



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
August 9, 2021 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman George Closson called the meeting to order at 7:00PM.

Mr. Closson noted that the following individuals were present: John Cooney, Peter Marchand, Craig Sanden, and Alternate Will Platt. Mr. LaMere was absent excused. Mr. Platt was seated.

2. PUBLIC COMMENT:

None.

3. AGENDA REVIEW:

MOTION: Mr. Marchand, Mr. Platt second, to amend the agenda to take *Other Business: Discussion with Phil Doyle RE 80 South Main Street* and the review of *210 St. Onge Road* ahead of the Public Hearings; unanimously approved.

4. OTHER BUSINESS.

A. Discussion with Phil Doyle RE 80 South Main Street – Reconciliation of Construction Field Changes (Winsted Medical Associates Building).

While this discussion was initially deferred, staff later reported that the discussion was intended for the August 23, 2021 regular meeting. It was noted that ownership of the building is likely to be transferred directly to Hartford Healthcare. As part of that, a Certificate of Zoning Compliance was being sought. When the site was reviewed, it was noted that there were a few variations from the last approved site plan. A determination was made that this commission should see the changes.

B. PZC#20-05 – 210 St. Onge Road - Temporary CO Sought – Bond Discussion

Tony Mongitore appeared before the Commission regarding this matter. Mr. Mongitore explained that as he was trying to obtain his Certificate of Occupancy, a few items depicted on his approved site plan remained outstanding. He noted that he was seeking to bond those items which included four light poles and a small patch of grass where underground utilities are planned. Mr. Mongitore reminded that there would be no dumpster or any type of outdoor trash receptacles.

Mr. Closson reported having visited the site and noted that it was nicely paved and striped. He recommended that the Commission support a bond being submitted for the outstanding items. It was noted that the light poles are on site and just have not been installed yet.

MOTION: Mr. Marchand, Mr. Sanden second, that the Planning and Zoning Commission recommends a Certificate of Occupancy be issued pending a cash bond of \$3600 until the remaining items on site plan are completed; unanimously approved.

It was the consensus of the Commission that while Mr. Mongitore indicated the remaining items should be completed very soon, the light poles and grassy area should be completed by February, 2022.

5. PUBLIC HEARINGS.

A. PZC#21-03 – Special Permit Location: 351 North Main Street Applicant/Owner: Hedgerow Properties, LLC Proposal: Convert Mixed-Use Building to Two-Family.

MOTION: Mr. Marchand, Mr. Sanden second, to reopen the public hearing on Application PZC#21-03 – Special Permit Location: 351 North Main Street Applicant/Owner: Hedgerow Properties, LLC Proposal: Convert Mixed-Use Building to Two-Family; unanimously approved.

No individual was present on behalf of the applicant.

The public hearing was open to the public.

Kim Gilbert of 11 Brook Street reminded the Commission that the applicant had reported that there would be adequate parking for the proposed two-family residence. Ms. Gilbert shared her observations of the current site, characterizing it as a used-car lot. She distributed copies of photographs of the site depicting the current conditions.

Mr. Closson acknowledged receipt of a communication from Bill Lamoin, the owner of Swell's Car Wash, too.

MOTION: Mr. Sanden, Mr. Marchand second, to continue the public hearing to the August 23, 2021 regular meeting; unanimously approved.

B. PZC#21-04 – Special Permit Location: 220 East Lake Street Applicant/Owner: Eric Richard Proposal: Zone Change; Zoning Regulation Change – Text Amendment (Marina Accessory Use).

The legal ad was read into the record with it reported as having run the requisite two times, July 26, 2021 and August 2, 2021, in the Republican American. Staff confirmed that a copy of the proposal was provided to the Northwest Hills Councils of Governments and to the abutting town clerks.

Eric Richard appeared before the Commission regarding this application.

Mr. Platt noted for the record that he is a property owner on Highland Lake and serves on the Highland Lake Watershed Association. As such, he questioned whether Mr. Richard had any concern with his sitting in on this application. He indicated that he did not.

Mr. Richard explained that he had recently purchased this property with a two-family house and a large garage in the back. He noted that the garage in back that is something that he would like to use as accessory space to the marina. Mr. Richard noted that he found the proposed text from a county in Florida that uses the same.

Mr. Closson questioned what the plan was for the two-family residence. Mr. Richard explained that it would likely remain as it is currently. He questioned how the waterfront might be utilized. Mr. Richard explained that the waterfront goes with the two-family residence. Mr. Closson noted that it is adjacent to the marina and questioned what might be proposed for the marina if the property were to convert to the Highland Lake Business District.

The hearing was open to the public.

Candy Perez, noting that she was sharing her thoughts and concerns as a private resident of 605 West Wakefield Boulevard, spoke about the expectation that buyers have when purchasing property

about what can be built next to them. She questioned whether the direct waterfront was part of the property that was subject to the proposed zone change. Ms. Perez shared concerns with the parcel being used for drydocking and any addition to the number of vessels that were permitted for the marina.

Carol Zacchio of 114 Shore Drive noted that she shared those same concerns in terms of what might be stored in the garage and then launched into the water and whether the waterfront would be used for additional docks. She noted how crowded her cove gets with boats.

Mr. Platt questioned the uses included as part of the proposed text, noting that some were already included under the definition of a marina. He noted that the definition also included boat rentals. Mr. Platt questioned whether the boat storage would be for inside or outside. Mr. Richard indicated that it could be either.

Mr. Marchand shared concerns with spot zoning. Mr. Sanden noted that he had misgivings about the proposal generally. Mr. Cooney questioned how the storage might be accomplished so that it would be aesthetically pleasing. He also shared concerns with fluids.

Mr. Closson explained to Mr. Richard that what is included in marina accessory use is already included in the marina definition. He questioned what Mr. Richard might have planned for this property. Mr. Richard explained that he wasn't quite sure.

Ms. Lavoie noted that there was a property between the marina building and this parcel that was also in the Highland Lake Business District.

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

C. PZC#21-05 – Special Permit Location: 28 South Main Street Applicant: FDN Masonry & Construction Owner: Shelley Harms DBA Icebox Investments, LLC Proposal: Convert Mixed Use Building to Multi-Family Use.

The legal ad was read into the record with it reported as having run the requisite two times, July 29, 2021 and August 3, 2021, in the Republican American. Staff confirmed receipt of the Certificate(s) of Mail, serving as evidence that abutting property owners had been provided with notice of the public hearing.

Shelly Harms, accompanied by her husband David Torrey, appeared before the Commission regarding this application. She noted that this husband is one of a row of houses along South Main Street wherein the others are all residential but for hers being mixed-use. Ms. Harms explained that her house was on the market last year along with the Primo building next door, tenants began to move out. She reported that her husband owns several rental properties in other towns and that they are both receiving many calls from people seeking residential units. She indicated that there is not a demand for commercial property.

The hearing was open to the public.

Linda Groppo, noting that she was sharing her thoughts and concerns as a resident of 18 Cherry Street, urged the Commission to consider the Plan of Conservation and Development when reviewing

this proposal, reminding them that 44% of the housing in Winchester is comprised of multi-family dwelling units. Of those, 55% are located in the downtown area, according to Ms. Groppo.

Mr. Cooney questioned whether the middle floor was vacant. Ms. Harms indicated that someone had already moved in.

Ms. LaVoie questioned whether the property had always been residential. It was noted that it was currently zoned as a mixed-use building. Mr. Platt questioned whether there were any planned changes to the parking area. Ms. Harms indicated that there was not. Mr. Torrey explained that what was the kitchenette in his law office had been moved to next door. Mr. Marchand questioned whether each unit had two exits. Ms. Harms and Mr. Torrey confirmed.

Mr. Torrey reported all of the smoke detectors and CO detectors were functional. He explained that they own several multifamily units. Staff reminded the applicant that a rental inspection should always occur prior to occupancy. A Rental Certificate of Occupancy is required every two years or more frequently when there is a change in tenants, according to staff. It was noted that an annual inspection should also occur by the Fire Marshal for any dwelling that is three units or more. Finally, the applicant was reminded that a building permit should be sought and received prior to any building modifications, according to staff.

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

6. OLD BUSINESS:

A. PZC#21-03 – Special Permit Location: 351 North Main Street Applicant/Owner: Hedgerow Properties, LLC Proposal: Convert Mixed-Use Building to Two-Family.

No business discussed as the public hearing was continued.

B. PZC#21-04 – Special Permit Location: 220 East Lake Street Applicant/Owner: Eric Richard Proposal: Zone Change; Zoning Regulation Change – Text Amendment (Marina Accessory Use).

Mr. Marchand noted the lakefront portion of this property is already zoned as Highland Lake Business District. The Commission reviewed that area of the lake from the town's GIS. Concerns with adding more traffic on the lake were discussed. Mr. Closson shared concerns with expanding the commercial zone into a residential area. Mr. Marchand agreed. Mr. Sanden recalled there being great care taken to accommodate the three existing businesses up at Highland Lake. Discussion ensued as to which properties on the water side in that area are zoned as Highland Lake Business District. Staff noted that the HLBD properties stretch from the marina to Stew Jones place.

MOTION: Mr. Marchand, Mr. Cooney second, to approve Application ; Motion failed with Mr. Closson, Mr. Sanden, Mr. Marchand, Mr. Cooney, and Mr. Platt being opposed.

C. PZC#21-05 – Special Permit Location: 28 South Main Street Applicant: FDN Masonry & Construction Owner: Shelley Harms DBA Icebox Investments, LLC Proposal: Convert Mixed Use Building to Multi-Family Use.

6. NEW BUSINESS:

A. PZC#05-03 – Open Space Subdivision Expiration of Platt Hill Road Subdivision.

Kirt Mayland appeared before the Commission regarding this matter. He explained that he was the owner of this land and would be leasing a portion of this land to a solar company and the remaining portion would be conveyed to the Land Trust. Mr. Mayland reminded the Commission that the site was an approved subdivision which expired years ago. He noted that when it expired, the Town had failed to file a Notice of Termination. He explained that the proposed resolution to terminate the subdivision would void the 26 lots. Mr. Mayland indicated the land should return to its original one lot, which would happen through the filing of a consolidation map.

Mr. Mayland explained that a request will be made of the Board of Selectmen for return of the surety bond that was put up as part of the subdivision, a drainage easement, and a declaration and grant of conservation easement.

Mr. Marchand questioned the three lots along Platt Hill Road. Mr. Mayland reported a very recent purchase of those three lots which would resort back to the original one parcel.

MOTION: Mr. Closson, Mr. Marchand second, to approve the following resolution:

RESOLVED, that the Winchester Planning and Zoning Commission hereby approves the request of Platt Hill Land, LLC to void the subdivision approved by the Commission on December 8, 2005 known as "Trade Winds Farm," being Maps #1968 and #1969 in the Town Clerk's Office; and authorize the Chairman or Secretary of the Commission to endorse a perimeter survey of the property with a note indicating that its purpose is to void the said subdivision.

RESOLVED, that the Winchester Planning and Zoning Commission hereby approves the request of Platt Hill Land, LLC to release the Surety Bond Agreement on file at Volume 366, Page 1157 of the Winchester Land Records, and authorize Zoning Enforcement Officer Pam Colombie to implement said release and note such release in the Winchester Land Records.

RESOLVED, that the Winchester Planning and Zoning Commission, in accordance with Connecticut General Statutes Section 8-24, hereby recommends that the Town Meeting take the necessary steps to release the Declaration and Grant of Conservation Easement to the Town of Winchester on file at Volume 366, Page 1124 of the Winchester Land Records and convey such interest back to Platt Hill Land, LLC.

RESOLVED, that the Winchester Planning and Zoning Commission, in accordance with Connecticut General Statutes Section 8-24, hereby recommends that the Town Meeting take the necessary steps to release the Town's interest in a Declaration of Easements, Covenants and Restrictions on file at Volume 366, Page 1146 of the Winchester Land Records.

unanimously approved

7. APPROVAL OF MINUTES: July 12, 2021 and July 26, 2021

July 12, 2021 minute art Melycher not a motion

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

MOTION: Mr. Marchand, Mr. Platt second, to approve the July 26, 2021 Minutes; unanimously approved.

8. COMMUNICATIONS:

Staff queried whether the Commission expected the town attorney to put on an active defense in the appeal that was filed on 149 Newfield Road by the neighbor. Ms. Lavoie questioned whether the Town had a stake in

the decision of the court greater than a typical approval. The consensus of the commission was that the town did not.

9. STAFF REPORT:

Staff reported a zoning permit having been issued for Paws and Reflect, a pet goods shop occupying space on Main Street. Additionally, it was noted that the Ledgebrook Spirit Shop had transferred ownership. It was also reported that the new owners of the front building at 10 Bridge Street have retained an architect as they explore their development possibilities.

Mr. Closson reminded the Commission that the public hearing on the Plan of Conservation and Development update is scheduled for Monday, August 23, 2021 at 7PM at Town Hall.

Mr. Closson noted the permanent hire of the new enforcement officer, Michael Stankov, charged with enforcement of Inland Wetlands, Blight, and Zoning.

MOTION: Mr. Closson, Mr. Marchand second, to appoint Michael Stankov as a Zoning Enforcement Officer; unanimously approved.

11. ADJOURNMENT:

MOTION: Mr. Sanden, Mr. Marchand second, to adjourn; unanimously approved. The Commission adjourned at 8:54PM.

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