

SUTTON CONSERVATION COMMISSION

February 7, 2024

MINUTES

Approved: 

*NOTE – This was a Hybrid meeting held in-person and via Zoom teleconference.

In-Person: William Wence, Chair, ~~Michael McGovern~~, Vice-Chair, Robin Jacques, Clerk, James Marran, Timothy Thompson, and Associate ~~Jared Duval~~—

Present by Zoom: Mike McGovern

Unavailable: Jared Duval

In-person Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant
Samatha Carreau

The Chairperson conducted a roll call to determine which members were in-person and via zoom recorded above.

**STATEMENT REGARDING
HYBRID MEETING**

Conservation Commission

February 7, 2024

Pursuant to Governor Healey's March 29, 2023 order extending the temporary provisions pertaining to the Open Meeting law until March 31, 2025, this meeting of the Sutton Conservation Commission is in HYBRID format and is being recorded. The recording will be available on the Town's website and YouTube channel.

**6:30 – Public Hearing (Cont.) Notice of Intent (NOI)
100 Worc. Prov. Tpke – DEP# 303-**

J. Marran recused from this public hearing

Motion: To waive the hearing notice, by R. Jacques
2nd: T. Thompson
Vote: 4-0-0 R. Jacques-yes, T. Thompson-yes, M. McGovern-yes, W. Wence

The project consists of redevelopment for a commercial building with nine service bays and warehouse with associated earthwork, utilities, paving, landscaping and stormwater management.

In-Person: Travis Brown, Mid-Point Engineering, for Chad Boardman, Eastern Partners

T. Brown updated the board about the flags and stream culvert, which all areas were reflagged again, this included the 25' no disturb zone. They delivered the plans to the Planning Board today and are working on those comments for their next meeting.

B. Faneuf said he reviewed the comments on January 30th and asked if Graves Engineering finished their review for Planning. The reply was not yet. He would like to see the BVW verses the bank of the stream added to the plans. His concern is the mud going down onto route 146, and asked them to extend the erosion controls to 100' longer, especially outside the 25' existing driveway. He also questions the bid trees coming down next to the wetlands.

T. Brown replied they located the Oak trees between 44" and 30" to come down but the wood-line trees would remain.

B. Faneuf then reviewed the basins, silt fence and overflow, and questioned the stock pike areas and requested they use an erosion control blanket because the 25' slope goes straight down to the highway of 146. The back hill is 25' straight down drop also, where will that water go?

T. Brown replied they will keep the culvert before the driveway that crosses 146, which Mass DOT is requiring comments and they expect those comments next week. The back hill 25' drop, water will go to a perforated pipe to the wetlands.

M. McGovern said he has no comments until DOT does their review and that information comes back.

T. Brown said the next planning board meets on February 26th.

Motion: To continue **100 Worc. Prov. Tpke** to February 21, 2024, at 6:30 pm, by R. Jacques
2nd: T. Thompson
Vote: 4-0-0 R. Jacques-yes, T. Thompson-yes, M. McGovern-yes, W. Wence

6:35- Discussion

134 Leland Hill Road – Grant Woodard

No one was available for this discussion, a second letter would be sent out to come to the next meeting on February 21, 2024.

6:40 – Discussion:

189land Hill Road – Albert & Dave Monte

A.Monte asked who would follow up on the repair of the fuel spill clean-up?

B.Faneuf replied Eco Tec and the Conservation Commission.

W. Wence said Eco Tec would give us their report.

B. Faneuf said the set-up is 2 years for monitoring the area.

A.Monte replied there is new fill that was brought in, and the rip rap ramp will be restored.

D. Monte said they would like to take out the Bittersweet, Purple Loose Strife and Poison Ivy.

A.Monte sand they would like to continue clearing and remove all of the and the broken trees.

B. Faneuf said there may be an issue if the work is outside of the emergency certificate area.

A.Monte replied the work is outside of that area.

B. Faneuf said outside is not covered by the emergency certificate so he suggests they file a Req. for Determination (RDA) to do that other work, and need a plan to show what plants they would like to remove and their location.

R. Jacques explained the RDA would document the new work.

B. Faneuf explained the what and how for the RDA.

J. Marran said when the work is completed, would we get an As-Built for the file.

B. Faneuf replied, not usually if they have a plan to follow.

A.Monte said they have a good plan as to what would be planted.

D. Monte said the section of the road where the water crosses there is 6" of standing water. It goes down the road, crosses and flows onto his property. So he wants to clean along the wall, keep it cut above the wetland area and clean out the invasive plant.

**7:05 – Discussion: Complaint received
13.5 W. Sutton Road – Bruce Edwards**

W. Wence explained the complaint that was received.

B. Faneuf explained about the dust and noise and showed the pictures of the new wall.

B. Edwards replied that the wall was built about 1.5 years ago.

B. Faneuf explained the process of construction where the complaint came in.

B. Edwards said there is no work being done now, but a tree came down, and the wall were being impacted by the roots. So they removed the walls and had to rebuild them, there is still work to be done.

B. Faneuf said the Cease and Desist should be lifted.

Motion: To life the Cease and Desist on **13.5 W. Sutton Road**, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

**6:50 – Public Hearing (New) Req. for Determinations (RDA)
90 Manchaug Road/Sutton Falls Campground
In-Kind Dam repair – no permit required**

B. Faneuf explained Mr. Gingras called him about the dam repair, and it was decided this was an in-kind repair so no permit was needed to do this work.

