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Planning Board Meeting Minutes

Monday, August 13, 2018, at 6:30PM

Townsend Memorial Hall, in Selectmen's Chambers

272 Main Street, Townsend, MA 01469

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

1.2 Roll call Chris Nocella, Jerrilyn Bozicas, Veronica Kell, Laurie Shifrin, Lance McNally.

1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting:

Chair McNally added 3.5 Capital Planning committee appointment

1.4 Approval of Minutes - tabled until the following meeting when Planning Board administrator is present.

Natalie Call introduced herself recently moved to Townsend. She has an extensive military history and many awards. She currently volunteers at senior center.

L. Shifrin motioned to appoint Natalie Call as the representative from the Planning Board to the Capital Planning Committee. C. Nocella seconded. All in favor. The motion carried.

Chairman McNally continued to agenda item 2.2 Adult Use Recreational Marijuana bylaw update.

C. Nocella expressed his concern over the lack of effort and progress by the Planning Board towards formulating this bylaw. He would not like to ask for a moratorium but rather focus more on writing Townsend's Adult Use Recreational Marijuana bylaw as a board.

Chair McNally explained that some work has been done to assemble applicable literature from abutting towns. The Moratorium bylaw has been edited to reflect a date change from December 2018 to June 2019 while the bylaw is under construction. He explained that the state regulations have been changing and that our bylaw needs to align with the state law. He agreed the Board will need to put forth a considerable effort in worksession to draft the Adult Use Recreational Marijuana bylaw.

Chairman McNally continued to agenda item 2.3 Alternate Planning Board member vacancy. He updated the Planning board that there are no interested candidates for the position of alternate planning board member at this time. All present were encouraged to recruit interested qualified candidates. V.Kell asked about the two volunteer response forms that were brought forth. She heard that no one is applying for the position. Chair McNally agreed to follow up on the two volunteer response forms submitted.

The Board continued to agenda item 3.4 Charter Review Committee appointment.

L. Shifrin motioned to appoint Kelly Kelly to the Charter Review committee. V. Kell seconded.

C. Nocella asked for discussion on the motion. He requested a meeting with Ms. Kelly at a Board meeting to learn more about her qualifications and interest in serving. He expressed that he is not familiar with the candidate and, that others have shown interest in serving on the Charter Review committee as well. Chair McNally recapped that at the previous Planning board meeting Ms. Kelly was highly recommended by V. Kell as a qualified and interested candidate. Chair McNally stated that since the Board had made the decision to ask Ms. Kelly if

she would serve on the Charter Review committee, and that she has since formally accepted, that it would be inappropriate to rescind the offer.

Roll call vote: L.S., V.K., J.B., L.M. - YES, C. N. - Abstained.

The Board continued to read notices from other Towns. V. Kell read the notices aloud. The Groton Planning board public hearing on the proposed zoning amendment for the Adult use of Recreational marijuana was noted. V. Kell mentioned possible attendance by Board members and, action item of distribution of the document to the Board.

The Board continued to discuss agenda item 2.2 Accessory Apartment Bylaw update. L. Shifrin recalled discussion on the edited bylaw she presented at the July 23, 2018. Planning Board meeting was limited to time constraints and that Board members would review the materials for the next worksession. V. Kell proposed that the existing bylaw could be amended to reflect approved changes and is interested in sharing her understanding of a multi-use development bylaw that is being discussed by the Master Plan Committee. V.Kell expressed she felt an amended bylaw would be sufficient instead of a new bylaw. She suggested meeting with L. Shifrin to work on this outside of a Planning board meeting. L. Shifrin agreed and continued to discuss a housing production plan for the Town that was accepted in 2015. She added a specified action item in the document requires that the zoning and planning boards work in tandem to create a fluid pathway for the construction of more accessory apartments. Chair McNally encouraged the meeting and stated it would be beneficial to take the existing bylaw, which has passed town meeting, and make changes therein. L. Shifrin agrees as long as progress is made according to the housing production plan stated goals.

At 7:00 pm, Chair McNally reconvened the public hearing for 187 N. End road OSPD. He stated that response from Town Counsel had been received and proceeded to read it aloud. He surmised that the most important inconsistency with the bylaw is that the conveyance of the open space atty. believes that to be consistent with the bylaw it needs to be conveyed to a conservation land trust, or similar land trust organization, a third party or the town. The applicant responded that they have engaged Massachusetts Fish and Wildlife in conversations expressing their intent to convey the Open Space parcel to the organization.

