



Conservation Commission
Town of Townsend
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OCT 12 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, August 24th, 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/89190555306?pwd=bW9mdE1UZzJDVzZhdDVnaTNmUHdlQT09>

Meeting ID: 891 9055 5306

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1.0 Preliminaries – Votes May Be Taken:

1.1 – Call the meeting to order and roll call JG calls the meeting to order at 7:02PM.

Roll Call: PJ (P) CS (P) JG (P) JS (P) LM (P) AL (P) KS (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 7/27 & 8/5 emergency meeting minutes

*AL motions to approve 7/27 meeting minutes, LM seconded
PJ (Y) CS (Y) JG (Y) JS (abstain) LM (Y) AL (Y) KS (Y)*

*AL motions to approve 8/5 emergency meeting minutes, LM seconded
PJ (Y) CS (abstain) JG (Y) JS (Y) LM (Y) AL (Y) KS (Y)*

1.6 – Agent’s report (3:40-7:57)

1. Building Permit interdepartmental signatures
 1. 9 Gilchrist Rd – with note about compliance with Determination of Applicability
 2. 130 Lunenburg Rd
2. Referrals completed
 1. none
3. BOH interdepartmental signatures
 1. 6 Shirley Rd (second form)
4. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
5. Comments added to TWB 138-3 through and 138-7
6. NOI – 6 Shirley Rd, DEP 308-0692, OOC approved 8/10
7. RDA – 9 Gilchrist Road pool installation – intake 8/3/22
8. Emergency project for Pedestrian Bridge on Brookline St – site visit & Emergency Cert issued to Highway Dept by Agent 8/8/22; Commissioners signed document on 8/10/22
9. Continued efforts to contact Applicants with outstanding OOCs to get COCs filed
10. Compliance coordination for 73 Emery Road OOC from 2009
11. Compliance coordination for 225 Mason Rd OOC from 2015
12. Compliance coordination for 19 Main St (High School) OOC from 2015
13. Schedule check-in for Squannacook WMA
14. Initial coordination for possible project at 162 Fitchburg Rd

2.0 Hearings and Appointments– Votes May Be Taken:

3.0 Work Session – Votes May Be Taken:

3.1 – TWB 2022-134, 9 Gilchrist Road Request for Determination of Applicability for the installation of an in-ground pool, deck, and safety fence within 100 feet of a wetland (8:20-22:31)

Gavin Byars, the applicant, is at the meeting in person and his wife Julie is attending via Zoom. GB explains that the location of the pool is situated as far from the pond/wetlands as possible, considering the location of the well and their detached garage. JC shares her screen in order to show a bird’s eye view of the property and confirms that the edge of the fence will be approximately 58 feet away from the edge of the wetlands. Originally the pool was going to be about 20 feet further from the wetlands, but the location had to be changed after discovering that wells require a 25 foot offset. JC shares pictures taken on the site visit, showing the location of the proposed pool and how far it is from the

edge of the wetlands. GB mentions that there is a gradual slope to their backyard, but that it shouldn't have a major impact on the pool construction. They will be building a liner pool and one side of the pool will be elevated about 3 feet, but they will use existing fill to slope it down. KS believes the wetlands were man-made and GB mentions that the pond is lined with clay. JC recommends issuing a negative-3 determination, with the special condition of using an erosion control barrier on the downward slope closest to the wetlands.

*LM motions to issue a negative-3 determination with special condition listed, PJ seconded
The motion passes unanimously*

JC informs GB that the plan is to send the DA paperwork out on August 31st, and GB confirms that this is acceptable because their plan is to start work in October.

*(22:31-29:18) The CC have a brief discussion on the large amount of pool applications they have been receiving. LM suggests potentially including a reminder when issuing DAs or OOCs that there is a 35 foot no disturb area. Several members of the CC are unsure about this and would prefer to handle each application on a case to case basis. The CC eventually decide to move on and discuss this topic at a later date.

3.2 – MassWildlife Request for Continuance until December 2022 for Squannacook River WMA NOI, DEP# 308-0691 (29:19-34:31)

The applicant is requesting more time to prepare their application before they are ready to present it in front of the CC. JC informs the CC that the application is on the CC page of the town website if they want to learn more about the project. JG and the rest of the CC agree that, moving forward, if the initial hearing hasn't occurred, JC & MM can issue administrative approval of requests for continuance. The CC have an informal vote and they unanimously agree to continue this hearing to December 14th.

3.3 – Mandatory Referral Notice from PB regarding 227 Mason Road (34:32-36:32)

JC requests that the CC continue 3.3 & 3.4 to their September 14th meeting. JC is working on getting several questions answered and she would like more time to prepare before she is ready to discuss this application with the CC. The Planning Board is meeting for this application on October 3rd and the Zoning Board of Appeals is meeting on September 21st, so there will still be time to provide comments. The CC agree to push 3.3 and 3.4 to their next meeting.

