



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

Lance J. McNally, Chairman **Christopher Nocella, Vice Chairman** **Laura E. Shifrin, Clerk**
Kathleen Araujo, Member **Jerrilyn T. Bozicas, Associate**

Planning Board Meeting Agenda
Monday, November 09, 2015 at 7:00 p.m.
Townsend Memorial Hall, in Selectmen's Chambers
272 Main Street, Townsend, MA 01469

I. PRELIMINARIES:

- 1.1 Call the meeting to order
- 1.2 Roll call
- 1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting –
- 1.4 Acceptance of Minutes of 10/19/15

II. APPOINTMENTS:

- 2.1 7:10 p.m. Steve Joncas, Common Ground Development Corp., Request to Meet RE: Locke Brook Run, Possible Modifications to Special Permit
- 2.2 7:30 p.m. Rick Lamarre: Request for Partial Release of Bond Funds, "Deer Run," Open Space Preservation Development, Alyssa Drive, off Ash St.

III. WORKSESSION:

- 3.1 Medical Marijuana Cultivation Resident's Inquiry-Moratorium Expired-Begin Draft Bylaws, Suggested by Town Administrator
- 3.2 Board/Committee Handbook – Request for Input from Board of Selectmen
- 3.3 13 Elm St. Center Fire Station – Confirm Plan Modifications have changed Decision Condition B.
- 3.4 Tree/Stone Wall Filing from Conservation Commission
- 3.5 MRPC Awarded EPA Brownfields Assessment & Grant

IV. CORRESPONDENCE:

- 4.1 Notices from Townsend / Other Towns

V. ADJOURNMENT:

- 5.1

Next Regular Meeting Date: Monday November 23, 2015, at 7:00 p.m.

2.1

s

From: Steven Joncas <s.joncas@att.net>
Sent: Monday, October 19, 2015 2:25 PM
To: jhollows@townsend.ma.us
Cc: Doug Deschenes; Bill Lipchitz; Brett King; Jack Sullivan; Gary Shepard
Subject: Locke Brook Run
Attachments: Planning Board Docs.pdf

Jean

Please consider this email as a follow up to our telephone conversation this morning.

As discussed, Common Ground Development Corporation is a nonprofit housing development subsidiary of Community Teamwork Inc. Our mission is to work with communities to advance their affordable housing goals.

Common Ground entered into a Purchase and Sale Agreement with 54-60 Realty Trust II, 135 Jewitt Street, Pepperell for land in Townsend located on West Meadow Road known as Locke Brook Run. Attached is a copy of the approval granted by the Townsend Planning Board in October 2007. The agreement with 54-60 Realty Trust II allows Common Ground a period of time to conduct its due diligence to assess the project's feasibility. Part of our work involves determining the status of various town permits and approvals. The investigation also provides us with an opportunity to assess costs and market conditions. The present schematic plans call for 20 townhouse units each of which are approximately 1700 SF in size.

Please consider this as a request for an informal meeting to confirm the status of the planning board approval and discuss possible changes to the project design.

Thank you for your consideration.

Regards
Steven Joncas

Joncas Associates
130 Warren Street
Lowell, MA 01852
978 452 3956 (Office) 978 265 7592 (Mobile)
Real Estate Development Consulting

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MAY 19 2015

TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman

Perry J. Tomasetti, Clerk

Christopher Nocella, Vice Chairman

Jerrilyn T. Bozicas, Associate Member

Date: May 18, 2015
To: Town Clerk
From: Planning Board
Subject: Locke Brook Run OSMD (Open Space Multi-Family Development)
West Meadow Road – 54-60 Realty Trust II, Scott Blackburn
Special Permit Decision of October 15, 2007
cc: Scott Blackburn

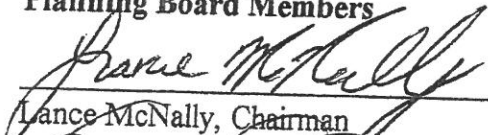
At a public meeting of the Planning Board on May 18, 2015, the Board addressed the attached Site Plan Review / Special Permit Application and letter submitted by Scott Blackburn of 54-60 Realty Trust II, requesting an extension of time to begin construction on a 20-unit Open Space Multi-Family Development.

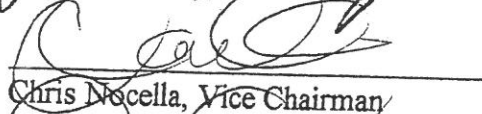
The Board finds that the applicant has met a condition of the permit to convey 34 acres of open space to the Town of Townsend, and is complying with a condition to donate one unit to Habitat for Humanity, which will be added to the Town's "Affordable Housing" Inventory. The developer acknowledges that this condition runs with the permit, and has continued to maintain contact and provide updates to the Habitat organization.

The Board further finds that based on a sluggish economy over the past several years, there is sufficient good cause to grant an extension of time to begin substantial construction of the Open Space Multi-Family Development, pursuant to Zoning Bylaws §145-47 H. and §145-65 G.

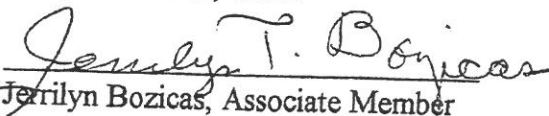
The extension granted on the above referenced Special Permit will now expire on October 15, 2017.

Planning Board Members

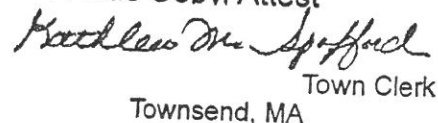

Lance McNally, Chairman


Chris Nocella, Vice Chairman


Perry Tomasetti, Clerk


Jerrilyn Bozicas, Associate Member

A True Copy. Attest


Town Clerk
Townsend, MA



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 TOWN CLERK
 10 copy

Stanley Vladyka, Chairman Nicholas E. Thalheimer, Vice-Chairman
Louis C. Kiklis, Clerk Jeffrey R. Peduzzi, Member Gerald B. Coughlin, Member

Notice of Decision

Notice is hereby given according to MGL Chapter 40A and Townsend Zoning Bylaw Sections 145-42 and Section 145-65 that a Special Permit and Site Plan Review for an Open Space Multi-Family Development (OSMD) was approved with conditions on October 15, 2007.

Entitled: Locke Brook Run *Daniel J. Murphy* True Copy, Attest
 Dated: December 22, 2006 and Revised through August 1, 2007 Town Clerk
 Description: 20 condo units in five buildings with three driveway openings Townsend, MA
 Property located: off West Meadow Road
 Shown on Assessors Map: #4 Block: #20 Lot #0 Residential RB 2
 Recorded deed at the Middlesex Southern Registry of Deeds: Book: 48421 Pages: 253
 Land owned by: 54-60 Realty Trust II / Scott Blackburn, 135 Jewett Street, Pepperell, MA 01463
 Prepared by: David E. Ross Associates, Inc., 111 Fitchburg Rd., Ayer, MA 01432
 Date of Hearing(s): The public hearing commenced on 04/23/07, was continued on 05-21-07, 06-11-07, 06-25-07, 07-02-07 and 08-13-07, and closed on 08-13-07. A decision was rendered on October 15, 2007.

Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 24th day of October, 2007
 Planning Board Administrative Assistant Jeanne Holloway

Right to Appeal:

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 41, Section 81BB and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Town Clerk Notification:

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed, it has been dismissed or denied.

Daniel Murphy, Town Clerk: *Daniel J. Murphy* 11/15/2007

Notice to Applicant:

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both this NOTICE OF DECISION and the DEFINITIVE SUBDIVISION DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Register of Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

ATTESTATION

Received and entered in the Registry of Deeds in the County of Middlesex, South:

ATTEST: _____ Register of Deeds



Bk: 50376 Pg: 248 Doc: DECIS
 Page: 1 of 10 11/21/2007 10:30 AM



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RECEIVED
OCT 24 2007

TOWN OF TOWNSEND
TOWN CLERK
October 15, 2007

DECISION

**Locke Brook Run
West Meadow Road
Special Permit for Open Space Multi-Family Development (OSMD)
and Site Plan Review**

**Applicant/Owner: 54-60 Realty Trust II/ Scott Blackburn
135 Jewett Street, Pepperell, MA 01463**

I. Bylaw background

Section 145-47 of the Townsend Zoning Bylaw establishes requirements within residential districts R-A and RB to allow for the creation of an Open Space Multifamily Development by special permit, and allows the Planning Board to grant a reduction on all density regulations of the underlying zoning regulations for all portions of an OSMD, with the exception of height and front, side and rear yard setbacks, subject to the provisions defined in that section.

Subsection 145-42 establishes criteria for issuing a Special Permit for a Site Plan submission to be deemed a potentially significant addition to a developing or developed area of Town, under which section all Special Permits issued under the Townsend Zoning Bylaw must comply.

Subsection 145-24 of the Townsend Zoning Bylaw specifies general requirements with respect to "Driveways and entrances."

Subsection 145-33 of the Townsend Zoning Bylaw specifies compliance to "Parking Requirements."

Subsection 145-65 of the Townsend Zoning Bylaw specifies procedures to apply for special permits to be reviewed by the special permit granting authority, time lines for referral notices and public hearings and rendering of decisions.

Section 175-16 "Design Standards" and 175-10 "General Requirements of Applications" from the Planning Board Rules and Regulations must also be satisfied in conjunction with the OSMD requirements.

II. Parcel background

The proposed project is named "Locke Brook Run." The application indicates that the parcel is located at 0 West Meadow Road, shown on Assessor's Map 4, Block 20, Lot 0, in zoning district RB2. The deed is recorded at the South Middlesex Registry of Deeds, in Book number 48421, Page 253. The application indicates that the owner is Scott Blackburn of 135 Jewett Street, Pepperell, MA and the applicant is 54-60 Realty Trust II.

III. Proceedings

On 01-05-07 the applicant submitted an application and plans dated 12-22-06 for an Open Space Multifamily Development. Following consultation with Town Counsel, an application for a Special Permit for Site Plan Review, along with a revised set of plans was submitted 03-21-07. Two letters granting an extension of time to open the hearing were submitted to allow time for clarification of



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the review process, one extending the time to 03-19-07 and another to 05-07-07. The legal notice was published 03-30-07 and 04-06-07. All statutory abutters and abutting towns were notified on 03-27-07, and Mandatory Referrals were sent to all Town Boards and Departments. Comments received are contained in the Minutes and the file. The public hearing opened on 04-23-07. Hearings were continued on 05-21-07, 06-11-07, 06-25-07, 07-02-07 and 08-13-07, and closed on 08-13-07. Ducharme & Dillis Civil Design Group, Inc. was contracted as the Town's Engineer for the purpose of a Peer Review evaluation of the project. Plan Revisions were submitted on 05/21/07, 06/11/07 and 8/1/07. Watershed and soil maps were submitted on 06-11-07. An "Open Space Plan" outlining 34.5+ acres of open space surrounding Locke Brook and the proposed condos, and Revised Drainage Calculations were submitted on 08/01/07.

IV. Waiver Requests

One waiver was requested by the applicant as follows:

§ 175-10 D. (10) requires a USGS Benchmark to be shown on the Plan. An assumed datum was used since the closest benchmark was beyond one-half mile away and the area is not in the flood plain. J. Peduzzi motioned to grant the waiver. S. Vladyka seconded and all voted in favor.

V. Findings

A. Findings with respect to the overall property, submissions, and proceedings

Through the review process, the Board made the following findings:

- 1) Total acreage includes 40.5+/- acres. Proposed open space is 34.5+/- acres. Total lot area for development is 6.0+/- acres. The open space area surrounds Locke Brook, and also abuts property previously designated for Town ownership.
- 2) Applicant asserts wetlands are 3.5+/- acres.
- 3) The project lies within the Residential Zoning District RB2 and also lies within the Squannassit Area of Critical Environmental Concern (ACEC).
- 4) The applicant proposes to construct 20 condo units, with two bedrooms each in five buildings.
- 5) Three driveway openings are to be located on West Meadow Road, across from the West Meadow Estates development.
- 6) All lots are to be serviced by town water.
- 7) Sub-surface sewage disposal systems are proposed, including a single treatment area to combine the flow from 16 bedrooms.
- 8) The applicant proposes to deed the open space to the town.
- 9) The applicant proposes to donate one unit to Habitat for Humanity for affordable housing. The owner/applicant provided a letter stating the unit will be sided, studded, roofed and contain the rough plumbing and rough electrical.
- 10) Preserving the land surrounding Locke Brook and keeping it undeveloped will protect a sensitive environmental area from development.
- 11) The applicant demonstrated that the open space approach would minimize the amount of disturbance required for construction adjacent to the brook.
- 12) The open space plan would create a contiguous vegetative buffer to the south of the development, including no disturb wetlands buffers, and would be beneficial in giving the Conservation Commission control over the natural characteristics of the open space.



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- 13) Based on the conventional plan submitted, 15 four-bedroom homes could be constructed. The multi-family units with only two bedrooms each would attract first time homeowners or older couples, resulting in less burden on the schools, and offer easy maintenance.
- 14) Creating an area of conservation land will protect and increase property values in the neighborhood.
- 15) In a letter dated 4/12/07 the applicant states a projection of an estimated additional 120 vehicle trips per day on West Meadow Road.
- 16) Decision is based on the plans titled "Locke Brook Run – An Open Space Multi-family Development," O West Meadow Road, Townsend, prepared for 50-60 Realty Trust II, dated December 22, 2006 and revised through August 1, 2007.

B. Findings with respect to general requirements of 145-47 Open Space Multi-family Development (OSMD)

- 1) Section 145-47 E (3) Emergency vehicle access - The Planning Board consulted with the Fire Chief and the Highway Superintendent to confirm satisfactory access.
- 2) 145-47 E. (2) The Board finds that the plan does meet the table of minimum requirements for an OSMD.
- 3) Section 145-47 E (2) – The Board finds that granting a reduction in all density regulations of the underlying zoning regulations for all portions of the OSMD, with the exception of height and front, side and rear yard setbacks, will result in better design and improved protection of natural and scenic resources, as outlined in this section of the code of the Town of Townsend Zoning By-laws.

C. Findings with respect to 145-42 Site Plan Review Special Permit

- 1) Section 145-42 D – The Board finds that the project meets all criteria for the purpose and intent of this by-law, as it relates to systems of vehicular and pedestrian access, drainage, water supply sewage disposal, lighting, landscaping, wetlands, watercourses, buildings and other features that support the neighborhood, along with the protection of the public health, safety welfare, property values, and the environment.

D. Findings with respect to Section 145-24. Driveways and entrances

- 1) 145-24 D (6) Easements are proposed for the common drives serving dwelling units on lots 2, 3 & 4. Maintenance agreements will be required for residents.
- 2) The Fire Department provided a favorable assessment on proposed turn around areas and access areas for fire apparatus. The peer consultant engineer also confirmed there is sufficient space for turning at the end of the driveway servicing Lots #2 and #3.
- 3) Interim Fire Chief, Don Cline provided comment to say fire trucks should be able to navigate proposed driveway grades.



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E. Findings with respect to 145-33. Parking Requirements

1) Each of the driveways will serve more than 5 parking spaces. Plans include the planting of 23 additional trees along the streets to supplement the adjacent heavily wooded open space parcels.

F. Planning Board Rules and Regulations Section 175-10 General Requirements

1) The plans did not include a USGS Benchmark as required in § 175-10 D. (10). The applicant requested a waiver to allow an assumed datum, which was granted by the Board. The Board finds all remaining Rules and Regulations to have been met.

G. Findings with respect to Planning Board Rules and Regulations Section 175-16. Design Standards

1) The applicant provided drainage calculations along with watershed and soil maps, and stated that the data confirms the majority of soils on site are well drained, with only small portions of poorly drained soils mainly along the riverbed, which would remain untouched.

2) The applicant states that easements will be included on an ANR plan, to be submitted to the Board.

3) The applicant did not perk test soils on the far side of the brook. The applicant's engineer, the board's peer review engineer and the board agreed that such testing would have a detrimental effect on the brook. Soil maps were provided to confirm to the board's satisfaction that soils were the same on both sides of the brook.

H. Findings with respect to 145-65 E. - Referral

1) The proposed development was referred to all applicable Town Boards, Committees and Commissions. Comments were received from: the Board of Health, Building Commissioner, Conservation Commission, Fire Department, Housing Authority, Water Department and the Zoning Board of Appeals.

I. Findings with respect to 145-65 F. - Decision

1) The project meets size requirements for the proposed development.

2) The site is residentially zoned, and thus suitable for a residential development.

3) The addition of 20 condo units with three off-road driveways would have a minimal impact on the neighborhood visual character.

4) The addition of 20 condo units will not cause unreasonable traffic congestion, either within or outside the development and meets the Town standards for parking, access, road design and construction.

5) Adequacy of method of sewage disposal, source of water, drainage provisions, utilities, and the impact on ground and surface water was addressed to the satisfaction of the Board.

6) Additional adequacy of sewage disposal will be addressed by the Board of Health.

J. Concluding Findings.

1) Based on these findings, the Planning Board concludes that the Open Space Multi-Family Development will be superior to the conventional subdivision.

2) The open space within the site is an important natural characteristic and contributes to the neighborhood character, and thus deserving of protection under 145-47 and 145-65 F. (g).



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3) Development under the OSMD will result in a significant portion of the site being protected in perpetuity.

VI. Conditions

A. Procedural conditions

- 1) The applicant shall maintain a liability policy in the amount of at least \$1 million dollars, with an insurance company licensed in Massachusetts until such time as the construction is complete and any bond or other surety provided as part of the project is released. Copy of said policy shall be filed with the Town Clerk and forwarded to the Planning Board.
- 2) Violations of any conditions of this permit shall be grounds for revocation of this permit.
- 3) The developer shall be liable to repair any damage or destruction to the open space, other than as allowed by the Planning Board as of the date of this Decision.
- 4) Due to the substantial nearby wetlands and the OSMD's location within the ACEC, all future condo homeowners shall receive a letter regarding the potential damaging use of Invasive Ornamental Plant Species. Such letter shall be approved by, and contain the telephone number of, the Townsend Conservation Commission.

B. Conditions with respect to the overall property, submissions, and proceedings

- 1) The applicant shall donate one condominium unit within the Locke Brook Run development, to Habitat for Humanity, for the express purpose of providing additional Affordable Housing to the Town, in a manner consistent with the bylaw and M.G.L. Chapter 40 A § 2. The unit shall be sided, studded, roofed and contain the rough plumbing and rough electrical, and otherwise subject to the terms and conditions of buildings covenants which shall be mutually agreed upon between the Applicant and the Townsend Housing Authority. The applicant shall partner with the Town and the State to be sure it is added to the count of affordable housing stock. The Covenants shall be approved by the Planning Board with input from the Townsend Housing Authority prior to any construction. The donation shall take place within the first two years of the building phase, or when building permits have been issued for the first three buildings, containing each four dwelling units, including the donated unit, whichever is later.
- 2.) The applicant shall comply with all Rules and Regulation and all conditions imposed by the Board of Health, Conservation Commission, and state environmental agencies unless otherwise waived. The rate of development shall be governed by the Rate of Development bylaw as determined by the Zoning Enforcement Officer.
- 3) Substantive errors in the submissions, whether or not deliberate, shall be grounds for revocation of this permit.
- 4) Deliberate misrepresentations in the submissions, whether or not substantive, shall be grounds for revocation of this permit.



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C. Conditions with respect to general requirements 145-47 Open Space Multi-family Development (OSMD)

- 1.) The maximum number of units shall be 20, and shall substantially conform to the open space multi-family plan submitted. All remaining land shall remain open space in perpetuity.
- 2.) The Planning Board hereby grants a reduction in density requirements for five lots to have their frontage and areas reduced to the amounts shown on the submitted open space plan, allowed by provisions within the open space multi-family development by-law.
- 3.) A walking trail shall be cleared in conformance with environmental law and located along Locke Brook to connect to the adjacent subdivision's open space area designated for Town ownership. There shall be a gravel parking area sufficient for up to five vehicles at the entrance to the trail from West Meadow Road. The trail shall be clearly marked, shall remain natural with no paved surfaces, and be constructed approximately six feet wide to allow for two people to walk abreast. Further, barriers shall be put in place at the entrance of the trail to prevent vehicular traffic access. A minimum of three (3) pipe bollards, no more than 18" apart shall be used. The walking trail and parking area shall be posted with proper signage. The applicant shall submit a sign plan to the Planning Board for review and approval no later than the date of the final plan endorsement.
- 4.) Prior to any site preparation work, the open space shall be clearly flagged, to the satisfaction of the Planning Board, so as to prevent any inadvertent intrusion into the open space by workers.
- 5.) The common open space shall be untouched by any development activities with the exception of construction of the walking trail.
- 6.) Following the expiration of the appeal period for this decision, and prior to issuance of a building permit, the applicant shall file with the Planning Board a plan for endorsement, "Approval Not Required (ANR) under Subdivision Control Law, which plan shall show all easement details, the five building lots, and one parcel not for building, to be conveyed to the Town of Townsend under the care, custody, control and charge of the Conservation Commission, all consistent with the OSMD and Site Plan Special Permit as herein approved.
- 7.) A draft copy of easement language and recording information shall be provided to the Board at the time of the endorsement of the above reference ANR plan.

D. Conditions with respect to general requirements of 175-16 Design Standards

- 1) 175-16 A. General - The layout of lots and buildings shall be substantially the same as in the plans submitted.
- 2) 175-16 A. General - The applicant shall show due regard for all natural features, with no clear cutting of trees around the units, leaving as much screening as possible.
- 3) 175-16 B. Streets - The applicant shall comply with regulations for the construction of driveway grades and entrances, so as to be the same as what is required for streets, unless otherwise approved by the Highway Superintendent and Building Commissioner.



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- 4) 175-16 F Water and sewer systems - All units shall be served by town water by the applicant's expense.
- 5) 175-16 F Water and sewer systems - The applicant shall meet with the Board of Water Commissioners with regard to water supply lines and hydrants.
- 6) 175-16 F Water and sewer systems - The applicant shall agree to an "Impact Study" to be performed by the Water Department's engineering consultants with respect to an existing Booster Station, the proposed elevation, and to determine if modifications to the booster station would be required to meet the demand.
- 7) 175-16 F Water and sewer systems - The applicant shall adhere to all of the Water Department's Rules & Regulations, with all associated costs to be the responsibility of the applicant.
- 8) 175-16 L. Fire protection water supply regulations - Sprinklers shall be installed in every unit. Four hydrants shall be installed. Turn around areas shall be constructed at the end of the first and second driveways. An alarm system and master box shall be installed in each building.
- 9) 175-16 E. Drainage - The Planning Board reserves the right, to require that any assumptions made as part of the drainage calculations, including but not limited to impermeable coverage, be ensured through deed restrictions or other mechanisms.
- 10) 175-16 J. All utilities shall be installed underground.

E. Conditions with respect to general requirements of Section 145-24. Driveways and entrances

- 1) Section 145-24 C (4) – The applicant shall design the driveways to accommodate emergency vehicles in a manner required by the Fire Department.
- 2) Section 145-24 D (1) – The applicant shall show on the plan that viable vital frontage access exists for each of the lots to be served by a common driveway.
- 3) Section 145-24 D (6) – Easements and maintenance agreements between all parties involved who would be served by common driveways for dwelling units on lots 2, 3 and 4 shall be provided by the applicant. Easement lines shall be shown on the final plans for the common driveway. The applicant shall provide a copy of the easement language and recording information as a condition of approval of the Special Permit.
- 4) The Homeowners' Association shall be responsible for maintaining all proposed easements.
- 5) Signage for fire apparatus turn-around shall be installed.
- 6) Roof run-off systems shall be in place.
- 7) The Homeowners' Association shall be responsible to maintain all roof run-off, easements and bio-detention structures.



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F. Conditions with respect to 145-33. Parking Requirements

1) Section 145-33 D – Driveways will serve more than 5 parking spaces. The project shall include a minimum of 23 additional trees along the driveways, and preserve adjacent heavily wooded natural features, leaving as much screening as possible.

G. Conditions with respect to open space ownership

This permit is conditioned upon the applicant conveying all open space shown on the plans to the Town of Townsend under the care, custody, control and charge of the Conservation Commission, to be used for passive recreation or protected open space. The open space will be conveyed within 90 days of recording of this Decision. No later than January 15, 2008, the applicant shall prepare a Quitclaim deed sufficiently describing the open space parcel so as to convey good clear, marketable title to the Town of Townsend. The Deed shall be subject to the approval of Town Counsel, and shall be held in escrow by Town Counsel pending issuance of building permits for the first three lots.

H. Conditions with respect to duration of approval described in 145-47 H.

1) This permit is conditioned on completion of all utilities, and other public services within seven years after the effective date of this decision, all in accordance with the Town Rate of Development bylaw.

I. Conditions with respect to the requirements of 145-65 F.

1) The Special Permit Granting Authority (SPGA) shall require the applicant to pay the costs of hiring independent experts chosen by the SPGA to review any information required by the board.

J. Condition with Respect to Recording:

1) This approval Decision shall be recorded in the Middlesex South Registry of Deeds at the applicant's expense within 14 days following the approval and expiration of the 20-day appeal period, or the resolution of any appeal in favor of the Board's decision. The Applicant shall file with the Planning Board a Certificate stating the date the approved Decision was recorded and the Book and Page numbers within seven (7) days of recording.

After closing the public hearing, it was moved and seconded to grant the Open Space Multi-Family Special Permit subject to all conditions set forth in Section VI. Conditions (A-I) and to the following additional conditions:

- 1) All exterior lighting shall conform to Townsend by-laws.
- 2) Current plan number L-10330, dated 12/22/06 and revised through 08/01/07, is in compliance with rainwater runoff requirements.
- 3) Strict observation of the hours of construction operations as outlined in the Town by-laws.



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Decision

The Planning Board voted on October 15, 2007, as follows to approve the Special Permit for the Open Space Multi-Family Development and Site Plan Review, subject to the terms and conditions herein, and all other applicable federal, state or local statutes, ordinances, bylaws and/or regulations:

(A yes vote is a vote to approve.)

Planning Board Members

	(Yes)	
Stanley Vladyka	<u>yes</u>	<u>Stanley Vladyka</u>
Nicholas Thalheimer	<u>yes</u>	<u>[Signature]</u>
Louis C. Kiklis	<u>—</u>	<u>ABSENT</u>
Jeffrey R. Peduzzi	<u>yes</u>	<u>Jeffrey R. Peduzzi</u>
Gerald Coughlin	<u>yes</u>	<u>[Signature]</u>

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17, and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Pursuant to Massachusetts General Laws Chapter 40A, Section 11:
 No variance or Special Permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town clerk that twenty (20) days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located.

The fee for recording or registering this approval shall be paid by the owner or applicant.

Signed: Daniel J. Murphy Date: 11/15/2007

REGISTRY OF DEEDS
 SOUTHERN DISTRICT
 ATTEST
Ligene C. Brune
 REGISTER 9

2.2

11886
-4906

(776) 496-2002 Fax
www.perkinslawpc.com

KIMBERLY A. ALLEY **
DAVID R. CHENELLE *
FREDRICK J. DUNN *
SCOTT J. ERIKSEN *

**also admitted in NH*

***Of Counsel - also admitted in MD*

November 5, 2015

Via Email and First Class Mail

Jeanne Hollows
Co-Land Use Coordinator
272 Main Street
2nd Floor
Townsend, MA 01469

Re: Agreement and Contract between Town of Townsend Planning Board and Enterprise Bank and Trust Company and HD Industrial Way, LLC:
Request for Developer Disbursement/Bond Reduction

Dear Ms. Hollows:

As discussed, our office represents HD Industrial Way, LLC ("HD") the developer of the Deer Run Subdivision. The purpose of this letter is to request a reduction in amount set aside by Enterprise Bank and Company and HD pursuant to that document entitled: "Agreement and Contract by and between The Town of Townsend Planning Board, Enterprise Bank and Trust Company and HD Industrial Way, LLC" ("Bond") dated May 18, 2009 and recorded at the Middlesex South Registry of Deeds at Book 53542, Page 264, a copy of which is attached hereto. Reference is made to the section of the Bond entitled "Construction Security Estimate for the Townsend Planning Board." This section establishes the estimated cost of each section of the work necessary to complete the road and associated improvements plus a 30% cost escalation contingency.

As of May 18, 2009 a considerable amount of the work necessary to comply with the subdivision plan had been completed. Since this time HD has completed all of the items set forth in the security estimate with the exception of the following:

Item:	Cost
Street Signage	\$200.00
As-built Plans	\$10,000.00
Wetland Replication	\$8,500.00

Please note all three items are at least partially completed. As such the maximum total cost to complete the work is \$18,700.00, plus a 30% contingency (\$5,610.00) or \$24,310.00. Based upon these figures, HD requests that the Planning Board release a total of \$111,220.00 in accordance with the security estimate.

We look forward to meeting with the Townsend Planning Board on Monday, November 9, 2015 for the purpose of discussing this request. In the interim, should you have any additional questions or concerns, please contact me.

Very truly yours,
Perkins & Anctil, P.C.,



Robert W. Anctil

Cc: HD Industrial Way, LLC Development Team
Ryan Dunn, Enterprise Bank and Trust

Southern Middlesex - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 11/5/2015 12:29:28 PM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
182310	AGREEMENT		53542/264	09/16/2009	
Property-Street Address and/or Description					
ALYSSA DRIVE					
Grantors					
TOWN OF TOWNSEND PLANNING BOARD, ENTERPRISE BANK AND TRUST COMPANY, HD INDUSTRIAL WAY LLC					
Grantees					
References-Book/Pg Description Recorded Year					
Registered Land Certificate(s)-Cert# Book/Pg					



2009 00182310

Bk: 53542 Pg: 264 Doc: AGR
Page: 1 of 13 09/16/2009 09:03 AM

AGREEMENT AND CONTRACT
by and between
THE Town of Townsend Planning Board,
And
Enterprise Bank and Trust Company,
And
HD Industrial Way, LLC

This Agreement pertains to those portions of the Subdivision Roadway shown on the below-referenced Definitive Plan as:

Alyssa Drive, Townsend, Massachusetts

HD Industrial Way, LLC is a duly organized and existing Massachusetts Corporation, with a principal place of business at 23 Chestnut Road, Tyngsboro, Middlesex County, Massachusetts, (hereinafter called "Developer"), for itself, its successor and assigns, hereby covenants and agrees with **THE TOWN OF TOWNSEND PLANNING BOARD**, Townsend, Massachusetts, (hereinafter called the "Planning Board"), and the successors in office of the Planning Board, in consideration of the **RELEASE** from the provisions of a certain **COVENANT** with the Planning Board dated January 24, 2008, and recorded with the Middlesex South District Registry of Deeds at Book 50666, Page 504 of certain lots of land owned by the developer, being Lots 1-15, as shown on a plan of land entitled: "Definitive Subdivision/Open Space Preservation Development, Deer Run, Townsend, Massachusetts, ("The Definitive Plan"), which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 71 of 2008, that the Developer will, prior to the expiration of three years:

Complete the construction of the subdivision roadways and installation of municipal services in accordance with the approved definitive plan as qualified by The Notice of Decision of the Townsend Planning Board dated August 27, 2007, and the conditions of approval stated therein, and the requirements of the Subdivision Rules and Regulations of the Town of Townsend governing this subdivision, excepting only those requirements duly waived by the Planning Board.

In accordance with the provisions of M.G.L. c. 41, Section 81U, as security for the full and faithful performance of the covenants and obligations of the Developer herein contained, the Developer has executed, acknowledged and delivered to Enterprise Bank and Trust Company, 222 Merrimack Street, Lowell, Massachusetts, a first Mortgage upon all of the lots of land

hereinbefore mentioned, as shown on said Plan, as security for its Promissory Note payable to the order of said Bank, and said Mortgage being duly recorded with said Registry of Deeds, at Book 50667, Page 6. Enterprise Bank and Trust Company, for itself, its successors and assigns, hereby covenants and agrees with the Planning Board that it retains on this date as undisbursed mortgage funds otherwise due to the Developer and/or other deposits made by Developer, not less than \$135,530.00, to secure the Developer's obligations set forth herein. Enterprise Bank and Trust Company, further covenants and agrees that it will advance to the Developer only such part or all of the said retained and undisbursed mortgage funds and/or deposits as the Planning Board shall, from time to time, certify to said Bank in writing as released from the security hereby provided; and, further covenants and agrees that the balance of said retained and undisbursed mortgage funds and/or deposits remaining and not released by the Planning Board at the expiration of the time for full performance of the Developer's obligations shall be made available to the Planning Board for the completion of the work, without the consent of the Developer.

Payment to the Board under said circumstances shall be made following receipt by the Bank from the Planning Board of notice of the Board's determination that a failure of performance of the Developer's obligations has occurred together with a determination of the sum or amount required for completion of the work by the Planning Board. Such notice shall be sent by registered or certified mail, and shall contain an attested copy of the vote of the Planning Board containing such determinations. Payment of the proceeds of such security shall be made irrespective of any dispute between the parties hereto respecting the merits of such determination or the amount of the proceeds required to complete the work, reserving to any aggrieved parties their rights to recover said sum in an independent action as law but the parties agree that such payment shall absolve the Bank from all claims and demands asserted against it by reason thereof.

Attached is a Schedule of Disbursement pursuant to M.G.L. c. 41, section 81U, seventh paragraph, clause (4), which includes one page of engineering security calculations, which establishes the security figure. Said Schedule provides for disbursements to the Developer upon completion of the various phases or portions of the work, with the exception that the Planning Board reserves the right at all times to maintain adequate security for the completion of subdivision roadways and installation of municipal services and to the extent the Schedule of Disbursement does not adequately provide such security, the Planning Board may deviate from the Schedule and retain funds up to \$135,530.00 necessary to secure the subdivision depicted on The Definitive Plan. Notwithstanding anything to the contrary contained herein or the insolvency or bankruptcy of the Developer, the amount which Enterprise Bank and Trust, shall be required to pay hereunder shall not, in any event, exceed the amount of \$135,530.00 as reduced from time to time by the Planning Board. The bankruptcy of the Developer prior to completion shall be considered a default by the Developer under the terms of this Agreement.

Upon the determination by the Planning Board that the construction of the ways and the installation of municipal services have been completed in accordance with the Rules and Regulations of the Planning Board and by The Notice of Decision of the Townsend Planning Board dated August 27, 2007, the Planning Board shall release the interest of the Town in this Agreement and Contract. The Planning Board shall execute a Release of this Agreement and

Contract by an appropriate instrument, duly acknowledged in recordable form. Any funds subject to this Agreement and Contract which are retained and undisbursed after the Release by the Planning Board shall be governed by the terms of the documents between Enterprise Bank and Trust and the Developer.

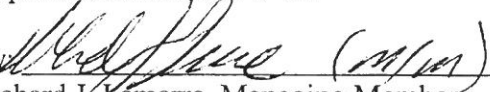
By acceptance of the Developer's obligations contained herein, and of the covenants and agreements made by Enterprise Bank and Trust, set forth herein, the Planning Board, for itself and its successors in office to the said Board, hereby covenants and agrees that upon satisfactory completion of each phase or portion of the work to be performed by the Developer in accordance with the attached Schedule, and upon the written request of the Developer accompanied by a certificate from the Registered Professional Engineer that such phase or portion of the work has been completed consistent with the approved plans, profiles, details and specifications on file with the Planning Board and in accordance with Rules and Regulations of the Townsend Planning Board excepting those provisions duly waived by the Planning Board, the Planning Board will cause the work to be inspected, and, if found to be in compliance, shall, in writing, authorize Enterprise Bank and Trust Company, to release to the Developer from the retained and undisbursed mortgage funds the sum of money designated for such stage on the attached Schedule of Disbursements. Notices to the Bank shall be sent to its office at

Enterprise Bank and Trust Company
Ryan Dunn, Vice President, Commercial Lending
237 Littleton Road
Westford, MA 01886

Any amendments to this agreement must be in writing signed by all the parties. The term "amendment" shall include any assignment of the Mortgage, Promissory Note and/or lender's obligations under any agreement between Enterprise Bank and Trust Company and HD Industrial Way, LLC. Said restriction shall further apply to successors-in-interest to Enterprise Bank and Trust Company and HD Industrial Way, LLC.

EXECUTED AS A SEALED INSTRUMENT by the duly authorized officers of the respective parties hereto, this 2nd day of September, 2009.

Applicant/Owner Lots 1-15:

By 
Richard I. Lamarre, Managing Member
HD Industrial Way, LLC

COMMONWEALTH OF MASSACHUSETTS
Middlesex County

On this 2nd day of September, 2009, before me, the undersigned notary public, personally appeared Richard J. Lamarre, proved to me through satisfactory evidence of identification, which were drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Managing Member of HD Industrial Way, LLC.

Ann M Gallant

Notary Public

My Commission Expires:

Ann M. Gallant
Notary Public
Commonwealth of Massachusetts
My Commission Expires
April 20, 2012

ACCEPTANCE BY A MAJORITY
OF TOWNSEND PLANNING BOARD

COMMONWEALTH OF MASSACHUSETTS
_____, County

On this _____ day of _____, 2009, before me, the undersigned notary public, personally appeared _____ a member of the Townsend Planning Board, proved to me through satisfactory evidence of identification, which were drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose,

Notary Public

My Commission Expires:

SCHEDULE OF DISBURSEMENTS

Disbursements shall be made to the Developer in the amounts and at the time as set by the Planning Board of the Town of Townsend for the reduction of the Bond amount of this Agreement and Contract during the various stage of the development. The itemized list of remaining tasks to be completed references the estimated cost to contractor, plus a 30% cost escalation contingency.

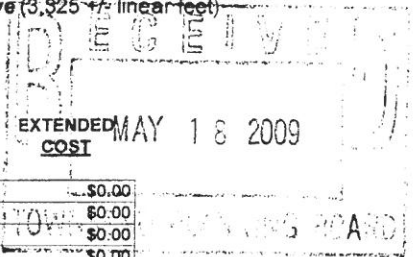
The Schedule of Disbursements pursuant to M.G.L. c. 41, Section 81U, seventh paragraph, clause (4), pertains to Alyssa Drive:

**Construction Security Estimate
for the Townsend Planning Board**

PROJECT: Alyssa Drive (3,325 +/- linear feet)

DATE: 18-May-09

GPR Job # 081011



DESCRIPTION	UNITS	PER	UNIT COST	EXTENDED COST
1.0 EROSION CONTROL MEASURES				
1.01 Survey stake erosion control lines		LF	\$ 1.00	\$0.00
1.02 Place haybales		LF	\$ 7.20	\$0.00
1.03 Place silt fence		LF	\$ 1.00	\$0.00
1.04 Place silt fence reinforced with haybales		LF	\$ 8.00	\$0.00
1.05 Crushed stone construction entrance		EA	\$ 500.00	\$0.00
2.0 CLEARING & GRADING				
2.01 Survey stake clearing limits		LF	\$ 1.00	\$0.00
2.02 Trees cut		AC	\$ 5,250.00	\$0.00
2.03 Stumping and disposal		AC	\$ 3,275.00	\$0.00
2.04 Strip loam and stockpile		CY	\$ 1.60	\$0.00
2.05 Rough grading		SF	\$ 1.85	\$0.00
2.06 Placement of fill for roadway		CY	\$ 8.00	\$0.00
2.07 Slope stabilization for roadway cuts/fills		SF	\$ 1.50	\$0.00
3.0 DRAINAGE				
3.01 Drainage lines installed (incl.stakeout)		LF	\$ 30.00	\$0.00
3.02 Catchbasins installed (each grate)		EA	\$ 2,000.00	\$0.00
3.03 Drain manholes installed (48")		EA	\$ 1,800.00	\$0.00
3.04 Drian manholes installed (60")		EA	\$ 2,200.00	\$0.00
3.05 Roadway subdrains installed		LF	\$ 2,000.00	\$0.00
3.06 Construction of BMP's (Detention Basin 1)		EA	\$ 9,750.00	\$0.00
3.07 Construction of BMP's (Detention Basin 2)		EA	\$ 3,500.00	\$0.00
3.08 Construction of level spreaders		EA	\$ 1,500.00	\$0.00
3.09 Frames & grates/covers installed to binder level		EA	\$ 400.00	\$0.00
3.10 Casting adjustments for MH's, CB's	18	EA	\$ 250.00	\$4,500.00
4.0 SEWERS (NOT APPLICABLE)				
5.0 WATER LINE				
5.01 Water lines installed w/ gates (incl.stakeout)		LF	\$ 55.89	\$0.00
5.02 Services installed w/ shutoffs to PL's		LF	\$ 636.00	\$0.00
5.03 Hydrants installed w/ gates		EA	\$ 4,400.00	\$0.00
5.04 Raise water gates to finish pavement levels	2	EA	\$ 100.00	\$200.00
6.0 CABLE UTILITIES (et al)				
6.01 Trenching and installation of conduit		LF	\$ 15.00	\$0.00
6.02 Setting transformer pads and handholes		EA	\$ 150.00	\$0.00
7.0 FINAL GRADING & PAVEMENT FOR ROADWAY				
7.01 Stake roadway CL/Sidelines w/ finish grades		LF	\$ 3.50	\$0.00
7.02 Gravel base material and placement		CY	\$ 11.00	\$0.00
7.03 Leveling course base material and placement		CY	\$ 15.00	\$0.00
7.04 Fine grading prior to paving (by paving contractor)		SY	\$ 3.61	\$0.00
7.05 Binder course of pavement installed		TON	\$ 85.00	\$0.00
7.06 Leveling course and minor repairs		TON	\$ 85.00	\$0.00
7.07 Finish course of paving	740	TON	\$ 85.00	\$62,900.00
8.0 CURBING				
8.01 Bituminous curbing installed (Modified Cape Cod)		LF	\$ 3.25	\$0
8.02 Curbing repairs prior to finish course of paving		EA	\$ 1,500.00	\$0
9.0 SIDEWALKS				
9.01 Grading and base gravel for sidewalk		CY	\$ 15.00	\$0
9.02 Final course of pavement		TON	\$ 85.00	\$0
10.0 FIRE PROTECTION (CISTERNS NO LONGER REQUIRED)				
11.0 COMPLETION				
11.01 Street signage	2	EA	\$ 200.00	\$400
11.02 Bounds (granite or concrete)	42	EA	\$ 369.00	\$15,498
11.03 As-built plans	1	EA	\$ 10,000.00	\$10,000
11.04 Guard rails installed (ONLY ADJACENT DETENTION BASIN 1)	90	LF	\$ 25.00	\$2,250
11.05 Construct and Monitor Wetland Replication	1	LS	\$ 8,500.00	\$8,500

Sub-Total \$104,248.00

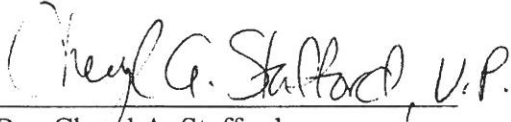
Contingency 30% \$31,274.40

Total \$135,522.40

Total Amount of Security \$135,530.00

ASSENT OF MORTGAGEE

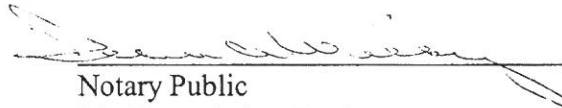
Enterprise Bank and Trust Company holder of a mortgage from HD Industrial Way, LLC recorded at Book 50667, Page 6, affecting Lots 1-15 inclusive



By: Cheryl A. Stafford
Duly authorized: Vice President

COMMONWEALTH OF MASSACHUSETTS
Middlesex, County

On this 2nd day of September, 2009, before me, the undersigned notary public, personally appeared, Cheryl A. Stafford, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Vice President (title) for Enterprise Bank and Trust Company.



Notary Public
My Commission Expires:

Deborah A. Wilkey
Notary Public
My Commission Expires
September 4, 2009



AGREEMENT AND CONTRACT
by and between
THE Town of Townsend
And
Enterprise Bank and Trust Company,
And
HD Industrial Way, LLC

This Agreement pertains to those portions of the Subdivision Roadway shown on the below-referenced Definitive Plan as:

Alyssa Drive, Townsend, Massachusetts

HD Industrial Way, LLC is a duly organized and existing Massachusetts Corporation, with a principal place of business at 23 Chestnut Road, Tyngsboro, Middlesex County, Massachusetts, (hereinafter called "Developer"), for itself, its successor and assigns, hereby covenants and agrees with **THE TOWN OF TOWNSEND, Massachusetts, acting by and through its PLANNING BOARD** (hereinafter called the "Planning Board"), and the successors in office of the Planning Board, in consideration of the RELEASE from the provisions of a certain COVENANT with the Planning Board dated January 24, 2008, and recorded with the Middlesex South District Registry of Deeds at Book 50666, Page 504 of certain lots of land owned by the developer, being Lots 1-15, as shown on a plan of land entitled: "Definitive Subdivision/Open Space Preservation Development, Deer Run, Townsend, Massachusetts, ("The Definitive Plan"), which plan is recorded with Middlesex South District Registry of Deeds as Plan No. 71 of 2008, that the Developer will, prior to the expiration of three years:

Complete the construction of the subdivision roadways and installation of municipal services in accordance with the approved definitive plan as qualified by The Notice of Decision of the Townsend Planning Board dated August 27, 2007, and the conditions of approval stated therein, and the requirements of the Subdivision Rules and Regulations of the Town of Townsend governing this subdivision, excepting only those requirements duly waived by the Planning Board.

In accordance with the provisions of M.G.L. c. 41, Section 81U, as security for the full and faithful performance of the covenants and obligations of the Developer herein contained, the Developer has executed, acknowledged and delivered to Enterprise Bank and Trust Company, 430 Gorham Street, Lowell, Massachusetts, a first Mortgage upon all of the lots of land hereinbefore mentioned, as shown on said Plan, as security for its Promissory Note payable to the order of said Bank, and said Mortgage being duly recorded with said Registry of Deeds, at Book 50667, Page 6. Enterprise Bank and Trust Company, for itself, its successors and assigns, hereby covenants and agrees with the Planing Board that it retains on this date as undisbursed mortgage

funds otherwise due to the Developer and/or other deposits made by Developer, not less than \$135,530.00, to secure the Developer's obligations set forth herein. Enterprise Bank and Trust Company, further covenants and agrees that it will advance to the Developer only such part or all of the said retained and undisbursed mortgage funds and/or deposits as the Planning Board shall, from time to time, certify to said Bank in writing as released from the security hereby provided; and, further covenants and agrees that the balance of said retained and undisbursed mortgage funds and/or deposits remaining and not released by the Planning Board at the expiration of the time for full performance of the Developer's obligations shall be made available to the Planning Board for the completion of the work, without the consent of the Developer.

Payment to the Board under said circumstances shall be made following receipt by the Bank from the Planning Board of notice of the Board's determination that a failure of performance of the Developer's obligations has occurred together with a determination of the sum or amount required for completion of the work by the Planning Board. Such notice shall be sent by registered or certified mail, and shall contain an attested copy of the vote of the Planning Board containing such determinations. Payment of the proceeds of such security shall be made irrespective of any dispute between the parties hereto respecting the merits of such determination or the amount of the proceeds required to complete the work, reserving to any aggrieved parties their rights to recover said sum in an independent action as law but the parties agree that such payment shall absolve the Bank from all claims and demands asserted against it by reason thereof.

Attached is a Schedule of Disbursement pursuant to M.G.L. c. 41, section 81U, seventh paragraph, clause (4), which includes one page of engineering security calculations, which establishes the security figure. Said Schedule provides for disbursements to the Developer upon completion of the various phases or portions of the work, with the exception that the Planning Board reserves the right at all times to maintain adequate security for the completion of subdivision roadways and installation of municipal services and to the extent the Schedule of Disbursement does not adequately provide such security, the Planning Board may deviate from the Schedule and retain funds up to \$135,530.00 necessary to secure the subdivision depicted on The Definitive Plan. Notwithstanding anything to the contrary contained herein or the insolvency or bankruptcy of the Developer, the amount which Enterprise Bank and Trust, shall be required to pay hereunder shall not, in any event, exceed the amount of \$135,530.00 as reduced from time to time by the Planning Board. The bankruptcy of the Developer prior to completion shall be considered a default by the Developer under the terms of this Agreement.

Upon the determination by the Planning Board that the construction of the ways and the installation of municipal services have been completed in accordance with the Rules and Regulations of the Planning Board and by The Notice of Decision of the Townsend Planning Board dated August 27, 2007, the Planning Board shall release the interest of the Town in this Agreement and Contract. The Planning Board shall execute a Release of this Agreement and Contract by an appropriate instrument, duly acknowledged in recordable form. Any funds subject to this Agreement and Contract which are retained and undisbursed after the Release by the Planning Board shall be governed by the terms of the documents between Enterprise Bank and Trust and the Developer.

By acceptance of the Developer's obligations contained herein, and of the covenants and agreements made by Enterprise Bank and Trust, set forth herein, the Planning Board, for itself and its successors in office to the said Board, hereby covenants and agrees that upon satisfactory completion of each phase or portion of the work to be performed by the Developer in accordance with the attached Schedule, and upon the written request of the Developer accompanied by a certificate from the Registered Professional Engineer that such phase or portion of the work has been completed consistent with the approved plans, profiles, details and specifications on file with the Planning Board and in accordance with Rules and Regulations of the Townsend Planning Board excepting those provisions duly waived by the Planning Board, the Planning Board will cause the work to be inspected, and, if found to be in compliance, shall, in writing, authorize Enterprise Bank and Trust Company, to release to the Developer from the retained and undisbursed mortgage funds the sum of money designated for such stage on the attached Schedule of Disbursements. Notices to the Bank shall be sent to its office at

Enterprise Bank and Trust Company
Ryan Dunn, Vice President, Commercial Lending
237 Littleton Road
Westford, MA 01886

Any amendments to this agreement must be in writing signed by all the parties. The term "amendment" shall include any assignment of the Mortgage, Promissory Note and/or lender's obligations under any agreement between Enterprise Bank and Trust Company and HD Industrial Way, LLC. Said restriction shall further apply to successors-in-interest to Enterprise Bank and Trust Company and HD Industrial Way, LLC.

EXECUTED AS A SEALED INSTRUMENT by the duly authorized officers of the respective parties hereto, this 18 day of May, 2009.

In witness whereof we have hereunto set our hands this ___ day of May, 2009.

Applicant/Owner Lots 1-15:

By: Richard J. Lamarre (001, 02)
Richard J. Lamarre, Managing Member
HD Industrial Way, LLC

COMMONWEALTH OF MASSACHUSETTS
Middlesex County

On this 18 day of May, 2009, before me, the undersigned notary public, personally appeared Richard J. Lamarre, proved to me through satisfactory evidence of identification, which were drivers license, to be the person whose name is signed on the

preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as Managing Member of HD Industrial Way, LLC.

[Signature]
Notary Public
My Commission Expires:

ACCEPTANCE BY A MAJORITY
OF TOWNSEND PLANNING BOARD

<u>[Signature]</u>	<u>G'ERALD B. Coughlin</u>
<u>Karen Coughlin</u>	<u>KAREN M. Coughlin</u>
<u>Jeffrey R. Peduzzi</u>	<u>Jeffrey R. Peduzzi</u>
<u>[Signature]</u>	<u>Gini L. King</u>

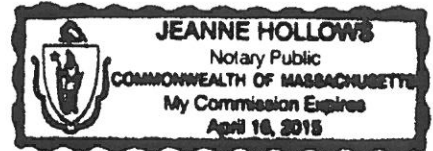
COMMONWEALTH OF MASSACHUSETTS
Middlesex SS, County

On this 18 day of May, 2009, before me, the undersigned notary public, personally appeared Gerald B. Coughlin, * (a) member of the Townsend Planning Board, proved to me through satisfactory evidence of identification, ** which were drivers license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose,

* Karen M. Coughlin
Jeffrey R. Peduzzi
Gini L. King

Jeanne Hollows
Notary Public
My Commission Expires:

** personally known



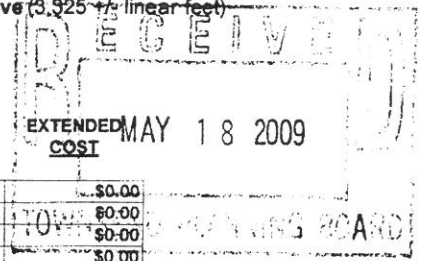
SCHEDULE OF DISBURSEMENTS

Disbursements shall be made to the Developer in the amounts and at the time as set by the Planning Board of the Town of Townsend for the reduction of the Bond amount of this Agreement and Contract during the various stage of the development. The itemized list of remaining tasks to be completed references the estimated cost to contractor, plus a 30% cost escalation contingency.

The Schedule of Disbursements pursuant to M.G.L. c. 41, Section 81U, seventh paragraph, clause (4), pertains to Alyssa Drive:

**Construction Security Estimate
for the Townsend Planning Board**

PROJECT: Alyssa Drive (3,925 +/- linear feet)
DATE: 18-May-09
GPR Job # 081011



DESCRIPTION	UNITS	PER	UNIT COST	EXTENDED COST
1.0 EROSION CONTROL MEASURES				
1.01 Survey stake erosion control lines		LF	\$ 1.00	\$0.00
1.02 Place haybales		LF	\$ 7.20	\$0.00
1.03 Place silt fence		LF	\$ 1.00	\$0.00
1.04 Place silt fence reinforced with haybales		LF	\$ 8.00	\$0.00
1.05 Crushed stone construction entrance		EA	\$ 500.00	\$0.00
2.0 CLEARING & GRADING				
2.01 Survey stake clearing limits		LF	\$ 1.00	\$0.00
2.02 Trees cut		AC	\$ 5,250.00	\$0.00
2.03 Stumping and disposal		AC	\$ 3,275.00	\$0.00
2.04 Strip loam and stockpile		CY	\$ 1.60	\$0.00
2.05 Rough grading		SF	\$ 1.85	\$0.00
2.06 Placement of fill for roadway		CY	\$ 8.00	\$0.00
2.07 Slope stabilization for roadway cuts/fills		SF	\$ 1.50	\$0.00
3.0 DRAINAGE				
3.01 Drainage lines installed (incl.stakeout)		LF	\$ 30.00	\$0.00
3.02 Catchbasins installed (each grate)		EA	\$ 2,000.00	\$0.00
3.03 Drain manholes installed (48")		EA	\$ 1,800.00	\$0.00
3.04 Drian manholes installed (60")		EA	\$ 2,200.00	\$0.00
3.05 Roadway subdrains installed		LF	\$ 2,000.00	\$0.00
3.06 Construction of BMP's (Detention Basin 1)		EA	\$ 9,750.00	\$0.00
3.07 Construction of BMP's (Detention Basin 2)		EA	\$ 3,500.00	\$0.00
3.08 Construction of level spreaders		EA	\$ 1,500.00	\$0.00
3.09 Frames & grates/covers installed to binder level		EA	\$ 400.00	\$0.00
3.10 Casting adjustments for MH's, CB's	18	EA	\$ 250.00	\$4,500.00
4.0 SEWERS (NOT APPLICABLE)				
5.0 WATER LINE				
5.01 Water lines installed w/ gates (incl.stakeout)		LF	\$ 55.89	\$0.00
5.02 Services installed w/ shutoffs to PL's		LF	\$ 636.00	\$0.00
5.03 Hydrants installed w/ gates		EA	\$ 4,400.00	\$0.00
5.04 Raise water gates to finish pavement levels	2	EA	\$ 100.00	\$200.00
6.0 CABLE UTILITIES (et al)				
6.01 Trenching and installation of conduit		LF	\$ 15.00	\$0.00
6.02 Setting transformer pads and handholes		EA	\$ 150.00	\$0.00
7.0 FINAL GRADING & PAVEMENT FOR ROADWAY				
7.01 Stake roadway CL/Sidelines w/ finish grades		LF	\$ 3.50	\$0.00
7.02 Gravel base material and placement		CY	\$ 11.00	\$0.00
7.03 Leveling course base material and placement		CY	\$ 15.00	\$0.00
7.04 Fine grading prior to paving (by paving contractor)		SY	\$ 3.61	\$0.00
7.05 Binder course of pavement installed		TON	\$ 85.00	\$0.00
7.06 Leveling course and minor repairs		TON	\$ 85.00	\$0.00
7.07 Finish course of paving	740	TON	\$ 85.00	\$62,900.00
8.0 CURBING				
8.01 Bituminous curbing installed (Modified Cape Cod)		LF	\$ 3.25	\$0
8.02 Curbing repairs prior to finish course of paving		EA	\$ 1,500.00	\$0
9.0 SIDEWALKS				
9.01 Grading and base gravel for sidewalk		CY	\$ 15.00	\$0
9.02 Final course of pavement		TON	\$ 85.00	\$0
10.0 FIRE PROTECTION (CISTERNS NO LONGER REQUIRED)				
11.0 COMPLETION				
11.01 Street signage	2	EA	\$ 200.00	\$400
11.02 Bounds (granite or concrete)	42	EA	\$ 369.00	\$15,498
11.03 As-built plans	1	EA	\$ 10,000.00	\$10,000
11.04 Guard rails installed (ONLY ADJACENT DETENTION BASIN 1)	90	LF	\$ 25.00	\$2,250
11.05 Construct and Monitor Wetland Replication	1	LS	\$ 8,500.00	\$8,500

Sub-Total		\$104,248.00
Contingency	30%	\$31,274.40
Total		\$135,522.40
Total Amount of Security		\$135,530.00

Jeanne Hollows

From: Jeanne Hollows <jhollows@townsend.ma.us>
Sent: Friday, November 06, 2015 2:17 PM
To: Lance McNally (ljmcnally@comcast.net)
Subject: FW: Deer Run - Town Counsel Recommendation
Attachments: J Hollows 11 5 15.pdf; Recorded Bond Agreement.pdf; 175-19 K. - M. Underlined.docx; Request for Release of funds 09-10-08.doc

Hi Lance,

FYI, I have attached communication we had with Town Counsel (formerly with K & P) related to another request we had for a partial release of performance bond funds. This gives us guidance on how to handle this one.

I'll ask Stan Dillis to quote for the inspection, as well as an update to the costs for work remaining on the subdivision.
Jeanne

From: Jeanne Hollows [mailto:jhollows@townsend.ma.us]
Sent: Friday, November 06, 2015 2:00 PM
To: 'jsmith@perkinslawpc.com' <jsmith@perkinslawpc.com>
Cc: 'ranctil@perkinslawpc.com' <ranctil@perkinslawpc.com>; Lance McNally (ljmcnally@comcast.net) <ljmcnally@comcast.net>; 'ricklamarreandson@gmail.com' <ricklamarreandson@gmail.com>; 'chris.nocella.cn61@gmail.com' <chris.nocella.cn61@gmail.com>; 'Jerrilynbozicas@gmail.com' <Jerrilynbozicas@gmail.com>; 'Kathy Araujo (k.araujo@verizon.net)' <k.araujo@verizon.net>; Laurie Shifrin (Laurie@TownsendCenterRealty.com) <Laurie@TownsendCenterRealty.com>; Laurie Shifrin (Laurie8884@gmail.com) <Laurie8884@gmail.com>
Subject: Deer Run - Partial Bond Release Request

Hello Joanne / Atty. Anctil,

In review of procedures for a request to reduce the amount of the performance guarantee on this subdivision, I am attaching a section of the Planning Board Rules and Regulations where I have underlined Sections K. & M., which I believe the Board will find applicable.

The application fee is \$200.00. I spoke with Rick Lamarre who will bring the fee Monday to the meeting, and I will copy him here. Since the submission was sent electronically, the Board may choose to grant a waiver of the requirement to send the application by certified mail.

The Board will determine at the Meeting on Monday what else they will need, however, as mentioned to Rick, they will mostly likely authorize our peer review consultant engineer to go to the site to determine if completed work has been done in conformance with the Board's Rules and Regulations and meets sound engineering and construction practices. There are funds being held in the "53-G" account to cover consultations. I will request a cost estimate for this inspection from Stan Dillis, of Ducharme & Dillis.

Along with the inspection, our consultant will also have to review the revised proforma to determine if the cost estimates for remaining work as estimated in 2009 are still viable. If not, those estimates will have to be adjusted to reflect today's costs.

Any questions, please let me know.

Jeanne

See K. & M.


§ 175-19. Performance guaranties.

- A. After approving a definitive plan, but prior to endorsing it, the applicant must provide a performance guaranty consistent with the Subdivision Control Law, these rules and regulations and the conditions of the decision.**
- B. There is no base fee for processing the initial performance guaranty. If the proposed guaranty involves more than one of the methods allowed under the Subdivision Control Law, there is a supplemental fee of \$150 to cover the additional review required to coordinate the multiple methods. There is a supplemental fee, detailed below, for some of the methods, associated with their greater costs of processing. The Board may require the use of consultants, at the applicant's expense through the 53G account, for technical or legal review.**
- C. After approving the initial form of the performance guaranty, the applicant may request a change to such form. The fee for processing such a change is \$200, plus the fees that would have been required if this were the original request.**
- D. Before approving the initial performance guaranty, and as part of the application for any changes, the applicant shall furnish eight copies of an updated pro forma analysis, taking into account any conditions on the subdivision approval, any changes in circumstances, inflation and any other changes in current economic or market conditions. Said pro forma shall include at least \$100 for each boundary marker to be installed.**
- E. The pro forma analysis will be reviewed by the Board's consultant, at the applicant's expense. It will also be reviewed by the Board, the Highway Superintendent, the Fire Chief, the Board of Health, the Conservation Commission and other parties that in the Board's opinion may contribute to the review. Any omissions identified by any reviewer will require an updated pro forma before approval of the performance guaranty.**
- F. The dollar amount of any performance guaranty, whether bond, cash, securities or loan guaranty, will be determined as follows. The expense portion of the most recent pro forma will be used as a baseline. Any expense shown may be increased by the Highway Superintendent, the Board's consultant or the Board based on a reasonable determination that the amount proposed was too low. In all cases, the expenses will be judged on the basis of the ability of the Town to obtain such prices, should it be necessary for the Town to complete the improvements. This amount may be increased by the Board if there are specific risks, peculiar to the circumstances of the property or to the construction methods or processes. Examples include risk of damage to wetlands that may need to be restored, damage to specimen tires, stone walls or other objects or areas identified for preservation, etc. This amount will then be adjusted to account for inflation to a point in time three months beyond the proposed completion date (six months if the total performance guaranty exceeds \$100,000). This adjusted amount will be multiplied by 1.25 to account for general contingencies.**
- G. Any amount secured by a proper bond shall require a supplemental fee of \$500 to cover the cost of legal review and may require consulting fees should outside review be necessary. Such bond shall be issued by a company licensed to do business in**

Massachusetts, being a member in good standing of the Surety Association of America or other such independent professional organization dedicated to the professionalism and integrity of the industry. Further, such company shall have an A.M. Best rating of A or better or other independent verification of its financial stability. The bond shall be for a period extending at least three months beyond the proposed completion date and shall further require that it remain in effect until released according to the provisions of these rules and regulations.

- H. Any amount secured by deposit of moneys shall be deposited in an account in the Town's name, subject to the review by Town Counsel. Any amount secured by negotiable securities shall be increased over and above the amount determined by Subsection F to account for any risk associated with such securities. The amount of this increase shall be at least 20% and may be more at the discretion of the Board. Further, amounts secured by negotiable securities shall require a supplemental fee of \$500 to cover the increased administrative costs. Said amount shall be deposited in such a manner as to allow the Town, without consulting with the applicant, to transform the securities into cash should their market value decrease below the required amount.
- I. If any portion is to be secured by a covenant as described as Method 3 in MGL c. 41, § 81U, then the wording of such covenant shall be approved by Town Counsel prior to recording. The applicant must then provide evidence to the Board that the covenant has been properly recorded prior to the approval of such guaranty by the Board. There shall be a supplemental fee of \$200 to cover the cost of Town Counsel's review plus \$100 per year of duration to cover the cost of verifying the conditions of the covenant, plus a consulting fee of \$200 per year to cover the cost of the title search necessary to ensure annually that no portion of the property has been conveyed in violation of these provisions.
- J. If any portion is to be secured by an agreement with a lender as described in Method 4 in MGL c. 41, § 81U, then the wording of such agreement shall be subject to the approval of Town Counsel. The lender shall be licensed to write such loans in Massachusetts. Three copies of all documents provided by the applicant to the lender or by the lender to the applicant relating to this loan shall be provided to the Board.
- K. The applicant may, from time to time, request a reduction in the amount secured by bond, deposit or agreement with the lender. There is an application fee of \$200 for such requests. Such application shall be by registered or certified mail to the Board. The applicant shall provide an updated pro forma, showing actual versus expected costs for those parts of the subdivision already completed, recasting the pro forma in more detail if necessary, and the amount to be secured shall be calculated on that updated data. The Board may require receipts, canceled checks or other evidence for questionable costs and may require financial records to demonstrate that there are no omitted costs. The applicant shall also provide evidence as described in Subsection M that the specific improvements on which the reduction is based are complete. The applicant shall provide a list of names and addresses of all parties owning property within the subdivision or with whom the applicant has an agreement to sell property within the subdivision. The Board shall notify such parties by mail prior to the release or reduction of amount secured.

L. For properties secured by covenant, the applicant may request from time to time the release of such properties. The application fee for this request is \$100 for up to four lots in one application, plus \$25 per lot for each additional lot in the same application. The applicant shall provide an updated pro forma, showing actual versus expected costs for those parts of the subdivision already completed, recasting the pro forma in more detail if necessary. The Board may require receipts, canceled checks or other evidence for questionable costs and may require financial records to demonstrate that there are no omitted costs. The applicant shall provide a list of names and addresses of all parties owning property within the subdivision or with whom the applicant has an agreement to sell property within the subdivision. The Board shall notify such parties by mail prior to the release of lots. Any release of lots is contingent upon evidence, as described in Subsection M, that the ways and public services to said lots are complete, and, further, only upon a finding by the Board that the completed portion provides a reasonable and safe system for circulation and utilities pending completion of the rest.

 **M. Evidence of completion of ways and utilities must, at a minimum, include written statements from both the Highway Superintendent and the Board's engineering contractor confirming that all required inspections were done and that the work was done in conformance with the Board's rules and regulations, the conditions of approval and sound engineering and construction practices. For the installation of bounds, evidence shall be a certificate signed and sealed by a registered land surveyor certifying that bounds have been accurately installed.**

N. Prior to releasing the final performance guaranty, the applicant must provide six complete sets of as-built plans and profiles. These shall be corrected and certified by the engineer or surveyor to show the actual as-built locations and grades of all utilities, roadway profiles and any changes authorized by the Planning Board.

SAMPLE

From Minutes of 12/10/08:

Dudley Meadows – a.) Request by Peter Bradley for Partial Bond Fund Release – The Board reviewed a letter from developer, Peter Bradley asking for the release of \$20,865 from a cash security account held by the Town pending completion of an 11-lot development on Peter J. Drive, off Dudley Rd. The amount requested was based on his claim that granite curbs have been completed and 3 lots stabilized. The Board reviewed an e-mail from Town Counsel, Kay Doyle written on 06/11/07 when P. Bradley had requested the release of funds for work completed up to that date. Her recommendation was to have the town's consultant/engineer calculate the cost of what was remaining to complete the project, and make sure that amount remained in the account prior to releasing any funds. Although it was too late to implement that procedure in June 07, she strongly advised the Board to use that process going forward. J. Peduzzi motioned to have J. Hollows contact Cuoco & Cormier, consultant/engineers, to have them estimate the cost of the balance of the work to be done, and only release funds if there is a balance. N. Thalheimer seconded and all voted in favor.

**Review of discussion with Attorney Kay Doyle
6/6/07 e-mail, Kay Doyle:**

“As for the release, both the developer and your engineer appear to be doing the calculation for the funds to be released on the basis of what has been completed—in other words, “I have completed the rip-rap, so release to me the cost of the rip-rap.” That is not the proper method. The funds retained are supposed to cover the work left, so you examine the work left and calculate how much it will cost to ensure that the funds cover it. The problem with the way the developer and the engineer are doing it is the Planning Boards always seem to end up short on funds. Hopefully, your consultant has a checklist that s/he can go over to evaluate the work that remains to be completed and estimate the money needed to cover it.”

(response from J. Hollows):

“We do have the checklist (attached)... We had added a 30% contingency fee over the actual estimated cost to complete the project, so the town should be protected.

If the Board allows the release of only those funds where there is no question or dispute, and the remaining balance ...stays in the account ...do you agree that we would accomplish what you describe here?

I am waiting to hear back from Rich Hanks (Bldg. Commissioner) and Ed Kukkula (Highway Supt.) who we've asked to look at the request, go to the site and provide comment on those items in question.

If all checks out, as far as procedure, I believe we would ask the developer to revise his letter of request to match the amount the Board is comfortable with, and have the Board sign an authorization..”

6/11/08 Kay Doyle's response:

I realize the contingency may make it seem like you have enough money, but the estimate you are basing this on was done in November, 2005. What happens if the cost of something changes, particularly if the project lasts over a period of years? I can't emphasize enough how much the methodology needs to change such that you ask the applicant and your consultant to examine what work is left and estimate how much it costs. I don't want to leave the Planning Board open for some of the disasters I've seen in other towns. I'll leave it to the Board's discretion, but if you don't do it for this project, I suggest that it should be done for any future ones. Let me know if you have any questions. I can be reached at 617-257-9581.

Jeanne Hollows

From: Jeanne Hollows <jhollows@townsend.ma.us>
Sent: Friday, November 06, 2015 2:27 PM
To: Ducharme Dillis-Stan Dillis (sdillis@DDCDG.com)
Cc: Chris Nocella (chris.nocella.cn61@gmail.com); Jerrilyn Bozicas (Jerrilynbozicas@gmail.com); 'Kathy Araujo (k.araujo@verizon.net)'; Lance McNally (ljmcnally@comcast.net); 'Laurie Shifrin (Laurie@TownsendCenterRealty.com)'; 'Laurie Shifrin (laurie8884@gmail.com)'
Subject: Request for Quote- Deer Run-Inspection-Proforma Update
Attachments: J Hollows 11 5 15.pdf; Recorded Bond Agreement.pdf; 175-19 K. - M. Underlined.docx

Hi Stan,

Could you please review the attached and provide a quote for this inspection, as well as an update to the costs for work remaining on the subdivision. What the Board would need to see is:

- a.) A report to determine if completed work has been done in conformance with the Board's Rules and Regulations and meets sound engineering and construction practices.
- b.) The proforma back from you showing any adjusted cost estimates under each item not completed so that unfinished work reflects what it will cost in today's market to complete that work. Based on those estimates, we would like to see a total of how much should remain in the bonding and how much should be authorized for release.

