

SUTTON CONSERVATION COMMISSION

February 19, 2014

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

7:00pm

44 Lackey Road

DEP#303-0778

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

The project consists of construction of a single family residence, asphalt driveway, septic system and related grading.

Present: Tim Callahan, Hawk Consulting, Michael Zilioli, owners, Mike & Shela, Morse, abutters

T. Callahan explained the location of the single-family house with an attached garage, driveway, and the septic system. Judy Smythe replaced the wetland flags from a previous flagging.

M. Briggs questioned the driveway, which is 60' from the wetland line and the historic wall, asking if this was a Planning Board issue.

T. Callahan replied that there was already an existing natural driveway and a break in the stone wall that would be used to enter the property. He stated they moved everything up on the property towards 30 Lackey Road, away from the 100' buffer zone, except the driveway.

B. Faneuf summarized his report from his site visit on January 1, 2014.

See attachment #1 Ecosystem Solutions report

Motion: To continue, with the applicant's permission, to March 5, 2014, by J. Smith

2nd: A. Aubin

Vote: 5-0-0

7:20pm

39 W. Millbury Road

DEP#303-0776

The Public Hearing was opened at 7:40pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a single family home with associated septic system, well, grading, driveway, and wetland crossing, a portion of which is in the BVW and adjacent to the Buffer Zone.

Present: Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners

B. MacEwen explained the change from the old retreat lots that were filed back in 2005. The owner bought both lots 39 and 33 on W. Millbury Road. They need to have the Certificate of Compliance for both lots for the 2005 Orders that expired with no work performed.

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They want to develop a common driveway for both lots, to be reviewed by the Planning Board by special permit. The plans show the Conservation restricted area, proposed house, barn, 18' common driveway to the split area between both lots, and 12' driveways up to the house locations. Eco Tec re-certified the old and new wetland delineation lines, also done by them back in 2005 with the first filing.

B. Faneuf summarized his report from his site visit on January 1, 2014. Due to the snow, he will need to do another review of the area after the snow has melted. He reviewed the signage for the restricted area. See attachment #2 Ecosystem Solutions report

M. Briggs stated that he would like to see the 18" culvert increased to a 24" culvert for the wildlife and the culvert needs to be white on the inside for this passage way. There should be markings on top of the crossing area so the snow plows and/or cars don't run off the road in that area. Signage for the Conservation Restricted area needs to be installed.

The Board will endorse the Certificate of Compliance on the old filing for this lot, so the new revised NOI filing can go forward with the driveway changes.

Motion: To continue, with the applicant's permission, to March 19, 2014, by J. Smith
2nd: A. Aubin
Vote: 5-0-0

7:40pm

33 W. Millbury Road

DEP#303-0777

The Public Hearing 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 single family home with associated septic system, well, grading, and driveway, a portion in the Buffer Zone to a BVW.

Present: Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners

B. MacEwen explained that this lot will have the replication area in the location of the old driveway crossing. The plans also show the proposed house, septic, driveway, and a pool.

B. Faneuf summarized his report from his site visit on January 1, 2014.
See attachment #3 Ecosystem Solutions report

M. Briggs explained he feels a decision can't be made until the snow melts. Then the area currently under snow can be seen.

The Board will endorse the Certificate of Compliance on the old filing for this lot, so the new revised NOI filing can go forward with the driveway changes.

Motion: To continue, with the applicant's permission, to March 19, 2014, by J. Smith
2nd: D. Moroney
Vote: 5-0-0

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Project Updates

None at this time

CONTINUATIONS

Lot #3 Silver Ledge Drive DEP#303-0774 was listed by mistake on this agenda. This was continued to the meeting of March 5th, 2014 not February 19th.

26 Mallard Way

DEP#303-0773

The continuation was opened at 8:55pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of demolition of an existing building, construction of a single family house, requisite grading, utilities and septic system expansion.

Present: Paul Hutnak, Andrews Survey, John & Alan Murray owner

P. Hutnak explained the revisions and the reason for keeping the old well for irrigation purposes.

B. Faneuf summarized his report from his site visit

See attachment #0 Ecosystem Solutions report

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 changing the limit of work on the new plans, and the approvals of the other boards, 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 9:05pm. 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

G. Krevosky continued, with the applicant's permission, to March 5, 2014.

Motion: To continue, with the applicant's permission, to March 5, 2014, by J. Smith

2nd: A. Aubin

Vote: 4-0-1 J. Smith

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BOARD BUSINESS

Wetland Concerns and Updates:

42 Bond Hollow Road - *this area is stable for the winter.*

The minutes were tabled to the next meeting for further review.

The Board Endorsed a Certificate of Compliance for 33 & 39 W. Millbury Road, to close out the old Order of Conditions, as no work had been done.

The Discussion was about the letter needed by the town Accountant as to who will sign for the bills to be paid from the budget. The letter needs to be retyped and the two signature names added.

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 9:20pm.

ATTACHMENT # 1

Brandon B. Faneuf, Conservation Consultant Sutton Conservation Commission
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Application Type: Notice of Intent
Project Location: 44 Lackey Road
Map 42, Parcel 87 (shown as Parcel 44 by applicant)
Applicant: Michael & Cynthia Zilioli
Owner: Same
Representative: HAWK Consulting, Inc.; Tim Callahan, PLS
Inspection Date: 1/1/14
Memo Date: 2/19/14

Introduction

The Tax Assessor's office has confirmed that this lot is actually Map 42, Parcel 87, and *not* Parcel 44. The NOI form and plans should be corrected, and a copy sent to DEP in addition to the Conservation Commission's copies.

This is an application that resulted from a routing slip from BOH in late 2013. I visited the site on January 1, 2014 to investigate what is now flagged as an isolated wetland at the curve on Lackey Road. I also found a low spot in the hay field, currently just west of the leach field for the septic system, that drains south into the woods. It is not a wetland area, but does concentrate flow and feed the wetland just off-site.

This property is part of a subdivision of a much larger Parcel 44 that was originally 45 acres in size and had frontage on Lackey and Manchaug Roads. It was subdivided into two lots, this being one of them, in August 2013. The Assessor's office states that there are plans to continue subdividing the original lot into an additional 3 lots.

The subject parcel is a combination of hay field, hedgerow, and copse of trees in the area of the IVW. The revised Assessor's maps haven't come out in time to show this subdivision, so the exact boundaries in relation to the rest of the landscape have to be approximated.

Wetland Resource Areas On-Site (Jurisdiction)

1. Bordering Vegetated Wetland (BVW) and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)
2. Isolated Vegetated Wetland (IVW) and associated Adjacent Upland Resource Area (AURA)

I have no comments on the wetland delineation.

Other (Potential Vernal Pool)

The applicant has depicted on the site plan that on 1/21/14, there was a maximum water depth of 9" in the isolated wetland, equaling 158 cubic

feet. Per the Sutton Bylaw, an area must be at least 200 cubic feet to qualify as a vernal pool. I have already stated in my response to the routing slip that I doubt the IVW functions as a vernal pool, but the Commission may, at their discretion, require further observation into the vernal pool season (March-June) to verify if a) the area of standing water gets larger, and b) there are the requisite vernal pool species utilizing it.

Presumptions of Significance to the Public Interests Under WPA and Bylaw

- Public and Private Water Supply
- Protection of Groundwater Supply
- Flood Control
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Fisheries
- Protection of Wildlife Habitat

Additional Presumptions of Significance to the Public Interests under the Bylaw

- Erosion and Sedimentation Control
- Water Quality and Water Pollution Control
- Agriculture
- Recreation and Aesthetic Values

Current Proposal

To construct a single family house, well, septic system, driveway, and recreational yard. The driveway will come off Lackey Rd. approximately 87' south of the northeast property corner and lead 115' west to the house, a slab-on-grade structure. The yard to the south of the house will be filled in order to create a level surface because that's where the leach field will be located. There will be a 1ft. drop in elevation from the house to the southernmost pipe as a 'conventional' system is proposed. To the south and east beyond the leach field, the fill perimeter for breakout goes out another 15' before dropping in a 3 to 1 slope down six feet to original grade. The plan shows a minimum distance of 30' from the IVW, which is labeled as BVW.

Most of the house, septic system, and all of the driveway are in the AURA of the IVW.

I can't tell exactly to what degree woody vegetation will be affected because the wood-line wasn't depicted on the site plan.

Comments

Impact Avoidance & Minimization (Bylaw Section 7)

1. Please depict the tree/shrub line on the site plan in order to better assess the habitat on-site.

2. Given the lot layout and zoning requirements, please explain why another configuration that would avoid the 100' AURA of the wasn't possible, or why the current configuration is warranted with appropriate mitigation.
3. If permanent alterations to the 100' AURA cannot be avoided, an assessment of the habitat (by at least depicting the tree/shrub line) is warranted in order to best define what mitigative measures would be appropriate to mitigate for work within the AURA. In this case, I would prioritize mitigative measures in the following way:
 - a. Invasive plan eradication, as I noticed invasive plants in the copse of woods where the IVW is located, along with wildlife enhancements such as throwing branches into the area of standing water (the area cannot be manicured);
 - b. Planting of trees or shrubs in the AURA that have wildlife value, with a long-term requirement to keep invasive plants out;
 - c. Maintaining areas in or outside of the AURA in an early successional state, including continued use as hay field.
4. The Permanent Limit of Work (LOW) only encompasses areas within the 100' AURA. The LOW must be extended to include all areas of disturbance, inside or outside of jurisdiction.
5. The LOW must completely encompass areas of permanent, temporary, and/or limited alteration (see Section 7.1.1-7.1.4) with no open ends- either encircling areas of alteration, or connecting to a property line. This normally coincides with the erosion controls.
6. Signage or granite bounds at ground level in lawn areas marking the edge of permanent disturbance within the AURA is recommended at the LOW adjacent to wetland resource areas and/or in the AURA.
7. What will happen to areas within the AURA that is currently hay field once the property is in residential use?
 - a. Will they continue to be hayed and therefore in agricultural use?
 - b. Is this agricultural use for-profit? Only for-profit agricultural practices enjoy certain exemptions from the WPA, 310CMR 10.00, and the Bylaw. Receipts are necessary to prove for-profit agricultural use.
 - c. If not to be continued in agricultural use under b) above, the applicant must make a determination as to what level of disturbance will be employed in areas of what is now the hay field: no-disturbance and therefore allow to re-vegetate, limited disturbance (allow to be cut or otherwise managed periodically), or permanent disturbance, which would be lawn.

Erosion/Sedimentation Controls

8. I recommend use of silt fence, at least 5' from the base of steep slopes, such as around the septic system. Otherwise, erosion controls may consist of straw wattles large diameter straw wattles or mulch soxx, with 100% biodegradable sheathing, with a backing of orange snow fence. Amend the site plans with appropriate erosion barrier details, especially to show that sheathing must be 100% biodegradable and without fixed diameter openings (e.g. burlap sheathing or natural rope with movable openings to prevent wildlife entrapment).
9. Depict dedicated stockpile areas, with erosion controls on the downhill side.
10. Depict controls for roof runoff, along with any details (e.g. drywell).
11. A strip of crushed stone, at least 3/4" in size, and 6" wide and 6" deep, is recommended on the south side of the driveway wherever it may be ultimately placed on the landscape.

Other

12. State the general sequence of work as notes on the site plan.
13. The plan presented is a septic system design plan. The details associated with the septic system are extraneous for this filing. Details associated with erosion/sedimentation controls can take their place, as well as construction sequencing notes, details on crushed stone strip on the side of the driveway, drywells, etc.
14. The title of the plan should be changed to "Notice of Intent Plan."
15. The NOI form describes the site as Map 42, Parcel 44. The correct parcel number is Parcel 87. Please make corrections, and send a copy of page one of WPA Form 3, with an explanation, to DEP asap. Put the Map and Parcel number on the title block of the site plan.
16. The locus map shows 34 Lackey Rd., which is incorrect. Please change.
17. The IVW (flags JBS-1 through JBS-11) should be labeled as such.
18. The "100' Buffer" should be labeled "100' AURA."

Sincerely,
Ecosystem Solutions, Inc.
Brandon B. Faneuf, M.S., Principal



Brandon B. Faneuf, Conservation Consultant Sutton Conservation Commission
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Application Type: Notice of Intent
Project Location: 39 West Millbury Road
Map 22, Parcel 138
Applicant: Tamam & Zena Jaber
Owner: Same
Representative: GRAZ Engineering, LLC; Brian MacEwan, PLS, EIT
Inspection Date: None to-date; snow cover prohibits analysis
Memo Date: 2/18/14

Introduction

A previous application is on file for this property (DEP no. 303-0581), and was issued on May 17, 2006. This parcel was part of a subdivision of Map 22, Parcel 34. Today, there are six lots, including the original house lot on Parcel 34. Five of them have frontage on West Millbury Rd., and one has frontage on the unimproved section of Woodbury Rd. The original access for Lot 138 was along the northern property line adjacent to the Tennessee Gas pipeline. No fill of BVW was required, but the driveway skirted very close to the BVW boundary.

The property is within Estimated Habitats of Rare & Endangered Species. A MESA filing (NHESP Tracking # 05-1773) was submitted in 2005. The current application states that the review is ongoing with the same tracking number. The Commission must wait for NHESP to make a decision before issuing an Order of Conditions.

GRAZ Engineering came to the Commission in 2013 for a pre-application consultation, stating that the lot lines needed to be amended for Parcels 136 & 138 because the new owners, who own both lots wish to develop them with access by a common driveway over the front portion of Parcel 138. By using the current configuration, BVW fill is required. However, the restoration/replication of the existing cart path over an intermittent stream and BVW on Lot 136 mitigates for fill required under the current configuration.

The proposed common driveway was been submitted for preliminary review by the Town Planner and NHESP. GRAZ states that both have been met with positive responses for the concept. Simultaneously with this formal submittal to the Conservation Commission the Owner/Applicant has also filed with the Planning Board for a modification to the Retreat Lot property lines and for a Special Permit for the proposed Common Driveway. These submittal plans are also being sent to the NHESP for review and comments relative to the design but also the modification of the **Conservation Restriction Areas** on both lots. In addition, these plans are being submitted to the Tennessee Gas Co. for review and comments relative to the driveway crossing and design grades within their easement. In regards to the TN gas line, portions of the driveway will be in their

easement. The house, yard, septic, well, and barn. will be outside their easement. The house and ancillary structures are sandwiched between TN Gas to the south and the NE Power overhead electric lines to the north.

Wetland Resource Areas On-Site (Jurisdiction*)

I was not able to perform a wetland resource delineation review due to heavy snow cover. The wetland boundaries may be amended, and new resource areas may be added before the public hearing is closed. However, at least the following wetland resource areas exist per the wetland scientist's report (by EcoTec).

