



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

RECEIVED  
MAR 24 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**  
**March 16, 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 7:00 N. Thalheimer called the meeting to order.
- 1.2 **Roll call** - Present were Chairman, Stanley Vladyka, Vice-Chairman, Nicholas Thalheimer, Clerk, Jeff Peduzzi, Member, Jed Coughlin and Administrative Assistant, Jeanne Hollows. Associate Member, Karen Coughlin was absent.
- 1.3 **Additions or deletions to agenda** – None
- 1.4 **Acceptance of Minutes**– J. Peduzzi motioned to approve the Minutes of Feb. 23, 2009. N. Thalheimer seconded and all voted in favor.

**II. APPOINTMENTS:**

**2.1 7:30 p.m. Village @ Patriot, DECA Corp., Reconvene Public Hearing** - Jeff Brem of Meisner Brem attended the meeting along with owner, Peter DeCarolis and his attorney, Doug Deschenes. J. Brem submitted a 3/9/09 letter discussing two waivers, a 3/9/09 letter responding to the Peer Review Report from Jeff Rider of Cuoco & Cormier, three pages amending Sections 3.2, 3.4, 3.5 & 3.6 of the Operation and Maintenance Plan; and one page amending Section 4.2 of the Community Impact Statement. J. Brem stated they have complied with the all of the plan changes requested in the Peer Review Report. He added that he attempted to submit the revised plans back to Cuoco & Cormier for a final look, however when he spoke with the Planning Board Office, he learned that Chairman, S. Vladyka did not deem the extra expense was warranted, however, ~~the Board~~ it would be presented to the Board to decide at the hearing. It was the consensus of the Board not to send the plans back to Cuoco & Cormier. S. Vladyka stated he would review the changes made on the plans and confirm they are acceptable.

Two waiver requests were amended and presented. J. Coughlin motioned to waive §175-16 H. to allow individual lampposts to be installed in place of streetlights, and §175-17 A. (10) to allow a 24-wide paved roadway within a 50-foot right of way. The Board confirmed the bylaws allow for a minimum of 24' width for paved roadways. N. Thalheimer seconded and all voted in favor.

The Assessor's Office commented they were glad to see the "open space" to be the responsibility of the homeowners.

Highway Superintendent, Ed Kukkula submitted a memo stating he is in favor of creating a cul-de-sac without a center island, similar to that of Madison Avenue, to facilitate plowing and added he does not believe paving the area would result in any severe drainage implications.

Fire Chief, Don Klein submitted an e-mail to state he agrees with E. Kukkula's assessment, adding that center islands can be very restrictive for fire apparatus trying to gain access to a hydrant.

The Conservation Commission noted requirements for filing a Notice of Intent.

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The Zoning Board of Appeals stated they would like to see the “open space” go to the Townsend Land Trust to avoid excess taxation (to homeowners). J. Peduzzi pointed out that former Town Counsel had advised that a municipality should not be giving land to a private entity, such as the Land Trust.

Abutter Heide Messing questioned easements that would be provided. Attorney Doug Deschenes stated he would be preparing easement language across Lot 6 for access to the “restricted open space” shown as Parcel Z. D. Deschenes stated he would also create language to allow the owners of 51 Haynes Rd. to access an area that has been the location of beaver dams containing permitted flow devices to alleviate flooding on the effected property.

- 2.1 **Peer Review Report from Jeff Rider, Cuoco & Cormier Engineers, Assoc.** – The Board received and reviewed the Peer Report and incorporated it into the discussion with the responses from Meisner Brem.
- 2.2 **Meisner Brem Response to Peer Review Report** – Noted above.
- 2.3 **Comments Received:**
  - Assessor’s Office
  - Highway Superintendent
  - Fire Chief
  - Conservation Commission
  - Zoning Board of Appeals

Comments noted above.

At 8:10 p.m. J. Coughlin motioned to close the public hearing. N. Thalheimer seconded. J. Coughlin, J. Peduzzi, N. Thalheimer & S. Vladyka voted in favor.

