

Present: Bob Elliott, Chairman; Emily Boeing, Tim Dinsmore, Rob Rand, Pete Steeves, Pat Swain Rice

Absent: Kris Masterson

6/22/2021 - Minutes

1. Public Hearings, Public Meetings & Appointments

- A. 7:05 PM - Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Anthony And Laura Dennis To Construct A Barn And Fence Within 100' Of BVW At 44 Prescott Street

Anthony Dennis attended the public meeting. Laura Dennis was not able to attend. Dennis reported that he and his wife came before the Commission three years ago with a similar request to construct a 36' X 36' barn and to install a fence. When they applied previously, they did not own the property but wanted to ensure they would be able to construct a barn on the property if they owned it. This request is similar to the earlier request but they have decided to move the barn and fence further from the road but place the fence, which would allow for wildlife passage beneath it, within 10' of the wetland edge. Most of the land is currently hayed by a local farmer and has been for years. They would like to have two horses. Elliott asked if the edge of wetlands is the edge of woods. Dennis said yes. The tree line is the edge of wetlands. Previously, the fence was 25' from the wetland edge with a 1' berm about 22' from the wetland edge. Rand expressed concern that the fence is now proposed to be 10' from the wetland edge and that is too close. Rice said it was not a casual decision to keep the fence 25' from the wetlands. She added the area might not have standing water but it is a wetland that the Commission is responsible for protecting. Dinsmore asked for the dimensions of the paddock and asked how the square footage for the paddock was determined. Dennis said he wanted the horses to have as much as land as possible. Elliott asked if the barn could be moved closer to the house. The barn is not scaled on the plan and looks larger than proposed. They will probably tuck the barn into the slope as much as possible. Dinsmore asked why the fence line was moved further from Prescott Street. Dennis said his wife wanted to be able to ride in the area between the proposed fence and Prescott Street. Dennis asked for clarification about wattles and a berm and whether both would be required. Rice said the wattles are temporary during construction and the berm is permanent. Dennis asked if the berm could be installed with no wattles. Dinsmore said the wattles are used to protect the wetlands during construction of the berm. The wattles go closer to the wetlands than the berm. Elliott asked whether 10' or even 15' would be acceptable. Dinsmore said he would be fine with 10' if a berm were included. Boeing felt 10' seemed a little closer than she would like. Rice agrees with Dinsmore's comments about the 10' and the berm and said she would go closer than 25' but voiced concerns about changing the decision made three years ago. The earlier request was a Request for Determination of Applicability, not a Notice of Intent. Dennis asked the difference between the two. A Notice of Intent is more paperwork and more costly. Terrasi added the Notice of Intent must be recorded at the Registry of Deeds and a Certificate of Compliance requested after the work is completed. Dinsmore asked if a limit could be placed on the number of horses. That would not be possible. Dinsmore made a suggestion that the berm could be at the 10' mark and the fence installed inside of that. Elliott agreed if the fence was moved to 15', with the berm installed right up against the fence. Rand said the area between the fence and wetland should not be mowed. Rice commented if the area is not mowed, woody debris and invasives could take over. Elliott informed Dennis that he should contact Terrasi and stake out the fence line and berm before doing the work. On a motion from Elliott, seconded by Rand, to approve the project, with the fence installed no closer than 15' from the wetland edge and the berm no closer than 10', all

VOTED: to issue a negative Determination #3 and #6.

- B. 7:15 PM Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Tully Homes LLC To Raze A Single-Family Dwelling, Porch, Garage, Shed, And

Driveway And Construct A New Single-Family Dwelling, Porch, Deck, Driveway, And Grading And Utilities At 5 Tucker Avenue, Within The 100 Buffer Zone To BVW.

Matthew Dusenberry, working with Norse Environmental, represented Tully Homes. The lot was created in 1960, which would predate the wetlands bylaw, and a mobile home was placed on the property in 1965. The proposal is to construct a new house to replace the mobile home. The new house will be 3' further from the wetlands than the current house. There are no wetlands on this lot. The wetlands are on the abutting property. Straw wattles will be placed at the property line, which abuts the wetlands. Rand asked if the wetlands were delineated in the field. The wetlands were not delineated in the field because they are on the abutting property but Dusenberry stated the wetland vegetation is clear. Terrasi agrees the change in vegetation is clear when observed from the road and the property at 5 Tucker Av. because the wetland follows drainage from a culvert, which crosses the abutting property. Terrasi said the wetlands are more extensive than shown on the MA GIS wetlands data layer but the plan presented is accurate. The intent is to retain most of the trees. On a motion by Elliott, seconded by Rand, all

VOTED: to issue a negative Determination #3 and #6.

- C. 7:25 PM - Public Hearing Re: The Commission Will Consider A Notice Of Intent Filed By Kendra Spoth To Complete Construction Of A Single-Family House Within The 100 Ft. Wetland Buffer Zone Of BVW At 181A South Rd.

The public hearing was continued to July 13, 2021.

- D. 7:30 PM - Public Meeting Re: The Commission Will Consider A Request For Determination Of Applicability Filed By Kenneth Hartlage With Nashoba Conservation Trust To Raze The House/Cottage Onsite Within The 100' Buffer Zone To BVW At 7 Dartmouth Lane.

For the record, Rand and Terrasi recused themselves from the public meeting identifying themselves as board members of Nashoba Conservation Trust. Kenneth Hartlage with Nashoba Conservation Trust attended the public meeting. Hartlage stated that the current structure (a cottage) will be razed and all materials will be removed and disposed offsite. There is no foundation as the cottage sits on cinderblocks and posts. The site will be restored to natural conditions. Straw wattles will be installed. Rice asked whether about invasive species on the property and Hartlage confirmed there were invasives. Rice asked if the invasives could be removed at the same time the house was razed. Hartlage was concerned with invasives being pulled while heavy equipment was operating and he would rather see the invasives work occur at a different time. On a motion from Elliott, seconded by Dinsmore, all

VOTED: to issue a negative Determination #3 and #6.

