

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
FEBRUARY 23, 2011 –7:00PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

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

Chairman James Steadman called the meeting to order at 7:10PM. All regular members present were seated for the evening. The entire proceedings were recorded on audio tape and are available in the Town Hall.

1. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Informal discussion with Attorney Peter Herbst and Mr. and Mrs. Vaskalis regarding land being purchased from the Town.

Attorney Peter Herbst addressed the Commission on behalf of Mr. and Mrs. Vaskalis regarding the Vaskalis' possible purchase of land from the Town that was the subject of an 8-24 hearing at the February 9, 2011 regular meeting. Mr. Herbst explained that he had been unable to attend that meeting and wanted to address the Commission in order to address any concerns that the Commission may have had about this purchase that prevented them from voting favorably. He then briefly reviewed the proposed land purchase, explaining that the due to an error made the Vaskalis' title searcher, they were until recently under the mistaken belief that they owned the land with a Town easement; however, 3 years ago they discovered that the Town in fact owned the strip of land directly between the 2 sections of their property. Mr. Herbst stated that the purchase of this strip would allow Mr. and Mrs. Vaskalis to have a conforming lot where they could make improvements if they so chose. Mr. Herbst then distributed pictures of the site and said that Mr. Vaskalis was currently maintaining the Town-owned section in between his 2 parcels.

Mr. LaPlante stated that the previous owner of the property had attempted the same thing but had been refused as the strip was a possible entrance to a Rails-to-Trails path should the Town decide to build one. He stated that First Selectman Dan Jerram had suggested other accessways; however, he was not aware of any other suitable locations. Mr. Herbst stated that this property had not been mentioned in the Plan of Conservation and Development and referenced maps of proposed open space and possible trails in the POCD. Mr. Herbst then submitted paperwork and a map generated by the Town in connection with a grant application for a hiking trail; this paperwork and map did not mention the Vaskalis property. He suggested this was because the Vaskalis property was adjacent to Route 44 just past the pedestrian zone and was therefore a dangerous accessway for a trail.

Ms. Malanca stated that she had spoken with Mr. Stoutenberg prior to the meeting and said that he had been concerned that the proposed easement was too restrictive in that it only permitted the Town the right of access for sewer and water. She said that Mr. Stoutenberg wanted the easement to permit such things as fiber optic cables and a Rails-to-Trails path. Mr. Herbst stated that his clients would likely not be against fiber optic; however, they would be opposed to a public path as it would seriously impact their property value. He also expressed vandalism and safety concerns about a public path cutting through the Vaskalis' back yard within feet of their back porch and swimming pool. Mr. Herbst reiterated that the property was not mentioned on the proposed trail maps in the POCD. Mr. Branse remarked that the Commission had to consider the text of the POCD and not just the maps. Ms. Malanca stated that this matter had been withdrawn from the Town Meeting schedule for March 1, 2011 and that there would probably not be another Town Meeting until the budget was ready to be discussed.

Donna LaPlante, Town Clerk, addressed the Commission. She recommended that the Commission not just look at this one isolated lot when making their decision but rather look at the totality of the water and sewer line easements and Town-owned strips in this area in order to better see the big picture and the potential use of the land. She then brought up the issue of proprietor's roads also discussed at the previous Commission meeting and suggested that the Planning and Zoning Commission consider researching where these proprietor's roads and old railway line strips were located throughout Town in order to inventory them and determine which were appropriate for sale and which should be maintained for later Town use. The Commission then discussed with Mr. Branse the process and potential cost of doing the work proposed by Mrs. LaPlante. Mrs. LaPlante suggested working with the Conservation Commission and the Open Space Commission on this issue. Mr. Vaskalis then asked if the Town wanted this strip for possible future trail use, would the Town then be willing to purchase his entire lot, as his property value would be greatly decreased with a Town path through the middle.

The Commission agreed to re-discuss this issue at the March 23, 2011 regular meeting, when the full Commission would hopefully be present.

- B. Elections of Officers:**
 - i. Chairman.**
 - ii. Vice-Chairman.**
 - iii. Secretary.**

Mr. Steadman explained that the Commission's bylaws required all members to be present for elections; therefore, election of officers was tabled to the March 9, 2011 regular meeting.

C. Review of Draft Regulations with Attorney Mark Branse.

Ms. Malanca explained that the regulations had been under review for nearly 3 years and that Planimetrics would be available only to complete the final draft and attend the public hearing. In the interest of moving forward with the regulations, she asked whether the Commission would be amenable to her and Mr. Branse completing minor changes and housekeeping issues with the regulations so that a final draft could be prepared more quickly. Ms. Malanca stated that the larger outstanding issues such as junk, architectural review, and windmills should still be discussed by the Commission.

Mr. Steadman explained that he had spoken with First Selectman Dan Jerram regarding the Economic Development Commission's desire for more detailed architectural review regulations. At this point, Mr. Jerram entered the meeting and the Commission then discussed with Mr. Jerram a possible meeting with the EDC about architectural review. Members of the Commission agreed that they would like to see standards that maintained the character of the Town that were not so onerous as to discourage new business. They asked for Mr. Branse to draft sample regulations that fit this guideline. Mr. Branse then asked what Town they felt they would like to look like as they grew, and members discussed Mystic and the Town of Kent, which were both destination towns. Mr. Branse stated that he felt he could put something suitable together for the Commission's review in time for a late March/early April meeting with Mr. Jerram and the EDC.

The Commission then discussed obtaining the input of the New Hartford Business Council. Maria Moore of New Hartford Plus then addressed the Commission urging that the Business Council be allowed to be more involved as well as given copies of draft regulations under discussion. Ms. Malanca explained that there had not been a new draft for several months and that a final draft would hopefully be done shortly. Several members of the Commission noted that all draft regulation reviews over the past 3 years have been open to public attendance and that all meetings were advertised on the Town's website and at Town Hall. Ms. Malanca then reminded Ms. Moore that she had conducted an extensive meeting with the Business Council in order to explain the first draft of the regulations, and that she would be more than happy to conduct a similar meeting when the final draft was created.

Mr. Branse then noted that the Commission had set a square footage limit for junk and suggested also limiting its height; he recommended no higher than the height of the fence surrounding it. The Commission then discussed conservation subdivisions and agreed that they should be by special exception with the Commission given ability to require them where feasible. The Commission then agreed to use language created by Town Planner Martin Connor regarding sandwich boards in the NH Center Zone. They also agreed that sandwich boards would be allowed in the rest of NH by businesses' front doors provided they were brought indoors at night.

MOTION Mr. Heyse, second Mr. LaPlante, to adjourn at 10:10PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik