

**TOWN OF NEW HARTFORD
PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
WEDNESDAY, FEBRUARY 12, 2014 – 7:00PM**

PRESENT: Chairman James Steadman, David Krimmel, Ted Stoutenberg; Alternates Robert Moore, Martin Post, and Peter Ventre; Land Use staff Rista Malanca, CZEO and Recording Secretary Stacey Sefcik.

EXCUSED: Daniel LaPlante and Gil Pratt.

Chairman James Steadman called the meeting to order at 7:00PM. All regular members present were seated for the meeting. Alternate Peter Ventre was seated for Gil Pratt, and Alternate Robert Moore was seated for Daniel LaPlante.

1. **PUBLIC HEARINGS:**
No business was discussed.
2. **PENDING APPLICATIONS:**
 - A. **Brian Sulvester, 21 Elaine Way – Special Exception per Section 3.6C for Accessory Dwelling Unit (Public Hearing Scheduled for 3/12/14 – No Action Needed.)**
The Commission agreed to table this matter to the March 12, 2014 regular meeting.
3. **NEW APPLICATIONS:**
 - A. **Mary Beth Greenwood for Carver Properties, LLC, 8 Bridge Street – Request per Section 8.1K of the Zoning Regulations to Waive the Special Exception Requirement of Section 4.5B for Change of Use from General Business Office to Residential in an Existing Mixed Use Building.**
Ms. Malanca explained that Ms. Greenwood's property was currently a mixed use building with several residential units and that Ms. Greenwood was currently in the process of converting an office in the building to a residential unit. Ms. Greenwood had obtained building permits for the renovations; the Building Official had approved those permits in the mistaken belief that the unit was already residential and would remain so. However, Ms. Greenwood had attended the public hearing regarding 4 Bridge Street the month prior and had realized that her plans were similar to Mr. Peabody's, so she visited the Land Use office to inquire if she needed a similar application before the Planning and Zoning Commission.

Ms. Greenwood informed the Commission that the unit under consideration was at sidewalk level and had been used as a General Business Office for 11 years since the building was purchased. When the unit recently became vacant, she had decided to convert it to a residential unit. She stated that there would be no changes to the exterior of the building, and the proposal actually required fewer parking spaces than the General Business Office use required. Ms. Greenwood stated that the unit was 700 square feet. A member of the Commission inquired if there would be any remaining commercial spaces in the building after this conversion. Ms. Greenwood stated that this unit was the last office space in the building, and after this conversion, but for one remaining commercial/workshop space in the building, the rest of the building would be residential. Mr. Stoutenberg questioned whether there already was a residential unit on the same floor as this unit; Ms. Greenwood responded affirmatively.

Mr. Steadman expressed concern that the Commission would be setting a precedent for the Town's Center Zone, noting that the proposal at 4 Bridge Street did require a special exception and a public hearing. Mr. Stoutenberg stated that the proposal at 4 Bridge Street was significantly different from this application. Ms. Malanca stated that, in her opinion, Ms. Greenwood's proposal met the requirements for a waiver as per Section 8.1K. She explained that the proposal at 4 Bridge Street included changes to the exterior of the building; as such, that proposal did not meet the requirements for a waiver of the special exception requirement as per Section 8.1K. Mr. Steadman noted that the Economic Development Commission (EDC) had submitted a statement regarding the 4 Bridge Street application; he questioned whether EDC had any comments regarding this application. Mr. Krimmel stated that the EDC as a group had not discussed this application; however, as a member of the EDC, he felt that the EDC wanted economic growth in the Town and additional residents meant more customers for Town businesses. Mr. Post concurred, noting that the Commission should not force landlords to sit on vacant properties, thereby losing money. Mr. Stoutenberg also agreed, stating that the building already appeared predominantly residential when viewed from the street.

MOTION Mr. Stoutenberg, second Mr. Ventre, to approve the request in the matter of **Mary Beth Greenwood for Carver Properties, LLC, 8 Bridge Street – Request per Section 8.1K of the Zoning Regulations to Waive the Special Exception Requirement of Section 4.5B for Change of Use from General Business Office to Residential in an Existing Mixed Use Building;** unanimously approved.

- B. Gina Gil for Beck with Brook, 761 Steele Road – Site Plan Modification to Increase Major Farm Stand from 80 square feet to 350 square feet.**

Ms. Malanca informed the Commission that this application had been withdrawn by the applicant.

4. APPROVAL OF THE MINUTES:

- A. January 8, 2014 regular meeting.**

MOTION Mr. Stoutenberg, second Mr. Steadman, to approve the minutes of the January 8, 2014 regular meeting as written; unanimously approved.

- B. December 11, 2013 regular meeting.**

- C. December 18, 2013 special meeting.**

The Commission agreed to table these minutes to the February 26, 2014 regular meeting.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca informed the Commission that they would need to make a motion regarding the Incentive Housing Zone grant application submission, and she provided a sample motion for the Commission to review. She explained that while the Commission had previously agreed to have her work on this issue with the Town's planning consultant, a specific motion had never been made regarding the application, and it was necessary to do so in order to submit the application.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to endorse submission of the pre-development grant application for assistance under the Housing for Economic Growth Program referenced in Section 8-13 (3-x) of the Connecticut General Statutes; and certify that this Commission will consider the creation of one or more housing incentive zones; unanimously approved.

Mr. Krimmel expressed his interest in establishing regulations for Incentive Housing Zones (IHZ), particularly those that allowed for mixed use development. He stated that he was not necessarily as concerned about obtaining money from the State to do so, and he did not want to see the Commission delay their efforts on this program because they were waiting for grant funding. Mr. Krimmel said that, if the Commission obtained the funding, that would be great; however, they should proceed with this work regardless of whether or not the Town received grant funds. Mr. Post noted that IHZs would allow for greater density in housing, not necessarily mixed use development. Ms. Malanca explained that the Commission could create IHZs that allowed for mixed use.

6. CORRESPONDENCE:

The Commission reviewed information regarding the Connecticut Federation of Planning and Zoning Agencies Annual Meeting to be held on Thursday, March 13, 2014. The keynote speaker at the event would be from the Connecticut Department of Consumer Protection, and they would be speaking about the new medical marijuana regulations. Any commission members who wished to attend the event should RSVP by March 11, 2013.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

- A. Discussion with Lee Pellum Regarding the "Collinsville Baking" Sign on the Corner of Wickett Street and Route 44.**

Lee Pellum addressed the Commission, explaining that he had submitted a complaint to the Land Use office in Town Hall and to the State Department of Transportation in June 2012 regarding signage at the corner of Wickett Street and Route 44. The signage was removed; however, it had since returned.

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Mr. Post questioned whether the area in question was within the State right-of-way; if so, this was not an issue over which the Commission had jurisdiction. Mr. Pellum explained that the area had been surveyed and the signage returned to the exact area it had been in before.

Ms. Malanca stated that she had been working on this issue since the complaint had first been made; however, she could not yet make a decision as she did not have all the information necessary to do so. She explained that the Collinsville Baking Company was in possession of two sign permits for off-premise signage from several years ago; therefore, the signage could possibly be pre-existing nonconforming. Ms. Malanca explained that she had asked the business owner to remove the previous signage as it was a safety issue obstructing visibility at the intersection, which he did; the signage was then replaced with smaller signage. She explained that there was a question as to whether the business owner intended to abandon his right to signage at this location by taking it down as he did. If she determined that the right was abandoned by removing the original signage, then the new signage would have to be removed; if the determination was made that the right to signage in this location was not abandoned, the current signage would be considered pre-existing legal nonconforming. Ms. Malanca stated that she had a call in to the property owner asking him to come in to the Land Use office to discuss this matter. Ms. Malanca said that the State had surveyed the area and had determined that the signage was not within their right-of-way. The next step would be to measure the location of the signage; however, she could not do so with all of the snow currently on the ground.

Mr. Pellum, noting that he had been a member of the Planning and Zoning Commission in 1993, questioned how the signage could ever have been granted a permit. Ms. Malanca responded that some level of signage might have been permitted in this location prior to 1993. Mr. Steadman questioned when the two sign permits were granted. Ms. Malanca explained that one had been granted June 2009 and another had been granted June 2010, both by the previous Zoning Enforcement Officer. Mr. Stoutenberg questioned whether off-premises signage was permitted under the current regulations, and Ms. Malanca responded negatively.

Ms. Malanca reiterated that she had not yet made a determination as to whether the right to signage in this location had been abandoned. She explained that she had spoken with the Town's Constable, and he had stated that while he had objections to the previous signage, he did not have any objections to the current smaller signage. She stated that she had worked with the State DOT, and they had marked out the area, provided a map, and determined that the signage was not in the right-of-way; therefore, the State did not have jurisdiction. Ms. Malanca again stated that she had asked the property owner to come in and submit a sign permit application for the new signage, which she would then approve or deny; the property owner and any other interested party could then appeal that decision. If the business owner did not apply for the sign permit, then she would go out and measure once the snow melted, and take any necessary action from there. She noted that everyone else in the same building as Collinsville Baking Company had waived their right to signage in order to allow the Collinsville Baking Company to have the largest signage possible.

The Commission expressed their agreement with Ms. Malanca's plans for how to proceed with this matter.

B. Discussion with Lee Pellum, on behalf of the Town of New Hartford Historic Commission, to Discuss Procedural Matters.

Sybil and Lee Pellum then addressed the Commission on behalf of the Town of New Hartford Historic Commission. Ms. Pellum stated that she was the Chairman of the Historic Commission, and she noted that there were tight restrictions on changes that could be made to historic properties. Ms. Pellum expressed concern that these properties did not appear to have been designated as "historic" on Town records such that Town officials or the general public would be aware. Ms. Pellum explained that changes to properties in the Historic District needed to be reviewed by the Historic Commission and obtain a Certificate of Appropriateness. Currently, there were fourteen properties in the Historic District. She explained that Ms. Malanca had suggested the Historic Commission obtain a Class D survey of the Historic District, which could then be filed on the Town's records. Ms. Pellum stated that they had contacted Marty Post to perform this survey; however, he was not sure it was the best way to attack the problem. Mr. Post stated that he had questioned whether it would be possible to have the area designated on the Zoning Map instead; Ms. Malanca said that she would look into this.

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Ms. Malanca explained that State Statute was clear on this issue; no building permits could be issued for work on properties in the Historic District unless they had first obtained a Certificate of Appropriateness from the Historic Commission. However, until just recently, the Land Use Office had not had a listing of the properties within the Historic District. She explained that the Building Official now had the list available and would be sure to refer to it prior to granting permits.

Ms. Malanca explained to the Commission that the Historic Commission was an advisory body to the Planning and Zoning Commission. The Commission would definitely want to have their input into any applications being reviewed; however, unlike the reports received from the Inland Wetlands Commission, the input was not required by statute. Ms. Malanca said that she had offered to include the Historic Commission on the distribution list of all P&Z meeting agendas, so that they could determine whether there were any applications being reviewed about which they might wish to comment.

Ms. Pellum submitted to the Commission a Historic Commission brochure which listed fourteen properties. She noted that Pine Meadow had been designated as a National Register District. Mr. Krimmel suggested that the properties included in the Historic District could be clearly marked as such by having plaques mounted to the sides of the buildings.

The Commission thanked Mr. and Mrs. Pellum for their input on this matter and expressed a desire to work with the Historic Commission by ensuring they receive copies of all P&Z agendas in future.

C. Discussion of Draft Medical Marijuana Regulations Prepared by the Town Planner.

Ms. Malanca stated that she had emailed all members the draft medical marijuana regulations developed by the Town's planning consultant. Mr. Stoutenberg stated that his primary concern was permitting dispensaries in Business Zones. He noted that properties were placed in the Business Zone as a way to accommodate businesses already located on these very small properties surrounded by residential areas. He questioned whether it made better sense to simply not include Business Zones on the list of areas where dispensaries could be considered. Several members agreed with this idea.

Ms. Malanca noted that the Commission's attorney, Mark Branse, had not yet completed his review of the proposed regulations. Mr. Moore questioned whether these businesses would be subject to architectural review requirements as well. Mr. Krimmel stated that every new business is in theory subject to architectural review. Mr. Krimmel expressed concern with allowing dispensaries in the Commercial Zone as well.

The Commission agreed to discuss this topic further at the February 26, 2014 regular meeting.

D. Creation of List of Priority Topics for Discussion at Planning Meetings in 2014.

Mr. Steadman explained that he wanted the Commission to develop a list of priority topics for discussion at their planning meetings, traditionally held at the second meeting of each month. Mr. Stoutenberg stated that the Commission still had a great deal of work to do on the update to the Plan of Conservation and Development (POCD). Mr. Krimmel concurred, suggesting that each chapter be assigned a date for discussion; two volunteers could then be selected from the Commission for each remaining chapter, and they should come prepared to lead the discussion on that section of the POCD on the assigned date. He noted that they had agreed to have the Town's planning consultant do the necessary demographical work. Other Commission members suggested reviewing the regulations pertaining to off-premise signage; a possible joint meeting with the Economic Development Commission was discussed.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to adjourn at 8:12PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary