

Present: Bob Elliott, Chairman; Emily Boeing, Tim Dinsmore, Rob Rand, Pete Steeves, Pat Swain Rice

Absent: Kris Masterson

1/4/2022 - Minutes

1. Public Hearings, Public Meetings & Appointments

A. 7:05 PM - Continuation Of Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By John Hills To Construct A Two-Family Dwelling And Driveway With Associated Grading At 11 Santele St. Within The 100 Ft. Buffer Zone Of BVW. THIS HEARING HAS BEEN CONTINUED TO JANUARY 18, 2022

The Public Hearing was continued to January 18, 2022.

B. 7:05 PM - Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By John Carroll For A Sewage Disposal System Upgrade Within The 100' Buffer Zone To BVW At 14 Ames Street.

Jack Wisniewski, of J.A. Wisniewski, LLC, represented the property owner. The property owner Jack Carroll also attended the meeting. Ames Street is located off Jewett Street. The property is approximately 22 acres with a house in the middle of the property. The property was delineated years ago by Anne Gagnon but reflagged recently by Norse Environmental Services. The original intent was to put the system behind the house but conditions were too wet. The extensive wetlands and a well on the property had to be considered when selecting the new location for the replacement system. Soils are good in the location selected for the new system. Wisniewski designed a leaching area with a pipe and stone system. Two pipes from the house lead to a tank, which then goes to a pump chamber, which is then pumped to the leaching area. The erosion control is shown as an orange line on the plan. Wisniewski mentioned some past history about the property explaining that the stone wall near the house and driveway, which is shown on the plan, was the original location of Jewett Street. On a motion by Elliott, seconded by Rand, all

VOTED: to issue negative Determination #3 and #6. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, and the work is allowed under the Peppereil Wetlands Protection Bylaw.

C. 7:30 PM - Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Thomas Glenn To Construct A Detached Garage With Dwelling Above Within The 100' Buffer Zone Of BVW At 192 Brookline St.

Jeff Hamanford of Norse Design Services represented the property owner. General Contractor Jerry Mazzola attended the meeting. There are two existing structures shown on the plan. There is a house and a detached garage. The proposal is to add a second detached garage, with living quarters above, and attach that garage to the house. Zoning regulations require that accessory apartments be attached to the house. Several years ago, there was a proposal to use the existing garage and construct living quarters above but it was too difficult to attach that garage to the current house. The area is within the buffer zone. The nearest corner of the structure is 53' to the wetlands. The area where the structure is proposed is cleared. The erosion control line was set along the existing tree line so there would be no trees cut. There will be living quarters so water and sewer is required. Municipal water will be brought in by tapping into the house currently on the lot and a septic system would be constructed. Soil testing was done in 2018 and while there are good soil conditions, there is a high water table requiring a mounded system. The septic system will be just outside of the buffer zone. It is a little tight in the rear but there is enough room to excavate and install the foundation. The area would be re-established as lawn area. Elliott asked for a description and additional details about the connection between the house and new garage. Hamanford said there will be a roof that will form a connection from the left end of the house to the right end of the proposed garage. Elliott asked if the connection would be at the first floor or second floor. Hamanford said the connection would be somewhat above the first floor. The house is elevated. The connection would come off the first floor elevation of house to wherever point it falls on the proposed two-story garage. Elliott asked how wide the connection would be. Hamanford said nine feet from corner to corner. Is this a full foundation or slab? This is a roof structure over a patio. Not a full structure below. How wide will the roof be? The roof would be approximately 15' with a peak sloping down 7 1/2" in either direction. This is a roof over a walkway. Dinsmore asked if this could be waived because he is aware of a similar situation on his street where there is no connection. Jerry Mazzola said the last two sections of the plan, which were part of the packet he delivered earlier in the day, provide these details. Terrasi said the packets were not delivered to the Conservation Commission office but delivered to the Planning Board/ZBA office. Terrasi was unable to locate the plans delivered earlier in the day to the Planning Board office but realized she would be unable to share the current roof. Rice asked about the water coming off the roof. There will be gutters and downspouts with runoff directed towards the driveway. Rice stated the erosion control is considered the Limit of Work and there can be no disturbance beyond the erosion control. Mazzola said there will be no work near the wetlands. Elliott asked if there was sufficient information with the plan provided. Dinsmore expressed concern with the proposed location of the new garage, which is impacting the buffer zone and felt a waiver should be given to allow the use of the existing detached garage. Hamanford agreed but suggested the Commission consider discussing this at a future meeting to allow a zoning change that would allow a waiver from the ZBA for work within the buffer zone. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a negative Determination #3 and #6. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, and the work is allowed under the Peppereil Wetlands Protection Bylaw.

D. 7:15 PM - Appointment/Informal Discussion - To Allow The Invasive And Native Plant Advisory Committee To Discuss An Invasive Plant Removal Project On The Keyes Parker Property They Would Like To Plan For 2022.

Dab Fountain of the Invasive and Native Plant Advisory Committee discussed the proposal and encouraged Pat and Emily, who are also on the Committee, to step in at any time. This is a preliminary discussion with the Commission about an area where an invasive management plan was completed last October. The area has been mapped and the Committee would like to plan an event in 2022 to begin removal of the invasive plants. They would like the Commission's thoughts, permission, and ideas. Photos of the meadows (the dog kennel) and the adjacent field were shared. The tree line includes many invasives and a stream flowing to Sucker Brook. There is a concern with invasive seeds being transported to the brook. There is also a fence growing between the trees. Elliott asked if the work would take place within the 100' buffer. Terrasi said there is the interment stream. Elliott asked if the soil would be disturbed. Fountain said there would be soil disturbance to remove the trees and the project would also include replanting. Elliott noted this would be a considerable effort to remove the fence and asked Rand his opinion. Rand would like the fence removed for various reasons. Rand discussed various ideas he has thought about for this section of the property and he will volunteer his time and his tractor to remove the invasives and restore the area. Rand is very excited about the work the Committee has been involved with. Terrasi suggested meeting sometime soon for a site visit to see the extent of the work being proposed. Rice said any work to remove the invasives will require years of monitoring. This is a long-term effort. A site visit has been scheduled for Thursday, January 6 at 10:00.

E. 7:40 PM - Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Jose Mercado For Construction Of A Single-Family Dwelling, Covered Deck, Walkway, Driveway, Retaining Wall, Cut Trees, Grading & Associated Utilities Within The Buffer Zone Of BVW At 3 Mason Street.

Maureen Herald of Norse Environmental represented the property owners. Mr. Mercado was also present. The site previously had an old farm house that was razed. The proposal is to construct a new single-family house. The MassDEP file number and comments have not been received. Elliott asked about the elevation of the building and asked whether there had been any ground water testing completed, which could explain why the structure was elevated, requiring additional fill. Herald said the wetland line follows the 376 contours. Herald is not aware of any deep-hole tests completed for the house. Herald will check with the design engineer. Elliott asked if it was assumed that the groundwater was at the same elevation as the wetlands, which would indicate why the basement elevation was roughly 2' above that. Herald said she would verify that for the next meeting. The additional elevation requires considerable fill and impacts large trees at the rear of the house. There will be approximately 2' of fill around the trees. The 12' maple at the corner of the house would have to be removed. Herald said the trees could be replaced. Dinsmore asked about the landscape wall at the front corner of the house. Is that a retaining wall? There is approximately 6' of fill at this corner. All the filling and excavation would be within the 50' buffer. Herald said the dwelling that was originally on the site was constructed in 1750. Herald asked if the Commission would consider a waiver from the 50' setback. Elliott asked if the lot had been created prior to the bylaw in 2002. The lot was created in 1973. Terrasi said there is a structure, a barn, still on the lot. Rand questioned the turnout/backout in the driveway at the barn and asked whether this turnout/backout could be moved to the other side of the driveway to get it away from the 50' buffer. Rand asked about the style house being proposed. Jose Mercado was on the call. It will be a modern farmhouse. The original house included many additions consisting of approximately 11,000 square feet and the sills were pretty much gone, which is why it is being replaced. There is a slight elevation rise to the right side of the driveway leading to the barn but that could be addressed. Rice commented that there is a lot of house being taken down and why would the new structure push to the edge of the wetland with so much filling. Rice also commented that the erosion control is the limit of work. Herald said the house was placed in the location of the original house but she would speak with Mr. Mercado and the engineer. Rice explained there are wetlands onsite and it is the Commission's responsibility to protect the wetlands and protecting the buffer also protects the wetlands. With no further comments, it was determined that the meeting will be continued to January 18 at 7:05 PM. Herald will email Terrasi a Request for a Continuation to that date and time.

The Public Hearing was continued to January 18, 2022 at 7:05 PM.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of October 19, 2021

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of October 19, 2021, as drafted.

3. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the Bills Payable for \$144.97 (\$100 NRW Membership for 2022 and \$44.97 for expenses incurred by Terrasi for stationary supplies at Staples).

4. Conservation Administrator's Report

A. Certificate Of Compliance Sign Off By Conservation Agent

Chariman Elliott discussed several situations where the sale of a Certificate of Compliance has delayed the sale of a property. Elliott suggested that Terrasi be authorized to issue a Certificate of Compliance in these situations. If Terrasi issues a Certificate of Compliance, these details will be shared at the next meeting.

B. Request For Certificate Of Compliance - 144 South Road, MassDEP 259-250

Terrasi was contacted by a local realtor stating a title search identified a title defect for the property at 144 South Road. Terrasi's review of the deed for 144 South Road identified a reference that the property had an Order of Conditions (MassDEP 259-250). During research conducted by Terrasi, a 1990 letter was found in the files stating there were no jurisdictional wetlands at 144 South Road and the Notice of Intent was withdrawn. The property is now being sold. To clear the title, a Certificate of Compliance must be issued. Terrasi prepared the Certificate of Compliance with a note detailing the error to eliminate any future issues. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

C. Eagle Scout Projects - Bench At Heald Street Orchard Tomas Juarez

Terrasi reported that Eagle Scout candidate Tomas Juarez installed a bench at the Heald Street Orchard overlooking the area known as the savanna. Juarez worked with Commissioner Rand who helped Juarez by mowing the location for the bench and pruning several trees.

D. Dam Removal And Culvert Replacement - Keyes Parker Conservation Area And Future Work Proposed

Terrasi said there is still work to be done to complete the work at the Keyes Parker Conservation Area but the stones from the dam have been removed from the stream and the culvert is in place. Restoration efforts will include work on the driveway and parking area as well as plantings at the culvert. The stones at the dam will be addressed in the spring or possibly this winter, once conditions allow work to be completed with minimal impacts to the trail and dam site. Additional work to complete the work will take place in the spring.

E. Gulf Of Maine Visionary Award Presented To Conservation Administrator Terrasi

Terrasi received a Visionary Award from the Gulf of Maine Council for her efforts in coordinating stream restoration efforts with volunteers and local and state partners on Sucker Brook. Sucker Brook is a tributary of the Nississit River, which is a tributary of the Nashua River, which is a tributary of the Merrimack River, which flows to the Gulf of Maine. The Gulf of Maine Council was created by the governments of Maine, Massachusetts, New Brunswick, New Hampshire, and Nova Scotia to protect the Gulf, which is warming faster than 99% of the oceans in the world. Terrasi discussed the importance of partnerships and the work taking place in Peppereil today but also discussed the positive actions that began years ago to protect land along our rivers and streams to create buffers, which lead to improved water quality as well as more recent efforts to replace culverts on Gulf Brook and the removal of the Turner Dam.

F. Meeting Schedule 2022

The meeting schedule for the next six months: January 18, February 1 and 15, March 1 and 15, April 5 and 19, May 3 and 17, and June 7 and 21.

G. Open Space Residential Development Bylaw

Terrasi said there have been recent efforts to update the Open Space Residential Development Bylaw but there are still departments and agencies who should provide comments.

5. Other Business

None.

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

None.

7. Master Plan Implementation Update

None.

The next Conservation Commission meeting is scheduled for Tuesday, January 18, 2022 at 7:00 PM.

Respectfully submitted,

Paula Terrasi/Conservation Administrator