

LITCHFIELD PLANNING AND ZONING COMMISSION
Town Hall Annex Gymnasium, 80 Doyle Road, Bantam, CT
REGULAR MEETING MINUTES
June 17, 2013 7:01 p.m.

Chairman Susan Lowenthal called the meeting to order at 7:01 p.m.

Present: Commissioners Susan Pitman Lowenthal, Curt Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post and Tom Waterhouse. Alternate Commissioners Ed Doyle and Ralph White, and Land Use Administrator Dr. Dennis Tobin

Absent: Erin Kennedy

Public Comment: There was no public comment.

Appointment of Alternates: None

Appointment of Temporary Secretary: Jo Ann Jaacks was introduced as the new recording secretary.

Approval of Minutes for May 20, 2013

Motion: Carol Bramley moved to accept the 5-20-13 minutes. David Pavlick seconded the motion. All voted aye and the motion carried.

Approval of Minutes for June 3, 2013

Motion: Tom Waterhouse moved to accept the 6-3-13 minutes with a few minor edits. Curt Barrows seconded the motion. All voted aye and the motion carried. (Edits: Page 1, ¶1, Line 2 – “. . .Lowenthal, Curt . . .”; Page 1, ¶5, Line 8 – “There will be another exit . . .”; Page 2, ¶5, Line 10 – “. . .be made.”)

Commissioners' requests: There were no commissioners' requests.

PUBLIC HEARING

261 Old Mount Tom Road – Mists of Avalon

6-17-2013

Special Exception for Permanent farm stand (Article V, Section 9(5))

Ron Wolff, P.E., representing applicant Howard Rosenfeld, presented drawings to Dr. Tobin. Mr. Wolff said Mr. Rosenfeld is working with Mists of Avalon homeowners and has reduced the farm stand to 310sf with 20'D x 15'6"W and has updated the site plan with these proposed revisions. This requires a special exception to the 300sf zoning requirement. Mr. Rosenfeld has also eliminated his plan to use the farm stand for retail sales; shareholders in a CSA (Community Supported Agriculture program) would be the only visitors to the stand. There are currently 56 CSA members but growth is expected to maximize at 75-100 members.

Dr. Lowenthal noted a petition signed by 28 citizens opposing the farm stand has been received and she read the names of signatories. Revised plans were also submitted to the Land Use office on 6-14-13 at 3:30 p.m. as well as an Operations Manual for Wild Carrot Farm LLC, outlining hours of operation, staffing, parking, safety procedures and a crop calendar for the farm stand.

Mr. Rosenfeld said the majority of Mists of Avalon property owners agreed with his compromise at their 5-30-13 annual meeting. He and lessee Mark Palladino answered questions from Commissioners concerning parking and traffic issues, location of farm equipment and a portable toilet, possible landscaping screening for abutting property, and hours of the farm stand operation,

Public comment was heard from adjoining property owners, Mists of Avalon homeowners and concerned citizens including Mark Palladino (Wild Carrot Farm), Alan Costa (President of Avalon Farms Property Owners Association), Bill Burgess (President of Litchfield Food Systems), Lynn Stone (Avalon), Valerie Duffy (neighbor on Goslee Road), Barbara Carr (Avalon), Susan Willcox (Avalon), Joe Privitera (citizen), Diane Lavoie (citizen) and Suzanne Lavoie (adjoining property owner). Ms. Suzanne Lavoie said she had circulated the petition opposing the farm stand due to dangerous traffic conditions at that site, and described her own motor vehicle accident there. Diane Lavoie inquired about special exceptions and Mr. Pavlick read her a summary of the content on page 120 of the Litchfield Zoning Regulations.

Dr. Lowenthal asked Tom McGowan, town planner consultant, about road safety issues and he agreed the intersection of Old Mount Tom Road and Rte 202 is definitely unsafe, but the farm stand CSA is considered an accessory use and

does not require a new road nor the existing road to be paved. Dr. Lowenthal asked Mr. McGowan to get the town engineer on record about this safety issue and suggested that town citizens might submit a petition to the Board of Selectmen.

Motion: Carol Bramley moved to close the public hearing on this issue. Sky Post seconded the motion. All voted aye and the motion carried.

Motion: Carol Bramley moved to approve the special exception for Article V, Section 9(5), with the following conditions: Landscaping would be added for the southeast boundary, location of the portable toilet and parking spaces would be added to the site plan, and the farm stand would serve CSA clients only. Peter Losee seconded the motion.

After some discussion, Ms. Bramley withdrew and amended her motion.

Motion: Carol Bramley moved to withdraw and amend her motion's conditions: Eight 8' H coniferous plantings would be made by applicant and the forsythia would be extended along the southeast boundary, portable toilet and parking spaces would be added to the site plan, and the farm stand would serve CSA clients only as proposed. Peter Losee seconded the motion.

Discussion was held on the road safety aspect of this application and the feasibility of using an existing farm stand on Rte 202 instead to mitigate safety issues.

Motion: Tom Waterhouse moved to close discussion and vote on approval for the special exception for the farm stand. David Pavlick seconded the motion. **In favor:** C. Barrows, C. Bramley, P. Losee, D. Pavlick, W. Post, T. Waterhouse, E. Doyle, R. White **Opposed:** S. Lowenthal

62 Camp Dutton Road – Lamond

6-17-2013

Special Exception Shop and Storage Use by a Contractor (Article V, Section 13A)

It was noted that the applicant was not present. Neighbor Chris Korn said the applicant does not live on the property and neighbor Tom Waterspoon inquired about storing commercial vehicles on residential property if the owner does not live onsite. Mr. Waterspoon said the commercial vehicles are highly visible to neighbors and the street and there is no screening. Adjoining neighbor Meredith Penfield said this situation affects her property value and neighbor Chris Alexander also strongly opposes this special exception.

Motion: David Pavlick moved to close the public hearing. Curt Barrows seconded the motion. All voted aye and the motion carried.

Motion: David Pavlick moved to deny the application for special exception to shop and storage use by a contractor since the applicant does not live at the property (Article V, Section 13A, Subsection 2, Item C). Tom Waterhouse seconded the motion. All voted aye and the motion carried.

Indian Knolls Road – Preneveau

6-17-2013

Site plan modification to restrictive residential 18-unit condominiums for modifying (12) housing unit footprints

Dr. Lowenthal read the legal notice that the Planning & Zoning Commission would hold a public hearing on 6-17-13 on this issue.

Dennis McMorrow (Berkshire Engineering), Bill Zampaglione and Romolo Santilli (Indian Knolls PAC Group LLC) and David Schlesinger (Indian Knolls homeowner) were present to speak on this application. Green cards for certified mailings were submitted to the Chairman. Mr. McMorrow presented a diagram depicting the "Preston" and "Washington" models to show how the footprint of their floor plans would change. The Preston model would be a maximum size of 2200sf with varying bedroom options and the Washington model would be a maximum size of 2000sf with varying bedroom options. Mr. Santilli, project manager for the developer, showed model elevations and Mr. Zampaglione said they are seeking the site plan modification to offer a more desirable and open floor plan. The developer would build on any of the ten identified sites and not build anything larger than the Preston model, with the

smallest home being 1700sf. The original 74 bedrooms approved for Indian Knolls could rise to 82 bedrooms if all homeowners choose all the bedroom options. He explained his company has begun maintaining the property including site remediation and has permits to build a gazebo and picnic pavilion. His company will be controlling the homeowners' association until 60% of the homes are sold.

Mr. Zampaglione addressed several concerns about the foreclosed Indian Knolls property: He has spoken with Dr. Tobin about the bond and irrevocable letter of credit by the Savings Bank of Danbury that will expire on 8-1-13 and will be replacing this with a new bond; he will investigate the storm water management report status; Mr. McMorrow will be filing the conservation easement required by the Planning and Zoning Commission. Dr. Lowenthal said the conservation easement must be presented at a town meeting and Mr. Zampaglione said this will be researched and produced if not done previously. Mr. McMorrow said no reports are yet available but all the site conditions in Jack Healy's 6-17-13 memo will be addressed. These include road repair, obtaining a sewer permit when new homes are connected to the sewer, and confirmation that the drainage system was installed as designed, including the rip rap plunge pool and grassed drainage swale.

