



Office of the  
**CONSERVATION COMMISSION**

Town of Townsend  
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RECEIVED  
JUL 31 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

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**Meeting of the Townsend Conservation Commission**  
MINUTES

Wednesday, June 14<sup>th</sup>, 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/84935498496?pwd=SIFzZ3krNGlrbmIGTEdrWE9JbkIHUT09>

**Meeting ID:** 849 3549 8496

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Find your local number: <https://us02web.zoom.us/j/koX098Lzu>

**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 7:05PM.

RC: JD (P) CS (P) JG (P) AL (P) PJ (arrives at 7:18)

**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** 4.3 – Open Space and Rec Form 6/22/2023 is added.

**1.4 – Chair’s report** JG and JC went to 158 Main St on a site visit.

**1.5 – Review/Approve the meeting minutes from 4/26/2023**

**AL makes a motion to approve the 4/26 meeting minutes, CS seconded.**

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

**1.6 – Agent’s report** (2:20-10:58)

1. Building Permit interdepartmental signatures
  - a. 25 Harbor Trace Rd
  - b. 12A Meadow Rd – note about staying outside of 100’ wetland buffer and installing E&S controls
  - c. 128R Lunenburg Rd
  - d. 99 Wallace Hill Rd
2. Referrals completed
  - a.
3. BOH interdepartmental signatures
  - a. 31 Elm Circle – needs RDA
  - b. 9 Virgo
  - c. 158 Fitchburg – note to comply w/ OOC
4. Completed approvals
  - a. OOC – 158 Fitchburg Rd, issued 6/1/23
  - b. Extension permit for OOC – 132 Pierce Rd 308-666, issued 5/25
5. Applications
  - a. Req for COC – 5 Madison Ave, 308-0696
  - b. RDA – 31 Elm Circle
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. Preliminary field meeting 5/31
  - d. OOC inspection of 75 Pierce Rd 5/22/2023
  - e. Reviewed swale in front of 169 Wallace Hill Rd for wetland parameters
  - f. Guidance on emergency beaver permits for two beaver dams
  - g. Intake of beaver permit for 160 Old Turnpike Rd
  - h. Site visit to 73 Turnpike for OOC Inspection
  - i. 61 Edward Rd – update
  - j. Staffing updates

JG mentions that the CC should make sure that the erosion controls are put in at 12A Meadow Rd and JC volunteers to inspect the site.

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

### **2.1 – Enforcement Order, 158 Main St, Updates from 5/24 - 6/14 (10:59-16:15)**

**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.**

JC & JG noticed on their site visit that several haybales had been filled with sediment and so JC asked the property owner to replace these haybales with new staked haybales. The property owners confirmed that this was completed. An NOI has also been submitted for the remediation work and there will be a public hearing on 7/26.

### **2.2 – 7:15PM – Appointment for possible wetland violations at 100 Fitchburg Road (16:21-47:06)**

Mike, the property owner, is present at the meeting. JC shares her screen and shows a water feature at 100 Fitchburg Rd, according to MassMapper, and she also informs the CC that this body of water has been there for at least around 30 years. The body of water was approximately 2,000 square feet in size and was filled in sometime in the last year. There was a site visit in the past week to try to figure out if this water feature is jurisdictional for the CC or not. The CC was able to confirm that there are wetlands behind the property, but they weren't able to determine if remediation was necessary. JG points out that there was a culvert under Fitchburg Rd that was filled with sediment that could have been feeding into the water feature. At the site visit Mike also mentioned that there was a manmade liner in the pond and there was a lot of debris in the area from the adjacent property. Mike informs the CC that he has owned the property since March 2022 and that there was a large amount of trash in the pond. He was also told that the previous owner had constructed a manmade pond many years ago, but it hadn't been maintained in a long time. He believes that there is a storm drain across the street between 107 and 93 Fitchburg and there are 3 or 4 8" pipes that come from Bayberry Hill. He says it has been a joint effort to clean up the large amounts of trash on both his property and the adjacent property. He admits that water was piped out of the pond, but it was a very small amount and he believed it wasn't spring fed or a wetland. The area where the pond was is now completely filled in and graded and JC shares her screen to show pictures of the site to the CC. At the site visit JC wanted to find if there was a connection from the pond to another wetland, which would help to determine if the pond was jurisdictional. There were large amounts of jewel weed in the back of the property which is a wetland indicator species and at the bottom of the hill there is definitely a wetland. JC recommends having a professional visit the site and get their opinion on whether the area is/was jurisdictional. JD asks what the CC's plan is if the area is found to be jurisdictional and JC mentions that the point of an Enforcement Order is restoration to the original condition. JC believes the person visiting the site should be either a Professional Wetland Scientist or a Certified Soil Scientist. The CC decides to have the property owner hire a PWS or a CSS to visit the property, determine the jurisdiction status, and to report their findings to the CC by the July 12 meeting. JD asks how this matter came to the attention of the CC and AL states that she was the one to mention it.

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

### **3.1 – Request for Certificate of Compliance, 5 Madison Avenue, DEP #308-0696 (47:08-48:44)**

This project was for an accessory apartment to an existing residential structure and some of the grading was within the 100ft wetland buffer and the 200ft Riverfront Area. JC went on a site visit and confirmed that everything was stabilized and that the plans were followed. She recommends issuing a COC.

*AL makes a motion to issue a COC for DEP #308-0696, CS seconded.*

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

**3.2 – Request for Certificate of Compliance, Adams Dam, DEP #308-0684 (48:47-50:23)**

This project was for slope stabilization work and improving the walking path to make it safer for pedestrians. JC went on a site visit and confirmed that with the steep slopes they might not ever revegetate but that they did put down coconut fabric. She recommends issuing a COC.

*AL makes a motion to issue a COC for DEP #308-0684, PJ seconded.*

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

**3.3 – Ratification of Emergency Certification for beaver activity at Old Meetinghouse Road (50:25-1:03:42)** JG mentions this is on the South Harbor side and JC shares her screen to show pictures of the bridge at Old Meetinghouse Rd. The pictures show severe flooding onto the road and that water is almost level with the bridge. There are several dams in the area and the Highway Department plans to breach and decommission these dams as well as replacing one of the collapsed culverts under the bridge. These are 2 separate Emergency Certifications. JC issued these 2 ECs already and is looking for the CC to ratify. This bridge connects several homes to the road and is supposed to allow for both vehicle and pedestrian traffic. Diana Newell lives at one of these homes and is present via Zoom. She mentions that these culverts have been damaged for about 20 years but that this is the worst flooding she's ever seen. JD is shocked that the situation is as bad as it is and would like for something to be done as soon as possible. CS asks why the HD is only replacing one of the culverts and the assumption is that it is for financial reasons. JC remembers that the HD have applied for grant money to replace these culverts in the past, but they haven't been able to receive any funds. The bridge is over Bixby Brook which connects to both the Squannacook River and Harbor Pond. The CC would like to see this done ASAP and JC mentions that this EC is valid for 30 days so hopefully it will be complete by then. The CC would also like for more to be done than just the 1 culvert and Diana mentions that she has been in touch with Jim Smith at Highway many times. She is appreciative of the efforts that JS has made in trying to fix the situation and that he has been very forthcoming with her. All are in agreement that this is a safety concern and it needs to be addressed.

*CS makes a motion to ratify both Emergency Certifications, AL seconded.*

*The motion passes unanimously.*

**3.4 – Ratification of Emergency Certification for temporary culvert replacement at Old Meetinghouse Road (50:25-1:03:42) See 3.3**

**3.5 – Reappointment to Conservation Commission Request from Anne LeCuyer (1:03:49-1:07:21)**  
AL would like to be reappointed for another 3 year term. KS is not present, but he has made it clear outside of meetings that he would like to be reappointed as well.

*CS makes a motion to recommend to the BOS that AL & KS be reappointed, JG seconded.*

*The motion passes unanimously.*

**3.6 – Reappointment to Conservation Commission Request from Kevin Smith (1:03:49-1:07:21)**  
See 3.5

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

**4.1 – Squannacook River Regional Stewardship Charette 7/14 (1:07:27-1:10:27)**

The Wild & Scenic Stewardship Council is requesting that 1 or 2 representatives from Townsend Conservation participate in a meeting to identify shared stewardship needs and areas to collaborate with other conservation groups and surrounding towns.

**4.2 – ZBA Transmittal of Decision regarding 22 Main Street (1:10:31-1:10:53)**

The ZBA has granted a variance for a handicap parking space to be placed in front of the building within the front yard setback.

**4.3 – Open Space and Rec Form 6/22/2023 (1:10:56-1:12:42)**

The Open Space and Recreation Committee in coordination with MRPC are having a public presentation of the updates to the 2023 Open Space and Recreation Plan Draft on 7/22 at 6PM in the BOS chambers. CS is the CC representative to the OSRC. A 14 day public comment period will commence on 7/15 and comments should be made to the Conservation Agent. A digital copy of the Draft will be available for review on the Land Use website on 7/15 and hardcopies will be available in the Land Use office later in the week.

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

**5.1 – MACC Delineation of BVWs and Inland Wetland Replacement Workshop 7/12**

This is a 1 hour webinar that MACC is hosting.

**5.2 – MassDEP BVW Delineation Training 6/15**

MassDEP is hosting an in-person full-day event with a classroom and field component.

**5.3 – Invasive Species Workshop 6/16**

JC reminds the CC that trainers from Land Stewardship are presenting the workshop and the meeting location has changed back to Town Hall because of potential rain. If it rains the presentation will be completely indoors but if the weather holds the attendees will also get field training at the Jefts Street parking lot or along the Rail Trail. Both locations have several invasive species where attendees can learn removal techniques. The training will run from 10-1.

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

1 RDA for a septic system, 1 RDA for an aboveground pool, and an NOI at 158 Main St

**7.0 Next meeting:** Wednesday, June 28<sup>th</sup>, 2023 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:**

*CS motions to adjourn at 8:27PM, JD seconded.  
The motion passes unanimously.*

