

**LITCHFIELD PLANNING AND ZONING COMMISSION
MINUTES**

**Monday February 5, 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 7:01 pm.

Members present – C. Bramley, C. Bunnell, J. Cox, P. Dauten, M. Eucalitto, G. Fuessenich, B. Gibney, R. Lupo, S. Simonin, Land Use Administrator S. Musselman.
Members absent - P. Losee.

Appointment of Alternates – C. Bunnell.

2. Commissioner's Requests

None.

Public Hearing

3. Proposed Changes to Zoning Regulations

a.) Child Care Homes – Amendments for Public Act 23-142 compliance.

C. Bramley explained the format for the hearings and read the legal notice published on 01/22 and 01/29/24. Letter from the Northwest Hills Council of Governments (NHCOG) dated 01/03/24 stated proposed amendments are not regionally significant and will have no apparent inter-municipal impacts. Letter from Attorney S. Byrne, dated 01/30/24, states in order to comply with Sec. 19a-77 of the CGS, “private family home” needs to be stricken from the Group Child Care Home definition. Reworded Group Child Care Home definition will be “a facility which offers or provides a program of supplementary care”. G. Chalder of Planimetrics was present for the discussion and explained the statute originated from there not being enough childcare options and what was available was too expensive. The commission expressed frustration with the state not being diligent in notifying municipalities of changes or additions to statutes affecting local zoning.

Public Comment – No one from the public spoke for or against the regulation amendment. J. Cox moved to close the public hearing at 7:16 pm, B. Gibney seconded, there was no discussion and vote to close was unanimous. After the closing of the following restaurant public hearing, it was noted that no vote was taken on the proposed childcare changes. At 7:59 pm, the commission returned to this agenda item for a vote. P. Dauten moved to approve the childcare amendments for Public Act 23-142 as written with the noted change that a Group Child Care Home is defined as a facility, S. Simonin seconded, there was no discussion and approval vote was unanimous.

b.) Restaurants – Amendments to food service definitions, zoning district designations, & minimum parking requirements.

The legal notice was published on 01/22 and 01/29/24. The 01/03/24 letter from the NHCOG stated proposed amendment is not regionally significant and will have no apparent inter-municipal impacts. G. Chalder was present for the discussion. C. Bramley stated that in the four years since covid, almost every restaurant in town has changed to allow online ordering and take out. G. Chadler was provided with a list of restaurants with their uses in November and established categories based on how they are currently functioning. Key categories are sit down restaurants, convenience restaurants and retail food establishments.

Public Comment – First Selectman, D. Raap, inquired about gas stations that also sell food. C. Bramley noted our existing regulations already allow gas stations with convenience stores as well as those without. A convenience store is defined by the proposed regulation and the review of an application requires each use on the property to be looked at individually (gas pumps, convenience store, etc.) to see all required zoning standards, like parking, are met for each use. G. Chadler noted the proposed use table for regulation only requires site plan approval, not a special exception as exists currently. Northfield resident M. Bruni noted that by definition, Hometown Pizza could be considered fast food. C. Bramley stated four local area restaurants owned by the same person, as stated by Mr. Bruni, would not be considered “fast food.” The definition of “convenience restaurant” applies to a number of existing local businesses. The new definitions are a clarification of the existing food service businesses in town versus our current restaurant definition. The Commission has viewed local food service establishments in a flexible way permitting take out as long as the restaurant has table seating. Attorney P. Grimes, representing Mark Greenberg, endorses an approval for the regulations as written. Planner M. Connor was also representing M. Greenberg and urged the commission to adopt the regulations. No one else spoke for or against the amendment.

Commission discussion – G. Chalder expressed that even though there will still be some grey areas within the wide spectrum of our local restaurants, proposed regulations will work at the macro level. With clarifications of definitions and site plan review, retail food establishments can be better classified. P. Dauten moved to close the public hearing and J. Cox seconded. A member of the public had a follow up question. Both P. Dauten and J. Cox rescinded their motion to close. M. Bruni asked what happens if a food service establishment fits into two categories. C. Bramley stated it’s up to the Land Use Administrator to determine the category and use as it fits into the regulations. P. Dauten again motioned to close the hearing at 7:58 pm, J. Cox seconded, there was no discussion and motion to close was unanimous. It was noted the Commission had not voted on the Child Care amendment following closing the hearing. The commission briefly returned to the Child Care Homes amendment to vote as stated above. Following this short interval, the commission returned to the Restaurant amendment for this vote. P. Dauten moved to approve the restaurant regulations as written to be effective as of 03/01/2024, S. Simonin seconded and there was no discussion. C. Bramley, C. Bunnell, J. Cox, P. Dauten, M. Eucalitto and S. Simonin voted in favor of the restaurant amendment. B. Gibney voted against. Motion was carried by a 6-1 vote.

4. 8-24 Town of Litchfield: Installation of four (4) electric vehicle charging stations to be located at the Litchfield Municipal Lot (West Street) and Litchfield Town Hall (74 West Street).

Public Works project manager, B. Seamans, was present for the 8-24 application and First Selectman D. Raap was available for questions. The town is intending on installing EV chargers at the municipal parking lot on West Street and at the Town Hall at 74 West Street.

Proposed EV chargers for the Town Hall Annex at 80 Doyle Road in Bantam must go to Bantam PZC. Work is expected to start on 05/01 and be completed the week of 06/30/2024. S. Simonin expressed safety concerns regarding the municipal lot's 1,200 amp power output. B. Seamans will get specs on technical data from ChargePoint and office will forward to commissioners. Discussion and comment on commission's opinion will be continued to the 02/20/24 meeting.

Planning

5. Discussion of "Permits, Approvals, and Exceptions" Criteria and Format

Current version of regulations does not include enough details and is not user friendly. Too many things were omitted from the last major revisions and company locked the formatting. S. Musselman and C. Bramley are working on a rewrite to include more specificity and clarifying procedures for applicants.

6. Old Business

a. Update on Hunter's Chase

S. Musselman has visited site several times in the previous weeks. B. Gilbert is working on swale almost every day and has erected extensive erosion controls. There have been no new complaints from the Hart Drive neighbors.

7. New Business

Conservation Commission would like PZC assistance in assuring that any funds the town receives from the conveyance tax is used for its intended purpose. C. Bramley will explore lengthy documents forwarded from the Conservation Commission. S. Musselman will discuss with D. Raap regarding the Selectmen's responsibility in the process. Issue will be a future agenda item.

8. Approval of Minutes January 16, 2024

J. Cox moved to approve the 01/16/2024 minutes, P. Dauten seconded, there was no discussion and votes to approve were made by C. Bramley, J. Cox, P. Dauten and B. Gibney. Commissioners C. Bunnell, M. Eucalitto and S. Simonin abstained as they did not attend the 01/16/2024 meeting due to the snowy weather.

9. Correspondence

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

10. Adjournment

S. Simonin moved to adjourn at 8:30, J. Cox seconded, there was no discussion and vote was unanimous.

Carol Bramley, Chairman

Date