



Office of  
**THE PLANNING BOARD**  
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Lance J. McNally, Chairman

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Laura Shifrin, Vice Chair

Jerrilyn T. Bozicas, Member

**Planning Board Meeting minutes**

Monday, April 8, 2019, at 6:30 PM

Townsend Memorial Hall, in the Great Hall,  
272 Main Street, Townsend, MA 01469

**1 PRELIMINARIES:**

- 1.1 Call the meeting to order – Clerk Veronica Kell called the meeting to order at 6:32 p.m. Present – Charles Sexton-Diranian (CSD), Clerk Veronica Kell (VK), and Jerrilyn Bozicas (JB). Others present: Elizabeth Faxon, Planning board administrator
- 1.2 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting: - none

**2 6:45 p.m. – Public Hearing – proposed amendments to §145-36 accessory apartments in residential district.**

Veronica Kell (VK) discussed the proposed changes and additions made to the accessory apartment bylaw. The proposed amendments to the accessory apartment bylaw document was visible on screen and all attendees had a print copy for reference. V Kell noted the definitions that have been added are accessory apartment, floor area, affordable accessory apartment, and pre-existing outbuilding and continued through the document outlining the changes as follows;

- Section A adding wording to include affordable housing and affordable accessory apartment.
- Section B adding wording to include a pre-existing out-building. And confirming that only one accessory apartment is allowed on one lot.
- Section C (1) adding wording to Zoning Board of appeals procedures for hearing applications of accessory apartments. i.e., written report of the Board of Health, public hearing, and due consideration to the mandatory referral report of the Planning Board.
- Section C (2) requirements amended to add the pre-existing outbuilding and describing the allowable size descriptions, and occupancy requirements for accessory units both attached to the residence and in a pre-existing outbuilding.
- Section C (2) (e) the allowable lot size was reduced from one acre to  $\frac{3}{4}$  of an acre.
- Section C (2) (h) addition of State compliance standards of accessory apartment for occupancy of a person with a disability.
- Section D wording added to be compliant with Subsection C.1 (a). The following sentence has been stricken ~~The Board of Health may supplement its report within five days after the hearing.~~
- Section E CSD explains and reads aloud this section added in it's entirety to the existing bylaw, which specifies the affordable accessory apartment program. LIP is previously defined as Local initiative program, a program regulated by the Massachusetts Department of Housing and Community Development conditions of the program are presented including compliance criteria, regulatory agreement, voluntary termination of regulatory agreement, registration of agreement, and term of agreement termination of

requirements for affordable units. The accessory apartment will either be used to house a family member or be registered in the affordable accessory apartment program. The process of registering an affordable unit is straightforward stated CSD.

- Section F VK reads aloud and the wording added pertains to the renewal process which now includes abiding by the terms of the State of Massachusetts DHCD 40B program. She clarified that if the owner is housing a family member, than no enrollment in the affordable housing program is necessary. If the owner is not housing a family member, then registration in the affordable housing program is necessary. Wording added that the Town may impose fines for violation of this section. It was further explained that if an owner is not using the unit for a family member or have it registered with the 40B program, they may be subject to a fine.
- Section G added wording pertaining to grandfathering accessory apartments created under the current bylaw. VK notes that this section G may not be necessary and will likely be removed from the warrant version.

CSD reviewed the many sources of input received over the years of formulating the proposed amendments including input from public hearings and forums, and a collaborative effort of the Zoning Board of Appeals, Planning Board and the Housing Authority working together to bring this well-organized, comprehensive proposal forth. He continued to explain the accessory unit is created to help retain the elderly, young and others in Town who could benefit from affordable housing. He noted that there is some tax relief available for the owner of the affordable unit. The main goal is to increase the affordable housing inventory for the Town and keep the elderly and young residing in Town.

