

SUTTON CONSERVATION COMMISSION

January 17, 2024

MINUTES

Approved: _____



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

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

Present by Zoom:

Unavailable: Michael McGovern, Vice-Chair, Robin Jacques, Clerk, James Marran,

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

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

**STATEMENT REGARDING
HYBRID MEETING**

Conservation Commission

January 17, 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 – Discussion

134 Leland Hill Road – Grant Woodard

We received a request to continue to February 7th meeting, due to all the snow Chris McClure could not complete the survey for the newest plans.

6:35 – 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.

P. Manahan explained about the basin #5 that was graded and stabilized using rip rap on the soils and matts. The North side basin #5 is completed, and they are working on basin #2.

B. Faneuf explained the back side of basin #5, where there are still erosion issues, but the swale there is making progress, but is channeling onto 78 Torrey road property then goes down to Manchaug Pond. The infiltration within 72 hours, but is still holding water all the time, and is creating a stream near the maple tree.

D. Harlawskas explained the quotes from the three divers company's, said they could work with ice, but they are 5 to 6 weeks out.

B. Faneuf questioned the silt curtains in the Manchaug Pond area.

P. Mahan replied the ice does move them, and they will be moving them back in place. The restoration plan was approved this week, but Douglas needs to still test their area.

J. Duval said the size of the basins matter and there are still concerns with the designs.

J. Smith said there will be one owner and operating this project for 30 years. The facility will be operated by Bluewave, but the land is leased.

Abutters:

C. Kroll, 78 Torrey Road, Sutton, said she took pictures before the storm, and her road eroded out and flooded and filled her spring.

P. Manahan said they are trying to manage the water-level of the basins, but the hose broke and needed to be fixed.

B. Faneuf explained the diversion ditch, the outlet went straight to the Kroll's property and to the wetlands, as environmental trespassing, so the outlet location needs to be changed.

C. Kroll replied it washed out her maple tree and a lot of dirty water is coming out, went straight through the wetlands to 74 Torrey Road.

B. Faneuf replied the water is running under the silt fence and downward.

said this water now comes out of the maple tree further to the North side.

P. Manahan said they need to direct the water more south.

B. Faneuf suggested anything they can do to re-direct the water to the south more would be good.

C. Kroll replied that she doesn't see any water at all in her undocumented vernal pool.

Lisa Mosczynski, 60 Oak Street, said last Saturday was the 4th time the silt has increased from the corner of basin #5 and pours into the wetlands then goes to Manchaug Pond. She said there isn't enough control on the site itself and needs to be cleaned out.

B. Faneuf replied they are working on re-designing of basin #1. And to get the vac trucks there to make sure the basins are working, and will take action on re-designing the basins.

Jeff Bazegian, 236 Manchaug Road, questioned the high lake level, that is going down too quickly, a foot at a time, and the main gate is closed, but the is the second day the gate is open.

B. Faneuf explained the 2008 rule curve to be followed for the opening and closing of the gate.

C. Kroll asked Mr. Faneuf if he can come see the wet area that is being created.

B. Faneuf replied this must be a wetland area, if not, it needs to be documented, and an assessment needs to be made of this wet area.

6:40 pm Informational Discussion

45 Stone School Road – Tom Murphy

T. Murphy said he bought this corner lot, but didn't know about the wetlands, and it was never flagged. It has town water and sewer but he didn't know about the wetland plants. He had this flagged by Eco Tec and he would replicate to build the house with the design that he has.

B. Faneuf said the 60/40 rule still stands, he suggests to file a Notice of Intent, as there are only 3 members here tonight, with not enough input information. He explained the buffer zone under the bylaw and keeping all new disturbed work away from the 25' area.

T. Thompson replied he needs to have it surveyed again.

B. Faneuf asked if they think the flags need to be rechecked. In a case like this the first person you would call is the wetland person to check the area for plants and soils.

W. Wence replied he should go for the set-backs at ZBA.

B. Faneuf said there should be no new construction within the 25' buffer zone for a new house/foundation, Conservation never allowed this.

