



Conservation Commission

Town of Townsend

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TOWN OF TOWNSEND  
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Jennifer Eaton, Vice Chair (2023)

James Gates (2024)

Jessica Consolvo, Conservation Agent

James LeCuyer (2022)

Colby Streeter (2025)

Matthew Matos, Administrative Assistant

Anne LeCuyer (2023)

Joan Savoy, Clerk (2024)

## Meeting of the Townsend Conservation Commission

### MEETING MINUTES

Wednesday, April 13<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

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

**1.1 - Call the meeting to order and roll call** Meeting called to order by Vice Chair JE at 7:03PM under the Wetlands Protection Act (WPA) and the Townsend Wetland Bylaw (TWB).

Roll call: JS (P) JG (P) CS (P) JE (P) JL (A) AL (A)

**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** JE asks for a motion to delete 3.8, 3.9, 3.10, 3.11, 3.13, and 8.0.

*JS motions to delete these items, JG seconded  
The motion passes unanimously*

JE asks for a motion to add 3.8 – Discussion of obtaining an updated list of brownfields.

*JG motions to add 3.8, JS seconded  
The motion passes unanimously*

**1.4 – Chair's report** JE informs the CC that the Wild & Scenic Grant has been awarded and will be used to obtain the services of a consultant for the ongoing restoration project at Adams Dam. She would like to thank everyone who played a part in obtaining this grant, especially Cemetery and Parks for the great work they did. She also notifies the CC that Michael Crowley (Land Use Coordinator) and herself referred the NOLA volunteers over to the BOH to help with trash pickup.

**1.5 - Review/Approve the meeting minutes from 3/9/22 & 3/23/22** JS would like to make a minor clarification edit to 1.4, but other than that the 3/9 minutes have the CC's approval.

*JS motions to approve the 3/9/22 meeting minutes, JG seconded  
The motion passes unanimously*

JS and JE would like to make an edit to 4.2 clarifying that the CC gave Veronica Kell permission to speak. Outside of that edit the 3/23 minutes have the CC's approval.

*JG motions to approve the 3/23/22 meeting minutes, JS seconded  
The motion passes unanimously*

**1.6 - Agent's report** JC informs the CC that she has signed off on several building permits and septic systems. Site visits were conducted at 26 School St, 62 Pierce Rd, and 132 Pierce Rd for COC requests and an OOC extension. JC also made a visit to 82 Ball Rd for a pre-construction inspection and to 1 Capricorn Ln to take pictures of proposed trees to be cut down. A 2<sup>nd</sup> violation notice has been sent out to 61 Edward Rd and departmental staff made a visit out to 22 Ponderosa Dr following a complaint we received from a local resident.

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

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

**3.1 – TWB 2022-120 (Continued from 3/23), 46 Emery Road Request for Determination of Applicability for the removal of trees immediately adjacent to both a pond and surrounding wetlands**

*JS motions to continue to next meeting, CS seconded  
The motion passes unanimously*

**3.2 – TWB 2022-122, 35 Adams Road Request for Determination of Applicability for the knocking down and removal of a dilapidated residential structure** There is some confusion over whether the CC can vote on this with only 4 of the 6 members being present. JS has to recuse herself because it is her property, which means the CC only has 3 voting members, not enough for a majority. However, MC reads aloud the Townsend committee handbook and informs the CC that the majority to pass a vote is just based on the members present at the meeting and not the total members of the CC. JC clarifies to the CC that part of the structure is in the 100ft buffer, approximately 95ft away from the wetlands, so it does fall under CC jurisdiction. JG would like to wait until the entire CC is present to vote on this to avoid any accusations of misconduct. JS is concerned that any wait could allow time for birds to start nesting in the structure. JS asks JC that since this structure is more than 50ft away from the wetland, could that mean she doesn't have to file an RDA at all. JC responds that while this would mean she is in compliance with the WPA, the TWB requires all applicants to get approval from the CC in order to do any work within the 100ft buffer. The CC motion to continue this item at first, but then decide they are ok to circle back and vote on this application.

