

# TOWN OF WINCHENDON



## AGENDA & NOTICE OF MEETING

Pursuant to the provisions of Chapter 30A, Sections 18-25 of the General Laws, as amended, notice is hereby given that a meeting of the following board, committee, or commission will be held on the date and time specified below. Said meeting will be open to the public and press and will be recorded.

**BOARD/COMMITTEE:** Planning Board

**DATE:** October 8, 2019

**TIME:** 6:30 p.m.

**LOCATION:** Town Hall – 2<sup>nd</sup> Floor Auditorium  
109 Front Street Winchendon MA 01475

1. Call to Order & Pledge of Allegiance
2. Announcements
3. Public Comment
4. New Business:

**6:35 Public Hearing – Fall Town Meeting Bylaw Modifications**

1. Remove Golf Overlay District
2. Add Lake Monomonac Overlay District
3. Change Special Permit Granting Authority to Planning Board
4. Expand Retail MFROD overlay to include area shown on map near intersection of Route 140 and Route 12 and to remove existing area known as 'Stuffin Things'.

Lincoln Ave Solar Glare Complaint Review

Discussion of response to DEP notice dated 9/25 regarding the Mill Farm Initiative.

5. Minutes
6. Correspondence Update – see summary sheet
7. Adjourn

[Notice- The above topics do not prohibit additional last-minute or unforeseen matters.](#)

# TOWN OF WINCHENDON

Planning Board



Telephone (978) 297-3537

109 Front Street  
Winchendon, Massachusetts 01475-1758

## NOTICE OF PUBLIC HEARING

In accordance with the provisions of Section 5 of Chapter 40A, the Winchendon Planning Board will conduct a Public Hearing on Tuesday, October 8th, 2019 at 6:35 p.m. in the Town Hall Auditorium (second floor), 109 Front Street, Winchendon, MA 01475 to consider the following proposed amendments to the Winchendon Zoning Bylaw:

- A. To amend Article 4.6 *Special Zoning Districts* to eliminate the Golf/Residential Overlay District (GROD).
- B. To amend Article 4.6 *Special Zoning Districts* to add the ***Lake Monomac Overlay District (LMO) to include area specified on proposed Winchendon Zoning Map.***
- C. To amend the Zoning Bylaw by deleting all references to the “Zoning Board of Appeals” as the Special Permit Granting Authority and inserting in place thereof the Planning Board as the Special Permit Granting Authority for all special permits required under the Zoning Bylaw, and further, by amending the following Articles:

Article 5.1 Basic Requirements to designate the Winchendon Planning Board as Special Permit Granting Authority (SPGA)

Article 13.6.3B to remove The Zoning Board of Appeals as Special Permit Granting Authority (SPGA)

Article 13.10 — 13.10.4 to provide for the Special Permit Granting Authority duties of the Winchendon Planning Board

- D. To amend Article 6.12.5.2 *Adult Use/Medical Marijuana Facilities Retail Overlay District to eliminate “E. Stuffin’ Things” overlay and extend existing “C. Hillview Business Park/Rte. 140” overlay to the Route 12/Route 140 intersection to include surrounding properties as specified on proposed Winchendon Zoning Map.*

Copies of the draft revisions and associated draft Zoning Map amendments are available to be viewed in the office of the Department of Planning and Development Room 17, Winchendon Town Hall, 109 Front Street, Winchendon during normal business hours. Interested citizens are encouraged to attend. Alternative translation and accommodation for disabled persons is available by advance request to the department at (978) 297-3537

By: Guy C. Corbosiero  
Chairman Winchendon Planning Board

# ZONING BYLAW ARTICLES

(two-thirds vote required)

## ARTICLE 17

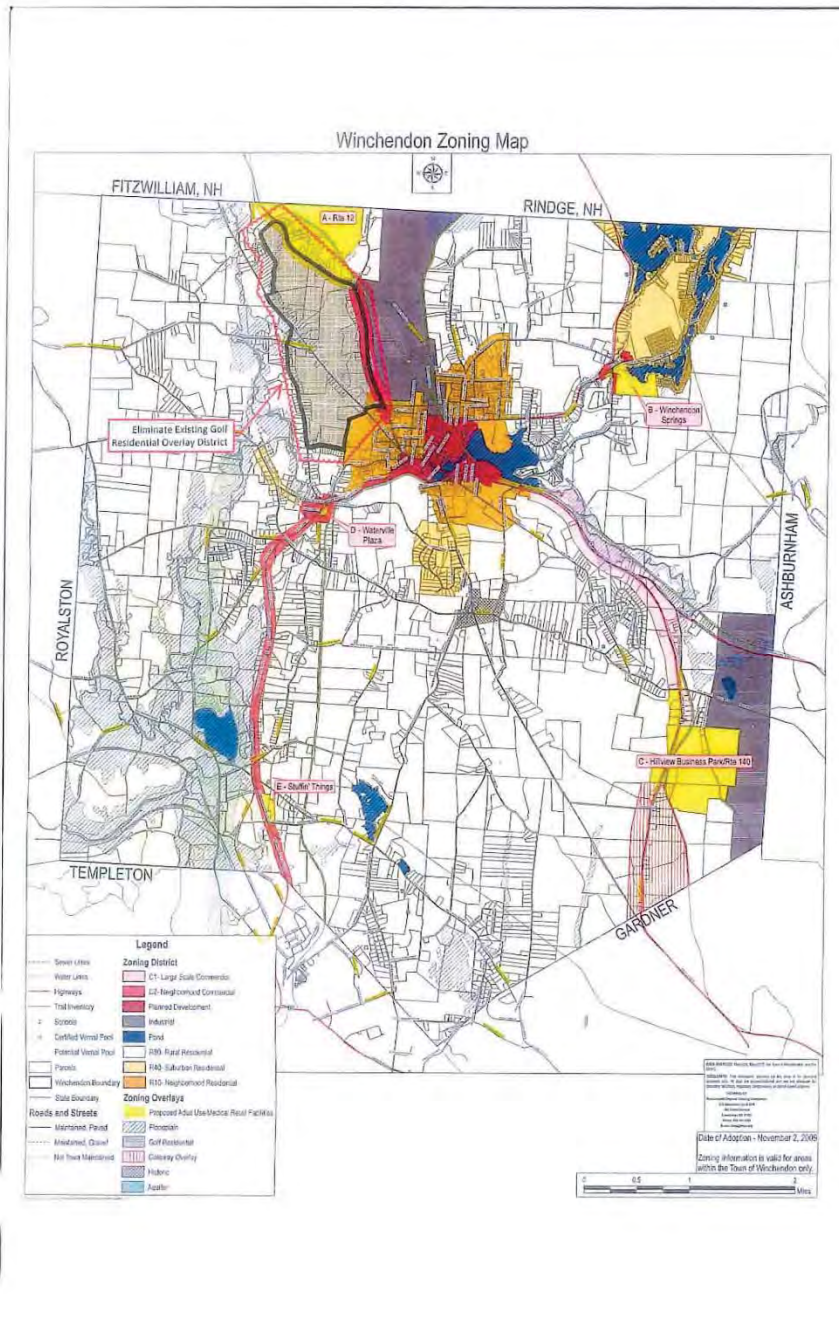
To see if the town will vote to amend Article 4.6 Special Zoning Districts to eliminate the Golf/Residential Overlay District (GROD), or act in relation thereto.

(submitted by Planning Board)

BOARD OF SELECTMEN: 5-0 Recommend

FINANCE COMMITTEE:

PLANNING BOARD:



**ARTICLE 18**

To see if the town will vote to amend Article 4.6 Special Zoning Districts to create the following: **Lake Monomonac Overlay District (LMOD)** and amend the Town's Zoning Map to include the Lake Monomanac Overlay District as depicted on the plan on file with the Town Clerk.

4.6 LAKE MONOMONAC OVERLAY DISTRICT (LMOD)

4.6.1 Purpose. Recognizing that the parcels in this area of Town do not meet the requirements of the R40 zone in which they are located, the purpose of the Lake Monomonac Overlay District is to allow owners reasonable use of their properties without detriment to abutters and the general community.

4.6.2 District Delineation. The Lake Monomonac Overlay District is hereby established and is identified on the Town of Winchendon Zoning Map. The boundaries of the LMOD are shown on the Winchendon Zoning Map on file with the Town Clerk.

4.6.3 Use Regulations. The Lake Monomonac Overlay District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the General Laws and with the requirements of the Massachusetts State Building Code.

4.6.4 Modifications to the Underlying Districts

1. Permissible setbacks from property lines within the Lake Monomonac Overlay District shall match those of the R10 zoning district.
2. No other property regulations, dimensional or otherwise, shall be altered by the Lake Monomonac Overlay District.
3. All commercial occupancies within the Lake Monomonac Overlay District shall require full site plan review;  
or act in relation thereto.

(submitted by Planning Board)

