

PEPPERELL CONSERVATION COMMISSION

Minutes – April 21, 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, Moody, Rice, and Sauer; members absent: Tzanoudakis, Rand, and Steeves.

The Commission discussed the May 5th meeting and the likelihood that it would need to be cancelled if Town Meeting goes into a second evening. Elliott suggested that it would be better to just cancel the meeting ahead of time instead of scrambling on the day of the meeting. Rice asked about the applicant whose RDA is already scheduled for May 5th. Fisher said that she already had told the applicant that the meeting might be cancelled. On a motion from Elliott, seconded by Moody, all

VOTED: to cancel the May 5, 2009 meeting and to pay for a new legal ad for the RDA already submitted.

The Commission also discussed Sauer's conflicting commitment on Tuesday evenings for the next two months and the difficulties in getting a quorum during the summer. It was decided that the May and June meetings would be held at 7:30 p.m., rather than 7:00, so that Sauer could attend.

7:10 p.m. Public Hearing re NOI filed by Kevin Grace for the replacement of a sewage disposal system at 88 Shirley Street

John Field of Nashoba Engineering Associates attended the hearing to represent the applicant. 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. Field submitted a revised plan and explained the location of the wetland resources areas, including Riverfront, BVW and 2 ponds. Field said that during their site visit he and Fisher had agreed to move the wetland line upslope by about 30 feet in one area. The edge of the system would still be more than 50 feet away from the wetland, with the edge of grading within 21 feet. Field said that the Board of Health had approved the design, but that he had not yet submitted the revised plan.

Field explained that the proposed system is an infiltrator which allows a 40% reduction in the size of the leaching field. Sauer asked if the backyard was level. Field said no and explained the existing and proposed grades. Elliott asked where the excavated material would be stockpiled. Field said that it would be on the corner of the backyard opposite the driveway. Elliott suggested that the erosion control barrier be extended to include the stockpile area.

Fisher reported that DEP had not yet issued a file number for the project. Field requested that, if DEP has a problem and no number is issued, the hearing be continued until May 19, 2008. The Commissioners agreed. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue an Order of Conditions with Special Conditions as described above after DEP issues a File Number.

Other Business

Upon a motion by Elliott, seconded by Rice, it was

VOTED: to approve the minutes of April 7, 2009 as drafted.

The Commissioners discussed the latest revised plan for a 40B development on the property behind the VFW off Leighton Street. The proponent, Al Patenaude, had been meeting with the Selectmen and other Town officials over the past few weeks and requesting that the project be accepted as a LIP. One major change in the latest revision is the elimination of one wetland crossing leaving only one crossing which would be in the area of the existing culvert. Elliott said that the roadway right along the edge of the wetland would be just as damaging as the second crossing would have been because of the loss of the buffer.

Rice said that she did not think the Selectmen should do this project as a LIP since it is too invasive of the wetland and buffer zone. There was general agreement that there were too many units, especially since so many of them are built and/or have backyards within the buffer zone. Several of the units or backyards are even within the 50' buffer. Moody pointed out how much of the property was going to be impervious. Several Commissioners questioned how maintenance of the rain gardens could be managed. Fisher said that when/if this project goes before the ZBA, she felt that the Commission should request that the Comprehensive Permit contain a 50' no-disturbance buffer, the way the ZBA did in the Permit for Emerson Village. Fisher was asked to write a memo to the Selectmen with the general sense of this discussion.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Ellen L. Fisher