

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, May 8, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Ted Stoutenberg, Dan LaPlante, Marty Post, James Steadman,
Alternates Tom McLoughlin and Mike Misiorski,
Zoning Enforcement Officer Mike Lucas and Zoning Consultant Rista Malanca.

ABSENT: Dave Krimmel, Alternate Peter Ventre.

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

Mr. McLoughlin was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

**A. Stanley & Alicia DeMayo/Applicant – Bret DeMayo/Owner – Map 019 – Block – 012–
Lot 006 – 415 South Road – Special Exception – Construct an Accessory Dwelling Unit
Attached to Primary Dwelling.**

The legal ad for the public hearing was read into the record. The receipts for the Certificate of Mailings, providing evidence that the abutting property owners were noticed about this hearing, was provided by the applicants.

Bret DeMayo appeared before the Commission regarding this application. He explained that he is seeking to construct an addition onto his home for his parents. Mr. Stoutenberg questioned Mr. Lucas whether the proposal meets the Zoning Regulations. Mr. Lucas pointed out that part of the proposal is an addition to one side of the dwelling for a new garage which meets the setbacks and all of the other zoning requirements. By adding that space, it will provide for an increase in the FAR (Floor Area Ratio) thereby allowing them to meet the zoning requirements for the accessory dwelling unit on the other side of the house, Mr. Lucas explained. He referred commissioners to the survey, elevation drawings, and floor plan for the proposal.

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

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

**B. Deborah L. Patterson/Owner – Map 017 – Block 220 – Lot 006 – Special Exception - 95
Burwell Road – Accessory Dwelling unit Attached to House.**

It was noted that because the neighbors had not received proper notice of the public hearing, it would be opened but immediately continued to the June 12, 2019 regular meeting.

MOTION: Mr. Steadman, Mr. LaPlante second, to continue the public hearing to the June 12, 2019 regular meeting; unanimously approved.

2. PENDING APPLICATIONS:

**A. Stanley & Alicia DeMayo/Applicant – Bret DeMayo/Owner – Map 019 – Block – 012–
Lot 006 – 415 South Road – Special Exception – Construct an Accessory Dwelling Unit
Attached to Primary Dwelling.**

MOTION: Mr. Steadman, Mr. Post second, to approve the Special Exception request for 415 South Road to construct an accessory dwelling unit attached to primary dwelling for Bret DeMayo/Owner; unanimously approved.

B. Deborah L. Patterson/Owner – Map 017 – Block 220 – Lot 006 – Special Exception - 95 Burwell Road – Accessory Dwelling unit Attached to House.

No business discussed.

3. NEW APPLICATIONS:

A. Pizza Pete's/Applicant – The Realty, LLC/Owner – Map 37A – Block 122 – Lot 003 – 519 Main Street – Change in Use – Office to Retail.

MOTION: Mr. McLoughlin, Mr. Steadman second, to accept the application in the matter of Pizza Pete's/Applicant – The Realty, LLC/Owner – Map 37A – Block 122 – Lot 003 – 519 Main Street – Change in Use – Office to Retail and schedule a public hearing for June 12, 2019; unanimously approved.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discussion Regarding Changes Pertaining to Propane Tank and Emergency Generator Regulations.

The Commission reviewed proposed changes to the approval process for propane tanks and emergency generators. Ms. Malanca recalled that the Commission indicated their preference to include both of those items as accessory structures. Proposed language under Accessory Structures in the Zoning Regulations included the following: "...Above-ground propane tanks, emergency generator, exterior HVAC equipment, and pool equipment shall meet setback and building requirements for the principal structure except that they may be located within the front yard, side yard, and rear yard setback(s) if the structure is: (a.) located within twenty feet of the principal structure, (b.) located within a minimum of five feet from the property line; and (c.) screened from the public right of way..." The chart on Section 3.4.e. would also need to be changed, according to Ms. Malanca. She noted that these changes would remove the requirement for a Special Exception. A fourth provision to only allow a propane tank or generator to the side or rear of the principal structure, and not in front of the principal structure, was discussed and agreed upon.

The consensus of the Commission was to forward the proposed Zoning Regulations modification, pertaining to propane tanks and emergency generators, to the COG and abutting towns and to schedule a public hearing on the changes for the June 26, 2019 regular meeting.

