



Office of the
CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Chairman
Veronica Kell, Vice-Chairman

Jennifer Pettit
John Hussey

Michael Turgeon

Minutes

Memorial Hall – Selectmen’s Chambers
Wednesday, August 24, 2016 @ 7:30 P.M.

1.0 Preliminaries

1.1 Open Meeting- Meeting opened at 7:32 pm.

1.2 Roll Call- Chairman, James Deroian (JD), Vice-Chairman, Veronica Kell (VK), Michael Turgeon (MT), James Deroian (JD). Jennifer Pettit arrived at 7:38 pm.

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

3.7 Discuss possible land swap for affordable housing on Dudley Road

MT moves to add 3.7 to the agenda. VK seconded. All in favor.

1.4 Chairs Report- No update on the agent or administrator position.

1.5 Minutes for Review: Executive Session minutes 6/10/15 vote to approve but not release- moved to next meeting.

2.0 Hearings and Appointments

2.1 7:45pm Continuation Notice of Intent (DEP #308-640)

Applicant: Joseph LoPilato Real Estate Development

Location: Warren Road (Map 32, Block 16)

Project: The proposed project is the construction of an access driveway in the Riverfront Area to construct a SFD.

JD opened the hearing at 7:46pm. Stan Dillis was present. Mr. Dillis spoke with NHESP today. The wetland flags were moved. Annual mean high water is difficult to determine cause of flooding of stream. The opposite side on Warren Road is 4’ higher than project site. MT looked at the culvert beaver dam, 2’ high. Stains on rock and trees are a foot high. Near A7 flag there is a stone and boat launch and think bank. VK- lot that is in question has frontage on Maplewood. Town was purchasing Witches Brook parcel 194B. SD- They wanted to show riverfront and may need to block water at the bridge. Used a reference plan at Registry of Deeds that had Witches Brook. MT- Wishes the reference plan was noted on the plan. SD will give this to Karen Chapman. JD- When was the last time the dam was breached? MT- last spring. SD- FEMA flood study shows a drop at the bridge. MT- 367.5 ‘and 268 in a different place for flood elevations. SD – part of the driveway is in the flood plain. MT- Incremental flood storage? SD- We could do flood storage in the back of the lot off the cart path. MT- How much is used incrementally? VK- Once storage is moved does it become conservation jurisdiction? SD- Yes, because it is in the Buffer Zone. MT- They stock this area with fish so any loss to the trees would affect cold water fisheries. MT- cart road is not used completely. SD- NHESP suggested using the cart road as much as possible and move the house. MT- if you move the driveway away from the wetland it will reduce impact and required mitigation. JD- What would be the implications of cutting into the hill? SD- More land disturbance and NHESP will not like that. MT- 3 lot option should have been in alternatives analysis. SD- The plan was given by applicant not part of analysis. Applicant wants to build house to sell. Applicant could break off house lot and give to the town. MT- No mitigation for anything. No adverse effect is what we are looking at. Need for discussion of wildlife habitat and its protection. Anyway to improve is good. How much 35’ disturbance should be on the plan? VK- went through the deeds for the property and history transactions. MT- it has been segmented after 1996, if Town

Counsel says was created in 2007. MT- Does alternatives analysis require adjacent lots to be looked at? If it was created after 1996 only alternatives for that parcel are needed. If before 1996 then it requires other lots. We need to find out what level of alternative analysis need to be done. VK would like to know why he would like a waiver. SD- my client would like to build a house. VK- This is valuable wetland, why should we give you a waiver? MT- applicant must provide mitigation so this may help with the waiver. I have supported waivers for the access but if mitigation isn't satisfactory we will not grant a waiver.

MT moves to continue hearing to 9-14-16 at 7:45pm. VK seconded. All in favor.

3.0 Work Session

- 3.1 Discuss items in Building Department Basket and site inspections- JH checked today and there was nothing in the box.
- 3.2 Discuss letter submitted by Karen Hill, Gardner, MA – JP recused herself. JD- JH and I went out and didn't see any porta- potties. MT asked Karen Chapman to send any information on the two cases. Not in the ACEC. Certified Vernal Pools are on the site. Clearing between 2011 & 2013. Saw porta-potties on some other photos. Looked at from the cemetery. There are none where they were supposedly stored. 249 Wallace Hill Determination in 1999 ACEC, NHESP, not FEMA, no DEP wetland, wetland vegetation in ditch and along north side of the property line. Considerable clearing since 2009. VK- asks Karen Hill if she observed the activities. KH- Did not observe while it was happening. VK- Why are we entertaining this complaint? Why are we talking about these people 2 years after the fact? Unless an active violation is going on now why are we bringing this up now? MT- someone came in and referenced these locations so we are investigating. JD asks KH how she found out about the violation. KH- I took the pictures for my husband. VK moves to place this letter in a file marked correspondence. JD seconded. MT- No, JD- No, JH- No, VK- Yes. MT moves to ask Karen Chapman to put together map of changes to these parcels. JH seconded. JD- yes, JH- yes, MT- yes, VK- No. JP returned at 9:16pm.
- 3.3 Vote and sign registration for 10/29/16 MACC Fall Conference for Veronica Kell, John Hussey and James Deroian from the Wetlands Protection Act Fund in the amount of \$285- MT moves to approve registration for JH, JD and VK for \$285 from the WPA Fund. VK seconded. All in favor.
- 3.4 Mandatory Referral from PB re: 40-56 Fitchburg Road Site Plan Review Solar Array- MT moves to comment if wetlands are present they will need to file with Con Com. JH seconded. All in favor.
- 3.5 Discuss 35 foot buffer zone markers and setting standards- JH talking to MT and delineation lines are only good for 3 years. VK- still need markers. JH- put on pressure treated post or tree. JD- 4x4 post 4' above ground. JP will check with other towns. VK- higher above the ground can be 50' apart.
- 3.6 Discuss beaver dam issue in Howard Park- Met with Board of Health and Cemetery & Parks and will do a site walk and GPS the end of the dam closest to the school to determine who's the owner of the property.
- 3.7 Discuss possible land swap for affordable housing on Dudley Road- Karen Chapman discussed The Housing Authority's plans for Veteran's Housing.

4.0 Correspondence

- 4.1 Memo from PB re: Solar Bylaw Subcommittee- noted
- 4.2 Letter from KP LAW re: Karen Hill v. Town of Townsend- noted
- 4.3 Job Posting Notices- Deadline is September 2nd. Applications will be sent to the board after that.
- 4.4 Volunteer Response Form: Ward Clark- noted

5.0 Items for discussion at the next meeting

6.0 Advertisements and Conferences

7.0 Next meeting – September 14, 2016 @ 7:30 pm

8.0 Adjournment- MT moves to adjourn at 9:55pm. JH seconded. All in favor.