

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

7/13/2021 - 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 Kendra Spoth To Complete Construction Of A Single-Family House Within The 100 Ft. Wetland Buffer Zone Of BVW At 181A South Rd.

Seth Donohoe with Dillis and Roy presented the project. The project was subject to prior review under MassDEP 259-667 for construction of a dwelling and septic system. After approval by the Commission, construction for the project began with installation of the foundation and septic system. Almost all grading was completed and the site was stabilized. The applicant was unable to finish the project and after many years the applicant is now ready to move forward to complete construction. This is a new NOI to complete the previous project. The prior approval required a restricted area, which is shown as the hatched area on the plan, that meets or exceeds the 50' setback to BVW. There is a deed restriction, including no cutting, grade change, or other work within that area. There is a small area of disturbance on this five plus acre site to be altered. Elliott asked about the finish grading shown south of the foundation and septic system and questioned whether that should be shown as existing vs. proposed. Donohoe said the grading was brought very close to finish grade and some minor touch ups will be required. There is some landscape fabric present but it is essentially at that grade. Rice asked Terrasi if she had visited the site and whether there were wetland changes. Terrasi stated the wetlands have remained the same and a site visit confirmed the site is well stabilized. Terrasi asked about the status of the NHESP-required Turtle Protection Plan or whether all work would be conducted in accordance with a Time of Year restriction. Donohoe stated their client has engaged a consultant to discuss a Turtle Protection Plan, which will require a row of silt fence surrounding the work area. Terrasi stated that NHESP also requested native plantings and a native seed mix in their comments. Donohoe said the plan will be updated to reflect all of NHESP's comments. They would like the hearing to remain open but the intent of tonight's meeting was to gather additional comments from the Commission to keep the project moving forward. The public hearing is continued to August 3 at 7:25 pm. Donohoe will contact Terrasi if additional time is needed to meet NHESP's requirements.

- B. 7:15 PM - The Commission Will Consider An Abbreviated Notice Of Resource Area Delineation Filed By Ron Koivu Of Harbor Classic Homes, LLC. For Review Of A Bordering Vegetated Wetland And Riverfront Boundary Delineation At 10 & 14 Cranberry Street.

Jack Visniewski with J.A. Visniewski presented the project. Visniewski stated this is the former Oakes property, which is approximately half a mile from the intersection of Cranberry and Chestnut Streets. The riverfront on the left side of the plan at the lot line had not been flagged. Visniewski said this would have little to do with any work being proposed but he understood the need to show all wetlands and riverfront areas for the ANRAD. Visniewski used several old flags previously used to flag the stream to show this riverfront area. Matt Marro had flagged the site but he had not flagged the riverfront. Visniewski stated Marro will contact Terrasi and arrange a time to meet on site to complete the flagging. Visniewski would like to continue to August 3 to review the wetland and riverfront on the property. Rand asked for clarification about the actual location of the riverfront. Visniewski said the riverfront is on the left lot line. The project will keep the old house but replace the septic system. A new house is proposed to be located to the right of the current house (near the octagonal-shaped building). Rand asked about the seasonal stream shown on the plan. Visniewski said this is a seasonal stream that runs right to left that terminates at a pond on the property. Visniewski said that was a wetland with no flow when he went out to the site. He said he feels this is an intermittent stream, not riverfront, but he wants to ensure this is clearly defined because it could impact the proposed development. Rice asked about lots 2 and 3 shown on the plan. The lots were broken off by the Oakes family years ago by Rose Chaulk. There was also a lot 1 that was sold and developed a few years ago. This is a NHESP

area and they would expect to file with NHESP when they file an NOI or a RDA for the septic replacement. Rand said the stream was flowing and often times streams flow underground. Rand would like to confirm whether the stream is perennial or intermittent. Visniewski said there was no line shown on the USGS maps to indicate this is a perennial stream. Visniewski said there is another stream at the rear of the property that they are not concerned with and they are asking the Commission not to review it. The stream just behind the house is important to define. The public hearing will be continued to Aug. 3 at 7:35.

- C. 7:25 PM - 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 Sartelle St. Within The 100 Ft. Buffer Zone Of BVW.

Seth Donohoe with Dillis and Roy presented the project. Mr. Hills was on the call for any questions as well. There is an existing dwelling and out structure. The lot predates the MA WPA and town wetlands bylaw and an ORAD was previously approved in mid 2020. Both buildings would be removed and a new two-family dwelling would be constructed. Most of the yard area, which is degraded, would be planted with native plantings to protect the wetlands on the site. Municipal sewer and water are available on the property so there would be no need for a septic system. Removing structures from wetlands or edge of wetlands and adding native plantings will improve the site. Dinsmore asked about the enhanced vegetation identified on the plan. Donohoe said the brighter green area would be replanted with native shrubs and a conservation seed mix, working with the Commission. Rice requested clarification that the enhanced area shown is degraded but not wetlands. Donohoe said Rice was correct and almost the entirety of the edge of wetland has a 5-8' buffer of vegetation consisting of second growth red maples with an understory of princess pine and Canada mayflower. The area to be replanted will extend the buffer. Terrasi asked about future disturbance, including cutting or clearing, if the area is not identified as a no disturb. Donohoe said with a limited footprint something more visually appealing would work. Terrasi suggested 4 X 4 posts, 1' exposed, each with a 3 X 4 small no disturb sign. Donohoe feels that would work and confirmed with Mr. Hills that he finds that acceptable. What would the spacing be? Three locations were identified, which will be added to the plan. An abutter expressed concern with the construction and concern with potential flooding of his fields, which abut this property. Donohoe said the high point is Sartelle Street and gradually goes downhill to wetlands at the west and north. The proposed project raises the grade and places the building behind the existing dwelling to create a divide. Half of the site would flow to the wetlands and there would be reduced flow to the wetlands. Rice asked Donohoe to identify where the remainder of the water/flow would go. The abutters expressed concern stating the size of the new building would be two or three times the size of the current structure and worried about flooding of his property. Donohoe said the site will be raised and there will be an opportunity for the water to infiltrate. Elliott stated the plan shows detail for a roof drain system but asked if there was supposed to be recharge chambers? Gutters with downspouts are proposed. Donohoe stated the increase in building area on site is just over 1,200 sq. ft. so that is not a major change but they are improving the drainage by diverting some of the water away from the northern portion of the site. Elliott stated stormwater control is not required but the detail shows a six-inch roof drain header and questioned whether the roof drain daylights or flows into a chamber? Donohoe said they would be happy to include a chamber. The project must first obtain ZBA and Planning Board approval. They will submit a revised plan. The public hearing was continued to August 17 at 7:05 PM pending approval from both the ZBA and Planning Board and issuance of a MassDEP file number.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of June 22, 2021

Rice requested a change to the Minutes for 44 Prescott Street to replace "woody debris" with "woody growth" or "woody plants" in reference to a comment made about what the impacts would be if mowing were not allowed between the fence and the wetlands. On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of June 22, 2021, as amended.

3. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the Bills Payable for FY21 in the amount of \$502.77 (office supplies and kiosk/sign lumber and materials).

4. Conservation Administrator's Report

A. Request For Certificate Of Compliance - 61 To 63 Main Street, MassDEP 259-770

Terrasi received a Request for Certificate of Compliance for the Dunkin Donuts at 61 to 63 Main Street. A site visit was conducted and a letter stating substantial compliance with the approved plan was received. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

B. Request For Certificate Of Compliance - 127 Brookline Street, MassDEP 259-412

Terrasi received a Request for Certificate of Compliance for the property at 127 Brookline Street. This project, dating back to 1998, was a septic replacement, which a Request for Certificate of Compliance had never been requested. Terrasi reviewed the as-built plans in the Board of Health office and visited the site. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

5. Other Business

Terrasi stated a treatment of the water chestnuts on the Nashua River is scheduled for Monday, July 19 with a rain date of Tuesday, July 20. These treatments continue to be funded by a grant from DCR's Partnerships Matching Funds Program.

Terrasi said she has been invited to a grant award ceremony in Easthampton related to MA DER's Municipal Culvert Replacement Program for a grant she had submitted for the Heald Street culvert. Additional information will be provided about the award at the next meeting.

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

Terrasi said a Forest Legacy application for multiple properties, in multiple communities within the Nashua Wild & Scenic River designation area is being submitted. If approved, the project could provide 75% of the appraised value to property owners, with 25% of the costs coming from other sources. Land trust properties, which currently do not have a Conservation Restriction, can also be used towards the 25% cost share, if a CR is placed on those properties. The Nashoba Conservation Trust is providing 115.49 acres of their property as part of the 25% cost share. The Nashoba Conservation Trust is requesting the Town of Pepperell Conservation Commission hold the CR for these properties. There would be no costs to the town for this other than yearly monitoring to be conducted with Nashoba Conservation Trust board members. The Commissioners agreed with this request and a letter stating the Commission's support to hold the CRs will be signed by Chairman Elliott and forwarded to the Forest Legacy Program.

7. Master Plan Implementation Update

None

The next Conservation Commission meeting is scheduled for Tuesday, August 3, 2021 at 7:00 PM.

Respectfully submitted

Paula Terrasi/Conservation Administrator