



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
January 22, 2018 – 7:00PM
Regular Meeting Minutes

1. CALL TO ORDER:

Chairman Craig Sanden called the meeting to order at 7:05PM.

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 Alternates Pete Marchand and Lee Thomsen.

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

3. AGENDA REVIEW:

The agenda was modified to take up *New Business: CGS Referral 8-24 Town of Winchester to Receive 44 Elm Street and 15 Center Street (former Bank of America building)* prior to the *Public Hearings*.

4. NEW BUSINESS:

A. CGS Referral 8-24 Town of Winchester to Receive 44 Elm Street and 15 Center Street (former Bank of America building).

Town Manager Robert Geiger appeared before the Commission. Mr. Geiger explained that the Board of Selectmen have referred the receipt of the former Bank of America site for this Board's recommendation. He explained that a number of their locations have closed, noting the Bank realizes the implications of that to the respective communities. Mr. Geiger reported that both a Phase I and Phase II study was completed by the bank when they had acquired the site from Connecticut Bank and Trust, noting that the site has been home to a bank for over sixty years. He noted that prior to that it was home to a used car lot and prior to that in the early 1900s, it was a carriage refurbishing facility. Mr. Geiger indicated that several options are being weighed and considered for the site and how they will fit in with the Plan of Conservation and Development.

Both Mr. Closson and Mr. Martinez noted that this location is an important corner in town.

MOTION: Mr. Closson, Ms. Wilkes second, to forward a positive referral to the Board of Selectmen regarding the acquisition through donation of the former Bank of America building, located at 44 Elm Street and 15 Center Street; unanimously approved.

5. PUBLIC HEARINGS:

A. PZC#17-19 Special Permit – 2 East Lake Street, Map 114, Block 083, Lot 001F Applicant: Ron LaPointe Owner: LaPointe's Floor Covering & Design, LLC Proposal: Add Second Floor to Existing Building to Change into Mixed-use. Add Six 1-Bedroom Apartments. New Exterior Finishes, Entrance and Landscaping. Requesting Shared Parking for mixed-uses per III.E.1.e.

MOTION: Mr. Closson, Mr. Marchand second, to reopen the public hearing in the matter of PZC#17-19 Special Permit – 2 East Lake Street, Map 114, Block 083, Lot 001F Applicant: Ron LaPointe Owner: LaPointe's Floor Covering & Design, LLC Proposal: Add Second Floor to Existing Building to Change into Mixed-use. Add Six 1-

Bedroom Apartments. New Exterior Finishes, Entrance and Landscaping. Requesting Shared Parking for mixed-uses per III.E.1.e.; unanimously approved.

Ron LaPointe, accompanied by his engineer Richard Calkins, PE, of Northeast Consulting and Design, appeared before the Commission regarding this application. Mr. Calkins noted that the access to the second floor would be from the front of the building and pointed out the location for the proposed garage as the northeast portion of the site. The location for the proposed shrubberies to function as screens was also noted. Mr. Calkins noted the area where asphalt and gravel would be removed and replaced with grass thereby reducing the amount of impervious surface on the site.

Mr. Calkins reviewed the drainage improvements as part of the proposal, indicating that the parking lot will be repaved. He explained how the new drainage will filter the storm water as part of the applicant's plans for LID (low impact development). He noted that the landscaping plan has been provided as had the parking plan which included a non-sequential use of the parking lot as part of the applicant's request for shared parking. He reviewed the location of the dumpster and gas grills on an existing concrete pad on the site.

Mr. Calkins submitted for the record, and distributed copies to the commission, an example of the handicapped parking permit sign as well as a detail on the retaining wall. He noted that the proposed wall is only four (4') feet high and that normally a detail for one that height is not submitted.

Mr. Marchand questioned whether Department of Public Works Director Jim Rollins had reviewed the drainage plans. It was noted that Mr. Rollins had previously provided staff review comments and had no mention of significant icing and had only comments regarding the sewer plans. Mr. Calkins opined that this proposal improves drainage issues inherent with the site and general location. No significant grade changes were planned, according to Mr. Calkins.

Questions were also put forth relative to stock and equipment currently occupying the existing parking lot.

The proposed parking was reviewed and discussed. Mr. Calkins noted that the commercial use of the first floor of the building occurs during the daytime hours when often tenants are away from residence and are at work and that in theory, there would not be much overlap. Ms. Wilkes questioned what would likely occur on Saturdays. Mr. LaPointe indicate he only operates his flooring business on Saturdays from 10:00AM to 2:00PM. He noted that customers don't frequent the shop for very long when they do visit. Mr. Martinez noted the possibility that the tenants may prove to be retirees and be home during weekdays at the same time that the business is open. Mr. Calkins explained that the applicant was targeting workforce tenancy and that there would still be twenty-nine parking spots. Mr. Martinez questioned whether the lot has adequate room to pull in, make a U-turn, and then parallel park along the side of the building as reflected on the plan. Mr. Calkins indicated that there is not enough room to make a U-turn.

Ms. Wilkes questioned whether the issue of handicapped access to the building had been resolved as it related to the building code. Mr. LaPointe presented building renderings. He noted that the plans include for a hydraulic lift within the stairwell for access to the second floor and that his architect had assured him that typically when there is no alternative, the modification to the building code is granted from the State. With respect to the stock and equipment currently occupying the parking lot, Mr. LaPointe noted that it will all be relocated to the proposed garage. In response to whether the garage is for the trailers, Mr. LaPointe indicated that it will not house the trailers but will instead house two vehicles with racks against the back wall. He noted that the trailers will be relocated off site to a different location.

Signs were discussed. Mr. LaPointe noted that it had been suggested to him that he have one on the front of the building and one on the side.

The number of balconies was questioned as well as whether they meet setbacks. Discussion followed regarding expanding a non-conforming building. Mr. Sadlowski noted that only one balcony, the one at the northeast corner of the building, bumps into the setback. Mr. Closson opined that the footprint is the key with a non-conforming building and noted that the balconies would not be considered architectural features but would instead be considered space to be occupied. Mr. LaPointe questioned whether the Commission would prefer a birdcage type feature at each unit rather than a balcony.

Thomas Lopardo of 23 Ridge Street questioned whether the drainage at this site was going to be improved. Mr. Calkins reviewed the grading proposed at the site. He noted that the applicant's site adjacent to Mr. Lopardo's pitches east towards East Lake Street away from Mr. Lopardo's land.

Joe Lauretti of 100 Hurlbut Street noted that runoff from the applicant's property flows onto his property. He questioned the improvements to the drainage problems between the applicant's property and his own. Mr. Lauretti also objected to the proposed location of the dumpster, too. Mr. Lauretti noted that his objection is not with adding a second floor but instead lays with the drainage. He suggested that a privacy fence be added to the top of the proposed retaining wall.

Mr. LaPointe noted the water that flows down the road onto his site, explaining that it makes it difficult for his property to handle it. The proposal will improve the drainage issues, he explained. Mr. Calkins explained that the dumpster will have to be located somewhere on site but that it would be unlikely to be neglected as this would not be appealing to the tenants at this location either.

Jen Perga of 378 East Wakefield Boulevard noted the addition of the Highland Lake Business District as a new zone in an attempt to benefit the businesses that have historically been in the area there. She opposed the proposal as she observed that this is a new use to a building that it had not previously. She referred to the recommendations contained within the Plan of Conservation and Development for lake areas in town to maintain it as a low density residential area. Ms. Perga also noted the demographics in town, citing the need for the older population to have first-floor residences. Finally, Ms. Perga cited the recent flooding in Houston as reasons to avoid building near the wetlands.

Mr. Lauretti addressed the Commission again, sharing an observation that there had been no mention on handling the build-up of ice and snow.

Linda Groppo of 18 Cherry Street shared her concerns with the proposed parking, especially in the summer, and explained the heavy congestion that is likely during that time. She opined that overflow from the parking at this site is likely to spill over into Reisha Beach. She, too, questioned the plans for snow removal.

Mr. Closson questioned whether the four (4") piping reflected on the drawings is all new. Mr. Calkins confirmed, noting that there is some currently in front of the entrance that shall remain.

More discussion over the existing drainage and proposed drainage ensued. Mr. Closson opined that there should be additional details provided. Mr. LaPointe reported having conversation with his neighbor at 6 East Lake Street, indicating that he was looking to have his curtain drain done at the same time that work at this site is undertaken.

Mike Declement of 378 East Wakefield Boulevard shared his observations of the impervious coverage, noting that the existing coverage is 81% with the proposed coverage being reduced to 74.8%. Mr. DeClement noted that the language in the Highland Lake Business District defers back to Highland Lake District where there is no other indication of a difference between the two zones.

