Town of Winchester

Planning Board

Minutes

8-21-23

**Meeting opened:** 7:00pm

Members present: Rich Pratt (Chair), Jordan Sharra (V. Chair), Jack Marsh, Ben Kilanski (SR), Colby Ebbighausen, Robert Browne. Jenny Rhodes, Gus Ruth, and Neal Stetson are alternates present.

Dean Beaman is absent.

Evan O’Connor is the LUA.

Public: Nat Quevedo (Conservation Commission Chair), Charlie Lawrence, Tim Pelkey, Todd Kilanski, Sara Pratt, Rick Meleski (Water Superintendent),

**First order of business:** The Chair sits J. Rhodes as an acting member. The board reviews the minutes of 7-10-23. J. Marsh requests that review of said minutes be relegated to approval after the next order of business.

Second order of business: The board reviews an application for site plan submitted by Charlie Lawrence for Franklin and Jean Pelkey to erect and operate a large truck repair garage. The property is located on Richmond Road / Plumb Pak Drive, Map 22 Lot 5. **J. Marsh moves to accept the application as complete and move into a public hearing, B. Kilanski seconds. The vote is 7 yes.**

Charlie Lawrence speaks to the board. The application is specifically about erecting a repair garage on Plumb Pak Drive. The zoning is residential, however a variance was approved by the ZBA. There will be a gravel parking lot, with 12 unmarked parking spaces per regulations, all loading and unloading will be done off the street, snow storage areas will be utilized, erosion control and Best Management Practices(BMPs) will be used, the lot will be serviced by town water and sewer, the water services Plumb Pak as well. BMPs for groundwater protection will be strictly observed. Construction will consist of a prefab metal building. Will have a concrete foundation and a concrete slab. To comply with BMPs there will be no floor drains. There will be 3 bays as well as office space.

J. Rhodes questions how many vehicles will be at the location at a time.

C. Lawrence asks for guidance from the board on a limit of maximum vehicle number. Suggests 25.

R. Pratt indicates that this may not become a junkyard. And that 25 is a reasonable maximum number.

C. Lawrence assures the board that all cars will be registered and there will be no more than 10 cars outside.

J. Sharra asserts that the approval on this would be contingent on subdivision approval. Additionally, inquires if there is much visibility from 119 Richmond road.

T. Pelkey indicates that there would be little to no visibility of the garage from said property.

C. Lawrence indicates the building will be 20 ft lower than said property.

Miriam Johnson of the conservation commission addresses the board. M. Johnson informs the board that well #3 is in the area of this proposed project. M. Johnson asks the applicant where this project is located in relation to the wellhead protection district.

C. Lawrence indicates that the project would be located 667 ft from the pumphouse.

Rick Meleski(Water Superintendent for the Town of Winchester) addresses the board.

R. Meleski questions the applicant about impervious ground, proper chemical management, drainage regulation. It is recommended that all BMPs be rigorously adhered to. All chemicals must be under proper containment, all vehicles outside must not be leaking contaminants. Wellhead wavers could be lost if any of these regulations are breached.

R. Pratt asserts that adherence to BMPs puts full responsibility on to the property owner, as BMP regulations are inspected for adherence after the property is completed.

R. Meleski asserts that if BMPs are not adhered to the responsibility may fall onto the town after inspection.

R. Pratt questions if the driveway needs to be paved.

R Meleski answers that it must be an impervious surface to be in accordance with regulations. The aquifer protections have been in place so a gravel parking lot for this operation will not be permitted.

C. Lawrence reports that other options will be looked into, specifically recycled asphalt.

R. Meleski asserts that contaminants cannot under any circumstances come within 400 feet of the wellhead. BMP inspections are slated for 2024. Any threat to the towns’ drinking water will be taken incredibly seriously.

R. Pratt questions who the applicant should be in contact with to stay in compliance.

R. Meleski answers that he is the point of contact.

M. Johnson cites the groundwater protection act. It is stated that the town health officer is permitted to conduct inspections and submit cease/desist orders if RSAs are found to not be adhered to. It is cited that the most common pollutant cause is vehicle repair shops.

Gus Ruth addresses the board. G. Ruth states that there would be no frontage on this property due to a strip of land that The Town of Winchester owns on the sides of Plumb Pak Drive.

C. Lawrence asserts that the strip of land constitutes a rite of way.

J. Sharra indicates that this issue can be addressed during the subdivision application review.

Natalie Quevedo of the Conservation Commission addresses the board. Additional RSAs that would apply from the wellhead protection act, mistakes could cause an impact to potable water.

Todd Kilanski addresses the board. T. Kilanski asserts that local business need to be allowed to operate and set up shop in Winchester. He states that the regulations are clear but accidents happen, and preventative measures shouldn’t impede local businesses.

M. Johnson states that this project is a conservation issue, there is a brook nearby, hopes there is no issue with the well.

G. Ruth questions if this issue has passed the ZBA for a variance

C. Ebbighausen states that it has.

G. Ruth asks what the stipulations on the approval was.

LUA O’Connor answers that the requirements were no floor drains and no outside storage.

G. Ruth mentions that trucks can leak oil and how that would affect the wellhead regulations.

R. Pratt Mentions that he doubts that would happen, it wont be allowed to sit there.

R. Pratt requests a 15 minute recess.

J. Marsh asks if there were concerns raised at the ZBA.

C. Lawrence answers that the planning board was said to decide in the site plan review. The ZBA was aware of BMP regulations.

G. Ruth questions if there were any concerns about frontage raised by the ZBA.

N. Quevedo mentions that there are multiple other RSAs that come into question.

**R. Pratt moves to start a 15 minute recess. B. Kilanski seconds. The vote is 5 yes** (RP, BK, JM, RB, JR) **2 no** (CE, JS)**, the board moves into a recess at 7:39 PM.**

**The board resumes the public hearing at 7:52 PM.**

N. Quevedo informs the board that the conservation commission was not supplied with the siteplan prior to this hearing. It is requested that the conservation commission be notified if the project is in the wetland protection district.

J. Marsh asserts that the board is not required to notify anyone except the abutters.

The conservation commission requests that if there is town land managed by the commission that they be allowed to set conservation conditions.

B. Kilanski indicates that if BMPs are adhered to the conservation commission has no further authority.

The board asks the LUA to confirm that notices for this meeting and hearing were posted in lieu of a direct notification to the conservation commission, and questions where notices were posted.

LUA O’Connor reports that notices were sent to all abutters, posted on the Sentinel newspaper, posted twice in the town hall, on the town website, and in the town post office. Additionally, the select board was notified as town land abuts the property.

J. Rhodes indicates that in any case, if property is damaged by operations, the owner is always held responsible.

N. Quevedo requests conditions on approval: no permeable surfaces, no chemicals stored outside, a salt substitute be used for snow control, double barrell container required for chemical storage, erosion control needs to be adhered to.

**J. Sharra moves to close the public hearing, J. Rhodes seconds. The vote is 7 yes.**

J. Rhodes indicates that T. Pelkey will do what is necessary to comply with BMPs, and confirmed that the steps are being taken to not contaminate the surrounding areas.

R. Pratt questions the condition of salt use, indicates that salt is used on Plumb Pak Drive so cannot in good faith be prohibited from this property.

J. Marsh asks if the ZBA had been informed of the aquifer protection district concerns.

B. Kilanski indicates that the DES regulations and BMPs cover all concerns of the matter.

J. Sharra suggests to approve the site plan, with approval contingent on metal construction, BMPs adhered to, Impervious ground, and subdivision approval.

C. Ebbighausen adds that erosion BMPs must be followed, and needs driveway permit approval.

**J. Sharra moves for approval with above stipulations, B. Kilanski Seconds. The vote is 7 yes.**

**Third order of business: B. Kilanski moves to approve the minutes from 7-10-23. J. Sharra seconds, J. Rhodes abstains. The vote is 6 yes.**

**Fourth order of business:** J. Rhodes brings up the recent Select Board meeting, and brings up a statement said at the meeting, that the planning board is ignoring the issue of housing. The issue of policing in Winchester is brought up, and that Winchester is lacking a lot of necessary resources.

J. Marsh questions if the select board is “throwing the planning board under the bus”.

B. Kilanski answers that no, the selectmen were discussing the grant, and chose to approve the Vann Oglivie proposal in lieu of the planning board.

C. Ebbighausen clarifies that the planning board didn’t deny the proposal, the vote that failed was to suggest approval to the selectboard.

J. Marsh speaks to the LUA and directly asks that the minutes reflect that the **Board of Selectmen has no authority over the planning board’s decisions.**

J. Marsh asks if the Select Board was implying authority over anything else or if the issue was solely the grant.

J. Rhodes confirms that the issue was solely the grant.

The Board agrees that once a vote is held that is irrefutable by the Select Board.

T. Kilanski addresses the board, concerns are brought up about the Ashuelot bridge dinner, especially the weight limit on the bridge.

It is determined that this is an issue to be brought up with the select board.

**J. Sharra moves to adjourn, B. Kilanski seconds. The vote is 7 yes. 8:42 pm.**

Minutes respectfully submitted by:

Evan O’Connor , LUA

Minutes approved by the board on:

Minutes signed by:

Rich Pratt, Chair