

SUTTON CONSERVATION COMMISSION

April 4, 2012

MINUTES

Approved: _____

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

Project Update

7:00pm

172.5 Manchaug Road

Present: Mark Frankian, owner

A Letter was sent out to Mr. Frankian, he would be at the April 4th meeting, dead tree was taken down, now issue with diseased hemlock tree hanging over his house, and he wants to remove the branches, or take it down.

M. Briggs explained to the Board that Mr. Frankian had cut down some trees near the lake.

M. Frankian explained the tree near the house was dead and he was afraid that this tree was going to come down onto the house. He contacted an arborist who can and cut down the black birch tree and the hemlock tree is diseased.

A. Aubin explained that she stopped the arborist from cutting any more of the trees or branches, and because there were no permits from Conservation to cut any trees the owner needs to come to the Commission and explain the situation. The arborist told her that he put the paperwork in the hands of the owner and he didn't know there was no permit.

M. Briggs explained anything within the 200' of a water body would require the simple filing of a request for determination. He also explained that for every tree he took down 5" or over he will need to replace them with a 2.5 caliper tree, one for one. The Commission needs to know what you will replace each tree with, and where you will put them. A plan is needed for the record.

J. Sheehan explained that there was a time frame from the October storm that DEP was allowing property owners to cut down the trees and the owner would have only had to notify the Commission that the storm knocked down or damaged their tree/s. This would allow the owner to take down the tree/s or do work within the buffer zone, without filing with the Commission.

Mr. Frankian asked about the branches on the hemlock tree.

M. Briggs told him the branches could be trimmed as long as it is reasonable. Just notify the secretary that the tree is being trimmed and she will notify Mrs. Aubin. Also put the replacement trees on a plan, or you can use the Assessor's map to let us know what you will be doing about the other replacement trees and where you will put them.

CONTINUATION

228 Whitins Road/West Side Connector

Dep#303-0739 from 02-02-12

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

The project consists of construction of a 6,600 linear foot industrial roadway. Project includes site preparation, grading, installation of water, sewer, electrical and all associated appurtenances, with work within 100' of a BVW and one wetland crossing propose, with wetland alterations and replication.

Present: Michael Weaver, Guerriere & Halnon, Inc, Jennifer Hager, Planning Director, for Town of Sutton,

Not Present: William Cundiff, P.E. for Town of Douglas, Gary Bechtholdt, Town of Northbridge,

Land Owners: Mary Bedoian/Estate of Harry Bedoian, and

Heirs of Dorothy Vecchione: Nancy Vecchione, Dan Vecchione, Beth Vecchione, Susan Vecchione Duenas, Georgie DeVries, John C. Frost, Patricia DeCaro, James Pyne, and Gilboa Properties.

M. Weaver reviewed and explained the revised plan, dates 04-02-12, with the addressed comments from Mr. Faneuf showing the box culvert and two crossings, and the width that would be acceptable.

B. Faneuf made suggestions to be put in the special conditions for the Order of Conditions. He also read the wetland replication notes that will be in the special conditions as part of the approval, along with the possibility of the certification of a vernal pool. A MEPA process also needs to be done through the Planning Board.

See attachment #1, condition given to the Planning Board, per this meeting,

J. Hager request that they Commission make a decision with the plan that is in front of them right now, with the understanding that if MEPA or the archeological review, etc. that they have left to go through that they know they will have to come back for an amendment to the Order for any changes.

M. Briggs would like to revisit the site, but know that there isn't the financial availability to do that.

J. Sheehan said this project is subject to re-review post pre construction by each owner.

J. Hager replied that this project cannot proceed to request MEPA funding for MEPA review, or historical review, or any other review. Maybe the Commission can issue an order that contains a condition that says pre-construction, and this all has to be staked out. But to re-review all the project there is no value.

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 standard special conditions,
by J. Sheehan

J. Sheehan withdrew his motion only to read something like:

No provision of this order shall be valid nor shall any construction begin unless and until all required state and local permits are obtained including those required by other involved municipalities. The Conservation Commission reserves the right to review, through the provisions of MGL CH. 53 (g) and the Sutton Wetlands and Riverfront District Administration Bylaw, to review all aspects of the design and construction specifics of the project and amend this order. Such review may include but not be limited to the presence of vernal pools, proposed replication area, structural design, wildlife habitat, ground water protection, and tree replacement of trees felled in the buffer zone.

