



Office of  
**Townsend Planning Board**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1722

RECEIVED  
JAN 29 2019  
TOWN OF TOWNSEND  
TOWN CLERK

Monday January 14, 2019 at 6:30 PM

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

**1.0 Preliminaries:**

**1.1 Call the meeting to order-** Vice Chair, Laura Shifrin opened the meeting at 6:33 pm.

**1.2 Roll Call-** Jerrilyn Bozicas (JB), Charles Sexton-Diranian (CSD), Clerk, Veronica Kell (VK), and Vice Chair, Laura Shifrin (LS). Chairman, Lance McNally was absent. Others present: Elizabeth Faxon, Planning Board administrator

**1.3 Additions or Deletions to Agenda not reasonably anticipated by the Chair 48 hours in advance of the meeting.-** deletion in section 1.4 approval of draft minutes of 12/17/18. Deletion of both sections 3.4 Fee schedule for Planning Board applications and, 4.2 Board of Health email. Addition under section 2.2 public hearing; an email comment received by the Planning board office.

**1.4 Approval of Minutes-** JB made a motion to approve the 11-26-18 minutes. CSD seconded. VK requested an addition to the draft minutes of "for the benefit of future Planning Boards" under "187 and 199 North End Road are part of the OSPD". All in favor.

**3.3 Master Plan Committee (MPC)-**

Present: Kym Craven, Chair

MPC met on January 10, 2019 working on the survey questions for the community wide survey. Survey questions will be validated by MRPC. LS asked if the MPC would gather input from Town Boards and committees to give them the opportunity to ask questions in the community wide survey. KC replied this can be done and when the next draft is complete it can be emailed to boards and committees. KC stated that when Chapter 16 (Town Government) is complete, it will be sent to the Planning Board followed by each chapter upon completion. Meetings with town department heads, boards and committees will be ongoing to gather input and outlook. Survey questions will be completed by end of February 2019 with final survey ready to launch in April 2019. Drafts of all chapters will be delivered to the Planning Board by May 2019 with an estimated release of the Master Plan in early June 2019. VK added that MPC members will need appointment at in April 2019 town election to continue the Master Plan process.

KC noted the MRPC grant application (DLTA grant) period is open and will need to be prepared and the proposal submitted. DLTA grant money could be used for the implementation of the Master Plan.

**3.6 Townsend Planning Board 2019 meeting schedule-** confirmed January 28th meeting and meeting calendar noted.

**2.1 ANR 142 Pierce Road-**

Present: Richard Hanks and Karen Hill

There is an existing single family home on Lot 2 the ANR is to split into Lot 1 with frontage on Warren Road and Lot 3 with frontage on Pierce Road.

VK asked about stone walls. They are shown on the plan. Access to Lot 3 will be through the dilapidated remnants of a stone wall.

LS motioned to accept the plan for 142 Pierce Road as presented. CSD seconded. All in favor.

### **2.3 MA fisheries and wildlife informal planning discussion ANR-**

Present: Anne Gagnon, MA Div. of Fisheries and Wildlife

Commonwealth purchased land for conservation purposes, previously the Townsend Planning board has allowed the Division to forgo survey of the entire lot and just survey the existing house lot. Ms. Gagnon is requesting that they provide a detailed survey of the house lot that is being carved off and allow the land that Fish and Wildlife will be purchasing as remaining land for the ANR application. Ms. Gagnon recognizes these types of approvals are on a case-by-case basis and as such came before the Board. Parcel is on Warren Road. MA F & W holds a CR on the south Fitchburg hunting and fishing club land, and stated the back piece was registered land. MA is looking to purchase the remaining 45 acres, of which they are abutters in the back, and because detailed surveys exist on lots on the perimeter, they would like to survey one house lot and classify it as "remaining land". VK asked about what would be deregistered and how would that be surveyed. Ms. Gagnon replied the entire property would be deregistered, a regular detailed survey of the house to be retained would be completed, and the rest of the land that F & W would be purchasing would be labeled on the ANR as "remaining land". Ms. Gagnon cites the Rossbach ANR.

### **2.2 7:00 PM Site Plan Review and Stormwater permit application-continuation of public hearing.**

**Applicant:** Locke Brook Solar, LLC

**Location:** 22 West Meadow Road

**Project:** The proposed project is for the development and construction of a 1-M AC solar photovoltaic array on the approximately 37 acre property. Application for site plan review and application for Stormwater permit

**Present:** Palmer Moore, Locke Brook Solar, LLC  
Regan Herald, Beals and Thomas, Inc.

Mr. Moore presented a second project overview adding the design has been carefully detailed and specifically considers the various natural resources of the site. He noted that the Town is weighing proposals from an outside consultant for a peer review. He added that January 28th hearing is scheduled to review information for the Stormwater permit and discuss peer review results if available. The solar array is bounded on one side by Locke Brook to the North and Willard Brook to the south, and lies in the floodplain. He stated recent progress with pre-construction permitting process completed with the Townsend Conservation Commission. He noted the site walk on Saturday January 12, 2019 and commented that those who attended were given a sense of scale of the project and the relationship to all the various property lines. The Stormwater permit application is on file and Stormwater runoff the project design will create low amounts of runoff. Ms. Herald, registered landscape planner presented a draft landscape plan for proposed vegetative screening along West Meadow Road. She

distributed a proposed planting plan overlaid on an aerial photograph of the site. She presented a plan consistent with the requests of the conservation commission order of conditions including a mix of native evergreens and deciduous trees eastern red cedar, flowering dogwood, large shrubs and small trees that would look natural and shrubs in a hedge row layout. VK asked about the size of the trees. Ms. Heald recommended a smaller caliper evergreen tree consistent with research that selected size is conducive to best field growth and survival of the tree. VK asked at what point with the proposed plantings the neighborhood view will be preserved. Ms. Heald states the area will be fully established in approximately 5 - 10 years. VK asked if the presented vegetative screen is considered the vegetative buffer outside the fencing as stated in the bylaw. Mr. Moore responded yes and location of the screening has been planned with consideration of the abutter's property line where view sheds will be impacted. VK asked if consideration of low growth plantings along the Locke Brook border to further screen the view shed of abutters along Rt. 119. Mr. Moore responds this area is a regulated floodway and anything added to the area will impact the ability of the area to perform naturally as it does. He continued that this area has significant amount of established understory and tree vegetation creating shade and growth and survival of low growth shrub plantings may be problematic. He commented further planning may include planting on the abutter's side of low growth shrub to further establish vegetative screen. He stated the area of existing mature robust vegetative screening is fortunate. CSD asked about the property owner's intent to continue to hay along the southern edge and side of the solar array installation. Mr. Moore confirmed this will be ongoing and they designed the project with consideration of past traffic patterns for field haying. He further commented that a pathway access to Willard Brook must be kept open for Town maintenance on the north side of the bridge on West meadow road. LS asked about visual impact while entering and exiting the driveway from West meadow road. K. Craven stated that Mr. Craven the property owner, has transferred land to the state for the bridge improvement project including a change of angle to improve visibility in this area. Mrs. Boundy, a butter, asked if a row of shrubs could be planted along the fence to shield the view from her property. She asked about the sound impact. Mr. Moore brought a diagram sound coming from system. He stated the only sound produced by this project is from an inverter located on the north side of the project near the existing access road. Mr. Moore referenced a sound study done at a similar site. Mrs. Boundy's property is approximately 650 feet away from the inverter, which Mr. Moore estimates will receive about 20 decibels which is equivalent to a whisper. He states the 20 decibels in an agricultural setting is clearly below ambient noise levels. Further stated that the ambient noise level will cancel the estimated 20 decibels created, long before it reaches the abutters property. CSD noted that the ambient noise heard on the site walk was Locke Brook and Willard Brook and that any noise created by the project at the whisper level would not be audible. Abutter asked if the solar panels will be stationary and heard yes. LS provided an update on the peer review cost estimates. Three cost estimates were received which she read a brief summary of each. LS asked if the cost estimates are within normal range for a project peer review. Mr. Moore replies the cost varies by the project and all three are within range. He commented it would be in their best interest if the peer review could be prepared for the next public hearing. LS noted that the Board will take this into consideration when selecting the peer review consultant. LS then read aloud an email from Jennifer Pedit, a concerned citizen who attended the site walk. She requested mowing be conducted twice a year in April and November and asked for consideration of permanent vegetated berm along Locke Brook. Comments about the trimming of white



