



Office of
The Zoning Board of Appeals
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William Cadogan, Chairman
Sean Pearson, Member

David Chenelle, Clerk
Vicky Janicki, Member

Darlene Sodano, Vice Chair
David Funaiole, Assoc. Member

ZONING BOARD OF APPEALS MINUTES

Wednesday, February 15, 2023 at 6:00 pm
on Zoom remotely accessible only

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APR 18 2023
TOWN OF TOWNSEND
TOWN CLERK

All are welcome to attend.

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

- 1.1 Call the meeting to order and roll call. Chair Bill Cadogan called the meeting to order at 6:00 pm. Darlene Sodano made a motion to open the meeting. David Chenelle seconded the motion. A roll call vote was taken as follows: YES - Sean Pearson, David Chenelle, Darlene Sodano, Bill Cadogan, Vicki Janicki, David Funaiole.
Others present: Laurie Shifrin, Elizabeth Faxon, ZBA Admin. Asst, Hartley Pleshaw, TCAM.
- 1.2 Chairman's additions or deletions. None.
- 1.3 Approval of Zoning Board of Appeals meeting minutes January 11, 2023.
Darlene Sodano motioned to approve the minutes as drafted. David Chenelle seconded the motion. A roll call vote was taken as follows: YES - Sean Pearson, Darlene Sodano, Bill Cadogan, Vicki Janicki, David Funaiole. ABSTAINED: David Chenelle

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

- 2.1 **6:15 pm –public hearing** on the application of **John R. Williams** for a **special permit** under Zoning Bylaw §145-36 entitled “Accessory apartment in residential district” & §145-65 Special permits. Property is located at 5 Ryan Rd. (Map 9, Block 10, Lot 11).
Darlene Sodano moved to open the hearing David Chenelle seconded. A roll call vote was taken as follows: YES - Sean Pearson, Darlene Sodano, Bill Cadogan, Vicki Janicki, David Chenelle. Others present: Nancy and John Williams, Applicant, Lauri Shifrin, Chris, and Mary Fappiano.
The Board reviewed the application and went through the criteria in Townsend Zoning bylaw 145-39 with additional interest of criteria in Section E. affordable

accessory apartment. The apartment has already been constructed and the architectural drawings were reviewed with the applications.

The size of the lot meets specifications of the bylaw, the floor area meets the dimensional minimum as defined in the Bylaw. The ingress and egress was discussed and the Applicant stated that the Building Commissioner had come to inspect the apartment and was satisfied that this criteria has been met. One egress was noted to be a door and the Applicant noted that a window in the bedroom of the apartment is the second means of egress. Chair Cadogan expressed concern regarding the adequacy of the two means of ingress and egress as existing and would require a statement from the building commissioner attesting to this as acceptable under the bylaw.

Mandatory referrals were read into the record. Admin will change the referral form to indicate the comment is from the Building Department. The BOH Accessory Apartment memo shall also be updated to clarify the application is for an affordable accessory apartment.

The Board then opened the session to public comment and Chris Fappiano, abutter spoke in opposition to the proposal. They are opposed to permitting rentals and apartments in this residential neighborhood of single-family homes. Mary Fappiano added that they are not opposed to in-law apartments where family members reside, but not in favor of rentals to the public and the potential negative impact. The Applicant John Williams stated that they are pursuing this application to help them financially remain in this home in this neighborhood.

Findings of Fact:

- A. All mandatory referrals were received and read into the record.
- B. A Board of Health report under Zoning bylaws, Code of the Town of Townsend Section 145-36 D. determining the application is "in compliance" is on file.
- C. One abutter attended the public hearing in opposition to the proposal.
- D. Pursuant to Townsend Zoning Bylaw §145-36(C)(1-7), Accessory Apartments in a Residential District, the Board found the following:
 1. The floor area of the existing accessory apartment and the home combined is a total of 1924 square feet. The total floor area of the existing accessory apartment is 690 square feet. The bylaw requires the accessory apartment to be the lesser value between 35% of the combined square footage or 800 square feet. 35% of 1685 equals 914.9 square feet which exceeds 800 square feet. Therefore, the 690 square foot floor space is compliant with the maximum allowance for an accessory apartment.
 2. A septic tank upgrade design has been approved and Board of Health permits for the required upgrade are on file.
 3. Adequate provision has been made for ingress and egress contingent upon Building Commissioners final approval.
 4. The construction and occupancy of the accessory apartment is not detrimental to the neighborhood in which the lot is located, and evidence has been provided to

affirm the proposal has satisfied Section 145-36 C. The lot is 1.14 acres in size with adequate setbacks on all sides.

5. The lot contains 1.14 acres which exceeds the minimum 0.75 acre requirement.
6. Adequate provision has been made for off-street parking of motor vehicles and is consistent with the character of a single-family residence.
7. There is no other apartment on the lot on which the accessory apartment is located.

E. In terms of Townsend Zoning Bylaw §145-65(F)(1)(a-g) the Board found as follows:

- a). The lot is adequate in terms of size for the proposed use; the lot is 1.14 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 residential use.
- c). There is no impact on traffic flow or safety.
- d). There is negligible 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.
- f). Utilities and other public services are adequate.
- g). The Board found there is no discernable impact on ground and surface water quality and other environmental and natural resource considerations.

David 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 - William Cadogan, Darlene Sodano, Victoria Janicki, Sean Pearson, David Chenelle. The motion carried.

Darlene Sodano moved to grant a Special Permit to John R. Williams for an affordable accessory apartment at 5 Ryan Road with the following conditions.

1. Confirmation from the Building Commissioner that adequate ingress and egress exists.
2. The permit holder shall comply with Townsend Zoning Bylaw Section 145-36 E in its entirety.
3. The Chairman of the Zoning Board of Appeals, William Cadogan may sign this Decision on behalf of the Members participating in the vote.
4. The applicant agrees to abide by the terms of the Affordable Accessory Apartment Program defined in §145-36 (E) to ensure moderate income occupancy of the apartment thus created for a period of fifteen (15) years. The local housing agency or partnership shall permit deferral of the program if the homeowner wishes to accommodate initially a family member or members. For the purposes of this section, family member shall be defined as one of the blood, step or adopted relatives of the homeowner or spouse as follows: mother, father, sister, brother, son, daughter, uncle, aunt, grandmother, grandfather and/or their spouses.

Sean Pearson seconded the motion, with a roll call vote as follows: William Cadogan, David Chenelle, Victoria Janicki, Darlene Sodano, Sean Pearson. The motion carried.

3 **ADJOURNMENT & Next meetings:** votes may be taken.

3.1 Next meeting is scheduled for Wednesday March 1, 2023, at 7:00pm. The meeting will be hybrid in Selectmen's Chambers and via TCAM hosted Zoom. D. Chenelle made a motion to adjourn at 6:50pm. Darlene Sodano seconded. A roll call vote was taken as follows: YES – D. Chenelle, V. Janicki, S. Pearson, D. Sodano. The motion carried.

Respectfully submitted,

Elizabeth Faxon

Zoning Board of Appeals Admin. Assistant

Approved on: March 22, 2023

Items on file:

1. ZBA application package for 5 Ryan Road.