

Office of
THE PLANNING BOARD
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RECEIVED
 MAY 10 2022
 TOWN OF TOWNSEND
 TOWN CLERK

Lance J. McNally, Chairman
 Carol Hoffses, Member

Michael Virostko, Clerk

Laura Shifrin, Vice Chair
 Julie Byars, Member
 Ian Ortiz Santiago, Assoc. Member

PLANNING BOARD MEETING MINTUES

Monday April 11, 2022, at 6:30 PM

VIRTUAL MEETING ONLY

All are invited to attend

VIA: ZOOM PER EXTENSION OF 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/84979185299?pwd=REpDSHF0M0RwZEhDWXVleGVkUHplUT09>

Meeting ID: 849 7918 5299

Passcode: 206670

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. Roll call was taken as follows; Present – Julie Byars, Carol Hoffses, Laura Shifrin, Lance McNally, Ian Ortiz Santiago, Assoc. Member. Absent: Michael Virostko. Chairman McNally appointed Ian Ortiz Santiago as full voting Member. Others present: Elizabeth Faxon, Planning Board Admin., Hartley Pleshaw, TCAM, Selectman Charles Sexton-Diranian, Planning Board Liaison, Michael Crowley, LUC.
- 1.2 Chairman's additions or deletions. 1.3 deleted approval of minutes 3-28-22. 2.4 Moved ANR North End Road to the beginning of the meeting.
- 1.3 ~~Approval of minutes March 28, 2022.~~

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

6:45pm public hearing - to review a proposed amendment to Article VI of the Town's Zoning Bylaw entitled "Land Use Regulations" Section 145-26, entitled "Residential Districts" Subsection B, entitled "Residential A and B Districts special permit uses," Item 9. **Adding dog grooming establishment, dog training**

[†] 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.

establishment, and dog daycare establishment. Public sign in sheet attached. Board members introduced themselves and the notice of public hearing was read into the record. Bill Cadogan, Chairman of the Townsend Zoning Board of Appeals, opened the discussion with an explanation of the reasoning for bringing this proposed bylaw amendment to the voters. This amendment was initiated because the bylaw was written in the 1980's and at that time dog grooming establishments in this proposal were not included in the uses allowed by special permit in residential districts. The addition of the proposed uses would modernize and expand the types of dog care business uses in the district while retaining the special permit requirement. Mandatory referral comments received were read into the record. The public offered no oral or written comment. No comments were made in opposition to the proposal. L. Shifrin made a motion to support the proposed amendment and move it forward to the 2022 Annual Town meeting for a vote. C. Hoffses seconded. A roll call vote was taken as follows; YES – C. Hoffses, L. Shifrin, I. Ortiz Santiago, L. McNally. The motion passed 4-0-0.

L. Shifrin made a motion to close the public hearing. C. Hoffses seconded. A roll call vote was taken as follows; YES – C. Hoffses, L. Shifrin, I. Ortiz Santiago, L. McNally. The motion passed 4-0-0.

- 2.1 **7:15 pm public hearing** – to review a proposed amendment to Article VI of the Town's Zoning Bylaw entitled "Land Use Regulations" Section 145-26, entitled "Residential Districts" Subsection A, entitled "Residential A and B Districts permitted uses" Item 10 subsection a. The raising or keeping of a small flock of fowl.

Public sign in sheet attached. Board members introduced themselves and the legal notice of public hearing was read into the record. Chairman McNally noted that the proposed bylaw amendment was initiated by a letter written by the Building Commissioner to the Board of Selectmen outlining the difficulty in enforcing the vague current bylaw. The Planning Board acknowledges the importance of a right to farm community and has proposed the amendment to try to address the situation where animals are disturbing other property owners in residential neighborhoods. Mandatory referral comments received by the Planning Board were read into the record. The Planning Board received two letters from the public one in favor of and one in opposition to the proposed amendment. Both were read into the record.

Public comments in opposition to the proposed bylaw were numerous. Maria Sanchez spoke in opposition to the part of the proposed amendment that restricts rooster ownership to lots of one acre or more. She is concerned if the amendment passed, she would have to rehome her rescued rooster because her lot size doesn't meet the minimum. She contended the one-acre rooster rule creates social injustice and an unfair financial barrier to rooster ownership. She recommends the consideration of rooster collars to address the noise complaints associated with rooster crowing.

John King, Town animal inspector also spoke in opposition to the proposal of the one-acre rooster rule. He likened the noise disturbance created by roosters to that of dogs in residential areas. He commented that many flock owners in Town keep a flock of fowl to show and keep roosters to maintain a breeding bloodline. Roosters are also vital to sustaining a supply of meat chickens. Others in opposition to the amendment spoke of the restriction that would ensue for those living in Timberlee Park where the lots are smaller. Rooster owners commented that enjoy keeping a rooster with the flock of hens as they serve as

protectors from predators. More concern was expressed about the overreach of government in requiring an acre of land for rooster ownership, but many expressed the understanding that setbacks and some zoning measures are reasonable to maintain harmony in the neighborhood.

Concern was raised about the fate of existing chicken coops that will become non-compliant if the amendment passes. K. Craven spoke in opposition to the proposal urging the Town address individual complaints on a case by case basis over prohibitively regulating fowl ownership activities in residential districts. She pointed out that fowl are commonly used as a sustainable and economically viable food (eggs and meat) source for families in all neighborhoods.

The question was raised about the flock owner's ability to sell excess eggs by the roadside on their property. The suggestion was made to clarify the section on the proposal on enforcement in terms of where the animals are to be removed from (i.e., the property or the abutters' property). Chairman McNally commented that based upon the feedback that was received from the public at this public hearing more revisions need to be made to this zoning bylaw proposal prior to submitting it to Town Meeting. L. Shifrin moved to withdraw the proposed bylaw amendment from the 2022 ATM Town Meeting Warrant and rework this zoning amendment proposal. I. Ortiz seconded. A roll call vote was taken as follows: YES - L. Shifrin, C. Hoffses, J. Byars, L. McNally, I. Ortiz. The motion carried 5-0-0. J. Byars made a motion to close the public hearing. I. Ortiz seconded. A roll call vote was taken as follows: YES - L. Shifrin, C. Hoffses, J. Byars, L. McNally, I. Ortiz. The motion carried 5-0-0.

- 2.2 **7:45 pm continuation of public hearing** – Site Plan review special permit – **32 Main Street** – food truck park, **Applicant:** Anthony Sabatino, ASC Enterprises, Inc., Present: Giovanni Fodera, project engineer representing Mr. Sabatino. Request was made by the applicant to continue the public hearing to June 13, 2022. L. Shifrin made a motion that the public hearing for 32 Main Street be continued to June 13th, 2022, at 6:45 pm. J. Byars seconded. A roll call vote was taken as follows: YES - L. Shifrin, C. Hoffses, J. Byars, L. McNally, I. Ortiz. The motion carried 5-0-0. L. Shifrin called point of order that the Board Chair may not make the motion for a vote. As such L. Shifrin agreed to make both motions regarding the public hearing on fowl as well as the continuation of public hearing of 32 Main Street. The Planning Board members were all in favor of this revision via roll call vote.

- 2.3 **ANR (Approval Not Required) application** – 221 North End Road to create one Lot. Stanley Dillis, Civil Design Group, Inc. It was noted that one of the property owners' names was missing from the ANR plan. Mr. Dillis said that if the Board votes to endorse the plan today, he will bring the corrected plan to the Land Use office the next day. This was acceptable to the Board. Mr. Dillis presented the ANR and explained it is a 58-acre piece of land on North End Road, bordering New Hampshire. A 2.7-acre parcel is being divided off to build a house. The one lot being created is conforming in frontage and acreage and is in the Residential 2-acre zoning district. L. Shifrin made a motion to approve the ANR contingent upon the engineer adding the name of the fourth property owner on the site plan. C. Hoffses seconded the motion. A roll call vote was taken as follows; YES – J. Byars, C. Hoffses, L. Shifrin, I. Ortiz Santiago, L. McNally. The motion passed 5-0-0.

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

- 3.1 work session Townsend Master Plan Update. L. Shifrin received confirmation that the Townsend Housing Authority approves the use of the recently approved 2022 Townsend Housing production plan in the Master Plan update. She reviewed the 2015 Housing production plan as well. She also reviewed the housing chapter and the zoning chapter as presented by the Townsend Master Plan committee. Her recommendations include inserting pages 15 through 18, which include the 5-year plan for goals and strategies, requesting suggestions from the Zoning Board of Appeals on amending zoning bylaws like the dog grooming amendment. Her recommendation is to continue to amend zoning to allow more density within the parameters set by the septic regulations. She noted that the governor's legislation is present in both documents and would like the Town to be mindful to create more housing units. She would like to verify the reasoning for the lack of construction during the years cited provided by the Master Plan Committee. She would also like to insert the strategies from the 2022 HPP in the housing chapter of the Master Plan. Add a sentence that includes supporting the legislation. J. Byars is working on p. 1-64 which ends at natural and cultural resources. She expressed concern about the Master Plan committee's cited reference source being the 2010 federal census data. The 2020 census data is available and should be used as a data source for the entire Master Plan Update which may create more of a revision than is desirable. Everything in the Plan is influenced by which census data was used. Kym Craven commented that the Master Plan committee selected an end date to accept current data input and noted that if one part of the data were switched, then all the data would need to be updated. She recommended adding an addendum which the updated information, rather than having to switch out everything in the document which would be a large task.
- 3.2 Safe Routes to School (S.R.T.S). C. Hoffses commented that the state rep is in the process of scheduling a meeting with the principals of Hawthorne Brook and Squannacook elementary schools. We are waiting to find out if the Recreation department has scheduled any of the SRTS Program suggested activities. Carol will be participating in an online quarterly seminar for the SRTS Program.

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

- 4.1 Notices from Townsend/other Towns.
- 4.2 Stormwater Permit Inspection Reports/other related correspondence. The Planning Board received two Campbell Farm OSPD monthly inspection reports. A staff site visit was made to 22 West Meadow Road solar array to conduct a field inspection of the stormwater infrastructure and complete the municipal checklist. The next step is issuing the certificate of completion, which will be on a future agenda for a final Board vote pending some minor administrative items we are waiting to receive.

5 **NEXT MEETINGS:**

- 5.1 Next Planning Board meetings scheduled May 9, 2022. Annual Town Election is April 25, 2022, and Annual Tow Meeting is Tuesday, May 3, 2022.

J. Byars made a motion to adjourn at 8:10 PM. C. Hoffses seconded. A roll call vote was taken as follows; YES – J. Byars, C. Hoffses, L. Shifrin, I. Ortiz Santiago, L. McNally. The motion passed 5-0-0.

Respectfully submitted, Elizabeth Faxon, Planning Board Admin.

Approved on: 05/09/2022

Items on file:

1. Town of Townsend YouTube channel Planning Board 4-11-22 meeting recording link:
<https://youtu.be/l1bX9CidQ90>
2. Public sign-in sheet for virtual public hearings.
3. Proposed zoning bylaw amendment to Article VI of the Town's Zoning Bylaw entitled "Land Use Regulations" Section 145-26, entitled "Residential Districts" Subsection B, entitled "Residential A and B Districts special permit uses," Item 9. Adding dog grooming establishment, dog training establishment, and dog daycare establishment.
4. Proposed zoning bylaw amendment Article VI of the Town's Zoning Bylaw entitled "Land Use Regulations" Section 145-26, entitled "Residential Districts" Subsection A, entitled "Residential A and B Districts permitted uses" Item 10 subsection a. The raising or keeping of a small flock of fowl.
5. ANR application and site plan – 221 North End Road
6. Site plan review special permit application and preliminary site plan – 32 Main Street