Dr. Lowenthal said the new property owners must provide proof of all these requirements and Dr. Tobin said the owners could come to the 7-15-13 meeting to show proof of compliance. Mr. Zampaglione requested approval of their site plan modification at tonight's meeting and Dr. Tobin replied that since there are current Planning & Zoning approvals and Inland Wetlands approvals and the bond is currently in place until 8-1-13, the developer is entitled to proceed. He also noted that the Land Use Administrator is the control mechanism for the developer to receive permits. David Schlesinger, Indian Knolls homeowner, said this completed project would be beneficial to both the town and existing homeowners.

Motion: David Pavlick moved to close the public hearing on this issue. Sky Post seconded the motion. All voted aye and the motion carried.

Motion: Curt Barrows moved to approve the site plan modification for the four original models contingent upon applicant's return to the 7-15-13 Planning & Zoning Commission meeting with a bond renewal. David Pavlick seconded the motion. All voted aye and the motion carried.

Stop & Shop Supermarket Company, LLC – Village Green Drive

6-17-13

Site plan for demolition of 3 existing buildings C, D & E to construct 1 new building (38,000sf), a 2500sf addition to building B and associated site improvements.

Tom Cody, Attorney with Robinson & Cole, gave the Chairman 4 additional green cards for certified mailings. He said they have met twice with the Design Review Advisory Committee (DRAC), on 6-6-13 and again on 6-12-13 to answer questions raised by committee members. Dr. Lowenthal said she has a copy of DRAC's report, but it is a draft. Mr. Cody said they also responded to questions raised by Milone & MacBroom, the engineering consultant for the Planning & Zoning Commission, and will focus on design and site revisions.

John Hession, EBI Consulting, said although he believes the site plan for parking and landscaping was in accord with the town's zoning requirements, based on recommendations from DRAC and Milone & MacBroom, they have eliminated 41 of the proposed 369 parking spaces, including 28 spaces at the lower level of Building A, and added more shrubs and trees to the parking area. They are also widening the corridor drive to Litchfield Commons and created a safer, wider pedestrian path. There will be an evergreen screen for the loading dock and green space was increased from 33.4% of the overall site to 34.1% with the new site plan. Vince McDermott, Milone & MacBroom, said he is satisfied with the parking lot changes and increased green space.

Patrick Dunford, VHB traffic engineer, said Milone & MacBroom had requested a traffic update at peak hour and this was done via onsite visual count. The existing Stop & Shop site should continue with the same traffic patterns and they updated their traffic accident research for the past 3 years. In response to Planning & Zoning queries about how much traffic the new Stop & Shop would generate, their projections show a 10-11% increase, which includes an annual 1% traffic growth. Roadway capacity is not an issue, but traffic signal placement is a factor. VHB will be working with CT DOT to make changes that will increase safety and traffic flow in this area. Mr. Dunford said they have addressed Milone & MacBroom's traffic comments and have made parking and circulation changes.

Tom Scott, SGA Architects, said that 3 design options were presented to DRAC. They lessened the building height and added architectural enhancements to the site plan including decorative windows on the building facade, exterior trellises and wall texturing, and black faux wrought iron fence in lieu of the original white fencing. A revised exterior lighting plan, depicting 20'6"H fixtures, has been given to Milone & MacBroom.

Mr. Pavlick asked about additional windows, even if those would be opaque, since it softens the exterior to be more welcoming. Mr. Scott said this could be done. Mr. Waterhouse suggested a brick and clapboard exterior and Tom Scott said the prefab materials could be a different composite that resembles wood and would be longer lasting. They will supply copies of all their slides to the Commission.

John Hession replied to questions about the location of the loading dock and said the retaining wall is 27'H since that is the height of the existing slope, thereby maintaining the topographical integrity of the site. Mr. Hession said the proposed new land level of 82 is actually less than the 83.3 level of the existing market.