~~3.4 – Mandatory Referral Notice from ZBA regarding 227 Mason Road~~

3.5 – Mandatory Referral Notice from PB regarding 256 Main Street (36:35-37:50)

The Planning Board is revising one of their decisions, so the CC has another opportunity to provide comment on 256 Main Street. However, the property is still outside of any CC jurisdiction.

*JS motions to provide no comment to the PB, AL seconded
The motion passes unanimously*

3.6 – TWB Chapter 138-8 through 138-10 review/discussion (37:56-1:12:45)

In addition to this discussion, the CC have previously discussed 138-8 at their 7/13/22 & 7/27/22 meetings. The CC is still unsure as to what types of applications would warrant a bond. They discuss potentially placing bonds on all projects over a certain dollar amount, on applicants who have a long history of non-compliance, or simply taking it on a case to case basis. JC shares her screen so that the CC can review 138-9. LM confirms that the maximum fee of 300 dollars is per offense and that each day the violations continue is a separate offense. The CC agree that education is their main priority and that fines are a last resort. There is a brief discussion on how to enforce fines and how to stop violations if they are occurring. The CC decide that it is best practice to contact MM or JC if there is anything

questionable going on, rather than entering someone else's property. JC brings up the point that conservation personnel are allowed to access properties with open OOCs to ensure compliance. If the violation is time-sensitive the CC does have the authority to tell them to stop and they can request to have a police officer present if they feel unsafe. CS asks if the fees begin to accrue at the start of the violation or when they are first notified. JC responds that she typically sends a notice of violation, sent via certified mail, requiring that the violator stop what they are doing and to remediate the situation within a certain time period. If they don't comply, JC would then begin to think about issuing fines. She hasn't had to get to that step yet, so she is unsure of when she would begin the clock on fee accrual. JG recommends asking this question to town council and cites the MACC website as a good potential resource. The CC recommends adding "per violation" to the end of the first sentence of 138-9, as they believe it helps to clarify that each violation has its own \$300 daily maximum fee. JC & the CC have nothing to add to 138-10. JC does have several things that she would like to see added to the TWB. She would like to see some mention of the ACEC, even if it's just a link to the Zoning bylaw or the State ACEC webpage. She would also like to make it clear that Chapter 138 is linked to Chapter 150 and that it is important to review both. In particular, Chapter 150 has important information on different application submittal types and plan information requirements. JC and the CC agree to start reviewing Chapter 150 at their next meeting.

3.7 – Vote for Conservation Commission officers (1:13:05-1:21:46)

The CC appreciate the job that JG has been doing as Chair and wish for him to continue as Chair.

*AL motions to nominate JG as Chair, LM seconded
The motion passes unanimously*

CS mentions to the CC that due to his upcoming grad school schedule he will be unable to attend several meetings this fall. Therefore, he recommends that KS be given position of Vice Chair. The CC reassure him that attendance at every meeting isn't mandatory and that they would like to see him continue as Vice Chair. CS agrees to continue as Vice Chair.

*AL motions to nominate CS as Vice Chair, KS seconded
The motion passes unanimously*

AL asks what the duties of the Clerk are when there is an agent and an admin to manage administrative work. In recent times, the Clerk's duties have been to read legal notices and to ensure that all abutters have been properly notified before starting a public hearing.

*LM motions to nominate JS as Clerk, AL seconded
The motion passes unanimously*

3.8 – Vote on whether to give Conservation Admin authority to sign warrants (1:21:48-1:23:31)

Currently JS is the only one with official permission to sign warrants. The CC want to give this authority to MM & JC, so that they can pay for CC approved budget items.

*AL motions to give Admin & Agent authority to sign warrants, PJ seconded
The motion passes unanimously*

4.0 Correspondence – Votes May Be Taken:

4.1 – 61 Edwards Rd Update from Michael Crowley (1:23:32-1:27:26)

JS reads MC's letter aloud to the CC. MC is asking the CC to move the enforcement deadline back to

November 30th, so that trash removal can happen when there is less vegetation and conditions have improved. PJ brings up the point that snow could be a problem in late November, but ultimately the CC agree to push the deadline back.

*AL motions to make 11/30/22 the new enforcement deadline, KS seconded
The motion passes unanimously*

4.2 – Water withdrawals email from Mia McDonald of DEP (1:27:30-1:33:51)

JG reads the email from Mia aloud to the CC. Mia has gotten calls from people who have been concerned about water withdrawal during the drought. She has sent out an email to several of the CCs in central Massachusetts reminding them that permits are only required when there are exceptionally large withdrawals (over 100,000 gal/day) or a resource area is being altered. The CC proceeds to have a brief discussion regarding the current drought and the numerous recent wildfires in nearby towns.

5.0 Education and Conferences – Votes May Be Taken:

5.1 – Upcoming MACC classes There are several MACC Fundamental Classes being offered in Late September and early October.

6.0 Items for discussion at next meeting:

Snow management review/discussion

7.0 Next meeting: Wednesday, September 14th, 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:

*CS motions to adjourn at 8:41, JS seconded
The motion passes unanimously*

