



Office of  
**THE PLANNING BOARD**  
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**RECEIVED**  
 MAR 15 2021  
 TOWN OF TOWNSEND  
 TOWN CLERK

Lance J. McNally, Chairman

Carol Hoffses, Member

Charles Sexton-Diranian, Clerk

Laura Shifrin, Vice Chair

Jerrilyn T. Bozicas, Member

**Planning Board Meeting minutes**  
 Monday, February 22, 2021, at 6:30 PM  
 VIRTUAL MEETING

VIA: ZOOM PER GOVERNOR'S ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETNIG LAW, G.L. c. 30A, § 20†

**PUBLIC ACCESS ZOOM MEETING LINK: Join Zoom Meeting**

<https://us02web.zoom.us/j/89493797381?pwd=K3k4ZVp3WjMxcXltTHBqZHg1aVQ3UT09>

**Meeting ID: 894 9379 7381 Passcode: 534305**

**All are invited to Attend - Materials and documents are available digitally upon request by emailing [bfaxon@townsendma.gov](mailto:bfaxon@townsendma.gov)**

**1 PRELIMINARIES: votes may be taken.**

- 1.1 Call the meeting to order and roll call. Chairman Lance McNally called the meeting to order at 6:32 pm. Roll call: present: Carol Hoffses (C.H), Member, Charles Sexton-Diranian (C.S.D), Clerk, Laura Shifrin (L.S.), Vice Chair, Lance McNally (L.M), Chair.  
 Absent: Jerrilyn Bozicas, Member Others present: Elizabeth Faxon, Planning Board Admin., Hartley Pleshaw, TCAM., Don Hayes, Darlene Sodano, ZBA Vice Chair, Chris McDermott, MRPC, Adria Boynton, Weston & Sampson. Veronica Kell, Selectwoman (6:40 pm) William Cadogan, ZBA Chair (6:45 pm), Brenda M.
- 1.2 Chairman's additions or deletions.

Approval of minutes February 8, 2021. C.S.D made a motion to accept the minutes of 2/8/2021. C.H. seconded. A Roll call vote was taken as follows: YES – C.H., C.S.D., L.S., L.M. C.S.D made a motion to close the public hearing. C.H. seconded. A roll call vote was taken as follows: YES- C.H., L.S., C.S.D, L.M. The motion carried.

† Per the Governor's Order, and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public; provided, however, that all public bodies shall ensure public access to deliberations through adequate, alternative means, which include (but are not limited to) telephone, internet or satellite enabled audio or video conferencing or other technology that enables the public to clearly follow the proceedings of the public body while they are occurring. The Order also allows remote participation by all members of a public body; and waives the requirements that a quorum and the chair be physically present at the meeting location.

## 2 APPOINTMENTS AND HEARINGS: votes may be taken.

- 2.1 **6:45 PM – public hearing continued – Age restricted residential development zoning bylaw amendment.** Present: Adam Costa, Town counsel, Veronica Kell, Bill Cadogan, Darlene Sodano, Brenda M., Christopher McDermott,

Chairman McNally reconvened the public hearing and the board reviewed an updated draft version of the bylaw proposal which was revised to reinsert the age restriction article as obligatory. The question was asked about including the deed restriction. Town counsel noted that he incorporated the deed restriction language with the wording “in perpetuity”. Enforcement was discussed, Town counsel noted that the Town would rely on the honor system, pressure from others in the development to comply, and rely upon the neighbors to notify the appropriate authority to pursue enforcement in a court of law. He noted that enforcement in general for these types of development bylaws can be challenging for the municipality. Discussion ensued about the sale of properties in the development and how the age restriction would be maintained in perpetuity. L. Shifrin commented that the Deed restriction will follow the property through the sale and will be attached at each transfer. L. S asked about the 80% 55 + occupancy standard in the bylaw. Town counsel responded that this is written this way to be consistent with federal law. L.S. asked if children are allowed. Town counsel stated that yes, which is also compliant with federal law. He explained that the age restriction can be increased to 62 years and older, but this does create limitations of potential buyers and recommends a middle ground approach to formulating this bylaw. L. S. made a motion that the article is moved forward to the Town meeting Warrant with the elimination of number 7 in section E Development Standards. C. H. seconded. A Roll call vote was taken as follows: YES – C.H., C.S.D., L.S., L.M. C.S.D made a motion to close the public hearing. C.H. seconded. A roll call vote was taken as follows: YES- C.H., L.S., C.S.D, L.M. The motion carried.

