

SUTTON CONSERVATION COMMISSION
August 18, 2010
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 update & concerns

7:00pm None at this time

New Public Hearings

47 Carrier Lane

DEP#303-0646

Present: Hossein Haghanizadeh, Representative from HS & T Group, Timothy & Maureen Britt,
owners

The public meeting was opened at 7:15pm. M. Briggs read the request for a Certificate of Compliance to close out the current Order of Conditions DEP#303-0646 in order to open the Public Hearing for the new Notice of Intent submitted for the same property.

M. Briggs explained that the Certificate of Compliance would be for the work that was previously done on this site. A site visit would be done on August 22, 2010 to review the 'As-Built' plans.

Motion: To continue, with the applicant's permission, to September 1, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

47 Carrier Lane

DEP#303-0696

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 proposing to demolish the existing single-family house and re-build a new single-family home.

Present: Hossein Haghanizadeh, Representative from HS & T Group, Timothy & Maureen Britt,
owners

M. Briggs stated that the work previously done, which was an upgrade to a Title V septic system is within 200' of a stream.

H. Haghanizadeh explained the parents owned this house and it was just purchased by Mrs. Britt from her parents. The foundation of the house is crumbling beyond repair and they would like to replace the existing foundation on the same footprint. On the North side they would like to extend it four feet, but shorten the house itself by the four feet added to the north side. They would also add a deck. They are

here before the Commission to say that the septic system was accepted by the BOH. The ZBA will be doing a site visit for the variance, and they should have that information by the next meeting.

M. Briggs explained what needed to go on the plan, The dock also needs to meet the regulations of the Conservation Commission for docks on great ponds. The erosion controls and extent of construction also needs to be on the plans.

B. Faneuf summarized his site visit.

See Attachment #1

1. Applicant/owners name needs to be fixed on the NOI.
2. For the record, the information from Eco Tec that these conditions have not changed since 2007. The soils need to be re-verified.
3. Question the 200' jurisdictional area from the pond.
4. Add the silt fence.
5. Add the dock and its dimensions.
6. Add the limit of work, which should not be open ended.
7. Show both temporary buildings on the plans.

Motion: To continue, with the applicant's permission, to September 1, 2010, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

Pleasant Valley Road & Worcester Providence Turnpike

DEP#303-0697

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 installation of a gas main within Pleasant Valley Road and Worcester Providence Turnpike.

Present: Kristen Trudell, NSTAR Gas, Environmental Engineer

M. Briggs asked why it states various areas on the NOI form for the green cards and explained they are required so that this becomes a legal hearing.

K. Trudell replied that this is a linear project and there were too many to list. She then explained they would be extending the gas main to service Lowes, several Restaurants, and retail stores along the Turnpike. They need to cross the bridge and will hang the gas line off the bridge using brackets. The plastic gas line would be inside metal piping to protect it, which would be connected at the Boston Road, Dudley, and Pleasant Valley Road area. They would be putting in a trench down the middle of Pleasant Valley Road to lay the piping, and connect to the trench that already exists along Worcester Providence Turnpike when the water line was installed. They are going under the culvert on Pleasant Valley Road to get the right angle. They would use a steel pipe and insert the plastic pile inside to run the line. Any un-stabilized areas would be reseeded and stabilized.

K. Trudell gave the secretary two checks that were due with the Notice of Intent filing that didn't arrive with the Notice.

B. Faneuf summarized his site visit.

See attachment #2 Ecosystem Solutions report

Motion: To continue, with the applicant's permission, to September 1, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

CONTINUED PUBLIC HEARINGS

14 Wheelock Drive

DEP#303-0686

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 construction of a pond adjacent and connected to an intermittent stream.
Not Present: Dan Nitzsche, Project Env. Scientist, Bay State, Gerald Caya, owner

The secretary sent out the agenda to Mr. Nitzsche for this hearing, but did not receive a signed continuation form to continue. The agenda for the next meeting on September 1st would be sent to Mr. Nitzsche for him to reply, along with a continuation form to sign and return for this meeting.

M. Briggs explained the position that DEP is taking. Under the Enforcement Order appeal that the owner doesn't have any money but is supposedly going to do the right thing. He discussed this with the DEP but because the owner doesn't have any money the Commission can do what they want with this order. The DEP isn't moving on this so Mr. Briggs doesn't feel the Commission should either at this point.

