

**LITCHFIELD PLANNING AND ZONING COMMISSION  
MINUTES**

**Monday October 16, 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 7:01 pm.

Members present – C. Bramley, J. Cox, P. Dauten, B. Gibney, P. Losee, R. Lupo,  
N. Sauer, S. Simonin, Land Use Administrator S. Musselman.

Members absent - G. Cunningham, M. McIntyre.

Appointment of Alternates – None.

**2. Commissioner's Requests**

J. Cox requested an Airbnb discussion at the 11/06/23 planning meeting.

**Public Hearing**

**3. Proposed Change to Zoning Regulations**

- Text amendment proposal from Federal Square Realty, LLC to add new definition (Restaurant- Shopping Center) to the Glossary of Terms and Phrases. Proposed new use definition to be applicable to Shopping Centers in the C-202 Commerce Zone. Received 9/5/23.

Chairman C. Bramley explained the format for the hearing and read the legal notice published on 10/04 and 10/10. Attorney P. Grimes was present for the application. It was noted the applicant is requesting changes to Section 6 of the regulations however this was a Scrivener's error and proposed changes are actually to Section 5. P. Grimes read current regulation definitions for Restaurant, Shopping Center and proposed new Restaurant – Shopping Center, which will be limited only to businesses located in shopping centers in the C-202 District. A restaurant, in addition to the approved bank with drive-thru, is intended for the unbuilt commercial building approved by PZC at the 09/06/22 meeting. Federal Square Realty intends to lease the non-bank space to Jersey Mike's. P. Grimes stated shopping plazas are ideal for this proposal as they are already high traffic areas and have sufficient parking. It was noted that while Federal Square does have over 270 parking spaces, the majority are designated to Stop & Shop.

Public Comment – No one from the public spoke for or against the application. P. Losee moved to close the hearing. J. Cox asked a question with no one seconding the motion. P. Losee withdrew his motion. The Commission questioned whether only allowing the regulation to apply to restaurants in shopping centers in C-202 was discriminatory to other restaurants since all have site plan review of access, egress and parking. Atty. Grimes stated impact on other restaurants are not grounds for a denial of this application. Most food service businesses in town have changed since covid and allow food to go. The commission questioned if the current restaurant definition should be amended instead. It was decided that the commission would like legal advice from Attorney S. Byrne or a planning consultant. J. Cox moved to continue the hearing until 11/06, N. Sauer seconded, there was no further discussion and vote to continue was unanimously approved.

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**4. 481 Bantam Road – Holland House LLC.** – Special Exception for a mixed-use building (bakery and accessory apartment) in the C-202 district. Received 10/2/23. MBL# 085-054-037.

W. Joas was present for the application. A letter dated 10/09/23 from W. Joas to the IWC was submitted stating that the overgrown rain garden and the invasive knotweed will be cleared three times over the next twelve months. Hand drawn illustrations with square footage for the interior layout of the first and second floors were provided. A staircase for the second-floor apartment egress will be constructed on the east side of the building. A diagram of the parking lots with spaces allotted for handicap and tenant parking and dumpster location was received. There are no White Memorial deed restrictions. W. Joas will provide approval letters from the Building Inspector, Fire Marshal, and WPCA at the next meeting. Application needs to go to the 11/02/23 DRAC meeting for review of second floor egress, first floor rear deck and any proposed signage. If outside tables are being proposed, commission requests notation on the site plan. A written narrative of the apartment, office, retail and bakery uses was requested. B. Gibney moved to set the public hearing for 11/06, P. Dauten seconded, there was no discussion and the vote to set the public hearing was unanimous.

**5. 270 Campville Road – Fenn** – Special Exception for shop and storage in the RR district. Received 10/2/23. MBL# 054-10A-006.

S. Fenn is no longer pursuing this property. N. Sauer motioned to refund the applicant's \$210.00 Special Exception fee, P. Dauten seconded, there was no discussion and approval was unanimous.

**6. 405 Bantam Road – Harpin** – Minor site plan modification for a 100' x 4' sidewalk connecting 405 and 421 Bantam Road.

P. Bigelow, owner of Paul J. Bigelow Remodeling, LLC, was present for the application. The Spa at 407 Bantam Road is being remodeled and some parking spaces are temporarily not available. Commissioners were not aware of a deck the size of the one in place and how it could be used by the Spa during the construction of the interior of one of the units. With the deck taking parking spaces away, Spa employees park in the adjoining Community Center parking lot with the approval of Community Center staff. Proposed application is for a concrete sidewalk to connect the 405 Bantam Road driveway to the northeast side of the Community Center building at 421 Bantam Road. Additionally, ground lighting was requested for the safety of Spa employees reaching their cars parked at the Community Center. Commissioners questioned why additional parking was needed by the Spa, particularly due to the Community Center's need to use additional parking at the Auction gallery for high volume programs. No agreements from either of the property owners of the two parcels or from the Spa owner were submitted by M. Harpin. Commissioners expressed concern with cars parking along the entrance side of the Spa's driveway and for the possible insufficient parking of both properties. The Spa driveway is a bus stop drop off for children attending the Room to Grow daycare at the same address. Application is continued until the 11/06 meeting to allow time for P. Bigelow to obtain additional information from the property owners and tenant.

## **7. Old Business**

### **a. Hunter's Chase**

1. Failure to complete engineered stormwater management swale as approved in original site plan.

2. Failure to present an immediate remediation plan, in lieu of (a.1.) completing the engineered stormwater management swale, to the Land Use Office and Town Engineer.
3. Failure to implement required erosion and sedimentation control around remaining stockpiled soil.

Representing Hunter's Chase of Connecticut LLC for the discussion were: Attorney J. Williams, Engineer R. Emond, Managing Director M. Forlenza and CFO M. Franzman. Runoff from Hunter's Chase during 3.72" rainstorm in July flooded three houses on Hart Drive. A second rainstorm of 4.87" in September caused significant damage from flooding to seven Hart Drive houses. C. Bramley, R. Alexe, and S. Musselman have been to the site numerous times. It was determined that the vegetated stormwater swale, with crushed stone bottom and check dams at 100' intervals, shown on the 11/08/02 site plan was never installed. The representatives of Hunter's Chase of Connecticut LLC stated that the installation of the swale will begin no later than 10/30/23 and will be completed within 45 days. M. Forlenza is to be contacted if there are any future water runoff issues.

b. Enforcement Action: 65 Hopkins Road

The property owner informed the Land Use Office that as of 10/13/23, A. Roberts has removed all of his equipment and is no longer a tenant.

## **8. New Business**

Preliminary Airbnb regulations will be discussed at the next meeting.

S. Musselman reported Stop & Shop was informed that seasonal goods are not permitted to be displayed outside on the sidewalk. Approved site plan only allows for display under the vestibule. Non-conforming displays are to be removed.

## **9. Approval of Minutes October 2, 2023.**

S. Simonin moved to approve the minutes, J. Cox seconded, there was no discussion and approval vote was unanimous. B. Gibney abstained as he did not attend the meeting on 10/02/23.

## **10. Correspondence**

R. Kolodko, who was issued a violation letter for the container located on his Hemlock Hill Road property, submitted a letter dated 10/10/23 requesting 12 months to move the shipping container to his property in Vermont. The commission determined storage of containers is not permitted in the RR Residential zone and it has to be removed.

Pullman & Comley notified the Commission of the intent of USS Torrington Solar LLC to develop a 1.99 MW AC ground mounted solar photovoltaic facility at the closed landfill at 105 Vista Drive in Torrington, CT. Litchfield is being notified since the proposed facility will be within 2,500' of the Town's northeast border.

## **11. Adjournment**

S. Simon moved to adjourn at 8:47 pm, P. Losee seconded, there was no discussion and approval vote was unanimous.

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Carol Bramley, Chairman

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Date