



Office of the
CONSERVATION COMMISSION

Town of Townsend
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RECEIVED
MAY 05 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, March 8th, 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

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Find your local number: <https://us02web.zoom.us/u/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 approximately 7PM.
RC: JS (P) LM (P) JG (P) AL (P) PJ (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 – Chair’s report JG informs the CC that he received a complaint about work done at 75 Pierce Road. Back in November 2022 it was deemed that there were no wetlands within 100 feet of where work was being done and so the project would have been non-jurisdictional for the CC. However, after the complaint was filed, it was confirmed that there was an intermittent stream on the property that wasn’t flowing in November and so was unfortunately missed. JG reached out to the construction crew on March 3 and requested that they put up erosion control barriers, which was part of the CC’s comments/review back in November. They did so immediately and put the ongoing work on hold until an OOC was issued. The applicant was invited to come to the 3/22 CC meeting to discuss the situation.

1.5 – Review/Approve the meeting minutes from 2/1/2023

*AL makes a motion to approve 2/1/2023 meeting minutes, PJ seconded
The motion passes unanimously*

1.6 – Agent’s report (4:00-8:21)

1. Building Permit interdepartmental signatures
 - a. 108 & 110 West Meadow Road single family homes – no wetlands involved
 - b. 173 Lunenburg Road ground mounted solar system – no wetlands involved
2. Referrals completed
 - a. None
3. BOH interdepartmental signatures
 - a. 46 Spaulding – no wetlands involved
 - b. 6 Squannacook Terrace – no wetlands involved
 - c. Harbor Trace WTP – no wetlands involved
 - d. 108 & 110 West Meadow Road – no wetlands involved
4. Completed approvals
 - a. RDA – 100 Warren Rd driveway installation – Negative-3 Determination. DA issued 3/2
 - b. RDA – 3 Wheeler Rd septic replacement – Negative-3 Determination. DA issued 3/2
 - c. RDA – Squannacook Meadows invasive species removal – Negative-3 Determination. DA issued 3/2
 - d. NOI – 549 Main St septic replacement – Approved. OOC issued 3/2
 - e. Request for Partial COC – 30 Shirley Rd – Approved. Partial COC issued 2/24
5. **Applications**
 - a. Request for COC – 7-9 Riverbank Terrace: Met with town counsel on 2/28 to discuss what methods are available to the CC in order to receive owed fines.
6. **Miscellaneous**
 - a. Enforcement Order – 158 Main St. issued ratified/amended EO on 1/19. Compliance ongoing.
 - b. Visited 72 Main St on 3/1 to discuss the Townsend Historic Society’s plan to build additions to the Reed Homestead

- c. Mailed completed approvals to applicants and MassDEP 2/24 & 3/2
- d. Mailed letters inviting Deborah and Thomas to CC 3/3 about attending 3/8 meeting to discuss 7-9 Riverbank Terrace COC. Lawrence was sent an email.

JG asks about West Meadow and MM confirms that the applicant sent in plans with wetland delineations that showed the proposed project(s) are outside of 100 feet. LM has a question about the 2/1 minutes and MM plans to go back and check the YouTube video to make sure they are correct.

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – Enforcement Order, 158 Main St, Updates from 2/22 – 3-8 (8:23-16:36)

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.

Terry “Doc” McGee informs the CC that the weather has caused delays in installing the measures proposed in the Emergency Mitigation Plan (EMP) but it should be done in the next couple of weeks. He also claims Stan Dillis is working on putting together a final plan to address the remediation and he is continuing to clean out the silt around the culvert. MM went on a site visit on 3/8 and confirms that the hay bales are doing a decent job in slowing down the amount of silt running into the wetlands. MM shares his screen to show the pictures he took of the site. The CC asks that they install the EMP measures ASAP and show progress on submitting the final plan.

3.0 Work Session – Votes May Be Taken:

3.1 – Request for Certificate of Compliance, 7-9 Riverbank Terrace, DEP #308-0629 (16:38-22:13)

MM met with town council and discovered that due to the length of time since the house was sold it is difficult for the town to take any legal action. Town council could send a letter, but it would be expensive and might not make financial sense considering the fee amount due. Part of the reason this could have been missed was that the OOC was filed with the Registry of Deeds as Riverbank not Riverbank, which might have been a mistake made by the CC at the time. The CC decides to let the current owners know that the open OOC might get flagged when they try to sell their properties and if they want to get ahead of it, they can pay their portion of the fees to close out the OOC.

3.2 – Discuss “did you know” educational materials (22:15-29:36)

JS has several topics that she would like to inform the residents of Townsend about. JS plans to submit final drafts of 1 page educational fliers and have them sent out with tax bills. JS will work on finding out if this is possible after the meeting and will report back to the CC.

3.3 – Grant Agreement for Townsend Non-Native Invasive Plant Training at Adams Dam Area (29:38-35:38) JS informs the CC that the grant application asking for money to host an invasive plant training was approved by the Nashua Rivers Wild & Scenic Stewardship Council for \$2,263. Land Stewardship Inc. will be conducting the training sometime in May and have a site walk and a 4 hour training course for several town departments. The CC believes that an RDA will need to be filed for this project since it involves work near the Squannacook River. In addition to the cost of the training the grant money will also pay for weed wrenches, grass seed mix, and hardware cloth.

3.4 – Discuss Recusing/Abstaining process (35:39-41:11)

MM met with town council and shares what he learned with the CC. It is best practice, when a commissioner plans to recuse themselves, to have as little involvement with the application/hearing process as possible. They may either leave the room at the start of the hearing or announce that they will be contributing to the hearing as a member of the public and sit on the other side of the table. Moving forward the CC will try to follow these best practices as closely as possible and LM mentions

making it clear in the minutes when a commissioner recuses themselves. LM points out that the recusal process is especially important if there is ever a financial connection between the topic and a commissioner. Laurie Shiffrin reminds the CC that there is the "Rule of Necessity" where commissioners are able to vote, even if they have a conflict of interest, if they are needed to make a quorum. The commissioner would still need to disclose the specifics of the conflict of interest and would have to submit a form to the town clerk.

3.5 – Discuss adding 500 year floodplains as a requirement on submitted plans (41:12-1:03:54)

Town council confirmed that the CC has the right to require any relevant information on submitted plans, but it would be best practice to list all requirements in Wetlands Regulations (Chapter 150 of the Town Code). Changing the Regulations would require a Public Hearing and a vote by the CC. MM points out that no surrounding town that he looked at had a 500 year floodplain as a requirement. JS is OK with the 500 year floodplain being handled on a case to case basis administratively, but LM makes the point that it makes it easy for applicants if all requirements are upfront and easy to find before submitting an application. JG & JS don't believe that this needs to be added to the Regulations, but LM would like to see it on plans for informational purposes. LM reminds the CC if this isn't referenced in writing somewhere future commissioners or conservation staff might not think to look for it. LM wants there to be a streamlined checklist that can be given to applicants so that they know exactly what they have to submit before they begin applying and she references the checklist that Groton's CC uses as a good example. JG would like to potentially see the location of stockpiled materials on plans and JS would like to see all fill be required to be invasive free.

*(44:21-50:25) The CC has a tangent discussion on the possibility of budgeting more hours for conservation staff.

4.0 Correspondence – Votes May Be Taken:

4.1 – PB ANR Plan for 96 Fitchburg Road (1:04:01-1:07:58)

The Planning Board has already endorsed this ANR and they are giving notice to the CC. AL informs the CC that over the last 2 years wetlands on this property might have been filled in. JG asks MM to look into this after the meeting.

4.2 – PB ANR Plan for 112 West Meadow Road (1:07:59-1:08:53)

The applicant is looking to divide the parcel into 3 lots.

4.3 – NRWA Degrowth and the Green New Deal virtual presentation on 3/15 (1:09:02-1:09:25)

The zoom link was sent to all of the Commissioners in case anyone was interested in attending.

4.4 – Resignation Letter from Linda Mack (1:09:30-1:15:17)

Linda will be resigning from the CC as of 3/30/23. The CC thanks her for her time and LM will continue to volunteer for the town as a member of the Townsend Historical Society New Vision Endowment Committee. LM expresses interest in serving as an alternate commissioner where she can be called in when there isn't a quorum. The CC is not sure about the process to designate someone as an alternate, but JS is willing to look into it after the meeting. MM has submitted a Notice of Vacancy to the town clerk, and it is posted on the board outside town hall and on the town website. JG reminds the CC that there is 1 volunteer response form still on file with the CC but that it still has to go in front of the BOS.

4.5 – PB Transmittal of Decisions regarding 5 Turnpike Road (1:15:18-1:16:46)

The application was for the repaving of an existing parking lot and the creation of 35 new parking spaces, as well as the development of a stormwater management system. This was granted by the Planning Board for the applicant, Country Estates Condominium Trust at 5 Turnpike Road.

4.6 – ZBA Transmittal of Decision regarding 5 Ryan Road (1:16:47-1:18:00)

The Planning Board granted a special permit to allow an accessory apartment at 5 Ryan Road. This is the first special permit granted for an affordable accessory apartment pursuant to 145-36 E. Affordable Accessory Apartment Program.

4.7 – PB Transmittal of Decision regarding the Harbor Trace Water Treatment Plant (1:18:01-1:18:18) The Planning Board granted a new major stormwater management for the Harbor Trace PFAS Water Treatment Plant Project. This permit is valid for 2 years.

4.8 – Freedom’s Way “Operation Pollination” starting 3/1 (1:18:30-1:19:36)
There are several zoom meetings from March-July details on how to register are in the shared CC files.

5.0 Education and Conferences – Votes May Be Taken:

The annual CPTC Conference is on 3/18 and MACC is offering several classes this month that could go towards earning the Fundamentals Certificate.

6.0 Items for discussion at next meeting:

158 Main Street enforcement and 75 Pierce Road discussion

7.0 Next meeting: Wednesday, March 22nd, 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 motions to adjourn at 8:24PM, PJ seconded
The motion passes unanimously*

