

Minutes
LITCHFIELD ZONING BOARD OF APPEALS

December 1, 2015 7:30 p.m.
Town Hall Annex, 80 Doyle Rd., Bantam, CT

Members Present: Chairman Brian Donohue, Brian McKernan, Jeff Legendre, Bruce Watts, Andrew Ide and Alternate Virginia Dean

Members Absent: None

The Chairman called the meeting to order at 7:31 and explained the format of the hearings. All members were appointed to vote on applications.

PUBLIC HEARING

Case 15-12-1 – To discuss and possibly act upon a request from A. Gallo & Company for a Rear yard variance of 19', building coverage of 3% from Article IV Section 2 and additional 4.2 parking spaces from Article VI Section 1.5h for a proposed building addition for property at 85 Thomaston Road. Dennis McMorro, PE of Berkshire Engineering and Surveying was present for the application. Mr. McMorro submitted return receipt mail cards. He explained that this property has received 4 previous variances. The business needs to have additional cold storage. The north end of the building was granted a variance on 2/18/09 for a proposed 2,000 s.f. addition. The loading dock behind this area has two tractor trailers that are currently being used for cold storage. The proposed addition of 2,080 s.f. will replace the loading dock "cold storage" trailers. The existing building is already 31% of the lot coverage, therefore any addition will increase the non-conforming building coverage requirement. The hardships for the requested variances are unique due to the extreme narrow shape of the property and location of the existing building. No one spoke for or against the application. B. Donohue moved to close the hearing at 7:52 B. McKernan seconded and the motion passed unanimously.

The Chair appointed V. Dean to replace A. Ide for voting on the next application.

Case 15-12-2 - To discuss and possibly act upon a request from 7 North Street Litchfield, LLC from Article VI, Section 1, (5d, 5g, 5f, 5m 5n, 5j, 7). Article III, BH Historic Business Zone, Section 4. Article VIII, Section 4d. Article IV, Section 2B setbacks & coverage. Art. III, BH Zone Sect. 2. Art. VI, Sect. 6.7 for property at 7 North Street. Attorney Gail McTaggart of Secor, Cassidy & McPartland, PC was present for the application and submitted return receipt mail cards and explained that they also sent notices to the businesses across the "green" on West St. that were out of the required 200 foot noticing area as a courtesy. She introduced Milton Gregory Grew, AIA of Grew Design, Inc. and noted that he will be explaining the details of the project as approved by the Historic District Commission in June of this year. She introduced Emily Jones, P.E. of Civil 1 Engineers, and Sharat Kalluri, P.E. of CDM Smith who performed the parking and traffic analysis for the project.

She stated that this 1812 building is located in the Historic District and is listed on the National Register of Historic Districts. The applicant is looking for adaptive re-use of this building. They will preserve the historic outside of the building as much as possible, but there will be staircases and access doors added because they now have to comply with ADA requirements, safe egress and ingress codes. An elevator shaft is proposed on the rear of the building, and stairways will be added to enter and exit the building as required by code.

The original use of this building as a jail was shut down by the State and cannot be used for its original purpose. It must be re-purposed in order to be used. She stated that the Plan of Conservation and Development calls for the re-use and re-purpose of existing historic buildings. The project calls for residential units, retail stores and restaurants which are all in keeping with the uses in this historic area.

She submitted a copy of *Conditions Assessment and Feasibility Study for the Adaptive Reuse of the 1812 Litchfield County Jail, prepared for the Greater Litchfield Preservation Trust, Inc. by Cambridge Seven Associates, Inc. dated May 2011* and discussed several items noted in that report, namely; the structural issues, parking and re-uses of the building. She stated that the proposed uses are in agreement with the uses listed in that report.

Milton Gregory Grew stated that the plans submitted for this ZBA hearing are the plans that have all Historic District Commission stipulations satisfied. He went through the exterior and interior proposals as shown on the plans. The lower level of the building will house three to four retail businesses, the first floor will house several restaurants and retail businesses and the second floor will house 3 residential units and three offices.

Attorney McTaggart and Mr. Grew went through each variance that was requested and the purpose for each as shown on the plan.

Russell Barton, owner of the building stated that the exterior of the building will be repainted, not the exact red that is presently on the building, but they will try to stay as close to that color as possible. He stated that he hopes the small retail shops proposed will bring in small businesses that could not otherwise afford to rent larger spaces in town.

Emily Jones, P.E. of Civil 1 Engineering explained the pedestrian circulation and municipal parking plan.

Sharat Kalluri, P.E. of CDM Smith presented his report on parking needs and pedestrian circulation for planned mixed use development dated November 25, 2015. He said that one of the basic focal points for planned mixed use development is what is called "shared parking" which is prevalent in many communities. The planned mixed use development consists of complimentary uses, i.e. land uses that have peak parking needs at different times of the day. The shared parking principle allows land uses to share parking to reduce the amount of parking required to meet their needs. He submitted and pointed out several examples of such parking in the *Model Zoning Regulations for Parking for Northwestern Connecticut prepared for the Northwest Council of Governments and Litchfield Hills Council of Elected Officials*, by Fitzgerald & Halliday, Inc. Dated September 2003.

His traffic impact analysis was performed on Friday and Saturday, which is typically a peak time frame for businesses and restaurants and discussed and submitted his reports for the file. He stated that from both vehicle and pedestrian circulation, there is adequate infrastructure to service this mixed use building.

Ms. McTaggart stated that the 10% Minimum Greenspace requirement will be met, but there is no room on the lot for additional landscaping and that most of the existing lot is already paved. She explained that the need for the requested variances arise because the building is preexisting non-conforming. The preexisting use as a jail cannot be continued so it has to be adapted to a new use that has to meet modern safety and health requirements. The building is unique because there are no other jails in this area. The building will be consistent with the neighborhood because allowing re-adaption of the building and commercial use is in line with the same sort of cluster uses that exist in this area. It will be used for a consistent use and will blend into the neighborhood.

No one spoke for or against the application. B. Donohue moved to close the hearing at 9:24 B. McKernan seconded and the motion passed unanimously.

Andrew Ide was reseated.

Consider Case 15-12-1 - -B. McKernan moved to grant the variance because the lot is non-conforming, with limited access to parking, A. Ide seconded and the motion passed unanimously.

Consider Case 15-12-2 – B. Donohue moved to continue deliberations until the next meeting, B. McKernan seconded and the motion passed unanimously. The Board will continue the deliberations to the next meeting to review information presented.

Approval of Minutes – November 3, 2015 – J. Legendre moved to approve the minutes, B. Donohue seconded and the motion passed unanimously.

Possible Executive Session to discuss pending litigation – B. Donohue moved to go into Executive Session at 9:42, J. Legendre seconded and the motion passed unanimously.

The Board came out of Executive Session at 9:51 p.m. with no action taken.

Adjournment – B. Donohue moved to adjourn at 9:51 p.m. B. Watts seconded and the motion passed unanimously.

Brian Donohue
Chairman

Date

DRAFT