

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, June 28, 2017 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

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

ABSENT: David Krimmel.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. Mr. Post was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

A. Chris Sayer/Applicant – PNL Nutmeg LLC/Owner - Map 044 – Block 013 – Lot 17F – 283 Main Street – Special Exception – Build Patio at End of Building.

Ms. Mulcahy read the legal notice for the Public Hearing into the record, noting that it was published the requisite two times, June 16, 2017 and June 23, 2017 in The Hartford Courant. The proofs of notice to the abutting neighbors was provided for the file.

Chris Sayer appeared before the Commission regarding this application. He explained that the plan includes a proposal to build a patio onto his business known as Brewery Legitimus, which would allow patrons to be outside. Mr. Sayer explained that the plan includes pulling the patio fifty (50') feet away from property line, to be further back from the residences in this area. He explained that it would be constructed of concrete and that pursuant to the recommendations received from nearby residential neighbors, the plans include making the space greener with planter boxes that incorporate seating into the design. He explained that while patrons would be able to bring food and beverages outside, there would be no outside service. Mr. Sayer explained that the end of the patio would be four to six feet away from the access road.

Christina Sayer, identifying as the co-owner of the business, described the types of plants that would be utilized in the plans. The proposed lighting was discussed, with the example shown in a shared photograph noted as not meeting the Zoning Regulations. Hours of operation were discussed. Mr. Sayer noted that there are no plans regarding a sound system outside on the patio. It was noted that signage is not part of this application and that there is no additional signage proposed for the patio nor umbrellas to be used.

Mr. Moore questioned whether the Fire Department has provided any comments on this plan. Ms. Mulcahy explained that they do not typically regulate outdoor uses such as these. Mr. Sayer indicated that there will be exits outside. Mr. Sayer indicated that they will likely have space heaters on the patio, noting the two models that he is considering.

Calvin Norway of 7 Park Meadow spoke in favor of the application and reported that the applicants have been good neighbors and that this would not likely cause a nuisance to the neighborhood.

Donna LaPlante of 77 Stedman Road supported the application, noting that as it is the town's first brewery, it is functioning to also bring people to town.

Kristina Norway of 7 Park Meadow, noting that she is both a neighbor to the property as well as an employee of another small local store, spoke in favor of the application explaining that there is an overflow from people coming to this site trickling off to other local businesses which helps the local economy.

Mr. Stoutenberg read aloud a letter of support for the application dated June 21, 2017 from New Hartford Business Council President Paul Amenta.

Anthony Truss of 1 Turnkey Hollow, noting that he is an immediate abutting property owner, indicated his concerns were privacy, lighting and noise. He noted that while typically noise is not a problem, there have been occasions where live music has been at the location although it was not originally part of the proposal. He explained that while the current operators are good stewards, he has concerns with what may have been allowed will set precedent, with future owners.

Dianne Roderick of 1 Park Meadow shared the concerns of privacy, lighting and noise.

MOTION: Mr. Post, Mr. Steadman second, to close the public hearing in the matter of Chris Sayer/Applicant – PNL Nutmeg LLC/Owner - Map 044 – Block 013 – Lot 17F – 283 Main Street – Special Exception – Build Patio at End of Building; unanimously approved.

2. PENDING APPLICATIONS:

A. Chris Sayer/Applicant – PNL Nutmeg LLC/Owner - Map 044 – Block 013 – Lot 17F – 283 Main Street – Special Exception – Build Patio at End of Building.

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

WHEREAS, the Town of New Hartford Planning and Zoning Commission received a Special Permit/Site Plan application to build an outdoor patio with tables and chairs for the brewery customers located at 283 Main Street in a C Commercial Zoning District and WHEREAS, the Planning and Zoning Commission held a public hearing on June 28, 2017;

IT IS THEREFORE RESOLVED that the New Hartford Planning and Zoning Commission approves the Special Exception/Site Plan application for an outdoor patio area for a brewery with the following conditions:

- 1. The proposed planters, to be used in place of fencing, shall fully screen the outdoor patio from the residential properties.*
- 2. All exterior lights shall be full cut lighting in compliance with Article 6 Section 6.4.*
- 3. No outdoor music is permitted with this approval.*
- 4. Noise from the area shall be kept under 55 decibels, due to the proximity of the residential neighborhood.*
- 5. The hours of operation for the outdoor area shall be between 12:00PM and 10:00PM.*
- 6. The patio location shall maintain the required fifty (50') buffer between the patio and the residential property.*
- 7. No advertising is permitted on umbrellas for tables.*
- 8. The plants in the planters shall be maintained year round with evergreens.*

Motion was unanimously approved.

3. NEW APPLICATIONS:

No business discussed.

4. APPROVAL OF MINUTES – MAY 10, 2017:

MOTION: Mr. Post, Mr. Steadman second, to approve the May 10, 2017 Minutes; unanimously approved.

5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Patricia B. Butler – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road – Request for Additional 90 Day Extension to File the Plat Plan and Attendant Documentation for a one-lot Re-Subdivision.

MOTION: Mr. Steadman, Mr. Moore second, to provide a 90-day extension to file the Plat Plan and Attendant Documentation for a one-lot re-subdivision for Patricia B. Butler – Map 023 – Block 032 – Lot 022 – 465 Town Hill Road; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy reported that along with help from the summer intern, she has gone through the Zoning Regulations and identified corrections that needed to be made. She explained that Planimetrics is updating the town's copy and that the town should be getting a digital copy so future updates can be made in-house. Mr. Stoutenberg questioned the sum already paid to Planimetrics for a draft and questioned why a digital copy was not provided already.

7. CORRESPONDENCE:

Ms. Mulcahy reported that she received a list of properties available for rent and advertised on Air B&B from the town's Fire Marshal. The regulating of these type of properties was discussed. She noted that she has correspondence from Attorney Steven Burns that she can forward to commissioners regarding this. Ms. Mulcahy explained that she can also contact Attorney Mark Branse on this. She noted that this can be a very thorny issue as there is some history surrounding traditional cottage rentals but there is also the consideration regarding renters' safety in terms of verifying fire alarms and egress issues.

MOTION: Mr. Post, Mr. Steadman second, to adjourn at 8:03PM; unanimously approved.

Respectfully submitted,

Pamela A. Colombie
Recording Secretary