



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
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**R E C E I V E D**  
AUG 17 2023

TOWN OF TOWNSEND  
TOWN CLERK

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

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Wednesday, June 28<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/85369272468?pwd=VWpwVEpyd09tN3J6b1YxbUtSTmIGUT09>

Meeting ID: 853 6927 2468

Passcode: 258321

**One tap mobile**

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**Dial by your location**

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Find your local number: <https://us02web.zoom.us/u/kv23RGUao>

**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 7:04PM.

RC: PJ (P) CS (P) JG (P) JD (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** None

**1.4 – Chair’s report** None

**1.5 – Review/Approve the meeting minutes from 5/10/2023**

*CS makes a motion to approve the 5/10 meeting minutes, PJ seconded.*

*PJ (Y) JG (Y) CS (Y) JD (Abstain). The motion passes.*

**1.6 – Agent’s report** (1:50-11:22)

1. Building Permit interdepartmental signatures
  - a. 10 Bow St
  - b. 21 Wheeler Rd
2. Referrals completed
  - a.
3. BOH interdepartmental signatures
  - a. 98 West Meadow
4. Completed approvals
  - a. Emergency Certificate – Old Meetinghouse Rd, beaver dam removal. Issued 6/9, ratified 6/14
  - b. Emergency Certificate – Old Meetinghouse Rd, culvert replacement. Issued 6/12, ratified 6/14
  - c. COC – 5 Madison Ave, 308-0696, issued 6/16
  - d. COC – Adams Dam, 308-0684, issued 6/16
5. Applications
  - a. RDA – 31 Elm Circle. Site visit 6/21
  - b. RDA – 187 Wallace Hill Rd. site visit 6/21
  - c. NOI – 158 Main St, site visit 6/21
  - d. NOI – 66 Bayberry Hill Rd – hearing 7/12
  - e. NOI – 56 Bayberry Hill Rd – hearing 7/26
6. Miscellaneous
  - a. Enforcement Order – 158 Main St. Compliance & inspections ongoing.
  - b. Invasive species – W&S grant event 6/16
  - c. Ongoing communications with 100 Fitchburg resident for possible violation
  - d. Coordination & comment collection for Open Space & Rec Plan

JG asks about the status of 100 Fitchburg and JC is still waiting to hear back from the resident about hiring a wetland scientist with the goal to report their findings on the wetland status of the site at the 7/12 meeting. JG also asks for an update on Old Meetinghouse Rd and JC reports that the Highway Department has found 3 beavers in the 2 collapsed culverts under Old Meetinghouse Rd and these have been trapped successfully, JG indicates that they found even more. The HD wanted to put in 3 36” culverts to replace the 2 collapsed culverts which was permitted/ratified but MassWildlife has contacted JC and informed her that the HD is only able to do what is necessary to abate the emergency under the EC. This could potentially mean they can only replace the 2 collapsed culverts and any additional work would require filing with NHESP. JG recommended that the HD ask the Fire Chief for a letter proving the

emergency status. The road was washed out and so the situation is a major safety issue. Once this letter has been written outlining the safety issues it will be sent to MassWildlife to hopefully get their permission to continue the culvert replacement project. JC mentions that the additional culvert will actually allow for better aquatic passage and JG believes the HD is planning to install beaver guards as well.

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

### **2.1 – 7:15 – Notice of Intent, DEP #308-XXXX, TWB #2023-150 (11:25-1:25:53)**

**Applicant: Terrance McGee**

**Location: 158 Main Street**

**Project/Status: The proposed project is for sediment removal from wetlands and measures to address remediation and stabilization of the site.**

People present for this hearing are asked to sign in and JG reviews the abutter notifications. Zoom participants are asked to state their full name before they speak so that their attendance can be recorded.

