



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
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**RECEIVED**  
FEB 14 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

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Wednesday, December 14<sup>th</sup>, 2022 @ 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/89865001476?pwd=OThPV09iZkE5djFY2xhNmdLM2IxZz09>

**Meeting ID:** 898 6500 1476

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

**1.1 – Call the meeting to order and roll call** JG calls the meeting to order at 7:02PM.

Roll Call: JS (P) JG (P) AL (P) KS (P) LM (Present via Zoom) PJ (Present at 7:23PM) 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** None

**1.4 – Chair’s report** (0:53-8:50) The CC have a brief discussion about the ongoing efforts between the CC and the property owners to stop the rapid erosion of sediment taking place at 158 Main Street. KS gives a history of the property and LM finishes the discussion by saying that she would like more input on how this situation gets handled moving forward. She would like to see greater efforts at remediation soon because this has been a continuous problem for months.

**1.5 – Review/Approve the meeting minutes from 10/26/22 & 11/9/22** (34:35-37:16)

*JS motions to approve 10/26 meeting minutes, AL seconded*

*The motion passes unanimously*

*AL motions to approve 11/9 meeting minutes, JS seconded*

*The motion passes unanimously*

## **1.6 – Agent’s report** (37:22-59:03)

1. Building Permit interdepartmental signatures
  - a. 142 Pierce Rd
  - b. 268 Wallace Hill Rd
2. Referrals completed
  - a. 75 Pierce Road
  - b. Zoning bylaw amendments to 145-42 Site Plan Review Special Permit and 145-54.1 Age-Restricted Development
3. BOH interdepartmental signatures
  - a. 310 Main St
  - b. 15 Depot St
  - c. 76 Brookline St
4. Completed approvals
  - a. Request for Townsend OOC Extension – 27 Scales Lane, extension permit issued 11/14/22
  - b. Req for COC – 6 Ball Rd. Intake 11/2/22. Site visit 11/2/22. COC issued 11/14/22
5. Applications
  - a. NOI – Planning/review for Harbor Trace WTP & Assoc Waterlines, public inquiries. Hearing opened 11/9/22. ENF & NHESP comments received and reviewed.
  - b. NOI – 5 Madison Ave, intake 11/16. Site visit 12/7.
  - c. RDA – Squannacook Meadows Habitat Maintenance, intake 11/21/22. Site visit 12/7.
  - d. Request for COC – 10-12 Spaulding St. Inspection 11/30.
  - e. Request for Partial COC – 4 Alyssa Drive. Inspection 12/9.
  - f. NOI for Squannacook WMA - Hearing continuance requested until 9/27/23
6. Miscellaneous
  - a. Campbell Farm visit 11/9 in response to request for compliance certifications, and preparation of summary report (as Stormwater Agent)
  - b. Attended DEP webinar on Stream Crossing Standards 11/17

- c. Visit to Town property with Natural Heritage Staff where proposed habitat maintenance will occur on 11/16
- d. Conservation compliance inspection of 3 Wheeler Rd on 12/7, and preparation of summary report
- e. 61 Edward Rd – owner notified via 2 in-person visits and 2 mailed letters to remove debris, or contact Land Use Dept to coordinate volunteer removal of debris, from 35' buffer before Nov 30<sup>th</sup>, at which point ConsComm could reconsider enforcement. No response from owner.

\*(40:56-53:52) The CC have a long discussion about what the next steps should be regarding 61 Edward because it has been a long time since progress has been made. The CC knows that the owner has medical issues that would make it impossible for him to remove the debris, but JS suggests reaching out to volunteer groups or cleaning up the debris themselves. LM believes it might be inappropriate for the CC to be the ones reaching out to volunteer groups and suggests sending the owner another letter with a firm deadline. The rest of the CC is strongly against levying fines, and they don't believe it is the correct action when the owner is not physically able to help. Eventually it is decided that JS will reach out to the owner and see if there are any volunteer groups that would be willing to help. JS will give the CC a status update at the next meeting.

