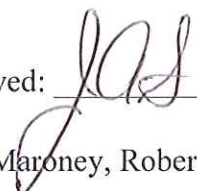


SUTTON CONSERVATION COMMISSION

December 4, 2013

MINUTES

Approved: 

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

NEW PUBLIC HEARING

12 Newton Drive

No DEP# RDA filed

The Public Hearing was opened at 7:05pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removal of one dead cherry tree and one rotted maple tree.

Present: Stan Wilczynski, owner

S. Wilczynski explained what happened and showed the Board pictures with the trees that fell and what trees are still hanging over the neighbors swim area and his own dock. There is also a dead cherry tree that needs to also come down. He spoke with Mark previously about this situation.

Mr Wilczynski explained that he would wait until winter to fell the tree/s on the ice, so it wouldn't knock any other trees out. He mentioned he would also like to get a permit for his dock and would get the specks for his dock. M. Briggs explained what was needed for the dock permit and how he could go about getting that permit. He should come in with a plot plan with the placement of the dock and the location of the replacement trees.

Motion: To continue, with the applicant's permission, to December 18, 2013, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

114 Manchaug Road

DEP#303-0768

The Public Hearing was opened at 7:20pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of replacement of sand within a beach area, construction of concrete steps a handicap access ramp, and to stabilize the beach area.

Present: Steve O'Connell, Andrews Survey, Old Holbrook Place, Linda Nelson, owner, Art Allen, Eco Tec

S. O'Connell reviewed the plans on the proposed wall and sand to be moved to its original location. He explained the erosion from about ten years ago and their previous work. The owner wants to add a ramp and wall with semi-circle stairs to prevent the sand from moving again, and having to return for the same issue.

These plans will be revised to save the tree from being removed on this original plan, and curve the ramp to go around this particular tree. A. Allen explained the difference between the original plan and this proposed plan.

M. Briggs asked if they had the contractors lined up, because they would run out of time from the draw down.

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L. Nelson replied that they are ready to start as soon as possible before the draw down ends.

M. Briggs explained that the Town of Sutton owns the Dam, and the Manchaug Pond Association has some influence and input as to the operation of the Dam. It should follow the Order of Conditions issued to the previous owner, which the Town inherited with the Dam. He asked why the staircase, off the wall?

L. Nelson replied that the reason for the stairs on the wall is for safety of the swimmers, so a small child is not caught on the other side of the wall and cannot get out of the water.

A. Allen reviewed the wall, stairs, and ramp area on the revised plans showing the eroded area and how it would be repaired. He explained there would be no new materials coming in, they would use what is already there. They would only bring in construction materials for the balance of the ramp and stairs.

M. Briggs explained that the timing is very important, and that they may have run out of time.

R. Tefft replied he would like to see all the pieces of the project designed such as the wall, and steps so that this wouldn't be started and stopped though out the project. They need the full set of plans.

M. Briggs asked for the architect and his resume for our records. He is willing to entertain a motion to issue the Order with conditions, requesting a revised plan which stipulates that any vehicle being used in this project would be rubber tired and to be kept 100' from the lake during non-operation times. If a dewatering occurs that the Conservation office be notified. He then asked if there were any unexpended funds from the old filing that could be applied to this filing.

S. O'Connell replied that would be in 2000.

The secretary didn't find any fund left from the 2000 filing.

See attachment #1 Ecosystem Solutions Report that was received for this meeting.

M. Briggs told them to proceed at their own risk, as they have not been Issued the DEP number as of yet.

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

Motion: To issue an Order of Conditions subject to revision of the plans and the details about excavator, wall and ramp details, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

458 Boston Road

DEP#303-0767 ANRAD

The Public Hearing was opened at 8:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of review in concurrence of the delineation of the Bordering Vegetated Resource

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Area line.

Present: Glenn Krevosky, EBT for David Fields, owner

J. Smith stepped down.

G. Krevosky explained that the DEP number was Issued #303-0767. He said that Mr. Faneuf looked at the site on Friday and they found no hydric soils, but there may be high water and ground water areas.

M. Briggs explained the past filing of the original house that was build. He explained the large amount of water that cascaded down the driveway area and over the neighbor's property. He explained the difference of the plans from the original location of the septic system that was changed and moved behind the house in order to build a second house. He then questioned the location of the new structure.

D. Fields explained and showed the map with the location of the barn to be built.

G. Krevosky reviewed the old evaluation of the replication area along the driveway and the hydric soils of the location.

M. Briggs reviewed Mr. Faneuf's comments

See attachment #2 Ecosystem Solutions Report that was received for this meeting.

J. Smith explained the water coming off that area that impacts 28 Eight Lots Road.

Motion: To close the Public Hearing, by D. Moroney

2nd: A. Aubin

Vote: 4-0-1 J. Smith

Motion: To issue an ORAD, by D. Moroney

2nd: A. Aubin

Vote: 4-0-1 J. Smith

Project Updates

8:20pm

19 Depot Street

DEP#303-0752

Not Present: John Connors, Polyvinyl

J. Connors continued by email to December 18, 2013.

8:25pm

26 Mallard Way

DEP#303-0755

Not Present: John Murray, owner

M. Briggs and J. Smith did a site visit at this project. J. Smith explained the matting under the mulch on the Salem side of the property.

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CONTINUATIONS

34 Bond Hollow Road

DEP#303-0769 from 10-02-13

The continuation was opened at 8:35 pm. J. Smith read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a new single family home with private water and septic on site.

Not Present: Glenn Krevosky, EBT, Inc., David Marois, owner

G. Krevosky continued, with the applicant's permission, to December 18, 2013.

Motion: To continue, with the applicant's permission, to December 18, 2013, by A. Aubin

2nd: D. Moroney

Vote: 4-0-1 J. Smith

56 – 58 Main Street

DEP#303-0757 from October 17, 2012

The continuation was opened at 8:38pm. J. Smith 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

A. Stone continued, with the applicant's permission, to December 18, 2013.

Motion: To continue, with the applicant's permission, to December 18, 2013, by D. Moroney

2nd: A. Aubin

Vote: 5-0-0

Unexpected Business

8:40pm

7 Point Way

Complaint received in the Conservation office with the Police report that was filed against Mr. Windle, on December 2, 2013.

M. Briggs reviewed the past filing with the four replanted trees that still need to be replanted.

J. Smith explained what she saw when she was sent to the site, from the complaint that came into the office. She said Mr. Windle told her he drilled the rock, broke it up buried it, and installed sand in the area.

M. Briggs explained the fines to the two newest members, how these fines work, and the Enforcement Order that would be issued.

Motion: To issue a Cease and Desist with the Enforcement Order, by J. Smith

2nd: D. Moroney

Vote: 5-0-0

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8:55pm

Mass DOT flooding issues - Putnam Hill Road/Cote Lane - gate locks

M. Briggs read the email received and explained the past issue with the flooding of the road and the several alternatives to address the flooding on Putnam Hill Road.

BOARD BUSINESS

Wetland Concerns and Updates:

42 Bond Hollow Road -this area has been stabilized for the winter.

The Board voted on the minutes of November 20, 2013

Motion: To accept the minutes of November 20, 2013, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

Discussion:

9:00pm

34 Providence Road- M. Briggs spoke with the owner, there is no impact to the resource area. The plan received shows blue berry bushes to be planted within the 200'. This revised plan would be added to the minutes for the record.

The Board is still revising this C of C letter to try to resolve the many open orders of conditions that have not received C or C's. This was continued to the next meeting.

The site visit for 21 Marsh Road - Shed removed/replaced - A letter would be sent out to explain the trench that was dug and the lack of erosion controls. It was not on the original plans.

The Board voted on the Conservation meeting list for 2014.

Motion: To accept the schedule for 2014, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

The Board reviewed the Correspondence

Anyone interested in purchasing the DVD for any public hearing at this meeting, please contact Pam Nichols in the Cable office or you can view the minutes and video at www.suttonma.org.

Motion: To adjourn, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

Adjourned at 9:10pm.

Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 114 Manchaug Road / Old Holbrook Place
Map 41, Lot 24
Applicant: Linda Nelson
Owner: Isabelle Nelson
Representative: Andrews Survey & Engineering, Inc.; Paul Hutnak, P.E.
Inspection Date: 11/29/13
Memo Date: 12/2/13

Introduction

The location is 114 Manchaug Road, the location of Old Holbrook Place/Holbrook's Camping Grounds. It is +/- 12.2 acres in size with frontage on Manchaug Road and fronts Manchaug Pond. The property extends to the west over the northern tip of Manchaug Pond, where there is no development besides a dirt road. There are three main issues the applicant wants to address:

1. Sand migrates from the southern end of the 'point' to the western side of the point through wind and wave action, and according to my conversation with Ms. Nelson, via swimmers and beachgoers in general.
2. The bank where the beach is keeps eroding. The idea is to create a retaining wall/steps that will help people into the water.
3. Provide handicap access into the water by creating a ramp.

I noticed that the full sized plans I received from Conservation are dated 11/21/13, but a .pdf file I received from Paul Hutnak is dated 11/26/13. They are slightly different.

Wetland Resource Areas On-Site

1. Inland Bank and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)
2. Bordering Land Subject to Flooding (BLSF)- no BZ or AURA
3. Land Under Waterbodies and Waterways (LUW)- no BZ or AURA

At the specific location of proposed work, only Inland Bank and BLSF apply because Manchaug Pond's banks extend greatly due to seasonal drawdown at the dam. Work is proposed up to, but not past the mean low water mark and into LUW.

The area in which work is proposed is depicted as being within FEMA Zone A- the 100 year floodplain. FEMA does not give a specific elevation for Zone A, but

we know from prior filings that the high water mark for the dam is **526.75**. This elevation was established in file no. 303-0669. This elevation has been used as a benchmark for activities that may affect BLSF along the pond in the past, and can be used here as well. The problem here is that an assumed elevation of 100 was used as a benchmark for topography. A reconciliation is needed.

Current Proposal

According to the NOI application form: "Replacement of sand within a beach area and the construction of concrete steps and a handicap access ramp to proposed safer access and better stabilize the beach area."

During my site inspection, I spoke w/ Linda Nelson and she also talked about grading the land at the top of the stairs/retaining walls, adding more steps on the west side, and how the ramp would be constructed.

Comments

1. Work is proposed within BLSF (FEMA 100yr. flood zone). The applicant must show how work will comply with the performance standards set in 310CMR 10.57. This includes showing actual elevations above msl, using the 526.75 elevation as a benchmark for the 100yr. floodplain. It also includes showing proposed grades, and a statement and calcs proving that the performance standards of 310CMR 10.57 are met and that any displacement of floodwaters is insignificant. To this effect, Ms. Nelson stated to me on 11/29 that the area above the steps will be re-graded. These grades need to be shown as well. Square footage of 2,510sf of sand is shown on the plan, but the Commission really needs to know cubic footage not just of sand to be moved, but of all changes in BLSF and how it affects flood levels.

2. Work proposed involving movement of sand, in my opinion, meets the performance standards of 310CMR 10.54 for Bank. The justification for work was backed with an analysis by EcoTec, Inc. and included in the NOI. Specifically, work will involve greater than 10% or 50 linear feet (whichever is less) of alteration to Bank, and that the Commission has the ability to presume the Bank significant to the protection of wildlife habitat, but that the current condition does not provide significant wildlife habitat function.

3. In addition to #2 above, proposed grades, even if they're estimated grades, should be depicted on the site plan for both the area where sand will be removed and where sand will be "restored."

4. The Commission has stopped accepting "by others" for engineering designs, most notably bridges and retaining walls. The proposed retaining wall (in dark gray) is noted as "by others." I presume the Commission will want a full design and a details sheet for its construction.

5. In my conversation with Ms. Nelson on 11/29, she states that she would like additional steps that hug around the existing retaining wall on the west side of the beach area, and even gave me a drawing by Rich Lovey of Busy Bee Nursery in Holden showing its outline (attached).

6. Property lines are not drawn on the plan, and this work will take place in close proximity to the eastern property boundary. In fact, it appears from the Sutton GIS Mapping site that the eastern retaining wall *is* the property line. The USGS locus map only shows the eastern third of the property and no property lines. The applicant should create a locus map showing the entire parcel, with property lines, and a square showing where activities are proposed.

7. What materials will the handicap access ramp be composed of? How will it be constructed?

8. Are any measures going to be taken to prevent future sand migration? And if not, does the Commission want to entertain a non-expiring, "maintenance" condition in this regard?

9. Will the gravel in the sand be removed before being moved? If so, how will this be done? What will be the exact sequence and procedure involved here, and how will machinery access the Bank to begin with?

10. Any other temporary erosion controls needed for the sequence of construction stated in #9 above?

11. The Commission might want to have "migrated sand" area and the "restoration" area staked out for inspection purposes.

12. In addition to erosion controls, the applicant should fully enclose the work area with a Limit of Work Line. In accordance with the Bylaw, the plan should discern between "permanent" areas of alteration associated with upland grading, stairs, retaining walls, ramp, etc., and temporary areas of alteration associated with movement of sand.

13. The best mitigation for this project (BLSF issues notwithstanding), is to assure that the existing trees that provide shade over the Bank and water continue to survive and do their job. There is currently good cover over the high water mark by mature trees. It should stay that way, and if not, a condition should be put in the OOC stating that any trees that die as a result of construction activities are replaced. Further, the 11/26 plan by Andrews depicts a 10" maple to be removed at the head of the handicap ramp. It should be replaced with a replacement area depicted on the plan.

Sincerely,
Ecosystem Solutions, Inc.
Brandon B. Faneuf, Principal
PWS, RPSS, CPESC, CWB



Date: 12-4-13

114 Wren-wren sp.
Beech Old Hobnoks
Fields