

SUTTON CONSERVATION COMMISSION

September 1, 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

CONTINUED PUBLIC HEARINGS

47 Carrier Lane

DEP#303-0696

The continuation was opened at 7:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of demolishing the existing single-family house and re-building a new single-family home.

Present: Hossein Haghanizadeh, a representative from HS & T Group and Kristal Carr, office manager for HS & T Group, Timothy & Maureen Britt, owners

H. Haghanizadeh reviewed the suggestions and information from the last meeting along with the items to be added to the plans from that meeting. He then explained what was added to the revised plans. He corrected the name on the Notice of Intent form to read the new owners on the NOI that previously had the original owner's name.

M. Briggs questioned the excavation and a spoil pile, and asked where the piles would be located.

H. Haghanizadeh replied they would haul away any excess material and there would be no stock piling on the site. This could be a condition on the Order of Conditions.

M. Briggs questioned the existing cesspool and asked if it is going to be abandoned.

H. Haghanizadeh replied there was a new septic system installed. The old cesspool would have had to be taken care of to get the Title V permit.

M. Briggs asked about the nine trees that would be taken down and need to be on the plans, where they would remediate for these trees. The dock needs to be placed on the plans along with the accurate dimensions of the dock in compliance with the regulations for docks. Mr. Briggs explained the state and town regulations for docks.

H. Haghanizadeh replied that he needed to work out with the client as to where the trees are going to be replanted and what would be replanted. He would put the information about the docks on the plans.

The Board reviewed the list of items that are needed on the revised plans for the next meeting. The consultant can then review the revised plans and the Washburn plans. If he has any recommendations he will contact the engineer.

Jack Sheehan arrived at 7:30pm

Motion: To continue, with the applicant's permission, to September 15, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

**Pleasant Valley Road & Worcester Providence Turnpike
DEP#303-0697**

The continuation was opened at 7:30pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installation of a gas main within Pleasant Valley Road and Worcester Providence Turnpike.

Present: Kristen Trudell, NSTAR Gas, Kevin McCune. Environmental Engineer

K. McCune explained why they need to do this as soon as possible, especially for the Atlas Box project to be completed, and the heating season is coming up soon.

B. Faneuf summarized his information and site visit on the swale and trench areas on Pleasant Valley Road and Route 146. Mr. Faneuf would like to have them notify the Commission office, who will notify him, at the beginning of the construction.

See attachments #2 and #3

K. McCune explained how they would go over the roadway and the bridge with this gas line, using a protective sleeve in the trench, to insert the PVC piping inside for the gas flow.

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 standard conditions and applicant being aware of the construction sequence and notifying the office prior to construction, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

**7 Point Way
DEP#303-0687**

The continuation was opened at 7:50pm. 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.

Per a phone call, Chris Windle continued this hearing to September 15, 2010.

Motion: To continue, with the applicant's permission, to September 15, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

14 Wheelock Drive

DEP#303-0686

The continuation was opened at 8:00pm. 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

Irfan Nasrullah continued, with the applicant's permission, to October 6, 2010

Motion: To continue, with the applicant's permission, to October 6, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

BOARD BUSINESS

Emergency Certificate:

8:00pm 122 Manchaug Road/Andrew Biafore, for Brenda Martin, owner

A. Biafore brought the photos and information for the Board to review, showing that one side of the foundation was pushed in where the wood structure that comes off that foundation is no longer attached. The house is only being held up the center beam and the other side foundation, which is still attached. The house is an inch down now and only a matter of time before the house falls down. The contractor will put in lolly columns to hold up the foundation, dig out the exterior side, remove all the concrete. He will then pour a new structure, build up with blocks and lower the house back down.

J. Sheehan asked the owner why this was an emergency since this is not a year round home.

A. Biafore replied that this was getting worse each year and it's going to come down. He was told by the Building Inspector that this sounded like an emergency situation and to check with Conservation.

B. Faneuf summarized his site visit and the flood plain information for this area, which was accepted by the Conservation, being above the elevation of the flood plain.

J. Sheehan doesn't feel that this is an emergency and that he needs to file. He suggested that he would agree to an Emergency Certificate to do whatever he needs to do to stabilize the property without creating any impact to the pond. But in terms of the overall improvement of the property, which will include excavation, footing, etc. to file at his choice either a request for Determination of Applicability, and he would have to agree that this would have no impact in the resource area, or to file a Notice of Intent to do some work within that resource area.

A. Biafore replied that they would just prop the house up and remove the wall and rebuild the wall.

M. Briggs asked the secretary to verify with John Couture that this house is repairable. The contractor will have to take out a building permit to do the work described.

- B. Faneuf said the Commission can put the condition in that the work is an in kind replacement of the existing foundation only.

M. Briggs read the special conditions for this emergency permit which are as follows: Work is for an in kind replacement of the cellar wall per Mr. Couture. The spoils pile is to be contained and confined at all times, and the disturbed area to be re-loamed and re-seeded.

A. Biafore replied he will call Mr. Couture, and get the proper documentation off the website that the contractor is to fill out.

B. Faneuf said to tell Mr. Couture that Conservation wants him to write off before they write off on the permit.

Motion: To issue an Emergency Certificate pending the Building Permit, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

Board Business

Unexpected Business:

8:25pm 13 Tucker Lane

This is a review and update for the Certificate of Compliance.

Present: JoAnn Teachout, representative for owners.

J. Teachout reviewed the information from the past meeting for the septic that has already been installed. The trees that came down by the house were shown on the plans but were not re-planted. They are requesting that Conservation waive the trees being put back. Three trees came out because of the septic chamber location.

J. Sheehan stated the information is in the previous Notice of Intent filing DEP#303-0646, the Order of Conditions was permitted on July 7, 2005. These engineered plans show the trees to come down and their location. However, none of the trees were removed from the "As-Built"

M. Briggs said first they need a cleaned up the "As-Built", second this docket was handled by Peter Keenan, who came to the Commission on or about September 2009 stating that one Sandra Johnson, did not have the money to re-plant the trees. On December 18th Mr. Keenan came in and plead the case for the owner Agnes Roberts who was dying. Sandra Johnson was not going to benefit, but only be reimbursed for certain expenses relating to the compliance of this property into Title V. Since then the Commission understands that the property changed hands and they are now requesting a Certificate of Compliance for the estate of Agnes Roberts.

Mr. Briggs read the past minutes reflecting the request from the Lawyer Peter Keenan as the property has changes hands. They are upgrading the failing septic system, removing debris and remediating in the buffer zone. They are limiting the area of disturbance that's shown on the septic plan by Purcell Associates dated August 30, 2009. Be advised that any additional work by the future owner will be subject for review by the Sutton Conservation Commission. A site visit will be done by the Commission. An as-built plan that will include trees to be re-planted in certain areas is needed. On December 18th the Commission gave a waiver on the trees, which doesn't mean that they waived all

the trees. Only trees removed as a result of the septic system installation and D box location were waived.

B.Faneuf replied that red cedar trees on the wood edge and beech trees in the woods could be replanted and are native to the area. Blue berry bushes could also be planted.

J. Sheehan agreed that blue berry bushes could replace the trees and be planted by the lake.

Motion: To continue the request for the Certificate of Compliance until the "As-Built" comes back, in its proper form, and Conservation is required to do a site visit at that time, by J. Sheehan

2nd: A. Aubin

Vote: 5-0-0

Board Business continued:

The minutes were table to next meeting.

The Board endorsed permits for a Certificate of Compliance for 47 Carrier Lane and 28 Peach Tree Drive.

The Board reviewed the routing slips for 10 Pierce Rd, 53 Singletary Ave and 205 Stone School Rd.

The Legislature passed the "Permit Extension Act" for Economic Development. This information has not been completed yet and was tabled to a future meeting.

Discussions:

The Rules & Regs Amendment was tabled to a future meeting to prepare for the Spring Warrant.

34 Hough Road

The Board reviewed the site visit on 08-30-10 then an Executive Session was called for

Executive Session:

Motion: To enter into Executive Session to discuss and to return to the Board Business, by M. Briggs

2nd: J. Smith

Vote: Joyce Smith – yes
Alyse Aubin – yes
Daniel Rice – yes
Jack Sheehan - yes
Mark Briggs – yes

Dan Rice summarized the site visit for Reservoir Ave from 8-23-10.

66 Providence Road. There are wetland issues in back of the property that the Earth Removal had concerns about and they will send a certified letter to the owner to appear that their meeting on September 21, 2010.

Leland Hill Bylaw Variances The ZBA meeting was attended by A. Aubin and J. Sheehan.

Correspondence

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 10:50pm.