



Office of
Zoning Board of Appeals
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Townsend, Massachusetts 01469
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Rec'd Townsend Town Clerk
19 NOV '20 AM 9:17

William Cadogan, Chairman

Darlene Sodano, Vice Chair

David Chenelle, Clerk

Victoria Janicki, Member

Sean Pearson, Member

David Funaiolo, Alternate Member

Craig Stevens, Alternate Member

Zoning Board of Appeals Meeting Minutes

Wednesday, October 7, 2020, at 6:30 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:

<https://us02web.zoom.us/j/89927404429?pwd=eINjRnJnZWFWSmM5bFIqOlo2N0dkUT09>

Zoom Meeting ID: 899 2740 4429

Zoom Meeting Password: #EdC\$RfV

meeting materials available in digital format upon request by emailing bfaxon@townsendma.gov

1 PRELIMINARIES:

1.1 Call the meeting to order. William Cadogan, called the meeting to order at 6:30 P.M.

Roll Call; William Cadogan, Chair, Darlene Sodano, Vice Chair, Victoria Janicki, Sean Pearson, David Funaiolo, Alt., Craig Stevens, Alt. (6:35 P.M.)

Absent: David Chenelle, Clerk

Chairman Cadogan appointed David Funaiolo as a voting member.

1.2 Chairman's additions or deletions – Recommend the reappointment of Darlene Sodano as a full member of the Zoning Board of Appeals for a 5 year term to end June 30, 2025.

D. Funaiolo made a motion to recommend the reappointment of Darlene Sodano as a full member to the Zoning Board of Appeals for a 5 year term to end June 30, 2025. S. Pearson seconded. Roll Call vote was taken as follows: B. Cadogan – aye, S. Pearson – aye, V. Janicki – aye, D. Funaiolo – aye. The motion carried.

2 APPOINTMENTS AND HEARINGS:

2.1 **6:45 PM** Public Hearing – 3 Wheeler Road. Application for an Earth Excavation Special permit. The applicant is requesting a special permit to remove 109,000 cubic yards of gravel from the property at 3 Wheeler Road. Assessor's Map 4 Block 9 Lot 0. Ambros Corporation.

D. Sodano made a motion to open the public hearing at 6:47 P.M. S. Pearson, seconded. Roll call vote was taken as follows: B. Cadogan – aye, S. Pearson – aye, V. Janicki – aye, D. Funaiolo – aye C. Stevens - aye. The motion carried. The legal notice of public hearing was read into the record. Mandatory referrals were read into the record

[†] Per the Governor's Order, and during the State of Emergency now-in-effect or until sooner rescinded, public bodies are relieved from the requirement that they conduct their meetings in a public place that is open and physically accessible to the public;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.

Present: Gary Amadon, Applicant, Stan Dillis, Ducharme & Dillis, CDG, applicant's engineer, Cheryl Voutour, Abutter, Veronica Kell, Abutter representing Townsend Conservation Lant Trust.

Mr Dillis noted that this application was brought before the Board in 2016 and an earth excavation special permit was granted in November 2016. The permit has expired and the current application under review was submitted with an updated supplemental grading plan. The applicant is also seeking a review and re-permitting of the associated Stormwater management permit and applicable Conservation commission permit. Mr. Dillis reported no change to the application and that operation has been underway and about one-third of the material has been excavated. Discussion ensued as to work, detailed and documented in the Building commissioners' letters, that occurred on the abutting property to rectify a dangerous cliff created by the abutter's excavation work. The contours on the site plan submitted as part of the earth excavation permit application were changed to reflect this regraded area. The amount of material being removed will remain the same as the initial request and the final grading will remain the same as the initial request.

The Board reviewed the projected under the criteria of Townsend bylaw §145-46(D)(1-7)

1. Property lines, names and addresses of all abutters : these requirements were present on the plans.
2. Existing contours at five -foot intervals: the plans show existing contours at 2 ft. intervals, exceeding that required.
3. Natural features such as wetlands, 100 yr floodplain, ground cover... monitoring wells are in place and depth to water table is
4. A topographical map showing drainage facilities, final grades, and proposed vegetation...this was provided in the application.
5. A Erosion and sediment control plan was submitted with the application.
6. A restoration plan including the amount and cost of proposed restoration material was included in the application and waived in the previous special permit due to applicant being owner and operator of project.
7. The location of monitoring wells. This criteria was waived in the previous special permit due to results of test pits that were witnessed by the Board of Health that found no ground water.

Chairman Cadogan noted that the Decision issued in 2016 will be referenced in this Decision with appropriate changes delineated.

The Board considered the criteria in terms of Zoning Bylaw §145-65(F)(1)(a-g) and found as follows:

- a. The adequacy of the site. the Board found the property is adequate.
- b. Suitability of the site ... the farm will remain a farm and will be a more useful farm based on the terraforming.
- c. Impact on traffic flow and safety. The Applicant and engineer reported no issues with current operations.
- d. Impact on neighborhood visual character... The Board found that a safety improvement by re-grading the area of concern as documented in the Building commissioners' letter. The site will be improved upon completion of the project.
- e. Adequacy of method of sewage disposal... no sewage disposal nor water usage is part of this operation and the drainage is addressed in the approved stormwater management plan. Monitoring data reporting is up to date under current operations.
- f. Adequacy of utilities and other public utilities. The Board found no impact.
- g. Impact on ground and surface water quality. The Board found the to be no impact predicated on the stormwater management permit.

The Board reviewed the Conditions of the previous Earth Excavation special permit issued on 11/22/2016 and noted the following.

Engineer reports there is a stockpile of stabilized soil onsite which is located behind the existing long barn, which will be reused when the area is restored and reseeded.

Hours of operation are conditioned to be between 8am and 4:30 pm on weekdays only. V. Kell suggested that the condition be amended to exclude operation on holidays. Per the bylaw, the previous special permit had a duration of three years.

Darlene Sodano made a motion to grant a special permit to Ambrose Corporation for the earth removal application pursuant to the additional findings of fact and an additional condition being operation hours to exclude holidays the rest to incorporate the findings of fact, the waivers, all of the motions, and conditions in the previous decision dated November 22, 2016. Victoria Janicki seconded. Roll call vote was taken as follows; Sean Pearson – yes, David Funairole – yes, Victoria Janicki- yes, Darlene Sodano – yes, Bill Cadogan – yes. The motion carried.

Victoria Janicki made a motion to close the public hearing, D. Funairole seconded. Roll call vote was taken as follows; Sean Pearson – yes, David Funairole – yes, Victoria Janicki- yes, Darlene Sodano – yes, Bill Cadogan – yes. The motion carried.

3 WORKSESSION:

- 3.1** Reappointment of alternate members to Zoning Board of Appeals Craig Stevens, David Funairole. Sean Pearson made a motion to recommend that the Board of Selectmen reappoint both Craig Stevens and David Funairole as alternate members of the Zoning Board of Appeals for a term to end June 30, 2021. V. Janicki seconded. Roll call vote was taken as follows: B. Cadogan – aye, S. Pearson – aye, D. Sodano – aye, V. Janicki – aye.
- 3.2** Approval of meeting minutes 06-17-2020. D. Funairole made a motion to accept the minutes of 06-17-2020 with the addition of C. Stevens participation in the vote. S. Pearson seconded. Roll call vote was taken as follows; Sean Pearson – yes, David Funairole – yes, Victoria Janicki- yes, Darlene Sodano – yes, Bill Cadogan – yes. The motion carried.
- 3.3** Notice of vacancy Zoning Board of Appeals alternate member. Noted.

4 CORRESPONDENCE:

- 4.1** Notices from Townsend/other Towns. None noted.
- 5 SCHEDULE NEXT MEETING AND ADJOURN:** the next meeting will be announced pending the release of information from administration for scheduling public meetings. D. Funairole made a motion to adjourn the meeting at 7:21 p.m. V. Janicki seconded Sean Pearson – yes, David Funairole – yes, Victoria Janicki- yes, Darlene Sodano – yes, Bill Cadogan – yes. The motion carried.

Respectfully submitted,

Approved on: November 18, 2020

Elizabeth Faxon

Zoning Board of Appeals administrator

Items on file:

- 1. Application package for approval of Earth Excavation Special permit for 3 Wheeler Road Notice of Decision and Decision for a special permit granted at 3 Wheeler Road, Townsend MA. dated 11-22-16.

Meeting materials available in digital format upon request by emailing bfaxon@townsendma.gov

Join Townsend Zoning Board of Appeals Zoom Meeting

<https://us02web.zoom.us/j/89927404429?pwd=elNlRnlnZWFWSmM5bFlqQlo2N0dKUT09>

Meeting ID: 899 2740 4429

Password: #EdC\$RfVMeeting ID: 899 2740 4429

Passcode: 41838419

Find your local number: <https://us02web.zoom.us/j/kk8ep43gf>