- f. Efforts to contact applicants for compliance with Order/COC: 128 Turner Rd, 6 Pine St, 71 Ash St, Alyssa Drive subdivision, 187 Pierce Rd, 11 Squannacook Terr, 7-9 Riverbank Terr, 114 Mason Rd,

- g. Visit to Rail Trail property behind 158 Main St 12/9

\*(55:50-59:00) The CC has another brief discussion about 158 Main Street and JG mentions that the property owner was told to rearrange the haybales and to double them up in order to slow down the amount of sediment being washed into the wetlands. JC mentions that this is a stopgap measure because it is difficult to do more to address the situation when vegetation won't grow back until the spring. LM is worried because the situation continues to worsen, and she believes the property owner should have a plan engineered to rectify the situation. The CC runs out of time and JG mentions that the 158 Main St situation will be an agenda item on 1/11/23.

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

### 2.1 – 7:10PM – Notice of Intent, DEP #308-0695, TWB #2022-139 (8:53-34:27)

**Applicant: Townsend Water Department**

**Location: Portions of the roadway rights-of-way of Harbor Trace Road, South Street, South Harbor Road, Ash Street, South Row Road, and Emery Road**

**Project/Status: The proposed project is for the development of a PFAS Water Treatment Plant off of Harbor Trace Road and associated waterlines along the above referenced roads. Part of the construction will take place within Bordering Lands Subject to Flooding, Riverfront Areas, and 100 feet of Bordering Vegetated Wetlands.**

This hearing was continued from the 11/9 CC meeting. DEP has now had a chance to review the project and has provided a DEP# and comments. JC mentions the fact that many other state agencies provided comments in the Environmental Notification Form, and she has been tracking those as well. Mary Danielson, of Tighe and Bond, shares her screen and goes over the project again with the CC. Based on what was discussed during the public hearings JC is in favor of issuing an OOC, however, she has several Special Conditions. They are as follows:

- 47. Three locations within the project footprint (~25 Harbor Trace Road; ~14 Ash Street; intersection of South Harbor Road & South Row Road) are within mapped NHESP Priority Habitat. Work must be conducted in accordance with conditions set in the MassWildlife

letter dated November 16, 2022 with tracking number NHESP 09-27125 as well as a site-specific Turtle Protection Plan. A copy of the approved Turtle Protection Plan, and any comments from MassWildlife, must be provided to the Commission prior to the start of work.

48. A pre-construction evaluation of existing culvert crossings must be sent to the Conservation Commission prior to start of work at crossings; additionally, a post-construction evaluation of culvert crossings must be sent to the Conservation Commission following completion of work at each crossing and/or at the time of filing for the Request for Certificate of Compliance. Should any culvert failure occur during construction, the Commission must be notified immediately in order to issue an Emergency Certification for culvert replacement.
49. Stockpiling of excavated materials is not allowed within resource boundaries or their respective buffer areas.
50. Damage to native vegetation within buffer areas during work is to be replaced at a 1:1 ratio.
51. All open trenches must be closed and properly marked at the end of each workday.
52. Dewatering, if needed, must be conducted in accordance with details provided on the approved plan set and direct discharge to resource areas are prohibited.
53. Following utility installation and re-paving of disturbed areas, no asphalt may be swept or discarded into resource areas or their buffers.
54. The Conservation Agent/Commission must be contacted for an inspection of erosion & sedimentation control barrier(s) at each culvert crossing prior to any ground-disturbing work.
55. Any changes to plans or scope of work during other Board/Committee reviews must be provided to the Conservation Commission in order to determine if changes to this Order are needed.

The CC agrees with all the special conditions listed above.

*LM motions to approve DEP #308-0695 with a standard Order of Conditions and the Special Conditions listed above, JS seconded  
The motion passes unanimously*

*KS motions to close the hearing, AL seconded  
The motion passes unanimously*

**2.2 – 8:00PM – Notice of Intent, DEP #308-0XXX, TWB #2022-140 (59:01-1:18:27)**  
**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.**

JC informs the CC that they have received a DEP #308-0696, however, the DEP recommended that the CC holds off on closing the hearing until Natural Heritage provides their comments. JS reads the legal notice aloud and confirms that the abutter notifications have been received. JG starts the hearing by asking commissioners to please attend site visits if they can, as it is important in understanding an application's scope of work. Dan Wolfe of David E. Ross Associates is present via Zoom and is representing the applicants. DW explains the project to the CC as JC screenshares so that the CC can review the site plans. DW mentions that the scope of work is on the outer boundaries of the 100 foot buffer zone and the 200 foot Riverfront Area, the erosion control barriers are already up, and the trees that will be cut down are all tagged. One of the abutters is present at the meeting and expresses a concern that stormwater runoff from the proposed paved driveway will run into the wetlands. DW explains that based on the slope of the property any stormwater runoff will run towards street drainage away from the wetlands. He explains that they're not able to build a recharge trench because there is already pavement where the runoff would flow. JC shows pictures taken on the site visit that confirm what DW is claiming. DW is frustrated that NHESP has not reviewed the application yet as the applicant is eager to start work. The CC is apologetic but based on DEP's recommendation they need to wait until NHESP reviews the application before letting work begin.

*JS motions to continue DEP #308-0696 to 1/11/23, LM seconded  
The motion passes unanimously*

### **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. (1:19:02-1:39:30)**

Veronica Kell, Chairman of the BOS, is present to represent the town since the work is being done on town owned land. Emily Fine and Jeanne are also present via zoom as they are leading the volunteer effort to remove the trees. JC shares her screen and gives the CC a brief overview of the project and explains that part of the work will be done in a Riverfront Area as well as within 100ft of a Bordering Vegetated Wetland. JC is awaiting the submittal of a map that accurately shows the wetland and riverfront buffers. Until this is submitted she recommends holding off on granting approval because the CC needs to know exactly what part of the work will be done on land in the CC's jurisdiction. EF explains that the goal of the project is to restore habitat to conditions a decade prior, when the area was better suited for a variety of species. They will be using hand cutting methods only and they have marked all the trees they plan to cut down. Their current plan is to start the work in April and to get rid of the wood by either renting dumpsters or by using a wood chipper and depositing the woodchips on the side of the road by the first soccer field. JG reads the letter from Natural Heritage aloud, where they grant approval of the project as long as they follow several special conditions. LM asks if they would need to refile in 3 years when the RDA expires, and JC confirms that they would. VK informs the CC that there are plans to put this property in a Conservation Restriction and in that filing there will be a maintenance plan that will address the frequency of the work done to preserve the species habitat. David Vigeant, Townsend Water Superintendent, is present at the meeting and there is some confusion over whether the Water Department has authority over this property. **VK and DV both agree that the Water Department has the right to place future wells on this land, they agree that no oil or gas should be allowed on the**

**property, and they agree that monitoring wells (which have pipes sticking out of the ground) should be marked and untouched.**

*JS motions to continue TWB #2022-141 until an accurate map is submitted, LM seconded  
The motion passes unanimously*

**3.2 – Request for Certificate of Compliance, 10-12 Spaulding Street, DEP #308-0690 (1:39:31-1:42:04)**

JC explains that this project was for a septic replacement and the CC had required a special condition that the installers extend the clearing 20-25feet in order to mow an area overrun with Bittersweet, an invasive species. JC went on a site visit and confirmed that the work done was compliant with the order and special conditions. She recommends complete issuance of a COC.

*AL motions to issue COC for DEP #308-0690, JS seconded  
The motion passes unanimously*

**3.3 – Request for Partial Certificate of Compliance, 4 Alyssa Drive, DEP #308-0536 (1:42:10-1:47:58)**

JC explains that 4 Alyssa Drive is one of fifteen homes built over a decade ago. All fifteen homes are linked to the OOC that was approved for the development of the entire subdivision. JC was unable to get in contact with the builder so that they could file a Request for COC for the entire subdivision. However, the homeowner is selling their home and is requesting a partial COC so that the open OOC is no longer linked to their property. There is a brief discussion as to what should be done in order to close out the entire OOC, but the CC agrees that this homeowner shouldn't be kept waiting while the CC tries to get in contact with the builders.

