

Conservation Commission  
Town of Townsend  
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TOWN OF TOWNSEND  
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Jennifer Eaton, Vice Chair  
James Gates

James LeCuyer

Anne LeCuyer  
Joan Savoy, Clerk

Jessica Consolvo, Conservation Agent

**Meeting of the Townsend Conservation Commission  
MINUTES**

Wednesday, October 13, 2021 @ 4:00 pm

**THIS IS A VIRTUAL-ONLY MEETING AND ALL ARE INVITED TO ATTEND**

via remote ZOOM @ 4:00 pm

TCAM Inc. is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83059535788?pwd=aGl6YkNhaENsNWFnNcEgvcU13eUIJQT09>

Meeting ID: 830 5953 5788

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## **1.0 Preliminaries – Votes May Be Taken:**

**1.1 Open Meeting Roll Call** - Vice Chair Jennifer Eaton (JE) called the meeting to order at 4:01, under the Wetlands Protection Act (WPA) and the Townsend Wetland Bylaw (TWB).

Roll Call: Joan Savoy (JS) (P), Anne Le Cuyer (AL) (P), James Le Cuyer (JL) (P), James Gates (JG) (P), JE (P).

**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** - None

**1.4 Agent's report** - JE reports 6 building permit signoffs: 197 Pierce Rd, 22 New Fitchburg Rd, 17 Shirley Rd, 69 Highland St, 203 Main St, and 55 Maplewood Dr. Referrals have been returned for 18 Main St and 203 Main St. BOS license renewal disclosure has been returned and there was a septic signoff for 11 Redwood St. Jessica Consalvo (JC) has successfully completed her MACC orientation. Referral for 5 Turnpike is pending the 2nd review and will be included in the 3.1 discussion.

**1.5 Chair's report** - JE informs the CC that Cemetery and Parks has completed the project at Adams Dam, and she extends gratitude to Rodger and everyone at C&P for a job well done. The gate and boulders have been installed and they are just awaiting signage. JP reminds the CC that they still need to install the wattles as well.

**1.6 Review/Approve the meeting minutes from 9/8/21** - Minutes from 9/8/21 have not been received so they will be reviewed at the next meeting.

## **2.0 Hearings and Appointments– Votes May Be Taken:**

**2.1 – 4:10 – Applicant: Estella Borneman**

Location: 51 Emery Road

Project/Status: Remove 25+ large pine trees on pond edge/wetlands

*Applicant is not present*

JE informs the CC of JC's preliminary comments: that the application is for an RDA and that per Townsend Wetland Bylaws Section 138 (7A 4f), selective cutting of trees is NOT considered alteration of a resource area, so it is not necessary to file an NOI. She recommends a negative 3 determination with the conditions that a tree professional evaluate the trees for hazards and that the applicant replants as deemed necessary by the CC.

*After JC's notes are shared AL motions to officially open the hearing, JG seconded.*

JL(Y) AL(Y) JS(Y) JG(Y) JE(Y)

JS moves to issue a negative 3 determination with the conditions that JC proposed. JL challenges that tree experts can't determine how trees will react to major storms and it is his opinion that any trees replanted have the potential to fall over. JL recommends that, for this reason, the applicant not be required to replant any new trees. JG agrees with JL points out that trees falling over can cause a bigger disturbance to the soil than simply cutting them. JG does, however, recommend asking the applicant what he intends to do with the land after the trees are down. JS reminds the CC that there is a 35ft no disturb buffer and that not all the trees

would hit the house if they fell, she asks that JC weigh in on this issue. JC informs the CC that she spoke with the applicant's son while on a site visit and the two saw visible signs of stress in several of the proposed pine trees. The applicant's son also indicated that there was a sinkhole under one of the trees that could do damage as well. While it is difficult to know exactly where the trees will fall, they are certainly at risk in any major storm. JC informs the CC that while the Townsend Bylaws do not require the applicant to replant, the applicant did offer to replant. JC is not adamant one way or the other and opens it back up to the CC for their deliberation. JL points out that this is an accident waiting to happen and that it is the CC's job to protect both the property and owners. JG recommends that, to cause less of a disturbance from the crane coming in, the applicant wait until the ground is frozen to take down the trees. The rest of the CC agree that this is a good condition to have. The motion to come to a determination is rescinded and instead JL suggests waiting until the next meeting to come to a deliberation, where the applicant is present and can be involved in discussions.

