

SUTTON CONSERVATION COMMISSION  
September 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

***Wetland Concern***

**7:00pm Pond View Drive** – Well Pump Station, Wilkinsonville Water District

Present: Ken Lavallee, Water Commissioner, Robert Judson, Water District

This is not a public hearing just a public meeting of concern.

M. Briggs explained the issue with the cross culvert that does not meet the standards according to the bylaw. There is a 6” drop of water with a pool and washout below the pipe.

K. Lavallee explained that their engineer said there were no exact elevations of the culvert given because of the different beaver and washout problems with that area. The beavers had the area dammed up so they didn’t know exactly where the bottom was. This is an intermittent stream which does dry up at times. Maybe they could fix the problem with rip rap and stone dust, which are on the site.

M. Briggs said the key factor is stream continuity from the invert to the downstream channel. The flow of water needs continuity to allow fish and other animals to go through the culvert area. Right now the stream is disconnected from both sides of the culvert.

K. Lavallee explained how the area was fixed with the help of Atlas Box assistance.

B. Faneuf summarized his information.

M. Briggs said if their fix works they would get the Certificate of Compliance, if this rip rap and stone dust doesn’t work, they will need to come back with an alternate plan to fix the problem.

The Board said they would revisit this in one year for the Certificate of Compliance.

**NEW BUSINESS**

**199 Mendon Road**

**No DEP#RDA**

The Public Hearing was opened at 7:25pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installing a Water Flow Device from Summit Pond over the man made dam to run down stream. The Beavers have been building on top of this dam. They also plan to clean up the beaver sticks and restore the road to the pond and dam.

Present: Malcolm Speicher (Beaver Specialist), Gloria Walsh (owner), Brian Walsh (owner’s son).

M. Speicher explained how the installation of the pipes would work and used pictures to show how the two 12” pipes would function with the flow of water. He explained how the owner needed to comply with the state to fix this dam. This repair would slow the problem down and the water would not back up.  
He would not be trapping the beavers at this time.

M. Briggs explained the beaver problem and how it was dealt with at the Merrill pond system and the three diseases possibly carried by the beavers. He also explained the evaluation process and how the state is having anyone who owns a dam come forward to register their ownership with the state. If the owner needs to fix the dam, the owner would have to file with Conservation to fix any dam.

B. Faneuf explained the guidelines on beavers regs which raised questions and concerns about the O & M plans, filing a Notice of Intent to do the work, and hydrology concerns.

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

Motion: To issue a Negative Determination of Applicability subject to the applicant providing the calculations of the pipe size, O & M plan, and subject to review within a year as to the effect of this, and if this is not effective the Conservation Commission should require a Notice of Intent at that point. J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

**33 Buttonwood Ave**  
**No DEP#RDA**

The Public Hearing was opened at 8:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of replacement of single family dwelling & attached garage destroyed by fire, which includes associated work with construction of new dwelling.

Present: Tracy Sharky, Guaranteed Builders, Inc. for Martin Smith, owner, Louis Gazeno, GBI

T. Sharky explained the proposed house which was not on the same footprint but covered the same square footage. They are not changing any other grades or doing any filling, just replacing the house. The Building Department has not agreed with this in writing.

M. Briggs explained the need for the correct footprints in replacing the house, the erosion controls, and said the plan needs more work.

J. Smith said the site needs to be controlled with erosion controls and define the limit of work on the plans. There should also be some mention of the two historical graves on the property, and to stay away from the grave sites.

A. Aubin questioned the existing spaces and drop from the house to the stream.

J. Sheehan asked about the debris on the North side of the house, asking if this was removed. If this is a non conforming lot they will have to go to the ZBA because the proposed new house is not on the same footprint.

B. Faneuf reviewed the General Bylaw for the footprint of the house using 310CMR 10.05

M. Briggs said they need to prove to the Commission that ZBA granted their variance. If the Building Inspector is willing to issue a statement that he is ok with these plans, then the Commission has some foundation that they can proceed.

Items needed on the plans:

1. Topo elements of elevation of the house, the land and the stream. Get the details from ZBA.
2. Hay bale and erosion controls need to be installed. An extra supply of hay bales is to be on site.
3. A limit of work need to be added to the plan, usually the interior of the erosion controls area.
4. House details of how roof runoff is addressed (with no sheeting into the stream) need to be included.

J. Sheehan said to locate the town sewer and water lines on the plans also.

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

## **CONTINUATIONS**

### **13 Davis Circle**

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

The continuation was opened at 8:35pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of an existing house to be replaced with a new house. The house is located 190 feet from Lake Singletary.

Present: Robert Murphy, Murphy and Associates, Inc., for Bonni Westerback, owner

R. Murphy explained what he has done with the details of the jurisdictional lines of the BVW. He has shown the porous driveway and how it is being constructed. There is additional information as to how the porous pavement works. He added the trees that are going to be taken down, and said the majority of the trees are not on this property but are on the private road or right-of-way. He requested from the town to remove some of the dead trees that are in serious need of pruning because of the wires that go right through these trees. Trees to be pruned are a pine (which is in the non-jurisdictional area), an oak tree, and an elm tree, which are all on the private way. They will only be removing one large maple tree near the septic system area and would replace it in another area on the site. Mr. Murphy explained how the rain barrels and drainage from the roof would reduce the existing conditions and gave a storm water management report of a 100 year storm that had occurred.

M. Briggs said the two trees need to be put on the plans and asked if the Board of Health has signed off on this plan presented to the Commission.

R. Murphy said the BOH has not signed off on this plan yet. He re-submitted the revised plan for the 12' discrepancy from the well which is 53' away. The plan was corrected after he revisited the site to check on this distance.

B.Faneuf summarized his information on the swale locations. He showed pictures after the heavy rain, showing the water not leaving the site.

Abutter, D. Holt, 14 Davis Circle, reviewed the Board of Health plans and gave the Commission his handout.

M. Briggs re-stated all trees 5" needed to be replaced and placed on the plan somewhere. The Board needed a sign off from the Board of Health, and clarification of the calculations..

B.Westerback asked if the BOH had to approve of the plan.

M. Briggs explained that the BOH needs to approve the title V septic system. If they say it functions, meets the Title V requirements, and they are satisfied with the plan, then the Commission would be ok with this also.

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

Motion: To issue a Negative Determination of Applicability provided no work permitted by this Order may begin unless and until the applicant receives a sub-surface sewage disposal permit from the Sutton Board of Health which complies with both the requirements of Title V and any more stringent local standards, and until a copy of said permit is sent to the Conservation Commission and the DEP, and also a revised plan showing the planting locations of two the trees shown to be taken down, stamped by a registered professional engineer and submitted in duplicate to the Commission. J. Sheehan.  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

### ***Wetland Concern***

#### **9:25pm 6R Torrey Road**

Present: Doreen & Maro Flagg, owners, John Stelmark, previous owner.

B. Faneuf suggested to Mrs. Flagg to bring in someone that knew about this site in the past, along with old photos as to what it looked liked before. If there was a beach, to show the existing conditions of the beach area before they did any work.

J. Stelmark showed on the plans where the beach was years ago and where the stone wall existed. He explained the beach area was always there, but it looks bigger because the water is out and the rocks were dusted with sand.

J. Sheehan said this should be considered a fill. If they created an alteration to the bank with significant wildlife habitat issues, don't put too much sand for beach nourishment that would go into the lake.

Write a letter as to what they will replace, blueberry bushes or trees, and give the Commission a plan.

B.Faneuf showed the area in 2001 and compared to what it looked like in 2005, showing 400' frontage on the water, -60' now a beach area, 340' non beach area. Mr. Faneuf suggested the Board condition the Negative RDA that they are allowed to nourish the beach as needed and replenish it after so many years with certain materials with a certain footprint. Rocks could be placed to mark the buffer zone which would allow them to create a buffer strip at the edge of the wharf. They could put blueberry bushes in the area shown on the GIS map.

Mrs. Flagg said they would put plant the bushes, in the spring.

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 at [www.suttonma.org](http://www.suttonma.org).

## **BOARD BUSINESS**

The Board signed an Order of Conditions for 6 Waters Road, and will do a site visit for an extended Order of Conditions for 61 Stone School Road, F. Venincasa's project, to be able to sign his extension at the next meeting.

The Board reviewed their site visits done on August 21, 2009, 3.5 Sunrise Drive, and on 7 Point Way, looked at pictures received from Mr. Esler of the project at 6 Old County Road (C. Windle).

## **Minutes**

The Board voted on the minutes of August 5, 2009, tabled from the last meeting.

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

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

Adjourned at 10:30pm.