

**PLANNING AND ZONING COMMISSION
REGULAR MEETING – MINUTES
JUNE 11, 2014 – 7:00 PM
NEW HARTFORD TOWN HALL – 530 MAIN STREET**

PRESENT: Chairman James Steadman, David Krimmel, Dan LaPlante, Gil Pratt, Ted Stoutenberg; Alternates Robert Moore and Martin Post; Land Use staff Steven Sadlowski; Commission's Attorneys Mark Branse and ____.

ABSENT: Alternate Peter Ventre.

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 HEARINGS:

A. Greg Valliere, 55 Tanglewood Road – Special Exception to Install Eight Sections of 8' Fencing.

Mr. Steadman read into the record the legal notice for this matter. Greg Valliere addressed the Commission on this matter. He explained that, while he and his neighbors were good friends, their houses were located very close together. Mr. Valliere submitted pictures for the record taken from his deck showing how close it was located to his neighbor's house. Some of the pictures demonstrated where a six-foot fence versus an eight-foot fence would be located. Mr. Valliere said that the additional two feet of fencing necessitating the special exception would permit privacy on each deck and through the windows of the house.

Hearing no further questions from the Commission, Mr. Steadman opened the floor to public comment. No one expressed a desire to speak.

Mr. Sadlowski stated that he had visited the site; while there were woods nearby, the two houses were quite close. He said he could understand why the applicant would be interested in installing the fence.

MOTION Mr. Krimmel, second Mr. Stoutenberg, to close the public hearing in the matter of **Greg Valliere, 55 Tanglewood Road – Special Exception to Install Eight Sections of 8' Fencing;** unanimously approved.

2. PENDING APPLICATIONS:

A. Satan's Kingdom, LLC and Richard L. Sundgren, Jr. - Zone Change from R-1.5 to Industrial Park – Properties Located on the South Side of Main Street (Route 44) Abutting the Town Line With Canton (Assessor's Map #043-047-3-4-5 and Assessor's Map #043-047-006).

Mr. Steadman explained to the public that the public hearing for this matter was closed, and no further public testimony would be received at this meeting. He then noted for the record that additional letters had been received after the close of the public hearing on May 28th. He verified with Mr. Branse that the Commission was not permitted to review those letters. Mr. Steadman noted that while two alternates had been present throughout the public hearing, all regular members were seated for the purpose of voting on this matter. Therefore, the alternates would not be able to participate in the discussions now to take place on the application.

Mr. Steadman noted that a petition had been received from the public prior to the close of the public hearing, and he asked Mr. Branse the status of that application. Mr. Branse explained that Connecticut General Statutes stated that if a petition was received from all owners of 20% or more of the property within 500 feet of the area subject to zoning map amendment, a 2/3 vote of the Commission to approve this application would be required instead of the normal simple majority vote. He explained that property outside the 500-foot perimeter was not included in this calculation, and all property owners listed for a given property must sign the petition.

P&Z – 061114 Minutes

Mr. Branse stated that, in his opinion, the six signatures submitted at the previous meeting did not properly constitute the required signatures by all owners; however, he nonetheless asked the Town's engineering consultant to do the required calculations to determine whether or not the signatures actually represented ownership of 20% or more of the property within 500 feet of the subject property. Mr. Branse stated that he received a letter from Lenard Engineering with a PE seal placed on it stating that the calculations revealed that the six property owners represented a total of 19.55% of the property within 500 feet of the area that was the subject of the zoning map amendment application; therefore, the 20% threshold had not been met. Additionally, Mr. Branse submitted a letter for the record in which he gave his opinion that only two of the six signatures submitted are clearly valid. He noted that the largest property of the six was owned by Branderville, Ltd., which is a corporation; however, the signatory did not clearly state his affiliation and when Mr. Branse attempted to confirm it through the Office of the Secretary of State, the signature was not listed as an agent or affiliate.

MOTION Mr. Krimmel, second Mr. Stoutenberg, to approve the application in the matter of **Satan's Kingdom, LLC and Richard L. Sundgren, Jr. - Zone Change from R-1.5 to Industrial Park – Properties Located on the South Side of Main Street (Route 44) Abutting the Town Line With Canton (Assessor's Map #043-047-3-4-5 and Assessor's Map #043-047-006)** to be effective July 1, 2014, finding that the application is consistent with the Plan of Conservation and Development.

