



James A. Kreidler, Jr.  
Town Administrator

## OFFICE OF THE BOARD OF SELECTMEN

Wayne Miller, Chairman  
Veronica Kell, Vice-Chairman

### REVISED SELECTMEN'S MEETING MINUTES FOR JANUARY 5, 2021 AT 6:00 P.M.

*Governor Baker declared a State of Emergency to respond to COVID-19 on March 10, 2020 and ordered a suspension of certain provisions of the Open Meeting Law M.G.L. c. 30A, s 20.*

*The Board of Selectmen closed the town offices, including boards and committee meetings consistent with the Governor's order, to public access to promote social distancing and reduce the spread of COVID-19.*

#### **I. PRELIMINARIES – VOTES MAY BE TAKEN:**

- 1.1 The meeting was called to order at 6:00P.M.  
Roll call vote showed 2 members present: Chairman, Wayne Miller (WM) and Vice-Chairman, Veronica Kell (VK)
- 1.2 Pledge of Allegiance
- 1.3 Announce the meeting is being tape recorded.
- 1.3 Chairman's Additions or Deletions.  
Revised to add 2.3
- 1.4 Public Comment Period.

#### **II. APPOINTMENTS AND HEARINGS – VOTES MAY BE TAKEN:**

- 2.1 Joint Meeting with the Board of Health- RE: Filling a Vacancy in the Board of Health  
The Board of Health called their meeting to order.

The Board of Health requested Gavin Byars be appointed to the Board of Health until the next Annual Town Meeting.

VK moved to appoint Gavin Byars to a term beginning January 5<sup>th</sup>, 2021 through the annual election in April 2024 to the Board of Health. VK amended the motion; through the town election of April 2021. WM seconded. Unanimous vote. Chris Nocella and James LeCuyer voted unanimously to appoint Mr. Byars.

- 2.2 School Committee Liaison Robert Templeton- RE: Draft School Budget Discussion

Rob Templeton met with the Board to discuss the school's process and standing of their budget. Mr. Templeton relayed currently the school is asking for a 3.9% increase from the previous year. The School Committee is working on the budget daily and reviewing where cuts can be made. Mr. Templeton stated there is a budget summit meeting to discuss the draft budget on January 6, 2021.



WM commented the school budget needs to be kept as level as possible with Townsend's decreasing revenues.

Mr. Templeton explain the biggest increase is contractual obligations for the employees.

VK commented if there is curriculum changes other funds might be available.

Mr. Templeton explained the school is using 1.5 million from the E & D fund to help fund the increases noting that would not be long-term solution for the budget.

Mr. Kreidler explained the town can raise approximately \$500,000.00 and presently the school is asking for more than the town can increase its revenues, noting this has been the case for the last three years. Mr. Kreidler explained the towns employees cannot receive raises with the yearly increases in the school further stating the schools have funded the annual contractual increase in wages for their employees.

Mr. Kreidler asked about the enrollment. Mr. Templeton stated the numbers are decreasing. WM invited Mr. Templeton to come to the next meeting to discuss the increases of the schools after the budget summit. The Board thanked Mr. Templeton for meeting with them.

Town Counsel joined the meeting; the Board moved to address VI executive session (Session 1) and then to return to open session.

- 2.3 Review/Approve/Sign: January 23, 2021 Election Warrant  
VK moved to approve and sign the January 23, 2021 Election Warrant out of session. WM seconded. Unanimous vote.

VK would like the lighted signs to go out for the Special Town Election with the wording of Saturday January 15, 2021 for the Special Election. Mr. Kreidler stated there was limited wording for the signs. VK would like the wording to be: Town Election Saturday Jan 23 8-5 Town Hall. VK change Town Election to Vote.

### **III. APPOINTMENTS OF OFFICIALS/PERSONNEL – VOTES MAY BE TAKEN:**

- 3.1 VK moved to appoint David Funiaole to a 1-year term on the TCAM Board of Directors. WM seconded. Unanimous vote.
- 3.2 VK moved to appoint Steve Sheldon to a 3-year term on the TCAM Board of Directors. WM seconded. Unanimous vote.
- 3.3 Review/Approve/Appoint any other TCAM, Finance Committee, Capital Planning Committee, Audit Committee, or Town Properties Committee open positions.

VK moved to appoint Dave Chenelle as the third person to the Audit Committee from today January 5, 2020 until the end of the Audit Committees work is completed. WM seconded. Unanimous vote.

- 3.4 Consideration of Appointment-Treasurer/Collector Candidate- Lynn Nystrom



Mr. Kreidler informed the Board that Ms. Nystrom declined the position.

**IV. MEETING BUSINESS - VOTES MAY BE TAKEN:**

**4.1 Health Insurance Joint Purchase Arrangement consideration**

Mr. Kreidler conveyed the agreement was just received after review from Town Counsel, acknowledging the Board has not had the time to review the changes. Mr. Kreidler stated he will email the agreement to the Board and put on the next agenda for discussion.

**4.2 Mandatory Referral from the Planning Board, RE: 60 Warren Road**

VK asked why the town is advertising with the Groton Heald instead of the Sentinel & Enterprise. Mr. Kreidler explained there is a billing problem that Land Use is working through. Mr. Kreidler to follow up on status with Sentinel & Enterprise and report to the Board.

Chief Boynton stated the Fire & Police are still on that tower and it has nothing to do with dispatch, noting public safety is using the Bayberry Hill and the Townsend Gun club tower as well.

VK commented that both Police & Fire have antennas on the tower and to please take that into consideration when considering doing the renewal.

VK moved to thank the Planning Board for the referral and note that we consider a positive for Police and Fire to have antennas on the towers in town. WM seconded. Unanimous vote.

**4.3 Mandatory Referral from the Planning Board, RE: 152 North End Road**

Ms. Kell's comment: Am I correct in my understanding that this farm stand opened without the required permits and without all applicable inspections completed and I would be concerned, I would want the Planning Board to consider what gets done in these situations in the future.

VK moved that our comment consist of did this farm stand open without all required permits and all applicable inspections and if yes what gets done about situations like that and in the future. WM seconded. Unanimous vote.

**V. WORK SESSION - VOTES MAY BE TAKEN:**

**5.1 Town Administrator updates and report.**

**5.1.1 Budget Updates: FY21 and FY22**

Mr. Kreidler commented that after speaking with the Accountant and Treasurer the town is trending slightly under on revenue but we are continuing to make up the deficit by continuing the spending freeze that requires prior authorization for expenditures over a certain amount of money authorized.

Mr. Kreidler to send out a budget letter for the F22.

**5.2 Discuss DCR intended purchase of 29-2-0 RE: next steps for the town.**



VK explained the property is in tax title, if the town does take possession of the property it can be sold to the DCR. Mr. Kreidler to reach out to Christine Barry regarding the living Trust and who is the owner of property.

5.3 South Row Rd property update

Mr. Kreidler has spoken with the Attorney representing the owners. Mr. Kreidler expressed his concern to the Attorney there is no access to the property. The Attorney to look at the file and get back to Mr. Kreidler for discussion. VK would like the town to accept the gift.

5.4 Discussion RE: the town's policy and protocol when a supervisor is notified of positive Covid cases that may have exposed their personnel

Mr. Kreidler explained the process of notifying the personnel explaining that Nashoba Board of Health does the contact tracing, and the town cannot notify anyone due to HIPAA. The town is operating under the policies the Board approved.

VK commented it is a courtesy to notify employees if there is an exposure.

Chief Boynton joined the meeting and explained how he notifies his employees commenting the town is walking a fine line regarding HIPAA and privacy rights and notifying employees of exposure. Chief Boynton reiterated the Board of Health does the contact tracing and notifies of any exposure. VK stated it was not anyone on the Fire Department that approached her with concerns of exposure and not being notified. Chief Boynton stated he would need to work with Town Counsel for changes to the policy because of the privacy laws.

5.5 Discuss/review/signoff on the mockup for the new website homepage.

WM to come into the office and review the mock-up.

5.6 Grant meeting announcement.

VK relayed there is an all board/committees meeting with an invitation to all town residents on January 7, 2021 at 7:00P.M. to talk about the 4 different grant opportunities.

5.7 Discussion RE: Open Space Plan

VK explained one the grants that will be discussed at the meeting on January 7<sup>th</sup> is the Mass Trails Grant. One of the items you are ranked on in the grant application is that the town has an updated Open Space & Recreation Plan, noting the current plan expired in March of 2020.

VK explained a committee would need to be formed to update the plan and asked if a posting could be done. VK relayed the Committee should have 5-7 members.

VK moved to post for the Open Space and Recreation Plan Committee. WM seconded. Unanimous vote.

5.8 Board of Selectmen announcements, updates, and reports.





VK: work session scheduling. VK: would like to have a work session with the Worthy Funds and the Townsend Housing Authority and/or the Housing Trust to streamline requests that made.

WM & VK to arrange a date for the work sessions.

5.9 Reports from Board liaisons. (none)

5.10 VK moved to approve the minutes of the November 2, 2020 with one change to 5.2 it should read VK attended the Energy Committee meeting and they will be sending a draft Energy Masterplan Committee make-up for discussion. WM seconded as amended. Unanimous vote,

VK moved to approve the executive session minutes of December 22, 2020. VK stated there is a change that needs to be made. Mr. Kreidler explained any changes to the minutes would need to be done in executive session. The Board agreed to table the minutes.

5.11 VK moved to review and sign the bills payable and election warrant out of session. WM seconded. Unanimous vote.

VK inquired as the meeting schedule. WM stated the Board will be meeting on January 19, 2021, February 2<sup>nd</sup> & 16<sup>th</sup>.

#### **VI: EXECUTIVE SESSION – VOTES MAY BE TAKEN:**

VK moved to enter into executive session pursuant to GL c. 30A, s. 21(a)(5) to investigate charges of criminal misconduct or to consider the filing of criminal complaints and to return to the open meeting after the executive. WM seconded. Roll call vote: WM (YES) VK (YES)

The Board returned to open session.

VK moved to enter into executive session pursuant to GL c. 30A, s. 21(a)(2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Town Administrator and Treasurer Collector. WM seconded. Roll call vote: VK (YES) WM (YES)

VK moved to enter into executive session pursuant to GL c. 30A, s. 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares re: AFSCME- Supervisors. WM declared. WM seconded. Roll call vote: WM (YES) and VK (YES)

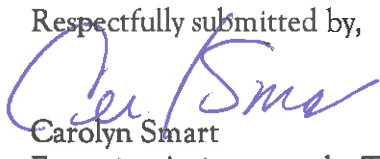
For detailed discussion:

January 5, 2021 part : <https://youtu.be/hNKG4SpbSVs>



January 5, 2021 part 2: <https://youtu.be/aW-jLre-yE4>

Respectfully submitted by,



Carolyn Smart  
Executive Assistant to the Town Administrator

Meeting Minutes for January 5, 2021 released on \_\_\_\_\_, 2021.



**TOWN OF TOWNSEND  
PLANNING BOARD  
272 MAIN ST.  
TOWNSEND, MA 01469  
978- 597-1700 x 1722 \* bfaxon@townsendma.gov**

**Date:** December 29, 2020

**To:** Assessor's Office  
Board of Selectmen  
Board of Health  
Building Inspector  
Conservation Commission  
Fire Department

Highway Department  
Housing Authority  
Historical Commission  
Police Department  
Town Clerk  
Water Department  
Zoning Board of Appeals

**From:** Planning Board Office

**REFERRAL NOTICE**

This notice is given in accordance with MGL Chapter 40-A, Section 11, Townsend Zoning Bylaws Article IX, Sections 145-42, **Site Plan Review Special Permit, and Section 145-51, Telecommunication and Cellular Towers.** Please review the attached application for renewal of an existing special permit and relay to the Planning Board any questions or concerns you may have. The full application and plans are available for review at the offices of the Town Clerk, and the Planning Board. Comments should be provided to the Board and to the applicant within 35 days.

**PROJECT DESCRIPTION:** Renewal of Special Permit for an existing  
Wireless Telecommunications Facility

**APPLICANT:** Shayna L. Galian, Industrial Communications &  
Electronics, Inc., 40 Lone St., Marshfield, MA 02050

**LOCUS ADDRESS:** 60 Warren Road

**PARCEL ID:** Assessor's Map 32 Block 18 & 19 Lot 0  
Zoned Residential RA2

**DATE OF HEARING:** Monday January 25, 2021

**TIME / PLACE OF HEARING:** Remotely via Zoom

**LEGAL AD:** Groton Herald January 8, 2021 & January 15th, 2021

**COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

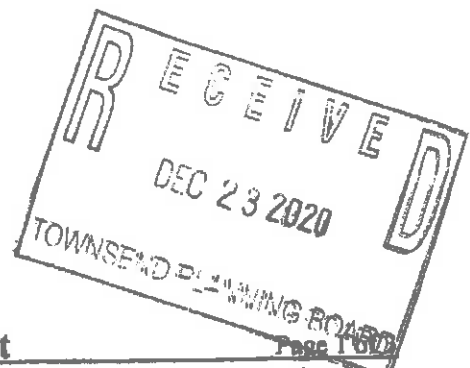
**NO COMMENT** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_





Office of  
THE PLANNING BOARD  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x 1722



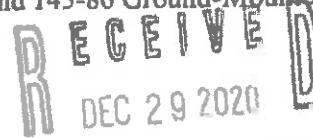
### Site Plan Review Special Permit

(Under Sections 145-42 Site Plan Review Special Permit; 145-39 Open Space Preservation Development (OSPD); 145-47 Open Space Multi-family Development (OSMD); 145-51 Telecommunication and Cellular Towers, 145-53 Adult Use Establishments, 145-65 Special Permits, and 145-86 Ground-Mounted Solar Energy District of the Townsend Zoning Bylaws)

Date: 12/16/2020

Name of Project: IC&E Renewal of Special Permit

Location of Project: 60 Warren Road, Townsend, MA



TOWN OF TOWNSEND  
TOWN CLERK

1. Owner of record:

Name: Ken Saucier

Company: South Fitchburg Hunting & Fishing Club, Inc.

Owner's Street Address: PO Box 687

City/Town: Townsend

State: MA

Zip: 01469

Phone: Day (603)878-1142

Evening \_\_\_\_\_

Fax \_\_\_\_\_

2. Applicant's name and address (if same as owner, write "same")

Name: Shayna L. Galinat

Company: Industrial Communications and Electronics, Inc.

Owner's Street Address: 40 Lone Street

City/Town: Marshfield

State: MA

Zip: 02050

Phone: Day 781-319-1003

Evening \_\_\_\_\_

508-577-6041

Fax 781-837-4000

Applicant is: \_\_\_\_\_ Owner \_\_\_\_\_ Agent/Attorney \_\_\_\_\_ Purchaser ☒ Tenant  
Other: (Explain) \_\_\_\_\_

If the applicant is not the owner, a Power of Attorney or similar document signed by all owners of the property must be included.

3. Characteristics of Property:

\*Zoning District: RA3

\*\*Number of Lots: 2\* see below note

\*\*Lot Area 26.4 Acres

\*\*Frontage 1110

\*Map # 32

Block # 18\*

Lot # 0

\*Recorded, South Middlesex Registry of Deeds: Book Number 7994 Page Number 412

\*Information available from the Assessors Office \*\*If there is more than one lot, please attach a list

[Revised 07-22-13]

\*Note: portion of leased area located on Block 19, Lot 0; Zoning District: RA3, Lot Area 40.2 Acres





## 4. Please either attach or write a brief description of the nature of this Special Permit for

**Site Plan Review:**

Renewal of special permit for existing cell tower. Per the Planning Board's request, the current carriers located on the tower are: Sprint, AT&T, Verizon Wireless, and T-Mobile. The Townsend Police Department is also a tenant on the tower.

**Fees:** \$300 for Renewal of Cell Tower Special Permit

<b>Site Plan Review Special Permit or Non-Discretionary Site Plan Review for Solar/Wind Energy Installation:</b>	\$ 350 Existing Construction \$1,200 New Construction \$ 200 Modification or Permit Extension
<b>OSPD or OSMD</b>	\$1,000 \$ 600 if filed simultancously with Definitive Subdivision \$ 300 & 50 per lot Modification or Permit Extension
<b>Telecommunication Cell Tower:</b>	\$ 750 New Construction ✓ \$ 300 Renewal of Cell Tower Special Permit
<b>Adult use:</b>	\$ 2,000

Please make checks payable to the Town of Townsend. Fees are for administrative costs.

Under MGL Chapter 40A and Chapter 44 §53G, the Planning Board may require a deposit payable to the Town of Townsend for the reasonable costs of a consultant/engineer's peer review or other outside consultant. Funds are held in an interest-bearing account, and unused balances are refundable upon written request at the completion of the project.

The Planning Board may also require the applicant to pay unusual administrative costs, such as copying.

The applicant shall pay the cost of recording any decision at the Registry of Deeds.

Please direct any questions to the Planning Board Assistant at 978-597-1700 x 1722. For zoning or building questions, please contact the Building Commissioner at 978-597-1709.

**Agreement**

- I/we hereby certify that the information on the first page is true and correct based on all the information available to me.
- I/we understand that the Planning Board may require additional information to process this application.
- Any errors in the information provided, or presented by me or my representatives may be cause for denial or revocation of a favorable decision.
- Any relief granted by the Planning Board must be limited to the request made in this application.
- I/we may be represented by counsel at my own expense.
- If this application is denied, it may not be brought before the Planning Board again for two years without prior approval from the Planning Board.
- I/we am/are responsible for all other applications, permits, and approvals that may be required by law.



Project Name: ICE Removal Special Permit

For notarizing additional signatures, please photocopy this page as needed.

Date: 12/15/20

Owner(s): (1) Ken Saucier

(Print Name)

Ken Saucier  
(Signature)(2) KEN SAUCIER

(Print Name)

Ken Saucier  
(Signature)

Date: \_\_\_\_\_

Applicant(s): (1) Shayna L. Galinat

(Print Name)

(Signature)

(2) \_\_\_\_\_

(Print Name)

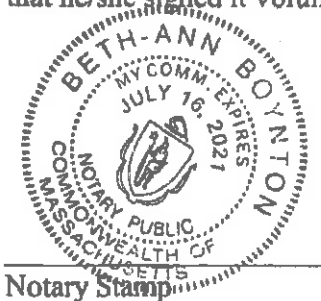
(Signature)

## NOTARY STATEMENT:

## COMMONWEALTH OF MASSACHUSETTS

Worcester County

On this 15<sup>th</sup> day of December, 20 21, before me, the undersigned Notary Public, personally appeared Ken Saucier, and proved to me through satisfactory evidence of identification, which were Personally Known To me, to be the person(s) whose name(s) is (are) signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, in my presence.



Notary Stamp

Beth-Ann Boynton  
Notary Public SignatureJuly 16, 2021  
My Commission Expires



*For notarizing additional signatures, please photocopy this page as needed.*

Date: \_\_\_\_\_

**Owner(s):** (1) Ken Saucier (2) \_\_\_\_\_  
 (Print Name) (Print Name)  
 \_\_\_\_\_  
 (Signature) (Signature)

Date: 12/16/2020

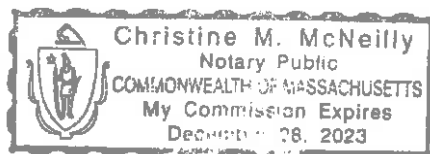
**Applicant(s):** (1) Shayna L. Galinat (2) \_\_\_\_\_  
 (Print Name) (Print Name)  
Shayna L. Galinat \_\_\_\_\_  
 (Signature) (Signature)

# NOTARY STATEMENT:

## COMMONWEALTH OF MASSACHUSETTS Plymouth County

On this 16<sup>th</sup> day of December, 2020, before me, the undersigned Notary Public, personally appeared Shayna Galinat, and proved to me through satisfactory evidence of identification, which were mass license, to be the person(s) whose name(s) is (are) signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, in my presence.