1. Bordering Vegetated Wetland (BVW) and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)
2. Inland Bank of an intermittent stream and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)

Presumptions of Significance to the Public Interests Under WPA and Bylaw

- Public and Private Water Supply
- Protection of Groundwater Supply
- Flood Control
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Fisheries
- Protection of Wildlife Habitat

Additional Presumptions of Significance to the Public Interests under the Bylaw

- Erosion and Sedimentation Control
- Water Quality and Water Pollution Control
- Rare and Endangered Species Habitat
- Recreation and Aesthetic Values

Current Proposal

To construct a single family house with separate barn, driveway, well, septic system, and recreational yard. Utilities will be underground, under the driveway, with a transformer pad at the spot where the two driveways split. The common driveway to the subject house, and Parcel 136 occurs on this property. They go hand-in-hand, however, because mitigation for BVW fill on Lot 138 occurs on the subject lot, Lot 136. Mitigation is in the form of elimination of an existing crossing over an intermittent stream and BVW. Fill associated with the existing BVW crossing will be removed, and treated like a wetland replication area. Trees, shrubs, and herbaceous cover are proposed in the replication area. The BVW and stream restoration/replication will be $\pm 2,620$ sf in size, with 25 linear feet of Bank being restored on Parcel 136. According to the applicant, the new crossing does not require destruction of Bank, while the BVW fill associated with the common driveway is depicted on the site plan at $\pm 1,823$ sf. .

In order to construct the driveway and minimize impacts to BVW, the applicant has depicted an interlocking concrete retaining wall. Per Zoning regulations, the common driveway must be a minimum of 18' in width. At the low point in the BVW, the applicant has shown 2-24" CPE culverts to allow flow-through and prevent backup of water on the upgradient side of the crossing. This is a major design concern as it could cause flooding problems or an expansion of the wetland area on the upgradient end. On the downgradient end, it could dry the wetland. If the culvert is not placed at the correct elevation, it could disconnect hydrology of the upgradient end of the BVW. If that is the case, then the amount of BVW disturbance is much higher than 1,823sf.

Comments

1. Due to heavy snow cover, an analysis of the wetland resource area types, boundaries and wildlife habitat could not be made. All comments made below are dependent upon these analyses. The hearing must be continued to allow for snow melt so I can perform an adequate analysis of wetland flagging and wildlife habitat. Further, the project is being reviewed by Planning Board, NHESP, and Tennessee Gas. Their comments may affect the project as currently proposed.
2. Once NHESP review is complete, please depict all areas under Conservation Restriction on the site plan.

Impact Avoidance & Minimization (Bylaw Section 7)

3. Via the pre-application meeting, I believe that the applicant has adequately justified to the Commission that there are no alternative access points and that a shared driveway will not create adverse impact to wetland resource areas or the AURA *in association with the common driveway crossing or access into Lot 138*. The restoration of the existing crossing on Lot 136 counter-balances impacts that will be incurred as part of the new crossing.

Limit of Work and Erosion Controls

4. A defined Limit of Work must completely encompass areas of permanent, temporary, and/or limited alteration (see Section 7.1.1-7.1.4) with no open ends. This includes a line that goes all the way around the house. Separating permanent from temporary or limited disturbance areas is crucial.
5. Will permanent signage be required as part of the Conservation Restriction? If so, add them as part of the plan. If not, signage is recommended at the LOW adjacent to wetland resource areas and/or in the AURA.
6. Label areas of permanent Conservation Restriction per NHESP.

7. I recommend use of silt fence, at least 5' from the base of slopes that are $\geq 10\%$. Otherwise, erosion controls may consist of straw wattles large diameter straw wattles or mulch soxx, with 100% biodegradable sheathing, with a backing of orange snow fence. Amend the site plans with appropriate erosion barrier details, especially to show that sheathing must be 100% biodegradable and without fixed diameter openings (e.g. burlap sheathing or natural rope with movable openings to prevent wildlife entrapment).
8. "Critter passes" may be eliminated if silt fence is not used.
9. Depict dedicated stockpile areas, with erosion controls on the downhill side.
10. Depict controls for roof runoff, along with any details (e.g. drywell).

Crossing

11. How much more BVW disturbance would be created if retaining walls were eliminated? Would it exceed the 2,620sf that is part of the replication? A grassed slope would facilitate small wildlife movement better than a retaining wall, and would be less expensive.
12. Silt fence should be prohibited in any area that would be perpendicular to flow in the BVW.
13. Outline stockpile areas with appropriate erosion controls.

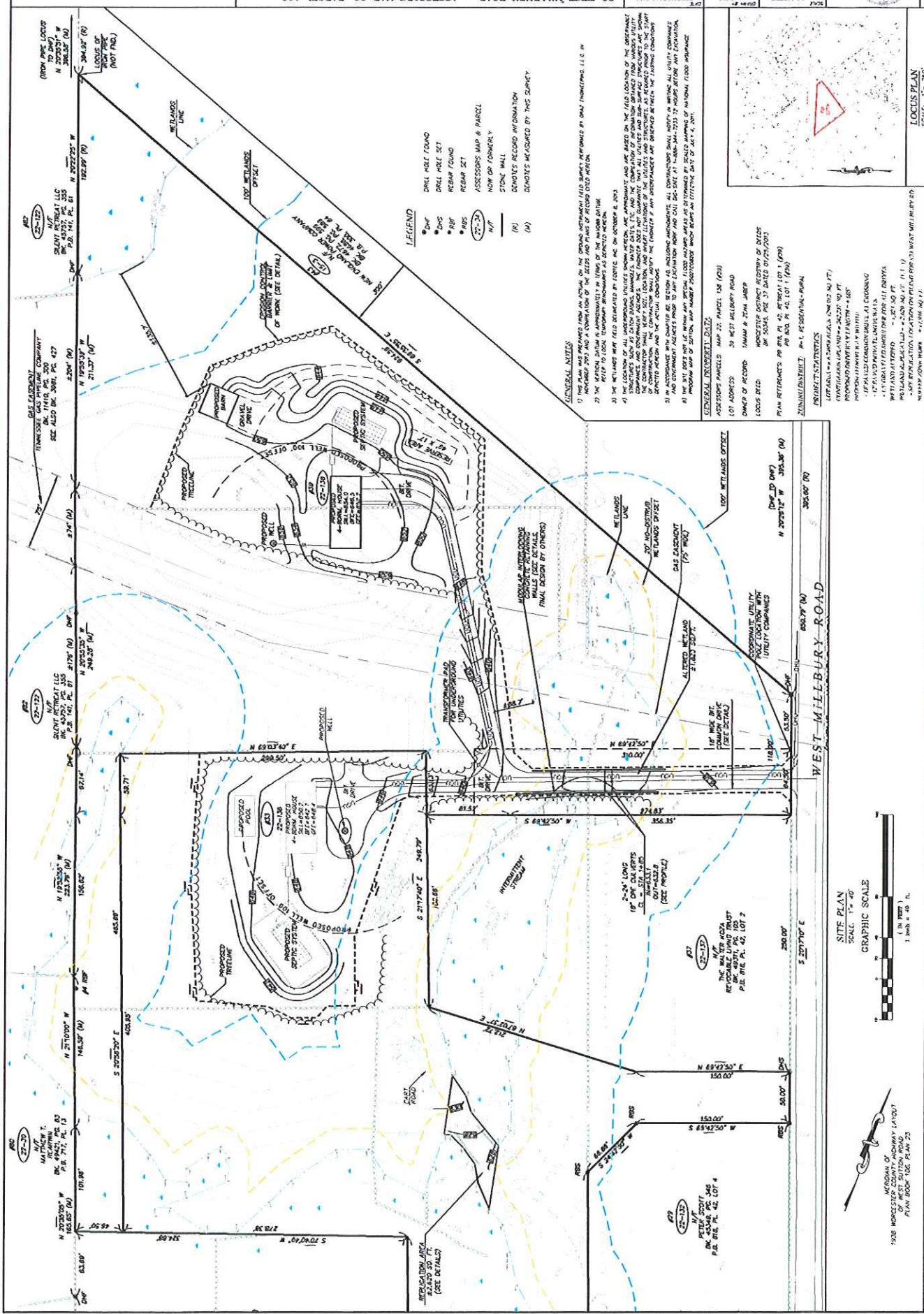
Other

14. The plans also depict Lot 136, which although related via the common driveway, is not part of the subject application. The problem involves having a plan of record on file that depicts work on both lots, when this OOC only covers Lot 138. It will create confusion and potential legal problems in the future. I recommend an overall subdivision/site plan that depicts the relationship between the two, either on a different sheet, or as an insert on the existing plan. But I recommend maintaining the plan view on Sheet 1 to show only work on Lot 136, and thereby separating the two applications. Any details relating to the crossing can be eliminated on Sheet 2. **One suggestion is to outline the work on Lot 136 in light gray, as opposed to black, and to make a note on Lot 136 that reads: (See DEP file no. 303-0777).**

15. State the general sequence of work as notes on the site plan.

Sincerely,
Ecosystem Solutions, Inc.
Brandon B. Faneuf, M.S., Principal





SITE PLAN
SCALE: 1" = 40'

GRAPHIC SCALE

(IN FEET)
1 inch = 40 ft.

LOCUS PLAN

WETLAND REPLICATION - 2/2/80 NO. 17 11 11



Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 33 West Millbury Road
Map 22, Parcel 136
Applicant: Tamam & Zena Jaber
Owner: Same
Representative: GRAZ Engineering, LLC; Brian MacEwan, PLS, EIT
Inspection Date: None to-date; snow cover prohibits analysis
Memo Date: 2/18/14

Introduction

This is a Limited Project under 310CMR 10.53(3)(e) for a single family driveway where no other means of access exists. A previous application is on file for this property (DEP no. 303-0581), and was issued on May 17, 2006. This parcel was part of a subdivision of Map 22, Parcel 34. Today, there are six lots, including the original house lot on Parcel 34. Five of them have frontage on West Millbury Rd., and one has frontage on the unimproved section of Woodbury Rd. The original access for Lot 136 was through an existing cart road that already had a crossing over a BVW and intermittent stream. That access point will now be abandoned (see below).

The property is within Estimated Habitats of Rare & Endangered Species. A MESA filing (NHESP Tracking # 05-1773) was submitted in 2005. The current application states that the review is ongoing with the same tracking number. The Commission must wait for NHESP to make a decision before issuing an Order of Conditions.

GRAZ Engineering came to the Commission in 2013 for a pre-application consultation, stating that the lot lines needed to be amended for Parcels 136 & 138 because the new owners, who own both lots wish to develop them with access by a common driveway over the front portion of Parcel 138. By removing the crossing on Lot 136, it will eliminate a stream crossing, while the common driveway crossing will be upgradient of the head of the stream, per the applicant's statements via GRAZ. The original submission in 2006 accessed the buildable portions of the lot via the existing crossing.

The proposed common driveway has been submitted for preliminary review by the Town Planner and NHESP. GRAZ states that both have been met with positive responses for the concept. Simultaneously with this formal submittal to the Conservation Commission the Owner/Applicant has also filed with the Planning Board for a modification to the Retreat Lot property lines and for a Special Permit for the proposed Common Driveway. These submittal plans are also being sent to the NHESP for review and comments relative to the design but also the modification of the **Conservation Restriction Areas** on both lots. In

addition, these plans are being submitted to the Tennessee Gas Co. for review and comments relative to the driveway crossing and design grades within their easement.

Wetland Resource Areas On-Site (Jurisdiction*)

I was not able to perform a wetland resource delineation review due to heavy snow cover. The wetland boundaries may be amended, and new resource areas may be added before the public hearing is closed. However, at least the following wetland resource areas exist per the wetland scientist's report (by EcoTec).

1. Bordering Vegetated Wetland (BVW) and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)
2. Inland Bank of an intermittent stream and associated 100' Buffer Zone (BZ) and Adjacent Upland Resource Area (AURA)

Presumptions of Significance to the Public Interests Under WPA and Bylaw

- Public and Private Water Supply
- Protection of Groundwater Supply
- Flood Control
- Storm Damage Prevention
- Prevention of Pollution
- Protection of Fisheries
- Protection of Wildlife Habitat

Additional Presumptions of Significance to the Public Interests under the Bylaw

- Erosion and Sedimentation Control
- Water Quality and Water Pollution Control
- Rare and Endangered Species Habitat
- Recreation and Aesthetic Values

Current Proposal

To construct a single family house with driveway, well, septic system, pool, and recreational yard. The common driveway to this parcel occurs on Lot 138 (39 W. Millbury Rd.), so the driveway isn't part of this application. They go hand-in-hand, however, because mitigation for BVW fill on Lot 138 occurs on the subject lot, Lot 136. Mitigation is in the form of elimination of an existing crossing over an intermittent stream and BVW. Fill associated with the existing BVW crossing will be removed, and treated like a wetland replication area. Trees, shrubs, and herbaceous cover are proposed in the replication area. The BVW and stream restoration will be $\pm 2,620$ sf in size, with 25 linear feet of Bank being restored. The new crossing does not require destruction of Bank, while the BVW fill associated with the common driveway is depicted on the site plan (for Lot 138) at $\pm 1,823$ sf.

Comments

1. Due to heavy snow cover, an analysis of the wetland resource area types, boundaries and wildlife habitat could not be made. All comments made below are dependent upon these analyses. The hearing must be continued to allow for snow melt so I can perform an adequate analysis of wetland flagging and wildlife habitat. Further, the project is being reviewed by Planning Board, NHESP, and Tennessee Gas. Their comments may affect the project as currently proposed.
2. Once NHESP review is complete, please depict all areas under Conservation Restriction on the site plan.

Impact Avoidance & Minimization (Bylaw Section 7)

3. Via the pre-application meeting, I believe that the applicant has adequately justified to the Commission that there are no alternative access points and that a shared driveway will not create adverse impact to wetland resource areas or the AURA *in association with the common driveway crossing*. The restoration of the existing crossing on Lot 136 counter-balances impacts that will be incurred as part of the new crossing.
4. In the northwest corner of the yard, state the necessity for yard within the 100' AURA, and what measures have been employed to mitigate for such alterations. An analysis of the forest cover/habitat may be necessary to determine adequate mitigation measures.
5. On the eastern side of the house, and presuming the area within the LOW will be maintained as permanent lawn, state the need for permanent lawn. Also state the need for perimeter fill around the septic system within the AURA (i.e. why the AURA could not be avoided). If the area is to be permanently maintained, mitigation must be proposed for impacts within the AURA.

Limit of Work and Erosion Controls

6. A defined Limit of Work must completely encompass areas of permanent, temporary, and/or limited alteration (see Section 7.1.1-7.1.4) with no open ends. This includes access to the replication area in addition to other areas currently within the proposed tree-line. Separating permanent from temporary or limited disturbance areas is crucial.
7. Will permanent signage be required as part of the Conservation Restriction? If so, add them as part of the plan. If not, signage is recommended at the LOW adjacent to wetland resource areas and/or in the AURA.

8. Although the plan calls for restoration/replication of the existing crossing during the low/no-flow period from July-Oct., I do not recommend that silt fence be used in and around the stream. Instead, large diameter straw wattles or mulch soxx, or coir logs, with 100% biodegradable sheathing without fixed diameter openings, can be used in the stream. I recommend doubling them up in the thalweg of the channel.
9. The grades on this property appear moderate enough to prohibit use of silt fence. Erosion controls may consist of straw wattles large diameter straw wattles or mulch soxx, with 100% biodegradable sheathing, with a backing of orange snow fence. Amend the site plans with appropriate erosion barrier details, especially to show that sheathing must be 100% biodegradable and without fixed diameter openings (e.g. burlap sheathing or natural rope with movable openings to prevent wildlife entrapment).
10. "Critter passes" may be eliminated if silt fence is not used.
11. Depict dedicated stockpile areas, with erosion controls on the downhill side.
12. Depict controls for roof runoff, along with any details (e.g. drywell).

