



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

RECEIVED
APR 28 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
April 6, 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 7:13 S. Vladyka called the meeting to order.
- 1.2 **Roll call** - Present were Chairman, Stanley Vladyka, Vice-Chairman, Nicholas Thalheimer, Clerk, Jeff Peduzzi, Member, Jed Coughlin, Associate Member, Karen Coughlin and Administrative Assistant, Jeanne Hollows.
- 1.3 **Additions or deletions to agenda** – None

II. APPOINTMENTS:

- 2.1 **7:15 p.m. Public Hearing – Road Acceptance – Peter J Drive off Dudley Road, Peter Bradley** – At 7:15 p.m. S. Vladyka opened the hearing and introduced the Board. J. Peduzzi read the Legal Ad into the record and the Mandatory Referral comments which included the following:
 - A memo from Highway Superintendent stated that Peter J. Drive appears to be constructed in accordance with the subdivision plans. He added a recommendation that a qualified engineer inspect the Stormceptors incorporated into the storm drains, and also that the entire drainage system be inspected and cleaned out by the owner prior to town acceptance.
 - The Conservation Commission submitted a response regarding the storm drains and provided contact information for the owner with regard to an inspection, cleaning and a recommendation that a “sludge judge” be purchased for the town for the purpose of capturing and monitoring sediments in order to determine when to clean out the drains.
 - Owner Peter Bradley stated he had contacted Larry Galkowsky an engineer of Rinker Material, as recommended in the memo from the Commission and also scheduled to have the storm drains vacuumed. P. Bradley agreed to purchase a “sludge judge” for the town.
 - Mr. Bradley stated that additional trail markers would be added to the trail, a little more clean up of debris from the winter storms would be done, and clear boundaries would be placed between the trail and abutter’s properties.J. Peduzzi stated the Board would accept a letter from the company hired to clean out the storm drains confirming the work was done. A site walk was scheduled for Saturday 4/11/09 at 10:00 a.m.
A letter was submitted by abutter Rich Guerriero asking the Board to not recommend town acceptance of the road, based on his concern that heavy construction equipment will continue to use the road until the last home is built, which may cause road damage. A discussion ensued. P. Bradley stated that the road has been constructed to survive heavy equipment and support fire trucks, and has performed satisfactorily for the past 3 years. He added that he had already agreed to allow the Board to hold back \$5,000 of his Security Guarantee for stabilization and completion of the last lot, and those funds can include security for any road repair that may become necessary. He added that a stipulation could be added that the last

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building permit or an occupancy permit could be held up, should there be unfunded repairs needed for the road.

The Board asked J. Hollows to contact Town Counsel to ask if the Board can rightfully hold back funds from the Subdivision Security Deposit to be used on the road, if needed. P. Bradley agreed to write a check for \$250.00 to cover expenses for consultation to Town Counsel.

At 8:00 p.m. J. Peduzzi motioned to close the hearing. J. Coughlin seconded and all voted in favor.

2.1.1. E-mail discussion with Town Counsel regarding how to resolve road easement

transfers from abutters - J. Hollows advised the Board that she was informed by Town Administrator, Greg Barnes that the deeds for the 11 lots at "Dudley Meadows" did not account for a Right of Way along the road, therefore inadvertently gave ownership of the road to homeowners out to the center of the road. The attorneys & G. Barnes are trying to come up with the cleanest and least expensive way to clear this up prior to Town Meeting, or otherwise make resolution of the issue a condition of acceptance.

2.2 7:30 p.m. Stan Dillis – RE: USGS Benchmark requirement? – Stan Dillis, Surveyor/Engineer from Ducharme and Dillis met with the Board to discuss Rules and Regulations §175-10 D. (10) requiring that "The United States Geodetic Survey benchmark shall be indicated and described on all plans." His comments included the following:

- The terminology in Rules and Regulations §175-10 D. (10) is incorrect. There are two types of datum:
 - 1) The National Geodetic Vertical Datum of 1929 (NGVD 1929)
 - 2) The North American Vertical Datum of 1988 (NAVD 1988)
- There is an influx of information resulting in datum being constantly updated.
- The Board could change the language to require that the NGVD of 1929 be used, or another appropriate datum, or they could waive the requirement.
- There is no need to show topography for a parcel swap.
- For an ANR Plan there is no need to require a surveyor to go to a National Benchmark that may be a half-mile or more away, as this is an onerous requirement that could add \$1,000's to the cost.
- In response to a question from J. Coughlin who asked if showing this requirement benefits the town, S. Dillis responded that the flood plain is the biggest concern.
- S. Dillis added: showing the topography is needed to prove adequate access and surveyors usually use the topography on assumed datum. Assumed datum should be sufficient for ANR Plans.
- Indicating benchmarks is necessary on subdivisions plans, and the requirement in Definitive Subdivisions requirement in 175-14 A. (5) for this is stated correctly.
- If the Board wants to keep the requirement in place for ANR Plans, S. Dillis could work with J. Hollows to fix the verbiage.

