



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor – P. Francis Hicks Room
January 28, 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, Jerry Martinez, Pete Marchand, Art Melycher, and Alternate Lee Thomsen.

It was noted that Barbara Wilkes was absent excused.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. PUBLIC HEARINGS:

A. PZC#18-20 – Special Permit – 173 Lake Street and 228 East Lake Street Owner: First Bay Holdings, LLC Applicant: Jordan Moore and Eric Richard Proposal: Permitting Deck and Fuel Service for Marina; Signage.

MOTION: Mr. Closson, Mr. Melycher second, to reopen the public hearing in the matter of PZC#18-20 – Special Permit – 173 Lake Street and 228 East Lake Street Owner: First Bay Holdings, LLC Applicant: Jordan Moore and Eric Richard Proposal: Permitting Deck and Fuel Service for Marina; Signage; unanimously approved.

Noting that he was not present at the January 14, 2019 regular meeting, Mr. Sanden noted that he had the opportunity to review the audio from it.

Jordan Moore and Eric Richard appeared before the Commission regarding this application. Mr. Moore reviewed the modifications to the proposed site plan following the last meeting. He noted that a display area has been added in an effort to break up the parking. Mr. Moore reported that Mr. Richard has met with Department of Public Works Director Jim Rollins to work on the site plan relative to the traffic flow at 173 Lake Street. Mr. Moore indicated that they are proposing a handicap parking spot tucked into an interior spot on the East Lake Street side of the building, noting that it is a flatter area. He explained that the handicap parking spot will be paved as will a path around the building leading to the entry doors to the area of the showroom. Mr. Moore noted that a sidewalk through the display area will also be paved leading to a crosswalk to the water side of the marina on other side of East Lake Street. Mr. Moore noted the wooden guardrails that are installed along the perimeter of the building in the area that they intend to utilize for parking which will include signs that indicate MARINA PARKING ONLY.

Mr. Moore reported that docks and boat lifts will be for sale in the Display area portion of their site. He noted that there may be a few boats there, too, that they will try to sell. The area will be separated by a white plastic chain so that it will appear to be a display area, separated from the parking area.

With respect to a landscaped buffer area, Mr. Moore reported that a variance application, requesting the required thirty-five (35') foot landscape buffer be reduced to ten (10') feet, will be heard before the Zoning Board

of Appeals on February 5, 2019. Mr. Moore explained that they are hoping to use the back storage area better for boat and car parking. Mr. Closson questioned what size arborvitae will be planted. Mr. Moore indicated that the planted arborvitae would likely be a four to five foot/five to six foot, Dark American or Green Giant.

Mr. Moore reviewed the proposed lighting at the end of the dock, provided the Commission with cut sheets on two samples of proposed lighting and noted that they will be solar-powered. Mr. Closson observed that the site plan only shows proposed dock lighting installed at the end of the dock, opining that more lighting should be added to the slips of the dock. He shared his concerns with boaters during the evening hours. Mr. Moore noted that they would be amenable to adding lights to the docks.

Mr. Moore reviewed a cut sheet to be installed on the utility pole on the decking nearer the fuel tanks. He noted that they had purchased the pole and plan to install a light ten (10') feet up on it. Mr. Moore indicated that the light will be full cutoff. Mr. Closson questioned what type of lighting will be installed around the fuel tank. Mr. Moore explained that this light installed on the purchased utility pole is what was planned for that illumination, noting that it is approximately fifteen feet away from the fuel tanks and should be adequate. Mr. Moore noted that there are a lot of street lights in this location, too.

Mr. Moore confirmed that commissioners had received an email from Department of Energy and Environmental Protection regarding their oversight regarding the marina. The email indicated that DEEP had no concern with the marina having any effect on the State's boat launch, and Mr. Moore indicated that DEEP had no reason to become involved relative to boat traffic. Mr. Sanden questioned whether DEEP had any concerns with the length of the proposed docks for the marina at a proposed distance of 225'. Mr. Moore indicated that they did not. Mr. Closson noted the past practice of DEEP becoming involved with residents installing buoys near their lakefronts to protect swimmers from boat traffic. Mr. Richard referenced a submitted google earth image of the location of the docks, noting that he had added arrows to reflect the general flow and direction of boat traffic in that location.

Mr. Marchand questioned the proposed location for the beginning spot of the standpipe. Mr. Moore reported that Fire Marshal Steve Williams had indicated that the dock distance from the standpipe could not exceed 150 feet. Therefore Mr. Moore noted that the end of the dock at 225' feet would allow the standpipe to be located at approximately 75' from that end. Mr. Marchand noted that typically a standpipe is located at 150' as the firetruck carries 200' of preconnected hose so that any fire can be fought with the firetruck parked in the road.

Mr. Richard reminded the Commission that Mr. Rollins had explained that pursuant to the Town's Driveway Ordinance, this board would need to approve the forty-two (42') foot long curb cut as only thirty (30') feet is allowed without approval from the Planning and Zoning Commission and the Board of Selectmen. Mr. Richard also relayed that the DPW has agreed to move the stop sign on East Lake Street to allow compliance to the ordinance on the curb cut at that location. Additionally, Mr. Richard noted that approval from this Commission is necessary to forgo a paved apron at the curb cut on Lake Street. Mr. Closson noted that the reason behind the apron requirement is to protect the edge of the road but noted that this place has stabilized soil near the edge of the road and did not find the request unreasonable.

The hearing was open to the public.

Candy Perez of 605 West Wakefield Boulevard urged commissioners to consider approval for forty vessels rather than forty slips, noting that a vessel can be either a boat or a jetski. Ms. Perez reminded the commission that the 1993 approval by the Inland Wetlands and Watercourses Commission was granted as part of an effort to get rid of all the moorings that had been scattered about that area. She noted that there are now jetskis large enough to accommodate three people. Ms. Perez reminded commissioners that there is a 22' restriction on the size of a regular boat and a 30' restriction for the size of a pontoon boat.

Jen Perga of 378 East Wakefield Boulevard shared her concerns relative to security for the fuel service. She also questioned how customers of the marina will be advised and educated about the rules of Highland Lake as they relate to noise, garbage, and the narrows. Ms. Perga praised the improvements that have already been made at the site.

Jack Bourque of 78 Crown Street shared his concerns related to parking, questioning where people will park their vehicles if all forty renters came to the marina on any given day.

Addressing the parking, Mr. Moore noted that the back area of their site will be utilized for excess parking to keep cars off the road and why they are so hopeful that they are successful with getting a variance. He estimated that they could fit twenty cars and/or boats back in that area. Mr. Marchand indicated that the Commission will want to know how many cars can be parked there, explaining that if the applicants intend to have ten boats stored on site, it reduces the number of parking spots for marina users coming to the lake to use their boat. Mr. Moore reminded the Commission that their friend, who owns a marina with 350 boat slips on Candlewood Lake, is only required to have one parking space per every four slips.

Noting the environmental concerns with what can be introduced to the lake through the bottom of boats, Mr. Closson questioned what precautions will be undertaken in that regard. Mr. Moore explained that the only boats that will be launched will be those of their customers, done by the owners personally. Mr. Marchand questioned whether the rules of the lake will be posted anywhere out by the marina. Mr. Richard indicated that those will be included as part of a signed contract. He also noted that their services will include detailing boats which shall involve the cleaning of the bottom of the boats. Mr. Martinez noted that in the worst case scenario, marina users could park at the state boat launch but questioned whether any overflow might spill out onto the road. Mr. Moore indicated that there is public parking on the nearby roads for worst case scenario.

MOTION: Mr. Closson, Mr. Marchand second, to continue the public hearing to February 11, 2019; unanimously approved.

B. PZC#19-01 – Special Permit – 32 Lake Street Owner: Winsted Edgeworks Applicant: Brian L. Lyman Proposal: Special Permit Modification - Signage.

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 run the requisite two times on January 16, 2019 and January 21, 2019 in the Republican American. It was also noted that the Certificates of Mailing serving as proof that notice of the public hearing had been provided to the abutting property owners.

Brian Lyman appeared before the Commission regarding this application. He noted that two signs were proposed for the site. Mr. Lyman reported that one is an exterior wall sign for Little Red Barn Brewers sized at 20'x2', noting that there was eighty-nine (89) linear feet of building frontage. He reminded commissioners that the Zoning Regulations permit two square feet per linear foot of building frontage. Mr. Lyman noted that there will be three gooseneck lights positioned above the sign. The commission reviewed a rendering of the sign.

Additionally, Mr. Lyman reviewed the proposal for a freestanding directory sign, to be located at the Lake Street entrance. With five hundred, eighteen linear feet, Mr. Lyman noted that a twelve (12') foot high sign is proposed and will be five (5') feet wide. He noted that there will be forty square feet of signage. The rendering of the sign was reviewed by the commission.

The hearing was open to the public.

Glenn Zeh of 857 East Wakefield Boulevard, representing the Historical Society, spoke in favor of the application, noting that his group had no objection to the proposed signage.

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

5. OLD BUSINESS:

A. PZC#18-20 – Special Permit – 173 Lake Street and 228 East Lake Street Owner: First Bay Holdings, LLC Applicant: Jordan Moore and Eric Richard Proposal: Permitting Deck and Fuel Service for Marina; Signage.

The public hearing had been continued. No business was discussed.

B. PZC#19-01 – Special Permit – 32 Lake Street Owner: Winsted Edgeworks Applicant: Brian L. Lyman Proposal: Special Permit Modification - Signage.

MOTION: Mr. Closson, Mr. Marchand second, to approve Application #19-01 Special Permit – Applicant: Brian L. Lyman Owner: Winsted Edgeworks 32 Lake Street Special Permit Modification – Signage Map: 110 Block: 046 Lot: 015, 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. Approval is granted based on submitted plans as prepared by DiCara Land Surveying Services entitled, “Site Plan Winsted Edgeworks Meadow Street and Lake Street Winchester Connecticut” dated May, 2019 and based on the packed submitted, including diagrams of the signage and calculations of the signage;
unanimously approved.

6. NEW BUSINESS:

A. PZC#19-02 – Special Permit – 655 Main Street Owner: Winsted Ambulance Association Applicant: Writeway Signs Proposal: 25 Sq Ft Electronic Message Board w/ 17 Sq Ft Identification Signage on 90”x120” Monument.

MOTION: Mr. Closson, Mr. Marchand second, to accept Application PZC#19-02 and schedule a public hearing for February 11, 2019; unanimously approved.

7. APPROVAL OF MINUTES – JANUARY 14, 2019:

The January 14, 2019 Minutes ought to be amended to include the following:

The second paragraph of the sixth page, the portion of text that reads, “...*Mr. Martinez pointed out that the regulating should perhaps not be limited to just houses as San Antonio is experiencing an uptick in tents, trailers/recreational vehicles and boondocking...*” should instead read, “...*Mr. Martinez pointed out that the regulating should perhaps not be limited to just houses as San Antonio is experiencing an uptick in trailers/recreational vehicles...*”.

MOTION: Mr. Melycher, Mr. Closson second, to approve the January 14, 2019 Minutes as amended; Motion passed with Mr. Closson, Mr. Marchand, Mr. Martinez, and Mr. Melycher voting aye while Mr. Sanden abstained.

8. COMMUNICATIONS:

None reported.

9. TOWN PLANNER’S REPORT:

A briefing was provided regarding applications that are likely to be submitted in the near future including several new restaurants on Main Street. It was noted that a proposed budget had been submitted to the Town Manager on behalf of this commission.

10. OTHER BUSINESS:

A. Discussion/Possible Action: Short Term Rentals.

The Commission discussed the draft language for regulating short term rentals as prepared by Mr. Melycher. He pointed out that language still needed to be added regarding some type of prohibition of blocking ingress and egress in a shared driveway situation.

The commission reviewed the definition of the length of a short term rental as less than 31 days. The application fee for the permit, proposed at \$50, was also discussed. Mr. Closson pointed out that an application for a Special Permit requires a survey and one for a short term rental should not. He noted that some of the criteria that might be reviewed are lot size, bedroom count, number of vehicles, and access. Mr. Closson also noted that a property manager ought to be identified. The Commission reviewed the language.

Mr. Closson recommended that the recommendation to the Board of Selectmen should be an ordinance that only governs single-family, two-family, and multi-family but not include hotels, motels, bed and breakfasts, federally and state owned, other facilities licensed by health care agencies, and permanent affordable housing units.

Mr. Martinez questioned whether the Special Permit for the short term rentals would be transferable between owners. Mr. Closson was inclined to think it would not. Mr. Melycher opined that the review process should be conducted annually rather than biennially.

Mr. Marchand questioned whether it was likely that the Board of Selectmen were going to support such an ordinance. As the two selectmen liaisons were in attendance, they agreed to comment. Jack Bourque noted that he had attended all of the short term rental committee meetings. He explained that he still maintains his original position that the matter should not be handled through an ordinance but should instead be a zoning regulation. Steve Sedlack indicated that he would consider handling the issue through an ordinance. Mr. Sedlack shared his own experience as a renter during vacations. He noted how it can be useful to be supplied during those stays with a binder containing information similar to what this commission is seeking to have included. Mr. Bourque noted that the problems experienced by some folks with short term rentals are not problems experienced by all and can also happen when staying in a hotel next door to a particularly rowdy room.

Discussion among the commission ensued. It was agreed to include a proposed regulation regarding short term rentals as part of the next round of zoning regulations changes.

B. Initial Review of Modifications to Zoning Regulations.

Mr. Closson indicated that there should be some consideration given to sea containers. It was noted that they are currently not allowed in town. Mr. Closson noted that there are some already in town.

The commission agreed to schedule a February 14, 2019 Special Meeting at 7PM in the Probate Conference Room on the second floor to discuss possible changes to zoning regulations.

11. ADJOURNMENT:

MOTION: Mr. Closson, Mr. Melycher second, to adjourn at 8:45PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk