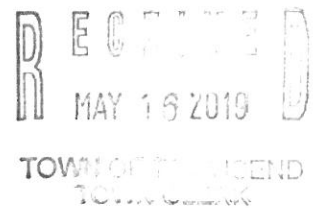




Office of  
**Zoning Board of Appeals**  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1722 [bfaxon@townsend.ma.us](mailto:bfaxon@townsend.ma.us)



William Cadogan, Chairman

David R. Chenelle, Clerk

Victoria Janicki, alternate member

Craig Stevens, Member

David Funairole, alternate member

Darlene Sodano, Vice Chair

Robert Rebholz, Member

Sean Pearson, alternate member

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**Zoning Board of Appeals Meeting Minutes**

Wednesday April 17, 2019, at 7:00 PM

Townsend Memorial Hall, in Selectmen's Chambers,  
272 Main Street, Townsend, MA 01469

Vice Chair Darlene Sodano called the meeting to order at 7:00 p.m.

Roll call – Clerk, David Chenelle, Craig Stevens, Robert Rebholz, Vice Chair, Darlene Sodano, Victoria Janicki, David Funairole, Sean Pearson.

Others present: Chairman, William Cadogan, Administrator, Elizabeth Faxon, Land Use Coordinator, Lyndsy Butler.

Victoria Janicki was appointed to full member status for voting.

Victoria Janicki moved to approve the minutes of 12/12/18. Craig Stevens seconded.

All in favor.

David Chenelle moved to approve the minutes of 10/11/18. Robert Rebholz seconded.

All in favor.

7:15 p.m. – Kevin Smith discussion re: Warren Road earth excavation special permit modification

Mr. Kevin Smith appeared before the Board to discuss an amendment to the earth removal permit granted for Warren Road. He is seeking guidance on whether or not this area will remain as is or will need mitigation. The discussion was continued to the next meeting to allow Mr. Smith time to illustrate the specified changes to the Board on the site plan. Board members will stop in individually to view the site. 107 Warren Road was the address given.

7:30 p.m. - Public Hearing: Administrative appeal –Determination of the Zoning Enforcement Officer in his letter dated February 21, 2019, in which he determined that the lighted cupola at 31 Adams Road is not an outdoor light fixture and therefore not regulated by the Townsend zoning bylaws §145-52 Outdoor lighting, and §145-61 private outdoor lighting fixture.

Present: William Cadogan, Joan Savoy, Attorney Douglas Deschenes  
Atty Douglas Deschenes representing the appellants. The appellant claims to be adversely effected by the lighted cupola which causes glare, light trespass across the property line and, sky glow or interference with the night sky. Photographs were

submitted by both the appellants and the owners of 31 Adams Road to demonstrate their respective positions, and marked Exhibits A through C. Attorney Deschenes spoke in support of the appellants while the owners of 31 Adams Road, as well as several abutters spoke in support of the Zoning Enforcement Officer ruling.

Once all present were given an opportunity to speak and present their position, and questions of the Board members were answered, to their satisfaction, David Chenelle motioned to close the public hearing, Craig Stevens seconded. All in favor. The motion carried.

Members of the Board thereafter discussed the various positions presented and the application of the controlling by-law sections as it pertains to the facts presented.

Following the Board's discussion, David Chenelle motioned to overturn the Decision of the Zoning Enforcement Officer in the letter dated February 21, 2019 and find that the lighted cupola by definition of the Townsend bylaws is an outdoor light fixture. Robert Rebholz seconded. Roll call vote; Craig Stevens – yes, Robert Rebholz – yes, Victoria Janicki – yes, Darlene Sodano – yes, David Chenelle – yes. The motion carried.

David Chenelle motioned to adjourn at 8:24 p.m., Robert Rebholz seconded. All in favor.

Respectfully submitted,

Elizabeth Faxon  
Zoning Board of Appeals Administrator  
Items on file:

1. William Cadogan and Joan Savoy Administrative appeal application.
2. Exhibit A – photographs submitted by the applicant
3. Exhibit B - photographs submitted by Jeff Chabot
4. Exhibit C – photographs submitted by Joseph Gallant
5. Public sign in sheet.

**Approved on: May 15, 2019**