

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, January 9, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, James Steadman, Marty Post and Alternates Tom McLoughlin and Mike Misiorski, Zoning Enforcement Officer Mike Lucas, Interim Zoning Enforcement Officer Rista Malanca and Land Use Attorney Mark Branse.

ABSENT: Dave Krimmel and Peter Ventre.

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

Mr. Misiorski was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

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

Karl Nielson appeared before the Commission regarding this application. He reminded the Commission that his client is seeking a one lot subdivision off a larger piece at this time. Mr. Nielson confirmed that all of the town engineer's questions have been addressed and that the consulting Planner Martin Connors has concurred. Ms. Rista noted that commissioners have been provided with copies of the reply comments from the applicant's engineer Larry Edwards. Mr. Lucas reported that the fire chief had relayed that there are live fire hydrants on Whitbeck Road and Torrington East Street and that he indicated that he does not typically comment until they are presented with plans for a dwelling. Mr. Stoutenberg questioned whether the fire chief had any comments about the balance of the parcel and the applicant's future plans to further subdivide. Mr. Lucas indicated that he had not commented.

Attorney Branse questioned whether the balance of the property is capable of supporting a single-family house. Mr. Nielson confirmed that the balance of the property already has a single-family house and that this new lot is the vacant one.

Mr. Stoutenberg noted the reference to future parcels and explained that approval for them is not part of this. Mr. Nielson agreed, noting that they were shown for informational purposes only.

The hearing was open to the public. No comment was received.

The proposed conservation easement was discussed. Attorney Branse questioned whether the developer had discussed the donation with the Land Trust and if they were willing to accept it. Mr. Neilson confirmed.

Mr. Stoutenberg questioned whether there had been discussions with the WPCA. Mr. Neilson indicated that this area can be serviced by the Torrington Water Company. He noted that there has been a service area for this location and that this parcel can be served by the Torrington Water Company. Mr. Stoutenberg advised Mr. Neilson that this will need to be straightened out with the WPCA.

The driveway was discussed, with Mr. Nielson clarifying that it will be widened to the full width necessary for a road so as to minimize the times that the wetlands need to be disturbed. Attorney Branse questioned how the town engineer will determine that the subbase, for the driveway built now wide enough to later function as the road, has been constructed to Town standards. Mr. Neilson indicated that those inspections will occur now as part of the construction and have been included in the specifications submitted.

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

Mr. McLoughlin was seated for Mr. Misiorski for the review of the Pending Application only, as he was present for the first public hearing on the matter and Mr. Misiorski was not.

2. PENDING APPLICATIONS:

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 approve 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 based on the information provided and as shown on the plans, “Resubdivision Lot #1”, revised through January 3, 2019, and subject to the following;

1. Conservation easement to be conveyed to Land Trust; and
2. Any language on the drawings that refers to the future subdivision does not apply;

Motion passed with Mr. Stoutenberg, Mr. Steadman, Mr. LaPlante, Mr. Post and Mr. McLoughlin voting aye.

3. NEW APPLICATIONS:

None.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Review of Subdivision Regulations.

With the consultation of Attorney Branse, the Commission reviewed the current Subdivision Regulations and agreed to modifications. Some of the proposed changes discussed were:

1.2 Definitions: modify definition of *Sanitation Officer*;

1.2 Definitions: modify definition of *Specimen Tree*;

1.2 Definitions: modify definition of *Street*;

1.2 Definitions: Add a definition of *Subdivision, Amended*;

1.4 Modify *Penalties*;

2.2 *Informal Preliminary Consideration: Guidelines for Preliminary Consideration Mapping – Existing Resources and Site Analysis Map*: proposed modifications including omitting “unusual geological formations” and changing development patterns within “200 feet” rather “½ mile”.

2.3.6 *Grading Plan* should be completely eliminated;

2.3.7 *Sanitation Report*: section G, the language relative to flood heights to be modified.

Additionally, added language to the end of this;

2.3.9 *Water Supply*: Attorney Branse provided additional language;

2.3.13 *Stormwater Treatment Plan*: a deletion previously approved by the Commission was discouraged by Attorney Branse;

2.4.3 *Decision*: a deletion previously approved by the Commission was reversed regarding the timing of the application process;

2.4.6.1.F. *Conditional Approval Plan, Procedure in Lieu of Completion of Public Improvements and Utilities*: additional statutory language added;

2.5.4. *Inland Wetlands Commission*: the timing of when to seek the approval of the Inland Wetlands Commission was discussed;

3.2.16 the commission agreed to remove this section;

3.3 *Construction Plans*: the language regarding “good quality Mylar” was agreed to be removed. Same correction with 3.5 Grading Plan;

4.1.5.e. *General*: It was agreed to remove this entire paragraph regarding the layout and design of the road, lots and house sites providing a variable pattern; and

4.7 *Curbs*: Attorney Branse indicated that he will consult with Todd Parsons regarding this paragraph.

Lengthy discussion occurred regarding whether or not private roads should be allowed. It was agreed to continue to allow private roads in town so long as they are constructed to town road standards. Attorney Branse agreed to provide criteria to the Commission for their review as part of this.

Attorney Branse agreed to clean up the Subdivision Regulations and prepare a clean version for a public hearing.

MOTION: Mr. Steadman, Mr. Post second, to modify the agenda to take up *West Hill Overlay Zone* ahead of *Filling Vacancies of the Design Review Committee*; unanimously approved.

B. West Hill Overlay Zone.

Mr. Stoutenberg referred to a memorandum from Ms. Malanca regarding the West Hill Overlay Zone and what may be unintended consequences in terms of water quality, especially in instances where it is not possible for people to use pervious pavers. She explained that she is seeking to consult with the Town engineer regarding the stormwater management plan. The consensus of the Commission was that Ms. Malanca may seek input in this regard.

MOTION: Mr. Steadman, Mr. Misiorski second, to modify the agenda to take up *Permitting Process for Propane Tanks and Emergency Generators* ahead of *Filling Vacancies of the Design Review Committee*; unanimously approved.

C. Our Permitting Process for Propane Tanks and Emergency Generators.

Ms. Malanca explained how the Zoning Regulations currently require propane tanks and generators to meet setbacks. She noted how non-conforming homes must go through the process of a Special Exception, meaning that they must endure the cost of paying for a survey and holding a public hearing. Ms. Malanca explained that technology has come a long way with generators not as loud as they use to be. Mr. Lucas provided a recent example of a home that would have had to locate their propane tank into a hill in order to meet the setbacks prescribed in the Zoning Regulations.

The consensus of the Commission was that they may consider proposed changes in this regard at a future date to be determined.

D. Filling Vacancies of Design Review Committee.

MOTION: Mr. Post, Mr. Steadman second, to change the status of Bob Howson from alternate member to regular member; unanimously approved.

MOTION: Mr. Steadman, Mr. Misiorski second, to appoint Denton Butler to an additional three-year term to the Design Review Committee; unanimously approved.

5. APPROVAL OF MINUTES: December 12, 2018

MOTION: Mr. Steadman, Mr. Post second, to approve the December 12, 2018 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Lucas provided an update regarding recent silt problems at 49 Henderson Road in terms of the catch basins at that location. He noted that the property owner was very responsive and promptly installed a third row of silt fence to address the problem. Additionally, Mr. Lucas noted a permit application had been submitted for a new residence at 176 Bruning Road.

7. CORRESPONDENCE:

Attorney Branse had reminded the Commission that the Connecticut Bar Association all-day land use seminar is scheduled for Saturday, March 23, 2019 at Wesleyan University. Mr. Stoutenberg, Mr. Post, Mr. Misorski, and Mr. McLoughlin indicated that they were interested in attending.

MOTION: Mr. Steadman, Mr. McLoughlin second, to adjourn at 9:18PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**