

SUTTON CONSERVATION COMMISSION
October 6, 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

NEW PUBLIC HEARINGS

381 W. Sutton Road

No DEP# RDA

The Public Hearing was opened at 7:05pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installation of drilled well to replace existing well, and installation of a water line from the new well to connect to the water line for the existing well.

Present: Eric Bassett, Andrews Survey for, Gretel Smith for Albertine Putnam, owner

E. Bassett reviewed the plans showing the existing well and where the new well would be located. They would use the existing water lines from the old well to the house for the new well.

B. Faneuf summarized his site visit of the site. His concern is with the sugar maple tree. Does this tree have to come down? He also had questions the cesspool and leaching pit.

See Attached Ecosystem Report #1

E. Bassett replied that they will work around the tree to save it, and the cesspool passed the Title V.

M. Briggs told Mr. Bassett he needs to give the Conservation a new plan with the following: a locus, a buffer with the limit of work, a proper property line, a revised siltation control detail, and a copy of the Title V approval from the Board of Health.

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

Motion: To issue a Negative Determination of Applicability subject to the revised plan showing a locus, the limit of work, erosion control details, and the Commission receives the BOH Title V approval, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

64 Wilderness Drive

No DEP# RDA

The Public Hearing was opened at 7:20pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removal of hazardous trees, primarily those that dangerously overhang the residence and the dead or dying hemlocks.

Present: Stephen Dunne (owner), Paul Lavoie (Professional Tree Company)

S. Dunne explained about the hemlock trees and the other trees that are overhanging the house that are in danger of falling on the house. There are other trees that are not hemlock that Mr. Lavoie said are dead trees and should come down. They will not remove the stumps of any of the trees coming down.

M. Briggs said Mr. Dunne is basing this decision on the observations on the experience of Mr. Lavoie, but there has not been an Arborist that has inspected this site. Mr. Faneuf has been out there and spent time in detail. If they are going to take trees down within the jurisdiction they need to have a planting plan for replacing that which you take down, and if you take one down you need to replace one.

B. Faneuf summarized his site visit report. His concerns are the tree removals.
See Attached Ecosystem Report #2

M. Briggs suggests a site visit with all parties concerned. Mr. Faneuf, Mr. Dunne the owner, Mr. Lavoie tree removal and an arborist are to come up with a plan. It should give details of what is coming down and what would be replaced. They should report back with the plan.

Motion: To continue, with the applicant's permission, to October 20, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

199 Mendon Road

No DEP# RDA

The Public Hearing was opened at 7:50pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of maintenance activities only: remove trees and brush, fill low spots and avoids, remove debris and rehabilitate spillway.

Present: Karen Fung (Professional Engineer/Lenard Engineering) for Gloria Walsh (owner), Scott Morrison,

K. Fung reviewed the letter from the Office of Dam Safety. The Dam was found to be a hazard in its present condition. They are asking for a permit so she can proceed with the activities to repair the dam and the spillway.

M. Briggs explained that Malcolm Specher was here previously for this project because the beavers were creating a problem in front of the spillway. And overflow pipes were put in to correct this problem and take the pressure off the dam.

K. Fung replied the pipes were put in but the pipes were placed such that the water had to come up a lot. He tried to create a siphon effect, but with the low dry summer the siphon lost its suction. They propose to repair the spillway. They are recommending removing the beaver pipes because they were only temporary.

M. Briggs explained that Mrs. Walsh came before the Commission before with this problem. He doesn't want this problem to be compounded.

B. Faneuf summarized his site visit report of the dam, spillway and pond.
See attached Ecosystem Report #3 and other report #4

J. Sheehan suggests to issue a Negative Determination and let the water go over the spillway, straighten things up as need be, cut down the trees that need to be out of the maintenance area, eradicate the Japanese Knotweed, and report back to the Conservation within the next growing season with a maintenance report and the Japanese Knotweed report.

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

Motion: To Issue a Negative Determination of Applicability subject to the following conditions: removal of the Japanese Knotweed, modify the spillway, remove trees for the safe operation of the dam, restore the proper elevation of the dam, and report back to the Conservation Commission in writing after one year, by J. Sheehan

2nd: J. Smith
Vote: 5-0-0

Mr. Sheehan reviewed with Ms. Fung what was needed for the next meeting.

