

SUTTON CONSERVATION COMMISSION

June 15, 2011

MINUTES

Approved: _____

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

Updates:

7:00pm 343 Boston Road

Not Present: Jim Stucchi, landscaper for Franacis Visgatis, owner

The Secretary will contact Mr. Stucchi to let him know why this was continued to July 6, 2011.

NEW PUBLIC HEARINGS

458 Boston Road

DEP#303-0727 from 06-15-11

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 removing 5 dead trees, expanding the existing septic system, constructing a breezeway with an associated addition, and constructing an in-ground pool.

Present: Glen Krevosky, EBT Env. Consultants, Inc., David Fields, owner

B. Faneuf gave a comprehensive description of the project.

G. Krevosky reviewed the original NOI and Order of Conditions. He told the board the new owner, Mr. Fields, would complete the work outlined in the Order of Conditions, where the replication areas 1 & 2 needed to be re-established. He explained what was found and how they would repair this area. This work would be done before going forward with Mr. Fields proposed in-law accessory apartment which is to be built on the existing slab from th garage that was proposed on the original order. The septic expansion plans have been submitted to the Board of Health. The infiltration area is outside of the buffer zone, along with the 2 dead pine trees to be taken down.

M. Briggs reviewed the past history of the site showing that the original area of the septic system was totally cut down, then the septic system was moved to behind the house. He would like to see a few more trees replanted in the area of the disturbance of the original proposed site of the septic system where those trees were taken down. Mr. Briggs also said the pool needs to be a self circulating water system which does not discharge water outside of the pool. He would also like to have the two trees replaced with 2.5" caliper trees and the species and location are to be put on the plans.

B. Faneuf summarized his review of the site. He would like to see a limit of work, and would like to see the haybale line encompass the work because it affects the buffer zone. This language should be shown on the plans. Eradication of the invasive species present could be done also.

Motion: To continue, with the applicant's permission, to July 6, 2011, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

CONTINUED PUBLIC HEARINGS

86 Duval Road

DEP#303-0726 from 05-18-11

The Public Hearing was opened at 7:55pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a new single family house with septic system, landscaping and driveway.

Present: Raouf Mankaryous, C.E. for Robert Murphy, Murphy Associates, for Katherine Hamelin, owner.

R. Mankaryous told the commission the owner wants to keep the house where it is.

B. Faneuf reviewed his information that a buffer zone is around this isolated wetland. There is still a question of whether the stream is intermittent or perennial. The lines on the plan are of no use. He needs to go out and re-check the lines again. In this case there is a no touch zone at the first 100 feet, and he feels that this is still an intermittent stream. This needs to be overcome by observation.

M. Briggs reviewed about the stream stats and what the issues were with this filing. He asked to get as much construction out of the buffer zone that they can.

Motion: To continue, with the applicant's permission, to July 6, 2011, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

14 Wheelock Drive

DEP#303-0686 from 12-16-09

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.

Present: Attorney Irfan Nasrullah, for Gerald Caya, owner

M. Briggs said the Commission was looking for compliance and a replanting plan along the bank with stabilization, for the record. He said to give the stream shade, plant trees along the bank area, put this information on a plan and get that plan to the Commission.

I. Nasrullah replied by asking if the Commission would come and look at the existing conditions, due to the new growth, and he could show the Commission what they intended to do.

J. Sheehan suggested taking a plan done by the engineer, and adding this information to that plan with the engineers permission, and give that to the Commission.

Motion: To continue, with the applicant's permission, to July 6, 2011, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Updates:

8:15pm

15 Dewitt Road

Green Energy Leasing

Present: Christian Kruger, Forestry Engineer, Robert Maki and Verna Maki owner,

Jody Healey, Remax Real Estate Broker for Eosol Americas Solar Energy projects

R. Maki explained that he is taking some land and making a solar farm out of it. This area is more than a 100' from any wetlands.

M. Briggs told Mr. Maki that if he is going to go through or around any resource area he will have to file a Notice of Intent.

C. Kruger explained and reviewed the 100' jurisdiction of the pond and pointed out on a drawn map the location of the wetlands and the south side of the pond area where they would clear cut the 40 – 50 acres for the Solar farm. They would have to send a review to National Heritage, as this is within that protected area.

J. Healey explained this project would be between 4 – 6 Mega watts of power to Sutton first, it isn't stored, but is instant power. This company is looking to do 250 Mega watts in Massachusetts by the end of the year. Ms. Healey explained that she works for Eosol America, which is the developer and owner of the Solar Project. The company is finding about 25 sites in Mass of this scale for projects. The panels are owned by the installer company. They bond the panels so that if they goes out of business, they have a month to post the bond. After 20 years, the owner can opt to keep the panels, at a reduced life of 20-25years life span. They continue to sell the power themselves or the panels can be removed.

R. Maki replied this would be a 25 year lease to the company. He isn't planning to sell the land.

A.Aubin questioned the 61A.

C. Kruger explained that the 40 acres would come out of the 61A for the 25 years. Mr. Maki would pay the back taxes on the 40 acres. They are researching this usage information with the State. Since this is such an old law created for farmers, the State is trying to pass new laws for situations like this.

B. Faneuf was asked to bring this location up on the GIS, and the question came up about how large the pond was in the middle of the property. According to the GIS this small pond is about 2.5 acres.

C. Kruger is looking for the blessing of the Conservation Commission for this project.

M. Briggs reply is the Commission needs to see a filing with engineered plans so the Commission has a comfort level once they get all the other approvals. He is concerned with the heavy trucks going up Dewitt Road for the installation of the panels.

R. Maki replied that once this gets started he will get all the preliminary plans with the information as to what this company plans to do on the property. The engineered plans are all stamped and ready for him to turn over to the Conservation Commission.

J. Sheehan said the Commission has a policy as regards to a signature on a building permit and needs a statement from a qualified wetland professional, as to the existence or non-existence of wetlands.

C. Kruger said upon the outcome of the National Heritage, he doesn't mind reflagging the area and resetting the lines.

B. Faneuf suggested refreshing the flagging from the ORAD, and then going forward with National Heritage.

The Commission agreed but would like any information that they receive from National Heritage.

8:30pm

13.5 Ramshorn Road

Tree Replantings

Present: Timothy Morway, owner

T. Morway explained what happened the day of the tornado. They had to fix the haybales and silt fence.

When the Commission inspected the fence prior to construction, they were asked to expand the silt fence up the hill. The builder proceeded without complying.

He explained about the five trees that were miss-marked on the plans. They now are shown in the correct place on the revised plans. One of the trees is diseased and the neighbor asked if he would remove it.

M. Briggs asked about the two large trees below the new wall on the lake bank that were taken down. Are they indicated on the plans as remaining?

T. Morway replied that the top had broken off this tree, which was diseased. He wanted to remove this tree for that reason. The cedar tree was taken down due to bug infestation. He pointed out on the plans all the trees in question.

M. Briggs explained that he needs to come back with a plan showing all the trees. The Commission needs to see something on a plan, showing in detail what he is going to do to remediate the unauthorized taking down of the trees. They need to be native species, 2.5" caliper size, and shown on the plans.

T. Morway replied that he has someone that wants to take on this project, but he doesn't have the plan yet. He will call the secretary to be put back on the agenda when he has all the information and the plan.

BOARD BUSINESS

Approve Minutes of May 18, 2011

Motion: To approve the minutes of May 18, 2011, by J. Sheehan
2nd: J. Smith
Vote: 5-0-0

Endorse Permits for an Order of Conditions for 32 Horne Drive, a - Certificate for 13 Tucker Lane, Certificate for 62 Eight Lots Road, and the Extension of an Order of Conditions for 11 Carr Street were all signed. A site visit would be done for 48 Griggs Road, due to another runoff issue.

No Routing Slips were signed at this time.

Unexpected Business:

The Board discussed the previous Manchaug Pond support letter sent out previously. It needs to be re-dated and re-sent.

Violation: 45 Pierce Road – trees cut in the buffer zone of the stream, which was confirmed by J. Smith. A letter would be sent out to the owner to come to the next meeting to explain why he cut the trees down.

A site visit would be done for a Certificate of Compliance for Oakhurst/Lackey Dam Road subdivision to be signed at the next meeting.

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 9:00pm.