

SUTTON CONSERVATION COMMISSION
December 15, 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 Concern

7:05pm 10 Clark Hill Road

Present: Daniel Messier, owner

M. Briggs explained that a site visit was done to investigate a violation of the wetland bylaws. The way to proceed is have a professional count the number of trees felled that were 5" or greater and within 200' of the bank of the pond. The Commission will require a replanting plan. Trees were cut and tipped into the pond in the 25' no disturb area. It is reserved as a riparian zone and is important to the critters living around the pond. The owner is asked to come back with a count of the felled trees 5" and over, and come back with a replanting plan to restore the habitat value that has been lost. If this property is sold, a plan or some condition in the purchase and sale to the new buyer should exist so that this issue gets addressed and resolved. Once Mr. Messier returns with a plan and this site is brought back into compliance, the enforcement order can be dropped.

D. Messier reviewed the information with the Board to count the trees and replant in the 50' - 25' area.

M. Briggs replied he could replant blueberry bushes, mountain laurel or shrubs at a ratio of two shrubs for 1 tree. The species planted must be native species. Talk to a Wetland Scientist and come up with some kind of restoration.

D. Messier replied he would come up with a plan and submit it to the office and will pass that plan on to the buyer.

A. Aubin would like to see a letter from Mr. Messier to the Commission, as to what will pass on to the potential buyer.

M. Briggs doesn't feel the need to remove all the trees down by the pond. A few of them would be good for habitat value. He also explained that the Commission's environmental consultant will have a fee associated with this review of the plan.

B. Faneuf summarized his site visit.

NEW PUBLIC HEARINGS

None at this time

CONTINUED PUBLIC HEARINGS

13.5 Ramshorn Road

DEP#303-0699

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

The project consists of demolishing an existing single-family home and constructing a new single family home and septic system with associated grading within 100' of Ramshorn Pond.

Not Present: Mark Santora, MSPE Inc., Timothy and Pennie Morway, owner, Mike McGovern, Custom Homes Builder/contractor

M. Briggs asked if there was anyone in attendance for this filing.

The secretary stated that they were waiting for the approval from the Board of Health

M. Briggs understands that there are issues with the ZBA with setbacks.

The secretary explained that with a Title V you are not allowed to have variances if you are going to knock the house down. She will send the continuation form to the engineer.

J. Sheehan said this was a non-conforming lot and there is no sewer so they have to put in a septic system to get the Title V.

M. Briggs said on the continuation form to put they need to submit a new plan according to the regulations.

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

64 Wilderness Drive

The continuation was opened at 7:35pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of the removal of hazardous trees most of which are overhanging the residence and are dead or dying hemlocks.

Present: Stephen Dunn, owner

S. Dunn explained the changes to the plans from the last meeting and the changes from when he met with Mr. Faneuf. The changes are shown on the modified plan tonight. Mr. Faneuf suggested putting in more mountain laurel to fill in the area on the water, in exchange for taking out the three sugar maples. Mr. Dunn asked if he should come back with a list of the species he would plant, or can he fill in the plan and send it in.

B.Faneuf told Mr. Dunn to call him and tell him what he would plant. The information would be brought to the next meeting and noted for the record.

J. Sheehan suggested to red mark this plan and they can approve it, so this can be closed out.

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

Motion: To Issue a Determination of Applicability, subject to the applicant providing a planting plan approved by the Conservation Commission's consultant and to notify the Conservation Commission before work has commenced, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

7 Point Way

DEP#303-0687

The continuation was opened at 7:45pm. 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.

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.

B. Windle told the Commission that they have made the revisions that were asked for on the plan. The construction sequence is in the plan, cleaning of the pipes, and hydro seeding was added. The stone steps are not to add fill there, or no additional fill is to be placed in the man made stone area. The path would be a grassed area. He would like to put some lights in, which is included on the plan.

M. Briggs stated lights could be another issue. If he puts lights, are there going to be footings ordigging up of a foundation? Even the lighting itself can become an issue. It is unclear as to the grading along the riprap swale.

J. Sheehan pointed out the details on the plans.

Abutter:

D. Triola explained, the 55-foot cul-de-sac is owned by him. Tthe property line starts at this cul-de-sac. He owns the wall and two feet on the other side of the wall, heading straight down. He would like to see the natural vegetation not removed on his side.

