



Office of
Zoning Board of Appeals
272 Main Street
Townsend, Massachusetts 01469

RECEIVED
JUL 22 2019
TOWN OF TOWNSEND
TOWN CLERK

William Cadogan, Chairman

David R. Chenelle, Clerk

Victoria Janicki, alternate member

Craig Stevens, Member

David Funaiole, alternate member

Darlene Sodano, Vice Chair

Robert Rebholz, Member

Sean Pearson, alternate member

Zoning Board of Appeals minutes

Wednesday, May 15, 2019, at 7:00 PM

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

1 Preliminaries:

- 1.1 Call the meeting to order: Chair William Cadogan called the meeting to order at 7:00 p.m.
- 1.2 Roll call: Chair, William Cadogan, Clerk, David R. Chenelle, Robert Rebholz, Victoria Janicki, David Funaiole, Sean Pearson. Absent: Darlene Sodano, Craig Stevens. Others present: Elizabeth Faxon, Zoning Board of Appeals Administrator.
- 1.3 Additions or Deletions to Agenda Not Reasonably Anticipated by the Chair 48 Hours in Advance of the Meeting: None
- 1.4 Approval of Minutes, 4/17/19. D. Funaiole made a motion to accept the minutes of the 4-17-19 Zoning Board of Appeals minutes. V. Janicki seconded. All in favor.

D. Chenelle made a motion to appoint D. Funaiole to full member status for voting. R. Rebholz seconded. All in favor.

2 Hearings and appointments:

- 2.1 **7:00 p.m. Kevin Smith – project modification Earth Excavation special permit Warren road.** Mr. Smith discussed an emergency installation of a drainage trench to mitigate a septic system impacted by flooding within a no disturb buffer. The Zoning Enforcement officer granted authorization. The scope of the project is remains as originally proposed. The Board is requesting an as-built plan from the applicant. D. Funaiole made a motion that the work is a negligible change to the approved plans. D. Chenelle seconded. All in favor.
- 2.2 **7:15 p.m. Public hearing – Variance of side yard setback**
Applicant: Robert Ruggiero
Location: 110 Barker Hill Road
Project: Applicant is requesting a variance from a 15' side yard setback to a 5' side yard setback. The proposed project is for construction of a 30' X 40' barn with an attached 16' X 40' pavilion. Mr. Ruggiero presented his plan to the Board. Mr.

Ruggerio presented a layout for construction of a barn, and pavilion designed to stay clear of wetlands. The applicant proposes construction of a section of the barn located beyond the side yard setback by 10 feet. He stated attempts to purchase the adjoining parcel were fiscally insurmountable. Board members considered the layout and circumstances with respect to the criteria for issuing a variance. The Board discussed criteria for a variance and noted the rarity of cases that are granted. The Board then accepted the applicant's verbal request to withdraw the

application without prejudice. The applicant stated his intent to reapply and petition the Zoning Board of Appeals for a special permit.

D. Funaiole made a motion to accept the applicant's withdrawal. R. Rebholz seconded. All in favor.

2.3 7:45 p.m. Public hearing – Rebuild of apartment building destroyed by fire

Applicant: Pine Ridge Investors Group LLC

Location: 48 Fitchburg Road

Project: Applicant is requesting a special permit for the demolition and rebuild of a legally pre-existing, non-conforming structure damaged or destroyed by fire.

B. Cadogan appointed D. Funaiole and V. Janicki and S. Pearson to full member status for voting. D. Chenelle recused himself.

Mr. Ramadan presented preliminary plans for a proposed building which sits 76 feet back from the road versus the existing building setback at 50'. The footprint of the proposed building is double the size of the existing. Discussion ensued regarding whether the significant increase in size and parking design, would necessitate a site plan review by the Planning board. Chairman Cadogan took an action item to consult with the Zoning Enforcement officer for further clarification. D. Funaiole made a motion to continue the public hearing to June 12, 2019 at 7:30 p.m. R. Rebholz seconded. All in favor.

3 Worksession:

3.1 Election of Zoning Board of Appeals officers. D. Chenelle made a motion to nominate William Cadogan as Chairman of the Zoning Board of Appeals. R. Rebholz seconded. All in favor. Mr. Cadogan accepted. D. Chenelle made a motion to nominate Darlene Sodano as Vice Chair of the Zoning Board of Appeals. R. Rebholz seconded. All in favor. The motion carried. R. Rebholz made a motion to nominate David R. Chenelle as Clerk of the Zoning Board of Appeals. V. Janicki seconded. All in favor. Mr. Chenelle accepted.

D. Chenelle made a motion to recommend reappointment of Robert Rebholz as a member of the Zoning Board of Appeals for a term to expire in 2024. D. Funaiole seconded. All in Favor. Mr. Rebholz accepted.

3.2 Reappointment of alternate Zoning Board of appeals members. D. Chenelle made a motion to recommend reappointment of David Funaiole, Victoria Janicki, and Sean Pearson as associate members of the Zoning Board of Appeals for a term to expire June 30, 2020. R. Rebholz seconded. All in favor.

3.3 Mandatory referrals ;27 Scales Lane. The referral was returned with no comment.

4 Correspondence:

4.1 Memos from Board of Selectmen. Noted.

D. Funaiole made a motion to adjourn at 8:17 p.m. R. Rebholz seconded. All in favor.

Respectfully submitted,

Elizabeth Faxon

Zoning Board of Appeals Administrator

Items on file:

1. Photographs of Warren Road project site.
2. Application for Special Permit and site plan – 48 Fitchburg Road.
3. Application for Variance – 110 Barker Hill Road.
4. Referral documents – 27 Scales Lane.

Approved July 17, 2019