



Office of  
THE PLANNING BOARD

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

**Planning Board Meeting Minutes**

**Monday, September 14, 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 7:00 p.m., L. McNally called the meeting to order.

**1.2 Roll call** - Present were Chairman Lance McNally, Vice Chairman Chris Nocella, Member Kathleen Araujo, Associate Member Jerrilyn Bozicas and Planning Board Administrator Jeanne Hollows. Clerk, Laura Shifrin was absent.

**1.3 Advance of the Meeting – Add:**

- 3.4 Letter & Invitation: Townsend Police Department RE: Chief Marshal's Retirement Gathering**
- 3.5 Planet Fitness Draft Decision**
- 3.6 FYI: FEMA Flood Insurance Update**
- 3.7 ZBA Decision: 18 Main St. Planet Fitness**

**1.4 Acceptance of Minutes** - C. Nocella motioned to approve the draft Minutes of 08/18/15 & 08/24/15. J. Bozicas seconded and all voted in favor.

**II. APPOINTMENTS:**

**2.1 7:10 p.m. Terry Austin, Managing Member, Site Selection RE: 324 Main St. Citgo Gas**

**Station** – Terry Austin met with the Board and stated she would like to redevelop 324 Main Street, formerly the Citgo Gas Station, which has been closed for a few years. Dan Poalino, Property Manager for owner, Sherman V. Allen, Inc. described a preliminary proposal to raze the existing building, located on two acres served by public water, and rebuild a 4,000 sq. ft. convenience store with a drive through, and four self-serve gas pumps under a canopied island supported by two 20,000-gallon underground tanks. Based on a discussion J. Hollows had with Rich Hanks, Zoning Enforcement Officer, the site is located in the Residential District (RA3) within the Aquifer Protection Overlay District however operating a gas station with two pumps and a convenience store in the same building is a “grandfathered” pre-existing, non-conforming allowed use. He added that any expansion would require a Site Plan Review Special Permit from the Planning Board. T. Austin stated her company is under contract to purchase the property and they met informally with the Zoning Board who gave them positive feed-back regarding submitting an application for re-development. Preliminary Plans were provided along with a summary sheet of the proposal.

D. Paolino explained the gas station had been operating under a long term lease, and the goal was to re-open after the last tenant moved out, however they could not find a tenant, and as a result, they were ordered by the Fire Department to replace the underground tanks. When the tanks were pulled in 2013, contamination was detected 30' underground and the owner filed an “Immediate Response Action” with the DEP (Department of Environmental Protection). A DEP-supported carbon filtration & vacuum system is currently in place with monitoring and reports submitted.

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An ensuing discussion included the following comments and responses to questions:

- L. McNally stated the Board could not anticipate concerns that may come from neighboring residents, since the site falls within a Residential Zone.
- T. Austin stated the business would not be profitable unless she could expand the convenience store to 4,000 sq. ft. with four pumps. She would like to include a deli to maybe provide sub sandwiches. Responding to questions, she said diesel fuel will be available however, tractor trailer trucks would not be able to maneuver within the site, and the facade would be designed in keeping with the colonial characteristics of the town. She added she would plan to meet with neighbors.
- C. Nocella stated he is very concerned with increasing the amount of fuel and any proposed chemical use over the aquifer. He added that he has no problem with a new business coming into town, but would need to see detailed drawings on how the aquifer would be protected. He questioned the possibility of cars leaking gasoline.
- D. Paolino stated the former tanks were 18,000 gallons and the replacements will be double-walled 20,000 gallon tanks with drip pans and a sump pump under the dispensers. He added that the previous exposure and impact at the location would be the same either way and have no greater bearing if it were a larger operation. He explained that current engineering now includes sensor systems which are inspected at 1:00 a.m. every day.
- Additional questions and concerns that the Board would want to see addressed included hours of operation, delivery times, noise from diesel trucks, and reaction from neighbors.

**2.2 7:30 p.m. Public Hearing: 18 Main St. Site Plan Review Special Permit, Planet Fitness –**

At 7:33 p.m. L. McNally opened the Public Hearing and designated Jerrilyn as a voting member of the Board in order to provide a “super majority” of participating members. Members were introduced and K. Araujo read the Legal Notice into the record. Taylor Mandell, of Townsend Fit, LLC, described a proposal to take over and renovate two units in an existing building within the Harbor Village Mall at 18 Main Street, for a total use of 10,600 sq. ft., in order to open a fitness facility. He stated there are no proposed changes to the exterior of the building other than erecting a wall-mounted sign, and added that the facility would include:

- 45 lockers
- Three showers
- Three tanning booths
- Hydro massage beds
- About 80 pieces of cardio and strengthening equipment

L. McNally read the Mandatory Referral Responses received which included the following comments:

Board of Selectmen: “The Board of Selectmen is concerned that traffic associated with the use will conflict with customers of existing businesses.”

Building Inspector: Provided a letter to state in part, that the proposed business will be a change of use, and as such shall require a special permit from the permit granting authority for site plan review under §145-42 B. Applicability.

Zoning Board of Appeals: “Competition is good for the Town!”

T. Mandell responded to further questions from Board Members by providing the following information:

- Hours of operation will be: 5:00 am – 10:00 pm., Mon. – Thurs.  
5:00 am – 9:00 pm, Fri.  
6:00 am – 7:00 pm, Sat. & Sun.

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- Busiest times are typically between 5:00 am and 6:00 am and between 4:30 pm and 7:00 pm.
  - Average entry and exit from the parking area would be staggered throughout the remaining open hours.
  - An aerial view of the plaza was submitted showing ample available parking.
  - The landlord's engineer confirmed that the septic system is currently utilizing only 42% of available capacity.
  - Staff includes 13 total, with one manager and four staff members on duty during open hours.
  - Clip-on heart monitors are not provided however all managers are qualified to use defibrillators.
- The Board reviewed applicable sections of Bylaws §145-42, Site Plan Review; §145-33, Parking Regulations; §145-24, Driveways and Entrances, and §145-65 Special Permits.  
At 8:59 pm C. Nocella motioned to close the hearing. J. Bozicas seconded and all voted in favor.

**2.3 8:00 p.m. ANR Plan, 233 Dudley Rd. & 108 Old Turnpike Rd., Sean & Susan Tocci, David LeRoy, Ross Associates** – David LeRoy of Ross Associates appeared before the Board to present a plan to create a parcel between property owned by ASDS Realty, LLC with frontage on 233 Dudley Road and property owned by Susan & Sean Tocci with frontage on 108 Old Turnpike Road, in order to convey an area sufficient to make a lot totaling 3.06 acres in the RA3 Residential Zone. S. Tocci, who is also the managing executive of the LLC also attended the meeting. A letter requesting waivers was provided based on reasoning that the application represents a low impact project. C. Nocella motioned to grant a waiver to §175-10 D. (3) (b) requiring submission of the standard digital file in compliance with Level III of the current version of Mass GIS. K. Araujo seconded and all voted in favor. K. Araujo motioned to grant a waiver to §175-10 D. (10) requiring submission of the North American Vertical Datum of 1988 to be indicated on the plan. C. Nocella seconded and all voted in favor. C. Nocella motioned to grant a waiver to §175-11 C, (2) requiring a plan scale of one inch equals 40 feet, to allow the plan to fit on one page. K. Araujo seconded and all voted in favor. C. Nocella motioned to endorse the plan as an “Approval Not Required” (ANR) Plan under Subdivision Control Law. J. Bozicas seconded, all voted in favor, and the plan was endorsed.

**2.4 8:20 p.m. ANR Plan: Benjamin Builders / TEO, 82+90 Bayberry Hill Road** – Atty. Tom Gustafson attended the meeting on behalf of property owners, Benjamin Builders, Inc. of 90 Bayberry Hill Road, and Townsend Ecumenical Outreach, Inc., (TEO) of 82 Bayberry Hill Road and explained that the owners of the TEO property are conveying an area with 4.8 feet of frontage to the 90 Bayberry Hill Road property, and 7.660 acres is being subdivided out of Benjamin Builder's 14.4 acres in order to create one new lot labeled, “Lot 4-A-2. A letter requesting waivers was provided. C. Nocella motioned to grant a waiver to §175-10 D. (3) (a) & (b) requiring submission of the standard digital file in compliance Level III of the current version of Mass GIS. K. Araujo seconded and all voted in favor. C. Nocella motioned to grant a waiver to §175-11 C, (2) requiring a plan scale of one inch equals 40 feet, in order to show the entire property on one sheet. K. Araujo seconded and all voted in favor. C. Nocella motioned to endorse the plan as an “Approval Not Required” (ANR) Plan under Subdivision Control Law. K. Araujo seconded, all voted in favor, and the plan was endorsed.

