

Folder insert checklist

OSPD and Definitive Subdivision Permit

MGL Ch. 40A Zoning Bylaw 145-39 & 175-13
~ amendment

Applicant: Denis and William Martino
Property address: 7 Trophy Ave
Applicant's representative: Douglas Deschene
Summary of application: Applicant wishes to modify the Open Space Preservation Development Permit and the Definitive Subdivision plan from 2009 as amended in 2013. The applicant wants the access, shown in the plans as coming from Trophy Ave, moved to come in off of Proctor Road.

Date Filed: May 30, 2017

Hearing cannot be opened before 35 days from Town Clerk stamp: **July 4, 2017**
Hearing must be opened by [65 days from Town Clerk stamp]: **August 3, 2017**
Decision must be voted on by [90 days from Town Clerk Stamp]: **August 28, 2017**
Decision must be written within 14 days of vote: **August 28, 2017**

ZONING BOARD Mandatory referrals to: August 28, 2017

~~Planning Board:~~

Conservation:

6/8/17

Legal Notice to Owner

700b 0100 0004 990b 7203

Board of Selectmen: 6/8/17

Board of Health:

6/8/17

Mandatory Referrals

Date Legal Notice mailed to Abutters:

Applicant: 7/24/17

(Including seven abutting towns: 6/8/17 Mason and Brookline, NH, Pepperell, Shirley, Ashby, Groton and Lunenburg) 6/12/17

Legal notice newspaper name: Nashoba Valley Voice

Legal notice dates: **Week 1:** June 16 **Week 2:** June 23, 2017

(First notice in a paper of local circulation not less than 14 days prior to hearing date)

Hearing date: July 24, 2017
Continued Aug 28, 7pm

Decision date: _____

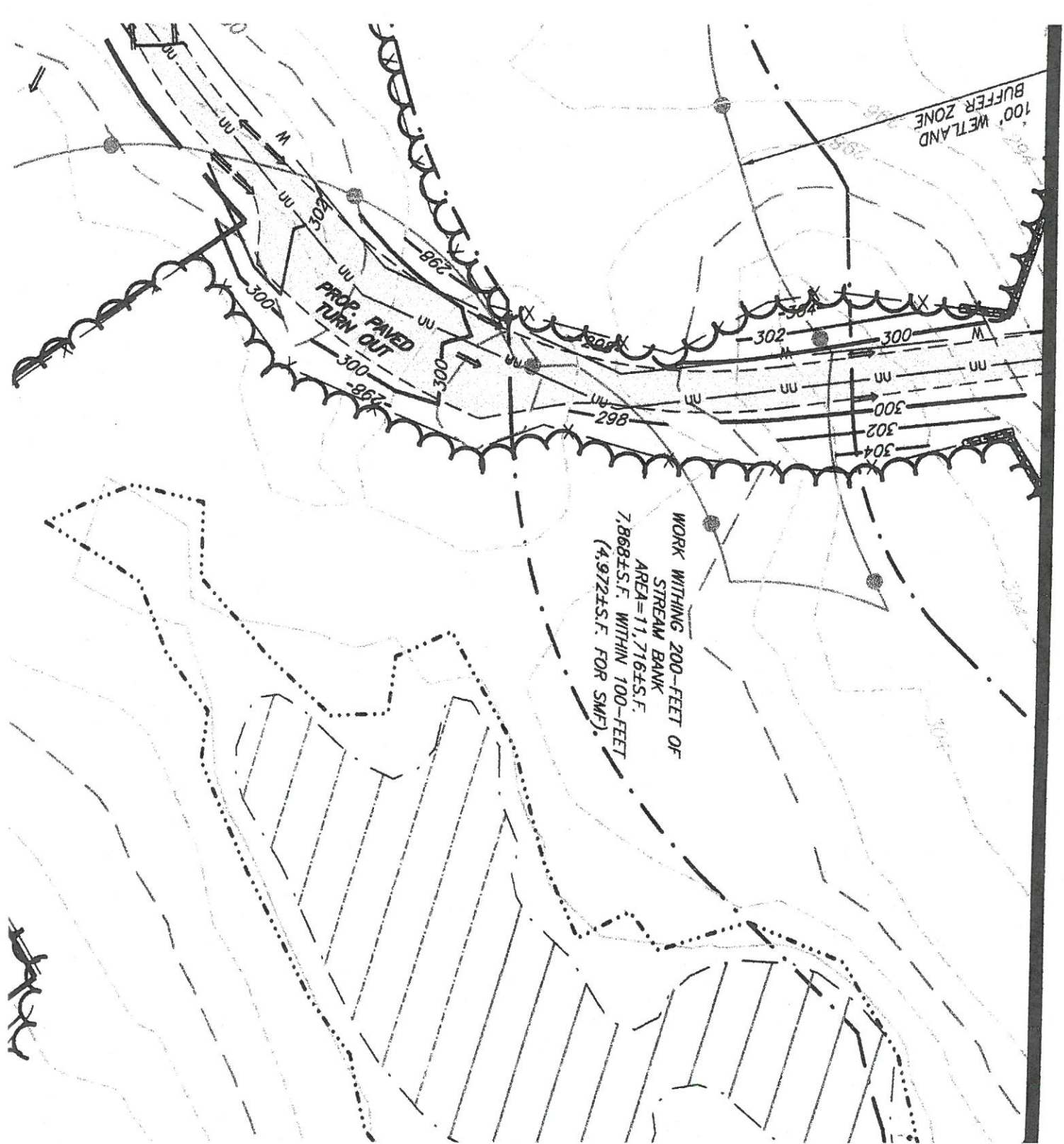
Decision filing date with Town Clerk: _____

