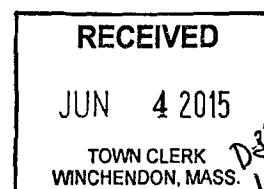


Town of Winchendon



Zoning Board of Appeals



Approved: 6/3/15

Second Floor Auditorium Zoning Board of Appeals Minutes May 20, 2015

Tel. (978) 297-5414
Fax (978) 297-5411

Present: Chairman Cynthia Carvill, Vice Chairman Mary Chace, Clerk Michael Potvin, and Joseph Snow.

Doneen Durling, Alternate/Recorder

Sean Pepper abutter

Jon Staff, applicant

Warren Hopkins abutter

Denis McLaughlin abutter

Absent: Raymond Benoit

Materials: Meeting Agenda, May 21, 2015

Minutes May 5, 2015

Public Legal Notice Special Permit

Letter of intent from applicant

Application for Special Permit

Revised Narrative of proposed use

Revised Getaway site plan

Camp Rules

Call to Order: 7:04

The chairman explained the hearing was a continuation. She said Ray Benoit is absent tonight and Mary Chace was present.

The chairman reminded everyone in the audience that the meeting is live. She asked if anyone was recording.

The recorder informed the chair she was recording for the purpose of minutes.

Minutes May 6, 2015

The chair noted the minutes were very detailed.

Mr. Snow said he got through most of the minutes Snow moved to accept as written/second by Mr. Potvin

Snow (Y) Chase (A) Potvin (Y) Durling (Y) Carvill (Y) 4 – 0 – 1 Approved

New Business — Board Reorganization

Ms. Durling advised it could be held until there is a full board. The board agreed.

Ms. Chace moved that the board hold off reorganization until the full board is present/second by Ms. Durling

Snow (Y) Chase (Y) Potvin (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

Old Business — Public Hearing Continuation 83 Mill Glen Rd. Campground

The chairman said there was new information. There were site visit notes. There is a revised proposal.

She said on the site visit, several abutters were present along with members of the board including Mr. Snow, Mr. Potvin, Mr. Benoit, Ms. Carvill, and Ms. Durling.

The chairman said they walked the site, which was a nice wooded parcel. There was a feeling about where houses in the neighborhood were in comparison to the site. The chairman said people had expressed concerns about people swimming in the back pond. She said it was not a swim type area. There was evidence of bears as one abutter said.

There were lots of ticks and black flies. There is no straight path from the front of the lot to the back. The property had been logged in the past.

There had been a contention by one abutter that it was more a lodge and not a campground.

The chairman said one thing that needs clarification is whether it is a campground.

Another thing to consider is a web site where they take web applications to camp.

There are fire pit concerns and how would campfires be monitored.

Mr. Staff had said he would notify by email or text if there were burning restrictions.

Fire extinguisher would be provided on site.

On the second page concerned the reduction from three sites to one.

Stay is 1 – 3 nights. No guest would be allowed to stay more than 14 days.

The campsite allows 2 cars and 4 people.

Applicant reduced the size of the sign (also covered by zoning bylaws)

Shelter 20' long, 8' wide

Composting toilets

Solar Lighting

Completely off the grid.

No electric wires coming in

Potable water would be stored in the building, and compost from toilets taken out.

Trash would be taken out daily.

The board asked for a copy of camping rules

The chairman read the list of rules that included check out, check in, pets, campfires etc. Swimming is not allowed.

The chairman explained for Ms. Chace's benefit that the camp lodge would be on wheels. She said it was explained that it would be used year-round, and would be heated by propane.

Ms. Durling said the board is still waiting for impact statements from the DPW, the fire department, the police department and BOH.

The chairman said that according to conservation agent David Koonce, the wetlands would have to be flagged.

The chairman said the letters to the police chief, the fire chief, the conservation commission, and the BOH went out May 13.

The chairman called Jon Staff forward and reminded hi that he had previously been sworn in.

Mr. Staff provided a new drawing of the one site set further into the lot.

He said it was at least 200' in and away from the road. He said it was better for the campers and better for abutters.

He said there was a personal cell phone number that would be answered 24 hours a day.

There would be no staff on site, but the staff person would be 15 minutes away.

He said the fire pit would only be burning if allowed.

He said there was a maximum of 4 people on the site and a maximum of 2 cars.

They are putting a cap on the stay of 14 nights. He said he expects most to be 3 night stays.

He said the people the site is geared towards want to get away for the camping experience and peace and quiet.

Mr. Potvin asked where the solar panels are located.

Mr. Staff said they would be on top of the shelter.

Mr. Potvin asked if there were any designs on the buildings. He said the BOH would ask about the water and where it would be stored.

Mr. Staff said the tank drops.

Mr. Potvin asked if the trailer would be registered.

Mr. Staff said it would be registered.

The chairman asked if the four people allowed on the property could have visitors.

Mr. Staff said there would only be 4 people on the property at any given time.

Ms. Durling asked about tree cutting for solar power.

Mr. Staff said after setting up the shelter, they would cut back the canopy, but would cut back as little as possible.

He said in the winter there would have to be propane lights.

The chairman said that the rules spoke of quiet hours. She said that would have to be clarified what the zoning bylaws say about noise in a rural area.

Ms. Chace asked about trash storage.

Mr. Staff said it would be stored in the units.

Ms. Durling asked if the special permit could be predicated on the staff person appearing on red flag days to post or communicate with campers that there could be no fires.

The chairman said that there was information for Ms. Chace to consider presented by abutters Denis McLaughlin and Sean Pepper.

The chairman asked if Jon Staff had any questions of the board.

Mr. Staff indicated he did not.

Abutter Sean Pepper came forward and spoke of his concerns. He said that people couldn't bring their own firewood into campgrounds because of the spread of insects such as the Asian long horn beetle.

He said he had other concerns including the fact that people will not know how to deal with bears and other wildlife.

He said trash stored for 14 days in the unit would smell.

Flagging wetlands has to be done as the Conservation Commissioner pointed out.

He said without staff there, no one would be informed they could not have a campfire.

There would be no one there to monitor the campers.

He said abutters and neighbors would suffer the repercussions.

He voiced there was no faith in a 24/7 call line.

He said to go back to his original comments that what was proposed was not a campground but instead commercial lodging. He said they are small homes with showers.

He said the special permit should be denied on the merits of the application. He wanted to know where the grey water was going. He said you can't compost grey water.

He asked that the board take into consideration the abutters and recognize that this is neither the place nor the time to allow a commercial lodging facility.

He asked that the board deny the special permit on the merits of the application.

Mr. Hopkins, abutter said he has not changed his general opinion. He said traffic and noise are still a concern.

He said he did not believe that if something happened at the campsite in the middle of the night, a 1-800 phone call would not help. He said the reduction of the campsite from 3 to 1 sounded like a tactic to get a foot in the door. He said the rules change with the BOH according to the reduction of the campsites. He worried that in a year or two down the road, how many campsites could they get in there.

He said is it lodging versus a campsite. He said that needed to be addressed.

He said they talked last meeting of a variance versus a special permit.

He said he knew variance, but did not know the criteria for special permits. What criteria does an applicant have to meet in order to make it a benefit to the community?

Mr. Hopkins said it was an interesting idea in the worst possible location. He said it is a long narrow lot, and wherever he puts a campsite, it would be located close to someone's back yard. He said no one wants to wake up in the morning and see someone stepping out of a trailer. He said that is why he is asking the board, as he did last time, to deny the permit.

Abutter Denis McLaughlin provided a list of concerns at the last meeting and said he sent out a correspondence to town departments for impact feedback.. Mr. McLaughlin said he was concerned after seeing the reduction in campsites that people would see the proposed commercial use could exist in the location

He said there were two separate and distinct issues to discuss. A use special permit, and a site plan review are interrelated and need to be involved in each other's processes, but are different in application and impact to any given property. Site plan review is where an

applicant indicates how his property's operation meets in compliance with the zoning and other regulatory framework. The applicant can ask for and can receive waivers. The process is heard in a public meeting and requires a simple majority of the board to approve or deny the application. Conditions are usually added to the document.

A special permit use is a vehicle to allow non-standard use within any district in the community subject to additional zoning criteria the ZBA might find necessary provided that the proposal does not violate the purpose and spirit of the bylaw or its mission. The impact on the neighbors, and lowering property value are instances for denying.

He said testimony has been given that denotes loss of sale and lowered property value. He said the board needs to look at lot size for trailer parks. He said the parcel does not meet the generic use application.

He said of special interest is zoning bylaw 463 (4.6.3 Golf Overlay) limits applicants to land owners.

He said most things he heard discussed happen at a site plan review such as where is the trash.

He said there are many things to consider for the applicant to utilize that use such as how many feet from the borders, how emergency vehicles turn around etc. He said for the golf overlay there are 9 pages of things one needs to do. He said site distance should be considered for delivery of tanks etc.

Mr. McLaughlin said 40 MPH is legal on Mill Glen.

He said the applicant has not shown how his would be a benefit to the neighbors. He wondered how one campground could be commercially viable. He said he had advised that the board condition a site plan review. He said according to the bylaws, it is required. He said he was not sure the applicant's use of family campground is the same as family is defined within the zoning bylaw. He said now part of the presentation is groups of friends. He talked of 50% open space provisions in the bylaw.

Mr. McLaughlin said he did get to see the bear after the site walk. He talked of mistakes they may make with wildlife.

He said applicant is a renter.

Mr. McLaughlin said he would send out what he read for the record.

He chairman said she wanted to call a couple of different things to the board's attention including clarification of a site plan versus special permit use. Article 13.6.3 talks about the specific powers and duties in regards to appeals of special permit. She said it is on page 108 of the zoning bylaw book.

She also wanted to have the members clarify appendix C 8.23 the review process flow chart. She said it addresses the specific duties and responsibilities in regards to how it should pan out in a perfect world of timelines or time frames.

She said she would like the board to consider continuing the hearing for 2 weeks after the impact statements have been received.

Ms. Chace moved to continue/second by Ms Durling

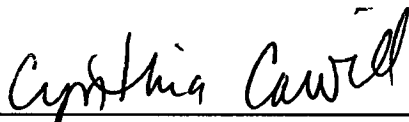
Snow (Y) Chase (Y) Potvin (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

Mr. McLaughlin asked about the 35-day non-response indicating a department head's approval.

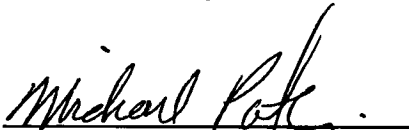
Mr. Potvin made a motion to close the meeting/second by Mr. Snow

Snow (Y) Chase (Y) Potvin (Y) Durling (Y) Carvill (Y) 5 – 0 Approved

Adjourned: 8:10

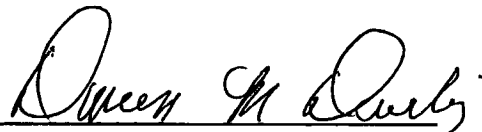

Chairman Cynthia Carvill


Vice Chair Mary Chace


Clerk Michael Potvin


Joseph Snow


Raymond Benoit


Doneen Durling (Alternate)