

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
New Hartford Town Hall – 530 Main Street
Wednesday, August 18, 2021 at 7:00 PM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Mike Misiorski, Marty Post, and Alternates John Burdick, Jack Casey, and Robert Goodskey;
Zoning Enforcement Officer Mike Lucas, and Attorney Mike Zizka.

ABSENT: Jim Steadman.

Chairman Ted Stoutenberg called the meeting to order at 7:00PM. Mr. Burdick was seated for Mr. Steadman.

1. PUBLIC HEARINGS:

A. Norbrook Farm Brewery, LLC/Applicant – Randolph L. & Joan M. Auclair, Trustees/Owner – Map 007 – Block 003 – Lot 20 & 20A – Litchfield Tpke. – Special Exception – Operate a Major Farm Stand.

The legal ad was read into the record with it having been noted as having run the requisite two times: August 6, 2021 and August 13, 2021. He confirmed that receipts serving as proof that notices were provided to the abutting properties had been received.

Professional Engineer Ken Hrica, accompanied by his client Randolph Auclair and Architect Don Tartinelli, appeared before the Commission regarding this application. He explained that there are two parcels comprising the subject site, one larger tract and one smaller 1½-acre parcel. He noted that the smaller parcel was being used for some parking and stormwater management. Mr. Hrica indicated a notation on the plans indicating the parcels will be merged prior to the issuance of any building permits. A 4500-square foot barn building will house a farm brewery, according to Mr. Hrica. He reported that the owners intended to plant crops on this property and the adjacent property.

Mr. Hrica indicated the building will include a tasting room and a production for beer-making. He noted that there will also be a small kitchen for baked goods from products grown on the farm. The plans include 135 parking spaces on the site, according to Mr. Hrica. He noted that the parking area is unique in that it includes pervious pavement. The Inland Wetlands and Watercourses Commission was very pleased with this, he reported. Mr. Hrica indicated that two raingardens were included in the proposal on the eastern side of the site along with a third water swale where the two roof leaders flow to. The septic system is under the parking lot on the westerly side. A photometric lighting plan for the parking lot was briefly reviewed with Mr. Hrica noting that all of the fixtures were full cutoff and dark sky compliant.

Mr. Post requested that Mr. Hrica review the limits of the wetlands on the site. Mr. Hrica indicated that there was a small wetland limit adjacent to both of the ponds as well as a major one associated with the Bakerville Brook.

Mr. Hrica reported that there were two separate landscaping plans with one addressing the planting around the building and pollinator meadow near the parking area. Mr. Hrica reported the planting plan was designed by Earthtones out of Woodbury, a husband-wife team wherein one is a landscape architect and the other, a soil scientist. Earthtones specializes in Connecticut native plants, according to Mr. Hrica. He noted that shrubs were planned for around the pond which will include all native species.

Mr. Hrica reviewed Section 3.5.J. of the Zoning Regulations which addresses farmstands and the square footage allowed. The building includes 5078 square feet of gross floor area. Mr. Hrica noted the regulations require three acres of actively planted and cultivated farmland for each 150 square feet of farmstand. He explained that this sized building would require 43.6 acres of actively cultivated land. Mr. Hrica explained that family members, including Silas Kinsey, have agreed to allow their cultivated farmland to be included in these calculations. He reviewed the parcels that will be utilized for this proposal. Mr. Stoutenberg questioned whether there was any type of written agreement with Mr. Kinsey regarding his fields. Mr. Auclair reported that Mr. Kinsey was his brother-in-law and provided an agreement to this effect. Mr. Stoutenberg noted that the terms “in perpetuity” were lacking from the document. Mr. Auclair indicated that he had additional land that could be cleared for this purpose. Mr. Stoutenberg questioned when the crops would begin to be grown as the fields were currently just grass. Mr. Auclair indicated that as soon as the land use approvals were received, the phase of planting the crops would begin. Mr. Stoutenberg questioned when the crops could reasonably be harvested following the planting. Mr. Auclair noted that it would not be this year but assured the Commission that they had what they need for supplies. Mr. Stoutenberg pointed out that those would not then be from this property. Mr. Auclair confirmed that the crops would be planted as the building is being constructed.

Mr. LaPlante, noting that he has farmed his whole life, explained that sometimes farming doesn't work out as expected. Mr. Auclair noted that he has a lot of land at his disposal. Mr. LaPlante opined that the land agreement with Mr. Kinsey ought to have a term attached to it. Mr. Burdick questioned whether anything other than hay had ever been harvested from the land in question. Mr. Auclair confirmed there had.

Mr. Post questioned the total size of the room. Mr. Hrica indicated that the total square footage of the building was indicated on the architectural drawings. Mr. Tartinelli explained that some of the confusion rested with the Building Code analysis that dealt with net square footage rather than gross square footage. Mr. Post questioned the footprint on the ground. Mr. Hrica noted that it was 4500 square feet but that there were two stories. Mr. Post questioned the number of parking spaces. Mr. Hrica noted that his clients intend to host charity events at the site. Mr. Auclair noted that the number of spots derived from their experience with their brewery in Colebrook.

Mr. Stoutenberg questioned the plan's notation that the septic system was designed to Torrington Area Health District standards, noting that New Hartford is governed by the Farmington Valley Health District. Mr. Hrica confirmed that it was a typo and that both follow the Health Code established by the state. He explained that the wastewater from the production from the brewery is not directed to the septic system but is instead fed to a 2500-gallon holding tank.

Mr. Stoutenberg noted that the building drawings did not include a second entrance and may not be handicap compliant as there is no handicap access reflected for the second floor. Mr. Tartinelli explained that because the second floor has the same use as the first floor, handicap access is not required.

Mr. Hrica read aloud the business plan, which explained what will be grown, what will be served, and the hours it would be open. Mr. Hrica explained that there would be ten to fifteen days per year that might have extended hours. Food trucks would be included as part of this plan. Mr. Misiorski questioned where those would be parked. Mr. Auclair indicated that those were planned for behind the building. Mr. Lucas explained that this land is in a residential zone and

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that food trucks may need to be put on hold until an ordinance is adopted in town to allow them in the residential zones.

The hearing was open to the public.

Bob Howson of 56 Stub Hollow Road, reporting that he was a member of the Architecture Review Committee, indicated that group had reviewed the building and unanimously approved the proposal. Mr. Howson relayed his history of working personally with Mr. Auclair and supported the proposal.

Josh Carroll of 356 Cotton Hill Road, spoke in favor of the application and described the proposed location as a new gathering place.

Donna LaPlante of 77 Stedman Road spoke in favor of the application, but clarified the determination made by the Architecture Review Committee, explaining that the plans were more conceptual in terms of landscaping. She urged the Commission to tie a potential approval to some type of commitment related to the growing season.

Roxanne Carroll of 17 East Cotton Hill Road, spoke in favor of the application, noting that she was a life-long resident of Bakerville, and supported this business along the Route 202 corridor.

Arnie Helt of 55 Birdsvie Avenue, supported the application, commenting on the character of the applicant, indicating that he follows through on what he promises.

Alternate Member Jack Casey spoke in favor of the application, noting the track record of the Norbrook Brewery in Colebrook.

Attorney Zizka advised that there was a problem with the utilization of two other piece of land to be used for this proposal, explaining that they should have been listed in the public notice. Additionally, the application form should have been signed by those property owners and those parcels included in the legal notice. He shared doubts that this proposal could be approved with the use being scattered among different properties. Attorney Zizka explained that an approval does not go with the individual, but it goes with the land. He opined that there had not been enough information provided to put this commission in a place where an approval could be granted. In reviewing the definition for a Major Farm Stand, Attorney Zizka likened the proposal to a round peg into a square hole. He noted that if the Commission likes the idea of a brewery, then allow it as a Special Exception. He explained that by doing so, it may not be necessary to have as much land cultivated for this use. Attorney Zizka suggested that the public hearing not be closed. Mr. Casey disagreed with this finding. Attorney Zizka indicated that the neighbors across the street would have had to be part of this application and if the commission approves this proposal, it would be on an improper basis. Mr. Auclair reviewed the locations of the parcels and questioned other farmstands in town. Discussion ensued.

Jarred Carroll of 40 Bakerville Terrace, noted that another large farmstand owned by the Grezcyks', lease other properties within town, to sell their goods. He noted that the applicant has the acreage to meet the spirit of the regulations but was looking to preserve the character of what was there.

Ms. LaPlante noted that historically many farms use several different pieces of land.

MOTION: Mr. Misiorski, Mr. Post second, to continue the public hearing to the March 8, 2021 regular meeting; 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 Tpke. – Special Exception – Operate a Major Farm Stand.

As the public hearing was continued, no business was discussed.

3. NEW BUSINESS:

A. Workshop with Attorney Zizka on Planned Housing Development Zoning Amendment.

Mr. Stoutenberg explained that two proposals had been provided from Attorney Mark Branse: one was to allow housing in a commercial zone and the other was to allow a floating zone anywhere. He reported that he had consulted with Mr. Lucas and they both agreed that it would be simpler to change the commercial zone to allow housing. Attorney Zizka explained that Attorney Branse likes a Design Development Zone because it gives the Commission more flexibility in that in order for a developer to come in with a plan for multi-housing, they must first get the property rezoned to the designated district. He explained that it almost unheard of for a court to overturn a commission's decision on rezoning. It would require the applicant to describe what is sought and if the commission were not in favor, they would simply deny the request to rezone.

As the proposal was over two parcels with two different zones, Mr. Stoutenberg suggested that a floating zone might be the route to take. The consensus of the commission was to guide Attorney Branse to draft language, proceeding in this direction.

4. APPROVAL OF MINUTES: July 14, 2021 & July 28, 2021

MOTION: Mr. Burdick, Mr. Post second, to approve the July 14, 2021 and July 28, 2021 Minutes; unanimously approved.

5. ZONING ENFORCEMENT OFFICER'S REPORT.

The Commission engaged with their attorney on the approval process for a farm-brewery and whether a new regulation ought to be considered.

6. CORRESPONDENCE:

None.

MOTION: Mr. Stoutenberg, Mr. Misiorski second, to adjourn at 8:44PM; unanimously approved.

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