



Office of
THE PLANNING BOARD
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RECEIVED
 JUL 21 2022
 TOWN OF TOWNSEND
 TOWN CLERK

Laura Shifrin, Chair
 Carol Hoffses, Member

Robert Therrien, Clerk

Mike Virostko, Vice Chair
 Ian Ortiz Santiago, Assoc. Member

PLANNING BOARD MEETING

Monday May 23, 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://zoom.us/j/91582006111?pwd=cnBMRnBhTUFZUWZzOC80MTBKNkgvZz09>

Meeting ID: 915 8200 6111 Passcode: 327719

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 6:37 pm. Board Members Present: Ian Ortiz Santiago, Associate Member (I.O.S.) Carol Hoffses, Member, (C.H.), Michael Virostko, Member (M.V), Laura

[†] 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.

Shifrin (L.S.) Robert Therrien (6:45pm). The Chair appointed Ian Ortiz Santiago, Associate Member to full voting member status for the meeting. Others present: Beth Faxon, Planning Board Admin., Mike Crowley, Land Use Coordinator, TCAM representative. Public present: David Plunkett (left @ 8:00pm), Julie Byars, Paul Grasewicz (left @8:00pm), Danny (left @ 8:00pm).

- 1.2 Recital of The Pledge of Allegiance of the United States.
- 1.3 Announce meeting is being recorded. Noted.
- 1.4 Chairman's Additions/Deletions to Agenda unforeseen prior to 48 hours of this meeting. Chair noted protocol for conducting meetings. All discussion during the meeting must be at the approval of the Chair.
- 1.5 Review Volunteer response Forms received for Planning Board vacancy. Two volunteer response forms have been received. The individuals are Ian Ortiz Santiago and Kym Craven. C.H made a motion to recommend the appointment of Ian Ortiz Santiago to fill the full Planning Board member vacancy to the Board of Selectmen to be appointed at their next available Board of Selectmen meeting. M.V. seconded. A roll call vote was taken as follows; YES- C.H., M.V., I.O.S, L.S. The motion carried 4-0-0.
- 1.6 Approval of minutes May 9, 2022. Changes include page 4. Insert the word "read" before the words "into the record", under 3.1 vote to contract with consultant, insert the name of the engineering firm in the motion. Page 6 4.2 insert "after the motion was read, Kym Craven thanked the Board for their approval of the Stormwater certificate.". Michael Virostko motioned to accept the minutes with the amendments made, Carol Hoffses seconded. A roll call vote was taken as follows; YES- C.H., M.V., I.O.S, L.S. The motion carried 4-0-0.

2 WORKSESSION: votes may be taken.

- 2.1 Seaver Road Preliminary subdivision application and plans. - Peer review comments - Hancock Associates Survey Inc. Joe Peznola, Hancock Associates, the Towns civil engineering peer review consultant, presented findings to the Planning Board referencing his review findings letter dated May 18, 2022, regarding the Seaver Road preliminary subdivision plan. With respect to the waivers, the consultant noted that many of the waivers are premature and not shown on the plan and therefore more information is needed for the Board to deliberate. He proceeded to note the recommendation given by the consultant from each individual waiver. He noted that the process is the Board is giving the applicant feedback on the requested waivers, not voting to grant waivers. The formal vote to grant waivers wouldn't occur until the definitive subdivision. He proceeded through the list of waivers and noted recommendations by the peer review engineer. His presentation was interrupted by Mr. Paul Grasewicz, Applicant's engineer who raised a point of clarification about their preliminary subdivision approval application. He explained that on the waiver list submitted there are a number of them that the applicant is no longer seeking a waiver on including numbers 4, 5, 6, 7, 10, 11, 13, 15, and 17. He stated that the applicant intends to meet the requirements on those items. Noted was 175-16 (B) (2) which may be

viewed as a waiver by necessity, to waive the requirement of proposed right of way 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. The peer review engineer feels allowing this is appropriate. With regards to waiving 175-16 (C) sidewalks, that seems appropriate given existing surroundings. With respect to granting a waiver from 175-18 (A)(10) allowing construction of an 18' wide roadway surface in lieu of the required 26' wide roadway surface. The peer review consultant notes that at minimum, compliance with Massachusetts Fire Access Regulations 527 CMR 1.0 Sec. 8 which requires 20' clear access lanes for passage of emergency vehicles in project design. This must be demonstrated by the Applicant along with mandatory Townsend Fire Department approval at the definitive subdivision phase. The definitive design must be in compliance with the subdivision control law and work with the local Fire Department to ensure that apparatus can turn around in the designed space. It was further noted that there is currently no turnaround for the existing 2000' of Seaver road for emergency vehicles. The waiver request from 175-17 (E) would grant relief of a curbing requirement along the proposed roadway surface in favor of an open drainage design. Hancock suggested setting this discussion aside until the final plan is developed and further noted that this is consistent with existing Seaver Roadway and proposed open drainage design. He then reviewed Townsend 175-12 plan submission requirement and found that the plans were generally in compliance. He reviewed general comments which highlights were the Board will need additional information. He mentioned the existing ROW beyond where the proposed driveway is directed left to serve the 3 lots. The peer review engineer noted that there is a existing right to pass and repass for a single family home at property in Lunenburg that is 50 Seaver road. More information must be provided about the status of Seaver and the existing rights of way and rights of the Cohen property for passing and repassing. Some of the outlying questions involve who has rights to the ROW and what are those rights in what section. The Board needs to understand the rights and rights of way prior to making a decision. He recommends that the Board requests information regarding property owners rights, rights of way, easements, future potential for development be provided in writing prior to the definitive submittal. Mike Crowley then updated the Board about the preliminary subdivision process highlighting that the Planning Board is not bound by their decision to approve a preliminary plan. He further noted that there is a 45 day period in which the Board may issue a determination on a preliminary subdivision application. There is no specific requirement that the definitive subdivision application be submitted within a time frame following the preliminary. The timeline between when the definitive subdivision approval application that follows a preliminary is 90 days to Board decision. Mr. Peznola closed his presentation with findings about the utilities in the Seaver road preliminary subdivision approval application. The electric is buried along the ROW that connects to 50 Seaver road via the discontinued section, and this should be provided in the drawings of the definitive as well as any other utilities that will need to be brought to the development site. There is some preliminary soil testing data available. David Plunkett Applicants' attorney was

given the opportunity to speak by the Chair. He contends that the Applicant will work with the Town to address any issues. Mr. Paul Grasewicz was also invited to speak and stated that the Applicant will provide the information pertaining to the easements, rights of way and ownerships of Seaver road extension. He stated that discontinued Seaver road is simply an easement to 50 Seaver Road. All of the utilities are located and will be shown on the definitive. Grading of the easement will also be shown, and more soil testing will be done for the stormwater system. He mentioned that in the former filing the Applicant proposed a buffer strip to prevent the creation of ANR lots off discontinued Seaver Road should the subdivision be approved. He stated that the Applicant will provide all of the information that they are not seeking waivers from. He stated that the Conservation Commission approved an ANRAD which is a process that confirms the wetland flagging on the parcel. He also mentioned that subdivision control law states that the Applicant will receive a stay on any zoning changes if the definitive subdivision approval application is submitted within 7 months of the preliminary subdivision approval. Discussion ensued as to whether or not to vote to approve without the comments from the Board of Health. After discussion, the Board decided that they would be comfortable taking action on the application without the Board of Health comment. Mr. Plunket was given an opportunity to speak and noted that preliminarily the Board of Health has been involved on the site and approved test pit data. He contends the Applicant understands more input will be needed prior to the definitive. He also noted that the process of preliminary is to provide feedback to the Applicant which has been provided in detail. He respectfully asked for the Board to move forward with the full understanding that no action is being taken to circumvent the input of the Board of Health and the Applicant can move forward with the definitive.

Carol Hoffses made a motion to approve the Seaver Road preliminary subdivision application and plans subject to the Board of Health decision and the attached peer review report dated May 18, 2022, and adherence thereto. Ian Ortis seconded the motion. A roll call vote was taken as follows; YES – C.H., I.O.S, M.V, R.T, L.S. The motion carried 5-0-0.

Robert Therrien made a motion for the Chair Laura Shifrin to sign the Decision outside of the meeting on behalf of the Board. Carol Hoffses seconded. A roll call vote was taken as follows; YES – C.H., I.O.S, M.V, R.T, L.S. The motion carried 5-0-0.

- 2.2 Stormwater Management Permitting process and procedures. - Michael Crowley. M. Crowley complimented the Stormwater management regulations and noted he would like some guidance from the Planning Board a.k.a stormwater authority on a few areas that are subject to interpretation. Specifically, he raised the topic of major and minor projects and applicability. In the stormwater bylaw it claims applicability to "All projects". He pointed out the criteria for major projects and minor projects. In addition to major and minor projects, M. Crowley pointed out that there are activities that are non-applicable or exempt such as repair of septic systems, and repair of town-owned public ways. He noted that there is no category for "non-applicable" activities such as small scale projects that are not encompassed in the regulations such as repaving a residential driveway. He also

asked about the codified regulations in terms of the total of impervious surface of a project or of a project expansion and the cumulative effect in determining whether or not a proposal is a major or a minor project. Mr. Therrien commented that he's not in favor of burdening the property owner with obtaining permits or engineering for repaving a driveway or other such small scale projects. He commented that the more regulated the activity the less inclined the property owner will be to make the improvements. After discussion Board Members decided to continue discussion at the next meeting after reviewing the stormwater management regulations.

- 2.3 Townsend Master Plan Update. Chair Shifrin read the state law Title VII cities towns and districts Chapter 41 Section 81 D. of this section she read #9. Which delineates criteria for creation of a Master Plan by a municipal Planning Board. Chair Laura Shifrin suggested that the goals of the recently updated Housing production plan be included in the Master Plan Update. Carol Hoffses commented that one area that she would like to see edited was in the economic development section where an impact study about rail trails from 2004 was cited. She commented that a more updated data or study in the Master Plan would be beneficial. She mentioned that some of the information in the Master Plan update provided by the Master Plan committee is based on very old studies, some over ten years old. After discussion the Planning Board decided to continue ongoing discussion.

- 2.4 Safe Routes to School (S.R.T.S). Carol Hoffses updated that the walkability study is still in progress and the bike safety event planned.

- 2.5 Conservation Referral Notice - Squannacook Wildlife Management Area. M. Crowley updated the Board on the proposal and the Board returned the following points in a comment to the Conservation Commission. 1. Consideration of any land disturbance or vegetative management practices proposed in the aquifer protection overlay district and subject to the regulations under the groundwater protection district. 2. Referral comment be sought from the Water Superintendent on the application. Robert Therrien made a motion to authorize the admin. to draft the referral comment with the items discussed and submit it to the Conservation Commission. Carol Hoffses seconded the motion. A roll call vote was taken as follows; YES – C.H., I.O.S, M.V, R.T, L.S. The motion carried 5-0-0.

- 2.6 Next meeting June 13, 2022, at 6:30pm remotely.

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

- 3.1 Notices from Townsend/other Towns. Were read aloud.
- 3.2 Appoint a member to represent Townsend on the Montachusett Regional Planning Commission (MRPC). This appointment will begin on July 1, 2022, and end on June 30, 2023. The representative should be a member of the Planning Board. Michael Virostko made a motion to appoint Laura Shifrin to serve as the Planning Board representative on the Montachusett Regional Planning Commission for the

2022-2023 year. Robert Therrien seconded the motion. A roll call vote was taken as follows; YES – C.H., I.O.S, M.V, R.T, L.S. The motion carried 5-0-0.

- 3.3 Stormwater Permit Inspection Reports/other related correspondence. No reports received.

ADJOURN: votes may be taken.

Michael Virostko made a motion to adjourn at 9:01pm. Carol Hoffses seconded the motion. A roll call vote was taken as follows; YES – C.H., I.O.S, M.V, R.T, L.S. The motion carried 5-0-0.

Respectfully submitted,

Approved on: July 18, 2022

Beth Faxon, Planning Board Admin.

Items on file:

1. Peer review findings letter to Townsend Planning Board from Hancock Associates dated May 18, 2022, re: Preliminary Subdivision Plan Review, Seaver Road Extension.
2. Squannacook wildlife management area NOI.
3. Board of Selectmen's policy #1-2021 Meeting decorum and Order for All Boards, Commissions, Authorities, and Committees. Adopted Aug. 31, 2021.