

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

Draft Minutes of June 18, 2012

- 1. Chairman, Susan Lowenthal, called the meeting to order (7:01 p.m.)**
 - a. Present were Commissioners Susan Lowenthal, Curt Barrows, Carol Bramley, Sky Post, Tom Waterhouse, Dave Pavlick (7:26), Peter Losee (7:35), 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:** Lowenthal appointed White (7:02), vote unanimous

- 3. Public Comment: (7:03)**
 - a. Joseph Manes asked that the public hearing be conducted efficiently in order to finish at a reasonable hour.

- 4. Appointment of Alternates:**
 - a. Erin Kennedy, seated from 7:03 to 7:35 (when Mr. Losee arrived)
 - b. Ed Doyle, seated from 7:03 to 7:26 (when Mr. Pavlick arrived)

- 5. Approval of Minutes of May 7, 2012 (7:05)**
 - a. Motion by Bramley, Second by Barrows, affirmative vote 5-0-2, with Kennedy and Lowenthal abstaining.

- 6. Commissioner's Requests (7:06)**
 - a. Lowenthal reads White email. Discussion postponed until Public Hearing, 8, d, below.

- 7. Applications (7:07)**
 - a. 555 Torrington Road – Ryle – Minor site plan modification of previously approved Special Exception
 - i. Mr. Joseph Ryle was present
 - ii. Motion to approve by Bramley, seconded by Post, affirmative vote unanimous.
 - iii. Zoning permit to be obtained

- 8. Public Hearings (7:36)**
 - 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. New application received May 31, 2012. Public Hearing opened June 18, 2012 (7:36)
 - b. Motion to waive fees on replacement application by Bramley, second by Barrows, affirmative vote unanimous

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- c. Lowenthal asked if anyone in the audience would like to have the entire presentation of the May 7 meeting repeated. There was an affirmative response and Lowenthal asked the LaPlaca team to repeat its presentations.
- d. Lowenthal read White email, which will be placed in the file. The email dealt with Mr. LaPlaca's phoning him. Lowenthal questioned White about the call. Mr. LaPlaca spoke to explain himself. As a consequence of Mr. LaPlaca's "inappropriate *ex parte* contact," (Lowenthal quote), White recused himself.
- e. The following correspondence list was read by White and entered into the file, motion Pavlick, second Post, vote unanimous. NB, documents xliii through liii, listed below in italics, were entered into the file in the course of this (6-18-12) session, and thus not subject to the aforementioned vote.
 - i. 5-23-2012: Morrissey Consulting, Powerpoint, Michael Morrissey
 - ii. 5-21-2012: Joseph Manes, Accident Report
 - iii. 4-30-2012: TNT email from Joseph Manes
 - iv. 5-21-2012: Rivers Alliance letter, Margaret Minor
 - v. 5-21-2012: Housatonic Valley Association letter, Elaine LaBella
 - vi. 5-9-2012: Oles and Jerram, valuation impact letter, Arthur Oles
 - vii. 5-12-2012: LPG Gas Code, Margaret Minor
 - viii. 5-12-2012: Hydrography Polygon, Margaret Minor
 - ix. 5-12-2012: DOT Field Map, Ken Hrica
 - x. 5-21-2012: Chance Helical Pier System flyer
 - xi. 5-20-2012: Michael Morrissey email
 - xii. 5-18-2012: Marty Connor email
 - xiii. 5-18-2012: Kim Barbieri email
 - xiv. 5-18-2012: Chuck Bezio email (1)
 - xv. 5-18-2012: Chuck Bezio email (2)
 - xvi. 5-9-2012: Northwest Conservation District letter, Sean Hayden
 - xvii. 5-20-2012: Chuck Bezio email (3)
 - xviii. 5-9-2012: Chuck Bezio letter
 - xix. 5-12-2012: Petition against the application
 - xx. 5-21-2012: Linda Frankel, letter
 - xxi. 5-21-2012: Joe Oskwarek letter
 - xxii. 5-21-2012; Mike Doerr, letter
 - xxiii. 5-21-2012: Land Survey, Ken Hrica
 - xxiv. 6-12-2012: New Application, LaPlaca Oil and Propane
 - xxv. 6-1-2012: Herbst and Herbst letter, Peter Herbst
 - xxvi. 5-24-2012: Steve Byrne, letter
 - xxvii. 5-24-2012: Steve Byrne email
 - xxviii. 6-11-2012: Susan Lowenthal email
 - xxix. 5-21-2012: Public hearing transcripts
 - xxx. 6-4-2012: Susan Lowenthal email (2)
 - xxxi. 6-14-2012: Referral to Fire Marshal

