



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Pearson School  
2 Wetmore Avenue – Band Room  
April 10, 2017 – 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, George Closson, Jerry Martinez, and Alternate Lee Thomsen.

It was noted that Alternate Pete Marchand was absent excused.

**3. AGENDA REVIEW:**

No changes were made to the agenda.

**4. APPROVAL OF MINUTES – March 27, 2017:**

**MOTION:** Mr. Closson, Mr. Melycher second, to approve the March 27, 2017 Minutes; unanimously approved.

**5. PUBLIC HEARING:**

**A. PZC #17-04 Special Permit – 372-376 Main Street and 30 Elm Street Map 110, Block 001, Lot(s) 2, 2A, 18, and 18A Applicant: Community Health & Wellness Center of Greater Torrington, Inc. Owner: Winsted Super Saver Property, LLC Proposal: Proposed Relocation and Expansion.**

**MOTION:** Mr. Closson, Ms. Wilkes second, to reopen the public hearing in the matter of PZC #17-04 Special Permit – 372-376 Main Street and 30 Elm Street Map 110, Block 001, Lot(s) 2, 2A, 18, and 18A Applicant: Community Health & Wellness Center of Greater Torrington, Inc. Owner: Winsted Super Saver Property, LLC Proposal: Proposed Relocation and Expansion; unanimously approved.

Mr. Sadlowski read a prepared statement that provided guidance for the format of the public hearing including directions relating to the public comment portion.

Mr. Melycher opined that a correspondence, that had been emailed to commissioners on April 7, 2017 from the applicant's CEO, should not have been sent ahead of the public hearing but instead provided at this meeting. Mr. Sadlowski explained that the letter has been made part of the public record and that it is appropriate to have provided the letter in advance thereby allowing the Commission adequate time to review the four-page letter.

Attorney Joe Williams of Shipman and Goodwin appeared before the Commission on behalf of the applicant. Accompanying Attorney Williams was Community Health and Wellness Center CEO Joanne Borduas and Project Manager Ron Visini.

Attorney Williams noted that his client sought to address further and provide additional information with respect to comments received at the last public hearing. He noted that most of the opposing comments to the application were focused on potential impacts to the economy of downtown Winchester as well as unsupported speculation that a non-profit would be bad for the economy of downtown. Attorney Williams reminded the Commission that the decision they render has to be based on facts in the record and may not be based on speculation. He reviewed items deemed as speculation. He also reviewed the facts presented as part of the application.

Attorney Williams noted that even with the approval of this application, there would be about 2500 square feet of space, right on Main Street that could be used for some other potential use such as retail or a food co-op. Attorney Williams noted the willingness of CHWC for this other use. He referenced the suggestion detailed in Mr. Sadlowski's Staff Report and noted that CHWC is agreeable to this. Attorney Williams distributed copies of a 2010 Study by the Connecticut Association of Nonprofits, entitled, *The Economic Health & Impact of Nonprofits in Connecticut*. He noted that page 4 outlines how nonprofits are vital to Connecticut's economic recovery. Among the points that Attorney Williams keyed into from this article is that nonprofits employ tax-paying individuals who consume goods and services just like any other business in Connecticut and pay income taxes like other employers.

Attorney Williams then referred to the Plan of Conservation and Development, specifically pages 8-2, 8-3 and 8-4, related to Non-Municipal Community Facilities. He opined that the last paragraph at the end of Page 8-3, interpreted to garner support for Winsted Health Center, is broadly applicable and just as applicable to this application.

Ms. Borduas then reviewed her aforementioned correspondence, containing a Question and Answer. Ms. Borduas described what CHWC does and the types of services offered. The document that she referred to and discussed in detail also included a section on why CHWC does not use the \$1M grant to renovate the space that they are currently in on Spencer Street. Ms. Borduas then addressed what they intend to do with the space on Main Street, including renovations to allow for six primary care rooms, four dental rooms, two behavioral health rooms and the addition of rooms that can be utilized for group therapy and/or community events.

Mr. Thomsen questioned the number of employees that would be added as part of this application. Ms. Borduas indicated that while the CHWC currently has three, it would likely increase to thirteen. Mr. Thomsen questioned the number of employees that Mr. Dwan currently has. Mr. Dwan indicated that he currently has four full-time employees. Mr. Thomsen opined that a lively retail downtown is evidenced through "boots on the ground" or people walking around and questioned when the center would be open. Ms. Borduas indicated that it would be open five days per week, until 6:00PM and that Saturdays might be a future possibility. Mr. Thomsen questioned how many people come through the center. Ms. Borduas indicated that CHWC sees about 2,000 patients or 4,000 visits on an annual basis because of limited capacity. She noted that expanding the capacity would likely increase the base to 4,000 patients or 6,000-8,000 visits on an annual basis. Each provider sees about fifteen to eighteen patients per day, according to Ms. Borduas. She explained that in their present location, they are limited to just one provider whereas this application would allow for four providers.

Mr. Melycher noted that Ms. Borduas had noted in her presentation that people were unaware of CHWC's presence in the community because of its present location. He questioned why CHWC has not gone to fairs, advertised, or partnered with Friends of Main Street in order to increase that awareness. Ms. Borduas noted that they have done those things but that most people do not realize that CHWC is its own separate entity.

**Glenn Zeh of 857 East Wakefield Boulevard** acknowledged the contributions of John Dwan to the community of Winchester. However, he spoke in opposition of the application, noting that the downtown area needs a market.

**Sarah Toomey of 12 Wallens Hill Road**, noting that she is a Community Outreach employee of CHWC, explained that transportation appears to be the biggest obstacle to people in the area. She spoke in favor of the application, noting that the town does not have a social worker and that easier access to services would be beneficial.

**David LaPointe of 11 Hillside Avenue** spoke in favor of the application, noting that the Town has many great nonprofits and noted that he has concerns with creating another empty building in town.

**Linda Groppo of 18 Cherry Street** opposed the application and questioned whether the move would be in harmony with the neighborhood, noting that 372 Main Street is the center hub of the town.

Mr. Dwan addressed the Commission, noting how difficult the past few weeks have been. He reported that he has been misrepresented in the newspaper, noting a statement indicating that his store serves 800 patrons per day. He noted that his store has been listed for sale for quite some time and had personally reached out to over thirty companies including Trader Joes, Whole Foods, Aldi's, Adams, Family Dollar and Dollar General.

**Jean Nadle of 74 Albany Street, Torrington** addressed the Commission, noting that she is a dental hygienist and shared how excited she was when approached with becoming a hygienist here in Winsted. She explained that with only one dental office in CHWC's present location on Spencer Street, both a dentist and a hygienist cannot work at the same time.

**Brian O'Heron of 211-212 West Wakefield Boulevard** supported the application, noting that the Town has to get away from preventing people from doing what they want to with land and move towards helping people do what they want to help grow the grand list.

**Mike DeClement of 378 East Wakefield Boulevard** opposed the application and noted that while all would acknowledge how great Mr. Dwan and his contributions to the community are, there should be no emotion in reviewing this application.

Mr. Closson explained that the decision criteria is based on specific items contained within the Zoning Regulations and in part, the Plan of Conservation and Development. He noted that one of the requirements of a Special Permit is that the applicant present with a site plan. Mr. Closson explained that the site plan has inadequacies regarding the bus and taxicab traffic flow, in order to get patients in for unloading. He noted that the site plan presented shows the present conditions and does not indicate handicapped parking or the requirements for that.

Mr. Closson then reviewed the considerations for Special Permits, one by one. Delaying discussion on "Suitable Location for Use", he discussed "Appropriate Improvements" and noted that the recommendations put forth by the Architectural Review Committee were not included on the site plan though the applicant has indicated that they would be willing to participate in that type of improvement. Mr. Closson noted that the dumpster enclosure is in need of repair and noted that there is a compactor and that both would need to be addressed. With regard to the consideration of "Suitable Transportation Conditions", Mr. Closson noted that the site plan does not address traffic flow, including bus and taxicab flow, handicapped parking and pedestrian walkways. Mr. Closson noted that no problems presented with "Adequate Public Utilities". Mr. Closson noted that the applicant has only presented with a floor plan but no details on how accessible the site may be with respect to "Adequate Public Services". Mr. Closson opined that this proposed use does not comply with the intent of the POCD for the development and enhancement of the Town Center Zone. Mr. Closson explained that as the Commission worked on the POCD, discussion had occurred about the downtown having three center "centers", with this site being the center hub of those centers.

Mr. Closson then referenced Section 2-8 of the POCD, which addresses conditions and trends as well as the section on Grand List Growth in 2-9. Mr. Closson also noted 3-2 of the POCD, under Vision for Winchester, the text that addresses revitalizing Winchester's mixed use Downtown, and anchor it with expanded retail and office space and a range of housing. He then referred to the Planning Objectives contained within Section 4-2 of the POCD, "...Promote and sustain a financially viable, revitalized, mixed use, high density Downtown that will serve as a commercial, governmental, religious, educational and cultural destination for residents of the Town, surrounding towns and tourists...".

Mr. Closson opined that this application comes up short in terms of implementing and advancing the downtown core business district.

Mr. Martinez explained that the Commission is charged by state statutes to work with the applicant so that they can reach their land use goals. He noted that the Commission should follow their Zoning Regulations and noted that the POCD is not part of those regulations.

Ms. Wilkes disagreed as to whether the POCD is a guide to be used in assessing this application, noting that it was the guide with adopting the new Zoning Regulations.

Mr. Sanden explained that this is a use permitted under the existing regulations even though the size of the proposed use requires a special permit. He noted his concern with the possibility of this building becoming vacant.

Mr. Sadlowski read aloud the nine considerations for a Special Permit from the Zoning Regulations. He indicated that the POCD should indeed be considered and an application should generally agree with the POCD.

Attorney Williams concluded with remarking that this Commission should not consider whether the store is going to close as that fact has been established nor should they consider how many people either entity employs. Attorney Williams urged the Commission to consider whether the application complies with the Zoning Regulations and whether it will bring some benefits to Main Street. He noted that the criterion for Special Permit outline whether an application will meet one or more of the goals of the POCD. He noted that it need not meet every goal of the POCD and reiterated that it meets certain goals outlaid in Section 8 of the POCD.

Mr. DeClement again addressed the Board, reminding them that he was opposed to the application.

Mr. O'Heron again addressed the Board, opining that the application should be approved.

**MOTION:** Mr. Closson, Mr. Melycher second, to close the public hearing in this application; unanimously approved.

**B. PZC #17-06 Special Permit – 142 Laurel Way, Map 031, Block 153, Lot 021F Applicant: Alain Jacques and Jacqueline Jacques Owner: Alain Jacques and Jacqueline Jacques Proposal: Permit for Accessory Use.**

**MOTION:** Mr. Closson, Mr. Melycher second, to open the public hearing in the matter of PZC #17-06 Special Permit – 142 Laurel Way, Map 031, Block 153, Lot 021F Applicant: Alain Jacques and Jacqueline Jacques Owner: Alain Jacques and Jacqueline Jacques Proposal: Permit for Accessory Use; unanimously approved.

Jacqueline Jacques appeared before the Commission regarding this application. She explained that they are seeking the Accessory Use to be accepted, noting that it is already completed and that she and her husband have been living there for over seven years. She reminded the Commission that this living space over her garage was originally intended for her son and daughter-in-law. Ms. Jacques explained that the house was recently listed for sale and went under contract within two days. She explained that she is working with Torrington Area Health District but was waiting to see what would develop from this meeting. Mr. Sadlowski explained that there was previously a variance granted in 1998 for the garage with the condition that it was not to be used for living space.

Ms. Wilkes questioned whether this proposed use exceeds the allowed amount. Ms. Jacques indicated that it was below 900 square feet as it is 826 square feet. Mr. Closson questioned the closets and boiler room. Ms. Jacques noted that the closet is in the garage.

Ms. Jacques reported that because her septic system was done twenty years ago, Torrington Area Health District indicated that she would need a design prepared by an engineer. Mr. Sadlowski indicated that she would need to obtain an approval letter from Torrington Area Health District that the system can handle the added use. Ms. Jacques indicated that it is a different system and that the use is only one bedroom. Mr. Closson noted that the former Zoning Regulations did not allow this use and that even with the provision allowing the use in the current Zoning Regulations, adequate approval from the health district is necessary. Ms. Jacques explained that they have been using the system for seven years. She noted that the system for the garage is based off the design used for the house, and divided that design for a one bedroom with one leach field and a one-hundred, fifty gallon tank. She reported that they have never had a problem. Mr. Closson explained that typically a perc test is conducted prior to a design.

**Richard Maiolo of 140 Laurel Way** addressed the Commission regarding this application, noting that he was speaking on behalf of his wife, Suzanne Maiolo, same address, too. He noted that his home is adjacent to this property. Mr. Maiolo read aloud from a prepared written statement, copies of which were provided to the Commission, imploring them to deny approval of the application. He noted that he and his wife were approached by the applicants at the time that they were originally applying for the variance for the garage, and were later surprised by the size and location of the structure. Mr. Maiolo noted the additional changes to the garage including an addition of a deck off the back of the garage that is located twenty-two (22') feet from his property. Additionally, Mr. Maiolo noted that this application does not note the addition of a carport to the garage subsequently converted to an additional garage. Mr. Maiolo also noted that the additional septic system was not part of the original variance application. He noted that the interior of the second floor of the garage was not approved as living space and that there is living space on the third floor of the garage that would exceed the 900 square feet. He also addressed the debris that was scattered onto his property from a recent roof repair, attributing it to the proximity of the subject structure to his own property line. Mr. Maiolo shared the concerns that he and his wife have that the proposal, if approved, will adversely affect their property values.

It was noted that the added garage (carport), deck, and septic system were not approved as part of the variance.

**MOTION:** Mr. Closson, Ms. Wilkes second, to continue the public hearing in the matter of PZC #17-06 Special Permit – 142 Laurel Way, Map 031, Block 153, Lot 021F Applicant: Alain Jacques and Jacqueline Jacques Owner: Alain Jacques and Jacqueline Jacques Proposal: Permit for Accessory Use; unanimously approved.

## **6. OLD BUSINESS:**

**A. PZC #17-04 Special Permit – 372-376 Main Street and 30 Elm Street Map 110, Block 001, Lot(s) 2, 2A, 18, and 18A Applicant: Community Health & Wellness Center of Greater Torrington, Inc. Owner: Winsted Super Saver Property, LLC Proposal: Proposed Relocation and Expansion.**

Mr. Sanden noted that the Zoning Enforcement Office had two or three items in his staff review comments but indicated that the applicant has attended to them. Mr. Sanden also noted that Police Chief Fitzgerald, Department of Public Works Director Jim Rollins and Fire Marshal Steve Williams had no comments or concerns with the site plan submitted. The Commission then reviewed the criterion for Special Permit consideration.

**MOTION:** Mr. Closson, Mr. Martinez second, to approve Application # 17-04 Special Permit Applicant: Community Health & Wellness Center of Greater Torrington, Inc. Owner: Super Saver Property, LLC Location: 372-376 Main Street and 30 Elm Street Proposal: Proposed Relocation and Expansion Map: 110 Blk: 001, Lot(s): 2, 2A, 18, and 18A. 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:

- A2 Survey Prepared by DiCara Land Surveying Services entitled, "Realignment Plan Prepared for Winsted Super Saver Property, LLC 372-376 Main Street and 26 & 30 Elm Street Winchester – Connecticut Date Dec. 2016 Scale 1"=20' ";
  - Drawings submitted by Architectural Studio 3C, LLC entitled, "Proposed Satellite Office For: Community Health & Wellness Center of Greater Torrington 372-376 Main Street Winchester, CT Date 28 Feb. 2017 1/8"=1'0 " Sheets X1.1 (Existing Floor Plan & Elevations), SK1.1 (Schematic Floor Plan)"; and
  - Drawings submitted by Architectural Studio 3C, LLC entitled, "Proposed Satellite Office For: Community Health & Wellness Center of Greater Torrington 372-376 Main Street Winchester, CT Date 6 March 2017 1/8"=1'0 " Sheets SK1.1 (Schematic Floor Plan).
3. Accessible parking spaces as required shall be shown on the final site plan and approved by the Building Official before the CO is issued;
  4. Dumpster enclosure shall be repaired to meet the Regulations before the CO is issued;
  5. The landscape strip shall be installed six feet deep across the back of the building other than where doors are located and planted with a variety of shape, color and plantings;
  6. Community Health and Wellness Center of Greater Torrington, Inc. utilize the future expansion space as shown on the plans in the future provided that the services provided are the same as those approved under this permit. A separate application shall be submitted for the space if it is not used by CHWC;

Motion failed with Mr. Sanden and Mr. Martinez voting aye while Mr. Closson, Ms. Wilkes and Mr. Melycher opposed.

**B. PZC #17-06 Special Permit – 142 Laurel Way, Map 031, Block 153, Lot 021F Applicant: Alain Jacques and Jacqueline Jacques Owner: Alain Jacques and Jacqueline Jacques Proposal: Permit for Accessory Use.**

No business was discussed as it was noted that the public hearing in this application was continued.

**7. NEW BUSINESS:**

None.

**8. COMMUNICATIONS:**

None.

**9. TOWN PLANNER'S REPORT:**

Mr. Sadlowski reported that an application is underway for a STEAP grant to milling and repaving Whiting Street and installation of sidewalks. He also noted that 10 Bridge Street has all its permits and is underway

**10. OTHER BUSINESS:**

**A. Zoning Regulations.**

Mr. Sadlowski reported that the Commission should be in a position to review the Zoning Regulations at the next meeting.

**11. ADJOURNMENT:**

**MOTION:** Mr. Closson, Ms. Wilkes second, **to adjourn at 9:49PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie  
Recording Clerk