

TOWN OF WINCHENDON



Zoning Board of Appeals

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TOWN CLERK
WINCHENDON, MASS.

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109 Front Street, Dept. 11
Winchendon, Massachusetts 01475-1758

Approved: / /

**Fourth Floor Conference Room
Zoning Board of Appeals
Minutes
November 19, 2014**

Present: Chairman Cynthia Carvill, Clerk Michael Potvin, and Joseph Snow.

Doneen Durling, Alternate/Recorder

Planning Director Gerald White

Applicant Steven Salvadore

Christopher Gagnon

Absent: Mary Chace

Materials: Meeting Agenda, November 19, 2014

Minutes November 5, 2014

Published Legal Notice for Variance

Public Legal Notice Special Permit

Site plan maps 10 Gardner Rd.

Call to Order: 7:18

The chairman notified the attendees that the meeting was being recorded. She asked if anyone attending was also recording, noting that it was okay, but the assembly must be informed.

Approval of Minutes: November 5, 2014

Mr. Snow said he read through them and found no problem.

Mr. Potvin noted that he read the minutes and moved to approve as written/second by Mr. Snow

Snow (Y) Potvin (Y) Benoit (Y) Carvill (Y) Durling (A) 3 – 0 – 1 Approved

The chairman entertained a motion to pay the secretary for minutes provided.

Mr. Potvin moved to pay the recorder/second by Mr. Snow

Snow (Y) Potvin (Y) Benoit (Y) Carvill (Y) Durling (A) 3 – 0 – 1 Approved

The chairman informed the board there was to be a meeting on December 1, to discuss Class I, Class II, and Class III licenses with the selectmen, town counsel, and other town members downstairs in town hall.

The chairman asked that the invite be forwarded to the board.

Initials: CL MC JS MS REH

The chairman said there was a bit of a dilemma. There were two hearings scheduled, one for a Special Permit, and a second for a Variance for property on Route 140. She informed the applicant that there were three members of the board and an alternate for the hearing. She said if the hearing was opened, and all members heard information presented, all four must vote in the affirmative for it to pass because it would require a super majority.

The chairman asked the applicants if they had a preference, or would like to consider postponing it.

The applicant asked that if the vote was not unanimous, what would be his next step.

The chairman informed him that he would have to wait two years to reapply.

Mr. White said that if the board wished to recess, he could attempt to find Mr. Benoit.

The Chairman said the board would recess for 10 minutes.

Re-open: 7:35 — Public Hearing Salvadore Variance 10 Gardner Rd.

Mr. Benoit was in attendance.

The chairman requested that the clerk read the notice for the variance.

for property at 10 Gardner Rd, Winchendon MA, Map 9 Parcels 15 and 16

to hear the request for a variance on a front set back Section 7.2 and 7.6.3 of the Winchendon zoning bylaws to allow a construction for automotive sales and service located in a C1 highway commercial business planning district.

The chairman noted the variance was sought for a front setback.

The applicants were called forward, and asked to sign in and speak their names.

Steven Salvadore and Christopher Gagnon.

The chairman swore the applicants in.

The chairman asked board members if there was anyone that had a possible conflict of interest.

Mr. Snow noted that it had been ten years since he had dealings with Angelo Salvador. He said Mr. Salvador used to sell him cars. He said there has been no money between them for 10 years.

The chairman said that in her understanding of the Conflict of Interest laws from the state of Massachusetts, it did not appear that a 10-year-old business dealing would not mean Mr. Snow would have something to gain or lose by participating in the hearing. She did not feel it was a conflict of interest.

She noted that those participating in the hearing would be Mr. Benoit, Mr. Snow, Mr. Potvin, Ms. Carvill, and Ms. Durling.

Mr. Gagnon described a one-story structure to be built in the 75' setback from the property line. The proposal is to reuse an existing structure and build an addition onto that structure for the purpose of automobile sales and service. He said the addition would further encroach on the setback and would have a canopy on the proposed structure 41' from the property line. He said the westerly line of the current building is 71' from the property line, which is also the MASS DOT property line, thus not in conformance with the 75' setback.

Mr. Gagnon pointed to the areas on the site plan map that would concern the decision, noting the canopy, the state property, and road pavement.

Mr. Snow asked how large of a space there would be between the road and the cars for sale. Mr. Gagnon said that currently the drawing showed 5', but it would be changed to 10'. He said for the state it needs to be at least 10' so that section needed to be redesigned with a 10' setback.

Mr. White said parking was not allowed within 10' of the road. He said the paved piece actually encroaches onto the property, and said that it was not the roadway itself. He said the roadway travel portion is out from that.

Mr. White said the green belt is a foot wider than what is required by site plan. He said it was going to be a planted area.

Mr. Snow asked what Salvador planned on selling there.

Mr. Salvador said it would be new and used Jeeps.

Mr. Potvin said the larger site plan map did not have the catch basin. He asked if they were planning on putting a catch basin in.

Mr. Gagnon said there would be a storm water mitigation device, which will be a part of the site plan review.

Mr. Potvin said there was nothing said about Saturday hours of operation.

Mr. Salvadore said he put Sunday seasonal, but hours for Saturday would be 9 – 4 year-round.

Mr. White said that would apply to the special permit.

The chairman said the board is listening to the variance setback.

She asked the applicant to address the idea of why they might need a canopy.

Initials: MC JS M.P. REP 5

The applicant said it was a manufacturer requirement. The original was drawn without a canopy. The one thing the manufacturer likes to see in the northeast and colder states is an area where a car can drive into or under to get out of the weather. He said it is a trend for all jeep dealerships.

