



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



Stanley Vladyka, Chairman
Louis C. Kiklis, Clerk

Jeffrey R. Peduzzi, Member

Nicholas E. Thalheimer, Vice-Chairman
Gerald B. Coughlin, Member

Meeting Minutes
June 11, 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 7:08 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 arrived at 7:20 p.m.

1.3 Additions or deletions to agenda – None

1.4 Acceptance of Minutes – J. Coughlin motioned to accept the Minutes of 05-07-07. J. Peduzzi seconded and the vote was unanimous. J. Coughlin motioned to accept the Revised Minutes of 02-12-07. J. Peduzzi seconded and the vote was unanimous

II. APPOINTMENTS:

2.1 7:05 p.m. Master Plan Update Ad Hoc Committee – The Board reviewed a Volunteer Response Form received from town resident, Jeff Norton. Following introductions and an explanation about the purpose for the Master Plan Committee by J. Peduzzi, J. Coughlin motioned to appoint J. Norton to the committee. N. Thalheimer seconded and the motioned passed.

2.1A A N R Plan – 14 Apple Drive, Habitat for Humanity/Town of Townsend, Ross Assoc. Housing Authority Chair, Michele Cannon, stated that seven adjoining parcels were taken by “tax title” by the Town in 1992, and then awarded to the Town through the RFP process. She explained that due to the “Doctrine of Merger” all parcels are now legally considered one parcel, however, the reason for the A N R Plan is to break off one parcel, to be left under town ownership, with the remaining six parcels to be donated to Habitat for Humanity. Town Administrator, Greg Barnes had provided authorization to Habitat for Humanity to pursue all permits. S. Vladyka recused himself from the discussion due to his personal association with M. Cannon. The Board reviewed the Rules and Regulations. J. Peduzzi motioned to waive the fees outlined in §175-10 C. and 175-11 B. (1), (2), (3) & (4). J. Coughlin seconded and the motion carried. M. Cannon stated the Parcel to be maintained by the Town was labeled “Town of Townsend” rather than with the words “Parcel” and a capital letter to avoid confusion because the land is currently part of a “Chapter 40B” local initiative project with Habitat for Humanity. J. Coughlin motioned to waive the labeling requirement in 175-11C. (3). J. Peduzzi seconded and the motion carried. With no further issues, J. Coughlin motioned approve the plan as an “Approval Not Required” Plan under Subdivision Control Law. J. Peduzzi seconded, the motion carried and the plan was endorsed.

2.2 7:30 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing – At 7:45 p.m. N. Thalheimer re-convened the public hearing and introduced Board members. J. Coughlin asked to take item 2.2.4 out of order to question where this leaves the application since Conservation has denied the project, based on lack of sufficient information. J. Brem of Meisner Brem, representing the applicant, stated they had appealed the denial and rather than re-file, they would go through the judicial process believing that the DEP (Department of Environmental Protection) will agree that all is in order.

J. Brem described an “alternate plan” to address the lack of a 35’ setback from a stream for a proposed road. He asked if the Board would approve of eliminating that entrance labeled “Seymour Way” and creating another entrance by connecting an existing cart path off Hog Hill Road to the end of a driveway on Lot 8. This would involve a gravel road with one wetland crossing, and an easement would be provided across property owned by the applicant on Hog Hill Road. In answer to a question, J. Brem responded that a waterline loop could still be created by connecting out to Proctor Road.

J. Coughlin responded by saying he did not approve of the alternate plan, nor does he approve of the original plan. He sees no real benefit to the Town, and the pond is nothing but a beaver pond. He would approve of another plan without cul-de-sacs.

J. Peduzzi stated that there is a “catch 22” because there are so many cul-de-sacs in the “open space” plan, with a question of whether or not there is a clear benefit to the town. The plan seems to be environmentally better, however there is further disturbance to the wetlands. He does not see one major issue, but several issues including the number of cul-de-sacs, limited access, and a gravel road which would hinder emergency vehicles, especially on icy conditions in January. He summarized by saying he does not see how he could approve such a plan.

J. Brem asked if this was the general consensus of the Board with regard to the alternate plan, and the Board responded they agreed with comments as stated.

2.2.1 Holmberg & Howe Report – continue review of revised Plan dated 05-06-07 – the Board continued its review to include the following comments:

145-40 G. (2) - A comment stated data was not shown on the localized impact of nitrogen and water mounding caused by a proposed shared system, that would lie partly within the Aquifer Protection Overlay District. J. Brem responded that Title V requires calculations and nitrogen loading data for the whole area, and the Board can choose to make this a condition. He added that the number of lots stated here should be 21, not 22.

145-40 G. (4) J. Brem responded to the comment that no information was submitted showing compliance for drainage calculations, by saying that the Drainage Calculations had been omitted in the original submission, but were provided later showing re-charged run-off.

145-42.B – A comment stated the project would require a Site Plan Special Permit based on between 27 and 54 parking spaces. J. Peduzzi responded that Town Counsel advised this was not needed, as the review for the Open Space Special Permit would cover those requirements.

145-42.D – It was agreed the scale has already been approved.

145-42.E – It was agreed the access requirements from this section were better to use in the review of this project, rather than those listed in the Rules and Regulations.

145-45 – J. Brem stated there is no FEMA floodplain district specified in this area, concurring with an assessment by H & H.

145-46 – No calculations were submitted showing that the project was exempt from this section of the Bylaw related to earth removal. J. Brem concurred no exemption should be allowed.

145-52 – No information regarding the lighting proposed for the project was submitted. It was stated the applicant requested a waiver.

145-54 – H & H stated the project is subject to this section of the Bylaw related to groundwater protection, and the applicant should submit documentation showing that the project is not prohibited under sections F (2) or F (3). J. Brem responded the applicant will draft a statement.

2.2.2 Conservation 5/15/07 Denial of Order of Conditions – Noted.

2.2.3 Conservation Commission Minutes of 4/25/07 – Noted.

2.2.4 Copy of Filed Appeal to Conservation's Denial – Addressed above.

2.2.5 Responses from BOH and ZEO/Building Commissioner RE: Open Space – J.

Peduzzi read a response from the Board of Health stating that if the Town were to take ownership of land where a beaver dam exists and it is creating a nuisance on another property, the Town may be potentially responsible for eliminating the nuisance. The Zoning Enforcement Officer/Building Commissioner, Rich Hanks, stated he was in favor of seeing the Town take ownership of the land to develop a public park; or alternately suggested that a land preservation organization such as the Audubon Society take over and open it up for canoeing, fishing, picnicking, bicycling and hiking. J. Peduzzi stated that the onus is on the applicant to justify the value of the open space as a benefit to the Town. He asked if the applicant could come back with a proposal from such an organization to show benefit to the Town, and he would need something powerful to compensate for the cul-de-sacs.

2.2.6 Alternative Plan Drawing by Meisner Brem Received 5/14/07- Addressed above.

2.2.7 Holmberg & Howe Report RE: Drainage Calculations – Not addressed.

2.2.8 Letter from Heide Messing RE: Erroneous Topography – Received by the Board without comment.

2.2.9 E-mail from abutter, Julie Ward - Center Line Distance to Property Line, Topo – Received by the Board without comment.

Abutter, Julie Ward, questioned why the Board was considering this project when the applicant received approval for a two-lot subdivision two years ago on the premise that he could not develop the land any further. J. Brem responded that they cannot build on the first permit or it could be revoked, however they were moving forward with this plan.

J. Coughlin left the chambers.

At 8:40 p.m. J. Peduzzi motioned to continue the hearing to July 16, 2007 at 7:30 p.m. L. Kiklis seconded and the vote was unanimous.

2.3 8:15 p.m. Locke Brook Run OSMD & Special Permit, West Meadow Rd., Continue Public Hearing - At 8:45 p.m. N. Thalheimer re-convened the hearing and introduced the Board.

2.3.1 Mandatory Referral - Additional Comments – N. Thalheimer read Chapter 6 of the Town By-law submitted by the Fire Department stating sprinkler systems will be required.

2.3.2 Ducharme & Dillis Peer Review Report of 6/11/07 – Greg Roy of Ducharme & Dillis stated that his report addressed the original set of plans, however a revision was just submitted with insufficient time for his review.

2.3.3 Letter from Atty. Hannon, response to ZEO RE: 145-47 E. (1) & (2) – Addressed below.

2.3.4 Revised Plan of 6/11/07 – Received by the Board.

2.3.5 Ross Assoc. Response to Ducharme & Dillis Report 6/11/07 - A review of comments included the following questions and/or responses:

145-33 C. (4) - The applicant's engineer, Erik Swanson, of David E. Ross Associates, described proposed turn around areas for fire apparatus, as follows:

Lots #4 and #5 – a turn around area will be added between these two lots. For Lots #2 and #3. the engineer believes there is sufficient space for turning at the end of the driveway servicing

these two lots. For Lot #1 - the engineer stated there is no turn around area, but they have widened the entrance to allow for fire apparatus to back up. The Board asked J. Hollows to ask the Fire Department to provide their comments regarding no turn around on Lot #1.

145-33 D. - The Ducharme & Dillis (D & D) report recommends that plans show street and side line planting specifications. E. Swanson stated there are a substantial number of trees and since this is a residential development proposed on a heavily wooded parcel the applicant would request a waiver. J. Peduzzi stated he would want to see as much screening as possible, with no clear cutting of trees. He would not be in favor of granting this waiver.

145-42 D. - The Board concurred with allowing a waiver to this section with regard to contours.

145-47 E. (1) (b) - The D & D report stated the soil testing information for each of the conventional lots for septic systems had not been submitted as required. E. Swanson responded that a waiver would be requested. Owner, Scott Blackburn stated they did not want to tear up the proposed open space, and a waiver could be requested for the proposed open space only. J. Peduzzi asked Greg Roy, consultant/engineer of D & D his opinion on whether or not a conventional plan would "fly," based on soils on the site. G. Roy stated he had asked that testing be done in the bio retention areas, and that he had not looked at any soil surveys. E. Swanson stated he could submit a map to show that soils would be consistent on the other side of the property. J. Peduzzi stated he would want a high degree of confidence that the proposed conventional lots are viable, and asked the applicant and his engineer to find an alternative way to convince him.

145-47 E. (1) & (2) - The Board reviewed a letter from Atty. Joseph Hannon written in response to comments made by the Building Commissioner/ZEO regarding an equal one to one ratio of conventional units to multi-family units. The letter stated that the Building Commissioner had not commented on the applicability of 145-47 E. (2) which allows for a modification of this ratio if the Board were to find "better design and improved protection of natural and scenic resources for an OSMD. G. Roy stated that the plan does meet the table of minimum requirements for an OSMD and that he agreed with the interpretation as stated in the letter.

145-47 E. (3) (a) - In response to a comment that no traffic study had been submitted, E. Swanson stated this issue had been addressed in a letter dated 4/12/07 and included a projection of an estimated additional 120 vehicle trips per day on West Meadow Road.

145-47 E. (3) (c) - E. Swanson stated test pits would be performed in the proposed bio-retention areas.

145-47 E. (3) (d) - A revised drainage report had been submitted for review.

145-47 F. (2) - E. Swanson stated an plan indicating the percentage of wetland area for the Open Space parcel will be prepared and submitted.

2.3.6 Letter from Habitat for Humanity - The Board reviewed a letter dated 06/05/07 from Megan Foley of Habitat for Humanity stating they would be pleased to receive the offer of the shell of one condominium unit within the Locke Brook Run development, and to partner with the Town and the State to be sure it is added to the count of affordable housing stock.

Questions and comments from the Board included: J. Peduzzi stated he was swayed back toward a positive outlook. S. Vladyka questioned the distance, slopes and elevations from the road to the proposed homes. E. Swanson stated elevations vary from flat to a 15% drop.

At 9:25 p.m. J. Peduzzi moved to continue the hearing to June 25, 2007 at 8:15 p.m. J. Coughlin seconded and the motion carried.

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2.4 8:45 p.m. Deer Run –Open Public Hearing – Modification to Open Space Preservation Development Special Permit and Definitive Plan – At 9:30 p.m. N. Thalheimer opened the

hearing and introduced Board members. L. Kiklis read the legal ad. Bruce Ringwall of Goldsmith, Prest & Ringwall explained that the applicant, Steve Gillis of Gillis Homes, had received approval of a 15-lot Open Space Preservation Development with 16+ acres to be designated as undeveloped open space 1-1/2 years ago, however an appeal was filed in land court. Subsequently, the property adjacent to a Right of Way went up for sale and was purchased by Gillis Homes, who then entered into an agreement with two abutters, Joseph LoPilato and Arthur Young to resolve the disputed court appeal. B. Ringwall described improvements in the drainage calculations that would result from swapping the position of the Right of Way and the house located at 85 Ash Street, which included, a change in the grade on the road, resulting in a new high point, one larger detention basin and a reduced amount of drainage into basin #2. A Notice of Intent has been filed with Conservation and is still in review.

B. Ringwall questioned the report received from consultant / engineer firm, Cuoco & Cormier, and stated it was their understanding that Jeff Rider, formerly of Holmberg and Howe, would provide a review on the modifications only, however a comprehensive review was done and signed by another engineer, bringing up issues that had already been resolved with the original approval. J. Peduzzi motioned to have J. Hollows ask J. Rider to revise the report so that it addresses only the current modifications to the plan. J. Coughlin seconded and the vote was unanimous.

S. Vladyka asked if the South Street water main could be extended to this subdivision. S. Gillis stated private wells had been planned, engineered and approved. Following a brief discussion, it was the consensus of the Board to add a condition that if Town Water becomes available, the applicant will investigate and consider a possible tie-in.

B. Ringwall read a request from the applicant's 05/11/07 letter asking the Board to consider modifying the Conditions in the original Decision with regard to the planned donation of one lot for "affordable housing." The applicant explained that 1-1/2 years of legal battles, negotiations, land purchases, additional engineering, testing and filing fees had made it economically unfeasible. The Board concurred with the assessment and expressed regret.

N. Thalheimer read Mandatory Referrals, which included: a favorable comment from the Zoning Board of Appeals, and a note from Conservation stating the project was under review.

Resident, Karen Crawford of 89 Ash St. asked if two parcels, one abutting her property, and the other abutting her neighbor's were still designated to be turned over to them, and if so, when? S. Gillis responded they would be, most likely at the time the construction bond is signed. B. Ringwall described the building process and added that the donation may take place at any time during the process, and Atty. Speicher would be drafting deeds.

At 10:10 p.m. J. Coughlin motioned to continue the public hearing to June 25, 2007 at 7:30 p.m. J. Peduzzi seconded and the motion carried.

2.4.1 Cuoco & Cormier Review Letter dated 06-06-07 - As noted above.

2.4.2 Signed Agreement to New Deadline for Remand Order – S. Gillis stated his attorney was working on getting an agreement signed by the parties involved to extend the dates for the remand of the application back to the Planning Board, and their Decision, per court request.

III. WORKSESSION:

3.1 Warrant to pay Kopelman-Paige \$686.00 for Legal work on Village at Patriot-Proctor Rd.
– J. Coughlin motioned to authorize payment of \$686.00 to Kopelman and Paige for legal work done with regard to Village at Patriot Common. N. Thalheimer seconded and all voted in favor.

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3.2 Dudley Meadows – Cuoco & Cormier Recommendation for Partial Bond Release – The Board reviewed a request from Paul Bradley, owner of Dudley Meadows on Dudley Road to release a portion of a cash deposit being held as security for completion of the project. They also reviewed a letter from consultant / engineer, Jeff Rider of Cuoco & Cormier, who made a site visit and provided recommendation based on work completed and what remained, as well as an e-mail from Town Counsel, Kay Doyle. J. Coughlin motioned to authorize the release of \$78,674.20. L. Kiklis seconded and the vote was unanimous.

3.3 MRPC Economic Development Project Survey – It was the consensus of the Board to review the MRPC Economic Development Project Survey at home.

3.4 Memo RE: 5-Yr. Plan for Feedback to Master Plan Update Committee – It was the consensus of the Board that the Planning Board does not have a separate 5-Year Plan, but oversees the Master Plan for the entire town, with the responsibility to update it every five years.

3.5 Five-Year Plan received from Police/Communications Dept. – Received and noted.

3.6 Vacation / Travel Schedules – Noted.

3.7 BOS Request: Rep to attend June 19, 2007 Meeting RE: Prop 2-1/2 Override Discussion – J. Peduzzi volunteered to attend this meeting on behalf of the Planning Board.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

- 4.1 ZBA Decision, Sarbacher, 7 Smith St., to construct breezeway, garage, second floor, etc.**
- 4.2 Division of Fisheries & Wildlife letter of 05/21/07 - “Special Concern” Species Documented**
- 4.3 Memo from BOS RE: Increased Rate of Reimbursement for Gas Mileage Expense**
- 4.4 Notice to Abutters & Conservation Notice of Intent to excavate six test pits at Willard Brook State Forrest.**
- 4.5 ZBA Decision for Mixed Use on 18 Highland, overturning Bldg. Commissioner’s Decision**
- 4.6 Working with Ch. 40B Conference, Bentley College, June 22, 2007, 7:45 a.m.-2:15 p.m.**
- 4.7 MRPC Small Town Meeting Notice**
- 4.8 MBTA Reporter Newsletter**
- 4.9 Notices from Townsend/Other Towns**

V. ADJOURNMENT

At 10:25 p.m. J. Coughlin motioned to adjourn the meeting. J. Peduzzi 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

June 11, 2007 7:00 p.m.

Townsend Memorial Hall,
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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 05-07-07 & Revised Minutes of 02-12-07

II. APPOINTMENTS:

- 2.1 7:05 p.m. Master Plan Update Ad Hoc Committee – Volunteer Response Form & vote to appoint Jeff Norton to Committee.
- 2.1A A N R Plan – 14 Apple Drive, Habitat for Humanity/Town of Townsend, 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 Holmberg & Howe Report – continue review of revised Plan dated 05-06-07
 - 2.2.2 Village at Patriot Common – Conservation 5/15/07 Denial of Order of Conditions
 - 2.2.3 Conservation Commission Minutes of 4/25/07
 - 2.2.4 Copy of Filed Appeal to Conservation's Denial
 - 2.2.5 Village at Patriot.. Response from ZEO to question about Open Space
 - 2.2.6 Alternative Plan Drawing by Meisner Brem Received 5/14/07
 - 2.2.7 Holmberg & Howe Report RE: Drainage Calculations
 - 2.2.8 Letter from Heide Messing RE: Erroneous Topography
 - 2.2.9 E-mail from abutter, Julie Ward - Center Line Distance to Property Line, Topo
- 2.3 8:15 p.m. Locke Brook Run OSMD & Special Permit, West Meadow Rd., Continue Public Hearing
 - 2.3.1 Mandatory Referral - Additional Comments
 - 2.3.2 Ducharme & Dillis Peer Review Report of 6/11/07
 - 2.3.3 Letter from Atty. Hannon, response to ZEO RE: 145-47 E. 1 & 2
 - 2.3.4 Revised Plan of 6/11/07
 - 2.3.5 Ross Assoc. Response to Ducharme & Dillis Report 6/11/07
 - 2.3.6 Letter from Habitat for Humanity
- 2.4 8:45 p.m. Deer Run –Open Public Hearing – Modification to Open Space Preservation Development Special Permit and Definitive Plan
 - 2.4.1 Cuoco & Cormier Review Letter dated 06-06-07
 - 2.4.2 Signed Agreement to New Deadline for Remand Order?