

TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town Hall – 338 Main Street
2nd Floor – P. Francis Hicks Room Monday, June 26, 2023, at 7:00PM
REGULAR MEETING AGENDA

1. ROLL CALL.

Closson called meeting to order at 7:02 p.m.

Closson noted that the following individuals were present: Peter Marchand Vice Chair, Craig Sanden, Willard Platt, and Alternates: Charlene LaVoie, and Adam Quagliaroli. Charlene LaVoie was seated as voting member. John Cooney and Troy Lamere were absent excused.

Also in attendance: Lance Hansen, Town Planner.

2. PUBLIC COMMENT.

Resident: Candace Bouchard, 135 Riverton Road, addressed the board members about current signage concerns by businesses along Main Street in downtown Winsted.

Resident: William Pozzo, 155 Newfield Road, asked several questions related to the East Coast Assistance Dogs (ECAD) public hearing including the original application approval conditions, the hours of operation, fence requirement and 35' driveway (roadway) setback requirement for commercial buildings, the unscreened dumpster location, and unapproved wall signage for both the 149 Newfield Road original kennel and 149.5 Newfield Road training facility building.

Resident: Kristen Lavieri Roberts, 151 Newfield Road, asked several questions related to the East Coast Assistance Dogs (ECAD) public hearing regarding retaining wall and 15-20 vehicle parking area directly adjacent her side porch and boundary line. Mrs. Roberts supplied photos for the file of stone retention wall and dumpster located in the lower parking area and asked for the specifications for the required 'privacy fence' called for in the original application approval.

Resident: Jeffrey Currier, 157 Newfield Road, asked several questions related to the East Coast Assistance Dogs (ECAD) public hearing regarding drainage concerns from the existing driveway, the new pavement required driveway/roadway and from the proposed modified new second building to be located at the rear of the property.

Resident: Richard Alling, 133 Wahnee Road, asked several questions related to the East Coast Assistance Dogs (ECAD) public hearing regarding the number of dogs allowed at a kennel, along with fencing requirement to safely secure dogs on the property.

3. AGENDA REVIEW.

None.

4. PUBLIC HEARINGS.

A. PZC#23-10

Special Permit

Applicant: Allan Borghesi

Owner: ECAD

Location: 149 Newfield Road

Proposal: Modify Location of Proposed New Building and wall sign application.

application submitted: 5/8/2023

65-day review period: 7/12/2023

Chair, Mr. Closson motioned to open the public hearing, Mr. Sanden seconded the motion – unanimous vote. Mr. Closson read into the record the original 20 conditions for approval from the previous PZC#20-30 special permit application.

Applicant Allan Borghesi, Engineer for the new proposed building modification presented the reasoning for the placement and described the potential safety concerns from the original building design. The elimination of the entry stairs and additional proposed parking lot would entail the placement for the new building to be located approximately ten feet higher than the original design. Mr. Marchand asked Mr. Borghesi why not enclose the stairway and with the proposed height addition, what would be the 260-truck load timeframe for the 4,000 yards of fill necessary?

Mr. Pozzo expressed concern for the additional 15-20 vehicle parking spaces driveway. Mr. Marchand asked if the lower driveway expansion had been permitted. Mr. Hansen will review the previously submitted survey plans to determine the extent of the driveway.

Mrs. Roberts asked about the enforcement consequences if condition requirements are not met and if unpermitted activities occur?

Mr. Sanden reviewed the original application approval conditions including the tree variety for the new hedgerow plantings at the northern boundary of the property. A variety of tree plantings could prevent disease and mortality for future plantings.

Mr. Sanden also expressed concern for zoning regulation enforcement uniformity, especially for this application being before the commission for the third time.

Mrs. LaVoie asked how was the original driveway approved? Mr. Marchand inquired about the 40-foot road frontage along Newfield Road for the 149.5 Newfield Road rear lot, and if the driveway has an easement granted over the 149 Newfield Road property? Mr. Marchand also expressed concerns that the driveway/roadway needs to be constructed to accommodate emergency vehicle access. Mr. Marchand also noted that the buildings are required to be labeled with signage for Fire Department and ambulance service response.

Mr. Alling enquired about the hydrologic study conducted with the original application.

Mr. Closson noted the curbing requirement condition with the original driveway and Mr. Marchand asked if the new parking and sidewalks were included in the net calculations?

Mr. Closson noted that the plantings need to follow the approved landscaping plan, and Mr. Pozzo enquired about the specifics for the fence requirement. Mr. Pozzo shared photos from a recent car accident through the existing chain link fencing abutting the property and suggested that a requirement for a more substantial fence installed by a professional contractor be required for safety and screening purposes.

Mr. Platt asked about the hours of operation, acknowledging the need for 24-hour access of particular employees/owner for care of the dogs at the training facility.

Mrs. Roberts noted the industrial building of the training facility and asked if the new building would be of a similar design.

Mr. Marchand made a motion to continue the PZC#23-10 public hearing, Mr. Sanden seconded the motion, unanimous vote.

B. PZC#23-72

Zoning Text Amendments

Applicant: Town of Winchester

Proposal:

- 1) *In Section 415-24-J (2), replace the first sentence of the section with new text that reads as follows: "In addition, a sign, which may be provided by the Town, must be posted in a clearly visible location, within 10 feet from the street, on the property which is the subject of the application no less than 10 days before the scheduled hearing and shall remain posted until the hearing commences and an affidavit must be signed at the time of application acknowledging this requirement."*

- 2) In Section 415-24-C, replace the section with new text that reads as follows:
“Such a site plan shall conform to all requirements laid out in III.H.3, as applicable, unless the proposed activity involves only work within existing structures, with no modifications to the building footprint or any other aspects of the site, and does not increase the parking requirements for the site by changing its use. The commission retains the right to request such a site plan be submitted for any such application should they deem it appropriate.”

- 3) In Section III.D.5

Steep Slope Regulations. The Town finds that the alteration of steep slope areas poses potential risks of erosion, sedimentation, landslides, and the degradation of scenic views. Accordingly, the following requirements are hereby imposed on activities that involve the cumulative disturbance of 10,000 square feet or more on slopes exceeding 15% gradient:

- a. No permit shall be granted for the development of or construction on any lot that involves the disturbance of slopes greater than 15%, over a cumulative area of 10,000 square feet or more, unless a Special Permit is approved and issued subject to the following conditions:
 - i. Adequate erosion control and drainage measures shall be put in place to avoid erosion and sedimentation during or after construction, and all erosion control and storm water management measures shall comply with all applicable laws and guidelines; and
 - ii. Adequate measures shall be put in place to minimize the clear-cutting of trees or the clearing of shrubs and other natural vegetation.

Revise Section III.I.2 of the Winchester Zoning Regulations as follows:

2. **Activities Requiring a Soil Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be submitted with any application for development when any of the following conditions prevail:

- a. The disturbed area of such development is cumulatively more than one-half acre
- b. The disturbed area within the Highland Lake (HL) District is cumulatively more than 4,000 square feet
- c. The disturbed area of slopes exceeding 15% gradient is cumulatively equal to or greater than 10,000 square feet

A single-family dwelling that is not part of a subdivision of land shall be exempt from these Soil Erosion and Sedimentation Control Regulations under the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.

Chair, Mr. Closson motioned to open the public hearing, Mr. Marchand seconded the motion – unanimous vote. Mr. Closson read into the record the proposed three zoning text amendments.

Mr. Closson requested public input regarding the first two zoning text amendments. No public comment or commission member questions for these vetted edits by the Planning and Zoning Commission subcommittee. Mr. Marchand made a motion to close this portion of the public hearing, Mr. Sanden seconded the motion – unanimous vote.

Chair, Mr. Closson motioned to open the public hearing, Mr. Marchand seconded the motion – unanimous vote. Mr. Closson requested that David Battista, 101 Newfield Road; Engineer from Haley Ward Inc. speak on behalf of his proposed steep slope regulation that was vetted by the Planning and Zoning Commission subcommittee and Winchester Public Works Department Director, Jim Rollins prior to application for the zoning text amendment.

Mr. Battista explained the challenges of the current process and why the suggested new language for special permit approval as the alternative to the Zoning Board of Appeals process for an applicant to prove a hardship for consideration of a variance.

Mr. Rollins expressed that 10,000 square foot ‘disturbance’ might be too restrictive but understands the intent of the proposed steep slope regulation. Mr. Platt reiterated the special permit process consideration. Mr. Closson and Mr. Marchand recommended keeping the 10,000 square foot threshold and could consider future editing in the zoning regulation in needed.

Mr. Marchand made a motion to close the public hearing, Mr. Sanden seconded the motion – unanimous vote.

5. OLD BUSINESS.

A. PZC#23-10

Special Permit

Applicant: Allan Borghesi

Owner: ECAD

Location: 149 Newfield Road

Proposal: Modify Location of Proposed New Building and wall sign application.

application submitted: 5/8/2023

65-day review period: 7/12/2023

No motion – public hearing to be continued

B. PZC#23-72
Zoning Text Amendments
Applicant: Town of Winchester
(as described above)

Mr. Marchand made a motion to approve the three new zoning text amendments as proposed. Mr. Sanden seconded the motion – unanimously approval vote

6. NEW BUSINESS.

- A. PZC#23-7
Special Permit – 30-day temporary Earth Excavation application and creation of Avery Farm
Applicant/Owner: Scott Bachand
Location: 257-259 Tarringford Street (point location: 41.8909, -73.0648)
Proposal: Request for removal of screened stone to create hay farm fields, Christmas tree farm, and fruit trees field
application submitted: 6/22/2023
65-day review period: 8/25/2023

Mr. Marchand made a motion to set the public hearing date for Monday July 10, 2023. Mr. Sanden seconded the motion – unanimous vote.

- B. PZC#23-12
8-24 Referral
Applicant/Owner: Town of Winchester
Location: Mountainside Drive
Proposal: Sale of Town-Owned 118.14 acres vacant land located in the Rural Residential (RR) zone

Mr. Marchand raised the question for future town use of property and concern regarding the number of students space needed within the current school buildings.

Ms. Bouchard asked about the water and septic needs for the property, and the condition of the existing infrastructure improvements at the site.

Mr. Platt noted the original 105 single-family lot subdivision expired approval at Mountainside Drive.

Mr. Closson made a motion to table a 8-24 referral decision until the Monday July 10, 2023 Planning and Zoning regular meeting. Mr. Sanden seconded the motion – unanimous vote.

C. PZC#23-74

application submitted: 5/26/2023

Special Permit

65-day review period: 7/30/2023

Owner: Fracasso, Henry

Applicant: Michols, Lidia

Location: 58 Holmes Drive

Proposal: Home Occupation special permit application in Town Single Family (TSF) zoning district

Mr. Closson made a motion to set the public hearing date for Monday July 10, 2023.

Mr. Sanden seconded the motion – unanimous vote.

7. OTHER BUSINESS.

Continued discussion regarding new driveway zoning regulations (ordinance) with Public Works Department Director, Jim Rollins and Haley Ward Engineer, David Battista.

Mrs. LaVoie explained the process for rescinding an ordinance by the Board of Selectmen and recommend as first step towards moving the driveway ordinance to a zoning regulation for application approval by the Winchester Planning and Zoning Commission; with staff review from Public Works Director and Zoning Enforcement Officer. The Winchester Zoning Board of Appeals would be the governing body for review of denied driveway applications.

8. APPROVAL OF MINUTES: May 22, 2023.

Mr. Closson made a motion for 5/22/23 minutes approval.

Mr. Sanden seconded the motion – unanimous vote.

9. COMMUNICATIONS.

None

10. ADJOURNMENT.

Mr. Marchand made a motion at 10:15pm. to close end the Planning and Zoning Commission meeting, Mr. Sanden seconded the motion – unanimous vote.