TOWN OF WINCHESTER
PLANNING AND ZONING COMMISSION
Town of Winchester Town Hall
338 Main Street - 2nd Floor - P. Francis Hicks Room
October 11, 2016 – 7:00PM

Special 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, 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, Art Melycher, and Barbara Wilkes; Alternates Peter Marchand.

Absent excused was Lee Thomsen.

Also present were Board of Selectmen Liaison Jack Bourque.

3. PUBLIC HEARING:

MOTION: Mr. Closson, Mr. Melycher second, to open the public hearing; unanimously approved.

A. Proposed New Zoning Regulations.
B. Proposed New Zoning Map.

The legal notice for the Public Hearing was read into the record and was noted as having run in the Republican-American two times, on October 1, 2016 and October 4, 2016.

Mr. Sanden noted that the proposed new Zoning Regulations have been available for public inspection and review through the Town Clerk's Office and the Planning Department as well as online through the Town of Winchester website.

Mr. Closson questioned whether Mr. Sadlowski had been able to remedy the concerns shared by Attorney Judith Dixon at the September 20, 2016 Public Hearing regarding the Town Center Zone. Mr. Sadlowski indicated that it has been addressed through the "Mixed-use" definitions on page 131-132.

Mr. Sadlowski also noted a possible additional change made as a result of concerns expressed by resident Blaine Athorn regarding Building Height within the Highland Lake Business District. Mr. Athorn had expressed concern with the regulation limiting building height to thirty (30') feet in this district, opining that it is too low, according to Mr. Sadlowski. He agreed, noting that it would be too low to do any type of multi-floor condominium or hotel type developments for that area. Mr. Sadlowski noted it should be fifty (50') feet or seventy-five (75') feet which is more in line with other commercial districts. He noted that while he has not made these changes, it may be something the Commission would like to consider.

Michael Hamm of 405 West Wakefield Boulevard praised the Commission in their work involved with the new Zoning Regulations, characterizing them as pretty good. He shared recommendations he would like to see in the

new zoning regulations. With regards to the Highland Lake District, Mr. Hamm opined that the minimum lot area is excessive for what currently exists. Mr. Sadlowski explained that this would affect new lots as those not meeting this minimum would be legally non-conforming as it is now. Mr. Hamm also noted that he would prefer a twenty (20') foot frontyard setback rather than the current and proposed frontyard setback of thirty-five (35') feet. He noted he would also like this as the rearyard setback, too.

Mr. Hamm explained that he has been a resident of the Highland Lake area for over thirty years and opined that the lake's development over the last fifteen to twenty years has been a wonderful thing. Mr. Hamm questioned the height limit in the Highland Lake District, noting differences that are contained within this section. Mr. Sadlowski noted that there is only a difference with A-frame homes. Mr. Hamm questioned whether the height concerns of owners of property that will fall in the Highland Lake Business District have been addressed. Mr. Sadlowski reported that he has had conversations with both Mr. Morici and Mr. Athorn as they both had comments relative to this.

Referring to Section B(4) *Scope and Applicability* under Low Impact Development Regulations on Page 21, "……shall be exempt from these Low Impact Development (LID) Regulations, except in the HL District…", Mr. Hamm opined this application of exemptions for every district but the Highland Lake District to be discriminatory. He proposed use of different language. Mr. Sadlowski explained that this is applicable to site plans and special permit applications in all residential zones except Highland Lake because there are provisions in the Highland Lake District wherein LID allows for density bonuses. Mr. Hamm questioned why the conditions in a Rural Residential District are not proposed to be the same as those required in the Highland Lake District. Mr. Sadlowski explained that this is because the lots are much, much smaller in the Highland Lake District. Mr. Hamm posited that the size of the lots in the Highland Lake District pose a challenge for implementing LID by virtue of their size, necessitating costly engineering fees to develop LID. Mr. Hamm also noted how the LID Plan narrative shall include the existing site hydrology (both groundwater recharge and surface runoff), opining that this is a lot of work for such small sites.

Mr. Hamm also questioned why a surety bond could not be included under Section B(10) *Surety* under Low Impact Development Regulations on page 23 instead of just cash bond, a letter of credit, or a combination thereof, as is currently proposed.

Mr. Hamm shared his confusion regarding Page 29, Section 6. *Staff Approved Non-Conforming Structure Expansion Allowance*, Section a.i. with respect to the following language, "…A principal residential, or commercial/industrial building abutting other non-residentially zoned property…". Mr. Sadlowski suggested it might be clearer to include the following language, "…A principal residential building, or commercial/industrial building abutting other non-residentially zoned property…".

Mr. Hamm also opined that the allowable setback expansion of "up to an additional eighteen (18') feet" should be increased to "up to an additional twenty-five (25') feet", explaining that this would then allow for the construction of a one-car garage.

Mr. Sadlowski agreed to review Page 29, Paragraph a(iii), regarding "…LID techniques to be utilized as allowed by the site…".

