



Office of  
**THE PLANNING BOARD**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x 1722

Rec'd Townsend Town Clerk  
23 MAY '18 AM 10:00

Lance J. McNally, Chairman  
Christopher Nocella, Member

Veronica Kell, Member

Laura E. Shifrin, Clerk  
Jerrilyn T. Bozicas, Associate Member

**Planning Board Meeting Minutes**  
**Monday, May 7, 2018**  
**Townsend Memorial Hall**  
**272 Main St. Townsend MA 01469**

1.0 Preliminaries

Chairman McNally called the meeting to order at 6:34 pm and, requests action to appoint Jerrilyn Bozicas as a full member of the Board. L. Shifrin questions the appointment procedure and if a vacancy posting is required. Chairman McNally takes an action item to confirm the procedure prior to the next meeting.

Upon a motion by L. Shifrin, and seconded by V. Kell it was;

VOTED: Approve the appointment of Jerrilyn Bozicas to full member to replace Kathy Araujo pending procedural review. All in favor.

Roll call – Jerrilyn Bozicas, Veronica Kell, Laura Shifrin, Lance McNally

Absent: Chris Nocella

Chairman McNally announced that Chris Nocella is not able to participate remotely as previously expected. He offers the applicant for 187 North End Road a chance to reschedule the hearing when a full board is present. Stan Dillis replies that they intend to proceed with the understanding that the absent member can review the meeting minutes and participate in future hearings.

Chairman McNally appointed Jerrilyn as a voting member.

Others present: Beth Faxon, Planning board administrator

Election of planning board officers.

Upon a motion by L. Shifrin, seconded by Jerrilyn Bozicas it was;

VOTED: to elect Lance McNally as Chairman of the Planning Board for the next year. All in favor.

Upon a motion made by Jerrilyn Bozicas, seconded by Veronica Kell it was;

VOTED: to elect Laura Shifrin as Vice Chairwoman of the Planning Board. All in favor.

Upon a motion made by L. Shifrin, seconded by Jerrilyn Bozicas it was;

VOTED: to make Veronica Kell as Clerk of the Planning Board for the next year. All in favor

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

Chairman McNally added 3.6 the agenda; appoint a Townsend Planning board member as the representative to the Montachusett Regional Planning Committee (MRPC)

## 2 APPOINTMENTS:

**6:40 P.M.** – public hearing - OSPD Site Plan Review Special Permit 187 North End Rd.

Present: Stan Dillis, Tom Talcott, Scott Blain, Mike Hoffman, Dana Roberts

Chairman McNally read the original legal notice to open the public hearing dated March 12, 2018. Chairman McNally read aloud the continuance notice dated May 7<sup>th</sup>, 2018.

Mr. Dillis presents a project filed with the planning board on an application for a special permit for an Open space preservation plan. Mr. Dillis is representing the applicants who are abutters and trustees of the parcel. L. Shifrin discloses her friendship with Mr. Hoffman's mother and also recognizes Mr. Dana Bain, in the audience. L. Shifrin states her ability to participate in a neutral manner regardless of these associations. Mr. Talcott and Mr. Hoffman are co-applicants and have combined their property in conjunction with Townsend realty trust parcel to apply for this Open Space Preservation Development. Mr. Dillis reports that by combining the properties, under the conventional layout plan, the applicants would have a yield plan or, option of 26 buildable conforming lots in compliance with zoning. Chairman McNally asks about compliance to all septic and water zoning regulations and hears that the yield plan would conform 100% to zoning. Mr. Dillis continues to explain that the Open Space Preservation Development plan will be located only on the Townsend Hill realty trust land (approximately 90 acres). The applicant proposes to create 5 lots with a cul-de-sac and create 74 acres of Open Space. V. Kell notes the different parcels of land presented on the conventional layout plan versus the OSPD plan. Chairman McNally expresses that some of the properties are part of the OSPD, and therefore couldn't be used in the future to create a future OSPD. Mr. Dillis responds with the possibility that the applicant could have 7 buildable lots instead of 5 under this scenario. Chairman McNally expresses the concern that the inclusive boundaries of the conventional plan and the OSPD presented are not the same. The concern is that future applications could be made for development or subdivision on parcels not included in the OSPD layout plan. Chairman McNally would like to see the same boundaries for both the conventional layout and OSPD plans. Mr. Dillis continues to explain that the goal of the project is to create 4 new lots and use the existing house lot to obtain the OSPD special permit. If the OSPD permit is granted, the applicants would like to break out 187 North End Road through an ANR review. Thus allowing the applicants to sell the house as they go forward with the OSPD special permit process. They will then go into the definitive subdivision review process with the Town. He continues to assert the abutter's intent to protect the open space.

Mr. Dillis describes existing conditions at 187 North end rd. as one house on 90+ acres. L. Shifrin asks if there are 2 acres in mind for the ANR break out and asks if the survey has been done. Mr. Dillis replies no survey and yes 2 acres lots would be sought for the ANR. V. Kell questions frontage requirements and what would be left for the driveway Mr. Dillis responds 200' on North end road. There is adequate frontage for a 40' Right

of Way for the cul de sac entrance. There exists 160' of frontage for the subdivision after the house is removed from the calculations. Mr. Dillis comments that this is within the requirement of 120' of frontage for an OSPD without town water.

Mr. Dillis concludes with reiterating the applicant would like to show that they could create many more lots were they to follow the conventional layout plan, however what the applicant would like to do is create 4 new lots, and one new lot for the existing house, and 74 acres of Open Space under the Open Space Preservation Development section of the zoning bylaw.

Out of those 4 houses, 2 of them will be occupied by Townsend Hill Realty Trust members.

V. Kell asks about the final house lot count. Mr. Dillis replies that depending on whether the existing house is demolished, there would be 3 existing single family homes and 4 new single family homes. She continues to ask for detail on the open space parcel hearing that the existing properties will not have open space included and that there will not be a conservation restriction sought. There is no frontage for further development of the unprotected land. She is interested in protecting the area from future conventional development since some of the properties are not included in the OSPD. She suggests one way of preventing future development of the back lot to have a conservation restriction in place on the Hoffman and Talcott properties.

Mr. Dillis agrees to bring back a plan which illustrates to the board a conventional and an OSPD plan that have the same boundaries for compliance with the OSPD bylaw.

V. Kell asks about an access to the Open space parcel and hears the ownership will remain with the applicant(s). Mr. Dillis states that Townsend Realty Trust will own the open space. L. Shifrin offers the suggestion of putting the open space in chapter 61B if it will be retained by the owner(s). Chairman McNally reads aloud Sec 145-39 G 1 of the OSPD bylaw regarding future ownership of the open space. V. Kell reads aloud Sec 145-39 G 2 to understand the necessity of a deed restriction requirements on the lots.

Terry Phinney representing her mother, an abutter, asks about the drainage coming off the property and she hears that will be addressed under the definitive subdivision process. She seeks assurance that the open space will be protected possibly under the Ch. 61B status and will be protected from future development.

Chairman McNally offers the intent of the board to attend a site walk and may vote to have a professional engineer conduct a peer review on the drainage analysis when that part of the process is under review. She is also concerned with the location of the septic system with respect to proximity to wells on her mother's property.

Chairman McNally requests a site walk date be set and ascertains with the applicants that abutters can attend.

Mr. Talcott commented that he would like the applicants' patience recognized and heard with respect to the un-foreseeable delays of their public hearing and would like to move the process forward to alleviate their future expenditures due to delays. Chairman McNally recaps the best and fair practice of having a full planning board present at the public hearings is in the best interest of the Town and the applicant. Recently with the elections and reseating of the board we have been carefully following procedure to conduct a fair and equitable process. Mr. Talcott would like to go on record to comment that the applicant's intent is to develop this area with the best intentions for the Town. That this will be a best case scenario for the Town. They are asking for consideration of

time and a reasonably expeditious process. Chairman acknowledged the comments and affirmed support to move forward as fast as possible. A site walk date and time was established for Friday May 11<sup>th</sup> at 4:00 pm.

V. Kell asked the applicant and engineer to review section (g) 2 in the bylaw regarding the applicant's requirement to provide a program that will keep the open space maintained. Chairman McNally expects review of the all the requirements in the bylaw in preparation for the next hearing.

Upon a motion made by J. Bozicas, seconded by V. Kell it was;

Voted to continue the public hearing for 187 North End Road Open Space Preservation Development to Monday May 21, 2018. All in favor.

**7:15 P.M - Master Plan committee update**

Chairwoman Kym Craven and Mr. Don Hayes are present to update the Planning board.

She reports that there is a signed contract with MRPC to facilitate the community meetings. The MPC will begin meetings with department heads on May 14<sup>th</sup> to compare facts with the older version. Dates for community meetings will be May 30<sup>th</sup>, 2018 and June 2, 2018. The next MPC meeting is June 14<sup>th</sup> where they will receive a briefing with MRPC to complete this phase of the project. Mr. Hayes is working on the Survey with Survey Monkey, an electronic online tool. Chairman McNally requests consideration of the non-technical population when using this method of community input. The MPC email address and website access is incomplete at this update and will need to be completed as soon as possible. A spread sheet is drafted to track the progress of the various segments of the document. Each segment has 2 to 4 people tasked with each action item. The warrant article for the additional \$30,000 funds to formulate the Master Plan document was approved at town meeting. The next MPC update will be on Monday May 21<sup>st</sup>, 2018 Planning board meeting. Discussion regarding notification of the public of the community meetings ensued, including a press release as soon as possible to publicize the first community meeting on May 30<sup>th</sup>, 2018.

Upon a motion made by J. Bozicas, seconded by L. Shifrin it was;

VOTED: to reinstate the following members to the Master Plan Committee; Kym Craven, Don Hayes, Bill Rideout, Todd Melanson, Cynthia Donovan Schuster, Veronica Kell, Andrea Wood, Wayne Miller, Karen Clement. All in favor.

**7:45 P.M. - Nashua River Watershed Association presentation; Wild and Scenic River Designation**

Presenting: Martha Morgan

Ms. Morgan presented an overview of the work finished on the wild and scenic river stewardship plan noting three major areas of focus; biological diversity, recreational and scenic value and the cultural value. Asking the board to endorse the wild and scenic asking for letters of support and endorsement. She provided a template letter of acceptance for the Planning board to consider and vote. Ms. Morgan offered to share how this will affect the work of the Planning board and continued promote the board to voluntarily pursue opportunities to prevent non-



point source pollution, considering water in land use planning, runoff, planning, aquifer protection, promote balanced growth, encourage low impact development. Chairman McNally asks for ascertain as to whether this effects anything that the planning board currently does or does not do and hears correct. Ms. Morgan continues there will be two appointees that will site on the committee from the Town.

Upon a motion made by J. Bozicas, seconded by V. Kell it was;

VOTED: to endorse a letter of support for the Wild and Scenic committee. All in favor.

Approval of Minutes from April 9, 2018

Upon a motion made by J. Bozicas, and seconded by L. Shifrin it was;

VOTED: to approve the draft meeting April 9, 2018 with the amendment; strike the duplicate sentence "Chairman McNally appointed Jerrilyn Bozicas" All in favor.

Mandatory referrals – renewal of Special Permit for Accessory Apartment 101 Warren Road.

Upon a motion made by L. Shifrin, seconded by J. Bozicas it was;

VOTED: to make no comment on mandatory referral for 101 Warren Road AA and 250 Main St. Anderson Funeral Home. All in favor.

Adult Use Recreational Marijuana Beth Faxon will gather updated information as to the status of the activity and progress of abutting towns. Beth Faxon will scan and email KP Law document "A Guide to the revised law legalizing recreational use of Marijuana" to Planning board members.

Accessory Apartment Bylaw – L. Shifrin has been working on gathering input from those in opposition to this bylaw at Town meeting. She agrees with the 35% AA/total sq. ratio versus the 800 sq. ft. allowance of floor space of the Accessory apartment. She would like to see Timberly Park and the downtown area included if the septic systems and wetlands are within regulations. V. Kell is content with the current bylaw which includes the requirement of a one acre lot size. L. Shifrin proposed removing 5 (e) and rewording to accommodate affordable housing. The enforcement condition was discussed as this is a difficult enforcement issue. The renewal of the AA special permit is a tool currently used to identify and ensure compliance of AA units. L. Shifrin reports a contact with Glen at MRPC who can recommend a professional to help with wording of the bylaw. She is projecting by June we can revisit the revised draft. Additional suggestions were to consider the impact of Air B&B type situations, and to disallow temporary rentals, and limited occupancy scenarios. Beth Faxon will review the timeline for presenting a bylaw on the Fall Special town meeting warrant.

The planning board returns to agenda item 3.6: appoint a Townsend Planning board member as the representative to the Montachusett Regional Planning Committee (MRPC)

Upon a motion made by V. Kell, seconded by J. Bozicas it was;

VOTED: to appoint Laura Shifrin as the MRPC representative for the Town of Townsend  
All in favor.

The board sets a time and date for the Campbell farm site walk of Friday May 11<sup>th</sup>, 2018  
at 4:00 p.m. on location.

Notices from Townsend/Other Towns – V. Kell read the legal notices to all present.

Upon a motion made by L. Shifrin, and seconded by J. Bozicas it was;

VOTED: to adjourn the meeting at 9:10 pm. Next meeting is May 21, 2018. All in favor.

Respectfully submitted,  
Beth Faxon  
Planning Board administrator

Documents on file in the Land use office:  
5/7/18 sign in sheet  
Campbell Farm OSPD special permit application

Approved: May 21, 2018