



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 Streeter (2025)     **Clerk:** Vacant  
Anne LeCuyer (2023)     Kevin Smith (2023)     Patricia Jemiolo (2025)  
Jessica Consolvo, Conservation Agent     Matthew Matos, Administrative Assistant

---

**Meeting of the Townsend Conservation Commission**  
**MINUTES**

Wednesday, April 26<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/83420170017?pwd=Nm5WenFzT3QyUW9tUjR3SG16cDJUdz09>

Meeting ID: 834 2017 0017

Passcode: 873857

**One tap mobile**

+13126266799,,83420170017#,,,,\*873857# US (Chicago)

+16469313860,,83420170017#,,,,\*873857# US

**Dial by your location**

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Find your local number: <https://us02web.zoom.us/j/kdKv3uqXZY>

**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 7:20PM.

RC: AL (P) JG (P) PJ (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** JG would like to add 4.3 – Correspondence from Highway Superintendent.

**1.4 – Chair’s report** None

**1.5 – Review/Approve the meeting minutes from 3/8/2023**

*AL makes a motion to approve the 3/8 meeting minutes, PJ seconded.*

*The motion passes unanimously.*

**1.6 – Agent’s report** (1:57-6:56)

1. Building Permit interdepartmental signatures
  - a. 13 Warren Rd
  - b. 44 Emery Rd
2. Referrals completed
  - a. none
3. BOH interdepartmental signatures
  - a. none
4. Completed approvals
  - a. none
5. Applications
  - a. NOI – 75 Pierce Road. Site visit 4/5. Hearing con’t from 4/12
  - b. RDA – 114 Highland St intake & completeness review
  - c. RDA – 12 South St intake & completeness review
  - d. Partial COC – 15 South St intake & site visit
6. Miscellaneous
  - a. Enforcement Order – 158 Main St. Compliance ongoing.
  - b. Review/updates to Ch 150 Wetland Regulations & advertising for public hearing
  - c. Coordination with resident at 12 Coppersmith Way for dead tree removal near wetland
  - d. 22 Sauna Row Rd OOC status checkin/precon coordination
  - e. Invasive species – W&S grant coordination
  - f. E-permitting training
  - g. Coordination with resident at 280 Main St for fence installation in Riverfront area
  - h. Investigated anonymous report of excavator in wetlands 4/21 on S Row Rd – no concerns observed
  - i. Status check-in of Conservation approvals for 238 S Row Rd, Squannacook Meadows
  - j. Desktop review of 96/100 Fitchburg Rd

JG asks about 96/100 Fitchburg Rd and JC informs the CC that she believes someone associated with 100 Fitchburg Rd filled in a pond on the property. JC is attempting to reach out to the owner of the property so that the CC can visit the site and determine what actions are needed.

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

### 2.1 – Notice of Intent, DEP #308-0698, TWB #2023-146, Continued from 4/12 (7:00-24:40)

**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 from Dillis & Roy is present at the meeting and is representing the applicant. NHESP has come to the determination that the activity will not adversely affect the Resource Area Habitat and will not result in a prohibited Take of state-listed rare species. JM has also provided the CC with new plans that include the planting schedules the CC asked for at the last meeting. These native plants will help to stabilize the bank and limit any erosion into the stream on the edge of the property. A resident who owns an abutting property is present at the meeting and he has concerns that overflow from the stream could impact the road. He is also concerned that this intermittent stream wasn't discussed or identified during the ZBA hearing a couple of months ago. The CC explains that the stream wasn't known about at the time but even if it had been identified it wouldn't have had an impact on the ZBA hearing. The only thing that was impacted by the stream not being identified was the timing of the NOI hearing. In JC's opinion a **special condition should be that there is a 2-growing season success monitoring and 80% of the plants must survive. If planting is done by 5/30, 2023 and 2024 can count as the 2 growing seasons.** The CC agrees that this is a good idea.

*JG makes a motion to issue a standard Order of Conditions with Attachment A for DEP #308-0698 with the Special Condition stated above. AL seconded.  
The motion passes unanimously.*

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

### 2.2 – 7:15PM – Proposed Amendments to the Townsend Wetland Regulations, Chapter 150 (24:57-1:02:19)

*AL makes a motion to open the hearing, PJ seconded.  
The motion passes unanimously.*

MM reads the legal notice aloud. He shares his screen so that everyone can review the proposed changes and he reads the changes aloud. JG asks Stan Dillis, who is present in person, if he has any thoughts on the new plan requirements being based on Groton's. He has no problems with Groton's plan requirements. JG mentions that there should be a fee for the added Administrative Approval. MM reminds the CC that \$25 was mentioned at the last meeting but that number has not been finalized. Leslie Gabriliska is present via Zoom and has several comments for the CC. For 150-2(E) she would like to include Buffer Zone and Riverfront Area. The CC agrees to include "Resource Area or its respective Buffer" She also has some hesitations about changing 150-2(A) but after hearing JC's and SD's comments she is more OK with it. The CC decide to make edits to make it clearer that wetlands are defined by at least 2 of vegetation, soils, and hydrology. MM shares written public comments given to the CC. Based on these comments the CC decides to include a requirement that the source of any offsite fill be included in provided plans if the project meets a certain size/amount of fill. The CC also agrees with JG's comment to add a plan

requirement that the location of stock materials be noted. Beth Faxon, Admin to the PB & ZBA, also had a comment to include a section linking to the stormwater management bylaw and the CC also agrees with this idea. LG would also like the Administrative Approval to be more specific on what staff are approved to issue this permit. The CC agrees to add "approved" conservation staff and make a note that the CC have the power to approve staff. JG would also like to get rid of "and/or other official recommendations" from 150-2(F).

*AL motions to continue the hearing to the next CC meeting, JG seconded.  
JG (Y) AL (Y) PJ (Absent). The motion passes.*

### **2.3 – Enforcement Order, 158 Main St, Updates from 4/12 – 4/26 (1:02:22-1:30:23)**

**Status update from property owner/engineer that includes proof that sediment continues to be removed and that a long-term plan to address stabilization & remediation is in progress.**

MM shares his screen to show pictures he took of the site on 4/26 and the restoration plan that was submitted. Stan Dillis is present at the meeting in order to represent the property owner and he informs the CC that the owners are continuing to clean out silt from around the culvert and the water is flowing clear. SD goes over the plan with the CC that includes installing catch basins, beehive grates, restoring the swale, restoring the broken berm, and cleaning up the silt in the wetlands. SD claims these measures will also keep the swale as a hydrologic connection, but JC has some concerns that the wetlands on the property will dry up. In SD's opinion these measures will help to stop excessive water flow but should still allow enough water to keep the wetlands intact. SD believes that without any pipes there would be no way to stop the excessive flow of water that is causing erosion into the wetlands. JC would like to see the restoration use more natural methods as opposed to man-made methods, but SD reminds the CC that the owner would like to continue to use this land for agricultural purposes. JG also believes that there should be plantings by the lower berm and a planting schedule. The CC also discusses potentially keeping the check dams and letting the area naturalize.

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

**3.1 – Request for Partial Certificate of Compliance, 15 South Street, DEP #308-581A (1:30:49-1:32:46)** MM informs the CC that an OOC was issued back in 2010 for work being done to restore Harbor Dam and this property was tied to the OOC because it was a point of egress to the site. The COC was never issued for this work and the property owner is requesting a partial COC so that their property is no longer tied to the open OOC. JC went on a site visit to confirm completion of work and it is her opinion that this request should be granted.

*AL makes a motion to issue a Partial COC for DEP #308-581A, PJ seconded.  
The motion passes unanimously.*

### **3.2 – Mandatory Referral Notice from ZBA regarding 22 Main Street (1:32:47-1:33:53)**

MM & JC went on a site visit to the property and confirmed that the work site was well over 200 feet away from the Squannacook River, meaning that it is outside CC's jurisdiction.

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

### **3.3 – Upcoming May 17 Invasive Species Workshop discussion (1:33:55-1:36:29)**

This training is being funded by grant money that was approved by the Nashua Rivers Wild & Scenic Stewardship Council. The project has changed slightly from what was originally proposed

and now there will be no hardware cloth, only hand removal away from the riverbank so that there is no need to file an RDA. The 2 sites currently proposed are Japanese Knotweed at the Jefts Street parking lot and Japanese Barberry near Adams Dam which is a 15 minute walk from the parking lot. Employees from the Highway Department and Cemetery & Parks have also been invited. Land Stewardship Inc. will be conducting the training and the weed wrenches that were mentioned in the grant have been ordered and will be used during the training.

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

##### **4.1 – Potential removal of 0 Bayberry Hill Road from Chapter 61B Classification (Parcel 17-2-0)**

(1:36:31-1:40:41) JG reads the Right of First Refusal notice aloud to the CC. MM informs the CC that there are no wetlands nearby and it would be difficult to match the market value of the 6 Acre property to keep it in Chapter 61B. The owner intends to sell the property for the purpose of constructing a single family house. The CC has no plan to take up the offer of First Refusal.

##### **4.2 – PB Transmittal of Decision regarding 22 Main Street (1:40:42-1:41:08)**

The CC has no comment on the special permit that was granted by the Planning Board.

##### **4.3 – Correspondence from Highway Superintendent (1:41:12-1:44:26)**

JG reads the correspondence aloud. The highway department will be resurfacing and milling Barker Hill Road from Dudley Road to the New Hampshire state line. There is a small stream that crosses this road, but this work will not impact the stream in any way, and they will install straw wattles as an extra precaution. There are also several drainage culverts/ditches that will be cleaned out as well and stone will be added to the road to prevent erosion. JC is planning to meet with the HD to discuss this project but she has already confirmed there is no priority habitat along the road. JG mentions that around 132/134 there is a culvert crossing that is very wet and could use more drainage. JG is very much in support of any culvert pipe replacement while the HD is repaving in order to prevent any drainage problems in the future.

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

MACC classes & Invasive species training 5/17.

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

Chapter 150 changes, 158 Main enforcement, 114 Highland RDA, 12 South RDA, and 158 Fitchburg NOI.

**7.0 Next meeting:** Wednesday, May 10<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 9:06PM, PJ seconded.  
The motion passes unanimously*

