

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, April 14, 2021 at 7:00 PM
Held Via ZOOM**

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

ABSENT: None.

Chairman Ted Stoutenberg the meeting to order at 7:05PM. Mr. Burdick was seated for Mr. LaPlante.

1. PUBLIC HEARINGS:

A. Garrett Homes LLC/Applicant – Satan’s Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Retail Development with Proposed 35 Parking Spaces.

Allan Borghesi appeared on behalf of the owner. Accompanying Mr. Borghesi was Professional Engineer Matthew Broutin of BL Companies, team member Matt Eucalito, and Attorney Robin Pearson of Alter & Pearson, LLC. Attorney Pearson reminded the Commission that the Inland Wetlands and Watercourses Commission had approved the application after it having been reviewed by the town’s engineering firm, Lenard Engineering, Inc. She noted that the application was reviewed on February 10, 2021 by the Architecture Review Committee who passed along a positive referral with the following recommendations: the building should be light gray in tone, the gooseneck lighting on the building was acceptable, the propane tank should be buried, the monument sign forgo a yellow background, and the trees to be of the largest caliper available. Attorney Pearson reported that all of these changes have been incorporated into the plans presented on February 10th, but for the changes to the sign. She reminded the Commission of the concerns shared by the fire chief for a cistern.

Attorney Pearson clarified on the request being sought relative to the number of parking spaces. She explained that her clients were not seeking relief from the requirement to install the required number of spaces but were instead only seeking permission to defer their installation as she opined that they simply would not be needed. She noted that the plans show how the spaces would fit on the site.

Attorney Pearson reminded the Commission that the discussion at the February 24th public hearing included questions on why the access was not planned for a common drive with the property to the north. She noted that one member of the public from that hearing had questioned the impacts on property values. A request for a continuance of the hearing was made that evening so that the engineers could consider a shared driveway and conduct the stormwater analysis to confirm that a revised plan could work, according to Attorney Pearson. She noted that the building has been relocated on the site. Additionally, she reported a study had been completed on whether there is a negative impact on residential properties which has been provided to this Commission. The opinion of RKG, the property consultant with regard to those types of issues, has found that there is no relationship based on their analysis, according to Attorney Pearson.

Attorney Pearson reported that a letter from the fire chief dated March 8, 2021 wherein he agreed that the location of the proposed cistern is acceptable, as is, the size of the proposed cistern. She noted that it is a 30000-gallon tank.

Changes have also been made to the architectural drawings to accommodate a peaked roof and were brought back before the Architecture Review Committee, according to Attorney Pearson. She noted that they had met with that board on the evening prior. She reported a memo had been prepared by Mr. Lucas communicating that board's unanimous approval of the revised design. Additionally, Attorney Pearson reported that Lenard Engineering, Inc. has reviewed the proposed changes and had provided a letter dated April 13, 2021 indicating that the post-development hydrology and limits of site grading in the vicinity of the wetlands are significantly unchanged from the approved wetlands plans and previous permit.

Mr. Broutin reviewed the previous plan as designed at the last meeting. He then shared a revised site plan, noting that the previous planned access to Route 44 had been removed completely. He noted that the building has been swapped from the northern end of the site to the southern end of the site. Mr. Broutin noted that while there was area for 46 parking spaces, only 36 were planned to be paved. He indicated that the needs of the business do not require 46 spaces. He reviewed the planned location for the future 10 parking spaces should they be needed in the future. Mr. Broutin noted that the swap of the planned location of the building was to accommodate safe truck maneuvering. He noted that the utilities have been swapped, too, including the septic, well, and electric/gas.

Architect Doug Bruner reviewed the architectural drawings, including the previously proposed elevations as well as the revised elevations. He noted that a pitched roof has been added. Mr. Bruner indicated the roof top units will be obscured from Route 44.

Mr. Borghesi clarified Attorney Pearson's comments regarding the size of the proposed cistern, noting that it will be 20000 gallons and not 30000 gallons. He indicated that it will be located on the front of the property.

Mr. Stoutenberg questioned the overhead canopy over the front door, noting that it was not shown on the site plan. Mr. Broutin agreed, showing the general area it would be located.

Referring to the request for deferred parking, Mr. Stoutenberg noted the Regulations allow it when there is sufficient evidence presented and in the judgment of the Commission to show that reduced parking will adequately serve the proposed use. Mr. Stoutenberg questioned what was being presented as evidence beyond the word of the engineer that it was needed. Mr. Broutin explained that a typical Dollar General usually requires between 20 to 30 parking spaces. He confirmed that there is a footnote on the plans that the number of required spaces is 46 for a temporary deferral. Mr. Stoutenberg corrected the number of spaces provided are actually 34, noting that the two handicapped spaces are not counted in the parking requirements.

Mr. Stoutenberg noted that the Planting Plan includes trees in the area reserved for future parking. Mr. Broutin noted that they could either be cut down at the time the parking is added or could be relocated now. He later agreed to relocate them now. Mr. Stoutenberg questioned the proposed location for the yellow bollards. Mr. Broutin indicated where those would be located.

Mr. Stoutenberg questioned whether the retailer typically uses shopping carts. Mr. Eucolito confirmed noting that there are small carts used and are contained in the small vestibule inside. Mr. Stoutenberg questioned whether the carts are brought out to the parking lot. Mr. Broutin noted that there was no planned outside coral. Mr. Stoutenberg questioned the location of the downspouts. Storm water could be connected to the underground system, according to Mr. Broutin.

Mr. Post questioned the dumpster enclosure. Mr. Broutin reported that it would be a chain link fence enclosure with privacy slats.

Mr. Burdick questioned the curve to the driveway. Mr. Broutin noted that it was to allow the truck access and for stacking of cars. Mr. Burdick questioned the signage. Mr. Broutin noted the size and height meets the Regulations. Mr. Burdick questioned the foundation plantings in the front of the building. It was noted that there were flowers and shrubs on three sides of the building with ornamental grasses, perennial ground cover, and daylily planned for the front of the building. Mr. Casey questioned the right-of-way for the existing rear lot in the subdivision. Mr. Broutin reviewed the adjacent parcel and the area for the access to the rear parcel.

Mr. Steadman questioned whether the RKG report responds to this community. Attorney Pearson indicated that it was in response to a concern brought up during a previous public hearing.

Attorney Branse noted that the site plan did not include any outside display and storage. He also suggested that the footnote on the plans relative to deferred parking did not include language that the parking could be added at the request of the Commission. Attorney Pearson indicated that her client would revise the plans if it were a condition of approval. Attorney Branse questioned whether there were any proposed window signs. Mr. Broutin indicated that there was not.

The hearing was open to the public.

Shelly Lloyd of 29 Pioneer Drive shared concerns with the dumpsters, noting what she has observed as very unsightly boxes at other stores, noting the location is very near lots of wildlife.

Mr. Broutin indicated that there are not dumpster enclosures at the other referenced stores. He noted that Dollar General would be willing to enclose the entire concrete pad in that area.

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

2. PENDING APPLICATIONS:

A. Garrett Homes LLC/Applicant – Satan’s Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – Retail Development with Proposed 35 Parking Spaces.

The consensus of the Commission was to take up the consideration of this application to their first meeting in May.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

A. Discussion of Possible Regulation Changes: Update to the Commission.

Mr. Lucas noted that there has been a stall among staff and First Selectman Dan Jerram regarding the drafting of language to revise the Zoning Regulations on Event Center/Farm Brewery/Farmstand Regulations. He reminded the Commission that the driver behind the consideration to change the Zoning Regulations has been Dan Raymond, who owns barns on Ramstein Road and would like to use his property as an event center.

Mr. Lucas explained that Mr. Raymond had considered brewing beer and creating a taproom. However, at this point, Mr. Raymond is very focused on the event center component and less so

on the farm brewery component, according to Mr. Lucas. He noted that Mr. Raymond would like the focus on Event Center. Additionally, Mr. Lucas explained that the Farmstand Regulations may be reviewed, too. Mr. Jerram noted that the Farmstand Regulations do not get looked at very often. He suggested that an adaptive reuse be considered. Mr. Jerram could not recall discussion on what to do with existing agricultural buildings as having occurred. Mr. Steadman agreed. Mr. Stoutenberg reminded the Commission that a Planning Session would occur at the next regular meeting.

5. APPROVAL OF MINUTES: March 10, 2021 and March 24, 2021

The March 10, 2021 Minutes should be amended to include the following change:

The portion of text in the fourth paragraph on the first page that reads, “...*Mr. Stoutenberg reported having consulted with the Democratic Town Committee on these vacancies...*” should instead read, “...*Mr. Stoutenberg reported having consulted with the Republican Town Committee on these vacancies...*”.

The March 24, 2021 Minutes should be amended to include the following change:
Jack Casey was not seated as an alternate.

MOTION: Mr. Steadman, Mr. Misorski second, to approve the March 10, 2021 and March 24, 2021 Minutes as amended; unanimously approved.

6. ZONING ENFORCEMENT OFFICER’S REPORT:

Mr. Lucas updated the Commission on a violation on Cottage Street related to a sawmill.

7. CORRESPONDENCE:

None.

MOTION: Mr. Post, Mr. Steadman second, to adjourn at 8:25PM; unanimously approved.

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