



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

RECEIVED
MAR 10 2009
TOWN OF TOWNSEND
TOWN CLERK

Stanley Vladyka, Chairman **Nicholas E. Thalheimer, Vice-Chairman**
Jeffrey R. Peduzzi, Clerk **Gerald B. Coughlin, Member** **Karen Coughlin, Associate Member**

Meeting Minutes
February 9, 2009 7:00 p.m.
Townsend Memorial Hall, BOS Chambers
272 Main Street, Townsend, MA 01469

I. PRELIMINARIES:

- 1.1 **Call the meeting to order** – At 7:07 p.m. N. Thalheimer called the meeting to order.
- 1.2 **Roll call** - Present were Vice-Chairman Nicholas Thalheimer, Clerk Jeff Peduzzi, Associate Member Karen Coughlin and Administrative Assistant, Jeanne Hollows. Chairman, Stanley Vladyka arrived at 7:10 p.m. Member, Jed Coughlin was absent.
- 1.3 **Additions or deletions to Agenda** - None
- 1.4 **Acceptance of Minutes** – J. Peduzzi motioned to approve the draft Minutes of January 26, 2009. K. Coughlin seconded and N. Thalheimer, J. Peduzzi and K. Coughlin voted in favor.

II. APPOINTMENTS:

2.1 7:30 p.m. Village at Patriot, Reconvene Public Hearing – At 7:33 p.m. N. Thalheimer reconvened the public hearing and introduced the Board. Peter DeCarolis, owner of DECA Corp. was present with his Attorney, Doug Deschenes and Engineer, Jeff Brem, of Meisner Brem. Copies were submitted of a revised Plan Set, Supplemental Package, Drainage Calculations, and Stormwater Facility Operation & Maintenance Plan for the “Village at Patriot Common Open Space Preservation Development, dated February 9, 2009. The package included an updated Waiver List, Pro Forma, Bound Markers, Maps and Soil Test Data.

A letter was submitted by J. Brem confirming that plans were prepared by a Registered Professional Engineer, but were not stamped because the duplication process took place at a time when he was traveling.

J. Brem addressed the Waiver Request List and comments included the following:

-§ 175-15-J. (2): A waiver to show soil test data for all proposed streets along the centerline at 200-foot intervals and at cut sections, and in areas with questionable foundation materials, is requested because soils are sandy within the entire proposed roadway and comparable tests were done. P. DeCarolis stated he would perform test pits and borings every 200’ to confirm.

-§175-16 E. (7) J. Brem stated the request to waive construction of catch basins with a maximum spacing of 250’ is based on the fact that there will be very little flow, with no off-roadway water entering, and the soils are classified as “Class A” with excellent drainage properties.

-§ 175-16 B. (16) J. Brem explained the request to waive landscaping the circular island is based on maintenance and snow plowing issues, and they would propose to pave over the cul-de-sac. A discussion ensued. The Board asked J. Hollows to query the Fire Chief, since the comments submitted by the Fire Dept. came from the former administration in 2006. They also asked J. Hollows to request input from Highway Superintendent, Ed Kukkula. The following concerns were voiced:

- 1) Paving will increase the impervious surface resulting in run-off and drainage concerns;

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- 2) The Homeowners and not the Town need to take responsibility for maintaining any vegetation should there be plantings in the cul-de-sac;
- 3) Will vegetation impede the ability of fire apparatus to negotiate the cul-de-sac?
- 4) What type of surface/vegetation/curbing should be required in the cul-de-sac so as not to impede plow trucks?

Atty. Deschenes stated they have been working with Natural Heritage, who is comfortable with the revised plan and the Deed Restricted open space to be owned by a Homeowner's Association. Seven homes would have limited use access, from Lot 6, to 48 acres of open space with trails cut only by permission from the Conservation Commission. The Homeowners and the Conservation Commission will be listed as the entities who will oversee use of the land.

Abutters Brian & Melissa Finn of 51 Haynes Rd. expressed concern about the maintenance of two permitted flow devices installed in beaver dams to alleviate flooding in their back yard. B. Finn noted the inlet of the stream is located on property owned by neighbors, the Emerson's, however he believes the out flow is located on DECA-owned property, and asked what can be done to assure that they can continue to maintain these devices, and any others in the future that may become necessary. He added that property lines have become uncertain since the December '08 ice storm, with several trees down and markers missing. Atty. Deschenes stated he will prepare easement language to provide full access to the stream for property owners at 51 Haynes Rd. for flow device maintenance, repair, removal or additions. He added he would work with Natural Heritage and be in touch with B. Finn.

2.1 Waiver Request Review – Already granted / Revised per Supplemental Booklet – The Board reviewed copies of past Minutes documenting approvals and discussions of requested waivers.

2.2 Additional Revisions per Supplemental, i.e. Overview Statement, Pro Forma. – Received and reviewed by the Board.

J. Brem asked J. Hollows if she would file the revision with Town Clerk's office. The Board asked J. Hollows to send copies of the revised plans and package to Jeff Rider of Cuoco & Cormier Engineering Associates for a peer review limited to the scaled-down plan, and to ask for a response prior to the next Planning Board meeting to allow sufficient review time prior to the next hearing. At 8:15 p.m. J. Peduzzi motioned to continue the Public Hearing to March 9, 2009 at 7:30 p.m. N. Thalheimer seconded and all voted in favor.

III. WORKSESSION:

3.1 Memo from Karen Chapman, Acting Co-Land Use Coordinator RE: USGS Benchmarks – The Board reviewed a list of Benchmark locations in Town, prepared by Acting Co-Land Use Coordinator, Karen Chapman. A discussion ensued. The Board had questioned why the early crafters of the Planning Board Rules & Regs thought it important to require that the USGS Benchmark be indicated and described on ANR Plans. J. Hollows stated she tried to research the issue based on questions raised by the Board at an earlier meeting and found that the requirement first showed up in the 1971 Rules and Regulations, however Town Clerk's Office stated that any members from that Planning Board could not be contacted as they had either moved away or passed away. She added that another Surveyor had stated that the language of the requirement is flawed as it does not state if the Benchmark should be based on 1929, 1988 or FEMA data. The Board asked J. Hollows to see if Stan Dillis might be able to offer some insight on why this requirement is in the regulations and if it is still relevant, as J. Peduzzi remembered he had given the Board a good response to this question a few years ago.

3.2 FY10 Budget – Proposed 15% Cutbacks / Prioritization Request Sheet – The Board reviewed a draft budget for FY10 which included a 15% cutback scenario as well as a level budget. J. Hollows

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explained where the 15% would be taken from. J. Peduzzi commended Acting Co-Land Use Coordinator, Karen Chapman for her work on finding the savings without compromising employee salaries and hours, saying it was an excellent job. J. Peduzzi motioned to approve the budgets as proposed. N. Thalheimer seconded and all voted in favor.

3.3 Locke Brook Run – S. Blackburn – Request for Requirements to Request Extension on Special Permit Duration without substantial part of Construction performed. – J. Hollows advised the Board that Scott Blackburn, owner/developer of “Locke Brook Run” Open Space Multi-Family Development, off West Meadow Road had asked her what the Board would need in a request to extend the time frame for his special permit. He noted the housing market has deteriorated and banks are not lending funds. Since a Town Bylaw requires a developer to show substantial progress within two years following the approval of a Special Permit unless he/she can provide good cause, the Board asked that he outline his request in writing and show "good cause" for the request. Comments included the following:

- Funding is supposed to be in place when the project comes before the Board for approval. Financial ability to fund project should have been shown.
- Has Mr. Blackburn gone to more than one bank and been denied funds? If so, can he bring any documented denials from lending institutions?
- Can Mr. Blackburn outline what has been done on the project since approval in Oct. 2007? J. Hollows mentioned that the "open space" had been subdivided through the ANR process, and deeded to the Town. The Board would like to see this noted in the letter, along with anything else that can show progress has been made from the Conditions outlined in the Decision.

3.4 BOS Notice of Public Hearing RE: Transfer of Liquor License at 40 Scales Lane – Noted by the Board without comment.

3.5 Vacation Time – Administrative Assistant – The Board reviewed a note on planned vacation time for J. Hollows. J. Peduzzi motioned to approve. N. Thalheimer seconded. J. Peduzzi, N. Thalheimer, and K. Coughlin voted in favor. S. Vladyka abstained saying he does not want to talk with anyone who has a tan in the winter.

3.6 Memo from Rich Hanks, Building Commissioner/Zoning Enforcement Officer RE: Townsend Ridge Country Club / Bistro on the Green Special Permit – The Board reviewed a memo from Rich Hanks, Building Commissioner/Zoning Enforcement Officer stating that he has determined there will be no change of use or increase in intensity of use to warrant a new Site Plan Special Permit filing as a result of the “Bistro on the Green” restaurant occupying the former snack bar and lounge under an existing Special Permit issued to the Townsend Ridge Country Club.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

- 4.1 ZBA Decision – 40B Comprehensive Permit, Atwood Elder Housing**
- 4.2 DCR Toolkit for Protecting Community Character – Copies Available upon request, or see www.mass.gov/dcr/stewardship/histland/publications.htm**
- 4.3 Mass Land Conservation Conference: Sat., 3-28-09, Worcester Tech High School**
- 4.4 Notices from Townsend/Other Towns**

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7. **ADJOURNMENT:**

At 8:20 p.m. S. Vladyka motioned to adjourn the meeting. J. Peduzzi seconded. All voted in favor.

(Transcribed from notes)

Respectfully Submitted by

Jeanne Hollows
Planning Board Administrative Assistant



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Next Meeting Date: Regular Meeting – Monday, February 23, 2009 at 7:00 p.m.