



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

**Held Remotely (Via Zoom) and livestreamed on YouTube.
January 25, 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 and Will Platt.

2. PUBLIC COMMENT:

No comment was received.

3. AGENDA REVIEW.

The agenda was modified to take up *New Business* ahead of the Public Hearings.

4. NEW BUSINESS.

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.

It was noted that the site plan that was submitted was a 2018 plan that had not included any wetlands delineation. Should there be any maintenance or repair of equipment within the building, it was agreed that there ought to be information provided about the floor drains within. Whether or not concrete would be mixed on site was another question that was not clear from the application. It was agreed that information should be provided on runoff and a dumpster enclosure.

The consensus of the Commission was that updated plans and more details should be provided prior to the acceptance of the application. James Kloczko was on the meeting and noted that his engineer is currently working on the plans, briefly describing the mini mix concrete concept.

B. 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.

Noting the building to be on the town's main street, the consensus of the commission was that a formal site plan was not required.

MOTION: Mr. Marchand, Mr. Melycher second, to accept Application 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 and to schedule a public hearing for February 8, 2021; unanimously approved.

5. PUBLIC HEARINGS.

A. 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.

It was noted that the applicants were seeking to have both public hearings opened and both applications reviewed simultaneously. The legal ad was read into the record with it being noted as having run the requisite two times: January 11, 2021 and January 18, 2021 in the Republican American. Certificates of mail, providing

evidence that notice of the public hearing had been provided to the abutting property owners, were received by the Planning Office, according to staff. Certified receipts had been returned from all of the town clerks from the communities abutting Winchester. Staff noted that a referral from the Northwest Hills Council of Governments (NHCOG) reflecting their position that the proposed text amendment that the Rural Residential Zone, which includes LID provisions to allow impervious surfaces to exceed 15% of any lot, is consistent with the Regional Plan of Conservation and Development goals to protect water quality in the region. Additionally, staff reported comments were received from Police Chief William Fitzgerald, Fire Marshal Steve Williams, and Department of Public Works Director Jim Rollins. Finally, staff indicated that the numerous emails and letters received have been provided and made available to the Commission on these applications. It was noted that all documents and communications received have been made available to the public as they have been uploaded to the town's website.

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 reviewed the modifications made since earlier applications. Mr. Dismukes explained that there had been a change in the Fire Code requiring the driveway to be twenty (20') feet wide. He explained that as he reviewed the site, widening the driveway would increase the impervious surface beyond the current allowable maximum of 15%. He noted that the Zoning Regulations had been revised since the original approvals wherein gravel driveways had been counted as pervious. He explained that as such, a text amendment was being sought for this zone that is, as he described it, substantially similar to the bonus LID provision permitted in the Highland Lake Zone and Highland Lake Business Zone.

Addressing other modifications since earlier applications for this project, Mr. Dismukes noted that the outdoor exercise run had been incorporated to within the building. He noted that while the building had begun as roughly 5000 square feet plus a vestibule, the size of the current proposed building is 7100 square feet. This change had no impact on impervious surface as the outdoor area had already been included in that.

Mr. Closson questioned whether a modification to the 20' driveway requirement had been sought from the State of Connecticut. Mr. Dismukes indicated there had not been one sought after meeting on site with the Fire Marshal and Fire Department chief.

Addressing the LID provision of the bonus to impervious surface coverage, Mr. Dismukes reported that the LID techniques employed as part of the proposed plan offset the calculations by 8%, which function to more than cover the increase from the proposal.

The hearing was open to the public for comment.

Dennis Hulton of 161 Newfield Road questioned whether the driveway was engineered.

Amy Reeve of 147 Newfield Road questioned whether gravel driveways being considered as impervious surface was a new zoning regulation change. Staff noted that there had been a complete overhaul of the Zoning Regulations in November of 2016 explaining that this was a change made primarily in response to how driveways had historically become paved in the Highland Lake District, an area where there are many non-conforming lots. Initially applicants would show the driveways as unpaved and then they would subsequently pave over them after additions were made to the dwellings, staff explained. Ms. Reeve questioned whether the text amendment, if approved, would be applicable to the entire Rural Residential Zone. Mr. Closson confirmed. Ms. Reeve opined the request to be a "big ask".

Patricia Reynolds of 127 Newfield Road concurred with the opinion of Ms. Reeve regarding the text amendment change.

Attorney Renzullo suggested that while the text amendment would be applicable to the entire zone, there are few applications that come before the Commission in this regard. Mr. Dismukes reminded the commission the offset in impervious surface coverage percentages must be offset with LID principals. He explained that the important consideration is offsetting the bonus by recharging the groundwater and water quality.

With several addressing both applications on 149 Newfield Road, Mr. Closson noted for the record that communications had been received and copies provided to commissioners from the following individuals:

Alan DiCara of 244 South Road	Linda Ryan of 22 Van Reipen Avenue, Jersey City, NJ
Amy Reeve of 147 Newfield Road	Linda Vivian of 158 East Wakefield Boulevard
Betty Ahrens of 102 Newfield Road	Elena Alvarez of 43 Stonygate Oval, New Rochelle, NY
Bares Kara of 151 Newfield Road	Tina Burnham of 123 North Granby Road, Granby, CT
William Ahrens of 102 Newfield Road	Pam Church of 21 Pepperidge Tree Road, Watertown, CT
Patricia A. Reynolds of 127 Newfield Road	Catherine Davignon of 373 Platt Hill Road
Patrick and Angela O'Brien of 145 Newfield Road	Tanya Hague-Doehr of Oakville, CT
Kevin Hulton of 161 Newfield Road	Bonnie Eisler of 152 Tower Hill Road, Norfolk, CT
Bethany Carpenter of 158 Newfield Road	James M. Foley, Jr. 42 Center Street, North Easton, MA
Michael Clark of 123 Newfield Road	Candida Fusco of 91 Petersen Road, Granby, CT
Aniko Bezure of 63 Hall Drive, Orange, CT	Hailey Giguere of 105 Rockybrook, Windsor, CT
Susan Bollard of 23 High Street, Terryville, CT	Lauren Howard of Torrington, CT
Sara Breault of 1900 S Eads St., Arlington, VA	Karen MacRae of 34 Ann Drive, Bethany, CT
Gwyn Charles of 111 Spring Lane, West Hartford, CT	Cynthia Mirbach of 190 Westport Road, Wilton, CT
Jessica Fitzgerald of 290 Todd Hollow Road, Plymouth, CT	Izzy O'Connell of 3828 Georgia Ave NW, Washington, DC
Linda Fowler of 102 West Road	Sara Ohlheiser of 110 Spring Lane, West Hartford, CT
Jano Hanke of 164 Starks Road, Torrington, CT	Dave Roberts of 400 East River Road, Riverton, CT
Barbara Hayward of 193 Ledge Drive, Torrington, CT	Carolyn Sires of 544 Campbell Avenue, West Haven, CT
Sue Hession of 20 Watson Drive, West Simsbury, CT	Megan Strzepa of 37 Knollwood Drive, New Hartford, CT
Jake Kellner of 440 K St NW, Washington, DC	Patti Tarnowicz of 305 Hemlock Lane, Middlebury, CT
Gus Lippman of 1530 Palisade Avenue, Fort Lee, NJ	Ann-Marie Williams of 644 Racebrook Road, Orange, CT
Leslie Pihonak of 263 Murray Street, Meriden, CT	Leslie Wohlfeld of 450 Georges Avenue NE, Palm Bay, FL
Nancy Rudzki of Pittsburgh, PA	Charles Zierzow of 54 Yarmoshuk Road, Barkhamsted, CT

MOTION: Mr. Marchand, Mr. Melycher second, to close the public hearing on Application 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; 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.

The legal ad was read earlier into the record with it being noted as having run the requisite two times: January 11, 2021 and January 18, 2021 in the Republican American. Certificates of mail, providing evidence that notice of the public hearing had been provided to the abutting property owners, were received by the Planning Office, as staff had noted earlier. Staff had reported comments received from Police Chief William Fitzgerald, Fire Marshal Steve Williams, and Department of Public Works Director Jim Rollins. All documents and communications received have been made available to the public as they have been uploaded to the town's website. It was noted that the Inland Wetlands and Watercourses Commission had approved the proposal at their December 16, 2020 regular meeting and that the Architectural Review Committee had reviewed the proposal on January 21, 2021 and made neither a favorable nor an unfavorable recommendation, having determined that most of the development was unseen from the road.

Mr. Sanden noted the size of the water detention basin and how the engineer indicated that he has designed it to be recharged rather than flowing over the ground and questioned how this was affected by the impervious surfaces. He indicated that he would like corroborating testimony that the changes represent the improvement. Mr. Dismukes explained that the existing conditions provide a level spreader and do not provide any detention. He noted that it intercepts the ground water table, resulting in water in the bottom of the basin most of the time except for the very hottest part of the summer. Mr. Dismukes explained that his design includes moving the basin up hill, increasing it to a more substantial size, and raising the bottom so that it is approximately 18" above the water table. He indicated that this is the same amount that a septic system must be above the water table. Mr. Dismukes reported the first flush, or first one inch of rainfall, will be captured with his design and will remain in that basin, be infiltrated through the ground, and eventually into the water table. He noted that the Inland Wetlands and Watercourses Commission has reviewed and approved the plan.

Should the text amendment not be approved, Mr. Marchand questioned whether the proposed design could be reduced so that the project falls within what the Zoning Regulations currently permit for impervious surface coverage, 15%. Mr. Dismukes explained that even if the new second parking lot was built with a pervious paver system, he did not believe it would bring the impervious coverage below 15%. Mr. Dismukes explained that the Fire Department preferred that the driveway be paved.

Mr. Martinez shared concerns with ice buildup on Newfield Road. He questioned whether the proposed change to allow impervious surface might exacerbate that problem. Noting that he had walked the property with Mr. Rollins, Mr. Dismukes opined that the problem would not be affected by this, explaining that the vast majority of the water is from what bleeds out of the cut slope that was created when Newfield Road was constructed and that it would be the Town that would need to put in drainage along the gutter of the road to collect that groundwater before it breaks out. Additionally, Mr. Dismukes explained that all of the work for the construction of the building and site work is on the other side of the watercourse that splits the upper facility from the lower facility.

Mr. Melycher agreed, noting that he had read the report prepared by Mr. Rollins who confirmed that the ice is from how the road was put in and does not have anything to do with the driveway.

Mr. Hulton, of 161 Newfield Road, noted that the swales along the driveway of the applicant go downhill and end up at the bottom of the driveway where a natural brook is also dumping water. Mr. Dismukes reviewed his January 12, 2021 response to Mr. Rollins regarding stormwater drainage and the brook that used to flow through a reinforced concrete pipe that has since been removed.

Mr. Kara Baris of 151 Newfield Road noted that the pipe remains but remarked that the amount of water and the water pressure in that area seems to have increased. He noted that there is a great deal of water that flows onto his property. Mr. Dismukes noted that by the Town installing a culvert in the road, it would lend to an indication they had expected that amount of water coming down the hill. He noted the culvert is a 24". The site plan was reviewed, and Mr. Dismukes explained that approval was being sought to replace the level spreader. Having owned property in this area for twenty-five years, Mr. Picard relayed the history of the problems of trying to have a driveway at 151 Newfield Road.

Mr. Jared Freitas of 129 Newfield Road questioned the amount of resulting impervious surface should the site plan be approved. Mr. Closson explained that the proposal is to improve the detention basin.

Mr. Platt questioned the maintenance plan for the pervious paver system.

Mr. Dismukes reviewed the site plan, noting that as part of the construction of the upper building, the electrical had been run as well as lines for water service, in anticipation of this proposed building. He explained how the design improvements will alleviate some of the water problems at the neighbor's property.

Mr. Closson questioned the language in the Zoning Regulations that allow one principal building per lot. Mr. Dismukes noted that the place to train dogs is the principal building and the place to house dogs would be the accessory building.

Mr. Closson recalled from the application that had been withdrawn that there had been a plan for the commission to visit the site. He recalled that at some point there being a discussion about the buildings being designed to resemble barns and there being opinions by some that the current building and the proposed buildings not being barn-like. Mr. Dismukes reported the chairman of the Architecture Review Committee sharing his own opinion that barns today do not look like barns from yesteryear. Ms. Reeve noted Mr. Boe's own testimony that retail windows and retail doors being included in the design and that those features are not characteristic of barns in a rural residential area. Addressing the design of the building, Mr. Boe explained the building will be recessed into the ground on the north side, will have no mechanical units installed on the roof, and will have minimal windows visible from Ms. Reeve's property. Additionally, he noted that there is landscaping to function as screening.

Mr. Boe shared the architectural renderings with the Commission.

Mr. William Pozzo of 155 Newfield Road noted that his property abuts the actual driveway of the applicant in several locations, noting that the vehicles that go up and down the driveway have lights that shine, explaining his bedrooms are in the rear of his home. He noted that there has been historically a dust problem but agreed that it would likely be mitigated with the driveway being paved. Mr. Pozzo noted that there is no proposed buffer to shield to block the headlights when cars are going up and down the driveway. He welcomed a visit by the commission.

Mr. Closson questioned whether Ms. Reeve would be amenable to the Commission visiting her property to gain perspective from that location. She agreed.

Mr. Platt questioned the discrepancy in the amount of impervious surface coverage between the site drawings from October, 2020 and the current ones. Mr. Dismukes explained that originally the proposed building added coverage of 8980 square feet which included perimeter only and not overhang. He noted that he would need to recheck the calculations.

Mr. Marchand questioned the width of the driveway at the beginning portion down near the road. He also questioned whether the two parcels will be merged, noting that the parcel for which this proposed development is to be located does not have the proper frontage. Mr. Dismukes indicated that the Town had originally requested that Mr. Picard split the two lots.

Mr. Closson requested Mr. Dismukes review the plans that compliance will be met with the State's Fire Code that the driveway be twenty feet in width from start to finish.

MOTION: Mr. Marchand, Mr. Melycher second, to continue the public hearing to the February 8, 2021 regular meeting at 7PM; unanimously approved.

6. OLD BUSINESS.

A. 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.

No business was discussed, and no action was taken.

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.

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

7. APPROVAL OF MINUTES: January 11, 2021 Regular Meeting.

MOTION: Mr. Marchand, Mr. Melycher second, to approve the January 11, 2021 Regular Meeting Minutes;

8. COMMUNICATIONS.

Staff noted that the Connecticut Bar Association has scheduled their biannual all-day land use seminar via Zoom for Saturday, March 6, 2021. Mr. Closson, Mr. Melycher, Mr. Marchand, Mr. Cooney, and Mr. Martinez indicated that they would like to be registered.

9. STAFF REPORT:

None.

10. OTHER BUSINESS:

A. POCD Discussion.

It was noted that the update is continuing to receive revision work.

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 10:15PM.

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