

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex - 80 Doyle Road, Bantam, CT

September 19, 2011, 7:00 p.m.
REGULAR MEETING
MINUTES

Chairman Putnam called the meeting to order at 7:04 p.m.

Present were members Barbara Putnam, Elizabeth Jamieson, Sky Post, Michael Italiaander

Absent: Bill Burgess, Susan Lowenthal, Tom Waterhouse, and alternates James Keithan, Kelli Green and Paul Adams.

Also present was Land Use Administrator Dr. Dennis Tobin.

1. **Public Comment** – No members of the public spoke
2. **Appointment of Alternates** - No alternates were present to appoint.
3. **Commissioners Requests** – No Commissioners had requests to discuss
4. **Approval of Minutes of September 12, 2011.**

Motion: Michael Italiaander moved to approve the minutes as submitted.

Second: Sky Post

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: None

Motion carried 3-0

5. **Approval of Minutes of August 15, 2011.**

Motion: Sky Post moved to approve the minutes as submitted.

Second: Elizabeth Jamieson

Voting in favor: Elizabeth Jamieson, Sky Post, Barbara Putnam

Abstentions: Michael Italiaander

Motion carried 3-1-0

APPLICATION RECEPTIONS

6. **Smith (Village Wine Cellar)** **189 West St.** 9/19/11

Receive and set public hearing (10/17/11) for expansion of Special Exception retail store.

Mr. Carpenter was present with his representative. The property is half in the historic district and half in Business zone. The applicant has approval from the ZBA of 4 variances for the proposed addition – side, aggregate, rear and front, overall coverage and height variance. The proposed addition is to add retail floor space to the business. The applicant will need to review the special exception provisions for reducing the parking requirements (Article VI, Section 1, Paragraph 6) and address them at the public hearing as well as comply with the green space requirements (Article VI Section 2). Commissioners suggested adding plantings to the island in front to improve the appearance of the property. The hearing was set for October 17, 2011.

7. **Dunn** **699-701 Northfield Rd.** 9/19/11

Receive and set public hearing (10/17/11) for Special Exception Accessory Apartment (Art. V, Section 1)

Jeff Lowy and James Dunn were present with their application for an accessory apartment. The applicant submitted a statement of use. The accessory apartment will have its own septic system. The public hearing will be set for October 17, 2011.

CONSIDERATIONS/PUBLIC HEARINGS

8. **Bachmann** **15 Osborn Lane** 9/19/11

Accessory Apartment. (Article V, Section 1)

- a. **Open Public Hearing.**

Chairman Putnam disclosed that she has worked for the Bachmanns in the past, but currently has no personal or financial interest in this project. She opened the hearing at 7:32 p.m. Dan Bristol and Attorney Perley Grimes were present representing the Bachmanns for the proposed accessory apartment. The green

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cards were submitted. The applicant has approval from TAHD. The existing driveway will be removed. The current house will be vacated while the new construction takes place. The current accessory apartment will be occupied until the new accessory apartment is ready for occupancy. Then the water and septic connections to the current garage-apartment building will be disconnected, and the building will be used as a barn. Dr. Dennis Tobin discussed with the applicant how the construction will be phased.

Michael Mahan, 94 West Street, wanted to know if the existing apartment will be occupied during demolition and construction. The applicant's representative Dan Bristol confirmed that will be the case.

Perley Grimes pointed out that there currently is a principal dwelling on the property, as well as there being a plan to rebuild the principal dwelling.

Chairman Putnam closed the hearing at 7:49 p.m.

b. Consider

Motion: Sky Post moved to approve application for the accessory apartment with the following conditions: That the permits be issued in four phases: 1. A demolition permit be issued, 2. A building permit be issued for the house 3. A building permit be issued for new accessory apartment 4. Change the use of the existing garage/apartment building to a barn

Second: Michael Italiaander

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: None

Motion carried 3-0

9. Abbott

88 North Lake St.

9/19/11

Home Occupation personal wellness training studio. (Article V, Section 13)

a. Open Public hearing.

Chairman Putnam opened the hearing at 7:53 p.m. Jennifer Abbot submitted a site plan of the property showing the parking along with a drawing of her proposed sign which will be 2' x 2'.

No members of the public spoke for or against the application.

The applicant will have to apply for a zoning permit for the proposed use after the Commission approval. Chairman Putnam closed the hearing at 8:58 p.m.

b. Consider.

Motion: Sky Post moved to approve application

Second: Elizabeth Jamieson

Voting in favor: Michael Italiaander, Sky Post, Elizabeth Jamieson

Abstentions: None

Motion carried 3-0

BOND RELEASE

10. Shepaug Crossing – Old Mt. Tom – Review for bond release.

Phil Dileppo representing C.A. Litchfield LLC was present to request the bond release. A memo from Public Works Director regarding completion of the work was reviewed by the Commission. The Commission will retain \$10,875 to cover the pins and \$1599 to cover the conservation tags that have not yet been placed. The balance to be released to the developer for pins already in place will be \$8,125. All other bonded improvements have been completed and their bonds can be released.

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\$67,634.52 – total bond
- \$27,837.04 – released by wetlands
\$39,797.48
- \$27,323.48 – released by PZC
\$12,474.00 Balance to be held by Commission

Motion: Sky Post moved to release all but \$12,474.00 of the bond to the developer.

Second: Michael Italiaander

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: None

Motion carried 3-0

SUBDIVISION REVIEW

11. Hutchinson Pkwy – Hutchinson Estates – Subdivision expiration notice.

Mark Lowell, Attorney, and Dennis McMorrow, P.E. were present. representing the applicant. Attorney Lowell passed out legislation enacted in 2009 and 2011 regarding and act concerning the extension of expiration dates of certain land use permits. There is no LOC on file. Dr Tobin reported that the Fire Marshal recommended that no zoning permit be issued for a house lot until the fire tanks are installed.

Motion: Elizabeth Jamieson to approve an extension until August 21, 2015 for the permit.

Second: Sky Post

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: None

Motion carried 3-0

12. Old Business – no old business was discussed

13. New Business – no new business was discussed

14. Correspondence – A memo to Jack Healey from Barbara Putnam regarding the fact that no 8-24: will be required for chip sealing, a notice from Rick Lynn regarding the City of Torrington for new PA11-73 regarding bonding.

15. Possible Executive Session to discuss pending litigation.

Motion: Elizabeth Jamieson moved to go into executive session at 8:41 p.m.

Second: Michael Italiaander

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: none

Motion carried 3-0

Motion: Elizabeth Jamieson moved to come out of executive session at 8:51 p.m.

Second: Michael Italiaander

Voting in favor: Elizabeth Jamieson, Sky Post, Michael Italiaander

Abstentions: none

Motion carried 3-0

The meeting adjourned at 8:51 p.m.

Respectfully submitted,

Elizabeth Jamieson, Secretary