



Office of the

CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Co-Chairman

Veronica Kell, Clerk

Leslie W. Gabrilkska,
Conservation Agent

Jennifer Pettit

Emily Norton, Co-Chairman

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**Minutes
Selectmen's Chambers
Memorial Hall
Wednesday, April 8, 2015 @ 7:00 P.M.**

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:08 pm

1.2. Roll Call – Co-Chairman Emily Norton (EN), Co-Chairman James Deroian (JD), Veronica Kell (VK) and Christine Vitale (CV) were present. Jennifer Pettit (JP) arrived at 7:12 pm. James Hussey (JH) arrived at 7:13 pm. Conservation Agent Leslie Gabrilkska (LG) was present.

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

3.8 Discuss dumping area at DPW

3.9 Discuss road drainage on Wallace Hill Rd

3.10 Discuss Request for Certificate of Compliance at 75 Barker Hill Rd (DEP #308-563)

4.1 BOS Memo regarding Performance Appraisals

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

1.4 Chair's Report – EN reported that she, Nick Miller of Groton, Ken Hartlage of Nashoba Conservation Trust and Elaine Mroz from Lunenburg met with Senator Elizabeth Warren's special assistant Mick Black, for an hour on March 30th. EN had requested the meeting with Senator Warren's staff to follow up with the Commission's letter that she wrote regarding the urgent need to address ongoing policy problems with the Federal Energy Regulatory Commission. Mr. Black advised them that he would pass the information on to the energy advisor in Senator Warren's Washington office. EN and Mr. Black set a time table to follow up with any progress at some point during the last two weeks of April.

JD reported that he spent several hours with Phil Chipman, NLS land agent for Tennessee Gas Pipeline, to discuss their request to put the 12" lateral pipeline across his property. Mr. Chipman also met with Hugh and George McGovern, who own the property across West Meadow Rd from JD, and Kevin Smith, who is managing the property. At this point, neither JD, nor the McGovern's have given Tennessee Gas permission to survey.

1.5 Administrator/Agent Report – In addition to her agent report, LG reported that she had received multiple telephone calls regarding the property at 110 Barker Hill Rd. Most of the calls were from prospective buyers asking about wetlands because the property was listed as having had horses in the past. LG will contact the listing agent and ask that that be removed because the horses were there in violation of the Wetlands Protection Act and Townsend Wetlands Bylaw and removed

under an enforcement order. She was and would continue to provide copies of plans of the property for callers and information on the delineated wetlands.

1.6 Review of Minutes (3/11/15, 3/25/15) – JD motioned to approve the minutes of 3/11/15 and 3/25/15, seconded by JP, all in favor.

2.0 Hearings and Appointments

2.1 7:45 - none

3.0 Work Session

3.1 Vote to recommend the appointment of a Commissioner to Town Properties Committee. New Commissioner Christine Vitale volunteered for the position. JH motioned to recommend the appointment of Christine Vitale to serve as the Commission's representative to the Town Properties Committee, seconded by VK, all in favor. LG will send a memo regarding the Commission's recommendation to the Board of Selectmen.

3.2 Discuss ZBA Mandatory Referral Notice: Andrew & Wendy Hammond, 11 & 15 Sauna Row Rd. – LG reported that she and JD visited the property on 4/7/15. LG checked the rear of the property for any wetland resource areas within 100 ft. and observed none. The trees that had been cut along the driveway were outside the buffer zone to Vinton Pond. She also reported that Wendy Hammond visited the office and stated that they had no plans to cut the trees along Sauna Row Rd. LG advised her that if they ever decided to do so, they would need to file with the Commission and also the Planning Board under the Scenic Road Act.

3.3 Bills payable: Sign warrant to reimburse Emily Norton in the amount of \$100 from the Wetland Protection Act fund for the MACC Wetland Delineation workshop (approved at meeting on 3/25/15) – JD motioned to sign the warrant, seconded by JH, all in favor.

3.4 Update on Article 97 vote by Board of Selectmen re: Locke Estates, and status of request to transfer Dudley Meadows open space to the care and custody of the Conservation Commission. – LG reported that the Board of Selectmen voted to ask Representative Harrington and Senator Flanagan to introduce legislation in the MA General Assembly authorizing the town to sell Article 97 land to the Division of Fisheries and Wildlife. The Town Administrator will be submitting the home rule petition, with LG as the staff contact.

3.5 Update on MACC and other workshops available to Commissioners – LG reported that 8 workshops are still required for the Fundamentals Certificate, but an additional workshop has been added in order to provide some flexibility in offerings. At this point there is one elective, but the MACC plans to add more.

3.6 Discuss and possible vote on Request for Certificate of Compliance, Liz Dupre for Heather Dovale, 6 Pine St. – LG reported that though the work has been completed, historically the Commission has not issued Certificates of Compliance until the disturbed areas are stabilized. She recommended waiting just until the grass has come in to vote on issuing the Certificate. The Certificate was tabled until the next meeting after the site has stabilized.

3.7 Vote to ratify Emergency Certificate issued to Lisa Struthers, 25 South St., for removal of 1 White Pine tree and 1 trunk of 2-trunked White Pine – LG discussed Ms. Struthers request to have the White Pines cut down because they were rotten. H.M. Flagg had inspected the trees and advised Ms. Struthers that it was only a matter of "when" would they fall, not "if" they would fall. Due to their location, it is highly likely that they would fall on the house. One of the Struthers' trees fell on their neighbor's house a few years ago and narrowly missed a child's bedroom, so her concern was warranted in light of the condition of the trees. JD motioned to ratify the Emergency Certificate issued by LG, seconded by JH, all in favor.

3.8 Discuss dumping area at DPW – JP discussed her concerns about the continued dumping of stumps, possible road sand, and fill in piles 15 – 20 ft. high behind the highway garage, especially the materials within 30-50 ft. of a wetland.

The property is located over the borderline of the aquifer district. JP noted that she had contacted the Board of Health about the dumping of stumps and other materials. She also checked with Cemetery and Parks, and the Superintendent stated that they did not use the street sweepings to fill

in Riverside Cemetery. The Cemetery and Parks Superintendent further stated that he would not use that kind of sand because it collapses. JP stressed that stump dumps are dangerous because over time the stumps rot, causing the ground to cave in.

LG responded that the Highway Superintendent is agreeable to moving the materials away from the wetland once the Conservation Commission delineates the wetland. The Commission will delineate the wetland once the herbaceous and shrub layers have leafed out. LG will follow up with the Highway Superintendent. JD stated that he would be talking to the Superintendent as well.

3.9 Discuss road drainage on Wallace Hill Rd – JP reported that she had received a call from resident and former Conservation Commission chair Kim Greenough regarding the Highway Dept. cleaning out the drainage ditch on Wallace Hill Rd. The area of concern is on the east side of Wallace Hill Rd. between the top of Highland Street and the stone pillars at the Townsend Hill WMA. JP advised Ms. Greenough that the work was road maintenance and exempt from Conservation Commission review

JP was concerned that when the Highway Dept. digs out the ditch to move the water, it causes erosion and sedimentation across the Highland Street entrance to Old Meetinghouse Park and the property at 143 Highland St. Those areas are impacted because the stormwater drainage is conveyed down the south side of Highland Street, then behind the house at 145 Highland Street, where it then sheet flows west across the back of 143 Highland, Old Meetinghouse Park and 143 Highland St.. LG will talk to the Highway Superintendent to see what can be done to prevent or minimize the sedimentation.

3.10 Discuss Request for Certificate of Compliance at 75 Barker Hill Rd (DEP #308-563) – LG reviewed her findings from her site visit on 4/07/15.

1. The asbuilt plan shows the northeast corner of the house inside 50 ft. No Build buffer zone
2. The wetland flags are down. Two saplings with blue ribbons on them were cut down and lying on the ground. The shrub and sapling layers were cut up to the wetland.
3. Hay was dumped on the wetland side of the straw wattle in the 35' No Disturb buffer zone. There were also discrepancies with the plan used by the owner and the plans approved by the Conservation Commission and on file with the Board of Health and Building Department.

If the asbuilt plan is accurate, she was concerned that the work was in violation of the Order of Conditions issued under the Wetlands Protection Act and the Townsend Wetlands Bylaw. The Order specifically stated that the house was to be located no less than 50 feet from the wetland. No work is to take place inside the limit of work line. She submitted a site inspection report of her observations and specific conditions that had been violated.

She suggested that the owner have the wetland survey locate the wetland flags, and that the Commission visit the site prior to making a decision. The Commission agreed to visit the site on Tuesday, April 21st at 7:00 pm in order to give the owner time to have the wetland reflagged. LG will contact the owner to confirm the date.

4.0 Correspondence

4.1 BOS Memo regarding Performance Appraisals – LG reported that the Board of Selectmen are asking all employees to have performance appraisals. The Town Administrator and Co-Chairman Emily Norton will do LG's appraisal.

5.0 Items for discussion at the next meeting

1. Earth Day attendance
2. DPW and Wallace Hill Rd stormwater update
3. Lycott estimate for treatment of Phragmites in Ash Swamp
4. Change date of DEP Circuit Rider workshop scheduled for 4/13/15

6.0 Advertisements and Conferences

4/8/2015 approved minutes

6.1 DCR Sponsored Author talk: Robert Thorson, *Walden's Shore*, Walden Pond, Sunday, April 12th, 1:30-3:00

6.2 Screening of *Wilderness in America: From Conquest to Conservation*, Thursday, April 23rd, 7 pm

7.0 Next meeting – Wednesday, April 22, 2015 at 7:00 pm

8.0 Adjournment – JD motioned to adjourn at 8:27 pm., seconded by VK, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska, Conservation Agent