



Office of the
CONSERVATION COMMISSION

Town of Townsend
272 Main Street
Townsend, Massachusetts 01469
978-597-1700, ext. 1739
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, May 10th, 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

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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 7:06PM.

RC: PJ (P) JG (P) AL (P) KS (Present at 7:09PM)

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 received a complaint on 4/29 about kids playing at Squannacook Meadows as well as a complaint on 5/6 about dirt bikes in the same area. The police were notified and issued a warning. Also, on 5/6 JG noticed someone preparing to cut brush with an excavator along the river and told them to call the Conservation office before continuing with work. JG has also gone on several visits to 158 Main St, the latest being 4/25.

1.5 – Review/Approve the meeting minutes from 3/22/2023

AL makes a motion to approve the 3/22 meeting minutes, PJ seconded.

The motion passes unanimously.

1.6 – Agent’s report (2:55-8:24)

1. Building Permit interdepartmental signatures
 - a. none
2. Referrals completed
 - a. none
3. BOH interdepartmental signatures
 - a. Bayberry Hill Rd parcel 17-2
4. Completed approvals
 - a. 75 Pierce Rd OOC – mailed 4/28/2023
 - b. 15 South St Partial COC – mailed 4/28/23
5. Applications
 - a. RDA – 114 Highland St intake & completeness review. Site visit 5/3
 - b. RDA – 12 South St intake & completeness review. Site visit 5/3.
 - c. NOI – 158 Fitchburg Rd intake & completeness review. Site visit 5/3.
6. Miscellaneous
 - a. Enforcement Order – 158 Main St. Compliance ongoing.
 - b. Site visit with DCR to 158 Main St./abutting land for input
 - c. Review/updates to Ch 150 Wetland Regulations & advertising for public hearing
 - d. Invasive species – W&S grant coordination
 - e. E-permitting training & account coordination
 - f. Visit to C&P property for review of trail and burial project
 - g. Mailed possible violation letter to 100 Fitchburg
 - h. Visit to 172 Main St for drainage concerns
 - i. Review of possible additional violations of exterior improvements within wetland buffer at 158 Fitchburg

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:15PM – Notice of Intent, DEP #308-XXXX, TWB #2023-149, (9:05-32:20)

Applicant: Tyler Fleckner

Location: 158 Fitchburg Road

Project/Status: The proposed project is for the construction of a septic system including a septic tank and associated grading. Part of the construction will take place within 100 feet of a Bordering Vegetated Wetland. The CC will also address possible wetland violations.

JG reads the legal notice aloud and MM confirms that the abutter notifications have been sent.

AL makes a motion to open the hearing, KS seconded.

The motion passes unanimously.

Josh Joslyn from Graz Engineering and Zachary Fleckner are present at the meeting to discuss the submitted NOI. JJ informs the CC that the project has recently been given the NOI #308-0699 and the State's only comment was to provide wetland delineation methods, which he has emailed the data sheets for over to JC. The site plan has been updated with more accurate wetland delineations and they now show the existing stone trench with the drywell/sump pump that has been temporarily shut down per the request from the CC. There is a discussion as to what to do about the sump pump and the CC decides to have them discharge further away from the wetlands outside the 25 foot buffer. They would also like for the existing location of the sump pump to be restored to its original condition and for the silt fence to be placed along the property line. JC would like the site plans to be revised before the OOC is issued/ the hearing is closed and the CC agrees.

AL motions to continue the hearing, PJ seconded.

The motion passes unanimously.

2.2 – Proposed Amendments to the Townsend Wetland Regulations, Chapter 150, Continued from 4/26 (32:26-55:05) MM shares his screen so that the CC can review the updates made after the 4/26 meeting. "at least 2 out of" was added to 150-2(A), "Resource Area or its respective buffer" was added to 150-2(E) to replace "wetland", 150-2(K)(18) was listed in the plan requirements stating, "Location of stockpiled materials, if any", and 150-2(K)(31) was listed in the plan requirements stating, "Note indicating the source of fill, if any". The CC would like to add a size requirement to (K)(31) of 2,000 cubic yards or more. 150-2(M) was created after the 4/26 meeting but the CC would like to reword the section. The CC would like to simplify this section and JC reads a draft stating "Projects exceeding certain disturbance thresholds as defined in Chapter 85 of the Townsend General Bylaws and 175-44 of the Townsend Regulations are separately required to file for a Stormwater Management Permit." The CC approves of this draft. In 150-3(B) National Resources Conservation Service replaced Soil Conservation Service as the department had changed their name. *National was a typo and would be changed to Natural at a later meeting*. In 150-4(K) "approved" was added and based on a comment MM received he would like to see an additional section to make it clear that the CC is the board that approves conservation staff and JG has the idea to add the CC approval as a subsection.

AL motions to continue the hearing, PJ seconded.

The motion passes unanimously.

2.3 – Enforcement Order, 158 Main St, Updates from 4/26 – 5/10 (55:11-1:10:51)

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.

The property owners emailed JC and stated that an NOI is in process, they are continuing to remove sediment, and they have put out new haybales. JG reports that the haybales were placed after heavy

rainfall so sediment had built back up in the wetlands, but JC saw evidence that Mr. McGee had removed much of this additional sediment. Joan Wotkowicz is at the meeting in person, and she is pleased that progress is being made on the NOI. JW is curious what DCR's comments are, but JC thinks this should wait until they provide formal comments during the NOI process. JG & JC do share that the DCR believes straw should be used as opposed to hay and that sediment should be removed by hand. JC shares her screen to show updated pictures of the site and there are signs that there is more sediment displacement after the recent heavy rains. The situation is being monitored and the property owners know they are supposed to be continuing to remove sediment and place haybales as needed.

3.0 Work Session – Votes May Be Taken:

3.1 – Request for Determination of Applicability, 12 South Street, TWB #2023-147. The proposed project is for a hydrogeologic study that will include mechanical and hand-driven installation of several piezometers and staff gauges. Part of this work will take place within 100 feet of a retention pond and within 200 feet of the Squannacook River. (1:11:01-1:18:53)

Mike Beck and Jason Chrzanowski are attending the meeting via Zoom as the representatives. JZ shares his screen so that the CC can review the site plans. JZ explains that the project is part of a hydrostudy under a MassDEP approved Immediate Response Action Plan. They want to know how the groundwater moves around the property and into the retention pond. JC and the CC agree that the methods proposed would result in minimal disturbance and so they are in support of a Negative-3 Determination.

*AL makes a motion to issue a Negative-3 Determination on TWB #2023-147, KS seconded.
The motion passes unanimously.*

3.2 – Request for Determination of Applicability, 114 Highland Street, TWB #2023-148. The proposed project is for the installation of a grid-tied ground mount solar array. This work will take place within 100 feet of an intermittent stream. (1:18:54-1:29:55)

Clark Crawford of Revision Energy is attending the meeting via Zoom as the representative and JC shares her screen so that the CC can review the plans. Clark gives the CC a summary of the project which is a 32 panel system using groundscrews and there will be a 170 foot long 2 foot deep trench to tie the system into the home electrical service. This trench will eventually be refilled and seeded/loamed but part of this trench will be in the 35 foot no disturb buffer. Since the panels have minimal disturbance and the trench is temporary JC is in support of a Negative-3 Determination. JC would like to see a special condition that erosion control be placed on the western side of the project until the area is stabilized to keep any runoff from entering the wetlands. Stumps and any other organic waste materials will be brought offsite to be disposed of. The CC agrees that rocks can be placed off to the side outside of the 35' buffer. Spoil piles should also be placed on the upland side of the trench.

*AL motions to waive the 35' no disturb buffer listed in the TWB, KS seconded.
The motion passes unanimously.*

JG reads aloud the special conditions that are included in the CC's Negative-3 Determination.

1. Prior to any site work or vegetation clearing, silt fence or straw wattles are to be placed along the western work limits. Please send photographs of this to conservation staff.

- This barrier can be removed only after project area has revegetated and stabilized.
2. Vegetation removed needs to be placed outside of the 100' buffer (use project map for guidance)
 3. Rocks removed from the solar panel area may be placed off to side, outside of the 35' buffer (use project map for guidance) *Added during the previous CC discussion*
 4. Spoils from digging the trench are to be placed on the upland side of the trench.
 5. Loam & re-seed over trench area as needed. No fertilizer is allowed given the proximity to the stream.

JG motions to issue a Negative-3 Determination with Special Conditions noted on TWB #2023-148, KS seconded. The motion passes unanimously.

3.3 – Administrative Approval addition to Fee Schedule (1:29:57-1:30:11) This item is continued to the next meeting since it is related to 2.2.

4.0 Correspondence – Votes May Be Taken:

4.1 – NSN W&S Rivers Stewardship Council's 2023 Land Protection Grants Program (1:30:37-1:32:14)
JG reads the notification aloud and he has an idea to apply for these grants in order to get funding to mark the Conservation property boundaries. MM agrees this is a good idea and he will look into it.

4.2 – MassDEP Issuing of the 401 Water Quality Certification for the USACE's General Permit (1:32:29-1:33:18) MM explains to the CC that this was already discussed at the last meeting, but the update is that this was passed and there is an appeal period until 5/12.

4.3 – BioMap: Bringing Conservation to Communities | May 17th from 4-5pm (1:33:21-1:35:03)
The NRWA and the W&S Stewardship council are hosting a free zoom presentation on the updates to BioMap. MM has the information on how to register in the shared OneDrive.

5.0 Education and Conferences – Votes May Be Taken:

6.0 Items for discussion at next meeting:

158 Fitchburg NOI, Chapter 150 Amendments, 158 Main ongoing enforcement

7.0 Next meeting: Wednesday, May 24th, 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 makes the motion to adjourn at 8:43PM, KS seconded.
The motion passes unanimously.*

