



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
December 13, 2021 – 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, Charlene LaVoie, and Feliks Viner.

2. PUBLIC COMMENT:

None.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. OTHER BUSINESS:

None.

5. PUBLIC HEARINGS:

A. PZC#21-11 Commission Initiated Changes to Zones Location: Various Properties located at 201 East Lake St., 203 East Lake St., 208 East Lake St., 216 East Lake St., 220 East Lake St.

The legal ad was read into the record with it being noted as having run the requisite two times, November 29, 2021 and December 6, 2021, in the Republican American. It was noted that communications had been forwarded to the abutting town clerks to advise of the application as required by statute. Additionally, it was reported that notices had been sent to the subject properties, too. Staff also noted receipt of review comments from the Northwest Hills Council of Governments confirming their having no regional concerns.

Mr. Closson shared information related to the commission-initiated application, reminding attendees that there had been multiple public hearings following eighteen subcommittee meetings through the 2016 revision to the Zoning Regulations. He noted that all of the Minutes from the meetings of this period of time remain available on the town's website under the board page of the Planning and Zoning Commission. Mr. Closson referenced the October 24, 2016 Minutes wherein former Town Planner Steve Sadlowski had, "...*proposed that putting Stewart Jones home property, body shop property, as well as B&D Landscaping and Sterling Sintered Technologies in the Highland Lake Business District, and are included under Proposal #3. Closson noted that while those businesses are great assets for the community, the Plan of Conservation and Development was trying to steer the Town towards getting neighborhoods reconfigured without spots of industrial development scattered within them. He noted that by those businesses existing presently, they will be deemed legally non-conforming. Mr. Melycher and Ms. Wilkes agreed that Rockwell Street was too far to include in the Highland Lake Business District...*" Mr. Closson explained that it had been the understanding of this commission that only those properties were part of the new district called the Highland Lake Business District and that only after a recent application from the marina's owner, they learned what had been erroneously included in that district. He further explained that this would have been considered a clerical error had this been discovered earlier without so much time having lapsed.

The hearing was open to the public.

Attorney Peter Alter, accompanied by his clients Eric and Jean Richard, submitted what he noted as a protest petition. Attorney Alter reported that Connecticut General Statutes Section 8-3(b) requires a 2/3 vote to effectuate the change if 20% of property owners in the area for which a regulation change is considered submit such a petition. He noted that all of the property owners subject to the application have signed the petition opposing the proposed zone change. Attorney Alter opined that the Plan of Conservation and Development

did not support the zone change for the subject properties. He indicated that his clients, owning one of the properties subject to the proposed zone change also own the nearby marina and that the zone was relied upon when his clients had acquired their property.

Eric Richard referred to his long history as both a resident of Winsted and Highland Lake. He described the reasons that he and his wife had purchased 220 East Lake Street as they had envisioned using the garage in the back of the property to enhance their marina. He noted that the other reason they had purchased the property was the commercially-zoned waterfront, which was currently being used for dock storage and to display boatlifts for sale. He concluded his remarks by sharing his opposition for the proposed zone change.

Jean Richards, opposing the application, submitted forty letters from various folks also against the proposed zone change.

Attorney Pat Renzullo, accompanied by his clients Stewart Jones, Karen Jones, and Jones Restoration, spoke in opposition of the application. He reported his clients having purchased their property in 1976 and how they subsequently restored a former dilapidated building as well as having restored sea walls at their property. Attorney Renzullo noted that his clients had not been personally notified about the zoning changes that had occurred in 2016 and shared his clients concern with limitations with selling or transferring his Jaguar restoration business.

Stewart Jones, remarking on his opposition to the application, shared the history of industrial uses on Highland Lake. His wife, Karen Jones, read from a prepared statement regarding the history of the Jones' property and shared nine historical photographs of them.

Vittorio Castro of 203 East Lake Street, spoke in opposition of the application, explaining that the primary reason for his purchasing their property was that it was located in a business district allowing flexibility in building dimensions and being able to add a home business and a first-floor bedroom.

Ron Gravel of 216 East Lake Street, spoke in opposition of the application, explaining that he believed it would lower the value of his property. He shared his support for the neighboring businesses of the marina and Jones Restoration.

