



Office of
THE PLANNING BOARD

272 Main Street
Townsend, Massachusetts 01469
978-597-1700 X1722 planning@townsendma.gov

RECEIVED
NOV 07 2022
TOWN OF TOWNSEND
TOWN CLERK

Laura Shifrin, Chair
Carol Hoffses, Member

Robert Therrien, Clerk

Mike Virostko, Vice Chair
Ian Ortiz Santiago, Member

PLANNING BOARD MEETING MINUTES

October 3, 2022, at 6:30 PM

SELECTMEN'S CHAMBERS, 272 MAIN STREET, TOWNSEND, MA.

And remotely via TCAM hosted ZOOM for convenience

All are invited to attend

Join Zoom Meeting

<https://us02web.zoom.us/j/89486566860?pwd=Q3pldHYRUU9QYVlmZjY1SnFKZUxrUT09>

Meeting ID: 894 8656 6860 Passcode: 097012

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

- 1.1 Call the meeting to order and roll call. Chairperson Laura Shifrin called the meeting to order at 6:30pm. A roll call vote was taken as follows: present in person: Carol Hoffses, Robert Therrien and Laur Shifrin. present via remote video call: Ian Ortiz Santiago, Michael Virostko. Others present: Beth Faxon, Planning Board Admin., Joseph Z. Shank, Kevin Conover, David Ross Associates.
- 1.2 Recital of The Pledge of Allegiance of the United States. Conducted.
- 1.3 Announce meeting is being recorded. announced.
- 1.4 Chairman's Additions/Deletions to Agenda unforeseen prior to 48 hours of this meeting. None.
- 1.5 Review Volunteer response forms received for Planning Board vacancy.

2 **APPOINTMENTS: votes may be taken.**

- 2.1 **6:45pm public hearing** – 256 Main Street. Application for amendment to Site Plan Review Special Permit issued on July 18, 2022. The applicant Lorden Revocable Trust, Michael Lorden, Trustee is requesting an amendment to remove a condition which states “the two first floor apartment units shall be age restricted affordable housing”. present Michael Lorden and Attorney Thomas C. Gustafson. Chairperson Shifrin opened the public hearing and read the legal notice of public hearing. One referral comment was received from the Board of Selectmen and read into the record. Atty. Gustafson stated that this application was filed because the Applicant was not aware that the age-restricted affordable designation of the first-floor units was going to be a mandatory condition of the special permit. He continued to express concerns

over the ambiguity of the condition in terms of the criteria to be met to be considered age restricted or affordable. Additionally, concern was expressed about who will be the oversight authority regarding the eligibility of the occupants. He opined that there is no provision in the Townsend Zoning Bylaw that would allow a condition such as this and it appears to be very arbitrary especially since a similar project across the street was issued a special permit with no such conditions. Board Members commented that during the public hearing Mr. Lorden was in favor of developing the two first floor units to be affordable and handicapped accessible. As discussed in the public hearing, Mr. Lorden was agreeable to the age restriction on these units to provide senior housing in a downtown area. Mr. Lorden spoke and expressed that he was amenable to the condition and would plan on talking to staff about the affordable housing program. He decided that the affordable housing program would not be sensible for this project to process two out of four units. He surmised that the affordable housing program was not something that he wanted to pursue. Mr. Lorden stated his long track record of supporting Veterans and handicapped tenants and has received awards for his property management. He expressed dissatisfaction with the process of discussion of the affordable program in the public hearing and then a Board vote which made the condition to the special permit. He would have preferred to have the time to explore the program prior to the condition becoming final. R. Therrien noted that the Planning Board approved the special permit based on what the Applicant agreed to during the public hearing. Mr. Gustafson restated that the reason the Applicant has come before the Planning Board again is to request an amendment to remove the condition of the two first floor units being age restricted affordable housing. Mr. Gustafson commented that this was the preferable way to correct this and was advised to pursue this request by applying for this amendment to the Planning Board.

Carol Hoffses made a motion to amend Section 6 by deleting the portion which states: "the two first floor units shall be age restricted affordable housing." and replacing it with "The Site Plan review special permit shall not be subject to any conditions and amend Section 8 by deleting that portion which states: "made a motion to grant a site plan review special permit pursuant to Townsend Zoning By-laws Section 145-42, & 145-65 to Lorden Revocable Trust, Michael Lorden Trustee for 256 Main Street, Map 51 Block 31 Lot 0, subject to the condition of the two first floor units being age restricted affordable housing." and replacing it with "made a motion to grant a site plan review special permit pursuant to Townsend Zoning By-laws Section 145-42, & 145-65 to Lorden Revocable Trust, Michael Lorden Trustee for 256, Main Street, Map51 Block 31 Lot 0." Michael Virostko seconded the motion, and a roll call vote was taken as follows: YES – M. Virostko, C. Hoffses, I. Ortiz, L. Shifrin NO: R. Therrien. The motion carried and the amendment is approved. C. Hoffses made a motion to close the public hearing at 7:48pm. R. Therrien seconded the motion. A roll call vote was taken as follows: YES – M. Virostko, C. Hoffses, I. Ortiz, L. Shifrin, R. Therrien. The motion carried.

