



Office of the

CONSERVATION COMMISSION

Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469

Michael Turgeon, Chairman

John Hussey, Vice-Chairman

James Le Cuyer

James Deroian

Anne Le Cuyer

Karen Hill

Minutes

Memorial Hall-Selectman's Chambers

Wednesday, September 11, 2019 at 7:00PM

1.0 Preliminaries

1.1. Open Meeting – Michael Turgeon (MT) opened at 7:05pm

1.2. Roll Call – Anne LeCuyer (AL), John Hussey (JH), Michael Turgeon (MT), James Deroian (JD), James LeCuyer (JL), Karen Hill (KH) present.

1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting –
Add Rhonda Gallant to agenda at Item 3.2

1.4 Chair's Report – MT will address items throughout the meeting

1.5 Agent's Report – Agent will address items throughout the meeting

1.6 Review of Minutes - 8/21/2019 Minutes deferred

2.0 Hearings and Appointments

2.1 7:05 pm Request for Determination of Applicability TWB #2019-161

Applicant: William Cadogan & Joan Savoy

Location: 35 Adams Road

Project: Installation of a ground mounted solar, construction of a two car garage and extension of driveway.

MT opened the hearing at 7:06pm; Bill Cadogan (BC) reviewed plans; advised wetlands have been delineated; the solar array is inside 35' buffer zone; electrical trenching will be approximately 12"-18" deep and 214 ft long along edge of pond to corner of house; array footprint is very compact - only two posts that support array; JH asked how big the array is – BC advised 10kilowatts and in terms of size, its 25' by 27'. BC indicated putting gravel or mulch underneath is an option. JH asked how high the array is and can it be mowed underneath – solar contractor advised clearance is approximately 3.5ft tall; MT asked if gravel or mulch is required or could vegetation grow and be mowed as needed - solar contractor confirmed yes. MT reiterated the area would need to remain vegetated or there would need an option to be outside of the 35' buffer zone. JH commented a Notice of Intent would be needed for this scope; KH raised concerns about trenching near the pond and also would like to see a Notice of Intent. MT asked if the trench was in the lawn and BC confirmed yes and already has power trench. JH asked if the array could be moved and if trench would be moved outside of the 35' zone; AL, JL, KH all concurred. MT reiterated that the Commission would work with the applicant as in past practices if there is no alternative. KH asked if trees could be removed to move array but BC and solar contractor

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both reiterated moving the array would impact the solar production. DH confirmed the wetland delineation was completed. MT asked for a copy of the report for the file; MT indicated he would like to see the solar array outside of the 35ft zone; MT asked audience if anyone had comments – resident Bill Kenneally (BK) at 41 Adams Road raised concerns that the original Adams home is on the property and he would like to see it saved; MT advised that is not under the jurisdiction of the Conservation Commission; he also raised concerns about having treeline measurements for light penetration & asked if legal notices are supposed to be mailed out to residents – KH explained not for an RDA; BK was invited to look at the plans. MT advised BK the jurisdiction of the Conservation Commission is to protect wetland and buffer zone and showed him where the jurisdiction of the Commission can apply conditions; BK also asked what trees are being removed – he was advised none at this time according to the plans & confirmed the plans were drawn up by an engineer. KH asked if driveway is being moved; BC advised he is just extending a small piece – KH, JD & MT reiterated this should be on the plan. MT advised to update the plans showing the driveway extension, location of trenching and array. BC will continue the RDA process and submit revised plans instead of filing a Notice of Intent at this time. DH asked for 30 second moment of silence in observance of 9/11; DH reiterated any work in the buffer would require an Notice of Intent and the site is ideal based on his visit; JD asked to confirm size of array 25'x27' and that no trees would be removed; KH motioned to continue to September 25, JL seconded; AIF.

2.2 7:20 pm Request for Determination of Applicability TWB #2019-162
Applicant: Neil Gorman for John & Samantha Morris
Location: Pierce Road, Map 31 Parcel 31 Lot 1 and Parcel 32 Lot 0
Project: Proposed temporary wetland and intermittent stream crossing for the purpose of accessing upland area for deep observation test holes and percolation tests. The project is located within the ACEC and NHESP.

MT opened at 7:43pm; KH disclosed she has filed a public disclosure as she had work done by Ross Associates in the past year. Neil Gorman (NG) advised the owners would like to build on a lot; both parcels are under 3 acres and they want to increase one of their lots to make it buildable for a single family home; soil testing is necessary for potential septic system; NG advised a very small rubber tracked mini-excavator 6.5' wide would be used to access the land with minimal impact; NG indicated once testing is completed and if found suitable, the applicant would file an Notice of Intent for the pursuant work. JH motioned to issue a Negative 2 Determination, KH seconded, AIF.

2.3 7:35 pm Continuation of Notice of Intent DEP#308-665
Applicant: Ducharme & Dillis for Diane Silva
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 is located within the ACEC and Estimated Habitat of Rare Wildlife

Dave Henkels (DH) advised he met with NHESP representative, Mr Iodice and the biologist hired by Mr Iodice at the site. DH advised the NHESP advised the applicant should present a master plan for the property. The isolated vegetated wetland is re-growing and any more disturbance in the area may not be desirable. DH indicated the NHESP representative may allow some activity in an area outside of the Conservation Commission's jurisdiction under the bylaw or Wetland Protection Act. DH confirmed the cease and desist is still in effect; KH asked DH to notify the Building Inspector that no work may occur. JD asked if fines are being levied – DH advised no but there is an outstanding bill of \$56,000. JD was concerned that any work NHESP may allow, may create other issues within the jurisdiction of the Conservation Commission. JH asked if Town Counsel should be involved to be able to address the

outstanding fines and recover them from applicant if monies are generated from applicant's activity on the site. MT reiterated the applicant has filed a Notice of Intent and the NHESP must issue their finding before Conservation Commission can act. JL commented that contacting Town Counsel will create a record of the issues. DH confirmed Town Counsel has been contacted three times in this regard. KH motioned to continue to next meeting; JH & JL seconded. AIF

3.0 Work Session:

3.1 Sign bills payable voucher for \$55.00 for reimbursement to Leigh Reddin for MACC Fundamentals Unit 101

KH motioned to sign and approve; JL seconded. AIF

3.2 Rhonda Gallant Volunteer Response

Rhonda has rescinded her Volunteer Response form for the Conservation Commission

4.0 Correspondence: *none*

5.0 Items for discussion at the next meeting: *35 Adams Rd & 59 West Meadow*

6.0 Advertisements and Conferences –

6.1 MACC Fall Conference 2019 – Devens, MA on Saturday October 19, 2019

MT reviewed

6.2 Middlesex Conservation District – Erosion Control Field Day – Chelmsford, MA on Tuesday October 1, 2019

MT reviewed

6.3 Nashua River Watershed Association 50th Anniversary Celebration – Save the Date Nov 2, 2019 7pm
Devens Common Center

MT reviewed

7.0 Next meeting: *September 25, 2019 at 7:00pm*

Anne LeCuyer will not be at this meeting; she will be taking her final MACC class

8.0 Adjournment - 8:20pm *JL motioned to adjourn; JH seconded AIF*