

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – AGENDA
WEDNESDAY, November 12, 2014 – 7:00PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET
MINUTES**

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

ALSO PRESENT: First Selectman Dan Jerram.

ABSENT: Gil Pratt, Alternates Martin Post and Peter Ventre.

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

1. PUBIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

A. Allow Conditional Approval on Castellani/Lepore Subdivision – Map 002 Block 002 Lot 11-2 Ramstein Road.

Mr. Sadlowski explained that typically the deeds granting open space to the town have been secured and bonding for public improvements, such as a new road, are confirmed before the Mylar map is brought for signature by the Planning and Zoning chairman for formal approval of a subdivision. In this case, as Mr. Sadlowski explained, the bonding would be about \$500,000. Mr. Sadlowski further explained that once the Mylar map is signed, the developer can then begin to sell lots in the subdivision. The bond signifies to the new land owner that the road will absolutely get built, if need be by the town through the bond, should something go wrong.

Mr. Sadlowski explained that another option is to file a conditional approval on the Land Records. A conditional approval would basically declare that the subdivision is approved but the developer cannot sell any lots, according to Mr. Sadlowski. What this type of conditional approval does is allow the developer to begin working on the road, making improvements that are needed, without securing a bond. If the road never gets finished, it doesn't hurt anyone but the developer because no one has bought a lot, according to Mr. Sadlowski. Once the road is installed and inspected, the developer can return before the commission for acceptance of the road, bond whatever portion left that might be necessary to bond, file Mylar maps then, and commence selling lots.

Usually the type of preliminary road work that gets done under a conditional approval like this, according to Mr. Sadlowski, is the first course, the curbing, the sides of the road, and the drainage.

Mr. Steadman inquired as to what type of assurance the commission would have that the developer does not sell lots. Mr. Sadlowski indicated that it gets spelled out on the Mylar maps as well as listed in a restriction in the deeds that get filed in the Land Records. Thus, anyone doing a title search would see that lots cannot be sold and the sale would be halted at that point, according to Mr. Sadlowski.

MOTION: Mr. Stoutenberg, Mr. Krimmel second, in accordance 2.4.6.1 of the Zoning Regulations, the commission allows the conditional approval of the applicant, Lepore, to construct the improvements on the property without furnishing a bond in accordance with Article A, B, C, D, and E of 2.4.6.1; unanimously approved.

4. APPROVAL OF MINUTES:

A. October 22, 2014 Regular Meeting

MOTION: Mr. Krimmel, Mr. LaPlante second, to approve the October 22, 2014 Regular Meeting Minutes; Mr. Krimmel, Mr. LaPlante, Mr. Steadman in favor, Mr. Stoutenberg and Mr. Moore abstained, motion passed.

B. October 29, 2014 Special Meeting

MOTION: Mr. Stoutenberg, Mr. Krimmel second, to approve the October 29, 2014 Special Meeting; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Sadlowski reported that the application for the Incentive Housing Zone has been submitted. He was uncertain how long it takes for a determination to be made.

6. CORRESPONDENCE.

Mr. Steadman noted a correspondence later in the meeting from Mr. Dave Childs, chairman of the Economic Development Commission.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discuss Zone Change Behind 417 – 455 Main Street Along the Old Railroad Right-of-Way.

Mr. Sadlowski reported that the attorneys reviewed the zone change and with the exception of a minor adjustment to a map, it was acceptable. The regulations mandate an R2 survey and while the town did not have one, Attorney Elizabeth Heins, of Branse & Willis, LLC, indicated that as long as it is clear, it is acceptable, according to Mr. Sadlowski. He reported that abutters will be noticed.

MOTION: Mr. Stoutenberg, Mr. Steadman second, to set for public hearing at the December 10, 2014 meeting the zone change behind 417 – 455 Main Street along the old railroad right-of-way; unanimously approved.

B. Discussion of Hurley Property.

Mr. Sadlowski reminded the commission of the efforts undertaken to find new multi-family development, specifically on the piece next to the Hurley mill. He reported that he has drafted for the commission's review a modification to the Adaptive Reuse provision, which is only applicable to the Hurley property. He explained that a master plan would need to be provided detailing a certain percentage of the development as non-residential and would have to meet the commission's design criteria. He had proposed 30% as the percentage of space designated as commercial. Mr. Sadlowski also included a provision on density in the draft he prepared, proposing eight units per acre. After confirming with Mr. Karl Nielson, agent for Mr. David Hurley, it was determined that with the current size of the property, approximately 100 units could be put in.

In order to move toward meeting the affordable housing component, Mr. Sadlowski included a density bonus incentive provision. If the developer includes in the number of units erected at least 20%, but no more than 30%, affordable housing units, the developer would be allowed an additional unit for every affordable unit. Mr. Sadlowski explained that this is not an uncommon notion.

Additionally, Mr. Sadlowski said another density bonus is included that can be achieved by utilizing some really smart and effective low impact development techniques to protect storm water. The developer would be able to get up to an additional one (1) to five (5) units. Mr. Sadlowski continued describing another density bonus centering around the inclusion of some extensive public facilities in the project. For this, an additional twenty (20) units could be added. Mr. Sadlowski said that what he envisions as a perfect public facility would be the bridge.

Mr. Steadman indicated that Attorney Branse reviewed this proposal and saw no problem with it. Mr. Stoutenberg asked whether all of the development is contingent upon sewer line access. Mr. Sadlowski responded that approval from the Health District without access to sewers is extremely unlikely but that it could be added in as a condition to approval.

Discussion followed with regards to whether or not the area is located in a flood zone.

Mr. Nielson addressed the issue of whether the town garage is included in the master plan being discussed. Mr. Stoutenberg indicated that he would like a meeting with Attorney Mark Branse before this gets brought before a public hearing.

When Mr. Nielson was questioned as to the thoughts and/or opinions of Mr. Hurley, he indicated that generally Mr. Hurley was okay with it but if there should be a workshop with Attorney Branse, Mr. Hurley would like to be invited. Mr. Sadlowski indicated that he would invite Marty O'Connor, too.

B. Discussion of Plan of Conservation.

Mr. Sadlowski reminded the commission that the first few sections had been worked on. He had copies of Section 5 (Economic Development), Section 6 (Center District), and Section 7 (Housing) for the commissioners to review.

Mr. Steadman read aloud a letter from Economic Development chair, Mr. Dave Childs, encouraging the changing of the zone classification of land on Route 44 from commercial to residential to increase the users of the sewer system.

Mr. Krimmel noted the difference between the last revision of the Plan of Conservation and Development wherein the aim was to control residential development as opposed to presently, wherein he perceives the town faced with the opposite problem. He opined that the commission needs to do whatever it can to promote growth in the town. Besides the businesses in town desiring more residents that typically result in more customers, the sewer system desperately needs customers according to Mr. Krimmel.

MOTION: Mr. Stoutenberg, Mr. Moore second, **to adjourn at 8:15PM; unanimously approved.**

Respectfully submitted,

Pamela A. Colombie
Recording Clerk