

## PEPPERELL CONSERVATION COMMISSION

Minutes – June 15, 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, Rice, and Sauer; members absent: Rand and Steeves.

### 7:00 p.m. Discussion with David Flourney re Eagle Scout project

David Flourney of Troop 13 attended the meeting to discuss his idea for an Eagle Scout project. He said that he wanted to build and place a total of 15 bluebird boxes on Keyes Conservation Area and the Heald Street Orchard. He proposed to place 6 new boxes on Keyes Conservation Area and to remove old broken boxes there. He proposed 3 boxes for the 3-acre field near the water tower at the Orchard and 6 more around the new 18-acre field on the western side of the Orchard. He outlined his research findings about bluebird life cycle, the history of bluebirds in this region, the preferred dimensions of a bluebird nest box, and avian competitors to the bluebird, such as the English sparrow.

Elliott asked how far the boxes should be placed from the edge of forest. Flourney said about 20'. Fisher said that she had already discussed with Flourney the need to keep the boxes from being obstacles for mowing. Elliott asked about the type of pole on which to mount the boxes, saying that conduit was too bendable. Flourney said he would do further research. Upon a motion by Elliott, seconded by Masterson, all

VOTED: to allow the project on Conservation Land as described above and to reimburse up to \$400 in expenses, if necessary.

Before beginning the next hearing, the Commissioners discussed the draft minutes from the May 18, 2010 meeting. Upon a motion by Elliott, seconded by Moody, it was

VOTED: to approve the minutes of May 18, 2010 as amended.

### 7:10 p.m. Continued Public Hearing re NOI from Keith Babin for the construction of a single family house at 40 Lawrence Street

Jack Visniewski, Keith Babin, Haley Laken and James Alger attended the hearing. Visniewski had submitted a revised plan, "Site Plan, Wetland Submission, 40 Lawrence Street, prepared by Cornerstone Land Consultants, Inc., April 5, 2010, rev. 6/15/10." He pointed out that he had changed the driveway to minimize the paved area, added a walkway to the front door, added/revised the upland & wetland planting schedules, and added the infiltration trench (previously discussed) along the front porch.

Elliott asked how Visniewski determined the location of the previous house. Babin said that the Walsh Brothers had staked the corners at the time that they removed the foundation. Elliott said

that it looked like there had been a patio in the back of the house since there was a pile of stones still there. Babin confirmed that there had been. Moody asked whether the previous house had conformed to Zoning. Visniewski said no. Elliott asked what the Zoning issue that required ZBA review was and whether it was anything more than the fact that the foundation had been removed. Neither Visniewski, Babin, nor Fisher knew for sure. Elliott asked if the Board of Health had decided if the house qualified as a one-bedroom. Babin said that the Board had agreed that it did as long as he placed a deed restriction limiting the house to one bedroom.

There was a discussion of the increase in the footprint of the proposed versus the previous house. The main house previously was 22' x 32' with a proposed 26' x 36'. The breezeway previously was 8' x 13' with a proposed 10' x 18'. The garage previously was 22' x 20' with a proposed 24' x 24'. In addition, there is a proposed 8' x 36' front porch where the previous house had no front porch. Babin said that the proposed rear deck was the same size as the previous rear deck.

Masterson asked about the infiltrator trench along the back deck. Visniewski explained that runoff from the front porch and the breezeway would be collected in drip trenches along their edges and any water that did not infiltrate would be piped to the infiltration trench along the back deck. That infiltration trench was shown in detail as a 48" deep, stone-filled trench.

Elliott asked about finished elevations. Visniewski said that they have not yet been determined although he was aiming for similar to the previous house. Elliott asked if the septic system is OK under Title V. Babin said that the tank and the D box are new. Elliott said that the bottom of the leach bed seemed to be high. He said that if the house footprint was increasing so much, maybe Babin was cutting off possibilities for a replacement septic system when he needed one. Visniewski said that new I.A. systems can be installed in 400 square feet. Sauer asked if there needed to be a place for a replacement system specified on the plan. Elliott said no. Visniewski described a drip irrigation septic system design that could fit in irregularly on tight lots. Elliott said that a drip irrigation system needed 800 square feet.

