

TOWN OF WINCHENDON



Zoning Board

(978)-297-5419

Regular Meeting/Public Hearing

November 18, 2020

Via Zoom - Meeting ID: 966 9994 1804 Passcode: 4105436

Present: Chairwoman Cynthia Carvill, Richard 'Erik' Stancombe, Ray Benoit, Bryan Vaine, Rob Bushay
Alison Manugian, Zoning Agent

Materials: Board information packet

7:02PM: Chairwoman Cynthia Carvill called the meeting to order; motion made by R. Bushay, seconded by B. Vaine and all present voted aye via roll call vote.

Announcements: none

Public Comments: none

Minutes: R. Stancombe motioned to approve the minutes of September 23, 2020 as presented, R. Bushay seconded the motion and all present (R. Benoit had not yet arrived) voted aye via roll call vote.

Ray Benoit joined the meeting at 7:06pm

License Renewal Concerns for Select Board Consideration –
After brief discussion members agreed to reach out to the Agent with any concerns

Discussion of proposed Fee Schedule and Comprehensive Permit Regulations

- Board members want to ensure that costs don't act as a deterrent to proper permitting in advance
- R. Benoit would like actual costs per application tracked to determine fees
- Members will send concerns to the agent who will add this topic to the agenda for next meeting

7:10 pm -- Special Permit Hearing - Request by FMJ Motors for Special Permit allowing use of 131 Spring Street, Map 5C3 Parcel 133, for Class II automobile sales and service.

R. Bushay motioned to open the public hearing, R. Benoit seconded the motion and all present voted aye via roll call vote.

R. Bushay read the hearing notice and the Chair confirmed that no members have any conflicts of interest.

Damien, listed on the zoom call as Fernando Florian was sworn in by Chair to be honest and accurate.

Damien outlined the plans for the property, a Class II service and sales license. His intent is to work on his own cars there will intent of exporting them to the Dominican Republic. Occasional work on other cars may be done.

There will be a handicapped parking space, two parking spots for customers and six for autos for sale – he indicated that setting six as an upper limit is fine. He intends to store cars in the rear of the existing building. This area will be accessible from both sides of the building. There is currently a chain link fence around the rear portion of the property - he's working to install vinyl privacy fence

Board members asked a number of questions that were answered by the applicant:

- What hours will the business be open?
 - Intent is M-F 9-5 and Sat 9-12
- From past experience pickup and drop off of vehicles is of concern
 - Intent is to use storage in the rear to load/unload then process them into building for work. No intent to have car hauler larger than the 3 car truck hauler he currently owns. No loading or unloading will be done in the streets. The intent is to drop off and pickup cars only during the open hours agreed upon.
- Concerns were raised regarding the intersection and site location
 - Applicant is aware this is a busy site and he is only looking for 6 cars. He may look to add a barrier of some type at the front of his parcel to stop the current traffic that cuts through. Security cameras are existing and will remain
- Discussion of the site use and possible abutter impacts ensued. A concern about after hours sound and light impacts was raised. A condition to have lights illuminate this parcel only and not bleed over to any abutters was mentioned.
 - The intent is to limit work to the hours stated.
 - Intent is two flood lights on the front of the building only.

Board members also made statements regarding the future development and use:

- Signage regulations need to be followed

Chris Burnasconi, Abutter at 21 Ash Street was sworn in by chair

- He presented his concerns, stemming from previous three similar businesses – goal is to make sure owners keep the parcel neat and picked up as a business site. It appears that this owner is doing a good job so far, hopes to see fence continued along Ash street to preserve his view
 - Applicant indicated his intent is to fence around the entire storage area – currently freezing ground is becoming an issue. He will likely 8-9 cars in storage area out back. The hauler will generally be stored elsewhere – currently it's there for repair of a light.
- Chris encouraged by what he has learned tonight and is impressed so far

Cindy explained mechanism for abutters to bring the owner back in if they do not comply with the conditions of the decision and permission. The Zoning Enforcement Officer and the ZBA can assist.

Rick McCumsey, Abutter at 21 Ash Street was sworn in by chair

- Concern is mainly around safety there has been increased traffic on Ash and Spring street to Water Street in his two years at this location. There are several obstacles in this area – a light pole, highway signage, an area used as a crosswalk. There are visibility difficulties already and parked cars may complicate that. Customer wanting to come out on Spring and someone coming from Ash onto spring may create difficulty if they both try to use the same opening in traffic on Spring street. The angles of the intersection make this a very difficult area. Pedestrian traffic, largely from Winchendon School, is difficult as the pedestrian way is not clearly marked. He supports small businesses and likes the fence to date. Would like to see the triangle cleared out in general to improve the intersection, but recognizes this is not a issue for the applicant.

C. Carville opined that there needs to be a review of this intersection independent of this application and process. There needs to be no parking on Spring Street and Ash Street and she asked if the Town can post this?

R. Stancomb clarified that the ZBA purview does not include egress alternatives, exiting onto Ash Street may be easier than using Spring Street. Applicant intends to use Spring Street as there is more room to maneuver.

R. Bushay motioned to close the public hearing; R. Stancombe seconded the motion and all voted aye via roll call.

Discussion ensued around conditions that should be part of any approval decision:

- Hours limited to 9-5 m-f – Closed Sunday 9-12 Saturday
- Signage compliant with regulations
- Lighting directed away from adjacent residential properties
- Fence installation continue to surround the storage area
- Entrance/Egress as discussed – adjacent to customer parking and the building on the north side and another to the storage entry at the rear – gated in back of building off of Ash Street.
- No loading/unloading on streets -
- 6 max for sale and outdoor storage of 9 cars out back
- Maintain property in good visible condition
- Condition to review the approval and function in a year in case adjustments are needed.
- Follow all bylaws and get permits as needed – state local and federal guidelines and building code
- All repairs to be done within the shop to control noise

R. Bushay motioned to grant a Special Permit allowing use of this parcel as a ‘Sales and Service establishment for motor vehicles – Class II’ . The motion was seconded by R. Benoit and all voted in favor via roll call vote.

C. Carvill outlined the process from this point forward for the applicant.

The ZBA reached consensus that the DPW Director should be asked to attend a coming meeting to discuss safety and process for improvements at this intersection.

Agent reminded members that December 2nd will be a Comprehensive Permit/40B Regulation review and training session.

R. Benoit motioned to adjourn the meeting; R. Stancombe seconded the motion and all approved via roll call vote. The Chair adjourned at 8:00 PM.

Respectfully submitted:



Alison Manugian
Planning and Conservation Agent

Cynthia Carvill, Chairwoman

Bryan Vaine

Raymond Benoit

Richard Stancombe

Rob Bushay