

Office of  
**THE PLANNING BOARD**  
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**RECEIVED**  
 MAY 25 2022  
 TOWN OF TOWNSEND  
 TOWN CLERK

## PLANNING BOARD MEETING

### Minutes

Monday May 9, 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<sup>†</sup>

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

<https://zoom.us/j/91920837110?pwd=OUNOUzV0QVBHM1l5cTN5Q1hFQWtKZz09>

**Meeting ID: 919 2083 7110 Passcode: 369803**

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

- 1.1 Call the meeting to order and roll call. Chair, Laura Shifrin called the meeting to order at 6:34pm. Roll call of Members present: Carol Hoffses, Ian Ortiz, Michael Virostko, Laura Shifrin, Robert Therrien (6:55pm). Others present: Beth Faxon, Planning Board Admin., Michael Crowley, Land Use Coordinator, Charles Sexton-Diranian, Selectman and Planning Board Liaison, Eric Chartrand, Building Commissioner, TCAM Zoom meeting host.
- 1.2 Recital of The Pledge of Allegiance of the United States.
- 1.3 Announce meeting is being recorded.
- 1.4 Welcome to the new Member of the Planning Board. Robert Therrien was welcomed as a newly elected Member of the Planning Board.
- 1.5 Election of Board officers: Chairman, Vice Chairman, Clerk. Michael Virostko made a motion to nominate Robert Therrien to Clerk of the Board. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0. Carol Hoffses made a motion to nominate Michael Virostko the Vice Chair of the Board. Ian Ortiz seconded the motion. Michael Virostko accepted. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0. Carol Hoffses made a motion to nominate Laura Shifrin as the Chair of the Board. Michael Virostko seconded. A roll call

<sup>†</sup> In accordance with actions related to an extension to the remote meeting provisions of the Governor's March 11, 2020, Executive Orders until July 15, 2022, this meeting will be held remotely.

vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

- 1.6 Chairman's Additions/Deletions to Agenda unforeseen prior to 48 hours of this meeting. Laura Shifrin appointed Associate Member Ian Ortiz as a full voting Member for the meeting. Added under correspondence was 3.6 Discussion of Building Commissioners letter dated 05-05-22 regarding Site Plan Review for 22 Main Street dba Best Friends Veterinary.
- 1.7 Review Volunteer Forms received for vacant(s) positions. Vote if appropriate. None were received. The vacant Full Member position was posted by the Town Clerk on April 26, 2022, on the Town website and official notice posting board at Town Hall.
- 1.8 Approval of minutes March 28, 2022, and April 11, 2022. Carol Hoffses made a motion to approve the minutes of 03/28/2022 and 4/11/2022. Michael Virostko seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

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

- 2.1 **6:45pm virtual public hearing** - regarding an application from C & J Realty Trust u/d/t 7/24/2012, Marc Curtis, Trustee, to remodel the interior of an existing 3 story building by converting the 2<sup>nd</sup> and 3<sup>rd</sup> floor to residential units and retaining commercial units on the 1<sup>st</sup> floor and basement. The subject property is located at 241 Main Street, Assessor's Map(s) 51 Block(s) 94 Lot(s) 0, zoned Downtown Commercial District.

Chair, Laura Shifrin read the legal notice of public hearing into the record. Present: John Barrett representing the Applicant, Marc Curtis, Applicant, Jason Dubois, Applicants engineer, Terry McNabb, Abutter, Mr. Barrett explained that Mr. Curtis bought the 3-story commercial building and property last summer and found that converting the vacant commercial units on the second and third floor to residential units was favorable in the current economy and benefited the Town. The project has been granted a special permit from the Zoning Board of Appeals under the applicable Zoning bylaw allowing for conversion of commercial properties in the Downtown commercial District. The site plan review by the Planning Board is the second step in the permitting process.

The proposal is to convert the second and third floor to four two-bedroom apartments and two one-bedroom apartments. The building is situated along Main Street and there is a causeway that leads to the parking lot in the back of the property along Bow St. There are 35 parking spaces which is adequate to accommodate the tenants, and some of the parking needs of the Abutting business McNabb Pharmacy and the associated medical equipment business. The septic system will be upgraded to meet the Title V Code and emplaced underneath the rear parking lot. Approval for the proposed septic system modification design is still in process.

Mr. Barrett described the compliance with the special permit criteria noting that there is no change in the exterior footprint of the building, the site is adequate in size for the proposed use, the site is suitable for the proposed use as there are other mixed-use buildings in the neighborhood. Residential apartment development is encouraged in the downtown area to increase the benefits of walkability to amenities. Traffic impact is expected to be less for new residential use versus previous commercial use. The impact on the neighborhood visual character will be improved with planting and landscaping once the septic system is installed. The utilities will not change and are adequate for the proposed use.

There will be no impact on groundwater or surface water quality as all Board of Health approvals will be obtained.

Mr. Curtis stated that once the septic system is placed and the lot is stabilized plantings will be replaced and added throughout the area. Mr. Dubois stated that in terms of drainage there will be no change in grades or flow patterns. He added that there will be an additional 100 sq. ft. of pavement to finish the parking spaces. Terry McNabb Jr., Abutter, spoke in support of the project.

Mandatory referrals comments were received from the Board of Health who commented "The applicant must receive approval from the Board of Health for a septic system capable of serving the intended use. Plans have been submitted for review, but the design has been revised several times. The revisions were originally a result of decreasing the number of bedrooms for the residential use. Most recently, the revisions were a result of the parking lot drainage and maintaining offsets from the proposed leaching area. I am hopeful that versions of the plan will be resent to the Board of Health for their approval shortly, but as of now they have not received approval for the proposed septic to serve the renovated building. The residential component must comply with the Department of Public Health Code 105 CMR 410.000: Minimum Standards for Human Habitation." – Rick Metcalf, as Agent for the Townsend Board of Health, Conservation Commission, Water Department commented "Applicant must upgrade water service" - David Vigeant and Board of Selectmen with the comment "We thank the Planning Board for their work and are certain they will make the right decision. The Board of Selectmen supports mixed-use housing." – signed: Veronica Kell.

L. Shifrin commented that she is in support of the proposal and if the Board of Health gives their approval, this will be a great asset for the Town. She asked if the applicant would consider speaking with the Townsend Housing authority to discuss affordable housing program options available and what the pros and cons are for both the community and the building owner. The applicant agreed. Kym Craven, citizen, spoke in support of the project.

Carol Hoffses made a motion to close the public hearing at 7:20pm. Ian Ortiz seconded. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Robert Therrien made a motion to grant a site plan review special permit to C & J Realty Trust u/d/t 7/24/2012, Marc Curtis, Trustee to remodel the interior of an existing 3 story building by converting the 2<sup>nd</sup> and 3<sup>rd</sup> floor to residential units and retaining commercial units on the 1<sup>st</sup> floor and basement at 241 Main Street. Ian Ortiz seconded. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Carol Hoffses made a motion to allow the Acting Chair Laura Shifrin to sign the Decision on behalf of the Board Members participating in the vote. Michael Virostko seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

- 2.2 **7:30 pm virtual public hearing** – regarding an application from Timothy Hoffman, Michael Hoffman, Brenda Hoffman, Bonnie Belanger to relocate 20 feet of stone wall at 221 North End Road (Map46-Block1-Lot0).

Chair Laura Shifrin read the legal notice of public hearing into the record to open the public hearing.  
Present: Stan Dillis, Dillis & Roy CDG, Inc. representing the applicant(s)

Mr. Dillis explained that the proposal is to relocate approximately 20 feet of stone wall to create driveway access for a new residential property, Lot 1 on the plan, created recently through an Approval Not Required (ANR) process. He noted that about 10 feet of the wall will be relocated to fill a gap that exists from the end of the existing stone wall to the edge of the property, and the other ten feet will be placed perpendicular to the existing stone wall along the driveway entrance. There is a swale along the side of the road and the proposal is to install two 18" culverts and rip rap on each end to maintain current flow conditions. There is one mature tree which will not be disturbed. Mandatory referral comments received were then read into the record. Highway Superintendent commented "I met and spoke to Michael Hoffman at the location listed and I don't have an issue with removing the stone wall. Site distances look good." James Smith, Highway superintendent.

Robert Therrien made a motion to approve the application for 221 North End Road by Michael Hoffman, Timothy Hoffman, Bonnie Belanger Brenda Hoffman under the Scenic Roads act. Carol Hoffses seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Carol Hoffses made a motion to allow the Chair Laura Shifrin to sign the Approval Decision on behalf of the Board Members participating in the vote. Michael Virostko seconded. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Carol Hoffses made a motion to adjourn the public hearing of 221 North End Road at 7:44 pm. Ian Ortiz seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

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

#### **3.1 Seaver Road Preliminary subdivision application and plans.**

A preliminary subdivision application has been received. Land Use Staff has reviewed the application and find it to be complete. Two cost estimates were received for the engineering peer review of the application. The Planning board discussed the pros and cons of contracting with both cost estimates received. Carol Hoffses made a motion to execute a contract per the proposed cost estimate with Hancock Associates for engineering peer review of the Seaver Road Preliminary Subdivision application and plans. Robert Therrien seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

#### **3.2 Townsend Master Plan Update.**

Laura Shifrin stated that the previous full Board had not approved the 2021 Townsend Master Plan document as presented by the Master Plan Committee. She recalled the Board Members agreed to work on sections of the document to suggest edits to grammar and spelling, including sections of the



Townsend Housing plan, and considering current Census data as needed. The suggestion was made that the Planning Board meet in worksession with exclusive focus of editing the 2021 Townsend Master Plan document.

Kym Craven, Master Plan Committee member suggested that a recommended process of updating current Census data in the 2021 Master Plan document would be via an addendum or appendix.

Board Members commented that they were working on sections of the Master Plan and editing and commenting as needed. Chair Laura Shifrin asked the Members if they would meet in worksession for the sole purpose of working on the 2021 Master Plan Update document edits and comments. The Chair requested that this be added to the Worksession on 5/23/2022 Planning Board meeting and that the Board Members have the documents as well as the edits and comments already provided by Carol Hoffses, Julie Byars, and Laura Shifrin available. The plan is to discuss and incorporate the grammatical and minor edits and then discuss and more substantive changes for an addendum to the document.

### 3.3 Safe Routes to School (S.R.T.S).

On 5/4/2022 Emy Hoff, Townsend director of recreation in collaboration with the SRTS program representatives held an event for Squannacook Elementary School and Hawthorne Brook Middle school students called Walk Bike and Roll with us Day. Townsend will earn a point for participating in this event. Emy Hoff is also planning an all-day bike rodeo, which is another activity sponsored by the SRTS program.

### 3.4 Announcements, communications & training opportunities.

M. Crowley announced there is a new folder in the Board Members meeting packets titled the Committee and Board Master Packet which contains resources for meetings. Contents of the folder include the MA Open Meeting law guide, the Selectmen's meeting decorum policy, the Townsend Committee and Board handbook, and a copy of the Oath of Office. These materials will be available at each future meeting to every Board Member for handy reference.

### 3.5 Next meeting May 23, 2021, at 6:30pm remotely. Noted.

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

### 4.1 Notices from Townsend/other Towns. Discuss Building Commissioners request regarding 22 Main Street.

Eric Chartrand explained that in the Code of the Town of Townsend, under certain circumstances, and subject to four conditions outlined in the regulations, the Planning Board can waive a site plan review. He explained to the Board Members that the owner of 22 Main Street relocated and began operating their business at this location without obtaining appropriate approvals or permits from the Town. He stated there is documented effort that the individual appeared before the Board of Health to begin the approval process. He noted that a site plan review special permit was granted to the same owner for the property at 29 Main Street for a combined residential and veterinary office. Both properties are owned by the same individual. The Building Commissioner duly notified the individual that Planning Board site plan review special permit is required to operate a veterinary clinic at 22 main St because it is a change of use and requires 5 or more parking spaces. He further advised the Board that according to the Bylaw, the Building commissioner can waive this requirement after consultation with the Planning Board who consults with the Board of Selectmen and the Chief of Police or his or her liaison.

M. Crowley submitted a letter to the Planning Board on the matter dated 05-09-2022. His letter included background on the communications that have occurred between the Land Use

office and the owner of 22 Main Street with attempts to assist the owner with the permitting applications and explanation of options and requirements. Mr. Crowley noted the individual has not been responsive and has not taken action to comply with the permitting process in the Land Use office. He further expressed his concern with allowing the operations to continue at 22 Main St. without site plan review special permit by the Planning Board.

After hearing from Michael Crowley and Eric Chartrand, the Board had a discussion of the matter and with consideration of the information received and Building Commissioners letter; the Board Members agreed that the process of site plan review special permit for 22 Main Street should remain as a required and are in support of the determination of the Building Commissioner.

#### 4.2 Stormwater Permit Inspection Reports/other related correspondence.

Admin. provided an update on 22 West Meadow Road Locke Brook Solar array Stormwater management inspection reports and as-build plans received, site inspections, and reported that the Stormwater Infrastructure is in good working condition and the documentation is in order. The owner is in compliance with the requirements set forth in the construction phase of the stormwater management permit. A certificate of completion is ready for issue upon approval of the Planning Board and Stormwater Authority.

Robert Therrien made a motion to approve the certificate of completion for the stormwater management permit for the Locke Brook solar array located at 22 West Meadow Road and the owner is Locke Brook Solar, LLC. Carol Hoffses seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Kym Craven thanked Board Members for their approval of issuing the Certificate of Compliance for Locke Brook Solar array at 22 West Meadow Road prior to leaving the meeting.

#### 4.3 Letter to Townsend Planning Board from David B. Kumpu re: Chapter 61B designation.

Michael Crowley informed the Board about the letter regarding a property that is in Chapter 61B status. When properties are removed from chapter 61 statuses, they are required to notify the Town. The Planning Board took no action. The Board learned that there are currently 2919 privately owned acres in Townsend under Chapter 61 status. Mr. Crowley offered to return to the Planning Board to present his report on the State of the Land of Townsend at a future meeting.

#### 4.4 Letter to: Local Official from: Depart of housing and community development. Re: Subsidized Housing Inventory Biennial Update.

The Board Members reviewed the letter and discussed the process of how the Town provides the current data to the DHCD for this update. Chaz Sexton Diranian stated that the Town Clerk upon receiving this should bring it to the Townsend Housing Authority and then have the Planning Board and ZBA review and then resubmit to the Town Clerk who submits the data to the DCHD. The Housing production plan was updated and includes the current data for this update. The Town will receive another similar letter from DHCD for the second update in December 2022. The Board took no action on this item. Staff will ensure that the letter is received by the Townsend Housing Authority, and Zoning Board of Appeals.

Carol Hoffses made a motion to adjourn at 9:28 pm. Ian Ortiz seconded the motion. A roll call vote was taken as follows: YES – Carol Hoffses, Ian Ortiz, Michael Virostko, Robert Therrien, Laura Shifrin. The motion carried 5-0-0.

Respectfully submitted,  
Elizabeth (Beth) Faxon,  
Planning Board Admin.

**Approved on: May 23, 2022**

Items on file:

1. Building Commissioners letter to the Planning Board Dated May 5, 2022, re: Site Plan Review for 22 Main Street dba Best Friends Veterinary. Attachment photograph of 22 Main Street from the road.
2. Michael Crowley, Land Use Coordinator letter to Eric Chartrand, Building Commissioner dated May 9, 2022, re: site plan review for 22 Main St. dba Best Friends Veterinary.
3. Site Plan Review special permit Application and plans for 241 Main Street.
4. Scenic Roads Act Application and plans for 221 North End Road.
5. Letter to: Local Official from: Depart of housing and community development. Re: Subsidized Housing Inventory Biennial Update.
6. Stormwater Management Certificate of completion inspection checklist for Locke Brook Solar array.
7. Two Stormwater Management Annual Inspection Checklists by Property Owner(s) for 22 West Meadow Road dated 11.15.2021 and 2.23.2022.
8. 05-09-2022 Townsend Planning Board meeting recording is available on the Town of Townsend You Tube Channel at the following link <https://youtu.be/QI-v-yOCJOQ>

