



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. Gabriliska,
Conservation Agent

John Hussey

Emily Norton, Co-Chairman

Veronica Kell, Clerk

Stephen Marshall

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Minutes

Meeting Room 2

Memorial Hall

Tuesday, January 6, 2015 @ 7:30 P.M.

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:37 pm.

1.2. Roll Call – Co-Chairman Emily Norton (EN), Mary Small (MS), Jennifer Pettit (JP), Veronica Kell (VK) and John Hussey (JH) were present. Co-Chairman James Deroian (JD) arrived at 7:45 pm. Stephen Marshall was absent. Agent Leslie Gabriliska (LG) was present.

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

3.20 Discuss putting Conservation Commission minutes on the town website.

3.21 Review and sign Sexual Harassment Policy

3.22 B&C Associates wetland replication area report for 234 Wallace Hill Rd (DEP #308-599)

3.23 NHESP response to work proposed at McGovern Farm

MS motioned to add the above-listed items to the agenda, seconded by JP, all in favor.

3.24 Discuss vote to extend Orders of Conditions for DEP #308-565, Lot 3, Fitchburg Rd.

JD motioned to add 3.24 to the agenda, seconded by MS, all in favor.

1.4 Chair's Report – EN proposed the following items:

1. Volunteering at Town hall: If each Commissioner would volunteer between 1 to 2 hours per week in the Commission office, though would have a better understanding of the work that is handled by the office. At one of the MACC Fundamentals courses that she completed, she learned that some Commissions have no professional help, and must do all of the site visits, permitting, enforcement, etc., themselves. She pointed out that each Commissioner signed up for more than 1 or 2 meetings per month, so volunteering 1 to 2 hours in the town hall would increase their knowledge of conservation responsibilities and assist with office responsibilities as well.. She gave each Commissioner a list of possible ways that they could participate in Commission activities. The list included improving the Commission page on the town website to makes it a really useful tool for townspeople, such as providing links to state and local forms. She suggested that Commissioners investigate other towns' websites to get ideas. Commissioners could keep abreast of wetland course offerings and advise each other of the same. In addition to the Massachusetts Association of Conservation Commissions' workshops, the Association of Massachusetts Wetland Scientists, New England Wildflower Society and UMass Amherst also offer courses. Someone could take on the job of locating and mapping

invasives throughout town that could be effectively treated. Marking boundaries of conservation land, and maintaining trails and bridges would also be an immense help.

2. Learning the regulations together: The MACC Fundamentals courses just touch the surface of the regulations and other topics that Conservation Commissioners must know. She suggested that prior to each meeting a designated Commissioner would look through the MACC handbook and prepare a 10-15 discussion about a subject that Commissioners should know. That Commissioner would read the section and any other relevant documents, such as a section of the regulations, and be able to highlight the important aspects of the material and explain it in detail. EN asked VK to review the information on Bordering Vegetated Wetlands for the next meeting, which VK agreed to do. She provided a list of topics that would be helpful for the Commission to review together.
3. In an effort to adjourn earlier than the Commission has been for the last few meetings, EN suggested that the Commission go back to meeting at 7:00 pm so that some of the work session items could be discussed before the hearings. Hearings would still be scheduled at 7:30 so that those who could not arrive by 7:00 would not miss the hearings.
4. Regarding #2 above, EN offered the first presentation on wetland topics. She reviewed the MACC handbook, Orders of Conditions under the Wetlands Protection Act and the Townsend Wetlands Bylaw, and the DEP Enforcement Manual for information on a Commissioner's ability to enter private property for Conservation Commission business. She suggested that the Commission document in writing the name of the person who gives the Commission permission to enter the property. LG noted that the Commission has used aerial surveillance in the past. EN suggested having the applicant and/or property owner initial the section in their Order of Conditions that authorizes the Commission and/or it's agent to go on their property. LG noted that she notifies a homeowner before visiting a property when it is a private homeowner, but she does not usually notify the landowner in the case of an inspection at an ongoing housing development.
5. EN discussed the draft Memorandum of Understanding that she and JP worked on with TAYSA (Townsend Ashby Youth Soccer Assoc.). It will accompany the signed lease agreement, which has been extended for an additional five years, and will be incorporated in the revised lease agreement once the five years is up. She asked that the Commission review the draft and approve it so that she can present it to TAYSA as approved by the Commission.

