



Office of the

CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Chairman

Heather Hampson, Clerk

John Hussey

Leslie W. Gabrilkska,

Conservation Agent

Christine Vitale

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**Approved Minutes
Selectmen's Chambers
Memorial Hall**

Wednesday, September 9, 2015 @ 7:30 P.M.

1.0 Preliminaries

1.1. Open Meeting – Chairman James Deroian opened the meeting at 7:30 pm

1.2. Roll Call – Chairman James Deroian (JD), John Hussey (JH), Heather Hampson (HH), Mike Turgeon (MT) and Jennifer Pettit (JP) were present. Veronica Kell (VK) arrived at 7:31 pm. Christine Vitale was absent. Conservation Agent Leslie Gabrilkska was present. JD welcomed MT to the Conservation Commission.

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

3.10 Approved Forest Cutting Plan, Lumppio, Clement Rd.

1.4 Chair's Report – none. VK asked JD if he had a written response from the Attorney General's office, referencing the vote taken by the Commission on July 22, 2015 to appoint Mike Turgeon to the Commission. It was discussed that the vote by HH and JH should have referenced the Ethics Commission, not the Attorney General's office. MT reported that he wrote to the Ethics Commission and listed his issues, received a response, and forwarded it to JD so that JD could confirm to the Commission that MT could accept the appointment. MT requested from JD that the response from the Ethics Commission be kept between himself and the Chair, and it's not a matter for the public. MT said that he gave the response to JD but he did not give JD permission to show it to anyone else. He further said that the letter from the Ethics Commission explicitly stated that he did not have to give consent for anyone else to see it, and he was not going to do so. JD confirmed that the Selectmen as the appointing authority had accepted JD's verbal report of the Ethics Commission response.

JP said that it would have been nice if JD had informed LG that he had gotten a response from MT, so that LG could have then informed the Commission that had received a response from the Ethics Commission. JP also said that in light of the Commission's vote, it would have been helpful to keep the Commission informed. She has been asked about it by residents, and she had to tell them that she didn't know, even after watching the Selectmen's meetings. JD responded that it was duly noted.

1.5 Administrator/Agent Report – LG discussed her agent report:

1. Lots 1 and 2, Turner Rd – LG signed the building permit for Lot 2, but Lot 1 appeared to have additional wetlands not delineated by Ducharme and Dillis. Gary Lorden will check with them.
2. Cooper shed move to Reed House location – the shed will be more than 50 ft. from the BVW and mean annual high water area of Harbor Pond. Placing a shed on a lawn on a house that existed before August 7, 1996 is exempt. The shed will be placed on cement blocks to raise it above the floodplain level. There will be no excavation involved.
3. 51 Haynes – potential buyers have asked for a site visit to discuss tree removal and wildlife habitat. Will visit site on 9/11
4. Locke Estates – Representative Harrington has introduced H3748 in the House, and it has been referred to the Committee on Environment, Natural Resources and Agriculture. LG will find out the next step.
5. Budget – there is \$261 remaining in the FY16 operating budget
6. 234 Wallace Hill Rd - Dave Crossman, B&C Associates, confirmed that he will review the wetland replication area.
7. Highway Dept. Old Meetinghouse Rd culvert replacement – LG will send to DEP, NHESP and handle the legal notice and abutter notification.
8. Riverside Cemetery – Measured PVP and advised Roger Rapoza and Carolyn Smart. They will stay on the upper (northern) area above the borrow pit. They will stay out of the borrow pit. The southwestern corner is in habitat – offered to call NHESP if they want to seed it. Basically they won't go any further back than a line continuing east from the back road of the existing cemetery. Also provided flood plain info and helped determine a location for stockpiling free dirt from the high school.
9. Lots 1 and 2, Turner Rd - Gary Lorden came in the office and asked me to sign the Building permits that he just brought in. We went out right away to look at the two lots. Lot 2 ok – Jack Maloney delineated for Ducharme and Dillis. I am not sure about Lot 1 – wetland appears within to be within 60 ft. of clearing. Also, both lots are in Estimated & Priority Habitat. Gave Gary Lorden paperwork. He will check with D&D to see if they have filed, and if not, they will. He will also check on wetland delineation in that area. I did not sign Lot 1. Site already cleared and wells are in. Materials there for septic system.

