



Office of
Zoning Board of Appeals
272 Main Street
Townsend, Massachusetts 01469
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Rec'd Townsend Town Clerk
18 JUN '20 AM 10:55

William Cadogan, Chairman

Darlene Sodano, Vice Chair

David R. Chenelle, Clerk

Victoria Janicki, Member

Robert Rebholz, Member

Craig Stevens, alternate member

David Funaiole, alternate member

Sean Pearson, alternate member

Zoning Board of Appeals Meeting Minutes

Wednesday, March 11, 2020, at 7:00 PM

Townsend Memorial Hall

272 Main Street, Townsend, MA 01469

1 Preliminaries:

- 1.1 Call the meeting to order Chairman Cadogan called the meeting to order at 7:00 P.M.
- 1.2 Roll call Board members present: Chairman William Cadogan, Clerk, David Chenelle, Victoria Janicki, alternate member Sean Pearson, alternate member David Funaiole and alternate member Craig Stevens..

Chairman Cadogan appointed Sean Pearson and Craig Stevens to full member status for the purpose of the public hearing.

- 1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting: None.
- 1.4 Approval of Minutes, 11/20/2019.

D. Chenelle made a motion to approve the meeting minutes of 11/20/2019. V. Janicki seconded the motion. All in Favor. The motion carried.

Chairman Cadogan announced a fond farewell to Zoning Board of Appeals member Robert Rebholz, who passed away. Mr. Rebholz served Townsend for many years as a Selectman and Zoning Board of Appeals member.

2 Hearings and appointments:

- 2.1 7:15 P.M. Public hearing – Variance under Zoning Bylaw §§ 145-66 and 145; A1 table of Land space requirements.

Applicant (Present):	Michael Berry
Location:	41 Brookline Street (Map 52, Block 57, Lot 0)
Project:	The applicant is proposing to construct a 7' X 16' shed a distance of 1.5' away from the boundary lot line of a pre-existing non-conforming lot.

D. Chenelle made a motion to open the hearing of Michael Berry. C. Stevens seconded the motion. All in Favor. The motion carried.

The Applicant answered questions from Board members. The side yard setback is officially 15' noted Chairman Cadogan. M. Berry explained why he chose the location of the shed, and further stated the small lot size limits his options. The back corner seems the most appropriate location for the shed allowing for the continued maintenance and enjoyment of flower gardens. M. Oaklund, 43 Brookline St. submitted two photographs into the record. The proposed structure was noted to be a partially constructed 7' x 16' storage shed located in the back corner of 41 Brookline Street at a distance of 1.5' from the property boundary. The edge of the shed roof overhang was noted to be at the property line of 43 Brookline Street. The applicant stated that the acting Building Commissioner issued a cease and desist on the construction of the subject building (although no evidence of this was presented). C. Oaklund, 43 Brookline St. spoke in opposition to the application stating that the shed overhang could potentially create a nuisance on their property due to falling construction debris, ice and snowfall onto their driveway which is a high traffic area where cars are parked.

Stephen McEnaney, 5 Smith St. spoke in support of the application and applicant. The Property Deed for 41 Brookline Street, and plot plan were provided by the Assessor's office and entered into the record.

The Board deliberated on the facts and determined that based on the Application and testimony the Board did not find sufficient evidence/facts to support the requirements of a Variance pursuant to Sec. 145-66 (A) (1) which provides in part: "owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant".

D. Chenelle made a motion to deny the application of Michael Berry 41 Brookline Street, Townsend Massachusetts. Craig Stevens seconded the motion, and members voted as follows:

Craig Stevens – YES
David Chenelle – YES
Victoria Janicki – YES
Sean Pearson – YES
William Cadogan – YES

The Motion carried.

3 Correspondence

- 3.1 Board of Selectmen - Town of Townsend Equal Employment opportunity, discrimination, and sexual harassment policy. Board Members received a copy of the policy and signed that they have received the policy.
- 3.2 C.P.T.C – 2020 Annual Citizen Planner Training Collaborative Conference - Saturday March 21, 2020 Holy Cross College, Worcester, MA. - .noted

4 Adjournment: The meeting adjourned at 8:00 P.M.

Respectfully submitted,

Elizabeth Faxon
Zoning Board of Appeals Administrator

Approved on: June 17, 2020

Items on file:

- 1. Application of Michael Berry 41 Brookline Street - Petition for Variance.
- 2. 2 Photographs submitted by property owner of 43 Brookline Street.
- 3. Referrals from Conservation Commission, Board of Health, Board of Selectmen, and Planning Board.
- 4. Deed and plot plan 41 Brookline Street.
- 5. Public hearing sign in sheet.
- 6. Legal notice of public hearing.
- 7. Board of Selectmen - Town of Townsend Equal Employment opportunity, discrimination, and sexual harassment policy