

Minutes
LITCHFIELD ZONING BOARD OF APPEALS

January 6, 2015 7:30 p.m.

Town Hall Annex, 80 Doyle Rd., Bantam, CT

Members Present: Chairman Brian Donohue, Brian McKernan, Virginia Dean, Andrew Ide, Jeff Legendre

Members Absent: None

The Chairman called the meeting to order at 7:30 and explained the format of the hearings. He appointed alternate member J. Legendre to vote on applications this evening.

PUBLIC HEARINGS

Case 15-1-1 – To discuss and possibility act upon a request from Johnaric Pieriboni for a Front yard variance of 31' from Article IV Section 2 and Article VI Section 6(7) for a proposed addition for property at 12 Little Pitch Road. The Chair opened the meeting at 7:31. John Pieriboni was present for the application and submitted return receipt mail cards. He stated that he is the contractor for this project which consists of an addition for a kitchen, dining area and bathroom. The addition will be 16x18 and the whole house totals approximately 1,100 square feet now. The owners are retired and would like to have easier access to a bathroom and dining area. He stated that the house predates zoning and currently sits in the required front yard setback and the addition will sit back 10' farther. No one spoke in favor or opposition to the application. The hearing closed at 7:39 p.m.

REGULAR MEETING

Consider Case 15-1-1 – A. Ide moved to grant the variance, because the house predates zoning and sits in the required front yard setback making it non conforming already and the proposed addition will be less conforming because it will be set back 10' further, B. McKernan seconded and the motion passed unanimously.

Consider Case 14-11-2 – Appeal of Decision made by the Zoning Enforcement Officer dated August 26, 2014 regarding the 58 McBride Road "gun club". A lengthy discussion ensued regarding Mr. Stack's intent to abandon the use of the gun club because he had applied for and received permits for designating the property as farm land, open space and 490 pasture status and had submitted applications to subdivide the property into residential home lots.

They also talked about expansion or intensification of the use. The Board gave great weight to the testimony of the past president of the Northfield Rod & Gun Club stating that the current use is very different from what it used to be. It was the consensus that the current shooting of high powered and semi-automatic weapons is an expansion of the trap and skeet shooting that was done previously. The Board agreed that allowing it to become a training facility for law enforcement under a for profit business using the semi automatic weapons was an expansion of the use.

Brian Donohue moved to reverse the decision made by the land use administrator that the nonconforming 58 McBride Road Gun Club use was not abandoned for the following

reasons, all of which are supported by substantial evidence presented to the Board at the public hearings showing that this nonconforming use was abandoned:

- " Documents recorded with the Secretary of State's Office and a letter to McBride Road residents state that the Northfield Rod and Gun Club was dissolved in 2006.
 - " News article dated September 17, 1981 states that gun club use at 58 McBride Road had drifted away from its original purpose and became more of a social club.
 - " A subdivision application was submitted for this property.
 - " The Clubhouse has been converted and used as a single family residence by Mr. Stack's son. [ZBA 12/2/14 minutes].
 - " Skeet shooting platforms on the property were converted to turkey coops. [ZBA 12/2/14 minutes].
 - " An application for farm use designation indicates that 32 acres of the property are committed to and/or intended for farm use to include pasture, horse riding area and raising chickens; also growing vegetables. An additional 9.35 acres was to be set aside as open space.
 - " Farm use designation was accompanied by letter signed by Mr. Stack dated 4/2/12 indicating his intent to use property for farm purposes with no mention of using same as a gun club or shooting range.
- Article VI, Section 6.12 of the Litchfield Zoning Regulations requires that whenever a non conforming use of land, building or structure or any portion thereof, has been abandoned, such non conforming use shall not thereafter be reestablished and all future use shall be in conformity with these Regulations.

Taking all of the above into account, the conclusion is that the nonconforming gun club and shooting range use at this property has been abandoned and cannot be reestablished as doing so would violate the Litchfield zoning regulations. Andrew Ide seconded and the motion passed 4-1 with B. Donohue, J. Legendre, A. Ide, and V. Dean voting yes, and B. McKernan voting no.

Approval of Minutes December 2, 2014 – G. Dean moved to approve the minutes, J. Legendre seconded and the motion passed unanimously.

Possible Executive Session to discuss pending litigation - None

Adjournment – G. Dean moved to adjourn at 8:48 p.m., J. Legendre seconded and the motion passed unanimously.

Brian Donohue
Chairman

Date