



Office of the
CONSERVATION COMMISSION

Town of Townsend
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RECEIVED
MAR 10 2023
TOWN OF TOWNSEND
TOWN CLERK

Chair: James Gates (2024) **Vice-Chair:** Colby Streeter (2025) **Clerk:** Joan Savoy (2025)
Anne LeCuyer (2023) Kevin Smith (2023) Linda Mack (2024) Patricia Jemiolo (2025)
Jessica Consolvo, Conservation Agent Matthew Matos, Administrative Assistant

Meeting of the Townsend Conservation Commission
MINUTES

Wednesday, January 11th, 2023 @ 7:00 pm
THIS IS AN OPEN MEETING AND ALL ARE INVITED TO ATTEND

SELECTMEN'S CHAMBERS, 272 MAIN STREET, TOWNSEND, MA
Or via remote ZOOM for convenience

Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting will not be suspended or terminated if technical problems interrupt the virtual broadcast, unless otherwise required to by law. Members of the public with interest in a specific agenda item should make plans for in-person attendance.

TCAM Inc. is inviting you to a scheduled Zoom meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/88611332653?pwd=Sml5aVNvMndJaXFSQ3ptMDFSdVlqUT09>

Meeting ID: 886 1133 2653

Passcode: 287976

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1.0 Preliminaries – Votes May Be Taken: YouTube Timestamps

1.1 – Call the meeting to order and roll call JG calls the meeting to order at 7:01PM.

RC: JS (P) CS (P) JG (P) LM (Present via Zoom) PJ (Present at 7:05PM)

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 1.5 & 3.7 will be continued to the 1/25 meeting.

1.4 – Chair’s report JG made several site visits to monitor the situation at 158 Main Street. On 12/21 JG & others shoveled out the culvert but by 12/22 the culvert was already filled back up with sediment.

~~1.5 – Review/Approve the meeting minutes from 12/14/22~~

1.6 – Agent’s report (2:50-9:18)

1. Building Permit interdepartmental signatures
 - a. 237 North End Road
 - b. 88 Lunenburg Rd
 - c. 1 Kimplen Ct
2. Referrals completed
 - a. PB – 25 Harbor Trace Rd
 - b. PB – 5 Turnpike Rd
3. BOH interdepartmental signatures
 - a. 12A Meadow Rd
 - b. 75 Pierce Rd – with note about recommending erosion barrier during tank replacement
 - c. 8 Balsam Drive
 - d. 86 Turnpike Rd
 - e. 3 Wheeler Rd – will need NOI, system partially within buffer
4. Completed approvals
 - a. COC – 10-12 Spaulding St. Issued 12/19/22
 - b. Partial COC – 4 Alyssa Drive. Issued 12/19/22
 - c. OOC – Harbor Trace WTP & Assoc Waterlines, issued 12/28/22
5. Applications
 - a. NOI – 5 Madison Ave, hearing opened 12/14. DEP comments received 12/12; NHESP determination received 12/18
 - b. RDA – Squannacook Meadows Habitat Maintenance, continued from 12/14
 - c. Request for COC – 7-9 Riverbank Terrace
 - d. Request for COC – 128 Turner Rd (hold until 1/25 for site visit scheduling)
6. Miscellaneous
 - a. Issuance of compliance summary report of 3 Wheeler Rd on 12/12
 - b. Contacted owner of 158 Main St 12/12 to request doubling/armoring of haybales for additional erosion control. Issued Enforcement Order 12/20.
 - c. Met with Town Counsel 12/20 to discuss process for proposing changing regulations; also to discuss Alyssa Drive expired Orders & COCs
 - d. Attended MACC webinar “Ecology of Riverfront Areas” 12/14
 - e. Mailed letter to owner of 100 Warren Road about installation of unpermitted driveway on 12/28
 - f. Initiate communication with Alyssa Drive attorney of builder; prep of letters to all owners as back-up w/Admin’s help
 - g. Visited Blood Rd 12/28 following receipt of complaint re: driveway expansion and drainage concerns for cursory Conservation/Stormwater review - ongoing

- h. Received call about tree cutting within RFA at 539 Main St – drive by 1/5, no further action recommended
- i. Attended 2 interviews for Land Use Coordinator position
- j. Monitored communication between ConsComm & town departments regarding clean up of debris within wetland/buffer at 61 Edward Rd

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:15PM – Notice of Intent, DEP #308-0696, TWB #2022-140 (Continued from 12/14) (9:49-16:30)

Applicant: Aaron & Wendy Williams

Location: 5 Madison Avenue

Project/Status: The proposed project is for an addition to an existing single-family home, an enlarged driveway, and associated fill and grading. Part of the construction will take place within 200 feet of a Riverfront Area and within the 100-foot buffer zone of Bordering Vegetated Wetlands.

Brandon Ducharme with David E. Ross Associates is on Zoom representing the applicants and he gives approval to start the hearing a few minutes early. This hearing was continued from the 12/14 meeting because Natural Heritage hadn't come to a determination yet. Since that meeting, Natural Heritage confirmed that this project would not adversely impact the natural resource area. JC recommends the issuance of a standard OOC with Attachment A.

*JS motions to approve DEP #308-0696 with a standard Order of Conditions and Attachment A, CS seconded
The motion passes unanimously*

*CS motions to close the hearing, JS seconded
The motion passes unanimously*

2.2 – 7:25PM – Enforcement Order, 158 Main St, Mailed 12/19/22 (16:32-1:04:36)

CC must vote to ratify Enforcement Order.

Status update from property owner that includes a short-term plan to stop migration of sediment and a long-term plan to address clean-up & remediation.

Terry "Doc" McGee, the property owner, is present at the meeting to discuss what has been happening since he last met with the CC on 11/9/22. An Enforcement Order was mailed on 12/19 requesting his attendance at the 1/11 and 1/25 CC meetings to discuss short-term and long-term plans to stop migration of sediment and clean up the sediment that had washed into adjacent wetlands. TM tells the CC that he has followed the requests of the CC to put up haybales and to remove sediment, but he is adamant that the cause of the problem is a pipe on the adjacent property that is draining water onto his land. He has talked to several departments in town as well as the DOT but so far nothing has been done about the pipe. Greg Jarvis is also present at the request of TM. GM has worked in landscape construction for 20 years and in his opinion the majority of the fault and responsibility should lie with the adjacent property owner since the pipe is on their land. TM also gives the CC an email from Jim Lattanzi who has had experience with wetland restoration, where he outlines his recommendations on how to stabilize the situation. LM asks TM if the property is listed as 61A, and TM says he has filed for 61A status but as of 1/11 there has not been a decision. It is his opinion that the application will be approved, and he states that the property has been used for agriculture for a long time. In LM's opinion the removal of

vegetation on TM's property has had a significant impact on the amount of sediment that has recently been washed into the wetlands. The CC and TM continue to disagree as to who is at fault for the sediment being washed into the wetlands. Ultimately though, the CC tells TM that he is responsible for the restoration of the wetlands. JC reads aloud the action items listed in the original Enforcement Order sent on 12/19 to be completed by 1/25: a method for temporary swale erosion stabilization, a method for sediment removal/restoration plan for resource areas, and a plan for long-term stabilization of swale to prevent future erosion. After some discussion the CC decide to add several amendments to the EO including: the plan must be prepared by a professional engineer and/or wetland scientist, the plan must include wetland delineations and time frames for all action items, and the culverts must continue to be monitored and cleaned out periodically. These added amendments have the same deadline of 1/25.

*LM makes a motion to ratify the Enforcement Order that was sent 12/19 with the added amendments discussed during this meeting, JS seconded
The motion passes unanimously*

2.3 – Appointment for 100 Warren Road regarding potentially unpermitted work in a Riverfront Area and less than 100 feet from Bordering Vegetated Wetlands.

(1:04:49-1:19:58) Evgenia Makkas is present at the meeting to discuss the situation with the CC. She is apologetic that she didn't file with the CC before installing a driveway, but she had believed that the work area was further than 100' and since her neighbors had driveways closer to the wetlands, she believed she was OK. She explains that she had safety concerns about the location of her previous driveway since it was very close to a bend in the street with poor visibility and people typically drive very fast past her house. The CC agrees with her safety concerns and reassures her that work is allowed within wetland buffers, you just need permission from the CC first. The CC decide to have EM file an RDA and they let her know that she should also get in contact with the highway department as well. The CC will hold a work session on the RDA at a later meeting.

3.0 Work Session – Votes May Be Taken:

3.1 – Request for Determination of Applicability, TWB #2022-141. The proposed project will take place on town land west of Mason Road and Horseshoe Drive for the removal of several trees in order to maintain species habitat. (Continued from 12/14) (1:21:35-1:45:53)

This was continued from the last meeting because the CC was waiting for a map with accurate wetland buffers. Emily Fine and Veronica Kell are present via zoom and are representing the applicant, the Town of Townsend. JC shares her screen so that the CC can review the new site map. LM wants there to be markings that show where the area of work is, and JC uses an illustrating tool to show the CC where the work is being done. VK mentions that there is work being done to put a Conservation Restriction on this land and if that happens there will be a maintenance plan that would allow this work to be done in perpetuity. EF mentions that volunteers from the Harris Center will be helping with the work and that the work will be done on April 13th and 14th. After a brief discussion the CC are in favor of issuing a negative-3 determination with several special conditions. They are as follows:

1. Hand-cutting only of plant material down to the ground surface. Small saplings and root balls may be pulled out by hand, where possible.
2. Pre- and post-work photographs of the work areas are to be taken and shared with Townsend Conservation.
3. Work is expected to occur in April 2023.
4. No gas or oil machinery used within the work area.

5. No tampering with existing structures
6. Woody debris shall be chipped and mulched onsite – machinery is to be located in the parking lot areas to avoid potential contamination to soils.
7. Mulched material shall be stored in a pile near the entrance to the facility off Mason Road; no woody debris shall be left within the work areas or piled inside other Buffer Zones.
8. A delegated Conservation representative shall monitor periodically throughout work days to oversee compliance with these conditions.
9. Work, outside of the approved scope of this Determination, occurring within the buffer areas delineated on the map entitled “Townsend, MA: Squannacook Meadows” is subject to Conservation Commission jurisdiction, approval, enforcement, etc.

*JS makes a motion to issue a negative-3 determination with the listed special conditions and updated map, CS seconded
The motion passes unanimously*

3.2 – Request for Certificate of Compliance, 7-9 Riverbank Terrace, DEP #308-0629 (1:46:14-2:02:45)

The applicant has requested that the CC waive the \$400 of fees that have accumulated for this COC. JC has been in contact with this applicant and requested that she attend this meeting, but she is not present. This applicant no longer owns the property and did not see the open OOC on her title when she sold the property because the address had been mistakenly entered into the registry of deeds as Ruverbank Terrace not Riverbank Terrace. There is a certified mail receipt with the applicant’s signature on it confirming that she agreed to the conditions of the OOC. After some discussion the CC decides not to waive the fees and they discuss their options on how to move forward. They are unsure of how they can collect fees when the applicant has already sold the house. JC mentions that she can send letters to the current property owners to see if they want to agree to split the fines between themselves. The CC wants JC to meet with town counsel to discuss what their legal options are and until then, there will be no further fee accumulation.

*LM makes a motion to deny the Request for COC until fees are paid, JS seconded
JS (Y) CS (Y) PJ (Y) LM (Y) JG (Absent)*

3.3 – Discuss “Did you know” educational materials-Continued until next meeting

3.4 – Review draft of FY2024 CC budget (2:03:10-2:11:24)

MM shares his screen so that the CC can review the budget. MM is proposing that the CC asks for a \$300 office supply budget and a \$200 advertising/printing/postage budget. Previously the CC have been using the Land Use office supply budget and their budget for postage. MM proposes that in order to fund these increased budget costs the town cut the clothing budget from \$1200 down to \$600. However, he is unsure if the town is able to do this since the clothing budget is part of the union contract. JG would also like to request that the town get a large scanner so that plans and documents can be scanned in and records can get digitized.

*LM makes a motion to approve the budget with the added request for a scanner, JS seconded
The motion passes unanimously*

3.5 – 2022 annual town report draft review/discussion (2:11:25-2:14:50)

MM shares his screen and the CC review the town report draft. They have one minor edit but otherwise are OK with how it is written.

*JS motions to approve the town report draft with the suggested changes, LM seconded
The motion passes unanimously*

3.6 – Review map/table of CC managed properties (2:14:53-2:21:28)

MM shares his screen so that the CC can review the map and table that conservation staff had created. The CC approves of the map and table and JG also informs the CC that Groton has a good inventory of their conservation land with a great amount of information about each property. He recommends adding more information to the table, so that it more closely resembles Groton's conservation website.

3.7 – Approve/deny the purchase of several clothing items from CC clothing budget

4.0 Correspondence – Votes May Be Taken:

4.1 – DCR Forest Cutting Plan for 153 Wallace Hill Road (2:21:49-2:26:12)

The DCR is giving the CC notice that Pirner Logging & Land Clearing will be cutting down 205.220 MBF for Settlement Farm. The treatment is intended as a wildlife habitat cut with the future goal of stand conversion to hardwood type. LM is concerned about clear cutting but there is no harvesting in wetlands and it is outside the CC's jurisdiction.

4.2 – ZBA Transmittal of Decision regarding 227 Mason Road (2:26:13-2:26:48)

The ZBA **GRANTED** the special permit to operate a commercial kennel in a residential district at 227 Mason Road.

4.3 – PB ANR Plan for 106 Barker Hill Road (2:26:57-2:28:26)

The PB is giving notice to the CC that an ANR Plan was endorsed by the PB on 12/12/22 for 106 Barker Hill Road.

4.4 – Wild & Scenic Rivers Stewardship Council 2023 Community Grants (2:28:27-2:31:57)

JS would like to apply for a grant that would help to purchase signs that say "watershed protection area" or "aquifer protection area) and to place them around Townsend to raise awareness. LM thinks this is a great idea and volunteers to help JS in writing this grant application before the deadline of 2/1. JC recommends reaching out to the water department as well, as these signs would also be relevant to them.

4.5 – PB Notice of Public Hearing for 5 Turnpike Road (2:31:58-2:32:36)

The PB are holding a public hearing 1/21 at 7:15PM to review an application requesting a special permit and a stormwater management permit to repave an existing parking area and modifications to create 26 parking spaces at 5 Turnpike Road.

5.0 Education and Conferences – Votes May Be Taken:

5.1 – Mass Open Space hosting free webinars through February (2:32:43-2:32:56)

MACC also has courses coming up, which can be found on their website.

6.0 Items for discussion at next meeting:

Wild & Scenic Grant, 158 Main enforcement, "did you know" educational materials

7.0 Next meeting: Wednesday, January 25th, 2023 at 7:00 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:

*LM motions to adjourn at 9:34PM, JG seconded
The motion passes unanimously*