



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469

RECEIVED
JUN 18 2020
TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman

Laura Shifrin, Vice Chair

Veronica Kell, Clerk

Charles Sexton-Diranian, Member

Jerrilyn T. Bozicas, Member

Planning Board meeting minutes

Monday, February 10, 2020, at 6:30 PM
Townsend Memorial Hall, Selectmen's chambers
272 Main Street, Townsend, MA 01469

1 Preliminaries:

- 1.1 Chairman Lance McNally called the meeting to order at 6:32 P.M.
- 1.2 Present: Laura Shifrin, Vice Chair, Charles Sexton Diranian, Veronica Kell, Clerk, Jerrilyn Bozicas, Lance McNally, Chair.
Others present: Adam Costa, town counsel (6:40 P.M.), Rene Gagnon, Hancock Associates
Elizabeth Faxon, Planning Board administrator.
- 1.3 Additions or Deletions to agenda. Chairman McNally commented he had informed a member of the Select board that the Planning Board would not be bringing forth warrant articles related to taxation. The Select board would be bringing forward the adult use recreational marijuana tax warrant article at a later date. He also requested updates be provided at every Board of Selectmen's meeting on the status of staffing for Land Use Coordinator.
- 1.4 L. Shifrin moved to approve the minutes of January 27, 2020, C. Sexton-Diranian seconded. All in Favor. The motion carried.

2 Hearings and Appointments:

- 2.1 Locke Brooke solar array project change, relocation of the perimeter fence.
Present: Palmer Moore, Locke Brook Solar (Nexamp, Inc.)

L. Shifrin clarified that the project change is that the approved fence line is being moved further off of West Meadow road, towards the interior of the property. Due to the necessity to relocate some features of the solar array project to accommodate the adjacent DOT bridge project less land space was available for the land owner to farm the area. Relocating the fence will allow the landowner reasonable section of land to continue haying and reduce the footprint of the project. Mr. Moore described a better visual effect if driving down W. Meadow road and claims the fence will be less visible. V.Kell raised the question about the visual effect of the fence relocation and also asked if there is a safety concern of having the detention basin left outside of the fence. P. Moore explained that the depth of the detention basin averages about a foot, with a 1.5' maximum depth. He noted that there is a very slight change in topography in this area. He noted that combined with the fact that the site drains very well and that it will rarely hold water, that there will not be a safety concern with the proposed change. A letter was received from the landscape architect regarding the visual screening and surmised that the visual screening will not be reduced or significantly changed from the originally permitted location to the currently proposed relocation of the fence. C. Sexton-Diranian asked if the change would impact the Stormwater permit under which the project is operating. P. Moore replied no. C. Sexton-Diranian asked if the Conservation Commission has been consulted regarding this fence relocation proposal and heard no. P. Moore stated he intends to contact the Commission to notify them. The Board is in favor of the proposed change with the consult of the Conservation agent.

