



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469
978-597-1722 Planning@townsendma.gov

Laura Shifrin, Chair
Carol Hoffses, Member

Robert Therrien, Clerk

Mike Virostko, Vice Chair
Ian Ortiz Santiago, Member

PLANNING BOARD MEETING minutes

July 18, 2022, at 6:30 PM

SELECTMEN'S CHAMBERS, 272 MAIN STREET, TOWNSEND, MA.

And Via ZOOM for convenience

All are invited to attend

Join Zoom Meeting

<https://us02web.zoom.us/j/84392391171?pwd=SWIXTEhZSC9LeIBwQW5TMXFLUWptQT09>

Meeting ID: 843 9239 1171 Passcode: 309625

1 PRELIMINARIES: votes may be taken.

- 1.1 Call the meeting to order and roll call. Chairman Laura Shifrin called the meeting to order at 6:30pm. Members present were Robert Therrien, Carol Hoffses, Ian Ortiz Santiago, Laura Shifrin and Michael Virostko (remotely). Others present: Charles Sexton Diranian, Selectmen and Board liaison. Michael Crowley, Land Use Coordinator (remotely). Eric Slagle (remotely) (8:40pm)
- 1.2 Recital of The Pledge of Allegiance of the United States. Conducted.
- 1.3 Announce meeting is being recorded. Noted.
- 1.4 Chairman's Additions/Deletions to Agenda unforeseen prior to 48 hours of this meeting. Delete 1. 6 minutes of 6-27-2022.
- 1.5 Review Volunteer response forms received for Planning Board vacancy. None received.
- 1.6 Approval of minutes 5-23-2022 & 6-13-2022 & 6-27-2022.

R. Therrien motioned to accept the minutes of 5-23-2022 & 6-13-2022 as received, I. Ortiz Santiago seconded. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

2 Public hearing and Appointments: votes may be taken.

2.1 6:45pm. Public hearing – Scenic Roads Act - 24 Old City Road.

Applicant: Walter and Cheryl DeLeo.

Project: to remove two sections of a stone wall totaling 25 feet at 24 Old City Road.

Present: Walter Deleo and Cheryl DeLeo. The Applicant plans to decommission the existing driveway due to unsafe site distances and remove one 25 foot section of stone wall for an entrance to a new driveway and garage. The applicant notes that the condition of the stonewall is deteriorated and contains a pile of stones, natural debris and soil. Mandatory referral comments were read into the record. Comments were received from The Board of Selectmen, Highway Superintendent, Water Department and Land Use Coordinator. No comments in opposition to the project were received. In response to the comment from the Board of Selectmen, the applicant stated that they would use the stones disturbed for the entranceway to construct stone walls on either side of the entrance to the new driveway. I. Ortiz Santiago made a motion to grant approval of the Scenic Roads application and proposal for the property at 24 Old City Road subject to before and after pictures. R. Therrien seconded the motion. A roll call vote YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

C. Hoffses made a motion to close the public hearing for 24 Old City Road at 6:59pm. I. Ortiz Santiago seconded. A roll call vote was taken as follows YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

I. Ortiz-Santiago made a motion to appoint the Chairman to sign the 24 Old City Road Decision. M. Virostko seconded. A roll call vote was taken as follows YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

2.2 7:00pm. Public hearing – 256 Main St. – Site Plan Review Special Permit.

Applicant: Lorden Revocable Trust, Michael Lorden Trustee.

Project: convert a preexisting nonconforming commercial building to multifamily residential use by constructing 4 one-bedroom apartments at 256 Main Street.

The Applicant, Michael Lorden, Trustee Lorden Revocable Trust was present. He explained the history of the commercial use of the building. His proposal is to convert the interior of the building to residential units and is seeking a site plan review special permit to address parking. He explained that the parking situation should decrease substantially by the proposed change. He has been working with the Board of Health to approve the septic system currently in place is adequate and has been granted approvals by the Historical District Commission to make improvements to the façade of the building. The Chair commented that a site walk was conducted, and some members attended. It was noted by a Board member that the building sits on a small lot that is adjacent to another parcel and ask about the ownership of the two parcels and if there are existing easements and permissions to pass. The applicant stated that the two parcels are under the ownership of Lorden Revocable Trust and both parcels share the same septic system. Chairman noted that the other building under the same ownership is mixed use commercial and residential. Discussion ensued to the topic of individuals that would be renting the apartments and the Applicant stated they typically rent to local people because they stay longer. The applicant stated they advertise locally for tenants. A Board Member

raised the concern that if sidewalks are constructed how will this impact the street parking spaces in front of the building. Mandatory referral comments were received from the Water Department, Building Commissioner, Board of Health, Fire Department, Land Use Coordinator, Townsend Housing Authority, Board of Assessors and Conservation Commission. The applicant stated the sprinkler system is being designed by a certified engineer. He further stated he is amenable to the requirement of the two units on the first-floor housing 55+ senior tenants and outfitted as age in place. He stated that making the front first floor apartment wheelchair accessible would be easy. It was noted that the first-floor apartment in the back does have 4 steps at the entranceway. The Chair consulted with the State representative with questions about the structure and process governing the requirement of 55+ tenants and its relation to an affordable housing program. A brief discussion was had regarding the State program utilized to register the two first-floor units as senior housing which would also be included in the Town's affordable housing under the Local Initiative Program. Under this program the owner of the rental units must follow fair housing laws and the comment was made that the Townsend Housing Authority would be able to assist Mr. Lorden with the necessary application process. The Zoning Board of Appeals public hearing scheduled for July 20, 2022, was noted and acknowledged that the Zoning Board of Appeals would review the proposal pursuant to the bylaws for a change of use. A Board member asked for more detailed information with respect to driveway widths, sidewalks, tenants' accessibility, trash removal and lighting. After more general discussion on this request, it was determined that the information presented and the fact that the traffic would be decreased, and the understanding about the existing conditions combined with the understanding of the previous use of the buildings and property, was adequate for the Board to decide. The determination letter received from the Land Use Coordinator was read indicating that the project does not require a stormwater management permit application. The written waiver request letter which was part of the application package was read into the record. After the letter was read I. Ortiz made a motion to grant the waiver request of required site plan review requirements pursuant to regulation 145-42 (D) 1 with the information the Applicant has provided. C. Hoffses seconded the motion. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

The Board considered the proposal in terms of the special permit criteria under bylaw section 145-65.

The following findings of fact were made: Adequacy of the site in terms of size for the proposed use: the Board found the site is adequate as the size of the building is not changing. Suitability of the site for the proposed use: the Board found the proposed use is consistent with the site. Impact on traffic flow and safety: the Board determined that there will be no impact with regard to traffic flow and safety. A decrease in traffic flow is expected with the proposed change in use. Impact on neighborhood visual character, including views and vistas: The Board determined that there will be no impact to the neighborhood visual character. The improvement to the façade of the building will benefit the downtown historic district. Adequacy of method of sewage disposal, source of water and drainage: to be determined by the Board of Health upon their review and receipt of the required Title V inspection report. Adequacy of utilities and other public services: the Board determined no impact with the

statement that the Water Department will require an upgrade to the water meter and the domestic water line to 1.5". Impact on ground and surface water quality and other environmental and natural resource considerations: the Board determined that there will be no impact to surface water quality and natural resources.

Discussion about fair housing laws and the housing programs resumed with the Board and Mr. Lorden. Chaz Sexton-Diranian also shared information regarding some characteristics of the State Local Initiative Program for inclusion in affordable housing counts. Mr. Lorden expressed favorable interest in participation in an affordable housing program and informed the Board that he has participated in low-income housing and veteran housing in many of his rental units. L. Shiffrin stated that for the 2 units to be accounted for in Townsends affordable housing with the State, Mr. Lorden would have to apply under the Local Initiative Program. Chair Shiffrin asked if the Board would prefer to wait until the Decision is drafted prior to closing the public hearing and Mr. Lorden indicated he would prefer to proceed with the permitting process and start work on the project.

C Hoffses made a motion to grant a site plan review special permit under 145-42 and 145-65 to Lorden Revocable Trust, Michael Lorden Trustee for 256 Main Street subject to the condition of two of the first-floor units being age restricted affordable housing. I. Ortiz Santiago seconded. Discussion on the motion by R. Therrien who clarified the proposal is a multifamily with age restricted affordable units. The clarification was made that it was only the two first floor units that would be age restricted and affordable category. The motion was amended to insert the words "first floor" before the word "units". Mr. Lorden confirmed he understood. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

C. Hoffses made a motion to close the public hearing at 8:21pm. I. Ortiz Santiago seconded the motion. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

I. Ortiz Santiago made a motion to authorize Chairman Shiffrin to sign the Planning Board decision on behalf of the Board once it is completed. C. Hoffses seconded. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

The Board recessed for a 5-minute break at 8:25pm.

3 WORKSESSION: votes may be taken.

- 3.1 Work on Townsend Master Plan Update. Print copies of the Housing Production Plan goals and strategies chapter were distributed to Board members at the meeting. Discussion continued as to finalize the Master Plan Update received by the Master Plan Committee with the addition of the Housing production plan goals and strategies matrix. The Board discussed their role of updating a chapter/section each year. Ian Ortiz Santiago made a motion that the Planning Board accept the master plan report submitted by the Master Plan Committee

and to it add the housing goals and strategies from the 2022 Townsend Housing Production Plan to create the final Townsend Master Plan and that will be the official Townsend Master Plan as of this date. C. Hoffses seconded. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.

The Chair asked for a folder to be made available to the Planning Board members which contains the information from the Town Charter and Code on the formation, roles and responsibilities of the Master Plan Committee.

- 3.2 Discussion §145-54.1 Age-restricted development bylaw. Town counsel guidance – L. Shiffrin. Deferred to the meeting on August 8, 2022.
- 3.3 Safe Routes to School Program.
- 3.4 Stormwater Permit Inspection Reports/other related correspondence. Admin provided update of Stormwater permit inspection reports and NPDES permits recieved.
- 3.5 Stormwater regulations discussion. M. Crowley noted that he is writing determination letters for new projects to ascertain their eligibility under the Stormwater bylaw and regulations. He reports he has created a draft stormwater regulation amendment proposal to add a new category that will make this determination clearer to the average homeowner that they do not need a stormwater permit for certain projects. He has proposed a section to the SW regulations under section D. “non-applicable projects”. In terms of working regulations, it was noted that the Planning Board has the authority to vote to change this in a public meeting and that a bylaw change at a later date is recommended. I. Ortiz Santiago made a motion to accept the verbiage that Mike Crowley has presented in the draft proposal to the Planning Board under regulations 175-44 Section D. Stormwater management effective as of today. C. Hoffses seconded the motion. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.
- 3.6 Montachusett Regional Planning Commission (MRPC) & Montachusett Joint Transportation Committee (MJTC) meeting updates. – L. Shiffrin and B. Faxon. MRPC is doing projects for Townsend and a lot of grant money. Beth attended an MJTC meeting where the Safe Streets and Roads for all grant was presented.
- 3.7 MVP-HMP Plan status. – M. Crowley. Staff is working on it, Hillary King our regional coordinator is planning to come visit Townsend and tour and talk about future grant opportunities.
- 3.8 Discuss and review of Planning Board fees and regulations for Fall Town meeting. Deferred to August 8, 2022.

