



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
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**R E C E I V E D**  
NOV 14 2022

**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

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Tuesday, October 18<sup>th</sup>, 2022 @ 4:30 pm  
(Rescheduled from 10/12/22)

**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/88287079234?pwd=eXlvU1RaeHFBSnQrbjFLVU5hSzd4QT09>

**Meeting ID:** 882 8707 9234

**Passcode:** 597497

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+1 669 444 9171 US

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Find your local number: <https://us02web.zoom.us/j/keqXllqfeX>

**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 approximately 4:30 PM.  
Roll Call: PJ (P) LM (P) JG (P) AL (P) JS (P) KS (P) CS (Absent)

**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** This meeting needs to be concluded by 5:30PM due to the BOS meeting at 6PM.

**1.4 – Chair’s report** This meeting was originally scheduled for 10/12 but was rescheduled due to a lack of a quorum. JG reminds the public and the CC that meetings will only be cancelled if it is absolutely necessary. He also informs the CC that there is only one November meeting and one December meeting so these meetings will most likely run long.

**1.5 – Review/Approve the meeting minutes from 9/14/22**

*AL motions to approve 9/14 meeting minutes, KS seconded  
PJ (Abstain) LM (Abstain) JG (Y) AL (Y) JS (Y) KS (Y). The motion passes.*

**1.6 – Agent’s report** (3:18-8:25)

1. Building Permit interdepartmental signatures
  - a. 25 Burgess Rd
  - b. 5 Madison Ave – not signed, noted they must file with ConsComm
  - c. 183 Fitchburg Road
2. Referrals completed
  - a.
3. BOH interdepartmental signatures
  - a. 134 Barker Hill Rd
4. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
5. Continued efforts to contact Applicants with outstanding OOCs to get COCs filed
6. Researching COC and administrative compliance for Deer Run subdivision & contacting project contacts
7. NOI – 238 South Row Road intake & processing; site visit 9/21. Hearing rescheduled for 10/12 and then again to 10/18/22 due to previous lack of quorums.
8. NOI – 22 Sauna Row Road. Site visit planned for 10/19, hearing 10/26.
9. Status check-in of work for recently-issued OOCs to conduct upcoming inspections
10. Intake of Correspondence – concerns about drainage swale in ag field at 158 Main St. Responded to concerns on 9/28/22
11. 61 Edward status of communication check in with LUC; mailed out new letter seeking communication 9/28/22
12. (Admin) Reorganizing of conflicting/confusing information from Conservation land uses/regulations webpage
13. Request for COC – Intake for 6 Shirley Rd. inspection 10/5/22, DEP 308-0692
14. Request for OOC Extension – Intake for 3 Wheeler Rd; inspection 10/5, DEP 308-0678

15. Reviewed and commented on Townsend Wetland Regs Chapter 150-2(L) and 150-3
16. Conducted construction inspection at 82 Ball Rd on 9/30/22, DEP 308-0689
17. Informed of stormwater guidance for minor projects from LUC
18. Preliminary review of & comments on application for local habitat management project
19. Minor Stormwater Project – intake and preliminary review for 22 Ponderosa Drive
20. Received VM complaint about street sweepings being dumped on Wheeler Rd and running into brook – visited 10/7/22; did not find evidence of this
21. Met with potential property owner at 183 Lunenburg about possible site development
22. Reschedule & coordination of ConsComm 10/12 meeting

**2.0 Hearings and Appointments– Votes May Be Taken: (8:25-18:37)**

**2.1 – 4:40PM – Notice of Intent, DEP #308-0693, TWB #2022-135 (Continued from 9/28)**

**Applicant: Kevin Smith**

**Location: 238 South Row Road**

**Project/Status: The proposed project is for the repair/replacement of an existing failed septic system and related site grading. Part of the construction will occur within 100 feet of a bordering vegetated wetland.**

JG asks for a motion to open the hearing under the Wetlands Protection Act (WPA), the Townsend Wetlands Bylaw (TWB), and the Townsend Wetlands Regulations (Chapter 150).

*AL motions to open the hearing, PJ seconded*

*PJ (Y) LM (Y) JG (Y) AL (Y) JS (Y) KS (Recuses himself since he is the applicant).*

*The motion passes.*

JS reads the legal notice aloud and confirms that all the project abutters have been notified. KS has recused himself and begins to inform the CC about this project, as the applicant. The property is an old farmhouse, and the septic system has begun to fail, so it needs to be replaced. There is a small depression holding water that has been classified as wetlands. Due to this, part of the construction will take place approximately 75 feet from the border of the wetland. There will be a silt fence on the outer edge of construction to act as an erosion control barrier.

*JS motions to approve DEP #308-0693 with a standard Order of Conditions, LM seconded  
PJ (Y) LM (Y) JG (Y) AL (Y) JS (Y) KS (Recused). The motion passes.*

*AL motions to close the hearing, LM seconded*

*PJ (Y) LM (Y) JG (Y) AL (Y) JS (Y) KS (Recused). The motion passes.*

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

**3.1 – Request for 3 year OOC Extension for 3 Wheeler Road, DEP #308-0678 (19:04-28:05)**

JG recuses himself because of his relationship with the applicant. JC informs the CC about the details of this application. The original Order of Conditions was issued to Ambrose Corporation back in 2020, but this property was recently acquired by Gary Shepard, the applicant, before the OOC could be completed. Both parties are asking the CC to issue a 3 year OOC extension to the new owner, Gary Shepard. JC made an inspection visit with the previous property owner to see what work had been completed. So far there has been only minor excavation in the wetland buffer and the silt fence remains up. JC is in support of issuing the 3 year extension. JS asks why they need 3 more years to complete this work. JC assumes that they lost construction time due to Covid and reminds the CC that it is a very large project, with only a small portion taking place in any wetland buffers. JC shares her screen so that she can show the CC an

aerial photograph of the property and point out the location of the 2 buildings that are going to be demolished, the slope that is going to be excavated, and the wetlands that are on the property. JS reminds LM that even though existing agriculture is exempt from most wetland regulations, applicants are still supposed to consult the CC when there will be additional disturbances in a wetland buffer.

*JS motions to issue a 3 year OOC Extension for DEP #308-0678, LM seconded  
PJ (Y) LM (Y) JG (Recused) AL (Y) JS (Y) KS (Y). The motion passes.*

### **3.2 – Certificate of Compliance Request for 6 Shirley Road, DEP #308-0692 (28:23-29:51)**

JC reminds the CC that this project was for a septic repair within the Riverfront Area and a wetland buffer. On multiple site visits JC confirmed that work had been completed, erosion control barriers were still up, the DEP sign was still up, and grass is already sprouting. JC recommends approval of this COC.

*AL motions to issue a COC for DEP #308-0692, JS seconded  
The motion passes unanimously*

### **3.3 – Mandatory Referral Notice from ZBA regarding 161 Brookline Road (29:52-31:54)**

JG reads the notice aloud to the CC. There will be a ZBA public hearing 10/19 to determine the issuance of a special permit so that the applicant may operate a self-storage facility. There will be no change in use, as the previous property owner was already operating a self-storage facility. The CC has no comments.

*JS motions to provide no comment to the ZBA, LM seconded  
The motion passes unanimously*

### **3.4 – Mandatory Referral Notice from ZBA regarding 5 Madison Avenue (32:12-36:12)**

JG reads the notice aloud to the CC. There will be a ZBA public hearing 11/2 to determine the issuance of a special permit so that the applicant may build an accessory apartment. JC has been in contact with this applicant and has already requested that he submit an NOI to the CC. This property is within the 200 foot Riverfront Area and requires a new wetland delineation as the current one is out of date. Wetland Delineations or ANRADS (Abbreviated Notice of Resource Area Delineation) are typically valid for 3 years. The CC would like to provide a comment to the ZBA informing them that the CC is awaiting an NOI.

*JS motions to provide this comment to the ZBA, AL seconded  
The motion passes unanimously*

### **3.5 – Mandatory Referral Notice from PB regarding proposed Zoning Bylaw amendment (36:38-**

53:07) JC informs the CC that the proposed amendment is for changes to Chapter 145-54.1 entitled "Age-restricted development". JG reads the Referral Notice aloud to the CC. The CC finds the wording confusing and they ask JC for clarification. JC believes the proposal is an attempt to make it easier to meet age-restricted development minimums by eliminating the requirement to have a permanent Conservation Restriction on open space areas. Members of the CC plan on attending the PB hearing on 10/24 in order to get more information, because they are still unsure of what this amendment is proposing. JC is also willing to send them minutes of the PB meetings where they discuss these amendments on 8/8 and 6/27. JC shares her screen so that the CC can see exactly what the PB is proposing to change. There is still an open space requirement, but the PB wants to eliminate the need for a CR. JC and the CC have a brief discussion, but they are still unsure exactly what it is the PB is

attempting to change. The CC decide to submit comments to the PB stating that while the CC has no comment at this time, several members of the CC plan to attend the 10/24 hearing in order to learn more about this proposal.

*KS motions to submit these comments to the Planning Board, JS seconded  
The motion passes unanimously*

~~3.6 – Review of TWB Chapter 150-2 (L) & 150-3 (53:08-53:48) 3.6-3.8 are continued to the next CC meeting because of time restraints.~~

~~3.7 – Review/discuss guidance on hunting in Townsend~~

~~3.8 – Review/discuss uses of CC owned land~~

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

##### **4.1 – ZBA Transmittal of Decision (53:49-56:53)**

JS shares her understanding of the Transmittal to the CC. The ZBA met with Michael Brown, a member of the Energy Committee, who appealed the Building Commissioner's decision not to enforce Townsend Zoning Bylaw 145-52 Outdoor Lighting. The ZBA decided to uphold the appeal and the Building Commissioner will now be required to enforce Bylaw 145-52.

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

**5.1 – Upcoming MACC classes** JG signed up for a class on agricultural ditch maintenance.

#### **6.0 Items for discussion at next meeting:**

**7.0 Next meeting:** Wednesday, October 26<sup>th</sup>, 2022 at 7:00 pm, BOS Chambers, 2<sup>nd</sup> 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 5:30 PM, AL seconded  
The motion passes unanimously*

