

Draft
Minutes of the Character Committee
of the Planning and Zoning Commission
September 6, 2012

1. Call to Order (11:00)
 - a. Chairman David Pavlick called the Committee to order at 11:00. Committee Members Erin Kennedy and Ralph White were present. Absent: Alternate Member, Peter Losee. Dr. Denis Tobin, Land Use Officer, was also present.
2. Correspondence (11:01)
 - a. Mr. Pavlick introduced into the Committee files Mr. White's September 6, 2012 Memo addressed to the members of the Character Committee.
3. Discussion and Resolutions (11:01)
 - a. It was the sense of the Committee that there should be a way for the Commission to implement the character provisions embedded in the cited Connecticut General Statutes, CGS 124, 8-2a and 8-2j (hereafter "Statutes") and that the Commission would benefit from professional guidance in the development of an implementation plan.
 - b. The Committee ultimately determined that clarity was needed in three specific areas
 - i. What is the legal status of the Plan of Conservation and Development (hereafter "PCD") as a legal intermediary between the Statutes and the Town of Litchfield's Planning and Zoning Regulations? Specifically, can our Regulations be modified to specifically incorporate the character defenses of the Statutes without first modifying the PCD?
 - ii. Insofar as the term "character" is not defined in the Statutes, would it be necessary or even advisable for the Commission to amend its Regulations to define the term? Does the Statutes' reference to "the character of the district and its peculiar suitability for particular uses," anticipate that towns will be specific in defining the distinctive character traits which it deems worthy of conservation and preservation?
 - iii. If Litchfield wished to avail itself of the extensive and powerful character defenses contained in CGS 124, Section 8-2j, what procedures would be required to establish the Town of Litchfield as a "Village District?" Are there precedents in other towns' establishment of Village Districts which might assist this Commission? Would the establishment of a Village District replace existing zoning, or would the two regulatory frameworks coexist? Would it be feasible to establish the entire 57 square miles comprising the Town of Litchfield as a Village District in order to stretch 8-2j's character protections to Litchfield's borders?
 - iv. It was the sense of the Committee that Tom McGowan be engaged to study and respond to the forgoing issues.
4. Dr. Tobin reported that he had spoken to Attorney Stephen Byrne regarding the matters raised in Mr. White's memo and that he would be pleased to be engaged if the Committee could focus on a specific issue.
 - a. It was the sense of the Committee that Attorney Byrne be engaged to research case law regarding the use of the "character" provisions of the CGS 124, Sections 8-2a and 8-2j as decision criteria for deciding zoning applications.

5. It was the sense of the Committee that the Commission as a whole would need to vote on the expenditures anticipated in paragraphs “b, iv” and “4, a,” above, and that a resolution to that effect be made at the Commission’s next meeting.
6. Adjournment (11:45)
 - a. It was the sense of the Committee that it adjourn