

LITCHFIELD PLANNING AND ZONING COMMISSION
Town Hall Annex – 80 Doyle Road, Bantam, CT

Minutes of October 1, 2012

1. Chairman, Dr. Susan Lowenthal, called the meeting to order (7:00)

- a. Present were Commissioners, Curt Barrows, Carol Bramley, Susan Lowenthal, Dave Pavlick, Tom Waterhouse, and Alternate Commissioners, Edmund Doyle, Erin Kennedy , Ralph White
- b. Absent: Commissioners: Sky Post, Alternates: None
- c. Also Present: Land Use Administrator Dr. Dennis Tobin
- d. Appointment of alternates: Ed Doyle
- e. Appointment of Acting Secretary; Mr. White was appointed
- f. Approval of Minutes: Motion to approve by Post second by Bramley, vote unanimous, with one correction:
 - i. 4, a, x, 1 should read, "Town engineer to review and approve the design of the paved area.

2. Public Comment: (7:06)

- a. Bob Petricone stated that property owned by the Litchfield Housing Trust is mis-identified on the Office of Public Management's Locational Guide Map (hereinafter, "the State Map"). The property at issue borders that of the Friendship Baptist Church to the northeast. It is colloquially referred to as the "Gagarin Place," and "The Schwartz Property." It should not be, according to Mr. Petricone, "protected," but rather should conform to the "affordable housing" use as per the 2008 map.
- b. Mr. Petricone also noted that the property owned by the Connecticut Junior Republic is similarly mis-identified on the State Map, probably because the West Branch of the Bantam River courses through it. Only the areas around the river should be designated as protected.
- c. Mr. Petricone also noted that the property on the southeast corner of the intersection of Route 202 and Town Farm Road, currently owned by the State, should not be designated as protected on the State Map.

3. Commissioners' Requests (7:33)

- i. None

4. Inter-Municipal Input on OPM Locational Guide Map (7:34)

- a. Dr. Lowenthal read into the record a letter from David Wilson challenging the accuracy of the State Map, principally regarding sewer locations.
- b. Dr. Lowenthal stated that "water resources" and "water conservation areas" are not accurate on the State Map.
- c. Dr. Lowenthal stated that the State Map fails to designate any "Rural Community Centers."
- d. Ms. Bramley noted that the section of the Town Farm property currently designated a "priority development area" is inaccurate and all commissioners concurred that large sections in the northeastern portion of town, along Fern Avenue, along Route 8 and along Route 254 have been misidentified as "priority 1 development areas" (pink) on

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the draft locational guide map some of which are, in fact, designated for conservation or balanced growth.

- e. Ms. Bramley moved, and Mr. Doyle seconded, to inform the Office of Public Management that the Litchfield Planning and Zoning Commission has reviewed the State Map and has received comments from the public, and asks that the discrepancies noted above (2, a, b, c, and 4, a, b, c, d), be remedied. The Commission believes it is likely that there are several more inaccuracies in the State map and that additional scrutiny and correction are required in order to properly identify areas for conservation and development. The Commission will request an extension of 90 days in order to complete its review and provide complete comments to OPM. The affirmative vote was unanimous.
- f. Mr. McGowan suggested that the Commission request the Board of Selectmen officially inform the OPM that it endorses the Commission's motion, above.

5. Proposed Amendment to Zoning Regulations (8:15) Revision to maximum building size for retail buildings – Set review fees and set public hearing.

- a. Michelle Crow, Joan Speer, and Tracey Baker were present to request a downward revision of the \$9,080 review fee quoted by Dr. Tobin. Dr. Lowenthal explained that the fee was set to cover the estimated direct costs which the Commission expects to incur to review the proposed amendment, and that a reduction in the fee could open a challenge of impartiality. The fee was reconfirmed, with a due date of October 5th, and a public hearing set for November 5, contingent upon the receipt of the review fee.

6. Character Committee Update (8:35)

- a. Mr. McGowan was present to respond to the questions referred to him by the Commission. The first matter was the use of "character" as a zoning parameter. His responses follow:
 - i. The term character should be defined but this should not be a daunting task insofar as the Town of Litchfield Plan of Conservation and Development (hereinafter, the Plan), already offers several features which could be adopted, e.g., "scenic landscapes...scenic roads...uninterrupted areas of farm and forest...agricultural landscapes...ridgeline protections...Litchfield's notable gardens."
 - ii. The Plan also incorporates "cultural" features which could be of use in defining character, e.g., Litchfield's unique historical features as a fundamental and shared value of the community.
 - iii. Pages 10, 20, 32, 36, 38, and others in the Plan all refer to Litchfield's distinctive character.
 - iv. The scale of buildings, including their square footage, is absolutely a feature which can be used in defining character.
 - v. If the Commission's sense of character is not fully represented in the current Plan, then the Commission may amend it. In this context Mr. McGowan suggested "limits on impervious surface," and "minimum greenspace requirements."

