



Office of
THE PLANNING BOARD
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RECEIVED
SEP 10 2019
TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Laura Shifrin, Vice Chair

Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes

Monday, August 26, 2019, at 6:30 PM

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

1 PRELIMINARIES:

1.1 Call the meeting to order. Chairman Lance McNally called the meeting to order at 6:34 P.M. Present were: Chairman Lance McNally (LM), Clerk, Veronica Kell (VK), and members Charles Sexton-Diranian (CSD), and Jerrilyn Bozicas (JB).

Absent with notice: Vice Chairman, Laura Shifrin.

Others present: Elizabeth Faxon, Planning Board administrator.

1.2 Additions or Deletions to Agenda not reasonably anticipated by the Chair 48 Hours in advance of the meeting. Place the following items on a future Planning Board meeting agenda; 1.) Review of the Open Space Preservation Development bylaw. 2.) The discontinued section of Burgess Road.

1.3 Approval of minutes 7/29/19. CSD motioned to approve the minutes as written. JB seconded. All in favor. The motion carried.

2 HEARINGS AND APPOINTMENTS:

2.1 7:00 p.m. public hearing – North End Road an application for a Subdivision/Open Space Preservation Development, A Stormwater permit application proposing 175,000 ft² of land disturbance, and a Scenic roads permit application to remove one tree and a section of stone wall.

Applicant: Townsend Hill Realty Trust

Location: 187 North End Road

Present: Stan Dillis, Ducharme & Dillis, Inc. representing the Applicant

Mr. Don Massucco, Townsend Tree Warden

Chairman McNally opened the public hearing at 7:04 P.M., and the legal notice was read.

S. Dillis opened with the proposed work pertaining to the Scenic roads Act. He apologized for not marking the subject tree in the field. He noted there are 5 trees along North end road and that one will be removed, along with a 20' section of stone wall, to create the entranceway into the subdivision. The stones removed would be used to create the entranceway. The one tree and the 20' of stone wall are regulated under the Scenic Roads Act. D. Massucco asked if the tree in question was located near pole #50 and the dead Ash tree. S. Dillis confirmed yes and, that the tree is in the Town's right of way. He further noted that the stone wall is also in the Town's right of way. D. Massucco noted that the stone wall

is covered with shrubs and vegetation. D. Massucco asked if the two other larger Sugar Maples along the wall to the North will remain intact. S. Dillis confirmed yes. D. Massucco stated that although the tree to be removed is healthy, if the entranceway was moved then the two trees could be lost, resulting in a more negative impact. D. Massucco concluded in favor of the proposal and asked if the dead Ash tree would also be removed. S. Dillis affirmed yes. LM asked if the stones moved could be reused in the entranceway extending the stone wall. S. Dillis affirmed this can be part of the construction, and the stones will stay on site.

S. Dillis continued to discuss the definitive subdivision proposal and Stormwater permit indicating that this is a culmination of the Open Space Preservation Development special permit and includes 3 parcels of open space. Parcels D1 & D2 will be sold to MA department of Fish & Game. Parcel C will remain in the ownership of Townsend Hill Realty Trust. The Townsend Conservation Commission has agreed to accept the conservation restriction on Parcel C. L. McNally asked if Parcels D1 & D2 have been conveyed to MA department of Fish & Game. S. Dillis replied no. L. McNally confirmed no construction will occur on site until the approval and permitting processes are complete. S. Dillis continued that there is approximately 10 Acres of existing field that will be developed, a private road with a gravel surface, is proposed that will be maintained by the Applicant. The site slopes upward in the Easterly direction, and Stormwater runoff would be contained by swales on either side of the road leading to two detention basins. The Stormwater management system is designed to mitigate up to the 100 year flood event. He states there are 4 single family homes with septic systems and well water source to be constructed. He noted that the existing house on 187 North end Road has been removed. L. McNally asked if the removal of the house was construction. S. Dillis responded that this Lot 1 was divided through the ANR process and a building permit would have to have been issued from the Building department for the demolition and removal of the house.

V. Kell asked about access to the Open space Parcel C through a cart path ROW delineated on the Plan and further stated the maintenance of this must be included in the Conservation Restriction. The Town will monitor Parcel C annually under the terms of the conservation restriction. The draft Conservation restriction document was distributed to the Planning board members at the meeting. S. Dillis noted that the Conservation Commission agreed to accept the CR on Parcel C, and as such will be the stewards of said CR.

A member of the audience asked about wetlands. S. Dillis noted there are wetlands at the back of the property, as well as a wetland 100' past the tree line on the field. He confirmed there is no development proposed in any resource areas.

Mandatory referrals were read by L. McNally. The Fire Chief said "a 20,000 cistern will be required for this project under the town code.." in an attached letter. The Board of Health said "soil testing for septic systems has been completed, but plans have not been submitted for review/approval to date. All plans must be in compliance with local and state regulations." And the Conservation Commission who said "The Conservation Commission is in favor of the proposed conservation restriction".

S. Dillis agreed that a previous conversation with the fire chief was had regarding the use of sprinkler systems versus a cistern and that the design was acceptable at that time. He will follow up with the Fire chief to request further discussion.

V.Kell asked about the footprint of the plan that was approved for the open space preservation development special permit versus what is presented for the definitive subdivision. She asked

why Lot 6 was not included in the definitive subdivision plan and application. Her understanding is that the Campbell Farm definitive subdivision is a 6 Lot subdivision. S. Dillis explained that Lot 6 is recorded separately, there will be no construction occurring anywhere on the Lot, so it was not included in the application. He noted that Parcel A connects to Lot 6 as shown on the Lot Layout plan sheet No C2.0.

S. Dillis agreed to revise the cover sheet, applications, narratives, and definitive subdivision plans throughout the supporting documents to include Lot 6 (4.67 Acres) which is 199 North End Road, Map 46 Block 2, Lot 2. He stated that the revision would require a change in scale on the plans. The intent for this revision is for clarity and consistency of the boundaries declared in the open space preservation development are equivalent to the boundaries presented in the definitive subdivision application and plans.

V.Kell asked about the ownership of Parcel A which is an easement to Lot 6 and heard it will become part of Lot 6 under ownership.

V.Kell asked about the potential affect the inclusion of Lot 6 would have on the Stormwater report. And added that the project overview disregards Lot 6 in the Stormwater report. It was stated that the peer review engineer would need to know that Lot 6 is included in the subdivision for the Stormwater review.

The mandatory referral from the fire chief will be considered again before final approval of the plan. S. Dillis stated he would make the modifications as discussed prior to conveying the project supporting documents and plans to the peer review consultant. A question was raised about the existing house on Lot 1. S. Dillis agreed that the reference to this will be removed from the revised plans. The question was asked about the rebuild of the house and if it would be in the existing footprint. S. Dillis replied unknown.

L. McNally noted that there is a 135 day period for the Planning board to take action on the definitive subdivision.

The question was asked by the public if there has been any discussion about plantings inside the stone wall. S. Dillis replied that only one tree will be removed and the others lining the stone wall will remain which makes plantings unnecessary. S. Dillis assumed that the existing trees will be left intact. E. Faxon added that the fire staff that reviewed the plans would prefer that the center of the cul de sac be left without plantings for ease of maneuvering vehicles.

J. Bozicas motioned, and C. Sexton-Diranian seconded to grant the Scenic Roads Permit. All in Favor. The motion carried.

E. Faxon presented three proposals for potential peer review consultants and the Board compared and contrasted all. When asked, S. Dillis recommended Graves Engineering stating that previous work in this capacity has been productive and they are very responsive. Some discussion ensued as to what is best practice when selecting the peer review consultant. It was agreed that the Planning Board should make the selection of the peer review engineering consultant with input from the applicant's engineer.

CSD motioned to engage Graves Engineering Inc. to conduct the technical peer review of Campbell Farm Definitive subdivision and Stormwater report. JB seconded. All in favor. The motion carried.

JB motioned to continue the public hearing of Campbell Farm North End Road definitive subdivision and Stormwater permit to 7:00 P.M. On September 9, 2019. CSD seconded. All in favor. The motion carried.

3 WORKSESSION:

- 3.1** Proposed heavy vehicle exclusion Lunenburg & Townsend – The board received a materials packet from MRPC soliciting comment regarding a proposed ban of heavy vehicles from West Elm St. in Lunenburg that have been using the route to access Rte. 13. Members agreed that they are not in support of the proposal as presented on the map, but would consider further research and collaboration to create an alternate truck route that would have less detrimental impact for Townsend.

Discussion points included the following;

- Members are not in support of increased in the number of trucks traveling through the downtown section of Townsend as a result of the ban.
- Concern over the fact that Rt. 13 is a state highway leaving no local governing of this section of roadway. If the heavy vehicle proposal were to be instated and, more traffic routed to this intersection, the Town would not have recourse.
- Concern that heavy vehicles cannot navigate the turns at the intersection of Rt. 13 & Rt. 119 in the Town center. The heavy vehicles have no options due to configuration of the intersection, thus creating a problem for Townsend.
- Members were not in support of the ban of heavy vehicles on W. Elm Street in Lunenburg due to the significant potential impact to the Town
- The proposed ban on W. Elm would create a larger heavy vehicle problem in the center of Townsend.
- Function at the common, parking on Main Street.
- Highway superintendent. Opined that if the ban were to be emplaced in Lunenburg, and not in Townsend, trucks would be inclined to bypass the exclusion by taking side streets off of West Elm /Lunenburg road such as Bayberry Hill road and Old City road to cross over to Rte. 13.
- If the heavy truck exclusion is in effect and the traffic is routed down Rt. 13 to Rt. 119, this would increase congestion in Townsend center at the intersection of Rte. 13 & Rte. 119. Tractor trailer trucks already have a difficult time navigating this intersection.
- Interest in requesting additional studies about the impact of traffic on Townsend center.
- Spaulding School is adjacent to this intersection and heavier traffic in the area would pose concern.
- Without a more in depth and robust plan for rerouting of trucks, this proposed exclusion, as written, is problematic for Townsend.
- Question: does Lunenburg have the right to ban traffic on a road that has impact to another town?
- Response to MRPC. This needs further review. Courtesy comments.
- PB has reviewed the proposal along with the highway department and there is expressed concern over the impact of increased heavy vehicle traffic through Townsend center and the safety issues with moving heavy vehicle traffic through an area where walking and bicycling are encouraged

near the Common and downtown district. We believe that other options for a truck route can be considered that have lesser impact to either the neighborhoods of Lunenburg or Townsend.

- 3.1 §145-47 OSMD bylaw to include 55+ and/or 55+ communities' development bylaw discussion. Board members received copies of bylaws from similar communities to compare and contrast. Expressed concern regarding allowing increased density on standard zoning lots, especially with respect to sewerage treatment. The OSMD bylaw was referred to as the current allowable zoning for development. Discussion ensued regarding allowing increased density of development on a building lot and including specific design standards and requirements for sewerage treatment in the bylaw. The option of requiring dedicated sewerage treatment plants for such development projects was discussed. L. McNally will talk with the Board of Health regarding the impact of increased density and mitigation of sewerage disposal systems. S. Dillis commented that it would probably have to be in areas serviced by town water. CSD will look at the zoning in similar towns and where no municipal wastewater treatment is available.
- 3.2 Planning Board members email discussion. L. McNally commented that if Board members could have town email addresses to be used for all Town correspondence that would make it easier for records requests and keep town business and personal email segregated. The IT department stated that this will occur in about a month.
- 3.3 Master Plan Committee update. MPC cancelled the 8/27/19 meeting due to lack of quorum, and extended Planning Board a welcome to attend the 9/10/19 Master Plan Committee meeting.
- 3.4 Bylaw amendments update. §145-26 A 10 a. Residential districts accessory use. Keeping poultry and fowl in residential district. E. Faxon reported positive feedback from the building department on the proposed additional statements. The board of Health did not offer any opposition to the proposal and will discuss it at their next meeting. The question was asked as to how this proposed change will be different than what is existing. The statement was made that this is an enforcement issue. The wording "roaming unattended" was not clear. The Board tabled the discussion.
- 3.5 Municipal Vulnerability Preparedness program update. Staff has been reviewing the Montachusett Region Natural Hazard Mitigation Plan 2015 Update. Questioned; the possibility of inclusion of any content on sustainability, climate change and natural hazard mitigation planning for vulnerability in the Master Plan Update. Ideally, a chapter in the Master Plan would be support the MVP grant application process.
- 3.6 §145-36 Accessory Apartment bylaw implementation discussion. Discussion ensued regarding the need for enforcement for existing unpermitted accessory apartments. The urgent need for tracking software to alert town hall staff when permits are due to expire and renewal can be initiated was reiterated. The discussion included addition of penalties to the existing bylaw with the concern that to do so without organized enforcement procedures would be premature. More work is needed for administrative permitting and procedures for accessory apartment applications. Board members agreed a meeting with ZBA, BOH and THA and Land Use staff would be beneficial.
- 3.7 §145-89 Recreational Marijuana establishment's bylaw and regulations implementation discussion. The overlay map is circulating internally. Staff has collected special permit application forms to consider. The current special permit application may be sufficient. Question was asked as to the status of Lunenburg as a recreational

marijuana permitted community. The Planning Board will review the overlay map to ensure agreement with the boundaries.

4 CORRESPONDENCE:

- 4.1 Notices from Townsend/Other towns. V.K. read the notices aloud.
- 4.2 Conferences and training. E. Faxon attended a MA Certification Public Purchasing Official Program (MCPPO) 3- hour class re: Boards and Commissions know your responsibilities, on August 7, 2019. Offered by the MA office of the Inspector General, the course covered practices, such as upholding fiduciary principles, open meeting law, official acts and communications, conduct, and fraud identification. A guidebook is on file in the Land Use office for all members of Boards and Committees. The announcement was read for the Open Meeting Law & ethics course scheduled for 8/27/19 was read and all were encouraged to attend.

5 ADJOURNMENT AND NEXT MEETING: Next meeting September 9, 2019.

J. Bozicas motioned, and C.S.D seconded to adjourn the meeting at 8:40 P.M. All in favor. The motion carried.

Respectfully submitted,

Elizabeth Faxon

Planning Board Administrator

Approved on: September 9, 2019

Items on file:

- 1. Application for Definitive Plan of a Subdivision, Stormwater Permit, Scenic Road Permit, Plans, additional application information packet.
- 2. Sign-in Sheet
- 3. Draft Conservation Restriction Parcel C Campbell Farm definitive subdivision.
- 4. Mandatory Referral comments for Campbell Farm definitive subdivision, Stormwater permit, and scenic roads applications.
- 5. Letter to the Planning board from the Fire Chief re: requirement of a 20,000 cistern.
- 6. Guide for Members of Public Boards and Commissions; How to be an Effective Member of a Public Board or Commission. December 2017 edition. Massachusetts Office of the Inspector General.
- 7. Montachusett Region Natural Hazard Mitigation Plan 2015 Update.
https://www.templetonma.gov/sites/templetonma/files/file/file/montachusett_region_hazard_mitigation_plan_may_2016.pdf
- 8. Three cost proposals for Town consulting technical peer review services of Campbell Farm Definitive subdivision and Stormwater report. Graves Engineering, Inc., Beals & Thomas, Inc. And GM2 Associates, Inc.
- 9. Letter to Chair Sue Lisio and Select Board Members from Anne Gagnon Northeast District Land agent MA Div. of fisheries & Wildlife re: requesting a letter of support for MA fisheries and Wildlife on the purchase of open space Parcel included in the Campbell Farm Open Space Preservation Development.