Motion: To issue an Order of Conditions, subject to the standard special conditions and additional condition read: no provision of this order shall be valid nor shall any construction begin unless and until all required state and local permits are obtained including those required by other involved municipalities. The Conservation Commission reserves the right to review, through the provisions of MGL CH. 53 (g) and the Sutton Wetlands and Riverfront District Administration Bylaw, to review all aspects of the design and construction specifics of the project and amend this order. Such review may include but not be limited to the presence of vernal pools, proposed replication area, structural design, wildlife habitat, ground water protection, and tree replacement of trees felled in the buffer zone, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

Wetland Concerns

29 Wheelock Road

Present: Jennifer Tousignant, owner

J. Tousignant explained they were trying to clear the stone wall of the bad barb wire and vines so they could put up another fence around the pasture. The vines were tangled around the trees so bad it was killing the trees, so they had to cut down about five of the cedar/hemlock trees, which were destroyed by the weeds. They would like to replant some sycamore trees in the wet area.

M. Briggs said that the first thing is to determine whether the work that has been done falls within the Conservation's jurisdiction.

B.Faneuf reviewed the GIS aerial that shows the wetlands and soils in this location. There needs to be a site visit also to determine the jurisdiction.

A.Aubin asked if this property is registered as a farm.

J. Tousignant replied yes and she sells horses.

M. Briggs said they need to replant some trees. To resolve this is to have the Commission's Consultant, who is a wetland scientist, walk the site with the owner, but provide the Commission with a proposal first, and he can recommend what native trees would grow in this area and where they would grow best.

J. Sheehan said to give a narrative of work with pictures and demonstrate the revisions of work done. He explained why this activity is exempt as a farm, and said that the fence post needs to be untreated.

J. Tousignant will drop off the narrative requested.

NEW PUBLIC HEARINGS

44 Marble Road

DEP#303-0741

The Public Hearing was opened at 9:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of replacing the house, well and septic system, and adding a geothermal system.

Present: Bryan Slack, Brylee Civil Engineering Co., Peter Leovich, III, owner

B.Slack explained the owner would like to replace the house with a two bedroom house but closer to the road. He gave the Board the revised plans showing the GEO Thermal information-removed from the pond. The idea of using the pond for this system has been eliminated.

He reviewed the plans showing the existing house to be moved closer to the road and explained the setback and variances they would need from the ZBA. There are two designs for the GEO thermal system shown on the plans in two locations, but the owner doesn't know which design he would like to use. Mr. Slack reviewed the existing conditions of the site and the location of where the owner would like to place the new house, and the trees that would have to come out in front of the house.

B.Faneuf explained he received the alternative analysis by Scott Jordan, Eco Tec. There is also the removal of the invasive species.

B.Shack reviewed the alternative analysis prepared by S. Jordan of Eco Tec.

Abutters:

Mrs. Lore, 28 Dudley Road, her son couldn't come as he owns the property. She said this is a busy plan, but it also involves Marble Pond, a holding pond, a spillway, which years ago was controlled by the owner. She is thrilled that someone has bought Marble Pond and hopes that they will get the gates up and the dam up, and fill the pond the way it should be filled because it's been neglected for years. Marble Pond had large-mouth bass, now there are beavers there too. She is concerned with the excavation of the large area when they put in the GEO Thermal. She is also concerned where the septic system will be installed.

B.Slack replied they would only be excavating four feet down between the roadway and new house location.

M. Briggs replied the septic system will be as far away from the brook as the breakout will allow. He said that the owner needs to check with the office of Dam Safety about the dam.

Motion: To continue, with the applicant's permission, to April 18, 2012, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

Continuation continued:

42 Bond Hollow Road

DEP#303-0633

Present: Tim Fisher & Shayna Scanlon, owners

B. Faneuf summarized his on site update.

BOARD BUSINESS

Wetland Updates from site visits:

6R Torrey Road – this was continued to April 18th meeting

13 Davis Circle – there is no filing, but evidence that there is runoff into the lake.

The Board tabled the Minutes for March 7, 2012. There were no permits to endorse at this meeting. The Board signed the Routing Slips for 122 Dudley Road.

The Board Discussions were on

530 Central Turnpike/D. Heney – Scott Mederios didn't do the replication area, the Board has not received the letter from the Planning Board, as of yet so this has been tabled to the next meeting.

40 Singletary Ave – The Commission reviewed the Email/Letter received explaining the runoff issue from soccer fields, however they cannot act until a filing is presented to them.

188 Manchaug Road – A site visit was done on March 24, 2012, and the Commission reviewed the work that was complete, however more erosion controls need to be installed.

Unexpected business:

96 McClellan Road – Purchaser wants to put up a wooden dog fence, and wants to know what to do.

The person must own the land for Conservation to advise of any work that can be done. The purchaser can become the applicant for the owner and does not have to own the land to find out if work can be done on a particular property. However a filing must be presented in front of the Commission, whether it is a NOI or RDA.

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.

Motion: To adjourn, by J. Sheehan

2nd: J. Smith

Vote: 5-0-0

Adjourned at 11:00pm.