



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*

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

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

Meeting Minutes

April 27, 2016

Townsend Town Hall, Room 2
272 Main Street, Townsend, MA

1.0 Preliminaries

- 1.1 Call the meeting to order – At 6:07PM Chairman, Bill Cadogan called the meeting to order
- 1.2 Roll Call – Bill Cadogan (BC), Anthony Genova (AG), Craig Stevens (CS), Kelly Chambers (KC) were present along with Zoning Administrator, Karen Chapman. Darlene Sodano and John Giunta were absent.
- 1.3 Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting: None
- 1.4 Review & approve minutes: 11/19/15 – Tabled.

2.0 Hearings/Appointments/Work Sessions:

- 2.1 **6:00pm Public Hearing – 93 North End Road §§145-36 and 145-65.** The applicant is requesting a Special Permit for an existing accessory apartment as new owners of the property.

BC opened the public hearing at 6:08PM. Present for the applicant were Tara and Shawn Sicard. Clerk KC read the legal notice. BC read the mandatory referrals.

Findings:

1. Floor area is 18%, less than the maximum allowable 35%
2. Septic was a 4-bedroom system but it was upgraded to a 5-bedroom system
3. There is adequate egress and ingress
4. It is not detrimental to the neighborhood
5. The property size is over 2 acres, therefore meets the required 1 acre minimum
6. There is adequate off street parking
7. There are no other apartments in this lot

AG moves to incorporate finding by reference. KC seconded the motion.

TG – yes CS – yes KC – yes BC – yes. All in Favor (AIF). Motion carries.

KC moved to close the hearing. CS seconded. AIF.

- 2.2 **6:30pm Public Hearing – 40 Highland Street §§145-18, 145-64, 145-65 and 145-66.** Applicant is requesting an Appeal, Variance and/or Special Permit to rebuild and expand a farmer's porch.

BC opened the public hearing at 6:32PM. KC read the mandatory referrals. Present for the applicant was Robert Mance. The applicant proposes replacing and expanding a front porch on a preexisting nonconforming single family structure.

Findings:

1. No abutters were present;
2. All Mandatory Referrals were received and read into the record;

3. The structure is a preexisting nonconforming structure;
4. Pursuant to Townsend Zoning Bylaw §145-65(F)(1)(a-g) Special Permits, the board found as follows:
 - a. The site is adequate in terms of the size for the proposed uses
 - b. The property is suitable for the proposed residential use as it is a residential district;
 - c. Traffic flow and safety will not be impacted;
 - d. The proposed reconstruction will be an improvement to the neighborhood visual character;
 - e. The method of sewage disposal, source of water and drainage is adequate;
 - f. Utilities and other public services are adequate.
 - g. There will be no impact on ground and surface water quality and other environmental and natural resource considerations.

Kelly Chambers moved that pursuant to §145-65(F) of the Townsend Zoning Bylaw the proposed reconstruction and expansion 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. Anthony Genova seconded the motion, with a roll call vote as follows: Anthony Genova-yes, William Cadogan-yes, Kelly Chambers-yes, Craig Stevens-yes. The motion carried.

Kelly Chambers moved that pursuant to §145-18 of the Townsend Zoning Bylaw, the proposed reconstruction and expansion shall not be more detrimental than the existing nonconforming structure to the neighborhood. Anthony Genova seconded the motion, with a roll call vote as follows: Anthony Genova-yes, William Cadogan-yes, Kelly Chambers-yes, Craig Stevens-yes. The motion carried.

Kelly Chambers moved that based on the findings of fact a Special Permit is granted to Robert Mance pursuant to Townsend Zoning Bylaw §§145-18 and 145-65 to rebuild and expand a front porch for the property at 40 Highland Street. Anthony Genova seconded the motion, with a roll call vote as follows: Anthony Genova-yes, William Cadogan-yes, Kelly Chambers-yes, Craig Stevens-yes. The motion carried.

BC moved to close the hearing. KC seconded. AIF.

2.3 7:00pm Public Hearing – 40-56 Fitchburg Road §§145-65, 145-66 and 145-86. The applicant is seeking a Variance and/or Special Permit to install a 750kW ground mounted solar facility.

BC opened the public hearing at 7:05PM. Present for the applicant Ziad Ramadan. Clerk KC read the legal notice. BC read the mandatory referrals.

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

1. There were no abutters present at the hearing.
2. Mandatory referrals were read into the record.
3. The solar panels will be a minimum of 300 feet from the road behind the buildings enclosed with a chain link fence.
4. A literal enforcement of the bylaw would involve substantial hardship to the successful operation of the rental unit business.
5. Relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the bylaw.

6. MGL Chapter 40A, §3 prohibits any zoning bylaw from unreasonably regulating the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.

Anthony Genova moved to grant a variance from Zoning Bylaw §145-86B to Noor Construction, LLC/Pine Ridge Condo Association at 40-56 Fitchburg Road pursuant to the findings of fact, to install a 750kW ground-mounted solar system to serve the five rental buildings, with the following condition:

The applicant must comply with all other sections of Zoning Bylaw §145-86, Ground-Mounted Solar Energy District.

Craig Stevens seconded the motion with a roll call vote as follows:

Anthony Genova	yes.	
William Cadogan	yes.	
Kelly Chambers	yes.	
Craig Stevens	yes.	The motion carried.

3.0 General Business:

- 3.1 Mandatory Referral from PB re: Road Acceptance for Alyssa Drive – **hearing time has passed**
- 3.2 Mandatory Referral from PB re: Amend Ground Mounted Solar District – **hearing time has passed**
- 3.3 Conflict of Interest Acknowledgement from Town Clerk – **All Signed**

4.0 Correspondence:

- 4.1 Letter from ZEO to resident re: Antique & Crafts Shop – 551 Main St - **Noted**
- 4.2 Letter from ZEO to resident re: Solar Panels at Pine Ridge – 40-56 Fitchburg Road- **Noted**
- 4.3 Decision of PB re: Scenic Road Act for Forest Cutting in Old Meetinghouse Park- **Noted**
- 4.4 Letter from ZEO to resident re: Accessory Apartment – 61 West Elm St- **Noted**
- 4.5 Letter from ZEO to resident re: Building porch without a permit – 40 Highland St- **Noted**
- 4.6 Letter from ZEO to resident re: Commercial Vehicle – 26 Barker Hill Rd- **Noted**
- 4.7 Letter from CHAPA re: 40B Monitoring Agent- **Noted**
- 4.8 Public Hearing Notice re: BOS to hold for new General Outdoor Water Use Bylaw- **Noted**
- 4.9 Letter from ZEO to resident re: No Recall signs violating bylaw- **Noted**
- 4.10 Letter from ZEO to resident re: Recall signs violating bylaw- **Noted**
- 4.11 Letter from ZEO to resident re: Accessory Apartment – 62 Fitchburg Rd- **Noted**

5.0 Schedule

Next meeting: May 18, 2016

6.0 Adjournment