



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall 338 Main Street - 2nd Floor – P. Francis Hicks
May 24, 2021 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman George Closson called the meeting to order at 7:05PM.

Mr. Closson noted that the following individuals were present: Peter Marchand, Art Melycher, Alternates John Cooney, and Will Platt. Jerry Martinez and Craig Sanden were absent excused. Troy LaMere was absent.

Mr. Cooney and Mr. Platt were seated for this meeting.

2. PUBLIC COMMENT:

None.

3. AGENDA REVIEW:

MOTION: Mr. Marchand, Mr. Melycher second, to include Applications PZC#21-01 – Special Permit Location: 100 New Hartford Road and PZC#21-02 – Special Permit Location: 80 Chestnut Street under public hearings; unanimously approved.

4. PUBLIC HEARINGS.

A. PZC#21-01 – Special Permit Location: 100 New Hartford Road Applicant/Owner: James Kloczko Proposal: Special Permit for Landscape and Construction Yard/Mini Mix Concrete.

The legal ad for the public hearing was read into the record with it being noted as having been published the requisite two times, April 28, 2021 and May 3, 2021, in the Republican American. It was noted that the Certificates of Mail were received serving as proof that copies of the legal ad for the public hearing had been provided to the neighbors. Additionally, staff reported approval having been received from the Inland Wetlands and Watercourses Commission on April 16, 2021. The applicant's proposal was reviewed by the Architectural Review Committee on May 20, 2021, according to staff.

Jim Kloczko, accompanied by Land Surveyor Bob Greene, appeared before the Commission regarding this application. Mr. Kloczko explained that his proposal was to use this site for construction/landscape and mini-mix concrete. He noted that his surveyor had prepared plans to contain the sandstone and any materials from entering the catchbasins and thereby reaching the wetlands.

Mr. Closson questioned whether Mr. Kloczko had received the comments from Zoning Enforcement Officer Marc Melanson. He indicated that he had not. Mr. Closson noted that neither the fire marshal or police chief had no recommendations. Mr. Closson indicated the plans should include a signature block.

Mr. Closson questioned whether the parking was remaining the same. Mr. Kloczko confirmed. Mr. Closson observed a light pole will be removed so that area could be paved.

Mr. Kloczko explained that materials were loaded onto the truck dry and are then transported to the site and mixed as needed. He stressed that there are no washing of the trucks in the yard. Mr. Closson questioned whether the sand storage was in the previously approved area for refuse. He questioned how the concrete containment berm will function. Mr. Kloczko indicated that the pavement will be sealed utilizing construction adhesive.

Mr. Closson questioned whether there was a plan to include a dumpster. Mr. Kloczko indicated that he was not. He noted that he did not have a dumpster on the site and that he generally produces very little trash.

Mr. Closson questioned whether there were any proposed changes to the existing landscaping. Mr. Kloczko indicated that there would not be except for the removal of the one light pole. Staff shared the recommendations provided by the Architectural Review Committee which included enhancements to the existing sign by the road including painting of the base and pole and some shrubs to that area. Additionally, the ARC suggested the addition of arborvitae at the top of the bank near the parking area, just on the other side of the parking lot, so that in the wintertime, the view of the site is less visible.

It was noted that the silo was not a permanent structure and could be moved around on the site.

Mr. Marchand questioned whether there would be any servicing to equipment on the property or within the building. Mr. Kloczko noted that most of the heavy repairs are farmed out to a shop. Mr. Marchand questioned whether there would be any type of changing of oil or that type of activity. Mr. Kloczko indicated that there would not be. Mr. Closson suggested that there is likely a grease trap already in place at this facility. Mr. Kloczko agreed, noting that it is likely in the ground. Mr. Closson questioned whether that would be removed. Mr. Kloczko indicated that it would not be, explaining that he would like to do work inside the building. Mr. Closson questioned whether Mr. Kloczko knew the status of that unit. Mr. Kloczko noted that the unit had been pumped.

Mr. Cooney questioned the amount of equipment that would be going in and out of this site. Mr. Kloczko estimated the frequency to be three or fewer times per day. He noted that he also has snowplow trucks. Staff questioned the plow trucks, noting that those are not associated with the mini-mix concrete business. Mr. Kloczko explained that his landscaping crew was limited to only himself.

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

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

B. PZC#21-02 – Special Permit Location: 80 Chestnut Street Applicant/Owner: Winchester Housing Authority Proposal: Chestnut Grove Elevator.

The legal ad for the public hearing was read into the record with it being noted as having been published the requisite two times, April 28, 2021 and May 3, 2021, in the Republican American. It was noted that the Certificates of Mail were received serving as proof that copies of the legal ad for the public hearing had been provided to the neighbors. The applicant's proposal was reviewed by the Architectural Review Committee on May 20, 2021, according to staff. She reported the ARC had no recommendations but were very excited and enthusiastic to see this project be completed.

John Kwasniewski of Burlington Construction appeared before the Commission regarding this application. He noted that a small elevator lobby and elevator addition to this site. Mr. Kwasniewski explained that the goal of the project was so that two forms of ADA egress would be available for the residents of this building. Currently, there was one non-code compliant elevator. Mr. Kwasniewski indicated the façade will match that on the existing building. He noted the footprint is minimal and will replace the entryway currently there on the southerly side of the building.

Mr. Melycher questioned whether the elevator was ADA compliant. Mr. Kwasniewski confirmed, noting that it was not only ADA compliant but was also a life-safety matter. He explained that once this elevator is completed, the goal of the Housing Authority was to update the current elevator to meet those same standards.

Mr. Closson questioned when the project would likely get underway. Mr. Kwasniewski noted that it would get started in terms of permitting and ordering as soon as approvals were gained from this commission. Mr. Platt questioned the size of the bump-out. Mr. Kwasniewski explained that while the bump-out was not completely rectangular, it was about 40'x30'.

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

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

5. OLD BUSINESS:

A. PZC#20-30 – Special Permit Location: 149 Newfield Road Applicant/Owner: East Coast Assistance Dogs (ECAD) Proposal: Special Permit for Phase III of Training Kennel and Modify Approved Site Plan.

The Commission began their deliberations on this application by reviewing the Minutes from the April, 2016 approval. Mr. Closson noted the importance of the special permit process with a commercial use in a residential neighborhood. He noted the original approval had included conditions for trees and for hours of operation. Mr. Closson reminded this commission about the visit by them to the site earlier this year during a wintry day. He noted that the trees that were observed were closer than 20' on center and were much smaller than what had been approved. He suggested that the construction sequencing on this proposal be included as a condition that the silt fence be installed first followed by the planting of the buffering trees prior to a permit being issued for a foundation. Mr. Closson also suggested some type of higher fencing between this property and the neighboring property at the toe of the site.

Mr. Closson also suggested that a landscaping bond be included. He also recommended an annual report on the stormwater maintenance be provided to this board. Mr. Closson noted an as-built survey should be provided prior to the issuance of a certificate of occupancy.

Mr. Closson recommended the landscaping trees be relocated as a call in the field.

Mr. Platt agreed with obtaining a landscaping bond. He suggested plantings be included near the outdoor mechanical equipment. Mr. Platt opined that the color of the roof should not be reflective.

Mr. Marchand suggested a modification of the hours on Saturday and Sunday and limits on what time any sound emitting from a backup alarm could occur. He also suggested a curbing be added to the south side of the driveway for the section from the small garage leading to the new parking area. Mr. Marchand also questioned the qualifications of the person completing the inspection of the water basin and where and for how long those records will be retained. He also questioned the location of any resulting spoils from the maintenance of that basin. Finally, Mr. Marchand suggested that a KnoxBox be installed for Fire Department emergency access.

Mr. Melycher shared his concerns with the landscaping buffer between this site and the residential neighbor at 147 Newfield Road. He agreed with including a condition requiring a landscape bond.

ECAD Executive Director Dale Picard and his legal counsel Patsy Renzullo were present for this discussion as the Commission considered conditions to be included as part of an approval. It was noted that because the plantings near the mechanical equipment on the second building were not discussed during the public hearing, that request would not be included as a required condition as part of an approval. Instead, the Commission intended for staff to communicate with the applicant and his team a recommendation that plantings be considered and added to provide additional buffering of noise emitting from this area.

MOTION: Mr. Marchand, Mr. Melycher second, to approve Application #20-30 – Special Permit Applicant/Owner: East Coast Assistance Dogs (ECAD) Location: 149 Newfield Road Proposal: Special Permit for Phase III of Training Kennel and Modify Approved Site Plan, having found 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. The Commission acknowledges a valid site plan approval for PZC Application #16-06, granted on April 11, 2016. Town Zoning Regulations were subsequently modified on November 6, 2016, rendering portions of the approved site plan as pre-existing, non-conforming.
3. The applicant seeks to enlarge the approved building from a gross square foot size of 7118, which falls under the definition of *Kennel* in the Rural Residential Zone.
4. A public hearing was scheduled and held on January 25, 2021. The Commission finds the testimony received, the submitted narratives and plans, and the reports from other town agencies, Boards and staff compelling.
5. This application is consistent with the Town’s Plan of Conservation and Development.
6. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions*.
7. Approval is granted based 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)
 - C7 (Sedimentation and Erosion Control Plan)
 - C8 (Planting Plan)
 - Architectural Drawings prepared by BOE Studio Architects entitled, “K-9 Residence/Office Building 149 Newfield Road, Winchester CT for E.C.A.D.” dated December 10, 2020, inclusive of Sheets:
 - A1 (Floor Plan)
 - A2 (East and South Building Elevations)
 - A3 (North and West Building Elevations)
8. Silt fence to be installed immediately upon issuance of building permit.
9. Buffer area to be installed prior to the rest of site work. Relocation/better positioning of plants along building 1 to be made in the field prior to the issuance of a foundation permit.
10. Fence adjacent to southerly residential properties to include meshing that mimics vegetation.
11. Landscape bond of \$5K for a term of five years from date of this approval.
12. Updated site plan to include conditions of approval to be submitted to Planning Department.
13. State of Connecticut Licensed Professional Engineer to inspect water quality basin and submit findings in report to Planning Department on an annual basis.
14. Bituminous curbing to be installed on southerly side of the driveway in section from smaller garage leading to new parking lot.
15. Operating hours to continue forward from 8AM to 6PM for seven days per week.
16. Roof color of new building to be a non-reflective color/material.
17. Recommendations from this Commission to the applicant to include landscaping to buffer noise of new mechanical equipment of Building 2.
18. KnoxBox be installed on Building 2.

19. Applicant to update staff on final location of spoils removed from basin.
20. Buffer landscaping to be replaced should any of them not make it;

unanimously approved.

B. PZC#21-01 – Special Permit Location: 100 New Hartford Road Applicant/Owner: James Kloczko Proposal: Special Permit for Landscape and Construction Yard/Mini Mix Concrete.

Mr. Closson noted that the plans should be updated to include a Zoning Table.

MOTION: Mr. Closson, Mr. Melycher second, to approve Application #21-01 – Special Permit Applicant/Owner: James Kloczko Location: 100 New Hartford Road Proposal: Special Permit for Landscape and Construction Yard/Mini Mix Concrete, having found 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. This application is consistent with the Town’s Plan of Conservation and Development.
3. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions.*
4. Approval is granted based on the following submitted plans and drawings:
 - “Site Plan Modification and Erosion & Sedimentation Control Plan Prepared for James Kloczko 100 New Hartford Road Winchester, Conn. Scale 1”=20’ “ prepared by prepared by Robert Green Associates, LLC dated April 12, 2021 (Sheet 1 of 2); and “Miscellaneous Notes & Details Site Plan Modification and Erosion & Sedimentation Control Plan Prepared for James Kloczko 100 New Hartford Road Winchester, Conn. Scale 1”=20’ “ prepared by prepared by Robert Green Associates, LLC dated April 12, 2021 (Sheet 2 of 2).
5. The sign at the entrance to the site should be completely refinished.
6. The site plan should have a signature block for the commission and should include a Zoning Table.
7. Add plantings as discussed to just outside the parking on the Route 44 side of the site;

unanimously approved.

C. PZC#21-02 – Special Permit Location: 80 Chestnut Street Applicant/Owner: Winchester Housing Authority Proposal: Chestnut Grove Elevator.

Mr. Closson suggested a full size print be submitted to the Planning Department.

MOTION: Mr. Melycher, Mr. Marchand second, to approve Application #21-02 – Special Permit Applicant/Owner: Winchester Housing Authority Location: 80 Chestnut Street Proposal: Chestnut Grove Elevator, having found 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. This application is consistent with the Town’s Plan of Conservation and Development.
3. This application meets the criteria and standards of *III.J. Common Regulations: Special Permits/Special Exceptions.*
4. Approval is granted based on the following submitted plans and drawings:
 - Marked up Site Development Plan Maintenance Building The Chestnut Grove Apts. As originally prepared by Palmberg & Russo Land Surveyors & Professional Engineers in 1985.
5. Full size print to be submitted to the Planning Department for the file.
6. An as-built to be submitted after the project is completed;

unanimously approved.

6. NEW BUSINESS:

None.

7. APPROVAL OF MINUTES: April 26, 2021

The approval of the April 26, 2021 minutes was continued to the next regular meeting.

8. COMMUNICATIONS:

Staff confirmed that the Commission received an email about the Freedom of Information Act training that was scheduled for July 8, 2021 at 5PM.

9. STAFF REPORT:

Staff reported the new restaurant moving into the former location of Flippin' Grill. It was noted that it will become Asa's Steak and Seafood.

Mr. Marchand reported the recent approval of the solar farm on Platt Hill Road by the Siting Council.

10. OTHER BUSINESS.

No business was discussed.

B. POCD Discussion.

It was agreed that staff would meet with Mr. Closson and Mr. Marchand to finish the draft of the POCD on Wednesday, June 2, 2021 at 10AM.

D. Short Term Rentals Regulation Workshop – POSTPONED.

No business discussed.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. Melycher second, to adjourn; unanimously approved. The Commission adjourned at 8:43PM.

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