

Litchfield Planning and Zoning Commission
Town Hall Annex, 80 Doyle Road
Bantam, CT 06750
Regular Meeting Minutes
Tuesday, February 17, 2015 – 7:00 p.m.

Call to Order: Chairman Waterhouse called the regular meeting to order at 7:03 PM

Members Present: Curtis Barrows, Peter Losee, David Pavlick, Chairman Thomas Waterhouse. Dr. Susan Lowenthal entered at 7:05 pm

Members Absent: Carol Bramley, Denise Schlesinger

Alternate Members Present: William Conti

Also Present: Land Use Administrator, Dennis Tobin, PhD.

Chairman Waterhouse appointed William Conti as a voting member.

- 1. Appointment of new alternate commission member David Morgan. Chairman Waterhouse read a letter from David Morgan expressing interest in becoming a new alternate member.**

Motion: William Conti
Second: Curtis Barrows
Vote: 5-0 unanimous vote of approval

- 2. Approval of Minutes of January 20, 2015.**

Curtis Barrows made a motion to move item number three (3) to item number nine(9) A & B for approval of minutes.

Second: William Conti
Vote: 6-0 unanimous vote of approval

- 3. Public Comment:** None
- 4. Commissioner's Requests:** None

Public Hearings

- 5. Martin – 181 Wheeler Rd. –2/17/15**

Special Exception Accessory Apartment (Article V, Section 1)

- Time Opened: 7:08 pm
- Summary Chairman Waterhouse read the application. Mr. Martin presented green cards. Mr. Martin presented several documents to the committee. Mr. Martin spoke about the following items: Torrington Area Health Document, the position of the well; written description of the design, and photocopies of site plans of garage apartment and house. Additional plans showing separate entrance, view of front and apartment layout. William Conti asked Dr. Tobin if he went to the location and saw the apartment. Dr. Tobin stated he did. Pictures were handed in 1-13. Showed apartment, view of garage, entrance, parking, views from neighbors to the house, from the house

to the neighbors, driveway, barn, to the road, Certificate of Occupancy was presented to the Committee.

Public Comment: None

Curtis Barrows moved to close the public hearing at 7:29 pm. William Conti seconded it. Unanimously approved.

Motion: Curtis Barrows moved to approve Special Exception Accessory Apartment because it meets all zoning requirements.

- **Second: William Conti**
- **Vote: 6-0 unanimous vote of approval**

6. Tomascak – 28 Old Forge Hollow Rd –2/17/15

Special Exception Shop & Storage Use by a contractor/tradesman (Article V, Section 13A)

- Time Opened: 7:31 pm
- Summary: Chairman Waterhouse opened the hearing at 7:31 pm. Attorney Hardesty and Thomas S. Tomascak were present. Attorney Hardesty presented green cards. Attorney Hardesty presented the Committee with several pictures which Thomas Tomascak confirmed the location of the pictures in relation to the house and road. Attorney Hardesty presented the building permit, zoning permit, and assessor card. Dr. Lowenthal asked about the set back of the property in relation to the picture taken. Dr. Tobin stated that the set back is 40 ft.

Attorney Hardesty reviewed the regulations in regards to his clients permit. The Tomascak's received 18 letters from the neighbors in support of the Tomascak's.

Name / Address:

- a. Linda Easterbrook, 78 Old Forge Hollow Road, Bantam
- b. George Easterbrook, 78 Old Forge Hollow Road Bantam
- c. Franz Ritter, 38 Old Old Forge Hollow Road, Bantam
- d. Donal Newton, 36 Old Forge Hollow Road, Bantam
- e. Linda Newton, 36 Old Forge Hollow Road, Bantam
- f. Richard Duffy, 19 Goslee Road, Bantam
- g. Valerie Duffy, 9 Goslee Road, Bantam
- h. Sarah Owens, 920 Bantam Road, Bantam
- i. Angelica Aquino, 173 A Bantam Lake Road, Bantam
- j. Ryan Curry, 173 A Bantam Lake Road, Bantam
- k. George Curry, 166 Bantam Lake Road, Bantam
- l. Julie Curry, 166 Bantam Lake Road, Bantam
- m. Steve Debow, 187 Old Mount Town Road, Bantam
- n. Robert Fischer, 622 Bantam Road, Bantam
- o. Steven Saunders, 74 Old Forge Hollow Road, Bantam
- p. Gary Thorne, 84 Old Forge Hollow Road, Bantam
- q. Dean Kennedy, 68 Old Forge Hollow Road, Bantam
- r. Rachel Reiter, 38 Old Forge Hollow Road, Bantam

Two additional letters were submitted: Andre Thibadean and Lisa Gabriel.

The Commission reviewed the Assessor field card to conform the size and location of buildings.

Dr. Tobin stated that he did a site walk and went into the building and all is in compliance. Attorney Hardesty stated that the Tomascak's went out of their way to make the building tie into the landscape. Thomas Tomascak is a plumber and every once in a while a delivery will come to the house. Attorney Hardesty reviewed the Regulations for requirement for the Exception Shop & Storage.

Public Comment:

1. Ed Conroy, 90 Old Mount Town Road, Bantam. Speaking about the regulations, Mr. Conroy stated the site plan shall provide harmony in the neighborhood. The 40x60 building does not fit visually or historically. Mr. Conroy provided pictures from Google Earth. Mr. Conroy stated that the building is not in line with the neighborhood. This building should be in a commercial zone and not a residential. He has lived here since 1979. Dr. Lowenthal asked if the Tomascak's provided any shrubbery or wall. Mr. Conroy stated that Mr. Tomascak did everything in their power to cut down the trees.
2. Don Newton, 36 Old Forge Hollow Road- Mr. Newton states that in the summer he cannot see the barn structure. Mr. Tomascak keeps the property very clean. He does not do work at the house.
3. Franz Reiter, 38 Old Forge Hollow Road. Mr. Reiter stated that you can not see the building from the road. Mr. Reiter stated that the property is quiet and he does hear anything.
4. Anne Wroblewski, 22 Old Forge Hollow Road, Ms. Wroblewski is directly across the road. She stated that she felt her property is severely discounted in value due to the commercial business. It is very noisy. She is opposed to this special exception. The trees do not cover the building from her view of the building.
5. Kathy Conroy, 90 Old Mount Tom Road. Ms. Conroy is the one who called Dr. Tobin last fall due to rolls of PVC and equipment outside of the building. The wood chipper and excavator are outside in the snow. Trash removal will also be a concern – they may need a dumpster. Ms. Conroy stated that Old Forge Hollow Road is a dirt road. Children are on this road and buses. Ms. Conroy, stated that the weight F450 Dump Truck weight exceeds the regulations of a commercial truck permitted on the property. Dr. Tobin questioned a front loader on Ms. Conroy's property.

Rebuttal -

- A. Attorney Hardesty stated the truck is for personal use. Mr. Tomascak stated that it has a sander on it and he has not used it since last fall. Dr. Lowenthal asked if Mr. Tomascak would entertain any shrubby to conceal the building providing this is a residential zone and not a commercial zone. William Conti would like to table this to March.

- **Motion:** William Conti made a motion to keep the public hearing open to March 16th.
- **Second:** Dr. Lowenthal

- **Vote: 5 in favor.**
1 - Curtis Barrows opposed

7. Laure – 239 West St. 2/17/15

Special Exception Restaurant & Catering.

- Time Opened: 8:54 pm
- Summary: Edward Murphy represented his wife as the owner of the property. Mr. Murphy presented the green cards. Mr. Murphy provided a site plan, and parking requirements. Mr. Murphy would like to remove the trailer and increase parking spots for the employees. Dr. Lowenthal is questioned property lines and width of the parking spots. Mr. Muprhy stated the full map is on file. Patty Laure and Martin Laure spoke about their intentions of the building. Mrs. Laure stated that the building will remain the same. The Commission discussed deliveries. Patty Laure stated they would request deliveries to go back to the building. Peter Losee showed a picture of a truck in the front of the building making a delivery.

Dr. Lowenthal questioned if they will have bathrooms. Patty Laure stated yes. The Commission discussed the demolition of the trailer with permits as a possible condition of approval.

Public Comment

- Lance Abbott – Would also like that the trailer be removed. Mr. Abbott also did not like the delivery issues also with Hannah’s. Mr. Abbott would like to remove parking spots 5 & 6 and to have the parking spots go in the back lot. The dumpster was also an issue.

William Conti moved to close the public hearing at 9:46 pm. Peter Losee seconded it. Unanimously approved.

- **Motion: William Conti make a motion to approve the Special Exception Restaurant & Catering with the condition of the removal of the trailer to the rear of the property with proper permits and a site plan be created after the trailer be removed to show parking.**

- **Second: Peter Losee**
- **Vote: 6:0 all in agreement**
- **Time Closed: 9:46 PM**

II. REGULAR MEETING

9.

A. Approval of January 20, 2015 Regular Meeting Minutes.

- **Motion: Curtis Barrows made a motion to approve the January 20, 2015 minutes as amended.**
- **Second: William Conti**

- **Vote: 6:1** – David Pavlick abstained because he was absent.

B. Old Business – Distribute Draft #1 of regulation revisions.

10. New Business - NONE

11. Possible Executive Session to discuss pending litigation.

- **Motion:** William Conti made a motion to go into Executive Session at 10:06 PM.
- **Second:** David Pavlick
- **Vote: 6:0** all in approval

- **Motion:** Dr. Lowenthal made the motion to end Executive Session at 10:20 pm with no action taken.
- **Second:** David Pavlick
- **Vote: 6:0**

William Conti left the meeting.

12. Correspondence: None

III. ADJOURNMENT

Motion: Cutis Barrows
Second: Dr. Lowenthal
Vote: 5 in favor.

Time Closed: 10:22 pm

Respectfully Submitted,

Nancy Latour, Recording Secretary
Recording date 02/18/15



Thomas Waterhouse, Chairman

Date

3/2/15