

SUTTON CONSERVATION COMMISSION

March 6, 2024

MINUTES

Approved: _____

[Signature]

*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: *Michael McGovern - Vice Chair*
Unavailable: *Robin Jacques, Clerk*

In-person Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant
Samantha Carew, Consult Assistant

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

**STATEMENT REGARDING
HYBRID MEETING**

Conservation Commission

March 6, 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.

SUTTON CONSERVATION COMMISSION

March 6, 2024

MINUTES

Approved: 

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

In-Person: William Wence, Chair, James Marran, Timothy Thompson, and Associate Jared Duval

Present by Zoom: Michael McGovern, Vice-Chair,

Unavailable: Robin Jacques, Clerk,

In-person Staff: Wanda M. Bien, Secretary

Brandon Faneuf, Consultant

Samantha Carew, Consult Assistant

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

**STATEMENT REGARDING
HYBRID MEETING**

Conservation Commission

March 6, 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.

6:32 – Public Hearing (Cont.) Notice of Intent (NOI)
15 Darling Lane- DEP #303-0991 – revised plans review

The project consists of creating a private well field using existing cart paths with a wetland crossing.

Unavailable: Scott Goddard, Goddard Consulting LLC for John Mshooshian, Spruce Hill Assets, LLC

Motion: To waive the reading of the hearing notice, by T. Thompson

2nd: J. Marran

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

We have a request to continue this hearing for 2 months.

Motion: To continue **15 Darling Lane** to April 17, 2024 at 6:30 pm, by T. Thompson

2nd: J. Marran

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

6:33 - Discussion:
42 Bond Hollow Road

In-Person: Timothy Fisher, owner

T. Fisher did an update on the erosion controls, now in place, and the time line of 6 to 8 weeks, which is reasonable time, per the Commissioners. He said he added wood chips and a silt fence around the stockpiles.

B Faneuf explained why an engineered plan was needed and what the Commission is looking for.

T. Fisher replied that the engineer needs to know what is needed and what the Commissioner are looking for.

B. Faneuf said he filled in the infiltration swale that infiltrates stormwater, that is why it was build. He needs another underground chamber that will filter out the same amount of water as it did before.

M. McGovern said he should close out the first Order of Conditions before opening another one.

B. Faneuf replied, this is not in compliance with the old Order of Compliance so a new order is needed for this new work, to infiltrate underground, to be approved, and then the old Order can be closed out. He explained at the last meeting the Commission would allow a new Notice and Order, then to approve the old Order to be closed out for the DEP #303-0633.

M. McGovern explained he walked the swale with the owner and addressed the whole site. They need restore the area filled in, and then do some kind of swale. And figure out where is the water going down the driveway, is going to go?

B. Faneuf replied close out the #303-0633 but for #303-0903 it's not in compliance.

J. Marran replied any engineered solution, going forward, will require removal of the pipe. This needs to function as it was designed to.

T. Fisher said they will keep the same volume. Take the pipe out and start over, open the end of the swale, and use a 3' wide pipe by 100'.

T. Thompson questioned what is the size of the pipe that is there now.

T. Fisher replied 60'.

B. Faneuf replied there is 60' of the swale that was lost.

J. Marran said of 120' it's only half at 60'.

T. Thompson replied he had no problem waiting for the new Notice of Intent.

M. McGovern would like to start with a site visit to see how compliance the area is for a Certificate to be signed and before going forward.

B. Faneuf said it's no problem to do a site visit.

W. Wence thought the engineer said everything was complete except the swale.

M. McGovern replied they need a new plan to address the whole site, because the swale was filled in.

B. Faneuf said we can request the As-Built, all but the swale, and they can issue a partial on #303-0903 before allowing the new Notice of Intent.

T. Fisher replied he would have the new Notice and new Certificate in 8 weeks.

B. Faneuf said the new Certificate with new plans also.

W. Wence replied he can do all three at the same time.

**6:40 - Public Hearing (Cont.) Notice of Intent (NOI)
100 Worc. Prov. Tpke – DEP# 303-0997**

J. Marran recused from this public hearing

Motion: To waive the hearing notice, by T. Thompson

2nd: J. Duval

Vote: 4-0-0 T. Thompson-yes, J. Duval-yes, M. McGovern-yes, W. Wence-yes

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 spoke about the Planning Board meeting and said the storm water that was addressed. Their

comments were to pull the grading back from the culvert area, and add to the construction details, and fil the mislabeling on the pipe.

B. Faneuf with the long term in perpetuity, make sure the storm water is operating indefinitely, and watch closely during the construction.

T. Thompson replied don't forget the special conditions.

B. Faneuf said to approve with the Special Conditions and A & M included.

Motion: To close the Public Hearing on **100 Worc. Prov. Tpke**, by T. Thompson

2nd: J. Duval

Vote: 4-0-0 T. Thompson-yes, J. Duval-yes, M. McGovern-yes, W. Wence-yes

Motion: To approve an Order of Conditions with Special Conditions, and the O & M plan made in perpetuity for **100 Worc. Prov. Tpke**, by T. Thompson

2nd: J. Duval

Vote: 4-0-0 T. Thompson-yes, J. Duval-yes, M. McGovern-yes, W. Wence-yes

6:50 - Public Hearing (New) Notice of Intent (NOI)
72 Wilderness Drive - DEP# 303-0998

The project consists of construction of a detached garage and driveway.

In-Person: Jonathan Scanlon, Allen Eng. Assoc. Inc. Laura & Bob Mackinnon, owners

J. Scanlon explained the existing cart path was grass and wooded area where they want to construct the detached garage and driveway.

W. Wence questioned how many trees were coming down, and any other trees that would be hanging over the garage that should come down.

J. Scanlon replied he will put those on the plans.

Motion: To continue **72 Wilderness Drive** to March 20, 2024 at 6:35 pm, by T. Thompson

2nd: J. Duval

Vote: 4-0-0 T. Thompson-yes, J. Marran-yes, J. Duval-yes, M. McGovern-yes, W. Wence-yes

7:00 - Discussion
134 Leland Hill Road – Grant Woodard

We have a request to continue to the April 3, 2024 meeting, due to the engineering company not having the paperwork completed yet.

This was continued to April 3rd meeting at 6:30 pm.

7:05 – Discussion:

11 Depot Street – wetland issue with no permit

In-Person: Peter Hoey, Polyvinyl, Marie Connor, Trustee for Polyvinyl

B. Faneuf said the review of the disturbed area was not complete yet.

W. Wence asked what they were doing.

M. Connor explained the rain water drains from the roof were going over the driveway and creating a very icy problem. The pipe was in disrepair so they thought this was an in-kind repair, so they fixed it, and its working better now.

B. Faneuf questioned the catch basin for the runoff from the roof.

M. Connor said the catch basin was there, with a man hole cover to be able to clean it, but they did put a more modern one that goes to rock and rubble towards the river.

B. Faneuf asked if it goes underground, does it stop before the river? He said this requires a pre-construction review by the Conservation Commission.

P. Hoey said there was a terra cotta pipe that got crushed and they replaced it with a new pipe.

M. Connor replied that pipe stops at the corner of the tool shed and dead ends in the dirt between the buildings.

J. Marran asked if the new pipe goes into a day lite area.

M. Connor replied, it doesn't day lite, but ends underground from the roof runoff water.

B. Faneuf stated that the area is good right now, but asked where would the emergency overflow go?

J. Marran asked if it infiltrates.

J. Duval mentioned that it will break out on the slope to the river and leach through, an engineer would analyze this situation.

T. Thompson replied I would have asked for a Notice of Intent.

W. Wence said they need to work with an engineer to go forward.

B. Faneuf said this would be an after the fact application.

W. Wence replied an engineer can explain how to do the application and he would get the paperwork to us.

J. Marran put erosion controls in and get the engineered plan.

B. Faneuf replied they can put in the straw wattle for now, and plant rye grass to stabilize it temporarily.

M. Connor explained where they would plant the grass to stabilize the area.

J. Duval asked if this was just in the court yard area.

M. Connor explained they were also resurfacing that area.

J. Marran said they need to put erosion controls around the construction area, and biodegradable straw wattles between the trailer and shed area.

W. Wence replied to seed and grow what you can for now.

7:10 - Public Hearing (New) Notice of Intent (NOI)
45 Stone School Road – NO DEP #

The project consists of constructing a single-family home, driveway, retaining wall, utilities, grading, wetland replication and site work.

In-Person: Thomas Murphy, Murphy's Custom Homes
Via Zoom: Paul McManus, Eco Tec, Inc.

P. McManus explained the proposed house with a slab, and driveway to the street. This lot has public water and sewer.

B. Faneuf replied he did the site visit and said this is a very flat lot. He questioned the A6 & A10 flags and check the soils of impact, hydro soils in the wetland area are in question. Part of the house is in the BVW, and he has never seen Conservation cutting allowed within the 25' buffer or allowed a house to be built within the BVW. This is a forested area with a lot of pine trees, the new owner could possibly come back for and emergency to cut trees hanging over the house. What impact in the BVW is of public interest, Conservation never allowed this to be done before.

P. McManus said there is no alternative to this, they minimized the footprint with the replication area, but could also increase the replication area.

T. Thompson questioned what if in the future the new owner wants a pool, etc?

W. Wence said he didn't remember any pre-existing lot like this one, coming before us in the past.

M. McGovern explained a pre-existing non-conforming lot, having to go through land court to be a buildable lot. He said he has not seen a lot like this before, and there is a big subdivision surrounding this lot. Do a site visit to see if the land is a swampy area, it's hard to see the resource area and wetlands. He would also check this area himself.

J. Marran asked if this meets the upland requirements?

T. Thompson said they will be in front of ZBA tomorrow night.

T. Murphy replied he didn't want to put the house directly on the street, its 51' from Fox Run now.

J. Duval asked if he could shift the house to the left.

M. McGovern said if there is a shift it would have to be on the plan, but ZBA many give a variance.

P. McManus replied they are in front of ZBA Thursday, and can ask for 10' more towards Fox Run Road.

T. Murphy said he had the house out of the BVW, but it was too close to the road.

B. Faneuf said this lot is maturely forested right now.

M. McGovern explained when he was on ZBA, this went to Town council, and they had 2 years to build, but that time has run out. The lot was created 30-40 years ago, should do a site visit.

J. Marran said they need direction as to what to ask ZBA for.

M. McGovern replied they need the ZBA approval before getting the Conservation's approval.

T. Murphy said everything is staked out for a site visit.

Motion: To schedule a site visit for **45 Stone School Road** on March 13, 2024 at 5:30 pm,
by T. Thompson

2nd: J. Marran

Vote: 4-0-0 T. Thompson-yes, J. Marran-yes, J. Duval-yes, M. McGovern-yes, W. Wence-yes

The site visit would be posted on Monday March 11, 2024.

Motion: To continue **45 Stone School Road** to March 20, 2024 at 6:40 pm, by T. Thompson

2nd: J. Marran

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

7:15 – Discussion/Update:

45 Oak Street Project – in Douglas

In-Person: Gary Moorhouse, project manager, Jason Smith Bluewave Energy

Via Zoom: Steven LaRosa, Jeff Murphy, Devin Herrick

J. Smith said they check basin #5, and that the P fast test was back, and he reviewed the report.

S. LaRosa did the report on the screen with pictures of that test and explained some of the P fast test results with

nothing detected in the gravel or soils, and said all were below tolerable units.

B. Faneuf asked how the divers were coming along.

W. Wence asked if they did the P fast test on the Moczynski property yet.

B. Faneuf replied this was required in Douglas only, not Sutton.

J. Smith said they did all required and removals of what was needed.

J. Murphy explained that Douglas Planning Board and Conservation checked the Basin #5 area.

J. Duval asked where the water is being directed to.

J. Smith explained that area using the plans shown on the screen.

B. Faneuf stated this is possibly an old farmer's swale, and said that Douglas is doing that review and dealing with the issues in their town.

G. Moorhouse replied they did two new temporary holding areas and digging another basin.

B. Faneuf asked if they had any stock piles and erosion controls ready if needed.

G. Moorhouse replied yes and showed on the screen where these locations were.

D. Herrick mentioned that the diver team would only be scheduled at the end of April right now, they spoke to three different teams and this is the only one that replied to them.

W. Wence asked if it's the cost of getting the dive team, as stated no other team takes 4 months to schedule. They need to get someone out there before April.

D. Herrick replied it's a four-person team that would take 1 or 2 days to do the work.

W. Wence also asked about the Moczynski land review.

G. Moorhouse replied the agreement has not been signed yet.

B. Faneuf questioned the proposal for access of the Moczynski land.

L. Moczynski, 60 Oak Street, said at the last meeting she was handed a piece of paper, with no letter head and was asked to sign it. This was not a legal document from any official, so she would not sign it.

J. Smith replied they need the agreement signed for the soil testing only

L. Moczynski said the document was unsigned for access to the property to get soil samples to do work, to clean up and to clean up the lake. She is ready to sign a legal document only.

B. Faneuf replied if Ms. Mosczynski wants an agreement they should get it to her. There was snow and it was too frozen 30 days ago, but now is a good time to do this.

L. Mosczynski said the soil test could have been done, but there is the certificate of insurance for the equipment to come on her property.

B. Faneuf said a draft was sent to Bluewave for the legal part to be looked at. It's about a 40-hour job possibly to do this testing.

J. Smith replied it's possibly about 2 weeks to do the work.

B. Faneuf said the interior stone wall runs perpendicular on the flow path also.

W. Wence said get divers from some other state, get the letter on a letterhead and get this property cleaned up.

Abutter:

William Rossi, 41 Oak Street, questioned the divers in the pond, the boats being put into the water, and asked what is this going to do with the settlement. What are you going to do about it. All the land in between the project and the pond, water is picking up whatever is on the land that goes down into Manchaug pond. He asked, should the boat ramp should be opened?

J. Smith replied the silt may not have piled up.

P. Charpentier, Manchaug Pond Foundation, is eager for the restoration to start but, the divers are not removing anything. She asked when will the water quality be monitored, which usually begins in April, will this be done on a regular basis. Manchaug Pond Foundation holds the two deeds of the water rights. She said that what has washed down to the lake in two months, they will help to facilitate all testing so the boat ramp and campgrounds can open. She also said she has 19-years of results on this pond.

W. Wence did mention that there were no farms in this area near the pond. Then need to test the water in April and check the sediment in the stream to Stevens Pond. He asked when will the water quality testing start, and mentioned that King's campground does testing on April 15th.

B. Faneuf mentioned that the lake was frozen over during the winter months, but now it's clear to do the testing.

J. Marran, who was at the Oak Street site visit today, said it's important for the divers to be there now, and check the campgrounds where sediment could possibly be seen. The boat ramp, King's Campground in Sutton and Lake Manchaug Campground in Douglas are all shallow areas. This is a very sensitive area for the diver's scope of work.

P. Charpentier, is looking for the restoration plan and water quality safety of the very clean water, and questions if the pond is still safe, because the campgrounds are contacted her already.

J. Smith replied that the curtains are in and they are successful and removing the silt going beyond to the other pond.

W. Wence questioned the vacuumed area and when did they do that area.

J. Smith replied only once so far, but there is no water moving the curtains.

W. Wence said he doesn't feel that the boat ramp should be closed right now.

P Charpentier replied that the water level has come down, and the outflow is reduced, but the water is coming up.

J. Marran said to check with the Sutton Police Department on other divers that they use to do the work.

W. Wence said they should have dammed the area up at the old causeway to clean this area up.

Board Business:

Minutes: 02-21-24

Motion: To approve the minutes of February 21, 2024, by T. Thompson

2nd: J. Marran

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

No Discussions/Updates:

Site Visit review for Certificate of Compliance requests: .

Departmental Project Input Forms from Planning department:

Enforcement Order/Unexpected Business

Motion: To adjourn, by J. Duval

2nd: J. Marran

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

Adjourned at 9:04 pm

Conservation Sign in Sheet

Date: 3-6-24

Name	Address & or Email	Agenda Address
Phil Williams	3602 W 111	RL1
Tim Fisher	44 Bond Hill Ave Rd	
Gary Marshall	garthhouse@aol.com	45 Oak
Tony Brown	TPF	NE Great Dane
Peter Henry	38 Row St Sutton	11 Depot St
Tom Murphy	45 Stone School Rd	45 Stone School
Phyllis Carpenter	MANCHAUG POND FOUNDATION	45 Oak St
David and Lisa	11 Hough Rd Douglas	
Quincy Massagosti	60 Oak St Douglas	
Jordan Seaman	140 Huttons Avenue East	140 Huttons Avenue East
Lisa Moserowski	60 Oak Douglas	
Joan Smith	Sutton, MA	45 Oak St.
Tina Sorensen		

Oak St