



Office of
THE PLANNING BOARD
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RECEIVED
JAN 12 2023
TOWN OF TOWNSEND
TOWN CLERK

Laura Shifrin, Chair
Carol Hoffses, Member

Robert Therrien, Clerk

Mike Virostko, Vice Chair
Ian Ortiz Santiago, Member

PLANNING BOARD MEETING minutes
December 12, 2022, at 6:30 PM

SELECTMEN'S CHAMBERS, 272 MAIN STREET, TOWNSEND, MA.
And remotely via TCAM hosted ZOOM for convenience
All are invited to attend
Join Zoom Meeting

1 PRELIMINARIES: votes may be taken.

- 1.1 Call the meeting to order and roll call. Chairperson Laura Shifrin called the meeting to order at 6:38pm. Roll call vote was taken as follows; Board Members present Robert Therrien (in person), Carol Hoffses (remote), Laura Shifrin (remote). Absent: Michael Virostko. Others present: Elizabeth Faxon, Planning Board Admin, Hartley Pleshaw, TCAM meeting host.
- 1.2 Recital of The Pledge of Allegiance of the United States. Conducted with expressed gratitude to our veterans, especially Board Member Ian Ortiz Santiago.
- 1.3 Announce meeting is being recorded. Noted
- 1.4 Chairman's Additions/Deletions to Agenda unforeseen prior to 48 hours of this meeting. None noted.
- 1.5 Approval of minutes 07 NOV 2022, and 16 NOV 2022. C.H. made a motion to approve the minutes from November 7, 2022, and November 16, 2022. R.T. seconded. A roll call vote was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0.
- 1.6 Review Volunteer response forms received for Planning Board vacancy. None were received.

2 PUBLIC HEARINGS & APPOINTMENTS: votes may be taken.

6:45pm public hearings

- **continuation of public hearing - 227 Mason Road.** (Map 13, block 21, Lot 2). **Site Plan Review Special Permit. Applicant:** Bryan Schulman
 - 1.1 **proposed project:** a change in use to operate a commercial kennel in residential district. Present: Bryan Schulman, Applicant. (In person). Chairperson Shifrin

opened the continued public hearing. Bryan updated the Planning Board that he has submitted the required site plan, drawn up by a professionally licensed engineer today. Additional information received by the Board was entered into the record including 1. an email received from Paul Pugh in support of the proposal. 2. Invoice as proof of the installation of two new heating and cooling systems at 227 Mason Road to correct previous air conditioning problems. 3. The statement confirming all charges were dismissed in response to the Townsend Police referral comment. 4. A letter confirming that the Applicant is compliant with Conservation Commission permitting requirements. 5. The Board of Health Approval of the Septic with conditions. 6. verbal update that the Zoning Board of Appeals granted Bryan Schulman a special permit for a commercial kennel in residential district on November 30, 2022. 7. Site plan drawing of existing condition for 227 Mason Road, prepared by Dillis & Roy, CDG., Inc. A concern was expressed by the public regarding the noise they experienced, specifically 4 hours of continuous barking emanating from the site. He also expressed concern over the water runoff from cleaning of the kennels. Bryan Schulman explained that the dogs that are in their care stay as a pack in the house and outdoors under continual supervision. The dogs are supervised outside, and they are always working to be respectful of neighbors. He continued that because no cages or traditional kennels are used, the waste is cleaned and will be stored in a commercial dumpster instead of composting on site. C.H. made a motion to close the public hearing of 227 Mason Road on December 12, 2022, at 6:59pm. R.T. seconded. A roll call vote was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0. The administrative assistant will draft the Decision, the Board will review and approve it at the next Planning Board meeting on January 9, 2022.

- **continuation of public hearing – 22 Main Street.** (Map 41 Block 6, Lot 0). **Site Plan Review Special Permit. Applicant:** Sallie Thurber
proposed project: a change in use to operate a veterinary clinic in the outlying Commercial District. Present: Sallie Thurber, Applicant, Naomi Durso, Applicant's representative, Stan Dillis, Dillis & Roy, CDG., Inc., Applicant's engineer.
 - 2.1 Chairperson Shifrin reconvened the public hearing for 22 Main Street. She noted that the Planning Board has received a copy of the executed contract for professional services to provide drawings of 22 Main Street for the site plan review special permit. Stan Dillis confirmed that his firm is in receipt of a signed contract and retainer fee. He stated he will provide the site plan for 22 Main St. in January 2023 for the Planning Board. C.H. made a motion to continue the public hearing for 22 Main St. veterinary hospital site plan review special permit to January 23, 2023, at 6:45pm. R.T. seconded the motion. A roll call vote was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0.
- **7:30 pm. Stormwater management permit #SM2020-02 application for extension and modification - 3 Wheeler Road. Applicant:** Gary Shepard **Present:** Stan Dillis, Dillis & Roy CDG., Inc. The property has been transferred to Gary Shepard and the applicant is seeking an extension and a modification to the current Stormwater management permit issued in 2020 to issue to Gary Shepard. The wetland protection act

and earth excavation permit for the property have been transferred to the new owner. The original permits were issued in 2016 and were peer reviewed in the initial permitting process. The permit was extended to 2020. The operation and Maintenance plan has been updated with name and contact information changes and everywhere where the responsible party is required was updated. A site walk was conducted with the Stormwater Agent, Mr. Dillis, Mr. Amadon, and the Planning Board Admin. A site inspection report was prepared by the Stormwater Agent and conveyed to the new owner, the engineer and the Planning Board which includes findings that need correction. It was confirmed that the new owner intends to proceed with the project with the conditions as currently approved. Mr. Dillis noted that the property will be restored for agricultural use and that a poultry processing building has been constructed on the site. They are committed to keeping it for agricultural use. He further noted that the site has been under construction since 2016 and as such is in flux and changing. The findings documented in the site inspection report are matters that will need to be addressed by the permittee. He commented that if the Planning Board extends and modifies the permit by changing the name to the new owner, continuity, enforcement, and oversight is maintained. Upon a motion made by Robert Therrien and seconded by Carol Hoffses it was voted: that we recognize the change of ownership of 3 Wheeler Road to Gary Shepard and stormwater management permit # SM 2020-02 is to be extended for two years. A roll call vote was taken as follows: YES - C. Hoffses, R. Therrien, L. Shifrin.

- **8:00 pm. ANR Plan - 106 Barker Hill road.** Present: Kevin Conover, David E. Ross Assoc. representing Dean Schollenberg for creation of a parcel on the westerly side of Barker Hill Road designated as Parcel A on the ANR plan. It is labeled “not a building lot” on the plan. It will be conveyed to an adjoining lot owned by Robert Ruggerio. This lot is the same as was endorsed by the Townsend Planning Board in 1999, they have been asked to resubmit the plan for endorsement to illustrate a updated existing buildings and septic systems, and compliance with required setbacks. C.H. made a motion to endorse the plan as presented. R.T. seconded. A roll call vote was taken as follows: YES - C. Hoffses, R. Therrien, L. Shifrin.

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

- 3.1 Finalize Planning Board report for STM 2022 zoning bylaw amendment Section 145-42 Site plan review special permit. - R. Therrien will present the Planning Board report to the Town meeting and answer any questions that may arise from voters.
- 3.2 Finalize Planning Board presentation to 2022 Special Town meeting. - R. Therrien. Noted.
- 3.3 Planning Board regulations review. Deferred to January 9, 2022.
- 3.4 Campbell Farm OSPD request for compliance certificates requested by: Townsend Hill Realty Trust. Stan Dillis, project engineer, addressed a site inspection report from the Stormwater Agent which marked a few areas of concern. The absence of a required gravel construction apron at the entrance was noted and there was a concern that the grading in one of the swales would potentially impede the performance of the stormwater runoff flow to the infiltration basin. Mr. Dillis

stated he sent a letter to the Planning Board confirming that there is a positive flow in said swale and that the elevations are appropriate. There are a few revisions he intends to make to the as-builts and asked for any additional comments or concerns from the Board on the certificate of compliance request. Mr. Dillis will send notes and updates to the Planning Board office and the matter will be deferred to the January 9, 2022 meeting.

4 CORRESPONDENCE: votes may be taken.

- 4.1 Building Commissioner request for information – Approval of 37 Burgess Road as a buildable lot. Present: Eric Chartrand, Townsend Building Commissioner. The Board received a letter from Mr. Chartrand asking for confirmation that the requirements are met to designate 37 Burgess Road as a buildable lot. Mr. Chartrand stated that Mr. Hussey seeks to convert the barn on the property to a single family home. He stated that an unpermitted accessory apartment was observed on the property during a routine inspection. Permitting required to change the barn from agricultural use to a mixed use building would require significant expenditures in terms of fire safety and code requirements. Mr. Hussey would like to convert it to a single family home which is an appropriate use for the residential district. Mr. Chartrand researched the file and found that in 2016 Mr. Hussey was asked to create a turnaround at the end of Burgess Road. He did construct a turnaround and it was approved by the Highway superintendent who described the turnaround to be as the driveway. From his field observance, Mr. Chartrand does not confirm a turnaround was constructed. No as-built plans are on file. He assumed that the turnaround would be built according to the Planning Boards regulations. He also did not find evidence in the file of an approval of an as-built by the Planning Board. He is seeking a determination from the Planning Board as to whether the turnaround needs to be completed according to the requirements in the Code and if the owner shall grant an easement for the Town of use of turnaround. The Planning Board Decision on the matter in 2016 was reviewed. The main point of interest is that the designation of 37 Burgess road as a buildable lot was conditional upon construction of a turnaround and approval of the Highway superintendent. Mr. Chartrand further noted that this is outside of the purview to the Highway superintendent and the final approval should be confirmed by the Planning Board. Discussion ensued as to the reasons for establishing a turnaround to Code and the primary one is fire safety. 80% of fires occur in residential structures, Mr. Chartrand commented. A turnaround is critical for the residential neighborhood so the Town can get fire apparatus where needed. The school buses, trash pickup and other uses. An easement should also be granted to the Town considering liability for potential problems that can occur during use by the Town and public. Board members agreed that the turnaround should be built to the Town Code and approved by the Planning Board. Mr. Chartrand will follow up with Mr. Hussey with a letter outlining the expectations for the turnaround.
- 4.2 New Stormwater management application received 5 Turnpike Road. R.T. made a motion to acknowledge receipt of the application and the Board will review the application prior to the January 9th, 2023, meeting. C.H. seconded. A roll call vote

was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0. After the vote it was agreed that the public hearing would be scheduled for January 23, 2023 so the Applicant's engineer could be present.

- 4.3 New Stormwater management application received 25 Harbor Trace Road. R.T. made a motion to accept the application as received and review prior to the public hearing on January 9, 2023. C.H. seconded. A roll call vote was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0.
- 4.4 Letter from Department of Housing & Community Development to Town Administrator re: Determination of Interim Compliance under MGL c. 40A Section 3A. The Board noted the letter as an acknowledgement that the action plan submitted by the previous LUC has been accepted by the State and the extension of the compliance deadline has been extended to 2025. The action plan will be forwarded to the Board Members by the admin.
- 4.5 Stormwater Management Permit project updates. Inspection reports/other related correspondence. Both stormwater management permits were discussed under previous agenda sections.
- 4.6 Notices from Townsend/other Towns. Board members will review out of session.
- 4.7 Safe Routes to School Program. - C. Hoffses met with Jordan the new State representative for Safe Routes to School. He noted that he was working with the middle school principal and Carol will try to set up another meeting after the first of 2023 with the SFRS representative and Emy Hoff in attendance to continue discussions.

5 ADJOURN: Votes may be taken.

- 5.1 Next scheduled Planning Board meetings are scheduled for January 9, 2023, and January 23, 2023, February 13, 2023, and February 27, 2022.
Carol Hoffses made a motion to adjourn the meeting at 7:44pm. Robert Therrien seconded the motion, and a roll call vote was taken as follows: A roll call vote was taken as follows; YES – C.H., R.T., L.S. The motion carried 3-0-0.

Items on file:

1. Inspection summary of 3 Wheeler Road, Townsend MA Inspection Date: 12-07-2022.
2. Letter from Eric Chartrand, Building Commissioner to The Townsend Planning Board re: verification of conditions pertaining to the approval of 37 Burgess Rd. as a buildable lot. Dated November 11, 2022.
3. Application package for 5 Turnpike Road site plan review special permit and stormwater management permit.
4. Application package for 25 Harbor Trace stormwater management permit.
5. ZBA Notice of Decision and Decision 478 Main Street special permit granted for a dog grooming establishment.
6. Letter from Department of housing and community development to Mr. Eric Slagle re: determination of Interim compliance under MGL c. 40A, Section 3A.
7. Two Stormwater management monthly construction inspection checklists for the property at 3 Wheeler Road dated 12/2/22 & 11/4/22.
8. Stormwater management monthly construction inspection checklists for the property at Cambell Farm subdivision North End Road dated 11/20/22.
9. Inspection report re: Campbell Farm, Fall 2022 Request for Certificates of Compliance from Stormwater agent dated November 9, 2022.
10. Campbell Farm Certificate of Compliance checklist submitted by the Stormwater agent
11. Campbell Farm Certificate of Compliance checklist submitted by the Highway superintendent.
12. Letter from Stan Dillis to Townsend Planning Board re: Campbell Farm North End Road schedule of construction.
13. Email from Stan Dillis to Beth Faxon re: Campbell Farm grade regarding the swale near lot 5 has positive flow and noting entrance needs more stone.

Respectfully submitted,

Approved on: January 9, 2023

Elizabeth Faxon,

Planning Board Admin.