

# LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex – 80 Doyle Road, Bantam, CT

## Draft Minutes of July 16, 2012

1. **Chairman, Susan Lowenthal, called the meeting to order (7:01 p.m.)**
  - a. Present were Commissioners Susan Lowenthal, Curt Barrows, Carol Bramley, Peter Losee(7:03), Dave Pavlick, Sky Post, Tom Waterhouse, and Alternate Commissioners Edmund Doyle, Erin Kennedy, Ralph White
  - b. Absent: Commissioners:, none, Alternates: none
  - c. Also Present: Land Use Administrator Dr. Dennis Tobin
2. **Appointment of Acting Secretary:** Dr. Lowenthal appointed Mr. White (7:02), vote unanimous
3. **Public Comment:** (7:02)
  - a. None
4. **Appointment of Alternates:** (7:02)
  - a. Dr. Lowenthal appointed Ms. Kennedy but replaced her with Mr. Losee upon his arrival at 7:03.
5. **Approval of Minutes of June 18, 2012 (7:04)**
  - a. Motion by Mr. Post, second by Ms. Bramley, with the following correction
    - i. The adjournment paragraph (12) should refer to “8, z, above” rather than “8, y, above.”
  - b. Affirmative vote unanimous
6. **Commissioner’s Requests (7:10)**
  - a. None
7. **Application Receptions (7:10)**
  - a. Carriage Lane – Carriage Lane Associates, Falcons Flight Farm Subdivision – Modification of subdivision approval to pave 1,000 lineal feet of gravel drive
    - i. Attorney Michael Ryback, representing the applicant, was present. Dennis McMorrow, engineer, was present. Ken Kupp, owner of one of the lots was present.
    - ii. Mr. McMorrow made a presentation, stating, *inter alia*, that neighbors no longer objected to the paving of the driveway. Ms. Bramley pointed out that paving was deleted from the original site plans on environmental grounds as well as neighbors’ objections, and that those grounds might still be valid.
    - iii. A Public Hearing was scheduled for September 17<sup>th</sup> since Mr. Ryback will not be available on August 20.
    - iv. Mr. Kupp expressed his disagreement at the need for a hearing.
  - b. 6645 Federal Square Realty, LLC – Village Green Drive – Site Plan modification for demolition of two existing buildings and construction of a new building and associated site improvements. Public Hearing set for August 20, 2012, at Town Hall Annex, Gymnasium (Bantam)

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- i. TJ Donahue, Jr. attorney representing the applicant, was present. Also present were Ray Gradwell and Jennifer Usher, of BL Companies, who briefly introduced the application. Mr. Donahue's firm is Killian & Donahue, 363 Main Street, Hartford, (860) 560-1977, cell: (860) 916-5966, email: tj@kdjlaw.com
- ii. A 24 page site plan was entered into the file, titled "Proposed Retail Development, Stop & Shop Supermarket Co."
- iii. Mr. Gradwell and Ms. Usher are from BL Companies, an engineering firm located at 355 Research Parkway, Meriden, (203) 630-1406. Mr. Gradwell made a brief presentation including, *inter alia*, an artist's rendering of the proposed project and a diagram showing the location of the aquifer.
- iv. Mr. Gradwell entered into the file a July 3 letter to Dr. Tobin explaining that no regulated activities are proposed within an aquifer protection area. Attached to the letter was "Appendix H," titled, "Operations and Maintenance Plan, Proposed Retail Development, Stop & Shop. Also attached was a checklist titled "Determining Regulatory Status in Aquifer Protection Areas.
- v. Discussion ensued whether a special exception application was also required for this project in view of several existing restaurants within Federal Square which have been granted special exception approvals by the Litchfield Planning and Zoning Commission". This will be discussed with Litchfield P+Z's attorney, S Byrne.
- vi. A \$10,000 application review fee was set by the Commission
- c. 6645 Federal Square Realty, LLC – Village Green Drive. Application received for Aquifer Protection Agency review.

### 8. Public Hearings (7:39)

- a. Torrington Road (Map 145, 021, 10F) – LaPlaca Oil and Propane – Special Exception, Business and Professional Offices (with hazardous materials) Article VIII and Article IX. Application received June 18, 2012. Public Hearing opened June 18, 2012. Public Hearing continued to July 16, 2012. (7:39)
  - i. Attorney Peter Herbst representing the applicant responded to several questions from the Commission.
  - ii. John Pekora, part owner of neighboring Toll Gate Inn, was present to speak against the application and submitted a letter from Mark Godensteiner, a certified appraiser, along with Mr. Godensteiner's qualifications. The Godensteiner letter challenges the applicant's contention that property values would not be adversely affected by the proposed project.
  - iii. Joseph Oskwarek, a neighbor, was present to speak against the application.
  - iv. Dr. Lowenthal read into the file a July 13 letter from Dr. Tobin stating that the Litchfield Inland Wetlands Commission declined the applicant's simultaneous application.
  - v. Mr. Herbst requested an extension of the Public Hearing, and submitted a letter to that effect.
  - vi. Dr. Lowenthal read a July 16 letter from Attorney Stephen Byrne, representing the Commission, stating, *inter alia*, that if the bulk storage of

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propane is to be the primary use of the property, and if propane is deemed a “petroleum product,” then Litchfield’s zoning regulations would prohibit such use of the property in the B202 zone. Additionally, if the primary use of the property is deemed to be a “transshipment center,” the regulations would similarly prohibit such use in the B202 zone. To document that propane is a “petroleum product,” pursuant to the regulations, Dr. Lowenthal entered into the file two documents printed out from Wikipedia, as follows:

1. The definition of Propane
2. The definition of Liquefied Petroleum Gas
- vii. Mr. Waterhouse moved and Mr. Post seconded the extension of the hearing for up to sixty-five days, with a continuance to August 20, vote unanimous.
- viii. Mr. Oskwarek again raised issues in opposition.
- ix. Mr. Pekora again raised issues in opposition.

**9. Old Business:** None (8:13)

**10. New Business:** None (8:13)

**11. Executive Session:** (opened 8:16; closed 8:19)

**12. Adjournment** (8:19)

- a. Motion by Post, second by Pavlick, vote unanimous

Respectfully Submitted,  
Ralph White, Acting Secretary  
July 16, 2012

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Susan W. Pitman Lowenthal, MD  
Chairman

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Date