

Town of Winchester
Planning Board
Minutes
1-7-19

The board met in a non-meeting for a discussion with Town Counsel at 6:30pm.

Public Meeting opened: 7:00pm.

Members present: Mike Doherty (Chair), Dean Beaman (alt), Gus Ruth (V. Chair), Jordan Sharra, Herb Stephens (SR) and Christy Davis. Suzanne Boisvert and Kim Carl were absent. Margaret Sharra is the Land Use Administrator (LUA).

Public: Jim Phippard, Dan Berry, Marshall Royce, Gary Kinyon, Teo Salema, Stephen Pernaw, Frank Linnenbringer, Mike Coope, Paul Morehouse, Jr., Kelly Dowd, Nick of VHB, Todd Kilanski, Ben Kilanski, Roberta Heinonen, Karey Miner, Teresa & Rafeal Riviera, Jim Amman, Mark Tigan and Paul Grazowicz.

First order of business: G. Ruth acts as Chairman for about 4 mins. He sits D. Beaman as an acting member for the night. The board reviews the minutes of 12-17-18 for approval. **J. Sharra moves to approve, H. Stephens seconds. The vote is 6 yes.**

Second order of business: The board is here to continue the public hearing on the site plan application of SS Baker's and Paul Morehouse, Jr. The LUA informs the public the board is in receipt of the following information for this meeting: An updated set of elevation plans showing changes to the west side façade and offering a choice of two colors for the building, and plans showing the site distance and the hedge of arborvitae on the north side, and written responses from Brickstone and Stephen Pernaw.

Jim Phippard responds to questions and comments from the last meeting. He has met with NHDOT and he expects the driveway permit this week. They have added a hedge of arborvitae to the northern boundary as a dense buffer. He has measured the site distance and added it to the plan; where NHDOT requires a minimum of 400ft there is in excess of 500ft. He is offering the board a second color option of the building. The board can choose grey or khaki. He shows the change to the west side façade as requested; the cultured stone was added and two faux windows to improve the look of the side of the building facing Main St. He is requesting a waiver of tree plantings, where the regulations require 23 and he would like to plant 20. The driveway cuts are part of the calculation (60ft), so the reduction of trees makes sense. He also does not want the trees to impair site distances. Some trees will be planted near the fence on the east side. Tip-downs were added to the plan for the perimeter sidewalks and a stop-line and signs were added to the driveways.

Stephen Pernaw, a transportation engineer who drafted the traffic study responds to the comments and questions raised by VHB at the last meeting. This also in writing.

- 1) There is an existing sidewalk along the frontage on Main Street (Rt.10) and Warwick Road(Rt.119/78). The adjacent traffic signal does not have a cross walk and one is not justified. The plan presented shows tip-downs at the driveway locations.
- 2) There are no bike lanes on state roads. There was very little pedestrian (1) and bicycle traffic observed.
- 3) Crash information obtained show 3 crashes in 3 years. Information from NHDOT does not contain all fender benders.

- 4) He used Laurie Rosseau's existing report on Rite Aid traffic because traffic does not change over the years for these businesses. New data was not necessary. His report is of Main Street for 2018.
- 5) Site distance- The site distances have been addressed and are added to the site plan. There is in excess of 400ft distance which meets NHDOT's requirements.
- 6) Trip generation information- He uses ITE data. He used gas station/convenience store data. He explains there are many formulas to choose from. With that, well documented "Dunkin Donuts" impacts were used in the equation. DD will capture 10% of moving traffic in the am and 3% in the pm. Combine this with ITE data and adjust accordingly a traffic engineer will come up with a number that suits this site. NHDOT has approved the trip generations estimates for this project.
- 7) Not all traffic impacts the signal. ie. A vehicle heading west on Rt119/78 enters the property and then leaves heading back the way they came, never entering the intersection.
- 8) The request of a splitter island- The proposal is for a full access driveway, which NHDOT has approved. The splitter would actually make vehicles use the signal section which would create a higher number of vehicles there and produce a false number count of traveling vehicles. Kelly Dowd asked if that would warrant a left-turn lane on Main St. Mr. Pernaw responded that he looked at exit lanes from the site and found no reason for more than one lane from each exit. While it would be nice to have a left-turn lane heading south on Rt.10 it is not necessary because it is determined there is one car per minute, which is a 0-10 second delay of following traffic. That is acceptable. Also, there is room for the cars to go around the stopped vehicle. NHDOT has not asked for this.
- 9) Maintenance of a state highway is under the jurisdiction of NHDOT.
- 10) There have been the best mitigation measures used to maximize the separation of site driveway from the signal intersection.
Jim Phippard replies to the comments of no parking signs. In talking with the state, the Board of Selectmen must request this area be designated as a no parking area. This designation then permits enforcement by the police. If the state agrees with this designation the applicant offers the purchase and erect no parking signs.

Nick of VHB responds that he knows from living in the area that the residents want this DD. He wants to make sure the applicant pays for improvements and maintains them so there is not a burden on the town. He suggests the applicant replace the asphalt sidewalks with concrete walks and maintain them. He then questions the flow of the drive-thru. He believes turning west on Warwick Road the site distance is impacted by hedges on an abutting property. He then adds a description of a stopping distance needed for speeds of 30mph; 200ft. Mr. Pernaw agrees with the stopping distance. Kelly Dowd states the site distance on the plan is just a number and not a triangle.

Jim Phippard responds he has been a civil engineer for 41 years with a master's degree. He knows how to calculate site distance. It was physically measured by two people to do it accurately. He also responds to the comment on the Warwick Road site distance, the existing sidewalk opens up the site distance around hedge. This is not an issue. Regarding exiting the site, he reminds the board that drivers know when there is a green light they must look at traffic coming; and then there are less cars when the light is red. Mr. Phippard states he knows what he is doing.

Frank Linnenbringer of NHDOT is present. He informs the board the state has approved the driveway permits. He just has to write it. He has not has the time in the last few weeks with the holidays. He reiterates the state has a law stating minimum site distance is 400ft. This project meets the criteria. He explains about the "triangle" formula for site distance. Paul Morehouse, Jr. asks Frank about the

elimination of the two other existing driveways that affect this project. He replies his consideration is the site distance.

D. Beaman asks Mr. Dowd if he concedes that the site distance was measured to his satisfaction. Mr. Dowd's final reply was yes.

Mr. Phippard speaks to the comments about a concrete sidewalk. He reminds the board that SS Bakers contributed \$7500 to the sidewalk project a few years ago. This is the town sidewalk; the town decided they wanted asphalt probably due to the cost of the project.

The LUA asks the Chair if she can speak on the history of the sidewalks. Yes.

She explained about 6 years ago the town obtained a grant to construct sidewalks from Main Street to the Kulicks Plaza. Yes, it did come in over budget. Some of the Board of Selectmen and Highway Superintendent prefer asphalt sidewalks because they hold up better to salting for safety and they are cheaper to replace. The town only wants concrete sidewalks up here by the town hall. She believes it is up to the Selectmen to decide what they want for their sidewalks. There are 3 Selectmen present and asks if they disagree with her. They do not.

Gary Kinyon, representing SS Bakers, reminds the board that a site plan approval already exists after years of appeals. This proposal expands and improves the site. The board has heard expert's reports. Please consider the context of the objections; this is an abutter who is appealing, one should consider what are the motives of Kulicks, it is the competition of the gas pumps.

The Chairman asks if there are any other questions. There are none.

G. Ruth moves to close the hearing, J. Sharra seconds. The vote is 6 yes.

The board deliberates.

D. Beaman states this is not a development of regional impact. **He so moves, G. Ruth seconds. The vote is 6 yes.**

D. Beaman moves to approve the SEC plan, J. Sharra seconds. The vote is 6 yes. The LUA asks for clarity on both motions. D. Beaman says, relating to the DRI, that the site is miles from another town border, the distance makes this not an issue. The SEC plan is the Sedimentation & Erosion Control that was approved by the Conservation Commission in November.

D. Beaman moves to approve the waiver for tree planting. J. Sharra seconds. The vote is 6 yes.

D. Beaman states the hours of operation are 5am to midnight, with the gas pumps 24/7. There is a discussion of some lights being shut off after the store closes. Members noted there is full cut off lighting on site. They discuss the no parking signs the applicant could erect with state approval. G. Ruth states the lot size from the previously approved site plan has increased by 31% while the increase in building size is only 6%. D. Beaman comments this is a much better fit. M. Doherty states the access to and from this site is a lot better. D. Beaman says does not have a problem with the left-hand turns from the site. As a resident he has never had a problem with visibility on Warwick Road. The members agree, there are no problems with the left turns. The 3 existing driveways on Main Street will now be 1, and now positioned across from the Rite-Aid exit. The hedges referred to earlier are not a problem for site distance they have been trimmed by the sidewalk. The board supports the planting of the arborvitae on the north side for the dense buffer. C. Davis asks if everyone is satisfied with the traffic report from the applicant. The members say yes.

D. Beaman moves to approve the site plan application for 4 Warwick Road subject to the following:

- 1) Obtain the driveway approvals from NHDOT for the 2 curb cuts.**
- 2) Obtain water & sewer approvals**
- 3) Abide by the SEC plan as revised on 11/13/18**
- 4) All construction shall use Best Management Practices**
- 5) Construct the 6ft high fence on the east side as presented**
- 6) Landscaping shall be as shown on the recent plan, including the arborvitae**

7) Obtain NHDES approval for the installation of Gas tanks, and all additional safety features as discussed during the hearing.

8) The hours of operation are 5am-12am, pumps 24/7.

9) Obtain a lot merger to merge the two lots (21 & 22)

10) If the state designates a no parking area adjacent to this property, the applicant shall purchase and install no parking signs.

J. Sharra seconds the motion. The vote is 6 yes.

Third order of business: The board is to hold a public hearing on the proposed zoning amendments.

D. Beaman moves to open the hearing, J. Sharra seconds. The vote is 6 yes.

The LUA reads the proposed amendments:

- 1) To amend the Sign ordinance to permit roof signs, overhang signs, and off premises signs with limits on sizes and quantities for all districts.
- 2) To amend the Sign Ordinance to permit an additional wall sign in the Highway Commercial, Commercial and Central Business Districts provided the building has frontage on two roads.
- 3) To amend the sign ordinance to correct grammar and other wording.
- 4) To amend the Solar Ordinance to permit Utility scale systems in the Commercial District by Special Exception.
- 5) "Are you in favor of adopting the following amendment to the Winchester Zoning Ordinance, as proposed by citizen petition? To see if the Town will vote to amend the Official Zoning Map of the Town of Winchester, NH, by re-zoning from RR (Rural Residential District) to CM (Commercial District) three (3) tracts or parcels of land comprising a total of approximately 9.1 acres, situated on Manning Hill Road (Rt10), shown on Tax Map 1 as lots 82, 83, & 86. Located near Winchester's border with Northfield, MA, the proposed amendment would expand the uses allowed on these parcels to include commercial uses permitted by the Zoning Ordinance. Allowing commercial use of these parcels would increase Winchester's tax base and attract business to the community".

The Chairman asks if there are any questions. There none. (Most of the public had left)

D. Beaman moves to close the hearing, J. Sharra seconds. The vote is 6 yes. 8:20pm.

The LUA informs the board the HDC just held a public hearing here tonight right at the beginning of our meeting and they voted to place on the ballot a question to abolish the Historic District. Does the PB want to recommend this question also.

D. Beaman moves to recommend, J. Sharra seconds. The vote is 6 yes.

D. Beaman moves to place all articles on the ballot, H. Stephens seconds. The vote is 6 yes.

D. Beaman moves to recommend all articles, including the petitioned article, J. Sharra seconds. The vote is 6 yes.


Fourth order of business: The board is to consult with Mark Tigan and Paul Grazowicz on a plan of subdivision for a solar farm on Winchester Sand & Gravel property. They are looking for a conceptual acceptance from the board. Mark gives the history of Stone Mtn Business Park and how the solar farm fits into this project. He also shares the announcement of the grant award for Stone Mtn project of \$666,000. Presently there is a cap of 1mw per premises and a premises for some is considered a parcel so that is why a subdivision needs to be done in order to obtain of 4-7mw of power. G. Ruth says it is estimated that 5 acres is needed for 1mw of power. Mr. Graz shows the board a plan showing 7+ lots of subdivision on a 95+ acre parcel. One lot will be about 50 acres because of the steep slopes and possible hinderance of use. The remaining 45+ plus acres will be divided up into lots of about 5 acres each. The road location is shown. This is a landlocked lot with a legal easement for access across Stone Mtn land. The LUA reminds the board they have the authority to waive requirements of subdivision for good

cause. The board could waive for the road not be built to town standards, but of a standard enough for construction and emergency access. She would also recommend upon application a condition of no dwelling structures unless the road is built to town standards. The board does not see any problems and is not opposed to this subdivision. Mr. Graz will submit both subdivision and site plan at the same time.

Fifth order of business: Other. The board about 8 months ago permitted a person to open a used car lot at the old Shamrock building on Keene Road. They decided a site plan review was not in order because many years ago this property was used as a used car dealership. The board did though require that a max of 12 vehicles would be on the lot and all must be inspectable for sale. It has come to the LUA's attention that many times there is in excess of 12 vehicles (15-19), and that she has been told and is waiting on verification, that some vehicles are not inspectable and such are not road worthy. J. Sharra reads a statute aloud about how a dealer cannot sell uninspectable motor vehicles without the buyer being aware. The LUA is asking the board what they would like to have happen. They inform her to bring the issue to the BOS.

Jordan Sharra moves to adjourn, H. Stephens seconds. The vote is 6 yes. 9pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 2/4/19

Minutes signed by:



Mike Doherty, Chair