



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
October 25, 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, Charlene LaVoie, and Feliks Viner.

Craig Sanden was absent excused. Mr. Viner 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. PZC#21-08 – Special Permit Location: Lincoln Avenue (between 69 Crescent Street and 85 Crescent Street) Applicant/Owner: David Webb Proposal: Construct Single Family House and Grade Area with Existing Slope Over 15%.

The legal ad was read into the record with it being noted as having run the requisite two times: once on October 14, 2021 and then again on October 19, 2021, in the Republican American. It was noted that receipts for the Certificate(s) of Mail had been received, serving as evidence that notice of the public hearing had been provided to the abutting property owners. Additionally, it was noted that the commission and the applicant's engineer had been provided with review comments from the following staff members: Fire Marshal Steve Williams, Police Chief Bill Fitzgerald, Zoning Enforcement Officer Michael Stankov, and Department of Public Works Director Jim Rollins.

Professional Engineer Todd Parsons of Lenard Engineering, accompanied by his client and applicant David Webb, Forester Matt Klimkosky, and Attorney Pat Power, appeared before the Commission regarding this application. Mr. Parsons noted that his client's contractor, Will Sweeney, was also present.

Mr. Parsons reviewed the site plan, noting the location of the parcel as between 69 and 85 Crescent Street. The applicant received a sewer connection permit, a water connection permit, a driveway permit, a building permit, and an electrical permit, according to Mr. Parsons. He indicated that the plan included construction of an approximately 1200 square foot single family residence and a 576 square foot garage with a 400' driveway. Mr. Parsons indicated town staff had visited the site several times but that on October 4, 2021, Enforcement Officer Michael Stankov directed the owner to stop work and resolve three issues: activity of more than one-half acre wherein the applicant was directed to the Inland Wetlands Commission for approval of an erosion control plan, grading on a site with slopes over 15%, and determining whether material to be removed from the site exceeded 1000 yards.

Mr. Parsons noted that his client complied and applied to the Inland Wetlands and Watercourses Commission for an erosion control plan. He indicated that board referred the matter for an agent determination.

Mr. Parsons reported that the amount of material leaving the site was approximately 100 yards. He then reviewed the erosion control plan, noting that the sides of the driveway already had grass growing. Mr.

Parsons reviewed the location of the roof leaders and footing drains, which were part of the plan reviewed by the Department of Public Works. With regards to the trees, Mr. Parsons reported that approximately six trees, less than 6" in diameter, and four trees, greater than 6" in diameter, were removed with no ground disturbance. He noted that his client has agreed to plant that area with laurel.

Mr. Klimkosky then read aloud an email to Mr. Parsons regarding his observation on July 1, 2021 in which Mr. Webb sought his counsel regarding which trees to remove from the lot. He reported his advice was to remove any tree which was in striking distance of the house. He noted that what appeared to be of particular concern were trees in this area that were leaning and susceptible to uprooting. Mr. Klimkosky indicated that due to tropical storms, it was his advice to the applicant that all trees within 125' be removed.

Mr. Closson questioned the date of the survey prepared by John DiCara. Mr. Parsons indicated that the topography was updated very recently. Mr. Closson questioned the status of Lincoln Avenue, such as who owns it. Mr. Parsons indicated that Mr. Webb owns it but that other people have direct frontage or have rights to use it. Mr. Closson questioned whether there was any documentation about who has to maintain that. Attorney Power indicated that there is a right of way mentioned in the deeds but that there was no language included regarding maintenance.

Mr. Closson questioned the zoning table and whether the buildable area indicated had excluded the steep slope. Mr. Parsons noted that the building coverage was calculated to be under 4% even when taking out the slopes in excess of 25%.

Mr. Closson questioned the area that had been clear cut. Mr. Parsons pointed to the area, indicating that it was only a handful of trees. Mr. Closson questioned whether Mr. Parsons had considered groundwater recharge or any other kind of low impact development. Mr. Parsons indicated that because of the ledge, he didn't think it would work.

Mr. Platt questioned whether the driveway was going to remain gravel. Mr. Parsons confirmed. Mr. Platt questioned whether any of that gravel was likely to wash down into the catch basins. Mr. Parsons reviewed how the stormwater will flow, noting the location of the catch basins. Mr. Platt questioned whether the garage included any floor drains. Mr. Parsons indicated that they did not.

Mr. Marchand questioned whether any of the Lincoln Avenue belonged to the Town. Attorney Power noted that he had not done the title search. Mr. Parsons indicated that he did not think those roads had ever been accepted by the town.

Mr. Cooney questioned whether Mr. Klimkosky had been retained to advise on the trees on the steep slope. Mr. Klimkosky indicated that he had not been retained but instead had looked at the site as Mr. Webb was his very good friend and he had been visiting him over the July 4th holiday. Mr. Cooney questioned what adequate measures to minimize the clearcutting was undertaken. Mr. Parsons explained that no soil was disturbed, and no vegetation was removed above where the home was being constructed.

