

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, April 11, 2018 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, Dave Krimmel, Bob Moore.
Alternate Marty Post and Peter Ventre; and Zoning Enforcement Officer Ruth Mulcahy.

ABSENT: Jim Steadman and Alternate Tom McLoughlin.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW APPLICATIONS:

Mr. Steadman recused himself from the following application.

A. James E. Jr. & Kathleen B. Steadman – Map 022 – Block 016 – Lot 5-3 – 65 Carpenter Road – Special Exception – Major Farm Stand. Set Public Hearing for May 9, 2018.

MOTION: Mr. Krimmel, Mr. Moore second, to accept the application in the matter of James E. Jr. & Kathleen B. Steadman – Map 022 – Block 016 – Lot 5-3 – 65 Carpenter Road – Special Exception – Major Farm Stand. Set Public Hearing for May 9, 2018; Motion passed with Mr. Stoutenberg, Mr. Krimmel, Mr. Moore and Mr. LaPlante voting aye.

Mr. Steadman rejoined as a regular commissioner for the remainder of the meeting.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion of Plan of Conservation and Development and Possible Regulation Changes with the Water Pollution Control Authority.

Water Pollution Control Authority Chairman Denton Butler reviewed progress that his board has achieved in terms of implementing the goals and objectives contained within the Plan of Conservation and Development relative to their charge.

Mr. Butler shared a summary of action steps undertaken in their efforts for improvements to the Town's sewer system. Distributing a handout, he shared an outline that detailed progress being made with revisions to the rules and regulations of the WPCA. Mr. Butler cited the findings of a report relative to the collection system infrastructure. Mr. Butler explained that the WPCA will likely be issuing orders to connect for up to thirty abutting properties to the sewer line. He also noted that their regulations are being modified to facilitate sewer extensions and connections for new development in the sewer service area.

Mr. Butler reviewed the same type of summary as it relates to the Town's water system. An additional handout was provided including actions steps to continue to investigate the potential sale of water system assets. He noted that should the sale of the water system does not occur,

the WPCA will endeavor to inventory the condition of the existing water infrastructure and develop an appropriate action plan to address current and anticipated future needs, update the Water Supply Plan, and investigate potential water distribution system expansion.

Mr. Stoutenberg questioned whether a public hearing will occur relative to the sewer service map. Mr. Butler explained that according to Connecticut's General Statutes, the WPCA has the exclusive authority to adopt a sewer service map and need not go to a public hearing to be adopted. However, as the WPCA recognized that they were dramatically changing the footprint of the map, a hearing was held in June, 2017 after having spent more than a year working on the modifications to the map, according to Mr. Butler. He explained that approval from the Department of Energy and Environmental Protection is required in order to be eligible for Clean Water funding.

Mr. Butler provided the Commission with a working draft of the WPCA's Subdivision Regulations.

B. Mark Fairchild/Applicant – William E. Bartlett/Owner – Map 002 – Block 002 – Lots 12-10 – 2 Lynette Court – Acceptance of Boundary Line Adjustment Lots 1 & 2 Brook Hollow Estates (Lynette Court).

Mark Fairchild appeared before the Commission regarding this application. He explained that he is purchasing 2 Lynette Court. Mr. Fairchild reported that a boundary line adjustment for this parcel had been agreed to in 2002 but that it had never been signed off. Discussion ensued as to whether there had been an actual application before this commission for that boundary line adjustment. It was noted that there had not been and that one was necessary. Ms. LaPlante confirmed that a map had been filed in the Land Records, noting that this was how it was done in 2002.

MOTION: Mr. Steadman, Mr. LaPlante second, to accept the boundary line adjustment in the matter of Mark Fairchild/Applicant – William E. Bartlett/Owner – Map 002 – Block 002 – Lots 12-10 – 2 Lynette Court, in this subdivision regarding Lot #10; unanimously approved.

C. Chris Sayer DBA Brewery Legitimus/Applicant – PNL Nutmeg LLC/Owner – Map 044 – Block 013 – Lot 17A – 283 Main Street – Site Plan Modification.

Chris Sayer appeared before the Commission regarding this matter. Ms. Mulcahy reminded the Commission that the previous approval had included a condition that a site plan map be filed showing the parking requirements. Mr. Sayer explained that his submittal was the same as the one that the owner of the site had received in March of 2017. It was noted that this submitted plan at this point did not include the Brewery Legitimus' patio. However, Mr. Sayer noted that his application last year included a portion of this exact plan, explaining that his business occupies the corner of this site.

Ms. Mulcahy reported that the owners of the property have indicated that they will soon be applying to expand the self-storage business located at this site. She noted that the Commission will likely be requesting this March 2017 plan be updated as there have already been modifications made to the site in terms of earthwork and grading. First Selectman Dan Jerram noted that the property owner has contacted him regarding modifying the accessway at the site, too.

