



Office of  
**The Zoning Board of Appeals**  
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RECEIVED  
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 TOWN OF TOWNSEND  
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William Cadogan, Chairman  
 Sean Pearson, Member

David Chenelle, Clerk  
 Vicky Janicki, Member

Darlene Sodano, Vice Chair  
 David Funaiolo, Assoc. Member

## ZONING BOARD OF APPEALS

**Wednesday, July 20, 2022 at 7:00 pm.**

**Board of Selectmen's chambers**

**272 Main Street  
 Townsend MA 01469**

And for convenience on Zoom remotely accessible:  
 TCAM - Hartley is inviting you to a scheduled Zoom meeting.  
 Topic: ZBA

Time: Jul 20, 2022, 19:00 Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87334895355?pwd=S1NQVWU0Zk14QkJKUL0pzVzhzbHA0UT09>

Meeting ID: 873 3489 5355

Passcode: 493566

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

- 1.1 Call the meeting to order and roll call. Members Present: William Cadogan, Darlene Sodano, David Chenelle, Sean Pearson, Victoria Janicki. David Funaiolo, Associate Member. Others present: Beth Faxon, ZBA Admin., Alisa Struthers, Chair Historic District Commission.
- 1.2 Notice of Zoning Board of Appeals vacancies. Note: There are two associate member vacancies. Notice is posted on the Town Hall notice board and on the Town website under "jobs and volunteering" tab of the Townsend Website. Request has been sent to ZBA Liaison Theresa Moore to announce the vacancies during Board of Selectmen meetings.
- 1.3 Review volunteer response forms received. None received.
- 1.4 Reorganization of the Board. Darlene Sodano made a motion to make Bill Cadogan chairman. David Chenelle seconded. All in favor. The motion passed unanimously. David Chenelle made a motion to appoint Darlene Sodano as the Vice Chair. Sean Pearson seconded. All in favor. The motion passed unanimously. Darlene Sodano moved to make David Chenelle the Clerk. Sean Pearson Seconded. All in favor. The motion passed unanimously.
- 1.5 Chairman's additions or deletions. Add review and comment on Planning Board referral for 22 Main Street. The Board members reviewed the application and

offered the following comment “we support the business in Townsend. This looks good.”.

- 1.6 Approval of Zoning Board of Appeals meeting minutes 3-30-2022, 6-8-2022. Darlene Sodano made a motion to approve the minutes of 3-30-2022. David Chenelle seconded the motion. All in favor. The motion passed unanimously. Darlene Sodano made a motion to approve the minutes of 6-8-2022. David Chenelle seconded the motion. All in favor. The motion passed unanimously.

## 2 **PUBLIC HEARINGS:**

- 2.1 **7:15 PM** - public hearing on the application of for a **Special Permit** under Zoning Bylaw §§145-65, 145-27C(2), & 145-18. The applicant, Lorden Revocable Trust, Michael Lorden Trustee, is proposing to convert a building from commercial to residential use by constructing 4 one-bedroom residential units in a preexisting nonconforming commercial structure at 256 Main St.

Sean Pearson made a motion to open the public hearing of 256 Main St. Darlene Sodano seconded. All in favor. The motion carried.

Present: Applicant Michael Lorden, Trustee. Mr. Gustafson, Esq. The legal notice of public hearing was read. Mandatory referral comments were read into the record. Some of the Board members attended a site visit on July 13, 2022. Noted that the Planning Board had rendered a Decision for the application for site plan review special permit on Monday July 18, 2022.

The applicant is requesting a special permit to change the use of the building from commercial to residential. He is proposing to construct 4 one-bedroom apartments, two on the second floor and two on the first floor. He stated that the traffic flow would be reduced, and less parking would be needed under this conversion. He noted that he has worked with the Historic District Commission on acceptable improvements to the façade of the building. Discussion ensued as to insulation of the building and the energy efficiency of the building. Mr. Lorden will be upgrading the insulation and replacing the windows, and the 35,000 BTU furnaces being installed are highly efficient. The electrical system is adequate. He noted that central Air conditioning will be installed. Darlene Sodano noted that there are two buildings on two separate lots that are affected by this proposal. It was determined by Mr. Gustafson, through deed research, that they are two separate lots under the ownership of the Lorden Revocable trust. The two buildings are served by the same driveway and the same septic system, common areas for the two buildings are shared as well as outbuilding and trash disposal storage. Through his research he confirmed reservation of the right of way which serves the parking area.

