

SUTTON CONSERVATION COMMISSION  
November 18, 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**

**410 Putnam Hill Road/ Manchaug Water District Filtration System**

**DEP#303- 0686**

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 construction of a new drinking water treatment facility.

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

J. Sheehan said this is an issue that needs to be addressed in the village of Manchaug. The filtration system will remove the iron and manganese in the water. It needs to be done.

Dennis LaForce, 27 Whitins Road, said there is no administrative order from DEP, however they are unhappy about the iron and manganese in the water, There are no unsafe levels.

B. Faneuf replied that he has not reviewed this site, due to only receiving the papers the day before. Mr. Faneuf recommends that they do not discuss the normal part of the public hearing talking about content, until the abutters have been properly notified. He also stated there is only a portion of the property shown on the plans. One of the Commission's policies is to get an overall view of the property on the plans. There are also a lot of flood zone areas which could be shown on an extra sheet of paper. There may be other alternatives too.

J. Sheehan asked if there were any issues they needed to address immediately.

J. Beckley replied they need to get the soil borings so they could move forward with their pipeline designs.

M. Briggs said they can not take any action and referred back to the abutters need to know. The question is how and where the soil borings are going to be done. Would there have to be erosion controls near the stream? A plan is needed for this.

B. Faneuf replied that the Commission can give approval, but they still need to file. The authority is compromised because there are no abutter notices and the public hearing has already been continued.

J. Sheehan said that upon submittal of an amended plan which shows the location of the best boring locations, considers proper erosion controls, gives details on what and when they plan to do it, they should let the Conservation consultant know. If the NOI shows the design, then they can do the soil testing. Then this can be continued again.

B. Faneuf replied that under 3MGL 10.02 2B1G (activities subject to jurisdiction read to the

Commission) this sounds exempt. However the Commission has discretion on the definition of negligible impact. What the Commission has is the authority to give permission or require a filing for the exploratory borings. Some towns require that an RDA is filed for the borings.

See Attached #1 Ecosystem Solutions Report

M. Briggs said that this falls on the applicant to run that risk. The Commission can't authorize that. If the applicant feels that this is in their interest to have that information to complete a proper plan and they follow all the administrative requirements, then they are at their own risk.

J. Sheehan replied that as a courtesy to the Commission, annotate a plan that shows proper erosion control and a narrative detail on what you are going to do, when you are going to do it, and let the Commission and the consultant know when you are going to do it. Do this under the allowance of the regulations for soil testing. Make sure there is a plan in the office before the soil testing is started. State in the narrative that you are doing this under 3MGL 10.02 2B1G.

A. Nedoroscik explained that there are three wells in the Manchaug Water District. The pump station would be right at the source of the water and will service 168 houses in the Manchaug village.

M. Briggs stated for the record that no action has been taken tonight as a result of any conversation that the Commission has had with the applicant, and that if the applicant proceeds it's at their own risk.

Motion: To continue, with the applicant's permission, to December 2, 2009, by J. Sheehan

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

Vote: 5-0-0

## **126 Manchaug Road**

### **No DEP# RDA**

The Public Hearing was opened at 7:35pm. 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 explained they are proposing a two car garage. The shed shown on the plan would be removed. She told the Commission a variance was received from the ZBA for the set-backs on all dimensions. They would not change the amount of bedrooms in the house, but they would be adding a bathroom.

M. Briggs questioned the Board of Health approval, for the records.

T. Sharkey replied this was approved by the Board of Health.

Mr. Briggs also questioned the dock shown on the plan. The dimensions of this dock should be shown on the plans that meet the dock regulations of 25' from the property lines. He explained that the dock could not extend out more than 30' into the water. Mr. Briggs stated that they need Board of Health approval, erosion controls, and dock dimensions on the plans. He asked for other comments.

B. Faneuf said on the surface this will not affect the banks or the stream as far as impacts, but this is within the flood plain detected on the FEMA map. The entire area proposed is a structure and is within the flood plain. This has to comply with the quality standards of Sutton. Any new structure proposed will have at least, on the first floor, one foot of free board above the base flood elevation, which is not

given. There is also a building code. This means there needs to be an engineering study done to figure out what that base flood elevation is. His recommendation is to get this study done, because these maps are not perfect, this may be closer to the water or may be right on.

See attached #2 Ecosystem Solutions Report

T. Sharkey stated they would be taking down the shed and this area would be cleaned.

B. Faneuf replied that with the removal of the shed, whatever impact is going to be on flood plain displacement, the impact would be minimal.

M. Briggs said the plan was incomplete so the Commission could not issue any permit tonight.

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

### **125 Central Turnpike**

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

The Public Hearing was opened at 7:55pm. 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 original natural state.

Present: Peter Schotanus, owner

P. Schotanus told the Board he wants to remove the pile of rocks that were tumbling down the hill in the back of the property. He would use the rocks to build stone walls on the property around the house, away from the wetland.

M. Briggs explained that he should have contacted the Commission before he started to remove the rocks because the Enforcement Order has not been rescinded from the last issue with the shed.

B. Faneuf showed the property on the GIS, and suggested Mr. Schotanus be allowed to take out the existing loose stone and leave the rest in place.

J. Smith said she, A. Aubin, and D. Rice did a site visit and asked Mr. Schotanus to put the erosion controls down, which he did do.

