



Office of the
CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Co-Chairman

Mary Small, Vice-Chairman

Jennifer Pettit

Leslie W. Gabrilka,
Conservation Agent

John Hussey

Emily Norton, Co-Chairman

Veronica Kell, Clerk

Stephen Marshall

office 978-597-1700, ext. 1739
fax 978-597-1835

Minutes

Selectmen's Chambers

Memorial Hall

Wednesday, January 21, 2015 @ 7:00 P.M.

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:07 pm.

1.2. Roll Call – Co-Chairman Emily Norton (EN), Co-Chairman James Deroian (JD), Jennifer Pettit (JP) and Veronica Kell (VK) were present. John Hussey (JH) arrived at 7:29 pm. Mary Small and Stephen Marshall were absent. Conservation Agent Leslie Gabrilka (LG) was present.

1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting

4.4 Approved Forest Cutting Plan, John T. and Jane C. Stonefield, 137 Warren Rd.

4.5 Approved Forest Cutting Plan, Townsend Conservation Land Trust, Pheasant Ridge Rd.

6.1 Middlesex Conservation District Spring Plant Sale brochure

VK motioned to add 4.4, 4.5 and 6.1 to the agenda, seconded by JD, all in favor.

1.4 Chair's Report – Comments given during the meeting.

1.5 Administrator/Agent Report – LG and JP discussed JP's request to install a gate at the town's Adams Dam property in order to prevent people from driving along the river and dumping trash. They reported that they attended the Cemetery and Parks Commission meeting on 1/19/15 to discuss it with the Commission. JP motioned to install an aluminum gate with chain that is covered with reflective tape and to spend up to \$100 from the Conservation Commission budget, seconded by JD, all in favor. JP motioned to amend the above motion by limiting the time that the Commission would hold the money in reserve until mid-May, seconded by JD, all in favor.

The Town Administrator has asked departments to submit level funded operating budgets and a 2.89% salary increase.

There is an upcoming MSMCP workshop on municipal stormwater maintenance programs that LG will attend.

The Keystone Program is looking for applicants for their 2015 program. Keystone focuses on land protection and forestry practices. VK stated that she would like to attend as President of the Townsend Conservation Land Trust. JD and JH would also like to attend.

1.6 Review of Minutes (1/6/15) – JD motioned to approve the minutes as amended, seconded by JH, all in favor.

2.0 Hearings and Appointments

2.1 7:45 Notice of Intent (DEP #308-623)

Applicant: Heather and John Dovale

Location: 6 Pine Street

Project: repair of a septic system with the 100 ft. buffer zone of a Bordering Vegetated Wetland

EN opened the hearing at 7:45 pm. VK read the legal notice, checked the abutter notifications, and reported that all was in order. EN read the hearing protocol to the public.

Liz Dupre, Clear Water Environmental, represented the applicants, who were not present. She presented the proposed project, which was a septic system replacement. The original system had failed Title V, so all parts of the system will be replaced. It is 78 feet to the Bordering Vegetated Wetland at the closest point, and 62 feet from the limit of work/erosion control barrier to the BVW. The erosion control detail on the plan referred to straw bales or wattles, as references to hay bales were removed at LG's request.

JH motioned to issue a standard Order of Conditions with the special condition that the owner will notify the Conservation Commission of the contractor's name and contact information prior to construction, seconded by JD, all in favor. JP motioned to close the hearing, seconded by VK, all in favor.

2.2 8:00 Notice of Intent (DEP #308-622)

Applicant: Joan Landers, Superintendent, North Middlesex Regional H.S.

Location: 19 Main Street

Project: construction of new high school and associated site development, followed by the demolition of the existing high school. A portion of the proposed work is within the 100 ft. buffer zone of a Bordering Vegetated Wetland.

EN opened the hearing at 8:03 pm. VK checked the abutter notifications and reported that all was in order. JD read the legal notice. Erin Prestileo and John Hart, civil engineers with SMMA, and Peter Collins, Project Manager with Heery International, represented the applicant. North Middlesex Regional School District Superintendent Joan Landers, and Oscar Hills, NMRSD Director of Building and Grounds, were present.

Ms. Prestileo presented the proposed project to the Commission. The District hopes to begin construction on June 1, 2015. Construction of the new high school building will take two years to complete, so students will be in the new building by September 2017. At that point, demolition of the original high school and cleanup site will begin, followed by construction of the new parking lot and landscaping. The second stage of the project should take between 10-12 months. It is a fast paced schedule, and they plan to go out to bid for contractors on March 1, 2015. The current number of 420 parking spaces will be reduced to 375 as a result of the reduced future student population projections.

There are two wetlands on or near the property. One is a vernal pool to the northwest that has not been certified, and the other is a Bordering Vegetated Wetland to the southeast. Both have been flagged. Currently all of the stormwater runoff that is directed to these two wetlands is untreated. As a redevelopment project, the stormwater associated with the new construction will be pretreated to the maximum extent practicable.

