



Office of
The Zoning Board of Appeals
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 TOWN OF TOWNSEND
 TOWN CLERK

William Cadogan, Chairman
 Sean Pearson, Member
 Craig Stevens, Assoc. Member

David Chenelle, Clerk
 Vicky Janicki, Member

Darlene Sodano, Vice Chair
 David Funaiole, Assoc. Member
 Jason Murray, Assoc. Member

ZONING BOARD OF APPEALS MINUTES

Wednesday, February 23, 2022 at 5:30 pm.

VIRTUAL MEETING ONLY

VIA: ZOOM PER EXTENSION OF 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/82730974541?pwd=a1ppQ2EydlVlTXpKazFHek1vRWZRPZz09>

Meeting ID: 827 3097 4541 Passcode: 278067

1 **PRELIMINARIES:** votes may be taken.

- 1.1 Call the meeting to order and roll call. David Chenelle made a motion to open the meeting at 5:40pm. Darlene Sodano seconded the motion. A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried.
 Others present: David Funaiole, Associate Member, Hartley Pleshaw, TCAM, Mike Crowley, Land Use Coordinator, Beth Faxon, ZBA Admin. Alisa Struthers, Historic District Commission.
- 1.2 Chairman's additions or deletions. Discuss amending the age restricted development bylaw to allow development on smaller lot sizes in the Downtown Commercial District and surrounding districts. Noted this is on this agenda under item 3.2.
- 1.3 Approval of Zoning Board of Appeals meeting minutes 12-08-21, 01-12-22, 02-02-22. D.C. made a motion to approve the minutes for 12-08-21. D.S. seconded. A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried. D.C. made a motion to approve the minutes for 01-12-22 with the addition of a space between names in section 2.2. S.P. seconded. A roll call vote was taken as follows;

[†] In accordance with actions related to an extension to the remote meeting provisions of the Governor's March 11, 2020, Executive Orders until April 1, 2022, this meeting will be held remotely.

YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried.

V.J. made a motion to approve the meeting minutes from 2-2-22. D.S. seconded the motion A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Funaiole (D.F.) and Bill Cadogan (B.C.). The motion carried.

2 **PUBLIC HEARINGS:**

- 2.1 **5:45 pm** continuation of public hearing - on the application of **Candice Hagerstrom** for a **Special Permit** under Zoning Bylaw §§145-26B, Residential A and B Special Permit Uses pursuant to §145-65, Special Permits and/or **Appeal** of the Building Commissioners determination under Zoning Bylaw 145-64. The applicant and property owner proposes to construct and operate a dog grooming business in residence, in the existing single family home at **478 Main Street (Assessor's Map 11, Block 1, Lot 0)** D.C. made a motion to open the continuation of the public hearing on the application of Candice Hagerstrom for a special permit. D. S. seconded. A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried. Present: Applicant Candice Hagerstrom. Mark Hagerstrom.

Board Members discussed the proposed amendment to 145-26 B9 of adding the words “dog grooming establishment” “dog daycare establishment” and “dog training establishment” to the uses allowed by special permit in the residential district. The Chair provided an update that the proposed amendment has been added to the Town meeting warrant and the Planning Board will hold a public hearing on the proposed amendment to the Zoning Bylaw on April 11, 2022. Mike Crowley suggested the use of the wording “pet” instead of “dog” in the proposed amendment. The Board discussed the suggestion and agreed to stay with word “dog” for the purposes of this amendment. D.C. made a motion to continue the public hearing to later in this meeting at 6:16pm. D.S. seconded. A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried.

- 2.2 **6:15 pm** Public hearing – on the application of **Candice Hagerstrom** for a **Special Permit** under Zoning Bylaw §§145-26B 9, Residential A and B Special Permit Uses pursuant to §145-65, Special Permit. The applicant and property owner proposes to construct and operate a kennel in the existing single-family home at **478 Main Street (Assessor's Map 11, Block 1, Lot 0)** D.C. made a motion to open the continuation of the public hearing on the application of Candice Hagerstrom for a special permit to operate a dog kennel. D. S. seconded. A roll call vote was taken as follows; YES – Vicky Janicki (V.J.), Sean Pearson (S.P.), Darlene Sodano (D.S.), David Chenelle (D.C.) and Bill Cadogan (B.C.). The motion carried. Present: Applicant Candice Hagerstrom. Present: Mark Hagerstrom. The mandatory referral comments were read. The Applicant will need to revisit with the Board of Health to discuss any further criteria they may require. The applicant expressed concern about having a special permit for a kennel when she has a dog grooming business. It was noted that a proposal for an amendment to the zoning bylaw to add the wording “dog grooming

business” as an allowable use by special permit in residential districts is on the 2022 Annual Town meeting warrant. The board then evaluated the proposal with respect to the special permit criteria and found the following: Adequacy of the site in terms of the size for the proposed uses: the Board found the property is adequate in size for the proposed use and there will be no structural changes to the outside of the structure.