Ms. LaVoie questioned whether the plans have satisfied the concerns communicated by the enforcement officer. Mr. Parsons was unaware whether they had but noted that the commission had referred it to him for an agent determination and his only comment was that additional erosion control blankets be added. Staff noted that a finding needed to be made by this commission that the clearing on the slope in excess of 25% was necessary and that this commission would make a determination on the special permit request. Ms. LaVoie questioned why they were seeing it after. Staff noted that the submitted site plan had not shown clearing being as extensive. Mr. Parsons indicated that a lot of the site is in excess of 15%. Mr. Closson questioned how a zoning permit had been issued. Staff indicated that there had been a significant amount of back and forth regarding these site improvements prior to that issuance. Mr. Closson reported that a site with these grades

should have been brought to this commission prior to a zoning permit being issued. He emphasized this point. Ms. LaVoie and Mr. LaMere concurred.

Mr. Parsons clarified that when he reported only ten trees had been removed, he was only talking about the trees located on the steeper slope.

The hearing was open to the public.

Ken Kazlauskas of Crescent Street, and as an owner of a parcel on Lincoln Street, questioned whether Lincoln Street was currently passable. He questioned the huge pile of rock that is on the site. Additionally, Mr. Kazlauskas shared his concerns with drainage on this site, noting that he wants to be sure that water is not diverted onto his property.

Jim Ferrera of 85 Crescent Street questioned whether the driveway being gravel will work, noting that he had thought the driveway would be paved.

Dianne Consolini of Hill Street noted that she had a gravel driveway which would be river-like with the water flowing down off the hill behind.

Maria Consolini of 3 Hill Street shared her concerns with how the removal of the trees might exasperate the water problem that have historically occurred at her home.

Mr. Webb noted that he owns another parcel in this area and that the problem with the water should not be increased by what he has done. He noted that the property was not clear cut despite how it may appear.

A communication was noted as having been received from John Gauger of 64 Bank Street.

Mr. LaMere noted that a maintenance plan on the catch basins ought to be included. Mr. Closson questioned the footing drains planned for the home. Mr. Parsons noted that they will be placed outside of the footing.

Mr. Ferreira noted that the planned location of the telephone pole is 7' from a favorite oak tree and hoped that it could be undamaged as the utility pole is installed.

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

6. OLD BUSINESS:

A. PZC#21-08 – Special Permit Location: Lincoln Avenue (between 69 Crescent Street and 85 Crescent Street) Applicant/Owner: David Webb Proposal: Construct Single Family House and Grade Area with Existing Slope Over 15%.

Mr. Closson requested that a signature block be added to the plans along with the updated dates on the survey.

MOTION: Mr. Marchand, Mr. Platt second, to approve the application in the matter of PZC#21-08 – Special Permit Location: Lincoln Avenue (between 69 Crescent Street and 85 Crescent Street) Applicant/Owner: David Webb Proposal: Construct Single Family House and Grade Area with Existing Slope Over 15%, 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. Approval is granted based on the following submitted plans and drawings:

Plans prepared by Lenard Engineering for David Webb Winchester, Connecticut dated May 14, 2021 and last revised 10-8-2021, inclusive of:

- Sheet 1 – Existing Conditions
- Sheet 2 – Proposed Conditions Plans
- Sheet 3 – Driveway Profile Plan
- Sheet 4 – Driveway Cross-section
- Sheet 5 - Erosion Control Narrative and Details
- Sheet 6 – Miscellaneous Details

3. This application is consistent with the Town’s Plan of Conservation and Development.
4. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions*.
5. Applicant to submit an annual cleaning maintenance plan of catch basins to the Town’s Planning Office.
6. Laurel trees to be planted before December 1st and to be maintained for a minimum of five years.
7. Signature block be added to the plans along with the updated dates on the survey;
unanimously approved.

7. NEW BUSINESS:

None.

8. APPROVAL OF MINUTES: October 12, 2021

MOTION: Mr. Marchand, Mr. Platt second, to approve the October 12, 2021 Minutes; Minutes unanimously approved.

9. COMMUNICATIONS:

None.

10. STAFF REPORT:

Staff noted that many zoning permits are received for residential development and that there is not always topography included as part of that. It was noted that there is often times a struggle to get surveys for minor additions to decks. Staff noted that development remains very strong at the lake.

Additionally, staff noted that there is development inquiry on several steep-sloped properties on North Main Street including the one that had been issued a Cease-and-Desist Order and currently before the Inland Wetlands and Watercourses Commission.

Staff also advised about activity within the Building Department, noting the tales being told by mechanical contractors and the difficulties they are facing with getting parts.

11. OTHER BUSINESS:

Mr. Closson reminded the Commission about the effects of recently passed bill of #6107 (P.A. 21-29), where at least one accessory apartment is allowed as an “as of right” on each lot that contains a single-family dwelling. Mr. Closson noted that he would like to bring this up as a discussion item, to opt out, at the first November meeting. The commission also discussed the new legislation on the training requirements of ZEOs and commissioners. The consensus of the commission was to discuss recreational marijuana in town at the November meeting. A request was also made that staff schedule the public hearing on those Highland Lake Business District (HLBD) parcels being converted back to what this commission had intended as the Highland Lake District (HLD) zone.

12. ADJOURNMENT.

MOTION: Mr. LaMere, Mr. Cooney second, to adjourn; unanimously approved. The Commission adjourned at 8:23PM.

Respectfully submitted,
Pamela A. Colombie (Recording Clerk)