

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING – MINUTES  
MAY 11, 2011 –7:00PM  
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

**ABSENT:** Alternates David Jones and Peter Ventre.

Chairman James Steadman called the meeting to order at 7:05PM. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. PUBLIC HEARINGS:**

**A. Supreme Industries, applicant/Floyd Harrison, owner – Application to process and stockpile sand and gravel, 16 Tarringford East Street.**

The Recording Secretary read into the record the legal notice for this public hearing. Ms. Malanca explained that the applicant had obtained their first permit on May 26, 2007, which had expired in 2009; the applicant had then obtained a new permit and was now applying to renew the permit.

Paul Gibson of Supreme Industries, located at 216 Bogue Road in Harwinton, addressed the Commission. Mr. Gibson submitted proof of notice to abutting neighbors. He explained that the stockpiles were from the construction of the adjacent Target. Mr. Gibson said that they had planned to process and sell the material; however, the market bottomed out for several years. He explained that business was now starting to pick up, and they were now seeking to screen and sell the remaining material. Mr. Gibson said that they would be using screening equipment as well as a loader. He said that there was approximately 2000-2500 cubic yards of material to be screened, and that the piles at the far back of the lot belonged to Floyd Harrison for use in his pasture. Mr. Gibson said that once the material was screened, all rocks and tailings would be removed from the site; when the piles were gone, the property would be returned to pasture land.

Ms. Malanca asked whether any additional material would be brought onto the site, and Mr. Gibson responded negatively. Mr. Stoutenberg asked whether 2 years would be sufficient to finish the job, and Mr. Gibson stated that it would be more than enough as the first pile of material, which had previously been screened, had already been sold and removed. Ms. Malanca informed the Commission that the applicant already had wetlands approval via an agent determination, and there were no complaints or violations present in the file. She noted that according to the applicant's plans, the incoming trucks never left the tracking pad when picking up material, and the exit was at the traffic light directly across from The Home Depot.

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

**MOTION** Mr. Stoutenberg, second Mr. Heyse, to close the public hearing in the matter of **Supreme Industries, applicant/Floyd Harrison, owner – Application to process and stockpile sand and gravel, 16 Tarringford East Street**; unanimously approved.

**2. PENDING APPLICATIONS:**

**A. Supreme Industries, applicant/Floyd Harrison, owner – Application to process and stockpile sand and gravel, 16 Tarringford East Street.**

**MOTION** Mr. Stoutenberg, second Mr. Heyse, to approve the application in the matter of **Supreme Industries, applicant/Floyd Harrison, owner – Application to process and stockpile sand and gravel, 16 Tarringford East Street** with the following conditions:

## **P&Z – 051111 Minutes**

1. There will be no material brought onto the site.
2. All rocks and tailings are to be hauled offsite.

The motion was unanimously approved.

### **3. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

#### **A. Phyllis and David Marcantonio – Utility Easement 277 & 279 East Cotton Hill Road “Meadowview Ridge” Subdivision.**

Ms. Malanca explained that the property in question was part of a 2-lot subdivision with a shared driveway. She said that the driveway was already in place; however, it did not adhere to the site plan. Ms. Malanca stated that Connecticut Light and Power wanted to install the utility lines along the property line and not along the driveway, as is customary. She stated that the Marcantonios wanted the Commission's okay to change the location of the utility easement.

The Commission reviewed the plans and agreed with the change in location for the utility easement only, noting that they were not in any way approving the driveway. The Commission also requested that the words “driveway easement” be deleted from the plans and instead be changed to simply “utility easement.”

#### **B. 50 Acre Woods – Fee in Lieu of Open Space.**

The Commission discussed with their attorney, Mark Branse, the issue of whether the home lot was included in the calculation of the fee due in lieu of open space. Mr. Branse explained that their regulations were very clear that the fee was to be calculated based on the total number of lots in the subdivision; he noted that Mr. LaMere had not requested a waiver from this regulation.

Mr. LaMere, owner of 50 Acre Woods, addressed the Commission to request that they modify their approval of his application in order to exempt Lot 5A from the calculation of a fee due in lieu of open space, as was done with the Castellani subdivision. He stated that, if his home lot was ever further subdivided in the future, he would agree to pay any fee in lieu of open space at that time. However, he then explained that he had no intention of further subdividing his home lot as it would require converting his private road to a Town road, which he did not wish to do.

Mr. Pratt questioned whether the application could be withdrawn, and Mr. Branse explained that Mr. LaMere would first have to apply to unsubdivide, and then reapply for subdivision with the appropriate waiver requests. Ms. Malanca questioned what options the Commission had for action at this meeting, and Mr. Branse explained that any modifications to an approved resubdivision would require a public hearing.

