

January 3, 2017

The Pepperell Conservation Commission (PCC) held a regularly scheduled meeting under the Massachusetts Wetlands Protection Act, MGL Chapter 131, Section 40 and the Pepperell Wetlands Protection By-Law.

The meeting was held in the Town Hall, Conference Room B, at 7:00 PM.

Members present: Elliott presiding, Boeing, Dinsmore, Masterson, Rand, Steeves

Absent: Rice

1/3/2017 - Minutes

1. Public Hearings, Public Meetings & Appointments

A. 7:10 PM Public Hearing Re: Notice Of Intent Filed By Kurt Geerer And Robin Anthony For Construction Of An Addition At 30-32 Dow St. Within The Buffer Zone Of BVW.

Matt Marro of Matthew S. Marro Consulting presented the project. The proposal is to add a 24 X 32 garage along the right side of the driveway. The garage would be sited in a flat area and the 30' no disturb required by a previous Order of Conditions and noted in the Certificate of Compliance, would be measured and staked in the field with silt fence and wattles. Terrasi will confirm the installation of the wattles and silt fence prior to the start of construction. On a motion from Elliott, seconded by Rand, all VOTED: to issue an Order of Conditions.

B. 7:20 PM Public Hearing Re: Notice Of Intent Filed By George Keyes For Construction Of A Single-Family Dwelling, Driveway, And Sewage Disposal System At 50 Elm St. Within The Buffer Zone Of BVW.

The site is located adjacent to the parking area for the Keyes Farm Conservation Area on Elm Street across from Shirley Street. Neil Gorman with Ross Associates presented the project. This is a 1.86 acre site with a driveway proposed off Elm Street for a single-family house and sewage disposal system. This is Lot 1. Portions of the house are within the 100' buffer but the siltation barrier shown on the plan identifies the limit of disturbance and keeps all work out of the 50' buffer, which is required under the Pepperell Wetlands Protection Bylaw for a lot created after May 6, 2002 (the lot was created October 2007). There is no Board of Health approval yet. Three 4 X 4 granite posts, which will include no disturb signs, will be installed, as indicated on the approved plan. The property line is the second stonewall, closest to the conservation land. Abutter Tom Ryden expressed concern about the wetland delineation being completed during a drought. Gorman explained plants and soils were used to confirm the wetlands delineation. Elliott stated Board of Health approval will be required before any work begins and requested a condition noting Wetlands Program Policy 86-1 which states: "No work permitted by this Order may begin unless and until the applicant receives a subsurface sewage disposal permit from the Pepperell Board of Health which complies with both the requirements of Title 5 and any more stringent local standards, and until a copy of said permit is sent to the Conservation Commission and the Department.". On a motion from Elliott, seconded by Rand, all VOTED: to issue an Order of Conditions, which includes a condition noting Wetlands Program Policy 86-1.

C. 7:30 PM Public Hearing Re: Notice Of Intent Filed By Dorothy Keyes For Construction Of A Single-Family Dwelling, Driveway, And Sewage Disposal System At 48 Elm St. Within The Buffer Zone Of BVW.

The project was presented by Neil Gorman of Ross Associates. This is a 1.88 acre site with a driveway proposed off Elm Street for a single-family house and sewage disposal system. The proposed house and septic disposal system are outside the 100' buffer. A portion of the driveway is within the 100' buffer. There will be four 4 X 4 granite posts, with no disturb signs, added as shown on the approved plan to mark the 50' no-disturb buffer as required by the Pepperell Wetlands Protection Bylaw for a lot created after May 6, 2002 (the lot was created October 2007). The house will have a walk-out basement. This is Lot 2. Elliott stated Board of Health approval will be required before any work begins and requested a condition noting Wetlands Program Policy 86-1 which states: "No work permitted by this Order may begin unless and until the applicant receives a subsurface sewage disposal permit from the Pepperell Board of Health which complies with both the requirements of Title 5 and any more

stringent local standards, and until a copy of said permit is sent to the Conservation Commission and the Department.". On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions, which includes a condition noting Wetlands Program Policy 86-1.

- D. 7:40 PM Public Hearing Re: Continuation Of Notice Of Intent Filed By Catalano Companies To Construct A Commercial Structure (Dunkin Donuts), Parking Lot, Drive Through, And Related Infrastructure At 61-63 Main St., Within Riverfront And BVW.

Brandon Ducharme of Ducharme and Dillis attended the public hearing. Elliott apologized for the two delays caused by a lack of quorum for one meeting and a sewer backup at Town Hall for the second.

Ducharme stated the delay allowed them to discuss the project with DEP and the DPW and they are now able to submit a set of the most up-to-date plans for reviewing at the hearing. Ducharme stated they were able to conduct two additional soil test pits in infiltration areas and found better material and better depths to ground water. The delay allowed them the time to go through DEP's comments so they could explain how they were meeting the redevelopment provisions of the regulations. Ducharme stated they were able to limit disturbance to previously developed areas and the closest degraded area is the garage. Elliott stated if you consider the proximity of the garage to resource areas, they are actually closer the existing 236 contour. Ducharme stated much of the area is fill and slope. Elliott stated much of it is lawn. Ducharme stated they were working towards an environmental improvement when discussing the project with DEP. Elliott asked if talks with DEP around mitigating the extra pavement with stormwater was an improvement, not an encroachment. Ducharme stated, yes, they were not closer to the tree line. He said the tree line would remain with only one maple tree near the garage being removed. The canopy will remain the same and a few more evergreens will be planted for screening light from neighbors. Dinsmore asked the type of evergreens and Ducharme stated blue spruce but there was a cherry and red maple. Dinsmore stated he was not a fan of blue spruce and would rather see hemlocks or firs. Ducharme was acceptable to the change. Ducharme stated they were adding full compliance with stormwater and they would be sending less water off site, only at the street. Ducharme mentioned the previously proposed Invasives Species Management Plan but the Commission felt it would be ineffective and would rather not have the disturbance. Ducharme stated they added a manhole for cleaning the infiltration basins. They can now jet and vacuum, rather than discharge to wetlands. Dinsmore expressed concern with the root system of the maple and cautioned too much soil over the roots could kill the tree. Masterson asked if the improvements being claimed include any green space. Ducharme stated there will be landscaping in several locations on the site. Masterson asked if there would be any natural infiltration. Ducharme said runoff would be collected and directed. Ducharme stated they have updated the Operation and Maintenance Manual. They have pulled in the erosion barrier. Ducharme asked if straw wattles were OK. Elliott stated straw socks are better because of their flexibility. Terrasi asked about snow storage. All snow will be removed from the site. Elliott asked about off-site mitigation. Elliott explained DEP was looking for some onsite mitigation for the additional paving. Ducharme stated they would do whatever is necessary. Elliott explained because there is little opportunity for mitigation onsite, offsite mitigation is allowed by DEP. Ducharme stated they cannot pull back on the paving and meet the needs for the project. Ducharme stated they will be opening the accesses and cutting curbs and they will have the machinery on site so they can add a catch basin, if necessary. Elliott stated it shouldn't be much money and it would mitigate runoff from the site and the some of the current Main Street flow. Ducharme stated they wouldn't do it unless they had approval from the DPW but he has spoken with the DPW and there are efforts underway for a Main Street improvement, so this may help. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions.

- E. 7:50 PM Public Hearing Re: Abbreviated Notice Of Resource Area Delineation Filed By Peter Montesanti For Review Of A Wetland Boundary Delineation At 25-33 Pierce St., In Pepperell.

Ken Lania of Cornerstone Land Consulting presented the project. Lania explained Cornerstone filed the ANRAD) to confirm the location of the wetlands so they will have a better understanding of development options for the site. Lania expects to have design plans completed by the end of March. Abutter Jean Holmes asked why she wouldn't have been contacted by the wetland consultant flagging the wetlands for permission to access her property. Some of the wetland flags are on Holmes property. Permission should have been obtained. Holmes asked if the work to have the wetlands flagged was preliminary. Lania said the approval would identify any limitations because of wetlands on the property. On a

motion by Elliott, seconded by Rand, all

VOTED: to issue an Order of Resource Area Delineation confirming the wetlands identified on the plan.

- F. 8:00 PM Public Hearing Re: Notice Of Intent Filed By R.H. Willson, Inc. To Construct An Earthen Berm In BVW As Required By MSGP SWPPP At 44 North St.

Ken Lania with Cornerstone Land Consulting presented the project. They are proposing to extend the earthen berm along the northern wetland line. An earthen berm was constructed along a portion of this wetland in 2012. The proposed work will extend the berm in both directions. The berm was required as part of the National Pollutant Discharge Elimination System (NPDES) Multi-sector General Permit for industrial organizations, and includes a Stormwater Pollution Prevention Plan (SWPPP). Lania said the intent is to insure there are no discharges from the salvage yard to the Nissitissit River. Water quality testing began in February 2015. Samples were taken of the water being discharged off the property.

Dinsmore asked if they expected to identify discharges, considering the drought. Lania said they waited for a "wet event" for testing. They have seen improvements in all sampling. They will move vehicles further from wetlands and add a retention area taking steps to keep runoff from the intermittent stream, which discharges to the Nissitissit River. Lania stated most discharges to the intermittent stream currently takes place between flags 20 to 24 so handling the flow along the berm to address this area of discharge is the focus. The existing berm is 3' high. Lania stated silt fence has been added and clean fill will be brought in to construct the berm. The hearing was continued to February 7 while we await comments from Natural Heritage and comments and a file number from DEP.

- G. 8:10 PM Public Meeting Re: Request For Determination Of Applicability Filed By Merle Adelman To Replace An Existing Failed Sewage Disposal System At 71 Mt. Lebanon St. In The Buffer Zone Of BVW.

Kevin Ritchie of Civil Solutions presented the project. Ritchie stated the Title 5 inspection had failed and portions of the current system are sitting in groundwater. The leaching field has to be 11' from the garage and there are limitations due to the location of the well. The proposal is to use a Presby System, which can reduce the leaching area by 40%. There is no reserve system. The Presby System will allow 2' at groundwater. There are two compartments with a pump. There were not a lot of options with this site (as indicated by looking at the proposed plan). On a motion from Elliott, seconded by Rand, all

VOTED: to issue a negative Determination #3, there is work within the buffer but there will be no adverse impacts, and #6, it is allowed under the local Bylaw for a lot created on or before May 6, 2002 and as a repair to a replacement existing sewage disposal system.

2. Review Of Draft Minutes

- A. Review Of Draft Minutes Of December 6, 2016

On a motion from Elliott, seconded by Boeing, all

VOTED: to accept the Minutes of December 6, 2016, as drafted.

3. For Signature: Schedule Of Bills Payable

There were no Bills Payable.

4. Conservation Administrator's Report

- A. Ethics Exams Due

The Town Clerk has requested that everyone complete their Ethics Exam and submit a copy of the certificate to her.

- B. Draft Open Space And Recreation Plan - Comment Letter

A comment letter should be prepared from the Commission for the draft Final Open Space and Recreation Plan.

- C. Gulf Brook Conservation Area - Maintenance

Recent maintenance on the Gulf Brook Conservation Area includes a replacement bridge crossing Gulf Brook and another smaller crossing with flat stones by Nicholas and Marc Basti. The crossing are

welcome additions to those using the Gulf Brook Conservation Area and Jeff Smith Trail.

5. Other Business

6. Matters That May Be Raised That The Chairman Didn't Reasonably Anticipate

The meeting adjourned at 9:00 PM.

Respectfully submitted,
Paula Terrasi