



**TOWN OF WINCHESTER**  
**PLANNING AND ZONING COMMISSION**  
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks  
September 26, 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: John Cooney, Peter Marchand, Willy Platt, and Alternate Charlene LaVoie.

Alternates Troy Lamere and Feliks Viner were absent excused.

**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, Retailing Walls, & Grading on Slope in Excess of 15% as per Section III.D.5.**

It was noted that the applicant had requested another continuance of the public hearing.

**MOTION:** Mr. Marchand, Mr. Sanden second, to continue the public hearing to the October 11, 2022 regular meeting; unanimously approved.

**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.**

The public hearing was continued to the October 11, 2022 regular meeting.

**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.**

The legal notice was read into the record with it reported as having run the requisite two times, September 14, 2022 and September 19, 2022, in the Republican American. It was also reported that the Certificate(s) of Mail were submitted serving as evidence that notice of the public hearing had been provided to the abutting property owners. Staff also noted that review comments had been received from the following: Assistant Building Official William Pietrefase dated September 19, 2022, Inland Wetlands Agent/Zoning Enforcement Officer Michael Stankov dated September 19, 2022, Police Chief William T. Fitzgerald dated September 14, 2022, and Department of Public Works Director Jim Rollins dated September 21, 2022. No review comments had yet been received from Fire Marshal Steven Williams, according to staff. Staff further reported that there had been a response to those review comments received from the applicant via email earlier on the date of this meeting which had then been provided to Mr. Stankov and Mr. Rollins. Staff noted that both of those staff members had then provided feedback on that email. Commissioners were provided with all of the copies of all of those communications. Additionally, a copy of an email exchange between staff and the Town's attorney, Kevin Nelligan, regarding whether approval from the Zoning Board of Appeals was necessary prior to an approval by this board.

Raif Fejzo and Kim Fejzo appeared before the commission regarding this application. Mr. Fejzo reported that he had outgrown his current location in Canton. He explained that his company was a high-end repair facility, working on niche cars that are shipped from all over the country. Mr. Fejzo explained that no body work is conducted at his shop. Mr. Closson questioned what type of cars Mr. Fejzo works on. Mr. Fejzo indicated that his shop works on Mitsubishi Evolutions.

Mr. Fejzo reviewed how the interior space would be utilized, noting that there were two overhead doors on either side of the building, for a total of four. He explained that they intended to have five lifts in the garage and an all-wheel drive dynamometer. Mr. Fejzo explained how a dynamometer allows him to test a car for manual loading and speed, thereby eliminating the need for any type of road test. Mr. Fejzo explained that the building is already fitted with an exhaust system to allow fresh air. The layout would also include a parts storage area and two lavatories.

Mr. Closson questioned the applicant's plan for waste. Mr. Fejzo noted that there was a 275-gallon waste oil container as well as a water-based industrial parts washer with an oil skimmer. The oil is funneled to the waste oil container, according to Mr. Fejzo. When the water is very dirty, it is pumped out. Mr. Closson questioned whether there was a floor drain at this site. Mr. Fejzo indicated that there was not.

Ms. Fejzo pointed out that because the business caters to a specific make, there tends to not be a high-traffic flow to and from the site. She noted that cars come to the site for two months at a time. Oil spills are cleaned immediately with rags, according to Ms. Fejzo. Ms. LaVoie questioned whether there were existing floor drains or if there ever were any. Ms. Fejzo reported that they were covered by the State of Connecticut. Mr. Fejzo indicated that this was done in 2002 when the building transferred. Mr. Closson questioned whether there were any dumpsters on site. Mr. Fejzo noted that they were between the two bays. Mr. Marchand questioned whether there was an enclosure for the dumpsters. Mr. Fejzo indicated that there was not.

Mr. Closson questioned the exterior lighting of the building. Mr. Fejzo reported that there four or five exterior lights, noting that as it had previously been an emissions building, the site was very well lit. Mr. Closson explained the current lighting restrictions of the zoning regulations, noting that they all should be 90° cutoff. Mr. Fejzo noted that they appeared to be all LED and pointed down.

Mr. Closson questioned whether there were any plans to modify the exterior of the site. Mr. Fejzo indicated that there was not, and they intended to put their equipment inside the building. Mr. Closson questioned whether there was any outside storage. Mr. Fejzo noted that they had no plans for any. Mr. Closson questioned the signage. Mr. Fejzo indicated that they may return for approval for their signs.

Ms. LaVoie questioned whether the applicant will also be selling cars. Mr. Fejzo explained that they do not want to sell cars, noting that it was only 5% to 10% of their business. The request was more so as to have the option available to be able to sell a car in the event that a customer failed to pay, according to Mr. Fejzo. Ms. Fejzo explained that to get a license from the Department of Motor Vehicles to sell vehicles is only slightly more paperwork than to get a license to repair vehicles, so they wanted the option and ability to do so. Mr. Cooney questioned the number of vehicles that would likely be at this site. Mr. Fejzo noted that they estimate that they can fit thirteen to fifteen cars within the building as they prefer not to leave anything outside at night. Mr. Cooney questioned whether there would be anything emitted from the building besides Mitsubishi exhaust. Mr. Fejzo explained that currently, they only work on Mitsubishis but may expand in the future to higher-end vehicles. Mr. Fejzo noted that there were already four fresh-air fans on the roof and two exhaust fans, too. Mr. Closson questioned the staffing level. Mr. Fejzo indicated that currently it was just another worker, his wife, and himself but noted that he intended to add two or three more employees. Mr. Closson questioned the hours of operation. Mr. Fejzo reported them to be 8AM to 5PM on Monday through Friday and 8AM to 12PM on Saturday.

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

**MOTION:** Mr. Marchand, Mr. Cooney second, to continue PZC#22-10 – Special Permit Applicant: The Shift Master, LLC Owner: New Endeavors of Wolcott, LLC Location: 154 Torrington Road the public hearing to the October 11, 2022 regular meeting; unanimously approved.

**D. PZC#22-11 – Special Permit Applicant: Palm Coast Capital, LLC Owner: Ledgebrook, LLC Location: New Hartford Road (Map 34, Block 158, Lot 001E-2) Proposal: Retail, Large Shop with Storage Business, Outdoor Limited as Accessory Use.**

The legal notice was previously read into the record with it reported as having run the requisite two times, September 14, 2022 and September 19, 2022, in the Republican American. It was also reported that the Certificate(s) of Mail were submitted serving as evidence that notice of the public hearing had been provided to the abutting property owners. Staff also noted that review comments had been received from the following: Fire Marshal Steve Williams dated September 19, 2022, Assistant Building Official William Pietrefase dated September 19, 2022, Inland Wetlands Agent/Zoning Enforcement Officer Michael Stankov dated September 19, 2022, Police Chief William T. Fitzgerald dated September 14, 2022, and Department of Public Works Director Jim Rollins dated September 20, 2022. It was also noted that the application had been reviewed by the Inland Wetlands and Watercourses Commission and approved on September 21, 2022. It was also reported that the Certificate(s) of Mail were submitted serving as evidence that notice of the public hearing had been provided to the abutting property owners.

Professional Engineer Jim Cassidy, accompanied by Matthew Darlington of Palm Coast Capital, LLC and their land use attorney Lew Wise, appeared before the commission regarding this application. Mr. Cassidy explained that the subject site was a 10.6-acre parcel located behind 200 New Hartford Road, the Stop and Shop plaza. He noted that while it had frontage along New Hartford Road, it also had an easement across 200 New Hartford Road. Mr. Cassidy noted the location of the wetlands that had been delineated by their soil scientist. Noting that the development activity was also within the upland review area of a wetlands located within the town of Barkhamsted, an application was also made to that town, too, according to Mr. Cassidy. He briefly reviewed the flow of water across the site currently.

Mr. Cassidy reported the proposal to construct a new 23957 square-foot retail store for Tractor Supply and to extend the parking lot. He explained the lot would accommodate 100 cars despite the regulations requiring a total of 80 spots. Mr. Cassidy noted that the truck deliveries would come behind the Stop and Shop business to the rear of the new store. He pointed out the areas for the loading zone relative to deliveries as well as the outside display area for larger equipment pieces such as a brush hog. Mr. Cassidy reviewed the outside perimeter areas, including the five (5') foot walk area providing a covered entrance for access to the store.

Mr. Cassidy noted that all setback and coverage requirements were met with this application and noted that there was a conservation easement encumbering the back of the parcel. He reviewed the stormwater drainage improvements planned, including methods for the treatment of stormwater quality. Mr. Cassidy reviewed the utility plan including tying into the water and sewer lines.

Mr. Cassidy reviewed the architectural renderings for the building itself, including the façade features and the gabled roof over the front entrance. He noted the use of corrugated metal siding and the color scheme that is characteristic of Tractor Supply. Mr. Cassidy noted one of the resulting changes post COVID-19 included the increase to the size of their retail stores as well as the pull-up areas in the outside display areas.

Mr. Cassidy reviewed the landscaping plan, including the islands planned for the parking lot and the additional wetlands shrubs that were added at the request of the Inland Wetlands and Watercourses Commission. Mr. Cassidy reviewed the planned lighting, confirming that they were LED, energy efficient lights.

Mr. Cassidy reported that the construction takes about four to six months to complete and that they hoped to be open by the fall of 2023. He noted that Tractor Supply tends to have a low customer count.

Mr. Cassidy noted that most of the trash with Tractor Supply stores is recycled. He explained that there will be an inside baler where the trash is cubed. He noted that they will include a small 6-yard dumpster located on a pad next to the building. Mr. Closson questioned whether there was an enclosure for the dumpster. Mr. Cassidy indicated that typically there is not as it is located behind the building. Mr. Darlington explained that the conservation easement over the back of the parcel would preclude any development from occurring back there. Mr. Marchand questioned whether there was a designated spot for pallet storage. Mr. Darlington noted that the pallets are minimal, too. Mr. Marchand advised that the pallets should not be stored within 10' of the structure. Mr. Darlington reported that the store would receive only one tractor trailer delivery per week. Mr. Closson questioned the number of employees planned for the store. Mr. Darlington reported that there would likely be sixteen to twenty.

Mr. Marchand questioned the planned signage. Mr. Cassidy reviewed the signage, noting that when the lights come on at night and their effects of the sign's shift between black and white.

Mr. Platt questioned the handicap entrance. Mr. Cassidy noted that the sidewalk in front of the building is flush with the parking lot. He indicated that there would likely be a bollard in front of each space. Mr. Cassidy noted that there were four handicap spaces in the front of the store.

Mr. Marchand questioned whether a fire hydrant was planned. Mr. Cassidy explained that they would be working with the Water Department to determine whether one would be needed. Mr. Marchand indicated that there would be, noting the propane filling tank.

Mr. Darlington noted that he was willing to return for approval on the signage.

The hearing was open to the public.

Dewees Yeager, as chairman of the Economic Development Commission, and accompanied by Dennis Dressel, the vice chairman, spoke in favor of the application, noting their commission was very excited about the project as they found that the store would bring a boost to the Ledgebrook Plaza.

Thomas Kandefer of 1821 Winsted Road in Torrington explained that he was the owner of an abutting parcel located at 369 North Road in Barkhamsted. He reported his questioning recently on whether there was a drainage easement on his property and shared his concerns with the stormwater management.

Mr. Cassidy noted that there will be a zero increase in flow. Mr. Platt questioned how bare ground will absorb the water. Mr. Cassidy reported that the soils were Hydraulic C, one step below a wetlands for permeability. He noted that they were very compact, tight soils. Hence, a series of detention basins will be constructed, according to Mr. Cassidy. He noted that those basins temporarily hold back the runoff. The catch basins currently on the site were too high, with Mr. Cassidy noting that the water flows around them. He guessed that they were originally installed with the intention to tie into the drainage system of the Ledgebrook plaza.

Town Manager Josh Kelly, noting that he was also a resident of 103 Meadow Street, reported that the Town Attorney had advised that no decision made by this commission should be contingent upon an approval made by the Barkhamsted Inland Wetlands Commission.

Noting the regulations have changed since 1989, Mr. Kandefer questioned whether the detention basin at the front of the Ledgebrook plaza was adequate.

Possible conditions of approval were discussed including pallets to be located the proper distance away from the building as well as signage to be reviewed by the zoning enforcement officer or alternatively, whether they should be part of a site plan modification. Mr. Marchand noted that a fire hydrant ought to be included on the property

with the location to be determined by the Fire Chief. He also opined that the building ought to be sprinklered and a Knox box to be included on the front of the building. Additionally, pallet storage and dumpster storage ought to be located 10' away from the building, according to Mr. Marchand. Mr. Closson and Mr. Marchand both agreed that signage should be reviewed and approved by the ZEO.

Attorney Wise indicated that in the unlikely event that the plans are modified as a result of the review process with Barkhamsted, the applicant would seek approval of those modifications.

**MOTION:** Mr. Cooney, Mr. Sanden second, to close the public hearing; 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.**

No business discussed.

**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.**

No business discussed.

**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.**

As the public hearing was continued, no business was discussed.

**D. PZC#22-11 – Special Permit Applicant: Palm Coast Capital, LLC Owner: Ledgebrook, LLC Location: New Hartford Road (Map 34, Block 158, Lot 001E-2) Proposal: Retail, Large Shop with Storage Business, Outdoor Limited as Accessory Use.**

**MOTION:** Mr. Marchand, Mr. Sanden second, to approve Application #22-11– Special Permit, Applicant: Palm Coast Capital, LLC, Owner: Ledgebrook, LLC, Location: New Hartford Road (Map 34, Block 158, Lot 001E-2) Proposal: Retail, Large Shop with Storage Business, Outdoor Limited as Accessory Use, subject to the following conditions:

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 Hallisey, Pearson & Cassidy Civil Engineers & Land Surveyors entitled, "Wetlands & Special Permit Application for Tractor Supply Co. Property ID #034 158 001E-2 New Hartford Road Winsted, Connecticut" dated July 28, 2022 and revised September 6, 2022, inclusive of Sheets:

- Sheet 1A-1B Existing Conditions Survey
- Sheet 2 Overall Site Development Plan
- Sheet 3 Zoning Improvement Location Survey-Proposed & Site Layout Plan
- Sheet 4 Site Grading & Drainage Plan
- Sheet 5 Site Utilities Plan
- Sheet 6 Site Erosion & Sediment Control Plan

- Sheet 7 General Notes
  - Sheet 8 Erosion & Sediment Control Notes
  - Sheet 9 -15 Site Details
  - Sheet 16-17 Stormwater Quality Basin Details
  - Sheet LS-1.0 Site Landscaping Plan
  - Sheet PH-1.0 Site Lighting Plan
  - Sheet A-1 Building Elevations – Proposed Tractor Supply Company Building
5. Fire hydrant to be located per Winsted Fire Chief on property.
  6. Fire department connection on building.
  7. Fire department Knox box on the front of the building.
  8. Pending water and sewer approvals must be secured.
  9. Dumpster and pallet storage must be 10' from the building.
  10. Sign approval shall be by zoning enforcement officer with the exception of the free-standing sign.
  11. Any updated plans shall be submitted prior to zoning permit being issued;

*unanimously approved.*

## **6. NEW BUSINESS:**

None.

## **7. OTHER BUSINESS:**

### **A. Public Information Meeting on Draft of Affordable Housing Plan.**

Town Manager Josh Kelly addressed the commission regarding the Affordable Housing Plan draft. He noted that it was, whether individuals agreed or not, required by law of the State of Connecticut. He shared his belief that the current draft did a great job of focusing on seniors and first-time home buyers and takes a stand against absentee landlords. He opined that it also advocates for greater participation in affordable housing plans of surrounding towns, has a good focus on home ownership, and does an excellent job of focusing on housing affordability rather than focusing on more affordable housing. He underscored that Winchester has 9.3% of its housing stock dedicated as affordable with a 15% population in poverty. Mr. Kelly acknowledged the perception of some that if more affordable housing is created, it will cause more people to come to the town that would be utilizing the Town's services, but he noted that there are many people who have been here for decades that fall into that 15% poverty profile. He requested that this commission find that the plan is not inconsistent with the Plan of Conservation and Development (POCD) and if not, that the commission specifically cite which sections and which goals that are not consistent with the POCD so that the Housing Steering Committee can make those edits. He noted that the updates that had been provided helped to underscore some of the main points especially advocating against absentee landlords and trying to pull in more towns to contribute to more affordable housing for individuals in the region.

Jerry Martinez of 117 Preston Road implored the commission to tread lightly on the matter, as he understood that the affordable housing plan did not have a place in the POCD. He noted that the POCD addressed these types of matters from a zoning perspective. An additional concern was that as what he characterized as a "low-income" plan starts to develop, it will overshadow the local control of this commission over its zoning regulations, according to Mr. Martinez. He suggested that this initiative stemmed from former President Obama's goal to allow the Department of Housing and Urban Development (HUD) to take a more active role in local town management and local land use. He questioned what the ramifications are if this commission opted to not be part of the POCD.

Planning Consultant Jocelyn Ayer appeared before the board regarding the draft of the affordable housing plan. Ms. Ayer explained that another meeting of the Housing Steering Committee had convened following the last Planning and Zoning Commission meeting. She noted that there is no requirement that the draft affordable housing plan be made part of the POCD. A message from the Housing Steering Committee was created and made part of the draft plan, according to Ms. Ayer. She objected to the reference of the draft plan as a low-

income plan as she reported the Housing Steering Committee sought to think about the housing needs for all ranges of incomes and a diversity of housing types.

Noting that Mr. Kelly had indicated that the draft plan advocated against absentee landlords, Ms. LaVoie questioned Ms. Ayer on whether it did. Ms. LaVoie understood that Winchester may have dipped below the 10% income-restricted housing but recalled that for years it was well over, questioning the 25-year rolling average. Ms. Ayer noted that the draft plan had a strategy around protection of poor housing conditions. She noted that this was part of trying to proactively work with absentee landlords/blighted conditions. Discussion ensued about which units in town were rent-controlled and which units were not.

**MOTION:** Mr. Marchand, Mr. Cooney second, that this draft Housing Affordability Plan is consistent with our Plan of Conservation and Development, including the goal to support the redevelopment of existing building to create housing options, the goal to support affordable homebuyer options, the goal to preserve and support the long-term sustainability of Winchester's existing stock of affordable housing for seniors and other residents, and the goal to keep seniors living affordably in their homes; unanimously approved.

**8. APPROVAL OF MINUTES – September 12, 2022:**

No business discussed.

**9. COMMUNICATIONS:**

No communications were reported.

**10. STAFF REPORT:**

Staff had no report to provide. Mr. Closson reminded the commission that a subcommittee would convene on October 6<sup>th</sup> at 5PM to review proposed changes to the zoning regulations including parking lots, parking for the marijuana facilities, development on 25% slopes, and driveway approvals.

**11. ADJOURNMENT:**

**MOTION:** Mr. Marchand, Mr. Cooney second, to adjourn; unanimously approved. The Commission adjourned at 9:07PM.

Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk