

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex,
80 Doyle Rd., Bantam, CT

REGULAR MEETING MINUTES

September 18, 2017 7:00 p.m.

- Call to Order: Chairman Waterhouse called the Regular Meeting to order at 7:00 pm.
- Member Present: Guy Baldwin, Carol Bramley, Peter Losee, Michael Thomas, Thomas Waterhouse
- Member Absent: Abby Conroy, Mitchell Samal, Denise Schlesinger
- Alternate Members Present William Conti, Nancy Tarascio-Latour
- Also Present: Dr. Dennis Tobin, PhD
1. Appointment of Alternates: William Conti, Nancy Tarascio-Latour
 2. Commissioners' requests: None

PUBLIC HEARINGS

3. **Stack - 31 McBride Rd.** – Special Exception two-family dwelling (duplex) for second and third floors of building.
Mr. Frank Stack and Frank Stack, Jr., presented an overview to the Commission. Green cards were not presented to the Commission. Mr. Stack, Jr. stated he left the cards at the house.
Peter Losse made a motion to move item #3 to Item #8 on the agenda. Michael Thomas seconded. Vote: 7:0. All in favor.
4. **67 Chestnut Hill Rd. – Singer** – Special Exception Philanthropic, Instruction and Educational Institution for Cowboy and Indian Western Museum.
Letter: Ebersol, McCormick, Reis & Steck, LLC., September 15, 2017, Re: Mr. Singer withdraw his application.

7:08 pm: Carol Bramley has recused herself for item #5.

5. **79 Saw Mill Rd. – Gauvain (Oak Hills Landscape & Design)** – Special Exception Shop & Storage Use by contractor – landscape contractor.
Brian Gauvain, Robert Gauvain, Bernard Gauvain and Kim Gauvain presented an overview to the Commission. Green cards were presented. Brian Gauvain has a landscaping business and has found a commercial location in East Litchfield.
Public Comment:
 - a. Timothy Williams – I would like to see a period of time permitted for him to transition to the East Litchfield site.
 - b. Carol Bramley (Speaking as a citizen). Very glad he is staying in town. The property has become more of a commercial site. Photos have been provided. Brian has been very amicable during this process. Will the sander and the plow stay in the winter? If so, what will happen?

- c. Suzanne Latwon – As neighbors, we are very happy that he is successful. I have never had a problem with vehicles or noise. I have never had any issues.

Letters on File:

- a. Frank and Anne Kerrigon
- b. Tom & Judee Watson
- c. Janet Magnifico

The Commission spoke about commercial territory and the Tractor (Geoff, Massy Ferguson).

Mike Thomas made a motion to close the Public Hearing. Peter Losee seconded. Vote: 6:0, All in Favor.

Mike Thomas made a motion to deny 79 Saw Mill Rd. – Gauvain (Oak Hills Landscape & Design) – Special Exception Shop & Storage Use by contractor – landscape contractor.

Peter Losee seconded. Vote: 6:0 – all in favor.

Mike Thomas made a motion to approve Brian Gauvain a 60-day period to move all the equipment, except the personal tractor whom Kim Gauvain owns, to a commercial property.

Peter Losee seconded. Vote: 6:0. All in Favor.

7:32 pm: Carol Bramley returned.

6. **626 Torrington Rd. – D’Ambrosio** – Special Exception vehicle sales and service, pleasure.

Mr. D’Ambrosio presented his green cards and an overview to the Commission.

The Commission spoke about parking, signage and waste. Public Comment: None

Carol Bramley made a motion to close the public hearing. Peter Losee seconded. Vote: 7:0. All in favor.

Carol Bramley made a motion to approve 626 Torrington Rd. – D’Ambrosio – Special Exception vehicle sales and service, pleasure. William Conti seconded. Vote: 7:0 All in Favor.

7:40 pm: Carol Bramley recused herself for agenda item #7.

APPLICATION RECEPTIONS

7. **Ocean State Job Lot of CT 2017 – 331 West St.** – Receive Site Plan application for retail use.

Perley Grimes, Jr., Attorney and Evan Portno, Real Estate Manager presented an overview to the Commission. Attorney Grimes, Jr., stated that everything will stay the same. Under your regulation under section 7, paragraph 3. for retail sale of use.

Information presented:

- a. Letter to Chairman of Litchfield Planning & Zoning commission dated 9/8/17. Cramer & Anderson, LLP, re: Ocean State Job Lot of CT 2017, LLC.
- b. The Litchfield Zoning Regulation, Page 93, 74, 47, 48. A change will be made to the sign.
- c. Assessor’s information regarding 331 West Street, Litchfield, CT
- d. Authorization and Consent of The Stop & Shop Supermarket Company, LLC dated 9/13/17 to the application of Ocean State Job Lot of CT 2017, LLC for Site Plan Review dated 9/5/17

- e. Affidavit of Brian Daley, Real Estate Asset Management & Leasing for Stop & Shop Supermarket Company, LL dated 9/13/17 regarding Lease and employees.
- f. Brochure showing exterior and interior photos of Ocean State Job Lot.
- g. Email of Brian Daley dated 9/9/17 regarding dimensions of Stop & Shop Signage on exterior of building with photograph attached and 7a photo of past, present and proposed signage.
- h. Letter to the Town of Litchfield Planning & Zoning Commission dated 9/8/17 from Deborah Kern, Regional Property Manager for Ocean State Job Lot of CT 2017, LLC, verifying parking spaces on Site Plan.
- i. Letter to Mr. John Barbato, Ocean State Jobbers, Kingston, RI dated 9/23/11 from Bryant Associations, Inc. regarding Traffic Data Collection of Job Lot Development, Westerly, RI
- j. Langan Engineering and Environmental Services Site Plan dated 11/3/99 of Stop & Shop, Litchfield, CT.
- k. Application for Zoning Permit dated 8/10/99 to convert liquor store and restaurant to a supermarket and signed Zoning Permit and Certificate of Compliance for the same.
- l. Langan letter and Application for Zoning Permit date 3/27/01 to add rear decks, ramp, etc. and approved Zoning Permit dated 4/30/01 and Certificate of Zoning Compliance dated 11/12/02 for the same.
- m. Fuller, Land Use Law & Practice Volume 9B 521 p. 222-223 Explanation of Non-Conforming Use.

Application for Zoning Permit received on September 18, 2017 for \$328.00. Commission spoke about hours of operations, traffic study, and should get an opinion if we need a special exception or just a zoning permit. Anything over 20,000 square feet will require a public hearing.

Guy Baldwin made a motion to request a \$3,000 application review fee. Michael Thomas seconded. Vote: 6:0. All in Favor.

Mike Thomas made a motion to extend the public hearing to October 16, 2017. Peter Losee seconded. Vote: 6:0. All in favor.

8:18 pm: Carol Bramley returned.

Public Hearing

8. Stack - 31 McBride Rd. – Special Exception two-family dwelling (duplex) for second and third floors of building.

Mr. Frank Stack and Frank Stack, Jr., presented an overview to the Commission. Green cards were presented. Mr. Stack spoke about residential units and pre-existing non-conforming.

Dr. Tobin stated the application is for a Duplex and not for a Bed and Breakfast. The Commission spoke about the plans, bathrooms and stairways. Dr. Tobin issued a cease and desist due to the residential portion. Mr. Stack updated his plans and submitted (Duplex 1 and Duplex 2) to show a kitchen, bedroom, living room and bathroom. Dated and signed for 9/18/17.

Letter:

- a. Town of Litchfield, Fire Marshall, Samuel Kinkade. July 28, 2017, Re: Connecticut State fire safety code, Abatement ORER of Fire/Life safety Hazards.

Public Comment:

- a. Robert Graham – I support the application. I am a tenant.
- b. Robert Rockwell – I live across the road.

Carol Bramley made a motion to close the Public Hearing. Peter Losee seconded. Vote: 7:0. All in Favor.

Carol Bramley made a motion to approve Stack - 31 McBride Rd. – Special Exception two-family dwelling (duplex) for second and third floors of building. Michael Thomas seconded. Vote: 7:0. All in Favor.

8:49 pm: William Conti left the meeting.

8. Approval of Minutes for August 21, 2017.

Carol Bramley made a motion to approve the minutes for August 21, 2017 with the following changes under Item 4 from: Michael Thompon to Michael Thomas. Peter Losee seconded. Vote: 6:0. All in Favor.

9. Public Comment

a. Bill Burgess. Spoke about economic development, POCAD, Cornwall, and sub-committees.

10. Old Business State Plan of Conversation and Development – Carol Bramley would like to recommend Option #2.

11. New Business None

12. Possible Executive Session to discuss pending litigation: None


13. Correspondence

a. August 31, 2017, Re: Comments on State Locational Guide Map AND Regional Policy Map, Due by Sept 15th.

b. Donald W. Light, Private Detective, September 18, 2017, Re: Ocean State's application for rental of the prior Stop & Shop property.

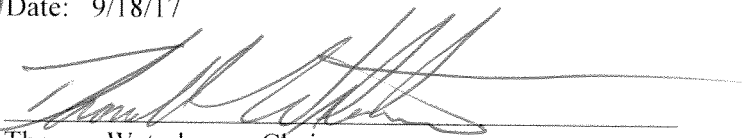
Guy Baldwin made a motion to close the meeting. Michael Thomas seconded. Vote: 6:0. All in Favor.

Meeting ended at 9:04 pm.



Nancy C. Latour, Recording Secretary

Date: 9/18/17



Thomas Waterhouse, Chairman

Date: ~~9/18~~ 10/2/17