

SUTTON CONSERVATION COMMISSION  
June 18, 2008  
MINUTES

Approved: \_\_\_\_\_

Present: Mark Briggs, Chair, Joyce Smith, Co-Chair, Daniel Rice, Jack Sheehan  
Unavailable: Francis Gatto  
Staff: Wanda M. Bien, Secretary  
Unavailable: Brandon Faneuf, Consultant

**Wetland Concerns**

**7:00pm 458 Boston Road**

Present: Chris Dauphinais, landscaper, Kevin Harris, owner

M. Briggs asked if the replication area had been done and if the septic system was completed.  
K. Harris replied yes.

C. Dauphinais presented the Board with the new revised plans for the replication area.  
K. Harris will submit a request for Certificate of Compliance for the septic system.

**NEW BUSINESS**

**7:15pm 512 Central Turnpike**

The Public Hearing was opened at 7:15pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of wetland resource area remediation for structures previously installed.

Present: Margaret Washburn, Washburn Wetland Consulting, Michael Weaver, & Norman Gamache, Engineer, G & Halnon, Martin Linder, owner, David Westcott, Maguire Group

M. Washburn reviewed the DEP and Army Core of Engineering information. She delineated the resource areas. She showed the Board photos from DEP as to what the area looked like before the work was done. DEP ordered Mr. Linder to do a remediation plan, which was submitted in October of 2007. The Army Core of Engineers stated whatever DEP wanted to be done in the resource area was ok with them. J. Bellino (DEP) requested something be done to modify the hydrology. This was done between the middle pond and the lower pond. It was made 6" deeper, 8' wider, lined with grass and 6 – 12" riprap with 2-3" stone. The whole berm was seeded, loamed, and planted with indigenous shrubs and trees. The main outlet on the lower pond was cut to 28", to lower the height. The 24" overflow pipe was cut down, making it 5" higher than the other pipe. The stream is not shown as intermittent on the plans.

The DEP recommendation for the ponds, berm and upper area is to file a Notice of Intent. The revised plans were given to the Commission. The estimated alteration according to DEP is 44,753s.f.

The replication area will replace 17,355s.f. Trees would be put replaced. The wet meadow will replace 6,805s.f. The mud flats restoration area would replace 20,840s.f. This would give 1 – 2" of water to these mud flats area. Total restoration area would be 45,010s.f. The land under water that was altered is 425s.f. The total land under water there now is 97,598s.f. There were 455s.f. of the bank altered. Joe Bellino suggested they come up with three restoration areas with rocks and stumps, etc. to increase the wetland potential, and to revegetate these areas of the banks. The total would be 8,855s.f. bank habitat restoration.

M. Weaver explained the channel alterations and details of the restoration or replication area, and explained that 14 trees need to come down, which are all over 5 inches.

M. Briggs explained the one for one of the trees that need to come down. These trees need to be on the plan.

M. Weaver explained the excavation area that needs to come down 2 feet and the 88 trees, 266 shrubs to be re-planted in the replication area. Mr. Weaver then explained the hydrolic calculations and that the water shed is 68 acres.

M. Weaver reviewed the site plan for the project and the ground water.

Abutter:

Dorothy Page, 435 Boston Road, asked how their property would be affected by the pond. They have two brooks that run through their property and they have had no affect on their well or ponds.

M. Briggs explained that the plans submitted to the Conservation are beyond the scope of expertise of the Commission. The Commission requires that a peer review be done by the Town Engineer, Maguire Group. The main concern is what the possible impact is to the stream and swamp.

M. Linder questioned the paperwork that was sent to the DEP, did it come back with no comments?

M. Briggs replied the DEP referred to this Commission as a Notice of Intent filing. Mr. Briggs feels the owner has supplied sufficient and pertinent information but it needs to be reviewed by an expert.

M. Linder asked what the cost would be.

D. Westcott then gave the secretary the estimate cost for the review. A copy of the estimate was given to the owner, M. Weaver and N. Gamache. Mr. Westcott explained the 3 concerns about the missing information on the plans for approval of the construction of the three detention ponds. They need to see the depths and volume of the ponds. Because there is no volume for the ponds there is no volume calculation's involved in the hydrologic calculations, the bottom of pond used is the volume one day in April. The result is the calculations show the bottom elevation of the pond being higher than the outlet elevation of the pond. Then there is the question of the fees.

Motion: To continue, with the applicant's permission, to July 16, 2008, by J. Sheehan

2<sup>nd</sup>: J. Smith

Vote: 4-0-0

## **CONTINUATIONS**

### **48 Griggs Road**

#### **DEP#303-0663**

The continuation was opened at 8:10pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of the applicant proposes to raze and rebuild an existing two bedroom single family home with attached garage, install a new well, and upgrade the existing sewage disposal system within the 100' BZ to a BVW.