Christine M. McNeilly  
 Notary Public Signature



Notary Stamp

December 28, 2023  
 My Commission Expires



**AUTHORIZATION FORM  
To REPRESENT PROPERTY OWNER(S)**

DATE: 12/16/2020

TO: Town of Townsend

I/we, the undersigned owner(s) grant full permission to:

**APPLICANT(S) / AUTHORIZED REPRESENTATIVE(S):**

Shayna Galinat - IC&E

Name (please print)  
40 Lone Street  
Street Address  
Marshfield MA 02050  
City State Zip  
781-319-1003 /  
Daytime Phone #(s) Home Phone

Name (please print)  
\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City State Zip  
\_\_\_\_\_  
Daytime Phone #(s) / Home Phone

to act as our agent and hereby authorize this representative to take any action, including but not limited to paying consulting fees, agreeing to conditions set by any applicable Board or Commission, signing agreements and/or extending deadlines. This agent has my/our full permission to submit applications, present plans, submit requirements and speak on my/our behalf with regard to:

**PROPERTY LOCATED AT:**

60 Warren Road, Townsend, MA  
Street Address

ASSESSOR'S PARCEL ID: Map # 32 Block # 19 Lot # 0

**OWNER (S):**

Ken Saucier - S. Fitchburg Hunting & Fishing Club

Name (please print)  
PO Box 687  
Street Address  
Townsend MA 01469  
City State Zip  
603-878-1142 / 978 345-7395  
Daytime Phone #(s) Home Phone

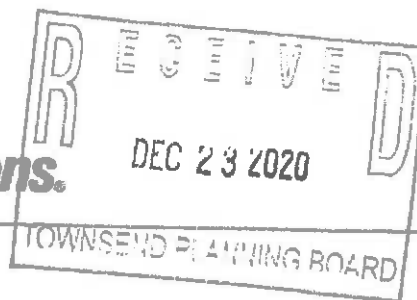
KEN SAUCIER  
Name (please print)  
PO. BOX 687  
Street Address  
TOWNSEND MA 01469  
City State Zip  
978 400-8456 / 978 345-7395  
Daytime Phone #(s) Home Phone

Ken Saucier  
Signature of Owner

\_\_\_\_\_  
Signature of Owner







Industrial Communications & Electronics, Inc.  
Industrial Tower and Wireless, LLC  
Industrial Communications, LLC

40 Lone Street  
Marshfield, Massachusetts 02050  
781-319-1111 • Fax 781-837-4000



TOWN OF TOWNSEND  
TOWN CLERK

### Townsend, MA Telecommunications Facility

#### Background: Prior Special Permit Decisions & Renewals

- November 5, 2001: Townsend Planning Board Decision issued unanimously granting the special permit for Industrial Communications & Electronics, Inc. (IC&E) to construct a Wireless Telecommunications Facility subject to 12 conditions. The decision was recorded at the Middlesex Southern Registry of Deeds Book 84165 Page: 149.
- Condition No. 12 stated that said permit "shall expire five years from the date of filing with the Town Clerk but may be renewed earlier at the convenience of the Applicant."
- January 31, 2007: Townsend Planning Board Decision granted the renewal of the previously issued Special Permit for seven (5) years. The decision was recorded at the Middlesex Southern Registry of Deeds Book: 58208 Page: 271.
- November 8, 2011: Townsend Planning Board Decision granted the renewal of the previously issued Special Permit for seven (7) years; the term represents five-year renewal and a two-year automatic extension authorized by the Economic Development Reorganization Act of 2010, enacted on 08/05/2010 by the Commonwealth of MA. The decision was recorded at the Middlesex Southern Registry of Deeds Book: 49460 Page: 176.
- October 22, 2012: At a regular meeting of the Townsend Planning Board, the Board reviewed communication with Town Counsel, Kopelman and Paige, P.C., regarding the fact that the MA Economic Development Reorganization Act of 2010 was extended for an additional two years. The Board determined, based on the extension, the Special Permit for the cell tower at 60 Warren Road was extended through January 29, 2021.

In accordance with the above referenced decisions and the Townsend Zoning Bylaws, Industrial Communications & Electronics, Inc. submits the enclosed application to renew the special permit ahead of the January 29, 2021 expiration.

#### Carriers co-located on the Tower

- When this special permit was last renewed in 2011, there were three carriers on the tower: Sprint, AT&T, and Verizon. Those three carriers remain on the tower presently.
- T-Mobile installed antennas on the tower in 2016 and remains on the tower presently.
- Townsend Police & Fire also have antennas on the tower.





OFFICE OF  
THE PLANNING BOARD  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1722

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**DECISION ON APPLICATION FOR SPECIAL PERMIT FOR WIRELESS  
COMMUNICATIONS FACILITY**

**Applicant:** Industrial Communications and Electronics, Inc.  
**Property Address:** 60 Warren Rd. (Assessor's Map 32, Block 19 Lot 0)  
**Property Owner:** South Fitchberg Hunting and Fishing Club

**DECISION DATE:** November 5, 2001

**Background:**

In accordance with MGL Chapter 40-A, section 5 and Section 11, and the Townsend Zoning Bylaws Sections 9.9, Site Plan Review Special Permit, and 9.18, Telecommunication and Cellular Towers, the Planning Board held a public hearing on August 20, 2001 at 8:45 PM to review the application of Industrial Communications and Electronics, Inc. to install a 190 foot monopole communication tower and accessory building at 60 Warren Rd. The public hearing on the application was properly advertised and noticed with additional hearings to October 1, 2001 at 9:30 PM and October 15, 2001 at 7:00 PM. The applicant presented written and oral evidence at the hearings as to the need for the telecommunications tower and to its conformity to the Rules and Regulations of the Town of Townsend.

There were no direct property abutters at the hearings. No members of the public expressed concern or opposition to the application. Several residents attending the meeting did express support for the application.

**Findings:**

Based on the information presented by the Applicant, the Board finds that the Applicant satisfies the standards for issuance of the requested Site Plan Special Permit under Sections 9.9 and 9.18, and the standards for issuing a special permit under Section 11.3. Specifically, the Board finds as follows:

1. The Applicant submitted an application under the applicable provisions of the Zoning Bylaw including a site plan in accordance with 9.18.3.1 & 9.18.3.2. The Applicant satisfied the Board's inquiries as to the questions raised during the Public Hearing. Specifically, the Board's inquiry into the feasibility of the tower being used for public safety purposes was addressed in writing at the October 1<sup>st</sup> meeting.
2. The applicant submitted written reports and documentation pursuant to Section 9.18.3.3 (tower design) & 9.18.3.4 (FAA, MAC & Public Health compliance).



3. The Applicant conducted a balloon test as required by Section 9.18.5, which involved flying a balloon at the proposed location of the tower and at a height of 190 feet over a period of 21 days. Based on observations of this balloon test and the visual impact report submitted with the Application, the tower will be adequately screened by trees and will not be visible from any public roadway or private residence in the area. The Board is satisfied that based on the balloon log submitted with the application and their personal observations, the requirements, intents and purpose of Section 9.18.5, have been met.
4. The proposal satisfies the requirements of Sections 9.18.1 in that the Applicant has demonstrated through oral testimony and radio frequency engineering studies that there is no municipal land, church steeples, or existing communications towers that would be a feasible alternative locations for the proposed wireless communications site. The Board found the location could potentially eliminate the need for additional towers in the immediate area including sections of Rte. 119.
5. The proposed tower will be designed to accommodate 7 carriers, being the Applicant and up to 6 future co-locators. Tower space and sufficient room in the equipment shelter will be made available at no charge to Townsend Police and Fire Departments for the duration of the Special Permit. Antennae and related cabling, supplied by the Town of Townsend, will be installed by ICE at no charge to the Town.
6. The Applicant's equipment shelter will be located as depicted on plans submitted to the Board and placed within a cleared area approx. 120' by 120'. The proposal incorporates fencing that satisfies the requirements of Section 9.18.5.7.
7. The site conditions and operational use as a tower will not be a detriment to the neighborhood.
8. The proposal satisfies the requirements of Section 9.18.5.4, in that the Applicant has proposed to obtain an agreement from the property owner giving it the right to exclusive use of a "fall zone", extending a minimum distance from the base of the tower equal to the height of the tower (being 190').
9. The Applicant is in compliance with section 9.18.6.3. The tower is 500' from the nearest building and will be painted green or equivalent from the ground to the top of the tree line and painted light gray or equivalent above the tree line. All panels, bracing and antenna will be similarly painted to blend with the sky line.
10. Access shall be provided along an existing private driveway. The Applicant shall ensure that the access way conforms to all applicable aspects of the By-laws, including but not limited to "turn around distances." The board requests that the applicant receive a written acknowledgement from both the Police and Fire Departments with copies to the Board that the access road meets their access requirements. The Board finds that with the conditions set forth herein, requiring that the access road be maintained to allow for proper emergency access, the requirements of Section 9.18.5.8 have been satisfied.



11. The Applicant has demonstrated to the satisfaction of the Board that the location of the tower is necessary to fill a coverage gap in which the Applicant does not have adequate service within the Town of Townsend. The proposed size of the tower at 190 feet is necessary to allow the Applicant to reasonably fill that coverage gap.
12. The Applicant does not propose any signs other than those permitted by Section 9.18.5.11. A 24-hour emergency telephone number will be displayed as required by that section.
13. The Applicant proposes the use of a single accessory structure that will be compliance with Section 9.18.5.12.
14. The Applicant proposes to run utilities above ground from the nearest existing service pole on the property to the end of the entrance way, at which point all utilities shall be placed underground to the compound area. The Board finds that the above arrangement satisfies the requirements of section 9.18.5.13.
15. The tower will be monopole in type according to Section 9.18.6.2.
16. Based on the information presented to the Board by the Applicant and the public, and with the imposition of conditions as set forth below, the proposed use will not have any adverse effects which overbalance its beneficial effects on either the neighborhood or the Town. The use will be in harmony with the general purpose and intent of the Zoning Bylaws. The site is adequate in size and suitability for the proposed use. The location will not impact traffic flow or safety nor will it impose any impact on the visual character of the neighborhood. Town utilities such as water and sewerage will not be impacted. Water resources and drainage will not be affected.

