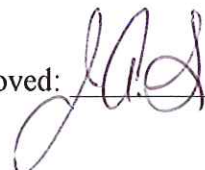


SUTTON CONSERVATION COMMISSION

May 21, 2014

MINUTES

Approved: 

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

NEW PUBLIC HEARING

Singletary Ave – Boston Rd-MassDOT

No DEP# RDA filed

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 resurfacing a section of Singletary Ave and Boston Road.

Present: William Clougherty, Mass DOT

W. Clougherty explained the resurfacing of the roadway from the Millbury line to 343 Boston Road, where all the work will be within the paved way. There are a few stream crossings that they will be using erosion controls in that area. This work will be rehabilitating the pavement with milling within only the asphalt area, no soils will be disturbed. There are two catch basins to be protected with silt socks, and they would take the erosion controls out when that roadway area has been covered.

B. Faneuf explained the kind of straw wattles that should be used in the specific areas.

R. Tefft is concerned about the curb cuts and the water going into the lake along Singletary Ave, in the area of potential flooding from previous years.

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

2nd: A. Aubin

Vote: 4-0-0

Motion: To issue a negative Determination of Applicability, by D. Moroney

2nd: A. Aubin

Vote: 4-0-0

458 Boston Road

No DEP# RDA filed

The Public Hearing was opened at 7:15pm. J. Smith read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of a proposed construction of a gravel access trail to a proposed 36 X 48' 1.5 story barn, and 6' high paddock fence.

Present: Glenn Krevosky, EBT, David Fields, owner

G. Krevosky reviewed the ORAD delineation from last year showing that the work now, is outside the jurisdictional area, but they decided to file this RDA. They will correct any water that should go onto properties located on Eight Lots Road.

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B. Faneuf summarized his site visit on the property.
See Attachment #1 Ecosystem Solutions

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

Motion: To issue a negative Determination of Applicability, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

420 Putnam Hill Road
DEP#303-0781

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

The project consists of construction of an addition to and existing single-family dwelling within existing lawn area.

Present: Steve O'Connell, Andrews Survey, Andrew Nedoroscik, owners

S. O'Connell explained the project of the house addition to be done within this riverfront area, and the location of the erosion controls.

B. Faneuf summarized his site visit on the property.
See Attachment #2 Ecosystem Solutions

R. Tefft is concerned with the discharged water. If it's clean ok, but if it's muddy they will have to pump it out.

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

Motion: To issue an Order of Conditions, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

Project Updates
101 Leland Hill Road
DEP# 303-0700

Present: John Burns, owner

Confirmation Electric Utility lines

J. Burns explained the utility lines that they need to change the transformer location for 85 (lot #35) Partridge Hill Road.

B. Faneuf questioned with the Commission, if Mr. Burns needs to amend the Order of Conditions, or file a new NOI to be submitted for this utility change. Mr. Faneuf's recommendation is to do a minor field change and put this on the "As-Built".

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Motion: To do the minor field change naming National Grid or their designee covered under this Order of Conditions, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

CONTINUATIONS

39 W. Millbury Road

DEP#303-0776 from 02-19-14

The continuation was opened at 8:08pm. J. Smith 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 NOI filed

This has been continued, with the applicant's permission to June 4, 2014.

Motion: To continue, with the applicant's permission, to June 4, 2014, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

33 W. Millbury Road

DEP#303-0777 from 2-19-14

The continuation was opened at 8:10pm. J. Smith 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 NOI filed

This has been continued, with the applicant's permission to June 4, 2014.

Motion: To continue, with the applicant's permission, to June 4, 2014, by A. Aubin
2nd: D. Moroney
Vote: 4-0-0

62 Lackey Road

DEP#303-0780 from 04-16-14

The continuation was opened at 8:10pm. J. Smith read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of

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

S. O'Connell explained he made all nine key note revisions and asked if the Commission wanted to review them.

The Commission was satisfied with the revisions.

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B. Faneuf replied that all recommendation have been made and are in compliance with the Wetlands Protection Act and Bylaws. They need to now set up a pre-construction meeting to go forward.

B. Faneuf summarized his report
See attachment #3 Ecosystem Solutions

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

Motion: To Issue an Order of Conditions, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

Project Updates

227 Putnam Hill Road/BNGC

DEP#303-0747

B. Faneuf will do a site visit on June 4, 2014 for the Order of Conditions. He reviewed the do's and don'ts that have occurred on this site.

BOARD BUSINESS

Wetland Concerns and Updates:

42 Bond Hollow Road - *this area is stable.*

The Board voted on the minutes of May 7, 2014.

Motion: To accept the minutes of May 7, 2014, by D. Moroney
2nd: J. Smith
Vote: 4-0-0

Endorse Permits:

51 Pierce Road

DEP#303-250

Present: Mike Yerka, Yerka Engineering

M. Yerka explained the "As-Built" with the added Pool, shed and bath house shown on the new plans.

B. Faneuf replied there were no bylaw issues and it was state permitted at that time in 1995.

R. Tefft said they should close out the existing Order of Conditions for the work done back in 1995 then require the Notice of Intent for the pool.

B. Faneuf suggested issuing the Certificate of Compliance on the original order. Then issue an enforcement order for the illegal work of installing the pool within 50' of the BVW without a filing. This is an automatic Notice of Intent, after the fact, within 30 days. This also includes the Consulting fees stated in

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Category #1. The wetlands need to be reflagged around the pool area, and show the boundary line on the plan.

Motion: To issue a Certificate of Compliance on the original Order of Conditions, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

Motion: To issue an Enforcement Order on the pool, bath house and sheds within the jurisdictional areas, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

Motion: To flag the area near the existing construction area from the pool, by D. Moroney
2nd: A. Aubin
Vote: 3-0-1 R. Tefft

83 Griggs Road DEP#303-0614

Present: Maggie & Michael Meagher, new owners

M. Meagher explained why they need the extension for one more year so they can get their project started.

The Commission issued one more year extension for the Order of Conditions needed for them to go forward with this project.

Motion: To issue an extension for the Order of Conditions, by R. Tefft
2nd: D. Moroney
Vote: 4-0-0

66 Wilderness Drive

Present: Rachel Watsky, Goddard Consulting

R. Watsky requested a complete Certificate of Compliance for the two years growth of the repaired wetlands.

B. Faneuf explained the past activity on site for the replication areas and requested that the Japanese Knotweed be removed.

Motion: To issue a Complete Certificate of Compliance, by D. Moroney
2nd: A. Aubin
Vote: 4-0-0

The Board signed Routing Slips for Planning Board for **34 Lackey Road, 67 Barnett Road, and 126 Dodge Hill Road.**

Discussions: **191 Hartness Road** – There has been a complaint that an excavator was seen in the wetland.

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A letter will be sent to the owners questioning what they are doing and to come to a meeting to explain.

8:50pm

7 Point Way

Present: Christopher Windle

C. Windle explained that he replanted the four red maples and buried the rock at the end of his dock so no one would get hurt when swimming.

B. Faneuf explained why the filing of the NOI needed to be filed. He can add the location of the rock to the existing plans and include a narrative of the work done and why it was done.

64 Putnam Hill Road – B. Faneuf said he contacted M. McGovern as to the dumping of materials on this property. He explained that the materials were for the repairs and farm maintenance purposes.

Unexpected Business

Colonial Drive/Robinson's Pasture Forestry – B. Faneuf updated the Commission as to what is taking place on this project, and that he is working with Guy LaChance from DCR. They will be doing a last site visit on May 28th.

11 Marsh Road/Kenneth Rapp

B. Faneuf gave an updated for this project. Wattles with plastic were used instead of biodegradable.

9 Point Way/Arthur Remillard

B. Faneuf explained there was no Pre-construction meeting or any erosion controls inspection before the house was removed.

Motion: To send a letter that they have not complied with the Order of Conditions, By R. Tefft
2nd: D. Moroney
Vote: 4-0-0

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 10:00pm.

Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 458 Boston Rd. / Map 22, Parcel 107
Applicant: David Fields
Owner: Same
Representative: Glenn Krevosky; EBT Environmental Consultants, Inc.
Inspection Date: 05/13/14
Memo Date: 05/20/14

The location of this application is 458 Boston Rd. It is on the north side of the road and down a long, paved driveway. This property has a long permitting history. The house was approved under permit no. 303-0628 to Kevin Harris, the owner at the time. Wetland fill and subsequent replication was necessary to access the house site. There were issues with the wetland replication areas not being built, but they were approved in 2011 under permit no. 303-0727 to the new owner, David Fields, because the old application expired. More recently in 2013, Mr. Fields filed an ANRAD under file no. 303-0767 that superseded some of the original wetland delineation done in 2006. This is the longest running application in Sutton that I have been involved with from the beginning.

Wetland Resource Areas

1. **Bordering Vegetated Wetland** w/ 100' Buffer Zone (BZ)/ Adjacent Upland Resource Area (AURA). This wetland is associated with Dark Brook. The AURA is associated with the Sutton Bylaw

Current Proposal

To construct a 36' X 48', 1 1/2 story barn to the east of the existing grass by the in-law apartment. Further, clearing is proposed (and has already been done) on the south side of the barn. The cleared area will serve as a paddock, and be perimetered by a 6' high fence.

Analysis

All proposed work, and including the clearing that has already been done, is greater than 100' from the nearest wetland boundary. The wetland boundary was recently approved as part of app. no. 303-0767 at the end of 2013, so the wetland delineation is valid through 2016. With this, the Applicant has gone through all the necessary phases of permitting to show that proposed work is in non-jurisdictional areas.

Recommendations

Issue a Negative "4" and "6" Determination of Applicability. The Negative 4 box states:

"The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said request does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act."

The Negative 6 box states:

"The area and/or work described in the Request is not subject to review and approval by the Town of Sutton pursuant to the Sutton Wetlands and Riverfront District Administration Bylaw."

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



Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 420 Putnam Hill Road / Map 49, Parcel 130
Applicant: Patricia & Andrew Nederosik
Owner: Laurie Salmon
Representative: Stephen O'Connell; Andrews Survey & Engineering, Inc.
Inspection Date: 04/16/14
Memo Date: 05/20/14

The location of this application is 420 Putnam Hill Rd. It is on the west side of the road just before the culvert at Dark Brook. The majority of upland areas on the lot are developed and maintained with structures or as lawn. Mr. & Mrs. Nederosik have been living there for over 30 years (per personal conversation with Andy Nederosik) and maintaining it as it is today.

I visited the site and walked in with Mr. Nederosik on April 16 as a pre-filing consultation. I took pictures and no other inspection is necessary on my part. He had the addition painted out on the lawn for me to look at. At that time I noticed a number of invasive plants growing in and around the wetland/edge of stream. They included, but are not necessarily limited to multiflora rose, Oriental bittersweet, Morrow's honeysuckle, and Japanese barberry.

Wetland Resource Areas

1. **Bordering Vegetated Wetland** w/ 100' Buffer Zone (BZ)/ Adjacent Upland Resource Area (AURA). This wetland is associated with Dark Brook. The AURA is associated with the Sutton Bylaw
2. **Inland Bank** w/ 100' Buffer Zone (BZ)/ Adjacent Upland Resource Area (AURA). This is associated with the banks of Dark Brook;
3. **Riverfront Area/Riverfront District.** This is a 200' wide area beginning from the mean-annual high water mark of Dark Brook and extending away from the brook toward the house and into and beyond the street. The Riverfront District is associated with the Sutton Bylaw.
4. **Bordering Land Subject to Flooding (BLSF).** Associated with the 100 year floodplain of Dark Brook. The area in which the addition is proposed is *outside* of BLSF per the FEMA Flood Insurance Rate Map provided by the Applicant.

Comments: The top of bank and edge of stream are 45 ft. apart. They are usually much closer. The top of bank (i.e. 'bankfull condition') is normally where the inner boundary of the 200' Riverfront Area/Riverfront District begins. In this case,

"Top of Bank" is not applicable. I believe the "Edge of Stream" should be replaced with the wording "Mean Annual High Water mark of Dark Brook." That is where the 200 Riverfront Area/Riverfront District begins.

The "Approximate Flood Line...." wording should add: " / extent of Bordering Land Subject to Flooding."

Current Proposal

To construct an addition on the west side of the house. The addition will be 428sf in size without the relocated bulkhead. The bulkhead adds another 30sf to the total area. There is a trapezoidal area on the west side of the house that I presume will be a bay window and was not taken into account on the total square footage of disturbance. The entire work area will be within existing lawn. No trees or other woody vegetation will need to be felled in order to complete this project.

Analysis

This application complies with the performance standards found in 310CMR 10.58(4) and the Sutton Wetlands and Riverfront District Administration Bylaw if the Applicant makes an effort to improve the condition of the wetland resource area(s) in a manner consistent with the extent of the proposed alterations. In this case, my recommendation is to have the Applicant perform an invasive species eradication in the areas within 25' of the Mean Annual High Water Mark (currently labeled 'Edge of Stream').

Recommendations

In addition to the comments in the Wetland Resource Area section above:

1. Perform an invasive species eradication program as mentioned above in order to meet the performance standards of 310CMR 10.58(4) and the Sutton Bylaw.
2. I presume foundation will be poured, so the designation of a concrete washout area protected by erosion/sediment controls is appropriate.
3. In order to access the west side of the house with large equipment, there might not be enough room between the house and the driveway. If so, make sure there is enough room on the south side of the house within the LOD to accommodate such vehicles.
4. Roof runoff protection in the form of stone or other dissipater is required. Please depict on the site plan.
5. Label the existing LOD as the "Permanent LOD" as it is associated with construction of permanent structures (i.e. the house addition).

6. Extend the Permanent LOD from the corner of the garage all the way to the street so it completely encompasses the work area with no open ends.
7. Create a "Temporary LOD" within 25' of the MAHW (currently labeled 'Edge of Stream') associated with the invasive plan eradication program. It must completely encircle the area of work.

With the above being completed, I believe this application can be issued an Order of Conditions.

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



Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 60 Lackey Road*
Map 42, Parcels 84 & 85
Applicant: William Matukaitis
Owner: Same*
Representative: Andrews Survey & Engineering, Inc.
Stephen O'Connell, P.E. & Paul Hutnak, P.E. representing
Meeting Date: 5/7/14
Memo Date: 5/8/14

*The original application was for 62 Lackey Rd., but the NOI form was amended to make the application for 60 Lackey Rd. because that's where the alterations to wetland resource areas will be.

Present: Steve O'Connell, P.E.; Andrews Survey & Engineering, Inc.

A synopsis of the 5/7/14 public hearing, to the best of my ability:

1. According to Mr. O'Connell, there will be no problems with water going onto Lackey Rd. from the driveway, and there will be no problems with water from Lackey Road going into the driveway.
2. As part of this assessment, Bob Tefft asked that a note be made on the plan that reads something to the effect that flow patterns will not be affected/disrupted at the driveway/road.
3. Add "District" to Riverfront on Sheet 2.
4. Reduce plantings in the cart path by 1/2.
5. In their place, the Applicant will perform a habitat enhancement project by removing multiflora rose (*Rosa multiflora*) and Japanese barberry (*Berberis thunbergii*) from the BVW in the vicinity of work. This is in the approximate area of flags 16 through 28.
6. A note on the site plan will be added to make the invasive plant eradication Condition clear to the site contractor.
7. *H. ovalis* will be changed to *Hamamelis virginiana*.
8. The replication area will be constructed first and before any other work is performed. I will add here that it could be performed at the same time as invasive plant eradication. And I also note that if soils are to be re-used from on-site that special care is going to be needed to prevent the re-establishment of invasive plants via a seed bank. Assuring that invasive plants do not re-establish themselves will be clearly outlined in the OOC.
9. Extend erosion and sedimentation controls on the south side of the cart path on the between the replication area and staging & stockpiling area.
10. Make sure that E/S controls are 5' off the Limit of Work in order to give the contractor adequate room to move and complete their job.

11. Depict a stone entrance "scrubber" at the driveway entrance that is a minimum of 50' long.
12. Use the work "approximate" instead of "future" in association with the house.
13. Add silt fence to the legend.

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



Date: 5-21-14

[illegible]