



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1700 X1722 planning@townsendma.gov

R E C E I V E D
JUN 13 2023
TOWN OF TOWNSEND
TOWN CLERK

Laura Shifrin, Chair (2025)
Carol Hoffses, Vice Chair (2026)

Robert Therrien, Clerk (2024)

Andrew Shepherd, Clerk (2028)
Vacancy, Member (2027)
Michael Virostko, Associate Member (2024)

PLANNING BOARD

MEETING minutes

May 22, 2023, 6:30 PM Selectmen's Chambers

272 Main Street, Townsend MA. also, via ZOOM for convenience

Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting will not be suspended or terminated if technical problems interrupt the virtual broadcast, unless otherwise required to by law. Members of the public with an interest in a specific agenda item should make plans for in-person attendance.

I. PRELIMINARIES – VOTES MAY BE TAKEN:

1.1 Call the meeting to order and roll call. Chair Laura Shifrin called the meeting to order at 6:35pm. Members present in person: Carol Hoffses, Robert Therrien, Andrew Shepherd, Laura Shifrin. Others present: Beth Faxon, Planning Board Administrator. Hartley Pleshaw, TCAM host.

1.2 Pledge of Allegiance. Conducted with expressed appreciation for veterans and first responders.

1.3 Chairman's Additions or Deletions. Add appointments for Planning Board representatives for Montachusett Regional Planning Commission and the Montachusett Joint Transportation Committee to this meeting agenda. A. Shepherd moved to reappoint Beth Faxon and Laura Shifrin to serve in their previous roles as representatives of the Planning Board to MJTC (MONTACHUSETT JOINT TRANSPORTATION COMMITTEE) and MRPC (Montachusett Regional Planning Commission). C. Hoffses seconded the motion. Roll call vote was taken as follows: YES – R. Therrien, C. Hoffses, L. Shifrin, A. Shepherd. The motion carried.

1.4 Welcome returning Planning Board Associate Member, Michael Virostko. Extended to Mr. Virostko who was not present. The Board thanked him for continuing to work with the Board.

1.5 Approval of minutes 4-10-2023 & 5-08-2023. R. Therrien made a motion to approve the minutes of April 10, 2023. C. Hoffses seconded the motion. Chair Shifrin asked Robert Therrien to clarify his vote on approving the minutes of April 3, 2023. Mr. Therrien replied he intended to vote "yes," and the change was incorporated. The second amendment was Mr. Therrien's' vote on the special permit granted for 22 Main St, which was drafted as inaudible in



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the 4-10-23 minutes and later confirmed at the April 18, 2023, Board meeting to be a “yes” Vote. Mr. Therrien confirmed he did vote “yes,” and the change was incorporated. With those corrections incorporated. A roll call vote was taken as follows: YES – R. Therrien, C. Hoffses, L. Shifrin, A. Shepherd. The motion carried. A. Shepherd made a motion to approve the minutes of May 8, 2023. C. Hoffses seconded. A roll call vote was taken as follows: YES – R. Therrien, C. Hoffses, L. Shifrin, A. Shepherd. The motion carried.

II. BUSINESS: - VOTES MAY BE TAKEN:

2.1 Townsend MBTA (Massachusetts Bay Transit Authority) Communities compliance mission - June community outreach meeting regarding potential sites for multifamily zoning to transmit to MRPC to run the DHCD (DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT) (Department of Housing and Community Development) compliance model. This was discussed at the kickoff meeting and Board members asked for a community meeting at the site selection stage of the project. Admin noted that the Town Administrator has scheduled a staff meeting with MRPC representatives to down-select areas in Townsend where multifamily zoning overlay district might be feasible. Chair Shifrin commented that she thought it would be a public forum. Chair Shifrin asked for a MBTA communities “Non feasible areas” map of the Town to be developed. Admin suggested this be requested of MRPC. After discussion of the goals of the public forum, the Board decided to defer setting the date for a public forum until more information is gathered, and the Board has reviewed the presentation.

2.2 Planning Board regulations and Zoning Bylaw review and discussion. The Board continued their ongoing review of the Planning Board regulations beginning at Section 175-9 General provisions and working through section 175-10 General requirements for applications. A draft of the changes discussed is attached to these minutes.

