



Office of
The Zoning Board of Appeals
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 Townsend, Massachusetts 01469
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RECEIVED
 APR 12 2021
 TOWN OF TOWNSEND
 TOWN CLERK

William Cadogan, Chairman
 Sean Pearson, Member
 David Funaiolo, Associate Member

David R. Chenelle, Clerk
 Victoria Janicki, Member
 Craig Stevens, Associate Member

Darlene Sodano, Vice Chair
 Jason Murray, Associate Member

Zoning Board of Appeals Meeting Minutes

February 10, 2021, at 5:30 PM

VIRTUAL MEETING

VIA: ZOOM PER GOVERNOR'S ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETNIG LAW, G.L. c. 30A, § 20†

PUBLIC ACCESS ZOOM MEETING LINK: [Join Zoom Meeting](https://us02web.zoom.us/j/88560780205?pwd=QWR4WIRDbENsYlUzUzFOR0VWcFdrQT09)

All are welcome to attend.

<https://us02web.zoom.us/j/88560780205?pwd=QWR4WIRDbENsYlUzUzFOR0VWcFdrQT09>

Meeting ID: 885 6078 0205

Passcode: 754990 One tap mobile

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1 PRELIMINARIES: votes may be taken.

- 1.1 Call the meeting to order and roll call. – Chairman W. Cadogan called the meeting to order at 5:30 pm. Roll Call present: William Cadogan, Chairman, Darlene Sodano, Vice Chairman, David Chenelle, Clerk, Sean Pearson, Vicky Janicki, David Funaiolo Assoc. Member, Others present: Elizabeth Faxon, ZBA Administrator. Hartley Pleshaw, TCAM.
- 1.2 Chairman's additions or deletions.
- 1.3 Approval of Minutes 12-02-2020. D. Sodano made a motion to approve the 12-02-2020 meeting minutes. D. Chenelle seconded. A roll call vote was taken as follows; YES – V. Janicki, D. Sodano, D. Chenelle, D. Funaiolo, W. Cadogan. The motion carried.

2 PUBLIC HEARINGS AND APPOINTMENTS: votes may be taken.

- 2.1 **5:30 pm Public Hearing - 59 West Meadow Road – Assessors Map #5 Block #4**
Lot(s)# 0 & 1. Diane Silva, Debbie Iodice, and Joseph Iodice – §§145-40, 145-46 &

† Per the Governor's Order, and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public; provided, however, that all public bodies shall ensure public access to deliberations through adequate, alternative means, which include (but are not limited to) telephone, internet or satellite enabled audio or video conferencing or other technology that enables the public to clearly follow the proceedings of the public body while they are occurring. The Order also allows remote participation by all members of a public body; and waives the requirements that a quorum and the chair be physically present at the meeting location.

145-65 -- The applicants are requesting a special permit for earthwork as part of a restoration plan. Property is partially located in the Aquifer Protection Overlay District.

Representative present: Stan Dillis, Dillis & Roy CDG, Inc.

Others present: Dianne Silva, Anna Rogers, Anne Gagnon, Massachusetts Fish and Wildlife, Jason Murray,

Mr. Dillis recounted that the site has been worked without obtaining permits for many years, a cease and desist order had been placed on the property by the Townsend Building Inspector in 2019. In the interim MA Fish and Wildlife expressed interest in purchasing the land. The landowner prepared a restoration plan based on the input of MA Fish and Wildlife and Endangered Species Program which resulted in very minimal changes to the existing conditions in order to leave areas intact for the endangered species. The proposal includes earthwork to reshape existing steep grades for safety, moving of the access road off of the new ANR Lot, removal of construction debris and trash, and movement of natural earth materials within the confines of the property. He stated that the Applicant has all other Land Use permits and has been issued an Order of Conditions from the Conservation Commission and a Stormwater Management permit from the Planning Board. The Applicants expect to receive a permit from Natural Heritage and Endangered Species in the next few weeks. The project is time sensitive in that the work has to be completed by April 15, and/or put off until the next non-active season for the turtles or turtle protection measures is required. The Applicant would like the proposed work done prior to April 15, 2021 to prepare it for sale to MA Fish and Wildlife. D. Chenelle asked if the work is a sand and gravel operation, and earthwork is taking place on the property and questioned whether it requires a special permit for earth excavation. Discussion ensued as to the historical interpretation of the applicability of an earth excavation special permit to earlier cases in Town. An ANR Lot is located in the front along West Meadow Road. Mr. Dillis presented the proposal on the Restoration Plan. Mr. Dillis confirmed that there would be no dirt, gravel or sand leaving the premises. And added that there will be vehicular activity associated with the removal of waste construction debris such as cement blocks and tires from the site. Discussion ensued and Board Members were in agreement that unless excavated natural materials are leaving the site, no permit is required. Anne Gagnon asked if some of the materials may be temporarily stockpiled on the adjacent ANR Lot currently under the same ownership, while the restoration work is in process. The consensus of the Board was yes. Chairman Cadogan commented that the ANR Lot should remain in the same ownership until the restoration work is finished. D. Chenelle made a motion that the application for sand and gravel removal by Dianne Silva, Debbie Iodice, and Joseph Iodice is not necessary as testimony indicates that there is no natural product being removed from the property. V. Janicki seconded. A roll call vote was taken as follows; YES – V. Janicki, D. Sodano, D. Chenelle, S. Pearson, W. Cadogan. The motion carried.

2.2 Meet Zoning Board of Appeals associate member candidate – Mr. Jason Murray who then joined the meeting to introduce himself. Jason bought a home here in Townsend about a year ago and would like to serve the Town. He is currently a college student and his area of study is Economics with Law school as his next step. He also has a background in construction and a familiarity with MA general laws. D. Chenelle explained the operating of the ZBA and applicable State and Town bylaws. D. Chenelle made a motion to recommend to the Board of Selectmen that Jason Murray be appointed to the Zoning Board of Appeals to fill the vacant associate member position. D. Sodano seconded. A roll call vote was taken as follows; YES – V. Janicki, D. Sodano, D. Chenelle, S. Pearson, W. Cadogan. The motion carried.

3 WORKSESSION: votes may be taken.

- 3.1** Zoning Board of Appeals proposed FY22 Budget. D. Chenelle asked admin for the current permit rates for ZBA applications and comparison with other municipalities. Chair asked for

hours of administrative work for permits to ensure the application rates are equitable. Once the information is gathered, it will be discussed at an upcoming meeting.

- 3.2 Zoning Board of Appeals 2020 Annual report. Admin. will send data to Chairman Cadogan and he will draft the 2020 ZBA Annual report.
- 3.3 Notices from Townsend/other Towns. – From Townsend Board of Selectmen, the 2021 holiday calendar and the Annual Town meeting and Special Town meeting warrant dates. Townend Annual Town Meeting is scheduled for May 4th, 2021 and the Annual Town election is scheduled for April 26, 2021. Announcement was made regarding the Planning Board public hearing continuation on 2/22/2021 for the Age Restricted Development Zoning Bylaw amendment proposal, and Scenic Roads bylaw proposal and Chapter 43D Warrant Article.

Materials are available digitally upon request by emailing bfaxon@townsendma.gov

Respectfully Submitted,

Elizabeth Faxon, ZBA Administrator

Approved on: April 7, 2021

Items on file:

1. Application packet 59 West Meadow Road Restoration Plan.
2. Jason Murray volunteer response form.
3. ZBA proposed FY22 Budget worksheet.
4. Memo BOS re: Holiday calendar
5. Memo BOS re: 2021 Annual Town meeting and Special Town meeting warrant dates.
6. Legal notice of continuation of Planning Board Public hearing – age restricted development bylaw proposal to 02/22/2021.

Zoning Board of Appeals meeting

TCAM Inc. is inviting you to a scheduled Zoom meeting. Join Zoom Meeting

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