Moody asked how much closer to the wetland the proposed porch made the proposed footprint than the previous one. Visniewski said that it was 20' proposed versus 25' previously. Rice said that to be consistent, it should be noted that the back deck is also closer to the wetland than previously. Masterson said that she actually was more concerned about the back deck than the front porch. Visniewski suggested that the deck would not be impervious and that it could have crushed stone or mulch underneath. Rice asked Masterson if the steep slope might be prone to mud slides. Masterson said it would depend on the infiltration rate, that sandy soils would probably not be a slide risk. Masterson said that she wondered if it might be better to distribute the roof runoff all around the house rather than collect it in an infiltration trench of the steep slope. Babin said that during the heavy rains in the spring there had been no puddling or instability on the site, even though it is disturbed. Masterson said that she also had concerns about instability during construction. Rice suggested that a second erosion control barrier should be installed at the bottom of the slope in the back.

Sauer said that he was concerned that the ZBA would take issue with the enlarged footprint. He said that a larger footprint seemed like it was a Zoning issue rather than a Conservation one.

Babin said that he was buying the house as a kit and the footprints come in standard sizes. He said that this size, as proposed, seemed to best fit this lot.

Elliott asked if the other Commissioners had seen the 10 trees that Babin had marked because he wished to remove them since they were damaged by the fire. Rice agreed that the trees had been damaged. She said that Babin should not remove the stumps or drive equipment down the slope if he cut down the trees. Babin said that he could chip the cut trees right there and put the chips on the slope. Rice said some chips could be used to protect the slope, but not too deep. Elliott asked if Babin should be required to replant the slope. Rice said she felt that regeneration would occur, especially white pines would quickly return. Visniewski said that Babin wanted to plant hemlocks. Rice suggested that saplings such as hemlock, red maple or white pine could be used to re-vegetate the slope.

Sauer asked if the house could be moved to the north. Visniewski pointed out that the building envelope on the plan with Zoning setbacks does not allow much movement in that direction.

Elliott asked about the proposed plantings. Visniewski pointed out the planting schedules on the revised plans, both within the wetland, as suggested by Leah Basbanes, and in the buffer zone, labeled "Upland Planting." Elliott then asked if the other Commissioners agreed that the proposal was OK as presented. Both Rice and Moody said they would like to see a new proposal on which the front left corner of the house is no closer to the wetland than the previous house was. Visniewski said that he and Babin would discuss how to do that. The hearing was continued until July 6, 2010 at 7:20 p.m.

7:30 p.m.      Public Hearing re NOI from Wendy Monteiro for grading in the backyard at 13 Deerfield Drive

Wendy Monteiro and Louis Lunn attended the hearing. 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. Monteiro had submitted a plan with the Notice of Intent entitled, "Notice of Intent Plan in Pepperell Massachusetts, 13 Deerfield Drive, Prepared by Land Engineering & Environmental Services, Inc., signed and stamped by Douglas E. Lees, dated May 19, 2010." This plan was reviewed at the hearing.

Lunn and Fisher described the wetland, a band of BVW containing an intermittent stream channel. Fisher said that she had placed 3 stakes to generally note that the BVW extended beyond the top of bank. The plan only showed the 3 stakes, but, in fact, the BVW extends approximately 10 feet above the top of bank across the entire lot.

Monteiro said that she wanted to grade a steep ridge that had been left in her backyard by the builder so that she would have a larger, more usable backyard for her children to play in. Elliott asked if there was enough material on site or if they would have to bring in fill. Lunn said there was enough. Lunn said that as he was doing the grading, he was planning to create a small berm, about 1 foot in height, along the erosion control line. He described the soil as bony gravel.

Rice asked if Monteiro was planning to plant lawn. Monteiro said yes. Lunn said he would be stripping the existing loam and replacing it before planting. Monteiro said that she intended to install an irrigation system and to hydroseed the lawn. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue an Order of Conditions.

7:40 p.m. Public Hearing re NOI from Thomas Beek for removal of trees, filling and grading at 6 Jewett Street

At the request of the applicant prior to the meeting, this hearing had been continued until July 6, 2010 at 7:10 p.m.

7:50 p.m. Public Hearing re NOI from Kris Masterson for landscaping at 14 William Street

Masterson recused herself from this hearing since she was the applicant. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the proposed activity must meet the 50' setback requirement to the fullest extent possible as a lot created before May 6, 2002. Masterson had submitted a plan and a sheet of photos with the Notice of Intent entitled, "Attachment A, Masterson NOI, May 22, 2010." This plan and the photos were reviewed at the hearing.

Masterson described the backyard of her home. Beyond the lawn, there is a band of rough ground with out-of-control raspberries and weeds that she would like to clean up. Rice asked what she meant by "clean up." Masterson said that she would like to remove the stumps, spread an old mulch pile, remove the raspberries and weeds, and plant shrubs and a small amount of lawn. The plan showed the project area 50 feet or more from the edge of wetland.

Fisher asked if the Commissioners would require an erosion control barrier. Masterson said that the soil is sandy and easily permeable. The Commissioners agreed that no silt fence or haybales would be needed. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue an Order of Conditions.

#### Conservation Administrator's Report

##### Signatures for 82 West St. Certificate of Compliance

Fisher said that she had had the Commissioners sign an outdated form at the previous meeting. The Commissioners signed the correct form so that Fisher could issue the Certificate of Compliance that the Commission had voted at the previous meeting.

##### Consideration of DRAFT Work Completion Policy

Fisher explained that posting this policy (a copy of which is attached to these minutes) was part of the Goals and Objectives the Commission adopted for the coming year. On a motion from Elliott, seconded by Rice, all

VOTED: to adopt the Work Completion Policy as drafted.

Request for Certificate of Compliance for 87B Townsend St.

A Request for a Certificate of Compliance for DEP File # 259-314, 87B Townsend Street, had been received. Fisher reported a satisfactory site inspection. On a motion from Elliott, seconded by Rice, all

VOTED: to issue a Certificate of Compliance.

Consideration of DRAFT Chapter 61 Right of First Refusal Assignment Policy

Fisher did not have a draft ready yet, but she said that she would be meeting with the Selectmen on this on June 28<sup>th</sup>.

Conservation Administrator Re-appointment

On a motion from Elliott, seconded by Rice, all

VOTED: to re-appoint Fisher as Conservation Administrator for Fiscal Year 2011.

Fisher said that she was planning to retire as of October 15, 2010 and wanted the Commissioners to know so that they could plan for the transition to a new administrator. The Commissioners discussed plans for hiring a replacement, including asking the Selectmen for a waiver of the Hiring Freeze, and whether to plan for a period of overlap to allow Fisher to help orient the new administrator.

Other Business

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

VOTED: to approve the minutes of June 1, 2010 as drafted.

Rice told the other Commissioners about turtle mortality surveys being conducted by MassDOT, Highway Division. Fisher offered to email details to the other Commissioners.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Ellen L. Fisher

Town of Pepperell  
Conservation Commission  
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Pepperell, MA 01463

## **Policy on Completion of Tasks related to MA Wetlands Protection Act and the Pepperell Wetlands Protection Bylaw**

### Background

In order to facilitate the business of Pepperell citizens and the various other Town departments, it is the policy of the Conservation Commission to complete its work in a timely manner. Given the limitations of a part-time staff and a volunteer commission, the Conservation Commission adopted the following timetable as a standard for the completion of the tasks listed below.

### The Policy

*Notices of Intent, Requests for Determination of Applicability, Requests for Certificates of Compliance, and other applications under the MA Wetlands Protection Act and Pepperell Wetlands Protection Bylaw:* all complete applications received in the Conservation office by the published application deadline will be reviewed by the Conservation Administrator before the Commission meeting at which the hearing or meeting is scheduled.

*Building Permit application reviews:* the Conservation Administrator will review Building Permit applications on the same day on which all necessary information has been obtained. If the Conservation office is open and all necessary information is available in Town Hall, this should be on the same day that the routing slip is submitted. If the office is not open, it should be on the next day that it is open. If a site visit is necessary, the Administrator will contact the owner to set up a site visit within one day of receiving the routing slip.

*Pre-construction meetings and erosion control inspections required under an Order of Conditions:* within 1 working day of having received a request for a pre-construction meeting or erosion control inspection, the Conservation Administrator will contact the applicant to arrange a mutually convenient time. Applicants are asked not to request an inspection until their erosion control is in place.

*Investigation of complaints:* within 1 working day of having received a complaint, the Conservation Administrator will investigate.

*Issuance of Order of Conditions, Determinations of Applicability, and other permits under the MA Wetlands Protection Act and Pepperell Wetlands Protection Bylaw:* all permits will be issued within the time requirements of the MA Wetlands Protection Act Regulations. It is the policy of the Commission that Orders and Determinations will be issued as soon as possible after they have been approved.

Adopted by unanimous vote of the Pepperell Conservation Commission, June 15, 2010