

Town of Winchester
Zoning Board of Adjustment
Minutes
1-7-21

Meeting opened: 7:03pm.

Members present: Mike Doherty, Becky Roy, Jason Cardinale (V. Chair), and Bill McGrath. Lou Fox is absent. Margaret Sharra is the Land Use Administrator.

Public: Rick Rounds, William & Suzanne O'Donnell, Dave Poole & _____, and Bruce & Kendra Severance, Jordan Sharra and Colby Ebbighausen.

First order of business: J. Cardinale is the acting Chairman. The board reviews the minutes of 11-5-20 for approval. The term "second order of business" is listed twice. M. Doherty moves to approve with that correction, B. Roy seconds. The vote is 3 yes and 1 abstain.

Second order of business: The board is scheduled to hear an application submitted by Boisvert Construction for a Special Exception. They were informed there would only be 3 members present tonight to hear the application. They requested for it to be postponed because there is only 3 members. The board agrees to postpone and clarifies with the public why this occurred. The LUA asks the public to wait a few minutes to hear when the new date and time will be announced. They do.

Third order of business: The board is in receipt of a request for a rehearing submitted by Bill McGrath regarding the variance approvals of the O'Donnell's on 11/5/20. B. McGrath leaves the board table. The LUA confirms for the record that J. Cardinale has reviewed the application and supporting documents, has read the minutes and reviewed the request. He is comfortable acting upon this even though he was absent at the 11/5/20 meeting. B. Roy reviews the request, decision letter and minutes. J. Cardinale says it is confusing about the sizes of the decks. Many sizes for each porch/deck are mentioned in the minutes. Most notably is the request for the 2nd story deck. There was an error by the applicant of 10x10, where they were looking for 3x10?, same size as the previous one. B. Roy feels the board reviewed a lot of information and doesn't think the decision was incorrect, but the board can do better on the process. M. Doherty thinks maybe this should be reheard to straighten out the size and dimensions discussed and approved. Otherwise he is good with the decision.

B. Roy moves to rehear the O'Donnell application, seconded by M. Doherty. The vote is 3-0. The board decides they will hear it on 1/21/21/at 7:00pm.

The LUA asks the O'Donnell's if they understand. The LUA explains what the vote of a rehearing means and that a new hearing on the application will be in two weeks. They will need to present their application again. Mrs. O'Donnell asks if they could make changes to it. After much discussion where they considered lessening the request of variance, the original application is what needs to be heard. If they wanted something more, it would require a new application. The rehearing is on the original application and the person requesting the rehearing, Mr. McGrath, is the one who pays the fee. The public is informed that the O'Donnell rehearing and the Boisvert application will both be heard on 1/21/21at 7pm. All public and applicants are satisfied with the date.

Fourth order of business: B. McGrath returns to the board. The board meets Colby Ebbighausen who has submitted a Volunteer Interest Form for an alternate position on the ZBA. He tells the board who he is and his interest in town government. **J. Cardinale moves to recommend to the BOS to appoint Colby as an alternate to the board, M. Doherty seconds. The vote is 4-0.** The LUA will send the request to the BOS so Colby will be set for the next meeting.

Fifth order of business: The board reviews applications for a Special Exception and Variance for properties owned by Ashuelot River, LLC (Chris Steadman) for property at 46 & 48 Manning Hill Road. The LUA notes all notices were done and the applications appear in order. She also informs the board that the PB has put forth one zoning amendment this year, to Exempt the Commercial District from the Aquifer Protection District.

J. Cardinale moves to accept the applications as complete and move into a public hearing, B. McGrath seconds. The vote is 4 yes. 7:40pm.

Special exception- storage units on 46 Manning Hill Road. Chris Steadman presents the request for the special exception because of the impervious surface requirements in the Aquifer Protection District. The road area around the units will not be paved, stone material will be used. The existing small building will be separate from the storage units. There will be 2 buildings of 30x90 for the units. The self storage will include cars and boats but only inside. There is no discharge of anything. He goes through the criteria. This is a good location for this use. It is not out of character. J. Cardinale asks who is the back abutter? It is Bob's Fuel.