1.5 Administrator/Agent Report – LG reviewed her recent Agent activities. She also reported that the balance in the Conservation Land Fund is currently \$32,000. She needs to contact our state legislators to ask them to sponsor legislation to sell some conservation land to the MA Division of Fisheries and Wildlife. She will confirm that there is still sufficient funding before proceeding.

1.6 Review of Minutes (9/3/14, 9/24/14, 10/08/14, 10/21/14, 12/10/14) – VK motioned to accept the previously listed minutes, with the additional information to be added to Section 3.4 of the 12/10/14 minutes, seconded by JD, all in favor.

2.0 Hearings and Appointments

2.1 7:45 Notice of Intent

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.

The applicant's representative did not have the abutter notifications, so the Commission was unable to open the meeting. The hearing was continued to Wednesday, January 21, 2015 at 8:00 pm. LG will see if the Selectmen's Chambers is available that night so that the PowerPoint presentation can be more easily viewed.

3.0 Work Session

- 3.1 **Discuss grass identification workshop with Dennis Magee** – MS reported that the fee would be \$300 for a two day session (indoors one day, outdoors on the 2nd day). We would need access to dissecting microscopes. MS will check on the Country Day School in Groton. The Commission discussed locations for the workshop, and agreed at this point to the DFW Townsend Hill Wildlife Management Area.
- 3.2 **Discuss Dennis Magee’s new textbook, *Grasses of the Northeast*, and companion DVD produced with the assistance of Mary Small** – JP motioned to purchase two copies of Grasses of the Northeast for \$39.99 each, seconded by JD, all in favor.
- 3.3 **Planning Board Mandatory Referral: amendments and forms for stormwater compliance** – LG briefly reviewed the history of the draft regulations and the changes that she proposed. She recommended adding references to the Estimated and Priority Habitat Map for Endangered Species and increasing the applicant’s fee if land to be donated to the town has a stormwater structure located on it. VK motioned to authorize LG to make any necessary changes to the proposed amendments to the Planning Board Rules and Regulations, seconded by JD, all in favor.
- 3.4 **Discuss trail work and trail map of Old Meetinghouse Park and Old Meetinghouse Road** - tabled
- 3.5 **Proposed Tennessee Gas Pipeline update – lateral to go from Mason, NH to Lunenburg, MA** - EN, VK (President of the Townsend Conservation Land Trust) and Townsend resident Carolyn Sellars have been working on a presentation to Townsend homeowners and others in the surrounding communities. It will be held at the Townsend Public Library Meeting Hall on Sunday, January 11th at 1:30 pm.
- 3.6 **Discuss Conservation Commission associate position** – tabled
- 3.7 **Discuss and vote to extend Order of Conditions for DEP #308-564, Lot 1, Fitchburg Rd.** – JD motioned to extend the Order of Conditions for DEP #308-564 for an additional three years, seconded by VK, all in favor.
- 3.8 **Discuss and vote to extend Order of Conditions for DEP #308-566, Lot 4, Fitchburg Rd.** - JD motioned to extend the Order of Conditions for DEP #308-566 for an additional three years, seconded by VK, all in favor.
- 3.9 **Discuss and vote to extend Order of Conditions for DEP #308-567, Lot 6, Fitchburg Rd.** JD motioned to extend the Order of Conditions for DEP #308-567 for an additional three years, seconded by VK, all in favor.
- 3.10 **Discuss and vote to extend Order of Conditions for DEP #308-568, Lot 8, Fitchburg Rd.** JD motioned to extend the Order of Conditions for DEP #308-568 for an additional three years, seconded by VK, all in favor.
- 3.11 **Discuss Determination for TWB #2008-57, Lot 7, Fitchburg Rd** – tabled
- 3.12 **Discuss associate member position** – tabled (Duplicate agenda item - see 3.6)
- 3.13 **Discuss and vote on Request for Certificate of Compliance for DEP #308-531, 75, 77 and 81 Emery Road** – LG reported that the Commission still had not received the engineer’s statement for the common driveway, so the matter was tabled until the next meeting.
- 3.14 **Review Draft Forest Cutting Plan, John and Jane Stonefield, 137 Warren Rd** – The Commission recommended that LG remind the Forester that Warren Road is a Scenic Road, so there would be a 100 ‘ buffer strip if they propose to do any logging in that area.
- 3.15 **Discuss and vote on Request for Certificate of Compliance for DEP #308-562, Lot 12, 91 Ash St. (Deer Run)** – *tentative*. The Request was not submitted, so the matter was tabled pending removal of the straw wattle plastic netting.
- 3.16 **Discuss and vote on Request for Certificate of Compliance for DEP #308-549, 2 Apple Drive** – LG reported that this was one of the many outstanding Orders of Conditions that had never been “closed out”, so she contacted the landowner in an effort to do so. The landowner submitted the Request for a Certificate of Compliance, and LG inspected the site. The project was a septic repair from 2007. LG further noted that the septic system as-built was in substantial compliance

with the proposed work. The system was fully stabilized and she recommended issuance of the Certificate. MS motioned to issue a Certificate of Compliance for DEP #308-549, seconded by JP, all in favor.

3.17 Sign duplicate Certificate of Compliance for DEP #308-202, 11 Koski Way- LG received a call from a closing attorney who needed a Certificate for 11 Koski Way prior to closing. The Order was issued in 1990; however, there is no file on the project. LG checked the Middlesex South Registry of Deeds and found that a COC had been issued and recorded under the bylaw on 6/12/91, but not the MA Wetlands Protection Act. She recommended signing the COC under the Wetlands Protection Act. Signed.

3.18 Discuss and vote on Requests for Certificates of Compliance for DEP #308-330 and 349, West Meadow Estates. – LG reported that she received a call from an attorney in response to a title search, who needed two Certificates of Compliance in order to release a condominium at West Meadow Estates. She recommended the issuance of a Certificate of Compliance for DEP #308-330, which was for a septic system, noting that the Board of Health had numerous Title V inspections since the Order was issued in 1997. VK motioned to issue a Certificate of Compliance for DEP #308-330, seconded by MS, all in favor.

LG recommended waiting on DEP #308-349 in order to allow her to research what the project entailed and whether an engineer's statement would be necessary. She has been unsuccessful in getting hold of the West Meadow Estates management office and will continue to pursue it.

3.19 Discuss future workshops with DEP Central Region Circuit Rider Judy Schmitz. – tabled except that all agreed that stormwater workshops would be beneficial. LG will schedule the stormwater workshop.

3.20 Discuss putting Conservation Commission minutes on the town website. – discussed. LG will check on other town websites to see if their minutes are posted.

3.21 Review and sign Sexual Harassment Policy – Required annually by the town. All those who were present reviewed and signed the document. LG will turn them in to the Board of Selectmen.

3.22 B&C Associates wetland replication area report for 234 Wallace Hill Rd (DEP #308-599)- LG read the report aloud

3.23 NHESP response to work proposed at McGovern Farm – EN read the response aloud

3.24 Discuss vote to extend Orders of Conditions for DEP #308-565, Lot 3, Fitchburg Rd. - JD motioned to extend the Order of Conditions for DEP #308-565 for an additional three years, seconded by VK, all in favor.

4.0 Correspondence

4.1 Copy of letter from Karen Hill to Board of Selectmen and MA Attorney General

4.2 Town Clerk reminder regarding Commonwealth of MA Ethics Training

4.3 Board of Selectmen memo re: FY16 budgets due 1/21/15

4.4 Board of Selectmen employee 2015 legal holidays

4.5 Copy of letter from Kevin Smith Site Contractors to Natural Heritage & Endangered Species Program

5.0 Items for discussion at the next meeting

6.0 Advertisements and Conferences

6.1 Townsend Conservation Land Trust homeowner meeting on proposed Tennessee Gas pipeline, Sunday, January 11, 2014 at Townsend Public Library meeting hall. Time to be determined

6.2 Fall Special Town Meeting, Wednesday, January 7th, 7 pm, Memorial Hall

6.3 Annual Town Meeting, May 5, 2015

7.0 Next meeting – Wednesday, January 21, 2015

8.0 Adjournment – JP motioned to adjourn at 10:30 pm., seconded by VK, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska, Conservation Agent.