



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
VIA ZOOM
November 9, 2020 – 7:00PM
Regular Meeting Minutes**

1. ROLL CALL:

Roll call was completed, reflecting the following individuals as being present: Art Melycher, Craig Sanden, Peter Marchand, Jerry Martinez, Alternates John Cooney and Will Platt.

George Closson was absent excused. Mr. Melycher chaired the meeting. Mr. Platt was seated for Mr. Closson.

2. PUBLIC COMMENT:

No comment was received.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. PUBLIC HEARINGS:

A. PZC#20-27 – Special Permit Location: 149 Newfield Road Applicant/Owner: East Coast Assistance Dogs (ECAD) Proposal: Construction of 7118± SF Building for Dog Kennel with Indoor Exercise Run and Office Space.

The legal ad was read into the record with it being noted as having run the requisite two times, October 28, 2020 and November 3, 2020 in the Republican American newspaper. Staff reported receipt of the Certificate(s) of Mail providing evidence that the abutting property owners had been provided with notice of this public hearing.

East Coast Assistance Dogs (ECAD) Executive Director Dale Picard, accompanied by Architect Michael Boe and Professional Engineer Jason Dismukes, appeared before the Commission regarding this application. Mr. Boe reviewed the elevation drawings for the proposed building, explaining that it will be used for housing dogs and administrative office space for ECAD. He reviewed the floor plan of the proposed building noting the locations of the kennel, quarantine area for dogs, storage, bathrooms, lunch rooms, locker room for volunteer workers, storage room, a room used for photographing dogs, offices, a conference room, and an enclosed dog run. Mr. Boe indicated the building will be 60' wide and 126' long at its furthest point. The exterior finishes will match those of the existing building, according to Mr. Boe.

Mr. Boe reviewed the grades near the proposed building, indicating that it is proposed to be located at a lower grade than the upper building. The finished grade of the building is 481.5', with the proposed building 9' lower than the parking lot of the upper building. Mr. Boe noted the set of steps that will lead from the new building to the existing building that which he explained will be used for the dogs to get to the upper building. Mr. Boe explained that currently the dogs are loaded into a van at the dwelling at the bottom of the hill and trucked up to the training building.

Reviewing the proposed landscaping, Mr. Boe noted the five Norway spruce trees that will be planted at the top of the lot between the site and the neighbor's property. He reported Norway spruce trees can grow 60' tall with a 15' to 20' base. Norway spruce trees are a fast-growing tree, according to Mr. Boe. A photograph of the existing site was shared.

Mr. Melycher questioned whether there will be a walkway around the perimeter of the proposed building. Mr. Boe reviewed the plan, noting the sidewalk in the front and the northerly side of the building. Mr. Platt questioned the proposed gift shop that is included in the floor plan. Mr. Boe explained that it is geared toward the clients who come for the three-week training who may need to purchase things. Mr. Melycher questioned whether one bathroom was handicapped accessible. Mr. Boe confirmed that both bathrooms will be. He noted the locations of the handicap parking spaces.

Mr. Boe explained that the steel frame building will include two inches of high-density insulation along with a gap followed by a six-inch steel stud filled with two 3" mineral batts. He noted that a resilient sound channel is attached to the studs. He shared a google map showing the corner of the building being ± 100 meters.

Mr. Marchand questioned whether the review comments of the Fire Marshal had been shared. Mr. Boe and Mr. Dismukes had not seen the comments. It was noted that comments had not yet been received from Department of Public Works Director Jim Rollins or Police Chief William Fitzgerald. Mr. Boe indicated that the mechanical equipment will not be seen from the neighbor.

Mr. Martinez questioned the hours of operation. Mr. Picard reported activity begins at 7:30AM with feeding the dogs and letting two to three of them out at a time to go to the bathroom at 8:10AM. He noted that help arrives at 9AM, with staggered shifts throughout the day, until the end of the day at 7:30PM. Mr. Picard reported the average of volunteers to be four or five per day. Mr. Martinez questioned deliveries. Mr. Picard explained that UPS and/or FEDEX back up the driveway and drop packages off at the lower property.

Mr. Dismukes reviewed the site plan, beginning with the existing conditions. He noted that both the parking area near the building and the new parking area across the driveway will include handicapped spots. Mr. Dismukes discussed in detail how the stormwater from the existing parking lot from the new parking lot and the roof water from the new building will be conveyed into the water quality basin. He explained that the basin will not only treat the water but will also provide detention. Mr. Dismukes noted that the Inland Wetlands and Watercourses Commission has reviewed and approved the plan for erosion controls and drainage. He noted that despite the plans be modified to move what was a paved area outside the building into the building, it does not affect water volume in any substantial manner. Mr. Platt questioned how much rainfall the detention basins can hold. Mr. Dismukes reported it can hold a 100-year storm. Mr. Marchand questioned whether there was a maintenance plan. Mr. Dismukes reminded the Commission that one had been submitted with the former application filed in March, 2020 and questioned what, if anything, of that application comes forward with this application. Staff indicated that an opinion would be sought from the town's attorney.

Mr. Martinez questioned whether the stormwater management plan mitigates any of the discharges onto Newfield Road, noting that the stretch of road in this area tends to freeze during the winter months. Mr. Dismukes reported that there had been a meeting with Mr. Rollins at which time he had agreed that the water that was coming out onto Newfield Road has nothing to do with this upper site. It was determined to be from water seeping out of the bank along the road. Mr. Dismukes indicated that Mr. Rollins had written a letter about this matter previously. He recalled Mr. Rollins suggesting the remedy to the problem should be the Town's installation of a perforated pipe along the shoulder of the road to pick up the water before it reaches the road.

Staff questioned whether the Zoning Table includes the gravel drive as Impervious Surface. Mr. Dismukes indicated that it did not, reminding the Commission that the gravel drive had been installed pursuant to an approved site plan. He noted that previous Minutes had included the driveway as designed as a pervious surface and an approval had been rendered as such. Mr. Marchand questioned whether the two gravel drives, one at the top and edge of upper parking lot and the other nearer the generator, would be removed. Mr. Dismukes explained that the generator gravel drive is all grass, and no gravel is observed. Mr. Picard explained that there had been two triaxles of stone brought in but indicated that it had been removed following

the delivery of the sprinkler system. He noted that it is not a bad or unwelcome idea to allow whatever remains to stay as it is his only means to bring diesel up to that generator area. Mr. Boe indicated the proposed new building will be fully sprinklered.

Mr. Marchand noted Fire Marshal Steve Williams had shared concerns regarding the distance from the building to the road as it is more than 150 feet. Mr. Boe indicated that he will have to meet with him. Mr. Marchand suggested that the Commission may want to visit the site.

Staff reported that the proposal had been reviewed by the Architectural Review Committee on November 5, 2020 who decided to render neither a favorable recommendation nor an unfavorable finding but instead opted to leave the review to this commission as the subject development area is not visible from the public road.

Additionally, staff read aloud the identical letter that had been submitted by the following neighbors: Betty Ahrens of 102 Newfield Road, William Ahrens of 102 Newfield Road, Michael Clark of 123 Newfield Road, Patricia Reynolds of 127 Newfield Road, and William Pozzo of 155 Newfield Road. They shared common concerns including barking of the dogs prior to their being trained, the design of the building, and the future use of the buildings should ECAD not occupy them someday. Another letter received from Daniel and Amy Reeve of 147 Newfield Road which, while carrying all of the points included in the aforementioned letters, shared additional points including concerns to her drinking wells and an increase in traffic in the neighborhood including some of it entering on to her property.

The hearing was open to the public.

Pat Reynolds of 127 Newfield Road shared her concern with traffic and the site line impacts, noting that when people leave the driveway, they often have difficulty taking a left which sometimes leads them to cross into the opposite lane to make the curve.

William Pozzo of 155 Newfield Road shared his concern with the dust from the traffic on the site, especially after such a dry summer.

Attorney Bob Fisher, representing Daniel and Amy Reeve of 147 Newfield Road, noted that the application had not been signed by the applicant/owner and reported that although the required sign for the public hearing may be installed at the site now, it was not fourteen days ago. He reminded the Commission that the zone in which the parcel lays is residential. Attorney Fisher urged the Commission to review the Zoning Regulations relative to special permits especially the section that requires the proposed project be found to be appropriate for the area in terms of the location and size of the site and the nature and intensity of the operations involve in the use will be in harmony with the appropriate and orderly development of the area.

Mr. Melycher questioned whether the Commission might visit the Reeve property. Staff indicated that she would contact Attorney Nelligan about the best means to set up site visits and whether it should be part of a Special Meeting.

Mr. Dismukes reminded the Commission that the plan had been approved in 2016 as part of a site plan process and at that time, this subject building had been included as part of the future plan. He noted that his client had made a substantial investment in the property with the intention of completing all phases of construction. Mr. Dismukes pointed out that even the Town weighed in, supporting his client's pursuit of a substantial grant.

Amy Reeve of 147 Newfield Road shared her concern that her investment ought to be protected, too, in that she developed her own site with the expectation that it was in a rural area.

Beth Whitney, of 155 Newfield Road, noted that she has four children who are afraid to ride their bikes because of the speed of the traffic that enters and leaves the ECAD driveway. She opined that the project will only increase the traffic.

Ms. Reeve questioned whether the driveway is appropriate for the expansion of use, noting the plan for the kennel is to add 40 additional dogs. She recalled the driveway originally being designed and constructed for a residence, not for this commercial use. Ms. Reeve shared her objection to the added noise to the neighborhood that would result from the forty dogs in addition to the twenty dogs.

Mr. Melycher questioned whether Ms. Reeve had her questions and comments in one document that could be accessed. Mr. Dismukes agreed that his team would appreciate an enumerated list of concerns so as to attempt to address them one by one.

Ms. Reynolds questioned whether all the volunteer workers have background checks completed.

Barres Kara of 151 Newfield Road, indicating that he is the immediate adjacent neighbor to the right, noted the proximity of the dumpster to the boundary line. He recommended the Commission take a site visit to the area. Mr. Kara shared concerns with the watercourse that comes through his property and questioned whether additional discharge to the wetlands that feed the watercourse might also increase the flow. Mr. Melycher agreed to discuss this issue with Mr. Rollins. Mr. Dismukes noted that the driveway was approved two years ago with the existing building as well as the proposed building which is part of this application. He opined the stormwater is being adequately addressed with this application with the water quality basins and through providing detention, the site will be improved.

Referencing the Fire Marshal comments, Mr. Melycher explained that the Fire Code appears to have changed from a couple years ago which may require the access road to be widened to twenty feet for the addition of this building. Mr. Boe indicated that a modification to the requirement may be sought from the State Fire Marshal.

Ms. Reeve questioned whether the driveway had indeed been widened to sixteen feet. Mr. Dismukes noted that Building Official Marc Melanson had provided a punch-list for the project, with one of those items being the widening of the driveway. He noted that his client has since widened the driveway. Ms. Reeve questioned who engineered and inspected the widening of the driveway and what the process would be if the driveway is determined to need further widening.

The consensus of the Commission was that after consulting with the town attorney, a visit should be scheduled to the subject site.

MOTION: Mr. Melycher, Mr. Sanden second, to continue the public hearing to the November 23, 2020 regular meeting; unanimously.

5. OLD BUSINESS:

A. PZC#20-27 – Special Permit Location: 149 Newfield Road Applicant/Owner: East Coast Assistance Dogs (ECAD) Proposal: Construction of 7118± SF Building for Dog Kennel with Indoor Exercise Run and Office Space.

No business was discussed as the public hearing had been continued.

6. NEW BUSINESS:

None.

7. APPROVAL OF MINUTES: October 26, 2020.

MOTION: Mr. Marchand, Mr. Martinez second, to approve the October 26, 2020 Minutes; Motion passed with Mr. Marchand, Mr. Martinez, Mr. Melycher, and Mr. Platt voting in favor while Mr. Sanden abstained.

8. COMMUNICATIONS:

None.

9. STAFF REPORT:

Staff reported zoning permits being issued for two new restaurants: one for *Lee's All American Diner* at the former location of *Louie's Diner*, and the other for *Railway Café*, located between *Richards Jewelers* and Ellen Marino's law office. Additionally, a zoning permit was issued for *Plant Life Apothecary* on Main Street in the former *Mad River Music* location, according to staff. She also reported about the outreach efforts to New York businesses that the Economic Development Commission has undertaken. Additionally, she reminded the Commission that a copy of the Zoning Violation issued on a property on Woodruff Avenue had been included in their packages. A complaint had been received over the summer on what was perceived to be a used car lot at a residential location, with the automobiles lined up and parked in the yard. At the time, Zoning Enforcement Officer Marc Melanson had reviewed the site and learned that the vehicles were registered. Chairman George Closson had pointed out that the Zoning Regulations require that all parking of vehicles be restricted to the driveways of properties and accordingly, the violation had been sent, according to staff.

10. OTHER BUSINESS:

A. POCD Discussion.

MOTION: Mr. Marchand, Mr. Sanden second, to continue the POCD Discussion; unanimously approved.

B. Short Term Rentals Regulation Workshop – POSTPONED.

It was noted that the discussion on regulating short term rentals has been routinely continued pending a time where in-person meetings can resume.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. Sanden second, to adjourn at 8:55PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk