



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

RECEIVED
OCT 16 2007
TOWN OF TOWNSEND
TOWN CLERK

Stanley Vladyka, Chairman

Nicholas E. Thalheimer, Vice-Chairman

Louis C. Kiklis, Clerk

Jeffrey R. Peduzzi, Member

Gerald B. Coughlin, Member

Meeting Minutes
September 10, 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 7:10 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 7:40 p.m.

1.3 Additions or deletions to agenda – None.

II. APPOINTMENTS:

2.1 7:10 p.m. Draft Decision, Tree Removal, Scenic Road Act, 26 Warner Road – L. Kiklis read a draft Decision and a brief discussion ensued. J. Peduzzi asked Selectmen, Dave Chennelle if the positive referral comment from the Board of Selectmen could be considered a formal approval for the project. D. Chennelle responded that they had only provided a response, but a formal approval could be requested. A condition was added for the applicant to request an approval from the Board of Selectmen. J. Coughlin motioned to approve the Decision as amended. J. Peduzzi seconded and S. Vladyka, L. Kiklis, J. Peduzzi and J. Coughlin voted in favor.

2.2 7:30 p.m. Sterilite Proposal – At 7:35 p.m., the meeting was moved to the Great Hall to accommodate the crowd and a sign was posted at the Selectmen's chambers to advise the public of the change. David Udelsman, of Udelsman Associates Architecture Planning Design, representing Sterilite Corporation, addressed the group. He stated there are three parcels making up 45 acres combined, with access points off Highland St., Meeting House Hill Rd. and Main St., to be donated to the Town for the purpose of building a new Highway Garage and salt shed at no cost to the Town. D. Udelsman explained that the original plan was to use Highland St. as the access driveway, however they were faced with trying to build outside of the Aquifer boundary, which created limitations. It was determined that the best point of access would be off Main St., Rt. 119.

Specifications for the proposed buildings were outlined. Parking would allow for twenty spaces, with 2 acres of paved lot and 3 acres cleared for storage. A large adjacent level area would be available for functions or a ball field. It was determined the project will need a Site Plan Special Permit approval from the Planning Board and a Special Permit approval from the Zoning Board of Appeals.

Gary Shepherd, spokesman for Sterilite added that moving the access to Main Street from Highland Street will cost Sterilite a substantially greater amount, based on the hill and ledge off Main St. versus sand and gravel off Highland St., however, it was not their intention to tie the gift to a dollar amount and they want to "hold the bar high" and do the right thing.

S. Vladyka stated the owners should combine the three properties through the ANR process. G. Shepherd responded that all three properties would be under one ownership. S. Vladyka also

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recommended that all fees be waived. Selectman, Dave Chenelle stated Town Counsel is reviewing whether this project would be considered a private enterprise or a town project, as waiving fees may have an effect on how the project would have to be handled.

Other points were brought out as follows:

- The 35 m.p.h speed limit on Rt. 119 should be moved to accommodate a safe entrance and exit into the proposed driveway. Highway Superintendent, Ed Kukkula stated he had contacted the Traffic Division of Mass Highway to look at this proposed access and speed limit.
- It was noted the existing Highway Garage, which is 40 years old, is on the Aquifer and this would correct that situation.
- G. Shephard explained that once the Highway Garage is moved from Dudley Rd., Sterilite would build a Library and Senior Center on that site. He explained that the proximity of the Senior Center to Atwood Acres and the elementary schools, would encourage interaction between the children and the seniors.
- In response to a question by a resident regarding possible pollution at the Dudley Rd. site, E. Kukkula stated storage fuel tanks were removed years ago, there is a collection system that goes to the school treatment plant into contained tanks, and a Site Management Plan was set up by the Environmental Protection Agency. G. Shephard added that there is no evidence of hazardous waste, nor does the facility generate any hazardous waste.
- Former Selectman, Paul Concemi spoke in favor of the proposed location, stating the Master Plan encourages protection of natural resources which this would do and a new facility would bring in modern technology
- J. Peduzzi stated the Planning Board will hold a public hearing where abutters will be notified and all will be given opportunity to speak.

2.3 8:00 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD

Subdivision – Continue Public Hearing – At 8:10 p.m. N. Thalheimer opened the hearing and introduced the Board. J. Coughlin motioned to close the hearing. J. Peduzzi seconded. It was brought out in brief discussion that the applicant had submitted a letter to request a continuance without comment, and also that Town Counsel was researching the history to determine if the applicant has “grandfathered rights” based on an approved Preliminary Plan and a two-lot Definitive Plan. J. Coughlin withdrew his motion. J. Peduzzi withdrew his second. The Board reviewed information without comment. J. Coughlin motioned to continue the hearing to September 24, 2007. N. Thalheimer seconded. S. Vladyka, L. Kiklis, and N. Thalheimer voted in favor. J. Peduzzi and J. Coughlin voted against. The motion carried.

2.3.1 Letter from Atty. Deschenes RE: Request for Continuation without Comment – Received and noted.

2.3.2 Letter from Atty. Deschenes to Town Counsel RE: Grand-Fathering Question – Received without comment.

2.3.3. E-Mail from Board of Health Agent-Response to Title V Regs for Pipes under Public ways- Received without comment.

2.3.4 Note: P. DeCarolis to Conservation RE: Condition of stream behind Haynes Rd. – Received without comment.

2.4 8:30 p.m. A N R Plan, 176 Haynes Rd., - Fred & Josephine Darling came back before the Board and submitted a letter from their attorney, John Veysey, outlining his legal opinion to support signing the plan for Townsend land with Pepperell frontage. Also submitted was an A N R Plan approved by a previous Board in 1997 on abutting Townsend land . It was noted this was the same scenario and a previous Board had set precedent. S. Vladyka stated he agreed with the opinion pointed out by the

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attorney that the definition for "frontage" in the Zoning By-laws does not specify the frontage must be in Townsend. J. Coughlin 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.

2.4.1 1997 A N R Plan for 176A Haynes Rd. – addressed above.

2.4.2 Letter from Atty. Veysey – addressed above.

III. WORKSESSION:

3.1 53-G Account Refund Request – Developer, Peter DeCarolis submitted a written request for a refund of all remaining funds in two 53-G Accounts: the 2003 Village at Patriot Common and - the 2004 DECA, Brady Ave. J. Coughlin motioned to approve a refund of all remaining funds (approximately \$770.00). J. Peduzzi seconded and all voted in favor.

3.2 Authorize payment to Holmberg & Howe - J. Coughlin motioned to authorize payment of \$2,446.56 to Holmberg & Howe, peer review firm, for work done on Village at Patriot Common. J. Peduzzi seconded and all voted in favor.

3.3 Rate of Development Zoning By-law – Atty. Kay Doyle asked the Board if they wanted to amend the Rate of Development By-law now or wait until after it expires on 01/01/08. She had a discussion with Town Administrator, Greg Barnes and could provide a proposed draft with language that would likely be approved by the Attorney General's office. It was the consensus of the Board to ask Town Counsel to provide a draft amendment.

3.4 Stormwater Letter of Recommendation to the BOS – The Board reviewed a draft letter to the Board of Selectmen recommending they place the draft Stormwater By-law and draft Regulations on the Warrant for Fall Town Meeting. J. Coughlin motioned to approve the letter. J. Peduzzi seconded and all voted in favor.

3.5 Set Meeting Dates – The Board approved the meeting dates for October, November & December.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

4.1 Mass Emergency Management Agency Notice – Grant Application

4.2 MRPC Small Towns Dinner & Meeting, DHCD Presentation

4.3 MRPC Notice of Job Posting

4.4 Mass Federation of Planning & Appeals Info Newsletter & Membership Invoice

4.5 DHCD Notice of Mass Downtown Initiative Technical Assistance

4.6 Notices from Townsend/Other Towns

V. ADJOURNMENT

At 8:40 p.m. J. Coughlin motioned to adjourn the meeting. J. Peduzzi 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

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- 1.2 Roll call
- 1.3 Additions or deletions to agenda

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- 2.2 7:30 p.m. Sterilite Proposal
- 2.3 8:00 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing
 - 2.3.1 Letter from Atty. Deschenes RE: Request for Continuation without Comment
 - 2.3.2 Letter from Atty. Deschenes to Town Counsel RE: Grand-Fathering Question
 - 2.3.3 E-Mail from Board of Health Agent-Response to Title V Regs for Pipes under Public ways
 - 2.3.4 Note: P. DeCarolis to Conservation RE: Condition of stream behind Haynes Rd.
- 2.4 8:30 p.m. A N R Plan, 176 Haynes Rd., Fred & Josephine Darling – Matt Waterman, Land Tech
 - 2.4.1 1997 A N R Plan for 176A Haynes Rd.
 - 2.4.2 Letter from Atty. Veysey

III. WORKSESSION:

- 3.1 Request from Peter DeCarolis for refund of remaining funds in two 53-G Accounts
- 3.2 Authorize payment of \$2,446.56 to Holmberg & Howe for work on “Village at Patriot Common”
- 3.3 Rate of Development Zoning By-law Expires 01/01/08 – Amend now or wait?
- 3.4 Stormwater Letter of Recommendation to the BOS
- 3.5 Set October – November Meeting Dates?

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Next Meeting Date: Regular Meeting – Monday, September 24, 2007 at 7:00 p.m.