Mr. Steadman continues his presentation; there are no adverse effects and no noise or emissions, this is an appropriate area for this use. J. Cardinale asks about the other "square" on the plan. It is the location of leach field and septic tank. B. McGrath asks what is the percent of impervious surface? Is it greater than 25%? Some members work on the calculation. The LUA said originally, months ago it was 24% but not sure now. Rick Rounds abutter confirms the location of the buildings and wanted to know if there would be a fence. Mr. Steadman does not know at this time.

Variance- application for outside storage of aggregate materials on 47 Manning Hill Road.

Mr. Steadman explains a Stone Mason wants to locate there. He will be fabricating stone products. They will need mulch, sand and other products stored outside for their use. Eventually there will be retail sales from the bunkers of products. B. Roy asks about the products, will it be counter tops, curbing? Yes, anything carved stone.

This use is not contrary to the public interest. This will improve the property and area and offer employment. There are no hazardous materials. Retail is not the primary business so there won't be much traffic. B. McGrath believes the intent of the ordinance was that people didn't want piles of stuff placed here and there by the main road. He doesn't think this will violate the zoning ordinance and sees no problem with public intent. The outdoor materials are confined in bunkers and is not in the downtown so this is not a visual impact. He is ok with this.

Substantial justice, this use of outside storage is critical for this business. Members relate this use to the granite store on Rt.10 in Swanzey. B. McGrath does not think this use affects the public and it is out of sight. He says it meets the criteria.

Value of property- Mr. Steadman has also invested time and money cleaning up the property. The property is already improved. B. McGrath said this use will not affect values.

Hardship- Mr. Steadman this is a good location for this because its on a main road but is set far back from the road. B. McGrath asks how is it unique? J. Cardinale asks where else in town could this exist without a variance? The LUA reads from the Table of Usage that it is only permitted by SE in the AG district. She then explains she believes this section in the table relates more the gravel pits which have huge stockpiles. She also reminds the board of Wiggins application. This is different because there will only be piles in bunkers for material they use. There will not be rap material, stumps and other debris. Mr. Steadman clarifies this is not the intent. The LUA suggests if the board should approve, word it very carefully. Mr. Steadman said this is a reasonable request otherwise the business cannot function without this and these are not materials generally kept inside. B. McGrath has no problem with this, there is nothing contrary to general welfare.

J. Cardinale overall has no problem with this request but he is not sure about the hardship. Other businesses could go there. B. McGrath reads hardship criteria from the NHMA. J. Cardinale stills struggles with the hardship. The LUA suggests making sure there are limitations on natural aggregate material only. Mr. Steadman does not see the need for any more large retail in the area. Manufacturing is the best and with local materials.

J. Cardinale and B. Roy agree this is a reasonable use.

Rick Rounds, abutter, asks if all outdoor storage will be on the existing pavement. Yes and no additional pavement will be placed.

B. McGrath moves to close the hearing, M. Doherty seconds. The vote is 4 yes. 8:45pm.

B. McGrath and B. Roy have no problem with the SE.

B. McGrath moves to approve the SE, B. Roy seconds. The vote is 4 yes.


B. McGrath moves to approve the variance, M. Doherty seconds. The LUA suggests to B. McGrath to state why. After a discussion, B. McGrath adds to the motion that:

The 5 criteria has been met because it is not a visual impact on the area, there is no impact to the public health or safety, property values won't be affected since the use is set back far from the road and the property appearance has already improved, and this is a good site for this type of commercial use. The board is clear the types and quantities of materials used will be as presented and request the PB during site plan to limit the outside storage. M. Doherty agrees. The vote is 8:55pm.

The very short minutes of 12/21 were approved as motioned by M. Doherty and J. Cardinale.

M. Doherty moves to adjourn, B. Roy seconds. The vote is 4 yes. 8:55pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

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

Minutes signed by:

Jason Cardinale, V. Chair

