



Office of the
Townsend Planning Board
272 Main Street
Townsend, Massachusetts 01469

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NOV 29 2018
TOWN OF TOWNSEND
TOWN CLERK

Lance McNally, Chair
Laura Shifrin, Vice-Chair

Veronica Kell, Clerk
Jerrilyn Bozicas, member

Townsend Planning Board meeting minutes
November 5, 2018
Memorial Hall, 272 Main Street,
Townsend MA, Selectmen's chambers

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TOWN OF TOWNSEND
TOWN CLERK

Chairman McNally called the general meeting to order at 6:30 p.m.
Present: Jerrilyn Bozicas, Veronica Kell, Lance McNally, Laura Shifrin
Others present: Elizabeth Faxon, Planning Board Administrator
Michèle Grenier, Land Use Coordinator

Approval of minutes: 10/15/18.

L. Shifrin motioned to approve the minutes of 10/15/18, J. Bozicas seconded. All in favor.

ANR 142 & 152 North End Road

Chair McNally requested an appointment time be set for future ANR hearings.

Present: Kristine Symonds, Esquire

Ms. Symonds explained the ANR is essentially a rear lot line adjustment at 142 North End Road and 152 North End Road. A 0.726 acre parcel of land is being conveyed from 152 North End Road to 142 North End Road. Additionally, an easement for the driveway access and utilities has been legally documented and shown on the ANR plan. Easement will be recorded simultaneously with the ANR at the Registry of Deeds. All requirements under §175-10 and §175-11 were confirmed by Land Use Department staff.

L. Shifrin made a motion to accept the ANR for 142 & 152 North End Road, J. Bozicas seconded. All in favor.

6:45 Public Hearing – accessory apartment proposed bylaws amendments

Chair McNally opened the public hearing.

The changes being proposed are to the codified bylaw §145-36 accessory apartments in a residential district. Print copies of the amendments document were distributed to those present. The proposed changes include the following;

- Section B change included; incorporated the allowance of accessory apartment to be constructed in an outbuilding on the same lot. Consequently the restriction of establishing one accessory apartment was changed from “in any single family dwelling” to “on a lot”.
- Section C 1 A. The maximum size of accessory apartments shall be 800 square feet and retain the appearance of the single family structure.
- Section C 1 B. added section ... if the unit is in an outbuilding, the size of the accessory apartment shall be limited to 800 square feet, shall not alter the appearance of existing structure, and shall not increase the foot print of the structure in which the accessory apartment is located
- Added - Either the accessory apartment or the principal residence shall be occupied by owner of the lot.

- Change - Reduced the minimum acreage requirement from one acre to $\frac{3}{4}$ acres. We are allowing 193 additional potential apartments. The increased number of additional potential outbuilding accessory apartments was not calculated. Discussion regarding planning for the additional infrastructure required i.e., water and septic, for an outbuilding accessory apartment was noted and tabled.
- Added - An accessory apartment intended to be occupied by a person with disabilities shall be subject to the provisions of the disabilities act. MGL C. 40A, §3.
- Added - Fines shall be imposed by the town for violation of this clause.
- Added - All accessory apartments shall be registered as an affordable unit.

Discussion ensued as to the permitting process for town departments with regards to new and existing accessory apartments. L. Shifrin explained that there is some confusion over the 5 year renewal of the Town special permit and the State Program 15 year enrollment of the affordable unit. Mr. Sexton-Diranian, added that the only way to be compliant with registration to the state program is to abide by the fair affordable housing practices and marketing practices for the rental of the unit. The accessory apartment owner must apply for the 40B program. If the unit is accepted it is counted in the Towns inventory for affordable housing. Once it is accepted into the state program it has to remain therein for 15 years unless the property is sold.

B. Cadogan, stated that the original intent of the accessory apartment bylaw was not to create affordable housing for the Town but rather to create options for homeowners to accommodate family members living on premise. The State recommendation for Townsend is to inventory 300 affordable units, of which currently there are 150. A clarification of language was requested to address the process of accessory apartment registration in the 40B program and how such action will address aligning the local regulatory process with the state. He further pointed out that the current bylaw is not implemented with consideration or requirement of the non-family occupant unit owner to register with the State 40B program. L. Shifrin stated the changes proposed are attempting to align the local regulations with the guidelines of the State. Alignment of the town bylaw and state regulations was discussed. V. Kell summarized her understanding that if an owner of an accessory apartment is not occupied by family, the owner must register it with the state and market it as affordable unit. She supports the 15 year requirement of the 40 B program so that the unit is in compliance with state regulations and included in the Town affordable unit inventory. L. Shifrin states that the goals are to both have more flexibility for family to live together and, create more opportunities for affordable housing in the Town. Mr. Diranian stated that if town departments and citizens collaboratively discuss and create the best and most suitable process for the Town to increase affordable housing inventory, this documented work can be presented to the Department of Community Housing and Development (DCHD) and recognized in future agreements with the state. He added the town might not achieve the state number of affordable units but as long as a viable working plan is in place, the Town can benefit when assessed by DCHD. Mr. Diranian further stated that if the Town has a strategy and strong plan for possibilities of increasing affordable housing, the State may be able to negotiate some flexibility with the 15 year program enrollment requirement.

V. Kell asked about the language in section E and asked for direction as to the revision of this section to comply with the state regulations. She heard affirmative feedback that this section should be reworded and worked on for this purpose. Enforcement was discussed and it was agreed that there should be assigned staff tasked with the accessory apartment inventory and all field tracking activities for such. Mr. Sexton-Diranian added that the monitoring, compliance, and inspection tasks associated with the 40 B program will require additional staffing hours. Interdepartmental communication was noted as high importance in local and state regulation of the accessory apartments and affordable units. Darlene Sodano expressed concern over the proposal of limiting the size of the accessory apartment to 800 sq. ft. The concern expressed included the outward appearance of an accessory apartment that could, under this scenario, be the same size as the house, creating the appearance of a two family duplex. The current sliding rule measurement tool used by the applicant avoids situations where the accessory apartment is the

same size as the main residence. A compromise was proposed to either allow the 35% of the floor area of the principal residence or maintain the limit of the size of the accessory apartment to 800 square feet. Discussion continued and those present were in agreement that the definition of "floor area of the principle area is to be determined" needs to be clearly defined and added to the language in the bylaw. The verbiage "Livable area above grade" was suggested. Additionally agreement that the reworking of Section C.1.A and Section C.1.B to incorporate language to address the maximum allowable area in square feet of the accessory apartment.

A member of the audience spoke in favor of adding the proposed addition of allowing outbuildings as an accessory unit. B. Cadogan suggested insertion of verbiage of a grandfather clause to address current permitted accessory apartments larger than 800 sq. ft. He added that one important purpose of the Special permit application is that it provides an opportunity for feedback from abutters, and the opportunity to retract a problematic "use" at the time the permit expires. It was noted that Special permits are recorded at the registry of Deeds and this may be written into the grandfather clause in such words as "if the search of registry reveals that a special permit is recorded, then the applicant must provide that when applying for another permit". V. Keli summarized and checked for understanding on the following action items;

- Define the floor area and change it from maximum 800 sq. ft. to 35% of principal residence floor area not to exceed 800 sq. ft.
- Section E add the DHCD affordable housing language to match the state. Either a family member occupies the unit or it goes to the state 40 B program for affordable housing. Noted: units in affordable housing programs have tax reductions.
- Add a section (possible F) on grandfathering so that if they have permit and a special permit that shows they had something existing prior then the apartment is grandfathered.

L. Shifrin motioned to close the public hearing, V. Keli seconded. All in favor.

ANR 40 Scales Lane

Present: Stan Dillis, Ducharme & Dillis Civil Design Group

The purpose of the ANR is to create two lots in a multi zoned residential and industrial district. Proposed Lot 1 has 374.92 ft. of frontage and is 5.98 acres. Mr. Dillis explains Townsend Conservation commission was consulted and the jurisdictional wetlands have been delineated and are shown on the ANR plan. An easement for access over Lot 1 from Lot 2 is documented and shown on the ANR plan. Land use department staff approved the checklist under §175-10 and §175-11. L. Shifrin made a motion to approve the ANR application and plan of 40 Scales Lane. V.Keli seconded. All in favor.

187 North End Road continued public hearing

Present: Stan Dillis, Ducharme & Dillis Civil Design Group

Chairman McNally opened the continued public hearing of 187 North End Road. A print copy of the draft Decision for Site Plan Review approval with one special permit for the plan entitled "Site Plan Campbell Farm" has been distributed to those present. Comments included;

- Section V application – The Board noted renumbering of the document will be needed.
- Many sections of the OSPD that were deferred, L.M. wants to ensure there will be no construction of any kind until those are fulfilled.
- Number 3 – L.M. asked for inclusion of the language from town counsel regarding conveyance of the OSPD parcel.
- Number 7 – V.K. noted her request for wording in the Decision reflect that this required Conservation restriction (CR) on Parcel A will be approved by the Environmental Office of Environmental Affairs (E.O.E.A.) was completed.

- V.Kell requested clarification of monitoring and funding for management of Parcel A with consideration to the fact that the Town Conservation Commission will hold the CR. She heard these considerations will be developed in the process of formulation of the CR and under the purview of the Conservation Commission. Chair McNally reiterates the planning board position is to assure the applicant creates the CR and, consideration of these details is noted as part of the process of such agreement. Discussion of the fact that Parcel A will be undeveloped and protected in perpetuity was noted to be securely denoted in the wording of the Draft Special permit decision.
- Number 8 – V. Kell asks for the listed uses of Parcel A are also required to be included in the CR Document. Chair McNally states that all the conditions therein shall be followed and would like to avoid any redundancy in the wording of the decision.
- “#3 ATV shall be used for agricultural purposes is repeated” – will be removed.
- Section 8 – Stan Dillis requested the strike of “No buildings” and add “no buildings constituting livable space”. The Board agreed to this change.

The next planning board meeting will be November 26, 2018. Land use department staff agreed to produce and edit the final Campbell Farm OSPD special permit Decision at the next meeting. Chair McNally asked if any Board member would like to extend consideration of the decision further. V. Kell expressed interest in viewing the final decision prior to voting. Chair McNally states that all four members of the Board must be present to vote. V. Kell then asked Mr. Dillis about the access to Lot 6 added to the plan. Mr. Dillis commented that it was included because it part of the conventional subdivision layout. V. Kell asked how Lot 6 would be included in future documentation as part of the Campbell Farm OSPD. She added that Lot 6 is an existing ANR Lot which has been included in the OSPD and wanted assurance Lot 6 will be recorded as part of the special permit. Stan Dillis explained that Lot 6 is documented in the approved final version of the Campbell Farm site plan and as such will be registered at the Registry of Deeds with the special permit Decision. Stan Dillis confirmed that Lot 6 is part of the special permit, and no further subdivision can occur.

V. Kell motioned to close the public hearing of 187 North End Road, J. Bozicas seconded. All in favor.

The appointment of Charles Sexton-Diranian to the Planning board was noted. The joint appointment meeting with the Board of Selectmen is scheduled for November 6th, 2018 at 6:10 p.m. at the Library. L. Shifrin confirmed her plans to attend in support of this appointment on behalf of the Planning Board. V. Kell asked about the status of the Master Plan Committee. She noted that the Committee has not been meeting. V. Kell commented that the Planning board is responsible for establishing and oversight of the Master Plan Committee. Chair McNally asked for an email correspondence to the Chair of the Master Plan Committee checking on status of the Master Plan update and meeting schedule. Discussion regarding state funds potentially available for Master Plan work and the feasibility of requesting these funds. V. Kell suggested we may be able to contract planning expertise to assist in the Master Plan development.

E. Faxon. agreed to follow up with town staff to research the process of requesting the state funds.

L. Shifrin motioned to adjourn at 8:55 p.m., J. Bozicas seconded. All in favor.

Respectfully submitted,
Beth Faxon
Planning Board Administrator, Town of Townsend

Documents on file;

1. Meeting sign-in sheet November 5, 2018

2. Townsend Planning Board Legal notice of public hearing - §145-36 Accessory Apartments in residential district
3. proposal of amendments to §145-36 Accessory apartments in a residential district
4. ANR application 142 & 152 North end Road.
5. Plan of Land Tax Map 38 Lots 10.1 & 10 final revision date 10/17/18
6. Access & Utility Agreement 142 & 152 North End Road ANR
7. ANR application 40 Scales Lane
8. ANR Plan of Land in Townsend Massachusetts dated 10/24/18
9. Draft Decision Campbell Farm Open Space Preservation Development 187 North End Road.
10. Site Plan Campbell Farm Open Space preservation development North End Road, Final revision 10/25/18.

Approved on November 26, 2018