

PEPPERELL CONSERVATION COMMISSION

Minutes – January 6, 2009

The Pepperell Conservation Commission (PCC) held a regularly scheduled meeting under the Massachusetts Wetlands Protection Act, MGL Ch. 131, §40 and the Pepperell Wetlands Protection By-Law. The meeting was held in the Town Hall at 7:00 p.m.

Members present: Elliott presiding, Moody, Rand, Rice, and Steeves; members absent: Sauer and Tzanoudakis.

Upon a motion by Elliott, seconded by Rand, with Rice abstaining, it was

VOTED: to approve the minutes of December 16, 2008 as drafted.

Upon a motion by Elliott, seconded by Rand, it was

VOTED: to approve the Draft 2008 Annual Report as drafted.

Fisher reported that the Finance Committee memo about FY10 budgets directed level-funding for the coming year. Fisher said that she was scheduled for a step-increase raise and that while the raise must be given, the total budget could not increase. Since the Conservation Department budget only had included salary expense, with other expenses coming from the Wetlands Protection Act filing fees, for the past few years, Fisher said that there were 2 alternatives for granting the raise while keeping the budget level. The alternatives were 1) to decrease her hours, or 2) take additional funds from the filing fees account to make up the difference. Elliott pointed out that the difference in amount taken from the filing fees account would be about \$1000. The filing fees account balance was about \$25,000. Upon a motion by Elliott, seconded by Rand, it was

VOTED: to approve level-funded budget with the salary increase covered by additional funds to be taken from the Wetlands Protection Act filing fees account.

A Request for a Certificate of Compliance for 9 Beaver Creek Circle (DEP File # 259-689) had been received. Fisher reported that all requirements had been met. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

Elliott left the meeting at this point, recusing himself from the following hearing.

7:10 p.m. Continued Public Hearing re NOI filed by Westchester Corp. for the construction of a single family house at 1 Moonlight Way, Assessor's Map 13, Parcel 37-3

Rice was the acting chair for this hearing. Drew Garvin of R. Wilson Associates and Steve Marsh of Westchester Corp. attended the hearing. Under the Pepperell Wetlands Protection Bylaw, the Commission determined that the project area involves BVW, and the proposed activity must meet the 50' setback requirement to the fullest extent possible as a lot created before May 6, 2002. It was noted that the fee for the legal notice was not yet paid. Marsh did

not have his checkbook with him. The Commission decided to go ahead with the hearing, cautioning Marsh that no Order of Conditions would be issued until the fee was paid.

Garvin submitted revised project plans and a revised alternatives analysis, which took into account the Zoning prohibition on wetland Buffer Zone work in the WRPOD. He said that the total Riverfront disturbance would be 690 square feet around the house itself with additional temporary disturbance for the installation of the sewer and water lines. He said that the total would be less than the 10% Riverfront disturbance performance standard. The additional disturbance for the utility work would be a Limited Project under 310 CMR 10.53(3)(d). Garvin said that the house would be in the northeast corner of the lot, near the street, on the land above the slope that leads down to the pond. The driveway would be off Blood Street, not the common driveway known as Moonlight Way. The street address for the lot would eventually have to be changed.

Rice asked if the house would have a yard. Garvin said that the Buffer Zone restriction would allow only a minimal lawn on the pond side and in the back yard, but that he expected there would be some lawn in the front. Rice said that there ought to be permanent markers along the buffer zone. The Commission discussed the location and type of markers that are usually required in this type of case, granite posts at least one foot exposed above ground with small signs such as the ones the Commission had had made saying, "Boundary; No Disturbance Wetlands Protection Buffer." Garvin had no objection to this requirement.

Steeves observed that the area around the pond is a special environment with heavily shaded slopes dominated by hemlock. Garvin said that the 100' buffer zone would not be disturbed and, therefore, the slopes and hemlocks would remain as they were. Steeves asked about effects on the wetland on the opposite side of Sheffield and Blood Street. Fisher agreed that the work for the installation of the sewer and water lines would need to include erosion control to protect the stream and BVW on the east side of the street as well as the west side.

Rice invited members of the public to comment. She had reminded meeting attendees that the Conservation Commission was only considering matters under their WPA jurisdiction. Mary Ellen Patten said that she was concerned about the condition of the dam on the property. She said that a representative of the Office of Dam Safety had recently visited the dam and would be making a report. Garvin said that presently the dam was considered non-jurisdictional. He said that even if it were to fail, there would be no damage to Patten's home. He also said that the slope above the pond is so well vegetated that it would be unlikely to be damaged either. Patten said that she wanted to be sure that any future homeowner would be aware that he or she was responsible for the dam. Patten also said that she was worried about effects from the house construction on her septic system and well.

Bill Vasel commented that the area where the house is proposed is delicate with its steep slopes and sandy soil. He said that water quality in the pond and wildlife could be threatened by chemical runoff. Garvin said again that the 100' undisturbed buffer would prevent these problems. Patten requested that the builder be sure to mark the property line before beginning construction so that no errors would occur. Steeves asked the abutters if they had noticed any

damage to the pond resulting from the construction of the houses on Moonlight Way. Patten and Vasel said that they had not noticed any.

Rice suggested that the locations of three 100' buffer zone markers should be 1) on the north property line, 2) off the closest point of the house, and 3) at the top of the hill near the intersection of the buffer zone with the 214 contour, as shown on the revised plan. On a motion from Rice, seconded by Rand, all

VOTED: to issue a standard Order of Conditions with special conditions as described above.

The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Ellen L. Fisher