

SUTTON CONSERVATION COMMISSION
March 17, 2010
MINUTES

Approved: _____

Present: Mark Briggs, Chair, Joyce Smith, Co-Chair, Alyse Aubin, Daniel Rice, Jack Sheehan,
Staff: Wanda M. Bien, Secretary
Unavailable: Brandon Faneuf, Consultant

Updates

7:00pm Waters Farm – Yearly Update

Present: Ken Kelley, President

K. Kelley explained to the Commission that he was here to meet the lease requirements for Waters Farm. Mr. Kelley read his report on the farm, the new House Committee, and described the outside maintenance. He told the Commission that the bylaws had been updated. He reviewed narratives on each building, spoke of the video that was completed and the book "One Waters Farm Family" that had been published. Mr. Kelley summarized the 2009 events and reported on the activities of the farm. He presented the Conservation Commission with a booklet type report of all items requested for the yearly lease agreement for this third year's lease including the \$10.00 fee.

M. Briggs asked for a copy of the current bylaws. He asked a few questions about the farm, its surroundings and Master Plan, and a listing of the inventory of the house. He then commended Mr. Kelley on a job well done.

NEW BUSINESS

None at this time

CONTINUATIONS

7 Point Way

DEP#303-0687

The continuation 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.

Not Present: Mark Allen, Allen Engineering, Christopher Windle, owner unavailable, Kelley Windle, owner, James Burgoyne, Attorney for the Triola's properties.

M. Allen continued, with the applicant's permission, to April 7, 2010.

M. Briggs stated the Board needs to discuss other matters concerning the two proposals that were received from Graves Engineering and Maguire Group for minimum services. The Commission needed to review the cost proposed. He believes that the applicant is under the assumption that they can choose one of the consultants. However, it is the Commission's right to appoint a consultant. A letter

should be drafted with both proposals included to make sure that the applicant is aware that these are likely the minimum charges, based on completeness of materials, etc. He communicated with both firms to confirm that the two quotes are for the same scope of peer review for this site.

J. Sheehan said the issue that needs to be resolved before the applicant gets too far into this work, is if the applicant has the legal right to do this work on the easement site. He asked the Chair if the Commission can have someone under 53G Bylaw, review the proponent's right to put anything onto this 50' strip of land, before going through all the work proposed.

M. Briggs said that the Board can not make a decision at this time, but can inform the applicant of the priorities of the Commission.

J. Sheehan said that the proposals are all estimates, so he suggests, before anybody spends any time doing this, the Commission makes sure that the applicant can actually carry out the project that he is proposing. Cost is not an issue under 53G. It's the one the Commission feels they want to do the work, as long as there is no conflict of interest.

M. Briggs said prior to a decision being made on the consultant it is necessary to know if the applicant can move forward with the project. Another issue is that there is an Enforcement Order on another piece of the property also owned by the applicant. That needs to be resolved. He then referred to the Bylaw: no permit shall be issued with an outstanding violation. .

J. Sheehan questioned if the outlet was in the resource area or the buffer zone. If the pipe is in the buffer zone it's a Town Bylaw issue. If this is in a resource area, discharge isn't allowed in the resource area.

M. Briggs said a letter should be written requesting resolution of the legal issues before the Commission can go to the next step of evaluating the engineering they need to understand their rights.

Motion: To continue, with the applicant's permission, to April 7, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

**39 W. Sutton Road
DEP#303-0689**

The continuation was opened at 8:05pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of replacement of existing cesspool with a tight tank.

Not Present: Eric Bassett, Andrews Survey, Roger Sevigny, owner.

E. Bassett continued, with the applicant's permission to May 19, 2010.

Motion: To continue, with the applicant's permission, to May 19, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Wetland Complaint

7:45pm 192 Hartness Road

Present: Jeff & Paulette Ruth, owners

Conservation reviewed this area on the Pictometry maps.

This was a complaint that came into the Conservation office in March 2009 on wetlands in the are of 191 Hartness Road.

J. Ruth explained they want to sell the property at 192 Hartness Road. The wetland on this property is growing he feels that the there was a hole created by the neighbor and the water is backing up onto his property at 192 Hartness Road. He showed the board pictures that he took recently of the water on this property this property now belongs to him and his wife, and the wall that has been removed, on his property to allow dirt bikes in and making the area muddy. This is changing the wetland area and stream.

J. Sheehan said if he wants to pursue the damages and stop what is going on, this is called environmental trespass, which is a civil suit but not necessarily a Conservation issue. He reviewed the area in question with the owner.

M. Briggs said the Commission can do a site visit and if there is encroachment to the wetlands, they can issue an Enforcement Order or write a letter to have the neighbor come in front of the Commission.

Tree removal and replanting update

8:00pm 116 Manchaug Road

Present: Ronald Scott, owner

The Board reviewed the arborist's report on the tree in question.

R. Scott explained about the tree being dead and falling on his house.

M. Briggs explained the policy regulations on one for one replacement of trees. He should ask what native species would survive in this area, or he could replace the tree with a shrub, blueberry bushes, or mountain laurel as an alternative to a tree. Then come back to Conservation with his plan as to where he would place the tree or bushes.

R. Scott decided he would replace the tree with a few mountain laurels.

M. Briggs thanked him for coming forward.

BOARD BUSINESS

8:15pm

The Board signed the Extension OOC for 107 Boston Road/Hair Inc., Sandra Roy, owner

Motion: To issue and extended Order of Conditions to 107 Boston Road/Hair Inc., by J. Sheehan
2nd: J. Smith

Vote: 5-0-0

The Board signed three, Partial C of C's for Unit #13 at 36 Tournament Way for subdivision Villa at PV, requested by Attorney Romano, for the sale of this unit.

The Board reviewed 19.5 Carr Street for As-built information from 2005, questioning the replacing of the dead trees with blueberry bushes or the like. A site visit would be done in the Spring.

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A site visit was done by A. Aubin on 26 Irma Jones Road/J. Langlois's original dock drawn on plans for a Certificate of Compliance to be signed, and site visit on 532 Central Turnpike reviewing the information of the pipe in the hillside over this driveway.

See file with pictures and email from J. Hager.

The Board reviewed the letter sent to MCU for \$3,471.08 that is owed to us for payment to Maguire Group bill for Cold Sp. Brook Place peer reviews from 2008/2009.

Jack will review this file and another site visit would be done at the Nat. Grid site at Main St. Northbridge & Route 146 Sutton, also at 16 Barnett Road for Certificates to be signed at the next meeting.

Minutes

The minutes were tabled to 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 9:50pm.