The applicant responded to one of the referral comments from the Housing authority which suggested the first-floor units be age restricted. The applicant explained he had explored this possibility with Town staff and was told that because of the small number of units, this designation would not be sensible. He opined that this type of restriction is normally engaged with higher density projects as an incentive for the builder. The Applicant stated that his tenants are primarily local citizens, and he has found the turnover is very low. D. Sodano commented that she felt the market should dictate the rental rate and is not in

favor of putting this type of restriction in place on the units. The Applicant stated he did not have a problem with implementing this restriction. The Chair asked for energy use calculations and the applicant was in favor of providing them. Alisa Struthers commented that the Historic District commission is satisfied with the proposal and a certificate of approval has been issued.

The Board found the following in terms of Townsend Zoning Bylaw Section 145-65(F)(1)(a-g), Adequacy of the site in terms of the size for the proposed uses: the site is adequate in size for residential use. Suitability of the site for the proposed use: The Board found the proposed use is consistent with the site and is in favor of constructing residential units in the Downtown Commercial District. Impact on traffic flow and safety: The Board determined that there will be negligible impact regarding traffic flow and safety. Impact on neighborhood visual character, including views and vistas: The Board determined that there will be a significant improvement to the neighborhood visual character based on the approvals by the Historic District Commission. Adequacy of method of sewage disposal, source of water and drainage: Adequacy of the septic system is to be determined by the Board of Health upon review of the septic system Title V inspection report. A certificate of non-applicability was received indicating the project is compliant with the Town Stormwater management bylaw and regulations. Adequacy of utilities and other public services: The Board confirmed the Applicant will comply with the requirements of the Water Department regarding water line and water meter upgrades. Impact on ground and surface water quality and other environmental and natural resource considerations: The Board determined the proposed project and change of use will have no impact.

Darlene Sodano 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. David Chenelle seconded the motion, and a voice vote was taken as follows: AYE – D. Sodano, David Chenelle, Vicky Janicki, Sean Pearson, and Bill Cadogan. None opposed. The motion carried.

David Chenelle made a motion to grant a Special Permit to Lorden Revocable Trust, Michael Lorden Trustee under Zoning Bylaw Section 145-27 C (2) & Section 145-18, pursuant to Section 145-65 for the conversion of a commercial building to a multifamily residential use by constructing four one-bedroom residential units at 256 Main Street in accordance with the submitted plans. The motion was seconded by Darlene Sodano and a voice vote was taken as follows: AYE - Darlene Sodano, David Chenelle, Vicky Janicki, Sean Pearson, Bill Cadogan. None opposed. The motion carried.

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

- 3.1 Discussion & review of fees and regulations for Fall Town Meeting 2022.  
Chairman Cadogan asked for a cost analysis of revenue received from applications

compared to administrative expenses of processing applications for a future discussion.

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

- 4.1 Notices from Townsend/other Towns.
- 4.2 Letter of resignation from Associate Member received from Craig Stevens. Noted by the Board and noted that there are now two associate member vacancies.

Motion was made and seconded to adjourn the meeting at 8:00 pm. All in favor.

Respectfully submitted,

Approved on: September 21, 2022

Elizabeth Faxon

ZBA Admin.

Items on file:

- 1. Application for 256 Main Street.
- 2. Posting announcement seeking candidates to fill two Associate Members of the Zoning Board of Appeals. Dated: June 28, 2022.
- 3. Letter of resignation Craig Stevens.
- 4. Townsend You Tube Channel link to meeting recording <https://youtu.be/ihG1-XyV-ng>