

## PEPPERELL CONSERVATION COMMISSION

Minutes – July 7, 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, Rand, Rice, and Sauer; members absent: Moody and Tzanoudakis. Steeves arrived at 7:10 p.m.

A Request for an Extension for DEP File # 259-672, Edward Hayward's project for 13-23 Shawnee Road, had been received in April. The Commission had agreed to issue an Extension as soon as Hayward had relocated his shed and dumpster per the final approved plan and had discontinued mowing within the 50' no-disturbance area. Fisher reported that the requested actions had been taken. The Commissioners signed the Extension forms.

A Request for an Extension for DEP File # 259-667, Leslie Spoth's project at 181A South Road, had been received. Fisher reported that the house was not finished but that there were no outstanding violations. On a motion from Elliott, seconded by Rice, all

VOTED: to issue a 3-year Extension.

Rand presented a request for reimbursement for his expenses for mowing Conservation Land, including an annotated list of standard charges for the equipment and fuel costs per hour of mowing and the transportation costs to move his tractor from his home to and between the various parcels he maintains. He also included an estimate of the number of hours he usually spends on mowing each season. On a motion from Elliott, seconded by Rice, with Rand abstaining, all

VOTED: to approve the reimbursement rates and to authorize the payment of such reimbursements from the Conservation Fund. [see July 21, 2009 Minutes for more on this topic]

Steeves arrived at this point.

7:10 p.m.      Continued Public Hearing re Notice of Intent filed by Louis Berube of Shattuck Oil Company for replacement of fuel storage and containment structures and parking areas at 16 Groton Street

Jack Visniewski attended the hearing to represent the applicant. He said that the Natural Heritage and Endangered Species Program had needed further details about the remediation plans. To give time for Bruce Nickelsen to prepare those plans, Visniewski had waived the 30-day deadline for NHESP to issue their comments on the project. Therefore, he said that the applicant would be continuing the hearing again. He presented a series of 3 drawings of the project site. Sheet 1 (Existing conditions) highlighted all existing areas that were impervious or degraded. Sheet 2 (Proposed conditions) highlighted all proposed impervious areas, and Sheet 3 (Proposed conditions) highlighted all proposed areas to be mitigated. Accompanying these drawings, he submitted a summary sheet comparing existing and proposed conditions.

Elliott pointed out that Sheet 1 included some areas beyond the property lines. Visniewski agreed. There were several questions about the definitions of “degraded,” “restoration,” and “mitigation” in the context of Riverfront Redevelopment. Elliott specifically asked if an area that is not degraded can be mitigated. Fisher was asked to try to clarify these questions with DEP.

Elliott asked Visniewski to address the questions about BLSF (floodplain) that were posed on the DEP File Number assignment sheet. The hearing was continued to July 21, 2009 at 7:30 p.m.

7:30 p.m.      Public Meeting re Request for Determination of Applicability filed by Raja & Elizabeth Bala for construction of a screen porch at 57 Heald Street

Jeff Parker attended the meeting to represent the applicants. 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. Parker said that he and Fisher had measured 80 feet from the proposed porch to the wetland (BVW). Fisher added that it was 110 feet from Sucker Brook. Rice asked what construction equipment would be used in the buffer zone. Parker said that he would be hand-digging 5 sono-tubes so no equipment would be needed. Rice asked about the roof and whether the drainage from it would run toward the wetland. Parker said it was a rolled roof with a minimal slope and that it would drain onto the landscaping or lawn as the existing roof did. Fisher confirmed that there was no evidence of erosion in the existing lawn, and the slope toward the wetland was not steep. Parker asked if the Commission required a drip edge along the roof line. Rice explained that the Commission did not require particular features, but was reviewing the plan as proposed. Rand asked how much of the distance to the BVW was mowed as lawn. Parker estimated that the lawn extended to within 10 to 15 feet of the BVW edge. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 2, 3 & 6 Determination.

#### Other Business

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

VOTED: to approve the minutes of June 16, 2009 as drafted.

After contacting 4 different companies, Fisher reported having received 2 viable, but very different, proposals for control of woody invasives in the new Heald Street Orchard field. She had been given authority to hire a contractor at the previous Commission meeting, but felt because of the disparity between the 2 proposals that she should put the decision up for the approval of the Commissioners. Polatin Ecological Services (the contractor which treated the apple tree stumps to prevent sprouting) had proposed spraying broadleaf-selective herbicide from backpack sprayers. Lawn Tailors, Integrated Landscape Management, had proposed hand-pulling small invasives and cut-stump treatment of the larger plants with glyphosate, with all cut plant material removed from the site. The advantages and disadvantages of each proposal were discussed. The Commissioners generally favored the Lawn Tailors proposal, except that it was much more expensive. Fisher was asked to contact Lawn Tailors’ references and to negotiate

with the company for a lower price (their billing was proposed to be time-and-materials, and they had indicated to Fisher that they could possibly adjust the not-to-exceed price, if necessary). The Commissioners authorized Fisher to hire Lawn Tailors if they could bring their 2-year, not-to-exceed price down to \$14,000. Otherwise, the Commissioners would make the decision at their next meeting.

Fisher reported that there had been complaints from users of the Orchard about a relocated mailbox and a fence that had been recently put up, apparently to prevent parking near the western gate. Fisher had contacted Wendy and Allen Orazio, the neighbors across the street from the gate (109 Heald Street). The relocated mailbox was theirs, but the Orazios had said that the fence had been put up by Terri Pallis, the daughter of the Reeses who live next to the western gate (112 Heald Street). Fisher contacted Pallis who said that she wanted to plant grass where people often parked, saying that the many cars parked by the gate were a safety hazard when she was backing out of her driveway. She had other complaints also about the behavior of people using the Orchard (dog walking without cleaning up, litter, noise, etc.). Fisher said that the fence was on the ROW, and the DPW already had decided to remove it. She asked the Commissioners if they would consider designating some specific area along the road for parking, with a sign indicating that more parking was available on the eastern side of the Orchard. The Commissioners said that access to this part of the Orchard should not be restricted, but that a sign about the additional parking would be OK.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen L. Fisher