



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700, ext. 1739  
[conservation@townsendma.gov](mailto:conservation@townsendma.gov)

**Chair:** James Gates (2024)      **Vice-Chair:** Colby Streater (2025)      **Clerk:**  
Anne LeCuyer (2023)      Kevin Smith (2023)      Patricia Jemiolo (2025)  
Jessica Consolvo, Conservation Agent      Matthew Matos, Administrative Assistant

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Wednesday, April 12<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=Z2FOVzlseVY2aGlvMEdXdk04VkliQT09>

**Meeting ID:** 846 5015 4940

**Passcode:** 045607

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/84650154940?pwd=Z2FOVzlseVY2aGlvMEdXdk04VkliQT09>

**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 7:02PM.

RC: PJ (P) JG (P) AL (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** 3.1 will wait until a meeting where all Commissioners will be present.

**1.4 – Chair’s report** None.

**1.5 – Review/Approve the meeting minutes from 2/22/2023**

*AL makes a motion to approve 2/22 meeting minutes, PJ seconded.  
The motion passes unanimously.*

**1.6 – Agent’s report** (2:06-5:25)

1. Building Permit interdepartmental signatures
  - a. 114 Highland St – needs RDA (have not signed off yet)
  - b. 113 Main St – needs silt fence behind structure
  - c. 42 Turnpike Rd
  - d. 407 Main St
2. Referrals completed
  - a. 22 Main St (as Stormwater Agent)
  - b. 22 Main St (as ConsComm, following site visit)
3. BOH interdepartmental signatures
  - a. none
4. Completed approvals
  - a. none
5. Applications
  - a. NOI – 75 Pierce Road. Site visit 4/5.
6. Miscellaneous
  - a. Enforcement Order – 158 Main St. Compliance ongoing.
  - b. Provided application guidance for applicants of 114 Highland St, 12 South St
  - c. Stormwater Agent coordination for permit at 27 Scales Ln
  - d. Stormwater Agent review of application/stormwater materials for 22 Main St
  - e. Visits to 127 Main St, across from 206 South St for possible wetland violations
  - f. File review for property on South St for issuance of OOC/COC
  - g. Email to resident regarding shed installation near a stream, identified during review for building permit
  - h. Review/updates to Ch 150 Wetland Regulations

\*There is some time left before 2.1 so the CC skips ahead to 3.2.

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

**2.1 – 7:15PM – Notice of Intent, DEP #308-0698, TWB #2023-146** (13:08-31:44)

**Applicant:** Mike Gray

**Location:** 75 Pierce Road

**Project/Status:** The ongoing project is for the construction of an addition to a single-family home and replacement of a septic tank. Part of the construction is taking place within 100 feet of an intermittent stream.

Jack Maloney of Dillis & Roy Civil Design Group is present at the meeting to represent the applicant. He submits the proof of abutter notification to the CC before the public hearing is opened.

*AL makes a motion to open the Public Hearing on DEP #308-0698, PJ seconded.  
The motion passes unanimously.*

MM shares his screen so that the CC can review the submitted site plan. JM explains the project to the CC and shows the proposed in-law addition and the inspection port for a septic system replacement. The applicant filed for a building permit back in November of 2022 and it was believed to be non-jurisdictional for the CC at the time until an intermittent stream was discovered back in March after work had already begun. The applicant wasn't made aware of the request to put up erosion control barriers on the western side of the property, but he made sure they were installed immediately as soon as notice was given by JG. Since work had already begun when the stream was discovered this is an "after the fact" application and the work has been mostly completed. JM shows the location of disturbance where the material that was dug for the cellar was placed on a slope approximately 60 feet from the wetlands. This material has already moved back into the cellar hole and only part of the addition is within the 100ft wetlands buffer. During the site walk it was observed that no material had migrated past the base of the slope into the wetlands. Natural Heritage has not provided their comments as of this meeting and so the hearing must be continued until they do so. Based on DEP comments JM has revised the signature page to have the property owner's signature and he submitted proof to the CC that the work being done was not within any Riverfront Area. JC suggested plantings on the slope to help keep the soil from eroding into the wetlands and JM agrees to show plantings on a new set of plans that he will submit before the next meeting. An abutter has concerns about increased stormwater runoff into the stream, but JM assures him that the plantings will help to mitigate stormwater concerns.

*AL motions to continue DEP #308-0698, PJ seconded.  
The motion passes unanimously.*

## **2.2 – Enforcement Order, 158 Main St, Updates from 3/22 – 4/12 (31:48-1:14:46)**

**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.**

Since the last meeting Terry and Courtney have continued to remove silt that has gathered by the culvert, and they have put more haybales down. There is a long conversation where both the CC and Terry vent their frustrations. Terry is still adamant that the erosion on his property is being primarily caused by the pipe on his neighbor's property. JG and JC reiterate that they have already discussed this many times before and they are frustrated that after months there hasn't been more progress in remediating the silt that has built up in the wetlands behind his property. Fines and other more serious measures are discussed as options if progress isn't made soon. Ultimately it is decided that before the next meeting there needs to be a greater effort in removing the silt and their project engineer, Stan Dillis, needs to submit a final remediation plan. Terry informs the CC that it is SD's opinion that a pumping station and silt trap are not needed at this time because the check dams are doing a good job in limiting any further silt buildup. Terry and Courtney have legal counsel present at the meeting via Zoom and they will continue to look into any legal action they need to take in order to come to a solution that works for all parties. JC will contact the Department of Conservation and Recreation, who

are the property owners of the impacted wetlands, and ask for their permission for Terry to access their property for cleanup as well as advice in best practices for cleanup in a Priority Habitat area.

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

#### **—3.1— Vote for officers**

#### **3.2 – Earth Day discussion (5:45-6:46)**

None of the Commissioners have time this year to set up a booth for Earth Day so MM will let those coordinating the event know.

**3.3 – Mandatory Referral Notice from PB regarding Harbor Trace Road & Cooperage Way (1:15:29-1:17:21)** The applicant is requesting that the private roads Harbor Trace Road & Cooperage Way be accepted as public roads. JC and the CC have no comments.

*AL motions to submit no comment to the Planning Board, PJ seconded.  
The motion passes unanimously.*

**3.4 – Discuss proposed changes to Townsend Wetlands Regulations Chapter 150 (1:17:29-1:36:22)** MM shares his screen so that JC can remind the CC about the changes that have been proposed to Chapter 150. Next CC meeting 4/26 there will be a public hearing and the CC will vote on whether they accept the changes. These changes include what was discussed back in the fall of 2022 and the proposed changes to the plan requirements discussed at the last couple of meetings. JG & AL are unsure if including 500 year flood elevations on plans is necessary, but JC assures them that the CC doesn't need to require it on every application, this just gives them the right to request it. JC would like to make an edit to number 20 of the plan requirements and have the 100 foot buffer lines written out in addition to it being listed in 138-7A (6). Another recent change that has been proposed is to add 150-4K Administrative Approval. This would allow conservation staff to approve work that would occur in resource areas but would not have any alterations to these resource areas, without needing the applicant to file for an RDA or NOI. The town administrator and contacts at MACC are in support of this measure. JC gives a recent example as the kind of project that could be given administrative approval. A woman contacted the conservation department about removing 1 dead tree in her backyard that is on the edge of a wetland and could potentially fall on her house. JC believes this could be added to the fee schedule as a 25 or 30 dollar charge as the RDA fee is 40 dollars. This would vastly speed up the time it would take for applicants to begin work as they would not need to wait on CC meeting times and the posting of public notice. JC also recommends adding some examples to the administrative approval to make it clearer what kind of projects could qualify. Several other Massachusetts towns have a similar measure. A legal ad will be posted in the Groton Herald on Friday 4/21 and the public hearing will be on 4/26. JG has the idea to provide hyperlinks every time a section of the Town Code is mentioned, and MM agrees it is a good idea. JG also thinks it is important to mention that the public should be aware that these proposed changes are only minor edits and do not include any radical changes to how the CC operates.

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

#### **4.1 – NLCT 2023 Rock and Laurel Race (6:52-7:47)**

MM reads the notice from the North County Land Trust aloud to the CC. The 2023 Rock and Laurel Race will take place on 6/18/23 and they encourage anyone interested to register.

**4.2 – Legislature passes extension for virtual public meetings to 3/31/2025 (7:48-8:01)**  
The CC has no comments.

#### **4.3 – MassWildlife has acquired new land in Townsend (8:03-8:53)**

MassWildlife acquired 2 small parcels in Townsend back in late March, 23-38-0 off Pierce Road and 23-24-0 off Gilchrist Road.

**4.4 – FY24 MVP Action Grant applications now open** (8:56-10:01)

The CC is unsure if they should be applying for these grants and MM decides he should meet with Beth, who met with the CC about the MVP plan last year, to see if there is anything the CC can apply for.

**4.5 – ZBA Transmittal of Decision regarding 37 Burgess Road** (10:04-10:31)

A ZBA Administrative Appeal for 37 Burgess Road has been denied under Townsend Zoning Bylaw 145-64.

**4.6 – USDOT Wildlife Crossings Pilot Program** (10:36-12:00)

The Wildlife Crossings Pilot Program is now available for fiscal years 2022 & 2023 in the amount of 111.85 million. The program helps carry out projects that reduce wildlife-vehicle collisions and improve habitat connectivity. The deadline for applications is 8/1/23. The CC believe this isn't in their purview and JC agrees.

**4.7 – Nashua Rivers Wild & Scenic Stewardship Council 2022 Annual Report** (12:05-12:49)

Two projects were completed in Townsend including stabilizing a canoe launch on Townsend Harbor Pond and a comprehensive assessment for sustainable stabilization and protection of the bank and waterway was done at Adams Dam.

**4.8 – Nashua River Watershed Association 2022 Annual Report** (12:50-13:03)

The CC has no comments.

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

**5.1 – Potential training on updates to BioMap**

MassWildlife has reached out to CCs across the state and is offering free training workshops on how to utilize the new BioMap updates.

**5.2 – Presentation on Climate Adaptation Science 4/19 at 4PM**

For Commissioners who are interested in attending there is more information in the shared OneDrive.

**5.3 – “How to Landscape Your Backyard for Wildlife” field seminar 5/2 at 4:30PM**

The Hollis Conservation Commission is hosting an in the field seminar provided by expert wildlife biologists and foresters on local biodiversity.

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

158 Main Street enforcement, 75 Pierce Road NOI, and Chapter 150 proposed changes.

**7.0 Next meeting:** Wednesday, April 26<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 8:44PM, PJ seconded.*

*The motion passes unanimously.*

