



Office of the
CONSERVATION COMMISSION

Town of Townsend
272 Main Street
Townsend, Massachusetts 01469
978-597-1700, ext. 1739
conservation@townsendma.gov

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JUL 18 2023

TOWN OF TOWNSEND
TOWN CLERK

Chair: James Gates (2024) **Vice-Chair:** Colby Streeter (2025) **Clerk:** Vacant
Anne LeCuyer (2023) Kevin Smith (2023) Patricia Jemiolo (2025) James Deroian (2025)
Jessica Consolvo, Conservation Agent Matthew Matos, Administrative Assistant

Meeting of the Townsend Conservation Commission
MINUTES

Wednesday, May 24th, 2023 @ 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/82682657884?pwd=WjFScjFYSXQvOUVxdTd3KzINT0J4QT09>

Meeting ID: 826 8265 7884

Passcode: 567395

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/82682657884?pwd=WjFScjFYSXQvOUVxdTd3KzINT0J4QT09>

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 7:02PM

RC: CS (P) JD (P) JG (P) AL (P) PJ (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 Adding 5.1 – Invasive Species Workshop is being rescheduled.

1.4 – Chair’s report Two volunteer response forms were submitted to the BOS, one from Jim LeCuyer and one from James Deroian. The BOS voted to appoint James Deroian but not not Jim LeCuyer. The CC welcome JD to the CC.

1.5 – Review/Approve the meeting minutes from 4/12/2023

AL makes a motion to approve the 4/12 meeting minutes, PJ seconded.

JD (Abstain) CS (Abstain) JG (Y) AL (Y) PJ (Y). The motion passes.

1.6 – Agent’s report (2:32-8:15)

1. Building Permit interdepartmental signatures
 - a. 10 Woodland Dr – need RDA
 - b. 3 Campbell Farm Ln
 - c. 84 Ball Rd – requested straw wattles to be placed across street next to wetland
 - d. 82 Ball Rd – w/ note to comply with OOC issued 3/16/22
 - e. 114 Highland St – signed w/ note to comply with DA issued 5/12
 - f. 156 Fitchburg Rd/
 - g. 70 Ash St
2. Referrals completed
 - a.
3. BOH interdepartmental signatures
 - a. 22 Sauna Row Rd (note indicating OOC was already issued 10/31/22)
 - b. 59 Emery Rd
 - c. 66 Bayberry Hill Rd
 - d. 2 Pearl Brook Rd
4. Completed approvals
 - a. RDA – 114 Highland St. Neg-3 DA w/ special conditions issued 5/12
 - b. RDA – 12 South St. Neg-3 DA issued 5/12
5. Applications
 - a. NOI – 158 Fitchburg Rd intake & completeness review. Hearing con’t 5/10.
 - b. Req for OOC Ext – 132 Pierce Rd 308-666 intake
6. Miscellaneous
 - a. Enforcement Order – 158 Main St. Compliance & inspections ongoing.
 - b. Review/updates to Ch 150 Wetland Regulations
 - c. Invasive species – W&S grant coordination and scheduling
 - d. E-permitting training & account coordination
 - e. Initial coordination with resident at 100 Fitchburg possible violation site
 - f. Issuance violation warnings to 158 Fitchburg for sump pump
 - g. OOC compliance inspection of Rail Trail (Sterilite – OMH)
 - h. Visit to Apple Drive for drainage concerns

- i. Coordination w/ new Comm Serv coordinator for 61 Edward assistance
- j. VRF updates
- k. Mailed letter to 308-0666 Pierce Rd notifying of upcoming OOC expiration
- l. OOC status check in for 187 Pierce Rd

JD & JC makes plans to meet so that JD can get up to speed on what is going on with the CC.

2.0 Hearings and Appointments– Votes May Be Taken: (12:44-29:24)

2.1 – 7:15PM – Notice of Intent, DEP #308-0699, TWB #2023-149, Continued from 5/10

Applicant: Tyler Fleckner

Location: 158 Fitchburg Road

Project/Status: The proposed project is for the construction of a septic system including a septic tank and associated grading. Part of the construction will take place within 100 feet of a Bordering Vegetated Wetland. The CC will also address possible wetland violations.

Paul Grazewicz from Graz Engineering is present at the meeting and is representing the applicant. PG is the one who updated the plans with the current wetland delineations. The updated plans also show that they will be diverting the drainage trench to outside the 50' buffer, they are extending the silt fence, and are moving the location of the retaining wall. JC asks how the existing trench will be repaired and PG says he will loam and seed over the gravel. JC recommends a standard OOC with Attachment A and she wants the new property owner to know that there are wetlands in close proximity. PG informs the CC that they will need to record a Notice of an Alternative System and he can add language to this notice stating that there are wetlands in the backyard. JC is also willing to mail a reminder to the new owner.

AL makes a motion to approve DEP #308-0699 with a Standard OOC with Attachment A, PJ seconded. CS (Y) JD (Abstain) JG (Y) AL (Y) PJ (Y). The motion passes.

AL makes a motion to close the public hearing on DEP #308-0699, CS seconded. The motion passe unanimously.

