

PEPPERELL CONSERVATION COMMISSION

Minutes – February 3, 2009

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, Rice, Sauer, Steeves, and Tzanoudakis; members absent: Moody and Rand.

7:00 p.m. Discussion with Dr. Terrence McGee regarding activities at 51 Elm Street

McGee had requested this appointment because he was planning to expand his pasture at 51 Elm Street, located across the street from his house. He had received an Order of Conditions (DEP File #259-669, issued in 2006) to create the pasture, and he was under the impression that if he wanted to expand the pasture, he only needed to notify the Commission. Fisher had researched the minutes from the 2006 meeting where McGee's Order had been voted. She reported that the minutes and the Order itself (Special Condition #24) showed that the Commissioners had intended that if he wanted to expand the pasture, he would have to file a new Notice of Intent. Elliott and Sauer, who were at the meeting in 2006, agreed. McGee said that he disagreed with the Commissioners about what was said at the 2006 meeting, but aside from that, he asked what he needed to do to be able to expand the pasture. Elliott said that to do so he would need to file a Notice of Intent and to receive a new Order of Conditions. Fisher pointed out that additional wetland delineation review would be needed. McGee said that he would come to the office to pick up forms in the next few days. Tzanoudakis said that she would be recusing herself from any Commission work involving this project.

A Request for a Certificate of Compliance for **120 Heald Street**, DEP File # 259-502, had been received. The Commission reviewed the history of the project, including the discovery that the house orientation and driveway had been changed during construction, causing a portion of the driveway to extend into the 100' buffer zone. The Order had prohibited any work in the buffer zone, primarily because the lot is in the WRPOD.

A subsequent Notice of Intent had been filed for work in the buffer zone to correct the violation. That Order, 259-653, had been appealed, and DEP had issued a Superseding Order. DEP was, therefore, responsible for issuing a Certificate of Compliance for that Order.

The Commission reviewed the As-Built Plans and several photographs submitted with the request for a Certificate of Compliance. On a motion from Elliott, seconded by Tzanoudakis, all

VOTED: to issue a Certificate of Compliance for 259-502.

7:20 p.m. Informal Discussion with Stan Dillis regarding whether proposed activities at 74 Main Street would be Riverfront Redevelopment under 310 CMR 10.58(5)

Stan Dillis of Ducharme & Dillis, Dick Egan, and Tracey Ezzio, owner of the Pepperell Family Pharmacy at 74 Main Street, attended the meeting. Dillis had submitted 2 questions to be taken

up at the Informal Discussion. First, he had asked if this site would be exempt from the By-Law. Elliott said that it would need to comply with the 50' no-disturbance buffer to the fullest extent possible per Section 2g. Secondly, Dillis had asked if this site could be considered redevelopment of previously developed riverfront. He said that he was confident that he would be able to improve the conditions on site as required in 310 CMR 10.58(5), especially for stormwater.

Elliott said that application of the redevelopment provision of riverfront depended on the definition of "degraded." He suggested that stormwater treatment and replacement of impervious parking areas with some kind of pervious surface would be improvements.

Rice suggested that control of invasive exotic plants would be an improvement from her point of view. Dillis said that most of the out-of-control vegetation along the stream was not on this lot since the property line is only about 5 feet off the back of the building.

Elliott said that the Commission has a history of allowing commercial development along this particular stream, citing Donelan's parking expansions and Lorden Hardware's recent addition. Dillis said that he had done test holes on the area where Ezzio would like to expand and had found junky soil that could possibly be replaced. Sauer noted that the railroad bed is certainly not a pristine river, that it contained huge amounts of trash. Ezzio said that she had already pulled out large amounts of trash. All agreed that it would be difficult to work with the railroad management company on improvements. It was the Commission's conclusion that this site could qualify as a redevelopment project on previously developed riverfront, depending on the specific proposal.

Other Business

The Commission decided to cancel the February 17, 2009 meeting since there was nothing on the agenda to date.

The ACEC Stewardship Committee had asked Fisher to notify the Commission that they were planning to release **Galerucella beetles** again this year on Fisheries and Wildlife land along the Nissitissit River (off North Street) and for the first time on Nashoba Conservation Trust land both north and south of Lawrence Street at its crossing over Gulf Brook. The ACEC Stewardship Committee also requested permission to release the beetles along Sucker Brook at Oak Hill Street on Town-owned Conservation Land: the Keyes Conservation Area and the Twohig parcel. Fisher noted that the Committee was seeking written permission from Fisheries & Wildlife, as required under the CR for the Twohig parcel. Rice said that she no longer felt skeptical about the beetles after observing their effects in other areas. On a motion from Rice, seconded by Tzanoudakis, all

VOTED: to give permission for Galerucella beetle releases on Keyes Conservation Land and the Twohig parcel.

Fisher reported that \$1750 had been collected in **Wetland By-Law filing fees** since last year's submission of a warrant article for transfer of By-Law filing fees to the Conservation Fund. The Commissioners decided to submit such a warrant article for the May 2009 Annual Town Meeting, even though they may decide to withdraw it on Town Meeting floor.

Upon a motion by Elliott, seconded by Rice, with Sauer, Steeves, and Tzanoudakis abstaining, it was

VOTED: to approve the minutes of January 20, 2009 as drafted.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Ellen L. Fisher