## 3 WORKSESSION: votes may be taken.

- 3.1 Age-restricted development zoning bylaw amendment proposal – Warrant article discussion. Admin. will submit the Article as amended to the town administrator per the Board’s unanimous vote at the public hearing. The Planning Board report for town meeting will be prepared at a future meeting. Admin has provided a draft Planning Board report with public hearing information.
- 3.2 Townsend Master Plan committee update. 2001 Master Plan Update & DLTA RSD award discussion. D. Hayes shared that the Committee is meeting, and progress is being made on the document. There is a meeting scheduled with the Economic Development consultant FXM to review the unsatisfactory issues with the deliverable. The consultant will meet with the full committee after the consultant has made edits and updates to the deliverable. Peer review of draft chapters and work products is ongoing. He added that 5 of 9 sections are circulating amongst Committee members for peer review. D. Hayes will provide copies of the 5 draft chapters under peer review to the Admin for distribution to the Board Members to

- provide feedback by March 3<sup>rd</sup>. The Admin expects to receive the DLTA award letter and will notify the Committee when it is received. The Committee will provide input for the scope and MOU with MRPC.
- 3.3 2020 Planning Board chapter DRAFT Annual Report. Mr. Diranian drafted this year's Planning Board Annual Report. Comments from Board: L.S. had forwarded a few edits to Admin. L.M. noted the report was very well written and only change he suggested would be to use consistent terminology for the Campbell Farm OSPD Definitive subdivision. L.S. made a motion to accept the Townsend Planning Board Annual Report of 2020. C.H. seconded. A Roll Call vote was taken as follows: YES – C.H., L.S., C.S.D., L.M. The motion carried.
- 3.4 2020 Townsend Municipal Vulnerability Preparedness & Hazard Mitigation Plan approval process update. A copy of the plan was distributed to the Select board Members for their review. The Board Members voted unanimously to adopt the Plan and have endorsed the certificate of Adoption. The Certificate will be forwarded to FEMA and the Town will receive a letter of completion from FEMA. Once this letter is received both adoption documents will be incorporated into the final plan and will be recorded with these agencies as well as the Executive Office of Environmental Affairs.
- 3.5 Townsend MVP program Core Team discussion & MVP Action grant Letter of Intent discussion. Adria Boynton, Weston & Sampson presented the overview of the Townsend 2020 MVP Action grant water supply assessment which was submitted in June 2020. The proposal was not funded however was 3 points from receiving funding and contained several things that were done well included good approach to public engagement, good use of partnerships and a strong show of support, and attention to both municipal and private water supply. Areas of improvement include how the proposal would benefit climate vulnerable populations, more clarity on goals and objectives of the assessment, and providing additional detail on engagement approach. The revision of the grant application and proposal is under consideration. There is an expression of interest form that can be submitted to EEA that can be general in format and will prompt a call from the Regional coordinator for a conversation about the proposal. The RFR will be released in late March/early April. MVP webinars are scheduled to assist MVP designated communities with grant application submission in the next round, RFR release. Admin. will send invitations to reconvene the CORE team. L. S. made a motion to request the Administrator submit an EOI for the MVP Action grant water supply assessment, prior to 2/26/2020 & reinvoke the MVP Core team to meet. C.S.D. seconded the motion. Roll call vote was taken as follows: YES – C.H., L.S., C.S.D., L.M. The motion carried.
- 3.6 Draft Scenic Roads Bylaw proposal. & Warrant article discussion. Present: Adam Costa, town counsel, Veronica Kell, selectwoman, Bill Cadogan, Chair ZBA, Darlene Sodano, Vice Chair ZBA, Brenda M. Chairman McNally drafted a Scenic roads bylaw proposal which was distributed to Board Members. The draft bylaw designates the jurisdictional area as that which is in the public way and is intended to control alterations including: the tearing down painting or destruction of stone walls; The cutting and removal of trees, the scope of which is outside the responsibility of the tree warden, as defined above, repair, maintenance,

reconstruction or any paving work, including the construction of new driveways or alteration of existing ones, if such work affects stone walls or trees within the Town's right of way. The Board agreed that the next steps are for the tree warden & town counsel to review as well as a public hearing. L.S. noted she had a few edits which will be forwarded to the Admin. She confirmed understanding that if the removal of stonewalls or trees were to be proposed in the public way, as defined, that the Planning Board would review and approve the activity. Mr. Cadogan spoke about the state Scenic roads act which is silent on the Public way jurisdictional area. He suggested that the Town apply the Scenic roads Act on the local level to stonewalls on private property as long as they are associated with road shade and scenic roads. Chairman McNally noted that the Board is not in favor of establishing jurisdiction of stone walls on private property because it is inconsistent with other law which states there must be an inherent public health benefit to the structure (i.e., tree, stonewall). There can be a case made for public health benefit of trees, however, stonewalls do not meet this criteria. V. Kell asked if the Historic District Commission was in agreement and heard they have not been informed. Discussion ensued about the goal of this bylaw. The current bylaw does not apply to activities other than maintenance of a road, specifically repair maintenance or paving work and creating a driveway cut. V. Kell stated she would not like stonewalls along scenic roads impacted when a new residence is constructed. The Board found through previous discussions that citizens have property rights and there is no discernable impact of removing stonewalls with respect to public health and public wellbeing to justify infringement on those personal property rights. This scenic roads bylaw proposal will extend jurisdiction to the activities beyond just road maintenance and driveway cuts and more definitive than the current regulations in the Code. L. S. made a motion that the Board edit the draft Scenic Roads bylaw and have a public hearing on the Bylaw. C.S.D. seconded. A roll call vote was taken as follows: YES – C.H., L.S. C.S.D., L.M. The motion carried. This will be a general bylaw and require a simple majority vote of town meeting.

- 3.7 Townend Chapter 43D Application, property owner signatures & Warrant article discussion. Administrator has an appointment with town counsel on 2/23/2021 to discuss next steps and questions related to the program. The draft Townsend Interagency Permitting Agency Chapter 43D application is being worked on and C.S.D is also working on the Dudley road PDS section of the Application. Admin. will have town counsel review the applications. Squannacook has been reviewed and the Board will meet with the North Middlesex Regional School Committee on March 1<sup>st</sup>, 2021 to educate and discuss next steps in the Chapter 43D program. A school building feasibility study of the School district buildings is underway steered by NMRSD. Board Members commented that this Program and the feasibility study are congruent and will both be beneficial to the future use of the School. The Warrant article has been submitted to the town administrator for the Annual Town meeting Warrant. The Planning Board will meet jointly with the Board of Selectmen to seek approvals for the Dudley road property at their next meeting.
- 3.8 Safe Routes To School (SRTS) update. – Charles Sexton-Diranian and V. Kell will be meeting on 2/25/21 with the Principal of Hawthorne Brook School and the Principal



of Spaulding School and one of the School Committee Members to gather support for Townsend's participation in the Program.

- 3.9 Unified Planning Work Program (UPWP) – Townsend Walkability Study & Townsend's letter of request 2021. – The letter of request was presented to the Board of Selectmen on 2/16/2021. The request is to extend the current study that is in process from the town common to the High School to include the town common North to the public safety complex and the Library senior center. Rationale was presented and the Board of Selectmen unanimously approved the request. The letter has been sent to MRPC and an update will be provided as soon as more information is available.
- 3.10 DLTA RSD Award – Master Plan mapping and consulting services request. See worksession 3.2 MPC update & No further information.

#### 4 **CORRESPONDENCE: votes may be taken.**

- 4.1 Notices from Townsend/other towns – C. S. D. read a summary of the notices of public hearing received from abutting towns. C.S.D requested a copy of the City of Fitchburg public hearing notice.
  - Letter to the Townsend Planning Board from Stanley Dillis, Dillis & Roy, 2/22/2021. RE: Naming of the private way approved as part of the Campbell Farm OSPD.
  - Memo from the Board of selectmen – appointment of a Planning Board representative to the Open space recreation plan update. L.S. made a motion to nominate Carol Hoffses as the Planning Board representative to the Open Space and Recreation Committee. C.S.D seconded. A roll call vote was taken as follows: YES – C.H., L.S. C.S.D., L.M. The motion carried.
  - Building Commissioners determination letter – 112 West Meadow Rd. letter.

#### 5 **SCHEDULE AND ADJOURN: votes may be taken. C.S.D. made a motion to adjourn at 8:30 pm. C. H. seconded. A roll call vote was taken as follows: YES – C.H., L.S. C.S.D., L.M. The motion carried.**

Respectfully submitted, Elizabeth Faxon, Planning Board Admin. Approved on: March 8, 2021

#### Items on file:

1. Age restricted development zoning bylaw amendment proposal.
2. Scenic Roads bylaw proposal
3. MVP Action grant presentation
4. Townsend Planning Board Draft Annual report 2020
5. Board of Selectmen Certificate of Adoption – 2020 Townsend HMP-MVP plan
6. Draft Townsend Interagency permitting board – Chapter 43D Application

TCAM Inc. is inviting you to a scheduled Zoom meeting. Topic: TOWNSEND PLANNING board Time: Feb 22, 2021 06:30 PM Eastern Time (US and Canada) Join Zoom Meeting <https://us02web.zoom.us/j/89493797381?pwd=K3k4ZVp3WjMxcXltTHBqZHg1aVQ3UT09> Meeting ID: 894 9379 7381 Passcode: 534305 One tap mobile +13126266799,,89493797381#,,,,\*534305# US (Chicago)+19292056099,,89493797381#,,,,\*534305# US (New York) Dial by your location +1 312 626 6799 US (Chicago) +1 929 205 6099 US (New York) +1 301 715 8592 US (Washington D.C) +1 346 248 7799 US (Houston) +1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma) Meeting ID: 894 9379 7381 Passcode: 534305 Find your local number: <https://us02web.zoom.us/j/89493797381?pwd=K3k4ZVp3WjMxcXltTHBqZHg1aVQ3UT09>