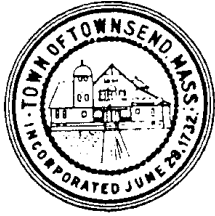


Office of the
CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469



James Deroian, Co-Chairman

Veronica Kell, Clerk

Leslie W. Gabrilka,
Conservation Agent

Jennifer Pettit

Emily Norton, Co-Chairman

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Minutes
Selectmen's Chambers
Memorial Hall
Wednesday, March 11, 2015 @ 7:00 P.M.

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:34 pm.

1.2. Roll Call – Co-Chairman Emily Norton (EN), Veronica Kell (VK) and John Hussey (JH) were present. Jennifer Pettit (JP) arrived at 7:35 pm. James Deroian (JD) arrived at 8:00 pm. Conservation Agent Leslie Gabrilka (LG) was present.

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

3.8 ZBA Referral notice: Andrew & Wendy Hammond, 11 & 15 Sauna Row Rd

4.4 ZBA Notice of Decision and Decision for a Waiver: NMRSD, 19 Main St.

4.5 Nashua River Watershed Association 2014 Annual Report

4.6 Erosion Control , Journal of the International Erosion Control Association

4.7 BOS Official Notification of Leslie Gabrilka's Appointment to Northeast Municipal Gas Pipeline Coalition

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

1.4 Chair's Report – EN reported that she and JP met with Jeff Rice, Vice President of TAYSA, the Townsend-Ashby Youth Soccer Association, to work on the memorandum of understanding (MOU) that will accompany the lease. Mr. Rice asked for suggestions on how to better manage the property. EN and JP will draft a document listing suggestions that will be attached to the MOU

1.5 Administrator/Agent Report – comments given during the meeting.

1.6 Review of Minutes (2/18/15) – VK motioned to accept the open meeting and executive session minutes, and to release the executive session minutes as approved, seconded by JH, all in favor.

2.0 Hearings and Appointments

2.1 7:45 Appointment with Stephen Mayer, Allen & Major Associates, Inc., re: conceptual plan for 4 Main St.

Robert Clarke, Vice-President and landscape architect at Allen & Major Associates, Inc., presented two proposed development projects for the 2 undeveloped lots just east, and adjacent to, the Harbor Mall. One lot is 4 Main Street; the adjacent lot does not have a street number. The potential buyer asked Allen & Major to present two concepts to the Conservation Commission to see if there were any issues that would need to be considered in order to develop the lots.

There is a large wetland system on the lot, which was delineated by Allen & Major's wetland consulting services. The potential buyer's preferred concept would be a gas station, which would require filling 650 sq. ft of Bordering Vegetated Wetland. There would also be an underground gasoline storage tank. The gas would be stored in a double walled tank. The building would be 4,500 sq. ft and there would be associated gas pump bays.

The buyer was also considering constructing a 9-10,000 sq. ft retail building with associated parking if the gas station would not be an allowed use. He did not disclose the use of the alternative building. The second alternative would also require filling wetlands. Mr. Clarke also reported that it was 4' to the water table.

The Commission noted that the property was located over the aquifer, and also in the Squannassit Area of Critical Environmental Concern. LG commented that she did not believe that the buyer would be able to fill wetlands in an ACEC for such a purpose, and suggested he contact the state to confirm.

Mr. Clarke will look into the matter further, and thanked the Commission for their time

2.2 8:15 Continuation Notice of Intent (DEP #308-624)

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 reopened the hearing at 8:15 pm. Greg Hochmuth, Williams & Sparges, represented the applicant, Barbara Wagner, who was also present. He reported that the thirty day period allowed for the Natural Heritage and Endangered Species Program (NHESP) to comment had not passed, and he had not yet received a response. He also reported that he had made the following changes on the plan:

1. Replaced references to hay bales with straw or straw wattles
2. The walkway to the back deck steps was removed. They may need to pour a concrete slab at the base of the deck stairs to stabilize the deck.
3. They added a new 5' x 5' area for compost. Large debris will be removed from the property.

LG said that in the past, the Commission had issued Orders with a special condition that the applicant/owner must comply with all requirements stipulated by NHESP, and that she was completely comfortable doing that in this case. The Commission would then not need to continue the hearing again. The Commission concurred with that solution.

JH motioned to issue a standard Order of Conditions with the special condition that the owner/applicant must comply with any additional conditions that NHESP might require, seconded by JP, all in favor.

EN stated that the Commission allowed the proposed work in the Riverfront Area because the lot was recorded before October 6, 1997, and the amount of disturbance is less than 5,000 sq. ft or 10% of the total Riverfront Area on the lot.

VK motioned to close the hearing, seconded by JH, all in favor.

3.0 Work Session

3.1 Discuss expired Order of Conditions for DEP #308-536, Deer Run subdivision. – LG

explained that while the owner of the Deer Run Estates subdivision, Rick Lamarre, had requested extensions of Orders of Conditions for individual lots prior to their expiration, the Order for the

subdivision had expired. He had completed the wetland replication area and the 2 year follow up monitoring, and the stormwater management system had also been constructed. The open space had been deeded to the Conservation Commission. They are working on the final 4 lots that have extended Orders. She will check with Mr. Lamarre to see if there is any remaining work to be done with respect to wetlands on the property.

- 3.2 Planning Board Mandatory Referral: Riverbank Development, LLC, 13 Elm St. Reconstruction of Townsend Fire Station** – The Commission signed “no comment”.
- 3.3 Sign letters of appreciation to former Commissioners Karen Chapman and Mary Small.** – tabled until 3/25.
- 3.4 Discuss use of Old Meetinghouse Road for trail system.** – JP thought that there might be an alternative way to access Rt. 119 and the section of Old Meetinghouse Road south of Rt.119 without going down the section of discontinued roadway between the cul-de-sac at the top of Old Meetinghouse Road and Rt. 119. The Commission will investigate when the snow cover is gone so that complete trail maps can be placed on the trailhead kiosks.
- 3.5 Briefly discuss MA Association of Conservation Commissions 2015 Annual Environmental Conference** – LG and JD attended the Culvert Replacement Projects and Ecosystem Connectivity workshop and found it informative. Very little of Townsend has been mapped as far as existing culverts that need to be replaced is concerned. Instructor Scott Jackson recommended that the Commission contact the Nashua River Watershed Association to assist in getting it done. EN commented that she and LG had attended a culvert assessment workshop at the NRWA years ago, but that there had been no follow up with field work.

EN reported on the workshop, Kinder Morgan’s Proposed Gas Pipeline: Options and Opportunities. She felt that the workshop was given by industry, and that there was very little advice as to what people could do to try to stop it. JD felt that the Corps of Engineers provided helpful information. EN and JD commented that it was vitally important to be prepared when FERC holds their scoping sessions.

- 3.6 Brief updates on the proposed Tennessee Gas Northeast Direct pipeline** - EN reported that she and LG had drafted letters to go from the Commission to the Federal Energy Regulatory Commission (FERC). One letter focused on the impacts to natural resources on the land that the proposed pipeline lateral would cross, and the percentages of protected and environmentally sensitive land that would be impacted. The second letter reviewed the way that FERC performs its economic and environmental analysis. JH motioned to sign and send the two letters to FERC, seconded by JP, all in favor.
- 3.7 Discussion of volunteer applicants. Votes may be taken** – The Commission talked to interested volunteer Christine Vitale, who has extensive regulatory experience working in environmental and engineering departments. She has attended numerous Commission meetings, as well as the MACC Fall Conference and 2015 Annual Environmental Conference. All agreed that she would be an excellent addition to the Conservation Commission. JD motioned to notify the Board of Selectmen that the Commission nominated Christine Vitale for appointment to the Conservation Commission, seconded by JH, all in favor.
- 3.8 ZBA Referral notice: Andrew & Wendy Hammond, 11 & 15 Sauna Row Rd** – Comments are not due until April 29th. LG reported that the proposed demolition of the two houses, and construction of the new house when the two lots are combined, is outside of the buffer zone of Vinton Pond. However, she did not know if there were wetlands to the rear of the property that may need to be delineated. and the snow cover is too deep to see anything. The Commission agreed to table the matter until the next meeting on 3/25.

4.0 Correspondence

- 4.1 Forest Cutting Plan Final Report: Charles and Philip Rossbach, Barker Hill Rd** - LG explained that the Final Report under the Forest Cutting Practices Act is similar to the Wetlands Protection Act Certificate of Compliance, in that it closes out the logging permit.

3/11/15 approved minutes

4.2 Forest Cutting Plan Final Report: Dana King, Route 119 – see 4.1

4.3 Attorney General approved Town Meeting Articles (Dec. 3, 2014) – LG commented that after town meeting, zoning bylaws must be approved by the Attorney General before they can go into effect.

4.4 ZBA Notice of Decision and Decision for a Waiver: NMRSD, 19 Main St. - noted

4.5 Nashua River Watershed Association 2014 Annual Report – noted.

4.6 Erosion Control , Journal of the International Erosion Control Association – noted.

4.7 BOS Official Notification of Leslie Gabriliska’s Appointment to Northeast Municipal Gas Pipeline Coalition – LG commented that she must be sworn in before the appointment goes into effect.

5.0 Items for discussion at the next meeting

3.3 Sign letters of appreciation to former Commissioners Karen Chapman and Mary Small

3.8 ZBA Referral notice: Andrew & Wendy Hammond, 11 & 15 Sauna Row Rd

6.0 Advertisements and Conferences

7.0 Next meeting – Wednesday, March 25, 2015 at 7:00 pm

8.0 Adjournment – JH motioned to adjourn at 8:31 pm., seconded by JD, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska, Conservation Agent