



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

RECEIVED
SEP 25 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 27, 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 7:25 p.m.

1.3 Additions or deletions to agenda – None.

1.4 Acceptance of Minutes – J. Coughlin motioned to approve the Minutes of August 13, 1007. N. Thalheimer seconded and all four members present voted in favor.

II. APPOINTMENTS:

2.1 7:05 p.m. A N R Plan, 176 Haynes Rd., Fred & Josephine Darling – Matt Waterman of Land Tech presented a plan to subdivide 90+ acres on Haynes Road into two parcels: a 3.24 acre-parcel which includes a home owned by Fred and Josephine Darling, and 87.5 acres of remaining land. M. Waterman explained that a strip of land crosses from Townsend to Pepperell and runs along the frontage of the property. Most of the land is in Townsend, a small portion in Pepperell, including the strip of Pepperell frontage between the Townsend property and the road. Pepperell advised the applicant that the plan must be endorsed by both towns. He stated there is a proposed easement shown on the plan, which the applicant's attorney may record if finalized. The Board reviewed the Planning Board Rules and Regulations and cited requirements in 175-11 C. (1) (h) and (2) (6) questioned how they could approve a plan if there appears to be no frontage in Townsend. A discussion ensued. F. Darling stated that an A N R plan was approved in 1997 for an adjacent lot for his son, which also shows Pepperell land along the road, and a building permit was granted. He added he has a Townsend address and pays taxes to Townsend. J. Peduzzi asked if the applicant's attorney could describe in writing how the Board can grant this A N R plan. He might want to reference the 1997 plan, if a precedent was established, and that a building permit was granted for this lot by the Town of Townsend. He added if it can be justified, Town Counsel, Kay Doyle should look at the applicant's justification for allowing this approval. J. Coughlin motioned that a letter from the applicant's attorney should include language that says, "this ANR can be granted on Townsend land where the road does not pass through Townsend, based on precedent, at the discretion of the Planning Board." N. Thalheimer seconded and the vote was unanimous.

2.2 7:30 p.m. Public Hearing, Tree Removal per Scenic Road Act, 26 Warner Rd. – At 7:50 p.m. N. Thalheimer opened the public hearing. L. Kiklis read the Legal Ad. Tim Beauchemin of Beauchemin engineering presented a plan and explained that the applicant had received an Order of Conditions from the Conservation Commission to allow the construction of a driveway at 26 Warner Road with existing wetlands in the area. He stated the application before the Board is to allow the cutting of approximately 20 trees along the edge of the road, and located on a steep embankment. He added some grading would also be done to provide for a safe line of sight. Tree Warden, Don Massucco attended the hearing. No abutters were present. The trees were described as being between 10-25 years old, the largest about 10"-12," with none considered "majestic trees." T. Beauchemin stated the applicant had been granted a driveway permit following a review by both the Highway Superintendent and the Building Inspector, and that the Tree Warden had recommended removal, as the driveway would be a blind site coming from the dead end side of the road. S. Vladyka questioned whether or not they would need to notify the Board of Selectmen if they are bringing a berm to grade level and added that an Earth Removal permit would be needed if the amount were to exceed 20 cubic yards. J. Peduzzi agreed the applicant might need approval from the Board of Selectmen. D. Massucco stated that trees removed recently from Turner Road under the Scenic Roads Act did not require any additional permits. He added that this is a rural, winding road and the applicant needs safe access to his property.

N. Thalheimer read the Mandatory Referral comments, which included a positive referral from the Board of Selectmen and no opposition or comments from any other Board or Department.

At 8:10 J. Coughlin motioned to close the hearing. S. Vladyka seconded and the vote was unanimous. S. Vladyka stated the Board should have a Decision by their September 10th meeting.

2.3 7:50 p.m. Mark Bagley – Volunteer Response Form – Mark Bagley, a town resident for almost 8 years, met with the Board to discuss his interest in getting involved with the Master Plan Update Committee. J. Peduzzi explained that his ex-officio position is not included in the intended goal of a nine-member committee, and Mark's position would complete the committee. Will Hackler, who has taken over a Chairman of the committee was at the meeting and stated the intent of the committee is to complete the draft Master Plan by the end of 2008. J. Peduzzi motioned to appoint Mark Bagley to the Committee. J. Coughlin seconded and the vote was unanimous.

2.4 8:00 p.m. Public Hearing, General By-Law Amendment to allow one Planning Board Associate Member - At 8:15 p.m. N. Thalheimer opened the public hearing. L. Kiklis read the legal ad. J. Peduzzi read a draft of the by-law and the Mandatory Referrals. There was no opposition. The Board of Selectmen requested an edit in the language to remove the requirement for a "joint meeting" of the Planning Board and Board of Selectmen, which would allow each Board to appoint an associate member at their respective meetings. The Board agreed with the suggestion. J. Coughlin motioned to close the hearing. S. Vladyka seconded and the motion carried. J. Peduzzi stated the Board should now write a request to the Board of Selectmen to place this item on the Warrant for Fall Town Meeting.

