



Office of  
THE PLANNING BOARD

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Townsend, Massachusetts 01469  
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Jeffrey  
Christof



Chairman: Nicholas E. Thalheimer, Vice Chairman      Lance J. McNally, Clerk  
Member: Perry J. Tomasetti, Member      Jerrilyn T. Bozicas, Associate Member

**Planning Board Meeting Minutes**  
**Monday, March 23, 2015 7:00 p.m.**  
**Townsend Memorial Hall, Selectmen’s Chambers**  
**272 Main Street, Townsend, MA 01469**

**I. PRELIMINARIES:**

- 1.1 **Call the meeting to order** – At 7:02 p.m. J. Peduzzi called the meeting to order.
- 1.2 **Roll call** - Present were Chairman Jeff Peduzzi, Vice Chairman, Nicholas Thalheimer, Clerk, Lance McNally, Member, Chris Nocella, Member, Perry Tomasetti, and Planning Board Administrator, Jeanne Hollows. Associate Member, Jerrilyn Bozicas was absent.
- 1.3 **Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting – Add:**
  - 3.7 **Tennessee Gas Request for Information**
  - 4.12 **Kopelman and Paige eUpdate: ANR Lots With Preexisting Structures Not Protected-SJC Rules**
- 1.4 **Acceptance of Minutes** – N. Thalheimer motioned to approve the Minutes of 02/10/15. C. Nocella seconded and all present voted in favor.

**II. APPOINTMENTS:**

2.1 **7:30 PM Public Hearing: 13 Elm St. Fire Station, Riverbank Development, Stan Dillis of Ducharme & Dillis** – At 7:33 J. Peduzzi opened the public hearing and introduced Board Members. L. McNally read the Legal Ad. In attendance were Stan Dillis of Ducharme & Dillis Civil Design Group representing the applicant, Deputy Fire Chief, Gary Shepherd, Architect, Lisa Udelsman, Valerie Sears, representing owners of an abutting property, and others.

S. Dillis presented a plan and explained a proposal to construct a new Fire Station at 13 Elm St., the location of an existing fire station. Points outlined included the following:

- The existing fire station will be demolished and the new structure will be constructed in that footprint and also encompass a portion of the remnants from an existing slab foundation from a former building.
- The fire station will open out facing Elm Street with six bays for trucks
- The site is currently all paved. Replacement paving will slope away to a swale; with recharging of runoff, including roof discharge. All stormwater will flow to drainage swales, designed to treat runoff from a 100-year storm, resulting in an overall net decrease in current runoff.
- Soils on site are sandy and sediment removal and runoff treatment will comply with Massachusetts Stormwater Management Standards.
- There are no wetlands and no endangered species.
- 21 parking spaces will be incorporated.
- A retaining wall will be constructed near the rear, with a small area of grass around a lighted flag pole.
- Re-development will improve drainage and traffic entering and exiting the site.
- A driveway located to the south of the property, owned by David & Mary Sears who operate a co-op warehouse and grain store in the rear is used to provide common access to the fire station, the grain store, and an adjacent Dunkin Donuts restaurant. S. Dillis stated an attorney is preparing a legal easement which will be provided to assure legal access to the town.
- The proposed parking area is located entirely on town-owned property.

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- The Board of Health has reviewed the design for a new septic system to be located in the rear and a permit from them is imminent.
- L. Udelsman presented drawings and her description of the proposed structure included the following:
  - Utilization of a one-story 12,000 sq. ft. building will consist of one-half for business and one-half living space.
  - Design will include a training room, three bunk rooms, a day area with kitchen & dining space, storage areas for tools, medications and an apparatus bay, along with a mezzanine area.
  - The building design will include pre-cast architectural stone, with brick veneer & stucco, a flat roof and a parapet, eight inch concrete walls with 2-5/8" foam panels on load-bearing walls. The roof will accommodate a structural load of 40 lbs. per foot, and contain internal drains.
- J. Peduzzi read Mandatory Referrals.
  - Comment received from Zoning Enforcement Officer, Rich Hanks confirmed that a fire station is an allowed use in the Downtown Commercial District and determined that the setback requirements would be in compliance. He added that a ZBA Special Permit would be required to determine whether rebuilding a structure on a pre-existing, con-conforming lot would be more detrimental than the existing non-conformity.
  - The Zoning Board of Appeals responded, "It will be cool!"  
Further discussion included:
    - G. Shepherd stated he will drop off the fee for the Legal Notice and the Board stated they will determine what the application fee will be based on J. Hollows calculating the actual cost of time and resources expended on the project.
    - Lighting will comply with Zoning Bylaws, and S. Dillis will submit a revised plan set to show a couple of wall sconce lights which were omitted from the plan.
    - There will be no increase in personnel.
    - No dumpster is needed as trash will continue to be handled in house.

The Board reviewed Zoning Bylaws in relation to compliance, with the following notations:

§ 145-42. Site Plan Review Special Permit

A. (3) The Board found the proposed use of the subject property meets with the purpose and intent of this section, however will require an acceptable hazardous materials storage, usage, and disposal plan.

§ 145-24 Driveways and Entrances

C. (11) It was noted that Route 13 in Townsend is part of an old county road and therefore not a State Highway. The Building Inspector and Highway Superintendent will therefore review and approve the proposed design of the driveway entrances as a condition of approval of the Special Permit.

As a further condition to the Decision, the Board must receive and approve proof of easement over privately owned land to be used as access for the subject property.

D. (1) – (5), D. (7) The Board found the proposed design is part of a pre-existing common driveway, and determined it will be a net improvement over current conditions.

D. (6) As part of conditional approval, the Board will request that easement and maintenance agreements be recorded with the Registry of Deeds following approval of the Building Inspector and the Highway Superintendent, with Certification of these recordings to be provided to the Building Inspector and the Highway Superintendent.

§ 145-33 – Parking Requirements

The Board determined the proposed use will be able to utilize existing off-street parking and will not generate sufficient parking needs to create a hazard or nuisance, which will allow the Board to waive strict compliance with this section.

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C. (6) and D. (10 – (6) – The Board discussed requirements related to parking lot and street plantings and determined that they could waive strict compliance to these sections, as the project will be re-construction of a pre-existing developed site.

§ 145-40 Aquifer Protection Overlay District

A discussion ensued regarding the location of the site within the Aquifer Protection Overlay District, with the following points brought out:

- Perk tests dug found no water table
- The site is 12 feet above the wetland elevation at the bottom of a slope.
- Vehicles are washed outside; there is a 2,500 gallon holding tank which sounds an alarm when it is full, compliant with DEP (Department of Environmental Protection) regulations.
- Vehicles are fueled at the Highway Garage.
- Maintenance is done by part-time mechanics who sometimes work on site.

It was noted that the Special Permit Granting Authority (SPGA) of this section is the Zoning Board of Appeals. Their decision of 03/17/15 will be incorporated into the Planning Board's Site Plan Review Special Permit Decision. As an additional condition of approval the Planning Board will require that a Hazardous Materials List be submitted as outlined under § 145-40 F. (3) (a) and (b), and a general accounting of how the listed materials are to be stored, used, and disposed of.

- S. Dillis stated that the location of a storage locker in the proposed building will be added to the architectural plans.

J. Peduzzi asked J. Hollows contact the Fire Chief to request a letter addressing proposed safeguard measures as outlined in §145-40 G. (1) and any Toxic or Hazardous Materials detailed in I. (1) – (12).

With no further issues, J. Peduzzi asked board members for a straw poll vote and all agreed they would be in favor of the project with conditions as discussed.

At 9:15 N. Thalheimer motioned to close the public hearing. C. Nocella seconded and all voted in favor. It was noted that the Board would prepare a draft Decision for a vote on 04/13/15.

