



Conservation Commission

Town of Townsend

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Rec'd Townsend Town Clerk
19 SEP '22 PM 1:21

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, August 10th, 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/83164241461?pwd=MnhsWXI1aXJjSIIeEjNBYnBFd3ZmUT09>

Meeting ID: 831 6424 1461

Passcode: 387998

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/83164241461?pwd=MnhsWXI1aXJjSIIeEjNBYnBFd3ZmUT09>

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 approximately 7:00PM under the Wetlands Protection Act (WPA) and the Townsend Wetlands Bylaw (TWB).

Roll Call: PJ (P) CS (P) JG (P) AL (P) KS (P) JS (Present via Zoom) LM (Present via Zoom)

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 adds 3.5 – Approve MACC invoice and he asks for a motion to postpone 3.3 until every commissioner is present in-person.

KS motions to postpone 3.3, AL seconded

The motion passes unanimously

1.4 – Chair’s report JG reports back to the CC that Jim Smith and the Highway Department have made their temporary repairs on the pedestrian bridge on Route 13 and were able to do so with minimal disturbance. They are still working on plans for permanent repairs and will inform the CC when they are ready.

1.5 – Agent’s report (4:27-9:10)

1. Building Permit interdepartmental signatures
 1. 7 Brookline St
 2. 15 Tyler (with note about DoA)
 3. 10 Cooperage Way (signed by Admin)
2. Referrals completed
 1. 22 Main Street
3. BOH interdepartmental signatures
 1. none
4. RDA – 46 Emery Road tree cutting for safety concerns – put on hold 3/7/22: received email indicating withdrawal of application on 7/29/22
5. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
6. RDA – 15 Tyler Road intake, site visit 7/20, DA issued 8/2/22 (by Admin)
7. Comments added to TWB 138-3 through and 138-7
8. NOI – 6 Shirley Rd, DEP 308-0692, site visit 7/27
9. Agent & Admin Asst. attended eDEP training with Circuit Rider on 7/25
10. Training/introduction for upcoming ePermitting
11. Agent Consultation – visit to 9 Gilchrist Road 7/29 for upcoming pool installation
12. RDA – 9 Gilchrist Road pool installation – intake 8/3/22 (by Admin)
13. Emergency project for Pedestrian Bridge on Brookline St – initiated by ConsComm 8/5/22

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:10PM – Notice of Intent, DEP #308-0692, TWB-2022-133 (9:15-23:35)

Applicant: Lorraine Blackwell

Location: 6 Shirley Road

Project/Status: The proposed project is for a septic system replacement. Part of the construction will take place within 100 feet of a Bordering Vegetated Wetland, and all will be within the 200 foot Riverfront Area.

KS motions to open the hearing at 7:10PM, AL seconded

The motion passes unanimously

CS reads the legal notice aloud and it is confirmed that all abutters have been notified. Doug Smith and MaryAnn Dipinto are on the zoom call representing the applicant. JC shares her screen so that everyone can review the site plans and DS begins by summarizing the project to the CC. The septic tank is more than 50ft away from any wetlands and the system itself is more than 80ft away. The location of the septic system is as far away from the wetlands as is possible on the property. DS also plans on using straw waddles as an erosion control barrier. The septic system needs to be replaced because during the sale of the house a Title 5 inspection revealed that the property owners had built a deck over the old septic tank. JC agrees that the proposed septic system appears to be in the best spot, with regards to limiting any environmental impact. A few trees are going to be cleared for the septic system, but considering the limited space, this is the best that can be done. JC recommends issuing a standard OOC and makes a note that the wetland delineation appears to be accurate. A site visit was conducted on 8/22 with JG and AL present.

*AL motions to approve DEP #308-0692 with a standard Orders of Condition, PJ seconded
The motion passes unanimously*

*AL motions to close the hearing at 7:24PM, KS seconded
The motion passes unanimously*

3.0 Work Session – Votes May Be Taken:

3.1 – Request for OOC Extension for 27 Scales Lane, TWB 2019-156 (continued from 7/27/22) (23:36-25:00) The applicant has still not prepared all the necessary materials, so JG asks for a motion to continue this request until the applicant notifies the CC.

*LM motions to continue until notification from applicant, AL seconded
PJ (Y) CS (Y) JG (Y) AL (Y) KS (Abstain) JS (Y) LM (Y). The motion passes.*

3.2 – TWB Chapter 138-3 through 138-7 review/discussion (25:01-1:01:38)

JC shares her screen so that she can show the CC her potential changes/corrections to the TWB and to review the different sections of Chapter 138. JC would like to add a small change to 138-3 and include a note informing the reader where agricultural use is defined. The CC approve of this. JC & the CC review 138-3 - 138-5, but they have nothing to add. LM emphasizes the importance of 138-6 and reminds the CC that it is not the CC's job to provide wetland delineation or engineered plans, but to confirm their completeness/correctness. JG & KS bring up the point that engineered plans are very expensive and that they should not be required on every application. The CC agree, but LM mentions that while they don't necessarily need to submit engineered plans, they do need to provide a map/drawing of the project for review. JG recommends looking at what other towns require for their applications and following their guidance. JC agrees that having a plan is preferable especially when considering the fact that it helps future conservation agents/CC members if they ever need to review the project years down the road. JC adds the note, in section 138-6, to clarify criteria needed for applications/maps. JC moves on to 138-7 and has some minor changes she would like to propose. She would like to add "substrate" to 138-7(4a), add "or impact to aquatic habitat" to 138-7(4c), and change "two hundred" to "200" in 138-7(6a). There is a lengthy discussion on JC's proposal to add a new 138-7(7) where she would like to see language clarifying the 35ft no disturb buffer. Back during the town meeting in May, the Town, with advice from Town Counsel, attempted to add a provision to the TWB that would clarify the 35ft buffer, but it was rejected. JC wants to tweak the language that was proposed during this meeting and see if this will allow it to pass it at a future meeting. The 35ft buffer already exists and this language change is to better explain what the 35ft buffer is and to outline how to obtain a waiver. JS would like Town Counsel to

review the changes that JC proposes, and JC informs the CC that she is meeting with TC on 8/30. LM, KS, and AL have objections to adding any new language on the 35ft buffer because it is a contentious issue that has already failed to pass once. They don't necessarily feel the need to do anything with the 35ft buffer because it is already part of the TWB, and it has been proven to hold up in court. JC's goal is to clarify the waiver process and outline how to handle preexisting buildings within the 35ft buffer. LM & JC know that the CC can't do anything about buildings that are already in the 35ft buffer, but if they are expanded, the CC can step in then. JG and KS point out that oftentimes the State will step in and buy land through eminent domain, if they consider the property to be a critical resource. The CC move on, and CS asks if the word "disturb" is defined in the TWB. JC doesn't believe so and MC mentions that "land disturbance" is defined in the stormwater bylaws. He suggests potentially using a similar definition when it comes to the TWB. JC proposes adding "lands subject to flooding or inundation" to the floodplain definition, as it is a common synonym. JC would like to finish reviewing Chapter 138 next meeting and get started on reviewing Chapter 150 after that. The rest of the CC agree that this is a good idea.

~~3.3~~ – Vote for officers

3.4 – Approval of WPA Emergency Certification Form for Brookline St temporary bridge repairs

(1:01:49-1:06:06) The bridge repairs were approved at the 8/5/22 emergency CC meeting, but the CC need to formally vote and sign the WPA Emergency Certification Form. JC confirms that the majority of the work has been completed, all that remains is finishing up the welding and clearing some brush that had fallen into the stream.

*AL motions to approve the WPA Emergency Certification Form, CS seconded
The motion passes unanimously*

3.5 – Approve MACC invoice (1:06:08-1:07:38).

The CC need to approve the MACC invoice of \$55.00 for a class that CS attended.

*AL motions to approve MACC invoice, KS seconded
The motion passes unanimously*

4.0 Correspondence – Votes May Be Taken:

4.1 – Application withdrawal email from Townsend Rod & Gun Club for 46 Emery Road

(1:08:00-1:08:47) JG reads the email aloud to the CC informing them of the Townsend Rod & Gun Club's decision to withdraw the RDA they submitted back in February of 2022.

4.2 – DCR Forest Cutting Plan & Notice of Intent for Barker Hill Road (1:08:49-1:14:18)

The CC discuss the Department of Conservation & Recreation's plan to cut down trees in a 90 acre lot off of Barker Hill Road. The land is owned by the State, and they do not need permission from the CC to cut down trees, but under Chapter 132, they are required to notify local CCs, so that they can provide comments. The CC approve of the Forest Cutting Plan and have no additional comments.

5.0 Education and Conferences – Votes May Be Taken

5.1 – Upcoming MACC classes (1:14:25-1:16:20)

JG informs the CC of the upcoming Fundamental classes and recommends calling MACC if any commissioners are having problems signing up for classes.

6.0 Items for discussion at next meeting:

TWB Chapter 138-8 – 138-10 review, RDA for 9 Gilchrist Rd

7.0 Next meeting: Wednesday, August 24th, 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 8:19PM
The motion passes unanimously*