Date decision mailed: _____

To applicant: _____

To Abutters: _____

Page 12/18 Village at Patriot Common
Townsend, MA
November 19, 2006
REV 2. 2/9/2009
Job Number 1498.33



N/F JOSEPH & MARSHA L. MORIN
BK. 20997 PG. 395
MAP 42 PARCEL 6-4A
PL. BK.14641 PG.389

WORK WIT.
S1
AREA
7,868±S.F
(4,972)

200' BANK OFFSET

PROP. PAVED
TURN OUT

APPROX. LOC.
PROP. DRIVE

GARAGE
SL=303.50

APPROX.
LOC. PROP.
HOUSE
TC=307.50
SL=300.00

ROOF DRAIN
DRY WELL (TYP)

PROP.
SSDS
(TYP)

511 TP

521 TP

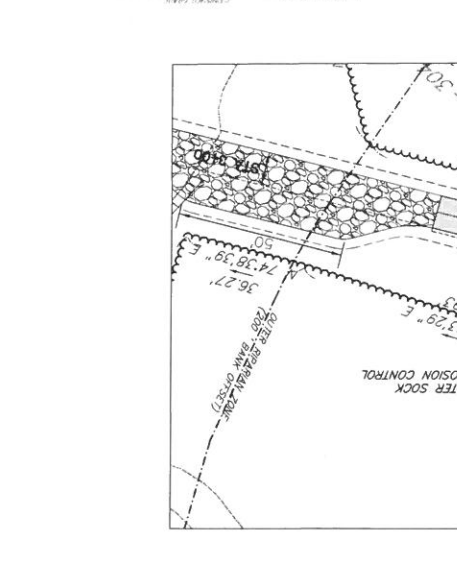
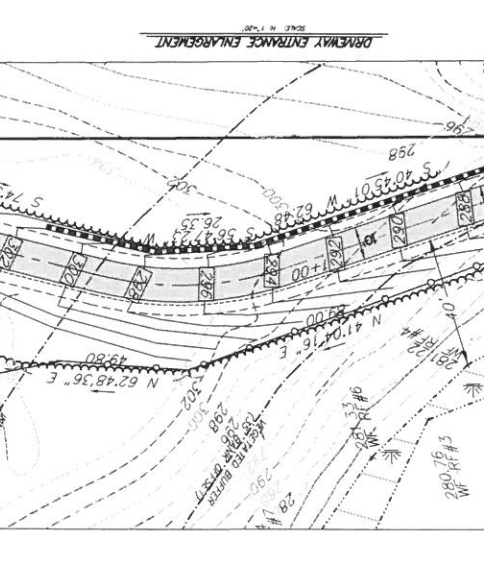
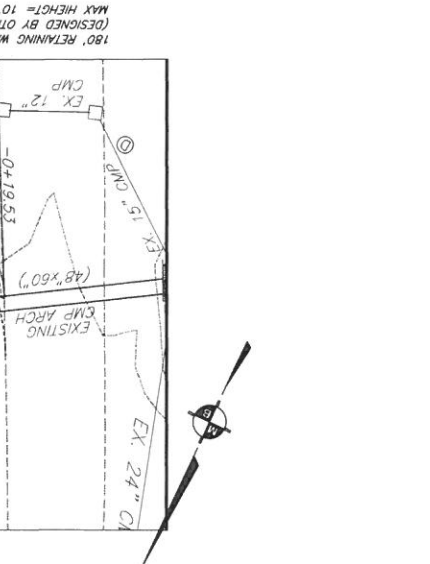


Exhibit 9

Michele Decoteau

From: Julie Ward <ejward4@comcast.net>
Sent: Monday, August 14, 2017 3:35 PM
To: Michele Decoteau
Subject: Fwd: Driveway from Proctor Rd for lot 7 on Trophy Ave

Here is the email I sent in April for the planning board. Thank you!

Julie

Begin forwarded message:

From: <ejward4@comcast.net>
Date: April 8, 2017 at 8:25:51 PM EDT
To: "MDecoteau@townsend.ma.us" <MDecoteau@townsend.ma.us>
Subject: Driveway from Proctor Rd for lot 7 on Trophy Ave

Good afternoon,

I am writing this to express my concerns about the driveway that Mr. Marino is planning off of Proctor Rd to his property at 7 Trophy Lane.

There was a tremendous amount of work done by the Planning board and Conservation Committee, first, for the Village of Patriot Common, which was the 27 house subdivision on this property, and then for the 7 house subdivision of Trophy Ave. During the long process, Peter Decarolis, the previous owner of the property built 3 houses on Proctor Rd, on property that abuts the land he has recently sold to Mr. Marino. He was warned on several occasions that if he built those houses, he would be landlocking the property but he continued to build them anyways. When the subdivision was denied, Mr. Decarolis appealed and lost in court. He then scaled down his plans and submitted plans for Trophy Ave. He was warned again by both Conservation and Planning board that if the plans for the 7 house subdivision were approved, he would not be allowed an entrance from Proctor Rd. Mr. Decarolis agreed and Trophy Ave was built. 6 houses were built right away but the 7th was never built because a bridge would be needed to enter the property. He then sold the property to Mr. Marino who is attempting again to gain entrance off of Proctor Rd, a denied entrance.

The entrance from Proctor Rd is steep. There is a large hill at the entrance. My property line at 26 Proctor Rd. runs across the top of that hill. If you are in my driveway looking towards this hill, you can see that it drops steeply on my side into a basin type area. I don't see how the retaining wall that Mr. Marino plans to build would not cause the entire hill at the entrance to collapse onto my property. I invite anyone from the board to come up my driveway and take a look from my side. On his plans, the retaining wall is only 4 feet high, yet the slope is considerably greater than that. Meisner Brem had admitted in the past that the topography maps at the entrance were incorrect, so I am hoping they are fixed now.

There is a storm drain at the entrance site that I am hoping, if the denial is reversed, can be moved and not omitted all together. Rainwater already pools at my driveway and this could make the problem worse. I honestly don't know if there are any town bylaws in regards to retaining walls on abutters property lines, but I hope he can build them without disturbing any land that I own.

I feel strongly that the denial should stand. I hope you take the time and look at all the painstaking work done by the previous Planning board members. I understand that Mr. Marino owns the property and has a right to build on it, following all rules, but I feel he needs to use the previously approved entrance off of Trophy Ave. I don't feel that just because there is now a new owner that all previous

decisions should be reversed. All of this is public information that he should have known before buying the property. Mr. Marinos' representative at the Conservation meeting last week stated he was trying to do what was best for the environment. That didn't seem to be the case when he drove heavy equipment through the brook off of Trophy Ave, twice in one week, to perk the land. He needed to be told by the land use coordinator to stop this practice. I am sure he is actually looking for the cheaper way, not really thinking about the environment at all.

Thank you for your time,
Julie Ward
26 Proctor Rd
Townsend MA, 01469

Sent from Mail for Windows 10