



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*

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**MEETING MINUTES**  
**July 31, 2013 at 7:00 p.m.**  
**Room 2**

**1.0 Preliminaries**

- 1.1 Call the meeting to order:** Chairman Cadogan called the meeting to order at 7:06pm.
- 1.2 Roll Call:** Present were members Bill Cadogan (BC), Darlene Sodano (DS), Craig Stevens (CS), and Tony Genova (TG) and Associate Members John Giunta (JG) and Kelly Chambers (KC). Absent was member Julie Johnson. Also present was Administrative Assistant Karen Chapman.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting:** None.
- 1.4 Review & approve minutes:** 6/19/2013. TG motioned to approve the minutes as written. CS seconded, with all in favor.

**2.0 Hearings/Appointments/Work Sessions:**

**2.1 7:00pm: Public Hearing – Special Permit/Variance – 3 Maple Street**

BC opened the public hearing at 7:07pm. DS recused herself from the hearing as she is an abutter. BC appointed JG and KC as full voting members for the purposes of this hearing. Present was the applicant Darlene Champagne and her representative Todd Arsenault. BC read the legal notice. BC read the mandatory referrals. The applicant is seeking a special permit or variance to construct an addition on the preexisting nonconforming house. Mr. Arsenault states that no other configuration is feasible because of the location of the septic system.

BC states that 2012 case law determined that a variance is not needed if the Board finds that the increase in nonconformity can be found to be “not more detrimental to the neighborhood”. The Board discussed other options of constructing an addition on the property. Darlene Sodano, abutter at 5 Oak Street, states that all the houses on Maple and Oak Streets are close to the road, so this house would not be different. TG feels this is a small neighborhood and the proposal would have too much impact.

Pursuant to Townsend Zoning Bylaw §145-65(F)(1)(a-g) Special Permits, the Board found as follows:

- a. **Adequacy of the site in terms of the size for the proposed uses:** the Board found the property is a preexisting nonconforming lot and the proposed addition does not exceed lot coverage.
- b. **Suitability of the site for the proposed use:** the Board found the property is suitable for the proposed use as it is residential in a residential district.
- c. **Impact on traffic flow and safety:** the Board determined that traffic flow and safety would not be impacted.

- d. **Impact on neighborhood visual character, including views and vistas:** the Board determined that the proposed construction would be a reduction in the front and side yard setbacks but not a significant issue.
- e. **Adequacy of method of sewage disposal, source of water and drainage:** the Board determined these as adequate.
- f. **Adequacy of utilities and other public services:** the Board determined these to be adequate.
- g. **Impact on ground and surface water quality and other environmental and natural resource considerations:** the Board determined that there would be no impact.

CS motioned that pursuant to §145-65(F) of the Townsend Zoning Bylaw the proposed addition 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. KC seconded the motion, with a roll call vote as follows: TG-no, CS-yes, BC-yes, KC-yes, JG-yes. The motion carried.

CS motioned that pursuant to §145-18 of the Townsend Zoning Bylaw, the proposed extension shall not be more detrimental than the existing nonconforming structure to the neighborhood. KC seconded the motion, with a roll call vote as follows: TG-no, CS-yes, BC-yes, KC-yes, JG-yes. The motion carried.

CS motioned to grant a Special Permit to Eugene J. Champagne under Townsend Zoning Bylaw §§145-18 and 145-65 for an addition to a preexisting nonconforming structure at 3 Maple Street and pursuant to the findings of fact. KC seconded the motion, with a roll call vote as follows: TG-no, CS-yes, BC-yes, KC-yes, JG-yes. The motion carried and the Special Permit is granted. KC motioned to close the hearing. TG seconded with all in favor. DS returned to the Board.

## **2.2 7:30pm: Continuation Public Hearing – Variance – NH Signs for North Energy Group – 197 Main Street Zoning Bylaw §145-52-Outdoor Lighting.**

BC reopened the public hearing at 7:42pm. BC appointed KC as a full voting member for the purposes of this hearing. Present for the applicant was Peter Marsh of NH Signs. Mr. Marsh states that there will be a line of LED lights in the price area where there were no lights before and the face of the sign will change, reducing the light output by half. BC asks if the sign is being put in the same frame that exists and Mr. Marsh said yes. DS motioned to override the Building Commissioner's letter dated April 23, 2013 and allow construction of the sign as proposed. TG seconded the motion with a roll call vote as follows: TG-yes, CS-yes, BC-yes, KC-yes, DS-yes. The motion carried. DS motioned to close the hearing. TG seconded with all in favor

## **2.3 8:00pm: Continuation Public Hearing – Variance – Kevin Smith/Ken Tully – 61 New Fitchburg Rd - Variance from Land Space Requirements Table – Zoning Bylaw §145-32**

BC reopened the public hearing at 8:00pm. BC appointed KC as a full voting member for the purposes of this hearing. Ken Tully was present for the applicant. The Board discussed the merits of the case and determined there did not need to be a variance because the lot is a residential lot in a residential neighborhood. DS made a motion to overrule the Building Commissioner's decision and allow construction of a new residential structure on the residential lot as long as it conforms to the current zoning setbacks. The Board finds that the demolition of the previous structure does not render the lot unbuildable. TG seconded the motion, with a roll

call vote as follows: TG-yes, CS-yes, BC-yes, KC-yes, DS-yes. The motion carried. TG motioned to close the hearing. DS seconded with all in favor.

**Appointment with Carter Scott, Transformations, Inc. – Sign extension for Tri-Party Agreement for Phase I and II Coppersmith Way**

Present was Carter Scott. The Tri-Party Agreements for Phase I and II was signed by the Board to extend them until July 31, 2016.

**2.4 Executive Session under Purpose #3: To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares.**

DS motioned to go into Executive Session at 8:20pm pursuant to Purpose #3 to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. Further motioned the Board will return to open session only for the purposes of adjourning. TG seconded with a roll call vote as follows: TG-yes, CS-yes, BC-yes, DS-yes.

**3.0 General Business:**

**3.1 Planning Board Mandatory Referral re: Wind Energy Systems Bylaw – no comment**

**4.0 Correspondence:**

**4.1 Planning Board Courtesy Notice re: Village at Patriot Common – noted.**

**4.2 Planning Board Decision re: Triple M Movers and Storage 35 Scales Lane – noted.**

**5.0 Schedule**

Next meeting: None scheduled at this time.

**6.0 Adjournment** TG motioned to adjourn at 8:29pm. DS seconded with all in favor.

Minutes taken and transcribed by: Karen Chapman

Any paperwork used during this meeting can be found in the Town Clerk or Zoning Board offices under the street listings.