



TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
March 27, 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, Alternates Pete Marchand and Lee Thomsen.

3. AGENDA REVIEW:

No changes were made to the agenda.

4. APPROVAL OF MINUTES – March 13, 2017:

MOTION: Mr. Closson, Ms. Wilkes second, to approve the March 13, 2017 Minutes; 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.

5. PUBLIC HEARING:

A. PZC #17-02 Special Permit – 90 Torrington Road, Map 033, Block 158, Lot 038AA Applicant: Center Subaru Owner: MLG Proposal: Storage Business, Outdoor Limited.

MOTION: Mr. Closson, Mr. Melycher second, to open the public hearing in the matter of PZC #17-02 Special Permit – 90 Torrington Road, Map 033, Block 158, Lot 038AA Applicant: Center Subaru Owner: MLG Proposal: Storage Business, Outdoor Limited; unanimously approved.

Mr. Sadlowski reported that the public hearing was advertised the requisite two times, on March 13, 2017 and March 20, 2017, in the Republican American. Additionally, proof of mailing to abutting property owners was provided.

Center Subaru General Manager Andy Maiolo appeared before the Commission regarding this application. Mr. Maiolo explained that the permit is being sought to store inventory overflow. He noted that the only additional persons on this site would be employees. He anticipated the storage of between eighty and ninety vehicles on the site, rotated monthly although sometimes it might require a more frequent rotation. It was noted that there would not be any additional lighting added to the site. In response to an inquiry about whether the permit would require added security, Mr. Maiolo indicated that there would not be. He noted that cars will only be moved during the day by employees and that a chain goes across the lot at night. Mr. Maiolo noted no maintenance would be performed at this location as storage would be used for only brand new cars, usually with less than fifteen miles, thereby eliminating any leaking of fluids at the location. Mr. Closson questioned whether the motor vehicles get unloaded at this site and whether there would be any tractor trailer traffic. Mr. Maiolo indicated that they will not be as they will be unloaded down in Torrington. Mr. Martinez questioned whether there were any run-off issues present on the site. Mr. Maiolo indicated that he did not believe there was any concern.

Mr. Sanden called for members of the public seeking to comment or had questions. There was no comment.

MOTION: Mr. Closson, Mr. Martinez second, to close the public hearing in the matter of PZC #17-02 Special Permit – 90 Torrington Road, Map 033, Block 158, Lot 038AA Applicant: Center Subaru Owner: MLG Proposal: Storage Business, Outdoor Limited; unanimously approved.

B. 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, Mr. Melycher second, to open 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 reported that the public hearing was advertised the requisite two times, on March 16, 2017 and March 22, 2017, in the Republican American. Additionally, proof of mailing to abutting property owners was provided.

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, Project Manager Ron Visini, and Architect Craig Chasse.

Ms. Borduas described the Center's history, the type of services provided by the Center, and the reasons behind the proposal to relocate. She explained that the Center is seeking to expand so that services can be increased as there has been a demand for additional services in the community noted. Ms. Borduas reported that the Center is currently only serving 24% of the low-income population in the area. She noted that in the present location, services are being provided by only one provider as the space is cramped and tight. The new space will allow the Center to increase the number of primary care rooms, increase the behavioral health services, and reestablish dental services.

Attorney Williams noted that the application also includes 30 Elm Street which is the parking behind the building, recognized as such through a lot line revision plan which was recently filed by the current property owner. He noted that the small building to the side of the parking has become a separate parcel through this lot line revision and is now known as 26 Elm Street. Attorney Williams noted that the Zoning Regulations through Section III.J.3 describes the points for consideration in reviewing the Special Permit application. He then noted that one of these considerations is whether or not the proposed site is a suitable location. Attorney Williams explained that the letter included with the application indicated the important services that the Health and Wellness Center provides to a segment of the population that has a substantial need for those services and opined that 372 Main Street will help better penetrate the market for their services and is a location that provides accessibility better than their existing site. Expanding to 7,000 square feet at the proposed location will provide for a reduction in wait times and provides for more than 2,000 square feet for future expansion or potential partnering with another user as the needs of the community may warrant, according to Attorney Williams.

Whether the proposed improvements are attractive and suitable on the site and in the neighborhood was the second Special Permit consideration Attorney Williams reviewed. He explained that his client is not looking to change the exterior or the grounds of the site as the parking lot will only be resealed and restriped. He noted that the work to be done on the building will mostly involve modifications to the interior and that the footprint of the building will not be modified. He noted that only minor improvements to the front and rear facades of the building are part of this application. Mr. Chasse then addressed the Commission, explaining the layout of the proposal. Referring to the architectural renderings, Mr. Chasse noted the locations of the reception, check-in/check-out, primary care section that includes six exam rooms, a charting area and an office for physicians, four dental laboratories with sterilization/utensil room as well as a charting area and an office for a dentist. Mr. Chasse noted the location of the mental health area in the center of the space which shall include two consultation rooms and

two group rooms. He also noted the location of the blood-drawing laboratory, toilet room and storage room. Mr. Chasse indicated that the applicant is seeking to do minimal improvements on the south side which will include replacing the existing sign with an aluminum framed, fabric covered awning which will protrude about three feet from the building. Permission from the State of Connecticut Department of Transportation has already been secured as the DOT owns the property which the awning will overhang, according to Mr. Chasse. He noted that the proposal includes removing the existing window wraps and replacing them with similar appropriate coverings representing services provided within the building. The signage shown on the canopies is not part of this application, according to Mr. Chasse. He noted that there are no proposed changes to the lighting but there are proposed changes to replace the door on the front of the building to a new door system, suitable for the use. Mr. Chasse explained that the proposal for the north facade includes replacing the door at the loading dock with one that is suitable, replace the existing canopy with one that potentially has signage on it, and repaint the back facade. Mr. Chasse explained that the Architectural Review Committee had suggested the addition of plantings along the north facade and that it is something that will be addressed through the final design phase.

Mr. Closson questioned whether the planting plan has been submitted. Attorney Williams noted that a site plan has not been submitted as there are no changes to the site. Mr. Melycher questioned what will be included for handicapped parking and noted that the architectural drawings did not include drop down bars for the toilets. Mr. Chasse indicated that the final submitted plans will include drop down bars. Mr. Marchand questioned what the hours of operation will be. Attorney Williams indicated that the hours will mostly be daytime hours, 9AM to 5PM, occasionally remaining open until 6PM and only open on weekdays. Mr. Martinez questioned whether ambulances are likely at the site. Ms. Borduas indicated that those types of incidences are possible with acute episodes but would occur very rarely.

Charlene Lavoie of 14 John Street spoke in opposition of the application noting that Community Health and Wellness is already in Winsted providing services at the Winsted Health Center. She explained that the applicant applied for a federal grant to expand their services at the Winsted Health Center, noting that she has reviewed their grant application. Ms. Lavoie noted that both the Plan of Conservation and Development and Zoning Regulations contemplate having a focus of health services in Winsted, and read aloud from the POCD, quoting the text that reads, "...the Town should continue to support the provision of health services at the Winsted Health Center...". She explained that this was included as part of the POCD because when the 100-year-old hospital closed in the 1990s, the community determined that it needed hospital-level services and thereby developed the Winsted Health Center with its partners Charlotte Hungerford Hospital, St. Francis Hospital Medical Center, the Veterans, and Community Health and Wellness, and Susan B. Perry Senior Services to provide hospital level services including a 12-hour per day emergency services and LifeStar. Ms. Lavoie explained that if healthcare begins to be frittered and disbursed throughout the community, and the Spencer Street facility is lost, it will be the end of emergency care and LifeStar services in the area. Ms. Lavoie also noted that the new Zoning Regulations, adopted in November, 2016, has set forth that the Town wants a town center business district and while medical facilities are permitted, the intentions are clear in both the POCD and the Regulations that the Town should have a central commercial business district.

Francis Delaney of 607 West Wakefield Boulevard, addressed the Commission on behalf of Friends of Main Street. Mr. Delaney noted that the owner of the grocery store that is presently located on the subject property, John Dwan, has always worked diligently for the people of the community and has been a huge asset to the downtown. Mr. Delaney noted that Winsted and Winchester will lose a great asset if the subject site is no longer used for a retail business in this downtown area. Mr. Delaney reported that Friends of Main Street is not offering a position on the determination to be made by the Commission of this application. Mr. Delaney reported that the FOMS Board of Directors had requested that he discuss the construction of the downtown area. He referenced an April, 2013 Smart Growth America report generated from a national consulting firm charged with helping the Town to begin a focus on Winsted's economic development and downtown revitalization needs. Mr. Delaney cited a finding that the preference of millennials (18-30 year-olds) and baby boomers is for a more walkable, urban village lifestyle. Mr. Delaney noted that Winsted's downtown does not contain the variety of businesses yet

required to be a highly successful business district. He noted that when FOMS have brought in Connecticut Main Street representatives or National Main Street representatives, they have deemed the market to be an irreplaceable asset to the community and that downtown can play an important role in the social and economic life of Northwest Connecticut if its status as a unique destination and a community with character can be reinforced.

Jean Nadle of 74 Albany Street, Torrington addressed the Commission, noting that she is a dental hygienist at the Community Health and Wellness Center in Torrington but had been the hygienist at the Winsted location from 2014-2016. She spoke about the devotion to access to care shared by both the management and staff at CHWC. Ms. Nadle opined that the proposed site will provide accessibility and convenience for the community of Winsted.

Phillip Allen of 80 Chestnut Street addressed the Commission, noting that his view does not necessarily represent any organization that he may be affiliated with but instead is his own. He concurred with Mr. Delaney, opining that recovery would be very difficult should this property be transferred from a commercial/retail use and that doing so would affect the overall sustainability and function of Main Street as the commercial center of the Town. He noted his respect for both Mr. Dwan as well as the mission of CHWC.

Glenn Zeh of 857 East Wakefield Boulevard spoke in opposition of the application, opining that it would be disastrous to allow a non-commercial use on Main Street. He pondered what would have happened if the American Healthcare Act had been passed a couple of days ago and whether many of the services offered by this business would likely have ceased and that funding for these types of services is currently up in the air.

Mario Longobucco of 44 Twining Farm Lane, Torrington, noting that he was the realtor who helped broker the deal for the parties in this application, spoke in favor of the application. He spoke about the difficulties faced with filling downtown commercial real estate in Torrington, characterizing it as virtually impossible. Mr. Longobucco reported that prior to entering into a deal with CHWC, Mr. Dwan tried unsuccessfully to find a grocery operator through his supplier, Bozzuto's, a company very familiar with grocery operators in the tristate area. Mr. Longobucco explained that an 11,000-square foot grocery store is a non-starter, in that an owner just cannot make money at it. He noted that Aldi's, PriceRite, Whole Foods, and Fresh Market won't come to a footprint of this size. Mr. Longobucco explained that the only business that he and Mr. Dwan were able to possibly get at this location was a dollar store. He spoke in favor of the work that CHWC has done in the community of Torrington.

John Dwan addressed the Commission, reminding them that at one point during the 1940s, 1950s, and 1960s, there were as many as seventeen grocery stores in town. He noted that when he began this business in 1981, there were four other grocery stores. Mr. Dwan spoke about the challenges in retail generally with the likes of Amazon as well as Walmart who is also entering into the internet business. Mr. Dwan noted that as he has been in business more than thirty-five years, he is ready to go. He explained that he has worked with CHWC for the past six months, and noted that they are good people who care about their business, their clients, and Winsted.

Ms. Lavoie addressed the Commission again, noting that she, too, lives in the downtown area and has been a customer of Mr. Dwan's store but that the application is not about Mr. Dwan. She reminded the Commission that the Winsted Health Center is specifically mentioned in the POCD.

Attorney Williams concluded with remarking that because the Zoning Regulations allow a medical office through a Special Permit application, he disagreed with comments shared at the public hearing that this application conflicts with them or the POCD.

MOTION: Mr. Closson, Mr. Melycher second, to continue this application to the next regular meeting scheduled for April 10, 2017; unanimously approved.

6. OLD BUSINESS:

A. PZC #17-02 Special Permit – 90 Torrington Road, Map 033, Block 158, Lot 038AA Applicant: Center Subaru Owner: MLG Proposal: Storage Business, Outdoor Limited.

MOTION: Mr. Closson, Ms. Wilkes second, to approve Application # 17-02 Special Permit Applicant: Center Subaru Owner: MLG Location: 90 Torrington Road Proposal: Storage Business, Outdoor Limited Map: 033 Blk: 158, Lot(s): 038AA 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, "Plan prepared by DiCara Land Surveying Services entitled, "Plot Plan – M.L.G. Property of Litchfield County, LLC #90 Torrington Road (Rte 800) Winchester – Connecticut Dated: Feb. 2017"; unanimously approved.

B. 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.

It was noted that this application has been continued to the next regular meeting.

7. NEW BUSINESS:

A. PZC #17-05 Site Plan - Lot 4 Old New Hartford Road, Map 122, Block 078, Lot 004 Applicant: Hendel's Inc. Owner: Hendel's Winsted, LLC Proposal: Signage for Previously Approved Site Plan #PZC16-02 for Filling Station and Convenience Store on Vacant Lot

Mike Sherman, PE, of Laurel Engineering, appeared before the Commission regarding this application. Referencing drawings submitted, Mr. Sherman noted the locations of the two proposed signs for the canopy, noting that his company considers the sides of the canopies as walls. He noted that the Henny Penny sign will be four square feet, the maximum allowed under the Zoning Regulations. Mr. Sherman explained that the site has three front yards, but that his client does not like the look of more than one Henny Penny sign. He noted that an eleven square foot Dunkin Donuts sign will also be located on the front of the building. Mr. Sherman also noted the free standing 16'hx6'w sign in the front of the building, which will contain the fuel prices. Mr. Sadlowski noted that the menu board had been included with the former site application and explained that he considers that sign as having already been approved. Mr. Sherman explained that the menu board is not seen from the road. Mr. Closson agreed, noting that if a sign is not advertising the company or the company name, it doesn't generally present a problem. Referencing Section III.G.8. Sign Illumination of the Zoning Regulations, Mr. Martinez questioned how much light will be emitted from the signs. Mr. Sherman noted that the information is not on the plans but will get it and forward it.

MOTION: Mr. Martinez, Mr. Closson second, to approve Application #17-05 Site Plan Applicant: Hendel's Inc. Owner: Hendel's Winsted, LLC Location: Lot #4 Old New Hartford Road Proposal: Signage for Previously Approved Site Plan Map: 122 Block: 078 Lot(s): 004. 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 drafted by Laurel Engineering, LLC, entitled, "Details – Signage Filling Station and Convenience Store Lot 4 Old New Hartford Road Prepared for Hendel's Inc. Winchester Connecticut Sheet S-1.
3. In accordance with Section III.G.8a and III.G.8d, LED shall not exceed the maximum of 12.0 foot-candles when measured five feet directly in front of the sign face; 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.

Jacqueline Jacques appeared before the Commission regarding this application. Mr. Sanden noted that the drawings received as part of this application were illegible and too light to see. He noted that he had an opportunity to drive by the subject parcel and observed the deck that was mentioned by Zoning Enforcement Officer/Building Official Marc Melanson in his staff review comments as being too close to the setbacks. Ms. Jacques explained that it is the same distance as the home: thirty-five (35') feet. There was some question as to whether Mr. Melanson was referencing the former Regulations. It was also noted that the application was lacking a narrative. Ms. Jacques explained that it was a former garage and that during a time that her husband was not working, he finished the upstairs to the garage intended for her son. Subsequently she and her husband moved into the living space above the garage and their son and daughter-in-law moved into the home, according to Ms. Jacques. Mr. Marchand questioned what was done in terms of a well and the septic system. Ms. Jacques reported that the well for the space above the garage is shared with the house. She explained that they are now communicating with Torrington Area Health District regarding the septic system. Ms. Jacques noted that the septic system was installed twenty years ago. Regarding the boundary lines, Ms. Jacques reported that from the edge of the deck to the neighboring (Maiolo's) property is thirty-five (35') feet.

MOTION: Mr. Closson, Mr. Melycher second, to accept the application 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 and schedule a public hearing for the next regular meeting of this Commission; unanimously approved.

C. B. PZC #17-07 Excavation Renewal – 167-179 Colebrook River Road, Map 005/006, Block 150, Lot 052,052-1, 051X Applicant: Mountaintop Trucking Owner: AJK, LLC Proposal: Excavation Renewal. To APPROVE Application #17-07 Excavation Renewal.

MOTION: Mr. Closson, Mr. Melycher second, to approve Application PZC#17-07 Applicant: Mountaintop Trucking Owner: AJK, LLC Location: 167-179 Colebrook River Road Proposal: Earth Excavation Renewal Map: 039 Block: 158 Lot(s): 019B Based on testimony and subject to the following conditions:

4. 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.
5. Approval is granted based on submitted plans drafted by DiCara Land Surveying Services titled, "Existing Conditions Plan Mountain Top Trucking Route #8 Winchester – Connecticut Scale 1"= 80' dated April, 2016"
6. Said approval is for a two-year period. Application for renewal shall include an updated map drawing to reflect what the conditions are at that point; unanimously approved.

8. COMMUNICATIONS:

Mr. Sadlowski noted the communication regarding antennas on a cell tower.

9. TOWN PLANNER'S REPORT:

10. OTHER BUSINESS:

A. Zoning Regulations.

Mr. Sadlowski reported that Attorney Mark Branse should have the Zoning Regulations returned soon as he has had them for review. Mr. Closson noted that it might be a good idea to bump the area for the new health center into the Town Gateway Zone.

11. ADJOURNMENT:

MOTION: Mr. Melycher, Mr. Closson second, **to adjourn at 8:49PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Clerk**