

SUTTON CONSERVATION COMMISSION

April 6, 2011

MINUTES

Approved: \_\_\_\_\_

Present: Mark Briggs, Chair, Joyce Smith, Co-Chair, Daniel Rice,  
Unavailable: Alyse Aubin, and Jack Sheehan  
Staff: Wanda M. Bien, Secretary  
Brandon Faneuf, Consultant

**DOA Plan Update**

7:00pm **64 Wilderness Drive**

Present: Stephen Dunn

M. Briggs explained there was an issue with the changes in the plans.

S. Dunn showed the Board the changes he wants to make in the approved plan. He explained the details of the existing structure that has a screened in porch. He would like to extend this out 6' by 20' wide. The structure would be on sauna tubes and be partly screened in and partly a wooden deck without stairs. The roofline would be pulled out six feet from where it is now with a dormer.

M. Briggs questioned if it could be argued that he is changing the footprint of the house. From the Conservation's point of view he doesn't see that this is a significant impact, but he should confer with the building inspector, John Couture.

S. Dunn replied Mr. Couture is fine with it, but he wanted to make sure the Commission saw this. There would be no foundation under the porch/deck area.

Mr. Briggs recommended he put all the information of the porch and deck, with details of what it is made of, on the plan. Get the approved information from the building department to us for our records.

Mr. Briggs told the secretary to get some statement from J. Couture that he accepts this minimal change in plan. All the Conservation is going to accept is the activity, not the structure.

S. Dunn replied that if Conservation said the activity is ok, Mr. Couture would get the full plan..

M. Briggs told Mr. Dunn it would be his responsibility to get a statement from Mr. Couture, either saying he has issued a building permit, or that he is ok with these amended plans. Then come back with the revised plans to the Commission to amend the original plans. If this is a change in the footprint of the house, it would be another scenario.

B. Faneuf reviewed the plan shown to the Board at this meeting.

**Wetland Update/questions**

7:15pm **78 Torrey Road**

This was put on the agenda by mistake. This Notice of Intent has been filed in the office and will be heard at the April 20th meeting.

**Emergency Certificate**

**7:10pm 30 Horne Drive**

Present: Noah Peterson, owner, trees falling on his house

N. Peterson explained what trees need to come down, per Paul Lavoie's professional opinion from Professional Tree Co. The trees are dead and falling on his house. He would be willing to replace any trees that the Commission requires.

Motion: To issue an Emergency Certificate by J. Smith

2<sup>nd</sup>: D. Rice

Vote: 3-0-0

**NEW PUBLIC HEARINGS**

**188 Manchaug Road**

**DEP#303-0724**

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 construction of a single-family house, well and associated landscaping within the buffer zone of Lake Manchaug.

Present: Robert Murphy, Murphy and Associates, Inc., Andrew Mosher, owner

R. Murphy summarized the information from the last meeting, not being able to view the site because of the snow. There are a few additions to the plan according to Mr. Faneuf's recommendations. He added a construction entrance to the site with a note of details. They measured off the 25' no disturb zone and there will not be an issue with that area. They pulled back the well and rain garden, and sumps to the well. This will get everything out of the 25' zone, which allows them to still meet the Title V requirements and the 100' setbacks can be met. The line of Arborvitae's was pulled back further away from the pond. The swale is dried up at this time. It's a man made swale caused by the drainage pipe under the road, which is not a bordering vegetated wetland, that was dredged for drainage. It's a direct outflow from a pipe, which does not drain down to the lake. There is an old dug well that has partially collapsed that they will abandon. The existing driveway is a construction driveway that they will get rid of. The proposed driveway will be moved to another location. The intention is to utilize the 25' buffer zone for erosion control with no construction in that area.

B. Faneuf summarized his site visit after the snow melted, showing the swale and the property. He does not agree that this is just a man made swale. There is a stream that is further up that dumps into the swale.

R. Murphy said there was a dock on the property that could be called removable, and can be added to the plans.

M. Briggs replied that there needs to be more detail on the dock, if its removable or not, and needs to comply with the Conservation regulations.

M. Briggs would like to preserve as much of the mountain laurel up to the 50' area as much as possible. He asked Mr. Murphy to stake out the north wall and the rain garden, so the Commission can go out

before the tree person starts to cut the trees. The Board will not sign the Order for two weeks and can do the site visit sometime before the next meeting on April 20<sup>th</sup>.

Mr. Briggs reviewed what is needed on the revised plans: 100' buffer zone to the intermittent stream delineated on the plans, beefed up construction entrance with stones up to 6 to 8 inches with a geo tech style under matt called out in the plan. Review the mountain laurel and delineate that on the plan up to the 50' line. Give more information on the dimensions on the dock, and the permanent and temporary haybales on the 25' line.

Mr. Briggs explained there would be 800 sq. ft. of impervious surface that will be now subject to runoff from the roof. How this roof runoff will be treated needs to be on the plans. The Commission's consultant needs to be notified because he needs to submit a proposal to the Commission which will be passed along to your client. Once that check has been received, Mr. Faneuf will begin his review. If this doesn't comply, the new owners need to react to his comments in such a way that they will demonstrate the intention to comply. They will also inherit the Order of Conditions, which the Commission can amend the plan.

Motion: To continue, with the applicant's permission, to April 20, 2011, by J. Smith  
2<sup>nd</sup>: D. Rice  
Vote: 3-0-0

### **Notice of Intent Filing Update**

**458 Boston Road**

**DEP#303-0628**

Present: Tom Purcell, Purcell Associates, for David Fields, new owner

T. Purcell explained the location of the accessory apartment and where it would be attached to the house. The plans show where this addition would be in conjunction with the existing house. The septic design has been given to the Board of Health for approval.

Mr. Briggs recommended the Commission not to do anything until the Board of Health approves the septic design. He explained their next step is to determine if the replication is in compliance. The Commission will then turn the file over to the Consultant for review and he will determine the proposed estimate cost and get that information to the secretary.

The file was given to B. Faneuf, Conservation's Consultant for review.

### **CONTINUED PUBLIC HEARINGS**

**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.

Present: Attorney Irfan Nasrullah, for Gerald Caya, owner

Irfan Nasrullah was here tonight for the applicant. He would like to wrap up this file. He explained that Mr. Caya said that he needed to show that the site was stabilized, which is different from what the consultant said about the concern of the culvert in the road on Wheelock Road. He would like to know what needs to be done to bring this to a close.

M. Briggs reviewed and read the past numerous letters sent to Mr. Caya, with all the concerns and what was needed to be done to receive his Certificate of Compliance. The site visits and DEP violations were reviewed. The outstanding Enforcement Orders, along with the areas which the State and DEP are still monitoring were discussed. The State and Conservation are willing to accept the ponds. Mr. Briggs stated the Commission has received information that construction debris has been burned and is very close to the wetlands. An email and pictures were sent to Conservation by the Fire Chief and Mr. Nasrullah took copies.

I.Nasrullah wants to bring this into compliance to satisfy Conservation. He reviewed what Mr. Caya told him about the stream banks needing to be stabilized, etc.

M. Briggs explained the past information, and Mr. Faneuf reviewed the GIS aerial information back to 1997, 2005, 2007, and 2009. M. Briggs told the lawyer that the next time Counsel or the owner does not notify this Commission in due course, tickets and fines will be issued. The Commission is concerned with all the materials he is burning going downhill into the wetlands.

If Mr. Caya comes back to the Commission with a plan to restore the stream and fix the driveway, the DEP is willing to go along with Conservation to accept the pond. Mr. Briggs told Mr. Nasrullah that the replication still needs to be done.

I.Nasrullah replied that he will talk to his client and come back with a proposal. He will need longer than two weeks.

Motion: To continue, with the applicant's permission, to May 4, 2011, by J. Smith  
2<sup>nd</sup>: D. Rice  
Vote: 3-0-0

### **BOARD BUSINESS**

The Board approved eight sets of Minutes November 17, 2010, December 1, 2010, January 5<sup>th</sup> & 19<sup>th</sup>, 2011, February 2<sup>nd</sup> & 16<sup>th</sup>, 2011, and March 2<sup>nd</sup> & 16<sup>th</sup>, 2011

Motion: To approve the minutes of November 17, 2010, December 1, 2010, January 5<sup>th</sup> & 19<sup>th</sup>,  
2011, February 2<sup>nd</sup> & 16<sup>th</sup>, 2011, and March 2<sup>nd</sup> & 16<sup>th</sup>, 2011, by J. Smith  
2<sup>nd</sup>: D. Rice  
Vote: 3-0-0

The Board signed the plans for Leland Hill Estates & cont. the other 21 NOI's, and signed the Worc. Prov. RR Right-of-Way plans.

There were no routing slips for this meeting.

The cancelled site visits of April 2<sup>nd</sup> files were distributed among the members to do individual visits and report back at the next meeting.

### **Discussions:**

The extension for the **Lake Singletary** aquatic treatment was extended to 2012.

The **410 Putnam Hill Road** – Pump station pictures were reviewed from the heavy rains.

A letter was sent to the owners of **53 Burbank Road** concerning the manure pile possible within the resource area.

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M. Briggs will go to the Fin Com meeting on April 25<sup>th</sup> at 6:30pm for Bylaw changes.

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](http://www.suttonma.org).

Motion: To adjourn, by J. Smith

2<sup>nd</sup>: D. Rice

Vote: 3-0-0

Adjourned at 10:00pm.