

SUTTON CONSERVATION COMMISSION
February 15, 2023
MINUTES

Approved: 

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

In-Person: William Wence, Chair, Michael McGovern, Vice-Chair, Nichole Aubin, Clerk, Robin Jacques, James Marran, and Associate: Timothy Thompson,

Present by Zoom:
Unavailable:

In-person Staff: Wanda M. Bien, Secretary
Brandon Faneuf, Consultant, Calvin Chase, 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

February 15, 2023

Pursuant to Governor Baker's February 15, 2022 order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Conservation Commission is in a hybrid format with both in-person and Zoom components.

To join the meeting visit www.zoom.us/join and enter Meeting ID: **845 1084 8653** & Passcode: **755611**. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available. A recording of the meeting will be made available after proceedings on the Town's website and YouTube channel.

6:32- Public Hearing (New) Notice of Intent (NOI)
14 Lincoln Road

Motion: To waive the hearing notice, by N. Aubin
2nd: M. McGovern
Vote: 5-0-0 N. Aubin-yes, M. McGovern-yes, R. Jacques-yes, J. Marran-yes, W. Wence-yes

The project consists of a single-family house, driveway, septic and well.

In-Person: Margaret Bacon, Civil Site Eng. for MMSJ Investments

M. Bacon explained the water shed and the drains into 2 culverts, and that all three flow through the culverts in the wetland areas and act like retention basins, which hold the water back. She spoke of the 100-year storm and how this works for this site. Now that she has the storm water and commentary storage she moved the replication area to the other side, so now all areas of disturbance is in on area.

B. Faneuf said with the new material that came in, he has not had enough time to review it all before this meeting. This is the first time the flood analysis was done.

W. Wence replied that we require new material comes in a week before the next meeting for it to be reviewed for the meeting that the hearing was continued to.

M. McGovern questioned the silt fence and wattles and would want to see 12" bio-degradable wattles and the silt fence here.

M. Bacon stated that the swales would be above ground for surface treatment.

J. Marran questioned de-watering basins.

M. Bacon replied they would put these in during the dry time and if there is still water there, they would use a pump to get it out of the wetlands, but only if there is silt constricting the culverts.

Motion: To continue **14 Lincoln Road** to March 1, 2023 at 6:30 pm, by N. Aubin
2nd: R. Jacques
Vote: 5-0-0 N. Aubin-yes, R. Jacques-yes, M. McGovern-yes, J. Marran-yes, W. Wence-yes

6:35 - Public Hearing (Cont.) Notice of Intent (NOI)
480 Boston Road – relocate 24' x 12' shed

Motion: To waive the hearing notice, by N. Aubin
2nd: R. Jacques
Vote: 5-0-0 N. Aubin-yes, R. Jacques-yes, J. Marran-yes, M. McGovern-yes, W. Wence-yes

The project consists of relocating a 24'x 12' shed from the BVW to a new location with restoration work.

In-Person: Glenn Krevosky, EBT for Thomas & Brenda Bond

G. Krevosky reviewed the violation with the new owners, who never received the Order of Conditions permit from the past owner. So he wasn't aware of the wetland being where the contractor put the shed, however the contractor should have known where it was and had a plan to follow. The cart road was reconstructed, the shed was pulled out and replaced, and would be raised up. He did 115 borings to re-construct the wetland line and also had it surveyed with new wetland flags showing the 1615 sf of the altered wetland area. So what they will do is: Move the 24 x 12' shed, restore the wetland area match the grades left and right in all directions, put in organic soil, oversee the restoration of the wetlands, remove gravel and fill with rich organic soil and have McCure Engineering so the work.

B. Faneuf explained and showed the pictures of the Certificate of Compliance with the hay field, which was mostly a wet meadow, and the Granit bounds, that appear to be missing. Which the Conservation allowed to be hayed twice a year.

M. Bacon replied they didn't remove the Granit bounds. They were put in but are not to be found. The new owner won't cut this area noted as a hay field.

B. Faneuf said with the help of Mr. Krevosky and Mr. Bond, they will get it back to what it's supposed to be.

J. Marran asked, do we replace the Granit bounds?

B. Faneuf replied yes, as it is a requirement, they may have to change the location of the Granit bounds, because of the shed location. There would also be a new limit of disturbance line.

G. Krevosky said this would be reshaped by the surveyor.

B. Faneuf he needs to show where the Granit bounds were and which ones are missing, and create the new LOD line, with a 10-foot maintenance area.

M. McGovern explained the seasonal mowing because of the nesting birds, in July, with mowing twice a year or possibly three times according to the season.

J. Marran asked what the path would be to the shed.

G. Krevosky replied it would just be lawn.

B. Faneuf once you establish the LOD line, show where the new Granit bounds will be located.

Motion: To continue **480 Boston Road** to March 1, 2023 at 6:35pm, by N. Aubin
2nd: R. Jacques

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

**6:40 – Public Hearing (New) Req. for Determination (RDA)
Boston Road ROW Q143/144 Line-NE Power Co.**

W. Wence read the hearing notice as it appeared in the Millbury Sutton Chronicle.

The project consists of repair and replacement of existing utility line structures, within the ROW of Boston Road area.

Via Zoom: Theresa Portante, BSC Group for National Grid

T. Portante explained the proposed project on the Q143/R144 Line and the access off Boston Road, where the Q line meets the R line. they will put a new access road that the V line area. The work is within the 100' buffer zone area AURA.

B. Faneuf explained the area is near Unified on Boston Road, and the work is all in the buffer zone area, so he recommends this Determination of Applicability.

J. Marran explained his site visit that was done at 56 Singletary Ave, where they could see the 100 wood mats and asked what their policy for removal of those mats?

T. Portante replied they will be removed from that area, and reused and placed in a different area. They have a storage issue so they just move them from area to area as they are working.

B. Faneuf said there can be conditions on the Order permitted for the start and end of construction.

Motion: To close the Public Hearing on **Boston Road ROW Q143/144 Line-NE Power Co.**
by N. Aubin

2nd: R. Jacques

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

Motion: To issue a negative Determination of Applicability on **Boston Road ROW Q143/144 Line-NE Power Co.**, and that they notify the Conservation Commission at the start and end of the project
by N. Aubin

2nd: R. Jacques

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

Board Business:

Minutes: 01-05-23, 01-18-23 & 02-01-23

Motion: To approve the minutes of January 5th & 18th, & February 1, 2023, by N. Aubin

2nd: R. Jacques

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

Discussions & Updates:

Annual 2022 report- Due February 28th.

Motion: To approved the Annual Report for 2022, by N. Aubin

2nd: R. Jacques

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

Update:

3 Lackey Dam Road, D. Feeney, M. Bedoian

B. Faneuf replied he has no updates, at this time.

Site Visit Update:

56 Singletary Ave

In-person: Mr. Gobeil and farm hand Mike, & neighbors, Mr. & Mrs. Edmund Bacon

W. Wence explained the site visit took place on February 8, 2023 at 8:30 am, in attendance were: B. Faneuf, Consultant, J. Marran, T. Thompson, W. Bien – Secretary, and myself.

B. Faneuf reviewed the site visit information of the small wetland area, which was flagged by BSC Group for the V174 line, there were visited by his Assistants and himself. Pictures showed the 100' AURA, and that some of the animal pens were within the jurisdictional area. The land between the pens and forest area were flagged by National Grid with pink flags within the wooded area. There is a man-made berm with trees within that stops anything from going into the wetland area. There is an irrigation pond on one side and the National Grid matts by the V174 line on the other side, which the stream is under those matts within the forest area.

W. Wence stated that the pens have been there for many years and the berm is stopping anything from going into the wetlands.

Neighbor: N. Bacon, 64 Singletary Ave asked how the E-coli could get to extreme levels without going into the stream. He said if the shed is within the buffer zone why is that not a problem with a compost pile, and the odor in the area.

B. Faneuf replied there were no compost piles noted on the property. And said that he would do language for jurisdictional structures within the jurisdictional area, but nothing seen is enforceable in this situation.

W. Wence stated this is a 22-years old, at minimum, and he won't go there, unless its within 5-years.

M. McGovern replied if there is no activity in the 5-years, but this is 20 years ago, no way can they do anything, there is a limit as to what Conservation can do.

Update:

19 Depot Street – River bank encroachment

This land and issue was found to be on the Grafton site not Sutton, per the secretary. She said she notified the Grafton Conservation with the issue, at hand and explained why it was given to their office.

Update:

224 Manchaug Road/Jessica Britnell

M. McGovern recused from this discussion.

B. Faneuf reviewed the email and Zoom meeting with the Court and told the Magistrate the fine was paid by Mrs. Britnell. The Magistrate in turn said this matter is closed. There is still the matter of the Certificate of Compliance for the amended open Order of Conditions, which the Board is requesting an As-built, due to so many changes from the original plans in 2016.

Departmental Project Input Forms from Planning department

143 (AKA) 141 Burbank Road

B. Faneuf said this is a great marsh area with a possible wetland jurisdiction. Raouf from Alpha Omega did the plan with Bob Murphy who did the delineations which showed this is 95% outside of the Conservations jurisdictional area.

10 Marks Way

B. Faneuf said there were no issues with this accessory apartment.

Unexpected Business:

41 Old Mill Road

R. Mankaryous gave an update on this situation and told the Board that the two basins were completed.

M. McGovern replied that he checked last week and the driveway was ok and looked great.

Abutter:

David Vandell, at 36 Old Mill Road stated that the water that is coming out of the lot is clear, but what is going down the road is brown, and you can't divert the water to go onto other people's property.

R. Mankaryous replied that the driveway was put in wrong and that has been corrected.

Central Turnpike – Armsby Road

M. McGovern recused from this discussion.

R. Mankaryous, Alpha Omega, said he is doing an ANRAD for this property, which is off Burnap Road extension. He said that lots 1 – 4 are outside of the Conservation jurisdiction, but on lot 5 the house and driveway will have a basin water runoff. He is asking if he needs to file and which should he file? A Notice of Intent or a Req. for Determination?

B. Faneuf said that the Avoidance and Minimization could be creating a hardship. Could they avoid a well and crossing in that location? The bylaw is more, strict at 100' buffer zone, they need to alter the AWRA to build

the house and driveway.

R. Mankaryous replied that they lost frontage and a corner of the land when the town did a triangle onto Central Turnpike.

B. Faneuf stated that Lot 5 will have to come in front of Conservation, and possibly use Granit bounds.

All members agreed that R. Mankaryous could file a Req. for Determination for the site.

W. Wence introduced Jared Duval to everyone, who would like to be an Associate on the Commission.
And in June Nichole Aubin will be leaving. Everyone thanked her for being on board.

Motion: To adjourn, by N. Aubin

2nd: R. Jacques

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

Adjourned at 8:28 pm

Conservation Sign in Sheet

Date: 2-15-23

[illegible]