



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*

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

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**MEETING MINUTES**  
**February 10, 2015 at 6:00 p.m.**  
**Room 2**

**1.0 Preliminaries**

- 1.1 Call the meeting to order:** Chairman Cadogan opened the meeting at 6:12pm.
- 1.2 Roll Call:** Present were members Tony Genova (TG), Kelly Chambers (KC), Bill Cadogan (BC), Darlene Sodano (DS) and Craig Stevens (CS) and Associate member John Giunta (JG). 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: 1/14/15:** CS moved to approve the minutes as written. DS seconded with all voting in favor.

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

- 2.1 Public Hearing – Variance/Appeal – NMRSD – Appeal of ZEO letters of December 17, 2014 and January 8, 2015 – Variance from Zoning Bylaw §§145-5 and Table 145-A1**  
BC opened the public hearing at 6:13pm. Present for the applicant was Joan Landers, Superintendent of NMRSD; Heide Messing, Craig Hansen and Rob Templeton (RT) of the NMRHS Building Committee; Erin Prestileo and John Hart from SMMA; Michelle Blake, Chorale Director at NMRHS; and Tony Prunel of Heery. RT gave a presentation of the application showing the maximum height of the auditorium of 42.3 feet and for the library/media center 43.6 feet. RT submitted three letters with the application, asking for a waiver, a variance or an appeal of the Zoning Enforcement Officers letters. RT states the mean height for the entire proposed building is 26.5 feet which complies with the Land Use Requirements Table (LURT). RT points out that footnote 6 in the LURT says waivers cannot be given for height restrictions for office buildings and department stores so can be given for a school. RT continues that the height requirements of the proposed building are based on minimum technical requirements of rigging equipment and the catwalk is required by OSHA. The design that has been presented is required for the best educational programs and is good for the community at large.

Ms. Blake, Chorale Director gave an overview of the music program at the current high school. There are 200 students involved in the program voluntarily, there is no room for storage for equipment and scenery, there is not a big enough stage to house all 100 of the students in the wind instrument band, and the existing lights are inadequate for use in performances. This new space is sized for all of the programs currently existing at the high school. Superintendent Landers states the auditorium is used every day as a classroom and that the overall height allows us the storage we need and is very important to the project.

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

### **FINDINGS OF FACT:**

1. The proposed fly loft, which is the portion of the auditorium that is 58.1 feet high, complies with Footnote 3 of the Land Space Requirements Table, which states: “*These heights restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy nor to wireless or broadcasting towers and other like unenclosed structures*”.
2. The height of the auditorium excluding the fly loft is 42.3 feet.
3. The height of the library/media center is 43.6 feet.
4. The portions of the proposed building exceeding the height restriction are approximately 350 feet from the road.
5. The mean height of the entire building is 26.35 feet and complies with the intent of the bylaw.
6. The proposed building is not an office building or department store as specified in Footnote 6 which states: “*Height restrictions may not be waived for office buildings and department stores*”.

DS moved to grant a waiver to the North Middlesex Regional School District based on the findings of fact and pursuant to Zoning Bylaw §§145-2A, 145-4B and Footnote 6 of the Land Space Requirements Table to exceed the established maximum height restrictions to construct a new regional high school. The project shall be carried out according to the submitted plans. TG seconded the motion, with a roll call vote as follows: TG-yes, DS-yes, KC-yes, CS-yes, BC-yes. The motion passes and the waiver is granted.

### **2.2 Work Session to discuss decision for 19 Main Street – NMRSD Special Permit**

The Board discussed the draft decision including the 275-gallon fuel tank and the maintenance shed being in the Aquifer Protection District and whether they will allow the tank. According to the bylaw, we should require a \$1M dollar insurance policy with the town named as loss payee for the 275 gallon tank. The pH neutralization system was discussed and whether this should be allowed over the aquifer or should they require a tight tank and hazardous waste removal. The Board discussed the storage of chemicals in the science laboratories. The Board discussed the stormwater drainage to the southern wetland and the detention basin across Rt. 119 and discussed requiring a detention basin near the northern wetland for the stormwater. The Board discussed the proposed illuminated sign and the safety of it for cars passing by. The sign should not be intermittently illuminated or traveling, animated or flashing lights as stated in the bylaw. The letters on the can be no smaller than 5 inches and there can be no more than 20 words on the sign at any time and the sign would need to be turned off by 9:00pm. The Board will review the revisions to the draft decision at their next meeting on March 11<sup>th</sup>.

### **2.3 Discuss occupancy permit for Turnpike Village 2<sup>nd</sup> building**

Until Rich Hanks provides the Board with adequate information, we cannot issue a letter regarding occupancy.

### **3.0 General Business:**

**3.1 Sexual Harassment Policy Distribution and signatures required:** signed.

**3.2 Approve Draft Annual Report for Town Report:** DS moved to approve and submit the Annual Report as written. CS seconded with all voting in favor.

**4.0 Correspondence:**

- 4.1 Memo from Town Clerk re: Ethics Training:** noted.
- 4.2 Memo from Town Administrator re: FY16 Budgets:** noted.
- 4.3 Letter from ZEO to 201 Lunenburg Road re: Use Permit Application:** noted.
- 4.4 Notice of Vacancies ZBA Associate Members:** noted.
- 4.5 Memo to Town Administrator from Land Use Coordinator re: FY16 Budgets:** noted.

**5.0 Schedule:**

Next meeting: March 11, 2015

- 6.0 Adjournment:** KC moved to adjourn at 8:15pm. CS seconded with all in favor.

Minutes taken and transcribed by Karen Chapman

All materials used during this meeting can be found in the street files of the Town Clerk or Zoning Board of Appeals.