

TOWN OF TOWNSEND
In the Commonwealth of Massachusetts
SPECIAL TOWN MEETING MINUTES
SEPTEMBER 25th, 2025, 7:00 pm

The Special Town Meeting began at 7:08 pm at the North Middlesex Regional High School, 19 Main Street, Townsend, MA 01469. A quorum was met with 107 voters present. The Town Clerk read the return of the Warrant. Counters were chosen by the Moderator and sworn in by the Town Clerk prior to the call to order of the meeting: Heidi Messing, Robert Templeton, Vincent Davulis, and William Rideout. Moderator John Barrett introduced the Town Clerk Harrison Mayotte, Town Counsel Adam Costa, and Town Administrator Nelson Mui. Further, he introduced members of the Select Board, Chair Laura Shifrin, Vice Chair Veronica Kell, and Clerk Valerie Goodrich, and member of the Finance Committee Sam Grant. John Barrett then led the meeting in the pledge of allegiance. The Moderator instructed those present on the processes of Town Meeting according to Town Meeting Time and our own traditions.

ARTICLE 1

To see if the Town will vote to transfer the care, custody and control of 0 Dudley Road, shown on Assessor's Map 19, Block 80, Lot 0, from the Select Board, presently possessed by it for general municipal purposes, to the Town's Conservation Commission; or take any other action in relation thereto.

MOTION was made by Veronica Kell and seconded by Laura Shifrin to move that the Town transfer the care, custody and control of 0 Dudley Road, shown on Assessor's Map 19, Block 80, Lot 0, from the Select Board, presently possessed by it for general municipal purposes, to the Town's Conservation Commission.

VOTE: Passed unanimously.

ARTICLE 2

To see if the Town will vote to amend its Zoning Bylaw, being Chapter 145 of the Town Code, as follows:

- (i) by deleting from Section 145-5, entitled "Word usage and definitions," from within the definition of "ACCESSORY USE OR BUILDING," Item B, being the definition of "AFFORDABLE ACCESSORY APARTMENT," and substituting the following therefor:

"APARTMENT/MULTIFAMILY HOUSING: a building, or multiple buildings on a lot, designated and constructed so as to contain three or more suites of one or more rooms, each suite provided with individual cooking and other facilities for independent housekeeping, used or intended to be used for the non-transient housing of three or more families"; and
- (ii) by further deleting from said Section 145-5, from within the definition of "DWELLING UNIT," the phrase "but not more than five persons unrelated by blood or marriage"; and
- (iii) by amending the Town's zoning map as referenced in Section 145-7, as shown on a new "Townsend, MA: Zoning Map" prepared by the Montachusett Regional Planning Commission, undated but showing the "Multifamily Overlay" zoning district thereon; and
- (iv) by adding to Section 145-37, entitled "Apartments," preceding but as a part of the first sentence thereof, the phrase "Unless located in the Multi-Family Overlay District"; and

- (v) by adding to Section 42, entitled “Site plan review special permit,” Subsection B, entitled “Applicability,” a new Item (1)(d), as follows:

“(d) No Site Plan Review Special Permit shall be required for by-right residential uses constructed in accordance with § 145-54.2, the Multi-Family Overlay District. By-right residential uses in the Multi-Family Overlay District shall instead be subject to Site Plan Approval under § 145-42.1 of this bylaw”; and
- (vi) by adding to Section 42.1, entitled “Site Plan Approval,” in the introductory paragraph thereof, at the end of the first sentence, the phrase “or to residential uses allowed by right under § 145-54.2 Multifamily Overlay District”; and by deleting the phrase “Accessory Apartments” in the second sentence of said introductory paragraph and substituting “Residential Uses” therefor; and
- (vii) by adding to said Section 42.1, at the end of Subsection A, entitled “Applicability”, the following new sentence: “The Construction of more than four (4) housing units in the Multifamily Overlay district shall be subject to review under this Section by the Planning Board as described in § 145-52.4”; and
- (viii) by adding to said Section 42.1, Subsection B, entitled “Submission Requirements,” Item 4, between the second and third sentences, the following new sentence: “Landscape plans for projects involving more than 4 residential units shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts”; and
- (ix) by adding to said Section 42.1, Subsection C, entitled “Timeline,” at the end of the first sentence, the phrase “for an Accessory Dwelling Unit, and within 90 days after the public meeting for other projects requiring Site Plan Approval”; and
- (x) by adding a new Section 54.2, entitled “Multi-Family Overlay District (MFOD),” as follows:

“145-54.2 Multi-Family Overlay District

- A. Purpose.** The purpose of the MFOD is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (MGL Chapter 40A). This zoning allows for as of right multi-family housing to encourage the production of a variety of housing types in order to
 - (1)** Provide equal access to new housing for people with a variety of needs and income levels.
 - (2)** Benefit from the energy efficiency advantages of multifamily housing;
 - (3)** Support wellness by providing for housing that is supportive of public transit, pedestrian, and bicycle travel.
- B. Establishment and Applicability.** The MFOD is an overlay zoning district that is superimposed over land on Fitchburg Road as shown on the Town’s official Zoning Map and further bounded and described as follows: drawn over a portion of Parcel 7 32 0, northwest of a line beginning at a pin along the sideline of Fitchburg Road at the

property's northeast corner and continuing southerly along the sideline of Fitchburg Road for 107 feet; then continuing in a westerly direction along a line parallel to the property's northern boundary at a distance of 107 feet, for a distance of 402 feet; then continuing in a southerly direction for 783 feet, along a line parallel to the sideline for Fitchburg Road at a distance of 402 feet; then continuing westerly in a line parallel to the northern lot line, for a distance of 181 feet, to the nearest vertex on the existing property boundary.

- (1) **Applicability of MFOD.** An applicant may develop Two- Family Dwellings or Apartments/Multifamily Buildings within the MFOD in accordance with the provisions of this section.
- (2) **Underlying Zoning.** The MFOD is an overlay zoning district superimposed on the underlying Outlying Commercial (OC) and Residential B (RB) Districts. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying districts shall remain in effect. Uses that are not identified in this Section are governed by the requirements of the underlying zoning district.

C. Definitions. For purposes of this Section 145-54.2, the following definitions shall apply.

- (1) **Applicant.** A person, business, or organization that applies for a Building Permit, Site Plan Review, or Special Permit.
- (2) **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval with a building permit.
- (3) **Buffer zone.** A physical divider between two areas that is not developed and serves to minimize any unsolicited impacts using vegetation and space.
- (4) **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities (formerly the Department of Housing and Community Development ([DHCD])), or any successor agency.
- (5) **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- (6) **Open Space.** Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

- (7) **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
- (8) **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- (9) **Section 3A.** Section 3A of M.G.L. Chapter 40A, the Massachusetts Zoning Act.
- (10) **Site Plan Approval Authority.** The Planning Board is the Site Plan Approval authority.

D. Uses Allowed as of Right

- (1) In addition to all other uses allowed by right in the underlying zoning districts, Apartments/Multifamily Buildings and Two-Family Dwellings are allowed as of right in the MFOD.
- (2) Property owners in the MFOD retain the right to develop their property in accordance with the underlying zoning.

E. Development Standards. Prior to any development, the applicant shall submit the information necessary to demonstrate that the following standards have been met:

- (1) The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the development and will comply with Town standards for parking, access, road design and construction.
- (2) The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times. The nature of the soils and subsoils shall be suited for the intended purposes. This determination shall focus upon, but shall not be limited to, the location, design and construction of roadways, buildings, septic systems and surface water drainage systems. Soil borings or test pits may be made to provide information on soil texture, color, percolation rates and depth to the groundwater table at its maximum elevation.
- (3) For applicable land disturbance as specified in Chapter 85 of the Townsend General Bylaw, a stormwater management application

shall be filed in conjunction with this application to determine subjectivity to either a minor or major stormwater management permit. Refer to § 175-44, Stormwater management, erosion and sedimentation control plan (the stormwater plan) to determine requirements, with strict adherence to Chapter 85 of the Townsend General Bylaws, NPDES Phase II Stormwater Management, and its associated regulations.

F. Dimensional Standards

- (1) All buildings shall be set back a minimum of 35 feet from Fitchburg Road.
- (2) Freestanding accessory buildings shall conform to the requirements of Attachment 1: Land Space Requirement Table; except that freestanding accessory buildings not used for human habitation shall have a minimum setback of 5 feet from all lot lines regardless of their distance from the street.
- (3) Maximum Lot Coverage of 35% of gross upland land area shall apply to buildings and impervious surfaces.
- (4) Where the MFOD borders another Residential zoning district, Multifamily Dwellings shall be set back from the zoning boundary by at least 35 feet. Where a Multifamily Dwelling is located within 50 feet of such a zoning boundary, it shall be screened with a landscaped or naturally preserved vegetated buffer which, in the opinion of the Planning Board, adequately screens the development from the abutting residential properties.
- (5) Exceptions. The limitation on height of buildings shall not apply to roof-top mechanicals, and chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building. Roof-top mechanicals shall be screened.
- (6) Exceptions: Renewable Energy Installations. The Planning Board may waive the height and setbacks in this § 145-54.2 to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a substantial detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

- (7) Apartments/Multifamily Dwellings developed under this Section shall comply with the following table.

