

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – AGENDA
WEDNESDAY, July 23, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Steadman, David Krimmel, Dan LaPlante, Ted Stoutenberg, Gil Pratt; Alternate Robert Moore; Land Use staff Steven Sadlowski.

ABSENT: Alternates Peter Ventre, Martin Post.

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 Hearing.

A. Catherine Ross – 741 Steele Road – Modification of Special Exception – Increase limit in conditions of approval of students from 10 to 25.

The chairman read into the record the legal notice for the public hearing. Proof of notice to abutting neighbors was submitted. Ms. Catherine (Caren) Ross addressed the commission and described the current conditions of her existing Montessori School. She reported that she has operated a Montessori School at 741 Steele Road for three years and has had no problems that she has been made aware. Previously, her school was part of the Litchfield Montessori School but as part of this application, it will now be under the umbrella of the Montessori School of Greater Hartford. The vision for a Montessori Middle School is to make it part of a farm as it is a land based program. A lot of work is done with goats and gardening and the curriculum is tied into the farm. The applicant sought to continue but on a slightly bigger scale, moving the students from the farmhouse to a renovated space in the barn.

Mr. Steadman inquired of Ms. Ross about the means of transportation for the students to the school. Ms. Ross reported that they come by bus from the main campus in West Hartford. The students arrive in West Hartford at 8AM, a bus brings them to the farm and then the bus returns at 3PM, picks them up to bring them back to their parents at the Montessori School of Greater Hartford. Mr. Steve Sadlowski, Zoning Enforcement Officer, reported that he spoke to the health department today, and that the applicants have an approved area for the septic. He reported speaking to the sanitarian who indicated formal approval was likely pending receipt of some final plans from the architect or engineer. The sanitarian indicated to Mr. Sadlowski that she did not foresee a problem.

Mr. Dan LaPlante, stating for the record that he planned to recuse himself from a vote regarding the matter, addressed the commission in support of the application. He described previous experience of meeting students and reported his positive impressions of their farming knowledge. As a grandson of a previous owner and operator of the farm, he supports the idea of the land being used in this way.

MOTION: Mr. Stoutenberg, second Mr. Pratt, to close the Public Hearing; unanimously approved.

2. PENDING APPLICATIONS:

A. Catherine Ross – 741 Steele Road – Modification of Special Exception – Increase limit in conditions of approval of students from 10 to 25.

Mr. LaPlante recused himself and left the meeting while the commission considered this application; Mr. Robert Moore was seated for Mr. LaPlante.

MOTION: Mr. Stoutenberg, second Mr. Pratt, to grant the Modification of the Special Exception for Catherine Ross increasing the limit in conditions of approval of students from 10 to 25 and having considered the Special Exception Criteria set forth in the Zoning Regulations, section 8.5E, and find through the testimony and personal knowledge, that the proposed use will adhere to these criteria, specifically: the location has been used for as a school for approximately two (2) years with no complaints, with this fact and review of the facility, find this location to be suitable for this use; the facility is adequate to handle this number of children; there is ample parking and transportation facilities to handle the students; no changes in the environmental conditions are proposed; the facilities shall be maintained by the applicant; and this use is in compliance with the Plan of

Conservation and Development. This Modification of the Special Exception is contingent upon approval of the Farmington Valley Health District after they have seen and approved the final septic system plans. The Planning and Zoning Commission hereby increases the limit of students (Condition #1) set forth in the Grant of Special Exception, as recorded in the Land Records of the Town of New Hartford in Volume 268, Page 748, from 10 to 25 students. No other modifications of the original permit are approved under this application. Mr. Pratt reported that he is an abutter but chose to vote without prejudice. **Motion unanimously approved.**

B. Town of New Hartford – 53 Steele Road and 65 Steele Road – Zone Change from R-1.5 to R-15. – Hearing scheduled to be continued September 10, 2014.

The commission took no action.

