

Present: Elliott presiding, Boeing, Dinsmore, Masterson, Rand, Rice Absent: Steeves

5/7/2019 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:00 PM - Public Meeting Re: Request For Determination Of Applicability Filed By John And Gale Visniewski For A Garage Within 100' Of An Intermittent Stream At 94 Shirley Street.

John Visniewski, owner of Cornerstone Land Consultants, presented the proposal. He is the owner of the property. Visniewski is proposing to build a 24X16 equipment garage, with an 8' overhang, in a location that is currently used to store building materials and cord wood. The corner of the garage would be 77' from the intermittent stream. The intermittent stream dries most years by early summer. Erosion control is shown on the plan. Visniewski expects to start work by the end of June. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a negative #3 and #6 Determination. The work is within the buffer zone but will not alter an Area subject to protection under the Act and does not require the filing of a Notice of Intent and the work is allowed under the Pepperell Wetlands Protection Bylaw.

2. Review Of Draft Minutes

- A. Review Of Draft Minutes Of April 16, 2019

On a motion from Elliott, seconded by Rand, all

VOTED: to accept the draft Minutes of April 16, 2019, as amended.

3. For Signature: Schedule Of Bills Payable

None

4. Conservation Administrator's Report

- A. Forest Management Plan - Pepperell Springs Update And Discussion

Pat Swain Rice and Terrasi walked the Pepperell Springs property with Consulting Forester Craig Birch on Friday, April 26. During the walk, the overall health of the forest and the location of invasive insects and plants were noted. The Hemlock Woolly Adelgid has been present on the property for more than eight years and while there has been some thinning of the hemlock, overall the hemlock look healthy. Birch provided a draft Forest Management Plan for the Commission's review and comment. Terrasi requested comments be submitted to her by May 14.

- B. Land Donation - Wheeler Street Appraiser

Paul Joyce would like to donate 10.52+/- acres off Wheeler Street to the Conservation Commission. He would like the Commission to pay the cost of an appraisal. Terrasi received two quotes for the appraisal. Avery Associates provided a quote of \$3,500 and Minuteman Appraisals provided a quote of \$1,800. On a motion by Elliott, seconded by Masterson, all  
VOTED: to pay \$1,800 for Minuteman Appraisals to prepare an appraisal for the Joyce donation off Wheeler Street.

- C. Sunday, May 12, 2019 - Natural History Walk With Pat Swain Rice, 10:00 AM - Townsend Hill Wildlife Management Area (Additional Details On Website)

The third Natural History Walk of 2019 will be held on Sunday, May 12, 2019 at the Townsend Hill Wildlife Management Area on Wheeler Street. Signs will be posted to direct people to the meeting location and details about the walk and parking have been provided on the website.

- D. Saturday, May 18, 2019 - Breakfast With The Birds, 6:30 AM, Heald Orchard East Gate

The Annual Breakfast with the Birds will be held on Saturday, May 18, 2019 at 6:30 AM.

5. Other Business

A. River Road ROW Restoration Plan Proposal Review For Approval

Al Patenaude, owner of the River Road property, and his attorney Melissa Tzanoudakis attended the meeting to discuss the restoration of the town's right of way. Tzanoudakis and Patenaude provided a plan as well as the 1982 deed containing easement language from Kemp to the Town of Pepperell. Elliott said the "Purpose" noted on the proposed plan is to create a 15' wide right of way, but it should state the "Purpose" of the proposed plan is the relocation of an existing right of way. Elliott said the deed states there is a 15' right of way to the ROW/old railroad bed. The railroad bed is 66' wide. The proposed plan shows the ROW at 15' wide the entire length from River Road to the town conservation land but the plan will need to be corrected to show the ROW at 66' wide once it reaches the ROW/railroad bed. Elliott read the deed, which states "the grantee shall have the right to use the existing 15 foot road from River Road to the old Railroad Bed and thence northeasterly on the railroad bed to the granted premises as a right of way". Patenaude and Tzanoudakis were asked about a "jog" shown within the restored ROW. They were asked why the ROW wasn't shown as a straight line. Patenaude and Tzanoudakis said this would allow for a buffer for the house at Lot 19. While Patenaude stated he had no obligation to produce a plan, Elliott disagreed and stated a plan is necessary to document the relocation of the ROW. Elliott also requested the words "Pepperell Pond" be replaced with "Nashua River". Patenaude disagreed but Elliott stated the wetlands regulations 10.58(2)(a)(1)(e) lists the Nashua River as a major river for its entire length. He stated this regulation has been tested in the Courts for the Nashua River. Tzanoudakis stated the plan was created as a multi-purpose document for development, drainage easements, access for the open space, etc. so there is information included on the plan that is not necessary. Elliott asked that the "Purpose" identified on the plan indicate this is a relocation of a ROW and to include reference to the deed and plan from 1982. Tzanoudakis summarized the requested changes. Patenaude said the roadway is currently dirt when asked if the ROW would be improved. The conversation continued about the jog in the ROW and Patenaude said he would define the space but he suggested keeping the buffer. The Commission was in agreement with the relocation, including the jog. Patenaude will add large boulders to delineate the ROW. On a motion from Elliott, authorizing Terrasi to provide the Commission's approval of the updated plan if the plan identifies the "Purpose" as a relocation of the ROW with a reference to the book and page of the ROW deed and plan, that the plan spell out there is a secondary access for the open space and field included, that the plan removes references to "Pepperell Pond" and replaces it with "Nashua River", and the plan shows the 15' ROW from River Road opening up to 66' once inside the old rail bed, second by Rand, all voted in favor.

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

None

There are no public hearings scheduled for May 21 and the meeting will be canceled.

Respectfully submitted,  
Paula Terrasi  
Conservation Agent