

**LITCHFIELD PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

December 21, 2020, 7:00 p.m.

***Remote Meeting by Live Internet Video Stream and Telephone***

**Call to Order** – Chairman Carol Bramley called the meeting to order at 7:02 p.m.

**Members Present:** Max McIntyre, Robert Lupo, John Cox, Stephen Simonin, Jordan Richards, Peter Losee

**Members Absent:** William Conti, Abby Conroy

**Appointment of Alternates** – None

**Commissioners' requests** – None

J. Cox moved R. Lupo seconded to add item to agenda: Birkenberger, 166 Richards Rd. Special Exception for an accessory apartment, the motion passed unanimously.

**APPLICATION RECEPTIONS**

**NERP Holding and Acquisitions Co. LLC (Cattley) – Torrington Rd. Map 145, Block 021, Lot 010** – Receive and set public hearing (1/19/21) for Special Exception directory/identification sign.

James Cassidy, P.E. from Hallisey, Pearson & Cassidy was present for the application. M. McIntyre Moved to set the hearing for January 19, 2021, for this application S. Simonin seconded and the motion passed unanimously.

**Birkenberger**

**166 Richards Rd.**

12/21/20

Special Exception for Accessory Apartment. Mr. Birkenberger was present for the application. He and his wife purchased the property in November of last year. He explained that the apartment was existing when they bought the house. The Chairman requested a photograph of the elevations of the existing building and the exact parking spaces allocated for both units. This is an interior lot and the driveway access is over an easement. Dr. Tobin requested TAHD approval. He expressed concern regarding the use of the right away in connection with the accessory apartment as this would require approval from the owner of the right of way. Dr. Tobin expressed concern of the validity of the parcel map that was submitted and suggested the applicant obtain a survey. S. Simoin moved to set the public hearing for January 19, 2021, J. Richards seconded and the motion passed unanimously.

**PUBLIC HEARINGS**

The Chairman opened the hearing at 7:39 p.m. and read the legal notice into the record and explained the hearing procedure. She acknowledged an FOI violation that occurred regarding posting minutes from the last meeting. She quoted advice received from the commission attorney verifying the commission's intent to move on with the public hearings for the following applications.

**NERP Holding and Acquisitions Co. LLC (Cattley) – 634 Torrington Rd. and Map 145, Block 021, Lot 010** – **Re-Subdivision** approval to create two new lots: Parcels A, (C202 District) containing 10.9470 acres for commercial development and Proposed Lot B, (RR District) containing 92.7972 acres which is not being proposed for development at this time.

James Cassidy, P.E. from Hallisey, Pearson & Cassidy was present for the application and showed 4 pictures of signs that were posted on the property noticing the public hearing, green cards were reviewed but not posted on the website due to the late arrival of the originals to the Land Use Office.

Mr. Cassidy explained that they are proposing to dissolve the existing property line and create two new lots consisting of a new 10.94 acre (Parcel A) and a second lot of 92.79 acres (Parcel B). The proposed commercial development will be entirely on Parcel A with access from Torrington Road. Parcel B will remain as undeveloped residential land with access from both Hart Drive and Clark Road. Wetland approval has been granted for the development of the commercial site.

**Public Comment**

None

The hearing was continued to January 19, 2021.

**NERP Holding and Acquisitions Co. LLC (Cattley) – 634 Torrington Rd. – Site Plan** (Bank/Financial Institution) approval for construction of 2,100 sf commercial building (proposed bank with drive through). This parcel is the subject of the re subdivision application above and will be part of larger overall commercial development (Proposed Lot A containing 10.94 acres)

James Cassidy, P.E. from Hallisey, Pearson & Cassidy and Matt Darling of N.E.R.P and Matt Baldino, of Solli Engineering were present for the application

Mr. Cassidy stated that there is an existing garage with a gravel driveway on the property. They will remove the existing buildings and construct a new one story bank building with a drive thru lane and parking. This parcel is intersected by the town line between Litchfield and Torrington. The new building will be in Litchfield and the driveway curb cut will be in the City of Torrington onto New Litchfield Street (Torrington Road). He reviewed parking requirements in relation to the zoning regulations. A new drainage system will be constructed on the site to handle drainage on the entire site as shown on plans submitted. This new building will be serviced by all public utilities, underground. They have obtained approvals required from the City of Torrington and the Inland Wetlands Commission.

Matt Baldino reviewed the "*Traffic Impact Assessment*" of the site performed by Solli Engineering dated November 3, 2020, revised December 16, 2020. He concluded that the proposed project can be accommodated without adverse impact of the existing area roadway.

**Public Comment**

Katarina Karavasilli, owner of neighboring Peaches and Cream ice cream shop is in favor of the application.

Will Bamborsia questioned the amount of traffic? Mr. Baldino explained the number of trips expected totals approximately 44 trips a day, both coming and going.

Will Walter, P.E., of Benesch, the commission's consultant, was present and offered to answer questions regarding his comments contained in his three peer review letters all dated December 7, 2020; (1) "*Peer Review for Litchfield Planning & Zoning Commission NERP Holding and Acquisitions Company, LLC*" (2) "*Review of the Traffic Study and Site Layout*" and (3) "*Peer Review of Proposed Site Sign for Litchfield Planning and Zoning Commission*". He stated that the applicant has addressed all items to his satisfaction.

Mr. Cassidy stated that they have addressed all concerns expressed in the 3 letters from Benesch as referenced in his letter from Hallisey, Pearson & Cassidy dated December 18, 2020.

The hearing was continued to January 19, 2021.

**NERP Holding and Acquisitions Co. LLC (Cattley) – Map 145, Block 021, Lot 010 – Special Exception/Site Plan** (Shopping Center, Retail Large Shop, Retail, Small Shop) approval for construction

of a 23,097 sf commercial building (Tractor Supply Company) with outdoor display area and a 10,080 sf retail space and associated parking and drives on a Proposed Lot A containing 10.94 acres.

Again, Jim Cassidy presented the application. He explained that this 22,433 sf building is proposed as a Tractor Supply retail store and will be on the 10.94 parcel. The existing access way will be used as shown on the plan. The property is presently serviced by public sewer that runs along the frontage and feeds into Torrington's Water Pollution Control facility. The public water line from Torrington will be extended to the site.

The additional unnamed 10,080 sf building proposed does not have a current tenant and they are showing it just as a placeholder for the building until a tenant can be found. Mr. Cassidy explained loading and unloading traffic and circulation. He explained the drainage system proposed with drainage swales and catch basins.

Landscaping and lighting plans have been submitted and were discussed. A monument sign is planned for the front on the property at the entrance and one mounted on the building for the Tractor Supply building. The plans are currently being reviewed by Design Review Committee with the next meeting being in January. A traffic study has been performed and is part of the file. Deliveries to the store will go around back to a loading ramp and dumpsters will be contained in the building.

Matt Baldino reviewed his traffic impact analysis of the site. He concluded that the proposed project can be accommodated without adverse impact of the existing area roadway.

Mr. Walter stated that he is satisfied with the applicant addressing any concerns that he presented to them. Traffic issues have been addressed satisfactorily and done to industry standards.

### **Public Comment**

Scott Geoff asked for clarification of drinking well issues. Mr. Cassidy pointed out the proposals as shown on the plans which will improve the quality of the wells with the installation of the drainage plan. Mr. Geoff thanked Mr. Cassidy for addressing his concerns.

Mr. Bambrosia expressed concerns about traffic on Route 202 and lighting issues.

Mr. Cassidy stated that lights on the site will go on at dusk and off one hour after the store closes. He stated that the hours of operation of the lights could be worked out with the commission.

Mr. Bambrosia asked about security on the site to avoid theft. Mr. Cassidy stated that there will be security lighting and cameras installed on the building and site.

Tim O'Sullivan expressed concerns about his well, which is located near the entrance to the new bank building. Mr. Cassidy stated that with this project, his well should be better protected from road runoff as this will be carried to the rear of the property for discharge.

Katarina Karavaslli asked what could be done to protect her residential use on her commercial property. Mr. Cassidy stated that light shields will be installed on light poles near the property line and additional plantings are proposed. She asked about constructing a wall or fence to separate the properties. Matt Darling, stated they would look into what could be done for her and are willing to work with her. Several commission members expressed their appreciation of the applicant's willingness to work with neighbors to make sure everyone is comfortable

Chairman Bramley read a legal opinion from Attorney Steven Byrne dated December 21, 2020 detailing relevant case law, state statutes and the zoning regulations regarding the concerns expressed about the existing driveway and easement between this parcel and the adjoining property owned by

Optimum/Alltice. The question pending before the commission requesting signage greater than what is allowed by the zoning regulations was also addressed in this opinion.

A lengthy discussion ensued regarding the easement between the applicants parcel and the adjoining property owned by Optimum.

Mr. Cassidy asked the commission to clarify the allowed square footage for signage for the project so they can address it at the next public hearing

The hearing was continued to January 19, 2021.

**Approval of Minutes**

J. Cox Moved to approve, M. McIntyre seconded, the motion passed unanimously.

S. Simonin left the meeting at 10:15

**Old Business- None**  
**New Business - None**  
**Correspondence - None**

**Adjournment**

M. McIntyre Moved to adjourn at 10:36, J. Cox seconded and the motion passed unanimously.

Carol Bramley, Chairman

Date