



**TOWN OF WINCHESTER**  
**PLANNING AND ZONING COMMISSION**  
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks  
November 8, 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, Alternates Troy LaMere, and Charlene LaVoie.

Craig Sanden was absent excused and Mr. Viner was absent. Ms. LaVoie was seated for Mr. Sanden.

**2. PUBLIC COMMENT:**

None.

**3. AGENDA REVIEW:**

No changes were made to the agenda.

**4. OTHER BUSINESS:**

None.

**5. PUBLIC HEARINGS:**

**A. Consider Opting Out of the Accessory Dwelling Unit (ADU) Requirements and Parking Limitations Outlined in Public Act 21-29.**

Staff confirmed that this public hearing had been advertised the requisite two times in the Republican American. Mr. Closson reminded the commission that he and Mr. LaMere had attended a meeting hosted by the Northwest Hills Council of Governments (COG) that had discussed this new legislation that was recently passed. Mr. Closson reminded the commission that accessory apartments were added as a permitted use when the Zoning Regulations were updated in 2016. He characterized the legislation as a “one size fits all” approach to the issue. He objected this to being an as-of right activity for all towns in all zones. It was noted that this use was already allowed in six of the eight zones in town. It was also noted that Winchester is very flexible in that the accessory units do not need to be attached and can instead be a separate building.

Mr. Closson polled the commission. Mr. Cooney was satisfied with work that was undertaken by this commission to update the Zoning Regulations and with how it is already being addressed. Ms. LaVoie agreed. Mr. Closson noted that it should be a message sent back to the State. Mr. Marchand agreed. Mr. Platt noted that the dwelling units were already covered in the regulations and was done so through a Special Permit. Mr. LaMere recalled from the COG meeting that most of the representatives from other communities were of the same opinion that zoning should remain in local control.

Mr. Marchand questioned whether there had been any discussion with the Board of Selectmen on this matter. Mr. Closson reported having conferred with Candy Perez. Mr. Marchand reminded the commission that ultimately, the decision rests with that group in terms of formally opting out.

The parking provision of the legislation was reviewed and discussed. Mr. Closson noted that some towns require much more parking than this town. The legislation limits the time that a town can opt out of the requirements on parking to be completed by January, 2023.

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

**MOTION:** Ms. LaVoie, Mr. Marchand second, to close the public hearing; unanimously approved.

**6. OLD BUSINESS:**

**A. Consider Opting Out of the Accessory Dwelling Unit (ADU) Requirements and Parking Limitations Outlined in Public Act 21-29.**

**MOTION:** Ms. LaVoie, Mr. Marchand second, to opt out of Public Act 21-29, Section 6(f), Accessory Dwelling Unit provisions and to communicate that to the Board of Selectmen; unanimously approved.

**MOTION:** Mr. Marchand, Mr. Platt second, to opt out of Public Act 21-29, Section 5, Parking Limitation provisions for dwelling units and to communicate this to the Board of Selectmen; 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%.**

Wayne Kuzma and Dee Kuzma appeared before the Commission regarding this application. Mr. Closson explained that typically these applications are accepted and a public hearing is scheduled due to the proposal requiring a special permit. He noted that while the map submitted details information on the larger parcel, the proposed work is planned for a smaller parcel that is not the subject of the map included. Mr. Kuzma explained that it was being combined with the other lot. He noted that the property was 200'x400'. Mr. Kuzma explained that the submitted map was from the original subdivision. He indicated that the topography is what was there.

Mr. Closson explained that the map that was submitted does not show the boundaries of the subject property and that it appeared that someone had drawn in the closure of the boundary lines with pencil. He noted that the commission will need at least a survey of the subject property. Staff questioned whether the applicant should also have the limits of disturbance called out on the plan. The commission reviewed and discussed page 30 of the Zoning Regulations, where steep slopes are addressed, under *Other Generally Applicable Development Regulations*.

Mr. Kuzma explained that he would like to use his land for pasture and for farming. Mr. Closson noted that the commission is not looking to stop that but instead needs a plan to review. Mr. Kuzma noted that he has experience doing this type of work, noting that water runs over his property from three lots up. He reported that the water had previously flooded the road but that he had dug a trench from the neighbor's lot to the catch basin in front of his property to keep the ice out of the road.

Mr. Closson noted that a survey was necessary showing the boundary lines and the planned limits of disturbance along with a statement of use. Mr. Closson explained that so long as there is a complete application, a public hearing will then be scheduled. He indicated staff will make sure that erosion controls are provided to contain the work that is planned out there. Mr. Closson assured the applicant that this commission is inclined to expedite the process as much as possible so that work can continue. He noted that the applicant should submit that survey to staff. Mr. Closson also advised the applicant that if there were any further questions with regards to this request or if the applicant is not happy with what he is getting from the Planning Office, he can return to this board as there are regular meetings every two weeks. Mr. Closson noted that the following meeting is November 22, 2021.

**8. APPROVAL OF MINUTES: October 25, 2021**

**MOTION:** Mr. Platt, Mr. Marchand second, to approve the October 25, 2021 Minutes; Minutes unanimously approved.

**9. COMMUNICATIONS:**

The board discussed an email that Mr. Closson had received and forwarded to staff from a resident at 42 High Street regarding the town-owned property at 30 High Street. It was noted that the Town had acquired two separate parcels through enforcement of the Blight Ordinance, with one being located at 30 High Street and

one known as 508 Main Street. The two town-owned properties share a common boundary line and had been previously owned by the same party. It was also noted that access to 30 High Street is through a shared right-of-way that runs behind 42 High Street. Staff reminded the commission that after the town manager had formed a 508 Main Street Committee to review highest and best use for 508 Main Street, a Request for Proposal (RFP) had been issued for that purpose. Staff reminded the commission that there would be an application made as part of an 8-24 referral prior to any transfer of town-owned property which will be reviewed and considered by both this commission and the Board of Selectmen. Any change of use would also require an application before this commission as the current use for 30 High Street was a single-family residence, according to staff.

#### **10. STAFF REPORT:**

Staff reported a zoning violation having been issued for 428 East Wakefield Boulevard for an unpermitted shed. Additionally, a zoning violation had also been issued, in addition to a *Cease and Desist Order*, on the North Main Street property that is behind the parcel that the Town had condemned and removed the structure that had remained from a house fire several years ago.

Additionally, staff reported that a new photographer will soon occupy the space on Main Street that was the former location to the pawn shop. That sign will soon be removed, according to staff.

Staff learned from a potential developer that the former Primo restaurant at 8 South Main Street had transferred and that a restaurant will be occupying the space. The new owner has not reached out to staff as of yet. Mr. LaMere questioned whether the chicken restaurant is still going into the former Wendy's building on Main Street.

Mr. Closson questioned whether a public hearing has yet been scheduled to change those various East Lake Street properties from Highland Lake Business District to Highland Lake District.

#### **11. OTHER BUSINESS:**

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

Staff reported having received sample regulation from Mr. Closson on what is used by the town of Great Barrington, just across the boarder in Massachusetts, for recreational marijuana sales facilities. It was noted that the zoning regulations had already permitted licenses marijuana dispensary facilities by special permit in several zones. This language was incorporated into what has already been approved in the Zoning Regulations and the commission reviewed this red-lined version of *Marijuana Facilities*.

Hours of operation were discussed with the consensus being that sales should not occur past 9PM.

Ms. LaVoie suggested a substitute for the word "dispensary" to "retail cannabis sales facility". The two should be differentiated from each other, according to Ms. LaVoie.

It was agreed that once the regulation has been agreed to by this commission, it will be forwarded to and reviewed by town attorney Kevin Nelligan.

The consensus of the commission was to change paragraph 16 to include *signage* when there is any expiration, revocation or voiding of a license or permit.

The commission discussed the smells that emit from outdoor growing. It was noted that it was implied as an allowed use under paragraph 9 despite that it is for retail sales. The language "as much as possible" in paragraph 9 should be removed.

The distance to a preexisting public or private school was discussed with the commission questioning whether the distance should be increased from the proposed 200 feet to 500 feet. It was noted that the commission would review how this might affect the downtown area and could look at the GIS to see real impacts.

**12. ADJOURNMENT.**

**MOTION:** Mr. LaMere, Mr. Cooney second, to adjourn; unanimously approved. The Commission adjourned at 8:30PM.

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