Motion: To close the Public Hearing on **90 Manchaug Road**, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Motion: To rescind the Request for Determination for **90 Manchaug Road**, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

**7:00 – Discussion:
45 Oak Street Project, in Douglas MA**

In-person: Jason Smith, Pat Manahan and Debin Harlawskas, Bluewave Energy

D. Harlawskas read the LSP information of the water/soils samples taken. What was detected was within the limits. Jessie Moscinski, property owner

Jessie Moscinski, property owner, spoke about Bluewave Energy Solar project lease of his property, which was incomplete at this time. He is aware of the soil tests, and said that corn was grown here for the past 40 years. he also apologized to the land owner that are being affected by this project.

J. Smith read the paperwork and reviewed the packet, then said they want to go forward before the spring rains start.

P. Manahan spoke of the site visit this week with Mr. Faneuf.

B. Faneuf told the Board he will be doing site visits every Wednesdays at 12:00 pm, weekly. This week J. Marran and T. Thompson from the Sutton Conservation joined in, but there is never a quorum on site at any time. He spoke of the infiltration basin #5, which is having an issue with holding water, which doesn't infiltrate. Its design to go into a pipe and discharge into the woods. The discharge is from the base of the slope, which is ground water, and any rain could be a problem.

He then explained how he would like to see a meeting between the Conservation Commission people of both towns. Two people from Sutton Conservation, and two people from the Douglas Conservation.

J. Smith review and update as to what is being done at this time.

B. Faneuf stated that the Moczynski site is still having issues with sediment. Every time it rains fine materials make its way down to Manchaug Pond. He said that vac truck will be very busy, but doesn't know how effective 500' away will be.

J. Marran replied progress is tremendous, and the soils are terrible with no filtration from the basins. This is a vulnerable site and infiltration is necessary from the site to not impact anyone's property.

J. Smith spoke of the long term owner of the facility about this site, and they are sorry that all of this happened. They want to avoid this kind of issue in the future.

Abutters:

Lisa Moczynski, 60 Oak Street, thanked the Conservation Commissions for going there and the two towns working on this project.

B. Faneuf said Basin #5 still has water, he showed the pictures sent to him by Ms. Moczynski, which had a pump in their last week.

L. Moczynski asked what happens when it rains the next time. She questioned the soil test on this property too. The paperwork was given to her, but there was not chance to review it for this meeting.

Charla Kroll, 78 Torrey Road, on zoom, questioned the test at #9, which is washed out, no reason to test here, but check #10, test here. And she is concerned with the next 2 basins going in.

B. Faneuf told her there were two places on her property SS9 and SS10, which is out of the wetland area, that could be tested, he told her to talk to Bluewave people about this.

William Rossie, 41 Oak Street, replied there is a failure at basin #2, water is going around the swale on his property.

B. Faneuf reviewed the swale at basin #2, and said they were pumping it out, basing #2 is to clean out the water. A side wall from the swale failed and water went into the small valley near their house at 41 Oak Street. There is a French drain there now but it failed.

Laurie Rossie, 41 Oak Street, said the discharge was clean water, but the water picks up other pollutants then it goes into the road also.

John Deter, 50 oak Street, who is across from the entrance of their project, said he has had issues as soon as the road was cut in, in March for this project. He said he was reimbursed \$45,000.00 right away by Bluewave, and they have done other things to help him save his house.

B. Faneuf reviewed what is possible with the flow of the water. There are swales and drains along the gas line, etc. which the water goes 1300 feet to Manchaug Pond also.

Phyllis Charpentier, 20 Irma Jones Road, President of the Manchaug Pond Foundation, said they hold two deeds for the flow rights in Sutton and Douglas. Two grants to Oak Street, Holt Road and Manchaug Road to Torrey Road settling pond. And they have the As-Built plans on this. The Stormwater is new.

B. Faneuf said he has talked to the Douglas Wastewater Treatment Plant about the Rule Curve in Douglas.

P. Charpentier replied both Manchaug Pond and Whitins Reservoir supply the flow for the mill in Douglas.

7:05 – Discussion:

11 Depot Street – Wetland issue with no permit to work.

The secretary said that the letter mailed out last week was returned to Conservation office.

B. Faneuf did a site visit before the meeting and said they have cut through the pavement and the pipe goes to the Blackstone River.

W. Wence also did a site visit and saw no one working there.

A second letter would be mailed out tomorrow, to the trustees named in the records.

Board Business:

Minutes: 01-17-24

Motion: To approve the minutes of January 17, 2024, by R. Jacques

2nd: T. Thompson

Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Extend Order of Conditions for:

372 Central Turnpike – Brad & Linda Small, owners

Motion: To extend the Order of Conditions for **372 Central Turnpike**, for 3 years, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Discussions/Updates:

Site Visit review for Certificate of Compliance requests:

40 Marble Road – Seven Bracero, owner

The Certificate of Compliance was signed.

Motion: To issue a Certificate of Compliance for **40 Marble Road**, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Departmental Project Input Forms from Planning department
Enforcement Order/

Unexpected Business: Annual Report

Motion: To approve the Annual report, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Motion: To adjourn, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, M. McGovern-yes, W. Wence

Adjourned at 8:32 pm



TOWN OF SUTTON
CONSERVATION COMMISSION

CERTIFICATION

I, JAMES MARRON, hereby certify that I have viewed the
online video of the Sutton Conservation meeting of

1-17-24.

I certify that I have complete knowledge and understanding of all
elements contained therein.


Signature

2-7-24
Date



TOWN OF SUTTON
CONSERVATION COMMISSION

CERTIFICATION

I, Robin Jacques, hereby certify that I have viewed the
online video of the Sutton Conservation meeting of

4-17-24

1/17/24.

I certify that I have complete knowledge and understanding of all
elements contained therein.



Signature

2/7/24
Date

Date: 2-7-24

[illegible]