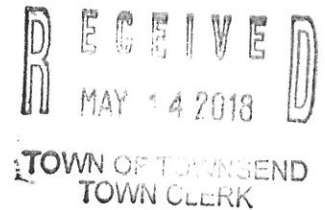




Office of  
**THE PLANNING BOARD**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1700 x 1722



Lance J. McNally, Chairman  
Kathy Araujo, Member

Edwin H. Howard, II, Vice Chairman  
Christopher Nocella, Member

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

**Planning Board Meeting Minutes**  
**April 9, 2018, at 6:30PM**  
Townsend Memorial Hall, in Selectmen's Chambers  
272 Main Street, Townsend, MA 01469

**1.0 Preliminaries**

1.1 Chairman McNally called the meeting to order at 6:30 p.m.

1.2 Roll call - present: Jerrilyn Bozicas, Chris Nocella, Ed Howard, Laurie Shifrin, Lance McNally. Others present: Beth Faxon, Planning board administrator.

1.2.1 Chairman McNally appointed Jerrilyn Bozicas to full member status for voting.

1.2.2 Announcements; L. Shifrin shared with those present that Kathy Araujo recently passed away. She shared remembrances of her including her importance as part of the Townsend Planning board and the Town of Townsend. She was an avid researcher, and a respected and judicious board member and townswoman. L. Shifrin intends to devote her future work on the planning board in honor and memory of Kathy. Those present held a moment of silence in Kathy's honor.

1.3 No additions or deletions to agenda were raised.

1.4 Upon a motion by L. Shifrin, seconded by E. Howard it was;

VOTED: to approve the March 26<sup>th</sup>, 2018 planning board meeting minutes as drafted  
All in favor.

**2.0 Appointments**

**2.1 Master Plan committee update:**

Present Mr. Don Hayes, Vice Chair of the Master Plan Committee [MPC]. Mr. Hayes reports the MPC has met twice since the last update to the Planning board. Preparation work is on-going, including review of the original Master Plan document and skimming of applicable sections to utilize in this draft. The MPC reports that they are selecting dates and support personnel for professionally facilitated public input meetings. The meetings will be during May and June. Monday May 21<sup>st</sup> was suggested as a preferred date for the Planning board for one of the meetings. The MPC reports they are waiting for a price on a quote for a facilitator. Chairman McNally asked if more than one quote is being solicited and heard that MPC had been in contact with the Montachusett Regional Planning Commission (MRPC) and

discovered more resources and possible grants available for the formation of the Master Plan.

He reports that the committee is developing two surveys; one internal for town departments, and external for citizens of Townsend. Survey Monkey is under consideration as a survey tool due to convenient statistical analysis features. He inquired about the status of the funds allocated for the Master Plan document preparation from FY18. It is affirmed that the MPC may use these previously allocated funds for their facilitated meetings and research activities. These funds will be available in addition to the \$30,000 requested at the Annual Town Meeting. Chairman McNally is interested in reviewing a project budget for the Master Plan. Discussion ensued as to the total funds being adjusted at town meeting. Mr. K states that the detailed fund information will be made available prior to town meeting. The warrant article is under ongoing review and investigation as to the wording of the warrant article. The wording of the article will be reviewed and returned to Chairwoman K. Craven by April 24<sup>th</sup>. The total requested at 2018 Annual Town Meeting will be for \$30,000. Another MP Committee member present added that the MPC is considering a survey to be distributed with the tax bill to residents. Chairman McNally suggests that this option be rechecked as it may not be feasible. The MP Committee offers their condolences for Kathy Araujo.

Upon a motion by C. Nocella, seconded by L. Shifrin it was:

VOTED: to appropriate the previously appropriated \$8000 to the Master Planning Committee and grant permission to the Committee to apply for additional funds as needed.

All In Favor. The motion carries.

### 3.1 Worksession

Chairman McNally called for a re-vote of the Decision to grant the special permit for 7 Trophy Ave, citing the Planning Board had previously voted on this procedure. C. Nocella asked for clarification of a super majority and heard when the planning board takes action on a special permit, 5 members of the board must be voting. Passage of a Planning board decision requires an affirmative vote of 4 of the 5 voting members.

Roll Call vote: (YES - J. Bozicas, C. Nocella, E. Howard, L. McNally. NO – Shifrin). The Decision to grant the special permit carries.

### 3.3 upcoming projects

B. Faxon updated the Planning board that she and Chairman McNally attended a meeting requested by Mr. Gardner regarding planning and permitting at 0 Seaver Rd. The conceptual plan was viewed, and it was agreed that multiple complexities exist with regards to underground utilities, ROW, wetlands, public safety for this proposed project. Mr. Hanks, Zoning enforcement officer issued a letter to Mr. Gardner of general procedural guidance. Audience member Jennifer reports there are is a significant amount of wetland area and expresses interest in related forest cutting plan. Anderson

Funeral Home is proposing an addition and the Planning board received letter from Richard Hanks, ZEO.

### 3.2 Mandatory referrals – 205 Main Street

Chairman McNally read a brief narrative of the proposed project from the applicant to those present. The project is before the Zoning Board of Appeals for a Special permit. All Planning board members are in favor of this project, encouraging new business in town and the restoration of Main Street.

### 3.4 Adult Use Recreational Marijuana –

E. Howard provided an update. Chair McNally asked how Townsend is progressing with a bylaw compared to adjacent towns. E. Howard reported that Townsend is in an average range of activity at this point, citing that some towns have a bylaw ready for voter's consideration on their Spring Town meeting warrant, some have passed, and some are in draft stage. Most towns are in a moratorium, and it is rare to find towns with finalized and published regulations, continued E. Howard. L. Shifrin inquired as to the percentage of all the towns in Massachusetts that voted in favor of Adult Use Recreational Marijuana. E. Howard explained that each town's approval was based on the State Ballot

Question #4 vote tallies. Communities that voted for 50% or more in favor of, are required to formalize regulations. Townsend is one of these communities. He continued that the State began accepting applications for Adult use Recreational Marijuana sales facilities licenses, and 289 applications were submitted for 89 licenses. Preference for licenses will be given to facilities that are preexisting medical marijuana facilities. Preference will also be granted to communities that have been previously adversely affected by marijuana criminal cases. Chairman McNally asked for clarification on limiting the number of sellers based on percentage of liquor licenses issued. Discussion ensued and it is understood to be 20 % or in the case of Townsend this would be one potential licensed retailer. Chairman McNally asked for clarification of the zoning table. E. Howard suggests the Board research and consider verbiage to cover situations such as growing operations in industrial areas, including on site storage, proximity to potentially sensitive operations, fencing, lighting, and security. He continues to encourage the Board to define what "product testing" is and notes that contaminants in Marijuana products are common.

E. Howard opines that there is a fundamental difference between medical marijuana and recreational marijuana. Because it has been accepted by the voters, regulations finalized for Adult Use Recreational Marijuana should be aligned with those of Medical Marijuana and not more restrictive. Chairman McNally agrees with a comment made by C. Nocella that it would be prudent to leverage what has been done with the medical marijuana regulations, and agrees that the retail distribution needs to be addressed separately. E. Howard believes that the law requires indoor cultivation for commercial enterprises. Chairman McNally accepts the task to take over the drafting of the Adult Use Recreational Marijuana bylaw for Townsend. Agreement that it will be essential to

refer to expertise from the Police and Fire Chief as well as hold public hearings.

Chairman McNally thanked E. Howard for all this efforts and comments in this endeavor.

### 3.5 Accessory Apartment Bylaw

L. Shifrin agrees to accept the task of revising the Accessory Apartment bylaw with a goal of synchronizing to the time line of the Adult Use Recreational Marijuana bylaw. L. Shifrin recommends B. Faxon look up the Accessory Apartment (AA) bylaw article and provide a source document for revision. Optimistically, the bylaw revision, along with town meeting approval will also enhance affordable housing availability in town.

Chairman McNally states it would behoove us to have another public hearing after revision of the AA bylaw. Chairman McNally recommended watching the You Tube video of the May 9, 2017 Annual Town meeting to review how the AA bylaw was presented and understand the objections. Chairman McNally recommends more public input in preparation for the next presentation to the voters.

Veronica Kell, audience, expressed concern over the verbiage of the original AA bylaw as it was presented to voters due to her conceptual understanding that it was not restrictive enough and would allow every home owner to have an AA. C. Nocella asked about enforcement of the bylaw and there was agreement that this will be taken into further consideration. Chairman McNally states that one of the intents is to assist the elderly to age in place by moving into a created accessory apartment on their estate. All agree this is a good intent. C. Nocella notes an obstacle to people who require affordable housing, noting the simultaneous need for public transportation which is unavailable in Townsend.

L. Shifrin added that MRPC helped with the wording of the original AA bylaw. Chairman McNally would like to see revisions and improvement for the next presentation at Town meeting. Chairman McNally recaps the discussion and action items; L. Shifrin will oversee the revision of the accessory apartment bylaw along a similar timeline as the Adult Use Recreational Marijuana bylaw. L. Shifrin and the planning board will work together to revise the bylaw, after looking at the issues raised at the May 5, 2017 Annual Town Meeting. The Planning Board will hold posted public hearing(s) for input. L. Shifrin asks if anyone present has any comment on the YouTube video to contact her. ([https://youtu.be/j0Qh\\_556As8](https://youtu.be/j0Qh_556As8) starting at 1:49:20). The goal is to have both bylaws drafted and ready for the Warrant of Fall special town meeting.

### 3.6 Administrators report

The Board sets a date of May 21, 2018 in support of the Master plan committee for a town wide facilitated meeting.

## 4.0 Correspondences

### 4.1 Notices from other Townsend/Other Towns

L. Shifrin read the notices and correspondences. Chairman McNally suggested we follow up on Shirley open meeting on marijuana bylaw on April 18<sup>th</sup>, 2017.

C. Nocella asked Jerrilyn Bozicas if she would accept full membership appointment to the planning board. She affirmed her service as full member, stating she would not like to hold office or attend additional meetings due to her previous commitment to the

finance committee. Chairman McNally continued the discussion of reseating the Planning board until after the town election on April 23, 2018. B. Faxon read the meeting minutes from the March 12<sup>th</sup> 2018, Planning board meeting confirming the Planning board vote to continue the hearing of 187 North End Road to May 7<sup>th</sup>, 2018 at 6:40 pm.

#### 4.2 DEP Letter re: Local Planning Board Responsibilities Regarding Chapter 91 General License Certifications.

The Planning board received a letter from Department of Environmental Protection RE: Local Planning Board Responsibilities Regarding Chapter 91 General License Certifications. A copy of the letter was provided to the Planning Board along with a fact sheet on the Ch. 91 General License self-certification process. DEP has streamlined the process for installation of docks with partial local Planning Board responsibility. In summary, the applicant will fill out a permit application form online at the DEP website, the Planning board will receive a project summary or application, in addition to a public posting notice for a comment period. Any comments will be submitted to the Planning board, collected, reviewed and conveyed to the DEP prior to final licensure. The following link to the Department of Environmental Protection webpage will provide more information:

<https://www.mass.gov/how-to/ww-24-general-license-certification>

#### 5.0 Adjournment

Next meeting is scheduled for May 7<sup>th</sup>, C. Nocella will be participating remotely.

Upon a motion by C. Nocella, seconded by Jerrilyn Bozicas it was;

VOTED: to adjourn the meeting at 7:50 p.m.

Items on file in the Land Use office:

1. Meeting Sign In Sheet
2. Department of Environmental Protection Letter to the Townsend Planning Board Re: Local Planning Board Responsibilities Regarding Ch. 91 General License Certifications.
3. BRP WW 24 Chapter 91 General License Certification Fact Sheet.
4. Administrators Report – April 2018
5. Commentary of E. Howard on the document: Marijuana Establishment Zoning Proposal Town of Townsend – March 12, 2018

Respectfully Submitted,  
Beth Faxon  
Planning Board Administrator

Approved: Monday May 7<sup>th</sup>, 2018