*CS makes a motion to open the hearing, PJ seconded.*

*The motion passes unanimously.*

MM reads the legal notice aloud. JC shares her screen to show the project plans and SD summarizes the proposed plan/scope of work to the CC. Stan Dillis, representing Terrance McGee, mentions that they are still waiting review from NHESP but asks if it would be possible to build the berm and basin under the Enforcement Order which would help stop water carrying sediment off site. JD believes this work would fall under the EO because 2 berms were broken through, and 2 culverts are continuously inundated with silt. Having to wait for NHESP would result in more sediment being deposited in the surrounding wetlands and would stall the progress currently being made to address the issues outlined in the EO. Jim Lattanzi will be the contractor for the work, and he is present to answer any construction questions. Dr. Suresh, property owner at 162 Main St, is also present to ask the CC some questions and she had discussed with SD about potentially connecting the pipe on her property to the drain line shown on the plans. JC shares her screen to show the most recent pictures of the site 6/21. Joan Wotkowicz, of Squannacook Greenways, had been to the site earlier in the week and observed no major changes. JL introduces himself as an excavating contractor specializing in agricultural work and he has a lot of experience in erosion control. He is the one who installed the check dams, and he points out that the pictures show that the dams have done a good job keeping the sediment on site and out of the culvert on the downstream side of the Rail Trail. JG also points out that TM has also been maintaining the culverts and removing sediment as it builds up. JL is very familiar with the property, and he strongly believes that the plans submitted by SD will work. SD believes the ideal situation would be to connect the pipe on the 162 Main St property to the proposed pipe on 158 Main, if Dr. Suresh gave her approval. JL mentions that the work would most likely take a couple of days but there would need to be a stretch of dry weather. A DEP# for this NOI has not been issued yet so this hearing must be continued to the next meeting. JG states that the haybales that are currently in place need to be removed and replaced before there is a wash out on the Rail Trail. He mentions that water has already breached and run over the trail about 1.5 weeks ago. While new haybales have been added, as part of the ongoing maintenance, the haybales that are filled with silt also need to be replaced with new staked haybales. JD points out that it might be a better idea to just focus on repairing the berms and putting up a silt fence, but JG reiterates the need to replace the old haybales. Dr. Suresh is open to working with SD but she has been advised by her legal counsel that she should contact a separate engineer that would represent her

interests. She also wants to make it clear that any chemicals used at the dentist office are not being drained out of the pipe on her property and there are systems in place to dispose of those chemicals properly. SD believes that a large amount of the hydration comes from old French drains that run parallel to Route 119 and drain into the swale on 158 Main. JC reminds everyone that the point of the NOI isn't to drain the water but to convey it in a way that won't cause erosion. JW asks if the proposed measures will be enough to keep water from washing onto the Rail Trail. SD believes that restoring the property to the state it was in before the swale was disturbed will be enough because there weren't problems until after this disturbance. Linda Mack, who is also representing the Rail Trail, agrees with the idea of doing as much as possible of the work under the EO in order to restore the area quickly. She believes that it is important to restore the wetland on 158 Main, but it is also important to keep the land accessible for farming. JD and JG have a discussion about whether to have the haybales replaced and SD clarifies JG's point that in the interim before the berm is replaced haybale replacement will help with maintenance. PJ agrees with JG. JC, JG, and JD are frustrated by the letter sent from NHESP and they believe that what they are requesting makes it more difficult to protect the wetlands near the property. JC believes that restoring the berm would fall under the EO. JG asks how they plan to get to the site to work and SD points to where they will be going on the projector screen where JC is screensharing a satellite picture of the property. JG is also concerned that there is not enough material onsite to restore the berm, but SD believes there should be plenty for the berm, but they might need to bring material from offsite for when they restore the swale. The replaced berm is proposed to be about 3' high. JC also points out that the wetlands should be flagged or marked in some way that is clearly visible before any haying is done. JC offers to amend the EO to include restoring the berm. JG would like for there be a motion to continue the hearing for the NOI until they have a DEP# and then they can discuss the EO once the hearing is continued.

*CS makes a motion to continue the hearing to July 12, PJ seconded.  
The motion passes unanimously.*

The CC go over what they have already discussed, and they decide to include berm restoration, revegetation according to the planting schedule, and to continue to remove/replace haybales as an amendment to the EO. JC will amend the EO to include these items and will send it out. The EO will be ratified at the 7/12 meeting. JG asks that the applicants keep the CC informed as to the schedule of work and informs Dr. Suresh that she might need to file for a separate permit for future work done on her property.

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

#### **3.1 – Request for Determination of Applicability, 31 Elm Circle, TWB #2023-151. The proposed project is for a septic system replacement. Part of this work will take place within 200 feet of the Squannacook River. (1:26:52-1:30:13)**

Doug Smith is present via Zoom representing the applicant. The proposed septic system is approximately 162 feet away from the river and the septic system and the straw wattles are staked out for the contractor. The geography of the property makes it difficult to move the septic system any further from the river and the new septic system will be a further 30 feet farther than the current failed system. JC recommends a Negative-3 Determination with no special conditions outside of the straw wattles which are already shown on the submitted plans.

*CS makes a motion to issue a Negative-3 Determination for TWB #2023-151, PJ seconded.  
The motion passes unanimously.*

**3.2 – Request for Determination of Applicability, 187 Wallace Hill Road, TWB #2023-152. The proposed project is for the installation of an aboveground pool. This work will take place within 100 feet of a Bordering Vegetated Wetland. (1:30:16-1:39:25)**

Allen is the applicant, and he is present via Zoom to describe the project. JC explains that the proposed pool location is approximately 40 or 50 feet away from a BVW and there is a slight slope down from the pool to the wetland. JC recommends erosion control along the wetland and outside the fence. JC brings up the property on MassMapper to show Allen where she would like to see the erosion control placed. JC recommends a Negative-3 Determination with the special condition of an erosion control barrier.

*CS makes a motion to issue a Negative-3 Determination with the special condition stated, PJ seconded. The motion passes unanimously.*

**3.3 – Letter of support for the 2023 Open Space & Recreation Plan (1:39:37-1:42:15)**

CS and JG also serve on the Open Space & Recreation Committee which has recently finalized a draft of the 2023 Open Space & Recreation Plan. The CC would like to acknowledge that they are in support of the Plan and JG signs a letter of support on the CC's behalf.

*CS makes a motion to support the 2023 OSRP, PJ seconded.  
The motion passes unanimously.*

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

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

**5.1 – MACC Delineation of BVWs & Inland Wetland Replacement Workshop 7/12**

This is a 1 hour webinar from 11-12:30. JC mentions that the CC could listen together at Town Hall if people are interested.

**5.2 – CERO & NERO presentation on the Municipal Vulnerability Preparedness Program 7/13**

The MVP regional coordinators are going to present on how the MVP program can work with Conservation Commissions on projects that support resilience and sustainability in local communities.

**5.3 – Squannacook River Regional Stewardship Charette 7/14**

Different environmental organizations in the Squannacook River region will come together to discuss how to promote land stewardship and protection of the river. The Charette runs from 9-1 at the NRWA River Resource Center and they are looking for 2 attendees to represent the Townsend CC.

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

158 Main St NOI, 66 Bayberry NOI

\*JG reminds the CC that beginning next week JC will be the new Land Use Coordinator and MM will be the new Conservation Agent. JG thanks JC for everything she has done for the CC in her time as Agent. He also thanks MM for filling in when JC was out on leave and is excited to have him step up as the new Agent. JG informs the CC that Anne LeCuyer was not reappointed at the last BOS meeting, but Kevin Smith was. He is not sure of the reasons why but both Anne and Kevin got unanimous recommendations from the CC. The CC is disappointed that they did not follow their recommendations. JG thanks Anne for

her years of volunteering and the time she has put in with the CC.

**7.0 Next meeting:** Wednesday, July 12<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:**

*CS motions to adjourn at 9:02PM, PJ seconded.  
The motion passes unanimously.*