



Office of  
**THE PLANNING BOARD**  
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RECEIVED  
JAN 08 2020  
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, December 9, 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 6:33 PM.
- 1.2 Roll call. Present: Veronica Kell, Charles Sexton-Diranian, Lance McNally, Laura Shifrin (participated remotely)  
Absent with notice: Jerrilyn Bozicas.  
Others present: Town Counsel, Adam Costa,  
Planning Board administrator, Elizabeth Faxon.
- 1.3 Additions or Deletions to Agenda not reasonably anticipated by the Chair 48 Hours in advance of the meeting. 2.1. Appointment for ANR 21 & 23 Shirley Rd. deleted. 3.6. Planning Board appointment to the Capital planning committee was tabled to the next meeting.
- 1.4 Approval of minutes 11/04/19. Charles Sexton-Diranian motioned to approve the minutes of 11/04/19 as written, V. Kell seconded. Roll call vote as follows; YES- L.S., V.K., L.M., C.S.D. The motion carried.

**2 HEARINGS AND APPOINTMENTS:**

- 2.1 6:35 P.M. ANR 21 & 23 Shirley Road, the Board took no action.
- 2.2 6:45 P.M. Continued public hearing OSPD Definitive subdivision application and Stormwater permit.

Present: Mr. Stanley Dillis, Ducharme & Dillis, CDG, Inc.

The Planning Board members reviewed the draft Stormwater management permit Decision. Item J under testimony was stricken. Condition # 4 "additional task" was stricken.

VK motioned to accept the Stormwater Decision and grant the Stormwater permit with the noted changes to Testimony J and condition #4 to Townsend Hill Realty Trust. CSD seconded. Roll call vote as follows; YES – V.K., L.S., C.S.D., and L.M. The motion carried.

The Planning Board members reviewed the draft Definitive subdivision Decision. Town counsel advised the Board with respect to Condition VI. D. #7 and the waiver request under Section IV of the draft decision pertaining to design standards Bylaw 175-16L Fire protection Water supply regulations. The Planning board Decision includes a conditional waiver for the waiver request, and a condition under VI, D, 7 specifying the criteria for the waiver of the cistern by installation of an approved fire pond at 6 Ball Road. The Board voted as follows;

C.S.D motioned to grant the conditional waiver for the installation of the 20,000 gallon cistern pursuant to 175-16L. V.K. seconded. Roll call vote as follows; YES – V.K., L.M., L.S., C.S.D. The motion carried.

Discussion continued with L.S. noting that J. Peduzzi and J. Coughlan must be stricken from section IV. Waiver requests 175—17.E. and replaced with the correct Board members names.

Other changes include in V. Findings, A. #4; insert "5" +/- acres (wetlands). V. Findings, A. #12 rewritten and amended to "'Parcel C" will consist of an additional 22.81 acres managed under a Conservation Restriction held by the Townsend Conservation Commission". V. Findings, A. #2 strike "or combined with, abutting land owned by". VI. Conditions, B. #7 strike the entire condition #7. VI. Conditions, B. #6 strike the entire condition #6. VI. Conditions, B. #13 add "Commonwealth of" before Massachusetts Fish and Wildlife. VI. Conditions, D. #7 delete; "The applicant shall show the location of a 20,000 gallon underground cistern, and associated infrastructure, located on the definitive subdivision plan." And replace with "The applicant shall construct a 20,000-gallon underground cistern and associated infrastructure, if the above approvals are not obtained." The renumbering of VI Conditions section, and the re-lettering of VI Conditions section.

C.S.D. motioned to approve the Decision for the application for Campbell Farm definitive subdivision at 187 and 199 North End Road. V.K. seconded. A Roll call vote was taken as follows; YES – V.K, L.S., C.S.D., L.M. The motion carried.

V.K. motioned to close the public hearing on the application for Campbell Farm definitive subdivision and Stormwater permit. C.S.D. seconded. Roll call vote was taken as follows; YES- L.S, V.K., C.S.D., L.M. The motion carried.

**2.3 7:00 P.M. Continued public hearing site plan review and special permit for 29 Main St.**

**Applicant: Sallie Thurber**

**Location: 29 Main Street**

Present: Applicant, Dr. Sallie Thurber

Applicant's representative: Stanley Dillis, Ducharme & Dillis, CDG, Inc.

Chairman Lance McNally reconvened the public hearing for 29 Main Street on the application for site plan review. The applicant is requesting a continuation to submit information to the Planning Board.

C.S.D. motioned to continue the public hearing for site plan review of 29 Main Street to January 6, 2020 at 7:00 P.M. V.K. seconded. Roll call vote as follows: YES – L.M, L.S., C.S.D, V.K. The motion carried.

**2.4 7:30 P.M. Public hearing on an application for approval of a 3-lot definitive subdivision and Stormwater permit.**

**Applicant: Danny Gardner**

**Location: Seaver Road - Assessor's Map 23, Lot 4**

Chairman Lance McNally reconvened the public hearing.

Present: Applicant, Danny Gardner, Mass Ave Development LLC.

Applicants Engineer, Paul F. Grasewicz, P.E., GRAZ Engineering, LLC.

Mr. Grasewicz presented the following statements in regards to the proposal which includes the extension and improvement of Seaver Road commencing at the existing turn-around extending approximately 500' with a turn-around. The road improvement is to create frontage for the applicants land and allow for the creation of three building lots. The proposed subdivision is on a 12+ acre parcel on the end of Seaver road. Seaver road, through this subdivision proposal, was discontinued in 1934 by the Town of Lunenburg, and abandoned in 1973 by the Town of Townsend. The applicant is proposing the creation of 3 lots; 2.4 acres, 7.4 acres, and 2.1 acres. The proposal is to grind the existing road, regrade, level and pave. The width will be increased to 18 feet. Most of the large existing trees along the roadway will not be disturbed. Soils have been tested. Wetlands are flagged and an ANRAD has been filed with Townsend Conservation Commission. Lots will have private wells and septic. A small Stormwater infiltration basin has been designed for attenuation of peak run off and, to comply with the Townsend Stormwater bylaw. Underground utilities are in place culminating onto the abutter's property, who had a right of way for this access. The proposed turnaround is t-shaped with large radius for school bus turn around capability. Mr. Grasewicz notes that filings will be required with both the Townsend conservation commission and the Commonwealth of Massachusetts fish and wildlife to address estimated habitat of rare species in this area. He noted that because of the location of stones in the field that have been historically used at boundary markers for the town line, 30' of land is not included in the calculation of the parcel and thus the actual size of the parcel is 12 acres. Requested waivers relate primarily to the limited size of the project.

Chairman McNally read the mandatory referrals into the record. Four letters from abutters expressing opposition to the proposal were read and entered into the record. An abutter residing on Gilcrest Road, expressed his understanding that the land is undevelopable, he expressed concern over the impact of the development to the environmentally sensitive area with priority habitat and wetlands, and he is not in favor of residential development

on this lot. Another Abutter, expressed concern about Stormwater impact to sensitive areas, proposed widening of the road as it will require removal of trees. She expressed concern that the proposal is not compliant with the Townsend bylaws specifically the requirement for an entranceway and an exit for a subdivision, and the creation of frontage through extension of a roadway and the proposal for a dead-end street which exceeds the length allowed in the regulations. An Abutter from Lunenburg noted that since the Parcel has been logged in 2018, she has noticed sinkholes in her yard as well as an excessive amount of surface water. She expressed concern that the foundation of her house may be adversely affected by the logging activity. She expressed concerned about impact to Hickory Hills lake stating that the wetland resource area on the Parcel flows into said lake and may impact water quality and health of the water body. An abutter who has an easement to his property along Seaver Road, spoke in opposition to the proposal. His concerns stated were; the proposed project will 1.) The potential negative impact to the land around Hickory Hills Lake and the recharge to the aquifer, 2.) adversely impact his privately owned utilities entrenched along Seaver Road servicing his residence, 3) create problematic Stormwater runoff channeling along Seaver road and consequently reduce the necessary recharge to the aquifer 4.) not be in compliance with the rules and regulations established by the Town and reverse a previous Planning Board decision denying a similar definitive subdivision proposal in 1989. Documentation pertaining to the historical and current status of Seaver road was received into the record. Mr. Cadogan, having sat on the Townsend Planning Board when a similar definitive subdivision proposal was reviewed, read aloud, the reasons for denial from that Decision issued in 1989. Chairman McNally referred to a letter dated 03-26-18 written by the Building commissioner regarding development guidance to Mr. Gardner on his intentions of developing Parcel Map 23, block 4. V.K asked the applicant if he was aware he had only 35± of frontage when he purchased the property. Mr. Gardner affirmed he was aware at the time of purchase. L.S. noted that we have been asked by the Governor to increase housing and it is important to consider this in reviews. She noted that the Town is 33 square miles and one third of the area is owned by the State and the Town. She implored those present to carefully consider making every effort to explore all reasonable actions to assist working with developers to carefully and mindfully increase housing stock. V.K. noted that currently a 20 unit OSPD is under development on Meadow road and 5 new lots were permitted in the Campbell Farm OSPD. Mr. Gardner explained the history of his acquisition of the land and his proposal of developing 3 single family homes and extending the road. Board members expressed issue with the proposal's inconsistency with current Townsend bylaws specifically 175-16 (A) (2) and 175-16 (A) 13-16. Chairman McNally noted that the Board will proceed to consider the specifics of the application with regards to the Townsend Bylaws, rules and regulations and subdivision control law. The Board will also determine whether a course for technical review of the application for definitive subdivision approval and Stormwater permit will be pursued.

CSD motioned to continue the public hearing on application for approval on a 3 lot subdivision and Stormwater permit for parcel Map 43 Lot 4 to January 6, 2020 at 7:30 P.M. V.K seconded. Roll call vote as follows: YES – V.K, L.M., L.S., C.S.D.

## **2.5 8:00 P.M. ANR - 129 Turner Road**

Present: Stanley Dillis, Ducharme & Dillis, CDG, Inc.

The ANR is a 10 Acre lot that is divided into two five acre lots. There is an existing house on one lot. Each lot has frontage and acreage requirements to meet zoning.

C.S.D. motioned to waive the scale per 175-11(C)(2), for the Turner road ANR. V.K. seconded. Roll call vote as follows: YES – L.M., L.S., C.S.D., V.K. The motion carried.

V.K. motioned to accept the ANR for Turner Road. C.S.D. seconded. Roll Call vote as follows: YES – L.S., C.S.D., V.K., L.M.

## **3 WORKSESSION:**

3.1 MRPC Housing Forum Report. – CSD noted that the Townsend Housing Authority (THA) submitted the Housing Forum report to the Planning Board which was completed under the DLTA grant, this completes the deliverables that the Housing authority requested. THA will work with Land Use Department to complete the Housing Plan update. He asked about wording of the letter issued by the Board of Selectmen dated 03-27-19 in terms of naming the Land Use Department as a contracted party instead of the Planning Board and the THA. Chairman McNally recommended following up with the Land Use Coordinator Lyndsy Butler. CSD stated that the DLTA grant contract agreement was between the Planning Board and the Housing Authority, with MRPC. He expressed concern over the appropriate flow of information to and from the contracted parties.

3.2 Montachusett Joint Transportation Committee update – VK updated that the next MJTC meeting is in January. The MTJC Committee is calling for projects eligible for TIP funding. She noted that it would be most beneficial if a representative from the Highway Department and the Board of Selectmen would attend the MJTC meetings. LS is in agreement that there should be a representative from the Highway Dpt., but the other



representative could be either the Planning Board or Select Board or even Master Plan Committee. VK asked about the best and most effective pathway for information to be disseminated from the MJTC meetings to the appropriate stakeholders in Townsend. She would like to see some projects staff ready to submit to the MJTC committee for future opportunities for Townsend. Chairman McNally suggested an approach to the Board of Selectmen outlining the opportunities that are available through participation and identifying the most appropriate stakeholders for involvement. The MJTC update will be a revolving agenda item for the Planning Board.

3.3 Municipal Vulnerability Preparedness Program planning draft grant application update – The Board of Selectmen has submitted a letter of support and will participate in the Community Resilience Building workshop program. The draft MVP planning grant application will go through a final review by Beals & Thomas and by Land Use staff with an estimated date of submittal to the State of December 12, 2019.

3.4 §145-36 Accessory Apartment bylaw wording and implementation discussion - revise Board of Health report memorandum/form. – V.K. suggested making the wording change to the 145-36 C from “have been met” to “shall be met”. Chairman McNally suggested communication with the ZBA to clarify the problem wording and noted that discussion with the Board of Health at their 01-13-20 meeting would be a reasonable next step. C.S.D may attend. VK will contact ZBA to clarify the specific wording that may be conflicting with permitting accessory apartments in the recently amended bylaw.

3.5 Age restricted housing zoning bylaw discussion – noted keep on the agenda - tabled to the next meeting.

3.6 Reappoint Natalie Call as the Planning Board representative to the Capital Planning Committee for a term ending June 30, 2019.- tabled to the next meeting.

3.7 2020 Planning Board meeting calendar – approved meetings through March 2020 are as follows; 1/6/20, 1/27/20, 2/10/24, 2/24/20, 3/9/20, 3/23/20. Town meeting is 4/27/20. Further meeting dates discussion was tabled to the next meeting.

#### **4 CORRESPONDENCE:**

4.1 Notices from Townsend/Other towns. Noted. Administrator will scan and email notices from other towns, a memo from the Board of Selectmen re: Application for liquor license was read. CSD motioned to adjourn at 9:30 P.M., V.K. seconded. Roll call vote as follows: YES- L.S., V.K., C.S.D, L.M. The motion carried.

**5 ADJOURNMENT AND NEXT MEETING:** Next meeting January 6, 2020.

Respectfully submitted,

Elizabeth Faxon

Planning Board administrator

Approved on: January 6, 2020

Item's on file:

1. Application for approval of definitive subdivision and Stormwater permit Seaver Road Map 23 Lot 4.
2. Letter from John Massidda & Sherrill Burgess to Townsend Planning Board re: Seaver Road proposed development. Dated 11-22-19.
3. Letter from Robert E. Aylott and Stephen V. Desilets to Townsend Planning Board re: proposed 3-lot definitive subdivision and improvement of roadway located off Seaver Road. Dated 11-25-19.
4. Letter from Michael J. Brown to Townsend Planning Board re: proposed 3-Lot subdivision off Seaver Road. Dated 11-25-19.
5. Letter from Ona Brown to Townsend Planning Board re: proposed subdivision off Seaver Road. Dated 11-25-19.
6. Seaver Road public hearing “Exhibit A” Townsend Planning Board Certificate of Disapproval of a definitive plan.
7. Seaver Road public hearing “Exhibit B” Seaver Road ATM 1973.
8. Seaver Road public hearing “Exhibit C” document: re: Lunenburg ZBA conditional certificate of granting variance to Muriel Little.
9. Seaver Road public hearing “Exhibit D” document: re: Hickory Hills Easement to Muriel Little Property: 39R Wildwood Road, Lunenburg, MA 01462.
10. MRPC Housing Forum Report.
11. Draft Decisions; Campbell Farm definitive subdivision and Stormwater permit.
12. ANR application and plan – 129 Turner Road