

# TOWN OF WINCHENDON



## UPDATED NOTICE OF MEETING & PUBLIC HEARING

Pursuant to the provisions of Chapter 39, Section 23B 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: **Zoning Board of Appeals**

DATE: **Wednesday March 17, 2021**

TIME: **7:00 p.m.**

LOCATION: **Conducted by Remote Participation**

*ALL MEETING NOTICES MUST BE FILED AND TIME STAMPED IN THE TOWN CLERK'S OFFICE AND POSTED ON THE MUNICIPAL BULLETIN BOARD 48 HOURS PRIOR TO THE MEETING. (in accordance with Chapter 303 Acts of 1975). THE MEETING ROOM IS HANDICAPPED ACCESSIBLE. WITH ADVANCE NOTICE THE CONSERVATION COMMISSION CAN ARRANGE REASONABLE ACCOMODATIONS FOR PERSONS WITH OTHER DISABILITIES. TO REQUEST ASSISTANCE, CONTACT THE CONSERVATION AGENT AT 978-297-5410*

To participate in the Remote Meeting please follow the instructions below:

**Meeting ID: 968 7620 6572      Passcode: 0523818**

Join Zoom Meeting via computer or smartphone with video and audio options

<https://winchendonk12.zoom.us/j/96876206572?pwd=QXQ2OVQ4RmQxNXF4aW54VEhIRFdGUT09>

To call in and participate in audio via any telephone

Dial +1 929 436 2866 and follow prompts for Meeting ID and Password above

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*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. c. 30A, §20, this meeting of the Town of Winchendon ZBA will be conducted via remote participation.*

### **Agenda:**

Call to Order

Announcements & Public Comment

Building Placement Flyer went out to educate citizens about sheds and placements

Agricultural Update – working with the Building Commissioner to suggest updates to Zoning Bylaw in general. This will be part of that effort, which will go to the Planning Board ultimately when in person meetings resume. I will share the draft language for ZBA discussion when we are ready.

Correspondence Update

Minutes                      2/17/2021

Business:

**7:05pm - PUBLIC HEARING (continued)** to consider an application from Glenn Hayward to obtain variances from the 10' required side property line setback and the 20' required front property line setback to erect a shed at 215 Beachview Drive (Assessors Map-Lot 12-48). Said property is located in a R40 – Suburban Residential district and within the Lake Monomonac Overlay District.

Adjourn



PRSRT STD  
ECRWSS  
US Postage Paid  
EDDM Retail

Postal Customer

If you plan to  
tackle a  
construction  
project  
this summer,

**NOW**

is the time to start!

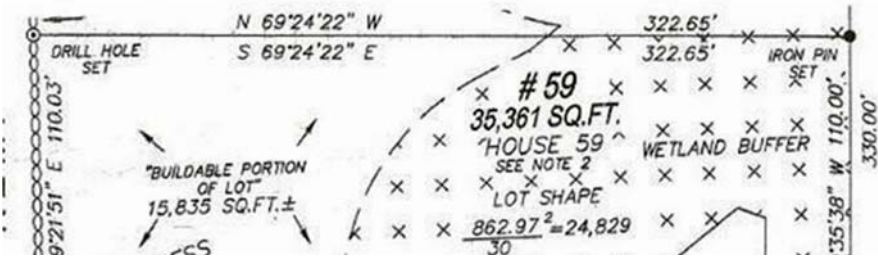
Land Use Department  
109 Front Street  
Winchendon, MA 01475



# Residential Construction Projects



*Town of Winchendon  
Land Use Department*



## WHAT BOARDS ARE INVOLVED?

Members of the Conservation Commission, Zoning Board of Appeals, Board of Health and Planning Board are all town residents who volunteer their time. Boards typically meet once a month.

- The **Zoning Board of Appeals** is responsible for hearing variances, appeals of a Building Commissioner decision, and some special permits. Typically a special permit is needed to alter an existing lot that doesn't conform to current regulations or a variance is required if a project can't meet the property line setbacks.
- The **Board of Health** is responsible for septic system and private well installations for residential projects.
- The **Conservation Commission** is responsible for administering the Massachusetts Wetlands Protection Act, state regulations and the Town Wetland Bylaw. Any work planned within 100' of a wetland or 200' of a stream or river will likely need Conservation permission.
- The **Planning Board** doesn't often have a role in single residential permits; they are responsible for subdivision and commercial site plan permissions.