*JG motions to issue a negative-3 determination, CS seconded  
JG (Y) CS (Y) JE (Y) JS (A). The motion passes.*

**3.3 – Request for OOC Extension for 132 Pierce Rd (DEP #308-0666)** JG informs the CC that he will have to recuse himself from this vote because he is friends with the applicant. They realize that they would have to continue this item as well, but they see that MC has something to say so they give him permission to speak. MC reiterates that the CC can vote on these items because voting majority is based on the number of members present, not on the total number of members. JG asks for the handbook to be added to the shared drive so that the CC can more easily refer to it. JS asks the Vice Chair for permission to return to 3.2 and JE grants her request. After returning to 3.3, JC summarizes the request to the CC. On the site visit it was noticed that part of the silt fence was down and so JC requested that the applicant send pictures of the repaired silt fence. The applicant did so and also made a request that they be able to take down part of the silt fence that was outside the 100ft buffer, in an area that is completely stabilized. The applicant is requesting a 1 year extension due to the pandemic causing construction delays. The CC give their approval.

*JS motions to approve a 1-year OOC Extension for DEP #308-0666, CS seconded  
JS (Y) CS (Y) JE (Y) JG (A). The motion passes.*

**3.4 – Request for 2 COCs for 26 School St (DEP #308-0109 & DEP-unknown)** The OOC #308-0109 was issued in 1987 for the installation of a retaining wall. The OOC with the unknown DEP # was issued in 1977 for fill near wetlands. A site visit was conducted for both projects and it was confirmed that both were completed.

*JS motions to approve the 2 COCs for 26 School St, CS seconded  
The motion passes unanimously*

**\*3.5 – Request for COC for 62 Pierce Rd (DEP #308-0663)** The OOC for this project expires in a couple of weeks and so the applicant would like to close it out. MM conducted a site visit at the property, and he summarizes the visit to the CC. He confirmed that the work was completed and that the project matched up with what was on the site plans provided to the CC.

*JG motions to approve the COC for DEP #308-0663, CS seconded  
The motion passes unanimously*

**3.6 – Mandatory Referral Notice from PB regarding 241 Main St** The CC and JC agree that this is non-jurisdictional for the CC.

*JS motions to submit non-jurisdictional comment to the PB regarding 241 Main St, CS seconded  
The motion passes unanimously*

**3.7 – Mandatory Referral Notice from PB regarding 221 North End Rd** The CC and JC agree that this is non-jurisdictional for the CC.

*JG motions to submit non-jurisdictional comment to the PB regarding 221 North End Rd, CS seconded. The motion passes unanimously.*

**\*3.8 – Obtaining an updated list of brownfields** JE clarifies that brownfield is a designation given to a property that has been deemed contaminated or hazardous and so is not in use. JS is concerned that the list provided by the state is incorrect because, for instance, the CC wasn't aware that 8 Lefts St was a brownfield until after their application. The knowledge of where the brownfields in Townsend are is crucial because it impacts how the property is managed/treated. JE asks MC to look into obtaining an updated list and finding out if there are any programs to clean up these brownfields. MC agrees to dig deeper and try to find a better list by reaching out to the EPA and the state.

~~3.8 – Vote on potential CC fee schedule revisions~~

~~3.9 – Proposed uses for CC properties~~

~~3.10 – Potential volunteer workers discussion~~

~~3.11 – Discussion of ground disturbance at 22 Ponderosa Dr~~

**3.12 – Pick a new date/time for BDR walk at Campbell Farm** The CC agree to move the BDR walk to 4/22 at 9:30AM.

~~3.13 – Discuss potential vote for CC officers~~

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

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

**5.1 – Earth Day booth preparations and job list** JS informs the CC that Matt Evans has graciously donated a \$50 gift certificate as a prize for the haiku contest that the CC will be hosting. The CC will vote on the best haiku at their next meeting. There will also be an environmental quiz where the top scores will have a chance to win a board game donated by Matt Evans. For a hands-on activity, JS is planning on bringing supplies to make tissue paper flowers. MM will also make an invasive species flier that will include QR codes to help people find more information. MC asks the CC if they can also distribute the stormwater flier that he made, and the CC are happy to do so. The CC decides who will help set up and discuss the times that people will be there. The Earth Day celebration is 4/23 from 10-3.

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

46 Emery Rd RDA, fee schedule, CC properties, vote for officers, Wescon ES, vote for haiku contest

**7.0 Next meeting:** Wednesday, \*April 27<sup>th</sup>, 2022 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.

\*Edits to correct mistakes on the 4/13 agenda

**~~8.0 Executive Session — Votes may be taken:~~**

~~Executive Session pursuant to GL c. 30A s21 (a) (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares (Wescon v. Townsend Conservation Commission)~~

**9.0 Adjournment:**

*JG motions to adjourn at 8:06PM, CS seconded  
The motion passes unanimously*