

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
DECEMBER 12, 2012 – 7:00 PM
NEW HARTFORD TOWN HALL- 530 MAIN STREET**

PRESENT: Chairman James Steadman, David Krimmel, Daniel LaPlante, Gil Pratt, Ted Stoutenberg; Alternate Robert Moore; Land Use staff Certified Zoning Enforcement Officer Rista Malanca and Recording Secretary Stacey Sefcik.

ABSENT: Alternates Martin Post and Peter Ventre.

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

1. PUBLIC HEARINGS:

No business.

2. PENDING APPLICATIONS:

No business.

3. NEW APPLICATIONS:

A. Michelle Sutton-Slattry for Kerry Slattry, 22 West Hill Road – Special Exception for Home Occupation (Yoga and Meditation Classes) as per Section 3.6E of the Zoning Regulations.

Ms. Malanca explained to the Commission that the previous owner of this property had obtained a special exception permit to operate a professional office onsite. She noted that Ms. Slattry proposed to use the same space for this enterprise; however, since it was a different use, Ms. Malanca believed it required a public hearing.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to accept the application in the matter of **Michelle Sutton-Slattry for Kerry Slattry, 22 West Hill Road – Special Exception for Home Occupation (Yoga and Meditation Classes) as per Section 3.6E of the Zoning Regulations** and to schedule a public hearing for the January 9, 2013 regular meeting; unanimously approved.

B. David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot.

Ms. Malanca briefly reviewed the application with the Commission, explaining that this lot had previously been approved as an agricultural lot. The owner now wished to build a single family residence onsite, and so it now required subdivision approval. Karl Nilsen then addressed the Commission on behalf of the applicant. He pointed out that this was a subdivision, not a resubdivision, and therefore a public hearing was not required by Connecticut General Statutes although it was at the Commission's discretion whether or not to schedule one.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to accept the application in the matter of **David and Luz Donovan, West Hill Road (Assessor's Map 031-042-2-1) – 1-Lot Subdivision to Convert Approved Agricultural Lot to Building Lot** and to schedule a public hearing for the January 9, 2013 regular meeting; unanimously approved.

C. Clay and Susan Coppinger, applicants; Harold and Janie Edwards, owners; 216 Carpenter Road – Flood Plain Permit to Demolish Existing House, Construct New House, and Extend Driveway.

Michael Sherman, PE, of Laurel Engineering addressed the Commission on behalf of the applicant. Mr. Sherman reviewed the maps and plans for the project with the Commission. He explained that the old structure being removed was partially in the floodplain; however, the proposed new structure would be entirely outside the floodplain. Ms. Malanca reviewed with the Commission the requirements of Section 5.2 – "Floodplain Overlay District" from the Zoning Regulations. Mr. Sherman explained that fill was required as a part of the septic system, which was partially located within the floodplain; therefore, the applicant was required to create compensatory storage area in order to ensure the total water-holding capacity of the floodplain was not negatively affected. He explained that a floodplain storage mitigation area had been planned just outside of the wetlands on the south side of the property. Mr. Sherman also informed the Commission that the driveway went partially through the floodplain; however, it was going to

be built at grade so no additional fill was required. Mr. Stoutenberg asked whether the Inland Wetlands Commission had reviewed this application. Ms. Malanca explained that they had reviewed the application and had issued a permit as most of the proposed work was outside the regulated area. She also noted that the application had been reviewed by the Roger Hurlbut, PE, the Town's engineering consultant, and he stated he had no concerns with the application.

MOTION Mr. Krimmel, second Mr. Stoutenberg, to approve the application in the matter of **Clay and Susan Coppinger, applicants; Harold and Janie Edwards, owners; 216 Carpenter Road – Flood Plain Permit to Demolish Existing House, Construct New House, and Extend Driveway;** unanimously approved.

D. Conrad Kappel, 81 Cottage Street – Flood Plain Permit to Remove 14'x12' Section of House and Replace with 9.5'x9' Elevated Addition, Remove and Replace Deck, and Install Propane Tank.

