Town of Winchester

Planning Board

Minutes

01-08-24

**Site Visit Meeting Opened: 4:09 PM**

**Members Present:** Rich Pratt (Chair), Jordan Sharra (V. Chair), Dean Beaman, Jack Marsh, Herb Stevens (SR), Neil Stetson (A), and Robert Browne.

**Public Present:** Barry Bush, Johnathan Bafundi, Rick Horton, Evan O’Connor (LUA)

B. Bush and J. Bafundi walk through the property with the board.

**J. Sharra moves to close the site visit meeting, R. Browne Seconds, all in favor. 4:32 PM**

**Meeting opened:** 6:02 PM

Members present: Rich Pratt (Chair), Jordan Sharra (V. Chair), Dean Beaman, Jack Marsh, Colby Ebbighausen, Herb Stevens (SR) and Robert Browne.

Gus Ruth, Neil Stetson, and Jenny Rhodes, are alternates present.

Ben Kilanski is absent.

Evan O’Connor is the LUA.

Public: Margaret Sharra, Barry Bush, Johnathan Bafundi, Rik Ekstrom(Housing Navigator), Dale Grey (Highway Superintendent) Rick Horton, Jason Cardinale, Jane Cardinale, Charlie Lawrence, Mike Mastaler (Building Inspector),

**First order of business:** The board reviews the minutes of 12-18-23. **D. Beaman moves to approve the minutes, J. Sharra seconds. H. Stevens abstains, the vote is 6 yes.**

**Second order of business:** The board will continue the hearing from 12-18-23 for an application for a Major Subdivision submitted by Barry Bush for the Van Hertel Family Trust, for property on Scotland road, map 3 lot 9, currently 81.21 Acres, to be split into 4 lots, 33.35, 22.15, 10.93, and 14.49 Acres.

**D. Beaman moves to continue the hearing, J. Sharra seconds, all in favor.**

Second Order of Business: R. Pratt describes the site visit to the property in question.

Johnathan Bafundi addresses the board. It is shown to the board that the recommendations from the last meeting were taken, specifically the steep slopes ordinance was applied and shown on the plan.

J. Marsh questions if the discrepancies in acreage were rectified.

J. Bafundi explains that the issue was with surveying equipment, and has been rectified.

D. Beaman requests that the applicant speak on the elevation of the driveways.

J. Bafundi explains that that the driveways will be professionally installed, and to specific parameters that the driveway professionals will adhere to in order to minimize runoff into the road. The surveyor has added pitch of the driveways to the survey.

H. Stevens asks if the driveways will be paved.

J. Bafundi responds that that has not been decided, and it is possible that the lots will be bought before driveways are cut.

R. Pratt asks D. Grey about the situation concerning culverts on the road.

D. Grey addresses the board and answers that there is only one culvert in that area, and it most likely will not be large enough to sustain the projected impacted flow of water upon the roadway.

R. Pratt clarifies that the board is attempting to avoid future problems with flooding upon that roadway.

It is clarified that another culvert cannot be added to the road.

J. Marsh states that the current culvert isn’t large enough to handle the amount of water, especially if water were to be directed towards it.

The board questions the fact that the driveways will flood the road, no matter what material they will be made from.

D. Grey recommends an engineered plan for drainage management.

The board deliberates and agrees that while it may be a burden, it seems like the best way to avoid the issue of drainage.

R. Pratt re-states that the town needs to be very careful to avoid approving an application in order to avoid future problems.

J. Marsh states that the driveways will worsen the drainage issue no matter what.

The board and applicant discuss the issue of vegetation, as some needs to be cleared, however landscaping will rectify it, essentially staying the same, however the driveways will funnel it.

G. Ruth addresses the board stating that no matter what, the driveways and the development of land will increase water flow, and there is already standing water on the opposite side of the road, there is nowhere for the water to go.

J. Bafundi states that he will discuss with an engineer to formulate a runoff/drainage/disbursement plan, to present to the board for their approval.

J. Sharra states that as long as there is an engineered plan, she sees no other issues. The board agrees.

The board agrees that there is reason to continue the hearing once again to a point where an engineered disbursement plan can be presented.

Rick Horton addresses the board stating that his property across the road floods easily, and drains into his property from the road, and may be worsened by the driveways. Could easily become an issue where his field would flood regularly.

J. Marsh states that because the contractor and others are not present there are a lot of unknowns.

**J. Sharra moves to continue the hearing to February 5th, C. Ebbighausen 2nds, all in favor.**

**Third order of business:** The board is presented with information concerning a transmission line being replaced in town. The board is informed.

