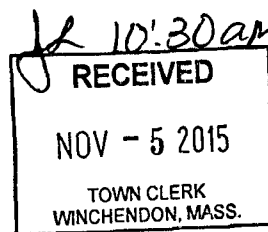


TOWN OF WINCHENDON



Zoning Board of Appeals Minutes July 15, 2015 Town Hall Auditorium

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

Recorder Doneen Durling
Charles Betourney
Atty. Danielle Thomason
Goe Greige

Materials: Agenda July 15, 2015

Minutes July 1, 2015

Legal Notice 145 Island Rd.

Old and new maps 125 Island Rd.

Site plan 111 Spring St. Car Lot

Letters of concern Police Chief, Fire Chief, DPW director.

Call to Order: 7:00

Approval of Minutes, July 1, 2015

Ms. Chace moved to accept/second by Mr. Potvin

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

7:05 Hearing for 145 Island Rd.

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

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

The clerk read the legal notice for a Variance Application by Charles Betourney Jr. 145 Island Rd. Map 5 Parcel 3 Sunroom with zoning relief from side setback in an R40 zone.

Mr. Betourney was sworn in.

The chairman asked the board members if there were any potential conflicts of interest.

Ms. Chace said she had to mention that her ex husband was the land surveyor who prepared the site plan in 2008.

The chairman said the fact was disclosed and there was no monetary compensation and therefore no conflict of interest.

Ms. Chace said she was advised by the Planning Director to disclose at the meeting. He chairman said there were five members and an alternate. She said everyone could participate in the meeting, but only five members would vote.

Mr. Betourney explained what he wished to do. He said the house was designed in 1998. He explained that a sunroom was on the original plan, but finances were not there. In 2003 the sunroom was redrawn, and he "chickened out" again. He said the old plans were previously approved. In 2010 they changed the garage.

Ms. Chace said when she did the site visit, she suggested to Mr. Betourney to bring the old plans.

The chairman asked if the front corner, or the lakeside corner that is 18' from the boundary and he needs 25'.

The chairman said there was a letter from a son who is an abutter who says he approves of the porch.

Ms. Chace said she took a tape measure with Mr. Betourney and measured from the end of the porch to the water, and it measured 55 plus or minus feet. She said she wanted to make sure it did not fall under conservation. She said she then emailed Tracy Murphy. Ms. Murphy advised Ms. Chace that the board can approve the variance and condition it upon all the requirements of the Winchendon Conservation Commission. The conservation agent advised that if the room was 55 plus or minus feet from the water, it would need approval from the Conservation commission.

The chair noted that just from the plan, the deck is closer to the water than the sunroom is going to be. She said it was no more detrimental to the zoning district.

Ms. Durling asked if Mr. Betourney had to go before conservation for the deck.

Mr. Betourney said he had not. It was decided the 100 foot buffer law was accepted after the deck was built.

Mr. Betourney said there had been an existing house, and the new was built in the footprint already created.

Ms. Durling asked if he would be grandfathered.

The chairman said probably.

She advised that the board stay in its field.

The chairman asked if there would be a foundation under the sunroom.

Mr. Betourney said there would not. (there)

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

The chairman asked if there were any questions from abutters

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

The chairman told board members she had a draft for their consideration. She said one thing they needed to consider was whether he proposed use was more detrimental

to the zoning district. It does not derogate from the intent or purpose of the zoning bylaw, She said the preexisting nonconforming use of the property should be mentioned. The house was built on another house that had another footprint, and then zoning changed. The lot is way too small and he would not be allowed to build it today. When granting a variance, size shape and topography of the lot must be considered.

The chairman wanted the words noted on the variance after **the zoning bylaw**, just let's make sure that we say **due to the size shape and topography of the lot**. that after the words "**The Variance is granted ...it is also a preexisting non conforming lot**. The chairman also wanted it noted that the town originally **gave permission for the sunroom in 1999**.

Ms. Chase asked for a rundown of safeguards and provisions.

The chairman said the variance was for a 10 by 29 sunroom only

All conditions of the Winchendon Conservation Commission will be satisfied, all applicable state and local rules and regulations will be followed.

The chairman said what also should be included is that no abutters were present nor was any opposition submitted in writing.

Mr. Snow made a motion to grant the variance/second by Ms. Chace

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

Mr. Betourney asked how long he would have to build. The chairman explained he had 2 years. She said the appeal period would be over in 20 days. She said then the variance should be filed with the registry of deeds.

7:24 —The chairman called a five minute recess.

7:27 Call to Order

Special Permit Hearing — Car Lot -111 Spring St Map 5C3 Parcel 25

Mr. Benoit made a motion to open the hearing/second by Ms. Chace.

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

The chairman asked the clerk to read the public hearing notice.

Application of Patricia J. Smith for property located at 111 Spring St Map 5C3 parcel 25 in a PD Zone.

Two were sworn in. Goe Greige and Danielle Thomason who said she was co council with applicant Atty. Patricia Smith.

Ms. Thomason said Joe is the owner of the property and he is going to be owner of the proposed car lot.

Ms. Thomason said Joe would be developing the property on Spring St., currently an eyesore. She said he is looking to place a kiosk that would not be a permanent structure. Just big enough to have someone in there to do paperwork. Cars would be advertised on line. They would be available for viewing on the lot. There have been 4 redesigns while working with the town to make sure. They brought the kiosk back to take it off the road. Ms. Thomason met with Conservation Agent David Koonce on the property. A survey was done of the land.

Ms. Thomason read concerns from the PD and DPW. Photos were shared of the site.

Ms. Thomason said there were traffic concerns because the bridge was out. She said coming down High Street, many did not take the bridge because of the mess at the intersection by Cumberland Farms. She said traffic flow has not increased much due to the closing of the bridge.

Ms. Chace disagreed and said there was more traffic.

Ms. Thomason said it was going towards High St. She said the sight line, which was the concern, was perfectly fine to see traffic.

Another concern expressed was that the DPW was having to ask for cars to be moved off the lot. It is actually not her client's lot. She said other businesses are using the property to park vehicles.

Ms. Thomason said the lot was currently used by people stopping to text or park for various reasons. She said it is a dusty dirty lot that the town wanted to purchase, and then her client purchased it.

Ms. Thomason said her client would be putting shrubbery in, and cars would be lined up safely off the road. She said there would be few customers.

The billboards would remain. All other old advertising signs would be taken down.

The Valero sign would remain.

No Pavement would be put down. She said many people like to fish along the waterway. Much would still be open for that usage.

Ms. Thomason said there would be a low amount of traffic. She said there would be grading.

Mr. Benoit said if there was not going to be pavement, they would have to do something because of the spring flooding.

Ms. Thomason said it would be crushed gravel. She said they would put in what conservation allows.

The board tried to clarify where State Highway ends and picks up again on Route 12.

Ms. Chase asked if there would be 4 cars in the front and 6 in the back.

Ms. Thomason said yes. The 5 cars in the back and customer parking allowed plus snow storage as well. There will be employee parking and handicap customer parking as well.

Mr. Potvin asked if there would be tire changing or vehicle work.

Ms. Thomason said no but her client has a garage available for repairs in another town.

Mr. Snow asked how large the parking spots were.

Ms. Thomason said it is a standard size parking spot. She believed they were 9 X 19.

The chairman asked about signage.

Ms. Thomason said she was not sure if they had to apply. She said she spoke to the building inspector. There are plans to put a very basic matching sign on the kiosk with just the name and phone number. There may be lighting on the kiosk.

Business hours would be 9 – 5. The chairman asked if a chain across the lot might alleviate people going into the property after hours.

Ms. Thomason said it could be done. She said her only concern was people that see something on line that want to come and look at a car.

The chairman said there would be a way to set up the chain and shrubbery to allow parking without access to the property.

Ms. Chace asked about security.

Joe D said there would be an alarm system.

The chairman said that all the concerns by the DPW, Fire Department and PD have been answered.

She said the sight concerns down Route 12 were answered by the photos showing the sight line with no obstructions.

Ms. Durling said her concern is there are so many accidents coming out of Gourmet Donuts already, and any added exit and entry would add to the chaos.

She said there has been increased traffic since the bridge is out.

Ms. Thomason said there should be concerns to limit accidents at that site, but she did not believe there would be an increase of traffic at the lot.

Joe D. said there would be no high volume traffic.

Mr. Snow asked about septic.

Ms. Thomason said there would not be septic. Employees would cross the street to use the bathroom.

Lighting would be on the outside of the kiosk. There would be no repairs on site. There would be a U shaped driveway. It would be solely for the purpose of car sales, No flowers etc.

Mr. Potvin asked if cars would be delivered by truck.

Joe D said they may be delivered by tow truck and on site.

The chairman asked that cars be delivered one at a time. They decided possibly a two car ramp truck.

Any deliveries to the property within the footprint of the property.

Mr. Benoit noted a sign on the plan that could not be defined.

Ms. Thomason assured there were no other signs intended.

The chairman asked how the board wanted to address the lighting and sign on the plan.

The board said it should be noted that it must pass local bylaws for signage, but they did not want to exclude it from the approval because it may be an option at a later date.

The chairman asked if the board would like to walk the site with the applicant.

Board members said they are okay.

The chairman asked if there were any more comments.

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

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

Closed: 8:12

Discussion

The chairman said there are a list of several conditions for discussion.

- 1) Special Permit will be granted and issued to the applicant for the purpose of a used car sales lot solely and exclusively for car sales.
- 2) Driveways will be secured with a chain or gate during non business hours.
- 3) No parking signs on the street.
- 4) Signage on the kiosk, and as proposed on the plan in accordance with the Winchendon Zoning bylaw.
- 5) Security cameras on the kiosk and lighting on kiosk
- 6) No public bathroom.
- 7) No service for repair on site.
- 8) Cars will be delivered within the footprint of the property. No Route 12 drop off or pick up.
- 9) Hours of operation Mon. – Sat. 9 – 5 p.m.
- 10) The special permit will align with all applicable local, state, and federal regulations, and all conditions required by the conservation commission.
- 11) Landscaping per the plan.
- 12) Parking areas will be designated through landscape design.

The chairman said they want to make sure the site looks better than it does now and not compete with the flow of traffic. She said personally she believed it would eliminate potential risk.

The chairman said that from time to time on certain applications, the board has requested applicants appear before the board again for an update for possible modification of decisions.

Mr. Benoit suggested a year.

The board agreed.

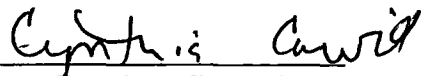
Ms. Chace moved to approve the special permit with conditions/second by Mr. Snow

Snow (Y) Chace (Y) Potvin (Y) Benoit (Y) Carvill (Y) 5 – 0 Approved
The board discussed a tickle file for decision reviews.

Mr. Snow moved to adjourn/second by Ms. Chace

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


Adjourned: 8:26


Chairman Cynthia Carvill


Vice Chair Mary Chase


Clerk Michael Potvin


Joseph Snow


Raymond Benoit


Doneen Durling (Alt)