

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
MAY 25, 2011 –7:00PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Chairman James Steadman, Dan LaPlante, Ted Stoutenberg; Alternates David Krimmel and Peter Ventre; Land Use staff CZEO Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Ken Heyse, Gil Pratt; Alternate David Jones.

Chairman James Steadman called the meeting to order at 7:10PM. Alternate Peter Ventre was seated for Gil Pratt, and Alternate David Krimmel was seated for Ken Heyse. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

- A. Continue Moratorium on Outdoor Wood Burning Furnaces – Article V, Section 14.2 – a one (1) year moratorium on Outdoor Wood Burning Furnaces.**
- B. Amend Regulations – Article V, Section 14 – Prohibited Uses – Add new paragraph (n) Outdoor Wood Burning Furnaces.**

The Recording Secretary read into the record the legal notice for both public hearings. The Commission agreed to run both public hearings simultaneously. Mr. Steadman explained to the members of the public both amendments under consideration and invited anyone for or against either amendment to address the Commission.

Bruce Gresczyk, Jr. of 860 Litchfield Turnpike addressed the Commission first in opposition to either a moratorium or a ban on outdoor wood burning furnaces (OWF). Mr. Gresczyk explained that they had purchased an outdoor wood burning furnace for their family farm approximately 3 years ago, which had replaced 4 oil-burning furnaces for heating 10,000 square feet of greenhouses. He stated that he was completely opposed to any moratorium or ban, and the Town's regulations on this matter should mirror those at the State level.

Henry Gresczyk, 860 Litchfield Turnpike, next addressed the Commission in opposition to both a moratorium and an outright ban. Mr. Gresczyk stated that it was his job to feed their outdoor wood burning furnace, and he had encountered no smoke or breathing problems as a result; he explained that he believed the smell was far more pleasant than that from an oil-burning furnace. Mr. Gresczyk stated that they had already obtained a permit for a second OWF, which they hoped to install by the end of the year. He too recommended leaving regulation of OWF's to the State of Connecticut.

Lori Chatfield, 290 Town Hill Road, also addressed the Commission in opposition to both the ban and the moratorium. Ms. Chatfield distributed to each Commission member a packet of information regarding OWFs as well as copies of inspection reports and letters from both the DEP and the Farmington Valley Health District (FVHD) regarding the outdoor wood burning furnace on her property. She stated that both the DEP and the FVHD adequately monitored outdoor wood burning furnaces, as evidenced by the number of visits they had paid to her property due to complaints from a neighbor. Ms. Chatfield also submitted a letter from the parent of an asthmatic boy whose condition is exacerbated by smoke and who is regularly on her property; the letter stated that the boy had never once had breathing issues as a result of the Chatfield's OWF. She stated that DEP inspectors routinely sit by her property for hours at a time to monitor output from her OWF and also inspect her wood pile to ensure the correct type of wood is being used. Ms. Chatfield stated that they had saved a great deal of money on heating their home due to their OWF. Reiterating her opposition to a ban or moratorium, she noted that New Hartford is a rural community; she owned 15 acres and many of her neighbors owned even more.

Mr. Steadman then asked Ms. Chatfield how high her smokestack was, and Ms. Chatfield responded that it was 46 feet tall, which was higher than the ridge line of her neighbor's home at 312 Town Hill Road.

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Lawrence Terra, 312 Town Hill Road, next addressed the Commission in support of a ban on outdoor wood burning furnaces. Mr. Terra distributed to the Commission a packet of information which included emails from Nancy Alderman, President of Environment and Human Health, Inc.; State Representative Bill Simanski; Gene Damarias of Woonsocket, Rhode Island (considering moving to New Hartford); and Clive Stott of Grindelwald, Tasmania, Australia. Mr. Terra stated that he supported individual property rights, except when those rights infringed on the rights of one's neighbors. He explained that, no matter how high the smoke stack is built on an OWF, no one can control wind and weather. Ms. Malanca stated that she was also entering a booklet entitled "Dangers to Health from Outdoor Wood Burning Furnaces" into the record at Mr. Terra's request.

____ also of 312 Town Hill Road, addressed the Commission in support of a ban. She explained that the DEP can only issue a violation if smoke from an OWF is at ground level; however, smoke from neighbors' OWFs has been at waist level, and one's nose, mouth, and lungs were higher than that. She stated that OWFs have a cold burn, which does not remove particulate matter from the smoke and stated that the smoke can travel up to 1000 feet. She explained that in addition to her neighbor's OWF, her property was now being hit with smoke from an OWF on Stub Hollow Road, which showed how far the smoke can travel. She also submitted to the Commission a letter that she had written in support of a ban.

Matthew Urmaza, 95 Honey Hill Road, next addressed the Commission in support of a ban. He observed that, in this public hearing alone, the Commission had heard about 3 neighborhoods with smoke issues from OWFs. Mr. Urmaza then briefly reviewed a chart entitled "Comparison of Wood Burning Appliance Emissions," which he also distributed to the Commission.

Matt Williams of 26 Behrens Road then addressed the Commission to state that he was against both a ban and a moratorium.

Maria Moore, Town Hill Road, also addressed the Commission in favor of ban. She stated that in working for her website, NewHartfordPlus, she had taken several photos of smoke clouds emanating from outdoor wood burning furnaces. She said that the smoke does not dissipate but seems to just sit. Ms. Moore stated she had taken pictures along Route 202 by Gresczyk Farm and also at Cottage Street. She said that she had heard from residents where the smoke clouds along Route 202 drove away potential business from Town farms. She suggested that the Commission should ban OWFs until either the State or the federal government developed meaningful regulations for OWFs. Ms. Moore also said that this issue should be sent back to the Board of Selectmen again so that this time they would create ordinances to regulate the OWFs already in place. Mr. Steadman asked if Ms. Moore had the photos available, and Ms. Moore stated she did not, but they were on her website. He then asked how many emails she had received on this matter, and she responded that it was not a lot but that she had been told where to go to take pictures – Dings Road and Town Hill Road.

Tim Richard, Richards Road, next addressed the Commission against a ban or moratorium. He stated that he has owned an OWF for approximately 5 years. Mr. Richard stated that the smoke previously complained about likely arose from the initial burn when an OWF was first started, and that that smoke does decrease over time. He stated that his neighbors had no problem with his OWF and in fact provided the seasoned wood that he used in his OWF. He expressed the opinion that it would be wrong for the Commission to ban outdoor wood burning furnaces with the economy as poor as it is, given that OWFs provide savings on heating costs.

Hearing no further comments or questions from the audience or the Commission:

MOTION Mr. Krimmel, second Mr. LaPlante, to close the public hearings regarding both **Continue Moratorium on Outdoor Wood Burning Furnaces – Article V, Section 14.2 – a one (1) year moratorium on Outdoor Wood Burning Furnaces and Amend Regulations – Article V, Section 14 – Prohibited Uses – Add new paragraph (n) Outdoor Wood Burning Furnaces**; unanimously approved.

2. **PENDING APPLICATIONS:**

- A. **Continue Moratorium on Outdoor Wood Burning Furnaces – Article V, Section 14.2 – a one (1) year moratorium on Outdoor Wood Burning Furnaces.**
- B. **Amend Regulations – Article V, Section 14 – Prohibited Uses – Add new paragraph (n) Outdoor Wood Burning Furnaces.**

Mr. Steadman initially suggested tabling discussion and action to the next regular meeting. However, several members of the Commission expressed a desire to act at this meeting. Mr. Krimmel noted that the current moratorium was due to end on June 15th, and the Commission would not be meeting again until June 22nd, which left the issue uncertain for 1 week. Mr. Steadman stated that he thought Commission members might want more time to review the testimony given, but he was willing to act if that was the Commission's decision.

MOTION Mr. Krimmel, second Mr. LaPlante, to discuss agenda items 2A and 2B render a decision on both items at this meeting; unanimously approved.

MOTION Mr. Krimmel, second Mr. Steadman, to amend the regulations – Article V, Section 14 – Prohibited Uses – Add new paragraph (n) Outdoor Wood Burning Furnaces in order to ban outdoor wood burning furnaces in the Town of New Hartford.

The Commission then discussed the motion on the floor. Mr. Steadman asked whether there was a definition in the regulations for outdoor wood burning furnaces, and Ms. Malanca stated that the regulations used the definition in the General Statutes, which she then read. Mr. LaPlante spoke against a ban, stating that more regulations were needed from the State so that they could properly enforce this issue. He expressed the opinion that there were not likely to be many people living in the Town of New Hartford that were even likely to obtain an OWF; he cited the high initial cost, the need for a continuous supply of seasoned wood, and the amount of manual labor required to keep an OWF continuously running. Mr. LaPlante noted that there were only 16 towns out of approximately 169 in the entire state that banned OWFs, of which 4 did not have any OWFs in the Town to begin with.

Mr. Krimmel stated that his views leaned toward libertarianism regarding property rights; however, the Commission and Town residents should face the fact that New Hartford is not as rural as it used to be and is in fact becoming a suburban commuter town. He stated that property owners were not entitled to send smoke into their neighbors' yards. Mr. Krimmel asserted that smoke from OWFs affected property values as much as junk, and the Commission regulated that issue.

Mr. Steadman stated that he had observed smoke clouds from OWFs hanging over the valley that he lived in, mostly in the winter time. Mr. LaPlante then asked if Mr. Steadman wanted to consider recusing himself since he was personally impacted by OWFs. Mr. Steadman stated that he believed he could vote fairly on this matter. Mr. LaPlante stated that the Commission needed to make a decision on this issue once and for all. He noted that every time this issue was discussed by the Commission the same people for and against showed up and no one else; he expressed the opinion that if this issue was of concern to Town residents, then more would show up for these meetings.

Mr. Stoutenberg stated that while the Commission had heard about the particulate matter in smoke from OWFs, no one had presented testimony regarding the particulate matter resulting from oil-burning furnaces. He also noted that the Commission had heard repeatedly about the cost savings owners of OWFs had experienced.

Mr. Krimmel suggested the Commission consider an extreme case – what if all Town residents installed an OWF– and asked how Commission members would feel about that amount of smoke. He recommended banning, stating that the regulations could always be changed again in the future if the state or federal government finally took action on this issue.

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MOTION Mr. Stoutenberg, second Mr. Ventre, to amend the motion on the floor to instead continue the moratorium on Outdoor Wood Burning Furnaces – Article V, Section 14.2 – a one (1) year moratorium on Outdoor Wood Burning Furnaces.

IN FAVOR: Mr. Stoutenberg, Mr. Ventre.
OPPOSED: Mr. Krimmel, Mr. LaPlante, and Mr. Steadman.
ABSTENTIONS: None.

Mr. Steadman's motion to amend Mr. Krimmel's motion to ban failed.

The Commission then voted on Mr. Krimmel's original motion to ban outdoor wood burning furnaces:

IN FAVOR: Mr. Krimmel, Mr. Steadman.
OPPOSED: Mr. LaPlante, Mr. Stoutenberg, and Mr. Ventre.
ABSTENTIONS: None.

The motion to ban outdoor wood burning furnaces failed.

Noting that the Commission had just voted on agenda item 2B, Ms. Malanca asked if the Commission wanted to consider voting on agenda item 2A, the 1-year continuance of the current moratorium. She then read to the Commission the proposed language that would be in the Zoning Regulations if they voted to continue the moratorium.

MOTION Mr. Ventre, second Mr. Steadman, to amend the regulations to continue the moratorium on Outdoor Wood Burning Furnaces – Article V, Section 14.2 – a one (1) year moratorium on Outdoor Wood Burning Furnaces.

IN FAVOR: Mr. Steadman, Mr. Ventre.
OPPOSED: Mr. Krimmel, Mr. LaPlante, and Mr. Stoutenberg.
ABSTENTIONS: None.

The motion to continue the moratorium for 1 year failed.

3. **NEW APPLICATIONS:**
No business was discussed.

4. **MEETING MINUTES:**
A. **April 27, 2011 regular meeting.**
B. **May 11, 2011 regular meeting.**

MOTION Mr. Stoutenberg, second Mr. LaPlante, to approve the minutes of both the April 27, 2011 regular meeting and the May 11, 2011 regular meeting as written; unanimously approved.

- C. **May 25, 2011 regular meeting.**
The Commission agreed to table this matter to the June 22, 2011 regular meeting.

5. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**
No business was discussed.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to adjourn at 8:46PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik