

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, May 10, 2017 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, Dan LaPlante (7:05PM), Bob Moore Jim Steadman, Alternates Tom McLoughlin, Marty Post, and Peter Ventre; Zoning Enforcement Officer Ruth Mulcahy.

**ABSENT:** David Krimmel.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. Mr. Ventre was seated for Mr. Krimmel and Mr. McLoughlin was initially seated for Mr. LaPlante until Mr. LaPlante's arrival.

**1. PUBLIC HEARINGS:**

**A. Lea Poirier – Map 001 – Lot –1 – Lot 2-2B – 72 Muckle Road – Special Exception – Accessory Dwelling.**

Ms. Mulcahy read the legal notice for the Public Hearing into the record, noting that it was published the requisite two times, April 28, 2017 and May 5, 2017 in a newspaper with local circulation. The proofs of notice to the abutting neighbors were provided for the file.

Lea Poirier appeared before the Commission regarding this application. Ms. Mulcahy explained that the applicant is building a single-family home on this dirt road and is seeking to build an in-law unit above the proposed garage. The house plans were then reviewed.

It was noted that the square footage of the proposed accessory dwelling is 1872 square feet with the main dwelling proposed at 4696 square feet, bringing the proposed use to 39.8%. Ms. Mulcahy reported that the applicants have already been before the Inland Wetlands Commission, received approval, and installed the driveway. The septic system has already been approved, too, according to Ms. Poirier.

**Terry Bianchi of 74 Muckle Road** questioned whether the configuration of this three-party driveway can be changed.

**MOTION:** Mr. Moore, Mr. Steadman second, to close the public hearing in the matter of Lea Poirier – Map 001 – Lot –1 – Lot 2-2B – 72 Muckle Road – Special Exception – Accessory Dwelling; unanimously approved.

**B. Collinsville Savings Society/Applicant – John Ciola/Owner – Map 022 – Block 028 – Lot 9-1 – 69 Bruning Road – Special Exception – Stabilization and Planting After Excavation to Address Cease and Desist Order).**

Ms. Mulcahy read the legal notice for the Public Hearing into the record, noting that it was published the requisite two times, April 28, 2017 and May 5, 2017 in a newspaper with local circulation. Attorney William Tracy appeared before the Commission regarding this application accompanied by Tom Grimaldi, Project Engineer of RR Hiltbrand Engineers. Attorney Tracy noted that receipts for the provision of notice to abutting land owners were provided for the record. Attorney Tracy explained that the application attempts to address restoration of a site that was previously used as part of a sand and gravel excavation operation going back many, many years. He explained that the most recent permit had been issued in 2008, had expired in 2010, with the then-owner leaving a restoration deemed unsatisfactory. He noted that this

application proposes to complete the restoration, by bringing in sufficient topsoil, seeding the area and promoting adequate vegetation to reduce and eliminate erosion.

Mr. Grimaldi noted that a site walk was conducted with Ms. Mulcahy, observing that there are substantial trees and dense brush growing in an area that has been untouched for five or six years. He noted that the plan is to leave that area alone.

Mr. Grimaldi provided an overview of the restoration sequence included as part of the proposed project. He noted that the proposed restoration area was depicted in blue on the drawings and consists of one and one half (1½) acres. He noted that the stabilization sequencing areas were created as a means of addressing the slopes that are part of the site, allowing the filling of minor holes at the top and establish erosion and sedimentation control perimeters, topsoil the area, mulch and seed. He explained that the intent is to confine the work to small areas in order to reduce the potential for erosion. He showed a temporary access road as well as an existing access way. Mr. Grimaldi also pointed out the location of the temporary loam pile, noting that about 1200 yards of material will be brought in, requiring about 50-55 truckloads. He noted that if a pile were to sit for more than one month, it would need to be seeded.

The use of the existing gravel driveway would allow the work to begin at the top of the site and work down. Mr. Grimaldi explained that the applicant will need to scarify the site and lay topsoil. He noted that the silt fence is parallel to the slope so that there are no areas of concentrated flow and that as the work progresses down and where there is potential for larger flow areas coming down, there is geotextile silt fence and wood chip berms extending down. Mr. Grimaldi noted the location of the construction entrance and dust control in the event there are dry times. He also indicated the areas for a temporary loam stockpile and the temporary dumping area for topsoil, too. Mr. Grimaldi noted the location of the stone check dams, included as a precaution. He also noted the location of a temporary sediment trap for a steeper slope.

In response to a question about the type of seeding, Mr. Grimaldi explained that he would recommend surface roughing which is typically used with a bulldozer perpendicular to the slope, which presses the seed into the ground, functioning to prevent erosion that could otherwise occur with smooth topsoil. He noted that if it were to be raked smooth, like someone's lawn, it would only create rivulets allowing water to flow.

John Ciola, the owner of the property, explained why it would not be optimal to hydroseed this property. He noted that this plan is the typical process for larger projects and would be different than what one would expect in planting a typical lawn. Mr. Stoutenberg clarified the application's use of the wording "after the excavation". Attorney Tracy explained that this language was with regard to the excavation that has already occurred on the site. It was noted that this 1.5 acres that is subject to this application, a portion of the larger 65 acres, is the only area being addressed. Mr. Stoutenberg also questioned the language within the proposal, "...concrete trucks will discharge and wash out surplus concrete or drum wash water in a contained area on site..." Mr. Grimaldi confirmed that this was included inadvertently, as part of boiler plate language.

**Scott Goff of 291 Maple Hollow Road**, accompanied by his wife Linda Goff, spoke in support of the application, noting that they are abutting property owners. He questioned whether any further work would be done once this remediation work is completed. Attorney Brian McCormick, representing Mr. Ciola, indicated that his client's primary focus is to correct the Cease and Desist that had been issued against the prior owners. Mr. Goff read aloud a letter sharing concerns he has had regarding the property including that the plan submitted ought to

include all plans for sand and gravel removal and planting, along with including a time limit of two years for work to be completed as well as oversight by a professional engineer and the town's land use officer.

**Helena Mubarek of 22 Bruning Road** noted her concerns with the hours of operation and the truck traffic, requesting that the traffic be equally distributed between Bruning Road and Maple Hollow Road and excluded from Gray Road and Stub Hollow Road.

Ms. Mulcahy read aloud a letter submitted by **Georgie Mubarek of 22 Bruning Road** sharing her concerns with truck traffic as well as her inquiry regarding what the interest of Collinsville Savings Society has in this property.

**Michael Dryanski of 103 Bruning Road** shared concerns with whether the existing topsoil or proposed topsoil to be brought in might be contaminated, suggesting that it ought to be tested.

**Judy Mubarek of 40 Bruning Road** opposed any excavation occurring on the site as well as traffic. She also noted a problem with sand blowing from the site.

With regards to the hours of operation with this property, Attorney Tracy explained that more restrictions imposed, the more difficult it will be for his client to complete this work quickly. His client is employed full-time and plans to perform this work around that scheduled.

Mr. Dryanski implored the Commission to impose time limits on the time it takes to restore this property.

**MOTION:** Mr. Steadman, Mr. Moore second, to close the public hearing in the matter of Collinsville Savings Society/Applicant – John Ciola/Owner – Map 022 – Block 028 – Lot 9-1 – 69 Bruning Road – Special Exception – Stabilization and Planting After Excavation to Address Cease and Desist Order; unanimously approved.

## **2. PENDING APPLICATIONS:**

**A. Lea Poirier – Map 001 – Lot –1 – Lot 2-2B – 72 Muckle Road – Special Exception – Accessory Dwelling.**

**MOTION:** Mr. Steadman, Mr. Moore second, to approve the following:

*WHEREAS*, the Town of New Hartford Planning and Zoning Commission received a Site Plan/Special Exception application for an accessory dwelling with a gross floor area of 1,872 Sq. Ft. with a proposed principal building with a gross floor area of 4,696 Sq. Ft. located on 5.073 acres which includes an application, an Overall Map of Site 4/21/15 with a final revision date of 03/23/17 prepared by David F. Whitney, Consulting Engineers, LLC, 21 Arch Road, Avon, Connecticut 06001; and

*WHEREAS*, the Planning and Zoning Commission held a public hearing on May 10, 2017:

*IT IS THEREFORE RESOLVED* that the New Hartford Planning and Zoning Commission approves the Site Plan/Special Exception application for an accessory dwelling with a gross floor area of 1,872 Sq. Ft. with a proposed principal building with a gross floor area of 4,696 Sq. Ft. located on 5.073 acres at 72 Muckle Road in an R-2 Residence District with the following conditions:

1. The 40% maximum gross floor area of the principle residence for the accessory dwelling was met by reducing the size of the basement and eliminating access to the attic in the accessory dwelling. The 40% maximum gross floor area for the accessory dwelling shall be maintained in order to comply with Section 3.6 C. of the Zoning Regulations; and
2. The owner of the property must reside in one of the dwellings; unanimously approved.

**B. Collinsville Savings Society/Applicant – John Ciola/Owner – Map 022 – Block 028 – Lot 9-1 – 69 Bruning**

**Bruning Road – Special Exception – Stabilization and Planting After Excavation to Address Cease and Desist Order).**

**MOTION:** Mr. Steadman, Mr. Stoutenberg second, to approve the following:

*WHEREAS*, the Town of New Hartford Planning and Zoning Commission received a Site Plan/Special Exception application for site stabilization, planting and restoration of an old gravel mining site in response to a Cease and Desist Order on 65.34 acres located at 69 Bruning Road, New Hartford, CT in an R-2 Residence District which includes an application, a Stabilization Sequencing Plan Parcel 9-1, Maple Hollow Road and Bruning Road dated March 2, 2017, a Grading-Erosion & Sedimentation Control Measures Plan dated March 2, 2017, Topographic Survey dated March 3, 2017, Erosion & Sedimentation Control Measures-Details 1 and 2 dated March 2, 2017 prepared by R.R. Hiltbrand Engineers and Surveyors, LLC, 21 Copper Hill Road, Granby, CT 06035; and

*WHEREAS*, the Planning and Zoning Commission held a public hearing on May 10, 2017:

*IT IS THEREFORE RESOLVED* that the New Hartford Planning and Zoning Commission approves the Site Plan/Special Exception application for site stabilization, planting and restoration of a gravel site in response to a Cease and Desist Order on 65.34 acres located at 69 Bruning Road, New Hartford, CT in an R-2 Residence District with the following conditions:

1. No removal of earth materials is permitted with this approval;
2. All exterior lights shall be full cut lighting in compliance with Article 6 Section 6.4;
3. Inspections, by the applicant's engineer, Tom Grimaldi, shall be made during each phase of the plan noted as Area 1, Area 2A, Area 2B, Area 2C, Area 2D, Area 3, Area 4, Area 5, and Area 6. These inspections shall include a final inspection of each Area before the next Area is begun. The applicant's engineer and town staff will jointly inspect the area for completeness;
4. The Cease and Desist Order shall remain in effect for any excavation and until the stabilization plan is complete and has been inspected by the applicant's engineer and town staff to verify compliance with the submitted plan as listed above;
5. All conditions of the Inland Wetlands Commission shall be followed;
6. A performance bond shall be estimated by the applicant's engineer and reviewed and approved by the Town Engineer and submitted to the Town, before any site work begins. The bond shall be held through the duration of the project and until the Town Engineer deems the site work is complete and stabilized;
7. The hours of operation shall be 8:00AM to 7:00PM Monday through Saturday;

8. All outstanding fees on this property shall be paid before the Cease and Desist is lifted from the Town of New Hartford Land Records;
9. Trucks shall utilize only Maple Hollow Road and Bruning Road;
10. There shall be no dumping of cement trucks on the site; and
11. No paint shall be allowed on the site; unanimously approved.

**3. NEW APPLICATIONS:**

**A. Chris Sayer/Applicant – PNL Nutmeg LLC/Owner – Map 044 – Block 013 – Lot 17A – 283 Main Street – Site**

**Plan Approval – Add Patio on End of Building, Add Sign Above Door, Allow Food Trucks.**

Noting that the application had only been recently submitted, the day prior to this meeting, the Commission accepted the application and indicated that Ms. Mulcahy will review what is being requested and noted that it will be discussed at the next Planning and Zoning Commission meeting.

Chris Sayer addressed the Commission briefly regarding this application noting that his business has two sets of doors and that he is seeking to put another sign over the other set of doors. Ms. Mulcahy noted that there ought to be some parameters outlined in the application regarding the proposed food trucks.

The Agenda was amended in order to add *Ski Sundown Eagle Scout Project* as Item 3B.

**B. Ski Sundown Eagle Scout Project.**

An Eagle Scout appeared before the Commission, presenting with a map of Ski Sundown, depicting the rental shed as well as a storage shed. He explained that he is seeking to extend the current deck and construct a ramp for handicapped people as part of an Eagle Scout project. The consensus of the Commission was to allow Ms. Mulcahy to review and authorize this project through a Zoning Permit.

**4. APPROVAL OF MINUTES – APRIL 26, 2017:**

**MOTION:** Mr. Steadman, Mr. Stoutenberg second, to approve the April 26, 2017 Minutes; Motion passed with Mr. Stoutenberg, Mr. LaPlante and Mr. McLoughlin voting aye while Mr. Moore and Mr. Steadman abstained.

**5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

Mr. Stoutenberg noted a recent newspaper article addressing population loss in the area. He noted that one projection indicated that Litchfield County may lose up to 20% of its population in the next fifty years. Census data from the article revealed that there has been a 3½% loss of population in New Hartford between 2010 and 2015, according to Mr. Stoutenberg.

**6. ZONING ENFORCEMENT OFFICER'S REPORT:**

None.

**7. CORRESPONDENCE:**

None.

**MOTION:** Mr. Post, Mr. McLoughlin second, to adjourn at 8:44PM; unanimously approved.

Respectfully submitted,  
Pamela A. Colombie  
Recording Secretary