

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

Minutes of December 17, 2012

- 1. Chairman, Dr. Susan Lowenthal, called the meeting to order (7:00)**
 - a. Present were Commissioners Curt Barrows, Carol Bramley, Susan Lowenthal, Dave Pavlick, Sky Post, Tom Waterhouse, and Alternate Commissioners, Ed Doyle, Erin Kennedy, Ralph White
 - b. Absent: Commissioners: Peter Losee
 - c. Land Use Administrator, Dr. Dennis Tobin, was present
 - d. Appointment of alternates: Mr. White was appointed
 - e. Appointment of Acting Secretary; Mr. White was appointed
 - f. Approval of Minutes of November 19, 2012: Motion to approve by Mr. Pavlick second by Mr. Barrows, affirmative vote unanimous except for the abstentions of Dr. Lowenthal and Mr. White, who were absent
 - g. Commissioners' Requests. Dr. Lowenthal asks that the Commission consider an assault weapon ban under New Business, below.

- 2. Public Comment: (7:00)**
 - a. None

- 3. Application Consideration (7:05)**
 - a. 465 Bantam Road – Rachel's Quality Consignment – Site plan application for change of use to retail. Received 11-15-12
 - i. Rachel O'Mara was present with the site plan and photographs
 - ii. Motion to approve by Ms. Bramley , second by Mr. Post, affirmative vote unanimous

- 4. Public Hearings (7:10)**
 - a. **191 Fern Avenue, Robert Dewey, Jr. Trustee, 2 lot re-subdivision application** (withdrawn by December 6, 2012 letter from Mr. Dewey)

 - b. **182 East Litchfield Road, Heinrich, Special Exception Bed and Breakfast (Article V, Section 3). Received 10-1-12, Public Hearing Opened 11-15-12**
 - i. Attorney Perley Grimes was present. Dr. Ward Heinrich was present.
 - ii. Attorney Grimes provided color images of signage and color photographs of the building, and an assessor's map showing the subject property and adjoining ones. Also submitted were Assessor's card for the Country Place, which is associated with Wisdom House, and the Assessor's card for Wisdom House. The point of these submissions was that the subject property is relatively low impact compared to Wisdom House and Country Place.
 - iii. Attorney Grimes also submitted the Zoning Permit of June 20, 1996 for Country Place's Child Care Facility/Residential Treatment Facility

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- iv. Fire Marshal Worthington has addressed the matter of the fire safety of the building in its new use. He has given the applicant a list of tasks, which when completed would comply with the fire and building codes.
 - v. Mr. Lance Abbott, contractor, fire consultant was present to discuss the fire protection features and code compliance.
 - vi. Torrington Area Health District has approved the septic system
 - vii. Dr. Michelle Normandy was present to ask that no shooting be permitted
 - viii. Mike Marbillio was present to voice concern about the shooting issue.
 - ix. Attorney Grimes clarified that the applicant is willing to accept a “no shooting” condition of approval.
 - x. Motion to approve the application by Mr. Waterhouse, with the understanding that the applicant has stated that no shooting or commercial hunting activities will take place on the property, seconded by Ms. Bramley. Affirmative vote unanimous.
- c. 33 West Street, Cobblestone Properties, James Lamond, Special Exception Residential use within Business Building. Received 11-15-12, Opened 12-17-12,**
- i. James Lamond was present with green cards and a clean bedbug certificate.
 - ii. Motion to approve by Ms. Bramley, second by Mr. Post, affirmative vote unanimous.
- d. Old Mount Tom Road, (Map 040, 088, 034), Mists of Avalon, one lot subdivision (Lot 15, 5.0 acres, in R80 zone). Received 11-15-12, Opened 12-17-12**
- i. Mr. Ronald Wolff, engineer representing the applicant was present with green cards, letters to neighbors, photograph of sign in front of subject property.
 - ii. The application is to change the status of a previously unapproved lot to approved. It was exempted from the original 1977 zoning approval because Torrington Area Health District did not approve.
 - iii. Mr. Howard Rosenfeld, a co-owner of the property was present. Organic crops raised on two acres the property will be sold in farmers markets. There will be no farm buildings or farm stands on the property, though there are greenhouses on the adjoining lots.
 - iv. Harold and Jane Goldban, bordering neighbors to the north, were present to speak against the application on the grounds of the property’s commercial use. Jane Goldban mentions that deer netting will be put up.
 - v. Mr. Alan Temkin was present. He owns the property across the street (Old Mount Tom Road), a development known as Shepaug Crossing. He understands the house will be a modular, 1700 square foot design by Russell Campaign. He asked for the plan for the entire three-lot parcel.

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- vi. There will be a 10kw photovoltaic array on the roof of a garage which will not be used for commercial vehicles.
- vii. Two acres of the property will be used to raise blueberries, raspberries, and asparagus. Lots 16 and 17 are owned by the same partnership and will be used for the same purpose. The deer fence would be eight feet high, high tensile steel, with a six inch grid. The name of the farm will be Wild Carrot Farm.
- viii. Ms. Sheryl Leach, co-owner of the property, was present to speak in favor of the application
- ix. Mr. Rosenfeld offered to share the cost of privacy screening with a cap of \$10k for each party.
- x. Attorney Grimes was present representing the owners.
- xi. Motion to approve the application by Ms. Bramley, second by Mr. Waterhouse. Affirmative vote unanimous.

5. Old Business (9:42)

- a. Character Committee minutes of December 13, 2012 submitted, with attachments from Town Planner, Tom McGowan

6. New Business (9:45)

- a. Discussion of an assault weapon ban postponed, given the hour.

7. Correspondence (9:48)

- a. Sighting Council letter requiring no action

8. Executive Session (9:48)

- a. None

9. Adjournment (9:49)

- a. Motion by Ms. Bramley, second by Mr. Post, affirmative vote unanimous

Respectfully Submitted,
Ralph White, Acting Secretary
December 17, 2012

Susan W. Pitman Lowenthal, MD
Chairman

Date