

TOWN OF WINCHENDON



Zoning Board of Appeals

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WINCHENDON, MASS.

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109 Front Street, Dept. 11  
Winchendon, Massachusetts 01475-1758

**Fourth Floor Conference Room  
Zoning Board of Appeals  
Minutes  
May 6, 2015**

**Approved: 5/20/**

**Present:** Chairman Cynthia Carvill, Clerk Michael Potvin, Joseph Snow, and Raymond Benoit.  
Doneen Durling, Alternate/Recorder  
Jon Staff - Applicant  
Abutters  
Sean Pepper 94 Mill Glen Rd.  
Warren Hopkins 464 School St 87/93 Mill Glen  
Paula Hopkins " "  
Denis McLaughlin 79 Mill Glen  
Susan Suchochi-Brown 80 Mill Glen  
Sharon and Don Cadieux 115 Mill Glen  
Mary McLaughlin 79 Mill Glen  
Ronald Brown 80 Mill Glen

**Absent:** Mary Chace

**Materials:** Meeting Agenda, May 5, 2015  
Minutes April 15, 2015  
Public Legal Notice Special Permit  
Letter of intent from applicant  
Application for Special Permit  
Narrative of proposed use  
Getaway site plan  
Zoning Review produced by Denis McLaughlin

**Call to Order:** 7:04

The chairman advised that the meeting was being taped and requested that anyone taping identify himself or herself.  
She asked that everyone commenting would be asked to identify himself or herself for the audiotape.

**Old Business — Approval of minutes, April 15, 2015.**

Board members agreed they saw no problem

initials: CC JS

*Mr. Potvin moved to approve/second by Mr. Snow.*

*Snow (Y) Potvin (Y) Benoit (Y) Carvill (Y) 4 - 0 Approved*

### **Getaway Campground Public Hearing**

The chairman noted it was 7:08 and called for a motion to start the public hearing.

*Ms. Durling moved to open the hearing in regards to Jon Staff of Memorial Drive in Cambridge on Getaway Campground/ second by Mr. Snow.*

*Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 - 0 Approved*

The chairman noted that Vice Chairman Mary Chace was unable to attend, and informed the assembly that Ms. Durling was the alternate that would fill in.

The chairman asked if any board member had a conflict of interest hearing the case.

Board members indicated they had none.

The chairman called Jon Staff forward to swear him in.

Mr. Potvin read the legal notice for a Special Permit request from Jon Staff 812 Memorial Drive, #1003 Cambridge MA. 02139 for property owned by Kate Stanley, 95 Andrews St. Lowell MA. 01852 located at 83 Mill Glen Road Winchendon MA 01475, Map 11 Parcel 209 to hear the request for a Special Permit under Section 5.2.5C of the Winchendon Zoning Bylaw to allow the operation of a campground to be located in an R80 zoning district.

The chairman noted there were a number of concerned abutters and neighbors present, and asked Mr. Staff to outline his proposal.

Mr. Staff said the idea was to start multiple small and rustic campgrounds for people in the city who wish to get away, unplug, and back to nature for a night or two. He said it was a campground under regulations, but not a campground in that it is not open to the public. Reservations come in beforehand. Everyone is prescreened. It is more of a club than a campground. He said they would not be coming in and out at all hours of the day. The site plan was for three sites but there would be only one or two for the foreseeable future. It is not open the public. There are no permanent structures at all. Any structures are on wheels. There is no grid tie in. The power used is solar and propane for heat. There are composting toilets. The lease is signed with the owner of the property for 18 months. When the lease ends, and if it is not extended, they literally pick up their stuff and go. The land is exactly the way as when they came. The goal is not to cut down a tree. He said the vision of it is that people want to reconnect with nature. Mr. Staff said the idea is for zero impact on the property and on the neighborhood as possible. He said the people that would want to use it would want the peace and quiet. He offered a 24-hour number to abutters. He said they want to be good neighbors and respect the land. The chairman said her first question concerned campers cleared through the website and the caretaker who would not be at the campsite full time.

Initials: CC JS

Mr. Staff said it was correct that there was a caretaker that came between campers to clean up the site, but there was no one on site full time.

Mr. Snow said it was his understanding that it was like a club where people could make reservations for a length of time.

Mr. Staff said stays would be one to two days usually.

Ms. Durling asked where the compost was removed to.

Mr. Staff said it would be taken off site to a transfer station.

Mr. Snow asked if the camps would be open 12 months a year, or just summers.

Mr. Staff said they would be open 12 months. He said he has friends that do winter camping.

