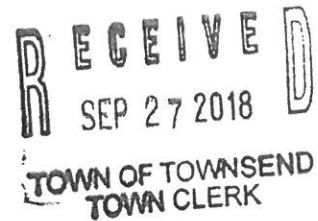


Townsend Planning Board Meeting minutes
July 9, 2018
Selectmen's chambers
Memorial Hall, Townsend, MA



Chair McNally called the meeting to order at 6:35 p.m.

Roll call - Jerrilyn Bozicas, Veronica Kell, Laura Shifrin, Lance McNally

Absent: Chris Nocella

3.3 Adult Use Recreational Marijuana bylaw

Present: Police Chief Bailey

Chair McNally asked Chief Bailey the most important aspects from a public safety perspective to address in the formation of the Adult Use Recreational Marijuana bylaw. He also updated those present that in a recent Decision, the Attorney General granted an extension on a bylaw moratorium until June of 2019. B. Faxon agreed to edit the current Adult Use Recreational Moratorium warrant article to change the termination date from December 2018 to June 2019.

Chief Bailey answered that the location of business enterprises allowing Adult Use Recreational Marijuana retail sales will be of considerable importance. He mentioned that retail of Adult use Recreational marijuana will involve the use of cash currency transactions due to the fact that bank transactions are illegal at the federal level. Consequently, the revenue from bank transactions will be in cash form which may have an effect on criminal activity. Chair McNally requested input from the Chief on security issues from transmittal of revenue generated from retail sales and retail facility security and monitoring. In response to a question about vapors, Chief Bailey responded that no foreseeable impact will occur from vapors given off by cultivation of marijuana. His concern, from a direct public safety perspective, is more about regulating retail sales versus cultivation. Chief Bailey added that he has previous experience with municipalities where Adult Use Recreational Marijuana retail sales have been implemented. He offered to tap these resources to assist the Planning Board (The Board) with formulation of the bylaw.

Chair McNally asked for public safety research and regulatory policy to continue with respect to abutting towns and similar communities in preparation for drafting of the Adult Use Recreational Marijuana bylaw. He outlined a bylaw formation process in which the Board will take note of what regulations and policies are effective in similar municipalities, compare bylaws from other similar towns and create a draft for the Town of Townsend. B. Faxon will gather bylaws from abutting and similar towns for the Board to refer to during the formulation of the draft bylaw.

Chair Kym Craven was present to convey the Master Plan committee report. Chair Craven noted the Invoice for purchase of Survey Monkey services is on tonight's Planning board agenda. Chair Craven and B. Faxon prepared an encumbrance submittal for the Town Accountant to comply with FY18 year-end fiscal procedures. K. Craven states the debriefing meeting has been completed with MRPC and a Draft report is in progress containing the results of the multiple community input meetings. The release of this report will be held until after the survey is released to maintain unbiased statistical data collection.

Upon a motion made by V. Kell, seconded by J. Bozicas it was;

To approve reimbursement to B. Rideout of \$384.00 for the purchase of Survey monkey, Inc., annual contract service.

All in favor. The motion carries.

4.2 Charter Review Committee appointment

Chair McNally expressed apprehension about the sequence of completed work of the Master Plan committee and the review work of the Charter Review Committee. He is not in favor of both projects going on simultaneously and would like to see the Master Plan completed prior to a Charter review. B. Faxon agreed to contact Selectwoman Cindy King to collect more information regarding the timeline and, member time commitment of the Charter Review committee. L. Shifrin noted the process of review of the Town Charter has not been done for many years.

At 7:07 pm Chair McNally continued the public hearing of 187 North End Road OSPD.

Present: Stan Dillis, Ducharme & Dillis, Inc.