#### **WORKSESSION:**

- 3.1 **Master Plan Draft** - It was the consensus of the Board to take copies of the draft Master Plan Home to read and mark up with suggested edits, and come back prepared to discuss in detail.
- 3.2 **Question from David Chenelle RE: Outside Wood Boiler Bylaws/Regulations?** - A discussion ensued regarding a question posed by Selectman, David Chenelle as to whether or not it would be appropriate for the Town to craft a bylaw to address outdoor wood burners, in order to impose regulations on such concerns as location, emissions or other restrictions. D. Chenelle advised that some inquiries have come in from town residents on this issue over the past few months. J. Peduzzi expressed some hesitancy to regulate what someone can do on his or her own property, but added it might make sense to regulate that burners be on minimum lot sizes of two acres. S. Vladyka stated when the question came to him, he had done some research and learned that there are a couple of lawsuits related to this issue in the town of Charlton. J. Coughlin stated he would like to see some data on possible harmful emissions. It was the consensus of the Board to ask J. Hollows to send an inquiry to the Board of Health and the Fire Department to see if they would recommend any limits that should be placed within proposed bylaw related to outdoor wood burners.
- 3.3 **Memo from BOS RE: Liquor License Application – 18 Main St. (former J & B’s)** – The Board reviewed without comment a memo from the Board of Selectmen’s Office regarding an application for an “All Alcoholic Restaurant Liquor License for an establishment to be known as Bailey’s Bar & Grille at 18 Main St.
- 3.4 **LUC Memo RE: Meeting to Discuss Accessory Apartment Bylaw Change** – The Board reviewed a memo calling a meeting for 3/11/09 to discuss the possibility of an amendment to the Accessory Apartment bylaw which currently stipulates an apartment rental be restricted to family members. William Cadogan, Chairman of the Zoning Board of Appeals forwarded an e-mail to Acting Co-Land Use

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Coordinator, Karen Chapman stating he was not in favor of changing the bylaw. S. Vladyka stated that without support from the Zoning Board, the attempt would be futile. J. Peduzzi stated he tends to agree with W. Cadogan. J. Hollows explained that inquiries have come in from Town residents and based on discussions with Zoning Enforcement Officer, Rich Hanks, and Town Administrator, Greg Barnes, a bylaw change could be proposed and a meeting should be held to discuss options. She added that five surrounding towns allow an accessory apartment by special permit without the family restrictions. J. Coughlin stated he would be in favor of such a proposal to remove the family member requirement y when renting an apartment in a single-family home. S. Vladyka stated he would be attending the meeting, along with Housing Authority Chair, Michele Cannon.

**3.5 Next Meeting Date? (March 23<sup>rd</sup> & April 6<sup>th</sup> are scheduled)** – The Board agreed that the meeting scheduled for 3/23/09 should be kept in place in order to work on the Master Plan Draft Update.

**IV. CORRESPONDENCE:**

The following correspondence was received and noted by the Board.

- 4.1 Warrant Article Acceptance from Attorney General's Office RE: Master Plan**
- 4.2 Memo from K & P RE: Change to Agricultural Exemption** – J. Peduzzi asked that Acting Co-Land Use Coordinators, Karen Chapman and Jeanne Hollows review this memo and compare it to the Town's Right to Farm Bylaw to see if amendments are needed.
- 4.3 Memo from K & P RE: Green Communities Act, etc.**
- 4.4 Unused LUC Funds Returning to General Budget for FY09**
- 4.5 MRPC Invitation to DHCD Discussion in Support of Downtown Initiative Program**
- 4.6 E-mail from Will Hackler RE: Election**
- 4.7 "Rail-Volution" Transit Conference, Oct. 30<sup>th</sup> – Nov. 1<sup>st</sup> in Boston**
- 4.8 Memo from Cemetery and Park Commissioners RE: Signs on the Common Fence**
- 4.9 ZBA Decision – 95 Lunenburg Rd., RE: Racing Pigeons – Allowed accessory use**
- 4.10 Notices from Townsend/Other Towns**

**V. ADJOURNMENT:**

At 8:20 p.m. J. Coughlin motioned to adjourn the meeting. N. Thalheimer seconded. All voted in favor.

(Transcribed from notes)  
Respectfully Submitted by

Jeanne Hollows  
Planning Board Administrative Assistant



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  - 2.1.1 Peer Review Report from Jeff Rider, Cuoco & Cormier Engineers, Assoc.
  - 2.1.2 Meisner Brem Response to Peer Review Report
  - 2.1.3 Comments Received:
    - Assessor's Office
    - Highway Superintendent
    - Fire Chief
    - Conservation Commission
    - Zoning Board of Appeals

**III. WORKSESSION:**

- 3.1 Master Plan Draft - Continue Review
- 3.2 Question from David Chenelle RE: Outside Wood Boiler Bylaws / Regulations?
- 3.3 Memo from BOS RE: Liquor License Application – 18 Main St. (former J & B's)
- 3.4 LUC Memo RE: Meeting to Discuss Accessory Apartment Bylaw Change
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Next Meeting Date: Regular Meeting – Monday, March 23, 2009 at 7:00 p.m.