

## PEPPERELL CONSERVATION COMMISSION

Minutes – January 8, 2008

The Pepperell Conservation Commission (PCC) held a regularly scheduled meeting under the Massachusetts Wetlands Protection Act, MGL Ch. 131, §40 and the Pepperell Wetlands Protection By-Law. The meeting was held in the Town Hall at 7:00 p.m.

Members present: Elliott presiding, Moody, Rand, Rice, Sauer, Steeves, and Tzanoudakis; member absent: Sauer.

A Request for a Certificate of Compliance for DEP File # 259-571 for 5A Maple Street had been received. Fisher reported a satisfactory site visit and that an As-Built Plan had been submitted. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

The Commission reviewed a proposal from Gate City Fence for construction of a fence along the river-side property line between Conservation Land and 29 Groton Street. The option of a 2-rail, round cedar fence was accepted at \$790.00.

The Commission approved drafts of the 2007 Annual Report and 2009 FY Budget. Rice suggested that Fisher add language to the Annual Report to explain the purpose of the Wetlands Protection Act forms that are listed in the applications-reviewed chart.

7:10 p.m.      Continued Public Hearing re Notice of Intent filed by the Pepperell DPW, Highway Division, for the replacement of 4 culverts, addition of drainage structures, and roadway realignment and widening on Lawrence Street from the intersection with Wheeler Street to the NH border

DPW Director Bob Lee and Highway Superintendent Peter Shattuck attended the hearing. Lee said that the purpose of the project was to improve safety by widening the road by about 2 feet, cutting down some of the hills that affect site distance, and fixing drainage issues. Lee explained that he had added considerable detail to the original NOI, primarily because of issues raised by NHESP and DEP. Lee said that the project has also been extended about 250 feet at the north end since the DPW has received permission to have a utility pole moved. This extension added one additional culvert to be included, bringing the total number to 5.

Since the original application was submitted, there had been a formal wetland delineation done by Mike Turgeon. Lee had then located the wetland flags and detailed the work to be done on a plan for each separate culvert to be replaced. The DEP had raised the question of a 401 Water Quality Certification since the original NOI had not proposed replication. Lee said that his revised plans included small replication areas adjacent to each culvert replacement. NHESP had issued a letter saying that the project, as revised, would not result in “a take” under the WPA or MESA review.

At Rice’s request, Lee reviewed the location and shape of each replication area. Rice also asked that fill materials and any plants to be used in the replication areas be chosen to minimize the

introduction of invasive exotics. Shattuck said that he planned to complete the work at each culvert before going on to the next. He said that he would save wetland soils excavated at each site for use in the replication area. Rice said that it would be important not to let the soils dry out. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with special conditions as described above.

7:25 p.m.      Continued Public Hearing re NOI submitted by Richard Colangelo for razing an existing garage and shed and construction of 2 single family dwellings with associated utilities at 33-35 Hollis Street

Doug Lees and Richard Colangelo attended the hearing. Lees said that he had received the Town Engineer's review of his original plan just before the first session of the hearing. Since then Lees had submitted a revised plan which he said has been approved by the Town Engineer. Lees said that the applicants were aware of an outstanding Order of Conditions, DEP File #259-613. That Order requires construction of a berm about 20 feet from the edge of the wetland. Lees said that the berm has been completed, but is not yet stabilized.

The Town Engineer's comments about the project's original plan included an objection to "the lack of a structural drainage system." Lee said that in the revised plan he had added a vegetated bio-swale that gathered the runoff from the driveway and lawn areas and directed it toward a vegetated basin at the southeast end of the berm. Lees said that he had added an overflow outlet over the berm at an elevation 1 foot lower than the top of the berm. He said that the revision also includes roof drainage recharge into dry well chambers. Lees said that the applicant agreed to the Commission's suggestion from the previous hearing to aerate or break up the compaction of the previous gravel parking area before loaming and seeding it.

Rand asked about the separate parking space at Building 1, suggesting that it could be merged with the proposed driveway to cut down on paving. Lees said that he thought the Planning Board had required the proposed configuration. Fisher asked about whether the swale and detention basin would be mowed. Lees said they would be mowed twice a year, according to the Operations and Maintenance Plan. Fisher also said that the Planning Board had been discussing the retaining wall. Lees said that Colangelo would not have responsibility for the wall since it is in the ROW.

Elliott asked where the project stands with the Planning Board. Lees said the Planning Board still had not decided whether to allow the proposed waiver for the distance between buildings; Fire Dept. comments had not been received, and questions about the retaining wall remained. Rice said that the applicant needed to be reminded about the fertilizer requirements in the standard special conditions. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with special conditions as described above.

7:40 p.m.      Discussion with David Hicks re culvert at 9 Beaver Creek Circle, DEP File #259-689

This discussion was postponed by the applicant until Jan. 22, 2008 at 7:10 p.m.

7:50 p.m. Public Meeting re RDA submitted by Kevin & Marisa Graham of 9 Simonne Lane for the cutting of 2 trees on 16 Seminole Drive

The Grahams attended the meeting to explain their project. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area involves BVW, and the proposed activity must meet the 50' setback requirement to the fullest extent possible as a lot created before May 6, 2002. K. Graham explained that he had not understood when he had filed a previous RDA in November for cutting trees on his lot that he would require the owners' signature to cut trees on his neighbors' lot in addition to his own. He said that this current application, which included the neighbors' signatures, was to cut 2 large white pines, located close to the wetland edge, about 45 feet from his house.

Tzanoudakis reviewed the discussion at the previous meeting, noting that members of the Commission had suggested that instead of cutting the 2 trees to the ground it might be possible to cut their tops so that they are left at a height equal to the distance to the Grahams' house. K. Graham said that he would prefer to cut the trees to the ground, but that he would agree to the Commission's suggestion as a compromise. He said that the trees are 45 feet from his back porch. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 3 & 6 Determination with a special condition as described above.

8:00 p.m. Discussion with Tim Triehy of 44 Maple Street regarding his property boundaries and adjacent Conservation Land

Mr. & Mrs. Triehy attended the meeting to discuss an apparent discrepancy in their deed and a recent survey. Their question involved a more than 2-acre area on the southerly part of their lot. Mr. Triehy said that Belmont Springs had "claimed" the land in that area, and that now it is classified as Conservation Land. He said that he did not know if he owned the land or not and hoped the Commission could help. Elliott and Tzanoudakis explained that this question could only be resolved by a real estate attorney who would research the title, advising the Triehys to chose an attorney with experience in these types of disputes.

Other Business

Upon a motion by Elliott, seconded by Rand, with Steeves abstaining, it was

VOTED: to approve the minutes of December 4, 2007 as drafted.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Ellen L. Fisher