

LITCHFIELD PLANNING AND ZONING COMMISSION
Town Hall Annex – 80 Doyle Road, Bantam, CT
November 21, 2011, 7:00 P.M.
MINUTES

Vice Chairman Lowenthal called the meeting to order at 7:00 p.m.

Present were members Curt Barrows, Carol Bramley, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse; Alternates Edmund Doyle and Ralph White. Peter Losee arrived at 7:03 P.M.

Absent: Alternate Erin Kennedy.

Also present was Land Use Administrator Dr. Dennis Tobin.

Public Comment – No members of the public spoke.

Appointment of Alternates – No alternates needed to be appointed.

Approval of Minutes of October 17, 2011.

Motion: Sky Post moved to adopt the minutes as written.

Second: Tom Waterhouse.

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse

Voting against: none

Motion carried: 7-0

Commissioners Requests – Dr. Lowenthal requested the commissioners introduce themselves and state the length of time each has resided in Litchfield.

PUBLIC HEARINGS/CONSIDERATIONS

Smith (Village Wine Cellar) 189 West St. 10/21/11

Expansion of Special Exception retail store.

a. Open Public Hearing

Vice Chairman Lowenthal opened the continued hearing at 7:12 p.m. and read the public notice into the record. Peter Carpenter was present for the application. Dr. Lowenthal read the letter from Richard Derwin, adjacent property owner, into the record stating no objection to the application. No one was present to speak for or against the application. The hearing was closed at 7:15 p.m.

b. Consider

Motion: Curt Barrows moved to approve the application as submitted.

Second: David Pavlick

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Abstentions: None

Motion carried: 7-0

Champagne – 521 South Plains Rd. 11/21/11

Special Exception Accessory Apartment (Article V, Section 1)

a. Open Public Hearing

Vice Chairman Lowenthal opened the public hearing at 7:15 p.m. and read the public notice published 11/7/11 and 11/17/11 into the record. Applicant, Pierre Champagne, submitted the certified mail receipts for the file. TAHD septic approval present in the file. Photographs and the site plan were reviewed by commission members. The apartment is located on the second floor of a barn on the property. The apartment is 805 sq.ft., the house 2,400 sq.ft. and represents 33.5% of the area of the principal residence on the property.

Public Comment

Rachel Carley, abutting property owner commented in opposition to the application based on noise generated on the property. The applicant responded that he would address the noise issue with the family member responsible for the problem. Vice Chairman read Article V, Section 1 of the regulations into the record. The hearing was closed at 7:45 p.m.

Consider

It was stated all permits were in order and screening had been added for parking.

Motion: David Pavlick moved to approve the application for an accessory apartment at 521 South Plains Rd.

Second: Sky Post

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Application Receptions

8-24 Application – Plumb Hill Rd. – Reconstruction of two tennis courts.

No one was present from the town.

Motion: Curt Barrows moved a favorable approval of the reconstruction of the Plumb Hill tennis courts.

Second: Sky Post

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Hannah's Catering

239 West St.

11/21/11

Minor modification to special exception use to sell beverages.

Margaret Jacobs was present to request her business be able to sell hot and cold beverages which had not been included in her original special permit in 2008 when she opened her business in Litchfield.

Motion: Curt Barrows moved to reword the conditions of approval to allow Hannah's to sell hot and cold beverages, with no tables for seating.

Second: Sky Post

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Review of Bylaws – Vice Chairman Lowenthal reviewed Article V of the Bylaws, reading the responsibilities of the officers, noting the next regular meeting of the commission, December 5, 2011 the election of officers will occur. Any regular member not present will need to provide his/her proxy. There was discussion as to the responsibilities of the secretary.

Approval of 2012 meeting dates

Motion: David Pavlick moved to approve the 11/30/11 memorandum of meeting dates.

Second: Sky Post

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Old Business – None

New Business – None

Correspondence – Notice of Siting Council hearing 11/9/11; letter from Kay Carroll to Lee Losee, Borough of Litchfield Warden regarding the Farmers Market; e-mail correspondence from B. Putnam to Selectmen with Selectman response to P&Z commissioners.

Possible Executive Session to discuss pending litigation

Motion: David Pavlick moved the commission, including Land Use Administrator Dennis Tobin, go into executive session to discuss Springfield Dev at 8:30 p.m.

Second: Curt Barrows

Voting in favor: : Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Motion: Sky Post moved to come out of execution session at 8:56 p.m.

Second: Tom Waterhouse

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Motion: Sky Post moved the following:

I hereby move that this Commission agree to settle the case of Springfield Development Inc. v. Planning and Zoning Commission of the Town of Litchfield, Docket Number CV-10-6003135 pursuant to the following terms and conditions:

1. Springfield Development shall pay the Commission's legal fees incurred in defending this appeal, up to \$9,000.00 within 30 days of the resolution of this appeal and
2. There is to be no work at the site until a bond is posted with the Commission, with the term 'work' to include work on partially completed units and
3. The bond can take the form of a letter of credit which will be subject to review and acceptance by the Commission's attorney and
4. The site plan which is the subject of this appeal is valid for 9 years and
5. That the above time period commences from the date of the resolution of this appeal and
6. That the site plan approval and associated permit is transferable to the new owner of the property which is subject to the approval.
7. That Attorney Steven E. Byrne is authorized to act on the Commission's behalf at any hearing at Litchfield Superior Court in order to put into effect this motion and settle the appeal.

Second: Tom Waterhouse

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Voting against: None

Motion carried: 7-0

Adjournment:

Motion: Sky Post to adjourn at 9:02 p.m.

Second: Curt Barrows

Voting in favor: Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post, Susan Lowenthal and Tom Waterhouse.

Motion carried: 7-0

For the Planning and Zoning Commission

Date

DRAFT