Mr. Potvin asked about a personal fire pit. He asked about the rules for the site. He said normally the rules are pretty well set at a campground.

Mr. Staff said there were rules drafted in the agreement and rules would also be posted about quiet hours etc. He said campers would be in the 20 – 30 something age bracket. He said getting up early would not usually be the problem, and , it was incumbent on the business side to see they leave at an arranged time.

Mr. Snow asked if there would be swimming.

Mr. Staff said there would not be swimming. He said there was a stream on the property but it was not swimable.

Ms. Durling asked if there was any plan to expand on the site.

Mr. Staff said there was not a plan for that particular property to expand. He said if that one worked they would have other sites perhaps in other towns. He said the intent was not to become like an RV park stacking them in. He said if the promise is that it would be a place people could go for peace and quiet, that they are able to have peace and quiet. He said there definitely would be no more than 3 on the site.

The chairman said there was correspondence from the health agent and the building inspector. She said the building inspector indicated that since the campground was open to the public, one site would have to be handicap accessible.

Mr. Staff said he spoke to the zoning enforcement officer, and they agreed to make one of the sites handicap accessible. He said the building inspector replied and said he was happy about it.

Mr. Potvin asked about pre-screening the campers.

Mr. Staff said that initially they were not renting to anyone they did not know personally. He said eventually they would expand to word of mouth through people they know personally.

He said applicants would have to give a photo and their driver's license. They would have to prove they are who they claimed to be. They also have to explain why they want to come. He said it is not as easy as just handing in a payment. They will have a platform on the website that asks them to explain why they need to get away.

Mr. Potvin asked if there were several locations.

Mr. Staff said that this site was it.

Mr. Potvin asked if it was part of a group.

Mr. Staff said it was not and they were doing it themselves.

The chairman asked if the land would be leased.

Mr. Staff said they signed a lease.

The chairman asked about insurance and liability.

Mr. Staff said an insurance agent was putting all the policies in place. He said they were duly covered and went through all the disaster scenarios including if someone is attacked by a bear, what would response be.

The chairman asked about fire extinguishers and plans for what happens if a fire were to erupt. She asked how the fire department could reach an unmarked location. She said if the camp is off the grid

and it is dark how would they find the location and how would campers escape the woods. She said some of the same questions were on the abutters' minds as well.

Mr. Staff said there were fire extinguishers and lights were solar powered. He said there would be a small sign on the roadway for a way to find it.

The chairman asked if the sign would be lit or reflective.

Mr. Staff said he did not want it to be a billboard, but it had yet to be discussed fully. He said it was supposed to be a rustic experience. He said he was respecting what he believed people would want in their neighborhood.

Mr. Snow asked if there would be any kind of security for people

Mr. Staff said the units would be secured by an electronic lock.

The chairman clarified there would be no person on site for security.

Mr. Potvin asked about the driveway.

The members consulted the site drawing.

Mr. Benoit said it would be one driveway and 3 pathways.

Mr. Snow asked how far down Mill Glen was # 83.

Mr. Staff said .9 mile.

Mr. Snow asked if it was near the power lines.

Mr. Staff said it was.

Mr. Potvin asked Mr. Staff to point the site out on the map.

Mr. Staff said it is an 8 ½ acre lot.

Mr. Benoit asked if there was permission given by the power company to cross the property.

Mr. Staff said he had not spoken to them. He said he had to check where the lines were because walking the property; he could not recall where they were.

The chairman said she would like to walk the land to check out the lot. She said with the owner's permission. She said on paper it looked like one thing, but seeing it may raise other questions. She said it was in everybody's best interest to consider a site visit.

***Mr. Potvin made a motion that the board should participate in a site visit/second by Mr. Benoit.***

***Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 - 0 Approved***

The chairman told Mr. Staff that it would be good for the board to see the application for the Getaway, and to see a copy of the rules.

The chairman asked if there were any further questions for the applicant from the board;. Hearing none, she invited abutters to come forward.

Sean Pepper of 94 Mill Glen Rd. came forward. He said there was a lot of contradicting information that he found on the website.

He said they are open to the public. They are accepting public applications for sites. The applicant stated there would be shelters. On the website they are called mini houses and lodges with showers and composting toilets. Mr. Pepper said showers do not compost, and he asked where the water from the showers would go. He said the site would not meet the definition of a campground. He said they are not renting sites, they are leasing lodging. He said it becomes a commercial lodging application that falls under 780 CMR as the building inspector stated, which brings into account 521 CMR which is the AAB (Architectural Access Board) as a public site, is addressed by the building inspector. Under a public lodging facility, it is not allowed by special permit, nor is it allowed by right. Mr. Pepper said he

would move tonight to respectfully ask that the application be summarily rejected on the merits of the application because it is not a campground and what they are doing is leasing lodging. He said they list a maximum of 3 nights, but on line state that transportation is provided for longer than a 3-night stay. Mr. Pepper asked that with no on site representation, who would be notifying campers of red flag warning days when they cannot have fires. Who maintains the composting in the toilets?

As a lodging facility they are required to have fire alarms or smoke detectors. Where is potable water stored and how long is it held on site. BOH should have issues with stagnant water and bacteria conditions. Who maintains the trash? Is it in a lockable container. There are bears locally.

Mr. Pepper said the site does not run under the power lines. He said it is close to Stoddard Rd. He said there are no stop signs and merging traffic on both sides.

Mr. Pepper said the lodges create 160' of impervious area. Where does the drainage from the roofs go? What is the impact to the surrounding lodges?

Mr. Pepper feels that though the applicant says it is not open to the public, it will be very open to the public. He reiterated the people are not leasing sites, they are leasing lodges. He said it is not a campground, and not allowed in an R80 zone.

Mr. Pepper said anyone could see info on getaway.house.com. He said they charge \$99 per night.

Abutter Susan Suchochi-Brown of 80 Mill Glen Rd. came forward. She asked exactly where the site would be. She was told it was right after the intersection of Stoddard Rd. at the top of the hill. She said it took a while for fire response. She said she would like to see a fire impact report, a police impact report, and a DPW impact report because their services would be needed.

The question asked involved a variance. The chairman said the application was for a special permit. She defined the difference.

Ms. Suchochi-Brown asked what would be the advantage for the town if the special permit is granted versus what the cost would be to the town.

She said her understanding was that things would be pumped into a holding tank. She said it would take a significant amount of plumbing to pump from the three lodge sites. She wanted to know how the clear water would be delivered to the units.

Sharon Cadieux, of 115 Mill Glenn Rd. said they just found out about it and were a bit anxious. She said they live on the same side of the road. They live way back in the woods on the stream. She said Potato Brook is a year round stream that comes from Mill Glen Pond to Beaman's Pond. She said one of her concerns is that it is a stream and people follow streams. She asked how many times they are going to find people in their back yard. She said it happens already with hunters and people following the stream. She said she is also very concerned about the fire pit. She said it could start a fire in their back yard.

The chairman said in MA she believed people are allowed to wander through land if it is not posted. She said if it is posted, people cannot wander through your land.

Ms. Cadieux said they have people wandering through even though it is posted.

Warren Hopkins of 464 School St. and 87 and 93 Mill Glen Rd. He and his wife own land adjacent to the lot. Couple of concerns: If this is considered a campground, there really is no need for a campground there are 135 campsites in Winchendon. He said the campgrounds are not maxed out most of the time. There are 17 campgrounds within a 25-mile radius. He is concerned about the lack of rules and regulations. He asked who would enforce the rules. Who would regulate the alcohol and people coming and going or trespassing? Mr. Hopkins's land is posted but who would keep someone from meandering.

Mr. Hopkins said he heard from his realtor that if and when they want to sell their land, the land would become much more difficult to sell with the campground abutting. They would suffer a financial burden as far as he is concerned.

Mr. Hopkins said no one involved in the venture lives in town. Who would they contact with a complaint?

The chairman said as a citizen of the town of Winchendon, if there's a property that fails to meet the guidelines of any special permit or variance we grant under this authority, there is a process to appeal or make a complaint to the zoning enforcement officer. She said the ZEO is also the building inspector. He would take action. Sometimes they do cease and desist. Sometimes people are called back in for a rehearing. She said there is a process for zoning violations. She said noise violations or trespassing would be the Winchendon Police Department.

Mr. Hopkins said that hearing what he has heard this evening he would have to request that the board deny the permit.

He said it was a narrow 8 acres, and nobody wants to see a campground in their back yard. He said the campsites would be within 2 feet of his property and the neighbor's property on the other side.

Lucinda Ellert of 132 Mill Glen Road said her concern is about traffic. She said kids come up and carouse. She has called the police. Kids zoom up and down the street on dirt bikes. They have property on both sides of the road. She said a campsite that is going to be encouraging more people carousing and drinking. It will increase the amount of litter, which is very high. She said she sees no reason why they have to have the campground.

