



# TOWN OF CHARLTON CONSERVATION COMMISSION

Meeting Minutes  
Wednesday, January 12, 2022  
LOCATION: VIRTUAL VIA ZOOM

**Members Present:** Tom O'Malley  
Arthur Bellerive  
Robert Hartwig  
James Allen  
Ed Nowak

**Members Absent:** Ron Royer, Mitch Dunn

**Also Present:** Angela Panaccione, Conservation Director  
Rose Conway, Conservation/Stormwater Director Apprentice

1. **Call to Order:** 7:00 PM – Tom O'Malley (Chair)

2. **Public Inquiries**

a. **Glen Echo Drawdown**

Kevin & Deborah Chamber addressed their concerns regarding the lake level during the drawdown. Kevin stated that the water level was lower than it had been in the past. He stated that he was away from his home and upon returning, he noticed that the water level was past the four feet mark. He explained that this had happened in the past and that conversation have already taken place regarding his shallow well.

Angela explained that when the Order of Condition was issued, the commission discussed the special conditions for shallow well stating that the Lake Association would provide water or remediate any issues.

Kevin Chamber explained that it could not happen. Water buffalos would not work as it never did in the past due to the heat during the summer and freeze conditions during the winter. He stated that he had had this discussion for many years with the Town. He was not looking for infiltration system or a new well. He just would like the water level to remain at four feet.

Angela asked about the abutter's notification for the meeting. Kevin stated that he did not receive the notice; otherwise, he would have been there. Kevin asked if the Town had a signature from him. She stated no. He explained that he met on the Lake with Rose Conway and Arthur Bellerive and the level was below six feet. Kevin stated that the had been going over the same issue for 24 years.

James Allen asked what the level of the lake was as presently. Kevin answered four feet.

Angela explained that the drawdown level was permitted for seven feet; starting at four feet and increasing one foot per year. She explained that the main problem she noticed was that historically it was taken down four feet from whatever level it was when the drawdown started. Angela explained that drawdowns were based on the Mean Annual High-Water Line, so it would be drawn down four feet from the mean annual high-water line, which was implemented this year.

Kevin stated that it was from the top of the spillway of the Dam. Angela said it was not. Kevin disagreed.

Angela stated the town would work with the property owners as part of the shallow well contingency plan in case any issues that arise.

Kevin asked if the town would take full responsibility and would supply water instantly without interfering with his quality of life. He stated that they could go over the district court with the situation as their well was grandfathered.

Tom O'Malley asked Angela to continue the discussion outside the hearing and work with Kevin.

### **3. Approval of Minutes**

#### **a. December 8, 2021**

**Motion made by Robert Hartwig to approve the minutes from December 8, 2021**

**Motion seconded by James**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**No further discussion**

### **4. Signing of Documents**

None.

### **5. Schedule of Public Hearings**

- a. Notice of Intent (NOI) DEP# 128-1837 - Richardson Corner Rd to Town Line - MassDOT –  
The applicant has filed a Notice of Intent for the reconstruction of Rt. 20. The work is proposed within the resource areas including Bank, Riverfront Area, BVW, Land of Waterbodies and Waterways, Border Land Subject to Flooding and within 100' of Buffer Zone.

Richard Kelly addressed the commission along with Susan Harrington, project manager with MassDOT, Elyssa Jacobs, wetland Scientist from Epsilon, Liana Dinunzio, Analyst with MassDOT.

The commission members were Ed Nowak, Robert Hartwig, James Allen, and Arthur Bellerive as the acting chair.

Richard Kelley explained that his team met with Angela and Mr. Lemansky met on the field and went over the wetland boundaries. Allyssa confirmed the wetland location on the field.

He explained that the existing culvert did not have an associated drainage easement with it. Under future conditions, that outlet would be perpetuated and there would be a new culvert outlet at the same location and a drainage easement associated with the outlet. He also stated that the amount of stormwater under the future conditions would be less than today.

He did look under the suggestion of extending the water to the east, however, there was a habitat in the area.

Richard Kelley stated that he would be happy to answer any question and that he was hoping to close the hearing.

Angela stated that the plans had been revised to incorporate the wetland boundary and the impact had not changed. The wetland flags 18 & 19 and 20 were kept because they were adjacent to roadway work.

Tom O'Malley asked what the time frame for the work was to be started/completed.

Susan anticipated that construction would begin later in the Spring and continue to the following 36 months. Angela recommended closing the hearing and issuing the Standard Order of Conditions.