V.Kell stated that she is skeptical of this proposition of direct conveyance of the Open Space parcel to MA Fish and Wildlife. She opined the open space must first be conveyed to the Town and may be sold to F & W. The applicant stated that Fish & Wildlife contended they will not purchase land that is part of an OSPD plan, if it's required open space. Mr. Dillis clarified that in this proposed scenario, the open space parcel will be included as part of the Campbell Farm OSPD subdivision and, owned by MA Fish & Wildlife. The applicant stated that they do not intend to convey the open space to the town. The applicant requests a conversation between Town Counsel and the applicant's attorney so they may be able to provide the proper language to satisfy the requirements of the bylaw and the Town. Chair McNally hesitated to this with respect to a potential threat to transparency of the public hearing process. Mr. Dillis offered his professional experience with other projects where the applicant's attorney communicates directly with Town counsel. Chair McNally agrees to ascertain whether this is allowable and, noted this would be a more fluid operation. V. Kell expressed some dissatisfaction with not being directly involved with such conversation.

Chair McNally read aloud 145-39 (G) Common space ownership and management and reiterated the intent of the Planning board to ensure the proposed application is in compliance to this section. The applicant stated that if it would be a viable option, the applicant would use the

Town as an intermediary to convey the open space parcel to Massachusetts Fish and Wildlife. Board members appeared more agreeable to this suggestion. V. Kell stated that if the Town was to be used this way and, the open space was first conveyed to the Town of Townsend, a favorable town vote may be required followed by conveyance to The Division of Fish & Wildlife. J. Bozicas asked for clarification about giving the land to Massachusetts Fish & Wildlife. She asked if the open space parcel could be sold to Mass. Fish and Wildlife. The applicants replied they would not support a sale of the open space but would agree to a donation. The applicant reiterated their willingness to work out language with regards to a method of land conveyance compliant with the bylaw and requested a conversation between their attorney and Town counsel for this purpose. L. Shifrin moved for Chairman McNally to contact the Town administrator to arrange for town counsel to be able to speak to the applicant's attorney. J. Bozicas seconded.

The motion was amended to strike "speak" and insert "communicate to discuss compliance with the OSPD bylaw and email documentation. All in favor. The motion carried.

Chair McNally continued to read the remainder of the legal response email aloud. He asked the applicant to submit an email that describes the intended use for parcel A for now and in the future. That in turn can be reviewed by Town Counsel as to how this will be formalized and property documented. Chair McNally further explained that no documents pertaining to this application will be exchanged outside of a public hearing so as to follow the process of the Open meeting law. Chair McNally continued that as soon as the remaining language can be determined, a draft decision can be drafted and presented at a public hearing. The Board will review the draft Decision, and then vote. He recommended the applicant continue the public hearing so as to have the opportunity to submit documentation and be present for the process.

V. Kell motioned to continue the public hearing of 187 N. End Road to September 10th, 2018 at 7:00 p.m. Seconded by J. Bozicas. All in favor.

P.M. – 40 Scales Lane – ANR

Present: Mr. Russ Wilson

Chair McNally explains we have had developments regarding this ANR. He stated that bodies of water on the site must be shown on the ANR plan. He read aloud page 3 of the Townsend Conservation Commission meeting minutes of July 25, 2018. Chair McNally noted that the wetlands are not shown on the plan as required and, further noted that the land surveyor's license had expired in 2014. Chair McNally is not in favor of proceeding with the ANR. Mr. Wilson apologizes to the Board for the oversight.

V. Kell motioned to deny the ANR due to the findings of fact that the application is incomplete. Seconded by J. Bozicas. All in Favor. The motion carried.

The Board continued to review the Accessory apartment bylaw amendment progress and proposed language to change the bylaw. Modification to the town meeting. Nothing was submitted in the file. V. Kell opined that the existing bylaw should suffice.

L. Shifrin mentioned that in that housing plan it suggests we be more lenient on multifamily and accessory apartment. Discussion ensued as to the problem of lack of affordable housing, and rising senior population. L. Shifrin is strongly in favor of increasing opportunities for multifamily homes. Discussion ensued as to the Board of Health design and inspection process

and comment that it is very rigorous. All agree they look forward to the Accessory apartment update next meeting.

V.Kell moved to adjourn at 7:58 pm. J. Bozicas seconded. All in favor.

Respectfully submitted:
Beth Faxon
Planning Board administrator

Approved: September 24, 2018