

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, January 11, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, Jim Steadman, David Krimmel, Bob Moore, Dan LaPlante, Alternates Tom McLoughlin and Marty Post; Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Alternate Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:13PM. The entire proceedings were recorded digitally and are available in the Town Hall.

1. PUBLIC HEARINGS:

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

Ms. Mulcahy read the legal notice for the Public Hearing into the record, noting that it was published the requisite two times on December 30, 2016 and January 6, 2017 in the local newspaper. It was noted that the file contained confirmation of notice of the public hearing to the subject parcel's abutting neighbors.

David Douyard appeared before the Commission regarding this application. He explained that he was seeking a special exemption for his property, located in an R15 zone, containing two existing buildings from the 1870s, a house residence and a fairly large barn. Mr. Douyard explained that his business is essentially a studio furniture business as he has been making furniture for over thirty years. Initially a hobby, he noted that his business has turned into a full-time occupation. Mr. Douyard reported that the proposal includes using the barn as a part-time studio and storage with no change proposed to the residence. His business will be a one-man shop and he has no plans to have a retail shop on the premises, explaining that most sales are through a craft fair and the internet.

Mr. Stoutenberg questioned whether any type of sign is proposed. Mr. Douyard explained that he has contemplated having a small one.

Sibyl Pllum of 386 Main Street spoke in favor of the application, noting that she has never heard any noise or sounds of tools.

MOTION: Mr. Steadman, Mr. Moore second, to close the public hearing in the matter of David N. Douyard/Owner – Map 44A – Block 115 – Lot 016 – 13 Wickett Street – Home Occupation – Craft Business; unanimously approved.

B. The Bakersville Mall, LLC/Owner - Map 014 – Block 003 – Lot 023 – 1165 Litchfield Turnpike- Special Exception/Site Plan Approval – Building Enlargement, Reduction of Side Yard Setback, Reduction of Minimum Parking by Reduction of Storage Area from Gross Floor Area. Permanent Site Use Reduction of Minimum Parking.

Ms. Mulcahy read the legal notice for the Public Hearing into the record, noting that it was published the requisite two times on December 30, 2016 and January 6, 2017 in the local newspaper. It was noted that the file contained confirmation of notice of the public hearing to

the subject parcel's abutting neighbors. She noted that this project has already gone through the Zoning Board of Appeals.

Attorney Tom Santoro appeared before the Commission on behalf of the applicants. He explained that the gist of the application is for an enlargement to the western side of the existing building. He explained that the purpose of the expansion is so that the occupant on the western side, Radwick's can have additional storage and a designated area where deliveries can be made providing for a safer and more convenient for traffic.

Attorney Santoro addressed storm water management and parking. He explained that currently during rain events, water flows down Cotton Hill Road, hops the curb, flows down around the back of the building and that all the water from the roof flows down the front of the property. Attorney Santoro explained that while this application is increasing the roof size, the overall impervious surface will be reduced through the addition of three parking spaces in the south quarter which will be comprised of pervious pavers. He noted that a berm will be included along Cotton Hill Road which will function to stop the water from flowing onto the property which then flows onto Route 202. Additionally, the rainwater flowing off the roof will be diverted to an underground pipe to a designated drywall.

Ms. Mulcahy questioned whether the applicant had received the memorandum from the Town's engineer, Roger Hurlbut. She noted that Mr. Hurlbut had expressed concern about the capacity of the drywell. Ms. Mulcahy noted that this memorandum had also been sent to the applicant's engineer, Dennis McMorro. Ms. Mulcahy noted that she had not received a response from Mr. McMorro. Attorney Santoro explained that the proposal is reducing the amount of water that currently travels across the applicant's property onto Route 202. He noted that if anything should come out of the drywall, it will be less than what is occurring presently. With regards to freezing events, Attorney Santoro noted that they are likely to occur in winter at a time when there are less rain events. He opined that with the amount of rain in the wintertime being so small the chances of water coming out of the drywell are so small that it doesn't warrant any further activity. Ms. Mulcahy questioned what the chances are that this would happen. Attorney Santoro noted that he did not have a percentage available. She questioned whether the applicant would oppose running the drainage plan by the State of Connecticut Department of Transportation for their review. She noted that she understands the applicant's alternative plan if a problem presents is to hook into the state's drainage system. Attorney Santoro noted that his clients deem the likelihood of a problem presenting to be so small and have decided that if one develops, they will address it at that point.

