



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Town of Winchester Town Hall  
338 Main Street - 2<sup>nd</sup> Floor – Lee Ann LeClaire Room  
May 20, 2019 – 7:00PM  
Special 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: Pete Marchand, Jerry Martinez, and Art Melycher.

It was noted that George Closson and Alternate Lee Thomsen were absent excused.

**3. AGENDA REVIEW:**

No changes were made to the agenda.

**4. PUBLIC HEARINGS.**

None.

**5. OLD BUSINESS:**

None.

**6. NEW BUSINESS:**

None.

**7. APPROVAL OF MINUTES: April 22, 2019**

**MOTION**, Mr. Melycher, Mr. Marchand second, to approve the April 22, 2019 Minutes; unanimously approved.

**8. COMMUNICATIONS:**

None.

**9. TOWN PLANNER'S REPORT:**

No report provided.

**10. OTHER BUSINESS:**

**A. Informal Discussion with Toto's LLC regarding 224 East Lake Street acquisition.**

Jordan Moore and Eric Richards of Toto's LLC appeared before the Board for an informal discussion regarding their recent purchase of the former restaurant building at 224 East Lake Street. Mr. Sanden reminded the Commission that Mr. Moore and Mr. Richards were likely going to demolish the building they recently purchased at 224 East Lake Street. Mr. Sanden cautioned them against using that parcel for anything else once the building is removed if they plan to someday resume the restaurant use. Mr. Sanden questioned whether they had an elevation survey reflecting the height. Mr. Richards questioned whether at the time of the rebuild, they would be able to go higher with the new structure. Mr. Sanden noted that it would require approval from the Zoning Board of Appeals. Mr. Moore noted that he would consult with his land surveyor to obtain a rendering of the existing height and volume of the building. Mr. Sanden noted that the Zoning Regulations will need to be consulted if Toto's LLC waited a long period of time for rebuilding. Mr. Richards explained that rebuilding a building, in the exact same location and exact size, is precisely the assurance they

were seeking through this discussion. Staff advised Mr. Moore and Mr. Richards that they may want to seek their own legal opinion regarding their rights to rebuild the non-conforming building and reiterated that the use may be considered forfeited should the land ever be used for other purposes, such as parking.

**B. Discussion with Phil Doyle of LADA Regarding Minor Site Plan Changes at 70-84 South Main Street.**

Phil Doyle of LADA, accompanied by Professional Engineer Mike Sherman, appeared before the Commission to discuss changes proposed for the location of the new building for Winsted Medical Associates. Mr. Doyle reminded the Commission the apprehension his team had early on with respect to the location of the existing former Morsel Monk building and its immediate adjacency to Route 44. He noted that the geotechnical engineer has been reviewing the soils on the site as it had been reported that the soils were uncompacted deposits from the flood of 1955. As the engineer has conducted further analysis, it was determined that there ought to be a shift in the building five (5') feet west and ten (10') feet north. Doing so will help support the existing retaining wall while the new building is being constructed, according to Mr. Doyle. He noted that the main driver has been the span pole that holds up the existing traffic signals at the end of Route 8.

Mr. Doyle reviewed the overlay of the site plan. He noted that the proposed shift will provide for twelve feet off the span pole and twelve feet off the street line. Mr. Doyle noted that the extra room will provide better ease in the excavating and that it will not increase impervious surface. On the contrary, more green space will be achieved in the front of the building and the shift will eliminate the need for a retaining wall.

Mr. Doyle reported that after having met with Matt Kelly of the Connecticut Airport Authority, the locations for the generator pad and the fire-fighting equipment shed have been reversed, too.

**MOTION:** Mr. Marchand, Mr. Sanden second, to approve the changes as presented for 70-84 South Main Street; unanimously approved.

The agenda was modified with the *Discussion with Harold Zinno and Ron Fortune Regarding Minor Site Plan Changes at 29 Main Street* and *Continued Discussion of Zoning Regulations* taken up ahead of the *Discussion with Town Manager Regarding Guardrail on Center Street*.

**C. Discussion with Harold Zinno and Ron Fortune Regarding Minor Site Plan Changes at 29 Main Street.**

Harold Zinno of Mercury Fuel and Architect Ron Fortune appeared before the Commission to discuss site plan changes at the new gas station at 29 Main Street. Mr. Fortune explained that the Building Department has indicated that due to the size of the building, a second vestibule is required in order to comply with the Energy Code. Mr. Fortune noted that the cooler needed to be calculated as part of the square footage. He explained that his client is proposing to add the 6'x10' vestibule on the patio. No changes will be made the amount of impervious surface, according to Mr. Fortune.

Mr. Zinno reported that a rear fire exit was added that resulted in changes to the sidewalk which will go around the side of the building and lead into the patio area.

Mr. Fortune noted that cultured stone will be part of the base, consistent with the rest of the building.

**MOTION:** Mr. Melycher, Mr. Sanden second, to approve the changes as presented; unanimously approved.

**D. Continued Discussion of Zoning Regulations.**

The Commission reviewed the addition of Outdoor Dining and Taverns in the Town Center zone (page 7) and changes to the regulations relative to signage in cemeteries (page 48).

**MOTION:** Mr. Marchand, Mr. Melycher second, to move forward with the following proposed changes to the Zoning Regulations: (a.) to add Outdoor Dining as well as Taverns to the Town Center Zone and (b.) to add language relative to signage for cemeteries; unanimously approved.

**E. Discussion with Town Manager Regarding Guardrail on Center Street.**

As a Board of Selectmen meeting was held at the same time as this meeting, staff explained the request from Town Manager Bob Geiger regarding the paving of the Community Health and Wellness Center parking lot. The Commission shared their observations that the guardrail has been removed. Staff explained that as the paving crew was on site for the work, Mr. Geiger had given the nod to remove them. It was noted that Department of Public Works Director Jim Rollins had provided a memorandum finding no objection to a six-inch bituminous berm in lieu of the guardrail.

The Commission shared concerns over how the berm would fare with plow trucks during the winter months.

**MOTION:** Mr. Marchand, Mr. Sanden second, to approve the removal of guardrail at 26 Elm Street/372 Main Street and that it be replaced with a six-inch bituminous concrete curbing to be completely maintained by the property owner; unanimously approved.

Referring to the owners of Toto's LLC, the owners of the marina, Mr. Marchand questioned when compliance with their Special Permit could be expected. It was noted that as of the date of this meeting, they have not achieved compliance but have eight boats at the location with no standpipe installed yet. It was noted that their Grand Opening was scheduled for the Thursday following this meeting. It was also noted that there was no sidewalk, no crosswalk, no signs for the crosswalk, and no standpipe installed. Discussion followed with it being noted that the walks could be installed in one day.

The consensus of the Commission was that a request be relayed to Zoning Enforcement Officer Marc Melanson for him to communicate to the Marina that they are not zoning compliant and that they should not be open for business until they are. They requested that the letter be sent on the day following this meeting so that it reaches the marina owners prior to Memorial Day. Furthermore, the Commission requested that they receive a copy of the letter.

**11. ADJOURNMENT:**

**MOTION:** Mr. Sanden, Mr. Martinez second, to adjourn at 7:54PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**