3. NEW APPLICATIONS:

A. Castellani Family Real Estate Ventures, LLC, Blue Ridge Estates – Map 002- Block 002- Lot 11-2 Ramstein Road – 7 Lot Subdivision. Set public hearing for September 10, 2014.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to set down the Application of Castellani Family Real Estate Ventures, LLC, Blue Ridge Estates – Map 002-Block 002-Lot 11-2 Ramstein Road – 7 Lot Subdivision and Special Exception for Open Space for a public hearing on September 10, 2014; unanimously approved.

4. APPROVAL OF MINUTES:

A. July 9, 2014 Regular meeting.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to approve the June 25, 2014 and July 9, 2014 minutes as presented; Motion carried, 4-0-1: Mr. Pratt abstention.

5. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Sadlowski addressed with the Home Depot a neighbor's complaint regarding the dying trees out front along the highway on its location on Route 202. He reported that the manager there has been very cooperative and that Home Depot has a plan to plant slightly different varieties which Mr. Sadlowski is hopeful will do better. Upon Mr. Sadlowski's suggestion, Home Depot will be planting 25 Austrian Pine (8-10' tall), 25 Colorado Blue Spruce (8-10' tall), 15 White Pine (8-10' tall) and 5 Snow Drift Crabapple (2.0-2.5" cal.). They will be cutting old ones down. He further reported that this is technically a change in their approved site plan.

The commission concurred that the dying trees should be replaced and that Mr. Sadlowski should be granted the authority to make decisions as to what would be appropriate to remedy the problem. Further, they agreed that this change in species of trees which is a modification to the original site plan can be addressed by Mr. Sadlowski with no further consideration necessary by the commission.

6. CORRESPONDENCE.

Mr. Steadman reported that he received a correspondence from Mr. David Childs of the Economic Development Commission (hereinafter referred to as EDC) inviting a representative from the commission to attend its meeting on Monday, August 11, 2014 at 7:00PM. Mr. Krimmel advised the commission that the EDC is looking to identify the plans and goals of various boards and commissions in order to avoid implementing a plan that is contrary to their views. The meeting is designed to establish the common goals of the EDC, the Planning and Zoning Commission, the Board of Finance, and the Water Pollution Control Authority. Mr. Steadman responded that although Mr. Krimmel is unable to attend the meeting on August 11, another representative of Planning and Zoning Commission will attend in his stead.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion of business signs with Economic Development Commission.

Mr. Sadlowski provided commission members with a copy of "**Section 6.3. Signs,**" from the current Zoning Regulations. In the copy presented, Mr. Sadlowski included proposed changes which included a change in title of subsection "D. Signs Permitted in Residential Districts" to be modified to subsection "D. Signs Permitted in All Districts". Further, he proposes to modify the first sentence of subsection D from, "The following Signs are permitted as Accessory Uses in Residential Districts" to "The following signs are permitted as Accessory Uses in All Districts". He also made the following addition to subsection D to include Paragraph 7 as:

7. Signs installed by the Town as part of the Economic Development Commission's Business Way – Finding Sign Program, or the "Program", installed at key crossroads to promote local businesses. Program sign design shall be approved by the Commission and shall be generally consistent with the Town street name signs in size and of a common theme that compliments the historic and cultural aspects of the Town. No more than 5 Program signs may be installed at each intersection on the street name sign or up to 8 Program signs on a sign board, as approved by the Commission via Site Plan Review. Such sign boards shall not block site lines and shall fit in with the character of the area.

Business must be legally operated to be qualified to have a sign and each application for one must be signed by the Zoning Agent before installation.

Mr. Krimmel asked Mr. Childs to describe what the Economic Development Commission is hoping to gain from the program. Mr. Childs then explained to the commission that the idea behind the program is to help businesses that are not on the main drag with a directional sign to help people find their location. It is intended to help businesses that are not on Route 202 or Route 44. Mr. Krimmel then inquired as to whether Mr. Childs would envision some sort of sign on the corner of Town Hill Road and Route 44 to indicate the direction of the industrial park. Mr. Childs responded that possibly there might be a sign like the one Mr. Krimmel described. Mr. Krimmel asked whether the signs would contain specific names of companies or would they be more generic signs with words such as: Supermarket, Manufacturing, Skiing, Winery, etc. Mr. Childs referred to Mr. Sadlowski and his experience with a similar program in Canterbury. Mr. Sadlowski said the possibility for the signs could be specific or generic but typically were specific in content. He responded that the signs would be identical in color and appearance to the street signs and would be sandwiched together on the same street sign pole, sitting just below the actual street sign.