Denis McLaughlin of 79 Mill Glen Rd. brought a written review he handed to board members. He is a professional engineer with experience on both sides of the table. He has been doing it for about 30 years. He owns property immediately to the west. His property line starts at the intersection of Stoddard and Mill Glen Rd. Mr. McLaughlin cited Sections of the Winchendon Zoning Bylaws from his handout, which was a Special Permit Review for Proposed Campground.

He said it is an unemotional fact finding review. He said the application is for a special permit use so we are not getting into the specifics of layout...that is a site plan review.

The chairman said he is correct.

Mr. McLaughlin said a use special permit required the answer of whether it could be done or not. Once allowed though, it is hard to retract. He said this process opens the door and then forever more can pile on and can't go backwards. As long as the use is maintained...it has to stop and cease for 2 years and then the use extinguishes.

The chairman interjected and stated the use goes to the applicant and not to the land in this particular case.

Mr. McLaughlin said it is recorded with the land. Everything goes with the land, that's how it is done in Massachusetts. The applicant has to get permission from the landowner, and the landowner gets restrictions on their property and that's why they have to sign.

Mr. Pepper said the board is granting a use of the property, not a use to the applicant.

The chairman said it was granting a use of the property to him (applicant)

Mr. Pepper said it is the landowner that owns the property

Mr. McLaughlin said it was semantics; the landowner owns the property, and the board is granting the use to the land. It's a use.

The chairman said he was absolutely right.

Mr. McLaughlin highlighted some of the things in his special permit review letter. He said he had not gone to their website and had not read what was previously stated to the dialog before the board. He said the review was only written in regards to the application before the board.

Initials: CE JS

Wetlands Conservancy District Overlay. There were wetlands on the property Mr. McLaughlin needs to provide offsets to. He currently has a building permit and he is trying to do construction, so there are wetlands there in excess of what is shown on the Getaway site plan. He said that not only is there a state wetlands protection act, but also the Town of Winchendon has its own wetlands bylaw. It requires no disturbance more than 50' away. When they (Getaway) get to the point of layout, there are wetlands to deal with.

The rear of the property has floodplain. The application on the site plan shows snow dump in the wetlands. You can't dump snow in the floodplain. You can't dump the snow in the wetlands.

Principle Use Categories — We are talking about commercial recreational activity in the recreation district. Mr. McLaughlin said his understanding is that it is a commercial activity. It is not in the commercial section of the zoning bylaw but it is operating commercial. It has impacts when you look at other sections of the bylaw. Is it commercial, or is it something else? As Mr. McLaughlin understands, it is a recreational use operating commercially.

Mr. McLaughlin spoke of the bylaws governing solar energy. He said ground solar collection systems require a building permit and require site plan approval. He said because the applicant is saying that he is not doing any building, then by default it is ground mounted and opens up all those criteria to utilize solar on property.

Basic Requirements and Table of Dimensional, and Density Regulations — Mr. McLaughlin said part of the Special Permit Use is to see that the standard typical dimensional criteria is adequate...what do we need to augment? He said he heard tonight that people were concerned with the width of the lot. He did not see the mention of buffers but said they could be conditioned through the process of a special use.

He said they talked of a gravel driveway. The town of Winchendon has standards that include a paved apron. The driveway would be gravel. The driveway calls for a minimum 12' width.

He talked of all development needing ADA access.

He said the site plan shows a sign next to the roadway. There would be some needed improvements and landscaping required.

He said when a use other than a resident's home-based business is allowed, it may have signs, as allowed but it is in a different section. *Signs in a C2 PD district*. Allowed sign area should not exceed one square foot per 10 linear feet of lot frontage.

The chairman said that did not apply because it was not a C2 of a PD zone.

Mr. McLaughlin pointed to Section 9.9. He said it was an R80 commercial use.

The chairman said it does not apply because it is not a commercial lot. It is a residential lot.

Mr. McLaughlin said it was a commercial use. When a use other than a resident's home based business ... it is a commercial campground — so that gets invoked and you need to follow the other side. 30 years of doing this stuff...just pointing it out.

Mr. McLaughlin pointed out that the subjects lot is 206.63 feet yielding a maximum sign area of 20.66 square feet. The indicated sign on the plan was 24 feet exceeding what is allowed.

Mr. McLaughlin read projects requiring site plan review sections 12.2.1 D, 12.2.1 E, He asked that the condition be made that a site plan approval by the Planning Board is required before the use is granted.

Under Mr. McLaughlin's Health Regulation Review. Mr. Potvin questioned the term Developed Family Type Campground when defining the site.

Mr. McLaughlin said the regulations provided by State Sanitary Code Chapter VI are invoked if there are three sites.

