

PEPPERELL CONSERVATION COMMISSION

Minutes – October 20, 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, Rice, Sauer, and Steeves; member absent: Rand.

Conservation Administrator's Report, Part 1

Request for Extension for 4 Kirin Crossing, DEP File #259-633

Paul Kirin attended the meeting for this discussion. Fisher reported that she had done a site visit and found only 2 remaining wetland flags. She said that a silt fence had been installed long ago for erosion control and some piles of fill had been placed on the lot. At the time of her visit the silt fence had fallen down, but the fill was stable because of a thick growth of vegetation. Sauer asked if the wetland had changed since the original delineation in 2001. Fisher said that it was not possible to tell since most of the flags were no longer visible. She said that in her opinion that this wetland seemed unlikely to be rapidly changing. The Commissioners reminded Kirin that before any work could begin, the wetland flags would need to be re-hung by survey. He agreed. The Commissioners also said that any further requests of Extensions of this project would be less likely to be granted because of the age of the delineation. On a motion from Elliott, seconded by Sauer, all

VOTED: to extend the Order for 3 additional years.

7:10 p.m. Public Meeting re RDA filed by Lewis Lunn for the construction of an addition to a garage at 104 River Road

Mike Turgeon attended the meeting to represent the applicant. 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. Turgeon explained that the 16' x 16' addition had already been started before the applicant realized that a Building Permit would be needed. The Building Inspector was requiring that the foundation of the addition be changed so it was going to be jacked up to allow it to be placed on sonotubes. That required access for equipment.

Turgeon said that his delineation showed the BVW to be 57-58 feet from the addition at its closest point. He explained that there was an intermittent stream with BVW next to the site of an old vegetable garden. The garden soil had been amended so he did his delineation strictly by vegetation.

To allow room for the equipment to access the site, Elliott suggested that a silt fence to serve as erosion control/limit of work should be placed approximately 25 feet from the building. Turgeon agreed, saying that he thought that about 40 feet of silt fence would be adequate to protect the

site. Rice asked that the small amount of construction spoils be removed from the buffer zone. On a motion from Elliott, seconded by Sauer, all

VOTED: to issue a Negative 3 & 6 Determination with special conditions as described above.

7:20 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

Jack Visniewski and Mike Turgeon attended the hearing to represent the applicant. Visniewski submitted revised plans. He reviewed the existing conditions and summarized the plan, including the provisions for offsetting the increase in impervious surfaces by addition of pervious paving and mitigation of an existing gravel parking area.

Turgeon spoke about the planting plan for the restoration areas. Rice said that the planting list did not include flood plain species, as it should, since this area is within the flood plain. Elliott suggested that any proposed changes to the planting plan could be included in a letter addendum rather than on another set of revised plans.

Sauer asked if the proposed grass pavers would be plowed in the winter. Visniewski said that he was not sure. Elliott said that he had seen successful plowing of grass pavers when the work was done with care and the plow raised up somewhat. Masterson asked what had determined the size of the lower parking area. Visniewski said that during a previous version of the plan, when a detention basin was needed, the owner had agreed to a parking lot of this size (it would be a reduction of the existing lower parking area). Visniewski then briefly reviewed the stormwater treatment system for the entire site.

Rice asked if it was correct to assume that no work on the site improvements would be done until the remediation of the contaminated area was complete. Visniewski said yes, but that Berube did want to move right into the construction just as soon as the remediation is finished. Rice asked if Visniewski yet had an answer to her previous question about what type of soil would be used to replace the contaminated material that would be removed. Visniewski said that he understood that Bruce Nickelsen, the Licensed Site Professional handling the remediation, would be attending the next session of the hearing. Masterson asked about the new containment structure. Visniewski said that Webb Engineering was in charge of the design of that structure. Rice also brought up questions about the storage and removal of contaminated soils and the timing of the clean-up. Visniewski said that Berube is not planning to begin until the usual dry-weather period in late summer 2010. The Hearing was continued until 7:20 p.m. on November 3, 2009.

7:30 p.m. Informal Discussion with Buddy Dougherty of the Brookline, NH Conservation Commission re access to Gulf Brook area through Bemis Road Conservation Area

Buddy Dougherty attended the meeting. He said that he had submitted a grant request for the rebuilding of a bridge over Gulf Brook and the replacement of a culvert for an intermittent stream along the "Potanipo Railroad" line in Brookline. The original structures in both places had

washed out in recent floods, but hikers were still able to get across. Beaver Brook Association owns the land on which both stream-crossings occur. Dougherty's question to the Commission was whether, if the grant is awarded, he could bring in the heavy equipment, such as an excavator, across the Bemis Road Conservation Area. There were questions from the Commission about whether Beaver Brook has approved this project, the design of the bridge and culvert, and what effects the completion of these projects would have on the area. None of the Commissioners clearly remembered the sites, and several Commissioners felt that they needed more information. No decision was made.

Conservation Administrator's Report, Part 2

Discussion of Special Town Meeting Warrant Article re 189 Brookline Street

Fisher reported that she had been asked to discuss this article before the Finance Committee. She had given them 2 reasons for accepting this parcel, suggesting that it should be designated as Conservation Land: 1) It is mostly wetland that is close to, and drains directly to, the pristine Nissitissit River. 2) It is less than 500 feet from a land-locked Conservation Land parcel known as the Carter Lot. Fisher said that future access to the Carter Lot might become available if the Town controlled this property.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Ellen L. Fisher