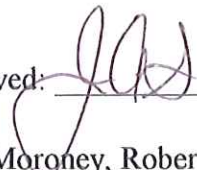


SUTTON CONSERVATION COMMISSION

December 18, 2013

MINUTES

Approved: 

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

NEW PUBLIC HEARING

223 Worcester Providence Turnpike/Atlas Box

DEP#303-0770

The Public Hearing was opened at 7:00pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of expansion of an existing manufacturing facility with associated access drives, loading area and stormwater improvements.

Present: Anthony Cleaves, Art Mahassell, & Frank Tavares, Atlas Box, William Babin, from RB Massello, their Contractors

A. Cleaves explained the Phase II project with the addition to the back of the existing building of the Atlas Box company. This included additional storm water controls, discharges into the existing stormwater basin, and the roof runoff from the new addition. The disturbance is 30' or more away from the existing wetlands. He explained the existing Town water and septic system, and the trees that would come down. Also discussed were a green roof as opposed to a white roof, how they would deal with any hazmat material spills from the trucks, spec sheets on the ADS section, trucks that would be docked at the 18 bays and the few that may be stored waiting for a free bay slot. Snow storage would be along the side of the property that they would like to purchase from the Whitinsville Waters District to do Phase III. No fill would be removed from the site, as the materials would be processed and put under the new building slab. There would be an O & M on the basins and a gage for each detention ponds with a visual for their clean out.

B. Faneuf summarized his site visit of Phase II, and explained that the Stormwater review was done with the Planning Board's review.

See Attachment #1 Ecosystems Solutions Report

Motion: To continue, with the applicant's permission, to January 8, 2014, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

Project Updates

8:20pm

19 Depot Street

DEP#303-0752

Present: John Connors, Polyvinyl

J. Connors explained that they want to re-grade the roadway behind the building with similar material to what they have there now and replace the surface with processed gravel.

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B. Faneuf explained there would be no need for a new NOI if they re-grade with the same gravel material that is there now. He reviewed where the work location is and that they would need to use erosion controls. This would be just a field change not a new NOI.

CONTINUATIONS

169 Boston Road

No DEP#RDA filed

The continuation was opened at 8:25pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of building a 12' x 18' shed row building.

Not Present: Sara Seremet, owner

This project has been withdrawn by the owner.

12 Newton Drive

No DEP#RDA filed

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 removal of one dead cherry tree one rotted maple tree.

Present: Stan Wilczynski, owner

S. Wilczynski explained the photos of the trees shown on his plot plan to help explain what he wants to do with the trees, also showing the existing stone wall and the floating dock. The total square footage is 76' by length of 23'.

Motion: To close the Public Hearing, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

Motion: To issue a Negative Determination of Applicability, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

34 Bond Hollow Road

DEP#303-0769 from 10-02-13

The continuation was opened at 8:35pm. M. Briggs 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

J. Smith stepped down as an abutter.

G. Krevosky continued, with the applicant's permission, to January 8, 2014

Motion: To continue, with the applicant's permission, to January 8, 2014, by J. Smith

2nd: A. Aubin

Vote: 4-0-1 J. Smith

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56 – 58 Main Street

DEP#303-0757 from October 17, 2012

The continuation was opened at 8:37pm. 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

A. Stone continued, with the applicant's permission, to January 8, 2014.

Motion: To continue, with the applicant's permission, to January 8, 2014, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

BOARD BUSINESS

Wetland Concerns and Updates:

42 Bond Hollow Road - B. Faneuf said that the area is stable for the winter.

7 Point Way – Enforcement Order

M. Briggs explained the beginning of the filing process and why the Enforcement Order was issued with a ticket. At every meeting a ticket would be issued until an NOI has been filed.

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

The Board Endorse Permits for **458 Boston Road/ORAD, 72 Worc. Prov. Tpke/DEP#303-19-** an Old filing the 1980's, **21 Marsh Road** – needs an extension, however it isn't due until January 30, 2014.

The Board signed the Routing Slip for **44 Lackey Road** – from the BOH per Jim Malley.

The Board would not sign for the reimbursement for **26 Mallard Way** from the Certificate of Compliance issued until the revised plan has been received.

Discussions: **Approve C of C letter** – this letter is still being revised, A. Aubin will rework the paragraphs and come back to the next meeting with the next revised letter.