Mr. McLaughlin said the campground would have to have 2 toilets gender designated for the first 30 campsites and then an additional toilet for every 30 campsites after that. There needs to be a shower and hand washing facility for the first 100 campsites.

Mr. McLaughlin pointed out chemicals, Title V and tight tank regulations included in his review.  
Mr. McLaughlin talked of water and private wells in the area, and the difference in the criteria between private and public wells.  
Potable water has issues.  
Safety and Fire prevention — there needs to be 6' clear area around a fire pit.  
Mr. McLaughlin said his concern included expansion.  
Mr. McLaughlin said material storage was a concern from the site plan. He said he believed it was on Ms. Suchochi-Brown's lot. He said the application shows use of someone else's property. He said that was problematic.  
Mr. McLaughlin said he would be interested to walk the property if the board does that.  
Mary McLaughlin of 79 Mill Glen shared the concerns of those present. She said the last thing she wants to see out the window is a campsite.  
Paula Hopkins said she lived on 464 School St. but owned 87/93 Mill Glen. She said the lot is very narrow, and there would be no privacy at all. She asked what would keep campers from wandering onto their property. She said someone was interested in purchasing the property, but since the campground was proposed, buyer lost interest. She is opposed to the campsite.  
Mr. McLaughlin pointed out that boating was specifically not allowed.  
The chairman noted 5.2.5 Principle Use Category says it is specifically not allowed. The chairman said there was no mention by the applicant of commercial boating.  
Mr. McLaughlin said people are mentioning it, and he is just saying it is not an option.  
Mr. Pepper advised that board members go to getaway.house website. He said it is very spelled out that this is not a campground. He said the applicant is applying under the guise of a campground when it is a lodging facility. He respectfully requested the board deny the special permit.  
Ronald Brown of 80 Mill Glen Rd. said his daughter and family live there now and he will never be comfortable with knowing there is a rotation of people. He opposed increased traffic.  
The chairman asked for other comments or questions.  
Mr. McLaughlin handed the chairman Title V information he used and also  
Ms. Suchochi-Brown said she wanted to say she was opposed to the granting of a special permit.  
The chairman said he board has heard the applicant and concerned citizens. She said the board has a responsibility to digest what has been heard, to read the additional information presented, to view the site, and take it all into consideration.  
She noted Mr. Staff did not live in town. She asked if a Saturday morning would be possible.  
Mr. Staff agreed that Saturday May 16 at 9 AM would be appropriate  
The chairman said the meeting would need to be posted.  
The chairman said she would like for Mary Chace to be present.  
She reminded Mr. Staff that the board needed the rules and the application criteria, plans for fire extinguishing materials, description of potable water containment, the disposal, how it works for grey water.  
Mr. Staff thanked everyone for sharing their concerns.  
The chairman noted that the board will follow process. She said the board is there to work out what is fair and equitable for everybody.  
The applicant agreed on May 16, 9 AM for the site visit.  
There was talk of difficulty in parking.  
Board and abutters were invited to go along

***Ms. Durling motioned to continue the hearing until May 16, 2015 at 9 AM at for a site visit at 83 Mill Glen Rd./ second by Mr. Potvin.***

Initials: CL 59



***Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 - 0 Approved***

Mr. Pepper voiced his respect for the board's position.

The chairman asked that the board consider requesting impact statements from the police department, fire department, and the DPW.

Mr. McLaughlin asked if there was a response to the interdepartmental request.

The chairman said there had been no correspondence.

***Ms. Durling made a motion to draft an impact query letter to Police/fire/and DPW/ second by Mr. Benoit.***

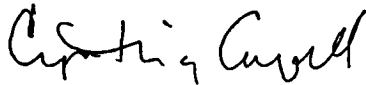
***Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 - 0 Approved***

The chairman and board spoke of MGL 40 A Section 9 and the board's purview.

***Ms. Durling moved to close the meeting/second by Mr. Potvin***

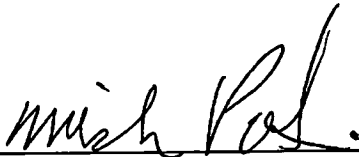
***Snow (Y) Potvin (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 - 0 Approved***

**Adjourned: 8:12**



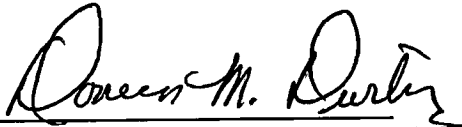
**Chairman Cynthia Carvill**

  
**Raymond Benoit**



**Clerk Michael Potvin**

  
**Joseph Snow**



**Doneen Durling (Alt)**

  
**Mary Chare - absen**

Initials: 