Ms. Malanca explained that the house being renovated was located in the floodplain; therefore, FEMA regulations required that they determine whether or not the activity was a substantial improvement. Since the cost of the proposed work was more than 50% of the market value of the house, the work proposed in this application was a substantial improvement. Because of this, the applicant was therefore required to be built in such a way as to minimize the potential for flood damage. Ms. Malanca explained that the next requirement was to determine whether the proposed work was structurally connected to the entire house; if so, the entire house would have to be renovated to comply with FEMA regulations. She explained that as the proposed work was not structurally connected to the rest of the house, only new work was required to comply and would have to be raised 1 foot above base flood elevation.

Michael Sherman, PE, and Clay Coppinger, PE, of Laurel Engineering then addressed the Commission regarding this application. They explained that the section of the house to be removed was in fact 14 feet by 12 feet, not 14 feet by 7 feet as originally stated. They then reviewed the maps and plans with the Commission, noting that most of Cottage Street was within the floodplain. Mr. Sherman stated that the applicant intended to remove a 14-foot by 12-foot section of the house located at the back, and replace it with a smaller 9-1/2-foot by 9-foot addition built on piers in order to comply with FEMA regulations. An addition was also planned on the east side of the house and would also be on piers. Mr. Sherman explained that the net difference would be an increase in flood storage area. The existing deck would also be removed and replaced in compliance with FEMA regulations. Mr. Coppinger explained that the additions were structurally independent of the house, which meant that only the additions were required to be raised 1 foot above base flood elevation.

Mr. Sherman then explained that the applicant proposed to install a propane tank, which would be secured to a concrete slab as per FEMA requirements. Ms. Malanca and Mr. Sherman explained the anchoring requirements for propane tanks in a floodplain, which were required in order to ensure that they did not detach, float away, or leak during a flood event.

Mr. Stoutenberg questioned whether this application had been reviewed by the Inland Wetlands Commission. Ms. Malanca explained that she had issued a permit as the authorized agent of the Inland Wetlands Commission, noting that the proposed work was only 7 feet into the upland review area. The Commission briefly reviewed the maps and plans for the application.

MOTION Mr. Stoutenberg, second Mr. Pratt, to approve the application in the matter of **Conrad Kappel, 81 Cottage Street – Flood Plain Permit to Remove 14'x12' Section of House and Replace with 9.5'x9' Elevated Addition, Remove and Replace Deck, and Install Propane Tank;** unanimously approved.

4. APPROVAL OF MINUTES:

A. October 24, 2012 regular meeting.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to approve the minutes of the October 24, 2012 regular meeting as written; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Malanca briefly reviewed her enforcement activities over the previous month with the Commission. She noted receipt of a complaint regarding The Home Depot's Christmas Tree Display, and explained that it had been resolved by agreeing to allow seven sample trees to be displayed at the front of the store while the rest of the trees for sale were stored elsewhere. Ms. Malanca also stated that Giant Steps Daycare had installed curbing all along their parking lot, which would hopefully resolve drainage complaints that had been received from an abutting neighbor.

Lastly, Ms. Malanca informed the Commission that the Office of Policy and Management had sent notice that they had reviewed and accepted all comments from the Town of New Hartford, which included several corrections to the proposed locational map for the State Plan of Conservation and Development. The Commission thanked Ms. Malanca for her extensive work to update the State's map for New Hartford, noting that this information could greatly assist the Town in future grant applications.

6. CORRESPONDENCE:

Ms. Malanca explained that she had received an email from Stephen Tuxbury of the New Hartford Board of Education. She informed the Commission that the New Hartford Board of Education was considering consolidating its two elementary schools, and they were forming a committee to explore that possibility. Ms. Malanca said that Mr. Tuxbury had requested a member of the Planning and Zoning Commission to join the committee to provide information regarding the planning and zoning ramifications of this possible decision. Ms. Malanca told the Commission that, if the Board of Education ultimately decided to close one of the schools, it would require an 8-24 hearing before the Planning and Zoning Commission. Noting that he had been the architect affiliated with construction at both schools, Mr. Stoutenberg volunteered to join this Committee on behalf of the Planning and Zoning Commission. Members of the Commission thanked Mr. Stoutenberg for volunteering.

Ms. Malanca informed the Commission that she had spoken with First Selectman Dan Jerram regarding the Department of Transportation's plans to cut down the trees along Main Street in the Town Center as the branches were encroaching on the roadway. She stated that Mr. Jerram had told her that if the trees were ultimately cut down by the DOT, the Town would replant in the spring and would also possibly do additional work with lighting, which would require an 8-24 hearing. She said that Mr. Jerram had already obtained approval from the DOT to replant in that area.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Informal Discussion with John Castellani and Karl Nilsen regarding Incentive Housing Districts.

Karl Nilsen addressed the Commission regarding this matter. Mr. Nilsen noted that the Commission had been working on creating language for Special Development Districts in their new regulations; however, this section had been left blank in the final adopted version. He explained that Mr. Castellani would like to construct 240 units of workforce housing on his 50-acre property. The units could be connected to Torrington Water Company's water line, and Mr. Castellani's engineer had said that the units could meet septic system requirements.

Mr. Nilsen and Ms. Malanca then explained to the Commission the difference between the State's affordable housing regulations and their newer regulations regarding the creation of Incentive Housing Zones. Unlike affordable housing applications in which the Commission had very little ability to modify or deny a potentially unsuitable project, Incentive Housing Zone regulations could be used by a Zoning Commission to designate areas suitable for workforce housing, and the Commission had the ability to craft regulations detailing exactly what type of development they felt was appropriate in that zone. Once the regulations were created, a developer knew exactly what was permitted in this zone and, provided the application met these requirements, their project could receive site plan approval. These regulations encouraged construction of workforce housing while giving the Commission more oversight over what was built.

Ms. Malanca reminded the Commission that they had agreed to table this issue and wind turbines in an effort to finalize the rest of the new regulations with the intention of returning to both topics at a later date. She explained that the Board of Selectmen (BOS) had submitted a grant request last year to the State for money to develop Incentive Housing Zone regulations; however, the State had then run out of money and

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their request had been table. The BOS was going to submit another request this year and would need a letter of support from the Planning and Zoning Commission. She stated that the BOS would probably come to the January regular meeting to discuss this issue further. She explained to Mr. Nilsen that the grant process and developing the regulation amendments could take up to a year. Mr. Nilsen stated that was acceptable to his client as it would likely take the same period of time if Mr. Castellani tried to put together a regulation amendment proposal himself. Mr. Krimmel questioned why it was necessary to obtain grant funds for a regulation amendment. Ms. Malanca explained that the grant provided funds for the regulation amendment, but also for a study in order to investigate exactly where in the Town were the most suitable locations for workforce housing. She and Mr. Nilsen noted that there were additional grant funds available once an application was approved and again when workforce housing was actually constructed.

The Commission agreed to ask the Town's Planning Consultant, Martin Connor, and the Commission's legal counsel, Mark Branse, to the January 9, 2013 regular meeting in order to have them available to answer any questions regarding this possible regulation amendment.

- B. Discussion of How to Implement Review Process for 2015 Plan of Conservation and Development.** Ms. Malanca and several members of the Commission agreed that a complete overhaul of the Plan of Conservation and Development (POCD) as was done in 2005 was not necessary at this time; however, it would be advisable to have an actual planning professional involved to assist the Commission in their review process. Ms. Malanca explained that money for this review would be part of the budget for FY2013-2014 and available in July 2013.

The Commission agreed to discuss this issue in more detail at the January 23, 2013 regular planning meeting.

MOTION Mr. Stoutenberg, second Mr. Steadman, to adjourn at 8:08PM; unanimously approved.

Respectfully submitted,
Stacey M. Sefcik