



## CONSERVATION COMMISSION

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TOWN OF TOWNSEND  
TOWN CLERK

### Commission

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James LeCuyer  
Jenifer Eaton  
Dalton Wagman

### Minutes

Wednesday December 2, 2020 6 PM Zoom Meeting

### 1.0 Preliminaries

- 1.1 Open Meeting KH opened the meeting at 6:00pm
- 1.2 Roll Call JH(P) 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) None
- 1.4 Chair's Report None
- 1.5 Agent's Report DH will comment throughout the meeting
- 1.6 Approve 11/12/20 Minutes

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

### 2.0 Hearings and Appointments

#### 2.1 6:10 PM Continuation Notice of Intent DEP # 308-655 for Diane Silva/Iodice Family Trust

**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 Habitat. Filing under the Wetlands Project Act and the local bylaw.

KH opened the hearing at 6:10. Stan Dillis representing. DH asked to give a brief history/synopsis. NOI was presented Feb. 18, 2019. The NOI stemmed from issues going on the site about 2 ½ years ago. And have been in the process of trying to rectify some of the issues under the WPA and the local Bylaw. The questionable area, under the Bylaw, is an Isolated Vegetated Wetland. NHESP determined that much of the property, 20 acres, + or -, has been determined as potential rare species habitat. Dan Wells-wildlife biologist, found no actual activity. NHESP issued OOC in January and was recorded 11/30/20. The owners are seeking a trash removal permit and a land excavation permit from the Building Department. The NOI is to restore an Isolated Vegetated Wetland which is 20,000 sq. ft. When this was before the Commission in July of 2019, the Commission decided to defer the OOC until NHESP came back with their decision, and ultimately their OOC SD- on the plan we specified 3 different types of restoration, whether in the wetland or the buffer zone. The part in the back is the most concerned. There are 3 piles, 2 are loam and the other is tailings or associated stone. In order to restore this area and fix the slopes. those piles must be removed from the area. The next step is to file for an Earth Excavation Permit with the ZBA, because we are triggering the limits of what we can move. DH and I went out a year or so ago, and the area that was

excavated down to groundwater was already starting to vegetate with facultative plants. What we would like to do, if the Commission agrees, is get the piles of stuff out of the area, stabilize the slopes, spread some of the loam in that area of the disturbed wetland and the buffer zone, and just let it vegetate. There is enough seed there that it can either grow back to wetland or a buffer zone. Our focus is to get that cleaned up due to MESA regs, this is the time of year to do so. Fish and Wildlife is going to purchase the property. It is about 94 acres. The owners will have one ANR lot on West Meadow Rd, a parcel to the neighbor, and the rest is going to the State. DH- asks SD to talk about the large area, the 20,000 sq. ft are that you have defined as A,B, and C, in particular, seeding schedule or potential vegetation option. SD-there is that portion within the hatched marks, that I am calling "the historic wetland", that is 20,000 sq. ft. The disturbed part of that would be restored with a wetland seed mix, we usually specify New England wetland mix. The area that is in the buffer zone, which is on the plan as type B, would be seeded with a conservation wildlife mix. Type C is upland Northeast wetland plant roadside mix. JH- you indicated that you need to go to the ZBA for a material removal permit. Is any of that material going to leave the property? SD- If the owners had their choice, they would remove some of that material to recoup some money, that decision is up to the ZBA. JH- in my opinion, more than enough material from this property has gone down the road. SD- what I think that we are asking for with the NOI, is permission to remove the pile in the buffer zone and jurisdictional areas, and to be able to restore that area. DH-that is all part of the NOI, and additionally, NHESP is requiring that also. KH-so the proposal is to remove material from that area, but still keep it on the property, to regrade it to get to the restoration. DH-let me be clear, as defined in the NOUI and discussed with NHESP, none of the soil will be removed around the Isolated Vegetated Wetland. That will not be removed, it will be reused. DH stated that SD went out there and observed several facultative plants in the area that have been naturally growing over time. SD- a lot of sedges, reeds are growing in the disturbed area. DH- the question for the Commission is, whether or not what was put together on the original plan, in terms of areas A,B,and C, and the distribution of the type of seed mix to be used, whether or not, the Commission adheres to the original plan, or if after a site visit and SD observations and the Commissions observations, has nature taken course on its own, and does the Commission want to disturb what is already naturally occurring? DW-what is the seeding schedule? SD- they would follow the manufacturers recommendations. There is no set schedule. DW asked SD, 6" of loam will be applied ? SD – that is what the NOI suggested. What DH has implied, and I am concurring with is, that nothing has been done as of now, and this has obviously been growing back as a wetland. JH- has anyone taken the time to calculate how many yards of loam are in those piles, and how much will be needed for the 6" for the restoration? SD- I have not done that yet. I will calculate that out for the area. KH- the issue here is, it came back better that it probably would have had it been recreated. SD -or equally as well. KH-on its own. SD- we are going to have to go into that area and disturb it to remove the piles. KH- does everyone want to take one more look at this particular spot? SD- let me see about getting a key so we can go out there.

