



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
April 9, 2018 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Craig Sanden called the meeting to order at 7:04PM.

2. ROLL CALL:

At the request of Mr. Sanden, Mr. Sadlowski conducted the roll call, noting that the following individuals were present: Craig Sanden, Barbara Wilkes, George Closson, Jerry Martinez, and Alternates Peter Marchand and Lee Thomsen.

Art Melycher was absent excused. Mr. Marchand was seated in his stead.

3. AGENDA REVIEW:

There were no changes to the agenda.

4. PUBLIC HEARINGS:

A. PZC#18-04 Special Permit – 115 Losaw Road – Map 016, Block 152, Lot 003B, Owner: Brownley, LLC Applicant: Northwest Custom Homes Proposal: Accessory Apartment on New Single-Family Home. Apartment to be 512 Square Feet. Home on 20+ Acres.

MOTION: Mr. Closson, Mr. Marchand second, to open the public hearing in the matter of PZC Application #18-04 Special Permit – 115 Losaw Road – Map 016, Block 152, Lot 003B, Owner: Brownley, LLC Applicant: Northwest Custom Homes Proposal: Accessory Apartment on New Single-Family Home. Apartment to be 512 Square Feet. Home on 20+ Acres; unanimously approved.

The legal notice was read into the record with it being noted that it was published the requisite two times in the Republican American. Katherine Macarella of Brownley, LLC appeared before the Commission regarding this application. She confirmed that notice to the neighbors had been sent but that she did not have the certificate of mailings with her. Ms. Macarella agreed that she would drop them off at Town Hall the next day.

Ms. Macarella explained that they are proposing to construct a new single-family home with an in-law apartment for her mom.

The hearing was open to the public. No comment was received.

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

5. OLD BUSINESS:

A. PZC#18-04 Special Permit – 115 Losaw Road – Map 016, Block 152, Lot 003B, Owner: Brownley, LLC Applicant: Northwest Custom Homes Proposal: Accessory Apartment on New Single-Family Home. Apartment to be 512 Square Feet. Home on 20+ Acres.

Mr. Closson referred to the section within the Zoning Regulations that includes the provision for accessory apartments, reminding commissioners that prior to the new Zoning Regulations adopted in November, 2016, accessory apartments had not been allowed. The Commission reviewed the criteria to consider with this application. It was noted that among the other requirements prescribed for the permit, the owner of the subject property must occupy at least one of the dwelling units as their primary residence.

MOTION: Mr. Closson, Mr. Marchand second, to approve Application PZC#18-04 Special Permit Applicant: Northwest Custom Homes Owner: Brownley, LLC Location: 115 Losaw Road Proposal: Accessory Apartment on New Single-Family Home. Apartment to be 512 Square Feet. Home on 20+ Acres Map 016, Block 152, Lot 003B, 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. Size of accessory apartment to be approximately 512 square feet.
3. Approvals as per the submitted plans including the following:
 - a. Site Plan, by CT Consulting Engineers, Meriden, CT, dated 1/11/18; and
 - b. Building plans and profiles, pages 1-4;

Unanimously approved.

6. NEW BUSINESS:

A. PZC#18-05 Site Plan 350 Main Street, Map 110, Block 001, Lot 005 Owner: SNET c/o Frontier Communications Applicant: Frontier Communications Proposal: Replace Underground Oil Tanks with Above-Ground 1500-Gallon Tank.

No one appeared on behalf of the applicant. Mr. Sadlowski explained that the application centers around an old existing underground tank that needs to be removed and will be replaced with an above-ground 1500-gallon tank in the same location.

Discussion ensued about commercial businesses that sometimes appear to suddenly have sea containers pop up on their site without this Commission reviewing a site plan modification. It was noted that the Commission may include green vinyl strips to finish off the proposed chain link fence.

MOTION: Mr. Closson, Mr. Marchand second, to approve Application PZC#18-05 Site Plan Owner: SNET c/o Frontier Communications Applicant: Frontier Communications Proposal: Replace Underground Oil Tanks with Above-Ground 1500-Gallon Tank Map 110, Block 001, Lot 005, 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. Approvals as per the submitted plans including the following:
 - a. Site Plan, entitled, "Fuel Tank Replacement" by Frontier, Jon D. Peterson, P.E., dated XX/XX/2014
3. Privacy slats inserted in fencing enclosure.

Unanimously approved.

7. APPROVAL OF MINUTES – March 26, 2018:

MOTION: Mr. Closson, Ms. Wilkes second, to approve the March 26, 2018 Minutes; unanimously approved.

8. COMMUNICATIONS:

None.

9. TOWN PLANNER'S REPORT:

Mr. Sadlowski reported that Attorney Mark Branse will be conducting his in-house land use training on May 30, 2018. He reminded the Commission that Attorney Branse is providing this service gratis and has only requested that it be open up to other towns in the area. Depending upon the number of respondents confirming their attendance, the meeting may need to be held in an alternative location other than Town Hall. He noted that the session will be videotaped.

