



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1722 bfaxon@townsend.ma.us

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5 NOV '19 PM 12:48

Lance J. McNally, Chairman

Laura Shifrin, Vice Chair

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes

Monday, October 21, 2019, at 6:30 PM

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

Preliminaries:

1.1 Chairman McNally opened the meeting at 6:31 p.m.

Present: Chairman Lance McNally (LM), Vice Chair Laura Shifrin (LS), Clerk, Veronica Kell (VK), Charles Sexton-Diranian (CSD), Jerrilyn Bozicas (JB).

Chairman McNally opened the meeting at 6:31 p.m.

1.2 Addition to the agenda 3.9.1 LS discussion regarding local economic development. And 3.1 Mandatory referral to Zoning Board of Appeals for 15 Pheasant ridge rd. Accessory apartment.

Others present: Elizabeth Faxon, Planning Board administrator.

1.3 JB moved to approve the minutes of 9/9/19. LS seconded. All in Favor. The motion carried.

3.2 VK proposed the Board allocate more time to work on the age restricted housing bylaw and prepare a road map for completion of this bylaw. CSD agreed to create a guidance document /roadmap outlining the various areas the Board needs to consider to develop a zoning bylaw for age restricted housing.

Board members requested a copy of the final document from MRPC of the results of the Master Plan Committee survey to use as a resource in planning. The Board requested a copy of the draft housing chapter of the Master Plan update.

3.3 MRPC update. None.

3.4 VK attended a Montachusett joint transportation Committee meeting where the draft Limited English Proficiency (LEP) access Plan and was discussed. VK asked MRPC to confirm the implausible results of a statistical representation of a large Hmong speaking population in Townsend. After some discussion, the Board members asked for further evidence of the findings in the draft LEP report. Members expressed concern at the potential financial implications this report might create for the Town. Board members requested a copy of the draft LEP Access Plan.

VK commented on the importance of representation at MJTC meetings to ensure Townsend is accounted for in various studies underway and to benefit from the multitude of opportunities that are presented and discussed at meetings. Noted that a walkability study is underway in other towns in the MRPC district.

Hearings and Appointments:

2.1 Chair McNally opened the continued public hearing for Campbell Farm 187 & 199 North End Road at 7:04 p.m.

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

Jeffrey Walsh, Graves Engineering, Inc. representing the Town of Townsend

Mr. Dillis notes that the "Stop" sign and the community mailbox station will be moved to improve the sight line for ingress and egress onto North End Road.

He noted that the distance of the well located at 179 North End Road to the proposed infiltration basin needs to be determined and shown on a revised site plan. The distance must be more than 100 feet per DEP Stormwater regulations. Mr. Graves pointed out that this is a DEP Stormwater regulation and may be superseded by the Board of Health regulation. Chairman McNally stated that the approval of the design should not create undue restrictions in terms of future well location for the adjacent property owner.

Mr. Graves recommended locating the community mailbox 18' back from the edge of pavement of North End road to allow residents room to stop and access the mailboxes without interference as well as to keep sight lines clear. Mr. Graves also recommended a turnout area for residents to access the mailbox.

Mr. Graves addressed the area where North end road seams up with the gravel road, suggesting the addition of a gravel or paved apron to protect the edge of North End Road.

Mr. Dillis stated the plans would be revised with the addition of an apron at the end of the proposed gravel drive. An additional review by the highway department was requested.

Mr. Graves commented that he has no objections to the waivers sought from engineering. Chair McNally asked for confirmation that the waivers sought as part of the previously approved OSPD special permit had been adequately addressed in the application for approval of definitive subdivision. Both Mr. Dillis and Mr. Graves offered assurance. 199 North End Road (a Lot in the OSPD) was discussed with respect to the implications to the Stormwater report. Mr. Graves stated that this addition did not warrant an amendment to the Stormwater report and calculations because it is not associated with the design of the Stormwater runoff model. The drainage from 199 North end road runs parallel and flows toward the road and not overland towards 187 North End Road. Discussion ensued about the recording of all the properties and Right of Ways included in the definitive subdivision. It was decided that further research will be needed to ensure the appropriate documentation and proper recording at the registry of Deeds.

The Board reviewed and voted on the requested waivers.

§175-15A (4) “a pro forma financial analysis.

LS moved to accept the waiver of Townsend Bylaw §175 -15A (4), JB seconded. All in Favor. The motion carried.

§175-16B (13) “If any street does not extend through to another street, possible extension must be shown to the nearest proposed or constructed street, including streets proposed by other subdivisions approved or pending approval by the Board or, where appropriate, to a reasonable location for streets on abutting properties that have sufficient acreage to be subdivided in the future or may otherwise be expected to be available for future street construction. The Board may require such extension at the applicant's expense or, alternatively, an easement allowing for such future construction by the Town along with such funds as may be necessary to compensate the Town for such future construction.”