Thanks,
Jeanne

From: Jeanne Hollows [mailto:jhollows@townsend.ma.us]
Sent: Friday, November 06, 2015 2:00 PM
To: 'jsmith@perkinslawpc.com' <jsmith@perkinslawpc.com>
Cc: 'ranctil@perkinslawpc.com' <ranctil@perkinslawpc.com>; Lance McNally (ljmcnally@comcast.net) <ljmcnally@comcast.net>; 'ricklamarreandson@gmail.com' <ricklamarreandson@gmail.com>; 'chris.nocella.cn61@gmail.com' <chris.nocella.cn61@gmail.com>; 'Jerrilynbozicas@gmail.com' <Jerrilynbozicas@gmail.com>; 'Kathy Araujo (k.araujo@verizon.net)' <k.araujo@verizon.net>; Laurie Shifrin (Laurie@TownsendCenterRealty.com) <Laurie@TownsendCenterRealty.com>; Laurie Shifrin (Laurie8884@gmail.com) <Laurie8884@gmail.com>
Subject: Deer Run - Partial Bond Release Request

Hello Joanne / Atty. Anctil,

In review of procedures for a request to reduce the amount of the performance guarantee on this subdivision, I am attaching a section of the Planning Board Rules and Regulations where I have underlined Sections K. & M., which I believe the Board will find applicable.

The application fee is \$200.00. I spoke with Rick Lamarre who will bring the fee Monday to the meeting, and I will copy him here. Since the submission was sent electronically, the Board may choose to grant a waiver of the requirement to send the application by certified mail.

The Board will determine at the Meeting on Monday what else they will need, however, as mentioned to Rick, they will mostly likely authorize our peer review consultant engineer to go to the site to determine if completed work has been done in conformance with the Board's Rules and Regulations and meets sound engineering and construction practices. There are funds being held in the "53-G" account to cover consultations. I will request a cost estimate for this inspection from Stan Dillis, of Ducharme & Dillis.

From: Jeanne Hollows <jhollows@townsend.ma.us>
Sent: Monday, November 02, 2015 12:38 PM
To: Lance McNally (ljmcnally@comcast.net)
Cc: Karen Chapman (kchapman@townsend.ma.us); Andy Sheehan (asheehan@townsend.ma.us); Rich Hanks (rhanks@townsend.ma.us); 'chris.nocella.cn61@gmail.com'; 'Jerrilynbozicas@gmail.com'; 'Kathy Araujo (k.araujo@verizon.net)'; Laurie Shifrin (Laurie@TownsendCenterRealty.com); Laurie Shifrin (Laurie8884@gmail.com)
Subject: Medical Marijuana

Hi Lance,

Karen took a phone call last week from a business entity (or attorney) representing a town resident wanting confirmation that our Moratorium on Medical Marijuana had expired. He stated he was researching the possibility of a cultivation only operation. Karen forwarded the call to Rich Hanks, who stated he would like to come discuss this over with us before he calls him back. Karen just spoke with Andy, who suggests we work on drafting zoning amendments to be ready for Annual Town Meeting vote in the spring.

We had started working on some draft documents, which I have on file. I know Lunenburg passed a pretty comprehensive bylaw I remember voting on last year. Karen mentioned Pepperell has something in place we can look at as well.

Adding this to next Agenda on Nov. 9th FYI & discussion.

Jeanne

Jeanne Hollows
Planning Board Administrator /
Co-Land Use Coordinator
Town of Townsend
272 Main Street
Townsend, MA 01469
jhollows@townsend.ma.us
978-597-1700 X 1722
FAX 978-597-1722

3.3



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

Lance J. McNally, Chairman **Christopher Nocella, Vice Chairman** **Laura E. Shifrin, Clerk**
Kathleen Araujo, Member **Jerrilyn T. Bozicas, Associate**

Date: November 9, 2015
To: Town Clerk
From: The Planning Board
Subject: Center Fire Station
Special Permit – Site Plan Review
13 Elm St., Townsend, MA 01469
cc: Gary Shepard, Deputy Fire Chief
Riverbank Development, LLC

*Stan Dillis
will give us
a note on
this Monday*

At a public meeting of the Planning Board on October 26, 2015, the Board reviewed and voted to approve modifications to the location of the Stormwater Management System for the new Center Fire Station on 13 Elm Street, finding that the proposed changes would not be substantial in nature.

The plans and calculations submitted by Stan Dillis of Ducharme & Dillis Civil Design Group, on behalf of Riverbank Development, LLC detail an underground Stormwater Management System to be installed on Town-owned land, rather than on abutting property owned by David Sears, with a drainage pipe under the access driveway. S. Dillis attested there will be no changes to the net runoff calculations previously approved by the Planning Board by Special Permit and the system will be fully compliant with Stormwater Management Regulations.

On November 9, 2015, the Board reviewed Condition B. in the Special Permit Decision requiring that easement language and a maintenance agreement be provided to the town, and found that this Condition is no longer applicable given the revised location of the drainage system.

Lance McNally, Chairman _____
Chris Nocella, Vice Chairman _____
Laura E. Shifrin, Clerk _____
Kathleen Araujo, Member _____
Jerrilyn Bozicas, Associate Member _____

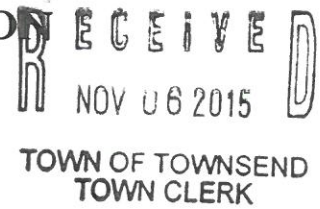
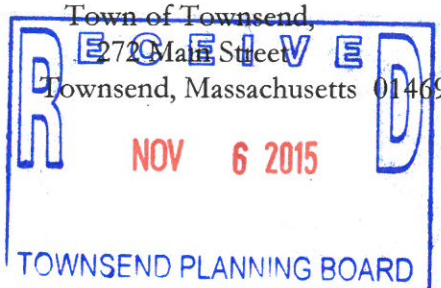
SIGN ON ORIG.

3.4



Office of the

CONSERVATION COMMISSION



James Deroian, Chairman
Heather Hampson, Clerk
John Hussey

Leslie W. Gabriliska,
Conservation Agent

Christine Vitale

Veronica Kell, Vice-Chairman
Jennifer Pettit
Michael Turgeon

office 978-597-1700, ext. 1739
fax 978-597-1835

MEMO

Date: November 5, 2015

To: Townsend Planning Board
From: Leslie Gabriliska, Conservation Agent, for the
Townsend Conservation Commission

*NOTE:
we need to
set up hearing
(Dec. 14th)*

Re: Scenic Road Act application

Please accept this application from the Townsend Conservation Commission to remove trees and remove and restore two sections of stone wall in the town's right of way on a discontinued portion of Old Meetinghouse Road. The discontinued section of road is located between 32 Old Meetinghouse Road (the section of Old Meetinghouse Road located off Highland Street) and 90 Old Meetinghouse Road (adjacent to Greeley Road). The purpose of the work is to provide access for the Commission's timber harvest of a section of Old Meetinghouse Park.

The Townsend Conservation Land Trust will be harvesting timber on the opposite side of Old Meetinghouse Road and will use the town's access points so as to minimize any additional impact to this natural and historic treasure. An access agreement will be signed between the Townsend Conservation Commission, Townsend Conservation Land Trust, foresters and timber harvesters.

The Townsend Conservation Commission respectfully requests that the Planning Board waive the \$150 filing fee per the Planning Board Regulations Ch.175-34(B).

If you would like to view the proposed work area, the conservation agent will be happy to show it to the Board. Thank you for your consideration.

**TOWNSEND PLANNING BOARD
SCENIC ROADS ACT
APPLICATION FOR REMOVAL OF TREE(S) AND/OR STONE WALL(S)
WITHIN THE TOWN'S RIGHT OF WAY**

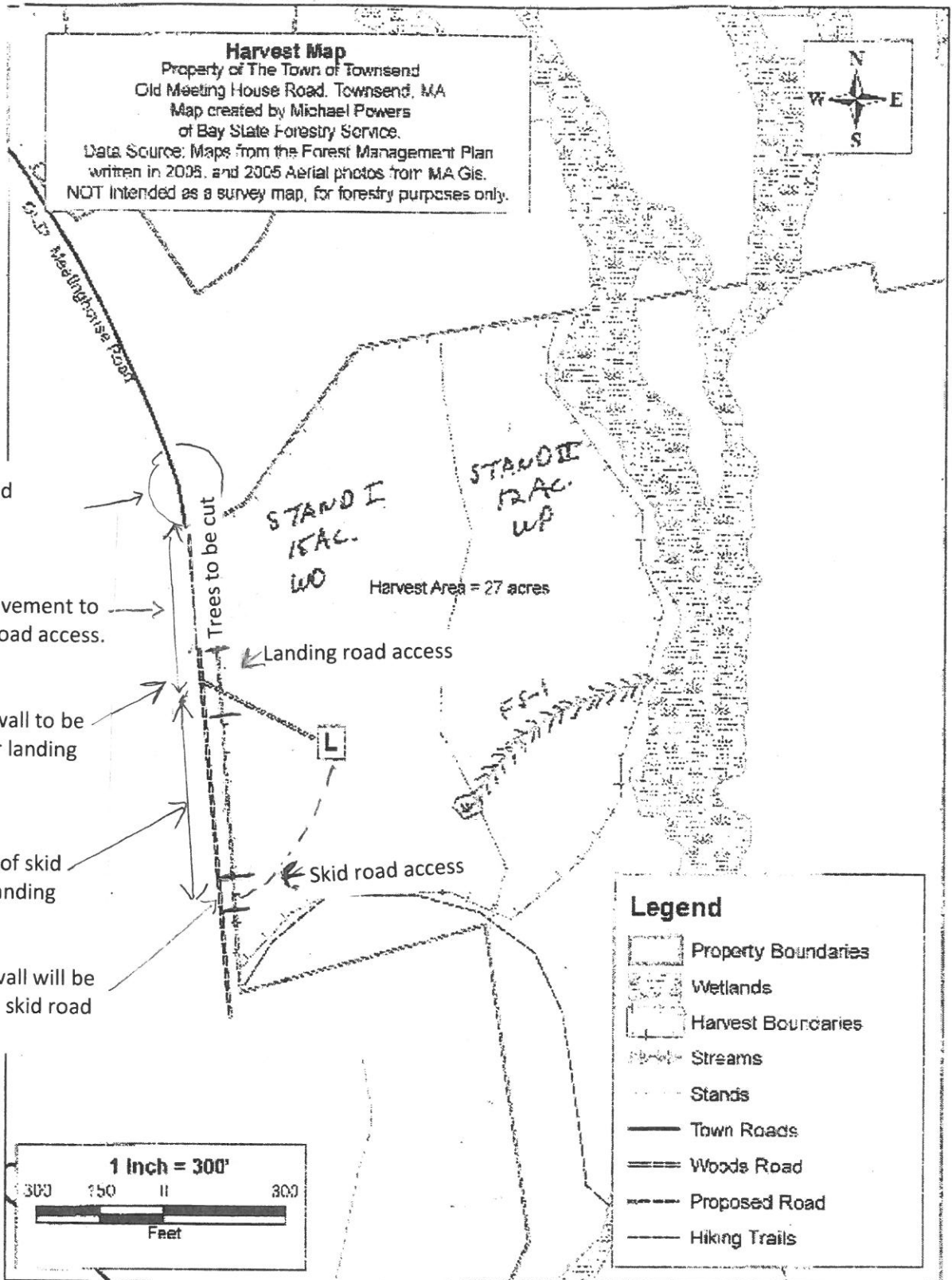
The undersigned hereby submits an application for approval to remove tree(s) and/or stone wall(s) from within the Town's Right of Way, pursuant to Planning Board Regulations 175-31 through 175-34 and Massachusetts General Law Chapter 40 Section 15C and Chapter 87 Shade Trees, Section 3.

1. Number of currently existing properties affected by this plan: 1
If more than one, then the following information must be provided for each such lot or parcel; use a separate page for each.
2. Address of property Discontinued section of Old Meetinghouse Rd between #321#90
3. Assessors Map # 27 Block # 47 Lot # 0 Deed as recorded: Book# 28636 Page # 82
(Available at Assessor's Office, Town Web Site or Registry of Deeds Web Site)
4. Size of parcel, in acres: 15 acres
5. Is the owner (check one):
 - a. An individual?
 - b. One or more individuals holding the property in some form of joint tenancy?
(if so, then all owners must sign)
8. Owner(s) of record: Townsend Conservation Commission
9. Owner's Address: Town of Townsend
272 Main St, Townsend, MA 01469
Phone: Day 978-597-1700x1739 Evening _____
10. Approximate location of tree(s) and/or stone wall(s) on town property (rough sketch acceptable): See Attachment A
11. Proposed number of trees or length of stone wall(s) on town property to be removed: See Attachment B
12. Type of tree(s), approximate age and height of tree(s): See Attachment B
13. Are there any wetlands on the property? No
14. Reason for request: Timber harvesters need access to Old Meetinghouse Park
15. The fee for Scenic Road Act Hearings is \$150.00. Make check payable to "Town of Townsend."

OWNER (S):

<u>See #8</u>	
Name (please print) _____	Name (please print) _____
Street Address _____	Street Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Daytime Phone #(s) _____ / Home Phone _____	Daytime Phone #(s) _____ / Home Phone _____
<u>Seren W. Abrutka, Conservation</u> Signature of Owner <u>Agent for the Townsend Conservation Commission</u>	Signature of Owner _____

ATTACHMENT A



Townsend Conservation Commission
 Standing Timber, Old Meetinghouse Park

ATTACHMENT B

#11 Proposed number of trees to be removed, and length of stone walls to be temporarily removed and restored

10 trees

2 sections of stone walls, original stones to be set aside and used to rebuild wall:

32' for the skid trail

67' for the landing

#12 Type, approximate age and height of trees to be removed

White oak:

4" dbh

14" dbh

8" dbh

Black oak:

4" dbh

4" dbh

12" dbh

Black oak (double tree):

10" dbh

8" dbh

Red oak:

4" dbh

8" dbh

White pine:

8" dbh (almost dead)

Trees in the right of way to be cut are flagged with orange ribbon

Trees that mark the outer boundaries of the access to the skid road and landing road are flagged with pink and orange tape.

Trees to be cut that are on the center line of the two access roads are flagged with orange and green tape.

The majority of the 10 trees to be cut in the right-of-way are located between the cul-de-sac and the southern edge of the landing road access. The few remaining trees to be cut are to allow access to the skid road. Trucks will NOT be traveling on Old Meetinghouse Road between the skid or landing road accesses.

3.5 FYI

NS

From: Leslie Gabriliska <leslieg@townsend.ma.us>
Sent: Wednesday, October 21, 2015 4:27 PM
To: 'Andy Sheehan'; 'Karen Chapman'; 'Jeanne Hollows'; lgabriliska@townsend.ma.us
Subject: RE: EPA Brownfields Assessment & Grants and Revolving Loan Fund Announcement

I would love to consider the old town dump and I'm not sure whether the carpet store across from Harbor Auto Body would be eligible. If my memory serves me correctly, EPA will only pay for Brownfield Assessment if the property is going to be developed. If Jeanne and Karen think it's something to pursue, I will call her office.

From: Andy Sheehan [mailto:asheehan@townsend.ma.us]
Sent: Wednesday, October 21, 2015 3:49 PM
To: 'Karen Chapman' <kchapman@townsend.ma.us>; 'Jeanne Hollows' <jhollows@townsend.ma.us>; lgabriliska@townsend.ma.us
Subject: FW: EPA Brownfields Assessment & Grants and Revolving Loan Fund Announcement

In case you know of any brownfields

From: Pandres, Russell [mailto:Russell.Pandres@mail.house.gov]
Sent: Wednesday, October 21, 2015 3:09 PM
To: Pandres, Russell
Subject: EPA Brownfields Assessment & Grants and Revolving Loan Fund Announcement

Dear stakeholder,

On behalf of Congresswoman Niki Tsongas, I wanted to make sure you were aware of the opening of the Environmental Protection Agency's Request for Proposals for the EPA's Brownfields Assessment Grants, the Brownfield Revolving Loan Fund, and the Brownfields Cleanup Grants (see below for more information). Applications for these brownfields programs are due on December 18, 2015. If you have any questions please do not hesitate to reach out to Congresswoman Tsongas' office for more information and I would be happy to put you in touch with the correct person at the EPA.

EPA
Environmental Protection Agency
FY16 Guidelines for Brownfields Assessment Grants Modification 1
<http://www.grants.gov/web/grants/view-opportunity.html?oppId=279714>

EPA
Environmental Protection Agency
FY16 Guidelines for Brownfields Revolving Loan Fund Grants Grant
<http://www.grants.gov/web/grants/view-opportunity.html?oppId=279716>

EPA
Environmental Protection Agency
FY16 Guidelines for Brownfields Cleanup Grants Grant
<http://www.grants.gov/web/grants/view-opportunity.html?oppId=279737>

Sincerely,
Russell Pandres
Economic Development Representative
Office of Congresswoman Niki Tsongas (MA-03)


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EPA-OSWER-OBLR-15-06
FY16 Guidelines for Brownfields Cleanup Grants
Environmental Protection Agency

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The synopsis for this grant opportunity is detailed below, following this paragraph. This synopsis contains all of the updates to this document that have been posted as of **10/20/2015**. If updates have been made to the opportunity synopsis, update information is provided below the synopsis.

If you would like to receive notifications of changes to the grant opportunity click [send me change notification emails](#). The only thing you need to provide for this service is your email address. No other information is requested.

Any inconsistency between the original printed document and the disk or electronic document shall be resolved by giving precedence to the printed document.

General Information

Document Type:	Grants Notice	Posted Date:	Oct 20, 2015
Funding Opportunity Number:	EPA-OSWER-OBLR-15-06	Creation Date:	Oct 20, 2015
Funding Opportunity Title:	FY16 Guidelines for Brownfields Cleanup Grants	Original Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information
Opportunity Category:	Discretionary	Current Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information
Funding Instrument Type:	Cooperative Agreement		
Category of Funding Activity:	Environment		
Category Explanation:			
Expected Number of Awards:	60	Archive Date:	Jan 17, 2016
CFDA Number(s):	66.818 -- Brownfields Assessment and Cleanup Cooperative Agreements	Estimated Total Program Funding:	\$11,900,000
		Award Ceiling:	\$200,000
Cost Sharing or Matching Requirement:	Yes	Award Floor:	\$0

Eligibility

Eligible Applicants: Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility: Please see the announcement including Section III for additional eligibility information

Additional Information

Agency Name: Environmental Protection Agency

Description: The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfields Law", P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance to assist applicants in preparing proposals for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites. EPA provides brownfields funding for three types of grants: I. Brownfields Assessment



EPA-OSWER-OBLR-15-05
FY16 Guidelines for Brownfields Revolving Loan Fund Grants
Environmental Protection Agency

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General Information

Document Type:	Grants Notice	Posted Date:	Oct 20, 2015
Funding Opportunity Number:	EPA-OSWER-OBLR-15-05	Creation Date:	Oct 20, 2015
Funding Opportunity Title:	FY16 Guidelines for Brownfields Revolving Loan Fund Grants	Original Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information
Opportunity Category:	Discretionary	Current Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information
Funding Instrument Type:	Cooperative Agreement		
Category of Funding Activity:	Environment		
Category Explanation:		Archive Date:	Jan 17, 2016
Expected Number of Awards:	12	Estimated Total Program Funding:	\$8,500,000
CFDA Number(s):	66.818 -- Brownfields Assessment and Cleanup Cooperative Agreements	Award Ceiling:	\$1,000,000
		Award Floor:	\$0

Cost Sharing or Matching Requirement: Yes

Eligibility

Eligible Applicants: Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility: Please see the announcement including Section III for additional eligibility information

Additional Information

Agency Name:	Environmental Protection Agency
Description:	The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfields Law", P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance to assist applicants in preparing proposals for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites. EPA provides brownfields funding for three types of grants. 1. Brownfields Assessment Grants – provides funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to brownfield sites. 2. Brownfields Revolving Loan Fund (RLF) Grants – provides funding for a grant recipient to capitalize a revolving fund and to make loans and provide subgrants to conduct cleanup activities at brownfield sites. 3. Brownfields Cleanup Grants – provides funds to conduct cleanup activities at a specific brownfield site owned by the applicant. Under these guidelines, EPA is seeking proposals for Revolving Loan Fund Grants only. If you are interested in requesting funding for Assessment and/or Cleanup Grants, please refer to announcement EPA-OSWER-OBLR-15-04 (Assessment Grant guidelines) or EPA-OSWER-OBLR-15-06 (Cleanup Grant guidelines) posted separately on www.grants.gov and www2.epa.gov/brownfields/apply-brownfields-grant-funding .

Link to Additional Information: [FY16 Guidelines for Brownfields Revolving Loan Fund Grants](#)



EPA-OSWER-OBLR-15-04
FY16 Guidelines for Brownfields Assessment Grants
Environmental Protection Agency

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General Information

Document Type:	Grants Notice	Posted Date:	Oct 20, 2015
Funding Opportunity Number:	EPA-OSWER-OBLR-15-04	Creation Date:	Oct 20, 2015
Funding Opportunity Title:	FY16 Guidelines for Brownfields Assessment Grants	Original Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information.
Opportunity Category:	Discretionary	Current Closing Date for Applications:	Dec 18, 2015 Please see the announcement including Section IV for additional submission information.
Funding Instrument Type:	Cooperative Agreement		
Category of Funding Activity:	Environment		
Category Explanation:		Archive Date:	Jan 17, 2016
Expected Number of Awards:	151	Estimated Total Program Funding:	\$34,100,000
CFDA Number(s):	66.818 -- Brownfields Assessment and Cleanup Cooperative Agreements	Award Ceiling:	\$600,000
		Award Floor:	\$0

Cost Sharing or Matching Requirement: No

Eligibility

Eligible Applicants: Others (see text field entitled "Additional Information on Eligibility" for clarification)

Additional Information on Eligibility: Please see the announcement including Section III for additional eligibility information.

Additional Information

Agency Name: Environmental Protection Agency

Description: The Small Business Liability Relief and Brownfields Revitalization Act ("Brownfields Law", P.L. 107-118) requires the U.S. Environmental Protection Agency (EPA) to publish guidance to assist applicants in preparing proposals for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, clean up, and reuse brownfield sites. EPA provides brownfields funding for three types of grants: 1. Brownfields Assessment Grants – provides funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to brownfield sites. 2. Brownfields Revolving Loan Fund (RLF) Grants – provides funds for a grant recipient to capitalize a revolving fund and to make loans and provide subgrants to conduct cleanup activities at brownfield sites. 3. Brownfields Cleanup Grants – provides funds to conduct cleanup activities at a specific brownfield site owned by the applicant. Under these guidelines, EPA is seeking proposals for Assessment Grants only. If you are interested in requesting funding for Cleanup and/or Revolving Loan Fund Grants, please refer to announcement EPA-OSWER-OBLR-15-06 (Cleanup Grant guidelines) or EPA-OSWER-OBLR-15-05 (Revolving Loan Fund Grant guidelines) posted separately on www.grants.gov and www2.epa.gov/brownfields/apply-brownfields-grant-funding.

Link to Additional Information: [FY16 Guidelines for Brownfields Assessment Grants](#)