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- xxxii. 6-12-2012: CT DOT letter
- xxxiii. 6-8-2012: Hrica letter (1)
- xxxiv. 6-8-2012: Hrica letter (2)
- xxxv. 6-8-2012: Hrica letter (3)
- xxxvi. 6-8-2012: Hrica drainage calculation report
- xxxvii. 6-8-2012: Lightning brochure
- xxxviii. 6-8-2012: Hrica sediment and erosion control report
- xxxix. Hrica revised site plan
 - xl. 5-25-2012: Milone and MacBroom letter, Vince McDermott
 - xli. 6-18 Petition against (2)
 - xlii. *The audio tape of the prior presentation was included pursuant to Attorney Herbst's request.*
 - xliii. *Elevational Drawing, Ken Hrica, titled LaPlaca Oil and Propane, Site Perspective from Rt. 202.*
 - xliv. *6-15-12 letter from Milone and MacBroom, signed by McDermott and Burnham*
 - xlv. *6-7-12 letter from Dr. Clarence Welti*
 - xlvi. *6-14-12 letter from Dr. Clarence Welti*
 - xlvii. *6-15-12 Fire Safety Analysis, also called Fire Safety Report, presented by Dr. Lavengood*
 - xlviii. *Undated diagram titled "Pneumatic Valve System" introduced by Dr. Lavengood*
 - xlix. *6-18-12 letter from Alicia Pecora, owner of the Toll Gate Inn*
 - I. *6-18-12 letter from the Rivers Alliance, Sean Hutton*
 - li. *6-18-12 email from Denada Markaj submitted by Byron Rondos, owner of DaCapo's Restaurant*
 - lii. *Petition against (#3), submitted by Damien Oskwarek, neighbor and owner of Tail Waggers, said to include 130 signatures of neighbors*
 - liii. *Two newspaper articles submitted by Joseph Manes, said to report two recent traffic accidents on Rt 202 near the proposed site*
- f. Attorney Peter Herbst was present and asked that the audio tape of the prior presentation be included. Motion to do so by Bramley, second by Post, vote unanimous.
- g. Lowenthal requests a physical model of the property. Subsequently withdraws the request.
- h. Ken Hrica was present with a presentation, including a new elevational drawing labeled "LaPlaca Oil and Propane, Site Perspective from Rt. 202." Mr. Hrica also introduced a June 15 letter from Milone and MacBroom, signed by McDermott and Burnham. Also introduced was a June 7 letter from Dr. Clarence Welti. Also presented was a June 14 letter from Dr. Clarence Welti.

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- i. Vince McDermott, of Milone and MacBroom, was present to comment on the Welti letters.
- j. Michael Morrissey was present to report on the Fire Safety Report
- k. Dr. Richard Lavengood was present to discuss the draft Fire Safety Analysis dated June 15, 2012, which was entered into the file. In this file and during this Public Hearing the terms “Fire Safety Report” and “Fire Safety Analysis” are employed interchangeably. Lavengood also introduces an undated diagram titled “Pneumatic Valve System” and submitted it for the file.
- l. Alicia Pecora, neighbor and owner of the Toll Gate Inn, was present to speak against the application and submitted a letter dated June 18, 2012
- m. Sean Hutton, of the Rivers Alliance of Connecticut, was present to oppose the application and presented a letter dated June 18, 2012.
- n. John Keilty, living on Wheeler Road in East Litchfield, was present to speak in favor of the application.
- o. Betsy Glassman, Litchfield resident, was present to speak against the application.
- p. Byron Rondos, owner of DaCapos restaurant, was present to speak against the application and submitted an email from Denada Markaj dated 6-18-12.
- q. Joseph Oskwarek, part owner of nearby Tail Waggers, was present to speak against the application.
- r. Damien Oskwarek, neighbor, and part owner of Tail Waggers, was present to speak against the application, and submitted a petition in opposition titled “Petition to Town of Litchfield and the Inland Wetlands Commission,” said to contain 130 signatures of neighbors opposed to the application.
- s. Joseph Manes, neighbor, was present to speak against the application. Submitted two separate newspaper articles for the file said to report on recent traffic accidents in the neighborhood of the subject property.
- t. David Redente, owner of Peaches and Cream, was present with questions and comments.
- u. Marcia Fowler, neighbor, was present to speak against the application
- v. Jim Hollanden, neighbor, was present to speak against the application
- w. Brian Dingwell, Litchfield resident, was present to speak in favor of the application
- x. Noel Fisher, resident of Milton, was present to speak in favor of the application, with qualifications.
- y. Responses to issues raised in the public comments were offered by technical experts Morressy, McDermott, Lavengood, and Hrica. Commissioners further questioned these technical experts. Damien Oskwarek joined the discussion. Betsy Glassman joined the discussion.
- z. At 11:26 the Public Hearing was continued to July 16, 2012. Motion by Waterhouse, seconded by Post, affirmative vote unanimous. NB, This motion and vote also adjourned the Commission. See “Adjournment,” 12 a, below.

9. Old Business: None

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10. New Business: None

11. Executive Session: None

12. Adjournment (11:26)

- a. The motion referred to in 8, y, above simultaneously adjourned the Commission.

Respectfully Submitted,
Ralph White, Acting Secretary
June 18, 2012

Susan W. Pitman Lowenthal, MD
Chairman

Date