

SUTTON CONSERVATION COMMISSION  
November 4, 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

***Wetland Concerns***

**7:00pm 532 Central Turnpike, Common Driveway**

Present: Scott Mederios, engineer for Dan Heney, owner

D. Heney explained that in the last four to five years the conditions of this area has gotten worse, with a huge amount of water coming off the hill side next to Mr. Linder's property. He explained that he didn't put the top coat on the road because of the large equipment going over the road during the construction of the existing house.

S. Mederios explained that when the driveway was designed it was just cut into the hillside and followed the existing contour. The existing contour wasn't elevated on the downhill side of the driveway. At basic graded levels, there wasn't a lot of room for a catch basin or pipe with much cover of any substantial nature. In order to do something like that, there needs to be substantial design changes.

Mr. Heney explained he and the people he built the house for are trying to resolve this water problem.

J. Sheehan feels that part of this is a civil issue, not just a Conservation issue.

S. Mederios explained that the people who own the existing house, have rights to use the driveway that is on Mr. Heney's property. They have the right to use the driveway, which the owner agrees that it isn't up to par. Nothing has been done to change drainage patterns, it's just the water coming across the driveway and the deteriorating conditions which is the concern.

J. Sheehan asked if they were here tonight to propose a solution to this water problem.

S. Mederios replied they were there to discuss the problem and what the thoughts are to solve the problem.

Mr. Heney said he doesn't understand, and stated that he built the driveway according to the plans that were approved. He said the first two spring seasons the people that live there had no problems. However, in seeing the pictures of the water it is unbelievable.

J. Sheehan explained the amount of water that came down in the spring may have contributed to this existing problem and changed the water flow patterns.

M. Briggs asked what is going to be done to fix the problem.

B. Faneuf said the issue is if Conservation issues a modification or do the changes require a new Notice of Intent?

M. Briggs replied the NOI ran out.

J. Sheehan questioned if one of the issues was that this became a danger last winter?

S. Mederios replied that part is not maintained. There was a low part of the driveway and if you don't maintain a snow path in the winter, the water can not get through to leave the area. The permit has expired for this drive. He said he went out during a rain storm and feels there needs to be some grade changes in the driveway. There is no cross pitch on the driveway. There needs to be reconstruction at the mid-section of the driveway so it has a cross pitch and allows the water to flow across the driveway to where the discharge point was designed to be. There needs to be stabilization on the right side of the driveway and riprap on the up hill side to keep the sediment from coming across the driveway. With winter coming, there needs to be some patches done and simple repairs with some slight re-grading in the center. They can do some comprehensive repairs in the spring and summer when it has a better chance of being successful.

D. Heney said that Mark Allen owned the property when he purchased it , with the permits in place to build two houses.

J. Sheehan asked what they want to do.

S. Mederios said they want to do a minor repair so they can come back in the spring with a full repair.

M. Briggs said if they need some sort of a quick fix plan, then the Commission can issue an Emergency Certificate to get them through the winter work right away. Then in the spring, file a full Notice of Intent with a complete plan by an engineer. The Notice would let the neighbors know there is a permit for the work going on. By April 1<sup>st</sup> file either a Notice or Request for Determination with a full engineered plan.

## **NEW BUSINESS**

### **125 Central Turnpike**

#### **No DEP#RDA**

The continuation was opened at 7:35pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removal of a pile of fill, rocks not native to the area, and return the area to its original natural state.

Not Present: Peter Schotanus, owner,

This was continued, due to a no show of the applicant. A notice would be sent to the applicant for the next meeting with the time of the Public Hearing.

Motion: To continue, by the Commission, to November 18, 2009, by J. Sheehan

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

Vote: 5-0-0

## **CONTINUATIONS**

None at this time

**BOARD BUSINESS**

**7:40pm 112 Providence Road/Dileo Gas Inc.**

Present: Alton Stone, Engineer, Paul Dileo, owner

M. Briggs questioned the caliper on the trees planted near the entrance. He's concerned that some of the trees may not make it and would need to be replaced. He also had envisioned that there would be some sort of vegetated screen that would hide the tank somewhat. He can see the logo on the tank, which is an advertizing thing. He feels at this time the Commission can not give a 100% sign off from just the observations.

P. Dileo replied there was no information on the plans that said the 2.5 inch caliper tree was needed for replanting. If he knew that the trees needed to be the 2.5 inch caliper, he would have planted them instead of the six foot trees, but the plan says six foot trees.

M. Briggs suggested they see what happens,. The Commission would re-visit in the spring and if some trees are sick or weak, then they could replace the trees then. They are not stopping him from getting his other permits.

B. Faneuf summarized his report for the site visit.

J. Sheehan told Mr. Dileo he can start the work.

The Board issued and signed an extension for an ORAD for 58 Main Street, Thomas Finacom. They also signed a Partial Certificate of Compliance for Quabbin Path for Dana Gravison. They reviewed 66 Wilderness Drive, Mr. Dunn's project, which was found to be satisfactory.

**Minutes**

The Board voted to accept the September 16, 2009, and amend the minutes of October 7<sup>th</sup> for 356 Boston Road.

Motion: To approve the minutes of September 16, 2009, corrected by J. Smith, by J. Sheehan  
2<sup>nd</sup>: A. Aubin  
Vote: 5-0-0

Motion: To insert the correction into the minutes of October 7<sup>th</sup> corrected by J. Smith,  
by J. Sheehan  
2<sup>nd</sup>: A. Aubin  
Vote: 5-0-0

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 10:00pm.