

## May 24, 2010

**Present:** David Owen, Ray Reich, Ralph Averill, Gary Fitzherbert

**Alternates Present:** Andy Shapiro, A.J. Dubois

**Absent:** Lou Abella, Harry Wyant Alt.

**Staff Present:** Janet Hill, Shelley White

**Others Present:** Mr. Reese Owens, Architect, Mr. Fairbairn, Mr. Parker, Ms. Federer, Residents

Mr. Owen called the meeting to order at 7:30 pm.

### PUBLIC HEARINGS

Seated: Mr. Owen, Mr. Reich, Mr. Averill, Mr. Fitzherbert, Mr. Dubois, Alt. (for Mr. Abella)

Spring Hill Farms, LLC/69 Whittlesey Road/Addition of Section 13.11.3/Detached Accessory Apartment:

Ms. Hill read the legal notice published in Voices on May 12 and May 19, 2010. Mr. Owen read the list of documents on file for this application. Ms. Hill stated that there were no outstanding issues with this application. There were no additional questions or comments.

**Motion:**

to close the Public Hearing for Spring Hill Farms, LLC/69 Whittlesey Road/Special Permit: Section 13.11.3 for Detached Accessory Apartment,  
by Mr. Averill, seconded by Mr. Fitzherbert, by 5-0 vote.

Lyons-Gray/82 Old Litchfield Road/ Special Permit: Section 13.11.3/Detached Accessory Apartment:

Ms. Hill read the legal notice published in Voices on May 12, and May 19, 2010. Mr. Owen read the list of documents on file for this application. Mr. Owen stated that Ms. Hill noted two issues regarding this application in her Administrative Review to the Zoning Commission dated 5/24/10. The first issue was the computation of the square footage of the accessory apartment. Ms. Hill suggested that if the storage area had a ceiling height of less than 5 ft. that it would not count as square footage and the apartment would not exceed the maximum size permitted. She suggested that Mr. Fairbairn should either note that the ceiling height is less than 5 ft. on the plans or revise the plans to slightly decrease the size of the apartment. The second issue was that the Health Department had not approved the application. Mr. Geoff Fairbairn was present and he submitted the Health Department approval. Mr. Fairbairn and the Commissioners looked at sheet A-1.02, titled "Construction Plan- Second Floor & Roof" for Gray Lyons Residence, by Hottenroth and Joseph Architects, with a revision date of April 8, 2010. The Commissioners and Mr. Fairbairn briefly discussed the plans. It was determined that the plans sufficiently show the ceiling height and that the square footage of the apartment does not exceed the maximum size permitted. There were no additional questions or comments.

**Motion:**  
to close the Public Hearing for Lyons-Gray/82 Old Litchfield Road/ Special Permit: Section 13.11.3 for Detached Accessory Apartment, by Mr. Fitzherbert, seconded by Mr. Averill, by 5-0 vote.

## **REGULAR MEETING**

### **Consideration of the Minutes**

The April 26, 2010 Zoning Commission Regular Meeting Minutes were considered:

**Motion:**  
to accept the Zoning Meeting Minutes of April 26, 2010, as submitted, by Mr. Owen, seconded by Mr. Reich, by 5-0 vote Mr. Owen recused himself.

### **Pending Application(s)**

Spring Hill Farms, LLC/69 Whittlesey Road/Addition of Section 13.11.3/Detached Accessory Apartment:

There were no additional comments from the Commission.

**Motion:**  
to approve Special Permit Application submitted by Spring Hill Farms, LLC. /69 Whittlesey Road/ Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Averill, seconded by Mr. Dubois, by 5-0 vote

Lyons-Gray/82 Old Litchfield Road/ Special Permit: Section 13.11.3/Detached Accessory Apartment:

There were no additional comments from the Commission.

**Motion:**  
to approve Special Permit Application submitted by Lyons-Gray/82 Old Litchfield Road/ Special Permit: Section 13.11.3/Detached Accessory Apartment, by Mr. Fitzherbert, seconded by Mr. Averill, by 5-0 vote.

### **New Application(s)**

Sirowich/47 Sunset Lane/Special Permit: Section 13.11.3/Detached Accessory Apartment:

Mr. Fairbairn explained that this house was a tear down and a rebuild. A garage with an apartment was built and the homeowners never applied for a Special Permit.

**Motion:**

to schedule a Public Hearing on June 28, 2010 to consider the application for Sirowich/47 Sunset Lane/Special Permit: Section 13.11.3/ Detached Accessory Apartment,  
by Mr. Owen, seconded by Mr. Reich, by 5-0 vote.

**Other Business**

Revision of the Zoning Regulations/Proposed Section 13.5/Conveyance of Special Permit at time of property transfer or new lessee; Sections 4.4.1, 5.4.9, 6.4.14, 13.9/Addition of Inns, Deletion of Inn standards under Section 13; Sections 4.4.1, 4.4.6, 4.4.14, 5.4.1, 6.4.1, 7.4.5, 7.4.12, 8.4.5, 8.4.12, 9.4.8, 10.4.5., 13.14, 13.14.3, 15.2/Deletion of "Tourist Home," "Room and Board Establishment," and "Boarding House"; Section 2.3.6/re: Approval of applications requiring installation or modification of sewage disposal system and deletion of current language in Sections 13.6 (renumbered), 13.10, 13.11.2.d, 13.11.3.d, 13.14.7, 13.15, and 13.17.5; Section 21.1.10/Deletion of definition of "Boarding House" and addition of definition of "Bed and Breakfast Establishment"; Sections 21.1.30, 21.1.38, and 21.1.65/Addition of definitions of "Fitness Facility," "Inn," and "Spa"; Sections 6.4, 12.1.2, 13.17/minor deletions for consistent language throughout the text, and Renumbering throughout:

A Public Hearing has been scheduled for 6/28/10.

**Privilege of the Floor**

There was a brief discussion with Mr. Reese Owens regarding the regulations regarding noise-generating equipment. It was agreed that Mr. Owens would contact Ms. Polly Roberts, Chairman of the ZBA to discuss this matter.

**Communications**

Ms. Hill stated that the Land Use Office received a letter for the Connecticut Department of Transportation regarding the retaining wall that is to be installed on East Shore Road (Route 45).

**Enforcement**

The Commission considered Mr. Ajello's Zoning Enforcement Report, dated May 24, 2010. Mr. Ajello reported that he issued two fines to the two retail shops and that both owners submitted zoning applications.

## **Adjournment**

### **Motion:**

to adjourn at 7:55 pm by Mr. Owen, seconded by Mr. Reich, by 5-0 vote.

Mr. Owen adjourned the meeting.

**SUBMITTED SUBJECT TO APPROVAL:**

Shelley White, Land Use Clerk