*JL motions to continue discussion at next meeting, JG seconded.*

JS (Y) JG(Y) JL(Y) AL(Y) JE(Y)

### **3.0 Work Session – Votes May Be Taken:**

#### **3.1 – Discuss 5 Turnpike Road and draft referral comments on their new plan to forward to the Planning Board:**

JE informs the CC of JC's preliminary comments. There is a revised plan that has better placement of the proposed parking spaces, which should reduce the stormwater runoff compared to the previous plan. The applicants have also implemented additional stormwater runoff controls and an ONM plan. The applicant continues to recommend a line of shrubs/saplings and potentially a stone infiltration boundary in the NE corner of site that will further minimize downslope runoff. The CC has been unable to find any info regarding past CC involvement with this project. However, there is an abutter who claims that 15 years prior they had an agreement with the CC at the time. The abutter, Mr. Flynn, is on the call and informs the CC that the original complaint with the CC took place in 2003. While he does not have a copy of the original complaint to the CC, he also sent a complaint to the DEP and has the appropriate file number. JS and JE agree that this is not enough to honor the previous agreement since there is nothing in writing filed with Townsend. Mr. Flynn states that even if the previous agreement is not honored, any additional work in this area should still fall under the regulations of stormwater management in an Area of Critical Environmental Concern (ACEC). JC has had a chance to look at the evidence Mr. Flynn sent over and informs him that under Townsend Bylaws, the CC is only required to consider stormwater runoff when there is over an acre of disturbance. JC goes on to say that despite not being legally required to, the applicant is putting in a good faith effort to manage the stormwater runoff and it is her opinion they are doing everything they can to mitigate the issue. JG mentions that the Cape Cod curbing specifically will help a great deal with Mr. Flynn's concern over there not being proper curbs to manage the stormwater runoff flowing to a single catch basin. Stan Dillis (SD) who is working on the site

plan mentions that all of this will also be brought up during the Planning Board meeting on 10/18. JS and JG are in agreement that the revised site plan and JC's comments should be added to the referral for the Planning Board.

*JS moves to submit comments to the Planning Board, JG seconded.*

JG (Y) JL(Y) AL (Y) JS (Y) JE (Y)

**3.2 – 6 Ball Road: Discussion of site walk observations made on morning of 10/13/21, condition of the wetlands pond there, status of compliance with OOC issued 1/22/2020 and filed 9/29/21:**

SD mentions that the pond was an existing fire pond that should have been maintained better because a large amount of sediment had been allowed to settle at the bottom. SD is not able to confirm how much water has been drained out of the pond because the water levels from a year ago are about the same as the water levels on 10/13. SD also noticed that for a lot of the disturbed cattail the root masses remain intact so they should be able to come back quickly. It is his opinion that mucking and cleaning out the pond for the hydrant will be good for the town. JE shares JC's comments stating that the TWB section 137A 4a concerning dredging soil applies to this project, and therefore, she advises that the applicants submit a new or revised NOI with more details on how they plan to restore the pond to its natural state. The CC will then issue a new Order of Conditions (OC), but until then, she recommends that the work should be stopped. SD is concerned about how long this process will take because if the lake freezes over work would have to be stopped until the spring. JC is confident that they can expedite the process, but in case work does have to be stopped until the spring, the original OC would allow that. SD agrees to file a new NOI.

*JS motions to request a new/revised NOI, AL seconded.*

JS (Y) JG (Y) JL (Y) AL (Y) JE (Y)

**3.3 – Discuss and vote on paying recent MACC class invoices for the Agent and Commissioners:**

JS added up the total expenses of all the classes taken by JE, JC, JS, and JG and the final number came out to be \$1,430.00.

*JS motions to approve payment of the \$1,430.00 invoice for the MACC classes, AL seconded. JS (Y) JL (Y) AL (Y) JG (Y) JE (Y)*

**4.0 Correspondence – Votes May Be Taken:**

**4.1 – JS motions to add letter from Tom Rebula to Correspondence, AL seconded.**

JG (Y) JL (Y) JS (Y) AL (Y) JE (Y)

In the letter from Tom Rebula, of the DEP, he informs the CC that he needs more information from the applicants regarding project development. JC specifies that he was looking to clarify the Wetland numbering schemes and wanted a completed copy of the soil bearings.

**5.0 Education and Conferences – Votes May Be Taken:**

JE congratulates those who recently completed MACC coursework and wishes luck to those taking the upcoming MACC courses.

**6.0 Items for discussion at next meeting**

JE announces that items up to discussion at the next meeting include: changes to fee schedule, PSAs on website and TCAM Channel 9, Possible Squannacook Greenways hearing, Legal Notices protocol and procedure, and continuing the hearing for 51 Emory.

**7.0 Next meeting:** Wednesday, October 27, 2021 at 7 pm, virtual over Zoom.

**8.0 Adjournment:**

*AL motions to adjourn at 4:53 PM, JL seconded.*

AL (Y) JS (Y) JG (Y) JL (Y) JE (Y)