B. Discussion of West Hill Overlay.

Ms. Malanca reminded the Commission that the site plans received by the Land Use Office for the West Hill Lake area, which are often the subject of review by the Zoning Board of Appeals, were "one size fits all" and very prescriptive. She observed that many of the lots around West Hill Lake are very different in terms of size and topography. She opined that the site plans, created in compliance to the terms of the West Hill Overlay zone, were not designed for what was best for each property. As an example, she referenced the requirement that all driveways must be paved and could not be left as gravel driveways. Mr. Post questioned that. Ms. Malanca corrected, noting that the requirement indicated that all driveways had to be impervious. Ms. Malanca opined that gravel driveways are not really impervious.

Ms. Malanca noted that the proposed changes to the West Hill Overlay District included a provision whereby engineers recommend what would be best for the site. She noted that the changes proposed are a product of working with the residents of West Hill Lake to come up with modifications that would affect new development. Mr. Post questioned the wisdom of relying

upon the applicant's engineer to determine the "best" development. He observed that as the engineer is employed by the applicant, their likely inclination would be to suggest the cheapest, least expensive means of developing the site. Ms. Malanca reminded the Commission that the Zoning Board of Appeals reviews many of these applications and are generally very strict. She noted that New Hartford's Stormwater Management Regulations are very strict, too, such as the requirement that post-construction drainage must be equal to the pre-construction drainage.

The seventy-five (75') foot buffer for the West Hill Overlay zone was also discussed. The Commission noted that including just a couple of trees was never the intention for this requirement. The original thought was that tall grasses and real vegetation would be installed to trap any runoff that might flow off a hillside. Ms. Malanca explained that the proposal is to establish the trigger for compliance with the Stormwater Management Regulations when either there is more than 2000 square feet of site disturbance or when a property results in more than 30% impervious surface coverage. Mr. Post disagreed with the 2000 square foot provision.

Mr. Post questioned whether Mr. Lucas was seeing as-builts of sites to verify that the site is at least 70% pervious. Mr. Lucas noted that he has not been with the Town long enough to receive any. Ms. Malanca explained that the Town requires a foundation as-built but the proposed site plan includes the proposed percentages which are verified through a site inspection.

Ms. Malanca suggested that prior to a public hearing regarding any proposed changes to the West Hill Overlay District, an informational meeting be held by this Commission, with interested residents from that area invited, held as a form of a workshop. Mr. Steadman agreed. Mr. Post questioned why the process in this regard would be different. Ms. Malanca explained that many of the residents at West Hill are in different phases of development and that changes to the Zoning Regulations effect those properties so much that it would be worthy to receive feedback from them to hear their experiences. Discussion ensued.

The consensus of the Commission was to schedule further discussion of the West Hill Overlay at the June 22, 2019 regular meeting and to invite interested residents to that meeting and receive their comments and suggestions then. It was noted that this meeting should be scheduled for the third floor Senior Center meeting room and to make sure that microphones are available for use that evening.

C. Discussion of Subdivision Regulations.

Ms. Malanca described the changes made to Section 4.31. She explained that she modified the definition of Artillery Collector/Local Street. It was agreed that these changes should be forwarded to the COG and abutting towns and a public hearing scheduled for the June 26, 2019 regular meeting.

5. APPROVAL OF MINUTES: March 27, 2019.

The March 27, 2019 Minutes should include the following changes:

The portion of text in the seventh paragraph on the second page that reads, "...Mr. Post noted that figures should be included when looking at housing, in terms of an amount of square footage per person..." should instead read, "...Mr. Post noted that figures should be included when looking at housing, in terms of an amount of square footage per person, as designated by federal H-2A regulations..."

MOTION: Mr. Steadman, Mr. Post second, to approve the March 27, 2019 Minutes as amended; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Lucas updated the Commission about the Main Street property of Dean's Stove and Spa. He noted that an updated site plan, reflecting additional parking, has been reviewed. Mr. Lucas noted that the owner is still complying with the Zoning Regulations with respect to the porches and setbacks. He reported that the Architecture Review Committee met about this project last week but that an additional meeting will be necessary as the owner may not have understood precisely what was being requested of him. Mr. Lucas assured the Commission that the site will be continued to be monitored for compliance with the Zoning Regulations relative to signage, too.

7. CORRESPONDENCE:

None.

MOTION: Mr. Steadman, Mr. McLoughlin second, to adjourn at 8:02PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**