



## CONSERVATION COMMISSION

Town of Townsend,  
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RECEIVED  
JAN 11 2021  
TOWN OF TOWNSEND  
TOWN CLERK

### Commission

Karen Hill, Chairperson

Jim Deroian

James LeCuyer

Ann LeCuyer, Clerk

John Hussey, Vice Chair

Dalton Wagman

Jenifer Eaton

### Minutes

Wednesday December 16, 2020 6 PM Zoom Meeting

#### 1.0 Preliminaries

-1.1 Open Meeting KH opened the meeting at 6:01

-1.2 Roll Call JH(A) JD(A) JL(P) AL(P) DW(P) JE(P) KH(P)

-1.3 Topics unanticipated by the Chair 48 hours in advance of the hearing (if any)

Add

3.4 Review, Consider and Vote on Response to Open Meeting Law Complaint against the Conservation Commission dated December 3, 2020 filed by Joan Savoy on file with the Town Clerk

3.5 Discuss sending a letter to JD about absence per the Charter

4.2 Letter from Town Clerk, acknowledgement of ethics and conflict of interest

*AL motioned to add in the appropriate locations. JL seconded.*

**JH(n/a) JD(n/a) JL(Y) AL(Y) DW(Y) JE(Y) KH(Y)**

-1.4 Chair's Report *None*

-1.5 Agent's Report *comment during the meeting*

-1.6 Approve 12/2/20 Minutes *Tabled*

#### 2.0 Hearings and Appointments

2.1 6:05 PM Continuation of a Notice of Intent for Diane Silva/Iodice Family Trust/DEP # 308- 655

**Applicant: Ducharme and Dillis for Diane Silva/Iodice Family Trust**

**Location: 59 West Meadow Road**

**Project: The proposed project is to restore historic wetlands and grades within the buffer zone to a 3/1 slope. Project located in ACEC and NHESP Estimated Rare Habitats. Filing under the Wetlands Project Act and the local bylaw.**

*Stan Dillis and Anne Rodgers present. SD- at the site walk on the 12<sup>th</sup>, some Commissioners were concerned about issuing Orders until we have gone through the Earth Removal permit process with the ZBA. If that's the case we should continue this, or we could issue an Order now and make it subject to anything ZBA might say. JL-wants can to get this resolved and off our back. SD agrees. KH doesn't. I think that the filings, at least have to be started. That is part of the WPA, you don't have to have approvals, just have to be filing concurrently. DW- so, are you saying that we can't issue OOC yet? KH- that's the theory. Theoretically, we can do whatever*

we want to do. SD- the applications are ready to be submitted to ZBA and Stormwater. We can continue this to the next meeting and then we can move forward. KH- at least until we can get our Mandatory Referral comments in. DH- the concurrency of filing is a requirement, however, the Con Com can put together OOC with special provisions. A few of these could be that Local, Federal and State permits. I could get a rough draft of OOC together. The Commission could review it and vote at the next meeting. You could put together conditionable Orders to proceed with that. DH recommended that the Commission think about what they may want for Special Conditions. KH's point about concurrency and the WPA, the Commission has the discretion. JL- do they still have a couple of Entities that have to be handled with prior to us issuing OOC? KH- yes, they need ZBA approval, they have not completed the MESA checklist, and there is a question about trash removal permit and what department that falls under. Some of the trash is in our jurisdiction. We need to know how that is going to be handled in order to issue the OOC. DH- we don't know if the work being done out there, if they would disturb the area significantly more than it's already been. AR- still trying to get a few answers from Rebecca Zimmer before she can submit the MESA checklist. She cannot find any clean-up requirements in the permits or filing. She feels that the clean-up is minimal and the amount in jurisdictional areas can be accessed with minimal disturbance. Most of what needs to be removed is on the access road. The Conditions from NHESP state that the work can be performed between October 15 through April 15, and we would be fine. The other Condition was that we record the Orders from NHESP, and that has been done. She believes that, according to the MESA checklist, the restoration plan, created by SD that was submitted to the Town in February 2019, is still viable. Most of the trash is sitting on top of the ground. She thinks that if they can keep the Commission informed exactly what's going on, what MESA is requiring and that we let them know beforehand what when and why, she doesn't think that there should be any further issues or delay. DH- what is before us is multiple issues. The site itself, which has revegetated, with a significant volume of facultative plants. So back to the plan that was submitted in 2019, it was about a seed mix and 3 different zones. What was observed last weekend, was a reasonably thriving environment. Attached to that, the work being done back there, the equipment, design and sloping, that would be part of the OOC. SD- The drafts that AR is referring to, is subject to approval by MESA as to the timing etc. Most of it does not appear to be in the Commission's jurisdiction. The previous application did not include trash removal. That does fall under MESA's jurisdiction. KH- DH can write some Orders, we can review before the next meeting and send him any Specials that we may want, and we can discuss this at the next meeting and decide if we want to issue them. By then, their other permit applications should have been submitted.

AL motioned to continue to Jan. 6, 2021. DW seconded.

JH(n/a) JD(n/a) JL(Y) AL(Y) DW(Y) JE(Y) KH(Y)

### **3.0 Administration**

**3.1 0 Main Street/Review and discuss potential violation of WPA and local Townsend Bylaw**  
Nothing yet.

**3.2 0 South Row Road/ Land Acquisition/Ownership in fee/response from BOS on questions posed at December 2, 2020 Conservation Commission hearing**

**3.3 Discuss converting hearings to 2<sup>nd</sup> and 4<sup>th</sup> Wednesday each month**

KH- our website states that our meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays, Covid has rearranged our schedule. We either continue as is and change the website, or go back to what the website states. Agreement to return the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays starting in February.

**3.4 Review, Consider and Vote on Response to Open Meeting Law Complaint against the Conservation Commission dated December 3, 2020 filed by Joan Savoy on file with the Town Clerk** JL motioned to let Town Council respond. Al seconded.

JH(n/a) JD(n/a) JL(Y) AL(Y) DW(Y) JE(Y) KH(Y)

DH left the meeting at 6:48

### **3.5 Discuss sending a letter to Jim Derorian about absence per Townsends' Charter**

*KH read section 7-11 of the Town Charter, Loss of Office, Excessive Absence.*

Al motioned to send a letter as per the Charter. JL seconded.

**JH(n/a ) JD(n/a ) JL(Y )AL(Y ) DW(Y ) JE(Y ) KH( Y)**

## **4.0 Correspondence:**

### **4.1 V. Kell requested comment on land stewardship, funding resources available for Campbell Farm Conservation Restriction**

*Dave responded to the letter. Neither the Town nor the Conservation Commission has a land management or stewardship plan. We do have funding in our Land Acquisition account that we have discretion as to how the funds can be used.*

### **4.2 Letter from Town Clerk, acknowledgement of Ethics and Conflict of interest**

*KH- everyone received this via email. Please print the confirmation page and return it to either Dave or Town Clerks Office*

### **5.0 Items for discussion at next meeting 0 Main St.,59 W. Meadow, South Row**

### **6.0 Advertisements and conferences None**

### **7.0 Next meeting tentatively January 6, 2021, 6 p.m.**

### **8.0 Adjournment**

*AL motioned to adjourn at 6:58. JL seconded*

**JH(n/a ) JD(n/a ) JL( Y)AL(Y ) DW( Y) JE(Y ) KH(Y )**

**Per the Governor's Order and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public.; provided, however, that the public bodies shall ensure public access to deliberations through adequate, alternative means, which include (but not limited to) telephone, internet, or satellite enabled audio or video conferencing or other technology that enables the public to clearly follow the proceedings of the public body while they are occurring. The Order also allows remote participation by all members of a public body; and waives the requirements that a quorum and the chair be physically present at a meeting location. The Chairperson reserves the right to adjust the sequence of hearings/appointments and any other business on the agenda.**

Topic: Conservation Commission

Time: Dec 16, 2020 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87215258596?pwd=RDIBTWQ0YIBJWj9LbHZ4WmhQaERKQT09>

Meeting ID: 872 1525 8596

Passcode: 159850

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