### LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex, 80 Doyle Road, Bantam, CT MINUTES

Monday, August 15, 2011 7:00 p.m.

Chairman Putnam called the meeting to order at 7:03 p.m.

Present were members Barbara Putnam, Elizabeth Jamieson, Sky Post, and alternate James Keithan

Absent: Bill Burgess, Michael Italiaander, Susan Lowenthal, Tom Waterhouse, and alternates 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 James Keithan was seated as a regular member.
- 3. Approval of Minutes of August 1, 2011.

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

Second: Elizabeth Jamieson

Voting in favor: Elizabeth Jamieson, Sky Post, James Keithan

Abstentions: None Motion carried 3-0

**4. Commissioner's Requests** – James Keithan asked about whether signs in the state right of way were enforced by the state. Dr. Dennis Tobin explained he had met with the DOT representative and was informed that the state DOT has been patrolling and enforcing them in town.

# **APPLICATION RECEPTIONS**

5. **Bachman** 15 Osborn Lane 8/15/11

Receive and set public hearing for special exception accessory apartment.

Dan Bristol representing the applicant told the Commission that TAHD has approved their septic plan for their application. The apartment will be in the existing garage. The hearing was set for September 19, 2011.

6. Abbott 88 North Lake St. 8/15/11

Receive and set public hearing for special exception home occupation personal wellness training studio.

The applicant has a statement of use. An existing woodworking shop will be converted to a personal fitness studio. The hearing was set for September 19, 2011.

### **CONSIDERATIONS/PUBLIC HEARINGS**

#### 7. Ron's Automotive Center Inc. 22 Thomaston Road 8/15/11

Consider Site Plan modification for auto dealership and repair shop.

The applicant has a favorable recommendation from the DRAC and approval from ZBA which is not yet on file. Approval from the Fire Marshal and FEMA are on file.

Motion: Sky Post moved to approve application.

Second: Elizabeth Jamieson

Voting in favor: Elizabeth Jamieson, Sky Post, James Keithan

Abstentions: None Motion carried 3-0

## 8. Litchfield Community Center 421 Bantam Road

8/15/11

Consider Site Plan modification for 32' x 34' building addition.

Attorney Brian McCormick was present representing the community center for the proposed addition. Review and approval by the Fire Marshal, DRAC and Aquarion are on file. Approval from WPCA is pending until their next regular meeting for a waiver for the grease trap.

Motion: Elizabeth Jamieson moved to approve the application with the condition that the

applicant comply with WPCA's comments regarding a grease trap.

Second: Sky Post

Voting in favor: Elizabeth Jamieson, James Keithan, Sky Post.

Abstentions: none Motion carried 3-0

# 9. Litchfield on the green (Litchfield Inn) 432 Bantam Road

8/15/11

Consider Site plan application for 2 story addition.

Kenneth Hrica, PE was present representing the applicant for the proposed addition and Personal Service Shop w/o hazardous materials, outdoor tennis courts, paved parking area and landscaping. The applicant has now received inland wetlands approval. Revisions to the plan regarding language for installation and removal of the oil storage tanks and oil piping, which was recommended by the Public Works Director, are now noted on the plans.

Motion: Elizabeth Jamieson moved to approve the application with the condition that the project be phased and zoning compliances issued according to the phasing plan submitted by the applicant dated August 3, 2011.

Second: Sky Post

Voting in favor: Elizabeth Jamieson, James Keithan, Sky Post.

Abstentions: none Motion carried 3-0

#### 10. Mahan 108 Norfolk Road 8/15/11

Special Exception for accessory apartment.

**a. Open pubic hearing** Chairman Putnam opened the hearing at 7:38 p.m. Kenneth Hrica, PE represented the applicant and submitted the green cards for the file. TAHD approved separate septic systems for both the house and the accessory apartment. The Commission discussed the history of the property regarding previously issued zoning and building permits.

Neighbor Silva Abbott complained about the construction and the water runoff from the driveway and was concerned about the 2 septic systems on the property. She questioned whether an accessory apartment is appropriate for the neighborhood. She noted that the property to the south is now vacant. The apartment will be closer to that neighbor.

Neighbor Martha Babbitt explained that she had no concerns about the barn and accessory apartment use. She is concerned about the dirt piles on the property and driveway runoff.

Dr. Tobin stated that there is a large amount of sediment on the driveway and that there should be approximately 50' of gravel placed along the last 50' of driveway or a construction/anti-track pad be placed at the foot of the driveway.

Mr. Mahan stated the barn would be completed within the next 2 months along with the driveway being paved up to the barn prior to occupancy.

Chairman Putnam closed the hearing at 8:14 p.m. and reviewed the accessory apartment regulations with the commission.

#### b.Consider

Discussion ensued on the issue of whether the regulations allow the accessory building to be built and occupied before the principal dwelling is completed.

Motion: Sky Post moved to approve the application

Second: Elizabeth Jamieson

Voting in favor: Elizabeth Jamieson, Sky Post,

Voting Against: James Keithan

Motion carried 2-1

- 11. Old Business-. No old business was discussed.
- 12. New Business No new business was discussed.
- 13. **Correspondence** A letter from Breezy Knolls waterfront committee along Bantam Lake concerning the reconstruction of a stone and concrete wall along Litchfield Streets and Bantam Lake, a letter from the Town of Washington concerning construction of a parking area within 500' of Litchfield's Town boundary, a letter from Dennie Williams concerning commissioners recusing themselves from applications. Chairman Putnam had responded to Mr. Williams explaining that state law does not permit the Commission to force a Commissioner to recuse himself, but that the Commissioner has to do it himself.
- 14. Possible Executive Session to discuss pending litigation -.

Motion: Sky Post moved to go into executive session at 8:54 p.m.

Second: Elizabeth Jamieson

Voting in favor: Elizabeth Jamieson, Sky Post.

Abstentions: none Motion carried 3-0

Motion: Elizabeth Jamieson moved to go out of executive session at 9:05 p.m.

Second: Sky Post

Voting in favor: Elizabeth Jamieson, Sky Post.

Abstentions: none Motion carried 3-0

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Elizabeth Jamieson Secretary

Barbara Putman Chairman