Attorney Santoro then reviewed the proposal relative to parking spaces. He explained that there are three units in the property and presented a bird's eye view of the proposed footprint of the building: a salon, the empty center unit and then Radwick's sandwich shop. He noted that the 349-square foot salon, characterized as personal services, needs 1.5 parking spaces. Attorney Santoro explained that the applicant is proposing to have the middle vacant space occupied by a business characterized as part of a retail plaza such as personal services or a business office. Using calculations as if this 878-square foot space were to be a retail plaza, it would need 3.5 parking spaces, according to Attorney Santoro. Regarding the third unit, Radwick's, he noted that much of the space will be used as storage with 100% of the addition to be used as storage except for a little pathway where deliveries will be made. He reminded the Commission that as part of the approval received by the Zoning Board of Appeals, the upstairs could no longer be used as an apartment and could only be used as storage for one of the three units. It was decided that this upstairs space would be used for storage for Radwicks, Attorney Santoro explained. He noted that this is necessary in order to take advantage of the zoning

regulation that allows for reduction in square footage calculations when 25% or more of the square footage is used for storage.

Noting a second important factor in this determination is characterization, Attorney Santoro then explained why it is that Radwick's is best characterized as a retail plaza versus characterizing it as a restaurant. He noted that typically a restaurant includes tables and chairs, none of which are present at Radwick's. Attorney Santoro opined that Radwick's functions more as a deli where one can obtain cold cuts or prepared foods to take home. He noted that this is how the calculations were formed for the parking necessary on the site.

Mr. Stoutenberg questioned whether this addition would be constructed and then have all of it used for storage. He questioned what is stored. Jeff Radwick then addressed the Commission, noting that the storage is comprised of a combination of dry storage, with most of it being a walk-in cooler. Ms. Mulcahy then read the definition of "Fast Food" from the Zoning Regulations. Discussion ensued regarding what type of business Radwick's is.

Mr. Stoutenberg questioned whether Attorney Santoro had reviewed the Minutes of the Architectural Review Committee. He noted that he had heard about them. Attorney Santoro was then provided with a draft copy of those Minutes, reviewed them, and noted that his client was happy to comply with all five recommendations. Mr. Stoutenberg read off the five following recommendations of the Architectural Review Committee from their January 10, 2017 meeting:

1. The Ice Machine be moved from the front (north wall) to the west wall and turned sideways;
2. The dumpster be moved closer to the building with privacy screening/fencing added;
3. Any roof mounted HVAC unit(s) be hidden from street view;
4. Seasonal temporary planters will be added to the front of the building on the site plan; and
5. Propane tank(s) will be screened from street view.

Maria Moore of 104 Town Hill Road spoke in favor of the application opining that the property has come a long way under Mr. Radwick's tenure there and that this is the type of business that New Hartford should embrace and encourage.

John Burdick of 220 Town Hill Road spoke in favor of the application, noting that he is a frequent patron of the business and opined that the applicant has gone beyond what is required of him.

MOTION: Mr. Steadman, Mr. Moore second, to close the public hearing in the matter of The Bakersville Mall, LLC/Owner - Map 014 – Block 003 – Lot 023 – 1165 Litchfield Turnpike-Special Exception/Site Plan Approval – Building Enlargement, Reduction of Side Yard Setback, Reduction of Minimum Parking by Reduction of Storage Area from Gross Floor Area. Permanent Site Use Reduction of Minimum Parking; unanimously approved.

2. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

A. Discussion of Land Claims for Water Districts (Exclusive Service Areas) with First Selectman & Whitbeck Road Waterline.

First Selectman Dan Jerram provided an overview of the recent events surrounding the establishing of exclusive service areas (ESAs) relative to providing water service to towns. He noted that the State was trying to get towns to define their exclusive service areas, areas they are currently providing service to, and areas that they will be providing service to in the future. Mr. Jerram provided an update on this process.

B. Request for Section 8-24 Referral of the Connecticut General Statutes – Regarding Butler Farm.

Mr. Jerram reported that a couple of years ago, the Town began working with the State of Connecticut Department of Agriculture on the Butler Farm, located on Black Bridge Road, comprised of 93.3 acres.

New Hartford Open Space Commission Chairman Jean Cronauer then reviewed several areas within the Plan of Conservation and Development that support the request for this CGS Section 8-24 referral regarding the Butler Farm. *Protect Natural Resources* (page 17) and *Protect Surface and Groundwater Resources* (page 19) of Chapter 3 were among the goals cited in support of this request. She also pointed to Action Item #3, “...Recommend that riparian buffers be preserved or established alongside water bodies and water courses to the greatest extent possible...” Ms. Cronauer continued with several additional points within the Plan of Conservation and Development lending support to this Open Space project as carrying out the Plan.

MOTION: Mr. Stoutenberg, Mr. Steadman second, that in accordance with the Plan of Conservation and Development for New Hartford, the Planning and Zoning Commission makes a favorable recommendation regarding the acquisition of the Butler Farm development rights; unanimously approved.

C. Appointment of Planning and Zoning Representative to the Advisory Commission on Capital Expenditures.

Mr. Stoutenberg reported that the Board of Selectmen are reactivating the ordinance to establish an Advisory Commission on Capital Expenditures whereby one member is appointed by the Board of Selectmen, the Board of Finance, the Board of Education, and the Planning and Zoning Commission. He reported that two members from this Commission have volunteered to serve on that advisory commission: Dan LaPlante and Bob Moore. Mr. LaPlante and Mr. Moore then briefly reviewed reasons why they seek to serve in this capacity.

Votes were then had by virtue of a paper ballot, with the following result:
With three votes for Mr. LaPlante by Mr. LaPlante, Mr. Stoutenberg, and Mr. Kimmel and with two votes for Mr. Moore by Mr. Moore and Mr. Steadman, it was noted that Mr. LaPlante will serve on the Advisory Commission on Capital Expenditures.

D. Jocelyn Ayer, Northwest Hills COG – Discussion and input on the Regional Plan of Conservation and Development.

Jocelyn Ayer of the Northwest Hills Council of Governments spoke to the Commission regarding a Regional Plan of Conservation and Development. She explained that it will address land use issues like housing, local food & agriculture, jobs and vibrant main streets, land conservation and recreation. In an effort to establish what is important to residents in the member towns, she is visiting all twenty-one towns to gather this type of information. Ms. Ayer reported that a lot of data was collected on housing trends and economic trends for the region. Ms. Ayer reported that the Regional Profile Report addresses trends happening in the Region which should serve the area towns. She noted that the website toolkit will have case studies, example regulations, and initiatives that other towns have undertaken, all to serve as a resource.

Ms. Ayer reported that the COG is conducting a web-based survey and hopes that all residents will take the survey. She noted that the hope is to have the Regional POCD ready by Spring, 2017. All those present were provided with a clicker to participate in the on-line survey.

The Commission recessed at 9:13PM. The Commission reconvened at 9:17PM.

3. PENDING APPLICATIONS:

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

MOTION: Mr. Steadman, Mr. Stoutenberg second, to approve the following:

WHEREAS, the New Hartford Planning and Zoning Commission received an application on December 14, 2016 for a Special Exception home occupation for handicraft woodworking in approximately 600 square feet of an existing 1200 square foot barn located at 13 Wickett Street, Pine Meadow, from resident and owner David Douyard which included an application, an Assessment Parcel Map and a description of the proposal; and

WHEREAS, the Commission held a public hearing on January 11, 2017;

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception application for a handicraft woodworking from David Douyard, 13 Wickett Street, PO Box 113, Pine Meadow, CT 06061, in an R-15 Residence District subject to the following conditions:

1. All lights on the property shall be full cut off with no light trespass, in accordance with Article 6, Section 6.4.
2. There shall be no exterior storage of materials and equipment; **unanimously approved.**

B. The Bakersville Mall, LLC/Owner - Map 014 – Block 003 – Lot 023 – 1165 Litchfield Turnpike- Special Exception/Site Plan Approval – Building Enlargement, Reduction of Side Yard Setback, Reduction of Minimum Parking by Reduction of Storage Area from Gross Floor Area. Permanent Site Use Reduction of Minimum Parking.

