



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

RECEIVED
MAR 25 2008
TOWN OF TOWNSEND
TOWN CLERK

Stanley Vladyka, Chairman
Louis C. Kiklis, Clerk

Nicholas E. Thalheimer, Vice-Chairman
Jeffrey R. Peduzzi, Member

Gerald B. Coughlin, Member

Meeting Minutes
March 10, 2008 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 7:06 S. Vladyka called the meeting to order.
- 1.2 Roll call** - Present were Chairman, Stanley Vladyka, Vice-Chairman, Nicholas Thalheimer, Member, Jeff Peduzzi, Member, Jed Coughlin and Administrative Assistant, Jeanne Hollows. Clerk, Louis Kiklis was absent.
- 1.3 Additions or deletions to agenda** – Correspondence Item #4.7 was added.
- 1.4 Acceptance of Minutes** – J. Peduzzi moved to approve the Minutes of February 11, 2008. J. Coughlin seconded and all voted in favor.

II. APPOINTMENTS:

2.1 7:10 p.m. Atty. Deschenes & Peter DeCarolis to discuss Village hearings & quorum – Doug Deschenes, attorney for developer Peter DeCarolis, stated they were working to satisfy concerns brought out during the hearings for the proposed development entitled Village at Patriot Common. He asked the Board if they expected to have a minimum of four board members who could close the hearing and vote on a Special Permit, or if they anticipated a problem. He asked if the Board would consider voting on just the special permit at the next meeting prior to losing one or possibly two members at the April Town Election, and then vote on the Definitive Decision later, on which a 3-member Board is allowed to vote. J. Peduzzi stated the Rules and Regulations ask applicants to grant the time lines for both the Special Permit and the Definitive to run concurrently when submitted together. J Hollows confirmed the applicant did request in writing an extension of the Special Permit time line to match the 90 days following the close of the hearing, as stipulated for a Definitive Subdivision.

J. Coughlin stated he did not submit re-election papers, but would agree to help out as needed. S. Vladyka stated he believes L. Kiklis agreed to also help out as needed for a little while longer. He added that the Board of Health issues were satisfactorily addressed and the road & stream issue needs to be worked out by the State. J. Peduzzi added that 22 homes on 111 acres is not unreasonable and the applicant should make sure everything is completed in order for the current Board to close the hearing and issue a Decision within four weeks.

2.2 7:30 p.m. Public Hearing – Brick Steamer Driving Range & Mini Golf, Glen Shepherd – At 7:34 p.m. N. Thalheimer opened the public hearing, introduced the Board and read the legal ad into the record. Glen Shepherd, owner of Brick Steamer, LLC, stated he wanted to start the process, and they are looking for direction and feedback on what will be needed for approval to construct a driving range and a miniature golf behind their ice cream/food take out stand. Three issues were outlined as follows:

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- 1) Parking: Will additional parking spaces be required?
- 2) Excavating: The construction will involve under 200 cubic yards of disturbance. Will an excavation permit be required?
- 3) Drainage: Since full drainage calculations were submitted when the ice cream/food take out business Site Plan was approved, can they forgo the huge expense of re-calculating drainage, since nothing has changed and the site will consist of 12 acres of grass, which will drain naturally? Gary Shepherd, co-owner of Brick Steamer, LLC attended the meeting and added that the entire surface of the driving range would be permeable surface, and asked if it made sense to show drainage flow over grass. S. Vladyka responded that the mini golf area is shown as being up gradient and agreed there may be no drainage issues if all flows to the grass. He added he would talk to Stan Dillis of Ducharme & Dillis, who will be handling a peer review for the Board to determine if full drainage calculations should be required.
- 4) Lighting: If they can reduce the height of the miniature golf area by 6' and surround the area with a 6' fence, it would completely eliminate any lighting issues. He added that the driving range would only be open during hours of natural lighting, and might include low solar lights.
- 5) Quorum/Voting on Special Permit: Will the Board have enough members seated for the review of the project in order to vote for approval, where four out of five are required to participate in the hearings and vote in the affirmative in order to approve a Special Permit? J. Peduzzi stated that since only four members of the Board were present and there is no guarantee how many they will have until after the Town Election on April 28th, the applicant could choose to withdraw the application without prejudice and re-submit once that issue is resolved. George Watts, Esq., attorney for the applicant, attended the hearing and stated that the purpose for the current discussion was primarily to receive direction from the Board on how to proceed and since no substantive information has been submitted or will be discussed, the Board can legally continue the hearing to a date after the election in order to work with a full Board.

G. Shepherd explained the miniature golf would be built around a "mill town" theme, with replicas of the Cooperage, the Squannacook River, Harbor Pond and include several historic sites.

J. Peduzzi brought out concerns he would like to see addressed:

- If grass is being planted to stabilize the area where trees were removed, where will grass maintenance equipment be stored and what is the proximity of the storage area to the Squannacook River?
- Will fertilizers and pesticides be used, and how will grass clippings be handled?
- The Board will want an independent review with sufficient information to address issues such as parking, impact to the area, and assurances there will be no impact to the Squannacook River. He added protection of the river would be his biggest concern.

S. Vladyka stated the Conservation Commission prohibits dumping of grass clippings and requires organic fertilizer.

The Board addressed the application fee, which is \$1,000 for new construction versus \$300 for existing. J. Coughlin motioned to accept the project as existing since the applicant had stated his intention to continue the project at the time the ice cream/food take out business was approved and the application states the

applicant wants to "add a driving range and miniature golf course." N. Thalheimer seconded and the motion carried by unanimous vote.

Abutters in attendance voiced their concerns as follows:

- Eileen Fitzgerald of 43 Edward Rd. stated she has lived in her home for 31 years and commends the Shepherds on the Brick Steamer saying they did a super job, it is a quality project and an asset to the area. Her property, however, is located in the lowest area on the street and while she has carefully monitored the stream behind her house over several years, she has never seen the water come closer than 20' away from the house prior to when construction began on the abutting site. Her property has recently been the subject of severe flooding, with water inching up to between 12' and 3' away from her door. Her additional comments included:

Since there was a drop in the slopes and trees removed from the adjacent property, there has been erosion, with sand deposits in the stream, horrific flooding and loss of habitat for birds and wildlife.

Although it may be a great project, she is asking for protection, and is not willing to make financial sacrifice.

Her request to the applicant and the Board would be to address 1) flooding; 2) chemical treatments & use of fertilizers; and 3) handling of grass clippings. S. Vladyka assured her these issues are addressed through the Site Plan Special Permit process and will also be addressed by the Conservation Commission.

- Eino Kauppi, of 61 Main St. stated it is his observation that recent flooding has been the result of the river rising, and overflowing. He commended Gary Shepherd in helping to control the water and stated that he and his wife who are handicapped would have lost their business had Gary not intervened.
- Susan Liddle of 49 Edward Rd. stated she has been in her home for 21 years, has four children and expressed concerns as follows:
 - Could pesticides and contaminates flow into her well water?
 - Since trucks are used to pick up golf balls, will her family be subjected to noise every day? She added that noisy construction has been taking place every day, including Saturdays & Sundays and sometimes before 7:00 a.m.
 - She added, however, that she feels the project is a good thing for Townsend.

Gary Shepherd explained that his family is still farming approximately 200 acres and it is their philosophy to minimize impact on the environment. His added comments included:

They will strive to use IPM (Integrated Pest Management) practices and try to use organics, which are good for growth, however can present a disadvantage with excess run-off.

They would abide by State limits mandating that nothing new shall enter a well system.

There are a number of issues that could cause sand deposits in the river, and there has been no capacity to receive all the water coming from the opposite side of the road at the fire station and crossing Townsend Harbor. He stated that if anyone can prove they have contributed to recent flooding, they would address it.

They have set up erosion controls, and intend to be a good neighbor and a good corporate citizen.

- Kelly Chambers of 19 Spaulding St. explained her house is 410' from the proposed tee box. She expressed the following concerns:
 - Will there be an impact to her property value?
 - Will golf balls come into her yard, leaving them to clean up?

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Is there a risk of damage to her property?

Noise from construction is a concern.

With all the trees gone, there is no shield and no buffer.

Lights are now visible from the parking lot. Will lighting pollution increase?

Concerned about safety and restroom capacity.

J. Peduzzi responded he believes the Shepherds have been responsible and we in general have had an inordinate amount of water in the past few years. He added that through the Site Plan process, there must be a guarantee that there will be “no net change” in flow, verified by a peer review engineer.

- E. Fitzgerald insisted that the floods only came after the trees were removed.

At 9:05 p.m. J. Coughlin motioned to continue the hearing to May 12, 2008 at 7:30 p.m. N. Thalheimer seconded and all voted in favor.

III. WORKSESSION:

3.1 ZBA Mandatory Referral – Brick Steamer, Earth Excavation & Special Permit Use – J. Coughlin moved to respond with, “no comment.” J. Peduzzi seconded and all four voted in favor.

3.2 Town Properties Appointment – J. Peduzzi motioned to nominate N. Thalheimer to be the Board’s representative on the Town Properties Committee. J. Coughlin seconded and the vote was unanimous. N. Thalheimer stated he would accept the nomination.

3.3 Letter from ZEO to St. John’s – The Board reviewed a copy of a letter from Rich Hanks, Zoning Enforcement Officer, advising Father Shawn of St. John’s Church of the requirement to apply for a Site Plan Special Permit through the Planning Board in order to receive approval for a change in use of a residential home to be purchased by the church for use as a parish hall.

3.4 Volunteer Response Forms received – The Board acknowledged receipt of a Volunteer Response Form from Karen Coughlin. J. Hollows advised the Board she is interested in the Associate Member’s position, voted at Fall Town Meeting and soon to be approved by the Attorney General’s office.

3.5 Metropolitan Area Planning Council (MAPC) Demonstration - Latest oblique aerial imagery technologies available – 3/12/08, Waltham, 10:00 a.m. – Noted by the Board. It was not yet determined if anyone would attend.

3.6 Executive Session – At 9:17 p.m. N. Thalheimer motioned to enter into Executive Session to discuss litigation where an open meeting may have a detrimental effect on the litigating position of the governmental body. J. Peduzzi seconded. It was announced that the Board would return to Open Session following the closed session. A roll call vote was taken as follows: J. Peduzzi: aye; N. Thalheimer: aye; S. Vladyka: aye and J. Coughlin: aye.

3.7 Rivers Edge, LLC 40 B Submitted to BOS – The Board took a “first look” at a large plan and booklet submitted to the Board of Selectmen for a proposed subdivision to consist of 112 units with 28 affordable and 84 to be sold at market rates, on approximately 77 acres off Elm Circle under the State’s “Chapter 40 B” provisions.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

- 4.1 Land Use Department FY09 Budget, Mission Statements, Goals & Objectives**
- 4.2 Citizen Planner Training Schedule**
- 4.3 Land Conservation Conference**
- 4.4 U Mass Extension Newsletter**
- 4.5 Freedom's Way Newsletter**
- 4.6 Notices from Townsend/Other Towns**
- 4.7 NRWA Auction Notice**

V. ADJOURNMENT

At 8:00 p.m. J. Peduzzi motioned to adjourn the meeting. N. Thalheimer seconded and S. Vladyka, N. Thalheimer, L. Kiklis and J. Peduzzi voted in favor.

(Transcribed from notes)
Respectfully Submitted by

Jeanne Hollows
Planning Board Administrative Assistant



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Meeting Agenda

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Townsend Memorial Hall,

272 Main Street, Townsend, MA 01469

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- 1.2 Roll call
- 1.3 Additions or deletions to agenda
- 1.4 Acceptance of Minutes of February 11, 2008

II. APPOINTMENTS:

- 2.1 7:10 p.m. Atty. Deschenes & Peter DeCarolis to discuss Village hearings & quorum
- 2.2 7:30 p.m. Public Hearing – Brick Steamer Driving Range & Mini Golf, Glen Shepherd

III. WORKSESSION:

- 3.1 ZBA Mandatory Referral – Brick Steamer, Earth Excavation & Special Permit Use
- 3.2 Town Properties Appointment
- 3.3 Letter from ZEO to St. John's RE: Change of Use for residential dwelling
- 3.4 Volunteer Response Forms received
- 3.5 Metropolitan Area Planning Council (MAPC) Demonstration - latest oblique aerial imagery technologies available – 3/12/08, Waltham, 10:00 a.m.
- 3.6 Executive Session to discuss litigation
- 3.7 Rivers Edge, LLC 40 B Submitted to BOS (First Look)

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Next Meeting Date: Regular Meeting – Monday, March 24, 2008 at 7:00 p.m.