2.2 Continued public hearing on the application of Seaver Road definitive subdivision approval and Stormwater permit.

Present: Paul Grasewicz, GRAZ Engineering, LLC representing the Applicant

Rene Gagnon, Hancock Associates (HSA), representing the Town of Townsend

L. McNally reconvened the public hearing at 7:00 P.M. and presented a letter submitted by the Applicant from the MA Division of Fisheries and Wildlife stating that the proposed project will not result in a prohibitive taking of state endangered and rare species. Mr. Gagnon (HSA) then read the technical peer review report findings letter, answered questions and explained rationale for his comments. The Board had some general discussion and comments on the requested waivers and HAS's findings contained in the peer review report as follows; 175-13(D)(2) application fee. L. McNally noted that the Board resolved this during the previous meeting. 175-14(A)(1) request for waiver resulting in combining plan sheets to streamline the plan set. HSA found this acceptable. Board Members generally found acceptable. 175-14(A)(1)(i) request for waiver from providing a landscaping plan. HSA found the Applicant should provide more explanation to support claim of why a landscape plan is not needed. Board Members were in agreement that a landscaping plan should be provided. Discussion ensued as to whether or not the road will be public. Town counsel noted that the Planning Board cannot determine whether the road is public or private. V.Kell confirmed such, and added that the Planning Board can determine if it is a subdivision road. 175-14(A)(2) request for waiver to allow all maps at a 1"=50' scale, instead of required 1"=40'. HSA found in favor of allowing scale as currently drawn on plan. 175-14(F)(2) request from waivers relating to showing location of trees on the plans and providing a landscape plan. 175-14(G)(3), 175-14(L)(h) & 175-14 (K). HSA stated that the limit of the existing clearing that has occurred should be shown on the plan. The design should try to avoid those trees that are left. 175-14(N)(5)(b-c) request to waive requirement of providing existing left-side and right-side elevations on the profile plan. HSA stated this is adequate given the proposed road is following the existing grade. 175-15(a)(4) request for waiver from providing a pro-forma financial analysis. HSA deferred this to the Board. Board Members differed in opinion on this waiver. More in favor of providing the financial analysis. 175-15(A)(6) request for waiver from providing a proposed construction schedule. HSA opined that this should be provided. 175-15(A)(9) request for waiver from providing soil test information. HSA did not recommend granting this waiver and requesting additional information noted in findings letter. Mr. Grasewicz stated that additional testing will be completed for the roadway and the Stormwater detention basin. An Abutter expressed concern that the soil testing could impact the integrity of the roadway and be problematic for cars to pass along the roadway to his residence. Mr. Grasewicz stated there will be conscientious effort to avoid inconvenience to road passage during soil testing and they will temporarily dig, and immediately backfill the test pit. 175-15(H)(7) request to partially waive the requirement of providing a full traffic study for the project. HSA found this acceptable. 175-15 (G) request to waive the requirement of providing monumentation at all points of change. HSA in general found this acceptable. If the stone walls are disturbed along the ROW, a drill hole should be provided. V.Kell would prefer granite markers or iron pipes on all corners of larger property being developed. More discussion required. 175-16(B)(2) request to waive the requirement of proposed ROW's being no less than 40' wide. HSA found this acceptable with the note that the land parcel has adequate area to provide the required 40-foot ROW. Board Members were not in favor of waiving this requirement. Mr. Grasewicz stated that they will widen the section of the road when they approach the parcel that is under legal ownership. L. McNally stated that this be flagged for future discussion.

Town Counsel noted that the waivers are being requested for the roadway being proposed, that is shown on the plan. Mr. Grasewicz clarified that the first 100' of the road is constrained by the stone walls, and cannot be widened to 40-feet. It is subject to the 175-16 (B) (2). Town counsel suggested seek further input from the Highway department if they have questions on the width or structure of the proposed roadway. 175-16(B)(16) request waiver to allow a dead-end street and waive the requirement of providing a circular turn-around for a dead-end street. HSA opined that if the Board will allow this the Fire Department should review and approve the ability of the trucks to maneuver. Mr. Grasewicz stated that in entire length of Seaver road would be widened and improved to justify the waiver request. L. McNally asked if a plan has been developed. Mr. Grasewicz stated it has not been surveyed, but reconnaissance walks have occurred to identify areas that could be widened. L. McNally stated that in order for the Highway Superintendent to opine on the proposal, a plan must be designed and submitted. L. McNally stated that a plan is required and, the regulations are clear regarding waiving the circular turn-around. Careful review by the Fire

