



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700, ext. 1739  
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**R E C E I V E D**  
MAR 29 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, February 8<sup>th</sup>, 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=Z2FOVzIseVY2aGlvMEdXdk04VkliQT09>

**Meeting ID:** 846 5015 4940  
**Passcode:** 045607

**One tap mobile**

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

**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 7PM.

RC: LM (P) JG (P) AL (P) JS (Present via Zoom) PJ (Arrives at 7:16PM)

**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** 3.3 is being moved to the 2/22 meeting.

**1.4 – Chair’s report** None

**1.5 – Review/Approve the meeting minutes from 12/14/2022** AL isn’t sure if the MACC dues amount written in the 12/14 minutes is correct. MM promises to confirm the correct amount before submitting the minutes to the town clerk.

*LM motions to approve the 12/14 minutes, AL seconded*

*The motion is unanimous*

**1.6 – Agent’s report** \*The Agent’s report is moved to a later time in the meeting. (54:30-1:10:46)

1. Building Permit interdepartmental signatures
  - a. 5 Madison Ave
  - b. 75 Pierce Rd – note about erosion barrier on western edge of improvements
  - c. 1 Magnolia Ln
2. Referrals completed
  - a. none
3. BOH interdepartmental signatures
  - b. 321 Townsend Hill Rd
  - c. 549 Main St – NOI needed
  - d. 3 Campbell Farm Lane
  - e. 3 Sagittarius Lane
4. Completed approvals
  - f. 5 Madison Ave – Standard OOC & Attachment A issued 1/18/23
  - g. Squannacook Meadows Habitat Maintenance – Neg-3 Determination of Applicability with special conditions issued (pick up 1/25)
5. Applications
  - h. Request for COC – 7-9 Riverbank Terrace: ConsComm denied issuance until fees collected. Mailed letters to (3) involved parties indicating no COC issuance until fee submittal on 1/27, invited to attend 2/8 meeting
  - i. Request for COC – 128 Turner Rd. Site visited 1/18/23.
  - j. RDA – 100 Warren Rd driveway installation
  - k. RDA – 3 Wheeler Rd septic replacement
  - l. RDA – Squannacook Meadows invasive species removal
  - m. NOI – 549 Main St septic replacement
6. Miscellaneous
  - n. Initiate communication with Alyssa Drive attorney of builder; prep of letters to all owners as back-up w/Admin’s help. Seeking proof of issuance of 4 COCs, otherwise will need to get Request for COCs filed and fees collected
  - o. Visited Blood Rd 12/28 following receipt of complaint re: driveway expansion and drainage concerns for cursory Conservation/Stormwater review – visited again 1/9

and need access to additional private properties. Mailed out letter 1/9. Final visit 1/30 to review neighboring drainage concerns.

- p. Prepared letter of recommendation for Squannacook Greenways for MassTrails grant
- q. Enforcement Order – 158 Main St. issued ratified/amended EO on 1/19. Compliance ongoing.
- r. Attended 1 interview for LUC position
- s. Received DEP correspondence regarding issuance of Superseding Order of Conditions for South Row Road developments

LM mentions that she drove by 127 Main Street and saw that there might be work done or being done within 100ft of wetlands. JC and JG are aware of the situation and are unsure if any violation is occurring. The CC decide to have MM pull the conservation file on 127 Main and have LM come in to review it, to see if anything needs to be done. JG asks if the letters to the Alyssa Drive residents have been sent out yet and JC responds that they are still in the draft process. After a brief discussion the CC decides to hold off on sending the letters until JC is back from leave and can continue trying to reach out to the developer for the fees. JG asks JC if she knows when Campbell Farm Lane will be paved. JG is concerned that gravel will runoff into drainage ditches. JC says that JG should follow up with the Planning Board since Campbell Farm was a major stormwater project and they are the managing authority.

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

### **2.1 – Enforcement Order, 158 Main St, Updates from 2/1 - 2/8 (2:32-25:08)**

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

Stan Dillis is present at the meeting representing the property owner Terry “Doc” McGee, who is also present. JC shares her screen so that the CC can review the Emergency Mitigation Plan (EMP) that SD is proposing. The work outlined in this plan is a temporary solution to try to stop any more sediment from running into the wetlands. They are currently in the process of filing an NOI but in the time it would take to approve work, the situation would only get worse. Two check dams would be built in the channel with 6” of stone and trenches filled with rocks covered with a filter fabric. A temporary pumping station would also be installed to deal with excess water/sediment and would send the overflow to a sediment trap built more than 100’ away from any wetlands. LM and SD agree that the permanent solution is still to restore the vegetation in the swale, since the vegetation played a huge role in filtering out the sediment. The CC would like the work outlined in the EMP to be completed by their next meeting on 2/22. There is a brief discussion as to what is permitted under an Enforcement Order and what work would need to wait until an OOC is issued. Ultimately the CC decides that the work outlined in the EMP can be done under the Enforcement Order and the remediation work can wait for the OOC. JC reminds everyone that much of the sediment is in wetlands on state property and the area is mapped as priority habitat. JC would like Mass Wildlife’s input on sediment removal and LM points out that they would be notified upon filing of the NOI since they are an abutter. **JG asks that sedimentation markers be installed, which was asked for at the last meeting.** SD agrees to install these before the next meeting.

*LM motions that TM install check dams by 2/22, sediment is continuously removed, and that work towards an NOI is started, AL seconded  
The motion passes unanimously*

JC asks Stan to provide an updated EMP at the next meeting that includes marked wetland buffers and a professional engineer's stamp.

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

**3.1 – Request for Certificate of Compliance, 7-9 Riverbank Terrace, DEP #308-0629** (25:48-42:06)  
Lawrence Libby, the owner of 7 Riverbank Terrace, is present at the meeting. JC reminds the CC that this was continued from their 1/11 meeting where the CC denied Deborah Alamed's request to waive the fees for the Request for Certificate of Compliance after expiration of the OOC. JC reached out to the 2 current owners of the property and DA, at the request of the CC, to try to determine the payment situation so that the COC can be filed. DA has not been responsive to JC's correspondence for several months. The CC does not understand why the open OOC didn't show up when DA was selling her home. JC believes it is because the address was recorded at the Registry of Deeds as 7-9 Ruverbank Terrace and not Riverbank Terrace. The CC is not sure how to go about enforcement when the applicant of the OOC has already sold her house. MM is willing to talk to town counsel about the situation and see if he has any insights on this matter. JC explains that a Partial COC is possible so that LL can pay half of the fees and get his property cleared of the open OOC. After some discussion the CC decides to wait on a decision until after MM can talk to town counsel, to see if anything can be done to collect the fees from the original applicant (Ms. Alamed). The CC would also like to stop any additional accrual of fees while the CC and LL are working together to figure out what to do.

*LM makes a motion to stop the accrual of fees until after MM talks to town counsel, PJ seconded.*

*The motion passes unanimously*

**3.2 – Request for Certificate of Compliance, 128 Turner Road, DEP #308-0633** (44:18-48:12)  
This Request for COC is regarding the building of a single family home back in early 2016 by Benjamin Builders. The work was finished back in 2016 but a COC was never issued so fines have accrued. JC visited the site for an inspection and found that work had been completed according to the OOC. The necessary fines have been collected as well so it is JC's recommendation that the CC issue a complete COC.

*AL motions to issue a COC for DEP #308-0633, LM seconded*

*The motion passes unanimously*

### ~~3.3 – Discuss "Did you know" educational materials~~

**3.4 – Approve/deny the purchase of several clothing items from CC clothing budget** (48:21-51:14)  
As per the Union contract, MM and JC have money budgeted for clothing items that help them conduct site visits and inspections out in the field. \*MM misspeaks during the meeting and mentions that he and Jessica each have \$300 budgeted for clothing, it is actually \$600 each. MM is asking for a winter jacket, gloves, rain pants, and tick repellent totaling \$154.97. The CC approves of the listed items.

*LM makes a motion to approve the expenditure of \$154.97, AL seconded*

*The motion passes unanimously*

~~3.5 – General enforcement protocol discussion~~ \*3.5 is moved until later in the meeting. The CC then decides to continue 3.5 to another meeting entirely.

**3.6 – Mandatory Referral Notice from ZBA regarding 5 Ryan Road** (52:24-54:28)  
This notice is regarding an application requesting a special permit for the use of an existing built living

space as an accessory apartment at 5 Ryan Road. After a brief discussion the CC decides that the matter is non-jurisdictional and agrees to submit No Comment to the ZBA.

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

##### **4.1 – PB ANR Plan for Bayberry Hill Road (1:13:42-1:15:15)**

The Planning Board is providing the CC notice that the ANR Plan for Bayberry Hill Road was approved. The CC will have a chance to determine if conservation permits are needed when the developer files with the Building Department.

##### **4.2 – Memo regarding Townsend’s Recycled Product Procurement Policy (1:15:19-1:16:44)**

JG reads the memo aloud to the Commission. The Select Board wants to remind boards and commissions of Townsend’s policy to encourage the purchase of recycling products for the purposes of municipal government.

##### **4.3 – DCR Forest Cutting Plan for Emery Road (1:16:47-1:19:32)**

The DCR is planning to cut down 179,000 Board Feet of mainly white pine on land owned by the Townsend Rod and Gun Club. JS informs the CC that with the recent cold weather the majority of the Pine Beetles and Woolly Adelgids in Townsend’s forests should have died out.

##### **4.4 – PB Notice of Decision regarding 227 Mason Road (1:19:33-1:20:23)**

The Planning Board approved the issuance of a Site Plan Special Permit to permit operation of a dog kennel and dog boarding in a residential district at 227 Mason.

##### **4.5 – Unutil Yearly Operational Plan Update (1:20:25-1:23:16)**

Unutil, as a utility company, is exempt from most conservation permits but they did give notice to the CC as to what they are planning to accomplish in the upcoming year. Specifically, this update gave more information on their Vegetation Management Plan. They are also asking the CC if there are any sensitive areas that are not shown in the submitted plans, so that they can implement appropriate field protective actions.

##### **4.6 – 2022 Annual Drinking Water Quality Report (1:23:24-1:25:30)**

David Vigeant of the Water Department sent the CC a copy of the 2022 Water Quality Report and JG reads a summary of the water system improvements. The new Main St Well is online as of 8/1/22 and the Harbor Trace Water Treatment Plant will begin construction in June of 2023. Residents who want more information should call the Water Department office at 978-597-2212.

##### **4.7 – MDOT & MRPC Presentation of the Long-Range Transportation Plan via Zoom 2/16/23**

(1:25:37-1:25:54) MDOT & MRPC gave notice to boards and commissions in town in case they were interested in contributing feedback for the Transportation Plan.

##### **4.8 – Superseding Orders of Conditions issued for DEP #308-0681 & #308-0682 (1:26:00-1:32:32)**

JG reads the Superseding OOCs aloud to the CC stating that the construction of single family homes and septic systems at Lot 1 and Lot 2 South Row Road are approved by MassDEP as the projects are currently proposed. Wescon, Inc. still needs approval from the CC under the Townsend Wetlands Bylaw before they can begin work. Wescon was originally denied by the CC but they are able to come back before the CC with the MassDEP approved plan to get a local OOC or they can submit a new plan entirely. They should be aware that they need to go back in front of the CC and the CC should await correspondence from them when they are ready to do so.

##### **4.9 – ZBA Notice of Public Hearing regarding 5 Ryan Road (1:32:33-1:32:46)**

JG believes this is redundant and doesn’t feel the need to read it aloud.

##### **4.10 – 2023 Environmental Preservation & Animal Welfare Grant Program (1:32:47-1:34:12)**

LM has worked with the Community Foundation of North Central Massachusetts before and recommends that the CC think about submitting a grant application with them.

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

**5.1 – CPTC (Citizen Planner Training Collaborative) Annual Conference on March 18**

**5.2 – MACC Virtual Annual Environmental Conference February 28-March 9**

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

“Did you know” educational materials, 100 Warren RDA, 549 Main NOI, 3 Wheeler RDA, Squannacook Meadows RDA, 30 Shirley Rd Partial COC

**7.0 Next meeting:** Wednesday, February 22<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 motions to adjourn at 8:50PM, LM seconded*

*The motion passes unanimously*