

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
FEBRUARY 13, 2013 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Vice-Chairman Ted Stoutenberg, David Krimmel, Daniel LaPlante; Alternates Robert Moore and Martin Post; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Chairman James Steadman, Gil Pratt; Alternate Peter Ventre.

In the absence of Chairman James Steadman, Vice-Chairman Ted Stoutenberg called the meeting to order at 7:00PM. All regular members present were seated for the evening. Alternate Martin Post was seated for James Steadman, and Alternate Robert Moore was seated for Gil Pratt. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:

A. David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot.

Ken Hrica, PE, addressed the Commission on behalf of the applicant. Ms. Malanca informed the Commission that the only outstanding items from the January 9th meeting were whether or not the property was entitled to an exemption from the open space requirement and the submission of a report on this application from the Inland Wetlands Commission. Ms. Malanca explained that the Inland Wetlands Commission had approved this application at their February 4th special meeting. She also stated that the applicants had filed a quit-claim deed in the Town Clerk's office transferring title for this property from only Edward Barden to both Edward and Anita Barden. Ms. Malanca said that she had reviewed this matter with the Commission's attorney, Mark Branse, and he had expressed the opinion that this application now met the requirements for an open space exemption as detailed in Section 4.15.7 of the Subdivision Regulations.

Mr. Stoutenberg then opened the floor to public comment; however, no one present expressed a desire to speak.

Hearing no further comments from the Commission or the audience:

MOTION Mr. Post, second Mr. Krimmel, to close the public hearing in the matter of **David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot**; unanimously approved.

2. PENDING APPLICATIONS:

A. David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot.

MOTION Mr. Post, second Mr. Krimmel, to approve the application in the matter of **David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot** as per all oral and written testimony which includes maps and plans entitled "1 Lot Subdivision Prepared for David B. Donovan & Luz M. Donovan, Lot #2-1 West Hill Road New Hartford, Connecticut, Assessors Map 31/Block 42/Lot 2-1" prepared by Hrica Associates, LLC, dated November 30, 2012 and revised through January 4, 2013; unanimously approved.

3. NEW APPLICATIONS:

A. Kevin Mongeau, applicant; St. Paul's Lutheran Church, owner; 30 Prospect Street (Parking Lot) – Site Plan Modification to Allow Clothing Bin Onsite as an Accessory Use.

Ms. Malanca explained that the proposed clothing bin was located in the parking area of the church, and the parking lot was on a separate piece of property from the church building. She explained that the parking lot was deed-restricted to be used only for church purposes. Ms. Malanca reminded the Commission that they had previously handled an application for a clothing and book donation container at Maradino's via site plan modification. Ms. Malanca explained that the bin currently proposed would be a shed where donation items would be dropped off for Hands of Grace, a ministry of St. Paul's Church.

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Zachary Cope then addressed the Commission, submitting a letter from Kevin Mongeau which granted Mr. Cope authorization to speak to the Commission on Mr. Mongeau's behalf. Mr. Cope explained that he had submitted pictures of the wooden shed proposed for clothing donation at St. Paul's Church. The Commission then reviewed the pictures of the proposed shed in the file. Mr. Cope stated that his organization had donation containers in 650 locations throughout the country and 14 towns in the State of Connecticut. He explained that donation items received at this shed would be checked 2 to 3 times per week by Hands of Grace. Hands of Grace would then use those items received locally first. Mr. Cope said that his organization would then pick up the remaining donated items at the shed once per week.

Ms. Malanca questioned what would happen if items other than clothing were dropped off at the donation container, such as books or furniture. Mr. Cope stated that his organization would remove all such items within 1 week. Mr. Post questioned whether the Commission had attached any specific conditions to their approval of the donation container at Maradino's. Ms. Malanca explained that the Commission had required that maintenance to the containers and the area immediately surrounding them had to be provided on a regular basis to the satisfaction of the Zoning Enforcement Officer; if it were not, the containers would have to be removed. Mr. Cope stated that he would be amenable to such a condition on this application. Mr. Stoutenberg questioned whether a public hearing was in order given that the parking lot was located within a residential area. Ms. Malanca stated that the Commission could schedule a public hearing if they so chose; however, the Commission was required by Statute to approve a site plan application provided it complied with Zoning Regulations.

MOTION Mr. Post, second Mr. Krimmel, to approve the application in the matter of **Kevin Mongeau, applicant; St. Paul's Lutheran Church, owner; 30 Prospect Street (Parking Lot) – Site Plan Modification to Allow Clothing Bin Onsite as an Accessory Use** as per all oral and written testimony with the condition that maintenance of the container and the area immediately surrounding it is to be provided on a regular basis to the satisfaction of the Zoning Enforcement Officer; unanimously approved.

Mr. Moore then questioned why this shed required a site plan modification when the football league storage pod at Brodie Park South did not. Mr. Stoutenberg stated that this was not the appropriate place in the agenda for this discussion, and he stated it could be addressed later in the agenda.

4. APPROVAL OF MINUTES:

- A. January 9, 2013 regular meeting.**
- B. January 23, 2013 regular meeting.**

MOTION Mr. Krimmel, second Mr. LaPlante, to approve the minutes of both the January 9, 2013 and January 23, 2013 regular meetings as written; unanimously approved.

C. POCD Subcommittee Meeting Minutes – February 6, 2013 – Special Meeting.

The Commission agreed that these minutes should be approved by the Subcommittee. Members of the subcommittee would be giving their report under agenda item 7A.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

The Commission reviewed Ms. Malanca's report of her enforcement activities over the period from January 9th through February 13th. Ms. Malanca informed the Commission that she had spoken with First Selectman Dan Jerram regarding the closure of Stedman Road, and he had stated it was the Board of Selectmen's intention to eventually reopen the road. She also updated the Commission regarding enforcement activities at 55 Prospect Street.

Ms. Malanca then briefly explained to the Commission how the indefinite placement of donation containers differed from the use of a temporary storage pod at Brodie Park South. She reviewed her decision on this matter, which was made on July 11, 2012.

6. CORRESPONDENCE:

No business was discussed.

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

A. **Report from POCD Subcommittee Regarding Review Process to Update Plan of Conservation and Development.**

David Krimmel updated the Commission regarding the activities of the POCD Subcommittee. Mr. Krimmel explained that they had met twice since the subcommittee was established. He referred all Commission members to the memorandum entitled "General Recommendations from POCD Subcommittee" prepared by Ms. Malanca which had been included in their packets. Mr. Krimmel and Ms. Malanca explained that by doing a majority of the work in-house using a planner in an advisory capacity, using Northwest Conservation District to prepare and update maps, and using a professional to compile the finished document, the estimated total cost would be \$20,000. They then explained that the Commission could review portions of the POCD at the planning meetings held the 4th Wednesday of every month.

B. **Discussion of Zoning Regulations Pertaining to Generators and Propane Tanks.**

The Commission briefly reviewed the memorandum from Martin Connor, the Town's planning consultant, dated January 30, 2013 entitled "Proposed Amendments to New Hartford Zoning Regulations regarding Accessory Structures (Above-ground Propane Tanks, Emergency Generators, and Exterior HVAC Equipment) Serving Pre-Existing, Non-Conforming Structures."

MOTION Mr. Krimmel, second Mr. Stoutenberg, to schedule a public hearing regarding **Amendments to the Town of New Hartford Zoning Regulations Regarding Accessory Structures (Above-ground propane tanks, emergency generators, and exterior HVAC equipment) Serving Pre-Existing, Nonconforming Structures** for the April 10, 2013 regular meeting; unanimously approved.

C. **Placement of all Metropolitan District Commission and Regional Refuse Disposal District Properties in the Public Service/Utility District as per Section 5.6 of the Zoning Regulations.**

Mr. Post and Mr. Moore both expressed a desire for further information from the Commission's legal counsel regarding the rationale behind implementing Public Service/Utility District regulations prior to scheduling a public hearing on this matter. Ms. Malanca stated that she would contact Mark Branse and ask him to attend the Commission's next meeting or have him submit his explanation in writing.

MOTION Mr. Post, second Mr. Krimmel, to amend the agenda to add item 7D – Discussion of Accessory Uses and Structures as Defined in the Town of New Hartford Zoning Regulations; unanimously approved.

D. **Discussion of Accessory Uses and Structures as Defined in the Town of New Hartford Zoning Regulations.**

The Commission briefly discussed accessory versus permitted uses and structures according to the Zoning Regulations currently in effect.

MOTION Mr. Post, second Mr. Krimmel, to adjourn at 7:57PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik