

SUTTON CONSERVATION COMMISSION

May 3, 2017

MINUTES

Approved: 

Present: William Wence Chair, Lauren Rothermich, Co-Chair, Daniel Moroney, Joyce Smith,
and Robert Tefft

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

Discussion:

7:00pm 1 Maple Street

Present: John Polucha, owner

It was discovered by the DPW, that work has been done on the dam for Stevens Pond which is Town Property, by the owner of 1 Maple Street.

J. Polucha told the Board since he bought the house in the fall of 2016. The lawn that was put in by hydro seeding never took, so he was having the landscaping done to reseed the lawn and build a retaining wall.

B. Faneuf showed the pictures he took during his site visit before the meeting. He showed the pictures from the NOI in 2015 that were permitted for the septic system to be installed. He also read the special conditions, which were not followed. The owner needs to do get rid of the Japanese Knotweed, let the bank regrow and file a Notice of Intent, showing the swing set, stone wall, repair yard area with lawn, and the as-built for the garage which was not permitted.

Work on the site should be stopped until the NOI is filed. The disturbance on the dam can be stabilized and erosion controls installed to protect Stevens Pond as soon as possible.

Motion: To issue a Cease and Desist letter to 1 Maple Street, by J. Smith
2nd: D. Moroney
Vote: 5-0-0

Public Hearing (New)

7:05pm 17 Southwick Road
No DEP# RDA Filed

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

The project consist of removing two dead oak trees within the resource area.

Present: Rene & Stephanie Fontaine, owners

R. Fontaine showed the pictures of the two trees in question that he would like to take down.

B. Faneuf replied to get a Licensed Arborist letter, then replant the two trees as close as possible next to where the other trees came down.

R. Fontaine asked if we knew any Arborist in the area. He is also asking for a waiver for an emergency certificate.

Bill Wence volunteered to visit the site to see if an emergency certificate was appropriate.

Motion: To continue to May 17, 2017 at 7:35pm, by D. Moroney
2nd: J. Smith
Vote: 5-0-0

Public Hearing (Cont.)

7:35pm 28 Wheelock Road

DEP# 303-0839

The project consist of construction of a single family house, septic and well within 100' buffer zone of a BVW.

No one available: Margaret Bacon, Civil Site Engineering, Timothy Morse, owner

This was continued from April 19th meeting to May 17, 2017 at 7:20pm

Unexpected Business

7:35pm 82 Central Turnpike

It was discovered that there is an issue with a black drainage pipe sticking out of the ground in various places and is in the stream bed. There is no information on who installed it and no permit ever issued.

B. Faneuf used the pictures he got from the GIS as far back as 1939, 1984, 1967, 1971, 1995, and 2001. The last two look just like the GIS of 2017.

R. Tefft suggested cutting the pipe out in sections and to build the head wall to channel the water, using the existing pipes. He suggested to disconnect the floating pipe in the back yard. It appears to be an unpermitted pipe they can't leave in place. They could possibly construct a stream bed using stones.

B. Faneuf replied they can take the pipe out and then call him to do another site visit once the work has been completed.

Public Hearing (Cont.)

8:20pm 140 (AKA 168) Manchaug Road

No DEP# RDA filed

The Public Hearing was opened at 8:20pm.

Motion: To waive the reading of the hearing notice, by D. Moroney
2nd: J. Smith
Vote: 5-0-0

The Project consist of removing two dead trees along the lake side, installation of an aluminum temporary dock with washed beach sand for a small beach area.

Present: Mark & Laura LaRochelle, owners

M. LaRochelle said they are withdrawing the sand on the beach and just want to put the temporary

dock in. They will not be cutting down any trees. They intend to store the dock in the winter at the edge of the pond.

B. Faneuf said that they would need a variance to the 40 foot dock length.

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

Motion: To issue a negative Determination of Applicability with the waiver on the deck length of 40' and 350 sq. ft. area and to clear the underbrush up to 8' at the bank area, by, L. Rothermich
2nd: D. Moroney
Vote: 5-0-0

Project Update:
8:27pm 80 Worc. Prov. Tpke/Solar Farm
DEP#303-0806

Present: Mr. Greg Carey, Clean Energy Collective, Charlie Roberts
They were asked to appear to explain unauthorized cutting and clearing, and erosion issues.

B. Faneuf showed the pictures from his site visit, showing fill was brought in to widen the road.

R. Tefft asked if the erosion controls were functioning property.

B. Faneuf replied the erosion controls need to be redone. They did the restoration area where the house was located. However, there are other areas with issues. They didn't refresh the erosion controls, but put up a second row. There has not been a cleanup of silt in the wetlands, and nothing was refreshed, just added the second row. They were supposed to call for the inspection but they have not called yet.

Motion: To issue a Cease and Desist letter, by J. Smith
2nd: D. Moroney
Vote: 5-0-0

Project Update:
8:35pm 171 Worc. Prov. Tpke/PV Crossing
DEP#303-0604

From past meeting:
B. Faneuf will contact P. Doherty for the next meeting about the infiltration basin and erosion controls, and the missing gage.

From this meeting: B. Faneuf did the site visit today, he stated this should be a dry pond but its's a wet pond, there should be a warning issued not an Enforcement Order yet.

J. Smith stated no gage was installed in a timely manner.

Motion: To issue a warning and they need to come in to explain.

2nd: L. Rothermich
Vote: 5-0-0

BOARD BUSINESS

Minutes

The Board voted on the Minutes of April 5, 2017 and April 19, 2017.

Motion: To accept the minutes of April 5, 2017 and April 19, 2017, by J. Smith
2nd: D. Moroney
Vote: 5-0-0

Project Update

**8:42pm 42 Bond Hollow Road
#303-0633**

J. Smith stepped down.

W. Wence read the email received into the record that was received on April 26, 2017 from S. Fisher.
See attachment #1.

B. Faneuf showed the pictures from his site visit before the meeting.

Motion: To issue a Cease and Desist, by R. Tefft
2nd: D. Moroney
Vote: 4-0-0

The Board signed the C of C for **National Grid #303-0666**

Motion: To issue a Certificate of Compliance for #303-0666, by D. Moroney
2nd: J. Smith
Vote: 5-0-0

11 Ramshorn Road – Robert Morton, owner, there is a request for the Certificate of Compliance, however once the Request for the Determination of Applicability is permitted, then he can request the Certificate.

The Board didn't sign the Ext. OOC for **9 Silver Ledge Drive**, Matthew DeNittis, owner, a letter would be sent out to have him come to the next meeting.

They didn't sign the Ext. OOC for **60/62 Lackey Road** William Matukaitis, owner, which is due on 06-06-17. A letter would be sent to Mr. Matukaitis, to refresh the erosion controls and he also needs to come in front of the board at the next meeting.

9:10pm

Routing Slip for Planning Board: **1152 main Street Northbridge/National Grid – Solar Farm**

It was discussed that there wasn't enough information on the drawings to determine if this was within 100' of the wetlands. A letter from a Wetlands Scientist indicating no work would be done within the wetlands.

9:05pm

9 Harback Road

D. Moroney stepped down.

B. Faneuf did a site visit before the meeting and found that this was not constructed per the plans. The swale was not installed. He will do a site visit with Gary Magnusson, CMG Manager.

Project updates from B. Faneuf's site visit:

172 Manchaug Road – B. Faneuf will call them for an update on their project.

192 Manchaug Road – the wall and garage on this project wasn't permitted. They need to come to the next meeting. a letter would be sent with a request they come to the next meeting.

Guideline changes: Sub-committee review: The Sub-committee is working on the guidelines and making changes, but have not completed those changes and will give an update at the next meeting.

The Site Visits list was reviewed for C of C's for several projects.

The Board reviewed the Correspondence & Track Sheet Review

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: 5-0-0

Adjourned at 9:55pm

Attachment #1

Wanda Bien

From: Shayna Fisher
Sent: Wednesday, April 26, 2017 8:32 PM
To: Wanda Bien
Cc: Timothy Fisher
Subject: Re: Engineering Consultant Invoice
42 Bond Hollow Road

Wanda,

We received a letter in the mail today that the Commission has voted to issue a "cease and desist" on 42 Bond Hollow Road. Per this email chain, there are open questions that we have been waiting for a response on since the beginning of March.

Please inform the Commission of these open questions that we were told were being looked into almost two months ago. Again, we have received no response to these questions, which were specific to the consultant's proposal. We are also still waiting for the information aforementioned related to the Commission's hiring agreement with the consultant.

The vote of the cease and desist did not take into consideration that our payment was pending outstanding items to be addressed by the Commission. Therefore, our immediate request is that the Commission place a hold on its' issuance until we receive a response to our prior inquiries. Please let us know as soon as possible how this situation will be rectified.

In addition at the Commission meeting we attended on January 4, 2017 the Commission mentioned a remaining balance on our project's account. Please provide us with a statement detailing our account activity and balance for the property for this project since it's inception.

-Tim and Shayna Fisher

On Mon, Mar 6, 2017 at 1:19 PM, Wanda Bien <w.bien@town.sutton.ma.us> wrote:

There is no town contract with the consultant, he was hired by the Conservation Commission and I will have to find that information.

From: Shayna Fisher [mailto:shaynarfisher@gmail.com]
Sent: Monday, March 06, 2017 12:35 PM
To: Wanda Bien <w.bien@town.sutton.ma.us>
Subject: Re: Engineering Consultant Invoice

Thanks Wanda. Is there any additional documentation detailing the total estimated fees for the project? Could you also provide the town's contract with the consultant?

Conservation Sign in Sheet

Date: 5-9-19

[illegible]