



Conservation Commission
Town of Townsend
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JAN 13 2022
TOWN OF TOWNSEND
TOWN CLERK

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Jessica Consolvo, Conservation Agent

Meeting of the Townsend Conservation Commission MINUTES

Wednesday, December 8th, 2021 @ 7:00 pm

*****DUE TO HIGHER THAN AVERAGE RATES OF COVID-19 INFECTIONS IN TOWNSEND, THIS IS A VIRTUAL ONLY REMOTE MEETING AND ALL ARE INVITED TO ATTEND via remote ZOOM @ 7pm**

Join Zoom Meeting

<https://us02web.zoom.us/j/86301651971?pwd=c2ljb1R0cHRhbTlXTTJlSnJSTWFsZz09>

Meeting ID: 863 0165 1971

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1.0 Preliminaries – Votes May Be Taken:

1.1 - Call the meeting to order and roll call Meeting called to order by Vice Chair JE at 7:02PM under the Wetlands Protection Act (WPA) and the Townsend Wetlands Bylaw (TWB).

Roll Call: JS (P) JL (P) AL (P) JG(P) JE (P)

1.2 - Announce the meeting is being video recorded. Is anyone else recording? No one else is recording.

1.3 - Chairman's Additions and/or Deletions None

1.4 - Agent's report JC reports 3 building permit signoffs including 10 North End Rd, 54 Barker Hill Rd, and a site visit to 114 Old Turnpike Rd. There have also been 2 septic signoffs for 39 Turnpike Rd and 78 Turner Rd. The referrals for 8 Lefts St and 233 Main St have been completed as well. Coordination for public education on Townsend's MS4 EPA stormwater permit compliance has begun.

1.5 - Chair's report JE reminds the CC that, for now, meetings remain virtual and to please make sure you're seen and heard while voting.

1.6 - Review/Approve the meeting minutes from 10/13, 10/27 and 11/10

JS motions to accept meeting minutes from 10/13, AL seconded

The motion passes unanimously

JG motions to accept meeting minutes from 10/27, JS seconded

The motion passes unanimously

AL motions to accept meeting minutes from 11/10, JG seconded

The motion passes unanimously

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:10PM – Request for Amended Order of Conditions, DEP #308-0673, TWB 2021-113

Applicant: Townsend Hill Realty Trust

Location: 6 Ball Road

Project/Status: Supplementary information has been submitted to restore an area of the fire pond that was pumped and disturbed during the installation of the fire hydrant and water supply line.

Ryan is present at the meeting to represent Townsend Hill Realty Trust. JS would like to know if the abutters have been notified. Ryan mentions that Stan Dillis sent over the abutters list to JC and then he proceeds to email the certified mail receipts to JC, confirming they met the 5-day notification requirement. The CC agrees with the observations JC made on the 12/1 site visit. JC informs the CC that despite them claiming they would not need to dewater the pond a second time, they will indeed need to dewater because the pond is currently overflowing and is fed by groundwater. They are currently proposing to drain the pond and work as quickly as possible to try to get the work done in a day (installing the ENS and fire hydrant). JC is only concerned about the applicant restoring the unpermitted disturbance and, based on submitted materials, there seems to be a good plan in place to address this.

JL motions to approve the amended OOC, JG seconded

The motion passes unanimously

JC asks the CC if they would prefer to draft a new OOC with an amended attachment B or to draft a letter of approval instead. The CC thinks the letter of approval is the best way to go about it.

*JL motions to approve sending the letter of approval, JG seconded
The motion passes unanimously*

*AL motions to close the hearing, JL seconded
The motion passes unanimously*

2.2 – 7:20PM – Abbreviated Notice of Resource Area Delineation, DEP #308-0687, TWB 2021-114

Applicant: David Werlin

Location: 169 Main Street

Project/Status: The applicant would like the Conservation Commission to review the accuracy of the ANRAD and approve the findings

Spencer Tate, with Meridian Land Services, is at the meeting on behalf of the applicant David Werlin, who is present as well. Spencer shares his screen so that the CC can review the ANRAD materials and discuss. JC reminds the CC that the point of this hearing is to approve or disapprove the wetland delineation from the consultant, who is in the process of building a new property. JC also informs the CC that the 12/1 site visit included: walking around much of the property, taking soil samples, looking at hydrologic conditions, and attempts at vegetation identification. It is her opinion that the delineation depicted on the submitted materials is accurate.

*JL motions to approve the ANRAD, JG seconded
The motion passes unanimously*

JC will send a copy of the signed ANRAD to the applicants David and Beverly, Spencer from MLS, and the DEP. The approval will last 3 years from the date on the mailed form.

*JG motions to close the hearing, JL seconded
The motion passes unanimously*

3.0 Work Session – Votes May Be Taken:

3.1 - TWB 2021-115, 4 North End Request for Determination of Applicability for the removal of trees potentially within 100ft of a resource area The applicant, Dana King, is present at the meeting. A site visit with the applicant and members of the CC was conducted on 12/1. JL, who was present at the site visit, informs the CC that, in his opinion, there should be no issues in cutting down the proposed trees. JC points out that in the material she emailed out concerning the RDA, it does appear that some of the trees proposed for removal are in 100-foot buffers of streams/wetlands. However, she recommends to the CC that the tree removal should be approved because many of the trees are dead/dying and therefore pose significant risk to the residence and people on the property.

*AL motions to issue a negative 3 determination, JL seconded
The motion passes unanimously*

JC informs the applicant that she will be sending him a formal response form in the mail soon and gives him the go ahead to cut down the proposed trees.

3.2 - Discuss application status spreadsheet The CC confirm that they have been given access to the spreadsheet and they give their approval. The Conservation Admin (MM) informs the CC that they are currently only able view the document, so they won't be able to edit.

3.3 – Approve payment for MACC handbook and Conservation Admin’s membership/class fees
JS informs the CC that the total for these items is 515 dollars and would be paid out of the WPA fund.

*AL motions to approve payment of 515 dollars out of the WPA fund, JS seconded
The motion passes unanimously*

3.4 - Discuss options for future land protection of Squannacook Meadows JC shared a table with the CC that compared the details of the 2 options. One option being a Conservation Restriction and the other being a Deed-in-Fee Transfer. JC shares her screen in the hope that the CC can go over the table together and then the CC can share their preferred option with the BOS, who have the final decision, before their next meeting. JL asks to table this discussion until the next meeting. JC and the BOS Liaison (Veronica Kell) remind JL that the BOS plans to vote on this topic at their next meeting on the 4th and so the CC can’t wait to table this discussion until their next meeting on the 12th. JS is in favor of the CR and thinks it’s better to let a land trust manage the property. She points out that the CC is a temporary/fluid position and that the CC already has its hands full with the 30 properties they already own. The rest of the CC agree that the CR is the better option and will send this information to the BOS.

*JL motions to submit their opinion to the BOS, AL seconded
The motion passes unanimously*

3.5 - Vote to Change 2010 Fee Schedule Changes to Fwd to BOS for approval There have now been 2 different fee plans put forward to the CC and they need to decide on which changes they would like to submit to the BOS. JS asks to table this discussion until the next meeting, so that she can get a chance to look at the WPA budgets of the last 5 years. She believes knowing past budgets will give the CC a better sense of what the fee amounts should be. The rest of the CC agree that this is a good idea.

*JL motions to table the discussion until the next meeting, JS seconded
The motion passes unanimously*

3.6 – Consider approval for tree removal on town land behind 1 Capricorn Lane JE attended the site visit on 12/1 and confirmed that the property in question was a small easement behind the applicant’s house. In her opinion the trees were in bad shape and posed a danger to both neighboring properties. JS informs the CC that she believes these small strips of land are owned by the town because they contain water pipes underground. JC reminds the CC that this meeting is just to determine approval for the applicant, Mr. Richard DeAmicis, to cut down trees on town property and does not fall under jurisdictional regulation. If approved the applicant will be sent a letter with a list of conditions alongside a Right-of-Entry Agreement. AL asks why it is the abutting property owner’s responsibility to cut down the trees and not the CC’s, who own the land. JC explains that because the land has not been surveyed it is not known exactly where one property ends and the other begins, so the proposed letter is simply a way to absolve the town of any liability. JL thinks the best way forward is to have the applicant, or his neighbor, hire a land surveyor to determine exactly what trees are on which property. JL is hesitant to approve the tree removal because he is unsure about the legality of the situation regarding responsibility in case of an accident. JE explains that this situation is different than the normal RDA request and the applicant is simply asking permission to cut down trees on CC land, land that is not protected by any wetland regulations. With this information, JL is no longer hesitant in granting his approval and supports approval alongside the rest of the CC. Approval is contingent on the Right-of-Entry Agreement being approved by town counsel.

