

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 – Regular Meeting & Public Hearing(s)

DATE: August 20, 2019

TIME: 6:30 p.m.

LOCATION: Town Hall – 2nd Floor Auditorium
109 Front Street Winchendon MA 01475

1. Call to Order & Pledge of Allegiance
2. Announcements
3. Public Comment
4. New Business:
 - A. **6:35 pm - PUBLIC HEARING** – Modification request to approve site plan for ground mounted solar off Lincoln Avenue Extension. The applicant request is to eliminate 2000 feet of underground trenching within the project limits and in place install approximately 19, (40') overhead poles and to eliminate AC and DC underground trenching within the array and install above-grade code compliant cable tray. (Map 2 Parcels 15 & 65)
 - B. **Preliminary Discussion of possible Bylaw modifications for Fall Town Meeting**
 - a. Changes to LID Bylaw – move definitions to regulations
Change “permit” to “endorsement”
 - b. Remove Golf Course Overlay District as no golf course exists currently
 - c. Add Lake Monomonac Overlay District – reducing setbacks only from R40 to R10
in the area highlighted on the map
 - d. Make Planning Board the default Special Permit Granting Authority and add a PB
section to mirror ZBA section
 - e. Modification request for overlay areas for Adult Use/Medical Retail Facilities
~~(pending written request from interested party)~~
5. Minutes – Review & Approval
6. Correspondence – See summary provided
7. 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 978-297-3537.

TOWN OF WINCHENDON



Telephone (978) 297-5410

Planning Board

109 Front Street
Winchendon, Massachusetts 01475-1758

Notice is hereby given that at their regularly scheduled meeting of **Tuesday, August 20, 2019 at 6:30 pm** in the Town Hall Aud., 2nd Fl., 109 Front St., Winchendon, MA 01475 the Winchendon Planning Board will consider the application for amendment to the approved site plans for Ground Mounted Solar Energy Collection System off Lincoln Avenue Extension. The applicant request is to eliminate 2000 feet of underground trenching within the project limits and in place install approximately 19, (40') overhead poles and to eliminate AC and DC underground trenching within the array and install above-grade code compliant cable tray. The application for amendment has been submitted by Winchendon Lincoln Avenue Solar 1, LLC and Winchendon Lincoln Avenue Solar 2, LLC of 1550 Liberty Ridge Drive, Suite 310, Wayne, PA 19087 for property identified as Winchendon Assessors Map 2 Parcels 15 & 65 owned by Glenn Kostick of 17 Poplar Street, Winchendon MA 01475. Said property is located in the I – Industrial zone. A copy of the application is available at the Dept. of P&D, Winchendon Town Hall. All interested persons should plan to attend.

BY: Guy C. Corbosiero, Chair
Winchendon Planning Board

August 6 & 13

TOWN OF WINCHENDON



Planning Board

Telephone (978) 297-0085
Facsimile (978) 297-1616

109 Front Street
Winchendon, Massachusetts 01475-1758

Application for Site Plan Approval Modification

Fee paid: Town of Winchendon \$ _____ Winchendon Courier \$ _____

Pursuant to the provisions of Massachusetts General Law Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayers, Section 2 L 1: 'Any Board ... shall deny the application ... for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, 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.

Town Treasurer _____ Date _____

PB # _____ Rec'd by Planning Board _____

APPLICANT name Winchendon Lincoln Avenue Solar 1 LLC & Winchendon Lincoln Avenue Solar 2 LLC

Address 1550 Liberty Ridge Drive, Suite 310, Wayne, PA 19087 Tel. # _____

LANDOWNER name Glenn C. Kostick

Address 17 Poplar Street, Winchendon, MA 01475 Tel. # _____

LOCATION OF LAND Off Lincoln Avenue Extension

TITLE OF PLAN _____

Property is to be used for Ground mounted Solar Energy Collection System

under Article 3.2 of the Schedule of Use Regulations of the Town of Winchendon

Deed to the property, as recorded in the Worcester District Registry of Deeds

Book 56281 Page 2 & 4 and is shown on

Assessors Map _____ Parcel 65 & 15, each on Map 2 Zoning Industrial

Lot size P65 is 42.59 acres & P15 is 74.05

The undersigned hereby request approval of a site plan under Section 5.2 of the Winchendon Zoning Bylaws and further certify that all information provided in this application and site plan is true.

