



Office of
THE PLANNING BOARD
 272 Main Street
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RECEIVED
 AUG 25 2020
 TOWN OF TOWNSEND
 TOWN CLERK

Lance J. McNally, Chairman

Charles Sexton-Diranian, Clerk

Laura Shifrin, Vice Chair

Veronica Kell, Member

Carol Hoffses, Associate Member

Jerrilyn T. Bozicas, Member

Planning Board Meeting minutes

Monday, July 27, 2020, at 6:30 PM

VIRTUAL MEETING

VIA: ZOOM PER GOVERNOR'S ORDER SUSPENDING CERTAIN PROVISIONS
 OF THE OPEN MEETNIG LAW, G.L. c. 30A, § 20[†]

1 PRELIMINARIES:

- 1.1** Call the meeting to order and roll call. Chairman Lance McNally called the virtual public meeting to order at 6:30 PM. Present: Jerrilyn Bozicas, Laura Shifrin, Vice Chair, Veronica Kell, Charles Sexton-Diranian, Clerk, Carol Hoffses, associate member, and Lance McNally, Chair.
 Others present: Elizabeth Faxon, planning board administrator (6:30 pm - 7:30 pm, was disconnected and rejoined the meeting at 7:40 pm to adjournment)
- 1.2** Chairman's additions or deletions. None.

2 APPOINTMENTS AND HEARINGS:

- 2.1 6:45 P.M. Continuation of public hearing – Modification of Open Space Preservation Development special permit and modification of Campbell Farm definitive subdivision. (Map-46 Blocks 3 & 2, Lots 0 & 2).**

Approval – 187 & 199 North End Road. Applicant: Townsend Hill Realty Trust.

Present: Stanley Dillis, Ducharme & Dillis, CDG, Inc. representing the Applicant

The Board reviewed draft Decisions prepared for the public hearing on the amendment to the OSPD special permit and the definitive subdivision approval. V. Kell made the following comments; Add the date of the Definitive subdivision approval vote, the Definitive Decision and the Plan had not yet been recorded, Parcel C acreage needs to be consistent in the decision, Add Parcel C is "not a building lot." V. Kell agreed to send the administrator the edited document. Discussion was had as to the necessity to amend the final endorsed definitive subdivision plans of record as well as the wording in the Decision. The Board had no comment but deferred to town counsel. Mr. Dillis commented that amending the wording in the Decision would be clear without revising the wording on the final endorsed Plan of record. Mr. Dillis noted that the applicant planned to record the final endorsed definitive subdivision plan of record and associated Decision at the same time as the decision(s) on the amendment. Discussion ensued as to the Conservation Restriction and the acceptance by the Conservation Commission. Comment was made that the edits discussed should be the same for both of the Decisions, the amendment to the OSPD special permit and, the definitive subdivision approval. C. Sexton-Diranian made a motion to submit the draft decisions for the amendments to the OSPD special permit and definitive subdivision approval for Campbell Farm 187 & 199 North End Road to Town Counsel for review. J. Bozicas seconded. A roll call vote was taken as follows: AYE – L. McNally, C. Sexton-Diranian, V. Kell, J. Bozicas, and C. Hoffses. The motion carried. V. Kell made a motion to continue the public hearing of the amendments for Campbell Farm definitive subdivision

[†] 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.

and OSPD special permit to August 10, 2020 at 7:15 PM. J. Bozicas seconded. A roll call vote was taken as follows: AYE – L. McNally, C. Sexton-Diranian, V. Kell, J. Bozicas, and C. Hoffses. The motion carried.

L. Shifrin was disconnected from the virtual meeting at 6:45 and rejoined the meeting at 6:57 PM. Chairman Lance McNally appointed associate member Carol Hoffses to full member status.

**2.2 7:15 P.M. Continuation of public hearing – Seaver Road definitive subdivision approval application and major Stormwater management permit application. (Map-23 Lot 4)
Applicant: Mass Ave Land Development LLC.**

Present: Paul Grasewicz, GRAZ Engineering, Inc. Representing the Applicant.

