

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

Minutes of September 17, 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, Sky Post, Tom Waterhouse, and Alternate Commissioners, Edmund Doyle, , Ralph White
 - b. Absent: Commissioners: none, Alternates: Erin Kennedy
 - c. Also Present: Land Use Administrator Dr. Dennis Tobin
 - d. Appointment of alternates: None
 - e. Appointment of Acting Secretary; Mr. White was appointed
 - f. Approval of Minutes: Motion to approve by Post second by Bramley, vote unanimous
 - g. Commissioners' Requests
 - i. Mr. Pavlick requests that Character Committee be placed on the agenda below for Old Business, vote unanimous

- 2. Public Comment: (7:00)**
 - a. Gary Giordano was present on behalf of his brother, Domenic Giordano, to present a Land Use Complaint Form for 39 Andre Drive, Northfield, operating a saw mill and constructing outbuildings on an R80 zone.
 - b. Johathan Zwick, the son of the owner of the land was present to rebut the above assertion, saying that he has the right to operate a farm and to conduct farming activities.
 - c. The Commission decided to take up the matter in New Business, below.

- 3. Application Receptions (7:18)**
 - a. 12 Norfolk Road – Forman School – Receive and set public hearing (10-15-12) for special exception(s), site plan for new science building.
 - i. Robert D'Andrea, attorney for Forman School was present to request that the application be placed on the agenda for October 15.

- 4. Public Hearings (7:25)**
 - a. Carriage Lane Associates, Falcons Flight Farm Subdivision – Modification of subdivision approval to pave 1,000 lineal feet of Carriage Lane, currently a gravel drive.
 - i. Michael Ryback, attorney, was present. Dennis McMorrow, civil engineer, was present. Pat Kupp, a property owner was present.
 - ii. Dr. Lowenthal read the legal notice.
 - iii. Mr. Ryback described the evolution of the ownership of Carriage Lane.
 - iv. Mr. McMorrow described the drainage issues and the "proposed conditions." He entered into the file two hydraflow documents, a topographic photo, and two photographs. Another document was entered showing the owners' agreement to the project.

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- v. Ray Oneglia, lot owner spoke in favor of the project.
- vi. Peter Coutromanis was present to speak in favor.
- vii. Dr. Lowenthal asked if there were any present to speak against the proposal and there were none.
- viii. Pat Krupp, owner, spoke in favor of the proposal.
- ix. Mr. Waterhouse moved to vote now, Post seconded, vote unanimous.
- x. Ms. Bramley motioned to approve, with Mr. Post seconding, the application as submitted with three conditions precedent to construction, as follows.
 - 1. Town engineer to review and approve the design of the paved area
 - 2. Topographic map showing property lines and drainage for the entirety of Falcon Flight Subdivision.
 - 3. Homeowners' association agreement addressing the ownership and maintenance of the driveway to be submitted
- xi. Affirmative vote unanimous

5. Addition to Agenda (8:15)

- a. Mr. Barrows motioned to accept, and Mr. Post to second the addition to the agenda of an Application for Amendment to Zoning Regulations signed by Michelle Crow of Plan Litchfield, dated September 13, 2012 proposing a revision in the maximum size of a retail building to 12,000 square feet. Dr. Tobin, upon receipt, asked both Attorney Byrne and Vince McDermott of Malone and McBroom to quote a review fee.
- b. Michelle Crow of Plan Litchfield was present to speak in favor of the application.
- c. Public Hearing to be set at a later date

6. Old Business (8:42)

- a. Character Committee: the Committee requests clarity in a few matters
 - i. Do both Plan of Conservation and Development and the Regulations have to be changed together? Dr. Lowenthal stated that they do not.
 - ii. Dr. Tobin stated that Tom McGowan of McBride and McBroom quoted \$90 to respond to our question regarding. Mr. Byrne quoted \$2,000 to respond to the Committee's questions.
 - iii. Dr. Tobin will ask Mr. McGowan to attend the October 1st meeting of the Commission to respond to the Committee's questions. The referral to Attorney Byrne will be refined once the Commission has the benefit of Mr. McGowan's input.

7. New Business (9:00)

- a. Dr. Lowenthal introduced a letter dated September 18 (sic), 2012 from Richard Lynn of the Litchfield Hills Council of Elected Officials addressing the *Conservation and Development Policies Plan for Connecticut Locational Guide Map*. The State's map is inconsistent with the Town's map in that Litchfield does not show any Priority Development area whereas the State does.

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- i. Mr. Waterhouse motions, and Bramley seconds a motion to inform the State, via Mr. Lynn, that no pink Priority One zone should exist in Litchfield and that it should, in all locations where it exists on the State's maps, be re-designated Balanced Growth. Affirmative vote unanimous, including alternates.
- b. Mr. Waterhouse cites inconsistencies between the sewer requirements in the Plan of Conservation of Development and the Litchfield's Planning and Zoning Map.
- c. The Commission took up the matter (see Public Comment, above) regarding the Land Use Complaint Form for 39 Andre Drive, Northfield, operating a saw mill.
 - i. The discussion was unstructured, with commissioners asking questions and the Applicant and the Owner responding informally with a view to clarifying the general situation. The sawmill operation is to be temporary, until Mr. Zwick relocates to Prospect Mountain Road.
 - ii. The Commission will discuss the matter at its next meeting, October 1st.

8. Correspondence (9:20)

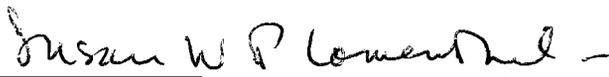
- a. Letter from Harold and Jane Goldbann, dated September 12, 2012, requesting the Commission deny an application for the Mists of Avalon should it be made.
- b. Letter from Sprint to Leo Paul indicating the intention to modify an existing facility to accommodate 4G technology. Dr. Lowenthal opines that, due to the lapse of time since receipt, the Commission may have lost the opportunity to comment.

9. Executive Session (None)

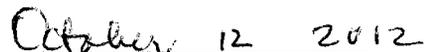
10. Adjournment (9:47)

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

Respectfully Submitted,
Ralph White, Acting Secretary
September 17, 2012



Susan W. Pitman Lowenthal, MD
Chairman



Date