*AL motions to approve the tree removal on town land behind 1 Capricorn Lane, JL seconded
The motion passes unanimously*

3.7 – Review the list of lands owned by the Conservation Commission The properties owned by the CC currently total 30 separate parcels of land, according to the spreadsheet JC created. JE confirms that the size of the land is measured in acres. JS suggests that the CC should go out and see these properties in person and JC agrees. JC would like to start going out and inspecting these properties, when she has free time, to ensure that there is no illegal dumping or other illegal activities happening that the CC is not aware of. Some of these properties might even include habitat that could meet conditions warranting preservation.

3.8 – Review draft form “Request for Agent Consultation” JC would like the CC to review the draft of the agent consultation request that was discussed at the 11/10 meeting. JS recommends making the fee amount \$30 not the proposed \$25. The CC would like to table this discussion, as it pertains to work session 3.5, that had already been tabled until the next meeting.

3.9 – Joan Wotkowicz from Squannacook Greenway & NRWA introduction to Conservation Agent & Admin Joan Wotkowicz (JW) wants to introduce herself to the new CC staff members because she believes there will be many opportunities for collaboration between the National River Watershed Association (NRWA) and the CC. She has been on the Board of Directors for 5 years and served on several other committees, including on a climate change impact committee. This committee developed a website on how climate change is impacting the Nashua River Watershed and lists several mitigation strategies, a potential resource for the CC. She also worked on a riparian buffer project a couple of years ago that placed native plants on riverbanks to help control invasives, including on the Squannacook River by Adams Dam. This project recently received renewed funding, and so she asks the CC to help identify sites in Townsend that need plantings to help control erosion/invasives. She is also part of The Wild and Scenic Stewardship Council, which helps to oversee the stewardship plan for the Nashua, Squannacook, and the Nissitissit Rivers. There is a copy of the plan in the town clerk’s office, and she also submitted an annual report to the BOS on 12/7, another valuable resource for the CC. Townsend recently received 2 grants from the council, one of them being conservation work near Adams Dam. These grants are now open for this year, accessible from the NRWA homepage, and applications are due February 1. She then informs the CC that they should contact Al Futterman about receiving invites to the various networking opportunities that the NRWA organizes. She also appeals for a 2nd representative on the Stewardship Council from Townsend, as she is the sole representative right now and has no alternate. Finally, she updates the CC on the status of the Squannacook River Rail Trail which has already had 1.1 miles completed over the last year, from Depot Street to Old Meetinghouse Road. The trail has been open since the spring and has been very popular. The next section from Old Meetinghouse Road to Harvard Pond is planned after enough funds are raised, with the hope that they can construct this during their build season of November-March. Their OOC for this project, approved in 2019, still applies through 2022.

3.10 – Discuss & review volunteer application from Mr. David Vigeant to potentially serve on the CC The applicant, who lives in Tyngsborough, but works as the Water Department Superintendent sent in a volunteer response form, requesting to serve on the CC. JS reminds the CC that the vote would not be to approve the application, but to recommend the applicant to the BOS, who would have the final say. Veronica Kell confirms this. JS would like to table this discussion until the next meeting when Mr. Vigeant can be on the call to answer any questions that the CC might have. The rest of the CC agree.

4.0 Correspondence – Votes May Be Taken:

5.0 Education and Conferences – Votes May Be Taken:

6.0 Items for discussion at next meeting:

The fee schedule, the volunteer response form, the draft for agent consultation fee, site walk protocol, and the Right-of-Entry Agreement for 1 Capricorn.

7.0 Next meeting: Wednesday, January 12, 2022 at 4 pm, BOS Chambers, 2nd floor. This meeting will also be held via virtual Zoom remote in accordance with Covid-19 safe meeting guidelines.

8.0 Adjournment:

*JG motions to adjourn at 8:32PM, JL seconded
The motion passes unanimously*