



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, November 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 7:07 p.m., L. McNally called the meeting to order and announced that in accordance with 940 CMR 29.10 (7), Member, Kathy Araujo, would be participating remotely in the meeting, where her physical attendance would be unreasonably difficult due to personal illness. L. McNally also designated J. Bozicas as a voting member of the Board for the purpose of achieving a quorum in physical attendance at the meeting.

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

1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting – Add: 2.2 Tim Beauchemin, 48 Clement/3 Bailey Rd., ANR Questions

2.1.2 Authorize Partial Release of Performance Security Funds per vote of 11/17/14

2.3 Rick Lamarre: Request for Partial Release of Bond Funds, “Deer Run,” Open Space Preservation Development, Alyssa Drive, off Ash St.

1.4 Acceptance of Minutes– J. Bozicas motioned to accept the draft Minutes of 10/26/15 & 11/09/15. C. Nocella seconded and a roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; K. Araujo – aye; and L McNally – aye.

II. APPOINTMENTS:

2.1 7:15 p.m. Public Hearing: Trophy Ave. Road Acceptance, DECA Corp., Peter DeCarolis – At 7:15 p.m. L. McNally opened the Public Hearing and introduced the Board. The Legal Notice was read into the record. Jeff Hannaford, of Norse Design Services, Inc. (NDS), the engineer representing Peter DeCarolis, stated a “Street As-Built Plan” and a “Street Acceptance Plan” had been submitted, but then revised to account for a lot line adjustment that took place in 2013 at the request of Mass Fish & Wildlife so the stormwater drainage structures would not be located on the “open space” parcels that were donated to the State but rather, on privately owned property.

The Board reviewed copies of e-mails from Highway Superintendent Ed Kukkula, Water Superintendent, Paul Rafuse, and Fire Chief, Mark Boynton responding to questions related to the curbing curvature at the intersection of Hayes Road and Trophy Ave., a fire hydrant that had to be raised. Peer Review consultant engineer, Stan Dillis of Ducharme & Dillis Civil Design Group conducted site inspections and submitted letters of 09/18/15, 10/09/15 and 11/18/15 outlining details on these issues and confirming they were resolved with no further outstanding issues. Norse Design

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Services, Inc. submitted a letter dated 08/19/15 certifying that concrete bounds with drill holes were set as shown on the “Street As-Built Plan.”

J. Hollows stated that Anne Gagnon of Mass Fish & Wildlife had called to say she had been out to the site and could not find all the iron pins that were to be set to delineate the Open Space parcels, and particularly near lot 7 and the easements. A discussion ensued. J. Hannaford stated some pins are in the drainage swales due to the lot line adjustment, however he would plan to go back to set any additional pins as needed. He added that revised plans showing any additional pins would be submitted within the next couple of weeks.

Mandatory Referral comments were reviewed and read into the record. The Conservation Commissions responded by pointing out the engineer’s need to base his final plans on the revised plan of 2013 showing that Stormwater structures were constructed on private property rather than on State-owned parcels. The Board of Health responded that the project “Must comply with local and federal regulations.”

C. Nocella motioned to move forward in drafting a report to conditionally recommend to the Board of Selectmen and Town Meeting acceptance of Trophy Avenue as a public way, pending resolution of iron pin placement to delineate the open space parcels. K. Araujo seconded and a roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; K. Araujo – aye; and L McNally – aye. L. McNally advised P. DeCarolis and J. Hannaford that the Board would put together their draft report to Town Meeting and vote on it at their next meeting on Dec. 14th. At 7:51 p.m. L. McNally closed the public hearing.

2.1.1 Letters from Ducharme & Dillis, Consultant Engineer, RE: Site Inspections –
Reviewed by the Board and incorporated into discussion above.

2.1.2 Authorize Partial Release of Performance Security Funds per Planning Bd. vote of 11/17/14 – The Board reviewed an authorization for a partial release of funds in the amount of \$7,832.00, held as Performance Security Agreement for completion of the Open Space Preservation Development subdivision owned by Peter DeCarolis of DECA Corp. that had been signed by the Planning Board in November, 2014 and held until outstanding property taxes were paid in full. The taxes had been paid, however the release was held in anticipation of a Road Acceptance Application that was expected to come in the following month, however that application was held up. P. DeCarolis submitted a check to pay all current property taxes. A discussion ensued as to whether to release security funds now or continue holding the funds until Town Meeting scheduled in Jan., 2016. C. Nocella motioned to hold the funds. K. Araujo seconded. Following further discussion, a roll call vote was taken on the motion: C. McNally – nay; C. Nocella – nay; J. Bozicas – nay; K. Araujo – abstain. C. Nocella then motioned to ratify and act upon the vote taken on 11/17/14 to release the funds. J. Bozicas seconded. A roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; L. McNally – aye; and K. Araujo – abstain.

2.2 7:45 p.m. Tim Beauchemin, 48 Clement / 3 Bailey Rd., Draft ANR with Questions – Tim Beauchemin and Rose Chaulk met with the Board on behalf of Zachery & Anne Zufelt, owners of a 32+ acre lot with frontage at 48 Clement Rd. and 3 Bailey Road, to discuss a proposed plan to subdivide the land into four lots with access via a common drive. Frontage would be in compliance with at least 200’ for each new lot off Bailey Road. T. Beauchemin stated wetlands have been delineated with an ANRAD (Abbreviated Notice of Resource Area Delineation) signed off by the

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Conservation Commission. He added that he reviewed his preliminary plan with Building Commissioner / Zoning Enforcement Officer Rich Hanks who advised him to meet with the Planning Board. A discussion ensued related to safe access to the buildable portions of the lots, as required in Planning Board Rules & Regulations §175-11 D., which states in part, “In determining access, the Planning Board will consider both the adequacy and condition of the road providing access and the feasibility of access from the frontage to the buildable portion of any lot.” C. Nocella noted that although the required width of a common drive is between 12 and 24 feet, in Driveways and Entrances Zoning Bylaw §145-24 C. (1) (5), the former Fire Chief had asked the Planning Board to request that developers consider constructing common drives in excess of 12 feet to allow sufficient access and turning radius for fire apparatus. The Board reviewed Zoning Bylaw §145-24 D. along with another draft plan where a proposed common drive was shown and turning areas at intervals were pointed out. Further discussion, involved requirements outlined in that section including:

(1) Whether each lot would have “viable vital frontage access by itself before a common driveway may be considered.”

(5) It was noted “the maximum length of any common drive shall be no more than 1,000 feet to the longest point as measured along the driveway,” and “individual private driveways may be constructed off of a common driveway with their individual lengths not to exceed 400 feet from the intersection with the common driveway to the dwelling unit. The surveyor confirmed the plan would comply with these requirements.

(6) “Common driveways shall have an easement and maintenance agreement between all parties served by the common driveway,” to be “recorded with the Registry of Deeds following approval of the Building Inspector and the Highway Superintendent,” with “certification of said recording” to be provided to the Building Inspector and the Highway Superintendent. T. Beauchemin stated a draft easement and maintenance would be provided with the plan.

T. Beauchemin stated he would submit an ANR Plan prior to the next Planning Board meeting scheduled for 12/14/15.

2.3 8:00 p.m. Rick Lamarre: Request for Partial Release of Bond Funds, “Deer Run,” Open

Space Preservation Development, Alyssa Drive, off Ash St. – Rick Lamarre met with the Board to discuss his request for release of funds from the Tri-Party-Agreement that was established as a Performance Security Agreement. Since the request had come by e-mail and not certified mail as outlined in 175-19 K., C. Nocella motioned to waive that requirement and accept the request. K. Araujo seconded and a roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; K. Araujo – aye; and L McNally – aye. R. Lamarre submitted a check in the amount of \$200.00 to cover the related application fee, as outlined in that section of the Planning Board Rules and Regulations. R. Lamarre stated the engineering firm of Goldsmith, Prest & Ringwall, Inc. has committed to having an “As-Built Plan” completed in the next couple of days and it will be submitted prior to the next Planning Board meeting of 12/14/15.

3.1 Schedule Planning Board Meetings: Following discussion, Board Members scheduled the following meetings: Jan. 4th & 25th; Feb. 8th & 22nd; March 7th & 21st

3.2 MRPC District Local Technical Assistance (DLTA) Notice – The Board discussed a notice received from Montachusett Regional Planning Commission (MRPC) regarding “Round #2” of the District Local Technical Assistance (DLTA) Program to solicit “Requests for Service Delivery” (RSD) that fall within the range of “Eligible Projects.” Following a brief discussion, L. McNally motioned to

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respond to the Board of Selectmen, “The Planning Board reviewed the Eligible Projects/Activities listed in the DLTA (RSD) notice and recommend that the Board of Selectmen seriously consider a request for services to assist with regionalization of projects which would include, but not be limited to, adopting best practices under the “Community Compact Cabinet” program, collective purchasing, shared regional services related to public safety, emergency response, information technology, waste disposal, and other projects and activities listed under the regionalization category. K. Araujo seconded and a roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; K. Araujo – aye; and L McNally – aye.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

4.1 Natural Gas Safety Notice from National Grid

4.2 Notices from Townsend / Other Towns

V. ADJOURNMENT:

5.1 At 8:51 p.m. C. Nocella motioned to adjourn the meeting. J. Bozicas seconded and a roll call vote was taken as follows: J. Bozicas – aye; C. Nocella – aye; K. Araujo – aye; and L McNally – aye.

(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 7:15 p.m. Public Hearing: Trophy Ave. Road Acceptance, DECA Corp., Peter DeCarolis

- “Street As-Built Plan” and a “Street Acceptance Plan”
- Copies of e-mails from Highway Superintendent Ed Kukkula, Water Superintendent, Paul Rafuse, and Fire Chief, Mark Boynton.

2.1.1 Letters from Ducharme & Dillis, Consultant Engineer, RE: Site Inspections –

Copies of Ducharme & Dillis letters of 09/18/15, 10/09/15 and 11/18/15

2.3 8:00 p.m. Rick Lamarre: Request for Partial Release of Bond Funds, “Deer Run,” Open Space Preservation Development, Alyssa Drive, off Ash St.