Others present; Michael Duran, Richard Cohen, Bob Ayotte, Ona and Michael Brown, Anne Stevens, John Massidda and Sherrill Burgess.

Chairman Lance McNally opened the continued public hearing of Seaver road definitive subdivision approval and major Stormwater permit applications. He confirmed that the applicant seeks directive from the Planning Board upon the requested waiver from §175-16 (B) (16) “dead end streets will not be permitted except where such dead end streets are deemed by the Planning Board to be in the public interest...” If the Board grants this waiver it would allow for the extension of Seaver Road to create frontage and a buildable lot under the zoning bylaws of the Town. He clarified that the applicant would like to ascertain the tendency of the Board members to grant the waiver specifically upon the latest submittal of a revised interim plan of 1 residential house on a 4.9-Acre Lot plus 7+ Acres of open space. The open space parcel would be conveyed to the Town for public use. Mr. Duran responded in the affirmative and that is the reason the applicant has submitted the updated plan for consideration. Mr. Grasewicz agreed that the applicant wanted to offer this revision to get a sense from the Board as to whether or not this was a more of a public benefit. Chairman McNally confirmed that in lieu of any improvements previously proposed to Seaver Road, the new proposal includes a single-family home with a separate parcel set aside for public use under a Conservation restriction. Mr. Grasewicz agreed. C. Sexton-Diranian expressed concern that the Board was operating outside of their roles and responsibilities by considering significantly different revisions and reiterations of the original project proposal. Chairman McNally noted that after discussion with Town counsel, it was advised that the Board rule on this most recent revision of one Lot and the open space parcel. Mr. Duran raised the intent of the applicant to correct access issues acknowledged or not, as part of the subdivision approval. Chairman Lance McNally commented that the Board has been advised not to address said issues of access as they are best left to the courts. Mr. Ayotte stated his opposition to the newest proposal due to the numerous waivers requested and inconsistency with what the Town rules and regulations. Ms. Stevens stated her opposition to the proposal. She commented that the property was purchased as an unbuildable lot and the Board should not grant any waivers which could lead to similar development in other areas of Town. She is opposed to any building on the parcel. Mr. and Mrs. Brown asked if this new proposal was approved how it would further residential development on these parcels be disallowed in the future. He stated that there should be extraordinary reasons to issue waivers which is not evident. They stated that the open space, which abuts their property is favorable. In response, Chairman McNally commented that the proposed house lot could not be subdivided under the zoning bylaws and the open space parcel would be protected under a Conservation Restriction in perpetuity. Mr. Grasewicz commented the open space parcel could be gifted to the Town, to a Conservation organization, or as an easement to the Town. Mr. Cohen expressed concern that there is still potential for further residential development under the new proposal. He mentioned potential applicability under the Open Space Preservation Development (OSPD) bylaw that may allow for additional development under the new proposal and remains in opposition to such. Mr. Grasewicz explained that the design of the 4.9-acre lot was due to test pit data and topography, allowing for the flexibility of installing a gravity flow septic system. He stated that there is no further intent to add more buildable lots or expand this development. John Massidda and Sherrill Burgess expressed concern with the numerous requested waivers from the Town’s regulations and bylaws that are part of this definitive subdivision approval proposal. They expressed appreciation of the applicant’s efforts to modify the proposal to a lesser impact, however, remain opposed to the Planning Board granting the requested waivers, and, to this new proposal. V.Kell referenced a plan dated 1987 that read the parcel is “not a building lot until made to conform to the Zoning bylaws of the Town of Townsend”. She commented that the parcel does not conform to the Zoning bylaws of the Town of Townsend. Mr. Duran asked the Board to consider this proposal, as an

opportunity for the neighborhood to have a newly constructed road extension, a quality single-family home, and 7 Acres of public open space for the town or local conservation organization. Chairman McNally stated his commitment to upholding the rules, regulations and, bylaws of the Town and was not in favor of the applicants request for the extension of Seaver Road, the applicant's latest revision considered. L. Shifrin spoke of her appreciation for the efforts of the applicant, and the compromise inherent in the applicant's latest revision. She commented on previous developments in which the Board has granted waivers to non-conforming lots and noted the importance of treating each case with individual due consideration. She spoke in favor of the applicant's new 1 Lot and open space proposal. L. Shifrin made a motion that the Board take a straw poll vote to see if the Board will work further with the applicant by allowing the extension of Seaver road, but not widening it, enough for the one Lot, and the open space. C. Sexton-Diranian seconded.

