

**Town of Preston
Planning and Zoning Commission
Tuesday, September 4, 2007
Preston Town Hall
7:30 P.M.**

**Public Hearings Minutes
Amended**

1) Call to Order:

Secretary Parke Spicer opened the Public Hearing at 8:00 p.m.

2) Roll Call:

Mike Sinko – arrived 10:02 p.m.

Art Moran – excused

Joe Biber - recused

Roy Beauregard

Thomas Fenton

Parke Spicer

Ed Fleming (alternate)

Richard Chalifoux (alternate)

George Jennings (alternate)

Also Present:

Kathy Warzecha – Town Planner

Kathleen Nichols - Recorder

3) Public Hearings

- a. Special Exception Application #3-07, John & Mary Lee Wilcox, applicants/owners for property located at 6 Amos Road, requests to establish grape fields, harvest, utilize existing buildings for manufacturing and instruction of wine making and sale of finished product.

J. Biber recused himself at this time.

Planner Warzecha entered the following into the record:

Exhibit 1 – Special Exception Application #3-07 dated July 26, 2007

Exhibit 2 – Site Plan prepared by A-2 Surveys dated June 20, 2007.

Exhibit 3 – Review by Town Planner.

Exhibit 4 – Memo from Town Sanitarian dated 8/30/07.

Exhibit 5 – Comments from CLA.

Exhibit 6 – Comments from Town Sanitarian dated 8/2/07

Exhibit 7 –

Exhibit 8 – Comments from ZEO dated 7/31/07.

Exhibit 9 – Legal Notice

Exhibit 10 – Report from Town Planner.

Exhibit 11 – Revised plan from A-2 Surveys dated 8/29/07.

Exhibit 12 – Receipt of notification of abutters.

The property is located at 6 Amos Road. The lot is 5.19 acres. The regulations state that there must be a minimum of 2 acres, which is planted and cultivated.

Planner Warzecha explained that 2 buildings will be used for the manufacturing retail use. They were outlined in the plain in orange. The first building is 360 sf,

it is the existing accessory building located on the site. The second structure is proposed to be connecting to the existing residents adjacent to the garage. It is proposed to be 672 sf.

Maximum of 75 guests per event.

The permitted six events requiring 25 parking spaces. The lot is surfaced with stone dust that presently exists.

Regulations state you need 1 space for every 3 guests.

The plan shows the 2 acres of cultivation. Some clearing of existing trees will be done in the cultivated areas. Adjacent to the small pond one row of evergreens to remain, this should be adequate buffer.

Looking at the two buildings that will be used for manufacturing or retail the total SF would only require 8 parking spaces. During the time of the events they will have less than 100 SF of retail on the site so they will have ability to come in and purchase items.

Outlined in report are:

Item 1 - Minimum acreage of 5 acres

Item 2 - Note on plan only states minimum of 6 promotional events per year. A change needs to be made on the plan to state they may have a "maximum" of 6 events per year.

Item 3 – Winery building not to exceed 2500 SF for the sale of wine or winery use. The total square footing for winery buildings is 1032 sf. Hours for the winery can be up to 6pm on weekdays and 8pm on weekends.

Item 4 – acceptable Waste Management Plan – not on plans and will need to be addressed by the applicants.

Item 5 - Renewal permit will have to be obtained from the ZEO every two years. This is noted on the plan.

Item 6 – Traffic shall not impact the residential character and parking shall not be allowed on the street or highway.

Commission can discuss the concerns of traffic. Planner Warzecha did ask applicants to put on plan that there will be no right hand turn onto Amos Road. T. Fenton asked if this sign was there before when the golf course was there. Planner Warzecha stated this is a new application and the commission has the authority to do this.

Plan has been sent to various departments.

In addition to items just reviewed there is a General Evaluation Criteria for Special Exceptions. Planner Warzecha did ask the applicants to provide this in narrative form information on compliance.

- The plan needs to show the phasing plan for planting. There is an existing Phase I and Phase II that will be planted in Spring 2008 with Phase III being planted in 2009. Separation of where Phase II is going to be planted needs to be provided.
- Separate out total SF of the buildings.
- Add total SF of planted area to the plan.
- Note #5 needs to be changed showing only the areas to be used for the sale and tasting of wine products.

- Stop Bar at the stop sign to be shown.
- Provide location – Key Map where parking is located.
- Provide ZEO notification at least two weeks prior to the event and provide a list of all events that will be held at the beginning of each year.

Planner Warzecha noted that the Winery will be serving hors d'oeuvres cooked on the premises. This was referred to the restaurant Sanitarian as the kitchen will need approval.

- The Fire Marshal was also sent the plan for comment due to the cooking that will be taking place.
- There needs to be a waste management plan.
- Modify notes 3, 4, & 5. Planner Warzecha explained the modifications needed.

Abutter notification has been received.

At this time Planner Warzecha asked for questions from the Commission. Mr. Spicer asked if there were any comments:

J. Wilcox stated that the waste management is shown as a 36 sf compost and will be layered with lime and used as a natural fertilizer.

J. Landherr – Amos Road.

Received notification as an abutting property owner on August 23 and the application wasn't delivered until August 31st. They have not had time to review application.

Planner Warzecha stated we have a site plan on file. A revised plan was submitted on August 31, 2007.

J. Landherr asked about pesticides that are on the site plan. In 1996 pesticides were not going to be allowed for the golf course due to the hazards to the lake.

P. Spicer suggested that the records be pulled from 1996 to see what was and was not allowed.

Planner Warzecha explained that the Commission is looking at the uses of the winery, making of wine, wine events. The Commission does not have jurisdiction over agricultural uses which will be the actual planting of the grapes. The plan was referred to the Inland Wetlands and they were of the opinion that the use was agricultural and therefore exempt from wetlands.

A. Bilodeau – Lakeview Drive.

The application was not completed as of August 31st because it was not submitted until the 31st of August. He questions whether or not all the boards or commissions has had the opportunity to review in its entirety. Also doesn't believe that I/W has seen this plan. Currently A farm stand being conducted and there is no mention of this is on the site plan.

Impact on area is of serious concern and impact on the lake. Traffic is also of a concern.

G. Grabarak – Hewitt Road.

Asked what an accessory wine product was?

M. Wilcox answered most wineries have decorated corks, napkins, placements. Not their intention to sell other people's wines.

G. Grabarek – is there a time frame for submitting a plan so there is time for review? G. Grabarek asked if the applicants were going to follow an IPM or apply the pesticides themselves.

J. Wilcox stated that the type of pesticides that will be used, you do not have to be licensed. He discussed the challenges of phragmites in the lake and when they went to the state for help in controlling the phragmites the product the state suggested to be used was Roundup which is a lot stronger than what they are proposing to use, which is called Sevin.

Barry Black – Route 164

Question was how long it would be before selling wines?

J. Wilcox stated the state allows 7 years to get fields up and running. The sale of wine would be in one or two years. J. Wilcox explained the process of buying grapes for winemaking and state regulations.

B. Black asked about the six events per year and when they would be.

J. Wilcox answered during for the most part be around the same time each year. ZEO will have a list of events each year.

Valerie Landherr – Amos Road

Didn't have time to review the plan. Asked about trees/shrubbery that will block view of Amos Road property owners?

J. Wilcox explained there is an existing wooden fence, which is there now.

Valerie stated that is not between their home and parking lot.

P. Spicer asked is there an existing buffer from the golf course?

Valerie stated that it was never put in.

Planner Warzecha addressed this issue and stated the Commission may require additional screening if necessary.

Valerie asked for the commission to consider requesting additional screening.

Sound and noise is also a concern.

Planner Warzecha stated that the commission may require adding criteria under which applicants will have to comply with.

Valerie stated that IW requested that DEP do a review of the lake and use of pesticides.

Planner Warzecha stated that the commission may want to send it to IW and request information from DEP and Dept. of Agriculture.

A. Bilodeau – Lakeview Drive

Asked if the applicant needed to use the existing buildings to manufacture and make wine on the actual property during the seven years allowed by the state to become a viable agricultural farm. Questions why the haste in approving this special exception when there is not a viable agricultural farm making grapes. Planner Warzecha explained the time frame of when an application is received and when it needs to be acted upon based on the CGS.

Planner Warzecha stated they can again refer to IW Commission and suggested that the commission might want to get recommendations on impact of lake. Also suggests contacting DEP, which has a lake division to review this application. T. Fenton clarified that the only thing the P&Z commission can look at is the winery and not the agricultural part of it.

Planner Warzecha requested that some questions be clarified as to what the commission wants her to do. It was agreed that the Planner will pursue additional information on the buffer strip along Amos Lake property, sight distance, send plan to Chairman of IW Commission regarding planting of grapes, and seek input from DEP.

At this point J. Biber was reseated.

- b. **Continued - Re-subdivision Application #1-07**, Daniel & Estelle Harris, applicants/owners, for property located at 43 Harris Fuller Road; requests to create one new building lot.

Planner Warzecha entered the following into the record.

Exhibit 1 – Re-subdivision Application #1-07 dated 6/21/07.

Exhibit 2 – Re-subdivision Map prepared by Gerwick & Mereen, LLC – 5 sheets.

Exhibit 3 – Town Planner’s Review.

Exhibit 4 – Comments from Town Sanitarian dated 7/17/07.

Exhibit 5 – Comments from CLA dated 6/26/07.

Exhibit 6 – Comments from Building Inspector dated 6/27/07.

Exhibit 7 – Approval from IW dated 6/19/07.

Exhibit 8 – Approval from Town Sanitarian with notes to be added to plan.

Exhibit 9 – Comments from Gerwick & Mereen, LLC received 8/3/07

Exhibit 10 – Comments from CLA dated 8/31/07.

Exhibit 11 – Letter dated 7/3/07 from IW Commission re: approval of plan.

Exhibit 12 – Abutter Notification receipts.

Exhibit 13 – Legal Notice

Exhibit 14 – Town Planner’s Report.

Exhibit 15 – copy of revised plan showing detail plan with house layout and utility easement.

Planner Warzecha has noted on the plan the conditions prior to endorsement of the plan:

- Balance of engineer fee will need to be paid if applicable.

- The land surveyor stakes the house location and septic system.
- Planner Warzecha stated the plan shows the area to be dedicated to the town for road purposes.
- Applicant has paid an open space fee on this subdivision already and asked the commission to consider waiving fee at this time.
- Applicant to provide a digital cd of the re-subdivision for mapping purposes.

T. Fenton asked if the electronic cd is something new. Is this a policy for all applicants to do?

Planner Warzecha responded that we have begun to ask applicants for this for map making purposes.

R. Chalifoux asked if the underground utility easement is on the plan.

Planner Warzecha answered it was.

Planner Warzecha stated the septic system plan will need to be filed with the re-subdivision plan, which makes it 6 pages instead of 5 pages.

The applicant has provided a copy of the septic plan.

At this time Planner Warzecha asked for comments.

There were no comments.

Respectfully Submitted,

Kathleen Nichols
Recorder