



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

Jeffrey R. Peduzzi, Chairman

Nicholas E. Thalheimer, Vice-Chairman

Louis C. Kiklis, Clerk

Stanley Vladyka, Member

Gerald B. Coughlin, Member

Meeting Minutes
March 19, 2007 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 7:02 p.m. J. Peduzzi called the meeting to order.
- 1.2 Roll call** - - Present were Chairman, Jeff Peduzzi, Vice-Chairman, Nicholas Thalheimer, Member, Stanley Vladyka, Member, Jed Coughlin and Administrative Assistant, Jeanne Hollows. Clerk, Louis Kiklis, arrived at 7:15 p.m.
- 1.3 Additions or deletions to agenda** - None
- 1.4 Acceptance of Minutes** – S. Vladyka motioned to approve the Minutes of February 12, 2007 as amended. N. Thalheimer seconded and the motion carried.

II. APPOINTMENTS:

- 2.1 7:05 p.m. A N R Plan – Thorpe, Wallace Hill Rd., Bill Cucchiari, Ross Assoc.** – Mike Mortarella of David E. Ross Associates presented a plan to subdivide 15+ acres on Wallace Hill Road into three lots. Robert & Elizabeth Thorpe would maintain their home located on one of those lots at #150 Wallace Hill Road. L. Kiklis stated that he is a direct abutter to the property and is acquainted with the property owners. He asked if the applicant, the Board or anyone present had objections to his participation in the review. No objections were voiced. The Board reviewed the Rules and Regulations and found all to be in compliance. L. Kiklis motioned to approve the Plan as an “Approval Not Required Under Subdivision Control Law.” N. Thalheimer seconded, the vote was unanimous and the plan was endorsed.
- 2.2 7:30 p.m. – Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision** – At 7:34 p.m. J. Peduzzi reconvened the Public Hearing and introduced members of the Board. J. Brem of Meisner Brem and Atty. D. Deschenes, along with owner, Peter DeCarolis attended the hearing
 - 2.2.1 Zoning By-law Amendment 145-40 Aquifer Protection Overlay District C. (1)** – J. Peduzzi stated that an amendment had been passed at the end of 2005 prohibiting the use of communal septic systems in an Aquifer Protection Overlay District, and this would effect their proposal. Atty. D. Deschenes spoke on behalf of the applicant to say that they had previously obtained a Definitive Subdivision approval on this property, which freezes the zoning that was in place at that time for a duration of eight years. J. Peduzzi stated that the previous approval was for a 2-lot subdivision based a condition that the property not be further subdivided. Atty.

Deschenes stated that he believes they are protected and would be willing to formulate his opinion in writing for review by Town Counsel. J. Peduzzi asked him to provide this letter.

Communal Septic over public Road: S. Vladyka asked if a developer could put a communal septic system on public land, since the proposal would involve pipes running down a public way, if the subdivision and road were approved as such. He explained that the Town would own the road, however if repairs were needed to the septic system, who would be responsible for the cost? It was the consensus of the Board to check with the Peer Review Engineer and Town Counsel.

2.2.2 Mandatory Referrals & Letters from the public - . Mandatory Referral responses received from the following Boards and Departments were read into the record: Conservation Commission, Fire Department, and Highway Dept. An extensive letter received from the Nashoba Board of Health listing 17 unresolved issues was put on hold after J. Brem, of Meisner Brem, representing the applicant stated that they were meeting with the Townsend Board of Health the following Monday and requested that their comments be deferred until after that meeting. Twelve (12) letters were received from abutters, residents or interested parties voicing concerns and / or opposition to the project. Several of those letters had been scanned and forwarded to the Board in electronic format prior to the meeting. Copies of those received after were provided to the Board. It was their consensus to forego public reading of each letter for the sake of time and it was stated that members would read all of the letters at their convenience. J. Brem responded to a question regarding mailbox details, stating that they would be provided later.

2.2.3 Meisner Brem Letter & Re-submission of ENF to State MEPA Office - J. Brem submitted a copy of a letter from the Mass Office of Environmental Affairs in response to a MEPA Review that had been done on the property involving several State agencies and Town departments. The letter advised the applicant that it was determined that an Environmental Impact Report would not be required.

J. Brem listed the following changes made by the applicant:

- Lot 6 was removed from the plan, which ended the disagreement as to whether or not the stream in that area was intermittent or perennial, resulting in 26 lots rather than 27.
- Seymour Way was moved away from the wetland, and errors in topo calculations in that area had been corrected.
- One pump station was eliminated due to the reduction in lot, with one pump remaining.
- No fill would be needed in the wetlands within the ACEC (Area of Critical Environmental Concern).
- J. Brem concluded that the applicant has provided mitigation to address most of the abutter's comments.

2.2.4 Letter of 11/29/06 - Waiver Requests not yet addressed & Stan's comments –
§ 175-16.E(11): Cover over storm drain. Waiver requested for less than four feet with use of extra strength concrete pipe (C1V) in specific instances as shown on the plans. S. Vladyka stated he had met with Ed Kukkula, Highway Superintendent and Rich Hank, Building Commissioner and they agreed they did not want to set a precedence by allowing a reduction in this cover. R. Hanks also stated he would not want drainage going into roadways.

J. Brem explained that the industry standard for storm drain covers is 3' due to possible interference with underground water levels and utility infrastructure. He added that if repairs were needed, it would be difficult for a back hoe to dig down that deep, and more fill and cover would also have to be added. Following discussion, it was determined that the need for this waiver request was not pervasive, but applied to one or two specific areas. J. Brem requested the Board table this request to allow him to revise it so it would apply only to the areas he would specify.

§ 175-15-J.(2): To show soil test data for all proposed streets along the center line at 200-foot intervals and at cut sections and in areas where there are questionable foundation materials. S. Vladyka stated that E. Kukkula determined that this request should not be granted because materials may change within those distance intervals. J. Peduzzi stated that if an area contained ledge, E. Kukkula should be contacted and it may be determined that the contractor would not be required to blast in those areas. J. Brem stated they would withdraw that request from the list.

175-16 B. (10) A request for the Board to make a finding authorizing cuts and fills in excess of 5 feet for test pits and borings at the centerline was not agreed to by the Board.

2.2.5 Holmberg & Howe Report – (ID Numbers added by Meisner Brem) & Stan's Comments

Issues discussed from the Holmberg & Howe's (H & H) consultant engineer's report were as follows:

Comment #121 – 175-16 K (2), Drainage easements to allow for maintenance were suggested by the town's consultant. J. Brem questioned the need for such easements. A brief discussion ensued. K. Chapmen, Chair of Conservation stated she did not see a need to maintain a wetland, and drainage goes to basins. Atty. Deschenes stated the applicant would have no problem with compliance, however they wanted to understand the request. J. Peduzzi asked J. Hollows to contact Jeff Rider, consultant engineer for the Town, to ask him to demonstrate where easements would enable maintenance activity.

Atty. Deschenes asked the Board for input as to who should own the "open space." He stated the size is significant, with a pond and trails, and suggested their may be future use potential for the Town as a park, with access off Hog Hill Road, and also potential access from the open space for homeowners. A recreation area with a walkway and looped trails on an existing cart path might be considered. Other options mentioned were to keep the "open space" with the homeowners, or possibly turn it over to a non-profit land trust. He added that as an alternative, the homeowners could maintain some and a portion could be turned over to the town. J. Peduzzi asked the applicant to solicit feedback from other town departments, such as the Board of Health and Conservation, and to get as much input as possible.

Comment #122, 7, questioned who would be responsible for the operation and maintenance of the pumping stations. J. Brem responded that the latest revisions, propose only one pumping station and the Homeowner's Association will be responsible for it. J. Coughlin asked what would happen if the pumping station fails. Atty. Deschenes stated that Association Fees would be collected similar to condo fees, in calculated amounts based on cost of repairing the pump over its estimated service life, i.e., 20 years. He added that a system pumping over 2,000 gallons a day must be inspected every 3 years by the Board of Health to comply with Title V specifications for a shared system, and the Homeowner's Association would designate a

responsible party to be in charge of the program. J. Peduzzi stated that this information should be documented into the Community Impact Statement.

Comment #82, 175-15A (4) – A pro forma financial analysis was submitted, however the level of detail it contained was questioned. The Board stated they would ask J. Rider of H & H what else should be provided and what level of details should be required.

Comment #71, 175-14 – Stated that the elevations at each of the 50' stations was omitted from one of the views. J. Brem stated the elevations are shown. S. Vladyka agreed.

Comment #29, 145-42 B. – Stated a Site Plan Review Special Permit filing would be needed based on the number of parking spaces. After a brief discussion, J. Peduzzi asked J. Hollows to contact Town Counsel and maybe plan a conference call with him to clarify if a Site Plan filing is required when an applicant is applying for an Open Space Preservation Development Special Permit, since the Board has not been requiring such a review.

Comments from the public in attendance included the following:

- Julie Ward of 26 Proctor Rd. stated that the area proposed for access to the pond from the open space is all swamp and an existing path just stops at water. J. Brem responded that they could build a boardwalk. J. Ward asked what would happen if sewer pipes failed and would the Squannacook be endangered. J. Brem responded they will voluntarily follow safety precautions outlined in State Regs for sewer extensions, even though the size of the system does not mandate it. J. Ward also asked J. Brem to state the distance between her property line and the center of the proposed road and between the stream and the property line.
- Brian Finn of 51 Haynes Rd. stated that he has been maintaining a Board of Health permitted flow device installed into a beaver dam on this property, with the owner's permission, to alleviate serious water problems on his property. He described the flow device as a 12" culvert with wire mesh and added that his access to the dam is by canoe. He stated that there is a second dam the beavers are now building and asked that maintenance easements be provided should this development be approved. P. DeCarolis and J. Brem stated they were unaware that there is a flow device in a dam on this property. J. Brem stated he would locate the device and ascertain whose property it is on, and will also look at the second dam.
- Melissa Finn of 51 Haynes Rd. stated that topographical maps from the 70's show only a meadow instead of a pond in this area, and the pond, most likely the result of beaver activity, is very shallow and marshy. She added that the area is currently being used as a party meeting place where trash and beer cans are strewn, with the access road being across the Pepperell town line. She asked who would be responsible to police the area?
- Heide Messing of 30 Proctor Rd. brought out the following concerns:
 - There is a likelihood of damage to the bridge and road due to vibrations from heavy use. She stated that if the bridge supports crack, the homeowners would put the liability on the town. She added that if repairs are needed, the town should not be liable, and some indemnification should be provided and documented to protect against potential losses. Atty. Deschenes stated he could provide some form of indemnification in writing.
 - Abutters from Pepperell advised her that they were never notified when a Definitive Subdivision entitled "Brady Ave." was submitted for this property in 2004. She added that if this process was flawed, it should disqualify the applicant from grand-fathering protections on the current proposal.
 - A Preliminary Plan was initially denied in 2002 because the applicant did not own all of the property shown on his plan, bringing his credibility into question. P. DeCarolis responded that the land was left to him from his father's estate and he did not realize there was a portion not included in his deed, which he later purchased. Correspondence

from the New Hampshire Dept. of Environmental Services was provided, identifying several violations by Meisner Brem Corporation resulting in a proposal to suspend, revoke or refuse to renew their septic designer license.

- 2.2.6 Environmental Notification Form, Response from NHESP & Response from Conservation** – Covered in Item #2.2.3
- 2.2.7 Report from Howe RE: Drainage Calculations** - Tabled
- 2.2.8 Letter of 01-17-07 from Meisner Brem** - Tabled
- 2.2.9 Review 1 – Summary of Comments** - Tabled

At 9:20 p.m. L. Kiklis motioned to continue the hearing to May 7, 2007 at 7:30 p.m. J. Coughlin seconded and the vote was unanimous.

III. WORKSESSION:

3.1 MRPC Legislative mandated Draft Permitting Survey – to develop “Best Practices” Guide- J. Peduzzi motioned to forward the survey to the Board of Selectmen since we have no Land Use Coordinator. N. Thalheimer seconded and the vote was unanimous.

3.2 BOS Request for Rep from Planning Board to serve on Community Preservation Act Study Committee – N. Thalheimer motioned to nominate J. Peduzzi to serve on the Community Preservation Act Study Committee. J. Coughlin seconded and the vote was unanimously in favor.

3.3 Volunteer Response Form received from Michael Holt for Master Plan Update – Received and noted.

3.4 Grant Writing info / websites – The Board received a flyer listing grant opportunities. J. Hollows stated she would forward the information to Jessica Halloran and Rich Guerriero for research possibilities related to the proposed Master Plan Update committee.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

- 4.1 ZBA Decision – Lohnes, 25 Warren Rd.**
- 4.2 ZBA Decision – Freeman, Depot St.**
- 4.3 MRPC Memo RE: Expedited Permitting Statue MGL 43D**
- 4.4 Notices from Townsend/Other Towns**

V. ADJOURNMENT

At 10:10 p.m. J. Coughlin motioned to adjourn the meeting. J. Coughlin seconded. The motion carried by unanimous vote.

(Transcribed from notes)
Respectfully Submitted by

Jeanne Hollows
Planning Board Administrative Assistant



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Meeting Agenda

March 19, 2007 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 February 12, 2007

II. APPOINTMENTS:

- 2.1 7:05 p.m. A N R Plan – Thorpe, Wallace Hill Rd., Bill Cucchiari, Ross Assoc.
- 2.2 7:30 p.m. – Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing
 - 2.2.1 Zoning By-law Amendment 145-40 Aquifer Protection Overlay District C. (1)
 - 2.2.2 Mandatory Referral Responses & Letters from the public
 - 2.2.3 Meisner Brem Letter & Re-submission of ENF to State MEPA Office
 - 2.2.4 Letter of 11/29/06 - Waiver Requests not yet addressed & Stan's comments
 - 2.2.5 Holmberg & Howe Report – (ID Numbers added by Meisner Brem) & Stan's Comments
 - 2.2.6 Environmental Notification Form, Response from NHESP & Response from Conservation
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Next Meeting Date: Regular Meeting – Monday, April 9, 2007 at 7:00 p.m.