

Revised 10/20 by Full Board

Approved: 11/17/2021

TOWN OF WINCHENDON

Zoning Board of Appeals



Signatures:

[Handwritten signatures]

Regular Meeting Minutes

August 18, 2021

Meeting held in Town Hall Auditorium

Members Present: Cynthia Carville, Rob Bushey, Ray Benoit, R. 'Erik' Stancombe, Ken Wante

Also Present: Alison Manugian, Justin Sultzbach, David P. Connor, Robert Campbell, AJ Baker/Healy, Michelle Richard, Julia Patten, Larry Berger, Denise Lapierre, , Stephanie Marchetti, Rachel Loeffler, Jim & Vicki Connor, Robert & Alissa Campbell, Lionel Cloutier, Lisa Gathier, Rick Lucier, Sharon Turcotte, Suresh Bhatia, Paula Lambert, Michael Rathier

Meeting was called to order by C. Carville at 7:05pm

Announcements

A Manugian updated everyone that decisions from local communities were shared with the Board; interested individuals can contact her for more information

Minutes

Request was made to allow another month for members to review

PUBLIC HEARING Continuation Special Permit application of Robert Campbell for 10 Washington Avenue (Map 5A3, Parcels 11 & 12) Winchendon, MA 01475. Application is to obtain a Special Permit allowing for conversion of the existing single family residence into a two family residence as referenced in 5.2.1 Residential Principal Use Categories of the Winchendon Zoning Bylaws. Said property is located in a in a R10 – Neighborhood Residential district.

- C. Carville asked if anyone on the Board has a conflict of interest and all replied that they do not.
- R. Benoit read the public hearing notice and the hearing was opened
- D. Connor and R. Campbell are present to discuss the project and were sworn in by C. Carville
- D. Connor outlined that they are looking to add living space in conjunction with a three car garage, including a new master suite on the second floor
- D. Connor presented a hard copy and approached the ZBA members to explain the plan and project
- A. Manugian confirmed that the Special Permit allows for conversion of a single family home to a two-family
- C. Carville asked if there were any board questions/concerns which there were not
- C. Carville asked if there were any public concerns/questions which there were not
- R. Bushey motioned to close the public hearing. R. Stancombe seconded the motion and all voted aye.
- B. Vaine motioned to grant the special permit as requested with drawings submitted prior to issuance of a building permit. R. Bushey seconded the motion and all voted aye

We discussed the parcel and the limitations it has and were in agreement that the following concerns merit discussion and are of concern:

- A general rule of thumb is that a horse requires an acre of land to provide for adequate grazing and ability to run
- Although the parcel appears to be well kept it is much harder to control and dispose of animal waste in the winter months
- Given the proximity and elevations it is exceedingly difficult to ensure that there is no animal waste present in stormwater runoff from this parcel
- The horse's area is close on all sides to abutting neighbors and may be disturbed, or even spooked, through windows or by exterior activities.

In discussing these items we ultimately couldn't come up with a scenario whereby it is viable to keep a horse on this parcel without detriment to the animal and the neighborhood."

- Additional members of the public approached to speak
- M. Leblanc of 45 Mechanic Street was sworn in – He indicated there is no smell and the horse is well kept. He is more concerned about chickens and ducks in terms of odor and noise. There is plenty of room and he interacts with the horse daily.
- P Lambert & M. Lambert were sworn in – Paula expressed that they were told by the horse owner that their grandchildren playing outside could spook the horse. They own the fence that has been used to contain the horse and it's not intended for that. She broached concern about a right-of-way on the property and asked about runoff and Town monitoring. Michael added that this is not a quiet neighborhood – he has concerns about a spooked horse in it's yard or when being ridden in Town. Concern was raised about possibly injury or someone being scared.
- A Baker clarified that there was a previous house on their land accessed by right of way. Said right of way is no longer active and is blocked by a neighbor's fence. He indicated there are now double fences so the abutter's fence is no longer containing the horse. He has seen paddock's smaller than this used with healthy horses. The horse has been desensitized and his partner is a skilled horsewoman. Runoff is a valid concern, all fieldstone foundations will allow water in, and the property has a rise in the back to contain runoff on-site.
- C. Carville reined in the general discussion and reminded everyone to stay orderly and address the chair.
- M. Lambert asked if the new fence installed will be permanent and A. Baker indicated it is
- R. Bushey & R. Benoit had a brief discussion of paddock sizes within Winchendon – this being not uncommon when horses are removed to exercise.
- M. XXX indicated that the horse has control of his location in the open or in his structure. The paddock is cleaned twice a day.
- A. LeBlanc, abutter, was sworn in – She stated her grandchildren love to see the horse and that this is clean and serene. There is frequent call for police/fire at a residence nearby and the horse has not been bothered. She regards the horse as one of the most positive community experiences.
- L. Cloutier approached and was sworn in – he has seen the horse and Michelle on the path behind Walgreens, when out walking with his dog, without incident. The property is well kept in his review and neighbors he spoke with had no concerns.
- Denise LaPierre, abutter, was sworn in – She stated that there is no odor and the horse is well kept. Her bedroom window looks out on the paddock and she enjoys waking up with him every morning. There are people who drive by and stop to visit this very gentle horse. She sees the owners clean up after the horse immediately upon return to the property and she supports the horse being allowed.
- B. Vaine asked about the waste removal process.
- M. XXX stated that she has permission to dispose of waste where the horse was previously boarded. They dispose of the waste every two days and wash the buckets each time. M. XXX added that all immunizations are up to date.
- B. Vaine stated that the Town has a Barn Inspector to review the structure and other details.

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- R. Stancombe motioned to approve the Comprehensive Permit as drafted with confirmation of receipt of Purchase & Sale or other legal agreement. R. Bushey seconded the motion and all present voted in the affirmative.

PUBLIC HEARING - Application for Special Permits filed on behalf of the Town of Winchendon for work proposed at Winchendon Community Park on Ingleside Drive (also known as Assessors Map 5A3, Parcel 348). Said property is located in a R10 – Neighborhood Residential district. Special Permits requested per Article 5.2 of the Winchendon Zoning Bylaws would allow for

(1) operation of a commercial parking lot and (2) non-profit recreational use

- R. Bushey motioned to reopen the public hearing. R. Stancombe seconded the motion and all voted aye.
- J. Patton & D. LaPointe were present to discuss the project and had been previously sworn in
- C. Carville reminded everyone that the Board had done a site walk, which was helpful
- A Manugian clarified that the Conservation Commission and Planning Board have issued their decisions.
- C. Carville asked if peer review was done.
- A Manugian indicated that he return to more traditional drainage simplified the design and made this unnecessary
- C. Carville asked if there had been discussion of traffic.
- A Manugian indicated that there was minimal discussion and that the Town, as applicant, can be responsive if there are concerns that develop.
- R. Bushey asked if others felt that having the park open dawn to dusk was sufficient control of hours
- C. Carville stated that having visited the site this will not be for huge productions and that the Town Manager, or other designated permit authorization entity, can control the hours for individual events.
- R. Stancombe stated that the hours of operation are within the ZBA purview. He asked if there could be notice to the abutters in some way prior to events so traffic and other impacts could be anticipated.
- R. Bushey indicated that this is a good idea.
- C. Carville asked what the plan will be for permitting of individual events?
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- J. Sultzbach stated that he's looking to use existing similar templates from other communities. Events would all be listed on the Town website but notice of individual events would be onerous.
- R. Bushey asked if a sign could be placed on Maple Street a few days prior to each event.
- C. Carville suggested that this could be tried or other ideas to advertise as warranted in the future
- C. Carville asked about the size of events – suggesting that 300 people might be a good limit
- R. Stancombe asked what could be done to protect R. Lucier's house from headlight incursion or other detriments
- Discussion ensued around the exit angle and plantings to address impacts.
- J. Sultzbach indicated that they are fully committed to working with R. Lucier.
- R. Lucier approached and was sworn in – he asserted that he will be reaching out to MADOT around regulations and curb cut information as he believes this to be a state road. He expressed concern about Woodlawn becoming a shortcut.
- C. Carville asked about traffic controls for larger events.
- J. Sultzbach confirmed that there will be – current intent is to require traffic direction and police detail whenever the soccer field, overflow parking, is used
- R. Lucier suggested vehicles could exit via both the exit and the entrance. He asked about the Complete Streets grant and town ownership.
- J. Sultzbach confirmed that the Town owns this section of road, as evidenced by the granting of the complete streets grant to the Town. He said there are options for plantings and exit adjustments that could work.
- R. Lucier asked who receives the special permits and about parking fees