

SUTTON CONSERVATION COMMISSION

April 7, 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 Concerns

7:00pm 34 Hough Road

Present: Ronald Nedroscik, owner

R. Nedroscik explained that he was just cutting fire wood off the land. Herley is doing the cutting. He put stone and gravel down so they wouldn't mess up the roadway with the equipment. He didn't know there were any wetlands in the area, and was told the water was just runoff from the three hills surrounding him. There were perk done in the 1990's.

M. Briggs questioned if he filled in the wetlands.

The Secretary stated Guy LaChance was in this area to check this out and said Herley's are good lumberjacks.

M. Briggs asked when they would be done with the cutting.

R. Nedroscik replied maybe in two weeks.

M. Briggs asked Mr. Nedroscik to call the Conservation when they are done and the Commission would do a site visit.

J. Sheehan explained what the Herleys did was to bring gravel in for the trucks to drive over. The road is within the intermittent stream area, which is subject to review by the Conservation.

Mr. Nedroscik will call the office when the work is done.

NEW BUSINESS

221 – 223 Worcester Providence Turnpike – Route 146

DEP#303-0690

The Public Hearing was opened at 7:15pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of road widening for the construction of an acceleration and deceleration lane and installation of a water line along a portion of Route 146 North.

Present: Brian Millisci, Whitman & Bingham Assoc., James Smith, Town Administrator, Jen Hager, Planning Coordinator for the Town Administrator.

J. Hager explained the construction of a third lane from Central Turnpike to just North of the Cold Spring Brook Crossing, and includes installation of a water line along that way as well. Brian Millisci is the Engineer, who prepared the plans that have been submitted and approved by Mass Highway. This work is out to bid, they included a standard condition in the bid package so they could

be as prepared as possible. The bid is expected to close by around April 23rd and then they must get going to spend this money by June 30th. This will happen very quickly. She explained that the other job proposed on 146 has nothing to do with this project. That is just a resurfacing project from Boston Road and will run nine to ten miles south.

B. Millisci reviewed the excel lane and the information for the MEPA filing. There is no map or parcel on this roadway or book and page either. He explained the old design plans, the gas line markers, and the 20 foot concrete culvert area, which would be extended 12 feet. The granite curbing would be moved out six feet towards 146, and north of the bridge would be tapered back down to the regular lane. The water installation would be tied in through the rear of the atlas box lot and bought up 146 to the Cold Spring Brook project with grant funding from the State.

J. Hager explained that when the Cold Spring Brook project moves forward, they will be required to complete the water loop which will provide better water quality and pressure along that loop system.

B. Millisci also explained they kept the water main off the paved way, which is out of the Atlas Box driveway, which could be picked up easily by another project. The water main is also being tied, or hanging on the side of the bridge and would not go under Cold Spring Brook but along the side of the bridge for safety, with a shut off on each side of the bridge, the pipe is insulated so water won't freeze. Haybales and silt fence would be place from the bridge both North and South along 146. He stated there would be an Engineer from Graves Engineering on site at all times during the construction. Start time for construction would probably be sometime in April.

B. Faneuf explained that instead of haybales he recommends silt socks for this project.

J. Sheehan questioned the resource area near the Armsby Road section off Stone School Road. He asked if they would put the resource area on the plans along with erosion controls around that resource area.

M. Briggs read the email from DEP requires a full set of drainage calcs, and stormwater check list.

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 the applicant or representative satisfying any questions put forth by the DEP in there memo of April 2, 2010, and to amend the plans to include the erosion control in the area on the Easterly side of Route 146 at turn site of Armsby Road, to notify the Conservation Commission once the erosion control are in place prior to construction, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

7:50pm 6 & 10 Main Street, Land Acceptance for Town of Sutton - Gift

Present: Jen Hager, Planning Coordinator.

J. Hager explained about the land around the new part in Manchaug. The Bickford's have deeded his parcel to the Town for the park. They have signed the deeds and she is asking the Commission to sign and accept this as a Conservation parcel. The only thing that would go on it is the trail. She needs a motion for the acceptance of only parcel B parkland for the trail, the Sewer Commissioner is accepting parcel C.

Motion: To accept the parcel land donated by the Bickford's shown on plan M2301 from Andrews Survey and Engineering as parcel B, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

8:00pm Tri-Park Update, Town of Sutton, Jen Hager

Present: Jen Hager, Planning Coordinator.

J. Hager explained about the grades on this site that eroded where the stone dust was applied. She had Gates Leighton come and review the site. They took the plans and made some recommendations for erosion controls repairs. While they were out there they noted there is a section of bank that there are some dead trees leaning over the water and invasive species that have taken over. Shown on the plans are the areas of erosion, and where the repairs would be done, and she went on to explain the other areas in question. Three new ornamental trees would be replaced on April 30th, along with a rain garden.

Motion: To accept the amendment to the Order of Conditions on the Tri-centennial Park, as per the plans submitted on April 7, 2010, by J. Hager, Planning Coordinator, as referred by Gates Leighton's Associates email of April 6, 2010, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

383 Boston Road

No DEP#RDA

The Public Hearing was opened at 8:15pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists treating the Aquatic Vegetation growing in the Fire Pond at the Sutton Elementary School.

Present: Roger Raymond, Facility Manager, Dominic Meringolo, Senior Environmental Engineer, Aquatic Control Tech. Inc.

D. Meringolo explained the maintenance of the aquatic control for this project that has been going on since 2005, and they are asking if the Commission would approve another three years. This pond is used for Fire control which has sediment and algae which threatens the water usage. They treat with herbicide after school gets out. There is a DEP license to apply the chemicals, and they would like to continue to spray the poison Ivy. This pond is behind a fence that is locked.

R. Raymond stated that there is 100,000 gallons of the water piped into the school, however the Fire Chief wants the pond cleaned out.

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

Motion: To issue a Negative Determination of Applicability, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

CONTINUATIONS

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.

Present: Mark Allen, Allen Engineering, Christopher Windle, owner unavailable, 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.

M. Briggs reviewed the 6 Old County Road site and that the Enforcement Order meant there could not be a permit issued for 7 Point Way until the issue was cleared up.

S. Goddard explained the hand out from the Carr Research review, along with the Andrews Survey review and Eco Tec information.
See Attachment #1

Abutters:

Dominic Triola spoke about the swale discharge and erosion entering the lake during the last storm, and gave the Commission pictures he had taken.

M. Allen is to write a letter to the Commission for the Enforcement Order to be rescinded, and how they will fix the issues.

M. Briggs stated that this is beyond the Ability of the Commission to comprehend and spoke of other proposals by Maguire Group, Graves Engineering, and Ecosystem Solutions. Mr. Briggs read the letter sent to Mr. Windle on March 24, 2010 before proceeding with any permits.

Attorney Burgoyne, spoke for Mr. Windle about the legality of this property and asked if the Commission could proceed with the wetland application and they would deal with the abutters and neighbors.

Mr. Briggs reviewed the two proposals that the Conservation received from The Maguire Group, and Graves Engineering. The Commission chose Graves Engineering to do this review for 7 Point Way. S. Goddard will get all the information to Graves Engineering to do their review.

Any further information needed for this public hearing can be viewed on: www.suttonma.org. (Sutton TV online), or contact Pam Nichol's in the Cable office for a DVD of the hearing.

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

**14 Wheelock Drive
DEP#303-0686**

The continuation was opened at 10.05pm. 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. Present: Dan Nitzsche, Project Env. , Scientist from GZA Associates LLC, John Grenier, GZA Associates LLC, Gerald Caya, owner.

D. Nitzsche explained where the project stands and GZA was hired to review and Mr. Caya hired an engineer to do the drainage calculations and the Hydrology for the pond, one of the Commission concerns, if the pond and stream are working properly, will the outward structure is going to function. He reviewed the files in the Conservation office for the outstanding issues that need to be addressed to move forward. Down stream at the outlet of the pond, DEP had a concern with erosion by the Eastern property boundary. He spoke with J. Bellino and received pictures from Mr. Bellino showing a completely freshly disturbed slope. The photos taken last December were sent to Mr. Bellino showing the whole slope was vegetated and stable. Mr. Bellino said he held off on issuing the DEP number, but after seeing the December pictures he was fine with this and issued the file number for this project. Mr. Nitzsche said that this is a post fact permit they are looking for now to move forward.

M. Briggs explained that the Commission have been in touch with the DEP and also gone to the site. They don't have any major problems with the ponds as long as they function. But where they end, the entire area to the woodlands was completely decimated on both sides of the stream. On the habitat side of the stream there is all kinds of debris, and construction equipment parked there that didn't belong there.

D. Nitzsche said that has all been cleaned out by Mr. Caya. That was part of the area that DEP had concerns. Now this area has been re-vegetated.

M. Briggs stated what the area looked like before back when Mr. Caya built the house. He remembers this and that A. Allen did the wetland area at that time. He explained what the area looked like back then, but compared to now it looks nothing like it did back then. The Commission would like to see some remediation, that provides function and values that are protected under the Wetlands Protection Act prior to the owner destroying the stream and then putting in the ponds. The ponds are fine but the rest is a disaster.

D. Nitzsche said they didn't have anything to present tonight other than to let the Commission know that there is an engineer now involved to address their concerns, and looking into getting the site back in compliance with outstanding Certificates of Compliance and the Enforcement Orders and the like.

M. Briggs said the advice to him is, that the Board expects that this is going to be done diligently and that it's going to be done this year, and there is not going to be an endless accumulations. He stated this has gone on far too long, and if its not resolved by the end of the season the Commission will take further action, which would involve fines and penalties.

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

BOARD BUSINESS

10:20pm

The Board Released and Enforcement Order for 28 Eight Lots Road.

Motion: To releases the Enforcement Order for 28 Eight Lots Road, by J. Sheehan
2nd: A. Aubin
Vote: 5-0-0

Minutes

The Board voted on the minutes of February 17, 2010, and table the minutes of March 3rd and 17th to the next meeting. They make the correction to the November 21, 2009 minutes to change the word her to his in the second paragraph, per L. Winant.

Motion: To approve the minutes of February 17, 2010, corrected by J. Smith, by J. Sheehan
2nd: A. Aubin
Vote: 5-0-0

Motion: To change the word from her to his in the first sentence of the second paragraph in the November 21, 2009 minutes, by J. Sheehan
2nd: A. Aubin
Vote: 5-0-0

The Board reviewed the site visit list and that each member will do a particular site visit for 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 11:00pm.