

REVIEW 10/20

Approved: 11/17/2021

TOWN OF WINCHENDON

Zoning Board of Appeals



Signatures:

[Handwritten signatures]

Regular Meeting Minutes

September 15, 2021

Meeting held in Town Hall Auditorium

Members Present: Rob Bushey, Ray Benoit, R. 'Erik' Stancombe, Ken Wante

Members Absent: Cynthia Carville

Also Present: Alison Manugian, AJ (Baker) Healey, Michelle Richard, Ryan McCauley

Meeting called to order by Acting Chair R. Erik Stancombe at 7:06 pm

Minutes of August 18, 2021 requested to be held until all five members are present

Business:

PUBLIC HEARING – 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.

- J. Klauzinski attended via zoom
- R. Stancombe reopened the public hearing and explained the process to the applicant clarifying that with only four members present any decision needs to be unanimous to grant permissions. J. Klauzinski indicated her understanding and asked to proceed. J. Klauzinski was sworn in by R. Stancombe.
- The greenhouse structure proposed will be 1' smaller in length than the previously permitted unit. The previous unit was permitted to be within 5' of the property line. The greenhouse will not be commercial, it is for hobby use only. This unit is proposed to be not closer than 10' from the property line, a variance of 15' from the required 25' in this zone.
- R. Stancombe asked for questions from Board members – none were forthcoming
- R. Benoit motioned to close the public hearing. B. Vaine seconded the motion and all present voted aye.
- R. Benoit motioned to grant the special permit allowing work on the pre-existing non-conforming parcel and to grant the variance as requested. R. Bushey seconded the motion and all voted aye.
- R. Stancombe explained the appeal period and the need to record the decision at the registry of deeds.

PUBLIC HEARING - Variance application filed by AJ Baker at 10 Mill Street (also known as Assessors Map 5A2, Parcel 168) to allow for location of a structure housing livestock within 100' of property lines and the street, as outlined in Note 2 of Article 5.2 of the Winchendon Zoning Bylaws. Said property is located in a PD – Planned Development district.

- R. Stancombe motioned to approve the Comprehensive Permit as drafted with confirmation of receipt of Purchase & Sale or other legal agreement. R. Bushey seconded the motion and all present voted in the affirmative.

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. Bushey motioned to reopen the public hearing. R. Stancombe seconded the motion and all voted aye.
- J. Patton & D. LaPointe were present to discuss the project and had been previously sworn in
- C. Carville reminded everyone that the Board had done a site walk, which was helpful
- A Manugian clarified that the Conservation Commission and Planning Board have issued their decisions.
- C. Carville asked if peer review was done.
- A Manugian indicated that he return to more traditional drainage simplified the design and made this unnecessary
- C. Carville asked if there had been discussion of traffic.
- A Manugian indicated that there was minimal discussion and that the Town, as applicant, can be responsive if there are concerns that develop.
- R. Bushey asked if others felt that having the park open dawn to dusk was sufficient control of hours
- C. Carville stated that having visited the site this will not be for huge productions and that the Town Manager, or other designated permit authorization entity, can control the hours for individual events.
- R. Stancombe stated that the hours of operation are within the ZBA purview. He asked if there could be notice to the abutters in some way prior to events so traffic and other impacts could be anticipated.
- R. Bushey indicated that this is a good idea.
- C. Carville asked what the plan will be for permitting of individual events?
-
- J. Sultzbach stated that he's looking to use existing similar templates from other communities. Events would all be listed on the Town website but notice of individual events would be onerous.
- R. Bushey asked if a sign could be placed on Maple Street a few days prior to each event.
- C. Carville suggested that this could be tried or other ideas to advertise as warranted in the future
- C. Carville asked about the size of events – suggesting that 300 people might be a good limit
- R. Stancombe asked what could be done to protect R. Lucier's house from headlight incursion or other detriments
- Discussion ensued around the exit angle and plantings to address impacts.
- J. Sultzbach indicated that they are fully committed to working with R. Lucier.
- R. Lucier approached and was sworn in – he asserted that he will be reaching out to MADOT around regulations and curb cut information as he believes this to be a state road. He expressed concern about Woodlawn becoming a shortcut.
- C. Carville asked about traffic controls for larger events.
- J. Sultzbach confirmed that there will be – current intent is to require traffic direction and police detail whenever the soccer field, overflow parking, is used
- R. Lucier suggested vehicles could exit via both the exit and the entrance. He asked about the Complete Streets grant and town ownership.
- J. Sultzbach confirmed that the Town owns this section of road, as evidenced by the granting of the complete streets grant to the Town. He said there are options for plantings and exit adjustments that could work.
- R. Lucier asked who receives the special permits and about parking fees

- R. Benoit read the public hearing notice and the hearing was opened.
- R. Stancombe confirmed that no Board members have any conflict of interest.
- Both AJ Baker and M. Richard were sworn in.
- R. Stancombe explained the need for a unanimous approval given the presence of only four members and the applicant opted to continue with the hearing.
- A. Baker requested that the Board note a correction to the lot size – the lot consists of 4 parcels totaling approximately 0.3 acres, not the 0.18 as advertised.
- A. Baker explained that the structure for their horse is a shed in their estimation as it's a movable structure. The water source and food storage are proposed to be at least 9.5' off of the property line. No concerns have been expressed to them from the landlord or property manager of the adjacent 6 family structure. The proposed location is level and works well for care of the horse.
- R. Bushey asked about the size of the unit and for clarification of placement.
- A. Baker responded that the unit is 10' x 16' and the rear wall will be at 9.5' from the property line.
- R. Bushay asked about the water trough and possible relocation of hay storage as this could be a nuisance to the abutters.
- A. Baker shared a photo to clarify and stated that the trough and hay can be moved if necessary.
- R. Bushay indicated his preference to maximize the distance to these items from the property line given the standard setback of 100' required for a livestock structure.
- R. Bushey expressed concern that the variance, if granted, runs with the property while the special permit from last month is linked to the current owners. A variance could allow future owners to place a livestock structure at this location.
- R. Stancombe reminded everyone that the required setback is 100', clearly not viable on this parcel. He asked what the greatest setback is that could realistically be attained.
- A. Baker stated that 15' is realistic.
- R. Bushey indicated to him that a setback of 15' is preferable to the 9.5' proposed
- A. Baker indicated that this is viable.
- M. Richard explained her hopes for sharing the horse in the community as a therapy animal in conjunction with her schooling for equine management.
- No other questions were raised
- R. Bushey stated the need to keep up with cleaning and keeping the property in good condition. He stated that given the circumstances he is ok with this moving forward. Had the horse been purchased specifically for this parcel he might feel differently.
- A Manugian notified the Board that the abutters' letter of concern shared last month is still relevant per a phone conversation with that abutter.
- R. Bushey motioned to close the public hearing. R. Benoit seconded the motion and all voted aye.
- R. Stancombe shared his believe that there is a hardship in not allowing this variance. The topography of this parcel is different and future owners would be unlikely to have livestock
- R. Bushey motioned to grant a variance allowing placement of the livestock structure not closer than 15' from the side property line. B. Vaine seconded the motion and all voted aye.
- Brief discussion ensued around time to comply and the agent will follow up with the applicant a couple of weeks after the appeal window for an update.

PUBLIC HEARINGS – Application of Cindy Fitch of 6 Island Road. (also known as Assessors Map 6, Parcel 9) 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 Dimensional Requirements per Table 7.2 of the Zoning Bylaws. Said property is located in a R40 – Rural Residential district and within the Lake Monomonac Overlay District (LMOD).

- R. Benoit read the hearing notice and R. Bushey motioned to open the public hearing. R. Benoit seconded and all voted aye.
- A Manugian offered a brief summary of the project and shared that the applicant has retained an attorney who has requested a continuance to 7:05pm on October 14, 2021.
- R. McCauley, abutter, approached to comment and was sworn in by R. Stancombe.
 - He is very concerned about the amount of time that the permitting for this project is taking
- R. Stancombe stated that this is the first night of the public hearing and that the applicant has requested a continuation. There is currently no violation on record from a zoning perspective and the applicant does not need to be present to request the continuance.
- R. McCauley asserted that the advertising error last month has already effectively given the applicant an additional month to prepare for this hearing. He expressed concern that they have requested continuance. He stated that this delay gives the applicant an economic advantage and that the project is detrimental in his view. He stated that the Board does not have to grant the continuance, the application can be denied as incomplete.
- R. Bushey reiterated that this is the first time the ZBA is seeing this application and that the applicant needs an opportunity to present their complete information, hence the need for continuance.
- R. McCauley stated that he has no other discussion points for tonight
- R. Bushey encouraged R. McCauley to attend and continue to follow the project.
- R. Bushey motioned to continue the public hearing to 7:05 pm on October 20th. R. Benoit seconded the motion and all present voted aye.

R. Bushey motioned to adjourn the meeting, which B. Valne seconded and all present approved.

R. Stancombe adjourned the meeting at 7:55pm