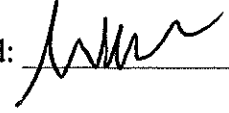


SUTTON CONSERVATION COMMISSION

April 3, 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, James Marran, and Associate Jared Duval

Present by Zoom:

Unavailable: Robin Jacques, Clerk, Timothy Thompson

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

April 3, 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:

11 Depot Street – wetland issue

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

The secretary told the Commission members that the engineered plans had not been received yet, and would be put on the next available meeting when received.

6:35 – Discussion:

134 Leland Hill Road –Grant Woodward

We have a request to continue to April 17, 2024 meeting. No motion needed.

6:40 - Public Hearing (Cont.) Notice of Intent (NOI)

72 Wilderness Drive - DEP# 303-0998

Motion: To waive the hearing notice, by M. McGovern

2nd: J. Marran

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

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

Via Zoom: Jonathan Scanlon, Allen Eng. Assoc. Inc. for Laura & Bob Mackinnon, owners

J. Scanlon reviewed the revised plans.

B. Faneuf showed the wetland areas and corner stakes for the building, and where the drain goes under the road to the Nat. Grid electrical easement. He questioned why the building couldn't be put up where the trees are marked.

J. Scanlon replied it would be outside of the wetland buffer zone, but in ZBA the issue is with the set back.

B. Faneuf spoke of the alternative analysis, and the amount of room outside of the buffer zone.

J. Marran questioned the ZBA set back, and had these three questions:

1. How was the garage going to be used,

J. Scanlon replied it will be used to house farm equipment, boat, trailer, no live stock?

2. With the gravel drive way, will this improve the area,

J. Scanlon replied they are using just that area without any upgrade to the cart path.

3. How many trees outside of the buffer zone are marked to be taken down.

J. Scanlon replied he will go measure and count the trees to be removed.

J. Marran said he looked at this site and agrees with Mr. Faneuf that there are several other areas to locate the

garage to another area. Are the marked trees on the A & M report, it looks like a lot of trees will be eliminated.

M. McGovern replied to move the building would be a bigger impact on the hill, but he asked to use the open cleared area, move the building to not cut the trees down.

J. Duval would like the clarity for the trees to come down.

J. Scanlon replied the other area is a much steeper slope than where they are now.

J. Marran said this area is very underdeveloped, he would like to see more done to illustrate a lot of potential alternative places to move to, outside of the Conservation's jurisdiction. He asked what was going on with the marked trees coming down.

Motion: To continue **72 Wilderness Drive** to April 17, 2024 at 6:50 pm, by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

6:45 – Public Hearing (New)
51 Town Farm Road-ROW – S19 Transmission Line

The project consists of removal of the existing structure #86 to relocate it 100' to the north.

Via Zoom – In-Person: Theresa Portante, BSC, for James Rynes at NE Power

T. Portante reviewed the relocation of a structure on the S19 line. There is wood pecker damage to the pole so they are going to move it 100' to get it away from the vernal pool that it's within the 100' buffer zone now. This would be replaced with a two new pole structures.

B. Faneuf said he did the review and recommends issuing a Negative Determination.

Motion: To close the Public Hearing for **51 Town Farm Road-ROW**, by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Motion: To issue a Negative Determination of Applicability for **51 Town Farm Road-ROW**
by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

6:50 – Discussion/Update:
45 Oak Street Project – in Douglas
W. Wence recused from this discussion.

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

Via Zoom: Steven LaRosa, Jeff Murphy, Devin Herrick

J. Smith explained the work that started last week by the vac truck.

G. Moorhouse said they tried to work in the rain, but had to stop, it wasn't working.

J. Marran asked if the ten-foot area was enough to see if this is effective.

G. Moorhouse replied it would take 3 to 4 weeks to clear this area.

M. McGovern questioned the Douglas side, if the water was running clear, and asked what happened at the site.

G. Moorhouse replied there were 2 – 3 inches of rain storms, stopping work.

B. Faneuf stated they are pumping out the basins.

J. Smith said they pumped some of the basins but no all.

M. McGovern asked what phase II consists of.

J. Smith replied phase III is basin 2, phase V is basin 5.

G. Moorhouse said all soils are on site to install those basins before the solar goes on site.

J. Smith said that the remediation plan is in place, but the reports for the water testing, done before the soil samples, are not back yet.

