

Minutes
LITCHFIELD ZONING BOARD OF APPEALS

December 2, 2014, 7:30 p.m.

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

Members Present: Chairman Brian Donohue, Brian McKernan, Melinda Mennillo, Virginia Dean Andrew Ide, Jeff Legendre

Members Absent: None

The Chairman called the meeting to order at 7:30 and explained the format of the hearings.

PUBLIC HEARINGS

Case 14-12-1 – To discuss and possibility act upon a request from Douglas Smalley for a Front yard variance of 12' from Article IV Section 2 and Article VI Section 6(7) for a proposed addition for property at 472 Maple Street. The Chair opened the hearing at 7:35. Chris Weik was present for the application and presented return receipt mail cards. He explained that the variance requested is for a master suite addition to the side of the house. He believes the house was built in the 1940s or 50s and doesn't conform to existing front yard setbacks and will not encroach any further into that setback, as a matter of fact, the new addition will be set back further than the house. No one spoke for or against the application. The hearing closed at 7:40 p.m.

Consider Case 14-12-1 – A. Ide moved to grant the variance because the house predates zoning, the proposed project does not encroach into the existing non-conforming set back and the addition will be placed further away from the road than the house, M. Mennillo seconded and the motion passed unanimously.

Case 14-11-2 – Appeal of Decision made by the Zoning Enforcement Officer dated August 26, 2014 regarding the 58 McBride Road "gun club". The Chair opened the hearing at 7:48 p.m. Attorney James Steck from Ebersol, McCormick and Steck was present for the application. He submitted a 8 page letter that he authored dated December 2, 2014 as well as a Secretary of the State printout showing the dissolution of the Northfield Rod and Gun Club as of 2002. Additionally he submitted a General Data Real Estate Town of Litchfield showing taxes paid on 58 McBride Road. He submitted two cases dealing with similar issues, specifically, Mallozzi v. ZBA of Stamford and Cialfi v ZBA of Berlin.

He explained the reasons why he thought the Board should find that Mr. Stack abandoned the use of this property as a gun club by applying for a farm permit in 2012.

He stated that the use of the non conforming gun club has expanded simply by the use of the guns that are shot there now. There is evidence in the record that shows the Northfield Rod & Gun Club was a dues paying member only club that shot skeet. The skeet shooting platforms have been turned into turkey coops, which further indicate an intention to abandon the use of skeet shooting.

Frank Stack was present to oppose the appeal. He stated that under state statute, this property is a pre existing non conforming gun club and is protected under state statute. He applied for the farm use when he was working with the town to install culverts to handle the road drainage and he granted the town four drainage easements and was given a tax break for doing so.

He stated that the issue of property values declining are not true as a house recently sold on McBride Road for \$297,000.

He explained that he did apply for a five lot subdivision, but his son likes living there and shooting on the property.

He stated that there was shooting on the property 62 days last year. It's not 24/7 as has been stated. The gun club has existed before most of the houses were built in that neighborhood. Most shooters are members of law enforcement and tactical units.

He submitted a listing of shooting range cases. He stated that 3 groups currently use the facility and pay to shoot. The shooters sign waivers to shoot but there are not membership dues per se. They have tried to discuss arranging shooting times, schedules etc. with the neighbors but to no avail.

He stated that they do some farming of hay and have it stacked up to divert the water that runs down through the property. The trees were cleared because some of them were stressed from the shooting that was previously done by the Northfield Rod & Gun Club.

Frank Schildgen spoke regarding noise levels and caliber of ammunition being shot on the property.

Theresa O'Neill submitted a picture of people shooting, she said, on the gun club property.

Raymond Kalita explained that he was the former president of the Northfield Rod & Gun Club and would like to fill the Board in on the history of the club. There was shooting on Friday nights until about 8:30 p.m. in the summer and Sunday mornings from about 9:00 until about 1 or 2 in the afternoon. It was strictly trap shooting. Occasionally there was shooting on Saturdays. There would be about 5 registered shootings that usually happened all day Saturday and Sunday. The Club would notify the neighbors in advance of these activities and give them a schedule. There was not late night shooting. There never was a rifle range there, they were going to put in a pistol range but never did. There was some random rifle shooting, but never a formal range. The shooting that is being done there is obnoxious and very disruptive to the neighborhood. The shooting being done now is totally different from what was done there in the past. In the 1980's there was approximately 150-160 members down to between 30-60 members when the club closed in 2006. It was a paid membership, you paid dues to the club to use the facilities. At any big event, there would be between 80-100 people shooting. It was mostly seasonal, no shooting done in the winter. He explained that he is opposed to the AR type gun being shot at night and the explosive targets, which shake his house when they go off. The clubhouse was rented out for weddings, parties, and fundraisers. The club was incorporated with bylaws. He is now a member of the Harwinton Gun Club which has specific rules about allowed shooting times so as to not disturb the neighborhood.

Attorney Steck, in his closing argument, stated that during his testimony, Mr. Stack kept changing his story and wouldn't give a straight answer even when asked a direct question. Mr. Steck reiterated the issue of abandonment as the current use of this property has changed dramatically from what it used to be as stated in the testimony of Mr. Kalita. He pointed out the advertisement from King 33 from the file that lists different uses. He submitted to the file a DVD containing the NBC coverage of this issue. Mr. Steck stated that this issue deals with the intent of Mr. Stack to continue the use of this property as a gun club and cited items in the record that show Mr. Stack had applied for subdivision of this land into 5 residential lots. He mentioned the assessors listing and several zoning permits that list this property as farm use and open space which also goes to the issue of intent.

No one spoke in opposition to the appeal.

B. Donohue moved to close the public hearing at 9:40, B. McKernan seconded and the motion passed unanimously.

There was a short recess from 9:40 to 9:55 p.m.

Consider Case 14-11-2 - M. Mennillo moved to continue the discussion to the next meeting on January 6, 2015 at the Town Hall Annex meeting room, 80 Doyle Road in Bantam at 7:30 p.m. J. Legendre seconded and the motion passed unanimously.

Approval of Minutes November 4, 2014 – M. Menillo moved to approve the minutes, J. Legendre seconded and the motion passed unanimously.

Possible Executive Session to discuss pending litigation - None

Adjournment . A. Ide moved to adjourn at 10:00 p.m., M. Menillo seconded and the motion passed unanimously.

Brian Donohue, Chairman
Zoning Board of Appeals

Date

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