

8/21/2018 - Minutes

1. Public Hearings, Public Meetings & Appointments

A. 7:00 PM - Public Hearing Re: Continuation Of NOI Filed By Michael And Donna Quintal To Construct A Common Driveway In BVW At 34 Shirley Street

Jack Visniewski with Cornerstone Land Consulting attended the Public Hearing on behalf of the Quintal's. The NOI is proposing a common driveway with four duplex structures and a single-family house. The Planning Board has received a Special Permit Application for residential duplexes on four of the lots at the former Scotch Pine Farm. One of the lots belongs to a different owner (Ned Altali) who will be using the common driveway. The restaurant and house currently on the property will both be razed. The property includes a pond, dug out with State funds, surrounded by a berm that goes under a culvert on an existing driveway, as it flows towards Elm Street. An ANRAD approved the BVW delineation. Rice pointed out that the lot, which is not owned by the Quintal's, has no dry access to Elm Street. When the lots were subdivided, a self-imposed hardship was created when this lot did not provide dry access to Elm Street. There is no access across the wetlands on Elm Street. Visniewski told the property owner multiple times that this lot can only be accessed through the common driveway. Dinsmore asked about the driveway at Shirley Street. Is it an "official" drive? Visniewski said it is a driveway because there were no common driveways at the time these earlier lots were created. The Shirley Street driveway is dirt, hilly with steep slopes, and a "hook". He is leaving it for the people at the Shirley St. portion of the project to use. This NOI is only for the common driveway. Visniewski shared the project development plan and he will return with additional filings for lots within jurisdictional areas. The common driveway is on top of the existing driveway and ends with a T. There is emergency parking at the end of the driveway and halfway up the common driveway by the stone wall. Stormwater calculations have been provided. Mostly glacial till soils, with tighter soils near the wetlands. They will go before the Planning Board for the Special Permit Common Driveway and Special Permit Residential Duplexes. The access at Elm Street requires work within the 50' buffer and Visniewski is asking for this to be considered as a Limited Project. There will be a slight increase in common driveway width. They will not fill any wetlands. Septic testing has been done on two lots, holes dug, and samples have been taken for Rawls rates calculations, because perc tests cannot be used. Each house will have individual infiltrator basins (shown as green) collecting roof runoff. There is an infiltrator strip below the house to the right (north) of the common driveway to collect runoff coming from above. The grass strip will act as a pretreatment. Rain gardens have been added in three locations, with construction details provided on the plans. Dinsmore asked the width of common driveway. Currently 12' wide, but the width varies. They will add shoulders but they will be out of the wetlands, though close to the wetlands at the entrance. The Commission can propose to the Planning Board that the driveway be narrower, though it would be best to have the required 16' width at Elm Street. Rice asked if the driveway access could be shifted equal distance between both wetlands, rather than so close to the wetland to the north. When asked why the driveway at Shirley Street could not be used, Visniewski said site distance, access, and grading were challenging. Visniewski said he could make anything work but the common driveway being proposed has been in use for many years. Rice asked that it be made clear in the Minutes that Parcel C cannot be accessed through the wetlands on Elm Street. This was an owner-created hardship. The crossing of the culvert for the current house (Lot 7A) should not be used for access to Elm Street. Lot 7A is another owner-created hardship when the lots were subdivided. The 8" culvert near the pond works properly according to Visniewski. Elliott expressed concern with the swales, the rain gardens, the interception trench, and potential runoff going into wetlands and the overall drainage pattern. DEP issued a file number and comments earlier in the day. DEP has asked that the O&M Plan be completed before an Order of Conditions is issued. Visniewski has requested that this hearing remain opened until Visniewski has met with the Planning Board and he returns to the Commission. The Planning Board is meeting September 17. At Visniewski's request, the Public Hearing will be continued to September 25.

B. 7:20 Informal Discussion With Master Planning Committee Climate Change Sustainability And Resiliency (CCSR) Working Group

Deb Fountain and Ken Hartlage, members of the CCSR Working Group, attended the Informal

Discussion. Terrasi read a statement from Rob Rand, a member of the Master Plan Committee and a member of the CCSR Working Group, requesting the Commission's support of the Working Group's efforts. Hartlage discussed the Working Group's efforts to gather pertinent information related to climate change as it pertains to land use, conservation, natural resources, etc., which they hope to incorporate into the Master Plan. The Working Group would appreciate the Commission's expertise and knowledge on these subjects and they are requesting that one or two Commissioner's work with the CCSR Working Group. Several documents were shared with the Commission. The CCSR Working Group will also be meeting with other town departments to obtain their input. Masterson and Rice agreed to volunteer to assist the group.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of July 17, 2018

On a motion from Elliott, seconded by Boeing, all
VOTED: to accept the draft Minutes of July 17, 2018, as amended.

3. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Boeing, all
VOTED: to sign the Bills Payable for the Commission's \$100 NRWA Membership Dues.

4. Conservation Administrator's Report

A. Request For Certificate Of Compliance - 32 East Street (Formerly Lot 3B East), MA DEP 259-510

A Request for Certificate of Compliance was received, which included both a statement from an engineer that the work was completed in substantial compliance with the approved plans and an as-built plan. Terrasi reported she had visited the site. On a motion from Elliott, seconded by Boeing, all
VOTED: to issue a Certificate of Compliance for 32 East Street, DEP File Number 259-510.

B. Update 116-128 River Road ROW

Terrasi continues to work with Town Counsel on a letter to Al Patenaude advising Patenaude that he must turn over the open space on his River Road OSRD and he must restore the right of way, which provides access to the Conservation Commission's property off of River Road.

C. Update 161 Nashua Road Reclamation Project

The Town Administrator and Board of Selectmen continue to work with Special Counsel on the proposed reclamation project on Nashua Road. The proponent for the Reclamation Project presented the project at the Pepperell Senior Center and there were many questions asked by those in attendance. Currently, regulations drafted by the Board of Health are under review by Special Counsel.

5. Other Business

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

Respectfully submitted,
Paula Terrasi