



Office of  
**The Zoning Board of Appeals**  
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**RECEIVED**  
FEB 16 2023  
TOWN OF TOWNSEND  
TOWN CLERK

William Cadogan, Chairman  
Sean Pearson, Member

David Chenelle, Clerk  
Vicky Janicki, Member

Darlene Sodano, Vice Chair  
David Funaiole, Assoc. Member

## **ZONING BOARD OF APPEALS**

### **MEETING MINUTES**

**Wednesday, January 11, 2023 at 5:30 pm.**

**on Zoom remotely accessible only  
via TCAM Hosted Zoom**

Virtual meeting via Townsend Community Access Media hosted Zoom.

Present: Bill Cadogan (Chair), Darlene Sodano (Vice Chair), David Funaiole (Associate member), Vicky Janicki (member), Sean Pearson (member)

Absent: David Chenelle (clerk)

Others present: Beth Faxon, ZBA Admin., Hartley Pleshaw, TCAM,

Chairman Cadogan called the meeting to order at 5:30pm and appointed associate member David Funaiole as full member. He then reconvened the public hearing on 75 Pierce Road application for special permit for an accessory apartment. Michael Gray, the Applicant, was present. The Board reviewed an updated correspondence from the Board of Health approving the septic design for 75 Pierce Road and designating it as compliant. The Board reviewed the drawings and noted that the living area floor space of the proposed accessory apartment is 720 sq. ft. and is dimensionally in compliance with the criteria in the Bylaw.

A letter in opposition to the project was received from an abutter after the first public hearing session dated 11-27-22 from Robert and Melinda Zito and it was read into the record. The main concerns expressed in the letter were expected drainage patterns related to the proposed construction of the addition and the steepness of the slope atop which the addition is located.

Chair Cadogan visited the property and noted that that site is steeply sloped but the addition will have a negligible change in terms of vistas from the abutter's property. He commented that slope stabilization will be an important consideration during construction. The project did not appear to be eligible for a stormwater management permit application due to the amount of land disturbance

proposed. The side yard setbacks are adequate. The Board reviewed the septic plan drawing submitted. D. Sodano commented that the slope stabilization concern is in the purview of the Building Department. The Conservation Agent visited the site and confirmed that the work is outside of the jurisdictional wetlands.

Darlene Sodano specified that the proposed basement addition shall remain unfinished as a condition to the special permit.

Pursuant to § 145-36 Accessory apartments in a residential district the Board made the following findings of fact:

- A family member of the principal residence will reside in the accessory apartment.
- A board of health report was received, and the proposed septic design complies.
- The proposed floor area of the accessory dwelling is compliant with the dimensional requirements in the Bylaw.
- Adequate provision has been made for ingress and egress.
- There is no other apartment on the lot on which the accessory apartment is located.
- The construction and occupancy is not detrimental to the neighborhood.
- The lot contains 3.83 acres which exceeds the .07 acre requirement.
- Adequate provision has been made for off street parking.

D. Sodano made a motion that the findings documented herein meet the requirements of §145-36 Accessory Apartment in residential district. S. Pearson seconded. Roll call vote was taken as follows. YES – S. Pearson, V. Janicki, D. Sodano, D. Funaiole, B. Cadogan. 5-0-0. The motion carried.

Pursuant to § 145-65 special permits, the Board found the following:

- The lot is adequate in terms of size for the proposed use.
  - The use is consistent with the neighborhood, a residential use in a residential neighborhood.
  - There is no impact to traffic flow or safety.
  - There is negligible impact on neighborhood visual character, including views and vistas.
  - The method of proposed sewerage disposal system installation; source of water and drainage are adequate with expressed responsibility of the permittee to implement methods of stabilization of slopes greater than 4:1 on the site.
  - Utilities and other public services are adequate.
  - The Board found there is no discernable impact on ground and surface water quality and other environmental and natural resource considerations. Utilities and other public services are adequate.
- Darlene Sodano moved that based on the above findings, the proposed use as an accessory apartment will not have adverse effects which would overbalance the beneficial effects on the neighborhood or the town, in view of particular characteristics of the site. Victoria Janicki seconded the motion, and a roll call vote was taken as follows: YES- B. Cadogan, D. Sodano, V. Janicki, S. Pearson, D. Funaiole. The motion carried. Darlene Sodano moved to grant a Special Permit to Michael J. Gray to construct an accessory apartment at 75 Pierce Road with the following conditions. The basement to be constructed under the proposed accessory apartment shall remain unfinished and not be made into living space. The Special Permit shall terminate upon the transfer and conveyance of 75 Pierce Road. (Assessor's Map 31, Block 28, Lot 7). David Funaiole seconded the motion, with a roll call vote as follows: YES- B. Cadogan, D. Sodano, V. Janicki, S. Pearson, D. Funaiole. The motion carried.

D. Sodano moved to approve the Nov. 30, 2022, meeting minutes. D. Funaiole seconded. A roll call vote was taken as follows: YES- B. Cadogan, D. Sodano, V. Janicki, S. Pearson, D. Funaiole. The motion carried.

The Board discussed the mandatory referral for 25 Harbor Trace Stormwater management permit application under review by the Planning Board and offered no comment. The Board considered the Planning Board referral for the site plan review special permit and stormwater management permit application for 5 Turnpike Road and offered no comment.

The Board approved the 2022 Zoning Board of Appeals Annual report as submitted.

The Board reviewed and noted the proposed FY24 Zoning Board of Appeals budget with no changes.

The Board noted receipt of the transfer of ownership of the earth removal special permit issued to Gary Shepard for the property located at 3 Wheeler Road.

The Board reviewed the special permits for both 227 Mason Road and 478 Main Street and noted the codification of the amendment to 145-26 adding “dog grooming establishment” to the uses allowed by special permit in residential districts.

A new application for a special permit was noted and a public hearing scheduled. A special Town meeting was noted and scheduled for January 24, 2023, at 7:00pm in the Great Hall.

The meeting adjourned at 6:25pm.

Respectfully submitted,

**Approved on: February 15, 2023**

Beth Faxon

ZBA Admin.

Items on file:

1. Application for special permit for the property at 75 Pierce Road.
2. Letter from abutter re: 75 Peirce Road application.
3. Board of Health revised memorandum re: approval of septic system design for 75 Pierce Rd. application.
4. Planning Board application for the property located at 25 Harbor Trace PFAS water treatment plant.
5. Planning Board applications for the property located at 5 Turnpike Road.
6. Draft 2022 Zoning Board of Appeals Annual report.
7. FY 24 ZBA budget.
8. 3 Wheeler Road ZBA and Stormwater management permits.
9. 227 Mason Road ZBA Decision/special permit.
10. 478 Main Street ZBA Decision/special permit update.

