

PEPPERELL CONSERVATION COMMISSION

Minutes – June 1, 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, and Steeves; members absent: Rice and Sauer.

Conservation Administrator's Report, Part 1

- Commissioner reappointments

Fisher reported that Masterson and Moody's terms on the Commission were up on June 30th. Both members had requested to be reappointed by the Selectmen.

- Heald Street Orchard invasives management payment

Fisher reported that NRCS had contacted her to say that they would now process payment to the Town (\$6560.55) for last year's invasive species management since their inspection of the Orchard this spring showed that the treatment had been effective.

Fisher said that NRCS expected that this year's treatment would be herbicide, rather than hand-pulling, though. Masterson asked why this was required. Fisher said that NRCS had done studies which seemed to show that chemical treatments are most effective in the long run so that was why that was their preferred method.

7:10 p.m. Public Hearing re ANRAD filed by Bruce Wheeler of Landwest, Inc. for review of a wetland delineation at 110 South Road

Larry Beals of Beals Associates attended the hearing. Payment for the legal ad had not been received. Elliott said that the hearing could go forward, but that no ORAD would be issued until the payment had been received. Beals agreed. The applicant had submitted a plan with the Abbreviated Notice of Resource Area Delineation (ANRAD) entitled, "Existing Conditions Plan, Plan to Accompany an Abbreviated Notice of Resource Area Delineation for 110 South Road, prepared for Landwest, Inc. by Beals Associates Inc. May 14, 2010." This plan was reviewed at the hearing.

Beals reviewed the history of the proposed Academy Hill Subdivision in Pepperell. Back in 2002 the plan included a new roadway from South Road, crossing Robinson Brook, and continuing into Groton with 11 house lots located in Pepperell. This plan was significantly modified, and nothing had been done to date in Pepperell. At this time Beals said that Landwest is not planning to disturb Robinson Brook, its BWV, or Riverfront, so the only resource area included in the ANRAD was an isolated wetland on the north west corner of the property. Beals said that the wetlands delineator, Cynthia O'Connell and Fisher had walked the area, making one change in the field. Flag 4 was replaced by a new flag, 4A, located 20 feet upgradient. Fisher reported that she had looked carefully for a connection to other wetlands, but did not find one. She also said that this delineation is consistent with the delineation done in 2001, which was peer reviewed at that time by Mark West. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an ORAD with the one change noted above.

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

Peter Montesanti 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. Montesanti had submitted a plan with the Notice of Intent entitled, "Outdoor Furnace Plan, hand-drawn on a copy of 'Plot Plan, 8 Nissitissit Lane prepared by Troy, Mede & Associates,' received by the Pepperell Conservation Commission on Apr. 20, 2010." This plan was reviewed at the hearing.

Montesanti, consistent with the permanent conditions in DEP File #259-690, proposed to locate the furnace itself at least 50 feet from the wetland, but the underground water line connection to the house was proposed to run under the lawn within the 50-foot buffer. Fisher reported that metal wetlands markers are still in place. She said that there was a chain link fence on the edge of the lawn, outside of the wetland area. Montesanti was asked if the location of the furnace was OK with the building inspector. He said there are no particular Zoning requirements or setbacks for outdoor furnaces. Elliott asked why the water line runs between the pool and the wetland. Montesanti said that he had an underground sprinkler system in most of the lawn, and he didn't want to mess it up. He also pointed out where the septic system was located, showing how he located the water lines for the furnace to avoid that area too.

Elliott asked the depth of the trench, wondering if dewatering would be needed. Montesanti said that the trench will be 18-24" deep. Fisher said that she did not think he would run into water if he installed the system during the dry part of the year. Elliott said that he felt that a silt fence for erosion control was needed. Montesanti asked if he could locate it along the inside of his chain link fence. Elliott said yes. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 3 & 6 Determination with special conditions requiring erosion control and an inspection to be sure that the furnace is 50' from the wetland.

Conservation Administrator's Report, Part 2

- Request to rescind Enforcement Order for 142 River Road
Fisher reviewed the history of the violation at this site, reporting that all conditions in the Enforcement Order had been met last fall except for planting blueberry bushes in the 50' no-disturbance zone. She said that the planting had now been done. On a motion from Elliott, seconded by Rand, all

VOTED: to rescind the Enforcement Order. Fisher was asked to write the owners a letter.

- Meeting schedule for July-December, 2010

The Commissioners approved a Future Meeting Schedule for July through December 2010 for regular business meetings to be held on the first and third Tuesdays of each month.

Other Business

The Commissioners decided to defer discussion of the May 18, 2010 meeting minutes until June 15th.

A Request for a Certificate of Compliance for DEP File # 259-398, issued in 1997, for a swimming pool at 82 West Street 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.

The meeting adjourned at 7:40 p.m.

Respectfully submitted,

Ellen L. Fisher