

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, November 14, 2018 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, James Steadman, Marty Post and Alternate Tom McLoughlin.

ABSENT: Dave Krimmel and Alternate Peter Ventre.

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

Also present for the meeting was First Selectman Dan Jerram.

Mr. McLoughlin was seated for Mr. Krimmel.

Prior to opening the public hearings, Mr. Stoutenberg advised those in attendance that the presentation on the Conservation Commission Plan of Development by Jean Cronauer had been rescheduled to the January, 2019 planning meeting.

1. PUBLIC HEARINGS:

A. PNL Nutmeg, LLC/Owner – Map 044 Block 013 –Lot 17A – 283 Main Street – To Modify Condition Number 13 in Approval Granted July 11, 2018; Remove Requirement of Topographical Contours on Final Site Plan.

The legal notice for the public hearing was read into the record with it being noted that it was published the requisite two times in The Hartford Courant. Eric Meyers, representing PNL Nutmeg, appeared before the Commission regarding this application. In response to inquiry from Mr. Stoutenberg regarding the receipts to the abutting property owners, providing evidence of notice of this public hearing, Mr. Meyers indicated that he did not have those notices. Mr. Stoutenberg noted that without these receipts, the public hearing should be continued.

MOTION: Mr. Post, Mr. Steadman second, to continue the public hearing to the December regular meeting; unanimously approved.

B. Lisa Guertin/Applicant – Lucky 13 Partners, LLC/Owner – Map 034 – Block 009 Lot 27A – 207 Southeast Road – Special Exception - Accessory Dwelling in an Accessory Structure Located in an R-2 Residential Zoning District.

It was noted that the public hearing was continued from the last meeting and had been appropriately published the requisite two times prior to that. Receipts for mailings, evidencing notice to the abutting property owners, were submitted. John Bergen appeared before the Commission regarding this application. He explained that the entire structure had been permitted previously but the kitchen was not part of the approval. Mr. Bergen noted that the inclusion of the kitchen necessitated the permit for the accessory use. It was clarified that the work had already been installed.

The hearing was open to the public. No comments were made.

Discussion occurred among the Commission regarding the work having been done prior to a permit received by this board.

MOTION: Mr. McLoughlin, Mr. Steadman second, to close the public hearing; unanimously approved.

C. Town of New Hartford – 530 Main Street – Proposed Amendment to the Town of New Hartford Zoning Regulations to Section 4.5 – Special Use Provisions B. Mixed Use.

The legal notice for the public hearing was read into the record with it being noted that it was published the requisite two times in The Hartford Courant. Receipts for the mailings to the abutting property owners providing them notice of this public hearing were submitted. It was noted that the proposed amendment had been sent to neighboring towns and that a letter from the Northwest Hills Council of Governments had been received recommending approval.

Mr. Stoutenberg read aloud a letter from the owners of 431 Main Street supporting the proposed amendment.

Mr. Stoutenberg explained that the Zoning Regulations currently allow Mixed Use in the New Hartford Center zone but a number of buildings in Pine Meadow, in the commercial zone, could benefit from this amendment. He noted that the amendment also seeks to clarify the status of buildings constructed between 1957 and now.

The hearing was open to the public.

First Selectman Dan Jerram spoke in favor of the proposal, opining that it makes sense for these buildings and would be a good thing for our community.

MOTION: Mr. Post, Mr. McLoughlin second, to close the public hearing; unanimously approved.

Mr. Jerram then requested reconsideration of this Commission to reopen the public hearing in the PNL Nutmeg application, explaining that the notices for the neighbors had been emailed.

MOTION: Mr. Steadman, Mr. LaPlante second, to rescind the previous motion to continue the public hearing in the matter of *PNL Nutmeg, LLC/Owner – Map 044 Block 013 – Lot 17A – 283 Main Street – To Modify Condition Number 13 in Approval Granted July 11, 2018; Remove Requirement of Topographical Contours on Final Site Plan*; unanimously approved.

PNL Nutmeg, LLC/Owner – Map 044 Block 013 – Lot 17A – 283 Main Street – To Modify Condition Number 13 in Approval Granted July 11, 2018; Remove Requirement of Topographical Contours on Final Site Plan.

Mr. Meyers presented with a letter from Berkshire Engineering and Surveying regarding Condition Number 13 in the July 11, 2018 approval, requesting that the topography be excluded from the final site plan. Discussion ensued regarding why the condition was originally included.

The hearing was open to the public.

Mr. Jerram spoke in favor of the application.

Former Zoning Enforcement Officer Karl Nielson spoke on the matter.

MOTION: Mr. Steadman, Mr. LaPlante second, to close the public hearing; unanimously approved.

The agenda was modified to take up New Applications prior to Pending Applications.

2. NEW BUSINESS:

A. Castellani Family Real Estate Vent. LLC – Map 002 – Block 002 – Lot 11-6 – 906 Tarringford East Street – Re-Subdivision Application.

MOTION: Mr. Steadman, Mr. Post second, to accept the application in the matter of Castellani Family Real Estate Vent. LLC – Map 002 – Block 002 – Lot 11-6 – 906 Tarringford East Street – Re-Subdivision Application schedule a public hearing for December 12, 2018; unanimously approved.

3. PENDING APPLICATIONS:

A. PNL Nutmeg, LLC/Owner – Map 044 Block 013 – Lot 17A – 283 Main Street – To Modify Condition Number 13 in Approval Granted July 11, 2018; Remove Requirement of Topographical Contours on Final Site Plan.

It was agreed that the language, "...with topography..." would be removed from Condition #13 of the July 11, 2018 approval that had read, "...All stormwater drainage shall be shown on final site plan *with topography*..."

MOTION: Mr. Steadman, Mr. McLoughlin second, to remove the requirement noted in the July 11, 2018 approval in the application regarding 283 Main Street, that topographical contours be included as part of the final site plan; unanimously approved.

B. Lisa Guertin/Applicant – Lucky 13 Partners, LLC/Owner – Map 034 – Block 009 Lot 27A – 207 Southeast Road – Special Exception - Accessory Dwelling in an Accessory Structure Located in an R-2 Residential Zoning District.

MOTION: Mr. Steadman, Mr. Post second, to approve the Special Exception for an Accessory Dwelling in an Accessory Structure Located at 207 Southeast Road; unanimously approved.

C. Town of New Hartford – 530 Main Street – Proposed Amendment to the Town of New Hartford Zoning Regulations to Section 4.5 – Special Use Provisions B. Mixed Use.

MOTION: Mr. McLoughlin, Mr. Steadman second, to approve the proposed amendment to the Town of New Hartford Zoning Regulations to Section 4.5, Special Use Provisions B. Mixed Use; unanimously approved.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Jean Cronauer will report on the Conservation Commission Plan of Development.

It was previously noted that Ms. Cronauer's report will be received at the January planning meeting.

B. Approval of 2019 Regular Meeting Schedule.

The proposed 2019 Regular Meeting schedule was reviewed. It was noted that it mirrors what has been adopted in the past in that there are no meetings in August and only one meeting in November and December.

MOTION: Mr. Steadman, Mr. Post second, to approve the proposed 2019 Regular Meeting schedule; unanimously approved.

5. APPROVAL OF MINUTES – October 24, 2018:

MOTION: Mr. Steadman, Mr. McLoughlin second, to approve the October 24, 2018 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Jerram noted that interviews are occurring for a new Zoning Enforcement Officer.

Mr. LaPlante questioned the status regarding the lot on Shady Brook Road Extension that had been deemed unbuildable due to previous boundary line adjustments. Mr. Stoutenberg reminded the Commission that Attorney Branse had opined that those interior lots needed to be four acres. Mr. LaPlante suggested that he had learned from Interim Zoning Enforcement Officer Rista Malanca that Attorney's Branse's opinion may have changed. Mr. Stoutenberg reported that he had no knowledge of this.

7. CORRESPONDENCE:

None.

MOTION: Mr. Steadman, Mr. LaPlante second, to adjourn at 7:46PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**