- E. Discussion - Managing Suburban Wilds - Interdisciplinary Team Exploring Social & Environmental Dynamics Of Wildlife

Sara Cavallo, a postdoctoral researcher at Boston University represented the team and shared a presentation about the research work being proposed. Cavallo explained there is a deer ecology team with Jamie Goethlich and several others completing field work as well as a social science team. The teams will explore the social and environmental dynamics of wildlife in communities in NY and Massachusetts to determine why deer populations are increasing and how communities are addressing these increases. The team will use the data obtained from monitoring deer populations and observing changes to vegetation together with interviews of local officials and residents to gather the town's perspective on deer management to understand the connection between deer populations and how each town's decisions can impact deer populations. Cameras will be placed at previously-determined locations on private (with landowner permission) and public lands. The cameras will not face trails or people's houses. If photos are taken of people, they will not be shared. The project will continue for approximately three years. The team will return to the site 2-3 times each year to change camera batteries and replace SD cards. Information obtained from their research will be shared with the town. Several Commissioners offered their property for the study or assistance in reaching out to property

owners. Quinton Cutler from the Finance Committee was present on the virtual meeting and offered his assistance as well. The Commission was supportive of the project.

F. Request For Certificate Of Compliance - 75B South Rd./5 Reed Road Lot 5

Terrasi stated she received a Request for Certificate of Compliance for the property at 5 Reed Road, Lot 5, and visited the property. The house was constructed in 1978. After further research, she determined this lot is one of several lots that were included in the Order of Conditions for two common driveways off South Road. The first common driveway has only two houses (#73 and #75 South Road), while the second common driveway includes the homes on Reed Road. There is a ten acre lot that is located between them that was not included in the Order of Conditions. The owners of the two properties at #73 and #75 had recently paved their 1300' driveway but the surface was previously hard-packed gravel, which is considered an impervious surface for stormwater calculations. On a motion from Elliott, seconded by Dinsmore, with Rand recusing himself as a property owner on Reed Road, all

VOTED: to issue a Certificate of Compliance.

G. Request For Certificate Of Compliance - 1 Kayla 259-335

A Request for Certificate of Compliance was requested for 1 Kayla Lane. The Order of Conditions was issued for two common driveways in 1995, Kayla Lane and Wilderness Way. Terrasi visited the site and determined the property at 1 Kayla Lane was in compliance with the Order of Conditions. On a motion from Elliott, seconded by Rand, all

VOTED: to issue a Certificate of Compliance.

2. Review Of Draft Minutes

A. Review Of Draft Minutes Of May 18, 2021

On a motion from Elliott, seconded by Rand, all

VOTED: to approve the draft Minutes of May 18, 2021, as drafted.

3. For Signature: Schedule Of Bills Payable

None

4. Master Plan Implementation Update

None

5. Conservation Administrator's Report

A. BEARS

Terrasi said there have been numerous bear attacks on chicken coops in Pepperell. Boarding up windows and doors of chicken coops rarely works. There are several females with cubs and mating season is starting soon so more males are around. Remove all bird feeders (both day and night). Bears are active during the day. If residents have chickens or bee hives, use electric fence. Bait the electric fence with bacon or strips of aluminum foil with some peanut butter to deter the bears.

B. Meeting Calendar July To December 2021

Meeting dates for July through December 2021 are: July 13, August 3 and 17, September 14, October 5 and 19, November 2 and 16, December 7.

C. Pat Swain Rice - Self-Guided Natural History Walks

The current self-guided natural history walk is located at the Bemis Road Conservation Area. Rice continues to provide detailed information about each property, which allows people to learn about the plants present, including identification of invasive plants. Many people have commented how much they have enjoyed these walks.

D. Conservation Property On Groton Street (Hill Across From Shattuck Oil) - Proposed Signage
Discussing Geology Of Property (Drumlin)

Terrasi was contacted by Diane Cronin of the Historical Commission to request permission to place a sign at the base of the conservation land on Groton Street opposite Shattuck Oil to explain the geology of that property. Historical Commission member Robert Cataldo has spoken about the geology of Pepperell during several webinars/meetings recently. Cataldo would work with Cronin. Rice said the language and design of the sign should be shared with the Commission before the sign is finalized. Terrasi will speak with Cronin about the Commission's decision.

6. Other Business

None

7. Matters That May Be Raised That The Chairman Didn't Reasonably Anticipate

- Emergency Certification Beaver/Muskrat Permit Board of Health Permit – Terrasi reported that the Board of Health issued a permit to breach a beaver dam on Gulf Brook by the Bemis Road wellheads. Water levels are much higher as a result of a beaver dam just upstream of the wellheads and the brook is now within 15' of the wells. Terrasi issued an Emergency Certification to accompany the Board of Health Permit requiring that any breach be done slowly, in a controlled manner, to avoid downstream flooding or a sudden release of sediment and to prevent scouring. On a motion from Elliott, seconded by Rand, all voted to approve the Emergency Certification.
- Water Chestnut Treatment (Nashua River) - Terrasi informed the Commission that there will be a treatment of the water chestnuts on the Nashua River next week. The treatment date is scheduled for June 29 with a rain date of June 30.

The next Conservation Commission meeting is scheduled for Tuesday, July 13, 2021 at 7:00 PM.

Respectfully submitted

Paula Terrasi/Conservation Administrator