

**LITCHFIELD PLANNING AND ZONING COMMISSION
MEETING MINUTES**

**Monday March 6, 2023, 7:00 p.m.
Town Hall Annex, 80 Doyle Rd. Bantam
*In Person Meeting***

1. Call to Order - Appointment of Alternates

Chairman C. Bramley called the meeting to order at 7:00 pm.

Members present – C. Bramley, P. Dauten, B. Gibney, N. Sauer, S. Simonin, Land Use Administrator S. Musselman, D. Tobin.

Members absent - A. Conroy, J. Cox, G. Cunningham, P. Losee, M. McIntyre.

Appointment of Alternates – None.

C. Bramley requested a **2a. Appoint D. Muecke as a regular DRAC member** be added to the agenda. B. Gibney motioned to add 2a. to the agenda, P. Dauten seconded, there was no discussion and approval vote was unanimous.

2. Commissioners Requests

None

2a. Appoint D. Muecke as a regular DRAC member

D. Muecke gave a brief bio and expressed an interest in volunteering within the community. S. Simonin moved to appoint D. Muecke to the Design Review Advisory Committee, N. Sauer seconded, there was no discussion and approval vote was unanimous. C. Bramley instructed D. Muecke to get sworn in prior to the April DRAC meeting.

PUBLIC HEARING

3. 704 Northfield Road - Fabia – Special Exceptions for use as Shop and Storage by a Contractor and a Home Occupation (Massage Studio) in the RR district. Received on 1/17/23.

S. Simonin is a neighbor and recused himself from the PZC discussion table. Public hearing is a continuation from the last meeting. S. and C. Fabia were present for the application. Two story, 40' x 36' wood structure is separated into a first floor 12' x 32' massage studio, 24' x 32' work/woodshop and second floor 24' x 32' storage area. Fire Marshal has determined emergency vehicles will not have any issues with the driveway. Habitable floor area of dwelling is 850 sq ft, woodshop is 768 sq ft and massage studio is 384 sq ft. C. Fabia stated Massage Studio will operate during the hours of 9 am-6 pm for no more than 4 hours per day. Clients are 2-3 per day and average 48 clients per month. Accessory structure has no water and clients will use bathroom in residential dwelling. TAHD approval was submitted. Other than a small sign, possibly to hang over the mailbox, there will be no obvious evidence of a business outside the structure. All goods and supplies will be stored inside. C. Fabia is the only employee. Plot plan shows client parking spaces that are not visible to the neighbors. Applicant has provided a photo showing accessory structure appearance is consistent with the residential character of the lot and neighborhood.

S. Fabia is a Home Improvement Licensed Contractor and operates his business during the hours of 9 am-5 pm. From April through November, most of his work is building decks. From December through March, he works as a handyman. The majority of all work (95-100%) is done off the property at the job site. On a weekly average, two hours are spent gathering and then returning tools and equipment to the shop. Occasionally, a client will request a custom made bar, shelving or other wood project that requires use of on-site large saws, planer or router for 10-20% of the job. For this rare custom project, a maximum of 16 hours per week would be needed in the shop. He has a single work vehicle and has no other employees. Shop/business is not open to the public but a customer may, by appointment, drop off a payment or come to go over blueprints. All tools and supplies are stored inside and there is no storage of hazardous or flammable materials. All wood is finished with food grade oils and wax. Sound dampening insulation, 10-15 decibels, was used in the construction of accessory structure to ensure woodwork building for hobby or work would not be disruptive to the neighbors.

