



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
February 28, 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, Willard Platt, Craig Sanden, Alternates Troy LaMere, and Feliks Viner. Charlene LaVoie was absent excused.

2. PUBLIC COMMENT:

None.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. OTHER BUSINESS:

None.

5. PUBLIC HEARINGS:

A. PZC#22-1 – Special Permit Location: East Lake Street – Resha Beach Applicant: Town of Winchester Recreation Department Owner: Town of Winchester Proposal: Roofed Pavilion at Public Recreation Facility.

The legal ad was read into the record with it being noted as having run the requisite two times, February 18, 2022 and February 23, 2022, in the Republican American. It was reported that copies of the legal notices had been sent to the abutting properties. It was also noted that staff review comments had been received from Department of Public Works Director Jim Rollins dated January 26, 2022, Fire Marshal Steve Williams (undated), Police Chief William Fitzgerald dated January 24, 2022 and February 17, 2022 and Zoning Enforcement Officer Michael Stankov (undated). Noting Mr. Stankov's question regarding the 162 square feet of pavement that would be removed from the subject site, staff reported having confirmed with Land Surveyor John DiCara that the amount of area indicated as being removed was for the subject site and that the area outside of the subject site was so that the finished site would look blended.

Mr. Closson questioned whether the proposal had been, at one point, brought before the Zoning Board of Appeals. Staff confirmed that the project had. Prior to the revisions proposed with the shrinking of the parking lot, there had been an impervious surface variance necessary.

Recreation Department Director Tanya Risucci and Recreation Board Chairman Kurt Williams appeared before the commission regarding this application. Ms. Risucci explained that the beach is staffed with lifeguards that do not all have their own automobiles. She commented on the need for the lifeguards and the summer campers and counselors to have available a break from the sun. Ms. Risucci reported having had to send four kids home last summer for the week due to overexposure to the sun. Mr. Closson questioned whether there was a similar structure at the other beach, Holland Beach. Ms. Risucci explained that area was hardly a beach.

Mr. Closson questioned whether there were elevations. Ms. Risucci shared images on her phone, noting that local contractor Ray Areal would likely be completing the work. Staff reported approval having been received from the Inland Wetlands and Watercourses Commission in either November or December.

Mr. Closson read aloud letters from the following residents:

- David Caspole of 24 East Lake Street, opposing the proposal, sharing his concern with the pavilion becoming an unattractive nuisance;
- Alison Pierce of 106 Ledge Drive, supporting the proposal, noting the lack of amenities at the beach;
- Jeff Albanesius, supporting the proposal, noting the needs of the residents and campers that frequent the beach;
- Dave Antoniazzi of 25 East Lake Street, opposing the proposal, sharing his concern with the permitting process for the pavilion, noting how snowmobilers use the beach as a launching area during the winter;
- Bob Dombi of 91 East Lake Street, opposing the proposal, suggesting shade be provided through pop-up tent structures;
- Melany Shanley Brady, Superintendent of Schools, supporting the proposal, noting that summer camp time is an integral part of a strong community;
- Lauren and Steven Dombrowski of East Lake Street, supporting the proposal, noting that the family uses the camp and explaining how the structure would allow their young children a reprieve from the sun as they go off to camp this summer.

Ms. Risucci reported that Section 65 of the Town ordinances were modified last year, changing the closing time of the beach from 10PM to dusk. She explained that enforcement by the Police Department should alleviate the concerns with late night swimmers and/or vandalism. With respect to reserving the pavilion for staff or camp, Ms. Risucci shared the ordinance allowing the Recreation Department to close the beach as they see fit.

Mr. LaMere questioned whether the State had been contacted regarding the proposed construction being in an easement area. It was noted that contact had not yet been made with the State, but that Mr. DiCara had relayed that he did not see it as likely being a problem. Mr. Williams reported having provided a copy of the survey to the town attorney but explained that he had not heard back yet. Mr. LaMere questioned the duration of the summer camp. Ms. Risucci reported the camp lasting eight weeks but noted that the beach opens from Memorial Day to Labor Day. Mr. LaMere shared his concerns with garbage at the site. He questioned whether there would be picnic tables under the pavilion. Ms. Risucci indicated that there would not be.

Mr. Platt questioned the number of campers in the program each week. Ms. Risucci indicated there to be an average of fifty to sixty campers each week. Mr. Platt questioned whether there was adequate room for the campers to seek shelter from a storm. Ms. Risucci confirmed that there was if the campers are standing. She noted that it would allow them to wait for the bus to return. Mr. Platt suggested that a sign be posted on the pavilion to communicate, "NO after hours, NO alcohol" and opined that in the beginning, there should be additional police presence.

Mr. Marchand suggested permission be obtained from the United States Army Corps of Engineers (USACE). Mr. Williams confirmed that Mr. DiCara still had some loose ends to tie up on this. Mr. Cooney had concurred with the need for signage. Mr. Viner indicated he thought the project was a good idea, noting that his foundation has supported the town's parks and recreation department.

The hearing was open to the public.

Frank Olivere of 108 Shore Drive indicated that he understood that temporary structures, such as tents, portable bathrooms, and portable showers, could be supported through fundraising through the Town Manager's office and the Highland Lake Watershed Association. He confirmed that he was opposed to a permanent structure.

Ms. Risucci explained that her department had tried out temporary structures in the past, but it necessitated taking a staff member off the bus, requiring them to drive up to the summer camp in their own personal car on

their own personal insurance. She noted that the tents break and that strong gusts of wind makes them go flying.

Marcia Winn of 626 Wynne Road, recalls taking young children and guests down to the beach and appreciates the need for some relief from the sun while enjoying the lakefront.

Carole Zacchio of 114 Shore Drive, opposed the proposal, sharing concerns with littering and vandalism in that area and with people bringing dogs to the beach. She opined that a tent option would be better than a pavilion. Her concerns lay with abuse of the structure.

Tim McGrane of 234 Oak Street, spoke in favor of the pavilion. He suggested that more police patrol might be necessary.

Breandan Parker of 111 Hurlbut Street, spoke in opposition of the proposal, noting that he lives diagonally from the lake and reported paying a "view tax". His concerns lay with vandalism, opining that the pavilion may be what is known as an attractive nuisance.

Jen Perga of 370 East Wakefield Boulevard, spoke in opposition of the proposal, mentioning her visit to Niantic where she observed bathrooms. Ms. Perga noted that with those amenities, cameras were also included to protect it. She suggested that a fast-growing, large shade tree be planted.

Mr. Parker returned to remind the commission that there is already an area with a group of trees that provide shade off to the side.

Mr. Platt questioned whether Ms. Risucci expected there to be any lifeguard items stored under the pavilion. Ms. Risucci indicated that she did not.

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

6. OLD BUSINESS:

A. PZC#22-1 – Special Permit Location: East Lake Street – Resha Beach Applicant: Town of Winchester Recreation Department Owner: Town of Winchester Proposal: Roofed Pavilion at Public Recreation Facility.

Mr. Closson reviewed the criteria for Special Permits that is included in the zoning regulations. He noted that there remain issues from the State and the USACE. Mr. Closson noted that there was no electricity or utilities being included with the pavilion. He reminded the commission of the shared concern for vandalism but noted that to be generally a concern with most things. He recalled the skate park on Willow Street being vandalized. Mr. Closson opined that the proposal was not in conflict with the Plan of Conservation and Development.

Mr. Closson questioned whether there might be more attention placed from the town manager's office and the Board of Selectmen to insist on more police attention of the higher intensity areas of the community.

MOTION: Mr. Marchand, Mr. Sanden second, to approve Application PZC#22-01 Special Permit Applicant: Town of Winchester Recreation Department Owner: Town of Winchester Location: Resha Beach for a Roofed Pavilion at Public Recreation Facility, 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 plan 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 upon site plan entitled, "Boundary Topography Survey Town of Winchester Resha Beach East Wakefield Boulevard and East Lake Street Winchester, Connecticut" dated September, 2021 and revised January 13, 2022.
5. Any approval that might be needed be obtained from the US Army Corps of Engineers shall be obtained prior to the issuance of a Zoning Permit.
6. Any approval that might be needed be obtained from the Department of Energy and Environmental Protection shall be obtained prior to the issuance of a Zoning Permit
7. Proper Signage by chief of police, to allow proper enforcement, to be installed;
Motion approved with Mr. Marchand, Mr. Cooney, and Mr. Sanden voting in favor while Mr. Closson was opposed, and Mr. Platt abstained.

Following the motion but preceding the vote, Mr. Platt suggested that the language in the Zoning Regulations on impervious surface be reviewed. He also recommended that the police presence at the lake address what might be considered an attractive nuisance. Mr. Closson had agreed, noting the lack of police addressing the activities at Holland Beach. Mr. Sanden shared concerns for vandalism, noting that access to the area is not restricted. Mr. Cooney regretted not asking in the public hearing about the lighting in the area.

7. NEW BUSINESS:

A. PZC#22-2 – C.G.S.§8-24 Referral Location: Various Properties on Danbury Quarter Road, Old Danbury Quarter Road, Rugg Brook Road, Old Waterbury Turnpike, Winchester Road, Preston Road, Rattle Valley Road Applicant/Owner: Town of Winchester Proposal: Conservation Easement of ±1200 Acres of Town-owned Land.

Town Manager Josh Kelly appeared before the commission, accompanied by Winchester Land Trust President Jen Perga, to review the 8-24 referral and provide background on the application. Mr. Kelly explained that there were a number of parcels that the town owns that exist around Crystal Lake and Rugg Brook and the surrounding watershed that are managed by Winsted Water Works. Referring to the map prepared by the Housatonic Valley Association, Mr. Kelly clarified that two parcels reflected as being included, are ones not owned by the Town. Mr. Kelly noted that his presence at this meeting was merely to introduce the proposal and explained that Housatonic Valley Association Regional Land Conservation Director Tim Abbott and Mr. Rollins would be available at the following meeting to continue the discussion.

Mr. Kelly explained that there were approximately 1200 acres that have been identified as being in the watershed, owned by the Town, and have already been passively preserved as the Town has no plans to develop them. He noted that development of them would be detrimental to the town's watershed. He explained that it was the Town's opinion that these parcels should be preserved in law, not just in practice. Mr. Kelly noted that currently there would be nothing to require these parcels to be preserved. The State of Connecticut currently receives funds through a grant program, the Highlands Preservation Conservation Act, which allows them to purchase conservations easements on land such as this, according to Mr. Kelly. He reported the Town's current opportunity to sell conservation easements, for the sum of \$750K, on these parcels through the Housatonic Valley Association and the State. He indicated that the funds would be used to expand the Winsted Water Works operation in exchange for the State obtaining the development rights. He noted that the State would be required to hold these rights in a conservation easement in perpetuity.

It was noted that the Commission had been provided with a list of the properties, identifying the acreage and locations, included in the proposal as well as a copy of the draft *Conservation Easement and Agreement* that the Town would sign along with the State. Mr. Kelly reported the Town had guarantees from the State that if the proposal moves forward, they would be willing to commit half of the purchase price (\$375K). In order to arrive at the balance of the contract sum, the Housatonic Valley Association is fundraising the other half, according to Mr. Kelly. He noted that he has been clear with the Board of Selectmen that the Housatonic Valley Association is going to put forward a good-faith effort to fundraise but need time to do so. Their fundraising effort will not move forward though until the Town approves the proposal. He noted that the

Housatonic Valley Association understands that the Town reserves the right to decline the sale of the conservation easements in the event that their fundraising fails to raise the other \$375K.

