

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

**Minutes of November 5, 2012**

- 1. Chairman, Dr. Susan Lowenthal, called the meeting to order (7:02)**
  - 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: Mr. White
  - e. Appointment of Acting Secretary; Mr. White was appointed
  - f. Approval of October 15 Minutes: Motion to approve by Mr. Waterhouse second by Ms. Bramley, vote unanimous
  
- 2. Public Comment: (7:05)**
  - a. None
  
- 3. Commissioners' Requests (7:06)**
  - a. Patricia McTague introduced herself as a candidate for a position on the Design Review Advisory Committee, chaired by Jeff Savage. Ms. Bramley spoke in favor of Ms. McTague's candidacy. Motion to appoint Ms. McTague by Mr. Barrows, second by Mr. Pavlick. Affirmative vote unanimous.
  
- 4. Land Use Administrator Report (7:12)**
  - a. Zoning permit fees totaled \$5,295 for October 2012
  - b. Planning and Zoning expenses, year to date November 5, 2012 total \$8,475, which is 25% of the annual budget.
  - c. A few signage violations have been remedied.
  - d. Four Cease and Desist orders were issued.
  
- 5. Review and Adopt 2013 Meeting Dates (7:18)**
  - a. Lisa Losee's November 30 memo proposing meeting dates was entered into the file
  - b. Motion to accept by Mr. Pavlick, second by Ms. Bramley, affirmative vote unanimous
  
- 6. Character Committee Report (7:19)**
  - a. Mr White presented conclusions from his research, principally that a Village District was untenable for Litchfield, based principally on redundancy with the Historic District. Mr. White also noted that the Town of Prospect, CT, had amended its zoning regulations to incorporate square footage caps in business zones.
  - b. Dr. Lowenthal, noting the availability of funds in the budget, asked the Committee to meet with town planner, Tom McGowan, to develop Zoning Regulation amendments to make more actionable the character protections already contained both the Plan of Conservation and Development, and the Zoning Regulations.

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- c. A motion authorizing the Committee to expend funds to engage Mr. McGowan was made by Bramley, seconded by Barrows. The affirmative vote carried with Mr. Waterhouse voting in opposition.

**7. Old Business (7:45)**

- a. 39 Andre Drive, Northfield
  - i. Dr. Tobin issued several cease and desist orders in this matter, as follows. Non-compliant: carport: Giordano. Non-compliant carport: Zwick. Non-compliant shed: Zwick. Non compliant chicken coop: Zwick.
  - ii. Dr. Lowenthal read into the record a November 5 letter from Attorney Byrne to Dr. Tobin titled Operation of Sawmill – Possible Enforcement. The conclusion of Attorney Byrne was as follows:
    - 1. *In conclusion, because this activity is not a permitted farm use and no special exception has been approved, it is in violation of the regulations and a cease and desist order could be issued by the land use officer per Article X, Section 5, of the Regulations.*
  - iii. Dr. Tobin summarized a conversation he had with Attorney Byrne regarding enforcement of the order referred to in ii, above.
  - iv. Dr. Lowenthal gave Mr. Zwick until the end of December to either remove the sawmill or apply for a special exception.
  - v. Mr. Giordano submitted materials said to contain enforcement precedents for similar unauthorized activities.

**8. New Business (8:07)**

- a. None

**9. Correspondence (8:09)**

- a. Dr. Lowenthal read into the record a November 5 letter from Michelle Crowe, et. al., of PLAN Litchfield. Although they have withdrawn their petition, they are still interested in a retail square footage limit for retail businesses, and would welcome other creative solutions. Dr. Lowenthal noted progress made by the Character Committee as evidence of the Commission's responsiveness to the community in this matter.
- b. Dr. Lowenthal read a Siting Council letter regarding a Sprint tower. They have not responded to the Commission's earlier request for additional information regarding the anticipated design changes.

**10. Executive Session (8:13)**

- a. None

**11. Adjournment (8:13)**

- a. Motion by Mr. Barrows, second by Mr. Pavlick, vote unanimous

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Respectfully Submitted,  
Ralph White, Acting Secretary  
November 5, 2012

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Susan W. Pitman Lowenthal, MD  
Chairman

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Date