

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex – 80 Doyle Road, Bantam, CT

REGULAR MEETING MINUTES

April 7, 2014 7:00 p.m.

Chairman Thomas Waterhouse called the meeting to order at 7:00 p.m.

Present: Commissioners Susan Lowenthal, Curtis Barrows, Carol Bramley, Peter Losee, David Pavlick and Tom Waterhouse. Alternate Commissioner Denise Schlesinger and Land Use Administrator Dr. Dennis Tobin.

Absent: Commissioner Ed Doyle, Alternate Commissioners Ralph White and William Conti.

Appointment of Alternates: Chairman Waterhouse appointed D. Schlesinger for E. Doyle.

Approval of Minutes of March 17, 2014

Edits to the minutes were made as follows: D. Pavlick recused himself for the next application and left the room; D. Pavlick reentered the room and was reseated. P. Losee moved, C. Barrows seconded a motion to approve the minutes as edited. The motion carried unanimously with C. Bramley abstaining as she was not present at the meeting.

Public Comment: Chairman Waterhouse stated comments should be on items not on the agenda.

1. Jonathan Zwick stated he had been before the commission previously regarding two properties he owns at 321 Prospect Mountain Road and 39 Andre Drive and requested clarification to the following questions related to activities for personal use:

Can a portable sawmill be used on ones' own private property?

How much wood can be stored?

What are the setbacks for the storage of firewood (12 – 16 cords)?

He submitted a sheet of his comments and Atty. Byrne's letter of November 2012 regarding the commercial operation of his Wood Miser portable sawmill in an R-80 Residential zone. Police appeared at Andre Drive in October and Prospect Mountain in November after complaints by neighbors of a nuisance. He stopped the activities but now wishes clarification as to whether the activity is permitted for personal use only. Chairman Waterhouse stated the matter will be scheduled on the commission's 4/21/14 agenda.

2. Dennie Williams commented on the zoning amendment proposal and whether the Commission should consider the application if it involves Stop & Shop. Chairman Waterhouse stated there could be no discussion as to Stop & Shop since the matter is in litigation. Mr. Williams insisted it is a Stop & Shop issue as the application was submitted by Mr. Greenberg. Chairman Waterhouse stated Mr. Williams needed to cease his comments due to the commissions inability to discuss pending litigation.

Commissioners' requests: None

Public Hearing.

Amendment to Zoning Regulations – Article II, Section 2 Definitions – Parking Space, Article VI, Section 1(f) –Parking for Retail Stores and Personal Service Shop.

Chairman Waterhouse opened the public hearing at 7:23 p.m. and read the legal notice into the record.

T. J. Donahue, attorney for the applicant and John Hessian, engineer were present to explain the application. Atty Donahue stated the purpose of the proposed changes to the parking regulations is to clarify the size of a space and the allocation of the number of spaces required based on the square footage of a building. He commented that handicap spaces in town may be 300 sq. ft., but many spaces are not. He referenced the Malone & McBroom memo to the commission dated 3/17/14 as acknowledging Litchfield's parking standards are not consistent with todays accepted standards per *The Dimensions of Parking*, Fifth Edition (2010). He also noted that notice of the proposed changes sent to the Northwest Council of Governments and the Central Naugatuck Valley Council of Governments resulted in no comment and therefore no impact.

J. Hessian, EBI Consulting, stated they had taken into consideration the "Northwest Connecticut Parking Study" phases I and II compiled by Fitzgerald & Halliday, 2002 and 2003 as well as the documents referenced in the Malone

and McBroom memo. He stated the number of spaces required in Litchfield's regulations of 8/1000sq.ft. as excessive for today's standards, with 6/1000 more appropriate for buildings under 10,000sq.ft. size and 4.5/1000 for buildings over 10,000sq.ft. He also stated they had eliminated 3/1000sq.ft. on the second floor since retail space is retail and it shouldn't matter where the space is located. In response to questions from the commission, it was stated that Litchfield's regulations are ambiguous and can be interpreted in different ways. Copies of the Fitzgerald & Halliday Phase I and II were submitted for the record and it was stated the proposal is consistent with the Malone & McBroom comments.

