



TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes

Wednesday, September 14, 2022
LOCATION: VIRTUAL VIA ZOOM

Members Present: Mitch Dunn
Arthur Bellerive
Ed Nowak
Robert Hartwig

Absent: Ron Royer
James Allen
Tom O'Malley

Also Present: Rose Conway

1. **Call to Order:** 7:00 PM – Arthur Bellerive

2. **Approval of Minutes**

Motion made by Robert Hartwig to approve the minutes from July 27 and August 10, 2022
Motion seconded Ed Nowak

3. **Schedule of Public Hearings**

- a. 7:00 PM Notice of Intent (NOI) DEP# 128-1874 – 120 Ramshorn Rd – The applicant has submitted after the fact Notice of Intent for the construction of a 12X20 deck

Rose Conway informed the commission that a DEP No. had been issued to the project. She recommended closing the hearing and issuing a Standard Order of Conditions.

Motion made by Robert Hartwig to close the hearing and issue a Standard Order of Conditions.
Motion seconded by Mitch Dunn
No further discussion

- b. 7:00PM Notice of Intent (NOI) DEP# 128-1877 – Lot 1 T Hall Road – The applicant has submitted a Notice of Intent for the construction of a single-family home with associated work within the 100ft buffer zone to a BVW

Jay Dubois from DC Engineering presented the project. He stated the DEP issued the number and there were concerns related to Stormwater. He explained that he added some roof recharge units underground, and a crush stone two foot by two-foot trench along the side of the driveway that would catch driveway. He also minimized grading related to the septic system and added trees/shrubs near the well within the buffer.

After discussion, the commission decided to approve the project.

Motion made by Mitch Dunn to close the hearing.

Motion seconded by Robert Hartwig

No further discussion

- c. 7:00 PM Notice of Intent (NOI) DEP# 128-1875 – Daniels Road – The applicant has submitted a Notice of Intent for the construction of a single family home with associated site work within 100ft buffer zone to BVW

Jay Dubois from DC Engineering presented the project. Jay stated that MaryAnn DePinto flagged the property in 2020. He explained that the plan was filed with her delineation, but after a site inspection, Rose and Angela noted that it did not depict the condition on the field. Art Allen conducted another site inspection with Rose and noted the same. Jason proposed the construction of a wetland crossing, 3.17 sq. ft of fill, and 5.70ft of replication.

After discussion, Rose Conway recommended closing the hearing and issuing a Standard Order of Conditions.

Motion made by Robert Hartwig to close the hearing and issue a Standard Order of Conditions

Motion seconded by Mitch Dunn

No further discussion

- a. 7:00 PM Notice of Intent (NOI) DEP# 128-1876 – 11 Lambs Pond Circle – The applicant has submitted a Notice of Intent for the construction of 22X36 inground pool and associated work including patio. The proposed work will be located within 100' BVW and Lambs Pond

Nadia from Juliano's Pool presented the project. She stated that her client was proposing a twenty-two by thirty, six inground pool, with concrete patio surrounding and safety fencing. She explained that the existing above ground would be removed along with the lower half of the deck. Nadia stated that tree removal and stockpile were not being proposed. After discussion, Rose Conway recommended closing the hearing and issuing a Standard Order of Conditions.

Motion made by Mitch Dunn to close the hearing and issue a Standard Order of Conditions

Motion seconded by Edward Nowak

No further discussion

- b. 7:00 PM Determination of Applicability (RDA) – 7 Lambs Pond Circle – The applicant has submitted a Request for Determination of Applicability for the removal of fifteen trees within 100' of Lambs Pond

Rose Conway explained that she went on a site visit but was no able to locate all trees. The commission had questions regarding the proposed work; Since the applicant was not present after discussion, the commission decided to continue the hearing.

Motion made by Ron Royer to continue the hearing on September 28, 2022

Motion seconded by Edward Nowak

No further discussion

4. Certificate of Compliance:

87 Burlingame Road – DEP No. 128-1303

Rose Conway informed the commission that she inspected the site and noted that the foundation of the house was built in 2088 but never finalized the project. She recommended issuing an Invalid Certificate of Compliance

Motion made by Ed Nowak to issue an Incomplete Certificate of Compliance

Motion seconded by Robert Hartwig

No further discussion

Wood Recycling Inc. – Ayers Road – DEP No. 128-1131

Rose Conway informed the commission that the request was related to the installation of a 24” outlet drainage pipe within the Buffer Zone in 2008. She explained that the engineering company who designed the plan was not longer in business. She deferred to the commission to accept the Request of Certificate of Compliance without the certification from a professional engineer.

After discussion, the commission agreed to request a site walk and a statement by a professional certifying substantial compliance with the plan.

Southbridge Recycling & Disposal Park, Inc – Ayers Road – DEP No. 128-1434

Rose Conway informed the commission that the request was related to the grading within 100’ Bufer Zone for the construction of the Landfill’s Phase 7 perimeter berm in 2013. She explained that the proposed work resulted into a Wetland Violation and that a wetland restoration plan was submitted and approved by DEP. She stated that she had documentation showing that the restoration of the impacted area was addressed. She also stated that the plan was submitted by Bertin Engineering.

After discussion, the commission agreed to request a site walk and a statement by a professional certifying substantial compliance with the plan.

Wood Recycling, Inc – DEP No. 128-829

Rose Conway informed the commission that the request was related to the construction of an underdrain piping system associated with the landfill’s Phase 7 in 2002. She explained that the engineering company who designed the plan was not longer in business. She deferred to the commission to accept the Request of Certificate of Compliance without the certification from a professional engineer.

After discussion, the commission agreed to request a site walk and a statement by a professional certifying substantial compliance with the plan.

35 Sunset Drive – Former lot 51 – DEP No. 128-812

Rose Conway informed the commission that she performed a site inspection on 9/12 and 9/14. The request was related to the addition of a 25X25 foundation and a dock. Rose explained that during the inspection, she noted that the retaining wall within the buffer was being stabilized. She returned to the property two days later and noted that the work was finalized.

She recommended issuing a Complete Certificate of Compliance

Motion made by Ed Nowak to issue an Incomplete Certificate of Compliance

Motion seconded by Robert Hartwig

No further discussion

167 Nuggett Drive – DEP# 128-1492

No action was taken

36 McIntyre Rd – DEP#128-1639

No action was taken

5. Project Monitoring

a. Amazon

Rose Conway informed the commission that the culvert install was completed.

b. Exxon Mobile

Rose Conway informed the commission that the water line on 79 Worcester Road was completed.

c. New England Power

Rose Conway informed the commission that the applicant had proposed a work pad restoration. She explained that the details were not discussed during the permitting process. For the pads located within the Riverfront area, they are requesting removing the stones and re storing the area. For the pads located within the Buffer Zone, they are requesting to leave as it is to avoid further disturbance.

Rose Conway recommended approving the Work Pad Restoration Plan as proposed.

Motion made by Robert Nowak to approve the Work Pad Restoration Plan as proposed

Motion seconded by Mitch Dunn

No further discussion

6. Violations & Enforcements

57 Pumpkin Lane – stormwater run off

Rose Conway explained to the commission that the Order of Conditions for the construction of the driveway was issued on 8/25/2022 and a stormwater runoff occurred on 8/26/2022. She explained that she received a call on Friday, 8/26/2022 and after arriving on the site, she observed that the north side of the driveway was not graded which caused a channel of runoff along the edge of the pavement. In the presence of Chris McClure, she also observed that the area surrounding the single-family home consisted of disturbed soils and sign of runoff. She explained that the non-stabilized soils, particularly the ones near the driveway, washed down due to the heavy rain and direct runoff from the roof as the house didn't have gutters/downspouts directing the flow.

Rose explained that she also observed erosion controls were deteriorated due to the heavy sediment accumulation and the roadside drainage swale had accumulated sediment. She also noted heavy sediments stopped at approximately 10' into the wetlands across the street. She explained that the runoff from the site discharged into the lake thru the culvert and by crossing onto the street creating two stream channels. The pipe at the end of the driveway had no indication of discharge; however, the three basins appeared to be functioning properly.

Rose explained that she had worked with Peter Engle and met both, Peter and Gene on the site. A list of improvements were discussed and shared with Gene on August 30, 2022. Rose stated that the contractor had

complied with all items of the list by September 2, 2022 with the exception of the roadside swale clean up and wattles replacement. She explained that the crew was in working on it while she was on the site.

Rose informed the commission that she requested Gene to call EcoTec and schedule a lake assessment as well as McClure Engineering to provide the necessary paperwork to allow grant permission from the abutters. Gene made both phone calls on site and had a confirmation for the Lake assessment scheduled for the following Monday.

Rose shared with the commission that there was a miscommunication regarding the abutter's permission paperwork and that the assessment didn't take place as scheduled.

Rose Conway stated that she was on the site on September 5 after a rain event. She observed that the water coming down the driveway was clear; therefore it did not constitute a stormwater violation.

However, she explained that the resident of 65 Pumpkin Lane, Peter Capuano had concerns about a second stream caused by the water running off the driveway. Peter explained that the second stream caused the vegetation from the wetland area to be pushed into the cove. Rose explained that due to the draught conditions, the velocity and increased amount of water dislodged the vegetation/soil.

Mitch Dunn asked if a plan was going to be submitted for review. Rose explained that she would be meeting on the site with Scott from Ecotec and was going to allow any necessary restoration to be done right away.

The resident from 60 Pumpkin Lane came forward. She expressed her concerns about the new stream and the rocks being installed by DPW. She believes that the rocks have caused the water to be redirected. She suggested that a berm could solve the issue.

Rose Conway stated that she had spoken to Gerry and explained that it installation might have caused to re direct the water. She requested to wait for few weeks as she would like to have an opinion of a stormwater engineer prior to making any additional changes.

John Colognesi, President of the Prindle Lake Association came forward. He thanked Rose Conway for addressing the residents' concerns and for working over the holiday weekend.

He asked if the items on the Enforcement Order were done by the deadline. Rose stated yes, in exception of the lake assessment which had already been rescheduled.

John asked how far the Town can enforce the rules and if they association should contact the State. Rose recommended waiting for the assessment. She explained that she didn't foresee additional stormwater violation; however, if it did happen, they could contact DEP. In addition, Rose recommended having an emergency protocol in place in case of another runoff so the fine sediments can be contained prior to dissipating. She mentioned the use of flocculants.

Joh asked if she had a timeline for the lake to be cleaned. Rose asked to wait for EcoTec's assessment.

53 Sturbridge Road – Stormwater run off

Rose Conway informed he commission that there was a runoff into Sibblings Ponds due to the emergency release of one of the retaining ponds on the site. The explained that the runoff was addressed with flocculant and the area was restored on the next day.

7. New/Old Business

Glen Echo Drawdown

Rose Conway informed the commission that the Bard of Selectmen had voted to allow the deep drawdown. She was waiting for an official statement.

184 Gould Road Violation

Raouf Mankaryous from Alpha Omega Engineering presented the restoration plan. Raouf explained that his client purchased the land and was unaware of the existing Order of Conditions or wetlands associated to the land and cleared the area disturbing the wetlands. Raouf stated that he submitted a restoration plan, which was reviewed by Art Allen from EcoTec. The plan was revised per Art's comments and he asked the commission to approve the plan so the restoration could begin.

Raouf also presented a revised plan for the construction of the single-family home associated with the existing Order of Conditions DEP NO. 128-1749. He proposed to amend the existing order since the changes show less disturbance than the previous plan.

Rose Conway recommended approving the restoration plan as proposed so the restoration can begin. The applicant will file the amendment later on.

Motion made by Mitch Dunn to approve the Restoration Plan as proposed

Motion seconded by Robert Hartwig

No further discussion

Meeting Adjourned:

Motion made by Robert Hartwig to adjourn at 8:20

Motion was seconded by Ed Nowak

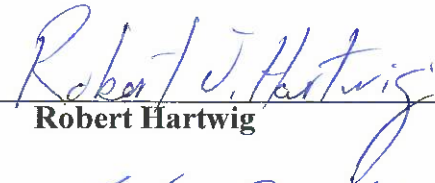
No further discussion

Submitted by:
Rose Conway

Accepted by Conservation Commission:



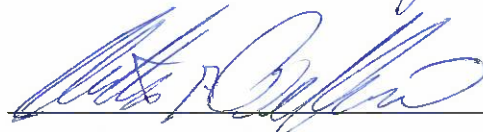
Ed Nowak



Robert Hartwig



Mitch Dunn



Arthur Bellerive