

TOWN OF WINCHENDON



Zoning Board of Appeals

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109 Front Street, Dept. 11
Winchendon, Massachusetts 01475-1758
Second Floor Auditorium
Zoning Board of Appeals
Minutes September 21, 2016

Present: Chairman Cynthia Carvill, Vice Chairman Mary Chace, Joseph Snow, and Raymond Benoit.
Doneen Durling, Recorder/Alternate
David and Nancy Romanowski, applicants

Materials: Meeting Agenda, September 21
Minutes/Public Hearing Notices 5-4-2016
7-20-2016
8-17-2016
Published Legal Notice /9-21-2016
Lot Plan Shed High St.
Petition for hearing
Plan design shed photo

Call to Order: 7:08 By Vice Chairman Mary Chace

Approval of Minutes:

Snow moved to approve 7-20-16 minutes/second by Benoit

Snow (Y) Chace (Y) Benoit (Y) 3 – 0 Approved

Snow moved to approve 5-4-16 minutes/second by Benoit

Snow (Y) Chace (Y) Benoit (Y) Durling (Y) 4 – 0 Approved

Snow moved to approve 7- 20 -16 minutes/ second by Benoit

Snow (Y) Chace (Y) ~~Benoit~~^{Benoit} Benoit (Y) 3 – 0 Approved

Ms. Chace informed applicants that since there were only four members seated, in the applicant's best interest, they would be waiting for the chairman to open the hearing.

Durling moved to recess until the chairman arrived/ second by Benoit

Snow (Y) Chace (Y) Benoit (Y) Durling (Y) 4 – 0 Approved

RECESS: 7:15

REOPEN: 7:22 Carvill takes chair.

Carvill requested that Chace read the legal notice

Variance application of David Romanowski 261 High St. Winchendon for property located at the same address Assessor's map 5D3 Parcel 35, for variance relief from the side setback for construction of a storage shed afforded under Article 7.2 of the zoning bylaw. Property is located in an R40 suburban residential neighborhood.

Carvill called the applicants forward and asked them to sign in.

Carvill asked board members if there were any with a conflict of interest, hearing none she swore in the applicants Nancy Romanowski and David Romanowski.

David Romanowski explained that he wanted to put up a 12' X 18' storage shed. His reasoning for constructing it where shown on the plan is because it is the only available area of the lawn to put the shed. He said if he puts it within the 25' setback as required, there is a gate and a garden in the same area. If he places the shed further into the property, he would be unable to get through the gate and drive his truck down. He can't put it back any further because there is a perennial stream on the back property, so he is locating the shed 75' from the stream.

Carvill clarified that the applicant is requesting a side setback variance from 25' to 10' from the property line.

Carvill asked if there were houses nearby.

Romanowski said he spoke to the southern side neighbor and he had no problem.

Carvill noted there were no abutters present.

Romanowski said he owns the property behind the property where the shed would be located.

Chase said she was not surprised there was an intermittent stream.

Carvill clarified that Romanowski owned lot 43, 45, and 35.

Durling asked if there would be a slab foundation

Romanowski said it would be crushed rock. And the shed would be on 4 X 4 s.

Chase asked if a tractor would be stored in the shed.

Romanowski said he wished he had one but if he ever got one, he would store the compact tractor in the shed.

Chase noted the side set back is abutting Romanowski's own property.

Romanowski said No.

Benoit said he was abutting lot 34.

Durling asked Romanowski to clarify for the board that the people owning lot 34 had no problem.

Romanowski confirmed.

Carvill said that in any variance, the board has to consider special zoning considerations such as what is unique about the property.

Carvill said she would like it noted that the zoning had changed from Rural Residential to Suburban Neighborhood District.

Another finding would be that there are no abutters present.

Chace noted that if it was further from the lot line you would be running into wetlands.

Carvill said for a variance a unique situation has to be found in the neighborhood, and the wetlands would make it a unique situation.

Another unique factor is that it is a combined-lot wetland in the back. She said a second unique factor was the way the house is set on the front lot and where the existing gardens and fruit trees are located. She said it would be a hardship.

Durling said that it was a movable structure since it would not be on a poured slab foundation.

Carvill said hardship was proved by the size shape and topography of the land.

She said they must determine it is not a detriment to the intent of the zoning of the neighborhood and it is in harmony with the zoning.

The chairman noted again there were no abutters.

Carvill asked if there would be electricity in the shed.

Romanowski said that maybe there would be electricity.

Benoit said that was for the building department to consider.

Carvill said it was zoning as well because sometimes buildings are close to neighbors and spotlights may shine on the neighbor's property which could become a nuisance. She said she did not believe she had to make it a condition but asked that he be mindful of the nuisance.

Carvill said the shed would not be used as living quarters but asked if there would be running water.

Romanowski said no.

Carvill listed electricity and lights shining on Romanowski's property.

She asked board members if anything else needed discussion before she closed the hearing.

Snow made a motion to close the hearing/second by Chace

***Snow (Y) Chace (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0
Approved***

DISCUSSION

The chairman asked the opinion of the board.

Chace said Romanowski satisfied questions about the uniqueness of the property, and it warranted granting the variance.

Chace moved that the board grant a variance/second by Durling

Snow (Y) Chace (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0
Approved

Carvill asked if there was anything to be added besides the applicant should meet all local, state and federal regulations.

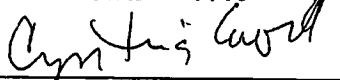
She noted the 10' setback variance would be granted for a shed 12' by 18', based on the photo shown. She told the applicant there would be a 20 day appeal period, and after the town planner would contact him.

Romanowski asked what the next step would be since there is no building inspector. Carvill said she believed the old building inspector was still available for permits. Carvill told the board she would not be available during the first week in October.

Chace moved to close the meeting/second by Durling

Snow (Y) Chace (Y) Benoit (Y) Durling (Y) Carvill (Y) 5 – 0
Approved

ADJOURNED – 7:40



Chairman Cynthia Carvill




Vice Chairman Mar Chace

Joseph Snow



Ray Benoit



Doneen Durling (Alt/Recorder)