

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex
80 Doyle Road, Bantam, CT
REGULAR MEETING MINUTES
July 6, 2016 7:00 p.m.

Call to Order: Chairman Waterhouse called the regular meeting to order at 7:00 pm.

Members Present: Guy Baldwin, Carol Bramley, Peter Losee, Denise Schlesinger,
Thomas Waterhouse
Members Absent: Abby Conroy, William Conti
Alternate Members Present: Mitchell Samal, Nancy Tarascio-Latour
Also Present: Dennis Tobin, PhD

1. Appointment of Alternates: Mitchell Samal
2. Public Comment: None
3. Commissioners' requests:
 - a. Denise Schlesinger make a motion change the order of new business from item nine to item ten. Carol Bramley seconded. Vote: 6:0, All in Favor.

PUBLIC HEARINGS

4. **East Litchfield Rd. – Parcel A (Map 109, 021A, 04A) – Mikcor, LLC** –Special Exception Two family dwelling (Duplex).

Cori Mirabilio and Mike Mirabilio of Mikcor, LLC., and Dennis McMorrow, Berkshire Engineering & Surveying provided an overview to the Commission. A letter was presented to the Commission. The letter is on file.

The following letters were read:

- a) Litchfield Public Works, Raz Alexe, P.E., Director of Public Works/Town Engineer, Re: Site Development Plan showing proposed Development for Parcels A & B – East Litchfield Road and Route 118, Litchfield, CT. The Memo states The Litchfield Public Works Department is in favor of this development plan. Letter is on file.
- b) Town of Litchfield, Office of the Fire Marshall, Samuel Kinkade, Acting Fire Marshal, Re: East Litchfield Road, Parcel A & B. The memo outlines due to no fire hydrants, all homes in the subdivision shall have a residential sprinkler system installed. Letter is on file.

Public Comments:

- a) Troy Kaiser: An email was sent to Dr. Tobin stating he is strongly opposed to the development.
- b) Harold & Susan Werner: An email was sent to Dr. Tobin stating they have strong objection to granting the special exemption.
- c) Rachele Hodza: Is the survey on file? What is first cut? Please elaborate on: removal of trees, traffic, maintenance of houses and common driveway. Dennis McMorrow spoke single family ownership; common driveway and removal of trees.
- d) Warren Heinrich: Can the house be split into two? Mr. Heinrich sent a letter to the Wetlands Commission. Mr. Heinrich requested a continuance.

- e) Bonnie Perrotti: How many bedrooms, traffic, development of land, apartments will ruin the area. Ms. Perrotti requested a continuance.
- f) Barbara Putman: Is parcel open space or a conservation easement? Cori Mirabilio stated this is a tax open space.
- g) Kristin Gallager: Is this in the regulations? Carol Bramley stated it is. Ms. Gallager is concern with the development in regards to animal life and forest.
- h) Palmer Marrin: A letter was submitted to the Commission. Ms. Marin is not in favor of this exception.
- i) Alex Bonteneff: A letter from Kurt Resch was submitted. Email sent to Dr. Tobin stating he is not in favor of the Special Exception Two Family Dwelling.
- j) Peter Bergamo: Concerned others will be allowed to do this and concerned about wildlife.

2nd Round

- a) Rachelle Hodza: What is to prevent the development of the lot? Is this a conservation or abatement? Concerned about storm-water run-off and wildlife.
- b) Barbara Putman: As a former member of the Commission she stated the history of approving a special exception with all the neighborhood in disagreement was not previously done.
- c) Keith Bensen: What is the basis for an exception? Carol Bramley provided Mr. Bensen her regulations to review.
- d) Amy Fernandez – No comment.

3rd Round

- a) Rachelle Hodza: What is the proposed measure for control of storm water drain off and power service to site?
- b) Dennis McMorrow: Comments: Dates on cards are June 21st; Wetlands permit was approved, full site plan outlines drainage, this is not a apartment, this is a duplex; Torrington Area Health approve (2) two bedrooms and the wildlife corridor would not change if there is this was a single family home, this would be the same. The owners are willing to grant conversation easements. Seth Warner who is on the Land Trust Commission stated there may be an interest.

4th Round

- a) Dr. Heinrich: stated his approved special exception for his bed and breakfast was a mistake.
- b) Petition submitted, July 4, 2016, Re: Public Hearing, Re: Opposing Special Exception.

Carol Bramley made a motion to close the public hearing for East Litchfield Rd., Parcel A (Map 109, 021A, 04A), Mikcor, LLC., Special Exception Two Family Dwelling (Duplex), Denise Schlesinger seconded. Vote: 4:2, (Vote No: Peter Losee, Guy Baldwin).

Carol Bramley made a motion to approve the East Litchfield Rd., Parcel A (Map 109, 021A, 04A), Mikcor, LLC., Special Exception Two Family Dwelling (Duplex) with the following conditions: To retain and conserve as much current habitat in a formal process. Guy Baldwin seconded. Vote: 5:1 – (Vote No: Denise Schlesinger).

5. East Litchfield Rd. – Parcel B (Map 109, 021A, 004) – Mikcor, LLC – Receive and set public hearing for (7/5/16) Special Exception Two family dwelling (Duplex).

Cori Mirabilio and Mike Mirabilio from Mikcor, LLC., and Dennis McMorrow from Berkshire Engineering & Surveying provided an overview to the Commission. A letter was provided to the Commission. The letter is on file. The Mirabilio's are also favorable to conservation of the land. The Commission spoke about the septic system, preserving vegetation and permanent conservation.

Public Comment:

- a) Rachele Hodza: Will the conservation easements be recorded on the land records? – yes as per the Commission. Stone Walls should be natural and not redone.

Carol Bramley made a motion to close the public hearing for East Litchfield Rd. – Parcel B (Map 109, 021A, 004) – Mikcor, LLC – Receive and set public hearing for (7/5/16) Special Exception Two family Dwelling (Duplex). Peter Losee Seconded. Vote: 6:0, all in favor.

Carol Bramley made a motion to approve the East Litchfield Rd. – Parcel B (Map 109, 021A, 004) – Mikcor, LLC – Special Exception Two Family Dwelling (Duplex) with the following conditions: (a) rebuild/maintain stone walls; (2) Current vegetation to remain in place as possible; (3) Permanent easement to be presented and submitted by Berkshire Engineering and Surveying, dated 5/06/16 and as shown inclined by Dennis McMorrow as of 7/5/16; (4) Zoning Permit is not be issued until the map shows the language for the conversation easement in place. Peter Losee seconded. Vote: 5:1, (Vote No: Denise Schlesinger).

6. Approval of Minutes of June 20, 2016

Denise Schlesinger made a motion to approve the minutes of May 2, 2016 as corrected. Peter Losee seconded. Vote: 6:0, all in Favor.

- a. From: Ayes: Denise, Schlesinger to Denise Schlesinger.
- b. From: following corrections below to following corrections below:

7. Permits, Enforcement, Budge, Office.

- a. Land Use Complaint Form, June 3, 2016. Re: Northfield Preserve Land Trust, 58 McBride Road, Litchfield, CT., Re: Mr. Stack is in violation of the un-appealed Town of Litchfield Cease and Desist Order, Violation #15-1, Dated January 12, 2015, because he is continuing to use the property as a gun club-shooting range.

Carol Bramley made a motion to invite Mr. Stack and Bill Dearing to appear at the July 18, 2016 Meeting. Peter Losse seconded. Vote: 6:0. All in approval.

Carol Bramley made a motion to allocate up to \$1,000.00 for Attorney Steve Byrne to draft language for an injunction for Northfield Preserve Land Trust. Peter Losee seconded. Vote: 6:0, all in favor.

8. Old Business: Regional Transportation Coordinator. Meetings take place on the 5th Thursday's of the month.

9. Possible Executive Session to discuss pending litigation: None

10. New Business None

11. Correspondence None

Carol Bramley made a motion to close the meeting. Guy Baldwin seconded. Vote of 6:0, all in approval.

Meeting ended at 9:32 pm.

Respectfully Submitted,

Nancy Latour, Recording Secretary
Recording Date 07/05/16

Thomas Waterhouse, Chairman
Date 07/ /16