- 2.2 **7:15pm public hearing** – 227 Mason Road. Map 13, block 21, Lot 2) Site Plan Review Special Permit. Applicant: Bryan Schulman proposed project: a change in use to operate a commercial kennel in residential district. Present for the Applicant

Bryan Schulman (arrived at 8:00 pm). David Michaud (left the meeting at 8:22pm) Kenneth Goodwin (left the meeting at 8:22pm)

Chairperson Shifrin opened the public hearing and read the legal notice of public hearing. It was noted that the applicant was not present. Noted that a site walk did occur, and that the Applicant has filed for a special permit from the Zoning Board of Appeals. The Applicant has met with the ZBA on September 21, 2022. The Applicant requested a continuance of the ZBA public hearing which is scheduled for November 30, 2022. The ZBA has not yet issued a special permit on this project. The mandatory referral comments received from the Conservation Commission, Board of Selectmen, Board of Health, Police Department, Land Use Coordinator, and water department were read into the record. A letter received in opposition to the application was read into the record. An email was read in favor of the application. The Applicant, Bryan Shulman joined the public hearing remotely at 8:00pm and spoke to the Board about the dog boarding business and the cease-and-desist order which led to the filing of this application for site plan review special permit. The dog boarding business was closed in July upon receipt of a complaint filed with the Townsend Police which resulted in a site inspection by the Building Commissioner. Mr. Schulman commented that he is now pursuing the permitting process with the Town boards in order to reopen the business. Part of the Planning Board application includes a request for a waiver from a professionally engineered site plan. He stated there are no plans of building or remodeling or construction to the site and drew the plans submitted as part of the application himself. When asked how many dogs will be on site per day the Applicant responded on average 10 with a maximum they have set as 20. He further updated that he has been working with the Board of Health and the Conservation Commission regarding their comments. The Applicant stated that the Board of Health will provide their official determination if any upgrades to the septic system are required, at their next meeting. The Chairperson advised the Applicant to address concerns raised in the referral comments read into the record. Kenneth Goodwin, owner of a property in the neighborhood, spoke in person about his concerns with the size and capacity of the operation, the quality of care of the dogs, the impact on his private well and water quality, and the noise produced by continuously barking dogs at approximately 300 feet. David Michaud, also a neighbor, spoke in person about his concerns about noise pollution from the barking dogs. He has experienced barking all day at times. He is also concerned about stormwater runoff from the property and cleaning of the dog outdoor yard impacting the pond on site and ultimately the groundwater. The Board reviewed the drawing and compared it with the requirements of the site plan review special permit bylaw. the following comments were made: The Board needs a smaller scale plot plan that identifies the location of the pond on the site. With regards to the submitted plan, M. Therrien commented that it is too schematic for the purpose of responding to concerns raised by the public and other Town Boards. for example, comments made about the potential for noise disturbances, the Applicant may propose some landscaping as mitigation and in response to the dog waste disposal system, the compost area should be shown on the plan as well as topography of the site, the location of the septic and the well. M. Virostko made a motion to waive the requirement that site design plans be prepared by a registered architect, landscape architect, professional land surveyor or professional engineer. C. Hoffses seconded the motion. A roll call vote was taken as follows; No – C. Hoffses, R. Therrien, I. Ortiz, M. Virostko, L. Shifrin. The motion failed 0-0-5, and the waiver is denied.

C. Hoffses made a motion to continue the public hearing for 227 site plan review special permit to 6:45 on December 12, 2022. R. Therrien seconded the motion. A roll call vote was taken as follows: YES – R. Therrien, I. Ortiz, C. Hoffses, M. Virostko, L. Shifrin. The motion carried 5-0-0.

- 2.3 **7:45pm continuation of public hearing** – 22 Main Street. Site Plan Review Special Permit. OCD District. proposed project: a change in use to operate a veterinary clinic in the outlying Commercial District. Chairperson Shifrin opened

the continued public hearing for 22 Main Street. An email request to postpone the continuation of the public hearing was received from the Applicant and read into the record. C. Hoffses made a motion to continue the public hearing for 22 Main Street to Monday November 7, 2022, at 7:30pm. I. Ortiz seconded the motion. A roll call vote was taken as follows: YES – R. Therrien, I. Ortiz, C. Hoffses, M. Virostko, L. Shifrin. The motion carried. 5-0-0.