Not Present: Sean Hale, LEC Env. Consultants, William Fox, applicant for Estates of Lois Jean White

S. Hale continued, with the applicant's permission, to July 2, 2008.

Motion: To continue, with the applicant's permission, to July 2, 2008, by J. Sheehan  
2<sup>nd</sup>: D. Rice  
Vote: 4-0-0

## **66 Wilderness Road DEP#303-06**

The continuation was opened at 8:15pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a new single family house, new accessory lake building and their associated grading and utilities, repair and raise existing retaining wall 18 inches along lake front.

Present: Mark Allen, Allen Engineering, Michael Dunne, owners.

M. Briggs asked where the ZBA stands with this revised plan?

M. Allen replied the ZBA meeting was continued to July 3, 2008. Mr. Allen reviewed the past plans and explained that the work has changed significantly. They are taking all the comments from Mr. Faneuf into consideration.

M. Briggs asked if they meet all the setback variances?

M. Allen replied yes, they meet all the setback requirements and everything is within the building envelope. This is not a variance but a finding. Section 6A ZBA.

J. Sheehan questioned where the frontage was on Wilderness Road?

M. Allen replied the existing structure had access on the private road.

J. Sheehan asked how they could get a finding on an unaccepted private road from the ZBA?

M. Allen replied he is making the structure more non-conforming on the same lot, and the two lots will be joined together with one owner.

M. Dunne replied he has changed his plan. He will take the big house out of the upper lot and put it on the lower lot closer to the lakeside, and attach the garage, so it will be within the setbacks.

M. Briggs asked if they have pass and re-pass on the common drive, and Conservation would need a copy for the records.

M. Dunne replied they have a right-of-way easement in the deed, a copy of which was sent to the Commission.

Abutter:

Cindy King, 72 Wilderness Drive explained they own the road and all four camps have access to the use of this roadway.

M. Allen showed the new plans with a reduced 15% on the house with 20% less square footage. The house will be 52 x 45s.f. and have a three-car detached garage. It will be about 35 to 50 feet further back from the lake. The driveway was reduced 70%, the septic will remain in the same area. They will return with detailed grading plans, because there is an existing 16% slope on the property.

M. Dunne stated they would like to ask for a continuance because of other ideas for the grading and possible two-car garage.

A. Webb, Wetland Scientist, reviewed the planting plan showing the re-planting of 37 native species of trees, native shrubs, and annuals.

M. Allen said the large tree that the Commission requested at the site walk to be left standing, will not be taken down.

M. Dunne stated there are trees that do have disease, and he will get the Arborist report for the record, that states these trees are diseased and need to come down. They will also repair the wall on the lake where it sank down about 18”.

Cindy King wanted an update on an issue with 59 Merriam Lane.  
The tape shut off here, what was the answer???

Motion: To continue, with the applicant’s permission, to July 2, 2008, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 4-0-0

**25 Oakhurst Road/Oakhurst Farm Plaza  
DEP#303-0655**

The continuation was opened at 9:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of an off site infrastructure improvements and water line installation in existing roadway right-of-way impact jurisdictional area, with no jurisdictional impacts from the proposed site development.

Not Present: Stephen O’Connell, Andrews Survey, for AJR Realty Trust

Stephen O’Connell continued this, with the applicant’s permission, to October 15, 2008 per a fax.

Motion: To continue, with the applicant’s permission, to October 15, 2008, by J. Sheehan  
2<sup>nd</sup>: D. Rice  
Vote: 4-0-0

## **BOARD BUSINESS**

The Board signed a Certificate of Compliance for 11 Overlook Drive (Alexander DiIorio) and 185 Burbank Road (Robert Judson) they discussed and reviewed all site visits done on June 7, 2008, and the Forestry Cutting Plan for 56 Waters Road (Bradford Beaton). They reviewed the Planning Project for the Common Drive at 42 Manchaug Road, and made their comments for the Wilkinsonville Water District for the pump station off Pond View Drive. These comments would be sent to Jeff Faulkner and the Water District.

The Board reviewed pictures and the complaint at 63 Hartness Road of the trees removed near the stream banks in that area. They also reviewed pictures from 59 Hartness Road of the work done in front of the house and berm next to the roadway, and reviewed the Cold Spring Brook Place revised plans for the roadway improvements, for discussion at the next meeting.

The Board discussed the Enforcement Order sent out to 5 Point Way, John Esler  
5 Point Way, John Esler, Enforcement Order

Motion: To rescind the Enforcement Order, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 4-0-0

### ***Minutes***

The Board voted on March 19, 2008 minutes, but will table May 7<sup>th</sup> to the next meeting.

Motion: To approve the minutes of March 19, 2008, corrected by J. Smith, by J. Sheehan  
2<sup>nd</sup>: D. Rice  
Vote: 4-0-0

Motion: To adjourn, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 4-0-0

Adjourned at 10:30pm.