

SUTTON CONSERVATION COMMISSION

June 4, 2008

MINUTES

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

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

**NEW BUSINESS**

**7:00pm 14 Hatchery Drive**

**No DEP# RDA**

The Public Hearing was opened at 7:10pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installing a temporary baseball field with no lights, water or un-removable structures, approximately 3-4 acres would be cut, cleared and leveled to provide field and a gravel parking area.

Present: Jeff Paulhus, for Sutton Youth Baseball,

Ken Lavallee, Representative for Wilkinsonville Water District

K. Lavallee stated the Water District doesn't want to see this baseball field happen.

J. Paulhus explained that about seven to eight months ago the Board of Selectmen gave them the news that they could investigate the field on Hatchery Drive for a temporary field for three to four years until they could put something at the Shaw property. The high school only has one field available for backup. They are not looking to build any structures, just a short fence, and a temporary out field fence in the grass. This is an isolated area with some water in the back. Mr. Paulhus walked the property with the Town engineer, Jen Hagar from Planning, and Mark Brigham from Highway. He came to Conservation to see if there were any wetland issues and to ask where they go from here.

M. Briggs asked if it was a little league field and what size this field would be?

J. Paulhus replied, its regulation size with a nine foot fence.

M. Briggs explained the Commission had their consultant review this filing, who has provided the Board with comments from his review. (A copy of these comments was given to Mr. Paulhus.) Mr. Briggs asked the secretary about the Planning Board comment and about the tree care maintenance information.

The secretary replied the applicant would have to go through the Planning Board for review, and not just a review out in the field. Also instead of the Commission having the Sutton Youth Baseball replace the trees one for one, since this is Town property, they could put the money in the Town tree fund for maintenance other trees, in other places around town.

M. Briggs asked how many trees would come down.

B. Faneuf showed the video of the area. It showed a lot of big pine trees, including in the buffer zone where the out field of the out field would be created. The closest the actual resource edge would be is 35'. This would be a clear cut, because it's a ball field. Given that amount of disturbance he

recommends a positive determination. His recommendation to the Commission is to request alternatives of the applicant.

**See attached Ecosystem's Report #1**

M. Briggs questioned who would do the work.

J. Paulhus replied it would go through Sutton Baseball, who would contract this work out. They tried to minimize the impact by placing the field in the location shown on the plans.

B. Faneuf explained the resource area shows concrete foundations that have been there so long that they now have a healthy mature forest with very little invasive species, in the area. This is a very well functioning resource in the wetland and adjacent upper resource area that has understory with 36' or greater white pines, and smaller white pines, hemlocks, near the wetlands, red maple, shagbark, hickory, red oak, paper birch and lots of Virginia creeper and poison ivy. He also stated that there could be a vernal pool if it is free of fish.

K. Lavallee showed the board his plans, which were different from the plans presented to the board, and stated the Water District has a deeded right-of-way going to their well, which goes through the proposed ball field. His plans do not show the well because it not on this parcel. The Wilkinsonville Water District will not give up their right-of-way. There are power lines, poles and a 12" water line in that right-of-way.

J. Sheehan asked if this was something they had to go through the Planning Board, working with the Water District to work something out.

K. Lavallee replied yes.

M. Briggs explained any alteration within 200' of the stream and 100' of the wetland lines becomes jurisdiction of the Conservation Commission and needs to be reviewed. Beyond that area there is another area of adjacent upland. If you work beyond those points, the work proposed may have an adverse or long term impact on the buffer zone or resource area, which also falls under the bylaw.

J. Paulhus asked if the utilities were something they need to deal with outside of the Conservation Commission, and explained there would be three telephone poles to be moved and a fire hydrant in center field.

K. Lavallee replied again that the Water District doesn't want a ball field next to their well and won't give up their right-of-way. He then showed the board the plans where the existing well was and explained how the well area aquifer rises and drops.

M. Briggs summarized the issues and stated there wasn't enough information for the existing conditions. The plan doesn't incorporate the stream and there is no indication of the number of 5" trees greater that would be cut. The Commission would ask that the baseball people think about repositioning the field. They need to come to an understanding of the nature and the limits of the right-of-way that exists for the Water Company. The Commission needs a description of the work that would be done, including any potential impacts and hydrology of the impact. There are no details of erosion controls for work proposed. This is a Zone 2 area, which also needs to be presented.

George Kowszik, who was in the audience, suggested the Shaw property.

J. Paulhus replied the Town will have to go through a lot of design and architectural issues and engineering, taking into consideration the Town offices and other structures before they can allow anything to be put there, which could be 5 – 6 years before this property can be used.

Motion: To close the Public Hearing, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

Motion: To issue a Positive Determination of Applicability, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

M. Briggs stated the biggest issue was what happens to the water table and location of the well, will require professional and legal opinion to present a Notice of Intent to get an Order of Conditions permit.

J. Sheehan replied the legal opinion may be available through the Water Company.

### **Review Special Conditions**

#### **96 & 128 Armsby Village/Pond**

Present: Michael Scott, Waterman Design for Taurus Land Ventures, LLC

M. Scott continued this, with the applicant's permission, and will contact the Conservation with their continuation date.

### **CONTINUATIONS**

#### **25 Oakhurst Road/Oakhurst Farm Plaza**

##### **DEP#303-0655**

The continuation was opened at 10:05pm. 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

Motion: To continue, with the applicant's permission, to October 15, 2008, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

### **Erosion Runoff Concerns**

#### **151 Mendon Road**

Present: George Kowszik

G. Kowszik came in to explain the erosion into the stream area on Mendon Road.

J. Sheehan stated the erosion he saw was on the right side of the driveway, which went by the siltation fence and haybales.

G. Kowszik explained he may do more damage if he digs out the area which has a few yards of silt in the stream, where the silt ran over the haybales.

J. Sheehan replied it should be removed by hand.  
The Board reviewed the plans from the building of the house.

G. Kowszik then told the Board about the Town when they snow plowed. When they punched a hole they pushed sand, silt and snow right into Dark Brook. This happened further up the road on the same side as 151 Mendon Road. The Town always punched their hole on the other side of the road, not on the stream side. He would like someone from the Commission to look at this area.

J. Sheehan will do a site visit in this area.

### **BOARD BUSINESS**

An Emergency Certificate was issued for Marian's Camp- house/shed area to be removed.

Motion: To issue an Emergency Certificate, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

The Board reviewed the Comment letter for 14 Wheelock Road from Building Inspector  
The Board signed a Certificate of Compliance for 32 Butternut Drive DEP#303-104, dated June 15,  
1987, for the PV Subdivision.

The Board will do a site visit for Certificate of Compliance for 11 Overlook Drive-Shed,  
5 Point Way- trees, and 185 Burbank Rd-Septic system.

The Board reviewed these complaints:

60/60R Duval Road/George Banville - The Letter was answered, the Commission will do a site visit.

47 Main Street/Dustin Vanzant – A site visit would be done to check the Street runoff. A memo would  
be sent to the Highway Department to check this issue.

91 Singletary Ave/C. Warneke – the State flooded his cellar when they punched for the winter snow  
plowing, a site visit would be done.

The Board discussed:

Boston Road Pump Station and its location.

28 Singletary Ave – this project needs Conservation's comments sent to the Sewer Commission.

125 Central Turnpike – Peter Schotanus – Shed issue another letter would be sent out.

48 Griggs Road – ZBA's review meeting is on June 5<sup>th</sup>.

59 Hartness Road - What is the status on this project, the new owner needs to tell Conservation the  
status. A letter would be sent to him for that information.

Waters Farm Alarm System is in process of wiring installation before the new alarm system can be  
installed.

65 Providence Road - R.Vaillancourt- The letter sent out was sent to the wrong address and would be  
resent to the correct address.

97 Singletary Ave – C. Lidz – Another letter would be sent out about replanting of his trees.

The project in Millbury on Davis Road is affecting Griggs Road in Sutton, with silt in the  
roadway. Mark will write a letter to Millbury Conservation on this issue.

Waterview Commons will be meeting with ZBA on June 5<sup>th</sup> only to be continued to July 10, 2008.

458 Boston Road/Harris - Hasn't called yet to be put back on the agenda, but called for replication

area inspection and asked to remove silt fence along the driveway. A site visit would be done.

154 Singletary Ave is for sale again: This project does not have a Certificate of Compliance yet. The realtor will get the as-built from the engineer, and the Certificate can be signed at the next meeting.

***Minutes***

The Board voted on May 7, 2008 minutes.

Motion: To accept the minutes of May 7, 2008 upon the approval of J. Smith, by J. Sheehan  
2<sup>nd</sup>: D. Rice  
Vote: 5-0-0

Motion: To adjourn, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

Adjourned at 10:15pm.