



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester**

**Held Remotely (Via Zoom) and livestreamed on YouTube.
April 26, 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, Jerry Martinez, Art Melycher, Craig Sanden, and Alternates John Cooney, Troy LaMere, and Will Platt. Art Melycher was absent excused.

2. PUBLIC COMMENT:

Town Manager Josh Kelly introduced himself to the Commission and reported that he was hosting two Zoom meeting sessions to function as a Meet and Greet, scheduled for the following evening and in the morning on Wednesday, April 28, 2021. Mr. Closson and Mr. Marchand shared their concerns with what they perceive as a general lack of enforcement.

3. AGENDA REVIEW.

The agenda was modified to take up *NEW BUSINESS: Review of Proposed Capital Improvement Budget as Required under the Town Charter and Connecticut General Statutes Section 8-24* ahead of the Public Hearing.

4. NEW BUSINESS.

A. Review of Proposed Capital Improvement Budget as Required under the Town Charter and Connecticut General Statutes Section 8-24.

Finance Director Bruce Stratford reviewed the proposed Fiscal Year 2022 Capital Improvement Plan. He reviewed the plans and explained the items funded in the proposed plan. The Hinsdale School Project, the fire department and police department projects, and projects to be undertaken by the Department of Public Works were discussed.

MOTION: Mr. Closson, Mr. Marchand second, to forward a positive referral to the Board of Selectmen pursuant to CGS8-24 on the proposed Fiscal Year 2022 Capital Improvement Plan; unanimously approved.

5. PUBLIC HEARINGS.

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.

MOTION: Mr. Marchand, Mr. Sanden second, to reopen the public hearing for Application 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; unanimously approved.

East Coast Assistance Dogs (ECAD) Executive Director Dale Picard, accompanied by Professional Engineer Jason Dismukes, Architect Michael Boe, and Attorney Patsy Renzullo appeared before the Commission regarding this application.

Mr. Dismukes reminded the Commission that approval had already been sought and received from the Inland Wetlands and Watercourses Commission (IWWC) for the widening of the driveway to 20' except for the area of the culvert. That area had since been approved for widening, too, by the IWWC, according to Mr. Dismukes.

Mr. Dismukes reminded the Commission that an additional issue that had been resolved was related to the amount of impervious surface coverage. He noted that replacement of impervious surface with pervious pavers resolved that matter.

Mr. Dismukes reviewed the revised plans. It was noted that a stormwater management plan had been added to the plans, too.

Mr. Boe then read aloud a 10-page submittal from the applicant entitled, *Response to III. Common Regulations, J. Special Permit/Special Exceptions, Winchester Planning and Zoning Regulations*. The factors the Commission considers as criteria for special permits was included with comments on each from the applicant. This document was listed as having been submitted on April 23, 2021 and was uploaded to the Town's website, allowing for public inspection ahead of the regular meeting.

Mr. Dismukes referenced the April 11, 2016 minutes, noting the plural term "buildings" used.

Mr. Boe reported the site visit made by Department of Public Works Director Jim Rollins as the applicant sought to verify, through test pits in the driveway, its composition. Mr. Boe included photographs from that process. Mr. Closson questioned whether the original plan included a detail on how the roadway would be constructed. Mr. Dismukes noted that test pits were completed so as to verify the information provided by the contractor, Bill Eichner. He noted that it appeared to be as Mr. Eichner described, noting a significant amount of process gravel. Mr. Dismukes reported that Mr. Rollins confirmed in his observations of the test holes.

Mr. Lamere questioned whether any bond was required on this project. Staff noted that there was none required by the Inland Wetlands and Watercourses Commission.

Amy Reeve of 147 Newfield Road shared her concerns with the driveway being sloped to the north and questioned what measures would be undertaken to protect the driveway runoff. She questioned what processes would be used during the winter months for snow and ice control. Ms. Reeve cited the problem with water on Newfield Road in this area and noted the lack of hydrologic data to either support or refute the claims that ECAD has no responsibility with the water draining onto Newfield Road.

Mr. Dismukes noted that the IWWC dealt with the wetlands issues. He explained how water will be absorbed into the pervious pavement areas. Referencing the 2016 minutes, Mr. Dismukes noted that commissioners at that time had recognized a problem with water on Newfield Road long before the construction of ECAD. Mr. Dismukes shared photographs of the current conditions at the adjacent property at 151 Newfield Road. Mr. Closson questioned whether the pipe installed by the Town in Newfield Road was done so with the intention of picking up the water in that spot. Mr. Dismukes confirmed.

Mr. Platt questioned the color of the proposed roof of the building. Mr. Boe noted that the roof will be green. Mr. Platt questioned whether the soil in the area of the proposed trees has been tested to ensure that they will reach their indicated optimum growth. Mr. Boe indicated that the soil has not been tested but that a medium will be added if necessary to facilitate growth.

Staff questioned the hours and details of a summer camp as included in the 2016 approval. Mr. Picard indicated the summer camp has been discontinued.

Mr. Marchand questioned who would complete the stormwater maintenance inspections and what qualifications that individual would have. He also questioned where the inspection/maintenance records are retained and for what period of time they are retained for. Mr. Marchand also questioned how the sediment/spoils will be disposed and the location for disposal. Mr. Dismukes recalled that the Zoning

Regulations detail the requirements. Mr. Closson indicated that an approval would likely be directive in this respect.

Mr. Marchand opined that as most of the garbage waste is likely to be generated from the top of the site, the dumpster enclosure should be located further up the driveway. Mr. Picard indicated that the garbage is hauled from the top buildings at the end of each evening.

Mr. Closson shared his preference for the 2016 plan for the trees at the top of the site and questioned whether the 155 Newfield Road property near the driveway could be better shielded from headlights through the addition of more trees on the subject site. Mr. Picard explained that he had taken the black slats from the top fence and installed them in the chain link fence that separates the site with the neighbor. He noted that the neighbor had cut down hemlocks on 155 Newfield Road that had previously provided a vegetative buffer. Mr. Picard opined that he should not have to plant plants and suggested that it ought to be the neighbor who is ordered to install plantings.

Bill Pozzo of 155 Newfield Road shared concerns with salt from a 20' wide road in this location. A letter submitted by Mr. Pozzo sharing his concerns with the proposal was read into the record.

Attorney Robert Fisher, appearing on behalf of Ms. Reeve, noted that the applicants had made no mention yet about the Plan of Conservation and Development. He noted that the POCD indicates that this section of town and rural and residential and one of its associated goals is to minimize the density of this district. He urged the Commission to consider the POCD in reviewing the expanded commercial use in this residential zone.

Ms. Reeve discussed the emphasis being placed on Low Impact Development (LID) as being a positive concept for the site. She indicated that the reason it was necessary for the LID was because the site was being overdeveloped. Ms. Reeve opined that 16000 square feet of commercial space for a parcel this size was a lot. She questioned what this property with this type of development would be used for if ECAD were to leave.

Richard Alling of 133 Wahnee Road, noting that he represents owners of property in excess of 1000 acres, reported that they would like to see the property maintained as rural residential.

Mr. Dismukes reminded the commission that it is the position of his team that approval has already been received for a second building and that they are seeking only a modification.

Ms. Reeve questioned why an approval would be considered by this Commission when a Certificate of Occupancy has not been issued for the first approval.

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

6. 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 consensus of the Commission was that they preferred to continue a decision on the application until after having a chance to pick up the hard copies of the revised plans and additional documents.

MOTION: Mr. Marchand, Mr. Sanden second, to continue the application to the May 10, 2021 regular meeting; 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.

MOTION: Mr. Marchand, Mr. Sanden second, to schedule a public hearing via Zoom for Application 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 for May 10, 2021 at 7:00PM; unanimously approved.

7. APPROVAL OF MINUTES: April 12, 2021

MOTION: Mr. Marchand, Mr. Sanden second, to approve the April 12, 2021 regular meeting Minutes; unanimously approved.

8. COMMUNICATIONS:

No communications were noted.

9. STAFF REPORT:

Staff reported that the Railway Café was open for business. It was also noted that an expansion request of the Rooted Market, a health food store in Winsted, into the building at 398 Main Street to operate a smoothie shop. She noted that another shop those owners would like to open includes a golf swing analysis business.

10. OTHER BUSINESS.

A. To consider and act upon a resolution approving pursuant to Section 8-24 of the Connecticut General Statutes replacements and improvements to water mains and water storage tanks of the Winsted Water Works.

Mr. Stratford explained that the Town’s bond counsel had recommended language for the infrastructure projects for Winsted Water Works. Mr. Marchand questioned the noted planned removal of the Wallens Hill water tank, recalling Project Manager Bart Clark had indicated that no determination had been previously made. It was noted that the drawings thus far are concept drawings. Mr. Stratford indicated that Mr. Clark was likely referring to the possibility of repurposing the tank for another use if it proved possible and practical to do so.

MOTION: Mr. Marchand, Mr. Sanden second, to approve the following resolution related to the water mains and water storage tanks of the Winsted Water Works:

RESOLUTION OF WINCHESTER PLANNING AND ZONING COMMISSION

RESOLVED, that the Planning and Zoning Commission of the Town of Winchester hereby approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut, Revision of 1958, as amended:

Replacements and improvements to water mains and water storage tanks of the Winsted Water Works, including the removal and replacement of watermains generally located at Thibault Avenue, Greenwoods Avenue, Center Street, Case Avenue and Holabird Avenue, replacement and removal of the water storage tank located on Wallens Hill, the addition of a water storage tank to be located at the Crystal Lake Water Treatment Plant;

provide that this resolution is for approval of conceptual plans only. The project is subject to and shall comply with all applicable zoning, site plan, inland wetland and other laws, regulations and permit approvals, and this resolution shall not be a determination that the project is in compliance with any such applicable laws, regulations or permit approvals;

unanimously approved.

B. POCD Discussion.

Mr. Closson reminded Mr. Martinez that he was going to provide suggestions on the section of the POCD related to conservation.

D. Short Term Rentals Regulation Workshop – POSTPONED.

No business discussed.

Staff reported zoning enforcement actions were undertaken on 24 Strong Terrace and 59 Grove Street.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. Melycher second, to adjourn; unanimously approved. The Commission adjourned at 9:38PM.

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