

REGULAR MEETING OF THE LITCHFIELD BOARD OF SELECTMEN  
TUESDAY, MARCH 19, 2013  
TOWN OFFICE BUILDING - 5:30 P.M.

Call to Order: First Selectman Leo Paul, Jr. called the meeting to order at 5:30 p.m. Selectmen Paul Parsons, Diane Knox and Jonathan Tarrant were present, and Jeffrey Zullo was away.

Approval of Minutes: Motion: J. Tarrant moved to approve the regular meeting minutes of 3/5/13, as well as the special minutes of 3/11/13, and D. Knox seconded. All voted aye and the motion carried.

Public Requests/Comments: Ted Murphy of E. J. Murphy Real Estate, Litchfield, spoke in reference to the proposed P&Z regulation amendment. He was on the POCAD Business Subcommittee for Economic Development that found that commercial and industrial properties need to be increased to relieve the tax burden on the residential property owners. The proposed amendment is in direct contradiction to what was recommended to Planning and Zoning. They recommended 1) loosen the regulations within the commercial zones to increase development to increase the tax base; and, 2) change commercial zone on Tollgate Hill so existing taxpayers there could expand their businesses without the limit of the 25% rule. They recommended to loosen the regulations there and in the area near Route 8 as well. To date the P&Z has done nothing to adhere to those POCAD recommendations. Their current proposal only serves to limit development further by requiring a special exception to build over 10,000 sq. ft. footprint or 12,000 total square footage. He noted they fought the same battle in the 1980's with change of use in the center of Litchfield. P&Z wants total control of the business community; to be the commerce board. A special exception makes P&Z's job discretionary so they can decide who they want and don't want. Of all the small towns in Litchfield County, Litchfield is now on the cusp of driving the property values down because of the tax burden. Litchfield must increase its tax base before it effects the property values. He says this new proposed amendment is bad, and he totally disagrees with it.

Sue Doyle, resident and realtor, said special exceptions can take months and she's seen potential business people walk away from it. It is not a business-friendly town. It bothers here that a committee of 6 or 8 people can control the zoning, with some having their own agendas.

Selectmen's Requests: L. Paul urged interested parties to attend Planning and Zoning's public hearing on May 6<sup>th</sup>. He also mentioned the dinner for Marie Wallace on Friday and said he cannot be there, but Diane Knox will attend and present the proclamation on behalf of the Board of Selectmen. Mr. Paul then said the Board of Finance approved the Selectmen's budget, the Capital budget and the adjusted Board of Education budget (1.15% increase). The Town Budget Hearing will be at the end of April.

Resignations: None

Interviews, Appointments & Reappointments

- a) Reappoint Samuel Kinkade to Board of Fire & EMS Commission, LFD Rep.
- b) Reappoint Francine Spencer to Board of Fire & EMS Commission, LVA Rep.

Motion: P. Parsons moved to reappoint Mr. Kinkade and Ms Spencer as described above, and spoke highly of both and their commitment to the board. J. Tarrant seconded, all voted aye and the motion carried.

c) Appoint/Reappoint BOS Rep. to Board of Fire & EMS Commission: Motion: J. Tarrant moved to reappoint Paul Parsons to the Board of Fire & EMS Commission as the Selectmen's representative . D. Knox seconded, all voted aye and the motion carried.

Liaison Reports/Commission-Committee Minutes: 3/11/13 Board of Finance minutes; 2/21/13 Sandy Beach Commission minutes; 3/6/13 Board of Education minutes (draft)

Vacancies: The list of current appointed vacancies with term expirations is as follows:

Beautification Commission: 4 regular members 2/2015, 2/2014, 2/16, 2/16; 2 alternates 2/2016

Capital Improvements Committee: 1 member 11/2013

Conservation Commission: 1 regular member 12/2014; 2 alternate members 12/2015

Economic Development Commission: One regular member 6/2013; 1 alternate 6/2013

Inland Wetlands Commission: 2 alternate members 6/2013

Milton Historic District Commission: 3 alternate members 1/2015, 1/2015, 1/2014

Park & Recreation: 2 alternate members: 6/2013, 6/2014

Recycling Committee: 4 members, 2/2015, two 2/2013, 2/2014

Social Services Board: 1 member, 2/2015

Town Hall Building Committee: 1 member, 3/2015

Veteran's Advisory Committee: 2 regular member 8/2013, 8/2015; 2 alternate members 8/2015

Water Pollution Control Authority: 1 regular member 1/2018; 1 alternate member 1/2015

Tax Refunds: **Motion:** J. Tarrant moved to issue the 14 tax refunds, in the total of \$1,257.02 per the Tax Collector's memo. D. Knox seconded, all voted aye and the motion carried.

#### Old Business

a) **Town Hall Building Committee Update – J. Zullo:** No report.