### **Decision**

After consideration of these factors, the Board voted unanimously to grant the Special Permit to Industrial Communications and Electronics, Inc. under Sections 9.18 and 11.3 of the Townsend Zoning Bylaw, subject to conditions as follows:

### **Conditions**

1. The Tower Owner will provide the Board with a copy of an agreement with the property owner that no future structures will be placed within the "fall zone" area, being an area of the height of the tower, (in this case being 190').
2. The parking space shall not be used for the storage of vehicles.
3. The Applicant shall maintain the antennas and appurtenant facilities in good condition at all times and shall inspect them on a regular basis, not less than annually. A copy of all written inspection reports will be forwarded to the Planning Board within (30) days of the inspection indicating at a minimum the structural integrity of the tower and appurtenances.





4. Antennae placed on the tower may not rise more than ten feet above the highest point of the tower.
5. The tower shall not be lighted unless required by Federal or State regulations. The equipment area may have an access entry light, but any such light shall conform with the Townsend Zoning Bylaw.
6. Signs, except for those required by regulation and a 24-hour emergency telephone number posting, shall not be displayed.
7. The Applicant must obtain a written statement that the antennae comply with applicable regulations administered by the appropriate agencies or that the antennae are exempt from those regulations. Copies of any responses from the following agencies: Federal Aviation Administration (FAA); Federal Communications Commission (FCC); and the Massachusetts Department of Public Health (MDPH), as listed under Section 9.18.3.4, must be filed with the Board and the Town Clerk prior to the site becoming operational.
8. All construction shall comply with plans as submitted and accepted by the Planning Board. Tower construction shall be completed within (1) one year or the Special Permit will be voided.
9. The Applicant shall post and maintain a one million (\$1,000,000.00) insurance policy in accordance with the Townsend Zoning Bylaw Section 9.18.8.1.
10. The Applicant shall post a (\$25,000.00) twenty five thousand dollar pass book account to cover the cost of removal of the tower if it is considered abandoned in accordance with the Townsend Zoning Bylaw Sections 9.18.8 and 9.18.7.3.
11. The Applicant shall maintain a bank passbook account for the maintenance of the access road, site and tower in the amount of \$1,500.00, although this figure may be adjusted annually based on historical figures or by a recommendation of the Townsend Police or Fire Departments.
12. This permit shall expire five years from the date of filing with the Town Clerk, but may be renewed earlier at the convenience of the Applicant.

**VOTED:** at a properly posted meeting of the board on November 5, 2001:

Jeffrey Peduzzi, Chair

Mark Seiler

Michael Mueller

Stanley Vladyka

Any person aggrieved by this decision may appeal therefrom in accordance with M.G.L.



Chapter 40A, Section 17 within 20 days after the date of filing of the decision with the Town Clerk.

This Decision does not relieve the petitioner or any other person of the necessity of complying with all other applicable Federal, state or local statutes, ordinances, bylaws and/or regulations.

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Pursuant to Massachusetts General Laws Chapter 40A, Section 11:

No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town clerk that twenty (20) days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds for the county and district in which the land is located. The fee for recording or registering shall be paid by the owner or Applicant.

Filed with Town Clerk's Office on \_\_\_\_\_  
Date

#### CERTIFICATE

I hereby certify that 20 days have elapsed since the filing of the above decision in the office of the Townsend Town Clerk and that no notice of appeal from that decision has been filed.

\_\_\_\_\_  
Town Clerk Date





Office of  
**THE PLANNING BOARD**

272 Main Street  
Townsend, Massachusetts 01469  
978-597-1722 \* 978-597-1722 fax

RECEIVED  
JAN 31 2007

Jeffrey R. Peduzzi, Chairman

Louis C. Kiklis, Clerk

Nicholas E. Thalheimer, Vice-Chairman

Stanley Vladyka, Member

Gerald B. Coughlin, Member

Notice of Decision

Notice is hereby given that a Renewal of a Special Permit-Site Plan Review according to MGL Chapter 40A and Townsend Zoning Bylaw Sections 145-42 and Section 145-65 was granted on January 29, 2007.

To: Industrial Tower and Wireless, LLC, South Fitchburg Hunting & Fishing Club, Inc.

c/o Industrial Communications, 40 Lone St., Marshfield, MA 02050

For: Site Plan Special Permit Renewal for a Wireless Communications Facility

Property located at: 60 Warren Rd., Townsend, MA

Shown on Assessors Map: #32 Block 18 Lot # 0

Recorded deed at the Middlesex Southern Registry of Deeds: Book: 8818 Page: 531

ALRUJEE  
35391-444

The Special Permit-Site Plan Review Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 31st day of January, 2007

Planning Board Administrative Assistant Janine Holloway

**Right to Appeal:**

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

**Town Clerk Notification:**

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed, it has been dismissed or denied.

Daniel Murphy, Town Clerk: Daniel J. Murphy

**Notice to Applicant:**

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both this NOTICE OF DECISION and the SPECIAL PERMIT-SITE PLAN REVIEW DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Register of Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

**ATTESTATION**

Received and entered in the Registry of Deeds in the County of Middlesex, South:

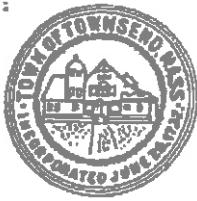
ATTEST: \_\_\_\_\_ Register of Deeds



Bk: 49480 Pg: 176 Doc: EXT  
Page: 1 of 2 05/17/2007 11:46 AM

Industrial Communications  
40 Lone Street  
Marshfield, MA 02050  
Attn: Tony Germanetto





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

**RECEIVED**  
JAN 31 2007  
TOWN OF TOWNSEND  
TOWN CLERK

Jeffrey R. Peduzzi, Chairman

Nicholas E. Thalheimer, Vice-Chairman

Louis C. Kiklis, Clerk

Stanley Vladyka, Member

Gerald B. Coughlin, Member

**DECISION**  
**RENEWAL - SPECIAL PERMIT SITE PLAN REVIEW**

**APPLICANT:** Industrial Tower and Wireless, LLC

**PROPERTY ADDRESS:** 60 Warren Road (Assessor's Map 32, Block 18, Lot 0), Zoned RA3

**PROPERTY OWNER:** South Fitchburg Hunting and Fishing Club

**TOWER/SITE OWNER:** Industrial Tower and Wireless, LLC

**GRANTED/DENIED:** Granted

**DATE OF DECISION:** January 29, 2007

**1) STATEMENT OF FACTS:**

At a regular meeting held on January 29, 2007 the Board held a duly advertised Public Hearing. Abutters and abutting Towns were notified on 01-03-07, and Mandatory Referrals were sent out. The Board determined that the requirements of §145-42 for Site Plan Review Special Permit did not apply, since there was no change of use and no increase in intensity of use. The Board reviewed Zoning By-law §145-51 Telecommunication and cellular towers. The Board finds there will be no substantive changes to the tower. J. Peduzzi noted that although the permit had expired, §J. (1) allows the Board to waive strict adherence to sections of the bylaw that would require a comprehensive re-filing as outlined in §C. (1) through (5), if it finds that the safety and well being of the public will not be adversely affected. It was the consensus of the Board to allow this renewal. There was no opposition to the application. The hearing closed on 01/29/07.

**2) CONCLUSION:**

On January 29, 2007, it was motioned and seconded to grant the renewal of the Special Permit issued on 11-05-01 to Industrial Tower and Wireless, LLC (then known as Industrial Communications and Electronics, Inc., copy attached herein) for the location of a wireless communication tower and equipment, for a renewal period of five years.

A roll call vote was taken as follows:

Jeffrey R. Peduzzi

Nicholas E. Thalheimer

Louis C. Kiklis

Stanley Vladyka

Gerald B. Coughlin





The motion carried and the permit is hereby granted.

**SIGNED:**

Jeffrey R. Peduzzi

Nicholas Thalheimer

Louis Kiklis

Stanley Vladyka

Gerald Coughlin

*[Signatures]*

This Decision does not relieve the petitioner or any other person of the necessity of complying with all other applicable Federal, state or local statutes, ordinances, bylaws and/or regulations.

**Right to Appeal:**

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Pursuant to Massachusetts General Laws Chapter 40A, Section 11:

No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town clerk that twenty (20) days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds for the county and district in which the land is located. The fee for recording or registering shall be paid by the owner or Applicant.

Filed with Town Clerk's Office on

1/31/2007  
Date

A True Copy, Attest

*[Signature]*  
Town Clerk  
Townsend, MA

**CERTIFICATE**

**Town Clerk Notification:**

I hereby certify that 20 days have elapsed since the filing of the above decision in the office of the Townsend Town Clerk and that no notice of appeal from that decision has been filed.

Daniel Murphy, Town Clerk:

*[Signature]*  
2/21/2007

Date:

*[Signature]*  
Attest Middlesex S. Registrar

**Notice to Applicant:**

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both this NOTICE OF DECISION and the SPECIAL PERMIT.





2011 00240052

Bk: 58208 Pg: 271 Doc: DECIS  
Page: 1 of 4 12/30/2011 03:14 PMOffice of  
THE PLANNING BOARD272 Main Street  
Townsend, Massachusetts 01469  
978-597-1722 \* 978-597-1722 faxJeffrey R. Peduzzi, Chairman  
Gerald B. Coughlin, MemberKaren M. Coughlin, Vice-Chairman  
Gini L. King, MemberChris Jones, Clerk  
Julie Johnson, Associate MemberNotice of Decision

Notice is hereby given that a Site Plan Review Special Permit according to MGL Chapter 40A and Townsend Zoning Bylaw § 145-51 Telecommunication and cellular towers, and § 145-65 Special Permits has been granted.

To: Industrial Communications & Electronics, Inc., 40 Lone St., Marshfield, MA 02050

For: Renewal of a Special Permit for the location and operation of a Wireless Communications Facility for a period of seven (7) years. The term represents a five-year renewal and a two-year automatic extension authorized by the Economic Development Reorganization Act of 2010, enacted on 08/05/10 by the State of Massachusetts.