**BOARD OF SELECTMEN: 4-1 Recommend**

**FINANCE COMMITTEE:**

**PLANNING BOARD:**



# Lake Monomac Overlay

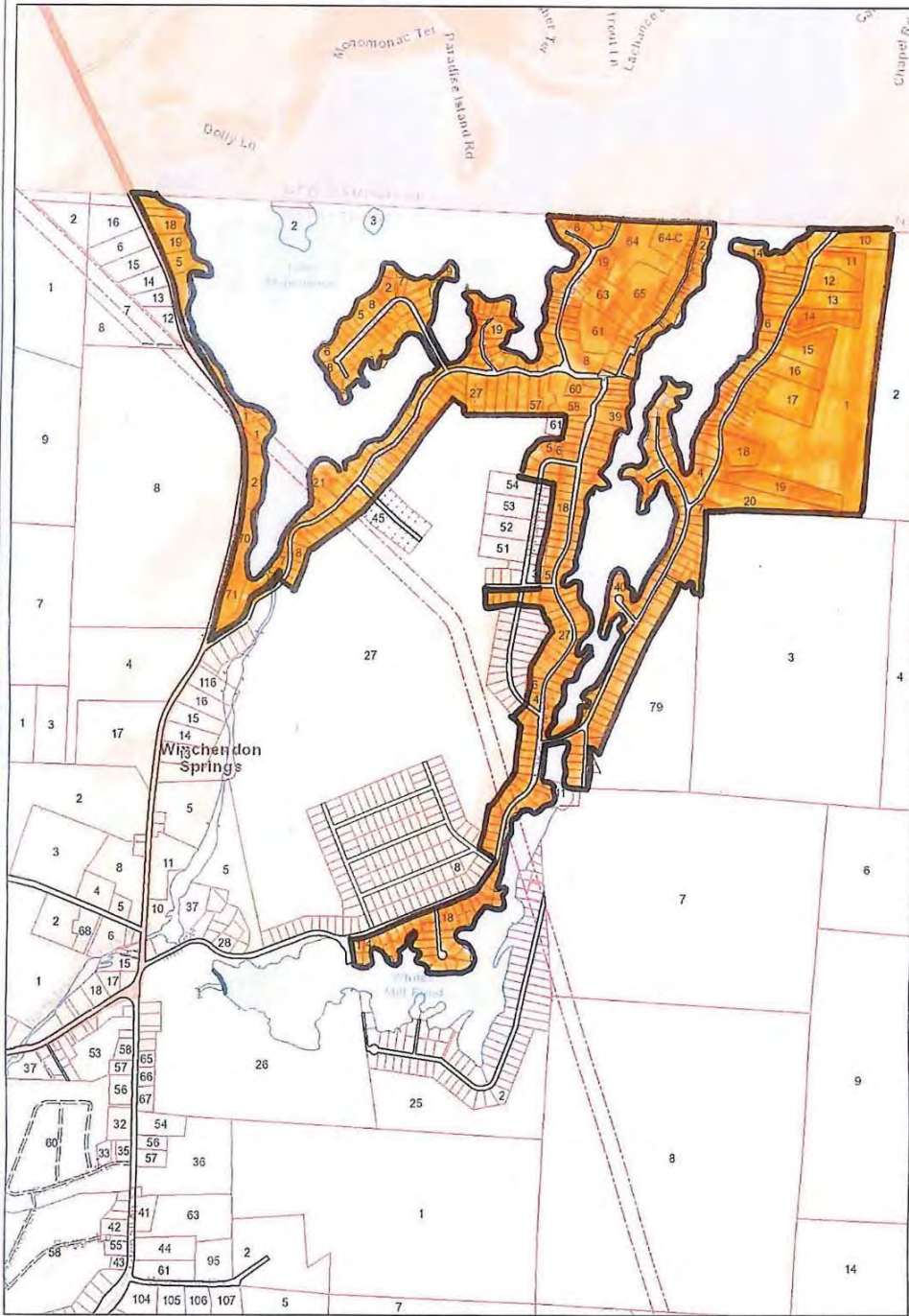
Winchendon, MA

1 inch = 850 Feet

August 14, 2019



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**ARTICLE 19**

To see if the Town will vote to amend the Zoning Bylaw by deleting all references to the “Zoning Board of Appeals” as the Special Permit Granting Authority and inserting in place thereof the “Planning Board” as the Special Permit Granting Authority for all special permits required under the Zoning Bylaw, and further, by amending the following Articles as shown in Appendix A to the Warrant.

Article 5.1 Basic Requirements to designate the Winchendon Planning Board as Special Permit Granting Authority (SPGA)

Article 13.6.3B to remove The Zoning Board of Appeals as Special Permit Granting Authority (SPGA)

Article 13.10 — 13.10.4 to provide for the Special Permit Granting Authority duties of the Winchendon Planning Board, or act in relation thereto.

**“Appendix A”**

**5.1 *Basic Requirements to designate the Winchendon Planning Board as Special Permit Granting Authority (SPGA)***

In each zoning district, land, buildings and other structures may be used as a principal use but only as set forth in Section 5.2 and in accordance with the following:

- Y (Yes)**                      Use permitted as a matter of right
- SP (Special Permit)**      Use may be permitted by Special Permit of the Planning Board provided in Section 13.12.1 unless otherwise specified.
- N (No)**                        Use prohibited

All uses permitted as a matter of right or by Special Permit shall conform to all dimensional requirements and other pertinent rules of this bylaw. Any use not listed shall be construed to be prohibited.

**13.6.3B *to remove The Zoning Board of Appeals as Special Permit Granting Authority (SPGA)***

The Board shall carry out the following specific powers and duties:

- A. Appeals. To hear and decide appeals taken by any person aggrieved by reason of inability to secure a permit or enforcement action from the Building Commissioner pursuant to Massachusetts General Law and the bylaw of this Town.
- CB. Variances. To hear and decide petitions for variances from the requirements of this bylaw, and to authorize such variances upon appeals, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon.
  - 1. Variances shall be granted only when:
    - a. owing to conditions specifically affecting such parcel or building but not affecting

generally the zoning district in which located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the applicant, and

- b. desirable relief may be granted without substantially derogating from the intent and purpose of this bylaw, but not otherwise.

**13.10.1-13.10.4 to provide for the Special Permit Granting Authority duties of the Winchendon Planning Board**

**PLANNING BOARD** (amended Fall 2019)

13.10.1 A Planning Board of five (5) members and one (1) associate member shall be appointed by the Board of Selectmen in accordance with the provisions of the General Laws of Massachusetts and the Winchendon Home Rule Charter. The Planning Board shall possess and exercise those powers granted by the Massachusetts General Laws and shall establish procedures consistent with the provisions of this bylaw.

13.10.2 All applications received by the Planning Board shall immediately be referred to the Zoning Board of Appeals for its comments. Comments by the Board of Appeals are not required, but should be considered by the Planning Board, if such are received.

13.10.3 The Planning Board shall carry out the following specific powers and duties:

A. Special Permits. Section 5.2 of these bylaws provide for specific types of uses which are only permitted in specific districts upon the issuance of a special permit (“SP”). Special Permits may be issued only for uses which are in harmony with the general purpose and intent of these bylaws and shall be subject to the general or specific provisions set forth therein, in addition to which the Board shall consider whether the future use is detrimental to adjacent uses or to the existing or planned future character of the neighborhood, whether the proposed use will create undue traffic congestion or unduly impair pedestrian safety, whether the proposed use will overload any public water, drainage or sewer facility, or whether the proposed use will be offensive, dangerous or harmful to abutters or to the general public due to excessive noise, odor, vibration, dust, smoke or for any similar reason.

Special Permit Time Limitations. Special Permits shall lapse if not exercised within twenty-four (24) months from the date of the Planning Board filing its decision with the Town Clerk, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof. “Exercised” shall be defined as having obtained any necessary building or other permits and having begun the use of or construction. More particular requirements for the “exercise” of a special permit may be contained in specific sections of this zoning bylaw.

**13.10.4 Associate Member** The Planning Board, which consists of five (5) members, shall also include one (1) associate member who shall be appointed in the same manner as regular members for terms of one year. Associate member should attend board meetings and may participate in board deliberations but shall not count in determining a quorum nor have voting powers except as provided herein. Any associate member may, from time to time, be designated by the Chairman of the Planning Board in the case of the absence, inability to act or conflict of interest of a regular member, or a vacancy on said board, to act as a regular member of the Planning Board.

(Submitted by Planning Board)

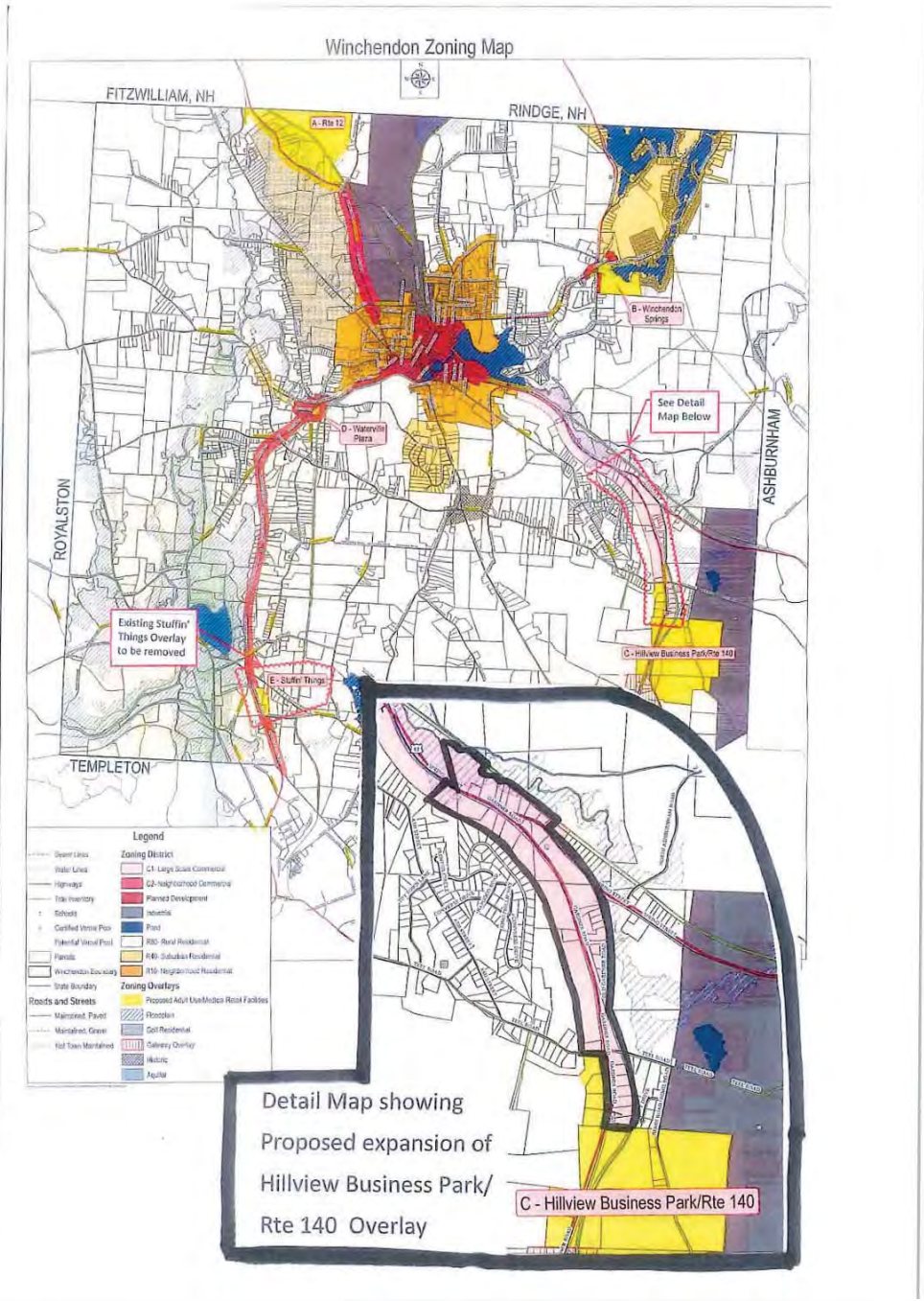
**BOARD OF SELECTMEN: 5-0 Recommend                      FINANCE COMMITTEE:**  
**PLANNING BOARD:**

**ARTICLE 20**

To see if the town will vote to amend Article 6.12.5.2 Adult Use/Medical Marijuana Facilities Retail Overlay District and the Town's Zoning Map to eliminate "E. Stuffin' Things" overlay and extend the existing "C.Hillview Business Park/Rte. 140" overlay to the Route 12/Route 140 intersection to include surrounding properties as specified on the proposed Winchendon Zoning Map on file with the Town Clerk, or act in relation thereto.

(Submitted by Planning Board)

**BOARD OF SELECTMEN: 4-1 Recommend      FINANCE COMMITTEE:**  
**PLANNING BOARD:**





## Alison Manugian

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**From:** tony kurylo <anjoku@verizon.net>  
**Sent:** Wednesday, September 18, 2019 12:22 PM  
**To:** Alison Manugian  
**Subject:** solar glare from Lincoln ave Solar project

Winchendon Planning Board,

I'm writing to make a formal complaint concerning solar glare from the Lincoln Ave Solar project. Though the panels have been in place for just a few weeks, the afternoon glare from them has proven to be a nuisance. It has already shown to be an impediment to the quiet enjoyment of my property.

Additionally the glare has the potential to devalue my property for potential future building or subdivision. The glare as well as the visibility of the project make it an unsightly neighbor to say the very least.

Lastly, I am informing you that I have never received an abutters notice from the Board and am late to comment as a result. I'm asking the Board to require the owner(s) to mitigate the glare and shield my property from the unpleasant view I now have as a result of this monstrosity.

Anthony Kurylo  
35 northern heights dr  
978-340-5805

**Project: Winchendon Lincoln Ave Solar 2****RE: Meeting with Abutter regarding:**

- View of modules

**Property Owner:** Mr. Anthony Kurylo**Address:** 35 Northern Heights Dr.**Telephone:** 978-340-5805**Property description:** ~25-acre parcel to the east of Lincoln Ave Solar 2, heavily wooded: hemlock, oak, birch**Meeting Status:** Concern expressed to the Planning Board, a hearing has been scheduled for October 3, 6:45.

A notification regarding Mr. Kurylo was sent to me on September 17<sup>th</sup> by Alison Manugian, Assistant Town Planner.

- I called Mr. Kurylo on September 17-direct to voicemail, and again on the 18<sup>th</sup>, direct to voicemail, followed up with an e-mail on the 18<sup>th</sup>.
- Mr. Kurylo returned my call on 9/19, and I agreed to meet him at his home during the periods that he said that the modules/ light was most visible, he indicated the light was at its worst around 6PM and was also bad until 6:20, specifically bad from his dining room. We met on site from 4:25 until 7PM on 9/19. Sunset was 6:47 on 9/19. The sun sets directly to the west of Mr. Kurylo's dining room.
- My observation was that there was some reflected light that coincided with when the sun was low/ lowest, just before sunset. For a time, ~20 minutes, around/before sunset. We stood outside of his dining room where he had described the light as blinding, photos attached.
  - There are peek-a-boo views of the modules through the trees along a path in his woods that parallels the east side of the array
  - Pictures taken from about 4:30 to 6:30 PM at Mr. Kurylo's property are below taken on 9/19, full sun no clouds all day (pls see picture at Town hall), sunset was 6:47 PM on 9/19. 12 megapixel camera

Picture outside of Town Hall 9/19 at about 4:15 showing clear skies, bright sun and reflections off of trees, pavement, and chrome car trim



4:31 PM (sunset 6:47) westerly/s/w view toward the array, very sunny day, no clouds, sun is still quite high as seen in the upper right corner



4:36 PM (sunset at 6:47) PM northern central part of the Property looking directly at the array, somewhat N/westerly. Peek-a-boo views in the central part of the frame, photo taken from a wooded path slightly N of the house about halfway to the array E/W headed west toward the array from the approximate location of the house. Sun was still quite high



4:51 PM central part of the property from a wooded path about halfway to the array from the house E/W within the property a few hundred yards from the house-lower right corner peek-a-boo view of the modules



6:02 (sunset 6:47) PM looking directly west to the array from the exterior of the home outside the dining room



6:09 PM (sunset 6:47) looking west to the array from the exterior of the home outside the dining room, sun was quite low





6:13 PM looking west to the array from the exterior of the home outside the dining room



6:23 PM looking west to the array from the exterior of the home outside the dining room



6:31 PM (sunset 6:47) looking west to the array from the exterior of the home at the rear N/W corner of the house outside the dining room

Sun then dropped out of site



# Massachusetts Interactive Property Map

ails

Layers ▾

Basemap ▾

Measure

35 northern heights

## Access parcel information:

Enter an address or zoom in by using the +/- tools or your mouse scroll wheel. Parcels will draw when zoomed in. Click on a parcel to display a popup with information about that parcel.

Click the "Basemap" button to switch the background aerial imagery.

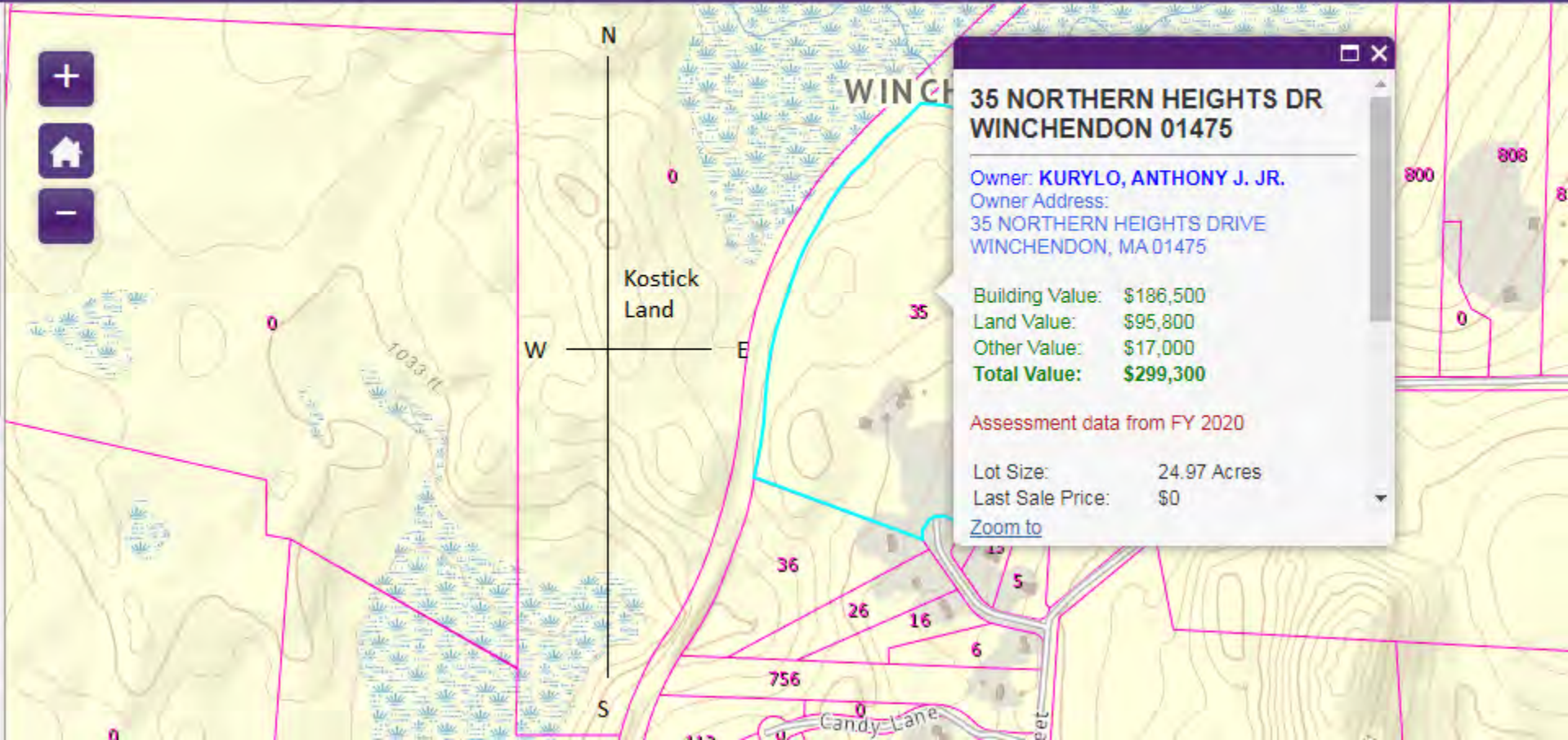
Click the "Layers" button to turn on map features on and off.

[Get Help](#) (PDF)

## Legend:



X



**35 NORTHERN HEIGHTS DR  
WINCHENDON 01475**

Owner: **KURYLO, ANTHONY J. JR.**  
Owner Address:  
35 NORTHERN HEIGHTS DRIVE  
WINCHENDON, MA 01475

Building Value:	\$186,500
Land Value:	\$95,800
Other Value:	\$17,000
<b>Total Value:</b>	<b>\$299,300</b>

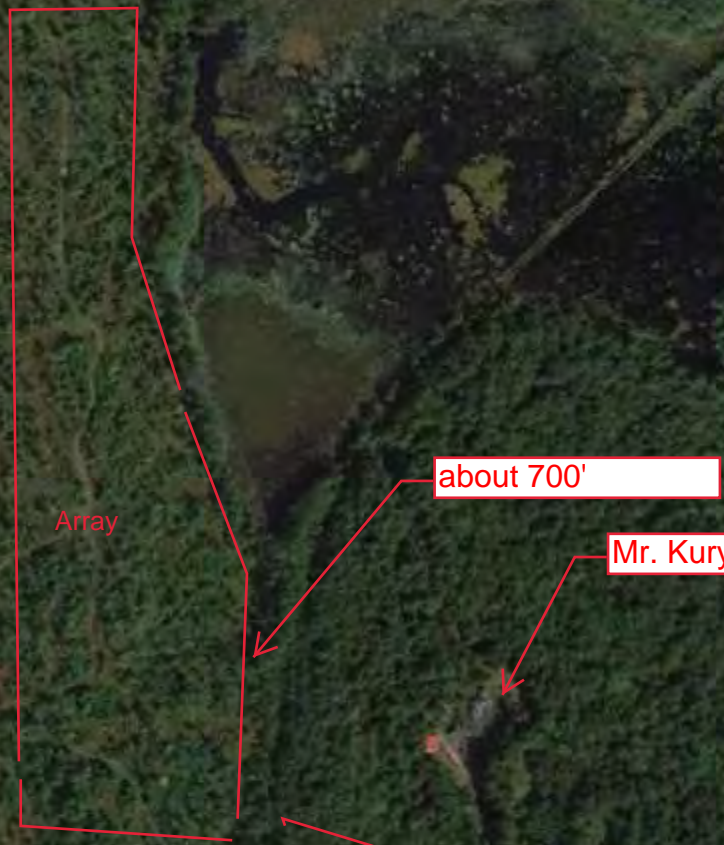
Assessment data from FY 2020

Lot Size:	24.97 Acres
Last Sale Price:	\$0

[Zoom to](#)

Robbins Brook

NOT TO SCALE FOR REFERENCE ONLY



Array

about 700'

Mr. Kurylo's home

Boundary

# CLEAN ENERGY RESULTS

Questions & Answers

## Ground-Mounted Solar Photovoltaic Systems



Westford Solar Park, photo courtesy of EEA

June 2015

Massachusetts Department of Energy Resources

Massachusetts Department of Environmental Protection

Massachusetts Clean Energy Center

## Glare

**Question:** How important is reflectivity and potential visual impacts from solar projects, especially near airports?

**Bottom Line:** Solar panels are designed to reflect only about 2 percent of incoming light, so issues with glare from PV panels are rare. Pre-construction modeling can ensure that the placement of solar panels prevents glare.

**More Information:** Solar panels are designed to absorb solar energy and convert it into electricity. Most are designed with anti-reflective glass front surfaces to capture and retain as much of the solar spectrum as possible. Solar module glass has less reflectivity than water or window glass. Typical panels are designed to reflect only about 2 percent of incoming sunlight. Reflected light from solar panels will have a significantly lower intensity than glare from direct sunlight.

An analysis of a proposed 25-degree fixed-tilt flat-plate polycrystalline PV system located outside of Las Vegas, Nevada showed that the potential for hazardous glare from flat-plate PV systems is similar to that of smooth water and not expected to be a hazard to air navigation.

Many projects throughout the US and the world have been installed near airports with no impact on flight operations. United Kingdom and U.S. aircraft accident databases contain no cases of accidents in which glare caused by a solar energy facility was cited as a factor.

When siting solar PV arrays pre-construction modeling can ensure the panels are placed in a way that minimizes any potential glare to surrounding areas.

### Resources:

Technical Guidance for Evaluating Selected Solar Technologies on Airports, Federal Aviation Administration, November 2010 (currently under review),  
[http://www.faa.gov/airports/environmental/policy\\_guidance/media/airport\\_solar\\_guide.pdf](http://www.faa.gov/airports/environmental/policy_guidance/media/airport_solar_guide.pdf)

A Study of the Hazardous Glare Potential to Aviators from Utility-Scale Flat-Plate Photovoltaic Systems, Black & Veatch Corporation, August 2011, <http://www.isrn.com/journals/re/2011/651857/>

Solar Photovoltaic Energy Facilities, Assessment of Potential Impact on Aviation, Spaven Consulting, January 2011: <http://www.solarchoice.net.au/blog/solar-panels-near-airports-glare-issue/>

# Scene drawing tool:

Show shadows:  Daily aggregate  Snapshot time

Displayed Time: **22:30 (GMT+0.0) Az:268.9 Mult:17.3**

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Aut

6:30 PM

This is the day I visited the site, 9/19/19  
May be the very worst time of the year for the relationship of the sun's angle related to light

Location: 42.7130330, -72.0668455  
Date: 2019-9-19  
Time: 22:30 (GMT+0.0)  
Shadow: Az:268.9 Mult:17.3

coming onto Mr. Kurylo's property at sunset

Mr. Kurylo's house is dead east of the array, mid to late September and April will have the sun setting due west of his dining room with direct low sunlight directly at his house. See following pages

Successive pages show that the sun will set farther and farther from direct west minimizing direct light aiming at Mr. Kurylo's home

Sun

Array

Dark gray represents the array west of Mr. Kurylo, and the light gray represents the length of shadow cast at that time of day, providing an indicator as to the height of the sun and the angle it would be hitting the array. During winter months the sun sets at an angle that does directly point at Mr. Kurylo's home. In the summer months the sun is much higher and moves behind the array at sunset



how shadows:  Daily aggregate  Snapshot time

October 1, 2019

6:15

Sunset 6:26

Extremely low sun on

the most W/E

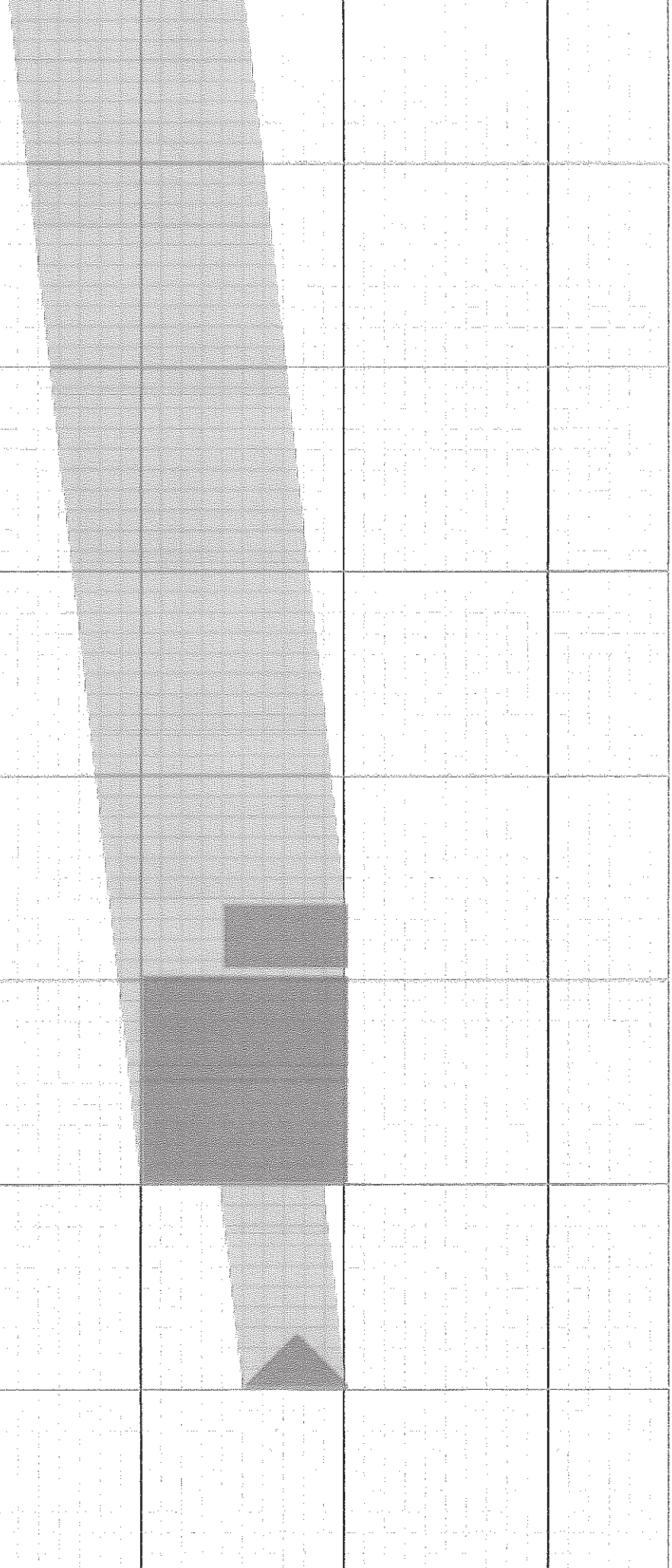
isplayed Time: **22:15 (GMT+0.0) Az:263.6 Mult:26.9** ▾

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Auto-Pla

Location: 42.713 030, -72.068 455  
Date: 2019-10-1  
Time: 22:15 (GMT+0.0)  
Shadow: Az:263.6 Mult:26.9



Scene drawing tool:

Show shadows:  Daily aggregate  Snapshot time

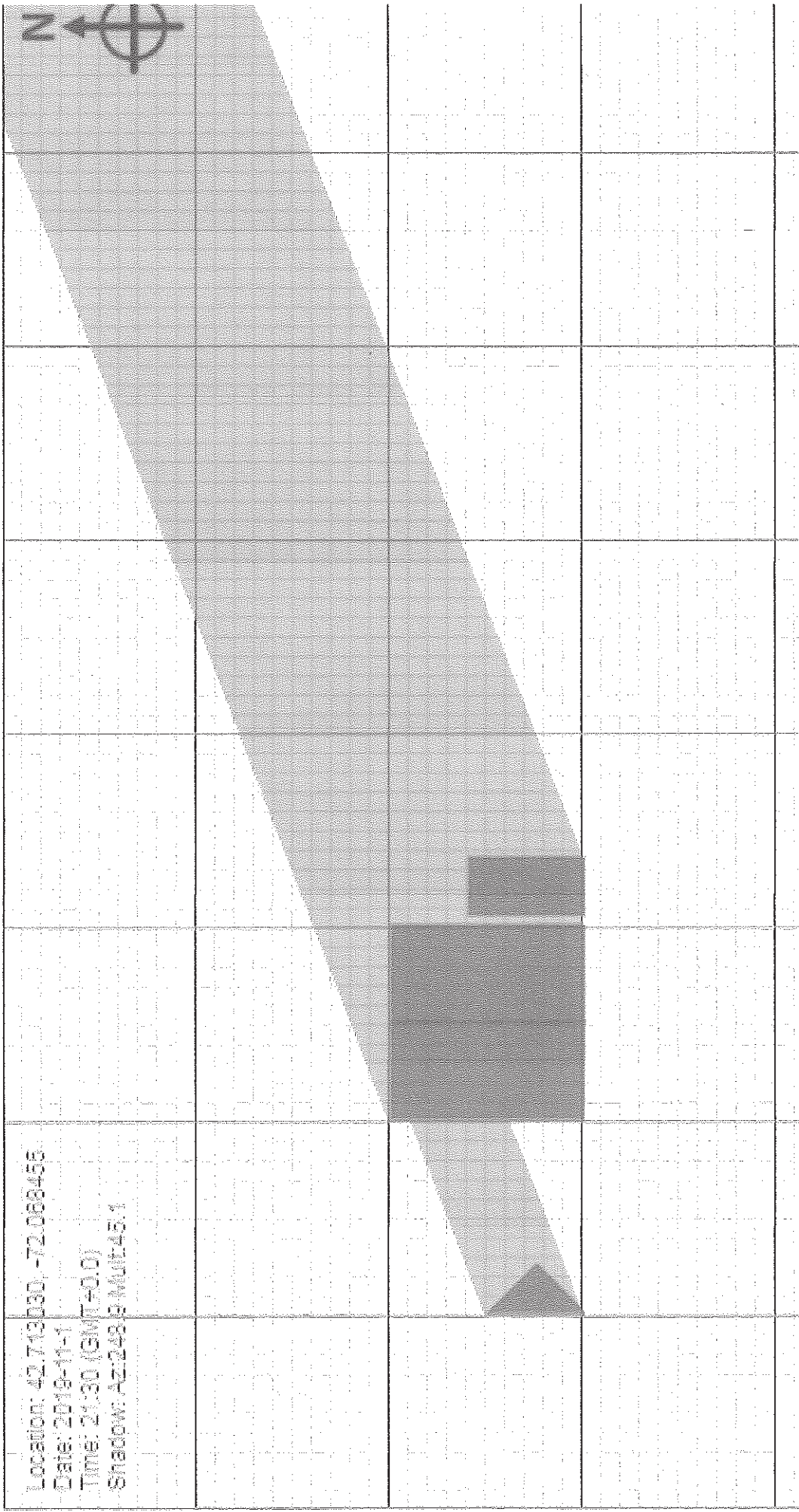
Nov 1, 2019 @5:30  
Sunset at 5:37

Displayed Time: **21:30 (GMT+0.0) Az:248.9 Mult:45.1** ▼

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Auto-Pic



Scene drawing tool:

Show shadows:  Daily aggregate  Snapshot time

December 1, 2019  
4:30 PM  
Sunset 4:12

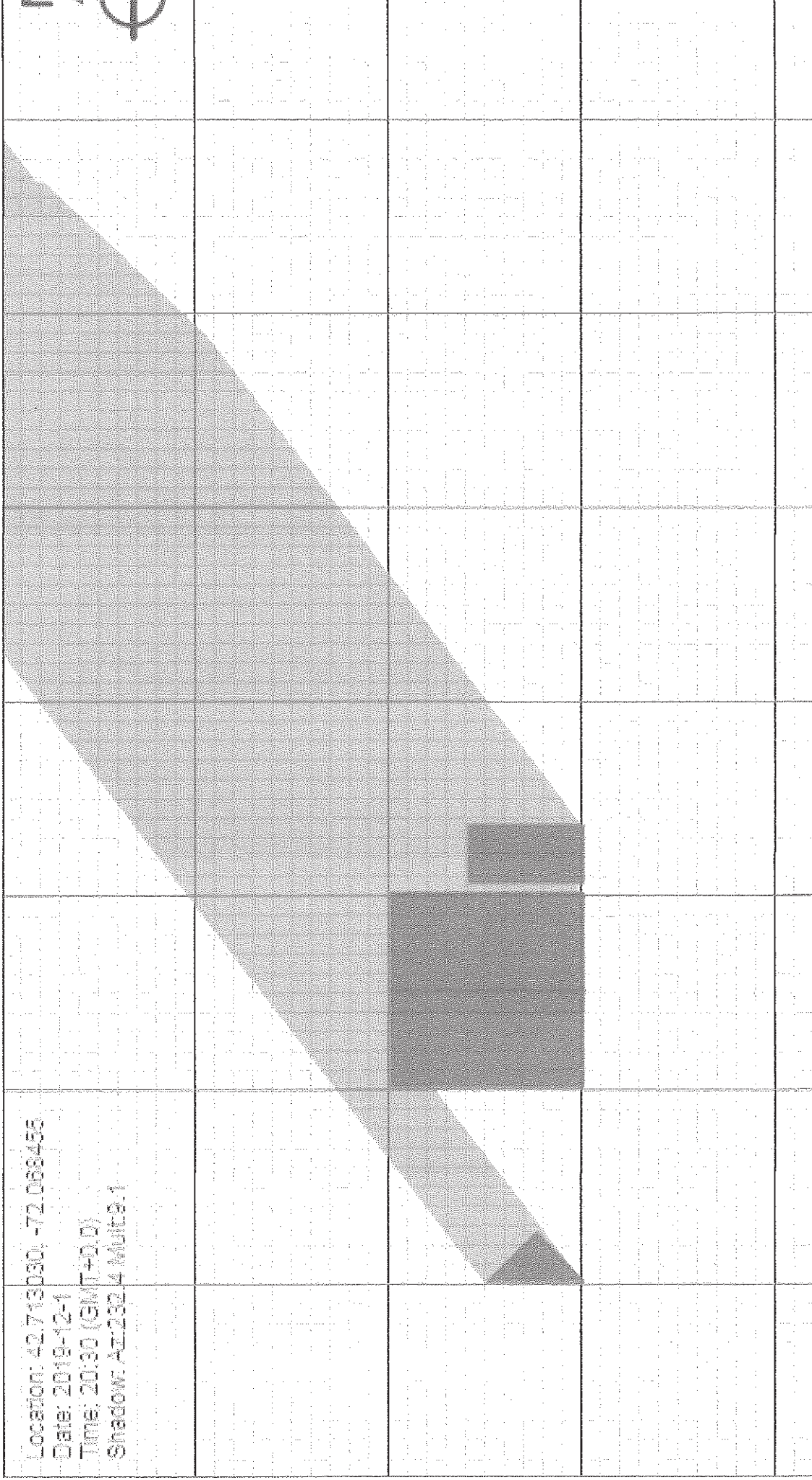
Displayed Time: **20:30 (GMT+0.0) Az:232.4 Mult:9.1** ▾

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Auto-



Location: 42.715030, -72.068455  
Date: 2019-12-1  
Time: 20:30 (GMT+0.0)  
Shadow: Az:232.4 Mult:9.1

Scene drawing tool:

Show shadows:  Daily aggregate  Snapshot time

January 01, 2020

4:30 PM

Sunset 4:22

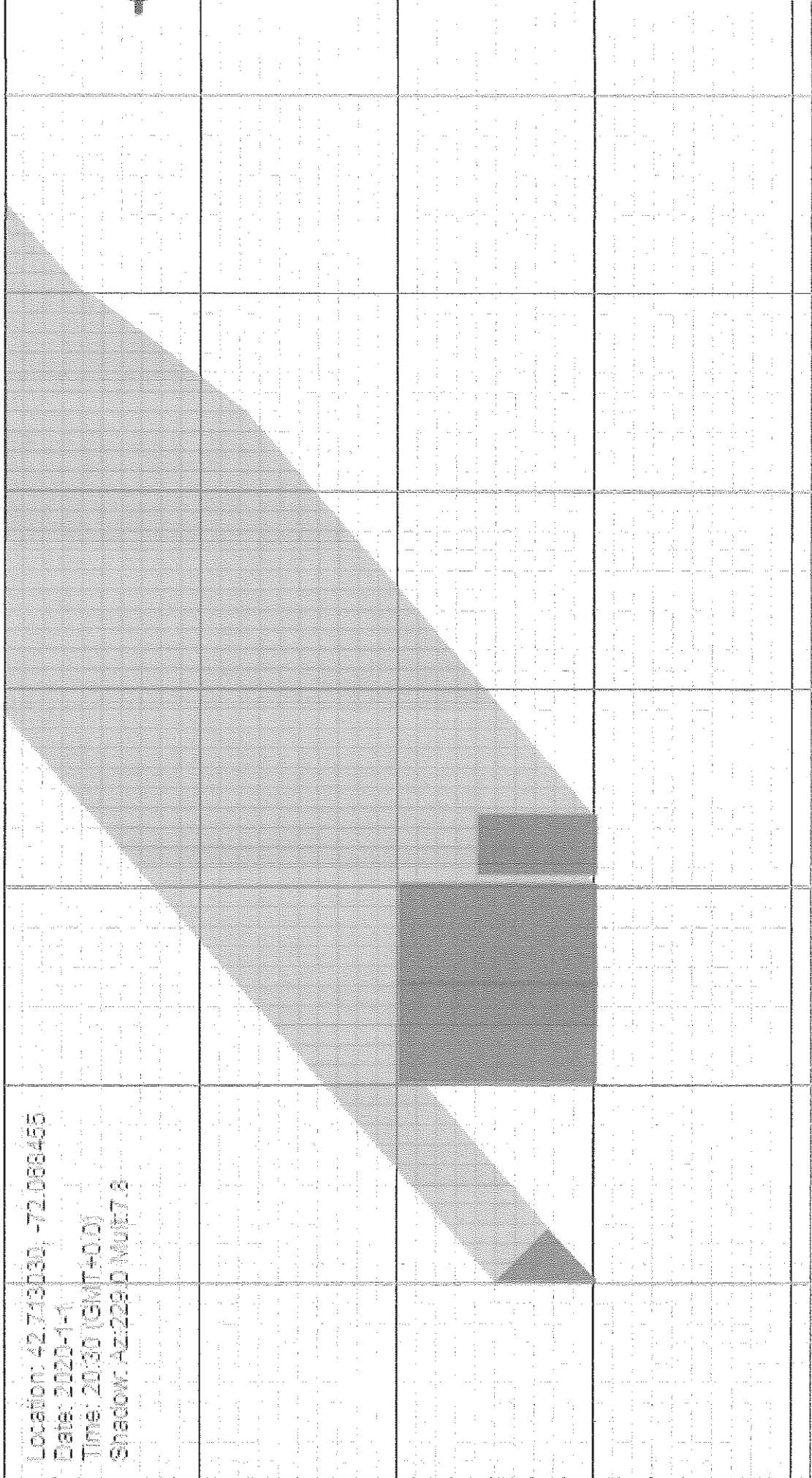
Displayed Time: 20:30 (GMT+0.0) Az:229.0 Mult:7.8 ▾

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AU



Location: 42.743030, -72.088455  
Date: 2020-1-1  
Time: 20:30 (GMT+0.0)  
Shadow: Az:229.0 Mult:7.8

W shadows:  Daily aggregate  Snapshot time

February 1, 2020  
5PM

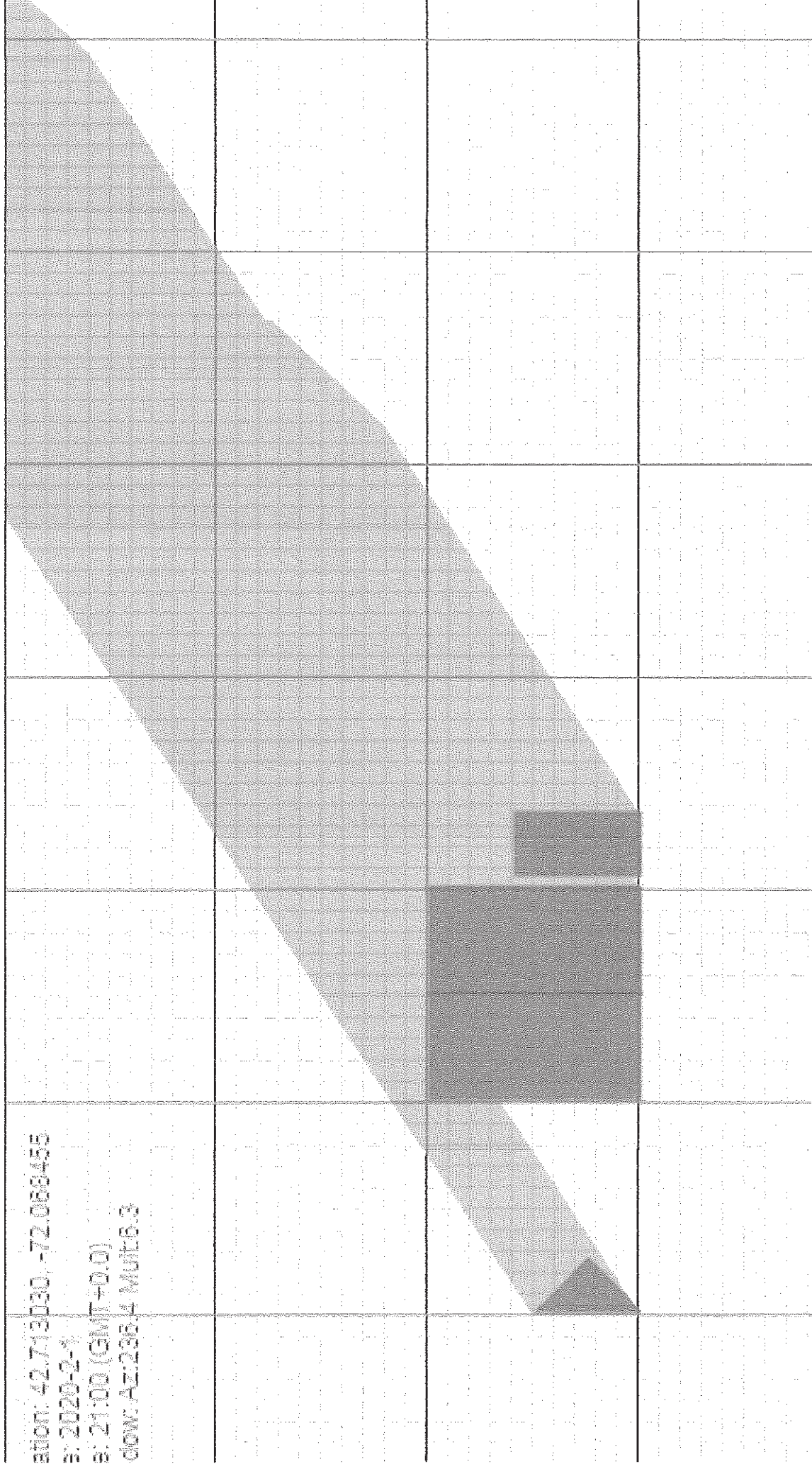
Sunset, 4:57PM

layed Time: **21:00 (GMT+0.0) Az:236.4 Mult:6.3** ▼

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ation: 42.713030, -72.068455  
s: 2020-2-1  
s: 21:00 (GMT+0.0)  
clow: Az:236.4 Mult:6.3



Show shadows:  Daily aggregate  Snapshot time

March 01, 2020

5:30 PM

Sunset 5:34

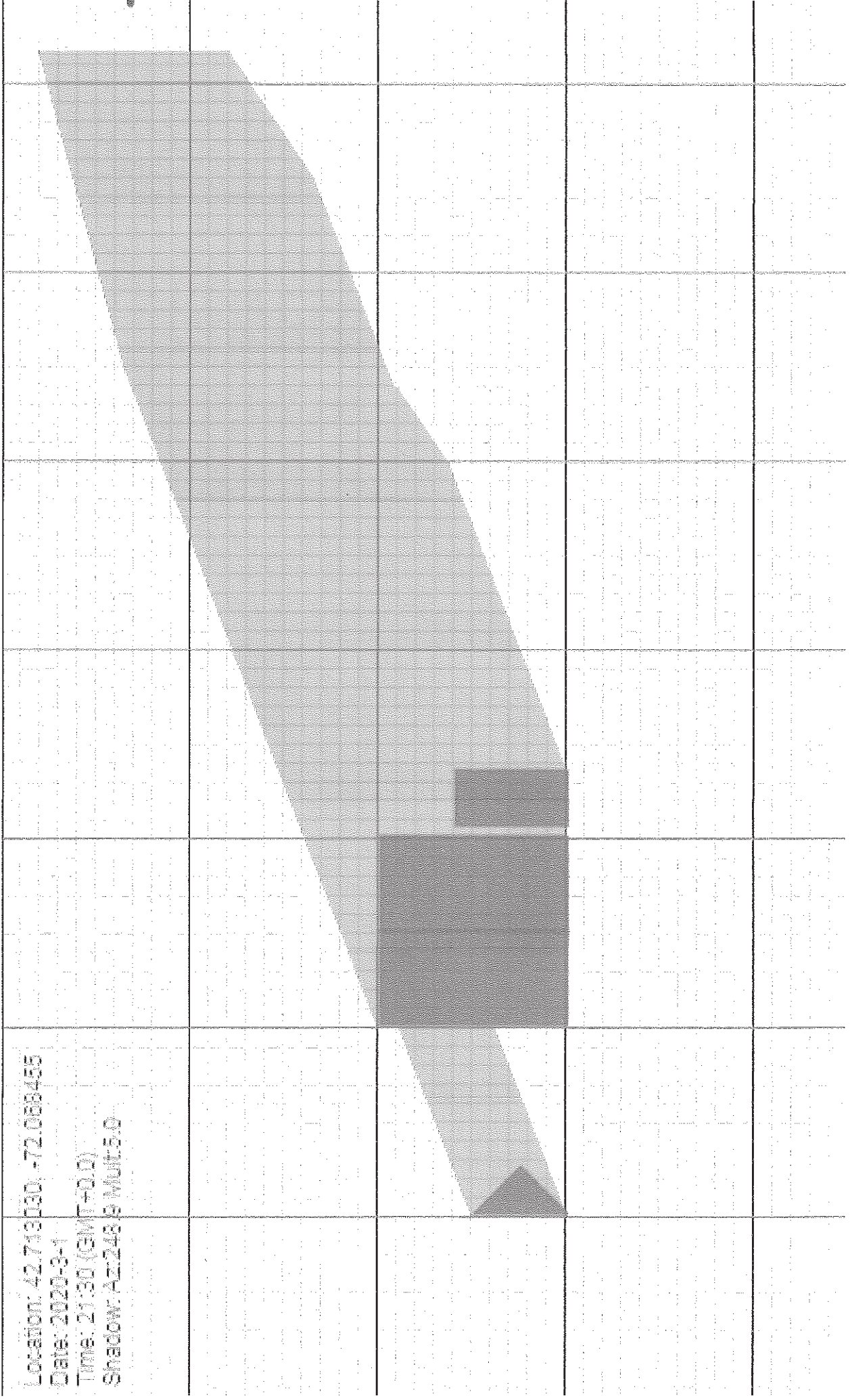
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Alt



Scene drawing tool:

how shadows:  Daily aggregate  Snapshot time

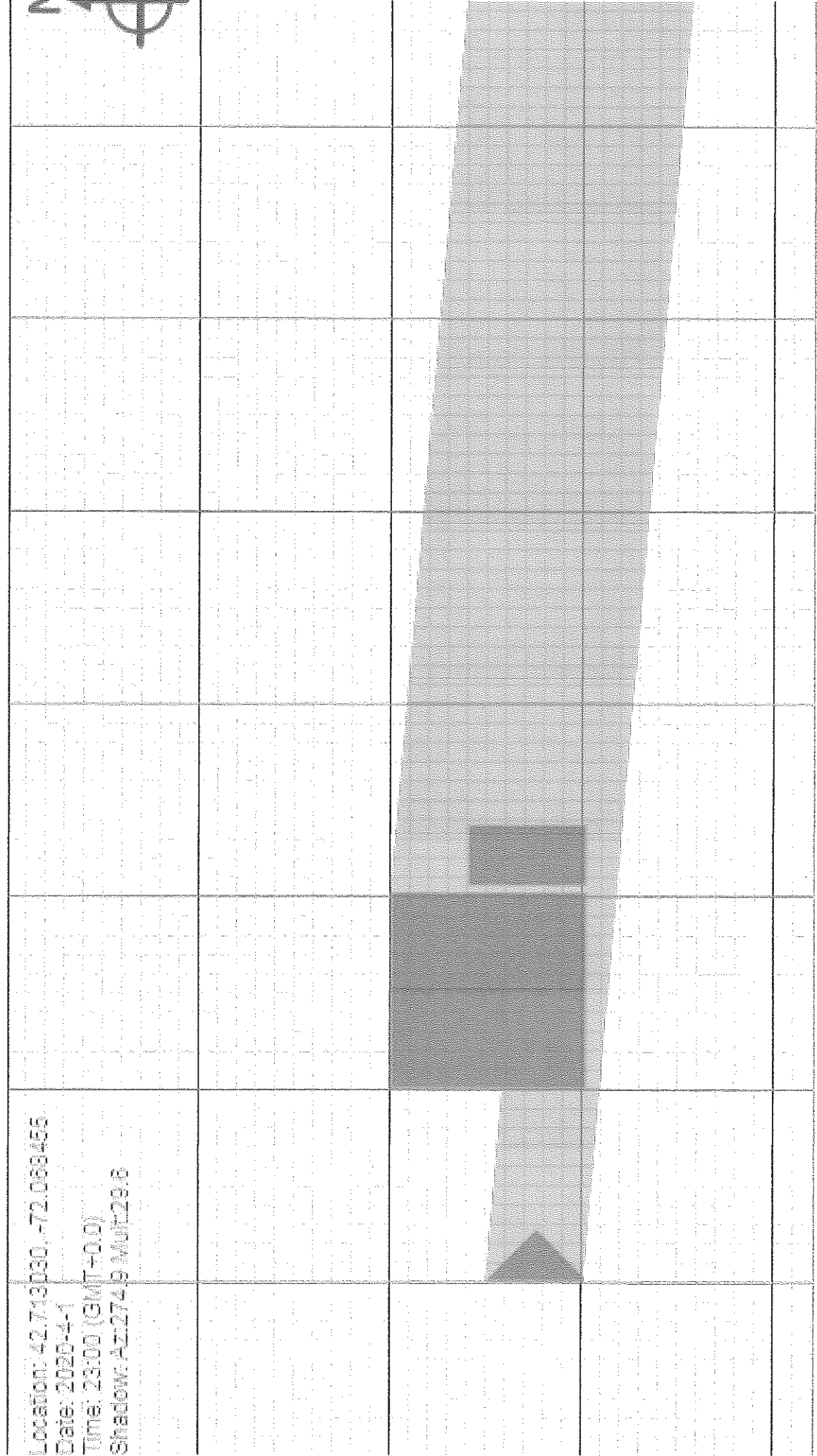
April 01, 2020  
7PM  
Sunset 7:10 PM

isplayed Time: **23:00 (GMT+0.0) Az:274.9 Mult:29.6** ▾

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Auto-F



Location: 42.713030, -72.068455  
Date: 2020-4-1  
Time: 23:00 (GMT+0.0)  
Shadow: Az:274.9 Mult:29.6

Show shadows:  Daily aggregate  Snapshot time

May 01, 2020  
5:45

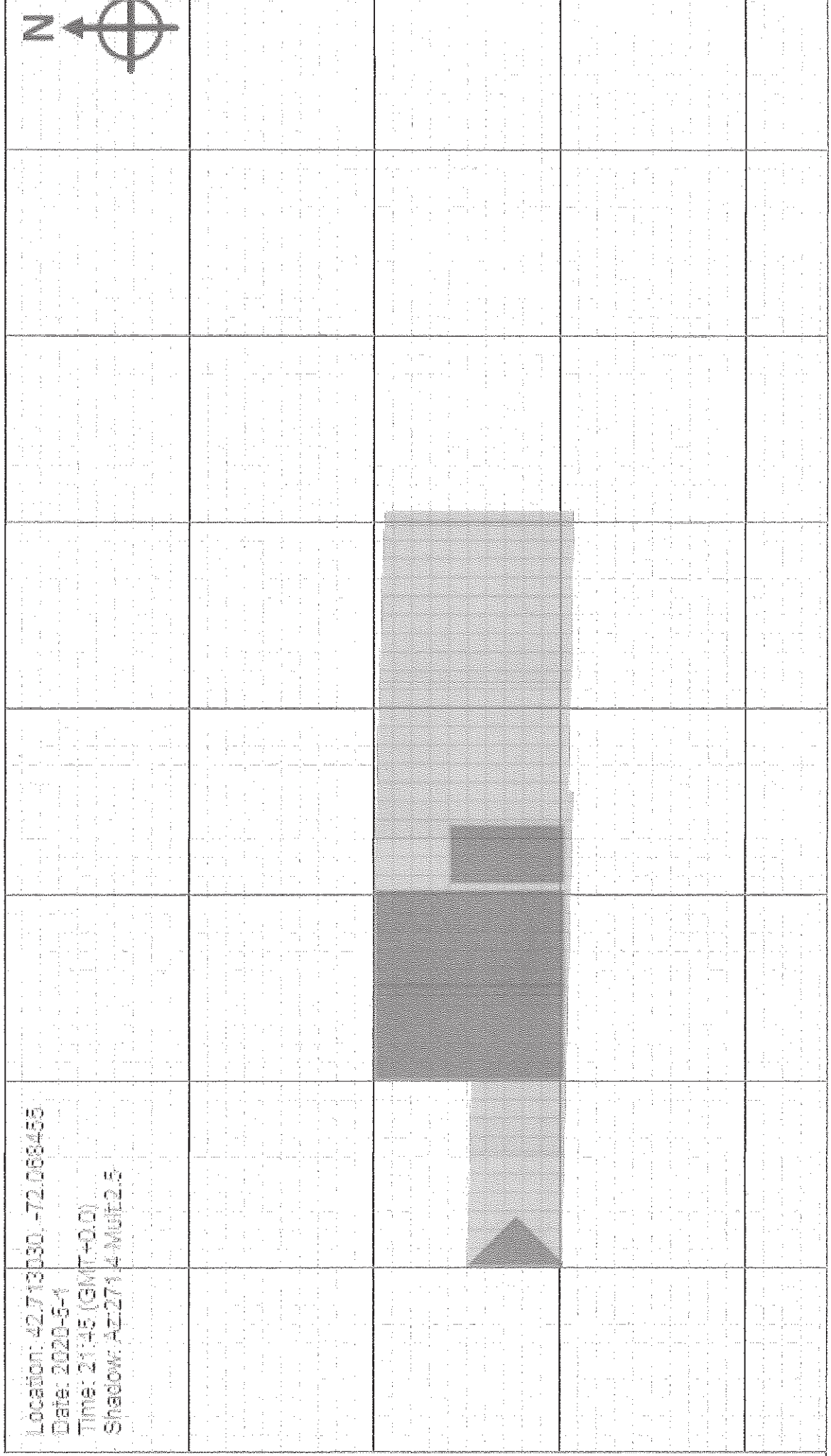
Displayed Time: **21:45 (GMT+0.0) Az:271.4 Mult:2.5** ▾

Sunset 7:44  
Notice how high the sun  
is-very short shadows

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Auto-Pla





Show shadows:  Daily aggregate  Snapshot time

June 01, 2020  
4:15 PM  
Sunset 8:14

Very short shadows, sun  
is very high and movint

Displayed Time: **22:15 (GMT+0.0) Az:281.7 Mult:2.7**

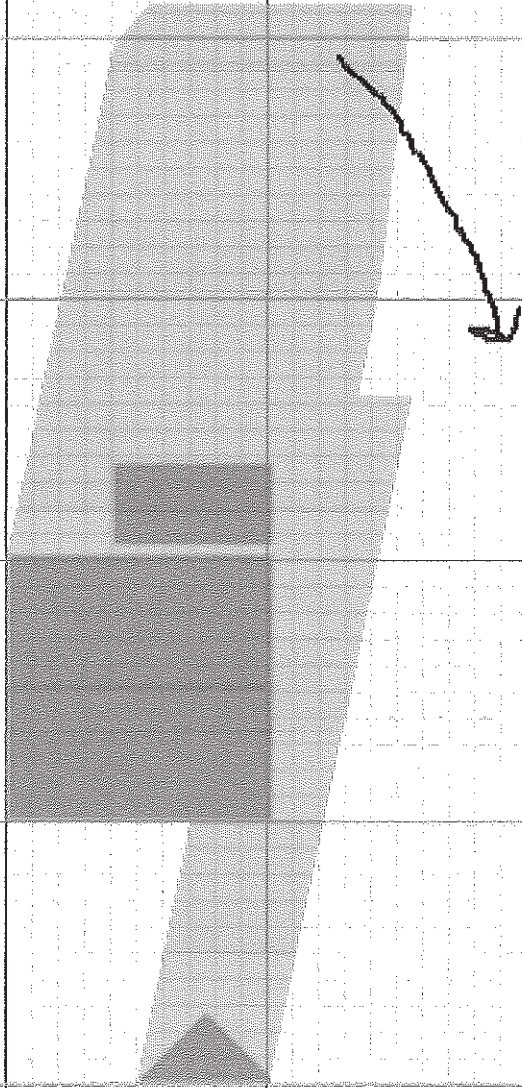
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Auto-P

Location: 42.713030, -72.068455  
Date: 2020-6-1  
Time: 22:15 (GMT+0.0)  
Shadow: Az:281.7 Mult:2.7

to the rear of the  
modules



Scene drawing tool:

Show shadows:  Daily aggregate  Snapshot time

July 1, 2020  
5PM

Sunset 8:24

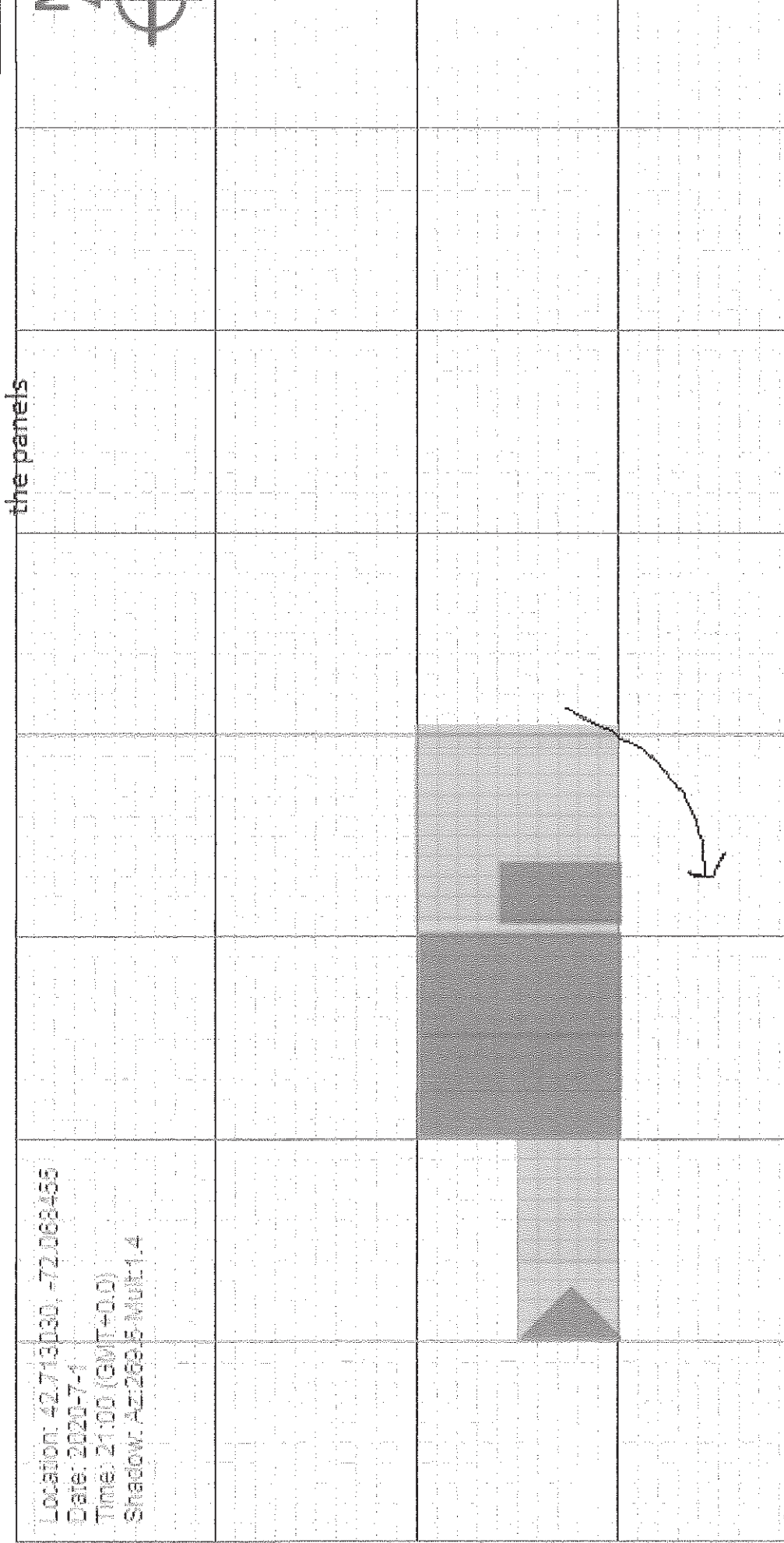
Sun is very high at its  
most W/E direction and  
moving to the rear of

Displayed Time: **21:00 (GMT+0.0) Az:269.5 Mult:1.4** ▾

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Auto-F



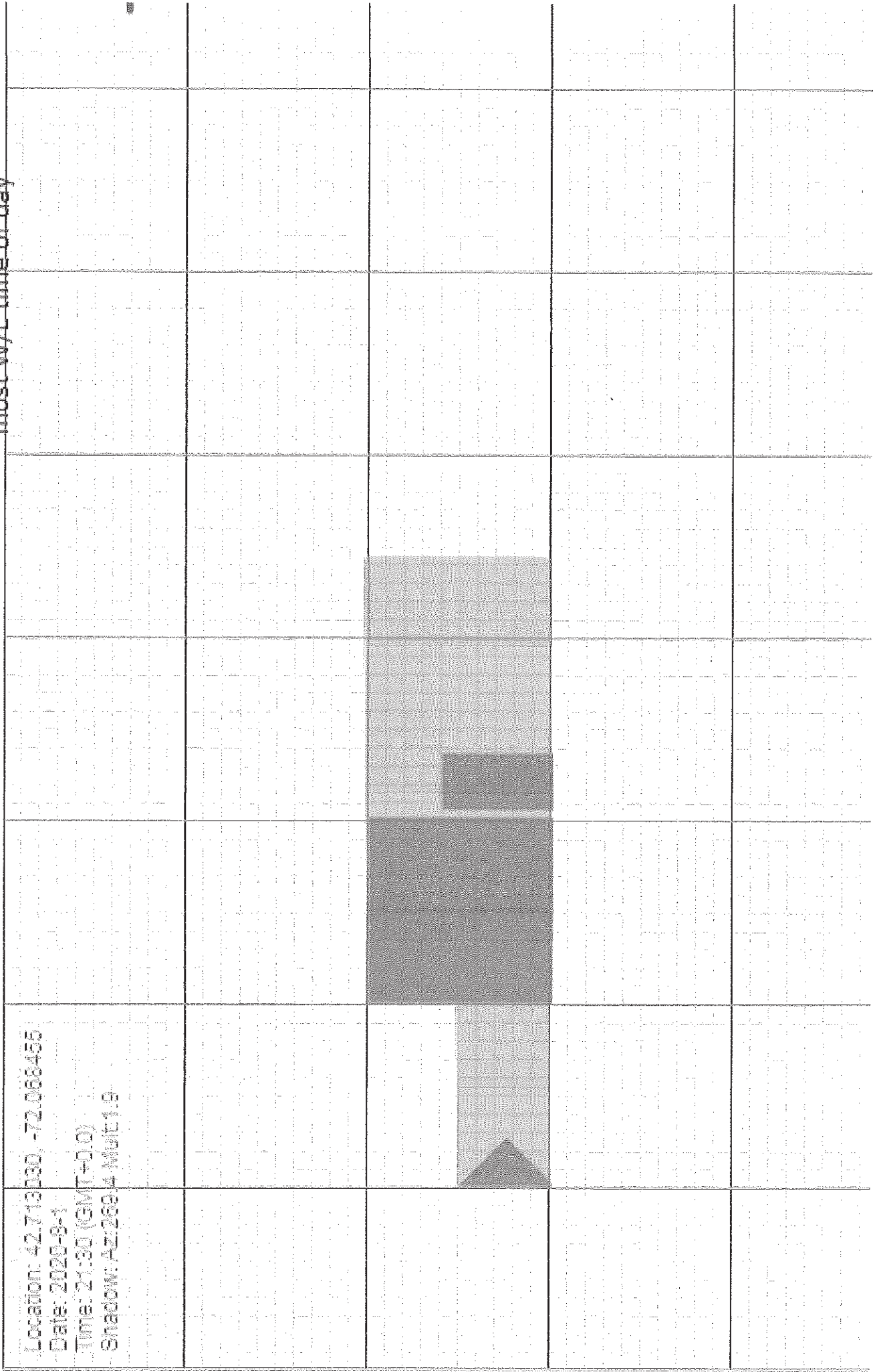
August 1, 2020  
5:30 Pm  
Sunset 8:03

Displayed Time: 21:30 (GMT+0.0) Az:269.4 Mult:1.9 ▾

<Prev    Very high sun during most W/E time of day    Next>

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AU



Show shadows:  Daily aggregate  Snapshot time

September 01, 2020

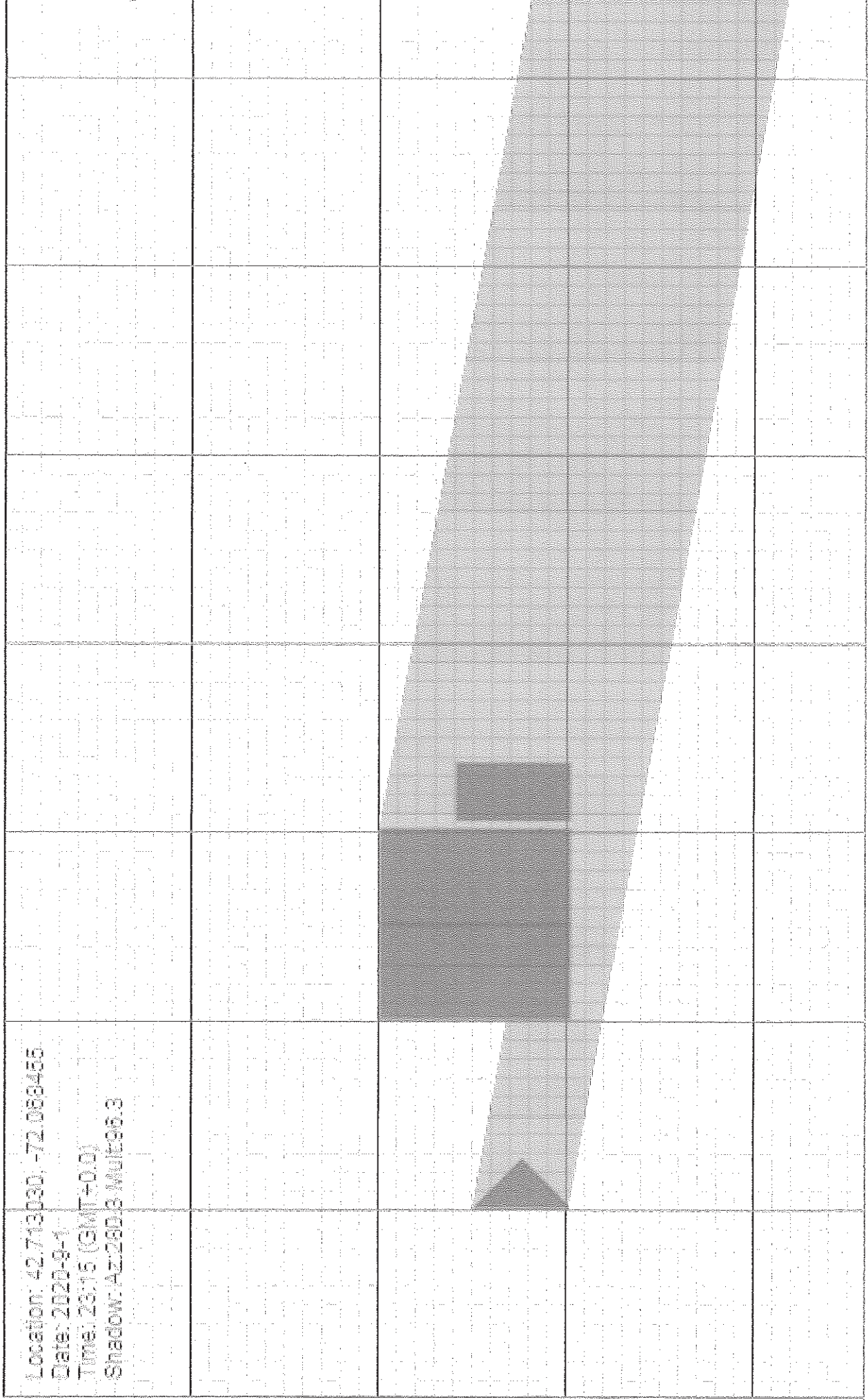
7:15 PM

Sunset 7:18

Displayed Time: **23:15 (GMT+0.0) Az:280.3 Mult:96.3** ▾

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# TOWN OF WINCHENDON



## Planning Board Correspondence Summary October 8, 2019 Meeting

### Items before the Select Board with Planning Comments/Issues:

- R&M Auto Center Inc. – 9/5/19

Request for change of ownership of a Class 2 Used Car Dealership at 230 Baldwinville State Road. Planning Director noted that ANY change to site will require modification of the existing site plan; and transfer of ownership is allowable.

### Items before the Select Board without Planning Comments/Issues:

- Harper Grace Memorial Scholarship – 9/16/19

Request for permit to host a 5k Road Race on 11/2/19 at 9am starting and finishing at MMHS.

### Meeting Notices from Local Communities:

City of Gardner City Council and Planning Board to conduct a Public Hearing on 10/7/19 at 7pm to consider amending the Zoning Code to change the classifications of 31 parcels in the Downtown Urban Renewal Area and 4 bordering parcels south of Route 2.

### Decisions from Local Communities:

NONE

### Other Notices/Announcements:

*(For actual copies of notices please see Alison Manugian in the Planning Office at Town Hall)*