



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

**Held Remotely (Via Zoom) and livestreamed on YouTube.
February 8, 2021 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman George Closson called the meeting to order at 7:07PM.

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

2. PUBLIC COMMENT:

No comment was received.

3. AGENDA REVIEW.

The agenda was modified in the order of the public hearings, taking up *PZC#21-02* for a *Special Permit* at *450 Main Street* ahead of *PZC#20-30* for a *Special Permit* at *149 Newfield Road*.

MOTION: Mr. Melycher, Mr. Sanden second, to modify the agenda to take up *PZC#21-02* ahead of *PZC#20-03*; unanimously approved.

4. PUBLIC HEARINGS:

A. PZC#21-02 – Special Permit Location: 450 Main Street Applicant: Sharon Hines Owner: Four Fifty Main Street, LLC Proposal: Mixed Use Building – Retail, Personal Service and Retail, Small Shop on First Floor (2) and 9 Apartments on Second and Third Floor.

The legal ad was read into the record with it noted as having been run the requisite two times, on January 30, 2021 and February 3, 2021, in the Republican American. Staff reported having not received comments from the Police Chief, Fire Marshal, or Department of Public Works Director, explaining that the building is located directly on Main Street. The Board was reminded that the applicant had appeared before them for an identical use for a parcel on North Main Street and was familiar with what would be required by way of building permits for any interior modifications.

Sharon Hines appeared before the Commission regarding this application. She noted that her business is a “wash and fold” whereby her customers drop off their items to be laundered. Ms. Hines explained that due to the pandemic, her customers will not be in the building but will instead drop off the items to her. She indicated that she had six machines that she utilizes. Mr. Closson questioned how the items are exchanged. Ms. Hines indicate that her forty customers will drop their items to her.

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

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

B. 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.

Mr. Closson thanked the applicant and the neighbor at 147 Newfield Road for providing the opportunity to the Commission to visit both locations for a better perspective of the sites.

Mr. Closson noted that the public hearing on the special permit could be continued while the applicant seeks a variance from the Zoning Board of Appeals. Mr. Marchand questioned who would complete the inspections, and what qualifications they should have, as included in the water quality maintenance plan of the stormwater treatment. He also questioned the disposal method for the sediments of the pond.

Mr. Marchand questioned whether the plans ought to go back before the Inland Wetlands and Watercourses Commission, opining that they should be reviewing the proposal again due to the increase in the width of the driveway.

Staff reported the next Zoning Board of Appeals meeting was scheduled for February 23, 2021, the next Inland Wetlands and Watercourses Commission Meeting was February 17, 2021, and the scheduled upcoming Planning and Zoning Commission meetings were February 22, 2021 and March 8, 2021.

Professional Engineer Jason Dismukes, accompanied by Architect Michael Boe, Attorney Pat Renzullo, and their client ECAD Executive Director Dale Picard, appeared before the Commission regarding these applications. Mr. Dismukes explained that their last visit before the Inland Wetlands and Watercourses Commission (IWWC) included the widening of the driveway. He noted that it does not require going into the brook or destroying the pipe but will only require sliding some rocks over to pave the driveway. He disagreed that the proposal needed to return to the IWWC. Mr. Marchand noted the entry point to the driveway was currently at fifteen feet and will be increased to twenty feet, opining the IWWC would likely want to review erosion controls in an area that has ice problems already. Mr. Dismukes noted that the ice was not in front of this location and the ice was not coming from this spot.

Mr. Dismukes reviewed the latest revisions to the site plan. Mr. Dismukes noted the south side of the driveway at the entryway could be widened to achieve the twenty-foot width. He noted that the area was outside of the review area. Mr. Dismukes indicated that at the brook, the boulders would be moved over two feet on either side of the driveway and using process behind the boulders would result in widening the driveway.

Mr. Closson questioned whether there was an easement that was recorded on the Land Records going from the front property to the subject rear property. Mr. Dismukes noted that the surveyor included a meet and bounds on the area so he presumed there was something on file in this regard.

Mr. Dismukes noted that there had been information added to the parking up top.

Mr. Dismukes referred to the plan that had been prepared by Professional Engineer Tom Shannon and approved by this Commission. He shared how the parking notes help to establish that a 5000 square foot building had been approved at that point. Mr. Dismukes explained that Allan Borghesi had assisted his client with approval for a parking deferral in 2018. Mr. Melycher indicated that he recalled this.

Mr. Martinez shared his concerns with the noise and nuisance, indicating that one question the Commission should consider is when does a given use function to convert a parcel from the rural residential zone. He noted that some of this would be covered in the times of days that certain activities are allowed.

The communications received since the last public hearing were reported as having been from:

- Attorney Robert L. Fisher on behalf of 147 Newfield Road dated 02/08/2021
- Richard Alling, 133 Wahnee Road, received 02/07/2021
- Dan and Amy Reeve, 147 Newfield Road, received 02/06/2021
- Chaplain John A. Charles, US Army Reserves, 111 Spring Lane, West Hartford, CT received 02/05/2021
- Jean Walsh, 37 Saint James Avenue, Haverhill, MA received 02/03/2021
- Elizabeth Levy, Bethel, CT received 02/01/2021
- Anita Campagna, 38 Buckley Highway, Stafford Springs, CT received 02/01/2021

- Kelly Carroll, 356 Cotton Hill Road, New Hartford, CT received 01/29/2021

Mr. Boe reviewed the proposed spruce trees, noting that they grow to be 60' tall. Mr. Closson questioned the normal spacing for those types of trees. Mr. Boe noted that they are usually spaced at ten to fifteen feet apart. He indicated that these types of trees are planted for screening and for wind breaks, reporting that they have a long life. Mr. Boe explained that they have a long life. Mr. Melycher questioned the types of trees that are currently planted along the chain link fence at the top. Mr. Picard indicated that they were Colorado Blue Spruce trees which were part of his previously approved site plan. Mr. Closson observed that they appear to not have been there a while and questioned whether they were planted last year. Mr. Picard confirmed, explaining that some had been planted last year to replace ones that had died, and some were there from two years earlier. He indicated that he had only been obligated to plant 13 but had planted 22. Mr. Boe reviewed information from the Morton Arboretum on the care and maintenance of the proposed spruce trees. He noted that his client was agreeable to the neighbor at 147 Newfield Road assisting with the location of the trees so that she is pleased with the outcome. He later explained that they will have direct sunlight as they are located on the south side of the deciduous trees.

Mr. Boe reviewed the rating of the insulations to be used within the building, commenting on the efforts undertaken to minimize any noise emitting from it. He also referred to the setbacks for the zone, noting that the proposal exceeds what is required. Mr. Boe explained that the noise from transporting the dogs up and down the hill will cease after the new building is completed as the shuttling of dogs with vehicles will be eliminated. Mr. Boe reported a reduction in the number of vehicles is expected as part-time employees will be shifted to full-time status thereby eliminating the overall number of employees on site.

Mr. Boe indicated the lines were run for the utilities on both buildings and the generator was sized for the two buildings.

The hearing was open to the public.

Richard Alling of 133 Wahnee Road shared his concerns with the soil composition in the area and how that might affect the density of foliage. Mr. Boe indicated that a maintenance plan for the trees will be provided.

Amy Reeve of 147 Newfield Road questioned what assurance would be provided that a 12' tree that might die wouldn't be replaced with a 6' tree. She shared her concerns with viewing the top of the building from her property. She questioned whether there had formerly been an earth berm included as part of previous approvals.

Mr. Closson questioned what open items remained as part of the previous approval. Mr. Dismukes shared the punchlist provided by Building Official/Zoning Enforcement Officer Marc Melanson after a site inspection on November 29, 2018. Mr. Dismukes explained that he and his client had been advised by town staff to address the remaining open items as part of this permit process.

Mr. Closson questioned the hours of operation. Mr. Picard noted that staff arrives at 7:30AM with the workday ending at 7:30PM. Mr. Closson questioned the refuse collection and whether the dumpster located towards the bottom of the driveway is the only spot designated for that. Mr. Picard confirmed. Mr. Closson questioned how the disposal of dog waste was handled. Mr. Picard reported that dog waste is double-bagged in 5-gallon buckets daily and put in the dumpster. He explained that the waste is removed from the property and is sent to the landfill pursuant to instructions received from the Health Department.

Mr. Closson questioned whether the site was regulated by any state agency. Mr. Picard noted that the Department of Agriculture can visit the site at any time because they have a kennel license. This is the only state agency that regulates the facility, according to Mr. Picard. He noted that he has never received a visit

from the State. Mr. Closson questioned the renewal process for the kennel license. Mr. Picard indicated that the kennel license is permitted and renewed through the Town Clerk.

