



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
October 12, 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 Feliks Viner.

Craig Sanden and Charlene LaVoie were absent excused. Mr. LaMere was seated for Mr. Sanden.

2. PUBLIC COMMENT:

A. Possible Action with Respect to the Pending Appeal of East Coast Assistance Dogs, Inc. (ECAD) vs. Planning and Zoning Commission of the Town of Winchester.

Town Attorney Kevin Nelligan updated the Commission on the two pending appeals on 149 Newfield Road. He explained that the first appeal was brought by ECAD against the Town regarding the original request for site plan approval. The Commission had found the proposed changes significant enough that a special permit was required, and it had been subsequently appealed by ECAD, according to Attorney Nelligan. He noted that after several pretrial conferences, a decision had been made that ECAD would file for a Special Permit before this board. Attorney Nelligan reminded the Commission that an application was made and ultimately a Special Permit, with conditions, was granted. As such, the purpose of the first appeal became moot, according to Attorney Nelligan. Under the court's rules, he explained, an appeal could not be settled for a zoning matter without first having a hearing to allow the public to comment and the Commission voting to settle the matter. He noted the Superior Court would also hold a hearing to approve or disapprove the settlement.

Attorney Nelligan confirmed that the Settlement Agreement contained the same terms included in the conditions of the Special Permit. He explained that the public hearing was not to take evidence on the substance of the application but instead receive comment on whether the Town should settle.

Staff confirmed that the Certificate(s) of Mail had been provided by ECAD, serving as proof that notice had been provided to the neighboring properties of this meeting and opportunity to comment on the proposed settlement.

While a neighbor was present and communicated that he had not received a copy of the notice regarding this meeting, Attorney Nelligan explained that the only real requirement was that the matter be carried on the agenda. It was also confirmed that a sign had been installed in front of the property.

Staff confirmed that the settlement agreement along with a copy of the Minutes from the May 24, 2021 regular meeting, at which the Special Permit had been approved, were both made available on the Town's website for two weeks preceding the meeting.

A member of the public questioned whether there was an additional appeal. Mr. Closson and Attorney Nelligan confirmed, noting that the second appeal was still pending and was unaffected by the first.

Charles Zierzow, of 54 Yarmoshuk Road in Barkhamsted, encouraged the Commission to approve the proposed Settlement Agreement.

Linda Vivian, of 158 East Wakefield Boulevard, also encouraged the Commission to approve the proposed Settlement Agreement.

Staff confirmed that notice of this agenda item had been published in the Republican American on September 29, 2021 and October 5, 2021.

3. AGENDA REVIEW:

Changes were made to the agenda, as noted, following *Old Business*.

4. PUBLIC HEARINGS:

None.

5. OLD BUSINESS.

A. Possible Action with Respect to the Pending Appeal of East Coast Assistance Dogs, Inc. (ECAD) vs. Planning and Zoning Commission of the Town of Winchester.

Following the conclusion of the public comment, Mr. Closson polled the seated commissioners for any questions and/or comments relative to the proposed settlement agreement. There were no questions or comments.

MOTION: Mr. Closson, Mr. Marchand second, to approve the proposed stipulated settlement that included the following:

A special permit is granted on the following submitted plans and drawings: Site Plan prepared by Jason Dismukes Consulting Engineers LLC entitled, "East Coast Assistance Dogs (ECAD) Site Plan Original Site Plan Approved April 11, 2016, Site Plan Modification Approved May 14, 2018" dated December 10, 2020, revised through 02/28/2021, 03/15/2021 and 4/14/2021, inclusive of Sheets:

- Sheet C1 (Cover Sheet)*
- C2 (Existing Conditions of Building Envelope)*
- C3 (Overall Site Layout Plan)*
- C4 (Site Plan)*
- C5 (Miscellaneous Details)*
- C6 (Miscellaneous Details)*

The special permit is granted with the following conditions:

- 1. Silt fence to be installed immediately upon issuance of a building permit.*
- 2. Buffer area to be installed prior to the rest of the site work. Relocation/better positioning of plants along Building 1 shall be made in the filed prior to the issuance of a foundation permit.*
- 3. Fence adjacent to southerly residential properties shall include meshing that mimics vegetation.*
- 4. Landscape bond of \$5K shall be submitted for a term of five years from the date of this approval.*
- 5. Updated site plan shall include conditions of approval to be submitted to Planning Department.*
- 6. State of Connecticut Licensed Professional Engineer shall inspect water quality basin and submit findings in a report to Planning Department on an annual basis.*
- 7. Bituminous curbing shall be installed on the southerly side of the driveway in the section from smaller garage leading to new parking lot.*
- 8. Operating hours shall be from 8AM to 6PM for seven days per week.*
- 9. Roof color of new building must be non-reflective color/material.*
- 10. The Commission recommends the applicant include landscaping to buffer noise of new mechanical equipment to Building 2.*
- 11. KnoxBox shall be installed on Building 2.*
- 12. Applicant shall update staff on final location of spoils removed from basin.*
- 13. Buffer landscaping shall be replaced should any plantings die.*

unanimously approved.

The consensus of the commission was to add discussion on a recent Council of Governments (COG) meeting and the recent legislation of recreational marijuana under Other Business. Additionally, they unanimously agreed to add under New 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%.

6. NEW 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%.

MOTION: Mr. Marchand, Mr. LaMere second, to schedule a public hearing for Application 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% for the October 25, 2021 regular meeting; *unanimously approved.*

7. APPROVAL OF MINUTES: September 13, 2021

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

8. COMMUNICATIONS:

It was noted that the Commission had been provided with an update on progress regarding excavation permits in town. Mr. Marchand questioned whether Zoning Enforcement Officer Michael Stankov had the opportunity yet to review excavation underway at 257 Tarringford Street. Staff confirmed that he had visited the site but was unsure whether there was any direct discussion with the new owner. Mr. Marchand shared his observation of signs advertising topsoil and fill being sold from that location. Staff indicated that Mr. Stankov would likely be encouraging that property owner to apply for a permit, too.

Staff confirmed that Mr. Stankov is reviewing properties on Woodland Avenue and Danbury Quarter Road for zoning violations.

9. STAFF REPORT:

Staff reported that there have been several new businesses being discussed but that there have been no new applications filed and that predevelopment meetings with this commission remain a possibility.

A request was made that Mr. Stankov check out behind the parking lot of the old Winsted Hospital on Spencer Street. It was noted that there have been deposits of brush, stone, and debris over the bank there and that it may not be stabilized.

10. OTHER BUSINESS.

A. Discuss Council of Governments (COG) Meeting & Legislation of Recreational Marijuana.

Mr. Closson updated the Commission about the State's initiative to enable accessory apartments as an as-of-right activity, to be allowed on any property. He explained that there was an opt-out provision requiring both this commission and the Board of Selectmen to choose that option. It was agreed that this would be again considered in November.

Mr. Closson noted the revenue potential with the recent legislation on recreational marijuana. He encouraged the Commission to begin to think about this as a use in this town and for them to consider what direction the Commission may want to go. Discussion ensued among commissioners with members noting the revenue that could be generated from having dispensaries in town. The consensus of the commission was that if it was going to be available legally anyway, it would be better not to pass up on an opportunity for the taxes to a neighboring town such as Torrington or Barkhamsted.

B. Approve 2022 Regular Meeting Schedule.

MOTION: Mr. Marchand, Mr. Platt second, to approve the 2022 Regular Meeting Schedule as presented; unanimously approved.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. LaMere second, to adjourn; unanimously approved. The Commission adjourned at 7:45PM.

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