

The following Commissioners were present: Bob Elliott, Chairman; Tim Dinsmore, Emily Boeing, Stuart Lahtinen, Pat Swain Rice, Rob Rand. Absent: Peter Steeves.

5/16/2023 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - The Conservation Commission Will Consider A Notice Of Intent Filed By Ken Tully Proposing To Cut Trees And Clear, Construct A Single-Family Dwelling, Porch, Deck, Walkway, Driveway, Well, Subsurface Sewage Disposal System, Retaining Wall, Grading And Associated Utilities Within The 100 Ft. Buffer Zone At 57 East St.

Ms. Maureen Herald with Norse Environmental represented property owner Ken Tully. The property is a 1.63-acre wooded lot created in 1994, prior to the Wetlands Protection Bylaw. Work is being proposed for a house and septic system within 100' of bordering vegetated wetlands. The plan shows the 50' and 100' buffer. The lot is entirely within the 100' buffer. The lot is within the Petapawag ACEC. NHESP issued a No Take Determination letter. MassDEP has not issued a file number or comments. Commissioner Dinsmore had visited the site and was surprised the septic system had passed the perc test. He stated there is water at surface level and the lot is flat. Ms. Herald said the estimated seasonal water was at 48" and 60" and the site is sandy. Septic testing was completed on 3/29/2023 and if the soils had been poor, the entire lot might have been a wetland. The sandy soils allowed the soils to perc and for a septic system to be approved. Commissioner Lahtinen asked how often do they run into work for projects this close to a wetland. Ms. Herald said communities often have policies requiring setbacks to wetlands, but there has to be considerations for marking the Limit of Work, erosion control is installed, and the site is monitored. The flat site and sandy soils prevent runoff that can happen with sites with steep slopes. She does see it in other towns. They would respect the 50' buffer but the lot was created prior to the Bylaw and they were unable to meet it. The dwelling is modest, a three-bedroom dwelling. Ms. Herald said the closest work is proposed 31' from BVW, with the house positioned as far away as possible from BVW. There are site constraints due to septic systems on abutting properties, wells, etc. Ms. Herald said they would add posts with No Disturb signs to the plan. There is a proposed limit of work. The corners of the lot and middle of the lot will be marked (1 post/sign near well, 1 post/sign at closest location to BVW 31', 1 post/sign at reserve, and 1 post/sign at other property line). Commissioner Rand asked if all trees beyond these identified areas would be preserved. Ms. Herald said there would be no disturbance beyond the posts/signs. Commissioner Dinsmore said that in Ms. Herald's words if there was any way to move the house further from the buffer zone, they would have. He does not see why that house should be built. He understands this predates the Bylaw, which saves this house but this does not justify it. At the request of Ms. Herald, a continuation was requested to the June 6, 2023 meeting at 7:00 pm to give MassDEP an opportunity to review the filing and provide a file number and comments.

2. Review Of Draft Minutes

- A. Review Of Draft Minutes Of March 21, 2023

On a motion from Chairman Elliott, seconded by Commissioner Rand, all

**VOTED:** to approve the draft Minutes of March 21, 2023, as drafted.

3. Conservation Administrator's Report

- A. Breakfast With The Birds - Saturday, May 20 @ 6:30 AM Heald Street Orchard

Breakfast with the Birds is scheduled for Saturday, May 20 at 6:30 am at the Heald Street Orchard. The Lawrence Library will be hosting an event at 10:30 am that same day, which includes an

opportunity to enjoy coffee and pastries while viewing the Library's historic Shattuck Bird Collection. These events were advertised in the Freedom's Way National Heritage's newsletter to promote regional awareness of programs/events occurring in local communities during the month of May.

- B. Great American Rain Barrel Program 2023 - Orders Accepted Until Midnight On May 24. Delivery June 10, 2023.

The Great American Rain Barrel Program is working with the towns of Pepperell, Tyngsboro, and Dunstable to provide rain barrels to interested residents. The last day to order a rain barrel is midnight on May 24. The rain barrel pickup date is Saturday, June 10 in Tyngsboro at the Highway Garage, though arrangements can be made with Administrator Terrasi to bring a limited number of orders back to Pepperell for those who are unable to pick up their rain barrels in Tyngsboro.

- C. Town Meeting - \$50,000 Conservation Fund

At Spring Town Meeting, Commissioner Rand read a motion to allocate \$50,000 to the Conservation Fund, which was approved. Administrator Terrasi was asked three years ago to include annual, smaller requests for funding from Town Meeting, rather than a \$400,000 or \$500,000 request for land protection projects.

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

The next meeting will be June 6, 2023.

Respectfully submitted,

Paula Terrasi/Conservation Administrator