

SUTTON CONSERVATION COMMISSION  
December 2, 2009  
MINUTES

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

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

**NEW BUSINESS**  
**14 Wheelock Drive**  
**DEP#303-0686**

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 construction of a pond that is adjacent and connected to an intermittent stream.

Present: Dan Nitzsche, Project Env. Scientist, Bay State, Gerald Caya

M. Briggs asked for Mr. Nitzsche's his credentials for the records.

D. Nitzsche explained the plan submitted to the Commission, stating this was an unusual situation in that the plan was filed after the work had been done. He used a 2001 aerial which didn't show the pond, and the 2005 aerial that did show the pond. The area in question was surveyed by a land surveyor. He delineated the different resources on the property within 100' of the pond. The pond itself is greater than 1000sf, and does qualify as land under water. There is a small island in the center and has a small BVW adjacent to the pond. There is a larger water system to the North, and a large shrub-scrub swamp to the West. It continues under the power lines with a small BVW associated with a discharge stream. In 2001 there was a stream system that ran from the West area. He explained the drainage system in this area, using the plans being review by the Board. This area has an intermittent stream, which was expanded by the owner who dug into that water table. Mr. Nitzsche continued to explain other work that was done in the jurisdictional areas on this property and what they propose to correct the issues.

M. Briggs explained that on May 7, 2009 the Conservation Commission wrote a letter to Mr. Caya stating that they wanted to see an engineered plan. Mr. Briggs then read the letter on what the Commission wanted to see on that plan. A copy of the letter was given to Mr. Nitzsche.

**See attachment #1 letter from the Building Commissioner**

Mr. Briggs stated that the Commission is in agreement with the DEP. Even though the pond was constructed illegally, it doesn't appear that there has been long term or adverse impairment to the resource area. Below the pond to the stone wall the bank has been cleared, completely graded away and all the trees and shrubs are gone. This is the area the Commission is concerned about and should be restored. The plan needs to refocus on the restoration of this area, including the hydrologic calcs, pipe sizes, elevations, and proof that what is there is going to work.

J. Sheehan suggested that Mr. Nitzsche review the original plan with the Order of Conditions in order to deal with the Certificate of Compliance for that plan, in addition to the Enforcement Order, to understand the history of this area. No Certificate was given for the old Order, however there was a replication area in question. Art Allen, Eco Tec gave a detailed report on the delineated area for the Enforcement Order, which is on record in the old file #303-439, and a Certificate of Compliance is still

needed on this original Order of Condition. There are two Enforcement Orders. One has to do with the Wheelock Road access and the second has to do with unpermitted work with the pond and stream.

M. Briggs stated that part of the permitting process is the Commission requiring the owner to retain the services of the Conservation consultant Mr. Faneuf to over see this area. The Commission is required to have a consultant check the work of the owner's consultants.

B. Faneuf has no comments until he reviews a plan. Mr. Faneuf will send the owner a proposal for this project.

Pat Morse, Wheelock Road, asked how far the pond is from her property line and is concerned with where the grading location is.

D. Nitzsche replied that it is 125 feet from her line and the grade is down hill from her property.

Motion: To continue, with the applicant's permission, to December 16, 2009, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

#### **410 Putnam Hill Road/ Manchaug Water District Filtration System DEP#303-0686**

The Continued Public Hearing was opened at 7:45pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a new drinking water treatment facility.

Present: Gina Britton, Engineer from Fay, Spofford and Thorndike, Christopher Nicholes, Project Manager, John Beckley, engineer,

G. Britton explained the proposed project with a gravel driveway and a facility to provide electrical, water, and sewer service to this building.

C. Nicholes explained about the existing building and what feeds it now, the proposed building, and the soils in the area. They will go under the stream with the pipes.

B. Faneuf summarized his site visit of the soil test, noting flags B2 and B6 should be connected and eliminate B3, 4, and 5.

See Attachment #2 Ecosystem Report

M. Briggs suggested they provide details of how the construction will take place, maintenance of the dam and how it will operate, along with a timetable and schedule of work. Provide the Commission with a narrative.

J. Beckley said they wouldn't be doing the project until February. There is a 30 day bid period and no construction until April of 2010 on this project.

Motion: To continue, with the applicant's permission, to January 6, 2010, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

**CONTINUATIONS**

**126 Manchaug Road**

**No DEP#RDA**

The continuation was opened at 8:20pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of constructing an attached 20' x 34' two car garage with family room above.

Present: Tracy Sharkey, Guaranteed Builders, Inc., Thomas Yayalian, owner.

T Sharkey said she would have the revised plan in the Conservation office the next day.

M. Briggs explained the dimensions and details for the dock need to also be on the plans. He asked how they got the number of 519'.

B. Faneuf explained how the engineer got the footage of the high water level.

See Attachment #3 Ecosystem Report

M. Briggs asked about the roof runoff, and asked that those details also be put on the plans

Motion: To continue, with the applicant's permission, to December 16, 2009, by J. Sheehan

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

Vote: 5-0-0

***Wetland Update***

**8:45pm 129 Hartness Road**

Present: Norman Hill, Land Planning, Ronald Whitney, owner

N. Hill reviewed the information from the last meeting and said they will run the pipe which is already under the road, to the wetlands.

Mr. Whitney stated his feeling is that he shouldn't be accepting this pipe because it shouldn't be there. He asked why should he saturate his land when it's his neighbors problem.

N. Hill replied he doesn't feel this ever was a wetland, but part of a natural path.

M. Briggs questioned the historic wetlands and asked if Mr. Faneuf has checked this area.

B. Faneuf has not checked this area because of the lack of fees.

M. Briggs stated it's the applicant's problem, but not his fault. He is showing a means by which the problem can be solved.

Mr. Whitney said the neighbors are telling two different stories. The neighbor across the street is complaining of water getting backed up, but the neighbor down the street is saying whatever he did was sending more water down the street.

J. Sheehan asked about the manhole, or is it a leeching pit?

M. Briggs read the memo from Mark Brigham, Highway department.

Mr. Whitney replied they would drill into the side of the manhole to create the leeching pit, with the stone riprap. He also spoke about how the road had been raised and the pipe was put under the road.

J. Sheehan is concerned about putting a pipe.

N. Hill replied the reason for the four inch pipe is there would be less erosion and less flow, a self cleaning velocity, and this is a natural detention area now. There would be no flooding during peak flows of water. He would also like to get a new proposal according to the new design that was presented tonight.

B. Faneuf reviewed his fee proposal. They agreed to meet on site.

M. Briggs asked the owner to do a sequence schedule and explained what was needed. He thanked the owner for coming in to speak with the Commission to resolve the water problem.

No Motion needed.

## **BOARD BUSINESS**

**9:20pm**

The Board voted on the 2010 meeting schedule.

Motion: To accept the meeting schedule for 2010, by J. Smith

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

Vote: 5-0-0

An Emergency Certificate was issued to 532/538 Central Turnpike for the temporary work to be done on the driveway until spring when the complete repair can be finished.

An Extension of the Order of Conditions was issued to 20 Pine Point Drive, due to the work being delayed.

A Letter would be sent to Ronald Scott or 116 Manchaug Road for the removal of a tree on the shore of Lake Manchaug. An Arborist needs to review and give a report to the Commission.

A site visit needs to be done for the Pump Station at Pond View Drive for a Certificate of Compliance.

An ANRAD filing was extended for 58 Main Street.

Motion: To extend the ANRAD on DEP#303-413 58 Main Street, by J. Sheehan

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

Vote: 5-0-0

The Board reviewed wetland issues on 161 Stone School Road, F. Venincasa, owner, who is requesting a partial Certificate.

A site visit was done by J. Sheehan for the Board to sign a Certificate of Compliance for 503 Mendon Road/Pump Station.

A site visit would be done by M. Briggs for Pond View Drive/Pump Station to sign their Certificate of Compliance on December 16, 2009.

**Minutes**

The minutes were tabled to the December 16<sup>th</sup> meeting.

Anyone interested in purchasing the DVD for any public hearing at this meeting, please contact Pam Nichol's in the Cable office or you can view the minutes and video at [www.suttonma.org](http://www.suttonma.org).

Motion: To adjourn, by J. Sheehan

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

Vote: 5-0-0

Adjourned at 10:45pm.