

SUTTON CONSERVATION COMMISSION
October 21, 2009
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 129 Hartness Road

Present: Ronald Whitney, owner, neighbors: Louise Winant, 52 Leland Hill Road, and Brad Ragaini, 158 Hartness Road

M. Briggs explained that there was activity in or near the wetlands on his property without a permit.

R. Whitney replied that he screened about 100 yards of loam from different job sites where he works, It is to use on his property for his vegetable garden, an area behind the swimming pool. He made a lawn in this garden area. Mr. Whitney stated that the last time he was in front of the Commission he was told there were no wetlands on his property. He knows his neighbor had a water problem on the corner, however there has been a water problem for years. The town made it worse when the road was raised. Frank Noel should have been made to put in a catch basin on the corner of that property and run it down Leland Hill Road to the corner of Hartness Road where there is drainage. They drained it into the corner property on Leland Hill Road, and then ran the pipe across into his property on Hartness Road. Before the neighbor bought her property, the water ran across the road. Now it doesn't run across the road but she gets a puddle in the springtime. Mr. Whitney said that he spent \$3,000.00 and put a catch basin in with 6 – 8 loads of crushed stone to alleviate some of the water. Then the Town was going to come up on her property and do the same thing. It's been 2 – 3 years and nothing has been done to alleviate the problem. He said the town was going to dig a big hole and put crushed stone in that area.

L. Winant explained there was a drainage ditch on the side of the road on his property. There was a small stream and this drain was blocked with pea stones. Every year the pond area in her yard gets bigger. They never had a pond.

Abutter:

Brad Ragaini, 158 Hartness Road, explained that the area on the corner has always been a swamp. Where the garage is, a car went off the road into this swamp in the mud. He also saw Mr. Whitney pushing stumps into the wetland area behind his house and leveling this area off. Mr. Ragaini called Mark Brigham to ask if this can be done in the wetlands, and if this is contributing to him having a problem with runoff on his property. Mr. Brigham told him to call Conservation.

M. Briggs read the notes from Mr. Brigham, highway department, saying that highway has been watching and there has not been any water in that area this year. Mr. Briggs recommends that the next time water is observed, to call Mark Brigham right away so the water can be seen. The Conservation office should be called too. Mr Briggs suggests that each party write a letter to Conservation about

their problems and this information would be sent to Mr. Brigham. Mr. Briggs asked Mr. Whitney if the Conservation Consultant, Mr. Faneuf, who is a wetland scientist, would be allowed on his property because he can determine if there are wetlands on his property. If there are wetlands on the property the Commission will have him come back to discuss what they are going to do about this. If there are no wetlands, that changes the picture then this is a simple drainage issue. If this is a drainage issue, the Commission can try to get the town to weigh in on it and do something to solve this problem.

J. Sheehan said that if Mr. Whitney's activity did result in a shift in drainage issues and this can be demonstrated, this would not be a Conservation issue. If you changed the drainage issues and this resulted in damage to property adjacent to you, they could have civil action and an environmental trespass. If the Consultant doesn't find wetlands, this would not be an issue with the Conservation Commission, but with the highway or town.

R. Whitney replied yes to allowing Mr. Faneuf to be able to check for wetlands.

J. Smith said that she talked to M. Brigham and he told her that the pictures were from two years ago.

J. Sheehan stated if there are no wetlands on the property, then the issue becomes a civil action.

M. Briggs thanked everyone for coming to the meeting.

NEW BUSINESS

None at this time

CONTINUATIONS

13 Tucker Lane

DEP#303-0685

The continuation was opened at 7:25pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installing a new septic system to replace failed system at pre-existing dwelling. Present: JoAnn Teachout, Purcell Associates for Estate of Agnes Roberts, Sandra Johnson (Agnes Roberts daughter).

J. Teachout reviewed the site walk information of the septic tank, how they crossed the road, and the trees that need to come down. She spoke of re-planting shrubs and not just trees. They would like to take the debris material out of one area (shown on the plans). She asked if they could eliminate putting additional shrubs in this particular area where the debris is now. There are 21 trees that need to come down and 11 would be put back in.

J. Smith stated that there are so many natural trees growing in the area if they take out the big trees the other would just grow, she has no problem with this.

M. Briggs said it would improve the land by removing the junk. He said to adjust as she sees fit as to what to re-plant in that area for trees.

J. Teachout would bring in a sketched plan of where the trees would go.

B. Faneuf summarized his review of the project, and the bylaw for tree replacement.

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 most recent revised plans submitted dated August 30, 2009, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Project Update

7:30pm 48 Griggs Road

DEP#303-0663

Present: William Fox, owner

W. Fox brought in a revised plan with the replanting of trees taken down. Some of the trees taken down were supposed to remain. Most of the trees marked were to be taken down, however he hadn't marked all the trees that were supposed to stay up so those got taken down also. Four trees were to be taken down and he is replanting seven.

M. Briggs read the list of trees that are coming down: 1-red maple, 3-hemlock, 1-birch, 1-elm, 1-triple clump red maple, 1-red oak, & 1-white oak, 5-white pine, and 3-white birch. Mr. Briggs asked for Mr. Faneuf's opinion on the trees.

B. Faneuf said as long as the trees replaced are native and not cultivars, he didn't have any issues.

Mr. Fox said he tried to do something about the trees that are leaning in his neighbor's yard, but was told not to. The trees were healthy looking. However the neighbor saw the stumps of the removed trees but was concerned about the trees that are still leaning.

M. Briggs told Mr. Fox to have his arborist contact Mr. Faneuf on the changes of the re-plantings.

J. Sheehan suggested he amend the plan and request a Partial Certificate of Compliance, which can be recorded.

B. Faneuf questioned the stream restoration?

W. Fox replied they haven't started that yet, but the weeds have all grown in again. He said that with that storm in the spring, trees fell on the town property and the town came and cut the trees and just left the tree right over the stream. Mr. Fox said that he hasn't been able to do the wall yet because the water is still too high. He may have to wait until the fall of next year.

8:25pm Solar Farm utilities review for Robinson's pasture off Colonial Drive

Present: Karen Decarteret, ANSAR Energy

This was tabled to a future meeting to be announced.

BOARD BUSINESS

8:30pm

The Board signed a Certificate of compliance for Quabbin Path/D. Gravison.

The Board reviewed 66 Wilderness Drive/M. Dunn's project and found the project to be progressing.

The Board signed an Amended Extended ORAD for one year for 58 Main Street, and a letter to be attached, to have a Wetland Scientist refresh the wetland flags.

Minutes

The Board voted on the minutes of September 16, 2009.

Motion: To approve the minutes of September 16, 2009 corrected by J. Smith, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

The Board voted on the minutes of October 7, 2009, with corrections.

Motion: To approve the minutes of October 7, 2009, with corrections made to the 356 Boston Road section of the minutes, 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 9:00pm.