JP asked about tree clearing, specifically in the southwestern portion of the site near the softball field. Ms. Prestileo noted that the softball field is 100 ft. from the property line, so they are not in a wetland buffer zone.

Approximately 25% of the roof runoff will flow to an infiltration trench on the northern side of the building, and then flow to the northwestern wetland. The infiltration trenches will handle a 25-year storm, but the 100-year storm event will result in untreated overflow runoff to the vernal pool. Seventy-five percent of the roof runoff will be directed to an existing leach field that will not be removed, and will receive pretreatment before entering the groundwater. They are significantly reducing the peak runoff rate.

JH asked about how the square footage of the new building compares to the existing structure. The existing high school is 197,000 sq. ft., and the new school will be 180,000 sq. ft. due to the fact that it will be two stories.

Seven bioswales have been proposed in the parking area to pretreat stormwater. They may be mowed once a year. The 100-year storm event will be handled by the catch basins sunk below the pavement.

JP asked if there were other wetlands located above the wetland to the southeast. Ms. Prestileo responded that she did not believe there were any. JP also asked if the chain link fence that will be installed could have some kind of wind screen attached to protect hatchlings from entering a construction area.

EN asked whether there was any pretreatment of the proposed temporary parking lot, which will have enough room for 121 vehicles. Ms. Prestileo responded that they would propose a pretreatment system for that area. Mr. Hart suggested a stone infiltration swale around the perimeter of the parking area.

Snow storage was discussed, particularly with respect to the bioretention swales. Ms. Prestileo said that the swales would be raked once a year to remove any debris. The Commission stated that no snow can be plowed into the swales. JH asked if they had calculated enough storage capacity for snow. Ms. Prestileo stated that the bioswales are 30" wide, and that they had proposed to allow the school to plow the snow into the swales with the understanding that it would be removed within 48 hours. In addition, she stated that the proposed 5' wide curb cuts to 10' deep filter strips would infiltrate stormwater before it reaches the bioswales.

EN questioned how the wastewater from the biology and chemistry labs would be handled. Ms. Prestileo replied that the wastewater would discharge to a neutralizing tank to be monitored for pH levels, and then discharged into the septic system. EN responded that while she taught in the Wayland Public School, a private company removed the wastewater with the lab chemicals from a holding tank. The wastewater could not be discharged into the ground. Ms. Prestileo further stated that the Nashoba Board of Health was reviewing the lab wastewater and that it was probably going into a tight tank. The Commission and Ms. Prestileo will check on that provision.

Due to outstanding issues that could not be resolved in this initial hearing, the applicant agreed to set a continuation date. Mr. Collins indicated that they were on a tight schedule and needed to complete the Commission's review as soon as possible. The Commission agreed to move the hearing date up one week. VK motioned to continue the hearing to Wednesday, February 4, 2015 at 7:45 pm., seconded by JH, all in favor.

3.0 Work Session

- 3.1 Review of Wetlands Protection Act regulations concerning Bordering Vegetated Wetlands –**
Due to time constraints, VK's presentation was tabled until a future meeting.
- 3.2 Discuss TAYSA Memorandum of Understanding –** EN reported that she gave the MoU draft to TAYSA as well. She, JP, Joseph Simao and Andy Jastrap will be meeting on 1/27/15 at 7:00 pm to review proposed changes. The discussions are going very well. The Commission had no comments on the proposed changes. JD may go to the meeting. JP reported that she recently went down to the soccer fields and found the sign down and broken. She brought it to Andy Jastrap and the field coordinator, Amanda, to be repaired.
- 3.3 Discuss and vote on Request for Certificate of Compliance for DEP #308-531, 75, 77 and 81 Emery Road –** LG reported that she had been pursuing the engineer's certification for years in order to issue the COC for the homeowners. The engineer submitted a statement that the driveway was constructed in substantial compliance with the Order of Conditions and approved plan. She recommended issuing the Certificate. JD motioned to issue a COC for DEP #308-531, seconded by VK, all in favor.
- 3.4 Discuss putting Conservation Commission minutes on the town website. –** VK motioned to put the minutes on the town website, seconded by JP, all in favor.
- 3.5 Discuss trail work and trail map of Old Meetinghouse Park and Old Meetinghouse Road –**
tabled due to time constraints
- 3.6 Discuss ideas for future DEP Circuit Rider regional workshops in Townsend –** LG reported that the Stormwater Workshop will be held on Monday, February 2nd at 7:00 pm in the Great Hall. It will be a "hands on" review of stormwater managements plans as a follow up to the January 13th workshop. The Commission agreed that LG should continue to schedule educational workshops with Judy Schmitz, the new DEP Central Region Circuit Rider
- 3.7 Discuss Commissioner volunteer choices -** EN reviewed the possibilities for Commissioners to not only become familiar with Commission responsibilities, but to be involved with Commission activities in addition to attending regular meetings.
- 3.8 Discuss Commissioner attendance –** EN noted that a Commissioner had missed 5 meetings with no communication with anyone on the Commission or the office. The Board of Selectmen made it clear this past summer that if such a situation occurs, the respective board should go through the process of declaring that position vacant. The Commission discussed their concerns. JP motioned to begin the process, seconded by VK. There was no opposition. EN asked JH if he would like to abstain, which he did. All in favor with the exception of JH abstaining. The motioned passed.
- 3.9 Discuss learning together choices –** LG suggested that she ask Judy Schmitz, the new DEP Central Region Circuit Rider, to give workshops in Townsend on wetland regulations that would be open to area Commissions. EN and LG will be attending the MACC workshop on the proposed Tennessee Gas Pipeline.
- 3.10 Discuss registration for MACC Annual Environmental Conference and Fundamentals workshops –** EN, JP, VK, JD, JH and LG are planning to attend. Commissioners can register on line and/or submit their registration forms to LG for payment at the next meeting. EN, VK and JP gave LG their registration forms. EN and LG will attend the workshop on the proposed Tennessee gas pipeline. EN said that she had learned about the possibility of invoking the Public Trust Doctrine, which states that the foundation of all levels of government is to protect the survival of present and future generations.
- 3.11 Discuss Fix FERC First letter –** EN discussed her Fix FERC First letter, which stated that there should be a moratorium on all new FERC filings until the process involved in issuing Certificates of Public Convenience and Necessity undergoes a comprehensive review. She noted that demand for exported gas from foreign countries was included in the determination of whether the construction of the pipeline should be determined to be a Public Convenience and Necessity. She also discussed the proposed letter to State Senator Jennifer Flanagan, asking her support in protecting Article 97 lands from pipeline construction. Legislation will soon come before the

Massachusetts assembly, asking that certain public lands be removed from Article 97 protection in order to allow for pipeline construction. JD motioned to sign the Fix FERC First and Article 97 letters, seconded by VK, all in favor. The Commission signed the Fix FERC First letters to Congresswoman Niki Tsongas and Senators Ed Markey and Elizabeth Warren, and the Article 97 letter to Senator Flanagan.

3.12 Discuss Town of Townsend Annual Report 2014- LG will draft the annual report and email it to the Commission for comments. She asked Commissioners to send in whatever they would like to see included in the report.

3.13 Discuss Ethics Training requirement – LG stated that JP, JD and SM need to complete their Ethics training and submit the certificate of completion to the town clerk’s office.

4.0 Correspondence - noted

4.1 Thank you from Nashua River Watershed Coalition for Conservation Commission contribution

4.2 MA Division of Fisheries & Wildlife comment on Forest Cutting Plan: Warren Rd, John and Jane Stonefield

4.3 Town Accountant 12/31/14 Conservation Commission expenditure report and Wetland Protection Act revolving fund

4.4 Approved Forest Cutting Plan, John T. and Jane C. Stonefield, 137 Warren Rd.

4.5 Approved Forest Cutting Plan, Townsend Conservation Land Trust, Pheasant Ridge Rd.

5.0 Items for discussion at the next meeting

6.0 Advertisements and Conferences

6.1 Middlesex Conservation District Spring Plant Sale brochure

6.2 Kindergarten Morgan Open Houses Announced: All held 6-8 pm

**January 27: Milford, NH
Hampshire Dome
50 Emerson Road, Milford, NH 03055**

**January 28: Berlin, MA
Berlin Memorial Elementary School Gymnasium
34 South Street, Berlin, MA 01503**

**January 29: Fitchburg, MA
Fitchburg Memorial Middle School Gymnasium
615 Rollstone Street, Fitchburg, MA 01420**

**February 3: Rindge, NH
Four Star Catering
18 Lisa Drive, Rindge, NH 03461**

**February 4: Winchester, NH
Winchester High School Gymnasium
85 Parker St, Winchester, NH 03470**

**February 5: Greenfield, MA
Greenfield Community College Cafeteria
One College Drive, Greenfield, MA 01301**

**February 9: New Lebanon, NY
New Lebanon Junior-Senior HS
14665 New York 22, New Lebanon, NY 12125**

**February 10: Pittsfield, MA
Berkshire Community College Cafeteria
1350 West St., Pittsfield, MA**

**February 11: Farmington, CT
Farmington High School Cafeteria
10 Montieth Dr., Farmington, CT**

**February 12: New Scotland, NY
Colonie Country Club
141 Maple Rd., Voorheesville, NY 12186**

**February 17: Andover, MA
Wyndham Hotel
123 Old River Rd., Andover, MA 01810**

**February 18: Londonderry, NH
Londonderry High School Cafeteria
295 Mammoth Road, Londonderry, NH 03053**

**February 19: Hudson, NH
White Birch Banquet Hall;
222 Central St., Hudson, NH 03051**

7.0 Next meeting – Wednesday, February 4, 2015 at 7:00 pm

8.0 Adjournment – JD motioned to adjourn at 10:33 pm., seconded by JH, all in favor.
Minutes respectfully submitted by Leslie W. Gabrielska, Conservation Agent.