Dimensional Standards for Multifamily Dwellings			
Lot Requirements		Setback Requirements	
Minimum Frontage	80 ft	Minimum Setback from Street	50 ft
Minimum Lot Size	8000 sq ft	Minimum Front Yard Setback	50 ft
Maximum Lot Coverage	35%	Minimum Side Yard Setback	15 ft
Minimum Lot Width	80 ft	Minimum Rear Yard Setback	20 ft
Building Height (Maximum)			3 Stories (35 feet)
Open Space Requirement (Percentage)			65%
Maximum Density			15 units/acre

- (8) Two-Family Dwellings developed under this Section shall comply with the following table.

Dimensional Standards for Two-Family Dwellings			
Lot Requirements		Setback Requirements	
Frontage	40 ft	Setback From Street	10 ft
Minimum Lot Size	6000 sq ft	Front Yard Setback	10 ft
Maximum Lot Coverage	35%	Side Yard Setback	10 ft
Minimum Lot Width	40 ft	Rear Yard Setback	20 ft
Building Height (Maximum)			3 Stories (35 feet)
Open Space Requirement (Percentage)			65%
Maximum Residential Density			15 units/acre

G. Parking. The following parking standards shall apply to Apartments/Multifamily Dwellings within the MFOD:

- (1) At least 1.5 parking spaces shall be provided for each dwelling unit.
- (2) Except for units containing zero or no bedrooms, no parking area shall contain more than one parking space per bedroom per unit. All parking areas shall be connected to the structures by walkways.
- (3) Where the MFOD district borders a residential district or use, shared parking areas shall be separated from the residential use or district by a buffer of no less than 50 feet.
- (4) Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible.
- (5) All buffer areas and open spaces shall have appropriate native vegetative screening and landscaping to meet the development standards and design requirements of this Section, and of Article V Parking Requirements.
- (6) Any road or driveway serving 12 or more dwelling units shall have at least 250 feet visibility in each travel direction and shall be separated from all other driveways or intersecting streets by at least 150 feet.
- (7) Interior roads and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Rules and Regulations.

H. Exterior Lighting. Lighting shall adhere to standards established in Article IX Special Provisions §145-52 Outdoor Lighting.

I. Severability. If any provision of this Section 145.54.2 is determined to be invalid by a court of competent jurisdiction, the remainder hereof shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Section shall not affect the validity of the remainder of these bylaws”;

or take any other action in relation thereto.

MOTION was made by Andrew Shepherd and seconded by Laura Shifrin to move that the Town amend its Zoning Bylaw, being Chapter 145 of the Town Code, as printed in the Warrant.

MOTION TO MOVE THE QUESTION was made by Jonathan Snaith and seconded on the floor.

VOTE TO MOVE THE QUESTION: Passed by a majority.

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VOTE: Passed by majority declared by the moderator.

7 voters stood to challenge the declaration of the moderator. A standing count was performed.

VOTE: Passed by majority, 77-24 (standing count).

ARTICLE 3

To see if the Town will vote to amend its Zoning Bylaw, being Chapter 145 of the Town Code, new Section 54.2, entitled “Multi-Family Overlay District,” adopted via the preceding Article, as follows:

- (i) by adding to Subsection B, entitled “Establishment and Applicability,” Item (1), between the words or phrases “develop” and “Two-Family Dwellings or Apartments/Multifamily Buildings,” the phrase “Single-Family Dwellings”; and
- (ii) by adding to Subsection C, entitled “Definitions,” alphabetically, and renumbering all items accordingly, the following new definition: “**Dwelling, Single Family.** A residential building containing one Dwelling Unit and no other principal uses”; and
- (iii) by adding to Subsection D, entitled “Uses Allowed as of Right,” Item (1), between the words or phrases “Apartments/Multifamily Buildings” and “and Two-Family Dwellings,” the phrase “Single-Family Dwellings”; and
- (iv) by adding to Subsection F, entitled “Dimensional Standards,” Item (8), preceding the phrase “Two-Family Dwellings” in both the text thereof and in the title of the ensuing table, the phrase “Single-Family and”;

or take any other action in relation thereto.

MOTION was made by Andrew Shepherd and seconded by Laura Shifrin to move that the Town amend its Zoning Bylaw, being Chapter 145 of the Town Code, new Section 54.2, entitled “Multi-Family Overlay District,” adopted via the preceding Article, as printed in the Warrant.

VOTE: Passed by two thirds as declared by the moderator.

ARTICLE 4

To see if the Town will vote to amend Chapter 54 of the Town’s General Bylaws, entitled “Historic Districts,” by adding a new Section 8 thereto, as follows:

§ 54-8 Enforcement.

The Building Inspector shall be the enforcing official hereunder; provided, however, that both the Commission and the Building Inspector are each specifically authorized to institute any and all actions and proceedings as either of them may deem necessary or appropriate to achieve compliance with the foregoing requirements or to prevent a threatened and/or imminent violation thereof;

or take any other action in relation thereto.

MOTION was made by Valerie Goodrich and seconded by Veronica Kell to move that the Town amend Chapter 54 of the Town's General Bylaws, entitled "Historic Districts," by adding a new Section 8 thereto, as follows:

§ 54-8 Enforcement.

The Building Inspector shall be the enforcing official hereunder; provided, however, that both the Commission and the Building Inspector are each specifically authorized to institute any and all actions and proceedings as either of them may deem necessary or appropriate to achieve compliance with the foregoing requirements or to prevent a threatened and/or imminent violation thereof.

MOTION TO TABLE was made by Maryjane Churchville and seconded on the floor.

After two attempted voice votes, the moderator declared the vote was unclear and called for a standing count.

VOTE TO TABLE: Passed by two thirds, 72-23 (standing count).

ARTICLE 5

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 53, Section 18B, which requires the Town to print certain information relating to each question that shall appear on the Town ballot, as further specified in said statute, and, not later than seven days before an election at which such question shall be submitted to the voters, send such information to each household wherein a person whose name appears on the current voting list for the Town resides, or to take any other action in relation thereto.

MOTION was made by Valerie Goodrich and seconded by Veronica Kell to move that the Town accept the provisions of Massachusetts General Laws Chapter 53, Section 18B, which requires the Town to print certain information relating to each question that shall appear on the Town ballot, as further specified in said statute, and, not later than seven days before an election at which such question shall be submitted to the voters, send such information to each household wherein a person whose name appears on the current voting list for the Town resides.

VOTE: Motion fails.

ARTICLE 4 RECONSIDERATION

MOTION was made by Gary Shepherd to reconsider Article 4 and was seconded on the floor.

Town Counsel Adam Costa provided context on the basis a motion to reconsider may arise and that a motion to raise from the table may be more appropriate.

The Moderator incorporated this into the motion as a friendly procedural amendment.

MOTION AS AMENDED was made by Gary Shepherd to raise Article 4 from the table and was seconded on the floor.

VOTE: Motion fails.

ARTICLE 6

To see if the Town will vote to:

Amend §145-26 (Residential Districts) Append text at the end of §145-26(B)(14):

Notwithstanding any provision of this Bylaw to the contrary, an APARTMENT/MULTIFAMILY BUILDING, as defined by §145-5, is prohibited on the following parcels:

Assessor's Map 10, Parcel 52 (Blood Road) and Assessor's Map 10, Parcel 70 (West Elm Street).

Amend §145-47 (Open space multifamily development (OSMD))

Insert at the end of §145-47(B): "The provisions of this section shall not apply to Assessor's Map 10, Parcel 52 and Assessor's Map 10, Parcel 70."

Or take any action in relation thereto.

MOTION was made by Cindy A. King and seconded on the floor to move that the Town Amend §145-26 and §145-47 as presented in the warrant.

Andrew Shepherd read aloud a Planning Board report on the Article and reported that the Planning Board unanimously voted not recommend the article.

VOTE: Motion fails.

DISSOLUTION

MOTION was made and seconded on the floor to adjourn and dissolve the Special Town Meeting at 8:49 pm.

VOTE: Passed by majority.

9-25-25 SPECIAL TOWN MEETING DISSOLVED

Respectfully submitted,

Harrison C. Mayotte, Town Clerk