Department, Police department and Highway department will be needed as input to the Board. V.Kell asked why Seaver Road matters to this review. Town counsel explained that the Applicant may indeed, and has asked for, waivers and offer mitigation for granting of said waivers. The Board must ensure that when it grants a waiver, it must comply with public interest and consistency with the rules and regulations. He surmised that mitigation is being offered by the Applicant, i.e., in exchange for not providing a circular turn around, they intend to widen the existing section of Seaver road along the entire length. 175-16(C) request to waive the requirements of providing sidewalks along the roadway extension. HSA found this acceptable. 175-16 (D) request to waive the requirement of providing landscape plots. HSA does not accept and noted landscape plots should be provided. Board members agreed with HSA. 175-17 (A)(10) request for waiver to allow the construction of an 18-foot wide roadway surface in lieu of the required 26-foot wide roadway surface. HSA found this acceptable provided the Townsend fire Department approves the design. L. McNally stated that a plan and review will be required before any further comments would be made. 175-17 (E) request for waiver of the curbing requirement along the proposed roadway surface. HSA found this acceptable.

Mr. Gagnon (HSA) continued reviewing the remainder of his comments in the peer review report using citations from the section numbers of the regulations, with main points of interest as follows; §175-14 (B)(1) relating to the clarification and effects of the easement should the discontinued and abandoned part of Seaver road be accepted as a public way and the granting of easement to the Town for maintenance.

Discussion ensued as to the right of easement interest. Town counsel stated that depending on whether the ROW is an integral relation to the Case, the Board can review and, ask additional questions of the Applicant specific to ownership and activities within the easements.

As the comments continued, Mr. Grasewicz asked for expectations and clarification regarding peer review report comment #11 175-14(l)(p) the locations of basements. HSA found it acceptable for the Applicant to note on the plan: "basements will be underneath house except for the garage".

175-14(N) Street plan and profiles. Mr. Grasewicz noted that 1-20' scale has better resolution. L. McNally suggested a waiver would be effective in this case. Also noted that existing and proposed bounds should be provided on the revised plans.

175-15 (D) financial impact statement of waivers upon the project should be provided.

175-15 (J) 2 & 3 soil test data for the proposed street and Stormwater basin should be provided.

175-16 (A) (3) O & M plan should include prohibition of herbicides and pesticides.

175-16 (B) (4) site distances have not been provided. HSA found it reasonable for the Applicant to request a waiver. Peer review report Comment #20 related to the fact that the proposed ROW would provide frontage to the land parcels to the west of the ROW. Mr. Grasewicz stated that the Applicant plans on removing frontage from lot 2 located within the priority habitat of endangered species. He stated he would create a reserve strip along the westerly side of the road to prevent future ANR of lots on these parcels of land. V.Kell asked if that proposal is fair in the event that the land owner would like to have this option of future developable lots. Comments #21, 29 & 30 were combined for discussion specifically related to the need for more information surrounding clarification of the status of the remaining existing gravel road within the ROW and how easements will be effected assuming the Road is accepted by the Town. Peer review comment #24 related to the requirement of revised and additional drainage calculations to document compliance with Stormwater regulations and DEP Stormwater regulations. Peer review report comment #25 175-16 (H) relating to street lights noting the lack of information on this bylaw. Peer review report comment #26 175-16 (L) related to the finding that no fire protection is proposed, nor is a waiver requested. Mr. Grasewicz asked for clarification of the wording of this section of the bylaw. L. McNally stated that it would be preferred to wait until the second referral review of the revised plan is completed by the Fire Department. The administrator will send a referral to Townsend Fire Department (T.F.D), Highway Department, & Police Department (T.P.D). V.Kell asked why there was no comment on 175-16 (B) (18) & (19) regarding the requirement of at least two non-intersecting paths out of the subdivision. Town counsel noted an inconsistency in the bylaws by referencing the bylaw that allows for a dead end street i.e, 175-16 (B) (16). He commented that this would be an

additional waiver that the Applicant can request, and the Board will consider the waiver request with respect to the criteria. Peer review report comment #27; 175-17 & 175-18 pertaining to construction sequencing. HSA noted the applicant should comply with said sections providing the information as it pertains to the construction phase of the project. Peer review report comment #28; found inconsistency with the bylaw of the sizing of the culverts under the driveway. HSA's found that the culverts need to be resized to the 18" to comply with the bylaw. If Applicant retains the plans as is then additional drainage calculations for the 100 yr. storm should be provided to prove adequate functionality of the smaller culvert design. The Drainage calculations provided will need to be revised and presented based on standard practice and appropriate methodology. Clarification and/or documentation on the plans is needed on the maintenance of the turn around, and the utilities and the extent of recent logging activities. The roof drain dry wells design and effectiveness needs to be clarified, i.e., demonstration that the systems will function as designed.

The Stormwater calculations and data provided in the Stormwater report versus that which are required were presented by HSA and found in the peer review report. HSA explained the methodology for modeling pre-and post-development Stormwater runoff and the design criteria for detention basins. The lacking data and calculations were described in detail in the peer report. HSA commented on the inconsistency of the hydrology calculations to provide clarity of the Tc pathway for all drainage sub catchments through the pre-and post-watershed. Plan.

L. McNally confirmed that Mr. Grasewicz had good clarification on what will need to be addressed for the project. L. McNally asked HSA to review the current scope of the contract and ascertain whether or not enough funding is available for additional review.

Mr. Grasewicz proposed the following; to submit the entire roadway professionally engineered plan to the Planning Board. Then after respective reviews by the Highway Department, T.F.D and T.P.D reconvene the discussion of the related requested waivers for the Board to take definitive action at a future Planning Board meeting. He stated that these action items and revision could be ready for submitted to the Planning Board in a few weeks. Town counsel responded to the feasibility of this request and mentioned that the proposed exchange of benefits between the applicant and the Town i.e, granting the waivers pertaining to the length of the dead-end road and absence of a circular turn around for the fore mentioned improvements to existing Seaver road is a pivotal action item to the success of the permitting of the project definitive subdivision. He added that the discussion about adding the strip of land to negate any further subdivision of other land parcels adjacent to the project is another critical component to the subdivision approval. In his opinion it is a reasonable request for the Applicant to prepare plans to show the proposed road improvements, and any changes that may be made to provide the land strip to provide frontage, and after reviews by Town departments so named, request a review by the Planning Board.

L. McNally agreed to this course of action with the addition of addressing all of the concerns with all of the Sections 175-16 (B).

P. Grasewicz agreed to grant a written extension for the Planning Board to act per the statutory timeline on the subdivision approval application and the Stormwater permit application until the last day of May, 2020.

C. Sexton-Diranian moved to continue the public hearing of Seaver Road definitive subdivision approval and Stormwater permit to March 23, 2020 at 7:00 P.M. V.Kell seconded. All in Favor. The motion carried.

3 Worksession:

- 3.1 Welcome Carol Hoffses. L. McNally welcomed Carol Hoffses, and noted that she had completed a volunteer response form for the associate Planning Board member vacancy, which the board members reviewed. Carol has years of experience as a neighborhood representative for the school building committee planning board, an elected official, and a U.S. Air Force civilian for many years. L. Shifrin moved to recommend the Board of Selectmen appoint Carol Hoffses to the Planning Board associate member position. C. Sexton-Diranian seconded. All in Favor. The motion carried.
- 3.2 MVP Planning grant award. The Town of Townsend received a grant award in the amount of \$22,000 from the Massachusetts Executive Office of Environmental Affairs for the Municipal Vulnerability

Preparedness program. The funding is for assessing vulnerability to and preparation for climate change impacts, building community resilience, and receive designation from the State as a Climate Change Municipal Vulnerability Preparedness (MVP) program municipality. The vendor selection process is underway. L. McNally that Board members can review proposals and prepare for discussion and decision making at the next Board meeting on 2/24/2020. E. Faxon will be the Point of Contact for the MVP program going forward. The Townsend MVP contract is on the Board of Selectmen's agenda for 2/11/2020 and expected to be finalized by the end of the week.

- 3.3 No agenda item.
- 3.4 Discussion was had during the joint Board of Health meeting regarding the rewording of 145-36 Accessory apartment bylaw. E. Faxon will incorporate the changes and bring the draft to the next Planning Board meeting.
- 3.5 Recreational marijuana local sales tax discussion. Refer to section 1.4 of these minutes.
- 3.6 DLTA grant, C. Sexton-Diranian will meet with E. Faxon to detail a scope of work in anticipation of the grant award. C. Sexton-Diranian attended the most recent MRPC meeting and updated that most of that meeting was budget and administrative.
- 3.7 2020 ATM warrant & zoning bylaw amendments discussions – ATM 2020 is Tuesday May 5th, 2020. The Warrant article deadline is March 1st, 2020. L. McNally asked about the wording of the OSPD bylaw with respect the conveyance of the open space. V.Kell did not feel that it is necessary, because it is already regulated at the State level. This should be understood by Boards reviewing projects under this bylaw. The amended wording to the accessory apartment bylaw will be drafted by the Administrator. Town counsel will review the proposed wording changes. The wording "have been met" will be replaced by "shall be met". The BOH and ZBA form used during the accessory apartment permitting process will be revised by the PB administrator, in collaboration with the BOH agent, and BOH administrator.
- 3.8 Public information session planning jointly with THA - C. Sexton-Diranian updated the Board that he attended the MRPC meeting. He read aloud the Master Plan Committee (MPC) update provided in an email from Kym Craven. The next MPC meeting will be held on March 3, 2020. He noted that the data report received in base format under the FY 2019 DLTA grant will need further analysis, organization, and optimally presentation. He asked if under the FY2020 DLTA we could include a data analysis of the MPC survey data results and most recent data in the scope of services. This new report would inform the Housing Production Plan Update 2020. The administrator will contact MRPC to discuss this possibility. This information session is tabled until new staff is hired at MRPC to continue with the project.

C. Sexton Diranian will send out a draft age-restricted housing bylaw to the administrator and the Board to discuss at the 02/24/2020 Board meeting worksession. He will send out a Word file for Board members to review and comment.

4 CORRESPONDENCE:

- 4.1 Notices from other Townsend/other Towns were emailed to Board Members.
- 4.2 Citizen Planner Training Cooperative 2020 Annual conference date is 03/21/2020. MHP Western MA housing conference date is 04/16/2020. MHP housing institute training date is 06/10/2020 & 06/11/2020.

J. Bozicas motioned to adjourn the meeting at 9:45 P.M. V.Kell seconded. All in Favor. The motion carried.

Respectfully Submitted,

Elizabeth Faxon, Planning Board administrator

Approved on: June 15, 2020

Items on file:

- 1. Notice of Vacancy – planning board associate member.
- 2. Volunteer response form - Carol Hoffses.
- 3. Press release: Executive Office of energy and environmental affairs "Baker-Polito Administration Awards \$11.6 Million in Climate Change Funding to Cities and Towns"

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4. MVP Program proposals received from Weston & Sampson, Beals & Thomas Inc. BETA Inc. and Montachusett Regional Planning Commission.
5. Letter to Lance McNally from Palmer Moore Re: Locke Brooke solar project at 22 West Meadow road fence relocation. Detail of fence relocation on plans. Dated 01-21-2020.
6. Letter to Lance McNally from Beals & Thomas, Inc. Re: fence relocation and visual screening Locke Brooke Solar 22 West Meadow Road. Dated 02-05-2020.
7. Letter to Daniel Gardner from MA Division of Fisheries and Wildlife re: Seaver road, Townsend road improvements for subdivision. Dated 02-06-2020.
8. Letter from Hancock Associates to Townsend Planning Board RE: Definitive subdivision Plan review, Seaver Road extension dated: February 7, 2020. (Peer review report)
9. MRPC deliverables from FY2020 DLTA grant.
10. Email from Kym Craven to Townsend Planning Board RE: Master Plan Update dated 02/10/2020.
11. §145-36 Accessory Apartment ZBA - Board of Health report memorandum/form.
12. Public hearing sign-in sheet.