



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor – P. Francis Hicks Room
January 14, 2019 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

Vice Chairman George Closson called the meeting to order at 7:00PM.

2. ROLL CALL:

Mr. Closson conducted the roll call, noting that the following individuals were present: Jerry Martinez, Pete Marchand, Art Melycher, and Alternate Lee Thomsen.

It was noted that Craig Sanden and Barbara Wilkes were absent excused. Mr. Thomsen was seated for Mr. Sanden.

3. AGENDA REVIEW:

The agenda was modified to add *PZC#18-21 – Special Permit – 32 Lake Street Owner: Winsted Edgeworks Applicant: Brian L. Lyman Proposal: Special Permit Modification - Signage* under New Business.

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.

The legal ad was read into the record and was noted to have been published the requisite two times on December 31, 2018 and January 7, 2019 in the Republican American. Additionally, it was noted that the applicants had submitted the Certificate(s) of Mailing, serving as evidence that notice had been properly provided to the abutting property owners.

MOTION: Mr. Martinez, Mr. Melycher second, to open 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.

Jordan Moore and Eric Richard appeared before the Commission regarding this application. Mr. Moore reviewed the requests for a permit for the above-ground fuel tank, a flood control wall, a proposed deck over the land near the shore front, and signage for the building. He referred to packages prepared by the applicants to better explain what was being requested. Mr. Closson questioned whether the applicants were also seeking to move the existing shed located on the water side. Mr. Moore confirmed. Mr. Closson questioned the utility pole on the lake side. Mr. Moore explained that Eversource will be replacing the existing utility pole. Mr. Closson questioned whether the applicants were also seeking approval for the dumpster enclosure and the portable toilet. Mr. Richard confirmed that they had included these items after receiving the suggestion from this board as well as the Planning Office. Mr. Closson questioned whether the plans have been finalized for the flood control wall. Mr. Moore explained that they are receiving guidance in this regard from Department of Public Works Director Jim Rollins but that the final design has not yet been completed.

Referring to the 1993 approval received from the Inland Wetlands and Watercourses Commission for forty slips, Mr. Closson questioned whether there was any drawing associated with that application. Mr. Richard indicated that neither he nor his partner had a drawing. The applicants confirmed that the count was 40 but that there was no definition. The length of the runs from where the docks are attached to the shore were

questioned. It was observed that one of the docks was 196 feet while the other extended 191 feet. Mr. Richard indicated that they were estimating based on the docks that were left at the site as neither of them had ever seen or measured what was there and explained that the configuration may change. Mr. Closson explained that the Town's Dock and Mooring Ordinance governs the length of the residential docks with those applications usually only before the Inland Wetlands and Watercourses Commission. He noted that board reviews the impacts to the neighbors.

With the docks extending that far out into the water, Mr. Closson questioned what plans are included for lighting for folks out on the water in the evening. Mr. Moore explained that the Eversource utility pole will have a light shining on both docks and that the plans include LED solar lights all along the dock run. Mr. Melycher questioned whether there were any specifications on the utility pole light such as a cut sheet to indicate how far it's going to shine out. Mr. Moore noted that it is referred to as a ring light with two spot lights and a camera for surveillance. He was unsure how far they shine out but noted that they are very bright. In response to an inquiry whether Eversource was installing the light or only the pole, Mr. Moore confirmed that Eversource was only installing the pole. Mr. Closson indicated that this Commission would like a better understanding of what is being proposed for the light on the pole as well as the lighting on the docks.

Mr. Closson questioned what the implications might be to the neighboring properties and that typically, either side of the property up to 500' is usually shown to see how this impacts the neighborhood.

Referring to the Zoning Regulations, the 35' landscape buffer zone requirement between commercial and residential properties was discussed. When modifications are made to a property that require a Special Permit, those criteria need to be addressed, according to Mr. Closson. Noting that a landscape buffer had been included but observing that it was not planted at 35' from the residentially zoned abutting properties, it was explained that the applicant can either seek to amend the Zoning Regulations or apply for a variance to the Zoning Board of Appeals.

With respect to parking, Mr. Closson explained that while there are no parking requirements for the Highland Lake Business District, latitude for an effective plan was left to potential developers. It was requested that the applicants define how they are going to operate the property in terms of whether there is going to be boat sales occurring and where the folks renting the boat slips are going to park. Mr. Moore explained that there would not be any storage of trailers because the boats would already be in the water. Mr. Moore further explained that there will not be same-day launching permitted. Mr. Moore noted that the trailers will be off-site. He noted that there will be parking space around the existing building as well as space in the back of the site for busy days. Mr. Moore indicated that there is also public parking along the street, too.

Mr. Closson questioned whether the applicants intend to sell boats. Mr. Moore indicated that they do not. He noted that the only thing they plan to sell is retail for boats such as general boaters' essentials. Mr. Moore explained that they will have boats there but that they are not a boat dealership.

Regarding the parking, Mr. Moore estimated that the area can hold twelve to fourteen spots, not counting the extra space in the rear of the property. Mr. Closson questioned the open curb cut on Lake Street and how the traffic flow is controlled without marking the spots. Mr. Moore explained that they plan to have "Customer Only" signs around the building.

Mr. Moore reviewed the *Repair* aspect proposed for the building. He explained that it will include general maintenance of boats including Spring reconditioning, shrink wrapping, and winterizing boats in the Fall. Mr. Moore confirmed that inboard engine repairs will occur inside the building. He noted that they plan to wash and wax boats in the Spring. In response to whether the applicants have considered installing a floor drain or water/oil separator, Mr. Moore noted that they had not considered this. Mr. Melycher questioned how the

fluids would be handled when doing engine repairs. Mr. Moore explained that the oil and gas will be syphoned out, kept in containers and then will be disposed of at an appropriate site.

Mr. Melycher questioned the handicapped portable toilet, asking how a wheelchair would traverse a gravel driveway. He questioned whether a portion of the building could be utilized for this purpose. Mr. Moore noted that they were merely seeking to provide a convenience to their slip clients. Mr. Richard noted that there are currently no toilet facilities at this location and that they are amenable to foregoing the toilets altogether.

Mr. Closson explained that the Zoning Regulations relative to portable toilets and that they are typically only part of a seasonal use. Mr. Closson indicated that as there were no modifications proposed for the building itself, it was unclear whether Zoning Enforcement Officer Marc Melanson in his capacity as the town's Building Official would see it as a requirement to comply with the guidelines of the American with Disabilities Act. However, Mr. Closson noted that installing a portable toilet with regular maintenance would not necessarily be an objection to this Commission.

The hearing was open to the public.

John Pollack of 502 East Wakefield Boulevard shared his concerns with the proposed number of boat slips relative to the size of Highland Lake and the possible impacts such as needing more police protection for the added congestion.

Linda Groppo of 18 Cherry Street shared her concerns with the traffic and congestion that could result with cars parked on both sides of the street.

DPW Director Jim Rollins, noting that he is neither in favor nor opposed to the project, addressed the Commission to clarify issues he identified as part of his staff review of the proposal. Referring to the unresolved driveway issue, Mr. Rollins explained that there is a requirement for a paved apron as part of a driveway permit. He explained that the town's Driveway Ordinance allows for a maximum driveway width of thirty (30') feet where it connects to the road. Mr. Rollins noted that what is there currently is well beyond that allowance, so this Commission will need to make a determination of what is deemed to be an appropriate width and its connection points to the road. An additional approval may be necessary from the Board of Selectmen in this regard.

Mr. Rollins also confirmed that the Dam Safety Division of the Department of Energy and Environmental Protection is the entity to review and approve the replacement of the flood control wall. He noted that the previous owner had removed this wall when he excavated the old fuel tank.

Land Use Assistant Pam Colombie relayed a conversation with Police Chief William Fitzgerald to gain an expansion on his review comments. He indicated that there will be No Parking permitted in the vicinity of the fuel tank, noting that signs will be installed for that purpose. Additionally, he had explained that the Police have vested with them the authority to institute a parking ban as a need may arise if congestion becomes a threat to public safety.

The requirement of a stand pipe was also noted, as clarified in an email from Fire Marshal Steven Williams, should the docks ultimately be installed at a length of one hundred (150') feet or more. Mr. Marchand indicated that this should be included as part of the site plan.

Responding to the public's concern regarding trailer congestion, Mr. Moore indicated that launching will be typically limited to the Spring and Fall and confirmed that there would be no public launching. He noted that access to the launch would be restricted to the owners/operators only and noted that their clients would not even be doing their own launching.

Addressing the restrooms, Mr. Melycher indicated that should any be available, they must be available to the handicapped population, which access should not include traveling over uneven gravel. He noted that the accessway leading to the restrooms should have an appropriate grade.

Mr. Closson requested the applicants gain clarity from the DEEP regarding navigation and whether the State has any limitations relative to the length of the two proposed docks. Mr. Closson confirmed that the applicants have a 1993 approval for forty slips but explained that there has not ever been any depiction on the layout. Mr. Closson also requested that traffic flow on the property housing the building be addressed at the next meeting. It was also a recommendation that the applicants seek a variance from the Zoning Board of Appeals should they not deem it practical to include the 35' landscape buffer. A written determination from DEEP reflecting that entity's position on how far the docks can stretch out into the lake was also a request being sought by this Commission. Additionally, Mr. Closson indicated that the Commission will want more information on the lighting that will be utilized for safety.

Mr. Richard questioned who they can turn to for assistance in this regard. It was suggested that they consult with an independent planning consultant. Additionally, Mr. Closson and Mr. Marchand indicated that they would share the name and phone number of a contact at DEEP that may be able to provide guidance to the applicants.

With respect to the signage proposed, it was reported that the Architecture Review Committee met, reviewed the proposal, and provided a positive referral on the signage and the landscape buffer as originally presented on the property line.

Mr. Moore questioned how the Zoning Compliance letters factor into the marina as an approved use. It was explained that should there be no proposed changes on a property, no further approvals would be required. However once changes are proposed for a use that is approved through a Special Permit, the process is to review it with those criteria.

MOTION: Mr. Marchand, Mr. Thomsen second, to continue the public hearing to January 28, 2019; 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.

6. NEW BUSINESS:

A. PZC#18-21 – Special Permit – 32 Lake Street Owner: Winsted Edgeworks Applicant: Brian L. Lyman Proposal: Special Permit Modification - Signage.

MOTION: Mr. Melycher, Mr. Marchand second, to accept Application PZC#18-21 and schedule a public hearing for January 28, 2019; unanimously approved.

7. APPROVAL OF MINUTES – DECEMBER 10, 2018:

MOTION: Mr. Marchand, Mr. Melycher second, to approve the December 10, 2018 Minutes; unanimously approved.

8. COMMUNICATIONS:

It was noted that information on the biannual Land Use Training hosted by the Connecticut Bar Association was provided to commissioners. It is scheduled for Saturday, March 23, 2019 at Wesleyan University. Commissioners were urged to let the Planning Office know if they are interested in attending.

9. TOWN PLANNER'S REPORT:

No report provided.

10. OTHER BUSINESS:

A. Discussion with Siyuan Cao of Civil One Regarding Minor Site Plan Changes at 29 South Main Street.

Siyuan Cao of Civil One appeared before the Commission to review site plan changes at the remodeled gas station located at 29 South Main Street. He explained the modifications made to the plan since working with the Department of Transportation on an encroachment permit. Mr. Cao explained that those include reducing the curb cuts from 30' to 26' and changing the entrance and exits to one-way only. He reported that the western access will be one way in and the eastern access will be one way out as the DOT had expressed concerns with the sight line. Mr. Cao noted that the location of the tanks has also been moved to provide for better tanker access.

Additionally, Mr. Cao noted that two trees have been relocated due to sight line concerns and two lights have been removed for the same reason.

Mr. Cao explained that the permits are expected from the DOT with these changes. The only other change that may be necessary by DOT is to further reduce the curb cut from twenty-six (26') feet to twenty-four (24') feet or twenty-two (22') feet.

It was noted that as the original approval was granted subject to DOT approval, there were no concerns with the width of the curb cuts. A final as-built survey of the location of all the utilities was requested.

MOTION: Mr. Marchand, Mr. Melycher second, that the modifications be approved to meet the DOT requirements and that an as-built be provided; unanimously approved.

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

Phil Doyle of LADA, P.C. Land Planners appeared before the Commission regarding the proposed medical office buildings at 70-84 South Main Street. He reminded the Commission about their recent approval of revisions to the site plan to include the addition of a helipad and modifications to the elevations of the building. Mr. Doyle explained that in the last few weeks, senior officials at Hartford Hospital have reviewed the changes noting that the building is looking too heavy with the reduction in windows and decided that they don't want as much brick to be included. Architect John Manners reintroduced the windows on the lower levels of the ground floor facing the Route 8 interchange and the back of the building, according to Mr. Doyle. The windows will be added back but the bottom portion of these added windows will be opaque, with only the top part casting any light.

Additionally, the modifications included dropping the height of the roof by four (4') feet. Mr. Doyle noted that Mr. Manners has been before the Architecture Review Committee with these proposed changes. Their review included a positive referral.

MOTION: Mr. Closson, Mr. Marchand second, that the modifications are accepted as they are deemed minor; unanimously approved.

The commission recessed at 8:28PM. They reconvened at 8:35PM.

C. Discussion/Possible Action: Short Term Rentals.

A draft of a Short Term Rental Ordinance was reviewed. Mr. Closson noted the suggestion that the definition be expanded to one leased for less than thirty-one days rather than thirty days. Reference was also made to

termining the regulating process as a Special Permit as that would thereby require an A2 survey. Commissioners reviewed the comments provided by Chief Fitzgerald.

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, a concept where people camp anywhere. He also questioned whether accessory buildings should be reviewed as part of this.

D. Initial Review of Modifications to Zoning Regulations.

The Commission reviewed proposed changes to the Zoning Regulations. Among them were adding *Taverns* as an allowed use.

Sea containers were discussed by the Commission with it being noted that they are not allowed in town. Allowing a sign at cemeteries without needing to go through the Special Permit process was also discussed.

11. ADJOURNMENT:

MOTION: Mr. Closson, Mr. Melycher second, to adjourn at 9:28PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk