



Office of  
**THE PLANNING BOARD**  
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**RECEIVED**  
 NOV 09 2021  
 TOWN OF TOWNSEND  
 TOWN CLERK

Lance J. McNally, Chairman  
 Carol Hoffses, Member

Michael Virostko, Clerk

Laura Shifrin, Vice Chair  
 Julie Byars, Member

## Planning Board Meeting Minutes

**Monday October 18, 2021, at 6:30 PM**

### VIRTUAL MEETING ONLY

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

**PUBLIC ACCESS ZOOM MEETING LINK: Join Zoom Meeting**

<https://us02web.zoom.us/j/88250359810?pwd=aXVIU1F2Qk1DUhVHsdmtJZGZ5Zz09>

**Meeting ID: 882 5035 9810      Passcode: 385753**

**All are invited to Attend - Materials and documents are available in electronic  
 format upon 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 6:31 pm. present: Lance McNally (LM), Chair, Laura Shifrin (LS), Vice Chair, Julie Byars (JB), Member and Carol Hoffses (CH), Member. Absent: Michael Virostko, Member. others present: Elizabeth Faxon, Planning Board Admin., Hartley Pleshaw, TCAM, Selectmen, Charles Sexton-Diranian, Cindy King
- 1.2 Chairman's additions or deletions. None.
- 1.3 Approval of minutes September 13, 2021, September 27, 2021. CH made a motion to approve the minutes of 9-13-21 and 9-27-21. JB seconded. A roll call vote was taken as follows; YES – JB, CH, LS, and LM. The motion carried (4-0-0).

#### **2 PUBLIC HEARINGS & APPOINTMENTS: votes may be taken.**

- 2.1 **6:45 pm. Continue public hearing – invoke the rule of necessity - 5 Turnpike Road – Site Plan Review special permit – proposed 58 50 new parking spaces and**

† In accordance with actions related to an extension to the remote meeting provisions of the Governor's March 11, 2020, Executive Orders until April 1, 2022, this meeting will be held remotely.

re-pavement of 117 existing parking spaces. Map 50 Block 57 Lot 0. RA3 Zoning District. present for the Applicant: Stan Dillis (SD), Dillis & Roy CDG, Inc.

**Applicant:** Michael Parretti, Trustee Country Estates Condominium Trust.

Others present: Joseph Flynn, Abutter, 12 Squannacook, Ian Ortiz, Robert Therrien, Charlie Valacer, Abutter, 7 Turnpike Rd.

Chairman McNally proceeded to invoke the rule of necessity noting that Site Plan review requires a supermajority affirmative vote of the Planning Board Members. There are 5 Members on the Board and 4 must vote in the affirmative for approval of the Site Plan Review. He noted that Laurie Shifrin recused herself at the opening of the public hearing and Michael Virostko recused himself during the 9-27-21 continuation of the public hearing. The circumstances are that three Board members are now available to participate in the review and vote for this project where a minimum of 4 are required. Chairman McNally then invited LS to participate in her role as Planning Board Member, pursuant to the rule of necessity and her verbal disclosure of the reasons she recused herself. LS stated she is an owner of units at Country Estates, and she is a trustee of the Country Estates Condominium Association. Laurie Shifrin confirmed that she will objectively participate in the review process and vote for the Site Plan Review. Joseph Flynn objected to the appointment of Laurie Shifrin as a voting Member based on the rule of necessity, further stating points of conflict exist that he is not in favor of. Cindy King asked about the details of the rule of necessity and if this can be reviewed by only 3 Members and asked if Laurie Shifrin is an applicant on this proposal. The response was that the project cannot be heard by only 3 of a 5 Member Board. Noted further that any of the recused Members may be called back to participate. Chairman McNally stated he would defer the question of Laurie Shifrin's status as the "Applicant" to legal counsel. Documentation was provided to the Planning Board from Town Counsel indicating the circumstances were appropriate for the Chair to invoke the rule of necessity. Laurie Shifrin has filed Conflict of Interest disclosure forms with the Town Clerk.

Stan Dillis presented the changes incorporated in the revised site plan. The 300' Squannacook riverfront boundary was delineated, and proposed work is outside of this area. The elevation of the floodplain is 293' and the contours of the plan show the lowest point of 295' which is well above the floodplain. The proposed parking spaces were moved to the opposite side of the parking lot away from Squannacook Terrace abutters lots, and the stretch of roadway after the mailboxes and around the loop is proposed as a "one way" with the parking spaces on the inside. The revised layout will deliver surface water runoff to a recharge trench at the rear edge of the parking lot. The addition of a Cape Cod berm is proposed along the edge of the parking lot extending from the mailboxes around to the catch basin to catch the surface runoff that is now moving over the existing parking lot and will direct it to the catch basin to correct the Stormwater management system to work as originally designed. The installation of a grease and oil trap on the furthest downstream catch basin is proposed to treat the surface runoff from the existing parking areas. The dumpsters are relocated to the other side of the driveway and 3 parking spaces are added in the previous spot. The proposed work is outside both the floodplain and the 300' Squannacook river 300' boundary. The redesign results in a reduction of the width of the

existing road from 25' to 16'. Chairman McNally asked if the engineer has addressed the concern expressed when the condominium complex pool is emptied and the discharge from this activity impacts abutters property. SD responded that this can be mitigated through a design change of possibly directing this periodic discharge to a dry well as well as adding this process to the proposed operations and maintenance plan. The type of pool filter was discussed as it may have impact on the treatment of the discharge. LM noted that a snow removal procedure should be developed and included in the operations and maintenance plan. SD responded that this could be examined further. Mr. Flynn noted he is in favor of the proposed berm and indicated that will be an improvement to his situation. He referred to the information and photographs that he provided to the Planning Board that documented the impact to this property during significant stormwater runoff events. He stated that snow removal is not typically the problem, but rather pool drainage and heavy rain events. Mr. Valacer spoke about the snow piled up at the edge of his property from the condominium complex. He stated his concern that over one of the new areas of parking spaces with associated recharge trench is proposed within 5 feet of his rear yard lot line and the garage is situated on this edge. He requested that the snow not be stockpiled in this area and that a 15 ft. distance be maintained between the edge of his property and any disturbance related to the project. SD noted that both concerns would be addressed and creating a "no snow stockpile" zone in the area would be agreeable. Mr. Flynn then stated his concerns that the primary discharge area for the stormwater management at the site is through an open culvert within the designated Area of Critical Environmental Concern (ACEC) of the Squannacook River. He reiterated his documented concerns over the impact to his property as documented in the photographs he shared and contends that the jurisdiction for this Stormwater discharge generated from the site is under Federal, State and local laws. He stated that he is not opposed to the parking expansion project however would like regulatory oversight of the site Stormwater management and discharge by the Federal, State, as well as local and to be involved in the process and have opportunity to express his grievances. He contended that the increase in impervious surface as parking spaces proposed initiates Federal and State review and is concerned that this is not yet addressed. Admin read referral comments received on the revised site plan and the operation and maintenance manual into the record, these are documented in the Land Use files. Comments were received from the Fire Chief, Conservation Commission, Building Commissioner, and Board of Selectmen. Chairman McNally commented that given the history of the site he would like to see a peer review report on the plan with respect to Stormwater runoff and Department of Environmental Protection regulations. CH made a motion to authorize the Admin to obtain cost estimates for a peer review of the surface water drainage for the proposed project at 5 Turnpike Road Country Estates condominium complex. JB seconded the motion. A Roll call vote was taken as follows; YES – JB, CH, LM, ABS – LS. The motion carried. (3-0-1) Mr. Flynn requested an official conduct a site visit to measure the distance between the high-water mark to the primary source discharge culvert that illustrates it is within the ACEC of the Squannacook River. LM assured him that the peer review engineer will conduct due diligence in this review which will be discussed in a public hearing. Admin. read an email received by the Planning Board office from a concerned citizen, Susan Teachout into the record. After the email was read LS commented that contrary to what was written there is not Unit 115 and no flooding in Building One. She noted that there is always another side to the story. JB made a motion to continue the public hearing for 5 Turnpike Road to November 8, 2021, at 6:45 p.m. CH seconded the motion. A roll call vote was taken as follows; YES – JB, CH, LM, LS. The motion carried. (4-0-0).

- 2.2 **7:15 pm.** ANR – 160, 180, 198 North End Road – Reconfigure 3 Lots to create 2 new lots and 3 new parcels. Parcel A to remedy a non-conforming lot Parcel B,C parcel swap to remedy setback issues. Deferred to the Next meeting on Nov. 8, 2021. Applicant delivered a revised ANR application to the Planning Board office today. The matter was deferred to the next scheduled Planning Board meeting.

3 **WORKSESSION: votes may be taken.**

- 3.1 Master Plan Committee Update: Townsend Master Plan 2021 Final DRAFT Version 1. District Technical Local Assistance Grant status update. No update received. No Master Plan meetings are scheduled.
- 3.2 §145-26 Residential District Bylaw DRAFT Amendment – Section 145-26 A (10) (a) Raising or keeping of fowl in residential districts. Building Commissioners proposed wording. Board reviewed the comments provided by the Building Commissioner. At the end of the section of bylaw the following wording was suggested *“excluding roosters it is the responsibility of the property owner to ensure their flock is sufficiently contained to the subject property At no time shall the animals be permitted to enter abutting parcels or the public way. failure to comply with this requirement may result in an order to remove the animals”* LM asked about the legality of the act of discrimination against Roosters in a Right to Farm community. Selectman Sexton-Diranian spoke about the commercial aspect of the “right to farm” community designation as opposed to residential area activities. Residential areas may be regulated or restricted with respect to noise production by the animal. He suggested that the Planning Board look at other farming communities to research regulations in place and how they are working. CH will do some research for the Board and present at the next meeting on Nov. 8th. Admin noted that the warrant for the Fall town meeting closes on Nov. 1<sup>st</sup>
- 3.3 Safe Routes to School (S.R.T.S) update. Carol Hoffses. She attended a meeting on the topic of infrastructure funding for sidewalks. The next networking meeting she plans to attend is on the topic of parents and guardians of children who are participating in the program. She will be talking with the SRTS rep. as well.
- 3.4 Townsend Municipal Vulnerability Preparedness & Hazard Mitigation Plan implementation. – Core Team Members and Staff. Admin notes that there may be help forthcoming through the senior tax work off program to set up a website for the MVP program and the Hazard Mitigation Plan to keep the public informed and track progress.
- 3.5 Townsend Walkability & Bike-ability Study & Unified Planning Work Program update. Staff. Townsend’s Walkability study is under review internally at MRPC.



The Board has received the final report for the intersection study at Canal Street, W. Elm, and rt 119. See 4.2.

- 3.6 Planning Board, Stormwater Authority – review of Stormwater Regulations and discuss designation of Stormwater Agent(s) for Stormwater Management permits. deleted by the Chair. Deferred to next meeting.
- 3.7 Montachusett Joint Transportation Commission (MJTC) and Montachusett Regional Planning Commission (MRPC) updates. L. Shifrin attended a MRPC meeting but had no update. She did express questions and concerns about the recent progress of the Master Plan Committee and LM noted that he is actively addressing the concerns. B. Faxon attended an MJTC meeting and heard a presentation by the State Rep on the Safe Routes to School program in our region. Townsend is enrolled and now could move into the participation and implementation phase. Engaging in some of the safety programs and understanding what programing is available to the schools. CH will be meeting with the State Rep soon. There was a presentation given on a priority planning report completed by MRPC for the Town of Sterling in preparation for their Complete Streets DOT program. The MA DOT Transportation Improvement program (TIP) grant program will be open for applications in the Jan/Feb. timeframe and Townsend can consider and discuss and prepare a project in conjunction with Town Boards and Staff and with the help of MRPC. A cross connection to the Town's American Disability Act Programming projects would be a good next step. Admin will send the MJTC meeting materials to Board Members.
- 3.8 Public hearings for Special Town Meeting – discussion. The Board has no action items for the Special Town meeting.

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

- 4.1 Interview – candidate for Planning Board Associate Member - Robert Therrien introduced himself and shared that he grew up in Townsend and is a registered architect in practice for over 40 years. He has broad experience on many topics and resolutions as he appeared before Planning Boards and Zoning Boards of Appeals in his professional career. Through this process has become more aware of community needs and feels he has a good perspective to share as a Member of the Planning Board. LM thanked him for his willingness to volunteer and noted that the Board received another application for the Associate Position, so he invited Mr. Therrien to attend the next meeting when the Board proceeds with the process.
- 4.2 Final Report - Townsend rt 119 Canal St. West Elm St. Intersection Analysis September 2021. Montachusett Regional Planning Commission (MRPC) Admin. Updates that the report was received by the Planning Board office and asked Board Members to review the report and send in any comments or questions to be

conveyed to MRPC. A meeting to accept and review the report will be set up with the Planning Board, Board of Selectmen and Highway Superintendent.

- 4.3 Unitil Gas Emergency Preparedness and Response invitation. Noted.
- 4.4 Memo to Planning Board from Board of Selectmen re: Special Town Meeting December 14, 2021. The warrant closes on November 1, 2021, at 4:00 p.m.
- 4.5 Campbell Farm OSPPD - Work Completed notice provided by Dana Roberts, to the Planning Board dated 10-04-2021. 10-13-2021 Site Inspection staff report Campbell Farm. Admin reviewed the inspection report and updated the Board on the stop work order at 6 Ball Road due to additional permitting requirements needed by the Owners.
- 4.6 Mask Policy from Ross Perry to: All Town Employees and All visitors to municipal buildings. dated 10/13/2021. Noted. Board of Selectmen will vote to approve the implementation of this advisory from the Board of Health at their meeting tomorrow.
- 4.7 Notices from Townsend/other Towns. Townsend Zoning Board of Appeals legal notice of public hearing – 8 Jefts St. on 11/17/2021 and 2 Notice(s) of Decision – 18 Main St. & 203 Main St.

CH made a motion to adjourn the meeting at 8:15 pm. LS Seconded. A roll call vote was taken as follows; YES- LS, CH, JB, LM. The motion carried. (4-0-0)

Respectfully submitted,  
Elizabeth Faxon, Planning Board Admin.

**Approved on:** November 8, 2021

- 1. Email from Susan Teachout to Planning Board Admin. Re: comments for Country Estates paving public hearing 10-18-2021 dated 10-15-2021
- 2. Email from Charlie Valacer, 7 Turnpike Road to Building Commissioner. Re: 5 Turnpike Road project concerns
- 3. Photodocumentary documents to Planning Board Admin from Joseph Flynn, 12 Squannacook Terrace Re: synopsis & background of Stormwater runoff impacts to property from Country Estates.
- 4. MJTC meeting materials 10/13/2021
- 5. Robert Therrien volunteer response form – redacted.
- 6. Campbell Farm OSPD site visit inspection report.
- 7. Memo from Ross Perry to Planning Board Admin. re: Mask policy dated
- 8. Unitil Gas Emergency Preparedness and Response invitation.
- 9. Final Report - Townsend rt 119 Canal St. West Elm St. Intersection Analysis September 2021
- 10. Townsend ZBA – notice of public hearing 8 Jefts St.
- 11. Townsend ZBA – notice of Decision – 18 Main St.
- 12. Townsend ZBA – Notice of decision – 203 Main St.
- 13. Referral comment forms – second referral – 5 Turnpike Road revised site plan and operation & maintenance plan.