



Office of  
**THE PLANNING BOARD**  
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**RECEIVED**  
JUL 15 2020  
TOWN OF TOWNSEND  
TOWN CLERK

Lance J. McNally, Chairman

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Laura Shifrin, Vice Chair

Jerrilyn T. Bozicas, Member

**Planning Board Meeting minutes**

Monday, June 15, 2020, at 6:30 PM

VIRTUAL MEETING

VIA: ZOOM PER GOVERNOR'S ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G.L. c. 30A, § 20<sup>†</sup>

**PUBLIC ACCESS ZOOM MEETING LINK:**

<https://us02web.zoom.us/j/81019021843?pwd=RWJlVZlJSSJQreEVnbTNVYWJBKzBjUT09>

Zoom Meeting ID: **810 1902 1843**

Zoom Meeting Password: **463291**

**1 PRELIMINARIES:**

- 1.1 Call the meeting to order. Chairman Lance McNally called the meeting to order at 6:30 P.M.  
Roll Call: Board Members present: Laura Shifrin (L.S), Vice Chairman, Jerrilyn Bozicas (J.B), Member  
Veronica Kell (V.K), Clerk, Charles Sexton-Diranian (C.S.D) Member and Lance McNally (L.M.)  
Chairman, Carol Hoffses (C.H), Associate Member

Others present: Adam J. Costa, Town Counsel  
Elizabeth Faxon, Planning Board administrator  
Bob Ayotte, John Massida, Parties in Interest

- 1.2 Chairman's additions or deletions. None noted.

**2 APPOINTMENTS AND HEARINGS:**

- 2.1 **6:35 P.M. - ANR South Row Road & Emery Road.**

**Present:** Paul Chisholm representing the Applicant Wescon, Inc.

The ANR plan was revised prior to the meeting to meet requirements for ANR. Specifically the wetland areas were delineated on the plan, and the calculation of wetland and upland was provided, the plan scale is 1"=60' to include the entire boundary of the property. The applicant has asked for an extension of time to submit the CD rom with the GIS file to the Planning Board office. The Board Members reviewed the updated ANR plan consisting of 2 Lots. Septic systems will be located in the back of the lot. Mr. Chisholm added that an NOI application will be processed through the Conservation Commission for septic system pipe installation in the back of the Lot 1. Discussion ensued as to the requirement of easement language for ANR's and it was determined that in this case, since the reported easement was not related to the access, it was not required as part of the ANR application.

<sup>†</sup> Per the Governor's Order, and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public; provided, however, that all public bodies shall ensure public access to deliberations through adequate, alternative means, which include (but are not limited to) telephone, internet or satellite enabled audio or video conferencing or other technology that enables the public to clearly follow the proceedings of the public body while they are occurring. The Order also allows remote participation by all members of a public body; and waives the requirements that a quorum and the chair be physically present at the meeting location.

L. Shifrin moved to accept the scale of 1"=60' for the ANR plan. C. Sexton-Diranian seconded. A roll call vote was taken as follows: AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

J. Bozicas made a motion to approve the ANR for South Row Road & Emery Road. L. Shifrin seconded. A roll call vote was taken as follows: AYE – L.S., C.S.D, V.K., J.B and L.M. The Motion carried.

C. Sexton Diranian motioned to amend the approval subject to receipt of the CD ROM file. L. Shifrin seconded. A roll call vote was taken as follows: AYE – L.S., C.S.D, V.K., J.B and L.M. The Motion carried.

**2.2 6:45 P.M. Continuation of Public hearing - 48 Fitchburg Road Stormwater permit application.**

**Present:** Ziad Ramadan, Applicant

Mr. Ramadan updated the Board that some infrastructure on the site pre-dates the Stormwater permit regulations and required tactical designing in the Stormwater management system proposal. He has engaged an engineering firm to prepare the documentation for the Stormwater management permit application per the requirements. The Stormwater permit application was submitted to the Planning Board and the first round of peer review was conducted by the Town's engineer. The applicant then explained that the responses to the peer review comments and the revised documents have not yet been submitted to the Planning Board. He continued that he is in the process of using an alternate engineering firm to complete the responses and revisions. He requested to continue the public hearing to have more time to submit the revisions

L. Shifrin made a motion to continue the public hearing for a Stormwater management permit for 48 Fitchburg Road to Monday July 13, 2020 at 6:45 PM. C. Sexton-Diranian seconded. A roll call vote was taken as follows: AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

**2.3 7:30 P.M. Continuation of public hearing – Seaver Road definitive subdivision approval application and Stormwater permit application.**

**Present:** Michael Duran, Esq. representing Daniel Gardner, Applicant.

Paul Grasewicz, Graz Engineering, LLC.

Chairman McNally opened the discussion with a review of the reason the public hearing was continued. The Applicant agreed to submit a set of engineered plans for the proposed widening of Seaver Road offered as a public benefit and seeks the tendency of the Board to grant or deny the critical waiver of 175 – 16, the extension of Seaver road. Mr. Grasewicz recapped that the Applicant asked the Board to address a few critical waivers. The most critical being the extension of the dead-end road. He noted that an engineered interim plan revision was submitted that included a road widening plan along the entire length of Seaver Road to 38 feet. The plan also included a reservation strip on each side of the dead-end extension as a preventative measure for creation of future division of any lots created by the proposed newly created frontage. The new plan necessitated the requesting of an additional waiver of 175-16 (5) to create the reservation strip. The revision included widening the road to 40' at the Applicants property line and replacing the "T" style turnaround with a circular cul-d-sac bulb turnaround to accommodate emergency vehicles. He referenced a comment in the Fire Department second referral in which a 120' diameter cul de sac is required. Mr. Grasewicz stated this was an acceptable revision. He concluded that the Boards approval of the Right of Way, the Seaver Road extension, and the reservation strips are essential to the continuation of the project. Aside from these critical waivers there are further areas of design which need to be addressed with Stormwater, and locating trees. The Applicant has asked for a vote on the requested critical waivers prior to continuing the investment of further design and research. Chairman McNally asked if the Applicant intends to pave the entire length of Seaver Road as part of the widening plan. Mr. Grasewicz replied no.

Chairman McNally read the second referral comments from both the Fire Department and the Highway department. Both town departments reviewed the Interim plan submission of the road widening plan, reservation strips, and cul-d-sac.

Mr. Grasewicz acknowledged the referral comments from the Fire Department and commented that the installation of an emergency water supply cistern for fire safety would be another positive public benefit servicing the abutters and neighborhood.

Chairman McNally acknowledged the Planning Board received a letter from abutter John Massida. Mr. Massida was present and summarized the main point of his letter. He stated that the numerous waivers from the bylaws requested for the project and the overall character of the project is not what the Town intends for development nor is it consistent with the public interest. He further commented that, based on the proposal, he does not conceptualize that approval is in the best interest of the public.

Atty Duran added that in response to the peer review engineers' second round of comments, the Applicant conducted a title review and engineering survey work and found title and access issues present with 2 properties directly abutting his parcel. The Applicant sent letters to said abutters to request rectification of the issues as well as to convey his willingness to fix the issues at no cost as part of this definitive subdivision proposal. The Applicant believes the proposed extension of the road would fix the access issues in perpetuity if the project were approved, thus providing another public benefit.

Mr. Massida rebutted the existence of an access issue for his property at 41 Seaver Road. Chairman McNally responded that matters of title are not in the purview of the Planning Board. Atty Duran expressed his client's willingness to fix all of the identified title and access issues upon approval of the proposed project.

J. Bozicas questioned the oversight of road construction and wanted to ensure that the highway department would not incur any cost as a result. She heard the role of the highway superintendent would be inspection and the Town will not incur any expense related thereto.

Mr. Ayotte, abutter noted that Seaver Road is a Scenic road and almost the entire length is lined with stone walls. He opined that he has no issue with the width of Seaver Road as it currently exists. He noted that if it were widened the stone walls would need to be altered and asked what implications that would have under the Scenic Roads act. Chairman McNally noted that the Applicant would be required to comply with the necessary applications if they are proposing to alter stone walls or trees in jurisdictional areas. Mr. Grasewicz stated no stone walls will be altered in the proposal.

Discussion ensued regarding the Boards most prudent response to the Applicants request of a quasi-directive with respect to granting or denying the extension of Seaver road waiver.

Town counsel recommended the Board conduct an opinion poll of Members to gather insight as to how they would vote on the waiver.

Chairman McNally asked Board members for an opinion poll on the granting of the waiver to extend Seaver road.

L. Shifrin and C. Sexton Diranian responded in favor of granting the waiver to extend Seaver road.

V. Kell, J. Bozicas and, Chairman McNally responded not in favor of granting the waiver to extend Seaver road.

Atty Duran then commented that the Applicant will likely withdraw or, modify the application based on the opinion poll in an attempt to obtain support from the Board and design a proposal that the Town will find amenable.

