

**LITCHFIELD PLANNING AND ZONING COMMISSION**

Town Hall Annex,  
80 Doyle Rd., Bantam, CT

**REGULAR MEETING MINUTES**

May 7, 2018, 2018 7:00 p.m.

Call to Order: Chairman Bramley called the Regular Meeting to order at 7:00 pm.

Member Present: Carol Bramley, John Cox, Abby Conroy, Denise Raap, Max McIntyre, Guy Baldwin, Peter Losee

Members Absent: None

Alternate Members Present: William Conti, Nancy Latour

Also Present: Dr. Dennis Tobin

Appointment of Alternates: William Conti, Nancy Latour

Commissioners' Requests:

- a. Resignation - Mitchell Samal resigned
- b. Greenway- Peter Losee stated the zoning permit required signage and a crosswalk. This past weekend Peter observed the Greenway did not have those items. Dr. Tobin will contact the Greenway and inform them of the conditions of the permit.
- c. John Cox made a motion to add item, #1 A. Northgraves (Indian Knolls) – 18 Seminole Circle for minor site plan modification, Expansion of Existing Deck to the agenda. Peter Losee seconded. Vote: 7:0. All in Favor.

***APPLICATION RECEPTIONS***

- 1. **Eichman (Papermoon Dance & Performing Arts) – 49 Commons Dr. (Unit 2) – Site Plan modification for Indoor Recreational facility/Retail small shop. This application requires Chairman Bramley and Dr. Tobin's written approval. Commission was in favor.**

**1.A. Northgraves (Indian Knolls) – 18 Seminole Circle for minor site plan modification, Expansion of Existing Deck. This application requires Chairman Bramley and Dr. Tobin's written approval. Commission was in favor.**

***PUBLIC HEARINGS***

- 2. **Laurel Ridge Realty, LLC – Amendment to Zoning Regulations - Amendment to zoning regulations to add "Caterer" use as Special Exception Use in the RR zone and add definition of "Caterer" in the Glossary of Terms and Phrases. (Received 3/5/18)**

Public Notice was read. Max McIntyre stated: My son works at Laurel Ridge Farm. John Morosani stated the son works for a 3<sup>rd</sup> party vendor and not for him directly.

Daniel Morosani, John Morosani and Bunny Morosani presented an overview. Mr. Morosani stated the Building Inspector, Fire Inspector, Emergency Personnel, and NHCOC have all provided a favorable response. The proposal outlines the application, special event, lot size, driveway and portable sanitary facilities.

The Commission spoke about farm land, regulatory definition and the number of people at an event. The word, "caterer" is used in the industry by caterers. Take out "Special" and keep,

“Zoning Application”. Commissioner Baldwin provided a letter regarding the definition of a Farm, May 7, 2018. Proposed Amendment to Litchfield Zoning Regulations to add “Caterer” to Special Exception Use in the RR Zone.

- a. Letter: Zoning Regulation Change “Caterer”. May 7, 2018. From Samuel Kinkade, Fire Marshal, Letter on file.
- b. Letter: Special Exception Caterer Text Amendment, April 3, 2018, John Worthington, Letter on file.

Public Comment: Comments will be limited to 3 minutes.

- Bill Wilson: Mr. Wilson provided input regarding commercial vs. residential use, and how the regulation does not offer any restriction regarding time, noise, security, fire department, and time limits.
- Attorney Grimes, representing the estate of Henry Baker. Mr. Grimes is requesting a continuation of the public hearing. Attorney Grimes spoke about setting a precedence for other land, forest and swamps.

The Commission would like a continuation of the public hearing scheduled for June 4, 2018.

***Peter Losee made a motion to request \$500.00 for a legal opinion from Attorney Byrne. Guy Baldwin seconded. Vote: 7:0. All in Favor.***

**3. Laurel Ridge Realty, LLC – Blakeslee Road – Special Exception Caterer use. (Received 3/5/18)**

Public Notice was read. Daniel Morosani, John Morosani and Bunny Morosani presented an overview. Green cards were presented. Daniel stated they were requesting twelve permits. John Morosani requested a continuation of the Public Hearing. On file is a 60-day extension.

Public Comments: Comments will be limited to 3 minutes.