Suitability of the site for the proposed use: the Board found the property is suitable for the proposed use. Impact on traffic flow and safety: the Board determined that traffic flow and safety would not be impacted. Impact on neighborhood visual character, including views and vistas: the Board determined that there would be no impact on neighborhood visual character. Adequacy of method of sewage disposal, source of water and drainage; the Board determined impact to be negligible. The Board of Health has already approved the project and will re-hear this project pursuant to the findings and conditions stated herein. Adequacy of utilities and other public services; the Board determined these to be adequate. Impact on ground and surface water quality and other environmental and natural resource considerations; the Board determined that there would be no impact.

Darlene Sodano made a motion that pursuant to Section 145-65(F) of the Townsend Zoning Bylaw the proposed use will not have adverse effects, which overbalance its beneficial effects on either the neighborhood or the Town in view of the particular characteristics of the site based on the findings of fact. David Chenelle seconded the motion, and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carries. 5-0-0.

David Chenelle made a motion to grant a special permit to Candice Hagerstrom at 478 Main Street to operate a commercial kennel in a residential district pursuant to Townsend Zoning Bylaw §§145-26(B)(9) and 145-65 and the findings of fact with conditions as follows:

1. There shall be no employees other than the applicant.
2. Business activities are limited to Monday through Saturday 9:00 am to 7:00 pm.
3. No more than two dogs shall be on location at any one time, other than the owner's pets.

Darlene Sodano seconded the motion, and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carries. 5-0-0.

David Chenelle made a motion to approve William Cadogan, Chairman of the Zoning Board of Appeals to sign the Decision and Special permit on behalf of the Board Members who participated in the vote.

Darlene Sodano seconded the motion, and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carries. 5-0-0.

David Chenelle made a motion to open the continued public hearing of 478 Main Street on the petition for a special permit for a dog grooming business. Darlene Sodano seconded, and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0.

Discussion ensued as to the article on the Town meeting warrant which if passed would allow a dog grooming business in residential district by special permit. The Applicant was agreeable to

continuing the public hearing on her application for a dog grooming business until after the 2022 Town Meeting. David Chenelle made a motion to continue the public hearing on the petition for a special permit for a dog grooming business to operate at 478 Main Street to June 8th at 5:30pm. Darlene Sodano seconded the motion, and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0.

- 2.3 **6:45 PM** - public hearing on the application of **C & J Realty Trust u/d/t dated 7/24/2012** for a **Special Permit** under Zoning Bylaw §§145-65 & 145-27C(3). The applicants are proposing to convert a building into mixed-use by adding 4 two bedroom apartments and two one bedroom apartments to the 2nd and 3rd floor of the preexisting nonconforming commercial structure at 241 Main St. (Map 51 Block 94 Lot 0). Present: Applicant: Marc Curtis C & J Realty Trust. John Barrett, Esq. representing C & J Realty Trust and Marc Curtis. Terry McNabb

David Chenelle made a motion to open the public hearing on the petition of C&J Realty Trust for the premises at 241 Main Street. Sean Pearson seconded. A roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0.

John Barrett, esq. presented the proposal and he and Mr. Curtis answered the questions of the Board Members. Terry McNabb, trustee of the McNabb Family Trust and owner of abutting property spoke in favor of the project. In terms of Townsend Zoning Bylaw Section 145-65(F)(1)(a-g), the Board found as follows:

a. Adequacy of the site in terms of the size for the proposed uses: the Board found the site adequate as the size of the building is not changing. b. Suitability of the site for the proposed use: the Board found the proposed use is consistent with the site and is in favor of constructing residential units in the Downtown Commercial District. c. Impact on traffic flow and safety: the Board determined that there will be no impact regarding traffic flow and safety. d. Impact on neighborhood visual character, including views and vistas: The Board determined that there will be no impact on the neighborhood visual character. e. Adequacy of method of sewage disposal, source of water and drainage: to be determined by the Board of Health upon review of the septic system design once it is submitted. f. Adequacy of utilities and other public services: the Board determined no impact with the statement that the Water Department will require an upgrade to a 1 & ½ inch domestic water line. g. Impact on ground and surface water quality and other environmental and natural resource considerations: the Board determined that these are adequate. David Chenelle made a motion that pursuant to Section 145-65(F) of the Townsend Zoning Bylaw the proposed use will not have adverse effects, which overbalance its beneficial effects on either the neighborhood or the Town in view of the particular characteristics of the site. Darlene seconded the motion. A roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0.

Darlene Sodano made a motion to grant a Special Permit to C. & J Realty Trust to reallocate the existing commercial space to include up to six residential dwelling units at 421-427 Main Street under Zoning Bylaw Section 145-27 C (3), pursuant to Section 145-65. The motion was seconded by David Chenelle and a roll call vote was taken as follows: YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0

David Chenelle made a motion to authorize William Cadogan, Chairman, Townsend Zoning Board of Appeals to sign the Decision/special permit on behalf of the Board Members that participated in

the vote. The motion was seconded by Vicky Janicki and a roll call vote was taken as follows YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0

3 WORKSESSION: votes may be taken.

- 3.1 Planning Board mandatory referral – 32 Main St. The Board reviewed and discussed the site plan and materials provided by the Applicant. The Board sent the following comment to the Planning Board “This section of Rt. 119 is a particularly dangerous area for a curb cut. Expressed concern about the increase in traffic in an already busy section of Rt. 119. Expressed concern over the apparent clear cutting of trees on the lot. Admin will complete the comment form and file with the Planning Board.
- 3.2 Bylaw amendment proposals. Section 145-26 Residential A and B Special permit uses in residential districts. Discussion: Bill Cadogan provided an update on the ZBA request that the words “dog grooming establishment” be added to the uses in the residential zoning district, in Section B 9. After attending the Planning Board meeting to discuss, he noted that additional uses were suggested for inclusion in the proposed amendment including “dog training and dog daycare establishments”. Section 145-54.1 Age-restricted development. Discussion ensued as to information gathered to date on this proposed amendment. Bill Cadogan noted that current development in Townsend is almost entirely in the Aquifer Protection District, and it is prudent to shift land use development focus to the RB or the non-aquifer protection zoning districts. He noted that the town water requirement in the bylaw is problematic in that the properties in the RB further from Town are not served by Town water and consequently ineligible. He suggested reviewing Assessors maps to find parcels that will be eligible for age restricted development projects in addition to the Downtown commercial district (DCD). D.C. Asked if he was proposing to change the classification of certain parcels of land in Town. B.C replied yes and to avoid spot zoning these parcels would have to be contiguous and connected to the DCD. The goal is to increase residential housing in the Downtown area. D.S noted that more mapping research and analysis can be undertaken to define the area of inclusion and shape the wording of the proposal of the bylaw amendment. Exploring a lot size reduction from 2 acres to 15,000 ft was suggested as well as an inquiry with a septic installer and/or engineer to align with existing properties in the DCD. Discussions with the Board of Health to ascertain how many bedrooms per acre could be approved under the current regulations. D.S noted that this would be a self-regulating determination based on the lot. She suggested an inquiry with a septic installer to help determine what can be designed on a small lot. Mike Crowley stated there is no specific guidance available regarding the maximum number of bedrooms an acre sized lot can support.
- 3.3 Annual Town Meeting May 3, 2022. Noted.
- 3.4 Annual Town meeting Warrant closes March 1, 2022. Noted.

4 **CORRESPONDENCE:** votes may be taken.

4.1 Notices from Townsend/other Towns. Noted.

David Chenelle made a motion to adjourn the meeting at 745pm. Vicky Janicki seconded. a roll call vote was taken as follows YES - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, William Cadogan. The motion carried. 5-0-0.

Items on file:

1. ZBA application 478 Main Street, petition for a special permit to operate a dog grooming business in a residential district.
2. ZBA application 478 Main Street, petition for a special permit to operate a commercial kennel in a residential district.
3. ZBA application 241 Main Street, petition for a special permit to convert a commercial building to mixed commercial and residential use.
4. Planning Board mandatory referral documents - 32 Main Street Site Plan Review special permit.

Respectfully submitted,

Approved on: March 30, 2022

Beth Faxon

Planning Board Admin.