Mr. Pratt asked whether a pole would be added if the existing street pole was already full of the EDC directional signs and could not accommodate an additional one. Mr. Sadlowski responded that additional poles were added only a few times in Canterbury. He further mentioned that in Canterbury, all the EDC directional signs as well as the street signs were in the town's maroon theme color. He offered that if New Hartford does not have a theme color, a town seal could be substituted and many options exist to create uniformity to the signs. He reminded the commission members that when the program was implemented in his former Canterbury, that they worked with only one sign maker to maintain that consistency. Interested applicants to the sign program would complete a form, obtain both the Zoning Enforcement Officer's signature as well as the First Selectman's, and the check would be payable directly to the sign maker. Mr. Steadman confirmed that this sign program would eliminate some of the other signs that are scattered about town.

Mr. Sadlowski reminded the commission members of a potential problem that only a certain number of signs can be put at an end of a road. Mr. Pratt asked whether an additional post could be added once a maximum were erected on a street sign. Mr. Sadlowski said this was a possibility but the commission would likely want to be cautious in having too many in one location. He recommended that a policy would need to be created and implemented to avoid having too many, such as a first come, first serve practice. Mr. Stoutenberg suggested generic signs might alleviate this concern. Mr. Sadlowski commented that typically a business on West Hill Lake would not be placing a directional sign on Main Street but would only erect one in the last mile before its location. Limitations would need to be created in order to have only a certain number at each intersection.

Mr. Krimmel concluded the discussion by expressing his support of this initiative of the EDC. He noted that in drafting a regulation for the signs, he would like to see the regulation less specific in order to give latitude to the EDC. For example, the EDC may wish to erect a more generic sign that is not paid for by a specific business. Mr. Sadlowski opined that the current proposed language would not preclude the EDC from this practice of purchasing and erecting generic signs.

B. Discussion of Plan of Conservation.

The commission agreed to continue this discussion to a later meeting.

C. Informal discussion with Mr. Hurley regarding possible development on Greenwood Road.

Attorney Dave Markowitz addressed the commission on behalf of Hurley Manufacturing and New Hartford Industrial Park, Inc. which owns the real estate on Greenwood Road. Attorney Markowitz reported that he and Mr. Dave Hurley met with Mr. Sadlowski a few weeks ago to discuss the future of the mill building. With the closing of the Ovation Factory, it was accompanied by the loss of this tenant who had leased and occupied nearly 74,000 square feet of the building. Attorney Markowitz highlighted that as the building is in an industrial zone, the uses permitted are currently limited even with a special permit. Because a special permit requires a public hearing, the amount of time the process requires, according to Attorney Markowitz, can prove difficult in replacing tenants.

Attorney Markowitz reported that one of the proposals that came from his meeting with Mr. Sadlowski was the possibility of changing the zone on this part of Greenwood Road to a new type of floating zone, or an adaptive reuse zone. Also from this discussion, according to Attorney Markowitz, would be to change the town garage's zone to an adaptive reuse zone as it is likely to be moved someday. Attorney Markowitz reminded the commission members that multifamily housing in the field area was discussed, too. Attorney Markowitz then distributed to commission members a document he prepared entitled, PROPOSED "NEW ADAPTIVE REUSE ZONE DEVELOPMENT DISTRICT" (Addendum 1).

Attorney Markowitz requested that an addition of a new zone district to the current district types listed in the zoning regulations as well as change in zone to Mr. Hurley's property be expedited. He continued that Mr. Hurley has a prospective restaurant tenant interested in space in his building and would like to be able to do this by September.

