

Town of Winchester
Zoning Board of Adjustment
Minutes
10-24-19

Meeting opened: 7:00pm.

Members present: Brandon Day, Becky Roy, Jason Cardinale, Lou Fox (Chair), & Bill McGrath (V. Chair).
Mike Doherty is an alternate present. Margaret Sharra, Land Use Administrator.

Public: Deb & Larry Hill, Alycia Jackson, Alan Carpenter, Richard Pratt, Jack Marsh and one other.

First order of business: The board reviews the minutes of 10/10/19 for approval. **L. Fox moves to approve, J. Cardinal seconds. The vote is 5 yes.**

Second order of business: The board continues their review of a special exception application submitted by Deb & Larry Hill for property located at 55 Mine Road. The board had asked for advice from town counsel. **B. McGrath moves to accept the application as complete, B. Day seconds. The vote is 5 yes. L. Fox moves to open the public hearing, J. Cardinale seconds. The vote is 5 yes.**

B. McGrath is satisfied with the reply from town counsel. This application for senior housing is for 10 homes on 16+ acres of land. The land is not subdivided into lots; a homeowner's association will own the property and individuals will own the houses. L. Hill speaks to the special exception criteria. He states there will be no impact to the area, maybe just a little more traffic. He does not see a nuisance. The homeowner's association will abide by all the town rules. There will be no livestock. He will comply with all setbacks and other requirements. Each home site will have 22,500sqft in area to use. There will be a main drive, named Beaver Ridge Drive. People can decide where to place their homes. The only service that close is Cha's convenience store. He did speak to the owners of Kulicks and they will consider delivery service weekly. There are also a few Churches in Northfield that are close.

Mr. Hill confirms there is 457ft of road frontage for the entire lot. He plans 10ft between each home site. L. Fox questions if this is an appropriate site. The criteria states the housing should be close to support services. This part of town is an isolated area. Mr. Hill responds that many of the residents in the co-op across the street are seniors. There is a doctor in Kulicks mall, or they can travel to Greenfield or Keene.

B. McGrath asks that since this development is over a known aquifer are there any concerns since the sites look to be about a ¼ acre. Mr. Hill has no concerns, the soils are very good for septic systems. B. McGrath asks why when Mr. Hill was a PB member did he support larger lots (3 acre) over an aquifer and now it is ok with smaller lots. Mr. Hill does not remember. That occurred 15 years ago.

B. McGrath asks what size will the homes be? What kind will they be? Mr. Hill responds the owners can build any size home they want, place it where they want and they can be Manufactured, Stick built or Modular. The LUA reminds Mr. Hill Manufactured housing is only permitted in a PRD. That is debated for a moment with Mr. Hill stating he cannot do the 100ft setback.

The Chairman suggests the board go into a non-public session to discuss the advice from town counsel. **J. Cardinale moves to enter a non public session under RSA 91A:3(l), B. Day seconds the motion. A roll call vote was taken, and all members vote yes. 7:32pm.**

The board reconvenes the public session at 7:48pm. **Moved by B. McGrath and seconded by L. Fox. All members vote yes.** The minutes are not sealed, as **moved by L. Fox, seconded by J. Cardinale. All members vote yes.**

The Chairman asks if there are other questions or comments from the board or public. There are none.

B. McGrath moves to close the hearing, B. Day seconds. The vote is 5 yes.

L. Fox is struggling with the section in Article XVI, B,2.ii, (a) "the review of any proposal for senior housing shall recognize the desirability of locating such developments as close as possible to pertinent support services, including shopping, places of worship, libraries, etc.". This property is remote and not near these services. Deb Hill says there are 3 churches in Northfield that are nearby.

B. Day discusses "desirability" of location. Being this proposal is for an Active Adult Community, it would be up to the residents to decide if this is desirable. His own parents are very active and can see them in this type of area. It is also equal distance to 3 hospitals: Keene, Greenfield and Brattleboro.

J. Cardinale is undecided. His concern is if the board approves this, they can be open to approving others be done in remote locations. This could open up a situation.

B. Day feels that since this housing is 55 and older there is no detriment to the town.

B. Roy thinks this area is appropriate for residential homes, she grew up not far from there. Services are close, within a few miles. It is also close to a State road. She then thinks of the Senior Housing near Kulicks. She sees this project as an "Active" community and independent. J. Cardinale comments that the Seniors near Kulicks do not walk but get a ride to the services next door. He would not consider that an "Active" community. He then asks B. McGrath his opinion if it a good idea to place this housing on the aquifer. B. McGrath says he's done the research and got info from the state a few years ago relating to an issue he was bringing to the PB on lot sizes vs septic systems in the APD. He has no concern with the lot sizes and the aquifer. The requirement of 3 acres today in the APD overlay (this property is over an aquifer but is not in the APD overlay) is ridiculous and not needed.

Jack Marsh asks the board about the difference within Senior Housing: Active Adult & Independent Living Communities. The LUA reads aloud from the ordinance.


B. Roy reads in one area that "Active Adult" communities do not need support services, but the general category of Senior Housing requires it. The board discusses the difference.

B. McGrath moves to deny the SE application because this project is not located next to pertinent support services. L. Fox seconds. Discussion: B. Roy and B. Day say "close" is not defined. B. McGrath comments if the Hills called this a PRD instead of Senior Housing then the Hills would not need a SE. Do not call it Senior housing but age restricted. Mr. Hill is concerned with the PRD setbacks. B. Day confirms if this is approved it will be restricted to age 55 and older. J. Cardinale can't find where this or other senior housing is required to be downtown. **The vote is called, 2 yes and 3 no. Motion fails. J. Cardinale moves to approve the SE for Senior Housing/Active Adult Community, B. Day seconds. The vote is 4 yes and 1 no.**

Third order of business: The board briefly discusses possible zoning amendments. The LUA asks for them to review and comment to the PB by Nov. 4th. Some of the proposals is what the ZBA has asked for based on cases they have heard.

J. Cardinale moves to adjourn, L. Fox seconds. The vote is 5 yes. 8:25pm.

Minutes respectfully submitted:

Margaret Sharra, LUA 

Minutes approved by the board on: 11/14/19

Minutes signed: 

Lou Fox, Chairman