



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
June 13, 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, Willard Platt, Craig Sanden, Alternates Troy LaMere, Charlene LaVoie, and Feliks Viner

Peter Marchand was absent excused. Mr. LaMere was seated in his stead.

2. AGENDA REVIEW:

While initially there was no public comment, the agenda was later modified to take up *Public Comment* following *Old Business*.

3. OTHER BUSINESS:

None.

4. PUBLIC HEARINGS:

A. PZC#22-3 – Zoning Regulation Change Applicant/Owner: Steven Heffer and Heena Sultan Proposal: Modification to Section III(D)(5)(c) of Zoning Regulations – Other Generally Applicable Development Regulations: Steep Slope Regulations.

The public hearing was reopened. It was noted that the commission had been provided with a Memorandum in Support of Proposed Amendment from Attorney Philip Pires from Cohen & Wolf, dated June 6, 2022. Additionally, it was noted that both the commission and Attorney Pires had been provided with a copy of a letter from the Town's attorney, Kevin Nelligan, dated June 13, 2022.

Attorney Philip Pires appeared before the commission regarding this application. He confirmed that he had received a copy of Attorney Nelligan's June 13th letter and that he did not disagree with what it contained in that the Town had available two different processes for which this could be handled. He pointed out that the additional point he would note is that with the Planning and Zoning Commission reviewing an application under the proposed text change, it would do so with all of the criteria of a special permit along with reviewing for sediment and soil erosion control. This would be a very different process than the Zoning Board of Appeals process, according to Attorney Pires.

Mr. Platt questioned whether the regulations as they currently stand would prevent future mining projects, remarking that he had witnessed projects on slopes over 25%, including the new health center and the town's industrial park. He shared his concerns with sediment and soil erosion control, suggesting that substantial bonds ought to be sought. Attorney Pires noted that requiring a bond is certainly a reasonable condition to impose.

Mr. Cooney agreed with Mr. Platt. Ms. LaVoie noted that to adopt the change in the regulation would be a complete reversal for where this commission intended for steep slope regulations. She shared her general objection with allowing others to amend the Town's zoning regulations, without the input of this commission, the town's attorney, and the public. Mr. Lamere agreed with Ms. LaVoie, noting that his earlier inclination to approve the amendment was because he lacked faith in the Zoning Board of Appeals for protecting the Town's interests with steep slopes.

Mr. Platt noted that he was inclined to want to see this commission be the ones to draft the conditions for any type of approval. Mr. Sanden noted that a lot of land ripe for development has slopes in excess of 25%. He reminded the commission that he had fought the proposed development on Platt Hill Road and part of that victory included removing the areas with slopes in excess of 25% from the applicant's useable area.

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

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

B. PZC#22-4 – Commission Initiated Zoning Regulation Change Proposal: Add Cannabis Establishments as Use Permitted Through Special Permit in Town Center, Town Gateway, & Production Innovation Zone(s).

The legal notice was read into the record with it being reported as having run the requisite two times, May 30, 2022 and June 6, 2022, in the Republican American. Additionally, it was reported that notice of the public hearing for the proposed zoning regulations changes were forwarded to the six abutting towns via certified mail as well as the Northwest Hills Council of Governments (COG). The COG shared no concerns with any conflicts to the regional Plan of Conservation and Development. Staff noted that every version and iteration of this proposed amendment to the zoning regulations had been uploaded to the Town's website and have been made available to the public for well over six weeks. Mr. Closson questioned whether inquiries from neighboring towns have been made. Staff reported that none had and that she had only received inquiries from attorneys representing prospective developers. She noted that she had not received any type of communication or inquiry other than that type.

MOTION: Mr. Sanden, Mr. Platt second, to open the public hearing for Application PZC#22-4; unanimously approved.

It was noted that the application included a new section on Cannabis Establishments and some new additional terms included in the glossary section. Staff confirmed that the new use was being proposed to be added to the Town Center zone, Town Gateway zone, and Production Innovation zone.

The hearing was open to the public.

Bryan Sundie of 152 Spencer Hill Road registered his objection to commercialization and retail sale of marijuana.

Mr. Closson noted that the Board of Selectmen's recommendations included the section of downtown from East End Park to the library be excluded from the Town Center zone for this as a permitted use. It noted that the language in the proposed regulation carried that exclusion.

The commission was reminded that no legal review had been provided on this proposed text amendment.

MOTION: Mr. Cooney, Mr. Sanden second, to continue Application PZC#22-4 to the June 27, 2022 regular meeting; unanimously approved.

5. OLD BUSINESS:

A. PZC#22-3 – Zoning Regulation Change Applicant/Owner: Steven Heffer and Heena Sultan Proposal: Modification to Section III(D)(5)(c) of Zoning Regulations – Other Generally Applicable Development Regulations: Steep Slope Regulations.

Discussion occurred on the application by the five seated members including enforcement of sediment and soil control measures and the process to be undertaken to call a bond in the event of a failure of those control measures.

