

Town of Winchester
Planning Board
Minutes
4-4-22

Meeting opened: 7:00pm.

Members present: Rich Pratt, Colby Ebbighausen, Jenny Rhodes, Herb Steven (SR), Dean Beaman (Chair), Kathryn Scoville and Jordan Sharra (V. Chair). Margaret Sharra is the Land Use Administrator.

Public: Robert Browne (alt), Gus Ruth, Marshall Royce, and Nicole Duquette and Bob Bolanger from GPI.

First order of business: The board reviews the minutes of 2/7/22 & 3/21/22 for approval. **R. Pratt moves to approve, J. Sharra seconds. The vote is 6 yes. J. Rhodes abstains.**

Second order of business: The board is in receipt of a Volunteer Interest form from Gus Ruth who would like to be an alternate. **J. Sharra moves to appoint Gus Ruth as an alternate, H. Stephens seconds. (3 years) The vote is 7 yes.**

Third order of business: The board reviews an application for Site Plan submitted by Marshall Royce to construct and operate a gas station and convenience store at 860 Manning Hill Road. The members have been in receipt of the application, plans, drainage report and traffic study. They also received correspondence from the abutters at 855 Manning Hill Road in opposition of the project.

R. Pratt moves to accept the application as complete and move into a public hearing, H. Stephens seconds. The vote is 7 yes.

The LUA reads the letter from the abutters opposing this application which included an attached fact sheet from NHDES regarding siting UST's. This is part of the record. The highlight of the oppositions is that their well is 40 ft from the proposed site and it does not meet NHDES 250ft setbacks. They also express concerns with lighting trespass, noise, traffic and diminishing of property value. The letter was submitted by Sally Osum, Timothy Pettitt, David Pettitt, Amy Pemberton, Vicki Valerioti and Sara Willis. J. Rhodes is shown where this house is located.

The board remembers to vote on whether or not this is a Development of Regional Impact (DRI). The members discuss this. D. Beaman does not believe this is a regional impact because the building is only 11,200 square feet on 6 acre lot. J. Rhodes says the lot is already a cleared open site and doesn't see it as a DRI. R. Pratt says there is minimal impact with a 11,200 sqft building and parking lot.

R. Pratt moves this is not a DRI, J. Sharra seconds. The vote is 7 yes.

Nicole Duquette presents the application. She shows the location of the building, pumps, car charging station, fuel storage tank area, septic, well, drainage, wetlands and of the neighbors well. The food service will be take out only. The facility will be similar to what Chas's offers now but will add gas sales, electric car charging, and food. Like Cumberland Farms but larger and nicer. There will be 5 fuel islands (10 pumps), 2 diesel islands, 4 car charging stations, truck parking in the back (no overnight), loading and employee parking out back. This is not a truck stop. Marshall explains he had reached out to the Pettitt family about 7 months ago and offered to pay to relocate their well. They never responded. The family stated in their letter to the board that they would not relocate their well.

NHDOT requested the north entrance be across from the entrance to Cha's and limited the driveway cuts to two. Trucks passage will be on the exterior of the site. The UST's will be on the north side of the property near the road. The private well of the neighbors is not within the state right of way. The 250ft radius consumes a large area of properties. NHDES will allow a triple wall tanks and pipes for storage within 250ft. This is the waiver being applied for with NHDES. R. Pratt asks about moving the tanks to

the other side of the property. Nicole says really can't because of the distance and still would be within 250ft. Nicole explains the grooved pavement by the gas pumps is designed to catch spills. There will be a lined retention basin on the northeast side of the property near the UST's. This is a containment system. The roof runoff will go off the backside of the building to an infiltration basin. This recharges groundwater. The state will need to approve the well as a public water system because greater than 25 persons will use the system. This is subject to annual testing.

Nicole shows the rendition of the building to be constructed. Marshall states the proposed building will have a front porch. The building will have red clapboards with white trim. New England stone will be used on the bottom 4ft of the exterior walls and the roof will be an asphalt. The lighting plan is shown as well as photos showing the lighting output on different areas of the property. At the property line at the road is .1 and across the street at the neighbors is 0. Marshall realizes that while most of the light is contained he is concerned about the lights of cars at the fuel pumps shining across the street to the neighbors. Nicole says the southern driveway was moved more south to prevent lights from cars exiting impacting across the street. Marshall proposes an evergreen hedge to block the car lights at the gas pumps from intruding onto the neighbors. The lighting plan is dark skies approved. Nicole describes the types and sizes of trees to be planted on site. They will not block any site distance.

J. Rhodes asks what are the hours of operation. The store will open either 5 or 6 am and close at 10pm. The gas pumps should be available 24/7. She then asks if some of the lights will go off when the store closes. Yes, some of them.

J. Sharra asks if part of the driveways extend out into the right of way so the vehicles are past the trees when exiting as for no to impact site distance. Yes.

C. Ebbighausen asks the applicant if the offer to move the well was written or verbal. It was verbal.

Bob Bolinger speaks to the traffic report. NHDOT hasn't approved a plan yet. There was a scoping meeting in October with town officials, his office and DOT. There will be a traffic increase. It is expected to increase by 271 coming from MA at peak times and 51 coming from Winchester. This area is a level C or better. Calculations were done to see if it was necessary to have turning lanes. They are not warranted until 2033 according to the calculations.

D. Beaman asks if there will be any change in the speed limit. Not to Bobs knowledge. The town can always ask NHDOT to reduce it if they thought it was necessary.

K. Scoville asks about a secondary lane. Wouldn't one be needed where the speed limit is 45 mph when trucks are pulling out? Bob says the site distance allows enough time to enter onto the road. She also wants to confirm there is enough of a swing. Nicole shows on the plan gradual tapering onto the street.

J. Rhodes confirms the trucks exiting will not be crossing onto the other lane.

H. Stephens if there will be any warning signage added for this area. Bob doesn't know.

J. Sharra asks about on pg 9 of the traffic report, site distance summary, where it measured 417 and 440 is needed. Bob says DOT may require a change in vegetation to improve the distance.

D. Beaman ask if they expect any problems with DOT? No. K. Scoville asks if they a working with DOT to get the driveway permits. Yes.

J. Sharra asks if there is any overnight parking? No.

Gus Ruth, public, voices his concerns on the environment. He wants to see something to protect the wetland outback and the private well. If he were the owners of the private well he would have had that moved years ago because it is so close to the road. He feels the board should require annual well testing of the private well and if found polluted by the business, the business should close. He refers to the problems in Richmond years ago. The board said they have no right to require an abutter to get their well tested and J. Rhodes would not mandate to close the store.

The board reviews all the standards of the site plan regulations and confirms all standards have been addressed. K. Scoville would like the board to review the abutters concerns and make sure the board had addressed them. Nicole reiterates the three levels of containment of up to 200 gallons, if there were

to be a spill of fuel as well as the triple walls of the tanks and pipes. R. Pratt says this is enough if there were an issue to address. The company specializes in gas station development and protects the environment. The board reviews and is satisfied the concerns were heard.

There are no further questions from the public or the board.

J. Rhodes moves to close the hearing, H. Stephens seconds. The vote is 7 yes. 8:20pm.

J. Rhodes moves to approve the application submitted by Marshall Royce for property at 860 Manning Hill Road subject to the following conditions:

- 1. Hours of operation 4am-11pm with 24 hrs for the gas pumps.**
 - 2. There will be 5 gas fueling islands, 4 car charging stations and 2 diesel fueling islands**
 - 3. Landscape and lighting as shown on plan.**
 - 4. The building will be built as shown on plan including the materials and colors discussed tonight.**
 - 4. Obtain NHDES approval for the triple walled tanks and pipes and obtain AoT permit.**
 - 5. Obtain NHDOT driveway permits.**
 - 6. The owner will plant evergreen shrubs near the road in front of gas islands to shield car lights from neighbors across the street.**
 - 7. Subject to Fire Chief approval**
 - 8. The applicant shall plant shrubs 855 Manning Hill Road if the owners request it for additional blockage of lighting.**
 - 9. Food Service is permitted in addition to other typical convenience store uses.**
- Discussion: The members discuss the private well and look for ways to mitigate the owners of 855 Manning Hill Road concerns. Since the owners of that property state in their letter they refuse to move the well, the board can't force them to get the well tested with not only a baseline test but ongoing testing. R. Pratt suggests the applicant put in a monitoring well on the roadside of his property across from 855 Manning Hill Road. This monitoring well will receive a baseline test and be tested yearly. The applicant agrees.**
- 10. The applicant will install a monitoring well as described above.**

H. Stephens seconds the motion. The vote is 7 yes.

Fourth order of business: There is no application scheduled for April 18th, so the next meeting of the board will be May 2nd.

J. Sharra moves to adjourn, H. Stephens seconds. The vote is 7 yes. 8:45pm.

Minutes respectfully submitted:

Margaret Sharra, LUA

Minutes approved on:

Minutes signed by:



Dean Beaman, Chair