Forms and additional information are available on the town website at [www.townofwinchendon.com](http://www.townofwinchendon.com) or by calling 978-297-3537

## WHAT IS THE PROCESS I SHOULD FOLLOW?

- Residential projects begin with the submission of a building permit. This permit application requires plans and an application.
- The Land Use Department staff will review the application within 30 days to determine what permissions are necessary. These permissions typically will come from the Conservation Commission or the Zoning Board of Appeals.
- Each permit has an application and specific requirements. **Even sheds must meet setback regulations.** Typically a Public Hearing is required and a site visit may be needed.
- Advertising, review and other steps dictated by State Law mean that this process can take several months to complete.

# TOWN OF WINCHENDON



## ZBA Correspondence Summary March 17, 2021 Meeting

**No items before the Select Board with Planning Comments/Issues**

**No items before the Select Board without Planning Comments/Issues**

**No other Notices/Announcements**

### **Meeting Notices from Local Communities:**

The Gardner Zoning Board of Appeals held a meeting on 2/16/2021 to discuss the following items:

- Special Permit to keep farm animals at 145 Dyer Street - continuation
- Special Permit to keep poultry at 155 Century Way
- Variance to operate a Café at the Church at 112 Central Street
- Finding Decision regarding Access Driveway for 550 Betty Spring Road
- Decision on Special Permit to keep poultry at 73/75 Prospect Street

The Gardner Zoning Board of Appeals has scheduled a meeting for 3/16/2021 to discuss the following items:

- Access Driveway for 550 Betty Spring Road - continuation
- Special Permit to keep farm animals at 145 Dyer Street - continuation
- Special Permit to keep poultry at 155 Century Way - continuation
- Variance to operate a Café at the Church at 112 Central Street - continuation

The Templeton Zoning Board of Appeals held a public hearing on Feb 22, 2021 to discuss an appeal of the Building Commissioner's decision. Request made by Brooks Village Community Coalition.

### **Decisions from Local Communities:**

The Gardner ZBA voted on 1/27/2021 to grant a special permit allowing for raising of poultry at 41 Moran Street.

TOWN OF WINCHENDON



Zoning Board

(978)-297-5419

**Regular Meeting - February 17, 2021**

Via Zoom - Meeting ID: 949 1180 7252 Passcode: 5925685

**Present:** Members: Chairwoman Cynthia Carvill, Richard ‘Erik’ Stancombe, Ray Benoit, Rob Bushey  
Other: Alison Manugian – Zoning Agent

ZBA Members Present: Bryan Vaine, Cynthia Carvill, Richard ‘Erik’ Stancombe, Rob Bushay  
ZBA Members Absent: Ray Benoit  
Agricultural Commission Members Present: Taylor Tower, Sherry Haley, Jordyn Lynds, Audrey LaBrie, Janet Lee, Livy Tarlton  
Agricultural Commission Members Absent: June Girouard (alt), Alicia Trickett  
Others Present: Alison Manugian, Gretchen & Robert Lutz, Guy Corbosiero

**Materials:** Agenda and information packet

**Chairwoman Cynthia Carvill called the meeting to order at 7:03 pm following a motion to do so made by R. Stancombe, seconded by R. Bushey with all present voted aye via roll call vote.**

Announcements & Public Comment - none

Minutes of 8/26/2020 9/9/2020 9/30/2020 11/8/2020 12/2/2020 1/20/2021 were included for review and approval. **R. Bushey motioned to approve all sets, R. Stancombe seconded the motion and all approved via roll call.**

**CONTINUATION OF PUBLIC HEARING to consider an application from Glenn Hayward to obtain variances from the 10’ required side property line setback and the 20’ required front property line setback to erect a shed at 215 Beachview Drive (Assessors Map-Lot 12-48). Said property is located in a R40 – Suburban Residential district and within the Lake Monomonac Overlay District.**

No representative of the Haywards was present – R. Stancombe requested that the board wait for a full board Hearing tabled in anticipation that R. Benoit may join the meeting – discussion resumed  
A Manugian will send letter that the decision needs to be made at the next meeting and that if the applicant wants an approval he should be present, without presentation or ability to ask questions the application may be considered incomplete  
R. Bushey motioned to continue the hearing to 7:05pm on March 17, 2021. R. Stancombe seconded the motion and all approved via roll call

**PUBLIC HEARING to consider an application from Robert and Gretchen Lutz to obtain variance from the 25’ required side property line setback and for special permit allowing alteration of a pre-existing non-conforming parcel/structure to add an addition and attached garage at 40 West Shore Drive (Assessors Map-Lot 6-0-37). Said property is located in a R80 – Rural Residential district.**

**R. Stancombe motioned to open the public hearing and R. Bushey seconded followed by all present voting aye via roll call vote. R. Bushey read the public hearing notice.**

C. Carville clarified that the applicant needs a unanimous decision to grant permissions if there are only 4 members present. The Lutz's were given the opportunity to decide if they want to move forward and this hearing was also tabled until after the discussion with the Agricultural Commission.

The hearing was resumed at 7:45 with Lutzs opting to proceed with only four members.

The Lutzs summarized the project – a garage with covered entrance and a kitchen addition that will allow for safer year round access as they hope to use this as a full time residence. The lot has many constraints, including the septic and well and the exiting home footprint. They are seeking a variance of the side setback and a special permit to alter a pre-existing non-conforming lot or structure.

C. Carvill confirmed that no members have a conflict and the Lutzs swore to be truthful in their discussion.

The parcel has a constant grade from the lake upwards and across the street up to the Town Forest

The area for the new construction is flat, protected from the neighbor by mature trees and the neighbor's driveway is what abuts the property of the Lutz's in this area.

Abutters were present -

Karen Sullivan at 44 West Shore Drive is in support of this project and permissions – no concerns

Kat Sims at 38 West Shore Drive has no concerns and supports the project

ZBA member questions –

R. Bushey asked if the trees near the property line will remain. R. Lutz clarified that 2-3 white pines will need to be removed but that the others will remain to keep privacy and boundary definition

R. Stancombe confirmed that the 7' is the smallest distance to the property line. R. Lutz confirmed this an identified the 10' separation to the septic system

C. Carville summarized discussion that this is an oddly shaped lot that is pre-existing non-conforming with an existing septic system, well and home. The grades are difficult and unique to this lot.

**R. Bushey motioned to close the hearing and R. Stancombe seconded the motion. All voted aye via roll call.**

**R. Bushed motioned to grant the Special Permit and Variance to side setback given that all abutters are in support and there are unique details. R. Stancombe seconded the motion. C. Carville clarified that this permission is only for this particular project/structure to be at the 7' side setback. Any future projects will need their own permission. All members present voted ay via roll call.**

**Discussion with Agricultural Committee representative(s) regarding Section 5.2.4 E - "Accessory poultry or livestock for noncommercial use, private stable, or kennel structure, non-profit." With regard to 1) the application fee, 2) the "under 5 acres" requirement, and 3) non-compliance fines.**

A LaBrie called the Agricultural Commission to order at 7:17pm.

A LaBrie offered information about the Commission, which was founded approximately 10 years ago. There are currently 7 members and there have been many discussion on tonight's topics in years past.

The Commission would like to support residents to take control of their food sources given that Winchendon is a food desert currently.

The first item discussed is the current \$100 special permit fee – Ag Comm would like to see the fees waived to encourage poultry and farming for home use.

The second requested topic is a discussion of reducing the existing 5 acre distinction listed in 5.2.4E of the Zoning Bylaws. It was noted that there is also a required setback of 100' for any coops. It was noted that currently only property owners may have poultry.

The third topic for discussion is an option to waive fines for owners who have poultry currently without permits.

J. Lynds opined that roosters, a nuisance bird, could be limited with conditions on a special permit

Commission members indicated their willingness to attend hearings on this topic and to assist in resolving any concerns that come in from the public.

C. Carville stated that the proposal is well thought out and presented. She then outlined the process with required Town Meeting approval and indicated that manpower to enforce the regulations. Understanding the density of interest in poultry ownership would be helpful.

A Manugian indicated that there is no intent to penalize folks who come forward to get a permit and already have poultry.

R. Stancombe supports the ideas here, including the reduction or elimination of the special permit fee.  
B. Vaine supports a reduction of area to have poultry without special permit. He wondered how to handle funds if this is an annual license. He supports having some ability to have roosters. It was noted that discerning the gender of young poultry is very difficult.  
C. Carville indicated that the hearings for special permit are a good opportunity to hear from abutters.  
A. Manugian will discuss poultry concerns with the Building Commissioner, Animal Control and Town Clerk  
R. Bushey indicated a limit needs to be place on the quantity of poultry.  
Appreciation was extended to the Agricultural Commission for bringing up this conversation.  
J. Lynds motioned to adjourn the Agricultural Commission meeting. S. Haley seconded the motion and all present voted aye.

**Ongoing discussion of sheds and other structures placed within the setbacks without permissions.**

An overview of this was given by A. Manugian and members were invited to review and comment to the Agent on the proposed educational pamphlet.

**R. Stancombe motioned to end the meeting, R. Bushey seconded the motion and all present voted aye via roll call.**

**The Chair adjourned the meeting at 8:13pm.**

Respectfully submitted:



Alison Manugian - Planning and Conservation Agent

# TOWN OF WINCHENDON

Zoning Board



Telephone (978) 297-3537

109 Front Street  
Winchendon, Massachusetts 01475-1758

**Continued  
Hearing**

**Winchendon Zoning Board of Appeals  
PUBLIC HEARING NOTICE**

Notice is hereby given that the Zoning Board of Appeals will hold a PUBLIC HEARING on Wed., January 20, 2021 at 7:05pm to consider an application from Glenn Hayward to obtain variances from the 10' required side property line setback and the 20' required front property line setback to erect a shed at 215 Beachview Drive (Assessors Map-Lot 12-48) Winchendon, MA 01475. Said property is located in a R40 – Suburban Residential district and within the Lake Monomonac Overlay District. The hearing will be held remotely via [www.zoom.com](http://www.zoom.com) or if it is safe to do so, in the 2nd Floor Auditorium of the Winchendon Town Hall, 109 Front Street. All interested persons should plan to attend. More information is available by emailing [amanugian@townofwinchendon.com](mailto:amanugian@townofwinchendon.com). Alternative translation and accommodation for disabled persons is available by advance request.

BY: Cynthia Carville, Chair  
Winchendon Zoning Board of Appeals

January 6, 13



# Planning Decision Petition

### Zoning Board of Appeals

- Special Permit(s)
- Variance
- Administrative Appeal
- Comprehensive Permit

### Planning Board

- Site Plan Approval
- ANR endorsement
- Preliminary Subdivision Approval
- Definitive Subdivision Approval
- Special Permit(s)
- Low Impact Development Endorsement

Fee Rec'd

An additional fee will be due for advertising

Project Number

Submission Materials to be included with this Petition Form are outlined in the Town of Winchendon Zoning Bylaws and the Planning Board Regulations. This application shall not be deemed complete unless all required items are included or appropriate waivers have been requested.

Property Address	<u>215 Beachview Drive</u>	Date	<u>9/9/20</u>
Property Owner's Name	<u>GLENN HAYWARD</u>	Book	<u>12-0</u>
Owner's Address	<u>215 BEACHVIEW DR.</u>	Map	<u>48</u>
Petitioner's name	_____	Lot Size	<u>0.1661 acres</u>
Petitioner's Phone No.	_____	Frontage	<u>90'</u>
Petitioner's address	_____	Zone	<u>R40 Elm Overlay District</u>

Project Summary & Decision Sought: variance to allow shed to be placed less than 10' from the side property line and less than 20' from the roadway property line.

I hereby certify that the information provided in this application, and the accompanying drawing(s) of the property as well as any supporting data are accurate, true and correct to the best of my knowledge and belief.

<u>Glenn Hayward</u>	<u>9/9/20</u>
Signature of Applicant (or their representative)	Date
<u>Glenn Hayward</u>	<u>9/9/20</u>
Signature of Property Owner	Date

### Tax Certification (Treasurer has up to 10 days to complete this certification):

Pursuant to the provisions of Massachusetts General Law, Chapter 40, Section 57, the Town Bylaw, Licenses and Permits of Delinquent Taxpayer, Section 21.1: "Any Board... shall deny application... for any person, corporation or business enterprise who has neglected to pay any local taxes, fees, assessments, betterments or any municipal charge."  
I hereby certify that the applicant or the owner of record owes no debt to the Town of Winchendon for a period of time greater than twelve (12) months.

_____	_____
Winchendon Treasurer	Date

\* Difficult coming up with \$100. At this time my wife received a transplant in Dec. 2019 and medical bills have been high lately. Glenn Hayward





# Hayward Parcels

Winchendon, MA

1 inch = 80 Feet



March 10, 2021



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.



