



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1700 x 1722

RECEIVED
SEP 27 2018
TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman
Christopher Nocella, Member

Laura Shifrin, Vice Chairwoman

Veronica Kell, Clerk
Jerrilyn T. Bozicas, Member

Planning Board Meeting Minutes

Monday, July 23, 2018, at 6:30PM

Townsend Memorial Hall, in Selectmen's Chambers
272 Main Street, Townsend, MA 01469

1.1 Chairman McNally called the meeting to order at 6:34 pm.

1.2 Roll call Chris Nocella, Veronica Kell, Jerrilyn Bozicas, Lance McNally

Absent: Laura Shifrin

Others present: Beth Faxon, Planning Board Administrator

1.3 Appointment 2.3 8:10 P.M 295 Townsend Hill Road – ANR application was withdrawn.

1.4 Approval of minutes JB motioned to approve the July 16, 2018 minutes as written, seconded by CN.
All in favor. The motion passes.

Chair McNally asked to table approval of the July 9th, 2018 meeting minutes, to allow more time for Board members to review.

The Board moved on to 4.3 Mr. Sawyers' letter requesting bylaw amendment – Zoning Ch. 145-26A with regards to containment of animals and poultry within the boundaries of property.

Present:

Mr. David Sawyer

Janet Leavitt, Townsend Building Department

The Board read a letter from Mr. Sawyer describing his experience with nuisance poultry and destruction of his property.

Mr. Sawyer explained his experience with a flock of poultry repeatedly causing damage his property and asked if the Planning board would consider processing an amendment to the bylaw such that property owners have the right to farm only on their own property.

Chair McNally then read aloud a letter from Richard Hanks Zoning Enforcement officer notifying the poultry owner of the violation of Land use. Discussion ensued as to how this letter and enforcement method should be effective in this situation. Janet Leavitt, Building Department, offered her experience receiving other complaints from residents of wandering poultry and farm animals. She stated support for a clarification of the bylaw to avoid others having to contend with nuisance animals/fowl causing property damage.

V.Kell read aloud Sec 10 of the bylaw and commented that this may be sufficient to include the owners permitted use to keep poultry on their own property. Chair McNally asked a request of Mr. Richard Hanks to change the verbiage of the bylaw so as to create a more clear indication of the responsibilities of farm animal owners in terms of nuisance poultry/animal containment. Chair McNally would like to utilize his expertise as Zoning Enforcement officer to change the verbiage of the existing bylaw to rectify the ambiguity. He continued we can present it at the next town meeting. V. Kell asked what the requirement is to change a zoning bylaw and heard a 2/3 favorable town meeting vote.

The Board moved on to 3.2 and decided to take no action until L. Shifrin was present.

Chair McNally asked about 3.3 Adult Use Recreational Marijuana bylaw update. B. Faxon reports editing and amending the word file of the existing § 145-89 Temporary Moratorium on Recreational Marijuana bylaw to change the expiration date of the Moratorium from December 31, 2018 to June 28, 2019 to allow the Planning board additional time to undertake the planning process of adopting or amending Zoning bylaws. Chair McNally asks for a print copy to be distributed to the Board, and a public hearing be posted to discuss the amendment at the following Planning board meeting on August 13, 2018.

The Board moved to agenda item 3.4 Alternate Planning board member vacancy update. B. Faxon reported she provided the Board with copies of the volunteer response forms received by two potential alternate members. There were no other responses on file. V.Kell asked where the vacancy notice is posted. She heard the Town website home page under volunteers needed, the Planning Board webpage, and meetings post board at Town Hall. The Board asked for an invitation to be extended to those who responded for the August 13th meeting.

At 7:00 Chair McNally reconvened the public hearing of 187 North End Road OSPD.

Present: Stan Dillis, Ducharme & Dillis, Inc.

Chair McNally stated that there is no new information from Town Counsel with regards to previous questions from the Planning Board. Stan Dillis agreed to continue the public hearing upon the recommendation of Chair McNally.

J. Bozicas moved to continue the public hearing of 187 North End Road to Monday August 13th at 7:00 p.m., seconded by C. Nocella. All in favor. The motion carries.

The Board continued to agenda 3.5 250 Main Street. Chair McNally noted that at the hearing of July 9th, the Planning board reviewed the chapel expansion project under the bylaw for Anderson Funeral home. The Board found that with the increase in the size of the chapel there would be no increase in use of the facility. The Board found that there was no change in use and no need for more parking spaces and issuance of a special permit was unnecessary.

C. Nocella moved to waive issuance of a special permit for 250 Main Street based on the findings of fact that no increase in use of the facility would occur and consequently no additional parking space is necessary. J. Bozicas seconded. All in favor. The motion carries.

The Board moved on to 3.1 Mandatory Referral's. 99 Clement Road is applying to the ZBA for a special permit to construct an accessory apartment to provide housing for a family member.

C Nocella moved to make no comment on the mandatory referral for 99 Clement Road, seconded by J. Bozicas. All in favor. The motion carries. Chair McNally endorsed the form.

The Board then continued to review agenda appointment 2.2 7:10 pm. 40 Scales Lane – ANR.

Present: Russ Wilson, R. Wilson & Associates

Mr. Wilson appeared before the Board and explained that the intent of the applicant is to split Lot 2, which is part of the golf course, into two lots. Lot 2 as shown on the ANR plan, has frontage next to the cul de sac on Scales rd. as well as Blood Road. The applicant is retaining a 30 foot easement to access the golf course. Chair McNally asked if there are wetlands on the Proposed Lot 1 and Mr. Wilson responded there are not. A culvert was noted in the front North West corner of the lot. V.Kell asked if it is zoned industrial and if there is a different frontage requirement. Mr. Wilson replied yes, and Board member research concluded that the frontage requirement is the same as residential.

Chair McNally went through the checklist with C. Nocella

The Board found that the application for Endorsement of Plan Believed not to Require Approval packet did not contain adequate documentation required in #9. c. to show that all owners of record have legally agreed to this application. Mr. Wilson was informed that this required documentation will be necessary for the Board to endorse the ANR. C. Nocella noted the scale of the plan to be 1:150. Mr. Wilson commented that this was to keep all the information on one plan.

C. Nocella moved to accept a waiver from requirement §175-11(2), 1 inch to 40 Feet requirement, so the map fit on one page. J. Bozicas seconded. All in favor. The motion carried.

The Board agreed to hold the ANR in open status until the required documentation is provided at the next Planning Board meeting.

****Mr. Wilson left the meeting at 7:45 pm. ****

The Board returned to the second of the two Mandatory referrals -- 168 Lunenburg road. The proponent is seeking a special permit from the ZBA to construct an Accessory apartment. V.Kell stated she would like to see more accessory apartments that are not housing a family member, to be turned to moderate income units and credited to the Towns affordable income inventory.

C. Nocella moved to endorse the Mandatory referral with no comment, seconded by J. Bozicas. Roll call vote: LM, CN, JB – YES, VK – NO

The board then continued with Correspondence agenda item 4.2 Notice of Conversion under MGL Ch. 61 – Scales Lane.

Chair McNally read aloud a memo from Carolyn Smart, Executive Assistant. The Board of Selectmen requested guidance from the Planning Board regarding the option to purchase said property under the right of the Town to exercise its Right of First Refusal. The 5.98 acre property is shown as proposed Lot 1 in the Notice of Intent to convert document. Sylco Realty Corp. intends to withdraw the property from CH 61 B recreational use and convert to commercial use.

The Land Use Department learned that there was a Cease and Desist order issued from the Townsend Conservation Commission for violations of the Wetlands Protection Act on proposed Lot 1. Discussion ensued and the Board made the connection with the ANR – 40 Scales lane heard earlier in the meeting.

Chair McNally stated that wetlands must be shown on the ANR map and asked if wetlands are present on proposed Lot 1. The Board considered the Cease and Desist order to be suggestive evidence of wetlands that were not shown on the ANR plan presented prior to this discussion. A delineated wetland was shown on a site plan of the Proposed Lot 1 dated 1989 on file in the Land Use office.

Chair McNally asked the administrator to ascertain whether or not wetlands exist on the parcel and if so, to what extent? B. Faxon agreed to consult with the Conservation commission. The Board closed the discussion by stating intent to reassess the ANR at the Monday August 13, 2018 Planning Board meeting.

The board made the following statements regarding the Towns' Right of First refusal;

- The Planning board does not recommend that the Town purchase Proposed Lot 1.
- The conversion of Proposed Lot 1 from recreation to commercial is an acceptable use.
- The Board encourages this conversion to increase commercial acreage and promote business in this industrially zoned area of town.

4.1 V.Kell read aloud the notices from other towns and two Townsend Zoning Board of Appeals' Notices of Decision.

4.4 B. Faxon updated the Board that there will be a Townsend Police Annual National Night Out Event August 7th 6-8 pm and asked if there would be interest in participating. She offered to attend and represent the Land Use office at the event. No action was taken.

V.K. then asked about the process of submitting some additional questions she has regarding 187 North End Road. Chair McNally stated he intends to write the request for legal submittal and allow the Board a chance to review prior to releasing.

J. Bozicas moved to adjourn the meeting at 8:23 pm. The next meeting was scheduled for Monday August 13, 2018 at 6:30 pm. V. Kell seconded. All in favor. The motion carried.

Approved: September 24, 2018

On file in the Land Use office:

1. 187 North End Road OSPD file and site plans
2. 40 Scales Lane ANR file and ANR plans
3. 250 Main Street file and site plans
4. Notice of Conversion under MGL Chapter 61 – Scales Lane
5. Memo to Planning Board from Carolyn Smart on behalf of Board of Selectman RE: Chapter 61 Referral – Scales Lane
6. Cease and Desist Letter to Sylco Realty Corp. from the Townsend Conservation Commission regarding violation on Proposed Lot 1 ~ 40 Scales Lane.
7. Site Plan "B" of Northern Spy Townsend, MA dated March 31, 1989.
8. Letter to the Land Use Department from Dave Sawyer
9. Invitation from Chief Bailey to participate in the Townsend Police Annual National Night Out