Additional comments given during the hearings and work session.

1.6 Review of Minutes (5/27/15, 8/5/15) – tabled.

2.0 Hearings and Appointments

2.1 7:45 Notice of Intent (DEP #308-629)

Applicant: Deborah Alamed

Location: 7- 9 Riverbank Terrace

Project: repair of a septic system within the 200 ft. Riverfront Area of the Squannacook River.

JD opened the public hearing at 7:47 pm. HH read the legal notice, checked the abutter notifications, and reported that all was in order.

Doug Smith, Soilsmith Designs, represented the applicant and presented the project to the Commission. He received a variance from the Board of Health to locate the system 14' from the house instead of 20'. The system will be 25' above the water level. The elevation of the yard is 100' and the high water level was 74.52'. There are water and gas lines in front of the house, so locating the system there would have required relocating all of those connections.

HH suggested adding snow fencing at the back of the site behind the erosion controls to serve as a reminder that no materials can be thrown on the other side of the erosion control line. It is especially important to protect the bank and the river. LG reported her observation that the area has

sensitive habitat that should be protected. The Commission discussed the following special conditions:

1. The name and contact information for the contractor responsible for the project shall be provided to the Conservation Commission prior to beginning work.
2. Snow fencing shall be installed along the immediate outside of the straw wattles/limit of work.
3. As soon as it is scheduled, the applicant or contractor shall notify the Conservation Commission of the date that construction will begin.
4. Each day that work is scheduled to be done on the site, and prior to moving heavy equipment and beginning work, the site shall be scanned by the Conservation Agent or Commissioner Jennifer Pettit.

HH motioned to issue an Order of Conditions with the above-referenced four conditions, seconded by JH, all in favor. HH motioned to close the hearing at 8:15 pm, seconded by MT, all in favor.

2.2 8:00 Notice of Intent (DEP #308-631 under review)

Applicant: Pamela and Jonathan Snaith

Location: 264 South Row Rd

Project: repair of a septic system within the 100 ft. buffer zone of a Bordering Vegetated Wetland

JD opened the hearing at 8:16 pm. HH read the legal notice, checked the abutter notifications and reported that all was in order.

Neal Gorman, David E. Ross Associates, Inc., represented the applicant, Jonathan Snaith, who was also present. Mr. Gorman presented two orthographic photos of the site, and discussed the project with the Commission. It is a 3½ acre site with wetlands to the rear and to the west. More than half of the property is in the buffer zone. George Sullivan with Ross Assoc. performed 10 perc tests before finding two close together where the system could be located. Two test holes with greater than 4' of naturally occurring pervious material, not including topsoil and subsoil, are system requirements. Per Title V, some subsoils can be used. They were hitting refusal, or materials that would not accept water, at less than that at many of the holes.

They will be installing a Presby Enviro-Septic. He provided the Commission with a sample of the pipe, which is much larger than the traditional 4" pipe and has fabric and other fibers around it. It is designed to provide more oxygen for greater bacteria growth that will in turn treat the effluent. It is a cleaner, finer sand than traditional systems utilize because it takes more of the fines out. This washed sand is placed 6" above and 6" below the pipe.

Mr. Gorman also presented a document by Presby Environmental, Inc., which showed independent test results that their system outperforms the standard pipe and stone system. This system will have 210 linear feet of pipe – 200 linear feet are required. It reduces the footprint of the traditional leach field from 672 sq. ft. to 432 sq. ft. The traditional break out grading is 15' from the top of the system. They are able to stay 10 ft further away from the wetland with this system versus the traditional system leaching area, and over 25' further away with the fill.

They could not go any closer to the house because of a large garden. The BOH gave them a variance to be less than 100 ft from the wetland – it is 70 ft. It is the best they could do with the site constraints, including well setbacks, and the owner is using alternative technology. Significantly less fill is required. The Presby is a DEP approved alternate leaching system that has been around over 10 years in MA and over 20 years in NH.

MT asked that the erosion controls be extended 50 ft. along the buffer zone to protect the wetland from disturbance with truck traffic. LG noted that there are additional wetlands on the southern side of the property where there are large willow trees that are not shown on the plan. MT said that we were only approving the activity, not the line. LG said that she and Mr. Snaith walked the line, and she agreed with it, but the plan makes it appear as though there are no wetlands in the area of Flag #09-202 towards the road. She said she talked to DEP because they had not yet issued a number. DEP agreed to issue a number with the note that the NOI was under review, which should be noted in the Order. The Commission agreed to make the following finding

FINDING: there are additional wetlands on the property that are not relative to this project

HH motioned to issue an Order of Conditions with the above-referenced finding and the following special condition:

1. The MA Department of Environmental Protection (DEP) has issued a DEP file number, noting that this Notice of Intent is still under review. Therefore, the applicant/owner shall comply with any additional comments issued by the MA DEP

seconded by JH, all in favor.

MT asked about adding the extended erosion controls. MT motioned to amend the Order to add the following special condition:

1. The erosion control line shall be extended for an additional 50 ft to the east along the 100 ft. buffer zone line.

seconded by JH, all in favor.

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

2.3 8:30 Continuation Abbreviated Notice of Resource Area Delineation (DEP #308-628)

Applicant: B & C Associates, Inc.

Location: 48 Clement Rd

Project: The application is for approval of the proposed delineation of wetland resources on the property

Vote to continue the hearing to Wednesday, September 23, 2015 at a time to be determined.

MT motioned to continue the hearing to Wednesday, September 23, 2015 at a time to be determined, seconded by HH, all in favor.

2.4 Appointment with Al Futterman, Land Program and Outreach Director, Nashua River Watershed Association. Discussion about their U.S. Forest Service Redesign grant project with the Merrimack River Watershed Council called "Expanding Riparian Forest Buffers in Threatened Watershed"

Al Futterman presented the grant to the Commission. The Merrimack River Watershed Council is the lead partner for the grant, which has created a unique partnership of two watershed organizations, communities and forestry and land conservation programs in two states, MA and NH. The grant will be available for 3 years. He discussed the connection between 300 ft. of forested riparian buffer and water quality and healthy riverine species. The goal is for each subwatershed in the project area of 15 municipalities to maintain less than 5% impervious cover within a 300 ft. riparian buffer of managed forest and plantings, which will benefit water quality and terrestrial/freshwater species. It utilizes the power of forests to maintain water quality and reduce

stormwater impacts by strategically expanding riparian buffers where they can make the greatest difference. According to the grant, numerous studies have shown that watersheds with greater forest cover have increased groundwater recharge and reduced levels of stormwater runoff, resulting in lower nutrient and sediment levels compared to urban or agriculturally-dominated watersheds. The presentation included a list of references for further reading.

As the Squannacook River and its tributaries are part of the Merrimack River Watershed, Mr. Futterman discussed parcels of land that might benefit from the technical expertise available with the new grant. In addition, he asked the Commissioners for their recommendation on riparian buffers that should be restored. If the landowner is not willing to participate, then no action would be taken on that parcel

The Commission thanked Mr. Futterman for his very informative presentation and stated that they would assist in proposing properties for consideration.

3.0 Work Session

3.1 Discuss and vote on Request for Certificate of Compliance for DEP #308-106, 62 Adams Rd.

– LG discussed her site visit and the side access that is within 35 feet of the wetland. It is gravel and grass, but kept mowed. She visited the property on the day the new homeowners were moving in, and they expressed their wish to keep the access. However, they would rarely use it. HH motioned to issue a Certificate of Compliance with a cover letter requesting that the side access area be left alone and allowed to revegetate, seconded by JP, all in favor.

3.2 Discuss filing for Old Meetinghouse Park forest cutting plan under the Scenic Road Act. –

LG went back out to the site earlier today with Eric Radlof, Bay State Forestry, to make additional measurements. She will file with the Planning Board as soon as possible.

3.3 Bills payable:

3.3.1 Discuss and vote to reimburse John Hussey in the amount of \$75.00 for the MHOA educational meeting: Local Boards and Officials Behaving Badly – MT motioned to reimburse JH for the above-referenced expense, seconded by HH, all in favor.

3.3.2 Discuss and vote to reimburse James Deroian in the amount of \$75.00 for the MHOA educational meeting: Local Boards and Officials Behaving Badly – MT motioned to reimburse JD for the above-referenced expense, seconded by JH, all in favor.

3.4 Review draft Forest Cutting Plan, Lumppio, Clement Rd.

3.5 Discuss Conservation Commission submission for the Federal Energy Regulatory

Commission Scoping meeting at Lunenburg High School on 8/12/15 - discussed. LG and VK will go over the statement that VK read at the meeting for submission to FERC

3.6 Discuss Certificate of Compliance for 6 Pine St (DEP #308-623) – LG visited the site, and observed bark mulch spread very sparsely over the septic system that was replaced this past spring. The homeowners want to seed it but they need to bring in loam. LG noted that the site is level and there is little potential impact to the wetland; however, the Commission usually waits until the disturbed area is stabilized prior to issuing a Certificate. The Commission decided to wait to issue until the system is stabilized.

LG reported that she viewed quite a bit of debris dumped in the buffer zone behind a fenced pool area on the neighboring property to the east. She spoke to the homeowners as they were outside in the front yard, and explained the wetland buffer zone and town property concerns. They stated that they would move the material.

3.7 Discuss Certificate of Compliance for 172 Fitchburg Rd (DEP #308-566) – LG discussed her findings. The area around the well site is not vegetated, and there is a foundation drain coming out of the bank of the backyard draining onto the well area. The owner/applicant, Todd Rivers, Inc., plans to add fill and seed the area, so he agreed to wait until the area was stabilized. At that point he will ask LG for another site inspection for a Certificate of Compliance.

3.8 Planning Board Mandatory Referral Notice: Taylor Mandell, Townsend Fit, LLC (d.b.a Planet Fitness) – the project is a change of use in an existing building with no potential impact to a wetland. No comment

3.9 Ratify Conservation Agent’s response of “no comment” to ZBA Referral Notice: Lynn Fit LLC, DBA Planet Fitness, 18 Main St., due 9/09/15 at 6 pm - the project is a change of use in an existing building with no potential impact to a wetland. VK motioned to ratify LG’s response of “no comment”, seconded by HH, all in favor.

3.10 Approved Forest Cutting Plan, Lumppio, Clement Rd.

4.0 Correspondence - noted

4.1 Letter from Governor Charles Baker to former Co-Chairman Emily Norton re: Kinder Morgan pipeline.

4.2 Copy of letter from Commonwealth of MA Public Records Division to Town Administrator re: Karen Hill, Gardner, MA

4.3 Copy of letter to Karen Hill, Gardner, MA, from the Office of the Attorney General

4.4 Copy of letter to Karen Hill, Gardner, MA, from the Office of the Attorney General

4.4 ZBA legal notice of public hearing for a special permit for Townsend Fit, LLC, d/b/a Planet Fitness, 18 Main Street

4.5 Massachusetts Association of Conservation Commission correspondence

4.6 Planning Board Special Permit Renewal: SBA Tower V, LLC, 12 Ball Rd

5.0 Items for discussion at the next meeting

1. LG to scan correspondence and work session items
2. MACC fall conference bill payable
3. discuss changes to the Townsend Wetlands Bylaw regulations, to include:
 - a. add 50 ft. No Build buffer zone to plan requirements
 - b. applicants must submit colored plans to be submitted with applications
 - c. applicants must submit electronic copies of applications
 - d. eliminate just using vegetation as a delineation method – it should be in line with the state and federal methodology
 - e. add a minimum size of a Townsend Wetland Bylaw isolated wetland.

6.0 Advertisements and Conferences

7.0 Next meeting – Wednesday, September 23, 2015 at 7:30 pm.

8.0 Adjournment – JH motioned to adjourn at 9:52 pm, seconded by JP, all in favor.