

TOWN OF WINCHENDON



Zoning Board

(978)-297-5419

**Regular Meeting - February 17, 2021**

Via Zoom - Meeting ID: 949 1180 7252 Passcode: 5925685

ZBA Members Present: Bryan Vaine, Cynthia Carvill, Richard 'Erik' Stancombe, Rob Bushay  
ZBA Members Absent: Ray Benoit  
Agricultural Commission Members Present: Taylor Tower, Sherry Haley, Jordyn Lynds, Audrey LaBrie, Janet Lee, Livy Tarlton  
Agricultural Commission Members Absent: June Girouard (alt), Alicia Trickett  
Others Present: Alison Manugian, Gretchen & Robert Lutz, Guy Corbosiero

**Materials:** Agenda and information packet

**Chairwoman Cynthia Carvill called the meeting to order at 7:03 pm following a motion to do so made by R. Stancombe, seconded by R. Bushey with all present voted aye via roll call vote.**

Announcements & Public Comment - none

Minutes of 8/26/2020 9/9/2020 9/30/2020 11/8/2020 12/2/2020 1/20/2021 were included for review and approval. **R. Bushey motioned to approve all sets, R. Stancombe seconded the motion and all approved via roll call.**

**CONTINUATION OF PUBLIC HEARING to consider an application from Glenn Hayward to obtain variances from the 10' required side property line setback and the 20' required front property line setback to erect a shed at 215 Beachview Drive (Assessors Map-Lot 12-48). Said property is located in a R40 – Suburban Residential district and within the Lake Monomonac Overlay District.**

No representative of the Haywards was present – R. Stancombe requested that the board wait for a full board Hearing tabled in anticipation that R. Benoit may join the meeting – discussion resumed  
A Manugian will send letter that the decision needs to be made at the next meeting and that if the applicant wants an approval he should be present, without presentation or ability to ask questions the application may be considered incomplete  
R. Bushey motioned to continue the hearing to 7:05pm on March 17, 2021. R. Stancombe seconded the motion and all approved via roll call

**PUBLIC HEARING to consider an application from Robert and Gretchen Lutz to obtain variance from the 25' required side property line setback and for special permit allowing alteration of a pre-existing non-conforming parcel/structure to add an addition and attached garage at 40 West Shore Drive (Assessors Map-Lot 6-0-37). Said property is located in a R80 – Rural Residential district.**

**R. Stancombe motioned to open the public hearing and R. Bushey seconded followed by all present voting aye via roll call vote. R. Bushey read the public hearing notice.**

C. Carville clarified that the applicant needs a unanimous decision to grant permissions if there are only 4 members present. The Lutz's were given the opportunity to decide if they want to move forward and this hearing was also tabled until after the discussion with the Agricultural Commission.

The hearing was resumed at 7:45 with Lutzs opting to proceed with only four members.

The Lutzs summarized the project – a garage with covered entrance and a kitchen addition that will allow for safer year round access as they hope to use this as a full time residence. The lot has many constraints, including the septic and well and the existing home footprint. They are seeking a variance of the side setback and a special permit to alter a pre-existing non-conforming lot or structure.

C. Carville confirmed that no members have a conflict and the Lutzs swore to be truthful in their discussion.

The parcel has a constant grade from the lake upwards and across the street up to the Town Forest

The area for the new construction is flat, protected from the neighbor by mature trees and the neighbor's driveway is what abuts the property of the Lutz's in this area.

Abutters were present -

Karen Sullivan at 44 West Shore Drive is in support of this project and permissions – no concerns

Kat Sims at 38 West Shore Drive has no concerns and supports the project

ZBA member questions –

R. Bushey asked if the trees near the property line will remain. R. Lutz clarified that 2-3 white pines will need to be removed but that the others will remain to keep privacy and boundary definition

R. Stancombe confirmed that the 7' is the smallest distance to the property line. R. Lutz confirmed this an identified the 10' separation to the septic system

C. Carville summarized discussion that this is an oddly shaped lot that is pre-existing non-conforming with an existing septic system, well and home. The grades are difficult and unique to this lot.

**R. Bushey motioned to close the hearing and R. Stancombe seconded the motion. All voted aye via roll call.**

**R. Bushed motioned to grant the Special Permit and Variance to side setback given that all abutters are in support and there are unique details. R. Stancombe seconded the motion. C. Carville clarified that this permission is only for this particular project/structure to be at the 7' side setback. Any future projects will need their own permission. All members present voted ay via roll call.**

**Discussion with Agricultural Committee representative(s) regarding Section 5.2.4 E - "Accessory poultry or livestock for noncommercial use, private stable, or kennel structure, non-profit." With regard to 1) the application fee, 2) the "under 5 acres" requirement, and 3) non-compliance fines.**

A LaBrie called the Agricultural Commission to order at 7:17pm.

A LaBrie offered information about the Commission, which was founded approximately 10 years ago. There are currently 7 members and there have been many discussion on tonight's topics in years past.

The Commission would like to support residents to take control of their food sources given that Winchendon is a food desert currently.

The first item discussed is the current \$100 special permit fee – Ag Comm would like to see the fees waived to encourage poultry and farming for home use.

The second requested topic is a discussion of reducing the existing 5 acre distinction listed in 5.2.4E of the Zoning Bylaws. It was noted that there is also a required setback of 100' for any coops. It was noted that currently only property owners may have poultry.

The third topic for discussion is an option to waive fines for owners who have poultry currently without permits.

J. Lynds opined that roosters, a nuisance bird, could be limited with conditions on a special permit

Commission members indicated their willingness to attend hearings on this topic and to assist in resolving any concerns that come in from the public.

C. Carville stated that the proposal is well thought out and presented. She then outlined the process with required Town Meeting approval and indicated that manpower to enforce the regulations. Understanding the density of interest in poultry ownership would be helpful.

A Manugian indicated that there is no intent to penalize folks who come forward to get a permit and already have poultry.

R. Stancombe supports the ideas here, including the reduction or elimination of the special permit fee.

B. Vaine supports a reduction of area to have poultry without special permit. He wondered how to handle funds if this is an annual license. He supports having some ability to have roosters. It was noted that discerning the gender of young poultry is very difficult.

C. Carville indicated that the hearings for special permit are a good opportunity to hear from abutters.

A. Manugian will discuss poultry concerns with the Building Commissioner, Animal Control and Town Clerk  
R. Bushey indicated a limit needs to be place on the quantity of poultry.  
Appreciation was extended to the Agricultural Commission for bringing up this conversation.  
J. Lynds motioned to adjourn the Agricultural Commission meeting. S. Haley seconded the motion and all present voted aye.

**Ongoing discussion of sheds and other structures placed within the setbacks without permissions.**

An overview of this was given by A. Manugian and members were invited to review and comment to the Agent on the proposed educational pamphlet.

**R. Stancombe motioned to end the meeting, R. Bushey seconded the motion and all present voted aye via roll call.**

**The Chair adjourned the meeting at 8:13pm.**

Respectfully submitted:



Alison Manugian - Planning and Conservation Agent