- Attorney Grimes: Are you going to allow special events in a residential zone? The Commission should revisit the definition of caterer.
- Bill Wilson: If they met the regulations, how is the Commission going to deny?

***Carol Bramley has recuse herself. Peter Losee is appointed as Chairman at 8: 11 pm. Nancy Latour is now seated as a regular member at 8:11 pm***

**4. Dotties Provisions – 14 Cobble Court – Special Exception Bakery. (Received 4/2/18)**

Legal notice was read. Ryan Nettleton and Dorothy Sperry provided an overview. Ryan pred a presentation. The Commission spoke about seating, number of ovens, trash, fire marshal, health department, building inspector, historic district, lighting, and zoning permit.

Public Comment: None

***John Cox made a motion to close the public hearing. Guy Baldwin seconded. Vote: 7:0. All in Favor.***

***Denise Raap made a motion to approve Dotties Provisions – 14 Cobble Court – Special Exception Bakery. Guy Baldwin seconded. Vote: 7:0. All in Favor.***

**Recess: 8:21 pm. Resumed: 8:27 pm**

*Peter Losee left the meeting at 8:27 pm. Carol Bramley is now seated a Chairman. William Conti is now seated as a regular member*

**5. Application for Amendment to Zoning Regulations - Add RHOW District (Residential Housing Opportunity/Workforce) (Received 3/19/18)**

Public Notice was read Attorney Chris Smith of Shipman and Goodwin presented an overview. Five applications are all related and 8-30 G. Attorney Smith requested all public hearings to be banded together due to a "record" which must be created for the courts. William Conti asked if Attorney Smith will do the 8-30 G for the first 3 applications. Attorney Smith stated yes. Attorney Smith asked for a combined public hearing. Attorney Byrne stated to have an orderly process, please keep on track with the agenda.

Attorney Smith presented the green cards. Litchfield Housing Trust (LHT) is seeking approval for eight dwellings on Torrington Road (Route 202). Applications have been file by 8-30 g, which requires a minimum 30% of affordable. LHT is 100% compliance of 8-30 G. Additionally, we have a Wetlands permit.

Attorney Smith provided a packet in support of (1) Zoning and subdivision text amendments to create a new Residential Housing Opportunity/Workforce Zone ("RHOW"); (2) request for zone change; (3) application for Site Plan Approval; and (4) application for subdivision approval; to permit an eight-dwelling residential community on real property located on Torrington Road/Route 202, Litchfield, Connecticut, and designated as Assessor's Map 145: Block 20; Lot 5. Attorney Smith provided a resume of William Crosskey II. This is on file.

Attorney Smith reviewed the 8-30 G along with each item in the packet. Packet is on file.

Items submitted:

- a. Letter: Shipman & Goodwin, March 15, 2018, Re: Four-part application / Letter: Town of Litchfield, Inland Wetlands Commission, December 19, 2017, Re: 8-Unit Affordable Housing Development – "Gagarin Place" Litchfield Housing Trust. / Town of Litchfield Inland Wetlands Permit, December 19, 2017 / Hrica Associates, LLC., January 12, 2015, Re: Erosion and Sediment Control Bond Estimate.
- b. 2017 Affordable Housing Appeals List – Exempt Municipalities / 2017 Affordable Housing Appeals List – Non-Exempt Municipalities / Filing Fee Schedule
- c. Connecticut General Statutes Annotated, 8-30 G
- d. Proposed Zone Text Amendment / Proposed Subdivision Text Amendment
- e. Housing Affordability Plan for Household Income and Price restrictions for Workforce Dwellings or Mixed Income Dwellings. /Schedule A (Designation of Mixed Income Dwellings) / Schedule A-1 (Designation of Mixed Income Dwellings) / Schedule B (Definitions and Elements of Annual Family Income) / Schedule C (Documentation of Income) / Schedule D (Sample Lease Rider for Mixed Income Dwellings) / Schedule E (Deed Restrictions)
- f. Ariel Plan, "Gagarin Place"
- g. Compilation Plan for Zone Change