Property located at: 60 Warren Road, Townsend, MA

Shown on Assessors Map: #32 Block 19 Lot # 0

Recorded deed at the Middlesex Southern Registry of Deeds: Book: 7994 Page: 412

§ 818 - 531

The Special Permit-Site Plan Review Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 8<sup>th</sup> day of November, 2011.

Planning Board Administrative Assistant Jeanne Holloway

**Right to Appeal:**

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

**Town Clerk Notification:**

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed, it has been dismissed or denied.

Susan Funaiolo, Town Clerk: Susan A. Funaiolo

**Notice to Applicant:**

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both this NOTICE OF DECISION and the SPECIAL PERMIT-SITE PLAN REVIEW DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Register of Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

**ATTESTATION**

Received and entered in the Registry of Deeds in the County of Middlesex, South:

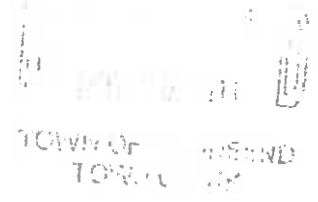
ATTEST: \_\_\_\_\_ Register of Deeds A True Copy, Attest

Susan A. Funaiolo  
Town Clerk  
Townsend, MA





THE PLANNING BOARD  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x1722 \* 978-597-1722 fax  
jhollows@townsend.ma.us



Jeffrey R. Peduzzi, Chairman      Karen M. Coughlin, Vice-Chairman      Chris Jones, Clerk  
Gerald B. Coughlin, Member      Gini L. King, Member      Julie Johnson, Associate Member

**DECISION**  
**RENEWAL - SPECIAL PERMIT SITE PLAN REVIEW**

**APPLICANT:** Kevin Delaney, Industrial Communications & Electronics, Inc.  
40 Lone Street, Marshfield, MA 02050

**PROPERTY ADDRESS:** 60 Warren Road (Assessor's Map 32, Block 19, Lot 0), Zoned RA3

**PROPERTY OWNER:** Ken Saucier, South Fitchburg Hunting and Fishing Club

**TOWER/SITE OWNER:** Industrial Communications & Electronics, Inc.  
40 Lone Street  
Marshfield, MA 02050

**GRANTED/DENIED:** Granted

**DATE OF DECISION:** November 7, 2011

**1) STATEMENT OF FACTS:**

At a regular meeting held on November 7, 2011, the Board held a duly advertised Public Hearing. The applicant applied for a five-year renewal of the Special Permit to operate a cell tower. The permit had been renewed on January 29, 2007. Abutters and abutting Towns were notified on 09/29/11, and Mandatory Referrals were sent out on 09/29/11. The Board determined that the requirements of §145-42 for Site Plan Review Special Permit did not apply, since there was no change of use and no increase in intensity of use. The applicant provided a list of all current carriers on the tower and their technology, as follows: Sprint: 3G/CDMA; AT&T: 3G /GSM; and Verizon Wireless: 4G / CDMA. The Board reviewed Zoning By-law §145-51 Telecommunication and cellular towers. The applicant attested there have been no changes to the tower and the number of co-locators has not exceeded the number of carriers that were originally approved. No abutters were present and there was no written or verbal opposition to the application.

The Board reviewed the Economic Development Reorganization Act of 2010, enacted by the State of Massachusetts on 08/05/10 which grants an automatic two-year extension to certain land use approvals,



including permits issued under G.L. c. 40A. The Board determined that since the Special Permit for the cell tower located at 60 Warren Road was issued under G.L. 40A and was in effect between August 15, 2008 and August 15, 2010, it qualifies for an automatic two-year extension.

The hearing closed on 11/7/11.

## 2) CONCLUSION:

On November 7, 2011, it was motioned and seconded to grant the renewal of the Special Permit, for the location and operation of a wireless communication tower and associated equipment, originally issued on 11-05-01 to Industrial Communications and Electronics, Inc. and renewed on January 29, 2007 for five years to expire on January 29, 2012, (copies attached herein) for a renewal period of seven years, to expire on January 29, 2019.

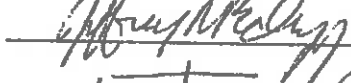



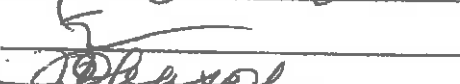

A roll call vote was taken as follows:

	YES	NO
Jeffrey R. Peduzzi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Karen M. Coughlin	<input type="checkbox"/>	<input type="checkbox"/>
Chris Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gerald B. Coughlin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gini L. King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Julie Johnson, Associate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The motion carried and the permit is hereby granted.

DATE: Nov 7, 2011

SIGNED:

Jeffrey R. Peduzzi	
Karen M. Coughlin	 absent
Chris Jones	
Gerald B. Coughlin	
Gini L. King	
Julie Johnson	

This Decision does not relieve the petitioner or any other person of the necessity of complying with all other applicable Federal, state or local statutes, ordinances, bylaws and/or regulations.

### Right to Appeal:

Any appeals of this Decision shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 17 and a copy shall be filed in the Town Clerk's office within twenty (20) days after the date of filing of the Decision in the Office of the Town Clerk.

Pursuant to Massachusetts General Laws Chapter 40A, Section 11:





60 Warren Rd. Cell Tower

No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town clerk that twenty (20) days have elapsed after the decision has been filed in the office of the town clerk and no appeal has been filed or that if such an appeal has been filed, that it has been dismissed or denied is recorded in the Registry of Deeds for the county and district in which the land is located. The fee for recording or registering shall be paid by the owner or Applicant.

Filed with Town Clerk's Office on Nov 8, 2011  
Date

**CERTIFICATE****Town Clerk Notification:**

I hereby certify that 20 days have elapsed since the filing of the above decision in the office of the Townsend Town Clerk and that no notice of appeal from that decision has been filed.

Susan Funaiolo, Town Clerk: Susan A. Funaiolo

Date: Dec. 13, 2011

**Notice to Applicant:**

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both the NOTICE OF DECISION and the SPECIAL PERMIT DECISION.

A True Copy, Attest

Susan A. Funaiolo  
Town Clerk  
Townsend, MA





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

**Jeffrey R. Peduzzi, Chairman**  
**Chris Jones, Clerk**

**Karen M. Coughlin, Vice-Chairman**  
**Julie Johnson, Member**

**Date:** October 22, 2012

**To:** Kevin P. Delaney  
Industrial Communications and Electronics, Inc.  
40 Lone Street  
Marshfield, MA 02050

**From:** Planning Board

**Subject:** 60 Warren Road, Townsend, MA Cell Tower  
Special Permit



**cc:** Town Clerk  
Ken Saucier, South Fitchburg Hunting & Fishing Club, Inc.

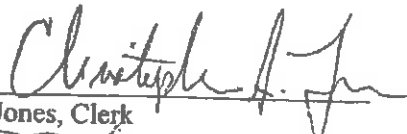

At a regular meeting of the Planning Board on October 22, 2012, the Board reviewed the attached communication from Town Counsel, Kopelman and Paige, P.C. notifying them that the Massachusetts Economic Development Reorganization Act of 2010 (often referred to as the "permit Extension Act") had been extended for an additional two years.

The Act signed in August, 2010 automatically extended by two years the expiration dates of Special Permits in effect from August, 2008 through August 2010. A revision of the Act, signed August 7, 2012 by Governor Deval Patrick now automatically extends permits in effect during this time period and also approved from August, 2010 to August 7, 2012 for an additional two years beyond the previous extension.

The Board determined that based on this latest extension, the Special Permit for the above referenced site will expire on January 29, 2021.

**Planning Board Members**

  
Jeffrey R. Peduzzi, Chairman  
  
Karen M. Coughlin, Vice Chairman

  
Chris Jones, Clerk  
  
Julie Johnson, Member



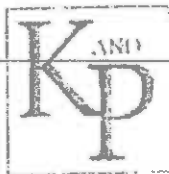
To: Board Members (full Board)  
From: Jeanne Hollows <jhollows@townsend.ma.us>  
Subject: FW: K&P E-Update - Revisions to Permit Extension Act  
Cc:  
Bcc:  
Attached:

Hi Everyone,  
Here we go again....! I'll review the permits where this will apply & put on a future Agenda.  
Jeanne

From: "Andy Sheehan" <asheehan@townsend.ma.us>  
To: "Karen Chapman" <kchapman@townsend.ma.us>,  
"Jeanne Hollows" <jhollows@townsend.ma.us>,  
"Leslie Gabrielska" <lgabrielska@townsend.ma.us>,  
"Rich Hanks" <rhanks@townsend.ma.us>,  
"Carla Walter" <cwalter@townsend.ma.us>  
Subject: FW: K&P E-Update - Revisions to Permit Extension Act  
Date: Wed, 29 Aug 2012 16:02:45 -0400  
X-Mailer: Microsoft Outlook 14.0  
Thread-Index: AQJ04xh17XshU2z1AcabVftkjN6mJYfBgg

See attached regarding permit extensions.

From: Kopelman and Paige, P.C. [mailto:KandPNews@k-plaw.com]  
Sent: Wednesday, August 29, 2012 11:47 AM  
To: Kopelman and Paige, P.C.  
Subject: K&P E-Update - Revisions to Permit Extension Act



KOPELMAN AND PAIGE, P.C.



### Revisions to Permit Extension Act

In 2010, the Legislature enacted a law (Chapter 240, Section 173 of the Acts of 2010), often referred to as the "Permit Extension Act," that automatically extended the duration of many municipal and state permits by two years beyond the expiration date that would have otherwise applied. Under provisions of a newly-enacted statute (Chapter 238 of the Acts of 2012) that was signed into law by Governor Deval Patrick on August 7, 2012, the extension period in the Permit Extension Act has been increased to four years, and the extension has been made applicable to permits that have been approved since 2010. Here are the details:



Under the 2010 Permit Extension Act, permits that were "in effect or existence" during the period from August 15, 2008, through August 15, 2010, (the "Tolling Period") were extended for a period of 2 years "in addition to the lawful term of the approval."

