



Office of the
CONSERVATION COMMISSION

Town of Townsend
272 Main Street
Townsend, Massachusetts 01469
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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

R E C E I V E D
NOV 07 2022
TOWN OF TOWNSEND
TOWN CLERK

Meeting of the Townsend Conservation Commission
MINUTES

Wednesday, September 28th, 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/83411678669?pwd=ZXNLbXFSMHZNSHBES3U1TmttS1ZCQT09>

Meeting ID: 834 1167 8669

Passcode: 907597

One tap mobile

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+1 253 215 8782 US (Tacoma)

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

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 7:01PM.

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

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 8/24/22

*KS motions to approve 8/24 meeting minutes, AL seconded
The motion passes unanimously*

1.6 – Agent’s report (1:26-9:50)

1. Building Permit interdepartmental signatures
 - a. none
2. Referrals completed
 - a. 227 Mason (for both ZBA & PB)
3. BOH interdepartmental signatures
 - a. 67 Highland St
4. Request for Townsend OOC Extension – 27 Scales Lane con’t, awaiting 1x compliance items
5. Continued efforts to contact Applicants with outstanding OOCs to get COCs filed
6. Request for COC – 19 Main St; issued COC on 9/21/22
7. Request for COC – 225 Mason Rd, issued COC on 9/21/22
8. Request for COC – 196 Warren Rd; issued COC on 9/21/22
9. Desktop reviews of and visit to 227 Mason Rd for referral purposes
10. Researching COC and administrative compliance for Deer Run subdivision
11. NOI – 238 South Row Road intake & processing; site visit 9/21. Hearing scheduled for 9/28/22.
12. NOI – 22 Sauna Row Road. Application deemed incomplete at this time, awaiting updates.
13. Preliminary coordination on habitat management project
14. Attended webinar on Conflict of Interest Law
15. Status check-in of work for recently-issued OOCs to schedule compliance inspections
16. Assist resident with preparation of RDA for tree clearing at residential property near Squannacook River
17. Intake of Email – concerns about drainage swale in ag field at 158 Main St
18. 61 Edward status of communication check in with LUC
19. Reviewed and commented on Townsend Wetland Regs Chapter 150-1 and 150-2(A-K)

JG & JC inform the CC that MC’s last day as LUC will be October 7th. JC mentions that there are plans to start visiting CC owned land as soon as the leaves are off the trees. Signs have been ordered that will be used to mark property borders. Until these signs are up, JC plans to warn people away from hunting on CC land due to safety concerns.

2.0 Hearings and Appointments– Votes May Be Taken:

2.1 – 7:10PM – Notice of Intent, DEP #308-0693, TWB #2022-135 (9:56-11:26)

Applicant: Kevin Smith

Location: 238 South Row Road

Project/Status: The proposed project is for the repair/replacement of an existing failed septic system and related site grading. Part of the construction will occur within 100 feet of a bordering vegetated wetland.

Due to KS's recusal, there is no quorum to open this public hearing. Therefore, this hearing is continued to the next CC meeting October 12th, 2022 at 7:10PM.

3.0 Work Session – Votes May Be Taken:

3.1 – Summary of discussion with Town Council regarding TWB Chapter 138 (11:49-19:03)

Notes from discussion with Town Counsel 8/30 re: Ch138

1. 138-1 and 138-2
 - a. Isolated wetlands: yes, we should add a definition; including a size is up to CC. We can research what size isolated wetland generally starts having function & values, and make that our minimum isolated size to be jurisdictional
 - b. 138-1.B: confusing over submittal process beginning with NOI and then ending with a determination within 21 days – Adam believes the intent, though poorly worded, if that the “upon written request of any person” can be changed to reference is someone questions whether their proposed work needs a permit, then such person may submit an RDA
2. 138-7 Definitions
 - a. No disturb buffer zone. Adam highly advises to NOT leave language only in Ch150 and put it into Bylaw. It is not appropriate to create a no-disturb buffer zone out of a bylaw. It's better to clarify in a bylaw so that it can be defensible in litigation. This shouldn't be limited to a definition-only in bylaw. It can be defined, but elsewhere in the bylaw it should note that the CC has authority to implement the 35 no disturb as defined in XX. Example: when you create a requirement in a definition section only, then it's a definition, and not a requirement.
3. 138-9 Violations
 - a. Suggests \$300 per *offense* (not per violation as previously requested by CC)
 - b. Also have a “ticket” option via non-criminal disposition MGL Ch40, Sec 21D

3.2 -- Review of TWB Chapter 150-1 and 150-2(A-K) (19:04-29:30)

There is a brief discussion over whether to move 3.2 to the next meeting since there are several commissioners not present. However, since this item has already been continued once and because there are deadline concerns the CC decides to have their review of TWB Chapter 150. JC shares her screen and proposes several changes to 150-2. JC would like to add “soil, and hydrology, or a combination of the three” to A and add “any intent to alter these resources shall require a permit from the Conservation Commission” to B. The CC are OK with these proposed changes. 150-2(K) refers to what the CC requires on plans and JC has some more proposed changes to this section. She recommends adding “Notice of Intent” to K and adding “existing and proposed...contours, stormwater features” to K(5) as well as removing “~~proposed~~”. She also recommends adding “to not be disturbed and labeled as such” to K(7). The CC approves of these proposed changes. The CC agree to cover 150-2(L) through 150-3 at their next meeting.

4.0 Correspondence – Votes May Be Taken:

4.1 – Environmental Notification Form for Harbor Trace PFAS Water Treatment Plant (29:43-36:34)

JG reads the document aloud to the CC. JC informs the CC that there was a wetland delineation that was completed for the entire project footprint, both for the WTP and the water main. There will be close to 3

miles of new water main installed, so part of the construction will take place within several wetland buffers, stream buffers, and through stream crossings/culverts. JC believes that an NOI for this project will be submitted within the next month, but she encourages anyone with questions/concerns to attend the MEPA meeting on October 4th. The meeting will be remote only via Microsoft Teams and written comments are welcome prior to October 13th.

4.2 – ZBA Notice of Public Hearing for 161 Brookline Road (36:43-37:57)

JG reads the notice aloud to the CC. There will be a virtual public hearing on October 19th at 5:45PM where the applicant is requesting a special permit to operate a storage facility. The CC has no additional comments or concerns.

5.0 Education and Conferences – Votes May Be Taken:

5.1 – Upcoming MACC classes (38:11-39:10)

There is an upcoming MACC conference on October 15th in Devens MA. MACC is also continuing to host online classes for those looking to get their Fundamentals Certificate.

6.0 Items for discussion at next meeting: (39:11-49:23)

NOI for 238 South Row Road, MVP & HMP discussion, Chapter 150-2(L) – 150-3 review, CC land uses and hunting guidance discussion

7.0 Next meeting: Wednesday, October 12th, 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:

*JS motions to adjourn at 7:50PM, KS seconded
The motion passes unanimously*