**III. WORKSESSION:**

**3.1 Thank you letter to Perry Tomasetti** – The Board reviewed a draft “thank you” letter to Perry Tomasetti for his past service on the Board. C. Nocella motioned to approve the draft. K. Araujo seconded and all voted in favor. L. McNally signed the letter on behalf of the Board.

**3.2 FYI: ZBA Decision for 352 Main St., Keith & Mary Letourneau for Kennel Use** – The Board reviewed a Zoning Board of Appeals Decision overruling a letter of determination issued by the Building Commissioner, and authorizing him to issue a permit for Mary Letourneau to operate a commercial kennel, with conditions, at 352 Main St. No action taken by the Board.

**3.3 FYI: Response from Rich Hanks, ZEO, RE: Ground-Mounted Solar Array** – The Board reviewed a note from Zoning Enforcement Officer, Rich Hanks, in response to their question regarding a proposal to install a ground-mounted solar panel array within residentially-zoned property on Wallace Hill Road. R. Hanks stated the threshold for use is 250kw or higher, and added the apartments at Pine Ridge would be exempt since power would be generated for the condos and not for retail sale. A further question came up as to whether the bylaw is applicable for 250kw or more, or whether residential use vs. commercial use comes into play as well, since it does not specify in the language and the aggregate use for the condos would exceed 250kw. L. McNally stated he would send an e-mail to R. Hanks with copy to Andy Sheehan, Town Administrator asking for clarity.

**3.4 Letter & Invitation: Townsend Police Department: Chief Marshal's Retirement Gathering** – The Board received and noted an invitation to attend a Retirement Gathering to honor retiring Police Chief Marshall.

**3.5 Planet Fitness Draft Decision** - The Board reviewed a draft Site Plan Review Special Permit Decision for Planet Fitness to operate a health & fitness facility at 18 Main Street. Following a brief review and discussion, C. Nocella motioned to approve the draft. K. Araujo seconded and a Roll Call Vote was taken as follows: J. Bozicas – aye; K. Araujo – aye; C. Nocella – aye, and L. McNally – aye. The Decision was endorsed.

**3.6 FYI: FEMA Flood Insurance Update** – The Board reviewed a memo from the Mass Municipal Association's website advising of a change in regulations related to Flood Insurance purchases, in that homeowners are now only required to purchase flood insurance on the remaining value of their mortgage rather than on the full replacement value of their homes.

**3.7 ZBA Decision: 18 Main St. Planet Fitness** – The Board reviewed a Zoning Board of Appeals Decision overturning the Building Commissioner's / Zoning Enforcement Officer's letter of determination stating a special permit was required to open a health & fitness facility entitled, Planet Fitness. The ZBA determined the business would be considered an activity allowed as stated, "the sale and rental of goods, merchandise and equipment," under §145-29 B. (3), in the Outlying Commercial District.

**IV. CORRESPONDENCE:**

The following correspondence was received and noted by the Board.

**4.1 Chapter 40B-Hot Topics Training**

**4.2 New England's Need for Additional Natural Gas: New Study**

**4.3 Notices from Townsend / Other Towns**

**V. ADJOURNMENT:**

**5.1** At 9:20 p.m. C. Nocella motioned to adjourn the meeting. K. Araujo seconded and all voted in favor.

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(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.

- 2.1 Terry Austin, Managing Member, Site Selection RE: 324 Main St. Citgo Gas Station**
- 3.3 FYI: Response from Rich Hanks, ZEO, RE: Ground-Mounted Solar Array**
- 3.6 FYI: FEMA Flood Insurance Update**
- 4.2 New England's Need for Additional Natural Gas: New Study**