



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*

Anthony Genova, *Member*  
Craig Stevens, *Member*

John Giunta, *Associate member*  
Kelly Chambers, *Associate member*

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**MEETING MINUTES**  
**October 29, 2014 at 7:00 p.m.**  
**Room 2**

**1.0 Preliminaries**

- 1.1 Call the meeting to order:** Acting Chairman Sodano opened the meeting at 7:05pm.
- 1.2 Roll Call:** Present were members Darlene Sodano (DS), Tony Genova (TG), and Craig Stevens (CS) and Associate members John Giunta (JG) and Kelly Chambers (KC). 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: 9/17/14:** JG moved to approve the 9/17/14 minutes as written. TG seconded, with all in favor.

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

- 2.1 7:00pm: Public Hearing –BK&BK, LLC – 366 & 368 Main Street – Special Permit under Zoning Bylaw §§145-18, 145-29C(4) and 145-65.**

DS opened the public hearing at 7:06pm. DS appointed Associate members KC and JG as full voting members for the purposes of this hearing. Present for the applicant was Bart and Brett King and their engineer Matt Hamor. CS read the legal notice. DS read the letter from the Zoning Enforcement Officer and the mandatory referrals.

Mr. Hamor gave a presentation on the scope of the project. The old package store was razed several months ago on 366 Main St and the bus depot will be demolished as well. No construction will occur within the Aquifer Protection District which covers a portion of the north side of the parcels. The Conservation Commission issued an order of conditions and the planning board has closed their hearing and will issue a decision in November. The proposed use is the same as the existing use with the addition of an office space in a portion of the proposed new building. The buses will only have one way in and one way out from the property and there will be 20 parking spots for the buses. There will be two overhead doors for buses to have minor maintenance performed with no mechanical repairs being performed. There will be a 1000-gallon above ground NFPA compliant storage tank for fuel that will have proper spill containment. The office area will have 20 parking spaces on the east of the project area. For stormwater there will be a detention basin and several catch basins with oil/water separators. The site is surrounded by mature trees and an additional six trees will be planted. There will be a metal roof, with the walls being concrete on the bottom with clapboards on the top. It is 70" to groundwater and an EPA NPDES SWPPP will be in place.

Questions from the Board:

Which way does the water flow? Towards the back or south.

How much pavement will there be? About equal to what is there now, with a different configuration.

Is there a sign to say buses are entering? You can see down the street about a quarter of a mile.

Will any oil/grease from the buses go to the oil/water separators? Yes.

What is the use of the building? One side will be bus company offices and the other side is an office space to accommodate one business. We will file for a permit if the additional business requires a special permit.

Will there be a wash station for the buses? No.

Is there sufficient parking for the additional business? Yes.

What is the timing for the project? Would like to start immediately.

Abutter Karen Provost at 374 Main Street asked where the new building will be in relation to the current bus depot building. It will be where the old package store was on the east side of the parcels. Ms. Provost states there is no issue with visibility to enter Route 119.

The Board considered the petition in light of the statutory criteria and Townsend Zoning Bylaw requirements, and found as follows:

The applicant submitted the following information to the Board:

1. A completed Zoning Board of Appeals Application Form with project narrative.
2. Permit Plan Set dated 9/5/14 for a Proposed Industrial Building with six sheets including Title Sheet, Existing Conditions, Layout, Grading and Utilities, Erosion and Sedimentation Control, and Details.
3. A single sheet labelled Preliminary Layout and dated 4/16/14 showing elevations and layout of the proposed building.
4. A single sheet labelled Grading and Utilities from the Permit Plan Set shown in color and dated 9/5/14.
5. A Stormwater Report for 366 & 368 Main Street dated September 5, 2014.

Findings of Fact:

1. 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 size is adequate for the proposed use as it is a 56,189ft<sup>2</sup> lot, with a 3,600ft<sup>2</sup> building proposed.
  - b. **Suitability of the site for the proposed use:** the Board found the property is suitable for the proposed use as it is a commercial use in the Outlying Commercial District.
  - c. **Impact on traffic flow and safety:** the Board determined that traffic flow and safety would be improved due to the new egress and ingress pattern.
  - d. **Impact on neighborhood visual character, including views and vistas:** the Board determined that the proposed construction would be a dramatic improvement to the neighborhood.
  - e. **Adequacy of method of sewage disposal, source of water and drainage:** the Board determined these as adequate due to a new septic system and stormwater management system.
  - 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 moved that pursuant to §145-65(F) of the Townsend Zoning Bylaw the proposed reconstruction and 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. KC seconded the motion, with a roll call vote as follows: TG-yes, CS-yes, DS-yes, KC-yes, JG-yes. The motion carried.

CS moved that pursuant to §145-18 of the Townsend Zoning Bylaw, the proposed rebuild and use will not be more detrimental than the existing nonconforming use/structure to the neighborhood. KC seconded the motion, with a roll call vote as follows: TG-yes, CS-yes, DS-yes, KC-yes, JG-yes. The motion carried.

CS moved to grant a Special Permit to BK & BK, LLC under Townsend Zoning Bylaw §§145-18, 145-29C(4) and 145-65 for the proposed use as a bus depot and office space and to rebuild the structure at 366 & 368 Main Street pursuant to the findings of fact. Said Special Permit to be valid for two years from the date the decision is filed with the Town Clerk. KC seconded the motion, with a roll call vote as follows: TG-yes, CS-yes, DS-yes, KC-yes, JG-yes. The motion carried and the Special Permit is granted.

CS moved to close the hearing with TG seconding and all in favor.

### **3.0 General Business:**

- 3.1 Discuss appointment of Associate member to fill vacant position:** CS moved to recommend Associate member Kelly Chambers for appointment as full voting member of the Board. TG seconded with all in favor.

### **4.0 Correspondence:**

- 4.1 Letter from ZEO to Hoa Pham, CAM Engineering re: Use of 8 Jeffs Street:** noted.  
**4.2 Letter from ZEO to SMMA re: NMRS Site Plan Review:** noted.

### **5.0 Schedule**

Next meeting: December 17, 2014 @ 7pm.

- 6.0 Adjournment:** TG moved to adjourn at 8:16pm. CS seconded with all in favor.

Minutes taken and transcribed by Karen Chapman

All materials used in this meeting can be found in the street files of the Town Clerk and Zoning Board offices.