Mr. Sanden questioned whether the sale of development rights to the State would prevent them from turning around and using those rights. Mr. Kelly indicated that the town attorney has communicated that the contract would prevent the State from selling those rights without at least providing the Town an opportunity to buy them back first.

Having understood through being a commissioner with Water and Sewer that there would be public access on these parcels, Mr. Closson requested Ms. Perga provide more information on that. Ms. Perga reported that Mr. Abbott and Mr. Rollins have been reviewing maps along with Winchester Trust-owned land, other town-owned land, and other preserved land. She explained that Mr. Abbott and Mr. Rollins are looking to develop a trail on those pieces far away from Crystal Lake, likely in the Waterbury Turnpike area. Because the project is funded by federal money through the State, there will be public access provided but areas have been identified for a trail where one would not even see the reservoir, according to Ms. Perga. Mr. Closson questioned whether the details on those proposed trails would be brought to the next regular meeting. Ms. Perga confirmed, noting that possibilities have been plotted out. Mr. Kelly indicated that this would certainly be requested from them.

Mr. LaMere questioned whether there would be access for hunting and fishing with the proposed conservation easement. Mr. Kelly indicated that there would be.

Mr. Platt questioned whether Winsted Water Works would need any of the property for use in the future and if they did, would this proposal prohibit that. Mr. Closson reported the Water and Sewer Commission had reviewed this and that he understood that Mr. Rollins and Project Manager Bart Clark have excluded a fairly good size area to be excluded so as to not hinder the Town's responsibility with its drinking water supplies. He reminded the commission the upcoming planned tank work, including the addition of a second tank to provide redundancy for the water system. Mr. Closson noted that the dams will be able to be maintained as will the tunnel. He requested that this be very clearly defined and presented at the next regular meeting of this commission scheduled for March 14, 2022.

Mr. Closson reported the opportunities for harvesting of timber would remain intact following this proposal. Mr. Marchand indicated that this had been a concern of his, recognizing the opportunity for revenue that provides. Mr. Kelly indicated the parcel that has been excluded from the conveyance, the area around the water plant, is sized at approximately 45 acres.

Mr. Platt noted the language in the draft agreement that provides for "*...no discrimination of the public on the property...*". He questioned whether that was to be interpreted that the public could go anywhere on the property. Mr. LaMere observed that if hunting and fishing is allowed, it would have to be. Mr. Platt wondered whether that opens the possibility of dirt bikes and quads. Mr. Kelly indicated that the State had strict regulations in most other state parks and forests and would not preclude enforcement. Mr. Platt questioned whether the language in the second paragraph of the last page in Schedule B ought to be tweaked.

Mr. Cooney shared his concerns with public access. Mr. Viner questioned how the proposal is affected if the Housatonic Valley Association fails to raise the other half of the purchase price. Mr. Kelly explained that the Town would then be forced to decide whether to accept the amount of money that the Housatonic Valley Association is able to fundraise, or they can elect to do away with the agreement. Mr. LaMere remarked that the price of \$750K on 1200 acres seemed very low. He noted that the Town of New Hartford undertook a similar proposal, for which \$1M was paid for the development rights to conserve 200 acres.

Ms. Perga questioned whether the language in the Agreement that Mr. Platt referred to relative to discrimination might mean something else as the language on the first page included, "...the Grantor agrees to allow the public access to a mutually agreed upon area of the protected property for passive recreation and trails...". She indicated that her understanding was that most of the property would be off-limits but that there would be one area with trails that people could use but that the remaining of the property would not be accessible. Mr. Closson requested that be clarified with the town attorney.

The consensus of the commission was to continue the discussion on this application to the following meeting.

The agenda was modified to take up the discussion of *Other Business: Review Town Manager's Proposed Capital Improvement Budget pursuant to Section 1106D of the Town Charter* ahead of *Approval of Minutes*.

8. OTHER BUSINESS:

A. Review Town Manager's Proposed Capital Improvement Budget pursuant to Section 1106D of the Town Charter.

Mr. Kelly explained that there had been some confusion regarding the date at which this commission would review the FY23 capital improvement items. He indicated that he would return to this board after the Selectmen have had the opportunity to review the whole list. Mr. Kelly, in the meantime, wanted to be sure that this commission had an understanding about what is currently being discussed: a proposal to bond approximately \$18.3M which includes \$15.3M for roads and \$3M for three other capital improvement projects.

Mr. Closson questioned the timing on the \$18.3M bond initiative. Mr. Kelly indicated the Board of Selectmen are continuing to accept comments but that by April 18th, they will need to decide whether they would like to bring the proposal to town meeting. If they do, that meeting would occur in late April/early May followed by it being carried on the May regular referendum, according to Mr. Kelly. He explained that if the bonding passes at referendum, the Town will meet with bond counsel and a bond advisor. Mr. Kelly noted that within 30 days of that, the Town would go out to bid for bonding resulting in capital being available within 120 days of the referendum bringing projects ready bid for early fall. He explained that engineering for the projects is already underway. Mr. Closson questioned how that engineering was being funded. Mr. Kelly indicated that it is being paid for through money that had been put forward in past capital allocation approvals for various road work and engineering work. He reminded the commission that the projects have been identified and recognized as such for some time and that there was a pile-up of completed engineering schematics that would be made use as part of this bonding.

Mr. LaMere questioned the number of miles of roads within Winchester. Mr. Kelly reported that there were 80 miles of roads. He noted that 12%, or 9 miles, of the town's roads would be completed as part of this bonding proposal.

Mr. Kelly questioned whether the commission had specific requests for information that he should be prepared to present as part of the FY23 capital improvement plan. Mr. Marchand noted that former Finance Director Bruce Strafford has typically updated this commission on what capital funds have remained unexpended for work not completed.

With respect to the capital project, Mr. LaMere explained that real numbers, detailing the project's affect on each tax payor would be appreciated. He reminded the commission that Hinsdale School and the water projects are also going to be impacting tax payors. Mr. Kelly noted that the Grand List has increase by 5.9%. He qualified that increase by explaining that this was prior to any affect that may result following possible reductions by the Board of Assessment Appeals. Mr. Kelly noted that the grand list growth, prior to BAA, results in \$1.4M in revenue. He noted that the projection on the debt service on the capital bonding would cost just over \$1.325M annually.

Mr. Marchand questioned whether any new vehicles, such as plow trucks, are included in next year's capital plan. Mr. Kelly confirmed that a number of vehicles have been identified. Mr. Marchand noted that there ought to be increase contingencies factored in due to supply chain issues.

9. APPROVAL OF MINUTES: January 24, 2022

MOTION: Mr. Marchand, Mr. Cooney second, to approve the January 24, 2022 Minutes; unanimously approved.

10. COMMUNICATIONS:

Staff noted a flyer from the Winchester Housing Steering Committee had been provided to commissioners with details on their public information meeting on developing an affordable housing plan. The meeting was scheduled for Thursday, March 3rd at 7PM and would be held via ZOOM, according to staff.

11. STAFF REPORT:

Staff indicated a working document had been provided to them regarding ongoing enforcement. Mr. Closson noted that the property with cars parked on the front lawn, as previously communicated beginning in March 2021, was not included on that list. It was noted that staff may have not been looking at the correct property.

Mr. Closson questioned the status on gaining compliance with the 90° cutoff at 32 Lake Street. Staff reported that the property owner will be returning to this commission for a modification of their site plan.

Mr. Marchand questioned the lighting at 787 Main Street noting that it did not appear to be full cutoff and that the current lighting is problematic when coming from Hinsdale Avenue.

12. ADJOURNMENT.

MOTION: Mr. Closson, Mr. Marchand second, to adjourn; unanimously approved. The Commission adjourned at 8:46PM.

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