*LM motions to issue a Partial COC for DEP #308-0536, AL seconded  
The motion passes unanimously*

**3.4 – CC Status Update on Hazard Mitigation & Municipal Vulnerability Preparedness Plans (1:48:01-2:01:31)** MM shares his screen so that the CC can record the steps that they have taken over the past year to achieve the goals of the HMP & MVP plans. The CC quickly goes through the list of objectives that the CC is responsible for implementing. They fill in the table with any work they have undertaken, mention if work is ongoing, or N/A. When the CC is done filling out the table MM mentions he can make minor edits and additions outside of the CC meeting.

**3.5 – Planning Board Mandatory Referral: 5 Turnpike Road for Site Plan Review Special Permit and a Stormwater Management Permit (2:01:32-2:06:23)**

JC informs the CC that this work is non-jurisdictional and so she has no comments for the PB. The CC agrees to submit no comment.

*AL motions to submit no comment to the PB, PJ seconded  
The motion passes unanimously*

**3.6 – Planning Board Mandatory Referral: 25 Harbor Trace application for a Stormwater Management Permit for the construction of the Harbor Trace PFAS Water Treatment Plant (2:03:11-2:08:18)**

JC explains that the WTP is exempt from needing a stormwater permit for the waterlines since it is considered a utility. The WTP itself needs a stormwater permit but where the WTP is going is non-jurisdictional for the CC. JC does mention, however, that the location is in endangered species habitat. The CC agrees to submit a comment that the developer needs to follow Natural Heritage

recommendations.

*JG motions to submit comment stated above to the PB, AL seconded  
The motion passes unanimously*

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

**4.1 – Unutil Public Notice of Yearly Operational Plan (2:08:24-2:11:25)**

JS is concerned that Unutil is spraying herbicides near several bodies of water, but JC explains that they are exempt from CC approval since they are a utility company. JC and JG reassure her that they are using professional herbicide applicators and that they take precautions before spraying herbicide anywhere. JC also mentions that if members of the CC want more information there is a hyperlink in the meeting materials that outlines the Operational Plan in more depth.

**4.2 – Article on Fredonian Park Invasives Workshop (2:11:26-2:11:58)**

The CC has had to deal with invasive species issues in the past and JS encourages the CC to read this article as it has lots of good information.

**4.3 – Wild and Scenic Community Grants Program 2023 (2:12:00-2:12:34)**

JG reads the letter from Joan Wotkowicz aloud and reminds the CC that these grants were used last year to work on Adams Dam.

**4.4 – ZBA Transmittal of Decision regarding 5 Madison Avenue (2:12:39-2:13:10)**

JG reads the ZBA's decision to **approve** a special permit to allow an accessory apartment at 5 Madison Ave.

**4.5 – ZBA Transmittal of Decision regarding 478 Main Street (2:13:11-2:14:19)**

JG reads the ZBA's decision to approve a special permit to operate a dog grooming establishment in a residential district.

**4.6 – ZBA Notice of Public Hearing regarding 75 Pierce Road (2:14:20-2:15:00)**

The first public hearing regarding the approval of an in-law apartment has already happened but JC mentions that it was continued until January in case any members of the CC are interested in attending.

**4.7 – BOH Decision regarding 227 Mason Road (2:15:01-2:16:41)**

JG reads the BOH's decision to approve the operation of a dog kennel at 227 Mason. As a condition of their approval, they are required to follow several special conditions including the use of a covered dumpster to dispose of dog waste. The CC was concerned about dog waste when they discussed the project at a previous meeting, and they are happy that their concerns were addressed.

**4.8 – MACC Dues Amount for FY2024 (2:16:51-2:17:34)**

*AL makes a motion to pay MACC Dues of \$305 for FY2024, PJ seconded  
The motion passes unanimously*

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

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

158 Main Street enforcement discussion

**7.0 Next meeting:** Wednesday, January 11<sup>th</sup>, 2023 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:**

*AL makes a motion to adjourn at 9:20PM, PJ seconded  
The motion passes unanimously*