

July 25, 2011

Present: David Owen, Lou Abella, Ray Reich, Gary Fitzherbert, Ralph Averill

Alternates Present: Andy Shapiro

Absent: Harry Wyant, Alt., A.J. Dubois, Alt.

Staff Present: Janet Hill, Shelley White

Others Present: Mr. Ebner, Mr. Szymanski, Engineer, Atty. Fisher, Atty. Kelly, Mr. Rogness, Mr. & Mrs. Peacocke, Mr. & Mrs. Federer, Mr. Solley, Mr. Werkhoven, Ms. Giampetro, Residents

Mr. Owen called the meeting to order at 7:32 p.m.

Seated: Mr. Owen, Mr. Abella, Mr. Reich, Mr. Fitzherbert, Mr. Averill

REGULAR MEETING

Consideration of the Minutes

The minutes of the June 27, 2011 Zoning Commission Meeting were considered.

Motion:

to accept the Zoning Meeting Minutes of June 27, 2011, as submitted,
by Mr. Reich, seconded by Mr. Averill, passed by 5-0 vote.

New Application(s)

Shepaug Valley Properties, LLC/27 Mt. Tom Road/Special Permit: Section 17.8/Expansion of Nonconforming Use/Camp:

Mr. Ebner was present and stated that he still needed to get approval from the Inland Wetlands Commission.

Motion:

to schedule a Public Hearing on August 22, 2011 at Bryan Memorial Town Hall to consider the application for Shepaug Valley Properties, LLC, 27 Mt. Tom Road for Special Permit: Section 17.8/Expansion of Nonconforming Use/Camp,
by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

Wykeham Rise, LLC/101 Wykeham Road/Special Permit: Section 4.4.10/School:

Atty. Fisher was present to represent the property owners.

Motion:

to schedule a Public Hearing on August 22, 2011 at Bryan Memorial Town Hall to consider the application for Wykeham Rise, LLC, 101 Wykeham Road for Special Permit: Section 4.4.10/School, by Mr. Owen, seconded by Mr. Averill, passed by 5-0 vote.

Other BusinessParking at the Community Table/223 Litchfield Turnpike:

Ms. Hill stated that she sent a letter to Mr. Anderson, the owner, of the Community Table and Atty. Kelly contacted Ms. Hill to ask that all correspondence regarding this matter be sent to him and that he had read the letter and disagreed with it and planned to attend this meeting to discuss this issue. Atty. Kelly was not present so the Commission agreed to defer this discussion until later and proceed to the next item on the agenda.

Discussion re: Erhardt/57 West Shore Road/Patio vs. Drainage Structure:

Ms. Hill stated that the property owner applied for an Inland Wetlands Permit for 57 West Shore Road to correct the erosion problem along the shore and install a new drainage system for run off. She stated that the application was for a drainage improvement system and patio and patios are not permitted within 50 feet of the shore of Lake Waramaug. Mr. Szymanski was present to discuss the proposed drainage structure. He submitted photographs of the site depicting the erosion at the site and explained the drawing titled Proposed Erosion Control Remediation Plan, sheet SD.1. Mr. Szymanski stated that the original plan was to install a blue stone patio with mortared joints, but because patios are not permitted in this area the plan was modified to incorporate a drainage structure of randomly placed fieldstone, a minimum of 2 inches apart and pea stone between the fieldstone. He explained how the system's layers of stone and a water quality basin would aid in controlling the erosion problem at the site. The Commissioners looked at Zoning Regulation, Section: 12.1.1a. Ms. Hill confirmed that the Inland Wetlands Commission has approved this proposed plan. Mr. Fitzherbert stated that this drainage system is badly needed and chairs may be put on it. Mr. Owen asked if the Zoning Commission has an issue if the property owners were to put a couple of chairs and maybe a table on this structure. Ms. Hill stated that she thought an issue could be that everyone around the Lake may want to do this. Mr. Owen stated that if the Inland Wetlands Commission has approved a plan and their regulations do not prohibit people from placing chairs on an erosion and sedimentation remediation system, then it should be permitted. Mr. Reich stated that the erosion is a serious problem and this plan will fix it. It was the consensus of the Commission that if an erosion and sedimentation remediation system is needed on a particular property and the property owner proves that a proposed system would resolve any existing issue of erosion to the Inland Wetlands Commission's satisfaction, that the Zoning Commission would be okay with this.

Parking at the Community Table/223 Litchfield Turnpike, Continued:

Atty. Kelly was present on to represent Mr. Anderson, owner of the Community Table. Atty. Kelly stated that he does not feel that his client has violated any of the Zoning Regulations and stated that Section 15 states that there should be adequate parking and that parking for all vehicles at all times is not required and the site plan and parking layout is exactly what was approved by the Zoning Commission. He stated that the employees park on Wilbur Road on peak nights to keep the other parking spaces available for patrons and this past winter it became a problem because of the snow. Atty. Kelly stated that Mr. Anderson is willing to consider some of the suggestions mentioned in the letter from Ms. Hill.

Mr. Owen stated that the entry deck of the restaurant is being used as part of the restaurant and that patrons are sitting at tables and being served drinks as they are waiting. He stated that this is a Zoning issue because the restaurant was approved for 34 seats and this deck is being used for something other than what it was in the approved application. He stated that he feels that this would require a revision to the Special Permit and that he would like to seek Atty. Zizka's opinion on this matter.

Atty. Kelly stated that this is the first notice that the owner received and he would like to have the opportunity to consider this issue and to come up with a solution.

Privilege of the Floor

There were no comments from the public.

Communications

Ms. Hill stated that someone had asked her where in the Zoning Regulations does it list bridges as a permitted use and she said that bridges are not listed as a permitted use in the Zoning Regulations and that it may not be a permitted use but bridges have always been built without permits. The Commission briefly discussed bridges and the permitting process. Ms. Hill stated that she would consult Atty. Zizka regarding bridges.

Zoning Enforcement

The Commission considered the Zoning Enforcement Report dated 7/25/11.

Adjournment

Motion:

to adjourn at 8:20 pm. by Mr. Fitzherbert, seconded by Mr. Reich, passed by 5-0 vote.

Mr. Owen adjourned the meeting.

SUBMITTED SUBJECT TO APPROVAL:

Shelley White, Land Use Clerk,