Bill Pozzo of 155 Newfield Road shared his concerns with a landscape buffer along his property line. He explained that while the neighbor at 147 Newfield Road is at a higher elevation to the subject site, his property was below, or a lower elevation to the subject site. Mr. Pozzo questioned whether the expansion proposed to the driveway/road for the development would be engineered, sharing concerns that the snow would melt and add water to his property.

Mr. Dismukes reported having contacted the contractor who had constructed the driveway, Bill Eichner, who had explained that the driveway was boxed out with process gravel compacted in it. He indicated that the driveway was not as steep as it looks. Mr. Dismukes noted that the former Planning and Community Development Director Steve Sadlowski had not required the driveway to be engineered because it was not steep enough to warrant an engineered design. Mr. Closson questioned how the water was being intercepted so as to control the flow so that it does not discharge onto other properties. Mr. Dismukes explained that the way the driveway currently is constructed, the water runs to the north side of the driveway with smaller cross culverts along the way that result in any water running down the south side of the property getting picked up and funneled to the north side of the property. He explained that the north side of the driveway and the 24" culvert that goes under the driveway functions as the bowl that catches all of the stormwater coming off the developed portion of the property.

Noting that the driveway/road was not engineered, Mr. Pozzo questioned whether what he characterized as an old farm road would be allowed to be paved. Mr. Dismukes reported that there are busses that go up and down the driveway/road. Mr. Picard reported that there were also 18-wheelers that have made it up and down the driveway. Mr. Picard indicated that the driveway will be graded accordingly so that the water continues to flow in the direction that it has since it was constructed.

Amy Reeve of 147 Newfield Road shared her concerns with the pipe, noting that all of the runoff runs through that single culvert which is pointed directly at a neighbor's property. She noted that all the stormwater and wetlands lead to that one point. Ms. Reeve reported her surprise as a neighbor with a driveway of similar length who was required by the Town to engage engineers to have proper water handling techniques. She opined that it was unjust to allow modifications to be made to this driveway and the applicant not being held to the same standards as a residential property. She questioned how the Commission could allow the proposal to not provide some mitigation to the existing problems.

Dan Reeve of 147 Newfield Road noted that the applicant has communicated that the utility lines have been run for the proposed new building when what should have been pointed out was that the conduit for the new utilities had been installed. Mr. Dismukes clarified that the infrastructure for the utilities was installed.

Ms. Reeve questioned why further expansion of the use would be considered prior to compliance with the initial approvals. Mr. Closson opined on the inconsistent inspections completed by Town personnel, noting that he has spoken about this for twenty years. He shared his dissatisfaction that ECAD continues to operate under a temporary CO. Mr. Closson noted the requirement of a landscape buffer between commercial projects and residential properties. He also remarked on the lack of consistent verification of compliance with permits and site development, noting that it has been very lax.

MOTION: Mr. Marchand, Mr. Melycher second, to continue the public hearing to the February 22, 2021 regular meeting at 7PM via ZOOM; unanimously approved.

5. OLD BUSINESS:

A. PZC#21-02 – Special Permit Location: 450 Main Street Applicant: Sharon Hines Owner: Four Fifty Main Street, LLC Proposal: Mixed Use Building – Retail, Personal Service and Retail, Small Shop on First Floor (2) and 9 Apartments on Second and Third Floor.

Mr. Closson noted that there was adequate parking, and the use fits in with the uses that are on Main Street. He noted that there would be no change to the appearance of the building and what was in harmony to what has been established for the Town Center.

MOTION: Mr. Melycher, Mr. Sanden second, to approve Application PZC#21-02, 450 Main Street, Assessors Map 110, Block 053, Lot 019, Applicant: Sharon Hines Owner: Four Fifty Main Street, LLC Proposal: Mixed Use Building – Retail, Personal Service and Retail, Small Shop on First Floor (2) and 9 Apartments on Second and Third Floor, effective February 10, 2021; unanimously approved.

B. PZC#20-29 – Zoning Regulation Change Location: 149 Newfield Road Applicant/Owner: East Coast Assistance Dogs (ECAD) Proposal: Zoning Text Amendment to Provide Bonus 5% Impervious Surface Coverage when LID techniques are employed in RR.