D. Rice said the tree that is over the rocks is about 15" in diameter.

P. Schotanus replied, that particular stone is staying under the tree he wouldn't try to remove it.

Motion: To close the Public Hearing, by J. Sheehan  
2<sup>nd</sup>: A. Aubin  
Vote: 5-0-0  
Motion: To issue a negative Determination of Applicability, by J. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

J. Sheehan told Mr. Schotanus to call the office when he is going to do the work and when he is done.

M. Briggs said to tighten the erosion controls before he starts the work.

## **CONTINUATIONS**

None at this time

## **BOARD BUSINESS**

### **8:10pm 129 Hartness Road**

The Board Ratified the Enforcement Order for 129 Hartness Road/R. Whitney

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

M. Briggs explained that Mr. Whitney was in front of the Commission due to an Enforcement Order. He explained the visit of the consultant. The Commission requested/required a delineation of the historic wetlands with a note on the plans stating what was altered and what was filled. Second was a construction of a dry well that seems to be causing a back up of flood waters down the roadway. Both if these fall into the jurisdiction of the Conservation. The Conservation Consultant has prepared a report with suggestions. The Sutton DPW's Mark Brigham was also at the site reviewing the flooding problem. Mr. Brigham concurs with the recommendations of the Consultant in terms of how this flooding and dry well can be addressed.

J. Sheehan explained about the wetland area back in the 90's between Hartness Road and Green Road.

R. Murphy explained the drainage system on McClellan Road, Hartness Road and Leland Hill Road during the construction of the subdivision and the raising of Hartness Road.

B. Faneuf recommended directing the water down the swale.

N. Hill suggested putting another pit for drainage

R. Murphy suggested using both ideas and lining the pipe with two inch stone gravel above, and making the dry well five times larger with a French drain.

N. Hill told the Board that Mr. Whitney hired his firm to design a new house for this site.

M. Briggs stated that the main issue is the wetlands and how much fill has gone into these wetlands, and what will be done to remediate the wetland fill.

N. Hill gave a handout to the Board of the existing conditions and reviewed his notes stating he flagged the area. The soils were saturated and he found high ground water during the time he was hanging flags. He noted standing water pockets and there were indications of wetlands and he flagged the isolated areas. On the neighbors land, it was noted that there was no connection to the wetland area on Mr. Whitney's land. Mr. Hill stated he has used the auger to test the soils in several areas. He will get all this information on a plan along with a replication area.

M. Briggs stated the Conservation Consultant who visited the site, made an assessment that these appear to be wetlands. They need to demonstrate to the Commission through soils analysis and a combination of hydrology and plants, where the old line of wetland was or wasn't.

N. Hill would give the reports to the Consultant for review.

M. Briggs told Mr. Hill that they needed to enlist the services of the Consultant to review the evidence in terms of the grading situation and the wetland situation. Then it can be incorporated into the record and there by address the enforcement order and see if it becomes reputable.

R. Whitney replied he felt the pipe was put in illegally and it now drains onto his property. He explained how there has always been water in the field across from his property. The neighbor said he created that pond.

M. Briggs asked if he was clear with the issue. He was going to address the issue of flooding and perhaps install another pipe and sump of some sort. Then delineate the historic wetlands and consult with the Commission's wetland consultant to verify the findings. A proposal would be sent to Mr. Whitney for this service.

Mr. Briggs said that Mr. Whitney has been sited under the Wetlands Protection Act and the Sutton Bylaw with an Enforcement Order. We have perceived that there has been a violation of wetlands, until proven otherwise. In order for the Commission to verify whether or not there are wetlands, the Commission is requiring of him, under 53G, to employ the services of the wetlands consultant. This Commission can verify your findings. The wetlands would be identified and delineated as a matter of record.

J. Sheehan suggested that to remove the fills from the resource area they need to look back to the original disturbance, elevations, and plans from the subdivision. Then the Board would agree or disagree that this area is jurisdictional.

B. Faneuf summarized his report from the site visit and the fees were discussed between the Consultant and applicant.

This will continue to December 2, 2009 during the Board Business.

### **9:25pm 7 Burke Lane**

The Board reviewed the information from the BOH routing slip for 7 Burke Lane for the septic emergency repair.

Present: Robert Murphy, Murphy & Associates, Robert Miller, contractor.

J. Sheehan explained the area in question and shared the information from the last meeting, explaining about the outlet structure that leads down to Buttonwood Ave.

R. Murphy explained this is an emergency situation and they would like to repair the septic system knowing it's over 100' of any BVW. They don't want to wait until January to replace this. He recommended that a small swale dike be constructed along the edge of the roadway. If there is any construction debris it would be stopped by the ditch.

M. Briggs stated for the record that it as been determined that the Conservation Commission has no further issues with 7 Burke Lane. They may proceed.

**Board Business** continued,

The Board review wetland issues on 161 Stone School Road, F. Venincasa, owner.

The Board issued an Extended OOC for 75 Singletary Ave & 6 Tuttle Road to allow Brad Bumpus to finish with the planting of the trees and finishing the cart path area.

They reviewed 61 & 65 Burbank Road for the septic systems and the location of the wetlands on each property. See both Routing Slips.

All minutes were tabled to the December 2<sup>nd</sup> meeting.

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 was done by M. Briggs for Pond View Drive/Pump Station to sign their Certificate of Compliance.

**Minutes**

The minutes were tabled to the December 2, 2009 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>: M. Briggs  
Vote: 5-0-0

Adjourned at 10:15pm.