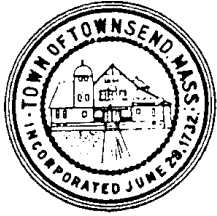


Office of the
CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469



James Deroian, Co-Chairman

Veronica Kell, Clerk

John Hussey

Leslie W. Gabrilska,

Conservation Agent

Emily Norton, Co-Chairman

Jennifer Pettit

Christine Vitale

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Minutes
Selectmen's Chambers
Memorial Hall

Wednesday, May 13, 2015 @ 7:00 P.M.

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:12 pm

1.2. Roll Call – Co-Chairman Emily Norton (EN), Co-Chairman James Deroian (JD), Veronica Kell (VK) and Christine Vitale (CV) were present. John Hussey (JH) arrived at 7:13 pm and Jennifer Pettit (JP) arrived at 7:34 pm. Conservation Agent Leslie Gabrilska (LG) was present.

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

3.8 Bills Payable: vote to pay the Lowell Sun in the amount of \$75.18 for the legal notice for Justin Kauppi's Eagle Scout project to build a boardwalk at the Highland St. entrance to Old Meetinghouse Park.

4.7 Draft Forest Cutting Plan: Townsend Conservation Land Trust, Old Meetinghouse Rd
VK motioned to add the above-referenced items to the agenda, seconded by JD, all in favor.

1.4 Chair's Report – EN reported that she will have her follow up meeting with Senator Elizabeth Warren's staff in Boston on May 27th regarding the Fix FERC First letter. She will report on her meeting with the Senator's staff at the Commission's next meeting.

EN also reported that she asked Janet Morrison, Director of the North County Land Trust, to come to the Commission's next meeting to discuss her approach to the proposed Tennessee Gas Pipeline

EN reported that she had completed LG's performance appraisal. JD noted that he had not been asked to do the appraisal. LG will forward the appraisal for JD to complete.

1.5 Administrator/Agent Report – LG stated that she is working to find the funds to pay for the treatment of the 2 colonies of phragmites in Ash Swamp without having to go to Town Meeting for an appropriation. She has asked the Land Use Department to encumber any FY15 unspent monies for that purpose, though there may not be money left in their budget. The Commission can do that with its remaining funds as well. The cost is about \$900. JD said that he would ask the McGovern's for some financial assistance for the project.

Additional comments given during the meeting.

1.6 Review of Minutes (4/22/15) – JD motioned to approve the 4/22/15 minutes, seconded by JH, all in favor.

2.0 Hearings and Appointments

2.1 7:45 Notice of Intent (DEP #308-625)

Applicant: Gary Gregoire

Location: 225 Mason Road

Project: proposed replacement of a cesspool with a new sewage disposal system within the 200 ft. Riverfront Area of Mason Brook.

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

Stephen Sears, David E. Ross Associates, Inc. represented the applicant, who was not present. The new sewage disposal system will replace the existing cesspool, and is located 60 ft. away from the road. A polyethylene barrier will be installed 2 ft. below grade. Silt fence and straw wattles will be used for siltation controls that will be installed prior to beginning work. The river is on the other side of Mason Road from the house. The roadway is crowned, so any erosion will stay on the house side of the road. There is a 4 ft. offset to groundwater, so the system may be mounded by 1 – 1 ½ ft. There is no alternative location on the site without pumping the effluent hundreds of feet upgradient to the back portion of the property.

LG asked the Commission to include a special condition that the applicant provide the office with the name and contact information of the contractor who will install the system, and that they notify the office before beginning work. Straw bales may be installed along the edge of payment as well. The system will be loamed and seeded when installation is complete.

JH motioned to issue an Order of Conditions with two special conditions:

1. the name and contact information of the contractor will be provided to the Commission
2. the owner will contact the agent prior to beginning construction.

seconded by JD, all in favor.

EN motioned to close the hearing at 8:05 pm, seconded by JD, all in favor.

2.2 8:00 Request for Determination of Applicability (TWB #2015-84)

Applicant: Kristopher D. Klein

Location: 56 Brookline Rd.

Project: proposed construction of a 14 x 20 ft. shed within the 100 ft. buffer zone of a Bordering Vegetated Wetland

EN opened the meeting at 8:06 pm. VK read the legal notice. Applicant/owner Kristopher Klein was present. Mr. Klein presented the project to the Commission. The shed will be supported by Uni-Piers installed 4' into the ground.

EN discussed the site walk attended by EN, VK, CV and LG. She noted that there was concern for erosion because of the size of the roof and the slope of the hill on which it was to be located. Mr. Klein said that he was going to put bark mulch down. EN said that she was concerned about the volume and velocity of water that would be coming off the roof in a storm. The roof area is 280 sq. ft, so a 1" rainstorm would result in 174 gallons of water pouring off the roof that could erode down the slope. JP commented that concentrated flow of stormwater would wash the bark mulch down the hill.

The Commission discussed possible solutions to erosion; however EN stated that it was the Commission's responsibility to protect the wetland, and should not give advice as to how to do so. She noted that the MACC specifically advises Commissions not to tell applicants how to design

their projects. If that advice did not work and sediment went into the wetland, the applicant could then blame the Commission for the violation.

Mr. Klein held to his opinion that bark mulch would be sufficient, and that he did not want to move the shed away from the slope and onto the lawn because the yard is too small. Moving the shed onto the lawn would make it exempt from Commission review. Because of the MACC's cautionary advice, EN felt that he should get some professional advice on how to keep the stormwater from washing down the slope. A heated discussion ensued among the Commissioners, with JD and JH disagreeing that advice should be sought for the project. JP suggested asking for advice from the people in the store where he purchases his lumber.