T. Murphy said the numbers from Eco Tec, said there is enough frontage to do this plan he showed tonight.

Board Business:

Minutes: 01-03-24

Motion: To approve the minutes of January 3, 2024, by T. Thompson

2nd: J. Duval

Vote: 3-0-0 T. Thompson-yes, J. Duval-yes, W. Wence-yes

Project Updates:

2.5 Burdon Road – Leanne Espinosa – unpermitted work, Dave Sadowski, contractor.

D. Sadowski explained what the work that was done, and the proposed pavilion with the Order of Conditions #303-0953. He said the impact line would be spread with loam, which is 70' from the wetlands, they increased the pavers for the BBQ area with the roof.

W. Wence replied the NOI is good until November of 2024, but we need an updated plan.

B. Faneuf said that if the new work activities are greater than 50' from the wetlands, the Commission can request one of three things, figure this as a minor field change, Amend the Order of Conditions to include a public hearing advertisement, or file a new RDA for the new work to be done.

W. Wence stated that this area was grass a few months ago.

D. Sadowski replied there is loam there, for the grass but it wasn't spread yet.

T. Thompson asked if the applicant is willing to re-plant trees or shrubs in the area of the straw wattles.

D. Sadowski replied yes they would replant.

Motion: To apply this as a minor field change with the updated plan presented, by T. Thompson

2nd: J. Duval

Vote: 3-0-0 T. Thompson-yes, J. Duval-yes, W. Wence-yes

Project Update:

13.5 W. Sutton Road - Bruce Edwards, - inland Wall

A complaint came in from Heather Sims, 13 W. Sutton Road, that there were no erosion barriers in place during the construction and the dust was going on her land and there is a shade tent, but they brought in a new batch of stones. The noise was heard all last summer long, she asked if it's going to continue this summer.

B. Faneuf showed pictures of the lake and work that was done and in progress. There was an RDA filed at the time of the request to protect the area with the erosion controls. They can ask them to put the erosion controls up before they move forward. He suggests a letter be sent to the owners to come in to the next meeting to discuss the new work to be done.

Discussions:

3 & 11 Hutchinson Road - Water Issue

B. Faneuf did a site visit and didn't see anything or any alterations.

Site Visit review for Certificate of Compliance requests:

39.5 W. Sutton Road – Chris Funari-K9 Realty LLC

B. Faneuf said he check this area and recommends they receive a certificate.

Motion: To issue a complete Certificate of Compliance for **39.5 W. Sutton Road**, by T. Thompson
2nd: J. Duval
Vote: 3-0-0 T. Thompson-yes, J. Duval-yes, W. Wence-yes

40 Marble Road – CitiMortgage Inc. (Seven Bracero, owner)

B. Faneuf reviewed the past information on this filing, but we have not received the information for this certificate. He suggests putting this on the next agenda, if the information has been received.

Unexpected Business:

Departmental Project Input Forms from Planning department:

31 Pleasant Street – accessory apartment- this was signed with no issues, form returned to Planning.

Departmental Project Input Forms from the Board of Selectmen:

228 Central Turnpike – removal from Chapter land – review form to be returned to the BOS office

Motion: To adjourn, by T. Thompson
2nd: J. Duval
Vote: 3-0-0 T. Thompson-yes, J. Duval-yes, W. Wence-yes

Adjourned at 8:04 pm

Conservation Sign in Sheet

Date: 1-17-24

Name	Address & or Email	Agenda Address
Devin Herick	herick.devin@uscinc.com	Oak St
TOM MORPHY	415 Stone School Rd	STONE SCHOOL
Blake Bunker	36 SIDAIR RD	A 11
Pat Mahor	Penelope@johntandson.com	Oak St
Jen Smith	jensmith@bluewave.energy	Oak St
MARTY TOFFEN	174 1/2 MAURICE RD SUTTON	Oak St
ELUIN SPANDBERGH	ESTEROSBEE@BUELMAN.ENERGY	Oak St
Phillip Chappatte	20 Shura Jones Rd	Oak St
Alex Fertes	2.5 BURDEN ST SUTON	Oak St
DAVID SHADUSKI	7 CEDAR ST CLINTON	2.5 BURDEN Rd
Lost Mosseswski	60 Oak St Douglas	