§175-16. B (14) “If adjoining property is not subdivided, consideration shall be given to the possibilities of projection of proposed ways. Proposed ways shall be constructed and continue to the exterior boundary of the plan unless the Planning Board approves otherwise.”

VK moved to accept both the waivers of Townsend bylaws §175-16(B) 13 and §175-16(B) 14 JB seconded. All in favor. The motion carried.

§175-16. B (16)” Dead-end streets will not be permitted except where such dead-end streets are deemed by the Planning Board to be in the public interest. If dead-end streets are permitted, they shall not be longer than 500 feet unless, in the opinion of the Board, a greater length is necessitated by topography or other local conditions. In any event, dead-end streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 110 feet and an outside property diameter of 120 feet and shall be increased, in specific cases, at the discretion of the Board, for the public interest. There shall be a circular landscaped island with a minimum radius of 30 feet, with the landscaping designed by a licensed landscape architect, using maintenance-free plantings. The outer six feet of such landscaped island shall be planted with low ground cover or other suitable plantings that can withstand the piling of snow from snowplowing. The Board may require a roadway easement from the end of the dead end consistent with the provisions of MGL c. 44, § 81Q for easements in turnarounds.”

VK moved to accept the waiver of Townsend bylaw §175-16 B (16), CSD seconded. All in Favor. The motion carried.

§175-16 B (18) “More than one access street for entrance and exit into or out of the subdivision shall be provided on an existing way unless there is a finding by the Board that such additional street or streets are not necessary”

LS moved to accept the waiver of Townsend bylaw §175-16B (18). CSD seconded. All in Favor. The motion carried.

§175-16 B (19) "Streets shall be designed so that there are at least two nonintersecting paths out of the subdivision from any point on any street in the subdivision. Potential future streets may be used to meet this requirement, provided that there is a finding by the Board that there is a reasonable potential for such streets to actually be constructed."

LS moved to accept the waiver of Townsend bylaw §175-16 B (19). CSD seconded. All in favor. The motion carried

§175-16 C "Sidewalks are required on both sides of roads constructed within the subdivision, as shown on the plan of "Typical Cross Section of Forty-, Fifty- or Sixty-Foot Street" included within these rules and regulations[1] and shall be of bituminous concrete. Where a portion of the subdivision is on an existing road, the applicant may be required to construct a sidewalk for that portion or, alternatively, at the discretion of the Board, grant the Town an easement for the purpose of constructing such sidewalk at a future date"

VK moved to accept the waiver of Townsend bylaw §175-16 C because it is a private road. LS seconded. All in Favor. The motion carried.

§175-16 D "Landscaped plots." Existing trees will be preserved. No additional plantings are necessary.

CSD moved to accept the waiver of Townsend bylaw §175-16 D. JB seconded. All in Favor. The motion carried.

§175-16 L "Fire protection water supply regulations". Mr. Dillis discussed use of an existing fire pond located at the corner of Ball road. He contended that the property owners agreed to improve the pond to acceptable standards for this service to the neighborhood. Approval of the Fire Chief would be required, and this would be in lieu of a cistern required in the bylaws. The request for the waiver from the cistern will be sought, conditioned on the provision of plans for the approval of the Fire Chief and the improvements of the pond to acceptable standards. Chair McNally expressed concern over the specifics of legally binding the use of the pond in perpetuity. Mr. Dillis stated a recorded easement on the Deed of the property that would be held by the Town.

Chair McNally surmised that a written statement from the Fire Chief in support of the Ball Road Fire Pond proposal is required. Additionally, a binder in the form of a recorded easement would be required to satisfy the perpetuity of the fire water resource.

With consideration of condition that no occupancy permit would be issued until the fire pond construction was completed to the approval of the Fire Chief.

The Board deferred action on waiver request §175-16 L § 175-17 A. Construction standards for required improvements.

CSD moved to grant the waiver of Townsend bylaws §175 -17 A (5), §175-17 A (6), §175-17 A(7), §175-17 A (8), §175-17 A (9), §175-17 A(10), §175-17 A(11), §175-17(12), §175-17A (13) with the revised plan including a full width paved apron of at least 25' beginning at North End Road and extending past the swale. JB seconded. All in Favor. The motion carried.

Chair McNally noted that this requirement of a paved apron be part of the Decision as a condition.

§175-17 E. Curbing.

LS moved to grant the waiver of Townsend bylaws §175-17 E and §175-17 F. CSD seconded. All in Favor. The motion carried.

§174-14 A (1) (i) Plans for Definitive subdivisions a landscaping plan.

CSD moved to grant the waiver of Townsend bylaw §175-14 (1) (i). JB seconded. All in Favor. The motion carried.

Chairman McNally reviewed outstanding items including the location of the well on the adjacent property, the Ball road fire pond, the addition of the 25-foot paved apron, and the mailbox location and turnout.

CSD moved to continue the public hearing on the application for approval of definitive subdivision and Stormwater permit to November 4th at 7:00 PM. LB seconded. All in Favor. The motion carried.

2.2 Chairman McNally opened the public hearing at 7:58 PM on the application for site plan review special permit at 29 Main Street.

Present: Sallie Thurber, DVM

The Legal notice was read aloud.

Applicant plans to convert a single-family dwelling, reconfigure driveway access, add parking spaces and securely fence the perimeter of the property for the operation of a veterinary hospital and residence. The veterinary hospital will be on the first floor and the residence on the second floor. A future expansion is under consideration by the applicant where the existing garage is currently located.

Chairman McNally noted that the Board will need formal plans showing specific project details before the site plan review can begin. Mandatory referrals were read and copies were given to the applicant. The applicant stated that she communicated with the Board of Health and it was suggested that water usage records from similar size veterinary operations would be used for baseline data of flow. Comments included the Fire Chief noted a sprinkler system will be required and the Board of Health requires a business plan, and more information to determine flow and adequacy of the septic system to handle the change in use.

An abutter questioned the feasibility of using a section old abandoned gravel road, Pepperell Road, at the back of the property as egress for the business. Said road is located on the West corner of the property at 29 Main St. and intersects Route 119 across from 34 Main Street. The ownership and potential use of this abandoned road is unknown according to preliminary research done by the applicant. An Abutter commented on the concern for traffic safety in this

area and reports it is a very intense traffic area. He asked if there is any process to help mitigate the circumstances in this area for public safety, he would appreciate the effort. He stated his support of the business.

The Board agreed that finalized plans would be a prerequisite to proceeding with the site plan review.

VK motioned to continue the public hearing of 29 Main Street site plan review special permit on December 9th, 2019 at 7:00 p.m. CSD seconded. All in Favor. The motion carried.

3.5 Draft zoning amendment decision poultry in residential district. The Board decided not to take any action at this time.

3.6 MVP - The request for Responses is posted on Commbuys and Land Use staff are working with Beals & Thomas to assemble the required information to complete the application. Letters of support are being requested from the Board of Selectmen, town organizations, and local organizations interested in emergency preparedness, public safety, water supply protection, communications including, but not limited to Townsend Conservation Land Trust, Nashua River Watershed. Chairman McNally asked for Planning Board review of the completed application prior to submittal. CSD asked that the Board of Selectmen be informed and aware of the specifics of the Municipal Vulnerability Preparedness (MVP) grant, prior to circulating request for letter of support. Chairman McNally asked for a list of who will receive a request for a letter of support.

Noted the benefit of explaining that becoming an MVP certified community is a prerequisite for multiple grants that Townsend could be eligible for.

3.7 § 145 - 36 Accessory Apartment bylaw implementation discussion. Discussion ensued as to the enforcement of unpermitted accessory apartments in Townsend. Board members noted the need for an established tracking system for multi department staff to monitor expiring permits and notify either the zoning enforcement officer or the owners of the required renewal process. Increasing the fine for unpermitted accessory apartments to \$1000 via amendment to the bylaw was discussed. Inclusion of the specific duty of enforcing unpermitted accessory apartments in the job description of the building commissioner was suggested. Communication of the proposed enforcement and monitoring changes to the Zoning Board of Appeals was deemed an important procedural step. A multi-board and user meeting was suggested to consider what the software requirements and tools needed to accurately and professionally administer and enforce the bylaw.

3.8 Deleted.

3.9 LS discussed potential business development of the Central Plaza and the complications that may exist with zoning and permitting. A point was made that the Town's process of permitting and licensing new businesses should be reexamined and strive for consumer friendliness to support economic development.

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3.1 Mandatory referrals were completed by the members.

Comments on 29 Main St. were “the Planning board is awaiting detailed plans to begin the site plan review special permit and is in favor of this business with the residence above”, and 15 Pheasant ridge rd. AA were “In favor of”

VK moved to accept the referral comments for 29 Main Street and 15 Pheasant Ridge Road. LS seconded. All in favor. The motion carried.

VK read the Municipal Vulnerability Program (MVP) workshop invitation from the Town of Pepperell Planning Board aloud. Other correspondence from other towns will be scanned and emailed to Board members.

VK moved to adjourn the meeting at 9:20 p.m. JB seconded. All in favor. The motion carried.

Respectfully submitted,

Elizabeth Faxon

Planning Board Administrator, Town of Townsend.

Approved on: 11/4/19

Items on file:

1. Application 29 Main street.
2. Application 15 Pheasant Ridge Road.
3. Peer Review letter dated to Townsend Planning board from: Graves Engineering Inc.
4. Peer review response letter dated 10/28/19 to Townsend Planning Board from: Ducharme & Dillis, CDG, Inc.
5. Campbell Farm revised 10/25/19 site plans full set
6. Request for letters of support for Townsend Municipal Vulnerability Preparedness grant application template