

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, December 15, 2016 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, Dan LaPlante (7:04PM) Jim Steadman, David Kimmel, Bob Moore, Dan LaPlante, Alternates Tom McLoughlin, Marty Post and Peter Ventre; Zoning Enforcement Officer Ruth Mulcahy.

**ABSENT:** None.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. The entire proceedings were recorded digitally and are available in the Town Hall.

**1. PUBLIC HEARINGS:**

**A. Mark Giorda/Applicant – William Celadon/Owner – Map 007 – Block 003 – Lot 19A\_B – 207 Cotton Hill Road – Special Exception – Accessory Apartment.**

Ms. Mulcahy read the legal notice into the record, reporting that it had run in a local newspaper on December 2, 2016 and December 9, 2016. She also noted that the file contained the proof of notice of the public hearing to the abutters to the subject parcel.

Mark Giorda of 75 Cotton Hill Road appeared before the Commission regarding this application. He noted that his application contained a written statement regarding the nature of improvements proposed for 207 Cotton Hill Road, including remodeling the residence to modernize it and bring the dwelling up to the current building codes where possible. His prepared statement, from which he read, noted that there is an existing kitchen and bathroom in the basement when the owner purchased the property. He noted that Ms. Mulcahy brought to the owner's attention a need for a Special Exception for Accessory Use in a residential district. Mr. Giorda noted that the owner would be using the space as an in-law apartment.

Mr. Stoutenberg questioned whether the apartment has a gross floor area of at least 500 square feet. Mr. Giorda confirmed. Mr. Stoutenberg also questioned whether the accessory unit is not more than 40% of the floor area of the building. Mr. Giorda confirmed.

Ms. Mulcahy reported that this second kitchen area added to the top floor was brought to her attention by the Assessor although no zoning permit was ever sought. Upon visiting the site, Ms. Mulcahy noted that the map contained in this parcel's file does not correspond to the buildings that are located at this site. She noted that the first visit to the property revealed a dirt driveway that crosses a brook but through a subsequent visit, observed that the driveway had been paved absent a permit from the Inland Wetlands Commission. She recommended that this Commission not grant a zoning permit until such time that the Inland Wetlands Commission has received an application for that work. Additionally, Ms. Mulcahy reported her observation of many other barns and structures that have not been permitted along with several discarded large propane tanks. Ms. Mulcahy explained that there is currently a tenant living in the house even though no Certificate of Occupancy has been issued for such use. Finally, Ms. Mulcahy reported that she is unsure what other uses are occurring on this property.

Mr. Kimmel questioned whether the owner of the property is currently a resident of the property. The applicant indicated that he is not.

Mark Hawley of 187 Cotton Hill Road articulated the reasons why he is opposed to this application including the noise that has emitted from this location and the possible effects to his own property values should this application be approved. Mr. Stoutenberg read a letter submitted from Mr. Hawley.

Mr. Stoutenberg also read a letter submitted by Stephen Grant of 217 Cotton Hill Road, opposing the approval of this application, questioning whether the applicant/owner has followed the proper process for seeking approval for work very likely already completed. He noted his opposition to the current noise and traffic occurring at this property.

Paul Cerruto of 213 Cotton Hill Road noted his concerns with the already heavy traffic present.

It was noted that Mr. Giorda was voluntarily withdrawing the application. Ms. Mulcahy noted that a violation letter has been issued on this property.

**B. Denton Butler/Applicant – Patricia B. Butler/Owner – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Re-Subdivision Application – One Lot.**

Ms. Mulcahy read the legal notice into the record, reporting that it had run in a local newspaper on December 2, 2016 and December 9, 2016. She also noted that the file contained the proof of notice of the public hearing to the abutters to the subject parcel.

Denton Butler appeared before the Commission regarding this application, explaining that it is for a one-lot subdivision of 10.77 acres to construct a single-family one and a half story dwelling. He noted that approval has been received from Farmington Valley Health District. Ms. Mulcahy reported that the Inland Wetlands Commission determined that this is a subdivision with no regulated activity.

Mr. Moore questioned the easement noted on the maps. Mr. Post noted that the access to this parcel will always be through the Butler property. Mr. Butler disagreed, noting that the parcel does front on Pussy Lane.

John Trumbull of 479 Town Hill Road spoke in support of this application, noting that the soil was and is appropriate for development and that there are no impacts to any type of wetlands.

David Rosengren of 495 Town Hill Road questioned whether the proposed lot is an interior lot. Ms. Mulcahy explained that it is not an interior lot as it has the frontage along Pussy Lane but that access does not need to be the same as the frontage.

**MOTION:** Mr. Steadman, Mr. LaPlante second, to close the public hearing in the matter of Denton Butler/Applicant – Patricia B. Butler/Owner – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Re-Subdivision Application – One Lot; unanimously approved.

**2. PENDING APPLICATIONS:**

**A. Mark Giorda/Applicant – William Celadon/Owner – Map 007 – Block 003 – Lot 19A\_B – 207 Cotton Hill Road – Special Exception – Accessory Apartment.**

The application was withdrawn during the public hearing.

**B. Denton Butler/Applicant – Patricia B. Butler/Owner – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Re-Subdivision Application – One Lot.**

**MOTION:** Mr. Steadman, Mr. Moore second, to approve the subdivision for Patricia B. Butler and Denton Butler on 465 Town Hill Road, finding the following:

WHEREAS, the Town of New Hartford Planning and Zoning Commission received an application for a Re-Subdivision on 29.17 acres for one additional lot of 10.77 acres from Patricia B. Butler and Denton Butler, 465 Town Hill Road, New Hartford, Connecticut in a R-2 Residence District which includes an application, an approval for the additional lot from FVHD, an Inland Wetland Determination issued on November 2, 2016 for a subdivision with no regulated activity, a Re-subdivision Map dated 10/27/2016, an Overall Site Plan dated 10/27/2016, a 40 Scale Site Plan dated 10/27/2016 on pages C2 and C3 prepared for Patricia B. Butler & Denton Butler by Hrica Associates, LLC, 44 Maple View Trail, Litchfield, CT 06759; and

WHEREAS, the Planning and Zoning Commission held the required public hearing for a Resubdivision on December 14, 2016;

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Re-subdivision on 29.17 acres for one additional lot of 10.77 acres from Patricia B. Butler & Denton Butler, 465 Town Hill Road, New Hartford, CT in a R-2 Residence District with the following modifications:

1. All maps shall comply with Section 3 of the Town of New Hartford Subdivision Regulations.
2. The boundary line adjustment map titled Property Survey prepared for Patricia B. Butler and Denton Butler, 465 Town Hill Road, New Hartford, CT dated 10/7/16 prepared by Hrica Associates, LLC, 44 Maple View Trail, Litchfield, CT 06759 is accepted as part of this approval.
3. A copy of the Connecticut Department of Transportation driveway permit shall be submitted before a zoning permit is issued.
4. The required Record Map with the conditions of approval shall be filed on the Town Land Records as a mylar copy within the Connecticut General Statutes prescribed time limits.
5. The Record Map and the new deeds shall be filed on the Town Land Records before a zoning permit is issued.
6. A passive solar energy plan shall be shown on the final map.
7. The required driveway pull offs shall be the existing lawn area adjacent to the proposed driveway which is at a level elevation to the driveway. This area shall be shown on the map, but there is no requirement for additional grading or change from lawn area.
8. The driveway easement documents shall be reviewed by the Town Land Use Attorney and filed on the Land Records after approval and before a zoning permit is required; unanimously approved.

**3. NEW APPLICATIONS:**

**A. Borghesi Building & Engineering Co., Inc./Applicant – New Hartford Market Place, LLC/Owner Site Plan Approval – Map 043 – Block 047 – Lots 3\_4\_5 – 1 Main Street (Parcel “A” New Hartford) – Construct an 8,320± Building with Related Site Work.**

Ms. Mulcahy noted that this application did not require a public hearing as it is for site plan approval. She noted that it was her understanding that this application was presented as manufacturing but if there is a contractor use, it may still be heard as a site plan so long as there is no outdoor storage of any materials or equipment. If there is contractor use as shown on the

sign rendering, it would jump to a Special Exception, according to Ms. Mulcahy. Mr. Moore agreed, noting that the plans were not developed to address a contractor's shop and storage.

Allan Borghesi appeared before the Commission accompanied by the prospective occupant, Jeff McLellan of Precision Tree Experts, LLC. Mr. Borghesi referenced a copy of the proposed building, noting that it is very tall, and will include the blue tone of the company. He noted that it will be similar to the other buildings he constructed on Main Street in that it will have a masonry wall down low, with a double glass door entry along with two levels and an office on the bottom. He explained that the building will be located on an 8.3± acre parcel of land, fairly close to Canton. Mr. Borghesi reported that the site is relatively level except that a detention pond was already constructed to the rear of the property. He explained that the property is essentially invisible from everywhere and that access is through an MDC right-of-way which is already paved.

Mr. Borghesi addressed comments made by Lenard Engineering. Mr. Borghesi noted that while it is Lenard's recommendation to pave up to the dumpster, he disagreed as did his client. Mr. Borghesi pointed out that Lenard Engineering indicated that the plans have addressed all of the rest of their comments.

