



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

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NOV 21 2023
TOWN OF TOWNSEND
TOWN CLERK

Laura Shifrin, Chair (2025)

Carol Hoffses, Vice Chair (2026)

Robert Therrien, Member (2024)

Andrew Shepherd, Clerk (2028)

Tony Lopez, Member (2024)

Michael Virostko, Associate Member (2024)

PLANNING BOARD'S MEETING MINUTES

October 30, 2023, 6:30 PM Selectmen's Chambers

272 Main Street, Townsend MA, **AND** 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.

Zoom link provided by: TCAM Inc.

I. PRELIMINARIES:

1.1 Call the meeting to order and roll call. Chair Laura Shifrin called the meeting to order at 6:31pm. Present: remotely were Tony Lopez, and in person were Carol Hoffses, Andrew Shepherd, and Laura Shifrin. Absent: Robert Therrien. Others present were Beth Faxon, Planning Board Admin., in person, Jessica Consolvo, Land Use Coordinator, remotely.

1.2 Pledge of Allegiance. deferred to the next meeting.

1.3 Chairman's Additions or Deletions. None were noted.

1.4 Approval of minutes 10-02-23 & 10-04-23. C. Hoffses motioned to approve the minutes of 10-02-23. A. Shepherd seconded. A roll call vote was taken as follows: YES – T. Lopez, A. Shepherd, C. Hoffses, L. Shifrin. The motion carried 4-0-0. C. Hoffses made a motion to approve the minutes of 10-04-23 executive session. T. Lopez seconded the motion. A roll call vote was taken as follows: YES – T. Lopez, A. Shepherd, C. Hoffses, L. Shifrin. The motion carried 4-0-0 A. Shepherd made a motion to approve the minutes of 10-04-23 regular session. C. Hoffses seconded the motion. A roll call vote was taken as follows: YES – T. Lopez, A. Shepherd, C. Hoffses, L. Shifrin. The motion carried 4-0-0.

II. APPOINTMENTS

2.1 6:45 pm 27 Scales Lane Stormwater Management Permit #2019-02 request for certificate of completion – WK Realty Trust. Present: Brett King, WK Realty Trust, Trustee.

Chair Shifrin noted that a request was made for a certificate of completion for stormwater management permit issued for 27 Scales Lane and that staff made a site visit and found parts of the stormwater system were not built per the approved plan. She asked if Mr.



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King would like to address the matter. Mr. King then requested an executive session. Discussion was had regarding the eligibility of the topic of project history to be held in executive session and it was noted that it was probably not authorized as one of the 10 reasons to enter executive session per the Open Meeting Law. Chair Shifrin asked that the matter be moved to another meeting and that the related minutes be forwarded to the Board members. During subsequent discussion, it was later clarified that the Board would review the Planning Board Decision and the Stormwater Management Permit No SM2019-02 prior to the next meeting. Mr. King later stated that he has no problem with addressing the discrepancies that were noted in the site inspection. A. Shepherd then commented that he is recusing himself from the matter.

2.2 7:00pm Townsend MBTA communities compliance mission update – Present online was Jonathan Vos. Also present online was Representative Margaret Scarsdale. In two weeks, the Town is planning to have a public information session during the special town meeting to present details on the MBTA communities law planning work that has been underway over the past few months. The presentation will be not only information but also contain outreach to gain input from the public on the selection process of the 3 multifamily overlay districts, and the wording of the draft zoning bylaw in progress. He noted that ambitiously the Multifamily overlay district (MFOD) zoning bylaw will be brought to Spring town meeting for a vote. Jonathan Vos will be presenting during the Special Town Meeting as he is the primary planner for this work. The presentation and survey are being developed by MRPC and will be reviewed by staff prior to its release to the public. Discussion was had regarding Parcel 2 which borders along Old City Rd, and the water supply and consideration of this in the light of municipal water system expansion. Jonathan commented that it is always possible to modify the parameters of the districts. Discussion continued regarding the planning challenges that Townsend contends with as it works to comply with a law that was passed that encompasses largely populated communities with more robust and comprehensive public service water and wastewater management infrastructure. The comment was made that the planning process began in the East section of Townsend because this area is more developed and accessible for residents to businesses, schools, and commuter roads. MRPC reminded that some flexibility with mixed use is in the amended regulations, however, the density requirement is not negotiable. There is also some conflict in that area of Town because it would involve zoning for two stacked conflicting overlay districts. Rep Scarsdale commented that she is aware of several Reps and Senators who have appealed to Andrea Campbell, the Attorney General of MA to make a case for



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Townsend and similar communities throughout the Commonwealth bringing the difficulty these communities are facing because they do not have the municipal services, to sustain high density housing at the requirements set forth in the law. She stated that Andrea Campbell, the Attorney General, was adamant that the guidelines would not be changed, nor would any kind of exception be entertained. Jonathan concurred and commented that when MRPC made similar appeals, they had heard there was some leeway using the other tools that were built in in terms of using mixed use, but the density requirement is the hard line. Jonathan noted that all the exploratory MFOD districts formulated in this Townsend planning process have the density requirement and are in compliance. He added that open space allotments may be increased, and districts may be modified in the feasibility analysis. Chair Shifrin thanked both Jonathan for his work and Representative Scarsdale for her attention to the matter.

2.3 7:15 pm new FEMA proposed flood hazard maps – Jessica Consolvo. Jessica explained the process to follow for the public to locate properties on the FEMA Flood hazard maps and to compare that to the proposed flood hazard maps that have been released. The public comment period to submit an appeal to FEMA ends at the end of November. The Land Use department staff are prepared to assist the public with finding properties of interest using the tools available. These tools are also available for the public to use on the Town website.

II. WORK SESSION:

3.1 Planning Board Administrative updates and reports. The active applications and approvals were 66 Bayberry Hill Road Stormwater Management Permit: The Board Decision and Permit were issued, waiting for proof of recording. 27 Scales Lane, request for certificate of completion pending for Stormwater Management permit No. SM2019-02. Interdepartmental approvals through the Building Department application process: 152 North End Road, 81 Turnpike Road, 3 Saunders Rd, 14 Blood Rd. Staff work on site visits and compliance include 22 Main Street, letter was issued extending the completion date for construction, 23 West Meadow Road tree plantings in the vegetative screen were inspected consisting of two Eastern red cedar and two flowering dogwoods. Compliant Stormwater management permits are 25 Harbor Trace, Campbell Farm, 3 Wheeler Rd. A site visit to 3 Wheeler Rd was conducted and the owner updated staff that they are preparing an application to the ZBA to renew the expired earth excavation permit. A preconstruction site visit was made to 94 Fitchburg Road and all documentation required



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has been submitted. Under miscellaneous items the Planning Board granted waivers from subdivision control law with conditions for the turnaround at 37 Burgess Road at their October 4th meeting. October 16th meeting was not held due to lack of quorum. Citizen Planner Training Collaborative (CPTC) Fall workshops have been announced and distributed to Board members for training opportunities. The Townsend MART commuter bus has a revised schedule available on the Town website.

3.2 Discussion of Planning Board fee schedule. The board is in the process of separating out the fees from the bylaw. This change will be relayed to the Bylaw Review Committee by Board member Robert Therrien with staff assistance.

3.3 Discussion of Planning Board regulations. Deferred to next meeting.

3.4 Announcements/Communications. A. Shepherd read the notices of public hearing and Board decisions from Townsend and abutting Towns received by the Planning Board office. Chair Shifrin asked for more information on the Town of Shirley Planning Board application submitted by Brandon McCabe re: site plan review for use special permit in the mixed-use district.

- 2023 Special Fall Town meeting Tuesday November 14th, 2023. Chair Shifrin will not be present.
- Bylaw review committee first meeting. Beth Faxon provided an update that the committee has had two meetings. The first action item was to request input from Town staff pertaining to sections of the bylaw that they work with in their roles that need to be clarified or corrected. Beth updated that she sent in several examples of sections of the bylaw where the Planning Board and Zoning Board of Appeals have found conflicting, outdated, or difficult to interpret wording. The Land Use Coordinator and the Housing Authority also responded with applicable examples and suggested wording changes. An eCode tutorial was provided to Committee members on how to search and use the online Code of the Town of Townsend. That meeting can be reviewed on the Town YouTube channel. Chair Shifrin suggested that Planning Board members review the Bylaw committee meetings online. She noted that the Bylaw changes will be presented through the public hearing process by the Planning Board prior to the Town meeting vote.
- Townsend Community Electricity FAQ's – Public information sheet on the Townsend Community Electric Aggregation project is available on the website and in print in Town Hall.



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III. ADJOURNMENT:

4.1 Next Planning Board meetings are scheduled for 11-13-23 & 11-27-23. C. Hoffses made a motion to adjourn the meeting at 7:40pm. A. Shepherd seconded the motion. A roll call vote was taken as follows: YES – T. Lopez, A. Shepherd, C. Hoffses, L. Shifrin. The motion carried 4-0-0

Votes may be taken at any time during the meeting. The listing of topics that the Chair reasonably anticipates will be discussed at the meeting is not intended as a guarantee of topics that will have been discussed. Not all topics listed may in fact be discussed, and other topics not listed may also be brought up for discussion to the extent permitted by law.

Submitted by:
Beth Faxon
Planning Board Administrative Assistant

Approved On: November 13, 2023

Items on file:

1. Letter dated July 11, 2023, to Townend Planning Board from Stan Dillis, Dillis & Roy re: 27 Scales Lane OOC TWB2019-156 in Book 80841 Page 566 SM2019-02 in Book 73153 Page 1.
2. Stormwater Management Permit Chapter 85 NPDES Phase II Stormwater Management bylaw No. SM 2019-02
3. Planning Board Notice of Decision and Decision for Stormwater Management and Stormwater management Permit No. SM 2019-02.
4. Inspection summary of 27 Scales Lane, Townsend MA Dated August 8, 2023.
5. Townsend Community Electricity FAQ's Fact Sheet.
6. Draft Planning Board Fee Schedule table.

