



Office of
ZONING BOARD OF APPEALS
272 Main Street
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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
April 30, 2014 at 7:00 p.m.
Room 2

1.0 Preliminaries

- 1.1 Call the meeting to order:** Chairman Bill Cadogan opened the meeting at 7:05pm.
- 1.2 Roll Call:** Present were members Bill Cadogan (BC), Darlene Sodano (DS), Tony Genova (TG), Craig Stevens (CS), Julie Johnson (JJ) and Associate member Kelly Chambers (KC). Absent was Associate member John Giunta. Also present was Administrative Assistant Karen Chapman.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting:** 3.3 Discuss issuance of occupancy permit for Turnpike Village. JJ moved to add 3.3 to the agenda. TG seconded with all in favor.
- 1.4 Review & approve minutes:** 7/31/13. DS moved to approve minutes of 7/31/13 as written. TG seconded with all in favor.

2.0 Hearings/Appointments/Work Sessions:

- 2.1 7:00pm: Public Hearing –Kevin Smith on behalf of George & Hugh McGovern – Off West Meadow Rd – Special Permit for Earth Removal in the Aquifer Protection District – Zoning Bylaw §§145-40, 145-46, 145-65.**

BC opened the public hearing at 7:06pm. Present for the applicant were George McGovern (GM) and Kevin Smith (KS). JJ read the legal notice. BC read the mandatory referrals and copies were given to the applicant. KS gave a presentation of the proposed work to remove earth from the property in order to gain additional agricultural land on the already existing agricultural property. KS would like to excavate 2-3 acres at a time and return it to working field and then move on to another 2-3 acres. He states the current topography of the land is too steep for modern equipment to negotiate so the slopes will be reduced. There is currently about 80-90 of the 141 total acres currently in active production and we think we can gain an additional 10 acres through this project.

TG is concerned that removing earth from the site does not constitute an exemption under Chapter 40A, Section 3 of the Zoning Act of MA. JJ reads from Section 145-46C(2) that “excavation in the course of normal and customary agricultural use of land” is exempt from requiring a Special Permit under this section. DS states that if this exemption applied, the Building Commissioner would not recommend the applicant coming to the Board for a special permit. BC would like to get an opinion from Town Counsel on the matter. The Board would also like to have a site walk on the property.

Richard Lamoureux, abutter at 513 Main Street, is concerned about the condition of the bridge over Locke Brook being able to handle the gravel trucks. He is also concerned about a 20 year

issue with a large pile of tires that is on the bank of Willard Brook on the McGovern's property. He states that the Conservation Commission issued an Emergency Certificate to the owners to remove the tires. KS stated that heavy rain followed the issuance of the Certificate and the conditions were no longer ideal for removing the tires. Jim Deroian, abutter at 42 West Meadow Road, is in support of the project. The owners are good land people, the property is much improved than what it has been, and they have done what he has asked installing a gate to prevent unauthorized people from entering the property.

The Board set Sunday, May 4th at 10:00am to perform a site walk on the property. TG moved to continue the hearing to May 28, 2014 at 7:00pm. DS seconded with all in favor.

General Business:

- 3.1 Vote to recommend reappointment of Associate Members Kelly Chambers and John Giunta for a term effective July 1, 2014 to June 30, 2015.** Tabled to next meeting.
- 3.2 Vote to recommend reappointment of Member Craig Stevens for a term effective July 1, 2014 to June 30, 2019.** Tabled to next meeting.
- 3.3 Discuss issuance of occupancy permit for Turnpike Village:** Gary Lorden (GL) was present to discuss the Board allowing Rich Hanks to issue an Occupancy Permit for the first phase of the Turnpike Village 40B project. GL states that the first building is complete, the planting plan was submitted to the Building Department and to the Board, the bus stop is completed, the septic system is expected to be signed off on by Nashoba Associated Boards of Health, and granite curbs instead of bituminous were installed. In addition, the driveway was moved closer to the Squannacook River on Turnpike Road due to the site line over the hill. GL states that Rich Hanks will be at the site at 8:30am tomorrow and Rick Metcalf from Nashoba will be out at noon. The Fire Department has a small issue with the alarms. GL would like the Board to allow Rich Hanks to be the Board's engineer and approve the site for occupancy

DS moved to designate Rich Hanks as the Zoning Board's consultant engineer for this Phase of the Turnpike Village project in order to issue the Occupancy Permit with the condition that the Fire Department issue is resolved to their satisfaction and the Board of Health septic certification is received. JJ seconded the motion with all in favor.

3.0 Correspondence:

- 3.1 Letter from ZEO re: 163 Lunenburg Road:** – noted.
- 3.2 Planning Board Decision re: Village at Patriot Common OSPD revision:** noted.
- 3.3 Letter from ZEO re: Bailey's 18 Main Street sign bylaw:** noted.
- 3.4 Letter from ZEO re: 284 Main Street – Apartment:** noted.
- 3.5 Memo from Land Use Coordinator re: Update of Subsidized Housing Inventory:** noted.
- 3.6 Memo from Town Administrator re: Open Meeting Law Training Sessions:** noted.
- 3.7 Memo from Ashby Planning Board re: change in nonconforming structure bylaw:** will discuss at next meeting.

4.0 Schedule:

Next meeting: May 28, 2014 at 7:00pm.

- 5.0 Adjournment:** JJ moved to adjourn at 8:25pm. TG seconded with all in favor.

Minutes taken and transcribed by: Karen Chapman

Items discussed in this meeting can be found in the street files of the Town Clerk and Zoning Board.