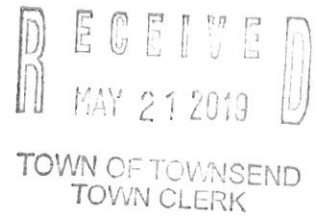




Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
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Lance J. McNally, Chairman
Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Laura Shifrin, Vice Chair
Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes
Monday, April 29, 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. Vice Chair, Laura Shifrin, called the meeting to order at 6:32 p.m. Roll call: Charles Sexton-Diranian (CSD), Laura Shifrin (LS), Clerk, Veronica Kell (VK), Jerrilyn Bozicas (JB).

Absent with notice: Lance McNally, Chair

Others present: Elizabeth Faxon (EF), Planning Board
Administrator

Lyndsy Butler (LB), Land Use Coordinator

- 1.2 Additions or Deletions to Agenda not reasonably anticipated by the Chair 48 Hours in advance of the meeting. None.

- 1.3 Approval of minutes 3/25/19, 4/8/19.

JB motioned to approve and release the Planning Board 3/25/19 meeting minutes. CSD seconded. All in favor. The motion carried.

JB motioned to approve and release the Planning Board 4/8/19 meeting minutes. CSD seconded. All in favor. The motion carried.

2 Hearings and appointments:

- 2.1 6:45 p.m. Public hearing – modification to an Open space Preservation Development (OSPD) special permit.

Applicant: Townsend Hill Realty Trust

Location: 187 & 199 North End Road

Project: Applicant is requesting a modification to the OSPD special permit.

Present: Stan Dillis, Ducharme & Dillis

The Planning Board granted an Open Space Preservation Development special permit. The proposed amendment is to the two open space parcels, the required open space parcel will increase from 28.95 Acres to 57 Acres and be conveyed to Massachusetts Dept. of Fish and Game. "Parcel Y1", formerly Parcel A, has been reduced in size from the original approved plan and is a parcel of 22.81 Acres. Parcel Y1 is not a buildable lot and will remain under the same ownership and conditions as defined in the special permit. Mr. Dillis presented the site plan with the original approval and the newly

proposed site plan with the 57 Acre open space parcel newly labeled "Parcel X1". He explained that MA Fish and Wildlife expressed interest in ownership of a larger parcel and is purchasing the land as unbuildable land. VK asked about "Parcel Y1" on the new plan and asked if it is equivalent to Parcel A in terms of conditions to the original approved plan. She asked for confirmation that the Conservation Restriction detailed in the Decision would apply to Parcel Y1. VK questioned the labeling of the parcels on the modified site plan and Mr. Dillis agreed to change the labeling of the open space parcels. Discussion ensued as to the options available to the applicant in the OSPD bylaw for conveyance of the open space parcel. Anne Gagnon, MA Fish and Wildlife was present and confirmed that Fish and Wildlife is purchasing the parcel as unbuildable land and would have a "fee" ownership. Under this ownership agreement the applicant has a few difference choices as to how the land is protected. She stated the land will not be disturbed for field reconfiguration or use, or forestry alternations. VK stated her understanding that the original agreement of conveyance of the open space parcel was a donation to the MA fish and wildlife and questioned the agreement with respect to compliance with the bylaw.

CSD motioned to continue the public hearing to May 20th at 7:30 p.m. VK seconded. All in favor. The motion carried.

2.2 7:30 p.m. Public hearing – Recreational marijuana establishment zoning bylaw

The purpose of the hearing is to solicit public comment to see if the Town will vote to amend the Towns' zoning bylaw by adding a new section 145-89A prohibiting any or all of the seven types of recreational marijuana establishments in all districts of the Town of Townsend and review these proposed amendments to the Town's zoning bylaw.

Present: Kate Feodoroff, Town counsel

No other public was in attendance.

Public hearing was videotaped.

Town counsel developed a background on Townend's adult use recreational marijuana regulation process from inception to present.

