

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

9/15/2020 - Minutes

1. Agenda Packet

Packets of all documents submitted for the September 15, 2020 meeting were available on the Town of Pepperell website.

2. Public Hearings, Public Meetings & Appointments

- A. 7:00 PM - Public Hearing CONTINUED TO OCTOBER 20, 2020 The Commission Will Consider A Continuation Of A Public Hearing For 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 Lomar Park 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.

The Stump N' Stone Realty Trust Public Hearing was continued to October 20, 2020.

- B. 7:05 PM - Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Etchstone Properties To Construct A Single-Family House At 28 Birch Dr., Lot 14 Within 100' Buffer Zone To Bordering Vegetated Wetlands.

Joe Peznola with Hancock Associates represented Etchstone Properties. A Request for an Amendment to the previous Order of Conditions (259-0780) for Lot 14 was denied at the June 2, 2020 meeting. The modified plan was not less impactful to resource areas, requiring a new NOI. The abutters were notified. Peznola discussed changes to the plan for Lot 14 as a result of the discussion at the June 2 meeting and a modification to the infiltration basin to lower the emergency overflow from elevation 99 to 98. The infiltration basin and roadway are under MassDEP Superseding Order of Conditions 259-0790 and Denise Child, with MassDEP, permitted the change and said the change to the infiltration basin did not require a new NOI. Peznola has reviewed the original stormwater calculations for the infiltration basin and has revised the basement elevation of Lot 14 to elevation 98. He believes the basement is no longer downgradient from the infiltration basin and the 10' downslope setback has been met. The fingerlike projection wetland on Lot 14, which was originally slated to be filled, will no longer be altered. The house on Lot 14 is proposed to be 38' from the fingerlike wetland. There will be permanent no-disturb markers installed so the Lot 14 property owner is aware of the permanently protected areas and to identify the limit of work. Rice questioned the slight difference between the infiltration basin filling to 97.95' during extreme weather events to 98' (the basement elevation), and asked how this slight elevation difference would be constructed accurately to perform properly on-site. Peznola said the model used for these calculations indicate that at its peak, water will rise to 97.95' and then drop down. This model is used to determine what is upgradient or downgradient with the basement floor elevation. Water at the site flows westerly toward the wetland, not towards the basement. Masterson asked if there was a target minimum separation to ground water. Peznola said there is a 4' separation from the basement to the ground water and it is a good practice to keep a separation to avoid having to install a sump pump. Rice asked for additional clarification because of the importance of ensuring the basement and infiltration basin elevations are accurately constructed on-site. Peznola stated a requirement of SOOC includes the preparation of an as-built plan with certification by Peznola that the project is built in compliance with the plans. Rice asked about the house construction and Peznola said the basement floor elevation could be included as a requirement on the as-built plan in the OOC. On a motion from Elliott, seconded by Rand, all VOTED: to issue an Order of Conditions, with the exception of Steeves and Dinsmore who voted against the motion, with a condition requesting the basement elevation be provided on the as-built plan.

- C. 7:05 PM - Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Etchstone Properties To Construct A Single-Family House At 26 Birch Dr., Lot 15 Within 100' Buffer Zone To Bordering Vegetated Wetlands.

Joe Peznola with Hancock Associates represented Etchstone Properties in presenting the NOI for 26

Birch Drive, Lot 15. This lot is almost identical to Lot 14. An Amendment to the previous Order of Conditions (259-0781) for Lot 15 was denied on June 2, 2020 because it was not less impactful, requiring this new NOI. The basement elevation has been revised to 98. On a motion from Elliott, seconded by Rand, all

VOTED: to issue an Order of Conditions, with the exception of Steeves and Dinsmore who voted against the motion, with a condition requesting the basement elevation be provided on the as-built plan.

- D. 7:15 PM - Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Daniel Locapo To Construct A Sewage Disposal System Upgrade In The 100' Buffer Zone To BVW At 52 Shattuck St.

Chris MacKenzie with Ducharme and Dillis Associates represented Daniel Locapo. This is a septic system upgrade for a failed septic system. The system is located outside of the buffer but there is grading within the buffer. Additional grading is shown against the house to address the steep slope coming off the house near the barn and to stabilize the area. Erosion control is shown on the plan. Three trees at the back of house will be removed. The BOH approved the plan at their meeting earlier this evening, with a 3' groundwater offset, so the system could be placed lower in the ground. Rice noted that the non-regulatory DEP wetlands outlines from MassGIS showed wetlands closer to the house than shown on the proposed map and questioned whether the DEP image identifying wetlands accurately depicted the wetlands as shown on the plan. MacKenzie shared photos he had taken. On a motion by Elliott, seconded by Rand, all

VOTED: to issue a negative Determination #3 and #6, allowed by local bylaw.

3. Review Of Draft Minutes

- A. Review Of Draft Minutes Of August 18, 2020

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On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of August 18, 2020, as drafted.

4. For Signature: Schedule Of Bills Payable

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the Bills Payable for the NRWA annual membership (\$100) and sign and kiosk maintenance (\$157.55).

5. Conservation Administrator's Report

- A. Conservation Land Maintenance Efforts

Volunteer Marc Basti has been painting and repairing signs and kiosks on various conservation properties. Commissioner Rand has been mowing and removing fallen trees from several trails. Rand will be mowing the Savannah at the Orchard in the near future. Rand is also working with the new neighbor, Walter, across the street from the Heald Orchard who is now helping Rand to mow the Orchard trails. Rand has been working with Basti on the dog patch at Keyes Parker by clearing small trees along the fence line in the dog patch to make mowing easier. Terrasi said the large 20-acre meadow would be mowed this year.

- B. Select Board's Priorities 2021

Rand had attended a Saturday virtual meeting with the Select Board and other departments regarding the Select Board's priorities for the coming year. Rand and Terrasi had questioned why the Priorities had little or no focus on Pepperell's protected open spaces, agricultural properties, and natural resources, which fall in line with the goals of the Master Plan. Many visitors are attracted to our conservation properties for geocaching, bike riding, hiking, etc. Our conservation areas are an asset that should be recognized for the many benefits they provide.

Rand said he felt the Affordable Housing Priorities were fine. Elliott disagreed with Rand and stated Affordable Housing at a regional level is a buzz word for 40Bs, like the Birch Drive Extension project. Elliott is not in favor of 40Bs and 40Bs are not an effective solution to creating affordable housing. Rand questioned whether 40Bs would have more restrictions if Pepperell met their 10% affordable housing goals. Elliott said when you reach the 10%, that number then increases. Current development with no affordable units, makes it challenging to meet affordable housing goals. Everyone should pay attention

to what the Affordable Housing Committee is recommending. Affordable housing laws can bypass wetlands bylaws, like the Birch Drive Extension. Elliott said affordable housing is only good for 30 years. Rand asked how the Commission can help to address the housing dilemma, while protecting wetlands. Boeing voiced her concern about the term "affordable". What would be considered affordable? Developers can choose 40Bs, which eliminate the requirement to follow local zoning bylaws. Terrasi said most people are looking for a lower price range for houses on smaller lots. How does the town address 40Bs and still protect wetlands? Terrasi suggested anyone who is concerned should attend the Affordable Housing Committee meeting. Steeves suggested focusing on redeveloping parcels. Terrasi can share the draft Affordable Housing Committee plan. Rice suggested that from the position of conserving natural resources, development should not include any loss of wetlands because all development, whether for affordable or mega houses, should consider the values of our wetlands and all should at least meet the current state requirements. Rand also said the final bullet under Capital Planning and Infrastructure "long-term plan budget for maintaining our capital assets" should include funding for conservation land. Parks and recreation areas are not conservation land. The draft Master Plan focuses on the values our open spaces provide. Rand said all development should be sustainable. Rand also commented on the importance of transparency. Comments regarding the Select Board's Priorities can be sent to Terrasi so these comments can be shared with the Select Board. Masterson said denser neighborhoods do serve a need but asked if there is a way for future projects to be more mindful of protecting wetlands. Masterson suggested engaging earlier in the permitting process to introduce the Commission's perspective about the value of wetlands. There are many considerations for growing the town. Terrasi requested the Commissioners provide their thoughts on the Select Board's Priorities to her. Terrasi will resend the Select Board's Priorities and draft Master Plan goals and comments should be submitted before the next meeting.

6. Other Business

A. Enforcement Order 128 Brookline Street, Restoration Plan

Matt Marro, who drafted the Restoration Plan for 128 Brookline Street, should modify the Plan to remove conflicts within the Plan. Suggested updates by the Commission have been added but Marro failed to remove old sections that are in conflict with the updates.

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

None

Respectfully submitted

Paula Terrasi/Conservation Administrator