

PEPPERELL CONSERVATION COMMISSION

Minutes – September 22, 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, Masterson, Rand, and Sauer; members absent: Moody, Rice, and Steeves.

There were no Public Hearings or Public Meetings scheduled.

Conservation Administrator's Report

Request for Certificate of Compliance for File #259-640, Reconstruction of intersection of Wheeler & Cranberry Streets

A Request for a Certificate of Compliance from the Pepperell Highway Division for DEP File # 259-640 had been received. Fisher reported a satisfactory site inspection. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

Request for Certificate of Compliance for File #259-529, N. Village Estates roadway

A Request for a Certificate of Compliance for DEP File # 259-529 had been received. Fisher reported that she had received a recorded Deed Restriction and had heard from Joe Bellino of DEP that it was adequate. She also reported a satisfactory site inspection. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

Review of proposals for Heald Street Orchard brush hogging

The Commission reviewed revised proposals from both Joe Radwich and Tony Beattie, both of whom said that they could do the mowing without the need for stump grinding. LawnTailors had not submitted a revised proposal. Since Joe and Tony's prices were the same amount, the Commission struggled to make a decision. All agreed that both parties were reliable and would do a good job. It was noted that Radwich probably knew the property best since he had cut the trees. On a motion from Sauer, seconded by Rand, all

VOTED: to accept Joe Radwich's proposal.

Report on meeting at 142 River Road

Fisher reported that she had had a message on her answering machine on Sept. 17th asking to postpone the meeting that Mrs. Carlson had agreed to 3 weeks previously (after avoiding such a meeting since June). Fisher issued an Enforcement Order that morning with a cease and desist on all lawn mowing and an order to get the 50' line marked in the field (either by her or a wetland scientist). She delivered it at the time of the scheduled meeting. There was a difficult discussion, but Mrs. Carlson did finally allow her to stake out the 50' no-disturbance buffer. Fisher found that the lawn edge varied from

about 48 feet to about 12 feet from the edge of wetland that had been previously delineated. The Carlsons had apparently drawn a straight line parallel to the back of their house, but the wetland line curved—that seemed to be the reason for the discrepancy.

Mrs. Carlson said they did not know that and had been relying on the marks that their wetland delineator from last year had left for them (Fisher saw no such marks at 50' from the wetland flags although there was one marker that was much closer than 50').

Over the summer they had had some soil delivered that they intended to spread over the lawn that weekend to improve it. Fisher had said OK to go ahead with spreading it as long as none of it went beyond the 50' line that she had marked. The Carlsons had also been dumping large amounts of grass clippings right at the edge of wetland (2 places) in violation of a Permanent Condition in the original Order for the common driveway. Fisher said that she told Mrs. Carlson that that dumping had to stop. They discussed alternative composting locations outside the 100' buffer zone.

On a motion from Elliott, seconded by Rand, all

VOTED: to endorse and sign the Enforcement Order that Fisher had issued on September 17, 2009.

Fisher said that Mrs. Carlson had wanted her to speak with her husband. The meeting was scheduled for 4:30 p.m. on September 23rd. Rand agreed to attend with her. The Commission decided that Fisher should tell Mr. Carlson that they could avoid additional Enforcement Orders if they would do the following within 30 days. Elliott noted that, except for the plantings, all of these items would have been included in an Order of Conditions if the Carlsons had filed a Notice of Intent before expanding their lawn in 2008.

- The 50' no-disturbance line should be permanently marked at 50'-intervals with granite posts, boulders, or a fence. Boundary signs, such as the ones available from the Commission office, should be mounted on the markers.
- The 50' no-disturbance area should no longer be mowed.
- The area between 50 and 100 feet from the wetland should be stabilized.
- No more grass clippings should be dumped in the Buffer Zone.

In addition, plantings of at least 30 native shrubs (as specified in the Restoration Plan submitted in 2008 by Leah Basbanes) should be completed by next spring. The Commissioners agreed that the shrubs to be planted could be bare-root seedlings such as are available from Musser Forests.

Correspondence

Fisher reported having received a letter with blank petitions from a group trying to repeal Chapter 40B. The Commissioners decided to take no official action on this letter.

Jeanne Nevard had emailed encouraging the Commission to install additional bluebird boxes in the Orchard. The Commissioners said that they support her efforts. Fisher suggested that this could be mentioned to scouting groups that call asking for projects. Rand said that boxes should not be installed where they would interfere with mowing.

He said that he was planning to move one box that was in the middle of an area to be mowed so that it was on the edge and, therefore, out of the way.

Other Business

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

VOTED: to approve the minutes of September 8, 2009 as drafted.

A Request for Extensions for DEP File # 259-566 & 567, 28 & 27 Bacon Street (Lots 23 & 6 in Heritage Estates) had been received. Fisher reported that there had been no activity on either lot since the last Extensions had been issued in 2007. She had found some of the nearby wetland flags in place, and the area had been stable when she inspected. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a 3-year Extension for each Order.

Fisher reported that she had been in touch with the owners of 35 Shattuck Street regarding the disturbance of a wetland in the front of the lot. Trees had been cut, and soil disturbed by equipment. She read a letter that she proposed to send to the owners which outlined the necessary procedures for beginning a restoration: get a delineation, propose a restoration plan, and get it approved by the Commission. The Commission approved the letter.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Ellen L. Fisher