#### New Business

a) **LHRR Road Closure Request:** L. Paul explained the Road Race Committee would like to close the small area of West Street between Murphy's Pharmacy and Route 202. Rick Evangelisti was present from the Committee and said the Meadow St. extension would still remain open for traffic. This closure would be in effect for only about two hours on April 7<sup>th</sup> from about noon to 2:00 p.m. to test the new race finish plan. It would not adversely impact Murphy's Pharmacy or the Methodist Church. **Motion:** J. Tarrant moved to approve this road closure request, and P. Parsons seconded. Upon voting all voted aye and the motion carried.

b) **Award Bid for Stainless Steel Truck Body:** J. Healy was present to say the truck's purchase was authorized a couple months ago, and this is the body for that truck. The stainless steel body is called an all-season body, as it comes with a sander and can be also used for hauling. **Motion:** J. Tarrant moved to approve the bid in the amount of \$41,947.00 for an all-season truck body from sole bidder W. H. Rose. D. Knox seconded, all voted aye and the motion carried.

c) **Consider Waiving Building Fees for Wamogo Door Lock Changes:** L. Paul explained that Wamogo is requesting the waiver of the \$65.00 building permit fee for their project of replacing all interior door locks at the school. Fran O'Dell, in charge of maintenance for Regional School District 6, was present to explain the safety retrofit project. **Motion:** J. Tarrant moved to waive the \$65.00 building permit fee for Wamogo's door lock replacement project, and D. Knox seconded. All voted aye and the motion carried.

b) **Proposed P&Z Regulation Amendment:** L. Paul said that P&Z Chairman Susan Lowenthal and P&Z member Tom Waterhouse were present for this discussion, and he also invited David Dean, the Economic Development Commission chairman. He also wanted to share the Selectmen's opinions of this proposed P&Z regulation amendment that changes non-residential zone building applications to a special exception if the building is over 10,000 sq. ft in footprint or over 12,000 sq. ft. in gross floor space. It would apply to both existing buildings and proposed buildings in non-residential areas.

Ms Lowenthal gave an overview of the amendment. She said in the last two years, there have been 15 special exception applications with 14 approved unanimously, contradicting the accusation of being unfriendly to business. The Character Committee, started 10 month ago, has a plan of conservation and development that states the goal of protecting the rural historic character of the town. She referred to a chart with data from the Tax Assessor's office to show that 92% of the existing commercial properties are less than 10,000 sq. ft. footprint, and 8% are higher. Over the last 200 years, Litchfield has had this same scale, and they should pay attention to anything over this scale in size. Therefore they believe the special exception gives them the proper overview. There are different criteria of uses examined, and this proposal of size scale as one more is on a base of the 185 special exceptions they already do.

**Motion:** J. Tarrant moved to recess at 6:02 p.m. for about 15 min. for Ms Lowenthal to attend to other business. P. Parsons seconded, all voted aye and the motion carried. Out of recess at 6:14 p.m.

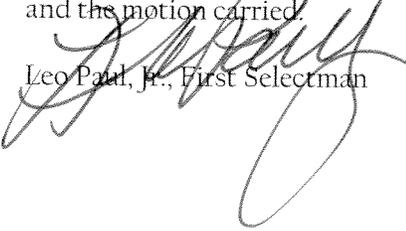
There is currently a restriction on building more than 52,000 sq. ft. Mr. Paul felt that just because 92% of built properties are less than 10,000 sq. ft., it was not a good reason to change the regulation now. They can now, by existing regulations in ruling by site plan review, hold a public hearing and make a ruling in 65 days. If it were by special exception they could go out over 130 days. Ms Lowenthal said a ruling could happen in 35 days unless there were questions that needed to be answered. D. Knox said the process in place allows for an administrative permit that can be granted in one day and a site plan approval in 65 days after receipt of an application, and asked why they would need it to be a special exception. Ms Lowenthal said a special exception could allow for other considerations over and above the setbacks, such as sidewalks or other impacts larger structures would face. J. Tarrant asked about businesses going into existing buildings, and whether they would have to go for a special exception. There are only a few uses that would not need a special exception. P. Parsons asked about P&Z's actions after the public hearing, and Ms Lowenthal assured him no action would be taken before the hearing. Mr. Paul thanked her for the good work the P&Z does for the Town and then explained that after hearing explanation from Ms Lowenthal, the Board of Selectmen would discuss it for its opinion. Tom Waterhouse said he was a negative vote on going forward with this proposal and said he felt there are enough regulations to control building construction in Litchfield. He said in reaction to the Stop & Shop application before Wetlands, it was apparent through public input at its meetings that P&Z had to do something to address construction and the size of buildings in the Town. There were many people who feared our town would begin to look like other towns with big buildings on the main streets. His fear would be that the membership makeup of a future P&Z Commission might not be as likely to grant special exceptions as the current board is, causing a big problem for economic development. Ms Lowenthal did not think that was a real concern.

David Dean, Economic Development Commission chairman, said the EDC has spent time discussing this. They saw the 10,000 sq. ft. number as arbitrary and thought it could be more expensive and time consuming for the applicant. They felt the regulations and commissions in place doing their due diligence are adequate for careful consideration of applicants.

L. Paul asked if the Board wanted to discuss this, and they preferred to defer discussion to April 2<sup>nd</sup> when the entire Board is present.

Correspondence: None

Adjournment: ~~Motion:~~ J. Tarrant moved to adjourn at 7:04 p.m. and D. Knox seconded. All voted aye and the motion carried.

  
Leo Paul, Jr., First Selectman