



Office of
The Zoning Board of Appeals
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RECEIVED
SEP 30 2021
TOWN OF TOWNSEND
TOWN CLERK

William Cadogan, Chairman
David Funaiole, Assoc. Member
Jason Murray, Assoc. Member

David Chenelle, Clerk
Sean Pearson, Member
Craig Stevens, Assoc. Member

Darlene Sodano, Vice Chair
Victoria Janicki, Member

Zoning Board of Appeals MINUTES

June 30, 2021, at 6:30 PM

Selectmen's Chambers

All are welcome to attend.

1 Preliminaries: votes may be taken.

- 1.1 Call the meeting to order. The meeting was opened on a motion by Darlene Sodano at 6:47 pm. Seconded by V. Janicki. All in favor. The motion carried.
- 1.2 Roll call. Clerk, David Chenelle, Chairman, Bill Cadogan, Vice Chair, Darlene Sodano, Sean Pearson, Vicky Janicki, Assoc. Member David Funaiole. Others present: Elizabeth Faxon, ZBA Admin., Hartley Pleshaw, TCAM.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting: 3.2. Add reorganization of the Zoning Board of Appeals. David Chenelle made a motion to elect William Cadogan as Chairman of the Zoning Board of Appeals. Darlene Sodano seconded. All in favor. The motion carried. David Chenelle made a motion to appoint Darlene Sodano as Vice Chairman of the Zoning Board of Appeals. S. Pearson seconded. All in Favor. The motion carried. Darlene Sodano made a motion to elect David Chenelle as Clerk of the Zoning Board of Appeals. S Pearson seconded. All in Favor. The motion carried. 3.3. Board discussion: next meeting of the Zoning Board of Appeals in person or remote. Board Members agreed that remote meetings were acceptable for the Townsend Zoning Board of Appeals during the extension granted by the Governor for public bodies who may continue to have remote meetings in full until April 1, 2022.

- 1.4 Approval of Minutes 06-02-2021. Darlene Sodano made a motion to approve the Zoning Board of Appeals 06-02-2021 meeting minutes. David Chenelle seconded. All in favor. The motion carried.

2 Public Hearings /Appointments/work sessions: votes may be taken.

- 2.1 6:45 pm: Public Hearing – Warren Road (Map 32 Block 2 Lot 0) (between 107 & 111 Warren Road. – Kevin Smith & Kenneth Tully – Variance from the Driveways and entrances Bylaw §§145-24, 145-64 & 145-66.**

The public hearing was opened upon a motion made by Darlene Sodano at 6:47 pm. Seconded by Vicky Janicki. All in favor. The motion carried.

Present: Kevin Smith, Applicant, Dan Amichetti, Jane Stonefield, Abutter, John Stonefield, Abutter.

Mr. Smith presented the rationale for his submittal of the application for a variance. The site has historically been permitted for a sand and gravel removal operation. An ANR was approved by the Planning Board for 3 Lots in November 2020. When Applicant applied for building permits, the Assessor informed that there was only one street number available for the three lots. The Fire Chief had a concern over the addressing of the three lots under the new enhanced 9-1-1 emergency response. The Applicant has submitted a site plan with one common driveway in lieu of 3 separate driveways, with each residence addressed one, two and three and branching off the common driveway. The reason for the variance is from Townsend Zoning Bylaw Section 145-24 D states that common driveways have to be a distance of 500 feet apart. The proposed entrance is 425 feet from an existing common driveway serving 101, 103, and 105 Warren Road. D. Chenelle asked why the driveway could not be moved further away from the existing Driveway. Mr. Smith noted that there is a 200' river front line he is avoiding. The site plan shows the proposed driveway in the footprint of the driveway entrance that has been used for the sand and gravel operation, he noted that the site lines are best for traffic accessing and egressing at this location, no trees would be removed, and branch driveway to Lot 1 is favorable to using the existing topography. The width of the paved common driveway is 16'. Mr. Smith contends that moving the entrance of the common driveway is not achievable given the topography and river front constraints. Mr. Amichetti addressed the Board to speak to the naming of the Common Drive. Mr. Amichetti, in favor of the proposal, stated his preference for the name "Magnolia Way" for the proposed Common Drive. Mr. Smith asked the ZBA to support the hardship that was being created and stated that construction of the entrance outside of the 500' distance requirement is constrained topographically by the existence of a grade greater than 8% and therefore a topographical hardship. Jane Stonefield spoke in favor of the proposal.

The Board then determined the findings of fact under 145-66 A 1. The driveway can't be moved to meet the 500' required separation due to the river front line and the steep topography of the site. The created hardship is due to the creation of the enhanced 9-1-1 and the requirement to properly number the addresses of the residences. Granting the variance is without nullifying or substantially derogating from the intent or purpose of this bylaw, or causing any scenic destruction to create the driveway entrance. Both positions were supported by the neighbors present who spoke in favor of the proposal. The granting of a variance is not a substantial derivation from bylaw 145-24 being 75' or 15% encroachment of the required separation

distance for common driveways. Darlene Sodano made a motion that based on the findings of fact, and the submitted plans and documents provided by the Applicant, that a variance be granted on the application of Kevin Smith and Kenneth Tully under Townsend Zoning Bylaw §145-66 and §145-24. David Chenelle seconded the motion. A roll call vote was taken as follows: YES – Bill Cadogan, Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson. The motion carried.

3 General Business: votes may be taken.

3.1 CTPC webinar working with 40B – refunds. Status complete.

4 Correspondence:

- 4.1 Memo Re: End of State of Emergency – municipal implications.
- 4.2 Notices from Townsend/other Towns. Noted.
- 4.3 Letter from Building Commissioner: RE: proposed mixed use conversion at 241 Main St. Map 51 Block 94 Lot 0. Noted.
- 4.4 Letter from Building Commissioner: RE: permit application to construct a deck at Main St Map 26, Block 23, Lot 0. Noted.
- 4.5 Memo RE: The Commonwealth extends COVID19 measures regarding Open Meetings. Noted and Members will read independently.

Sean Pearson made a motion to adjourn the meeting at 7:35pm. V. Janicki seconded. All in favor. The motion carried.

Items on file:

- 1. Application packet: Warren Road (Map 32 Lot 2 Block 0)
- 2. Memo Re: End of State of Emergency – municipal implications
- 3. Letter from Building Commissioner: RE: proposed mixed use conversion at 241 Main St. Map 51 Block 94 Lot 0.
- 4. Letter from Building Commissioner: RE: permit application to construct a deck at Main St Map 26, Block 23, Lot 0.
- 5. Memo RE: The Commonwealth extends COVID19 measures regarding Open Meetings.

Respectfully Submitted,

Elizabeth Faxon,

Zoning Board of Appeals Admin.

Approved on: September 29, 2021