2.3 7:45 p.m. Ron Koivu – Request to amend Performance Guarantee RE: Harbor Trace

Subdivision –Ron Koivu, developer and Trustee of the Northwoods Realty Trust, submitted a request to reduce his Performance Guarantee Bond from the current \$181,164.60 to \$98,288.45, resulting in a release of \$82,876.15 back to the developer, based on the completion of the road, infrastructure and other items as outlined in an updated construction schedule calculating the funds needed to complete the remaining items, with an added contingency. Following a brief discussion, it was the consensus of the Board to ask Ed Kukkula, Highway Superintendent, to inspect the site and confirm the accuracy of the construction schedule and cost estimates. It was noted that E. Kukkula was scheduled for surgery the following day and would be out for approximately three weeks. J. Coughlin motioned to grant the release of the requested bond funds contingent upon a favorable report from the Highway Superintendent. J. Peduzzi seconded and all voted in favor.

III. WORKSESSION:

3.1 Village at Patriot Common – Review / Edit Draft Decision – The Board reviewed a draft Decision. Owner, Peter DeCarolis attended the meeting with his engineer, Jeff Brem of Meisner Brem and stated they agreed with the conditions outlined in the draft. J. Peduzzi motioned to grant waivers from the following sections of the Planning Board Rules and Regulations: §175-14-H: Alternative Layout Plan; §175-14-K: Landscape Plan; §175-15.J. (2): Soil test data; §175-16.B (16): Dead end streets; §175-16.E (7): Drainage and §175-16.E (11): Covers over storm drains J. Coughlin seconded and all voted in favor. The Board reviewed draft Conservation Restrictions for Parcel X and Parcel Z, as well as an Easement Deed to abutters at 51 Haynes Rd. for access and care of beaver dams. The easements were provided by the applicant's attorney, Doug Deschenes and J. Peduzzi asked J. Hollows to attach them to the Decision. Edits and corrections were made to the draft Decision. J. Peduzzi moved to approve the Definitive Plan and Open Space Preservation Development Decision as amended. A roll call vote was taken as follows: Jed Coughlin – aye; J. Peduzzi – aye; N. Thalheimer – aye; S. Vladyka – aye.

3.1.1 Draft Easement to Brian & Melissa Finn RE: Flow Device(s) in dam – Incorporated into 3.1 above.

3.1.2 Draft Conservation Restriction for Parcel X & Parcel Z – Incorporated into 3.1 above.

3.2 Draft Report to BOS RE: Road Acceptance? (If hearing is closed) – Tabled pending site walk.

3.3 Outdoor Wood Burners – Response from Fire Dept. & BOH – The Board reviewed responses from the Fire Department and the Board of Health, both noting that Mass General Law governs outdoor wood boilers. S. Vladyka provided copies of documents resulting from his extensive research. J. Peduzzi motioned to respond to Select Board Member, David Chennelle that, “the Planning Board feels that the State has a detailed bylaw which they feel adequately covers all concerns, however, the Board of Selectmen may want to discuss putting forward a warrant article for the town to adopt the State Regulation as part of the Town Bylaw.”

3.4 ZBA Referral Notice – Worker's Credit Union, Special Permit Application for Expansion – The Board reviewed a Referral Notice regarding Worker's Credit Union's application before the Zoning Board for a special permit to alter their pre-existing non-conforming building use located at 221 Main St. J. Coughlin motioned to respond with “no comment.” N. Thalheimer seconded and all voted in favor.

3.5 Authorize payment of \$1,937.50 to Cuoco & Cormier for Village at Patriot Common J. Coughlin motioned to authorize payment of \$1,937.50 to Cuoco & Cormier for consultant/engineering work done regarding Village at Patriot Common. J. Peduzzi seconded and all voted in favor.

3.6 Schedule May & June Meetings: May 4th & May 18th? June 1st & June 15th? The Board scheduled the following meetings: May 4th & May 18th and June 1st & June 15.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board:

4.1 Memos RE: Wheeler Rd. Bridge – Unsafe-closed to vehicular traffic

4.2 U Mass Extension Quarterly Newsletter

4.3 Notices from Townsend/Other Towns

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ADJOURNMENT:

At 9:00 p.m. J. Coughlin 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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- 2.2 7:30 p.m. Stan Dillis – RE: USGS Benchmark requirement?**
- 2.3 7:45 p.m. Ron Koivu – Request to amend Performance Guarantee RE: Harbor Trace Subdivision**

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Next Meeting Date: Regular Meeting – Monday, April 27, 2009 at 7:00 p.m.