

# LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex - 80 Doyle Road, Bantam, CT

April 18, 2011 7:00  
REGULAR MEETING MINUTES

**DRAFT**

The Chair called the meeting to order at 7:01

Commissioners present were Barbara Putnam, Chair, Bill Burgess, Sky Post, Susan Lowenthal, (arrived at 7:04) Tom Waterhouse, regular members, James Keithan, alternate

Absent: Michael Italiaander, Elizabeth Jamieson, Kelli Green, Paul Adams

Others present: Dr Dennis Tobin, Land Use Administrator

1. **Public Comment** none

2. **Appointment of Alternates** none –James Keithan was appointed to serve for Michael Italiaander

3. **Approval of Minutes** – April 4, 2011.

Sky Post moved and James Keithan seconded a motion to adopt the minutes as submitted

Voting in favor: Bill Burgess, Sky Post, Tom Waterhouse, James Keithan,

The motion passed 4-0

4. **Commissioners' requests**

Bill Burgess submitted a memo regarding Vetting Temporary Farm Stand Permits dated May 4, 2010, and asked that the chair direct the staff to enforce the regulations.

Susan Lowenthal arrived at 7:04.

## PUBLIC HEARINGS/CONSIDERATIONS

5. **Dunn – 699-701 Northfield Rd.** – Special Exception Shop and Storage Use by a Contractor for heating contractor (Article V, Section 13A).

a. **Continue public hearing** (opened 3/21/11)

The chair continued the public hearing at 7:07PM.

Those present at the first session of the public hearing and participating in this session were: Barbara Putnam, James Keithan, Susan Lowenthal, and Tom Waterhouse,

Dr Tobin reported that the Wetlands Commission had issued a permit without conditions for the property. The Chair asked that their report be added to the file.

There was discussion about whether there would be a review by the Torrington Area Health District of the septic system. Dr Tobin stated that he will need a certificate from TAHD because a business use is being added to the residential property. There was discussion about the trailer: its poor condition, its proximity to the property line, and its status as a nonconforming rental apartment. The owner intends to rebuild it on the same footprint and return for an accessory apartment permit when he is ready to rent it. The regulations are silent about repairing and replacing nonconforming buildings, and only address their expansion.

The public hearing was closed at 7:40.

b. **Consider**

Tom Waterhouse moved and James Keithan seconded a motion to approve the application, with the understanding that the trailer is not to be rented until a special exception accessory apartment permit has been granted.

Voting in favor: James Keithan, Susan Lowenthal, and Tom Waterhouse

Abstaining: Bill Burgess and Sky Post

Voting against: none

The motion passed 3-2-0

## APPLICATION RECEPTIONS/CONSIDERATIONS

6. **Weaver – 21 South St.** – Site Plan Review for change of ownership on pre-existing non-conforming Business & Professional Offices.

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Attorney Stephanie Weaver appeared with Dennis McMorrow, PE and Peter Faber, formerly of Litchfield Mutual.

She explained that she will move her practice to this building, and plans to rent extra space out to tenants. Peter Faber described how the building had had a number of different tenants over the years, including InTrade, the Red Cross, the water company, the phone company and the Litchfield Enquirer. While the land only has space for 5 parking spaces, a verbal agreement with St Michael's allows them to use their parking lot during the week, while the church uses their spaces on Sundays. The building has space for 14 desks, which were used by as many as 17 workers.

Dennis McMorrow showed the site plan, with public parking spaced within 200 feet. This demonstrates that the building complies with the regulations. There was discussion about whether in fact the 15 minute and 30 minute spaces would be used by the building occupants. Stephanie is in conversation with St Michael's about renewing the verbal agreement on using their lot during the week.

Bill Burgess noted that this new use is not an intensification and that the site plan demonstrates compliance with our regulations.

Dennis Tobin noted that he expects the applicant to apply for a Business and Professional Office use permit, as well as a sign permit. The Design Review Advisory Committee is available to review the sign.

Bill Burgess moved and Tom Waterhouse seconded a motion to approve the site plan as submitted, noting the permits from the office will be required for the use and for the sign.

Voting in favor: Bill Burgess, James Keithan, Susan Lowenthal, Sky Post and Tom Waterhouse,  
The motion carried 5-0

## **7. Manasse, Slaiby & Leard, LLP – 49 Old Mt. Tom Rd. – Receive and set public hearing (5/16/11) for expanding existing special exception accessory apartment.**

Attorney Sam Slaiby and Architect Steve Lasar appeared for the applicant. The landowner is a Trust: "Carol B Bryan 2009 irrevocable trust" of which Henry Pozycki is the trustee.

Mrs. Bryan uses the main building, and the accessory apartment is for guests. Each building has its own well and septic system. The application is to add space to the apartment. There will be some small additions to the house in order to make it twice the floor area of the guest house, as required by the regulations. There are already three parking spaces, one on the driveway and two in the garage. Mr Slaiby stated that there is no need for screening, because the neighbors are so far away. The chair requested that floor plans for the apartment be submitted.

The chair set the public hearing for May 16.

## **8. Manasse, Slaiby & Leard, LLP – 49 Old Mt. Tom Rd. – Receive and set public hearing (5/16/11) for additions to special exception seasonal cottage.**

A site plan by Doug Little of October 22, 1973 shows another small outbuilding. It was build back in the 1930's, and has heat and air conditioning but no plumbing. There are plans to make improvements to it, but it has never received a permit. The Chair set the public hearing for May 16.

## **9. Old Business .none**

## **10. New Business - none**

## **11. Correspondence - none**

The meeting was adjourned at 9:03