

SUTTON CONSERVATION COMMISSION

December 17, 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

**Project Update**

**7:00pm Putnam Hill Road/Mass DOT**

Present: William Clougherty, Mass DOT, Yan Zhang, AECOM Co.

W. Clougherty explained the hydrolic study completed by Myaeocon for Mass DOT, including Fema information and the water shed areas. Fema has modified their flood plain map in the area of the flow of the stream on Cote Lane. He explained that they need the design of what they will do before they can file the Notice of Intent.

Y. Zhang explained the information he brought on a USB that ws put on the TV screen for all to see during the presentation.

Abutter

Andrew Nedoroscik, 420 Putnam Hill Road, is an abutter but is here for the Manchaug Water Company. He stated they want to protect the three wells in the area.

Dennis LaForce, 27 Whitins Road & Manchaug water District, is concerned with the raised water level and the wells. The wells need to be protected from surface water infiltration from the road.

B. Faneuf suggested letting the vegetation and trees grow up in the area of the riprap.

**Public Hearing (New)**

**654 Central Turnpike**

**DEP#303-0802**

The Public Hearing was opened at 7:30pm. D. Moroney waived the reading for the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of replacing an existing sewage disposal system.

Present: Mike Yerka, Civil Site Engineering, for Robert DeBoer, owner

M. Yerka explained the septic system behind the house, using the walls as breakout for the system. He described how the equipment would do the work and how this system would be installed. The old system is an existing leach field, not a cesspool. The Board of Health has not approved the variances yet. Their meeting is on December 23<sup>rd</sup>, so he is asking for a continuation to our next meeting on January 7<sup>th</sup> 2015.

R. Tefft said they should start the construction after the winter months.

B. Faneuf summarized his site visit on the property.

See Attachment #1 Ecosystem Solutions

The request was made for use of a 12" sock/wattle with blown in mulch, along with the use of a silt fence.

Motion: To continue, with the applicant's permission, to January 7, 2015 at 8:00pm by J. Smith  
2nd: W. Wence  
Vote: 5-0-0

**Public Hearing (Cont.)**

**10 Old Common Road**

**DEP#303-0801**

The Public Hearing was opened at 8:05pm. D. Moroney waived the reading for the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of a single family house, septic system, well, and associated site work.

Present: Paul Hutnak, Andrews Survey, for Judith Briggs, owner

P. Hutnak reviewed the limit of disturbance.. The pasture area outside the lawn is to be only cut twice a year, and mowed to the edge of the wooded area only. The owner would like to do a split rail fence to match the existing fence line. The roof gutters would be moved away from the house, as requested.

J. Smith suggested giving the owner the option for either the fence or boulders and use of signs.

B. Faneuf summarized his site visit on the property.

See Attachment # Ecosystem Solutions

The request was made for use of 12" sock/wattle with blown in mulch, along with the use of a silt fence with this construction. The placards would be very good for future information for any successive owners.

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

Motion: To issue an Order of Conditions with the details of signs on the plan and the signs placed at every 150' location in conspicuous locations.  
2nd: W. Wence  
Vote: 5-0-0

**Public Hearing (Cont.)**

**197 Central Turnpike**

**DEP#303-0800**

The Public Hearing was opened at 8:18pm. D. Moroney waived the reading for the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of a barn/garage on a slab with associated site work and existing lawn.

Present: Paul Hutnak, Andrews Survey, James & Amy Levins, owners



P. Hutnak explained the owner had a past Order of Conditions to do work on the site. The Enforcement Order was issued because too much fill was added beyond what was allowed in the Order of Conditions. In 1990 some work was allowed and in 1993 a Certificate of compliance was issued. It was sent to the DEP in 1994. The owner now wants to build a barn/garage on a slab, with associated site work and existing lawn. He would clean up the brush in the wetlands and does not remove the existing fill, as it is now stabilized.

J. Levins explained a brush fire and 10 years of yard waste now in the area of the BVW that was in question. He is willing to clean that up. He will put trees in at the end of the area.

B. Faneuf summarized his site visit on the property. He would like to see the site plan amended for the addition and show the new limit of work. The existing septic stockpile should be moved to an upland location. Two signs should be placed at the end of the "peninsular and plant some evergreen in the area.

J. Smith suggested using the placard signage at the end of the peninsular.

Motion: To continue, with the applicant's permission, to January 7, 2015, at 8:15pm, by J. Smith  
2nd: L. Rothermich  
Vote: 4-0-0 W. Wence stepped down

### **Project Updates**

#### **7:50pm 277 Central Turnpike – Pool**

Present: Daniel Greenwood & Carrie Ann Greenwood (Murray), owners

D. Greenwood explained the 2004 Ice storm that knocked down the trees around the body of water, and he removed them. In July of 2005 they had an Order of Conditions. In 2006 the pool was put in but no paperwork was located.

B. Faneuf showed all the GIS pictures of the different years, which showed how the area in question was cleared. He explained the Commission would like to see a 35 foot strip to the pond area with the remaining area allowed to grow in naturally, with no mowed grass down to the pond. No dock should be in the pond without a permit. The 25' around the pond should be allowed to return to its natural state. There is a question if this pond area is a vernal pool. Return with a drawn plan of what they will do to restore the area.

C. Greenwood asked if the children can go to the pond.

B. Faneuf replied yes, but no grass mowed down to the pond or a dock in the pond.

R. Tefft suggested they re-plant high blueberry bushes down either side of the path to the pond.

### **Public Hearing (New)**

#### **7 Blueberry Meadow Drive**

#### **NoDEP# RDA filed**

The Public Hearing was opened at 9:00pm. D. Moroney read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of removing two trees within a wetland resource area.

Present: Richard & Ellen Trujillo, owner

R. Trujillo explained the dangerous trees that they would like to remove, behind the house that has damaged their property in the past.

B. Faneuf showed all the GIS pictures of the trees to come down.

Motion: To close the Public Hearing, by W. Wence  
2nd: L. Rothermich  
Vote: 5-0-0

Motion: To issue a Negative Determination of Applicability, by J. Smith  
2nd: W. Wence  
Vote: 5-0-0

### **Board Business**

The Board approved the minutes of November 19, 2014 and December 3, 2014.

Motion: To approve the minutes of November 19, 2014 and December 3, 2014, by J. Smith  
2<sup>nd</sup>: W. Wence  
Vote: 5-0-0

The Board signed the routing slip for Earth Removal in the Planning Board.

The Board signed a partial Certificate of Compliance for **10 Forge Lane** but did not sign the Certificate for **32 Horne Drive**, J. Smith did the site visit for the removal of the dead trees and will be amended to their existing OOC. It will be inspected for a COC when the tree work is completed.

### **Discussions:**

The **Special Conditions** proposal wording changes were reviewed.

**Leland Hill Estates** – B. Faneuf gave an update and stated that this area is stabilized and the silt fence can be taken down. He will notify Mr. Burns.

Site Visit for C of C: **32 Horne Drive**/Charest – Amend open OOC – remove dead tree/ J. Smith

The Tracking sheets and the Correspondence were reviewed.

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](http://www.suttonma.org).

Motion: To adjourn, by J. Smith  
2<sup>nd</sup>: W. Wence  
Vote: 5-0-0

Adjourned at 9:50pm.



**Brandon B. Faneuf, Conservation Consultant**  
**Sutton Conservation Commission**

**Application Type:** Notice of Intent  
**Project Location:** 654 Central Tnpk. / Map 67, Lot 94  
**Applicant:** Robert DeBoer  
**Owner:** Same  
**Representative:** Michael Yerka & Margaret Bacon, Civil Site Engineering  
**Inspection Date:** 12/5/14  
**Memo Date:** 12/14/14

Introduction

This is a 1.85 acre parcel on the north side of Central Tnpk. and between Douglas Rd. and Town Farm Rd. It is diagonally northwest of Douglas Rd. It is the site of a single family home. There is a short driveway on the west side of the house leading to a shed (labeled as 'existing garage'). The well is located between the house and the driveway. The front yard and eastern side yard are grassed. Retaining walls on both sides of the house are present, with a back yard lower in elevation than the front yard. In the back yard, lawn and ornamental plants dominate, with a gazebo to the northeast of the house, and a greenhouse to the northwest of the house. A river is located at the north edge of the backyard lawn, and is labeled on the Town of Sutton GIS "CAI Query Manager Online" as the Mumford River, although it is not specifically named on the USGS Topographic map. There is a causeway with a walking bridge over the river, with a fieldstone dam at the eastern property line.

Wetland Resource Areas

1. Bank of the Mumford River w/ 100' AURA.
2. 200' Riverfront Area (under 310CMR 10.00 and Bylaw) and Riverfront District (under Bylaw) associated with the Mumford River.

*Comments on Wetland Delineation & Wetland Resource Area Classification*

The wetland is accurate as delineated and depicted on the site plan. However, the applicant labels the river as "Pond" on the plan. Although the section of the river behind the house and lawn is wider, this section of the river is not wide enough to have permanent, pond-like characteristics. In my judgment, this area is more lotic than lentic.

Public Interests significant to Wetland Resource Areas under 310CMR 10.00 and the Bylaw

Inland Bank:	Protection of Public or Private Water Supply (both)*
& Riverfront District	Protection of Ground Water Supply (both)
	Prevention of Pollution (both)

Flood Control (both)  
Storm Damage Control (both)  
Wildlife and Fisheries Habitat (both)

\*"Both" means the Public Interest applies to both 310CMR 10.00 and the Bylaw

AURA:                      Protection of Public or Private Water supply (Bylaw only)  
                                 Flood Control (Bylaw only)  
                                 Erosion & Sedimentation Control (Bylaw only)  
                                 Storm Damage Prevention (Bylaw only)  
                                 Water Quality & Level Water Pollution Control (Bylaw only)  
                                 Fisheries (Bylaw only)  
                                 Wild and Aquatic Life Habitats (Bylaw only)  
                                 Recreation & Aesthetic Values (Bylaw only)

#### Current Proposal

The primary project purpose is to construct a new septic system with Eljen modules as the leachfield between the house and the southern bank of the river. In order to do this, the applicant has proposed the following:

- Remove the existing septic tank and leachfield in accordance with Title V.
- Grading of the back yard to within  $\pm 10'$  of the bank of the river.
- Move the gazebo  $\pm 8'$  to the northeast.
- Either remove the greenhouse entirely, or move it to another location.

The well will be 50.2' from the leachfield, at its closest. A 40mil membrane is proposed on the downgradient side closest to the river.

Access to the back yard is proposed on the west side of the house where there is a stone retaining wall. The plan doesn't show how equipment will get past the retaining wall and into the back yard.

#### Compliance with 310CMR 10.00

Because the septic system is located within 100' of the mean annual high water line of the river, the applicant must state what alternatives to the current location are available, and why the alternative location cannot be used. In this case, there is land on the north side of the river that would be further away. The leachfield will also be within 50' of the Bank of the river, which means it is not presumed to protect the 8 Interests of the Act. When there is a repair under Title V, however, the performance standard is to keep the system as far away from a wetland resource area "as practicable."

#### Compliance w/ Bylaw

Work is proposed in the 100' AURA of the Bank and the 200' Riverfront District of the river. The performance standard is to avoid work in the AURA if possible, and if not, minimize and mitigate (if the Commission so requires) the amount of disturbance in the AURA. This includes justification of the placement of the



septic system why they couldn't be placed elsewhere. And if not, what mitigation is proposed for disturbance of the Riverfront District and AURA.

#### Comments & Recommendations

1. Is the existing system a leach field or cesspool? When were they originally constructed?
2. Has the BOH looked at this yet?
3. Have the applicant present a alternatives analysis stating why the septic system cannot be placed farther away from the river. The analysis does not have to conform exactly to that in 310CMR 10.58. Discuss whether the configuration of the project has adequately avoided, minimized, and mitigated for impacts to the AURA. The "no-build" option can include a tight tank scenario.
4. Explain how equipment will access the back yard, and show any proposed temporary disturbance associated with access on the plan. As currently proposed, I wonder how equipment will get over the retaining wall.
5. Moving the gazebo to its relocated position isn't an issue because it is all lawn.
6. A location must be chosen and depicted on the plan for the greenhouse if it is to be moved.
7. Make note on plan that the 100% biodegradable straw wattles must be 12" diameter, as opposed to 9".
8. Given the proximity to the river, I would feel more comfortable if the applicant proposed a combo. straw wattle and silt fence.

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



**Date:** 12-17-14

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