

PEPPERELL CONSERVATION COMMISSION

Minutes – May 5, 2010

The Pepperell Conservation Commission (PCC) held a special 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, Rand, Rice, and Sauer; members absent: Masterson and Steeves.

This Special Meeting was held to take up the Commission's agenda for the regular business meeting which had been scheduled for May 4, 2010. That meeting had been cancelled because Pepperell's Annual Town Meeting extended into the evening of May 4th.

Rand said that he wanted to schedule a **Breakfast with the Birds** event on Sunday, May 16th at 6:30 a.m. Fisher agreed to arrange for the publicity.

Conservation Administrator's Report, Part 1

Conservation Land Use Permit issued for Fox Hunt to cross Nissitissit Meadows on May 8, 2010

Fisher reported that she had issued a permit. This group has held similar events many times in the past.

Schedule work day for Trail Maintenance

The Commission decided to defer scheduling a work day until both Rand and Fisher's schedules are more clear.

Fisher reported that Roland Guilmet of the Nashoba Valley Amateur Radio Club had requested a Conservation Land Use permit for the weekend of June 26 & 27 so that the club could hold its annual drill in the Heald Street Orchard. Guilmet had requested that they be allowed to mow near the knoll in order to accommodate their RVs and antennas. Fisher had requested that they not mow into the fields in which the apple trees had recently been removed in order to protect the nesting bobolinks. The Commissioners agreed that a permit could be issued and that Fisher or Rand would consult with the club members about placement of their equipment.

A Request for an Extension for the Order of Conditions for 11A Wheeler Street, DEP File # 259-691, had been received from Jeff Chabot, the current owner. Fisher reported that she had visited the site and found no violations. Elliott asked if the wetland flags were still up. Fisher said yes. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a 3-year Extension.

7:10 p.m. Public Meeting re RDA from John L. Cross for the construction of a front porch at 5 Nashua Road

Mr. Cross attended the meeting with his family. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the lot includes BVW, but the proposed activity is not in the buffer zone. Fisher said that the project is in the Riverfront since it is approximately 150 feet

from the edge of the Nissitissit River. Looking at the plan, the Commissioners noted that the porch is on the opposite side of the house from the river. Rand said that there was a fence about 50 feet from the top of bank next to the river and that beyond the fence was not disturbed. Rice asked how the roof runoff would be treated. Cross said that he had no gutters on the rest of the house and was not planning any. Rice said that her reason for asking was to make sure no runoff would be channeled toward the river. Cross said that the porch would be constructed on sonotubes. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 2 & 6 Determination.

7:20 p.m. Informal Discussion with Buddy Dougherty of the Brookline Conservation Commission re the use of the Bemis Road Conservation Land for access to bridge repair site in NH

Dougherty announced that Beaver Brook had received a \$25,000 grant to replace bridge abutments and reconstruct a bridge over Gulf Brook along a RR bed in Brookline, NH. He asked the Commission to allow the equipment they will be using for the repairs to access the site through the Bemis Road Conservation Land. Elliott asked how big the equipment would be. Dougherty said they would use a 20 ton excavator and a few loads of material brought in on a dump truck.

Fisher reported that Peter Shattuck had requested that the gate to the area be closed each night to prevent people driving in and partying in the remote back areas.

Dougherty said that local Trout Unlimited volunteers would be helping with the project. Russ Schott and Michael Rosser had attended the meeting and spoke in favor of the project. Fisher reported that the Beaver Brook Association Board was in favor of it too. On a motion from Elliott, seconded by Rand, all

VOTED: to grant the Conservation Land Use permit. Sauer asked that Fisher notify the people who live adjacent to the access road.

Other Business

Rand said that the Nashoba Conservation Trust's trail on the RR bed off Shirley Street needed attention. He said that during the recent heavy rains, Robinson Brook had run higher than the culverts under the RR bed although it had not overtopped the trail. The Trust would like to add more fill to raise the trail over the culverts and to fill in some sink holes that had developed in the trail. He asked if this activity would require a filing. The other Commissioners agreed that this would be a maintenance project for which no filing was necessary.

Rand asked the status of the beaver fencing at the Keyes Conservation Area since he had noticed that the water level was high. Fisher said that the beavers had gotten inside the fence and blocked the culvert, but that she had been in touch with Mike Callahan of Beaver Solutions and he was planning to take care of it within the next day or two. Fisher noted that Callahan is working on the culvert this spring under his maintenance contract/guarantee and that the Commission is not being charged any additional fees.

7:30 p.m. Deliberation, in compliance with Superior Court Civil Action No. 09-0470, re NOI filed by John Kimball for construction of a driveway and installation of a water line at 23 Heald Street. The Public Hearing in this matter is closed.

As a part of the deliberation the Commission reviewed the draft minutes from the April 20, 2010 meeting. Upon a motion by Elliott, seconded by Sauer, with Rand abstaining, it was

VOTED: to approve the minutes of April 20, 2010 as amended.

The Commission then discussed a draft Findings document that Fisher had written with input from Ned Richardson. On a motion from Elliott, seconded by Sauer, all

VOTED: to accept the Findings as amended.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Ellen L. Fisher