Roll call vote was taken as follows;

C. Sexton-Diranian – No, J. Bozicas – No, V. Kell – No, L. Shifrin – Yes, L. McNally – No 1-4-0. The motion is not carried.

Discussion on the motion; Chairman McNally stated a “No” or “Nay” vote meant the Planning Board would not approve the waiver for the extension of Seaver Road to allow the proposed single-family Lot and the open space gift. A “yes” or “aye” vote meant that the Board would be inclined to move forward with the applicant through the definitive subdivision review process of the latest revision of the project and plans which would involve a peer review, amended waiver list, additional design revisions and document revisions to both the definitive subdivision approval and the major Stormwater permit applications.

Chairman McNally stated that with said vote the Board is not in favor of granting waiver §175-16 (B) (16) required for the extension of Seaver road.

C. Sexton-Diranian made a motion to request staff to draft a Decision to deny the Seaver Road definitive subdivision approval application and deny the major Stormwater permit application for a vote at the next Planning Board meeting. J. Bozicas seconded. A roll call vote was taken as follows; V. Kell – AYE, J. Bozicas – AYE, L. Shifrin – NO, C. Sexton-Diranian – AYE, L. McNally – AYE. 4-1-0. The motion carried.

V. Kell made a motion to continue the public hearing of Seaver Road definitive subdivision approval application and major Stormwater permit application to August 10, 2020 at 7:45 PM. C. Sexton-Diranian seconded. A roll call vote was taken as follows; L. McNally – AYE, J. Bozicas – AYE, C. Sexton-Diranian-AYE, V. Kell – AYE, L. Shifrin – ABS. 5-0-1. the motion carried.

3 WORKSESSION: votes may be taken.

3.1 Planning Board appointment of representative to Montachusett Joint Transportation Committee. V.Kell has been elected as a Selectmen and is currently a Planning Board Member. She has been the Planning Board representative to the MJTC for the last year. There is uncertainty as to whom will be nominated for this appointment from the Select Board members for the 2021-2022 term. She recommended the Planning Board select a different member to be the MJTC representative. V.Kell commented that she enjoyed serving on the MJTC and stressed the importance of regular attendance of Town representatives and the conveyance of information back to Staff and stakeholders in Town. C. Sexton Diranian made a motion to defer the appointment of a Planning Board representative to the MJTC committee until the next scheduled Planning Board meeting. V. Kell seconded. A roll call vote was taken as follows; AYE – L. McNally, C. Sexton-Diranian, L. Shifrin, V. Kell, J. Bozicas, and C. Hoffses. The motion carried.

3.2 MOU and contract from MRPC Re: DLTA awarded project age restricted housing bylaw. C. Sexton Diranian reported that town staff and MRPC staff recently met to preliminarily review the MOU and the scope of services. He presented the scope of services and reviewed the scope and project time

schedule with the Board. The introductory kick off meeting is scheduled for August 10, 2020. MRPC will develop a draft zoning bylaw and work with the Planning Board to provide a final version of the bylaw. A public hearing for the zoning bylaw is scheduled for September 14, 2020 at 6:45 P.M. A final wrap up meeting is scheduled on October 19 during a regularly scheduled Planning Board meeting. The completion date for the project is December 30, 2020. V. Kell asked about who will be invited to the kick-off meeting. The following were mentioned; Board of Selectmen, Townsend Conservation Commission, Board of Health, and Council on Aging, Zoning Board of Appeals, Townsend Housing Authority, Building Department and a community representative. The Planning Board Administrator will notify Boards and Committees of the August 10, 2020 meeting and finalize the contract.

- 3.3** Approval of minutes 07-13-2020. V. Kell made the following comments section 1.2 second sentence after “to a width of 18” add the following “and bringing Seaver Road back as a Town road”, add the words “he felt”. Worksession 2.3 change the word “tolling” to “deferring”. Check the official name of the consultant. Add the second area for the Road safety audit in front of Sterlite. C. Sexton-Diranian made a motion to approve the minutes of 07-13-2020 with the changes discussed in this meeting. V. Kell seconded. A roll call vote was taken as follows; AYE – L. McNally, C. Sexton-Diranian, L. Shifrin, V. Kell, J. Bozicas, and C. Hoffses. The motion carried.
- 3.4** Greenville Road over Walker Brook Bridge replacement in Townsend. Administrator commented that the Planning Board is on the Environmental Notification Form (ENF) distribution list and, has received copies from the document and plans published by the project consultant. James Smith, Highway superintendent is the project leader. The project falls in an Area of Critical Environmental Concern. (ACEC). The Conservation Commission was also on the distribution list and the Agent has been onsite. There is a MEPA consultation meeting on Wednesday July 29, 2020 focusing on environmental concerns. V. Kell asked if abutters have been notified. Administrator responded that the Planning Board is not required to take any action on this project unless an application is filed. Brad Harris, MRPC has been contacted with a request to review this project for the Town.
- 3.5** Townsend’s MVP Action Grant application & Special Town meeting 2020 warrant article. V. Kell stated that the MVP Action grant funding was approved by the Town at Town meeting on Saturday July 25, 2020. The MVP Action grant is for a climate resilient water supply assessment and is a reimbursable grant. MVP action grant awards are expected to be announced in August 2020, and if awarded, the project completion date is June 30, 2021. The Board expressed appreciation to V. Kell and the Planning Board administrator for their contributions to Townsend’s MVP Action grant application submittal and seeking out project funding and support.
- 3.6** Scenic Roads Regulations discussion. – C. Sexton Diranian noted several areas where the Act has not been enforced. There is a need for more clarification. V. Kell commented that she is assuming that no stone walls in Town are regulated under the current legislation. Stone walls in the town’s ROW are subject to the Act. The Board requested the administrator discuss with town counsel changing the regulation to include stone walls and to clarify and strengthen the regulation. Chairman McNally asked to set aside one meeting per month to work new initiatives and positive changes to help the Town.
- 3.7** Townsend’s MASS DOT Shared streets and spaces grant application update. – Planning Board administrator commented that the grant is not yet been submitted. V.Kell asked what the draft grant includes and mentioned this was discussed previously at the Board of Selectmen’s meeting. She asked who is working on the grant and has heard Weston & Sampson on a pro-bono basis, the Town administrator, and the Planning Board administrator. V. Kell asked if repairing sidewalks would be eligible. The administrator mentioned the grant is to encourage outdoor use of common areas such as outdoor seating for restaurants, and pedestrian corridors V. Kell noted that this grant was first announced at the MJTC meeting and she asked for it to be put on both the Planning board and Board of selectmen’s agenda. The last submittal date is the end of September, all projects must be completed by October 9, 2020. L. Shifrin commented that MRPC has funding budgeted for sidewalks. She further commented that protocol is for those applications to be brought forth through the Town Administrator and the Board of Selectmen as a request to MRPC.

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

- 4.1 Notices from Townsend/other Towns. Were emailed to Board members. C. Sexton-Diranian noted the Scenic Roads Act application in Lunenburg and read the other notices. L. Shifrin mentioned that the virtual meeting access link and credentials are provided in the legal advertisement to inform the public. The Planning Board administrator commented she'd like to utilize the Lunenburg legal notice as a template for Townsend public hearings. V. Kell asked for live link posting of the virtual meetings.
- 4.2 Reappointments discussion Townsend Master Plan committee. Chairman McNally noted that the Master Plan Committee (MPC) has received a final report from the consultant who was contracted to deliver an economic development plan for the Master Plan update. MPC members were not satisfied with the deliverables and are under contract to pay the consultant upon receipt. MPC members stated their intent to negotiate with the vendor. The status of the MPC members could prohibit the negotiation and preclude moving forward. Town counsel informed Chairman McNally that if the consultant is not paid that litigation could result. Chairman McNally announced there is a meeting with members of the MPC, the Planning Board, and town counsel being scheduled to find a resolution and a plan to move forward on the Master Plan update in a cooperative manner. Board members expressed they would like to see progress with the Master Plan update and are interested in understanding what can be done to move forward in a constructive manner. V.Kell noted that she made a records request for documents, including the report of the economic development plan and received the following reply from the town clerk "no responsive document" exists. Lack of any posted MPC meeting minutes available to the public was noted. J. Bozicas noted the amount of work that has gone into this Master Plan update has been extensive. She is in favor of the meeting and discussion and resolution. V.Kell is in favor of the suggested meeting and, reiterated her understanding that the Planning Board would be upholding it's responsibility by checking in to assess the work done to date and formulating a plan for completion of the project. The Board members were in agreement to allow Chairman McNally and C. Sexton-Diranian to attend the meeting and provide an update at the next Planning Board meeting on August 10, 2020.
- 4.3 Flyer – Townsend's MVP Action grant for distribution at Town Meeting on July 25, 2020. Discussed under agenda item 3.5.
J. Bozicas made a motion to adjourn the meeting at 8:35 PM. C. Sexton-Diranian seconded. A roll call vote was taken as follows; L. McNally – AYE, J. Bozicas – AYE, C. Sexton-Diranian-AYE, V. Kell – AYE, L. Shifrin – AYE. C. Hoffses – AYE. 6-0-0. the motion carried.

Respectfully submitted,

Elizabeth Faxon, Planning Board Administrator

Approved on: August 24, 2020

Items on file:

1. ENF Greenville road over walker brook bridge project.
2. Townsend Town meeting informational handout for voters. MVP Action grant, climate resilient water supply assessment.
3. Townsend shared streets and spaces draft grant application.
4. Draft Decision Campbell Farm OSPD 187 & 199 North End Road amendment to the Special permit.
5. Draft Decision Campbell Farm OSPD 187 & 199 North End Road amendment to the definitive subdivision approval.
6. Email from J. Massidda and Sherrill Burgess to Townsend Planning Board RE: Seaver Road definitive subdivision approval application and Stormwater permit application dated July 27, 2020.
7. Email from to Planning Board admin from J. Massidda Re: Planning Board meeting 07-13-2020 response to access issues.
8. Email to Townsend Planning Board from A. Stevens Re: Seaver Road proposal. Dated 07-11-2020.
9. Email to Townsend Planning Board from Michael Brown Re: 3-Lot subdivision off Seaver Rd. dated 07-13-2020.
10. Email to Townsend Planning Board from L. Hatch, Re: Planning Board meeting and Seaver Road proposal. Dated 07-13-2020.
11. Email to Planning Board admin. From J. Siekman, Re: Seaver Road proposal. Dated 07-13-2020.
12. Email to Planning Board admin from applicant Re: proposed house to be build on Lot 1. Dated 07-14-2020.

13. Letter from GRAZ engineering representing the applicant to the Townsend Planning Board RE: Seaver Road revised interim plans dated 7-14-2020.
14. Seaver Road revised interim plans 2 sheets received on 7-14-2020. Showing one Lot and open space.
15. Architectural drawings and photographs of the proposed single-family home to be built on Lot 1 Seaver Road definitive subdivision.

Townsend Planning Board is inviting you to a scheduled Zoom meeting.

Topic: Townsend Planning Board Public Meeting

Time: Jul 27, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/4370746322?pwd=S1FoUUVWa0tuZWVDSHZkM2lkUUFNHUT09>

Meeting ID: 437 074 6322

Passcode: 9inAZk

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Meeting ID: 437 074 6322

Passcode: 866611

Find your local number: <https://us02web.zoom.us/j/k5jCkV31v>

Materials are available digitally on request by emailing bfaxon@townsend.ma.us