VK motioned to continue the meeting to the next available meeting on Wednesday, May 27, 2015 at 8:30 pm, seconded by JH, all in favor.

2.3 8:15 Request for Determination of Applicability (TWB #2015-85)

Applicant: Brenda Kervin

Location: 2 Sauna Row Rd

Project: proposed cutting of four trees within the 100 ft. buffer zone of Vinton Pond

EN opened the public meeting at 8:30 pm. VK read the legal notice. Owner/applicant Brenda Kervin was present. EN reported on the site walk attended by EN, VK, CV and LG. She described the project to the Commission. Three of the trees to be cut are oaks, and one is a white pine. The deck was impacted by two trees, and tree branches were overhanging the house. One of the oak branches fell on the roof this past winter. The tree that is hanging over the shed is completely hollow. They will leave other trees that are near the house that are not leaning over it. The stumps will not be removed so erosion from disturbed soil should not be a concern. EN noted that it was clear that the situation was unsafe.

JH motioned to issue a Positive #2B, that the boundaries of Vinton Pond were not confirmed, and Negative #3, that the work is in the buffer zone and will not alter a wetland, seconded by JD, all in favor.

3.0 Work Session

3.1 Downs Forestry Services notification of future selective thinning: Ambros Corp, off Wheeler

Rd. – LG reported that the notification was a courtesy – no trees had been marked and a Forest Cutting Plan had not yet been filed. He had marked the boundaries as accurately as possible without a survey, but he wanted to notify abutting property owners to resolve any boundary issues prior to logging. LG will try to walk the boundaries that abut Conservation Commission land.

3.2 Bills payable: Vote to reimburse Commissioner Veronica Kell in the amount of \$55.00 for the registration fee for the MACC's Unit 3: The Wetlands Protection Act: Fundamentals, Process and Procedures – CV motioned to reimburse VK for the above-referenced amount, seconded by JD, all in favor.

3.3 Discuss status of 75 Barker Hill Rd (DEP #308-563) – LG updated the Commission. The check from Mr. Kennelly came in to the office today, so she will advise Mr. Dillis, Ducharme and Dillis, to proceed in survey locating the four flags as agreed at the Commission meeting on 4/22/15.

3.4 Discuss site walk to Lot 2, Townsend Hill Rd prior to May 27th meeting – LG explained that the owner of Lot 2 had filed an RDA to confirm a wetland delineation, which if approved as proposed, would mean that no work was proposed in the buffer zone. The issue was that 3 ANR plans had recently been approved by the Planning Board that had a wetland delineation that would require filing with the Commission. LG had gone out to the site with their representatives, Ducharme and Dillis last December in an effort to resolve it as quickly as possible; however, there was insufficient vegetation to make a determination. They agreed to wait until the snow cover was gone and herbaceous vegetation had come in. Commissioners discussed three possible dates: May 18th, May

5/13/15 approved minutes

22nd or May 26th. LG will check with Ducharme and Dillis as to their availability on any of those dates and coordinate a site walk with the Commission.

3.5 Discuss request from Transformations, Inc. for extensions for Phases I and II (DEP #308-497) and Phase III (DEP #308-524) – LG reported that the Order of Conditions for Phases I and II will expire on 7//28/15, so that is a priority. The Order for Phase III will not expire until 12/7/16, so that should not be considered until late fall 2016.

3.6 Discuss MACC Director Eugene Benson’s letter re: proposed Tennessee Gas Pipeline – LG will forward the letter to the Commissioners so that it can be discussed..

3.7 Discuss 73 Barker Hill Rd – JD motioned to table the item until the next meeting on 5/27, seconded by JH, all in favor..

3.8 Bills Payable: vote to pay the Lowell Sun in the amount of \$75.18 for the legal notice for Justin Kauppi’s Eagle Scout project to build a boardwalk at the Highland St. entrance to Old Meetinghouse Park. – JH stated that Justin should speak to the Building Inspector to be sure that the boardwalk will be built according to code so that the town could not be sued. He will do so. JH motioned to pay the above-referenced bill, seconded by JD, all in favor.

4.0 Correspondence - noted

4.1 BOS Memo re: Official Notification of Appointment of Christine Vitale to Town Properties Committee

4.2 Planning Board endorsed ANR: Sherman & Peggy Bull, 54 Gilchrist Rd

4.3 DCR Forest Cutting Plan Final Reports and Comments:

4.3.1 John and Jane Stonefield, Warren Rd

4.3.2 Ambros Corporation, Rt. 119

4.4 Zoning Board of Appeals Notice of Decision and Decision for a Special Permit: Andrew and Wendy Hammond, 11 and 15 Sauna Row Rd.

4.5 Board of Health letter to Secretary Kimberly D. Bose, Federal Energy Regulatory Commission re: Tennessee Gas Pipeline Company, LLC, PF 14-22-00

4.6 Town Accountant May 2015 expenditure report: Conservation Commission

4.7 Draft Forest Cutting Plan: Townsend Conservation Land Trust, Old Meetinghouse Rd

5.0 Items for discussion at the next meeting

5.1 Discuss MACC Director Eugene Benson’s letter re: proposed Tennessee Gas Pipeline

5.2 Discuss site walk for DEP #308-427, Phases I and II, Coppersmith Way

5.3 Discuss 73 Barker Hill Rd

6.0 Advertisements and Conferences

7.0 Next meeting – Wednesday, May 27, 2015 at 7:00 pm

8.0 Adjournment – JH motioned to adjourn at 9:02 pm, seconded by JD, all in favor.

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