Town counsel explained that the bylaw amendments presented are to see if the town would vote to prohibit any or all of the different recreational marijuana establishments (RMJ) in all districts of Townsend. She recapped the ballot questions that were put forth to the voters to try to capture a better sense of what types of RMJ establishments citizens want to prohibit. She explained the reason for this two-step process of both ballot questions and town meeting vote on the corresponding warrant article, is because the community voted in favor of question 4 on the state ballot and as such can regulate RMJ locally with a zoning bylaw. Townsend passed a zoning bylaw at the December 2018 town meeting and is now putting forth warrant articles to amend the zoning bylaw according to the outcome of the ballot vote and the town meeting. The Planning board can choose to recommend favorably, recommend unfavorably, or take no position and/or defer to town meeting. She explained why Townsend has started the process of regulating through a zoning bylaw and now will continue with the same process to prohibit if the town voters so chose.

Town counsel noted that the results of the seven ballot questions on the April 22nd, 2019 ballot were majority approval of each. She continued to explain that at town meeting each of the corresponding warrant articles will require a 2/3 vote. A brief description of

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the various types of establishments was given. Cultivators, product manufacturers, retailers, testing facilities, research facilities, transporters and "all others unnamed at this point". It was further explained that if one or some of the establishment types fail to receive a 2/3 vote by town meeting, the final article 33 will be able to absorb these results by prohibiting those that passed and allowing those that did not to continue to be regulated as currently under the zoning bylaw that was passed at Dec. 2018 town meeting. LS noted that all the ballot questions passed, affirming that prohibition is supported by the majority vote at the annual town election. CSD confirmed that Townsend passed a zoning bylaw in December 2018 and expressed concern that the Attorney General might not approve the amendments submitted after town meeting. Town counsel replied yes, and it is was good practice to have a zoning bylaw in place until results from the annual town election could be available as part of the two-step process. CSD confirmed that the Town has received approval by the Attorney General for the recreational marijuana establishment zoning bylaw passed at December 2018 town meeting. It was noted that the approval of the extension of the moratorium of recreational marijuana establishments, passed by STM 2018 is on hold by Attorney General due to appeal procedures.

LS announced the results of the annual town election ballot questions;
A yes vote prohibits and a no vote allows the type of recreational marijuana establishment in all zoning districts of Townsend.

- Question 1 Recreational marijuana cultivators Yes – 508, No – 405, blanks – 45
- Question 2 Recreational marijuana product manufacturers YES – 533, NO – 401, blanks – 24
- Question 3 Recreational marijuana retailers YES – 555, NO – 381, blanks – 22
- Question 4 Recreational marijuana testing facilities YES – 522, NO – 403, blanks – 33
- Question 5 Recreational marijuana research facilities YES – 511, NO – 414, blanks – 33
- Question 6 Recreational marijuana Transportation Distribution facilities YES – 543, NO 371, blanks 44
- Question 7 other types of licensed recreational marijuana-related facilities YES – 589, NO 336, blank 33

Discussion ensued as to interpretation and understanding of the election results. Town counsel described each type of recreational marijuana establishment in general terms. She summarized that the Ballot question results were all passed by majority vote and furthermore the ballot questions about retailers, transportation distribution facilities and, other types of licensed recreational marijuana –related facilities were stronger in numbers in favor of prohibition. LS encouraged participation in town meeting on May 7, 2019 and help us all proceed with policy for Townsend.

CSD motioned to close the public hearing, VK seconded. All in favor. The motion carried.

