

PEPPERELL CONSERVATION COMMISSION

Minutes – May 18, 2010

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, Moody, Rand, Rice, Sauer, and Steeves.

7:00 p.m. Continued Public Hearing re NOI from Patricia Huckery of MA Div. of Fisheries & Wildlife for the replacement of culverts on Gulf Brook at Oak Hill and Chestnut Streets

Pat Huckery, Northeast District Manager of Fisheries & Wildlife (F & W), and Bob Lee, DPW Director, attended the hearing. Rice recused herself from this hearing. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area involves BVW, and the proposed activity is excepted from the 50' setback requirement as a Limited Project (2b). Lee said that the DPW had already processed payment for the legal ad. Huckery had submitted a plan with the Notice of Intent entitled, "Proposed Drainage Improvements, Culvert Repairs, Gulf Brook, Pepperell, Massachusetts, Prepared by the Department of Fish & Game, Division of Fisheries and Wildlife, Signed and stamped by Anthony Stella, Plan No. E-407, October 1, 2009." This plan was reviewed at the hearing.

Huckery gave a summary of the project, which is called the Gulf Brook Trout Restoration Project. She said that F & W was planning to upgrade both culverts to improve stream continuity for fish passage. The Chestnut Street culvert would be replaced by a 3' x 4' open bottom box culvert. She pointed out the erosion & sedimentation controls and stone rip rap on the plans. The Oak Hill Street culvert would be replaced by a 2' x 4' open bottom box culvert, lower than the Chestnut Street culvert in order to avoid changing the street level above it. Huckery said that the work would be done exclusively from the street level during low flow times, probably in September. Masterson asked why the DPW was involved. Huckery said that this was a cooperative project for which F & W is supplying the funding (via grants) for the culverts and the DPW was supplying the labor.

Elliott asked if there were cross-sections of the concrete headwalls. Huckery pointed out the detail sheet in the plans. Elliott asked if the culverts would be precast or cast-in-place. Lee said they would be precast. Elliott asked about construction sequence. Lee said that they planned to work in low flow time so that they could capture the flow in an upstream sump and pump it into a pipe to the other side of the work area, but they would do a by-pass channel if necessary. He said at each site they would be removing the existing culvert and replacing it within one day, completing the riprap and bank stabilization on the following day.

Steeves asked if the bottomless culvert design was based on "lessons-learned" from previous projects such as Sucker Brook at Brookline Street. Lee said yes, but also because this project has been designed by more experienced people. Elliott asked if they would be excavating below the footings. Lee said yes, but that they would be aiming for minimal disturbance to the actual

stream bed. Masterson asked if the bottomless culvert might become clogged with extra vegetation. Huckery said that that has not been a concern with this type of crossing.

Steeves said that this is a great start on Gulf Brook restoration. He listed the Heald Pond dam, flow interruptions related to the Bemis Road well withdrawals, and the collapsed RR bridge and beaver dam in NH as continuing problems to be addressed in the future. Huckery agreed, saying that she would also like to consider restoration work along Sucker Brook.

Huckery said that they would be adding 2 water quality swales along Oak Hill Street to divert stormwater flow from the street from flowing directly into the stream. Elliott asked about the angle on the headwall at the inlet to the Chestnut Street culvert. Huckery said that it was the way that the flow goes now, and the fisheries biologist had encouraged them to retain the same streambed. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with the standard special conditions.

7:10 p.m. Continued Public Hearing re NOI from the Pepperell Highway Division for the replacement of a culvert on Cranberry Street

Bob Lee, DPW Director, attended the hearing. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area involves BVW, and the proposed activity is excepted from the 50' setback requirement as a Limited Project (2b). Lee had submitted a plan with the Notice of Intent entitled, "Cranberry Street Culvert Improvement Project, prepared by R.E. Lee, 5/18/2010, 1'=100'." This plan was reviewed at the hearing.

Lee explained that this culvert has been the site of frequent flooding. The plan is to add another 30" corrugated metal culvert next to the existing one. Lee said that they plan to do the installation during low flow time, pumping the flow through a pipe as described at the previous hearing. The new culvert would be installed over a crushed stone base. Lee also said that when the existing culvert is exposed, it will be assessed and replaced if necessary.

Elliott asked if they would use the existing stone headwall. Lee said no, they will be removing and replacing them. Steeves asked if there was any consideration of fish passage in this design. Lee said no, that they had to do this in the least expensive way possible. An abutter asked how long the project would take. Lee said the road would be closed for just one day. Masterson asked if doubling the capacity would be sufficient. Lee said he believed it would be although no hydraulic studies had been done. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with the standard special conditions.

7:20 p.m. Public Meeting re RDA from Peter Montesanti for installation of an outdoor furnace at 8 Nissitissit Lane

Montesanti did not attend the meeting. The legal ad had not been paid for. The Commission passed over this agenda item. It was later rescheduled for the June 1 meeting.

7:25 p.m. Public Meeting re RDA from Thomas Hawkins for construction of an addition at 32 Bancroft St.

Thomas Hawkins 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. Hawkins had submitted a plan with the Notice of Intent titled, "32 Bancroft Addition, a hand-drawn sketch on his plot plan, prepared by Thomas Hawkins, 4/26/2010." This plan was reviewed at the meeting.

The Commissioners asked several questions about the size and shape of the addition, its roofline, and the proposed deck. Fisher said that the deck is exempt and that the addition is about 80 feet from the wetland at its closest point. Elliott asked if a full foundation was planned. Hawkins said yes, for the addition, but not the deck. Elliott asked if there was to be regrading. Hawkins said no. Elliott asked what would happen to the excavated material. Hawkins said that it would not be stored or disposed of on site. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 3 & 6 Determination.

7:30 p.m. Continued Public Hearing re NOI from Keith Babin for the construction of a single family house at 40 Lawrence Street

Jack Visniewski and Keith Babin attended the hearing. On April 12, 2010 Visniewski had submitted a plan with the Notice of Intent titled: "Site Plan, Wetland Submission, 40 Lawrence Street, Pepperell, MA, prepared for Keith Babin by Cornerstone Land Consultants, Inc., signed and stamped by John A. Visniewski, Job No. 10-110, April 5, 2010." This plan had previously been reviewed at the April 20, 2010 hearing. The review of the plan continued this evening.

Visniewski said that he had made no changes to the plan. The letter from Natural Heritage had arrived with no restrictions. He said he planned to add a drip trench to the front of the house similar to the drainage on the back of the house which flows into a gutter for infiltration. Visniewski said that he had made an error in labeling the plan since the existing septic system is sized for a one bedroom house, rather than a 3-bedroom house. Visniewski said that Babin intended to build a 1-bedroom. He said that the Board of Health agent had asked to review floor plans and would possibly be requiring a deed restriction that limits the house to one bedroom.

Rice said that she would like to see the planting plan for the restoration area changed to native species. Fisher agreed. Visniewski said that he would work on improved planting plans and would use only species that the Commission approved. Rice said that she realized that the wetland area is hardly in its natural condition, but she would like to work toward improvements. Visniewski said that Leah Basbanes had suggested plantings for restoring the wetland and that Babin is willing to do those as well as the proposed buffer zone restoration.

Moody asked how erosion would be prevented on the steep slope behind the proposed house. Visniewski said it would be stabilized with mulch before it became part of the no-disturb area. Rice said that the pines that are singed from the fire should not be cut unless they are taller than their distance from the house.

Sauer noted that the no-disturbance area came right up to the back of the house. He asked if that was reasonable. For example, would Babin never want to paint the house? Visniewski said that a no-disturbance area did not mean that the owner could not walk there.

Abutter James Alger said that fill had been placed in the front of the previous house by the former owner, which was causing flooding in that area. He submitted 3 photos taken during the winter from his house showing standing water in the front yard of #40. He suggested that a trench be dug to carry the water away. Mrs. Alger questioned the size of the proposed garage and asked about storage of equipment and materials. Babin said that the garage was for his vehicles and that he would not be storing landscaping equipment or materials at his home.

Abutter Steven Laken said that many pines had been removed from the lot so any restoration should take the replacement of large trees into account. Babin said that large pines near the house were dangerous. Mrs. Laken said that there should be a balance between the wetland requirements and the home owner's preferences, noting that her house was also built next to wetlands and has large trees close to it because of no-disturbance provisions. There was a discussion between the abutters and Visniewski about discrepancies between the proposal and what they remembered about the previous house, particularly about the back deck elevation.

Sauer said that he felt that the no-disturbance zone up to the back of the house is not reasonable. He and Visniewski discussed the definition of "undisturbed." Visniewski said that a large tree could not be allowed to take root immediately adjacent to the foundation, but the understanding would be that those plants allowed to grow there would be natural vegetation. Steeves said he was concerned about allowing tree removal. Visniewski suggested that the undisturbed area on the plan be divided into sections with different maintenance provisions. S. Laken said that he still wanted to see trees restored on the back slope.

Sauer said that he realized that a house had been on this lot for a number of years, and he felt that Babin should be able to replace it, but he was concerned about increasing the house footprint and adding a front porch. Sauer said that the roofline of the proposed house (i.e. the front porch) would be closer to the wetland than the previous house. Visniewski said that he had dealt with that with his drip trench plan. Masterson said that there was no 50' buffer line on the plan, noting that most of the proposed work is within 50' of the wetland. Visniewski was asked to provide revisions, including a proposal for trees behind the house and a restoration plan for the wetland and the no-disturb buffer.

Masterson asked about the restoration that is shown off the property. Visniewski said that the previous owner had stored debris there, and Babin had assumed that it was his land. The temporary trailer that he brought in after the fire was located there. Visniewski said that after the trailer is removed, Babin would restore that area. Abutter Alger asked if Babin was planning to remove more trees in the front of the lot. Babin agreed to mark all the trees he would like to remove. The Commissioners could then visit the site again.

The hearing was continued until June 1, 2010 at 7:25 p.m. Later in the meeting the Commissioners discovered that the quorum which had participated in both sessions of this hearing would not be present on June 1st. Fisher was asked to contact Visniewski and to request that it be postponed until June 15th. She was also asked to notify the abutters who had been attending the hearing of this change.

Conservation Administrator's Report

Fisher distributed notices of a workshop about Accepting Conservation Restrictions on June 2nd at the Doyle Conservation Center in Leominster.

Fisher reported that the beavers had gotten back into the culvert at the Keyes Conservation Area, but that Mike Callahan had cleared the culvert and installed a fence on the outlet side just that morning. She said that he was doing a lot of work this spring, all covered under the maintenance agreement.

Other Business

Rand reported that 6 people attended the Breakfast with the Birds event on May 16.

Upon a motion by Elliott, seconded by Rand, with Masterson & Steeves abstaining, it was

VOTED: to approve the minutes of May 5, 2010 as drafted.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen L. Fisher