



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

**Planning Board Meeting Minutes**  
**Monday, August 24, 2015 7:00 p.m.**  
**Townsend Memorial Hall, Selectmen's Chambers**  
**272 Main Street, Townsend, MA 01469**

**I. PRELIMINARIES:**

**1.1 Call the meeting to order** – At 7:01 p.m., L. McNally called the meeting to order.

**1.2 Roll call** - Present were, Chairman Lance McNally, Vice Chairman Chris Nocella, Member Laura Shifrin, Member Kathleen Araujo and Planning Board Administrator Jeanne Hollows. Associate Member Jerrilyn Bozicas was absent.

**1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting – Add 3.4** Draft Decision: Permit Renewal, 12 Ball Rd. Cell Tower

**1.4 Acceptance of Minutes** – C. Nocella motioned to accept the draft Minutes of 06/22/15. K. Araujo seconded and all voted in favor. C. Nocella motioned to accept the draft Minutes of 07/20/15. K. Araujo seconded and all voted in favor.

**II. APPOINTMENTS:**

**2.1 7:10 p.m. Heide Messing to Discuss Amending Parking Regulations found in Zoning Bylaw Definitions** – Discussion tabled, as Heide Messing did not attend the Meeting.

**2.2 7:30 p.m. Public Hearing: 12 Ball Road Cell Tower Special Permit Renewal** – At 7:30 p.m. L. McNally opened the public hearing and introduced Board Members. L. Shifrin read the Legal Notice. Mandatory Responses were read into the record, with no expressions of opposition. Property owner, George Morey attended the meeting and stated he had no issues with granting a renewal of the special permit for the tower to operate on his property.

Atty. Zachary Berk attended the meeting on behalf of tower owner, SBA Towers V, LLC and stated it was confirmed that a cash bond in the initial amount of \$15,000.00 is being held by the Townsend Treasurer's Office to cover the cost of removal of the tower, should it be abandoned, discontinued or rendered obsolete. Because SBA is the third tower owner since the cash was deposited, a question came up about whether the bond belonged to the original owner or had been assigned to the current owner. Atty. Berk stated that SBA had purchased all rights and assets. A discussion ensued. K. Araujo noted that the tower owner is responsible to remove the tower should it become necessary and the bond guarantees funds would be available should the Town be required to do the work. The Board reviewed a copy of the Treasurer's "General Ledger" accounting sheet which does not list the name of the tower owner, but only identifies the cash, held in an interest-bearing account, as "53G Ball Road Tower." It was determined that the Board could grant the renewal and include a condition that the renewal of the permit shall be contingent upon the finding that the initial cash bond is assigned to the 12 Ball Road tower to cover the cost of removal, should it be abandoned, discontinued or rendered obsolete.

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Atty. Berk stated the special permit was approved to allow six cellular service locators, however there are currently three.

At 8:03 p.m., K. Araujo motioned to close the hearing. L. Shifrin seconded and all voted in favor.

**2.3 8:00 p.m. John Hume, MRPC Planning & Development Director, to Discuss DLTA Grant to Draft Zoning Bylaws Amendments for Multi-Family Housing** – John Hume of the Montachusett Regional Planning Commission (MRPC) met with the Board and described the DLTA (District Local Technical Assistance) Program as services, rather than a grant, awarded to a city or town within their member communities, to offer technical assistance with a goal to enhance housing opportunities, spur economic development or encourage regionalization of services.

J. Hollows informed the Board that she had attended a recent meeting with Chantell Fleck, MRPC Principal Planner, John Hume, Co-Land Use Coordinator, Karen Chapman, and Zoning Enforcement Officer, Rich Hanks. At that meeting, draft amendments prepared by J. Hollows and K. Chapman were reviewed and R. Hanks expressed concern that if approved, the bylaws would be too liberal for the Town to approve.

As a result of that meeting, J. Hume presented a revised “Scope of Services” including a Timeline and Budgeted Hours for estimated completion of tasks. The list includes research of model “Tools and Techniques used successfully in other communities; setting up a community-wide public forum to obtain input from local officials, residents, business owners and others; and preparing draft and final analysis that might include model bylaws and proposed alterations to the Town’s Bylaw.

A discussion ensued related to gathering input and the prospects of public forum participation. Suggestions included the following:

- Draft a series of questions asking for a response from the public, and particularly those homeowners who have accessory apartments, perhaps using “survey monkey” on the internet.
- Create flyers that will draw interest
- Advertise the forum in newspapers
- Plan to serve food
- Promote & announce the date & time at the Selectmen’s Meetings, at least three times

L. Shifrin stated that in her experience, more people now need to live together and working to control high density development would be preferable to “Chapter 40B Developments.” K. Araujo suggested that language and permitting fit into “Affordable Housing Guidelines,” and added that accessory apartments must be no more than 25% of the size of the original home.

It was the consensus of the Board to accept the “Scope of Services,” as revised by J. Hume.

### **III. WORKSESSION:**

**3.1 FYI: Response from AGO’s Office RE: Approval of Minutes** – The Board reviewed a response from the Attorney General’s Office to a question regarding the approval of Minutes. The response stated that members can vote to approve Minutes even if they were not in attendance at the meeting under review, provided there is no conflict with local town bylaws.

**3.2 ZBA Referral Notice for Special Permit Application to Renovate & Operate a Planet Fitness Facility at 18 Main St.** – Following a brief discussion, C. Nocella motioned to respond, “This application is coming before the Planning Board and it would be premature to comment at this time.” L. McNally seconded and all voted in favor.

**3.3 Elect Position of Clerk to the Planning Board** – Since former Planning Board Clerk, Perry Tomasetti, resigned from the Board because he moved out of town, C. Nocella motioned to nominate

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L. Shifrin as the Clerk. K. Araujo seconded and the vote in favor was unanimous. L. Shifrin accepted the position.

**3.4 Draft Decision: Permit Renewal, 12 Ball Rd. Cell Tower** – The Board reviewed a Draft Decision to renew a Special Permit to operate a wireless telecommunications cellular tower & facility on 12 Ball Road. Following discussion regarding the legal owner of a cash bond in excess of \$15,000.00 being held by the Treasure for removal of the tower should it become necessary, the Board determined to include in the Decision the following condition: “The Board determined that the renewal of the permit is contingent upon the finding that the initial cash bond shall be assigned to the site tower at 12 Ball Road to cover the cost of removal, should the tower be abandoned, discontinued or rendered obsolete.” It was motioned and seconded to grant the renewal of the Special Permit, originally issued on 05/11/01 to Midwest Tower Leasing/At & T Wireless Services / ACME Tower Group, LLC, for the continued operation of a wireless communication tower and equipment, at 12 Ball Road for a period of five years until 08/24/2020. A roll call vote was taken as follows: L. McNally – aye; C. Nocella – aye; L. Shifrin – aye; and K. Araujo- aye.

**IV. CORRESPONDENCE:**

**4.1 FYI: Tennessee Gas Pipeline Filing: Second Draft Resource Report & Project-Specific**

**Website** – A Discussion ensued regarding the proposed expansion of the Kinder Morgan / Tennessee Gas Pipeline in the Northeast, the NED (Northeast Energy Direct) Project. L. Shifrin stated the revised plans show the pipeline following an alternative path along the utility lines, within existing easements and rights-of-way, however information she reviewed included a complaint from a New York State resident claiming the compressor stations are very loud. She stated the proposed locations of compressor stations are shown on the map which can be accessed on the Town’s website. No action taken.

**4.2 Copy of Zoning Enforcement Officer’s Letter to Resident RE: 22 Main St. Proposed Use** –

The Board reviewed a letter from Rich Hanks, Zoning Enforcement Officer, advising a town resident of requirements to file an application to the Planning Board for a Site Plan Review / Special Permit, in order to open a consignment shop.

**4.3 Resignation Letter from Perry Tomasetti: Moved out of Town** –

The Board received a copy of a Resignation Letter from former Planning Board Member, Perry Tomasetti, who has re-located to another town. P. Tomasetti was in attendance and members expressed appreciate to him for his service.

**4.4 FYI: Elected Officials - Planning Board Members List Updated** –

The Board reviewed a copy of the updated “Elected Officials” page from the 2014 Town Report listing current members on the Planning Board and their respective terms on the Board.

**4.5 Notices from Townsend / Other Towns** –

The Board reviewed a copy of a Legal Notice from the Conservation Commission advertising a public hearing to be held to review a proposal to install a ground-mounted solar panel array within a 100’ buffer zone. A question came up asking if ground-mounted solar panels could only be constructed within the overlay district on town-owned properties, as designated in bylaw #145-86. J. Hollows was asked to consult Rich Hanks, Zoning Enforcement Officer to gain a better understanding of what is allowed.

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V. **ADJOURNMENT:**

**5.1** At 9:04 p.m. K. Araujo motioned to adjourn the meeting. C. Nocella seconded and all voted in favor.

(Transcribed from notes)  
Respectfully Submitted by

Jeanne Hollows  
Planning Board Administrator

**LIST OF PERTINENT DOCUMENTS / EXHIBITS per Agenda Item (Attached or Available as Noted)** Any documents not attached herewith are available for review in the Planning / Land Use Office.

**2.3 8:00 p.m. John Hume, MRPC Planning & Development Director, to Discuss DLTA Grant –  
Draft Zoning Bylaws Amendments for Multi-Family Housing**

**3.1 FYI: Response from AGO's Office RE: Approval of Minutes**