



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

Rec'd Townsend Town Clk
20 NOV '18 AM 10:4

Lance McNally, Chair
Laura Shifrin, Vice-Chair

Veronica Kell, Clerk
Jerrilyn Bozicas, member

Townsend Planning Board minutes
Townsend Memorial Hall
272 Main Street, Townsend, MA 01469
Selectmen's Chambers
Monday, October 15, 2018

Chair McNally called the regular meeting to order at 6:33 p.m.

Present: Chairman Lance McNally, Vice Chair Laura Shifrin, Veronica Kell, Jerrilyn Bozicas

Others present: Elizabeth Faxon, Planning Board administrator

Michèle Grenier, Land Use Coordinator

Chair McNally noted that the ANR for 142/152 North end Road is postponed to the next meeting. The Board of Selectmen recent decision to contract with a new firm for Town legal services was noted.

Motion moved to approve the draft 9/24/18 meeting minutes with the following addition, seconded and vote unanimous:

1. "The Planning board will hold a public hearing on the extension of the moratorium for Recreational Marijuana. 2. The planning board will hold a public hearing on the proposed accessory apartment bylaw amendments, and OSMD 55+ addition but no date has been set". J B. seconded, approving the draft 9/24/18 minutes with corrections. All in favor.

Chair McNally commented planning board discussions of the draft recreational marijuana establishment zoning proposal will continue once progress is made on the extension of the moratorium. MG received comments from Chief Bailey on the draft recreational marijuana establishment zoning proposal which will be incorporated. Chair McNally asked about the status of the proposed accessory apartment bylaw amendments for public hearing. E.F. noted that the draft proposal document requires final editing and asked the Board for direction on the wording of the final sentence of the bylaw. Discussion regarding Paragraph E of the document ensued and the Board agreed to the change the final paragraph of the draft document to include the following "fines shall be imposed by the town for violation of this clause" and remove parenthesis.

VK proposed consideration of establishment of an administrative tracking system of accessory apartments in Town. The Board then discussed OSMD multifamily bylaw (145-47) proposed addition of a section of the 55+ community. LS is in favor of reducing the 8-acre minimum lot size to 2 acres, stating the requirement in the existing bylaw is too restrictive. VK expressed concern that such a lot size reduction would result in over-development without adequate protection of ground water resources or sufficient conditions for sewerage disposal. VK asked for data to support the proposal for reduction of lot size. The Board agreed the existing bylaw would be reviewed by LS and VK, edited and discussed at a future meeting. Chair McNally noted the intent for this proposed amendment to the bylaw is to relax requirements for the 55+ community development standards.

Motion made that a public hearing be scheduled and posted for the proposed amendments to the accessory apartment bylaw on November 5th, 2018 at 6:45 pm, seconded. All in favor.

187 North End Road OSPD continued public hearing

Present: Stan Dillis, Ducharme & Dillis

Mr. Dillis reported progress made by the applicants including a "taking" letter received by the Townsend Planning board from Mass Fish & Wildlife confirming the Divisions' acceptance of the 26± acres of required open space fulfilling the bylaw requirement of conservation of the land in perpetuity. The applicant had also agreed to have a Conservation Restriction (CR) on Parcel A held by the Townsend Conservation Commission. Mr. Dillis met with the Commission to informally discuss the possibility of the Commission holding a CR on Parcel A of the OSPD plan of 187 North End road. The Commission expressed their support pending further discussion and definition of ATV use on Parcel A. Stan proposed that the applicants are ready to close the public hearing with condition that a CR is created on Parcel A. Chair McNally stated that the Board has been advised by legal counsel that the land conveyance plan is acceptable with the condition that the land will be conveyed prior to commencement of work. Additionally, the Board has been cautioned to withhold issuance of the special permit until the CR is recorded. Mr. Dillis stated he would not advise the applicants to accept that course of action for two reasons; the 2-year processing time of the CR is prohibitive and, the applicants have no ability to remove the CR on Parcel A, should they decide not to proceed. Mr. Dillis continued to appeal to the Board to consider options such as a condition of the special permit contingent to the Definitive plan and suggested withholding building permits if CR on Parcel A is incomplete. Mr. Dillis stated that typically a CR and conveyance of the open space are part of the special permit conditions and specifically secured to a point on the timeline of the definitive site plan review. Discussion moved to the use of ATV's on Parcel A. VK stated in favor of restricting ATV use to support only agricultural activities and maintenance. Mr. Dillis confirms this will be acceptable to the applicant.

