

PEPPERELL CONSERVATION COMMISSION

Minutes – July 6, 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, Moody, Rand, Rice, and Sauer; members absent: Masterson and Steeves.

7:00 p.m. Discussion with Jacob Roth re Eagle Scout project

Jacob Roth attended the meeting to say that he would like to build some kiosks on Conservation Land for his Eagle project. He said that he was interested in building one at the Bemis Road parking area and discussed several other possible places. The Commissioners approved the construction of a kiosk for the Bemis Road location and suggested that he could improve the Canal Street Boat Launch kiosk by adding a roof and that he could replace the posts for the sign for Blood Brook Ravine on Jewett Street. Roth agreed. On a motion from Elliott, seconded by Rand, all

VOTED: to reimburse expenses up to \$400 for Roth's project.

7:10 p.m. Continued Public Hearing re NOI from Thomas Beek for removal of trees, filling and grading at 6 Jewett Street

Stephen Sears of David E. Ross Associates and Thomas Beek 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. Beek had submitted a revised plan entitled, "Wetland Plan for Lot 70, 6 Jewett Street, Pepperell, MA. Prepared for Thomas Beek by David E. Ross Associates, Inc., Job No. 26597, Plan No. M-6457, May 2010, Revised June 2010 (Additional info for Con. Com. review)" This plan was reviewed at the hearing.

Sears explained that this NOI was in response to an Enforcement Order which Fisher and Rand had issued after observing a contractor grading Beek's property after having cut and pushed trees into or near the wetland. Beek said that he had not known that he needed a permit to do the work. Sears pointed out 3 stumps of weeping willow trees that had been taken down and described how he had delineated the wetland. He read the restoration plans listed on the plan sheet, including removing the tree debris, re-grading the slope to 3:1, stabilizing the slope with loam and seed, and planting three 4 to 5-foot white pines to serve as a boundary.

Rice asked whether the proposed seeding would be to establish a lawn. Beek said that the area had all been lawn before he began the work and that he wanted to restore a lawn up to the 3 pine trees. Rice asked that the seeding of the slope be done with a conservation mix. Fisher scaled the distance from the proposed white pines to the wetland edge: 30, 40, and 45 feet. The unmaintained swale along the edge of the street was discussed. Beek said that he did not intend to touch the natural vegetation in that area. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with special conditions as described above.

Before the next hearing began, the Commission considered the minutes of the last meeting. Upon a motion by Elliott, seconded by Sauer, with Rand abstaining, it was

VOTED: to approve the minutes of June 15, 2010 as amended.

7:20 p.m. Continued Public Hearing re NOI from Keith Babin for the construction of a single family house at 40 Lawrence Street

Keith Babin attended the hearing. Visniewski had submitted a revised plan since the June 15th meeting entitled, "Site Plan, Wetland Submission, 40 Lawrence Street, prepared by Cornerstone Land Consultants, Inc., April 5, 2010, rev. 6/28/10." Babin said that he had shortened the length of the front porch as the Commissioners had suggested so that the footprint of the proposed house is no closer to the wetland in the front than the previous house had been.

Elliott said that he was still concerned about the proposed increase in the house footprint. He had calculated that the main house was proposed to be 31% larger, and the garage was 38% larger. The Commissioners had discussed this issue at the June 15th meeting, concluding that this was a Zoning issue that would be decided by the ZBA, rather than a Conservation issue. Fisher said that her comment memo to the ZBA had pointed out the increase in footprint.

There were no further comments. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue an Order of Conditions with special conditions as discussed in the several sessions of this hearing.

The Commissioners agreed that the damaged trees in the back of the proposed house could be removed before erosion control is installed. Sauer cautioned Babin about the 10-business day appeal period.

7:35 p.m. Public Hearing re NOI from H.E.S. Realty Trust, Harold C. West, Trustee, for the construction of a common driveway at 10-16 Nissitissit Lane

Jeff Hannaford of Norse Design Services attended the hearing to represent the applicant. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area did not involve any of the wetland resource areas covered by the bylaw. The applicant had submitted a plan with the Notice of Intent entitled, "Common Driveway Plan, Nissitissit Lane & Pierce Street, Pepperell, Massachusetts, prepared for H.E.S. Realty Trust by Norse Design Services, Inc., October 16, 2009, Rev. 5/3/10, 2 Sheets." This plan was reviewed at the hearing.

Hannaford discussed the project site, including the extensive wetlands near Pierce Street and the drainage swale that the proposed driveway would cross near Nissitissit Lane. He said that it would have been preferable to have each lot have its own driveway, but that would involve multiple wetland crossings. He said that the common driveway would have a 25' paved apron,

but otherwise be crowned gravel. He pointed out the swales to be built on either side, grassed on the more level areas and stone rip rap where it will be steep.

Hannaford described his site visit with Fisher and Leah Basbanes, the project wetland delineator. He had submitted the NOI, uncertain whether the Commission would find that the drainage swale was an intermittent stream with accompanying bank resource area. Fisher agreed that on the site visit they had found no wetland plants or hydric soils near the Nissitissit Lane end of the proposed driveway, either along the proposed driveway, parallel to Nissitissit Lane or across Nissitissit Lane at the outlet of the culvert under the street.

Hannaford said that the applicant was proposing a culvert the same size as the one under the street to carry the occasional drainage that is collected in the swale under the driveway. He said that the Town Engineer had already approved this plan when he reviewed the project for the Common Driveway Special Permit, which had already been issued by the Planning Board.

Rice observed that the project area was dominated by many species of invasive exotic plants, particularly Japanese knotweed. She encouraged Hannaford to control these species. Hannaford said that he understood that the review under this NOI covered only the common driveway. Fisher said that Basbanes' delineation had been done several years ago, and no flags on the northeastern sides of the proposed lots had been found during the site visit. Hannaford said that, even though none of the construction on the individual lots is shown within the wetland or buffer zone, those wetland markers would be relocated by survey after the driveway construction is underway. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Notification of Non-Significance for the common driveway.

7:50 p.m. Public Meeting re RDA from the Pepperell DPW for the construction of a scenic overlook at 2 Lowell Street

Peter Shattuck, David Babin, and Diane Cronin (Chair of the Covered Bridge Committee) attended the meeting. Rice recused herself. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area involves BVW and Riverfront, and the proposed activity must meet the 50' setback requirement to the fullest extent possible as a lot created before May 6, 2002. The applicant had submitted a plan with the Request for Determination entitled, "Exhibit B, MA Division of Fisheries & Wildlife, Nashua River Access Area, Prudence Wright Overlook, prepared by Babin Landscaping, 2/15/10." This plan was reviewed at the hearing. In addition, the following document was also discussed, "Exhibit C – Prudence Wright Overlook License Agreement."

This property is owned by MA Division of Fisheries & Wildlife (F & W). In June F & W and the Town had signed a license agreement for the DPW to place a kiosk, 4 monuments, a pathway and bench, and to plant the site with native species of shrubs, trees and herbaceous materials. Fisher noted that the work by MassHighway on the covered bridge project was exempt from local ConsCom review. Since this site was used for some staging of the bridge project and the construction trailers, MassHighway would be restoring the site with grading and loaming the area before the Town would begin its work. At Shattuck's request, Fisher described the plan and F & W's license agreement with the Town. The Commission reviewed the explicit planting and

maintenance specifications in Exhibit C. Shattuck pointed out the swale parallel to Groton Street, which MassHighway would be restoring as well. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 2, 3 & 6 Determination.

Conservation Administrator's Report

Fisher reported that there were no filings to be heard at the meeting scheduled for July 20th. On a motion from Sauer, seconded by Rand, all

VOTED: to cancel the July 20, 2010 meeting.

Other Business

The Commissioners discussed the schedule for hiring a new Conservation Administrator. Elliott and Sauer planned to meet with the Selectmen on July 12th to request a waiver of the Hiring Freeze. Fisher was asked to prepare an ad or announcement of the opening and to distribute it on July 13th. Applications would be due August 16th and interviews would be conducted the week of August 30th. The Commissioners decided to recommend that Fisher spend 27 hours with the new administrator to orient him/her to office procedures, etc. As a part of that orientation, the Commissioners said that the new administrator should attend the October 5th meeting.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Ellen L. Fisher