MOTION: Mr. Lamere, Mr. Sanden second, to approve Application #22-03 – Zoning Regulation Change, Applicant/Owner: Steven Heffer and Heena Sultan Proposal: Modification to Section III(D)(5)(c) of Zoning Regulations – Other Generally Applicable Development Regulations: Steep Slope Regulations, to modify the Zoning Regulations, Section III(D)(5)(c):

No disturbance, including clear-cutting trees or clearing of vegetation or the construction of driveways, shall be permitted on any slope of 25% or greater, except as may be necessary for public safety or public utilities, unless a Special Permit is approved and issued subject to the following conditions:

- i. 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 applicable laws and guidelines; and*
- ii. Adequate measures to minimize the clear-cutting of trees or the clearing of shrubs and other natural vegetation.*

Said revised Zoning Regulations to have an effective date of June 16, 2022, noting that they are in compliance with the Plan of Conservation and Development;

Motion failed with Mr. Closson, Mr. Sanden, Mr. Cooney, Mr. Lamere, and Mr. Platt being opposed.

B. PZC#22-4 – Commission Initiated Zoning Regulation Change Proposal: Add Cannabis Establishments as Use Permitted Through Special Permit in Town Center, Town Gateway, & Production Innovation Zone(s).

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

6. PUBLIC COMMENT:

Debra Jablonski, of 181 Wallens Hill Road, identifying as a realtor, shared her frustrations with the Town's zoning enforcement as it related to a real estate transaction for which she had represented both the buyer and the seller of a property at Highland Lake. She relayed her concerns for her buyer clients who had purchased a property, across the street from the lake, which came with a right-of-way across the lakefront property, and her seller clients who had a portion of their sale proceeds held in escrow pending the matter. Ms. Jablonski indicated she had reported a shed was installed on the lakefront property, blocking the right-of-way, and was not satisfied with the amount of time it took town staff to register the violation.

7. NEW BUSINESS:

A. PZC#22-4 – Special Permit Applicant/Owner: Paul Marino Location: 680 East Wakefield Boulevard Proposal: Remove Accessory Building and Construct 26'x22' Garage.

MOTION: Mr. Sanden, Mr. Cooney second, to accept Application PZC#22-4 and to schedule it for a public hearing for the June 27, 2022 regular meeting; unanimously approved.

8. APPROVAL OF MINUTES – May 23, 2022:

MOTION: Mr. Sanden, Mr. Platt second, to approve the May 23, 2022 Minutes; unanimously approved.

9. COMMUNICATIONS:

None.

10. STAFF REPORT:

Staff reported having received visits from the principal of the owner entity of 314 Main Street, the location of the former Hunny Bunnys, who had initially indicated his interest in opening a smoke shop in that spot. He later discussed modifying the business plan to open up a retail, small format which would include deli meats, milk, produce, and in the summertime, some fruit outside, according to staff. It was reported to the commission that he was provided with guidance including a request to provide a floor plan for the necessary building permit and the information the Planning Office typically seeks for a zoning permit of this kind.

Staff noted having been contacted by a local resident/developer who was exploring a potential purchase of the front building at 10 Bridge Street. Staff noted that the local resident was apprehensive about what might be

involved in this type of undertaking but had been provided with assurances that the Town would welcome this redevelopment and provide assistance along the entire way.

Staff reported that the expansion to the brewery at 32 Lake Street was being reviewed by the Inland Wetlands and Watercourses Commission at their upcoming June 20th meeting and would at some point return to this commission for the new additional patio as well as the existing patio.

Staff reported that the equipment that could be seen in action at 127 Main Street was merely landscaping improvements/sprucing being undertaken or contracted by new owner, an investor from Foxboro, MA.

Staff reported that 8 South Main Street, the location of the former Primo restaurant, was again transferring with the conveyance having been scheduled for the date of this meeting. The building will again be a restaurant and be approved through a simple zoning permit. Staff noted that much contact had been made with the new owner, Maureen Pavlak, over the last few years as she sought the perfect spot for her restaurant.

Staff noted that 58 Main Street, home to the new smoothie shop, Paws & Reflect, and LIV AT HOME, had zoning permits streaming in with which staff was attempting to determine what, if any, building improvements were occurring on the upper floors of this building, historically a boarding house.

Ms. Lavoie questioned what was going on at 35 Willow Street, noting that windows were being replaced, and whether permits had been pulled. Staff noted that, to date, only a siding permit had been taken but that it very likely permits before this board would be forthcoming soon.

Regarding the earlier public comment, staff explained that enforcement includes recording on the land records and noticing any party with an interest in the property. It was noted that currently, only the staff member at this meeting, knew how to complete title searches. It was also noted that violations are not issued until a complete file, with all of the existing evidence, was put together. Mr. Lamere questioned whether the ZEO had gone to the property and knocked on the door to have a discussion. Staff noted that he had not.

11. OTHER BUSINESS:

No other business was discussed.

12. ADJOURNMENT:

MOTION: Mr. Cooney, Mr. Platt second, to adjourn; unanimously approved. The Commission adjourned at 8:39PM.

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