

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
New Hartford Town Hall – 530 Main Street
Wednesday, June 9, 2021 at 7:00 PM**

PRESENT: Chairman Ted Stoutenberg, Mike Misiorski, Marty Post, and Jim Steadman, Alternates John Burdick, Robert Goodskey, and Jack Casey; Zoning Enforcement Officer Mike Lucas.

ABSENT: Dan LaPlante.

Chairman Ted Stoutenberg the meeting to order at 7:00PM. Jack Casey was seated for Mr. LaPlante.

1. PUBLIC HEARINGS:

A. Town of New Hartford – Text Amendment to the Zoning Regulations of the Town of New Hartford, CT Establishing a Special Exception for an Event and Recreation Facility.

Mr. Stoutenberg reminded the Commission and those in attendance that a draft regulation had been created that would allow larger properties that were former farms with barns to use those parcels and buildings for recreational purposes and/or event centers. He noted that only after a change to the Zoning Regulations was made, the Commission could then accept applications for such uses and each proposed application would be considered after that point.

Mr. Stoutenberg explained that the farm at the end of Ramstein Road had held an event and therefore the Commission had left the public hearing open so as to gauge the event and what changes to the language might be needed.

Noting that several commissioners had attended the event, Mr. Stoutenberg sought comments from them. Mr. Steadman indicated that while he had not personally attended the event, he had “spied” on the comedy event from Ramstein Road and had not detected a lot of noise coming from the venue that would tend to disrupt any homes that were either on Ramstein Road or the other street that runs from it. He noted that no noise was detected from Route 202. With respect to parking, Mr. Steadman noted that he was the only car parked on Ramstein Road. He reported having heard from attendees that the event was held at a beautiful location. Mr. Stoutenberg questioned whether Mr. Steadman would recommend any changes to the regulation based off of this event. Mr. Steadman indicated that he did not.

Noting that he lives three-quarters of a mile down the road from the Ramstein Road venue, Mr. Misiorski reported that he had not heard any music from the event. He shared his observation of the increase in the amount of traffic both before and after the show. Mr. Stoutenberg questioned whether Mr. Misiorski would recommend any changes to the regulation based off of this event. Mr. Misiorski indicated that he did not.

The hearing was open to the public.

Selectman Alesia Kennerson read aloud a letter from First Selectman Dan Jerram explaining that he could not attend the public hearing as it conflicted with the local high school graduation. Mr. Jerram supported adoption of the proposed modification to the Zoning Regulations.

Bill Dedominicis of 26 Flanders Crossing noted that he could not characterize his position as either being in support nor in opposition of the modification, explaining that his concern lay with

noise and traffic. He implored the Commission to include a provision within the regulation that details a maximum number of attendees.

Clare Workman of 22 Ramstein Road, explained that she lived across the street and did not attend the event but instead grilled outside the evening of the subject event on Ramstein Road. While being able to hear it, she had no objections.

Tracy Maser of 50 Ramstein Road, reported that her property abuts the Raymond site on Ramstein Road and confirmed that she, too, had attended the subject event. She spoke in support of the proposal.

Dan Raymond of 18 Ramstein Road spoke in favor of the proposed text amendment.

Lucille Oconnor of 34 Deer Run reported having been able to hear both music and voices. She questioned what could be added to the regulation regarding noise levels and hours of operation.

Mr. Lucas explained that the Town's legal counsel had guided the Commission to be intentionally non-prescriptive on hours, attendee limitations, and noise so as to afford them for discretion as each application is reviewed as part of special permits.

John Oconnor of 34 Deer Run shared the same sentiments of his wife, noting that the wind had carried the noise to their property, and questioned how each application is considered on a case-by-case basis.

Brian Bates of 210 Ramstein Road noted the conditions of residents in Morris that abut an outdoor concert location. He explained that frequency and hours of operation are his concerns with a venue such as this in his neighborhood.

Mr. Dedominicis questioned how noise is regulated and monitored, noting that his business used to be regulated by the Health District.

Mr. Casey then read aloud a letter from Mary Beth Greenwood of South Road who shared her concerns that the regulation as written only applies to existing landmark buildings. She urged the commission to be familiar with the number of properties who may be large enough but do not currently have existing buildings.