**III. WORKSESSION:**

**3.1 Draft Annual Report** – The Board reviewed a draft 2014 Planning Board Annual Report and agreed upon a couple of minor edits. C. Nocella motioned to approve the report as edited. L. McNally seconded and all voted in favor.

**3.2 Sign one more copy of ANR Plan that was endorsed on 2/10/15** – Three members whose signatures were omitted from one copy of an ANR Plan approved on 02/10/15 signed the copy.

**3.3 Memo from Board of Selectmen re: Amendment to Personnel Policies & Procedures Manual** – The Board reviewed a proposed change to the Personnel Policies and Procedures Manual to convert from a weekly payroll to a biweekly payroll, in order to affect cost savings. J. Hollows was consulted to assure there would be no negative impact on her. Following discussion, C. Nocella motioned to respond to Town Administrator, Andy Sheehan, that the Planning Board has no objections to the proposed amendment. N. Thalheimer seconded and all voted in favor.

**3.4 ZBA Mandatory Referral RE: 11 & 15 Sauna Row Road Special Permit** – The Board reviewed a Referral Notice from the Zoning Board of Appeals regarding an application to demolish two single family dwellings and construct one dwelling on a pre-existing non-conforming lot. Following discussion, N. Thalheimer motioned to respond, “the Planning Board finds that the new structure will not be substantially more detrimental to the neighborhood.” L. McNally seconded, and all voted in favor.

**3.5 Board of Selectmen Memo RE: Appointments to Town Properties Committee** – In response to a request from the Board of Selectmen, J. Peduzzi motioned to recommend Perry Tomasetti as their representative for appointment to the Town Properties Committee. N. Thalheimer seconded and all voted in favor.

**3.6 Authorize Payment to Ducharme & Dillis for Consultant Work on New NMR High School** – N. Thalheimer motioned to authorize payment of \$250.00 to Ducharme & Dillis Civil Design Group for consultant peer review work done on the new North Middlesex Regional high school. C. Nocella seconded and all voted in favor.

**3.7 Tennessee Gas Request for Information** – The Board received a request for several pieces of information from a representative from AECOM, on behalf of Tennessee Gas Pipeline, LLC. Following a brief discussion the item was tabled with no action taken.

**IV. CORRESPONDENCE:**

The following items were received and reviewed without comment:

- 4.1 ZBA Copy of Decision: 19 Main St. NMR High School Request for Building Height Waiver**
- 4.2 Copy of Letter to SMMA from Rich Hanks, ZEO, RE: NMR High School Project**
- 4.3 Response from R. Hanks RE: 60 Warren Rd. Cell Tower, Sprint Compliance Report**
- 4.4 Bulletin March 2, 2015 RE: Annual Town Meeting Articles of December 3, 2014 AG Approval**
- 4.5 ZBA Copy of Decision: 19 Main St. NMR High School, Granting Special Permit**
- 4.6 ZBA Copy of Decision: 13 Elm St. Fire Dept. Headquarters, Granting Special Permit**
- 4.7 Planning Board / Land Use Expenditure Reports February 2015**
- 4.8 Memo from Board of Assessor's RE: Senior Work-Off Program**
- 4.9 ATM Scheduled for May 5, 2015, 7:00 p.m. – Draft Warrant Articles**
- 4.10 FYI: Notary Public Renewal: J. Hollows - \$60.00 plus Stamp, from Dues/Membership Budget**
- 4.11 Notices from Townsend/Other Towns – L. McNally read the legal notices.**
- 4.12 Kopelman and Paige eUpdate: ANR Lots with Preexisting Structures Not Protected-SJC Rules**

**V. ADJOURNMENT:**

**5.1** At 10:10 p.m. L. McNally motioned to adjourn the meeting. C. Nocella seconded and all voted in favor.

(Transcribed from notes)  
Respectfully Submitted by

Jeanne Hollows  
Planning Board Administrator

**LIST OF PERTINENT DOCUMENTS/EXHIBITS per Agenda Item (Attached or Available as Noted)**

Any documents not attached herewith are available for review in the Planning / Land Use Office.