2.5 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing – At 8:25 p.m. N. Thalheimer opened the public hearing. Jeff Brem, surveyor/engineer presented a plan revision for applicant, Peter DeCarolis who was also at the meeting. P. DeCarolis stated they had made substantial changes to address issues as best they could reducing the number of lots, hoping for some give and take between himself and the Board. Plan revisions were described as follows:

- number of lots reduced from 27 to 22, all with plenty of distance from the wetlands. P. DeCarolis stated that although he would be losing lots, the benefit would be a lot less roadway to build

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- one road eliminated
- two cul de sacs eliminated
- sewer lines have been moved outside of the roadways, now located outside of the shoulder on private property with easements, calling for four perpendicular crossings.
- 10+ additional acres of open space have been added
- the same road access points were shown on the revised plan
- an emergency access dirt road would be provided to connect the Haynes Road access to the Proctor Road access, with a wooden bridge crossing the wetlands.

L. Kiklis asked if the Board of Health had approved such a plan. J. Brem stated the Board of Health had expressed support, along with listing items of concern, which they were addressing. S. Vladyka stated the Board of Health regulations require the septic systems to be on the lots they serve. J. Brem responded they believe they are “grand-fathered” on this issue based on an approved Preliminary in 2003 followed by a Definitive Plan that was approved.

S. Vladyka asked if the water lines would still connect to provide town water. J. Brem stated that was still proposed.

Abutter, Heide Messing brought out the following concerns:

- although the topography was corrected, the access area off Proctor Road is still quite steep and she believes it would not meet grade requirements.
- the Proctor Road access is less than 150' from Todd Road, however the centerline is not shown.
- that proposed road is only 16' from the stream, and the retaining wall would end up under water
- removing fill from that area would require involvement with the Army Corps of Engineers.
- the pond is half on private property, so it could not be divided to create a public park area
- when the developer built homes on Proctor Rd. he created a self-imposed hardship by not leaving enough access area.
- The Preliminary Plan that was approved did not show a community septic system.

Abutter, Brian Finn of 51 Haynes Rd. stated he wants authorization or easements to access and control beaver dams in the future, as he has experienced water problems on his property. J. Brem stated an easement would be provided.

Abutter, Julie Ward stated the following:

- she believes a correct measurement from the edge of her property to the centerline in the proposed road would put the road on her property.
- building another 22 homes would entail contracting another school bus at the cost of \$40,000 and further strain the school population. J. Brem responded that he would send another letter to the school department with a request for impact information.

J. Peduzzi stated that the original permit was approved for two lots with no further subdivision, and cul de sacs were not approved. He listed several concerns identified in the original permit of a technical, environmental and cultural nature, and he was not convinced that a conventional plan is viable, or that the open space plan would benefit the town. P. DeCarolis stated his father's original plan was to build 90-100 homes on this parcel, and he cannot see why an open space plan with 22 homes would not be better than a conventional plan.

J. Brem asked the Board for direction in how to proceed. The Board asked if the applicant's attorney would submit a letter stating their opinion with regard to “grand-fathering rights” based on a prior approval, which could be reviewed and addressed by Town Counsel.

J. Coughlin motioned to continue the hearing to September 10, 2007 at 8:00 p.m. S. Vladyka seconded and all five members voted in favor.

2.6 9:00 p.m. A N R Plan, 10 Birch Lane & 17 Sycamore Lane – Paul & Maureen Giacobbe, owners of 10 Birch Lane, presented an ANR Plan to swap a parcel on their property for an abutting parcel on 17

Sycamore Drive owned by Thomas & Brenda Kilbride, in order to obtain the proper side yard setback to build a garage. J. Coughlin motioned to waive Section 175-11 C. (2) of the Planning Board Rules and Regulations to allow a scale of 1" = 20.' S. Vladyka seconded and the motion carried. The Kilbrides did not attend the meeting, and the Board noted that a written authorization from them had not been provided. It was agreed the Board would approve the ANR and hold the mylar pending receipt of the authorization. J. Coughlin motioned to approve the plan as an "Approval Not Required" plan under Subdivision Control Law with the condition as stated. N. Thalheimer seconded, the vote was unanimous, and the plan was endorsed.

III. WORKSESSION:

3.1 BOS Request for Board to appoint Rep to Capital Planning Committee – N. Thalheimer motioned to appoint J. Coughlin as their representative to the Capital Plan Committee. J. Peduzzi seconded and all five members voted in favor.

3.2 Deer Run – Draft Decision - Owner Steve, Gillis, Attorney Howard Speicher, and Engineer Bruce Ringwall attended the meeting to discuss the Draft Decision. The applicant had asked that the requirement for precast concrete sloped curbing be changed to bituminous concrete sloped curbing (Cape Cod berm), as a concession to respond to the Board's request to tie into town water. S. Vladyka stated he went on a site walk through the Timberly Park neighborhood and found almost no curbing, and a few spots with bituminous curbing and also, no sidewalks. It was the consensus of the Board to allowing this change, as it would be consistent with the surrounding streets. B. Ringwall stated he discussed tying the subdivision into town water with Water Superintendent, Paul Rafuse who advised that hydrants were tested and there is more than adequate water supply to support the subdivision, even prior to the Witches Brook System coming on line. He expects to tie the two systems together before the end of the year. He added that based on his discussion with the Acting Fire Chief, hydrants would be installed. The applicant agreed to the conditions in the draft decision, which included the construction of infrastructure for town water, rather than individual wells.

S. Gillis thanked the Board for their spirit of cooperation and appreciated their efforts over the past four years. He believes the result will be a better project.

J. Peduzzi motioned to grant a waiver from §175-16 B (11) regarding rounding at street corners, based on recommendation of Jeff Rider, Peer Review Consultant/Engineer of Cuoco & Cormier. J. Coughlin seconded and the vote was unanimous.

J. Peduzzi motioned to approve the draft Decision for the Deer Run Modification of the Definitive Subdivision Plan. J. Coughlin seconded and a role call vote was taken as follows: Stanley Vladyka - aye; Nicholas Thalheimer - aye; L. Kiklis – aye; J. Peduzzi – aye; J. Coughlin – aye.

J. Peduzzi motioned to approve the draft Decision for the Deer Run Modification of the Open Space Preservation Development Plan. J. Coughlin seconded and a role call vote was taken as follows: Stanley Vladyka - aye; Nicholas Thalheimer - aye; L. Kiklis – aye; J. Peduzzi – aye; J. Coughlin – aye.

3.3 Authorize payment of to Ducharme & Dillis – J. Coughlin motioned to authorize payment of \$3,687.50 to Ducharme & Dillis for work on "Locke Brook Run." J. Peduzzi seconded and the motion carried.

3.4 Notice of Meeting for Town Dept. Heads – The Board reviewed a notice from Town Administrator, Greg Barnes calling a meeting for 8/29/07 with Town Department Heads and Board Chairmen, to discuss a proposed gift to the Town from Sterilite Corporation. S. Vladyka stated he would attend the meeting, and asked J. Hollows to get a map from Town Clerk's office showing the Aquifer Protection Overlay District.

3.4.1 Meeting Attendance – S. Vladyka and J. Hollows will plan to attend.

At 10:10 p.m., J. Coughlin left the meeting.

At 10:12 p.m., L. Kiklis left the meeting.

3.5 Stormwater Management Draft By-law – Members were asked to Review a draft Stormwater Management By-law, along with a draft of the related Rules & Regulations, in order to prepare a letter of support on Sept. 10th for the Board of Selectmen.

3.6 Century Estates –Turner Townsend request for Agenda time on 9/24/07 – Atty. Kay Doyle asked the Board if the applicant can meet with the Board to request clarification on how a new proposal might resolve on-going litigation. It was the consensus of the Board to allow 15 minutes on 09-24-07.

V. ADJOURNMENT

At 10:25 p.m. J. Peduzzi motioned to adjourn the meeting. N. Thalheimer seconded. The motion carried by unanimous vote of the three remaining members.

(Transcribed from notes)
Respectfully Submitted by

Jeanne Hollows
Planning Board Administrative Assistant



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Meeting Agenda

August 27, 2007 7:00 p.m.

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 August 13, 1007

II. APPOINTMENTS:

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- 2.2 7:30 p.m. Public Hearing, Tree Removal per Scenic Road Act, 26 Warner Rd.
- 2.3 7:50 p.m. Mark Bagley – Volunteer Response Form
- 2.4 8:00 p.m. Public Hearing, General By-Law Amendment to allow one Planning Board Associate Member
- 2.5 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing
- 2.6 9:00 p.m. A N R Plan, 10 Birch Lane, Paul & Maureen Giacobbe –Rose Land Surveyor

III. WORKSESSION:

- 3.1 BOS Request for Board to appoint Rep to Capital Planning Committee
- 3.2 Deer Run – Draft Decision
- 3.3 Authorize payment of \$3,687.50 to Ducharme & Dillis for work on “Locke Brook Run”
- 3.4 Notice of Meeting for Town Dept. Heads to Discuss Sterilite Project, 8/29/07
 - 3.4.1 Meeting attendance?
 - 3.4.2 Is there a Board Consensus on the proposal?
- 3.5 Stormwater Management Draft By-law – Review Draft to Approve forwarding to BOS on Sept. 10th
- 3.6 Century Estates –Turner Townsend request for Agenda time on 9/24/07

IV. CORRESPONDENCE:

- 4.1 Notices from Townsend/Other Towns

Next Meeting Date: Regular Meeting – Monday, September 10, 2007 at 7:00 p.m.