Wetland Replication

Comments in relation to the Wetland & Stream Restoration Protocol on Sheet 2 of 2:

13. As mentioned above in Comment 8, silt fence in the channel, or any area perpendicular to flow, should be prohibited. Amend Comment 3 appropriately.
14. Depict erosion controls in area of wetland replication on Sheet 1.
15. In conjunction with Comment 11 above, outline stockpile areas with appropriate erosion controls in relation to Protocol Comment 9.
16. I recommend a less ubiquitous shrub than sweet pepperbush to compliment highbush blueberry and winterberry. Please amend Comment 11 appropriately.
17. Per Comment 12, it is imperative that any chopped leaves or straw used on the floor of the replication area be weed free.

Other

18. The plans also depict Lot 138, which although related via the common driveway, is not part of the subject application. The problem involves having a plan of record on file that depicts work on both lots, when this OOC only covers Lot 136. It will create confusion and potential legal

problems in the future. I recommend an overall subdivision/site plan that depicts the relationship between the two, either on a different sheet, or as an insert on the existing plan. But I recommend maintaining the plan view on Sheet 1 to show only work on Lot 136, and thereby separating the two applications. Any details relating to the crossing can be eliminated on Sheet 2.

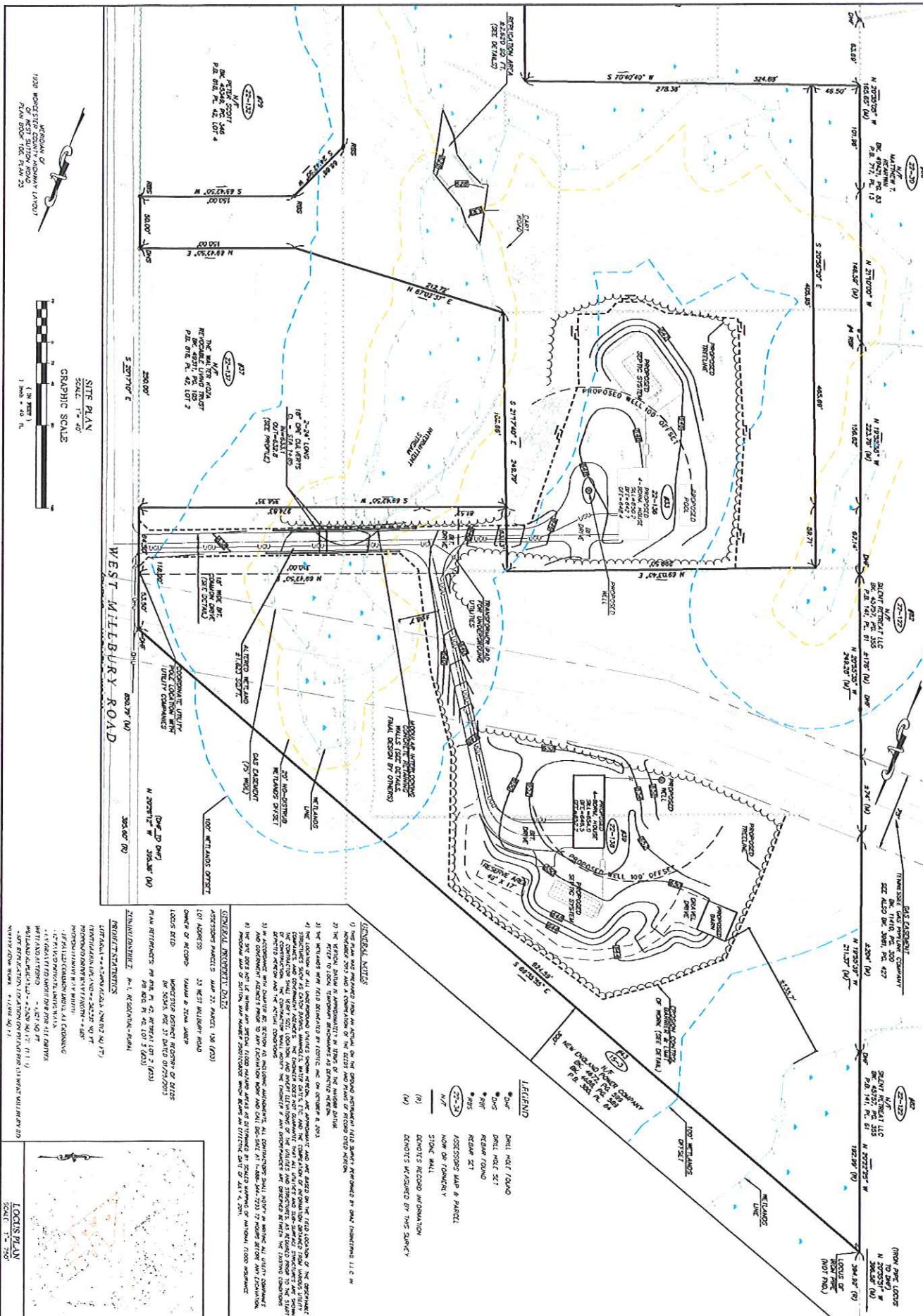
19. Re-name the 'Replication Area' callout as 'Replication for permanent alteration to BVW via common driveway on Lot 138. (see DEP File no. 303-0776.)'

