

**INLAND WETLANDS COMMISSION  
PLANNING AND ZONING COMMISSION  
ZONING BOARD OF APPEALS  
JOINT AGENCY MEETING  
SPECIAL MEETING  
WEDNESDAY, JUNE 17, 2015 - 7:00 PM  
NEW HARTFORD TOWN HALL – 530 MAIN STREET  
MINUTES**

**PRESENT:** Ted Stoutenberg (P&Z), James Steadman (P&Z), David Krimmel (P&Z), Dan LaPlante (P&Z), Martin Post (P&Z), James Hall (IWC), Troy LaMere (IWC), Wayne Ryznar (IWC), Mary Lou Rayno (ZBA), Paul Griffin (ZBA), Lew Chappel (ZBA), John Wilhelm (ZBA); Zoning Enforcement Officer Steven Sadlowski.

Chairman Ted Stoutenberg called the special meeting of the Planning and Zoning Commission to order at 7:35PM. All regular members present were seated for the meeting. Mr. Martin Post was seated for Mr. Bob Moore. Chairman Jamie Hall called the special meeting of the Inland Wetland Commission to order at 7:36PM. All regular members present were seated for the meeting. Chairman Mary Lou Rayno called the special meeting of the Zoning Board of Appeals to order at 7:37PM. All regular members present were seated for the meeting. Mr. John Wilhelm was seated for Mr. Scott Goff. The proceedings were recorded digitally and copies are available in the Land Use Office.

**1. Discuss Application Process and Coordination.**

Typical sequencing of applications as they relate to the various boards was discussed. It was noted that in typical situations, an application that needs inland-wetlands approval generally must begin there.

Mr. Stoutenberg explained that the Planning and Zoning Commission wears two hats in the sense that it creates a planning agenda in the form of a comprehensive master plan and secondly, enforces zoning regulations that ideally closely reflect the master plan. Mr. Paul Griffin noted that the Zoning Board of Appeal is the agency that provides occasional relief from the regulations, in very limited instances. Mr. Stoutenberg explained that the applications that the Planning and Zoning Commission reviews may never end up before the Zoning Board of Appeals. He explained that sometimes these applications are reviewed by the town engineer or sometimes are set for a public hearing. Mr. Hall noted that one area where coordination can become difficult is when an application has changed after having received Inland Wetlands approval at the time it is being considered by the Planning and Zoning Commission.

Mr. Sadlowski reviewed the difference between a Special Exception and a Site Plan Review. A Special Exception likely has a site plan associated with it, Mr. Sadlowski explained. A Site Plan Review is for a use that is allowed in the zone and will include a list of criteria, or a list of requirements such as setbacks, minimum acreage, parking requirements, etc., he continued. If after review of the site plan by the Planning and Zoning Commission, Mr. Sadlowski explained, the site plan meets the requirements put forth in the regulations, then they must approve it. Granting of a Special Exception is done so with much more discretion than a Site Plan Review, Mr. Sadlowski noted. He explained that the commission may consider property values, character of the neighborhood, traffic, etc. He noted that the one thing courts will always be looking for, though, is that only an expert can make a determination on something that is technical. Mr. Griffin noted that Attorney Mark Branse had contradicted this. Mr. Sadlowski explained that in an instance such as a daily line of cars stuck at a light, it would be reasonable in that situation to assume there are traffic problems. A commission without the aid of an expert would not be able to determine exactly how the traffic problem would become worse from a given application but would be able to determine that a problem already exists.

**2. Discuss Need for Any New Regulations or Procedures.**

Mr. Sadlowski discussed the unintended consequences that can occur as a result of regulations. He provided antidotes that have occurred both in New Hartford and where he previously worked, in Canterbury. It was noted that the enforcement of regulations can be difficult at times. Mr. Griffin agreed, noting that this has been a problem historically. Mr. Sadlowski noted that in considering the granting of a variance, the Zoning Board of

Appeals has to determine that the hardship cannot be self inflicted, for financial reasons, has to be a reasonable request, and must show a hardship in the land.

Mr. Sadlowski noted that in Canterbury regulations were revised to reduce the number of application that needed to appear before Zoning Board of Appeals. For instance, setback requirements for sheds were different than setback requirements for residences. He explained the state court's ruling outlawing the notion of waiver use among planning and zoning commissions. When discussing West Hill Lake, Mr. Sadlowski noted that it would appear the best option for the area would be an overlay zone. Mr. Hall noted that the Inland Wetlands Commission cannot establish the setbacks from the lake and is hopeful that this area will be considered for review by the Planning and Zoning Commission.

Mr. Troy LaMere noted the lack of enforcement, especially in the form of penalizing monetarily, for applicants who appear before the Inland Wetland Commission after having disturbed wetlands. He questioned where the fees that are collected go to, whether they are directed into the general fund or a special fund. Mr. Sadlowski noted the fees go to the general fund and noted the excessive costs associated with the necessary advertising in newspapers that the land use boards must do.

### **3. Discussion of Training Needs.**

Reference was made to the meeting at which Land Use Attorney Mark Branse was present at the Zoning Board of Appeals informational gathering. Discussion of the Plan of Conservation and Development ensued, wherein it was noted that the public hearing has been set for July 22, 2015. Mr. Stoutenberg advised all present to read the plan and forward communications regarding changes that ought to be made.

### **4. Schedule Next Joint Meeting if Applicable.**

Mr. Sadlowski noted that any type of relevant training he comes across, he forwards to members accordingly. He noted that a few land use commission members attended the Connecticut Bar Association training. He noted that Attorney Mark Branse could come to a meeting again. He noted that the Connecticut Planning Convention is coming up on September 15-16, 2015 in Hartford. He noted that if a commissioner wanted to attend this, he/she may do so. Mr. Sadlowski also noted the upcoming conferences of C.A.C.I. W.C. He noted that if there are any topics commissioners would like more information on, he can get a speaker to address. He briefly covered F.O.I. (Freedom of Information) and advised members that any and all emails regarding land use applications are "FOI-able", meaning that even personal accounts can be subject to the requirements of FOI if used.

**MOTION:** Mr. Jim Steadman, Mr. David Krimmel second, **to adjourn the meeting of the Planning and Zoning Commission at 8:54PM; unanimously approved.**

**MOTION:** Mr. LaMere, Mr. Wayne Ryznar second, **to adjourn the meeting of the Inland Wetlands Commission at 8:54PM; unanimously approved.**

**MOTION:** Mr. Lew Chappel, Mr. Griffin second, **to adjourn the meeting of the Zoning Board of Appeals at 8:54PM, unanimously approved.**

**Respectfully submitted,**

**Pamela A. Colombie**  
**Recording Clerk**