The Board then continued to read and address comments submitted by a concerned citizen. Section B comments regarding potential exclusion of homeowners without a pre-existing out-building on the property from building an accessory unit. VK clarified that if you do not have an existing outbuilding you cannot build an outbuilding for the purpose of an accessory unit due to the fact that the intent is not to have back yard construction of an accessory apartment. However, if you bought a house and you constructed a garage or a barn, after 10 years has elapsed, you may then apply for a special permit for an accessory unit. The next comment pertained to Sections C (2) (a) (i) and C (2) (a) (ii). Commenter sought better clarity for the wording of the definition of "floor area" as it may eliminate property owners with a larger footprint. VK explained the process by which this definition was formulated. In the process of formulating the definition, the board reviewed existing bylaws of neighboring and other towns with accessory apartment bylaws. The Board also looked at square footage for a one bedroom and a 2 bedroom apartment for in Town properties and found the average for a one bedroom is 570 sq. ft. and the average for a 2 bedroom is 780 sq. ft. The Board determined that the 800 sq. ft. in the definition is adequate for accessory apartments. Another comment requesting clarification on why the footprint of the outbuilding cannot be increased when constructing an accessory apartment. VK responded that the intent is to maintain character of the Town's residential neighborhoods as they are, and to contain the accessory unit within the existing outbuilding structure. The next comment referenced Section E and commented that clarity should be more developed in the wording about the registration of the unit in the State 40B program as a mandatory requirement. VK responded that this is clearly defined in Section F, and further states that compliance with the 40B LIP program is not voluntary unless a family member is the

tenant of the accessory unit. It is required that property owners comply with the LIP program under M.G.L 40 B Comprehensive permit projects-subsidized housing inventory if you are not accommodating family in the accessory unit. A question from the public followed regarding the impact on property taxes. CSD stated that the accessory apartment is taxed at a lower rate. The primary residence is taxed at 100%, the accessory unit is taxed at 80% whether the tenant is a family member or not. CSD motioned to close the public hearing, JB seconded. All in favor. The motion carried unanimously.

The Board then began the voter information session regarding the seven ballot questions on the April 22, 2019 Annual Town election ballot. The Ballot questions pertaining to prohibition of each or any of the seven types of recreational marijuana establishments in all zoning districts of Townsend. Since inception, the Planning Board has worked to include citizens in the decision process of local regulation of recreational marijuana in Townsend. The Planning Board brought forth a zoning bylaw which was passed at Special town meeting December 20, 2019. There is also a moratorium in effect that may or may not be accepted by the Attorney General. The process of local regulation continues with the ballot question referendum, followed by a town meeting vote on May 7, 2019.

VK presented a PowerPoint prepared for the information session. The PowerPoint included background of the recreational marijuana regulatory process, types of RMJ establishments, what a "yes" votes means, and what a "no" vote means, and specifics about the process. Specifically if a voter votes yes on a Ballot question that would be in favor of prohibiting that type of recreational marijuana (RMJ) establishment in all districts in Townsend. A "no" vote would allow that type of RMJ establishment as currently regulated. Each type of RMJ establishment will be taken separately as separate ballot questions.

CSD noted that ballot questions that pass at the ballot also have a corresponding warrant article on town meeting floor that will require a 2/3 vote for the particular establishment to be prohibited. VK summed up the presentation with reiterated the goal of the Planning board to gather input and guidance from the citizens throughout the regulatory process of adult use recreational marijuana in Townsend. After the presentation was complete members of the audience asked questions about security and additional public safety resources, host agreements, potential location of establishments should they be allowed, revenue from the state if the establishments were allowed to operate. The leverage that the Town has with the Community host agreement for a RM establishment to operate in town was discussed at length. If allowed and if an applicant petitioning a special permit for operation of a RMJ facility does proceed through the state licensing process and comes to the Town, there are many deliberating points that will be negotiated in the Host Community agreement. The Host Community agreement negotiations will occur between the Board of Selectmen and the applicant, and will cover such topics as security detail, required traffic infrastructure and, community program givebacks. One question involved what the next step will be in all the RMJ establishments are allowed by the ballot vote at the Annual Town election and voted down at Town meeting. The question was respectfully deferred to the next Planning Board public hearing on the warrant articles to be held on April 29, 2019. Town counsel will be available to answer questions



in more detail. Questions about how to get more information on the subject arose and it was recommended that citizens go to the Cannabis Control Commission website, and browse websites of other towns which are in various stages of the adult use recreational marijuana regulatory process. There was an announcement about a mock town meeting event which will happen on April 24<sup>th</sup>, 2019.

CSD motioned to adjourn at 8:15 p.m., VK seconded. All in favor.

Respectfully submitted,  
Elizabeth Faxon  
Planning Board administrator

Items on file:

1. PowerPoint presentation print out "Adult Use Recreational Marijuana Ballot Questions Informational Session.
2. Draft Accessory apartment bylaw amendments.
3. Accessory apartment bylaw Public hearing sign in sheet.

Approved on: April 29, 2019