



Office of  
**THE PLANNING BOARD**  
 272 Main Street  
 Townsend, Massachusetts 01469  
 978-597-1722 [www.townsend.ma.us](http://www.townsend.ma.us)

**RECEIVED**  
 SEP 21 2020  
 TOWN OF TOWNSEND  
 TOWN CLERK

Lance J. McNally, Chairman  
 Veronica Kell, Member

Charles Sexton-Diranian, Clerk  
 Carol Hoffses, Associate Member

Laura Shifrin, Vice Chair  
 Jerrilyn T. Bozicas, Member

**Planning Board Meeting minutes**  
 Monday, August 24, 2020, at 6:30 PM

VIRTUAL MEETING  
 VIA: ZOOM PER GOVERNOR'S ORDER SUSPENDING CERTAIN PROVISIONS  
 OF THE OPEN MEETNIG LAW, G.L. c. 30A, § 20†

**PUBLIC ACCESS ZOOM MEETING LINK: Join Zoom Meeting**  
<https://us02web.zoom.us/j/84718923898?pwd=WkV1Q0I3Q2M1ZWZ4dy8vTjQ1VFpTUT09>

**Meeting ID: 847 1892 3898**

**Passcode: 564778**

**Materials are available digitally on request by emailing [bfaxon@townsendma.gov](mailto:bfaxon@townsendma.gov)**

**1 PRELIMINARIES: votes may be taken.**

- 1.1** Call the meeting to order and roll call. Chairman Lance McNally called the meeting to order at 6:30 PM. Members present Laura Shifrin, Veronica Kell, Charles Sexton-Diranian, Jerrilyn Bozicas, Lance McNally, Associate Member Carol Hoffses.
- 1.2** Chairman's additions or deletions.  
 Addition 3.7 Appointment to the Town properties committee. Addition 3.8 parcel donation on South Row Road. Addition 1.3 move the approval of draft minutes under 3.2 to beginning of the meeting.

**2 APPOINTMENTS AND HEARINGS: votes may be taken.**

- 2.1 6:45 P.M. Continuation of public hearing – Seaver Road definitive subdivision approval application and major Stormwater management permit application. (Map-23 Lot 4)**  
**Applicant: Mass Ave Land Development LLC.**

**Present:** Daniel Gardner, Applicant (left the meeting at 7:20p.m), Town counsel, Ann Stevens(left the meeting at 7:20 pm) Richard Cohen (left the meeting at 7:20p.m) Bob Ayotte (left the meeting at 7:20 p.m.), Sherrill Burgess (left the meeting at 7:20 pm) , John Massidda (left the meeting at 7:20pm), Linda Hatch (left the meeting at 7:20 pm), Ona Brown (left the meeting at 7:20 pm), Michael Brown (left the meeting at 7:20 pm)

Chairman McNally opened the continued public hearing at 6:45 PM. No comment from the public or Applicant. A draft decision on the subdivision approval application and the stormwater management permit was reviewed by the Board and votes were taken on each requested waiver. All votes were taken by roll call as follows:

† Per the Governor's Order, and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public; provided, however, that all public bodies shall ensure public access to deliberations through adequate, alternative means, which include (but are not limited to) telephone, internet or satellite enabled audio or video conferencing or other technology that enables the public to clearly follow the proceedings of the public body while they are occurring. The Order also allows remote participation by all members of a public body; and waives the requirements that a quorum and the chair be physically present at the meeting location.

175-13(D)(2) – V. Kell moved that the \$2,400 application fee be provided in lieu of the additional \$10,000 consultant fee. C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, J. Bozicas – aye, V. Kell – aye. The motion carried. 5-0.

175-14(A)(1) L. Shifrin made a motion to allow some of the required plan sheets be combined in the spirit of streamlining the plan set, including from the requirement of providing a Landscape Plan. C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, V. Kell – aye, L. McNally – aye, L. Shifrin – aye, J. Bozicas – aye. The motion carried. 5-0.

175-14(A)(2) L. Shifrin made a motion to allow all maps at a 1" = 50' scale instead of a required 1" = 40' scale in order to streamline the plan set. C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, V. Kell – aye, L. McNally – aye, L. Shifrin – aye, J. Bozicas – aye. The motion carried. 5-0.

175-14(F)(2) comment on peer review engineers report did not recommend approval of this waiver. C. Sexton-Diranian made a motion to waive the requirement of showing all trees over 24" in diameter on the Primary Conservation Area Map since the nature of the land division reflects more of an ANR. L. Shifrin seconded. C. Sexton-Diranian – no, L. McNally – no, J. Bozicas – no, L. Shifrin – aye, V. Kell – no. The motion failed. 1-4.

175-14(G)(3) discussion: peer review comment applicant has not provided adequate reasoning as to why the applicant should not be subject to this requirement. C. Sexton-Diranian made a motion to waive the requirement that the conventional layout plan contain the location of all trees over 12" in diameter within 50' of construction activities. V. Kell seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – no, V. Kell – no, J. Bozicas – no. The motion failed. 0-5.

175-14(K) discussion: peer review C. Sexton-Diranian made a motion to waive the requirement of providing a landscape plan, V. Kell seconded. C. Sexton-Diranian – aye, L. McNally – no, L. Shifrin – aye, V. Kell – no, J. Bozicas – no. The motion failed. 2-3.

175-14(L)(h) Comment from the Chair: peer review engineer reports no adequate reasoning to waive. L. Shifrin made a motion to waive the requirement of locating all trees over 12" in diameter to be cut or at risk of being cut. V. Kell seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – yes, V. Kell – no, J. Bozicas – no. The motion failed. 1-4.

175-14(N)(5) (b-c) comment from the Chair: peer review engineer notes the information provided is adequate. L. Shifrin made a motion to waive the requirement of providing existing left-side and right-side elevations on the profile plan of the proposed roadway extension. V. Kell seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, J. Bozicas – aye, V. Kell – aye. The motion carried. 5-0.

175-15(A)(4) comment from Chair: peer review engineer says acceptable. V. Kell made a motion to waive the requirement of providing a Pro Forma Financial analysis. L. Shifrin seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, J. Bozicas – aye, V. Kell – no. The motion carried. 4-1.

175-15(A)(6) comment from Chair: peer review engineer recommends a construction schedule be provided before construction begins. V. Kell made a motion to waive the requirement of providing a proposed construction schedule. C. Sexton-Diranian seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – no, V. Kell – no, J. Bozicas – no. The motion failed. 0-5.

175-15(A)(9) comment from Chair: peer review comments that no soil test data has been provided for proposed street or stormwater basin infrastructure and does not recommend granting this waiver. C. Sexton-Diranian made a motion to waive the requirement for providing soil test information. L. Shifrin seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – no, V. Kell – no, J. Bozicas – no. The motion failed. 0-5.

175-15(H)(7) comment from Chair: peer review commented that information provided is adequate. L. Shifrin made a motion to partially waive the requirement of providing a full traffic study for the project. V. Kell seconded. C. Sexton-Diranian – no, L. McNally – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye. The motion passed. 4-1.

175-15 (G) Chairman McNally read the comment from the peer review engineer. Existing stone walls are okay for the right-of way. Drill holes should be provided in wall and at changes of direction. L. Shifrin made a motion to waive the

requirement of providing monumentation at all points of change in direction and tangent along the Right of Way. V. Kell seconded. Chairman McNally amends the motion to waive the requirement with the addition of the conditions written by the peer review engineer being at minimum drill holes should be provided in the wall at all changes of direction indicated on the conditional layout plan in addition to the bounds at the town line. L. Shifrin accepted the friendly amendment to the motion. V. Kell seconded. Board member commented on the importance of boundary markers, especially at the corners of the property. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – yes, V. Kell – no, J. Bozicas – no. The motion failed 1-4.

175-16(B)(2) Chairman McNally read the comment from the peer review engineer. “Adequate land area is available for the required 40’ Right of way”.

175-16(B)(2) C. Sexton-Diranian made a motion to waive the requirement of proposed Right of Ways being no less than 40 feet wide. The proposed ROW is intended to be variable in width (between 35’ and 37’), following the previous abandoned ROW and bounded by existing stone walls. L. Shifrin seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – no, J. Bozicas – no. The motion carried 3-2.

175-16(B)(16) peer review comments were read by Chairman McNally. Consistent with roadway and design reference is made that the emergency vehicle maneuverability should be approved for the proposed turn around. Mandatory referral comments from Fire Department grant approval.

175-16(B)(16) L. Shifrin made a motion to allow a dead-end street and waive the requirement of providing a circular turn-around for a dead-end street. V. Kell seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – aye, V. Kell – no, J. Bozicas – aye. The motion failed 2-3.

175-16(C) V. Kell made a motion to waive the requirement of providing sidewalks along the roadway extension. L. Shifrin seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye. The motion carried 5-0.

175-16(D) peer review comments were read by Chairman McNally. Applicant has not provided adequate reasoning for not providing a landscaping plot plan also noted the site has been recently logged and this area is not indicated on the site plan a landscaping plan should be provided to indicate how cleared areas will be created long term. C. Sexton-Diranian made a motion to waive the requirement of providing landscape plots. V. Kell seconded. C. Sexton-Diranian – no, L. McNally – no, L. Shifrin – no, V. Kell – no, J. Bozicas – no. The motion failed. 0-5.

175-17(A)(10) peer review comments were read by Chairman McNally. “the proposed is consistent with the existing Seaver road pavement and noted the proposed 18-foot width is adequate for the 3 residential house lots provided that the fire department approves the design. L. Shifrin made a motion to allow the construction of an 18-foot wide roadway surface in lieu of the required 26-foot wide roadway surface. V. Kell seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye. The motion carried 5-0.

175-17(E) peer review comments were ready by Chairman McNally. “The proposed condition is consistent with the existing Seaver Road paved roadway as well as the existing drainage design”. C. Sexton-Diranian made a motion to waive the curbing requirement along the proposed roadway surface in favor of an open drainage design. L. Shifrin seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – no, J. Bozicas – aye. The motion carried 4-1.

V. Kell made a motion to deny the application for approval of a definitive plan of a subdivision based on the foregoing findings and conclusion. C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – no, V. Kell – aye, J. Bozicas – aye. The motion carried 4-1.

V. Kell made a motion to deny the stormwater management permit application filed concurrently with the application for approval of a definitive plan of a subdivision based on the foregoing findings and conclusion. C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye. The motion carried 5-0.

V. Kell made a motion to close the public hearing for approval of a definitive plan of a subdivision and stormwater management permit applications for the property at Seaver Road (Map-23 Lot-4). C. Sexton-Diranian seconded. C. Sexton-Diranian – aye, L. McNally – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye. The motion carried 5-0.



### 3 WORKSESSION: votes may be taken.

- 3.1 Planning Board discussion/appointment of representative to Montachusett Joint Transportation Committee. The Board will continue outreach to find a suitable representative and will discuss at the next Board meeting.
- 3.2 Approval of minutes 11-25-19, 07-27-2020, and 08-10-2020. Discussion: Include the zoom access detail to the 8-10-2020 minutes. C. Sexton-Diranian motioned to approve the minutes of 07-27-2020, J. Bozicas seconded. Roll call vote was taken as follows: L. Shifrin- aye, L. McNally- aye, J. Bozicas- aye, V. Kell- aye, C. Sexton-Diranian- aye. The motion carried. V. Kell moved to accept the minutes of 08-10-2020 with the addition of complete Zoom access information at the end of the minutes. J. Bozicas seconded. A Roll call vote was taken as follows: C. Sexton Diranian- aye, L. Shifrin- aye, J. Bozicas- aye, V. Kell- aye, L. McNally- aye. The motion carried. C. Sexton-Diranian made a motion to approve the minutes of 11-25-2020, V. Kell seconded. A Roll call vote was taken as follows: C. Sexton Diranian- aye, L. Shifrin- aye, J. Bozicas- aye, V. Kell- aye, L. McNally- aye. The motion carried.
- 3.3 Scenic Roads Regulations discussion. – Chairman McNally commented that as he reviewed the Groton bylaw, they did not specify the jurisdictional area as extending outward onto the property owners land from the towns right of way. Planning Board administrator will research what the amendment was to Townsend's Scenic roads bylaw. The Board will review this finding before proceeding with proposing an amendment to Townsend's Scenic roads bylaw.
- 3.4 DLTA MRPC age restricted housing development bylaw update. Planning Board administrator reports MOU has been executed. The town has provided all materials requested to date to MRPC to begin work. Project Zoom meetings will be held every other week for status updates. C. Sexton-Diranian expressed interest in attending.
- 3.5 DLTA MRPC Townend Chapter 43D feasibility study update. Planning Board administrator reports MRPC is asking for potential applicable Townsend sites that may be included in the Chapter 43D application. C. Sexton-Diranian stated that these sites would be large enough to develop a 50,000 ft. building or have an existing building. The suggestion was made to review the existing Townsend Woods and Atwood Acres projects. The lot sizes are approximately 4 acres. L. Shifrin noted that the Town Properties Committee will be able to assist on identifying areas that would support a 50,000 sq. ft. sized building for the study. Town counsel noted that in most communities that have adopted the State CH 43D program there has been some work done by staff to identify sites for the potential of siting a 50,000 sq. ft. of gross floor area new building or redevelopment parcels such as vacant land for flagging as Priority development sites (PDS). The goal being to uplift sites that are underutilized to spur redevelopment of those sites. He notes this is commonly done at the municipal level with town staff. He added that some communities have used outside consultants to do a parcel by parcel analysis to identify private and public properties for eligibility under the Ch 43D program. The goal in the private sector being owner support of having their property listed as a PDS, and if so, this will be looked upon favorably by the state. Designation under the program would improve the value to such properties by allowing by right expedited permitting process. Discussion was had as to the staff match time required for the task of identifying Townsend's potential PDS properties. Chairman McNally added there are not a large number of properties that will be eligible and that the Board Members would be able to address the task in a worksession. L. Shifrin suggested making a request to the Assessors office to numerate the privately owned parcels large enough >5 acres to accommodate a 50,000 sq. ft. building. Additionally, request parcel information for any large buildings that are either 50,000 sq. ft. or could accommodate an addition that would total 50,000 sq. ft. Planning Board administrator asked if residential property was to be included in the search and Town counsel affirmed.
- 3.6 Townsend shared streets and spaces grant application update. The grant was approved by the Board of Selectmen and was submitted to the State. We are awaiting response.
- 3.7 Town properties committee – C. Sexton-Diranian made a motion to appoint Laura Shifrin to the Townsend town properties committee. J. Bozicas seconded. A roll call vote was taken as follows: C.

Sexton-Diranian – aye, L. Shifrin – aye, V. Kell – aye, J. Bozicas – aye, L. McNally – aye. The motion carried 5-0.

- 3.8** Discussion of potential land donation to the Town. The Board discussed a parcel of land that has been offered as a donation to the town. The board expressed interest in further deed research of the parcel. V. Kell commented that she has done some research on the abutting properties looking for access to the parcel potentially via a right of way. She noted there are a lot of wetlands in the area. She commented that a deed research is a reasonable next step. She is in favor of acquiring the parcel but would like to carefully consider the use including development options and if not, then a Conservation Restriction should be placed on the parcel. C. Sexton-Diranian made a motion that the Planning Board recommends that the Town accept the parcel of land. J. Bozicas seconded. A Roll call vote was taken as follows: C. Sexton Diranian- aye, L. Shifrin- aye, J. Bozicas- aye, V. Kell- aye, L. McNally- aye. The motion carried.

**4 CORRESPONDENCE: votes may be taken.**

- 4.1** Notices from Townsend/other Towns- Pepperell Planning Board will hold a public hearing for a retail recreational marijuana site plan review on August 31<sup>st</sup>, 2020. Ashby will hold a public hearing for cultivation of marijuana 08-25-2020 Town of Lunenburg is holding a public hearing under the Scenic roads act for cutting of shade trees on 08-24-2020 Planning Board administrator will follow up with the Lunenburg public hearing on the scenic roads act.
- 4.2** Reappointments discussion Townsend Master Plan committee. – Chairman McNally commented that correspondence is ongoing between town counsel and Master Plan committee members to schedule a meeting. Board members raised concerns and questions about the economic development study, the status of the Master Plan update project, the availability of the materials that have been drafted as part of this project. Chairman McNally asked the Board to allow another timespan to arrange the meeting in the spirit of resolution and to bring the Master Plan update project forward to completion in an acceptable manner. V. Kell made a motion that if there is no meeting held between the Master Plan Committee and the Planning Board by September 4, 2020, that the Planning Board move forward with obtaining the documents related to the Master Plan update and assess what needs to be done and go forward with appointments thereafter. C. Sexton-Diranian seconded. A Roll call vote was taken as follows: C. Sexton Diranian- aye, L. Shifrin- aye, J. Bozicas- no, V. Kell- aye, L. McNally- aye. The motion carried. 4-1.
- Chairman McNally will communicate the vote of the Board with town counsel.

SCHEDULE and ADJOURN: votes may be taken. **V. Kell made a motion to adjourn at 8:02 pm. C. Sexton-Diranian seconded.** A Roll call vote was taken as follows: C. Sexton Diranian- aye, L. Shifrin- aye, J. Bozicas- no, V. Kell- aye, L. McNally- aye. The motion carried. 4-1.  
**Next Townsend Planning Board meeting September 14, 2020.**

Respectfully submitted, Elizabeth Faxon Planning Board administrator

Approved on September 14, 2020

**Items on file:**

1. Draft decision Seaver Road definitive subdivision approval application and stormwater permit application.
2. Letter to Townsend Planning Board from Hancock Associates, Towns peer review engineer RE: definitive subdivision plan review, Seaver Road extension comments letter.
3. Seaver Road definitive subdivision approval application and stormwater permit applications, plans, and exhibits.
4. Townsend shared streets and spaces grant application.

Topic: Townsend Planning Board Meeting

Time: Aug 24, 2020 06:30 PM Eastern Time (US and Canada)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84718923898?pwd=WkV1Q0l3Q2M1ZWZ4dy8vTjQ1VFpTUT09>

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