- h. Presentation Plan
- i. Property Survey
- j. Crosskey Architects plan design
- k. Litchfield Plan of Conservation & Development 2017
- l. Town of Litchfield WOCA, Letter dated April 23, 2018, Re: Litchfield Housing Trust, Inc. – Gagarin Place. Map, Block, Lot 145-20-5
- m. Litchfield Public Works Department, Memo, Dated April 24, 2018, Re: Subdivision and Site Plan – Proposed by Litchfield Housing Trust, Litchfield, CT
- n. NHCOCG, Referral Response, date: May 7, 2018, Re: Zoning Regulation / Map Amendment and Subdivision / Staff Referral Report, File No: LITC-20-032618-SZ
- o. Town of Litchfield, Office of the Fire Marshal, Memo, April 23, 2018, Re: Subdivision Site Plan Review, Gagarin Place, Torrington Road
- p. Versteeg Associates, Letter, May 5, 2018, Re: Emergency Vehicle Access & Fire Protection
- q. Milone & MacBroom, Letter, December 9, 2015, Re: Hydrogeologic Impact Assessment
- r. Kenneth Hrica, P.E., R.L.S, Hrica Associates, LLC, Letter: Re: Profile. / Joseph H. Versteeg, Profile.

The Commission spoke about the following: Who is responsible for the maintenance of the road? Attorney Smith stated, LHT would be responsible. Qualifications of “affordable” for the rentals. Attorney Smith stated the applicant will have to qualify. Bob Pettricone, President, Litchfield Housing Trust presented an overview of LHT. Letter is on file.

Letters:

- a. Staff Referral Report, From: Joanna B. Rogalski, Regional Planner, File No: LITC-20—32618-SZ, March 26, 2018, Re: Subdivision and Zoning.
- b. Byrne & Byrne, LLC., April 17, 2018, Re: Affordable Housing Application Submitted by Litchfield Housing Trust For Property Located on Route 202-Torrington Road.

**Public Comment: Comments will be limited to 3 minutes.**

- Terry Sharon – Ms. Sharon lives in Tannery Brook. The LHT has been a God sent for my disable son and I. I have lived in Tannery Brook for 26 years. I have been part of the LHT selection committee.
- Susan Crulla – I am a member of Tannery Brook. I am proud of LHT. I raised two of my children here.
- Troy Crulla – I was one of the original members of Tannery Brook. I am a member of Bantam Fire Department. Tannery Brook was opposed at first. I urge you to move forward with this.
- Marylyn DeMore: I am a member of Tannery Brook. I love it. I have lived at Tannery Brook for 12 years.
- Thomas Williams: Will the regulations will allow for more affordable housing? Can I speak in regard to the Wetlands issue? Chairman Bramley stated no to the Wetlands. Mr. Williams states it will impact on the overall project. Attorney Byrne states an

intervener can speak about the Wetlands when the topic is presented. The topic is only for regulations.

- Mark Abbott: What is the opposition you are looking for?
- Christine Harding: I live across Tannery Brook and run out of water.
- Betsy Glassman: I submitted my paperwork as an Intervener. In 2008, the Town transferred the land to LHT. Ms. Glassman states this was done illegally. We went to court on this issue and we lost.
- Betsy Jameson: When was the RR Zone put in? Is it still R80? Yes, stated Chairman Bramley.
- Al Saunders: When the land was transfer and LHT came to the Commission, was the what was discussed: public sewer or public water?
- Susanna Morehead: I feel rushed tonight. Chairman Bramley stated the information is in the Land Use Office for everyone to review.

The Public Hearing is continued to May 21, 2018.

***Max MacIntyre made a motion to extend the meeting to after 11 pm. Guy Baldwin seconded. Vote: 7:0. All in Favor.***

**6. Application for Change in Zone Map – Torrington Road (Map 145, Block 020, Lot 005)**  
Add RHOW Residential Housing Opportunity/Workforce District. (Received 3/19/18)

Attorney Smith presented an overview. The overview provided in item #5, are consistent with your POCD and Regional POC. Attorney Smith respectfully requested the Commission approve the Application.

***Abby Conroy made a motion to incorporate the record as described by Attorney Smith in Item #5 into Application # 6. William Conti seconded. Vote: 7:0. All in favor.***

Attorney Smith reviewed the map for a Zone Change.

Public Comment: Comments will be limited to 3 minutes.

- Thomas Williams: Attorney Byrne states he can speak about Wetlands, however please note, these items have been adjudicated. Mr. Williams stated he is an Interveners and he wants to Appeal. William Conti stated you can make your argument. Mr. Williams stated the property has a fairly large size of wetlands. I want to protect the wetlands. Letter is on file.

***William Conti left at 11:01 pm. Abby Conroy Left at 11:01 pm. Nancy Latour is now a regular member at 11:02 pm***

- Bill Morehead: Mr. Morehead spoke about his well. What is the date of the POCAD?
- Betsy Glassman: I am opposed to the zoning change as I stated before. The wetlands are connected to the land as well as the water.

Attorney Smith stated there is a report from Milone & MacBroom (on file). Attorney Smith requested his presentation as well as his record be allowed to be submitted for May 21, 2018 meeting.

Public Hearing will continue to May 21, 2018.

- 7. Application for Amendment to Subdivision Regulations** – Language to Exempt subdivisions submitted pursuant to new RHOW (Residential Housing Opportunity/Workforce District) for affordable or workforce housing per CGS Section 8-30g, from certain subdivision filing and compliance requirements. (Received 3/19/18)

Public Notice was read. Attorney Smith would like the zone text addendum and the public comment be incorporated in Agenda item # 7.

*John Cox made a motion to incorporate the record as described by Attorney Smith in item #5 and item #6 into the record of item # 7 of the agenda. Guy Baldwin seconded. Vote: 6:0. All in favor.*

*John Cox made a motion to incorporate the record as described by public comment of item # 5 and item #6 of the Agenda into the record of item #7 of the agenda. Max McIntyre seconded. Vote: 6:0. All in Favor.*

Public Hearing is still open.

- 8. Litchfield Housing Trust - Torrington Rd. (Map 145, Block 020, lot 005)** – Four lot subdivision. (Received 3/19/18)

Public Notice was read.

*Denise Raap made a motion to incorporate into the record as described by Attorney Smith as well as the public comments from Item #5, Item #6 and Item #7 into Item #8 of the Agenda. Guy Baldwin seconded. Vote: 6:0. All in favor.*

**Public Hearing will be continued to May 21, 2018**

- 9. Litchfield Housing Trust - Torrington Rd. (Map 145, Block 020, lot 005)** – Site Plan for 5 multi-family residence and 3 single family Residential Housing Opportunity/Workforce community. (Received 3/19/18)

Public Notice was read.

*Max McIntyre made a motion to incorporate into the record as described by Attorney Smith in Item #5, Item #6, item #7 as well as the public comment in Item #5, Item #6, and Item #7 in Item #8 of the Agenda. Guy Baldwin seconded. Vote: 6:0. All in favor.*

**Public Hearing will continue to May 21, 2018**

**Guy Baldwin made a motion for additional \$2,500 fee deposit for Attorney Byrne. Guy Baldwin seconded. Vote: 6:0. All in Favor.**

10. Approval of Minutes of April 16, 2018

**John Cox made a motion to accept the minutes of April 16, 2018. Guy Baldwin seconded. Vote: 6:0. All in favor.**

11. Public Comment (Limit to 3 minutes)

- John Langer, Chairman of Bantam Planning & Zoning. Mr. Langer stated the following: I have always respected your jurisdiction as well as you have respected mine. During your last meeting, your Commission provided a favorable review for the Bantam Annex property. The Bantam Annex property is located in Bantam, not Litchfield. Litchfield P & Z does not have jurisdiction over Bantam. Mr. Langer asked why this item allowed on the agenda as well as voted on? Chairman Bramley stated the Commission felt it was unfair to vote. Mr. Langer stated you should not have allowed the item to be placed on the agenda as well as voted on. Chairman Bramley apologized. Mr. Langer restated Litchfield and Bantam have different jurisdictions and to please respect each other Commissions.

12. Old Business: None

13. New Business: None

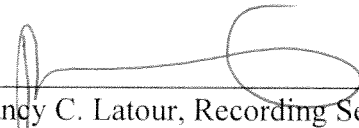
14. Possible Executive Session to discuss pending litigation. None

15. Correspondence

*a. NHCOC, 5<sup>th</sup> Thursday of the month.*

**Guy Baldwin made a motion to close the meeting. Denise Raap seconded. Vote: 6:0. All in Favor.**

Meeting ended at 11:24 pm.

  
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Nancy C. Latour, Recording Secretary  
Date: 5/7/18

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Carol Bramley, Chairman  
Date: 5/7/18