



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
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Townsend, Massachusetts 01469  
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**RECEIVED**  
OCT 24 2022  
TOWN OF TOWNSEND  
TOWN CLERK

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

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Wednesday, September 14<sup>th</sup>, 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/87914888214?pwd=NVBEMUkvVFEzL0RqSXVObEwxaXA5UT09>

**Meeting ID:** 879 1488 8214

**Passcode:** 054580

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Find your local number: <https://us02web.zoom.us/j/kbevBlypv3>

## **1.0 Preliminaries – Votes May Be Taken:**

**1.1 – Call the meeting to order and roll call** JG calls the meeting to order at 7:03PM

Roll Call: JS (P) PJ (P) JG (P) AL (P) KS (absent) CS (absent) LM (absent)

**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 informs the CC of an illegal stump dump fire that grew out of control on Log Cabin Road in Ashby. Moving forward he wants the CC to prioritize inspecting any suspected illegal fills, so that this doesn’t happen in Townsend.

**1.5 – Review/Approve the meeting minutes from 8/10/22**

*AL motions to approve 8/10 meeting minutes, PJ seconded*

*The motion passes unanimously*

## **1.6 – Agent’s report (2:50-9:28)**

1. Building Permit interdepartmental signatures
  - a. 85 South Harbor Rd
  - b. 19 Sauna Row Rd
  - c. 12 Maplewood Dr
2. Referrals completed
  - a. 256 Main Street
3. BOH interdepartmental signatures
  - a. 96 Fitchburg Rd
4. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
5. RDA – 9 Gilchrist Road pool installation – DA issued 8/31/22
6. Continued efforts to contact Applicants with outstanding OOCs to get COCs filed
7. Initial coordination with resident at 412-423 Main St for tree and invasive removals
8. 177 Lunenburg Road – past file review & visit for pre-application meeting 8/24
9. Request for COC – 19 Main St; site visit 8/24
10. Desktop reviews of 227 Mason Rd for referral purposes
11. Visit to 162 Fitchburg Rd for possible wetland crossing
12. Formatting revision to TWB fee schedule
13. Intake of Request for COC – 225 Mason Rd, visit 8/31/2022
14. Meeting with Town Counsel 8/30 to discuss preliminary comments from Agent and CC on TWB Chapter 138; prepared summary of meeting
15. Researching COC and administrative compliance for Deer Run subdivision
16. Conducted pre-construction inspection for 6 Shirley Road OOC, DEP 308-0692 on 9/7/22
17. NOI – 238 South Row Road intake. Hearing scheduled for 9/28/22.
18. NOI – 22 Sauna Row Road. Application deemed incomplete at this time, awaiting updates.
19. Request for COC – 196 Warren Rd; site visit 9/7/22
20. Preliminary coordination on small habitat restoration project

\*(9:28-16:35) The CC have a brief discussion on how to best go about sharing meeting materials moving forward. They decide to move on because only 4 members of the CC are present.

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

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

#### **3.1 – Certificate of Compliance Request for 19 Main Street (North Middlesex Regional Highschool), DEP #308-0622 (16:36-19:50)**

JC informs the CC of the details of this project, which was for the construction of a maintenance garage and other minor site improvements within 100 feet of wetlands. JC & MM attended a site visit on 8/24 and confirmed that the work was done in accordance with the conditions of the OOC. She recommends the issuance of a complete COC. JC also confirmed that materials that were being stored in close proximity to wetlands were moved out of the 35 foot no disturb buffer.

*AL motions to issue a complete Certificate of Compliance for DEP #308-0622, JS seconded  
The motion passes unanimously*

#### **3.2 – Certificate of Compliance Request for 225 Mason Road, DEP #308-0625 (19:52-23:52)**

This project was for septic repair within a Riverfront Area. The work has long been completed but no COC was ever filed. JC contacted the new homeowner informing him of the expired OOC and he submitted a Request for Certificate of Compliance. Since this new homeowner was not involved with the original project, JC recommends approving the request to waive the need for certification from a professional engineer. She also recommends approving the request to waive the need to record the COC at the Registry of Deeds since the OOC was also never filed with the Registry. JC & MM attended a site visit on 8/31 and JC confirmed that the septic work was done correctly and that the ground/grass was stable. JC recommends the issuance of a complete COC.

*JS motions to issue a complete Certificate of Compliance for DEP #308-0625, PJ seconded  
The motion passes unanimously*

*JS motions to approve the 2 waiver requests, AL seconded  
The motion passes unanimously*

#### **3.3 – Certificate of Compliance Request for 196 Warren Road, DEP #308-0317 (23:55-25:35)**

This project was for the development of a single family home back in the 1990s. It was discovered in the process of selling the home that a COC was never filed. JC & MM attended a site visit on 9/7 and confirmed that the work was completed in accordance with the OOC. JC recommends the issuance of a complete COC.

*AL motions to issue a complete Certificate of Compliance for DEP #308-0317, JS seconded  
The motion passes unanimously*

#### **3.4 – Mandatory Referral Notice from PB regarding 227 Mason Road (25:42-58:30)**

This property was licensed for use as a day care facility, but it was discovered recently that the new owners were running an unlicensed commercial dog kennel instead. They have been ordered to cease operations and are now attempting to procure a license for their dog kennel business. The PB hearing is to determine whether or not to approve the applicant's request to waive the need for a new site plan drawn by a professional engineer. The ZBA hearing is to determine whether to permit the change of use from day care to dog kennel. JC & MM made a site visit on 9/14 and JC determined that the entire property was in the CC's jurisdiction due to either the 200ft riverfront buffer or the 100ft wetland buffer. The CC agree to combine both 3.4 & 3.5 and provide identical comments to both the ZBA & PB. JC describes the property to the CC and that there is a potential concern with a compost bin, that doesn't have any lining, being approximately 15ft from the edge of a pond. At the site visit the applicant

was willing to put in plastic lining and there was discussion over putting up a barrier between the bin and the pond. The CC would also ask for the applicant to move the compost bin at least 35ft from the pond. In addition, the CC would like to see new plans submitted that included 35, 50, 100, and 200 foot lines marking distances from wetlands/streams/ponds. JC mentions that the poultry coop is also within 35ft of the pond and the CC is concerned. JC shares her screen so that the CC can view pictures of the property. JG mentions that the new plans should also include contour lines. After some discussion, the CC agree to provide comments to the Zoning Board of Appeals/Planning Board requesting these items:

- Add contour lines, 35' no disturb line, 100' wetland buffer line, and 200' riverfront buffer line to plans.
- Move compost bin out of 35' no disturb area
- Comply with Board of Health animal waste & compost management requirements

*AL motions to provide these comments to the ZBA & PB, JS seconded  
The motion passes unanimously*

### **3.5 – Mandatory Referral Notice from ZBA regarding 227 Mason Road See 3.4**

~~3.6 – Summary of discussion with Town Council regarding TWB Chapter 138 (58:32-1:00:30)~~

JC asks the CC if they would like to move 3.6 & 3.7 to another meeting since several members of the CC are not present. The CC agree to table 3.6 & 3.7.

~~—3.7 – Review of TWB Chapter 150-1 and 150-2(A-K)~~

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

### **4.1 – Drought update from MassDEP (1:00:32-1:01:46)**

MassDEP sent a warning to Conservation Commissions that due to the Level 3 drought status there is an extremely high risk for wildfires.

### **4.2 – DCR Forest Cutting Plan & Notice of Intent for Gilchrist Road (1:01:52-1:07:35)**

The CC review the Department of Conservation & Recreation's plan to cut 30MBF of trees in a 6 acre lot off of Gilchrist Rd. The CC have a brief discussion and JS would like to know when they plan to cut down these trees. JC mentions that they still have to file with MESA and MM mentions that the forester hasn't provided comment yet, but he would most likely be the one to recommend the best time to cut.

### **4.3 – Updated DCR Forest Cutting Plan & Notice of Intent for Barker Hill Road (1:07:36-1:12:31)**

This plan was seen by the CC at their 8/10 meeting and the DCR have come back with updates including service forester comments and an NHESP determination letter. JC mentions that those looking to learn more about the legalities of the Forest Cutting Plan should review M.G.L Chapter 132 and the Forest Cutting Practices Act. The NHESP has asked that the work be done between October 15<sup>th</sup> and March 15<sup>th</sup>.

**4.4 – Email from town resident with concerns about the proposed Harbor Trace Water Treatment Plant (1:12:37-1:18:55)** JG reads the email aloud to the CC. The resident is asking several town boards to hold a public hearing where residents can voice their concerns/questions about the proposed treatment plant. The CC is only vaguely aware of this proposed project at the moment and JC mentions that it is still very early in the planning process, but there will certainly be time for public involvement when the project is further along. JG mentions that there is an invitation for public comment going out by the end of the calendar year. JC believes that the Town Administrator is going to be the one to reach back out to this resident.

**4.5 – Schedule date for discussion/review of Municipal Vulnerability & Hazard Mitigation Plans (1:18:57-1:25:15)** Beth Faxon, the administrator for the ZBA & PB, is asking for the CC to review these plans for a discussion at a future meeting. She outlines specific items that she wants the CC to focus on and is requesting a time slot to go over this plan together, so that these plans can be integrated into the

current work of the CC. There is also a free workshop being offered by FEMA that covers the plans more in-depth. These plans can be found online or as hardcopies in the Land Use office. The CC agree to have this discussion at their 10/12 meeting.

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

**5.1 – Upcoming MACC classes (1:25:21-1:28:47)**

The Fall Conference classes continue, and PJ has an invoice for her MACC classes, which MM will take care of. Baystate Roads is also offering several upcoming workshops on a variety of environmental topics.

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

3.6 & 3.7, 238 South Row Rd RDA

**7.0 Next meeting:** Wednesday, September 28<sup>th</sup>, 2022 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:**

*AL motions to adjourn at 8:34PM, PJ seconded  
The motion passes unanimously*

