

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

**PRESENT:** Chairman James Steadman, Ken Heyse, Dan LaPlante, Gil Pratt, Ted Stoutenberg; Alternates David Krimmel and Peter Ventre; Commission attorney Mark Branse; Land Use staff CZEO Rista Malanca and Recording Secretary Stacey Sefcik.

**ABSENT:** Ken Heyse; Alternate David Jones.

Chairman James Steadman called the meeting to order at 7:05PM. Alternate Peter Ventre was seated for Ken Heyse. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. NEW APPLICATIONS:**

**A. New Hartford Farmers' Market – Permit to Have Farmers' Market on Wednesdays at Brodie Park.**

Ms. Malanca read into the record a letter from First Selectman Dan Jerram regarding this application, and then Anita Barden addressed the Commission regarding this application. Ms. Barden explained that the New Hartford Farmers' Market was still being held on Friday evenings as previously approved; however, they were now seeking permission to hold the farmers' market at Brodie Park on Wednesday evenings during the summer concert series. She explained that there was one concert at the end of June and 4 during July. The concerts were to be held at Berkshire Hall, and the people would park in the Berkshire Hall parking lot and sit in the grass. Ms. Barden explained that the vendors would be located at the edge of the driveway by the cabins. She stated that some of the vendors would likely keep their cars with them, but the remainder could park in the Berkshire Hall parking lot as well. The Commission then discussed the possibility of having the vendors access the area via the Niles Road entrance and park by the playground. Ms. Barden explained that the vendors would arrive 1 hour before the concert and would stay until the end of the concert so as not to disrupt the concert with their packing up of merchandise.

Ms. Malanca asked whether there would be any signs, and Ms. Barden stated that the Recreation Department had approved the placement of signs by the playscape and by Berkshire Hall. She stated that they would prefer to leave the signs out through the concert series in order to draw attention to both the concerts and the farmers' market. Commission members asked whether there would be any food served, and Ms. Barden explained that two of the vendors were bakers that would be selling prepared foods. She stated that she also would be selling prepared food in addition to vegetables grown on her farm. Mr. Stoutenberg asked whether there were any other food vendors present at the concert aside from those associated with the Farmers' Market, and Ms. Barden replied negatively. Mr. LaPlante stated that the Farmers' Market had been approached by the Recreation Department with this suggestion; he also stated for the record that he was one of the vendors that would be participating in the Farmers' Market. Ms. Malanca asked Mr. LaPlante whether he wished to recuse himself for this reason, and Mr. LaPlante declined.

**MOTION** Mr. Stoutenberg, second Mr. Pratt, to approve the application in the matter of **New Hartford Farmers' Market – Permit to Have Farmers' Market on Wednesdays at Brodie Park** with the condition that all vendors are to access Brodie Park via the Niles Road entrance; unanimously approved.

**B. Jim Whittemore, 116 Holcomb Hill Road. Zone Change (Lot is currently R-15, R-1.5, and IP. Applicant proposes to make all R-15).**

**MOTION** Mr. Stoutenberg, second Mr. Steadman, to set a public hearing in the matter of **Jim Whittemore, 116 Holcomb Hill Road. Zone Change (Lot is currently R-15, R-1.5, and IP. Applicant proposes to make all R-15)** for the June 22, 2011 regular meeting; unanimously approved.

## **P&Z – 052511 Minutes**

### **2. INFORMAL DISCUSSION WITH JACK HALL REGARDING THE HOME DEPOT.**

Ms. Malanca explained that Mr. Hall cancelled this meeting as his attorney was not able to be present. She explained that Mr. Hall's attorney had apparently sent her a letter requesting information as to whether she believed The Home Depot was in compliance with their permit. Mr. Branse questioned the need to have an attorney present for an informal discussion when there was no application currently under review by the Commission for The Home Depot. He asked whether The Home Depot had been advised of this potential discussion, and Ms. Malanca responded affirmatively. Mr. Branse advised that The Home Depot be notified if this discussion is rescheduled to another meeting date.

### **3. DISCUSSION OF DRAFT ZONING REGULATIONS.**

Ms. Malanca distributed to all Commission members an updated draft of the proposed zoning regulations. Mr. Branse and Ms. Malanca then reviewed with the Commission the changes they had made. Changes discussed included adjustments to definitions of attic, fence, and impervious surface. Mr. Branse reviewed the junk guidelines, and the Commission agreed to permit storage of up to 150 square feet and to require a special exception for anything over that amount. Mr. Branse explained that the business district language was changed to allow 52,000 square feet per building. After discussion, the Commission then also agreed to allow businesses to build additional stories to achieve this, in order to prevent sprawl. The Commission then discussed the drive-thru window and high-turnover restaurant regulations and ultimately agreed to allow them in the New Hartford Center Zone by special exception, noting that architectural review would ensure these locations fit in with the appearance of the area. Mr. Branse briefly discussed changes permitting mixed use in the Center zone and adding daycare as an accessory use in the industrial zone.

With regard to the Farmington River Overlay area, Mr. Branse stated he had put in language requiring anyone who cut down trees by the river to plant the largest commercially available trees in their place. Mr. Branse stated that the regulations pertaining to parks were changed to differentiate between passive recreation and active recreation with improvements. He said that shared driveway regulations were also changed to pertain to frontage lots as well as interior lots, and that the language regarding bed and breakfasts was changed to permit employees. Mr. Branse said that the regulations now made open space developments the default, and that a special exception would be required for any other type. In the parking and loading regulations, Mr. Branse stated that they had added a provision limiting parking to 20% over the calculated requirement; anything more would require a special exception. He noted that the current regulations stated that the Town Planner and Town Engineer "shall" be members of the Planning and Zoning Commission; this had now been changed to "may" and if so, it would be at the applicant's expense. Mr. Branse stated that a provision had also been included allowing nonconforming buildings to be demolished and rebuilt by special exception.

Ms. Malanca then asked Mr. Krimmel and Mr. Pratt to discuss with the Commission what their thoughts were regarding the proposed architectural review guidelines, which were to be included in the new regulations as an appendix. Mr. Pratt stated he believed the guidelines were too detailed. He said that the guidelines pertaining to buildings were understandable; however, the guidelines for parking lots, lighting, etc. were excessive and in places appeared conflicting. Mr. Krimmel expressed the opinion that the guidelines for parking lots and lighting should be put directly into the zoning regulations, and that the architectural review guidelines be for buildings only. Mr. Pratt questioned whether the requirements for professionals such as architects were truly needed for some of these issues, and Mr. Stoutenberg responded that this work was something his firm had done all the time. Mr. Branse stated that, while the guidelines could certainly be pared down somewhat, he recommended retaining some detail and specificity as it made the architectural review regulations legally enforceable. He expressed the opinion that the current architectural review regulations were inadequate and would be difficult to defend in court. Mr. Stoutenberg made some suggestions, and Mr. Branse requested that Mr. Stoutenberg mark up the guidelines and send it to him so that he could revise and pare down the document.

The Commission then agreed that Ms. Malanca and Mr. Branse could make the changes discussed tonight and send that document to Planimetrics for reformatting.

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**MOTION** Mr. Stoutenberg, second Mr. Pratt, to adjourn at 9:35PM; unanimously approved.

**Respectfully submitted,  
Stacey M. Sefcik**