



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
July 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, Willard Platt, Craig Sanden, Alternates Troy Lamere, Charlene LaVoie, and Feliks Viner

John Cooney was absent excused. Mr. LaMere was seated in his stead.

2. PUBLIC COMMENT:

None.

3. AGENDA REVIEW:

MOTION: Mr. Sanden, Mr. Marchand second, to amend the agenda, to add under ***New Business***, 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.; unanimously approved.

4. OTHER BUSINESS:

None.

5. PUBLIC HEARINGS:

A. PZC#22-5 – Special Permit Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Accessory Building and Construct 26’x22’ Garage.

The public hearing was opened.

The legal ad for the public hearing was read into the record with it being noted as having run the requisite two times, June 27, 2022 and July 4, 2022, in the Republican American. Staff explained that there had been some glitch with the USPS, which resulted in their being unable to process Certificate of Mail for a period of time, but that upon the advice of the town’s attorney Kevin Nelligan, an affidavit will be executed by the applicant certifying the notices as having been sent via regular mail. Staff reported this application having gone before the Inland Wetlands and Watercourses Commission, the Zoning Board of Appeals (ZBA), and the Board of Selectmen.

Paul Marino appeared before the commission regarding this application. Mr. Marino explained that he had received a variance from the ZBA for a side yard setback and approval from the Board of Selectmen for a driveway on a slope exceeding 15%. He noted that the separate residence on his property, an accessory apartment, will be demolished. He explained that the driveway at 16.5% will not be touched but the dwelling, estimated at 25%, will be removed in one day. Mr. Marino distributed a letter from Professional Engineer Michael Sherman describing the work that is on the area in the steep slope, noting that it is the removal of the building. Mr. Sherman reviewed the controls planned to avoid erosion of soil and sediment during construction.

Mr. Marino noted the lack of catchbasins in this area of East Wakefield Boulevard. A berm is being added in the area where the second residence currently sits which will function to direct the water to the apron of the driveway where there is a basin, according to Mr. Marino. Mr. Closson questioned what measures were being undertaken to avoid water in the garage. Mr. Marino noted that underdrains are designed in, and that pavement will be replaced with lawn.

As Department of Public Works Director Jim Rollins was present for public hearings on the Town's projects, Mr. Marchand questioned whether he had reviewed and approved the design. Mr. Rollins confirmed, noting that he had drafted a letter of support for the application when it was reviewed by the Board of Selectmen.

Mr. Platt questioned whether a variance was received for the height of the garage. Mr. Marino noted that the garage falls within the permitted height.

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

MOTION: Mr. Sanden, Mr. Marchand second, to close the public hearing; unanimously approved.

B. PZC#22-06 – Special Permit Applicant/Owner: Town of Winchester Location: Wallens Street and Stowe Road (Map 023/Block/151/Lot 017) Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction.

The public hearing was opened.

The legal ad for the public hearing was read into the record with it being noted as having run the requisite two times, July 1, 2022 and July 6, 2022, in the Republican American. Staff again explained that there had been some glitch with the USPS, which resulted in their being unable to process Certificate of Mail for a period of time, but that upon the advice of the town's attorney Kevin Nelligan, an affidavit will be executed by the applicant certifying the notices as having been sent via regular mail. Staff noted that a public hearing had been scheduled with the Inland Wetlands and Watercourses Commission for July 20, 2022 and as the public hearing for this commission was opening at this meeting, it would need to be continued until after that meeting.

James Ericson, a professional engineer and vice president of Lenard Engineering, accompanied by Landscape Architect Jim Cegan from Richter and Cegan and Mr. Rollins, appeared before the commission regarding this application. It was noted that the proposed new 500,000-gallon tank will replace the current 1.2M-gallon tank with the new tank will installed at a higher elevation allowing water to circulate by gravity. Mr. Rollins reported that the existing tank will be removed at some future date and be reviewed as a separate matter. He anticipated that work to be put out to bid in the very near future. Mr. Rollins noted that the tank on Wallens Hill has proven to be very useful during incidences of water main breaks. Since the tank was taken out of service, there have been problems during a water main break or a big fire, the supply of water to other parts of town has not been able to be maintained, according to Mr. Rollins. He explained that the work being undertaken is not being done just for storage volume but also for reliability of the system during fires and water main breaks.

Mr. Ericson reviewed a power point slide presentation noting the goal was to meet the needs of the water department while at same time minimize the impact to the neighbors. He noted the proposal includes a 550' paved access drive off of Stowe Road which will be 12' in width with a 2' shoulder on both sides. He noted that the access road will allow the Water Department access to inspect once per day for inspections.

Mr. Ericson reviewed the design goals included: to design and construct a tank that will meet the long term needs of Winsted Water Works, to make it cost effective with minimum maintenance for years to come, shortest possible tank that meets the volume and elevation requirements of Winsted Water Works, minimize the impacts to neighboring properties and the environment and be consistent with neighboring land use and finally, to minimize visual impacts to neighboring properties and the town of Winchester.

Mr. Ericson reviewed the existing conditions and the proposed plans. Mr. Ericson reported the proposed tank is going to be 78' in diameter and 14.7' tall on the side walls. He explained a 13.5' tall aluminum dome will top the tank, resulting in the tank being 28.5' tall.

The tank will be surrounded with a 6' high chain link fence, depicted in orange on the site plan presented, and as was noted by Mr. Ericson. A locked gate will be included at the Stowe Road access point. Mr. Ericson noted the pre-cast concrete control building planned to be located to the northwest of the tank which will house the water system controls and communications. He explained that this tank will communicate back to the tank at Crystal Lake.

Mr. Ericson reviewed the cuts and fills for the access road. He noted the turnaround is sized enough for three cars. Additionally, a lot of runoff is expected with groundwater seepage so drainage on the intercepting slopes was discussed. An overflow pipe is part of the tank so that if the controls should fail, water will go out the overflow pipe into a catch basin to a location where it can level spread out over the slope and dissipate energy, according to Mr. Ericson.

George Bottum of 203 Wallens Street questioned the drainage planned for the site. Mr. Ericson indicated the designs allow for a 1500 gallon per minute overflow rate or a catastrophic failure mode.

Deborah Pocsay of 204 Stowe Road noted that the plan was for the tank to be cut into the slope and questioned how much higher above the slope the tank would be seen. Mr. Ericson reviewed the cross section, noting that the dome might stick up four to five feet above the hill.

Ms. Pocsay questioned how the design team is sure that ledge or rock will not be encountered. Mr. Ericson reported that extensive boring was done across the site, having gone down 15' to 30' and noted that there was no ledge hit. Ms. Pocsay reported that she had hit ledge with most of her improvements and had concerns that there would be blasting. Mr. Ericson noted that the engineers had shared the same concerns and had sought to minimize blasting and potential rock excavation. Ms. Pocsay questioned whether the plan was to minimize or to completely not blast. Mr. Ericson indicated that they did not anticipate any blasting. Ms. Pocsay questioned what guarantees the neighboring property owners had that there would be no disturbances in the ledge rock and that they would have no issues with their wells. Mr. Ericson reported that typically, what is specified is that rock removal will be done with mechanical means. He noted that there were quite a few borings in the area of the tank and that the contractor should be able to get down to footing depth without encountering bedrock. Ms. Pocsay pressed on, questioning what guarantees the neighbors have in the event that there are cracked windows and changes in their wells and whether the town would take responsibility for those. Mr. Ericson indicated that they would not. He explained that should blasting need to be done, there are extensive surveys completed by the blaster. Ms. Pocsay shared her concerns with concussive forces of blasting and the resulting effects on her well, explaining that she has rescue horses that drink 50 gallons of water per day. Mr. Ericson noted that the uphill side of the tank area will need to be excavated seven to eight feet and yet the borings were dug 15' to 30' indicating no ledge. Ms. Pocsay reiterated her request that the neighbors be provided with some guaranty regarding their wells.

Mr. Cegan noted that his charge was to do the planting design in conjunction with the engineering to minimize or eliminate visual impact. He explained that this was accomplished by establishing key sightline sections from various points around the site which could be potentially impacted.

Mr. Cegan explained that currently there was mostly deciduous woods around the perimeter of the tanks. He noted that this means they are already starting with a buffer from the homes. Mr. Cegan noted that his firm used sections to reduce the visual impact of the tank and explored how to mitigate in terms of planting. Mr. Cegan reported white spruce trees were chosen because they are hardy, drought resistant, and cold tolerant.

Mr. Cegan shared slides with 7'-8' trees along with a silhouette of the trees after 10 years, explain that they are fast growing trees. He noted the sight line from road will likely have the trees screening out in five to ten years but more likely accomplished in six years. He then shared the planned view, when looking to the area from 1 Stowe Road, noting that the deciduous trees will be preserved between the house and the proposed tank. Mr. Cegan

noted the area where there will be an additional grove of white spruce. A third perspective, when viewed from 240 Wallens Street, was shared.

Mr. Closson questioned the depth of the piping system coming in from Wallens to the new tank. Mr. Ericson noted that the depth will be below 5'. Mr. Closson questioned whether borings were done for that area. Mr. Ericson confirmed, indicating that there was no resistance. Ms. Pocsay questioned whether there were any markers out on the site so that interested neighbors could view where the new tank is going so as to see the view from their own property. Mr. Rollins indicated that there was not.

Mr. Lamere questioned what the plans were for the old tank. Mr. Rollins indicated that he was unsure as that work was still being engineered. At the very least, Mr. Rollins noted, the work will include the removal of the entire steel structure. He indicated that the foundation would be left so that it may be repurposed.

Ms. LaVoie questioned whether the 6' fence planned for around the perimeter of the tank was adequate and was the industry standard. Mr. Ericson indicated that it was.

Staff questioned whether all of the planned lighting was full cutoff. Mr. Ericson confirmed, noting that there would be a motion sensor light at the gate as well as lights on the tank which will only be turned on from the control building, and will be on only for maintenance and/or emergencies. A motion sensor light will also be on the control building.

Ms. Pocsay questioned how she will know if blasting is to occur. Mr. Lamere noted that the blaster would notify the neighbors in writing.

MOTION: Mr. Marchand, Mr. Sanden second, to continue the public hearing for Application PZC#22-06 – Special Permit Applicant/Owner: Town of Winchester Location: Wallens Street and Stowe Road (Map 023/Block/151/Lot 017) Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction to the July 25, 2022 regular meeting; unanimously approved.

C. PZC#22-07 – Special Permit Applicant/Owner: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction.

MOTION: Mr. Marchand, Mr. Sanden second, to open the public hearing; unanimously approved.

The legal ad for the public hearing was previously read into the record with it being noted as having run the requisite two times, July 1, 2022 and July 6, 2022, in the Republican American. Staff again explained that there had been some glitch with the USPS, which resulted in their being unable to process Certificate of Mail for a period of time, but that upon the advice of the town's attorney Kevin Nelligan, an affidavit will be executed by the applicant certifying the notices as having been sent via regular mail.

James Ericson, a professional engineer with Lenard Engineering, accompanied by Landscape Architect Jim Cegan from Richter and Cegan and Mr. Rollins, appeared before the commission regarding this application. It was noted that the application was similar to the previously discussed application. The current system had 1M gallon tank at Crystal Lake and a 1.5M gallon tank at Wallens Hill, according to Mr. Rollins. He noted that approximately 800K gallons per day are used and it is recommended that a system have 2 to 2½ days of storage. It was noted that the location for the tank was chosen because the existing tank needs to be serviced and to do so will take it out of service.

Mr. Closson noted the area for the proposed location of this new water storage tank was not included in the acreage that was recently approved by this commission for a conservation easement.

Mr. Ericson noted that the proposed second tank will be exactly the same height as the previous one, indicating that the tank with its walls and dome top will be 28.2'. Mr. Ericson noted that the same design criteria was included for this proposed tank as was used on the Wallens Hill project, noting that the goal was to construct the shortest tank possible to reach the volume requirements and the elevation requirements. Mr. Ericson explained that there is a minimum chlorine contact time necessary for water treatment prior to its release. The shortest possible tank was included and will be blended into the hillside so as to minimize the visual impacts to the neighbors, according to Mr. Ericson.

Mr. Ericson reviewed the existing site conditions along with the proposed site conditions. The existing 150' gravel road will continue to function as the access drive, according to Mr. Ericson. He noted the lighting that will be used at the control area and that the new tank will have three lights on it. Cameras will be included on the tank for security monitoring purposes, according to Mr. Ericson. He confirmed that the slope will include some regrading in order to set the tank lower into the hillside. Mr. Ericson noted the location of the overflow pipes.

The cross-section of the proposed tank was reviewed with Mr. Ericson noting that it would be 90' in diameter and that excavation would be necessary of up to 5' to 6' on the downhill side and 12' on the uphill side for the footings. Mr. Ericson indicated the areas of borings, noting that no ledge or boulders were found in the area of the proposed tank.

Cheryl Thomes of 343 Winchester Road questioned whether the stormwater would run into the area that it does already. Mr. Ericson noted that it would be collected into a swale and then piped over to the level spreader to discharge.

Mr. Ericson noted that the new tank will be tan in color with a silver ring around along with the dome on top. He noted that it is a cost-effective system, does not need maintenance for thirty to forty years, and is similar in color to the one that is already there.

Ms. Thomes questioned the entrance for the access. Mr. Rollins indicated that no new accesses off the main road are planned and that the new tank would be accessed from the left of the existing driveway.

Mr. Cegan noted that the difference between this tank and the Wallens Hill tank is that this one is much closer to the road. He noted that with this project, the tucking into the hillside is going to have much more of a significant impact. Mr. Cegan noted how the new berm will function and will include three varieties of trees: Norway Spruce, Blue Spruce, and some flowering Dogwood trees for seasonal color. Mr. Cegan reviewed four elevations including one looking from Winchester Road, another looking from across the road and up the hill, one coming south on Winchester Road looking at the proposed tank, and one coming south on Winchester Road looking at the existing tank.

Mr. Marchand questioned the height of the trees after five or ten years. Mr. Cegan indicated that about 1½' per year is expected for growth, or 22' high after ten years. Mr. Marchand questioned whether the trees were wind resistant, noting the area to be very windy. Mr. Cegan indicated that they were excellent in wind. From the house across the street, the trees should immediately block the view of the tanks, according to Mr. Cegan.

Mr. Lamere questioned whether there was a reason that the roof needed to be aluminum, noting the glare that will result with it and how it will shine into the eyes of drivers on Route 263. Mr. Ericson noted that it was the standard cover for those type of tanks. Other tanks would have columns and be much more costly, according to Mr. Ericson. Mr. Lamere noted that while it may not be that big of a deal for the Wallens tank, the Crystal Lake tank is along a state road.

Mr. Marchand questioned the flow from this tank, noting the location of the first hydrant off this area has very poor pressure. Mr. Ericson indicated the pressure would be greater with this tank.

MOTION: Mr. Marchand, Mr. Sanden second, to continue the public hearing for Application PZC#22-07 – Special Permit Applicant/Owner: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction to the July 25, 2022 regular meeting; unanimously approved.

6. OLD BUSINESS:

A. PZC#22-5 – Special Permit Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Accessory Building and Construct 26’x22’ Garage.

MOTION: Mr. Closson, Mr. Marchand second, to approve Application PZC#22-5 – Special Permit Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Accessory Building and Construct 26’x22’ Garage, subject to the following:

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 Special Permit is approved and issued subject to the following conditions:
 - Adequate erosion control and drainage measures shall be put in place to avoid erosion and sedimentation during or after construction, and all erosion control and storm water management measures shall comply with all applicable laws and guidelines; and
 - Adequate measures to minimize the clear-cutting of trees or the clearing of shrubs and other natural vegetation.
4. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions*.
5. Approval is granted based on the following submitted plans and drawings:
 - Site Plan prepared by MGS Engineering, LLC, “Site Plan 680 East Wakefield Boulevard Prepared for Paul J. Marino, Jr. Winsted, Connecticut” dated 03/07/22 and revised through 04/07/2022.
6. Height of new structure not to exceed 30’ unless granted a variance by the Zoning Board of Appeals;
unanimously approved.

B. PZC#22-06 – Special Permit Applicant/Owner: Town of Winchester Location: Wallens Street and Stowe Road (Map 023/Block/151/Lot 017) Proposal: Installation of New 529,000 Gallon Drinking Water Storage Tank, Water Main, & Associated Site Work Construction.

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

C. PZC#22-07 – Special Permit Applicant/Owner: Town of Winchester Location: 338 Winchester Road Proposal: Installation of New 691,000 Gallon Drinking Water Storage Tank, Water Main, SCADA Upgrades, and Associated Site Work Construction.

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

7. NEW BUSINESS:

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

MOTION: Mr. Marchand, Mr. Sanden second, to schedule a public hearing for 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, Retaining Walls, & Grading on Slope in Excess of 15% as per Section III.D.5; unanimously approved.

8. APPROVAL OF MINUTES – June 13, 2022 and June 27, 2022:

MOTION: Mr. Sanden, Mr. Platt second, to approve the June 13, 2022 Minutes; motion approved with Mr. Closson, Mr. Lamere, Mr. Platt, and Mr. Sanden voting in favor while Mr. Marchand abstained.

MOTION: Mr. Marchand, Mr. Sanden second, to approve the June 27, 2022 Minutes; Motion approved with Mr. Closson, Mr. Marchand, Mr. Platt, and Mr. Sanden voting in favor while Mr. Lamere abstained.

9. COMMUNICATIONS:

None.

10. STAFF REPORT:

Staff noted that the commission can expect to see more enforcement and/or applications for driveways in excess of 15%. Staff also updated the commission about a recent denial by the Zoning Board of Appeals for a variance on development activity on a slope in excess of 15% wherein the same applicants had previously been denied an application for a text amendment regarding that section from the zoning regulations. It was noted that the denial would likely be appealed to Superior Court, according to staff. Additionally, staff reported that the Affordable Housing Plan was now in its draft form and would likely be presented to this commission at an upcoming meeting.

Additionally, staff noted that an axe-throwing business is looking to go into 32 Lake Street which may require a modification to the zoning regulations.

11. OTHER BUSINESS:

No other business was discussed.

12. ADJOURNMENT:

MOTION: Mr. Lamere, Mr. Platt second, to adjourn; unanimously approved. The Commission adjourned at 9:07PM.

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