

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
DECEMBER 11, 2013 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Chairman James Steadman, Gil Pratt, Ted Stoutenberg; First Selectman Dan Jerram; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: David Krimmel, Daniel LaPlante; Alternates Robert Moore, Martin Post, and Peter Ventre.

Chairman Jim Steadman called the meeting to order at 7:00PM. All regular members present were seated for the evening. The proceedings were recorded digitally and copies are available in the Land Use Office.

1. PUBLIC HEARINGS:

A. Heidi Gallagher, applicant/owner, 211 Holcomb Hill Road – Special Exception per Section 3.6C for an Accessory Dwelling Unit.

The Recording Secretary read into the record the legal notice for this matter. Heidi Gallagher addressed the Commission and submitted proof of notice to abutting neighbors. Ms. Gallagher then reviewed her application against the requirements of Section 3.6C. She explained that her property was 1.6 acres, and her home would continue to be owner occupied. Ms. Gallagher stated that the Farmington Valley Health District had reviewed and approved her application. She had no other accessory dwelling units on her property. Ms. Gallagher stated that her proposal met all setback requirements, and the apartment was clearly subordinate to the principal residence; the gross floor area of the apartment is 607.5 square feet, which would be 23% of the total area of the house. She explained that there were two operable connecting doors between the apartment and the main residence. Lastly, Ms. Gallagher submitted pictures showing a 2-car garage and carport to demonstrate there was ample parking available.

Ms. Malanca explained that Ms. Gallagher had obtained a building permit in 1992 to construct the house and wanted to build an accessory apartment for her mother; however, at that time 80,000 square feet of property was required in order to have an accessory dwelling unit. As her property was just under that required size, Ms. Gallagher had applied to the Zoning Board of Appeals for a variance, but her application was denied. The Building Official had then approved the building permit for a house with a suite. This arrangement worked well as long as her mother was living in the house; however, now that her mother was no longer living with her, she wished to convert this suite to an accessory dwelling unit and rent it out. In the meantime, the Zoning Regulations changed to permit an accessory dwelling unit with only 40,000 square feet of property. Ms. Gallagher was therefore applying for a special exception to permit the accessory dwelling unit on her property.

Hearing no further questions from the Commission, Mr. Steadman opened the floor to public comment; however, no one present expressed a desire to speak.

MOTION Mr. Pratt, second Mr. Stoutenberg, to close the public hearing in the matter of **Heidi Gallagher, applicant/owner, 211 Holcomb Hill Road – Special Exception per Section 3.6C for an Accessory Dwelling Unit**; unanimously approved.

2. PENDING APPLICATIONS:

A. Heidi Gallagher, applicant/owner, 211 Holcomb Hill Road – Special Exception per Section 3.6C for an Accessory Dwelling Unit.

Ms. Malanca stated that, in her opinion, the application met all the criteria listed in Section 3.6C.

MOTION Mr. Stoutenberg, second Mr. Pratt, to approve the application in the matter of **Heidi Gallagher, applicant/owner, 211 Holcomb Hill Road – Special Exception per Section 3.6C for an Accessory Dwelling Unit** as per all oral and written testimony; unanimously approved.

3. **NEW APPLICATIONS:**

A. **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building.**

The applicant's architect, Michael Boe, submitted revised plans to the Commission. Ms. Malanca explained that Mr. Peabody had voluntarily opted to submit payment for professional review by Martin Connor, the Town's Planning Consultant. Mr. Connor had already been to the site, and his review was underway.

MOTION Mr. Stoutenberg, second Mr. Pratt, to accept the application in the matter of **Martin Peabody for 1860, LLC, 4 Bridge Street – Special Exception per Section 4.5B of the Town of New Hartford Zoning Regulations for Change of Use from Retail to Residential in an Existing Mixed Use Building** and to schedule a public hearing for the January 8, 2014 regular meeting; unanimously approved.

4. **APPROVAL OF MINUTES:**

A. **November 13, 2013 regular meeting.**

The Commission agreed to table this matter to the January 8, 2014 regular meeting.

The Commission agreed to address agenda item 7A first, and then return to the agenda as written.

7. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

A. **Request from Board of Selectmen for Revised Security Updates to the Following Schools: Ann Antolini School, Bakerville Consolidated School, and New Hartford Elementary School.**

Denton Butler and Roy Litchfield addressed the Commission on behalf of the School Building Committee. Mr. Butler explained that the School Building Committee's original proposal costing \$565,000 had been rejected at referendum on May 7, 2013. He stated that the School Building Committee had then revised their plans, which he then briefly reviewed with the Commission. Mr. Butler said that the new plans would only cost \$367,643, of which the State of Connecticut would pay \$187,757; Town taxpayers would only be responsible for \$179,886. The current proposal for New Hartford Elementary School was very similar to the original proposal, and there were no changes at all from the original proposal for Bakerville Consolidated School. The most changes were in regard to the plans for Ann Antolini School. In this proposal, the main office area would not be relocated.

Mr. Stoutenberg questioned whether the doors were being replaced due to security reasons only or also because they were old. Mr. Butler stated that all of the doors were worn out and in need of replacement. However, since they were being replaced with doors that met improved security standards, the cost was reimbursable by the State. He noted that nearly all the doors at Ann Antolini School were in need of replacement as they were noncompliant with State Building Code. Mr. Stoutenberg questioned whether any portion of the grant funds would be required to be returned to the State in the event that Bakerville Consolidated School was ever closed. Mr. Butler stated he was not sure, but he did not think so as he did not see language to that effect in the grant.

Mr. Butler stated that the proposal would go to Town Meeting on Thursday, December 12th. The proposal had been reviewed by the Board of Education, the Board of Selectmen, and the Board of Finance, all of whom approved the proposal. He also said that there had been a public informational session on the revised plans, and the public input was much more positive for this plan.

MOTION Mr. Stoutenberg, second Mr. Pratt, to issue a favorable report to the Board of Selectmen, pursuant to Section 8-24 of the Connecticut General Statutes regarding **Revised Security Updates to the Following Schools: Ann Antolini School, Bakerville Consolidated School, and New Hartford Elementary School**, finding that the proposal is consistent with the Plan of Conservation and Development; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca updated the Commission that she had written the Incentive Housing Zone grant application, and it had been reviewed by Martin Connor, the Town's Planning Consultant. It had then been submitted to the Board of Selectmen for their review and approval.

Ms. Malanca also informed the Commission that the Inland Wetlands Commission had been discussing the need for increased communication between all Town boards and commission. She explained that the Inland Wetlands Commission had invited members of the Planning and Zoning Commission to attend their meetings and were also considering having an IWC member attend Planning and Zoning Commission meetings. Members agreed that communication was important between the two commissions but since P&Z applications are usually before IWC first, members expressed concern about attending IWC meetings on applications that would eventually come before the P&Z for public hearing, so as not to risk a finding that they made a decision based on testimony that was not received during a P&Z public hearing. Some members noted that they would be particularly interested in notifications regarding changes to the Inland Wetlands Regulations, and they would potentially be interested in attending meetings where such changes were discussed. The Commission welcomed IWC members to attend P&Z meetings at any time and noted that Ms. Malanca updated them on issues being discussed by the Inland Wetlands Commission.

Lastly, Ms. Malanca reminded Commission members of the Special Meeting scheduled for Wednesday, December 18th. Both Mr. Connor and Mark Branse, the Commission's attorney, would be in attendance in order to discuss possible ways to regulate medical marijuana dispensaries in the Town of New Hartford.

6. CORRESPONDENCE:

No business was discussed.

MOTION Mr. Stoutenberg, second Mr. Pratt, to adjourn at 7:38PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik
Recording Secretary