



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

**Held Remotely (Via Zoom) and livestreamed on YouTube.
December 14, 2020 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Chairman George Closson called the meeting to order at 7:04PM.

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.

No changes were made to the agenda.

4. PUBLIC HEARINGS.

A. PZC#20-28 – Special Permit Location: 522 Main Street Applicant: Cheryl McGlynn Owner: 2nd Home, LLC Proposal: Modification of Special Permit #19-05 - Live Music in Café/Lounge.

The legal ad was read into the record with it being noted as having been published in the Republican American the requisite two times: November 25, 2020 and December 7, 2020. Staff confirmed having received the Certificate(s) of Mail, serving as evidence that notice of the public hearing had been provided to the abutting property owners. The applicant confirmed that the sign for public hearing had been posted more than fourteen days prior to the public hearing.

Sean and Cheryl McGlynn appeared before the Commission regarding this application. Mr. McGlynn explained that the proposal was to have one, or at most, two, musicians in the lounge on occasion. He noted that the volume would be appropriate for the small space and would not impose on their upstairs tenants nor the neighbors to the left or right. Mr. McGlynn explained that this would allow his lounge an alternative to a radio playing and would be similar to what currently occurs at the Little Red Barn Brewery. He noted that the musicians would likely be an acoustic guitar player or a player with an electric guitar with a small amplifier. Ms. McGlynn indicated the occupancy for the space is only 45 people so it would not likely be a large group.

Ms. McGlynn reviewed the floor plan of the establishment, indicating that the musicians would likely be located in the raised area. Mr. Closson questioned whether sound insulation had been added. Ms. McGlynn explained that the renovations are not completed, as the electrician has not yet finished his work. She noted that a double layer of insulation in the walls of the establishment and that Rockwool, a soundproof insulation, would be added to the ceilings. Mr. McGlynn confirmed that the hours of operation are still planned as 2PM to 10PM on Tuesday through Thursday, 2PM to 11PM on Friday and Saturday, and 2PM to 9PM on Sundays.

Staff review comments from Fire Marshal Steve Williams and Police Chief William Fitzgerald were noted as having been received. Mr. Williams had shared comments regarding the soundproofing of the space while Chief Fitzgerald had shared no concerns.

The hearing was open to the public. No comments were received.

Mr. Closson reported having received an email from Beau Black of High Street. He read aloud the email in its entirety wherein Mr. Black shared his concerns with noise. He indicated that there was a history of noise complaints in this area.

Mr. Closson polled the commissioners on the application and whether there were any concerns with the proposal. There were none identified but for Mr. Martinez noting that so long as the insulation meets the Code.

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

5. OLD BUSINESS.

A. PZC#20-28 – Special Permit Location: 522 Main Street Applicant: Cheryl McGlynn Owner: 2nd Home, LLC Proposal: Modification of Special Permit #19-05 - Live Music in Café/Lounge.

MOTION: Mr. Melycher, Mr. Sanden second, to approve Application #20-28 – Special Permit Applicant: Cheryl McGlynn Owner: 2nd Home, LLC Location: 522 Main Street Proposal: Modification of Special Permit #19-05 - Live Music in Café/Lounge, subject to the following conditions:

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 limited to one year, subject to an annual review to occur twelve months following the opening, at no cost to the applicant to ensure that the approval is compliant with the sound in managing with what was provided during the public hearing
5. Modification of Special Permit effective December 16, 2020;

unanimously approved.

6. NEW 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.

MOTION: Mr. Marchand, Mr. Sanden second, to accept Application PZC#20-29 and schedule a public hearing via ZOOM for January 25, 2021; 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.

MOTION: Mr. Marchand, Mr. Melycher second, to accept Application PZC#20-30 and schedule a public hearing via ZOOM for January 25, 2021; unanimously approved.

7. APPROVAL OF MINUTES: November 23, 2020 Regular Meeting.

MOTION: Mr. Marchand, Mr. Sanden second, to approve the November 23, 2020 Regular Meeting Minutes;
Motion approved with Mr. Closson, Mr. Marchand, Mr. Martinez, and Mr. Melycher voting aye while Mr. Sanden abstained.

8. COMMUNICATIONS.

Staff reported no communications as having been received.

9. STAFF REPORT:

Staff reported having tried to phone the new owner of the former KFC building but will continue to pursue it.

10. OTHER BUSINESS:

A. Predevelopment Discussion with Dunkin' Regarding 8, 28, and 38 South Main Street.

Attorney Tim Furey, accompanied by his client, Dunkin' franchisee Joe Naples and Professional Engineer Robert Colabella of Laurel Engineering, appeared before the Commission regarding this application. Attorney Furey explained that his client was seeking to acquire the three properties on South Main Street, intending to construct a drive-up only facility. He noted that it would be similar to the existing facility next door but would include a more modern footprint. Attorney Furey relayed the challenges with the development including the site's wetlands and location in a flood zone.

Attorney Furey noted that several design alternatives had been prepared including one with two curb cuts with one very large curb cut. This design would allow full-size tractor trailers to come onto the site, something that does not occur currently, according to Attorney Furey. He indicated that it would be very difficult to comply with the flood storage requirements of the Flood Plain Ordinance.

The second design includes one curb cut which would allow access by trucks that need to do so on a daily basis and would fully contain all the water now or in the future for flood plain and drainage, according to Attorney Furey. He noted that better green space is gained in the front and sight lines would be better with the second design. However, with the second design, the one tractor trailer that comes to the current location on a weekly basis, from 9PM to 11:30PM, would have to occur on the side of the road, according to Attorney Furey. He explained that there is adequate parking on the side of the road, which trucks utilize to come completely off the travel lane. Attorney Furey explained that his clients will need to gain an encroachment permit from the State of Connecticut Department of Transportation.

Additionally, Attorney Furey noted that the second design does not have the adequate number of parking spaces as required by the Zoning Regulations. He explained that most of the employees do not have cars. Attorney Furey indicated that either a text amendment to the Zoning Regulations would be sought or a variance from the Zoning Board of Appeals.

Mr. Colabella reviewed the design, noting the 100-year flood limit, and explained how the flood volume would be mitigated. He noted that the design with two curb cuts increases the activity within the wetland regulated area by 25% and wetland regulated volume by 33%.

Mr. Colabella explained that in order to go with the double curb-cut design, a Letter of Map Adjustment (LOMA) would likely need to be obtained from FEMA which could take at least a year. He indicated that there were not any NO PARKING signs along that area of South Main Street. Mr. Colabella reported that with the ten (10') foot wide shoulder, there was adequate room to get the trailer off the road.

Mr. Colabella indicated that the Department of Transportation will likely want a sense of the Town's position on the preferred design that plans for the Dunkin delivery tractor trailer to be limited to on-street parking.

Mr. Melycher questioned whether a ramp would be included for the delivery driver beyond the curb cut. Attorney Furey confirmed that the delivery is unloaded from the side of his trailer, not the rear, and that the design could include a walkway for the delivery person. He also confirmed consultation with the traffic engineer would precede the location of the walkway in the design. Mr. Melycher opined that a single curb-cut was the optimal design.

Mr. Closson questioned the planned staging in the que. Mr. Colabella indicated the design was for fourteen cars, although it includes 298 feet which is 18 feet longer than the DOT requires. Mr. Closson opined that a single curb-cut was a better option.

In addressing the parking, Attorney Furey reported that the maximum number of employees at the site would be five, reminding the Commission that Mr. Naples indicates that his experience with his twenty-six stores is that most of the employees do not have cars.

It was agreed that trying to get a text amendment to the Zoning Regulations would take more time than seeking a variance from the Zoning Board of Appeals.

Mr. Platt questioned the right of way on the site. Attorney Furey indicated that the right of way will remain open despite it currently having very large trees that could impede the access.

B. POCD Discussion.

Mr. Closson reported having received a submission for the Plan of Conservation and Development update from the Economic Development Commission. It was noted that a submission can be expected from Fire Marshal Steve Williams soon. Mr. Closson indicated that Police Chief William Fitzgerald and Winchester Public Schools Superintendent Melany Shanley-Brady would also be submitting information for the update. Mr. Sanden confirmed that he would submit his portion of the document to Mr. Closson.

C. Election of Officers.

MOTION: Mr. Marchand, Mr. Sanden second, to reelect the current slate for another year, noting that to be George Closson as Chairman, Craig Sanden as Vice Chairman, and Art Melycher as Secretary; unanimously approved.

D. Short Term Rentals Regulation Workshop – POSTPONED.

No business discussed.

11. ADJOURNMENT:

MOTION: Mr. Marchand, Mr. Cooney second, to adjourn; unanimously approved. The Commission adjourned at 8:38PM.

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