

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex, 80 Doyle Rd.

Bantam, CT

REGULAR MEETING MINUTES - DRAFT

September 21, 2015, 2015 - 7:00 p.m.

Call to Order: Chairman Waterhouse called the regular meeting to order at 7:01 pm.

Members Present: Curtis Barrows, Carol Bramley, Dr. Susan Lowenthal, Denise Schlesinger, Thomas Waterhouse, David Pavlick arrived at 7:04 pm, Peter Losee arrived at 7:06 pm.

Members Absent: David Morgan

Alternate Members Present: William Conti

Also Present: Land Use Administrator, Dennis Tobin, PhD

1. Appointment of Alternates: None

2. Public Comment: None

3. Commissioners' requests: None

REGULAR MEETING

4. Consider approving Subdivision Regulations.

David Pavlick is now seated as a regular member at 7:04 pm.

Peter Losee is not seated as a regular member at 7:06 pm.

The Commission reviewed the Subdivision Regulations.

Curtis Barrows made a motion to approve The Litchfield Subdivision Regulations, with an amended date of September 21, 2015, with an effective date of October 30, 2015. Denise Schlesinger seconded. Vote of 6:0, with 1 abstention by Dr. Susan Lowenthal.

5. Review Proposed Zoning Regulations Amendments & Map.

The Commission reviewed the Proposed Zoning Regulations Amendments & Map.

The Commission considered Referral to Regional Planning agencies – Northwest Hills Council of Governments (NWCOG) Council of Governments of the Central Naugatuck Valley (COGCNV), Commission Attorney, Town of Litchfield Fire Marshal, Building Inspector, Public Works, WPCA, Conservation Commission, Board of Selectmen, Northwest Conservation District and Press Release.

Dr. Susan Lowenthal made a motion to send the Proposed Zoning Regulations Amendments & Map, September 21, 2015 for Public Hearing on November 2, 2015. Peter Losee seconded. Vote of 7:0, with all in favor.

6. 8-24 Application- Road Closure – Donohue Rd., September 21, 2015

Jack Healy, Public Works Director, presented the Commission an overview of the Donohue Road closure.

A member of the public spoke to a Commission member. The Chairman reminded the Public that all questions are to go through The Chairman and not individual Commission Members.

Dr. Susan Lowenthal moved to make an unfavorable report to send 8-24 Application- Road closure – Donohue Rd., September 21, 2015 due to not properly informing the residents of the proposed road closure. Carol Bramley seconded. Vote: 0:7, with all unfavorable.

7. 19 Old Smith Rd. – Fairchild, September 21, 2015 – Receive and set public hearing (10/19/15) for Special Exception Accessory Apartment (Article V, Section 1, (6) (c))

Mark Fairchild presented the Commission with an overview of a four stall horse barn to convert the structure into an accessory apartment.

Curtis Barrows made a motion to request a legal review application fee of \$300.00. David Pavlick seconded. Vote: 7:0, with all in favor.

Carol Bramley made a motion to send 19 Old Smith Rd. – Fairchild, September 21, 2015 – Receive and set public hearing for October 19, 2015 for Special Exception Accessory Apartment (Article V, Section 1, (6) (c)). David Pavlick seconded. Vote 7:0, with all in favor.

PUBLIC HEARINGS

8. 6645 Federal Square Realty, LLC - Village Green Dr., September 21, 2015 – Site plan for conversion of 850 sq. ft. of office space to restaurant space in Bldg. A.

Mr. Greenberg presented the Commission with several letters: (a) Greenberg Real Estate dated September 18, 2015; (b) Lease of Eight Parking Spaces; and (c) Draft Motions for Application to Amend Site Plan for Village Green Shopping Center.

The Commission read a letter from Byrne & Byrne, LLC., dated September 21, 2015; Re: 6645 Federal Square Realty LLC – Application to Modify Site Plan, China Rainbow Restaurant – Special Exception Application. The letter is on file.

Mr. Donohue legal counsel for Mr. Greenberg stated the letter he received from the Commission at the Public Hearing is not fair to his client since they did not have time to review. The letter is from Byrne & Byrne, LLC, dated September 21, 2015. The letter is on file. Mr. Greenberg stated he is very upset at the Commission.

Public Comment: None

Curtis Barrows made a motion to close the public hearing for 6645 Federal Square Realty, LLC - Village Green Dr. – Site plan for conversion of 850 sq. ft. of office space to restaurant space in Bldg. A Denise Schlesinger seconded. Vote: 6:1, Dr. Susan Lowenthal voted no.

Curtis Barrows made a motion to approve 6645 Federal Square Realty Co., LLC and Federal Square Realty, LLC., has made an application to the Litchfield Planning and Zoning Commission to modify the site plan approved July 7, 2015 for the property referred to a Village Green by: (a) Dividing one of the tenant spaces in Building A into a restaurant having 850 square feet with the balance of the space remaining as an office having 1,310 square feet; and (b) Utilizing the unused spaces on the adjacent Litchfield Commons property to make up the deficiency of five parking spaces on the Village Green property. The Planning and Zoning Commission approves said application and acknowledges that the

restaurant may utilize the allowance in article VI.5.i of the Zoning Regulations for shared parking, said approval being subject to the following modifications: 1. The applicant shall provide the Commission with a copy of a lease for the parking spaces on the Litchfield Commons property that is acceptable to the Commission; 2. The duration of said lease shall be as least as long as the lease of the restaurant; 3. The spaces of the Litchfield shall be assigned to tenants of the Village Green other than the restaurant in order to be in compliance with Article VI.5.d of the Regulations. Denise Schlesinger seconded. Vote of 6:0, with 1 abstention by Dr. Susan Lowenthal.

9. De An Zheng DBA China Rainbow Restaurant – Village Green Dr., September 21, 2015– Special Exception Restaurant Use in Building A Unit 2B – 850 sq. ft.

Denise Schlesinger made a motion to accept the De An Zheng DBA China Rainbow Restaurant – Village Green Dr., September 21, 2015 – Special Exception Restaurant Use in Building A Unit 2B – 850 sq. ft. David Pavlick seconded. Vote of 6:0, with 1 abstention by Dr. Susan Lowenthal.

Carol Bramley made a motion to waive the De Ann Zheng requirements to go to Design Review Committee for review. David Pavlick seconded. Vote 7:0 all in favor.

Public Comment: None

Curtis Barrows made a motion to close the public hearing. Denise Schlesinger seconded. Vote of 7:0, with all in favor.

10. Approval of Minutes of September 8, 2015

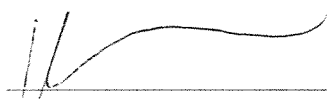
Carol Bramley made a motion to approve the minutes of September 8, 2015. Curtis Barrows seconded. Vote of 6:0, with 1 abstention by Dr. Susan Lowenthal.

11. Old Business None
12. New Business None
13. Possible Executive Session to discuss pending litigation None
14. Correspondence None

Carol Bramley made a motion to close the meeting. Dr. Susan Lowenthal seconded. Vote of 7:0, with all in favor.

Meeting ended at 8:49 pm

Respectfully Submitted,



Nancy Latour, Recording Secretary
Recording Date 09/23/15

Thomas Waterhouse, Chairman
Date 09/ /15