A **Deadlines** list was presented by the secretary to the Board to be used for the website, explaining that Mr. Faneuf emailed a similar list to her, that was adjusted to the Sutton Conservation's meeting dates. She explained that Engineers and Applicants are always calling the office to find out the deadlines for filing

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applications. By putting this list on the website it will help the applicants and/or engineers to be able to file their applications much easier.

68 Eight Lots Road - this Certificate of Compliance would not be approved until the requesting paperwork has been received from the lawyer.

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 9:30pm.

Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 223 Worcester-Providence Turnpike / Map 18, Parcel 28
Applicant: Atlas Box, LLC
Owner: Same
Representative: Whitman & Bingham Associates, LLC
Inspection Date: 12/4/13 & 12/11/13
Memo Date: 12/16/13

Introduction

This is a Notice of Intent (NOI) for an expansion of an existing, ConCom permitted structure, known as Atlas Box Phase I, under DEP File no. 303-0671 in 2008. That Order of Conditions permitted the existing manufacturing building and associated infrastructure (entrance road, parking, retention basin, etc.). The original filing included Phase II, but with a smaller footprint than is proposed in the current filing. The original footprint of Phase I & II was 345,275sf (216,400 for Phase I bldg, and 128,875sf for Phase II addition). The current size of the Phase II addition is 188,105sf, bringing the total area of Phase I and II to 404,505sf. I performed the original NOI review for impacts to wetland resource areas, while Graves Engineering performed the stormwater review. The case remains the same with this application, although it will be a different person from Graves performing the Stormwater peer review.

The 2008 filing kept all work and structures within the confines of the old sand and gravel pit that used to be at that site. At the time, there was an erosion "blowout" coming from a cart path in the gravel pit that is now taken up by "Basin B." The erosion continued down the cart path, onto Wilkinsonville Water District property, and into the floodplain and BVW adjacent to Cold Spring Brook. There was much debate between the two property owners over how and when it started, but in the end Atlas Box repaired the blowout and removed sediment from the BVW adjacent to Cold Spring Brook

Without getting into specifics that the peer review engineer will get into, I recommend that the same standards outlined in the 2008 Stormwater Report get applied to the current NOI. This includes reconciling the 2008 O&M Plan with the current O&M Plan. A few things of note:

- The site is within the watershed of Cold Spring Brook, a designated cold water fishery. As has been done in the past, the first full inch of stormwater runoff should be attenuated for stormwater systems in this watershed.
- The 2008 S.W. Report states that the site is within a LUHPPL-Land Uses with Higher Potential Pollutant Loads. As such, the original stormwater design met additional treatment requirements.

- The site is adjacent to the Zone i & II for the Wilkinsonville Water District (the well and pump house are within sight of Atlas Box property), so regulations adhering to discharge to critical areas must be adhered to. This includes, at a minimum, pre-treatment of stormwater.

Wetland Resource Areas On-Site

1. Bordering Vegetated Wetland w/ 100' Buffer Zone/Adjacent Upland Resource Area (AURA)
2. Riverfront Area associated with Cold Spring Brook.

The extent of the Riverfront Area was depicted in the 2008 filing. I do not see it specifically marked on the current plan set. EcoTec performed the wetland delineation for the 2008 NOI, as well as an Alternatives Analysis for work in the Riverfront Area.

The extent of the Riverfront Area hasn't changed since 2008, and the current plan, if commensurate with the 2008 plan set, poses minimal impact so I don't see the need for a revised Alternatives Analysis.

The flags associated wetland boundary associated with the intermittent tributary in the northern portion of the site were practically non-existent during my site inspections. A complication to this is that BSC Group performed a delineation of wetland resource areas within the National Grid right-of-way in the northern portion of the site in 2011-2012. The OOC for National Grid was issued in 2012, which verified wetland boundaries on the right-of-way. That permit is valid through 2017, so any flagging on the right-of-way is covered under the NGrid OOC. The positive end of this equation is that the BSC Group delineation in 2011-2012 was the same as the EcoTec delineation from 2008. As such, my recommendation is to have EcoTec or land surveyor go back out to the site and "refresh" the wetland flagging for both the "AA" and "BB" Series flags. It is unnecessary to refresh the mean annual high water flags associated with Cold Spring Brook. These flags must and should be maintained throughout the project's life to the issuance of the Certificate of Compliance.

Current Proposal

To construct "Phase II" of the Atlas Box project, which includes the addition of 188,105sf of building, including all associated infrastructure. The building will be placed on the northwest side of the existing building. The building itself will be constructed on level, already disturbed ground. A large pile of fill that is the remnant of site work associated with Phase I will have to be used elsewhere or removed from the site. The new loading area will encroach upon existing "Retention Basin B" and have a retaining wall at the end. A new, proposed "Storm Water Basin C" will be constructed to the north of the new building, and mostly within areas occupied by mature forest as I interpret it from the extent of the tree-line depicted on the current set of site plans. The existing gravel access

road between Atlas Box property and the Wilkinsonville Water District will be re-aligned, with a retaining wall on its north side next to "Storm Water Basin C."

The current configuration brings the Limit of Work and associated grading, at some locations, as close as 20ft. from the "BB" Series wetland associated with the intermittent tributary to Cold Spring Brook. Per the treeline that is depicted on the current set of site plans, anywhere from 40 to 75ft. of forest will be cut to accommodate grading and the "Storm Water Basin C."

Comments

1. Per Section 7 of the Sutton Wetlands and Riverfront District Administration Bylaw (Bylaw), the applicant shall bear the burden of proving, by a preponderance of credible evidence that the work proposed in the application will not harm the interests protected by the Bylaw. This includes the 100' Buffer Zone/AURA associated with the BVW's applicable to this site, in particular the "BB" Series wetland.
2. Given the fact that the "Storm Water Basin C" and associated grading will go well into the BZ/AURA, as close as 20' from the wetland flags and disturbing up to 75' of mature forest, it is incumbent upon the applicant to show compliance with Section 7 of the Bylaw by assessing the need, potential alternatives, impacts, and how the project meets the standards associated with the current plan under Section 7. Mitigation schemes to offset proposed alterations may be taken into consideration. As has been the Commission's policy, they require that all trees >5" dbh be accounted for within the BZ/AURA that will be felled.
3. As part of the analysis, the applicant must provide evidence that there are no alternatives to disturbance of the BZ/AURA, especially the wooded portions. Can the project be re-designed, shifted away from, reduced in size, or use alternative technologies (e.g. LID Measures- the 2008 Stormwater Checklist listed "minimizing disturbance to existing trees and shrubs" as an LID measure) to attenuate stormwater runoff that would preclude all or part of disturbance of the BZ/AURA?
4. The applicable public Interests of the Wetlands Protection Act and Bylaw include all but "Protection of Land Containing Shellfish." This project should be viewed with particular interest toward new and cumulative impacts involving impacts to the Interests involving:
 - Protection of Public or Private Water Supply, Protection of Ground Water Supply, and Prevention of Pollution (WPA & Bylaw) given the proximity to the Wilkinsonville Water District wells.
 - Protection of Fisheries and Protection of Wildlife Habitat (WPA), Wild and Aquatic Life Habitats, and Recreation Values (Bylaw) due to the fact that alterations and stormwater discharge/recharge will

occur in close proximity to a tributary to Cold Spring Brook, a designated cold-water fishery.

5. Cumulative impacts should be considered given the fact that the current "Phase II" building is larger than that proposed in 2008 by 59,230sf (1.36ac).
6. Per Section 7.1 of the Bylaw, no disturbance, temporary disturbance, limited disturbance, and permanent disturbance areas must be specifically outlined on the site plan with clear Limits of Work that encompass the entirety of the work site so that there are no "open ends."
7. This application, if approved, should require a surveyed as-built plan.

Discussion

If structures and grading can kept outside of the existing wood-line and as far away from wetland resource areas as possible, which would be within the confines of the old sand and gravel pit, it is my opinion that any impacts to the Public Interests protected under either the WPA or Bylaw would be minimal and could be permitted without further analysis (pending Stormwater review). All alterations to-date have been contained within the historic gravel pit, which did not have high value in regards to protecting the Public Interests mentioned above. The new proposal, however, differs from that originally proposed in that it is larger and requires more space in areas outside of the historic gravel pit that have much higher value in regards to the Public Interests mentioned above. The type of habitat in the BZ/AURA and proximity to wetlands creates significantly higher impact than alteration of the old gravel pit alone.

It is the proposal to go into the wood-line so near the "BB" Series wetland that creates the need for additional scrutiny by the Commission. Asking whether an expansion of that size is necessary, whether it can be reconfigured, or if LID technologies or designs can be utilized to avoid or minimize impacts to the BZ/AURA are possible should be part of the public hearing discussion. If not, then a detailed analysis should be required, and one that fully mitigates for such impacts. However, given the build-out of the site, there doesn't appear to be much room for mitigation work. The applicant should take these points into consideration.

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



Date: 2-18-13[illegible]