

Town of Winchester
Zoning Board of Adjustment
Minutes
9-8-22

Meeting opened: 7:07pm

Members present: Lou Fox (Chair), Jason Cardinale (V, Chair), William McGrath, Becky Roy and Colby Ebbighausen.

Public: around 70 persons

First order of business: The board reviews the minutes of 7-14-22 for approval. B. McGrath moves to approve, C. Ebbighausen seconds. The vote is 5 yes.

Second order of business: The board reviews an application for a special exception. The board and the public had received the full packets a couple of weeks ago and the board and applicant received letters today in regard to commenting on the application. The LUA reads the request to place and operate a lodging facility, with 55 cabins on 167 acres presently owned by Cardinale Development. The property is located on Forest Lake Road and Rabbit Hollow Road map 9, lots 7,9,10,12,24, & 25. The applicant, Getaway, has permission to apply for this use. The LUA confirms all notices were sent and posted. Bill McGrath recuses himself since he is an abutter. The application appears to be in order. The board is to decide if this is a development of regional impact. J. Cardinale moves this is not a DRI, L. Fox seconds. The vote is 4 yes. L. Fox moves to accept the application as complete, J. Cardinale seconds. The vote is 4 yes. J. Cardinale moves to go into a public hearing, C. Ebbighausen seconds. The vote is 4 yes. The Chairman ask all who wish to speak to come up and fill out your name on a card and you will be called up after the applicant presentation.

Steve Malden from Getaway presents the application. His company offers nature escapes for guests. These are short term rentals and will not be residences. Max limit of stay is 7 days. There is a data base we keep to keep track of usage. Even though the cabins are on wheels, these are placed permanently on site. Only on rare occasions are they moved. Mostly for repairs. They opened this type of lodging in Epsom in 2017 and have had good occupancies. There are 19 Getaways across the country. A total of 676 cabins from coast to coast. There are 10 more projects under construction this year. This is not a campground but an outpost for lodging. You cannot show up and book a site, reservations are only online. There are no shared amenities like a pool, clubhouse, etc. People who come here want nature and peace and quiet. This is a quiet operation. Sites are generally 50-75 feet apart.

C. Ebbighausen asks, the public is worried about redevelopment and longer stays.

Steve, we do not permit longer stays.

B. Roy, these are planned with 50 amp services and septics.

Steve, yes shared septics that our engineer will speak to. All in compliance with NHDES. We plan municipal water.

J. Cardinale, how much are the nightly rentals?

Steve, average about \$200 per night.

L. Fox, what can people bring onto the site?

Steve, no boats, trailers or ATVs are allowed. We have permitted small trailers with a street bike.

Steve, we employ 3 full time staff and 5 part time.

L. Fox, is there 24/7 supervision?

Steve, yes. There is also a "red Phone" in each cabin for emergencies. Someone is always overseeing the property. Workers go thru the property multiple times a day to make sure all is good. We had had very few problems of the years. No police calls. Rarely have we made people leave.

B. Roy, someone lives there? and which entrances are used?

Steve, yes some lives in the outpost (house/office building). Guests only enter and exit off Forest Lake Road, and the workers use the Rabbit Hollow Road entrance.

C. Ebbighausen, will the cabins be built to code and to what does the fire department require?

Steve, yes and are built usually to a higher standard.

The LUA informs the board that Rick (w/s), Dale (HW) and Barry(FD) were sent the application and were informed of the meeting.

L. Fox, what of outdoor lighting?

Steve, there will be no light pollution. There are no streetlamps only one downcast light at the entrance to the cabin.

L. Fox, how do you promote the area? The residents are concerned about the lake.

Steve, we will not promote the lake if you ask that, but we have no control of the public finding it themselves. Businesses have asked us to place their brochures in our cabins.

Karl Dubay, Getaway engineer, says on these 167 acres will be placed 55 cabins with shared Enviro septic systems. It is planned to be 8-9 systems total. All built with the approval of NHDES. DES criteria is 60 gallons per day per cabin. The designed systems will be 1.6 times greater than required. This gallonage is just 7% of what a standard subdivision on this property would do. He calculates based on zoning, setbacks and steep slopes about 70 homes could be erected there while complying with zoning. This proposal is a fraction of what the residential permitted use is. We will be using the existing gravel roads that will stay gravel. Reclaiming will be done in the open gravel pit areas with natural VT meadow grass. There will be no lawns or fertilizer used. We will meet all state water regs.

This is a high-end place for people to get away, there will be no group reservations. Electric will be underground. All interior roads will meet or exceed NFPA and Driveways regs. First cabin will be 400ft in from the road, and cabins will actually be 100ft apart. There are no group reservations allowed.

There will be no new wetland crossings. Near the "back house" the existing pipe will be improved and where the road comes from Forest Lake Road there is a wetland permit for that existing crossing that they will update and improve upon. There will be a drainage study done. Traffic- It is calculated at 1.3 trips per day for a cabin, whereas the number for a single family home is 9.4 trips per day. This is less than 10% of a standard subdivision which is a permitted use.

L. Fox, please explain more about the septic.

Karl, the plan is 5-7 cabins per system, primarily 2-3k. We are using 100 gallons per day where the state says 60 gallons. This is residential flow not commercial. The soils are excellent, sand & gravel. The "back house" will have it own septic. The gallonage per day for a subdivision is 43k where this is 3.3k gallons per day. Lodging septic requirements are different than the 150 per day per bedroom for residential.

B. Roy states the NHDES approves all septic systems.

Karl, these are "presby" systems, top of the line. Bill McGrath (abutter) confirms these are awesome systems based on his knowledge and certifications.

J. Cardinale, how is Getaway to work with?

Karl, they are well organized and always want designs to high standards. This work is not basic. Steve, there will be limited earthwork. We will be using the existing roads and were designed by avoiding the stream.

B. Roy, rubbish control?

Steve, Rubbish is picked up daily by the workers and disposed of in a dumpster by the back house and is picked up regularly.

C. Ebbighausen, where are the cabins manufactured?

Steve, 80% in North Adams and the rest in Georgia at BMB.

These cabins are designed for year around use.

J. Cardinale, how does the town benefit?

Steve, offering some full time and part time jobs, guests frequent local businesses, and tax revenue.

LUA, notes she confirmed with Winchester Assessors the property used would come out of current use and be taxed at its full rate and the cabins will also be taxed.

Steve, states that over the last 7 years the company has learned to build better. This is a big investment in the front end. It's important for the staff and guests to have good experiences.

C. Ebbighausen, what is the occupancy rate?

Steve, 90-100% weekends and 70% weekdays.

B. Roy confirms where the line is for the Forest Lake Overlay and how many sites are proposed in that area and location of septics. There are 17.

Karl goes over the map of the project and states the yellow lines are the existing roads. The footprint is very small.

Public comment:

Steve Bonnette for Stone Mtn LLC, a butter. The board did receive a written response also from Stone Mtn. LLC. He opposes the application. He believes this is a campground and the cabins are travel trailers. He reads from sections of the Zoning Ordinance. Pages 26 & 52. He wants a traffic study. This is not a proper use for this location. He questions the validity of the company. His clients want to buy the land and give a conservation easement.

J. Cardinale, that won't give much revenue to the town.

Mr. Bonnette, taxes aren't everything.

Karl, in replying to Mr. Bonnette, he also reads from the ordinance and states these accommodations are cabins and not travel trailers. He refers to the table of usage the listings for lodging and campgrounds. Cabins are lodging and not a campground. He requests the record to reflect he opposes Mr. Bonnette's comments regarding "venture capitalists" and the offer of a conservation easement. Both are inappropriate. This is not legal.

J. Cardinale, when and why would the cabins need to be moved?

Karl, almost never. Only for certain repairs.

Steve states they rarely are moved. He refers to the cabins in the Catskills NY built in 2016. A couple have left in the past 5 years for repairs. These cabins are to stay and not be moved around. He did once move a few cabins from one project to another because the quantity need changed. The company has presently 763 beginning in 2015.

He also adds, he was offended by the remarks of financing. His company invest millions of dollars into these projects. The cabins cannot be replicated, white label.

B. Roy, have you sold any projects off?

Steve, no.

Tony Aukstikalnis an abutter, believes the cabins are shipping containers. He shows the board zoomed in photos.

Steve, these are not shipping containers, they are wood frame construction and meets all codes. The board agrees these are wood frame.

LUA, informs the board the Building Inspector has reviewed this proposal and has relayed information he will need if approved. The Fire Chief also has seen this proposal. She also explains that Winchester doesn't regulate whether a home is made out of wood, brick, concrete or shipping containers. As long as it meets code. Presently there is a mansion being constructed out of shipping containers in town.

Tony, he questions if these are cabins or RVs. He thinks this is a campground. He references RSA 216 paragraph 8. A statute relating to campgrounds.

J. Cardinale questions what Tony has read. Jason believes this relates to in and out use of a campground.

Tony, trailers are only for seasonal use. They also have cook tops. The ordinance says no cooktops for lodging. There is no legitimate reason these are not trailers. He recites the purpose of the Forest Lake Overlay District. He sees this proposal as increasing crime and traffic. He comments about concerns for future expansion.

J. Cardinale clarifies for him what a potential expansion would need and approval in the future and that a residential subdivision is a more intensive use.

Mr. MacDonald public near the lake, he states he has an issue with high property taxes.

Epsom's assessment of a similar project is about a half of a million dollars. That would bring tax dollars into winchester.

Doug Sears, public near the lake, he's concerned about more phosphorus getting into the lake and he asks the board to consider this. There are two streams that feed the lake that saw spikes in phosphorus this year.

J. Cardinale, is it always these streams?

Mr. Sears, no. He will send the board the information about this.

J. Cardinale, what creates phosphorus problems?

Mr. Sears is not sure.

Mr. Danahy from near the lake and FLA, states dust is a major distributor.

B. Roy, what of calcium chloride?

Mr. Sears, says fertilizer is a culprit. Nutrients are creating bacteria. As most know there have been major problems with the lake quality this year. High counts most of July and August.

Christine Landry, 15 Lake Shore Drive, asks for somethings to be considered. She questions the peace and quiet. Will 55 people be walking up & down Lake Shore Drive with 55 dogs? There's a potential for a lot of barking dogs. What about 55 campfires? Will we need more Firemen? Could there be 55 more people with guns? She will see all the lights. The head lights, when exiting, will shine onto her property. What about the increased water usage? The increase in traffic? Please consider the quality of life.

Jim Weir, from near the lake, there is a lot of traffic now on Forest Like Road. There is a narrow area near his home. There will be increased road maintenance. He did drive by the Moodus, CT site last recently and admits it looks nice and is quiet. He expresses his concern that the lake is used at its maximum right now.

John Danahy, if more stress is added to the lake, it could bring it to the breaking point. This is a small New England town, and we want to keep it that way.

Marc Richard, abutter, asks why we are looking for a special exception. He is concerned about fireworks and that 55 units could be a lot.

LUA, informs him the special exception is needed because of the 17 units proposed in the Forest Lake Overlay District. She reads the criteria needed to meet.

Steve, there are no fireworks permitted on the property. Immediate dismissal if they are used. ?, what if the business didn't work? Would the cabins remain?

Meg Leake, from near lake, is speaking for many neighbors by expressing concerns over the increased traffic.

Kevin Anderson, abutter, is also concerned about traffic, notably possibly hitting his animals. There have been problems the last few years with people speeding on the road. There is also the noise from the traffic. Down lighting won't help because the project is uphill from him and others. He asks how will the employees travel on the property? Is this cabin actually a vehicle? L. Fox, these are not registered as vehicles.

LUA, these are to be taxed as structures.

The board says they need to be taxed.

Mr. Anderson, is concerned the drilling of wells could deplete our wells. The unnamed stream on the property goes through his property and he is concerned with water quality. He's an environmental scientist. Monarch butterflies are now endangered. This project could impact them. He asks about the previous permit on the property.

LUA, explains there was a previous permit for earth excavation but no longer in use or valid.

Chris Krediet, abutter Stone Mtn LLC, clarifies there was no insult intended to the owner. It was meant if the property was ever sold what would happen to the use.

He says this is a campground and it is not an appropriate location.

Chris Steadman, resident by lake, asks for this to be denied and the town doesn't need it.

J. Cardinale, says he reached out to other communities who have Getaways in their towns for feedback on pros and cons of these projects. He found out that all had no complaints. Some said that it was not what they thought it would be and found out this was good for tourism, clean and quiet places and good to deal with. These 4 places are Catskill, NY, Epsom, NH, Moodus, CT, and Moss, TN. (see record for more details).

?, asks what if they sell the property?

J. Cardinale, we have no control over who owns it. Whatever approval they could get stays with the property.

Maxwell, voices opposition from their seats.

Mr. Danahy is concerned our infrastructure is stressed.

Steve, applicant, replies to the many questions.

The R value is R13 in the walls and R21 roof. Our builds exceed most building codes. There will be no residency! He describes flipping cabins to flipping rooms as you do in a motel between guests. This is lodging. We bring extra towels. This is a service in the lodging business. This is not camping, nor a campground. Check in is 3pm and check out 11am. There is no data showing an increase in crime. I have asked guests leave on occasion but have never called the police.

Regarding the phosphorus, we build roads better with an 8-10" compact base and use a bonding agent in the gravel. This all limits the dust. They do allow dogs but generally only 10% bring them. They cannot be left alone in the cabins. Fireworks are not permitted, one violation and your out. Police would be called if there was a firearm discharge.

J. Cardinale, there's a data based on people not to rent to.

Steve, you are not going to see lights 400ft+ away. These are low shine lights.

He is considering a traffic study. He won't promote the lake if that is what you want. Workers travel within the site with their personal vehicles and only use the north entrance.

L. Fox, can you move the driveway?

Steve, we would prefer not.

J. Cardinale, can we do a 4 way stop to help slow down traffic?

Steve, we could contribute.

B. Roy, what of walking paths for the public?

Steve, no expensive.

Steve, we use only local firewood.

What is the largest project you have now?

Steve, the Catskills at 51 sites. This is 55.

Bill McGrath, abutter, believes this is a campground in reading RSA 216:2.

Steve, disagrees and says each site is about 600sqft in size.

Compare Forest Lake Road to the one in which the Catskills site is located.

Steve, the Catskills road is very similar in size and usage to Forest Lake Road.


The board is in receipt of letters of opposition from:

Susan Loman, Chris Krediet, Betty Slanetz, Jim Weir, George Henrichson, John Danahy, Patricia Murray, Chy Bullard, and Arlen Dohne.

Due to the late hour and the opportunity for more information the board votes to continue the hearing to Tuesday 9/20/22 at 7pm. L. Fox moves this, J. Cardinale seconds. The vote is 4 yes. This is announced and there will be no further notice to abutters.

J. Cardinale moves to adjourn, L. Fox seconds. The vote is 4 yes. 10:05pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 9/20/22

Minutes signed by:

Lou Fox, Chair