B. Faneuf explained that as part of the Order of Conditions they are giving permission to remove some of the invasive plants. Some of those along the wall may be invasive plants.

M. Briggs said as part of the permit, they can say that if the removal of the invasive plants creates a disturbance along the West side along Triola's wall, the applicant will stabilize and re-vegetate as needed. Mr. Briggs said that before this project starts, they are going to have a meeting with Mr. Faneuf and go through what is actually going to happen. Mr. Faneuf will go back half way through and check it out, and the Commission goes back in the end to check it all.

B. Faneuf told Mr. Triola that if he has any grievances to contact him. These minutes have reflected Mr. Triola's concern.

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 the final plans submitted by the applicant,
by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

C. Windle asked about the outstanding fees.

B. Faneuf summarized his fee schedule and where it stands at this point and what is owed for the work that has been done.

14 Wheelock Drive

DEP#303-0686

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 construction of a pond adjacent and connected to an intermittent stream.

Not Present: Dan Nitzsche, Project Env. Scientist, Bay State, Gerald Caya

M. Briggs stated they conducted a site visit. Mr. Caya was supposed to do two things, finish the plan that was submitted to Conservation by Dan Nitzsche, and come to the meeting. Again the Commission had received no notification that they would not be at this public hearing. A letter needs to be sent to Mr. Caya as to what the Commission expects. They were disappointed that someone wasn't here tonight for this hearing. The owner needs to stabilize the Western most abutment of his crossing above Wheelock Road. Any future neglect on his part will be dealt with from a legal perspective, which may include the imposition of fines. If the Commission doesn't hear from him they will proceed legally. This letter will be drafted by the secretary, reviewed by the Commissioner, then sent to Mr. Caya.

J. Sheehan stated he still needs a Certificate of Compliance on the original Order of Conditions.

Motion: To continue, with the applicant's permission, to January 5, 2011, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

BOARD BUSINESS

8:15pm Blackstone River Coalition/Update – Mumford Low Flows/Peter Coffin

P. Coffin was here to explain why they need a support letter from the Conservation Commission for a grant. He gave an update on the Mumford River low flow, which has multiple benefits. He explained how it feeds Stevens Pond and how much water is needed to flow to maintain the habitat.

J. Sheehan explained, why the breaching of the Manchaug Dam would be a bad thing.

P. Coffin spoke about the people from the Coalition, Northbridge Con Com, Douglas Con Com, Sutton Con Com and the DEP, have been studying this river for a long time.

M. Briggs said something needed to be put together with force and guidelines by DEP.

P. Coffin told the Board that their deadline for the 604B Watershed Grant is Monday, and how they need the support letter from the Commission to get this grant. He will send his draft letter to the office for Mr. Briggs to review and would need to have it returned ASAP.

Wetland Updates & Concerns

Approve Minutes: still working on 11-17-10, 12-01-10

Endorse Permits: No permits have been issued at this meeting.

The Board signed a Routing Slip for 13.5 Ramshorn Road. A Notice of Intent has already been filed and continued to the next meeting.

Discussions:

The Board reviewed the plans from the site visit on December 4, 2010 for **Marian's Camp**.

The **34 Bond Hollow Road** plans were reviewed.

221-223 Worc. Prov. Tpke/Atlas Box, the sinkhole was checked and there are no issues.

The Board reviewed the **Shaw property**, discussed at the internal planning meeting from December 15th attended by J. Smith.

Mr. Harris, **458 Boston Road** called to let the Commission know he removed the silt fence and would like to request a Certificate of Compliance.

Mr. Briggs will do a site visit, at **48 Griggs Road**, for the request for a Certificate of Compliance.

Unexpected Business:

The Board discussed the issues with the detention ponds at **52 Peach Tree Drive** and **25 Boundary Stone Road**. Letters would be drafted and reviewed by the Town Administrator, Town Planner and Conservation, due to the easement on each property.

SWAN POND:

The Sutton Conservation Commission will no longer consider issues with Swan Pond as the dam is not in Sutton and is under the jurisdiction of Northbridge.

The Board voted on the 2011 meeting dates.

Motion: To accept the meeting schedule for 2011, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

The Correspondence was reviewed.

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.