



Office of
The Zoning Board of Appeals
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RECEIVED
FEB 16 2023
TOWN OF TOWNSEND
TOWN CLERK

William Cadogan, Chairman
Sean Pearson, Member

David Chenelle, Clerk
Vicky Janicki, Member

Darlene Sodano, Vice Chair
David Funaiole, Assoc. Member

ZONING BOARD OF APPEALS

meeting minutes

Wednesday, November 30, 2022 at 5:30 pm.

on Zoom remotely accessible only

1 PRELIMINARIES: votes may be taken.

- 1.1 Call the meeting to order and roll call. David Chenelle (D.C.), Darlene Sodano (D.S.), William Cadogan (B.C.), David Funaiole, Assoc. Member (D.F.) Absent: Members Vicky Janicki and Sean Pearson. Chairman Cadogan appointed Assoc. Member David Funaiole to full member for the meeting.
- 1.2 Chairman's additions or deletions. None.
- 1.3 Approval of Zoning Board of Appeals meeting minutes November 2, 2022. deferred to the next meeting of the Board. The Board would like a bullet format for the draft minutes for findings of fact. The Zoom meeting link, passcode and meeting ID will be removed from the bottom of the draft minutes.
- 1.4 Notice of Zoning Board of Appeals vacancies – review volunteer response forms received.

2 PUBLIC HEARINGS:

5:30 pm – continuation of public hearing on the application of **Candace Hagerstrom** for a **Special Permit dog grooming establishment**. Present: Candice Hagerstrom, Applicant. D. C. made a motion to reconvene the public hearing on the special permit application filed by Candice Hagerstrom for a dog grooming establishment at 478 Main Street. D. S. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0. The ZBA issued a special permit to Candace Hagerstrom for a commercial kennel before the amendment to Townsend Zoning Bylaw 145-26 uses allowed in a residential district with a special permit was passed. The bylaw now allows for a special permit for a dog grooming business in residential district expressed in the amendment which was approved by the AG. The applicant is pursuing her first

petition for a dog grooming establishment, which was opened in February 2022. The permit was not recorded, and the animal control officer did not issue a kennel license for the property. The applicant was advised to disregard the permit and the admin will update the Town file accordingly. D.C. made a motion to incorporate the findings of fact with respect to 145-65 F in the special permit that was issued to Candice Hagerstrom on February 23, 2022. D.F. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D.S. made a motion that the proposed use will not have adverse effects which overbalance the beneficial effects on either the neighborhood or the Town in view of the particular characteristics of the site based on the findings of fact. D.C. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D.C made a motion that we issue a special permit to Candace Hagerstrom of 478 Main Street for the operation of a dog grooming establishment. D.S seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0

D. C made a motion that we authorize the Chairman Cadogan to sign the Decision on behalf of the Board Members participating in the vote. D.S. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

Discussion ensued regarding the conditions included in the special permit issued to the Applicant for a dog kennel were discussed and the Board agreed that they would not be applicable to this dog grooming establishment special permit. D.C. made a motion for reconsideration of the motion to issue a special permit. D. S. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D. C. made a motion to issue a special permit to Candice Hagerstrom at 478 Main Street for the operation of a dog grooming establishment with the condition that it terminates upon the transfer of property. D.S. seconded. A roll call vote was taken as follows; YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

The special permit will include the Book and Page of the property to assist with recording at the Middlesex south registry of Deeds.