OWNER signature Glenn Kostick

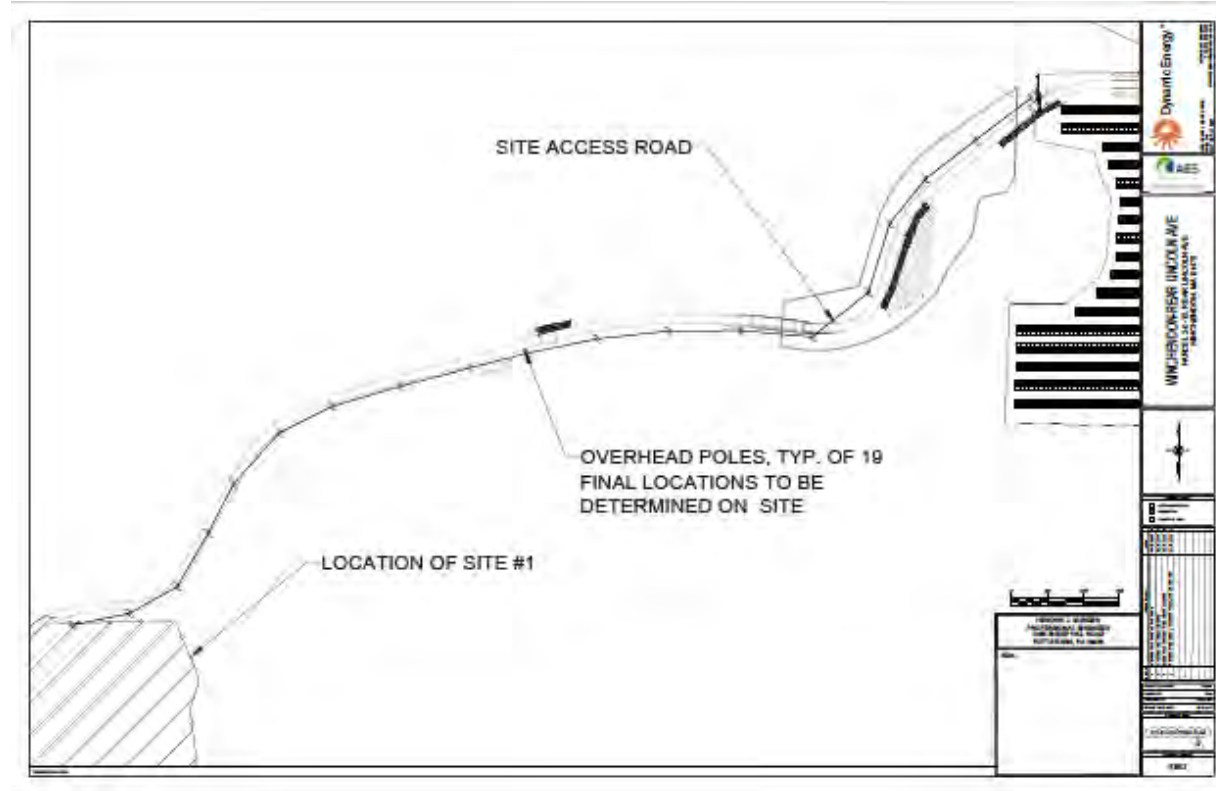
APPLICANT signature [Signature]

Original of this application must be submitted to the Town Clerk.

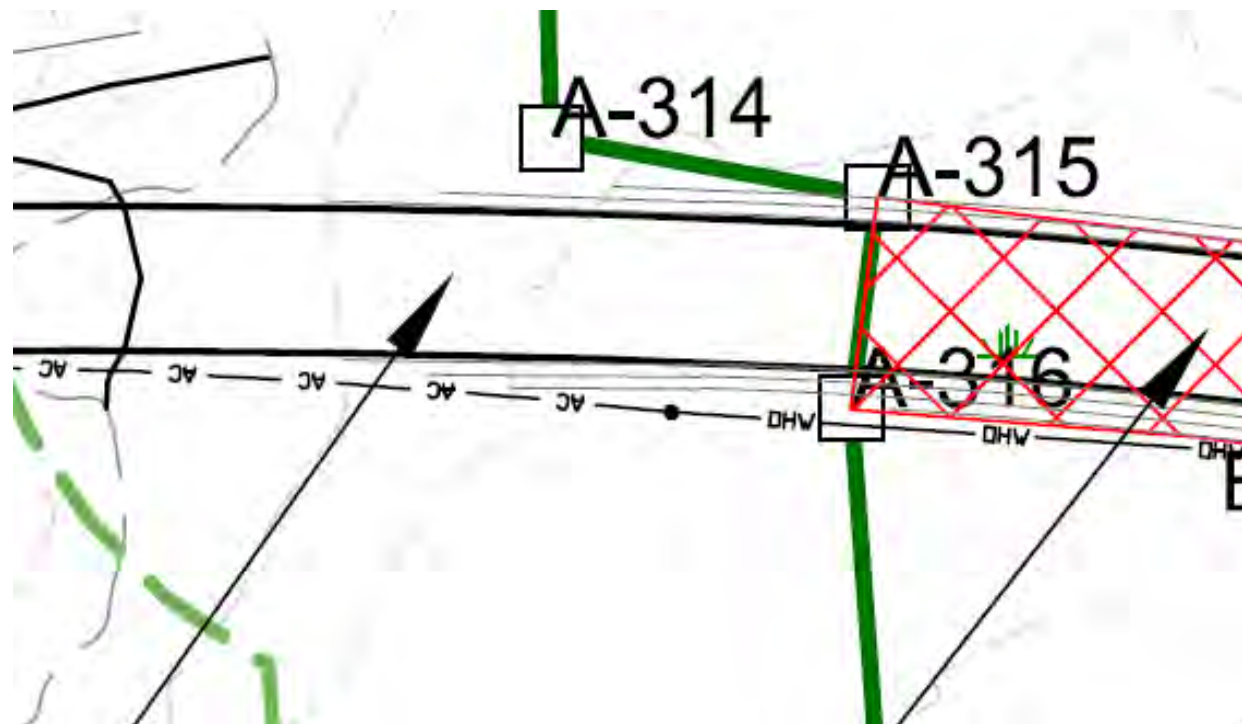
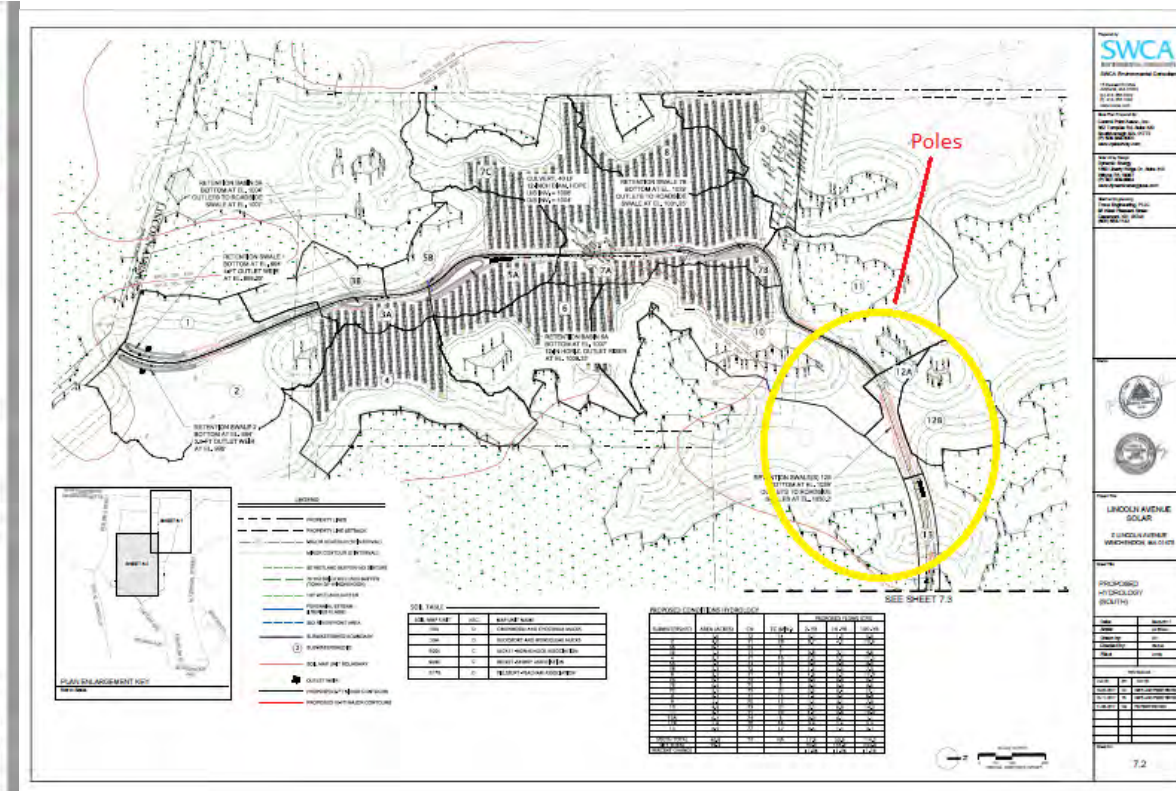
Requested modification is to eliminate approximately 2000 feet of underground trenching for array feeders within the project limits and in place install approximately 19, (40') overhead poles along the interior project limits access way and to eliminate AC and DC underground trenching within the array and install above-grade code compliant cable tray

