

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, April 13, 2016 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante (7:03PM), Bob Moore, Jim Steadman, Alternates Tom McLoughlin (7:15PM), Martin Post, and Peter Ventre, Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: David Krimmel.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall. Mr. Peter Ventre was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

None.

Mr. Stoutenberg noted that the Order of Business would be modified noting that many present this evening were likely there to discuss West Hill Pond.

4. OTHER BUSINESS:

A. Discussion of Overlay District for West Hill Pond.

Mr. Stoutenberg reported that the Planning and Zoning Commission had changed the land around West Hill Pond to a four (4) acre zone about thirty to forty years ago, noting that this initiative coupled with the presence of much smaller lots would average out to two (2) acre lots which was what the Commission was attempting to achieve throughout the rest of town. The use of Floor Area Ratio (F.A.R.) was an additional approach to limit the size of houses on West Hill Pond. Around 2005, he noted that a number of people from the lake area attended meetings and voiced objections resulting in the commission backing down. Mr. Stoutenberg reported that in the current Plan of Conservation and Development (POCD), an Overlay District mention was included. He noted that the Commission had intended to review and consider this Overlay District sooner, but that with the loss of the Zoning Enforcement Officer and the time needed to hire a new one, it was delayed. He explained that this would be the first meeting to discuss adding the zone.

Mr. Stoutenberg explained that the bigger question with developing an Overlay District Zone lays with how to enforce any restrictions contained within it.

Ms. Shelley Lloyd of 29 Pioneer Drive questioned whether the Commission has done any research into other lakes around Connecticut or even in New England as to how the regulations are written regarding re-building on existing non-conforming lots and how those communities

have addressed redevelopment. Mr. Stoutenberg noted that it is the intent of the Commission to meet with their very experienced land use attorney to discuss these very issues.

Mr. Steve Unger of 706 West Hill Road and Vice President of the West Hill Lake Shore Property Owner's Association reported that his group is unsure of the best approach forward and that his group has been meeting and discussing the same. He noted that recently he attended a Connecticut Lakes conference in Goshen with representatives from twenty-five different lakes present at which they acknowledged the struggle with how to protect water quality without infringing on rights of others.

Mr. Jamie Hall of 511 Town Hill Road and Chairman of the Inland Wetlands Commission noted that the wetlands regulations his group administers are set by the state and cannot be counted on to protect the water quality of the lake. He noted that the fundamental problem, is nutrient levels in the lake, particularly phosphorus.

Mr. Bill Adamsen of 166 Camp Workcoeman Road noting his involvement with the Pond Association, which he characterized as an association of associations comprised of the scout camp, the town, several different homeowner groups, explained that they own the water rights and are responsible for dealing with the dam at the north end of the lake. He noted that his group is doing a lot of research on the lake and that last year they stepped up the amount of studying in an attempt to determine the source of the nutrients.

Mr. Stoutenberg questioned whether the group is leaning on Barkhamsted the same way the group is leaning on New Hartford. Mr. Adamsen noted that the relationship is not as strong as that with New Hartford. Mr. Stoutenberg explained that the reason he asked is that New Hartford only has two-thirds (2/3) of the properties up at West Hill Lake. Mr. Hall commented that the watershed of the lake is easily three-quarters (3/4) if not seven-eighths (7/8) within New Hartford.

Mr. Post questioned the possibility of the different associations to lean on their own residents to eliminate chemical fertilizers, to upgrade their septic systems, to watch the storm water runoff and to monitor the percentage of permeable coverage, noting that this Commission had tried to do this a few years ago and it was rejected.

In response to a point put forth by Mr. Adamsen regarding the land that his lake home rests on being assessed at six and a half (6.5) times the actual structure versus Highland Lake where the homes are assessed at that rate when compared to the land, Mr. Post questioned why this is the case. Mr. Post asked whether this decision rests solely with the Assessor and what inference should be drawn from the comments. **Mr. Peter Humphrey of 273 Niles Road** noted that lake front property is in demand so when his four acres are compared to four acres up at Highland Lake, his will be more valuable because he has cleaner water. Mr. Adamsen noted that from his conversations with Assessor Beth Paul, she uses a market figure and specific formulas with how she grades it along with neighborhood factors, such as if it is waterfront. Mr. Post indicated that his concern does not lay at all with property values and lays solely with water values.

Mr. Hall noted that Highland Lake is not nearly as bad as Crystal Lake in Manchester. He explained that thirty years ago, Crystal Lake was a beautiful, clean lake. However, with no regulations, he was the lead engineer ten (10) years ago to provide sewers on Crystal Lake where the water quality had degraded to the point where it was not safe to boat there, let alone swim. Mr. Hall explained that the reason the property at Highland Lake is less valuable than

West Hill Pond is because the water quality is much less. He noted that his concern lays with the watershed which extends to the east of Niles Road and west of Workcoeman Road.

Mr. Humphrey suggested that all commissioners visit westhillpond.org, noting the amount of proactive and educational materials this site contains about trying to preserve the lake quality. He explained one initiative, LakeSmart, as a way to get land owners to voluntarily commit to some of the measures that deal with runoff and lake water quality. He noted that the group, however, has no authority to force anyone to do anything.

Mr. Post questioned how many lake shore properties there are in New Hartford and whether they are all members of the association. Mr. Humphrey noted that there are one hundred and five (105) and that far less are members. Mr. Stoutenberg explained, and Mr. Post and others concurred, that the Commission is not suggesting that they will abdicate their responsibility to West Hill Lake and that it is their intention to meet with Attorney Mark Branse in order to receive his expert legal guidance in reviewing what the Commission can and cannot do. He reiterated that the Commission could adopt the very best Regulations in terms of water quality preservation at the lake but that he foresees enforcement being the obstacle.

Mr. Moore noted that the Town is supporting research up at the lake, increasing the budget for studies from \$8K to \$16K.

Ms. Jean Cronauer of 25 Red Clover Road opined that the lake is a huge part of the quality of life to New Hartford in terms of recreational programs and summer camps.

B. Discussion of Plan Implementation Committee.

Mr. Stoutenberg explained that during the Commission's work with the POCD, they had anticipated appointing a new committee to function as a Plan Implementation Committee. He explained that this group will not be making any policy but instead in effect, looking over the shoulders of the commission to check in on progress of achieving the various goals and objectives. He noted that this committee will include Dan Jerram, Mr. Hall, Ms. Cronauer, Mr. Moore and himself.

C. Incentive Housing.

Mr. Stoutenberg reminded the Commission about the grant received for studying incentive housing and that an RFP (Request for Proposal) had yielded only one response. He noted that both he and Mr. Krimmel had agreed that there should be arrangements made to get it re-advertised in order to obtain competitive bids. In response to discussion about potential properties in town for study, Ms. Mulcahy explained that it has to include a willing land owner.

Mr. Stoutenberg reported that the NWCOG (Northwest Council of Governments) had asked for a representative from each town as it undertakes work on a comprehensive Plan of Development. He noted that he had asked that Mr. Krimmel represent New Hartford, that Mr. Krimmel had attended the first meeting held in the last week in March and that the Commission can expect to receive a report at the next regular meeting.

D. Continue discussion of changes to the Zoning Regulations.

Economic Development Commission Chairman Mark Russo responded to questions regarding a proposed pylon structure that his group intends to move around town. Commissioners were provided with a drawing depicting a frame system constructed of a 1" aluminum square tube banner hanging system that will accommodate 4" x 24" x 72" banners. In response to an inquiry from Mr. Stoutenberg as to whether this proposal would comply with current Sign Regulations,

Ms. Mulcahy reported that it would not. She reported that she spoke with Attorney Elizabeth Heinz of Branse & Willis, who had noted that the state statutes are clear with advertising signs but that town signs are not advertising signs, noting that the Commission could tailor the language so that the Town would not need a permit.

It was agreed that Ms. Mulcahy would try to get Attorney Branse for the next regular meeting in April, 2016.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy noted that the Waring sign has received a permit and that her office has been communicating with the marquee company. She reported that they are seeking a footings inspection, noting that the project is moving ahead. Additionally, Ms. Mulcahy reported that Immaculate Conception Church has requested permission to erect a sign at the cemetery pointing out the direction of the hillside shrine.

Ms. Mulcahy sought input from commissioners related to a request regarding the Borghesi project to leave the curbs off the parking islands. She explained that she had questioned whether the islands would be depressed to accept storm water and how this modification would effect storm water flow on the site. She relayed that Mr. Borghesi had indicated that it would not effect the flow, that the islands would not be depressed and that the landscaping and trees would remain the same. She noted that she had requested his engineer to provide a drawing and had received an 8½"x11" drawing which she shared with the commissioners. Commissioners agreed that they need more detailed information such as where the water will flow without the curbs there, what will be behind the curb, and what will keep the material in place.

Ms. Mulcahy also reported taking in an application for another new home on Ramstein Road along with the one on Shady Brook and that several others have been making inquiries.

6. APPROVAL OF MINUTES: MARCH 9, 2016

MOTION: Mr. Steadman, Mr. Moore second, **to approve the March 9, 2016 Minutes; Motion passed with Mr. Steadman, Mr. Moore, and Mr. Stoutenberg voting aye while Mr. LaPlante and Mr. Ventre abstained.**

7. CORRESPONDENCE:

No business was discussed.

MOTION: Mr. Steadman, Mr. Ventre second, **to adjourn at 8:33PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**