



**TOWN OF WINCHESTER  
PLANNING AND ZONING COMMISSION  
Pearson Middle School – Band Room  
2 Wetmore Avenue  
September 20, 2016 – 7:00PM  
Special 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, roll call was completed by Director of Planning and Community Development Steve Sadlowski. Present at the meeting in addition to Mr. Sanden were: George Closson, Jerry Martinez and Alternates Peter Marchand and Lee Thomsen.

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

Also present were Board of Selectmen Liaison(s) Jack Bourque and Steve Sedlack.

**3. AGENDA REVIEW:**

No changes were made to the agenda.

**4. PUBLIC HEARING:**

**MOTION:** Mr. Closson, Mr. Martinez second, to open the Public Hearing for the Proposed New Zoning Regulations; unanimously approved.

Mr. Sadlowski read the legal notice for the Public Hearing into the record, noting that it had been advertised the requisite two times, September 6, 2016 and September 13, 2016, having appeared in the Republican American newspaper. Additionally, Mr. Sadlowski reported that notice of the Public Hearing, along with a copy of the proposed changes, had been provided to the Town Manager, the Northwest Council of Governments, as well as neighboring communities.

Mr. Sadlowski then introduced Sean Suder, the hired consultant that had worked with the Subcommittee in the drafting of the proposed new Zoning Regulations. Mr. Sadlowski explained that the Subcommittee, comprised of Mr. Sanden, Mr. Closson, and Zoning Board of Appeals Chairman Dave Villa, had joined him in working with Mr. Suder over the course of six months and through more than twenty subcommittee meetings in drafting these proposed regulations.

Mr. Suder then provided a presentation describing the process involved in drafting and revising the Town's new Zoning Regulations. He noted that the Town's original Zoning Regulations were drafted in the 1950s and have been modified over time. Mr. Suder explained that zoning regulations were originally created one hundred years ago in places like New York City and other crowded areas to provide open space and in the interest of public health, safety, and welfare. He explained that the creation of zoning regulations occurred all over the country even in areas that did not suffer the same overcrowding issues as urban areas. Mr. Suder opined that the more regulatory layers added onto properties the more they serve to add additional regulatory risk and uncertainty depending on what a plan is proposing. He explained that the goal and focus of these new regulations was to promote the desired development patterns and outcome. Zoning regulations historically have detailed what could

not be done on a parcel whereas these proposed Zoning Regulations describe what can be done, and utilize the regulations to achieve the hopeful positive outcomes the Town is seeking, according to Mr. Suder. Additionally, it was noted that the Plan of Conservation and Development was reviewed as the Subcommittee worked on revising the regulations.

Mr. Suder then described how the new zoning map was created. He explained that simpler terms were utilized such as Town Center Zone which is exactly as it would sound, the area located near the town center. The Subcommittee focused on desired development patterns and the character of areas and then grouped the land uses together, according to Mr. Suder.

Mr. Suder noted that the twenty-four (24) zoning districts have been reduced to eight (8). Within the proposed new Zoning Regulations, the Subcommittee attempted to keep the information pertaining to the proposed zoning districts to one page and to include the following: a brief description, a list of permitted uses (by right) in one column, those uses requiring a Special Permit (meaning that these would require coming to the Town in order to do), dimensional standards for height and setbacks, accessory structures, parking, and signage allowances. He explained that this simpler form will enable a prospective buyer or developer to go to one page for information to ascertain whether a proposal is allowed.

Mr. Suder explained how important it is for zoning regulations to have defined terms. He provided an example of a town he worked in that lacked thorough defined terms and noted the quandary that town is in as it considers how to review a proposal for a funeral home under either office or retail. Mr. Suder reported that the proposed new Zoning Regulations contain a thirty-three (33) page glossary of terms.

Mr. Suder reported the inclusion of a sign index, allowing for uniformity and standardization. Dimensions and standards were also created for parking, according to Mr. Suder.

Mr. Sadlowski then addressed non-conforming properties. He reported that people living in the Highland Lake District are often inquiring over what is allowed in terms of expansion and development there. Mr. Sadlowski noted that many of the properties are very small, with dwellings often times very near the property's boundary. Mr. Sanden estimated that only seventeen of the three hundred and seventeen properties in this district conform to the existing Zoning Regulations.

