

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex – 80 Doyle Road, Bantam, CT

REGULAR MEETING MINUTES

September 16, 2013 7:01 p.m.

Vice Chairman Tom Waterhouse called the meeting to order at 7:01 p.m. He said that Chairman Lowenthal was in a corporate meeting and would join this meeting in progress.

Present: Commissioners Curtis Barrows, Carol Bramley, Peter Losee, David Pavlick, Sky Post and Tom Waterhouse
Alternate Commissioners Ed Doyle and Ralph White and Land Use Administrator Dr. Dennis Tobin

Absent: Erin Kennedy and Chairman Susan Pitman Lowenthal

Public Comment: There was no public comment.

Appointment of Alternates: Vice Chairman Waterhouse appointed Ralph White as a full member until Chairman Lowenthal's arrival.

Appointment of Temporary Secretary: Jo Ann Jaacks was present as recording secretary.

Approval of Minutes for August 19, 2013

Motion: Carol Bramley moved to defer acceptance of the 8-19-13 minutes until the next regular meeting on 10-7-13 after the Recording Secretary had an opportunity to review the audio tape to confirm their accuracy. David Pavlick seconded the motion. All voted aye and the motion carried.

Commissioners' requests: There were no Commissioners' requests.

MINOR MODIFICATION TO SITE PLAN

Copeland – 342 Bantam Road – Addition to building and construction of wood shed.

Gary Copeland said he is moving walk-in coolers and adding a footing so they don't have to shut down business for this project. Dennis Tobin told Mr. Copeland he would need separate zoning permits for the shed and addition and go to DRAC for review.

Motion: Carol Bramley moved to approve this minor modification to the site plan. Sky Post seconded the motion. All voted aye and the motion carried.

PUBLIC HEARINGS/CONSIDERATIONS

Bosson Optical – 29 West Street – Special Exception Business and Professional Offices w/o hazardous materials for eye doctor offices.

Carol Bramley and Ralph White recused themselves from this hearing consideration and left the meeting. Vice Chairman Waterhouse appointed Ed Doyle as a voting member since two commissioners recused themselves.

Vice Chairman Tom Waterhouse read aloud the newspaper notice about this public hearing. Michael Bosson turned over 19 certified mail receipts to the Vice Chairman, displayed floor plans for the interior (no changes will be made to the building exterior) and provided a picture of his parking space that will be guaranteed by the Preservation Trust. Mr. Bosson said he understands his signage must be reviewed by the Historic Commission.

Vice Chairman Waterhouse asked for any members of the public who wished to speak on this issue and there were none.

Motion: Curtis Barrows moved to close the public hearing. David Pavlick seconded the motion. All voted aye and the motion carried.

Motion: Curtis Barrows moved to approve the Bosson Optical Special Exception Business and Professional Offices w/o hazardous materials for eye doctor offices. Sky Post seconded the motion. All voted aye and the motion carried.

Chairman Lowenthal joined the meeting and Commissioners Carol Bramley and Ralph White were reseated at 7:46 p.m. Chairman Lowenthal decommissioned Ed Doyle.

The Forman School – 54 Norfolk Road – Modification to Special Exception Education Institution to increase campus by adding 21.4 acres with one existing single-family dwelling.

David Pavlick recused himself from this hearing due to a financial interest in the Forman School and left the meeting. Chairman Lowenthal appointed Alternate Commissioner Ralph White to replace Mr. Pavlick.

Attorney Robert D'Andrea, appearing on behalf of the Forman School, rebutted points made in the 8-19-13 letter from Michael Zizka, Attorney for the opponents to the Forman School's application. Mr. D'Andrea also read into the record his own letter to Chairman Lowenthal dated 9-9-13. Chairman Lowenthal said that on Pg 5, ¶1 of this letter was the first notice she had received of Forman's intention of a lot line removal merging the Youngling property and the Forman property and that this was a condition of approval of their application. She said this was a separate modification to the special exception. Mr. D'Andrea said they would remove this request as a condition of approval.

Commissioners asked Mr. D'Andrea and Engineer Dennis McMorrow about proximity to neighbors if more buildings were added on the property, location of the conservation easement, the possibility of building on wetlands. Mr. McMorrow said this area is a flood plain and building there would require DEEP and Army Corps of Engineers involvement to cross the river. Attorney D'Andrea said they are not planning any buildings or additional paving, just repair of existing driveway/parking areas. Dennis Tobin asked if the proposed conservation easement could be extended to the river area and regulated area, provided they could get their driveway in.

Adam Man, Forman School Headmaster, said the 19 existing parking spaces and driveways would remain and they would probably add a gravel path to the gym.

Mr. D'Andrea provided Chairman Lowenthal a letter from Attorney Peter Herbst, representing the co-applicant Mr. Youngling. Mr. Herbst was unable to attend this meeting but his 9-16-13 letter spoke in favor of approval for this Special Exception. Mr. Herbst said in his letter that Mr. Youngling requested, and Forman agreed, to a deed restriction across the Norfolk Road frontage of the property which will result in a 150ft no-build area. Mr. D'Andrea read Article VII, Sections 4 and 5 of the General Standards that demonstrated their application is in compliance with these Standards and the proposed use of the Youngling property will be in harmony with adjacent properties.

Attorney D'Andrea said the Forman School will continue to pay \$10,000 in property taxes to the town of Litchfield. Mr. Zizka said he had not received a copy of Mr. D'Andrea's 9-9-13 letter; Mr. D'Andrea said a copy should have been mailed to his office, and provided him a copy.

Mr. Zizka presented an excerpt of the Forman School newsletter from the summer of 2010 to Dennis Tobin and the Commissioners. Mr. D'Andrea objected to presentation of this excerpt but Chairman Lowenthal allowed Mr. Zizka to continue. Mr. Zizka recommended that Planning and Zoning deny the Forman School application.

Chairman Lowenthal invited comments or questions from the public; there were none.

Motion: Ralph White moved to close the public hearing. Peter Losee seconded the motion. All voted aye and the motion carried.

Chairman Lowenthal invited comments or questions from the Commissioners. Curtis Barrows felt the neighbors to the property would be satisfied with the conservation easement. Chairman Lowenthal said 54 Norfolk Road is a residential zone and therefore Forman's application is not a modification to special exception education institution. The original 6-11-13 application for existing acreage, buildings and parking is for proposed use of educational institution. This is a request for the Youngling property to have a special exception for educational use. She read the notice posted 7-1-13 in the newspaper. She noted there is nearly universal opposition from the neighbors but it seems Forman has done everything in their power to assure the neighborhood is unchanged.

Carol Bramley suggested adding conditions for approval:

1. There would be no alteration to the home, no signage installed, no change in driveway width, no driveway lighting, no increased parking spaces and no daily commuting traffic to and from the home for non-resident employees.
2. There would be a 150ft no-build easement, minus driveway access, along the Norfolk Road, at the front of the property and including all of the regulated areas and the steeply sloped area as shown on Berkshire Engineering Map #2486 dated 7-10-13 to include the blue and grey areas colored on the map and the easement's approval by the town attorney.
3. Conservation tags would be placed every 50ft around the easement area (perimeter.)
4. Additional facilities or uses will require submission of an application to Planning and Zoning Commission.
5. Access to the residence by students and staff would be within the Forman campus.
6. The barn driveway would remain secondary to the primary access to the property.

Motion: Carol Bramley moved to approve the application for a Special Exception Application of the Forman School, 54 Norfolk Road, for a headmaster's residence and facility to host student functions with the aforementioned conditions. Curtis Barrows seconded the motion. Ralph White recommended using the word "perimeter" in lieu of "area" for the conservation easement.

Motion: Carol Bramley moved to amend the wording of her previous motion to use the word "perimeter" in lieu of "area." Curt Barrows seconded the motion. A roll call vote was held, with the following results:

Curtis Barrows – Yes
Carol Bramley – Yes
Peter Losee – Yes
Susan Lowenthal – Yes
Sky Post – Yes
Tom Waterhouse – No
Ralph White – Yes

David Pavlick was re-seated at 9:25pm.

It was agreed that the Commission would go into Executive Session and the Recording Secretary left the room. Executive Session concluded at 10:05 p.m. at which time the Recording Secretary rejoined the meeting.

There was neither old business nor new business and correspondence had been previously read into the record.

Motion: Tom Waterhouse moved to adjourn at 10:10 p.m. Sky Post seconded the motion. All voted aye and the motion carried.

Respectfully submitted,

Jo Ann Jaacks
Recording Secretary

Date: September 18, 2013