In response to final questions from the Commission, Mr. LaPointe indicated he has two employees and three company vehicles. He also confirmed that the storage containers have been removed.

MOTION: Mr. Closson, Mr. Marchand second, to close the public hearing; unanimously approved. The public hearing was closed at 8:17PM.

B. PZC# 18-01 Special Permit – 60 South Main Street, Map 116, Block 074, Lot 018 Applicant: Consulting and Design, LLC Owner: Akaal Management, LLC Proposal: Enlarge Retail Store Area from 480 SQ FT to 1710 SQ FT; Canopy and Islands to Remain – Tanks to be Replaced.

MOTION: Ms. Wilkes, Mr. Closson second, to open the public hearing in the matter of PZC# 18-01 Special Permit – 60 South Main Street, Map 116, Block 074, Lot 018 Applicant: Consulting and Design, LLC Owner: Akaal Management, LLC Proposal: Enlarge Retail Store Area from 480 SQ FT to 1710 SQ FT; Canopy and Islands to Remain – Tanks to be Replaced; unanimously approved.

Mr. Sadlowski read aloud the legal notice for the public hearing, noting that it had been published in the Republican American on January 10, 2018 and January 15, 2018. Additionally, it was noted that the receipts verifying that notice had been provided to the abutting neighbors had been received.

Ron Fortune of Consulting and Design, LLC appeared before the Commission regarding this application. He explained that the piping to the existing dispensers will remain. Mr. Fortune reported that there shall be a tank replacement but that the location of the tank will not change. He noted that the building is being moved back so that access can be gained from both sides. He noted that the parking will remain as is but will be extended back to the sloped area in the rear of the site.

Mr. Fortune reported that the existing building will be torn down and that the square footage will be increased. He noted that improvements include a gabled roof and a stone treatment around the front of the building. Mr. Fortune noted that the free-standing sign located currently in the right of way will be replaced with one in the center front berm.

He explained that the building is being pushed back ten feet into the rear slope of the site on a new footing and frost wall. Mr. Fortune reviewed the proposed parking for the site. He noted that six parking spaces are required and the site will have three on one side, two on the other side of the building and one out in the front near that berm. Additionally, he noted that the business standard generally recognizes the spots at the pump as spots, too.

Mr. Sanden questioned the grade drop off the rear of the site. Mr. Fortune noted that an eight (8') foot frost wall is likely.

Mr. Sadlowski reviewed the comments received from the Architectural Review Committee. He noted that they had concerns on the sign and sight lines. They also had concerns with whether the parking would be adequate. Mr. Sadlowski noted that this has been addressed. He also noted that the ARC had shared their preference for the color of the building be an earth tone such as a light gray or a neutral color. The landscape plans include burning bushes. The ARC noted that this species is invasive and requested a substitution in that regard. They also requested that the other plantings be reviewed for their salt tolerance. The ARC also wanted to be sure that there are asphalt architectural shingles on the roof. Mr. Fortune indicated that his client was agreeable to these recommendations.

Additionally, Mr. Sadlowski noted that the fence is being replaced and the guiderail will be replaced. Mr. Closson explained that a dumpster enclosure is required. Mr. Fortune noted that the existing storage box will be removed. He also indicated that there will be propane although the precise location was unknown. Mr. Fortune explained that Mr. Sadlowski had suggested that it be located on one side of the building but will review it with the Fire Marshal.

It was noted that the sidewalk along the road would be updated. Mr. Fortune indicated that the parking lot will be resurfaced. The lighting would be updated to LED, according to Mr. Fortune, but the canopies are not being changed. He agreed that it will not be getting any brighter.

The hearing was open to the public. No comments were received.

MOTION: Mr. Closson, Ms. Wilkes second, to close the public hearing; unanimously approved.
The public hearing closed at 8:40PM.

6. OLD BUSINESS:

A. PZC#17-19 Special Permit – 2 East Lake Street, Map 114, Block 083, Lot 001F Applicant: Ron LaPointe Owner: LaPointe’s Floor Covering & Design, LLC Proposal: Add Second Floor to Existing Building to Change into Mixed-use. Add Six 1-Bedroom Apartments. New Exterior Finishes, Entrance and Landscaping. Requesting Shared Parking for mixed-uses per III.E.1.e.

Mr. Martinez observed that if the proposal were to allow an expansion into the setback, even on the second story and through the actual footprint, the building could extend out as much as five feet, as one might see in Europe. Referencing Section 10.6 of the former Zoning Regulations, Mr. Closson opined that the intention of these current regulations was to avoid expansion with non-conforming buildings especially in the Highland Lake area.

With respect to the shared parking portion of the proposal, Mr. Closson opined that there is not satisfactory resolution between the hours of operation of the business and the limited parking spaces. He also noted the issue of the amount of space for adequate room to turn within the lot. Mr. Closson noted that this is too intense of a use for this property. He referenced page 4.1 of the Plan of Conservation and Development, agreeing with the point raised by Ms. Perga during the hearing. Mr. Martinez agreed with the likelihood of problems with parking, notably the parallel parking portion of the lot. Ms. Wilkes agreed with these points.

MOTION: Mr. Closson, Ms. Wilkes second, to approve Application PZC#17-19 Special Permit Applicant: Ron LaPointe Owner: LaPointe’s Floor Covering & Design, LLC Location: 2 East Lake Street Proposal: Add Second Floor to Existing Building to Change into Mixed-use. Add Six 1-Bedroom Apartments. New Exterior Finishes, Entrance and Landscaping. Requesting Shared Parking for mixed-uses per III.E.1.e. Add 36’x40’ Garage. Map 114, Block 083, Lot 001F. 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 following submitted plans:

- Site Plan by DiCara Land Surveying Services entitled, “Site Plan Prepared for LaPointe’s Floor Covering & Design, LLC 2 East Lake St. Winsted, CT, dated April, 2017, Scale 1”=20’ ”
- Other: Drawings entitled, “2nd Floor Addition – Apartments 2 East Lake Street Winsted, CT 06098 Owner: Ron LaPointe Ph.#(860) 307-3967 – NOT FOR CONSTRUCTION – Cover Sheet, Existing Floor Plan & Elevations, A-1 Proposed Elevations, A-2 Proposed Elevations, A-3 Proposed 2nd Floor Plan” and
- Site Plan prepared by Northeast Consulting, LLC entitled, “Lapointe Floor Covering & Design, LLC 2 East Lake Street Winsted, Connecticut Sheet No SP-1” dated 1-18-18.

Plans prepared by Northeast Consulting, LLC entitled, “Proposed Development for Lapointe Floor Covering & Design LLC 2 East Lake Street dated 01/20/18” – Cover Sheet, Grading & Utility Plan – Sheet GU-1, and Detail Sheet D-1.0. Signage limited to two signs that would be subject to meeting current Zoning Regulations.

4. Landscaping subject to review of Town Planner to ensure it is compatible with the possibility of salt and not an invasive species.

5. Piping for storm drainage should be determined to be whatever schedule pipe it should be for the appropriate installation.

6. Bedding for the storm drainage should also be described and called out in the detail sheet.

7. Landscape plan should include how the bed for lawn and shrubbery should be prepared.

8. The entrance to the parking area is subject to the Town Planner's review, with the new paving to be installed according to the plans submitted.
9. As part of this application, the Commission is allowing an allowance for shared parking as allowed under section III.E.e, as we feel the parking uses are off-set in their peak hours and that enough is being proposed to satisfy the needs of the project.
10. The building and garage shall be built according to the plans submitted and shall incorporate the architectural features noted on the plans, including the brick base, cedar shake gable ends, tan siding, white trim, and brown shutters.
11. All lighting to be full cut-off.
12. All excess material stored outside on site to be removed prior to the issuance of the CO.
13. This approval is reliant on attaining a waiver from the State Building Official on the elevator type.
14. All border landscaping between properties must be planted in the Fall of 2018, and maintained to assure proper growth. Other plants to be installed before the C/O is issued or bonded if off-season. Any plants that die in the future must be replaced in the following fall. Keeping these plants alive and thriving is a condition of this permit. Fall is the best time to plant nursery stock, and that is why this time-period is specified. Minor species changes may be approved by the Planner, with the Chair's Consent, if the plant type is similar in stature.
15. Minor adjustments to the site plan that do not change the plan's overall goals may be approved by the Planner with the Chair's consent;

Motion failed with Mr. Closson, Ms. Wilkes, Mr. Marchand, and Mr. Sanden opposed while Mr. Martinez voted aye.

B. PZC# 17-21 Site Plan – 103 Colebrook River Road, Map 18, Block 150, Lot 045 Applicant: Robin Glover and Deborah Minard Proposal: Gift Shop - Small Retail; Store will be 18'x27', 432 sq. ft., 2 Parking Spaces Required: 2 Parking Spaces + 1 Handicap Space Provided Plus Plenty More Spaces for House.

Mr. Sadlowski reminded the Commission that the State of Connecticut indicated no objection to the proposal provided that there is no parking nor any signs within the State's right of way.

MOTION: Mr. Closson, Mr. Martinez second, to approve Application # 17-21 Site Plan Applicant: Robin Glover and Deborah Minard Owner: Zelia Lopes Location: 103 Colebrook River Road Proposal: Gift Shop – Small Retail; Store will be 18'x27', 432 sq. ft., 2 Parking Spaces Required: 2 Parking Spaces + 1 Handicap Space Provided Map: 018 Block: 150 Lot: 045 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 entitled, "Map Showing Property of Joaquim & Zella Lopes 103 Colebrook River Road Winchester, Connecticut November 9, 2017";

Motion unanimously approved.

C. PZC# 18-01 Special Permit – 60 South Main Street, Map 116, Block 074, Lot 018 Applicant: Consulting and Design, LLC Owner: Akaal Management, LLC Proposal: Enlarge Retail Store Area from 480 SQ FT to 1710 SQ FT; Canopy and Islands to Remain – Tanks to be Replaced.

MOTION: Mr. Marchand, Mr. Closson second, to approve Application #18-02 Applicant: Consulting and Design, LLC Owner: Akaal Management, LLC Location: 60 South Main Street Proposal: Enlarge Retail Store Area from 480 SQ FT to 1710 SQ FT; Canopy and Islands to Remain – Tanks to be replaced. Map: 116 Block: 074 Lot: 018, 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, dated May 22, 2017, by Consulting and Design, 33 Park Plaza, Lee, MA including the following:

- Title Sheet T-1,
- Demolition Plan TS -43,
- Exist Site Plan C-3,
- Site Plan S-1,
- Grading Plan S2A,
- Landscape Plan S-3,
- Sediment & Erosion Control Plan S-4,
- Utility Plan S-6,
- Site Plan Details TS-5,
- Floor Plan A-1,
- Front Elevation A-2,
- Left Side Elevation A-2 A,
- Family of Signs L-2

- 3. That the sidewalks in front of the station be replaced as required by Town Ordinance.
- 4. That the Commission will accept the parking spaces provided at the pumps toward the required parking.
- 5. That the building, as specified on the plans, utilize “Hardy Board” type siding, have a stone veneer at the base and architectural type shingles on the roof.
- 6. That the entire parking lot be re-surfaced and striped and that the existing catch basin will have its top replaced and be cleaned out at the end of the project and at least annually, or as more frequently needed, in the future.
- 7. Provide Dumpster Enclosure;

Motion unanimously approved.

7. APPROVAL OF MINUTES – December 11, 2017:

MOTION: Mr. Marchand, Mr. Sanden second, to approve the December 11, 2017 Minutes; Motion approved with Mr. Marchand, Mr. Sanden, Mr. Closson and Ms. Wilkes voting aye while Mr. Martinez abstained.

8. COMMUNICATIONS:

It was noted that Mr. Sanden had received a communication regarding the upcoming meetings for the Federation of Zoning.

9. TOWN PLANNER’S REPORT:

Mr. Sadlowski reported that he had spoken with Attorney David Cusick from Howd, Lavieri & Finch, about their proposal to donate the back portion of their lot to the American Tort Museum. Mr. Sadlowski explained that these lots are in the Town Center Zone, a zone that has minimum coverage requirements and maximum setbacks. He noted that to achieve this, a variance would need to be received.

10. OTHER BUSINESS:

The Commission also discussed reviewing the Zone to ensure that the permitted uses listed definitely reflect the uses that are compatible with the POCD in terms of multi-use in the Highland Lake area and small-format/large-format medical offices in the Town Center. They agreed to include additional discussion on this for the next meeting’s agenda.

Discussion of regulating Air BNB was also an issue that the Commission indicated should be included, too.

11. ADJOURNMENT:

MOTION: Mr. Closson, Mr. Marchand second, to adjourn at 9:26PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**