

LITCHFIELD PLANNING AND ZONING COMMISSION

Town Hall Annex, 80 Doyle Road, Bantam, CT

MINUTES

Monday, June 6, 2011 7:00 p.m.

Chairman Putnam opened the meeting at 7:05 p.m.

Present were members Barbara Putnam, Michael Italiaander, Elizabeth Jamieson, Tom Waterhouse.

Absent: Bill Burgess, Susan Lowenthal, Sky Post, (arrived late) alternates Paul Adams, Kelli Green and James Keithan.

Also present was Land Use Administrator Dr. Dennis Tobin.

1. **Appointment of Alternates** – no alternates were present to appoint.

2. **Approval of Minutes May 2, 2011** -

Motion: Michael Italiaander moved to accept the minutes as submitted

Second: Elizabeth Jamieson

Voting in Favor: Elizabeth Jamieson, Michael Italiaander, Tom Waterhouse.

Abstentions: None

Voting against: None

Motion carried: 3-0

3. **Public Comment** – Kay Carol of the Litchfield Hills Farm Fresh market stated she was present to listen and would speak, if invited to, on the Borough of Litchfield item on the agenda.

4. **Commissioners' requests** –

Tom Waterhouse asked about the government sign in front of the old firehouse in Northfield. It has been there for a long time and it should probably be removed.

Barbara Putnam asked to add temporary events under old business.

Motion: Michael Italiaander to add temporary events under old business

Second: Tom Waterhouse

Voting in Favor: Elizabeth Jamieson, Michael Italiaander, Tom Waterhouse.

Abstentions: None

Voting against: None

Motion carried: 3-0

5. **Borough of Litchfield.** Lee Losee, Borough Warden and Derk Patterson were present to speak on behalf of the Borough of Litchfield regarding discrepancies with the Litchfield Hills Farm Fresh Market's permits from the Borough and the Planning and Zoning Commission. Mr. Losee submitted a letter written by Kay Carol regarding the Boroughs code, stating that the PZC has exclusive authority over all land use matters in Litchfield. Mr. Patterson states that the Borough has authority over anything that does not include zoning. The Historic District Commission would not exist without the Borough.

Sky Post arrived at 7:12 p.m.

The Borough representatives stated that Attorney Byrne's letter in the Planning and Zoning Commission's file states on page 2 that the farmers market is a commercial use. Per the Borough Code, they have jurisdiction over a commercial use, and the Borough has given up zoning to the PZC, not planning.

Mr. Lee Losee reviewed some of the conditions that they place on events for the benefit of the Commission and it was also made clear that they regulate town sponsored events, unlike the PZC.

Chairman Putnam reviewed the permit issued by the PZC to the Farmers market. The Borough representatives reviewed Attorney Byrne's letter in the file dated June 28, 2007, that labels the farmers market as a commercial use and questions whether it should be considered an accessory use to the school. The Chair stated that when the Site Plan application was considered, there was clear support from the School Superintendent for the educational value Litchfield Hills Food System program, and an endorsement of the farmers' market, so the Commission did not question its status as an accessory use.

The Borough officials in reviewing our files determined that no zoning permit was ever issued after site plan approval. They asserted that the license agreement with AT&T is null and void at this time. There are more discrepancies with parking, circulation and the use of both lots being located in different zones, one is Residential Historic and the other is Business Historic. The Site Plan application is only for the BH site.

Mr. Losee stated that the Borough has tried discussing these discrepancies with the farmers' market but no discussions ever took place because the farmers' market feels that the Borough had no authority over their use.

It was further noted that under the current regulations for permanent farm stands in a commercial zone, only 6 parking spaces are allowed, while the farmers market has 140.

Chairman Putnam told the Borough representatives that it is not the role of the Commission to act as mediator between the Borough and the farmer's market. The Commission will look into their records for the permit, and see if an update is needed on the Site Plan.

6. **Land Use Administrators Report** – Dr. Tobin stated that the RFP/RFQ is back to square one because the candidates the Commission preferred for budget reasons do not have the required Certificates of Insurance. The \$3,500 remaining in the budget for planning in this fiscal year will go back into the general fund after June 30.
7. **Town of Litchfield – 58 North Lake St.** – Addition of electronic scoreboards. Chairman Putnam reviewed the file and asked that the applicant add a site plan showing the location of the scoreboards to the file. Historic District Commission approval is still pending. This item will be set for a public hearing on June 20th.

Elizabeth Jamieson left the meeting at 7:56 p.m.

8. Aquifer Protection Agency – Hamill Wellfield Generator Project

The Commission reviewed the plans for adding a generator and a propane tank, and saw no problem with them. The water company is exempt from local regulations, so no action was taken.

9. Highlands Regional Study

The Chair reviewed the maps with the Commission, and will send a link by email to the Commissioners to allow them to review it in detail.

10. Old Business

Temporary Events: The Chair reviewed a list of all the agencies, commissions, and authorities that have jurisdiction over aspects of temporary events. Discussion touched on the possibility that no further regulation by the Commission, other than over signs, may be needed. A review of our revision of the sign regulations will be placed on the next agenda.

Motion: Tom Waterhouse moved to suspend enforcement on the Temporary Event regulations pending review.

Second: Michael Italiaander

Voting aye: Michael Italiaander, Sky Post, Tom Waterhouse

The motion passed 3-0

11. New Business

None

12. Correspondence

Amendments to zoning regulations in Washington and Goshen, Borough of Litchfield letter dated 6/3/11 to Kay Carroll, Litchfield Hills Food Systems letter dated 5/25/11 to Lee Losee, Jeffery Tillou letter dated received 5/19/11 re property at 54 Northfield Rd., Richard Tanus letter to Commission dated received 5/18/11.

13. Executive Session

Motion: Michael Italiaander moved to go into executive session at 8:34PM and invite Dr Tobin to join us

Second: Tom Waterhouse

Voting aye: Michael Italiaander, Sky Post, Tom Waterhouse

Motion carried 3-0

Motion: Tom Waterhouse moved to leave executive session at 8:46PM

Second: Sky Post

Voting aye: Michael Italiaander, Sky Post, Tom Waterhouse

Motion carried 3-0

The meeting adjourned at 8:46 p.m.

Respectfully Submitted,

Elizabeth Jamieson

Secretary



Barbara Putnam, Chair