



**TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
July 23, 2018 – 7:00PM
Regular Meeting Minutes**

1. CALL TO ORDER:

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

2. ROLL CALL:

At the request of Mr. Sanden, Mr. Sadlowski conducted the roll call, noting that the following individuals were present: Barbara Wilkes, Jerry Martinez, Art Melycher and Alternate Peter Marchand.

It was noted that George Closson and Lee Thomsen were absent excused. Mr. Marchand was seated for Mr. Closson.

3. AGENDA REVIEW:

The agenda was modified to add *Activity in Winchester* under Other Business.

4. PUBLIC HEARINGS:

A. PZC#18-14 – Special Permit – Torrington Road (Various Properties from Lanson Drive Along East Side of Route 800) Owner: Various Owners Applicant: Town of Winchester Proposal: Construct Next Phase of Sue Grossman Trail.

MOTION: Mr. Melycher, Mr. Sanden to open the public hearing in the matter of Application PZC#18-14 – Special Permit – Torrington Road (Various Properties from Lanson Drive Along East Side of Route 800) Owner: Various Owners Applicant: Town of Winchester Proposal: Construct Next Phase of Sue Grossman Trail; unanimously approved.

Mr. Sadlowski read aloud the legal notice, noting that it was published the requisite two times, July 9, 2018 and July 16, 2018, in the Republican American.

Mr. Sadlowski provided a quick history of the existing portion of the trail within Winchester. He reported that the engineers are still working to obtain three easements beyond the Town Garage up to the cemetery to traverse across the Noad property, the Lippincott property and the Rhoades property. Mr. Sadlowski explained that if the easements are not obtained, the trail will likely be reduced to a sidewalk along Rowley Street. He noted that this is the only open component of the project. Mr. Sadlowski explained that an easement will likely be granted from Eversource. An easement has already been received on the Halski property. The rest of the trail is through state-owned property, according to Mr. Sadlowski.

Bob Barneshi of WMC Engineers appeared before the Commission regarding this application. Referring to a 72"x24" rendering of the proposed extension, Mr. Barneshi described the first two areas where the trail will cross the Still River. He noted that the first crossing, at an old rail road crossing, will utilize the existing steel truss with timber decking built over it. Mr. Barneshi explained that the northern abutment will need to be reconstructed.

The second crossing, a couple thousand feet down the trail, has existing abutments but no bridge structure, according to Mr. Barneschi. The proposal is to build new abutments outside of the existing ones to span the water way which will also function to help with flood control. A pre-fabricated bridge will be located at this crossing.

Mr. Barneshi reported that the trail is designed to be ten (10') feet wide. He explained that it did not appear that funds will be sufficient to pave the trail to match the existing one. The trail will be finished with stone dust screenings, similar to what might be found in the warning track of a baseball field.

Mr. Barneshi explained how the cut and fill areas will be balanced as the trail continues down Torrington Road. He reviewed a drawing of the cut-section. Mr. Melycher questioned what will comprise the fill. Mr. Barneshi noted that it will be general fill with an attempt to use as much material on site as possible but that it will be necessary to haul in a fair amount, too.

The trail will meander up closer to the roadway as it comes off the utility right of way, according to Mr. Barneshi. Timber guard rail or split rail fence will line the steeper embankment areas to keep travelers on the trail. He noted that the last mile or so will result in the trail coming closer to the road. Mr. Barneshi reminded the Commission that several easements will be needed from the industrial properties. He noted that the trail will terminate at the Rhoades driveway just before the retaining wall of the cemetery.

Mr. Barneshi explained that there will be coordination with the State of Connecticut Department of Transportation to use the existing sidewalk along retaining wall. Mr. Barneshi noted that the plan includes intersection improvements at the intersection of Willow Street including striping for a safer pedestrian crossing. He noted that should the easements from the three industrial properties not be secured, the plan is to scale back the plan and extend the sidewalk along Torrington Road.

Mr. Sadlowski questioned how wide the sidewalk will be along the wall as it currently appears narrow. Mr. Barneshi explained that it currently is four (4') feet but discussions with DOT include a request to widen it to five or six feet. Mr. Melycher noted that there is not much of a breakdown lane that exists currently. Mr. Sadlowski noted that maybe the lanes can be shifted over.

Mr. Marchand questioned why the trail did not follow the railroad bed that continues across the other side of the road. Mr. Barneshi explained that this design was considered the least costly option as retaining walls would be necessary to construct the trail wide enough.

Mr. Sadlowski noted that all the intersections will include stop signs and bollards. He noted that the bollards can be dropped for emergency access.

Mr. Sanden questioned whether the area between Lanson Drive and past the Department of Motor Vehicles will handle the water as the area has been known to flood. Mr. Barneshi explained that while the area might flood, the Still River is appropriately named as there is hardly any flow.

Noting that the skate park lot will be utilized for parking, Ms. Wilkes questioned how passing cars will be alerted to people crossing the road, seeking access to the trail. Mr. Barneshi noted that there will be advance warning signs to alert cars.

Mr. Barneshi noted that there are rapid flashing beacons that can be purchased. Mr. Sadlowski explained that there is no money in budget currently for them but at a later time they can be obtained. Referencing staff review comments, Mr. Sadlowski reported that Chief of Police William Fitzgerald had no safety concerns with the plans.

Mr. Sadlowski reported that Department of Public Works Director Jim Rollins had requested a blow-up of the chain link fence and the relocation in front of DPW of the scale where they can determine the impact to ingress and egress to their yard. Mr. Rollins had concerns that the trail be not located so close that the DPW would not be able to get their trucks in and out and enough room to park.

Mr. Barneshi noted that there is sixty-five (65') feet between the building and the back. Mr. Sadlowski questioned whether this was an adequate space. Mr. Marchand noted that there is employee parking along the fence at the front of the lot and that these would need to be relocated. Mr. Barneshi agreed that the engineers will have to review this. Mr. Marchand pointed out that school buses fuel up at this location, too.

Mr. Sadlowski also reported that Mr. Rollins had communicated that the DPW will need to remove the brick wall at the end of the cemetery due to its condition. Mr. Barneshi noted that this would not affect the proposal as the trail is terminated well before that wall. The DPW also questioned what upkeep of the trail is expected and who would be expected to maintain it. Mr. Sadlowski noted that the trail will probably fall under the responsibility of the Recreation Department and like many other things, will be a shared responsibility. Mr. Sadlowski questioned Torrington's Zoning Enforcement Officer Rista Malanca, also a resident of Winchester, who maintains Torrington's trail. Ms. Malanca noted that she was unsure who plows Torrington's trail. Mr. Sadlowski noted that it would not be necessary to plow or salt Winchester's trail. He noted that maintenance would likely be limited to mowing the sides of the trail and occasional repairs to fencing.

Mr. Sadlowski relayed Mr. Rollins' request to consider changing the pressure-treated posts and beam fencing to precast concrete, as he noted that it lasts longer and that costs are comparable. Mr. Barneshi confirmed that it would last longer and noted that he would research the costs.

The hearing was open to the public for comment.

Ms. Malanca spoke in support of the proposal, noting that she is on the Connecticut Greenways Council and co-chairman of the Winsted Trails group, and also provided information relative to this section being part of a larger 10-mile stretch connecting the two downtowns of Torrington and Winsted together. Ms. Malanca reported that the long-term goal is to include Winchester as part of a much longer trail extending all the way to Derby. She distributed results of a survey as well as results of a traffic counter. The studies estimate usage to be 43,000 people using the trail in this area. Ms. Malanca also shared findings from a study commissioned by the Naugatuck Valley Council of Governments.

Bill Sesko, owner of property on Herman Road, shared concerns relative to the increase in the number of people using the trail. He remarked about people trespassing onto his property off the existing trail. Mr. Sesko questioned why the trail is plowed out every year. Mr. Sadlowski explained he wasn't sure who plows out the trail. Mr. Sesko suggested that there ought to be markings describing the old railway and details regarding its history. Mr. Sadlowski agreed, noting that it might be a good project for scouts to undertake.

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

5. OLD BUSINESS:

A. PZC#18-14 – Special Permit – Torrington Road (Various Properties from Lanson Drive Along East Side of Route 800) Owner: Various Owners Applicant: Town of Winchester Proposal: Construct Next Phase of Sue Grossman Trail.

MOTION: Mr. Melycher, Ms. Wilkes second, to approve Application #18-12 - Special Permit Applicant: Town of Winchester Owner: Town of Winchester and Others Location: East Side of Route 800 from the ball fields to Lanson Drive Proposal: Sue Grossman Recreational Trail Map: Various Block: Various Lots: Various 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 WMC Consulting Engineers, entitled: "Town of Winchester Connecticut Plan for the Extension of the Sue Grossman Trail, Scale Various, dated May 1, 2017", as submitted.
3. The route of the trail may be adjusted, from the Town Garage to the Cemetery northbound, if necessary, to be a sidewalk along Rowley Street instead of the full width trail, in the event the needed easements are not obtained;

Unanimously approved.

Prior to the vote of the preceding motion, Mr. Martinez shared concerns with the amount of parking that might be necessary for the increased use. He noted how full the skate park lot can get during baseball games. Mr. Sadlowski noted that he expects many folks to pedal from their homes in Winchester to gain access to the trail. He agreed that it will add traffic to the area but remarked such traffic is a positive byproduct of the trail to restaurants and businesses locally. He noted that the Department of Motor Vehicles is also a possibility for parking on the weekends for people seeking to use the trail. Mr. Sadlowski noted that people can use other lots in the area so long as they don't get chased out and that should more parking be needed, this could be researched further.

6. NEW BUSINESS:

None.

7. APPROVAL OF MINUTES – July 9, 2018:

The July 9, 2018 Minutes should be amended as follows:

- Ms. Wilkes and Mr. Marchand were both absent excused, not absent.
- The motion reflected in the last paragraph of the first page that reads, "*Mr. Closson, Mr. Sanden second, to close the public hearing in the matter of PZC#18-12 – Special Permit 928 Main Street, ... Proposal: Used Car Dealership and Repair Shop until the next regular meeting on July 9, 2018...*", should have the following language stricken, "*until the next regular meeting on July 9, 2018*".

MOTION: Mr. Marchand, Mr. Melycher second, to approve the July 9, 2018 minutes as amended; Motion passed with Mr. Sanden, Mr. Melycher, and Mr. Marchand voting aye while Ms. Wilkes and Mr. Martinez abstained.

8. COMMUNICATIONS:

None.

9. TOWN PLANNER'S REPORT:

Mr. Sadlowski reported that a Show Cause Hearing was held regarding the Tarringford Street property with the Inland Wetlands and Watercourses Commission. He noted that his Order was upheld by that commission. Mr. Sadlowski noted that a check has been sent to the process server in Texas for the Cease and Desist Order on the owner of the property and expected that to be served by the end of this week.

Mr. Melycher questioned what the next step is if the activity does not cease. Mr. Sadlowski noted that the Order upheld by the IWWC will only stop the operator and owner from conducting activity in the one area. Mr. Sadlowski explained that once confirmation is received regarding service upon the owner in Texas, no further activity should occur or the Town may bring him to court. Mr. Melycher opined that fines would be appropriate. Mr. Sadlowski noted that the fines are only \$100 per day. Ms. Wilkes thought that the amount was significant.

Ms. Wilkes questioned when a decision could be expected on the dispensary. Mr. Sadlowski was unsure, noting that the State is only granting a couple.

Mr. Sadlowski reported that ECAD's grand opening is scheduled for this Wednesday. He noted that the site work at the American Mural Project is coming along.

Regarding the most recent proposed changes to the Zoning Regulations, Mr. Sadlowski noted that the wall sign language had been missed. He provided to the Commission the following additional proposed changes since the last regular meeting:

6. Wall Sign.

Total Allowance Per Building: Two square feet for every linear foot of building facing a front lot line to be allocated among the tenants accessed from that side of the building; or where a building's parking and/or tenant access is located to the side of the building, frontage on that side may also be counted and shall be allocated among the tenants accessed from that side of the building ~~to allow signs on that side of the building, provided however that no sign per tenant shall to exceed 40 square feet of total sign area, including any frame, for each tenant having less than 150 lineal feet of exterior building frontage on the side having access, and 200 square feet for tenants having more than 150 lineal feet or more of exterior building frontage on the side having access~~ Where a building has a rear or side access point which fronts a second street or parking area, one additional wall sign per tenant may be allowed using the formulas above to be posted on that building side which faces the second street or parking area.

Gas station canopies may have signage on any face of a canopy, limited to one square foot in size for every linear foot of the canopy face for that side where the sign is mounted, or 20 square foot, whichever is smaller.

Additionally, Mr. Sadlowski reported a problem with the definition of Measuring Lot Width that local land surveyor John DiCara had pointed out. Mr. Sadlowski provided a suggestion for a revision on that too. He reminded the Commission that a public hearing has been scheduled for August 27, 2018 on these proposed revisions. That proposed language was as follows:

D. MEASUREMENT AND CALCULATION

1. **Measuring Distances:** use the shortest distance along a horizontal plane from the lot line and the edge of a structure, irrespective of the topography of the land.
2. **Measuring Height:** use the vertical distance above the average natural grade of the outside ground level along all walls of a building to the midpoint of the roof.
3. **Measuring Lot Width:** lot widths are measured ~~at the shortest distance between opposite side lot lines at the rear of the Minimum Front Yard or at the Street Line, whichever is least.~~
4. **Calculating Lot Area:** minimum lot area requirements shall be exclusive of easements or other permanent restrictions prohibiting building or development, including, but not limited to areas covered by Waters.

10. OTHER BUSINESS:

A. Activity in Winchester.

Mr. Sanden shared concerns with how quickly enforcement of zoning violations is occurring, pointing to a home in the center of Winchester consisting of only 1.2 acres but yet having three cows without a barn.

11. ADJOURNMENT:

MOTION: Mr. Melycher, Mr. Marchand second, to adjourn at 8:06PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie
Recording Clerk