


SUTTON CONSERVATION COMMISSION
March 20, 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 20, 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.

6:31 – Waters Farm Yearly Meeting with Conservation

In-Person: Paul Schaffer, President, Norma Bedrosian, Vice President, Pam Gurney-Farnham, treasurer, and Xanadu Caban, Director.

P. Schaffer highlighted some of the events from past activities from 2023, especially the 3200 visitors from Waters Farm days in October of 2023. He spoke of the updates for the coming year of 2024, and the next events to take place during that year. To include the new constructed barn near the house, which is still under construction.

**6:42 - Public Hearing (Cont.) Notice of Intent (NOI)
72 Wilderness Drive - DEP# 303-0998**

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

No one available: Jonathan Scanlon, Allen Eng. Assoc. Inc. Laura & Bob Mackinnon, owners

We have a request to continue to April 3, 2024.

Motion: To waive the hearing notice, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Motion: To continue **72 Wilderness Drive** to April 3, 2024 at 6:40 pm, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

**6:43 - 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.

No one Available: Paul McManus, Eco Tec, Inc., Thomas Murphy, Murphy's Custom Homes

Motion: To waive the hearing notice, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Motion: To continue **45 Stone School Road** to April 17, 2024 at 6:35 pm, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

6:45 – Discussion:

1 Smith Road

Steven Venincasa, wetland issue

B. Faneuf reviewed the complaint causing the water problem, on the corner of Smith Road and Stone School Road, which was cleaned up the next day. This project was approved in back in 2021.

6:50 – Discussion/Update:

45 Oak Street Project – in Douglas

In-Person: Jason Smith Bluewave Energy, Jeff Murphy

Via Zoom: Gary Moorhouse, project manager, Devin Herrick

J. Smith explained they had divers in the water last Monday, equality water testing Thursday, and floor sediment testing through the divers on Friday.

W. Wence asked about the clean up going downhill, has that been started yet.

J. Smith replied no.

B. Faneuf replied he has no update on the agreement for the Mosczynski property.

W. Wence asked the question, can we as a board overrule on private property to get this cleaned up?

B. Faneuf replied you can't compel a property owner to have people go onto their land without their permission, but you can pressure the land owner through Enforcement means, which you already have one on Bluewave, but you can extend that to the homeowner, which is allowed.

L. Mosczynski, 60 Oak Street, representing her family trust. It is right that they done had an agreement, they are on their 4th, 5th 6th draft of the letter, and when they ask for things it gets thrown out. They want 48-hour notice, which seems reasonable. They don't want the boundary walls disturbed, or the trees cut, it all gets thrown out. So their suggestion is that the Commission has Bluewave put aside a certain amount of funds so that they can go get an attorney to get the agreement negotiated through the attorney. Would the Commission consider doing this for them?

J. Smith said this is the third response, and they are happy to give the 48-hour notice, however when it talks about the disturbance, they would be happy to have the remediation plan is approved to match what the landowner would like. We just want to clean this up without damaging anything.

W. Wence said he has a cottage on the lake also and is dealing with this and wants it cleaned up. This is now a civil thing, get attorneys. Now the lake people are suffering now, and it's been almost 4 months.

L. Mosczynski, 60 Oak Street, said they put in a reference to the restoration plan, but that was turned down. She is referring to the plan that they are operating under.

J. Marran asked how they will access the areas to remove the silt from the lake.

J. Smith replied they would have to manually remove anything from the Manchaug Lake area. He also said that a Wetland Scientist will be on site at all times during the construction and restoration work.

William Rossi, 41 Oak Street, asked if Bluewave will be responsible of any accidents, etc.

P. Charpentier request to move on, and that the Lake Manchaug Foundation would help where they can.

Jessica Britnell, 224 Manchaug Road spoke of the kids that swim in that lake and is concerned with the PFA's in the water, that is bad for the water and people, there may be health risks in the water now. She asked how many PFA's are acceptable in the lake.

B. Faneuf replied that the PFA's testing was done and are well below the State levels. He read the memorandum and will email that report to her.

P. Charpentier stated the test was done on February 15, 2024, after 2 months this can flow downstream, as the Dam was opened.

J. Smith replied they will be testing again.

Jeff Bazegian, 236 Manchaug Road, asked if anything is coming off that site.

J. Smith replied nothing is coming off the site from Basin 5 they are in complete compliance with the Order. Douglas had additional conditions added to the Order of Conditions Special Conditions which they satisfied for Douglas.

W. Wence asked if there would be more testing for safety of the campgrounds and people to be safe for them to swim in.

B. Faneuf read the watershed information testing for E-Coli before the campgrounds open and after the work is completed.

P. Charpentier replied that the campgrounds would be opening on April 15th, but the kids are already in the water. They need to test for phosphors and E-Coli. And there should be short and long term monitoring of the lake.

Jessica Britnell said the PFA's are long term and needs to be tested for long and short terms, 3 months and 6 months. It should be an ongoing testing being done.

John O'Rourke, 4R Torrey Road, said he grew up on this lake and would like to know how this go approved. He said the whole operation should be shut down.

J. Smith replied that there is a long term testing in place.

W. Wence replied that this project is in Douglas not Sutton, and people are unhappy with any sediment.

Bill Cosenza, 184 Manchaug Road, said it sounds like its done, clean up with what we have.

John O'Rourke, replied the silt has been through the channel and the lake is a mess. They need to test the whole lake.

Shirley Moczynski, 60 Oak Street, said she has been to all the meetings and spike of the legal letter that was just handed to Lisa. They have re-written the letter to be signed and resigned, and the site visits have been done by her two daughters.

