

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, November 13, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Martin Post, Jim Steadman Alternates Tom McLoughlin and Mike Misiorski; Zoning Enforcement Officer Mike Lucas, Consultant Rista Malanca, and Land Use Attorney Mark Branse.

ABSENT: David Krimmel and Alternate Peter Ventre.

Chairman Ted Stoutenberg the meeting to order at 7:00PM. Mr. McLoughlin was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

None.

3. NEW BUSINESS:

A. PNL Nutmeg, LLC, Daniel S. Levitan – Map 044 – Block 013 – Lot 17A – 283 Main Street – Parking Lot .

Mr. Stoutenberg noted that there is no application that has been submitted on this yet. Mr. Lucas confirmed, noting that the proposal is before the Inland Wetlands Commission currently.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

None.

5. DISCUSSION:

A. Continue Discussion of West Hill Lake Overlay Regulations.

Mr. Stoutenberg noted that the discussion would be a workshop session for the Commission and their land use attorney only.

Attorney Branse noted that he took the comments from the last regular meeting of this Commission and attempted to incorporate them into the modifications. The Commission agreed with the first page as modified by Attorney Branse. The text that Attorney Branse modified, "2000 square feet at any given time" was also what the Commission had recommended as a change.

Attorney Branse had inserted fifty (50') feet as a change to the vegetative buffer but noted that the size of the buffer was a policy decision to be made by the Commission. Ms. Malanca noted that she had been recommending a buffer at only twenty-five (25') feet. She explained that there would be provisions to definitely include the stormwater management review. Discussion ensued about whether septic systems should be included as part of this. Ms. Malanca noted that with a failure, a septic system replacement may be necessary in the buffer area but under the current language, it would not be allowed. She explained that when a cess pool is failing, it may be better to allow a septic system in the buffer area. Mr. Stoutenberg suggested omitting septic systems as being a trigger for a Special Permit. It was agreed that septic systems within the buffer strip would need to be reviewed by the Zoning Board of Appeals.

Attorney Branse noted that if a proposed development is less than 30% and/or less than 2000 square feet and therefore does not require a formal site plan review, language was added that the stormwater plan gets reviewed by the Zoning Enforcement Officer. Mr. Post noted the language “constructed of appropriate materials”, questioning who would make that determination. As modified, Attorney Branse noted it would be the ZEO. It was suggested that the language should be modified to read, “stormwater management plan as prepared by a Connecticut licensed professional engineer or landscape architect.” It was agreed to instead add language, per Section 6.8.

The language regarding the regulating of docks was reviewed. Attorney Branse reported reaching out to a friend who is very knowledgeable with docking systems who indicated that the minimum depth necessary for boats is four feet from the ordinary low water mark. What to allow for the width of docks was discussed. Attorney Branse reported that four (4') feet is most common for residential and six (6') feet was more common for marinas. Mr. Post suggested ten (10') feet. Ms. Malanca noted that this might be a good idea as a homeowner may only build a six-foot wide dock but construct it to be ten feet at the end. Attorney Branse noted that the Commission may include ten feet because the regulation also calls for all docks to be removable. He noted that if a homeowner is able to remove a ten-foot wide dock each fall, this would be okay.

The Commission agreed to remove subsection F under Stormwater Quality.

Section 6.8 of the Zoning Regulations, Stormwater Management Standards, was then reviewed. Mr. Stoutenberg referred to Subsection 5, Waiver of Requirements. Attorney Branse explained that the Commission cannot waive the substantive requirements of its Zoning Regulations but may waive submission requirements. It was agreed to replace the term “waive” with the term “modify”.

Ms. Malanca questioned whether an application for development in the West Hill Overlay District along the street and not close to the lake would still be subject to the regulation. Attorney Branse confirmed that anything that is proposed for the lot would trigger the regulation. It was agreed that if the trigger of 30% or 2000 square feet was not met, then the entire lot does not need to be brought into compliance.

MOTION: Mr. McLoughlin, Mr. Steadman second, to schedule a public hearing for the modifications to the regulation of the West Hill Overlay Zone; unanimously approved.

6. APPROVAL OF MINUTES: October 23, 2019.

MOTION: Mr. Steadman, Mr. McLoughlin second, to approve the October 23, 2019 regular meeting minutes; unanimously approved.

The agenda was modified to include Approval of the 2020 Regular Meeting Schedule.

7. 2020 REGULAR MEETING SCHEDULE:

MOTION: Mr. Steadman, Mr. Post second, to approve the 2020 Regular Meeting Scheduled as proposed; unanimously approved.

8. ZONING ENFORCEMENT OFFICER'S REPORT.

No report.

9. CORRESPONDENCE

It was noted that the election of officers will be held at the December meeting. The commission was reminded that all of the regular members needed to be present for the election of officers.

MOTION: Mr. Steadman, Mr. LaPlante second, to adjourn at 8:05PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**