Dana Roberts

Tom Talcott

Mike Hoffman

Scott Blain

Chair McNally explained that the Townsend Planning Board office received a response moments prior to this meeting, from Townsend town council. The Board requested legal services to respond to questions pertaining to the Campbell Farm OSPD, and compliance to the Townsend OSPD bylaw. The town council response email was entered into the record and a print copy was distributed to those present. The document was disseminated for information only and represented a work in progress. Mr. Roberts asked about the overall assumption by town council in the response with regards to which category under 145-39 (G) "common space ownership and management" of the OSPD bylaw the required open space conveyance is considered. Discussion ensued and V. Kell stated she understood the legal response considered Campbell Farm OSPD, in its present form, to be aligned with the third category of common open space conveyance. She continued to clarify that her understanding is that the applicant intends to use the second category of common open space ownership and conveyance. She added that Town council's response was based on his interpretation of the intent of the applicant to convey and retain ownership under the 3rd category instead of the actual 2nd category.

Chair McNally asked the applicants which category they actually intend to propose to satisfy the common space ownership and management under 145-39 (G). Mr. Roberts replied they intend to hold both "Parcel A" and the common open space in a private non-profit organization in perpetuity and confirmed the second category is what they have chosen. Chair McNally stated what is unclear is if the OSPD layout including the breakout of Parcel A fits "the principal purpose of conservation of Open space" under the second category of 145-39 (G).

V. Kell stated she had questions about the Campbell Farm Land Trust, Inc. (CFLT) bylaws. Chair McNally decided that additional expedited communication is required with the attorney for clarification. He suggested the applicants respond to what Town Council has provided and reconvene in a Planning board public hearing solely for the purpose of presenting new information.

V. Kell disclosed that she is the president of the Townsend Conservation Land Trust. She had questions and noted areas of discrepancy in the CFLT bylaws. She noted there is a board of 4 trustees and no members, which she found inconsistent with her experience. She was concerned with the Deed restriction because the corporation is only formed for this property. She cited cases where owners have created a non-profit organization as a tax-shelter and held only a single property, which resulted in an invalid land trust. She questioned Exhibit B of the bylaw; the Deed restriction and asked why not include all the property given the verbiage of the Deed restriction. She heard the applicant respond they are not required to. V. Kell asked about the access to both Parcel A and the common open space parcels, specifically the rights of access granted to the owners of the OSPD development. She stated the common open space should be available to all the owners of the development. She asked about the extinguishment clause, specifically in regard to the Deed restriction, and questioned whether, as written, will negate the perpetuity requirement of the OSPD bylaw. She expressed concern over the Articles of Organization 4A continuation sheet, specifically the statement that the power granted to the directors may repeal the bylaws in whole or in part. She then referred to section E, wherein the dissolution clause is inconsistent with the extinguishment clause.

She asked the following with regards to the Campbell Farm OSPD layout compared to all completed OSPD layouts in Townsend. Are the applicants meeting the requirements with respect to the proposed unbuildable open space Parcel A, as included in the Campbell Farm OSPD layout, under the permitted uses of the common open space in the Townsend bylaw? She continued to request an opinion on this from town council.

V. Kell asked the applicants why they would not divide up Parcel A amongst the proposed building lots that they are keeping for themselves. She heard that the applicant would like to keep the land in agricultural use and have flexibility to utilize the parcel for maple sugaring.

Chair McNally asked if the applicant would be agreeable to review the suggestions made by Town council with regards to the CFLT Deed restriction. He asked for some feedback from the applicant as to what items in the town council response would be acceptable to the applicants. He gave the opportunity for the applicant send the document to their attorney and formulate a response and forward it to the Planning board office. The applicant agreed this was a sensible way to proceed.

The applicant reiterated their intentions for the property to remain open space in perpetuity. Chair McNally reiterated his suggestion that the applicant look over the town council's response document and accept or decline the recommendations or changes noted therein and send to the Planning Board office.

Upon a motion made by V.Kell, seconded by J. Bozicas it was;

VOTED: to continue the public hearing until 7:00pm Monday July 16th, 2019.

7:50 pm - 250 Main Street Anderson Funeral Home Site Plan Review

Present: Mr. Brian Anderson

Chair McNally read the legal notice to continue the public hearing from June 18th. Mr. Anderson explained that the site plan review is for construction of an addition to the funeral home, doubling the size of the main chapel.

The Board reviewed sections under 145-33 and found that the expansion will not contribute to the necessity for an increase in the amount of parking spaces. No additional parking spaces will be necessary. The same amount of people will be in attendance, Mr. Anderson intends to create a more comfortable atmosphere for those congregating in the main chapel.

Upon a motion made by L. Shifrin, seconded by V. Kell it was;

VOTED: we grant a waiver of the special permit based on finding of fact that the parking spot requirements do not apply because there is no change in use. All in favor. The motion carries.

8:15 - ANR - 95 Clement Road

Present: Derek Lundeen
John Forest

Mr. Lundeen explains that a triangular piece of land from 95 Clement Road will be transferred from 95 Clement Road to 99 Clement Road to create a one-acre lot for the purposes of constructing an Accessory apartment at 99 Clement Road.

Chair McNally went through the checklist for Sec. 175-10, 175-11

L. Shifrin moves to waive the Sec 175-10-D-3-b, Sec 175-10-D-10, and Sec 175-11-C-P Of the Townsend ANR Requirements, J. Bozicas seconds. All in favor. The motion carries.

J. Bozicas motioned to accept the ANR as submitted. V. Kell seconded. All in favor. The motion carries.

1.4 Approval of the meeting minutes of June 13, 2018.

J. Bozicas moves to approve the minutes of June 13, 2018 with sentence strike and as modified. V. Kell seconded. All in favor.

3.2 AA bylaw review

L. Shifrin provided a copy of the warrant article presented at May 2, 2017 Special and annual Town meeting. She was prepared to address and discuss questions that came up during the town meeting discussion session at which the bylaw warrant article failed to pass. L.S. proposed that the town impose fines for violation of the accessory apartment special permit conditions to help with enforcement. V. K. asked for clarification as to what amendments to the bylaw will change with respect to the existing bylaw. Chair McNally asked that as a Board reconsider what the achievements and goals of an amended Accessory Apartment bylaw would accomplish. Some of the comments captured were:

- Identify Accessory Apartments in Town
- Make it easier for people to have moderate rental income.
- Make sure people have the option of registering their non-family member accessory apartment with the Department of Housing and Community Development (DHCD) through the Local Initiative Program (LIP).
- Goal of being able to construct more Accessory Apartments
- Goal of citizens ageing in place.

L.S. commented that the original bylaw, the applicant must have a relative or moderate income resident occupying the accessory apartment. In the new version, both of these requirements are removed. She continued that there is an imminent need for more elderly and veterans housing in town.

3.4 Alternate Planning board member vacancy.

B. Faxon said there is a lack of recent volunteer response forms for the vacancy. L.M. asked for a copy of any volunteer response forms previously submitted be scanned and emailed to the Board.

3.5 Administrators report - Chair McNally updated the Board that the developer of Locke Brook run estates is preparing to break ground after an 8+ year hiatus. The applicant has obtained the required extensions. Chair McNally asked for a copy of the plan to review under current standards. He also requested mandatory referrals be redistributed to town departments for comments.

V.Kell read the notices from other towns.

Upon a motion made by J. Bozicas, seconded by V. Kell it was:

VOTED: to adjourn the meeting at 9:47 pm. Ail in favor.

Respectfully submitted,

Beth Faxon, Planning Board administrator

Approved: September 24, 2018

On file:

1. Planning Board encumbrance submittal package to Town Accountant.
2. Legal review email from Joel Bard, K&P Law to the Townsend Planning Board (Exhibit #10)
3. 250 Main Street Anderson Funeral Home site plan review application
4. ANR plan and application - 95 Clement Road
5. Draft Meeting minutes June 13, 2018
6. Locke Brook Estates plans and permits.
7. Campbell Farm OSPD file and plans.
8. Accessory apartment warrant article - May 2, 2017 special and annual town meeting