Mr. Sadlowski reported that the Lambert Kay closing had occurred recently. He reminded the Commission that the new owner of the building, now known as Edgeworks, will present this board with at least a site plan and possibly a Special Permit. Mr. Sadlowski explained that it may fall under the Industrial Heritage Reuse provision. He noted that the developer is likely to begin initially with the windows and doors. Remarking about the number of windows at these old mill buildings, inquiry was also made about the timeframe for the necessary window repair work at 10 Bridge Street. Mr. Sadlowski noted that 10 Bridge Street is currently being managed by the same individual as Edgeworks and that he would consult with him on that.

Mr. Sadlowski reported that he had attended a meeting of the Northwest Economic Development Corporation the morning of this meeting and that they had just passed their Comprehensive Economic Development Strategy (CEDS). He explained that NWEDC is considering a regionalized website for its member towns where each community has their own page but are all linked together.

Mr. Sadlowski reminded the Commission that Camp Wahnee applied a few years ago to replace several of their bunk houses at a rate of one or two per year. He explained that Camp Wahnee also has a storage building where lawn equipment is housed on the first floor but at some point, perhaps as long as five years ago, the area on the second floor was finished off and beds were added for staff. Mr. Sadlowski questioned whether the Commission deems these additional beds on the second floor of the storage building as an expansion, necessitating an additional Special Permit, or whether they deem it an extension. Mr. Sadlowski explained that there is a difference between expansion and extension, whereas with an extension a special permit is not necessary. He referenced language from the last land use legal seminar held at Wesleyan University in March, 2017.

Mr. Sadlowski noted that Camp Wahnee was not adding beds for additional campers in this case but that the site plan for this location does need to be updated. Mr. Closson suggested that a master plan for this location should be developed.

10. OTHER BUSINESS:

A. Review Permitted Uses in Zone Locations.

Mary Ann Lauretti of 100 Hurlbut Street addressed the Commission, explaining that she only recently learned that her property had been rezoned to Highland Lake Business District. She explained how this rezoning effected the standards that the business abutting hers at 2 East Lake Street is held to, reminding the Commission about his recent Special Permit application to add a second floor with residential rental units to his flooring business. Ms. Lauretti implored commissioners to reverse that rezoning.

The Commission reviewed the proposed modifications to the Zoning Regulations and the review comments as provided by Attorney Mark Branse.

The Commission reviewed the language pertaining to expansions on a legally non-conforming structure, on the side of the building that is not within the setbacks. Mr. Sadlowski referred to that type of a proposal as a conforming addition to a non-conforming property. He noted that Attorney Branse agreed that there are towns that have adopted regulations so that any expansion to a non-conforming structure are required to come in for a Special Permit, with it being somewhat common along the shore that also has very small lots, similar to those

at Highland Lake. It was agreed that a special exception is necessary for a non-conforming property seeking a structure expansion.

It was noted that Attorney Branse made some suggestions to the language regarding demolitions. Additionally, *Medical Office-Large Format* was removed as a permitted use in the Town Center zone. Mr. Sadlowski reported that Attorney Branse agreed that it was a good idea to add language allowing for modifications in order to accommodate handicap accessibility.

The addition of language relative to non-conforming motor vehicle fuel sales with convenience retail establishments in business before January 1, 2016 in the Town Center Zone was reviewed as a means for addressing the setback requirements as they would relate to any future development at the Cumberland Farms building. Additionally, Mr. Sadlowski noted the proposed language for setback exemptions for common architectural features such as overhangs, gutters, bow/bay windows. He also noted the proposed language on page 49, Sign Types, that would function to allow the identification signs for parks or open space owned by the Town, Land Trust or other similar government or non-profit conservation organization. It was noted that Attorney Mark Branse added clarifying language for defining "owner" as it would relate to Bed and Breakfast establishments. Attorney Branse also added clarifying language as it relates to the conveyance of open space in an open space subdivision.

The Commission then reviewed the Highland Lake Business District. It was agreed that the following properties should be removed from the Highland Lake Business District to Town Single Family: 120 East Lake Street, 6 East Lake Street, 100 Hurlbut Street and 165 Lake Street.

The consensus of the Commission was to schedule a public hearing and notify the abutting towns and COG regarding the proposed changes to the Zoning Regulations and Highland Lake Business Zone. It was noted that the public hearing will likely be scheduled for three meetings from this one,

Mr. Closson updated the Commission regarding the Short-Term Rental Review Committee, noting that an informational meeting has been scheduled for July 2, 2018. Additionally, an online survey is being created to assess the extent of the practice and to gauge whether short-term rentals are indeed perceived to be a problem in town. Mr. Sadlowski reported that he will forward a copy of the survey questions to this commission after which he will publish it for the general population.

Mr. Martinez updated the Commission about the various local issues discussed at the recent COG meeting. He noted that they are undertaking the development of a common employment website where various businesses of northwest Connecticut can advertise employment opportunities. He also shared the ideas that are being considered in terms of Economic Development, noting that one town in Litchfield County is seeing homeowners renting out individual rooms to function as office space or incubator space.

11. ADJOURNMENT:

MOTION: Mr. Marchand, second, to adjourn at 8:38PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**