

SUTTON CONSERVATION COMMISSION
November 3, 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

M. Briggs asked if anyone in the audience was taping this hearing.

NEW PUBLIC HEARINGS

13.5 Ramshorn Road

DEP#303-0699

The Public Hearing was opened at 7:10pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of demolish existing single-family home and construct new single family home and septic system with associated grading within 100' of Ramshorn Pond.

Present: Mark Santora, MSPE Inc., Timothy and Pennie Morway, owner, Mike McGovern, Custom Homes Builder/contractor

M. Briggs asked for the missing fees for the application.

M. Santora said the owner brought the checks for the filing. The new septic system is over the same area but not exactly on the same footprint.

M. Briggs told Mr. Santora that he would have to get a variance from the ZBA for the different footprint.

J. Sheehan explained that he needed to file with all the boards at the same time. He couldn't ask the Conservation Commission to approve something that is subject to approval by another board. You have to do all these things concurrently.

M. Santora replied that if they applied for a building permit they would need the septic approval and approval of the other boards to get the building permit. He believes this meets ZBA but they are not here for ZBA, just Conservation. The property is being used as a single-family home and the proposal is to keep it much the same, upgrade the septic system. He then explained why the septic system is in the front yard and not in the back. The grades would be the same, but they are rotating the house to be parallel with the sidelines and setback.

M. McGovern explained the setback lines and existing grandfather lot.

M. Briggs asked how many trees would be coming down, and what is the provision of replanting the trees?

M. Santora a few big trees against the house, mostly in the front. He would put the trees on the plans.

J. Sheehan questioned the well location, and explained that he needed to demonstrate with dialog before this goes to the ZBA.

J. Smith replied the well was across the street.

J. Sheehan said if the building inspector said you don't have to go to the ZBA, just get a note from the building inspector for our records. He also explained that they needed to file everything concurrently. If they need to file with the ZBA, and if their contention is that they don't need to do that, then this would be routed to all departments. Then they need to deal with the BOH, and the Conservation will not issue an Order of Conditions unless they have BOH approval, and if necessary DEP approval.

J. Smith questioned the proposed retaining wall, and how was this going to change the elevation?

M. Santora explained the deep slope would be flattened out and be less potential impact to the lake.

A. Aubin asked what would be at the edge of the water?

M. Santora replied a set of stairs with two trees, the stonewall, and the proposed retaining wall.

M. Briggs explained that the locus is not the correct locus from the Assessor's map, which is also needed on the plans.

M. Santora replied he revised the plans according to the secretary's fax to him.

M. Briggs questioned the spoils pile, where would this be?

M. Santora replied he hadn't thought about it but has guidelines for that and could put it on the other side of the roadway.

B. Faneuf summarized his site visit report and showed the video and pictures taken. He recommends wire reinforced silt fence with haybales, for this project, set up with the haybales in the back and the silt fence in the front. The other suggestion is the replanting down by the lake in opposed to adding more trees in a heavily treed area. He doesn't agree with putting shrubbery up the sidelines. He is not opposed to putting 3 shrubs to every tree removed.

See attached Ecosystem Report #

M. Briggs told Mr. Santora to put the dock on the plans.

Mr. Morway explained that the neighbor wanted some trees cut down, and the trees were viewed on the video.

J. Smith told him that if the trees belong to the neighbor he would have to come in front of the Conservation to cut down his trees.

M. Briggs said that he is going to put on the revised plans; the spoil pile and erosion control around it. The sequence of the construction is too vague, are they going to start approximately April first?

M. McGovern replied he didn't expect to start this project long after the winter and until all the frost is out of the ground, and weather permitting.

M. Briggs said for the next meeting, they will talk about the trees and remediation, super-impose the old and new plans, roof runoff and how he will handle that either through rain gardens, etc., some clarification from the building inspector, reinforced wire erosion controls, and replanting plans.

B. Faneuf told Mr. Santora also needed was a narrative for the project, as to what you are going to do, why you are doing it, and how you are going to minimize the impact. And also an alternative analysis for the upgraded septic system to explain why you put it in the location and why you designed it as you designed it.

Motion: To continue, with the applicant's permission, to November 17, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

CONTINUED PUBLIC HEARINGS

M. Briggs asked if anyone in the audience was taping this hearing.

192 Hartness Road

DEP#303-0698

The continuation was opened at 8:05pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of a single family house, driveway and landscaping within the buffer zone.
Present: Robert Murphy, Murphy Associates, James and Betty Ray, owner

M. Briggs reviewed the number of items addressed from the last meeting.

R. Murphy explained they would like to continue this hearing because they have not had a site walk. The plans show all the information requested from the last public hearing. All of the trees are shown on the plan, but twelve trees five inches or larger in diameter need to be removed. There are quite a few trees that are shown in the buffer zone. The driveway has been moved as result of the location of the trees. None of the trees in the front area need to be removed. This plan shows everything the Conservation requested and then some. All the large trees are to remain. What they found behind the house was that the area was used for agriculture purposed 30 years ago. There are a lot of 5" diameter trees, mostly white pine. There are a lot of trees that can be transplanted from the site outside the buffer zone to replace the removed trees. The house was moved as far away from the wetlands as possible to meet the 20' yard setback. An alternative analysis was provided with the NOI. The house is being designed without stairs, as a one-floor ranch to get the maximum solar gain. All the roof drainage will run into a cistern system so the owner can utilize the water for the landscape on the property. The overflow passes into a drywell system as well as the cistern system, to take advantage of the rainwater for the owners use. They also located the garage and shed on the plans, everything has been staked for a site walk. The foundation drainage is separate because they don't anticipate a lot of drainage from the foundation, but mostly from ground water. The pipe goes under the road and the swale needs to be cleaned out so the water can access the pipe.

M. Briggs said the Board could request that the highway clean out the swale, and a asked the secretary to send a note to Mark Brigham asking him to clean out the swale. If for some reason there are budgetary constraints they will look to the applicant before the Certificate of Compliance, to make sure the water coming onto his property is less.

R. Murphy pointed out based on the design if they look at the size of the wetland area, the depression storage is a low area there would be no impact to the capacity of the pipe.

M. Briggs questioned the invasive species, and what would be done.

R. Murphy replied he mentioned that in the alternative analysis that their intent was to remove the invasive species.

B. Faneuf agreed but the detailed information needed to be on the plan.

M. Briggs questioned the driveway that goes to the lower and upper garage.

R. Murphy referred to the plans to explain the driveway situation and where the drainage from the ice and snow would go.

M. Briggs said that the driveway would have to be maintained by sweeping or it would lose its effectiveness as an impervious area. Mr. Briggs stressed the fact that there should be zero phosphate used in this area.

B. Faneuf summarized his site visit information and reviewed his concerns of the disturbance in the field where the invasive species are located, and concerned with the white pines, and is concerned with the driveway location and why it can't be put on the other side of the septic system to stay out of the buffer zone area. Another concern is the limit of lawn and limit of work and wants to know why the limit of work has to go back into the forest so far. And the limit of lawn should be the limit of work.

R. Murphy replied the reason the high of the trees in that area are relative to the high of the house in that area. To let the lower story go back to a natural stage, which is a wildlife habitat increase in the area. This is to increase the solar gain for the property.

B. Faneuf said he needs a management plan for that area.

B. Ray reviewed the driveway issue, stating that by moving the driveway down it helps to getting out of the driveway, because you can't see the oncoming traffic because of the shape of the road, and the move would make it safer.

A site visit would be done on Saturday November 6th at 9:30am.

Motion: To continue, with the applicant's permission, to November 17, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

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

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 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 November 17, 2010.

M. Briggs stated that they would issue the standard letter that cc's the DEP that they failed to receive proper notification for the continuance of this hearing, and request of the DEP to hold any decision unless in advance until such time that they can further the direction.

Motion: To continue, with the applicant's permission, to November 17, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

BOARD BUSINESS

7:45pm

6R Torrey Road

Right of Way Concerns

Present: Doreen & Maro Flagg, owners

A. Aubin stepped down, as an abutter.

M. Flagg explained what they were going to do in the roadway, but would be using, minus three gravel on the roadway, because of the plowing in the winter the plows destroy the road.

M. Briggs questioned the beach area and if they considered the bushes?

M. Flagg replied he put in 24 bushes and would like to match these 24 on the other side, because it looks so good and has kept the geese off their yard.

J. Sheehan asked when they would be putting in the gravel, and when they start to call the office, because people will call and report that something is being done in that area.

9:50pm

Torrey Road/Manchaug Road/TOS/

DEP#303-0668

Present: Matt Lundsted, engineer at CEI

M. Lundsted explained that the Amendment for the OOC is to work on Irma Jones Road, for the runoff and loss of earth pass the tarred area. They would install two rain gardens on each side of the roadway, which they will cut down the earthen berm on each side of the road and turn the inlet into to a rain garden for each driveway. This is a private road and in order for DEP to fund the work, everything else was in the Municipal right of way, state boat launch, all the owners in the Association signed an agreement both to permit the work and construction on their property and agreements to maintain the facilities. They want to put some low asphalt berm along the edge to collect the runoff that is getting into one of the yards to direct it to the deep sump catch basin proposed. That deep sump catch basin will provide pre-treatment for the infiltration trench. The sumps are, a four-foot deep sump with a three and half foot invert, which are six of seven feet deep. The edge of the road is subject to erosion in one area, so they will do some kind of stone trench and edging to the road. They are proposing some cross trenches to provide underground storage in the stone voids in the trench and to also provide a level spreader for any surface water runoff if it does get down in that area and infiltrates. One trench will have a cap and the other will be open and lead into the trench from underground for the ground water. The intent is to get as much in the ground as they can.

B. Faneuf questioned and reviewed the revised plans and made comments. He also suggested there be some clean out portholes along the lake for future maintenance of the trenches.

M. Briggs asked how far the end of the trench is from the lake.

M. Lundsted replied about 22 feet. He explained that there would be not trees taken down in that area. Also there are the letters that the homeowners will maintain the trenches and clean them out. Mr. Lundsted also said the Manchaug Pond Assoc. wanted the homeowners to do the maintenance and have it tied to their property, not the Association, because they don't own any property.

J. Sheehan suggested they attach the letters as a demonstration that the homeowners signed the agreement and make sure the date is on the agreement, and to condition the amendment.

M. Briggs said they need to revised the plans and add a narrative.

B. Faneuf suggested on this Non 319 project he would like to see test holes for the water table, if the water table is wrong they may lose storage volume and it won't be an effective system, which could affect the water table.

M. Lundsted has another request for another site area, the installation of a kiosk in the parking lot area, which is an informational type sign.

M. Briggs reviewed the three changes: the maintenance plan references, and to clean out the portholes, and to change from 3" to 6" on the perforated pipe.

Motion: To amend the OOC, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Motion: To continue the public meeting to November 17, 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Unexpected Business:

The Board reviewed the plans for 199 Mendon Road so the Amended OOC can be mail out.

B. Faneuf summarized his site visit at 66 Wilderness Road, but said they still need a planting plan.

The Board signed the Certificate of Compliance for 61 W. Millbury Road, which needed to be signed for work that did not commenced to close out the lien on this property at the registry of deeds.

The secretary told the Board that on 10 Clark Hill Road trees were removed with no permit, this property is for sale, questions are being asked, by the potential buyers, about the trees that were cut down and who is going to be responsible to remove them out of the water. The Board signed an Enforcement Order for the property owner to come in front of the Board and explain the cutting of the trees.

Approve Minutes: 09-1-10, & 9-15-10

Motion: To approve the minutes of September 1st and September 15th 2010, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

The Board endorsed the extension for the ORAD for 58 Main Street.

Motion: To extend the ORAD, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Discussions:

The letter received from DEP about Swan Pond was reviewed.

The Amendment for the Rules & Regs would be discussed at a future meeting.

There were no Routing slips for discussion tonight.

The Board review the correspondence received from Nat. Grid for the Yearly Operational Plan.

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 10:15pm.