Mr. Stoutenberg read aloud a letter from First Selectman Dan Jerram on behalf of the Board of Selectmen in support of the application but recommending that the Commission take all actions necessary to provide protection of the scenic vistas on the other side of the Farmington River. Mr. Butler noted that Mr. Borghesi appears to have addressed the comments made by the Design Review Committee.

**MOTION:** Mr. Steadman, Mr. Krimmel second, to approve a Site Plan application from Borghesi Builders for an 8,320 square foot industrial manufacturing building located at 1 Main Street, New Hartford, Connecticut in an I Industrial District.

WHEREAS, the Town of New Hartford Planning and Zoning Commission received a Site Plan application for a new 8,320 square foot industrial manufacturing building at 1 Main Street, New Hartford, Connecticut in an I Industrial District which includes an application, a Site Plan SP1 & SP2 dated 11/15/16 with a final revision date of 12/12/16, Site Plan Detail Sheets SPD1 through SPD3 dated 11/08/16 with a final revision date of 12/08/16, Architectural A1 Sheets A1 and A2 dated 11/17/16 prepared by Borghesi Building & Engineering, Inc. 2155 East Main Street, Torrington, CT 06790, a Sanitary System Design dated May 4, 2016 with a final revision date of June 29, 2016, a Sanitary System Design dated May 4, 2016 with a final revision date of June 24, 2016, a Drainage Pre-Development dated 11/9/16 and a Drainage Post-Development Plan dated 11/09/16 prepared by Thomas H. Shannon, 4 Mills Lane, Canton, CT; and

WHEREAS, the Planning and Zoning Commission heard the application on December 14, 2016;

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Site Plan application for a new industrial building at 1 Main Street, New Hartford, Connecticut in an I Industrial District with the following modifications:

1. All exterior lights, including any sign lighting, shall be full cut lighting in compliance with Article 6, Section 6.4.
2. The five loading spaces indicated in the parking table shall be shown on the final map.
3. The catch basin design shall be Type CL shown on SPD1 Site Plan Detail Sheet 1.
4. The sign location shall be located on the property and shown on the final map.

5. A copy of the CT Department of Transportation driveway permit shall be submitted before a zoning permit is issued.
6. No outdoor storage of materials, equipment, or unregistered vehicles are approved with this Motion.
7. A final map with the conditions of approval shall be submitted at the time of application for a zoning permit.
8. Upon completion, all drainage facilities shall be inspected and approved by the Town Engineer.
9. A final as-built shall be submitted before the zoning compliance for a final Certificate of Occupancy is issued.
10. A landscape buffer plan, as recommended by the Board of Selectmen, shall be submitted. This plan shall be reviewed and approved by the Land Use Administrator.
11. A Knox Box shall be installed before a Certificate of Occupancy is issued.
12. There shall be no contractor's shop and storage on this site until a further application is submitted; unanimously approved.

**B. David N. Douyard/Owner – Special Exception – Map 44A – Block 115 – Lot 016 – 13 Wickett Street – Home Occupation – Craft Business.**

Ms. Mulcahy noted that all the information regarding this application had been included in the Commission's packages for this meeting and that materials should be retained for next month's meeting.

**MOTION:** Mr. Steadman, Mr. Moore second, to schedule a public hearing in the application of David N. Douyard/Owner – Special Exception – Map 44A – Block 115 – Lot 016 – 13 Wickett Street – Home Occupation – Craft Business for the January 11, 2017 regular meeting; unanimously approved.

**MOTION:** Mr. Steadman, Mr. Krimmel second, to add to the agenda under New Applications, Item 3C. *Bakerville Mall, LLC*; unanimously approved.

**MOTION:** Mr. Steadman, Mr. Moore second, to schedule a public hearing for a Special Exception – Expansion of Bakerville Mall, LLC for the January 11, 2017 regular meeting; unanimously approved.

**4. APPROVAL OF MINUTES: November 9, 2016**

**MOTION:** Mr. Steadman, Mr. Moore second, to approve the November 9, 2016 Minutes; unanimously approved.

**5. ZONING ENFORCEMENT OFFICER'S REPORT:**

Ms. Mulcahy noted that there are quite a few projects in progress and she is making every effort to be sure that properties have knox boxes.

**6. CORRESPONDENCE:**

None.

**7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

New Hartford Fire Rescue Chief Mark Worsman accompanied by Robert Goodskey implored the Commission to include cisterns as a condition as part of approvals of buildings located in the Main Street corridor, in the vicinity of the one approved at this meeting.

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

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**