

**TOWN OF LITCHFIELD
ANNUAL TOWN MEETING
MARCH 3, 2022**

The Annual Town Meeting of the Town of Litchfield was held on Thursday, March 3, 2022 at the Litchfield Firehouse. There were approximately 34 people in attendance. First Selectman Denise Raap called the meeting to order at 7:00 p.m. Lisa A. Losee, Town Clerk, served as Clerk.

Motion was made by Jeffrey Zullo and seconded by Jonathan Torrant that Cleveland Fuessenich preside as Moderator. Motion was made by J. Zullo and seconded by J. Torrant to close nominations. It was then so voted unanimously that Cleveland Fuessesnich serve as Moderator. Motion carried.

The Moderator stated that those eligible to vote at Town Meetings are (i) any person who is an elector of the Town of Litchfield and (ii) any citizen eighteen years of age or more who, jointly or severally, is liable to the Town of Litchfield for taxes assessed against him or her on an assessment of not less than One Thousand dollars on the last completed grand list of the Town, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) of Section 12-81 of the General Statutes.

The Moderator read the certificate of Posting and Publication and it is attached to these minutes as Exhibit A.

Motion was made by J. Torrant to waive the reading of the Call, seconded by J. Zullo. A copy was made available to all those in attendance and is attached as Exhibit B. All voted in favor and the motion carried.

Item I: To approve the 2020-2021 Annual Financial Report.

Having no Annual Report to approve, J. Torrant made motion to table Item I to a future town meeting, seconded by Erich Marriott. All voted in favor and the motion carried.

Item II: To approve allocations for American Rescue Plan Act funds.

The list of ARPA First Tranche Funds for Approval was available to all those in attendance and is attached as Exhibit C. A motion to approve allocations for American Rescue Plan Act funds as submitted by the Board of Selectmen was made by J. Zullo and seconded by J. Torrant. First Selectman Denise Raap went through the list with a brief explanation on the following: Items # 1-3 for WPCA, #4 for EV car chargers in the municipal parking lot, #5 for Public Works, #7 to complete second floor of the Northfield Firehouse, #9, 1 of 2 payments to create 6 zones of free broadband access in the centers of Northfield, Bantam and Litchfield, allowing open public high speed internet access using the firehouses, town hall, schools and possibly the Litchfield Historical Society and LVA building. Stephen Simonin commented that for EMS safety there will be generator back-up; #10-11 to off-set capital requests, #12-specific criteria will need to be followed and applications will be posted to the Town website, #13, 1 of 2 payments for further traffic pattern studies, #15 for the Police to be in compliance with the Police Accountability Bill.

J. Zullo added that this \$888,000 was received in June 2021 and the Board of Selectmen vetted applications and project requests. Another \$911,000 will be received in June 2022 for a second tranche of funding. Matt Dwyer asked if these figures were estimates or proposals and also if there was a cap on the amount of money that businesses or non-profits could receive. Jodi Tenney replied that a committee to review applications and oversee the allocation of these funds would be made up of a representative from both the Economic Development Commission and Board of Finance along with the First Selectman and Finance Director. They will need to see how many applicants there will be and prioritize recipients based on amount of revenue lost due to Covid. Further grants may also be available during the second tranche of funding. J. Zullo commented that this is not a hand-out and there is specific requirements and criteria that must be met including documentation to show proven profit/loss such as tax returns etc. D. Raap replied that items have actual bids associated with them. J. Zullo added that the EV Car Chargers may be fully funded in which case the ARPA funds allocated for them here would be added back to the second tranche of funds. J. Tarrant explained that all 169 towns plus boroughs received ARPA funding. Litchfield Borough received \$178,000 and Bantam Borough received \$107,000. J. Zullo moved the question, seconded by J. Tarrant. All were in favor. It was then unanimously voted in favor to approve allocations for American Rescue Plan Act funds. Motion carried.

Item III: Shall the Town adopt the Cannabis Moratorium as approved by Litchfield Planning & Zoning Commission on 7/19/21?

A copy of "Appendix D-Temporary Moratorium on Cannabis Establishments" was made available to all in attendance and is attached as Exhibit D. Motion was made by J. Zullo and seconded by J. Tarrant to adopt said Moratorium. Carol Bramley, Chairman of Planning & Zoning Commission, explained the need for this Moratorium. The State issues Licenses. Due to its size, less than 25,000 population, only one license would be permitted for the Town of Litchfield. There is a provision in CT law that allows for 10% of registered voters to petition for a vote by referendum to allow an establishment into Town. P & Z must build into current zoning regulations where an establishment would be allowed to be located, for example, the proximity to schools or churches or in center of Town. A 3% additional sales tax would be applied with revenue available only for specific uses. P & Z must have new regulations in place by August 1, 2022. That is when the Moratorium ends. P & Z can legislate use as applied to zoning regulations but cannot police it, therefore, the Town may create an ordinance to restrict use on municipal property. C. Bramley clarified for J. Tenney that this Moratorium is to buy time to allow for the P & Z to adopt new regulations. P & Z could say no but the provision would still be there for a referendum to be called by petition of approximately 81 residents. Christine Harding asked if this includes farming on private property. C. Bramley answered yes-this includes retail/hybrid retail and hybrid cultivator. J. Zullo commented that now is the opportunity for the Public to communicate with the BOS any questions or concerns pertaining to this issue. D. Raap commented that the delivery of cannabis from another town cannot be denied. M. Dwyer suggested review of the Statutes – the new law does not 'kick in' until 2023 and the State will not issue licenses until 2023. Sale of cannabis is still illegal until then. J. Zullo called to move the question, seconded by J. Tarrant. All voted in favor to adopt said Moratorium. Motion carried.

Item IV: Shall the Town adopt the Resolution to Opt Out of the Accessory Dwelling Unit Portion of Public Act 21-29, Section 6, as recommended by the Planning and Zoning Commission and the Board of Selectmen?

A copy of the Draft Resolution was made available to those in attendance and is attached as Exhibit E. Motion was made by J. Tarrant and seconded by John Cox to adopt said Resolution as presented. C. Bramley explained that regulations pertaining to accessory apartments have been on the books since 1990. Litchfield already allows for the application for duplex housing almost anywhere in town. The problem comes from newly built projects where applicants want to add on an accessory apt. with the intent of renting it as an AirB&B. J. Tenney clarified that this will keep accessory apartment zoning requirements local so as not to be dictated by the State and C. Bramley agreed. J. Cox called to move the question, seconded by J. Zullo. All voted in favor of adopting said Resolution. Motion carried.

Item V: Shall the Town adopt the Resolution to Opt Out of the Parking Space Requirements Portion of Public Act 21-29, Section 4, as recommended by the Planning and Zoning Commission and the Board of Selectmen?

Motion was made by J. Zullo and seconded by J. Tarrant to adopt said Resolution as presented. A copy was made available to all those in attendance and is attached as Exhibit F. C. Bramley explained that the current P & Z regulations are already in compliance with Act 21-29 Sec. 4(d)(9). P & Z requires 3 parking spaces per resident lot that includes an accessory apartment and main house. Other towns prohibit accessory apartments or make parking requirements too high and the State is trying to allow for affordable housing. There is no need for P & Z to alter current regulations. J. Tarrant called to move the question, seconded by J. Zullo. All voted in favor to adopt said Resolution as presented and the motion carried.

There being no further business to discuss, motion was made by J. Tarrant and seconded by E. Marriott to adjourn. All voted in favor and the meeting adjourned at 7:48 p.m.

Respectfully submitted



Lisa A. Losee

Town Clerk

3/4/22

POSTING CERTIFICATE
NOTICE OF ANNUAL TOWN MEETING
TO BE HELD MARCH 3, 2022

Exhibit A

I, Lisa A. Losee, the duly elected Town Clerk of the Town of Litchfield, Connecticut, hereby certify that there has been posted in the office of the Town Clerk, on the Town website, and all other places designated by the Town, the Warning of Annual Town Meeting to be held on Thursday, March 3, 2022 at 7:00 p.m. at the Litchfield Firehouse; which was caused to be published in the Republican-American, a newspaper having a substantial circulation in the Town of Litchfield in its issue of February 18, 2022; which publication was at least five days prior to the holding of said Town Meeting (counting the date of publication but not the date of the meeting).