Public comment: Neighbor S. Simonin stated original permit was for a metal shed and expressed concerns regarding building location, highway easement, driveway runoff, lighting and increased traffic. C. Bramley read letters of support from neighbors J. Dunn, B. & A. Russ and J. Pesce. C. Bramley stated original accessory structure was approved by D. Tobin and application was modified under M. Connor. S. Musselman clarified that steep topography between highway and structure allows for adequate distance from highway easement and property setbacks. Commission discussion: B. Gibney had driveway concerns but fire marshal letter states there is no issue. Commission was assured there would be no conversion to living space, no lighting glare directed towards highway and only a minimal increase in traffic. B. Gibney moved to close the public hearing, N. Sauer seconded, there was no discussion and vote was unanimous. Four commissioners are required for a vote but only three voting commissioners were present for tonight's and the 02/21 hearing. Application vote continued to 03/20 meeting.

REGULAR MEETING

4. Friends of the Litchfield Community Greenway, Inc. – Review Special Exception for Outdoor Recreational Use for greenway trail from the corner of White Woods Road/South Lake Street to the corner of Russell Street/Woodruff Street in the SF, HR-20, and HTC Districts. Set Public Hearing for April 3, 2023. Received February 21, 2023.

B. Gibney is a neighbor and recused himself from the PZC discussion table. C. Cooper was present for the application. The requested Litchfield Greenway Extension Plan spec sheet showing fencing, bollards, signs, parking and crosswalks was provided. However, the required agreements and easements between the Greenway and the Town of Litchfield, Litchfield Land Trust, Eversource and the private driveway owner will need additional time. C. Cooper will report next to the Commission on 04/03. Application has until the 04/17 PZC meeting to set the public hearing. IWC approval for application is expected on 03/08. C. Bramley read Attorney S. Bryne's letter stating legal counsel review fee for this application is estimated at \$3,000. S. Simonin moved to request the \$3,000 legal review fee from the Friends of the Litchfield Community Greenway, N. Sauer seconded, there was no discussion and vote was unanimous.

PLANNING

5. Outdoor Dining Forum:

- a) Expiration of CGS Special Act 21-3 on April 30, 2023.
- b) Solicited comments from the following;
Gayle Carr – Acting Warden, Borough of Litchfield
Julia Metcalf - Chair of Litchfield Historic District Commission
Christopher Wilcox - Fire Marshal
John Worthington - Building Official
Existing 7mm outdoor dining permittees
- c) Inventory of existing outdoor dining COVID permits.

Local restaurant owners were invited to attend tonight's outdoor dining discussion. C. Bramley read a letter from C. Harding of Toast & Co. supporting a continuation after the state expiration date. Lynn Gundlach and David Vigeants of the Village Restaurant and Allison Barker Croce of Love Heart Bakery also discussed supporting the continuation of outdoor dining. The Village owns half of the alleyway and can maintain 6' of access for pedestrian safety. Love Heart Bakery has a fenced in side yard and would only need an approved site plan. Burgess Stephan Krucker stated the Borough of Litchfield has a formal discussion regarding outdoor dining and ADA guidelines scheduled for next week. Forum will continue with future meetings.

6. Old Business:

- a) Annual affordable housing statement

Commission discussed 2022 Affordable Housing Appeals List for Exempt and Non-Exempt Municipalities. It was noted that Litchfield's Affordable Housing is 4.73%.

7. New Business

None

8. Approval of Minutes February 21, 2023

P. Dauten moved to approve the 02/21/23 minutes, B. Gibney seconded, there was no discussion and vote was unanimous.

9. Correspondence

The Sustainable Litchfield Committee is still looking for a PZC representative to participate in the Litchfield Community Earth Day Celebration on April 22 from 12-2 pm. The Litchfield Conservation Commission sent an invitation for a special meeting on *Planning and Financing the Acquisition of Open Space* to be held at the Bantam Borough Hall on 03/28/23 from 7-8:30 pm. The CT DEEP sent a Notice of Petition for Declaratory Ruling received by Ranald K. and Robin L. Nicholas of 02/21/23 for SR Litchfield, LLC in Torrington.

10. Adjournment

P. Dauten moved to adjourn at 8:45 pm, B. Gibney seconded and vote was unanimous.

Carol Bramley, Chairman

Date