



Office of the

CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Co-Chairman

Jennifer Pettit

Christine Vitale

Leslie W. Gabrilka,

Conservation Agent

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Minutes

Selectmen's Chambers

Memorial Hall

Wednesday, July 8, 2015 @ 7:30 P.M.

1.0 Preliminaries

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

1.2. Roll Call – Co-Chairman James Deroian (JD), Heather Hampson (HH), James Hussey (JH), Christine Vitale (CV) and Veronica Kell (VK) were present. Jennifer Pettit (JP) arrived at 7:38 pm. Conservation Agent Leslie Gabrilka (LG) was present.

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

3.4 Vote to reimburse Matt Kauppi in the amount of \$565.00 from the FY15 Professional Services Account and the FY14 encumbered Professional Services account for an Eagle Scout Project at Old Meetinghouse Park.

3.5 Vote to encumber \$153.07 from the FY15 Professional Services and Other Charges Accounts for the purpose of paying Aquatic Control Technology for invasive emergent vegetation species control in Ash Swamp

3.6 Federal Energy Regulatory Commission's Notice of Intent to prepare an Environmental Impact Statement for the Planned Northeast Energy Direct Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings.

3.7 Draft Forest Cutting Plan: Ambros Corporation, Gary and Kathleen Amadon, 3 Wheeler Road

3.8 Discuss letter to Board of Selectmen from Karen Hill, Gardner, MA, re: Public Record Requests and Open Meeting Law complaint

3.9 Discuss public record request from Karen Hill, Gardner, MA

3.10 Discuss List of Tax Title, Real Estate Tax, Personal Property Tax for FY13-FY15 for Delinquent Taxes

3.11 Review response from Commonwealth of MA, Office of the Attorney General re: Open Meeting Law Complaint filed by Karen Hill, Gardner, MA

3.12 Discuss letter to Town Administrator Andy Sheehan from the Nashua River Watershed Association re: Nashua River Wild and Scenic River Study Committee

3.13 Discuss status of Townsend Agriculture Commission

3.14 Vote to pay \$325 in annual membership dues to the MA Association of Conservation Commissions from the Professional Services account.

4.2 Request for Certificate of Compliance, Katrina Parkhurst, 189 Wallace Hill Rd (DEP #308-395)

4.3 Copy of letter to Shawn Williams, Supervisor of Records, Commonwealth of MA, from the Office of the Board of Selectmen re: Karen Hill, Gardner, MA public records requests of Conservation Agent Leslie Gabriliska and former Commission Chairman/Land Use Coordinator Karen Chapman

4.4 Letter of transmittal from SMMA re North Middlesex Regional High School construction drawings

4.5 Copy of letter to Tim Pelletier from the MA Dept. of Conservation and Recreation requesting Mr. Pelletier's attendance at a fact finding meeting, including a Stop Order on property owned by the Jonathan Lane Association.

6.1 Nashua River Watershed 2015, Issue 1

HH motioned to add all of the above-listed items, seconded by CV, all in favor.

1.4 Chair's Report – Comments given during the meeting.

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

1.6 Review of Minutes - none

2.0 Hearings and Appointments

2.1 7:45 Continuation Notice of Intent (DEP #308-626)

Applicant: Joseph LoPilato

Location: 94 Tyler Road

Project: proposed construction of a single family home, well, septic system and driveway within the 100 ft. buffer zone to a bordering vegetated wetland.

JD reopened the hearing at 7:47 pm. Seth Donohoe, Hancock Associates, represented the applicants, Joseph and Cheryl Lopilato, who were also present.

Mr. Donohoe reviewed the changes in the wetland delineation on the revised plan that were determined on the site walk. In addition, he reviewed the following changes that LG had suggested:

1. silt fence and one row of straw wattles for erosion controls instead of the double row of straw wattles originally proposed.
2. the driveway entrance as shown on the originally approved plan in 2003 because it had less disturbance in the buffer zone. LG had checked with the Building Commissioner to be sure that he did not require the driveway entrance as proposed. She said that if he determined that the driveway needed to be moved back to its original location due to line of sight issues, she suggested that Mr. LoPilato would not need to file to amend his Order of Conditions.
3. Show the deck the revised plan so that the plan would agree with the building permit application.

The Commission also discussed the size of the house, which will be smaller than shown on the plan.

JP motioned to issue the Order of Conditions for 94 Tyler Road with the following special conditions as discussed:

46. The applicant or contractor shall give the Conservation Commission office notice prior to beginning work.

47. The limit of work area shall be survey located and marked prior to cutting any trees so as to avoid cutting trees outside of the approved limit of work. The erosion controls shall be installed along the surveyed limit of work line prior to stumping, earth work or construction.

48. The area of Bordering Vegetated Wetland located at the southern end of the property is a potential vernal pool

seconded by JH, all in favor with HH voting present as she was not at the first hearing or site walk.

HH motioned to close the hearing at 8:10 pm, seconded by CV, all in favor.

3.0 Work Session

- 3.1 **Vote on election of Commission officers for FY16** – JH motioned to table the election until the Commission has a full board, seconded by CV. VK questioned waiting, as it will be at least a month before the Commission recommends someone to the Board of Selectmen and they meet to consider the appointment. She also noted that it would be unlikely that a new member would be elected to Chairman. There are already two new members to serve as Clerk. The Commission voted on the motion on the floor, with JP voting no, VK – no, CV – no, JH – yes, JD – yes, HH – no. JH motioned for JD to serve as Chairman, seconded by VK, all in favor.
VK motioned for HH to serve as Clerk, seconded by JP, all in favor.
JP motioned for VK to serve as Vice-Chair, seconded by CV, all in favor except for JH abstaining.
- 3.2 **Vote to extend Order of Conditions for DEP #308-497, Phases I and II, Coppersmith Way (this item may be tabled until the next meeting, but the Order expires on 7/27/15)** – tabled until the next meeting to allow the Commission to view the project.
- 3.3 **Sign Determination of Applicability for TWB #2015-86, 49 Brookline St.** – signed Negative #2.
- 3.4 **Vote to reimburse Matt Kauppi in the amount of \$565.00 from the FY15 Professional Services Account and the FY14 encumbered Professional Services account for an Eagle Scout Project at Old Meetinghouse Park.** – JH motioned to reimburse Matt Kauppi for the above-referenced amount, seconded by CV, all in favor.
- 3.5 **Vote to encumber \$153.07 from the FY15 Professional Services and Other Charges Accounts for the purpose of paying Aquatic Control Technology for invasive emergent vegetation species control in Ash Swamp** – JH motioned to encumber the money as described, seconded by HH, all in favor.
- 3.6 **Federal Energy Regulatory Commission’s Notice of Intent to prepare an Environmental Impact Statement for the Planned Northeast Energy Direct Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings.** – The Commission agreed that they would send a letter to FERC for the scoping meetings, reiterating the points brought in the Commission’s earlier correspondence.
- 3.7 **Draft Forest Cutting Plan: Ambros Corporation, Gary and Kathleen Amadon, 3 Wheeler Road** – reviewed. LG will check the boundaries that abut Conservation Commission open space.
- 3.8 **Discuss letter to Board of Selectmen from Karen Hill, Gardner, MA, re: Public Record Requests and Open Meeting Law complaint** – discussed.
- 3.9 **Discuss public record request from Karen Hill, Gardner, MA** – LG will send the audio tape to Karen Hill as soon as LG reviews it as the Commission held an Executive Session during that meeting.
- 3.10 **Discuss List of Tax Title, Real Estate Tax, Personal Property Tax for FY13-FY15 for Delinquent Taxes** – LG reported under the town bylaw, the Tax Collector is supposed to annually provide a list to town departments, boards or commissions of those who have failed to pay their taxes. The commission are supposed to check the list and may hold or deny a permit if the taxes are not paid.
- 3.11 **Review response from Commonwealth of MA, Office of the Attorney General re: Open Meeting Law Complaint filed by Karen Hill, Gardner, MA** – The Attorney General’s office found that there had been no violation of the Open Meeting Law.
- 3.12 **Discuss letter to Town Administrator Andy Sheehan from the Nashua River Watershed Association re: Nashua River Wild and Scenic River Study Committee** – LG reported that Al Futterman, Nashua River Watershed Association, recommended that the Board of Selectmen appoint LG to the Committee, with town resident Bill Wilkinson as alternate.

3.13 Discuss status of Townsend Agriculture Commission – JP asked about the status of farmers with extra vegetables at the end of the season donating them to the Townsend Ecumenical Organization. She said that TEO would be willing to pick them and bring them to their center. JD said that the Agriculture Commission had discussed it, and while they thought it was a good idea, not many farmers in Townsend actually grow vegetables. Some are already being picked up and donated to donation centers.

3.14 Vote to pay \$325 in annual membership dues to the MA Association of Conservation Commissions from the Professional Services account. – HH motioned to pay \$325 in annual membership dues to the MA Association of Conservation Commissions, seconded by VK, all in favor.

4.0 Correspondence

4.1 Volunteer Response Form: Michael Turgeon – reviewed.

4.2 Request for Certificate of Compliance, Katrina Parkhurst, 189 Wallace Hill Rd (DEP #308-395) – LG explained that she had written to the homeowner last year to recommend that they file a Request for Certificate of Compliance to clear their recorded Order of Conditions from their title. LG will place the Request on the agenda as soon as she can inspect the site.

4.3 Copy of letter to Shawn Williams, Supervisor of Records, Commonwealth of MA, from the Office of the Board of Selectmen re: Karen Hill, Gardner, MA public records requests of Conservation Agent Leslie Gabriliska and former Commission Chairman/Land Use Coordinator Karen Chapman - reviewed

4.4 Letter of transmittal from SMMA re: North Middlesex Regional High School construction drawings – noted.

4.5 Copy of letter to Tim Pelletier from the MA Dept. of Conservation and Recreation requesting Mr. Pelletier's attendance at a fact finding meeting, including a Stop Order on property owned by the Jonathan Lane Association. – LG noted that DCR was to notify her when the boundaries had been determined so that she could determine whether there had been a violation of the Wetlands Protection Act or Townsend Wetlands Bylaw. The above-referenced meeting was about an issue in another community as well.

5.0 Items for discussion at the next meeting – interviewing volunteers for the opening on the Commission.

6.0 Advertisements and Conferences

6.1 Nashua River Watershed 2015, Issue 1

7.0 Next meeting – July 22, 2015 @ 7:30 pm

8.0 Adjournment – JH motioned to adjourn at 9:25 pm., seconded by JP, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska