



Office of  
**THE PLANNING BOARD**  
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**Lance J. McNally, Chairman**    **Christopher Nocella, Vice Chairman**    **Laura E. Shifrin, Clerk**  
**Edwin H. Howard, II, Member**    **Jerrilyn T. Bozicas, Associate Member**

**Planning Board Meeting Agenda**  
**June 20, 2016**

**Townsend Memorial Hall, in Selectmen's Chambers**

**I. PRELIMINARIES:**

- 1.1 Call the meeting to order: Lance McNally called the meeting to order at 7:00PM.
- 1.2 Roll call: Lance McNally (LM), Chris Nocella (CN), Edwin Howard (EH), and Jerrilyn Bozicas (JB).  
Laurie Shifrin was absent. LM appointed JB as a voting member for this meeting.
- 1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in  
Advance of the Meeting: *Add 4.4 Volunteer Response Form*
- 1.4 Acceptance of Minutes

**II. APPOINTMENTS:**

- 2.1 7:15 pm Public Hearing – Off Depot St – Special Permit Site Plan Review – Construction of  
Storage Units

**Site Plan Review Application:** Submitted to Town Clerk 05/05/16.

**Legal Notice of Public Hearing:** Publication Dates: 05/20/16 & 5/27/16 in *Nashoba Valley Voice*.

**Public Hearing Dates:** Opened and closed 06/20/16. Members present were Lance McNally, Chris Nocella, Ed Howard and Associate Member Jerrilyn Bozicas, who was appointed a full voting member by the chairman for the purposes of this hearing.

**Abutters Notified:** Abutters were notified by First Class Mail within statutory time lines on 06/01/16.

**Abutting Towns Notified:** Ashby, Groton, Lunenburg, Pepperell, & Shirley, MA, and Brookline & Mason, NH on: 06/01/16.

**Submissions:**

**Exhibit A:**

**Town Clerk received on 05/05/16:**

- Site Plan Review Special Permit Application
- Authorization Form to represent applicant for Ducharme & Dillis
- Stormwater Management Application
- Stormwater Management Land Disturbance Form
- Stormwater Report prepared by Ducharme & Dillis Civil Design Group, Inc. including Plans consisting of two pages entitled Pre- and Post- Development Watershed Maps, dated 04/27/16
- Recorded Deed for the property
- Plan Set dated 04/27/16 prepared by Ducharme & Dillis Civil Design Group, Job #5269, consisting of five pages: Title Sheet, Existing Conditions Plan, Layout & Materials Plan, Grading & Drainage Plan, and Erosion & Sedimentation Plan.

**Exhibit B:** Certified Abutter's List

**Exhibit C:** Checks for \$300 to cover the Stormwater application fee and \$1200 for Application Fee for Site Plan Review (Townsend Center Self Storage #3719 & #3718, respectively)

**Exhibit D:** Mandatory Referrals were sent to Board of Selectmen, Board of Health & Conservation Commission on 05/12/16. Referral Notices were also sent to all other Boards and Departments as a courtesy. None of the Boards/Commissions had any concerns with the application.

**Exhibit E:** Public Hearing Attendance list is attached and incorporated.

In accordance with Massachusetts General Law Chapter 40A, and Townsend Zoning Bylaw §§145-42 and 145-65, and Chapter 175, Article V Stormwater Regulations, the Planning Board held a public hearing on June 20, 2016 at 7:15 p.m.. The applicant is requesting a Stormwater Management Permit along with a Site Plan Review Special Permit to construct seven self-storage buildings, with a gravel access road. The hearing was closed on June 20, 2016. There were no abutters present. Representing the applicant at the hearing was Stan Dillis of Ducharme and Dillis. Applicant Kevin Smith co-owner of Cousins Realty Trust was also present.

