

SUTTON CONSERVATION COMMISSION
January 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

Wetland Updates

7:00pm Leland Hill Estates

DEP#303-0563

Present: Mark Anderson, Heritage Design, applicant: John Burns, Black Book Realty Trust, & Attorney Steve Rodolakis for Black Book Realty Trust.

M. Anderson reviewed the changes made on the previous plans that were shown to the Board. The number of lots was reduced by two houses, per request of the Fire Department. They are here tonight to discuss the two requests by Conservation. One is the status of the replication areas. A full analysis was done with the help of Eco Tec., and reviewed by Arthur Allen. Mr. Anderson explained this analysis.

The second was to look at the drainage system. The preliminary drainage analysis was given to the Board and based on the new numbers this system will work. The new analysis will be submitted to the Conservation with the filing of the new Notice of Intent.

M. Briggs asked about a home owners association.

M. Anderson replied that he could not say but would put in deed restrictions and delineation markers. All the modifications would be submitted to the Maguire Group and Conservation Commission.

J. Sheehan stated for the record that he voted against issuing the Order of Conditions for this previous project.

M. Briggs explained what the Board would be looking for when they submit the Notice of Intent on this newly revised project.

M. Anderson explained they have been before the Board of Selectmen. The BOS have signed this application, which is a partnership between the Town and the developer to promote affordable and moderate income housing know as a 40B project. This application has gone to the Department of Housing and Community Development. They felt this was a good site knowing 25% was affordable housing and issued a site assignment letter to the BOS and the developer. The developer is going forward and has submitted a new application to the ZBA and the first process meeting with the ZBA is this Thursday night.

M. Briggs would like to see a draft of the applicant's proposed restriction easement.

J. Sheehan asked if Cheryl Peterson was still with Heritage, and is she still working on this project?

M. Anderson replied yes and she will be at the first public hearing. He went on to review the work done on the previous project, saying all the work was done in accordance to the plan. The wetland area is still thriving very well and the culverts in place are all in the proper grade. There is no adverse impact on the flow of the wetland. They recognize that one of the replication areas needs to be adjusted. They have retained Eco Tec for this area.

M. Briggs explained that since this project started a few years ago the Conservation Commission now has a Conservation Consultant. Mr. Faneuf {Ecosystem Solutions} will be required to be in attendance at certain critical junctures to insure that standards are fulfilled and the activities are done according to best management practices and to observe the replication activities. Maguire Group will qualify their submissions so the Commission knows, should a permit be issued, that this has all been reviewed from a logical point of view and a wetlands point of view. From that point on, the Consultant could report back to the Commission.

B. Faneuf asked that when they redo the replication in the BVW area, the area of flags CA25-27 should not be counted as a replication redo area due to it being in the BVW itself.

M. Briggs asked if this project would be phased?

M. Anderson replied yes but nothing is in place yet.

M. Briggs stated that the Commission would like to see the replication areas put in and stabilized before they bring in the cement trucks. He would like to see a low impact development.

M. Anderson told the Board he will be filing a new Notice of Intent for this project.

NEW BUSINESS

7 Point Way

DEP#303-0687

The Public Hearing was opened at 7:45pm. 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.

Present: Mark Allen, Allen Engineering, Christopher Windle, owner unavailable, Kelley Windle, owner, James Burgoyne, Attorney for the Triola's properties.

M. Allen explained the proposed floating dock and 16' x 20' patio and small retaining wall shown on the plans presented tonight. He explained the corrugated metal drain pipe silted over, which is about 1/3 full of sediment and debris. They propose to clean the pipe out and get it flowing to a better flow capacity, put a sump of riprap in that area to let solids settle, and create a riprap swale for this to flow into. There are nine trees that would be taken down and replaced with noninvasive native species. The existing shore line was used for the wetlands but they need to verify the soils in that location. The high water mark was determined by deed and markings on the property. There is a steep grade to the water so they will create a small 6" – 3 1/2' retaining wall system with a set of stairs for access to the lake.

M. Briggs said there is a State law that they are allowed to disturb ten percent of the lake bank, which in this case is only 2.5 feet. There is a requirement that there should be a set back of undisturbed area, which according to the Conservation Bylaw is 25'. No construction activities can occur within 45' of the bank other than the ten percent allowed as part of the bank disturbance. Also mentioned, that there is a minimal amount of silt that came through the pipe and has built up. This needs to be in the record meaning that silt has entered the lake from previous activities upland. Mr. Briggs is also concerned with the roof runoff going into the catch basin and going into the end of this pipe. He is concerned with the topography of this area.

J. Sheehan suggested putting a full manhole that can be cleaned out from an upper elevation.

B. Faneuf summarized his site visit and report.
See attachment Ecosystem Report #1

Attorney Burgoyne, representative for John Esler & Dominic Triola owners of the abutting property, explained the property rights issues and showed the Board copies of the original subdivision plans, which were prepared by Andrews Survey. He spoke of property rights issues and Zoning issues. He reviewed the 25' x 200' strip of land and the filing for the dock. This strip of land was laid out for a drainage only easement. He submitted a copy of the original subdivision and explained all lots on Old County Road and Point Way. The two lots on either side of the 25' strip are owned by Dominic Triola and John Esler. There are also electric utilities in the location of the strip that block vehicle passage but not foot passage to this easement. This plan also shows the drainage location and the catch basins. There is a group of four joint owners of the drainage easement, also known as tenant in common. Mr. Windle owns the interest of this drainage easement, however there are four joint owners. However, an owner can not make any use of the property that is subject to an easement that is inconsistent with those easement rights. Two of the abutters are opposing this application. Mr. Windle doesn't have the right to make alterations of the flow of the drainage easement with out the others property owners consent. This strip also provides a visual and esthetic barrier between the properties of Mr. Triola and Mr. Esler. Attorney Burgoyne spoke of the structure proposed on this easement and the need of a ZBA variance.

M. Briggs asked what were the existing rights of the other three owners?

Attorney Burgoyne replied the four joint owners all own as tenants in common. To alter any of this area there is a need for permission of the other owners. The legal owner can not make any use of that property that is inconsistent with the rights of the drainage easement owners.

M. Briggs stated that the Commission can request that the applicant pay for legal advice.

J. Sheehan suggests the hearing be continued, subject to the modifications of the plans, and subject to some legal findings as regards to the applicant to carry forward with the project.

A site visit would be done in the spring, after the snow melts.

Motion: To continue, with the applicant's permission, to February 3, 2010, subject to the applicant's representative making some adjustments to the plan relative to the earlier discussion, and the applicant should get the legal findings for the Commission

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

CONTINUATIONS

410 Putnam Hill Road/ Manchaug Water District Filtration System

DEP#303-0686

The continuation was opened at 9:00pm. 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,

G. Britton reviewed the past meeting information and the answers to the Ecosystem's report as to what would be removed and what would be replanted. She submitted the narratives to the Commission and the revised plans are more defined with the tree removal area, replication areas, and the areas of replanting trees.

John Beckley said they would like to start construction in June, which would take 365 days for the entire project. The crossing would be done between July 15th and November. It should take about a week to put in the 60' sleeve pipe.

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

Motion: To Issue an Order of Conditions subject to plans most recently revised dated January 6, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

14 Wheelock Drive

DEP#303-0686

The continuation was opened at 9:15pm. 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

D. Nitzsche continued with the applicant's permission to January 20, 2010.

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

BOARD BUSINESS

8:15pm

The Board signed a Partial Certificate of Compliance for 161 Stone School Road, DEP#303-0676, and a Complete Certificate of Compliance for 161 Stone School Road, DEP#303-0569.

The Board reviewed 44 Providence Rd/Asplundh Tree area for a spring site visit, due to a business interest in purchasing the property.

The Board reviewed the file for 116 Uxbridge Road file for Septic System installed for a site visit in the spring for a C of C.

Jack will review and do another site visit at the Nat. Grid site at Main St. Northbridge & Route 146 Sutton, and 16 Barnett Road for Certificate's to be signed at the next meeting.

The Board reviewed old maps for the area of 129 Hartness Road, Green Road, and Leland Hill Road, showing the wetlands from the 1989 subdivision created.

Minutes

The minutes to be voted on will be reviewed again at the next 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 10:30pm.