

LITCHFIELD PLANNING AND ZONING COMMISSION
Town Hall Annex, 80 Doyle Road, Bantam, CT
MINUTES
Monday, May 2, 2011 7:00 p.m.

Chairman Putnam opened the meeting at 7:02 p.m.

Present were members Barbara Putnam, Elizabeth Jamieson, Bill Burgess, Sky Post, Tom Waterhouse and alternates James Keithan and Kelli Green. (Susan Lowenthal arrived late.)

Absent: , Michael Itaaliander, alternate Paul Adams.

Also present was Land Use Administrator Dr. Dennis Tobin.

1. **Appointment of Alternates** – Alternate Kelli Green was appointed for absent member Susan Lowenthal and alternate James Keithan served for absent member Michael Itaaliander.

2. **Approval of Minutes April 18, 2011** - Bill Burgess's requested changes in the minutes regarding his comments under item #4, Commissioner's Requests. Changes were made to item 4

Motion: Sky Post moved to accept the minutes as corrected

Second: Tom Waterhouse

Voting in Favor: Elizabeth Jamieson, Bill Burgess, Sky Post, James Keithan and Tom Waterhouse.

Abstentions: Kelli Green

Voting against: None

Motion carried: 5-1-0

3. **Public Comment** – Mr. Dirk Patterson was present and asked to speak regarding a discrepancy with a site plan approved by the Borough of Litchfield and a site plan approval granted by the Planning and Zoning Commission in 2006 concerning the farmers market located at Center School.

Mr. Patterson explained that the site plans are not the same, and he brought to the Commission's attention the fact that there are some changes proposed to the parking area at Center School that will impact the use at the farmers market. Members of the farmers market have been invited to a meeting with the Borough in mid-May to clarify this. Mr. Patterson left a copy of the Borough's approved Site plan for the Planning and Zoning Commission's records.

The Commission discussed the fact that the Land Use Administrator should look in to the site plan discrepancy and wait for the results of the borough meeting as to whether to take any action. Elizabeth Jamieson mentioned that if the Commission were to take any action after review by the Land Use Administrator and the Borough that Commission seek advice by counsel as decisions involving other boards in the past have sometimes gotten further complicated or triggered lawsuits.

4. **Commissioners' requests** – Bill Burgess brought up the fact that Commissioners involved in drafting regulations that have some area of expertise relevant to the proposed regulation being drafted is not considered a conflict of interest per case law. James Keithan reminded the Commission that their attorney had stated same when he met with the Commission last year.

5. **Land Use Administrator report** – RFP/RFQ – Dr. Dennis Tobin stated the bids will be opened on May 12th, 11:00 a.m. at the Selectman's office.
6. **Chair's report on Temporary Moveable Farm Stand regulations** – Discussion started on the definition in the current regulations concerning "CT Grown" and how the Commission arrived at using this definition and whether it should be considered whether or not to allow other items that are not "CT Grown" to be sold. Bill Burgess clarified that if something is not "CT Grown" it is o in some circumstances when it does not compete with a CT Grown product, for example, olive oil, since olives are not native to CT. The Commission feels that the current regulations and current definition of "CT Grown" are clear as to intent of the regulations and should not be further reviewed at this time.
7. **Review revised Temporary Event Regulations** - Dr. Tobin told the Commission that the current regulation is not enforceable according to counsel as the language in the beginning states, "The Commission may issue a zoning permit ... " and suggested that the Commission suspend enforcement of the regulations until they could be revised.

The Commission discussed how other organizations help regulate these events such as the Borough, the police, and Fire Marshall with regards to statues that govern tent sizes, etc.

Motion: Susan Lowenthal moved to suspend enforcement of the regulations per Dr. Tobin's suggestion
Second: Tom Waterhouse

Further discussion ensued about whether staff review should be considered and the draft regulations further refined to include their input prior to making a final decision on suspension of the regulations. Elizabeth Jamieson asked for clarification as to whether the suspension was in actuality a moratorium, where no new applications would be received until new regulations were drafted. Dr. Tobin confirmed that suspending the regulations would essentially be a moratorium, where no new applications would be processed under the regulation.

Voting in Favor: Susan Lowenthal and Tom Waterhouse.
Abstentions: Elizabeth Jamieson
Voting against: Bill Burgess, Sky Post, James Keithan
Motion failed (2-1-3)

8. **Aquifer Protection Agency -- Education – June Aquifer Protection Agency workshop.** – No new updates for this item were available from the State yet.
9. **Old Business** – No old business was discussed.
10. **New Business** – No new business was discussed
11. **Correspondence** – Correspondence regarding the farmers market at Center school were read to the Commission: A letter dated April 19, 2011 from the Borough of Litchfield, A letter from James Stedronsky dated April 19, 2011, an email with attachments concerning the farmers market approvals from Bill Burgess dated May 2, 2011

Other correspondence A letter from Herman Castelli regarding Johnson Road dated April 25, 2011 was read to the Commission asking for a meeting with the Commission to discuss matters regarding his options for developing his property. The Commission felt it inappropriate to discuss this item in a meeting. If the land owner later brought an application before the commission, it could be considered a conflict of interest/ex parte communication. They directed the land use administrator to work with the landowner on this matter.

The meeting adjourned at 8:47 pm.

Respectfully submitted,

Elizabeth Jamieson
Secretary