



Town of Pepperell

Planning Board

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MINUTES

Monday, December 14, 2009

Lawrence Library

Members Present: Nick Cate, Dennis Kane, Rick McHugh, Steve Themelis

Members Absent: None

CALL TO ORDER:

Mr. Cate called the meeting to order at 7:05pm.

VOUCHERS:

- Payroll vouchers 12/19/09; 12/26/09; 1/2/10; 1/9/10 were signed.

ACCEPTANCE OF MINUTES:

- The Board requested a change to the minutes regarding the discussion of notification to the Julia and Beaver Creek residents. Change will be made and minutes presented at the next meeting for approval.

BUILDING &/OR OCCUPANCY PERMITS:

- None

ANR PLANS:

- None

ACTION/DISCUSSION ITEMS:

- Julia Lane & Beaver Creek Circle Status – Several residents from Julia Lane and Beaver Creek were present at the meeting. Kevin Bourbeau acted as a spokesperson providing information to the Board. Mr. Cate explained how he had met with many of the residents early on Saturday morning to discuss the fact that they had not been notified about Hicks not taking care of the snow plowing for this season. Mr. Cate said that the meeting went

well and the outcome was that the Planning Board would need to look into obtaining the developer's funds on hand with the town and at the bank and use that for paying for plowing of the roads for this winter. Mr. Bourbeau provided copies of two estimates for plowing Julia Lane and Beaver Creek Circle, one from Babin for \$6,000 and one from Hickory for \$7,950. He stated that a third price of \$300 per storm was given verbally from Walsh.

There was discussion about the release of funds from the bonds and escrow accounts. Bob Lee confirmed to the Board that Attorney Paul Alphen had sent an e-mail confirming that the escrow monies could be used for the purpose of winter operations.

There was talk about whether or not to get a contract signed and who should sign it. It was thought the residents should sign a contract and have the Planning Board approve the expenditure from available funds. A contract and invoice would then need to be submitted to the town for payment. It was later determined that the proposal from Babin for \$6,000 would be accepted and that an invoice from them for winter operations at Julia Lane and Beaver Creek Circle would be submitted to the Town. Mr. McHugh was uncomfortable with approving the expenditure without legal advice from town counsel. It was stated that Town Counsel had reviewed and approved of the letter that the Board intended to send to the residents explaining the situation.

Mr. Cate made a motion to approve the expenditure of \$6,000 from monies being held in bond to be used for winter operations at Julia Lane and Beaver Creek Circle, with the amount not to exceed \$6,000. Mr. Marston seconded the motion. All voted aye with Mr. McHugh abstaining from the vote.

Additionally the Board reviewed the letter and cost estimates for the remaining work that would be sent to Enterprise Bank for release of the bond monies. The cost estimates included the \$6,000 for winter operations. It was agreed that the Board should take action to obtain the funds per the directions of the agreement. Mr. Cate read the determination of action to be voted by the Board. Mr. Marston made the motion with Mr. Themelis seconding it to determine that the developer has failed the Town in the completion of these projects and they wish to receive the funds to complete them. All members voted aye.

APPOINTMENTS/HEARINGS:

- **7:15pm – WRPOD Bylaw Amendment Roundtable Discussion with Conservation, DPW, and Water**

Present at the meeting for this discussion were: Bob Lee, Mark Richardson, Matt Walsh, Ellen Fisher, Kris Masterson, Peter Steeves, Robert Elliott, and Jeff Sauer.

Discussion began with an explanation of how the written bylaw and the official zoning map differ. It was explained that the 1985 hydrogeologic report done for the town had identified important areas to protect for wells and watersheds. These have been the areas indicated on the zoning map since the acceptance of the WRPOD bylaw. However, it was further explained that changes to the written bylaw in 2003 added definitions of the three protected zones to be equal to the three zones described by DEP. The DEP zones are less in a few areas than the original zones for Pepperell and therefore this creates the

problem of what should the bylaw and the map actually reflect. The opinion of all present was that as much of the aquifer areas as possible should be protected from impacts of future development. The consensus of all present was that the information presented in the 1985 report is still very valid and important to the town. Additional information shown on a USGS map from 1977 indicated areas of aquifers that related to the areas defined by the SEA report and everyone felt this was an important fact.

The largest area of discrepancy with the DEP zone 3 and the Pepperell AWPZ occurs at the Bemis Well area. There is some additional area at the Jersey Well where the two are different. Most people believing that the Bemis areas are definitely an important asset to keep protected. Mr. Walsh even stated that there are some test wells that are good in these aquifer areas.

In final discussion it was agreed that the best solution to the fixing the discrepancy was to add an additional description of the zone 3 areas that are not defined by DEP. This would be added to the section describing the AWPZ by stating that in addition to the DEP Zone 3 there is an additional area defined by the Town based on the SEA reporting and a written addendum to the official map describes the area.

Mr. Steeves requested that our GIS consultant do an overlay of the USGS aquifer maps onto our WRPOD areas to see how closely they relate.

CORRESPONDENCE & DISCUSSION:

The Board reviewed the latest decision issued by the ZBA for 75 Groton Street and were very confused by what the new decision actually means.

CLOSE MEETING:

With no further business to discuss the meeting was adjourned at 9:30pm.

APPROVED:

Nicholas A. Cate

Mark F. Marston

Dennis A. Kane

Richard C. McHugh, Jr.

Stephen C. Themelis