20. State the general sequence of work as notes on the site plan.

21. What will be the ultimate, permanent state of the cart road on either side of the replication area within jurisdictional areas?

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





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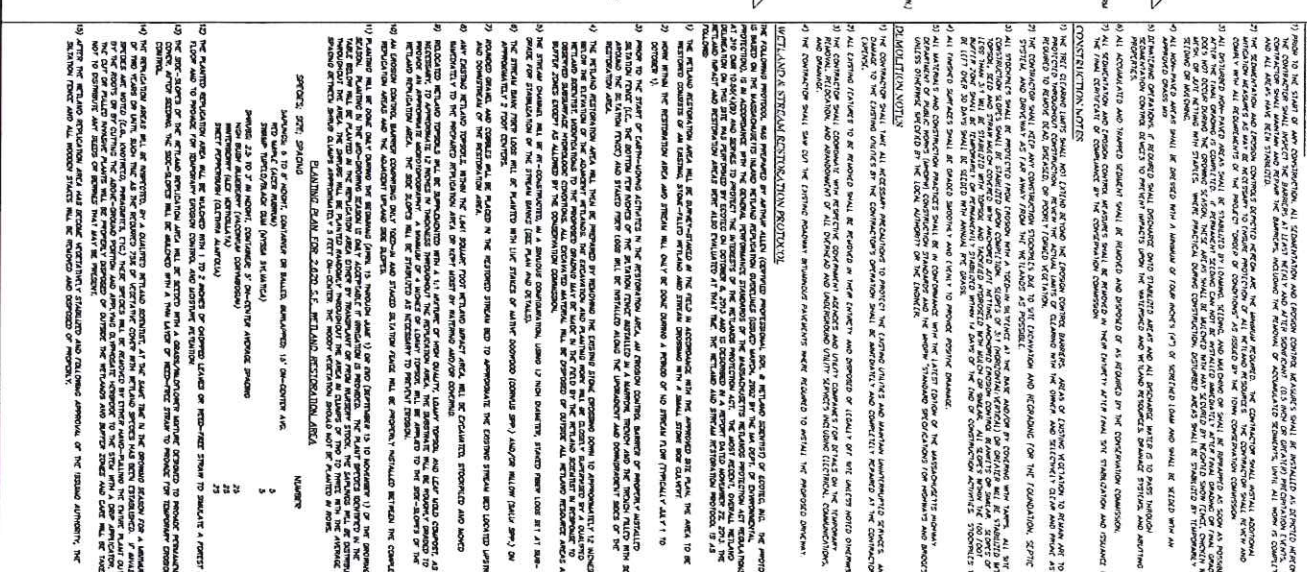
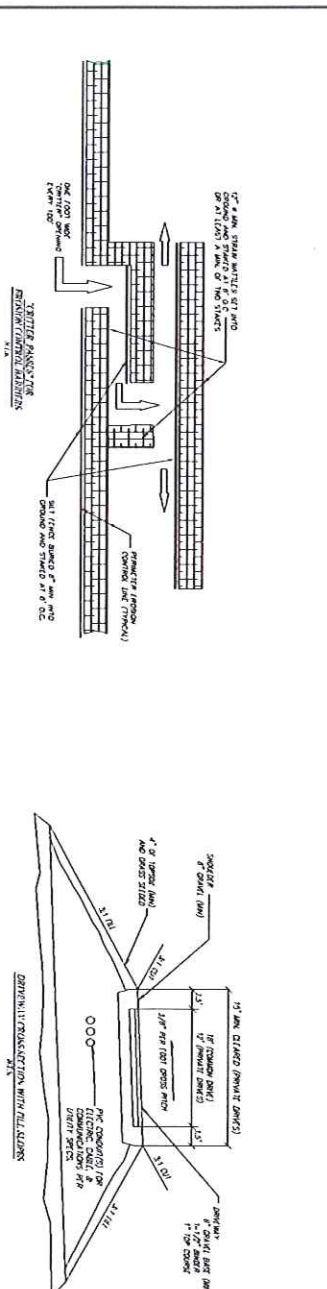
33 WEST MILLBURY ROAD - ASSESSORS MAP 22, PARCEL 136
SUTTON, MASSACHUSETTS

NOTICE OF INTENT PLAN
PREPARED FOR: TAMAM & ZENA JABER

TANAM & ZENA JABER
75 WILLIAM STREET, WORCESTER, MA 01609

[illegible]

SHEET 1 OF 2



33 WEST MILLBURY ROAD - ASSESSORS MAP 22, PARCEL 136
SUTTON, MASSACHUSETTS

DRIVEWAY PROFILES, CONSTRUCTION DETAILS, & NOTES
PREPARED FOR: TANAM & ZENA JABER
75 WILLIAM STREET, WORCESTER, MA 01609

Date: 2-19-14

[illegible]