Mr. Sadlowski noted that great effort was undertaken in the drafting of the proposed new Zoning Regulations to make the process simpler for folks while at the same time protecting the pristine quality of the lake which could deteriorate from unchecked development and excessive impervious surfaces.

Mr. Sadlowski explained that the Commission recently removed Section 10.6 of the Zoning Regulations as they deemed that it was in conflict with these goals. Mr. Sadlowski opined that the proposed new Zoning Regulations are easier for property owners in the Highland Lake District in many ways. He explained that Section 10.6 allowed expansion of non-conforming structures, with the only limitation being that the expansion could not get closer to property lines than what was existing. Under this section, it, in effect, had the potential for very large structures and did not allow review of impervious surfaces or lot coverage thus resulting in little to no consideration of protection of the lake. Additionally, under this section, there was no requirement to notice the abutting neighbors to a proposed expansion, according to Mr. Sadlowski. Another drawback of Section 10.6, according to Mr. Sadlowski, is that the proposals required an application to the Planning and Zoning Commission though the Commission lacked any real authority to deny a proposal. Under the proposed new Zoning Regulations, with merely a zoning permit acquired through a visit to Town Hall and not an application before the Commission, a one-time additional expansion, up to eighteen (18') feet will be by right. Additionally, a second floor can be added just by obtaining a zoning permit, acquired through a visit to Town Hall from the Zoning Enforcement Officer. Mr. Sadlowski noted that a proposed additional expansion, or one that is larger than eighteen (18') feet, can be sought through the Zoning Board of Appeals in the form of a Special Permit. Mr.

Sadlowski emphasized that a Special Permit is different than a Variance. He explained that with a Variance, a case for "hardship" must be made, a higher standard than what is required for a Special Permit. He noted that a list of criteria and standards will govern the Zoning Board of Appeals in their consideration of Special Permits, such as blends with the neighborhood and/or that it does not adversely effect a neighbor's property value, etc. Mr. Sadlowski indicated that Special Permits for the Highland Lake District will include a hearing process, allowing neighbors to submit their comments, too.

An additional benefit of this section is a provision for the handicapped, allowing access through installation of a ramp or an extra doorway.

Mr. Sadlowski noted that this section of the proposed new Zoning Regulations does what Section 10.6 did not do in terms of protecting the lake and limiting stormwater runoff from impervious surfaces. He explained that the current regulations define coverage as buildings and driveways, with an allowance of 15%. Most properties faced the limiting factor in terms of being over on coverage, according to Mr. Sadlowski. The proposed new Zoning Regulations limit impervious surfaces, which are surfaces that do not easily absorb water, but now allow coverage to increase to 20% through the use of LID (low impact development). He noted that an additional section was added that allows for engineered pervious surface such as pervious pavers, pervious concrete, or pervious block asphalt, along with an applicant's demonstration that the first inch of rainfall is absorbed, then this will not be included in the lot coverage calculations.

**Thomas Ferreti** of 131 Alpha Avenue noted to the Commission that he has questions regarding why the Town is expanding the Highland Lake District and whether it is related to raising assessment values to generate taxes. He noted the poor condition of town roads.

**Mike DeClement** of 360 East Wakefield Boulevard, noting his status as a member of the Zoning Board of Appeals, opined that the Town needs more zoning enforcement.

**John Holman** of 161 Wilcox Avenue opposed the \$100 fee charge for a building permit required for a 6'x6' shed. Mr. Sadlowski explained that \$60 of this fee is a State of Connecticut charge. Mr. Holman also spoke in opposition of blight in town.

**Judith Dixon** of 107 Oakdale Avenue noted that she also owns a building at 45 Center Street, one with an office on the first floor and apartments above. She noted that this parcel, under the proposed new Zoning Regulations, will be designated as Town Center Zone. She explained that this latter parcel's current use would be allowed by Special Permit but noted that as written, she might encounter a problem as those apartments would not fall under accessory uses nor is the building a multi-family unit in the current definition. Mr. Sadlowski explained that this is a simple fix and the Commission can address this.

