

PEPPERELL CONSERVATION COMMISSION

Minutes – April 6, 2010

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, and Steeves; member absent: Sauer.

7:00 p.m. Discussion with Mark Archambault of the Nashua River Watershed Association about working with other communities for water resources protection

Archambault said that the NRWA had received a grant from the ENVIRON Foundation to promote inter-municipal and inter-state cooperation in protecting the water resources of the Squannacook-Nissitissit sub-watersheds in NH and MA. He said that the NRWA is focusing on Conservation Commissions in 9 towns, trying to convene a working forum to meet every other month to discuss issues and coordinate solutions to problems relating to water quality. He asked the Commission to consider designating one member to attend the meetings. The first tentative meeting date was Thursday, May 6. Both Masterson and Steeves said they were interested in participating.

Archambault said that he was planning to set up an internet listserv through the NRWA website. He suggested that a communication protocol for emergencies could be considered. He asked the Commissioners about other suggestions for ways that the watershed towns could benefit from working together. Steeves asked about coordination of NH and MA GIS systems, pointing out how helpful that would be. Masterson asked what the amount of the grant had been. Archambault said \$35,000 for the term of one year. She asked what the end products were. Archambault said there would be the group of people he was forming, the listserv, several short manuals, and a number of workshops that would be open to the public. Fisher suggested that ATV use could be a topic to explore, to what extent it affects water quality and a coordinated effort to minimize it on lands where it is prohibited.

7:30 p.m. Informal Discussion with Brian Doak re changes to his plan for an addition to his house at 8 Powhatan Road, Order of Conditions 259-721

Doak said that after he had received his Order of Conditions, he had reconsidered the plan he had agreed to with the Commission. He said he would like to change the location of the garage doors from the front (west side) of the proposed garage to the side (north side) of the garage. He said that he expected that the Commission would want him to have a wetland delineation done and that he had contacted Mike Turgeon.

Elliott said that proposed changes to a plan can be handled in one of three ways by the Commission. 1) Minor changes could go forward as “insignificant changes.” More extensive changes might require either 2) an Amendment to the Order of Conditions or 3) a new Notice of Intent. Elliott said that he thought that the proposed change was significant. The basis for the original decision by the Commission was that the project to build the addition and adjust the

driveway would not be any closer to the wetland than existing conditions. He said that the new door location would necessitate moving the driveway much closer to the wetland, and, therefore, he felt that a delineation and a surveyed plan showing the delineation and the proposed grading should be required. Doak said that he did not think the driveway would need to be any closer to the wetland than it already was, but several Commissioners pointed out that he would need a minimum radius to be able to pull into the garage and room to turn around. Elliott said that Architectural Graphic Standards (of which he had brought a copy) said that at least 35 ft. from the garage doors is needed.

The Commissioners deliberated about whether an amendment or a new Notice of Intent would be best. Procedure for an amendment, including abutter notification, a legal notice, a filing fee under the By-Law, and a public hearing, was discussed. On a motion from Elliott, seconded by Rand, all

VOTED: that the proposed changes to the plan would require an Amendment to Doak's Order of Conditions and that a wetland delineation by a wetland scientist and a survey plan with an engineered design would both be required.

Conservation Administrator's Report

Endorsement of Emergency Certification (EC) for work under Main Street bridge

On March 24, 2010 Fisher had issued an EC for stabilization of the bank and repair and/or replacement of a failed retaining wall along the eastern bank of the Nashua River under the Main Street bridge. The Commissioners endorse the EC and signed a copy.

Certificate of Compliance Request, 8 Nissitissit Lane

A Request for a Certificate of Compliance for DEP File # 259-690 for 8 Nissitissit Lane had been received. Fisher reported a satisfactory site visit. On a motion from Elliott, seconded by Masterson, all

VOTED: to issue a Certificate of Compliance.

Kimball Fruit Farm irrigation project, agricultural exemption

Fisher reported that Carl Hills had visited the office to describe an irrigation project he was planning at Kimball Fruit Farm. Fisher had agreed with him that the project qualified for an agricultural exemption under the WPA. Hills had asked that the Commission be notified in case there were any questions.

NOI for 60A Nashua Road submitted in 2006, request to continue

Doug Smith of Soilsmith had contacted Fisher to ask whether this NOI would still be considered active. It was the concensus of the Commissioners that it had expired.

Discussion of Conservation Dept. Goals & Objectives (G & O)

The Commission discussed a draft G & O that Fisher had written, at the request of the Selectmen's Office. There was concern that all of the responsibilities of the Commission were not represented in the document. Fisher said that the particular format had been required, including specific measurable projects with completion dates. The Commissioners

encouraged her to include an introduction, if possible, that described the full range of Conservation work.

Other Business

Fisher and Rand reported having investigated a violation at 6 Jewett Street earlier on April 6th. They had observed trees that had been cut and moved toward or into the wetland and 2 backhoes moving soil toward or into the wetland on the western property line. Fisher and Rand had asked the operators to stop work, and the operators had complied. The Commission issued an Enforcement Order to Thomas Beek, owner of the property. It contained an Order to Cease and Desist from all activity, immediately install erosion control around the stockpiled soil on the wetland edge, get a wetland delineation and a plan for permanent stabilization, and to file a NOI.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Ellen L. Fisher