Winchendon Lincoln Ave Solar 1 and Solar 2 Poles

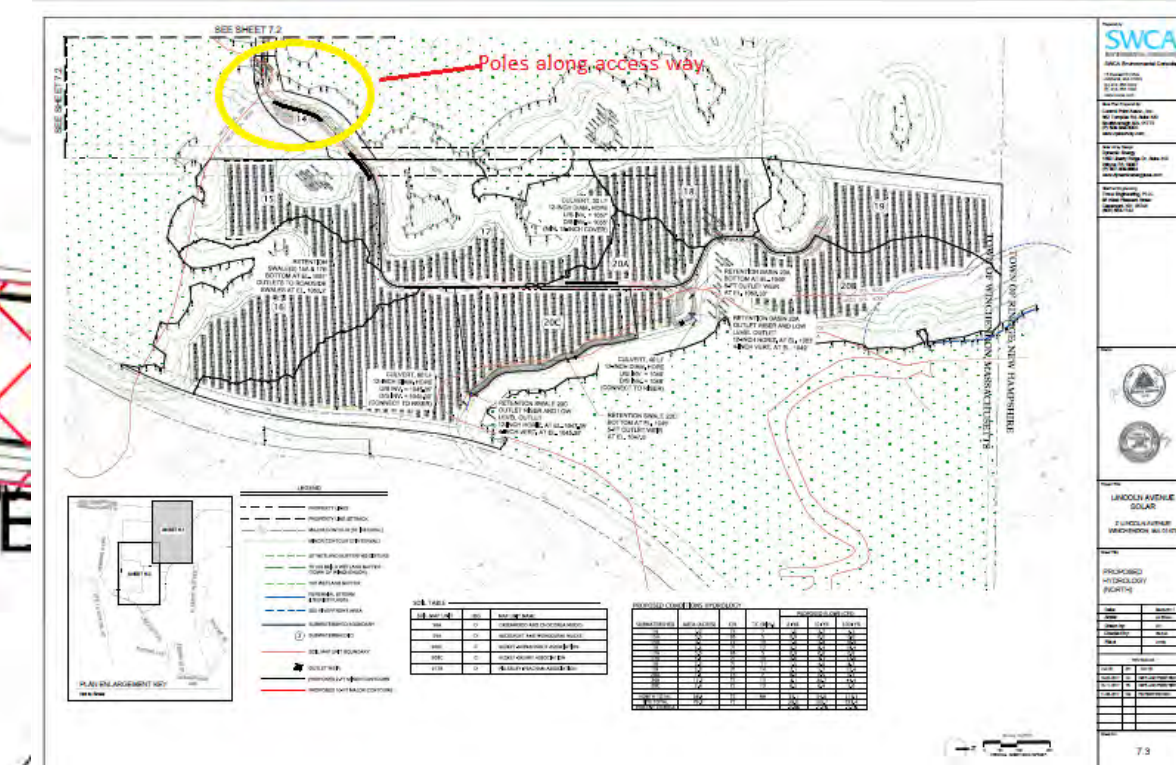
Proposed change location, between arrays, to put poles instead of underground



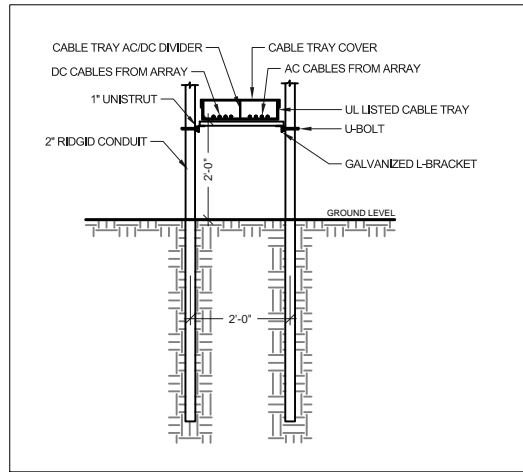
Approved plans showing underground and poles where crossing a wetland



