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TOWN OF TOWNSEND  
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Zoning Board of Appeals  
MEETING MINUTES  
June 12, 2019 at 7:00P.M.  
Great Hall, Memorial Hall

**1.0 Preliminaries**

- 1.1 Call the meeting to order – Chairman Bill Cadogan opened the meeting at 7:00 p.m.
- 1.2 Roll Call – Present were Chairman, Bill Cadogan, Vice Chairman, Darlene Sodano, Clerk, David Chenelle, Victoria Janicki, and David Funaiole. Absent: Robert Rebholz, Sean Pearson, and Craig Stevens. Alternate members Victoria Janicki and David Funaiole were appointed to full member status for voting. Also present was Administrator Elizabeth Faxon.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting: none
- 1.4 Review & approve minutes: 5/15/19. Tabled to next meeting.

**2.0 Hearings**

- 2.1 **Public Hearing – 110 Barker Hill road – Robert Ruggerio**– petitioned the Zoning Board of appeals for a special permit to construct a barn and pavilion extending 10' into the side yard setback in a residential district under Zoning Bylaw § 145-65.

Present: Robert Ruggerio

BC opened the public hearing at 7:09P.M.

The proposal is for construction of a 28' X 40' building with attached pavilion. The pavilion will be 14' X 40' adjacent to the existing pool. The building will be 11' off of the property sideline, up until the 100' roadway setback. B. Cadogan asked for an as-built plan to be included as a condition of the special permit. The site plan was marked with the dimensions of the proposed building and the distance from the edge of the proposed building to the side yard boundary being 10' and expanding to 11.5' approaching the 100' road setback. The plan was accepted by the Clerk during the public hearing.

Board members considered the petition according to §145-65 special permit.

- The adequacy of the site if acceptable; 8.43 Acre lot in a residential B2 zone.
- The suitability of the site is acceptable: a residential use in a residential zone.
- The impact to traffic flow and safety: none
- The visual character of the neighborhood is maintained; the architecture of the barn is similar to the existing structures in the neighborhood.
- Non occupied building will not require change in sewer.
- The utilities and services are adequate. Electricity will be the only installed utility. No adverse effect.
- No impact to ground and surface water quality shall occur.

D. Chenelle moved, and DS proposed use will not have adverse effects which over balance its beneficial effects on either the neighborhood or the Town.

Roll call vote: D. Funaiole - yes, V. Janicki - yes, D. Sodano - yes, B. Cadogan - yes, D. Chenelle - yes. The motion carried.

D. Sodano moved, and D. Funaiole seconded to grant a special permit to Robert Ruggerio for the property located at 110 Barker Hill road to construct a barn and pavilion within the 15' side yard setback up until the 100' road setback and to be built according the plan submitted at this public hearing and providing an as-built plan to the Zoning Board of Appeals.

Roll call vote: D. Chenelle – yes, D. Sodano – yes, W. Cadogan – yes, D. Funaiole – yes, Victoria Janicki – yes. The motion carried.

Mr. Kevin Smith (KS) presented a conceptual project to create over 55 housing on property he owns for development of three duplex style senior housing buildings within walking distance to the Town common in the Downtown residential district. The conceptual project would not be allowable under current zoning bylaw. He provided a copy of a senior housing bylaw as an example from another town for the purposes of discussion. KS stated that if the Town considers working with the Planning Board on the over 55 bylaw then the type of project he is conceptualizing may be allowable with benefits to the Town. The Board members asked questions regarding the feasibility of a bylaw change, and, agreed it would be prudent to refer the bylaw discussion to the Planning Board for further discussion.

**2.3 7:30 p.m. Continuation of Public hearing – 48 Fitchburg Road** apartment rebuild. Applicant is requesting a special permit for rebuild of a pre-existing, non-conforming structure damaged or destroyed by fire.

Present: Ziad Ramadan, Pine Ridge Investors Group, LLC.  
Richard Hanks, Town of Townsend Building Commissioner (joined the meeting at 7:30 p.m.)

D. Funaiole made a motion to reconvene the public hearing of 48 Fitchburg road apartment building rebuild after fire damage. D. Sodano seconded. All in favor. The motion carried.

Mr. Ramadan presented the proposed plan of constructing a new apartment building. Submissions: 1. specification comparison between the existing apartment building and the proposed new apartment building. 2. Plan depicting an enlargement of the existing building footprint and the proposed new building footprint, parking spaces are located on the sides and behind the proposed building. 3. Plan depicting the existing building with parking spaces. Board members asked questions regarding the reason for the increased footprint. Mr. Ramadan explained the new building will require expansion to be compliant with the requirements of the current fire and building codes. The proposed number of units will be 30; 24 one bedroom units and 6 two bedroom units, an increase over the existing number of 24 units. The number of parking spaces will remain the same. The height of the proposed building was noted at 32'8" plus an additional 21'2" the height of the top section of the roof. Discussion ensued as to the requirement of additional review as a variance. Mr. Hanks opined that the existing building would not be able to be rebuilt in situ due to the new building codes. The new building will need to be ADA compliant and adhere to fire code requirements. The complexities of the demolition of the damaged existing apartment building was discussed. The applicant agreed to provide a landscaping site plan prepared by a certified landscape architect.

D. Sodano made a motion to continue the public hearing to July 17<sup>th</sup> 2019 at 7:00 p.m. D. Funaiole seconded. All in favor. The motion carried.

3.1 The Board reviewed the scenic roads act application and proposed project for Lot#3 Pierce Road. The board returned the referral with no comment.

Correspondence: Letter from the Townsend Energy Committee regarding the High School lighted sign. The Zoning Board of Appeals was cc'd on the letter and, has no action items.

D. Sodano moved to adjourn at 8:20 p.m., V. Janicki seconded. All in favor.

Respectfully submitted,  
Elizabeth Faxon  
Zoning Board of Appeals Administrator

Documents on file:

1. 48 Fitchburg Road supplementary documents
2. Letter to NMRSD superintendent from Townsend Energy Committee re: illuminated sign at North Middlesex Regional High School.
3. Letter to Building inspector from concerned citizens re: cupola light at 28 Adams road.
4. Application package – 110 Barker Hill Road
5. Application package – 48 Fitchburg Road

**Approved on July 17, 2019**