



Office of the

## CONSERVATION COMMISSION

Town of Townsend,  
272 Main Street  
Townsend, Massachusetts 01469

**James Deroian, Chairman**

**Heather Hampson, Clerk**

**John Hussey**

Leslie W. Gabrilkska,

*Conservation Agent*

**Veronica Kell, Vice-Chairman**

**Jennifer Pettit**

**Christine Vitale**

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**Approved Minutes  
Selectmen's Chambers  
Memorial Hall**

***Wednesday, August 5, 2015 @ 7:30 P.M.***

### **1.0 Preliminaries**

**1.1. Open Meeting** – Chairman James Deroian opened the meeting at 7:38 pm

**1.2. Roll Call** – Chairman James Deroian (JD), Veronica Kell (VK), Jennifer Pettit (JP), John Hussey (JH) and Christine Vitale (CV) were present. Heather Hampson was absent. Agent Leslie Gabrilkska (LG) was present.

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

**4.2 Copy of letter to Karen Hill, Gardner, MA, from the Office of the Attorney General**

**4.3 Town Clerk's Notification of May 5, 2015 Town Meeting Article 29 approval by Attorney General**

VK motioned to add 4.2 and 4.3 to the agenda, seconded by CV, all in favor.

**1.4 Chair's Report** – JD reported that the Energy Facilities Siting Board meeting will be held on 8/6 at the Lunenburg High School at 7 pm, and the Federal Energy Regulatory Commission Public Scoping Meeting will be held in the same location on Wednesday, August 12<sup>th</sup> at 7 pm. Those who wish to speak should arrive early to sign up.

**1.5 Administrator/Agent Report** – LG discussed the site walk for the Abbreviated Notice of Resource Area Delineation (ANRAD) with Dave Crossman, B&C Associates. LG will confirm the date of Wednesday, August 12<sup>th</sup> and a time with Mr. Crossman and advise the Commission. JH said that he wanted to go on the site walk.

**1.6 Review of Minutes (5/27/2015, 7/22/2015) –**

VK motioned to accept the minutes of 7/22/2015 as written, seconded by JP, all in favor.

The Commission discussed tabling the discussion of the 5/27/15 draft minutes until the next meeting, and all those who have not yet submitted their changes to LG will do so prior to that meeting.

VK motioned that Commissioners will get their changes to LG within one week of receiving them, seconded by JP. Discussion ensued. Michael Turgeon, Balsam Drive, questioned how the Commission would make further changes. VK explained that Commissioners send their comments to LG, who incorporates them in the revised draft minutes and then presents the revised version to the Commission at the next public meeting. The changes submitted by JP and CV were highlighted

by LG in the version that the Commission was currently reviewing. LG explained that she could not email the revised version to the Commission because it would be a violation of the Open Meeting law.

JH motioned to amend the motion that the Commission record every meeting and that a recording of the meetings be filed in the Town Clerk's office. The motion was discussed but not seconded. There was no vote on either the original motion or the amendment.

JP said that Commissioners need to communicate with LG and either call or email their changes. Discussion was tabled in order to proceed with the hearings and appointments.

## **2.0 Hearings and Appointments**

### **2.1 7:45 Request for Determination of Applicability (TWB #2015-89)**

**Applicant: Catherine A. Yadlon**

**Location: 4 Madison Avenue**

**Project: to determine whether enlarging a deck within the 100' buffer zone of a Bordering Vegetated Wetland is subject to the Wetlands Protection Act or Townsend Wetlands Bylaw**

JD opened the meeting at 8:04 pm. VK read the legal notice. Catherine Yadlon was present and described her proposed project for the Commission. Currently there is a 12' x 12' deck. She showed the Commission the larger deck that was part of the original plan, which was larger and wrapped around the house. They want to remove the old deck and replace it with a 13' x 14' screened porch and a connected 14' x 17' deck along the side of the house.

VK asked about the location of the wetlands on the property. The wetlands are more than 50' away and there are two stone walls and an approved shed between the deck and the house. Sono tubes will be used to support the structure.

LG had no concerns, felt that erosion controls were not needed and recommended issuing a Negative Determination #3 with no conditions.

JH motioned to issue a Negative #3, seconded by CV, all in favor. JH motioned to close the meeting, seconded by CV, all in favor.

### **2.2 8:00 Request for Determination of Application (TWB#2015-90)**

**Applicant: Colby Streeter**

**Location: 230 Wallace Hill Rd**

**Project: The proposed project is to determine whether the installation of a ground mounted solar panel array within the 100' buffer zone of a Bordering Vegetated Wetland is subject to the Wetlands Protection Act and Townsend Wetlands Bylaw.**

JD opened the meeting at 8:15 pm. VK read the legal notice. Colby Streeter was present and described the proposed project for the Commission. VK and LG attended the Commission's site visit.

The solar array will be approximately 36' x 12'. It will produce 9000 kW that will power the heat pump and provide sufficient electricity for the house. There is one apple tree that will need to be removed. The array will be 3' off the ground and there is no concrete pad underneath it, so they will mow the vegetation that grows there. The array will be supported by galvanized steel tubes – no sono tubes or concrete pad will be needed.

LG said that her only concern was that the array be installed at least 50' away from the wetland, and

she showed Mr. Streeter where the wetland line had been delineated during the site visit. She recommended issuing a Negative Determination #3 with the condition that the array is located 50' away from the wetland. VK motioned to issue a Neg. Det. #3, with the condition that the array shall be located at least 50' away from the wetland, seconded by CV, all in favor.

JH motioned to close the meeting, seconded by VK, all in favor.

**2.3 8:15 Continuation Abbreviated Notice of Resource Area Delineation (DEP #308- )**

**Applicant: B & C Associates, Inc.**

**Location: 48 Clement Rd**

**Project: The application is for approval of the proposed delineation of wetland resources on the property**

JH motioned to continue the hearing to Wednesday, August 26<sup>th</sup> at 7:45 pm., seconded by JP, all in favor.

**3.0 Work Session**

**3.1 Discuss Massachusetts Energy Facilities Siting Board hearing on Thursday, August 5, 2015**

**at 7 pm. at Lunenburg High School** – LG read her proposed statement and Commissioners added comments. She asked that they send any additional comments to her as soon as possible so that they could be included in this statement as well as the scoping meeting. JH motioned for LG to read her statement as written at the Energy Facilities Siting Board, seconded by CV, all in favor. JD will give his statement regarding the fact that Tennessee Gas recently surveyed his property without his permission.

**3.2 Discuss Federal Energy Regulatory Commission Scoping meeting on Wednesday, August 12, 2015 at 7 pm at Lunenburg High School** – JD will give his own statement. CV motioned for VK

to deliver the Commission's statement at the FERC public scoping meeting, seconded by JP, all in favor. JP motioned for LG and VK to work together to draft the Scoping comments, and to include comments sent in to the office by Commissioners, seconded by CV, all in favor.

**3.3 Review and sign response to Karen Hill, Gardner, MA, re: Open Meeting Law complaints –**

The Commission reviewed the response, noting that the minutes of 5/27/15 were complete and on the 7/22 agenda. However, the Commission had voted not to take action on the minutes. The response also stated that the Commission voted to add the Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting. Signed by JD.

**3.4 Ratify Emergency Certificate issued to Tom Liddle, 49 Edward Rd, for beaver activity** – LG

reviewed her reason for issuing the Emergency Certificate. The Liddle's have a very shallow point well, and a new beaver dam has backed the water up so much that it was threatening to flood the well. She and Rick Metcalf, Nashoba Board of Health Agent, followed legal practice in that the BOH first determined that the beaver dam was a threat to the public good. LG visited the site and wrote an Emergency Certificate with conditions, allowing the installation of a flow device. The homeowner will install it and no beaver will be trapped. The Board of Health also issued their 10-day emergency beaver permit.

JH motioned to ratify the emergency certificate as issued by LG, seconded by VK, all in favor.

**3.5 Memo from Karen Chapman, Co-Land Use Coordinator re: Wetlands Bylaw and**

**Regulations** – LG distributed Karen Chapman's research on what surrounding towns have for wetland protection bylaws and regulations. She noted that Mark Archambault, Nashua River Watershed Assoc., is doing research on the outer 300' riparian area, and he will be able to use some of Ms. Chapman's research. Most towns, except Shirley/Lancaster, have a 50 ft or greater No Disturb buffer zone.

**4.0 Correspondence**

**4.1 Copy of letter to Karen Hill, Gardner, MA from the Office of the Attorney General** – noted.

**4.2 Copy of letter to Karen Hill, Gardner, MA, from the Office of the Attorney General** – noted.

**4.3 Town Clerk's Notification of May 5, 2015 Town Meeting Article 29 approval by Attorney General** – noted.

**5.0 Items for discussion at the next meeting** – JH inquired about the status of a reimbursement that he was requesting from the Conservation Commission. JD gave LG a pamphlet from the Massachusetts Health Officers Association regarding a class that he attended on June 18<sup>th</sup>, and a receipt in the amount of \$75.00 for the class. LG asked if that was the same thing as the slip she had from JH from the MHOA for their quarterly meeting on legal liability. JH and JD confirmed that they both had attended the class. CV asked how they became aware of the class - if someone had forwarded the information to them. Other commissioners noted that they had not been made aware of the class and that usually authorization for reimbursement is authorized before the class. They also asked for any information that could be shared for the Commission's benefit.

LG said that she checks with the Town Accountant to see if the classes can be paid out of the Wetlands Protection Act fund. The Town Accountant uses the MA Department of Revenue guidelines to make the determination. There is only about \$200 left in the operating budget for the remainder of the fiscal year due to having signed a contract to treat phragmites on the McGovern property at Ash Swamp, but the Commission will vote on that. JH asked to be advised whether it was possible or not, so he could make other arrangements.

**6.0 Advertisements and Conferences**

**7.0 Next meeting – Wednesday, August 12, 2015 at Lunenburg High School for FERC Scoping Meeting**

**8.0 Adjournment** – JH motioned to adjourn at 9:24 pm, seconded by CV, all in favor.

Minutes respectfully submitted by Leslie W. Gabriliska