Sections 74 and 75 of the newly-enacted Chapter 238 amend the 2010 Permit Extension Act, by:

(i) Redefining the Tolling Period to include the period from August 15, 2008, through August 15, 2012, and

(ii) Increasing the extension period from two years to four years.

As a result, a municipal permit that was in effect or existence at any time between August 15, 2008, and August 15, 2012, will now remain valid for four years longer than the normal term of the permit. For permits that had already been extended by the 2010 Permit Extension Act, the duration of the extension will now be four years, rather than two years. Permits that came into effect or existence between August 15, 2010, and August 15, 2012, will now, likewise, be extended for four years. For example, an Order of Conditions that was issued on July 1, 2011, and would ordinarily have expired three years later on July 1, 2014, will now remain in effect an additional four years, until July 1, 2018.

Please feel free to contact John Goldrosen at (617) 556-0007, ext. 1811, if you have any questions about the effect of the new law on permits issued by your municipality.

*We hope you find our e-updates informative. If you no longer wish to receive e-updates from K&P, please send us a message, write Unsubscribe in the Subject line and we will remove you from future mailings in this area of law. As always, if you have any other questions or concerns, please do not hesitate to contact us.*

All materials © Copyright 2012 Kopelman and Paige, P.C. All rights reserved.





1-800-451-7243

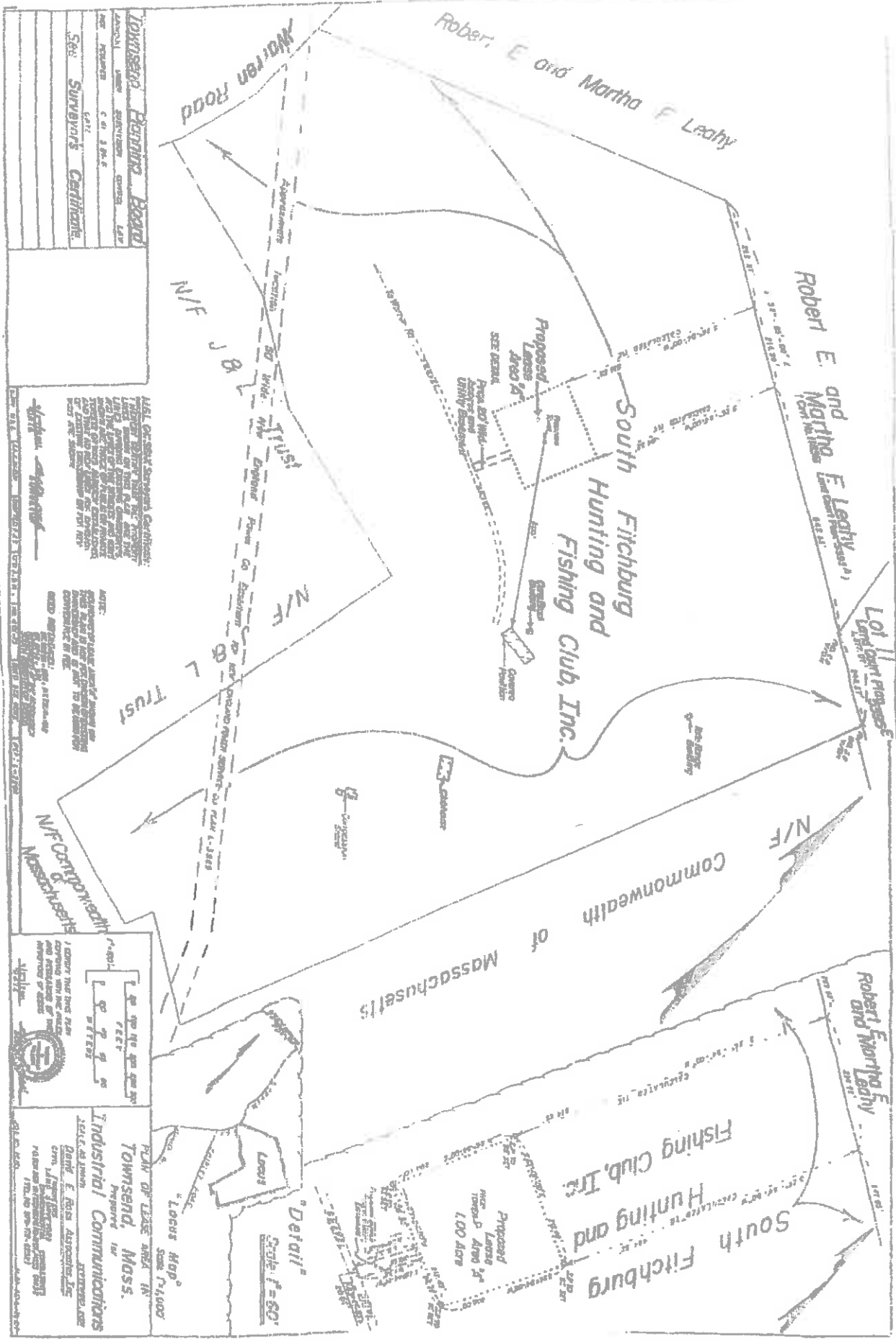


**Industrial  
Communications**  
40 Lons Street  
Methuen, MA 02842



**Affiliate Marketing**





OWNER	Robert E. and Martha F. Leahy
PREPARED BY	James H. Bennett, Jr.
DATE	1961
SEE	Surveyor's Certificate

1. ALL OF THE SURVEYED PROPERTY IS SUBJECT TO THE PROVISIONS OF THE MASSACHUSETTS CONSTITUTION AND THE MASSACHUSETTS ZONING ACT, AND THE SURVEYOR HAS NO AUTHORITY TO GUARANTEE THE ACCURACY OF THE SURVEY OR TO GUARANTEE THE VALIDITY OF THE SURVEYOR'S CERTIFICATE.

NOTE: THE SURVEYOR HAS NO AUTHORITY TO GUARANTEE THE ACCURACY OF THE SURVEY OR TO GUARANTEE THE VALIDITY OF THE SURVEYOR'S CERTIFICATE.

Scale 1" = 60'

PLAN OF THE AREA IN TOWNSEND, MASS.

Prepared by James H. Bennett, Jr.

James H. Bennett, Jr. Surveyor

1. EXCEPT THIS PLAN AND THE SURVEYOR'S CERTIFICATE, NO OTHER DOCUMENTS OR RECORDS ARE TO BE CONSIDERED IN THE DETERMINATION OF THE SURVEYOR'S CERTIFICATE.



**TOWN OF TOWNSEND  
PLANNING BOARD  
272 MAIN ST.  
TOWNSEND, MA 01469  
978- 597-1722 \* [bfaxon@townsendma.gov](mailto:bfaxon@townsendma.gov)**

**Date:** December 14, 2020

**To:** Assessor's Office  
Board of Selectmen  
Board of Health  
Building Inspector  
Conservation Commission  
Fire Department

Housing Authority  
Highway Department  
Police Department  
Town Clerk  
Water Department  
Zoning Board of Appeals

**From:** Planning Board Office

**MANDATORY REFERRAL NOTICE**

In accordance with MGL Chapter 40-A §§ 9 & 11, and Townsend Zoning By-laws, Section 145-42 **Site Plan Review Special Permit**, Section 145-65 **Special Permits**, the Townsend Planning Board will hold a public hearing via Zoom on **Monday, January 11, 2021 at 7:15 PM**, on the application from Kevin Smith for construction and operation of a farm stand including building and parking for commercial use on the property located at 152 North End Road 38 Map 51 Block 10, Lot 0, in the RB District. You may attend the virtual public hearing on Zoom at: <https://us02web.zoom.us/j/82209514734?pwd=dYt4aE9kWNl1RzB6d1ZRd2VueFpMUT09>

Meeting ID: 822 0951 4734 Passcode: 346760 or Dial 1-301-715-8592 and enter Meeting ID and Passcode provided.

Please review the attached application and relay to the Planning Board via email any questions or concerns you may have. Please attach additional comments on another sheet if necessary.

**APPLICANT/PROPONENT** Kevin Smith

**LOCUS ADDRESS:** 152 North End Road

**PARCEL ID:** Map 38 Block 10, Lot 0, Zoned Commercial RB

**DATE OF HEARING:** 7:15 PM Monday, January 11, 2020

**TIME / PLACE OF HEARING:** ZOOM meeting:

<https://us02web.zoom.us/j/82209514734?pwd=dYt4aE9kWNl1RzB6d1ZRd2VueFpMUT09>

Meeting ID: 822 0951 4734 Passcode: 346760 or Dial 1-301-715-8592 and enter Meeting ID and Passcode provided.

**LEGAL AD:** The Groton Herald: December 18, & December 25, 2020

**COMMENTS**

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**NO COMMENT** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_







Office of  
**THE PLANNING BOARD**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x 1722



### Site Plan Review Special Permit

Page 1 of 3

(Under Sections 145-42 Site Plan Review Special Permit; 145-39 Open Space Preservation Development (OSPD); 145-47 Open Space Multi-family Development (OSMD); 145-51 Telecommunication and Cellular Towers, 145-53 Adult Use Establishments, 145-65 Special Permits, and 145-86 Ground-Mounted Solar Energy District of the Townsend Zoning Bylaws)

Date: 11/04/2020

Name of Project: TIMBERLAND FARM FARM STAND

Location of Project: NORTH END ROAD

**1. Owner of record:**

Name: KEVIN SMITH

Company: \_\_\_\_\_

Owner's Street Address: 152 NORTH END ROAD

City/Town: TOWNSEND

State: MA

Zip: 01469

Phone: Day 978 771 0499

Evening \_\_\_\_\_

Fax \_\_\_\_\_

**2. Applicant's name and address (if same as owner, write "same")**

Name: SAME

Company: \_\_\_\_\_

Owner's Street Address: \_\_\_\_\_

City/Town: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Phone: Day \_\_\_\_\_

Evening \_\_\_\_\_

Fax \_\_\_\_\_

Applicant is: \_\_\_\_\_ Owner \_\_\_\_\_

Agent/Attorney \_\_\_\_\_

Purchaser \_\_\_\_\_

Tenant \_\_\_\_\_

Other: (Explain) \_\_\_\_\_

If the applicant is not the owner, a Power of Attorney or similar document signed by all owners of the property must be included.