Mr. Stoutenberg reminded commission members that a great deal of time was spent creating their comprehensive plan making the garage and the area over that way as part of a New Hartford Center zone. He questioned why they would arbitrarily take the town garage out of the New Hartford Center zone when it's not in the comprehensive plan. Attorney Markowitz questioned whether the town garage was actually in the New Hartford Center zone and it was affirmed by both Mr. Stoutenberg and Mr. Sadlowski that it indeed was. Attorney Markowitz reported that the field area, but not the mill building, was part of the New Hartford Center zone. Mr. Stoutenberg replied that this was the case after the Hurley's had requested it to be so.

Mr. Stoutenberg then questioned as to whether it might be more sensible to extend the New Hartford Center Zone to cover the mill building with the recognition with there are some preexisting industrial uses in there. Attorney Markowitz acknowledged that while that suggestion would be an improvement. He noted that in the New Hartford Center Zone, even without changes to the site plan (which he maintained that the Hurley's would not be changing the site plan at all with the prospective tenants), most of the uses would require a special permit which would require a public hearing. He continued by describing the changes that Canton has just adopted to its regulations. For instance, according to Attorney Markowitz, when a landlord was changing a tenant in his shopping center simply from a dentist to a podiatrist, he needed a public hearing because it was a change of use. So what a lot of owners did to circumvent this was to present a litany of special permit uses without a tenant. In Canton, to get around this dilemma, owners would file an application to permit 15-20 different uses in one public hearing so they could then go out and get a tenant and not have to come back to

the commission. Attorney Markowitz explained that was the reason why he was proposing something like this so his client would not have to come back before the commission. He continued that if the commission were to make it into a New Hartford Center Zone, which would at least be consistent with the field area, he could make an application that could be heard in September for a litany of uses. However, he noted, not all of the uses that he had listed in the document (Addendum 1) are permitted uses even with a special permit in the New Hartford Center Zone. He concluded by stating that his client is hopeful that the flexibility that this type of zone would provide is appropriate for this building.

Mr. Stoutenberg questioned Paragraph C of Attorney Markowitz's Proposed "New Adaptive Reuse Zone Development District" (Addendum 1) and its reference to Article V-A. Mr. Stoutenberg said that no such Article V-A exists in New Hartford's Zoning Regulations. Both Attorney Markowitz and Mr. Sadlowski responded that the proposed document could be adjusted and modified to conform.

Mr. Stoutenberg then inquired as to why was it being proposed to eliminate any requirements for height, area or yard setbacks. Attorney Markowitz responded that these would be eliminated because everything is going to go into the existing building. This regulation is to enable the reuse of the existing facility. If any changes are required, the owner would have to come in for a site plan and for review. He repeated that this is not what is being proposed. He maintained that Mr. Hurley is not proposing to change the mill building, to change the parking areas, nor the traffic flow in there.

Mr. Stoutenberg commented that he thought that should be changed because Attorney Markowitz was saying that this also applies to the town garage site. Attorney Markowitz's response was that if the commission deemed that it is not appropriate for the town garage, this was not critical to Mr. Hurley. Attorney Markowitz responded that it was not a critical point for Mr. Hurley. He then also addressed the concerns of Mr. Stoutenberg with regards to the setbacks. Attorney Markowitz stressed that the point was to reuse the existing facility. He also stressed that Mr. Hurley is not seeking to waive height, area requirements, and yard setbacks but is only seeking to reuse the existing building.

Mr. Krimmel then spoke to the possible and potential challenges the town may face ahead in terms of buildings and their uses as the economy changes and manufacturing disappears. He said he considered the concept of adaptive reuse as something that is extremely important and that this kind of a regulation is a good idea. Mr. Sadlowski continued that it is common to have these kinds of regulations for these kinds of buildings in order to draw tenants in. He explained that often they pertain to older buildings which might not be as attractive as a newer building. Often, they are on multiple levels, there may be access issues or they are typically not on the highway, as in this case, so are afforded a little bit of special treatment to allow more uses. He concluded by saying that obviously the new use has to match the neighborhood but it is not uncommon to have these kinds of districts for these kinds of buildings.

Mr. Steadman clarified that Mr. Hurley is requesting from the commission a zone change primarily for the manufacturing building and that the town garage need not be included.

Due to the serious time constraints Mr. Hurley is presented with, and if the commission deems appropriate, Attorney Markowitz is requesting that after he and Mr. Sadlowski have adjusted the language for an Adaptive Reuse Zone and taken into consideration the concerns brought up by Mr. Stoutenberg, that the commission approve a new Adaptive Reuse Zone and apply it to the Hurley property on Greenwoods Road.

Mr. Pratt then questioned Mr. Sadlowski about the review of this proposal with the town attorney Mark Branse. Mr. Stoutenberg agreed that it was essential to seek counsel of Attorney Branse. Mr. Steadman commented that a meeting in August would be likely in order to handle the administrative aspect of these changes.

The commission then agreed to attempt to meet in early August to be able to collectively meet with Attorney Branse as a group to receive his feedback and input.

MOTION Mr. Stoutenberg, Mr. Pratt Second, to adjourn at 8:16PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**

DRAFT

ADDENDUM 1

PROPOSED "NEW ADAPTIVE REUSE ZONE DEVELOPMENT DISTRICT"

- A. GENERAL: The following are regulations which are intended to permit the adaptive reuse and improvement of the existing Hurley Manufacturing Mill building located at 37 Greenwoods Road, currently owned by New Hartford Industrial Park, Inc. and containing 5.83 acres more or less and the existing New Hartford Town Garage property at 9 Greenwoods Road. The intention of these regulations is to allow a mixed-use community with a residential component not to exceed 40% of the existing floor area of the property, is designed for occupancy by singles, retired individuals and couples, empty nesters and others wanting apartments with easy access to downtown and the Farmington River. The addition of residential units is intended to support existing business and the Town but initially shall only be applied to the Hurley Manufacturing Mill building.
- B. PERMITTED USES: Land, buildings and other structures for one or more of the following purposes:
- a. Manufacturing, processing or assembling of goods
 - b. Warehousing and wholesale businesses
 - c. Research Laboratories
 - d. Town of New Hartford, State of Connecticut and United States Government offices and uses
 - e. Museums, recreation facilities, parks and public utility substations
 - f. Professional office uses, medical and dental offices and clinics
 - g. Professional counseling services
 - h. Storage facilities
 - i. Financial services
 - j. Educational uses
 - k. Retail sales
 - l. Personal service uses
 - m. Exercise facilities
 - n. Adult and child care centers
 - o. Artist studios
 - p. Restaurants including establishments serving alcoholic beverages and incidental entertainment, theatre, assembly or auditorium uses with live entertainment
 - q. Hotels and conference centers
 - r. Inns and bed and breakfast businesses
 - s. Contracting businesses, including but not limited to plumbing, heating, electrical, mechanical, and general contracting
 - t. Parking structures
 - u. Accessory structures and accessory uses to principal uses on the premises
 - v. Other commercial/retail or industrial uses of a similar nature provided they are not specifically prohibited by the New Hartford Zoning Regulations and are in keeping with the spirit and intent of this development district.

ADDENDUM 1 (continued)

- C. DEVELOPMENT REQUIREMENTS: Site Plans shall be required consistent with Article VA of the New Hartford Zoning Regulations for all proposals in this Development District. Notwithstanding the foregoing, the Planning and Zoning Commission shall have the authority to waive such provisions of Article V-A that it determines are not necessary or appropriate for the Proposed Adaptive Reuse, Height, area requirements, yard set backs and the like shall not apply to this Development District. The requirements of Article VI of the New Hartford Zoning Regulations are applicable to all developments in this Development District, but the Planning and Zoning Commission shall have the authority to waive such provisions of Article VI that it determines are neither necessary nor appropriate for the Proposed Adaptive Reuse.

W. multi family residential not to exceed 40% of the existing floor area of the building on the property.

(Attorney Markowitz said letter W. should be added to first page, following (v) under PERMITTED USES.)