

## PEPPERELL CONSERVATION COMMISSION

Minutes – May 19, 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, Rice, Sauer, Steeves, and Tzanoudakis; member absent: Rand.

A Request for a Certificate of Compliance for DEP File # 259-700, 3 Hunt Club Way, had been received. Fisher said that she had been unable to contact the owners to arrange a site visit.

A Request for a Certificate of Compliance for DEP File # 259-639, 20 Elm Street, had been received. Fisher said that the owners were coming before the Commission later in the meeting to discuss the location of the edge of their lawn. Since that location was the subject of one of the Permanent Conditions, Fisher suggested that this Request was premature. The Commissioners agreed.

7:40 p.m. Public Meeting re RDA filed by Jonathan & Tara Caten for construction of a garage at 29 Boynton Street (Rescheduled from the May 5<sup>th</sup> meeting, which was cancelled)

Jonathan and Tara Caten attended the meeting to explain their project. 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. Fisher said that since the lot is within the WRPOD, under Zoning the Catens would not be able to disturb the 100' buffer zone. She said that the reason they had filed was because there is a small stream, shown on the USGS map as perennial, although the Catens said that it dries up in the summer. If the stream is perennial, their garage would be in Riverfront. Fisher also said that the project would be located in an already-landscaped area.

The Catens had submitted a revised plan. The proposed garage dimensions were 26 x 26 feet. Elliott asked if they would need to disturb the area around the edges of the new garage. J. Caten said there would be some disturbance, but that it would be restored. Elliott also asked where excavated materials would be placed. J. Caten said the material that was not needed for the project would be removed from the site. Fisher was asked if erosion control would be needed. She said yes, that it could be located on the current edge of the lawn. On a motion from Elliott, seconded by Moody, all

VOTED: to issue a Negative 2 & 5 Determination with Special Conditions as described above, including an inspection of the erosion control barrier before construction may begin.

7:50 p.m. Public Meeting re RDA filed by Marc Rudkowski for construction of an above-ground pool at 20 Elm Street

Marc Rudkowski and Deborah Lane, attended the meeting to explain the project. 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. Fisher reviewed Special Condition #40 in the Order of Conditions (DEP File #259-639), under which the house was built in 2005. The Condition reads, "Any future activity between the location of the erosion control barrier as shown on the Final Approved Plan and the wetland edge will require the prior approval of the Conservation Commission. This includes mowing of turf lawn." Fisher said that the family had been mowing quite close to the wetland previously. Besides applying for construction of an above-ground pool, Rudkowski said that he was proposing a permanent edge of lawn as required in the Order. The proposed edge of lawn would create a 30' no-disturbance area along the wetland edge.

Elliott asked how Rudkowski planned to level the area for the pool, cut into the slope or bring in fill? Rudkowski said he expected the contractor would cut into the slope. Rice said that the excavated material should not be stockpiled in the buffer zone. Rudkowski said that it would be placed outside the buffer. Rice asked about plans for the abandoned lawn area. Lane said they would just stop mowing. Rice said that they should expect the area to fill in with shrubs. Rice also asked whether the pool would be emptied in the winter. Rudkowski said no. Rice explained that it would be destructive to the wetland if treated pool water were to reach the wetland. Rudkowski said that he understood. Elliott asked about erosion control. Fisher said that she thought it was a good idea. Elliott said that silt fence only would be OK. Rice said that it only needed to stay up until the area is stabilized. On a motion from Elliott, seconded by Moody, all

VOTED: to issue a Negative 3 & 5 Determination with Special Conditions as discussed above.

Upon a motion by Elliott, seconded by Sauer, with Steves and Tzanoudakis abstaining, it was

VOTED: to approve the minutes of April 21, 2009 as drafted.

8:00 p.m.      Public Meeting re RDA filed by Joe Mercado for construction of a garage at 76A Nashua Road

Joe Mercado attended the meeting to explain his project. 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. After reviewing the plan that Mercado had submitted, Elliott asked Mercado to confirm that the proposed garage would be 53 feet from the wetland. Mercado said that he had revised the plan for the garage, adding a jog on the wetland side so that it would be 63 feet from the wetland after all. He showed the project plans to the Commission.

Fisher said that the garage was proposed for an area on the edge of existing lawn, at the location of an old shed. The area between the garage and the wetland would remain undisturbed shrubland. Elliott asked Fisher if erosion control would be needed. Fisher said no, given the existing vegetation and the gradual slope. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Negative 3 & 5 Determination with no Special Conditions.

#### Other Business

The Commissioners discussed the department budget for Fisher's wages in the coming year. Town Meeting had appropriated \$33,867 from the General Fund, which would cover about 24 ½ hours per week. Before making a decision to commit additional funds from the Wetlands Protection Act Filing Fees Account, the Commissioners asked Fisher to supply a history of the balances in that fund for the past few years so that the discussion could be continued at the next meeting.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Ellen L. Fisher