

PEPPERELL CONSERVATION COMMISSION

Minutes – June 2, 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 7:30 p.m.

Members present: Elliott presiding, Rice, Sauer, and Steeves; members absent: Moody and Rand. Tzanoudakis arrived at 7:45 p.m.

7:30 p.m. Public Meeting re RDA filed by Donna & Bob Sullivan for the installation of an above-ground pool at 71 Hollis Street

Donna and Bob Sullivan 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. The Commissioners reviewed revised plans that the Sullivans had submitted prior to the meeting. The plans included both an above-ground pool located to the south side of their backyard and an extension of their existing deck to the south corner of the house. Elliott asked if the closest point of the project to the wetland was between 30 and 40 feet. B. Sullivan said yes. Rice asked if both the new deck and the pool were to be located on existing lawn. B. Sullivan said yes. Elliott asked how they planned to level the ground for the pool. B. Sullivan said that the pool contractor would be bringing in sand and placing it on the existing surface. Several Commissioners cautioned that, for stability, the topsoil should be excavated first, and the excavated material should not be placed in the buffer zone. The Sullivans agreed. Rice thanked the Sullivans for adjusting their lawn mowing which had previously extended into the no-disturbance buffer defined by the boulders and signs in their backyard (a permanent condition in 259-631). On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Negative 3 & 6 Determination.

Tzanoudakis arrived at this point.

7:45 p.m. Informal Discussion with Bob Fisher of 5 Beaver Creek Circle re maintenance of the back part of his property

B. Fisher had emailed the office asking to be able to mow the weeds and control *Rosa multiflora* in the back part of his lot. The Commission reviewed the Final Approved Plan and Special Condition #39 of File #259-668, which covered the Beaver Creek Circle roadway and 2 lots, 1 & 5 Beaver Creek Circle. B. Fisher said that he wanted to maintain the area as a field rather than allow it to grow up into shrubs and trees. He said that he would like to mow it with a walk-behind sickle bar mower, 2-3 times per year.

An apparent inconsistency in the language in Special Condition #39 was discussed. The Condition said that the inner 100 feet of the Riverfront was to be a no-disturbance area. Shrubs and markers were placed as a boundary of the no-disturbance area (as shown on the Final Approved Plan) on a line 40 to 60 feet higher than the 100-foot Riverfront line. E. Fisher said

that she did not remember why she worded the condition that way, perhaps it was a mistake. Several Commissioners remembered that the no-disturbance line shown on the plan was what had been intended because the line on the plan limited the Riverfront disturbance to 5000 square feet per lot. Elliott said that this project had been contentious and the Commission's decision had been a balance between competing interests. He said that "no-disturbance" meant no mowing and that the Commission had expected the no-disturbance area to grow up to shrubs and trees. Sauer said that in any case no mowing should be allowed in the inner 100 feet of the Riverfront. Elliott asked if that would require a new set of markers for that line.

Rice said that, on the other hand, selective removal of invasives could be beneficial. Steeves said he agreed, but that removal of shrubs would need to be done by people who knew what they were doing. B. Fisher was asked if he was interested in being able to remove the invasives even if he could not mow. He said yes.

Sauer said that he was not sure that he agreed that mowing the area 2 to 3 times per year would make any difference to wetland protection. Rice said that shrubs and trees in a buffer area protect wetlands better than mowed lawn. Elliott asked how to enforce the number of times that an area would be mowed. Rice said that the underlying question was whether the no-disturbance area could be maintained as a field or should be left to succeed from field to shrubs and forest. Tzanoudakis asked if the neighbors would have any issues with B. Fisher mowing or not. Rice suggested that B. Fisher file a Notice of Intent if he wanted to have a decision on his questions. Sauer agreed saying that a Notice of Intent would assure that the Commission would be able to monitor the maintenance in the future and the abutters would be made aware of the situation. Steeves agreed. Rice observed that the Commission seemed to be divided on this issue, and the outcome of their decision on a NOI could not be guaranteed. Tzanoudakis said that she felt that it would OK to include proposed vegetation height restrictions in the Notice.

Other Business

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

VOTED: to approve the minutes of May 19, 2009 as drafted.

A Request for a Certificate of Compliance for DEP File # 259-700, 3 Hunt Club Way, had been received. Fisher reported a satisfactory site visit. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Certificate of Compliance.

The Commission reviewed its meeting schedule for the second half of 2009. The first and third Tuesday of each month was approved except for September, when the meetings were set for September 8th and 22nd.

The Commissioners discussed Fisher's work hours for FY10. Fisher had been working 30 hours per week since she started working for the Commission in September 2000. In FY2009, for the first time since 2000, the Department budget had not been sufficient to cover her wages. For FY09 the Commission had approved approximately \$3579 from the MA Wetlands Protection Act Filing Fees Account to cover 30 hours per week. In May 2009, acting on the Finance

Committee's request for a 10% reduction in wage expense, the Annual Town Meeting had voted \$33,867 toward wages for the Conservation Department, which was enough to cover Fisher's position for approximately 24 1/2 hours per week. On a motion from Elliott, seconded by Sauer, all

VOTED: to approve spending approximately \$3433 from the MA Wetlands Protection Act Filing Fees Account, making Fisher's work schedule 27 hours per week for FY10.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Ellen L. Fisher