C. Sexton-Diranian moved to continue the public hearing of the Seaver Road definitive subdivision approval and Stormwater management permit to July 13, 2020 at 7:15 P.M. V. Kell seconded. A roll call vote was taken as follows: AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

**2.4 8:00 P.M. Continuation of public hearing – Modification of Open Space Preservation Development special permit and modification of definitive subdivision approval – 187 & 199 North End Road.**

**Present:** Stan Dillis, Ducharme & Dillis Design, LLC, Anne Gagnon, MA Div. of Fish and Game.

Mr. Dillis presented the amendment being requested of both the Open space preservation development and the definitive subdivision approval of 187 & 199 North end Road, Campbell Farm. He referenced the initial application and letter submitted in February 2020 and, an addendum letter submitted April 29, 2020.

He explained the existing conditions of the Campbell Farm Open Space Preservation Development approved in December 2019 which contains 3 parcels of land, Parcel C which is to be retained by the Townsend Hill Realty Trust, Parcel D1, 29.1 acres, which met the requirements for the Open Space preservation development land to be conveyed to MA Fish and Game, and Parcel D2 which was also to be conveyed to MA Fish & Game.

Mr. Dillis explained that MA Fish and Game had entered into an agreement with Townsend Hill Realty Trust to purchase Parcel D2, and later reneged on this agreement. This prompted the Applicants to request the following changes; Townsend Hill Realty Trust will retain ownership of Parcel D2 and have it subject to the same conservation restriction as Parcel C. This will benefit the continuity of land use by having an additional 27.8 acres under the same CR as the adjacent parcel C, and retain said parcel on the tax rolls. The amendment is to modify two conditions in the OSPD special permit and, one condition in the definitive subdivision approval.

Anne Gagnon confirmed that MA Fish & Game is interested in accepting the gift of Parcel D1.

V. Kell asked for clarification of the parcels and Mr. Dillis commented that the Parcels in the definitive subdivision will remain the same other than the disposition of Parcel D2 which will be retained by the owners with the same CR as Parcel C.

V. Kell asked if this amendment might necessitate another letter from MA Fish and Game for the record. Mr. Dillis suggested this be a condition of the amendment Decision.

The conditions related to the Conservation restriction on parcels of the OSPD special permit and definitive subdivision will also require amended wording to cover both Parcel C and Parcel D2.

The Planning Board administrator agreed to prepare the draft decisions for the proposed amendments to both the OSPD special permit and the definitive subdivision approval for review at the Planning Board meeting on July 13, 2020. The Board will have the opportunity to review and vote on the two draft Decisions.

Mr. Dillis suggested a condition be included that Parcel D1 will be gifted to MA Fish & Game.

Anne Gagnon will provide a letter accepting the gift of Parcel D1. If the Planning Board does not receive said letter, it will be listed as a condition of the Decision.

C. Sexton-Diranian moved to continue the public hearing of the amendment to Campbell Farm Open space development definitive subdivision approval and Open space preservation development special permit to July 13, 2020 at 7:45 P.M. J. Bozicas seconded. A roll call vote was taken as follows: AYE – L.S. C.S.D, V.K, J.B and L.M. The motion carried.



### 3 WORKSESSION:

3.1 Appointment of Montachusett Regional Planning Commission Planning Board representative. V.Kell moved to appoint Laura Shifrin as the Planning Board representative to the Montachusett Regional Planning Commission. C. Sexton-Diranian seconded. A roll call vote was taken as follows; AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

3.2 Enforcement issues: 31 Adams Road Scenic Roads Act – Chairman McNally provided background in a recent issue of a Scenic roads Act violation at 31 Adams Road. The Planning Board received notification that trees and a Stone wall were removed from along Adams Road. A Cease and Desist letter was issued based on reference to the property Deed and a recent septic system plot plan. The property owners were required to submit a Scenic Roads application. The property owners, submitted the application and contested the cease and desist claiming that the stone wall was entirely on their property. A site meeting occurred with Chairman McNally, Beth Faxon, Janet Leavitt and the property owners. The property owners claimed that the wall was not in the Town's right of way. The property owners stated their intent to rebuild the stone wall. Chairman McNally asked the Board for removal of the Cease and Desist and return of the scenic roads application.

L. Shifrin moved to remove the cease and desist issued for 31 Adams Road, and return the scenic roads application with the stone wall rebuilt. C. Sexton-Diranian seconded. A roll call vote was taken as follows; AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

Discussion was had as to the sequence of events in this case and the need for more public awareness for the Scenic Roads State law and Town regulations. Board members agreed further work should be done to enforce the Scenic Roads bylaw with appropriate enforcement and monitoring. Chairman McNally suggested the Board revisit the bylaw and amend as needed.

### 3.3

#### Approval of minutes

02-10-2020, L. Shifrin motioned to approve the minutes of 2-10-2020. J. Bozicas seconded. Roll call vote: AYE – L.S., C.S.D, V.K., J.B and L.M. The motion carried.

2-27-2020. L. Shifrin motioned to approve the minutes of 2-27-2020. J. Bozicas seconded. Roll call vote: AYE – L.S, C.S.D, V.K., J.B and L.M. The motion carried.

3-9-2020. L. Shifrin motioned to approve the minutes of 3-9-2020. C. Sexton-Diranian seconded. Roll call vote: AYE – L.S, C.S.D, V.K., J.B and L.M. The motion carried.

V.Kell asked questions about agenda items that were put on hold and may be changed due to the COVID 19 Governor's order 53 State of emergency. Chairman McNally stated that said agenda items would be moved under worksession on the next meeting agenda on July 13, 2020.

3.4 3-23-2020 L. Shifrin motioned to approve the minutes of 3-23-2020. C. Sexton-Diranian seconded. Roll call vote: AYE – L.S, C.S.D, V.K and L.M. The motion carried. J. Bozicas Abstained

3.5 MVP - Hazard Mitigation Plan update. The Planning Board administrator gave an update that the MVP Planning grant has been moving according to schedule. We anticipate that the draft HMP-MVP report will be received on June 17<sup>th</sup> for internal comments and edits. Planning Board administrator will provide feedback on the draft, Weston & Sampson will incorporate the edits and submit to MEMA and EEA on behalf of Townsend. The two agencies will then provide feedback on the draft and another internal review will follow. The final document will be presented to the Board of Selectmen for the adoption of the Plan.

3.6 Letter of support Townsend MVP Action Grant application. With the MVP planning grant nearly complete, the Town of Townsend is now considered a MVP designated community. As such Townsend is eligible to apply for MVP Action grants under the MVP program. A team of staff and Board members have been working with Weston & Sampson to create a project proposal and submit an MVP Action grant application to the EEA in the next few days. The team has been building support for the project proposal including outreach to Boards and Commissions, local organizations and other stakeholders to

solicit letters of support and match funding either in kind or monetary. The Town is matching in kind services for the grant and will be required to raise and appropriate the cost of the project initially at Town meeting. Upon award of the MVP Action grant, 75% of the project cost will be reimbursed to the Town. The Town's match of 25% will be in-kind services. The Planning Board administrator will finalize the warrant article and submit it to the Town Administrator prior to the close of the warrant, presumably on July 11, 2020. Planning Board administrator will send the draft warrant article to town counsel for review.

- 3.7 Safe Routes to School Program. V.Kell explained some of the details about the program. It is a federal program created to support local schools through staff training and programming that encourage active and safe outdoor opportunities for youth K-12. Some of the safety training programs include biking & walking, creating walking & biking clubs. If the Town adopts this program, Townsend will be eligible for grant money for infrastructure improvements such as painting crosswalks or installing bike racks. She asked if people would have interest in implementing this program and suggested organizing a committee made up of members from the school committee, schools, highway, police, conservation commission and the Board of Selectmen or another elected position in Town. School principals are responsible for sign up for the enrollment of the program and June July and August is the time period for stakeholder outreach. If the program is implemented successfully, the following year the Town can apply for grants. Grants are usually planning grants that study how students can walk or bike safely from their neighborhood to schools. V. Kell would like to ascertain support from the Planning Board, followed by outreach to Chief Sartelle and Recreation, the school district principals, and then set up a committee.

CORRESPONDENCE:

- 3.8 Notices from Townsend/other Towns. – The re-opening plan is on the website, staff will be gradually returning on June 17<sup>th</sup> at 25% capacity with alternating shifts. Town Hall is expected to be open to the public by July 1<sup>st</sup>.

J. Bozicas announced she will be running for Planning Board as a write-in candidate.

J. Bozicas motioned to adjourn the meeting at 8:57 P.M. C. Sexton Diranian seconded. A roll call vote was taken as follows:

AYE – L.S. C.S.D, V.K., J.B and L.M. The motion carried

Respectfully submitted,

Elizabeth Faxon, Planning Board administrator

Approved on: July 13, 2020

Items on file:

1. ANR plan for submission South Row Road & Emery Road Map 24, Parcels 14 & 15.
2. ANR application submission South Row Road & Emery Road Map 24, Parcels 14 & 15
3. Letter to: Townsend Planning Board from: LandTech consultants dated June 15, 2020 re: Waiver request Form A – ANR Application.
4. Revised ANR plan South Row Road – Emery Road, Townsend, MA. June 15, 2020.
5. Stormwater Management permit application submission - 48 Fitchburg Road
6. Referral comments from Town Boards and Committees – 48 Fitchburg Road Stormwater management permit application.
7. Letter to: Townsend Planning Board from: Graves Engineering, Inc. re: 48 Fitchburg Road Major Stormwater Management Application review.
8. Letter to: Townsend Planning Board from: John Massida 41 Seaver Road re: 41 Seaver Road comments in opposition to the proposal. (4 pages)
9. Letter to: Townsend Planning Board from: GRAZ Engineering, LLC. Dated March 17, 2020 subject: Mass Ave Land Development, LLC; Seaver Road Extension Additional waiver request for the Interim Plan revision.

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10. Interim plan submission – 2 Sheets; 1. Seaver Road – Roadway widening plan - Seaver Road definitive subdivision, and 2. Conventional Layout plan – Seaver Road definitive subdivision. Revised 3-9-2020. See Note #7.
11. Second Mandatory referral comments from Highway Superintendent and Fire Department re: Seaver Road definitive subdivision approval interim plan submission.
12. Letter to: Townsend Planning Board from: Hancock Associates dated 03-19-2020 re: Definitive subdivision plan review, Seaver Road extension.
13. Email from: Daniel Gardner to: Beth Faxon dated: 06-12-2020 subject: Information RE: 0 Seaver Road proposal
14. Letter to: John Massida & Sherrill Burgess from: Michael J. Duran, Applicant's atty. dated 03-13-2020 re: Access Issues related to your property. Reference Seaver road definitive subdivision approval
15. Letter to: Thomas F. Milligan & Madonna H. Milligan from: Michael J. Duran, Applicant's atty. dated 03-13-2020 re: Access Issues related to your property. Reference Seaver road definitive subdivision approval
16. Seaver Road Decision – Commonwealth of Massachusetts Land Court Department of the Trial Court Misc. Case #283644 – reference Seaver Road definitive subdivision approval.
17. Application submission; 1. Amendment to OSPD special permit for 187 & 199 North End Road. 2. Amendment to Campbell Farm Definitive subdivision approval.
18. Letter to: Townsend Planning Board from: Ducharme & Dillis Civil Design Group LLC, re: 187 North End Road, Townsend Hill Realty Trust.
19. Letter from Massachusetts Fish & Game confirming that the MA Department of Fish and Game is willing to accept the open space parcel of 26.6 acres. Dated 10-01-18.
20. Letter to: Michael J. Brandano and Shannon Brandano from: Townsend Planning Board re: Notice of violation Scenic roads act 31 Adams Road. Dated 05-29-2020.
21. Email to: Bentley Herget, Lance McNally James Kriedler Janet Leavitt & Beth Faxon from: Shannon Brandano re: 31 Adams Rd.
22. Email to: Shannon Brandano, Janet Leavitt from: Beth Faxon re: 31 Adams rd. Response.
23. Letter to: Michael J. Brandano and Shannon Brandano from: Townsend Planning Board re: Resolution, violation, Scenic Roads act, 31 Adams Road. Dated 06-08-2020.
24. Letter of Support to Kara Runsten, MVP Manager from Townsend Planning Board re: Townsend MVP Action Grant proposal FY21.
25. Townsend MVP Action Grant proposal summary: CLIMATE RESILIENCE WATER SUPPLY ASSESSMENT FOR THE TOWN OF TOWNSEND MA – A Municipal Vulnerability Preparedness (MVP) Action Grant Proposal.
26. Townsend MVP Action Grant proposal scope-budget wellfield study.
27. Phase 1 reopening Plan for Townsend.
28. Safe Routes to School program General link (what this is): <https://www.mass.gov/safe-routes-to-school> - Toolkit link (what this entails): <https://www.mass.gov/doc/srts-toolkit/download>

**Townsend Planning Board Meeting**

Time: Jun 15, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

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*Townsend Planning Board minutes 06-15-2020*

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