

**LITCHFIELD PLANNING AND ZONING COMMISSION
MEETING MINUTES**

July 19, 2021, 7:00 p.m.
80 Doyle Rd., Bantam, CT

Call to order/appointment of alternates 7:00 pm

Present: Bramley, Lupo, McIntyre, Richards, Simonin

Absent: Cox, Losee, Conroy and Conti

Commissioners requests: None

PUBLIC HEARING

Green 7/19/21
19 Little Pitch Rd.

Two lot re-subdivision 9.03 acres (4.88 acres, 4.15 acres)

The Chairman read the legal notice into the record.

Mark Lancor, P.E. of Dymar was present for the application. He explained that this subdivision is being done to enable Mr. Green to give the proposed lot #2 (4.15 acres) to his son. He explained his plan as shown on site plans submitted, with concerns of the Fire Marshal addressed. He stated that they are requesting a waiver (as spelled out in Subdivision Regulations Section 3(2)) for the excessive slopes located on lot #2.

Section 6 – Specifications for Maps and Plans 4(z) requires having a 200 foot building square with “slopes in excess of 25% shall not comprise the area of the minimum square”. Mr. Lancor explained that Inland Wetlands has approved this already stabilized slope and he submitted a Restoration Landscaping Plan revised to July 1, 2021.

The Chairman read TAHD dated May 24, 2021 approval into the record. The comments from the Fire Marshal were read into the record. The applicant was asked to provide approval from Aquarion.

No one from the public spoke on the application.

Mr. Lancor read his Waiver Request letter dated May 28, 2021 into the record.

M. McIntyre moved and S. Simonin seconded to approve the Waiver for the required 200 sf building square for the following reasons:

- 1. The property is four times the size of the square*
- 2. The engineered solution for the septic is acceptable to TAHD.*
- 3. The waiver is not detrimental to the public welfare.*
- 4. The slope is stable.*

The motion carried unanimously.

M. McIntyre moved and S. Simonin seconded to refer the subdivision application to the Conservation Commission for review. The motion carried unanimously.

The hearing for the subdivision application was continued to August 16.

APPLICATION REVIEW

Champalimaud 7/19/21
31 North St.

Special Exception modification nursing/convalescent care home (40 existing hospital/clinic beds) use to "Lodging – New England Bed and Breakfast" (30 proposed hotel/motel rooms) in HR30 Zone

Attorney Keilty and Anthony Champalimaud were present for the application.

Attorney Keilty presented a site plan and a bound adaptive reuse plan (31 North Street, aka "Rose Haven" – Adaptive Reuse) dated July 19, 2021. The report includes a statement of use and comparisons to a 2002 revised site plan. They are currently working on pathways and sidewalks for access on the property and will show them on the finalized site plan.

The Chairman asked for floor plans showing number of rooms and layout of the proposed rooms and an overall parking plan. Mr. Champalimaud explained the interior layout. He summarized parking spaces as relate to the zoning regulations. The proposed restaurant will not be open to the public. The name will be changed to Belden House. The Commission would like to see elevations of the buildings and a site plan with contours and the outside lighting plan. Additional material needed for the public hearing are copies of the recorded special exception, site plan approval extensions and variance approvals that were granted in 2002 and 2005 respectively.

Approval of Minutes June 7, 2021

S. Simonin moved to approve the minutes, R. Lupo seconded and the motion carried unanimously.

Old Business – None

New Business – Cannabis: Moratorium or Prohibition motion

Dr. Tobin explained that the 2021 Special Session of the State Legislative Assembly saw the passage of a law which decriminalize the sale and use of marijuana. Sec. 148 of Public Act 21-1 became effective as of July 1, 2021. This law legalized the cultivation, processing, distribution, possession and use of cannabis [marijuana] for recreational purposes as well as regulating the already permitted medical use of marijuana. This law also requires the Connecticut Department of Consumer Protection to commence drafting regulations on the use and sale of cannabis upon passage of the law and to begin accepting applications for licenses for the sale of cannabis by the end of 2022.

Currently, a Cannabis Establishment as defined in Section 1 of Public Act 21-1 is not specifically addressed in the Zoning Regulations. "Cannabis Establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and delivery service or transporter but does not include a dispensary facility as provided in Chapter 420f of the general statutes.

Section 148 of this law provides that a municipality may, through its zoning regulations, or by adopting a local ordinance can prohibit or establish reasonable restrictions on cannabis establishments. If the municipality does not amend its regulations or adopt a local ordinance to address this use, then Cannabis Establishments will be deemed a permitted use in those zoning districts where similar retail and commercial establishments are also permitted.

The regulation of recreational cannabis raises novel legal, planning, and public safety issues, and the Commission needs time to study and consider the regulation of Cannabis Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Regulations regarding regulation of Cannabis Establishments. The Commission intends to adopt a temporary moratorium on the use of land and structures in the Town of Litchfield for Cannabis Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact regulations in a consistent manner

R. Lupo read the *Temporary Moratorium on Cannabis Establishments* verbiage that will be added to the Zoning Regulations. This moratorium will be effective through August 1, 2022.

S. Simonin moved and R. Lupo seconded to adopt a moratorium on cannabis establishments as Appendix D in the Town of Litchfield Zoning Regulations effective through August 1, 2022, the motion passed unanimously.

Correspondence - None

Adjournment

M. McIntyre moved to adjourn at 9:17, seconded by S. Simonin and the motion passed unanimously.



Carol Bramley, Chairman

8/16/21

Date