3 **WORKSESSION: votes may be taken.**

- 3.1 Discuss and review Planning Board fee schedules. The Board reviewed a copy of the recommendations provided by the work group that met to compare current application fees with adjacent and similar towns. Some changes were suggested as well as the process for which to change them was noted in the report. Some of the fees are written in the bylaw which would need to be changed by vote of Town meeting. I. Ortiz Made a motion to approve the changes to the fees outlined in the report of the work group excluding Scenic Roads Act and Ground mounted solar photovoltaic. R. Therrien seconded. A roll call vote was taken as follows: YES – R. Therrien, I. Ortiz, C. Hoffses, M. Virostko, L. Shifrin. The motion carried. 5-0-0. M. Crowley will submit the information to the Town Clerk. Admin will process the changes to update the Planning Board application.

- 3.2 Planning Board regulations review. Deferred to November 7, 2022, meeting.

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

- 4.1 Notice of remote MEPA consultation session - Public hearing on the ENF - Harbor Trace Water Treatment Plant. The public outreach is being coordinated between the Town Administrator and the Water Department. Public meetings will be scheduled, and review will progress with applicable Town officials and Departments.
- 4.2 Stormwater Permit project updates. Inspection Reports/other related correspondence. Michael Crowley announced he will be leaving his position as Land Use Coordinator (LUC) for the Town of Townsend, and he transmitted a letter to the Planning Board informing the Board that during the interim and until a new LUC is hired, all Stormwater management duties assigned to the LUC by the bylaw and regulations and by the stormwater application, including review and coordination of applications, will be elevated to the Planning Board. Two stormwater management permits mentioned were 27 Scales Lane, which is currently not in compliance and 22 Ponderosa Dr. which is being permitted as a minor stormwater management project with Conservation Agent attending. The Board received correspondence from Dillis & Roy, CDG dated regarding 3 Wheeler Road stormwater management permit. In the letter it was noted that the ownership of the property has changed, and they are requesting an extension of the stormwater management permit for 3 years. The Board instructed the Admin. to

respond to the correspondence by informing the Applicant that the new owner must file a new Stormwater management application requesting the extension.

- 4.3 Notices from Townsend/other Towns. The legal public notice of public hearing for the proposed bylaw amendment to Zoning bylaw 145-54.1 Age restricted development was read aloud. The public hearing is scheduled for Monday October 24, 2022, at 6:45pm in Selectmen's Chambers and via Zoom.
- 4.4 Safe Routes to School Program. - C. Hoffses. No update at this meeting.
- 4.5 Public hearing scheduled for proposed Zoning amendment to §145-54.1 Age-restricted development bylaw. The public hearing is scheduled for October 24th, 2022, at 6:45pm. Referral comments have been sent to Boards and Committees.
- 4.6 Request for Planning Board to endorse a Form J for Lot 2, Plan #71 of 2008. 4 Alyssa Drive. The Board discussed the reason that the subdivision release is required. Board members signed the document and Admin will transmit the original to the Attorney who requested.
- 4.7 Application for Endorsement of Plan Believed not to Require Approval received from Joseph Z. Shank. Address of property 77 Turner Road, Townsend, MA. Kevin Conover, David Ross Associates presented a revised ANR plan dated October 3, 2022, to the Board and explained they are dividing a parcel of land that was created as part of a subdivision plan dated to 2002 labeled as "Parcel B" behind Madison Ave. The ANR presented is a division of this land into three separate parcels. The only lot line changes are within Parcel B. The newly created parcels are designated as non-buildable lots and do not contain any buildings. They will be deeded to adjoining parcels. C. Hoffses made a motion to approve the ANR Plan as presented. I. Ortiz seconded the motion. A roll call vote was taken as follows: YES – C. Hoffses, R. Therrien, M. Virostko, I. Ortiz, L. Shifrin. The motion carried. Board members present in person signed the plans during the meeting. M. Virostko stated he could sign in the office.

C. Hoffses made a motion to adjourn the meeting at 9:00pm. I. Ortiz seconded. A roll call vote was taken as follows: YES – C. Hoffses, R. Therrien, I. Ortiz, L. Shifrin. The motion carried.

5 ADJOURN: Votes may be taken.

- 5.1 Next scheduled Planning Board meeting is scheduled for Monday, October 24, 2022.

Respectfully Submitted,

Beth Faxon,

Planning Board Administrative Asst.

Approved on: October 24, 2022

Items on file:

- 1. Letter from Michael Crowley to the Townsend Planning Board re: resignation and flow of duties under the Stormwater management bylaw during the Land Use coordinator vacancy.
- 2. 77 Turner Road ANR application and revised ANR plan.
- 3. Email to Beth Faxon from Sallie Thurber, Applicant for the 22 Main Street Planning Board application. dated: October 3, 2022.
- 4. Form J. Lot release for 4 Alyssa Drive.
- 5. Report from fees study work group.

6. Letter from Stan Dilis re: 3 Wheeler Road Stormwater management permit.
7. Application for 277 Mason Road site plan review special permit.
8. 77 Turner Road ANR application and site plan.
9. Notice of public hearing proposed zoning bylaw amendment Section 1