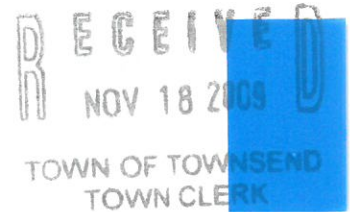




Office of  
**THE PLANNING BOARD**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x 1722 \* fax 978-597-1722



**Gerald B. Coughlin, Chairman**      **Nicholas E. Thalheimer, Vice-Chairman**      **Karen M. Coughlin, Clerk**  
**Jeffrey R. Peduzzi, Member**      **Gini Lee King, Member**      **Chris Jones, Associate Member**

**Meeting Minutes**  
**October 19, 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 Karen Coughlin, Member Jeff Peduzzi, and Administrative Assistant, Jeanne Hollows. Chairman, Jed Coughlin, Member Gini King, and Associate Member, Chris Jones were absent.
- 1.3 1.3 Additions or deletions to agenda** – None.
- 1.4 Acceptance of Minutes** - J. Peduzzi motioned to approve the draft Minutes of September 28, 2009, Karen Coughlin seconded, and all present voted in favor. At 7:45 p.m., the Board re-visited the Minutes to discuss Correspondence Item #4.1. J. Peduzzi motioned to amend the Minutes to remove the restriction on dates in the request to the Assessor's Office to support an application to the Commonwealth of Mass for an abatement of outstanding taxes on the "open space" property off Granite Road, which was conveyed to the Town in July '09. N. Thalheimer seconded and all voted in favor to approve the Minutes as amended.

**II. APPOINTMENTS:**

- 2.1 7:15 p.m. A N R Plan-140 Lunenburg Rd., Shepherd, Mark McGowan-Ross Associates** – Mike Martorella of David Ross Associates presented a plan to subdivide property owned by Shepherd Farm, Inc., located at 140 Lunenburg Rd., to create one 2-acre lot and one 17+ acre lot, both with sufficient frontage to meet zoning. The Board reviewed the Rules and Regulations with the following findings: a copy of the Articles of Incorporation required in §175-10 B. (3) when a parcel is owned by a Corporation was not provided. Owner, Gary Shepherd asked if the Board could approve the plan contingent upon receipt of the document. §175-10 D. (9) and 175-11 C. (1) requiring the label, "Lot" on land meeting acreage and frontage requirements was missing from the 17-acre parcel. The Board allowed M. Martorella to write in "Lot 2" on the Mylar and the copies. A draft of easement language was provided. The Board directed the applicant to change the notation from "Remaining Land" to "Lot 2." J. Peduzzi motioned to waive §175-11 C. (1) (p) as it pertains to "Lot 2," regarding a requirement to show contours, because "Lot 2" is unaffected for the purpose of this application. N. Thalheimer seconded and all voted in favor. J. Peduzzi motioned to approve the "Approval Not Required" Plan, but to hold the signed Mylar contingent upon receipt of a copy of the Shepherd Farm, Inc. Articles of Incorporation. K. Coughlin seconded and all voted in favor.

**III. WORKSESSION:**

- 3.1 ZBA Referral Notice, 159 Brookline Rd., Special Permit to Re-build Five Rental Cottages for 10/21/09 Public Hearing** – The Board reviewed a Referral Notice from the Zoning Board of Appeals regarding an application for a Special Permit to re-build five of the cottages located at 159 Brookline Road. Owner, Kevin Smith attended the meeting and explained plans to re-build the five cottages along the road, and paint and fix up the four in the back. He added a new septic system had been installed and over-all

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improvements including landscaping are planned for the site. K. Smith stated in response to a question from the Board, that he would not be changing the use or the intensity of use. J. Peduzzi motioned to respond as follows: "The project does not seem to change the use or intensity of use, therefore, the ZBA is the proper entity to rule on this issue. The Planning Board supports the ZEO's ruling." N. Thalheimer seconded and all voted in favor.

**3.2 ZBA Referral Notice, 23 Smith St., Appeal of Zoning Enforcement Officer's Order to Cease & Desist Processing and Storing Cordwood** – The Board reviewed a Referral Notice from the Zoning Board of Appeals regarding an Appeal of the Zoning Enforcement Officer's Order to "Cease & Desist" using 23 Smith Street for processing & storing cordwood, and parking and using related equipment. J. Peduzzi motioned to respond with, "No Comment." N. Thalheimer seconded and all voted in favor.

**3.3 Draft Letter to Request Tax Abatement for Locke Estates, Granite Rd.** – The Board reviewed a draft letter to the Assessor's Office in support of an application to the Commonwealth of Mass for an abatement of outstanding taxes on the "open space" property off Granite Road, which was conveyed to the Town in July '09. The letter stated that the Board supports this application for the following reason: the owner originally applied for an "Approval Not Required" subdivision, since his proposed lots met all zoning bylaws & Rules and Regulations. However, the Conservation Commission asked if he would consider changing his plan to an "Open Space Preservation Development," in order to preserve and protect "open space." The owner agreed and incurred substantial expense to re-engineer the plans. J. Peduzzi motioned to approve & forward the letter to the Assessor's. K. Coughlin seconded and all voted in favor.

**3.3.1 Copy of Letter to Vicki Tidman, Assessor** – The Board noted that procedures to apply for an abatement of taxes along with forms were provided to Vicki Tidman by J. Hollows.

**3.3.2 Copy of Breakdown on Outstanding Taxes** – The Board reviewed a list of outstanding taxes on the "open space" parcels off Granite Road totaling \$5,000+. It was noted that the motion in the 09/28/09 Minutes stated that the request for an abatement should specify the years since the Decision was amended in 2006. Following a brief discussion, it was the consensus of the Board to amend the Minutes so the letter will request that all taxes overdue be abated.

**3.3.3 Summary of Events to go to Vicki** – A chronological log of events from the time the "Locke Estates" subdivision was approved to the present was received and noted by the Board.

**3.3.4 Balance in 53G Account** – It was noted that there is an outstanding balance of approximately \$1,195 in the Town's "53G" leftover from the construction of the subdivision. It was the consensus of the Board for J. Hollows to talk to the Croteau's to see if they would be willing to authorize that those funds be applied to the outstanding taxes. J. Hollows stated that Town Accountant, Kim Fales advised that the Croteau's could write a letter requesting the balance of funds and specify that the Town of Townsend could be added as a "payee" for use in payment of over-due taxes.

**3.4 Mass Division of Fisheries & Wildlife Response RE: Village at Patriot Common** – J. Hollows advised the Board that she had left three messages for Peter DeCarolis, as the Board had directed, to question why three lots on Proctor Road have been included in a "Notice of Project Change" submitted to the State office of Environmental Affairs and MEPA (Massachusetts Environment Policy Act) office, however, he had not returned her calls. It was the consensus of the Board to send a letter to the State office to express concern and advise them that the Planning Board had approved a 7-lot subdivision, however they did not know why three lots developed several years ago were included in the Notice. It was noted that the Rules and Regulations specify in Article II, §175-11 C. (7) states, "Except for perimeter plans and

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properties that are the recipients of a conveyance, no property unaffected by a plan shall be part of the plan.”

**3.4.1 MRPC Response to Village at Patriot Common Project Change** – A copy of a letter in support of the Village at Patriot Common “Notice of Project change” written by Montachusett Regional Planning Commission and sent to the MEPA office was received and noted by the Board.

**3.4.2 Letter and Supplemental Notice from Jeff Brem at Meisner Brem** – A copy of a letter from Jeff Brem, engineer of Meisner Brem, sent to Nicholas Zavolas at the State office of Environmental Affairs and MEPA (Massachusetts Environment Policy Act) office, summarizing the Notice of Project change was received and noted by the Board.

**3.5 Contours for Stormwater & Regs: Notes, Discussion** – The Board reviewed a note based on a conversation between Stan Dillis, Civil Engineer from Ducharme & Dillis, and J. Hollows regarding the industry standard for showing contours on plans, provided in response to a question discussed by the Board at their meeting of 08/31/09. It was determined that the draft Stormwater Regulations calling for 2’ contours should remain as is, since this is critical for drainage, and the Planning Board Rules and Regulations should remain as is, calling for 5’ contour, given that a developer must comply with the more stringent requirement should the Stormwater Regulations come into play for any project.

**3.6 Conflict of Interest Law Requirements & Training** - The Conflict of Interest Summary Law as pertains to Municipal Employees and Planning Board Members was received by the Board with a request to sign an acknowledgment of receipt.

**3.4 Memo from BOS Office: Appoint Rep to Capital Planning Committee, effective to 6/30/10** – J. Peduzzi motioned to nominate G. King as the Planning Board’s Representative to the Capital Planning Committee. N. Thalheimer seconded and all voted in favor.

#### **IV. CORRESPONDENCE:**

The following correspondence was received and noted by the Board.

**4.1 ZBA Copy of Decision for D. Langton, 212 Fitchburg Rd.**

**4.2 Library/Senior Ctr./Meeting Hall Dedication Ceremony Invite: Sat., 10/31/09, 10:30 a.m.**

**4.3 UMass Extension Fall Workshops**

**4.4 Notices from Townsend/Other Towns**

#### **V. ADJOURNMENT:**

At 8:40 p.m. J. Peduzzi motioned to adjourn the meeting. K. Coughlin seconded. All voted in favor.

(Transcribed from notes)

Respectfully Submitted by

Jeanne Hollows  
Planning Board Administrative Assistant



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**Meeting Agenda**  
October 19, 2009 7:00 p.m.  
Townsend Memorial Hall,  
272 Main Street, Townsend, MA 01469

**I. PRELIMINARIES:**

- 1.1 Call the meeting to order
- 1.2 Roll call
- 1.3 Additions or deletions to agenda
- 1.4 Acceptance of Minutes of September 28, 2009

**II. APPOINTMENTS:**

- 2.1 7:15 p.m. A N R Plan-140 Lunenburg Rd., Shepherd, Mark McGowan-Ross Associates

**III. WORKSESSION:**

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- 3.3 Draft Letter to Request Tax Abatement for Locke Estates, Granite Rd.
  - 3.3.1 Copy of Letter to Vicki Tidman, Assessor
  - 3.3.2 Copy of Breakdown on Outstanding Taxes
  - 3.3.3 Summary of Events to go to Vicki
  - 3.3.4 Balance in 53G Account.....
- 3.4 Mass Division of Fisheries & Wildlife Response RE: Village at Patriot Common
  - 3.4.1 MRPC Response to Village at Patriot Common Project Change
  - 3.4.2 Letter and Supplemental Notice from Jeff Brem at Meisner Brem
- 3.5 Contours for Stormwater & Regs: Notes, Discussion
- 3.6 Conflict of Interest Law Requirements & Training
- 3.7 Memo from BOS Office: Appoint Rep to Capital Planning Committee, effective to 6/30/10

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Next Meeting Date: Regular Meeting – Monday November 2, 2009 at 7:00 p.m.