

Minutes of the Character Committee
November 8, 2012
Litchfield Community Center

1. Chairman, Ralph White, called the meeting to order (7:06)
 - a. Present, additionally, were Erin Kennedy and Peter Losee
 - b. The minutes of September 6, 2012 were approved by the motion of Ms. Kennedy and second by Mr. Losee, affirmative vote unanimous.
 - c. Mr. White volunteered to take the minutes of the meeting.
2. Correspondence (7:08)
 - a. Mr. White introduced his November 8 Memo to the Members of the Character Committee suggesting topics for a working session with Town Planner, Tom McGowan. Incorporated into minutes by reference.
3. Discussion of a future working meeting with Mr. McGowan regarding adding character amendments to the Planning and Zoning Regulations (7:09)
 - a. The members of the Character Committee were unanimous in their view that the Commission has delegated authority to the Committee to engage Mr. McGowan for a working session on character and that sufficient funds remain in the Commission's budget for this purpose.
 - b. Mr. Losee asked that the original Character Resolution (from the Committee's seminal May 17 meeting) be submitted to Mr. McGowan after editing out the verb "shall."
 - i. The original Character Resolution read as follows: *The Commission shall be guided by a preservationist ethic and shall adopt no resolution which would materially detract from Litchfield's rural and historic character.*
 - ii. The edited version which the Committee now offers for Mr. McGowan's consideration would read, *The Commission's preservationist ethic will normally result in its approval of applications which respect Litchfield's historic and rural character and in its declining applications which detract from that character.*
 - iii. The Committee also asks that Mr. McGowan opine as to whether this phraseology belongs in the preamble, definitions, regulations, or elsewhere in the Zoning Regulations. The Committee draws to Mr. McGowan's attention that Litchfield's "historic and rural character" is referred to in numerous places and contexts in both the Plan of Conservation and Development and the Zoning Regulations.
 - c. Mr. White, referring to the memo introduced in Paragraph 2, above, suggested some additional topics for Mr. McGowan's consideration.
 - i. Does the "purpose" paragraph for the B-202 Zone on page 14 of the Zoning Regulations enable the Commission to decline an application solely on the grounds of non-compliance with that

purpose? If so, what precedents exist which might provide the Commission with comfort and confidence? For Mr. McGowan's ready reference, the B-202 "purpose paragraph" reads as follows: *The purpose of this zone is to provide locations for a variety of business, retail, personal service uses and other uses **in a manner that maintains the rural and historic character of the community**, permits safe flow of through traffic and manages conflict between business use traffic and local residential vehicular and pedestrian traffic.* (Emphasis added)

- ii. Does Mr. McGowan consider it advisable to add a definition of character to Article II, Section 2, Definitions, in order to support the Commission in declining applications which detract from Litchfield's character? If so, would he care to assist in crafting such a definition?
 - iii. Recognizing that other towns in Connecticut have implemented square footage caps in business zones, could such regulations be adopted by Litchfield in its pursuit of character preservation?
 1. Is an absolute limit on business property area administratively viable, e.g., the 12 thousand square feet as recently proposed by a citizen's group?
 2. The Committee would like Mr. McGowan's views on a cap formulation offered by Mr. White, as follows: First, determine the average (arithmetic mean) square footage of businesses currently operating in the B-202 zone. Then write a regulation which states that any new construction or renovation exceeding that average would be dealt with as a special exception? Such a regulation would promote small businesses and create a hurdle for larger ones. With such a regulation any new business which would reduce the town's average retail space, thereby maintaining the town's distinctive small business character, would have a leg up on approval. Larger ones, which tend to detract from Litchfield's character, would not be prohibited (as they would be if an absolute square footage cap were in place) but would be subject to consideration as a special exception in a public hearing.
 - d. The Committee would be all ears to any constructive ideas which Mr. McGowan might care to offer which would facilitate the Commission's mandate to preserve Litchfield's distinctive historic and rural character.
4. Adjournment (7:59)

- a. Motion by Ms. Kennedy, second by Mr. Losee, affirmative vote unanimous.

Respectfully Submitted
Ralph White
November 9, 2012