



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Town of Winchester Town Hall  
338 Main Street - 2<sup>nd</sup> Floor – P. Francis Hicks Room  
November 25, 2019 – 7:00PM  
Regular Meeting Minutes**

**1. CALL TO ORDER:**

Chairman Craig Sanden called the meeting to order at 7:00PM.

**2. ROLL CALL:**

Mr. Sanden conducted the roll call, noting that the following individuals were present: George Closson, Pete Marchand, Arty Melycher, Jerry Martinez (7:25PM), Alternates John Cooney and Will Platt.

As Mr. Martinez was not present for the beginning of the meeting, Mr. Platt was seated in his stead for the first two public hearings.

**3. AGENDA REVIEW:**

No modifications were made to the agenda.

**4. PUBLIC HEARINGS:**

**A. PZC#19-14 – Special Permit – 132 Wahnee Road – Applicant: Dave Stricker Owner: Camp Wah-nee in the Berkshires, Inc. Proposal: Commercial Recreation: Demolish Existing Cottage; Construct New 3779 Square Foot Dwelling; and 38’x38’ Addition to Fitness Center.**

**MOTION:** Mr. Closson, Mr. Marchand second, to open the public hearing; unanimously approved.

Neither the applicant nor a designated representative was present. Staff reported that the Inland Wetlands and Watercourses Commission had continued the application. The Commission reviewed a copy of an email between staff and Torrington Area Health District Deputy Director Tom Stansfield dated November 20, 2019. It was reported that the Application for a Permit to Discharge submitted to TAHD noted a third building, Boys Bunk #11, for demolition and reconstruction. It was noted that the applicant may be seeking to modify his Special Permit application to include the third building.

Discussion ensued regarding the application in 2015 that referenced a stipulated judgment from 2010. It was noted that a copy of that application might be helpful in terms of the historical activity and census at the camp. Mr. Closson questioned the most recent submittals regarding the systems and whether they are stormwater detention areas or septic systems and more clarification is needed. He noted that it would be helpful to gain an understanding from Torrington Area Health as to whether the systems are functioning properly.

**MOTION:** Mr. Marchand, Mr. Closson second, to continue the public hearing for Application PZC#19-14 Special Permit – 132 Wahnee Road Applicant: Dave Stricker Owner: Camp Wah-nee to the December 18, 2019 regular meeting; unanimously approved.

**B. PZC#19-15 – Special Permit – 125 Shore Drive – Applicant: Priscilla Podesta, LMFT Owner: Priscilla Podesta and Adrianna Podesta Proposal: Home Occupation – Marriage and Family Therapy. See Clients (Individuals, Couples, or Families) for one-hour sessions. Therapy Sessions in Basement Office of a Single-Family Residence. Sessions will be limited to one client at a time.**

**MOTION:** Mr. Closson, Mr. Melycher second, to open the public hearing; unanimously approved.

The legal ad was read into the record with it being noted as having ran the requisite two times on November 14, 2019 and November 18, 2019 in the Republican American newspaper. Certificates of mail, serving as evidence that abutting properties received notice of the application and public hearing, were noted as having been received.

Priscilla Podesta appeared before the Commission regarding this application. She explained that the proposal was to have one client at a time, to park in her driveway and access the office space through the garage, to her basement area to meet for an hour. She noted that the therapy would only occur two days per week during the daytime hours. Ms. Podesta reported that there would be no more than one or two people serviced at a time with only one car at a time.

Mr. Closson questioned the amount of space within the home that would be designated for her practice. Ms. Podesta indicated that it would only be the basement, approximately 30'x30'. He questioned which two days of the week she proposed to see clients. Ms. Podesta indicated that she would like to operate her therapy on Wednesdays from 10AM to 5PM and Fridays 10AM to 3PM.

It was noted that staff review comments were received from Building Official/Zoning Enforcement Officer Marc Melanson dated November 13, 2019, Fire Marshal Steve Williams dated November 18, 2019, and Police Chief William Fitzgerald dated November 13, 2019.

It was also noted that the application had been reviewed by the Architectural Review Committee on Thursday, November 19, 2019. Both the applicant and this Commission had been provided with those minutes prior to this meeting. Staff read into the record communications received from two of the applicant's neighbors. One was an email sent by Elizabeth Fitzgerald of 124 Shore Drive on November 24, 2019. In her email, Ms. Fitzgerald shared her concerns with the parking in that neighborhood and requested that special attention be paid to the hours of operation, on-site parking requirements, and number of persons in a group. The second communication was a letter received from William Thomas of 126 Shore Drive on this date sharing his concern with the parking for this home occupation and whether it would affect access for emergency vehicles.

Mr. Melycher questioned access for a handicapped bathroom.

Ms. Podesta noted that she would not be having any type of group therapy at this location. Mr. Platt questioned where the applicant intends to park her own vehicle when seeing a client at her home. Ms. Podesta indicated that there's room for two cars in her driveway. She confirmed that there would not be any signage at her home.

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

**MOTION:** Mr. Closson, Mr. Marchand second, to close the public hearing on Application PZC#19-15; unanimously approved.

**C. PZC#19-16 – Special Permit – 58 Main Street – Applicant: David Carter Owner: Winchester Realty Solutions, LLC Proposal: Special Permit – Mixed Use – Two Retail Stores on First Floor (Sporting Goods Store; Appointment Only Private Antique Gun Shop) & Fourteen Room Boarding House on Second and Third Floors.**

Mr. Melycher recused himself from this application and left the meeting room for the duration of the public hearing. As Mr. Martinez was present, he was seated as a regular member. Mr. Platt was seated for Mr. Melycher.

**MOTION:** Mr. Closson, Mr. Sanden second, to open the public hearing for Application PZC#19-16; unanimously approved.

The legal ad was previously read into the record with it having been noted that it ran the requisite two times on November 14, 2019 and November 18, 2019 in the Republican American newspaper. Certificates of mail, serving as evidence that abutting properties received notice of the application and public hearing, were noted as having been received.

David Carter appeared before the Commission regarding this application. He distributed a rendering of the sign that he plans to be etched on the glass of the front door to the shop. Mr. Carter confirmed that he was seeking a permit to open an antique gun shop in the 12'x40' space available in this building. He explained that the front section of the space will be used for reading and research while the back section of the space will be the area for the shop. In response to an inquiry from the Commission, Mr. Carter confirmed that in order to have a federal '01' license, a brick and mortar storefront is necessary for the dealer. Mr. Closson questioned whether the boarding house was already operating. Mr. Carter confirmed. Neil Hunt, principal of Winchester Realty Solutions, LLC, the owner, reported that the building had been operated as a boarding house for over one hundred years.

It was noted that the applicant intended to isolate the sale space to the rear section of the building with all necessary security thereby avoiding the installation of bars on the windows fronting Main Street. The Commission discussed the signage, noting that there would be no type of flashing, lit sign permitted. Mr. Carter agreed, explaining that he preferred it that way. Mr. Platt questioned whether the business is limited to sales or would include repairs, too. Mr. Carter indicated that it would be sales only.

It was noted that staff review comments were received from Building Official/Zoning Enforcement Officer Marc Melanson dated November 13, 2019, Fire Marshal Steve Williams dated November 15, 2019, and Police Chief William Fitzgerald dated November 13, 2019.

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

**MOTION:** Mr. Closson, Mr. Marchand second, to close the public hearing for Application PZC#19-16; unanimously approved.

**D. PZC#19-17 – Special Permit – 920 Main Street – Applicant: Robbin Dillon Owner: Joseph A. Cannavo Proposal: Special Permit – Mixed Use – Retail Store (Pellet Stove and Pellets) and Motorcycle Sales and Repair on First Floor; Four Apartment Dwelling Units on Second Floor.**

**MOTION:** Mr. Marchand, Mr. Sanden second, to open the public hearing for Application PZC#19-17; unanimously approved.

It was noted that Mr. Melycher would resume his regular member status for this application as would Mr. Martinez. No alternates were seated.

The legal ad was previously read into the record with it having been noted that it ran the requisite two times on November 14, 2019 and November 18, 2019 in the Republican American newspaper. Certificates of mail, serving as evidence that abutting properties received notice of the application and public hearing, were noted as having been received.

Robbin Dillon, accompanied by owner Joseph Cannavo, appeared before the Commission regarding this application.

Referring to the staff review comments, Mr. Sanden questioned whether the applicant and owner had the opportunity to receive and review them. Mr. Cannavo confirmed, noting that most of the comments had been address through a revised site plan. He distributed copies of the updated site plan. Mr. Closson questioned what had happened to the rest of the equipment that had been at the location. Mr. Cannavo reported that he

had several F350s and supporting equipment that he uses for his business and explained that he had used some of the building for storage. Additionally, he reported that he has renovated the exterior of the building over the last two years as well as updating the electrical of the buildings. He noted that he updated the apartments and building with high efficiency gas units and installed a sprinkler system. Mr. Cannavo noted that in the last three weeks, he endeavored to clean up the whole exterior of the site. The seven parking spaces for the apartment were referenced. Mr. Cannavo noted that the equipment is behind the spaces. Mr. Closson questioned whether the parking spaces for the apartments were striped. Mr. Cannavo indicated that they were not as the lot is gravel. He confirmed that he will be striping the handicap spot for the pellet stove business. He explained that originally staff had noted a problem with the original proposed location but it had since been shifted.

Enclosing the dumpsters was discussed. Mr. Cannavo agreed to enclosing them.

The storage currently located at the site was discussed. Mr. Cannavo explained that he would like to get it cleaned up. Mr. Closson questioned the time frame for getting the area cleaned up. Mr. Cannavo explained that he would like to bring in millings for the tenant parking lot and get that striped. Mr. Closson noted the stream in the back of the lot and questioned whether the millings would be installed beyond where the parking lot is shown on the site plan. Mr. Cannavo noted that they would not.

Mr. Marchand questioned whether there are still junk vehicles on the other side of the bridge. Mr. Cannavo confirmed that there is but noted that they would likely be removed within the next three weeks.

Staff questioned whether the area of the building identified as 'Landscape Equipment Storage' is to be considered private storage. Mr. Cannavo explained that Cannavo Gardens has been in existence for a long time and in this location since 1972. He confirmed that he does not operate a business from this location.

With regards to the signage, the request for a free-standing sign included on the original site plan had been removed. Ms. Dillon noted that she was only proposing a banner on the building.

Mr. Marchand questioned whether a stove would be operating on the premises. Ms. Dillon indicated that there would not be.

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

**MOTION:** Mr. Closson, Mr. Melycher second, to close the public hearing for Application PZC#19-17; unanimously approved.

## **5. OLD BUSINESS:**

**A. PZC#19-14 – Special Permit – 132 Wahnee Road – Applicant: Dave Stricker Owner: Camp Wah-nee in the Berkshires, Inc. Proposal: Commercial Recreation: Demolish Existing Cottage; Construct New 3779 Square Foot Dwelling; and 38'x38' Addition to Fitness Center.**

No business was discussed.

**B. PZC#19-15 – Special Permit – 125 Shore Drive – Applicant: Priscilla Podesta, LMFT Owner: Priscilla Podesta and Adrianna Podesta Proposal: Home Occupation – Marriage and Family Therapy. See Clients (Individuals, Couples, or Families) for one-hour sessions. Therapy Sessions in Basement Office of a Single-Family Residence. Sessions will be limited to one client at a time.**

**MOTION:** Mr. Closson, second, to approve Application PZC#19-15 Special Permit Applicant: Priscilla Podesta Owner: Priscilla Podesta and Adrianna Podesta 125 Shore Drive Proposal: Home Occupation – Marriage and Family Therapy. See Clients (Individuals, Couples, or Families) for one-hour sessions. Therapy

Sessions in Basement Office of a Single-Family Residence. Sessions will be limited to one client at a time, Based on testimony and 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 plan is consistent with the town's Plan of Conservation and Development;
3. This application meets the standards of 3.j.Common Regulations: Special Permits/Special Exceptions;
4. The office area will not exceed 25% of the upper floor, which is 894 square feet;
5. The days of operation will be Wednesday and Friday;
6. The hours of operation will be from 10AM to 5PM;
7. All client parking will be on site;
8. Applicant must meet all Building and Fire Codes as necessary including handicap accessibility; and
9. No group sessions permitted.

*Motion passed with Mr. Closson, Mr. Marchand, Mr. Platt, and Mr. Sanden voting aye while Mr. Melycher was opposed.*

Prior to the vote on the aforementioned motion, Mr. Melycher shared his concerns with approving a business for office space when there is office space available in the downtown area. Additionally, he had concerns with it being located in the Highland Lake District. Mr. Closson appreciated Mr. Melycher's points but noted that the business is limited to the homeowner and explained that no additional staff may be brought on site.

