



Meeting Date: November 26, 2018

Meeting place: Townsend Memorial Hall, Selectmen's chambers

Chairman Lance McNally called the meeting to order at 6:30 pm

Present: Lance McNally (Chair), Veronica Kell, Jerrilyn Bozicas, Charles Sexton-Diranian
Laura Shifrin (Vice Chair) joined the meeting at 6:38 pm.

Others Present: Chief Richard Bailey, Townsend Police Department
Elizabeth Faxon, Planning Board administrator

Chair McNally (LM) added a FY20 Budget discussion to the agenda. Veronica Kell (V.K.) requested discussion about filing recently vacated Land Use Coordinator position.

Comments on the 11/5/18 meeting minutes ensued. VK page 3 bullet point "define the floor area..." will change to "35% of floor area not to exceed 800 sq. ft." Page 4 requested expansion on the question of Lot 6 and how it will be seen in the future i.e., include note that ANR Lot 6 has been included in the Campbell Farm OSPD. Add a space above the appointment of Charles Sexton-Diranian. Motion to approve the minutes 11/5/18 with changes, seconded. All in favor.
187 North End Road Campbell Farm OSPD Decision

The Board reviewed the Campbell Farm OSPD draft Decision and requested changes:

V.K. noted Page 1 under 1 General line four "OSPD... requested that be amended to read 187 and 199 North End Road for the benefit of future Planning Boards. All agreed to said change throughout the document.

Further below in section I a) "the 74-acre Campbell...." Change to approximately 100 acre Campbell Farm at 187 and 199 North End Road.

V.K. noted in Section 7 conditions of special permit.

Add the work "in" "#4 in a natural state in perpetuity"

V.K. questioned adding a date for submittal of the maintenance plan in Condition #5. The Board decided to change the wording to add "prior to conveyance of the open space property to F & W" at the end of the condition.

V.K. noted a formatting issue on Page 7 strike #10 and insert #9. V.K. asked for town counsel review. V.K. asked how 199 North End road will appear legally documented as part of the Campbell Farm OSPD special permit. A marginal reference will be placed on the Deed for 199 North End road upon the filing of the Campbell Farm OSPD at the Registry of Deeds. V.K. expressed further concern that this will not be evident in the Registry records because 199 was an ANR Lot before it was part of the OSPD. L.M. Suggested that E.F conduct a title search at a later date to ascertain that the Deed of 199 North End Road does include the documentation. Discussion ensued as to the benefit of installing an interdepartmental software system that will track projects, permitting and properties. L.M. suggested investing time to research and propose procurement of a tracking software system for permitting and compliance utilized by multiple departments in the Town.

The Board agreed to vote on the Decision conditioned by Town Counsel review. L. S. motioned to grant the Open Space Preservation Development Special permit for 187 and 199 North End Road, Campbell Farm, J.B seconded. Roll call vote:

L. McNally	YES
L. Shifrin	YES
J. Bozicas	YES
V. Kell	YES

The motion carries.

I. Accessory Apartment bylaw

The Board continued next to discussion of the the accessory apartment bylaw proposed changes. L.M formally welcomed Charles Sexton Diranian to the Planning Board.

V.K. noted that when she edited the proposed amendments accessory apartment bylaw, after the public hearing, she realized there were still multiple questions and logistics to be solidified. Specifically, the logistics and roles of the multiple town staff, boards and committees that are involved in the accessory apartment permitting and oversight process. The incorporation of "grandfathering" into the document will also need some clarification and development. Consequently it was decided to continue with development of the proposed changes to the bylaw followed by a goal of presenting a final version to the voters at the Annual Town meeting.

L. S. asked if V.K. And C.S.D would be amenable to continuing this effort of working on the proposed changes in the bylaw. L.M. noted that any changes and developments to the document resulting from their work can be discussed by the Board in a future Board meeting. C.S.D added that this work with V.K. will be an opportunity to share what he has compiled as far as knowledge of existing bylaws of the towns in Massachusetts.

E.F noted that C.S.D is on the agenda for the Zoning Board of Appeals meeting on 12/12/18 to present information on affordable housing, The Townsend Housing plan, and state registration of accessory apartments in his role as the Townsend Housing Authority State representative. Mandatory referral – 5 Harbor Trace the Board decided to comment in favor of the application for the accessory apartment.

IV. Recreational Marijuana bylaw

L.M. updated the Board that he attended the 11/20/18 Board of Selectmen's meeting. He recapped his correspondence at that meeting for the Board. At that meeting L.M. conveyed the following recreational marijuana regulatory process to the Selectmen;

- The Planning Board will present the temporary moratorium extension referendum at Special Town Meeting (December 2018) prior to the expiration of the existing Moratorium.
- The Planning board will put forward a recreational marijuana ballot question to prohibit retail establishments at the town election (April 2019).
- The Planning board will bring forward two articles at the Annual Town Meeting (May 2019)
 1. A voter approved ballot article allowing certain types of recreational marijuana establishments. L.M. recommended this be a town bylaw as opposed to a zoning bylaw to be discussed at a later date.
 2. The Recreational Marijuana Establishment zoning proposal.

Concluding with the voters having option at the ATM (May 2019) of either acting on the ballot article and /or the zoning article. L.M conveyed the concern expressed by the Board of selectmen that no local zoning regulation of recreational marijuana would be in place for the Town should the extension of the moratorium fail at STM (Dec. 2018) or at the AG office. Noting that the Moratorium would end on January 1, 2019.