B. Faneuf feels that the Commission should know about this information in the regulations: 10.05 4G and read this regulation as follows:

(g) A Notice of Intent shall expire where the applicant has failed to diligently pursue the issuance of a Final Order in proceedings under 310 CMR 10.00. A Notice of Intent shall be presumed to have expired two years after the date of filing unless the applicant submits information showing that (a) good cause exists for the delay of proceedings under 310 CMR 10.00; and (b) the applicant has continued to pursue the project diligently in other forums in the intervening period; provided, however, that unfavorable financial circumstances shall not constitute good cause for delay. No Notice of Intent shall be deemed expired under 310 CMR 10.05 when an adjudicatory hearing is pending and when the applicant has provided all information necessary to continue with the prosecution of the case. Notwithstanding the provisions contained in 310 CMR 10.10, 310 CMR 10.05 (4) (g) shall apply to any Notice of Intent whenever filed.

M. Briggs said since this applicant has a lawyer a letter should be written to him, citing that section and ask him to substantiate this series of continuations.

Mr. Faneuf asked how long this has been on file.

The secretary replied December 16, 2009.

J. Smith noted that this was an issue before the Notice of Intent was filed.

J. Sheehan said to ask the lawyer to respond before the next meeting.

Motion: To continue, this continuation to September 1, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

**7 Point Way
DEP#303-0687**

The continuation was opened at 8:25pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a new patio and dock at the shores of Singletary Lake. The entire will be surrounded with erosion control measures to limit the impact to the nearby wetland resource.

Not Present: Mark Allen, Allen Engineering, Christopher Windle, owner, Kelley Windle, owner, Attorney Henry Lane, for Christopher Windle, Arthur Allen, Eco Tec for Christopher Windle, James Burgoyne, Attorney for the Triola's properties, Scott Goddard, Carr Research, and the abutters, Dominic Triola, John Esler.

Mark Allen continued, with the applicant's permission, to September 1, 2010.

Motion: To continue, with the applicant's permission, to September 1, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

BOARD BUSINESS

8:30pm

66 Wildness Drive - B. Faneuf did the site visit for the signing of the Certificate of Compliance from last meeting. Mr. Dunn was in the audience and explained what took place at the site visit and why he put the 12" pipe in and fixed the roadway. Mr. Faneuf filled in with information during Mr. Dunn's presentation using pictures and the video he took during this site visit with Mr. Dunn.

B. Faneuf summarized his site visit using the same pictures and video, after Mr. Dunn's presentation.

See Attachment #2 Ecosystem Solutions report.

J. Sheehan suggested issuing a Certificate then, do a site visit in the fall and spring.

Motion: To issue a Certificate of Compliance, to Mr. Dunn and at Mr. Dunn's invitation to revisit for a site visit in the fall and spring, by J. Sheehan
2nd: J. Smith
Vote: 3-1-1 1- M. Briggs, disagreed, 1- A. Aubin, abstained

M. Briggs gave a background of how the Commission has come to where they stand today, as to where they were five to six years ago, now having better Rules and Regulations. An understanding of what each applicant would like to do on their property is important. The Commission allows each applicant to explain their project and not cut them short so the full picture can be reviewed fairly by the Commission for each and every applicant that comes in front of them.

The Board Endorsed a permit for 75 Singletary Ave signing the Determination of Applicability and signed an Extension for the Order of Conditions for 20 Pine Point Road.

Motion: To extend the Order of Conditions for 20 Pine Point Road, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Unexpected Business: A Site Visit needs to be done at 28 Peach Tree Drive for a Certificate of Compliance. This site visit would be done on August 22, 2010, to be signed at the next meeting.

Discussion topics were as follows:

Mass DOT Vegetation Mgt Exit 6 & 7 Route 146 – Mr. Faneuf will do a site visit for the next meeting.

Legislature Passes "Permit Extension Act" for Economic Development - this information was explained by B. Faneuf, but this has not been completed yet. There should be more information within the next month.

Routing slips were signed for 10 Pierce Road, 35 Singletary Ave and 205 Stone School Road.

A reminder was given for the Reservoir Ave Development meeting on August 23, 2010 meeting. As soon as the Planning Board gets the plans and information, it can be reviewed here at the office.

On August 30th there is a site visit, on site, at 34 Hough Road at 10:00am with DEP and the owner. All are encouraged to attend

199 Mendon Road a DCR letter was received for a review from the Dam Safety Office. Information was sent to the Town Hall officials and DEP, but an address is needed for MEPA.

Unexpected Business:

Attorney General's Open Meeting Law Guide, everyone needs to read this information, sign the last page and return to the secretary to be put on file as submitted.

M. Briggs explained the Plan Submission Policy and that the Commission should revise the Rules and Regulations to include this information.

Minutes

The Board tabled the minutes from the last 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.

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

Adjourned at 10:00pm.