



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
October 11, 2022 – 7:00PM
Regular Meeting Minutes

1. ROLL CALL:

Chairman George Closson called the meeting to order at 7:00PM.

Mr. Closson noted that the following individuals were present: Peter Marchand, Willy Platt, Craig Sanden, and Alternates Troy Lamere and Charlene LaVoie. Town Planner and Director of Land Use Lance Hansen was also present and staffed the meeting.

John Cooney was absent and Alternate Feliks Viner was absent excused. Mr. Lamere was seated for Mr. Cooney.

2. PUBLIC COMMENT:

No comment was received.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. PUBLIC HEARINGS:

A. PZC#22-08 – Special Permit Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard (Map 038, Block 115, Lot 006) Proposal: Reconstruct Dwelling and Add Stairs, Retaining Walls, & Grading on Slope in Excess of 15% as per Section III.D.5. and

B. PZC#22-09 – Special Permit Applicant/Owner: Sherwood Dawson Location: West Wakefield Boulevard (Map 038, Block 115, Lot 003B) Proposal: Temporary Access for Well on Slope in Excess of 15% as per Section III.D.5. and Associated Site Work Construction.

Both public hearings by the same applicant were opened and considered simultaneously. Professional Engineer George Cotter appeared before the commission regarding this application. Mr. Cotter reminded the commission of the variances that were granted including ones for the deck, the walls, the stairs, and the AC unit.

Mr. Cotter noted that pursuant to the request of this commission, a cross-section had been provided for the fill on the south side of the adjacent property with a 3½' wall and then leveling from the road to the lake. Regarding the other property opposite the lake, Mr. Cotter noted that the plans reflect a slope of 25%, with a 3½' grass cut, to install the well. He indicated that the well would not be achieved through utilizing a big rig, explaining that the slope was too steep. Mr. Cotter noted that a pounder would be used for the installation of the well. He reported that it would take a while to have that done.

In response to an inquiry from Mr. Closson, Mr. Cotter explained that the delay with this was because they had attempted to try to determine whether they could find a well crawler for the site and in the end, they had not found one in New England. He noted that the only way to achieve the well was to cut the slope in and then restore it with erosion blankets. Mr. Cotter noted that they had previously received a wetlands permit for a driveway and a well but that it had expired.

Mr. Lamere noted that he had experience with a well such as this and reported that it could take three weeks to two months and that the exact time frame is unknown. Mr. Sanden questioned whether it takes a lot of water to drill a well this way. Mr. Lamere confirmed. Mr. Sanden recalled seeing wells done this way from his youth and noted that with a slope this steep, it would involve quite a bit of water. Mr. Lamere questioned what type of protection the applicant planned. Mr. Cotter indicated that they would provide double rows of silt fence and haybales along with an area that would include a small detention for the water to sit. Mr. Lamere questioned when this work would be completed. Mr. Cotter indicated that it would be done in the dry season. Mr. Closson

questioned whether both pieces of property would be sold together. Mr. Cotter confirmed that it would be mandatory.

The commission reviewed previously received review comments from Department of Public Works Director Jim Rollins. His concerns were noted, specifically with where the slurry would run, whether a well drilling was feasible, both temporary and permanent stabilization of the bank, and doubts with whether the site might exceed a 25% slope. It was also noted that Mr. Rollins had concerns with a cut-back of 12" beyond the trench. Mr. Marchand noted that Mr. Rollins had also advised that the 4" PVC sleeve must be schedule-40 and needed blue as well as red warning tape, that additional erosion controls are likely to be needed at the inlet to an existing 12" RCP as well as the riprap swale that leads directly to the lake. Finally, Mr. Marchand noted that Mr. Rollins had indicated that the steepest slopes are located on the Town's right-of-way and that after construction, the Town would become responsible to maintain the disturbed slope with a trench that will most likely intercept the seasonal high ground water level which he opined would result in an icy road situation in the winter.

Mr. Closson suggested a significant bond would be necessary as part of an approval. Mr. Marchand questioned whether the project could even be approved with a slope exceeding 25%. It was noted that a variance would be necessary.

The hearing was open to the public.

Jay Silver of 543 West Wakefield Boulevard shared his concerns with erosion during and after construction on such a steep slope. He explained how narrow and steep the parcel opposite the water was and shared concern with his own driveway.

Peg Boglarski of 537 West Wakefield Boulevard shared her concerns with the well property, noting that she has a cement patio nearby. The unidentified companion of Ms. Boglarski questioned who would be responsible if the pounding from the well installation did cause a cracking of the patio.

Referring to comments provided by Zoning Enforcement Officer/Wetlands Agent Michael Stankov, Mr. Closson questioned whether the applicant had returned yet to the Inland Wetlands and Watercourses Commission. Mr. Cotter indicated that they had not and confirmed that they still needed to do so.

Mr. Cotter noted that there would be no disturbance to the property of the neighbors as they would be excavating a standard trench, which would be followed with a backfilling and then compacted in lifts. He indicated that there would be a bank between the excavation and that there would be "a berm so high". Mr. Marchand questioned where the material excavated would be stored as it was not indicated on the plan. Mr. Cotter indicated that it would have to be taken off site and could be made a condition.

Ms. LaVoie questioned how the house parcel had previously been served with water and the location of the previous well. Mr. Cotter explained that there had previously been no wall along the lake prior to the permit received in 2007 and that the well was in the corner near the lake. He noted that was not going to be reused as potable water.

Mr. Silver noted that he also owned an additional parcel on the lake side, adjacent to the applicant's house site. He questioned the retaining wall between the two properties.

Ms. Boglarski also shared concerns with her foundation with the constant pounding for a well and questioned the distance between the properties.

Mr. Closson referred to Mr. Stankov's August 5th communication wherein he noted the slopes being in excess of 25%. He noted that they could only be approved in cases of public safety or public utility. Mr. Cotter noted that the first part of the work, in the town's property, was in excess of 25% but was only so for about six feet.

Mr. Cotter again confirmed that this plan provided additional grading in order to give a detailed plan for this commission that was more than what had been provided to the Inland Wetlands and Watercourses Commission. In response to additional inquiry on the vegetation on the slope, Mr. Cotter reported that it had been previously removed already and that current conditions reflected regrowth. Noting that there was planned work on the town's right-of-way and that if the Public Works director did not want to accept the risk, Mr. Platt questioned whether the proposed slope work was on the town's property. Mr. Cotter noted that there is excavation on town property done all the time.

As Mr. Cotter had previously requested at least the approval for the work proposed for the house site, Mr. Platt questioned whether doing so creates more pressure for the Zoning Board of Appeals as it would be in effect, a permit for a house without a well.

MOTION: Mr. Marchand, Mr. Sanden second, to close the public hearing for Applications PZC #22-08 and #22-09; *unanimously approved.*

C. PZC#22-10 – Special Permit Applicant: The Shift Master, LLC Owner: New Endeavors of Wolcott, LLC Location: 154 Torrington Road Proposal: Vehicle Sales and Service, Personal: One-Stop Automotive Performance Shop.

Raif Fejzo and Kim Fejzo appeared before the commission regarding this application. Ms. Fejzo reported having received a site location approval from the Zoning Board of Appeals on September 27, 2022.

The hearing was open to the public. No comment was received.

MOTION: Mr. Lamere, Mr. Marchand second, to close the public hearing on Application PZC#22-10 – Special Permit Applicant: The Shift Master, LLC Owner: New Endeavors of Wolcott, LLC Location: 154 Torrington Road Proposal: Vehicle Sales and Service, Personal: One-Stop Automotive Performance Shop; *unanimously approved.*

5. OLD BUSINESS:

A. PZC#22-08 – Special Permit Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard (Map 038, Block 115, Lot 006) Proposal: Reconstruct Dwelling and Add Stairs, Retailing Walls, & Grading on Slope in Excess of 15% as per Section III.D.5.

MOTION: Mr. Marchand, Mr. Platt second, to approve Application PZC#22-08 – Special Permit Applicant/Owner: Sherwood Dawson Location: 538 West Wakefield Boulevard (Map 038, Block 115, Lot 006) Proposal: Reconstruct Dwelling and Add Stairs, Retailing Walls, & Grading on Slope in Excess of 15% as per Section III.D.5.

1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.

2. This application is consistent with the Town's Plan of Conservation and Development.

3. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions.*

4. Approval is granted based on the following submitted plans and drawings:

-Site Plan prepared by CW International entitled, "Site Grading & Utility Plan of Property of Lot No. 6 538 West Wakefield Boulevard/538 West Wakefield Boulevard (West Side) Winchester, Connecticut" dated October 27, 2021 and revised through August 3, 2022.

-Architectural elevations prepared by CW International entitled, "Dawson Residence for 538 West Wakefield Boulevard Winchester, Connecticut", dated August 7, 2014;

motion approved with Mr. Closson, Mr. Marchand, Mr. Platt, and Mr. Sanden voting in favor while Mr. Lamere was opposed.

Following the motion but preceding the vote, Mr. Lamere reminded the commission that this board needn't approve proposals just because the Zoning Board of Appeals has granted an approval for something. He also noted that the revised drawings had not been approved by the Inland Wetlands and Watercourses Commission. Mr. Closson and Mr. Marchand did not believe that there had been any modifications to the plans on the parcel for the house.

B. PZC#22-09 – Special Permit Applicant/Owner: Sherwood Dawson Location: West Wakefield Boulevard (Map 038, Block 115, Lot 003B) Proposal: Temporary Access for Well on Slope in Excess of 15% as per Section III.D.5. and Associated Site Work Construction.

Mr. Closson noted that this application did indeed need to return to the Inland Wetlands and Watercourses Commission for approval. Mr. Sanden noted that there was no more time left for this current application.

MOTION: Mr. Marchand, Mr. Sanden second, to approve Application PZC#22-09 – Special Permit Applicant/Owner: Sherwood Dawson Location: West Wakefield Boulevard (Map 038, Block 115, Lot 003B) Proposal: Temporary Access for Well on Slope in Excess of 15% as per Section III.D.5. and Associated Site Work Construction.

1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.

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-Architectural elevations prepared by CW International entitled, "Dawson Residence for 538 West Wakefield Boulevard Winchester, Connecticut", dated August 7, 2014; *MOTION WITHDRAWN.*

MOTION: Mr. Marchand, Mr. Sanden second, to deny, without prejudice, Application PZC#22-09;
unanimously approved.

C. PZC#22-10 – Special Permit Applicant: The Shift Master, LLC Owner: New Endeavors of Wolcott, LLC Location: 154 Torrington Road Proposal: Vehicle Sales and Service, Personal: One-Stop Automotive Performance Shop.

MOTION: Mr. Lamere, Mr. Marchand second, to approve Application PZC#22-10 – Special Permit Applicant: The Shift Master, LLC Owner: New Endeavors of Wolcott, LLC Location: 154 Torrington Road Proposal: Vehicle Sales and Service, Personal: One-Stop Automotive Performance Shop, and to add the plans dated September, 2022 prepared by Timothy J. Wyllie, Land Surveyor, Barkhamsted, Connecticut, Job No. 0293-101;

unanimously approved.

Mr. Closson indicated the form would need to be generated. Mr. Hansen indicated that he would have one available for the next meeting.

6. NEW BUSINESS:

A. PZC#22-12 – Special Permit Applicant/Owner: Steven Heffer and Heena Sultan Location: 212 West Wakefield Boulevard Proposal: Reconstruction of Single Family Residence on Slope in Excess of 15% as per Section III.D.5.

Mr. Closson questioned whether there was anything received on what was approved through the Zoning Board of Appeals and the Inland Wetlands and Watercourses Commission. Mr. Lamere noted that the submittals reflect that wetlands approval had been received for the project in September of 2022. Mr. Closson requested that Mr. Hansen provide copies of the approvals that have already been received on this proposal. Mr. Platt opined that all of the previous approvals be provided, not just the recent approvals. He requested copies include everything from the time the structure was razed and then reconstructed.

MOTION: Mr. Marchand, Mr. Lamere second, to set the public hearing for PZC#22-12 – Special Permit Applicant/Owner: Steven Heffer and Heena Sultan 212 West Wakefield Boulevard for October 24, 2022 at 7PM;
unanimously approved.

B. PZC#22-13 – Special Permit Applicant: Ryan Tierney Owner: PB Projects IV, LLC Location: 32 Lake Street Proposal: Special Permit – Brewery Expansion, Recreational, Entertainment Facility Indoor Private, Patio, and Proposed Deck as Outdoor Dining.

Mr. Closson reminded the commission that this was another project that was approved with conditions in the original approval. He requested that Mr. Hansen provide that information, too, to this board.

MOTION: Mr. Marchand, Mr. Platt second, to schedule a special permit hearing for October 24th for PZC#22-13 Special Permit Applicant: Ryan Tierney Owner: PB Projects IV, LLC Location: 32 Lake Street;
unanimously approved.

Following the motion, and with the applicant, Ryan Tierney still present, the commission communicated that they would like more information on the exterior lighting, the enclosure for the dumpster, and the timetable for the planned work.

7. OTHER BUSINESS:

Mr. Hansen reported that there was no new enforcement that he was aware of.

Mr. Hansen noted that while the Town does not have a design review board, he questioned how active the Architectural Review Board is. Mr. Closson noted that people have moved and that it should be reestablished through the town manager. Ms. LaVoie noted that she knew an architect that might be interested. Mr. Marchand noted that he understood that there was someone looking to do work on Main Street but explained that all of the façade improvement grants have been handled by the town manager but that it might be a good idea for them to go before the Architectural Review Board. Ms. LaVoie recalled that being the way it was handled in the 1990s. She requested Mr. Hansen forward to her more information so that she could pass it along to her architect friend residing in Winchester Center for consideration.

8. APPROVAL OF MINUTES – September 12, 2022 and September 26, 2022:

MOTION: Mr. Marchand, Mr. Lamere second, to approve the September 12, 2022 Minutes;
motion passed with Mr. Closson, Mr. Lamere, Mr. Marchand, and Mr. Platt voted in favor while Mr. Sanden abstained.

The September 26, 2022 Minutes should be amended to reflect that Craig Sanden was present.

MOTION: Mr. Marchand, Mr. Sanden second, to approve the September 26, 2022 Minutes as amended;
unanimously approved.

9. COMMUNICATIONS:

No communications were reported.

10. STAFF REPORT:

Mr. Hansen introduced himself, noting that he was one week into his position as the new Town Planner. He provided some information on his background, including his past experience as the town planner for Wellesley Massachusetts when he first graduated college.

11. ADJOURNMENT:

The Commission adjourned at 8:09PM.

**Respectfully submitted,
Pamela A. Colombie
Recording Clerk**