Chair McNally read aloud the response from legal counsel pertaining to the CR. The Board then referred to an email dated 8/15/18 from Dana Roberts which listed the proposed uses of Parcel A. The Board continued to consider each listed use and agreed to the following changes;

1. Recreational Activities strike "all-terrain vehicles use"
2. Vegetation Management amend to include "all-terrain vehicles use in meaningful agricultural purpose" Strike "generally accepted"... and insert "with forest, agricultural or recreation land use best management practices"
3. Add "State listed species"
4. Add "and outside of the 100' wetland buffer zone" Add "utilizing best management practices for erosion control"
5. Add "utilizing best management practices and professional guidance"
6. Add "wording to address protection of rare species during trail construction and maintenance"

Chair McNally asked if the Board would like to move forward with conditioning the CR on the special permit decision. None opposed. The Draft Decision will be prepared prior to the next Planning board meeting on November 5th, 2018.

Mr. Dillis requested the CR on Parcel A be conditioned as contingent upon the issuance of a building permit.

The Board added the condition to the Draft Decision "No buildings or buildings constituting livable space is to be constructed on Parcel A.

Mr. Dillis submitted a revised OSPD layout plan during the public hearing which was accepted and recorded as Exhibit A. Chair McNally advised Mr. Dillis to continue the public hearing so as to allow submittal of additional documents and support materials. Mr. Dillis agreed to continue the public hearing to November 5th at 7:00 pm.

7:45 p.m. Public Hearing - Temporary Extension of Moratorium on Recreational Marijuana Establishments

Chair McNally read the legal notice into the record. Noted no public present.

Chair McNally summarized how adjacent towns have proceeded with the adult use recreational marijuana establishment local regulatory process.

He noted the fact that the Town of Townsend voted "yes" on Massachusetts Marijuana Legalization Initiative, also known as Question 4 and proposed the following process;

- Townsend Planning board Public hearing this evening to extend the Moratorium in place until June 28, 2018.
- The Temporary Extension of the Moratorium is accepted for the warrant of the next Special Town meeting.
- A proposed recreational marijuana zoning bylaw will be drafted which prohibits retail establishments and/or other vendor-based establishments. This partial prohibition option will be on the April 2018 town election ballot.
- If the "partial prohibition" article passes at the Town election ballot, it will proceed to the Annual Town Meeting in May 2018.
- The draft proposed zoning recreational marijuana establishments bylaw will be placed on the warrant for ATM 2018.
- If the "partial prohibition" article does not pass at the town election, only the draft proposed zoning recreational marijuana establishments bylaw will proceed to the ATM 2018.
- If the proposed zoning bylaw remains viable at ATM2018, citizens must be prepared to either amend or pass said bylaw for local regulation to be secured for the Town.

Chair McNally requested legal review of the process described above to ensure procedural compliance. No objections noted.

Motion moved to close the public hearing, seconded. All in favor.

Planning Board member and alternate member vacancies

LS announced that Charles Sexton-Diranian has expressed interest in serving as a member of the Planning Board. The Planning board has a vacancy and LS stated he will be an asset to the Board.

Motion moved to approve Charles Sexton-Diranian to fill the Planning board member vacancy as a full member, and seconded. All in favor. E.F. will follow up with volunteer response form, welcome email, and scheduling of joint Select board and Planning Board appointment meeting.

Motion made to adjourn at 8:00 p.m., seconded. All in favor.

Respectfully submitted,

Elizabeth Faxon

Planning Board Administrator

Documents on file in the Land Use office:

1. Temporary Extension of Moratorium on Recreational Marijuana Establishments proposal
2. Recreational Marijuana Establishment Zoning Proposal
3. Accessory Apartments in residential district proposal of amendments
4. OSPD layout Sheet C3.0 Open space calculations Revised 10-13-18
5. Email: To: Townsend Planning Board, From: Dana Roberts, Re: Campbell Farm Parcel A language

Approved November 5, 2018