

**Litchfield Planning and Zoning Commission**  
Town Hall Annex, 80 Doyle Road  
Bantam, CT 06750  
**Regular Meeting Minutes**  
August 18, 2014 – 7:00 p.m.

**Call to Order:** Chairman Waterhouse called the regular meeting to order at 7:01

1. **Members Present:** Chairman Thomas Waterhouse, Curtis Barrows, Carol Bramley, William Conte, Peter Losee, Denise Schlesinger, David Pavlick arrived at 7:25

**Members Absent:** Susan Lowenthal and Ralph White

**Persons of Note:** Land Use Administrator Dennis Tobin, Ph.D.; Recording Secretary Alexander Gros

2. **Election of Regular and/or Alternative Commissioner(s)**

a. **Motion:** C. Bramley motions to elect D. Schlesinger as regular commissioner

**Second:** C. Barrows

**Vote:** 4 to 0 unanimous vote of approval (C. Barrows, C. Bramley, P. Losee, T. Waterhouse)

b. Chairman Waterhouse read **Commissioner Ralph White's resignation** letter into the minutes:

“July 29, 2014  
Town Clerk  
Town of Litchfield

Dear Mrs. Losee,

As you know I've agonized about resigning from the Planning and Zoning Commission for several months. Following a conversation with Mr. Paul I'm herewith submitting my resignation as Alternate Commissioner with immediate effect. I feel honored to have been able to serve the town on the Commission. I'd be grateful if you'd inform the interested parties. Thanks for your support.

Sincerely,  
Ralph White”

c. **Appointment of Alternates:** William Conti

3. **Approval of July 21, 2014 minutes**

**Motion:** C. Bramley motions to approve minutes as written

**Second:** P. Losee

**Vote:** 5 to 0 unanimous vote of approval

4. **Public Comment:** none

5. **Commissioner's Requests:** none

6. **8-24 Application. Public Park – Whites Woods Rd. & Plumb Hill Rd. (Road Race Park) -**

**Summary:** Submitted 8/4/14. The area in discussion is town land. The head of the Public Works Department noted that the 0.2-acre spot has been used as an unofficial public park since 2009. There are two signs, but no permanent structures. Volunteers currently maintain the park.

**Motion:** C. Bramley motions for favorable report

**Second:** W. Conti

**Vote:** 6 to 0 unanimous vote of approval

7. **Town of Litchfield – Whites Woods Rd. & Plumb Hill Rd. (Road Race Park) – Site plan for public park in R-80 zone**

**Motion:** C. Bramley motions to approve site plan for public park in R-80 zone

**Second:** P. Losee

**Vote:** 7 to 0 unanimous vote of approval

8. **Correction of Scribner's Error in Zoning Regulation – Article 4, Section 5 – Table of Uses – Non Residential – Business and Professional Offices (w/o hazardous materials) in the PB Zone – from Special Exception (SE) to Site Plan review (SP)**

**Motion:** W. Conti motions to amend scribner's error

**Second:** D. Pavlick

**Vote:** 7 to 0 unanimous vote of approval

## **II. MINOR MODIFICATION TO SITE PLAN**

9. **Fitzpatrick (Litchfield Hills Adult Day Care) – 407 Bantam Rd. – Minor modification to site plan for business and professional office (w/o hazardous material) for adult day care**

**Summary:** Property Manager Dianne Swan from JM Scott Associates, Inc explained the proposed adult day care center. There will be no exterior changes to the building or lighting. There will be a 7.5 x 20 in. sign. There will be minor interior alterations, namely making the second bathroom on the premise handicap accessible and installing a warming oven, microwave, fridge, sink, and dishwasher. The Connecticut Department of Health is currently reviewing the refrigerator application. Sewer approval was granted.

The business will be open from 9:00 a.m. to 3:00 p.m. daily. No medical treatment will be provided. There will be 20 customers a day, and customers must be older than 65 and living at

home. The building has 9 parking spaces allocated to it. There will be 4 employees working at a time. A nurse will come in for 2 hours daily to administer medication. Once a day, food will be delivered.

D. Pavlick asked how much medication would be held on site. Applicant clarified that medication will not be stocked, but rather brought in daily by customers.

Amy Fitzpatrick, applicant, signed in as owner of a 6-passenger van that will move customers to and from the site. The van will not be parked on the premise at night. Applicant used file diagram for meeting display.

Fitzpatrick is working on a curriculum that will be peer-reviewed by the Connecticut Adult Day Care Association in about six months.

Architect Gary Nurnberger signed in. Nurnberger reiterated there would be 3 staff cars for 9 allocated spaces. There will be no changes to the exterior, but there will be a limited/seasonal outdoor recreational area consisting of a 4 ft. fence around an 800 sq. ft. area.

**Motion:** W. Conti motions to approve the revised revise site plan (2014) and adult day care use

**Second:** D. Pavlick

**Vote:** 7 to 0 unanimous vote of approval

### **III. PUBLIC HEARING**

10. **Donne – 24 Brook Hill Rd.** – Special Exception Home Occupations for massage therapy (Article V, Section 13)

Withdrawal letter was submitted to Land Use Office and read into record by Chairman Waterhouse.

**Time Closed:** 20:03

### **IV. APPLICATION REVIEW**

11. **Friends of the Litchfield Community Greenway, Inc. – South Lake St. & Whites Woods Rd.** – Special Exception Outdoor Recreational Use to construct 2,800 foot recreational trail (Article V, Section 22)

a. Received 7/21/14

b. Reviewed 8/18/14

c. Public hearing set for 9/15/14 at 7:00 p.m. in Bantam Annex Gym

**Summary:** Document Handbook was submitted to Dr. Tobin and the Commission. Friends of the Litchfield Community Greenway, Inc. President Clifford Cooper and Board Secretary Barbara Putnam distributed informational packets to each commissioner. Cooper explains that commissioners concern from the July 21, 2014 meeting regarding adequate parking has been

specifically addressed in the informational packets. Dr. Tobin advised the applicants to gather referrals from town officials before public hearing.

**Motion:** C. Barrows motions to set public hearing for 9/15/14

**Second:** D. Pavlick

**Vote:** 7 to 0 unanimous vote of approval

## **V. APPLICATION RECEPTIONS**

12. **Landau (Litchfield Athletic Club) – 599 Bantam Rd.** – Special Exception modification from Indoor Recreational Use to Indoor/Outdoor Recreational Use with minor modification to site plan

a. Received 8/18/14

b. Notice of Violation 7/23/14

c. Public hearing set for 9/15/14 at 7:00 p.m. at Bantam Annex Gym

C. Barrows recused himself.

**Summary:** Dr. Tobin noted that Wetlands approval has been granted. Dennis McMorrow of Berkshire Engineering and Co-owner of Litchfield Athletic Club Alan Landau were present. McMorrow explained that both the Wetlands and Planning and Zoning Commission granted a permit for a building addition and extra 50 parking spots in 2009. Landau decided to build an outdoor recreation area in its place without realizing this required new approval. He noted the outdoor facilities are a less intensive use of property than a building addition. Mr. McMorrow emphasized the outdoor recreation area is temporary, as Landau hopes to retain his original permits and build an addition eventually.

**Motion:** C. Bramley motions to set public hearing for 9/15

**Second:** W. Conti

**Vote:** 7 to 0 unanimous vote of approval

**Time Closed:** 8:30

## **VI. REGULAR MEETING**

13. **Land Use Administrator's Report** – Permits, Enforcement, Budget, Office

No report this month.

14. **Old Business:** none

15. **New Business:** none

16. **Executive session to discussion to pending litigation**

**Motion:** C. Bramley motions to enter executive session

**Second:** P. Losee

**Vote:** 7 to 0 unanimous vote of approval

**Time opened:** 8:33

**Motion:** C. Barrows motions to close executive session

**Second:** W. Conti

**Vote:** 7 to 0 unanimous vote of approval

**Time closed:** 8:48

**Summary:** No action taken

## 17. Correspondence

a. **July 28, 2014** - EM-Sprint-074-140711 – “Sprint Spectrum notice of intent to modify an existing telecommunications facility located at 1293 Bantam Road, Litchfield, Connecticut.”

**The letter was read into the record.**

b. **Northwest Hills Council Of Governments** – “Supporting your ‘Main Streets’ and Local Business - Checklist of Action Steps”. Distributed to commissioners.

c. Chairman Waterhouse read his August 4, 2014 email correspondence with Steven E. Byrne, Esq. regarding procedural questions into the record.

## VII. ADJOURNMENT

**Motion:** C. Barrows motions to adjourn the August 18 regular meeting

**Second:** C. Bramley

**Vote:** 7 to 0 unanimous vote of approval

**Time Closed:** 8:59

Respectfully Submitted,



Alexander Gros, Recording Secretary

Recording Date 8/18/14

Chairman Thomas Waterhouse

Approval Date 9/ /14