

SUTTON CONSERVATION COMMISSION  
December 5, 2012  
MINUTES

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

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

**Project Update**

**7:00pm**

**42 Bond Hollow Road**

Present: Tim & Shayna Fisher, owners  
J. Smith stepped down.

T. Fisher explained that the bridge was in and the equipment can cross from top to bottom. No work had been done since Tuesday and that the contractor wanted to get the asphalt down before the plant closes.

M. Briggs asked if the site was stabilized, and stated it should have been hydro-seeded months ago.

T. Fisher explained that they have hired an attorney and his advice was to give J. Barishian until the asphalt plant closes, take action towards the contractor, and hire someone else to finish the project. He told the Commission, finding out what they did tonight, he doesn't feel anything is going to be done soon.

M. Briggs said to let Conservation know in two weeks what they are going to do and get the erosion controls in ASAP.

J. Smith said that they were on site on Monday in the late afternoon and took the equipment out.

J. Sheehan explained he was on the site last week and the resource area hasn't changed, but the erosion controls still need to be secured around the resource area. His biggest concern will be in the spring because there is still ground water break out right now, and it will be worse in the spring.

**NEW PUBLIC HEARING**

**612 Central Turnpike**

**DEP#303-0756**

The Public Hearing was opened at 7:15pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of resource area delineation of wetlands.

Present: Mike Yerka, Civil Site Engineering, LLC, for Gary Vaillancourt, owner

M. Yerka reviewed the ANRAD and explained that he and Brandon walked the site to verify the wetland lines. The purpose of the ANRAD is that they are going to go to ZBA because there is not 60% upland. There is 54% instead of 60%, but there is 80,259s.f. They need the ORAD because this is a preexisting lot since 1996 and they need 48,000s.f.

M. Briggs questioned the stream on the side of the lot.

M. Yerka said they need to go to ZBA first, but B. Faneuf suggested to come to this hearing tonight, continue this hearing until June or July, then apply to the ZBA for the variance. What he would like to do

is get the ORAD tonight, then in July when the owner decides what he will do, come back with the NOI and include the stream with that filing.

M. Briggs told Mr. Yerka that the Conservation bylaw also has the 60/40 requirement. He suggested that they put part of this land into a Conservation Restriction..

The secretary gave Mr. Yerka the Conservation bylaw.

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

Motion: To issue an ORAD, on the subject property, by J. Sheehan  
2nd: J. Smith  
Vote: 5-0-0

**11 Marsh Road**  
**DEP#303-07558**

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 re-grading the rear portion of the property and installing a gravel access path.  
Present: Mark Allen, Allen Engineering, Kenneth & Karen Rapp, owners

M. Briggs stated that this ad is not quite accurate, in that this is going to be a new house.

M. Rapp replied yes but it's outside the buffer zone.

Mr. Faneuf sent pictures of the project, which the secretary put up on the screen as they reviewed this project.

M. Allen explained the past history of this property, what the project would be, and the plans shown to the Board. There is an easement to get to the existing driveway, and the septic is seven years old. No work or grading would be done within 50 feet of the wetlands or the lake. They need to replace the stones that have fallen over from the wall and they will replant seven trees, leaving many existing trees on the lot. The owner has purchased 25' of land from the Marois family to the west, in order to do this project. They do not want to disturb the area near the lake and will put their boat trailers on the west side of the new driveway.

They have the ZBA approval of the footprint and have met all set-backs required with the footprint. They also have the BOH approval with the size of the leach field.

M. Briggs suggested they look at using grass instead of the gravel driveway. And take another look at keeping the oak tree. He asked about the roof runoff and where it is going.

M. Allen replied there were no major discharges from the roof.

J. Sheehan suggests putting the runoff back in the ground, and possibly using paver stones.

M. Briggs reviewed what they need for the next meeting: change the plan so it will read a grass driveway, replace ten trees down near the lake not seven, reconsider the drainage from roof runoff, define the docks and describe them for the record, as part of the plan, and try to keep the oak tree proposed to come down.

Mr. Rapp commented that they have been living there for seven years and totally love the lake and will do anything to protect the lake and anything that will help with this process. They appreciate the Board's consideration of this project.

The Board will do a site visit on Saturday December 15, 2012 at 9:00am

Motion: To continue, with the applicant's permission to January 19, 2012, by J. Sheehan  
2nd: J. Smith  
Vote: 5-0-0

## **CONTINUATIONS**

### **56 – 58 Main Street**

**DEP#303-0757** from October 17, 2012

The continuation was opened at 8:30pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of two quadraplex housing buildings (total of 8 units) built townhouse style in the uplands area.

Not Present: Alton Stone, Alton Engineering, Thomas Finacom, owner

This has been continued, with the applicant's permission, to December 19, 2012

J. Sheehan questioned the status of the fees.

The secretary replied that the fees have been paid to Conservation, the issue is with DEP. She explained A. Stone called saying they need to continue because they don't have any further information to give to the Commission, and that he would send an email to continue to the next meeting.

M. Briggs said a letter needs to be sent out, informing them that the filing fees are insufficient. In addition, they have not addressed Mr. Faneuf's invoice.

The secretary said that Mr. Faneuf was supposed to send out a fee proposal, and maybe he did send it to A. Stone, but the office didn't receive the email. Mr. Faneuf said that the fees for the delineation were not considered with this filing. In looking in the file, the proposal was not found and she would look for the email in the morning.

The pictures from Mr. Faneuf were put on the screen and reviewed by the Board.

J. Sheehan suggested the Board doesn't do anything else until the filing fees issue is done.

Motion: To continue, with the applicant's permission to December 19, 2012, by J. Sheehan  
2nd: J. Smith  
Vote: 5-0-0

### **227 Putnam Hill Road/Blackstone National Golf Club**

**DEP#303-0747** from July 25, 2012

The continuation was opened at 8:33pm. M. Briggs read the hearing notice as it appeared in the

Millbury Sutton Chronicle.

The project consists of surface water withdrawal from wetland/pond to augment irrigation of golf course on an emergency basis only.

Not Present: Donald Provencher, Provencher Engineering, LLC, Michael Gordon, owner

This was continued, with the applicant's permission, to December 19, 2012.

J. Sheehan suggested to have them come in, they can then propose something to the Commission, give the best plan, and the Commission say yes or no. His issue that this has gotten too complicated they needed to be specific as to where they had this pump and where they put the pipe. They need to demonstrate that there is no negative impact. He went into detail as to what they need to do.

He suggested to continue, and if they won't comply, don't issue the Order and deny the application. Put them on notice that unless certain conditions have been met don't come back and ask if they can continue. He believes they have the right to use the water but don't have the right to impact the resource area. That is why they need to come back to the Commission.

M. Briggs asked J. Sheehan to draft a letter.

J. Sheehan said he would rather call Mr. Gordon and talk to him.

Motion: To continue, with the applicant's permission to December 19, 2012, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

## **BOARD BUSINESS**

### **Review of the 2013 Calendar**

Motion: To have the first meeting on January 9th and second meeting in January on the 23rd, and to accept the complete calendar for 2013, by J. Sheehan

2nd: A. Aubin

Vote: 5-0-0

**Review of the Sticker** for the first page of the Order of Conditions. B. Faneuf send this information, because people are not registering their Orders with the Worcester Registry of Deeds, and this sticker may work better than the letter that is sent out with the Orders to the owners.

**Annual Report** - The secretary has filled out her portion of the report, and needs someone to do the body of the report. This report is due in the Town Clerk's office in January.

M. Briggs read the list of the work that has been done during the fiscal year of 2012.

This report will be sent to Mr. Briggs for the annual report.

**Wetland Project Update: 27 Oak Drive** – This RDA was complete.

Approve Minutes of 08-22-12, 09-05-12, and 09-19-12.

Motion: To approve the minutes of August 22<sup>nd</sup>, September 5<sup>th</sup> and September 19th, 2012, by J. Sheehan

2<sup>nd</sup>: A. Aubin

Vote: 5-0-0

The Board endorsed the permit for **49 Duval Road**, and **13.5 Ramshorn Road**.

Site visits would be done on December 15, 2012 at 9:00am for **11 Marsh Road**, **424 Putnam Hill Road**,  
FYI: 66 Wilderness Drive – Partial C of C – Mike will be here on the 19<sup>th</sup> to review with the Board

The Board signed Routing Slips for **169 Eight Lots Road**.

Discussions were as follows: **39 Winwood Drive** – Tree issue with roots that would be destroyed when the new barn is installed, tree needs to come down.

**7 Point Way** picture would be reviewed at December 19th meeting.

**Complaint:**

**85 Griggs Road** or Davis Road – Flagg installed a dock and stairs into the lake, but is it on the Millbury or Sutton side of the cove in Ramshorn Pond?

Sand was dumped into the lake in this area also. A letter would be sent out to all involved.

The Board reviewed the Correspondence.

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. Sheehan  
2<sup>nd</sup>: J. Smith  
Vote: 5-0-0

Adjourned at 9:20pm.