Mr. McDermott introduced his colleague, Dave Sullivan, to discuss traffic concerns. Mr. Sullivan said they have addressed traffic volumes, current and future, and not all of the areas currently identified as "Fails" can be remedied. They will be observing turn lanes more closely through Synchro Trafficware to get a better picture of traffic patterns and will review interim scenarios for CT DOT.

Mr. McDermott said a question remains about the number of parking spaces and he will be reviewing new data recently received. He said his contract will expire tonight and most likely one or two more nights of public hearings and a closing meeting will be required, which requires a significant level of effort. His original contract was for \$10-12,000 and Tom McGowan has used up his 15 hours for \$1200. Tom Cody said they will agree to pay for the town's two advisors and will agree to an extension for Planning & Zoning time to 7-15-13, the next scheduled meeting.

Franklin Pilicy, Attorney representing PLAN (Protect Litchfield Action Network), spoke in opposition to the applicant's site plan. He said Litchfield Zoning Regulations allow for minimum parking area requirements to be modified, but do not allow the individual size of a parking space (300sf) to be modified, even with a special permit. He said his client, PLAN, feels the Planning & Zoning Commission must adhere to this 300sf parking space requirement. He also commented on underground tanks at the site. Dr. Lowenthal said the Commission has a letter from Torrington Area Health Dept. (TAHD) regarding contamination in this area from two filled wells that are being monitored.

Mr. Pilicy addressed the issue of tractor trailers exiting the loading dock site and threading their way through the new parking area. He also disclosed that he personally represents Tracy Baker and Michelle Crow of PLAN.

Litchfield residents Angeline Goreau, Lee Wolfel and Joan Spear spoke on the Stop & Shop application. Ms. Goreau expressed traffic safety concerns and Tom Cody said he will address her concerns in the next public hearing. Ms. Spear said her engineer and their comments will be held until the next meeting. Mr. Wolfel said he thought this application would have been approved by now since Stop & Shop has met Inland Wetlands requirements, and conforms to Planning & Zoning requirements.

Tom Cody said he had included in their application a site plan from 2010 that was not signed so he submitted a signed copy (signed by Barbara Putnam).

Motion: Carol Bramley moved that the public hearing on this issue be moved to the 7-15-13 meeting. Mr. Pavlick seconded the motion. All voted aye and the motion carried.

Motion: Carol Bramley moved to do Agenda items #9 and #10 now. Mr. Pavlick seconded the motion. All voted aye and the motion carried.

APPLICATON RECEPTIONS

The Forman School – 54 Norfolk Road

June 17, 2013

Modification to Special Exception Education Institution to increase campus by adding 21.4 acres with one existing single-family dwelling

Robert David, Attorney for The Forman School, said he requests to read his letter at the next meeting and he invites Dr. Tobin to inspect the property.

Hunter's Chase of Connecticut, LLC – Hunter Drive

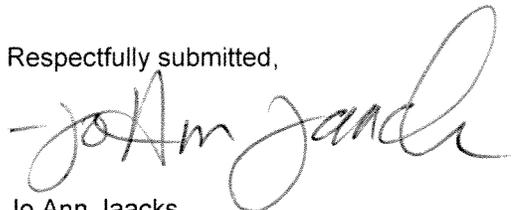
June 17, 2013

Modify architectural details by creating a 2' overhang to multiple units.

Peter Herbst, Attorney for Hunter's Chase, appeared on behalf of the applicant. Dr. Tobin said he and Dr. Lowenthal could sign this tonight. Hunter's Chase has a \$440,000 bond to construct 12 units and the minor modification they are requesting is to extend the existing cantilever by another 2'. A site plan was provided and reviewed by Land Use.

Motion: Sky Post moved to adjourn at 12:37 a.m. Mr. Pavlick seconded the motion. All voted aye and the motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jo Ann Jaacks". The signature is written in a cursive, flowing style with a large initial "J".

Jo Ann Jaacks
Recording Secretary

Date: June 19, 2013