



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Meeting Held Remotely via ZOOM
January 10, 2022 – 7:00PM
Regular Meeting Minutes

1. ROLL CALL:

Chairman George Closson called the meeting to order at 7:03PM.

Mr. Closson noted that the following individuals were present: John Cooney, Peter Marchand, Willard Platt, Craig Sanden, Alternates Charlene LaVoie and Feliks Viner.

Troy LaMere was absent excused.

2. PUBLIC COMMENT:

Karen Jones of 199, 201, 208, and 210 East Lake Street, accompanied by her husband Stew Jones, addressed the commission about their non-conforming auto repair shop that they run from 201 and 210 East Lake Street. Ms. Jones questioned whether those two properties would be auto-repair compliant if they were to let their dealers' license lapse. Mr. Closson explained that when this commission had retained a consultant to simplify their zoning regulations and reduce the number of zones, the issue of grandfathering had been questioned. He reported the consultant and the legal counsel had indicated those continue. Ms. Jones questioned whether for instance their son could continue with a dealer license if the properties were to be conveyed to him. Staff noted that abandonment of use is not clearly defined and that if there is no lapse of time with operating a repair shop with a transfer, it is more straightforward.

Mr. Closson indicated that he had drafted a letter to the Board of Selectmen on this matter and was including excerpts from the documents on "grandfathering" that were covered as part of the Connecticut Bar Association biannual land use seminar last held in March of 2021.

Mr. Closson reviewed why the commission sought to keep residential uses in residential areas and industrial uses in industrial areas near highways that support it.

Ms. Jones noted that she had received *Certificates of Zoning Compliance* for her properties for her repair shop but did not feel that was adequate to protect them from selling their property to someone in the future for that same use. Mr. Closson praised how the Jones maintain their property.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. OTHER BUSINESS:

None.

5. PUBLIC HEARINGS:

None.

6. OLD BUSINESS:

None.

7. NEW BUSINESS:

A. PZC#21-09 – Special Permit Location: 3 Rocky Ridge Drive Applicant/Owner: Wayne Kuzma and Dee Kuzma Proposal: Clear Cutting of Trees with Existing Slope Over 15%.

Neither the applicants/owners nor a designated representative were present for the meeting.

MOTION: Mr. Marchand, Mr. Platt second, to deny Application PZC#21-09 – Special Permit Location: 3 Rocky Ridge Drive Applicant/Owner: Wayne Kuzma and Dee Kuzma Proposal: Clear Cutting of Trees with Existing Slope Over 15%, without prejudice; unanimously approved.

8. APPROVAL OF MINUTES: December 13, 2021

MOTION: Mr. Marchand, Mr. Cooney second, to approve the December 13, 2021 Minutes; unanimously approved.

8. COMMUNICATIONS:

It was noted that a letter of support had been received from the Conservation Commission regarding the future 8-24 application on a proposed conservation easement on the town-owned property around the Crystal Lake reservoir.

The commission reviewed a draft letter provided by him to them ahead of this meeting regarding non-conforming uses and the ambiguities with what constitutes abandonment.

MOTION: Mr. Marchand, Mr. Sanden second, to send the draft letter regarding the rezoning to the Board of Selectmen; unanimously approved.

Prior to the vote on the preceding motion, Mr. Closson invited the alternates present to weigh in on the motion. Both Ms.LaVoie and Mr. Viner indicated their support of the motion.

9. STAFF REPORT:

Mr. Closson requested the commission be provided with monthly reports on ongoing zoning enforcement.

Additionally, Mr. Closson noted the recent confusion with reports to the Board of Selectmen regarding the expiration of terms. He indicated the following on expirations of terms:

- Terms for Mr. Closson and Mr. Marchand expire in October, 2022
- Terms for Mr. Cooney and Mr. LaMere expire in October of 2024
- Terms for Mr. Sanden and Mr. Viner expire in October of 2025
- Terms for Mr. Platt and Ms. LaVoie expire in October, 2026

10. OTHER BUSINESS.

A. Discussion on Proposed Zoning Regulation Change: Marijuana Dispensary Facility- Adding Retail Cannabis.

Mr. Closson reminded the commission that the current proposal was to allow retail sale of cannabis in the Town Gateway, Production and Innovation, and Town Center zones.

Mr. Viner questioned whether there would be a limit on the number of facilities allowed in town. Mr. Closson explained that the State of Connecticut will set the limit on the number of licenses approved per town and thought it likely that it would be based on population size.

It was noted that the draft regulation as currently written did not allow for the growing or cultivation of recreational cannabis.

It was also noted that the restriction of 200' from door to door was what was agreed to at the last meeting. The consensus of the commission was that the heading of the regulation should be Cannabis Facilities. Additionally, there should be language added as #16, "...subject to all State of Connecticut regulations..."

Mr. Closson reported having sent an email to Town Manager Josh Kelly so as to determine whether the Board of Selectmen have considered the addition of the retail cannabis as an allowed use in town. To date, they have not commented. He explained that once they do, the formal process of legal review and public hearings could begin.

Mr. Closson read aloud from Bill No. 1201 from the June 2021 Special Session of the General Assembly, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis, reviewing how the revenue to towns can be used. He indicated that the legislation provided that the use of funds was restricted, noting, "...the amounts remitted pursuant to this subsection shall become part of the general revenue of such municipality and used for any of the purposes.... (1) Streetscapes and other neighborhood developments in and around each community in which a cannabis retailer, hybrid retailer, or micro-cultivator is located, (2) education programs or youth employment and training programs in such municipality, (3) services for individuals released from the custody of the Commissioner of Correction, probation or parole and residing in the community, (4) fund mental health or addiction services, (5) youth service bureaus or municipal juvenile review boards, or (6) community civic engagement efforts..."

Mr. Viner opined these as good uses for the funds. Mr. Closson did not disagree but was concerned that some community members might think that the revenue generated from recreational cannabis could be used for road improvements. Clearly, they cannot be, according to Mr. Closson. Mr. Platt questioned how "neighborhood" is defined in terms of the streetscape improvements allowed under this legislation.

Mr. Closson reported that he had attempted to make contact with the chairmen of the other land use boards. While he communicated with the Inland Wetlands and Watercourses Commission Chairman Steve Molinelli, he had not yet been able to connect with Zoning Board of Appeals Chairman Phillip Allen.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. LaMere second, to adjourn; unanimously approved. The Commission adjourned at 8:13PM.

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