

**LITCHFIELD PLANNING AND ZONING COMMISSION
MINUTES**

**Monday December 18, 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, M. Eucalitto, G. Fuessenich, P. Losee, S. Simonin, Land Use Administrator S. Musselman.

Members absent - C. Bunnell, B. Gibney, R. Lupo.

Appointment of Alternates – G. Fuessenich.

2. Commissioner's Requests

P. Losee moved to add discussion of an incomplete application from Stewart Somers Co, LLC for a zone change from RR to MF to the agenda as **8a**, John C seconded, there was no discussion and vote to add was unanimous.

Public Hearing

3. 87 Cathole Road – West – Special exception for an accessory apartment in the RR district. Received 11/20/23. MBL# 085-059-010.

Contractor A. O'Neil was present for the application. C. Bramley read legal notice published 12/07 and 12/11/23 and explained the format for the hearing. Owner did not notify neighbors of hearing and did not provide A. O'Neil with postal green cards. An email from owner J. West authorizing A. O'Neil to represent the application and a narrative detailing the intended accessory apartment use were submitted. It was noted accessory apartment, located within barn, is 83 feet from existing house and will require a deed restriction. TAHD approval is required. To give owner sufficient time to inform neighbors, public hearing (application) was continued until 01/16/2024.

4. 405 Bantam Road – Harpin – Site plan review for a 100' x 4' sidewalk connection to the Community Center. Received 10/16/23. MBL# 085-059-010.

No one was present for the application. Property parking issues have not been resolved as clients and visitors are still parking along driveway. Requested site plan modifications to accommodate the needed parking has not been submitted by the owner of the complex. Application was received 63 days ago. J. Cox moved to deny the application due to insufficient information, P. Losee seconded, there was no discussion and vote to deny was unanimous.

5. 457 Bantam Road – Papermoon Performing Arts – Site plan review for an indoor recreation facility (dance studio) in the C-202 district. Received 12/18/23. MBL# 085-059-032.

Owner J. Tuil was present for the application. Business is to be located on the southeast back side of the building. Hours of operation will be 3:30 pm – 8:30 pm with approximately 65 students attending per week. Floor plan shows two dance studios and has two levels. Business has five employees with two instructors and J. Tuil working per day. Maximum class size is twelve students. If two classes are occurring at the same time, one class will have a maximum of twelve students while the other class will be private instruction with up to three students. All students are walked into the building. Parents are allowed to stay but are not required to. Floor

plan also includes a waiting room, a restroom and two changing areas. Other tenants in the building are a dog groomer and offices. Other tenant units cannot be accessed from inside the building and can only be reached by going outside. Parking lot has 32 spaces. Their previous location had 15 parking spaces and usage never filled the provided spaces. Application received DRAC favorable recommendation (approval) on 12/07/2023. Comment/approval will be needed from the Fire Marshal and Building Inspector. Commission would like length of class times, interval time between classes, traffic flow and if there are plans for expansion. Application is continued until 01/02/2024.

6. 115 North Street – Champalimaud – Special exception for an accessory apartment in the HR-30 district. Received 12/18/23. Set public hearing for 1/16/23. MBL# 206-046-086.

Attorney J. Strub and owner A. Champalimaud were present for application. Apartment will be on second floor of restored carriage house, will be 650 square feet and is 18% of house size. Application will need approvals from WPCA, HDC and building inspector. Instructions were given on informing neighbors and returning with postal green cards. Public hearing set for 01/16/2024.

7. 104 McBride Road – Deering – Special exception for an accessory apartment in the RR district. Received 12/18/23. MBL# 027-16A-033.

Applicant was not present. Application is for the construction of a garage with an accessory apartment with future plans to build the originally proposed house. It was determined that garage with accessory apartment will be constructed now as the primary residence. Special exception fee will be refunded. Applicant will be instructed to modify zoning permit and officially withdraw the special exception application.

8. 93 East Litchfield Road South – Vitale – Special exception for a home occupation (remodeling company) in the RR district. Received 12/18/23. MBL# 266-002-017.

No one was present for the application. Application submitted with \$150 Special Exception fee and did not include \$60 state fee. There has been no response to emails and calls to applicant. Application is incomplete, Land Use office will issue refund to applicant.

8a. Zone Change from RR to MR – Stuart Somers Co., LLC – MBL# 106-048-003.

Application is for a zone map change for the 39.3 acres located between North Lake Street, Milton Road and Beach Street. No fee was submitted with the application rendering it incomplete. Attorney S. Bryne reviewed the incomplete application and submitted a letter dated 11/06/2023. Application cannot be received without the required fee. J. Cox moved to return application to the applicant with instructions to resubmit a complete application with the appropriate fees and site plan, S. Simonin seconded, there was no discussion and vote was unanimous.

9. Land Use Administrator's Report

a. FY 2024-25 Budget review.

Commission discussed proposed 2024-25 budget that includes a 3.2% increase.

S. Simonin moved to approve the proposed 2024-25 budget, P. Losee seconded, there was no discussion and approval vote was unanimous.

10. Old Business

a. Update on Hunter's Chase

S. Musselman inspected site today and took photos. It appears that work has begun at the bottom of swale. Unfortunately, water problems are originating from the top. Silt

fence is on the ground but needs to be properly installed. Attorney S. Byrne will be contacted regarding continued delays on urgent situation.

b. Enforcement update.

82 East Litchfield Road S – Certified and registered violation letter mailed to property owner on 11/22 /23 and postal green card with signature returned on 11/27/23. Owner has not responded or contacted the Land Use office. P. Losee moved to contact Attorney S. Byrne to issue a cease and desist, P. Dauten seconded, there was no discussion and vote to issue was unanimous.

Litchfield Country Club – Manager T. Kohler stated day of parking issue was due to the attendance for a memorial service and was not related to a paddle tennis event.

718 Northfield Road – Owners sent an email stating they do not own any commercial vehicles. B. Russ occasionally brings a water truck home from work (~2x/month) but no other commercial vehicles are stored or parked on the property. Water truck will not be brought to property in the future.

31 Mc Bride Road – S. Musselman met with D. Raap and property owner F. Stack on 12/15/23. F. Stack stated property has preexisting, nonconforming industrial authorization that allows for storage containers and leasing to the tree company parking bucket trucks overnight. Industrial classification did not exist. C. Bramley stated permit to change property use from manufacturing to interior storage and residential apartments would have forfeited this use. F. Stack stated bucket trucks will not be parking on property after 01/01/2024.

Budget Transfer Request #1 FY 23-2024 -- A \$15,000 budget transfer was proposed to cover the costs of enforcement issues related to multi-family developments and preexisting non-conforming uses in residential districts. It is anticipated that further legal action will be needed to bring the aforementioned violations into compliance. P. Losee moved to approve the \$15,000 budget transfer request. P. Dauten seconded, there was no discussion and the vote to approve was unanimous.

11. New Business

None.

12. Approval of Minutes December 4, 2023

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

13. Correspondence

C. Bramley read an email from Brian & Amy Russ of 718 Northfield Road dated 12/11/23 stating they do not own any commercial vehicles or park any on their property.

14. Adjournment

J. Cox moved to adjourn at 8:16 pm, S. Simonin seconded, there was no discussion and the vote to adjourn was unanimous.