LITCHFIELD PLANNING AND ZONING COMMISSION
MEETING MINUTES
December 6, 2021, 7:00 p.m.
Town Hall Annex, 80 Doyle Rd., Bantam

Call to Order – Chairman Carol Bramley called the meeting to order at 7:00 p.m.
Members Present: Stephen Simonin, Peter Losee, Norman Sauer, Peter Dauten, Burke Gibney, Guy Cunningham, Jordan Richards John Cox
Members Absent:, Abby Conroy
Appointment of Alternates – None
Commissioners' requests – None

Review of Bylaws and Election of Officers
P. Losee moved to move this item to the end of the agenda for discussion, J. Cox seconded and the motion passed unanimously.

P. Losee moved to add to the agenda – 33 West St. – Jennett (Petro's Grocery) for Retail, small shop, retail small grocery and restaurant, S. Simonin seconded and the motion passed unanimously.

Commissioners requests – None

APPLICATION CONSIDERATION

Champalimaud **31 North St.** **12/6/21**
Modify a non-conforming Special Exception use from Nursing/ Convalescent Home to Lodging NE Bed and Breakfast with 33 guest rooms.

J. Cox Moved to approve the application with the following conditions, P. Losee seconded and the motion passed unanimously.

In the Matter of an Application for a Special Exception and Accompanying Site Plan to Modify an Existing Nonconforming Use submitted by Anthony Champalimaud for 31 North Street (the Property) for a modification of Nonconforming Use from Nursing Home to Bed and Breakfast/Country Inn on property zoned HR-30.

Whereas, the Applicant, Anthony Champalimaud has submitted an application for Special Exception and Site Plan Approval to modify the preexisting nonconforming use at the Property from Nursing Home to Bed and Breakfast/Country Inn (Hotel) with site and building modifications as shown on the plans submitted to and reviewed by the Planning and Zoning Commission (the Commission); and

Whereas, the Applicant and his professionals have submitted, among other things, site plans, lighting plans, drainage reports, traffic analysis, a statement of use in the form of a letter from the Applicant setting forth operational details necessary for the operation of the Bed and Breakfast/Country Inn as well as other documents, records and testimony demonstrating the proposed use complied with the Litchfield zoning regulations; and

Whereas, the Commission accepted this application on September 20, 2021and commenced its duly noticed public hearing on this application on October 18, 2021 wherein it was continued and then concluded on November 15, 2021; and

Whereas, as this is an application seeking to modify an existing Nonconforming Use the Applicant must show compliance with Zoning Regulation (the Regulations) Section H, Subsection 3 entitled "Change of Non-Conforming Use" and the Commission must make findings showing compliance; and

Now Therefore, the Litchfield Planning & Zoning Commission makes the following findings:

1. But for the preexisting non-conforming aspects of the Property, the proposed special exception application and site plan is in compliance with the applicable zoning regulations including that section entitled 'Permits, Approvals and Exceptions' except as stated below under conditions of approval.

2. The proposed special exception use is consistent with the infrastructure capacity and the development of the community except as stated below under conditions of approval.

3. The proposed special exception use complies with the standard set forth at Regulations Section H Subsection 3 as the proposed use:

a. Reflects the nature and purpose of the original non-conforming use.
b. The character, nature and kind of use proposed is consistent with the original non-conforming use.
c. The proposed use when compared with the original non-conforming use will have a positive effect on the surrounding area as the differences in the activities conducted on the lot will be substantially less offensive to the neighbors than the activities associated with the original non-conforming use.

4. The proposed special exception use conforms to the town's Plan of Conservation and Development.

Now, Therefore, the Litchfield Planning & Zoning Commission approves the special exception application and site plan of Anthony Champalimaud for 31 North Street (the Property) for a modification of Nonconforming Use from Nursing Home to Bed and Breakfast/Country Inn on property zoned HR-30 as per all oral and written testimony, which includes, but is not limited to, the following:

Maps and Plans:

A set of maps and plans prepared by Alford Associations, Inc. Civil Engineers entitled "Additions and Alterations to Rose Haven Nursing Home" originally dated July 8, 2002 and revised through November 8, 2021, consisting of the following:

- Sheet 1 of 3 Layout and Landscaping Plan
- Sheet 2 of 3 Grading, Utilities and Erosion & Sedimentation Control Plan
- Sheet 3 of 3 Existing Conditions Survey and Demolition Plan

A set of plans showing existing elevations and existing floor plans for both the Beldon House (historic front building) consisting of six sheets and the Mews (rear building) consisting of four sheets prepared by John Kenyon Kinnear, Jr., Architect, AIA.