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- vi. “The Commission has broad discretion, but I’d be more comfortable with a purpose statement and definitions.”
 - b. Mr. McGowan had also been asked by the Commission to evaluate the applicability in Litchfield of the Village District designation, provided for in the Connecticut General Statutes (hereinafter, “CGS”). His advice follows:
 - i. A Village District designation would make a lot of sense for Litchfield. The Village District designation provides communities with extensive conservation defenses.
 - ii. A Village District would be complementary to Litchfield’s existing planning and zoning regulatory regime, an overlay, not a replacement.
 - iii. There are Village District precedents in Branford and Portland
 - iv. The CGS require that the Village District be implemented with professional guidance. A Village District “study” should be adopted into the town’s Plan along the lines of the “Litchfield Design Guidelines,” a copy of which he submitted for the files.
 - v. While the CGS do not specifically preclude the incorporation of an entire township as a Village District, precedents suggest they should be more geographically limited.
 - c. Dr. Lowenthal requested the Character Committee to reconvene and refine its proposals to the Commission in light of Mr. McGowan’s guidance.
7. **Addition to Agenda, Ward Heinrich, 182 East Litchfield Road, Establishment of a Bed and Breakfast (9:10)**
- a. Mr. Waterhouse moved, and Ms. Bramley seconded, to add this item to the agenda. Affirmative vote unanimous.
 - b. Perley Grimes, attorney for the property owner, was present to request a waiver of a site plan.
 - c. Dr. Lowenthal moved the application reception to October 15, when the above request will be considered.
8. **Farm Regulations, Andre Drive Discussion (9:15)**
- a. Gary Giordano was present to continue the discussion of the matter he originally brought to the Commission’s attention at its September 17 meeting. Attorney Perley Grimes was present representing the Giordanos
 - b. The saw milling operation operated as a farm by Jonathan Zwick at 39 Andre Drive, Northfield is a possible violation of several zoning statutes and should either be remediated or subject to a cease and desist order.
 - c. A lengthy discussion ensued during which several salient facts surfaced, including
 - i. Mr. Zwick’s lumber and saw mill farming operation violates the Town’s 50 foot front yard setback regulation for the R80 zone.
 - ii. Mr. Zwick’s activities may have an adverse impact on local property values.
 - iii. Mr. Zwick’s filing for (and approval for) a farm is for his Prospect Mountain property, not his relatives’ Andre Drive property.
 - iv. The farm designation is for tax matters only, and does not supersede the Town of Litchfield’s zoning regulations.

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- v. The permission which Mr. Zwick has received from his grandmother to operate a sawmill in her front yard does not constitute a waiver for the Town's setback requirements.
- d. Mr. Giordano submitted a document said to illustrate the septic system at 39 Andre Drive, and stated that there would be ample room for the sawmill operation in the back yard of the property.
- e. Dr. Lowenthal requested Mr. Zwick to meet with Dr. Tobin to arrange a suitable resolution and to return on October 15th to formalize it.

9. Land Use Administrator Report (9:55) Dr. Tobin

- a. August: 19 Zoning permits issued totaling \$2,175
- b. September: 16 Zoning permits issued totaling \$1,775

10. Old Business (9:59) None

11. New Business (9:59) None

12. Correspondence (10:00)

- a. Dr. Tobin entered into the Commission's files a letter dated October 1st; from the Connecticut Sighting Council regarding Sprint Telecom's request to update the technology on one of its signal towers. Dr. Lowenthal requested Dr. Tobin to respond to the Sighting Council asking for a clarification on the dimensions and appearance off the new equipment.

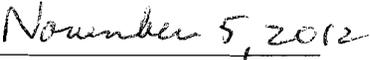
13. Adjournment (10:15)

- a. Motion by Mr. Post, second by Mr. Waterhouse, vote unanimous

Respectfully Submitted,
Ralph White, Acting Secretary



Susan W. Pitman Lowenthal, MD
Chairman



Date