W. Wence said unfortunately this is not Conservation's issue to deal with not cleaning up your property or to clean up that area.

Shirley Moczynski, said they won't agree with what is being asked to do to clean up their area, and asked for a week to have a lawyer look over the letter.

P. Charpentier asked if the property owner, Paul Boutiette been notified, like everyone else on the lake?

B. Faneuf replied the measurable sediment is on the Moczynski's property, and the fine sediment went to Holt Road to Manchaug Pond. But mostly the sediment went on the Moczynski's property.

Lori Rossi, 41 Oak Street, said Bluewave is speaking false statements, they are hard to trust, the water is hazy, and the silt even sticks to a jar.

J. Britnell asked if the testing sit is adequate, and suggested using multiple areas for testing.

B. Faneuf replied that when they did a site visit a few weeks ago, Senator Fatman and McKennor attended that site visit in Douglas.

See Attachment #1

Motion: To continue the fines at **45 Oak Street Project**, for the duration of 90 days, by R. Jacques
2nd: T. Thompson
Vote: 5-0-0 R. Jacques-yes, T. Thompson-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Board Business:

Minutes: 03-06-24

Motion: To approve the minutes of March 6, 2024, by R. Jacques
2nd: J. Marran
Vote: 5-0-0 R. Jacques-yes, J. Marran-yes, T. Thompson-yes, J. Marran-yes, W. Wence-yes

Extension Order of Conditions for **21.5 W. Sutton Road**– Steven Venincasa

Motion: To extend the Order of Conditions for **21.5 W. Sutton Road**, by R. Jacques

2nd: J. Marran

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

Unexpected Business: The Board re-signed the Order of Conditions for the **Manchaug Road Fire Station** - dating back to 2007.

No Discussions/Updates, Site Visit review for Certificate of Compliance requests, Departmental Project Input Forms, or Enforcement Order

Motion: To adjourn, by R. Jacques

2nd: J. Marran

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

Adjourned at 8:25 pm



APPLIED WATERSHED SCIENCES

To: Devin Herrick, Weston & Sampson - Herrick.Devin@wseinc.com

From: Hillary Kenyon, Applied Watershed Sciences LLC - hillary@appliedwatershedsciences.com

Date: March 18, 2024

Re: Solar Farm Erosion Events and Impacts to Manchaug Pond

Thank you for requesting my professional lake and watershed consulting services.

From our initial conversations and my current understanding of the erosion and sedimentation events, it seems like the sediments deposited to Manchaug Pond would have contained a high percentage of fine silts and clays with light brown coloring and low percent organic matter. Typical lake sediments tend to have a very high percentage of organic matter and are dark brown to sometimes blackish in color. It is plausible that sediment core samples taken from the site where the siltation occurred would demonstrate a difference in horizontal coloring, indicating a recent measurable deposition of settled upland sediments from the erosion site.

I've proposed a series of 7cm diameter sediment cores in the cove where the sedimentation event occurred. A least five sediment cores would be taken using a gravity corer in water depths of 5-15ft. This type of coring is preferred to preserve the sediment-water interface and the delicate surface sediments. This method would give the best chance of seeing the anticipated layering related to the Solar farm siltation events. Due to the time-sensitive nature of this work, I have rearranged my schedule to accommodate sampling before the end of this week. I understand that the Conservation Commission and lake residents are concerned about the impacts on Manchaug Pond.

Once core samples are collected, I intend to work with Weston & Sampson to subsample the cores and send depth-specific subsamples for laboratory testing. The goals of the laboratory testing would be to estimate the potential nutrient-load impact on the lake's water quality and to verify that the lake sediment does not contain harmful levels of heavy metals. If the data permits, I intend to estimate the quantity of phosphorus load to Manchaug Pond and propose an appropriate remediation plan. As part of this effort, I am seeking additional information from concerned residents or lake volunteer monitors, in the form of site photos, historical or current lake water quality data, and results of any inlet or in-lake samples collected during or shortly after the erosion events. If the Conservation Commission has specific questions related to Manchaug Pond water quality, please list them in writing to me and I will do my best to address all concerns in a field-monitoring and site visit report.

In the meantime, if the Weston & Sampson upland soil tests from the construction area indicate that there were no concerning harmful substances at the initial erosion site, and if the flow path passed through mainly natural wetland areas, it would be extremely unlikely that the water or sediment is contaminated with chemicals that present a direct threat to public health.

During my field visit this week, I will also inspect the public swimming area. This inspection would document if there are any cyanobacteria mats or notable accumulations of cyanobacteria phytoplankton. I will verify that there are no unusual surface accumulations or scums present. I also suggest that Weston & Sampson take a beach area water sample to test for E. coli before the public swim season begins. I am available for follow-up underwater inspections if necessary.

Thank you.

Hillary Kenyon, Certified Lake Manager #17-07M
Limnologist, Plant & Soil Scientist, & Watershed Planner
Applied Watershed Sciences, LLC



TOWN OF SUTTON
CONSERVATION COMMISSION

CERTIFICATION

I, Michael McLoover, hereby certify that I have viewed the
online video of the Sutton Conservation meeting of
3-20-24.

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

A handwritten signature in black ink, appearing to be "Michael McLoover", written over a horizontal line.

Signature

A handwritten date "4/3/24" in black ink, written over a horizontal line.

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
3-6-24.

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



Signature

3/20/24

Date

Conservation Sign in Sheet

Date: 3-20-24

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