

Town of Winchester
Zoning Board of Adjustment
Notice of Public Hearing
10-14-21

The Winchester Zoning Board of Adjustment will be meeting on 10-14-21 at 7:00pm on the Main Floor of the Town Hall, 1 Richmond Road for the following:

The board will review for acceptance an application from Mitchell Materials, request of a variance to Article II, section 3 of L (Aquifer Protection District) of the Zoning Ordinance for property at 20 Payne Road, map 15 lot 51. The owner wishes to install two 10,000 gallon AST diesel storage tanks for mobile equipment fueling. If the board finds the application complete, they will move into a public hearing.

If a decision is not reached the hearing will continue at the following meeting without further notice. The application is available for review in the Land Use Office during regular business hours and on the town website winchester-nh.gov.

Respectfully,
Margaret Sharra, Land Use



Rec'd 9/16/21

September 15, 2021

GeoInsight Project 11326-001

Margaret Sharra
Land Use Administrator
Zoning Board of Adjustments
1 Richmond Road
Winchester, New Hampshire 03470

RE: All States Materials Group dba Mitchell Materials, LLC
20 Payne Road
Winchester, New Hampshire
Request for Variance

Dear Ms. Sharra:

GeoInsight, Inc. (GeoInsight) has prepared this letter on behalf of All States Materials Group dba Mitchell Materials, LLC located at 20 Payne Road in Winchester, New Hampshire (Facility). As depicted on the Town of Winchester (Town) Zoning Map, the Facility is located within the Aquifer Protection District (District). Per the Town of Winchester Zoning Ordinance, bulk fuel storage yards (defined as any location where there are 10,000 gallons or more of fuel intended for storage, transfer, or distribution) are a prohibited use within the District. As such, the variance application attached to this letter is a formal request for the Town to allow the Facility to install two 10,000-gallon, double-walled aboveground storage tanks (ASTs) for storage of diesel fuel to be used for mobile heavy equipment fueling.

If you have questions regarding this information, please contact us at (603) 314-0820.

Sincerely,
GEOINSIGHT, INC.

Megan E. Dalton
Compliance Project Manager

Suzanne L. Pisano, P.E., LEED AP
Director of Compliance

Enclosures:

- Attachment 1 - Variance Application
- Attachment 2 - Supporting Information for Variance
- Plot Plan

P:\11326 AST Design and Registration All States Materials Group Winchester NH Compliance\Variance for Storage\11326_2021-09-15_Mitchell Materials_Variance_DRAFT.docx

Application for: Variance

Date: 9/15/2021

Map# 15 Lot# 51-000000

Name & address of applicant: All States Materials Group dba Mitchell Materials, LLC
PO Box 91, Sunderland, MA 013758

Email: javin@asmg.com Phone: (413) 397-3508

Name & address of owner: All States Materials Group dba Mitchell Materials, LLC
PO Box 91, Sunderland, MA 013758

Email: javin@asmg.com Phone: (413) 397-3508

Location of property: 20 Payne Road, Winchester, New Hampshire Zoning District: 04 - AGRI

Description of property (include a plot plan, frontage, side & rear lines, water, structures, etc.) The Facility operates as an active asphalt batch plant and a gravel/rock quarry, which has been in operation since 2010.
Please see the figure attached for pertinent information.

Proposed use/existing use: The Facility proposes to install two 10,000-gallon double-walled diesel ASTs.

Fill out the attached abutters list and submit the non refundable fee of \$150 with the completed application and other necessary forms at least 21 days prior to the review by the ZBA. The ZBA generally meets on the second Thursday of each month if there is business. A complete application will be reviewed for acceptance before a public hearing is held within 30 days. You or your representative must be present at the hearing. All owners NOT representing themselves must submit a letter of representation for the applicant with the application.

Please complete and submit the following appropriate page(s) for the request of a variance, a special exception, an equitable waiver of dimensional requirements, an appeal from an administrative decision or a rehearing. Attach all other supporting documentation to the application.

After the public hearing, the board will typically render a decision within 30 days. You will be sent notice of this decision. If you believe the board's decision is wrong, you have the right to appeal. The Selectboard or any party with standing has similar rights of appeal. With an appeal, you must first ask the board for a rehearing. All requests shall be submitted on the appropriate ZBA forms and include the required fee. The motion must be made within 30 days of the decision and must set forth the grounds on which the claimed the decision is unlawful or unreasonable. The board may grant a rehearing if it is determined there were errors of law or new information is stated in the motion. Notice to the public and abutters are required for a rehearing. Refer to RSA 677:2 and RSA 676:7 for details.

1. Granting of the variance will not be contrary to the public interest because:

The variance will not be contrary to the public interest because the Facility currently maintains six petroleum ASTs including three liquid asphalt ASTs, two 500-gallon diesel ASTs to fuel the generators, and a 10,000-gallon #2 fuel oil AST as a back-up power source to power natural gas-operated the plant. The Facility complies with the federal regulation 40 CFR 112 for petroleum storage including maintaining a Professional Engineer certified Spill Prevention, Control, and Countermeasure Plan, providing secondary containment for petroleum storage, conducting inspections, and providing spill response training. The proposed ASTs will be used to fuel on-site equipment and will be included in the SPCC Plan.

2. The spirit of the ordinance is observed because:

The Facility will protect the spirit of the ordinance by following the requirements set forth in the 40 CFR 112 including conducting tank inspections and providing spill response training. In addition, the proposed ASTs are double-walled to provide a minimum 100 percent containment. The ASTs will be elevated and equipped with a high-level sensor as well as an overfill alarm that will sound when the tanks are filled to 95% capacity (9,525 gallons). Jersey barriers will be located around the tanks to protect from heavy equipment or vehicle damage. The fueling dispenser, equipped with a spill bucket, will be located on an asphalt paved area with bollards and equipped with an emergency shut off valve.

In addition, the spirit of the ordinance is observed due to the current and ongoing well testing performed on-site. Currently there are four locations where water supply testing is performed annually and analyzed for volatile organic compounds per United States Environmental Protection Agency (USEPA) method 8260 and polycyclic aromatic hydrocarbons by USEPA Method 8270. This monitoring shall continue after the proposed installation of the additional aboveground storage tanks and provide quantitative data on the performance of the tanks and operation should any adjustments be required.

3. By granting the variance substantial justice would be done because:

The variance would create substantial justice for Facility employees, contractors, and the general public. Currently, heavy equipment onsite is fueled daily by a mobile fuel truck from Bob's Fuel located at 21 Warwick Road in Winchester, New Hampshire, approximately six miles from the Facility. The variance would allow the onsite equipment to be filled as needed instead of daily by a mobile vehicle, thus reducing the potential for a spill associated with mobile fuel transfer. In addition, the variance would increase safety on the road by reducing the daily travel of Bob's Fuel truck and increase safety at the Facility by decreasing the need for a daily onsite contractor.

4. The value of surrounding properties are not diminished because:

The Facility, an active asphalt batch plant and a gravel/rock quarry, proposes to install the ASTs north of the current employee parking area which cannot be seen from West Swanzey Road; therefore, the surrounding properties will not be diminished. In addition, the installation of the ASTs will not increase noise pollution at the Facility. Since the tanks will be replacing the need for a mobile fueling truck to enter the site on a regular basis, truck traffic will be reduced and the potential for a spill associated with mobile fuel transfers will be eliminated. The tanks will be double walled so that a release would not enter the environment. A concrete pad will be installed as required by Env-Or 300 at the fueling transfer area. Stormwater does not flow from the site, so there is no potential for surface water impacts.

5. Literal enforcement of the provisions of the ordinance would result in unnecessary hardship; owing to special conditions of the property that distinguish it from other properties in the area, because:

a. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

The current hardship of filling the heavy equipment daily using a mobile fueling truck would be avoided with the installation of the bulk fuel ASTs.

b. The proposed use is a reasonable on because:

The proposed variance is reasonable because it will increase safety both at the Facility and within the community.

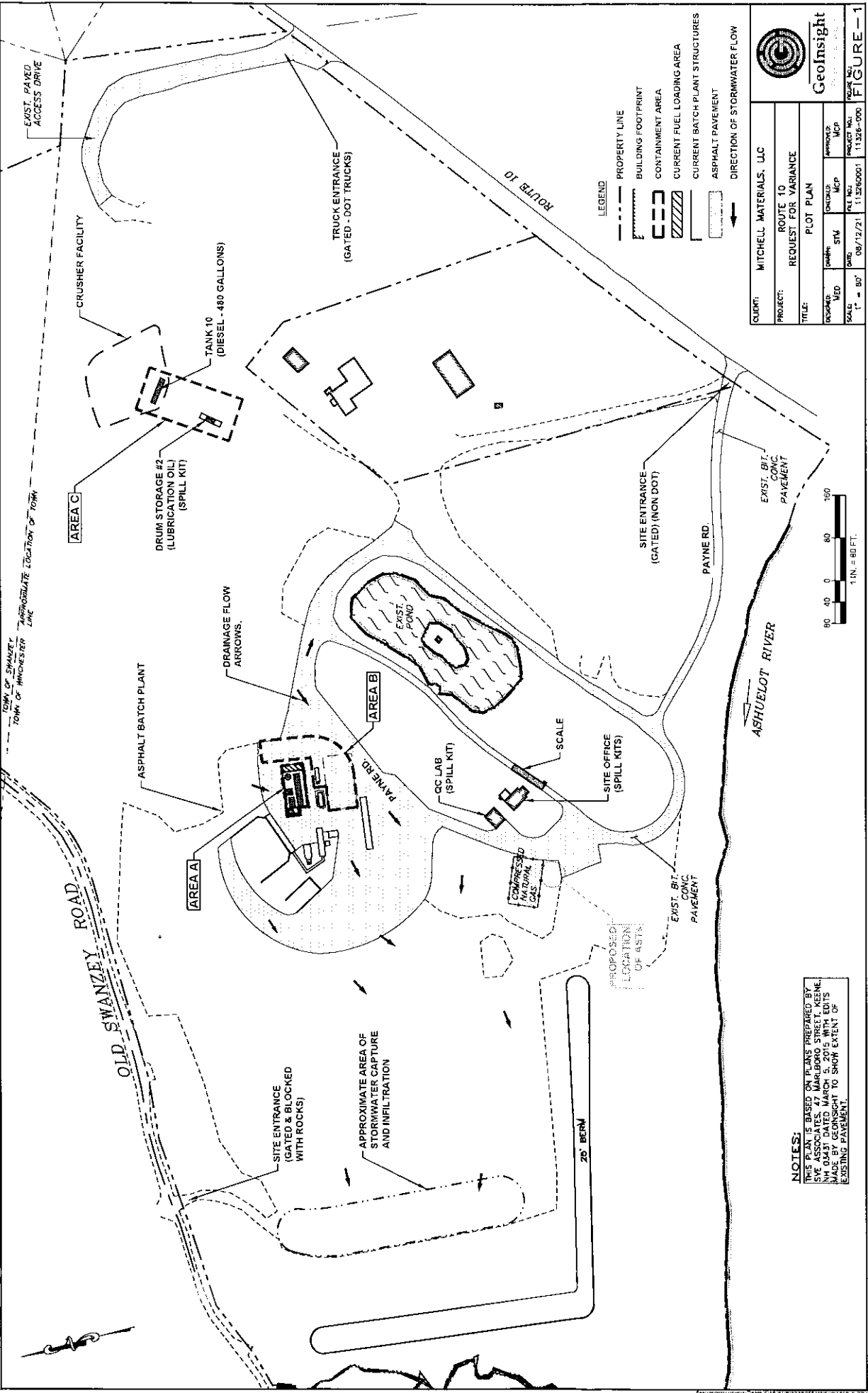
ABUTTERS LIST

For use with all Land Use Applications

Applicant: Mitchell Materials, LLC
 Address: 20 Payne Road, Winchester, New Hampshire
 Map# 15 Lot# 51-000000

| MAP# | LOT# | NAME & ADDRESS | Sent/Rec'd |
|------|------|--|--------------------------------------|
| | | Ashuelot River | |
| | | W Swanzey Road / Route 10 | |
| | | Old Swanzey Road | |
| | | Kempton Road | |
| 88 | 44-2 | ✓ Housing and Urban Development / 108 Kempton Road, Swanzey, NH | 451 7th St. SW. Washington, DC 20410 |
| 88 | 42 | ✓ Arthur Beckman Jr / 1095 West Swanzey Road, Swanzey, NH | 03446 |
| 88 | 41 | ✓ Steven and Annette Naeck / 1097 West Swanzey Road, Swanzey, NH | 291 Cobble Hill Rd Swanzey 03446 |
| 88 | 40-2 | ✓ James and Corinne Will / 1111 West Swanzey Road, Swanzey, NH | ✓ |
| 88 | 40 | ✓ Julie Kroupa / 1115 West Swanzey Road, Swanzey, NH | ✓ |
| 88 | 39 | ✓ Loretta and Robert Grover / 1124 West Swanzey Road, West Swanzey, NH | POB 208 W. Swanzy 03469 |
| 86 | 2 | ✓ South Branch Group / Old Swanzey Road, Swanzey, NH | |
| 86 | 3 | ✓ South Branch Group / Cobble Hill Road Road, Swanzey, NH | |
| 86 | 4 | ✓ Lawrence Realty LLC / Old Swanzey Road, Swanzey, NH | |
| 15 | 18 | ✓ Wendell and Bette Page / Fox Run Road, Swanzey, NH | South Branch |
| 15 | 20 | ✓ South Branch Group / Old Swanzey Road, Winchester, NH | 42 Rt 12A, Sunnyside 03431 |
| 15 | 21 | ✓ John and Penny Stephens / 85 Old Swanzey Road, Winchester, NH | |
| 15 | 22 | ✓ Peter and Tina Connor / 65 Old Swanzey Road, Winchester, NH | |
| 15 | 50 | ✓ Lawrence Realty LLC / Off Keene Road, Winchester, NH | 130 Verry Brook Rd, Win |
| 15 | 52 | ✓ Bruce Willard and Theresa Herbert / 1035 Keene Road, Winchester, NH | POB 351, W. Swanzy 03469 |
| 15 | 51-1 | ✓ SVR construction West inc. 51 Payne Rd Winchester | |
| 37 | 11 | ✓ State of NH - 25 Capitol St. Rm 310 Concord, NH 03301 | |
| | | ✓ Win CC - as requested - by email | |
| | | ✓ Ashuelot River Advisory - by email | |
| | | ✓ Geo insight - by email | |
| | | ✓ MM - 20 Payne Rd | |

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|-------------|----------------------------------|--------------|------------|
| CLIENT: | MITCHELL MATERIALS, LLC | | |
| PROJECT: | ROUTE 10 REQUEST FOR VARIANCE | | |
| TITLE: | PLOT PLAN | | |
| DRAWN BY: | WED | DATE: | 08/12/21 |
| CHECKED BY: | STM | DATE: | 11/26/2021 |
| SCALE: | 1" = 80' | PROJECT NO.: | 11326-000 |
| | | DATE: | 08/12/21 |

FIGURE-1