

Approved: 2/26/25

TOWN OF WINCHENDON



Zoning Board of Appeals

Telephone (978)-297-5419

Public Hearing/Regular Meeting

January 15, 2025

Town Hall 2nd Floor Auditorium
109 Front Street, Winchendon MA 01475

Present: Chair Cynthia Carvill, Rob Bushay, Richard Stancombe, Christine Miller

Alternate: Thom Schotanus

Nicole Roberts- Planning & Land Use Coordinator

Absent: Renee Tambling

Materials: Notice of Public Hearing January 15, 2025

Minutes- 11/20/24

7:00PM: Chair Cynthia Carvill called the meeting to order followed by the Pledge of Allegiance.

Announcements: There will be informational trainings regarding Planning and Zoning in March, if any board member is interested in attending please let Cynthia or Nicole know after the meeting. There was also the required ethics training coming up, Cynthia will forward the information via email to the members.

Public Comment: Igor Sheremet came forward and was sworn in. He stated there was a document submitted on December 24, 2024 stating the Zoning Board of Appeals will hold a public hearing regarding property located at 48 Central St. owned by Lin's Winchendon Property LLC. Lin's Winchendon Property LLC has given Igor Sheremet the right to purchase the property. He questioned why in the description 48 Central St was labeled as the barbershop. Nicole Roberts replied per the town's GIS, that the entire block is identified at 48 Central St. Before getting into more detail, Mr. Sheremet was reminded the public comment section of the meeting was reserved for non agenda items, and his comments will be heard when the hearing was opened.

Minutes: 11/20/24

Rob Bushay motioned to accept the November 20, 2024 minutes, 2nd by Richard Stancombe.

Bushay (Y) Miller (Y) Stancombe (Y) Carvill (A) 4-0

Public Hearing: 18 Eastern Avenue rescheduled from 12/18/24 to 1/15/25, abutters re-notified of hearing on 1/7/25 by mail

Notice is hereby given that the Zoning Board of Appeals will hold a PUBLIC HEARING on Wednesday, December 18, 2024 at 7:05pm to discuss the application for a Variance and Special Permit submitted by owners Thom and Ellen Schotanus for 18 Eastern Avenue (Also known as Assessors Map M5A4, Parcel 7) Winchendon, MA 01475. Variance request and Special Permit is to allow for a chicken coop and run within 100' of the property line per section 300-5.2.of the Winchendon Zoning Bylaws. Said property is located in a R10 —Neighborhood Residential.

Rob Bushay read the public hearing notice. The hearing was opened. Thom and Ellen Schotanus were sworn in. There were no conflicts of interest from the board members.

The applicants noticed at the last hearing that a resident came before the board for a chicken coop permit. They were unaware they needed a permit and currently own 7 chickens, no roosters, and a coop for 3 years. They wanted to make sure they did the right thing and come before the board to apply for a special permit. The lot is just under a half acre, and the coop is about 60 ft from either side, 132 ft from the back, and 50 ft from the front. The chickens are kept in a large fenced in run.

Rob Bushay motioned to close the hearing, 2nd by Richard Stancombe.

Bushay (Y) Miller (Y) Stancombe (Y) Carvill (A) 4-0

Rob Bushey motioned to approve the special permit, with a condition that they limit the coop to the size that is on the footprint currently, 2nd by 2nd by Richard Stancombe.

Bushay (Y) Miller (Y) Stancombe (Y) Carvill (A) 4-0

Public Hearing: Teel Road, Map 9, Parcels 93&99, rescheduled from 12/18/24 to 1/15/25, abutters re-notified of hearing on 1/7/25 by mail

Notice is hereby given that the Zoning Board of Appeals will hold a PUBLIC HEARING on Wednesday, December 18, 2024 at 7:05pm to discuss the application for a Special Permit submitted by the applicant Steve Powell for property located on Teel Road owned by Winchendon Materials, LLC and Keyway Properties, Inc. Also known as Assessors Map 9. Parcels 93 and 99 Winchendon, MA 01475. Applicant is seeking Special Permits to operate an earth removal operation as well as mechanical crushing and screening per Section 300-10.1 of the Town of Winchendon Zoning Bylaws.

Thom Schotanus joined the meeting, there were no conflicts of interest from the board members. Rob Bushay read the public hearing notice. The hearing was opened. Steve Powell and Wesley Flis were sworn in.

Wesley Flis explained they were before the board to apply for two special permits, one for the earth removal and the second for mechanical crushing and screening. Steve Powell has been operating on this site for over 20 years. He recently purchased the property solely, where before he was in common ownership with somebody else. Since he purchased the property, it required him to come before the board for the special permit.

The lot is a 91 acre parcel located off of Teel Rd. to the north and Bemis Rd. to the west. There are wetlands throughout the property that bisect the property into three areas that will be mined for earth removal. The operation is proposed in 6 phases, as the laws limit the work to 5 acres at a time. The overall layout of the operation would be to improve the current driveway to 20 ft. wide to make sure the fire department has adequate access, and connect to the current cart roads that run throughout the property. There is already a crossing for the wetlands, they are proposing to improve the second crossing which was already approved by the Conservation Commission. The regulations limit to 20 acres of earth removal and they are aware of that. The first phase consists of 4.8 acres of earth removal, second is 3 $\frac{2}{3}$, third is just under 4 acres, fourth is 3.25, fifth is just under 3.5, and sixth is just under 3 acres. There wouldn't be a lot of earth removal in the last 2 phases, it would consist of mainly cleaning up. The Planning Board has approved the stormwater permit. They have been working with the town for over a year, and have been working with Pat, Town Engineer, to address comments and make changes.

C. Carvill asked about the crushing aspect of the operation. Steve Powell stated the crushers are portable machines on tracks. They are tracked and inspected by the federal agency MSHA, Mine Safety and Health Administration. The crushers will come in for a few weeks and then move to the next project, it would not be an ongoing daily operation. The crushers are monitored for noise and dust, they have never gone above the limits and are usually below the requirements. Over the 20 years the operation has been going on, there has never been a complaint. All the trucks are tracked by GPS, have geofences for limiting speed and dash cams. The drivers are graded weekly in regards to driving, speed, hard braking, etc and they are currently at 91% out of 100%. They have been operating in Westminster for 18 years, and make twice as many trips as they are proposing for this site. In those 18 years, they have not had one accident or incident.

Patrick Wood, Town Engineer, explained they have been working with the applicant for about a year now. Most of it was in regards to the Stormwater permit, but that goes hand in hand with the gravel removal. The Stormwater permit has been approved after some conditions were added. There are also gravel removal bylaws they needed to follow in order to meet the stormwater standards, which the applicant has followed. In the most recent plans, the land disturbance was minimized from the original plans due to a lack of groundwater monitoring wells on site. In order to overcome that, they could only grant so much of the gravel removal. There are now 27 monitoring wells on site.

R. Stancombe asked about the topsoil and where they plan to put it as it's removed. S. Powell stated there is a large flat area that they will truck to there, and as the grade is met, it gets reclimated with the soil. R. Stancombe requested the plans show material stockpiles. P. Wood replied that was one of the comments of the stormwater plans, the applicant was unable to show the plans at the time, as they will move around as the project progresses. In lieu of that, they requested silt fences and hay bales be placed around any kind of stockpile. R. Bushay asked about the timeline for the project. Each phase will be about 1-2 years, so they are estimating a total of 7 years. The area they own is 330 acres, so they would like to continue and progress as they go. At the end of each phase, the applicant will have to come before the board to renew the permit in order to progress to the next phase.

The current hours of operation are listed at 9-5 for trucking and 8-4:30 for being on site. The applicant is requesting 7-4 during the week and 8-4 on Saturday with a total limit of 75 truck trips per day. Tree stumps would be ground up, not buried on site. No crushing would take place on Saturdays. Since they

are applying for two separate special permits, the board can apply separate conditions for the earth removal and crushing operations, such as the hours of operation.

Chief of Police Daniel Wolski came forward and was sworn in. He was previously asked if he had any concerns with the increase in tractor trailer traffic on Route 140 going into Teel Rd. from this project. He felt his opinion would be unfair as he is not sure what the future will hold, predicting one way or another, but he did mention that the truck drivers are certified, monitored, and held to certain standards. There may be difficulties coming and going to and from Route 140, and his suggestion would be that if it does become an issue, to keep that in mind at the time this project gets reviewed. S. Powell stated he went before the State for his project in Westminster to see if they could install a traffic light, paid \$100,000 for a traffic study, and it was denied as there was "not enough traffic", so he did not believe they would be able to get a traffic light installed at this intersection. P. Wood stated they have taken measures to increase the safety of the rail trail crossing, the applicant is going to install stop signs at the crossing of Teel Rd. and they have purchased rapid flashing beacons.

Mary Harrington of 100 Teel Rd. came forward and was sworn in. She stated she was not an abutter but was present as a concerned resident. She had several concerns with the project that she wanted to voice to the board. She felt it has become increasingly more dangerous to turn out of Teel Rd. onto Route 140 over the last 25 years. In regards to health, she was concerned with the work taking place near wetlands and the fact that this industrial zone is right across from a residential zone including homes and wells. She questioned if the 20 acres have already been mined, S. Powell replied no, maybe 4 acres. As they finish a phase, it gets reclaimed, then they move onto the next phase. He also added that Winchendon's Conservation regulations are more strict than State regulations. It was noted again, this project has been ongoing for 20 years, they are only coming before the board because they purchased it solely from the partner.

Senay Johnson of 750 Teel Rd. came forward and was sworn in. Her parcel is 40 acres, and she has several grandchildren that come and visit the bike path. Her concern was with the tractor trailer trucks on the road, and that they may not be able to see the children crossing the street. She was also concerned with her house shaking from the trucks and the dust they cause. C. Carvill reminded her that her property was adjacent to an industrial zone, this project is allowed, and it could be any other type of industrial project/building.

Mike Giovannucci came forward and was sworn in. He asked the applicant what the areas would be filled with once mined. They have to stay 6ft. above ground water level, and once mined, it would get capped with the top soil from the area.

Donna Casey of Bemis Rd. came forward and was sworn in. She voiced her concern with the traffic and stated the school bus stop is at the corner of Teel and Bemis Rd. She also voiced her concern with the increased traffic that Central Mass Tree has produced. Any concerns that come up in the future can be forwarded to Nicole Roberts.

Igor Sheremet came forward and was sworn in. He asked where the trucks would be traveling to. The trucks travel to the surrounding towns.

Mike Sekurski of Liberty Dr. came forward and was sworn in. He voiced his concern with the traffic, as turning onto Route 140 can frequently get backed up on both directions. With the maximum amount of trucks allowed per day, it would equal to a truck pulling out about every 7 minutes. He questioned if they anticipated several trucks getting backed up trying to turn onto Route 140, as it can take 5+ to turn onto at times. S. Powell replied they typically space the trucks out enough that he did not anticipate that being an issue. M. Sekurski also asked if the residents on Bemis Rd. would be encountering bulldozers every day. The project would be working its way away from Bemis Rd.

David Watkins came forward and was sworn in. He asked if there would be blasting. There would be no blasting. The project would consist of surface mining, during the borings they did not encounter rocks larger than 12 inches.

Richard Stancombe motioned to close the hearing, 2nd by Rob Bushay.

Bushay (Y) Miller (Y) Schotanus (Y) Stancombe (Y) Carvill (A) 5-0

The project would consist of 20 acres of disturbance, and just over an additional acre to account for the stormwater management in accordance with the towns rules and regulations.

It was proposed to hold a Zoning meeting to discuss any updates on the project on June 18, 2025 and then review the project September 17, 2025 at 7:05PM.

The special permit would include stated conditions by the town engineer and DPW and agreed upon by the applicant. C. Carvill wanted to condition the hours of operation separately for each permit/project. The hours of operation for the trucking would be 7AM-4PM Monday through Friday, and 8AM-4PM on Saturdays. The hours of operation for the crushing would be 7AM-4PM Monday through Friday, and no Saturdays, Sundays, and no Federal holidays. They will also add to include in the plans the location of the areas the fill will be dumped. It was requested to add in the conditions to have the truck drivers be mindful of the school bus stops and their timeframes.

Richard Stancombe motioned to approve both special permits with special conditions to include operations for the earth removal and crushing from 7AM-4PM Monday-Friday, and 8AM-4PM Saturdays for the earth removal, no crushing on Saturdays, material designated areas be delineated on the plans, the earth removal be limited to 20 acres, stumps will not be buried on site, trucks will not be staged on Teel Rd., the applicant will obtain the school bus schedule to ensure trucks are not running on Teel Rd. at that time, and abide by all Committees and special conditions set by DPW, 2nd by Rob Bushay.

Bushay (Y) Miller (Y) Schotanus (Y) Stancombe (Y) Carvill (A) 5-0

9:07PM- Recess

Public Hearing: 48 Central Street

Notice is hereby given that the Zoning Board of Appeals will hold a PUBLIC HEARING on Wednesday, January 15, 2025 at 7:05pm to discuss the application for a Finding submitted by the applicant Esteban Feliz for property located at 48 Central Street, owned by Lin's Winchendon Property LLC. Also known as Assessors Map 5B2, Parcel 305 Winchendon, MA 01475. Applicant is seeking a Finding to operate a

barber shop at the above address per Section 300-5.2 of the Town of Winchendon Zoning Bylaws. Said property is located in a PD - Planned Development district.

Rob Bushay read the public hearing notice. The hearing was opened. There were no conflicts of interest by the board members.

Nicole Roberts explained that years ago, the zoning bylaws changed and barbershop/beauty salons were removed. They are looking to form a Charter/Bylaw Review Committee, and given this situation, suggested taking a look at what people are doing now vs what people used to do. This hearing would be more a finding than a special permit, to allow them to operate their business. Nicole will also meet with the assessor to number the block properly.

Richard Santana, one of the owners of VIP barbershop, and Attorney Mark Bradley were sworn in. There was some confusion with the address, as on the assessor map the entire building, including several units, is marked at 48 Central St. Their lease for the landlord states it is 50 Central St, but the previous tenant was advertising as 52 Central St. They will work with the assessor to properly address the units. The owner has been in business for over 20 years, with their other location being Prestige Barbershop in Gardner.

Rob Bushay motioned to close the hearing, 2nd by Richard Stancombe.

Bushay (Y) Miller (Y) Schotanus (Y) Stancombe (Y) Carvill (A) 5-0

The Zoning Board finds this business is in harmony with the businesses on Central St., and is an allowed use through omission of changes in the Zoning Bylaws

Rob Bushay motioned to accept the finding, based on the fact that the wording of the current Bylaw is not as robust as it could be, 2nd by Richard Stancombe.

Bushay (Y) Miller (Y) Schotanus (Y) Stancombe (Y) Carvill (A) 5-0

Public Hearing: 26 West Shore Drive

Notice is hereby given that the Zoning Board of Appeals will hold a PUBLIC HEARING on Wednesday, January 15, 2025 at 7:05pm to discuss the application for a Variance and Special Permit submitted by owners David and Elisabeth Branham for 26 West Shore Drive (Also known as Assessors Map 6, Parcel 51) Winchendon, MA 01475. Variance and Special Permit request is to allow for a two story addition and sunroom to be added to existing home per section 300-6.2 of the Winchendon Zoning Bylaws. Said property is located in a R80 —Rural Residential District.

Rob Bushay read the public hearing notice. The hearing was opened. There were no conflicts of interest by the board members.

Elisabeth Branham was sworn in. They purchased this property about 4 years ago. The footprint of the home was approved by Conservation in April 2024. They just recently finalized plans with the architect and have completed a professional survey, to make sure all measurements were exactly precise. The current footprint is 1760 sq. ft. and they are proposing 1900 sq. ft. They own the abutting lot and are fine

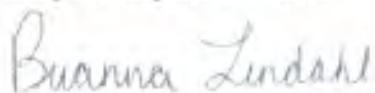
with combining the two, as combining would exclude them from needing a variance. The addition would be a 84.72% increase. The board proposed to do a site visit and have the applicant revisit the plans to see if they can decrease the addition to meet the 50%. The board will do a site visit at 10AM on January 25th.

Rob Bushay motioned to continue the hearing to February 12th, 2025, 2nd by Richard Stancombe.

Adjourn: Richard Stancombe motioned to adjourn the meeting, 2nd by Rob Bushay
Bushay (Y) Miller (Y) Schotanus (Y) Stancombe (Y) Carvill (A) 5-0

The meeting was adjourned at 10:04PM.

Respectfully submitted:

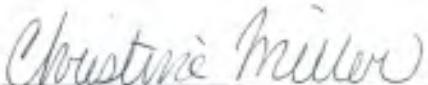


Brianna Lindahl, Zoning Board of Appeals Recording Secretary



Cynthia Carvill, Chair

Rob Bushay

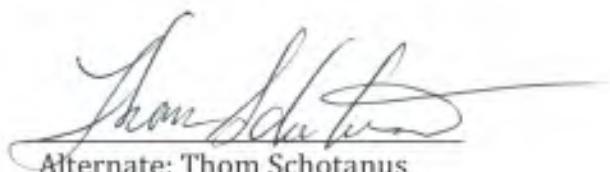


Christine Miller

Richard Stancombe

Renee Tambling

Alternate: Rick Morin Jr.



Alternate: Thom Schotanus