

Bridgewater Planning and Zoning Commission
Bridgewater Town Hall, 44 Main Street South, Bridgewater, Ct. 06752
Approved Minutes of the Regular Meeting
Thursday, February 15, 2018, 7:00 P.M.

Call to Order: Vice Chairman Lax Pinter called the meeting to order at 7:00 p.m.

Roll Call and Designation of Alternates:

Present: Mike Wellman, Emil Degrazia, Laszlo Pinter, Ed DeVoe, Wayne Khare (alt.), Alex McNaughton (alt.)

Absent: Dainius Virbickas, Ed Terry (alt.)

Wayne Khare was moved up to voting status.

Also Present: Lois Gilmore, Land Use Coordinator, ZEO, Curtis Read, ex-officio, Michael Zizka counsel for the commission.

Minutes of the Meeting held on January 18, 2018 A. McNaughton made a motion to approve the minutes of the meeting of January 18, 2018, as amended. E. Degrazia seconded. Unanimous approval.

Public Comments on Items not on the Agenda: none

Any Other Business Added By 2/3 vote:

OLD BUSINESS:

1. Mnuchin, 291 Northrop Street, new single family dwelling. A. McNaughton recused himself. Peter Talbot and Robert Mnuchin were present for this application. The project is compliant with setbacks. A site section was submitted at the request of the commission. A floor plan and elevation of the pool house was submitted. The project has all other necessary approvals. E. DeVoe made a motion to approve this application. E. Degrazia seconded. Unanimous approval.

2. Garrity, 20 Garrity Lane. Donald and Linda Garrity were present for this discussion. The concern of the commission is that if the property is sold a new owner may feel that they could use it for something different. Mike Zizka reviewed the documents submitted on this item. He felt that the commission is not in the position to give an opinion or suggest a solution. There is a process that usually starts with the Zoning Enforcement Officer.

M. Zizka explained that a nonconforming use that was lawfully begun before the zoning regulations were put into effect or didn't prohibit that use, is allowed to continue as existed at the time. The use can be intensified but cannot be extended or expanded. It cannot change the character of the use. There needs to be a formal process. The ZEO can make a determination about specific uses of the property. He recommends the Garritys make a timeline to show what they have been doing on the property. If a buyer wants to use the property in the same manner and using the same area he could be allowed to do that. Any buyer has the same legal rights to use the property as the Garritys have. The building has been used for the storage, service and repairing of trucks and construction equipment.

No zoning permit was ever issued for the building because it was built before zoning. There was a permit issued in 1982 for a new garage.

The ZEO could say that it is our understanding based on the information that we have that this use was legitimately started in this building prior to zoning and based on that information the use may continue. There is no process for the commission to do that but the ZEO could do that.

D. Garrity asked what could happen if a neighbor challenged what was going on at the property. If the neighbor complains to the ZBA the property owner has to have proof that they have a right to the nonconforming use. M. Zizka explained that if a decision is made by a commission and nobody ever appeals or they appeal and lose that person is done because there is a process.

M. Wellman thought it was helpful to have the specifics of the use of the property. He wanted to make sure that it was very clear as to what that is. M. Zizka explained that the ZEO would make a determination based on the information provided by the landowner that he was conducting certain uses and those uses would be allowed to continue. The ZEO would provide a letter to that effect.

A new owner would have to ask the commission to make a finding about what they would be proposing to do.

M. Wellman made a motion that a letter be written by the ZEO stating the current use of the property and stating that use can continue to a new owner and that counsel help draft the letter and it include counsel's additional comments. E. DeVoe seconded. M. Wellman wanted it to include specific scope of the storage of the materials. M. Zizka noted that the area of the use was to be considered and not the volume. He also suggested that the ZEO take pictures of the property.

Vote on the motion was unanimous approval.

NEW BUSINESS:

1. Joshua Heights, Main Street North. No one has had a chance to review the materials. Neil Marcus made a presentation to the commission. The commission noted that they received the information.

2. Belford, 69 Main Street North, garage replacement. No one was present for this application. The applicant is proposing to replace her garage which was damaged and needed to be demolished. The garage is nonconforming and she would like to enlarge it. The commission felt they needed more information. E. DeVoe made a motion to table the application. W. Khare seconded. Unanimous approval.

Communications, Bills, Reports:

1. Bills: D. DeVoe made a motion to approve the bill for Murtha Cullina for \$8338.00. E. Degrazia seconded. Unanimous approval.

2. ZEO Report: The ZEO Report was reviewed by the commission. E. DeVoe made a motion to accept the ZEO report. W. Khare seconded. Unanimous approval.

3. Discussion of P&Z Regulations

PA 17-155 concerning temporary health care housing. The commission needs to hold a public hearing for this issue. W. Khare made a motion to hold a public hearing on March 15, 2018, at 7:00 pm. E. DeVoe seconded. Unanimous approval.

Discussion on Airbnb and home occupations. Concerns were how to characterize the use of an Airbnb, how to assess the property and would it require a special permits. The commission had discussed making this issue a town ordinance. M. Zizka noted that the registration process would have to be an ordinance. This would be covered under statute 7-148.

Adjournment: E. DeVoe made a motion to adjourn. E. Degrazia seconded. Unanimous approval at 8:42 p.m.

Respectfully submitted,
Lois Gilmore, Land Use Coordinator