



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

RECEIVED
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TOWN OF TOWNSEND
TOWN CLERK

Stanley Vladyka, Chairman
Louis C. Kiklis, Clerk

Jeffrey R. Peduzzi, Member

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

Meeting Minutes
October 15, 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 7:06 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 arrived at 7:15 p.m. and Clerk, Louis Kiklis at 7:25 p.m. At 7:23 p.m. J. Peduzzi left the chambers and returned at 7:25 p.m.
- 1.3 **Additions or deletions to agenda** - None
- 1.4 **Acceptance of Minutes of** - J. Peduzzi motioned to approve the Minutes of September 10, 2007. J. Coughlin seconded and the vote was unanimous.

II. APPOINTMENTS:

- 2.1 **7:30 p.m. Public Hearing: Sterilite - Site Plan Special Permit, Highway Dept. Facility** - At 7:30 p.m. S. Vladyka opened the public hearing and introduced the Board. L. Kiklis read the legal ad into the record. Gary Shepherd, spokesman for applicant Sterilite Corporation, Jesse Johnson, surveyor of David Ross Associates, and David Udelsman, Architect from Udelsman Associates attended the hearing. J. Johnson explained three parcels with access off Main Street (Rt. 119), Highland Street, and Meeting House Hill Road would be purchased to form a combined acreage of roughly 47 acres. The current proposal to build a Highway Facility would be isolated to the parcel off Main Street, constructed by Sterilite Corporation as part of a gift to the Town. The description included the following details:
 - A paved access driveway, 22 feet wide with a middle crown would be constructed with water quality swales on either side.
 - A 90' x 140' garage, one 120' x 30' vehicle storage building, and one 90' x 120' (maximum size) salt storage shed are proposed.
 - Stormwater controls would include three deep sump catch basins, which would flow to a fore bay area and then detention basins, to provide three check points to trap run-off.

Discussion included the following:

- In response to a question about potential run-off from the salt shed into the Aquifer area, J. Johnson explained the septic design is contained in the allowed area, with proper grading and 50' length trenches. He added the septic is designed for 30 employees and the garage currently employs five. D. Udelsman described the proposed salt shed to be a covered galvanized steel structure with a fabric roof to protect contents from getting wet, and would allow no leeching.
- In response to a question of gasoline storage, G. Shepherd stated there have been numerous discussions about this and storage of gasoline may be eliminated with an exception for emergency needs. It was stated waste oils would be going into a tight tank and pumped periodically.

- S. Vladyka questioned soil compaction. G. Shepherd explained a geo-technical service would be employed to determine soils, and it is estimated compaction will be approximately 89% to 95%, with roughly two feet of fill needed.
- Karen Chapman, Conservation Chair, asked how long lights would remain on, and if solar lighting or motion sensors would be used. J. Johnson described a proposal for three fixtures along the driveway, on 15' pole mounts, and at least two lights on the building. Highway Superintendent, Ed Kukkula was in attendance and stated they may want to keep lights on all night, and it appears there will be significant buffers. G. Shepherd stated given the tree cover surrounding the site, solar lights may not be effective. J. Peduzzi added that a condition would require all exterior lighting to conform to Townsend by-laws.
- K. Chapman asked if a 100 year flood stormwater plan was in place. J. Johnson responded that they would not be building in the Aquifer and since it is not a subdivision, it is not required, however, he is confident run-off will be fully mitigated. In response to a question about possible run-off onto Rt. 119, J. Johnson stated that any remaining water would flow through a 35' grass buffer after being treated.
- J. Johnson stated fencing will surround the property.

Comments from the public included:

- Resident Paul Concemi stated he feels motion sensor lights should be used for security purposes on Town Property. He also asked if a traffic light could be added to the entrance.
- Resident, John Whittemore stated he would prefer to see the access come off Highland St. rather than Rt. 119, which is not maintained by the Town, but by the State, and also cited safety concerns for children, should the town create a ball field on the adjacent land to be donated. J. Peduzzi explained the original plan to create an access off Highland was changed to Main Street due to the existence of the Aquifer off Highland St. and abutter opposition.
- Resident Dave Werlin stated he is a direct abutter, and while it is a wonderful gift to the town, he asked that lights, noise and run-off be minimized. He asked if the Town might encourage the State to re-surface the road and lower the speed limit. G. Shepherd responded that a curb cut has been approved by the State, but he would not encourage pursuing a speed limit change, because the State could assess the road and change the limit to 50 mph. He added that this project will not add significantly to traffic and the sight line at the proposed entrance is safe and secure.
- In response to a question about adding a traffic light or flashing sign, G. Shepherd responded he does not think the limited amount of traffic using this driveway would warrant such measures.
- Abutter, Tim Martin asked if any blasting will be needed. G. Shepherd responded there is no plan and no incentive to blast.