The applicant offered to get that information from the manufacturer.

The chairman asked if a rear setback was needed for the building.

Mr. White said no.

Mr. Benoit noted it was the front and side.

He chairman said because it had two fronts.

Mr. Gagnon pointed to the two corners needing a variance.

The chairman explained that one was preexisting non-conforming, and they just wanted the variance to clear up both so there is no question going forward.

She explained that the variance goes with the property, as opposed to the Special Permit that goes with the applicant.

The chairman called for other questions.

Mr. Snow made a motion to close the hearing/second by Mr. Benoit.

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

Discussion

Mr. White said the Variance needed was 34', not the 41' noted on the approval. He said he would change that figure.

He said they were 41' from the road on that side, and needed 75, so the variance relief would be for 34'.

Ms. Durling asked if there was no way to design it so it could be more centered on the lot.

Mr. White said all the septic design and parking had to be in the rear.

The chairman said the site is on a curve, and there is a slope in the back. It is a 5 sided lot, and the building is kitty-cornered, not square to the land with septic in the back.

Mr. Snow wanted to know if there would be an exit and entrance onto Route 12.

The chairman said that was not for consideration at this point. She said all they were considering is the setback of the canopy.

The applicant said the intention was to have all entrances and exits from 140.

The chairman asked for the feeling of the board.

Mr. Snow made a motion to grant a variance/second by Mr. Potvin.

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

The chairman reviewed conditions would be no larger than 69' by 73', applicants would follow the conservation rules, and state and federal regulations. She noted that no abutters were present, and the board had received no written correspondence.

8:01 Applicant Steven Salvadore/Special Permit Continuation

The chairman entertained a motion to reopen the hearing for the request for Special Permit under 5.2.2R for operation of a facility for the purpose of automobile sales and service in a C1 zone,

Mr. Snow moved to reopen/second by Ms. Durling

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

The chairman asked to hear the plans to open the business.

Initials: CC MC JS MB REB 5

Mr. Salvadore said they would be selling and servicing new and used vehicles. He said the plan was to operate the way a normal auto dealership would. The initial plan is to employ around 5 people. As time progresses and they expand the business they plan to expand the number of employees. He said there are manufacturer's requirements concerning employees for sales, service, and parts.

The chairman asked if there would be no more than 112 vehicles. The applicant nodded.

The chairman asked if it included vehicles there for repair.

The applicant said she was correct.

Mr. White said he was told service bays could not be counted as parking.

Mr. Gagnon said he was correct but there would be service parking.

The chairman said the project required 31 spaces. They have outlined 37 parking spaces plus handicapped, 12 display parking spaces adjacent to Route 140, and 100 inventory storage spaces.

The applicant agreed that was correct.

The chairman said it should just be stated that the parking is in cinq with the site plan review.

What should be considered is no employees or customers parked on Route 140.

The chairman said hours of operation proposed were Monday — Thursday, 8AM -8PM, Friday 8AM – 6PM, Saturday 9AM – 4PM, and Sunday seasonal hours.

Mr. Salvadore said when they open Sunday, it is usually 10AM – 4PM.

The chairman asked that the light be directed onto the property so there is no stray light.

Loading and unloading of vehicles be done in the parking lot, not on Route 140. Delivery is allowed during operating hours excluding hours of high traffic peak travel hours of 7 AM to 8:30AM and 4:30 to 6 PM.

Mr. White said that is the town's observation of peak hours. He noted there was plenty of on site room to turn a rig around.

The chairman asked if the provisions were okay with the applicant.

The applicant confirmed it was.

The chairman said the special permit was subject to site plan approval and state and federal regulations.

The chairman asked the board to consider a stipulation that the special permit be reviewed.

She said it would be big for Winchendon because it was a change in the town's landscape.

The chairman asked if the board would like to consider a review in a year.

Ms. Durling said she would say a year because it takes a year at least to develop a rhythm.

The applicant said he did not know the estimated time on the project.

The chairman suggested that the stipulation to review be added for one year after the project is up and running.

The chairman said the board would retain the right to modify the conditions.

The chairman asked if the board wanted to define seasonal.

The applicant said they figure President's Day to Columbus Day.

The chairman clarified from February 1 to November 1.

She said it was issued to Tympany Crossroads LLC

The chairman said the board needed to decide if the proposed use was in harmony with the intents and purpose of the zoning bylaws in town and the Master Plan. She said it would create a new business in the area, and confirms to the basic conditions and requirements of the bylaws after relief was granted for the set back. She said it was not detrimental to adjacent uses. The addition to the structure does not make its nonconformity more nonconforming. It will not cause undue traffic congestion or impair pedestrian traffic.

It will not overload any public water or drainage system. The business is on private water and sewer.

The project would not be offensive dangerous, or harmful to the general public.

No abutters were present, and there was no written communication received.

Mr. Snow made a motion to close the hearing/second by Mr. Potvin

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

Deliberation

The chairman asked if there was any concerns.

Mr. Snow moved to grant the Special Permit/second by Mr. Benoit

Initials: CC MC JS MF RED ⁵

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

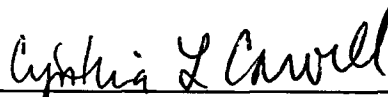
The chairman asked if there was any other business.

The chairman entertained a motion to close the Zoning Boar meeting.

Ms. Durling motioned to close the meeting/second by Mr. Potvin

Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0 Approved


Adjourned: 8:22


Chairman Cynthia Carvill


Vice Chair Mary Chace


Clerk Michael Potvin

Joseph Snow


Raymond Benoit

Initials: CC , MC JS Mc RE