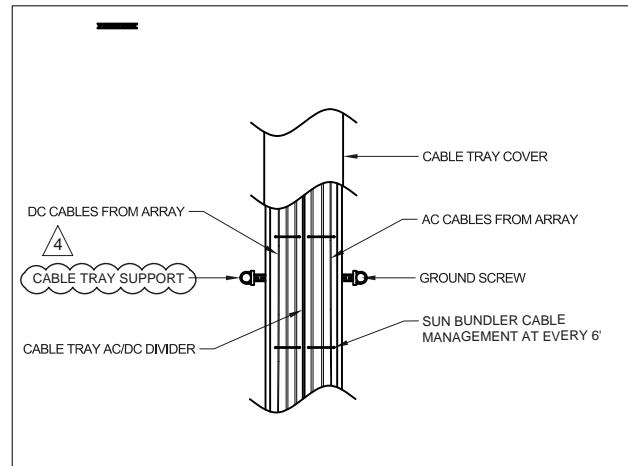
Approved plan, Exploded view showing underground and overhead



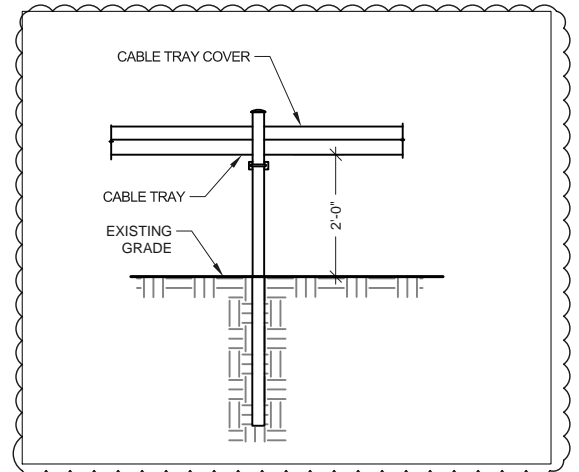
Approved plan showing continuation of access road to Solar 2



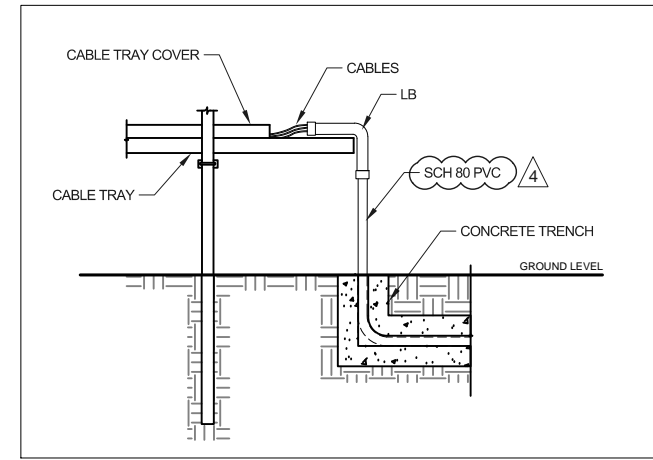
1 CABLE TRAY DETAIL
E102.1 (SECTION)



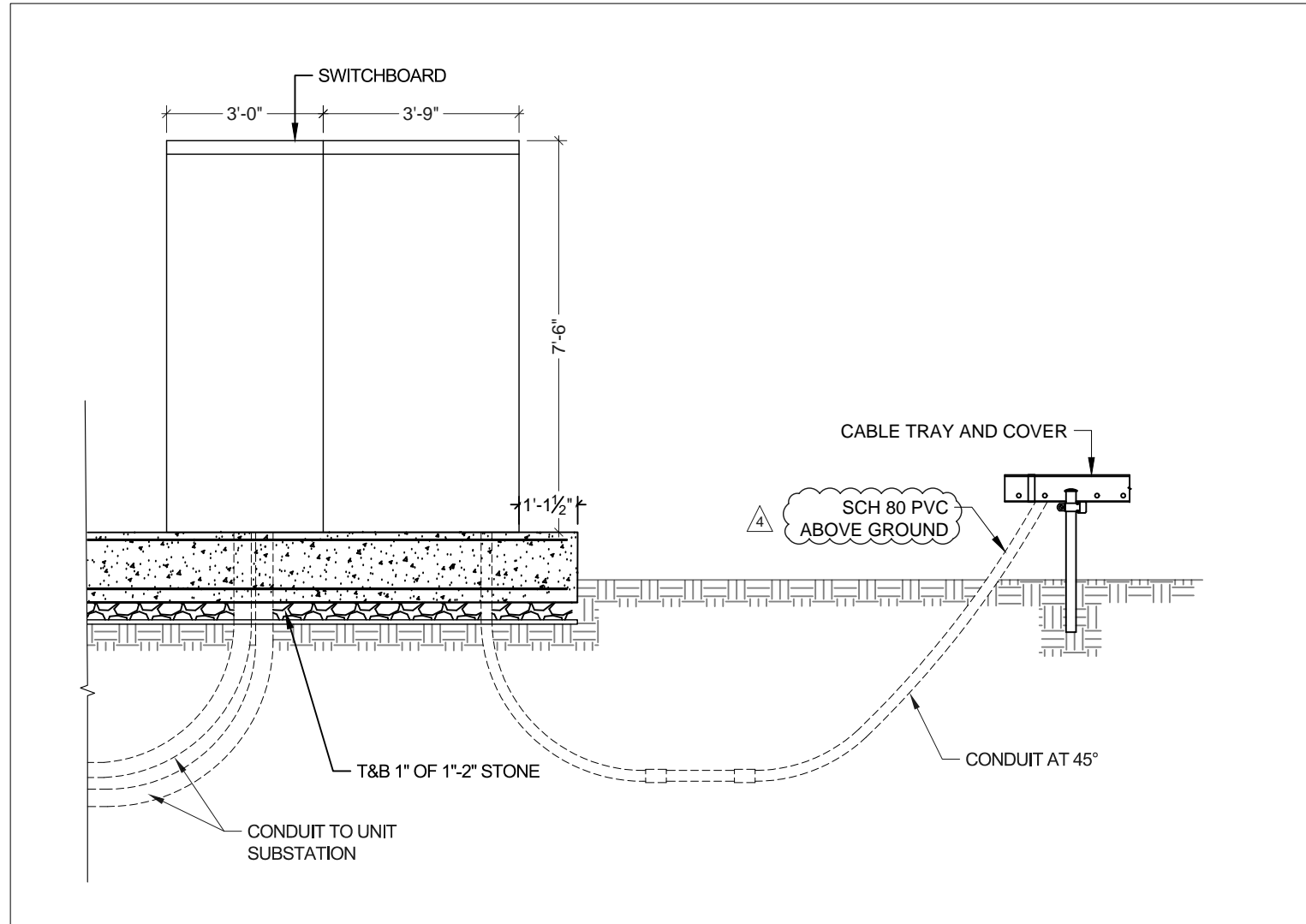
2 CABLE TRAY DETAIL
E102.1 (PLAN)