L. Kiklis read the Mandatory Referral responses. Conservation Commission – Stated submission with Conservation Commission will be required due to wetlands within 100' of the entrance. The Fire Dept. will require a fire alarm system, and if the driveway is greater than 500 feet, a yard hydrant. The Police Dept. stated they are working with Mass Highway to research lowering speed limits on Rt. 119 to address any concerns regarding line of sight for the proposed driveway. The Zoning Board of Appeals **expressed** concerns about contamination and stated an environmental site assessment / 21E is needed. The Board of Selectmen, Building Inspector/Zoning Enforcement Officer and Highway Dept. all responded with comments in full support. A letter signed by 26 residents of Atwood Acres, 66 Dudley Road stated they are in favor of the project.

At 8:15 p.m., J. Coughlin motioned to close the public hearing. J. Peduzzi seconded. A roll call vote was taken as follows: J. Coughlin – aye; J. Peduzzi – aye; L. Kiklis – aye; N. Thalheimer – aye; and S. Vladyka – aye.

2.2 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD

Subdivision – Continue Public Hearing – At 8:27 p.m. S. Vladyka re-convened the public hearing and introduced the Board. S. Vladyka stated he had attended a Conservation Commission meeting and the Commission had agreed they would accept the open space, if the project should be approved, and they were in favor of having the developer create trails for Boy Scouts and Girl Scouts to maintain and use for supervised hiking, non-motorized biking and camping. S. Vladyka stated he also attended a Board of Health meeting on 10-09-07. L. Kiklis read a copy of a letter from the Board of Health to owner, Peter DeCarolis dated 10-15-07 stating that a variance was granted by the Board from Section 12.1.1 requiring sewage disposal systems to be located on the same lot as the facility it is intended to serve. Also provided was a copy of the draft Minutes from that meeting. A number of conditions were listed in the letter and/or in the Minutes, including requirements for dual septic tanks for each home, a deed restriction to limit the number of bedrooms, Homeowner Association fees to cover the cost of inspections and mandatory pumping every three years. S. Vladyka stated that double sleeve infrastructure along the road would also be required to allow a change in the pipe used, if a problem were to occur. Doug Deschenes, attorney for the applicant added that the pipes will be located 5 or 6 feet off the Right of Way.

J. Peduzzi stated that abutter Julie Ward of Proctor Road had brought up concerns in an e-mail and asked J. Hollows to give a copy to P. DeCarolis. Her concerns included: the entrance to the proposed subdivision abutting her property is very steep. She asked how the developer would maintain the stability of the slope so that it doesn't collapse onto her property; how 2 retaining walls, a sidewalk and a road would fit onto Mr. DeCarolis' property between the stream and her property without infringing upon her property; and, she has safety concerns because the proposed entrance is less than 150 feet from Todd Road, and less than a mile from the high school. J. Peduzzi stated he would be willing to be open to the new proposal if the applicant can convince him that J. Ward's property will not suffer from this project.

S. Vladyka stated he would like to see a screening fence installed to stop headlights from shining into her home.

2.2.1 Copy of BOH letter to Meisner Brem /Peter DeCarolis RE: Variance granted –
Received and noted by the Board.

2.2.2 Copy of BOH draft Minutes of 10-09-07 Meeting – Received and noted by the Board.

At 8:55 p.m. J. Peduzzi motioned to continue the hearing to 11/19/07 at 7:30 p.m. J. Coughlin seconded and all voted in favor.

2.3 8:30 p.m. Century Estates – Turner Townsend – Attorney Lisa Mead, applicants David and Michael Valchuis, and Engineer, Richard Harrington attended the meeting to again address whether or not it is possible to resolve on-going litigation regarding this project, or continue with land court proceedings. J. Peduzzi stated that if the litigation were dropped, the Board could review the project with an open mind. He added they should not be stepping on a prior Decision, but rather, working on details of a new presentation. Atty. Mead submitted a letter to respond to specific questions from the Board, which included:

- There is no town water on Turner Rd., and the closest connection is on Warren Rd.
- Proposed mounded systems can be reduced by 9% through new technology.
- 854 cubic yards of fill would be needed.
- The cul-de-sac is designed for public safety and smooth vehicular traffic, and rather than re-design it, a Homeowners' Association could be created to maintain the cul-de-sac.
- Additional proposals would remain for the Board's consideration, as outlined in Atty. Mead's letter of 09/24/07 and submitted at the meeting of that date.

R. Harrington stated he had researched recent subdivision approved by the Board and compared this project to a subdivision approved off Ash St., entitled "Deer Run." He brought out several points, including the following:

- The Deer Run subdivision is larger, with cuts and fills greater than those proposed on Turner Rd.
- A blow-up map was used to show the Turner Rd. Subdivision is smaller and would fit easily into the footprint of the Deer Run plan, with only 11 lots rather than 15.
- There would be less clearing of trees, with landscaping proposed to blend in and a large stonewall to help with screening.
- All buffer zones are honored, with the road totally away from the stream, which is currently dry.
- Drainage will be fully mitigated.
- The cul-de-sac would be 110' across the center.

J. Peduzzi stated that most of the fill for the Deer Run subdivision will be coming from on site. He asked if the applicant would be willing to submit a new Preliminary Plan. Atty. Mead stated the applicant did not want to have to pay all over again, and if they re-file the current by-laws would require much more work. J. Peduzzi responded that four members of the current Board have not seen anything, and they are being asked to approve a tentative plan using old regulations.

J. Coughlin asked if exiting engineering could be re-submitted to the Peer Review Firm. It was brought out the peer review firms used by the 1999 Board was the BCS Group, and the current Board has had no dealings with that firm.

R. Harrington asked what would be involved in a re-filing. J. Peduzzi responded he would want to see that all eleven lots can perk, in order to be eligible to apply for an Open Space Preservation

Development application.

Additional comments by Board members included:

- J. Coughlin stated he thought it looks like a good project. The representatives for the applicant have done their homework, made a good comparison and he would be willing to work with them.
- J. Peduzzi stated he would concede to say he does not think another Preliminary Plan would be needed and they could leave the litigation on the table while submitting a new Definitive Plan under the current bylaws.
- N. Thalheimer stated he would like to see if they can find common ground.
- L. Kiklis stated he would be willing to work with them, but felt uncomfortable with the lawsuit still hanging over them. Atty. Mead responded they could put a stay on the litigation, where neither side could pursue legal options until the end of a reasonable review time frame to reach an agreement.

L. Kiklis questioned the scope of the task, with no resolution since 1999. Atty. Mead stated this was due to a lot of inaction rather than inability to resolve.

Atty. Mead stated she would consult with her clients to see if they are willing to offer a proposal for a resolution, based on the discussion.

III. WORKSESSION:

3.1 Locke Brook Run Draft Decision – The Board reviewed a draft decision and a discussion ensued as follows:

- The applicant suggested the term "pipe bollards" be used in place of "lally columns" to be installed in front of the trail entrance to prevent vehicular traffic in Condition C. 3. The Board agreed.
- J. Peduzzi stated he wanted to add a requirement for a visual inspection of the pipe bollards to make sure no motorized vehicles can go through the pipe bollards. The Board agreed and added they would want the Conservation Commission to take responsibility for performing an inspection at a time frame that is acceptable to them. J. Hollows was asked to send a memo to the Conservation Commission with this request.

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- S. Vladyka suggested a statement be added to explain that the Board allowed the applicant to omit perk testing on the far side of the brook based on a recommendation by the peer review firm and a consensus by the Board that such testing would be detrimental to the brook; and also, soil maps were provided to confirm that soils were essentially the same on both sides of the brook.

J. Coughlin motioned to approve the draft Decision as amended. J. Peduzzi seconded and a roll call vote was taken, as follows:

J. Coughlin – aye

J. Peduzzi – aye

N. Thalheimer – aye

S. Vladyka – aye

L. Kiklis – absent for the vote

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

4.1 Memo from Board of Selectmen RE: Tree Removal Approval – 26 Warner Rd.

4.2 MRPC Annual Report

4.3 Mass Development Brownfields Seminars

4.4 Notices from Townsend/Other Towns

V. ADJOURNMENT

At 9:40 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

October 15, 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 September 10, 2007

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- 2.2 8:15 p.m. Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD Subdivision – Continue Public Hearing
- 2.3 8:30 p.m. Century Estates – Turner Townsend

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- 3.1 Locke Brook Run Draft Decision

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Next Meeting Date: Regular Meeting – Monday, November 5, 2007 at 7:00 p.m.