

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

Absent: Kris Masterson

## 8/18/2020 - Minutes

### 1. Packets Details To Be Provided Soon

Packets of all documents submitted for the August 18, 2020 meeting were available on the Town of Pepperell website.

### 2. Public Hearings, Public Meetings & Appointments

#### A. 7:00 PM - Continuation Of Public Hearing Re: The Commission Will Consider An Abbreviated Notice Of Resource Area Delineation Filed By HBC, Inc. For Reviewing A Bordering Vegeated Wetland Boundary Delineation At 5 To 11 Sartelle Street

Seth Donohoe with Ducharme and Dillis represented property owner John Hills, also present on the call. There are two individual lots, which are approximately 300' west of Park St. Five Sartelle is the eastern most lot and 11 Sartelle is the western most, partially wooded lot with a dwelling. Three separate areas were delineated with lettered wetland flags. The A series (to the west) is around the existing dwelling and outbuildings. The B series, which has a fingerlike extension, is in the middle of the site. The eastern part of the site is the C series. All wetlands connect offsite. During their investigation of the site, they identified hydric soils and a clear vegetation line between upland and sensitive fern and emergent plants. Site investigations were completed in February, May, and June. Rice asked about the wetland shown abutting the outbuilding on 11 Sartelle and questioned how that wetland would be confirmed under the building. Donohoe stated that would be fully addressed in the NOI. Terrasi and Rand visited the site and confirmed the wetland appears to continue under the outbuilding. Terrasi stated that they completed transects and the delineation looks accurate. Rand concurred. On a motion by Elliott, seconded by Rand, all  
VOTED: to issue an Order of Resource Area Delineation.

#### B. 7:10 PM - Continuation Of Public Hearing Re: Notice Of Intent Filed By David Babin Of Babin Landscaping To Repurpose The Conway Chevrolet Dealership Site At 23-29 Hollis Street To A Retail Landscaping Operation. Re-Pavement, New Pavement, And Stormwater Management Facilities Will Be Porovided Within The Wetland Buffer Zone.

Jack Visniewski with J.A. Visniewski L.L.C. represented Babin Landscaping for the continuation. Changes were made to the plan to reflect requests from the July 14, 2020 Conservation Commission meeting and the July 20, 2020 Planning Board meeting. Changes include a strip drain and deep sump catch basins, which were added due to the Commission's concern with the storage of materials and surface waters carrying siltation to the wetlands. Water is proposed to be collected at the strip drain and then carried to the two deep sump catch basins then to the subsurface chambers. All basins were changed to deep sump catch basins. The snow storage at the left of site was moved to a different location because of MA WPA regulations for snow storage within an ORW. The emergency spillway, which was originally about 25' long, has now been extended to about 75' as a level spreader, to ensure less turbulence. The O&M Plan was updated to include vacuuming requirements for the porous pavers as well as all basins as part of the maintenance procedure. The water quality volume calculations in the Stormwater Report were changed from 1/2" to 1" to comply with discharges to an ORW. Elliott asked if leaching catch basins were still being used. Visniewski stated the leaching catch basins were replaced with deep sump catch basins and the catch basin within the 50' buffer was moved. Elliott asked how Visniewski addressed the pretreatment, specifically the 44% requirement for 44% TSS removal. Visniewski tried to accommodate this with the added strip drain and catch basins to avoid removing pavement but he considered replacing the basins with stormceptor-type basins, which provide more pretreatment than required. He wanted to discuss this with the Commission. Rice asked about the snow storage which was moved, but was not shown, on the rendering. Visniewski moved the snow storage towards the middle of the parking area on the left side of the site and there are other locations on the site for snow storage as well. Dinsmore asked whether the bulk storage of large volume

landscape materials all drain towards the strip drain. Visniewski stated yes, as shown by contours on the plan. Has it been determined whether a NPDES permit has been required? At this time, Visniewski said "no" but if a NPDES permit is required, it would have to be completed seven days before construction begins. Is there a hazardous waste storage and spill prevention plan to address the above-ground fuel tanks? As a result of the Planning Board hearing, there is a requirement for David Babin to coordinate with the Fire Chief and State Fire Marshal, if necessary, to comply with all State requirements for fuel storage. Dinsmore asked if the strip drain could be plugged if a spill occurs. Visniewski said the strip drain could be plugged. Visniewski said the State Fire Marshal would require it if necessary but Dinsmore expressed concern with the impacts to wetlands if a plan is not in place and training provided, should a spill occur to prevent any spill from reaching the wetlands. Rice concurred with Dinsmore's comments and stated these are valid concerns of the Conservation Commission. Elliott asked Dinsmore for his suggestions should the Commission issue an Order of Conditions. Dinsmore stated the materials should be immediately available to plug the strip drain should a spill occur and training for all employees on how to deal with a spill as quickly and efficiently as possible to protect the wetlands. Dinsmore would like a written plan identifying the materials and procedures to address a spill, which should include a training component for employees. Visniewski suggested these details be added to the O&M Manual. Visniewski stated the O&M Manual is for the entire drainage system of the site and it is communicated to employees. Elliott asked whether the Commission should require the O&M Manual be updated to reflect this requirement before construction begins, if an Order of Conditions is issued. All agreed construction should not begin until the O&M Manual has been updated with this information. Rand commented that Visniewski said the snow storage will be out of the 100' buffer and asked whether it would be identified in the parking lot. Visniewski said snow storage will not be out of the 100' as the 100' buffer is at the edge of the building. Snow storage is within a basin, which would only impact wetlands during the 100 year storm. Rand would like to see the snow storage outside of the 100' buffer, if space permits. Rice commented the advantage of the basin means runoff flows to a basin, rather than outside the 100' buffer but flowing and ending up just about anywhere as it melts. The basin is between the two pink areas identified on the plan shown at the left side of the property. Rand is OK with the snow storage as discussed. Currently, water flows directly left to right across the site, untreated to wetlands but now it will receive treatment. Dinsmore asked if the bulk items will be within the vicinity of the storage cubbies and asked if the cubbies were being used. Visniewski said the cubbies are being used now. Boeing asked about snow storage and asked if it made sense to move the snow storage area behind the building and asked Rice for her opinion. Rice discussed fleet movement during a snow storm and also referred to the proposed basin for runoff. Elliott asked if the Commission agreed the snow storage was acceptable, as currently shown. Snow should be kept on the paved areas. Rand agreed with the use of the basin but Elliott stated there should be no snow plowed over the berm. Rice suggested the berm be marked in the field to prevent snow storage beyond it towards the wetlands. There should be an updated plan before construction begins showing the location of the berm and the 50' no disturb for snow storage. Before construction begins there will be an updated plan with Tim's concerns, protection of the swale and no snow storage within 50' of the wetlands. On a motion by Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions with the Special Conditions identified.