**Gary Minetti** of 810 West Wakefield Boulevard questioned the coverage limits as proposed and whether a property that might currently have as much as 30% coverage would be required to be reduced to 15% in a teardown. Mr. Sadlowski noted that a homeowner would always be able to keep what they have and that the regulations only apply when a homeowner proposes a change.

**Kathy Murry** (sic), noting that she resides at Highland Lake, explained that she spent a great deal of money to rehabilitate her home and noted her concern with regards to the educational system in Town. She questioned what role the proposed new zoning regulations will play in attracting people to want to purchase homes in the Town of Winchester. Mr. Sadlowski noted that people are welcome to call or visit his office to discuss individual properties and that he is available to answer questions about their proposals.

**Blaine Athorn** of 269 West Lake Street opined that the Town should seek to encourage people to do renovations as the net result would be an increase in tax revenue. Mr. Athorn noted that he also owns property at 114 Lake

Street, currently zoned IB-2, as well as a parcel on Woodland Avenue, also currently zoned IB-2. He explained that his 114 Lake Street parcel is the site of the old Waring building and is proposed to change to a residential zone in the new zoning regulations. Mr. Athorn reported that he would like to erect upscale condominiums on his piece for individuals who may not be able to afford to live right on the lake.

**Tom Hill** of Waterbury, Connecticut, identified himself as a commercial realtor charged with marketing the 670-acre parcel that affronts Route 800, extending back to East Wakefield Boulevard. His plea focused on not reducing uses to zones but rather to build flexibility into these proposed regulations. Mr. Hill explained that he envisions a possible use for this large property for data storage industrial buildings.

**Carol Zacchio** of 114 Shore Drive opposed the requirement that in order to reduce the coverage calculations through the use of pervious surfaces, plans from a licensed professional engineering would need to be submitted. She noted that professionally engineered plans can be costly.

**Roberta Britton** of 141 Vons Lane described difficulties she had encountered with a proposal to add a second story, in terms of having to provide notice to the neighbors. Mr. Sadlowski explained that under the new regulations, only a zoning permit is required.

**Dave Antoniazzi** of 104 Shore Drive urged the Commission to hold to the 15% coverage restriction in the Highland Lake District.

**John Munley** of 355 West Lake Street spoke in support of data storage facilities.

**Charlene Lavoie** of 14 John Street spoke in favor of the proposed new regulations, and noted her agreement that the reuse of industrial buildings within residential districts should be avoided.

**Fay Christensen** of 367 Carey Avenue shared her frustration with the conditions of her road. She also was opposed to this property being included in the Highland Lake District.

**Brian O'Heron** of 211 West Wakefield Boulevard expressed concern with the revaluation scheduled for next year. He also noted his frustration at the expenses he incurred as he retained engineers and land use attorneys over the years for various work at his home on Highland Lake. Mr. O'Heron reported that many of his lake neighbors had also shared with him their frustrations in seeking approvals for work on their lake homes, prompting him to spread the word regarding these proposed new Zoning Regulations.

**Michael Hamm** of 405 West Wakefield Boulevard posited that zoning regulations by their nature are in many ways discriminatory against people who own property. Noting his service on the Planning and Zoning Commission for fourteen years, Mr. Hamm retold the history of how Section 10.6 of the Zoning Regulations was developed.

Mr. Sadlowski then reviewed some of the Staff Initiated Changes. After describing each of these, he noted that they would be included on the Town's website, under the Planning Department tab.

**David Lapointe** of 11 Hillside Avenue opined that the elimination of Section 10.6 of the current Zoning Regulations is discriminatory. He also shared his belief that the government should be allowed to put cell phone towers anywhere it wants. Mr. Lapointe stressed his strong belief in an individual's property rights.

**Ms. Christensen** reiterated her frustration with the condition of her street.

**MOTION:** Mr. Closson, Mr. Thomsen second, **to continue the Public Hearing to October 11, 2016; unanimously approved.**

It was noted for the benefit of all those present that the location of the next hearing is to be determined and that once a room is reserved, details will be posted to the Town's website.

**5. COMMUNICATIONS:**

No business was discussed.

**6. ADJOURNMENT:**

**MOTION:** Mr. Closson, Mr. Marchand second, **to adjourn at 9:44PM; unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**