M. McGovern said the leading cause if the construction. Tefflon is a plastic (PFAS) that is sprayed on the panels, but is no longer done. Once this project is complete keep up with the testing, now that the clean-up is almost there. The water testing is the next update needed.

J. Smith replied they should receive the results by Friday.

M. McGovern asked him to make the results public.

G. Moorhouse said that in two weeks they should go over all the testing and other reports.

J. Smith said that the sediment wasn't into the lake on the Douglas side, but they are cleaning up.

B. Faneuf stated the stormwater BMP's are on the roads.

J. Smith said the Enforcement Order was specific areas, by January. They would like to request that the fines stop.

M. McGovern said this would be discussed with the board before the discussion is closed.

J. Smith spoke of the infrastructure of basin 5, pertaining to Sutton. Elements of redesigning and peer reviewed in Douglas, and it's still flowing and needs more engineering. This is ongoing, but Monday they should review the first review and they will address these items. There may be a change of conditions.

Abutter:

Bill Rossi, 41 Oak Street, had an issue with the divers at the lake that were there on March 11th, and yet there is not report from three weeks ago. On March 29th there was silt and water coming from the property and went to the cold water fishery. The basins were pumped but overflowed into Sutton onto Kroll's property.

B. Faneuf replied they pumped out basins 2 and 5 and the bottom one went down the hill to the Kroll's property but this is not in our wetland jurisdiction.

Bill Stark, 76 Oak Street, Lake Manchaug Campground, spoke of the water shed coming off Main Street, and there is a 30' culvert that stuff is coming off the entrance road and its muddy at the top of the hill where they park, they need regrading and stones to stop the water from flowing and going down to the lake. The water is cocoa colored going to the culvert and water shed to his property. If the clean-up isn't fast this will pollute that end of the lake.

G. Moorhouse replied he can come to the site, but needs to know when to review what can be fixed.

J. Britnell is concerned with the testing clarification for PFAS, where is it, towards the YMCA camp? There are a lot of kids that will be there, so long term testing should also be in their plan.

D. Herrick showed the map of the 5 locations where the testing would be done, and what they would be testing for, along with the restoration efforts to be considered.

B. Faneuf showed the report that was received.

J. Smith replied that everything tested on the report was below the Mass requirements. And the materials on the solar panels would be available for the public at the next meeting.

J. Marran mentioned the fines being issued, and the clean-up of the Moczynski property, but not to discuss the suspending of the fines until the end of the restoration of the lake then we can adjust for fines.

B. Faneuf replied he can supply his invoices for the next meeting. we need the divers report on the sediment, and read Section C information of the Douglas Order of Conditions.

J. Smith replied due to the ice, they don't know the conditions on impact. It took them 66 days to reach the land of the Moczynski' to clean where they could before the agreement was signed.

M. McGovern said the fines should stay in place a bit longer.

Board Business:

Minutes: 03-20-24

Motion: To approve the minutes of March 20, 2024, by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Discussions/Updates:

Site Visit review for Certificate of Compliance requests:
352 Manchaug Road – George Funari

B. Faneuf said he did the site visit and this looks good, and explained the past history of this building. He recommends the Complete Certificate of Compliance.

Motion: To issue a complete Certificate of Compliance for **352 Manchaug Road** by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

SV for C of C for Manchaug Fire Station – TOS

The secretary explained this was a very old Order of Conditions and the original engineer is no longer in service. She requested that the Consultant do this site visit since this Order is from 2007.

B. Faneuf asked that this be tabled to the next meeting so he can do the site visit review.

Departmental Project Input Forms from Planning department:

All three reviews were signed and would be returned to the Planning Department.

24 Oakhurst Road – Paul Tony, owner – contractor building

52 Leland Hill Road – Accessory Apt.

18 & 20 Fuller Road – 2 Lot Subdivision

Site Visit – Complaint from:

351 W. Sutton Road – Kimberly Yonika, owner – water runoff onto her property from **350 W. Sutton Road**

The highway department was notified to check the pipe that goes under W. Sutton Road in this area.
Enforcement Order/Unexpected Business:

Motion: To adjourn, by M. McGovern
2nd: J. Marran
Vote: 4-0-0 M. McGovern-yes, J. Marran-yes, J. Duval-yes, W. Wence-yes

Adjourned at 8:25 pm

Date: 4-3-24

[illegible]