



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*

MEETING MINUTES
April 29, 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 6:06pm.
- 1.2 Roll Call:** Present were members Bill Cadogan (BC), Darlene Sodano (DS), Tony Genova (TG), Craig Stevens (CS) and 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:** none.
- 1.4 Review & approve minutes: 3/11/15:** TG moved to approve the minutes as written, with DS seconding and all voting in favor.

2.0 Hearings/Appointments/Work Sessions:

- 2.1 Public Hearing – 11& 15 Sauna Row Road – Special Permit or Ch. 40A §6 Finding – to reconstruct a single family structure to replace two preexisting nonconforming single family structures**

2.1.1 Letter received from abutters in support of application

BC opened the public hearing at 6:07pm. Present for the applicant were Andrew (AH) and Wendy Hammond; Jesse Johnson (JJ), engineer from David Ross Associates; and Mark Moscinski (MM), builder.

BC read legal notice. JJ gave a presentation with the following facts:

1. Two homes with a quarter acre each will be torn down and one home will be built straddling the two lots.
2. The improvements to the lots will make it more conforming to the zoning bylaws. The sideyard setbacks will go from 8.8 feet to 18 feet on one side and from 5.9 feet to 10 feet on the other side. The area of the combined lot is bigger and the structure will cover <25% of the lot.
3. Existing shed will stay and will not be connected to the house as the original plan indicates.
4. Board of Health has approved the permit for a septic system.
5. The new home is outside the 100 foot wetland buffer zone.
6. Under MGL Chapter 41 §81X, if you are only changing an interior lot line, there is no need to file and ANR with the Planning Board.

BC read mandatory referrals and letter from Building Inspector. Board discussed §§145-18, 145-32B and the submitted materials. The Board considered the petition in light of the statutory criteria and Townsend Zoning Bylaw requirements, and found as follows:

Findings of Fact:

1. Several abutters were present in support;
2. All Mandatory Referrals were received and read into the record;

3. The two lots (#11 & #15) were combined into one lot by confirmatory deed and considering only an inner lot line was being removed it did not need to go through the ANR process.
4. 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 adequate for the proposed reconstruction by reducing the density and does not exceed lot coverage. The proposed side yard setback of 10 feet is acceptable as it is more conforming than the existing 5.9 foot setback.
 - b. **Suitability of the site for the proposed use:** the Board found the property is suitable for the proposed use.
 - 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 reconstruction will be an improvement to the neighborhood visual character.
 - e. **Adequacy of method of sewage disposal, source of water and drainage;** the Board determined these as adequate as the applicant has obtained a permit from the Board of Health.
 - 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.

DS moved that pursuant to §145-65(F) of the Townsend Zoning Bylaw the proposed reconstruction 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, DS-yes, BC-yes, KC-yes, CS-yes. The motion carried.

DS moved that pursuant to §145-18 of the Townsend Zoning Bylaw, the proposed reconstruction 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-yes, DS-yes, BC-yes, KC-yes, CS-yes. The motion carried.

DS moved that based on the findings of fact a Special Permit is granted to Andrew & Wendy Hammond pursuant to Townsend Zoning Bylaw §§145-18 and 145-65 to rebuild a single family structure in the place of two single family structures with the condition that it be built according to plan. KC seconded the motion, with a roll call vote as follows: TG-yes, DS-yes, BC-yes, KC-yes, CS-yes. The motion carried.

3.0 General Business: none.

4.0 Correspondence:

4.1 Letter from CHAPA re: Annual 40B Monitoring Agent update: noted.

4.2 Site Plan Review Special Permit from PB re: 13 Elm Street: noted.

5.0 Schedule

Next meeting: no scheduled meeting

6.0 Adjournment

DS moved to adjourn at 6:55pm, seconded by KC with all voting in favor.

Minutes taken and transcribed by Karen Chapman

Any materials used in the meeting can be found in the files of the ZBA or Town Clerk.