

SUTTON CONSERVATION COMMISSION
July 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 update & concerns

7:00pm Leland Hill Estates Update

Present: Paul Hutnak, Heritage Design Group, for Mark Anderson, Heritage Design Group, Steven Rodolakis, Attorney for this project.

P. Hutnak explained they are in the process of getting a 40B from the ZBA and they came in to update the Conservation Commission. As part of the 40B process they need to get some decisions. They have done three site visits and have done the "As-Built" of the entire site as the site sits now. The roads and crossings are done and he did a quick overview of the site. When the initial project was built there was some replication areas done. They have a replication plan but will have to add more replication per the Commission's previous update. They have 52 house lots, which were previously permitted with 60 condo units. They will file a Notice of Intent and have Maguire review the process.

M. Briggs explained the Conservation Commission did not have to use Maguire Group and could use anybody qualified.

P. Hutnak replied Maguire Group reviewed the original filings.

S. Rodolakis said they are looking for the language from the ZBA as a waiver from the local bylaw in so far as is necessary to build the project as shown. The waiver meeting The Wetlands Protection Act would be the safety net.

M. Briggs said that the Commission can't waive something based on a submission that they haven't reviewed of an as-built on. There is no Certificate of Compliance on the original filing yet.

S. Rodolakis replied the waiver would come from the ZBA, who grants the waiver for the 40B project. The only waiver they requested was pursuant to the comprehensive permit plan with The Wetlands Protection Act being the baseline.

P. Hutnak said the purpose of doing the as-built was to fit what was there. Everything was routed through the existing drainage system and through the existing ponds. Part of the Maguire review for this new project is to see that these houses and the lawn that they set up now, work with the existing drainage system. This does have to fall under the new bylaw.

M. Briggs said the Commission's concern is the infiltration on the left side of the project.

P. Hutnak stated that he added large shallow flat swales promoting infiltration of the water coming off the back of the house areas. There are also check dams on every property line.

J. Sheehan questioned that the pond or resource area where there is a large slope. He asked if they will be dewatering that area on the west side behind the houses. He stressed that they don't want to do that. Mr. Sheehan asked if the site conditions have changed.

P. Hutnak replied that they are making what is there now, work for this new project. He asked how the Commission wants to deal with the replication process, file an NOI?

M. Briggs replied yes. Add all the information to the Notice of Intent process, and said the Commission is comfortable with the Maguire Group doing the review. He then asked about the Conservation Restriction.

S. Rodolakis said the question came up whether the open space would be owned by the Homeowners Association subject to a Conservation Restriction, or alternately owned by Metacomet Land Trust, who they would like to give the land to. They are looking for more information about this.

M. Briggs replied that the land was promised to Conservation to be restricted. The Commission wants to make sure that this doesn't change or get left to the last thing to be done.

S. Rodolakis said that another thing mentioned at the site visit was that there were two wells on site, The town wanted the right in the future to look at these wells to see if they may be needed for municipal purposes.

J. Sheehan stated he would like to see trees at the pond area. They need to include the plantings and removals from the original project.

M. Briggs explained the tree bylaw.

P. Hutnak said he would include the landscape in the Notice of Intent.

M. Briggs stated that the Commission has been asked to accept Maguire's review of an As-Built as part of a new filing. This new filing will be will under a 40B, which precludes any comment the Commission may have according to the bylaw.

J. Sheehan said the 40B project permitting process, allows the applicant to bypass the local bylaw, but does not allow them to bypass The Wetland Protection Act. This is all subject to review.

B. Faneuf reviewed the project back to 1999 using the GIS on the TV screen for all to see.

NEW BUSINESS

16 Sunrise Drive

No DEP#RDA

The Public Hearing was opened at 8:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of a second floor addition to the existing building, an extension of an existing roof over a shower area using a support column, no digging of a foundation or disruption of the integrity of the surrounding soil or water front.

Present: Mary Lou & Stuart Mulhane, owners

M. Mulhane explained that they would be removing the small roof on the side of the house and a new roof would be extended over the shower area outside, under the addition above.

