

TOWN OF WINCHENDON

Zoning Board of Appeals

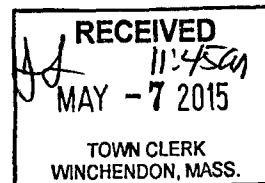


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Second Floor Auditorium Zoning Board of Appeals Minutes March 4, 2015

Approved: 4/15/15



Present: Chairman Cynthia Carvill, Vice Chairman Mary Chace, Clerk Michael Potvin, and Joseph Snow. And
Raymond Benoit
Doneen Durling, Recorder
Planning Director Gerald White
Applicant Keith Pacquet
Guy Corbosiero

Materials: Meeting Agenda, March 4, 2015
Minutes November 19, 2014
Published Legal Notice for Special Permit
Site plan & maps 379 School St.
Zoning Bylaws

Call to Order: 7:00

The chairman notified the attendees that the meeting was live over cable television and was informed by the secretary that she was recording.

Approval of Minutes: November 19, 2014 (Salvadore Variance)

Mr. Snow made a motion to accept the minutes/second by Mr. Potvin

Snow (Y) Potvin (Y) Benoit (Y) Chace (Y) Carvill (Y) 5 - 0 Approved

The chairman said that before they opened the public meeting, she would like to hear if anyone felt there might be a conflict of interest.

Hearing none she called for a motion to open the hearing.

Ms. Chace moved to open the public hearing/second by Mr. Benoit

Snow (Y) Potvin (Y) Benoit (Y) Chace (Y) Carvill (Y) 5 - 0 Approved

7:05 — Public Hearing Special Permit 379 School St.

The chairman requested that the clerk read the legal notice.

Initials: MQ M-P

Mr. Potvin read the application was by Keith A. Pacquet of Colonial Rd, Westminster on property he owns at 379 School St. Map 2D1 Parcel 2 for a special permit under section 5.2.2 of the Winchendon Zoning bylaws to allow for the operation of a facility for retail sales for boats and marine equipment in a C2 neighborhood zoning district.

Mr. Pacquet was sworn in to testify.

The chairman asked what Mr. Pacquet planned to do.

Mr. Pacquet said he currently owns a marina in Lunenburg MA., and they were hoping to expand. He said the building is under his name and he would be renting back to his corporation.

Mr. Potvin asked if it was just marine or would there be other types of recreational vehicles.

Mr. Pacquet said that currently it was marine but they would be asking for recreational vehicles.

Mr. White interjected that the application was for sales and service boats and marine equipment, and recreation was not on any part of the application.

The chairman clarified that the application was for sales and service of boats and marine equipment.

Mr. White explained that currently in the bylaws, recreational vehicles are defined as camper buses (RV)

The chairman said, "As opposed to motorcycles and ATVs."

Mr. White said he could change it if the board wishes to include R but the application is for 5.2.2X. He explained that the "household products" were used as cleaning products for the boats.

The chairman asked if the majority of the business would be selling boats.

Mr. Pacquet said, "We are in the boat business. You know, Winchendon is not an economic Mecca, so we want flexibility in case one product doesn't make it."

Mr. Snow said that when he was selling cars, he was allowed to sell anything he took in trade, that's why one would see boats for sale in car lots or a backhoe for sale.

The chairman said she was trying to make a point that if 90% of the business were boats, the small percentage of other sales would not make a difference.

Mr. Benoit asked if the applicant saw boats were not working and he had to be quick on his feet what were his options.

The chairman said he would have to come back and apply for a special permit.

Mr. White said it could be added to the application if the board chose.

The chairman said she did not believe it could be added to the application because it had not been added to the legal ad to advertise as such. She said the board could suggest a little latitude.

Mr. White read the bylaw defining recreational vehicles.

The chairman asked if there was a bylaw for motorcycles and ATVs.

Mr. White said there was not. He said there was work being done to upgrade the definitions.

Mr. Pacquet said that if the bylaw were redefined, would it mean he was grandfathered in?

Mr. Benoit said that he would say yes.

The chairman said she would challenge that.

Mr. White and the chairman agreed that if it were allowed by special permit, the applicant would have to come back.

The chairman said the special permit is granted for a specific use, so if the use changes on the land, the owner could do it but if it makes it more inclusive, she thinks the owner still has to come back and petition to get the more inclusive use.

Mr. White noted that the previous owner sold and repaired ATVs and snowmobiles. He said maybe it would be considered grandfathered. He said he would talk to the zoning enforcement officer to make that call. He said they allowed them within the past 2 years.

The chairman said it closed in the fall.

Mr. White said he would ask the enforcement officer the next day. He said the applicant might not even have to worry about it.

Mr. Pacquet said it was not the intent, but they considered (ATVs, Snowmobiles, etc) as a possibility.

The discussion moved to how the decision would be written up.

Mr. White said they were not sure of the preexisting non conforming special permit because they could not find it.

The chairman offered to continue the meeting until the zoning enforcement officer could be consulted.

The applicant said no, he wished to go on with the hearing. He said they need to be open. He said they bought it in November, and they were lucky enough that snow was on the ground so it wasn't hurting business. He said there was a warm spell coming and a boat show.

The chairman outlined the plan. She said first traffic access is unchanged. Customer parking is out front and on the side. Plenty of space out back for delivery. Landscaping screening remains unchanged. The chairman asked if he owned the house adjacent.

The applicant said he did not.

The chairman said there were no changes to the site, it was mostly that the applicant was moving in and selling different things.

Initials:

MC M.P.

Mr. Potvin asked if the loading and unloading of the boats would be done in the parking lot rather than in the street.

Mr. Pacquet said yes, and that it took a good couple of hours to park the boats.

Mr. White said it was included in the conditions.

The chairman noted that it was stated that the applicant would store and repair up to 250 boats on the property. He said she knows there are 9 ½ acres. She asked how he planned on storage etc.

The applicant said his business in Lunenburg is on 1.7 acres. He said there was a house on the lot and there were approximately 200 boats on the lot. He said based on how much is cleared and available in Winchendon there is about 3 ½ acres. He said he did not think he would have 250 in the next couple of years. He said probably 5 years down the road.

The chairman asked if boats would be stacked.

The applicant said they would not be purchasing a stacking system.

The chairman said the first consideration was keeping everything no closer than 10' from Route 12.

The applicant said there was a rock wall there that was almost 20' back.

The chairman said the second consideration was a six foot fence or vegetation such as shrubs for the adjacent lots for screening the storage.

Mr. Pacquet said that he was told he had to shield in Lunenburg. He said then he got complaints about boats everywhere.

He said all boats are shrink-wrapped in the winter and people would not be able to tell the difference between customer's boats and new boats in the winter. He said he never understood why fencing changes anything because people would still be looking at identical white shrink wrapped boats.

Mr. Benoit said they did not fence the mess that was there before.

The chairman said that because it was a wooded lot, keeping vegetation for screening would be fine.

Mr. Pacquet said that all boats would be shrink wrapped for winter in sea white or sea blue.

The chairman said it was a naturally vegetated lot. She cautioned that work should not be done in the setback, which is 25'.

Mr. Pacquet said he cleaned up 5,000 tires from the property. He said it was a mess.

The chairman said the lot was split zoning with Industrial in the back. She said a minimum of 19 parking spaces were for customers and employees figured according to the square footage of the building.

No parking is allowed on Route 12.

Hours of operation would be every day 8AM — 7PM

The chairman noted that the owner could be on the property whenever. The time stated was for when it would be open to the public.

The applicant said they were not adding lighting.

Loading and unloading of materials would be done in the parking lot and conducted during the hours of operation.

The chairman said a site plan review by the Planning Board would be completed.

The applicant would follow all state, federal, and local regulations.

The chairman said the board retains the right to review the conditions of the permit within one year to make sure everything is okay. She said modifying the conditions could be done at that one year period.

Ms. Chace said that sometimes the applicant realizes that he forgot to ask for something that could be added at that point.

The chairman said it would be issued to Tri City Marine to operate only at that location.

The chairman noted there were no abutters present and there was no correspondence. She asked for any questions.

Mr. White asked if the applicant wanted him to transpose the hours from 7 AM to 8 PM

The applicant said it did not matter.

Mr. Snow moved to approve the Special Permit/second by Ms. Chace

The chairman said the hearing should be closed first.

Ms. Chace moved to close the hearing/ second by Mr. Benoit

Snow (Y) Potvin (Y) Benoit (Y) Chace (Y) Carvill (Y) 5 - 0 Approved

Mr. Snow moved to approve the Special Permit/second by Ms. Chace

Snow (Y) Potvin (Y) Benoit (Y) Chace (Y) Carvill (Y) 5 - 0 Approved

Initials: MC M-P

The chairman informed the applicant that the special permit was granted. She said there was a 21 day appeal period. After the applicant would have to file it at the Registry of Deeds. She said there were other permitting situations the applicant must fulfill.

Mr. White said he would find out from the zoning enforcement officer about the grandfathering. He said if it was grandfathered and if he was going to sell motor vehicles, it would be a Class II license. Mr. White said the enforcement officer would probably write a finding that would be filed.

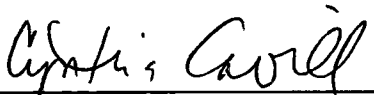
The applicant asked what should be done for year review.

The chairman said that if the applicant wanted something from the board, to make sure it was brought to the planning office in January or February. Other than that, a notice would be sent out around March first of next year.

Mr. Snow moved to close the meeting/second by Ms. Chace

Snow (Y) Potvin (Y) Benoit (Y) Chace (Y) Carvill (Y) 5 - 0 Approved


Adjourned: 7:35


Chairman Cynthia Carvill


Vice Chair Mary Chace


Clerk Michael Potvin


Joseph Snow


Raymond Benoit
Doreen Darling

Initials: 