**3. Characteristics of Property:**

\*Zoning District: RB

\*\*Number of Lots: 1

\*\*Lot Area 26.3

\*\*Frontage 312'

\*Map # 38

Block # 10

Lot # 0

\*Recorded, South Middlesex Registry of Deeds: Book Number 38801 Page Number 381

\*Information available from the Assessors Office \*\*If there is more than one lot, please attach a list

4. Please either attach or write a brief description of the nature of this Special Permit for Site Plan Review:

FARM STAND FOR SALE OF FARM AND SEASONAL PRODUCTS

**Fees:**

<b>Site Plan Review Special Permit or Non-Discretionary Site Plan Review for Solar/Wind Energy Installation:</b>	\$ 350 Existing Construction
	\$1,200 New Construction
	\$ 200 Modification or Permit Extension
<b>OSPD or OSMD</b>	\$1,000
	\$ 600 if filed simultaneously with Definitive Subdivision
	\$ 300 & 50 per lot Modification or Permit Extension
<b>Telecommunication Cell Tower:</b>	\$ 750 New Construction
	\$ 300 Renewal of Cell Tower Special Permit
<b>Adult use:</b>	\$ 2,000

Please make checks payable to the Town of Townsend. Fees are for administrative costs.

Under MGL Chapter 40A and Chapter 44 §53G, the Planning Board may require a deposit payable to the Town of Townsend for the reasonable costs of a consultant/engineer's peer review or other outside consultant. Funds are held in an interest-bearing account, and unused balances are refundable upon written request at the completion of the project.

The Planning Board may also require the applicant to pay unusual administrative costs, such as copying.

The applicant shall pay the cost of recording any decision at the Registry of Deeds.

Please direct any questions to the Planning Board Assistant at 978-597-1700 x 1722. For zoning or building questions, please contact the Building Commissioner at 978-597-1709.

**Agreement**

- I/we hereby certify that the information on the first page is true and correct based on all the information available to me.
- I/we understand that the Planning Board may require additional information to process this application.
- Any errors in the information provided, or presented by me or my representatives may be cause for denial or revocation of a favorable decision.
- Any relief granted by the Planning Board must be limited to the request made in this application.
- I/we may be represented by counsel at my own expense.
- If this application is denied, it may not be brought before the Planning Board again for two years without prior approval from the Planning Board.
- I/we am/are responsible for all other applications, permits, and approvals that may be required by law.

*For notarizing additional signatures, please photocopy this page as needed.*

Date: 11-10-20

Owner(s): (1) KEVIN SMITH  
(Print Name)  
[Signature]  
(Signature)

(2) \_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
(Signature)

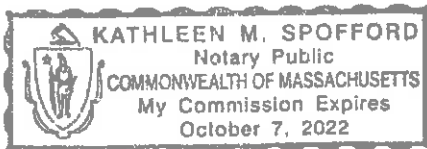
Date: 11-10-20

Applicant(s): (1) KEVIN SMITH  
(Print Name)  
[Signature]  
(Signature)

(2) \_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
(Signature)

**NOTARY STATEMENT:****COMMONWEALTH OF MASSACHUSETTS**Middlesex County

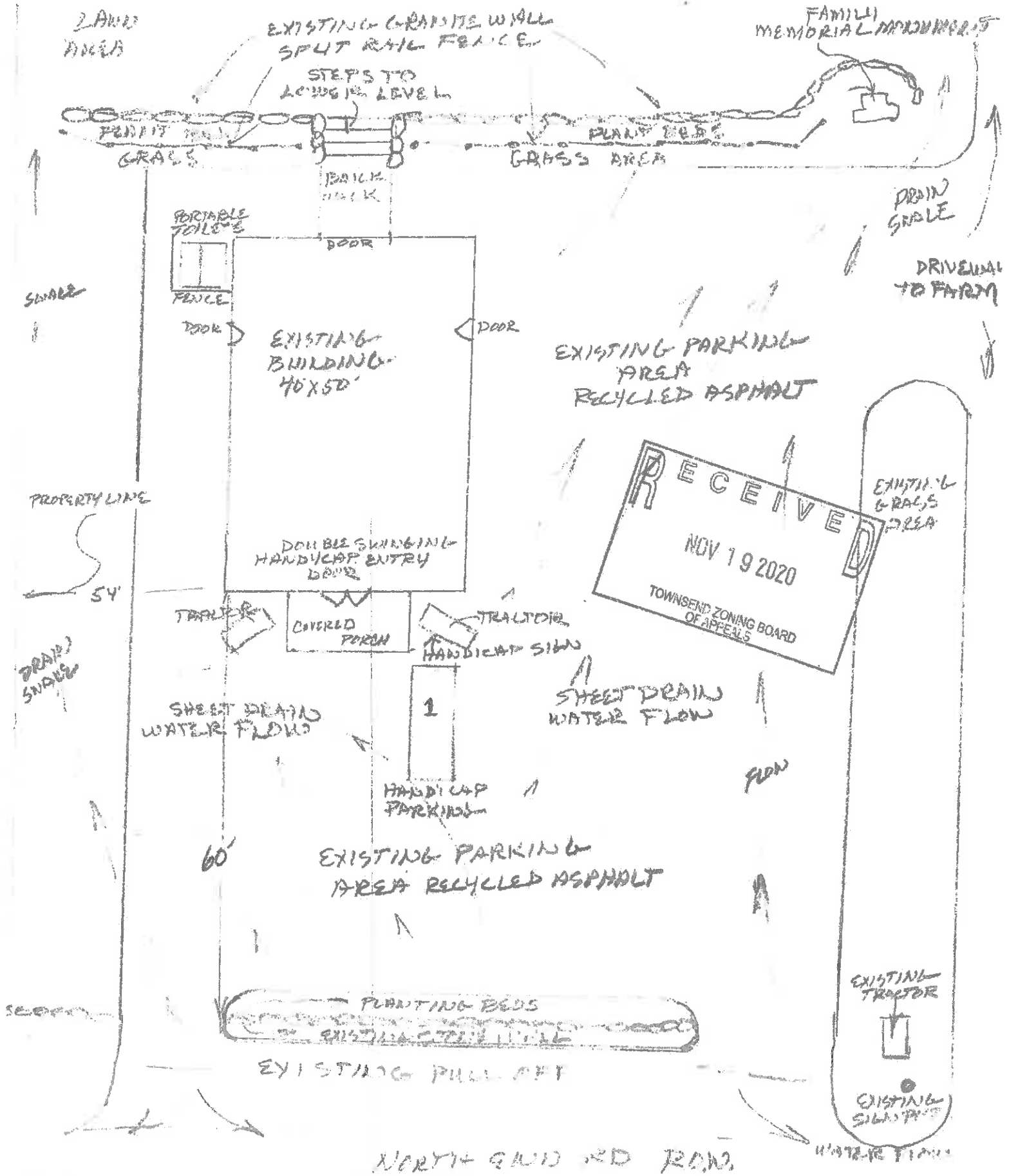
On this 10th day of November, 2020, before me, the undersigned Notary Public, personally appeared Kevin Smith, and proved to me through satisfactory evidence of identification, which were Known Personally, to be the person(s) whose name(s) is (are) signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose, in my presence.



Notary Stamp

Kathleen M. Spofford  
Notary Public Signature

10/07/2022  
My Commission Expires



TIMBERLAND FARM  
KEVIN SMITH  
152 AMH 910000

SITE PLAN EXISTING CONDITIONS  
SHEET DRAIN WATER FLOW  
HANDICAP PARKING SPACES

## Beth Faxon

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**From:** Kevin Smith <kevinsmithcompany@comcast.net>  
**Sent:** Tuesday, November 17, 2020 7:50 AM  
**To:** Beth Faxon  
**Subject:** Plan  
**Attachments:** scan.pdf

Sketch of existing conditions and drainage flow and handicap parking spot for planning board  
Kevin Smith





Office of the  
**Building Commissioner**  
Town of Townsend,  
272 Main St  
Townsend, Ma 01469  
978-597-1700 ext 1709 978-597 8135 fax



October 13th, 2020

Cert# 7015 1520 0000.1765 7041

Kevin S. Smith  
160 North End Rd  
Townsend, Ma 01469

**RE: 24 x 48' Seasonal Retail Establishment at 152 North End Rd Map 38, Block 10, Lot 0**

Dear Mr Smith,

You recently reached out to my office to inquire about the need for a restroom at a newly constructed 24 x 48' agricultural building located at 152 North End Rd (herein known as the property). According to you the barn was constructed as a memorial to your late brother and was intended to be used privately by your family but is now also being utilized to replace a farmstand that was originally located on the property. On October 5th, 2020 I was able to meet with you on site to inspect the property and discuss your concerns. After a review of the property file and what was discussed on site I have come to the following determinations:

**Findings:**

- The property is located in the Residential B (RB) District (Townsend Zoning Bylaw Maps #1-12 adopted January 1989).
- A building permit for a 24 x 48' agricultural building was approved by Intern Building Commissioner Hebert on November 12th, 2019.
- Agricultural uses in compliance with M.G.L. c.40A § 3, paragraph 1 are permitted in the Residential A and B Districts [Section 145-26 A(8)]
- In accordance with M.G.L. c.40 § 3 paragraph 1 lawful agricultural uses are exempt from the requirement to acquire special permits for use or construction.
- Townsend bylaw Section 145-42 requires site plan review for any change in use or increase in intensity of use which would require five or more parking spaces, regardless of the number of spaces existing on the premises.
- The building is currently being utilized on the weekends as a retail establishment to sell goods procured on the farm as well as other goods.

**Argument:**

Your original permit to construct an accessory agricultural building was reviewed and approved prior to my tenure in Townsend, but a review of the permit application you submitted leads me to believe it was approved as an accessory barn. I was hoping that the field copy of the inspection card would be available on site but it was not.

You agreed to drop the permit off at the office showing that all applicable inspections of the property were conducted.

If your permit was approved it was done so as an accessory barn to your agricultural use. During my inspection it was abundantly clear that this building is being utilized for a mercantile use. It contains a counter for transactions, has built in display cases, push bars of the main entry doors, fire extinguishers, ect. Your permit application makes no mention and contains no information that this building was to be utilized to sell merchandise therefore I would consider this to be a change in occupancy as defined by the building code (*a change in the use of the building or a portion of a building; a change in occupancy shall include any change in occupancy classification, any change from one group to another group with and occupancy classification or any change in use within a group for a specific occupancy classification*).

There are a couple of factors that need to be considered when a change is made from a Utility group to a Mercantile group. Utility structures are typically accessory to another building or structure and are not usually considered to be habitable or occupiable and therefore many code provisions do not apply or need to be enforced. Structures housing accessory equipment do not intend to have occupancy except for servicing and maintaining equipment within the structure. A mercantile structure on the other hand typically involves the display and sale of merchandise which may be combustible and often attract large crowds. To their credit the occupants are typically alert, mobile and able to respond to an emergency situation alleviating some risks to life safety. The goods on display are available to the public unlike a utility building therefore you are required to comply with the applicable provisions of 521 CMR as stated by the Architectural Access Board for your use.

During my inspection I noted several violations of 521 CMR including but not limited to the height of the counter, the accessible parking space was not delineated as a van space, the parking space surface was not smooth and the signage throughout that space was not accessible. Due to the fact that a site plan review was not conducted the required number of parking spaces was never determined, therefore the required number of accessible spaces cannot be confirmed. You are required to provide at least one accessible van space for up to 14 spaces.

As far as the building code, modifications are required in order for occupancy to be granted. Building inspectors are not designers and therefore I cannot provide you with a list of requirements or deficiencies. The code allows for different options and it is the designers responsibility to indicate which method of compliance they plan on utilizing. My job as a code official is to review the information submitted to ascertain code compliance. My best advice to you is to hire a registered design professional to provide a code evaluation of the space and submit it to my office for review. That said the following deficiencies were noted during my inspection: the lack of exit signs (accessible sign for the accessible route) and emergency lights, fire extinguishers that were not on approved hangers and did not have signage, the stairs to the mezzanine have the wrong rise and the lack of an employee bathroom in accordance with 248 CMR 10 the Massachusetts Plumbing Code. To answer your original question if you do provide a restroom/restrooms for the public it would need to comply with the applicable provisions of 521 CMR.

At the time of writing this letter the Building Department had not received any confirmation that any part of this building was inspected. If inspections were not completed or the permit card was lost you will be required to provide additional testing and documentation to the Building Department at your own expense.

#### **Conclusion:**

In order for you to be able to legally occupy this building you will need to be granted an occupancy certificate for use as a retail establishment. It is my determination that the following items need to be completed and or conducted and approved before a certificate will be issued:

- You are required to apply for site plan review from the Planning board because you have changed your use in accordance with Townsend bylaw Section 145-42(B) which states in part "*Any change in use or increase in intensity of use which would; require 5 or more parking spaces regardless of the number of parking spaces existing on premises, shall be only permitted upon the issuance of a special permit from the*

*special permit granting authority for site plan review*". If and when you are granted approval for your site plan that approval shall be submitted to the Building Department for review.

- You are required to provide the Building Department with your permit card showing that all applicable inspections have been completed including your foundation and frame inspection (780 CMR 110.3.1-110.3.4 & 110.3.10).
- You are required to amend your permit including the submission of plans showing the changes that have occurred or are required for occupancy of a mercantile use (780 Section 107.4). You are not required to have these plans prepared by a registered designer but it is highly suggested.

#### **Conclusion:**

Therefore let this letter be written notification that until I have received confirmation that this building was inspected **you are not permitted to occupy this structure**, you do not have occupancy and the building shall be considered an unsafe structure (780 CMR Section 114). When I receive confirmation that this building received all of the required inspections to occupy the structure in accordance with the original plans I will decide on whether temporary occupancy can be granted until you receive approval for your site plan and finish the necessary additions or modifications to the structure.

If you have any questions or concerns regarding this determination please reach out to me at your earliest convenience.

Whoever is aggravated by an interpretation, order, requirement, direction or failure to act by any person charged with enforcement of the state building code may within 45 days after the service of such notice thereof may appeal such interpretation, order, requirement, direction or failure to act to the Building Code Appeals Board.

Whoever is aggravated by a zoning interpretation, order, requirement, direction or failure to act by the Building Commissioner may file a notice of appeal to be heard by the Zoning Board of Appeals within 30 days of the receipt of this letter.

Respectfully,

Eric Chartrand CBO  
Building Commissioner  
Town of Townsend



The status of the Town's Open Space and Recreation Plan (OSRP) is noted by the state as expired here:

<https://www.mass.gov/doc/open-space-and-recreation-plan-status-2/download>

MA info on OSRPs is found here:

<https://www.mass.gov/service-details/open-space-and-recreation-plans>

Pages 4,5,and 6 in this workbook discuss the formation and makeup of a committee and who does the writing/revising (a consultant, volunteers, etc):

<https://www.mass.gov/doc/open-space-and-recreation-plan-workbook/download>

Here is Townsend's expired OSRP:

<https://www.townsendma.gov/conservation-commission/pages/2013-final-open-space-recreation-plan>



**Re: Brookline Road property**

Veronica Kell <vkell@townsendma.gov>

Tue 12/29/2020 10:39 AM

To: Berry, Christine (DCR) <christine.berry@state.ma.us>; Vicki Tidman <vtidman@townsendma.gov>

Hi Christine and Vicki,

We do not currently have a land use coordinator, so I will request that this be put on the agenda for the Jan 5 Board of Selectman meeting.

Thanks, Veronica

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**From:** Berry, Christine (DCR) <christine.berry@state.ma.us>

**Sent:** Monday, December 28, 2020 8:29 AM

**To:** Vicki Tidman <vtidman@townsendma.gov>

**Cc:** Veronica Kell <vkell@townsendma.gov>

**Subject:** RE: Brookline Road property

Thank you, Vicki. I hope you had a lovely holiday and restful weekend.

You are absolutely correct, Mr. Michalczyk was Trustee, but our title found that he resigned in 1998. According to what our examiner found, the current Trustees are Brian Lurvey and David Gunther.

Does the Town plan to take the property for back taxes? If so, I wonder if the Town would be willing to sell the property to DCR?

Thank you,  
Christine

Christine Berry  
Land Protection Specialist  
Department of Conservation and Recreation  
Bradley Palmer State Park  
40 Asbury Street  
Topsfield, MA 01983  
617.512.1238

**From:** Vicki Tidman <vtidman@townsendma.gov>

**Sent:** Wednesday, December 23, 2020 4:05 PM

**To:** Berry, Christine (DCR) <christine.berry@mass.gov>

**Cc:** Veronica Kell <vkell@townsendma.gov>

**Subject:** FW: Brookline Road property

**CAUTION:** This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Christine,

I did some research on Mass Land Records and Brian Michalczyk is/was a trustee of Hillside Realty Trustee.

As far as who is paying the taxes on the property.... No one has for several years. The property is in Tax Title. I have attached the deeds and notices that were recorded at the Registry of Deeds. I have also attached a listing of the Real Estate taxes due.

If you have any questions please call the office.

Have a safe Holiday!!

Vicki Tidman, MMA  
Town of Townsend  
(978) 597-1700 ext 1725

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**From:** Veronica Kell <vkell@townsendma.gov>

**Sent:** Wednesday, December 23, 2020 11:45 AM

**To:** Berry, Christine (DCR) <christine.berry@state.ma.us>

**Cc:** Vicki Tidman <vtidman@townsendma.gov>

**Subject:** Re: Brookline Road property

Hi Christine,

Here is a screen shot of the town property records page on the town website for Brian Michalczyk.

To answer the question, though, I don't know who has been paying the taxes on that property. I have cc'd Vicki Tidman, Townsend's Principal Assessor, on this email since she may be able to help you out on this. (The town is in the process of hiring a new Treasurer/Collector.)

Hope this helps, and Happy Holidays!  
Veronica

HOME	SEARCH	SUMMARY	INTERIOR	EXTERIOR	SALES	ABOUT	
Parcel		Building type		Lot size	thru	Total value	thru
Owner	Michalczyk, Brian	Year built	thru	Fin size	thru	Sale price	thru
Street name		Beds	thru	Nhood	desc	Sale date	thru
Street num		Baths	thru	LUC	desc	Book	Page

Print page 1 of 1

Click on the Column Headings to sort accordingly.  
Click on the Parcel ID to view the parcel detail.

Parcel ID	Location	Owner	Built Type	Total Value	Beds Baths	Lot size Fin area	LUC Description	Nhood	Sale date Sale price	Box
2920	BROOKLINE RD	MICHALCZYK, BRIAN		\$37,900		821,847	132 UNDEV	R	8/2/1994 \$225,000	247

Print page 1 of 1

From: Berry, Christine (DCR) <christine.berry@state.ma.us>

Sent: Wednesday, December 23, 2020 8:23 AM

To: Veronica Kell <vkell@townsendma.gov>

Subject: Brookline Road property

Hi Veronica,

I hope this email finds you well.

I wanted to reach out to you about the property we discussed, on Brookline Road, a few weeks ago. We discovered through a title exam that Brian Michalczyk may not be the owner. As far as we can tell the owner is the Hillside Realty Trust, but Mr. Michalczyk may not be one of the Trustees listed on the Declaration of Trust.

I was wondering, if through Town records, you might be able to tell me who is paying the taxes?

Thank you very much, and best wishes for the holiday.  
Christine

Christine Berry  
Land Protection Specialist  
Department of Conservation and Recreation  
Bradley Palmer State Park  
40 Asbury Street  
Topsfield, MA 01983  
617.512.1238