pine and challenges of Cedar were noted, along with the statements about planting for local wildlife. EAF will be forwarded to the applicant and enter it into the record. VK motioned to continue the public hearing to January 28th, 2019 at 7:30 pm, CSD seconded. All in favor. The motion carried.

### **2.3 MA fish and wildlife informational ANR discussion resumed**

CSD questioned the purpose of deregistering. A. Gagnon explains that most plans that come before the Board are registered. CSD is concerned that if it is deregistered, a problem may come to light. He is told not a concern. The state will purchase the other land. The Board offered no opposition to this ANR process. A. Gagnon will proceed with filing the ANR as discussed.

### **2.4 ANR 187 North End Road**

Present: Stan Dillis, Ducharme & Dillis Civil Design.

Applicant: Townsend Hill Realty Trust

Recently granted a special permit for Open Space Preservation Development for 187 and 199 North End Road, noted. Lot 1 is carved off so that the existing house. Town counsel was consulted prior to the meeting regarding the procedural and timeline of this ANR with regards to the OSPD. VK asked how this ANR effects the OSPD. Mr. Dillis replies no effect.

CSD made a motion to approve and endorse the ANR of 187 North End Road as presented, JB seconded. All in favor.

### **2.5 ANR 69, 75 Brookline Road**

Present: Stan Dillis, Ducharme & Dillis Civil Design

Applicant: George Sullivan

Continued from previous meeting to answer questions regarding access to Lot 3. Applicant reports consulting with the zoning enforcement officer as to whether the access to Lot 3 is viable under the bylaw and he believes that it is. Mr. Dillis pointed out minor changes to the ANR plan including the location of a guardrail and fire hydrant along Brookline Street. VK asked for distances between the guardrail, the hydrant, and the property line. Mr. Dillis states the hydrant is approximately 5' from the property line and about 10-15 feet between the hydrant and the end of the guardrail. VK noted the response to question number 16 on the ANR application is "no" when in fact there are obstacles present, the guardrail and hydrant along Brookline Road. VK reads aloud Sec. 175-11 and questioned the feasibility of access through the frontage to the buildable portion of the lot. The applicant stated the access will be through the 50' frontage on Meadow Road to the south, which is possible per zoning bylaw 145-24. Question 16 on the ANR application states that the frontage is on Brookline Road. Discussion ensued as to the feasibility of this access as it pertains to the purview of the Board. Mr. Sullivan stated the common occurrence of similar ANR plans authorized historically by the Board. Mr. Sullivan asked for consult from town counsel for the understanding of future ANR on the access question. Mr. Sullivan will grant an extension to the January 28th, 2019 planning board meeting. The board acknowledged EF will consult town counsel on the 69, 75 Brookline Road ANR for guidance on the configuration of Lot 3 with respect to endorsement via the ANR process.