A set of plans showing proposed elevations and proposed floor plans for the Beldon House consisting of seven sheets prepared by John Kenyon Kinnear, Jr., Architect, AIA, consisting of the following:

- A-1 Basement Floor Plan (proposed) dated 7/29/21 revised to 8/8/21
- A-2 First Floor Plan (proposed) dated 7/26/21 revised to 8/8/21
- A-3 Second Floor Plan (proposed) dated 7/29/21 revised to 8/8/21
- A-4 Attic Floor Plan (proposed) dated 7/29/21 revised to 8/8/21
- A-5 Proposed East and North Elevations dated 7/26/21 revised to 8/10/21
- A-6 Proposed West and South Elevations dated 7/26/21 revised to 8/10/21
- An unlabeled sheet showing an existing ramp and a proposed ADA Ramp Elevation

A set of plans showing Beldon House proposed floor plans, including possible interior room furniture placement, and for the Mews an exterior elevation survey along with proposed floor plans, including possible interior room furniture placement prepared by Champalimaud Design, consisting of the following:

- Rose Haven / Annex – Exterior Elevation Study dated August 11, 2021
- Rose Haven / The Mews Annex - Ground Floor Plan dated August 11, 2021
- Rose Haven / The Mews Annex – Basement Plan dated August 11, 2021

Reports:

- Alford Associates, Inc. also submitted the following report: "Storm Drainage Analysis Rose Haven – 31 North Street – Litchfield, CT Prepared for Anthony Champalimaud" dated September 30, 2021.

- Alford Associates, Inc. also submitted the following report: "Geoblock porous pavement system."

Referral Responses:

- Letter from Town of Litchfield WPCA dated September 27, 2021 and received September 30, 2021
- Letter from Town of Litchfield Building Department dated September 29, 2021 and received September 30, 2021
- Letter from Town of Litchfield Office of the Fire Marshal dated September 30, 2021 and received September 30, 2021
- Letter from Litchfield Public Works Department dated November 9, 2021

Public Letters, Emails and Testimony:

The Commission received only positive testimony from the public and only positive emails and written letters from the public. All emails and written letters were submitted into the record at the Public Hearing.

This approval is subject to the following CONDITIONS OF APPROVAL:

1. A pre-construction meeting with Town Staff will be held prior to the start of construction.

2. The applicant shall provide the name and phone number of the person responsible for the 24/7 Zoning compliance and response.

3. The Permittee shall notify the Land Use Administrator and the Town Engineer seventy-two (72) hours prior to any work being done on site.

4. The applicant shall obtain a Connecticut DOT Encroachment Permit for work within the State of Connecticut's Right-of-Way of Route 63 prior to commencement of construction.

5. The applicant shall comply with all required comments and required conditions contained in the Town of Litchfield Fire Marshal Review Letter dated September 30, 2021.

6. The applicant shall comply with the requirements of the Town of Litchfield W.P.C.A.

7. Prior to construction the applicant shall submit an application to the Historic District Commission and obtain a Certificate of Appropriateness for all proposed exterior improvements visible from any public right of way.

8. A final As-Built of the Site shall be prepared and filed with the Litchfield Land Use Department and WPCA at the completion of construction and prior to the issuance of the Certificate of Occupancy. Upon substantial completion of the project, the applicant shall submit an "as-built" Improvement Location Survey showing the horizontal and vertical location, including drainage and utility structures (locations, inverts, pipe sizes, etc.) of all improvements indicated on the approved site plan. The survey shall be signed and sealed by a professional engineer, licensed to do work in the State of Connecticut, and shall state that the project has been constructed in accordance with the approved plans.

9. In addition to procuring Historic District Commission approval for all exterior signage (excepting directional signage required by the Town Engineer of the State Department of Transportation), individual zoning permits are required for all required sign approvals.

10. The project shall be constructed and maintained in accordance with the referenced plans and representations made for the record. Minor modifications to the approved plans may be allowed in accordance with the regulations, subject to Land Use Administrator and/or Planning and Zoning Commission approval.

11. This approval is for the specific use and structures identified in the application. Any change in the nature of the use or the structure will require new approvals from the Litchfield Planning & Zoning Commission.

12. One zoning permit shall be submitted for the Belden House. One zoning permit shall be submitted for the Mews Building. One zoning permit shall be submitted for the parking lot with lighting. One zoning permit shall be submitted for the swimming pool area. One zoning permit shall be submitted for all other exterior improvements shown on the approved site plan. Individual zoning permits shall be required for the business signage.

13. A final Mylar of the approved site plan shall be submitted for Chair of the Planning and Zoning Commission signature and then filed in the Litchfield Land Records by the Applicant.

14. A copy of the Special Exception approval and all conditions of approval shall be filed in the Litchfield Land Records by the Applicant.

15. The applicant shall install a 6-foot-high solid wood fence along the southern property line as shown on the site plan.

16. The applicant shall be responsible for the maintenance, and, if necessary, future replacement of the existing fence along the northern property line.

17. The applicant, subject to State of Connecticut Department of Transportation approval, shall install a "right turn only" or "no left turn" where the exit drive intersects with North Street.

18. The approved Site Plan shows 34 regular paved parking spaces, 2 paved loading spaces, and 7 parking spaces labeled on the Site Plan as "Proposed GeoBlock 2 Porous Pavement System", which together provides 41 on-site parking spaces and 2 loading spaces.

Jennett (Petro's Grocery) 33 West St. – Kathy Jennett was present to explain the plan. Wesley Quigley, designer of the project was present. He explained that an exhaust fan and hood will be installed to allow for food preparation. The staircase to the second floor will be removed.

P. Losee moved to set the public hearing for January 18, 2022, B. Gibney seconded and the motion passed unanimously.

PLANNING MEETING

Discussion - 2021 Connecticut State Legislature actions:

a. **Withdrawal -** Litchfield PZC application (11/1/21) opting out of the Accessory Dwelling Unit portion of Public Act 21-29 Sec. 6.

B. Gibney moved to withdraw the application to opt out of the Accessory Dwelling public act, S. Simonin seconded and the motion passed unanimously.

b. **Withdrawal-** Litchfield PZC application (11/1/21) of opting out of the Parking Space Requirements portion of Public Act 21-29 Sec. 4.

B. Gibney moved to withdraw the application to opt out of the parking space requirements from public act, S. Simonin seconded and the motion passed unanimously.

c. **Consideration -** Litchfield PZC application (12/6/21) opting out of the Accessory Dwelling Unit portion of Public Act 21-29 Sec. 6 and setting of the public hearing (1/18/22). Refer to NWHCOG.

J. Cox moved to set the public hearing for January 18, 2022 for the application to opt out of the Accessory Dwelling requirements from public act, S. Simonin seconded and the motion passed unanimously.

d. **Consideration -** Litchfield PZC application (12/6/21) of opting out of the Parking Space Requirements portion of Public Act 21-29 Sec. 4 and setting of the public hearing (1/18/22). Refer to NWHCOG.

P. Losee moved to set the public hearing for January 18, 2022 for the application to opt out of the Parking space requirements from public act, S. Simonin seconded and the motion passed unanimously.

Review of Bylaws and Election of Officers
J. Cox moved to nominate C. Bramley as Chairperson, B. Gibney seconded and the motion passed unanimously.

P. Dauten moved to nominate P. Losee as Vice Chairman, B. Gibney seconded and the motion passed unanimously.

Approval of Minutes November 15, 2021
J. Cox moved to approve the minutes with a correction, P. Losee seconded and the motion passed unanimously.
Old Business - None
New Business - None
Correspondence –Goshen text amendment notice regarding affordable housing.
Adjournment
J.Cox moved to adjourn at 8:42, P. Losee seconded and the motion passed unanimously.

Carol Bramley *12/20/2021*
Carol Bramley, Chairman Date