

Present: Bob Elliott, Chairman; Emily Boeing, Tim Dinsmore, Kris Masterson, Rob Rand, Pete Steeves, Pat Swain Rice (all present)

5/4/2021 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - Public Hearing: The Commission Will Consider A Notice Of Intent For An Ecological Restoration Project Filed By A. MacLean/Town Of Pepperell For The Removal Of A Stone Dam And Replacement Of The Culvert On The Dirt Access Road To The Keyes Parker Conservation Area At 31 Oak Hill Street.

Joseph Gould of MA Fish and Game, Division of Ecological Restoration (DER), and Neal Price of Horsley Witten Group were present to provide an overview of the Sucker Brook Continuity Restoration Project. This is an Ecological Restoration Notice of Intent Limited Project to remove a non-jurisdictional dam and replace the culvert on the dirt access road at the Keyes Parker Conservation Area. DER is presenting the project on behalf of the town. There are multiple partners involved with the project and DER and Horsley Witten are providing technical assistance. The project goals are to improve stream connectivity in Sucker Brook and the larger watershed. DER was involved with the Millie Turner Dam removal on the Nissitissit River and they are now involved with the replacement of the Heald Street culvert. The project will improve natural sediment transportation and resource geomorphology processes, which have been altered in streams with dams and undersized culverts; improve water temperatures in a coldwater fish resource by removing the impoundments, which contribute to warmer water temperatures; and provide improvements to the current structure to increase climate resiliency. Recent flooding occurred on the access road and Oak Hill Street. The culvert design will address high flows to eliminate these types of issues. There are native brook trout, brown trout, and rare mussel species present, which have been documented by MA DFW. The project includes a time of year (TOY) waiver for fish. There are monitoring protection plans including mussel translocation (with NHESP), wood turtle surveys and monitoring, and other monitoring efforts required with help from partners and TU. Gould stated concerns are often raised about the overall resource area impacts from dam removal. Downstream reaches often experience short-term negative impacts in the first six to twelve months following dam removal but impacts offset by long-term gains. Upstream benefits are experienced quickly because shallow, warm impoundments quickly become defined stream channels. Neal Price, Hydrologist with Horsley Witten Group, who is working with DER and the town. There will not be changes to the Oak Hill culvert, which is slightly undersized, but there is a proposal to change the access road culvert, which is drastically undersized. The beaver dam just downstream of the culvert will remain. The stone dam will be removed, which will remove the impoundment. The project will meet all criteria related to critical species, monitoring, and MA Rivers and Stream Crossing Standards to allow for an unimpeded stream. The culvert width is slightly greater than 1.2 times bankfull width. It will also allow passage by wildlife. There will be a natural-substrate bottom. The culvert will be 20' wide by 6' high with 2' of natural material on the bottom. There will be a low-flow channel about 1' deep. There will be coffer dams set up for construction to create a dry work area. There will be a temporary bypass pipe set up during construction. Construction can take one to two weeks. The culvert comes in pieces that are bolted together. The culvert will sit on a concrete settling pad to keep it level and distribute the heavy weight. A crane will be used to install the culvert. There is a bypass channel where a bridge will be installed for people and equipment to access the dam. Details of temporary and permanent resource area impacts were discussed. With the help of both local and state partners, the proposal is to begin with the dam removal sometime in August and finish in September and the culvert replacement would take place next October. Gould said the timing of the culvert is in flux and there is a possibility the culvert could be replaced this coming October, but this is dependent on funding. Dinsmore asked how much of the improvements described will be affected by upstream impoundments that exist. Price said "very little". In this stretch of river, it will not affect it at all. The fix will not extend above Oak Hill Street and water will be retained above Oak Hill Street. Dinsmore pointed out the presence of impoundments even further upstream. Price said changes will not impact upstream issues but as these issues are addressed, the current culvert replacements have been designed to accommodate these changes. The culvert has been designed to meet what was naturally in the system prior to any of these alterations.

Dinsmore asked if we will realize the improvements if the upstream impoundments are not addressed. Gould said we are chipping away as we move up the system. Elliott said he did not like the project because the Brookline Street culvert has not been included, which is only 1000' from the Nissitissit River. The NAACC said the Brookline Street culvert is considered a significant barrier. The culverts at Oak Hill and Heald Street are insignificant. The rating for aquatic passability score (1 being the highest) for Brookline Street is .33, Oak Hill is .84, Heald Street is .89. Elliott said without dealing with the Brookline Street culvert there is no connectivity to the Nissitissit River and Elliott feels this should have been included. Gould said they have talked to the town about it and they would love to work on the Brookline Street culvert but they have to start somewhere. According to the stream connectivity program, the culvert is passable and this is not an anadromous or catadromous fish run. They are also talking about connectivity within the stream. They do not have to get fish up from the Nissitissit River but there is brook trout within the stream and the work extends their habitat within the stream. The cost of the Brookline Street culvert would be almost \$1M. They are limited by resources. This is a big step. They are building momentum with this project. Gould stated he would love to get Brookline Street done. Elliott said it is perched on both the inlet and outlet. It's about 5" deep. Doing work in Sucker Brook is a stepping stone and hopefully we can build on this. Brookline Street is definitely on the radar. Elliott stated the Heald Street culvert is listed as insignificant. Gould said this is a town project and asked if someone from the town would like to speak about this. Terrasi said the Priority Project application requested Brookline Street be included but the town DPW would not allow the road to be dug up. The moratorium on digging a newly paved road had not passed. Multiple correspondence between DER and the town have been exchanged about the Brookline Street culvert and it is on DER's culvert replacement radar. The Heald Street culvert is collapsing, which is why Heald Street was selected by the Town DPW. Gomez and Sullivan, the engineering firm hired for the Heald Street culvert, evaluated stream connectivity from the Burkinshaw Dam upstream to Jewett Street. There are areas that can be improved in this stretch but the replacement of the Heald Street culvert will provide additional connectivity within the stream. There is a wooden waterline under the Brookline Street culvert, which was discovered during the installation. The waterline prevents the culvert from being placed deep enough so it is perched on both ends. The State has looked at possible modifications to the culvert but everyone involved is aware the culvert at Brookline Street is perched and too narrow. When Pete Hazelton from DFW spoke at the earlier meeting when the dam removal was first proposed, he commented that there is some fish passage from the Nissitissit River, though it is not ideal. The funding provided for the Keyes Parker project comes from MA DER's Priority Projects. It is not the same funding source used for culvert replacements in a municipal right of way. Steeves stated he is 100% behind this project. You have to peck away at this and for some of these wonderful streams and it is a long process. Getting chunks of the reaches back to their natural state is the way to go. Steeves mentioned the map that is often used to show the locations and numbers of dams across Massachusetts. We have to seize the moment. Masterson agrees with the approach and sentiments and asked if there was a rough timeline or something more concrete. Are we still in the planning process? Gould stated we will be finishing up final design. We have all permit applications submitted. We expect to have all permits by end of summer. We know the monitoring and mussel work will take place this summer. He is 99% confident the dam would be removed in September and October. A waiver for the Time of Year restrictions for fish was issued. The uncertainty is whether the town can replace the culvert, which would determine the timeline. Will there be a posting of the timeline and information available for residents who might be interested? Terrasi said the MVP grant requires robust community outreach. Information will be included on the website, videotaping of the project will capture the work, the community will be involved and informed. Steeves asked if the kiosk could be used to provide a timeline and information. Terrasi said there will be a poster. Mike Lauritzen, President of TU, said TU would be bringing people in and engaging them. Rand supports it. It is a great idea. Boeing 100% supports the project. Rice stated the work to address the Brookline Street culvert should not be diminished. Brookline Street should be addressed. Rice asked what will happen to the stones from the dam. Gould said the stones will be reused along the stream bed or within the culvert. When is the clock up for Brookline Street? Terrasi said the moratorium has passed. Terrasi said Heald Street must be addressed first because of its current condition and Sartelle Street is now being evaluated because pieces of the culvert roof are falling into the brook Boeing said there are other dam removal projects with plaques or information about the history of the dams. Gould said the project had to be reviewed by MHC but from MHC's perspective, this is not historic. Renee D'Argento stated the Civilian Conservation Corp, under FDR, was putting people to work during the Depression and taking on projects like dams. D'Argento asked if this could be one of those projects. The timing could be possible. Gould said if town desires to look into it, a sign could be added. Usually, historical and functional information about the

project are included. If there is something of historic importance, it would be nice to put up. Terrasi said Pepperell has residents that do that type of work and we welcome any information. It would be up to the Commission to ask around and gather information. Price believes the dam was constructed in the 1930's for someone's private use. Price commented that the Commission is the permit granting authority for culvert replacements and meeting the MA Stream Crossing Standards of 1.2 times bankfull width, can apply to projects, even for private development. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions.

## 2. Review Of Draft Minutes

### A. Review Of Draft Minutes Of April 6, 2021

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of April 6, 2021, as drafted.

## 3. Conservation Administrator's Report

### A. Conservation Land Use And COVID Guidelines

Terrasi stated there are multiple requests from groups requesting to use the town's conservation properties. The Board of Health has stated they expect changes to COVID protocols on May 10. The Board of Health said masks are still required, even for outdoor activities if social distancing is not possible. Terrasi said Breakfast with the Birds will not be held this year. Rand feels some organized activities can be allowed. Dinsmore said we should follow the Board of Health advice. Rice agreed and stated the ConsCom will not be involved or present. We will evaluate after May 10. Terrasi will ask for additional input from the Board of Health before the next meeting.

### B. Sucker Brook Continuity Restoration Project - Letter Of Support For MVP Action Grant FY2022

Terrasi requested the Commission sign a Letter of Support to accompany the MVP Action Grant for the Heald Street culvert replacement and the Keyes Parker Conservation Area dam removal and culvert replacement. The grant is requesting approximately \$400K for the Heald Street culvert and over \$100K for the Keyes Parker project. Rand read the letter and feels the letter is excellent. Boeing agrees. Rice asked if there was a value to having each Commissioner individually sign the letter, rather than have Terrasi sign. Terrasi agreed. The letter will be available immediately for signature. Terrasi asked the Commissioners to stop by the Town Clerk's window at Town Hall where the letter will be available for their signature.

### C. Aerial Spraying Of Mosquitos - Opt Out

Terrasi stated that almost a year ago, a group of Massachusetts legislators proposed making changes to the State's policy on aerial mosquito spraying. MACC issued a Legislative Alert notifying Conservation Commissions of the proposed changes. Our local Boards of Health were unaware of the proposed legislation as communities were just learning about COVID and Boards of Health were focused on public health and safety issues related to COVID protocols. Legislation was passed related to aerial spraying but communities were given the opportunity to opt out, under certain circumstances, if the community prepared an Opt-out Plan. The Board of Health met on May 15 and voted unanimously to opt out of aerial mosquito spraying, with the understanding a State required Opt-out Plan would be created. The Select Board has asked for town departments/boards/commissions to provide comments and to vote on whether they support the Opt-out Plan. Pepperell has been recognized as a low-impact community. Masterson was concerned with the reporting procedures the State follows and how mosquito counts are reported, along with the fact Pepperell is located on the New Hampshire border. Is the State of New Hampshire's data taken into consideration? Masterson expressed concerns as a scientist because information is reported out in a method that is not very scientific. What does the plan

involve? The plan is more educational by telling people how they can protect themselves from mosquitos by staying indoors at night when mosquitos are present, using bug spray, etc. Masterson said last year there was a case in Townsend or Ashby but she was unable to determine if this was an animal or person and the information was not clear. Rand agrees with Masterson on the reporting but feels there is little control when aerial spraying is implemented and suggests the town opt out and let residents determine what they want to do on their properties. Who pays for the spraying? Rice said in the past when she worked at Natural Heritage they docked the town where spraying occurred, though she is not sure this is still correct. Rice said aerial spraying was discussed at Natural Heritage and the spraying not only targets mosquitos but any dipteran, any fly. It changes populations a lot. It attacks adults (not a larvicide) so it has limited time effect. Dinsmore said he agrees with Rand as well as Masterson to a degree. The testing should be increased and then testing should be used to justify spraying. We should not spray until the facts show otherwise. Masterson would like to see more testing. She is not for more spraying. Can this discussion be used to encourage more testing? Rand feels spraying can be too aggressive and if we vote to opt out, the state is not controlling where it goes, the town does. Masterson asked Rice if she was aware of any research related to weather patterns, specific wetlands, etc. and whether aerial spraying was aligned with where testing will take place. Rice said the Mosquito Control Districts are responsible for spraying and she was unaware of ongoing research. On a motion by Elliott, seconded by Masterson, all

VOTED: to support the Opt-out for the State's aerial spraying of mosquitos.

4. Master Plan Implementation Update

None

5. Other Business

None

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

None

The next Conservation Commission meeting is scheduled for Tuesday, May 18, 2021 at 7:00 PM.

Respectfully submitted

Paula Terrasi/Conservation Administrator