### **3.1 Adult Use recreational marijuana zoning bylaw, moratorium, and ballot question.**

EAF updated the Board regarding a memo sent to the Board of Selectmen outlining the vote taken at the December 12, 2018 meeting. The Board voted to petition the Board of Selectmen to put a general bylaw ballot on the town election ballot. The wording of the Ballot question will be determined. EAF will be meeting with town counsel to discuss the memo and the process in more detail. CSD asked if the Board has to have it written prior to sending it over to Board of Selectmen. LS stated the Board can be more specific, consult Chairman McNally, and town counsel and then send the Memo to the Board of Selectmen. CSD noted a piece he is aware of by the Cannabis Control Commission about ballot questions. JB asked about how specific the question has to be with regards to the different types of establishments.

VK proposed to ask the town to ban retail sales and delivery services for all establishments. The bylaw passed at Town meeting, so that will be in place should the extension of the temporary moratorium is not upheld. The ballot question, if passed at the election and annual town meeting will further amend the bylaw. VK asked when we can submit the formulated ballot question. EAF will follow up after town council meeting this week. The Board members and administrator continue to monitor current news, formulate work for the ballot and keep to the established timeline.

### **3.2 Accessory apartment bylaw discussion**

CSD asked for this agenda item to be added to the next meeting. LS explains that CSD is working with the State to add more affordable housing in Townsend. LS stated that none of the newly permitted Accessory Apartment (AA) units count towards affordable housing. The newly permitted units are all being built for family members. LS mentioned a property where there are two houses on one lot. This could be a potential for an affordable unit if the bylaw is changed to incorporate outbuildings. The work is currently being done as part of the Affordable housing plan. R. Hanks (RH) stated that Townsend zoning is not conducive to multifamily development due to large frontage and lot size requirements. He noted that there are no provisions for multiple units or developing more density onto lots. VK noted that there is a multi-family open space development bylaw. LS noted the bylaw changes for multi-families and accessory apartments are under discussion. Discussion regarding new construction accessory apartments and the benefits of registering as affordable housing including 80% reduction on the assessment. CSD noted existing properties that can be converted to affordable units but also notes that the ministerial requirements for tracking and managing and enforcement of these units is formidable. 4.8% is the number of affordable units currently in Townsend and 10% of our total Town parcels (300+) is the target number. CSD noted that in a new 300 unit 40B project in Wayland, MA only 2 are affordable. LS asked for input from Mr. Hanks on the bylaw amendments and he responded that he is not in favor of the outbuildings being made available for accessory apartments and mentioned that the cap of 800 sq ft was too restrictive. CSD stated his goal is make sure that the Planning Board is communicating with the Town Zoning officer, Zoning Board of Appeals, Board of Health, Townsend Housing authority and interested town boards to develop a comprehensive plan. RH asks if the THA can create parameters for rental of accessory apartments that no longer have family members. CDS stated that these units will fall through the monitoring and the THA doesn't own property. If there are units that are going

through the application process, they have to be monitored by town staff. He continued that as long as the Town is making progress and efforts to build the affordable housing inventory, it will be acknowledged by the State. RH suggested that work continue to incentivize development of higher density development.

VK and CSD will meet to work on a few items with regards to the AA bylaw changes and then the Planning board will invite the Zoning Board of Appeals and Zoning officer to a joint meeting in February.

**3.5 FY 20 Budget review**

EAF notes that Lyndsy Butler has completed the FY 20 budget. The approval process is ongoing.

**Peer review discussion 22 West Meadow road.**

CSD motioned that the Planning board proceed with the services of Graves Engineering for the Locke brook solar array peer review, JB seconded. All in favor.

VK motioned to adjourn at 9:15 pm, JS seconded. All in favor.

Respectfully submitted,  
Elizabeth Faxon  
Planning Board administrator

Documents on file:

1. ANR 142 Pierce Road – application, plan of land
2. ANR 187 North end Road – application, plan of land
3. 22 West Meadow Road – application for site plan review, Stormwater permit application, and project plans.
4. Draft aerial photograph with planting plan overlaid.
5. Peer review cost estimate proposals (3)
6. Sign in sheet- Planning board meeting 1-14-19

**Approved on: January 28, 2019**