



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



Jeffrey R. Peduzzi, Chairman
Louis C. Kiklis, Clerk

Stanley Vladyka, Member

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

Meeting Minutes
November 6, 2006 7:00 p.m.
Townsend Memorial Hall,
BOS Chambers
272 Main Street, Townsend, MA 01469

I. PRELIMINARIES:

1.1 The meeting was called to order at 7:20 p.m.

1.2 Roll call – Present were Chairman, Jeff Peduzzi, Vice-Chairman, Nicholas Thalheimer, Member, Stanley Vladyka, and Administrative Assistant, Jeanne Hollows. Clerk, Louis Kiklis arrived at 7:40 p.m. Member, Jed Coughlin arrived at 8:00 p.m..

1.3 Additions or deletions to agenda - None

1.4 Acceptance of Minutes – S. Vladyka motioned to accept the Minutes of October 2, 2006. N. Thalheimer seconded and all three members present voted in favor.

I. APPOINTMENTS:

2.1 7:10 p.m. Continuation of Public Hearing – Planning Board Rules & Regulations Amendments

1) § 175-16 F. to require mandatory connection to public water supply for Subdivisions within 2,000 feet. – Memo from Water Superintendent, Paul Rafuse / Board – At 7:25 p.m.

J. Peduzzi opened the hearing and introduced the Board. He read a memo from Water Superintendent, Paul Rafuse, stating that the Water Commissioners had approved a draft amendment to Section 175-16 F. of the Planning Board Rules and Regulations with respect to Water and Sewer Systems. The draft changes were read for the record. N. Thalheimer motioned to close the Public Hearing. S. Vladyka seconded and all three members present voted in favor. N. Thalheimer motioned to adopt the changes. S. Vladyka seconded and the vote was unanimous.

2.2 7:30 p.m. - Village at Patriot Common, DECA, Proctor/Haynes Rd. Definitive / OSPD

Subdivision – At 7:40 J. Peduzzi opened the Public Hearing and introduced the four Board Members who were present. He explained that since a Special Permit requires a four-fifths majority vote for approval, and only four members were present, it would be advisable if the applicant would agree to continue the hearing to a time later that evening, when all five members would be present. When the applicant agreed, N. Thalheimer motioned to continue to 8:30 p.m. that same evening. S. Vladyka seconded and the vote was unanimous. At 8:30 p.m. J. Peduzzi reconvened the Public Hearing and introduced the full board. L. Kiklis read the legal ad into the record. Jeff Brem of Meisner Brem Corporation, representing owner, Peter DeCarolis, described the proposal as follows:

- 27 lots are proposed on 111+ acres of wooded land.

- A prior plan was approved, with conditions, as a Preliminary Plan. J. Brem stated that a Conventional Plan came before the Planning Board to prove the feasibility of developing 27 lots with adequate acreage and frontage.
- There are wetlands and a pond on the site.
- Two large drainage systems would feed into the stream from Haynes Pond, and end up in the Squannacook River.
- The applicant went before the State to appeal a Conservation Commission determination that a perennial stream runs across the property. The state ruled in the applicant's favor to determine that the stream is intermittent.
- Proposed disturbance would fall outside the 200-ft. buffer zone in accordance with the River Protection Act.
- Soils on site consist of sandy, rock ledge and muck.
- Zoning encompasses RB on either side with RA over the aquifer through the center.
- 88 acres are proposed to be left as "open space," with a plan to provide a common area with trails, similar to "Old New England."
- 2 acres of pavement are planned, including .9 acres of rooftops.
- Best Management Practices are proposed, with catch basins, and 2 stormwater treatment facilities, for drainage to be controlled and discharged on site.
- The Septic Plan is currently under review by the Board of Health. J. Brem stated that 5 homes will have individual septic systems with the remainder served by a communal system near the front part of the property in the location of the first 5 homes.
- The plan has come before the Conservation Commission, and one crossing was eliminated, to leave 2 crossings.
- Municipal water hook ups are planned.
- An entry drive from Haynes Road, along with parking would provide access to Haynes Pond for canoeing.
- Average cost of homes would be \$379,000.

Comments and questions expressed by Board members or residents in attendance were as follows:

- The Mandatory Referral comments received prior to the meeting were read into the record. Another letter was submitted by an abutter, which was tabled to next meeting on this proposal.
- J. Peduzzi asked for a letter to grant an extension on the Definitive Plan Decision to coincide with the time lines for the Special Permit Decision, which is 90 days after the close of the Public Hearing. J. Brem stated they would submit a letter.
- J. Peduzzi stated that the Rules and Regs do not permit dead end roads in the form of cul de sacs.
- J. Coughlin questioned the number of wetland crossings. J. Brem stated that the conventional plan shows four, however the Open Space Plan has reduced that number to 2.
- S. Vladyka asked who would own the open space. When J. Brem responded it was not yet known, but it could be a Homeowner's Association, S. Vladyka asked who would maintain the common area and landscaped islands.
- Conservation Chair, Karen Chapman, voiced disagreement with J. Brem's statement with regard to how much of the stream is "intermittent." She stated that only a small portion near Proctor Road is intermittent, with the remaining portion from the pond throughout the rest of the property being perennial.
- Abutter, Julie Ward, stated: (1) there is an error on the abutters list as stated; (2) the measurement from the Center Line shown on "Seymour Way" puts the road on or at the edge of her property, and she wants surveyors to install permanent markers to delineate the border of their property; and (3) the hill is very steep, however the contours on the plan show a different slope, therefore she contends that the topo lines are incorrect.

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- Abutter, William Smith expressed several concerns, as follows: (1) this would be an environmentally unfriendly project; (2) putting a leeching field and reserve area in one location, behind his house would create pathogens, unpleasant odors, and infiltration of micro-organisms into the ground water; (3) the stream labeled as "intermittent" was 50 feet wide this Spring; (4) water levels were up to his neighbor's garage and there are vast wetlands on the property, with swamp conditions most of the time, not usable open space. He also objected to the number of proposed bedrooms. J. Peduzzi responded that some of these would be Board of Health issues, but the Planning Board could address odors and squishy ground. He also advised Mr. Smith that an outside consultant was looking at the project and would ascertain whether or not the developer would create a Net O change in run-off as required.

- Abutter Heide Messing asked if all 27 lots were deemed viable and had passed perk tests.

With no further discussion, N. Thalheimer motioned to continue the hearing to Monday, Dec. 4, 2006 at 7:30 p.m. S. Vladyka seconded and the vote was unanimous.

2.1 Mandatory Referral Notices with several attached memos / letters / Septic Plans –
See above.

2.2 Holmberg & Howe Report dated Oct. 27, 2006 – Tabled to next meeting.

2.3 9:00 p.m. Public Hearing- Petition –Extend OCD District at 30-38 Main St. (Rt. 119) – At 9:30 p.m., J. Peduzzi opened the hearing and introduced Board members. The Legal Ad was read into the record. The Mandatory Referral comments were read, including a comment from the Town Clerk's office which stated that the petition had only 94 certified signatures rather than the required 100. The memo further added that either the Selectman or the Planning Board could sponsor the article without meeting the signature requirement. It was noted, however, that the Board of Selectmen had voted not to sponsor the petition, and since the warrant for Town Meeting had been finalized and posted, it was too late for any Board Sponsorship. George Boyer, the proponent of the petition attended the hearing and expressed his disappointment with the outcome and his dissatisfaction with the process, since he was not contacted to advise him of the insufficient number of certified signatures until it was too late. A brief discussion ensued and it was noted that there is no place for the proponent of a petition to fill in his or her name and phone number, outside of the full list of names. J. Peduzzi stated he would write a letter to the Board of Registrars to ask if contact information can be added to the Petition form.

