



Office of the
BOARD OF SELECTMEN
272 Main Street
Townsend, Massachusetts 01469

Sue Lisio, *Chairman*
Andrew J. Sheehan,
Town Administrator

Colin McNabb, *Vice-Chairman*

Carolyn Smart, *Clerk*
Office (978) 597-1701
Fax (978) 597-1719

MEETING AGENDA
SEPTEMBER 23, 2014, 7:00 P.M.
SELECTMEN'S CHAMBERS
272 MAIN STREET, TOWNSEND, MA

I PRELIMINARIES

- 1.1 Call the meeting to order and roll call.
- 1.2 Pledge of Allegiance
- 1.3 Announce that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions:
- 1.5 Board of Selectmen announcements, updates, and reports. Votes may be taken.
- 1.6 Town Administrator updates and reports. Votes may be taken.
- 1.7 Approval of meeting minutes: September 16, 2014. Votes may be taken.

II APPOINTMENTS AND HEARINGS

- 2.1 7:00 Worcester Regional Medical Reserve Corps (WRMRC): Lois Luniewicz, WRMRC Northeast Division Leader, will be present to introduce the Worcester Regional Medical Reserve Corps which uses volunteers to assist during public health emergencies, disasters, and community service events. Votes may be taken.
- 2.2 7:05 Continuation of Public Hearing on petition of Unitil and Verizon to install two utility poles on Boutelle Road beginning at pole #1 and continuing approximately 345' northerly. Votes may be taken.
- 2.3 7:20 Council on Aging Director: Ed Snapp, chairman of the screening committee, will be present to discuss the recruitment of a COA Director. Votes may be taken.
- 2.4 7:30 Unitil: John DiNapoli, Municipal & Community Services Manager for Unitil, will be present to discuss Unitil's tree trimming program and the West Townsend substation. Votes may be taken.
- 2.5 7:45 Town Clerk Kathy Spofford requests time with the Board to discuss longevity pay for Assistant Town Clerk Susan Funaiolo. Votes may be taken.

III MEETING BUSINESS

- 3.1 Review mandatory referral notice from the Planning Board for a Site Plan Review Special Permit on the application of Bart King, BK & BK, LLC, to construct a new 3,600 square foot industrial building with office space, garage, associated parking, and to relocate and operate an existing bus company at 366-368 Main Street. Votes may be taken.
- 3.2 Review mandatory referral notice from the Planning Board for a Site Plan Review Special Permit on the application of Hoa Pham of CAM Engineering, Inc. to open a machine shop at 8 Jefts Street. Votes may be taken.
- 3.3 Special Town Meeting: Review and discuss articles, and sign warrant for Special Town Meeting to be held on October 21, 2014. Votes may be taken.

3.4 Charter Committee: Update. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS:

4.1 Recycling Committee: Review and approve Board of Health recommendation to appoint Erika Art for the Recycling Committee for a term from September 23, 2014 to June 30, 2017. Voted may be taken.

4.2 Conservation Commission: Consider the applications of Veronica Kell and Nicole Superchi to the Conservation Commission for a term from September 23, 2014 to June 30, 2017. Voted may be taken.

4.3 Reserve Officer Appointments: Review and approve request from Erving M. Marshall, Jr., Chief of Police, to appoint the following reserve officers:

- David Mazza, to a term from September 16, 2014 to June 30, 2015, subject to nine-month probationary period and upon satisfactory completion of psychological examination;
- Thomas Kalil, to a term from September 16, 2014 to June 30, 2015 subject to nine-month probationary period and upon satisfactory completion of psychological examination and pre-employment physical.

V WORK SESSION

5.1 Review and sign payroll and bills payable warrants. Votes may be taken.



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1.7

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MEETING MINUTES
SEPTEMBER 16, 2014, 6:00 P.M.
SELECTMEN'S CHAMBERS
272 MAIN STREET, TOWNSEND, MA

I PRELIMINARIES

- 1.1 The chairman called the meeting to order at 7:10PM. Members present were Sue Lisio (SL), chairman, Colin McNabb (CM), vice-chairman, and Carolyn Smart (CS), clerk.
- 1.2 Chairman's Additions or Deletions: None
- 1.3 Board of Selectmen announcements, updates, and reports. None
- 1.4 Town Administrator updates and reports. None

II FY2015 GOALS WORK SESSION

- 2.1 Continuation of Board of Selectmen and Town Administrator goals for FY2015; review Affinity diagram.

Outstanding tasks: The Board discussed the outstanding tasks column of the affinity spreadsheet.

- It was agreed to invite the Energy Committee to a BOS meeting for an update on meeting energy reduction goals.
- After a discussion it was decided to take no action this year on the Route 119 sidewalk.
- The Board asked Mr. Sheehan (AS) to contact Nashoba Tech about the West Townsend Reading Room ramp and provide an update on September 23.
- The Board discussed the future of the Hart Library and Town Hall Annex.

Financial Sustainability:

- Tax Collections/Tax Titles: The Board agreed this is being addressed and it can get updates from the departments.
- Monthly Reports: It was agreed to request quarterly reports from departments.
- Asset Management: It was acknowledged that there are many forms of asset management reports. AS will ask Kim Fales, Town Accountant, for the asset list she maintains.
- Town-wide maintenance plan: The Board discussed maintenance plans for facilities and vehicles. It was acknowledged that vehicle plans are being developed by the Highway and Fire departments. CS said she wanted the Board to maintain a maintenance log for buildings, including items such as boiler cleanings, elevator and fire extinguisher inspections, etc. CM said he was looking at it from a higher level and wanted to focus on larger items like roofs, siding, etc.
- Projections: SL said she liked the approach Arlington uses to reach a consensus revenue estimate each fall and thinks we should use the same model. It includes the Town Administrator, Town Collector, Town Treasurer, Principal Assessor, Town Accountant, and the chairs of the BOS and Finance Committee.
- Policies: SL suggested that the Board review one policy per month. All agreed.

- Capital Planning: It was agreed that the BOS, Capital Planning Committee, and Finance Committee should meet jointly in November.
- Retiree Health Insurance: CM said he wants to avoid the situation Ashburnham faced when a citizen petition resulted in the adoption of retiree health insurance. He wants to get out in front of the issue. The Board asked AS to set up a meeting with representatives of Ashburnham. CS said employees should be given the opportunity to vote on it: will they support paying more for employee health insurance in return for retiree coverage. SL and CM did not support that and said the issue has to be negotiated with the unions. SL asked AS to look at Ashburnham's demographics to see how the two towns compare.

Information Technology:

- SL said although IT came in as the 4th ranked topic we need to address it sooner rather than later. CM agreed the entire system needs to be overhauled. AS said internet speed is so slow that the Fire Department had to leave the shared connection with Town Hall and get their own connection because they couldn't run some of their web-based software. He said we are still running Windows XP, some of our desk tops are 10 years old, and we have no ability to monitor usage. SL said the computer/email/internet policy has to be revisited. AS will check with Kopelman & Paige to see if an updated model policy has been issued.

Other topics:

- Charter Committee: SL asked that this be added to the next agenda. SL asked that the Charter Review Committee's report be forwarded to all members.
- It was agreed that the Board would continue to work on prioritizing topics.

III WORK SESSION

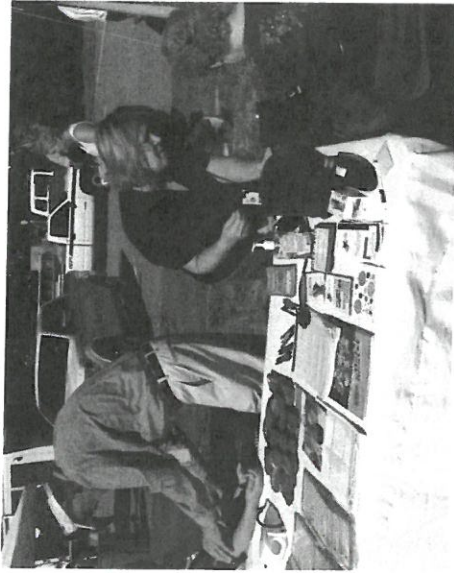
- 3.1 Review and sign payroll and bills payable warrants. CS moved to sign payroll and bills payable warrants out of session. CM seconded. Unanimous.

IV EXECUTIVE SESSION: to discuss strategy with respect to collective bargaining with the Police Union pursuant to G. L. c. 30A, s. 21(a)(3).

AT 8:09 CS moved to adjourn to executive session to discuss strategy with respect to collective bargaining with the Police Union pursuant to G. L. c. 30A, s. 21(a)(3) and to adjourn directly from executive session. CM seconded. SL: aye, CM: aye, CS: aye.

What is the Worcester Regional MRC?

The Worcester Regional MRC (WRMRC) is a volunteer organization that assists communities across central Massachusetts in disaster response, public health preparedness and community service events.



When a public health emergency takes place, the need for volunteers will be vital. Volunteers part of the MRC will be used in various capacities for emergency services, public health opportunities and community education events.



Be Informed.
Be Prepared. Be Ready.

Worcester Regional MRC



How do I become a volunteer?

1. Visit MAResponds.org
2. Click "Register Now"
3. Under "Organizations" find Worcester Regional MRC in Region 2
4. Choose "Northeast Division"
5. Create a profile
6. Submit a CORI Form and begin training!

How do I find out more information?

If you have questions, please visit www.worcesterregionalmrc.org or email the MRC Division Leader at WRMRCNE@comcast.net

Worcester Regional Medical Reserve Corps

Volunteers helping to promote public health and preparedness across Central MA

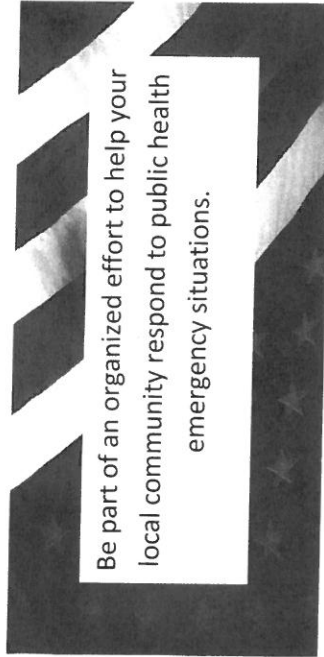


Northeast Division

Ashby - Ayer - Berlin - Bolton - Dunstable - Groton - Harvard - Lancaster - Lunenburg - Northborough - Pepperell - Shirley - Townsend

About the Medical Reserve Corps...

- Housed under the US Surgeon General's office.
- Founded after President Bush asked Americans to volunteer to support their country in his 2002 State of the Union Address.
- Part of a national network of volunteers dedicated to ensuring hometown security.
- Community based and functions as a way to organize and utilize volunteers who want to promote healthy living and to prepare for and respond to emergencies



Want to Help? We are looking for...

Licensed Medical Professionals and others with
Medical Experience

Nurses, doctors, pharmacists, EMTs, dentists, physicians assistants, and others

Mental Health Professionals

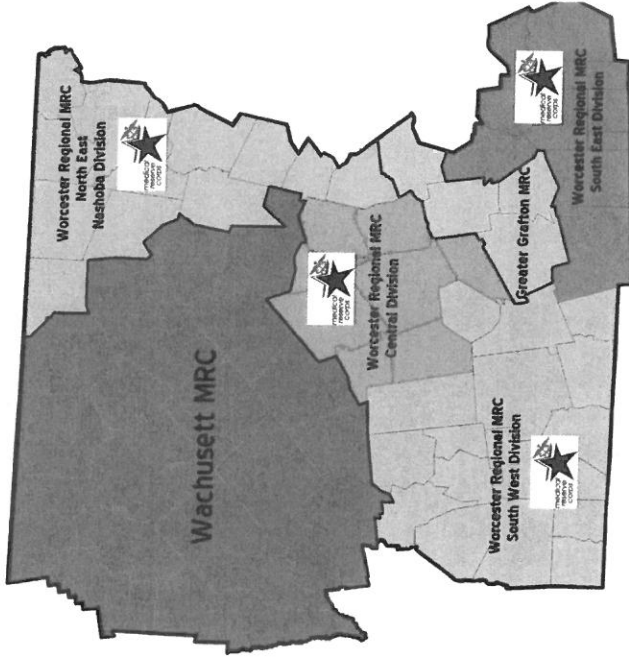
Counselors, social workers, therapists, psychologists, psychiatrists, clergy and others

People with Other Special Skills

Interpreters, health educators, office workers, chaplains, security personnel, and others

All other types of volunteers to provide basic support services.

Region 2 Medical Reserve Corps Units and Divisions

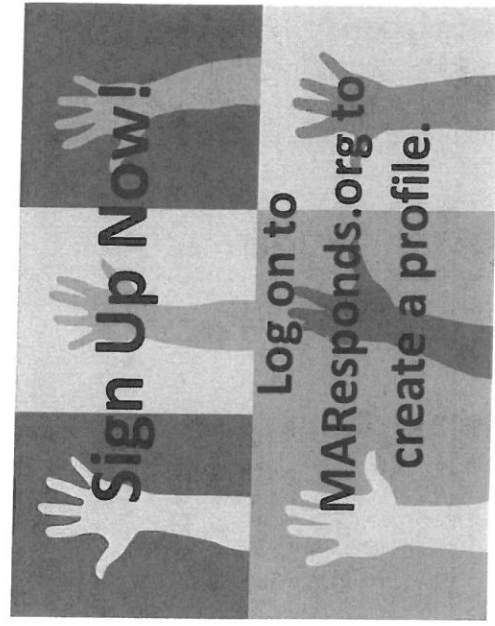


Why Join Today?

- The Medical Reserve Corps provides a means utilize your individual skills by giving back to your community.
- Pre-registering and credentialing volunteers allows for organized response and participation surrounding community needs during both emergency and non-emergency events..
- Upon becoming a volunteer, you are provided with free trainings, and join a local network of MRC volunteers.
- Response and participation is completely voluntary and based on your own availability.

MRC Volunteers Assist During...

- Public Health Emergencies
- Mass Casualty Incidents & Disasters
- Community Service Events





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272 Main Street
Townsend, Massachusetts 01469

2.2

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Carolyn Smart, *Clerk*
Office (978) 597-1701
Fax (978) 597-1719

LEGAL NOTICE
TOWN OF TOWNSEND
PUBLIC HEARING

The Board of Selectmen will conduct a Public Hearing on Tuesday, August 12, 2014 at 7:05P.M., in the Selectmen's Meeting Chambers, 272 Main Street, Townsend, Massachusetts. The purpose of this hearing is to consider the petition of Unitil and Verizon New England Inc., Companies duly incorporated respectively for the transmission of electricity for lighting, heating and power, respectively ask permission to construct and use a line for such transmission, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said Town as follows:

BOUTELLE ROAD - Beginning at existing pole#1 continuing approximately 345' Northerly, installing two poles.

And to this end your Honorable Board is hereby requested, after due notice and a hearing as provided by law, to grant to your petitioner, and its successors and assigns, a location for such line agreeably to the provisions of Chapter 166 of the General Laws and of all acts in amendment thereof, to grant said companies, their respective successors and assigns, joint or identical locations for such lines the poles erected thereon to be owned and used by them in common.

Also for permission to place and maintain underground laterals, manholes, handholds, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes in Article XI Section 22, clause 62 of Section 34 of Chapter 262 of the Town of Townsend by-laws.

It is suggested that the pole be located substantially as shown on a plan filed herewith marked "Unitil and Verizon New England Inc. Proposed Pole Locations in Townsend, Plan No. 598-T, Dated 5/09/13".

All citizens are encouraged to present verbal or written comments prior to or during the hearing.



THE BOARD OF SELECTMEN:
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Colin McNabb, *Vice Chairman*
Carolyn Smart, *Clerk*

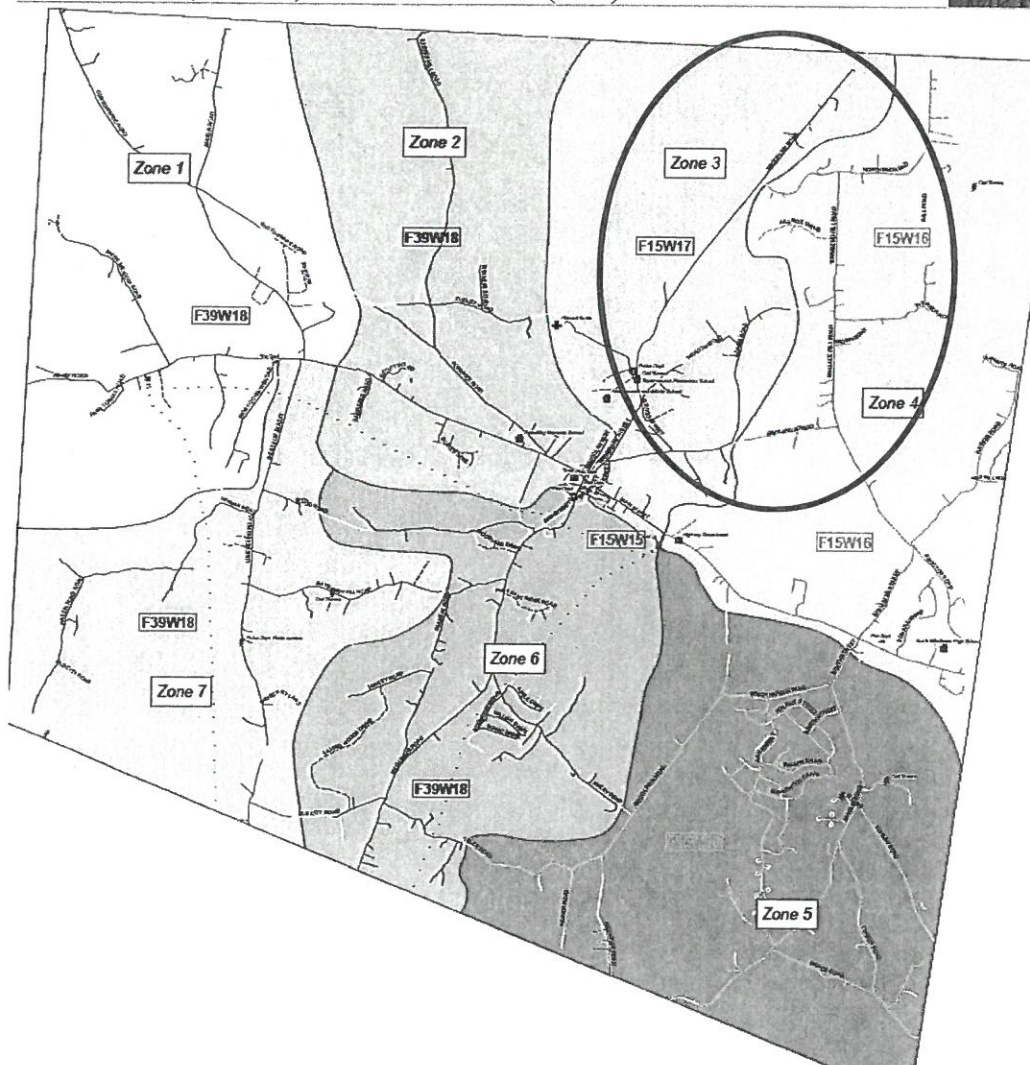
Vegetation Management Program- 2012 Townsend

Sara Sankowich – System Arborist

Sankowich@unitil.com

Office: 603-379-3833

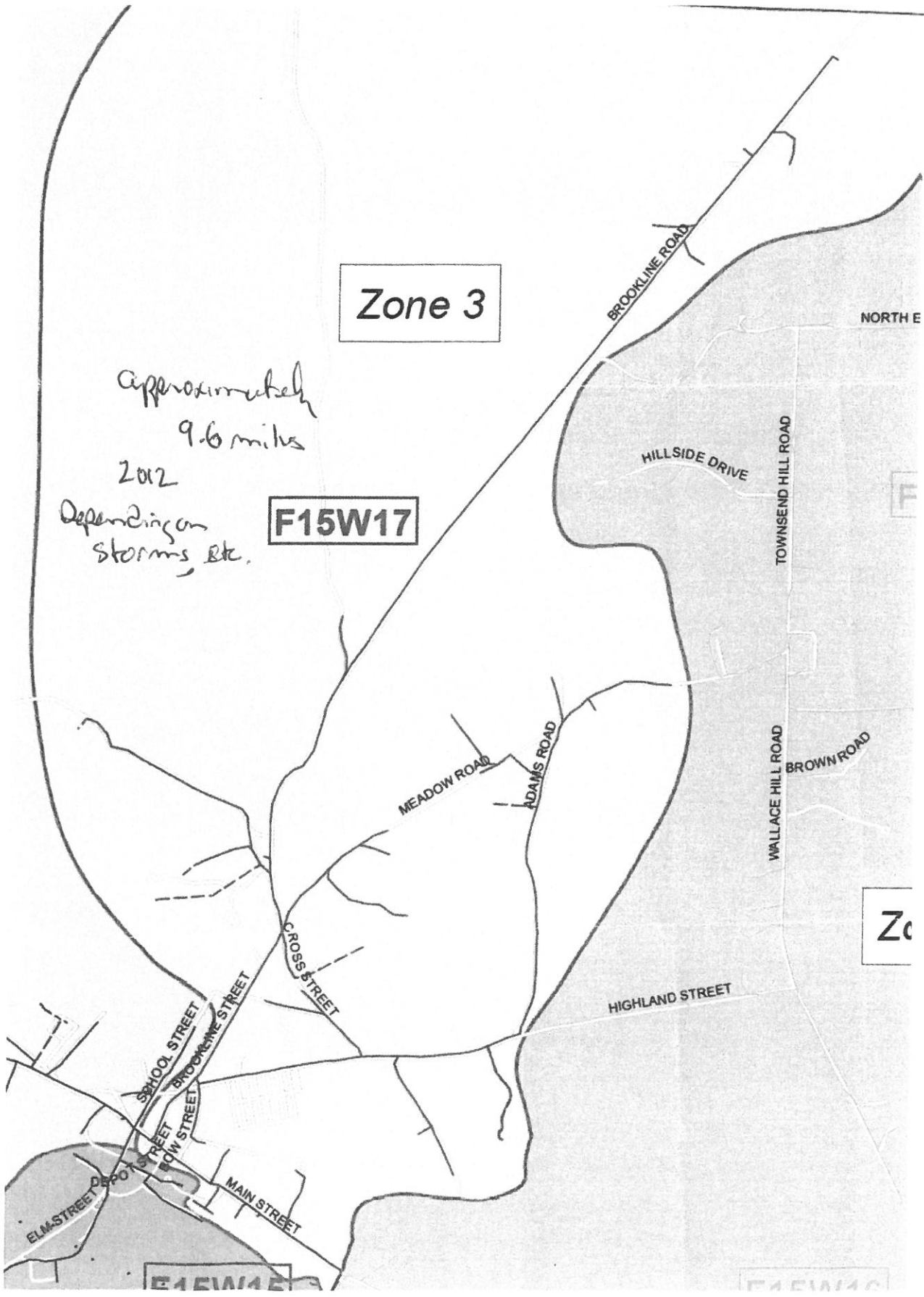
- Program Ramp-up in Massachusetts
 - \$876,000 Increase over last year
 - 2012 funding level - \$1,276,000
- Improved VM Programs
 - Cycle Pruning (5 year cycle for all lines)
 - Pruning specification enhancements – increased clearance
 -  ○ Hazard Tree Mitigation
 -  ○ Forestry Reliability Assessment Work
- 2012 MA Scheduled Work
 - 87.3 miles of cycle pruning
 - Lines to be reviewed for hazard trees
- Townsend Scheduled Pruning
 - 2012 - 10 miles of line (pink)
 - 2013 (forecast) – 43 miles of line (blue)



Zone 3

Approximately
9.6 miles
2012
Depending on
storms, etc.

F15W17



NORTH E

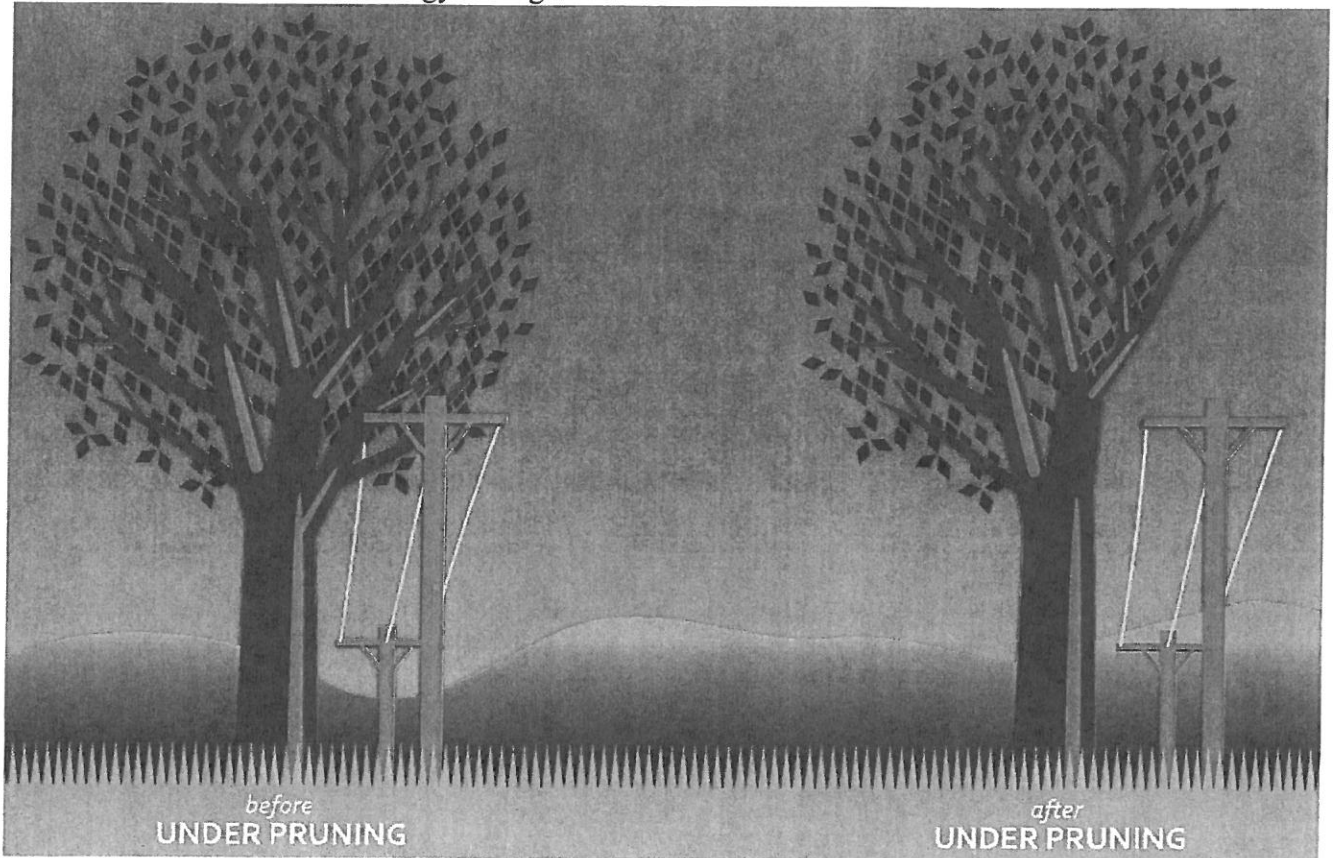
F

Zone 4

F15W15

F15W16

- Challenges of Increased VM Programs
 - Customer refusals and impedance of work
 - Limited utility rights and supporting legislation
 - Restrictions from scenic roads and town ordinances
 - Impact to towns and balance of aesthetic values
 - High cost of traffic control
- New Web Site
 - www.unitil.com/treepruning
 - New content for customers
 - Pruning info & diagrams
 - Tree planning information
 - Trees & energy savings



Andy Sheehan

2.5

From: Kathy Spofford <kspofford@townsend.ma.us>
Sent: Thursday, September 11, 2014 1:13 PM
To: asheehan@townsend.ma.us; selectmen@townsend.ma.us; sml412@comcast.net; Colin McNabb; Carolyn Smart
Subject: Longevity

I am requesting a meeting with the Board of Selectmen regarding Longevity Pay for Susan A. Funaiole. It was submitted and never paid. Please let me know what time we can meet?

Thank you,
Kathleen Spofford

Kathleen M. Spofford
Town Clerk
Town of Townsend, MA
PH: 978-597-1704
FAX: 978-597-8135

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message.

In Massachusetts, the term "public record" is broadly defined to include all documentary materials or data created or received by any officer or employee of any governmental unit, regardless of physical form or characteristics, unless it falls under one of the statutory exemptions to the Public Records Law MGL c. 4, § 7(26). Consequently, email is subject to the disclosure, retention, and maintenance provisions as required by law. MGL c. 66

TOWN OF TOWNSEND
PLANNING BOARD
272 MAIN ST.
TOWNSEND, MA 01469
978- 597-1700 x 1722 * 978- 597-1722 fax
jhollows@townsend.ma.us

3.1

Date: September 15, 2014

To: Assessor's Office
Board of Selectmen
Board of Health
Building Inspector
Conservation Commission
Fire Department
Highway Department

Historic District Commission
Housing Authority
Land Use Coordinator
Police Department
Town Clerk
Water Department
Zoning Board of Appeals

From: Planning Board Office

MANDATORY REFERRAL NOTICE

In accordance with MGL Chapter 40-A, and the Townsend Zoning By-laws Section 145-42 Site Plan Review Special Permit, and Section 145-65 Special Permits, the Planning Board will hold a public hearing regarding an application received from Bart King, BK & BK, LLC, regarding a proposal to construct a new 3,600 SF industrial building with office spaces, along with a garage and associated parking, to re-locate and operate an existing bus company at that location.

Please review the attached application and relay to the Planning Board any questions or concerns you may have. Under MGL Ch. 40A, Section 11, please provide any comments within 35 days to this office, and also to the applicant. Failure to make recommendations shall be deemed lack of opposition.

APPLICANT/PROPONENT Bart King, BK & BK, LLC
15 Scales Lane
West Townsend, MA 01474

LOCUS ADDRESS: 366 – 368 Main Street

PARCEL ID: Assessor's Map 18, Block(s) 54 & 55, Lot(s) 0
Zoned OCD (Outlying Commercial District)

OWNER: BK & BK, LLC

DATE/TIME OF HEARING: Monday, October 20, 2014 at 7:30 PM

PLACE OF HEARING: Selectmen's Chambers

LEGAL AD: Townsend Times: October 3, 2014 & October 10, 2014

COMMENTS _____

NO COMMENT _____

SIGNFD:

DATE:



THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1700 x1722 * 978-597-1722 fax
jhollows@townsend.ma.us

RECEIVED
SEP 15 2014

TOWN OF TOWNSEND
TOWN CLERK

Jeffrey R. Peduzzi, Chairman **Nicholas E. Thalheimer, Vice Chairman** **Lance J. McNally, Clerk**
Christopher Nocella, Member **Perry J. Tomasetti, Member** **Jerrilyn T. Bozicas, Associate Member**

**TOWNSEND
PLANNING BOARD
LEGAL NOTICE**

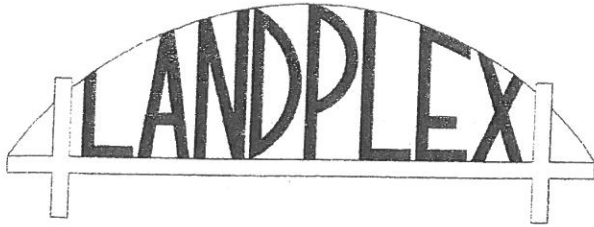
In accordance with MGL Chapter 40-A and the Townsend Zoning By-laws, Section 145-42 Site Plan Review Special Permit and Section 145-65 Special Permits, the Planning Board will hold a public hearing on **Monday, October 20, 2014 at 7:30 p.m., in the Selectmen's Chambers at Memorial Hall, 272 Main Street**, to review an application received from Bart King, BK & BK, LLC, regarding a proposed 3,600 SF industrial building with office spaces, along with a garage and associated parking to re-locate and operate an existing bus company at that location. The property is located at 366 & 368 Main St., Assessor's Map 18, Block(s) 54 & 55, Lot(s) 0, zoned OCD (Outlying Commercial District).

The application is available for review at the Planning Board, Land Use Coordinator, and Town Clerk, Offices at 272 Main St. during regular business hours. Parties wishing to speak in favor of, or in opposition to this proposal, may do so in writing prior to the hearing, or may appear at the hearing in person, or represented by an agent or attorney. Interested parties are encouraged to attend.

Respectfully submitted,
Jeffrey R. Peduzzi, Chairman

Publish in the Townsend Times: October 3, 2014 & October 10, 2014

cc: Town Clerk	Highway Department
Other Towns	Historic District Commission
Applicant/Abutters	Housing Authority
Assessors Office	Land Use Coordinator
Board of Selectmen	Montachusett Regional Planning Commission
Board of Health	Police Department
Building Inspector	Water Department Commission
Conservation Commission	Zoning Board of Appeals
Fire Department	



11 KEARNEY SQUARE, 3rd Floor
LOWELL, MA 01852
(978)-201-9390 • www.LandPlex.com

September 5, 2014

RECEIVED
SEP 08 2014
TOWN OF TOWNSEND
TOWN CLERK

Jeffrey R. Peduzzi, Chairman
Town of Townsend Planning Board
Memorial Hall, 272 Main Street
2nd Floor
Townsend, MA 01469

RE: Site Plan Application and Narrative
366 & 368 Main St., Townsend, MA

Dear Members of the Board:

Matthew Hamor, acting on behalf of our client, BK & BK, LLC, hereby submits an Application for Site Plan Approval for the above referenced address. Generally, the project is proposing a new industrial building (60'x60') as shown on attached "Permit Plan Set" plans. The submission includes Site Plan's, Architectural Plan's and narratives for the subject site.

Generally, the owner plans to combine the two existing lots into one lot and to re-develop the existing bus storage facility into a new proposed building and associated parking, grading, and utilities.

We request to the Planning Board to be scheduled at the next regularly scheduled hearing to present the project to the Board.

I can be reached directly at 978-935-3445 if you have any questions or require any additional documents to accompany enclosed submittal.

Sincerely,

Matthew Hamor

cc: BK & BK, LLC



Office of
THE PLANNING BOARD
 272 Main Street
 Townsend, Massachusetts 01469
 978-597-1700 x 1722

SEP 08 2014
 TOWN OF TOWNSEND
 TOWN CLERK
 Page 1 of 3

Site Plan Review Special Permit

(Under Sections 145-42 Site Plan Review Special Permit; 145-39 Open Space Preservation Development (OSPD); 145-47 Open Space Multi-family Development (OSMD); 145-51 Telecommunication and Cellular Towers, 145-53 Adult Use Establishments, 145-65 Special Permits, and 145-86 Ground-Mounted Solar Energy District of the Townsend Zoning Bylaws)

Date: 9/5/14
 Name of Project: PROPOSED INDUSTRIAL BUILDING
 Location of Project: 360 E 368 MAIN STREET

1. Owner of record:

Name: BART KING
 Company: BK & BK, LLC
 Owner's Street Address: 15 SCALES LANE
 City/Town: WEST TOWNSEND State: MA Zip: 01474
 Phone: Day 978-500-1972 Evening SAME Fax _____

2. Applicant's name and address (if same as owner, write "same")

Name: _____
 Company: _____
 Owner's Street Address: _____
 City/Town: _____ State: _____ Zip: _____
 Phone: Day _____ Evening _____ Fax _____

Applicant is: _____ Owner _____ Agent/Attorney _____ Purchaser _____ Tenant _____
 Other: (Explain) _____

If the applicant is not the owner, a Power of Attorney or similar document signed by all owners of the property must be included.

3. Characteristics of Property:

*Zoning District: OCD **Number of Lots: 1
 **Lot Area 57,325 ± SF **Frontage 374 ± Ft.
 *Map # 18 Block # 54.55 Lot # _____
 *Recorded, South Middlesex Registry of Deeds: Book Number 03748 Page Number 12
49070 22

*Information available from the Assessors Office **If there is more than one lot, please attach a list

4. Please either attach or write a brief description of the nature of this Special Permit for Site Plan Review:

A PROPOSED 3,600 SF INDUSTRIAL BUILDING WITH TWO (2) OFFICE SPACES TO PROVIDE A STORAGE AREA FOR SCHOOL BUS VEHICLES.

Fees:

Site Plan Review Special Permit or Non-Discretionary Site Plan Review for Solar/Wind Energy Installation:	\$ 350 Existing Construction
	\$1,200 New Construction *
	\$ 200 Modification or Permit Extension
OSPD or OSMD	\$1,000
	\$ 600 if filed simultaneously with Definitive Subdivision
	\$ 300 & 50 per lot Modification or Permit Extension
Telecommunication Cell Tower:	\$ 750 New Construction
	\$ 300 Renewal of Cell Tower Special Permit
Adult use:	\$ 2,000

Please make checks payable to the Town of Townsend. Fees are for administrative costs.

Under MGL Chapter 40A and Chapter 44 §53G, the Planning Board may require a deposit payable to the Town of Townsend for the reasonable costs of a consultant/engineer's peer review or other outside consultant. Funds are held in an interest-bearing account, and unused balances are refundable upon written request at the completion of the project.

The Planning Board may also require the applicant to pay unusual administrative costs, such as copying.

The applicant shall pay the cost of recording any decision at the Registry of Deeds.

Please direct any questions to the Planning Board Assistant at 978-597-1700 x 1722. For zoning or building questions, please contact the Building Commissioner at 978-597-1709.

Agreement

- I/we hereby certify that the information on the first page is true and correct based on all the information available to me.
- I/we understand that the Planning Board may require additional information to process this application.
- Any errors in the information provided, or presented by me or my representatives may be cause for denial or revocation of a favorable decision.
- Any relief granted by the Planning Board must be limited to the request made in this application.
- I/we may be represented by counsel at my own expense.
- If this application is denied, it may not be brought before the Planning Board again for two years without prior approval from the Planning Board.
- I/we am/are responsible for all other applications, permits, and approvals that may be required by law.

Project Name: PROPOSED INDUSTRIAL BUILDING

For notarizing additional signatures, please photocopy this page as needed.

Date: 9/14/14

Owner(s): (1) Bart King
(Print Name)
[Signature]
(Signature)

(2) _____
(Print Name)

(Signature)

Date: _____

Applicant(s): (1) _____
(Print Name)

(Signature)

(2) _____
(Print Name)

(Signature)

NOTARY STATEMENT:

COMMONWEALTH OF MASSACHUSETTS
Middlesex County

On this 4th day of September, 2014, before me, the undersigned Notary Public, personally appeared Bart King, and proved to me through satisfactory evidence of identification, which were Personal Knowledge, to be the person(s) whose name(s) is (are) signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, in my presence.



[Signature]
Notary Public Signature

April 8, 2016
My Commission Expires

Figure 7.0
Deed 63748-12

Bk: 63748 Pg: 12

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 79735
Document Type	: DEED
Recorded Date	: June 13, 2014
Recorded Time	: 09:56:52 AM
Recorded Book and Page	: 63748 / 12
Number of Pages(including cover sheet)	: 4
Receipt Number	: 1703647
Recording Fee (including excise)	: \$125.00

 MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 06/13/2014 09:56 AM
 Ctr# Doc# 00079735
 Fee: \$.00 Cons: \$1.00

Middlesex South Registry of Deeds
 Maria C. Curtatone, Register
 208 Cambridge Street
 Cambridge, MA 02141
 617-679-6300
www.cambridgedeeds.com

Bk: 63748 Pg: 13

QUITCLAIM DEED

WHIPPLE TREE REALTY CORPORATION, a Massachusetts Corporation of
Townsend, Massachusetts, for consideration paid, and in full
consideration of Less Than One Hundred and no/100 (\$<100.00)
Dollars

GRANTS to BK & BK, LLC, a Massachusetts Limited Liability
Company with its address at 15 Scales Lane, Townsend,
Massachusetts with QUITCLAIM COVENANTS the land in Townsend,
Middlesex County, Massachusetts, being:

a certain tract of land, with the buildings thereon, situated in
the westerly part of said Townsend, on the southerly side of the
State Highway running from Townsend Center to West Townsend,
bounded and described as follows:

Beginning at the southerly side of said State Highway at a point
which is two hundred (200) feet easterly of the intersection of
said State Highway with an old road running northerly from said
State Highway and at land of Isaac Rajaniemi; thence

Southerly by said Rajaniemi land one hundred forty (140) feet,
more or less, to land of the Boston and Maine Railroad; thence

In an easterly direction along the fence line by said railroad
land two hundred fifty (250) feet, more or less, to an angle at
land now or formerly of John F. Hill; thence

Northerly by said Hill land one hundred thirty-five (135) feet,
more or less, to said State Highway; thence

Westerly by said State Highway one hundred seventy-five (175)
feet, more or less, to the place of beginning.

Subject to the right of way for the benefit of the late Frank E.
Sanders, his heirs and assigns, to pass and re-pass at all times
over an old road running from the State Highway over the

366 Main Street, Townsend, MA 01469

Bk: 63748 Pg: 14

granted premises to land of said Sanders situated southerly of the granted premises. This right of way is approximately two hundred (200) feet west of the easterly boundary line of the premises and is approximately ten feet wide.

EXCLUDING from the above the following parcel:

A certain parcel of land situated on the southwesterly side of Main Street in the Town of Townsend, County of Middlesex, Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the southwest sideline of said Main Street and common corner of land of Robert F. and Barbara A. Tumber; thence

S 32° 19' 06" W a distance of 141.16 feet by land of said Tumber to a point on a curve at land now or formerly of Boston & Maine Railroad; thence

Northwesterly and curving to the right having a radius of 2,955.75 feet, a distance measured along the arc of 30.52 feet by land of said Railroad to a point of land of West Side Package Store, Inc.; thence

N 44° 46' 04" E a distance of 140.06 feet by land of said West Side Package Store, Inc. to the point of beginning.

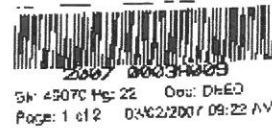
The above described parcel of land contains an area of 2,132 square feet more or less and is more particularly shown as Parcel B on a plan entitled: "Plan of Land in Townsend, Ma., Prepared for Robert Tumber, dated August 12, 1999, Scale: 1" = 40', prepared by Whitman and Bingham Associated, Inc." and recorded with Middlesex South District Registry of Deeds at Book 31099, Page 574.

This conveyance is done in the normal course of business and does not constitute a transfer of all or substantially all of the Massachusetts assets of Whipple Tree Realty Corporation.

Being the same premises conveyed by deed dated August 16, 2000, recorded with Middlesex South District Registry of Deeds at Book 31727, Page 484.

Figure 8.0
Deed 49070-22

Bk: 48070 Pg: 22



QUITCLAIM DEED

WE, BART R. KING and BARBARA J. KING, of West Townsend, Middlesex County, Massachusetts for consideration paid, and in full consideration of less than ONE HUNDRED AND NO/100 (\$100.00) Dollars

GRANT to BK & BK, LLC, a Massachusetts Limited Liability Company with its address at 15 Scales Lane, Townsend, Massachusetts with QUITCLAIM COVENANTS

A certain tract of land situated in the westerly part of said Townsend, on the southerly side of the State Highway running from Townsend Center to West Townsend, bounded and described as follows, viz:

BEGINNING: at the northwesterly corner thereof on said State Highway and at an old road running between the granted premises and land now or formerly of A. D. Bagley;

THENCE: easterly by said State Highway, two hundred (200) feet to an angle at other land now or formerly of Lester T. McCombie;

THENCE: southerly by other land now or formerly of Lester T. McCombie, one hundred forty (140) feet, more or less, to land of the Boston & Maine Railroad;

THENCE: westerly along the fence-line by said Railroad land, two hundred (200) feet to the said old road;

THENCE: northerly along the stone wall and by said old road one hundred forty-five (145) feet to the place of beginning.

Being the same premises conveyed to us by deed dated February 9, 2005 recorded at the Southern Middlesex District Registry of Deeds at Book 44654 Page 37B.

Witness our hands and seals this 12th day of February 2007.

[Signature]
Bart R. King
[Signature]
Barbara J. King

Property Address: 368 Main Street
West Townsend, MA

GEORGE A. WATTS, ESQ.
P.O. BOX 7381
FITCHBURG, MA 01420

Bl: 48070 Pg: 22



2007 00034303
Sh: 48070 Pg: 22 Doc: DEED
Page: 1 of 2 03/02/2007 09:22 AM

QUITCLAIM DEED

WE, BART R. KING and BARBARA J. KING, of West Townsend, Middlesex County, Massachusetts for consideration paid, and in full consideration of less than ONE HUNDRED AND NO/100 (\$100.00) Dollars

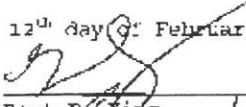
GRANT to BK & BK, LLC, a Massachusetts Limited Liability Company with its address at 15 Scales Lane, Townsend, Massachusetts with QUITCLAIM COVENANTS

A certain tract of land situated in the westerly part of said Townsend, on the southerly side of the State Highway running from Townsend Center to West Townsend, bounded and described as follows, viz:

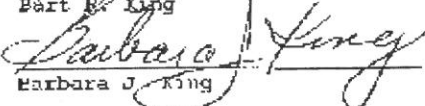
- BEGINNING: at the northwesterly corner thereof on said State Highway and at an old road running between the granted premises and land now or formerly of A. D. Bagley;
- THENCE: easterly by said State Highway, two hundred (200) feet to an angle at other land now or formerly of Lester T. McCombie;
- THENCE: southerly by other land now or formerly of Lester T. McCombie, one hundred forty (140) feet, more or less, to land of the Boston & Maine Railroad;
- THENCE: westerly along the fence-line by said Railroad land, two hundred (200) feet to the said old road;
- THENCE: northerly along the stone wall and by said old road one hundred forty-five (145) feet to the place of beginning.

Being the same premises conveyed to us by deed dated February 9, 2005 recorded at the Southern Middlesex District Registry of Deeds at Book 44654 Page 370.

Witness our hands and seals this 12th day of February 2007.



 Bart R. King



 Barbara J. King

Property Address: 368 Main Street
West Townsend, MA

GEORGE A. WATTS, ESQ.
P.O. BOX 7351
FITCHBURG, MA 01420

Project Narrative

BK & BK, LLC: Development Scope

BK & BK, LLC purchased the 366 Main Street from Whipple Tree Realty Corporation, in the May of 2014, and 368 Main Street in February of 2011. Plans for development include the proposed 3,600 S.F. industrial building, parking, grading and associated utilities. It is located in the westerly part of Townsend, on the southerly side of the Main Street running from Townsend Center to West Townsend, entering into the existing lot on the northerly side of the lot. The lot will consist of the development of an industrial building purposed with two office spaces and a garage on the western side of the lot along with parking on the eastern side for school bus vehicle storage. The proposed lot is 57,325SF ± and the proposed building has an area of 3,600 SF. It will include associated parking for school busses, loading areas, dumpsters, and surrounding snow storage and landscaping areas. They will be serviced by on-site sub-surface septic disposal system, water, gas, and electric from existing service mains located on Main Street. All drainage for the parking lot properties will utilize sub-surface drainage systems on site.

Existing Site Conditions

The subject property consists of two parcels. Map 18, Block 55 is a vacant lot with an area of 29,185 S.F.±, and contained a building used as a liquor store, which has currently been razed. It is located along the southern side of the Main Street. Map 18, Block 54 has an area of 27,004SF±. It has an existing building located on the western side of the lot, which was used for bus storage. BK & BK, LLC would like to tear down and rebuild the building for the same use with additional parking. The lot is currently being used for school bus storage.

The site has gentle sloping to the rear and contains utilities and an existing building. It consists largely of paved areas with slight vegetation, such as low brush and grasses, bordering the two lots. The southern perimeter is bounded by tall trees and an existing abandoned railroad.

Adjacent to the property are residential dwellings and an industrial building across the street. To the south is an abandoned railroad. The entire area is zoned Outlying Commercial District (OCD).

Our firm has conducted a series of sub-surface soil test pits in August 2014 and found a combination of sandy to sandy loam soils.

Proposed Site Conditions

The proposed project shows a proposed 3,600 s.f., one-story industrial building purposed with two office spaces and garage.

The proposed building will be accessed via the southerly side of the Main Street and will be accommodated by twenty-three (23) parking spaces for the retail spaces and employees along with twenty-two (22) parking spaces for school busses. There are three proposed entrances to the site located on the northern side of the lots. Two of the entrances will be one way and will enter into the school bus parking area along with proposed employee parking located to the south of the proposed building. The entrance on the westerly side of the lot enters in to a proposed employer parking only area. In addition, handicap parking will be provided on the south side of the proposed building to provide access to it. The site will also incorporate proposed dumpster locations, snow storage areas, landscape areas, and lighting.

Sewer will be serviced by a sub-surface septic disposable area and water connections will be provided by new service connections to existing mains on Main Street. The project will utilize sub-surface infiltration systems and to facilitate drainage from the roof drains, roadway and parking areas.

Site development will provide grading to make the proposed project transition at the existing elevations along the surrounding sidewalks and neighboring properties.

Zoning Summary

Zoning District: Outlying Commercial District, Aquifer Protection District

<u>Description</u>	<u>Required</u>	<u>Proposed</u>
Min. Lot Size	15,000 S.F.	57,325 ± S.F.
Min. Frontage	75 Ft.	374.57 L.F.
Min. Front Yard	30 L.F.	36.9 L.F.
Min. Side Yard	15 L.F.	74.5 L.F.
Rear Yard	10 L.F.	48.2 L.F.
Max. Height	35 Ft.	<35 Ft.
Max. Stories	2 ½ Stories	1 Story
Max. Lot Coverage	50%	6.3%

Note: The proposed project is in compliance with the Town of Townsend Zoning Bylaws.

Parking

The proposed parking complies with all dimensions, space and aisle setbacks, and landscaping requirements. A total of fifteen (15) parking spaces are required for industrial and retail use and twenty-three (23) spaces are provided, along with 22 bus parking spaces.

Traffic Flow and Circulation

The proposed project will provide access from entrance located off Main Street. The localized roadways consisting of Main Street, and Kanehoe Court and provide a suitable and direct connection to the local roadways. It is our opinion that the proposed project will not be a detriment to the above mentioned roadways and adjacent streets. Through the incorporation of applicable markings and signage, these roadways will be adequate to support the proposed volumes from the proposed property.

Architectural Elements

The one (1) proposed one-story building will incorporate a combination of brick masonry, veneer and glass windows and steel. The building will be constructed of materials suitable to comply with energy efficient standards and to be weather resistant.

External Lighting

The project will be illuminated with two 400 watt downward facing flood light fixtures above the garage doors and 100 watt downward facing motion sensor lights will be located at the front and rear entrance to the building. Where applicable, the proposed lighting will be “directional” type to focus lighting on areas needed and to restrict lighting to spill onto abutting properties. Lighting will be turned off during nighttime hours.

Landscaping and Screening

The Town of Townsend By-laws requires two (2) trees per eight (8) spaces be provided on site. Six (6) trees are required and six (6) shade trees are proposed within the parking limits to comply with this requirement. Landscaped areas are located around the front of the parking lot areas and building.

Trash Removal and Recycling

The proposed dumpster areas will be fenced and properly managed by each individual tenant of the proposed retail buildings. The dumpster will be located upon an individual concrete pad and located at the rear of the building.

Utilities

Sewer will be serviced by a sub-surface septic disposable area and water connections will be provided by new service connections to existing mains on Main Street. The project will utilize sub-surface infiltration systems and to facilitate drainage from the roof drains, roadway and parking areas.

Snow Removal

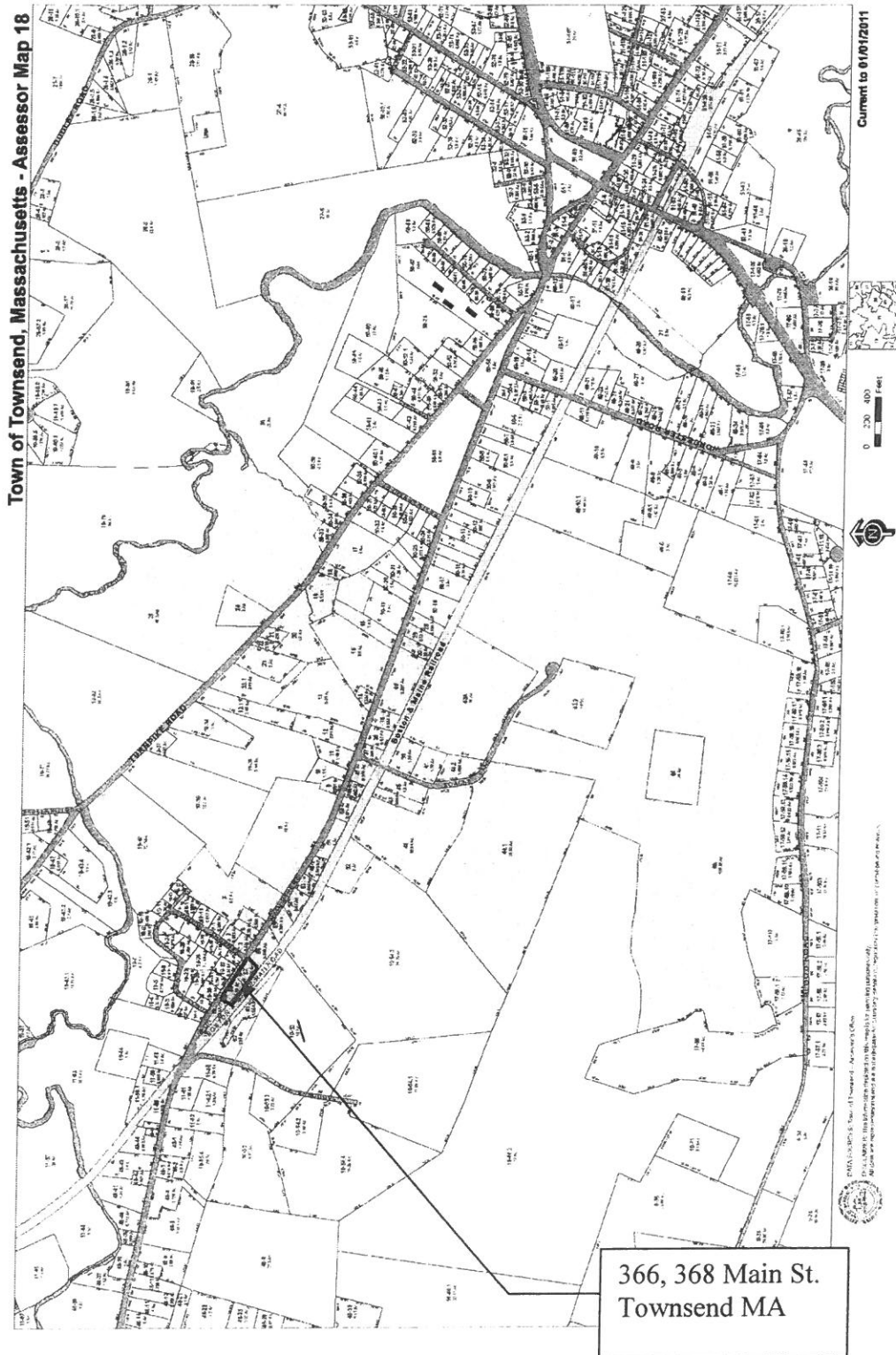
Snow storage will be accommodated through the designated areas shown on each the Site Development Plan.

Stormwater Management

The proposed roadway and parking lot areas will conform to the Department of Environmental Protection Stormwater Handbook. The proposed collection and treatment system will incorporate a sub-surface drainage system along with a rain garden. All roof runoff will also connect to the sub-surface infiltration system to maintain 100% of the stormwater collected on the site. The proposed drainage systems will accommodate to exceed the 100-year storm event. Confirmatory testpit information was also conducted in August 2014 to substantiate all proposed drainage design.

END OF NARRATIVE

Figure 1.0
Assessor Map



PERMIT PLAN SET

FOR A PROPOSED

INDUSTRIAL BUILDING

366-368 MAIN STREET
TOWNSEND, MASSACHUSETTS

- LEGEND**
- ZONING DISTRICT BOUNDARY
 - 30' WETLAND WITH FLAG
 - 30' WETLAND VEGETATED BUFFER
 - STOCKPILE FRACK
 - APPROXIMATE BARRIAGE LOCATION
 - 10' BUFFER FOR STRUCTURES
 - FLOOD HAZARD ZONE OR SHALE LINE
 - SHALE LINE
 - ROOT STRAIN LINE
 - OVERHEAD WIRE LINE
 - UNDERGROUND UTILITY LINE
 - SPOT GRAVE
 - OTHER MANHOLE
 - FENCED SPACE 2'-FOOT CENTER
 - UTILITY POLE
 - CATCH BASIN
 - SOIL TESTABLE
 - LANDSCAPING TREE
 - NUMBER OF BUS PARKING SPACES
 - NUMBER OF AUTOMOBILE PARKING SPACES
 - DIRECTION OF TRAFFIC
 - HANDICAP PARKING SPACE

- ABBREVIATIONS**
- AC ACRES
 - CBM CUBIC YARD
 - CUY CUBIC YARD
 - DIWY DIAPHRAGM WALL
 - DRP DRAINAGE POND
 - PROP. PROPOSED
 - SPR. SPRINKLER
 - TH THICKNESS
 - TPY TYPICAL
 - WFO WETLAND FLAG #8

ZONING INFORMATION

ADJUSTER PROTECTION DISTRICT

REQUIREMENT	PROPOSED	EXISTING
MIN. LOT SIZE	10,000 SQ. FT.	5,000 SQ. FT.
MIN. FRONT YARD SETBACK	20'	10'
MIN. SIDE YARD SETBACK	10'	5'
MIN. REAR YARD SETBACK	10'	5'
MAX. HEIGHT	35'	25'
MAX. LOT COVERAGE	50%	30%

PARKING INFORMATION

INDUSTRIAL USE: 3 SPACES REQUIRED
(1 SPACE PER 1000 SF)

RESIDENTIAL USE: 9 SPACES REQUIRED
(1 SPACE PER 200 SF, 2,640/200=13.2)

TOTAL: 14 SPACES REQUIRED

23 SPACES PROVIDED



- ASSESSORS**
- MAP 16, LOT 54 (A93)
- MAP 16, LOT 55 (A99)
- PROPERTY OWNER**
1. [Name]
- TOWNSEND, MA 01469
- DEED REFERENCES**
1. BOOK 1374, PAGE 22 (A98)
2. BOOK 1374, PAGE 22 (A98)
- PLAN REFERENCES**
1. PLAN 1224 OF 2001
2. PLAN 1224 OF 2001
3. PLAN 1224 OF 2001
4. MASS HENRY STATE LAYOUT 771 OF 1982

- NOTES**
- CONTINGENT UPON PERMITMENT
 - SHOWN IN BLUE AND ADJUSTED TO THE
 - NO PERSON OF THE PROPOSED DESIGN IS
 - LOCATED WITHIN A FLOOD HAZARD AREA AS
 - INSURANCE ADMINISTRATION MAPS FOR
 - DATE: JUNE 4, 2014
 - UTILITIES SHOWN FROM SURFACE LOCATIONS AND
 - RECORD UTILITY PLANS, UTILITIES OTHER THAN
 - AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION OR
 - CONSTRUCTION.
 - NEEDS SHOWN HEREON WERE DERIVED BY
 - THE TOWN ENGINEER, SERVICES IN ACCORD WITH
 - 2014.

- SHEET INDEX**
- TITLE SHEET
 - EXISTING CONDITIONS PLAN
 - LAYOUT AND LANDSCAPING PLAN
 - GRADING AND UTILITIES PLAN
 - EROSION AND SEDIMENTATION CONTROL PLAN
 - DETAILS

- LANDSCAPING INFORMATION**
- 4 TREES REQUIRED (2 TREES FOR 1 SPACE, 12,144/2,520)
- NOTE: TREE SIZES AND SPACES TO CONFORM TO REQUIREMENTS OF THE TOWN OF TOWNSEND

PERMIT SITE PLAN
IN TOWNSEND, MASSACHUSETTS

TITLE SHEET

PREPARED FOR: BK & BK LLC
15 SCOTTS LANE
TOWNSEND, MA 01469

PREPARED BY: [Name]
ENGINEER & ARCHITECT
PAL BOX 300, ANDOVER, MA 01810

SHEET: 1 OF 6

SCALE: 1"=20'

DATE: 9/25/14

NO. [] DESIGN: []

DATE: []



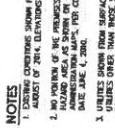
ASSESSORS
 MAP 18, LOT 54 (A&B)
 MAP 18, LOT 55 (A&B)

PROPERTY OWNER
 15 STANLEY LANE
 TOWNSEND, MA 01469

DEED REFERENCES
 1. BOOK 879A, PAGE 12 (A&B)
 2. BOOK 807A, PAGE 22 (A&B)

PLAN REFERENCES
 1. PLAN 84 OF 2011
 2. PLAN 124 OF 1974
 3. MASS HIGHWAY STATE LAYOUT 771 OF 1922

NOTES
 1. EXISTING CONDITIONS SHOWN FROM AERIAL PHOTOGRAPHS DATED IN JULY AND AUGUST OF 2014. ELEVATIONS SHOWN REFER TO THE ASSUMED DATUM.
 2. NO PORTION OF THE PREMISES SHOWN HEREON IS LOCATED WITHIN A FLOOD HAZARD ZONE AS SHOWN ON THE FLOOD HAZARD ZONE MAP OF THE TOWN OF TOWNSEND, MASSACHUSETTS, FOR COMMUNITY PANEL, FLOODPROOFING, EFFECTIVE DATE JUNE 4, 2004.
 3. UTILITIES SHOWN FROM SURFACE LOCATIONS AND RECORD UTILITY PLANS. 72 HOURS PRIOR TO ANY EXCAVATION OR CONSTRUCTION, THE TOWN ENGINEER SHALL BE NOTIFIED.
 4. METLANDS SHOWN HEREON WERE DEMONSTRATED BY MORE ENVIRONMENTAL SERVICES IN AUGUST OF 2014.
 5. ALL NEW CONSTRUCTION SHALL BE CONFORMANT WITH ALL APPLICABLE PROVISIONS OF THE MASSACHUSETTS STATE PLANNING BOARD AND TOWN OF TOWNSEND ZONING REGULATIONS.



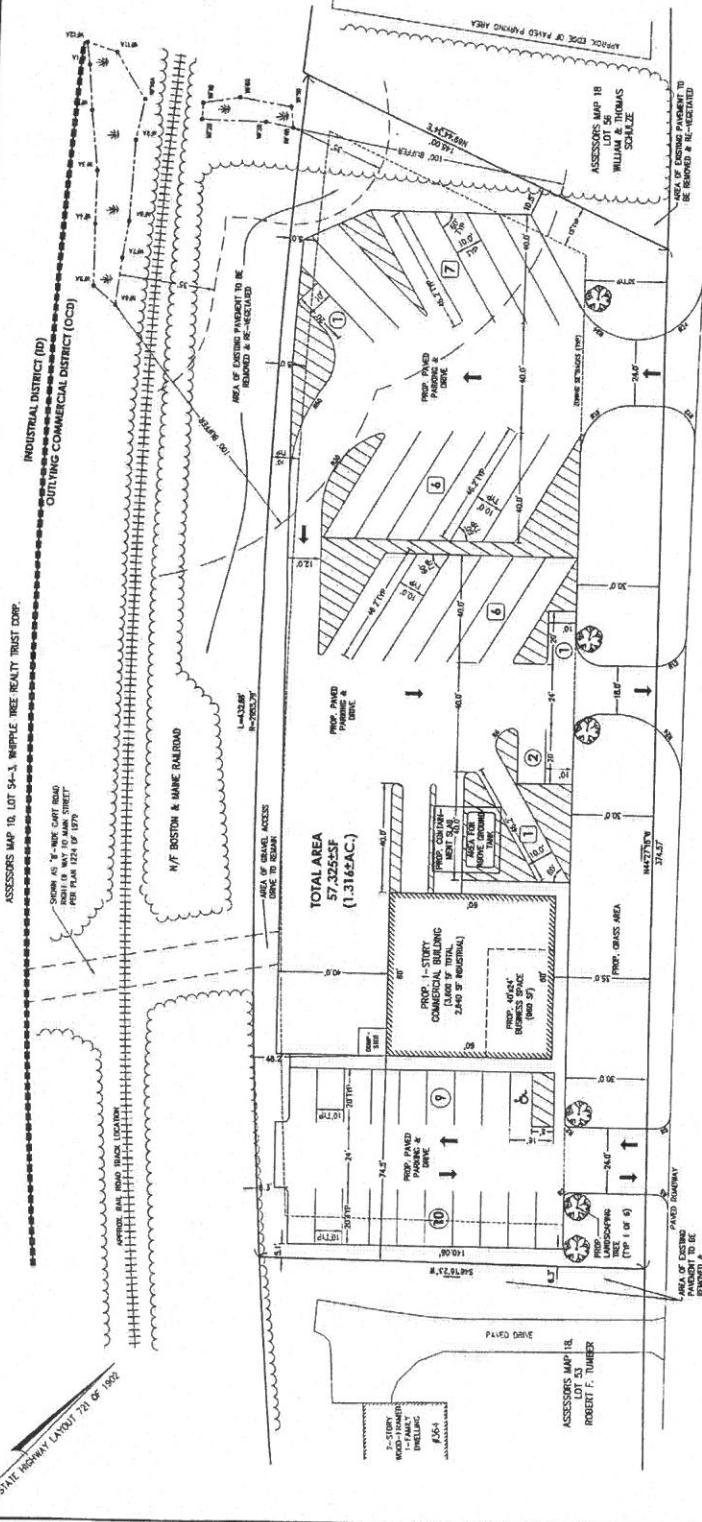
PERMIT SITE PLAN
 IN TOWNSEND, MASSACHUSETTS

LAYOUT

PREPARED FOR:
 BK & BK, LLC
 ENGINEERING & SURVEYING
 100 BOX 200, ANDOVER, MA 01810

SHEET 3 OF 6
 SCALE: 1"=20'
 DATE: 9/20/14

NO. REVISION OCCASION
 DATE



ASSESSORS
 MAP 18, LOT 54 (A&B)
 MAP 18, LOT 55 (A&B)
 ROBERT P. HEQUITY JR.

ASSESSORS
 MAP 18, LOT 54 (A&B)
 MAP 18, LOT 55 (A&B)
 MARYON G. CALDERON

ASSESSORS
 MAP 18, BLOCK 6
 JOHN S. WITMER

ASSESSORS
 MAP 18, LOT 53
 ROBERT F. TURNER

LANDSCAPING INFORMATION
 4 TREES REQUIRED (2 TREES PER 5 SPACES (12'x10'-0" x 3'-0"))
 100%: 100% TREE SPECIES TO BE DETERMINED BY THE TOWN OF TOWNSEND

PARKING INFORMATION
 AUTOMOBILE GARAGE:
 BUSINESS USE: 5 SPACES REQUIRED
 (1 SPACE PER 1000 SF)
 INDUSTRIAL USE: 0 SPACES REQUIRED
 (1 SPACE PER 2000 SF)
 TOTAL: 5 SPACES REQUIRED

ZONING INFORMATION
 ZONING DISTRICT: OUTING COMMERCIAL DISTRICT (OC)
 ZONING REGULATIONS: 18.0000
 MIN. LOT SIZE: 12,000 SF
 MIN. FRONT YARD SETBACK: 25 FT
 MIN. SIDE YARD SETBACK: 5 FT
 MIN. REAR YARD SETBACK: 5 FT
 MAX. BUILDING HEIGHT: 35 FT
 MAX. SIGNAGE: 10 FT
 MIN. LOT COVERAGE: 50%

ABBREVIATIONS
 AC: ACRES
 PROP: PROPOSED
 SF: SQUARE FEET
 TYP: TYPICAL
 W/F: METLAND FLAG 40

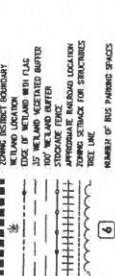
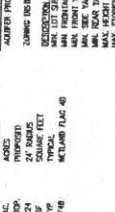
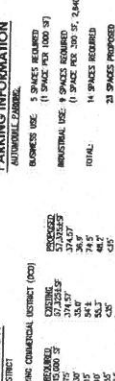
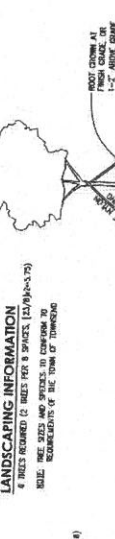
LEGEND
 ZONING DISTRICT BOUNDARY
 EDGE OF METLAND WITH FLAG
 35' METLAND VESTIBULE BUFFER
 APPROXIMATE RAILROAD LOCATION
 ZONING SETBACK FOR STRUCTURES
 NUMBER OF BUS PARKING SPACES
 DIRECTION OF TRAFFIC
 HARDSHIP PARKING SPACE
 LANDSCAPING TREE

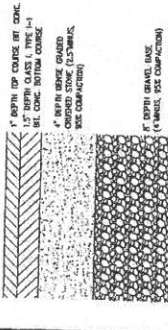
ASSESSORS
 MAP 18, LOT 54 (A&B)
 MAP 18, LOT 55 (A&B)
 ROBERT P. HEQUITY JR.

ASSESSORS
 MAP 18, LOT 54 (A&B)
 MAP 18, LOT 55 (A&B)
 MARYON G. CALDERON

ASSESSORS
 MAP 18, BLOCK 6
 JOHN S. WITMER

ASSESSORS
 MAP 18, LOT 53
 ROBERT F. TURNER

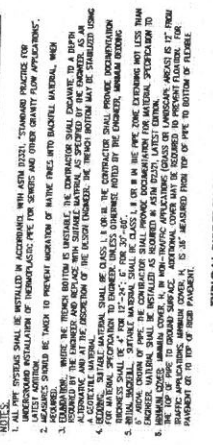




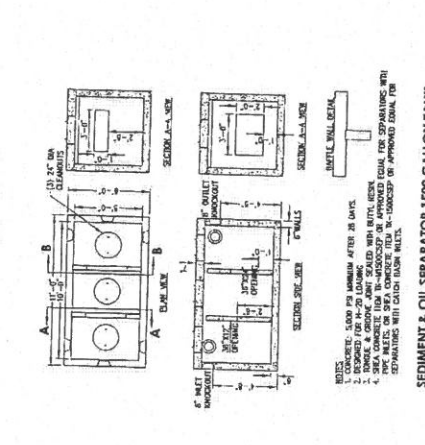
TYPICAL BITUMINOUS CONCRETE PAVEMENT
 CROSS SECTION
 NOT TO SCALE

RECOMMENDED STANDARD TRENCH WIDTHS

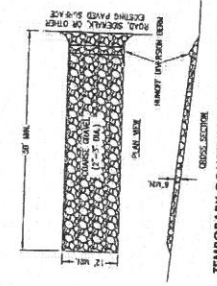
PIPE DIA.	MIN. TRENCH WIDTH
12"	30"
15"	34"
18"	38"
24"	48"
30"	54"
36"	60"
42"	66"
48"	72"
54"	78"
60"	84"



TYPICAL PIPE TRENCH DETAIL
 NOT TO SCALE



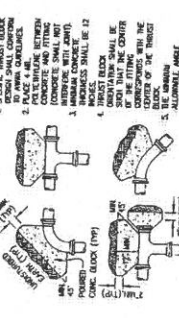
SEDIMENT & OIL SEPARATOR 1500 GALLON TANK
 SCALE: 1/4" = 1'-0"



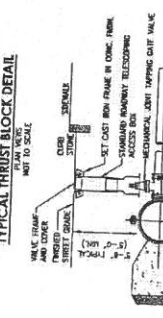
TEMPORARY CONSTRUCTION ENTRANCE
 NOT TO SCALE



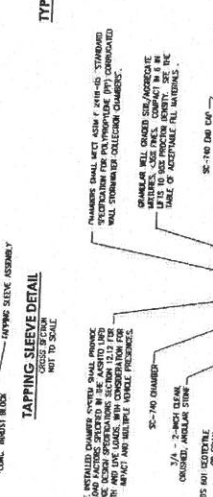
**STRAW WATTLE
 EROSION CONTROL DETAIL**
 NOT TO SCALE



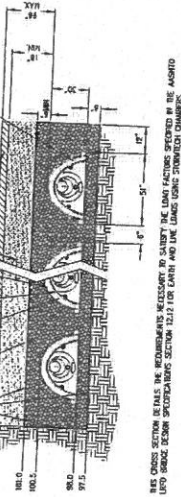
TYPICAL THRUST BLOCK DETAIL
 NOT TO SCALE



TAPPING SIEVE DETAIL
 NOT TO SCALE



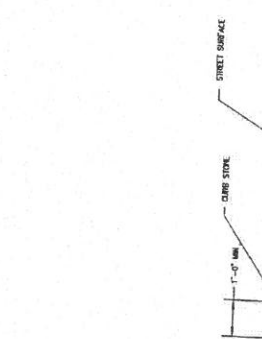
TYPICAL WATER CONNECTION
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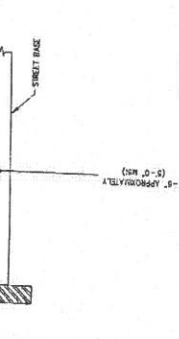
**SUB-SURFACE INFILTRATION SYSTEM
 STORMTECH SC-740 OR APPROVED EQUAL**
 CROSS SECTION
 NOT TO SCALE



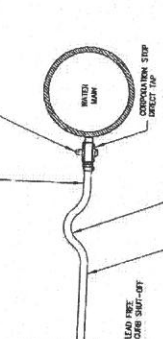
SINGLE GRATE DEEP SUMP CATCH BASIN
 NOT TO SCALE



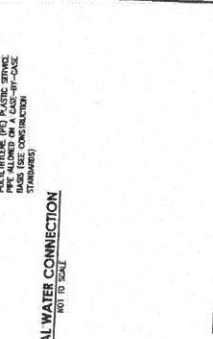
TEMPORARY SEDIMENTATION BASIN DETAIL
 CROSS SECTION
 NOT TO SCALE



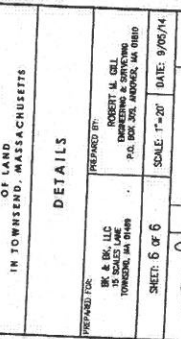
TYPICAL THRUST BLOCK DETAIL
 NOT TO SCALE



TAPPING SIEVE DETAIL
 NOT TO SCALE



TYPICAL WATER CONNECTION
 NOT TO SCALE



**SUB-SURFACE INFILTRATION SYSTEM
 STORMTECH SC-740 OR APPROVED EQUAL**
 CROSS SECTION
 NOT TO SCALE



SINGLE GRATE DEEP SUMP CATCH BASIN
 NOT TO SCALE

PERMIT SITE PLAN
 IN TOWNSEND, MASSACHUSETTS

DETAILS

PREPARED FOR: BK & BK, LLC
 15 SOLACE LANE
 TOWNSEND, MA 01469

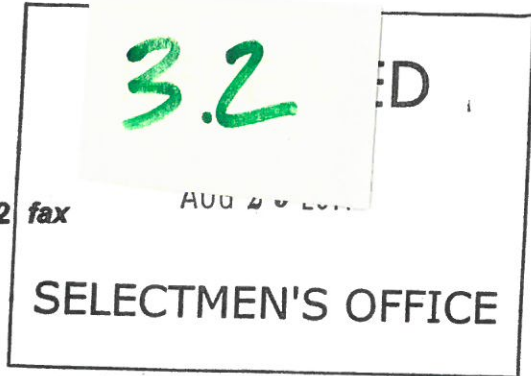
PREPARED BY: ROBERT M. O'NEILL
 100 WASHINGTON ST.
 TOWNSEND, MA 01469

SHEETS: 6 OF 6

SCALE: 1/4" = 1'-0"

DATE: 9/05/14

TOWN OF TOWNSEND
PLANNING BOARD
272 MAIN ST.
TOWNSEND, MA 01469
978- 597-1700 x 1722 * 978- 597-1722 fax
jhollows@townsend.ma.us



Date: August 27, 2014

To: Assessor's Office
Board of Selectmen
Board of Health
Building Inspector
Conservation Commission
Fire Department
Highway Department

Historic District Commission
Housing Authority
Land Use Coordinator
Police Department
Town Clerk
Water Department
Zoning Board of Appeals

From: Planning Board Office

MANDATORY REFERRAL NOTICE

In accordance with MGL Chapter 40-A, and the Townsend Zoning By-laws Section 145-42 Site Plan Review Special Permit, and Section 145-65 Special Permits, the Planning Board will hold a public hearing regarding an application received from Hoa Pham of CAM Engineering, Inc. to open a machine shop at 8 Jeffs Street.

Please review the attached application and relay to the Planning Board any questions or concerns you may have. Under MGL Ch. 40A, Section 11, please provide comments within 35 days to this office and to the applicant. Failure to make recommendations shall be deemed lack of opposition.

APPLICANT/PROPONENT Hoa Pham, CAM Engineering, Inc.
26 Wellman Street
Lowell, MA 01851

LOCUS ADDRESS: 8 Jeffs Street

PARCEL ID: Assessor's Map 51, Block 38, Lot 0
Zoned DCD (Downtown Commercial)

OWNER: Estate of Jerome Rand, Brenda Matson, Executrix

DATE OF HEARING: Monday, October 6, 2014 at

TIME / PLACE OF HEARING: 7:10 p.m., Selectmen's Chambers

LEGAL AD: Townsend Times: Sept. 12, 2014 & Sept. 19, 2014

COMMENTS _____

NO COMMENT _____

SIGNED: _____

DATE: _____



THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1700 x1722 * 978-597-1722 fax
jhollows@townsend.ma.us

RECEIVED
AUG 27 2014

TOWN OF TOWNSEND
TOWN CLERK

Jeffrey R. Peduzzi, Chairman **Nicholas E. Thalheimer, Vice Chairman** **Lance J. McNally, Clerk**
Christopher Nocella, Member **Perry J. Tomasetti, Member** **Jerrilyn T. Bozicas, Associate Member**

**TOWNSEND
PLANNING BOARD
LEGAL NOTICE**

In accordance with MGL Chapter 40-A and the Townsend Zoning By-laws, Section 145-42 **Site Plan Review Special Permit** and Section 145-65 **Special Permits**, the Planning Board will hold a public hearing on **Monday, October 6, 2014 at 7:10 p.m., in the Selectmen's Chambers at Memorial Hall, 272 Main Street**, regarding an application received from Hoa Pham of CAM Engineering, Inc. to open a machine shop at 8 Jefts Street, Assessor's Map 51, Block 38, Lot 0, zoned DCD (Downtown Commercial).

The application is available for review at the Planning Board, Land Use Coordinator, and Town Clerk, Offices at 272 Main St. during regular business hours. Parties wishing to speak in favor of, or in opposition to this proposal, may do so in writing prior to the hearing, or may appear at the hearing in person, or represented by an agent or attorney. Interested parties are encouraged to attend.

Respectfully submitted,
Jeffrey R. Peduzzi, Chairman

Publish in the Townsend Times: September 12, 2014 & September 19, 2014

cc: Town Clerk
 Other Towns
 Applicant/Abutters
 Assessors Office
 Board of Selectmen
 Board of Health
 Building Inspector
 Conservation Commission
 Fire Department
 Highway Department
 Historic District Commission
 Dept. of Housing & Community Development
 Housing Authority
 Land Use Coordinator
 Montachusett Regional Planning Commission
 Police Department
 Water Department Commission
 Zoning Board of Appeals



Office of
THE PLANNING BOARD
 272 Main Street
 Townsend, Massachusetts 01469
 978-597-1700 x 1722

Site Plan Review Special Permit

Page 1 of 3

(Under Sections 145-42 Site Plan Review Special Permit; 145-39 Open Space Preservation Development (OSPD); 145-47 Open Space Multi-family Development (OSMD); 145-51 Telecommunication and Cellular Towers, 145-53 Adult Use Establishments, 145-65 Special Permits, and 145-86 Ground-Mounted Solar Energy District of the Townsend Zoning Bylaws)

Date: 8/26/2014
 Name of Project: CAM ENGINEERING INC
 Location of Project: 8 JEFFS STREET, TOWNSEND

1. Owner of record:
 Name: Brenda Matson, Executrix
 Company: _____
 Owner's Street Address: 150 Reservoir Rd
 City/Town: Lumburg State: MA Zip: 01462
 Phone: Day 978-855-0341 Evening _____ Fax _____

2. Applicant's name and address (if same as owner, write "same")
 Name: HOA PHAM
 Company: CAM ENGINEERING INC.
 Owner's Street Address: 26 WELLMAN ST.
 City/Town: LOWELL State: MA Zip: 01851
 Phone: Day 978 459 2213 Evening _____ Fax 978 459 2141

Applicant is: _____ Owner _____ Agent/Attorney _____ Purchaser _____ Tenant _____
 Other: (Explain) _____

If the applicant is not the owner, a Power of Attorney or similar document signed by all owners of the property must be included.

3. Characteristics of Property:
 *Zoning District: DCD **Number of Lots: 1
 **Lot Area 0.39 AC. **Frontage 136'
 *Map # 51 Block # 38 Lot # Ø
 *Recorded, South Middlesex Registry of Deeds: Book Number 12879 Page Number 599

*Information available from the Assessors Office **If there is more than one lot, please attach a list

Project Name: CAM ENGINEERING INC.
8 LEFTS STREET, TOWNSEND

4. Please either attach or write a brief description of the nature of this Special Permit for Site Plan Review:

IS ENC PERMISSION TO RAISE THE ROOF + PERMISSION TO USE MACHINING SHOP - WE MANUFACTURE PARTS FOR THE GOVERNMENT, THERE IS NO CHEMICAL USE, 3-5 EMPLOYEES PARKING FOR 2-3 CARS

Site Plan Review Special Permit or Non-Discretionary Site Plan Review for Solar/Wind Energy Installation:	\$ 350 Existing Construction
	\$1,200 New Construction
	\$ 200 Modification or Permit Extension
OSPD or OSMD	\$1,000
	\$ 600 if filed simultaneously with Definitive Subdivision
	\$ 300 & 50 per lot Modification or Permit Extension
Telecommunication Cell Tower:	\$ 750 New Construction
	\$ 300 Renewal of Cell Tower Special Permit
Adult use:	\$ 2,000

Please make checks payable to the Town of Townsend. Fees are for administrative costs.

Under MGL Chapter 40A and Chapter 44 §53G, the Planning Board may require a deposit payable to the Town of Townsend for the reasonable costs of a consultant/engineer's peer review or other outside consultant. Funds are held in an interest-bearing account, and unused balances are refundable upon written request at the completion of the project.

The Planning Board may also require the applicant to pay unusual administrative costs, such as copying.

The applicant shall pay the cost of recording any decision at the Registry of Deeds.

Please direct any questions to the Planning Board Assistant at 978-597-1700 x 1722. For zoning or building questions, please contact the Building Commissioner at 978-597-1709.

Agreement

- I/we hereby certify that the information on the first page is true and correct based on all the information available to me.
- I/we understand that the Planning Board may require additional information to process this application.
- Any errors in the information provided, or presented by me or my representatives may be cause for denial or revocation of a favorable decision.
- Any relief granted by the Planning Board must be limited to the request made in this application.
- I/we may be represented by counsel at my own expense.
- If this application is denied, it may not be brought before the Planning Board again for two years without prior approval from the Planning Board.
- I/we am/are responsible for all other applications, permits, and approvals that may be required by law.

Project Name: CAM ENGINEERING INC.
8 LEFTS STREET, TOWNSEND

For notarizing additional signatures, please photocopy this page as needed.

Date: 8/26/2014

Owner(s): (1) Brenda Matson
(Print Name)
Brenda Matson
(Signature)

(2) _____
(Print Name)

(Signature)

Date: 8/26/2014

Applicant(s): (1) HOA PHAM
(Print Name)
Huapham
(Signature)

(2) _____
(Print Name)

(Signature)

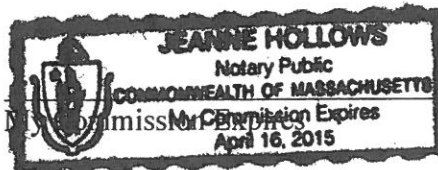
NOTARY STATEMENT:

COMMONWEALTH OF MASSACHUSETTS
Middlesex County

On this 26th day of August, 2014, before me, the undersigned Notary Public, personally appeared HOA Pham, and proved to me through satisfactory evidence of identification, which were Driver's License, to be the person(s) whose name(s) is (are) signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, in my presence.

Jeanne Hollows
Notary Public Signature

Notary Stamp



**AUTHORIZATION FORM
To REPRESENT PROPERTY OWNER(S)**

DATE: 8/26/2014

TO: Town of Townsend

I/we, the undersigned owner(s) grant full permission to:

APPLICANT(S) / AUTHORIZED REPRESENTATIVE(S):

HOA PHAM
Name (please print)
26 WELLMAN ST.
Street Address
LOWELL, MA 01851
City State Zip
978 459 1223
Daytime Phone #(s) / Home Phone

BINH PHAM
Name (please print)
"SAME"
Street Address
SAME
City State Zip
SAME /
Daytime Phone #(s) / Home Phone

to act as our agent and hereby authorize this representative to take any action, including but not limited to paying consulting fees, agreeing to conditions set by any applicable Board or Commission, signing agreements and/or extending deadlines. This agent has my/our full permission to submit applications, present plans, submit requirements and speak on my/our behalf with regard to:

PROPERTY LOCATED AT:

8 JEFFS STREET, Townsend, MA
Street Address

ASSESOR'S PARCEL ID: Map # 51 Block # 38 Lot # 0

OWNER (S):

Brenda Matson
Name (please print)
150 Reservoir Rd.
Street Address
Lunenburg MA 01462
City State Zip
978 865 0341 / same
Daytime Phone #(s) / Home Phone

Name (please print)

Street Address

City State Zip

Daytime Phone #(s) / Home Phone

Brenda Matson, EXECUTRIX
Signature of Owner

Signature of Owner

Commonwealth of Massachusetts
The Trial Court

Middlesex Division

Probate and Family Court Department

Docket No. ML10P1362EA

Administration With/without Sureties

Name of Decedent Jerome R. Rand
Domicile at Death 294 Pettingill Hill Road Lyndeborough New Hampshire 03082
(Street and No.) (City or Town) (County) (Zip)
Date of Death October 1, 2009
Name and Address of Petitioner(s) Brenda L. Matson, 150 Reservoir Road, Lunenburg, MA 01462
Status niece

leavey property in Townsend, Middle

Heirs at law or next of kin of deceased including surviving spouse:

Name	Residence (minors and incompetents must be so designated)	Relationship
Brenda L. Matson	150 Reservoir Road, Lunenburg, MA 01462	niece (sole child of sole sibling, Dwight Rand, now deceased)

12

The petitioner(s) hereby certifies that a copy of this document, along with a copy of the decedent's death certificate has been sent by certified mail to the Department of Public Welfare, P.O. Box 86, Essex Station, Boston, Massachusetts 02112.

Petitioner(s) pray(s) that he/she/they or some other suitable person _____ be appointed administratrix of said estate with/without surety on his/her/their bond(s) and certify under the penalties of perjury that the foregoing statements are true to the best of his/her/their knowledge and belief.

Date 11/25/10

Signature(s) Brenda L. Matson

The undersigned hereby assent to the foregoing petition.

DECREE

All persons interested having been notified in accordance with the law or having assented and no objections being made thereto, it is decreed that Brenda L. Matson in the County of Worcester be appointed administratrix of said estate first giving bond with out sureties for the due performance of said trust.

Date MAY 12, 2010

[Signature]
JUSTICE OF THE PROBATE AND FAMILY COURT
[G12909] c.g.f.

CJ-P1 (8/92)

DATED MAY 18 2010

I, the undersigned HEREBY CERTIFY that I am the Register of Probate and Family Court in the County of Middlesex, that such as I have Custody of the records of said Court, and I further Certify that the foregoing is a photographic copy of the decree of appointment of the fiduciary, that said fiduciary has given bond as required by the law and that said appointment remains in full force.

Witness, by my hand and seal of Probate Court of the Commonwealth of Massachusetts, in Cambridge.

Jana E. DeCristofano
Register of Probate

00120-75 AM 11:28 1344E**10.0

710-10

BK 12879 PG 599

MASSACHUSETTS GUITCLAIM DEED SHORT FORM (INDIVIDUAL) 601

WILLIAM H. HASTINGS

of North Eastham, Barnstable County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of Nineteen thousand five hundred and no/100 (\$19,500.00) Dollars grants to JEROME R. RAND

of 275 Rollstone Street, Fitchburg, Mass. with quitclaim covenants

in witness whereof A certain parcel of land with any buildings thereon situated in the central part of Townsend, Massachusetts on the Southwest side of Jefts Street and more accurately bounded and described as follows:

BEGINNING at a pipe bound at a point in line of the front side of the lower cement steps of the nearest two-tenement dwelling house located on land of Fessenden Companies, Inc., which point is supposed to be on line of a proposed way now known as Riverbank Terrace and is also Fifty-eight and 94/100 (58.94) feet southerly from the South corner of said dwelling house and four and 74/100 (4.74) feet Westerly from a nail in the Southerly side of a light or telephone pole and is the Northeast corner of land of the Town of Townsend, on which the Town Barn, so-called is located; thence, as surveyed with magnetic bearings, about

SOUTH 48° 30' West by and along said Town of Townsend property about One hundred thirteen (113) feet to a pipe bound at land of the Boston & Maine Railroad; thence about

SOUTH 53° 19' East about Fifty-seven (57) feet to an iron pipe bound on the North side of a private way and which said course is by and along the right of way of the Boston & Maine Railroad; thence

SOUTH about 73° 30' East about One hundred forty-four (144) feet by and along said way, which is on other land of Annie Laurie Bagley to an iron pipe bound at the intersection of said private way and the Southerly side of Jefts Street; thence turning and running about

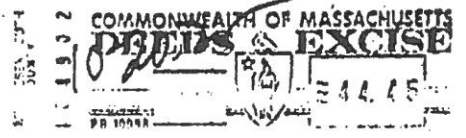
NORTH 29° 30' West about One hundred thirty-six (136) feet along the Southwest side of Jefts Street to a pipe bound; thence about

NORTH 43° West about Forty-four and 50/100 (44.50) feet to the point of beginning.

Being the same premises conveyed to William H. Hastings by deed dated November 29, 1957 from Annie Laurie Bagley and recorded in Middlesex South District Deeds, Book 9101, Page 462.

Witness my hand and seal this 27 day of September 1975.

William H. Hastings
William H. Hastings



The Commonwealth of Massachusetts

BARNSTABLE, ss. September 27,

Then personally appeared the above named William H. Hastings his free act and deed, before me

Francis H. [Signature]
Notary Public



My commission expires Nov 3, 1978

(*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)

CHAPTER 183 SEC. 6 AS AMENDED BY CHAPTER 497 OF 1969

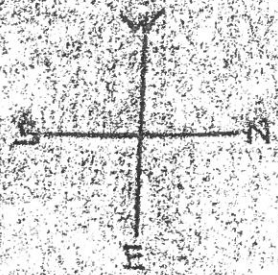
Every deed presented for record shall contain or have endorsed upon it the full name, residence and post office address of the grantee and a recital of the amount of the full consideration thereof in dollars or the nature of the other consideration therefor, if not delivered for a specific monetary sum. The full consideration shall mean the total price for the conveyance without deduction for any liens or encumbrances assumed by the grantee or remaining thereon. All such endorsements and recitals shall be recorded as part of the deed. Failure to comply with this section shall not affect the validity of any deed. No registrar of deeds shall accept a deed for recording unless it is in compliance with the requirements of this section.

August 26, 2019

I realize there are outstanding taxes,
the taxes will be paid on the closing date.

Brenda Matson

Brenda Matson



lot # 39

113'

57'

44.5'

Additional
Parking

septic tank
& leach field

New
addition

Raise
Rec F
2 1/2'

Existing
Bld.

Bas
ment

1'
07

Parking
Area

136'
10 97 09

Scale 1" = 20'

#8 Jeffs 5/1

The Commonwealth of Massachusetts

3.3

MIDDLESEX SS.

To either of the Constables of the Town of Townsend in the County of Middlesex, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on Tuesday, **October 21, 2014, at 7:00 PM**, then and there to act on the following articles:

FINANCIAL MATTERS

ARTICLE 1

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of paying prior fiscal year bills; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 2

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$ _____ for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 3

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of supplementing the capital stabilization fund, including debt service payments of capital items, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 4

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of supplementing the budgets of the Treasurer and/or Collector; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of supplementing Council on Aging budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 6

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing Veterans Benefits; or take any other action in relation thereto.

SUBMITTED BY: Veterans Services Officer and Board of Selectmen

ARTICLE 7

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing Management Information Systems budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 8

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing the Building Department budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 9

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing the Town Clerk budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 10

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing the Fire-EMS Department budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 11

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing the budget of any other departments; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 12

To see if the Town will vote amend the Board of Health revolving fund to allow proceeds from the sale of overthrow bags to be deposited into the Recycling Center General Revolving Account; or take any other action in relation thereto.

SUBMITTED BY: Board of Health

ARTICLE 13

To see if the Town will vote to reduce the trash disposal weekly at the curb to 64-gallons or remain at the 99-gallons for the remainder of the fiscal year FY15; or take any other action in relation thereto.

SUBMITTED BY: Board of Health

BYLAW AND STATUTORY ADOPTIONS

ARTICLE 14

To see if the Town will vote to adopt G, L. c. 44, s. 65, as amended, to allow employees to be paid in advance for vacation; or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 15

To see if the Town will vote to adopt G, L. c. 200A, s. 9A, as amended, relative to notice requirements and alternative procedures in managing abandoned funds (i.e. unclaimed checks or “tailings”); or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen and Town Treasurer

ARTICLE 16

To see if the Town will vote to amend the General Bylaws of the Town of Townsend by adding a new Chapter 130, Website:

130-1. Posting of Agendas and Minutes

At the same time that it posts its meeting agendas, each multiple member body shall cause meetings and agendas to be published in the calendar on the Town’s website. Each multiple member body shall cause meeting minutes to be posted to the Town’s website as soon as said minutes are approved; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 17

To see if the Town will vote to amend Zoning Bylaw Article VI Land Use Regulations, of the Code of the Town of Townsend as follows:

Article II, § 145-5 Word usage and definitions.

By adding the following definitions to the existing list, in alphabetical order as italicized:

In this Bylaw the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future.

PREFAB HOME

Structure designed for over the road transportation to be permanently fixed to a proper foundation (as opposed to a mobile home).

RIGHT-OF-WAY

The side line of a street or way, as determined by deeds and plans recorded at the Registry of Deeds, or a building line laid out under MGL C. 82, § 37; where no line is thus legally established, then a line parallel with and 20 feet distant from the center line of a traveled way.

SIGN

Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks, whether stationary or portable, by which anything is known, such as are used to designate or locate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public or private street or right-of-way and used to attract attention.

STONE WALLS

Includes assemblages of stone involving at least one cubic foot of wall material per linear foot totaling not less than 10 feet in length.

STRUCTURE

Anything constructed or erected, the use of which requires fixed location on the ground or attachment to something located on the ground, including swimming pools if more than 23 inches deep or 250 square feet in area or gas or liquid storage tanks if principally above ground, but not including walls or fences. [Amended 3-16-1987 STM by Art. 18]

TREES

Includes a living tree whose trunk has a diameter of four inches, measured 4 1/2 feet from the ground.

TREES, CUTTING AND REMOVAL

The removal of one or more trees, trimming of major branches or cutting of roots sufficient, in the Tree Warden's written opinion, to cause eventual destruction of the tree.

Or take any other action in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 18

To see if the Town will vote to amend Zoning Bylaw Article VI Land Use Regulations, of the Code of the Town of Townsend as follows:

§ 145-24 Driveways and entrances.

C. Design requirements.

Add italicized:

(10) Where a portion of a stone wall must be removed for access to the property, the remaining stone wall shall be left in a stable and orderly fashion. *Removing stone walls located along scenic roads within the Town's right of way are subject to filing an application with the Planning Board pursuant the Scenic Roads Act, M.G.L. Chapter 40 Section 15C. All roads in Townsend, other than numbered routes or State Highways, are designated as "Scenic Roads."*

Or take any other action in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 19

To see if the Town will vote to amend Zoning Bylaw, Article XI, §145-42 Site plan review special permit by adding (1) and (2) as italicized:

C. Procedure. Applications for site plan review special permits shall be filed with the Town Clerk and the special permit granting authority as specified in § 145-65C of the Zoning Bylaws. [Amended 4-25-1995 STM by Art. 11; 9-24-1996 STM by Art. 39; 1-4-2000 STM by Art. 11]

(1) For applicable land disturbance as specified in chapter 85 of the Townsend General Bylaw, a Stormwater Management Application shall be filed in conjunction with this application to determine subjectivity to either a Minor or Major Stormwater Management Permit.

(2) If applicable, strict adherence to Chapter 85 of the Townsend General Bylaws, NPDES Phase II Stormwater Management, and its associated Regulation, shall be required.

Or take any other action in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 20

To see if the Town will vote to amend the Town's Zoning Bylaw Article XVI Renewable/Alternative Energy, Section 145-87. Wind Energy Systems A. (1) Applicability, B. Definitions and D. (2) (c) NEC compliance

§ 145-87. Wind Energy Systems

A. Purpose. The purpose of this bylaw is to minimize the impacts of wind turbines on the character of neighborhoods, property values, scenic, historic, and environmental resources of the Town and to protect health and safety while allowing wind energy.

(1) Applicability

This section applies to all utility-scale, on-site wind facilities, and Small Wind Energy Systems, proposed to be constructed after the effective date of this section. This section also includes *building-integrated* wind systems, and physical modifications to existing wind facilities that materially alter the type, configuration, location or size of such facilities or other equipment.

B. Definitions.

Utility-Scale Wind Facility: A commercial wind facility, where the primary use of the facility is electrical generation to be sold to the wholesale electricity markets.

On-Site Wind Facility: A wind project, which is located at a commercial, industrial, agricultural, institutional, or public facility that will generate electricity on-site.

Small Wind Energy System (SWES): All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power including storage,

electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which will have a height not to exceed 80 feet.

Large Wind Energy System (LWES): All equipment, machinery and structures utilized in connection with the conversion of kinetic energy of wind into electrical power including storage, electrical collection and supply equipment, transformers, service and access roads, and one or more wind turbines, which will have a height greater than 80 feet.

Building-Integrated Wind Energy Facility: *A wind energy facility shall be considered to be building-integrated if it is designed to be permanently mounted on a building or other inhabitable structure. This definition applies to wind turbines of any capacity that are designed to be operated in direct contact with a building. This definition also covers, for the purposes of this zoning provision, other wind energy facilities primarily used for land-based applications which may be permanently mounted and operated on a building.*

D. Small Wind Energy System Requirements

(1) Building Permit

No Small Wind Energy System (SWES) shall be erected, constructed, installed or modified as provided in this section without first obtaining a Building Permit. All such wind energy systems shall be constructed and operated in a manner that, where economically feasible, will minimize adverse visual, safety and environmental impacts. The construction of a small wind facility shall be permitted in any zoning district, except a designated Historic District, subject to the issuance of a Permit and provided that the use complies with all requirements set forth in sections F, G and H set forth herein.

(2) Application Process & Requirements

The Building Permit application shall be accompanied by deliverables including the following:

(a) A plot plan showing:

- i.** Property lines and physical dimensions of the subject property within 500 feet of the wind turbine from the proposed tower location;
- ii.** Location, dimensions, and types of existing major structures on the property;
- iii.** Location of the proposed wind system tower, foundations, guy anchors and associated equipment;
- iv.** The right-of-way of any public road that is contiguous with the property;
- v.** Location of all existing above ground or overhead gas or electric infrastructure, including Critical Electric Infrastructure, and utility rights of way (ROW) and easements, whether fully cleared of vegetation or only partially cleared, within 500 feet of the site parcel;
- vi.** Location and approximate height of tree cover;
- vii.** Wetland resource areas within 100 feet of the proposed area;

viii. Rivers, streams or brooks within 200 feet of the proposed area.

(b) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).

(c) One or three line electrical diagram detailing wind turbine, associated components, and electrical interconnection methods, with all NEC (*National Electric Code*) and applicable *Massachusetts Electric Code Amendment*-compliant disconnects and overcurrent devices.

Or take any other action in relation thereto.

SUBMITTED BY: Planning Board

DISPOSITION OF TOWN-OWNED LAND

ARTICLE 21

To see if the Town will vote to authorize the Board of Selectmen to enter into a lease(s) with a solar energy developer(s) for the purpose of developing a ground-mounted solar energy facility on Town-owned land at Map 6, Block 8, Lot 0, 33 Greenville Road, Map 18, Block 24, Lot 0, off Turnpike Road, or Map 27, Block 48, Lot 0, Old Meeting House Road adjacent to the Highway Garage, subject to such terms and conditions deemed by the Board of Selectmen to be in the best interests of the Town; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET in said Town, at least FOURTEEN (14) days before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

Given under our hands this _____ day of _____ in the year TWO THOUSAND FOURTEEN.

SELECTMEN OF TOWNSEND

Sue Lisio, Chairman

Colin McNabb, Vice Chairman

Carolyn Smart, Clerk

A true copy. ATTEST:

CONSTABLE

MIDDLESEX, SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, WEST TOWNSEND FIRE STATION, 460 MAIN STREET IN WEST TOWNSEND, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET, AT LEAST FOURTEEN (14) DAYS BEFORE THE DATE OF THE MEETING, AS WITHIN DIRECTED.

Constable of TOWNSEND

SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
WEST TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

3.4



Townsend Charter Review Committee

Report to the Board of Selectmen

December 18, 2012

Members of the Charter Review Committee

John Barrett

Cheryl Cloutier

Susan Funaiole (Clerk)

Julie Johnson (Chair)

Mary Jane Kruger

Gene Rauhala

Carolyn Sellars

Kathy Spofford (Vice-Chair)

Nick Thalheimer

Summary of review

The Charter Review Committee (CRC) has been meeting monthly since September 2011 and has completed a full review of our town Charter. In general, the Charter is well written. We have found there to be two categories of issues to be addressed. Our first category includes necessary changes to the Charter that will not affect the meaning or intent of the Articles. Examples include: typos, punctuation, word usage, language inconsistencies and actual mistakes such as missing words, misspelled words and truncated sentences. Additionally, listings of town boards and committees will need updating. The second category of changes includes issues and topics we have come across, or have been brought to the attention of the committee and require further research and investigation. A brief description of these changes appear later in the report, however they are outside of the scope of this committee and may require the establishment of an elected Charter Commission.

Types of Changes

- 1- Typos and omissions: These changes correct typographical errors and missing words.
- 2- Changing certain words & punctuation: To assure correct usage and improve consistency.
- 3- Actual mistakes: Corrections of spelling or omitted words/sentence fragments.
- 4- Boards and Committees: Changes and updates to lists and titles and associated descriptions of town agencies.
- 5-Reorganization of Articles: Changes to improve readability of the document.

The types of changes listed above are not intended to change the content or meaning of any Charter provision.

- 6- Topics for further discussion outside of the scope and authority of the CRC and are highlighted in gray in the edited version of the Charter.

There were several discussion topics that came up during our review of the Charter. These topics would require further discussion and investigation under the authority of a Charter Commission to fully explore.

These included:

- Hiring versus appointing authority (needs clarification)
- “Administrative Code” and its use and intention
- Issues from Financial Management Review recommended by the Massachusetts DOR, May 2011
- Interpretation of Charter, with our by-laws and with MGL (dispute resolution issue)

Each of these topics, while concisely presented, are wide ranging and will require extensive time and research to properly evaluate.

There are other issues that have come to the attention of the Committee during this process such as finding a means of resolving any Charter disputes that arise in Town and making the Charter/by-laws/MGL more readily accessible via website change similar to the grid format used by Littleton www.littletonma.org . Additionally, a suggestion was made to consider moving all Boards and committee listings to an appendix to aid in future updates.

In the course of our discussions, it was noted that our Organizational chart will require updating and reformatting. To this end we have drafted a preliminary list to help organize and understand the hiring/appointing authorities in our Town. See attachment A.

In order to prepare for the upcoming Town Meeting in the spring, the Charter Review Committee would like to offer suggestions as to the presentation of the updated Charter. As many changes were made to the Charter, simplifying them into a side by side comparison presentation may help. It may be useful for the Town to hire an expert to prepare a PowerPoint (or similar) for this purpose. It is our hope the work of this committee will be presented to the Town Meeting in May 2013.

After reviewing the Charter and changes proposed, please feel free to contact any committee members with questions.

~~Final Report~~

~~Town of Townsend Charter~~

~~The following is the final town charter presented by the Townsend Charter Commission. This Commission has worked over the past year to create a comprehensive charter which could (if accepted by voters) increase the Town of Townsend's efficiency in managing its governmental functions. The charter will be voted on at the 1999 Annual Town Election. Copies of the charter are available at Town Hall.~~

Townsend Charter

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BALLOT QUESTION AND SUMMARY

Shall this town approve the new charter recommended by the Charter Commission, summarized below?

- Yes
- No

The proposed charter would (1) define the position of the Board of Selectmen as the town's chief executive office; (2) The Board of Selectmen may be either three or five persons if a change is voted at the Annual Town Meeting and ratified at the next Annual Town Election; (3) maintain the position of Town Administrator; (4) change all constables to positions appointed by the Board of Selectmen; (5) combine the elected positions of Cemetery and Parks Commissioners to a single position; (6) establish certain other standard procedures to govern the operation and conduct of town business.

PRELIMINARY REPORT

TOWNSEND CHARTER COMMISSION

Introduction

The Townsend Charter Commission is pleased to submit its Preliminary Report and recommended charter to the voters of Townsend with the unanimous support of all nine of its members.

The members of the Townsend Charter Commission believe adoption of the new charter at the town election on April 20, 1999 will be in the best long range interest of our town and we therefore urge your favorable consideration when you cast your vote.

Among our members are persons with family roots extending back many generation and person who are relative 'newcomers' to Townsend, members who are 'senior' in years and members with young families. We have brought to bear on the tasks set before us this body of experience, viewpoint and perspective and from it we have shaped a mechanism by which we believe Townsend will be able to respond effectively and efficiently to the challenges and opportunities which lie ahead.

Townsend stands today on the threshold of growth and development beyond the wildest dreams of any of us even a few short years ago. Our town government structure must be able to respond to the need s and requirements this growth and development will place on the town. To do so it must be consolidated so the coordination of effort between all town officers and agencies can best be assured.

Statement of Major Differences

The major difference between the proposed charter and our "existing charter" is in its form and its make up. Presently our 'charter' consist of a 'hodgepodge' of different state special and general laws which have, continuously, since 1732, become effective in Townsend by their express terms or because we as voters at town meeting or at town elections have 'accepted' them. These laws have never been assembled in any logical orderly fashion for citizens or town officials to review and understand. The proposed charter on the other hand organizes all of this still relevant data in one place and in plain, clear language establishes the framework under which our town is to be governed and town business conducted.

In brief, other major differences between our existing town government and that proposed under the new charter are as follows:

1. The Board of Selectmen's role as the central pivot point around which all town business and affairs are to revolve has been clearly established by express language in the charter (see section 3-2).

~~2. In order to assist the Board of Selectmen in meeting its increased responsibilities the office of Town Administrator is defined. This position is intended to remain substantially the same in regard to the responsibilities assigned (see section 4-2). Our review over the past year of our current arrangement with arrangements used in other communities convinces us that this drawing of lines of responsibility is essential to the successful operation of a professional system of town government administration.~~

~~3. The new charter clearly defines the role, which will be played by the Town Administrator in preparing proposed operating and capital outlay budgets for the town. In no way is this change expected to diminish the role played by the Finance Committee.~~

~~4. The number of offices, which will be filled by election, has been reduced under our proposed charter. The Board of Selectmen will now appoint the current elected positions of Constable and Tree Warden. The current position of Park Commissioners and Cemetery Commissioners will be combined to Park and Cemetery Commissioner (see section Article 3, General).~~

~~5. Much of the town's business will continue to be conducted by citizen committees (multiple member bodies). We have established a set of common rules governing the way in which the business of these committees will be conducted. (see section 7-9)~~

Explanation of Proposed New Charter

In order to fully understand all of the provisions of the proposed charter you are urged to read the full text of that document. It is impossible to summarize all of the features of the charter. Following is an article by article summary of its key provisions, however.

Article 1

This article, technical in nature, is designed to secure for us, as citizens of Townsend, all of the powers for our town to exercise as is possible, to have maximum advantage of "municipal home rule".

Article 2

This article retains our traditional open meeting form of legislative body. In order to make it more efficient and more effective as a forum for the discussion of municipal issues certain new standards and basic procedures are provided.

Article 3

The proposed charter provides for the election of:

- a three member Board of Selectmen;
- a Town Moderator;
- a three member Board of Health;
- a three member Board of Assessors;
- a three member Board of Water Commissioners;

~~a five member Board of Library Trustees;
a School Committee as defined by regional agreement;
a three member Board of Park and Cemetery Commissioners;
a five member Board of Recreation Commissioners;
a four of five members Board of Trustees of Soldiers' Memorials;
a three member Board of Trustees of Amanda E. Dwight Entertainment Fund;
all to be elected for terms of three years each, and
a Town Clerk;
a Tax Collector;
a five member Planning Board;
a four of five members of the Townsend Housing Authority;
all to be elected for terms of five years each.~~

~~The powers, duties, and responsibilities of each of these offices are spelled out in a charter section.~~

Article 4

~~This article provides for the appointment of a town administrator as the 'chief administrative officer of the town'. This official will be charged with the responsibility of overseeing and coordinating all of the day to day operations of the town, subject to policy guidelines as determined by the Board of Selectmen.~~

~~The powers, duties and responsibilities of the office are detailed in this charter article. The position will function in primarily the same it's currently performed.~~

Article 5

~~This article provides for the way in which town operating departments and agencies are to be established and for the organization of town agencies generally.~~

Article 6

This article provides for the way which the annual operating budget of the town will be prepared, reviewed and adopted.

The town administrator will also be responsible for preparing annually, a capital outlay program for the five ensuing fiscal years.

Article 7

This article contains some general standards, including definitions of key words and phrases used in this charter, and standard procedures to govern the operation of multiple member bodies. It also requires that public notice be posted whenever a vacancy occurs in a town office or position of employment and provides a method for the removal of appointed officials who are not performing their duties.

Article 8

This article provides for the transition from our present form of government to the new form of government after the charter is adopted. The key section, 8-5, provides for a smooth, orderly period of change. It also provides by the use of 'piggy back' by laws some fleshing out of the charters basic provisions where by laws are intended to provide additional detail. These by laws will be subject to change, at any subsequent time by a town meeting voted under a proper warrant article.

Summary and Conclusions

In the year which has elapsed since our election as a charter commission for Townsend, all of us have grown in our understanding of the town, its history and its heritage, its present and its future. Townsend is a town of which we all can be proud; we need not as a community 'hang our head', over anything which has occurred in the past. Our 'present' is nothing less than adequate and in some respects considerably more. It is with the future that we are concerned and it is for the future that we make our recommendations for change.

It is people which make a community and we are indeed fortunate in Townsend to enjoy the quality and character of our fellow townspeople. Over the more than two hundreds years of our town's existence many, many able and qualified people have given generously of their time and their talents to the town, at far less than their value. This is as true today as it ever has been at any time in our history. The town at large owes a deep debt of gratitude to the whole town government 'family'.

We believe the changes we are proposing in no way demean the services which have been provided to Townsend until now by its elected and appointed town officers, members of multiple bodies and its full and part time employees. It is our belief that the changes we are proposing will enable all of these individuals to participate equally as full, but with less strain, sacrifice, aggravation and conflict.

The vote you will make on the charter on April 20th is, by law, limited to a YES (to adopt the charter) or to a NO (to reject the charter). We recognize that some of you will disagree with some portions of the charter and would have preferred to see certain provisions written differently. We hope, however, that you will not lose sight of the forest because of the presence of the trees. The issue is not whether this is a "perfect" charter but rather if this proposed charter is better suited to the needs of Townsend at this juncture in time than our present 'charter'.

The nine members of the charter commission unanimously endorse this proposal and believe its adoption in its present form is essential to enable Townsend to meet the future and to be able to respond effectively to the pressures which are coming. We take this position of whole hearted support even though every single member at one time or another during our months of study and weekly charter development meetings has voted in the minority on some issues. We all recognize, however, that the points on which we disagree with the majority pale to insignificance when matched against the proposal as a whole.

It is our hope that the voters of Townsend will approve our charter proposal.

Respectfully submitted,

Townsend Charter Commission

John Pelletier, Chairman

Lea S McGee, Vice Chairman

Andrea Wood, Clerk

Scott Gordon

John McEndarfer

Peter Collins

Martha Deroian

Mary Jane Kruger

Jane Churchville

ARTICLE 1

General Provisions & Definitions

Section 1-1 Incorporation

The inhabitants of the Town of Townsend within the corporate limits as established by law shall continue to be a body corporate and politic with perpetual succession under the name "Town of Townsend".

Section 1-2 Short Title

This instrument shall be known and may be cited as the Townsend Home Rule Charter.

Section 1-3 Powers of the Town

Subject only to express limitations on the exercise of any power or function by a municipality in the constitution or laws of the Commonwealth, it is the intent and the purpose of the voters of Townsend to secure through the adoption of this charter all of the powers it is possible to secure for a municipal government under the constitution and laws of the Commonwealth.

Section 1-4 Division of Powers

The administration of all the fiscal, prudential and municipal affairs of the town shall be vested in an executive branch headed by a Board of Selectmen. The legislative powers of the town shall be vested in a town meeting open to all voters.

Section 1-5 Construction

The powers of the Town of Townsend under this charter to be construed liberally in its favor and the specific mention of any particular power is not intended to limit in any way the general powers of the Town of Townsend stated in section 1-3.

Section 1-6 Intergovernmental Relations

Subject to the applicable requirements of any provision of the constitution or statutes of the Commonwealth, the Town to Townsend may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation by contract or otherwise, with any one or more states or civil divisions or agencies thereof or the United States government or any one or more agencies thereof.

Section 1-7 Charter Changes

This Charter may be replaced, revised or amended in accordance with any procedures made available under the state constitution and by statutes enacted to implement the said constitutional provisions.

Section 1-8 Severability

The provisions of this Charter are severable. If any provision of this Charter is held invalid, the other provisions shall not be affected thereby. If the application of this charter or any of its

provisions to any person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected thereby.

Section 1-9 Specific Provisions to Prevail

To the extent that any specific provisions of this charter shall conflict with any provisions expressed in general terms, the specific provisions shall prevail.

Section 1-1.10 Number and Gender

Words impoerting the singular number may extend and be applied to several persons or things; words impoerting the plural number may include the singular; words impoerting the feminine gender shall include the masculine gender; words impoerting the masculine gender shall include the feminine gender.

Section 1-1.11 Definitions

Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this charter shall have the following meanings:

- (a) **Charter** - The word "charter" shall mean this charter and any amendments to it which may hereafter be adopted.
- (b) **Days** - The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.
- (c) **Emergency** - The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.
- (d) **General laws** - The words "general laws" shall mean laws which apply alike to all cities and towns, to all towns, or to a class of municipalities of which Townsend is a member.
- (e) **Laws of the Commonwealth** - The words "Laws of the Commonwealth" shall refer to the General Laws of Massachusetts, a codification and revision of statues enacted on December 22, 1920, and including all amendments thereto subsequently adopted.
- (f) **Local Newspaper** - The words "local newspaper" shall mean a newspaper of general circulation in the Town of Townsend.
- (g) **Majority Vote** - The words "majority vote" shall mean a majority of those present and voting, provided that a quorum of the body is present when the vote is taken, unless a higher number is required by law.
- (h) **Multiple Member Body** - The words "multiple member body" shall mean any town body consisting of two or more persons and whether styled board, commission committee, sub-committee, or otherwise and however elected or appointed or otherwise constituted.
- (i) **Quorum** - The word "quorum", unless otherwise required by law or this charter, shall mean a majority of the members of a multiple member body then in office, not including any vacancies which might then exist.
- (j) **Town** - The word "town" shall mean the Town of Townsend.
- (k) **Town Agency** - The words "town agency" shall mean any board, commission, committee, department, division or office of the town government.
- (l) **Town Bulletin Board** - The words "town bulletin board" shall mean the a bulletin board in the town hall on which official town notices are posted. ~~and those at other locations within which~~

~~may from time to time be designated as town bulletin boards by by law, or by vote of the board of selectmen.~~

(m) Town Officer - The word "town officer" when used without further qualification or description, shall mean a person having charge of an office or department of the town who in the exercise of the powers or duties of that position exercises some portion of the sovereign power of the town.

(n) Voters - The word "voters" shall mean registered voters of the Town of Townsend.

Article 2

Legislative Branch

Section 2-1 Open Town Meeting

The legislative powers of the Town shall be vested in a town meeting open to all registered voters.

Section 2-2 Presiding Officer

All sessions of town meeting will be presided over by a Moderator elected as provided in Article 3. ~~Annually~~, At the Annual Town Meeting the Moderator ~~will~~ shall appoint a Deputy Moderator subject to ratification by the Town Meeting. The Deputy Moderator shall serve as acting Moderator in the temporary absence or disability of the Moderator. The Deputy Moderator shall while presiding at Town Meeting sessions have all the powers and duties of the Moderator but, shall have no other powers or duties of the Moderator. In the absence of the Moderator and the Deputy Moderator, the Town Clerk will act as Moderator until Town Meeting elects an Acting Moderator, Article 3, Section 3-4.

The Moderator shall regulate the proceedings, decide all questions of order, make public declaration of all votes, and exercise all the powers and duties given to Moderators under the Constitution and the laws of the Commonwealth. Additional powers and duties may be authorized by this Charter, by By-law, or by other votes of Town Meeting.

Section 2-3 Committees

(a) **Finance Committee** - There shall be a Finance Committee appointed by the Moderator in accordance with Town By-law and the laws of the Commonwealth.

(b) **Capital Planning Committee** - There shall be a Capital Planning Committee appointed by the Moderator in accordance with Town By-law and the laws of the Commonwealth.

Section 2-4 Annual Town Meeting

The Annual Town Meeting shall be held on such date or dates as may from time to time be fixed by By-law.

Section 2-5 Special Town Meetings

Special Town Meetings shall be held at the call of the Board of Selectmen at such times as they deem necessary, or desirable, in order to transact the legislative business of the Town in an orderly manner. Special Town Meetings may also be held on the petition of two hundred (200) or more registered voters, in accordance with the procedures made available by the laws of the Commonwealth.

Section 2-6 Warrants

Every Town Meeting shall be called by a Warrant issued by the Board of Selectmen, which shall state the time and place at which the meeting is to convene and, by separate Articles, the subject

matter to be acted upon. The publication and posting of the Warrant for every Town Meeting shall be in accordance with Town By-law.

Section 2-7 Initiation and Inclusion of Warrant Articles

(a) Initiation - The Selectmen shall receive at any time all petitions which request submission of any matter to the Town Meeting, which are filed by any elected Town Official, any multiple member Town Body acting by a majority of its members, any ten registered voters for the Annual Town Meeting or a petition of one hundred voters for a Special Town Meeting.

A voter may request at a regular meeting of the Board of Selectmen that a matter be placed on the Town Meeting Warrant in lieu of a written petition. The Selectmen may, at their discretion, accept the request and place it on the warrant under their sponsorship, or they may refuse and request that the matter be submitted by a written petition of the required number of voters.

(b) Inclusion - The Board of Selectmen shall include on the Annual Town Meeting Warrant all matters which were submitted by the date set by By-law for the submission of Articles. When a Special Town Meeting is to be called, the Selectmen shall give public notice of the Special Town Meeting at a regular Selectmen's Meeting, they may cause additional public notice to be given pursuant to the laws of the Commonwealth or Town By-law in any form they deem necessary, any and all public notice shall include the date of the close of the Warrant. The Board of Selectmen shall include on a Special Town Meeting Warrant the subject matter of all petitions which are received in their office by 5:00 P.M. the close of business on the day set by the Selectmen for the close of the Warrant.

Section 2-8 Availability of Town Officials

Every town agency shall designate at least one representative to attend all sessions of Town Meeting at which Warrant Articles pertinent to that agency are or may be taken up, for the purpose of providing information to the meeting pertinent to the Articles. If a person designated as a representative is not a town resident, they shall notwithstanding, be allowed to speak to provide the meeting with pertinent information.

Section 2-9 Clerk of the Meeting

The Town Clerk shall serve as clerk of the Town Meeting, recording all votes and shall preserve as public records all proceedings of the Town Meeting sessions, give notice of all adjourned sessions thereof, and perform such duties in connection therewith as may be provided by town by-law, this charter, or the laws of the Commonwealth.

If at a Town Meeting the office of Town Clerk is vacant, the Moderator shall appoint a clerk pro tempore. In the event of the unavoidable absence of the Town Clerk, the Town Clerk shall designate a substitute, if the Town Clerk fails to name a substitute, then the Moderator shall also be empowered to appoint a clerk pro tempore.

Section 2-10 Rules of Procedure

The Town Meeting shall be run in accordance with the accepted edition of the book "Town Meeting Time."

Town Meeting may by By-law, establish and from time to time amend, revise or repeal, rules governing Town Meeting. A procedural change would become effective in governing the next Annual and succeeding Town Meetings following the procedural change.

Article 3

Elected Officials

Section 3-1 In General

(a) Elective Offices - The offices to be filled by the ballot vote shall be the Board of Selectmen, Town Moderator, Town Clerk, Tax Collector, Board of Assessors, Board of Health, Planning Board, Board of Water Commissioners, Board of Library Trustees, North Middlesex Regional School Committee Representatives, Cemetery and Parks Commissioners, Recreation Commissioners, Trustees of Soldiers' Memorials, Amanda Dwight Entertainment Fund, Townsend Housing Authority and such other regional authorities, districts, or committees as may be required by law of the Commonwealth or ~~interlocal~~ intergovernmental agreement.

(b) Eligibility - Any voter shall be eligible to hold any elective town office.

(c) Town Election - The Annual Town Election shall be held according to Town By-Law.

(d) Compensation - Elected town officials shall receive such compensation for their services as may be appropriated annually for such purpose.

(e) Coordination - Notwithstanding their election by the voters, the town officers named in this section shall be subject to the call of the Board of Selectmen at reasonable times for consultation, conference and discussion on any matter relating to their respective offices.

(f) Filling of Vacancies

(1) Multiple Member Body - If there is a vacancy in a body consisting of two or more members, other than the Board of Selectmen and unless under the terms of a will or other trust where some other provision is made, the remaining members shall immediately give written notice to the Board of Selectmen and in addition to the public by posting the vacancy and its description on the town bulletin board for at least ten (10) days. One weeks notice shall be posted of a joint meeting between the Board of Selectmen and the remaining members of the body to fill the vacancy. The appointment will be made by vote and carried by a simple majority. This appointment will run until the next town election.

If notice is not given within thirty (30) days following the date of the vacancy, after one week's posted notice the Board of Selectmen shall fill the vacancy without participation of the remaining members of the multiple member body.

(2) Board of Selectmen - If there is a failure to elect or a vacancy occurs and six (6) months or more will elapse before the next annual town election, the remaining Selectmen shall, forthwith, call a special election to fill the vacancy. If a vacancy occurs and more than three (3) months but less than six (6) months will elapse before the next annual town election the Selectmen may call a special election, however, upon receipt by petition of two hundred (200) or more registered voters the remaining Selectmen will forthwith call a special election.

(g) Recall Election Procedures - Recall elections shall be conducted as provided by as per Town By-law pursuant to Chapter 27 of the Acts of 1995.

Section 3-2 Selectmen

(a) Composition and Term of office

A Board of Selectmen, three members elected for three years each, arranged so that the term of one member expires each year.

The composition of the Board may change from three (3) to five (5) members as determined by a two-thirds vote of an Annual Town Meeting, provided that such vote is ratified by the voters of the Town at the next Annual Town Election. A five (5) member Board would have three (3) year overlapping terms, so arranged that as nearly an equal number of members as possible shall expire each year.

(b) Powers and Duties

The executive powers of the Town shall be vested in the Board of Selectmen, which shall be deemed the chief executive office of the Town. The Board of Selectmen shall have all of the executive power possible to have and to exercise in accordance with the Constitution and the laws of the Commonwealth and by the charter and by-laws of the Town of Townsend. These powers shall also be extended to any trusts granted to the Board of Selectmen. The Board of Selectmen shall be responsible for the formulation and promulgation of policy directives and guidelines to be followed by all town agencies serving under it and, in conjunction with other elected multiple member bodies to develop and promulgate policy guidelines designed to bring the operation of all town agencies into harmony. Nothing in this section shall be construed to authorize any member of the Board of Selectmen, nor a majority of such members, to become involved in the day-to-day administration of any town agency. It is the intention of this provision that the Board of Selectmen shall act only through the adoption of broad policy guidelines that are to be implemented by officers and employees serving under it.

(c) Licensing Authority

The Board of Selectmen shall be a licensing board for the town and shall have power to issue licenses as otherwise authorized by law, to make all necessary rules and regulations regarding the issuance of such licenses and to attach conditions and to impose restrictions on any such license as it may issue as it deems to be in the public interest, and to enforce all laws relating to all businesses for which it issues any licenses.

(d) Appointment Authority

The Board of Selectmen shall appoint a Town Administrator, Town Accountant and an assistant, Constables, the Town Counsel, the Building Commissioner and an alternate, the Zoning Board of Appeals, the Conservation Commission, the Historic Districts Commission, the Personnel Board (Town By-law), the Board of Registrars (except the Town Clerk who serves by law) and other Election Officers, a Police Chief and the Police Department, a Keeper of the Lockup, Crossing Guards, a Fire Chief and the Fire Department, Hazardous Waste Coordinator, Parking Clerk, Tree Warden, the Ambulance Department, the Communication Department, a Highway Superintendent and the Highway Department, Nashoba Valley Technical High School Committee; Animal Inspector, Townsend Cultural Council, ~~Council~~, American Flag Committee, Abram S. French Fund, Band Concert Committee, Computer Committee, Council on Aging, Animal Control Officer, Assistant Animal Control Officer(s), Gas Inspector and Alternate, Town Forest Committee, Industrial Development Committee, Cable Television Committee, Veterans Agent, West Townsend Reading Room Committee, Wire Inspector and alternate, Plumbing Inspector and alternate, Land Use Coordinator, Janitor, Chief Procurement Officer, Town Properties Committee (two (2) at large members), and other multiple member bodies the

functions of which do not involve direct operating responsibilities, but which are, primarily policy making or advisory in nature, or required by By-law. Unless some other provision is expressly made by law the Board of Selectmen shall also appoint other individuals who are to serve as representatives of the Town to the governing or advisory bodies of area, regional, or district authorities.

(e) Investigations

The Board of Selectmen may make investigations and may authorize the Town Administrator to investigate the affairs of the Town and the conduct of any Town Agency including any doubtful claims against the Town. The report of the results of such investigation shall be placed on file in the office of the Selectmen and a report summarizing the results of such an investigation shall be printed in the next annual Town Report.

Section 3-3 Moderator

(a) Composition and Term of Office

A Moderator elected for a three year term.

(b) Powers and Duties

The Town Moderator shall have the powers and duties given that office by the laws of the Commonwealth, the Charter, by By-law, by Regional Agreement, or by other Town Meeting vote.

Section 3-4 Town Clerk

(a) Composition and Term of Office

A Town Clerk elected for a three year term

(b) Powers and Duties

The Town Clerk shall be the keeper of vital statistics for the Town. The Town Clerk shall be the custodian of the Town Seal, shall administer the oath of office to all persons elected or appointed to any Town office and shall issue such licenses and permits as are required by law to be issued by the Town Clerk. The Town Clerk shall supervise and manage the conduct of all elections and all other matters relating to elections. The Town Clerk will be the clerk of Town Meeting, keep its records and in the absence of the Moderator and the Deputy Moderator will preside pending the election of a temporary Moderator by Town Meeting vote. The Town Clerk shall have such other powers and duties as given by the laws of the Commonwealth, the Charter, By-laws and by other Town Meeting vote.

Section 3-5 Tax Collector

(a) Composition and Term of Office

A Tax Collector for a three year term

(b) Powers and Duties

The Tax Collector will have all the Powers and Duties as given by the laws of the Commonwealth, the Charter, By-laws and by other Town Meeting votes.

(c) Tax Collector/Treasurer †The elected Tax Collector is able to act as appointed Treasurer by By-law.

Section 3-6 Assessors

(a) Composition and Term of Office

A Board of Assessors consisting of three members elected for a three year term each, arranged so that one term expires each year.

(b) Powers and Duties

The Board of Assessors shall have all the powers and duties given to Boards of Assessors by the laws of the Commonwealth, the Charter, By-laws or by other Town Meeting vote.

Section 3-7 Board of Health

(a) Composition and Term of Office

A Board of Health consisting of three members elected for a three year term each, arranged so that one term expires each year.

(b) Powers and Duties

The Board of Health shall be responsible for the formulation and enforcement of rules and regulations concerning public health. The Board shall have all the powers and duties given to Boards of Health under the laws of the Commonwealth, the Charter, By-laws or other Town Meeting vote.

Section 3-8 Planning Board

(a) Composition and Term of Office

A Planning Board consisting of five members elected for a five year term each, arranged so that the term of one member expires each year.

(b) Powers and Duties

The Planning Board shall have all the powers and duties given to Planning Boards by the laws of the Commonwealth, the Charter, by By-law or other Town Meeting votes.

Section 3-9 Water Commissioners

(a) Composition and Term of Office

A Board of Water Commissioners consisting of three members elected for a three year term each, arranged so that the term of one member expires each year.

(b) Powers and Duties

The Board of Water Commissioners shall have all the powers and duties as defined by special agreement voted on September 16, 1933, pursuant to Chapter 381 of the Acts of 1920.

Section 3-10 Library Trustees

(a) Composition and Term of Office

A Board of Library Trustees consisting of five members elected for three year overlapping terms, so arranged that the terms of as nearly equal number of members as possible shall expire each year.

(b) Powers and Duties

The Board of Library Trustees shall appoint all employees of the library, have control over the selection of library materials, and have custody and management of such. The Board in accordance with the provisions of the gift or bequest shall administer all money and property that the Town may receive for library purposes by gift or bequest. The Library Trustees shall have all

the powers and duties given to Library Trustees by the laws of the Commonwealth, the Charter, Trust Agreements, By-law or other Town Meeting vote.

Section 3-11 North Middlesex Regional School Committee

(a) Composition and Term of Office

~~Three members of the School Committee elected for a three year term each, arranged so that the term of one member expires each year.~~ The composition and term of office of members of the North Middlesex Regional School Committee shall be defined in accordance with the North Middlesex Regional School District Agreement, as amended.

(b) Powers and Duties

The North Middlesex Regional School Committee members shall have all the powers and duties as defined by Regional Agreement, as amended.

Section 3-12 Cemetery and Parks Commission

(a) Composition and Term of Office

Three commissioners elected for a three year term each, arranged so that the term of one member expires each year.

(b) Powers and Duties

(1) As Cemetery Commissioners they shall have general charge of and superintendence of all the public burial grounds within Town and of any lands set aside by the Town for Cemetery purposes. The Cemetery Commissioners shall have all the powers and duties given to Cemetery Commissioners by the laws of the Commonwealth, and any additional powers or duties as provided by the Charter, By-law, Trust Agreements, or other Town Meeting vote.

(2) As Park Commissioners they shall have general charge and superintendence of all public parks. They may improve and make rules and regulations for Public Parks. The Parks Commissioners shall have all the powers and duties given to Parks Commissioners by the laws of the Commonwealth, by Charter, Trust Agreements, By-law or other Town Meeting vote.

Section 3-13 Recreation Commission

(a) Composition and Term of Office

A Recreation Commission consisting of five members elected for a three year term each, arranged so that the terms of as nearly an equal number of members shall expire each year.

(b) Powers and Duties

The Recreation Commission shall be responsible for the development, operation, scheduling and coordination of recreation programs for the town. The Commission shall have all the powers and duties as may be provided by the laws of the Commonwealth, the Charter, By-law or other Town Meeting vote.

Section 3-14 Trustees of Soldiers' Memorials

(a) Composition and Term of Office

A committee consisting of four (4) positions elected for a three (3) year term each, arranged so that the terms of as nearly an equal number of members shall expire each year.

(b) Powers and Duties

The Trustees of Soldiers' Memorials shall have all the powers and duties as may be provided by the laws of the Commonwealth.

Section 3-15 Amanda E. Dwight Entertainment Fund

(a) Composition and Term of Office

Three Trustees elected for a three year term each, arranged so that the term of one member expires each year.

(b) Powers and Duties

The Trustees of the Amanda E. Dwight Trust shall have all the powers and duties as defined by the Amanda E. Dwight Trust Agreement as established by the town on September 29, 1928.

Section 3-16 Townsend Housing Authority

(a) Composition and Term of Office

There shall be a Townsend Housing Authority consisting of five members, four shall be elected for a five year term by the voters and one shall be appointed in the manner provided by the General Law. All members shall serve a term of five years arranged so that one term expires each year.

(b) Powers and Duties

The Housing Authority shall make studies of the housing needs of the Town and shall provide programs to make available low income housing for families and the elderly of low income. The Housing Authority shall have all the powers and duties given to Housing Authorities by the laws of the Commonwealth.

Section 3-17 James H. Tucker Trust Fund Committee

(a) Composition and Term of Office

There shall be a three member committee of West Townsend residents, elected at the annual Town meeting in accordance with the James H. Tucker bequest.

(b) Powers and Duties

The James H. Tucker Fund Committee will have the authority to keep the curbing, gravestone and monuments in good order.

Article 4

Town Administrator

Section 4-1 Appointment; Qualification; Term

The Selectmen shall appoint a Town Administrator and shall fix the compensation for such person, annually, within the amount appropriated by the Town. The Town Administrator shall be appointed solely on the basis of demonstrated executive and administrative qualifications. The Town Administrator shall be a person especially fitted by education, training and or previous experience in public administration to perform the duties of the office. The Town Administrator need not be a resident of the Town at the time of appointment or at any time during the period of such service. The Town Administrator shall not have served in an elective position in Town government for at least twelve months prior to appointment. The Town may from time to time establish by By-law such additional qualifications as seem necessary and appropriate. The Town Administrator shall not hold any other public office, elective or appointed, in Townsend. The Board of Selectmen shall provide for an annual review of the job performance of the Town Administrator which shall, at least in summary form, be a public record.

Section 4-2 Powers and Duties

The Town Administrator shall be the chief administrative officer of the Town, directly responsible to the Board of Selectmen for the administration of all Town affairs for which the office of Town Administrator is given responsibility by or under this Charter. The powers and duties of the Town Administrator shall include, but are not intended to be limited to, the following:

- (a) To supervise, direct and be responsible for the efficient administration of all functions and activities for which the office of Town Administrator is given authority, responsibility or control by this Charter, by By-law, Town Meeting vote, vote of the Board of Selectmen, or otherwise.
- (b) To see that the personnel policies and practices, rules and regulations are equally administered for all Town employees. If a union or other personnel contract differs from the general policies, the Town Administrator will see that these are administered according to the contract, with the exception of the Town Administrator's contract which will be overseen and administered by the Board of Selectmen.
- (c) To attend all regular and special meetings of the Board of Selectmen, unless unavailable for reasonable cause, and shall have a voice, but no vote, in all proceedings.
- (d) To keep the Board of Selectmen fully advised at a public meeting or in writing as to the needs of the Town and all agencies and to make recommendations to the Board of Selectmen of actions required to resolve the situation.
- (e) To prepare the budgets which fall directly under the Board of Selectmen. To oversee the budgets for the Agencies under the supervision of the Selectmen, and in addition the Town Administrator will present to the Selectmen the budgets of elected Agencies and the Capital Plan in such a manner that the Selectmen have an understanding of the total budget. The Town Administrator will also work with the Finance Committee, the Accountant and the Treasurer to develop a plan for the funding of appropriations.
- (f) The Town Administrator will be responsible for Central Purchasing.

- (g) To see that all of the provisions of the Laws of the Commonwealth, of this Charter, Town By-laws, other votes of Town Meeting, and votes of the Board of Selectmen which require enforcement by the Town Administrator or other officers subject to the direction and supervision of the Town Administrator, are faithfully executed, performed or otherwise carried out.
- (h) To inquire, at any time, into the conduct and operation of any office or the performance of any Agency, its officers or employees under the jurisdiction of the Board of Selectmen.
- (i) To attend all sessions of all Town Meetings and to be prepared to answer all questions raised by voters which relate to warrant articles and to matters over which the Town Administrator exercises any supervision.
- (j) To coordinate the activities of all Town agencies serving under the office of Town Administrator and the office of the Board of Selectmen with those under the control of other officers and multiple member bodies elected directly by the voters. For this purpose, the Town Administrator shall have the authority to require the persons so elected, or their representatives, to meet with the Town Administrator, at reasonable times, for the purpose of effecting coordination and cooperation among all agencies of the Town.
- (k) To perform any other duties that are required to be performed by the Town Administrator by By-laws, Administrative Code, vote of the Town Meeting or votes of the Selectmen, or otherwise.

Section 4-3: Delegation of Authority

The Town Administrator may authorize any subordinate officer or employee to exercise any power or perform any function or duty which is assigned to the office of Town Administrator, provided, however, that all acts performed under any such delegation shall at all times be deemed to be the acts of the Town Administrator.

ARTICLE 5

Administrative Organization

Section 5-1 Organization of Town Agencies

The organization of the town into operating agencies for the provision of services and the administration of the government may be accomplished through either of the methods provided in this article.

(a) By-Laws - Subject only to express prohibitions in a general law or the provisions of this charter, the town meeting may, by by-law, reorganize, consolidate, create, merge, divide or abolish any town agency, in whole or in part; establish such new town agencies as it deems necessary or advisable, determine the manner of selection, the term of office and prescribe the functions of all such entities; provided, however, that no function assigned by this charter to a particular town agency may be discontinued, or unless this charter specifically so provides, assigned to any other.

(b) Administrative Code - The Town Administrator, after consultation with the Board of Selectmen, may from time to time prepare and submit to the town meeting plans of organization or reorganization which establish operating divisions for the orderly, efficient or convenient conduct of the business of the town.

Whenever the Town Administrator prepares such a plan the Board of Selectmen shall hold one or more public hearings on the proposal giving notice by publication in a local newspaper, which notice shall describe the scope of the proposal and the time and place at which the hearing will be held, not less than seven nor more than fourteen days following said publication. Following such public hearing, the proposal, which may have been amended subsequent to the public hearing, shall be submitted to the town meeting by an appropriate warrant article.

An organization or reorganization plan shall become effective at the expiration of sixty (60) days following the date of adjournment of the town meeting at which the proposal is submitted unless the town shall, by a majority vote, vote to disapprove the plan. The town meeting may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.

The Board of Selectmen may, through the administrative code, and subject only to express prohibitions in a general law, or this charter, reorganize, consolidate or abolish any town agency, in whole or in part; establish such new town agencies as is deemed necessary to the same extent as in provided in section 5-1 (a), above, for by-laws; and for such purpose transfer the duties and powers, and, so far as is consistent with the use for which the funds were voted by the town, transfer the appropriation of one town agency to another; provided, however, that no function assigned by this charter to a particular town agency may be discontinued or, unless this charter specifically so provides, assigned to any other.

Section 5-2 Publication of Administrative Code and Personnel Plan

For the convenience of the public, the administrative code and any amendments thereto shall be printed as an appendix to, but not an integral part of the By-laws of the Town of Townsend. The personnel and staffing plan as prepared by at the Board of Selectmen shall be published annually in the town report.

ARTICLE 6

Finance and Fiscal Procedures

Section 6-1 Fiscal Year

The fiscal year of the town shall begin on the first day of July and shall end on the last day of June, unless the laws of the Commonwealth require another period.

Section 6-2 Submission of Budget and Budget Message

Within the time fixed by by-law, before the Annual Town Meeting is to convene, the Town Administrator, after consultation with the Board of Selectmen, shall submit to the Finance Committee a proposed operating budget for the agencies for which the selectmen are responsible for the ensuing fiscal year with an accompanying budget message and supporting documents. Additionally, elected officials shall submit to both the Board of Selectmen and the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents.

Section 6-3 Budget Message

The budget message of the Board of Selectmen shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the Finance Committee deems desirable, or the selectmen may reasonably require.

Section 6-4 The Budget

The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by laws of the Commonwealth, or this Charter, it shall be in the form which the Finance Committee deems desirable or the selectmen may require. The presentation of the budget shall utilize modern concepts of fiscal presentations so as to furnish maximum information and the best financial control.

Section 6-5 Approval of Warrants

The Board of Selectmen shall be the chief fiscal officer of the town. Warrants for the payment of town funds prepared by the Town Accountant in accordance with the provisions of the laws of the Commonwealth shall be submitted to the Town Administrator for review.

ARTICLE 7

General Provisions

Section 7-1 Rules and Regulations

A copy of all rules and regulations adopted by any town agency shall be filed in the office of the Town Clerk before any such rule or regulation shall become effective, and copies shall be made available for review by any person who requests such information. No rule or regulation adopted by any town agency shall become effective until ten days following the date it has been so filed in the office of the Town Clerk.

Section 7-2 Periodic Review, Charter and By-Laws

(a) Charter Review

At least once in every ten years, the Board of Selectmen shall establish a special committee to consist of nine members for the purpose of reviewing this charter and to make a report, with recommendations, to the town meeting concerning any proposed amendments which said committee may determine to be necessary or desirable. The committee shall consist of nine members ~~who shall be chosen~~ appointed as follows; the Board of Selectmen, the Planning Board, the Council on Aging and the Board of Library Trustees, shall each ~~designate~~ appoint one person, the Finance Committee shall ~~designate~~ appoint two persons and three persons shall be appointed by the Town Moderator. Persons appointed by the said agencies may, but need not, be members of the agency by which they are ~~designated~~ appointed. The committee shall meet to organize forthwith following the final adjournment of the Annual Town Meeting.

(b) By-Law Review

The Board of Selectmen shall at five (5) year intervals, in each year ending in three, or in eight, cause to be prepared by a special committee appointed for that purpose, a proposed revision or recodification of all by-laws of the town which shall be presented to the town meeting for reenactment at the Annual Town Meeting in the year following the year in which the said committee is appointed. The said committee in its final or in an interim report shall include recommendations for such substantive change in town by-laws as it deems necessary or advisable. The review of town by-laws shall be in conjunction with town counsel, or, by special counsel retained for that purpose. Subsequent to enactment by the town meeting, copies of the revised by-laws shall be forwarded to the Attorney General of the Commonwealth for approval, and they shall be otherwise published, all as required by the. Copies of the revised by-laws shall be made available for distribution to the public.

Section 7-3 Procedures Governing Multiple Member Bodies

(a) Meetings

All multiple member bodies shall meet regularly at such times and places within the town as they may by their own rules prescribe. Except in cases of emergency, special meetings of any multiple member body shall be held on the call of the respective chairman or by one-third of the members thereof by suitable written notice delivered to the residence or place of business of each

member at least forty-eight hours in advance of the time set. A copy of the said notice shall also be posted on the town bulletin board(s). Special meetings of any multiple member body shall also be called within one (1) week after the date of ~~at~~ the filing with the Town Clerk of a petition signed by at least fifty (50) voters and which states the purpose or purposes for which the meeting is to be called. ~~Except as authorized by law, all meetings of all multiple member bodies shall be open and public. All meetings shall be held in places to which members of the public have a convenient right of access.~~

(b) Agendas

Before any meeting of a multiple member body is to be held, an agenda containing all items which are scheduled to come before the multiple member body at the meeting shall be posted ~~at the meeting location~~ as required by law. ~~No action taken on a matter not included in the posted agenda shall be effective unless the multiple member body first adopts, by a separate vote, a resolution declaring that the particular matter should be acted upon at that meeting.~~

(c) Rules and Minutes

Each multiple member body shall determine its own rules and order of business unless otherwise provided by this Charter or by-law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and copies shall be placed on file in the office of the Town Clerk and for the convenience of the public, kept available for public inspection in the office of the Town Clerk.

(d) Voting

~~Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the minutes, provided, however, that if the vote is unanimous only that fact need be recorded.~~

(e) Quorum

A majority of the members of the multiple member body then in office shall constitute a quorum, except where otherwise provided by law, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative votes of the majority of the full multiple member body.

(f) Filling of Vacancies

Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice, the appointing authority has not appointed some person to fill the vacancy the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members. The Town Clerk and the appointing authority shall be notified in writing when the vacancy is filled.

(g) Composition of Multiple Member Bodies

All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

(h) Loss of Office, Excessive Absence

If any person appointed to serve as a member of a multiple member body shall fail to attend four or more consecutive meetings, or one-half or more of all meeting of such body held in one calendar year, the remaining members of the multiple member body may, by a majority vote of the remaining members of such body, declare the office to be vacant, provided, however, that not less than ten days prior to the date said votes is scheduled to be taken the body has given in hand, or mailed, by registered or certified mail, return receipt requested, notice of such proposed or pending vote to the last known address of such person.

Section 7-4 Notice of Vacancies

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable qualifications, to fill the office, position or employment. No permanent appointment to fill such office, position or employment shall be effective until fourteen days following the date such notice was posted to permit reasonable consideration of all applicants. This section shall not apply to positions covered by the civil service law and rules or if in conflict with the provisions of any collective bargaining agreement.

Section 7-5 Removals and Suspensions

Any appointed officer, member of a multiple member body or employee of the town, not subject to the provisions of the state civil service law, or covered by the terms of a collective bargaining agreement which provides a different method, and whether appointed for a fixed or an indefinite term, may be suspended or removed from office, without compensation, by the appointing authority for good cause. The term cause shall include, but not be limited to the following:

Incapacity other than temporary illness, inefficiency, insubordination and conduct unbecoming the office.

Any appointed officer, member of a multiple member body or employee of the town may be suspended from office by the appointing authority to be necessary to protect the interests of the town. However, no suspension shall be for more than fifteen (15) days. Suspension may be simultaneous with removal process and shall not interfere with the rights of the officer or employee under the removal procedure given below.

The appointing authority when removing any such officer, member of a multiple member body or employee of the town shall act in accordance with the following procedure:

- (a) A written notice of the intent to remove and a statement of the cause or causes therefor shall be delivered in hand, or by registered mail or certified mail, return receipt requested, to the last known address of the person sought to be removed.
- (b) Within five (5) days following delivery of such notice the officer, member of a multiple member body or employee of the town may request a public hearing at which such person may be represented by counsel, shall be entitled to present evidence, call witnesses and to question any witness appearing at the hearing.

(c) Between one (1) and ten (10) days after the public hearing is adjourned, or if the officer, member of a multiple member body or employee of the town fails to request a public hearing between six (6) and fifteen (15) days after delivery of the notice of intent to remove, the appointing authority shall take final action, either removing the officer, member of a multiple member body or employee of the town or notifying such person that the notice is rescinded. Failure of the appointing authority to take any action within the time periods as stated in this section shall be deemed to be a rescinded of the original notice and the officer, member of a multiple member body or employee shall, forthwith, be reinstated.

Nothing in this section shall be construed as granting a right to such a hearing when a person who has been appointed or contracted for a fixed term is not reappointed when the original term expires.

Section 7-6 Terms Of Office

Notwithstanding any other provision of this charter which might appear to be to the contrary, whenever a person after having served for an initial term of years in a full time appointed town office is reappointed to the same office to succeed themselves, such reappointment shall be for an indefinite term not subject to further periodic reappointment, but subject to removal and or suspension in accordance with the procedures in section 7-8 of this charter.

ARTICLE 8

Transitional Provisions

Section 8-1 Continuation of Existing Laws

All the laws of the Commonwealth, special laws, town by-laws votes, rules and regulations of or pertaining to the town which are in force when the charter takes effect and which are not specifically or by implication repealed directly or indirectly hereby, shall continue in full force and effect until amended or rescinded by due course of law or until they expire by their own limitation.

Section 8-2 Continuation of Government

All town agencies shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected, or their duties have been transferred and assumed by another town agency in accordance with the provisions of this charter.

Section 8-3 Continuation of Administrative Personnel

Any person holding an office or position in the administrative service of the town, or any person serving in the employment of the town shall retain such office or position and shall continue to perform their duties until provisions shall have been made in accordance with the charter of the performance of the said duties by another person or agency.

Section 8-4 Transfer of Records and Property

All records, property and equipment whatsoever of any office, department, or agency of part thereof, the powers and duties of which are assigned in whole or in part to another office or agency shall be transferred forthwith to the office, department or agency to which such powers and duties are assigned.

Section 8-5 Time of Taking Effect

This charter shall take effect upon its adoption by the voters of Townsend, except as is hereinafter provided:

(a) Forthwith following the election at which this charter is adopted each town agency shall designate some person to represent it at all sessions of the town meeting to be held in this calendar year, in accordance with the provisions of section 2-8.

(b) Until such time as the town meeting may act, by by-law, to amend repeal or revise them, the following provisions shall have the force of town by-laws:

- 1) **Date of Town Meetings** - The annual town meeting shall be held according to by-law..
- 2) **Date of Town Elections** - The annual town election for the election of town officers shall be held according to by-law.

3) **Town Administrative Organization** - Until such time as a different form of organization shall be provided, in accordance with the provisions of article 5 of this charter, the following outline of organization shall be operative:

The Board of Selectmen shall appoint:

- a Town Administrator;
- a Town Accountant and an Assistant Town Accountant;
- Constables;
- a Town Counsel;
- a Gas Inspector and alternate;
- a Wire Inspector and alternate;
- a Plumbing Inspector and alternate;
- a Building Commissioner and alternate;
- the Zoning Board of Appeals;
- the Conservation Commission;
- the Historic District Commission;
- the Personal Board (Town By-Law);
- the Board of Registrars (except Town Clerk who serves by law) and other Election Officials;
- a Police Chief, and Police Department and Communication Department;
- a Keeper of Lock Up;
- Crossing Guards;
- a Fire Chief and the Fire Department;
- a Hazardous Waste Coordinator;
- a Tree Warden and Town Forest Committee;
- the Ambulance Department;
- a Highway Superintendent and Highway Department;
- the Nashoba Valley Technical High School Committee;
- Inspector of Animals;
- Animal Control Officer and an Assistant Animal Control Officer;
- Townsend Cultural Counsel;
- Band Concert Committee;
- Computer Committee;

- Council on Aging;
- Industrial Development Committee;
- Cable Television Committee;
- Veterans Agent;
- Land Use Coordinator;
- Janitor;
- Town Properties Committee (two members at large);
- Abrams S. French Fund Committee;
- American Flag Committee;
- Parking Clerk.

(c) All town officers and all members of all boards, commissions and committees who have heretofore been elected and who will henceforth be appointed under the provisions of this charter, shall serve for the balance of the term for which they were elected, (subject of their retirement or resignation) but their successors shall be appointed.

(d) Forthwith following the election at which this charter is adopted a special committee of seven members shall be appointed by the Board of Selectmen to revise the by-laws of the town in order to fully implement the provisions of this charter. The said committee shall submit a report and recommendations to the town meeting for adoption by a warrant article a session of the town meeting held not more than one year following the election at which the charter is adopted. At least two members of the said committee shall have been members of the charter commission appointed by the moderator.

(e) It is recognized that in the best long-range interest of the Town of Townsend, that such assumption must be gradual and on a phased-in basis.

(f) The provisions of section 6-2 of the charter shall not become effective until the year following the year in which the charter is adopted.

and shall continue in such office, without further appointment, but subject to removal as provided in section 7-8.

(h) Until such time as the town meeting may act, by by-law, to adopt another manual or guide, the town meeting shall be governed by the rules of procedure in the accepted edition of "Town Meeting Time, A Handbook of Parliamentary Law", published by the Massachusetts Moderators Association.

(i) The report of the Finance Committee shall be printed and copies shall be made available for distribution to every person who shall request a copy thereof at the office of the Town Clerk.

The reports shall be available at least seven days before the annual town meeting is scheduled to convene.

Section 8-6 Implementation of Changes in Terms of Office

(a) The elected incumbent in an office experiencing a term change shall continue to serve for the balance of the term for which they were elected. Upon the expiration of that term of office, the position will conform to the revised number of years specified within this charter.

(b) If an elected position has been changed to now being appointed per this charter, the official will serve out the current term to which they were elected.

Andy Sheehan

A.I

From: Carla Walter <cwalter@townsend.ma.us>
Sent: Tuesday, September 09, 2014 12:53 PM
To: asheehan@townsend.ma.us
Cc: Kathy Spofford; irene_congdon1@yahoo.com
Subject: Recycling Committee Appointment

Hi Andy and Kathy,

At the Board of Health meeting on August 25, 2014 the Board voted 2/0 to appoint Ericka Art to the Recycling Committee for a term of three (3) years. Please schedule this on the Board of Selectmen agenda and let me know your date.

Kathy; are there any other Recycling Committee members up for re-appointment? Please advise. Thanks for your support.

Best,
Carla

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Office of the
CONSERVATION COMMISSION
Town of Townsend,
272 Main Street
Townsend, Massachusetts 01469
978-597-1700, ext. 1739 978-597-8135 fax
conservation@townsend.ma.us

4.2

Mary Small, Acting Chairman
Jennifer Pettit
Emily Norton

James Deroian, Clerk
John Hussey
Stephen Marshall

Leslie W. Gabrilka,
Conservation Agent

office 978-597-1700, ext. 1739
fax 978-597-8135

September 15, 2014

MEMO

To Board of Selectmen
From: Leslie Gabrilka, Conservation Agent

RE: Recommendation of appointment of Conservation Commissioner

At their regularly scheduled meeting on Wednesday, September 10, 2014, the Conservation Commission voted on whether to recommend to the Board of Selectmen the appointment of either Veronica Kell or Nicole Superchi to the Conservation Commission.

On the recommendation of Veronica Kell, Jennifer Pettit motioned to recommend Veronica Kell, seconded by Emily Norton, with Emily Norton, Mary Small and Jennifer Pettit voting yes, and James Deroian, John Hussey and Stephen Marshall voting no.

On the recommendation of Nicole Superchi, Stephen Marshall motioned to recommend Nicole Superchi, seconded by JD, with Stephen Marshall, John Hussey and James Deroian voting yes, and Jennifer Pettit, Emily Norton and Mary Small voting no.

VOLUNTEER RESPONSE FORM



TOWN OF TOWNSEND
TOWN CLERK

Town government needs citizens who are willing to give time in the service of their community. The Talent Bank is a means of compiling names of interested citizens to serve, on a voluntary basis, on boards and committees. This file is available for use by the public as well as the Moderator and the Selectmen.

Talent Bank files are being updated to include categories consistent with the changing needs of the town.

Indicate your order of preference and return the form below to:

Talent Bank c/o Board of Selectmen
272 Main Street
Townsend, MA 01469

Name: VERONICA KELL Telephone No. (978) 597-5163
 Work No. () _____
 Address: 68 MEADOW RD
 Occupation: TEACHER
 Amount of time available (per week/per month): 2/10
 Background/Experience TCLT trustee - 25 years

LIST ORDER OF PREFERENCE

<i>Land Use and Preservation</i>	<i>Culture/Recreation</i>	<i>Other</i>
Conservation Commission <u>1</u> ✓	275th Anniversary Committee	Board of Registrars
*Planning Board	Cultural Council	Election Officials
Town Forest Committee	*Amanda E. Dwight Entertain.	Townsend Emergency Mang. Agency
Zoning Board of Appeals	American Flag Committee	Memorial Hall Restoration Committee
Historic District Commission	James H. Tucker Fund Committee	*Water Commission
Master Plan Committee	*Cemetery & Parks Commission	West Townsend Reading Room
Fence Viewer	*Recreation Commission	*Republican Town Committee
Development & Industrial Commission	*Library Trustees	
	Veterans Agent	
<i>General Government</i>	Bandstand Coordinator	<i>Human Services</i>
*Board of Selectmen		*Board of Health
Finance Committee		Council On Aging
*Moderator		*Trustees of Soldiers' Memorials
*Assessors		Abram S. French Fund Committee
Town Properties Committee	<i>School Committee Rep</i>	
Constables	Nashoba Valley Tech High School	<i>Housing</i>
Capital Planning Committee	North Middlesex Regional High School	*Housing Authority
Strategic Planning Committee		
Cable Television Advisory Committee	<i>Other</i>	

**Unless a vacancy exists on an Elected Board prior to an Election, all * (asterisks) positions require nominations papers. Please see the Town Clerk for further information.*

TOWN OF TOWNSEND

REQUEST FOR RE/APPOINTMENT TO BOARD, COMMITTEE OR COMMISSION

- Name: Veronica Kell
First, Middle Initial and Last Name/If registered voter, then as registered.
- Address, including P.O. Box Number (if applicable), Town, Zip Code:
68 Meadow Rd
Townsend, MA 01469
- Telephone Number: _____
- Position: Conservation Commissioner
- Term Expiration Date: 6/30/15
- Current Term Expiration: n/a
- Note if filling unexpired term of a former member: _____

Signature of Board, Committee or Commission Chair or designee:
Karen Chapman

Please return this form to:

Office of the Board of Selectmen
272 Main Street
Townsend, MA 01469

Date received 3/24/14 AKW



VOLUNTEER John Hussey's ORM
daughter (?)

Town government needs citizens who are community. The Talent Bank is a means to serve on a voluntary basis on boards and the public as well as the Moderator and the Selectmen. service of their sted citizens to available for use by

Talent Bank files are being updated to include categories consistent with the changing needs of the town.

Indicate your order of preference and return the form below to:

Talent Bank c/o Board of Selectmen
272 Main Street
Townsend, MA 01469

Name: Nicole Superchi

Phone (978) 512-9734 email hussey.nicole@yahoo.com

Address: 2 Reagan Rd. Townsend MA 01469

Occupation: Biopharmaceutical Technician at Bristol Myers Squibb

Amount of time available (per week/per month): ~10 hrs per week, depends on day

Background/Experience Bachelor of science degree in Biology from Fitchburg State.

At Fitchburg State: Vice President of Biology Club for 3 years. (Foster love and appreciation of Ecology and Sciences to children, event planning)

REFER TO THE LIST OF BOARDS AND COMMITTEES ON THE BACK OF THIS FORM AND LIST THOSE YOU ARE INTERESTED IN SERVING ON IN ORDER OF PREFERENCE

1. Conservation Commission
2. _____
3. _____

4.5
4.7

From: "Andy Sheehan" <asheehan@townsend.ma.us>
To: "Leslie Gabrilka" <lgabrilka@townsend.ma.us>
Subject: FW: Resident Request for Appointment to Volunteer Board or Committee
Date: Wed, 20 Aug 2014 16:43:36 -0400
X-Mailer: Microsoft Outlook 14.0
Thread-Index: AQFNfqbUStZGlwG8I9a2Eucvy0vrrpzcWog
X-Antivirus: AVG for E-mail 2013.0.3485 [3955/8074]
X-AVG-ID: ID1B2CDFAB-370F3DFF

Please see attached volunteer request for Conservation Commission

From: Nicole Superchi [mailto:superchinicole@gmail.com]
Sent: Wednesday, August 20, 2014 4:31 PM
To: asheehan@townsend.ma.us
Subject: Resident Request for Appointment to Volunteer Board or Committee

Request From: Nicole Superchi
Email: superchinicole@gmail.com
Source IP: 98.110.136.81

Street Address: 2 Reagan Rd. Townsend MA 01469
Mailing Address: 2 Reagan Rd. Townsend MA 01469

Home Phone: 9785973096
Work Phone: 9785129734
Fax:

Checkbox Choices

Conservation Commission,

Are you a registered voter in the Town of Townsend? Yes/No

Yes

Do you have conflicts with meeting times or group assignments?

No

If you have previously served on any Boards or Committees in the Town of Townsend, please describe your experience:

(Previously applied to volunteer on Conservation Commission)

Are there other background experiences or skills that you feel would contribute to this appointment?

Bachelor of Science in Biology from Fitchburg State College (this included classes on Ecology and Conservation Biology)

Why are you interested in this appointment?

Would like to get more involved in the town I grew up in, and will raise my children in.

What are your goals for this Board or Committee?

I hope to bring my background experience to the group to aid in decisions where I can.



[Attach020.htm](#)

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TOWNSEND COMMUNICATIONS CENTER
P. O. Box 137
70 Brookline Road
Townsend, Massachusetts 01469

4.3

Erving M. Marshall, Jr.
Chief of Police

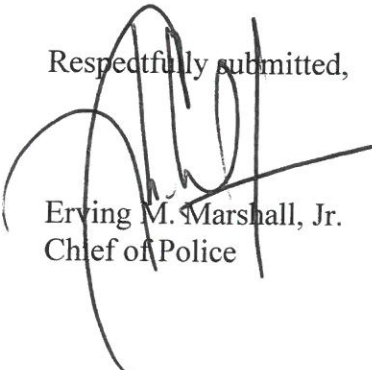
978-597-2242
978-597-6214

DATE: September 15, 2014
TO: Board of Selectmen
FROM: Erving M. Marshall, Jr.
Chief of Police
RE: David Mazza
Thomas Kalil
Reserve Officer Appointments 9/16/14 – 6/30/15

I request that the Board appoint David Mazza and Thomas Kalil to the position of Reserve Police Officer for the period of September 16, 2014 through June 30, 2015, with a nine-month probationary period and upon satisfactory completion of psychological exams and satisfactory completion of a pre-employment physical for Thomas Kalil. David Mazza is currently a Town of Townsend employee and has already completed and passed a pre-employment physical. This action is being requested with respect for the need of additional reserve police officers and with regards to the original posting of the position with the Town Clerk on July 28, 2014 in which Mazza and Kalil applied.

Copies of Mazza's and Kalil's employment applications are attached for your review along with a copy of the job posting. Please return Mazza's and Kalil's employment applications after reviewing same.

Respectfully submitted,



Erving M. Marshall, Jr.
Chief of Police

EMM/dls

Attachments

Cc: Mazza file
Kalil file
Appointment file



TOWNSEND POLICE DEPARTMENT

P. O. Box 137

70 Brookline Road

Townsend, Massachusetts 01469

**Erving M. Marshall, Jr.
Chief of Police**

978-597-2242

978-597-6214

July 28, 2014

JOB POSTING

The Townsend Police Department is currently seeking applications for part-time reserve police officers. Applicants must possess a valid motor vehicle operator's license, have a high school diploma or equivalent, and live within a ten mile radius of the Town of Townsend. Part-time police academy training or equivalent accepted by the Massachusetts Municipal Police Training Council, education, and past experience as a police officer will be given prime consideration.

Anyone wishing to apply should submit a Townsend Police Department employment application, which can be picked up at the Townsend Police/Communications Center, 70 Brookline Road, Townsend, MA 01469 or found on the Townsend Police Department website at www.townsendpd.org. Along with the application, a resume with cover letter should be submitted to: Chief Erving Marshall c/o Townsend Police Department, 70 Brookline Road, P.O. Box 137 Townsend, MA 01469 no later than August 29, 2014 at 4:00 PM.