

SUTTON CONSERVATION COMMISSION
June 16, 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

7:05pm 34 Hough Road

Present: Glenn Krevosky, EBT Env. Ronald Nedroscik, owner

G. Krevosky reviewed the plans with the wetland boundary information at the end of the property. Trees over the five inches that were taken down in the resource area would be replaced. The cart road access point is within the buffer zone area.

M. Briggs said that the Board would be looking at this strictly because the applicant was in front of them twice before and gave varying stories as to what was going to go on, and what was going on. Since neither of these stories turned out to be true, this turned out to be a complete clear-cut knock down every twig and bush, the Board is going to require that the applicant goes the extra mile in restoration.

B. Faneuf said that there will be a filing and the fees would be included in the NOI filing for his review. He asked if they were able to identify the stumps in the field?

G. Krevosky replied yes and they are marked orange in the field, and there is a separate layer on the plans showing the locations.

M. Briggs stated that the fees needed to be paid before this Commission can continue.

J. Sheehan suggested including everything on the Notice of Intent until they reach the upland area.

7:25pm 129 Hartness Road

Present: Norman Hill, Ronald Whitney, owner

R. Whitney brought in the plans showing the updated information, showing the redesign of the trench. Mr. Whitney said it didn't matter to him whether the pipe was a 10" or 12". He will have the excavator this weekend, so he would like to dig the wetland area out this weekend.

B. Faneuf stated before they do that they need to have a huddle standing on that spot and out line with stakes, an agreed limit of work. And talk about how this would be done. Mr. Faneuf would speak to Mr. Whitney as to what day they would do the limit of work stakes.

M. Briggs reviewed the information about the split of the travel fee that the Commission agreed to pay for the travel of the Consultant.

Check received from Mr. Whitney for the consultant's fee.

7:35pm 14 Welsh Road

Present: Hillary Cameron, Landscape, Martin Blitz, owner

H. Cameron reviewed the plans from the previous meeting.

B. Faneuf reviewed what he was able to look at the changes on the plans just before the meeting, which he has no problems with the changes but is confused about the current landscape plan, which may be confusing to the contractor. What he would like to see is the upper left hand corner just **nicked** so there is no confusion. The biggest question is how to do this procedure because the public hearing has already been closed. There is two options, one they can ask to reopen the hearing so the Commission can make a decision on the plan submitted. In order to do this they would have to re-notify and put the legal ad back in the paper. Otherwise they come back for an amended Order of conditions.

M. Briggs asked Mr. Faneuf, is what they are proposing compliant with your experience?

Motion: To accept the plan changes as submitted under the caviat as Mr. Faneuf noted so that the construction people and landscape people come in to do it will see one plan and not the old plan, they will have to give the Commission a plan that deletes the previous plan, by J. Sheehan

2nd: A. Aubin

Vote: 5-0-0

NEW BUSINESS

11 Carr Street

DEP#303-0694

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 grading associated with the construction of a single-family home and subsurface sewage disposal system.

Present: Mark Anderson for Paul Hutnak, Heritage Design Group, Mr. & Mrs. Brian Garrett, owners

M. Anderson reviewed the proposal of the single family home, with an existing home that would be raised along with a garage and out building that would all be taken down. A new home and septic system would be construction there. The lot is serviced by municipal water. The house and septic system is all outside of the buffer zone area, there is no disturbance in the 50-foot buffer zone. They would be using a cultex septic system to enhance the system so it is much more environmentally safe. They kept the house outside the 100' buffer zone. There is minimal amount of grading within the 100' to the 150' buffer zone area, and the basement would be a walk out basement. The zoning setback requirements are about 40' but they would be about 100' off the roadway.

M. Briggs said he would like to see the area staked out so the Commission can do a site visit.

B. Faneuf stated under the state bylaw this is a great pond and the jurisdiction is 200 feet. Mr. Faneuf issue is following the bylaw, section 7.2.2.6 - Character of the work or activities proposed of the bylaw and section 7.9 which is the alternatives analysis, which states all the work must take place as far away from the resource as possible. In this case the applicant should take in consideration to getting the house as close to Carr Street as possible and away from the resource area. If they decide to go into that

section of the woods every tree over 5” and what species it is, and then they need to find a spot on the property for the replacement tree. The other alternative is a 25” no touch buffer next to the pond. They could perhaps go with shrubs instead of trees to provide a buffer to the pond.

B. Faneuf also summarized his site visit report

See Attachment #1 Ecosystem Solution Report

M. Briggs questioned the cesspool, saying they need to bury it and that detail needs to be on the plans. He also asked if they wanted to put in a dock, and suggested they do that with this filing. Mr. Briggs explained the dock regulations.

Motion: To continue, with the applicant’s permission, to July 7, 2010, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

CONTINUATIONS

11.5 Marsh Road

No DEP#RDA

Present: Norman Cardin, owner, Tarra, daughter

M. Briggs explained to Mr. Cardin the Commission needed to know what he was doing at this site. We received a call from a neighbor, located to the East, that there was dirt running off this property onto the neighbor’s property.

N. Cardin explained he has been plowing this road out for 25 years, and has put sand in and it keeps washing down into his yard. This is all that has been done. This is a private road, the town doesn’t own this road, so they won’t put anything on this road. Mr. Cardin said that his son has a bobcat, which they used to push the dirt back to its location, no dirt has been brought in and no dirt has been brought out. He said no one does anything on this road because it’s a private road, the town won’t help.

M. Briggs suggested putting in railroad ties or cement to stop the erosion. He will do a site visit on Sunday at 10:00am. He explained that the dirt and water can be seen where the water is flowing down the site to the lake.

Tarra explained that her father was upset because the neighbors should have come to him instead of calling the Commission.

Mr. Cardin will be there on Sunday to meet with Mr. Briggs, to review the issue at hand.

The abutters, from the end of the roadway, would like to be at the site visit on Sunday to help.

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

2nd: J. Smith

Vote: 5-0-0

40 Marble Road

DEP#303-0693

The continuation was opened at 8:35PM. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removing the existing non-conforming septic system and upgrading with an approved Title V system.

Present: Glenn Krevosky, EBT Environmental, for CitiMortgage Inc.

G. Krevosky reviewed the two issues that concerned the Commission. One was the DEP number that had not been received. He spoke to J. Bellino at DEP, and was told the file had not been received by them, and found that the file had gone over to their Title V department. Mr. Krevosky brought the file to the DEP so there is two stamps on the plans. The second item was the Board of Health approval, which has been approved tonight by BOH, at their meeting.

B. Faneuf summarized his site visit report.

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

Motion: To issue the Order of Conditions, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Route 146 Right-of-way NoDEP#RDA

The continuation was opened at 8:45pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of using targeted application of herbicides along Route 146 between exit 6 and 7 to eradicate and control invasive species and provide general vegetation management, for roadside right of way along Route 146 between exit 6 & 7.

Present: Knick Novick, Environmental Consultant, for John Engwer, of Mass Highway, Tarra Mitchel, landscaper for Mass Highway

T. Mitchel reviewed the mowing schedule and the previous meeting information about the application treatment to the weeds, and the size of the areas to be treated.

M. Briggs asked if Mr. Faneuf was on board with this application.

B. Faneuf said that he didn't receive this because it was an RDA and he felt that this was so very simple that the Commission didn't feel he needed to bother with it. He did receive the RDA tonight, however he will be on board to see the applications of the chemicals. He still needs to be at these meetings.

J. Engwer explained they would treat the areas with different kinds of treatments to see which kinds of materials would be more effective, on the different invasive species.

J. Sheehan suggested they contact the Whitinsville Water District because they have a problem with Japanese Knotweed and maybe the findings from the Mass Highway treatment, would help with their problem on Mendon Road.

M. Briggs said the next step is to define the scope to include the bitter sweet and phragmites. And give more details of the actual, on the ground scope, with locations and photos, and a detailed time table of

when all activities are to occur. There is one Commissioner and the Consultant who is very interested in seeing this happen. And a comprehensive detailed summary, showing the findings and conclusions, of this application.

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

Motion: To issue a Negative Determination of Applicability, with the caveat that the findings and a concluded reported is sent to the Conservation Commission on an annual basis, with a narrative for the fragmentizes and bitter sweet, and notification schedules to be provided to the Conservation, and detail of locations to be treated, 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 July 7, 2010.

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

7 Point Way

DEP#303-0687

The continuation was opened at 9:25pm. 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.

M. Allen continue, with the applicant's permission, to July 7, 2010.

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

BOARD BUSINESS

8:30pm

The Board voted on the members staying in the positions that they have held for the past year.

Motion: To keep the Board Chair and Co-Chair and other members as it stands, by J. Sheehan

2nd: A. Aubin

Vote: 5-0-0

The Open Meeting Law meeting was continued to another time to be announced.

There was discussion about the Leland Hill Estates meeting held on Monday June 14th that J. Smith attended and there would be a site visit on June 19th at 9:00am that the Board would attend.

The Board signed a complete Certificate of Compliance for:

The Board reviewed the file for 37 W. Millbury Road and the letter from Art Allen, Eco Tech stating why there is no need for filing and NOI for this site to be built on.

Minutes

The Board voted on the minutes of April 7th, April 21st, May 5th, May 19th and June 2nd.

Motion: To accept the minutes of April 7th, April 21st, May 5th, May 19th and June 2nd, corrected by J. Smith, by J. Sheehan

2nd: A. Aubin

Vote: 5-0-0

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.