2.4 9:05 p.m. Appt. -Tim Peterson RE: Mr. Mike's Renovations permit requirements - The Board reviewed a letter from Richard Hanks, Zoning Enforcement Agent, regarding the need for a Site Plan Review Special Permit, to build an addition onto the back of an existing convenience store located at 238 Main Street. It was noted that R. Hanks had verbally asked the Board, through assistant, J. Hollows, for an opinion as to whether or not this work qualified for an exemption from the Site Plan Special Permit application process. Mr. Tim Peterson attended the meeting and described a plan to extend the back of the building out approximately 18 feet. The floor space would be increased by about 150 sq. ft. for a total 12,000 sq. ft., to include rest rooms, a small office and a larger counter. No increase in parking spaces is planned, and the minimum back yard set-back requirements would still be in compliance. Following a brief discussion and review of Site Plan Review Special Permit, §145-42 B. (1) (a), (b) & (c) & (2), L. Kiklis motioned to reply to the Zoning Enforcement Agent as follows: "The Planning Board has determined that the change in retail area is insignificant and will not increase the volume or intensity of the site use, therefore, no site plan shall be required." J. Coughlin seconded and the motion carried by unanimous vote.

2.5 9:20 p.m. Public Hearing- Petition –Extend DCD District at 199-225 Main St. (Rt. 119) – At 9:50 p.m., J. Peduzzi opened the hearing and introduced Board members. Michele Dold, the proponent of the Petition attended the hearing and explained that she would like to extend the nearby Commercial

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District to include property she owns and several abutting pieces, currently in a Residential District, so as to allow a small business, such as a flower shop. She added that her daughter is going to law school and may want to open an office at that location in the future. She stated that all of her neighbors whose properties would be affected signed the Petition, with the exception of one. A discussion ensued, with split opinions as to whether or not to endorse this change. J. Coughlin motioned to close the hearing. J. Peduzzi seconded and the vote was unanimous. In a discussion regarding the report from the Board to Town Meeting on this Warrant Article, it noted that the Board is reluctant to sponsor Zoning District changes until a full review of all districts is undertaken, however they would want to encourage debate at Town Meeting as to the merits and impact of the article submitted. It was also noted that S. Vladyka was planning to solicit help and support from the Town Administrator to get approval to create a Zoning District Change Committee. The Board was split in its decision to recommend that no zoning district changes be made at this time. S. Vladyka motioned to include these points in the report to Town Meeting. J. Peduzzi seconded and the vote was unanimous. It was also the consensus of the Board to draft the same language in the report to Town Meeting for a zoning petition on 212 Fitchburg Rd. that came before the Board on October 16, 2006.

At approximately 10:45 p.m., J. Coughlin left the meeting.

III. WORKSESSION:

3.1 Sprint-Nextel Cell Tower Co-Location Renewal, 84 Bayberry Hill Rd., Draft Decision – The Board reviewed a draft Decision to renew a Special Permit for co-location equipment on a wireless communication tower located on 84 Bayberry Hill Rd. N. Thalheimer motioned to grant the renewal. S. Vladyka seconded and a roll call vote was taken as follows: J. Peduzzi – aye; N. Thalheimer – aye; L. Kiklis – aye; and S. Vladyka – aye. J. Coughlin was absent for the vote. The motion carried.

3.2 Center St. Parking Plan – T. Rochette, Addendum to Decision/Fire Chief comments – The Board reviewed a Landscaping/Parking Plan submitted by owner, Thaddeus Rochette, which had been required in the Special Permit Decision for his health club located on Center Street. The Fire Chief had expressed three concerns in correspondence dated 11/01/06 and then provided a subsequent note on 11/06/06 to say two out of three concerns had been resolved. In addressing the outstanding concern, it was the consensus of the Board to amend the Decision to require that signage be added in front of seven narrow parking spaces to restrict parking in those spaces to motorcycles or compact cars only. N. Thalheimer motioned to grant the Decision as amended. S. Vladyka seconded and a roll call vote was taken as follows: J. Peduzzi – aye; N. Thalheimer – aye; L. Kiklis – aye; and S. Vladyka – aye. J. Coughlin was absent for the vote. The motion carried.

3.3 Cell Tower Renewal Discussion – The Board discussed briefly a question about what should be required for renewal of Special Permits on wireless communication towers and / or co-location equipment on those towers. It was the consensus of the Board to advise applicants to submit a list of requested waivers from any requirements listed in applicable Zoning By-laws, 145-51, with a reason for each request, as well as to provide a visual hard copy of any changes (if any) being proposed to equipment.

3.4 Brick Steamer Lease Agreement – The Board reviewed a signed Lease of Parking Space submitted as a condition to the Special Permit issued to Brick Steamer, LLC, tenant of Roy D. Shepherd, Inc. to allow shared parking for both businesses and provide secure permanent, unobstructed access across the parking area to both Lots 50 and 51-1, as labeled on the Plan's Locus Map, so as to secure parking rights in the event of the conveyance of either lot to a third party. N. Thalheimer motioned to accept the lease. J. Coughlin seconded and the vote was unanimous.

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3.5 Memo from BOS RE: License Renewal Applications – The Board reviewed a list of renewal applications and it was their consensus that there were no known violations with respect to any of the businesses listed.

3.6 Site Plan Review Application Revision Draft – The Board reviewed a revised Site Plan Special Permit application, which included a correction of Codification numbers referenced on the form, and also an option to check, if the application was to renew a Special Permit. J. Coughlin motioned to accept the revised application. N. Thalheimer seconded and the vote was unanimous.

3.7 Turnpike Village Draft Report to ZBA – The Board reviewed a draft report to the Zoning Board prepared as a response to their Mandatory Referral. It was suggested that further editing should be done, and it was tabled to the next meeting.

3.8 MRPC Breakfast w/results of Small Community Survey – Notice was received and noted.

3.9 Report to Town Meeting Draft Re: Zoning Amend, 212 Fitchburg Rd. – The Board discussed this draft report in relation to how they would respond to the zoning change petition received with regard to properties located at 199-225 Main St. It was the consensus of the Board to draft the same language in a report to Town Meeting for both petitions. The report would state that the Board is reluctant to sponsor Zoning District changes until a full review of all districts is undertaken, however they would want to encourage debate at Town Meeting as to the merits and impact of the article submitted. It was also noted that S. Vladyka was planning to solicit help and support from the Town Administrator to get approval to create a Zoning District Change Committee. The Board was split in its decision to recommend that no zoning district changes be made at this time. S. Vladyka motioned to include these points in the report to Town Meeting. J. Peduzzi seconded and the four members present voted unanimously to approve.

IV. CORRESPONDENCE:

The following correspondence was received and noted by the Board.

4.1 Mass Development Newsletter

4.2 40B Trends & Innovations Seminar, Fri., 11/17/06, 8:00 a.m. – 3:00 p.m. Shrewsbury

4.3 Memo from BOS Office RE: Nashoba Tech School Request for Community Projects -2006-2007 School Yr.

4.4 Certified Letter from Louis & Mary Catalanotto RE: Land out of Chapter 61

4.5 Sprint Nextel Notice of Compliance for 60 Warren Rd.

4.6 Warrant Articles for Special Town Meeting 11-14-06

4.7 Notices from Townsend/Other Towns

V. ADJOURNMENT

At 10:55 p.m. S. Vladyka motioned to adjourn the meeting. N. Thalheimer seconded. The motion carried by unanimous vote.

(Transcribed from notes)

Respectfully Submitted by



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Meeting Agenda

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Townsend Memorial Hall,

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- 1.2 Roll call
- 1.3 Additions or deletions to agenda
- 1.4 Acceptance of Minutes of October 2, 2006

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Next Meeting Date: Regular Meeting – ²⁰Monday, November 2006, at 7:00 p.m.

