

# TOWN OF WINCHENDON



## 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.

**BOARD/COMMITTEE:** Planning Board – Regular Meeting

**DATE:** November 21, 2017

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

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

### **Agenda**

1. Call to Order  
Pledge of Allegiance
2. Announcements
3. Public Comment
4. Approval of Minutes
5. New Business:
  - **6:30pm Public Hearing:** Miller's Run Subdivision – Request for Modification & Time Extension
6. Old Business:
7. Committee/Meeting Updates:
  - Community & Economic Development Steering Committee (CEDSC)
  - Master Plan Committee
  - Montachusett Regional Planning Commission (MRPC)
  - Montachusett Joint Transportation Committee (MJTC)
8. Correspondence
9. Other Business
10. Adjourn

Notice- The above topics do not prohibit additional last-minute or unforeseen matters.

*The meeting room is handicapped accessible. With advance notice the Planning Board can arrange reasonable accommodation for persons with other disabilities. To request assistance; contact the Department of Planning & Development at 978-297-3308.*

TOWN OF WINCHENDON



Planning Board



Telephone (978) 297-3308  
Facsimile (978) 297-5411

109 Front Street  
Winchendon, Massachusetts 01475-1758

**Town of Winchendon  
Planning Board  
PUBLIC HEARING NOTICE**

Pursuant to MGL, c.41, §81T, notice is hereby given that the Planning Board will hold a PUBLIC HEARING on Tuesday November 21, 2017 at 6:30 PM in the Town Hall Auditorium, 2nd Fl., 109 Front St., Winchendon, MA 01475, to consider an Extension of and a Modification to the Definitive Plan subdivision entitled Miller's Run, submitted by Kathleen Van Dyke. The ongoing subdivision includes the roads of Pinewood Drive and Bayberry Circle, both roads are off of Brown Street in Winchendon, MA. All relevant materials, including site plans, may be viewed at the Dept. of P&D at Winchendon Town Hall. All interested persons should plan to attend. The meeting room is handicapped accessible. The Planning Board can arrange reasonable accommodations for persons with other disabilities. To request assistance, contact the Department of Planning & Development at 978-297-3537.

BY: Guy Corbosiero,  
Planning Board Chairman

November 3, 2017 & November 10, 2017



# Winchendon Planning Board

Town Hall, 109 Front Street, Winchendon, MA 01475

Telephone (508) 297-0085

Fax (508) 297-1616



pd  
\$927.00  
Chk # 218486

RECEIVED

NOV - 1 2017

TOWN CLERK  
WINCHENDON, MASS.

## FORM C-1

(Modification for Definitive Subdivision)

### Tax Certification

Pursuant to the provisions of Massachusetts General Law, Chapter 40, Section 57: "Any Board ... shall deny any application ... for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, assessments, bellements or any other municipal charge." Certification must be obtained from the Town Treasurer on this form before it is submitted to the Planning Board. The Town Treasurer has up to ten (10) days to complete certification.

I hereby certify that no debt is owed to the Town by the applicant or the owner of record for a period of time greater than twelve (12) months. Dan Spillman 11-1-17  
(Town Treasurer) (Date)

\*\*\*\*\*

### To the Planning Board

The undersigned herewith submits to modify a Definitive Plan of property located in the Town of Winchendon under the requirements of the Subdivision Control Law and the Rules and Regulations Governing the Subdivision of Land in the Town of Winchendon, MA.

Received by Planning Board 11/1/2017 PB # 2017-1101

SUBDIVISION NAME Millers Run

APPLICANT name Kathleen Van Dyke Phone # 603 321 0907

Address 300 Giddard Rd Bridge NH 03461

OWNER name Kathleen Van Dyke Phone# SAME

Address SAME

\*\*\*\*\*

Signature of Owner of Record Kathleen Van Dyke

Signature of Applicant Kathleen Van Dyke

### Planning Board Use

Date received \_\_\_\_\_  
Planning Board determines application is complete \_\_\_\_\_  
Forwarded to Board of Health \_\_\_\_\_  
Forwarded to Conservation Commission \_\_\_\_\_  
Forwarded to Dept. of Public Works \_\_\_\_\_  
Public Hearing Notice: \_\_\_\_\_  
Date Abutters notified \_\_\_\_\_ Date Posted \_\_\_\_\_ Dates of Publication \_\_\_\_\_  
Date of public hearing \_\_\_\_\_





JOHN F. WEAVER  
Direct Dial: 781.904.2685  
Email: john.weaver@mcclane.com  
Admitted in MA and NH  
300 TradeCenter, Suite 7000  
Woburn, MA 01801-7419  
T 781.904.2700  
F 781.904.2701

October 24, 2017

Via electronic mail and Federal Express

Town of Winchendon  
Planning Board  
109 Front Street  
Winchendon, MA 01475-1758

**Re: Requests for Modifications and Time Extension for Millers Run Subdivision  
("Millers Run")**

Dear Members of the Planning Board:

This firm represents Kathleen Van Dyke. The purpose of this letter is to formerly request (1) Modifications for Definitive Subdivision, and (b) a time extension to complete Millers Run, such requests to be heard at the Winchendon Planning Board meeting on November 21, 2017. The Definitive Subdivision Plan is entitled "Millers Run Subdivision," owned by the Estate of Robert Van Dyke, dated June 8, 2004, prepared by Sage Engineering, LLC, and recorded in the Worcester County Registry at Plan Book 813, Plan number 3.

Millers Run consists of a 40 lot subdivision of single family homes created by Robert Van Dyke in 2004. There are two roads in the subdivision, the main road Bayberry Circle and Pinewood Drive a shorter road off of Bayberry. A majority (30) of the lots have been built and sold. In June of 2017 the Planning Board agreed to modify Millers Run by (1) removing the 55+ deed restrictions from the original decision, and (2) merging two lots with neighboring lots (Lot 26 and 27, now known as lot 26, and lots 11 and 12, now known as lot 11) resulting in the reduction in the remaining buildable lots from ten to eight. At this meeting, it was also noted that significant tree planning was to be completed as part of the project that was not mentioned in the original decision.

The original developer, Robert Van Dyke, died in September of 2016, and Mrs. Van Dyke, as his widow, has been diligently wrapping up his business affairs. Van Dyke Construction is no longer developing properties as a result of Mr. Van Dyke's death.

Mrs. Van Dyke was collaborating with an investor for ten months this year to develop and sell the remaining lots in Millers Run to finish the subdivision. Unfortunately, the financing of the investor fell through. Mrs. Van Dyke has found a new investor willing to purchase and

McLane Middleton, Professional Association  
Manchester, Concord, Portsmouth, NH | Woburn, Boston, MA

McLane.com

develop the remaining lots, although Mrs. Van Dyke will still be responsible for the infrastructure and road work. Mrs. Van Dyke has completed significant work on Millers Run, most recently the installations of water systems at Brown Street and Bayberry Circle and the demolition of the stone house on Lot 11. However, Mrs. Van Dyke just received a letter last week from the Public Works Director, Mr. Gallant, with additional work that needs to be completed that Mrs. Van Dyke was not aware of.

Mrs. Van Dyke has experienced significant hardships completing Millers Run, including working with a very limited construction crew, legal expenses for the work necessary to wrap up the project, the loss of two buildable lots, and the loss of ten months due to the investor who backed out. The requests contained in this letter are the result of these hardships and would not have been necessary had the hardships not existed.

### **MODIFICATION REQUESTS**

1. **Road Completion/Dedication to be completed in stages:** Mrs. Van Dyke has been working to complete the infrastructure needed to dedicate to the town the two unfinished roads, Bayberry Circle and Pinewood Drive. At this point, Lot 11 is the only lot that needs to be completed on Bayberry Circle before it can be dedicated, if completion of that road were a separate stage. We request that the town allows Mrs. Van Dyke to complete the roads in Millers Run in two stages: first Bayberry Circle, and then Pinewood Drive. By separating the completion of Bayberry Circle and Pinewood Drive into two different stages, Bayberry Circle can be dedicated to the town much sooner, which will reduce Mrs. Van Dyke's maintenance costs and permit her to complete the other work necessary for the remaining lots to be sold to the new investor.
2. **Tree Planting:** At the Planning Board meeting in June of 2017 it was noted that tree planting was to occur as part of the development of Millers Run. This was new information to Mrs. Van Dyke and was not listed as a condition in the original decision. Although numerous trees have been planted in Millers Run, it is impossible to ascertain from Mr. Van Dyke's records if he planted them in compliance with the Planning Board's condition. In light of this, and given that a majority of the lots are sold, as well as Mrs. Van Dyke's other hardships, we request that the Planning Board remove this condition.

### **TIME EXTENSION REQUEST**

1. **Time extension of one year:** Given that Mrs. Van Dyke lost ten months of development time, we request a one year extension to January 3, 2019 to sell the remaining lots for the development and completion of Millers Run. Mrs. Van Dyke would like to see Millers Run completed as soon as possible, and the new investor has agreed to purchase and develop all the remaining lots if a time extension is granted.

October 24, 2017

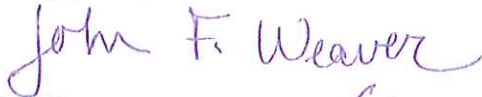
Page 3

With regard to Form C-1, please note that Mrs. Van Dyke has paid all taxes to date and that Ms. Murphy in Planning and Developing has stated the Town Treasurer will sign the tax certification.

Also enclosed please find two checks, first payable to the Town of Winchendon for \$927.00, for the application fee of \$550.00, \$300.00 for the extension fee, \$77.00 for the abutters list notices. Also \$84.00 for the advertising fees payable to the Winchendon Courier.

Thank you for your time, any questions or concerns please feel free to call me.

Very truly yours,

  
John F. Weaver (by JAL)

JFW:jal

Enclosure



**DEPARTMENT OF PUBLIC WORKS**  
**TOWN HALL 109 FRONT STREET**  
**WINCHENDON, MASSACHUSETTS 01475**  
**PHONE: AREA CODE (978) 297-0170**

October 19, 2017

Tracy Murphy  
Development of Planning & Development  
109 Front Street  
Winchendon, MA 01475



Dear Tracy,

I made a site visit today to the Miller's Run Subdivision. After a preliminary inspection, I found the following list of repairs to be made before the road is accepted by the town:

6 water gates need to be repaired;; they are sunken and the concrete around them has cracked and degraded.

All the drains need to be repaired as they are cracking; the cement work is cracking and in need of replacement.

Sidewalk ends on Brown Street and Pinewood Drive are not ADA compliant; they need to be upgraded with tiles.

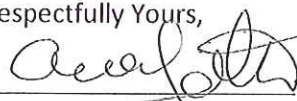
The entire road needs at least 1 ½ inches of bituminous concrete top coat.

Stop signs and crosswalk signs must be installed.

Cross walk painting must be done.

If the road is continued to Brown Street on the far end, it needs to have an ADA compliant sidewalk with a 24' wide road.

Respectfully Yours,

  
Albert C. Gallant,  
Public Works Director

AG/ws



# TOWN OF WINCHENDON

Planning Board



109 Front Street  
Winchendon, Massachusetts 01475-1758

Telephone (978) 297-3308  
Facsimile (978) 297-5444



## NOTICE OF DECISION Modification of Definitive Subdivision Plan

Date: June 6, 2017

PB # 2017-0424

**RE: Certificate of Approval for a Modification of Definitive Subdivision Plan entitled "Millers Run"**

Notice is hereby given to certify that on June 6, 2017, the Winchendon Planning Board voted in favor to modify a definitive subdivision approval titled, "Millers Run", Massachusetts (dated March 2, 2004, last modified May 17, 2004). This action was taken in accordance with M.G.L. c. 41, §81U and pursuant to the Winchendon Planning Board Rules and Regulations Governing the Subdivision of Land ("the subdivision regulations").

A duly advertised public hearing first opened on May 16, 2017, continued and closed on June 06, 2017. The application for a modification was submitted by Katheen VanDyke 252 Goddard Road, Rindge, NH 03461 and the subsequent ANR plans were drawn by Graz Engineering, LCC, 323 West Lake Road, Fitzwilliam, NH 03447. Said ANR plans illustrate the modification(s) whereby lots 26 and 27 depicted on the plan titled **C-2 Overall Definitive Plan sheet 4** prepared by Sage Engineering dated February 27, 2004 as recorded in Plan Book 813 Page 4, are combined into one lot to be known as lot 26 and lots 11 and 12 of the same plan are combined into one lot to be known as Lot 11. Please see attached plans as referenced.

The plans and other submission material were reviewed by the Planning Board. Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearing.

**The Planning Board hereby does approve the following modification(s) to the above mentioned subdivision approval:**

**Condition 16** as outlined in the "Definitive Subdivision Plan Approval with Conditions" dated May 17, 2004 is modified by **removing** the requirement to deed restrict 4 homes to owners aged 55 and older.

Additionally, the lots granted (2) for providing age restricted homes are surrendered through Combining lots 26 and 27 to be known as lot 26 and combining lots 11 and 12 to be known as lot 11 as described in the above referenced plans.




### Duties of the Applicant

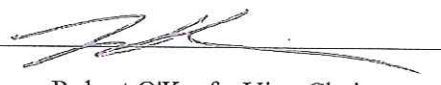
1. The applicant shall submit the Board's signed Notice For Recording of this modification and corresponding ANR plans with Worcester Registry of Deeds (or properly file the same with the recorder of the Land Court if the land is registered land) prior to this modification taking effect. The applicant shall obtain a receipt therefor.
2. The applicant shall present the receipt(s) to the Department of Planning and Development which will make a copy thereof for its records and shall then distribute copies of the approved plans to the various town departments according to the policy of the department.
3. The Building Commissioner will not issue any permits on said lots until these requirements have been met.

An appeal may be made by any person aggrieved by this decision pursuant to MGL Chapter 40A, sec 17, as amended within 20 days after the date of filing of this notice of decision with the Town Clerk.

### WINCHENDON PLANNING BOARD

By

  
Guy Corbosiero, Chairman

  
Robert O'Keefe, Vice-Chair


  
James McCrohon

  
Cailte Kelley

  
Burton Gould Jr.

### Town Clerk Certification

I certify that the 20 days have elapsed since the decision was filed in this office and that no appeal has been filed.

  
Asst. Town Clerk 7/25/17

To be mailed forthwith after decision to:

- \*applicant \_\_\_\_\_
- \*parties in interest \_\_\_\_\_
- \*every other person at the hearing who requests such \_\_\_\_\_

## 7. Meeting Updates 11-21-17

Master Plan Committee – No Update

MRPC – Guy Corbosiero

MJTC – No Update

Community and Economic Development Steering Committee (CEDSC) – No Update

## 8. Correspondence

Applications before the Select Board:

*The Rivers Edge* – BYOB Liquor License

*Little Anthony's* – Permit to Sell Christmas Trees

Surrounding Communities

*ZBA Gardner*- Notice of Public Hearing – for Variance to Wes Flis representing GFA Federal Credit Union located off 229 Parker Street, Gardner, MA (Parcel ID #M22-3-44 & M22-4-50) the proposed project does not comply with the City Code of Gardner Dimensional Requirements. The Public Hearing is to be held on Tuesday, November 21, 2017 at City Hall 115 Pleasant Street.

*ZBA Gardner*- Notice of Decision – for Special Permit to New England Power Company dba National Grid for land located 301 Park Street, Gardner, MA (Parcel ID #M27-5-14) to construct a electrical substation. The proposed project was denied zoning approval by the Building Commissioner as per Section 4 Use Regulations, 415 Table of Uses, Description of Use #25 Essential Services, as requiring a Special Permit in Rural Residential 2 Zoning District of the Gardner Zoning Ordinance. The Gardner Zoning Board of Appeals at its October 16, 2017 meeting voted to grant with conditions and a revised plan a Special Permit to allow for the proposed use.