



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor – P. Francis Hicks Room
June 24, 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, and Jerry Martinez.

It was noted that Art Melycher was absent and that Mr. Thomsen was absent excused.

3. AGENDA REVIEW:

The agenda was modified to take up *10.A. Discussion of Unresolved Issues at Marina* ahead of the public hearing regarding the changes to the zoning regulations.

4. OTHER BUSINESS:

A. Discussion of Unresolved Issues at Marina.

Jordan Moore and Eric Richard were again present to address open items from their site plan that were included as conditions to their Special Permit approval. At the previous regular meeting of this commission, a motion had been approved requesting the two owners of the Highland Lake marina to return with a plan and timeline of when the flood wall will be completed along with a copy of their application to DEEP. Mr. Moore and Mr. Richard updated the Commission of the progress toward zoning compliance.

Mr. Richard reported that the handicapped parking space was paved the date of this meeting. He noted that the line strippers had been contacted in order to complete the necessary striping for the handicapped parking spot, the sidewalk along East Lake Street, and the entrance of the Marina on East Lake Street. Mr. Richard later reported that the striping work would likely be completed within one week.

Mr. Richard reported that he had indeed provided a paint cut sheet to the administrative assistant of Department of Public Works Director Jim Rollins. He noted that he had discussed the in-street sign with Street Superintendent Dennis Millard. Mr. Richard reported that the sign has been delivered but had not been installed until he receives approval from Mr. Rollins. Mr. Richard reminded the Commission that the stop sign in that area may first need to be relocated.

With regards to the flood wall, Mr. Richard reported that they have been working with Professional Engineer Mike Sherman. Mr. Richard explained that Mr. Sherman is trying to determine who the responsible party is that will approve his design. Mr. Sherman has questioned who would provide him with the guidelines for the design, according to Mr. Richard. To that end, Mr. Sherman has consulted with Professional Engineer Dave Battista of Lenard Engineering who had in turn, referred him to Roger Hurlbut, the engineer who had completed the dam inspection. Mr. Richard explained that there are two types of permits: a rebuild permit and a reconstruction permit. He noted that Mr. Sherman was unsure which one of those two needs to be sought and who would ultimately approve the prints.

Mr. Richard reported that the correct handicap sign has been purchased and will be installed at a five-foot height in the pavement. He noted that the dock lights are done as well as the dumpster enclosure. Mr. Richard reported that the landscaped buffer has been rid of the items previously noted.

Mr. Moore reported on the progress for the approval from the Board of Selectmen regarding the width of the driveway apron. He noted that he had spoken with Laurie Bessette, Administrative Assistant to the Town Manager, who is advising them what will be required to get on the agenda for their next meeting. Mr. Moore explained that an application needs to be submitted to that Board detailing the hardship that prevents the driveway from being unable to comply with the Town's Driveway Ordinance. He noted that they would be on the second regular meeting agenda of the BOS for July.

It was agreed that most of the unresolved issues at the marina should be resolved by the July 22, 2019 regular meeting. Mr. Closson also recommended that a communication be received by the marina's design professionals that the permit application process is well underway and an indication of when it will be completed.

5. PUBLIC HEARINGS.

A. Discuss and Consider Adoption of Changes to Zoning Regulations.

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

The legal notice for the public hearing was read into the record with it being noted as having run in the Republican American the requisite two times, on June 10, 2019 and June 17, 2019. It was noted that a response had been received from the referral made to the Northwest Hills Council of Governments indicating that their staff had reviewed the proposed changes and found no apparent conflict with regional plans or policies or known concerns of neighboring towns. It was also noted that the application to change the Zoning Regulations had been sent, via certified mail, to the town clerks of the neighboring towns. The proposed changes had been posted to the Town's website and filed with the Town Clerk, according to staff.

The proposed changes were discussed. They included the addition of *Taverns* and *Outdoor Dining* in the Town Center zone and a change to the Sign Regulation to permit up to two 1-sided freestanding signs at the cemetery in the Town Single Family zone.

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

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

6. OLD BUSINESS:

A. Discuss and Consider Adoption of Changes to Zoning Regulations.

MOTION: Mr. Closson, Mr. Marchand second, to approve the proposed zoning regulations changes with an effective date of July 26, 2019, finding that they are in compliance with the Plan of Conservation and Development; unanimously approved.

7. NEW BUSINESS:

None.

8. APPROVAL OF MINUTES: June 10, 2019

MOTION, Mr. Closson, Mr. Marchand second, to approve the June 10, 2019 Minutes; unanimously approved.

9. COMMUNICATIONS:

Prior to the adjournment of the meeting, Board of Selectmen Liaison Jack Bourque communicated to the Commission that a subcommittee had been formed to review each board and commission in town in terms of

the length of terms and the expirations of them. Mr. Bourque reported that Ms. Bessette will be forwarding to the various chairmen a request from the subcommittee to examine the number of commissioners currently serving and when their terms expire. Mr. Bourque explained that the letter will also request that the chairmen report on whether their bylaws are up to date and whether the bylaws are being enforced. Additionally, the subcommittee is requesting a brief summary from each chairman to explain and describe what they do.

He noted that two individuals have been identified for the alternate member position of this commission: John Cooney and Willy Platt.

After Mr. Bourque explained that the Board of Selectmen will be seeking guidance and feedback on nominated individuals to the various commissions prior to appointments, discussion ensued. Mr. Martinez shared his concern with past experience and opined that the appointment decisions should rest solely with the BOS. Conversely, Mr. Closson appreciated the opportunity to provide feedback to the BOS. Mr. Sanden discussed the history on how the role of alternates has evolved in town.

10. TOWN PLANNER'S REPORT:

Staff reported on the current zoning enforcement underway including several orders that had been issued.

The Plan of Conservation and Development was discussed with Mr. Closson questioning whether the Town had the current 2011 Plan in Word form. Staff reported that one has not been found but that Glenn Chalder of Planimetrics would likely be able to provide one. Mr. Closson opined that a POCD committee ought to be formed. Additionally, he noted that the natural resources inventory ought to be updated. It was agreed that the POCD should be included as an agenda item going forward as it will need to be updated and approved by January, 2021.

The Commission also briefly discussed the new brewery at 32 Lake Street. The two handicapped parking spots that were previously noted as having not met grade requirements were reviewed. Mr. Closson suggested that those two spots ought to have the signs removed and their handicap striping removed, or blacked out, so as to eliminate the opportunity for confusion.

11. OTHER BUSINESS:

B. Continued Discussion of Zoning Regulations.

Mixed-Use was discussed with staff questioning whether it necessarily includes a residential component to the definition. The consensus was that it did.

The Commission continued to review the proposed changes to the Zoning Regulations, modifications that included both previously discussed changes as well as several proposed by staff.

Among the proposed changes discussed were:

- "Federal law, state law, local ordinance" included as part of the corrections under 1.C. *Introduction to and Using the Zoning Regulations*;
- *Parking Lot* as a use allowed in the Town Center zone and Town Gateway zone;
- Adding *Outdoor Dining and Taverns* to Town Gateway zone;
- Adding *Landscaping/Construction Yard* to Town Gateway zone and PI zone;
- Adding *Pergolas* to Section iv. (Decks, Patios, Terraces, Steps Needed for Building Access, and Accessibility Features) of the Additional HL Regulations;
- Adding requirement for decks that exceed 400 square feet and do not meet regular setback requirements for HL District to be approved through a Special Exception;
- Removing Section iv.d. regarding steps from the Additional HL Regulations;
- Modifications to Section C.2.b.iii. and C.2.b.iv. of the *Non-Conforming Uses, Buildings/Structures, Lots* regarding demolitions of non-conforming buildings;

- Adding language governing individual refuse/recycling facilities;
- Correction to the allowance of freestanding and monument signs in Town Center zone;
- Adding 'storage containers' as a necessary item to be reflected on site plans;
- Adding clarifying language for proper means of providing public notice;
- Correcting IV.A.2. regarding Specific Requirements for Accessory Apartments under Special Regulations;
- Adding a Minimum Street Frontage of Lot of 150' feet for Town Single Family; and
- Adding language, "...no subdivision plan, boundary line adjustment or first cut shall be filed with the Town Clerk unless first reviewed and endorsed by the Planning and Zoning Commission. The endorsed plan shall be signed by the Chairman of the Planning and Zoning Commission prior to filing with the Town Clerk...";

The consensus of the Commission was that the Zoning Board of Appeals should be handling all matters in the Highland Lake Zone.

It was also the consensus of the Commission that staff ought to submit the proposed changes to the Zoning Regulations to land use attorney Mark Branse for legal review.

11. ADJOURNMENT:

MOTION: Mr. Sanden, Mr. Martinez second, to adjourn at 9:10PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**