

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

Absent: Tim Dinsmore

4/5/2022 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Blood Team Realty Group To Improve The Parking Lot Within The 100 Ft. Buffer Zone And 200 Ft. Riverfront At 129 Main St.

MassDEP 259-0819

Chris Stoddard with Stoddard Engineering represented Blood Team Realty. The proposed project includes removing all pavement, removing the white vinyl fence on site, addressing stormwater, and repaving the parking lot. Stoddard proposed a sediment forebay to an infiltration basin to capture sheet flow from Canal Street and the remainder of the lot before discharging to the Nashua River. The design will treat up to the 100-year storm. A berm with native grasses and shrubs is proposed as restoration. There will be no trees cut. Rice commented that the plantings have to be native and stated there would be no trees cut. Elliott stated the soils are type A soils, which require treatment of the first inch not half inch and require pretreatment (before infiltration basin) to remove 44% TSS. The Stormwater Handbook (Volume 2/Chapter 2, Page 88) does not allow for infiltration basins within 50' of surface waters of the commonwealth or within 50' of slopes greater than 15% (the slope is 30%). Elliott requested a construction sequence. Phase I would include the berm and plantings be completed and stabilized before paving begins. There was a previous Order of Conditions (259-0787) that required a berm from the back right of the building that extended under the white vinyl fence, which was part of the project to pave the portion of the parking lot next to the building. The berm should have been vegetated. The Order was not met. Stoddard stated this is a redevelopment project and it meet Mass DEP's Stormwater Standards. Elliott stated he did not see this as an improvement. Stoddard asked if the other Commissioners could state whether they support the proposal. Rice explained to Stoddard that the Conservation Commission is a regulatory agency and their review of a project is based on regulations. Requesting a vote could result in a denial of the project. Elliott asked Stoddard if he would like to speak with his client Mike Blood and return at a later meeting. The meeting was continued to April 19 at 7:05 PM.

- B. 7:10 PM - Continuation Of Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Joshua Eberiel To Remove A Retaining Wall, Steps And Canopy Shed, To Construct An Addition, Deck, Bulkhead, (3) Sheds And Associated Utilities Within The 100 Ft. Buffer Zone And 200 Ft. Riverfront Area Of Sucker Brook At 27 Jewett Street

Maureen Heald from Norse Environmental represented the property owner. At earlier meetings (this is the second continuation), Heald addressed comments from MassDEP regarding Riverfront regulations and redevelopment. A 20X12 shed on the property within the inner riparian is now proposed to be a 15X18 shed. Rand asked about the 20X20 shed and asked if that shed could be located closer to the driveway and he asked about the purpose for that shed. Could that be placed in front of the house. Terrasi said MassDEP had contacted her and provided two comments. The 20X12 (now proposed as 15X18) shed was within the inner 100' RFA and it extended closer to the brook beyond what was previously disturbed (this comment was provided in the earlier comments from MassDEP). The area shown on the plan for the plantings should be a restoration area that does not become a mowed, maintained lawn if it is to be used for mitigation. Terrasi commented the plan could include 4X4 posts, 1' exposed with *No Disturbance Wetlands Protection Buffer* signs to protect the restoration area. Heald agreed that would be possible. The Commission agreed the 15X18 shed (previously 20X12) should not

be greater than the size of the canopy shed currently located in the same location or it should be relocated and the 20X20 shed should be moved closer to the driveway. Heald will update the plans and requested a continuation to April 19 at 7:10 PM.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of March 15, 2022

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of March 15, 2022, as amended

3. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Rand, all

VOTED: to pay the Bills Payable of \$530 to Voss Signs for *No Disturbance Wetlands Protection Buffer* and *50 ft No Disturbance Wetlands Protection Buffer Signs*.

4. Conservation Administrator's Report

A. Annual Town Meeting - Monday, May 9 And Possibly May 10

Town Meeting is scheduled for May 9 and may extend to May 10.

B. Emergency Certification - 1 Liryc Lane Septic Replacement

Terrasi discussed the failed septic system at 1 Liryc Lane, which has backed up into the house several times, even with repeated pumpings. She spoke with Elliott and the Board of Health and the work to replace the septic system is ready to move forward. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Emergency Certification to allow the replacement septic system at 1 Liryc Lane once erosion control is installed and inspected.

C. Senior Center - Encouraging Conservation Land Use

Terrasi visited the Senior Center a week ago to share information about the town's conservation areas as well as some of the activities that occur during the year, such as Breakfast with the Birds. She suggested a group of Seniors join her for a walk on some of our local trails so they can enjoy the views of open meadows, the river, and our streams from benches installed by Eagle Scouts. Future events to familiarize Seniors with our beautiful properties will be scheduled.

D. Planning Board Meeting - Monday, April 4 At 6:00 PM AROD Bylaw Discussion

The Planning Board held a public meeting on Monday, April 4 to discuss the Adaptive Reuse Overlay District (AROD). The proposed zoning district would include Peter Fitzpatrick School and other "underutilized municipal buildings" as well as places of worship, which are scattered all over town. The proposed bylaw would allow additional uses for these properties. The main goal has been focused on rezoning the Peter Fitzpatrick School but rezoning a single property would fall under spot zoning, which is not allowed. There were many questions raised at the meeting and the Planning Board continued their meeting to April 19. The proposed bylaw is scheduled to be voted at Spring Town Meeting.

E. Planning Board - Proposed Zoning Change For Subdivision And Site Plan Regulations

The Planning Board received a grant from the Northern Middlesex Council of Governments (NMCOG) to

review subdivision and site plan review regulations. Terrasi requested the Commission review the documents, which were sent to the Commission, for their comments.

F. Planning Board - Proposed Zoning Change Mixed Use Overlay District

The Planning Board is proposing another zoning change. This zoning change would be focused on allowing denser developments on parcels within this proposed district, which runs from the rotary to downtown and several neighborhoods off of Main Street. The consultants hired by the Planning Board will discuss their proposal for downtown on Wednesday, April 6

G. Right To Farm Bylaw - Proposed Update

Town Administrator Andrew MacLean provided a copy of a Right to Farm Bylaw that is being proposed by the Agricultural Commission. After reading the proposed Bylaw, which is the model used by the State, Terrasi identified language within the Bylaw that could potentially conflict with Pepperell's Wetlands Protection Bylaw and, after speaking with MassDEP, a copy of the proposed Right to Farm Bylaw and Pepperell's Wetlands Protection Bylaw has been forwarded to Town Counsel for review.

5. Chamberlain Way - Enforcement Order

Terrasi spoke with Elliott about issuing an Enforcement Order for the development on Chamberlain Way. The common driveway is in close proximity or within a wetland resource area. A decision to relocate the driveway was reached by the property owner and his engineer. There have been numerous complaints by town staff and residents about the roadway. The property owner will have Norse Environmental confirm the wetlands and then a decision will be reached about moving forward.

6. Other Business

None

7. Master Plan Implementation Update

None

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

None

The next Conservation Commission meeting is scheduled for Tuesday, April 19, 2022 at 7:00 PM.

Respectfully submitted

Paula Terrasi/Conservation Administrator