

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
New Hartford Town Hall – 530 Main Street
Wednesday, September 22, 2021 at 7:00 PM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Mike Misiorski, Marty Post, Jim Steadman, and Alternates John Burdick and Robert Goodsky;
Zoning Enforcement Officer Mike Lucas, and First Selectman Dan Jerram.

ABSENT: Alternate Jack Casey.

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

1. PUBLIC HEARINGS:

A. Norbrook Farm Brewery, LLC/Applicant – Randolph L. & Joan M. Auclair, Trustees/Owner – Map 007 – Block 003 – Lot 20 & 20A – Litchfield Turnpike & Map 007 – Block 023 – Lot 013- 1320 Litchfield Turnpike (Amended Application) – Special Exception – Operate a Major Farm Stand.

The legal ad was read into the record with Mr. Lucas explaining that due to the amended application, the proposal was readvertised, and the abutting property owners were again provided notice of this public hearing. Mr. Lucas reported the legal ad as having run the requisite two times, once on September 10, 2021 and then again on September 17, 2021.

Attorney Peter Herbst, accompanied by his client Randolph Auclair and his Professional Engineer Kenneth Hrica, appeared before the commission regarding this application. Attorney Herbst reviewed the Zoning Regulations as they relate to the defined use for *Farm Stand, Major*. He noted that it included, “...*Roadside stands, which is an Accessory Use to a Farm, selling Farm produce where: the produce for sale was predominantly grown on the Premises of the Farm; and the Farm Stand Structure is no greater than three hundred fifty (350) square feet in Gross Floor Area, excluding outdoor display areas, for each three (3) acres of land under active cultivation, unless a larger retail area is approved in accordance with Section 3.5.J of these Regulations...*” Attorney Herbst reported that the active area for this farm totaled 40.5 acres and noted that as a result, the farmstand could be as large as 4,725 square feet. However, the applicant’s proposed farmstand is sized at 3,543 square feet, which would only require active cultivation of 30.37 acres.

Attorney Herbst reported the Architectural Review Committee had unanimously approved the drawings subject to confirmation of details that were not available at that time including the color of the building, the composition of roof materials, and that the trees would be upsized to the greatest extent possible. Attorney Herbst confirmed that the trees would be upsized to the greatest extent possible.

Attorney Herbst reviewed the following criteria for Special Exceptions from the Town’s Zoning Regulations and opined that the application met each: suitable location for use, appropriate improvements, suitable transportation conditions, adequate public utilities and services, environmental protection and conservation, long term viability, POCD, and design criteria. Attorney Herbst indicated that the applicant had no intention of utilizing flashing lights, loudspeakers, or amplified music. He posited that it was consistent with the Town’s POCD in every way including its protection of natural resources, utilization of open space, and will be utilizing 40.5 acres for agricultural purposes.

Mr. Hrica reviewed the site plan, noting that the farm building will be located approximately 110 feet from the property line between the site and the state highway of Route 202. He noted that primary parking was provided on two sides of the building and a third parking area will be on the east with an overflow parking area to the west. Mr. Hrica explained that all of the parking will be pervious pavement resulting in no increase in peak runoff. He explained how the three water quality features included in the design will treat the storm water. Mr. Hrica reminded the Commission that the property to be included as part of the tillable agricultural land is owned by the applicant and will remain owner-occupied. He noted how the plan was to include vegetation around the parking and noted the proposed lighting was intentionally minimal and confirmed that it was full cutoff. Approval had been received from the Farmington Valley Health District, according to Mr. Hrica. He noted the design included a 1200 square foot porch, too.

Mr. Hrica noted that the parcel across the street, comprised of 20 acres, will be planted for this application. Additionally, he indicated that there was a ten-acre portion of the site for maple sugar harvesting. A fourth area for cultivating will include an area on the other side of the Bakerville Brook that will be accessed through a former woods road. Mr. Hrica noted that the woods road will support machine access to the former field that will provide an additional 7.5 acres of tillable area. He reminded the Commission that the applicant is required to provide 33.7 acres of tilled fields and growing fields. Excluding the maple harvesting area which is not a tillable area, the proposal exceeds the 33.7 acres required, according to Mr. Hrica. He indicated that there was 30.5 acres of actual field counting towards tillable area along with an extra 10 acres from maple harvesting.

Mr. Post questioned whether the access from Cotton Hill Road would be utilized. Mr. Hrica indicated that it would not. Mr. Post questioned whether the State of Connecticut Department of Transportation has reviewed the access to Route 202. Mr. Hrica indicated that they are currently reviewing it. He opined the sight lines were adequate and noted that the curb cut was already existing and that their proposal was to just improve it.

Mr. Hrica reported that the architect had met with Mr. Lucas to go over the architectural drawings. He noted that the only areas accessible to the public were 1740 square feet on the first floor and 1803 square feet on the second porch. Mr. Hrica indicated that the current building design had three accesses to the second floor including a main access stairway in the middle of the structure, an accessway in the silo tower on the west side, and a third accessway on the east side.

Mr. Hrica noted that a minimum of 75-100 feet of wooded buffers have been left between the subject site and adjacent properties.

Mr. Steadman questioned whether the Inland Wetlands Commission had approved the proposal. Mr. Lucas confirmed that commission was very happy with the proposal including pervious asphalt and was very enthusiastic about this project. Mr. Steadman questioned whether the wetlands had been flagged on this property. Mr. Hrica noted that the headwaters of the Bakerville Brook flow through the site and noted that they had included a buffer to the ponds and the brook.

The hearing was open to the public.

First Selectman Dan Jerram of 525 Town Hill Road strongly supported the application, noting that the applicant who had been a long-time member of the community, was seeking to reestablish a farm, rebuilding a barn, creating an agricultural business, and preserving 125 acres in a rural character.

Lou Helt of 55 Birdsvie Avenue spoke in support of the proposal, citing her familiarity with the applicant spanning many, many years and opining the proposed use was the best use of the property.

Kelly Carroll of 356 Cotton Hill Road spoke in support of the application, noting that she was both a resident and an employee of New Hartford. Citing her work with families, she shared her observations that the reason families are staying in this town is that places, such as the proposed brewery, provide places for the community to gather. She reported discussing the applicant's other brewery located in Colebrook with a resident state trooper who confirmed that there have been zero noise complaints or traffic complaints for that location.

Greg O'Brien of 134 Burwell Road spoke in favor of the planned brewery, citing the success of the applicant's other one in Colebrook.

Bob Switzgable of 178 Camp Workcoeman Road and owner of Ski Sundown spoke in favor of the proposal, indicating that he had known the applicant for over thirty years both as a family man and a business owner.

Alesia Kennerson of 198 Gillette Road, and identifying as a Selectman, cited the rural nature of Route 202 and echoed the previous comments noting that the brewery would function as a community center.

Morgan Kennerson of 198 Gillette Road, supported the continued agriculture use of the property and questioned whether the wooded area adjacent to the maple sugar area would be marked out so that the property line was clear. Mr. Auclair confirmed that it would.

Matthew Solito of 145 Maple Hollow Road spoke in favor of the application, noting that the proposed use was more preferred than a shopping plaza for the subject property.

Shusho Auclair of 155 Cotton Hill Road spoke in favor of the application, commenting that the family's Colebrook brewery is a gathering place for that community.

Randolph Auclair of 155 Cotton Hill Road thanked the Commission for their volunteer work.

Mr. Stoutenberg read aloud a letter from resident Ryan Bingham addressed to Mr. Jerram, supporting the proposal.

Mr. Lucas reported receipt of a text lending support for the proposal from Kevin Purcell of 232 Cedar Lane and read the same aloud.

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

2. PENDING APPLICATIONS:

A. Norbrook Farm Brewery, LLC/Applicant – Randolph L. & Joan M. Auclair, Trustees/Owner – Map 007 – Block 003 – Lot 20 & 20A – Litchfield Turnpike & Map 007 – Block 023 – Lot 013- 1320 Litchfield Turnpike (Amended Application) – Special Exception – Operate a Major Farm Stand.

Mr. Steadman reported that he was not at the August 18, 2021 regular meeting and had not had the opportunity to review the audio. For that reason, he noted he would be recusing himself. Mr. Burdick was seated for Mr. Steadman.

MOTION: Mr. Post, Mr. Burdick second, to approve the application in the matter of Norbrook Farm Brewery, LLC/Applicant – Randolph L. & Joan M. Auclair, Trustees/Owner – Map 007 – Block 003 – Lot 20 & 20A – Litchfield Turnpike & Map 007 – Block 023 – Lot 013- 1320 Litchfield Turnpike (Amended Application) – Special Exception – Operate a Major Farm Stand; unanimously approved.

B. Garrett Homes, LLC/Applicant – Satans Kingdom, LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Special Exception – Retail Building – 9100 Sq. Ft. – 25% Deferred Parking.

The agenda noted that the public hearing has been scheduled for October 13, 2021. No business was discussed.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

A. Workshop on Planed Housing Development Zoning Amendment.

Mr. Stoutenberg noted that this workshop was to be continued because the developer had not yet confirmed what he was likely to be seeking for the site on Main Street.

5. APPROVAL OF MINUTES: September 8, 2021

The September 8, 2021 Minutes should include the following amendments:

- Mr. Steadman should be reflected as being present.

MOTION: Mr. Stoutenberg, Mr. Steadman second, to approve the September 8, 2021 Minutes as amended; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Lucas reported having met with the town's engineer, Todd Parsons, regarding the age-targeted housing on Main Street. Mr. Parsons provided helpful information to guide the Town as language to permit a floating zone is developed.

Mr. Lucas addressed the perpetual tag sale on Main Street. He reported the site as being kept very orderly. He noted that a perpetual tag sale is neither expressly allowed nor expressly prohibited in the Zoning Regulations. Mr. Lucas indicated that he was not inclined to undertake enforcement activity.

7. CORRESPONDENCE:

None.

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

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