



## CONSERVATION COMMISSION

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TOWN OF TOWNSEND  
TOWN CLERK

### Commission

Karen Hill Chairman  
John Hussey Vice Chair  
Jim Deroian  
Ann LeCuyer Clerk  
James LeCuyer  
Jenifer Eaton  
Dalton Wagman

### Meeting Minutes

Wednesday November 4, 2020 6 PM Zoom Meeting

### 1.0 Preliminaries

**1.1 Open Meeting** John Hussey, Vice chair, opened the meeting at 6:15

**1.2 Roll Call-** John Hussey (JH), Anne LeCuyer (AL), Jenifer Eaton (JE), Dalton Wagman (DW) present. Jim LeCuyer (JL), Jim Derorian (JD) absent. Karen Hill (KH) arrived 6:18.

**1.3 Review, Consider and Vote on Response to Open Meeting Law Complaint filed against the Conservation Commission dated October 8, 2020 filed by Joan Savoy on file with the Town Clerk.** AL motioned to allow Town Council to respond. JH seconded. All in favor.

**1.4 Review, Consider, and Vote on Response to the Open Meeting Law Complaint filed against the Conservation Commission dated October 14, 2020 filed by Joan Savoy on file with the Town Clerk.** JH motioned to allow Town Council to respond. AL seconded. All in favor.

**1.5 Minutes to be voted on for approval January 8, 2020, January 22, 2020, February 12, 2020, March 11, 2020, July 29, 2020, September 17, 2020, September 23, 2020** AL moved to approve and release. JH seconded. All in favor.

**1.6 Topics unanticipated by the Chair 48 hours in advance of the hearing**

3.7 Discussion on presentational materials to be provided to the Commission

3.8 Discuss Zoom protocols

AL moved to add to the Agenda in the appropriate locations. JH seconded. All in favor.

**1.5 Chairs Report** None

**1.6 Agents Report** Comments during the meeting

### 2.0 Hearings and Appointments

6:30 PM **2.1 Notice of Intent DEP # 308-0680 /Continuation**

**Applicant:** Green International on behalf of Townsend

**Department of Public Works**

**Location:** Greenville Road

**Project: The proposed project is for the reconstruction/bridge replacement and redevelopment in ACEC. Multiple jurisdictional/resource areas to be addressed.**

KH opened the hearing at 6:30 Danielle Spicer presenting. An additional site visit was held on October 1<sup>st</sup> with Ripal Shah. DW didn't attend and questioned if the bridge design had changed to reflect the 100 year flood. JH had attended the site visit. The design is for the 10 year flood. The grant that the Town will receive is based on that. KH to clarify, the bridge design the 10 year flood is MASSDOT requirements. AL moved to close the public hearing. JH seconded. All in favor. There was no discussion amongst the Commission. JH motioned to approve with standard Orders of Condition. AL seconded. All in favor. AL moved to close the hearing. JH seconded. All in favor.

**6:50 PM 2.2 Notice of Intent DEP # 308-0678**

**Applicant: Ducharme and Dillis on behalf of**

**Location: 3 Wheeler Road**

**Project: The proposed project is located within the ACEC and multiple resource areas.**

KH opened the hearing at 7:05. Stan Dillis representing. In 2016, they were given Orders of Condition, an earth removal permit and a storm water permit. They all have expired. If the applicant was cognizant of the time frame, they would have applied for an extension. Nothing has changed from the original NOI. DH-infiltration areas have been designed to retain and recharge for the 100 year flood with emergency outlets. Nothing has changed. JH motioned to close the public hearing. AL seconded. All in favor. No discussion.. AL moves to issue standard OOC. JH seconded. All in favor. AL moves to close the hearing. JH seconded. All in favor.

**7:10 PM 2.3 Request for Determination of Applicability/ TWB# 2020-177 Continuation**

**Applicate: Tri-Mont Engineering Co., on behalf of UNITIL**

**Location: 118 Old Meeting House Road**

**Project: The proposed project is install an anode bed. This is a protection project to avoid corrosion. Jurisdictional areas include, but not limited to NHESP, and bordering vegetated wetlands.**

KH opened the meeting at 7:13. Brendon Kearns representing. This project is exempt from the WPA. This was continued because NHESP had not made a determination. They have since issued a "no take". DH- with no conditions. AL motined to issue a Negative 3 determination. JH seconded. All in favor. JH moved to close the meeting. DW seconded. All in favor.

**7:15 PM 2.4 Request for Determination of Applicability TWB# 2020-178/Continuation**

**Applicant: Dan Superchi II**

**Location: Reagan Road**

**Project: Removal of approximately 21 trees within Buffer Zone**

KH opened the meeting at 7:18 JH recuses himself Dan Superchi (DS) present. .DH- some of the trees are decayed and or diseased. The healthy ones pose a risk to the dwelling. DS- we have no intention of developing the area. I just want to remove the hazards to my property and my neighbors .DH-the intermittent stream or drainage ditch was built decades ago. The stream appears to be a function of storm water and saturation point from the complexes both to the East and West. DW has no interest in plantings. Some saplings will be destroyed, however, it will re-seed itself, He would like to see it re-vegetate. AL motioned to issue a negative 3 determination. DW seconded. All in favor. DW moves that the area be allowed to naturally vegetate, and that the machinery stay on the grassed area. AL seconded. All in favor. DW motion to close the meeting. AL seconded. All in favor.

