



Office of the
CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Co-Chairman

Veronica Kell, Clerk

John Hussey

Leslie W. Gabriliska,
Conservation Agent

Emily Norton, Co-Chairman

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Minutes

Selectmen's Chambers

Memorial Hall

Wednesday, February 18, 2015 @ 7:00 P.M.

1.0 Preliminaries

- 1.1. Open Meeting** – Co-Chairman Emily Norton opened the meeting at 7:26 pm.
- 1.2. Roll Call** – Co-Chairman Emily Norton (EN), Jennifer Pettit (JP), Veronica Kell (VK) and John Hussey (JH) were present. Co-Chairman James Deroian (JD) arrived at 8:06 pm. Stephen Marshall was absent. Conservation Agent Leslie Gabriliska (LG) was present.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting**
 - 3.9 Letter of resignation from Karen Chapman as the Conservation Commission's representative to the Town Properties Committee**
 - 3.10 Discuss warrant article for May 5, 2015 ATM to transfer available funds to the Conservation Land Fund (due 5:00 pm, March 2nd)**
 - 3.11 Planning Board Mandatory Referral: Riverbank Development, LLC, 13 Elm St. Reconstruction of Townsend Fire Station**
 - 4.3 Planning Board Decision on North Middlesex Regional High School building project**
 - 4.4 Planning Board endorsed ANR: David & Susan Hopkins, Turner Rd**
 - 4.5 Town Accountant Expenditure and Budget detail**
 - 4.6 Volunteer Response Form: Carolyn Matthews**
 - 7.1 Executive Session to consider the purchase, exchange, lease or value of real estate.**

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

With regard to 2.3, LG suggested that they go in to Executive Session at the end of the meeting so that they could announce that they would adjourn from Executive Session and immediately adjourn from the regular meeting with no discussion of any additional business. Then those in attendance could leave if they so chose.

- 1.4 Chair's Report** – Comments given during the hearings and work session.
- 1.5 Administrator/Agent Report** – Comments given during the hearing and work session.
- 1.6 Review of Minutes (1/21/15, 2/4/15)** - JP motioned to approve the minutes as revised, seconded by VK, all in favor.

2/18/15 approved public meeting minutes

2/18/15 approved and released executive session minutes

2.0 Hearings and Appointments

2.1 7:45 Notice of Intent

Applicant: Barbara E. Wagner

Location: 4 Capricorn Lane

Project: proposed addition within the 200 ft. Riverfront Area of Witch Brook and the 100 ft. buffer zone of Bordering Vegetated Wetlands

EN read the hearing protocol out loud to the public. She opened the hearing at 7:45 pm. VK read the legal notice, checked the abutter notifications, and reported that Amanda-Lee and Benjamin Quirk, and James and Rita Felton had not returned the green cards. However, there were certified receipts dated 1/29/15, so the Commission proceeded with the public hearing.

Greg Hochmuth, wetland scientist with Williams & Sparages, represented the applicant, who was not present. He submitted a check in the amount of \$12.50, payable to the Town of Townsend, for the remaining bylaw fee. He then presented the project to the Commission. The property sits approximately 20 feet above Witch Brook, a perennial stream with 200 ft. Riverfront Area. Almost the entire lot is located in the Riverfront Area. It was built in the 1980s when the jurisdiction known as Riverfront Area (RA) did not exist.

The applicant would like to add a garage with a second floor art studio, and enlarge the kitchen. Currently there is no garage. They are proposing to disturb 2,543 sq. ft. of RA, which includes 220 sq. ft. of existing pavement. Approximately 908 sq. ft. of alteration will be in the inner riparian zone. Under the Wetlands Protection Act, 10% or 5,000 sq. ft. of alteration within the Riverfront Area is allowed on lots recorded before the Rivers Protection Act went in to effect.

For mitigation, Mr. Hochmuth proposed a drip trench along the back of the garage. They will also do plantings along the existing line of woods to increase the line of demarcation and enhance the RA. He proposed planting 11 red osier dogwoods.

A small section of the proposed turnaround area of the driveway is in Estimated Habitat for Endangered Species, so he filed with NHESP. NHESP has 30 days to issue a response. Mr. Hochmuth noted that LG had advised him that the Commission would be requiring erosion controls that did not contain hay in an ongoing effort to control the spread of invasive species.

LG asked if they had located an alternative place to dump compost and brush, which is located currently about 35' – 50' on the Townsend Conservation Commission's open space and in the buffer zone. He responded that they were aware of the need to do that and would find a location off the Open Space and further away from the wetland before the next meeting.

EN asked if they could move the garage forward to pull it further away from Witch Brook. Mr. Hochmuth responded that if they did, they would need to remove the pavement and walkway. The proposed location is best for the expanded kitchen. They would need to relocate the kitchen within the house, which would not be a practicable alternative. They could not locate the addition on the other side of the house because the kitchen would need to be relocated within the house and the entire driveway would need to be relocated.

They could not move the driveway turnaround to the other side of the driveway because of the septic system. All of the work is within existing maintained lawn or landscaped areas as well as over portions of the existing driveway and walkway. EN asked Mr. Hochmuth to explain "grandfathering" with respect to the Riverfront Area provisions of the Wetlands Protection Act.

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Mr. Hochmuth will submit a revised plan at the next meeting showing the new location of the compost pile, all references to hay bales removed, and the walkway at the rear of the property if it is to remain. JP suggested Mr. Hochmuth read *Living with Nature* by Doug Tallamy for planting ideas.

JD motioned to continue the hearing to Wednesday, March 11, 2015 at 8:15 pm., seconded by JP, all in favor.

2.2 8:00 Appointment with Thomas J. Murphy, Manager, Environmental Compliance & Business Continuity, Unitil Corporation, regarding maintenance on the 10 line

Tom Murphy presented the project to the Commission, which is exempt from permitting under the Wetlands Protection Act (MGL Ch. 131, Sec. 40) and the Townsend Wetlands Bylaw (Ch. 138, Sec. 1(C)). Unitil will be replacing the static line along the 10 line over a distance of 3.4 miles in Townsend. There are 50 structures supporting that line. The line consists of 3 strands, and was installed between 1958 and 1960. Modern static lines now consist of six strands.

The utility right of way crosses or borders four wetlands and crosses 13 streams/waterbodies in Townsend. It also crosses a well protection field for a public water supply and a substantial amount of endangered species habitat.

Once Unitil begins work, the project should take no more than 2 months to complete. They will be using the same contractors that they used for the work in Townsend in 2011. They last walked the line in the fall of 2013, but will walk it again before the project starts. Waterman Design Associates will again be the contractor responsible for protecting the wetland resource areas and wildlife habitat. At a minimum, Brian Waterman will walk the line in advance of the upcoming work that week to locate areas of concern. He will also check on the work after it has been completed. Where it is possible to use vehicles, Unitil will use wide track rubberized vehicles. They will manually climb poles that are in or near a wetland.

Unitil cannot take advantage of the utility exemption under the Massachusetts Endangered Species Act as they have not submitted an Operation and Maintenance Plan, or an annual revision, to NHESP. They have submitted the Request for Information Form and may be subject to a MESA project review. Unitil will keep the Commission informed of the outcome of that Request.

JP asked if she could join Brian Waterman in meeting with the line workers to discuss what to look for when they are out in the field. Mr. Murphy responded that she would be able to do so.

The Commission thanked Mr. Murphy for presenting the upcoming utility maintenance work to the Commission.

3.0 Work Session

3.1 Vote to declare a vacancy on the Conservation Commission – JP motioned to declare Stephen Marshall's position vacant, seconded by VK. JP commented that it is important for the Commission to try and find volunteers who are dedicated to conservation issues and who are prepared to protecting wetlands and enforce the laws. She suggested sending a memo to the Board of Selectmen, asking that they follow the recommendations of the Conservation Commission when future appointments are made

EN asked JH if he would like to abstain from the vote, to which he responded yes.

The Commission then voted all in favor, with JH abstaining - the motion passed. LG will post the vacancy.

- 3.2 Sign letter of appreciation to Karin Canfield Moore for the donation of *The Squannacook Eclogues* – signed.**
- 3.3 Sign letter of appreciation to Gary Sirois for the donation of a *Central Mass Bluebird Trails* calendar – signed.** Mr. Sirois has been actively providing bluebird habit by placing bluebird nesting boxes at Squannacook Meadows, and has participated in the Christmas Bird Count for the past two years.
- 3.4 Discuss the Nashua River Watershed Associations’ inquiry re: designation of “Healthy Heart Trails” in Townsend** - Commissioners suggested several possibilities:
 1. Fessenden Hill Road through the Townsend State Forest, which has parking and is a well-marked trail
 2. The Townsend Conservation Land Trust trail behind Pheasant Ridge
 3. Howard Park near Hawthorne Brook and Squannacook Early Childhood Center, which has ample parking
 4. The trail system in the Townsend State Forest across from Atwood Acres, which has ample parking. The Healthy Heart Trail would need to be clearly marked as there are a lot of cross trails.
 5. Pearl Hill State Park, which is clearly marked and has ample parking
- 3.5 Request from Board of Selectmen for recommendation of Conservation Commissioner to serve on the Northeast Municipal Gas Pipeline Coalition and attend meetings.** – Sue Lisio, Chairman of the Board of Selectmen, is no longer able to attend the Monday morning meetings of the Coalition, and asked Town Administrator Andy Sheehan for assistance in finding a replacement. In light of the Commission’s involvement in pipeline issues, Mr. Sheehan sent the above-referenced memo to the Commission. VK motioned to recommend that the Selectmen appoint LG to serve as a Townsend representative to the Northeast Municipal Gas Pipeline Coalition and attend meetings, seconded by JP, all in favor.
- 3.6 Review final draft of Conservation Commission 2014 annual report – approved.**
- 3.7 Discuss trail map of Old Meetinghouse Park and Old Meetinghouse Road –** the discussion and decision was tabled until a later meeting when more time could be devoted to the matter.
- 3.8 Bills payable: registration for Jim Deroian and John Hussey to attend the MACC 2015 Annual Environmental Conference.** – VK motioned to authorize the payment of \$230.00 from the Wetlands Protection Act fund to pay for JD and JH to attend the conference, seconded by JP, all in favor.
- 3.9 Letter of resignation from Karen Chapman as the Conservation Commission’s representative to the Town Properties Committee –** LG explained that the Selectmen will send a memo asking the Commission to recommend one of their members to serve on the Town Properties Committee. The Selectmen will then make the appointments to the Committee. Commissioners will consider whether they would like to volunteer for the position in preparation for the Selectmen’s request.
- 3.10 Discuss warrant article for May 5, 2015 ATM to transfer available funds to the Conservation Land Fund (due 5:00 pm, March 2nd) –** LG explained that it may be a difficult year to ask for money for the Conservation Land Fund, as the snow and ice budget may utilize all available funds. They agreed that asking for any more than \$5,000 might not pass, but that \$5,000 might be palatable for Town Meeting. JH motioned to submit a warrant article for Spring Town Meeting to request \$5,000 in available funds for the Conservation Land Fund, seconded by JP, all in favor.
- 3.11 Planning Board Mandatory Referral: Riverbank Development, LLC, 13 Elm St. Reconstruction of Townsend Fire Station –** tabled until the March 11th meeting.

4.0 Correspondence

- 4.1 Volunteer Response Form: Heather Hampson –** EN noted that several people have submitted volunteer response forms, indicating their interest in serving on the Conservation

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Commission. LG had made initial calls earlier today to invite them to the meeting. She will send them a letter of invitation. (see 4.6)

4.2 Conflict of Interest certificate of completion: Christine Vitale – Ms. Vitale was in attendance at the meeting. She may be attending the MACC Annual Environmental Conference on 2/28/15.

4.3 Planning Board Decision on North Middlesex Regional High School building project – noted.

4.4 Planning Board endorsed ANR: David & Susan Hopkins, Turner Rd – noted.

4.5 Town Accountant Expenditure and Budget detail - noted

4.6 Volunteer Response Form: Carolyn Matthews – see 4.1

5.0 Items for discussion at the next meeting – 3.11, the status of Old Meetinghouse Road, thank you letters to former Commissioners Karen Chapman and Mary Small.

6.0 Advertisements and Conferences

7.0 Next meeting – Wednesday, March 11, 2015 at 7:00 pm

7.1 Executive Session to consider the purchase, exchange, lease or value of real estate.

At 9:13 pm, EN motioned to go in to Executive Session to consider the purchase, exchange, lease or value of real estate, and will adjourn from Executive Session only to adjourn from the regular public meeting, seconded by JP, with the following roll call vote: EN – aye, JP – aye, JD – aye, JH – aye, all in favor.

The Commission asked the public to please leave the room, and adjourned into Executive Session.

EN read the memo from the Board of Selectmen, requesting the Commission's recommendation on purchasing a portion of land located at 181 Fitchburg Road. The owner, Robert Therrian, was offering the land to the town with the thought that the land could be utilized for a town ball field. The Commission reviewed the memo from Land Use Coordinator Karen Chapman, who had discussed it with LG. According to the Forest Cutting Plan, there was a 1.5 acre wetland on the property, as well as a stream. The access from Laurel Woods Drive is only 6.92 feet wide, so there is no access for vehicles for off street parking. In addition, the asking price is substantially higher for back land prices than the appraised price offered by the Division of Fish and Game for the former Clement property off South Row and Emery Roads.

The Commission discussed the matter at length and agreed that since the town has extremely limited financial resources, they could not recommend purchasing this particular parcel. VK motioned that the Conservation Commission does not agree with purchasing the proposed property, and suggested that the owner consider consulting with the Townsend Conservation Land Trust to discuss a possible bargain sale, seconded by JP, all in favor.

At 9:30 pm, JP motioned to leave Executive Session, seconded by JD, with the following roll call vote: EN – aye, JD – aye, VK – aye, JH – aye, all in favor, the motion passed. The Commission returned to open session.

8.0 Adjournment – At 9:31 pm, JD motioned to adjourn, seconded by VK, all in favor. Minutes respectfully submitted by Leslie W. Gabriliska