



Conservation Commission
Town of Townsend
ph: (978) 597-1700 x1739
email: conservation@townsendma.gov

RECEIVED
AUG 01 2022
TOWN OF TOWNSEND
TOWN CLERK

Anne LeCuyer (2023) James Gates (2024), Chairman Colby Streeter, Vice-Chairman (2025)
Linda Mack (2024) Patricia Jemiolo (2025) Joan Savoy, Clerk (2025)
Jessica Consolvo, Conservation Agent Matthew Matos, Administrative Assistant
Michael Crowley, Land Use Coordinator

Meeting of the Townsend Conservation Commission

MINUTES

Wednesday, July 13th, 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/89234353743?pwd=TVEvNlljZFZVQ0EzNXIsRkM3di9udz09>

Meeting ID: 892 3435 3743

Passcode: 018406

One tap mobile

+13017158592,,89234353743#,,,,*018406# US (Washington DC)

+13126266799,,89234353743#,,,,*018406# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Find your local number: <https://us02web.zoom.us/j/kdEFecYD3W>

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 7:02PM under the Wetlands Protection Act (WPA) and the Townsend Wetland Bylaw (TWB).

Roll Call: JS (P) PJ (P) LM (P) JG (P) CS (P) AL (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 JG and the CC would like to commend the Fire Department and the DCR on their efforts in fighting Old City Fire.

* (1:29-8:35) JS asks JG if she can make a statement and JG gives her permission to speak. JS has concerns over the tenor of the CC meetings and feels that the CC was not very welcoming to PJ at their last meeting. She would like for JG to issue an apology to PJ on behalf of the CC. JG apologizes if the CC made her feel at all unwelcome and welcomes her again to the CC. PJ feels that she was put on the spot and was not expecting to have to answer questions from the CC. JG explains that this appointment was done differently than it has been done in the past, but typically the volunteer sits through 1 or 2 meetings and they explain why they want to be on the CC. This time the CC was notified the day of the meeting that PJ had been appointed and so they wanted to just have a brief conversation with her because most had not had a chance to look at the volunteer response form. JG apologizes again if this made her feel uneasy and LM also apologizes and thanks her for volunteering to be on the CC.

1.5 – Review/Approve the meeting minutes from 6/22/22 There is discussion over correcting the term limits for the CC members at the top of the page. JG would also like edits to be made to 3.1 to indicate that there was discussion over who the applicant for the project was. The rest of the CC agree that these minutes should be denied until the edits are made.

*AL motions to **NOT** approve the 6/22 minutes, CS seconded
The motion passes unanimously*

1.6 – Agent’s report

1. Building Permit interdepartmental signatures
 1. 10 North End Road
 2. 21 Hickory Drive
 3. 11 Pheasant Ridge Road
 4. 59 West Meadow Road (w/NHESP note)
 5. 38 Dudley Rd
 6. 15 Tyler Rd
 7. 82 Ball Road
 8. 15 Tyler Road – will need RDA, left VM for representative on 7/6
2. Referrals completed
none
 1. BOH interdepartmental signatures
6 Shirley Road (must file with Conservation) – engineer will be filing NOI
321 Townsend Hill Road
 1. OOCs issued in the past without COCs – 13 inquiries made to date
 2. RDA – 46 Emery Road tree cutting for safety concerns – put on hold 3/7/22
 3. Request for COC – 1 Bailey Rd 308-639 completed 7/6/22
 4. Request for COC – 5 Bailey Rd 308-638 completed 7/6/22
 5. Request for COC – 7 Bailey Rd 308-637 completed 7/6/22

6. Request for Townsend OOC Extension – 27 Scales Lane con't, awaiting 2x compliance items
7. Request for COC – 4 Capricorn Lane completed 7/6/22
8. RDA – 33 Greenville Road (Recycling Center) completed 7/6/22
9. Receipt of No-Take letter from F&W regarding 33 Greenville Rd
10. MACC membership renewal coordination
11. Visit to 18 Laurelwoods Dr for firewood storage structure to be built near wetlands
12. Request for COC – 63 Adams Rd
13. Intake of VRF for Kevin Smith 6/24/22
14. Intake of VRF for Jim LeCuyer 7/5/22
15. Receipt of DEP file number for Squannacook WMA NOI
16. Visit to 54 Barker Hill Road to check on planting status for OOC

2.0 Hearings and Appointments– Votes May Be Taken:

3.0 Work Session – Votes May Be Taken:

3.1 – Request for OOC Extension for 27 Scales Lane, TWB 2019-156 (continued from 6/22/22)
(20:40-21:36) JG informs the CC that they are still waiting on compliance issues.

*AL motions to continue 3.1 to 7/27/22 meeting, CS seconded
The motion passes unanimously*

3.2 – COC Request for 63 Adams Road, DEP #308-0688 (21:41-26:56)

JC completed an inspection of the project site on 7/11. She begins by informing the CC about the history of the project. The OOC was for a replacement of a septic system where they moved the system/leech field from 10' outside of a wetland to outside of the wetland buffer. However, the new location for the septic system is approximately 60-70 feet from intermittent streams. On her inspection she confirmed that the erosion control barriers were still up, the area had been reseeded, and everything looked stable. JC found everything to be in compliance with the OOC and so she recommends that this COC be approved.

*AL motions to approve COC for DEP #308-0688, CS seconded
The motion passes unanimously*

3.3 – Mandatory Referral Notice from PB regarding 256 Main Street (26:57-29:03)

JC reviewed the plans and determined that the project site was outside of any wetland buffers or other jurisdictional areas relevant to the CC. The rest of the CC agree that they have no comment to add since it is outside their purview.

*LM motions to provide no comment to the Planning Board, CS seconded
The motion passes unanimously*

3.4 – Mandatory Referral Notice from PB regarding 24 Old City Road (29:04-31:30)

JC also had a chance to review these plans, and again, determined that the project site was outside any jurisdictional areas relevant to the CC.

*JS motions to provide no comment to the Planning Board, LM seconded
The motion passes unanimously*

3.5 – TWB Chapter 138-1 & 138-8 review/discussion (31:43-1:01:55)

JC explains to the CC that she added this item to the agenda with the intent to both help educate the public and new commissioners, and for input on anything the CC would like to see changed. Some members of the CC were confused about the purpose of this discussion and would like JC to share her edits and highlight the areas she wants the CC to look at. **The CC agree that it is a good idea to push back reviewing 138-1 until the next meeting and would also like to add 138-2 to the discussion.** Michael Crowley informs the CC that any proposed changes to the TWB would have to go to a Town Meeting, the next one being in the fall. LM brings up the point that, unlike with the TWB, changes to the Rules & Regulations can be done with a regular CC meeting. Any changes to the TWB also go to the Attorney General for review. JC is not looking to make any substantial changes to the TWB, her goal is primarily to remove grammatical mistakes and add clarity. AL brings up the fact that she has had trouble accessing the shared drive, and so moving forward, she would like to be emailed the meeting documents instead. The CC briefly discuss other alternatives to google drive that they could use instead, but they decide to discuss it at a later date. JG reads 138-8 aloud to the CC and recommends that the CC start to look at implementing bonds on larger projects, to ensure that projects be closed out properly. The option to use bonds is written in 138-8, but it has not been utilized by the CC in recent years. JC agrees that bonds would work well for larger projects. The CC are not sure exactly what size of project they would like to start issuing bonds, but LM mentions that when she was on the CC, they didn't have a specific rule on what size would need a bond. LM also brings up the fact that they would use bonds on developers with a poor history of following OOCs, but JS would prefer to base the bonds on size and not differentiate between developers. JC plans on meeting with town counsel and learning more about the process of issuing bonds. MC explains how bonds are done with other departments in town and claims they are a good way to incentivize developers to follow good practices and standards. JC asks if the town would be privy to knowing the cost of projects so that they could base it off a percentage and not just have a flat fee. MC is not sure, but he reminds the CC to make sure that, whatever amount they decide on, to make it equitable across the board.

4.0 Correspondence – Votes May Be Taken:

4.1 – Townsend Properties Committee needs a representative from CC (1:02:08-1:08:58)

The TPC has asked the CC to appoint a representative to help them with the maintenance, acquisition, and sales of Town owned properties. Kevin Smith, who serves on the TPC and is in the audience, runs through the different responsibilities of the TPC and informs the CC that they typically meet once a month for about an hour. KS mentions that if he is appointed to the CC, he would be willing to be the CC rep for the TPC. The CC agree to table this discussion until the next meeting.

4.2 – Email from MDAR regarding sightings of the Spotted Lanternfly (1:08:59-1:12:45)

JG reads the email aloud to the CC and MM shares his screen so that the CC can have an image of the Spotted Lanternfly to look at. The Massachusetts Department of Agricultural Resources has confirmed detection of the invasive Spotted Lanternfly in Townsend and MDAR asks residents to be on the lookout and to report any finds. Links to educational materials and the reporting forms are on the conservation page of the town website. The Spotted Lanternfly has the potential to impact various agricultural commodities, so it is important to keep them from becoming an established infestation.

4.3 – VRF submitted by Kevin Smith for 1 year term on the CC (1:12:52-1:36:47)

The CC received a volunteer response form from Kevin Smith on June 25th, to serve on the CC for 1 year. They also received a VRF from Jim LeCuyer on July 5th, for the same open seat. KS is in the audience, and he goes over his and his family's extensive history in Townsend. He has served on the TPC since its

inception over 20 years ago and he has experience with both construction and agriculture. Overall, he believes he would be an asset to the CC because he has knowledge in a number of fields that would be relevant to the work of the CC. JS has concerns over the fact that, in her opinion, KS argued against the 35ft no disturb wetland buffer in the TWB during a Town Meeting. KS states that he was only bringing up the fact that many agricultural practices are exempt from this law and that he has no problem with the 35ft buffer. JS brings up that in the rewrite of the TWB they were just attempting to create specific language that outlined how applicants could apply for waivers if they needed to do work within the 35ft buffer. KS ensures JS that he was not arguing against that aspect of the 35ft buffer. AL mentions that just because KS has a different opinion on the 35ft buffer, that does not interfere with his capability to serve on the CC. LM acknowledges everything KS and his family have done for this town, and she brings up the fact that his knowledge on the agricultural regulations would be beneficial to the CC. JS still has some concerns and just wants to ensure that the CC's main job is to support and enforce the WPA. CS acknowledges JS's point and brings up the fact that it seems like KS already has a good working knowledge of the TWB and WPA. JG mentions that KS has often gone above and beyond in the name of conservation and in his experience most farmers are very pro conservation. LM reminds KS that he would have to recuse himself from any development projects he would be involved with that go in front of the CC, and KS has no problem with that. KS leaves the room before the CC vote on his candidacy and the CC thank him for coming. JG reminds the CC that, according to the Town Charter, after there has been a vacancy for more than 30 days the CC has the power to appoint, and they don't have to give the decision over to the BOS. JG asks the CC if they would prefer to appoint KS tonight or to send over his VRF to the BOS to vote on. He also reminds the CC that they have a VRF from Jim LeCuyer and that VRFs stay on file for a year, where it can be looked at if there is another vacancy.

*JS motions to appoint Kevin Smith to a 1 year term on the CC, LM seconded
The motion passes unanimously*

5.0 Education and Conferences – Votes May Be Taken

5.1 – Update on MACC membership renewals (1:36:59-1:41:00)

*LM motions to approve the CC's membership to MACC for a total of \$299.00, AL seconded
The motion passes unanimously*

JS signs the departmental bills payable form to give to the Town Accountant. The other updates are that the roster of commissioners has been updated for the MACC and that there are several MACC fundamental classes coming up. There is a brief discussion on how the CC wants to pay for the MACC classes. JS agrees to educate PJ on the MACC classes and JC offers to introduce her to Lindsay, the MACC rep.

6.0 Items for discussion at next meeting:

Vote for officers

*(1:41:34-1:44:23) JG again apologizes and welcomes PJ to the CC. There is also a brief discussion on if the remote meeting provisions are being extended another year. MC informs the CC that the State is still deliberating and that there has been no decision as of yet.

7.0 Next meeting: Wednesday, July 27th, 2022 at 7:00 pm, BOS Chambers, 2nd floor. This meeting will also be held via virtual Zoom.

8.0 Adjournment:

*LM motions to adjourn at 8:47PM, AL seconded
The motion passes unanimously*