

**LITCHFIELD PLANNING AND ZONING COMMISSION
MINUTES**

**Monday November 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, J. Cox, P. Dauten, P. Losee, R. Lupo, N. Sauer, S. Simonin, Land Use Administrator S. Musselman.

Members absent - G. Cunningham, B. Gibney, M. McIntyre.

Appointment of Alternates – R. Lupo.

2. Commissioner's Requests

J. Cox moved to add items *3a.* and *3b.* to the agenda. P. Losee seconded, there was no discussion and the motion passed unanimously.

3a. 8-24 Town of Litchfield: Gift of a 12.42-acre parcel MBL# 048-041-052 abutting town properties on Pitch Road.

3b. Appointment of Brett Seamans as a regular member of the Design Review Advisory Committee to fill the term vacated by W. Jones, term to end March 1, 2024.

3. Proposed Change to Zoning Regulations – Withdrawn 10/24/23.

- 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Chairman C. Bramley noted that the application was withdrawn on 10/24/23.

3a. 8-24 Town of Litchfield: Gift of a 12.42-acre parcel MBL# 048-041-052 abutting town properties on Pitch Road.

At first, no one from the town was present for the discussion and item was to be deferred to 12/04/23. Commission moved on to the next item and then T. Murphy of EJ Murphy Realty arrived. All agreed that agenda item would be returned to at the end of the meeting.

At 8:31 pm, the discussion with T. Murphy resumed. Parcel to be gifted is owned by Oak Tor, LLC and is adjacent to four other town owned parcels totaling 34.74 acres. T. Murphy previously owned one of these parcels and is familiar with the environmental issues created by the Town Landfill. Commission asked if land is known to be polluted. T. Murphy stated “absolutely yes”. TAHD maps show pollution runs all the way to Slab Meadow Road in Morris. The acquisition of the property is a safety net for the town as it will prevent anyone from building on it. Property is only minimally taxed. J. Cox moved to issue a favorable report, P. Dauten seconded, there was no discussion and the motion was unanimously approved.

3b. Appointment of Brett Seamans as a regular member of the Design Review Advisory Committee to fill the term vacated by W. Jones, term to end March 1, 2024.

B. Seamans is a landscape architect and was recently hired as a project manager for Public Works. P. Losee moved to approve the appointment, S. Simonin seconded, there was no discussion and the motion passed unanimously.

Public Hearing

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

W. Joas was present for the application. C. Bramley read the legal notice and explained the hearing format. P. Losee confirmed postal green cards. Application has received DRAC approval. Letters of approval were received from TAHD, IWC, the Building Department and Fire Marshal. Illustrations detailing square footage for office, bakery, retail and second floor accessory apartment and a parking diagram were provided. A second floor egress is being added for the apartment. Front of historic building is being preserved.

Public Comment – No one spoke for or against the application. S. Simonin moved to close the hearing, P. Dauten seconded, there was no discussion and vote to close was unanimous. J. Cox moved to approve the special exception for a mixed-use building (apartment, bakery and office space). S. Simonin seconded, there was no discussion and vote to approve was unanimous.

5. 584 Torrington Road – Hudak – Site plan review for a 16-panel ground mounted solar installation in the RR district. Received 11/6/23. MBL# 145-021-10G.

T. Hudak was present for the application. Recently constructed cabin and solar panels are 700-800 feet from the road and are not visible from the street or any neighboring properties. Solar panels are placed on pressure treated logs and are the only power source. S. Musselman has visited the property. S. Simonin moved to approve the site plan application for a 16-panel ground mounted solar installation, P. Losee seconded, there was no discussion and the vote to approve was unanimous.

6. 405 Bantam Road – Harpin – Site plan review for a 100' x 4' sidewalk connection to the Community Center. MBL# 085-059-010.

P. Bigelow of Paul J. Bigelow Remodeling and The Spa owner, M. Harpin, were present for the application. A temporary reception area has been constructed for the duration of the remodeling period. A letter from M. Harpin was received stating the temporary structure will be removed by May of 2024. The structure is occupying 3 of their 16 designated parking spaces. The Spa has 45 employees with 15 working per shift and sees 100 clients per day. Application is for a safe, lighted walkway for employees to park at the neighboring Community Center. M. Harpin stated parking has been an issue among the tenants for over 10 years and her employees have been parking at the Community Center for at least 6 years. Property currently has 47 parking spaces and was approved for additional parking years ago. Commission question why the landlord was not submitting the sidewalk application. The landlord, J M Scott Assoc, Inc.,

has done nothing to assist with the issue so tenants created their own parking agreement with the Community Center. The Commission requested S. Musselman to send a violation letter to the landlord. A revised parking site plan must be submitted from landlord. M. Harpin would be grateful for a safe solution. Application is continued to the 12/04/23 meeting.

Planning

7. Grimes – Discussion request for possible amendments to existing restaurant regulations.

Attorney P. Grimes and M. Connor are representing Federal Square Realty and are requested changes to the wording of the existing restaurant regulations. (Federal Square Realty withdrew their text amendment proposal application listed as **3.** on this agenda) If current regulations were strictly interpreted, a lot of restaurants would be in violation and M. Connor provided a list. P. Grimes submitted suggestions for regulation revision. Commission commented that regulations can not be changed for a single client but acknowledged revision were needed. G. Chalder will be hired to look into the revisions. Regulations for other towns will be reviewed. Commission is prioritizing this regulation change and will invite P. Grimes and M. Connor to future discussions for feedback.

8. Short-term Rental Regulation

- a. Subcommittee report
- b. Commission discussion

The commission expressed frustration that Airbnbs do not need to go through the same safety channels as Bed & Breakfasts and there are no state regulations. Several Airbnb tenant disturbances have been reported in area newspapers. Commission discussed the changes Airbnbs make to the neighborhood, the loss of affordable housing and need for some control. G. Chalder of Planimetrics will be contacted for feedback.

9. Old Business

- a. Update on Hunter's Chase.

S. Musselman has visited Hunter's Chase three times since the previous meeting and installation of swale is expected to be completed around the first week of December.

Commission returned to **3a.** discussion with T. Murphy before moving on to **10.**

10. New Business

- a. Approval of 2024 meeting calendar.

S. Simonin moved to approve the 2024 meeting calendar, P. Losee seconded, there was no discussion and approval was unanimous.

11. Approval of Minutes October 16, 2023.

P. Dauten moved to approve the minutes, P. Losee seconded, there was no discussion and approval vote was unanimous.

12. Correspondence

Commissioners received Attorney S. Byrne's *CT Federation of Planning and Zoning Agencies* quarterly newsletter.

An 10/06/23 letter from Attorney S. Byrne regarding requiring a site plan to be submitted with a zoning change application was discussed. Attorney Bryne determined a site plan was necessary to provide relevant information needed to make a decision.

Ed Fabbri is working with DOT to make changes to the dangerous pedestrian crosswalk and intersection on West Street in front of the Town Hall. Proposed changes are to eliminate the Meadow Street extension and make the one way roadway on south side of green to two way with a light at the south end.

13. Adjournment

J. Cox moved to adjourn at 8:53 pm, S. Simonin seconded, there was no discussion and approval vote was unanimous.

Carol Bramley, Chairman

Date