

SUTTON CONSERVATION COMMISSION

February 3, 2016

MINUTES

Approved: 

Present: Joyce Smith Chair, Daniel Moroney, Robert Tefft, and William Wence

Absent: Lauren Rothermich

Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant

Public Hearing (Cont.)

7:00pm 15 W. Sutton Road/Paul Hutnak, Andrews Survey
DEP#303-00796 Lynn Dahlin, owner NOI filed
This has been continued to March 16th at 7:00pm

Motion: To continue with the applicant's permission, to March 16, 2016 at 7:00pm, by W. Wence
2nd: D. Moroney
Vote: 4-0-0

Public Hearing (New)

7:05pm 234 Manchaug Road
DEP#303-08

The Public Hearing was opened at 7:05pm. J. Smith read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of installation of a seasonal dock, clearing vegetation, removal of dead wood repair and approval for a retaining wall and stairs already built on the bank of Manchaug Pond.

Present: Mike & Alissa McGovern, owners

M. McGovern is asking for a seasonal dock of 40 feet instead of the 30 permitted in the Bylaw, to allow it to reach a large boulder. He would like to finish cleaning up the brush, and burn existing brush piles from the logging operation.. He is asking to install a stone patio in the 200' recreation area.

B. Faneuf stated that the extra 10 feet on the dock is a reasonable request because the boulder causes a boating impediment anyway, so extending it won't add to any boating restrictions.

J. Smith said he would need to have reflectors on the dock. They also need a narrative and stating why work in jurisdiction is necessary. They will need to post a DEP number on the lake side as well as the road side.

R. Tefft asked if he was going to clear the scrub down to the lake. He should identify the area to be cleared on the plan.

W. Wence does not object to cleaning up the slash from the logging that took place in the past.

D. Maroney suggested that a plan presented by an engineer might save time.

Motion: To rescind the tickets, by D. Moroney
2nd: R. Tefft
Vote: 4-0-0

J. Smith asked Mr. McGovern to provide copies of his photograph with the time stamp of 11-23-15 to the Committee. (The photograph was shown on 2-3-16 as proof that the rebuilding of the stairs was done prior to receiving the Cease and Desist on 12-2-15.)

W. Wence made the comment that no one on this Board looked for an issue on his property until he received an email complaint from a resident that work was done without a DEP number.

Motion: To remove the Enforcement Order, by D. Moroney
2nd: W. Wence
Vote: 4-0-0

Motion: To continue, with the applicant's permission, to February 17, 2016 at 7:15pm, by D. Moroney
2nd: W. Wence
Vote: 4-0-0

Public Hearing (New)

7:20pm 295 Manchaug Road
DEP#303-08

The Public Hearing was opened at 7:35pm. J. Smith read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of construction of two single family homes and associated site work.

Present: Elizabeth Ennis/Graves Eng., Pina Conte, owner

This was continued, with the applicant's permission, to February 17, 2016 at 7:00pm

Abutter:

Mark Hester's concern is that he believes his deed contains language that only one house is permitted on the lot his was split from. This was more of a Planning Board question not Conservation.

The application cannot be heard as submitted because it is administratively incomplete as proper fees and paperwork for a subdivision have not been submitted.

Motion: To continue, with the applicant's permission, to February 17, 2016 at 7:00pm by D. Moroney
2nd: W. Wence
Vote: 4-0-0

Discussion:

***277 Central Turnpike/T. Murray** - To release the EO, a spring site visit would be done for the re-planting of the blueberry bushes.

***17 Burdon Street/Aunt Mary's Restaurant Demolition** – there was no filing done to demolish this building which is within the jurisdiction of the Conservation. A letter was sent to the owner to file an NOI for any

further activities.

***171 Worcester Providence Turnpike/Pleasant Valley Crossing** - A. Allen's SWPPP update is suspended to the middle of March, due to the snow. B. Faneuf explained the erosion problems and the wash out from the 200' river front area, where stones were put in place in the location of the re-occurring erosions.

Motion: To suspend the SWPPP updates to March 2016, by D. Moroney
2nd: W. Wence
Vote: 4-0-0

***78 Torrey Road/C. Kroll** – Issue of not following the permitted OOC as trees were cut prior to the pre-construction meeting on January 20, 2016. B. Faneuf explained the past issues with the forestry clearing and location of the driveway.

***224 Manchaug Road/J. Britnell** – In response to a citizen complaint, it was discovered there was cutting done in the wetlands to install a well, with the permission of the owners of the YMCA. Mr. Faneuf reviewed pictures of this area with the Commission. There is a question of who located this well and whether or not it installed in the correct location. Trees were also taken down in the 100' AURA and possibly the 200' AURA of the bank of Manchaug Pond. This work was done during the 21 day grace period between the closing of the public hearing and the day the OOC must be issued. As it was, the work was done before the OOC was issued.

The decision was to issue a warning ticket to the owner, YMCA, and the potential owner, J. Britnell.

***3.5 Oak View Drive, Millbury/Michael Bernard**/ No OOC in Millbury to build house in 1997, because it's in Sutton. There is no OOC in Sutton or Millbury for this property. A second Certified letter would be mailed for the owner to come in to Conservation's next available meeting.

***131 Singletary Ave./T. Labelle**- J. Smith will check on this property.

BOARD BUSINESS

Camera purchase - No action was taken as most feel they can take cell phone pictures.

The Board approved the Minutes of January 6, 2016

Motion: To accept the minutes of January 6, 2016, by D. Moroney
2nd: W. Wence
Vote: 4-0-0

Complaint: This complaint call referred to 169 Manchaug Road cutting of brush along the lake banks however it's actually 172 Manchaug Road that already has a permit to do work.

The Board has no routing slips to sign.

Site Visits needs to be done for a Certificate of Compliance for 219 Manchaug Road/S. Strassner.

B. Faneuf did a site visit, before it snowed, and found that hydro seed was still visible, so this needs to be checked on in the spring, and would be added to that list.

The Correspondence and Track Sheets were reviewed.

Vote on the Guidelines to put on the website.

Motion: To approve these guidelines, however to strike the sentence in the first paragraph: even if you don't know you are required to get one if it is not in the Wetland's Act by W. Wence
2nd: R. Tefft
Vote: 4-0-0

The Board reviewed the Annual Report, which would be sent to the Town Clerks.

The MACC Conference is March 5th whoever is going to go, please email me your information to be sent in.

The Board reviewed the Letters sent out to the list below.

Singletary Ave on the Millbury Line at Laurel Heights – Issue with how close he is to the wetlands with equipment, etc. Letter sent to the owner in Millbury.

83 Griggs Road/M. Meager – driveway work, silt in the roadway. Letter and email sent.

No information has been received on these letters that were sent out:

First letters sent to:

11 Carr Street/B. Garrett/7-10-15 - Certificate of Compliance

6R Torrey Road/M. Flagg, 08-07-15 - Plan changes for Certificate of Compliance

11 Dudley Lane/Gianni Romeo - verification of wetlands line and disturbance

297 Manchaug Road/Mark Hester/06-25-15

34 Bond Hollow Road/D. Maoris – used the BOH plan but Conservation needs an As-Built plan showing the steep slopes to issue the Certificate of Compliance.

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: W. Wence
Vote: 4-0-0

Adjourned at 8:20pm.

TOWN OF SUTTON GUIDE TO WETLANDS AND PERMITTING

The Commonwealth of Massachusetts passed the Wetlands Protection Act in 1972. This law recognizes that wetlands are important. Wetlands function in storm water management, floodplain protection, drinking water quality and wildlife habitat. This law requires anyone doing work or any activity near a wetland to obtain a permit from the Conservation Commission. This law applies to homeowners and develops alike. Under Massachusetts Law, you are responsible for obtaining a permit, even if you don't know you are required to get one. When you purchase property or propose a project, you are responsible for due diligence by obtaining the appropriate permits before you begin the project.

The Town of Sutton passed a revised Bylaw in May 2015. A copy may be obtained at the Conservation Office or on line. Some parts of the Bylaw may differ from the Wetlands Protection Act with additional Jurisdictional Areas and Public Interests that protect Aquatic Life Habitat, Recreational Activities, Aesthetics, and Agriculture.

Any project within 100' of a wetland or intermittent stream and 200' feet of a perennial stream or Great Pond, as well as the 100-year flood plain, requires a permit from the Conservation Commission. If an endangered species habitat exists on the property, a permit from the Division of Fish & Wildlife's Natural Heritage and Endangered Species Program is also required. Wetlands are determined by 3 factors: hydrology, vegetation, and soils. Appearance varies with seasons and weather conditions. Contact the Conservation Office (508-865-8728) when in doubt, because they have maps and any former permits on the property, which are public record. Any open Orders of Conditions should be disclosed at closing when property is sold or transferred. Always make the inquiry. It is far easier to ask first than to stop work and fix it later. Permits from other boards have different requirements and do not exempt you from getting a permit from the Conservation Commission if wetlands are present. Asking first avoids costly delays in both time and money.

WORK OR ACTIVITIES THAT REQUIRE CONSERVATION PERMITS (including but not limited to):

Land Clearing, Septic Systems, Wells, Retaining Walls, Cutting and Clearing Vegetation, Construction of Buildings, Additions, Garages, Pools, Decks, Sheds, Docks, Parking Lots, Roads, Demolition and Subdivisions

Wetland Identification Checklist - If you answer yes to any of the following, it is likely that you need a permit.

Evidence of Water

- ☐ You live near a stream, river, spring, seep, lake or pond.
- ☐ There is a low area with standing water after a storm.
- ☐ There are drainage channels or trenches that carry water.
- ☐ There are areas where the leaves are stained or darker than surroundings.
- ☐ The ground is hummocked (mounds with water around them).

Wetland plants

- ☐ You see plants like sphagnum moss, ferns cattails, sedges, rushes, or skunk cabbage.
- ☐ There are red maple trees.
- ☐ There are tall blueberry bushes, swamp azalea, sweet pepperbush, northern arrowwood or dogwoods.

Soils

- ☐ Is the soil dark brown or black?
- ☐ If you dig a hole, does it fill with water or have water weeping in from the sides?
- ☐ Can you squeeze water out of the soil within 20 inches of the soil surface?

Conservation Sign in Sheet

Date: 2-3-16

[illegible]