**Motion made by Robert Hartwig to close the hearing.**

**Motion seconded by Ed Nowak**

**Roll Call – Ed Nowak, yes – Robert Hartwig, yes – James Allen, yes – Arthur Bellerive, yes**

**Motion made by Robert Hartwig to issue the Order of Conditions**

**Motion seconded by Ed Nowak**

**Roll Call – Ed Nowak, yes – Robert Hartwig, yes – James Allen, yes – Arthur Bellerive, yes**

**No further discussion**

- b. Notice of Intent (NOI) DEP# 128-18333 – 38 Stevens Park Road – Donald Williamson - The applicant has filed a Notice of Intent for the construction of a single-family home and appurtenances within the 100ft buffer zone of Glen Echo Lake

The applicant introduced himself and presented his project. He stated that he had received a variance from the Zoning Board of Appeals. He was not proposing any fill and was hoping to start construction in the Spring. He explained erosion controls were already in place; however, they would be updated.

Angela stated that she performed a site visit and didn't have any issues. She recommended closing the hearing and recommended the issuance of a Standard Order of Conditions.

Tom O'Malley requested a motion to close and issue the Order of Conditions.

**Motion made by Ed Nowak to close the hearing**

**Motion seconded by Arthur Bellerive**

**Roll Call – Ed Nowak, yes – Tom O'Malley, yes – James Allen, yes – Robert Hartwig, yes – Arthur Bellerive, yes**

**Motion made by Robert Hartwig to issue the Order of Conditions – DEP No. 128-1831**

**Motion seconded by James Allen to close the hearing**

**Roll Call – Ed Nowak, yes – Tom O'Malley, yes – James Allen, yes – Robert Hartwig, yes – Arthur Bellerive, yes**

**No further discussion**

- c. Notice of Intent (NOI) DEP# 128-1796 – 29 Hollywood Drive – Aaron Berberian – The applicant has submitted a Notice of Intent for vegetation management within the municipalities of Southbridge and Charlton including removal of trees as well as maintenance of the area.

Jason Dubois presented the project. He stated that the property was surveyed showing the existing conditions. The proposed work included work on the retaining wall, above the wall along the shoreline of Glen Echo Lake improving existing stairways and adding a patio.

Angela performed a site inspection. She asked if the wall between the paved patio and the artificial turf three feet was. Jason answered yes. She asked if the shed was part of the proposed plan or existing. The applicant

stated that it was an existing shed. Angela recommended close the hearing and issuing a Standard Order of Conditions.

**Motion made by Robert Hartwig to close the hearing**

**Motion seconded by Arthur Bellerive**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**Motion made by Robert Hartwig to issue the Order of Conditions**

**Seconded by Ed Nowak**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**No further discussion**

- d. Notice of Intent (NOI) DEP# \_\_\_\_\_ Lot 2 Oxford Rd – Timothy Reardon – The applicant has submitted a Notice of Intent for the construction of a single-family residence with associated site work and utilities

Angela informed the commission that the applicant had requested continuance.

Two abutters came forward. Mike Tagg resident of 19 Wamsutta Ridge Road and Emily Annunziato, resident of 21 Wamsutta Ridge Road requested that the two existing waterways on Oxford Road be indicated on the plans. Mike explained that one of them went directly into their properties and he had concerns regarding the increase of water due to the proposed construction.

Tom O'Malley requested to continue the discussion during the next meeting when the engineer was present. Robert Hartwig asked they were intermittent or perennial streams. Angela stated that she had not conducted a site visit at the time; she requested to have the wetland to be re delineated and revised plans to be submitted. In addition, she stated that the Board of Health permit had also expired.

**Motion made by Arthur Bellerive to continue the hearing on January 26 at 7pm.**

**Motion seconded by Robert Hartwig**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**No further discussion**

- e. Requested for Determination of Applicability – 35 Main Street – George Markopoulos – The applicant has submitted a Request for Determination of Applicability for the reclassification of the stream status

Steven Pikul stated Glen Krevosky had filed an RDA requesting a reclassification of the stream.

Angela stated the following:

- determinations were only valid for three years.
- the provided pictures of the stream being dry were from 2015.
- the stream was mapped perineal

- the commission had issued Order of Conditions for 23 and 25 Main Street which was located upstream and subject to the River Front Area

She explained that Glenn's argument was that the Regulations didn't specify what 12-month period the pictures must come from. She believed that it was a matter of interpretation and subject to the commission's discretion to decide if they would accept photographs from 2015 as evidence or view the stream as it currently existed. Angela stated that the other issue was that the pictures provided were taken when one culvert went into another culvert. No pictures at the inlet of the cover were provided to demonstrate any type of blockage. She also had concerns regarding the location of the culverts in reference to the property location.

Steven Pikul for Bertin Engineering. He stated that there was a question about whether the permit was extended or not and it was supposed to be extended as intermittent. He didn't believe that an administrative issue should be the basis or denying the status.

Angela stated that it was not a matter of administrative issue, and that no record was found. She explained that the ANRAD request was only for the wetland line confirmation on the property. The filing for reclassifying the stream was under an RDA request; therefore, two separate filings.

Glen Krevosky stated that he submitted the documentation in 2015. He explained that Todd Girard looked at the stream and agreed it was intermittent all way up stream and became perennial just downstream.