5:45 pm – continuation of public hearing on the application of Brian Schulman for a **special permit for a commercial kennel in residential district**. Present: Bryan Schulman, Applicant. The public hearing was reconvened by Chairman Cadogan. The Chairman noted the conditions of approval that was received from the Board of Health and the Applicant confirmed that he is aware of the findings and will be compliant with the determination. He stated that he has taken care of most of the outstanding work except for the Title V requirement of adding a secondary tank to the septic system. The Applicant confirmed that two brand new heating and cooling systems have been installed and provided the invoice to the Board. The Applicant stated that the dog waste removal would be via commercial dumpster instead of the previously proposed composting system. The applicant also provided an update that the concerns addressed in the Townsend Police Department

referral comment were dismissed. He noted that the Planning Board required an engineered site plan and he is providing this in the next few weeks. Pursuant to Townsend Zoning Bylaw §145-65(F)(1)(a-g) Special Permits, the board found as follows:

- a. **Adequacy of the site in terms of the size for the proposed uses:** the Board found the property is 4.4 acres and is adequate in size for the proposed use.
- b. **Suitability of the site for the proposed use:** the Board found the property is suitable for the proposed use.
- c. **Impact on traffic flow and safety:** the Board determined that traffic flow and safety would be negligible. There is ample area for turning vehicles in the driveway and site distances are adequate for ingress and egress to the driveway.
- d. **Impact on neighborhood visual character, including views and vistas:** the Board determined that there would be negligible impact on neighborhood visual character.
- e. **Adequacy of method of sewage disposal, source of water and drainage;** the Board determined impact to be negligible. The Board of Health has issued a letter of approval with conditions and requirements under MA 310 CMR15.00 for the project.
- f. **Adequacy of utilities and other public services;** the Board determined these to be adequate.
- g. **Impact on ground and surface water quality and other environmental and natural resource considerations;** the Board determined impact to be negligible.

D. F. made a motion to accept the findings of fact. D. S. seconded and a roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D. S. 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. D. F. seconded the motion, and a roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D.C. made a motion to grant Bryan Schulman of 227 Mason Road a special permit for the operation of 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. The petitioner shall adhere to the Board of Health condition of approval pertaining to waste management procedures specifically the disposal of dog feces must be through use of a commercial dumpster service. 2. Upon transfer of the property this special permit terminates. 3. The petitioner is limited to a maximum of 25 dogs on site at any one time. 4. The petitioner shall comply with all other Town Board requirements. D.S. seconded the motion, and a roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

D.C. 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. D.F. seconded the motion, and a roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

6:15 pm – public hearing on the application of Michael J. Gray for a **special permit** under Zoning Bylaw 145-39 entitled “Accessory apartment in residential district, uses allowed; pursuant to 145-65, Special permits, of the Townsend Zoning Bylaw. The application is to construct an accessory apartment attached to the primary residence on the property located at 75 Pierce Rd. (Map 31, Block 28, Lot 7) Zoning district RA3. D.C. made a motion to open the public hearing. D.S. seconded. A roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0. Present: Michael Gray, Applicant. Mr. Gray stated that he submitted the septic design plans to the Board of Health today and therefore the Board did not have an updated BOH report for the project. Chairman Cadogan advised the applicant that the ZBA cannot approve the project without a BOH report. The Applicant asked if the Board could proceed with the public hearing section of the process which the Board was agreeable to. The mandatory referrals were read into the record. The Applicant noted that the drawings provided were the preliminary set showing the existing house and the addition and that more detailed drawings are in process. There were two citizen comments read in the record, one in opposition to the proposal submitted by Joseph C. MacDonald and one in favor of the proposal submitted by Chris and Marie Thurrott. D.C. made a motion to continue the public hearing on the application of Michael Gray to January 11, 2023, at 5:30pm. D. F. seconded. A roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

- 3 **ADJOURNMENT:** votes may be taken. D.S. made a motion to adjourn the meeting at 6:37pm. D. F. seconded. A roll call vote was taken as follows: YES – D.F., D.S, D.C., B.C. The motion carried 4-0-0.

Respectfully submitted.

Approved on: January 11, 2023

Beth Faxon, ZBA Admin.

Items on file:

1. ZBA Application for 227 Mason Road commercial dog kennel.
2. ZBA Application for 478 Main Street dog grooming establishment.
3. ZBA Application for 75 Pierce Road special permit for accessory apartment.