1) Bylaw background

- a) Section 145-42. Site Plan Review Special Permit of the Townsend Zoning Bylaw states that “each use for which a site plan submission is required is a potentially significant addition to a developing or developed area of the Town, and to a residential, commercial, or industrial neighborhood. It is intended that the site plan for each use be prepared with due consideration for:
  - i) the purpose and intent of this Zoning Bylaw;
  - ii) coordination with and improvement of systems of vehicular and pedestrian access, drainage, water supply, sewage disposal, lighting, landscaping, wetlands, water courses, buildings and other features that support the neighborhood; and
  - iii) protection of the public health, safety, welfare, property values and the environment.
- b) Section 145-65 of the Townsend Zoning Bylaw specifies general requirements with which all special permits issued under the Townsend Zoning Bylaw must comply.
- c) Chapter 175, Article V Stormwater Regulations in support of Chapter 85 NPDES Phase II Stormwater General Bylaw specifies its purpose is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of construction site stormwater runoff and post-construction stormwater discharges.

2) Parcel background:

The parcel is 1.6 acres located off Depot Street, at the end of a private way (Depot Street Extension) owned by the applicant, and is on Assessor’s Map 51, Block 62, Lot 0, in the Downtown Commercial District (DCD). The application, as submitted to the Planning Board on May 5, 2016, indicates that the property owner is Cousin’s Realty Trust and the business owners are Dana King and Kevin Smith.

3) Findings:

- a) Findings with respect to the overall property, submissions, and proceedings:
  - i) The parcel is zoned DCD, and the proposed use is allowed by right
- b) Findings with respect to Drawing Requirements of 145-42D:
  - i) The Planning Board found that the plans as submitted on May 5, 2016 meet the requirements of section 145-42D.
- c) Findings with respect to permitted Access and Circulation as described in 145-42E(1-7):
  - i) The proposed access from Depot Street Extension will provide reasonable access to the property for daily use. Where the site has no frontage on a residential street, the proposed access provides

reasonable load balance of traffic. The line of sight and approach to the driveway are acceptable. Provisions have been met for circulating driveway connections, to facilitate fire protection services.

d) Findings with respect to general requirements of 145-42F:

The Planning Board found no proposed or existing sidewalks as outlined in the requirements of 145-42F.

e) Findings pursuant to 145-65(F)(1)(a-g):

i) The site size is adequate for the proposed use as it is 1.6 acres, greater than the required 15,000 ft<sup>2</sup> in the DCD.

ii) The site is suitable for the proposed use as it is a commercial use in a commercial district.

iii) There will be no impact on traffic flow and safety.

iv) There will be no impact on neighborhood visual character as no residences are nearby.

v) Adequacy of sewage is not applicable as there will be no septic on site.

vi) Utilities and other public services are adequate.

vii) There will be no impact on ground or surface waters as the stormwater structures will provide adequate conveyance of any stormwater runoff.

After closing the public hearing, it was moved and seconded to grant the Site Plan Review Special Permit to Cousins Realty Trust to construct seven storage units on the parcel Off Depot Street.

The Planning Board voted as follows on this motion:

Lance McNally, Chairman Yes

Chris Nocella, Vice-chairman Yes

Edwin Howard, II Yes

Jerrilyn Bozicas Yes The motion carried and the special permit is hereby granted.

2.2 7:45 pm Public Hearing – Site Plan Review Special Permit Amendment – 35 Scales Lane – Add auctions to the use

**STATEMENT OF FACTS:**

**Application:** Submitted to Town Clerk: 05/12/16

**Legal Notice:** Public Hearing Publication Dates: 05/20/16 and 05/27/16 in Nashoba Valley Voice.

**Public Hearing:** Opened 06/20/16, closed 06/20/16.

**Abutters Notified:** A certified Abutters List was obtained, and abutters were notified by First Class Mail within statutory time lines, on 06/01/16.

**Abutting Towns Notified:** Ashby, Groton, Lunenburg, Pepperell, & Shirley, MA, and Brookline & Mason, NH on: 06/01/16.

**Submitted:**

**Exhibit A:** To Town Clerk, with copy to Planning Board Office: Site Plan Review Application dated 05/11/16, along with Triple M Movers check #9581 in the amount of \$200 for Application Fee.

**Exhibit B:** Mandatory Referrals were sent to Board of Selectmen, Board of Health & Conservation Commission on: 05/16/16. Referral Notices were also sent to other Boards and Departments as a courtesy. Responses were received and there were no concerns raised.

**Exhibit C:** Public Hearing Attendance list is attached and incorporated. Owner(s) / Applicant, Everett & Hyacinth Murray attended the hearing. No members from the general public attended or submitted comments.

**2) BYLAW BACKGROUND**

**Applicable Section(s) of the Townsend Zoning Bylaw:** §145-42 Site Plan Review. This is a request for an amendment to the existing Site Plan Special Permit due to the increase in intensity of the use.

**3) PARCEL'S BACKGROUND:**

The parcel is located on 35 Scales Lane, Assessor's Map 18, Block 43, Lot 2, in the Industrial District (ID). The site is currently used by the applicant as a moving and storage facility.

**4) STATEMENT OF CASE:**

The applicant proposes to conduct an accessory business to hold auctions on an occasional basis, twice per month, both indoors and outdoors. The business will operate out of an existing building on site, with no new exterior construction and will utilize existing parking areas, with an area to the west of the building that had been cleaned up if additional parking is needed. It was noted that no changes are proposed to the overall layout of the existing building footprint and parking areas. Applicant has been a licensed auctioneer since the 1990s.

**5) CONCLUSION:**

Findings with respect to the overall property, submissions, and proceedings:

Based on the information presented, the Board finds that the applicant did satisfy the standards for issuance of an amendment to a Site Plan Special Permit under the Townsend Zoning Bylaws, Planning Board Rules and Regulations and Mass General Law. The location is zoned Industrial (ID), and the proposed use is consistent with Townsend Zoning Bylaws and the neighborhood. The Board finds this proposal to be a good use for the site and a benefit to the Town.

**6) CONDITIONS:**

After closing the public hearing, it was moved and seconded to grant the Site Plan Special Permit amendment to Murray & Murray Auctioneers to conduct auctions on site at 35 Scales Lane subject to the following conditions:

A.) Time of auctions shall be restricted to occur between the hours of 10:00am and 10:00pm.

The Planning Board voted as follows on this motion:

Lance McNally, Chairman	Yes	
Chris Nocella, Vice-chairman	Yes	
Edwin Howard, II	Yes	
Jerrilyn Bozicas	Yes	The motion carried and the special permit is hereby granted.

2.3 8:15pm – ANR Plan – 124 Meadow Road, Greenough Nominee Trust – Rose Land Survey  
Rose Chaulk and Jane Greenough were present for the meeting. LM went through §§175-10 and 11.  
EH moved to grant a waiver of NAVD1988 in lieu of NVGD 1929. CN seconded. AIF.  
CN moved to accept variance for scale of map to be 1”-80’. EH seconded. AIF.  
CN moved to endorse the ANR plan as presented. EH seconded. AIF.

**III. WORKSESSION:**

- 3.1 Discuss Chapter 61 Right of First Refusal 48 Clement Road: EH moved to not purchase the land. JB seconded. AIF.
- 3.2 Discuss and vote on recommendation to appoint Kathy Araujo to the Board: CN moved to recommend appointing Kathy Araujo to the Planning Board. EH seconded. AIF.
- 3.3 Mandatory referral from ZBA re: Off Depot Street – Earth Removal Special Permit: No Comment.
- 3.4 Mandatory referral from ZBA re: 40-56 Fitchburg Road – build garage at preexisting nonconforming lot: If they are storing Hazardous materials and containing them, there should be a list of hazardous materials.

- 3.5 Mandatory referral from ZBA re: 62 Fitchburg Road – Accessory apartment special permit: Glad to support.

**IV. CORRESPONDENCE:**

- 4.1 Bulletin from Town Clerk re: Town Meeting Bylaw Acceptances: **Noted**
- 4.2 Memo from Energy Committee re: volunteer for solar subcommittee: Kym Craven submitted a volunteer response form. Kathy Thompson volunteered from the Energy Committee. Lance will look into appointment of a subcommittee.  
CN moved to accept Kathy Thompson on the Solar Bylaw subcommittee. EH seconded. AIF.  
CN moved to accept Kym Craven
- 4.3 Decision of ZBA re: 61 West Elm Street - Appeal: **Noted**
- 4.3 Notices from Townsend / Other Towns: **Noted**
- 4.4 Volunteer Response Form: **Noted**

**V. ADJOURNMENT: EH moved to adjourn at 8:55PM. CN seconded. AIF.**

Next Regular Meeting Date: Monday, July 11, 2016, at 7:00 p.m.