DW motioned to continue to 12/16/20. AL seconded. JH(Y)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**

Still waiting for information

#### **3.2 Campbell Farm Conservation Restriction/Revise Final Wording**

DW wanted to be refreshed on this subject. KH- this is the final draft of the Conservation Restriction on 50 acres on North End Road that the land owners will retain ownership of the land, yet we will hold the CR .JE -stewardship monitoring, I understand that we are the agency responsible for that and she would like signage to prevent ATV and snowmobile use, particularly if people are already using it for that. Will the BOS and the Con Com get to walk the property to establish the Baseline Development Report? DH-BDR has been done some time ago ( July 2020). It had to be done as part of the process to get this far. To walk the property, we do not control that until it goes through the process, which could take another 6 months In between now and then, the Con Com could reach out to the landowner, or any other interested party to take a walk out there. JL -don't expect the Selectmen to follow us. We are the responsible party to report to the Selectmen. DH- ultimately we have the responsibility of monitoring and providing the stewardship as such.

AL motioned to accept the final draft of the Conservation Restriction on the Campbell Farm with the provision of signage. DW seconded. **JH(Y)JD(n/a)JL(Y)AL(Y)DW(Y)JE(Y)KH( Y)**

### **3.4 0 South Row Road/ Land Acquisition/Ownership in fee**

DH- several weeks ago, the Town Administrator received an inquiry from the owners that have inherited the 42 acres. This parcel is land- locked. They have no interest in continuing ownership. There is no knowledge of available frontage or access to the parcel. There is no deed check as of "rights of way". The Commission has been asked as to whether they have an interest in "ownership in fee". Points about the property- it's land-locked, can the property be accessible to passive recreation? Are there any easements? What are the costs associated with acquisition? A wildlife corridor does exist from the SE to the NW. This property has over an acre of freshwater emergent wetlands. It is outside of the ACEC. It is not an NHESP area. What type of use might this have? "Ownership in fee" needs to be defined. DW- so my interpretation is that the landowner is paying taxes on land that is completely unusable to them? KH -correct. DW – there is a lot of value for our town, but I am sensitive to paying taxes for land that you can't even recreate on. There are a lot of abutters and there would be a need to secure access so we could check on it. It's a significant chunk of land. KH- I know some history on this parcel and I see that Veronica Kell (VK) is in the audience and I would really like for her to chime in on this because she seems to be in favor of the Town accepting it. VK- this parcel, it was being offered for zero dollars to the Town. I am aware that it is being offered to others not for zero dollars. I think that it is a parcel of interest and it is coming to us for free. By State Law, land-locked parcels have to have legal access through the parcel from which they were cut off, and so there should be access. It would be nice to have this. It's not super wet. I thought that it was worth holding on to. KH- my understanding was that you thought that it could be developed into something, either solar or elderly housing, or something of that nature. VK- 0 in the future maybe it could be. It's a good piece of property. KH- that being said, in the 90's, a subdivision was proposed on that parcel. It was going to cut through from Emory Rd to Tyler Rd. The three landowners got together and proposed a subdivision and it was denied. It was denied by the Conservation Commission, Zoning Board and Planning. The Commission denied it because of wetland crossings. So I don't see how the Town can take and hopefully develop a parcel that was already denied the use of. VK- obviously a parcel that has been denied can be developed in the future, that's not the topic, the topic is, is it worth the Town holding on to this, with the possibility, and I'm not looking at a housing development, although, I know the Housing Authority is always looking for parcels for 55 and older, or whatever. If the Town were to own it, there are possibilities and this is something that probably isn't going to happen tomorrow. Maybe we just want to keep it as open space for a wildlife corridor, because that is what it is functioning as now. JH- I don't think that there is any reason why we wouldn't want it. It's quality open space. DW- Is there a way we can secure permanent access so that we can go in and evaluate. KH- Veronica can't the Commission take this with a CR? If we don't take it with a CR, it has to go to Town Meeting to accept? VK- you can't put a CR on property that you own and hold the CR. So a CR doesn't make a lot of sense in this case, unless the original property owners are holding the property. If it's property in fee, which it should be, it does have to go before Town Meeting to be accepted. DH- so property in fee would go back to the Town as being the party responsible for it and there would be no CR on it. VK- that's correct, unless we choose to put that on.

### **3.4 Tree Hunt**

Karen Clement has organized a tree hunt. Individuals have decorated trees on some of the trails in the Town. It is designed to get people to get out, find the trees, explore the trails and hopefully familiarize themselves with our open space. It started December 1<sup>st</sup>.

### **4.0 Correspondence:**

**4.1 Letter from AGO office, dated 11/17/20, notification that they are reviewing the OML complaint filed by Joan Savoy on 10/8/20 and 10/14/20**

**4.2 Response from Joan Savoy to AGO office dated 11/17/20**

**5.0 Items for discussion at next meeting** 59 West Meadow, 0 Main St, 0 South Row Road

**6.0 Advertisements and conferences** None

**7.0 Next meeting tentatively December 16, 2020, 6 p.m.**

**8.0 Adjournment** JL motioned to adjourn at 7:33. AL seconded  
JH(Y)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.**