

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, September 25, 2019 at 7:00 PM  
New Hartford Town Hall  
530 Main Street, New Hartford, Connecticut**

**PRESENT:** Ted Stoutenberg, Jim Steadman, Dan LaPlante, and Alternate Mike Misiorski, Zoning Enforcement Officer Mike Lucas and Consultant Rista Malanca.

**ABSENT:** David Krimmel, Marty Post, Alternates Tom McLoughlin and Peter Ventre.

Chairman Ted Stoutenberg called the meeting to order at 7:07PM.

**1. PUBLIC HEARINGS:**

None.

**2. PENDING APPLICATIONS:**

None.

**3. NEW BUSINESS:**

None.

Mr. Misiorski was seated for Mr. Krimmel.

**4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

**A. Discussion of the West Hill Lake Overlay District.**

Mr. Stoutenberg reminded the Commission that the West Hill Overlay District was created a couple of years ago after a great deal of discussion. He explained that since Ms. Malanca had been consulting with the Town, she had suggested modifying the restrictions.

Ms. Malanca explained that one of the first projects she had reviewed since returning as a consultant, was at 601 West Hill Road. She noted that she had questioned why the plans for that project were designed as they were. She noted that the regulations did not allow for the suggestions she had. For example, the driveways must be pervious in the West Hill Lake Overlay District. She noted that while this requirement is a great LID (low impact development) strategy, she opined it does not make sense in all cases. Ms. Malanca noted that the east side of the lake is comprised of a lot of glacial till, hard pan soil with little ability for penetration. However over by Camp Workcoeman, Ms. Malanca noted that it is a different terrain which may provide opportunity for the LID measures. In that first instance, Ms. Malanca explained it would have involved excavating quite a bit of area along with installation of material which would have resulted in a lot more disturbance. Ms. Malanca explained that it would make more sense to treat the stormwater before it reaches the lake.

Ms. Malanca reported having reviewed the West Hill Overlay District as currently written with consulting Planner Marty Conner and Professional Engineer Todd Parsons. She referred to the Zoning Regulations that require a 50' setback and a 75' vegetative buffer which in effect does not allow building within 75'.

Ms. Malanca reported that the Inland Wetlands Commission always holds a public hearing for work around West Hill Lake which holds that zone to a higher standard. Because of the size of the building lots, almost all development necessitates a Special Exception from the Zoning

Board of Appeals. She noted the limit of 30% impervious surface at West Hill Lake. Ms. Malanca opined that with all the protections in place, a little room should be left for professional engineering to review the sites and make a determination as to what is best for a given parcel.

Ms. Malanca reviewed proposed changes that were drafted to Section 5.7 West Hill Pond Protection Overlay District, including the following:

- An exception added to the paragraph on *Applicability*, under paragraph B1: “Site alterations, regrading, filling or clearing of vegetation, other than routine site maintenance, within the West Hill Pond Overlay District shall be subject to the requirements of this regulation as specified herein. New construction and replacement of existing structures above ground, ~~underground and in the water~~ shall be subject to the requirements of this regulation, except where existing structures are protected by Article 7 of these Regulations.”
- Language in Paragraph C *Greater Restrictions* to include the following changes: “...Regulations applicable to ~~such the~~ underlying ~~districts~~ R-4 district, shall remain in effect...”
- Eliminate all of Section E. *Activities Requiring a Zoning Permit*;
- Include the following modification to *Activities Requiring a Site Plan*: “...Any application involving the disturbance of more than 2,000 square feet of the lot or any project where the total pre- and post- construction impervious surface area after construction exceeds thirty (30%) percent of the total site area shall require a Site Plan approval by the Commission under the standards of Section 8.4 of these Regulations and in addition, the standards of ~~this~~ Section 5.7.F...”
- Change the language on *Standards and Requirements* to the following:
  - ~~1. Buffer Strip:~~
    - ~~a. A buffer strip extending seventy-five (75) feet landward from the high water mark of the pond shall be required for all lots within the West Hill Pond Protection Overlay District. This buffer area shall be maintained if existing, and created whenever construction or site activity has been permitted on a lot in accordance with Section 5.7. For those lots with existing structures within the buffer strip, the buffer shall be created on remaining land within the (75') seventy five feet, whenever a construction or site activity is approved under this Section.~~
    - ~~b. The buffer strip shall be planted with native vegetation which acts to trap sediments and nutrients before reaching the water. There shall be no impervious surface or mowed grass within the buffer strip.~~
    - ~~c. a. No new buildings, building expansion or structures above or underneath the ground including septic systems are permitted within the seventy five (75') foot buffer strip.~~
      - 1. Stormwater Quality:  
A site stormwater management plan shall be submitted with every application for any site disturbance or construction on a lot which requires site plan approval pursuant to Section 5.7E and shall be reviewed in accordance with the standards of Article 6, Section 6.8, Stormwater Management Standards, and the following:
        - a. Foundation, footing and roof drains shall be designed to infiltrate runoff into the ground where feasible and to avoid direct discharge into the pond.
        - b. The site stormwater management plan shall include a schedule for site stabilization with plantings of native trees, shrubs for water filtration and approved ground cover.
        - c. The stite stormwater management plan shall preserve or show, to the extent feasible, a vegetated buffer, as defined in Section 6.8, within 25 feet of the water mark of West Hill Pond.

- d. During any site disturbance, all areas open for more than 7 days shall be covered with natural materials for stabilization. Site areas with slopes of 8% or greater shall be covered with erosion control blankets throughout the construction period.
  - e. Tree removal shall be limited in scope to the construction area. Clear cutting is not permitted.
  - d.f. Preservation of existing trees shall be balanced against removing them to construct stormwater management facilities.
- The section on *Driveways* was changed as follows:
  - ~~a. No new driveways to lakefront properties in the R4 Residential District shall be impervious surfaces. All driveways shall be constructed of permeable paving materials or porous materials or porous pavements as defined in Section 6.8 of these Regulations.~~
  - ~~b. All driveway repairs shall be constructed of permeable paving materials or porous pavements.~~

**Driveways:**  
If not governed by section 5.7.F, new driveways or significant improvements to existing driveways to lakefront properties in the R-4 Residence District shall be constructed of appropriate materials based upon an approved site stormwater management plan. All runoff from new driveways or significant improvements to existing driveways must be directed to an appropriate Low Impact Development stormwater management system to treat and infiltrate the runoff from the driveway surface.
- The section on *Docks* was completely eliminated.

Mr. Stoutenberg referred to a letter from Thomas Beecher, of 142 Camp Workcoeman Road, addressed to the Members of the West Hill Lake Shore Property Owners Association and the West Hill Pond Association dated May 29, 2019. Mr. Beecher appeared before the Commission and explained that a committee of nine to ten met to modify the regulation. He noted the addition of the 30% impervious surface as a trigger for the application of the standards. Mr. Beecher explained the difficulty in living with a driveway with a steep slope. He noted that the dock language did not work as it is currently written.

The Commission received comments from three residents at West Hill Lake sharing their opinions on the drawbacks from the dock portion of the regulation, concerns with water quality, and suggested that provisions be added for allowing more flexibility to improve septic systems.

Mr. Stoutenberg indicated that a future workshop will be planned to discuss the proposed modifications to the regulation. He noted that Mr. Lucas will forward copies of the marked-up version of the regulation to the rest of the commission.

The agenda was modified to add "Discussion of Propane Tanks" under Other Business.

## **B. Discussion of Propane Tanks.**

The consensus of the Commission was to schedule a public hearing on the proposed changes to the Zoning Regulations regarding setback requirement for propane tanks to the second meeting in October.

## **5. APPROVAL OF MINUTES: September 11, 2019**

**MOTION:** Mr. LaPlante, Mr. Misiorski second, to approve the September 11, 2019 Minutes; unanimously approved.

**6. ZONING ENFORCEMENT OFFICER'S REPORT:**

None.

**7. CORRESPONDENCE:**

None.

**MOTION:** Mr. Steadman, Mr. Misiorski second, to adjourn at 7:49PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie  
Recording Secretary**