Signed and sealed at Litchfield, Connecticut this 28th day of February, 2022.



Lisa A. Losee
Town Clerk
Town of Litchfield



**NOTICE OF THE ANNUAL TOWN MEETING
TOWN OF LITCHFIELD
TO BE HELD ON MARCH 3, 2022**


Exhibit B.

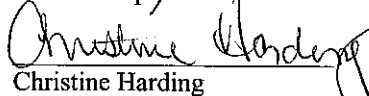
Notice is hereby given to the electors of the Town of Litchfield and those qualified taxpayers lawfully entitled to vote in Litchfield Town Meetings pursuant to Section 7-6 of the Connecticut General Statutes that the Annual Town Meeting will be commenced on March 3, 2022, at 7:00 P.M., at the Litchfield Firehouse, 258 West Street, for the following purposes:

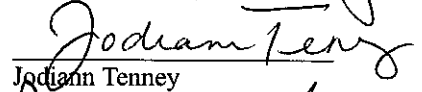
- I. To approve the 2020 - 2021 Annual Financial Report
- II. To approve allocations for American Rescue Plan Act funds
- III. Shall the Town adopt the Cannabis Moratorium as approved by Litchfield Planning & Zoning Commission on 7/19/21?
- IV. Shall the Town adopt the Resolution to Opt Out of the Accessory Dwelling Unit Portion of Public Act 21-29, Section 6, as recommended by the Planning and Zoning Commission and the Board of Selectmen?
- V. Shall the Town adopt the Resolution to Opt Out of the Parking Space Requirements Portion of Public Act 21-29, Section 4, as recommended by the Planning and Zoning Commission and the Board of Selectmen?

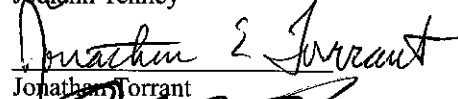
Dated at Litchfield, Connecticut, this 15th day of February, 2022.

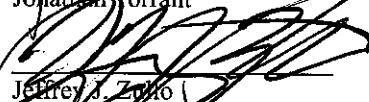
BOARD OF SELECTMEN, TOWN OF LITCHFIELD


Denise Raap

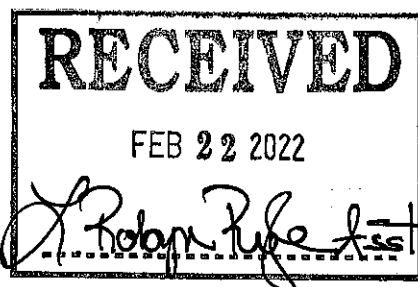

Christine Harding


Jodiann Tenney


Jonathan Torrant


Jeffrey A. Zullo

Any persons requiring special assistance should contact First Selectman Denise Raap between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday at 860-567-7550.



II

Exhibit C.

Litchfield ARPA Funds for Approval First Tranche
For Town Meeting Approval 3-3-2022

| | |
|---|------------------|
| 1. Sewer: Mechanical Bar Screen | \$150,000 |
| 2. Polymer Mixer | 18,000 |
| 3. Flood Resiliency Study | 35,000 |
| 4. EV Car Chargers for Town | 10,000 |
| 5. MS4/Storm Water S | 60,000 |
| 6. Bantam Annex Ventilation Up | 40,000 |
| 7. Northfield Fire Dept 2 nd fl | 50,000 |
| 8. Litchfield Volunteer Ambulance | 111,000 |
| 9. Broadband Muni Hubs (1 of 2 payments) | 50,000 |
| 10. Litchfield Fire Dept | 50,000 |
| 11. East Litchfield Fire Dept | 25,000 |
| 12. Business/Non-Profits Loss of Revenue | 150,000 |
| 13. Traffic/Corridor Study(1 of 2 payments) | 50,000 |
| 14. LVA Garage Doors/Opener | 4,000 |
| 15. <u>Police Camera/Server/</u> | <u>85,000</u> |
| total | \$888,000 |

APPENDIX D- TEMPORARY MORATORIUM ON CANNABIS ESTABLISHMENTS**Purpose**

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 allows for the personal use and possession of cannabis as of its effective date. 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. Section 148 of this law provides that a municipality, through its zoning regulations, can prohibit or establish reasonable restrictions on cannabis establishments. If the municipality does not amend its regulations 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. Regulations to be promulgated by the Connecticut Department of Consumer Protection may provide guidance on certain aspects of local regulation of Cannabis Establishments. 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.

Definition

"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 [C.G.S. Sec. 21a-408 et seq.]

Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Regulations to the contrary, the Commission hereby adopts a temporary moratorium on the acceptance of applications or the use of land or structures for a Cannabis Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through **August 1, 2022** or until such time as the Commission adopts Zoning Regulation amendments that regulate Cannabis Establishments, whichever occurs earlier. During the moratorium period, the Commission shall undertake a planning process to address the potential impacts of recreational cannabis in the Town, and to consider the Connecticut Department of Consumer Protection's regulation of Cannabis Establishments, and shall consider adopting new Zoning Regulations in response to these new issues.

5436589.18

Consideration of a Resolution to opt out of Connecticut Public Act 21-29 Section 6 which addresses the regulation of Accessory Apartments by zoning agencies,

DRAFT RESOLUTION

Whereas the Connecticut State Legislature adopted Public Act 21-29, Section 6 of which requires municipalities to amend their regulations to allow for the development of accessory apartments, otherwise referred to as accessory dwelling units as of right, in any zoning district that allows single family homes and must also designate additional locations or districts where accessory apartments will be allowed;

Whereas this Public Act defines 'as of right' as meaning that no public hearing can be required on an accessory apartment application and that the decision on the application must be based solely on whether the application complies with specific requirements contained in the zoning regulations without consideration given to such other standards as the health, safety of the community or compliance with the plan of conservation and development;

Whereas this Public Act states that there can be no limit on the number of bedrooms an accessory apartment can have;

Whereas the Litchfield Zoning Regulations already permit accessory apartments pursuant to a special exception which allows for public participation at a duly noticed public hearing; and

Whereas the existing zoning regulations provide for a diversity of housing without creating an undue concentration of population or the creation of congestion on public highways while protecting public health, all of which would be negatively affected by the as of right approval process for accessory apartments as provided in Section 6 of Public Act 21-29;

Now Therefore, Be It Resolved, that the Litchfield Planning & Zoning Commission does hereby affirmatively opt out of the provisions of Section 6 of Public Act 21-29 and hereby recommend that the Board of Selectmen of the Town of Litchfield complete this opt out process by placing a resolution similar to this one on the agenda of a town meeting before January 1, 2023.

V.

Exhibit F.

Consideration of a Resolution to opt out of Connecticut Public Act 21-29 Section 4(d)(9) which addresses parking requirements for accessory dwelling units/apartments,

DRAFT RESOLUTION

Whereas the Connecticut State Legislature adopted Public Act 21-29, Section 4(d)(9) which requires municipalities to amend their regulations so that they do not require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms;

Whereas the existing zoning regulations provide that only one parking space is required for an accessory apartment unit and that an accessory apartment unit can have one or two bedrooms for a maximum parking requirement of two parking spaces; and

Whereas the existing zoning regulations are already in compliance with Public Act 21-29 Section 4(d)(9) and the Commission wishes to avoid the time and expense of amending its regulations for no actual benefit or effect;

Now Therefore, Be It Resolved, that the Litchfield Planning & Zoning Commission does hereby affirmatively opt out of the provisions of Section 4(d)(9) of Public Act 21-29 pursuant to the opt out procedures set forth in Section 5 of this Act and hereby recommend that the Board of Selectmen of the Town of Litchfield complete this opt out process by placing a resolution similar to this one on the agenda of a town meeting before January 1, 2023.