The word "years" should be changed to the word "yards" in the fourth line on Page 83, under Section L. *Earth Excavation*, Paragraph 9. Mr. Hamm also recommended that the threshold used for prima facie evidence of activity be reduced to 2,000 cubic yards rather than 3,000 cubic yards.

The word "he" should be changed to the word "the" in the fourth line on Page 84, of Paragraph 11.

Noting the lack of a requirement for off-street parking in Town Center Zone, Mr. Hamm shared his surprise with this provision. He proposed adopting some form of Connecticut General Statute §8-2c (Payment of a fee in lieu of parking requirements). Mr. Hamm distributed copies of this section.

John Morici of 24 Center Street addressed the Commission, and noting that he also owns the former Union Pin Company, thanked them for proposing the additions of uses to this property such as mixed use and multi-family dwellings. He expressed concern with the height limitation included, opining that it would be impossible to utilize those uses under a height limitation of thirty (30') feet. Regarding the Town Center Zone, Mr. Morici indicated that he would like to see Multi-Family use as a Permitted Use rather than fall under Special Permit. Mr. Sadlowski explained that those uses are allowed but that putting them under Special Permit allows the Commission to review the plans in terms of how they are implemented. Mr. Sadlowski explained that should a property suffer a calamity such as a fire, the owner would certainly be permitted to rebuild what was formerly there. Mr. Morici also noted that a parking study of the Town's center done a few years ago had revealed that there was adequate parking downtown and that what was needed was to get the community to work together with property owners to better utilize what was there.

Joe Nichols of 157 Danbury Quarter Road addressed the Commission, expressing frustration with recent efforts to construct a Gambrel roof, with a total height of twenty-six (26') feet, on an accessory building. He explained that he would encounter no problem building a taller structure with an A-frame roof with a total height of thirty (30') feet. He questioned the logic behind the need to seek a variance from the Zoning Board of Appeals for a shorter roof. Mr. Sadlowski explained that the height of the building is calculated to the midpoint of the peak on a typical roof but that with an A-frame type design, the roof goes basically from the ground all the way up. He noted that the new regulations will attempt to correct this by now using a calculation of the midpoint between the top floor and the peak, which is closer to a typical roof.

Mr. Closson noted that the inclusion with the Regulations of additional diagrams may be worthy of consideration. Mr. Hamm addressed the Commission again, noting his agreement with Mr. Closson's suggestion for the inclusion of diagrams. Mr. Closson emphasized the importance of reducing the amount of interpretation and discretion involved with applying the Regulations.

Mr. Nichols clarified his earlier comments, noting that it has been explained to him that an A2 survey is not needed if he were to construct an A-frame style roof but is necessary with a Gambrel style roof.

Mike DeClement of 360 East Wakefield Boulevard noted that but for a few exceptions, he is generally in favor of the proposed new Zoning Regulations. Mr. DeClement opined that Section 10.6 is an end-around the Zoning Regulations. Mr. Sadlowski explained the provisions within the proposed new Zoning Regulations that will address the former Section 10.6 of the current Zoning Regulations. He explained that it will operate under two levels: a.) If an existing legally non-conforming property, that may not meet sideyard setbacks and has had no modifications ever made, an application can be submitted for horizontal expansion of up to eighteen (18') feet so long as there is no encroachment into the front or rear setbacks. This application, under these circumstances, would be in the form of a simple Zoning Permit from the Zoning Enforcement Officer; and b.) If modifications have already been made through possibly a Variance, or an application previously under Section 10.6, then an application can still be submitted for additional work. This application, under either of these circumstances (already a variance or already work under 10.6) would be in the form of a Special Permit (not a Variance) from the Zoning Board of Appeals. Mr. Sadlowski noted that the Zoning Board of Appeals will review the Special Permit criteria, which do not rise to the same challenging level as that of a variance, wherein a hardship must be established.

Mr. DeClement remarked that he does not see much of a difference between the provisions made in the proposed new Zoning Regulations with that of the former Section 10.6.

Denise Mancini of 536 Wheelers Point spoke favorably regarding how the proposed new Zoning Regulations will address the former Section 10.6.

MOTION: Mr. Closson, Ms. Wilkes second, to close the Public Hearing; unanimously approved.

The Public Hearing portion of the meeting concluded at 8:19PM.

4. OLD BUSINESS:
A. Act on Proposed New Zoning Regulations.
B. Act on Proposed New Zoning Map.
Consensus of the Commission was to table action on the proposed new Zoning Regulations and new Zoning Map until the next regularly scheduled Planning and Zoning Commission Meeting scheduled for October 24, 2016. It was noted that this would provide Commissioners the opportunity to reflect on testimony provided and to listen to audio and/or review the film of the September 20, 2016 Public Hearing.

5. ADJOURNMENT:
MOTION: Mr. Closson, Mr. Melycher second, **to adjourn at 8:21PM; unanimously approved**.

Respectfully submitted,

Pamela A. Colombie
Recording Clerk