Dr. Lowenthal questioned the language of the application eliminating the word "commercial" as it relates to the uses applied to the proposed new standards. D. Pavlick commented he had looked at several parking areas around town, including Village Green, CVS, the existing Stop & Shop, and town hall, with the range of sizes not less than 9.5 in width and 19 in length.

D. Williams wanted to know how many additional parking spaces would be created for Stop & Shop if the zoning amendment were to be approved. Chairman Waterhouse stated Stop & Shop couldn't be discussed due to pending litigation.

Atty Franklin Pilicy, representing Plan Litchfield, stated the group is opposed to the zoning amendment due to the fact the existing regulations are subject to the pending appeal with regard to the size and number of spaces. He noted the commission is in the process of reviewing all its regulations and requested the entire Stop & Shop record be part of this hearing. He also stated the Malone & McBroom memo was not supporting the regulation. With the Stop & Shop record sealed due to the appeal, if the amendment were to be approved, it should not apply to the Stop & Shop application because it is in litigation. He further stated Commissioner C. Bramley should recuse herself from this application due to Bosson Optical leasing space from the Preservation Trust. He asked C, Bramley if she was going to recuse herself and she responded that she felt there was no basis for recusal.

Michele Crowe, Plan Litchfield, read a letter into the record in opposition to the proposed amendment. Atty. Pilicy requested the Malone & McBroom memo be read into the record. S. Lowenthal read the memo.

Maria Fowler stated based on her experience dealing with parking lots and spaces in Litchfield and in New York that she is opposed to making any changes to the regulations at this time.

Barbara Putnam recommended the commission take its time with revisions to parking regulations as stated in the Malone & McBroom memo.

Elaine Witherspoon questioned whether all other parking in town would be affected if this proposal is approved. Chairman Waterhouse stated it would apply to the whole town..

Atty Donahue submitted page 16 of Phase II of the Fitzgerald & Halliday report.

C. Barrows moved and P. Losee seconded a motion to close the public hearing at 8:15 p.m. All voted in the affirmative, except S. Lowenthal who voted no.

Motion to deny the application was made by T. Waterhouse, seconded by P. Losee. Discussion followed. D. Pavlick commented he didn't see how the first part of the application impacts the second. C. Bramley, P Losee and S. Lowenthal commented the revisions to the parking regulations need to be evaluated in depth, the regulations are complex and should be addressed in a comprehensive way, not piecemeal. D. Schlessinger stated the regulations need to be address thinks the ratio of spaces to square footage has merit.

Chairman Waterhouse called for a vote, stating an affirmative vote signified denial. D. Pavlick - yes, C. Barrows - yes, C. Bramley - yes, S. Lowenthal - yes, P. Losee - yes, D. Schlessinger - yes, and T. Waterhouse - yes. The application was unanimously denied.

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5. Amendment to Zoning Regulations – P. Losee moved and C. Barrows seconded a motion to defer the discussion of Article II – Definitions to the next workshop meeting 5/5/14. The motion carried unanimously.

Old Business: None

New Business: Zwick matter to be taken up as new business on 4/21/14.

Correspondence: None

Possible Executive Session to discuss pending litigation.

A motion to go into executive session was made at 8:31p.m. by C. Barrows, seconded D. Pavlick and unanimously carried. Present all commissioners and Dr. Tobin. C. Bramley moved, D. Schlessinger seconded a motion unanimously to come out of executive session at 8:45 p.m.

Adjournment: Motion to adjourn at 8:46 p.m. was made by P. Losee, seconded D. Pavlick and unanimously carried.



Thomas Waterhouse
Chairman

Date: 4/21/14