



Conservation Commission
Town of Townsend
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AUG 30 2022
TOWN OF TOWNSEND
TOWN CLERK

Anne LeCuyer (2023) James Gates (2024), Chairman Colby Streeter, Vice-Chairman (2025)
Linda Mack (2024) Patricia Jemiolo (2025) Kevin Smith (2023) 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 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/83189870771?pwd=RIFPKytRRUdoUWxMVXZMNU9nSW9tUT09>

Meeting ID: 831 8987 0771

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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 7:05PM under the Wetlands Protection Act (WPA) and the Townsend Wetlands Bylaw (TWB).

Roll Call: LM (P) JG (P) AL (P) KS (P) CS (Present via Zoom) JS (Absent) PJ (Arrives at 7:07PM)

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 removes 3.6 because not every Commissioner is present.

1.4 – Chair’s report JG reminds the CC that site walks are typically held on Wednesdays and that attendance at these visits is strongly recommended.

1.5 – Review/Approve the meeting minutes from 6/22/22 & 7/13/22 AL & JG point out typos in 3.1 & 4.3 of the 7/13 minutes. MM takes note of the mistakes and will edit the minutes before submitting them to the Town Clerk.

LM motions to approve 6/22 & 7/13 minutes with recommended changes, AL seconded PJ (Y) LM (Y) JG (Y) AL (Y) KS (Abstains) CS (Y). The motion passes.

1.6 – Agent’s report (4:36-8:32)

1. Building Permit interdepartmental signatures
 - a. 20 Burgess Rd
 - b. 8 Woodland Dr
 - c. 63 Gilchrist Rd
 - d. 18 Maplewood Dr
 - e. 18 Woodland Dr
 - f. 43 Maplewood Drive
 - g. 24 Old City Road
2. Referrals completed
 - a. 256 Main Street
 - b. 24 Old City Road
3. BOH interdepartmental signatures
 - a. none
4. RDA – 46 Emery Road tree cutting for safety concerns – put on hold 3/7/22, followed up 7/18
5. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
6. Request for COC – 63 Adams Rd, compliance inspection 7/11, COC issued 7/13/22
7. RDA – 15 Tyler Road intake, site visit 7/20
8. Visit to 63 Gilchrist for wetland boundary vs. pool location
9. Visit to 18 Maplewood Dr for wetland boundary vs. pool location
10. Visit to 18 Woodland Dr for wetland boundary vs. pool location
11. Comments added to TWB 138-1 and 138-2
12. NOI – 6 Shirley Rd intake, DEP 308-0692, legal ad submitted, public hearing to be held on August 10th
13. Sent appointment letter to Kevin Smith
14. Sent notice of no vacancy to Jim LeCuyer
15. Request for Minor Mod – Rail Trail. After site visit on 7/20, application for parking lot is deemed incomplete and will be re-filed at a later date; application for bridge improvements will be filed as a separate NOI.

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 7/13/22)
(10:06-11:05) The CC is still waiting on compliance items.

*AL motions to continue 3.1 to 8/10/22 meeting, PJ seconded
The motion passes unanimously*

3.2 – TWB 2022-132, 15 Tyler Road Request for Determination of Applicability for the installation of an in-ground pool within 100 feet of a wetland (11:08-36:12)

Gary McQuaide of Matley Pools, representing the applicant, is present at the meeting to discuss the submitted RDA. GM summarizes the project to the CC and informs them that, due to the location of the septic system, they cannot move the pool any further away from the wetlands. LM asks how far the pool is from the wetlands and GM says about 90 feet, JC & JG confirm. GM also states that he can make sure that the discharge is directed away from the wetlands when they are draining the pool. However, he informs the CC that since they are using a sand filter the discharge will be extremely clean anyway. The CC review the plans, but they notice that the plans are rather old. LM asks if the applicant can submit updated plans, but JC reiterates that they confirmed the distance from the wetlands at the site visit on 7/20. JC informs the CC that this project was submitted to the building department, not to the CC, so it is not unusual in these cases for the applicant not to have an up to date wetlands delineation. LM states she is still not comfortable signing off on this project without more accurate plans. LM & the rest of the CC would also like to see straw waddles being used as an erosion control barrier during work. JC reminds the CC that pools further than 50 feet from wetlands are exempt from the WPA and the pool is less than 10 feet from being exempt from the TWB. LM asks that moving forward it would be great if applicants had updated drawings/plans when submitting an RDA. There is a brief discussion about the discharge and GM explains why the discharge will be relatively clean compared to some other pools. He also agrees to direct the discharge towards the road, away from the wetlands. JG asks about the location of the spoil pile and GM mentions that they can bring it offsite if it's a problem. GM also agrees to have any spoil piles onsite covered if there's rain and to have straw waddles between the piles and the wetlands. JC recommends that they issue a negative-3 determination with the special condition to install straw waddles 10 feet from the tree line. LM also asks for the special condition that the pool will be drained away from the wetlands in perpetuity.

*LM motions to issue a negative-3 determination with 2 special conditions listed, AL seconded
The motion passes unanimously*

3.3 – Update on TWB Chapter 138-8 discussion with Town Counsel (7/26/22) (36:20-45:29)

MM met with Adam to find out more information about the bond process, as the current CC has not had much experience with issuing bonds. MM relates back to the CC what Adam told him during their meeting. In Adam's experience the bond amount is typically 10-25% of the supply cost estimate of the project, but there can also be other methods involved, such as a covenant. Bonds are normally only used on very large projects like subdivisions and shopping malls. If the CC and the applicant agree on the bond, Adam would review the agreement and they would go to a bondsman to set it up. It is very simple and easy to get the money from a bond or a cash account if there is a violation. It becomes more complicated if there is a covenant or a letter of credit because you then have to go after the banks for the money. There have not been a lot of recent large projects in Townsend, but 2 examples are Coppersmith Way and the golf course. The CC discuss what kind of project would be large enough to

require a bond and JG mentions that it could also depend on if the contractor has acted in bad faith in the past. The Planning Board is much more likely to issue bonds, but Adam has also seen projects that have bonds issued by both the CC and the PB. There are no projects in the near future that would require any bonds, so the CC doesn't come to any hard decisions during this meeting.

3.4 – TWB Chapter 138-1 & 138-2 review/discussion (45:30-1:24:00)

JC has found several grammatical errors in her review, and she would like a chance to review the TWB with the CC. JC shares her screen so that she can show what she would like to see changed and she begins by summarizing 138-1 and 138-2 to the CC. JC's main goal in editing the TWB is making the language clearer and more concise so that it is easily understandable. JC goes over her proposed changes to 138-1B and there is a brief discussion on how vague or specific the language in the TWB should be. The CC have JC add a note to define isolated wetlands in Ch150 but there is no consensus on what the definition should be. There is also a longer discussion on if other Conservation relevant information should be added to the TWB such as the ACEC and endangered species areas. However, they ultimately decide that this is not their priority and that there could be potential downsides in doing so. JC would also like to restructure 1B because the directions and timelines are not consistent for RDAs and NOIs. JG recommends possibly outlining the different types of applications in Ch150-4, Regulations & Procedures. LM also mentions MACC is a great resource for looking at examples of other town's bylaws. For 138-2 JC would like to add a section for the RDA process and to add language that the 21 day deadline starts when an application is fully complete. LM mentions potentially adding a requirement to have a drawing submitted with every RDA. JC would like to go over 138-3 through 138-7 at the next meeting and the CC agree.

3.5 – Mandatory Referral Notice from PB regarding 22 Main Street (1:24:01-1:25:55)

Applicant is proposing alterations to her driveway configuration and to add parking spaces in order to operate a veterinary hospital. JC confirms that there are no wetlands nearby and so the CC agree that they have no comment on this proposal.

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

~~3.6 – Vote for officers~~

4.0 Correspondence – Votes May Be Taken:

4.1 – Townsend Properties Committee needs a representative from CC (1:25:56-1:27:20)

KS who was recently appointed to the CC currently serves on the TPC and so he volunteers to be the CC rep. MC will let the TPC know, and KS will be changed from an at-large member to a CC rep member.

4.2 – Email from the State regarding ongoing drought conditions (1:27:21-1:33:59)

Central Massachusetts is now in a Level 3 critical drought phase, and this has been updated on the town website. JC reminds the CC that the state recommends minimizing water use and to stop all non-essential outdoor watering. LM asks how the town is letting residents know about the drought and there is a brief discussion on potential ways to get the word out. AL asks about what people should do if they see people breaking water restrictions and JC says to let the water department know. KS brings up the point that several people have irrigation systems tied to private wells. JC would like to see education be prioritized and not punishment because many people don't know anything about the restrictions. There is another discussion on how best to inform people and LM makes the point that everyone should be water conscious, even people with private wells. MC has talked to Dave at the water department about the situation and they are doing everything they can to avoid getting to Level 4 where they have to minimize indoor water use. MC would like to avoid enforcement until it becomes absolutely necessary.

4.3 – Draft of “Homeowner’s Guide to Wetlands” from Michael Crowley (1:34:00-1:42:12)

MC shares his screen so that the CC can review his draft of a guide that will hopefully help people better understand the wetland regulations in Townsend. He summarizes the guide to the CC and outlines what is allowed without a permit 0-50ft and 50-100ft away from the wetlands. He emphasizes the fact that activities not listed might still be allowed, but they would require contacting the CC and obtaining a permit. He is hopeful that this will be a good reference point for applicants who are not sure if they have to contact the CC for a project. He plans to have a copy available on the CC page of the town website and to have physical copies to hand out in town hall. The CC are happy with the document as written and have no editing notes for MC.

*KS motions to accept the document as written to be published, LM seconded
The motion passes unanimously*

4.4 – Email from Town Administrator to all Boards and Commissions (1:42:13-1:44:50)

JG reads the letter from Eric aloud to the CC. Eric has several items that he wants boards & commissions to address regarding updating fee schedules and following Open Meeting Law guidelines.

5.0 Education and Conferences – Votes May Be Taken

5.1 – Upcoming MACC classes (1:44:55-1:52:18)

JC will keep this a permanent item on the agenda so that the CC is always informed of upcoming classes. She explains to the CC that their priority should be the classes in the fundamentals certificate training program as they are a great educational resource. AL, LM, JC, & MM all have their certificates already. PJ is confused about how to sign up for classes and MM agrees to help walk her through the process. He also agrees to reach out to Lindsay, from MACC, to make sure all the new commissioners are registered, so that they can take the orientation course.

6.0 Items for discussion at next meeting:

TWB Chapter 138-3 through 138-7 review/discussion, vote for officers, and 6 Shirley Rd NOI

7.0 Next meeting: Wednesday, August 10th, 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.

8.0 Adjournment:

*AL motions to adjourn at 9:01, LM seconded
The motion passes unanimously*

