



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

RECEIVED
AUG 28 2007
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
August 13, 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 7:07 S. Vladyka called the meeting to order.
- 1.2 **Roll call** – Present were Chairman, Stanley Vladyka, Member, Jeff Peduzzi, Member, Jed Coughlin and Administrative Assistant, Jeanne Hollows. Vice-Chairman, Nicholas Thalheimer, and Clerk, Louis Kiklis arrived at 7:17 p.m.
- 1.3 **Additions or deletions to agenda** – Added- #2.3.5 Site Walk results; BOS & BOH Response to questions RE: Communal Septic infrastructure over public roads, or proposed public roads.
#3.1a E-mail from Bruce Ringwall asking Board to extend time frame for final Decision on Deer Run.

II. APPOINTMENTS:

- 2.0 **7:05 p.m. Master Plan Committee Volunteer** – The Board met with town resident, Amy Mulkern, and reviewed the “Volunteer Response Form she submitted expressing interest in joining the Master Plan Update Committee. J. Peduzzi explained that the Master Plan is used to give direction to other Boards and Departments in town. Following a brief interview period, J. Peduzzi motioned to nominate Amy to the committee. J. Coughlin seconded and the vote was unanimous.
- 2.1 **7:10 p.m. A N R Plan, 121 Lunenburg Rd.** – Property owners, Erik and Kathy Carlson submitted a plan prepared by Mike Martorella of David Ross Associates, to subdivide approximately 8.5 acres into three lots. Following review, J. Coughlin motioned to waive the requirement to show a page number on the plan as outlined in Section 175-10 D. (5) of the Planning Board Rules and Regulations. J. Peduzzi seconded and all voted in favor. J. Coughlin motioned to approve the Plan as waived under “Approval Not Required Under Subdivision Control Law.” J. Peduzzi seconded. The vote was unanimous and the plan was endorsed.
- 2.2 **7:30 p.m. Locke Brook Run OSMD & Special Permit, West Meadow Rd., Continue Public Hearing** – The Board reviewed a revised set of plans dated August 1, 2007. The applicant submitted a written waiver request from Planning Board Rules and Regulations, Section 175-10 D. (10) requiring a USGS Benchmark to be shown on the Plan. Jesse Johnson of David Ross Assoc. explained that assumed datum was used since the closest benchmark was beyond one-half mile away and the area is not in the flood plain. J. Peduzzi motioned to grant the waiver. S. Vladyka seconded and all voted in favor.

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Land owner, Scott Blackburn and J. Johnson presented revision Sheet 13C, dated 8/1/07, entitled "Open Space Plan" outlining 34.5+ acres of proposed open space surrounding Locke Brook and the proposed location of the condos. In response to a question from N. Thalheimer, J. Johnson stated the Homeowners' Association would be responsible for all proposed easements.

2.2.1 Revised Plans – as noted above.

2.2.2 Ducharme & Dillis 8/7/07 Review Letter RE: Revised Plans, Drainage Calculations, etc. – The Board reviewed an 8/7/07 letter from consultant/engineers, Ducharme & Dillis, and concurred the last issues of concern had been addressed.

At 8:10 p.m. J. Coughlin motioned to close the public hearing. J. Peduzzi seconded and all voted in favor.

2.3 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing - At 8:22 p.m. N. Thalheimer reconvened the public hearing and introduced the Board. Following S. Vladyka's comments outlined below in item 2.3.5, Atty. Douglas Deschenes addressed the Board. His comments included the following:

- The applicant has the right to develop his land, and they feel the Open Space design is superior to a Conventional Plan, which would be scattered throughout and disturb more land.
- They would be staying out of the wetlands and high areas, with less impact on the wetlands and wildlife.
- The Open Space proposes fewer lots, less roadway, less impervious surface and less town maintenance.
- The Homeowners would be putting away funds for the Communal Septic System, which would be subject to Mass Department of Environmental Protection (DEP) inspections, review and maintenance reporting.
- With an Open Space Plan, 95% of the septic systems would be out of the Aquifer Protection Area; with the Conventional Plan all septic systems would be within that area.
- Communal Septic Systems are now allowed and encouraged by the 2006 DEP Regulations under the Smart Growth laws, as long as 50% of a project remains open space. This proposal meets this requirement.
- The applicant believes he is "grand fathered" from a town by-law prohibiting communal septic systems because he had an approved Preliminary Plan followed by an approved Definitive Plan, however he acknowledged Town Counsel could review and advise on the subject. He stated he would submit his position in writing.
- Although there is a proposal to convey the road to the town, an easement would be reserved, such as what is done for utility companies.
- There were no fire or safety issues with the proposed cul-de-sacs, and Atty. Deschenes listed benefits of cul-de-sacs, such as homeowners' preferences due to limited traffic, a place for kids to ride bikes and a sense of a community neighborhood.

J. Peduzzi's response to Atty. Deschenes included the following comments:

- Although an Open Space Preservation Development may be better, questions remain as to whether or not a "Conventional Plan" is doable. The previous final Decision clearly notes concerns, and it seems it may be practically impossible to build a conventional plan.
- The Decision addressed a proposal to develop only a small section, and the approval stipulated no further development.
- The issue of whether or not the applicant is "grand fathered" is debatable.
- The issue of putting septic system infrastructure on a proposed public road appears problematic.
- Homeowners are not always dependable.

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replaced with one statement to refer back to the original Decision. J. Coughlin motioned to table the remainder of the review until after these edits are made and Town Counsel has a chance to review the draft with the applicant's attorney. J. Peduzzi seconded and all voted in favor.

3.1a E-mail Request RE: Deer Run Decision - The Board reviewed an e-mail from engineer, Bruce Ringwall of Goldsmith, Prest and Ringwall, asking them for an extension of time before finalizing the Deer Run Decision, in order to allow time for he and the applicant, Steve Gillis, to confer with Water Superintendent, Paul Rafuse regarding the financial implications to tying into town water. The Board concurred with tabling the issue.

3.2 Authorize payment to Cuoco & Cormier - Following review, J. Peduzzi motioned to authorize payment of \$843.75 to Cuoco & Cormier for consultant/engineer work on "Deer Run" Modification. J. Coughlin seconded and all voted in favor.

3.3 Authorize payment of to Cuoco & Cormier - Following review, J. Peduzzi motioned to authorize payment of \$342.66 to Cuoco & Cormier for consultant/engineer work on "Dudley Meadows." J. Coughlin seconded and all voted in favor.

3.4 Invitation from Sterilite – Congregational Church, 8/20/07 RE: Proposed Capital Gift –
Noted by the Board.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

4.1 NRWA Summer Newsletter

4.2 U Mass Extension Brochure

4.3 DCR Memo RE: ACEC Public Info Meeting 8/22/07m Groton Middle School, 7:30 p.m. - J. Peduzzi asked J. Hollows to see if anyone from Conservation would be attending this session, and if so, to request a copy of the notes.

4.4 BOS Memo RE: Nashua Valley Tech School seeking Community Projects

4.5 Notices from Townsend/Other Towns

V. ADJOURNMENT

At 9:30 p.m. J. Peduzzi 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

August 13, 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 July 2, 2007

II. APPOINTMENTS:

- 2.0 7:05 p.m. Master Plan Committee Volunteer, Amy Mulkern, Interview for vote to appoint
- 2.1 7:10 p.m. A N R Plan, 121 Lunenburg Rd., Kathy Carlson, Ross Assoc., Mike Martorella
- 2.2 7:30 p.m. Locke Brook Run OSMD & Special Permit, West Meadow Rd., Continue Public Hearing
 - 2.2.1 Revised Plans
 - 2.2.2 Ducharme & Dillis 8/7/07 Review Letter RE: Revised Plans, Drainage Calcs, etc.
- 2.3 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing
 - 2.3.1 Plan Replacement Sheets to Correct Proctor Rd. Entrance Topographic Data
 - 2.3.2 Correspondence / photos received / Open Space comment
 - 2.3.3 Mass DEP Response to P. DeCarolis RE: 7/19/07 Site Inspection
 - 2.3.4 Holmberg & Howe Report – Continue Review

2.3.5 Site Walk, Septic BOS + Bolt -dd

III. WORKSESSION:

- 3.1 Deer Run – Draft Decision *3.1a - added*
- 3.2 Authorize payment of \$843.75 to Cuoco & Cormier for work on “Deer Run” Modification
- 3.3 Authorize payment of \$342.66 to Cuoco & Cormier for Consultant work on at “Dudley Meadows.”
- 3.4 Invitation from Sterilite – Congregational Church, 8/20/07 RE: Proposed Capital Gift

IV. CORRESPONDENCE:

- 4.1 NRWA Summer Newsletter
- 4.2 U Mass Extension Brochure
- 4.3 DCR Memo RE: ACEC Public Info Meeting 8/22/07m Groton Middle School, 7:30 p.m.
- 4.4 BOS Memo RE: Nashua Valley Tech School seeking Community Projects
- 4.5 Notices from Townsend/Other Towns

Next Meeting Date: Regular Meeting – Monday, August 27, 2007 at 7:00 p.m.