CONTINUED PUBLIC HEARINGS

7 Point Way

DEP#303-0687

The continuation was opened at 8:40pm. 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 properties, Scott Goddard, Carr Research, and the abutters, Dominic Triola, John Esler.

Mark Allen continued, with the applicant's permission, to October 20, 2010.

Motion: To continue, with the applicant's permission, to October 20, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

14 Wheelock Drive

DEP#303-0686

The continuation was opened at 8:15pm. 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

Irfan Nasrullah continued, with the applicant's permission, to October 20, 2010

M. Briggs suggested informing the applicant or his lawyer that the request needs to be in writing, not over the phone. He stated that the DEP hasn't done a follow up and to check with the applicant's lawyer on this.

J. Sheehan replied to continue with prejudice. Contact the DEP and the Commission should deny the NOI because their hands are tied. Let the Enforcement Order stand.

M. Briggs would check with the DEP as to where they stand with this.

Motion: To continue, with the applicant's permission, to October 20, 2010, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

BOARD BUSINESS

Wetland Concern:

8:15pm

91 Burbank Road/Sibley Dam

Present: Judith, David, and Joseph Danko, owners

J. Danko explained the DCR letter stating they were directed to remove the trees and rocks from the dam. They manage this property, which is family owned property since 1952. She explained that they were contacted by the State to register this dam. As part of the process there was an inspection of the dam. They were asked to remove trees from the area near and around the dam and to clear the rocks that were in the way of the water flow pipe.

M. Briggs asked for a copy of the analysis and inspection report of the dam.

J. Danko replied she didn't bring a copy because it was 150 pages in a bound document, but she brought a summary of that document. GZA is the engineering company used. She explained that in 1970 the gate was removed and the pipe was exposed. The rocks were placed in that area to block the water from leaving the pond. Since they got the letter from the State they looked for people that could remove the rocks and someone that could take down the trees. The tree professional said she had to talk to the Conservation first. Unfortunately the professional tree cutter had already started to cut down some trees to make an opening to get to the dam and the pipe area with the equipment. There is about a 450 foot long area to get to the dam. Mrs. Danko explained the pictures that were shown to the board and what work they need to do to be in compliance with the ODS.

M. Briggs asked if the intent was to raise and lower the water or just to restore the flow through the pipe and comply with the ODS.

J. Danko replied that it's just to restore and comply with the Dam Safety Office.

J. Sheehan suggested they request an Emergency Certificate to comply with the ODS's recommendations which would include cutting the trees and removing the rocks, etc. The Certificate could be issued right now tonight for them to continue.

B. Faneuf summarized his observations from GIS and the Pictometry photos.

Motion: To issue an Emergency Certificate, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

The Board approved the minutes of August 4th, and August 18th, 2010.

Motion: To approve the minutes of August 4, 2010, and August 18, 2010, by J. Sheehan
2nd: A. Aubin
Vote: 5-0-0

The Board endorsed the permits for 47 Carrier Lane's Order of Conditions, and for 160 Worcester Providence Turnpike's Extension of the Order of Conditions

Motion: To issue the Extension for the OOC, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Discussions:

The Rules & Regs Amendment was tabled to a future date to be announced.

34 Hough Road's DCR letter was discussed. Mr. Faneuf will do a site visit checking the re-planted trees and report back to the Commission.

The Villas at PV Enforcement Order & Extension was reviewed. More information is needed from the Planning Board to go forward on this review.

The DEP called to let us know that they can not get in contact with Mr. Maranda of 449 Central Turnpike for the Hazmat to start the clean up process. Until they have his permission to enter the property, they can not remove anything off this site.

A letter is needed to request the removal of the trees on 13 Davis Circle.

Joyce Smith was elected to sit on the board to represent the Conservation Commission for the Town Master Plan review.

The Board signed the routing slip for 192 Hartness Road, and reviewed the Correspondence.

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 9:30pm.