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3 Worksession:

- 3.1 Election of Planning Board officers. VK made a motion to nominate Lance McNally for Chairman of the Planning Board. JB seconded. LS stated that she has been authorized to convey Mr. McNally's acceptance of this nomination. All in favor. The motion carried.
JB made a motion to nominate Laura Shifrin for Vice Chairman of the Planning Board. VK seconded. LS accepted the nomination. All in favor. The motion carried.
CSD made a motion to nominate Veronica Kell for Clerk of the Planning Board. JB seconded. Veronica Kell accepted the nomination. All in favor. The motion carried.
- 3.2 Reappointment of Townsend Master Plan Committee members; Kym Craven, Wayne Miller, Andrea Wood, Bill Rideout, Cynthia Donovan Schuster, Veronica Kell, Don Hayes, Karen Clement, and Todd Melanson for a term to expire on 4/27/2020. CSD made a motion to table the reappointment of the Master Plan Committee until the next Planning Board meeting. VK seconded. All in favor. The motion carried.
- 3.3 Adult Use Recreational Marijuana Annual Town Election Ballot Questions. LS stated that the seven Ballot questions got a simple majority vote in favor of or "YES". The "yes" votes exceeded the "no" votes by more than one hundred votes for each of the recreational marijuana establishments. The Board discussed and announced the results during the public hearing section of the meeting for the recreational marijuana establishment zoning warrant articles.
- 3.4 §145-89A Recreational Marijuana zoning bylaw amendments & 2019 warrant articles. Discussion was held in the public hearing for the recreational marijuana establishment zoning warrant articles.
- 3.5 §145-36 Accessory Apartment bylaw warrant article. VK confirmed that the warrant article posted is the same as the final draft she submitted to the office. LS mentioned she received an email as a member of the Planning board and asked about how procedurally this is handled. EF explained that email/mail from citizens received by the Planning Board office are date stamped as received by the administrator and placed on a future meeting agenda per the Chair.
- 3.6 Mandatory referrals -- 48 Fitchburg Road: The Board reviewed the application and site plans.
- Ownership of the entire complex was questioned in relation to the applicant's proposal. Any changes to the pre-existing structure should be approved by all the owners. That would require notice to all abutters including owners residing within the complex. EF stated that the abutters notified are from a list certified by the Assessor's office. It

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was advised that all owners should be notified and recommended further investigation of identification of owners for notification.

- VK expressed concern that the proposed rebuild will cover a larger footprint than the original grandfathered building footprint, and the proposed building will not match any of the other existing buildings in the complex. The different style of the building will not fit the character of the existing complex was stated. There was a question as to whether or not this larger proposed footprint should be allowed or rather remain constrained to the original footprint.
- CSD asked if the applicant has any plans for including any affordable units within this new building. CSD suggested that if the footprint increase were granted perhaps a corresponding increase in affordable units for the Town would be a reasonable course.

The Board decided to defer the referral comments re: 48 Fitchburg road to the next meeting.

110 Barker Hill Road: The Board reviewed the application and site plans for the proposed project. The Board endorsed the referral with the following comment: "The Planning board believes setbacks should be honored."

- 3.7 District Local Technical Assistance (DLTA) grant update. EF reports meeting with MRPC representatives John Hume and Sean O'Donnell and to formulate specific technical services needs of both the Townsend Housing Authority and the Master Plan committee. The purpose of the meeting was to agree on the specific tasks that MRPC will undertake for the Town under the DLTA grant award. Mr. Hume will send a draft scope of services and Memorandum of Agreement to the Planning Board Administrator for review.

4 Correspondence:

- 4.1 Notices from Townsend/Other towns. EF noted that all correspondence received by the Planning board office was scanned and emailed to each of the Board members.
- 4.2 Adjournment: Next meeting Monday May 6, 2019. CSD motioned to adjourn at 8:53 p.m. JB seconded. All in favor. The motion carried.

Respectfully submitted,
Elizabeth Faxon
Planning Board administrator
Items on file:

Approved on: May 20, 2019

1. Amendment to Open Space Preservation Development application.
2. Amendments to Recreational Marijuana Establishment Zoning bylaw 145-89 A prohibition of 7 individual types of recreational marijuana establishments
3. Public sign in sheet.
4. Application packets for 48 Fitchburg Road and 110 Barker Hill Road referrals.

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