



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
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RECEIVED
JUN 17 2019
TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman
Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Laura Shifrin, Vice Chair
Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes
Monday, May 6, 2019, at 6:30 PM
Selectmen's Chambers,
272 Main Street, Townsend, MA 01469

1 Preliminaries:

- 1.1 Call the meeting to order. Chairman Lance McNally called the meeting to order at 6:37 p.m.
Present: Chairman Lance McNally, Vice Chair, Laura Shifrin, Clerk Veronica Kell, Charles Sexton-Diranian, and Jerrilyn Bozicas.
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. Add 2.5 discussion on the interpretation and clarification of the word "conveyance" of the required open space in the OSPD bylaw.

2 Worksession:

- 2.1 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.
Chair McNally expressed gratitude to Kym Craven, Chair of the Master Plan committee, for her diligent work with progressing the Master Plan update forward. He also stated he was approached by concerned citizens whom raised issues concerning the operating procedures of the Master Plan committee and, the indeterminate quality and benefit of the recently released master plan survey. Other Board members expressed similar experiences of being approached by concerned citizens. A concern was expressed regarding the approval process of the final draft of the Master Plan update as it effects the Town's ability to apply for grants. Procedural guidance was sought from town counsel confirming the empowerment of the Planning Board to designate the Master Plan committee chair and, designating such as a member of the Planning Board.
Chair McNally asked for tabling of the Master Plan Committee appointment until another meeting to allow Board members to consider options and provide

feedback. Jerrilyn Bozicas expressed her concern over exercising the option of appointing a Planning Board member as Chair of the Master Plan committee in consideration of potential disruptive effects to the Master Plan update work in progress and, committee members.

- 2.2 Planning Board discussion and approval of Annual Town Meeting 2019 warrant articles. Draft Accessory Apartment Planning Board report was discussed. Chairman moved to include 3.1 email from citizen, into this agenda discussion. Discussion ensued as to the pre-existing outbuildings and the adaptation in the proposed bylaw amendment. The ten year existence of the pre-existing outbuilding requirement in the proposal was reconsidered by the Board. Board members spoke in favor of reducing the time frame and also in favor of leaving it as is. Chair McNally suggested going forth with existing warrant article as is and consider an amendment at a future time if necessary. The Board decided to leave the article as written. The citizen's email was considered by the Board during discussion. C. Sexton-Diranian motioned to accept the Planning board report for Warrant Article #25 Accessory apartment bylaw amendments. LS seconded. All in favor. The motion carried. V. Kell motioned to recommend the accessory apartment bylaw proposed amendments as written in the Warrant article. L. Shifrin seconded. All in favor. The motion carried.

The Board discussed the eight Zoning Recreational Marijuana establishments warrant articles #26, #27, #28, #29, #30, #31, #32 & #33. The Planning Board report was discussed. The Planning Board does not take a position on the articles, but leaves the decision up to town meeting voters. The report was edited to more accurately reflect the neutral stance of the Planning Board and to add the words "per the ballot question results of April 22, 2019. L. Shifrin made a motion to accept the Planning Board report for recreational marijuana establishment prohibition warrant articles as amended. C. Sexton-Diranian seconded. All in favor.

Discussion ensued as to the possibility of a secret ballot at town meeting to allow voters to vote on the 8 zoning recreational marijuana establishment articles in anonymity.

- 2.3 Finalize Planning Board reports to Annual Town meeting 2019. Discussed and approved under agenda item 2.2.
- 2.4 Mandatory referral -- 48 Fitchburg Road (continued from 4/29/19) – The Board reviewed and discussed the application materials for 48 Fitchburg road. E. Faxon updated the Board that additional abutters were identified and notified of the Zoning Board of Appeals public hearing on 4/17/19. Planning Board members reviewed the submittal and expressed concern with the proposed substantial increase in the footprint and the change in architectural design of the apartment building. The Board was in favor of retaining the character of the complex and rebuilding within the original footprint, avoiding a large increase and substantial change to the pre-existing, nonconforming structure and

adjacent area. L. Shifrin made a motion to return the referral with comments per discussion. V. Kell seconded. All in Favor. The motion carried.

- 2.5 The Board discussed the conveyance of the common open space under the §145-39 OSPD bylaw. The Board deliberated on whether or not the common open space was to be donated or sold by the applicant as a condition of the special permit. The Board noted the ambiguity of the wording of the bylaw and, will consider an amendment at future town meeting.

3 Correspondence:

- 3.1 Email from citizen regarding accessory apartment bylaw. Discussed an email received in combination with agenda item 2.2. Noted that the correspondence was received after the posted public hearing on accessory apartments (4/8/19) and after the warrant article was printed in the ATM warrant book.

4 Adjournment:

- 4.1 Next Planning Board meeting is scheduled for Monday May 20th, 2019. L. Shiffrin made a motion to adjourn at 8:15 p.m. C. Sexton-Diranian seconded. All in favor. The motion carried.

Respectfully submitted,
Elizabeth Faxon
Planning Board administrator

Items on file:

1. Draft Planning Board report for Article #25 Accessory apartment in residential district bylaw amendments proposal.
2. Draft Planning Board report for Zoning Recreational Marijuana establishments Articles #26, #27, #28, #29, #30, #31, #32, and #33.
3. Email from concerned citizen to the Townsend Planning Board re: Accessory Apartment input dated 4/29/19.
4. Email from town counsel to Planning Board Administrator re: Townsend Planning Board question appointment of Master Plan committee chair.

Approved on: June 10, 2019



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Planning Board Meeting minutes

Monday, May 20, 2019, at 6:30 PM

Townsend Memorial Hall, Selectmen's Chambers
272 Main Street, Townsend, MA 01469

1 PRELIMINARIES:

1.1 Call the meeting to order. Chairman McNally called the meeting to order at 6:30 p.m.
Present: Chairman Lance McNally, Charles Sexton-Diranian, Veronica Kell, Jerrilyn Bozicas, Laura Shifrin (6:40 p.m.)

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 4/29/19. V. Kell made a motion to approve the minutes of 4/29/19. C. Sexton-Diranian seconded. All in favor. The motion carried.

2 HEARINGS AND APPOINTMENTS:

2.1 6:30 p.m. ANR

Applicant: Richard Waterhouse

Location: West Meadow Road

Present: Neil Gorman, David E. Ross and associates. The Board reviewed the ANR plan for creating 3 Lots on West Meadow Road. This is a revision of a previously approved OSPD development dated back to 2005. The common open space was conveyed to the Town of Townsend. V. Kell asked for confirmation that public access to the open space parcel would be maintained. V. Kell made a motion to waive 175-10D3b vertical datum of 1988. C. Sexton-Diranian seconded. All in favor. The motion carried.

L. McNally made a motion to approve the ANR West Meadow Road Lots 1, 2, & 3. L. Shifrin seconded. All in favor. The motion carried.

2.2 6:45 p.m. public hearing site plan review special permit and Stormwater management permit.

Applicant: WK Realty Trust

Location: 27 Scales Lane

Project: The applicant is requesting a Site Plan Review Special Permit and Stormwater management permit for construction of a building, parking area, access road and Stormwater management system at the property located at **27 Scales Lane. (Assessor's Map 18, Lot 65, Block 0).**

Present: Stan Dillis, Ducharme & Dillis Civil Design Group Inc.

Mr. Dillis presented a plan with note that revisions are in progress as a result of a Townsend Conservation Commission meeting and the Stormwater runoff detention pond design will change. He provided an overview of the project and noted access will be only from Scales Lane and there would be no employee parking. He requested continuance until the next Board meeting to present the revised plan. V. Kell made a motion to begin the peer review consultant selection process when the revised plans are available. C. Sexton-Diranian seconded. All in Favor. The motion carried.

V. Kell made a motion to continue the public hearing for 27 Scales Lane to June 10th, 2019 at 7:00 p.m. L. Shifrin seconded. All in Favor. The Board requested a site walk of the property.

2.3 7:30 p.m. continuation of public hearing - modification of an Open Space Preservation Development Special Permit.

Applicant: Townsend Hill Realty Trust

Location: 187 & 199 North End Road

Present: Stan Dillis, Ducharme & Dillis Civil Design Group Inc.

Chairman McNally reviewed the meeting minutes of April 29, 2019 in preparation to participate in the hearing. Mr. Dillis recapped the amendment of the common open space Parcel D increase in size to 57 Acres and conveyance to MA Fish & Game. The other open space parcel C will remain under the applicant's ownership with the CR. V. Kell expressed concern over MA Fish and Game paying for the common open space rather than accepting the land as a gift of fee.

Additionally, she explained that the OSPD bylaw is an agreement where both the Town and the applicant will benefit through density bonuses, abbreviated frontage for a cul-d-sac, etc. in return for land set aside for common open space. Also noted was that the State is now paying taxpayers' dollars for the land which otherwise would have been a gift of fee. Discussion ensued as to the compliance of this amendment to the bylaw where MA Fish and Game is considered a nonprofit corporation the principle purpose is for conservation of open space. The wording in the bylaw is "convey" which means transfer of land. V. Kell noted she is not aware of any OSPD where the common open space has been sold and this practice is not customary. She is concerned that the benefit to the applicant outweighs that of the Town in terms of zoning concessions made and benefit to the citizens received under this amendment. L. McNally noted the benefit of having a larger parcel of continuous common open space managed by MA Fish and Game. V. Kell clarified that she is not in favor of the applicant selling the open space. After all members were heard, L. Shifrin made a motion to continue the public hearing of the amendment of the OSPD to June 10th at 7:30 p.m. No action was taken. V. Kell made a motion to continue the public hearing of the amendment of the OSPD to June 24th. No action was taken.

C. Sexton-Diranian made a motion to approve the amendment and grant the special permit as proposed and specified on the site plan Definitive Subdivision plan Townsend, MA Lot Layout plan Campbell Farm North end Road sheet No. C2.1 revised 5/20/19 submitted in the public hearing. (Exhibit D). J. Bozicas seconded. Roll call vote: YES - J. Bozicas, C. Sexton-Diranian, L. Shifrin, L. McNally. NO – V. Kell. The motion carried.

The Board reviewed and discussed a draft Planning Board Decision for the amendment to the Campbell Farm OSPD special permit. E. Faxon stamped in a copy of the revised lot layout plan. Chair McNally read the wording of a proposed condition aloud "Parcel D will be divided into "D1" which shall be the required acreage (26.6 Acres) of the OSPD, and "D2" at the definitive subdivision provided that is it acceptable to MA Fish and Game. L. Shifrin made a motion to add this condition as written to the draft Decision. C. Sexton-Diranian seconded. Roll call vote:

YES – J. Bozicas, V. Kell, C. Sexton-Diranian, L. Shifrin, L. McNally. The motion carried. J. Bozicas made a motion to close the public hearing. C. Sexton-Diranian seconded. All in favor. The motion carried.

WORKSESSION:

2.4 Discussion between Planning Board members to seek legal opinion from Town Counsel regarding Master Plan Committee and Chair appointment. C. Sexton-Diranian made a motion to allow Chairman McNally to meet with town counsel in regards to agenda item 3.1 and the master plan committee on May 28, 2019. L. Shifrin seconded. YES - L. Shifrin, C. Sexton-Diranian, V.Kell, L. McNally ABS; J. Bozicas.

2.5 §145-36 Accessory Apartment bylaw update. The Accessory apartment bylaw amendment proposal passed at ATM 2019 as written. Board members discussed the changes in terms of updating the application process and suggested a joint meeting of representatives from the Zoning Board of Appeals, Townsend Housing Authority and Planning Board and administrative staff to discuss the application process and enforcement procedures under the amended bylaw. E. Faxon noted that the Form 7 will be submitted to the Town clerk as part of the Town's ATM 2019 submittal to the Attorney General's office for review. The Board asked for addition of recreational marijuana establishment zoning bylaw update to be placed on the June 10th, 2019 agenda.

3 CORRESPONDENCE:

3.1 Notices from Townsend/Other towns. J. Bozicas nominated L. Shifrin as Townsend Planning Board representative to the Montachusett Regional Planning Council for the 2019-2020 year. V. Kell seconded. All in favor. L. Shifrin accepted.

4 ADJOURNMENT AND NEXT MEETING: Next meeting June 10, 2019. L. Shifrin made a motion to adjourn the meeting at 8:25 p.m. C. Sexton-Diranian seconded. All in favor. The motion carried.

Respectfully submitted:

Elizabeth Faxon

Planning Board Administrator

Items on file:

1. Exhibit A: Plan of Land Definitive Subdivision plan Townsend, MA Lot Layout plan Campbell Farm North end Road sheet No. C2.1 revised 5/20/19.
2. Draft Decision amendment to 187 & 199 North End Road/Campbell Farm OSPD special permit.
3. 27 Scales Lane site plan review special permit application, Stormwater report, and Stormwater permit application.
4. ANR West Meadow Road.
5. Public sign in sheet.

Approved on: June 10, 2019