

LITCHFIELD PLANNING AND ZONING COMMISSION
MEETING MINUTES - September 19, 2022 7:00 p.m.
Town Hall Annex, 80 Doyle Rd. Bantam
In Person Meeting

1. Call to Order/Appointment of Alternates –

Chairman C. Bramley called the meeting to order at 7:00 pm.

Members present – C. Bramley, J. Cox, P. Dauten, B. Gibney, P. Losee, J. Richards, N. Sauer, S. Simonin.

Members absent - A. Conroy, G. Cunningham.

Appointment of Alternates – None

2. Commissioners requests – None

2a. 6a. Wilson (Deering) – 110 McBride Road – Receive application of Two Lot Subdivision with a Special Exception for an interior lot in RR District.

Motion to add **6a.** to the agenda by J. Cox and seconded by P. Losee, vote unanimous.

PUBLIC HEARINGS

3. Roberts – 65 Hopkins Rd. – Special Exception Shop and Storage Use by Contractor in a RR District.

A. Roberts was present for the application. P. Losee confirmed green cards and letters resent to neighbors with correct date for today's hearing. A. Roberts answered questions from Litchfield Zoning Regulations: Specific Standards and Requirements Section T. Shop and Storage Use by a Contractor. Garage and driveway will be used for landscaping business. Tools, equipment and two vehicle are stored in garage with one bay left open for maintenance and repairs. Vehicles are a roll off dumpster truck with two containers, three pickup trucks, two 20' trailers, one 12' trailer, a skid steer and a mini excavator. Two additional pickup trucks are stored off site. Business's three employees are only there to drop off or pick up vehicles and/or equipment during the Mon-Fri 7 am to 3-4 pm work day. Photos of street view, overhead view, at garage and equipment were presented.

Public comment: Brittany Roberts spoke in support of the application. She stated they were misled when purchasing the property and told business usage was permitted. Opposition to the excessive noise, traffic, debris pile visible from the road, disruption of the neighborhood and applicant's unwillingness to be considerate to the neighbors was expressed by J. Fairchild, A. Jeanfavre, D. Jeanfavre, J. Shea and C. Fairchild. A letter was submitted by D. Jeanfavre. A petition with sixteen signatures of neighbors requesting the commission vote no was submitted. Rebuttal was allowed by B. Roberts stating she works for a call center from home and neighbors are exaggerating noise, traffic and disturbance issues. Other neighbors have all been there long term and do not want young people in the neighborhood.

C. Bramley read into record the public notice published 09/08/22 and 09/13/22. C. Bramley asked for a complete list of vehicles, what's stored inside and out, photos and supporting documentation of previous special exception permit referred to by B. Roberts. To allow applicant time to acquire requested information, hearing is continued until 10/03/22.

4. Aegis (Ofman) – 29 Dudley Rd. - Site Plan for Special Structures: Solar Array in a RR District.

Homeowner P. Ofman and E. Hitchcock of Aegis Engineering were present for the application. Green cards were checked by P. Losee. Array has a 16' x 66' footprint, minimal impact and only small portions will be visible to two neighbors. Most of array is shielded from view to all neighbors by a retaining wall, vegetation and the natural slope of property. P. Ofman submitted multiple photos from various angles, a letter of support from neighbor J. Martin and approval from TAHD. To reduce carbon footprint, house is being converted to geothermal heat and proposed solar array has a life expectancy of over 30 years. Maintenance would be a condition of approval.

No one from the public spoke for or against the application. J. Cox motioned to close the hearing, P. Dauten seconded and vote was unanimous. M. Connor read into the record Zoning Regulation BB. S. Simonin motioned to approve the application with the condition the vegetative buffer along driveway to the west be maintained and provisions of the Litchfield Zoning Regulations BB. Special Structures: Solar Harvesting (amended July 19, 2021) be followed. B. Gibney seconded. There was no discussion and vote for approval was unanimous. C. Bramley read legal notice published 09/08/22 and 09/13/22 into the record.

APPLICATION CONSIDERATION

5. Litchfield Country Club – 256 Old South Rd. – Receive Site Plan application to construct two paddle tennis court & a warming hut in a RR District.

Attorney James Strub of Secor, Cassidy & McPartland, Charlie Dumais, an independent architectural lighting designer, and Josh Adams of Litchfield Country Club were present for the application. J. Strub gave project history and detailed approvals from White Memorial, WPCA as sewer line bisects the courts, IWC for location and ZBA for the lights. C. Dumais thoroughly explained how the proposed 200w LED lighting fixtures will be full cut off luminaires (with glare shield), dark sky friendly and compliant with or exceed the 505.6.3 Light Pollution Controls of the Connecticut Building Code. Fixtures also meets or exceeds pollution controls for spill light, direct glare, night sky glow, limit light trespass and preserve dark sky for neighbors while uniformly focusing useful lighting onto playing court. J. Adams stated lights are turned on manually and are only on when courts are in use. An above ground 1,000 gallon propane tank will be used to run 3-4 heaters. Heaters will blow warm air under courts and into warming hut. Relatively quiet heaters won't disturb neighbors and are also turned on/off manually. Since ZBA already held a public hearing with no opposition, an additional hearing is not needed. J. Cox motioned to approve and P. Losee seconded. There was no discussion and vote was unanimous.

6. Zwick – 321 Prospect Mountain – Receive Site Plan/Special Exception application to construct Single Family Residence with an Accessory Apartment/Farm in a RR District.

J. Zwick was present for the application. C. Bramley stated public hearing is needed for the Special Exception. J. Zwick will get TAHD approval and notify neighbors. P. Losee motioned to set public hearing for 10/17/22, P. Dauten seconded and vote was unanimous.

6a. Wilson (Deering) – 110 McBride Road – Receive application of Two Lot Subdivision with a Special Exception for an interior lot in RR District.

D. Wilson and W. Deering were present. W. Deering's daughter was previously deeded 2 acres in the northwest corner of large property and owns the upper house. W. Deering owns the lower house and wants to preserve his street frontage by deeding the 6 acres interior lot to his son. He is also asking for an open space waiver since property transfer is to a family member. D. Wilson submitted site investigation report, IWC approval and noted driveway grade is 12% overall with steepest point being 15% over 120'. Driveway is an old wood road used for over 75 years. C. Bramley stated applicant needs to go through Special Exception Regulations General Standards and Requirements Section C. Lots in Residence Districts 1. Interior Lots checklist. Motion to set public hearing for Special Exception/Subdivision on 10/17/22 by P. Losee and was seconded by B. Gibney. There was no discussion and approval vote was unanimous.

7. Old Business

a. Review revised draft amendments for comment.

Cannabis – There is a time restraint with getting new regulations to COG. New regulations will be based on Nov. 8 referendum. If approved, will be no activity allowed in C-202 District, only RC District. If Nov. 8 dispensary vote is no, then all categories will also be no. Commission will be prepared with Option 1 or Option 2 on Nov. 8.

EV – C. Bramley was informed by J. Worthington of the Building Department that residential instillation regulations are protected by the electrical code. If it is determined no other reasonable location is available, ZEO or PZC can approve and allow within a residential front yard setback by Special Exception. Visual screening may need to be provide. Signage allowed only for usage directions cannot exceed one square foot and brightness of a standard flashlight.

Solar – No zoning permit is needed for wall or roof mounted. Depending on size and location, ground mounted needs either a simple Site Plan or Special Exception approval. When possible, forest, natural vegetation and grazing land should be preserved. All revised regulations will be ready for October 3 PZC meeting and can go to Attorney S. Bryne. BOS will get EV regulations.

8. New Business: - None

9. Approval of Minutes September 6, 2022

S. Simonin motioned to approve minutes, P. Losee seconded, J. Cox abstained and approval of voting members was unanimous.

10. Correspondence

Any new item added to the agenda requires a 2/3 majority vote of the Commission. Taking up any item after 11PM requires a 2/3 majority vote of the Commission

C. Bramley discussed neighborhood roosters and overnight fuel trucks with S. Byrne. Not much can be done about roosters and attorney is researching trucks. Answer will be available for next PZC meeting on Oct. 3.

11. Adjournment

S. Simonin motioned to adjourn at 9:31 p.m., J. Cox seconded and vote was unanimous.

Carol Bramley, Chairman

Date