

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, December 11, 2019 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante (7:04PM), Martin Post, Jim Steadman (7:04PM), Alternate Mike Misiorski; Zoning Enforcement Officer Mike Lucas, Consultant Rista Malanca.

ABSENT: David Krimmel and Alternates Tom McLoughlin and Peter Ventre.

Chairman Ted Stoutenberg the meeting to order at 7:02PM. Mr. Misiorski was seated for Mr. Krimmel.

1. PUBLIC HEARINGS:

A. West Hill Overlay Regulations.

The legal ad for the public hearing was read into the record. It was noted as having run the requisite two times, November 29, 2019 and December 6, 2019, in the Hartford Courant. The receipts for the Certificate of Mailings, providing evidence that the abutting property owners were noticed about this hearing, was provided by the applicants.

Mr. Lucas reported that comments had been received from the Northwest Hills Council of Governments who found no apparent conflict with the regional plans and policies or any known concerns of neighboring towns. He also read aloud comments received from Ms. Malanca, who had suggestions relative to the section on docks.

Mr. Stoutenberg shared a historical perspective of the overlay district, noting that the regulations had been created three years ago after it had been requested by the Commission to do so. He explained that any changes that might be made by to the regulations is for future development only.

Mr. Stoutenberg reported that the modifications being proposed will result in minor changes to parcels in this overlay district being permissible. Additionally, he noted that while the regulations currently do not allow new paved driveways in this area, the proposed modifications will permit it so long as runoff is addressed. Changes to the regulating of docks and stormwater management were also made, according to Mr. Stoutenberg. He noted that work may now be permitted through the Zoning Enforcement Officer.

The hearing was open to the public.

Tom Beecher of 142 Camp Workcoeman Road spoke in favor of the proposed changes, noting that the goal of both lake associations is to preserve the water quality of the pond. He noted however, that the Lake Association has not had the opportunity to meet in order to provide a formal recommendation. Mr. Beecher opined that the flexibility with the proposed regulation, such as being allowed to pave driveways, is good for the pond. He noted that appropriate storm water management and a paved driveway can prevent erosion into the pond. Mr. Beecher urged the Commission to consider oversight of the docks be delegated to the Zoning Enforcement Order. Additionally, Mr. Beecher was in favor of the Commission allowing T-docks.

Steven Unger of 706 West Hill Road, identifying as the president of West Hill Lake Shore Property Association, noted that his comments were only his own. He noted that the property association that he is associated with is concerned with the health and well-being of the lake. He opined that the proposed changes are an improvement over what was previously adopted in 2016. Mr. Unger questioned whether the section on docks that as proposed would only allow for one dock might be modified so as to allow for more for the scouting camps, West Hill Beach Club, the Brodie Park, members of Marstan Trails Homeowners Association, or for parcels with more than one hundred (100') feet of lake front. Mr. Unger requested that the public hearing be left open so that residents may review the final changes.

Dave McMalley of 59 Helen Highway, identifying as president of the Laurel Acres Property Association, shared his appreciation for the Commission considering privacy with their regulations. In response to an inquiry from Mr. Stoutenberg regarding the percentage of owners in that association that live in New Hartford, Mr. McMalley estimated the percentage to be 60%.

Bill Adamson of 166 Camp Workcoeman Road shared his suggestions for improvements to the modified language relative to driveways. He suggested the language that reads, "...treat and infiltrate..." be changed to "...treat and/or infiltrate...". Mr. Adamson also commented on the Modification of Requirements, noting that none of the trigger requirements are going to apply to properties at West Hill Lake. He suggested changing the 30% impervious surface coverage trigger to 400 square feet of disturbance.

Steve Trinkaus, an engineer from Southbury, noting that he has done projects around West Hill Lake, shared his concerns, indicating that it is much easier to prevent water quality problems than it is to fix them. He agreed with Mr. Adamson, noting that 30% of a one-acre undeveloped parcel at West Hill Lake would be 13,000 square feet. Mr. Trinkaus noted that this would likely not even be proposed but with the proposed changes to the overlay district, anything less than that would be exempt. He agreed with a threshold of 400 square feet, the equivalent of a two-car garage, as a trigger for review by the Commission. He explained why a waiver of low impact development should never be given, sharing a development story that had occurred in Plainville. Mr. Trinkaus noted that even a 25' foot buffer would be considered "prescriptive". He explained how slope factors more into the speed of runoff than an otherwise more level site. Mr. Trinkaus stressed the importance of treating stormwater runoff.

Mr. Trinkaus noted that the Town's stormwater management was adopted in 2002 putting it seventeen years behind the current recommendations. Mr. Stoutenberg requested that Mr. Trinkaus' comments be forwarded to the Zoning Enforcement Officer. Mr. Trinkaus noted that he would email him, explaining that he did not have written comments at this hearing.

Pat McDonald of 255 Niles Road, identifying as a member of the Marstan Trails Association, noted that the Association has two docks going into the lake and questioned whether a change in the regulations would result in a reduction to one. Mr. Stoutenberg explained that what the Association has may indeed be a non-conforming situation which would not change with the modifications proposed.

Mr. Unger questioned whether if one of the docks was a floating dock wherein it is taken out of the lake, it would still be grandfathered. Mr. Stoutenberg confirmed.

Ms. Malanca questioned whether the Commission wanted to allow t-docks. It was the consensus of the Commission that they would. She also suggested modifying the dock regulation to allow properties more than one dock, to be permitted through a Special Exception. She agreed with the addition of the word "or", as recommended by Mr. Adamson. She opined

that by adding the trigger of 2000 feet, it ought to address Mr. Adamson's concern and be used rather than a trigger of 400 square feet.

MOTION: Mr. Steadman, Mr. Post second, to continue the public hearing to the first regular meeting in January, 2020; unanimously approved.

2. PENDING APPLICATIONS:

No business discussed.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

Mr. Stoutenberg explained that the only meeting of November, 2020 was mistakenly scheduled for Veteran's Day, November 11th. The consensus of the Commission was to cancel that meeting and to schedule a special meeting if it appears one is necessary. November 11th meeting 2020 will not have a meeting in November

5. APPROVAL OF MINUTES: NOVEMBER 13, 2019.

MOTION: Mr. Post, Mr. Steadman second, to approve the November 13, 2019 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Stoutenberg questioned whether an application has been received by PNL Nutmeg for their parking lot. Mr. Lukas confirmed that none has been received yet.

7. CORRESPONDENCE:

Mr. Stoutenberg noted that this Commission was copied on a letter from Conservation Commission Chairman Allison Murdock about the mowing of fields at Brodie Park South. Mr. Stoutenberg explained that the matter is one that does not involve this group.

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

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**