

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

Minutes of March 18, 2013

- 1. Chairman, Dr. Susan Lowenthal, called the meeting to order (7:00)**
 - a. Present were Commissioners Carol Bramley, Susan Lowenthal, Dave Pavlick, Sky Post, Tom Waterhouse, Peter Losee, and Alternate Commissioners Erin Kennedy, Ralph White
 - b. Absent: Commissioner: Curtis Barrows and Alternate Commissioner Ed Doyle
 - c. Land Use Administrator, Dr. Dennis Tobin, was present.
 - d. Appointment of Alternates: Ms. Kennedy was appointed
 - e. Appointment of Acting Secretary: Mr. White was appointed
 - f. Approval of Minutes of March 4, 2013: Motion to approve by Mr. Pavlick, second by Ms. Bramley, affirmative vote unanimous, with Losee abstaining (not present 3-4-13), with the following edits.
 - i. 7,a to read “Mr. Waterhouse, Mr. Pavlick, and Mr. Barrows volunteered to form a committee, tentatively to be called the Old Route Eight Committee, to evaluate the current status of uses in this R80 zone and to consider the possibility of redistricting.”
- 2. Public Comment: (7:02)**
 - a. Attorney Charles “Peter” Ebersol asked that a special exception application for the Connecticut Junior Republic (CJR), be placed on the agenda.
 - b. Ms. Bramley recused herself and left the room (Bramley is a CJR board member).
 - c. Dr. Lowenthal placed the matter on the New Business segment of the agenda.
 - d. Ms. Bramley was re-seated.
- 3. Commissioners’ Requests: (7:11)**
 - a. Mr. Post mentioned criticism from the first selectman and treasurer of the proposed amendment, to the effect that it could have an adverse impact. Commissioners Pavlick, Losee, and Waterhouse said they had been similarly approached. Dr. Lowenthal has accepted an invitation to attend Tuesday’s Selectman’s meeting. Dr. Tobin noted that the proposed amendment was posted on the website.
 - b. Commissioners Waterhouse, Bramley, Lowenthal, Pavlick, attended the Wesleyan Conference. The handout will be retained in the Land Use Office’s library.
- 4. Application Withdrawals (7:25)**
 - a. **261 Mount Tom Road, Mists of Avalon**, Review Site Plan for Permanent Farm Stand, Article V, Section 9(5)
 - i. Dr. Lowenthal read the February 22 letter of withdrawal from Mr. Rosenfeld
- 5. Application Receptions (7:27)**
 - a. **261 Mount Tom Road, Mists of Avalon**, Review Site Plan for Permanent Farm Stand, Article V, Section 9(5)

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- i. Mr. Wolff, engineer, was present to represent the applicant. Mr. Rosenfeld, owner, was present.
- ii. The farm stand's dimensions will be 24' x 24' (576 sq ft), plus 12 parking spaces. The total lot is 10.127 ac. Lots 16 and 17 have been combined into one lot. The zone is R80.
- iii. The application includes a sign of less than 10 sq. ft.
- iv. The earlier application, now withdrawn, was for a smaller farm stand.
- v. Dr. Lowenthal set the public hearing for April 15

b. 85 West Street – Chabad Lubavitch of Litchfield, Inc. – Receive and set public hearing for Religious Institution (Article V, Section 8)

- i. Brian Baker, engineer, was present, representing the applicant.
- ii. New parking will be 17 spaces, incl. 1 handicapped. Now the area is planted in grass.
- iii. There will be no changes to the exterior of the building.
- iv. A widened entrance driveway on the east side will be one way, wrapping around to an exit on the west side of the building.
- v. Signage is 4' x 6' oval.
- vi. The general assembly area will comprise seating for 160 persons, parking is 1 per 8 (17 in the rear and 4 in front)
- vii. They will apply to the borough this week.
- viii. Dr. Tobin introduced a March 15 letter from Sean Haden, Northwest Conservation District, which will review the site plan and visit the site, make observations and recommendations to the Commission. Fee: \$800.
- ix. Mr. Baker will deliver the \$800 check tomorrow.
- x. Mr. Baker estimated the total square footage at 30' x 30' times three floors = 2700 sq. ft.
- xi. Pavlick requested photographs and Mr. Baker agreed to provide them.
- xii. Dr. Lowenthal set the public hearing for April 15.

6. Old Business (7:52)

- a. None

7. New Business (7:52)

- a. Consider press release concerning proposed amendment to zoning regulations. On agenda but not discussed.
- b. Lowenthal reopens the discussion with Atty. Ebersol representing the CJR
 - i. Ms. Bramley again recused herself and left the room (she is a CJR board member).
 - ii. Dr. Lowenthal remarked that the application appeared to be complex as she understood it (It had been received by the Land Use Office this afternoon).

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- iii. According to Dr. Lowenthal, the CGS states that if an app comes in on the day of the meeting it takes a 2/3rds majority to be put on the agenda. Affirmative votes: Pavlick, Post, Losee, Waterhouse. Negative votes: Kennedy, Lowenthal. The item is placed on the Agenda.
- iv. Atty. Ebersol noted that in order to qualify for funding from an unspecified state entity the CJR would need to become a licensed child psychiatric clinic. This is what they are currently doing so there is no change in their actual services provided. The only difference is that they'll need to make their services available to local children on an outpatient basis.
- v. Dr. Lowenthal felt that the change is material in that it causes a reclassification of the property from an educational institution with an infirmary to a hospital.
- vi. Dr. Tobin pointed out that in 1994 the CJR stated in an application that they were a residential school with an infirmary. If they are now to provide outpatient psychiatric care it is a change of use and the application must apply for the change.
- vii. Atty. Ebersol, by unanimous vote, was permitted to withdraw the application, which he did with a handwritten note.
- viii. The reapplication fee was waived by unanimous vote.
- ix. Ms. Bramley was reseated.

8. Correspondence (8:32)

- a. CT Siting Council, March 5.
- b. CT Siting council, March 8, regarding Cingular wireless for a location on Bantam Road

9. Executive Session (8:33) None

10. Adjournment (8:33), by acclimation

Respectfully Submitted,
Ralph White, Acting Secretary
March 18, 2013

Susan W. Pitman Lowenthal, MD
Chairman

4/15/13
Date