



Office of
THE PLANNING BOARD
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Lance J. McNally, Chairman

Laura Shifrin, Vice Chair

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes

Monday, January 28, 2019, at 6:30PM

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

1 PRELIMINARIES:

1.1 Call the meeting to order – Chairman Lance McNally opened the meeting at 6:30 p.m.

1.2 Roll call – Chairman Lance McNally (LM), Vice Chair Laura Shifrin (LS), Clerk

Veronica Kell (VK), Charles Sexton-Diranian, Jerrilyn Bozicas.

Others present: Adam Costa, Town Counsel (6:40 p.m.), 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- VK asked about 55+ community discussion. LM requested it be added to the next meeting worksession.

1.4 Approval of Minutes 12/17/18, 1/14/19 – 12/17/19 – VK page 1 strike “fire hydrant”.

CSD motioned to approve and release the 12-17-19 minutes as amended. JB seconded.

LM abstained. Yes: LS, VK, CSD, JB.

LS moved to approve and release the 1/14/19 - VK provides rewording on various other sections of the draft minutes including 2.4 ANR 69, 75 Brookline Road, change reflect incorrect answer on application Sec. 3.1, strike “want” insert “proposed”, 3.2 add “145-47 we have multifamily bylaw”. LS change “give” to “given”

CSD moved to approve and release the 1/14/19 minutes as amended. VK seconded.

LM abstained. Yes: LS, VK, CSD, JB.

3.7 Conflict of Interest – LM will submit. Everyone else is up to date.

2 APPOINTMENTS:

2.1 **7:00 P.M. – ANR 69, 75 Brookline Road**

Applicant: George Sullivan

69, 75 Brookline Road

Present: Mr. George Sullivan, Stan Dillis, Ducharme & Dillis Civil engineering, Inc.

Mr. Dillis states the applicant is returning to the Board to seek a determination regarding the ANR. The focus of concern is the feasibility of access through the frontage on Brookline road onto the buildable portion of Lot 3. Town counsel presented cases studies involving issues of access to sites through frontage on ANR lots was deemed illusory, and further explained that many cases can be argued either way. Corcoran vs. Sudbury, Gifford case and Gates case. He explains these cases dealt with situations where the access from the frontage is rendered illusory and the result of determinations by other Planning Boards. He reviews that the required frontage is met in this case. Noted a guard rail blocking part of it and presence of the fire hydrant. He opines the principal issue is whether or not there threshold access to the site given

the location of the guardrail and the fire hydrant. He noted the wetlands on the site, and guides the Board by clarifying they must determine if the access is illusory, is it theoretical or costly. Question about access and practicality of access. Is it physically possible to cross the wetlands? If the Board endorses the ANR it has to determine that the access from the frontage is not illusory. He advises the Board that consistency in determinations is prudent. If there is ambiguity in a bylaw provision and the Board seeks sources to resolve that ambiguity, then it is reasonable to look to past precedent. He added that the Board is not a precedent –setting public body.

Mr. Sullivan provided some examples of ANR's endorsed and approved in the past where the frontage is on one road and the driveway access is on a 50' strip of access on another road to avoid wetland crossings. Some of the examples the applicant produced were endorsed and approved prior to the adoption of sec. 175-10 and 175-11 of the Planning Board Rules and Regulations.

JB moved to approve the ANR for 69, 75 Brookline Road according to the plan, CSD seconded. Roll call vote: Yes: LS, JB, CSD, LM No: VK

2.2 7:30 P.M. – Continuation of a public hearing - 22 West Meadow Road

Applicant: Locke Brook Solar, LLC

Locke Brook Solar Array – Application for site plan review and application for major Stormwater Management Permit. Proposal is for construction of a 1-M AC solar voltaic array on the approximately 37 acre property.

7:34 LM opened the continued public hearing on 22 West Meadow Road. He noted the Board is waiting for the results of the peer review which is necessary information for the decision for both the site plan review and the Stormwater management permit.

LS moved to continue the public hearing for 22 West Meadow Road to 7:30 p.m. on February 11, 2019. CSD seconded. All in favor.

3 WORKSESSION:

- 3.1 Adult Use Recreational Marijuana zoning bylaw, moratorium and ballot question – The Board is moving forward with the process of petitioning the Select board to put an adult use recreational marijuana establishment prohibition and/or partial prohibition ballot question on the town election ballot on April 22, 2019. LM explained that the Select board has requested said ballot question be drafted by Town counsel and submitted in ballot-ready form. Town counsel agreed to draft the ballot question following tonight's discussion. Town counsel assisted the Board with information and advisory during the discussion as to the subject matter and format of the ballot question. Discussion points included the changing status of the State level regulatory process with regards to the economic benefits for the Town should it decide to only pass a partial ban or restrict some of the adult use recreational marijuana establishment types. LM proposed a ban of all establishments on the 2019 ballot vote with the understanding that in future regulatory decisions, some or all of these establishments can be allowed. If the ballot vote fails, the moratorium runs out June 28, 2019, and then §145-90 Recreational Marijuana establishments zoning bylaw approved at Special Town meeting (STM) 12/20/19 goes into effect. If approved at the ballot. The resulting amendments will then go before special town meeting and will replace the zoning bylaw just approved at STM 12/20/19. JB proposed forming the ballot question

as a multipart question querying voters to decide what type of adult use recreational marijuana establishment they support or oppose. Town counsel responded that this is acceptable and other towns have used this format for their ballot questions. CSD agrees with JB that breaking up the ballot question into the various types of establishments is a good way to give the community more options to decide. LM asked if there are separate ballot questions, then would each of those will be voted on as written at the 2019 Annual Town Meeting in May. Town counsel stated the ATM warrant will be slightly different than the ballot question because at ATM voters will adopt a bylaw that reflects the content of the ballot question. We (the Town) would amend the bylaw that was recently passed at STM confirmed CSD.

JB moved to have town counsel compose a ballot question in which each type of recreational marijuana establishment is presented for the voter's individual decision. CSD seconded. All in favor.

Town counsel states he will have the ballot question prepared for the next meeting. LM commented the Board will review the ballot question, vote, and submit it to the Select board at their next meeting 2/19/19.

- 3.2 Accessory Apartment Bylaw proposed amendments – CSD asked town counsel about meeting with other town board members to talk about the accessory apartment (AA) bylaw and permitting process. Town counsel confirms that this is acceptable way to proceed providing a quorum of any of the public bodies is not present. The Board discussed the public hearing and the working that is still in progress on the bylaw. The Board concurred it will hold another public hearing on the §145-36 AA in a residential district prior to the May 7, 2019 Annual Town Meeting. Town counsel advised the Board to compose a bylaw draft as close to the final as possible to avoid town meeting floor amendments. The Board decides to hold the public hearing on Monday April 8th, 2019, during their regularly scheduled meeting.
- 3.3 Master Plan Committee (MPC) update – LM read an update email from Kym Craven, Chair of MPC. Meetings for History and Government, open space, and transportation have been scheduled. Present timeline for the MPC survey is to finalize survey questions by the end of February, launch survey in March, and have results in by April. All MPC members are due to be reappointed in April 2019. VK noted that the goal is to have the final draft of the Master Plan Update done in June 2019, but reports that none of the economic development section is in progress. The money approved at ATM 2018 to fund professional services for the economic development and update. The Planning board will review and approve the draft Master Plan update 2019. VK reports receiving a copy of the survey questions on January 10, 2019 and is waiting for a word document. The discussion moved to contracted services and noted that MRPC has been hired to review the survey questions. The question remained as to when the boards will have the Master Plan survey questions to review. The MPC has received a copy of the community meetings final report per the contract with MRPC. Discussion ensued regarding the possibility of contracting additional professional services to assist with completion of the Master Plan Update 2019.
- 3.4 DLTA Request for planning services application. – LS and EAF will work on this further.
- 3.5 2018 Annual Report – draft review – Comments included change “expected” to “goal” on the section of the Master Plan completion. Include “2018” after “February”.

Remove “many different” to “different perspectives” under community input meetings. Change “March” to “May” 2019 for deployment of the MP survey. Insert “draft” before master plan update.

CSD moved to accept and release the 2019 Annual report with changes noted. JB seconded. All in favor.

- 3.6 FY20 Budget review – L. Butler (L.B) updated the Planning Board budget and the Board reviewed the document. Comments included; requests for adding: \$600 for conferences and training for Board members, \$1200 for legal notices for Planning Board public hearings \$100 for dues and subscriptions. Also requested was to add \$5000 for an e-permitting software program and investigate a solution to modernize and automate maintenance of office records. More discussion is needed to identify needs and usage of a software system that will benefit and integrate all Land use departments. A question was raised regarding the FY 18 actual expenditures for professional services as compared to FY 19. CSD volunteers to meet with L.B. and discuss the Planning board FY20 budget process.

4 CORRESPONDENCE:

- 4.1 Notices from Townsend/Other Towns – VK read the notices aloud
4.2 Conferences and advertisements – Citizen Planner Training Collaborative Annual conference announced: Saturday March 16, 2019. MHP’s Housing Institute training on June 5 & 6, 2019

5 ADJOURNMENT:

- 5.1 Schedule and adjourn – Next meeting February 11, 2019.

VK moved to adjourn at 8:55 p.m. CSD seconded. All in favor.

Respectfully submitted,
Elizabeth Faxon
Planning Board Administrator

Approved on: February 11, 2019

Documents on file:

1. Sign in sheet
2. ANR 69,75 Brookline Road application and site plan
3. proposed FY 20 Planning board budget
4. 2019 draft annual report
5. Town counsel response to OML question – email dated 1/25/19
6. Master Plan update Kym Craven – email dated 1/28/19