

Office of **ZONING BOARD OF APPEALS** 272 Main Street Townsend, Massachusetts 01469 Phone: (978)597-1700 x1723 Fax (978)597-1722

William Cadogan, Chair Darlene Sodano, Vice-Chair Julie Johnson, Clerk Anthony Genova, *Member* Craig Stevens, *Member* John Giunta, Associate member Kelly Chambers, Associate member

MEETING MINUTES June 23, 2011 at 7:00 p.m. ROOM 1

1.0 Preliminaries

- **1.1 Call the meeting to order:** Chairman Cadogan opened the meeting at 7:06pm.
- **1.2 Roll Call:** Present were Members Bill Cadogan (BC), Tony Genova (TG), Julie Johnson (JJ), Craig Stevens (CS), Darlene Sodano (DS), and Associate members John Giunta (JG) and Kelly Chambers (KC). Also present was Administrative assistant Karen Chapman.
- 1.3 Additions or deletions to the agenda: none
- **1.4 Review & approve minutes**: 4/6/11, 5/4/11, 5/25/11, 6/15/11, 6/23/11, 2/1/12 tabled.

2.0 <u>Hearings/Appointments/Work Sessions:</u>

2.1 Work Session – Discuss and vote on decision for CN Cabinets, 365 Main St., Special Permit Aquifer District

BC appointed JG as a full voting member for the purposes of this discussion. The Board discussed their individual site walks and DS showed pictures she had taken. BC read the Code of Massachusetts Regulations pertaining to spray booths and found them to be below the thresholds requiring permits. The Board determined the following:

Findings of Fact:

- A. All mandatory referrals were received and read into the record.
- B. No abutters were present in opposition.
- C. A site visit was conducted individually by the Board between June 15th and June 23rd.
- D. The operation of the spray booths is below the thresholds listed in CMR 7.03(16).
- E. Pursuant to Townsend Zoning Bylaw §145-40(E), Aquifer Protection Overlay District, Special Permit uses the Board found the following:
 - 1) The applicant provided adequate information concerning a means to isolate hazardous materials from the groundwater that was acceptable to the SPGA.
 - 2) This section is not applicable.
- F. Pursuant to Townsend Zoning Bylaw §145-40(F), Aquifer Protection Overlay District, Special Permit uses, the Board found the following:
 - 1) The intent of this bylaw as well as its specific criteria has been met by the applicant.
 - 2) Adequate information was provided by the applicant to allow the Board to determine that groundwater quality resulting from on-site cabinets manufacturing operations will not fall below applicable federal or state standards for drinking and recreational water at the down-gradient property boundary.
 - 3) Submittals.
 - a) A complete and acceptable list of all chemicals, hazardous materials and hazardous waste was submitted and adequate methods of containment were demonstrated by the applicant. Material Safety Data Sheets pertaining to each

item on the list was provided and copies were delivered to the Hazardous Waste Coordinator (Fire Chief).

- b) Adequate information related to hazardous waste generation, storage and disposal was submitted by the applicant.
- c) This section is not applicable.
- G. Pursuant to Townsend Zoning Bylaw §145-40(G), Aquifer Protection Overlay District, Special Permit uses the Board found the following:
 - 1) Safeguards. Sufficient information was provided to indicate protection against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as, but not limited to: spill control provisions in the vicinity of delivery points; and secured storage areas for toxic or hazardous materials.
 - 2) Location. This section is not applicable.
 - 3) Disposal. The applicant has demonstrated the availability and feasibility of disposal methods got toxic and hazardous wastes which are in conformance with MGL c. 21C.
 - 4) Drainage. All storage and use of toxic or hazardous materials will be indoors in containment areas.
- H. In terms of Townsend Zoning Bylaw §145-65(F)(1)(a-g), Special Permit Decision, the Board found as follows:
 - a) The site is adequate for the proposed use, the lot is 6.2 acres;
 - b) The site is suitable; it is an industrial use in an industrial district.
 - c) There is minimal impact on traffic flow or safety;
 - d) There is no impact on the neighborhood views and vistas.
 - e) Adequate method of sewage disposal, source of water and drainage;
 - f) Utilities and other public services are adequate;
 - g) Impact on ground and surface water quality and other environmental and natural resource considerations are addressed under the findings of the Aquifer Protection Overlay District.(see D, E, and F above)

DS motioned that pursuant to §145-65(F) of the Townsend Zoning Bylaw the proposed use will not have adverse effects, which overbalance its beneficial effects on either the neighborhood or the Town in view of the particular characteristics of the site based on the findings of fact. TG seconded the motion and a roll call vote was taken as follows: TG-yes, DS-yes, JG-yes, JJ-yes, BC-yes. The motion carried.

DS motioned to grant a Special Permit to CN Custom Cabinets to operate a cabinet manufacturing business at 365 Main Street in the Aquifer Protection Overlay District pursuant to Townsend Zoning Bylaw §§145-40 and 145-65 and the findings of fact with conditions as follows:

- 1. This Special Permit shall expire two years from the Date of Decision.
- 2. Pursuant to \$145-40E(1), the applicant shall purchase a one million dollar environmental insurance policy and name the Town of Townsend as the loss payee.
- 3. The applicant shall retain the existing vegetated buffer zones on the property.
- 4. The part of the property that appears to have frontage on Kaneohe Court shall not be used by any vehicles or equipment.
- 5. The hours of operation shall be:

Monday–Friday: 7:00am – 5:00pm Saturday: 8:00am – 4:00pm.

6. The business shall comply with 310 CMR 7.03(16) regarding the spray booths to be operated within the building.

- 7. The applicant shall comply with the instruction of the Fire Department as follows:
 - a. Secondary containment will be required for all on site waste removal.
 - b. Verification should be provided to the hazardous waste coordinator (Fire Chief) proving removal of hazardous waste from the site by a licensed contractor.
 - c. MSDS sheets should be maintained on all hazardous materials on site and kept updated as required by applicable laws and regulations.
 - d. Full compliance with 527 CMR 14 & 15 and all applicable NFPA Standards on the storage of flammable and combustible materials.
 - e. Adequacy of current fire protection systems should be reviewed by a licensed architect/fire protection engineer.

TG seconded the motion and a roll call vote was taken as follows: TG-yes, DS-yes, JG-yes, JJ-yes, BC-yes. The motion carried.

3.0 General Business:

- **3.1 Vote officers for FY12:** tabled to next meeting
- **3.2 Discuss Board of Health issues with Turnpike Village:** JJ and TG will go to the Board of Health meeting on Monday to discuss the septic system issues they are concerned with.

4.0 Correspondence:

5.0 Schedule

6.0 Adjournment

TG motioned to adjourn at 7:55pm. JJ seconded the motion with all voting in favor.

Minutes Respectfully Submitted by

Karen Chapman ZBA Administrative Assistant

Documents used during this hearing can be found in the Town Clerk and ZBA files under 365 Main Street.