



Conservation Commission
Town of Townsend
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Jennifer Eaton, Vice Chair (2023)

James LeCuyer (2022)

Anne LeCuyer (2023)

James Gates (2024)

Colby Streeter (2025)

Joan Savoy, Clerk (2022)

Jessica Consolvo, Conservation Agent

Matthew Matos, Administrative Assistant

Meeting of the Townsend Conservation Commission MINUTES

Wednesday, April 27th, 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

<https://us02web.zoom.us/j/89342337987?pwd=VXB6ZW5ibndNQmpQS3ErWTNubjZXZz09>

Meeting ID: 893 4233 7987

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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 7:01PM under the Wetlands Protection Act (WPA) and the Townsend Wetland Bylaw (TWB).

Roll Call: JS (P) JG (P) JL (P) AL (P) CS (P) JE (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 JE would like a motion to delete 3.7 because the entries/results have not been completed yet.

AL motions to delete 3.7, JG seconded

The motion passes unanimously

1.4 – Chair's report JE thanks everyone who stopped by the CC's Earth Day booth and completed the haiku contest/nature quiz. JL cuts in to ask JE if he can intervene and JE says yes. JL proceeds to read a prepared speech thanking past commissioners and running through a list of grievances. JE and JS attempt to cut in several times, JS requesting a point of order, and eventually JL finishes his speech.

1.5 - Review/Approve the meeting minutes from 4/13/2022

CS motions to approve the meeting minutes from 4/13/2022, JG seconded

JG (Y) CS (Y) JL (A) JS (Y) AL (A) JE (Y). The motion passes.

1.6 - Agent's report

1. Building Permit interdepartmental signatures
 - a. 12 Aquarius Lane
 - b. 22 New Fitchburg Rd
2. Referrals completed
 - a. 241 Main St
 - b. 221 North End Rd
3. Septic interdepartmental signatures
 - a. 10-12 Spaulding St
 - b. 321 Townsend Hill Rd
4. Conservation-owned land: seven site visits and inventory reports completed to date.
5. OOCs issued in the past without COCs – 11 inquiries made to date
6. RDA – 46 Emery Road tree cutting for safety concerns – put on hold 3/7/22
7. Request for COC – issued 2x for 26 School St on 4/22/2022
8. Request for COC – issued for 62 Pierce Rd on 4/22/2022
9. OOC Extension Request – issued 1 year extension for 132 Pierce Road on 4/22/2022
10. RDA – issued for 35 Adams Rd on 4/15/22
11. NOI – intake for 10-12 Spaulding Street, site visit
12. Request for COC – intake for 1 Bailey Rd
13. OOC Extension Request & minor amendment – intake and visit for 50 Highland St 308-667
14. Visit to 29 New Fitchburg Rd for tree cutting request
15. Visit to Campbell Farm conservation property

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:10PM – Notice of Intent, DEP #308-0690, TWB 2022-123

Applicant: Pine Tree Trail Properties, LLC

Location: 10-12 Spaulding Street

Project/status: The applicant would like to replace the existing leach field and install 3 septic tank replacements. Part of the construction will take place within 100 feet of a bordering vegetated wetland (BVW) and within the 200 foot Riverfront Area.

Jeff Hannaford is present at the meeting representing the applicant and gives the abutter certified mail receipts to JS. JS reads the legal notice out loud to the CC.

*JG motions to open the hearing, JL seconded
The motion passes unanimously*

JS confirms that all the required mail receipts have been received. JH proceeds to outline the proposed project, pointing out where the wetlands are located in relation to the proposed spot for the new septic tanks. Much of the project site is outside of the 100ft buffer and the proposed septic tanks are a big upgrade on the former failing system. There will be an erosion control barrier between the work site and the wetlands. He also mentions that tree cutting should be minimal but one tree on the corner of the site will have to be taken down. JH had also submitted a pumping schedule of the failed septic system and he goes over the dates with the CC. JL argues that the CC has no jurisdictional authority over pumping records, but JE asks him to be quiet and let JS speak. JS's problem is that on the site visit effluent was found floating on the ground, and she is concerned that this effluent is running off into the nearby stream. JH and JG claim that there is no evidence that this is happening. In JC's opinion this effluent is far enough from the wetland, approx. 75ft, and wetlands do a good job of filtering effluent/stormwater. JC also spoke to the district sanitarian who had no concerns about the seepage when it was that far from the wetland boundary. JH informs the CC that the plans have been recently approved by the BOH and he is looking to get started on this project ASAP. JL suggests that along with cutting down the tree the CC should allow the applicant to cut/mow within 25 feet of the system for maintenance and longevity of the system. JH reminds the CC that most of the foliage around the system is invasive bittersweet and so allowing them to mow would also have a secondary benefit of invasive species management. The CC agrees that this is a good special condition to add even though the 25 feet of mowing would go past the current proposed erosion control barrier. CS asks if service of the existing system will be shut off while construction takes place. JH claims that while service will be interrupted it will only be for a matter of hours while they install the new tanks. The residents will be informed prior to their service being shut down. JC informs JH that assuming this project gets approved they can start work after they are issued the OOC, they record the OOC in the registry of deeds, and they have a pre-work inspection visit.

*JG motions to approve DEP #308-0690 with a standard Orders of Condition and the Special Conditions of tree removal and a 25ft mowing perimeter, AL seconded.
The motion passes unanimously.*

*JL motions to close the hearing, JG seconded
The motion passes unanimously*

3.0 Work Session – Votes May Be Taken:

3.1 – ACEC presentation with Nancy Putnam from the DCR Nancy Putnam (NP) shares her screen in order to present information on Areas of Critical Environmental Concern (ACEC). She begins with a quick background on the history of ACECs, outlining their purpose, and showing their locations in Massachusetts. She focuses on the Squannassit ACEC because 25,050 acres of the ACEC are located in Townsend. The ACEC program has a lot of materials and education tools to help assist towns in their ACEC responsibilities. There are a number of regulations that towns must follow to protect ACECs, and this regulation is backed up by the state and the WPA. For example, no alteration is permitted in BVWs unless it qualifies as a limited project. There are also higher minimal standards for projects to be approved in ACECs, particularly when it applies to anything that might impact water quality. JS asks if there are existing laws that allow effective enforcement of the ACEC regulations. NP points to the WPA containing higher performance standards for projects in ACECs. If the CC denies a project in the ACEC because they believe it doesn't qualify for the "limited project" standard, the applicant can appeal to the DEP, but they would require an Environmental Notification Form, and would face increased scrutiny by several state agencies before being granted a superseding OOC. The CC thank NP for her informative presentation.

3.2 – TWB 2022-120 (Continued from 4/13), 46 Emery Road Request for Determination of Applicability for the removal of trees immediately adjacent to both a pond and surrounding wetlands
The applicant has not reached back out with any new information.

*JG motions to continue TWB 2022-120 to 5/11 meeting, CS seconded
The motion passes unanimously*

3.3 – Request for 3 year OOC Extension for Squannacook River Rail Trail (DEP #308-669) Joan Wotkowicz and Bill Rideout from Squannacook Greenways are present at the meeting. They explain that there is still a big portion of work on the Rail Trail that has not been completed yet. Due to financial reasons, they have not been able to finish it as quickly as they originally thought, and they believe they will need 3 more years for total completion. JL and the rest of the CC give their approval for the extension.

*JL motions to approve the 3 year OOC Extension, CS seconded
JS (Y) AL (Y) JG (A) JL (Y) CS (Y) JE (Y). The motion passes.*

3.4 – Request for 3 year OOC Extension & minor modification to OOC for 50 Highland Street (DEP #308-667, *TWB 2022-124) Roger Helou, the applicant, is present via Zoom. JC explains that the original OOC is for the construction of a new house partially in a Wetland Buffer. Full construction and stabilization have not yet been completed, so the applicant is asking for a 3 year extension. The minor modification is for a retaining wall along a very steep slope next to the driveway in the 100 ft buffer. JS asks for a TWB # be given to this project and JC agrees. There is also some confusion over whether the copy of the original OOC had a printing/layout error, but it is found to be OK.

*JG motions to approve DEP #308-667 with the addition of a TWB #, JL seconded
The motion passes unanimously*

3.5 – Request for COCs for 1, 5, & 7 Bailey Road: DEP #308-639, #308-638, and #308-637 JC explains that these COCs are for projects that have passed the 3 year expiration date for OOCs. JC recommends that there be another site visit before voting on these projects. She went on a site visit with MM and saw several discrepancies with the site plan that she would like members of the CC to take a look at. The

CC agree that this is a good idea. Allie, the applicant, is on the call and she agrees to go on a site visit with the CC.

*JS motions to continue Request for COCs to 5/11, AL seconded
The motion passes unanimously*

3.6 – Vote on potential CC fee schedule revisions There are several proposed additions including making RDAs a flat fee, giving a discount for nonprofits, and changing the COC fee schedule from recording date to expiration date etc. These changes are based on what JC has seen over the last couple of months, in an attempt to create a fee schedule that is easier to understand for applicants. JL asks for more time to go over these numbers and to continue this to another meeting. There is an argument from JL and AL that they have not been included while they have been away. They do not approve of the fee schedule that was passed while they were gone. JS would like to approve the proposed fee schedule as it has been on agendas for a long time now.

*JS motions to approve the proposed fee schedule, JG seconded
JL (N) CS (N) JS (Y) AL (N) JE (N). The motion fails.*

JC points out that the previous fee schedule that was approved had been on the agenda for a long time and there was ample time to provide comment. More argument breaks out over the fact that the LeCuyers feel they were not given access to the materials/zoom calls, but eventually the CC agree that this could have been due to communication issues. The CC agree to vote on another round of fee schedule revisions at their next meeting.

~~3.7 – Earth Day discussion and vote for haiku contest winner~~

4.0 Correspondence – Votes May Be Taken:

5.0 Education and Conferences – Votes May Be Taken

5.1 – Vote to approve MACC membership & fundamental certificate classes for Colby Streeter

*JG motions to approve MACC membership & FCCs for Colby Streeter, AL seconded
The motion passes unanimously*

6.0 Items for discussion at next meeting:

Use of CC property, haiku contest winner, fee schedule revisions

7.0 Next meeting: Wednesday, May 11th, 2022 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.

JE makes a comment stating that while every Commissioner is allowed to share their opinion, she will not allow opinions to be made in an intimidating or degrading fashion.

8.0 Executive Session – Votes may be taken: (continued from 4/13/22)

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)

*JG motions to enter executive session and adjourn from executive session, AL seconded
The motion passes unanimously*

9.0 Adjournment:

The CC adjourn from open session at 8:29PM

*Edits to agenda items