



*Office of*  
**The Zoning Board of Appeals**  
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**RECEIVED**  
 JUL 21 2022  
 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 Funairole, Assoc. Member  
 Jason Murray, Assoc. Member

## ZONING BOARD OF APPEALS

**Wednesday, March 30, 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/86815578490?pwd=REtXQjNHrgxMUWZrM2ZMOUkzYjBBdz09>

**Meeting ID: 868 1557 8490      Passcode: 246779**

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

- 1.1 Call the meeting to order and roll call. Darlene Sodano made a motion to open the meeting at 5:35 pm. Chairman Bill Cadogan appointed Associate Member David Funairole as voting member for the meeting. David Funairole seconded the motion. Roll call vote was taken as follows: YES - David Chenelle, Vicky Janicki, Darlene Sodano, David Funairole, Bill Cadogan. The motion carried 5-0-0.  
 Present: William Cadogan, Chair, Darlene Sodano, Vice Chair, David Chenelle, Clerk, Vicky Janicki, Member and David Funairole, Associate Member. Absent: Sean Pearson, Member, Craig Stevens, Associate Member, and Jason Murray, Associate Member.
- 1.2 Chairman's additions or deletions. None noted
- 1.3 Approval of Zoning Board of Appeals meeting minutes 02-23-22. David Chenelle made a motion to approve the minutes of 02-23-22. Darlene Sodano seconded the

† 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.

motion. Roll call vote was taken as follows: YES - David Chenelle, Vicky Janicki, Darlene Sodano, David Funaiolo, Bill Cadogan. The motion carried 5-0-0.

## **2 PUBLIC HEARINGS: votes may be taken.**

- 2.1 **5:45 pm** virtual public hearing **Applicant: Ovidiu Ilincaru and Krystal Ilincaru.** Petition is for a Special Permit under Zoning Bylaw §§145-65 & 145-36. The applicants are proposing to repurpose existing interior structure in a single-family residence under approval for accessory apartment use at 169 Wallace Hill Rd (Map 35 Block 30 Lot 3) located in the RB2 Zoning district.

D. Chenelle made a motion to open the public hearing of Mr. and Mrs. Ilincaru for the petition for a special permit under Zoning bylaw §§145-65 & 145-36. D. Funaiolo seconded the motion. A roll call vote was taken as follows; YES – Vicky Janicki, Darlene Sodano, David Chenelle, Dave Funaiolo, Bill Cadogan. The motion carried 5-0-0.

Present: Ovidiu Ilincaru and Krystal Ilincaru, Applicants. Chair Cadogan noted that this proposal is a preexisting nonconforming under the bylaw and does not conform to the current bylaw for square footage. He added that a Section 6 finding may be in order in this case under alterations to preexisting nonconforming Zoning bylaw 145-18. D. Chenelle noted that special permits now transfer with the owner unless there is a sunset clause explicitly written in the Decision upon original issue. Chair Cadogan commented that the Town special permits includes a line about expiring upon transfer of ownership. Discussion ensued and board members were in favor of expiring upon transfer of the property written in the Decision with consistency. The Applicant stated that they are not changing the accessory apartment but are coming before the ZBA to obtain permits required. The Board referred to the original decision issued by the Townsend Zoning Board in 1994 and deliberated on adopting it by reference. Mandatory referral comments were read into the record. The Board when through the special permit criteria contained in 145-65 and found the following:

- a). The lot is adequate in terms of size for the proposed use; the lot is 2 acres, and over the minimum requirement. The use is a residential use in a residential neighborhood.
- b). The lot is zoned residential, and the accessory apartment is a residential use.
- c). There is no impact on traffic flow or safety.
- d). There is no impact on neighborhood visual character, including views and vistas.
- e). The method of proposed sewage disposal system installation; source of water and drainage are adequate; the applicant shall comply with the requirements in the Board of Health. The Board of Health approved the existing sewerage disposal system.
- f). Utilities and other public services are adequate.
- g). There is no discernable impact on ground and surface water quality and other environmental and natural resource considerations.

David R. Chenelle moved that based on the above findings, the proposed use as an accessory apartment will not have adverse effects which would overbalance the beneficial effects on the neighborhood or the town, in view of particular characteristics of the site. Darlene Sodano seconded the motion, and a roll call vote was taken as follows: YES – David Chenelle, Darlene Sodano, Vicky Janicki, David Funaiolo, William Cadogan. The motion carried 5-0-0

David R. Chenelle moved pursuant to the findings of fact to grant an accessory apartment special permit to Ovidiu Ilincaru and Krystal Ilincaru under Townsend Zoning Bylaws §145-65 and §145-36 by incorporating by reference a previously issued decision on said property dated April 14, 1994, with the exception that this special permit shall expire upon the transfer of the property. a roll call vote was taken as follows: YES – David Chenelle, Darlene Sodano, Vicky Janicki, David Funairole, William Cadogan. The motion carried 5-0-0

David Chenelle moved to approve Chairman William Cadogan to sign the Decision on behalf of the Zoning Board of Appeals. Darlene Sodano seconded the motion, with a roll call vote as follows: YES – David Chenelle, Darlene Sodano, Vicky Janicki, David Funairole, William Cadogan. The motion carried 5-0-0.

### **3 WORKSESSION: votes may be taken.**

- 3.1 Planning Board referral proposed amendment to 145-26 “Residential districts” subsection B entitled “Residential A and B Districts special permit uses” Item (9) “Commercial kennel... D. Chenelle commented that the Planning Board has revised the bylaw amendment to 145-26 adding (in addition to “dog grooming”) “dog training establishment” and “dog daycare establishment”. Some concern was mentioned that the dog daycare might be somewhat controversial and may impede the passage of the whole amendment at town meeting. Chair Cadogan noted that the public hearing for this amendment is scheduled for April 11, 2022, at 6:45pm and encouraged members to attend.
- 3.2 Planning Board referral proposed amendment to Townsend Zoning Bylaw 145-26 “Residential districts” A “Residential A and B districts permitted uses” Item 10 .a. “the raising or keeping of a small flock of fowl” . Same noted. The public hearing is scheduled for April 11, 2022.
- 3.3 Bylaw amendment discussion Section 145-54.1 Age-restricted development. The Board did not discuss this topic but did briefly discuss the MBTA adjacent communities zoning and amendment to MGL 40A 3A, a topic the town has been learning more about recently. The Board was informed that the public comment period is open on the topic and citizens may submit comments to the Department of community and Housing development.

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

- 4.1 Notices from Townsend/other Towns. Clerk read the notices.
- 4.2 Townsend First Policy. Board of selectmen has issued a procurement policy which encourages contracting local. Noted.
- 4.3 CR (Conservation Restriction) THRT (Townsend Hill Realty Trust) Conservation Restriction executed and recorded. Noted.
- 4.4 Annual Town meeting Warrant information session Wednesday April 20, 2022, in the Great Hall at 7:00pm. Noted.
- 4.5 Letter re: Building Commissioners recommendations for electronic permitting solutions. Board members expressed support of the Town implementing this process.
- 4.6 Townsend new stormwater management webpage. The Land Use Coordinator created a webpage to educate the public on Stormwater management. Noted.

Dave Funaiole made a motion to adjourn. Darlene Sodano seconded. A roll call vote as follows: YES – David Chenelle, Darlene Sodano, Vicky Janicki, David Funaiole, William Cadogan. The motion carried 5-0-0.

Respectfully submitted

Approved on: July 20, 2022

Elizabeth Faxon,

Assistant to the Zoning Board of Appeals

Items on file:

- 1. Petition for special permit application package – 169 Wallace Hill Road
- 2. Townsend new stormwater management webpage.
- 3. Board of Selectmen's **Townsend First Policy #01-2022.**
- 4. CR (Conservation Restriction) THRT (Townsend Hill Realty Trust) Conservation Restriction.
- 5. Letter re: Building Commissioners recommendations for electronic permitting solutions.