**The board is in recess 6:50 PM**

**The board returns from recess 6:56 PM**

**Fourth order of business:** The board will review an application for a Minor Subdivision submitted by Lawrence Septic Design for Jason & Jane Cardinale, for property located at 320 Scotland road, map 3 lot 11, currently 107.6 Acres, to be split into two lots of 5.04 and 102.6 Acres.

**J. Marsh recuses himself from the board as he is a direct abutter.**

**J. Rhodes is sat as an alternate by the chair.**

Legal recommendation documents are provided to the board by the LUA, under recommendation by the town’s attorney. (ATTACHED TO MINUTES). These documents state that the property in question is illegal nonconforming as it is in violation of a 2016 ZBA variance which granted occupancy of a mobile home located on the lot to be subdivided off the larger lot.

**J. Sharra moves approve the application as complete and move into a public hearing, D. Beaman seconds, all in favor.**

J. Cardinale is provided with a copy of the document.

R. Pratt discusses the document, states that either the hearing continues, but cannot be approved unless the applicant goes back to the ZBA for another variance, or the board can approve the application with the condition that the mobile home is removed from the property.

The board discusses the document and the meaning of the attorney's advice.

J. Cardinale explains the reason the variance was initially required, and states that the variance that was needed no longer applies.

The LUA explains that due to mobile homes not being allowed in the district, creating a new lot containing one would be a violation of the zoning ordinance.

The board deliberates on their options concerning the application.

J. Rhodes expresses confusion on why the variance is needed, because there is a new property.

The board discusses the need to remove the mobile home for approval.

J. Cardinale states that since the mobile home being vacated, it has been used as storage and discontinued, he is looking to subdivide to put the MH on its own lot and be more conforming.

C. Lawrence addresses the board, discussing the subdivision specifications, regardless of the mobile home issue, he asks if the subdivision itself is acceptable.

The board deliberates and agrees that without the issue of the mobile home, the subdivision is acceptable.

J. Rhodes asks about the driveway situation.

J. Cardinale states that there are two separate driveways.

R. Pratt reiterates that the subdivision itself has no flaws, all of the issues arise from the mobile home being present and illegal non-conforming. R. Pratt suggests postponing the hearing for the next meeting.

C. Lawrence asks if the public hearing needs to be continued pending decision.

The board decides that the attorney should be contacted by the chair, V. chair and LUA to clear up the situation, and with clarity from that, the applicant will be notified on the steps to take, and will reconvene on the 22nd of January.

The applicant is told understanding of the attorneys advice will be relayed to him prior to the reconvening of the board.

**J. Sharra moves to continue the hearing to the 22nd, at 6:00, R. Browne 2nds, all in favor.**

**J. Rhodes leaves the board and J. Marsh sits.**

**Fifth order of business:** The board will conduct a hearing on several proposed zoning amendments.

The LUA introduces, the list of zoning amendments will be discussed, and each will be stated during the hearing, the voting is conducted once the hearing is concluded.

J. Sharra moves to open the public hearing, D. Beaman seconds. All in favor

The LUA introduces the proposed amendments.

To amend Article XXI: Definitions- Add ‘NN’; Presite Built Housing is any dwelling structure which is substantially or entirely fabricated or assembled in off-site manufacturing facilities, transported via trailer or etc. without a permanent chassis or attached wheels, adhering to local, state, and federal building codes. Presite built housing shall not include manufactured housing, as defined in RSA 674:31.

J. Marsh asks about foundation requirements on this definition, it is decided that that is not needed in a definition.

To amend Article XXI: Definitions – BB – Revise to: Lodging means a place whose primary business is the rental of rooms or suites to the public for overnight accommodations of a period 30 consecutive days or fewer. Included in this definition are such hospitality establishments as hotels, motels, inns, bed and breakfasts, tourist homes, cabins, and guesthouses. Additional services may include meals, functions and indoor/outdoor recreation.

To amend Article XXI: Definitions – GG – Revise to: A Duplex, or Two-family Housing, is two dwelling units under one roof, or sharing of a common wall, with separate utilities, usually of similar size, and occupied by two separate families independent of each other.

To amend Article III, J, 4: Accessory Dwelling Units -(f)- Revise to: The unit shall be a maximum of 1000 sqft. Attached ADU’s shall have an interior lockable door between the units.

T. Kilanski asks how many ADUs there can be in this definition.

LUA O’Connor answers that elsewhere in the ordinance it is stated only one is allowed.

To amend Article III, K (Minimum Housing Requirements), 2- Revise to: All single family homes shall be at least 150 Square Feet in size.

It is brought up whether the phrasing should be ‘single family’ or ‘dwelling unit’.

M. Sharra addresses the board and suggests a minimum instead as 400 sqft.

The board deliberates about the size needed.

T. Kilanski states that 400 is enough for a reasonable size.

The board agrees to change the wording to ‘To amend Article III, K (Minimum Housing Requirements), 2- Revise to: All single family homes shall be at least 400 Square Feet in size.’

To amend Article III, N (Backlot Development) – to Remove the Backlot Development Ordinance.

J. Sharra asks what the repercussions are of removing this.

It is brought to the board that many surrounding towns have backlot ordinances.

To amend Article XXII: Table of Permitted Uses- Change Sawmills, Forestry Products manufacture to the following: CBD: NP, RES: NP, RR: P, AG: P, FL: NP, CM: SE, HC: P.

The LUA explains to the board what the changes in the table would be, moving most from SE to P, and RR from NP to SE.

M. Sharra states that sawmills would decrease property value and violate noise ordinance in the RR district.

To Amend Article XXII: Table of Permitted Uses- Remove: \*A minimum of one acre is required for two or fewer animals; for three or more, a land to animal ratio must follow the recommendations of the NH Agricultural Best Management Practices and the UNH Housing and Space Guidelines for Livestock.

The board debates the merits of allowing this amendment.

N. Stetson approaches the board and states he disagrees with the amendment.

The board deliberates about the need for land for animals, and decides to strike the amendment.

To Amend: to remove the Planned Residential Development(PRD) Ordinance and all related references of this ordinance.

The board debates this proposed amendment, the question of legality is brought up- as it would disallow mobile homes anywhere in Winchester by right.

The board agrees to push the amendment to the next meeting.

**J. Sharra moves to close the public hearing, D. Beaman seconds, all in favor**

LUA O’Connor reads the proposed amendments to be voted on.

**J. Sharra moves to approve the first four zoning amendments to move to the ballot,:**

To amend Article XXI: Definitions- Add ‘NN’; Presite Built Housing is any dwelling structure which is substantially or entirely fabricated or assembled in off-site manufacturing facilities, transported via trailer or etc. without a permanent chassis or attached wheels, adhering to local, state, and federal building codes. Presite built housing shall not include manufactured housing, as defined in RSA 674:31.

To amend Article XXI: Definitions – BB – Revise to: Lodging means a place whose primary business is the rental of rooms or suites to the public for overnight accommodations of a period 30 consecutive days or fewer. Included in this definition are such hospitality establishments as hotels, motels, inns, bed and breakfasts, tourist homes, cabins, and guesthouses. Additional services may include meals, functions and indoor/outdoor recreation.

To amend Article XXI: Definitions – GG – Revise to: A Duplex, or Two-family Housing, is two dwelling units under one roof, or sharing of a common wall, with separate utilities, usually of similar size, and occupied by two separate families independent of each other.

To amend Article III, J, 4: Accessory Dwelling Units -(f)- Revise to: The unit shall be a maximum of 1000 sqft. Attached ADU’s shall have an interior lockable door between the units.

**C. Ebbighausen seconds, All in favor.**

**D. Beaman moves to change the wording of the next amendment to:** ‘To amend Article III, K (Minimum Housing Requirements), 2- Revise to: All single family homes shall be at least 400 Square Feet in size.’ **And to move it to the next meeting on the 22nd.**

**J. Sharra seconds, all in favor.**

**D. Beaman moves to approve**: To amend Article III, N (Backlot Development) – to Remove the Backlot Development Ordinance., **and move it on to the ballot. J. Marsh seconds, the motion passes with 5 Yes and 2 No.**

**J. Marsh moves to approve:** To amend Article XXII: Table of Permitted Uses- Change Sawmills, Forestry Products manufacture to the following: CBD: NP, RES: NP, RR: P, AG: P, FL: NP, CM: SE, HC: P. **and move it on to the ballot. C. Ebbighausen second. The motion passes with 5 yes 2 no.**

**J. Marsh moves to strike the amendment:** To Amend Article XXII: Table of Permitted Uses- Remove: \*A minimum of one acre is required for two or fewer animals; for three or more, a land to animal ratio must follow the recommendations of the NH Agricultural Best Management Practices and the UNH Housing and Space Guidelines for Livestock. **J. Sharra seconds, all in favor.**

**D. Beaman moves to continue the hearing on the amendment:** To Amend: to remove the Planned Residential Development(PRD) Ordinance and all related references of this ordinance. **To the 22nd, J. Sharra seconds, all in favor.**

**D. Beaman moves to adjourn, J. Sharra seconds. All in favor. 8:56 PM.**

Minutes respectfully submitted by:

Evan O’Connor , LUA

Minutes approved by the board on:

Minutes signed by:

Rich Pratt, Chair