



Office of the

CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

James Deroian, Co-Chairman

Veronica Kell, Clerk

John Hussey

Leslie W. Gabriliska,

Conservation Agent

Emily Norton, Co-Chairman

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Minutes

Selectmen's Chambers

Memorial Hall

Wednesday, April 22, 2015 @ 7:00 P.M.

1.0 Preliminaries

1.1. Open Meeting – Co-Chairman Emily Norton opened the meeting at 7:08 pm.

1.2. Roll Call – Co-Chairman Emily Norton (EN), Veronica Kell (VK), Christine Vitale (CV) and John Hussey (JH) were present. Jennifer Pettit (JP) arrived at 7:22 pm and James Deroian (JD) arrived at 7:40 pm. Conservation Agent Leslie Gabriliska (LG) was present.

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

3.2 Discuss site visit to 75 Barker Hill Road

3.3 Review Aquatic Control Technology's proposal for Emergent Invasive Species Management in Ash Swamp

3.4 Review Old Meetinghouse Park Invitation to Bid

4.1 Copy of letter from Board of Selectmen to Representative Sheila Harrington re: Article 97 property on Haynes Rd.

4.2 Planning Board Site Plan Review Decision and Notice of Decision

4.3 Volunteer Response Form: Karen DiStasio

6.1 Townsend's Earth Day celebration, Saturday, April 25th. (rain date 4/26) Townsend Common

VK motioned to add the above- listed items to the agenda, seconded by CV, all in favor.

1.4 Chair's Report – EN reported that she spoke with Jeremiah Thompson of Senator Elizabeth Warren's Boston staff. He advised her that the Senator's staff in Washington was still reviewing the letter and he would let her know when they complete their review. He also assured EN that he would not waste EN's time by asking her to come back in to Boston for a follow up meeting if it were not going to be productive.

She also reported that the New England governors were meeting in an energy summit in Hartford, CT tomorrow to discuss New England energy solutions. New Hampshire Governor Maggie Hassan will not be attending. She is expected to issue an opposition statement prior to the conference.

1.5 Administrator/Agent Report - LG reviewed her agent report. She also asked the Commission if they would be able to schedule site visits for two applications that the Commission will review at their next meeting on May 13th. The Commission agreed to visit 56 Brookline Road and 2 Sauna

Row Road on Wednesday, May 7th beginning at 7:00 pm. Additional comments were provided during the work session.

1.6 Review of Minutes (4/08/15) - VK motioned to approve the minutes as revised, seconded by JP, all in favor.

2.0 Hearings and Appointments

3.0 Work Session

3.1 Discuss Open Meeting Law Complaint filed by Karen Hill, 914 Clark St, Gardner – discussed.

EN asked the Commissioners to review her draft responses to the above-referenced complaint.

After the Commissioners reviewed them, EN asked for a vote on whether the Commission should respond with the one paragraph letter or the two paragraph letter. VK motioned to send the one paragraph response, seconded by JP, all in favor.

EN had also prepared a response to be signed by the entire Commission, or by the two co-Chairs.

VK motioned that all of the Commissioners should sign the letter, seconded by JP. There was then discussion on the motion. JD asked to table the matter. VK questioned the reason for tabling the matter and felt that it was important to have a show of support for the conservation agent. CV stated her support for a unified front. JD agreed that being unified on this issue is important. EN asked for a vote, which passed with all in favor.

3.2 Discuss site visit to 75 Barker Hill Road - Martin Kennelly, owner/builder of 75 Barker Hill Rd, was present. He submitted a revised, stamped as built plan from Soilsmith Designs showing the house now completely outside the 50' no build buffer zone. Soilsmith Designs' stamped as built plan dated April 7th showed the corner of the house within the 50' no build buffer zone. The Order of Conditions issued by the Commission for the new single family house (DEP #308-563) specifically required that the part of the house closest to the wetland shall be survey located no less than 50 ft from the wetland prior to pouring the foundation.

The Commission discussed the site visit held on Tuesday, April 21st. They had viewed the wetland flags that had been resurvey located by Soilsmith Designs that now show the house outside the 50' buffer zone. VK commented that disparity between the two stamped as built plans was unacceptable. LG suggested that the Commission have a third party survey the wetland flags in question that are located near the house. She noted that the Commission could ask the owner to provide a check to the town to cover the cost of a consultant, and then any monies remaining in the account after the work is done would be returned to the owner. LG would obtain estimates from surveyors in order to determine the amount of the deposit.

VK stated that she would like to see the wetland flag locations resurveyed by a third party in order to verify as accurately as possible the original location of the wetland flags. She suggested that the Commission have wetland flag #6, 7, 8 and 9 resurveyed. VK motioned that money be placed in an town escrow account by the builder in order to resurvey wetland flag #6, 7, 8 and 9 in order for the Conservation Commission to be able to ascertain that the location of the house is in compliance with the Order of Conditions, seconded by JD all in favor.

EN asked Mr. Kennelly if he would like to discuss the other concerns of the Commission at this time with regard to the Request for a Certificate of Compliance. Mr. Kennelly responded affirmatively. The Commission discussed the following five items:

1. Straw wattles. – JP commented that they should not be removed yet as there is still some erosion located on the northeast side of the house.
2. The hay or straw that had been spread inside the 35' no disturb buffer zone should be removed.
3. The fireplace rocks inside and along the 35' no disturb buffer zone should be removed.
4. Mr. Kennelly will move the boulders once the wetland flags have been resurveyed.
5. The Commission allowed Mr. Kennelly to let the area inside the 35' no disturb buffer zone revegetate naturally.

JP motioned to approve items 1, 2, 3, 4 and 5 as listed above, seconded by JD, all in favor.

JD motioned that LG will review the names of engineers and costs with EN or JD, seconded by JP, all in favor.

LG will send a letter to Mr. Kennelly that will explain the Commission's requirements to the new homeowners.

- 3.3 Review Aquatic Control Technology's proposal for Emergent Invasive Species Management in Ash Swamp** – JD described the location of the two phragmites colonies to new Commissioner CV. JD motioned to sign the contract with Aquatic Control Technologies, seconded by JH, all in favor. JP motioned to authorize EN to sign the contract, seconded by VK, all in favor.
- 3.4 Review Old Meetinghouse Park Invitation to Bid** – VK commented that for safety purposes, it would be better if logging trucks did not go up or down Old Meetinghouse Road when school busses are utilizing the road. LG stated after getting authorization from Town Administrator Andy Sheehan, she emailed Town Counsel to discuss the proposed work on Old Meetinghouse Road. She wanted to be sure that the Commission was doing everything correctly.
- 4.0 Correspondence** – EN reviewed corresponded with Commission.
 - 4.1 Copy of letter from Board of Selectmen to Representative Sheila Harrington re: Article 97 property on Haynes Rd.**
 - 4.2 Planning Board Site Plan Review Decision and Notice of Decision**
 - 4.3 Volunteer Response Form: Karen DiStasio**
- 5.0 Items for discussion at the next meeting**
 - 5.1 MACC Executive Director Eugene Benson's letter regarding the proposed pipeline**
 - 5.2 Discuss the status of 75 Barker Hill Road**
 - 5.3 Discuss 73 Barker Hill Road**
- 6.0 Advertisements and Conferences**
 - 6.1 Townsend's Earth Day celebration, Saturday, April 25th. (rain date 4/26) Townsend Common**
- 7.0 Next meeting – Wednesday, May 13, 2015 @ 7:00 pm**
- 8.0 Adjournment** – JD motioned to adjourn at 9:00, seconded by JH, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska