



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, December 14, 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 7:06 p.m., Chairman L. McNally called the meeting to order and designated J. Bozicas as a voting member of the Board for the purpose of achieving a quorum in physical attendance at the meeting and then announced that Member Kathy Araujo, would be participating in the meeting remotely, in accordance with 940 CMR 29.10 (7), where her physical attendance would be unreasonably difficult due to personal illness.

**1.2 Roll call** - Present were, Chairman Lance McNally, Vice Chairman Chris Nocella, Associate Member Jerrilyn Bozicas, Member K. Araujo (remotely), and Planning Board Administrator Jeanne Hollows. Clerk, Laura Shifrin arrived at 7:28 p.m.

**1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting – Add: 3.3 Medical Marijuana: Compare Existing Bylaws in Lunenburg/Pepperell**

**3.4 Special Town Meeting Notice: Thurs., Jan. 14<sup>th</sup>**

**3.5 BOS Request to Appoint a Representative to the Capital Planning Committee.**

**1.4 Acceptance of Minutes** – L. McNally suggested an edit be made to the draft Minutes of 11/23/15, which was accepted by the Board. J. Bozicas motioned to approve the Minutes as edited. C. Nocella seconded and a roll call vote was taken as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; and L McNally – aye.

**II. APPOINTMENTS:**

**2.1 7:15 p.m. Public Hearing: Townsend Conservation Commission, Scenic Road Act**

**Application to Remove Trees and Sections of Stone Wall on Old Meetinghouse Rd.** – At 7:15 p.m. L. McNally opened the Public Hearing, introduced Board Members and read the Legal Notice into the record. The Board reviewed a request submitted by the Conservation Commission to remove ten trees and two sections of stone wall along a discontinued portion of Old Meetinghouse Road. The application included “Attachment A and Attachment B” describing the trees, the stone wall and details related to the location and proposed work to be done. Since the work would be done within the Town’s Right of Way, an application under the Scenic Road Act had been filed. Leslie Gabriliska, Conservation Agent, Don Massucco, Tree Warden, and Eric Radolf, of Bay State Forestry Service attended the hearing. E. Radolf explained that the best way for the timber harvesters to access the area would be to remove the trees and take out two sections of stone wall. An excavator would move rocks to the side, and then replace them at the conclusion of the harvesting operation. L. Gabriliska added that there will be an improvement as the stone wall formation is currently in poor

condition. C. Nocella asked if before and after pictures might be taken and provided to the Board. K. Araujo agreed this would be a good idea.

L. McNally read responses to the Mandatory Referral Notices, with all responding with either “No Comment” or “No issues,” and no abutters attended the hearing or submitted comment.

C. Nocella motioned to waive the \$150.00 filing fee per a written request from the Conservation Commission. J. Bozicas seconded and a roll call vote was taken, as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; and L McNally – aye. C. Nocella motioned to approve the request with a condition that photos are submitted to the Planning Board showing the before and after state of the stone walls. J. Bozicas seconded and a roll call vote was taken, as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; and L McNally – aye. At 7:27 p.m. L. McNally motioned to close the hearing. C. Nocella seconded and a roll call vote was taken, as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; and L McNally – aye.

**2.2 7:30 p.m. Chantell Fleck / John Hume, MRPC, Report: Public Forum Feedback Related to Townsend’s Housing Bylaws/Continuation of a District Local Technical Assistance (DLTA) Grant for Services** – Chantell Fleck, Regional Planner for the Montachusett Regional Planning Commission (MRPC) attended the meeting and distributed copies of the “Townsend Public Forum on Housing” Draft Report. One edit on Question #2, Group 2 was suggested and implemented. C. Fleck offered the following update on the Scope of Services:

- The draft Zoning Analysis will be completed by the end of the week and sent out to all for review and comment. This represents the last part of the project listed under the Scope of Services in the Agreement between MRPC and the Town. Affordable Housing Goals will be included in the Introduction, the Public Forum Report will be included as “Attachment A,” and the document should be posted on the Town’s Website.
- MRPC received the application from the Townsend Board of Selectmen for assistance under the second round of the DLTA Program to continue the work of revising applicable zoning bylaws to create more diverse housing opportunities. C. Fleck believes it will be approved in January, with a goal of putting draft bylaw amendments on the Fall Town Meeting Warrant.
- It is recommended that each section addressed in the Analysis be discussed separately in a series of public meetings with e-mail notifications to be sent out to those who participated in the Forum.
- The Town needs to continually ask for public input throughout the process.
- MRPC will review bylaws from surrounding communities as part of the next phase in the process.

**2.3 8:00 p.m. ANR Plan, Bette Eldredge, 238 South Row Rd., Rose Chaulk** – Rose Chaulk of Rose Land Survey, presented a plan to divide an existing house lot, at 238 South Row Road owned by Bette Eldredge, so that 13+ acres are retained with the house and a 28-acre parcel of back land with no frontage will be available for sale to the Commonwealth of Massachusetts, Department of Fish and Game. Anne Gagnon, Land Agent for the State, stated the parcel they intend to purchase abuts land set aside for open space by a Conservation Restriction, as the Dept. of Fish & Game purchased the “Development Rights,” and purchasing this additional parcel will also open access to surrounding acreage of State-owned conservation land. It was noted that the property encompasses a portion of Zoning District RB2 with the majority of the lot located within District RA3. A. Gagnon stated there is a discrepancy on what is shown on the Town’s Assessor’s Maps and what is being submitted on the plan regarding the back land; however the land has been surveyed to show accurate dimensions.

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In response to a request, L. McNally motioned to waive the \$75.00 fee for the parcel that will be sold to the State. C. Nocella seconded and a roll call vote was taken as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; L. Shifrin – aye; and L McNally – aye.

C. Nocella motioned to waive the required scale of 1” = 40’ per Rules and Regulations §175-11 C. (2) in order to fit the entire plan on one page. L. Shifrin seconded and a roll call vote was taken as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; L. Shifrin – aye; and L McNally – aye.

Following further review, C. Nocella motioned to approve the plan as an “Approval Not Required” Plan under Subdivision Control Law. L. Shifrin seconded and a roll call vote was taken as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; L. Shifrin – aye; and L McNally – aye.

**III. WORKSESSION:**

**3.1 Planning Board Draft Report to Town Meeting RE: Trophy Avenue Road Acceptance** – Anne Gagnon, of Fish & Game stated she met with the surveyor on site and attested to the placement of iron pins in locations shown on the plans, and added that the area behind Lot 6, once littered with old tires, appliances and other debris has been cleaned up. A. Gagnon explained that the owner of Lot 6 had increased their lawn area onto abutting land now owned by the State, however and a stone bound has now been put into place and the surveyor spoke with the homeowner. A. Gagnon stated she will also speak with them. L. McNally recommended sending a certified letter. It was agreed that a draft Planning Board Report to Town Meeting related to Road Acceptance would be prepared for review and next meeting.

**3.2 BOS: Review List of Businesses for any Outstanding Issues Prior to Issuing License Renewals** – The Board reviewed a list of businesses on a list for License renewal with no comments of objections noted.

**3.3 Medical Marijuana: Compare Existing Bylaws in Lunenburg/Pepperell** – The Board reviewed a compilation of Bylaws in place in the towns of Lunenburg and Pepperell categorized under similar topics. Board Members agreed to review at home and send comments to J. Hollows on what they would consider important to incorporate into a bylaw for Townsend.

**3.4 Special Town Meeting Notice: Thurs., Jan. 14<sup>th</sup>** – It was noted that Fall Town Meeting had been moved from Jan. 11<sup>th</sup> to Jan. 14<sup>th</sup>.

**3.5 BOS Request to Appoint a Representative to the Capital Planning Committee** – The Board reviewed a request from the Board of Selectmen for the Planning Board to appoint someone to serve on the Capital Planning Committee as their representative. Following discussion, with no volunteers, it was agreed that a copy of Chapter 14 in the General Bylaws describing the Committee’s responsibilities should be reviewed and the request be brought back to next meeting.

**IV. CORRESPONDENCE:**

The following correspondence was received and noted by the Board.

**4.1 Zoning Board of Appeals Decision for Planet Fitness, 18 Main St. – Illuminated Sign**

**4.2 Unutil Notice: Emergency Response Information**

**4.3 Notices from Townsend / Other Towns**

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V. **ADJOURNMENT:**

**5.1** At 9:15 p.m. C. Nocella motioned to adjourn the meeting. K. Araujo seconded and a roll call vote was taken as follows: C. Nocella – aye; K. Araujo – aye; J. Bozicas – aye; L. Shifrin – aye; and L McNally – aye.

(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.