B. Faneuf summarized his site visit and reviewed the location on the GIS program.

M. Briggs will do a site visit, for the next meeting.

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

11 Carr Street DEP#303-0694

The Public Hearing was opened at 8:10pm. 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: Paul Hutnak, Heritage Design Group, Brian Garrett, owner

P. Hutnak explained the improvements to the existing buildings. They moved the house about 21' away from the water and the stone patio is outside the 100' buffer zone. The house would be removed and a new house built in its place. They would be removing three trees as part of the process, but will keep the blue spruce tree. Dry wells have been added to the plans. The driveway would be porous pavers with 12" crushed stone under. They will be using stone walls to help make the grade change work. The erosion controls would be changed to a straw waddle and silt fence. They added a row of plants along the property line using high bush blueberry or hydrangea transplanted from the site, and maybe add a service berry to the mix. Within the 25' area off the pond they will plant a wild flower mix and possibly put a bench in the middle, adding two native species of trees. There is a removable dock. Half of the water frontage or 85' is usable as a grassed area to the lake.

M. Briggs said the Commission needs more details for the dock, and explained the dock regulations.

J. Sheehan questioned the Board of Health approval.

P. Hutnak replied this has been submitted but they haven't received the approval yet.

M. Briggs said the BOH approval is needed, and more information is needed on the plans of moving the house back and where the lawn ends.

B. Faneuf reviewed the information that received at this meeting tonight and discussed the landscaping.

J. Sheehan suggests closing the public hearing approve the plan in general subject to them coming back to the Commission with more details. They need to qualify the s.f. of the cope of tress for mitigation,

provide a dock detail with cross section, leave the spruce tree, no hydrangeas or Japanese maple, BOH approval, monuments for no disturb areas, and abandon the old septic.

B. Faneuf summarized his site visit report

See Attachment #1 Ecosystem Solution Report

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 quantifying the square footage or the copse of trees as to mitigation, providing dock details with a cross section, leaving the spruce tree on the plan, removing the hydrangeas from the side of the property and the Japanese Maples, and the Board of Health approval required for the issuance of this Order of Conditions. The applicant will monument the no disturb area, and the septic system is to be abandoned as per Title V.

V, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

Motion: To amended the motion to include any other such details that they would require prior to issuance of the order, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

14 Wheelock Drive

DEP#303-0686

The continuation was opened at 8:50pm. 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 21, 2010.

Motion: To continue, with the applicant's permission, to July 21, 2010, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

7 Point Way

DEP#303-0687

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 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.

Motion: To continue, with the applicant's permission, to July 21, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

BOARD BUSINESS

All were reminded of an Open Meeting Law meeting on July 12, 2010, for those who could attend. A copy of the agenda received from the Town Clerk was reviewed by all board members.

M. Briggs explained the issue of Swan Pond, Howard Fease, owner. This pond is in Sutton and Northbridge. Mr. Fease has a permit from Northbridge. Mr. Fease took the lower level sluice gate and opened it, which drained a significant amount of water. To raise and lower this he needs an Order of Conditions to do so. Mr. Fease needs to register his dam with the State, and get a registered number for the Dam. He needs to get a Dam Safety inspection done by a P.E. The Office of Dam Safety is requiring him to do that. Right now this is classified as a high hazard dam because if it fails there could be losses. It is in everyone's best interest to keep the water in the pond. He needs to put in a splash board to raise up the level of the water. Four weeks ago he lowered this pond without a permit, for which he is being sited. The reason that Mr. Fease is upset with Mr. Vandernakker is because he is extracting water from the pond to irrigate his corn fields. As of today, Mr. Fease is starting to go through proper channels to correct this. Mr. Briggs suggested to Mr. Fease that the abutters should form a pond association. Mr. Fease will need the Dam Safety Report when he goes to MEPA to remove the dam.

B. Faneuf said that Northbridge will issue the permit for the Dam but tht Sutton has the right to give input. If he does attempt to take out the dam or drain the pond, Sutton has violation rights.

The Board signed two, Partial Certificate of Compliance for 11C Millers Way DEP#303-46 and DEP#303-114.

The Leland Hill Estates – SFH Subdivision site visit from June 19th was reviewed.

B. Faneuf stated that when he was doing his site visit for 16 Sunrise Drive he notes and showed on the GIS map this area showing top soil, a bulldozer, and an excavator on the property of 22 Griggs Road. He showed pictures taken as far as he could go without trespassing.

A letter would be sent to the owner of the property.

The routing slips from the Board of Health were reviewed and signed.

Minutes

The Board tabled the minutes of June 2, 2010 and June 16, 2010.

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 9:45pm.