

Bridgewater Planning and Zoning Commission
Bridgewater Town Hall
44 Main Street South, Bridgewater, Ct. 06752
Approved Minutes of the Regular Meeting
Wednesday, February 11, 2009, 7:00 P.M.

Call to Order: Chairman Leo Null called the meeting to order at 7:05 p.m.

Roll Call and Designation of Alternates:

Present: Susan Branagan (alt.), Thomas Gilmore, Thomas Allingham, Laszlo Pinter (alt), Edward Terry, Ed DeVoe (alt.), Leo Null

Absent: Jean Bandler

Also Present: Lois Carreira, Land Use Coordinator, ZEO, Robert King, consultant to the commission

Susan Branagan was moved up to voting status.

Minutes of the Meeting of January 14, 2009:

T. Allingham made a motion to approve the minutes of January 14, 2009. J. Bandler seconded. Unanimous approval.

Any Other Business Added By 2/3 vote: none.

Old Business: none

1. Khare, 137 Eabow Brook Road, new single family dwelling. Wayne and Meg Khare were present for this application to the commission. They have made a free cut in which they are keeping 10 ½ acres and splitting off 33 acres. W. Khare submitted the sign off sheet with the driveway sign off on it as requested at the last meeting. Discussion followed concerning the 200' frontage and the driveway. L. Null stated that normally if it is an approved building lot the First Selectman normally approves the driveway before the commission votes. This driveway wasn't approved because this lot hasn't been approved yet. The applicants were asked to show that they could continue the 200' all the way back to the house site as well as the location of the house, floor plan, elevation and contours around the house and the well location. They were also asked to show the fire truck turn around and submit a letter from the fire chief or the fire marshal. L. Null told W. Khare that he would meet with him to discuss his application. T. Allingham made a motion to table the application until next month. E. Terry seconded. Unanimous approval.

New Business:

1. Bridgewater Chumps, LLC, 11 New Milford Road West and 30 Second Hill Road, walk up window for the sale of ice cream. T. Allingham and T. Gilmore recused themselves. L. Pinter and E. DeVoe were moved up to voting status. Paul Symanski presented the application to the commission. He said that the application will not be for a walk up window but the ice cream will be sold and consumed within the premises. He cited Sec. 6.05.01(b) of the regulations. He distributed the definition of a grocery store to the commission and felt that this application met that definition. He said that he had spoken to

K. Vaughn from the Health Department he was OK with this application although no sign off sheet was submitted with the application which would show health, wetlands and driveway approvals. L. Carreira stated that K. Vaughn did not have an application before him and had not given approval for the project. L. Null brought up the issue of the regulations stating that only 30% of the floor area in a grocery store can be devoted to the service of food. No plan was submitted to show that. P. Symanski submitted a parking plan to the commission which showed the parking proposed on an adjacent property. Both properties are under the same ownership. P. Symanski stated that there will be a parking easement on the other property in case the property changes hands in the future the parking would still be allowed. L. Null asked for some thing in writing that would state that and asked if the parking area will be paved. P. Symanski stated that it will be processed gravel. There will be five regular parking spaces and one handicap space. There will also be some screening provided. L. Null asked if he had spoken to the building inspector. P. Symanski said he had not. L. Null told him that if there was a change in the parking he would have to come back to the commission. L. Null also asked for a floor plan showing the 30% for the use of ice cream as stated in the regulation including placement of counters, tables and chairs. L. Pinter raised concerns about where parking would be if there was a large crowd. P. Symanski stated that overflow parking would be at the convenience store. L. Pinter also had some concerns that the handicap space is only 30' from Second Hill Road. P. Symanski stated that in his professional opinion that was adequate. He also said that they could put more parking in if needed and they would provide the commission with a report mid summer. L. Pinter said he would feel more comfortable if the parking was more than 30' from the road and did not feel that the number of spaces was adequate. He also had concerns about people pulling up on the grass and backing out into the road. P. Symanski stated there is to be no driveway to the building from Second Hill Road. E. Terry made a motion to approve the application contingent upon all necessary approvals and a floor plan showing that only 30% is being used for ice cream. E. DeVoe seconded. L. Pinter asked if the definition of a grocery store has been met. The floor plan is to show that only 30% will be used for ice cream. Unanimous Approval.

T. Allingham and T. Gilmore returned.

2. Lillis, 60 Wewaka Brook Road, rebuild garage with apartment. L. Null asked T. Gilmore to take over the meeting. Jim Lillis presented the application to the commission. He wants to repair the garage on the property and keep the use of the apartment over the garage. T. Allingham questioned whether or not the applicant needs a permit since he was repairing an existing structure. The fact that the garage is a nonconforming building and the apartment is a nonconforming use was discussed as well as how to allow the applicant to make the necessary repairs under the circumstances. T. Gilmore stated that everything had to remain the same, the volume of the building couldn't change and it has to be in the exact same place. L. Null stated that the roofline could change for head space and if an unsafe condition was determined it could taken down and rebuilt. It needs to be the same footprint. T. Gilmore stated that for the record he disagreed with L. Null. He sited Section 5.10.06 "Restoration", from the regulations which states that a nonconforming building or structure can be restored "to the same dimensions, floor area, cubic volume, density, bulk and/or site location as existed." He also stated that a nonconformity could not be enlarged

or intensified. L. Null stated that a detailed survey showing the existing corners will be necessary to show that it is in the exact same location. A surveyor needs to stake it prior to construction. Discussion followed about the enlargement of a nonconforming structure. T. Allingham made a motion to approve the application. S. Branagan seconded. L. Null emphasized that a surveyor will need to put the offsets in and it needs to go back in the exact same location. Unanimous approval.

3. Anderson, Old Town Highway, new single family dwelling and garage. T. Allingham recused himself. E. DeVoe was moved up to voting status. Paul Garlasco presented the application to the commission. He submitted a packet of information to the commission and outlined what it contained. He stated that there is 200' of road frontage on the abandoned portion of Old Town Highway. L. Null discussed the driveway sign off process. The policy is that the selectmen issue driveway permits on approved lots. On new lots once the zoning approval has been given the selectmen will then issue the driveway permit. There was discussion concerning the abandonment of the town road. L. Null will ask R. King and M. Zizka for clarification. S. Branagan made a motion to table the application until next month. E. Terry seconded. Unanimous approval. T. Allingham returned.

Communications, Bills, Reports:

1. ZEO report was distributed to the commission. T. Gilmore made a motion to approve the ZEO. S. Branagan seconded. Unanimous approval.

2. Bills: T. Allingham made a motion to approve R. King's bill for \$286.00. E. Terry seconded. Unanimous approval.

3. By-Laws: Mike Zizka's changes to the By-Laws were reviewed by the commission members.

3. Shanks, 5 Hammond Lane, violation. A letter was sent to Mrs. Shanks reminding her that all the tents need to be removed as soon as the weather cooperates.

Comments on Items not on the Agenda:

Adjournment: T. Allingham made a motion to adjourn. E. Terry seconded. Unanimous approval at 9:25 p.m.

Respectfully submitted,
Lois Carreira, Land Use Coordinator