- C. 7:15 PM - Continuation Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Al Soma Of Stump N' Stone Realty Trust To Fill Approximately 1,800 Square Feet Of Floodplain On Parcel B In Order To Provide The Required 30,000 Square Feet Of Land, Exclusive Of Wetlands And Flood Hazard Areas, To Meet The Zoning Bylaw For Creating A Lot And To Propose A Cut Area On Lot K Lomar Park, Off Nashua Road To Offset The Filling.

Jack Visniewski representing Stump N' Stone Realty Trust requested a postponement. While there is filling in the floodplain, there is also work within the riverfront and MassDEP has requested that a zoning variance be pursued as an alternative analysis. If a ZBA variance from the 30,000 square feet of "dry" land is received, than the filling of the floodplain option is not necessary. This hearing will be continued to September 18 at 7:00 PM.

### 3. Review Of Draft Minutes

#### 4. Review Of Draft Minutes Of July 14, 2020

##### A. Review of Draft Minutes of July 14, 2020

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of July 14, 2020, as amended.

5. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the Bills Payable.

6. Conservation Administrator's Report

A. Heald Pond Fire And Conservation Commission's Appreciation For Fire Department And 1st Responders

Terrasi had provided a summary to the Commission and wanted to acknowledge the Fire Department's response to a difficult-to-access fire burning along Heald Pond. Steep slopes and extreme temperatures were encountered by the Fire Department but the fire was extinguished quickly thanks to fire personnel from Pepperell and surrounding towns.

B. Conservation Land - Maintenance Efforts

Marc Basti, Rand and other volunteers continue to paint and repair signs and kiosks and clear overgrown vegetation.

7. Other Business

A. 148 Lowell Road - Parcel To Division Of Fish And Game

The MA DFW has been interested in the property at 148 Lowell Road because it provides frontage on a public way to property MA DFW will be purchasing in Dunstable and possibly property in Pepperell. Although the property was donated in 1987, a deed was never recorded at the Middlesex South Registry of Deeds. After a considerable amount of research and with legal advice from the MA DFW and Town Counsel, it was agreed a new deed would be signed by the original owners, the Conservation Commission, and the Select Board.

B. Enforcement Order 128 Brookline Street, Restoration Plan

Matt Marro of Marro Environmental had updated the Restoration Plan to reflect changes requested by the Commission but there were two items that needed to be corrected. Marro will have the Plan updated for the next meeting. At this time, wattles are in place to prevent runoff from entering the wetlands if heavy rains occur.

C. Emergency Order - Lawrence Street At Gulf Brook (Beaver Permit)

The Board of Health issued an Emergency Permit to authorize the removal of beaver dams downstream of the culverts on Lawrence Street. An Emergency Order was issued to accompany the Board of Health Emergency Permit to ensure any beaver dam breach is completed in a controlled manner to avoid downstream flooding and/or large releases of sediment.

D. Robinson Hollow, 110 South Road - Turtle Protection Plan, OSRD Open Space Modification, And ORAD Extension Request

Devin Howe with Beal's Associates represented Land West. A Blandings Turtle Protection Plan was shared with the Commission. Questions were raised about the expert hired to perform the turtle work. The Turtle Protection Plan provides details about the person hired to do the work, what is required if a turtle is discovered during the work, etc. NHESP has previously given their approval of the Plan. On a motion by Elliott, seconded by Rand, all

VOTED: to accept the July 23, 2020 Blanding's Turtle Protection Plan, as drafted.

A change to the open space parcel, which directly abuts Rte. 119/South Road, as a result of comments received from MassDOT, requires a 10' buffer of land along South Road be deeded to the town but not as conservation land. This would allow MassDOT to use this 10' strip in the future for road widening without having to go through the Article 97 disposition process. The Commission has no issues with this proposal.

The current ORAD for this property expired recently but due to COVID-19, permit expiration dates are on hold. Beal's Associates requested an extension to the current ORAD. The wetland was reflagged. On a motion from Elliott, seconded by Rand, all

VOTED: to extend the ORAD for an additional three years.

- E. Eastern Equine Encephalitis (EEE) Virus Confirmed In Mosquitoes From Pepperell - Status Elevated To "Moderate"

The warning level for EEE in Pepperell has been elevated from low to moderate. Additional precautions should be taken to avoid mosquitos.

- 8. Matters That May Be Raised That The Chairman Didn't Reasonably Anticipate  
None

Respectfully submitted

Paula Terrasi/Conservation Administrator