



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

David Chenelle, Clerk  
 Vicky Janicki, Member

Darlene Sodano, Vice Chair  
 David Funairole, Assoc. Member

## ZONING BOARD OF APPEALS Minutes

**Wednesday, October 19 2022 at 5:30 pm.**

### VIRTUAL PARTICIPATION VIA ZOOM

Join Zoom Meeting at the following link:

<https://us02web.zoom.us/j/89077846985?pwd=cUJHRmZWcmk4akE0WWtvbkNsM2lrZz09>

**Meeting ID: 890 7784 6985**

**Passcode: 177429**

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

- 1.1 Call the meeting to order and roll call. The meeting was called to order at 5:30pm.
- 1.2 Notice of Zoning Board of Appeals vacancies – review volunteer response forms received. None received.
- 1.3 Chairman's additions or deletions. None.
- 1.4 Approval of Zoning Board of Appeals meeting minutes September 21, 2022. Deferred to the November 2<sup>nd</sup>, 2022, meeting.

#### **2 PUBLIC HEARINGS:**

- 2.1 **5:45 PM** –public hearing on the application of Brendan Cavanagh and Addison Nute for the property located at 161 Brookline Road (Assessor's Map 38, Block 9, Lot 1). The applicant is requesting a Special Permit under §145-29(C)(4), Outlying Commercial District, uses allowed; pursuant to §145-65, Special Permits, of the Townsend Zoning Bylaw The applicant is requesting a special permit to operate a storage facility.  
 Chairman Cadogan appointed associate member David Funairole to full Member for the public hearing. D. Chenelle read the legal notice. D. Funairole made motion to open the public hearing. D. Sodano seconded the motion. A roll call vote was taken as follows: YES – D. Chenelle, D. Sodano, V. Janicki, D. Funairole, B. Cadogan. The motion carried.

Shane Donnelly, Addison Nute, Brenden Cavanagh, Joshua Mello, John Bragga and Annette Martello were present.

Addison Nute said that they are purchasing the property and are not changing anything and requesting a special permit to continue operations as ongoing. Brendan Cavanagh said that they have reviewed the original permit granted by the ZBA in 2005 (hereafter referred to the 2005 Decision) and are familiar with the provisions

and conditions therein and intend to operate according to the permit. Mandatory referrals were sent to the Board of Selectmen, Board of Health, and Conservation commission and no comments were received..

The Board agreed to adopt by reference, and in its entirety, the 2005 Decision. All findings of fact and conditions of the 2005 Decision were reviewed as part of the public hearing. Abutters attended the public hearing to speak to two considerations regarding the operation of the public storage facility. Mr. Braga, abutter, requested that the vegetative buffer be restored and maintained to comply with the conditions set forth in the 2005 Decision. Ms. Martello requested that existing trees remain in place to naturally maintain the visual screen between her property at 137 Brookline Road and the public storage facility. Shane Donnelly, property owner, agreed during the public hearing that this natural vegetative buffer would remain undisturbed in response to the request. The Board found mitigation was required for Condition #5 of the 2005 Decision which states "Vegetated buffer adjacent to the road shall be improved and maintained with appropriate coniferous plantings.". Shane Donnelly, the property owner agreed to mitigate this finding by conducting a restoration planting of the vegetative buffer in consultation with the abutter most affected. The Board agreed to accept this verbal statement as mitigation for compliance with condition #5 of the 2005 Decision.

Darlene Sodano moved that the proposed use will not have adverse effects which would overbalance the beneficial effects on either the neighborhood or the town, in view of particular characteristics of the site. David Chenelle seconded the motion, and a roll call vote was taken as follows: YES - William Cadogan, David Chenelle, Darlene Sodano, Vicky Janicki, David Funaoile. The motion carried.

David R. Chenelle moved to grant the special permit to Brendan Cavanaugh and Addison Nute under Townsend Zoning Bylaws §145-29 (C) (4) and §145-65 and adopt by reference in its entirety the Decision dated December 14, 2005, with the additional caveat that the special permit shall terminate upon the transfer and conveyance of said property. David Funaoile seconded the motion, with a roll call vote as follows: YES - William Cadogan, David Chenelle, Darlene Sodano, Vicky Janicki, David Funaoile. The motion carried.

David Chenelle moved to approve Chairman William Cadogan to sign the Decision on behalf of the Zoning Board of Appeals. Darlene Sodano seconded the motion, with a roll call vote as follows: YES - William Cadogan, David Chenelle, Darlene Sodano, Vicky Janicki, David Funaoile. The motion carried.

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

- 3.1 Planning Board Mandatory Referral notice – proposed amendment to age restricted development zoning bylaw §145-54.1 Concern was expressed over the proposed addition of the wording which allows the Planning Board to grant waivers based on the wording "in their judgement". Interest was expressed about the amendment including a reduction of minimum lot size in the Downtown District to better serve an aging population. Discussion regarding addition to this as an additional modification to the Bylaw. The Board agreed to make the following comment to the Planning Board "The ZBA Members agree with items (I), (ii) and (iii) of the proposed amendment however with regards to item (iv) suggest that there be a specific list of criteria to be met for granting a waiver.". Admin will transmit to the Planning Board via referral comment form.

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

- 4.1 Letter from Conservation Commission Agent Jessica Consolvo. Regarding 227 Mason Road conservation Agent's determination for filing requirements of the Applicant. Was noted.
- 4.2 Letter from Stanley Dillis, Dillis & Roy CDG. Re: Earth Excavation Special Permit 3 Wheeler Road. The new owner will need to file a ZBA application for the extension of the

earth excavation special permit. Admin will respond to correspondence with property owners.

- 4.3 Bulletin from the Office of the Town Clerk re: May 3, 2022, Annual Town Meeting, Articles 26, Zoning By-law approved by the Attorney General. Was noted.

D. Funaiole made a motion to adjourn the meeting at 6:53pm. D. Sodano seconded with a roll call vote as follows: YES - William Cadogan, David Chenelle, Darlene Sodano, Vicky Janicki, David Funaoile. The motion carried.

Items on file:

1. ZBA Application for special permit 161 Brookline Road.
2. Planning Board mandatory referral notice – proposed amendment to zoning bylaw 154.54.1 Age restricted development.
3. Letter from Conservation Commission Agent Jessica Consolvo. Regarding 227 Mason Road conservation Agent's determination for Conservation Commission filing requirements.
4. Letter from Stanley Dillis, Dillis & Roy CDG. Re: Earth Excavation Special Permit 3 Wheeler Road.
5. Bulletin from the Office of the Town Clerk re: May 3, 2022, Annual Town Meeting, Articles 26, Zoning By-law approved by the Attorney General.

Respectfully submitted,

Approved on: November 2, 2022

Elizabeth Faxon

ZBA Administrative Assistant