

# LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex, 80 Doyle Road, Bantam, CT

## MINUTES

Monday, July 11, 2011 7:00 p.m.

### Call to Order

Chairman Putnam called the meeting to order at 7:04 p.m.

Present were members Barbara Putnam, Sky Post, Michael Italiaander and alternates James Keithan and Kelli Green

Absent: Bill Burgess, Elizabeth Jamieson, Susan Lowenthal (arrived late), Tom Waterhouse and alternate Paul Adams.

Also present was Land Use Administrator Dr. Dennis Tobin.

**1. Appointment of Alternates** Kelli Green and James Keithan were seated for absent members Bill Burgess and Elizabeth Jamieson

### **2. Approval of Minutes of June 20, 2011**

It was noted that Bill Burgess was absent from that meeting, and that the "public hearing" was continued, not the "meeting." The minutes were adopted by unanimous consent.

### **3. Public Comment**

Mr. Dennie Willams inquired whether his complaint was on the agenda, and the Chair confirmed that it was, and gave him a copy of the agenda.

**4. Commissioners' requests:** none

**5. Town of Litchfield – 58 North Lake St. – Addition of electronic scoreboards.**

#### **a. Continue public hearing:**

The Chair noted that three of the five commissioners present tonight were present when the hearing was opened at the last meeting. All agreed to start over so that all Commissioners present could participate. The Chair read the public notice and received the Green cards from Alan Landau of the Tri-Town Baseball League. He showed the Commission where the scoreboards were located, where trenches would be dug for wiring, and stated that they will be the same size as the ones they are replacing. The Commissioners looked at the drawings of the signs, and noted that the Historic District Commission has granted them a Certificate of Appropriateness. Public Works will be doing the work. Mr. Landau inquired about having the fee for permits waived, and the Chair stated that the Selectmen make that decision. The Land Use Administrator noted that the applicant should apply for a Building Permit. There was no member of the public present to speak for or against the application. The hearing closed at 7:20 p.m.

#### **b. Consider**

Sky Post moved to approve the application as submitted with the condition that the applicant get a building permit.

Second: Michael Italiaander

Voting in favor: Kelli Green, Michael Italiaander, James Keithan, Sky Post

Motion carried 4-0

## **6. Sign regulations**

The Chair opened a discussion of whether and how to regulate sandwich board signs. The issue of visual clutter was raised: that too many signs too close together make it hard to read any of them and defeat the purpose of having a sign.

Susan Lowenthal entered the meeting at 7:30PM

She objected strongly to allowing sandwich board signs, citing both safety concerns and issues of the historic character of the town. The problem with portable signs is that they move: whenever they are put out, they can end up in an unsafe place. Also, if they are not permitted, they can be removed but then easily reappear. The DOT confiscates signs that are on the highway right of way. It's unclear whether the Commission can confiscate signs that are on private property.

These signs have never been allowed, but since suspending enforcement they have proliferated. Some business owners have said the success of their businesses depend on them. Commissioners agreed the better choice would be not to allow them at all. The issue of how to enforce that was discussed. The Commission agreed that the opinion of the Economic Development Commission should be sought. The Chair will inquire about getting on their agenda.

## **7. Legislative Update 2011**

Dr Tobin reviewed a memo from Eric Knapp, Esq to the Planning and Zoning Section of the Connecticut Bar Association. Discussion centered on the implications of SB860, which does not allow Commissions to collect a bond until after a Certificate of Occupancy has been issued. This will make it impossible to have a financial guarantee that improvements will be done properly. Dr Tobin stated that we will have to change our approach to permitting and supervising projects that involve a lot of site work. The Commission asked the Chair to contact our legislators to come discuss this bill with us

## **8. Land Use Administrators Report – permits, enforcement, budget, complaint**

Dr Tobin noted that a wind turbine that was less than 35' tall was given a permit as an accessory structure. It was noted that our electrical generation equipment regulations are designed only for fuel-powered generators, not for wind generators.

Dr Tobin reported that an illegal shed on Richards Road Extension was issued a cease and desist order.

He reported that the Farm Market permit was issued with a note to seek appropriate permits from the Borough.

We are starting the new budget year with \$4000 for legal expenses and \$5000 for other consultants.

The Complaint was submitted by Mr. Dennie Williams. The Chair read two letters of 6/23/11 and 6/28/11 submitted by Mr. Williams into the record. Mr. Williams spoke at length about his concerns over Commissioner Burgess' conflicts of interest, the validity of the decisions in which he had participated, and the liability issues of the Farmers' Market. He left before Commissioners had finished their discussion.

Discussion touched on these points: That Mr. Burgess was not yet a Commissioner when he brought the application to the board. That the procedure for the decision to approve and the issuance of the permit is valid. That case law on conflict of interest in planning matters differs from that on zoning matters, and generally allows participation by all board members because planning issues affect the whole town. That the Temporary Event regulations that Mr. Burgess helped create are currently suspended and under review. That Commissioners are aware that the Ethics Commission ruled that Mr. Burgess' participation in the creation of farm regulations had the appearance of a conflict. That the Market master is meeting with the Borough tomorrow. That issues of liability having to do with the Farmer's Market appear to be the Schools', because the Market is an accessory use to the School.

#### **9. Old Business**

James Keithan moved and Michael Italiaander seconded a motion to adopt the 6/6/2011 minutes as submitted  
Voting aye; Kelli Green, Michael Italiaander, James Keithan, Sky Post  
Abstaining: Susan Lowenthal  
The motion passed 4-1-0

#### **10. New Business none**

11. **Correspondence:** a copy of an email sent by Mr. Keithan to the Commissioners.

#### **12. Possible Executive Session to discuss pending litigation**

Michael Italiaander moved to go into executive session at 9:15PM.  
Second: Sky Post  
Voting in favor: Kelli Green, Michael Italiaander, James Keithan, Susan Lowenthal, Sky Post  
Motion carried 5-0

Susan Lowenthal moved to come out of executive session at 9:45PM.  
Second: Michael Italiaander  
Voting in favor: Kelli Green, Michael Italiaander, James Keithan, Susan Lowenthal, Sky Post  
Motion carried 5-0

Adjournment at 9:45PM



Barbara Putnam, Chair

7/12/2011