



Office of
ZONING BOARD OF APPEALS
272 Main Street
Townsend, Massachusetts 01469
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William Cadogan, *Chair*
Darlene Sodano, *Vice-Chair*

Kelly Chambers, *Clerk*
Craig Stevens, *Member*

Anthony Genova, *Member*
John Giunta, *Associate member*

MEETING MINUTES
September 9, 2015 at 6:00 p.m.
Room 2

1.0 Preliminaries

- 1.1 Call the meeting to order:** Chairman Cadogan called the meeting to order at 6:05pm.
- 1.2 Roll Call:** Present were Bill Cadogan (BC), Darlene Sodano (DS), Tony Genova (TG) and Kelly Chambers (KC). Absent were Member Craig Stevens and 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:** none.
- 1.4 Review & approve minutes - 8/26/15:** DS moved to approve the minutes of 8/26/15 as written. TG seconded the motion with all voting in favor.

2.0 Hearings/Appointments/Work Sessions:

- 2.1 Public Hearing – 18 Main Street – Townsend Fit, LLC d/b/a Planet Fitness - Special Permit under Zoning Bylaw §§145-29C(1) and 145-65.** The applicant is proposing to use a portion of the existing mall to operate a Planet Fitness, an athletic facility allowed in the OCD by special permit.

BC opened the public hearing at 6:06pm. Clerk KC read the legal notice. Present for the applicant was Taylor Mandell (TM) of Townsend Fit, LLC. BC read the mandatory referrals. TM gave a brief presentation: we will be occupying 10,600 square feet of the two spaces on the western side of the Harbor Village Mall next to Rite Aid. We will be staffed for all the hours we wish to be open. Currently at our other locations we run 5:00am-10 during the week and 7am-7pm on weekends. The landlord stated we could operate 24 hours per day if the Town allows it. TM discussed parking with the Board and what Zoning Bylaw they may or may not fall under.

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

1. No abutters were present.
2. Mandatory referrals were received and read into the record.
3. The proposed use is to be located in the Outlying Commercial District in the existing Harbor Village Mall.
4. The Outlying Commercial District is designed to accommodate the widest range of permitted commercial activities.
5. The proposed activity is considered sale and rental of goods, merchandise and equipment and is allowed under §145-29B(3).
6. Adequate parking exists to accommodate the new business.

TG moved to overturn the Building Commissioner's determination that a special permit is required and authorize said Commissioner to issue a permit to Townsend Fit LLC d/b/a Planet Fitness for an allowed use at 18 Main Street in the Outlying Commercial District. DS seconded the motion with a roll call vote as follows: TG-yes, DS-yes, KC-yes, BC-yes. The motion carried.

2.2 Appointment with Terry Austin from TL Austin Site Selection and Business Analyst Expert, LLC to discuss 324 Main Street.

Present for the discussion were Dan Poalino, owner and Terry Austin, potential buyer. Ms. Austin presented a summary of what her company would like to do with the property. They would like to reconstruct the convenience store larger and add two more pumps for a total of four pumps at the location. Mr. Poalino states that his company removed the existing underground gas tanks and discovered old contamination of the soil. The contaminated material has been remediated through the MA Contingency Plan and Chapter 21E and monitoring wells were installed and an active collection system for aerobic digestion is ongoing. Any potential buyers would be able to work around the existing remediation and the hazardous levels of contamination should be below acceptable levels soon. The Board suggested that the new owner would need to file for a special permit to reconstruct the convenience store under the preexisting nonconforming section of the Bylaws and for an increase in intensity of use for increasing the number of pumps.

3.0 General Business: none

4.0 Correspondence:

4.1 DHCD Training: "Chapter 40B: Hot Topics in a Hot Market": noted.

5.0 Schedule:

Next meeting: None scheduled

6.0 Adjournment: TG moved to adjourn at 7:28pm. DS seconded the motion with all voting in favor.

Minutes taken and transcribed by Karen Chapman

Materials used in the public hearing and discussions can be found in the files of the Zoning Board office.