2.3 Discuss modifications to 145-54.1 Age-restricted development bylaw, suggested verbiage provided by the Water Department. This was deferred to the next meeting.

2.4 Master Plan Update 2022 discussion & implementation. C. Hoffses reviewed the Housing Production Plan goals and strategies document and the housing section of the Master Plan, and she had no substantive changes to recommend.

2.5 MVP (Municipal Vulnerability Preparedness) Plan discussion & implementation. The land use coordinator position is soon to be filled and this new employee will coordinate all the planning documents.

III. CORRESPONDENCE: - VOTES MAY BE TAKEN



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3.1 Announce Planning Board vacancies. One full Planning Board member vacancy for one year was announced and the posting and application information is on the website and the posting board in Town Hall.

3.2 Online permitting service launch. Noted that using Firefox browser was preferred for best results. The public is encouraged to apply for building permits online.

3.3 BOS Memo Annual Appointments and reappointments. Noted with none being relevant to the Planning Board now.

3.4 BIOMAP Tool – an online resource to help communities better understand biodiversity distribution and threats, and to strategically deploy limited resources to make real and lasting conservation impacts in Massachusetts. A new tool used in land use permitting will help identify areas in Townsend that require State review by Mass Wildlife for endangered species.

3.5 Table of Principle Use regulations Approved and posted. Noted that the table is a resource for project planning and for property owners and potential buyers to understand the permitted uses.

3.6 Mass DOT (Department of Transportation) FY24-FY28 Capital Investment Plan. Noted.

3.7 Notices from other towns. A summary was read by A. Shepherd.

IV. ADJOURNMENT - VOTES MAY BE TAKEN

4.1 Next meetings are scheduled for June 12, 2023, and June 26, 2023.

A. Shepherd made a motion to adjourn at 8:58pm, seconded by C. Hoffses. Roll call vote was taken as follows: YES – R. Therrien, C. Hoffses, L. Shifrin, A. Shepherd. The motion carried.

Respectfully submitted, [08]

Beth Faxon

Planning Board administrator

Approved on: June 12, 2023

Attachments: 1. Planning Board regulations review with comments. Section 175-9 and 175-10

§ 175-9. General provisions.

- A. No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within the Town or proceed with the improvement or sale of lots in a subdivision or the construction of ways or the installation of municipal services therein unless and until a definitive plan of such subdivision has been submitted to and approved by the Planning Board as hereinafter provided. No person shall divide land without complying with these regulations and first obtaining from the Planning Board approval of the definitive plan for the proposed subdivision or the endorsement "Approval Under the Subdivision Control Law Not Required" upon such plan. ok 5-22-2023
- B. Employment of outside consultants.
- (1) For any application under these rules and regulations, the Board may employ an outside consultant at the expense of the applicant. Fields for which the Board may require a consultant include but are not limited to: any relevant engineering field, architects, landscape architects, soil scientists, hydrologists, environmental scientists, botanists, attorneys, professional planner, real estate appraiser or broker, licensed construction supervisors, licensed general contractors, etc. ok 5-22-2023
 - strike #2 (2) ~~Where~~ circumstances warrant in the opinion of the Board, a specialist or individual with special expertise in a field may be required.
 - (3) The Board will normally require the fees to cover the costs of outside consultants to be deposited in advance with the Town, in accordance with the provisions of MGL c. 44, § 53G. Such fees will be deposited in a separate account, and any amounts remaining in said account after the completion of the associated project will be refunded to the applicant or successor, in accordance with these rules and said state law. When the expense of such consultants exceeds the currently available funds in the 53G account, the applicant is required to provide such additional and appropriate funds within 14 days of notification by the Board of the required amount.
 - ok 5-22-23 (4) The choice of outside consultant may be appealed to the Board of Selectmen. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field. The required time limits for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within one month following the filing of the appeal, the selection made by the Planning Board shall stand (but may be appealed to the courts).
 - (5) The Planning Board will normally allow 10 days between the selection of a consultant and the start of work, to give the applicant an opportunity to file such an appeal, but will begin work sooner if approval is given by the

ok 5-22-23 applicant. If such appeal is made, the applicant shall notify the Planning Board by certified mail immediately after filing such appeal with the Board of Selectmen. The Planning Board, at its earliest opportunity after receiving such notification, shall direct the consultant to cease work until the appeal is resolved. The applicant shall be liable for all costs due to the consultant prior to the direction to cease work.

ok 5-22-23 (6) To the extent that services are provided by Town Counsel under a flat-rate retainer, such services will not be charged directly to the applicant. However, should circumstances require employment of outside counsel (for example, due to a conflict of interest) or otherwise be billed to the Town for a specific service related to an application, then such fees will be paid out of the 53G account or by the applicant. This section does not preclude the charging of supplemental fees for specific legal services performed by Town Counsel, with such fees paid to the Town to offset the cost of the Town's retainer with Town Counsel.

C. Waivers.

(1) In accordance with MGL c. 41, § 81R, the Board may waive strict compliance with these rules and regulations. Such waiver may only be granted if the Planning Board first reaches a finding that such waiver is both in the public interest and not inconsistent with the intent and purpose of the Subdivision Control Law and these rules and regulations.

!!!!!!! (2) It is the responsibility of the applicant to identify all waivers that are required. Except where otherwise specified, all requests for waivers must be explicit, complete, in writing and submitted at the time of application.

ok 5-22-23 (3) No waiver may be inferred from any decision by the Board unless the Board votes specifically to grant the waiver (separately from the overall decision) and such vote is recorded in the minutes of the Board.

D. Fees.

(1) All expenses incurred by the Town for processing an application shall be borne by the applicant. Whenever any extraordinary expense occurs that is not covered by the fee structure, such items may be billed directly to the applicant.

(2) Fees are divided into application, consulting and supplemental fees.

(3) Application fees must accompany any application before the Board under these rules and regulations. They are intended to cover the general cost to the Town of processing the application, excluding costs covered by the more specific fees. The general costs may include indirect costs (e.g. the cost to the Assessor and Tax Collector to update their records after the granting of an ANR). Application fees are deposited into the general treasury of the Town.

(4) Consulting fees are fees to cover the cost of outside consultants and are handled according to the provisions of Subsection B of this section.

or Building Comm or
SW Agent

(5) Supplemental fees are fees to cover the cost to the Town of specific services, where such services may be clearly identified or quantified, and can be expected to vary depending on the project. Examples include the cost of inspections by the Town Highway Department, review of bonds, deeds, easements or other documents by Town Counsel, etc.

ok 5-22-23

(6) If a fee paid by check or other non-cash method is returned or otherwise uncollectable, then the applicant shall be liable to the Town for all costs incurred as a result. No resubmission of the application will be accepted unless accompanied both by the fees due under the application and the additional amounts required under this section. The Planning Board may require that all future amounts due with relation to this application or related applications before the Planning Board be made by certified or cashiers check. If a fee is returned or otherwise uncollectable prior to a decision, then the application will be rejected as incomplete. If a fee is returned or otherwise uncollectable subsequent to a decision, then any approval of such application is automatically rescinded.

(7) It is the policy of the Board to waive application and supplemental fees for applications submitted on behalf of the Town (excluding the Water Department, Regional School District or other Town agencies that are largely financially separate from the Town and any project for which revenue other than the Town's property tax or normal state aid is applicable). This is specifically because charging a fee in such cases would be accounted as an expenditure from some budgeted item and as general revenue, without any real explicit cost to the Town.

E. Burden of proof.

(1) The burden of proof in all matters before the Board shall be on the applicant.

insert Planning

ok 5-22-23

(2) The submissions required by the Board for any application form the basis of such proof. However, this does not imply that the burden of proof may always be met by the required submissions. Where additional information may be necessary to satisfy the burden of proof in particular situations, then such information is required, even though it may not be an explicit requirement for the application.

(3) The burden of proof must be met by the plans and information provided at the time of application.

F. Massachusetts licenses required.

(1) Whenever these rules require work to be performed by or under the supervision of a licensed professional, such professional must have a current license to perform such activity by the Commonwealth of Massachusetts.
strike last sentence xxx Temporary licenses or permits do not qualify.

(2) All insurance policies, bonds or other such instruments must be issued by a company licensed to do business in Massachusetts.

G. Public ways. The acceptance of a plan by the Planning Board does not make any street shown a public way. Existing laws of the Commonwealth of Massachusetts and bylaws of the Town must be complied with for the acceptance of any street.

ok 5-22-23 H. Severability. If any section, paragraph, sentence, clause or provision of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged, and the remainder of these regulations shall be deemed valid and effective.

§ 175-10. General requirements for applications.

Planning Board

A. Forms.

- (1) All applications must be on the most current version of the appropriate form. Required forms are found in Appendix A, Required Forms for Subdivision Control, which is a part of these rules and regulations. Applications may be rejected if they are not on the correct form.
- (2) All applications must be complete. Applications may be rejected as incomplete if they omit required information or required supplemental forms.

B. Signatures.

- (1) All applications must be signed by all property owners of all parcels involved in the application. All plans must be signed by the licensed professional who prepared them. The application forms may indicate additional signature requirements.
- (2) If a parcel is held in joint tenancy, then all tenants must sign.
- ok 5-22-23 (3) If a parcel is held (either partially or fully) by a trust, partnership or corporation, then the application must be accompanied by the trust documents, partnership documents or articles of incorporation, respectively, along with such documentation that will demonstrate that the individuals signing the application have the authority to exercise control over the property.
- (4) If for some reason, such as guardianship or power of attorney, some individual is authorized to exercise control of the parcel (or share thereof) on behalf of another, then documentation showing such guardianship or power of attorney or similar situation must be included with the application.
- ok (5) If an individual other than an owner of the property is to represent the applicant before the Board, then a power of attorney or similar document signed by the owner or owners must be included. This document must, at a minimum, authorize the representative to commit to paying consulting fees, to agree to conditions set by the Board and to sign agreements to extend deadlines.

C. Fees. All applications must include the associated fees at the time of application. Applications without such fees will be returned as incomplete without further review. In particular, any other omissions or inadequacies will not necessarily be

identified.

D. Plans.

(1) All applications must be accompanied by required plans at the time of the application. Such plans must be in the required form and contain all required data.

(2) The title or subdivision name shown on a plan or set of plans must exactly match that shown on the application. This title or name is used by the Planning Board as a reference and citation for the application. Inconsistencies or changes to the title create an unnecessary administrative cost to the Board.

(3) All plans must be 24 inches by 36 inches unless otherwise approved by the Board. Plans showing lot line changes shall also be submitted in digital format on a CD-ROM or flash drive in the standard outlined below: **[Amended 1996-2006; 4-29-2013]**
 change the format from CD-ROM
 Town acceptable approval
 standard digital file.

(a) To facilitate maintenance of the Town's records and Assessor's tax maps, an electronic file (the "standard digital file") of definitive subdivisions plans and plans for which approval under the Subdivision Control Law is not required, pursuant to MGL c. 41, § 81P, shall be filed with the Planning Board at the time the original hard copy is submitted. The standard digital file shall comply with Level III of the current version of the Mass GIS "Standard for Digital Plan Submission to Municipalities" (hereafter "the standard"), available on the Internet by searching Mass.gov. The vertical datum shall be the North American Vertical Datum 1988.
 check MGL for recent updates

(b) Upon written request, the Planning Board may waive the requirement for submitting the standard digital file in compliance with Level III, and may allow submission of a standard digital file that complies with Level II or, any image format on a CD-ROM or flash drive. Any request for a waiver must include a statement as to why submitting any other level or format should be allowed.

(4) All plans must be prepared by a licensed professional engineer and licensed land surveyor and, where appropriate, a licensed landscape architect or other professional. ?

