

PEPPERELL CONSERVATION COMMISSION

Minutes – September 8, 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, Masterson, Moody, Rand, Rice, Sauer, and Steeves.

7:00 p.m. Public Meeting re Request for Determination of Applicability filed by Carl Epstein for the construction of a shed at 140 River Road

Carl Epstein attended the meeting to explain his proposal. 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. Elliott asked Epstein to clarify the type of supports the shed was to be built on. Epstein said that he initially hoped to use pre-cast concrete piers, such as he had used for his pool deck, but that he understood that the Building Inspector would not allow that. He said that he would be using Sonotubes instead. Elliott asked Fisher if the area where the shed was proposed was floodplain since it showed on the submitted plan as between the FEMA 100-year line and the Raytheon line. Fisher said that there was no way to identify those lines on the ground. She said that the proposed shed location was flat and that the land sloped off abruptly at the wetland edge. Epstein said that he did not think the shed location would flood, based on his 6-7 years residence on the property. Rice said that the Raytheon line was an historic record of an actual flood and that 6-7 years is not time enough to assess where flooding occurs.

Elliott asked if the shed could be moved to a different location or re-oriented. Epstein said that the location he had selected was where he had been storing wood and equipment. It was already clear, and any re-orientation would require cutting trees. Rice asked about roof drainage. Epstein said that he was planning to lay 3/8" stone along the drip line on the side toward the wetland. Rice asked how deep the trench for the stone would be. He said about 6 inches.

Getting back to the floodplain, Masterson said that MassGIS would have the floodplain line. Rice agreed, but said that the scale was likely too large to be useful in this case. Rand said that the shed would be off the ground by a few inches in any case.

On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Negative 3 & 6 Determination, with special conditions requiring the drip edge as described above and that any excavated soil be removed from the buffer zone.

7:10 p.m. Continued Public Hearing re Notice of Intent filed by Louis Berube of Shattuck Oil Company for replacement of fuel storage and containment structures and parking areas at 16 Groton Street

Fisher reported that Jack Visniewski had contacted her at the end of the day requesting that this hearing be continued to the next available meeting.

Conservation Administrator's Report

Conservation Land Use Permit request from Mark Basti

Basti attended the meeting to explain that he wished to do astrophotography at night in the Heald Street Orchard. Because of the amount of equipment and the fact that he needs power off the truck, he asked the Commissioners for a land use permit to drive his truck in from time to time. He would only want to do this on dark, clear nights, which can occur around the new moon each month. The Commissioners considered whether seeing Basti drive in would encourage unauthorized use of the Orchard, such as occurs already. Steeves suggested granting the permit for a short time to allow the possibility of assessing if there are any problems. Basti agreed to several conditions: he must notify the Conservation office and the Police prior to each visit; he must lock the gate when he is inside; he must avoid disturbing the neighbors with light or noise; he would be responsible for any damage to the Orchard, including rutting or erosion on the driveway, and he must not share the lock combination. It was suggested that if Basti were to see unauthorized use of the Orchard when he is there, he should phone the Police. On a motion from Sauer, seconded by Rand, all

VOTED: to grant a land use permit as described above until December 31, 2009.

North Village Estates replication report

Fisher presented a replication report that had been received for the northern replication area at North Village Estates. The Commissioners agreed that the report met the requirements of the Order of Conditions, File #259-529. Lou Berube stopped by the meeting at the end of the evening to say that the Deed Restriction as suggested by DEP was completed and would soon be recorded. He said that he would come by the office in the next few days to file a Request for Certificate of Compliance.

Question re farm pond dredging

The Commissioners discussed a question posed by Ken West about dredging the old farm pond on his property. It was agreed that he should file a Notice of Intent to do so.

Proposals for brush hogging in Heald Street Orchard

The Commission assessed 4 proposals for brush-hogging the 18 acres that had been cleared of trees in the Orchard. One of the proposals offered to have stump grinding equipment on site during mowing so that any stump that needed grinding could be done as part of the project. The other proposals said nothing about stump grinding. Fisher was asked to talk to the other parties and ask if any of them would like to make new proposals that include any necessary stump grinding. The Commissioners did not decide whether they wish to include stump grinding in the project at this time.

Report on PHOA trail ride on Nissitissit Meadows, Aug. 30

Fisher reported that she had walked the course of the trail ride on August 31. Nissitissit Meadows looked remarkably clean and undamaged after the trail ride the day before.

Manure had even been cleaned up, and soil-surface trails in the woods had been raked over. Fisher had found a campsite inside the woods along the trails, and on the advice of the Police Chief, she and Elliott (with the help of a volunteer) had removed chairs, a plastic storage box, a wheelbarrow, and other items from the site on Sept. 2. They had also destroyed the fire pit. Fisher had left a small sign saying that the materials had been removed by the Commission and asking anyone who wished to claim them to contact the office.

Review of final trails maps

The Commissioners reviewed the final version, with improved labels. Sauer said that he would work on getting them available on the Commission's page on the Town Website.

Commissioner introductions

The Commissioners welcomed and introduced themselves to new Commissioner Kris Masterson.

Other Business

Upon a motion by Elliott, seconded by Sauer, with Rand and Moody abstaining, it was

VOTED: to approve the minutes of August 18, 2009 as drafted.

Upon a motion by Elliott, seconded by Sauer, with Rand and Moody abstaining, it was

VOTED: to approve the minutes of the Executive Session held on August 18, 2009 as drafted. These minutes will not be available to the public until the issues discussed are resolved.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Ellen L. Fisher