



Office of
ZONING BOARD of APPEALS
272 Main Street
Townsend, Massachusetts 01469
978-597-1700 x 1722

RECEIVED
SEP 13 2018
TOWN OF TOWNSEND
TOWN CLERK

William Cadogan, Chair

Darlene Sodano, Vice-Chair

Craig Stevens

David Chenelle

Rob Rebholz

John Giunta

Victoria Janicki

Zoning Board of Appeals
Meeting minutes
Wednesday June 6, 2018,
Townsend Memorial Hall
272 Main Street
Townsend, MA 01469

1.0 Preliminaries:

1.1 Call the meeting to order

Chair Cadogan called the meeting to order at 6:55 p.m.

- 1.1.1 Appoint Alternate Members to full member status for voting as necessary.
Victoria Janicki is appointed to full member status for voting.

1.2 Present for Roll Call: David R. Chenelle, Robert Rebholz, Darlene Sodano, Victoria Janicki, Bill Cadogan. Absent: Craig Stevens.

1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting. None noted

1.4 Review and approve draft meeting minutes of February 28, 2018 and May 23, 2018.

Upon a motion made by V. Janicki, seconded by Bob Rebholz it was;

VOTED: to approve the minutes of February 28, 2018 with the inclusion that the B. Rebholz would not support a further extension for 22 West Meadow Rd. solar facility.
All in favor.

2.0 Hearings/Appointments:

2.1 7:00 pm. – 2 Scott St. – review of application for special permit to allow the expansion and alteration of an existing non-conforming structure.

- D. Chenelle read the legal notice to open the public hearing.
- Chair Cadogan read the Mandatory Referrals for the record.
- Mark Lavalley, GPR, Inc. presented for the applicant Jeff Peduzzi seeking a special permit for a pre-existing nonconforming structure zoned RA requiring 200' frontage. The project involves raising the attached garage to create a two-story structure and add a covered 3'X2' concrete landing at the front doorstep.
- B. Cadogan asked for clarification as to existing structure and notes the plan provided is unclear.
- Mr. Lavalley explains the existing set back is 38.6 ft. and as a result of the addition of the covered porch slab, it will increase by 1.2 ft. Which will result in a shorter distance of 1.2 feet to the road.

- D. Sodano asked for evidence which precludes this project from requiring a variance.
- Chair Cadogan suggests case law that grants the ZBA the authority to make a finding when the nonconformity is no more detrimental than the existing non conformity.
- Chair Cadogan and D. Chenelle agreed to produce case law in support of the ZBA allowance to grant a special permit for extension of a non-conformity requested by D. Sodano. Mr. Lavallee agreed to provide an improved plot plan for review.

Upon a motion by D. Chenelle, seconded by B. Rebholz, it was;

VOTED: to continue the public hearing – 2 Scott Road -- to June 27th at 7:30 pm.

2.2 7:45 pm. – 250 Main St. – review of application requesting a variance for an addition/foundation that extends beyond the 15' side setback line.

- D. Chenelle read the legal notice to open the public hearing.
- Chair Cadogan read the referrals into the record. Noted the water line needs to be moved in the Water department comments. Mr. Anderson reported a meeting has been scheduled with Mr. Rafuse, Water Department to address this.
- Mr. Brian Anderson, applicant presented
- He stated that the Historic District commission has issued a certificate. The proposed project is an addition to the Main chapel to hold 100 people. Currently people in attendance are in separate funeral home overflow rooms during services. The tasteful character of the building will be maintained.
- The expansion will be on the westerly side and will result in a overlap of the 15' setback. The size of the addition is 20'X30'.
- The existing detached garage was discussed and noted. It is located within 5' of the lot line and this addition can be considered enhancing a nonconformity.
- The Board proceeded to consider the project under the criteria for a special permit

Upon a motion made by D. Chenelle, seconded by D. Sodano it was;

VOTED: the proposed project will not have a detrimental effect.

Upon a motion made by D. Chenelle, seconded by D. Sodano it was;

VOTED: to approve the findings of fact.

Roll call vote D.C., V.J., B.C., D.S., and B.R. – YES. The motion carries.

Upon a motion made by D. Chenelle, seconded by B. Rebholz is was;

VOTED: based on the findings of fact the proposed change will not be more detrimental than the existing nonconformity. Roll call vote – D.C., V.J., B.C., D.S., B.R. – YES

Upon a motion made by D. Chenelle, seconded by B. Rebholz it was;

VOTED: to approve the special permit for 250 Main Street in conformance with the application submitted. Roll call vote; D.C., V.J., B.C., D.S., B.R.

3.0 General Business:

3.1 Administrative requirements to reappointment of Zoning board of Appeals members with expiring terms.

- David R. Chenelle and Victoria Janicki have completed documents and will be appointed by the Board of Selectmen on June 19, 2018.
- John Giunta reported that he will not be seeking reappointment
- B. Faxon posted the Zoning Board of Appeals Associate Member vacancy with the Town Clerk.
- B. Rebholz asked that potential candidates attend a meeting for introductions and an interview.

4.0 Correspondence:

5.1 Bailey Road Conversion chapter 61 referral. Discussion was tabled to the next meeting.

5.0 Schedule and Adjourn:

Upon a motion made by D. Chenelle, seconded by V. Janicki it was;

VOTED: to adjourn the meeting at 8:35 pm. All in favor. The motion carries.

Respectfully submitted,
Beth Faxon
ZBA Administrator

Items on file in Land Use office:

1. 2 Scott Road Application for Special permit
2. 250 Main Street Application for Special Permit
3. Letter RE: Notice of Conversion under M.G.L. Ch 61. 33 Bailey Road.

Approved: August 15, 2018