Frank Oliveri of 108 Shore Drive, spoke in opposition of the application, urging the commission to keep the current industry businesses operating in town, opining the revenue that is generated from them and the threat of an increase in taxes if they were no longer in Winsted.

Candy Perez of 605 West Wakefield Boulevard, shared her concern with the number of vessels allowed per waterfront property, reminding the commission that the marina is only allowed 40.

Shawn McGlynn of 61 Wetmore Avenue, spoke in opposition of the application, noting that he is a fellow business owner in town. He noted that the Town has been supportive of his efforts with his business and shared his concern that a proposal such as the one included with this application may project a message that the Town does not its businesses.

Mick Moskey of 125 Shore Drive, spoke in support of the owners of the marina and remarked on the positive improvement since the Richards have purchased it. He noted that while there has been increased activity on the lake due to the marina, there are limitations in place.

John Pollack of 502 East Wakefield Boulevard, spoke in support of Jones Restoration, and indicated his opposition to any affect a zoning change would make to the existing businesses at Highland Lake. He shared his concern with any possible increase to the number of boat slips allowed at the marina.

Michael Farrell of 147 Shore Drive, explaining that he was a customer of the marina, shared his opposition to the application, citing the zone change could add a burden to the school system. He reminded the commission that local boats are desirable in terms of invasives being brought into the lake through transient boats.

Mr. Closson polled the commission.

Mr. LaMere reported that he had changed his mind on the application after having heard the testimony at the public hearing. Mr. Platt noted the disparity in the zoning, with the two industrial properties, Sterling and B&D, being located in the Town Single Family Zone. He cited his role as a director on the board for the Highland Lake Watershed Association and reminded the commission that he was a resident at Highland Lake. Mr. Platt opined those existing non-conforming businesses should be afforded protection, noting that he was unaware that 203 East Lake Street had a previous commercial component. He was unsure how the three undeveloped parcels being zoned as Highland Lake Business District had any benefit to being zoned commercial. Mr. Marchand noted that this was a product of something missed by the former planner but appreciated the input received from the public through this hearing. Mr. Closson reminded the commission about the state's recent legislation that would have limited local control unless the Town opted out and why public hearings like this one demonstrated why that is not a good idea.

Mr. Sanden noting his participation with the revisions to the zoning regulations and associated zones, cited that that there were maybe unanticipated ramifications. Mr. Cooney agreed, noting that the commission was trying to better the town and appreciated the input received through the hearing.

Ms. LaVoie questioned whether the unimproved lakefront parcels, notably 220 East Lake Street, were part of the same deed as the dwelling opposite the shore. She questioned whether parcels, with a common owner and contained/conveyed in a single deed, could be subject to two different zones. Mr. Closson recalled former versions of zoning regulations containing different zones within one contiguous property.

Ms. LaVoie indicated that the commission when undertaking the update to the zoning regulations several years ago likely observed that the town is no longer really an industrial town. She explained that the only way to address that sensibly was to rezone the areas with small industrial buildings interspersed among residential neighborhoods and they would phase out over time.

Kathleen Farrell of 123 Shore Drive urged the commission to keep open minds when reviewing what can and cannot be done.

Mr. Viner indicated that he was relatively new to the board, lived on the lake, had heard the views shared at the meeting, and agreed that it would be a mistake to vote in favor of the proposal put forth in the application.

Mr. Closson reminded the commission that the changes that were undertaken as part of the major rewrite of the zoning regulations were made in an effort to restrict those uses not necessarily appropriate for residential areas. He indicated his appreciation for the feedback and participation that occurred at this public hearing.

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

B. PZC#21-12 – Special Permit Location: 632 East Wakefield Boulevard Applicant: Goulet Masonry Owner: Jonathan Abrams Proposal: Clear Cutting of Trees and Development with Existing Slope Over 15% & Over 25%.

Mr. Marchand recused himself from the consideration of this application and exited the meeting room. Mr. LaMere was seated for Mr. Marchand.

The legal ad for the public hearing was read into the record with it being noted as having run the requisite two times, November 30, 2021 and December 6, 2021, in the Republican American. Additionally, it was noted that staff had received the certificate(s) of mail, serving as evidence that the abutting property owners had been provided with notice of the public hearing on this matter. Attorney Perley Grimes, accompanied by his client Jonathan Abrams, Professional Engineer Joseph Green, and his client's contractor, Gary Goulet, appeared before the commission regarding this application.

It was noted that the commission had waiting for them at their seat, as they arrived at the meeting, a copy of a revised site plan provided by Robert Green Associates. Staff noted that review comments were also received from Zoning Enforcement Officer Michael Stankov and that those comments had been provided to Attorney Grimes just prior to this meeting and the applicant via email earlier in the afternoon.

Attorney Grimes reviewed the documents that had been submitted to date on the application, including a survey revised through August, 2021, a letter from Joseph Green to Mr. Goulet dated October 8, 2021, a letter from Mr. J. Green to Mr. Goulet dated November 22, 2021, and an outline of sequence of events dated August 24, 2021 as prepared by Mr. Goulet. Additionally, he noted a copy of a building permit from October, 2020 and an electrical permit from November, 2020 had been submitted as well as an inspection report from November, 2021.

Mr. Green indicated that he had prepared an E&S plan that covered the schedule of construction, the new improvements, the stabilization of the site, and the maintenance of the E&S measures. Mr. Green noted that he included a specific seed mix to be utilized on the site. He noted that his clients will be installing a pervious paver system by the house and a reconstruction of the wall by the site. Mr. Green indicated that there will be no grade changes associated with the reconstruction of that wall by the home. He noted that the walkway by the road leading down to the patio with no significant grade changes on the wall.

Mr. Green reviewed Mr. Stankov's communication, noting that he could provide heights on the retaining walls but that they would be the same height as is there currently. He noted that he could add a height but that the contractor may drop it down.

With regards to a construction entrance, Mr. Green indicated that there was no need to add one as all of the materials would be brought in and that he was of the opinion that one was not necessary.

Mr. Green indicated that there is no stockpile of topsoil and that his mention of stockpile on the plan was in reference to large boulders and stone. He opined that no silt fence around that was necessary. He further indicated that a determination has not been made as to where trees should be planted.

With regards to the type of material to be brought on site, Mr. Green reported that there will be 44 tons of crushed stone for the patio. He noted that the material that is there will be pulled out and replaced with crushed stone. He noted the 44 tons of material to be replaced will be removed off site.

Mr. Closson questioned whether a detail had been provided on patio. Mr. Green noted that while there had not been a detail included as part of the plan, one was submitted by Mr. Goulet as part of the wetlands application. Mr. Closson requested one. Mr. Goulet indicated that a detail had been provided at the previous meeting, a cross section detail stamped by Mr. Green that had been used as part of a different application.

Mr. Closson questioned whether the area that was disturbed as part of the access to the neighbors' property was to remain with the existing grades there currently. Mr. Green confirmed, noting that it will be reseeded. Mr. LaMere questioned how the stone will be transported/installed for the patio area. Mr. Goulet indicated that he would do that by utilizing his Kubota Bobcat. Alternatively, Mr. Goulet indicated that he might have a dump truck drop it in the area that it is going to. Mr. LaMere questioned what seed would be used. Mr. Green

referred him to the seed mixture noted on the plan. Mr. Platt questioned whether the snake-like walkway is being located in the same spot where the previous walkway had been. Mr. Green confirmed. Mr. Platt questioned what the actual slope percentage was for the site. Mr. Green estimated it to be 10% to 15% by the road and 15% to 25% closer to the water.

Noting the planned seed as fescue, Mr. LaMere questioned whether the applicant might consider winter rye for additional stabilization. Mr. Green noted that there were three rows of silt fence and that there were no plans currently to do anything with seed because of the season. Mr. LaMere suggested that given the time of year and the steepness of the slope, throwing seed down might stabilize the bank more.

Mr. Cooney questioned the heights of the retaining walls and the substantial amount of material that will be removed from the site.

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

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

6. OLD BUSINESS:

A. PZC#21-11 Commission Initiated Changes to Zones Location: Various Properties located at 201 East Lake St., 203 East Lake St., 208 East Lake St., 216 East Lake St., 220 East Lake St.

Mr. Marchand returned to the meeting room and was resumed his seat as a regular member on this application.

Mr. Sanden suggested that further consideration be given prior to making the zone changes. Mr. Marchand agreed, noting that the commission may want to consider adding additional businesses into permitted uses through a Special Permit. Mr. Closson suggested that the Commission need not continue the application and was well positioned to act at this meeting, given the public hearing held.

MOTION: Mr. Closson, Mr. Marchand second, to approve the proposed zone changes with an effective date of December 15, 2021, noting that they are in compliance with the Plan of Conservation and Development; Motion failed with Mr. Closson, Mr. Cooney, Mr. Marchand, Mr. Platt, and Mr. Sanden being opposed.

B. PZC#21-12 – Special Permit Location: 632 East Wakefield Boulevard Applicant: Goulet Masonry Owner: Jonathan Abrams Proposal: Clear Cutting of Trees and Development with Existing Slope Over 15% & Over 25%.

Mr. Marchand recused himself from the consideration of this application and exited the meeting room. Mr. LaMere was seated for Mr. Marchand.

MOTION: Mr. LaMere, Mr. Platt second, to grant the Special Permit for 632 East Wakefield Boulevard with the caveat that staff must be notified if there are additional plantings and the erosion controls should be monitored. An additional condition is that silt fence should remain around stockpile until it is stabilized; unanimously approved.

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 Wayne Kuzma nor Dee Kuzma appeared before the commission regarding this application. It was noted that this application had not yet been accepted by the commission because there had not yet been a determination that it was complete. As such, no public hearing has yet been scheduled and due to the statutory requirements, the public hearing would need to be opened by the first regular meeting in January, 2022.

8. APPROVAL OF MINUTES: November 22, 2021

MOTION: Mr. Marchand, Mr. Sanden second, to approve the November 22, 2021 Minutes; unanimously approved.

9. COMMUNICATIONS:

It was noted that a communication from Community Health and Wellness Center was received, indicating that the two-year period, for which a tenant would be sought for the space of their building fronting Main Street, had lapsed.

10. STAFF REPORT:

Staff reported that an application will likely be submitted soon for 212 West Wakefield Boulevard for significant improvements to their boathouse and as part of that, will be seeking a text amendment to the Steep Slope section of the zoning regulations. Additionally, staff noted discussions were occurring between the Town and the developer of 32 Lake Street regarding Phase II of that site. The non-conforming light at this location was discussed, with the consensus of the commission being that even if it turns out that the light is owned by Eversource, it would still be incumbent upon the developer to see that it gets swapped out for one that is full cutoff.

The parking on the lawn at Woodland Avenue was questioned. Staff confirmed that a zoning violation was issued to the property owner.

Finally, staff reported that an inquiry had been received from Attorney Bill Conti regarding his client's interest in a retail marijuana sales facility for a property on Torrington Road.

11. OTHER BUSINESS:

A. Discussion on Proposed Zoning Regulation Change: Marijuana Dispensary Facility.

The commission reviewed what an appropriate distance for limiting the location of a dispensary from a daycare and/or a preschool. It was noted that it was more restrictive to adopt the required distance from site to site rather than door to door.

The consensus of the commission for the required distance for a facility to a daycare and/or a preschool was going to be 200 feet as measured from door to door. There was also agreement on permissible hours of operation to be 8AM to 9PM.

It was agreed that Paragraph #9 should be stricken. At Mr. Platt's suggestion, the commission agreed to mirror the language contained in a regulation from Sheffield, MA, to include, "...all marijuana establishments shall be vented in such a manner so that no odor from marijuana or its processing can be detected by a person with an unimpaired or otherwise normal sense of smell from the exterior of the building...".

B. Election of Officers.

MOTION: Mr. LaMere, Mr. Marchand second, to elect George Closson as chairman; unanimously approved.

MOTION: Mr. Closson, Mr. Marchand second, to elect Craig Sanden as vice chairman; unanimously approved.

MOTION: Mr. Closson, Mr. Cooney second, to elect Peter Marchand as Secretary; unanimously approved.

12. ADJOURNMENT.

MOTION: Mr. Closson, Mr. Marchand second, to adjourn; unanimously approved. The Commission adjourned at 9:41PM.

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