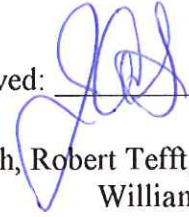


SUTTON CONSERVATION COMMISSION

July 16, 2014

MINUTES

Approved: _____



Present: Daniel Moroney, Chairman, Joyce Smith, Co-Chair, Lauren Rothermich, Robert Tefft, and William Wence
Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant

Board Reorganization

Motion: To accept Daniel Moroney as the Conservation Chairman, by J. Smith
2nd: R. Tefft
Vote: 5-0-0

NEW PUBLIC HEARING

7:00pm

28 Horne Drive

DEP#303-0788

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

The project consists of a septic system repair.

Not Present: Tim Callahan, Hawk Consulting, Andrew DeWolfe, owner

This has been continued, with the applicant's permission, to August 6, 2014.

B. Faneuf will summarize his site visit on this property at the next meeting.
See Attachment #1 Ecosystem Solutions

Motion: To continue, with the applicant's permission, to August 6, 2014, by J. Smith
2nd: R. Tefft
Vote: 5-0-0

7:20pm

34 Bond Hollow Road

DEP#303-0769

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

The meeting will discuss modifications made to the proposed plan to construct a single family home, driveway, private water, septic, grading and utilities.

Not Present: David Marois, owner

This has been continued, with the applicant's permission, to August 6, 2014.

B. Faneuf will summarize his site visit on this property at the next meeting.

July 16, 2014

Motion: To continue, with the applicant's permission, to August 6, 2014, by J. Smith
2nd: R. Tefft
Vote: 5-0-0

CONTINUATIONS

5.5 Sunrise Drive

DEP#303-07

The Public Hearing was opened at 7:25pm. D. Moroney read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of grading and landscaping.

Present: Raouf Mankaryous, Alpha Omega, Bruce Sinkus, Customs Landscape, Richard Patient, owner

B. Sinkus explained he brought in the pavers and added all the notes to the drawing.

B. Faneuf summarized his site visit on the property. He noted the revision date of June 27, 2014 on the plan, and is happy with the added notes with revisions.

R. Tefft commented that Mr. Sinkus he did a very nice job controlling the water and protection of the lake.

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

Motion: To issue an Order of Conditions, by J. Smith
2nd: R. Tefft
Vote: 5-0-0

39 W. Millbury Road

DEP#303-0776 from 02-19-14

The continuation was opened at 7:30pm. D. Moroney 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.

Present: Paul Grasewicz for Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners NOI filed

P. Grasewicz reviewed the details of the dam, trees, and erosion control wattles listed on the plans, he reviewed other revisions, and the Conservation restriction from NHSPE, which he sent to the Commission members by email.

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

Motion: To close the Public Hearing, by J. Smith
2nd: R. Tefft
Vote: 3-0-2

July 16, 2014

Motion: To issue an Order of Conditions changing the trees to native, and to include dewatering details of the check dam, also the three-to-one slope silt fence installed, and approval upon receiving the revised plans, by J. Smith
2nd: R. Tefft
Vote: 3-0-2

33 W. Millbury Road

DEP#303-0777 from 2-19-14

The continuation was opened at 7:50pm. D. Moroney 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: Paul Grasewicz for Brian MacEwen, Graz Eng., Tamam & Zena Jaber, owners NOI filed

P. Grasewicz explained the work to be done on this lot with the common driveway and wetland crossing.

Mr. Jaber asked if there was anything they could do for the driveway to get things moving.

B. Faneuf explained the 21 day period that the Commission has to complete the Order of Conditions, once this has been sent out, then there is a ten day appeal period, and the pre-construction meeting, along with the erosion controls inspection.

He then summarized his site visit on the property.

See Attachment #2 Ecosystem Solutions

Motion: To close the Public Hearing, by J. Smith
2nd: R. Tefft
Vote: 3-0-2

Motion: To issue an Order of Conditions changing the trees to native, and to include dewatering of the check dam, also the three-to-one slope needs a silt fence installed, by J. Smith
2nd: R. Tefft
Vote: 3-0-2

BOARD BUSINESS

Wetland Concerns and Updates:

42 Bond Hollow Road - *this area is stable until further work commences.*

The minutes of June 25, 2014 were tabled to the next meeting.

The Board Endorse the Permit for 81 Uxbridge Road/Tennessee Pipeline C of C.

The Board signed Routing Slips for Pleasant Valley Crossing, B. Faneuf gave an update on this project.

July 16, 2014

Discussions continued from June 4th meeting:

Rt. 146/Boston Road – Bill Clougherty, District Manager

B. Faneuf gave an update on these projects to bring the new members up to date with each project:

11 Marsh Road – he reviewed the video for this on-going project. The house is down and the foundation has been installed.

17 Marsh Road – he did a site visit inspection while he was in this area. The owner was told by his engineer he didn't have to file with Conservation, but a filing may be in order if the work is within 200'.

26 Mallard Way – the new building has not been constructed yet.

Adams Pond Dam – a complaint was received about the water level being so low. Mr. Faneuf explained why the level was so low because of the work being done on the Dam. He recommended that this person send a letter to the Conservation Office with his concerns.

219 Manchaug Road – he explained the stream flow and gully erosion issue was corrected on Mr. Nunnemacher's property and this site, by M. Kennedy. Next scheduled construction is the driveway swales, basins, house, and septic.

6 Torrey Road – no construction can take place until there is a decision on the pending appeal.

420 Putnam Hill Road – there will be a pre-construction meeting.

Waters Farm Cutting Plan – J. Smith explained what took place at the Waters Farm meeting on July 14th which was approved by the Directors. Marc Tremblay would be sending the bids out and would return to the next meeting with that information.

9 Silver Ledge Drive – It was noted that both sides of the driveway have a mulch berm, but no other construction has been started yet.

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: W. Wence

Vote: 5-0-0

Adjourned at 8:40pm.

Brandon B. Faneuf, Conservation Consultant
Sutton Conservation Commission

Application Type: Notice of Intent
Project Location: 28 Horne Drive / Map 15, Parcel 45
Applicant: Andrew & Tara DeWolfe
Owner: Same
Representative: Hawk Consulting, Inc.
Inspection Date: 6/18/14
Memo Date: 6/20/14

Introduction

The location is 28 Horne Dr. It is the site of a summer cottage/camp on the banks of Lake Singletary's most southern shore. It is a ± 0.18 acre parcel of land, accessible via easement over other parcels of land which appear to include Map 15, Parcels 158 and 172, and Map 22, Parcel 116. The cottage was built circa 1930 is located approximately 20ft. from the high water line of the lake. The lawn/high water line is demarcated by a low row of stones that *may* have been a more organized stone wall at one time. There are two floating docks on the water, connected to the lawn by a gangway. The gangway is physically connected to the first floating dock, but there is a separate, second dock connected to the first. It is the second dock that the boat is lined to. On the south side, the southern property boundary is best found by looking for two elongated, side-by-side boulders.

There is lawn between the camp and the lake, although there is a large red maple shade tree on the northwest side of the camp near the water, and a small cluster of trees and shrubs (red oak, birch, and sweet pepperbush) in the northeast corner next to the water. There is a narrow strip of grass on the west side of the camp. The eastern property boundary is demarcated by a stockade fence. Along the stockade fence on the east side of the house is what appears to be an abandoned and overgrowing flower/ornamental plant garden. Japanese barberry is one of the shrubs in the garden. Medium-sized Eastern hemlock line a portion of the fence, with one being dead. The area between the garden and the camp has not been maintained and is growing up with weeds and jewelweed.

On the southeast side of the camp is an abandoned outhouse, currently filled with asphalt roof shingles. Water breaks out of the slope immediately south (uphill) of the camp, making the east side of the house, at least, muddy. Areas south and uphill of the camp are forested with black birch, Eastern hemlock, and white ash, with an understory of various ferns such as spicebush, crested woodfern, New York fern, and jewelweed (*Impatiens capensis*). There is a footpath that leads from the main cart path to the camp, and acts as a major break between areas disturbed by human activity and areas that are in more of a natural state. Downhill of the footpath is the camp, the lawn, the garden, and invasive plants including, but not limited to Japanese barberry and Oriental

bittersweet vine. Poison ivy is also present, and extends slightly uphill from the footpath, but not far.

Wetland Resource Areas

1. Inland Bank w/ 100' AURA/BZ associated with the bank of Lake Singletary. This is commensurate with the low row of stones at the water's edge.
2. 200' Riverfront District associated with Lake Singletary, a Great Pond of the Commonwealth.
3. Land Under Waterbodies & Waterways. This is the land below the mean low water mark of Lake Singletary.

Current Proposal

The project purpose, according to the General Project Description on NOI Form 3 is "elimination of weeds/invasive plants, minor grading, addition of topsoil and stabilization of soil by seeding."

The plan presented to the Conservation Commission (Commission) has been revised twice since its original incarnation and sent via .pdf to me. In the current revision, grading is proposed behind the house, on the east side of the camp (see comments regarding the North arrow), and between the camp and the water. This appears to be more than minor to me. A "water garden" is proposed to the south and west of the camp. I would call it a Rain Garden even though it isn't picking up roof runoff, which is usually the case. Grading is such that water is routed around the west side of the camp.

The plans depict five (5) trees to be felled, with diameter measurements for each tree. The tree species depicted are not correct, as the plan states that some are oaks and some are pines. This is not the case, as the trees consist of white ash, Eastern hemlock, and black birch. Not all trees >5" in diameter are depicted, including the large red maple down by the lake.

The Applicant doesn't specify which invasive and/or noxious plants are to be removed, or the areas they plan to remove them from.

Compliance w/ Bylaw

The work and alterations proposed here are considered new work. As such, Section 7 of the Bylaw presides, which states, among other things, that "the Applicant shall have and bear the burden by proving by a preponderance of evidence that the work proposed in the application will not harm the interests protected in the Bylaw. The interests under the Bylaw here pertain to the following:

- Protection of Public and Private Water Supply;
- Groundwater;

- Flood Control;
- Storm Damage Prevention;
- Prevention of Pollution;
- Storm Damage Prevention;
- Fisheries/ Aquatic Life Habitat;
- Wildlife Habitat;
- Recreation & Aesthetics

As such, before work is approved in an Order of Conditions, the Applicant must first present an impact avoidance/minimization statement/narrative that explains work in details and how it relates to the Interests stated above, including:

1. Justifying the necessity of work in areas outside of existing, "anthropogenic" areas such as the lawn and garden on the east side of the house.
2. Present alternatives to work proposed. For example, does there need to be grading to the extent proposed, or is there an alternative that would serve the same purpose without creating the amount of disturbance currently proposed? For example, would a narrow perimeter drain that maintains current topography work?
3. If work cannot be avoided, how will the Applicant mitigate for the loss of any one or combination of the Interests stated above? For example, the loss of trees and associated understory vegetation means the loss of wildlife habitat, at a minimum. Lawn affords minimal to zero wildlife habitat. How will the Applicant mitigate/compensate for this loss? And please bear in mind that in the case of clearing within 200' of a waterbody, the Commission's policy is to have Applicants mitigate by creating 'buffer strips' of vegetation between lawn and water. Permanent removal of invasive/noxious plants has also been an accepted mitigative measure.
4. The Applicant must relate all proposed disturbance in relation to impact to the Public Interests stated above, *in writing* for review by the Consultant and the Commission. See Section 7 of the Bylaw for guidance.
5. This may lead to the establishment of No Disturbance Areas, Temporary Disturbance Areas, Limited Disturbance Areas, and/or Permanent Disturbance Areas per Section 7.1.1 of the Bylaw.

Compliance with 310CMR 10.00

Being buffer zone work to the Bank of the lake, the only performance standards for work are to refrain from work on Bank unless there is good reason (and to mitigate for said work), and to install erosion/sediment controls in order prevent a Resource Area (Bank, Land Under Waterbodies) from being altered itself. In this case, by sediment.

Recommendations

1. Perform an analysis as stated in the Bylaw Compliance section above.
2. Depict every tree, along with species name and diameter at breast height (4' off the ground) if $\geq 5"$, on the Property, and which ones are proposed for removal.
3. Create a tree key/tree inventory table commensurate with the attached site plan.
4. A detailed description of the forest south (uphill of) of the camp, including the herbaceous and shrub layers.
5. Depict the extent of the:
 - a. existing lawn;
 - b. ornamental garden on the east side of the camp;
 - c. location of the outhouse (and a note about what will happen to it);
 - d. existing footpath leading from the cart path on Parcel 116;
 - e. approximate location of the carpath on Parcel 116;
6. Contrast the above with:
 - a. extent of proposed lawn;
 - b. ornamental garden or other proposed use;
 - c. what will happen to the area where the outhouse currently is;
 - d. any proposed *permanent* path or way leading to the camp;
7. How will equipment access the Property? Please depict, and show erosion controls and Limit of Work associated with that as well.
8. Where will vehicles be parked? Will it continue to be at the small, gravel circle up the hill on Parcels 158 and/or 172? Please keep in mind that any proposed work within 200' of the Bank of Lake Singletary must be shown for approval.
9. Depict the extent of the 200' Riverfront on the site plan. If it doesn't fit into the plan view, show it on a reduced-scale locus map.
10. The north arrow is pointing in the wrong direction. Please correct.
11. What is the status of the septic system? Where are the components of the current system? I noticed in the Sutton online CAI Query Manager that the owner of the Property is listed as Daniel Peterson, yet NOI Form 3 submitted to the Commission lists Andrew & Tara DeWolfe as the owners. Due to this, I would like clarification as to when Mr. & Mrs. DeWolfe acquired the Property and if there are Title V issues that need to be addressed. If so, they could be addressed in the same application.

12. Is there a well associated with the camp?
13. Label the stockade fence and create a legend for it.
14. Depict the extent of the row of Eastern hemlock along the stockade fence and its extent to the south of the stockade fence. If proposed for removal, make a note that the row of Eastern hemlock will be removed.
15. Clearly depict and label the Property line at the lake.
16. There is little need for silt fence or erosion controls along the eastern Property line, although the current silt fence line suggests that access will be from the south, which is within the 200' Riverfront District and would also require permitting to go through the forest there.
17. Depict stockpile areas and erosion/sedimentation controls around it on the downhill side.
18. Depict a combo silt fence/100% biodegradable compost wattle near the water's edge.
19. Show a detail for the straw wattle, specifically stating that it must consist of the 100% biodegradable variety.
20. If the current grading plan stays in place, additional erosion/sedimentation control measures are going to be necessary. I recommend depicting how the slope will be broken up with straw wattles, and I recommend spreading straw (not hay) over the exposed soil.
21. Where will the soil come from and can the Applicant certify that it will be invasive plant seed free?
22. What are the target invasive/noxious plants for eradication?
23. What methods will be utilized to eradicate invasive/noxious plants?
24. Who will perform the invasive/noxious plant eradication work? For example, if chemicals are used, the owner can, by law, perform the work themselves. If an outside professional is used, they must hold a MA Pesticide Applicator license.

Dock

25. In order to be grandfathered under the Sutton Conservation Commission dock policy, the dock must have been existing and/or licensed prior to October 1, 2007. Please confirm the date the dock was installed.

26. Regardless of the above, I recommend that reflectors be installed on each corner of the docks.
27. I recommend that the docks be depicted on the site plan for future reference. It will serve to protect the Applicant in the future should questions arise about the legitimacy of the docks- it will prove that they were approved as part of this Notice of Intent.

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



2h. Policy on New Docks

Docks must be located 25 feet from property lines or for properties less than 50 feet wide in a central location.

Docks may be no further than 30 feet into the water measured from the high water mark.

Docks may be no larger than 300 square feet.

All applications must be accompanied by a complete plan to scale.

Permits for Docks:

For a new Temporary or Removable Dock:

Applicant must file a **Request for Determination** with the Conservation Commission even if there is no bank disturbance or a **Notice of Intent** if the bank area is disturbed. A permit is not required to remove Temporary Docks in and out of the water.

For a Permanent Dock or Permanent Bank Alteration:

Applicant must file with the Conservation Commission and must file a Chapter 91 Waterways License Application with the State. Permanent structures are subject to MGL Ch. 131 Section 40. Bank disturbance may not exceed the lesser of 5% of frontage or 25 feet.

All docks must have permanent reflectors on each corner.

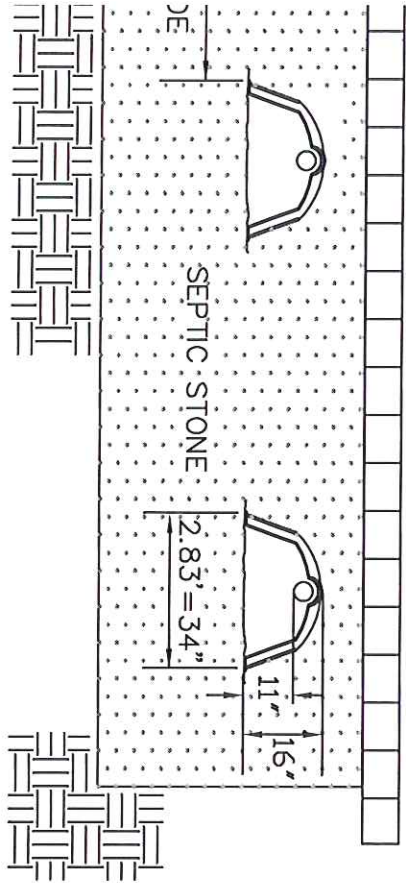
A Chapter 91 Waterways license is required for all anchored in-water, off shore floating, swimming docks or pontoon structures.

There may not be more than one dock per parcel.

This policy shall not serve to diminish the requirements of MGL or 310 CMR 9.00 but may be applied more stringently as reserved herein. The Commission may grant certain variance(s) with cause or hardship to this Regulation. This policy shall not apply to existing or and/or licensed docks before October 1, 2007. For any substantial repair with major alteration, a **Request for Determination** or **Notice of Intent** shall be filed with the Commission.

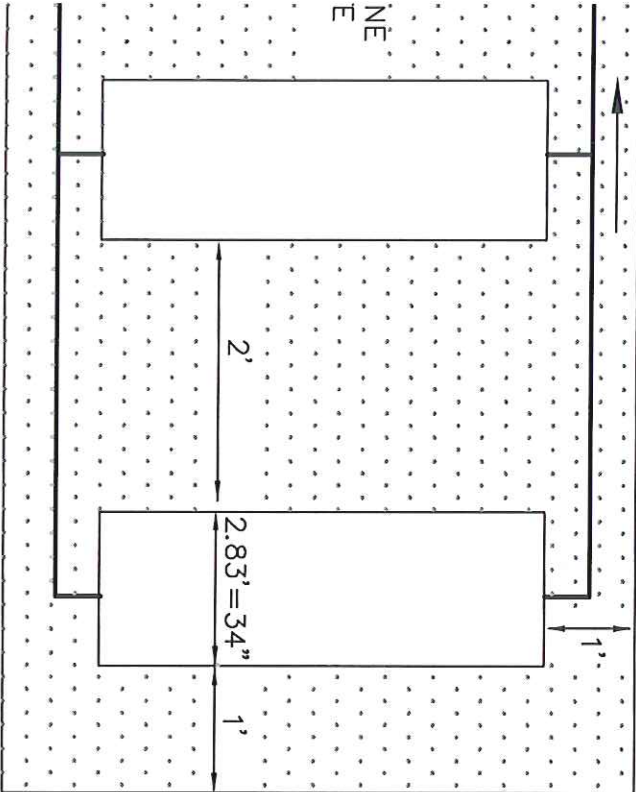
For further information, contact Mark Briggs at: 508-865-8728, leave message.
Email: wbien@town.sutton.ma.us

TOP = EL. 85.0±



Y - SECTION VIEW

OVERFLOW OUT TO
DISBURSEMENT POOL



PLAN VIEW

REPLACEMENT TREES

TOTAL TREES REMOVED IN BUFFER ZONE = 4
 TOTAL TREES REMOVED = 8
 TOTAL TREES REPLACED IN BUFFER ZONE = 10
 TOTAL SHRUBS REPLACED IN BUFFER ZONE = 16
 TOTAL TREES REPLACED = 11

SPECIES & NUMBER

AV White Cedar (Abor Vitae) 4

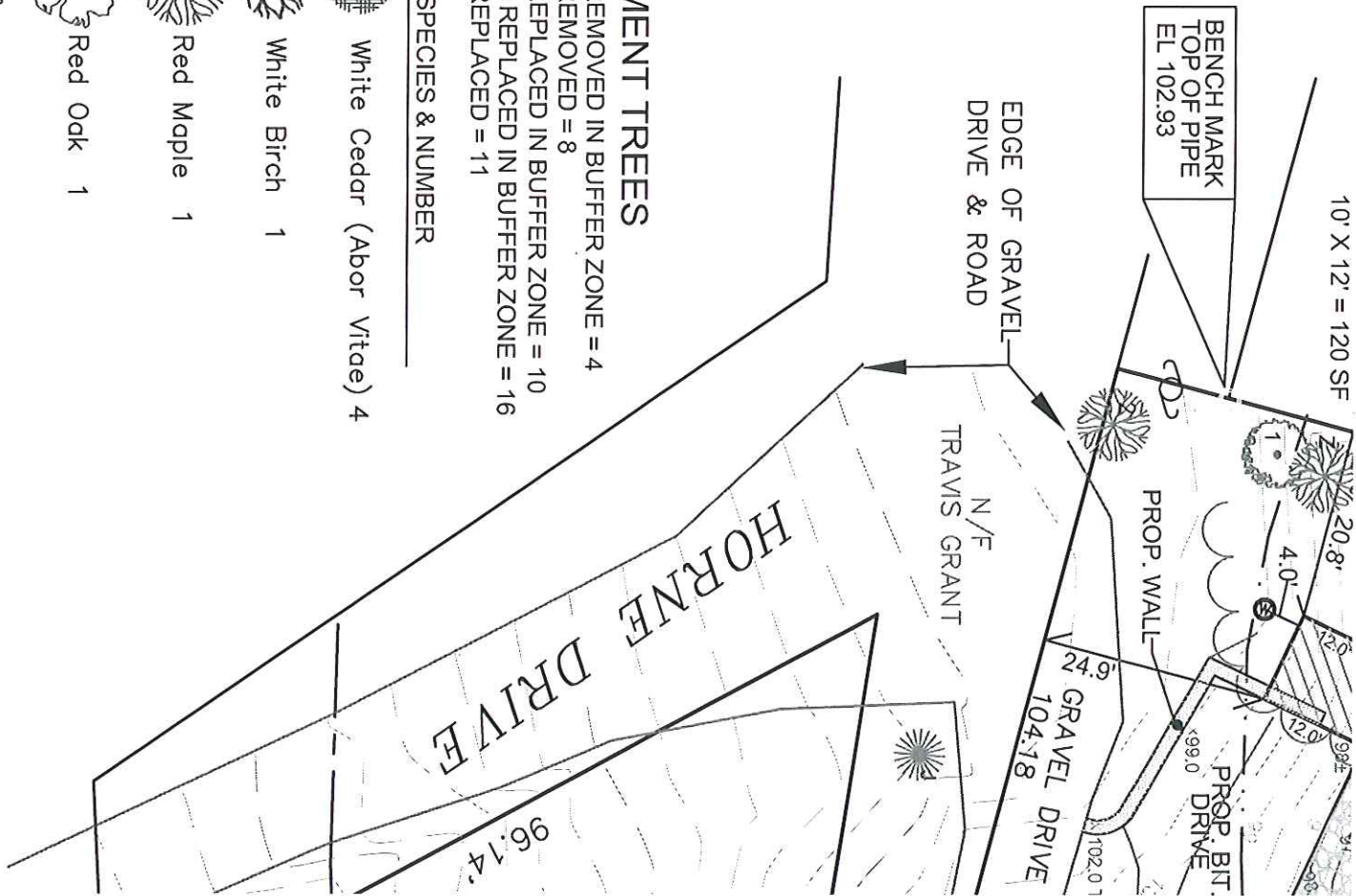
WB White Birch 1

RM Red Maple 1

RO Red Oak 1

DA Dwarf Apple 2

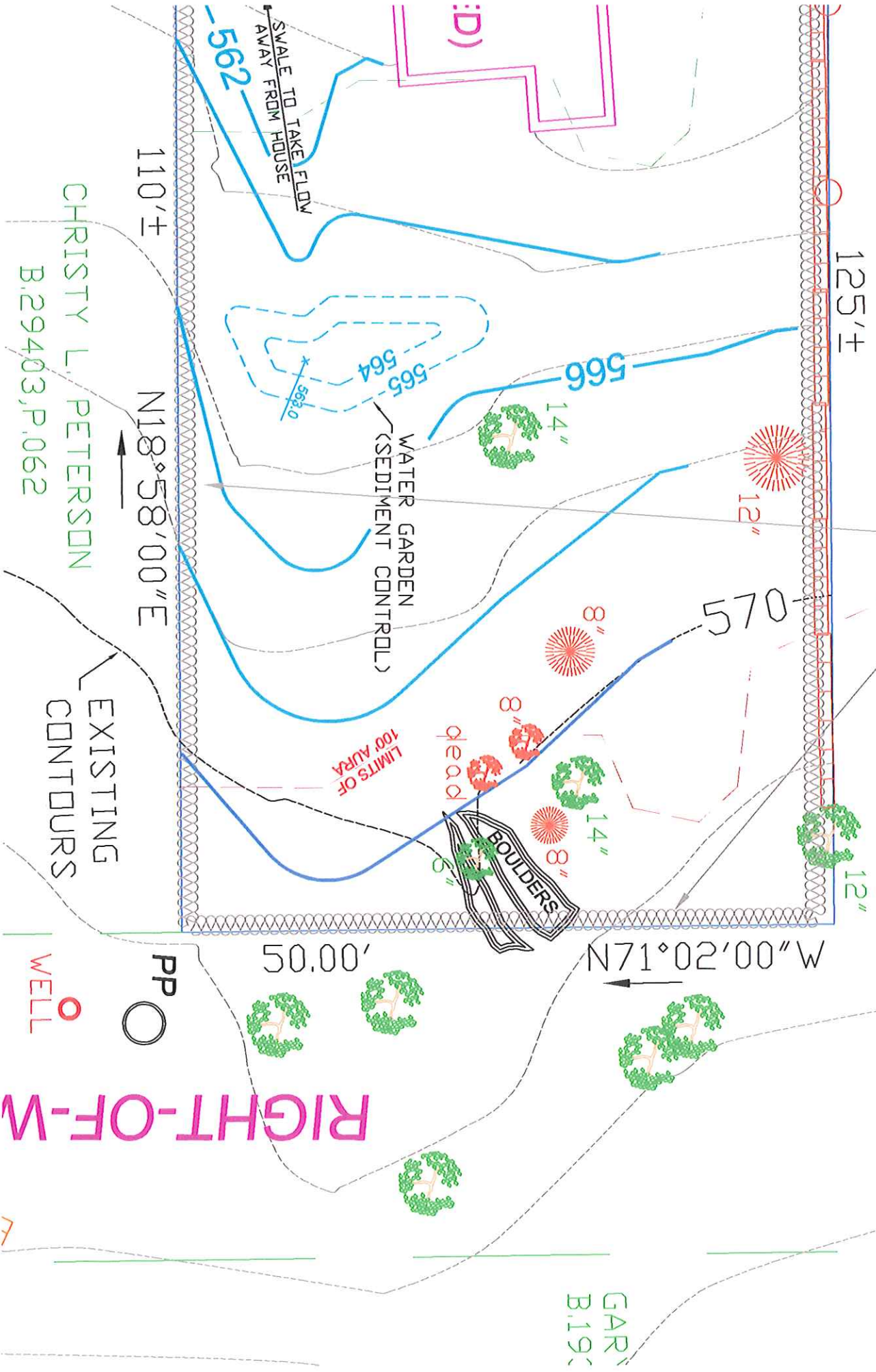
DW Dogwood 1



TS OF WORK FOR REMOVAL OF
E SPECIES AND INSTALLATION
EN AND GRASS LAWN.

GARY R. MELIA
B.19326,P.344

GARY
B.19326,P.344



CHRISTY L. PETERSON
B.29403,P.062

EXISTING
CONTOURS

PP

WELL

RIGHT-OF-WAY

GRAZ Engineering, L.L.C.



323 West Lake Road • Fitzwilliam, NH 03447 • Telephone (603) 585-6959 • Fax (603) 585-6960

July 15, 2014

Sutton Conservation Commission
4 Uxbridge Road
Sutton, MA 01590

**Subject: 39 West Millbury Road
Notice of Intent Plan Revisions**

Dear Commission Members:

GRAZ Engineering, L.L.C. (GRAZ) has received and reviewed the memo from Ecosystem Solutions, Inc. (ESI) dated July 10, 2014 by Brandon Fanuef, MS, regarding his most recent review and comments of the proposed lot development plan dated June 20, 2014 for 39 West Millbury Road as well as his email comments of July 14, 2014.

In addition, GRAZ has received and reviewed the email comments from Sutton Conservation Commission (SCC) member Robert Tefft dated July 11, 2014 regarding his review of the above mentioned plan.

GRAZ submits the following response and the revised plans for final review and approval of the SCC. For simplicity, GRAZ has provided comments on only the items that require attention.

ESI Memo of 7/10/14

6) Put reflectors at crossing per Mark Briggs.

Sheet 1 of 2 has been revised to indicate the location of four (4) posts with reflectors to be installed at the corners of the proposed driveway crossing of the wetlands.

12) At 39 W. Millbury Rd., show any and all fences, paddocks, and the like the Applicant wishes to construct in the future, even if they are not constructed, so they don't have to return with a new application.

The Applicant has not determined the proposed location(s) for any fencing in this area but may consider fencing around the perimeter of the Conservation Restriction Lines of the proposed permanent disturbance limits surrounding the house, septic, and barn and excepting the proposed common driveway and the portion of the proposed private drive crossing the gas easement. The plans have been revised to depict this proposed perimeter fence accordingly. I would note that the limits of the proposed permanent disturbance for the project on the revised plan extends to the limits of the Conservation Restriction Lines as proposed for the Natural Heritage Endangered Species Program (NHESP). Except for the proposed common driveway and the portion of the proposed private drive crossing the gas easement, the remaining proposed permanent disturbance area lies outside the 100-foot buffer to the existing wetlands.

13) A 12" x 24' pipe has been depicted under the driveway at the prescribed location. My only comment is that I would like to see some stone at the outlet location to break up the concentrated flow through the pipe.

Sheet 1 of 2 has been revised to depict a modified stone fill check dam around the downgradient side of this cross culvert outfall to break up the concentrated flow. I would also note that as required by the Gas Co., a swale detail has been added to Sheet 2 of 2 depicting the required turf reinforcement for the upgradient drainage swale.

ESI Email of 7/14/14

Also, construction sequencing is an important point here. The crossing & replication areas are going to be constructed first before anything else.


Sheet 2 of 2 has been revised to include Construction Sequencing Notes accordingly.


Robert Tefft Email of 7/11/14

- I do not think there is enough room for the transformer pad where shown.
Sheet 2 of 2 Construction & Utility Notes have been revised. In particular, note 6 has been added to indicate that the location of all utilities is approximate and that the Contractor shall be responsible for coordination with the appropriate utility company for the required locations and depths to meet each utility companies requirements.
- The driveway needs more detail and engineering and limit of wet land taking needs to be shown.
The finished grading and wetland taking area at the crossing was not depicted appropriately on the previous submittal due CAD layering and colors. The attached plans have been updated accordingly. GRAZ believes that the plan view on Sheet 1 and the roadway profiles & cross section on Sheet 2 that the driveways have been adequately engineered and detailed for construction purposes. Essentially, these same plans have been reviewed by the Planning Board as a Common Driveway and approved.
- Per the detail the road is 15 wide with shoulders? and 3 to 1 slopes. At the pipe crossing their is at least a 7 foot fill so the bottom of the embankment is 21 plus 15 plus 21 feet wide I do not know how you can only us a 24 foot pipe.
Again, the finished grading at the crossing was not depicted appropriately on the previous submittal due CAD layering and colors. The attached plans have been updated accordingly. With that said, the amount of fill from the bottom of the culverts to the proposed finished driveway grades is ± 3.2 feet and not the 7 feet suggested. However, we have revised the culvert lengths to 40-feet to accommodate the width of the fill embankment at the bottom of the slope.
- Where are the trees being put?
The proposed trees were depicted on the plans submitted on 6/20/14 along the left (southerly) side of the Common Drive as you enter from West Millbury Road. These trees were required as part of the projects approval for a Common Drive as previously approved by the Planning Board.
- I also think we want a small rise shown at the beginning of the driveway so that street water stays in the street.
As depicted on both Sheet 1 (plan view) and Sheet 2 (profile view), the existing cross pitch on West Millbury Road directs the roadway drainage to the easterly side of the roadway away from the proposed driveway curb cut. The proposed centerline grade for the driveway at the edge of pavement on West Millbury Road was also set higher ± 0.3 feet higher than the existing roadway pavement grade at that location. GRAZ believes that this will prevent any roadway runoff from entering into the driveway curb cut. During construction, should it be determined due to the existing conditions that additional rise is required to maintain the street flow characteristics then the Contractor will be required to adjust the grading accordingly.

I trust that this information will assist the Conservation Commission in their final review, approval, and issuance of an "Order of Conditions" for this project. Should you have any other questions or require additional information prior to the meeting please call me as soon as possible.

Respectfully yours,
GRAZ Engineering, L.L.C.


Brian MacEwen, P.L.S., E.I.T.
Project Manager


Paul Grasewicz, P.E., L.L.S.

BCM/PFG/bcm

cc: Paul Grasewicz, GRAZ Engineering, LLC
Tamam Jaber, Applicant

Conservation Sign in Sheet

Date: 7-16-14

[illegible]