Glenn re submitted the RDA application and looked at the 60 acres that drained into L. Stevens. He mentioned that Angela stated that she heard water running under the culvert. Glen explained that there was 14 to 15 inches of rain in July, 5.5 and 3.5 inches of rain in August; therefore, it never went dry. He stated that under 1058, the law allowed to present documentation in a 12-month period showing that the stream was intermittent dry. It was presented in 2015 and Ecotec had presented the documentation in 2005.

He explained that Angela also commented that he was not showing below the culvert. He then presented a 40 pages document showing that the brook was dry below the culvert. The document also demonstrated that the brook was photographed during a non-drought period determined by DCR.

Glenn also contacted Malcolm Spiker, a beaver specialist, and the Board of Health to address Angela's concerns regarding beaver blockage. He conducted a site inspection and didn't find beaver dam and concluded that the stream was dry.

Glenn explained when he filed for the agreement of the wetland line under the ANRAD, he added the RDA as a second resource so both could be continued and extended at the same time. He understood that the second resource being intermittent stream was not added in; so, he filed the RDA to get the agreement by the commission again as it was agreed in 2005 and 2015 confirming that the stream was intermittent from L.

Stevens Road upgradient still showing River Front Area in the property as he stated in his report.

He also stated that he went to the water department due to the implication that a perennial stream can go dry if there was an impoundment or withdrawal diversion; he concluded that neither was true.

Glenn stated that he hoped the commission had the chance to look over his report and approve the request for the third time.

Angela stated that his application had been placed online since October 2021; she shared the email as reference and stated that she never implied Glenn was lying. She did her due diligence and requested additional

information that was required under the regulation. She explained that it raised several questions such as beavers and blockages when she looked at a picture of the culvert draining into another culvert. She stated that she never said that she heard water running under the culvert. In fact, she saw water running under the culvert. She explained that there were no meeting minutes available or notes from Todd or reports for her to review. She asked if Rose had found any information. Rose stated no.

Glenn Krevosky stated that he had the documents showing that the Conservation Commission approved and agreed on the stream being intermittent. After discussion, Steven Pikul from Bertin Engineering spoke. He thanked the commission for listening Glenn's demonstration of all the metrics to establish that this was an intermittent stream and would encourage the vote approving the reclassification status.

Angela didn't not recommend being re classified based on the information of the status of the stream. She added that delineations are only due for three years

Tom O'Malley stated that he would like to continue the hearing and collect more information and perhaps a site visit. However, he would vote if the applicant wished.

Robert Hartwig stated that he would like to have more current information to make the decision.

Glenn Krevosky suggested having a site inspection to verify that conditions have not changes since 2005 and 2015 and requested continuing the hearing if the inspection would satisfy the commission.

Tom O'Malley, James Allen, and Robert Hartwig agreed with Glenn.

**Motion made by Robert Hartwig to continue the hearing on January 26 at 7**

**Motion seconded by Arthur Bellerive**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

Angela asked if Saturday morning would work for anyone. She suggested Saturday, January 22 at 9am.

**No further discussion**

## **6. Requests for Certificates of Compliance**

### **a. DEP # 128-1428 – Southbridge Road**

Angela Panaccione stated that the work on Southbridge Road never commenced. She recommended issuing an Invalid Certificate of Compliance for DEP NO. 128-1428.

**Motion made by Robert Hartwig to issue an Invalid Certificate of Compliance for DEP # 128-1428**

**Motion seconded by Ed Nowak**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**No further discussion**

b. DEP # 128-1732 – 19 Carroll Hill Rd

Angela Panaccione stated that she was waiting for the as built for the project on 19 Carroll Hill Road

c. DEP# 128-804 – 13 Colicum Drive

Angela Panaccione stated that she was waiting for the as built for the project on 13 Colicum, Drive.

7. New/Old Business

a. Right of First Refusal – Map and Parcel – a portion of 62-A-6 – InCom Inc

Angela informed the CCC that InCom Inc. was removing 10.02 portion acres of the current 45.83 classified acres within Chapter 61 Forest Management Case 054-463

**Motion made by Robert Hartwig to recommend the Board of Selectmen not exercise their right of first refusal.**

**Motion seconded by Mitch Dunn**

**Roll Call - Thomas O'Malley, yes – Robert Hartwig, yes – Ed Nowak, yes – James Allen, yes -Arthur Bellerive, Yes**

**No further discussion**

8. Meeting Adjourned: 8:39 PM

**Motion made by Arthur Bellerive to adjourn at 8:39 PM**

**Motion was seconded by Robert Hartwig**

**No further discussion**

Submitted by:  
Rose Conway

Accepted by Conservation Commission:

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**Thomas O'Malley**



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**Arthur Bellerive**



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**Robert Hartwig**



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**Ed Nowak**



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**James Allen**