

PEPPERELL CONSERVATION COMMISSION

Minutes – October 6, 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, Sauer, and Steeves; members absent: Masterson and Rand.

7:00 p.m. Public Meeting re Request for Determination of Applicability filed by Amie & Anthony Ippolito for construction of a porch and deck at 38 Dow Street

Amie & Anthony Ippolito attended the meeting. 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 Ippolitos clarified that they are planning to add a farmer's porch to the front of their house and a deck with a roof on the south side. Rice asked if the additions are being constructed on sonotubes. The Ippolitos said yes. Sauer noted that the entire project was outside the 50 foot buffer under the By-Law. Rice asked if there were to be gutters. Amie Ippolito said yes, along the farmer's porch, but that they would outlet into a bed of crushed stone. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Negative 3 & 6 Determination.

The Ippolitos had also requested a Certificate of Compliance for DEP File #259-353. This Order had covered 5 lots. Fisher said that 38 Dow Street was the only lot which had not already had a Certificate of Compliance issued. She reported a satisfactory site visit. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Certificate of Compliance.

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 update the Commission on the status of the project. He said that he had received a letter of approval from NHESP, but that if the plans changed, he had to resubmit the final plans for review. In fact, he said that he was working on revised plans and wanted to run them by the Commission. He said that the problem with the original proposal was that 11,000 sq. ft. of extra impervious paving had been proposed without enough restoration or mitigation to offset it, according to the definitions of "restoration" & "mitigation" as we now understand them.

In the revised plans Visniewski said that he proposed to change 2 areas of existing impervious paving to porous pavers or porous asphalt (1700 sq. ft. & 3485 sq. ft.). Since that change would take away the need for a detention basin, the place where it was originally proposed would be

able to be restored with native vegetation. Finally, he said that the remainder of the existing gravel parking lot (considered degraded presently) could be mitigated by the installation of grass pavers, which would be suitable for occasional parking and driving.

Elliott said that in his opinion the revised plans sounded like a big improvement. Moody asked if the paved driveway from the street down to the bench beside the river would remain as-is. Visniewski said yes, although it might be a little narrower and it would have a crushed stone swale along the edge.

Elliott suggested that Visniewski consider specifying a fuel-containment type of stormwater storage chamber under the new upper-level parking. Visniewski said that he would look into it. Fisher asked about the construction sequence. Visniewski said that they would build the new containment structure before demolishing the old one. Sauer asked if the area near the river would be plowed in the winter after the grass paving is installed. Visniewski said that he would need to ask Berube, but that he thought there would not seem to be a need. If they did want to plow, he said, there would need to be a careful plan.

Fisher asked if Bruce Nichelson, the Licensed Site Professional, was planning to submit any further information to the Commission. Visniewski did not know, but said that he would check and get back to her. Moody asked how the grass pavers would react in a flood. Visniewski said that he felt that the grass roots, once established, would tend to stabilize the area better than the existing gravel surface. Rice asked if the grass pavers would be mowed occasionally. Sauer said he thought they would have to be. Visniewski said yes. The hearing was continued until October 20, 2009 at 7:20 p.m.

7:30 p.m. Public Meeting re Request for Determination of Applicability filed by Carl & Diane Cerullo for widening of the driveway at 46 Jewett Street

Paul Kirin 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. Kirin described the proposed project and the wetland, which had been delineated by Mike Turgeon and reviewed by Fisher. The edge of wetland was 75 feet at its closest point to the project. Elliott asked if the driveway really needed such a large radius. Kirin said yes. Steeves suggested that it was needed for emergency vehicle access. Kirin agreed, but also said that the owners actually move large equipment in and out of that driveway on a regular basis. Fisher asked if the new section would be paved. Kirin said that Cerullo would be using ground paving debris for the surface.

Because considerable fill will be used, Elliott said that he agreed that erosion control should be required. He suggested that Kirin confirm the location of a silt fence with Fisher before actually installing it and that she should then inspect it. Rice said that as soon as the area is stabilized it would be OK to remove the silt fence. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Negative 3 & 6 Determination with conditions as described above.

Conservation Administrator's Report

Authorization for further trails mapping & volunteers

Fisher reported that the GIS Committee had authorized her to "finish" mapping the trails. The Commissioners discussed what should be included in this effort, with the Rail Trail possibly being mapped without Fisher needing to walk the trail with the GPS since it can be easily discerned on the aerial photographs. The Commissioners endorsed the idea of forming a volunteer trails group for ongoing monitoring and maintenance. Sauer suggested including members of the Nashoba Conservation Trust in the call for volunteers.

Heald Street Orchard invasives removal status

Fisher reported that she was surprised to learn that NRCS would not immediately be reimbursing the Town under the WHIP grant for the removal of invasives since the work was done by hand-pulling rather than herbicide application. She said that the NRCS representative was investigating whether she could reimburse in the spring after confirming that the removals had been effective.

Other Business

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

VOTED: to approve the minutes of September 22, 2009 as drafted.

Fisher said that she would like to spend considerable time in the next week preparing a Letter of Inquiry, the first step in applying for a grant for \$50,000 from the Mass Environmental Trust to continue the water chestnut removal project. The Commissioners agreed.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Ellen L. Fisher