L.M added that he met with Town Counsel and was informed that there is a chance that the Attorney General's office would not approve of the moratorium extension. Town Counsel recommendations included the following two action items;

1. The Temporary moratorium article be edited to include specific wording to address the endpoint of the temporary moratorium such as "until the town has a chance to vote" or to somehow include a contingency for a ballot question.
2. Go through the process to include the Recreational Marijuana Establishment Zoning Proposal on the Dec. 2018 Special Town meeting warrant.

The Board then agreed to have both the Temporary Moratorium extension referendum and the Recreational Marijuana Establishment Zoning proposal on the Special Town meeting warrant.

L.S. motioned to schedule, notify and open a public hearing on the Recreational Marijuana Establishment Zoning proposal according to the state statute in preparation for the Special Town meeting warrant. J. B seconded. All in favor.

The Board continued to discuss the delineation of the buffer zone created between Recreational Marijuana facilities and areas where children congregate. L.M advised that the AG will no longer accept wording in a zoning bylaw that creates a 500 ft. buffer around "where children congregate" as was included in the regulations for medical marijuana. He explained that more detail and definition will be required respective to the buffer zone in the bylaw such as facilities and areas where children congregate.

C.S.D. asked if there could be a separate section in the zoning bylaw to address the buffer zone. The Board discussed the timeline for posting the Recreational Marijuana zoning bylaw on the STM warrant. It was decided to hold the public hearing on December 11, 2018.

II. Mater Plan Committee update

Present: Kym Craven via phone at 7:25 p.m.

Kym reported the Master Plan committee hasn't met since the summer due to member's schedules and inability to rally a quorum. The expected next meeting date is December 12, 2018. She reported little progress on updates from committee members regarding writing their assigned sections of the Master Plan. Ms. Craven has asked for progress reports and updates from committee members regarding their assigned sections be submitted by 11/23/18. She notes Mr. Hayes has the action item of work on the community wide survey supporting MRPC in this task, and she is waiting for an update on this as well. The Economic development component of the Master Plan was noted to be in development stages with the next step of retaining professional services for this major section. V.K. asked about the status of the final report from Montachusett Regional Planning Council (MRPC). K.C. responded that a Draft report has been received and, stated that until the Committee meets to review and discuss the draft document, no finalization can occur. She noted there are some changes discussed that would be advantageous to the report and this should be completed in the next Committee meeting. K.C. suggests recruiting additional member (s) noting that some attendance is intermittent. L.M recaps that the update available on 11/23/18 is important to the schedule going forward.

V.K. asked about \$125,000 funding source discussed in a BOS meeting that the State may have for Townsend for Master Planning. K.C. responded that the amount of money is in excess of

what is needed for the Towns master plan. K.C. noted that these funds may be requested in the future for implementation of economic development strategies resulting from the completed and approved Master Plan. She reported that the staff currently working on the MP are doing a great job and more money would not necessarily be beneficial in this situation. She noted that it is important for the Master Plan to have local support for implementation. V.K. asked if perhaps the money can be requested from the state for completion of the MP and withholding the money allocated already by the citizens until the economic implementation phase. L.M. asked E.F. to research the status of the state fund money and report back to the Board. K.C. stated that in January 2019 there will be planning funds that can be applied for from the MRPC. She offered that these funds combined with what has already been allocated by the Town should be easier to access and more beneficial to the project moving forward at a reasonable pace. K.C. suggested that she and E.F. meet to discuss any developments of access to state funding.

7:45 p.m. K.C. leaves the meeting (via phone).

L.S. states she has been attending all of the MRPC meetings this year, and will not be able to attend the December 6th meeting. L.M. offers to attend in her place.

L.M. then summarizes the Recreational marijuana regulatory plan for the Board.

- The Planning board will post a public hearing on December 11th at 6:30 p.m. for review of the recreational marijuana zoning bylaw proposal, a quorum is required.
- L.M will meet with town counsel on 11/28/18 and send out any relevant changes to the "places where children congregate" piece of the zoning bylaw to the Board.
- The zoning article will be placed on the Special Town meeting warrant.

V. Recommendation for a representative/member to be appointed to the town properties committee

The Board then considered a recommendation for a representative to the town properties committee. L.S. offers to take on this position.

Replacement of the Land Use Coordinator (LUC) was discussed. In response to interest from Board members, L.M agreed to request that the Board is included in the search for the next LUC candidate.

FY 20 budget

E.F. agreed to get the FY19 Land Use Department budget and begin work on a budget analysis in preparation for the FY20 Budget process.

Fee Structure

E.F. noted that in response to expenses incurred for mailing of abutters and legal ads, the previous LUC formalized a fee schedule to implement immediately. She asked for procedural guidance for collection of expenses for administrative costs directly related to processing of applications. E.F. will discuss the process for collection of filing fees with town counsel at the next opportunity.

V.K. read the Townsend Planning Board correspondences aloud to the Board. Notice of Decision from Lunenburg Planning board regarding construction of a 5.8 MW large-scale ground-mounted photovoltaic installation was noted.

V.K. motioned to adjourn at 8:40 pm, J.B. seconded. All in favor.

Respectfully Submitted,
Elizabeth Faxon
Planning Board administrator

Documents on file:

1. Draft Decision Campbell Farm
2. Meeting sign in sheet
3. Memo from BOS to PB re: Town Properties committee appointment
4. §145-89 Recreational Marijuana Establishment Zoning Proposal
5. Memo from Town Administrator to PB re: FY Operating budget instructions
6. Model Marijuana Establishment Ban Warrant Articles for Towns requiring a ballot vote – flow chart document. KP Law. Wm Policy June 2018, Developing Local cannabis policy in Massachusetts.

Approved on: January 14, 2019