4 CORRESPONDENCE: votes may be taken.

- 4.1 Eric Slagle, Town Administrator – providing information about M.G.L. Chapter 40R - Smart Growth Zoning Overlay Districts. Eric Slagle, Town Administrator joined the meeting to discuss the 40R. Eric Slagle joined the meeting via remote call at 8:40pm. Discussion began with the MBTA communities’ requirements for

Townsend that came forth from the State last year. Townsend as an MBTA adjacent community has to have a zoning in place that allows relatively dense multi-family housing units as a matter of right. The Town has to accommodate these mandates in order to stay eligible for grants and avoid any future penalties. The statute 40R was explained which is a tool that was passed in an effort to try and incentivize communities to create districts that would allow a by-right method of approval to obtain denser housing units that would not normally be allowed under Town zoning. This has been discussed at the staff level as a possible tool to be utilized in Townsend to deal with some of the MBTA zoning challenges. A possible project has come up which may be a good starting point for a discussion about a 40R overlay district. The property is located at the edge of Town near the Harbor Mall. Is relatively commercial in nature across from the high school, to give the Town an opportunity to see how a 40R overlay district would work as a development tool. The financial incentives from the State include payment when the overlay district is adopted by Town meeting in the form of a Bylaw and for every occupancy permit issued for a unit in said 40R district, and potentially payment for students residing in a unit in the 40R district to close the gap created by the cost of education per student. In general, it's a way for the Town to be reimbursed for some of the costs of additional housing in Town. Discussion ensued regarding the pros and cons of creating a 40R overlay district with the Board responding in favor of moving forward with the project as a pilot using the development tool of a 40R overlay district. E. Slagle commented that it would be good for conversation to begin with the developer and the Town staff about this process and see if they are interested in the process because talking about the district in tandem with a proposed project is preferable. He added that through these conversations amongst the Planning Board and the developer we are much more likely to get an overlay district that they can support and have an actual project. The Planning Board will be responsible for putting forward the bylaw that allows the by-right high density housing as a 40R overlay district with the associated design standards and considerations that are acceptable to mitigate the impact of high density housing on the Town. R. Therrien commented that the Harbor Mall may want to be included in the overlay district under discussion so that the owner having commercial use could then have the ability to develop a mixed residential use. He expounded that the overlay district could extend further and imagined any one developer or multiple developers under this scenario could come up with a project that would be allowed by right. M. Crowley noted that because of the State mandate of being a MBTA adjacent community designation, Townsend needs to zone a 50 acre district which will allow 15 units per acre. In the next few years, the Town must have zoning to allow for at minimum 750 multi-family units. If the Town implements a 40R overlay district, it may be used to meet the criteria and requirements of MBTA adjacent community needed in the next few years. Additionally, using the 40R overlay district process will bring revenue to the Town. The discussion ended with E. Slagle suggesting with approval and support of the Planning Board, staff will work with the

developer on the concept of an overlay district and would arrange a conversation with the Planning Board and developer in the future. He would be working with staff to draft a bylaw, design standards and conditions for the Board to consider. The matter will be discussed further on a future agenda.

- 4.2 Notices from Townsend/other Towns. The clerk read the notices.
- 4.3 Discuss and vote for Planning Board representative to the Montachusett Joint Transportation Committee (MJTC). I. Ortiz Santiago made a motion to appoint Beth Faxon to appoint Beth Faxon as the Planning Board representative to the Montachusett Joint Transportation Committee (MJTC). C. Hoffses seconded motion. A roll call vote was taken as follows: YES - C. Hoffses, M. Virostko, I. Ortiz Santiago, R. Therrien, L. Shiffrin. The motion carried.
- 4.4 Open meeting law meeting MMA update: the House passing of a bill regarding remote participation which authorizes remote participation until March 31, 2023. Noted. The Board supported the idea of meeting in person on August 8th, 2022 and continue the discussion. I. Ortiz suggested meeting in person when there is a public hearing.

5 **ADJOURN:** Votes may be taken.

- 5.1 Next scheduled Planning Board meeting is scheduled for August 8, 2022.

C. Hoffses made a motion to adjourn the meeting at 9:44pm. R. Therrien seconded. All in favor.

Respectfully submitted, Elizabeth Faxon

Planning Board Admin.

Approved on: August 8, 2022

Items on file:

1. Draft stormwater regulation amendment proposal – add new category
2. 24 Old City Road Planning Board Scenic Roads application.
3. 256 Main Street Planning Board site plan review special permit application.
4. Stormwater inspection reports and permits.