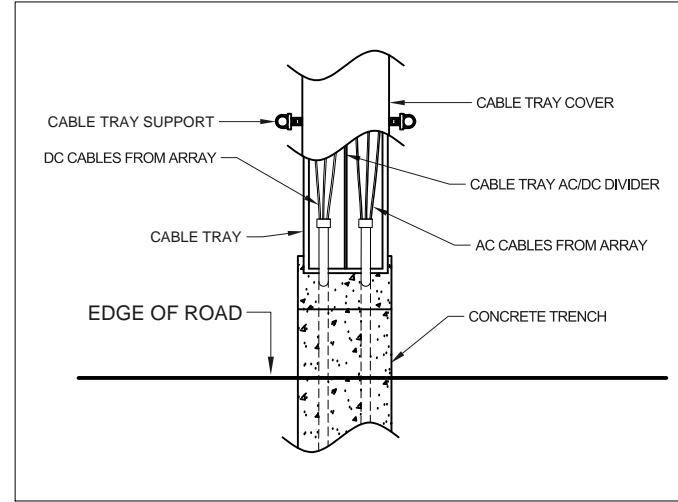
3 CABLE TRAY SUPPORT DETAIL
E102.1 (WITHIN PV ARRAY)



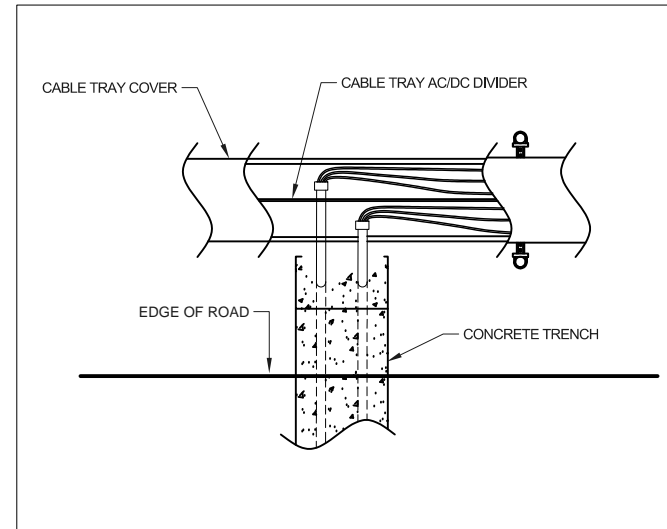
4 CONDUIT ENCASEMENT DETAIL
E102.1 (AT ROAD CROSSING)



5 CABLE RACK TRANSITION DETAIL
E102.1 (TYPICAL)



6 CONDUIT ENCASEMENT DETAIL
E102.1 (AT ROAD CROSSING)



7 CONDUIT ENCASEMENT DETAIL
E102.1 (AT ROAD CROSSING)

MEDIUM VOLTAGE WIRE
INSTALLATION MUST BE VERIFIED
ON SITE

HENDRIK J. BURGER
PROFESSIONAL ENGINEER
1368 SHEEP HILL ROAD
POTTSTOWN, PA 19465

SEAL

DRAWING ISSUE	
<input type="checkbox"/>	INTERCONNECTION
<input type="checkbox"/>	PERMITTING
<input type="checkbox"/>	CONSTRUCTION

REV. #	DATE	DESCRIPTION
1	04-04-2019	REVISED TO THRU TR & P.T. THRU P-4
2	06-14-2019	UPDATED PER AES COMMENTS
3	06-19-2019	RISE POLE UPDATED WITH METER CLUSTER
4	07-18-2019	REVISED WIRE SIZES, VOLT/DROP TABLE, AND MONITORING

PROJECT NUMBER:	012987
DRAWN BY:	CMG
CHECKED BY:	GLB & HJB
PERMIT DWG DATE:	07.20.2019

DRAWING NAME
CABLE TRAY DETAILS

DRAWING NUMBER
E102.1

Winchendon Lincoln Ave Solar 1 and 2 cable tray wire management system as alternate to underground trenching

Cable tray details and installation with typical cable tray installation picture by Dynamic Energy (Walpole, MA)

The image contains several technical drawings and a photograph. The drawings include:

- CABLE TRAY DETAIL:** Shows a cross-section of a cable tray with labels for 'CABLE TRAY COVER', 'CABLE TRAY', 'CABLE TRAY SUPPORT', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CABLE TRAY DETAIL:** Shows a cross-section of a cable tray with labels for 'CABLE TRAY COVER', 'CABLE TRAY', 'CABLE TRAY SUPPORT', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CABLE TRAY SUPPORT DETAIL:** Shows a cross-section of a cable tray support with labels for 'CABLE TRAY COVER', 'CABLE TRAY', 'CABLE TRAY SUPPORT', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CONDUIT ENCASMENT DETAIL:** Shows a cross-section of a conduit encasement with labels for 'CONDUIT ENCASMENT DETAIL', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CABLE RACK TRANSITION DETAIL:** Shows a cross-section of a cable rack transition with labels for 'SWITCHBOARD', 'CABLE TRAY AND COVER', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CONDUIT ENCASMENT DETAIL:** Shows a cross-section of a conduit encasement with labels for 'CONDUIT ENCASMENT DETAIL', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.
- CONDUIT ENCASMENT DETAIL:** Shows a cross-section of a conduit encasement with labels for 'CONDUIT ENCASMENT DETAIL', 'CONCRETE TRACK', 'EDGE OF ROAD', and 'CONCRETE TRACK'.

A photograph on the right shows a perspective view of a cable tray installation on a concrete track, with a metal support structure and a cable tray cover. The track is labeled 'EDGE OF ROAD'.

Logos for Dynamic Energy and ACS are visible in the top right corner. The project name 'WINCHENDON LINCOLN AVE' and 'PARCEL 10-18, BEAR LINCOLN AVE WINCHENDON, MA 01095' is written vertically on the right side. A table with project information is located at the bottom right.



Lake Monomac Overlay

Winchendon, MA

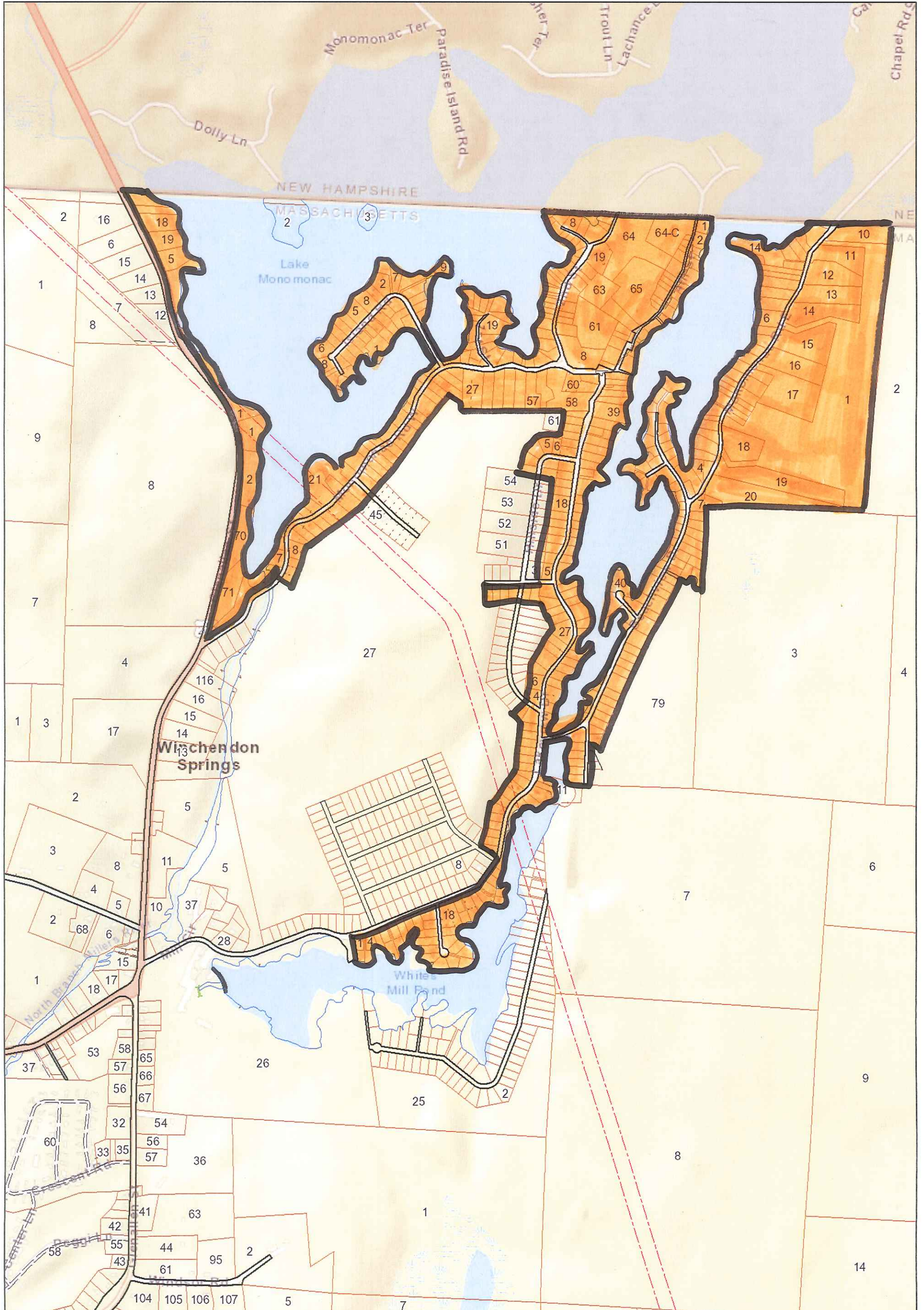
1 inch = 850 Feet

Overlay Draft



August 14, 2019

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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.

d. Special Permit GA

ARTICLE 5 USE REGULATIONS (Amended May 15, 2017)

5.1 BASIC REQUIREMENTS

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 <u>of the Board of Appeals of the Planning Board</u> as provided in Section 13.6.3 <u>13.12.1</u> <u>Unless otherwise specified.</u>
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.

5.1.2 ADDITIONAL REQUIREMENTS

Any proposed use may be subject to the Site Plan Review provision of this Bylaw per Article 12.

ARTICLE 13 ADMINISTRATION, ENFORCEMENT AND AMENDMENT

13.1 EFFECTIVE DATE

This zoning bylaw shall become effective upon adoption of the Town, subject to its approval by the Attorney General of Massachusetts and the publication and posting required by Massachusetts General Laws. All language of this bylaw which remains unchanged from previously adopted language shall be considered to have been adopted on the date of its initial adoption by the Town.

13.2 SEVERABILITY OF BYLAW

If any provision of this bylaw or boundary depicted on the zoning map is held invalid, the validity of the remaining bylaw provisions and boundary lines shall not be affected thereby. Each article may be updated separately by Town approval and be valid based on a date posted on the Article; the definitive version of the most up-to-date bylaw is available in the Town Clerk's office.

13.3 BYLAW INTERPRETATION

To the extent that any specific provisions of this bylaw shall conflict with any general provisions thereof, the specific provisions shall prevail.

13.4 ENFORCEMENT

This bylaw and the conditions and stipulations of permits and variances issued thereunder shall be enforced by a Building Commissioner, acting as Zoning Enforcement Officer in accordance with any or all action necessary to enforce full compliance, as prescribed by the bylaws of this Town and Massachusetts General Laws.

13.5 BUILDING PERMITS

In processing an application for a building permit, the Building Commissioner shall determine by direct reference to the Zoning Map, Soil Limitation Map and Flood Plain Hazard Boundary Maps the extent to which any constraints imposed by such maps within the zoning district in question are applicable, and shall adhere to and be guided by such constraints.

13.6 BOARD OF APPEALS

13.6.1 A Board of Appeals of five (5) members and three (3) associate members 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 Board of Appeals shall possess and exercise those powers granted by the Massachusetts General Laws and shall establish procedures consistent with the provisions of this bylaw.

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

13.6.3 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.

~~B. 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.~~

~~1. Special Permit Time Limitations. Special Permits shall lapse if not exercised within twenty-four (24) months from the date of filing with the Town Clerk. "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.~~

BC. 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.

13.7 SCHEDULED DEVELOPMENT (Amended May 13, 2002)

13.7.1 Purpose. The purpose of this section, "Scheduled Development", is to promote orderly growth in the Town of Winchendon, to phase growth so that it will not unduly strain the community's ability to provide basic public facilities and services to the town, to provide its boards and its agencies information, time and capacity to incorporate such growth into the Master Plan for the community, and to preserve and enhance existing community character and the value of property. (Amended May 13, 2002)

13.7.2 General. Beginning on January 1, 2003, building permits for not more than fifty (50) dwelling units shall be issued in each of the five (5) calendar years following said date, for the construction of new residential dwellings. Further no person or entity nor their successors in interest, nor any entity in which they hold a legal or beneficial ownership shall be issued more than six (6) of the total number of permits available in any one year. For the purpose of this section, an accessory apartment shall constitute a dwelling unit. (Amended May 13, 2002)

13.7.3 Procedures. Any building permits issued shall be issued with the following procedure:

- A. The Building Commissioner shall act on each permit in order of submittal. Any permit application that is incomplete or inaccurate shall be returned to the applicant within five (5) business days and shall require a new submittal.
- B. The Building Commissioner shall accept applications and issue permits one year at a time.
- C. The Building Commissioner shall mark each application with the time and date of submittal.
- D. Any building permits not issued in any calendar year shall not be available for issuance in any subsequent year.
- E. At the end of each calendar year in which this bylaw is in effect, the Building Commissioner shall retain all applications for which a building permit has not been issued. Upon being informed in writing by the applicant before the end of January of the succeeding calendar year that the applicant desires the application to remain in effect, the Building Commissioner shall treat said application in accordance with section 13.7.3(1) above. (Amended May 13, 2002)

13.7.4 Exemptions. The provisions of this section shall not apply to, nor limit in any way, the granting of building or occupancy permits required for enlargement, restoration, or reconstruction of dwellings existing on lots as of the date of

passage of this bylaw, or assisted living facilities, but shall apply to the conversion of single-family to two-family dwellings. (Amended May 13, 2002)

13.7.5 Time Limitation and Extension. This section shall expire on January 1, 2008; provided however, that this section may be extended without lapse of its provisions and limitations, by vote of the Town Meeting prior to January 1, 2008. (Amended May 13, 2002)

13.8 PENALTIES

Any person, firm or corporation violating any article or provision of this bylaw shall be fined the maximum amount allowed by statute, and each day shall constitute a separate violation.

As an alternative to criminal prosecution in a specific case, the Building Commissioner may issue citations under the non-criminal disposition procedure set forth in General Laws Ch. 40, Section 21D.

13.9 AMENDMENT

This bylaw may be amended from time to time in accordance with the provisions of Chapter 40A, General Laws of Massachusetts.

13.10 PLANNING BOARD ASSOCIATE MEMBER (Amended Dec. 12, 2011)

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 on special permits under the requirements of this bylaw.

13.11 PLANNING BOARD SPECIAL PERMIT GRANTING AUTHORITY (amended Fall 2019)

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.

1. Special Permit Time Limitations. Special Permits shall lapse if not exercised within twenty-four (24) months from the date of filing with the Town Clerk. "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.



August 13, 2019

Tracy Murphy
Director of Planning and Development
Town of Winchendon
109 Front Street
Winchendon, MA 01475

Dear Tracy:

202 Trading Company LLC has the opportunity to relocate our existing Adult Use retail location at 350 Baldwinville State Road to a site adjacent to 678 Spring Street (Little Anthony's Seafood Emporium). We believe that if the town allows us to relocate, the following benefits will be recognized:

- Eliminate concerns from residents (presented at our 2018 community outreach meeting) located adjacent to the existing site and allow for the school bus-stop to be relocated to its original location.
- Proposed location is in a commercial district that has other retail businesses and shares the similar uses that is more in line with the characteristics of the commercial or business district.
- 30-50% more tax revenue (Host Community Agreement) to the town as the traffic counts are 3 x higher¹ (17,014 vs. 5,130) at the new proposed location.
- Greater opportunity for our customers to patronize the surrounding businesses adding incremental value as many of our customers will travel 45-60 minutes to visit our location.

I write to formally request that the Planning Board consider modifying the existing Marijuana Facilities Retail Overlay District ("MFROD") to include the general area of the new location outlined above.

Thank you for your consideration. Please let me know if you have any questions.

Respectfully,


Anthony Parrinello

¹ Massachusetts DOT



Request for Modification

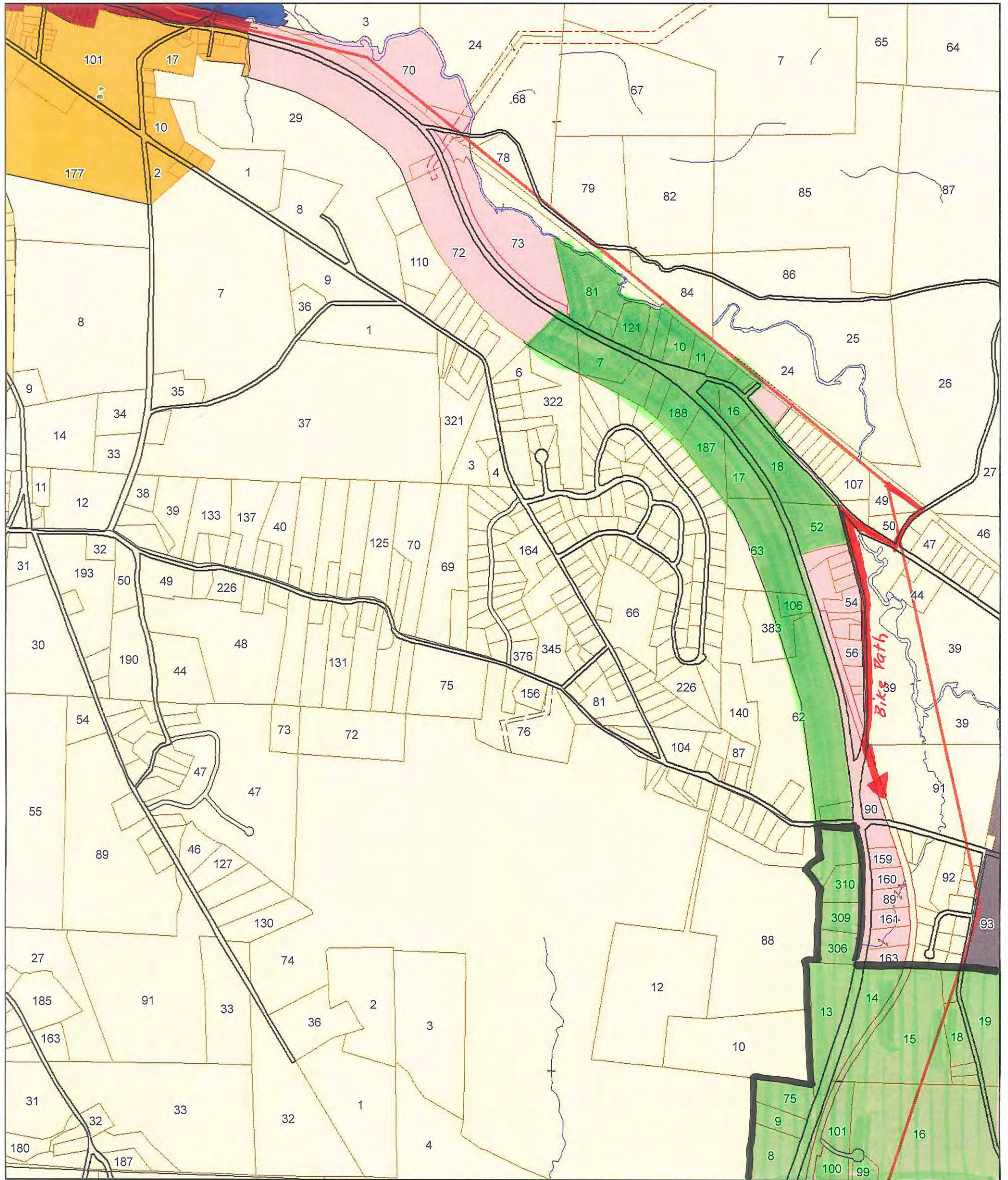
Winchendon, MA

1 inch = 1250 Feet



August 15, 2019

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**EXISTING
'MF ROD'**

	PWater		WaterLines		R10- Neighborhood Residential
	Private Road		Private		
	Property Line		Bike Trails		
	Public Road		C1- Large Scale Commercial		
	Railroad		Planned Development		
	Right of Way		Industrial		
	Utility		Pond		
	PropNotPar		R80- Rural Residential		
	Property Hook		R40- Suburban Residential		

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.

TOWN OF WINCHENDON



Planning Board Correspondence Summary August 20, 2019 Meeting

Items before the Select Board with Planning Comments/Issues:

NONE

Items before the Select Board without Planning Comments/Issues:

- Toy Town Pub – 28 Railroad Street – July 24, 2019
Winchendon Select Board -- Change of Officer/Directors and Ownership;
Transfer of Stock and Change Manager for All Alcoholic Beverages License

Meeting Notices from Local Communities:

NONE

Decisions from Local Communities:

- City of Gardner – ZBA – Granted Special Permit with conditions to operate Tractor Supply at 362-384 Timpany Blvd.
- City of Gardner – ZBA – Granted Special Permit with conditions to construct a two family home on Lot 1, Green Street.
- City of Gardner – ZBA – Granted Special Permit with conditions to operate a three family home at 33 Greenwood Street
- City of Gardner – ZBA – Granted a Variance without conditions to operate storage in the open retail area of 362-384 Timpany Blvd.
- City of Gardner – ZBA – Granted a Variance with conditions construct a 28 unit condominium complex at 562 Main Street.

Other Notices/Announcements:

NONE

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