MOTION: Mr. Moore, Mr. Steadman second, to approve the following:

WHEREAS, the New Hartford Planning and Zoning Commission received an application on December 14, 2016 for a Special Exception for a 448 square foot addition to a pre-existing non-conforming commercial building and reduction of minimum parking requirement from Bakerville Mall, LLC located at 1165 Litchfield Turnpike, New Hartford, in a B-Business which included an application, a drainage report, a Site Plan and an Erosion & Sediment Control Plan, prepared by Berkshire Engineering & Surveying, LLC, 143 Bantam Lake Road, Bantam, Connecticut and Building Elevations and Floor Plans A-1 through A-3; and

WHEREAS, the Commission held a public hearing on January 11, 2017;

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception application for a 448-square foot addition to a pre-existing non-conforming commercial building and the reduction of the minimum parking requirement from Bakerville Mall, LLC, located at 1165 Litchfield Turnpike, New Hartford in a B-Business subject to the following conditions:

1. All lights on the property shall be full cut off with no light trespass, in accordance with Article 6 Section 6.4. The existing lights on the property shall be changed to comply with the regulations before a zoning permit is issued for the addition. All lights on the property shall be turned off after 8:00PM or when business closes.
2. All consultant fees for the Town Engineer shall be paid before a zoning permit is issued for the construction of the addition.
3. All signs on the property shall comply with Section 6.3 Signs of the Town of New Hartford Zoning Regulations and Section 6.4 Outdoor Lighting.

4. The recommendations of the Architectural Review Committee shall be followed including the ice machine be moved from the front (north wall) to the west wall and turned sideways; the dumpster be moved closer to the building with privacy screening/fencing added; any roof mounted HVAC unit(s) be hidden from street view; seasonal temporary planters will be added to the front of the building on the site plan; and propane tank(s) will be screened from street view.
5. No outdoor storage of materials or equipment is permitted with this approval.
6. A copy of the sign-off from the CT DOT regarding the drainage on Route 202 shall be submitted before a zoning permit for the addition is issued.
7. A final as-built is required before a zoning compliance for the Certificate of Occupancy is issued; **unanimously approved.**

4. NEW APPLICATIONS:

A. Emily McAdam/Applicant – The Bakerville Library Association, Inc./Owner – Special Permit – Map 014 – Block 018 – Lot 004 – 6 Maple Hollow Road – Build a 12’X16’ Shed.

Ms. Mulcahy reported that there are wetland soils close to where they want to put the shed so the applicant will need to bring their plan before the Inland Wetlands Commission. Emily McAdam was present and pointed to the spot on the site, depicted on submitted drawings, the location of the proposed shed.

It was determined that a public hearing was not needed and that an agent determination could be made with this application.

5. APPROVAL OF MINUTES: December 14, 2016

MOTION: Mr. Steadman, Mr. LaPlante second, to approve the December 14, 2016 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER’S REPORT:

7. CORRESPONDENCE:

A. Mark Worsman, Fire Chief, New Hartford Fire and Rescue.

Mr. Stoutenberg reminded the Commission of the letter that was presented relative to the approval of manufacturing facility on Main Street, near the Canton line. He then read aloud a letter from New Hartford Fire and Rescue Chief Mark Worsman dated January 5, 2017 to Ruth Mulcahy regarding 3-4-5 Main Street, Satan’s Kingdom, LLC. A copy of this letter is available for inspection through the Land Use Office.

Mr. Worsman was present to reiterate his concern with commercial buildings being approved on the far end of Main Street absent any requirement for fire cisterns.

It was agreed that the second regular meeting of January, 2017 will function as a planning meeting and that this topic will be discussed further.

MOTION: Mr. Steadman, Mr. Krimmel second, to **adjourn at 9:43PM; unanimously approved.**

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**