(5) Each page of a set of plans shall have a title block in the lower right-hand corner. This must show, at a minimum, the title, the name of the subdivision (if any), the date, the scale, the names and addresses of the property owner(s), the name and address of the applicant (if different from the owner) and the names and seals of the designer, engineer and surveyor who made the plan, a page number, the total number of pages and all other information required by the applicable CMR, Registry rules or Land Court rules.
 define CMR

(6) Each page shall have the signature of the licensed professional(s) who prepared the plan. At least one page shall have the seal and signature of said

professional(s) and a statement asserting that said plan was based on an actual field survey and produced in accordance with all requirements under CMR. define

- (7) Each page of a set of plans shall have a legend.
- (8) Where more than one revision of a plan has been submitted to the Board, all revised plans must have a revision history adjacent to the title block, as required by the applicable CMR, and also indicating the nature or purpose of the revision.
- (9) On all plans, any area of land that does not meet the current frontage, acreage or other dimensional zoning requirements shall be labeled a "parcel" and any area of land that meets all dimensional zoning requirements a "lot." Lots shall be assigned consecutive numbers, while parcels shall be assigned consecutive capital letters. Plans that use the term "lot" to describe areas that do not meet both the frontage and acreage requirements will be rejected.

- (10) The North American Vertical Datum of 1988 (NAVD 1988) shall be indicated and described on all plans, and at least one benchmark shall be located on site. The Planning Board may, at its discretion, waive this requirement on small or low-impact applications. **[Amended 9-27-2010]**

ask what is the current Standard

the current NA Vertical Datum of 1988 NAVD means ??

E. Submission of applications.

- (1) All applications must be submitted in accordance with the requirements of MGL c. 41, § 81O. Specifically, they must be submitted at a meeting of the Planning Board or by registered or certified mail.
- (2) Applications submitted at a meeting of the Planning Board will be considered received on that date. Applications submitted via registered or certified mail will be considered received on the date of receipt.
- (3) Applications may be delivered to the office of the Planning Board in person, via courier or other delivery service or via ordinary (nonregistered, noncertified) mail. Such applications will, as a courtesy to applicants, be forwarded to the Planning Board at its next regularly scheduled meeting. The effective date of receipt will be the date of that meeting. However, delivery in this manner does not comply with MGL c. 41, § 81O and is done at the applicant's risk. Neither the Town nor the Planning Board will guarantee that plans submitted in this manner will be delivered to the Planning Board.
- (4) Delivery of applications directly to the Town Clerk does not satisfy the requirements of MGL c. 41, § 81O and will not be accepted or considered as filed.
- (5) After submitting an application to the Planning Board, it is the responsibility of the applicant to comply with the requirements of MGL c. 41, § 81T by filing a notice with the Town Clerk stating the date of submission of such application. The Planning Board will provide, upon request, a receipt for applications submitted at a meeting of the Planning Board. For applications

delivered by certified or registered mail, the United States Postal Service return receipt will be the evidence of date of receipt by the Planning Board. A copy of either of these shall be furnished to the Town Clerk as part of the notification required under MGL c. 41, § 81T. Notification to the Town Clerk prior to actual receipt of an application (as defined by MGL c. 41, § 81O) shall be invalid.

- (6) Acceptance of an application does not constitute a finding that the application is complete. The Planning Board retains the right to reject incomplete applications, according to the procedures described in these rules.

F. Rejection of incomplete applications.

- (1) If an application is rejected because it is incomplete, it is treated as if no application was made, except that fees will not be refunded for incomplete applications.
- (2) If an incomplete application is resubmitted within six weeks (42 days) of the date of rejection for ANR applications, or eight weeks (56 days) for subdivision applications, then it may include a request for waiver of a portion of the new fees. Such waiver will be granted solely at the discretion of the Board, and in no case will the reapplication fee be waived to less than \$50 for ANR applications or less than \$100 for subdivision applications. \$150.00
\$300.00

§ 175-11. Procedures for ANR applications.

A. Request for ANR endorsement.

- (1) Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law may submit a request for ANR endorsement containing the following:
 - (a) The original plan conforming to the requirements of the Registry of Deeds or Land Court, as appropriate, and conforming to the requirements of the Planning Board as specified in § 175-10D and Subsection C of this section.
 - (b) Seven full-size prints of the plan.
 - (c) A copy of the deed to all parcels affected by the plan.
 - (d) A completed Form ANR-1 (including all required supplemental forms).
 - (e) The required fee, as specified in Subsection B below.
 - (f) The necessary evidence to show that the plan does not require approval under the Subdivision Control Law. **[Amended 11-6-2006]**
- (2) This request shall be submitted to the Planning Board in accordance with all requirements of § 175-10.