Parking requirements of the site were discussed. It was noted that the number of required parking spots is based upon the gross floor area of a given use. With respect to the required

parking table for the site plan, Mr. Sayer explained that he intended to create one the day following this meeting based on the direction provided from this Commission.

Mr. Post objected to the somewhat common practice of applicants and/or owners sketching modifications to site plans themselves in place of a licensed professional. He noted that mylars of approved modifications to site plans ought to be filed in the Land Records rather than hand-sketched changes submitted to the Zoning office.

Discussion ensued with the general consensus being that further approval at this site will not occur without an updated site plan. They agreed to accept the plan that Mr. Sayer was submitting as satisfying the condition previously outstanding in his prior approval. Mr. Sayer agreed to draft his parking table in this regard and then meet with Ms. Mulcahy for that aspect of it.

D. Derek A. & Sarah K. Voghel – Map 015 – Block 028 – Lot 12C3 – Shady Brook Road Ext. Request for Discussion of Possible Zoning Amendment for Estate Lots.

Derek Voghel appeared before the Commission regarding the possibility for a zoning amendment. He provided a history behind his purchase in December, 2016 of Lot #3A, having thought it was a building lot. Mr. Voghel indicated that the purchase of this lot was from his brother. He noted that his brother had a mortgage with a bank for this lot, further evidence that others had also believed that #3A was a building lot.

As he was very near to breaking ground and beginning construction, Mr. Voghel only recently learned that pursuant to the Zoning Regulations, Lot #3A is not a building lot because private roads, such as Shady Brook Road Extension, require building lots to be double the acreage and 200' of road frontage.

Mr. Stoutenberg explained that this subdivision had three approved building lots of at least four acres and then a fourth much larger lot. Subsequently, the developer had combined two lots to one eight-acre piece and at a different time, also reduced the size of another lot. These changes were never approved by the Commission, Mr. Stoutenberg explained.

Mr. Stoutenberg questioned whether Mr. Voghel's lot, Lot #3A, abutted a larger parcel owned by another family member. Mr. Voghel confirmed that it abuts a larger ten-acre parcel owned by his father. Mr. Stoutenberg questioned whether he had considered a boundary line adjustment with his father so that his land might conform. Mr. Voghel explained that the reason that the first adjustment to the subdivision was done by the developer in order to entice his parents to make the purchase in the first place. He explained that his parents wanted to build their retirement home on a property with at least ten acres. The first adjustment of the boundary lines reducing the size of Lot #3A from four acres to three acres was to satisfy that requirement of this parents. The second adjustment of the boundary lines, thereby further reducing the size of Lot #3A from three acres to two acres, was so that he could afford the purchase, according to Mr. Voghel.

The Commission agreed that the matter should be referred to Attorney Mark Branse for review of this matter.

E. Flanders Crossing – Discussion.

Mr. Jerram reminded the Commission that the deadline for the improvements at Flanders Crossing was Friday, April 6, 2018. He noted that he had visited the site and while progress had been made, there is work that remains including the planting of four trees, the backfilling of the curbs and the necessary as-builts of the road itself.

MOTION: Mr. Stoutenberg, Mr. Krimmel second, to authorize the Town to call the bond to complete the public improvements and to file whatever is necessary on the Land Records; Motion passed with Mr. Stoutenberg, Mr. Krimmel, Mr. LaPlante, and Mr. Moore voting aye while Mr. Steadman was opposed.

F. Discussion of Possible Mixed-Use Regulations.

Mr. Stoutenberg noted that copies of a draft Mixed-Use Regulations, as prepared by Mr. Krimmel and Mr. Moore, have been distributed. He requested commissioners review the draft and prepare to review at the next regular meeting. Mr. Krimmel noted that these proposed regulations were drafted with input from developers and what type of regulations should be included to encourage mixed-use development.

6. APPROVAL OF MINUTES – March 28, 2018:

MOTION: Mr. LaPlante, Mr. Krimmel second, to approve the March 28, 2018 Minutes; unanimously approved.

7. ZONING ENFORCEMENT OFFICER'S REPORT:

Ms. Mulcahy reported that several homes are receiving Certificates of Occupancy. Additionally, she noted that she has received a zoning application for a home office on 69 Wickett Street. Ms. Mulcahy noted that a Special Permit application is expected soon on Dutton Road. She also reported that Firehouse Smoker will be moving into the space formerly occupied by a laundromat.

8. CORRESPONDENCE:

None.

MOTION: Mr. Stoutenberg, Mr. LaPlante second, to adjourn at 9:00PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**