


SUTTON CONSERVATION COMMISSION

April 16, 2014

MINUTES

Approved: 

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

NEW PUBLIC HEARING

62 Lackey Road

DEP#303-

The Public Hearing was opened at 7:05pm. M. Briggs read the hearing notice as it appeared in the Millbury Sutton Chronicle. However this was tabled until the engineer arrived at 8:25pm.

The project consists of construction of a driveway to a single family home.

Present: Paul Hutnak for Stephen O'Connell, Andrews Survey, William Matukaitis, owner

P. Hutnak requested this be tabled to a later time during the evening, due to the engineer's absence.

Motion: To table this to a later time during this meeting, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

At 8:25pm Mr. O'Connell still hadn't arrived, so P. Hutnak continued to explain the crossing and ledge area towards the top of the site above the existing cart path that they would not be using as a common drive for both lots.

B. Faneuf summarized his site visit.

Upon S. O'Connell's arrival, he explained the original OOC where they would have used the cart path. However the new owners want to move the driveway up above and do a box culvert crossing, creating a stone culvert with the pipe under the driveway. This will require more wetland fill and a pipe, but they will plant trees in the existing cart path to replace trees removed for the new crossing, deeming the cart path unusable as an entrance.

M. Briggs requested markers be placed along the resource crossing area on both sides, so there would be no issues of its location during plowing.

Motion: To continue, with the applicant's permission, to May 7, 2014, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

April 16, 2014

CONTINUATIONS

Lot #3 Silver Ledge Drive

DEP#303-0774 from 02-05-14

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

The project consists of construction of a house, driveway, septic system and associated grading some work is within the 100' buffer zone of a BVW.

Present: Norman Gamache, Guerriere & Halnon, Matthew DeNittis, owner

N. Gamache explained they had to wait for the snow to melt for the update on the delineations. He explained the four trees to be removed for the driveway, the mitigation plan that was sent to Mr. Faneuf and signs marking the resource area. The restoration plan is for both sides of the driveway along and uses a Conservation mix seed for the area. They noted that the neighbor's shed and rock pike is on this property but would be removed by the neighbor.

M. Briggs requested that they put a signs marking the resource area not only on the property itself, but also at the entrance of the driveway. The owner wants to but the signs on boulders instead of posts. B. Faneuf gave the size dimensions for a boulder, noting that the size the owner stated was not big enough for the technical definition of a boulder.

B. Faneuf summarized his on-site delineation with Judy Schmitz, Professional Wetland Scientist, and questioned the shed and rock pike, both covered in bittersweet. The removal should be noted on the plans. See attachment #1 Ecosystem Solutions
See attachment #2 from Judith Schmitz

Motion: To close the Public Hearing, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

Motion: To issue an Order of Conditions with the addition of the four pine trees to be cut, three foot boulders with signs to mark the resource area every 50 feet or where there is a jog in the line, with one sign on the corner of the driveway and roadway, and a sump for the well added to the plan, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

39 W. Millbury Road

DEP#303-0776 from 02-19-14

The continuation was opened at 7:35pm. 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, driveway, and wetland crossing, a portion in the BVW and adjacent the Buffer Zone.

Not Present: Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners

April 16, 2014

B. MacEwen continued this, with the applicant's permission, to May 7, 2014.

Motion: To continue, with the applicant's permission, to May 7, 2014, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

33 W. Millbury Road

DEP#303-0777 from 2-19-14

The continuation was opened at 7:37 pm. 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.

Not Present: Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners

B. MacEwen continued this, with the applicant's permission, to May 7, 2014.

Motion: To continue, with the applicant's permission, to May 7, 2014, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

BOARD BUSINESS

Wetland Concerns and Updates:

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

The Board voted on the minutes of April 2, 2014.

Motion: To accept the minutes of April 2, 2014, by J. Smith
2nd: D. Moroney
Vote: 4-0-0

The Board endorsed the Permits for **42 Eight Lots Road** Certificate, but didn't sign for **10 Point Way**, which needs a revised "As-Built" plan.

The Board didn't sign any Routing Slips at this meeting.

Discussions:

72 Worc. Prov. Tpke/Minardi Landscaping - this site would be monitored.

Whittier's Farm BMP's - a site visit was done on April 11, 2014 at 10:00am. by M Briggs and J. Smith.

M. Briggs explained, this site visit was for a 319 grant that was received and what they would do at this site with the grant money to improve the BMP's.

April 16, 2014

Unexpected Business:

219 Manchaug Road - forestry issues and clean-up of the area was discussed.

78 Torrey Road - a site visit would be done on April 17, 2014 at 10:30am for the Appeal.

44 Lackey Road - B. Faneuf said that this pre-construction meeting was done today at 4:00pm.

410 Putnam Hill Road/DOT - B. Faneuf explained what the DOT has in mind with this area.

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 D. Moroney

2nd: J. Smith

Vote: 4-0-0

Adjourned at 9:20pm.

Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: Silver Ledge Drive, Lot "3"
Portion of Map 18, Parcel 102 (11 Silver Ledge Dr.)
Applicant: Matthew DeNittis
Owner: Same
Representative: Normand Gamache, P.E.; Guerriere & Halnon, Inc.
Inspection Date: 4/7/14
Memo Date: 4/8/14

I performed a snow-free site inspection with Judy Schmitz, the wetland scientist for the applicant on April 7, 2014. I wasn't able to perform an adequate site inspection until now due to the extensive snow cover we've had since January.

The wetland boundary as delineated by Ms. Schmitz is accurate. The condition of the land at the proposed crossing is one I've never quite seen before. The wetland, which is best described as a marsh, in the southern portion of the property narrows along the road as one walks north on Silver Ledge Dr. and simply disappears into the ground. Walk another 25' northward and water springs out of the ground, about 3' lower in elevation, in the intermittent stream channel that eventually flows under Silver Ledge Dr. Neither I or Ms. Schmitz have been able to find a culvert where the driveway will pass between the marsh and the stream. I dug an auger hole in the middle of the proposed crossing and found extremely stony upland soils. My best interpretation is that the water simply infiltrates and trickles through what must be extremely porous bedrock or stone before discharging into the intermittent stream channel.

In Ms. Schmitz's report dated January 9, 2014, she states that the "JBS 100-113" series flags delineated a BVW, which is the marsh in the southern portion of the property. However, due to the disconnect between the BVW and the intermittent stream, and the fact that there is no known overland or piped connection to a BVW, this wetland is better described as an Isolated Land Subject to Flooding (ILSF) under 310CMR 10.00 and ILSF/Isolated Vegetated Wetland under the Sutton Wetlands Bylaw. There is still a 100' AURA associated with it, but only under the Bylaw. There is no buffer zone around ILSF's under 310CMR 10.00. So the only thing that changes here is state jurisdiction. As such, I retract any previous statements made describing the "JBS" series flags as BVW.

Further, the intermittent stream is only jurisdictional under the Sutton Bylaw because it occurs upgradient of BVW. Streams that occur upgradient of wetlands are not jurisdictional under MA Ch.131, §40 and 310CMR 10.00. The Sutton Bylaw provides protection for all streams, regardless of whether they are upgradient of wetlands or not. The banks of the stream retain a 100' AURA and at a minimum will have Aquatic Life Habitat as a Public Interest under the Bylaw.

Based on the unique conditions between the ILSF/IVW and stream, I recommend that any pipes laid as a culvert under the driveway be placed on the surface of and not be dug into the ground. My fear is that digging into the ground at that location will upset a hydrological balance between the ILSF/IVW and the intermittent stream. It is clear to me that the ILSF/IVW will fill up and overflow during extreme events, but most likely doesn't happen very often. Even after all of the snow (3+ft. this winter) and rain that contributed to snow melt in the last 2 weeks, water didn't flow overland between the ILSF/IVW to the intermittent stream. Imbedding a couple of culvert pipes in the ground between the two areas could act as a drain that would lower water elevations in the ILSF/IVW. The current plan appears to do what I'm recommending, as the ground elevation and pipe invert elevation appear to both be at elevation 514. The invert of the pipe at the outlet is 513.6, and although the plan gets very busy at that location, appears be the ground elevation as well. So, the purpose of the pipes will only be to handle water in an 'overflow' situation.

On the opposite end of the spectrum, there is a concern I have about the driveway at this location acting as a kind of dam that would back water up into the ILSF/IVW. This could have an adverse effect on groundwater tables that affect the basements and septic systems of the houses that surround it, at a minimum. That, and downstream flow could be reduced and therefore starve the wetland downgradient of water. *I recommend that the engineer, in writing, with a stamp, state that the design of the driveway will not increase or decrease flow in the ground under the driveway that would alter the hydrologic regimes of the wetland.*

Ms. Schmitz and I walked the site to acquaint ourselves with the site conditions and where the driveway, septic, house, and well would be built. With that, we talked about what mitigation would be appropriate for unavoidable impacts in the 100' AURA. She recommended that some dogwood could be planted in and around the spot where the ILSF/IVW will meet the driveway. Plantings could be put on the slopes around the ILSF/IVW and intermittent stream. The plantings we talked about included eastern hemlock and/or American beech. I also noticed that there was Oriental bittersweet that could be eradicated, especially in the rear of the property, which brought on another question.

We lined up the site plan relative to flag JBS 100 (shown as WF 100 on the site plan). What we found was that there may be a potential problem with encroachment by the neighbor. That, or the site plan is off. Either way, the surveyor should check this issue out and clarify whether there is a problem or not.

Other than that, Ms. Schmitz and I were on the same page in regards to mitigation for unavoidable work in the 100' AURA; that she would create a narrative stating what mitigation would be done, and that the revised site plan would reflect her narrative.

Ms. Schmitz and I also spoke about signage. She asked if a row of boulders could replace signs. Boulders are effective at stopping encroachment, and I wouldn't have a problem placing them at the Permanent Limit of Work (as long as they don't impede wildlife movement), but I still recommend signs. Twenty plus years and two owners from now the boulders could be removed, but the signs would let future owners know exactly why encroachment is not allowed. A split-rail fence with signs could work as well.

Summary

1. The wetland associated with the JBS series flags (shown as "WF100-113" on the site plan) will be classified as Isolated Land Subject to Flooding/ Isolated Vegetated Wetland with a 100' AURA under the Bylaw only.
2. The stream in the ditch will be labeled as an intermittent stream under the Bylaw only, and will still have a 100' AURA under the Bylaw.
3. The engineer will, in writing, with a stamp, state that the design of the driveway will not increase or decrease flow in the ground under the driveway in a way that would alter the hydrologic regime of the ILSF/IVW.
4. Judy Schmitz will create a mitigation narrative for unavoidable impacts to the 100' AURA. The recommendations in her narrative will be depicted on the site plan and forwarded to me for review. I recommend having the engineer send me a .pdf via email so as to expedite review.
5. The engineer/surveyor will investigate any discrepancies with the site plan due to observations made by myself and Ms. Schmitz in relation to flag JBS-100. At the moment it appears that there may be encroachment by the neighbor to the west.
6. Signs will be placed at the permanent limit of work facing the ILSF/IVW only. Boulders and/or fence is welcome, but my recommendation is to continue with signs as a permanent reminder/marker.
7. The applicant will refer to comments 2 through 5 in the Comment section of my 2/3/14 report in regards to other site plan revisions. Now that the subdivision is final, and the snow is gone, an answer to comment 1 is no longer required.

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



Judith B. Schmitz
Professional Wetland Scientist

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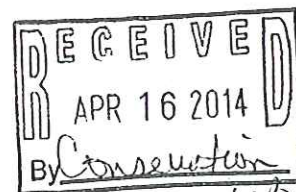
April 11, 2014

Mr. Norm Gamache
Guerriere & Halnon, Inc.
1029 Providence Road
Whitinsville, MA 01588

Dear Mr. Gamache:

On April 7, 2014 I accompanied Mr. Brandon Faneuf, Conservation Consultant for the Sutton Conservation Commission, on a site walk at Lot 3, Silver Ledge Drive in Sutton, Massachusetts. A copy of Mr. Faneuf's summary of the site walk is attached. During the site walk, measures were discussed to compensate for proposed work within the 100 foot Adjacent Upland Resource Area (AURA) at the locations of the proposed driveway and septic system. The following mitigation is proposed to compensate for unavoidable impacts within the AURA. These measures must be incorporated into the Site Plan for final review by the Sutton Conservation Commission:

- Mitigation measures are proposed to compensate for 2,833 square feet of impact at the location of the septic system, 3,275 square feet of temporary impact due to grading along the proposed driveway, and 1,944 square feet of impact resulting from the driveway pavement.
- A rock pile, shed and chicken coop located within the Buffer Zone along the southwestern property line shall be relocated, by the abutter, from the Buffer Zone. In addition, Asiatic Bittersweet (*Celastrus orbiculatus*) within the vicinity of the rock pile shall be cut and removed from the property.
- The impacted AURA along both sides of the driveway will be re-vegetated with native species following grading. New England Conservation/ Wildlife Mix available from New England Wetland Plants (or similar native seed mix) shall be broadcast across the slopes, following the final grading of the driveway. This seed mix will provide a low maintenance, diverse, herbaceous habitat along both sides of the drive. A dense herbaceous cover will serve as an effective buffer between the driveway and adjacent undisturbed Buffer Zone areas.



- Unavoidable impacts resulting from the impervious driveway will be mitigated in a 1,944 square foot area presently containing low species diversity, upgradient from wetland Flags 109-113, with the following plantings:

The following tree species are recommended for the driveway mitigation area:

<u>Common Name</u>	<u>Botanical Name</u>	<u>Quantity</u>
Black birch	<i>Betula lenta</i>	2
American beech	<i>Fagus grandifolia</i>	2

Tree spacing shall be 25 feet on center, with random spacing. Transplants shall be 48"-60" in height.

The following shrub species are recommended for the driveway mitigation area:

<u>Common Name</u>	<u>Botanical Name</u>	<u>Quantity</u>
Witch hazel	<i>Hamamelis virginiana</i>	5
Alternate leaved dogwood	<i>Cornus alternifolia</i>	5
American hazelnut	<i>Corylus americana</i>	5
Maple leaf viburnum	<i>Viburnum acerifolium</i>	5

Shrub spacing shall be 8 feet on center, with random spacing. Transplants shall be 36"-48" in height.

- Unavoidable impacts resulting from the septic system and associated grading will be mitigated within 2,833 square feet of Buffer Zone, where encroachment has occurred along the southwestern property line (1,600 square feet) and within the area of low diversity White pine/Black birch forest (1,233 square feet) to the northeast of the septic system. The following plantings are recommended:

<u>Common Name</u>	<u>Botanical Name</u>	<u>Quantity</u>
American beech	<i>Fagus grandifolia</i>	6
Eastern hemlock	<i>Tsuga canadensis</i>	6

Tree spacing shall be 25 feet on center from other transplants and existing trees, with random spacing. Transplants shall be 48"-60" in height.

New England Semi Shade Grass and Forbs Mix available from New England Wetland Plants (see attached description), or a similar seed mix, is recommended for the restoration of the herbaceous layer within the area of abutter encroachment.

- Since adequate area for mitigation is available within the upland portions of the lot, Silky dogwood plantings are not being proposed within the wetland at this time. Additional site visits would be needed to determine if surface water persists too long into the growing season to support this species. In addition, the potential for inadvertent wetland impacts will be avoided if plantings are limited to the uplands.

If there are any questions concerning this matter, please feel free to contact me at (978) 355-0287.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith B. Schmitz".

Judith B. Schmitz
Professional Wetland Scientist (PWS #617)

Date: 4-16-14

Date: 4-16-14