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

Mr. Lucas noted that while there were many letters received, they were not shared as they addressed only the property of Mr. Raymond's on Ramstein Road and he had decided to hold them until that application is later considered.

2. PENDING APPLICATIONS:

A. Town of New Hartford – Text Amendment to the Zoning Regulations of the Town of New Hartford, CT Establishing a Special Exception for an Event and Recreation Facility.

MOTION: Mr. Steadman, Mr. Casey second, to approve the Town of New Hartford's text amendment to the Zoning Regulations of the Town of New Hartford, CT Establishing a Special Exception for an Event and Recreation Facility; motion passed with Mr. Stoutenberg, Mr. Steadman, Mr. Misorski, and Mr. Casey voting in favor while Mr. Post abstained.

Mr. Lucas reported the text amendment change would become effective July 1, 2021.

Prior to a vote on the preceding motion, the commission discussed the proposal. Mr. Post shared his objection to drafting zoning regulation amendments because of a specific property. He believed that along with input from fire and police, input ought to be sought from sanitation

with a special permit. Mr. Lucas indicated that every application for a special permit has a whole series of provisions such as that already set out for review. Additionally, Mr. Post objected to the minimum size of thirty acres. He indicated that he has a farm and would like the opportunity to do more with it, too.

Mr. Casey indicated that if an acoustic engineer is necessary for each application, one ought to be engaged.

Mr. Steadman, noting that he is a farmer, too, shared his concern with the minimum size of 30 acres. He also objected to the requirement that it be limited to only parcels that already have buildings constructed.

Mr. Steadman questioned what size Mr. Post would find acceptable. Mr. Post indicated five or ten could be considered. Mr. Post opined the definition of farm ought to be reconsidered. Mr. Stoutenberg noted that this type of use may not be appropriate for smaller lots. Mr. Post agreed that a Comedy Night might not be appropriate for smaller parcels but that a Yoga Night, Pottery Night, or Art Night might. Mr. Lucas suggested that a Home Occupation permit may be more appropriate. Mr. Casey opined that this type of permit would not be appropriate for a parcel sized at two or three acres.

Mr. Stoutenberg questioned whether Mr. Lucas had the number of properties that would qualify for this type of use, whether the minimum is set at 50-acres or 30-acres. Mr. Lucas did not have that information available.

3. NEW BUSINESS:

A. Garrett Homes LLC/Applicant – Satans Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Special Exception – 9100 Square Foot Retail Building / Dollar General; and 25% Parking Reduction per Section 6.2 E. 5. Temporary Installation Deferral.

No business discussed but for Mr. Lucas reminding the Commission that a public hearing had been scheduled for this application for July 14, 2021.

4. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

Mr. Stoutenberg reported there being some interest by a developer in converting the parcel next to the former Waring building into age-restricted housing. He explained that this type of use had to be added to the Industrial Zones in order for this to be approved. Mr. Lucas reported Attorney Mark Branse had put together a text amendment to allow this as part of a floating zone concept.

The agenda was modified to take up *Correspondence* ahead of *Approval of Minutes*.

5. CORRESPONDENCE:

A. Letter from First Selectman RE: Food Truck Ordinance.

Mr. Casey recused himself from the conversation relative to food trucks. Mr. Stoutenberg noted that Mr. Jerram had suggested this commission handle food trucks. Mr. Lucas opined that an ordinance is much more binding than trying to regulate food trucks through the zoning regulations. Ms. Kennerson explained that the Board of Selectmen will be discussing this ordinance at an upcoming town meeting.

Discussion ensued regarding current practices and changes being considered.

6. APPROVAL OF MINUTES: May 12, 2021 and May 26, 2021.

MOTION: Mr. Steadman, Mr. Post second, to approve the May 12, 2021 Minutes and the May 26, 2021 Minutes; unanimously approved.

7. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Lucas reported an application had been received for a new single-family residence with an accessory apartment. The public hearing will be July 14, 2021 for this application.

Additionally, Mr. Lucas reported an application will be submitted by the Raymond family for their venue on Ramstein Road with a public hearing to be held on July 14, 2021.

MOTION: Mr. Steadman, Mr. Post second, to adjourn at 8:06PM; unanimously approved.

**Respectfully submitted,
Pamela A. Colombie
Recording Secretary**