2.2 – Proposed Amendments to the Townsend Wetland Regulations, Chapter 150, Continued from 5/10 (29:38-38:17)

Since the last meeting Plan Requirement #31 was edited to include “more than 2,000 cubic yards” and 150-2(M) was edited to state, “Projects exceeding certain disturbance thresholds as defined in Chapter 85 of the Townsend General Bylaws and 175-44 of the Townsend Regulations are separately required to file for a Stormwater Management Permit”. 150-4(K) was edited to include “approved Conservation staff” and that “The Conservation Commission has the authority in determining approved Conservation staff”. JG catches JD up to speed on what the CC has been attempting to do with their edits to Chapter 150. The CC wants to make Chapter 150 clearer and more concise so that applicants have a better understanding on what they need to submit to the CC when they are planning a project.

CS makes a motion to approve the proposed amendments to Chapter 150, AL seconded. The motion passes unanimously.

2.3 – Enforcement Order, 158 Main St, Updates from 5/10 – 5/24 (38:19-1:18:18)

Status update from property owner/engineer that includes proof that sediment continues to

be removed and that a long-term plan to address stabilization & remediation is in progress.

Stan Dillis is present at the meeting and is representing the property owner. JC shares her screen so that the CC can review the most updated version of the proposed plans. SD explains the current situation with the Commissioners who weren't present at all the meetings over the last couple of months. They will restore the berm, install a shallow basin, and revegetate the area near the berm. They will also reconstruct the swale by putting in a pipe with stone and filter fabric and will also install a catch basin at the top of the swale to catch the water coming out of the pipe on the abutter's property. SD believes they will be able to file the NOI within the next couple of months and they should be able to do the work in June or July. JG asks SD about the Rail Trail and SD ensures him that this plan will prevent further sediment from running over the Rail Trail and there are also plans to remove the sediment that is already there. Representatives from DCR have also visited the site and discussed the ongoing situation with the CC. The overall goal of the current plan submitted is to stop any more sediment from flowing offsite and to limit the flow of water so that the swale can be revegetated. The plans list the specific plants that will be planted. JG has the suggestion that a bond for this project might be a good idea to ensure that the work gets done. JC shows the CC the technical details of the swale restoration cross section and SD goes into more detail on the implementation. SD expects that with the amount of soil brought out of the bottom of the swale they will not need to bring any soil from offsite, outside of potentially some loam. There are further discussions on potential enforcement measures if current timelines aren't met and on what/how many plants should be planted.

3.0 Work Session – Votes May Be Taken:

3.1 – Request for 1-year OOC Extension for 132 Pierce Road, DEP #308-666 (1:18:19-1:21:27)

JG recuses himself and leaves the room at the beginning of the work session. JC explains that the OOC for this project was issued in April or May of 2021 for new home construction with some grading and exterior features, part of which is happening within 100 feet of wetlands. The applicant is requesting an extension of the OOC until May 2024. JC attended a site visit and confirmed that erosion control barriers were still up, the DEP sign was still up, and work is being done according to the plans. JC recommends granting the request for a 1 year extension.

JC makes a motion to approve the 1-year OOC Extension for DEP #308-666, PJ seconded.

JG (Recusal) JD (Abstain) CS (Y) AL (Y) PJ (Y). The motion passes.

3.2 – Administrative Approval addition to Fee Schedule (1:22:21-1:32:49)

JC shares her screen to show the proposed \$30 fee for an Administrative Approval that was part of the approved amendments to Chapter 150. This is less than the RDA fee of \$40 which is currently the permit that is issued when the matter is of minimal environmental concern. The AA would be for matters less significant than what an RDA requires so that is why the fee amount is less than for an RDA. CS asks how it would be determined if a project is eligible for an AA and JC explains that as it is written in Chapter 150 the burden of proof would be on the applicant and the needed submittal materials would be project specific. She also mentions that everything will be well documented, and JD summarizes that this allows JC to come to decisions quickly when the issue isn't significant enough to have to bring it in front of the CC. PJ asks how residents are supposed to know when to contact the CC and there is a brief discussion on how best to educate the public. JC also mentions that she typically reviews building permits and can spot Conservation issues that way. She also receives a number of phone calls from residents asking if they need permission from the CC to do work.

AL makes a motion to approve the Administrative Approval addition to the fee schedule, CS seconded. The motion passes unanimously.

4.0 Correspondence – Votes May Be Taken:

5.0 Education and Conferences – Votes May Be Taken:

***5.1 – Invasive Species Workshop is being rescheduled (8:30-11:13)**

The workshop is rescheduled to 6/9 from 10-1 at Adams Dam where there is some Japanese Knotweed and Japanese Barberry. The CC was approved for grant money to host a class from Land Stewardship where there will also be hands on training. There was also a previous grant approved for Cemetery & Parks at Adams Dam to help stabilize the bank and limit erosion. This has been completed and JC informs the CC that she has been in talks with C&P to issue the COC.

6.0 Items for discussion at next meeting:

7.0 Next meeting: Wednesday, June 14th, 2023 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 makes a motion to adjourn at 8:35PM, CS seconded.
The motion passes unanimously.*