**7:30 PM 2.5 Continuation of a Notice of Intent for Diane Silva/Iodice Family Trust/DEP # 308-655/Request for Continuation**

**Applicate: 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 within ACEC and Estimated Habitat Rare Wildlife.**

Stan Dillis representing. Request for continuation. AL motioned to continue. JH seconded. All in favor.

**7:25 PM 2.6 South Row Notice of Intent/Single Family Home/DEP#TBD/Request for Continuation** AL motioned to continue. DW seconded. All in favor.

**Administration**

**3.1 Amended Order of Conditions/Squannacook Rail Trail/ Discussion on Bridge Materials/ No comments from applicant as of this writing.** DW motioned to continue. JH seconded. All in favor.

**3.2 Barker Hill Road Violation of WPA and local Townsend Bylaw**

DH This came to our attention by JH. The NOI had not been presented to the Commission. Work was done in the Buffer Zone of an intermittent stream. JH issued a Cease and Desist. DH did not put together an Enforcement Order. Work did continue after the Cease and Desist was issued. JH got the impression that the homeowner was confused and thought that the Cease and Desist was for work in the Buffer Zone only. DH- The NOI will be presented at the 11/12/20 meeting. The Commission has to decide what potential violations have occurred and what punitive actions the Commission wants to take. Some options are fining, ticketing or enforcement order.

Stan Dillis (SD) representing. The NOI was filed in March and was on the Agenda for the 25<sup>th</sup> and we had the shut-down. There was a dilapidated building that was partly in the Buffer Zone and a lot of junk in the Buffer Zone that was cleaned up. They installed the driveway, which is in the Buffer Zone. All of this was done without OOC. DH- they did seed and loam it and put up erosion controls. JH doesn't think that fines should be issued. Covid has turned the world upside down. KH- doesn't want to appear lax in our job. DH- something to think about, additional mitigation. Something that will enhance the quality of the resource area. JE work was done in the buffer zone what is in place for consequences for people who do work or claim ignorance? DH-Ticketing, fines, enforcement or think about the impact and seek additional mitigation in addition to what you would ordinarily ask for in the OOC.

**3.3 0 Main Street/Review and discuss potential violation of WPA and local Townsend Bylaw** DH- got a call from a concerned citizen about potential wetlands violations. KH- the property owner feels he is agriculturally exempt. He has been in contact with USDA and Farm Bureau. KH suggested that the property owner have USDA talk to DH and discuss the matter. In the meantime, the area in question is stable. The rail trail will start work soon and that area will be used as a staging area. We have time to do our due diligence. DH- based on GIS no doubt that BVW was altered and also a potential isolated vegetated wetland in the center of the property. The Commission needs to determine if the work that was done violates the WPA and or the local bylaw based on GIS and the delineation done for the rail trail. DW-What happens when you erase wetlands and have broken the law? DH-multiple options are available, if wetlands have been disturbed significantly, filled in or dredged we can put out an Enforcement Order and require wetlands be restored. KH-we will let DH do an assessment and go from there.

**3.4 507 Main Street/Vote on Order of Conditions/Septic Replacement/Driveway Replacement** DEP 308-0677. JH motioned to approve. AL seconded. All in favor.

**3.5 Jenifer Eaton MACC reimbursement of 75.00 MACC** Al motioned to reimburse. JH Seconded. All in favor

**3.6 Campbell Farm Referral/Conservation Restriction/ Defer until November 12, 2020**

**3.7 Discussion on presentational materials to be provided to the Commission-not done**

3.8 Discuss Zoom protocols-not done

**4.0 Correspondence:**

4.1 Open Meeting Law Complaint filed October 8, 2020 by Joan Savoy

4.2 Open Meeting Law Complaint filed October 14, 2020 by Joan Savoy

4.3 Public Records Request by Joan Savoy/Townsend's offer letter to Dave Henkels/response

4.4 Letter from Attorney General's Office dated October 29, 2020 granting an extension

4.5 Public Records Request by Joan Savoy seeking Dave Henkels employment Application

4.6 Public Records Request by Joan Savoy for draft meeting minutes 9/17/20 & 9/23/20

4.7 Public Records Request by Joan Savoy for audio from meetings 9/17/20 & 9/23/20

5.0 Items for discussion at the next meeting 59 W. Meadow, Barker Hill, 0 Main St., Campbell Farm

6.0 Advertisements and conferences

7.0 Next meeting tentatively November 12, 2020, 6PM

8.0 Adjournment JH motioned to adjourn at 8:12. AL seconded. All in favor.

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.