



Townsend Zoning Board of Appeals Minutes
272 Main Street, Townsend MA 01469, Meeting Room 2.

June 27, 2018 7:00PM

Chairman Cadogan called the meeting to order at 7:09 pm.

Victoria Janicki is appointed to full member status for voting.

Roll Call taken; David R. Chenelle, Darlene Sodano, Victoria Janicki, Bill Cadogan

Others present: Beth Faxon, Zoning Board Administrator

A motion was made and seconded to approve the minutes of May 23, 2018. All in favor. The motion carried.

7:00 pm 355 Main Street – Public hearing on an application for special permit for Accessory apartment in a residential district.

Present: Mr. David Cowan

Mr. Jason Cowan

A motion was made and seconded to open the public hearing for 355 Main St. All in favor.

The legal notice to open the public hearing for 355 Main Street was read into the record.

Mandatory referrals for 355 Main Street were read into the record

Mr. Cowan explained their parents are aging and they would like to build an accessory apartment on the side of the existing 2 story house where they have lived for 50 years.

The Board calculated the percentage of Accessory apartment floor space to the total combination of existing building plus addition. The apartment will be 27% of the combined living space.

The Board reviews the application under 145-36 Special permit bylaw.

- Floor space is approved for area coverage.
- The applicant reports a new septic will be installed.
- Ingress and egress is adequate door in and slider going out.
- Construction of an accessory apartment is not detrimental to the neighborhood. Due to size of lot - 3.02 ac. and set back from the road - 100' the structure was built in 1890. There will be no impact on the neighborhood.
- There is adequate provision for off street parking, ie, garage and driveway.
- No other apartments exist on the property.

D. C. noted that the findings of fact including the lot size in excess of 3 acres, building size footprint being 27% of the combined total sq. ft., set back of 100 ft. from the road, and one story addition to a 2 story house.

The Board reviewed the Criteria under bylaw § 145-86

Findings of fact:

- the proposed use will be in harmony with the bylaw.
- adequacy of site is approved
- suitability of site; a residential use in a residential zoned district

- no impact on traffic flow or public safety
- no impact to neighborhood or visual character
- sewerage disposal – under the purview of the BOH
- no impact to utilities and infrastructure
- no impact on groundwater and water quality.

A motion was made, and seconded; that the proposed use will not have any adverse effects to the neighborhood or the town.

Roll call vote: V.J, D.C, B.C, D.S – YES. The motion carried.

A motion was made, and seconded; to approve the special permit for construction of an accessory apartment at 355 Main Street subject to conditions and the findings of fact.

Roll call vote: V.J, D.C, B.C., D.S. – YES. The motion carried.

Applicant was advised the special permit has a lifetime of 5 years and must be renewed. If a family member moves out, then it will be a requirement that they meet with the Townsend Housing Authority.

2 Scott St. – continuation of a public hearing on an application for a special permit to allow the expansion and alteration of an existing non-conforming structure.

Present: Mr. Jeff Peduzzi, applicant

Mr. Mark Lavalley, GPR engineering

A motion was made and seconded to open the continued public hearing for 2 Scott Street. All in Favor.

Chair Cadogan updated the reasons for continuing the hearing which included

1. a request by the Board for a more legible plot plan
2. an opportunity to review case law regarding a section 6 finding concerning the discretion of the ZBA with regards to issuing a special permit or a variance in the case of increasing or intensifying a nonconformity.

D. C. provided case law supporting allowance of The Board to act under a special permit. D. S concurred and noted the necessity of making a determination as to whether there is an intensity in the non-conformity. A special permit is applicable if this is found negative. If affirmative, impact to the neighborhood must be determined.

The Board reviewed the criteria under §145-86 proposed use with not have an adverse effect on the neighborhood.

- Adequacy of site for size – found to be a residential lot for a residential use. The size for proposed use .27 ac lot size, lot coverage is 26'x38' addition, house is 42'x30'. Less than 50% of the lot is covered. 17.3 % lot coverage allowed so this is well within the bylaw limit.
- Zoning is residential now, will be residential when finished
- Positive impact on traffic and public safety - improvement no backing vehicles into the public way
- Visual impact none only see the peak of the addition will be visible.
- sewerage disposal excellent condition
- negligible impact to utilities services or infrastructure
- Negligible impact to groundwater and water quality.

A motion was made and seconded; the proposed used with not have adverse effects in view of the characteristics of the site.

Roll call: V.J., D.C., B.C., D.S. – YES. The motion carried.

Under §145-18 and 32B

A motion was made and seconded; that based on the front entrance improvement, the proposed addition increases the non-conformity and it is not more detrimental than the existing non-conformity.

Roll call vote: V.J., D.C., B.C., D.S. – YES. The motion carried

D. Chenelle accepted the plot plan submitted Exhibit A as the plan of record

Under §145-32 sec 7

A motion was made and seconded; to approve the special permit for 2 Scott road, given the finds of fact and the plans of record.

Roll call vote: V.J., D.C., B.C., D.S. – YES. The motion carried

General Business and the reorganization of the Zoning Board of Appeals

A motion was made and seconded; to elect Bill Cadogan as Chairman. All in favor. The motion carried.

A motion was made, and seconded; to elect Darlene Sodano as Vice Chairman. All in favor. The motion carried

A motion was made, and seconded; to elect David R. Chenelle as Clerk. All in favor. The motion carried.

A motion was made, and seconded; to adjourn the meeting 8:45 pm. All in favor.

Respectfully submitted,

Beth Faxon

Zoning Board of Appeals administrator

Items on file in the Land Use office:

1. Case law supporting Section 6 finding Gale vs. Zoning Board of Appeals. Appeals Court of Massachusetts, May 10, 2011; Argued September 2, 2011. Decided. No. 10-P-1536.
2. Application for special permit at 2 Scott Road.
3. Exhibit A - legible copy of Plot plan for 2 Scott Road.
4. Application for special permit at 355 Main Street.
5. Meeting sign-in sheet.

Approved on: December 12, 2018