

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, January 8, 2020 at 7:00 PM
New Hartford Town Hall
530 Main Street, New Hartford, Connecticut**

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

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

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

1. PUBLIC HEARINGS:

A. West Hill Overlay Regulations.

Mr. Stoutenberg reminded commissioners that this public hearing was carried over to this meeting.

Ms. Malanca noted that a concern from last meeting was the reference in the Overlay Regulations Section 5.7 wherein it references a plan pursuant to Zoning Regulations Section 6.8. However, in Section 6.8 of the regulations, it reads that a stormwater management plan is not necessary unless the 30% impervious surface coverage is triggered. Ms. Malanca reported that after consulting with Land Use Attorney Mark Branse, a section was added to Section 6.8 after the last meeting, to trigger a stormwater management plan as provided in Section 5.7. She noted that this language would function to close the loophole.

Additionally, Ms. Malanca noted that the proposed changes include allowing the permitting of only one dock per lot unless granted otherwise through a Special Exception. Ms. Malanca also noted that T-Docks were added as being permissible not to exceed the width of ten feet.

The hearing was open to the public.

Donna LaPlante of 77 Steadman Road spoke in favor of the changes to the West Hill Overlay Regulations, noting that she is a proponent of individual rights of property owners. She questioned whether a property with multiple docks would be grandfathered.

Mr. Stoutenberg confirmed that properties with docks that would otherwise not be permitted under the changes would be grandfathered as non-conforming properties.

Steve Unger of 706 West Hill Road spoke in favor of the proposed changes. Speaking on behalf of the West Hill Lake Properties Association, he extended his appreciation to all who worked on the changes. He noted that he had formed the committee that first explored making these changes, seeking to protect the lake but at the same time loosening the regulations so residents seeking to make improvements did not find the process too onerous.

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

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

The legal ad was read into the record with it noted as having been advertised the requisite two times, December 27, 2019 and January 3, 2020, in a newspaper.

Professional Engineer Ozzie Torres of Meehan and Goodin, accompanied by his client Dan Levitan, appeared before the Commission regarding this application. He reviewed the site plan of the parcel, noting that most of the land slopes easterly toward the direction of the stream. He noted that the existing pavement slopes toward Route 44. Mr. Torres indicated that approval has been received from the Inland Wetlands Commission.

Mr. Torres reviewed the location of the utilities and the lighting of the parking lot. He pointed out the string lighting in the patio area on the side of the building.

Mr. Torres reviewed the demolition plan which he characterized as not very much in that it requires some adjustments to the existing edge of the pavement as well as a few islands and a few spaces to be removed. Some flagpoles will also be removed that fall within the new parking addition. Mr. Torres noted that there will be a new parking lot along the existing parking lot, creating an addition of 66 spaces.

Mr. Torres noted that a new stormwater system has been added which will collect the water in a couple of catch basins and then cleaned in a water quality unit. He noted it will be stored in an underground detention system and discharge into the Farmington River at a rate that would not increase any runoff to the parcel. Mr. Torres reported that those calculations have been provided to the consulting Town Engineer which he had, in turn, approved.

The new parking area will have landscaping which had been prepared by their landscape architect after reviewing the requirements in the Zoning Regulations. Mr. Torres reported that the plans have been reviewed by the Architectural Review Committee whose only recommendations were related to the water and sewer lines in the area such as keeping the landscaping to a low level to prevent root problems.

Finally, a photometric plan of the proposed lighting was reviewed. Mr. Torres reported that it fell within the standards of the International Engineer Society for Lighting and will provide safety and ample lighting for the entire parking lot. Mr. Torres noted that the existing lighting on the building were included in the computer model. He indicated that the lighting is full cutoff.

Mr. Stoutenberg reviewed a correspondence from consulting engineer Todd Parson whose comments pointed out that the site plan is still reflecting a date of October 19, 2019 but should have a revision date to avoid confusion with the outdated plans. Additionally, Mr. Stoutenberg relayed that Mr. Parsons recommended the applicant provide a twenty-four hour phone number in case of erosion control failures. Mr. Torres indicated that had been added to the plan. Mr. Stoutenberg confirmed having received a report from ARC containing their recommendations and read aloud the relative portions of that report. Those recommendations included the following: *the applicant (1) be cognizant of the water and sewer mains immediately adjacent to the revised parking area and note on the construction plans to be alert to not disturbing the area directly over the sewer and water mains nor remove stumps that may have roots surrounding said mains; (2) lighting be subject to mechanical control to turn-off following normal business hours of operation such as to prevent dusk to dawn light emissions; and (3) that the Applicant give consideration to the expansion of the landscape planting plan to cover the entire frontage of 283 Main Street consistent with the treatment being rendered to the expanded parking lot area.*

Mr. Levitan of Dallas, Texas, identifying as the property owner, explained that additional landscaping had already been added to the plan after the ARC meeting. He noted that there are future plans to do additional work and subdivide the parcel at a future date. Mr. Stoutenberg recalled having given relief to the parking requirements in terms of the number of spaces necessary. He explained that he anticipated some of this new parking to be applicable to any future change in use to the storage. Mr. Levitan explained that this proposed added parking is for the benefit of the tenants as they have indicated that they could use additional parking.

Mr. Misiorski questioned whether additional planting would be considered. Mr. Levitan indicated that there is already a number of existing trees.

The hearing was open to the public.

Steve Unger of 706 West Hill Road questioned whether there would be reports submitted to the Town's engineer regarding maintenance of the storm water treatment unit. Mr. Torres confirmed that there will be reports submitted back to the Town.

Denton Butler of 465 Town Hill Road spoke in favor of the application, noting that in order for private enterprise to expand and be successful, additional parking is often required.

Ms. Malanca pointed out that in one of the previous special exceptions at this location, one of the conditions was "All lights shall be full cut-off fixtures in accordance with Article XI, Section 6.4 shall be installed immediately including the removal of non-conforming lighting at the brewery.". She noted that this plan now includes string lighting over the patio.

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

2. PENDING APPLICATIONS:

A. West Hill Overlay Regulations.

MOTION: Mr. Steadman, Mr. Misiorski second, to adopt the West Hill Overlay District as revised with an adoption date of January 14, 2020; unanimously approved.

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

MOTION: Mr. Steadman, Mr. Misiorski second, to adopt the site plan and the revision of the parking for PNL Nutmeg, LLC at 283 Main Street; unanimously approved.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Appointment of Architectural Review Members.

Mr. Stoutenberg reported that Wes Marsh has been suggested as an appointment to the Architectural Review Committee. Mr. Stoutenberg explained that Mr. Marsh is retired from the State of Connecticut Department of Energy and Environmental Protection and currently serves on the WPCA. Additionally, Mr. Stoutenberg reported that another suggested appointment was former First Selectman Bill Baxter.

MOTION: Mr. Steadman, Mr. Misiorski second, to appoint Wes Marsh as a regular member and Bill Baxter as an alternate member of the Architectural Review Committee. Said terms to

begin immediately and extend past this March when those appointments would be slated to otherwise expire; unanimously approved.

5. APPROVAL OF MINUTES: DECEMBER 11, 2019.

MOTION: Mr. Steadman, Mr. Misorski second, to approve the December 11, 2019 Minutes; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT.

Mr. Lucas noted that Dunkin' is thirty days into their opening and were very agreeable to complying with removing the OPEN flag signs when presented with a request to do so. Mr. Steadman questioned whether they will complete the landscaping. Mr. Lucas indicated that a bond had been submitted for the unfinished landscaping. Mr. Steadman questioned when the Library is expected to commence their construction project. Mr. Lucas indicated that he would follow up and report back on that.

7. CORRESPONDENCE:

None.

MOTION: Mr. Steadman, Mr. Misorski second, to adjourn at 7:55PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**