The Commission then discussed the motion on the floor. Mr. Krimmel stated that he believed everyone on the Commission wanted to protect the Farmington River; however, the Commission was also concerned with the economic viability of the Town of New Hartford. He stated that if a proposal for residential development had come before the Commission, they could have approved it and had very little control over the individual property owners and the screening between their houses and the river or the use of pesticides on their lawns. Mr. Krimmel reiterated that the Commission had many requirements in place to protect the Farmington River if the zone were to be changed to Industrial Park. When the property owner eventually submitted an application for development of each site that would be the time to review abutting neighbors' concerns to ensure adequate screening, noise issues, protection of the river, etc. He noted the Town of New Hartford has had no industrial development within at least the last five years. The Town has also had very little residential development. The percentage of tax base comprised of commercial and industrial properties has decreased over the years.

Mr. Stoutenberg then stated that, after a great deal of thought, he believed the zone change was in the best interests of the Town of New Hartford. Mr. Stoutenberg stated that the area now known as Satan's Kingdom was dramatically changed after the 1955 flood; the way it looked now was not how it had been prior to 1955. He noted that the State had leveled the top of the hill and removed a great deal of material to build the highway. Additionally, he noted that the property was not at the top of the hill, and he did not believe the development would be visible from the river; he also expressed the belief that it would not be visible from Route 44 either. He also expressed the opinion that the development would not be a drain to Town resources as the accessway would not be a Town road and would not have to be maintained by the Town. Given that Mr. Borghesi stated he planned smaller industrial buildings, Mr. Stoutenberg did not believe this proposal would require a substantial police presence the way other larger retail developments might. He also noted that the nearest neighbor to the subject area was approximately 130 feet away. Mr. Stoutenberg cited the Plan of Conservation and Development, where it noted that promoting economic expansion in the Route 44 corridor between Canton and Pine Meadow was listed as a priority.

Mr. LaPlante stated that he was a lifelong New Hartford resident and has enjoyed the Farmington River frequently, walking along it and fishing. He stated that he believed people took far better care of the river now than in the past. Mr. LaPlante stated he was in favor of the application and believed it was good for the Town. Stating that he was an Animal Control Officer for the Town, he noted how many calls he got from residential property owners seeking removal of animals such as red foxes that roamed too closely to residential developments.

P&Z – 061114 Minutes

Mr. Pratt noted that, at the first night of the public hearing, he had stated that he did not feel at that time he had sufficient information with which to render a decision, and he noted that Mr. Borghesi had extended an offer to Commission members to allow them to walk the property. Mr. Pratt stated that he had visited the site and spent several hours walking it. He expressed his opinion that the previous owners of the site had not been good stewards of the land, noting what he called “craters” where exploration holes had been dug and left open. Mr. Pratt expressed the opinion that, based on his site walk, the developer could build a very tall building and it would not be visible from the Farmington River.

Mr. Steadman stated that he had concerns about a zone change in an area by the Farmington River that had been designated as wild and scenic. While some of the possible uses in an Industrial Park Zone would require a special exception and public hearing, there were several that could be approved by site plan, and he did not feel this would give the Commission adequate control.

IN FAVOR: Mr. Krimmel, Mr. LaPlante, Mr. Pratt, and Mr. Stoutenberg.

OPPOSED: Mr. Steadman.

ABSTENTIONS: None.

The motion carried 4-1-0.

The Commission then briefly recessed at 7:40PM.

3. NEW APPLICATIONS:

A. **Darrell Hoag – Flood Plain Permit Application – 77 Wickett Street – Remove existing garage and replace with a 24x36’ Garage.**

Mr. Sadlowski explained that the Commission simply needed to review the site plan for Mr. Hoag’s proposal and could act at this meeting if they wished. The Commission briefly reviewed the site plan. Mike Sherman, PE addressed the Commission on behalf of the applicant. He explained that Mr. Hoag’s existing garage had reached the end of its useful life and he wished to replace it, slightly increasing its size in order to allow room for a woodworking area at the back.

He explained that the property was legally within the flood zone, even though there was a high point between the area and the river. The flood zone was found to be at 376.9. The amount of fill to be brought into the flood plain as a result of this project was determined to be 2 cubic feet; to compensate, the applicant proposed to remove 10 cubic yards of material from the flood zone and spread it out elsewhere on the property. Mr. Sherman said that the garage would have frost walls and would be well above the flood plain elevation.

Mr. Sadlowski expressed the belief that this was a straightforward application. Mr. Stoutenberg questioned whether Inland Wetlands approval was required, and Mr. Sadlowski stated that there were no wetlands on the property.

MOTION Mr. Stoutenberg, second Mr. Pratt, to approve the application in the matter of **Darrell Hoag – Flood Plain Permit Application – 77 Wickett Street – Remove existing garage and replace with a 24x36’ Garage**; unanimously approved.

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

Mr. Sadlowski explained that Ms. Ross wished to increase the number of students permitted at her school from ten to 25, which had been a condition as part of her original special exception approval. He explained that the modification would require a public hearing. The Commission discussed the need for additional information from the Farmington Valley Health District regarding the adequacy of the septic system.

MOTION Mr. Stoutenberg, second Mr. Pratt, to accept the application in the matter of **Catherine Ross – 741 Steele Road – Modification of Special Exception - Increase limit in conditions of approval of students from 10 to 25** and to schedule a public hearing for the July 9, 2014 regular meeting; unanimously approved.

C. Jayson Beechinor, Pine Meadow Fire Company & PNL Nutmeg LLC/Northeast Property Group – 283 Main Street – Site Plan Review - Hold a Family Fair/Carnival.

Jayson Beechinor addressed the Commission regarding this matter. He stated that the fair would be held by the Waring Building. He detailed the plans for parking, noting there was plenty of space for up to 425 cars. Mr. Sadlowski stated that portable toilets would be brought in and a police officer would be on duty to direct traffic. Mr. Beechinor said that the rides would be provided by R. W. Cummerford out of Goshen and they had all required liability insurance.

MOTION Mr. Stoutenberg, second Mr. Krimmel, to approve the application in the matter of **Jayson Beechinor, Pine Meadow Fire Company & PNL Nutmeg LLC/Northeast Property Group – 283 Main Street – Site Plan Review - Hold a Family Fair/Carnival** at 283 Main Street on June 20, 21, and 22, 2014; unanimously approved.

D. Gregg Valliere, 55 Tanglewood Road – Special Exception to Install Eight Sections of 8' Fencing.

Mr. Pratt stated that he would feel more comfortable voting on this application if he had something in writing from the abutting neighbors stating they were okay with this proposal. The Commission noted that Mr. Valliere had provided notice to his abutting neighbors; they had chosen not to come to the meeting or submit a letter stating their opinion. The Commission reviewed where the fence was going to be located.

MOTION Mr. Krimmel, second Mr. LaPlante, to approve the application in the matter of **Gregg Valliere, 55 Tanglewood Road – Special Exception to Install Eight Sections of 8' Fencing**; the motion carried 4-1-0 with Mr. Pratt voting in opposition.

4. APPROVAL OF MINUTES:

- A. April 23, 2014 regular meeting.**
- B. May 28, 2014 regular meeting.**

MOTION Mr. Stoutenberg, second Mr. Pratt, to approve the full minutes of both the April 23, 2014 regular meeting and the May 28, 2014 regular meeting; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Sadlowski informed the Commission that Troy LaMere of the Inland Wetlands Commission was trying to put together a team of volunteers to clean up the former gas station property at the corner of Route 219 and Route 44 in the Town Center. Mr. Krimmel said that Mr. LaMere had spoken to the EDC to request money for top soil. Mr. LaMere had secured seed and shrubbery donations from the Home Depot, and he had found people willing to lend their equipment to the effort. The Fire Department had volunteered to water the new plantings. However, the permission of the property owner had not yet been obtained. Mr. Krimmel stated that EDC had taken the position that it was not the EDC's purview to maintain private properties; they had recommended Mr. LaMere consider arranging a fundraiser. The interested parties were considering setting up some sort of LLC for this effort.

6. CORRESPONDENCE:

No business was discussed.

P&Z – 061114 Minutes

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

No business was discussed.

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

Respectfully submitted,

Stacey M. Sefcik
Recording Secretary