The Commission then informed Mr. LaMere that he would need to file an application in order for them to proceed with a request for modification; otherwise, the calculation of the fee due in lieu of open space would be as per the regulations, which would be based on all lots in the subdivision including the home lot.

**MOTION** Mr. Krimmel, second Mr. Pratt, to amend the agenda to discuss item 3D first and then return to the agenda as written; unanimously approved.

#### **D. Discussion of Outdoor Wood Burning Furnaces with Attorney Mark Branse.**

The Commission discussed the pros and cons of an outright ban versus an extended moratorium versus reinstituting the regulations in place prior to the moratorium. Mr. Stoutenberg noted that any action taken by the Commission would do nothing about current outdoor furnaces and reiterated that a Town ordinance was the only way to effectively address issues with current furnaces. He also observed that there have been no new applications for outdoor furnaces in at least a year, which appeared to mean this was not a pressing issue.

## **P&Z – 051111 Minutes**

Mr. Heyse stated that he would prefer extending the moratorium if possible, and Mr. Pratt questioned how long it would be legally possible to extend the moratorium. Mr. Branse stated that he had seen moratoriums as long as 18 months, but did not advocate a 2-year moratorium. Mr. LaPlante expressed frustration that the Commission continued discussing this issue without any resolution, and Mr. Krimmel suggested a public hearing to ban outdoor furnaces as a way to obtain input from the Town. Mr. Branse suggested holding 2 public hearings, one to impose an outright ban, and one to extend the moratorium.

Lori and Bill Chatfield of 290 Town Hill Road addressed the Commission. Mrs. Chatfield explained that they had an outdoor furnace which had reduced their fuel costs by two thirds. She said that the Commission should be aware that the DEP and Farmington Valley Health District do indeed investigate complaints regarding air quality, and she provided to the Commission copies of reports of DEP and FVHD investigations into her furnace. Mrs. Chatfield stated that the DEP and the Farmington Valley Health District had been to her property 50 times over 3 years and had found no violations other than their first visit, where it was found that the smokestack was not high enough, which was immediately rectified.

**MOTION** Mr. Pratt, second Mr. Steadman, to schedule a public hearing for June 8, 2011 to either extend the moratorium on outdoor wood burning furnaces by 1 year or impose an outright ban on outdoor wood burning furnaces; the motion carried 3-2-0 with Mr. Heyse and Mr. Stoutenberg in opposition.

The Commission recessed from 8:40PM to 8:45PM.

### **C. Discussion of Zoning Regulations with Attorney Mark Branse.**

Ms. Malanca and Mr. Branse explained that they had met several times to review and update the draft regulations in order to incorporate comments received from all Town commissions, residents, and business owners. Ms. Malanca explained that the only items remaining were policy questions as detailed in the memo to the Commission dated 5/11/11 included in their packet. She explained that once these last items were addressed, a clean draft could be given to the Commission for their review at the June planning meeting. From there, the draft could be sent to Planimetrics to correct numbering and layout issues, and a public hearing could be scheduled for September.

The Commission then reviewed each topic in the memo. They agreed that they did not wish to implement a fee in lieu of parking regulation, and also agreed to have requests for expansions of nonconforming buildings reviewed by the Zoning Board of Appeals. The Commission discussed the definition of height, with Mr. Stoutenberg advocating for a definition that was in line with the International Building Code. Mr. Branse said that he would look into this matter further. However, the Commission did decide to allow accessory structures to be the same height as the house provided they met all setback requirements; any accessory structures within a setback would be limited to 15 feet. The Commission then agreed to eliminate the language pertaining to a registry for contractor shops and storage facilities, noting that it limited their enforcement capabilities.

The Commission discussed whether to limit the number of animals allowed on a farm, noting that the size of a farm had been decreased to 3 acres. They agreed to separate bovines out and make them exempt from minimum acreage requirements; for all other livestock, the property would have to be at least 10 acres in size in order to be exempt. The Commission also agreed that they wanted to be able to withhold zoning permits and/or certificates of zoning compliance if an applicant had other outstanding violations for the same property.

Mr. Branse stated that he and Ms. Malanca had felt that the Town of Coventry had architectural review regulations most in line with what the Commission wanted for New Hartford. Mr. Krimmel and Mr. Pratt agreed to review the proposed architectural review regulations and report back to the Commission at their next meeting.

**P&Z – 051111 Minutes**

**MOTION** Mr. Stoutenberg, second Mr. Heyse, to adjourn at 8:50PM; unanimously approved.

**Respectfully submitted,  
Stacey M. Sefcik**