

Rec'd Townsend Town Clerk  
18 MAR '19 PM 2:48



## TOWNSEND ZONING BOARD OF APPEALS LEGAL NOTICE

Notice is hereby given that the Townsend Zoning Board of Appeals will hold a public hearing on **Wednesday, April 17, 2019 at 7:30 p.m.** at Memorial Hall, 272 Main St. on the application of William Cadogan and Joan Savoy for an **Administrative Appeal** of the Zoning Enforcement Officer's decision dated February 21, 2019. Appellants are appealing the determination of the Zoning enforcement officer in his letter dated February 21, 2019, in which he determined that the lighted cupola at 31 Adams Road is not an outdoor light fixture and therefore not regulated by the Townsend zoning bylaws §145-52 Outdoor lighting, and §145-61 private outdoor lighting fixture.

Parties wishing to speak in support of, or in opposition to, this application may do so in writing prior to the hearing, or at the hearing in person or represented by an agent or attorney. Copies of this application are available for review in the offices of the Town Clerk and Zoning Board Office during business hours.

Darlene Sodano  
Vice Chairwoman, Zoning Board of Appeals

To be published in the "Sentinel & Enterprise" on April 2, 2019 and April 10, 2019.

RECEIVED  
MAR 08 2019  
TOWN OF TOWNSEND  
TOWN CLERK

Cadogan/Savoy appeal of Zoning Enforcement Officer's Decision

March 8, 2019

To: Townsend Zoning Board of Appeals

We respectfully disagree with the Zoning Officer's opinion dated February 21, 2019 as it applies to the light at 31 Adams Road. It is described by the neighbor and the Zoning Enforcement Officer as an interior light, but it is clearly acting as an exterior light fixture.

We believe that the neighbor's lighted cupola does not comply with the Townsend Zoning lighting bylaws 145-52 and 145-61, since the light shines directly onto our property. This is in violation of 145-61, which provides that an exterior light must be designed so that the luminaire, which in this case is a chandelier, is not visible beyond the limits of the lot lines.

In addition, there is no definition of "interior" lighting in the Townsend bylaws, as there is also no express permission for "lighted cupola" on either barns or houses in the zoning bylaw.

We respectfully request that the Board overturn the Zoning Enforcement Officer's decision in this matter.

Regards,



Bill Cadogan and Joan Savoy  
35 Adams Road  
Townsend, MA 01469



Office of the  
ZONING BOARD OF APPEALS  
272 Main Street  
Townsend, Massachusetts 01469  
Phone: (978)597-1700 x1723 Fax (978)597-1722

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MAR 08 2010  
TOWN OF TOWNSEND  
TOWN CLERK

## APPLICATION FORM

Application form as incorporated in Zoning Board of Appeals Rules and Regulations as adopted on May 26, 2010. Earlier revisions: 10/6/94, 10/5/95, 10/30/95; 4/10/97; 5/12/99, 3/1/01, 12/16/05, 6/13/07.

Name: WILLIAM CADOGAN + JOAN SAVOY  
Mailing Address: 35 ADAMS ROAD, TOWNSEND MA 01469  
Property Address: SAME  
Applicant's phone: 978 597 5363 617 833 3937  
Applicant is (circle one): Owner Agent/Attorney Purchaser Tenant  
Property owner's name and mailing address (if not applicant): \_\_\_\_\_

### Characteristics of Property:

Number of lots 1 Lot Area 6.79 A Frontage \_\_\_\_\_ Zoning District 1A/RB  
(If more than one lot, please complete information for each lot individually)

Assessor's Office Map # 35 Block # 14 Lot # Ø  
Recorded at Middlesex Southern Registry of Deeds: Book: 5586 Page: 351

1. Is the parcel in the Aquifer Protection District? yes
2. Is the parcel within 300 feet of the Squannacook River? No
3. Is the parcel in an Historic District?\* No
4. Are there any brooks, streams, swamps, bogs, lakes, ponds, or other wetlands on the lot or within 100 feet of the lot? YES
5. Will this request result in additional living space? No  
If yes, do you have Board of Health approval for a septic system to serve this space? \_\_\_\_\_  
If you do not, please explain: \_\_\_\_\_

cont..

This Application is for:

\_\_\_\_\_ **Variance** of the Zoning Bylaws, Code of the Town of Townsend Section 145-66 and Section \_\_\_\_\_ - Fee \$300.00 (see additional information/requirements on the next page)

\_\_\_\_\_ **Special Permit for Earth Removal** under Section 145-46, Section 145-65 and Section 145-40 of the Zoning Bylaws, Code of the Town of Townsend.

Under 7000 cubic yards Fee \$300.00,

7001 cubic yards and over Fee \$750.00

Material to be removed: \_\_\_\_\_

✓ \_\_\_\_\_ **Appeal** under Section 145-64 of the Zoning Bylaws, Code of the Town of Townsend.  
Fee: \$300.00

*SEE ATTACHED DOCUMENTATION*

\_\_\_\_\_ **Comprehensive permit** under M.G.L. Ch. 40B: Base fee: \$7,500 plus the following based on the number of units:

Number of Units	Cost per Unit
1-5	\$135.00
6-15	\$300.00
16-30	\$400.00
31 or more	\$450.00

\_\_\_\_\_ **Special Permit for multi-family housing** under Section 145-37 of the Zoning Bylaws, Code of the Town of Townsend. Fee \* \$5,000.00 plus \$135.00/unit)

\_\_\_\_\_ **Special Permit** under Section 145-65 and Section \_\_\_\_\_ of the Zonings Bylaw, Code of the Town of Townsend. Fee \$300.00. (for any special permit section not listed above).

\_\_\_\_\_ **Renewal of Special Permit** under Section 145-65 and Section \_\_\_\_\_ of the Zonings Bylaw, Code of the Town of Townsend. Fee \$135.00

\* **For more than one request checked above, pay the highest applicable fee**

Fees listed provide for the administrative costs of the Board, and do not include special costs such as consultants to review engineering plans or other expert opinions the Board may deem necessary. Under M.G.L. c. 40A and c. 44, §53G, the Board may require an applicant to pay the reasonable costs of outside consultants. The Board may also require an applicant to pay any unusual administrative costs, such as copying costs for large submissions of plans or drawings greater than 8.5" by 14". The applicant shall pay the cost of recording any decision at the Registry of Deeds. Application fees are non-refundable.

**Further Variance information:**



**INSTRUCTIONS FOR FILING APPLICATIONS:**

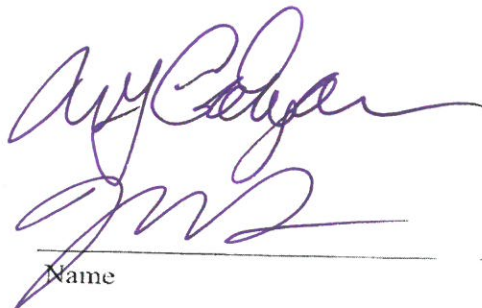
Present the signed application with the items listed above to the Town Clerk, which will then certify the date of filing and give you a copy of the application as certified.

File the certified copy, along with 8 additional copies (for distribution to the ZBA members, Town Counsel, and Mandatory Referrals), and the fee with the Town Clerk. Hand delivery to the Town Clerk is recommended.

**ALL APPLICANTS MUST READ, SIGN AND DATE THE FOLLOWING:**

I certify that the information provided above is true and correct to the best of my knowledge; that I understand that the Board may require additional information to process or grant this application; that the Board may require me to pay additional consulting or other unusual costs; that errors in this information, or in the information I provide at the public hearing, may result in the denial of this application or the revocation of any favorable decision issued by the Board; that any relief granted by the Board shall be limited to the request made in this application; that I may be represented by counsel at my own expense; that if my application is denied it cannot be resubmitted for two years, following its denial, without prior approval of both the Zoning Board of Appeals and the Planning Board; and that I am responsible for all other applications, permits, approvals etc., that may be required by law.

Signed:

  
Name

03-08-19  
Date

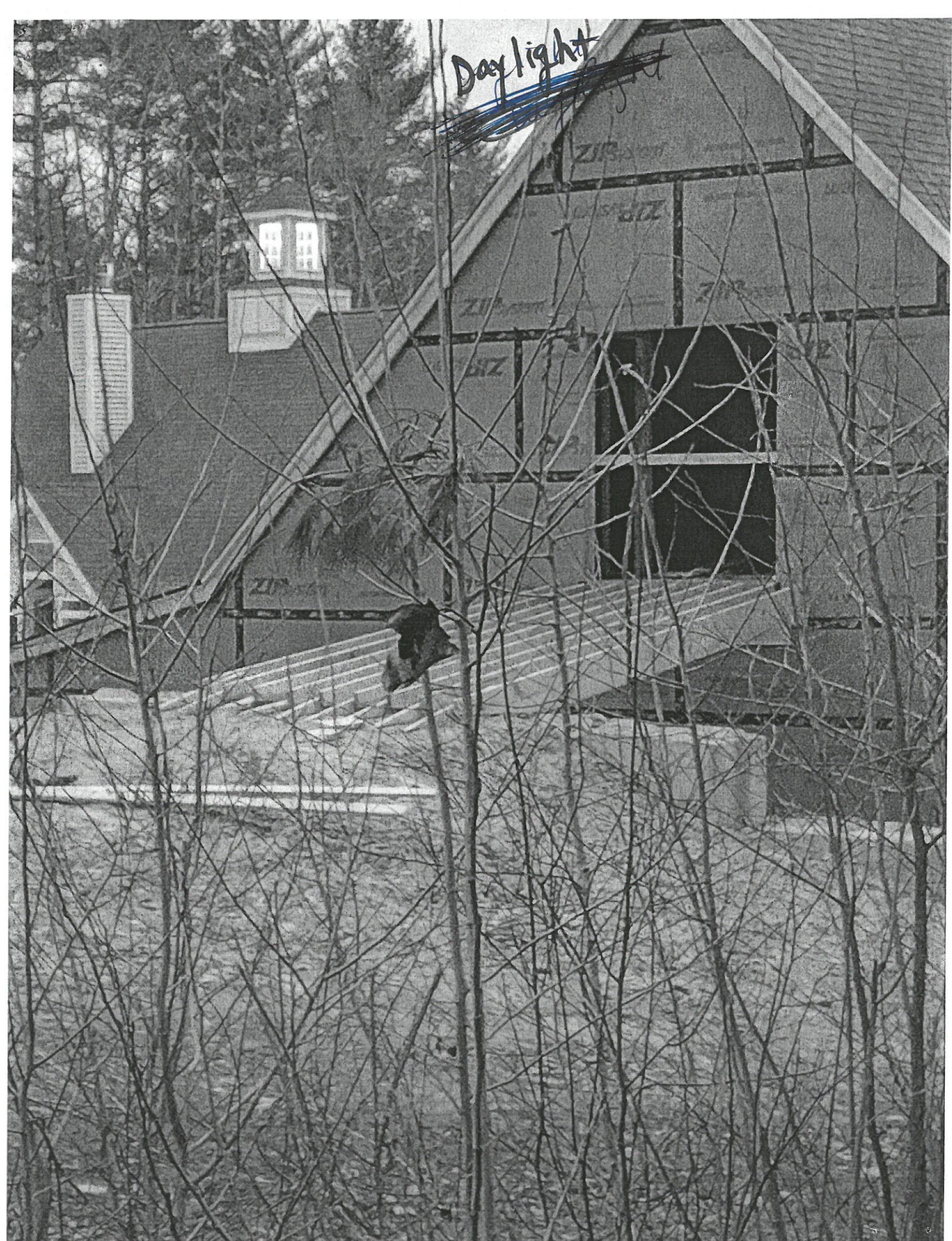
Bill Cadogan  
Joan Savoy



These trees  
are inside  
our property line



Daylight







**BUILDING DEPARTMENT**  
272 Main Street  
Townsend, Massachusetts 01469

*Richard D. Hanks C.B.O.*  
**Building Commissioner**

Zoning Enforcement Officer  
Office (978) 597-1709

ADA Coordinator  
Fax (978) 597-813

February 21, 2019

William Cadogan and Joan Savoy  
35 Adams Road  
Townsend, MA 01469

Re: Letter of Complaint

Dear Mr. Cadogan and Ms. Savoy,

I have reviewed your letter of complaint regarding the light that is inside of your neighbors, the Chabot's cupola. You contend that this light is not in compliance with the Zoning Bylaws. I respectfully differ in your determination that this light is regulated by the zoning bylaws. The fixture is located within walls, windows and a roof structure. I have reviewed the relevant sections of the zoning bylaws that pertain to lighting restrictions. All relevant sections of the bylaw pertaining to lights are for outdoor lighting fixtures.

Section 145-52 **Outdoor lighting**. Purpose: This bylaw is intended to reduce the problems created by improperly designed and installed **outdoor lighting**. It is intended to eliminate glare, minimize light trespass and sky glow, reduce energy use of **outdoor lighting** by limiting the area that certain **outdoor lighting** fixtures can illuminate in the Town of Townsend.

145-52, definitions: Outdoor Lighting, The illumination of an outside area or object by any man-made device located **outdoors** that produce light by any means.

Further under section 145-52 exceptions, allows a lamp or lamps rated at a total of 1,800 lumens or less without restriction to light distribution or mounting height. I only make note of this exception not as acknowledgement that the outdoor lighting bylaw pertains to your situation but merely to show that if the total lumens of their fixture is 1,800 lumens or less and if you still contend that the bylaw applies, it still may be exempt from the bylaw.

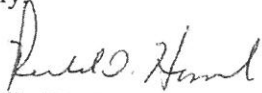
Section 145-61. Private outdoor lighting fixture. For safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated. This bylaw too refers to outdoor lighting.



Should you disagree with this determination you may file for an appeal with the Zoning Board of Appeals within 30 days of receipt of this letter. An application for an appeal is available from the Town Clerk's Office as well as online. The application is required to be submitted to the Clerk's Office.

If you have any questions regarding this letter please contact me at this office.

Sincerely,



Richard D. Hanks

RDH

C.c. Board of Selectmen  
Zoning Board of Appeals  
Chabot, 31 Adams Road  
Street File  
Binder

WILLIAM J CADOGAN  
PO BOX 1021  
TOWNSEND, MA 01469

Fidelity® Cash Management Account

1564  
80-568/1012

Pay to the  
Order of

*Town of Townsend*  
*Three hundred and 00/100*

Date

*8 March 19*

\$ *300*

Dollars



Security  
Features  
Details on  
Back



UMB Bank, N.A.  
Kansas City, MO

For

*FOR THE ABOVE*

*[Signature]*

NP

⑆ 101205681⑆ 1564⑈ 7710517678470⑈

Harland Clarke



William Cadogan and Joan Savoy  
35 Adams Road  
Townsend, MA 01469  
ph: (617) 833-3937  
email: [savoyjoan@gmail.com](mailto:savoyjoan@gmail.com)

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DEC 19 2018  
TOWN OF TOWNSEND  
TOWN CLERK

12/19/18

To: Richard Hanks at Townsend Building Department

Dear Rich and Townsend Building Department,

We are formally complaining about a light installed at 31 Adams Road by the Chabots. We invite you to come and view it, and recommend that you observe the effects of this light from the inside and outside of our house.

The light is easily noticeable as it's on the roof of the house. It looks like a cupola light but acts like a lighthouse. It is preternaturally bright, invasive, light-polluting, and is on most hours of the day and night. (It is visible even during the day and is most certainly on all night long.) The light has no cut-off and **broadcasts horizontally** at a great distance. The light is visible from the main (first) floor of our house, as well as from the second floor.

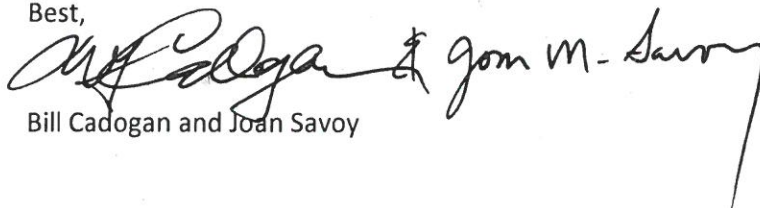
A nighttime walk up to the main house from Joan's studio, or the mailbox, used to include some follow-the-lawn-LEDs and star-gazing. The night sky is now obliterated to the south of us due to this light. When we wake up at night to use the bathroom, we see the light. When we look to the south or southwest to enjoy the night sky, we now see this light. Anyone now using the front bedroom has to draw a shade to block out the light's pollution.

Bill asked Mr. Chabot about the light. He said we couldn't see it from our house (incorrect) and claimed that it is an "interior attic light." We beg to differ and do not believe this light is within the town's lighting bylaws as the lamp is certainly visible beyond the borders of their lot.

There is no other residential light in Townsend that equates to Chabot's. We are reminded of a previous Townsend lighting dispute in which a neighbor deemed their neighbor's light "a directed energy weapon." We feel the same about Chabot's light as it's a constant assault on the senses. We seriously doubt that the Chabots would enjoy having this light invading their yard and shining in their windows.

Thank you and please advise.

Best,

  
Bill Cadogan and Joan Savoy