

Review 10/20

Approved: 11 / 17 / 2021

TOWN OF WINCHENDON

Zoning Board of Appeals



Signatures:

[Handwritten signatures]

Regular Meeting Minutes

July 21, 2021

Meeting held in Town Hall Auditorium

Members Present: Cynthia Carville, Rob Bushey, Ray Benoit, R. 'Erik' Stancombe, Ken Wante
Also Present: Alison Manugian, Justin Sultzbach, Denise Lapierre, Michelle Richard, Sonya Mason, Samantha Mason, AJ Baker, Joseph E. Lillie, Rick Ward, Julia Patten, Suresh Bhatia, Camille Hart, Jane LaPointe, Larry Berger, Stephanie Marchetti, Rachel Loeffler, David P. Connor, Bud Fletcher, Lisa Gauthier, Tina Santos, Richard Lucier, Ryan Forsythe, Theresa Suzco, Sharron Turcotte

Meeting was called to order by C. Carville at 7:02pm

Announcements

- Gardner ZBA met last night with multiple public hearings.
- Gardner ZBA voted in June to grant a variance for storage and office space at 161 Chelsea Street
C. Carvill requested that these items be added to the website Public Comments

B. Vaine made a motion to approve the minutes of June 23, 2021 as presented. R. Bushay seconded the motion and all present voted aye.

PUBLIC HEARING CONTINUATION - Comprehensive Permit application from the Montachusett Veterans' Outreach Center for redevelopment of the former Poland and Streeter Schools on Oak Street and Murdock Avenue (Assessors Map-Lot 5B2-117 & 118). Said redevelopment to create 44 units of housing for veterans and related site work and improvements. Said property is located in a R10 - Neighborhood Residential District. (Public hearing must close by 10/25/2021 with decision by 12/3/2021)

- R. Bushay motioned to open the continued public hearing. B. Vaine seconded the motion and all voted aye.
- MVOC team (Larry Berger - Rachael Loeffler - Stephanie Marchetti) joined the Board to present
- C. Carville lead discussion of each of the items in the Tighe and Bond peer review comment letter:
 - The Applicant notes all efforts will be made to keep rooftop HVAC equipment from being visible; however, the flat roof may require additional screening. The Board should determine whether this is acceptable and if additional screening is required.
 - L. Berger stated that *additional screening is not likely to be necessary - this is the tallest building in the area excepting the senior center. The units should not be visible form the ground or for the abutters. If this becomes an issue screening can be provided.*
 - E. Stancombe - *is the screening a concern for historical*
 - L. Berger - *yes this will be relevant there*
 - C. Carville - *the units will be away from the street?*
 - L. Berger - *yes*

- **Items taken from T&B review --**

- **Conditions (discussed and agreed upon):**

- Stormwater Inspection and Maintenance Agreement will be required from the Applicant, to be coordinated with the Town and executed prior to occupancy – budget is less vital as work will be the applicant's responsibility long term.
 - Require that a copy of the SWPPP be provided to the Town for review prior to issuance of a Building Permit.
 - Rachael – this is the federal requirement and is already covered and assumed
 - Applicant coordinate with the Fire Department on hydrant locations and offsets prior to submission of the Building Permit application.
 - Hydrant in question is at the Southeast corner of the property –
 - Rachael- the FD didn't call this out but we can condition this approval from FD
 - Submission of an updated parking report, accurately stating the Land Use Code and parking demand, prior to submission of the Building Permit application.
 - This will be updated by the applicant prior to permit
 - Parking shall be restricted at existing or proposed fire hydrants along the site frontage based on Town regulations.
 - Parking shall be restricted adjacent to the site driveways to ensure adequate site distances and to improve pedestrian safety. Parking restriction signage may also be considered in coordination with the Town.
 - Fully ADA compliant curbs and transitions will be provided into the interior of the site from the ADA parking spaces.

- **Variances:**

- Allow for multifamily use on this parcel, as requested.
 - Allow for density of 13 units per acre (6 units w/o variance).
 - Allow for building height in excess of 35' to enable lowering of grades to provide natural light to the lower level units.
 - Allow for reduction in parking spaces to 0.5 spaces per unit. Should parking demand create neighborhood detriment the applicant will be required to provide additional on-site spaces as discussed. Acceptable due to unit sizes, demographics, similar precedents and on street availability
 - Allow for uplighting at base of flag poles to allow for compliance with US Federal Flag Code illumination requirements and in honor of the veterans.

- A Manugian requested a final set of plans for reference and incorporation into any final decision
- C. Carville – called to audience for comments and questions none were forthcoming
- C. Carville stated that the project is in a very good place and this should be approved at the next meeting per discussion points above. She suggested continuance to the next meeting allowing for review and discussion of a full draft decision.
- R. Bushey motioned to continue this hearing to August 18, 2021 at 7:25pm. R. Benoit seconded and all voted aye.

PUBLIC HEARING - Application for Special Permits filed on behalf of the Town of Winchendon for work proposed at Winchendon Community Park on Ingleside Drive (also known as Assessors Map 5A3, Parcel 348). Said property is located in a R10 – Neighborhood Residential district. Special Permits requested per Article 5.2 of the Winchendon Zoning Bylaws would allow for

(1) operation of a commercial parking lot and (2) non-profit recreational use

- R. Benoit read the public hearing notice and C. Carville confirmed there are no conflicts for board members

- C. Carville outlined that the building permit was denied by the Building Commissioner per the letter included in the application packet. Special permit goes to the applicant and doesn't transfer to a new owner or other user without express new permission of the ZBA.
- R. Bushay motioned to open the public hearing. Motion was seconded by R. Stancombe and all voted aye.

Discussion ensued:

- Dave Lapointe and Julia Patton were present to explain the project and C. Carville swore them in
 - Amphitheater with tiered seating for approx. 300
 - Stage with cover and storage – including electrical service
 - 50 space parking lot and overflow planned on the soccer field as has been done in the past
 - 123 spaces are required
 - New sidewalk along Ingleside with lighting and then sidewalk proceeding to the stage area at a grade viable for wheelchair access and vehicles
 - Site utility improvements include drainage and electrical – new 600A to underground service
 - Portable toilets planned for the amphitheater area
 - The barn and garage will remain unaltered by this project
 - The home will be demolished and trails retained.
 - Security concerns for the park are much larger than simply for amphitheater events – no gates, securing etc proposed, barn has been an issue already and graffiti as well, a cell phone node and cameras are anticipated through town improvements not part of this project.
 - A graphic shows the distances to nearby abutters and assertion that noise won't be an issue
 - Streetlights will be compatible with others in town maintained by the DPW
- D. Lapointe sought confirmation that the Building Commissioner has determined that the parking lot is commercial and hence that a special permit for use is needed but that everyone understands there is no parking fee planned
- R. Bushey asked if the soccer field will remain in use as such
- D. Lapointe confirmed it will in between the events where overflow parking is anticipated
- C. Carville asked about the hours of the park and lighting
- J. Patton responded that they are planning to light the parking for events and that the hours and expectations can be finalized when the project is up and running.
- R. Stancombe pointed out that the park is open dawn to dusk and suggested hours be listed in the special permit
- J. Patton said that some programming – movie night and star gazing – will require darkness
- R. Stancombe reiterated that Special Permits for Use typically are restricted to set hours.
- J. Sultzbach suggested that the Select Board will set the hours moving forward.
- C. Carville asked how events will be booked
- J. Sultzbach stated that they will be through the Town Manager's office for now with plans to implement a more robust Park structure longer term
- R. Stancombe responded that hours and a set process for scheduling be created for public reference
- C. Carville suggested that a process could be setup with a condition that the applicant return to the ZBA if issues or concerns arise that need to be addressed
- CCarville reminded everyone that the Town will have to follow MA noise regulations
- R. Bushay & R. Benoit stated that the hours should be set now to prevent problems if the amphitheater is successful
- C. Carville asked about the construction process and timeline.
- J. Patton responded that they will likely go out to bid in the fall and move to construction in the winter or spring of 2022. They anticipate opening for events next Fall.
- C. Carville suggested a condition to return for followup discussion of impacts one year after occupancy
- Per Section 13.6.3 of the Bylaws the Board shall issue Special Permits only upon finding that
 - *the proposed uses are in harmony with the general purpose/intent of these bylaws, which all agree these are*

- *the future uses are not detrimental to adjacent uses or to the existing or future neighborhood character, the consensus is that the plans look good – noise and lighting are shown – event restrictions are dynamic*
- *the proposed uses will not create undue traffic congestion or unduly impair pedestrian safety, traffic will be reviewed by the Planning Board under Site Plan Review and possibly with peer review - pedestrian safety will be improved through the Complete Streets project for Maple Street*
- *the proposed uses will not overload any public water, drainage or sewer facility, D. Lapointe highlighted the existing water line to the hydrant and residence that will remain. C. Carville asked about bathrooms – which will be portable toilets. C. Carville asked about kitchen space and J. Sultzbach confirmed that food trucks will be used if food is part of an event*
- *the proposed uses will not be offensive, dangerous or harmful to abutters or to the general public due to excessive noise, odor, vibration, dust, smoke or for any similar reason.*
- C. Carville moved to the general public for questions and comments
 - Tina Santos asked if there will be lights and if the electric feed will run to the stage.
 - J. Sultzbach confirmed lighting and presence of electricity to the stage.
 - Rick Lucier- 236 Maple Street raised a number of concerns:
 - Traffic impact is concerning particularly at night when headlights will direct into his home
 - He feels that traffic studies are needed as Route 202 is a State Road and DOT may be involved
 - J. Sultzbach opined that the grading or vegetation could be added or adjusted to prevent glare in his house. There won't be heavy traffic on a nightly basis.
 - Lisa Gauthier – 139 Elm Street raised several concerns:
 - She asked about the portable bathrooms – number, locations, odors and maintenance
 - Wildlife is a concern for her – both the amphitheater project and the controlled burn
 - She is concerned about runoff and impact to Whitney Pond
 - Currently folks park on Elm Street for events, often all facing the same direction on both sides, and creating bottlenecks
 - She has supported the park in the past but opposes the amphitheater project entirely
 - C. Carville explained that the bathrooms will be under the Board of Health, runoff is under Conservation and that DPW and Police control parking and the burn permitted is needed from the Fire Department
 - L. Gauthier asked that members consider the impacts if this were their home. She asserted that the project will alter the neighborhood and be detrimental for wildlife and current park users.
 - She would like to understand the Elm Street entrance plans, bridge and carriage path future intents
 - Tina Santos – Member of the Board of Health
 - There are already port-a-potties on-site, near the garage. They are cleaned weekly which is typically a service contract
 - The controlled burn is of some concern – particularly around wildlife and environment
 - C. Carville stated that there are regulations about such a burn, run by the Fire Department
 - A Manugian summarized that the Fire Chief attended a Conservation Commission meeting to discuss this and that the hazardous materials are removed in advance. The controlled burn provides several invaluable training opportunities for the Fire Department and the very minimal risks can be handled.
 - Ryan Forsythe – Lakeshore Drive
 - Here tonight to express support and excitement about the project, speaking as a resident who uses the park frequently with family, teams, scouting groups etc. This is an opportunity, with little cost to the town, to dramatically improve the site and park overall. Investment in this great resource is very welcome – he welcomes the idea of hearing music and seeing crowds and increased use of the park.

C. Carville suggested a site visit with the applicant to see things in the field. This would be open to others but as it's not a meeting there would be Q&A and no discussion. Discussion ensued about dates and times and Tuesday July 27th at 5pm was selected to meet at the ParkCC entertain motion to continue this to 8/18

- C. Carville would like to speak with the Chair of the Planning Board to understand their discussion and concerns. She would also like to speak with the Town Manager about controls from his office.
- R. Bushey asked if Robinson Broadhurst has made any commitment to upkeep or maintenance
- J. Sultzback confirmed that there is not and that the Town will need to fund such work. He hopes that the property will become self-sustaining and is looking at similar properties in other communities.

R. Bushay motioned to continue the Public Hearing to August 18th at 7:30pm. R. Stancombe seconded and all voted aye. Motion included board permission for C. Carville to speak with G. Corbosiero and J. Sultzback about the project.

Three applications have been received and abutters notices sent but ads didn't run in the Gardner News properly. Each needs to be opened and continued to August 18th:

PUBLIC HEARING Special Permit application of Robert Campbell for 10 Washington Avenue (Map 5A3, Parcels 11 & 12) Winchendon, MA 01475. Application is to obtain a Special Permit allowing for conversion of the existing single family residence into a two family residence as referenced in 5.2.1 Residential Principal Use Categories of the Winchendon Zoning Bylaws. Said property is located in a in a R10 – Neighborhood Residential district.

- Public Hearing Notice read into the record by R. Benoit
- R. Bushay motioned to open the public hearing and continue to August 18th at 7:05pm. R. Benoit seconded and all voted in favor.

PUBLIC HEARINGS – Application of Joyce Klauzinski of 16 Hale Street. (also known as Assessors Map 4C4, Parcel 57) to Alter a Pre-Existing Non-Conforming Parcel or Structure as outlined in Article 6.2.3 of the Winchendon Zoning Bylaws and for a Variance of Side Setbacks per Table 7.2 of the Zoning Bylaws. Said property is located in a R80 – Rural Residential district.

- Public Hearing Notice read into the record by R. Benoit
- R. Bushay motioned to open the public hearing and continue to August 18th at 7:10pm. R. Benoit seconded and all voted in favor.

PUBLIC HEARING - Special Permit application filed by AJ Baker at 10 Mill Street (also known as Assessors Map 5A2, Parcel 168) to allow for non-commercial livestock (1 horse) on a parcel smaller than 5 acres, as outlined in Article 5.2 of the Winchendon Zoning Bylaws. Said property is located in a PD – Planned Development district.

- Public Hearing Notice read into the record by R. Benoit
- R. Bushay motioned to open the public hearing and continue to August 18th at 7:20pm. R. Benoit seconded and all voted in favor.

A Motion to Adjourn was made by R. Bushay at 8:59pm. Motion was seconded by R. Benoit and approved by all.

C. Carville, Chair, ended the meeting at 8:59pm