

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MOTIONS
APRIL 13, 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; Land Use staff CZEO Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Alternate David Jones.

Chairman James Steadman called the meeting to order at 7:00PM. Alternate Peter Ventre was seated for Dan LaPlante until his arrival at 7:15PM. The entire proceedings were recorded on audio tape and are available in the Town Hall.

1. PUBLIC HEARINGS:

A. Catherine (Caren) Ross, applicant/owner, 741 Steele Road – Special Exception for a Montessori School, Article V, Section 2A, Paragraph 8.

Ms. Ross submitted pictures of the site of the proposed school as well as Farmington Valley Health District approval. Mr. Steadman requested proof of notice to abutting neighbors, and Ms. Ross explained that, while she had sent letters to all abutting neighbors, she did not obtain receipts for those letters.

The Commission then agreed that no further testimony should be received at this time. Ms. Ross was instructed to distribute another letter to her abutting neighbors and to obtain proof of that notice.

MOTION Mr. Stoutenberg, second Mr. Heyse, to continue the public hearing in the matter of **Catherine (Caren) Ross, applicant/owner, 741 Steele Road – Special Exception for a Montessori School, Article V, Section 2A, Paragraph 8** to the April 27, 2011, regular meeting due to improper noticing; unanimously approved.

2. MEETING MINUTES:

A. March 9, 2011 regular meeting.

The Commission agreed to continue this matter to the April 27, 2011 regular meeting.

3. NEW BUSINESS:

A. Joe Martin for Guy LaPlante, 980 Town Hill Road, Request for Modification to “Stag Mountain” Subdivision – Stag Mountain Lot #2 – Access from Stag Mountain Road, not Route 219.

Ms. Malanca explained that, when the Stag Mountain subdivision was originally approved, the regulations only permitted 4 interior lots and 1 frontage lot with a common driveway. Since then, the Commission had amended the regulations to allow for 6 rear lots and 2 frontage lots under the estate lot regulations. She explained that Mr. LaPlante's lot was originally planned to be accessed from Route 219 with no access from Stag Mountain Road. However, Mr. LaPlante was now requesting a modification of the approval such that he could access his lot from Stag Mountain Road. Ms. Malanca said that this would be possible under the estate lot regulations; however, Mr. LaPlante's lot was 3.99 acres and the regulations required estate lots to be at least 4 acres.

Mr. LaPlante explained that his abutting neighbor was prepared to sell him .02 acres so that his property would then comply with the estate lot regulations; his neighbor's lot would still be in excess of 4 acres after the sale. Mr. LaPlante also explained that the current driveway off of Route 219 was shared with another property and was in fact very close to the Route 219/Route 202 intersection and potentially a safety issue. Ms. Malanca said that she had discussed this matter with the Commission's attorney, Mark Branse, and he had felt that this could be decided by the Commission without a public hearing.

Mr. Heyse questioned whether Mr. LaPlante would be able to join the homeowner's association. Ms. Malanca explained that Mr. LaPlante was already in the homeowner's association; however, he was not a signatory on the Common Driveway Agreement. Mr. LaPlante stated that he planned to sign the new Common Driveway Agreement that residents of Stag Mountain Road were planning to create. Mr. Heyse questioned whether the residents of Stag Mountain Road would want to amend the agreement to include Mr. LaPlante's property.

Penny Miller, resident of Stag Mountain Road, explained that the current agreement was not really enforced as the developer who had created the agreement had left the state and was not responding to their mailings. She explained that she and her husband had been the only residents paying for the plowing and maintenance of Stag Mountain Road since they moved in several years ago, and that they very much wanted Mr. LaPlante to join the association so as to share the cost. Mr. LaPlante pointed out that his other neighbor was willing to sell him the necessary land in order for him to join, so it appeared that owner was also in favor.

The Commission then discussed the driveway agreement and ultimately decided that the details of the driveway agreement and potential changes to it were not within their purview; they agreed that if the Commission's attorney approved the document and found this modification acceptable, then they could decide this matter subject to several conditions.

MOTION Mr. LaPlante, second Mr. Stoutenberg, to approve the requested modification in the matter of **Joe Martin for Guy LaPlante, 980 Town Hill Road, Request for Modification to "Stag Mountain" Subdivision – Stag Mountain Lot #2 – Access from Stag Mountain Road, not Route 219** with the following conditions:

1. The sale of approximately .02 acres of adjacent property to Mr. LaPlante must occur in order for this modification to be valid. A new site plan of Lot #2 must be provided to the Land Use Office.
2. Lot #2 must be added to the Stag Mountain Common Driveway Agreement. The Commission's Attorney must review and approve the new Common Driveway Agreement.
3. The driveway on Lot #2 leading to Route 219 may never be made into a through road.
4. No portion of the lot can be sold such that the net result is the lot decreases in size to less than 4.0 acres.

IN FAVOR:	Mr. Steadman, Mr. LaPlante, Mr. Pratt, Mr. Stoutenberg.
OPPOSED:	Mr. Heyse.
ABSTENTIONS:	None.

The motion carried 4-1-0.

4. PENDING APPLICATIONS:

- A. Supreme Industries, applicant, Floyd Harrison, owner, 16 Tarringford East Street. Application to Process and Stock Pile Sand and Gravel. PUBLIC HEARING SCHEDULED FOR MAY 11, 2011.**

MOTION Mr. Stoutenberg, second Mr. Steadman, to set a public hearing in the matter of **Supreme Industries, applicant, Floyd Harrison, owner, 16 Tarringford East Street. Application to Process and Stock Pile Sand and Gravel** for the May 11, 2011 regular meeting; unanimously approved.

- B. Catherine (Caren) Ross, applicant/owner, 741 Steele Road – Special Exception for a Montessori School, Article V, Section 2A, Paragraph 8.**
The Commission agreed to table this matter to the April 27, 2011 regular meeting.

5. ZONING OFFICER'S REPORT:

Ms. Malanca briefly reviewed with the Commission enforcement actions she had taken over the past month. She also informed the Commission that The Home Depot was likely going to be coming before the Commission with a site plan modification request pertaining to their display of seasonal merchandise outside the store.

6. CORRESPONDENCE:

No business was discussed.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Approval of Zoning Map.

Ms. Malanca informed the Commission that she had had the zoning map updated to correct some previous errors as well as to reflect recent changes made by the Commission. She asked the Commission to review the map and, if appropriate, approve it. The Commission discussed the some minor errors with roads on the map; Ms. Malanca explained that she had only had the zoning layer of the map updated.

MOTION Mr. Pratt, second Mr. Stoutenberg, to approve the updated zoning map dated ____; unanimously approved.

B. Elections of Officers:

- i. **Chairman.**
- ii. **Vice-Chairman.**
- iii. **Secretary.**

MOTION Mr. Stoutenberg, second Mr. Pratt, to nominated Jim Steadman to the position of Chairman for 2011; unanimously approved.

MOTION Mr. Steadman, second Mr. Heyse, to nominate Ted Stoutenberg, to the position of Vice-Chairman for 2011; unanimously approved.

MOTION Mr. Heyse, second Mr. Steadman, to nominate Gil Pratt to the position of Secretary for 2011; unanimously approved.

C. Abandoned Roads.

Mr. Krimmel explained that a group was being put together at the First Selectman's request to study the issue of abandoned town roads and that he had been asked to participate. Mr. Krimmel and Ms. Malanca explained that the ownership of the roads would be difficult and costly to investigate, as some of the research could possibly have to go back to the founding of the Town in the 1700s. Members of the Commission noted that it would be a good idea for the Town to first identify where the abandoned roads were and whether they were located in an area of interest for the Town, thereby targeting where any in depth research should take place, and they agreed that the formation of such a group was a good idea.

MOTION Mr. Heyse, second Mr. Stoutenberg, to adjourn at 9:00PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik