

Town of Winchester  
Planning Board  
Minutes  
12-21-20

Meeting opened: 7:00pm.

Members present: Mike Doherty (V. Chair), Gus Ruth, Dean Beaman (Chair), Christy Davis (alt) and Rich Pratt. Jenny Rhodes, Herb Stephens and Jordan Sharra were absent. Margaret Sharra is the LUA.

Public: Richard Drew, Kerry Ford, Bill McGrath and Mark Tigan.

First order of business: The board reviews the minutes of 11-16-20 for approval. M. Doherty moves to approve, G. Ruth seconds. The vote is 2 yes and 2 abstain(absent). R. Pratt arrives just after.

Second order of business: The Chairman sits C. Davis as an acting member. There is one zoning amendment proposed to hold a public hearing on. The LUA confirms notices were done. **M. Doherty moves to open the hearing on the amendment, C. Davis seconds. The vote is 5 yes.**

The proposed amendment is to remove the Commercial District from the Aquifer Protection District (APD). The board believes this will make it a little easier for businesses to be built in town.

Mr. McGrath asks why was this proposed. R. Pratt says that Stone Mtn Business Park is really restricted.

Mr. McGrath says the commercial uses is where pollution comes from. He submits info from NHDES relating to BMP's for Ground Water Protection. He adds that he has reviewed the minutes from the meetings in 2004 that discussed restricting single family homes construction (because of real estate boom) and doing that with the APD; 3 acre lots for single family homes. You let gas stations in. Mr. McGrath is informed the new gas station is in the CBD. He also said this is not protecting the ground water.

D. Beaman asked if he is opposed to new businesses. Mr. McGrath said he is all for businesses. He actually thinks the entire APD should be eliminated. He reminds the board he submitted information a few years ago on the APD. He showed information from DES then that he believes shows the APD doesn't work as the board intended. He said the board did nothing with the information then, instead some commented "What's in it for Bill". The information he has shows lot sizes have nothing to do in protecting the APD.

R. Pratt says this is not the 1960's, there are many more protections now, like the APD. The LUA asks if Mr. McGrath suggests eliminating the APD. Yes. C. Davis asks for clarity of the APD. D. Beaman & G. Ruth explain that the purpose is to protect the sources of drinking water. A good example is the valley on Warwick Road along Mirey Brook. Mr. McGrath asks for them to relook at the APD next year, notably the boundaries. He believes the boundaries are wrong and do not match the information he got from DES, USGS. Dick Drew suggests putting the requirement of Best Management Practices for ground water protection of the state in the Site Plan Review Regs. The board can work on that next year. G. Ruth considers the requirement of town water & sewer for the commercial lots to be exempt. The LUA looks at the map. Most land in the Commercial District has w/s except heading west on rt.119 and a sliver on Keene Road, north such as the Rustic Table. Mr. McGrath asks about the use of some new pervious materials to use instead of asphalt. D. Beaman wouldn't want it used for gas stations. M. Doherty says those materials are cost prohibitive. The LUA is aware of this process but is not aware of there use. There are no other comments.

**M. Doherty moves to close the hearing, G. Ruth seconds. The vote is 5 yes. 7:37pm.**

**R. Pratt moves to place the amendment to the voters and for the board to work on the SPR and installing BMP's in it. M. Doherty seconds. The vote is 3 yes, 1 no and 1 abstain.**

Third order of business: Dean Beaman recuses himself and G. Ruth takes over as Chairman. The board reviews an application for a Boundary Line Adjustment submitted by Richard Drew for Dean Beaman & Maureen Curtiss for property on Old Spofford Road map 12 lots 4-4 & 4-5. All notices were sent and returned, and postings were done. The application appears complete.

**R. Pratt moves to accept the application as complete and move into a public hearing, C. Davis seconds. The vote was 4 yes.**

Dick Drew presents the application. He shows the plan and the adjusted lines to where the two lots will then be 13.35 acre and 12.65 acre. G. Ruth clarifies the boundary lines and road frontage. There are no questions from the public. **C. Davis moves to close the hearing, M. Doherty seconds. The vote is 4 yes. 7:47pm.**

**R. Pratt moves to approve the Boundary Line Adjustment subject to new deeds, C. Davis seconds. The vote is 4 yes.**

Fourth order of business: D. Beaman is back as Chairman. The board consults with Richard Drew concerning a proposed 2 lot subdivision of Plifka property on Scofield Mountain Rd. The proposed 7+ acre new lot abuts the Tigan property. Mr. Tigan would acquire the property. Mr. Drew asks for two waivers. This is because this property only has frontage on a Class VI Road. It is about 700ft from the Class V portion. D. Beaman ask why not a Boundary Line Adjustment? That would be easier. Mr. Drew responds that this is what the applicant asked for. He asks if the board would consider a conditional approval stating no building permit would be issued unless road is brought up to Class V standards. D. Beaman states from the subdivision regulation section IV Standards, E, where subdivisions are not permitted on Class VI Roads. Waivers are permitted. R. Pratt doesn't see a hardship for a waiver. The LUA reads from the subdivision regulations that subdivision is not permitted on Class VI Roads, and waiver provisions " where strict conformity would pose an unnecessary hardship to the applicant, and such waiver would not be contrary to the spirit and intent of the regulations". D. Beaman doesn't see why this subdivision is necessary. Mr. Drew thanks the board for their time and will discuss this with his client.

Fifth order of business: The board has reviewed the suggested changes to the Site Plan Review Regulations at previous meetings and is prepared for the posted hearing for tonight. The LUA confirms all notices were posted. **M. Doherty moves to open the hearing, C. Davis seconds, the vote is 5 yes. 8:02pm.**

The LUA reads the proposed changes to section V, Scope of review.

Add under B (Activities that do not require SPR), 4- A change in use for a property that has received SP approval provided the new use is not different in type or use. 5- add onto sentence "except where a new street or shared utility development is proposed".

New C- The activities that will be reviewed by the Chairman and LUA of the board and can be administratively approved. 1- Changes to an approved SP as a result of minor errors in construction.

2- Changes to an approved SP as of a minor nature that do not affect any of the anticipated impacts of the projects. 3- Time extensions to an approved SP. 4- Temporary uses/changes that are needed due to unforeseen circumstances (natural or manmade). 5- A change in use for a property that has received SP approval from the board provided the new use is not different in type or impact. 6- The activities will be reported to the PB members at the next meeting. 7-Projects of less than 2000sqft of buildings, structures or parking area unless if, in the judgement of the Chairman and LUA, there are significant impacts.


The board has discussed these proposed changes at multiple meetings and agreed to hold the required hearing on them. R. Pratt questions why only the Chairman and LUA would make the admin decisions. The Chairman says this has been done anyway and thinks it best to put this language in the regulations.

R. Pratt said some people have a problem with that. It was discussed who had commented. The LUA explains the language came from other towns regs and usually that it is the planning staff who makes admin decisions. She was not comfortable with that and wanted to include one board member to show fairness. Administrative decisions are always minor in nature, rarely done and is an efficient way of keeping progress moving. The board has always been notified of any decisions. D. Beaman and the LUA gives examples of admin decision this year due to covid. It is a burden to someone to sometimes wait months for a minor decision. Examples are given such as using the drive-in theater for town meetings. The use is basically the same but to expand a business permanently would need approval from the board. Also, what if a cooler was designed to be in a certain place on a plan and during construction it needed to move without causing any impact. And what if a car plowed into the rustic table and damaged the dining area but the kitchen was ok, shouldn't it be simple to temporarily permit them for outside dining and not lose time and income. All of these examples show that it is not reasonable to have someone have to go through a month or more of meetings. Town Counsel has also suggested, based on a past issue, that the board should not make any decisions without an application and hearing. R. Pratt also asked if the timeframe for notifying the board could be shortened because sometimes the board may not meet for 4-6 weeks. The board agreed that members would be notified within 72 hours. All are now in agreement.

**M. Doherty moves to close the public hearing, R. Pratt seconds. The vote is 5 yes.**

**M. Doherty moves to approve the timeframe change to the SP regs, and send the entire change to the voters R. Pratt seconds. The vote is 5 yes.**

Next meeting will be January 18<sup>th</sup>. **C. Davis moves to adjourn, M. Doherty seconds. The vote is 5 yes.**

Minutes respectfully submitted by:  
Margaret Sharra, LUA 

Minutes approved by the board on: 1/18/21

Minutes signed by:

  
Dean Beaman, Chair