



Office of the
CONSERVATION COMMISSION

Town of Townsend
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R E C E I V E D
APR 21 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, February 22nd, 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/84650154940?pwd=Z2FOVzlseVY2aGlVMEdXdk04VkliQT09>

Meeting ID: 846 5015 4940

Passcode: 045607

One tap mobile

+13092053325,,84650154940#,,,,*045607# US

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Dial by your location

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Find your local number: <https://us02web.zoom.us/j/kUQ5yUxuP>

1.0 Preliminaries – Votes May Be Taken:

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

RC: JS (P) AL (P) JG (P) PJ (P) LM (Present via Zoom)

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 None

1.5 – Review/Approve the meeting minutes from 1/11/2022 2023 JS would like for Doc McGee to be referred to by his legal name “Terry” in the minutes. MM will make this correction to the minutes.

AL makes a motion to approve the 1/11 meeting minutes, JS seconded JS (Y) AL (Y) JG (Y) PJ (Y) LM (Does not vote). The motion passes.

1.6 – Agent’s report (4:25-6:29)

1. Building Permit interdepartmental signatures
 - a. 62 Edward Road – made a note about work near street needing CC approval
2. Referrals completed
 - a. 5 Ryan Road
3. BOH interdepartmental signatures
 - a. 12 Chestnut Street – may need an RDA
4. Completed approvals
 - a. 128 Turner Road – COC issued 2/10/23
5. **Applications**
 - a. Request for COC – 7-9 Riverbank Terrace: Set up a meeting with town counsel to discuss what methods are available to the CC in order to receive owed fines.
 - b. RDA – 100 Warren Rd driveway installation
 - c. RDA – 3 Wheeler Rd septic replacement
 - d. RDA – Squannacook Meadows invasive species removal
 - e. NOI – 549 Main St septic replacement
 - f. Request for Partial COC – 30 Shirley Road linked to a common driveway as part of a subdivision
6. **Miscellaneous**
 - a. Enforcement Order – 158 Main St. issued ratified/amended EO on 1/19. Compliance ongoing. An updated emergency mitigation plan was received on 2/15 in accordance with the motion approved at 2/8 meeting.
 - b. Visited 549 Main Street, 3 Wheeler Road, 100 Warren Road, and 30 Shirley Road to ensure that the plans and applications submitted were accurate.

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:15PM – Notice of Intent, DEP #308-0697, TWB #2023-145 (14:13-27:23)

Applicant: Krishna Gopal

Location: 549 Main Street

Project/Status: The proposed project is for the installation of a 2,500-gallon tank, 1,000-gallon pump chamber, leaching facility, and associated grading. This work will take place within a Riverfront Area.

Chris MacKenzie from Dillis & Roy is present at the meeting on behalf of the applicant. CM submits the

abutter notification receipts and JS reads the legal notice aloud. MM shares his screen so that the CC can review the site plan. The work will take place within 100 feet of Willard Brook, but it will be to replace an existing septic system and there is very limited space on the property. MM shares a comment from the DEP that they were not sent the correct fee amount.

*AL makes a motion to approve the NOI for DEP #308-0697, JS seconded
The motion passes unanimously*

*Approving the NOI is equivalent to Issuing a Standard Order of Conditions and Attachment A

*AL makes a motion to close the hearing, JS seconded
The motion passes unanimously*

2.1 – Enforcement Order, 158 Main St, Updates from 2/9 - 2/22 (27:32-44:05)

Status update from property owner/engineer that includes proof that the work outlined in the Emergency Mitigation plan was completed, that sediment continues to be removed, and that a long-term plan to address stabilization & remediation is in progress.

MM took a visit to the site on 2/22 and took pictures to share with the CC. Terry "Doc" McGee has put up more haybales, cleaned up some of the silt, and put up sediment level markers since the last meeting. MM shares his screen and shows the updated Emergency Mitigation Plan (EMP) which includes the requirements that were asked for at the last meeting. TM is pursuing legal action against the property owner of 162 Main Street who he alleges is at least partially at fault for the damage to the wetlands. TM informs the CC that the plan is to install the measures outlined in the EMP in the next couple of weeks and that Stan Dillis, who helped create the EMP, recommends waiting to file a restoration plan until there is an update on the legal situation. JS and LM are concerned that this could take a long time and that they need a restoration plan ASAP. There is a long conversation where there are disagreements on whether the legal situation has any bearing on filing the final restoration plan. JG tries to focus the discussion on whether or not to approve the updated EMP. The CC is in agreement that a restoration NOI needs to be filed and JG asks that SD show some updates on the NOI at the next meeting. JC asks the CC if they have any additional questions or revisions that they would want to add to the EMP. They do not.

*AL motions to approve the updated Emergency Mitigation Plan, PJ seconded
The motion passes unanimously*

3.0 Work Session – Votes May Be Taken:

3.1 – Request for Determination of Applicability, TWB #2023-142. The proposed project will take place on Town land west of Mason Road and Horseshoe Drive for the removal of Japanese knotweed along the bank of the Squannacook River. This work will take place within a Riverfront Area. (44:08-1:03:57) JS reads the legal notice aloud. MM shares his screen to show the CC where the Japanese Knotweed (JK) is proposed to be removed. JG shares JC's written requests that include finding out how they plan to haul the stems up the slope and where they will bring the waste, how they plan to get the steel mesh down the slope, and what is the expected number of volunteers. Emily Fine is present at the meeting via Zoom, representing the town, and shares her screen so that she can show a map detailing where the work will take place. EF informs the CC that there is an animal trail alongside the river where they will be able to get to the site without having to walk down the steep slope above where they are removing the JK. The bags of waste can either be removed by walking back along the trail or by using ropes to tie the bags and someone at the top of the slope can pull the bags up. The waste would be brought offsite and burned. This would be done on the same day that volunteers are removing the

saplings, as part of a separate RDA, and EF expects approximately 20 volunteers. The steel mesh will be hammered down into the sand with staples and will be monitored to ensure that the mesh stays in place to keep the JK from coming back. NHESP has already issued approval for a vegetation management plan on the property back in November 2022, but they are also planning on sending an addendum to the approval specifically mentioning the JK removal.

*JS makes a motion to approve TWB #2023-142 with the special condition that the stems will be brought offsite in contractor bags and disposed of properly, AL seconded
JS (Y) AL (Y) JG (Abstains) PJ (Y) LM (Y). The motion passes.*

*Approval is equivalent to a Negative-3 Determination with the special condition listed

The CC decides to have a discussion on the abstaining/recusing process at the next CC meeting.

3.2 – Request for Determination of Applicability, TWB #2023-143. The proposed project will take place at 3 Wheeler Road for a septic replacement and minor associated grading within 100' of a Bordering Vegetated Wetland. (1:03:58-1:11:20)

JG recuses himself and leaves the room. JS asks MM why, when JC was originally expecting an NOI for this project, an RDA was filed instead. MM is not sure, but he confirms that JC is ok with an RDA being filed. JS also has concerns that the legal notice in the meeting files is a rough draft, but MM confirms that the legal notice in the Groton Herald is accurate. JS reads the legal notice aloud. Doug Smith with Soilsmith Designs is present via Zoom, representing Gary Shepherd. DS describes the project and MM shares his screen so that the CC can review the site plan. There are existing haybales between the pond and the septic system and there are straw waddles proposed on the southern side of the site as well. Only the septic tank and pump chamber will be within the 100 foot buffer from the pond.

*AL motions to approve TWB #2023-143 with the special condition that straw waddles be installed on the downstream side before work begins, JS seconded
AL (Y) PJ (Y) LM (Y) JS (Y) JG (Recused himself). The motion passes.*

*Approval is equivalent to a Negative-3 Determination with the special condition listed

LM leaves the meeting at 8:13PM (1:12:05)

3.3 – Request for Determination of Applicability, TWB #2023-144. The proposed project will take place at 100 Warren Road for a second driveway installation that has already been installed due to safety concerns. This driveway is within 100' of a Bordering Vegetated Wetland and within a Riverfront Area. (1:12:30-1:18:52)

JS reads the legal notice aloud. MM went on a site visit and shares pictures he took with the CC. The distance from the edge of the pond to the driveway was measured at 81 feet. This driveway was put in to make it safer to pull out of the driveway onto the street. JC is in favor of a Negative-3 Determination, but she wants there to be erosion control barriers in place and an infiltration trench installed before the driveway is paved.

*AL motions to approve TWB #2023-143 with the special conditions that a permanent stone trench is installed on the down gradient side of the driveway and also erosion control barriers are placed before any additional work, JS seconded
The motion passes unanimously*

*Approval is equivalent to a Negative-3 Determination with the special conditions listed

3.4 – Request for Partial Certificate of Compliance, 30 Shirley Road, DEP #308-245 (1:19:20-1:21:39)
MM went on a site visit and confirmed that the work done at 30 Shirley Road was done in accordance with the OOC. He shares pictures of the site and informs the CC that this is a partial COC because the OOC was for an entire subdivision and not just for 30 Shirley. The applicant has paid the fees and so MM recommends the issuance of a Partial Certificate of Compliance.

*JS motions to issue a Partial Certificate Compliance for DEP #308-245, AL seconded
The motion passes unanimously*

4.0 Correspondence – Votes May Be Taken:

4.1 – DCR Forest Cutting Plan for Gilchrist Road (7:21-8:05)

The work will be done on a 10 acre parcel off Gilchrist Road. Approximately 70,000 Board Feet will be harvested, most of which will be white pine.

4.2 – ZBA Notice of Public Hearing regarding 37 Burgess Road (8:07-9:09)

The applicant is appealing the decision of the Building Commissioners to deny a Certificate of Occupancy for a single family home at 37 Burgess Road until a turnaround is constructed. The hybrid meeting is on Wednesday March 1 at 7:10PM at Town Hall and via Zoom.

4.3 – DCR Updated Forest Cutting Plan for Emery Road (9:14-10:12)

The work will be done on a 45 acre parcel off Emery Road and will have several wetland crossings. Approximately 179,000 Board feet will be harvested, most of which will be white pine.

4.4 – Freedom’s Way Hidden Treasures Partner Registration open through 4/15 (10:13-11:03)

JG reads the correspondence aloud in case any of the Commissioners are interested.

4.5 – District Local Technical Assistance Augmentation and Call for Proposals (11:06-13:56)

JG reads the letter aloud to the CC and JS mentions she has gotten a DLTA Grant approved before for the Affordable Housing Trust. JS is willing to take a look and see if there are any projects that the CC could get funded with the available grant money. The deadline for submissions is 3/7.

5.0 Education and Conferences – Votes May Be Taken:

6.0 Items for discussion at next meeting:

158 Main Street Enforcement, “did you know” educational materials, grant announcement, recusal/abstain discussion.

7.0 Next meeting: Wednesday, March 8th, 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:

*AL makes a motion to adjourn at approximately 8:26PM, PJ seconded
The motion passes unanimously*

