



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
February 12, 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: Craig Sanden, George Closson, Barbara Wilkes, Jerry Martinez and Alternate Pete Marchand.

It was noted that Art Melycher and Lee Thomsen were absent excused. Mr. Marchand was seated for Mr. Melycher.

3. AGENDA REVIEW:

The agenda was modified to allow for the opportunity to receive public comment under *Other Business: Review Short Term Rentals*. Additionally, it was agreed to take up *Review Short Term Rentals* ahead of *Review Permitted Uses in Zone Locations*.

4. PUBLIC HEARINGS:

None.

5. OLD BUSINESS:

None.

6. NEW BUSINESS:

A. PZC#18-03 – Special Permit 100 New Hartford Road, Map 34, Block 151, Lot 020-1, Owner: Richard J. Scianna Sr. and Charles B. Payne Applicant: 100 New Hartford, LLC Proposal: Operation of a Marijuana Dispensary Facility.

MOTION: Mr. Marchand, Mr. Closson second, to set a public hearing for the next regular meeting in the matter of PZC#18-03 – Special Permit 100 New Hartford Road, Map 34, Block 151, Lot 020-1, Owner: Richard J. Scianna Sr. and Charles B. Payne Applicant: 100 New Hartford, LLC Proposal: Operation of a Marijuana Dispensary Facility; unanimously approved.

7. APPROVAL OF MINUTES – January 22, 2018:

MOTION: Mr. Closson, Mr. Marchand second, to approve the January 22, 2018 Minutes; unanimously approved.

8. COMMUNICATIONS:

None.

9. TOWN PLANNER'S REPORT:

Mr. Sadlowski reported that Henny Penny is completing their interior finishings now and should be open within the next couple of months. He noted that the American Mural Project took receipt of their steel this date. He

reminded commissioners that they had recently approved the remodeling of the gas station at 60 South Main Street and noted that he expects an application from the gas station near McDonald's to be received soon.

10. OTHER BUSINESS:

A. Architectural Review Committee Appointments.

MOTION: Mr. Closson, Ms. Wilkes second, to reappoint Donna Davis to the Architectural Review Committee for a four-year term; unanimously approved.

MOTION: Mr. Marchand, Mr. Closson second, to reappoint Allison Kuharski to the Architectural Review Committee as an alternate to the Architectural Review Committee; unanimously approved.

B. Review Short Term Rentals.

Mr. Sanden explained that this Commission has noted the concern expressed about short term rentals and opened up the meeting to received comment from the public regarding the issue.

Dina Fisher of 424 East Wakefield Boulevard spoke in opposition of any type of regulating by the Town of short term rentals citing the need for the income generated from her own rentals in order to sustain the cost of the home.

Keith and Nancy Becker of 523 East Wakefield Boulevard spoke in favor of regulating short term rentals citing their proximity to the neighboring home that frequently rents out the dwelling and how often they encounter strangers in their area.

John Herman of 800 East Wakefield Boulevard spoke in opposition of banning short term rentals, noting that problems occurring between neighbors of rental properties should be handled between those specific parties.

Jay Trevorrow of 422 East Wakefield Boulevard urged commissioners to seek clarity relative to short term rentals, noting that a question exists whether they are functioning as a type of business in an otherwise residential neighborhood.

Michael DeClement of 378 East Wakefield Boulevard spoke in favor of regulating short term rentals, opining that such a practice should be considered operating a business in a residential neighborhood.

Mr. Sadlowski provided relevant information, including a sample ordinance, from Jocelyn Ayer from the Northwest Hills Council of Governments (NWCOG). He noted that Ms. Ayer believes the best approach for regulating short term rentals is through an ordinance by the Board of Selectmen rather than regulating through Planning and Zoning Commissions.

Mr. Closson relayed recent experiences with short term rentals in Rockland, Maine and the way that community regulates it. He explained that the review process occurs annually through an application process before their Planning and Zoning Commission. Some of the considerations as part of their oversight include identifying a local party to handle emergencies as they may arise, insurance, parking and inspections. Mr. Sanden noted that some other considerations include the demand for insurances and the demand for fees. Ms. Wilkes agreed, noting that the review is not limited to the Highland Lake area and would naturally exclude rentals exceeding six or twelve months. Mr. Martinez pointed out the speed at which some of the sites such as Air BNB and the resulting challenges that speed presents. Mr. Marchand noted his concerns lay with renters occupying dwellings which may not be outfitted with smoke or carbon monoxide detectors.

As discussion unfolded relative to forwarding the issue to the Board of Selectmen, Mayor Candy Perez urged the Commission that some type of recommendation be included. There were also questions as to why this type of regulating would take the form of an ordinance rather than a regulation. Mr. Sadlowski explained that it is the

recommendation of the COG that it take that form, likely as a result of the enforcement aspect. He noted that the Zoning Enforcement Officers do not work on the weekend whereas the Police Department is always working and would be in a position to visit violators and issue them a citation.

Selectman Jack Bourque urged this Commission to receive widespread feedback from the community.

The formation of a subcommittee was discussed. It was agreed that the folks interested in serving on the subcommittee would meet Wednesday, March 7, 2018 at 5:30PM. Ms. Wilkes, Mr. Closson, and Mr. Martinez would serve on behalf of the Commission and Mr. Bourque would serve on behalf of the Selectmen.

C. Review Permitted Uses in Zone Locations.

The Commission reviewed some of the existing permitted uses in zones within Town. Among the items discussed were home farming in Town Center, Medical Office – Small Format/Large Format in Town Center, and whether to move drive-throughs to the Special Permit category in Town Center. They also noted that the Town Center zone extends back to Gay Street. The Commission also reviewed Public Administrative Services and Courts in Town Center.

It was agreed that the Town Center zone should be reviewed further.

The Highland Lake Business District was discussed. Whether to continue to include 100 Hurlbut Street in this district was brought up as well as whether that district should include mixed-use buildings and multi-family dwellings.

The Commission reviewed the Zoning Map. They looked at several parcels currently in Town Center that could be rezoned as Town Gateway.

11. ADJOURNMENT:

MOTION: Mr. Closson, Mr. Marchand second, to adjourn at 9:02PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**