



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469

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TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman
Veronica Kell, Clerk

Laura Shifrin, Vice Chair
Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes
Monday, September 24, 2018, at 6:30PM
Townsend Memorial Hall, in Selectmen's Chambers
272 Main Street, Townsend, MA 01469

1 PRELIMINARIES:

- 1.1 Call the meeting to order; Chairman McNally called the meeting to order at 6:34 p.m.
- 1.2 Roll call; Jerrilyn Bozicas, Laura Shifrin, Lance McNally
Others present: Beth Faxon, Planning Board Administrator
Michèle Grenier, Land Use Director
- 1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting: noted; 142/152 ANR appointment was continued to October 15th, 2018 at the request of the applicant's representative atty. Kristine Simmons via email.
- 1.4 Approval of Minutes 7/9/18; LM motion to approve Draft meeting minutes of 7/9/18, JB seconded. Discussion LM asked for deletion of the word "sales" and insert the text "bank transactions" on Page 1 paragraph 2. All in favor.
JB motion to approve 7/23/18 draft meeting minutes, LS seconded. All in favor.
JB motion to approve 8/13/18 draft meeting minutes, LS seconded. All in favor.

1 APPOINTMENTS

- 1.1 **6:45 P.M. – ANR 142/152 North End Road;** continued to October 15, 2018 meeting.
- 1.2 **7:00 P.M. – 187 North End Road OSPD continued public hearing;**
Present: Dana Roberts
Mike Hoffman
Scott Blain

Chairman McNally opened the continued public hearing at 7:00 p.m.
Printed copies of the email from Townsend Town counsel containing the legal response were distributed to all present. Chair McNally read the email into the record. Mr. Roberts stated confirmation that the applicants are cooperative with supplying the requested documentation and came to the hearing under the impression that they were in good status.

Discussion ensued as to the conveyance of the 26.6 ac required Open Space parcel adjacent to Massachusetts Fish and Game (MAF&G) land. Mr. Roberts stated the applicants' intent to gift the required open space parcel directly to MAF&G. He noted an earlier Decision made by the Planning Board in which a similar conveyance had

been conducted. Chair McNally noted that in the case he cited, planning board made a decision to amend the conveyance process of the open space in that OSPD because endangered species were found to be present and the Townsend Conservation Commission felt it prudent to defer management of such conservation areas to the State organization.

Chairman McNally explained that one of the points town counsel has advised is for the Planning Board to confirm through documentation that the Division is, in fact, going to accept ownership of the open space. The applicant would be expected to provide documentation of this agreement. He noted that to date no such authorized confirmation has been received.

Mr. Roberts asked if the conveyance of the open space can be included as a condition on the Planning Boards Decision for the special permit application. Chairman McNally responded negatively to this idea and stated that the Decision has to be based on findings of fact and analysis will be carried out with respect to compliance with the bylaw. Including Mr. Roberts' proposed Open space conveyance in a condition of the OSPD special permit Decision would not be considered best practice. The public hearing was continued to the next Planning Board meeting on October 15th 2018.

1.3 7:45 P.M. – ANR 295 Townsend Hill Road

Present: Jason Goyette, David E. Roth Associates

Mr. Goyette describes the application as a two lot ANR on Townsend Hill road. Both lots meet the required frontage and zoning requirements. The Board went through the checklist of requirements under 175-10 General requirements for all applications.

Motioned and seconded to accept waiver of the vertical datum point. All in favor.

Discussion ensued as to the wording of "body of water" as used in 175-11 (C) (g) and the Board agreed to proceed to change the bylaw to more clearly describe such. Noted contours on shown on the map for Lot 2A and not 2B.

Motion made and seconded to waive requirement of having contours on the existing lot. All in favor.

The Board then continued to worksession beginning with

Accessory Apartment Bylaw discussion

L. Shifrin and V. Kell took the current codified version of the bylaw §145-36

Accessory apartments in residential district and revise sections of it. A draft revision document was reviewed by the Board. Changes noted include "the floor area of the apartment shall not to exceed 800 sq. ft, replacing the original criteria of less than 35% of the floor area of the principal residence and the apartment combined. The criteria for lot size was reduced from one acre to three quarters of an acre.

An enforcement clause was added. A disability clause was added. Discussion ensued as to whether one could build an accessory apartment, live in it and rent out the main residence. L. Shifrin opines yes. Discussion continued about the 55+ multifamily bylaw change reducing the lot size requirement from 8 acres to 2 acres. L. Shifrin stated her support in finding and documenting the changes, and posting a public hearing on the proposed changes. The Board "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.

1.3.1 Questions for discussion Accessory Apartment bylaw 145-36 – no action taken.

The worksession discussion then continued to **Adult Use Recreational Marijuana proposed bylaw discussion and moratorium review.**

- Chairman McNally presented some facts he gathered regarding surrounding towns and their progress with the Recreational Marijuana regulatory process.
- He stated that Lunenburg and Groton took different approaches to regulating Recreational marijuana. Lunenburg will extend a bylaw moratorium until 5/2019. At Lunenburg spring town meeting two zoning bylaws will be presented 1. Prohibiting marijuana establishments in town and 2. Zoning bylaw proposal creating retail establishments conforming to state guidelines. If the prohibition bylaw is approved at town meeting, it will advance to the town election ballot for a vote. He reported that Groton has passed a Recreational marijuana bylaw at spring town meeting and is proposing an amendment to restrict marijuana establishments to testing labs, Research and development facilities and cultivation.
- Chairman McNally reports the most prudent way to proceed is to let the people decide and suggested consulting with town counsel to provide guidance on the following process; extend the existing temporary moratorium at our Fall town meeting, put forth two zoning bylaws at spring 2019 town meeting; one with proposed zoning recreational marijuana establishment regulations and one with a proposed partial or total prohibition of retail establishments.

Chairman McNally asked for support to draft up a strategy for the recreational marijuana regulatory process at the local level. He proposed an extension of the temporary recreational marijuana moratorium until May 2019, continue preparation of both a proposed zoning bylaw regulating recreational marijuana facilities and a second option to partially or completely prohibit establishments.

A motion was made and seconded to support Chair McNally to draft strategy as described and obtain town counsel review. All in favor.

M. Grenier presented a draft Recreational Marijuana Establishment Zoning Proposal for review. Chairman McNally added his comments to the document prior to the meeting. Discussion notes included:

- Changing the “onsite consumption” to “No” on the table.
- Marijuana establishments not allowed by special permit in the industrial Harbor Mall area.
- Use of the word “shall” shall be maintained throughout the document
- The 500 foot buffer was discussed and M. Grenier stated that the state uses a 300 foot buffer. The origin of the marker was unclear, lot line or edge of building. Chairman McNally stated building was used in the medical marijuana bylaw and would like consistency.
- The number of retail establishments should be one, M. Grenier indicated it is changed to one.

- Striking a section “at home delivery”. Noted and agreed.
- Discussion of outside storage related regulations, M. Grenier indicated that the state regulations do not allow outside storage of any materials.
- Chairman asked where 2 year lapse came from and M. Grenier responded it is in the town zoning bylaw under special permit.
- Security cameras were questioned by LS, M.G indicated they are included in the proposed zoning regulations.

The Board then discussed **Planning Board member and alternate member vacancies**

B. Faxon reports no response has been received. Outreach continues to the community via website, and postings.

M. Grenier offered to follow up on the Nuisance fowl regulatory policy and discussion

The Planning board staff will prepare and organize Notices from Townsend/Other Towns for briefing at the next meeting. B. Faxon reported staff reports are now being generated for all projects and will be forwarded to Board members prior to meetings. M. Grenier noted that the ANR checklist will be completed by staff in advance of meetings.

Motioned to adjourn at 8:35 p.m., seconded. All in favor.

Respectfully submitted,
Beth Faxon, Planning Board Administrator

Items on file:

1. Town counsel legal response OSPD email dated September 17, 2018
2. Proposed amendments to §145-36 Accessory Apartment in a residential district bylaw
3. Recreational Marijuana Establishment Zoning Proposal
4. Sample staff report
5. Decision referenced for 7 Trophy Ave.

Approved on: October 15, 2018