



**TOWN OF WINCHESTER**  
**PLANNING AND ZONING COMMISSION**  
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks  
June 28, 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 (7:25PM) Peter Marchand, Art Melycher, Craig Sanden, Alternates Troy LaMere, and Will Platt. Mr. Platt was seated for the duration of the public hearing having been done so prior to Mr. Cooney's arrival.

**2. PUBLIC COMMENT:**

None.

**3. AGENDA REVIEW:**

The agenda was modified to discuss the General Assembly's passing of the legalization of recreational marijuana.

**4. 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.**

The legal ad for the public hearing was read into the record with it noted as having been published the requisite two times, June 17, 2021 and June 22, 2021, in the Republican American. It was noted that staff comments had been received from Police Chief William Fitzgerald, Fire Marshal Steve Williams, and Department of Public Works Director Jim Rollins.

Jana Baker appeared before the Commission on behalf of the applicant. Ms. Baker indicated that there were no planned changes to the parking at this location. Mr. Closson questioned the vehicles at this property. Ms. Baker indicated that they were owned by the current tenant that had been occupying the property prior to the current owner acquiring it.

The hearing was open to the public.

Kimberly Gilbert of 11 Brook Street, noting that she owned the property behind the subject location, shared her concerns with maintenance of the property. She reported the current owner had owned the property since March of 2020. Ms. Gilbert indicated that she had submitted photographs depicting the conditions to the Building Department ahead of this hearing. Staff acknowledged that they were misplaced and were therefore, not included in the packages of the Commission nor available at this meeting. Ms. Gilbert spoke about uncut grass, trash in the front of the building, trash in the back of the building, and motion vehicles stored at the site that do not belong to the owner nor tenants.

Bill Lamoyne, owner of the car wash located at 351 North Main Street, spoke in opposition of the property. Mr. Lamoyne reported that he has operated this car wash for many, many years and the nature of his business is that it is loud. Despite his company's attempts to minimize it, there have been numerous complaints shared regarding the noise. He shared concerns with parking, too. Mr. Lamoyne shared concerns with the sense of safety of his customers as they pull up to his car wash and are near residents who may be sitting outside and drinking beers.

Ms. Baker readdressed the Commission, explaining that she had been trying to retain a landscape company to cut the grass but was experiencing difficulty doing so. Ms. Baker indicated that the while the cars have been

observed, her company was unsure of what to do with them. Ms. Baker reported that immediately after having acquiring the property, her company had listed it for sale. She explained that while many inquiries were received on it, most of them were for rental units.

Mr. LaMere recalled that area always being a retail area. Mr. Platt questioned whether the applicant might consider reducing the pavement in this area so as to make the property look more residential. Ms. Baker indicated that she would take back to her company whatever requests or recommendations this board might have.

Mr. Melycher questioned staff about the last time an annual Fire Marshal inspection was completed. He also questioned whether the property had been checked for Blight.

Mr. Marchand suggested that the second entrance off the state highway should be removed if the property is to be converted to residential only. The landscape island should also be removed so that it does not appear to be a commercial parking lot for a residential building, according to Mr. Marchand.

It was noted that the Zoning Regulations require two parking spots were residential unit.

The applicant was provided with direction from the Commission to plan to return at the next meeting with site development, site lighting, and more information on parking including the location for the tenants.

**MOTION:** Mr. Marchand, Mr. Melycher second, to continue the public hearing in the matter of PZC#21-03 – Special Permit Location: 351 North Main Street Applicant/Owner: Hedgerow Properties, LLC Proposal: Convert Mixed-Use Building to Two-Family; motion approved with Mr. Closson, Mr. Marchand, Mr. Melycher, Mr. Platt, and Mr. Sanden voting in favor.

## **5. 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 was discussed as the public hearing was continued.

As a regular member, Mr. Cooney was seated at this point in the meeting and Mr. Platt resumed his alternate status.

## **6. NEW BUSINESS:**

### **A. 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.**

Shelly Harms, accompanied by her husband David Torry and a representative of her contractor/applicant FDN Masonry & Construction, appeared before the Commission regarding this application. Staff noted that while there had not been copies of the application submitted in time to be included in the packages prepared for the Commission, copies had been waiting at their table for this meeting. It was also noted that while a site plan had not been submitted, a rendering of the parcel was included.

Ms. Harms explained that modifications were planned for the interior only. Mr. Closson explained that as part of this special permit process, they would review the criteria included in the Zoning Regulations included parking and lighting. It was confirmed that the applicant had been provided with copies of the portion of the regulations related to Site Plan requirements and Special Permits/Special Exceptions. It was noted that until a site plan was submitted, a public hearing would not yet be scheduled.

**MOTION:** Mr. Marchand, Mr. Sandan second, to table Application #21-05; unanimously approved.

**B. PZC#21-06 – Plan Modification Request Location: 240 Perch Rock Trail Applicant: Peter D’Addeo Owner: Sandy Drive Three, LLC.**

The Commission noted that only a plan had been submitted and that a copy of the application had not been provided. Staff reported that only one original application had been received. It was noted that this residential property had begun as a demolition and reconstruction back in 2008 and that several iterations of the plan had evolved over the years. The consensus of the Commission was that the Building Department review this plan and if Zoning Enforcement Officer Marc Melanson had any questions, he could then consult with Attorney Kevin Nelligan as to whether the requested modification should be submitted and reviewed by the Zoning Board of Appeals.

**MOTION:** Mr. Marchand, Mr. Sanden second, that Application #21-06 Plan Modification Request Location: 240 Perch Rock Trail be tabled due to an incomplete application; unanimously approved.

**C. Discussion/Possible Action Regarding Public Act 21-29 (Bill #6107).**

The Commission discussed the provision for “opting out” from the various components of Public Act 21-29. Mr. Marchand noted that the Board of Selectmen may have to do that for some aspects of it. Mr. Closson questioned whether any legal guidance is possible from land use Attorney Mark Branse. Staff confirmed that Attorney Branse is reviewing the components of it for other municipalities. The consensus of the commission was that staff should try to obtain additional clarification on the impacts of this legislation.

The Commission also discussed the legalization of recreational marijuana in the state. More information on the obligations of towns related to this should also be sought from Attorney Branse.

**7. APPROVAL OF MINUTES: June 14, 2021**

The approval of the June 14, 2021 Minutes was deferred to the following meeting.

**8. COMMUNICATIONS:**

Staff distributed copies of work produced from General Code as it was determined falls under the purview of this board. General Code is the company hired by the Board of Selectmen to codify the town’s ordinances and regulations, according to staff.

**9. STAFF REPORT:**

Staff reported that the town manager had made an emergency appointment for a new Wetlands Agent/Zoning Enforcement Officer/Blight Officer. Michael Stankov was hired for up to 19.5 hours per week, to start, according to staff. It was also noted that former Town Manager Bob Geiger has been hired for up to ten hours per week to help out with blight.

**10. OTHER BUSINESS.**

**A. Short Term Rentals Regulation Workshop – POSTPONED.**

No business discussed.

An announcement was made that this meeting was the last one for Mr. Melycher, as he was moving from town. Mr. Melycher was thanked for his service.

**11. ADJOURNMENT:**

**MOTION:** Mr. Melycher, Mr. Marchand second, to adjourn; unanimously approved. The Commission adjourned at 8:11PM.

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