

**LITCHFIELD PLANNING AND ZONING COMMISSION  
MINUTES**

**Tuesday January 2, 2024, 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, C. Bunnell, J. Cox, M. Eucalitto, G. Fuessenich, P.

Losee, R. Lupo, S. Simonin, Land Use Administrator S. Musselman, Planner G. Chalder.

Members absent - B. Gibney, P. Dauten.

Appointment of Alternates – G. Fuessenich, R. Lupo.

**2. Commissioners Requests**

None.

**3. 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. C. Bramley read the 12/28/23 approval letter from the fire marshal and building department. J. Tuil stated dance studio is in it's eighth season, students are from age three to adult, there are three other teachers, classes are Mon-Thurs 3:45 – 8:30 pm with two teachers and herself working per day, Class size is one to ten students with most classes being small groups. The majority of students are drop off and class times are staggered, creating minimal traffic. Adjoining businesses hours are 9 am – 5 pm so there are no parking concerns in the thirty-two space parking lot. Application received DRAC approval for lighting and signage on 12/07/23. Walkway will be completed at the same time as the lighting. P. Losee moved to approve the application contingent on the installation of a walkway between the building and parking lot, M. Eucalitto seconded, there was no discussion and approval vote was unanimous.

**Planning**

**3. Child Care Homes** – Amendments for Public Act 23-142 compliance.

a. Commission discussion

b. Possible public hearing for 2/5/24

Effective 10/01/23, this statute was introduced to address the need for more daycare facilities. G. Chalder was again present for the discussion. Family childcare homes (1-6 children) and group childcare homes (7-12 children) must be treated the same as a single family dwelling and are subject to only zoning permit approval. Childcare centers (over 13 children) still require review and approval from the commission. Zoning regulations and definitions need to be amended to assure compliance with PA 23-142. First selectman must sign off that town is in compliance every year by 12/01. Northwest Hills Council of Governments (NHCOG) and attorney S. Bryne will need to review proposed amendments. S. Simonin moved to set public hearing for 02/05/2024, J. Cox seconded, there was no discussion and vote was unanimous.

#### **4. Restaurant Regulation**

- a. Commission discussion
- b. Possible public hearing for 2/5/24

G. Chalder, P. Grimes and M. Connor were present for the discussion. C. Bramley read the food service definitions and the Commission discussed the differences between them. Large scale grocery will be eliminated from the HTC District. Executive order CGS § 8-1cc, outdoor dining as an as-of-right accessory use, does not specify a curfew and it was recommended one be added. G. Chalder will not have time restriction amendment ready for a hearing so outdoor dining will be removed now but will be added at a later date. M. Connor suggested modifying the restaurant convenience parking to 1 space per 150 square feet to be similar to Darien's regulation. The Commission recommended adhering to the current 1 space per 100 square feet and proposed the addition of a minimum ten parking spaces per establishment. Existing regulations state drive thru must allow for stacking of six vehicles but this will be revised to eight. Proposed changes will need to be reviewed by the NHCOC and attorney S. Bryne. S. Simonin moved to set public hearing for 02/05/2024, P. Losee seconded, there was no discussion and vote to schedule was unanimous.

#### **5. Subcommittee Update on Short Term Rentals**

S. Simonin stated homeowners used to rent out space as an alternate source of income. He noted, however, that many rental properties have become commercial operations catering to short term rentals with no owner in residence. This takes away from available and affordable housing, has created party environments disruptive to the surrounding residential neighborhood and increased traffic, noise and parking issues with no ability to enforce any type of control. The Commission discussed how other municipalities are regulating short term rentals. It was noted, the town opted out of the CT Public Act 21-29 Sec. 6 Accessory Dwelling Unit laws in 2021. It was suggested the Commission wait to see the outcome of pending court cases regarding short term rentals. The subcommittee will update again at a future meeting.

#### **6. Special Exception Criteria Discussion**

The commission briefly discussed the need to update Special Exception regulations. It was suggested Southington and New Hartford regulations be reviewed. M. Eucalitto will assist S. Musselman in the review. Discussion will continue at the next meeting.

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#### **7. Old Business**

- a. Discussion with F. Stack – 31 McBride Road.

F. Stack Sr. and F. Stack Jr. were present for the discussion. F. Stack Sr. commented on the previous manufacturing use within the structure and, due to the industrial classification on the assessor's card, assumed the entire property could be used on an industrial basis. It was noted, none of the uses within the structure were in violation of previously issued zoning permits for the nonconforming residential property. The current violation received was related to expansion of the nonconforming use to the outside of the property. C. Bramley apologized to Mr. Stack for assuming that rent was being charged to Lewis Tree for the truck

storage as stated at the last meeting and appreciated Mr. Stack coming in for the discussion. Mr. Stack noted he received no compensation from Lewis Tree and he was providing a service. The commission requested a list of items located outside the building and how they are related to the original manufacturing nonconforming use.

b. Update on Hunter's Chase

It was noted that Hart Drive flooded again two weeks ago. Silt fencing is installed and work on the swale is slowly progressing. The second 45 days is up tomorrow (01/03/24) and work is far from being completed. S. Musselman is meeting this week with B. Gilbert on site.

c. Enforcement Update

Focus has been on Hunter's Chase since the previous meeting.

**8. New Business**

None.

**9. Approval of Minutes December 18, 2023**

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

**10. Correspondence**

None.

**11. Adjournment**

S. Simonin moved to adjourn at 9:13 pm, J. Cox seconded, there was no discussion and approval vote was unanimous.

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Carol Bramley, Chairman

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Date