**C. PZC#19-16 – Special Permit – 58 Main Street – Applicant: David Carter Owner: Winchester Realty Solutions, LLC Proposal: Special Permit – Mixed Use – Two Retail Stores on First Floor (Sporting Goods Store; Appointment Only Private Antique Gun Shop) & Fourteen Room Boarding House on Second and Third Floors.**

Mr. Melycher recused himself from the discussion of this application and left the meeting room. Mr. Platt was again seated for Mr. Melycher.

**MOTION:** Mr. Closson, Mr. Marchand second, to approve Application PZC#19-16 – Special Permit – Applicant: David Carter Owner: Winchester Realty Solutions, LLC Location: 58 Main Street Proposal: Mixed Use – Two Retail Stores on First Floor (Sporting Goods Store; Appointment Only Private Antique Gun Shop) & Fourteen Room Boarding House on Second and Third Floors, based on testimony and 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 standards of 3.j.Common Regulations: Special Permits/Special Exceptions;
4. Evidence of dealer approval from the United States Department of Justice Bureau of Alcohol, Tobacco, and Firearms Explosives shall be provided to the Town prior to issuance of a zoning permit;
5. The description of the floor plan of the facility as submitted by the applicant shall be attached to the draft motion; and
6. The sign to be posted on the front door shall also be as submitted and shall be attached to the draft motion;

*Motion passed with Mr. Closson, Mr. Marchand, Mr. Martinez, Mr. Platt, and Mr. Sanden voting aye.*

**D. PZC#19-17 – Special Permit – 920 Main Street – Applicant: Robbin Dillon Owner: Joseph A. Cannavo Proposal: Special Permit – Mixed Use – Retail Store (Pellet Stove and Pellets) and Motorcycle Sales and Repair on First Floor; Four Apartment Dwelling Units on Second Floor.**

Mr. Melycher resumed his standing as a regular member.

**MOTION:** Mr. Closson, Mr. Marchand second, to approve Application PZC#19-17 Special Permit Application: Robbin Dillon Owner: Joseph A. Cannavo Special Permit – Mixed Use – Retail Store (Pellet Stove and Pellets) and Motorcycle Sales and Repair on First Floor; Four Apartment Dwelling Units on Second Floor, based on testimony and 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 plan is consistent with the town's Plan of Conservation and Development;
3. This application meets the standards of 3.j.Common Regulations: Special Permits/Special Exceptions;
4. Approval is granted based on the following submitted plans and drawings:
  - Plan prepared by DiCara Land Surveying entitled, "Plot Plan 920 Main Street Winchester, Connecticut" dated November, 2019, revised 11/25/2019;
5. Refuse enclosure to be enclosed on all four sides with height of enclosures to be at least one (1') foot higher than dumpster;
6. Parking lot to be striped and handicap signs to be installed;
7. Banned sign not to exceed sign regulations allowed; and
8. All equipment not associated with the approved site businesses, and all inoperable equipment, to be removed from the site by January 1, 2020.

*Motion passed with Mr. Closson, Mr. Marchand, Mr. Martinez, Mr. Melycher, and Mr. Melycher voting aye.*

**6. NEW BUSINESS:**

None.

**7. APPROVAL OF MINUTES: November 12, 2019.**

**MOTION:** Mr. Marchand, Mr. Martinez second, to approve the November 12, 2019 Regular Meeting Minutes; Motion passed with Mr. Marchand, Mr. Martinez, Mr. Melycher, and Mr. Sanden voting aye while Mr. Closson abstained.

**8. COMMUNICATIONS:**

None.

**9. STAFF REPORT:**

Staff reported meeting with the contracted buyer for the former Primo building. It was noted that a chicken and pie restaurant will be going into this space and that the Commission could expect a site plan application for their December 9, 2019 regular meeting.

**10. OTHER BUSINESS:**

None.

**11. ADJOURNMENT:**

**MOTION:** Mr. Marchand, Mr. Martinez second, to adjourn at 8:35PM; unanimously approved.

Respectfully submitted,  
Pamela A. Colombie  
Recording Clerk