

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, April 25, 2018 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, Dave Krimmel, Bob Moore and Jim Steadman (7:05PM).

Alternates Tom McLoughlin and Marty Post; and Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Alternate Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

None.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion of Possible Regulation Changes.

Mr. Stoutenberg reported that Mr. Moore and Mr. Krimmel have coordinated a draft of possible changes to the Zoning Regulations to develop a proposed commercial mixed-use overlay district. Mr. Krimmel noted that because Mr. Moore has worked for a developer in his previous professional life, he spoke to several developers to gather understanding of things they look for in advance of proposed development. Mr. Krimmel reminded the Commission that the Town is lacking enough sewer system rate payers to support the wastewater treatment plant. The area of town for this overlay district would be in the center of town, on Route 44 down to the Canton town line. The proposed commercial mixed-use overlay district would be in a format similar to current regulations including a purpose, density, development standard, text, parking and setbacks. These components were reviewed.

It was noted that a definition of *developable land* will be necessary. Additionally, with respect to the possibility of a density bonus, similar to that used in the approval of the Hurley property, a maximum will need to be established. Parking and setback provisions were considered. Mr. Moore explained that the ceiling height of twelve (12') feet was included to encourage the first-floor commercial use.

Mr. Moore explained how Canton has more of a form-based code, where the regulations for commercial areas focuses more on design rather than use.

They noted that there should likely be changes made to the setbacks in the proposed draft.

It was agreed that the draft of this regulation will be reviewed again at a future meeting and then forwarded to Attorney Mark Branse for his legal review.

A request from the WPCA to modify language relative to sewer connections in this Commission's Subdivision Regulations was reviewed and discussed. Whether a given developer is obligated to extend a sewer line as part of a planned proposal or the Town is the responsible party, as they would be if there was suddenly an influx of students to the school system, was a question that the Commission would like legal clarification to. Another question the Commission had was who was responsible for a property that is in the sewer service area but does not have the sewer line running by it. A third question the Commission had was whether the Zoning Regulations mandate sewer connection in an overlay zone.

6. APPROVAL OF MINUTES – April 11, 2018:

The April 11, 2018 Minutes should be corrected to reflect that James Steadman was indeed present for the meeting. The April 11, 2018 Minutes should also be corrected to reflect that Ms. Mulcahy reported in her Zoning Enforcement Officer's Report that Firehouse Smoker is moving into a former restaurant not a former laundromat.

MOTION: Mr. Steadman, Mr. Moore second, to approve the April 25, 2018 Minutes as corrected; unanimously approved.

7. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy reported that an As-Built was received on the Flanders Crossing subdivision's road and that the curbs have all been backfilled. This work having been completed along with the identification of the locations for the planting of the trees has substantially finished what remained to be completed at that location. Mr. Krimmel questioned whether the bond was pulled on Flanders Crossing or not. Ms. Mulcahy noted that it was not as the developer finished the work the next day following the meeting at which the vote occurred.

Ms. Mulcahy distributed a handout reflecting the proposed changes to the second kitchen at the home on 146 Camp Workcoeman Road, containing a site plan, the existing floor plan of the second kitchen including cabinets, stove and refrigerator and then a proposed floor plan wherein the cupboards have been removed but a sink, refrigerator, freezer and bar remains. Mr. Stoutenberg noted that he believed the Commission should recommend that Ms. Mulcahy find that the property is zoning compliant. Mr. LaPlante questioned whether a second kitchen is illegal. Ms. Mulcahy explained how a second kitchen can serve as a trigger to a second living space, or an accessory unit, when there are other spaces that are tied to it such as a full bathroom, and a living room space.

Following up on the request from a property owner from Shady Brook Road Extension who recently learned that his parcel is not a buildable lot as a result of the developer doing unauthorized boundary line adjustments, Ms. Mulcahy reported that the opinion received back from Attorney Branse was that the Town should not be incurring legal fees over the matter.

8. CORRESPONDENCE:

None.

MOTION: Mr. Krimmel, Mr. LaPlante second, to adjourn at 8:52PM; unanimously approved.

Respectfully submitted,
Pamela A. Colombie,
Recording Secretary