While Mr. Martinez and Mr. Melycher were initially in favor of adopting a text amendment, Mr. Marchand was not, explaining that the LID bonus is currently only allowed in the Highland Lake zone. He noted that most of the lots in that zone were non-conforming and very small. Mr. Marchand disagreed with adopting the same concept in the Rural Residential zones as he noted that the lots tend to be larger in the RR zone. Mr. Sanden reminded the Commission the time spent on revising the Zoning Regulations and disagreed with changing them, explaining that the applicants could seek a variance from the Zoning Board of Appeals. Mr. Closson agreed, noting that there had been great effort to not have many different zones for the town. He opined that there was definitely a hardship with the proposal which could not be controlled by the applicant and his design team. Mr. Closson noted that a variance would be unique to this property and would not affect most of the rest of the town which would be the result with the proposed text amendment.

MOTION: Mr. Closson, Mr. Marchand second, to approve the Zoning Regulation Change as proposed; Motion failed with Mr. Closson, Mr. Marchand, Mr. Martinez, Mr. Melycher, and Mr. Sanden opposing.

C. 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.

As the public hearing had been continued, no business was discussed.

D. 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.

James Kloczko appeared before the Commission regarding this application. Mr. Kloczko noted that his engineer was unable to address the Commission. Mr. Closson explained that an application was needed. Mr. Kloczko explained that the soil scientist is delayed due to the snow cover. He noted that all of his planned development was confined to the existing pavement. Staff explained that Mr. Kloczko was currently operating a business from this location and the Town had no idea what the business was, explaining that modifications to the building have already been undertaken. The applicant had been advised that regardless of the actions of this Commission, an abatement order may be issued by the Building Department, according to staff. She noted that a fire had occurred at this site. Mr. Kloczko reported leftover Christmas trees had been burned with an outside gathering with friends and family and that he had discussed the matter with the Fire Marshal who had indicated that he was fine with it. He noted that the Fire Marshal was apologetic that Mr. Kloczko was unable to complete his fire as he had an outdoor grill at the time. Mr. Kloczko was allowed to continue cooking with his grill at the time.

Mr. Kloczko explained that he had a mini concrete business but had not done any business the prior week because of the cold weather. He offered to contact the Building Department the following day. It was explained to Mr. Kloczko that the Building Department would be unable to issue any approvals until the Planning and Zoning Commission had approved the use which can only be rendered after the necessary approvals had been gained from the Inland Wetlands and Watercourses Commission.

Mr. Closson suggested that a discussion with the Community Development Office prior to the business use might have prevented this confusion. Staff reported having met with the applicant prior to his purchase of the property and had explained to him the process.

Mr. Closson noted that this Commission can review the proposal after an approval has been granted from the Inland Wetlands and Watercourses Commission has reviewed it.

Mr. Closson confirmed that no business activity should be conducted from this site until an approval has been issued. Mr. Marchand agreed, noting that there was plenty of time since September to gain the necessary approvals from the Town prior to the snow cover. Mr. Kloczko questioned whether he might operate from there temporarily. Mr. Closson explained that this would not be possible as it would create a slippery slope relative to following the Zoning Regulations and that appropriate applications were necessary. Mr. Kloczko questioned whether if he needed to drive the truck to another place to get materials, he could then return to 100 New Hartford Road to park his vehicles and was only limited to loading the materials at this site. Mr. Closson explained that he was not supposed to be operating from this location. Mr. Marchand noted that the trucks should not even be on the property. Mr. Closson concurred.

Mr. Kloczko questioned whether he could plow the snow from the property so that his surveyors could access the site. The consensus of the Commission was that plowing would be okay.

6. NEW BUSINESS.

None.

7. APPROVAL OF MINUTES: January 25, 2021 Regular Meeting.

MOTION: Mr. Sanden, Mr. Melycher second, to approve the January 25, 2021 Regular Meeting Minutes; unanimously approved.

8. COMMUNICATIONS.

No communications were received.

9. STAFF REPORT:

Mr. Marchand questioned the progress on the hiring of an enforcement person. Staff noted that she was unsure whether there has been any progress in this regard.

10. OTHER BUSINESS:

A. POCD Discussion.

Mr. Closson reminded Mr. Martinez that he was going to prepare suggestions regarding there currently being too much emphasis on conservation and Mr. Platt was going to provide direction on additional watershed protection through the small lots within the Highland Lake zone.

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 9:25PM.

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