

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
REGULAR MEETING MINUTES
Wednesday, May 26, 2021 at 7:00 PM
Held Via ZOOM**

PRESENT: Chairman Ted Stoutenberg, 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: Dan LaPlante.

Chairman Ted Stoutenberg the meeting to order at 7:00PM. Robert Goodskey was seated for Mr. LaPlante.

1. NEW BUSINESS:

A. 8-24 – Town of New Hartford – Town of New Hartford – To Accept the Gift of 7.343 Acres of Land to be put into Open Space per Subdivision Approval of Map Titled “Site Plan Lot 10- B1#190 Stub Hollow Road by R. R. Hiltbrand Engineers & Surveyors, LLC Dated March 10, 2021.

The Commission considered an application for an acquisition of a 7.34-acre parcel abutting a piece of land that the Town already owns.

MOTION: Mr. Stoutenberg, Mr. Post second, to send to the Board of Selectmen a positive referral pursuant to Connecticut General Statutes §8-24 to accept the gift of 7.343 acres of land to be put into Open Space per Subdivision Approval of Map Titled “Site Plan Lot 10- B1#190 Stub Hollow Road by R. R. Hiltbrand Engineers & Surveyors, LLC Dated March 10, 2021; unanimously approved.

2. PUBLIC HEARINGS:

A. Town of New Hartford – Text Amendment to the Zoning Regulations of the Town of New Hartford, CT Establishing a Special Exception for an Event and Recreation Facility.

The legal ad for the public hearing was noted as having been published the requisite two times on May 14, 2021 and May 21, 2021. Mr. Lucas confirmed that the application for a text amendment to New Hartford’s Zoning Regulations had been provided to the abutting towns. He also reported that the Northwest Hills Council of Governments had been provided with the proposed language and found no conflict.

Mr. Stoutenberg read aloud the following proposed text amendment in its entirety:

TEXT AMENDMENT TO THE ZONING REGULATIONS OF THE TOWN OF NEW HARTFORD, CT ESTABLISHING A SPECIAL EXCEPTION FOR A EVENT AND RECREATION FACILITY

(New Definition in section 2.2): Rural Event and Recreation Facility – A use which may include indoor and outdoor spaces for private, ticketed, and/or philanthropic fundraising events and other component and accessory uses as described in Section 3.6.A of these Regulations.

(Add to the table of Section 3.2.D, item #6):

6. Event and Recreation Facility, SE in R-2 District, and “See Section 3.6.A” under “Additional Regulations.”

(NEW SECTION 3.6.A): Event and Recreation Facility.

1. A Special Exception for a Event and Recreation Facility, to be allowed subject to the general standards for all Special Exceptions and the Commission’s evaluation of other relevant standards and criteria, including but not limited to those set forth below:

- a. The size of the property (minimum of 30 acres) and shall be Owner Occupied.*
- b. The setbacks of buildings, structures, outdoor patios, outdoor event and recreational spaces, and tents and other temporary structures from property lines (minimum of 100 feet).*
- c. The compatibility and location of the proposed structures and operation with the character of the neighborhood and the impact on adjoining properties, local transportation networks, and existing surrounding uses.*
- d. The hours of operation, frequency of events, and proposed attendance for the Rural Event and Recreation Facility and each of its component uses.*
- e. No Event and Recreation Facility shall be approved except through the adaptive reuse of existing historical and or landmark buildings that are located throughout New Hartford, and particularly where decaying and or structures in poor repair will be enhanced and improved.*

2. As a component of the Special Exception use, the Commission may allow special, private invitation-only indoor and outdoor events such as charity events, parties, reunions, dances, seminars, corporate retreat/training, comedy, music and weddings not open to the general public subject to the following:

- a. The Commission may establish a limit for the size and location of such special events which may be conducted.*
- b. The Commission may limit the hours of operation for any special events.*
- c. The Commission may limit the frequency per day, week, month, or year of such events, or may restrict them to certain seasons of the year.*
- d. The Commission may limit amplified sound as set forth below.*

3. As a component of the Special Exception use, the Commission may authorize food service accessory events authorized by the preceding paragraph , conditioned upon the issuance of any required approvals from the Farmington Valley Health District, as follows:

- a. Food to be prepared and served on the premises to patrons by the property owner or a licensed caterer or subcontractor to the farm, and/or*
- b. Food brought in from commercial kitchens for final preparation and serving on site, and/or*
- c. The use of food trucks to serve patrons;*
- d. The Commission may limit the number, size, and location of food service, and the Commission may limit the hours of operation for any food service or consumption.*

4. As a component of the Special Exception use, the Commission may allow for the purchase, consumption, serving and sale of alcoholic beverages as an accessory use to the events authorized by paragraph 2 above in accordance with applicable Local, State and Federal laws and liquor licenses subject to the following: a. the Commission may limit the location, size, and hours for the consumption, sale and serving of alcoholic beverages.

5. As an accessory use of the Special Exception, the Commission may allow indoor and/or outdoor recreational uses for patrons of the facility subject to the following:

- a. Outdoor accessory recreational uses may include sitting, painting, photography, yoga, meditation, walking and similar activities approved by the Commission.*
- b. Such recreational uses shall not include:*

- 1) *Motorized recreational vehicles such as snowmobiles, motorbikes, or all-terrain vehicles (except by owners and staff for property maintenance).*
- 2) *The use of firearms or any other weapon for hunting, target shooting, skeet shooting or the like.*

c. *The Commission may limit the hours of operation and location on site for any recreational use.*

6. *As an accessory use of the Special Exception, the Commission may allow indoor and/or outdoor amplified sound, including music or public address systems, as an accessory use of the events authorized by paragraph 2 above subject to the following:*

a. *the Commission may limit the location, size, frequency, and hours of operation for amplified sound.*

7. *As an accessory use of the Special Exception, the Commission may allow the retail sale of items provided such retail sale is limited to guests of the facility attending events as described in Section 2 above.*

8. *A basic Onsite Parking Study shall be submitted in conjunction with the Site Plan. In keeping with the rural, residential purpose of this regulation, the Commission may allow portions of the parking area to not be paved, but shall be a load-bearing all-weather surface so as to maintain the rural and aesthetic nature of this use where the soils are such as to allow such parking without erosion or deterioration of the lawn areas. All handicap parking regulations shall be complied with per Section 6.2 of the Regulations. To the maximum extent possible, parking lots shall be located in areas on the site where they will be the least visible from access roads and adjoining properties. No on street parking shall be permitted at any time.*

9. *In addition to the information required for all Special Exceptions in accordance with Section 8.5 of these Regulations, the applicant shall submit a Statement of Use containing specific information as follows:*

- a. *the specific types of activities to be conducted on the premises, including whether they are indoor, and the building or portion of a building that they will occupy, or the outdoor area and the use of tents or other temporary enclosures;*
- b. *the location of such activities on the premises with the dimensions of each such area, indoor or outdoor or in tents or other temporary enclosures;*
- c. *the typical and maximum attendance for each such activity, either individually or by categories;*
- d. *the hours of such activities, either individually or by categories;*
- e. *the food, if any, to be served at such activities and the method by which such food will be prepared, such as in-house food preparation, third party caterers, or food trucks, and the areas of the site or buildings where those food services will be provided;*
- f. *the products sold or offered for sale;*
- g. *the frequency of such activities if to be conducted on a periodic or other than daily schedule;*
- h. *the location on the premises, number or frequency, maximum attendance, hours, and schedule for indoor events proposed, either individually or by categories;*
- i. *the location on the premises, number or frequency, maximum attendance, hours, and schedule for outdoor functions proposed, either individually or by categories; such other information as will enable the Commission to determine the type and character of activities to be conducted on the property and the potential impact of such activities on the neighborhood and the local road system, and to establish that such activities meet the standards of these Regulations.*

The hearing was open to the public.

Bill Dedominicis of 26 Flanders Crossing explained that the likely biggest concern with such an application would be noise and traffic. He observed the lack of a maximum number of attendees for events and opined that there ought to be. Mr. Dedominicis recommended a required end-time for events and questioned at what point the Town would need to manage traffic.

Attorney Branse explained that no maximum number was included in the proposed language intentionally. He noted that by not including one, it allowed the Commission more discretion to review each parcel and make a determination of a maximum number of attendees. Attorney Branse advised that there was a great deal of discretion for the Commission when considering any special permit. Mr. Stoutenberg explained that this public hearing was not for any particular property but was instead to modify the Zoning Regulations so that an applicant can even be filed. He noted that the intention of considering a change in the regulations was to preserve old farms and their historical barn structures to use them for a use other than developing residential houses on the large parcels.

Noel Gauthier of 44 Tanglewood Road spoke in opposition of the change, citing a lack of protection for nearby neighbors. He opined the following as needing to be addressed within the regulation: parking, traffic, and noise.

Dan Jerram of 535 Town Hill Road questioned the lack of a definition for “landmark building”. Attorney Branse noted that the language did include “existing” but suggested that it could be modified to read, “existing as of the date of this regulation”.

Additionally, Mr. Jerram noted that with the minimum size of parcels set at 30 acres, it opens up this opportunity to 120 properties within New Hartford. He offered that if the threshold was 50 acres, there are only a dozen or so properties that would qualify.

Regarding food trucks, Mr. Jerram reminded the Commission that food trucks are subject to ordinance and a fee is collected when it is not point-of-sale catering. Attorney Branse noted that nothing in a zoning regulation can waive an ordinance.

Mr. Stoutenberg reported having learned that the property on Ramstein Road had a comedy-cook-out event planned for June 5, 2021 and noted that would provide an opportunity to test this regulation. He suggested the public hearing be continued to Wednesday, June 9, 2021.

Mr. Steadman suggested that Section E of Paragraph 1 be stricken. Attorney Branse explained that to do so would eliminate the requirement for an existing building.

Mr. Casey questioned whether the language as proposed would provide for the developer to screen the site with natural vegetation.

MOTION: Mr. Steadman, Mr. Misiorski second, to continue the public hearing to Wednesday, June 9, 2021; unanimously approved.

It was noted that all following meetings will be held at Town Hall, including the June 9th regular meeting.

3. PENDING APPLICATIONS:

A. Town of New Hartford – Text Amendment to the Zoning Regulations of the Town of New Hartford, CT Establishing a Special Exception for an Event and Recreation Facility.

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

4. OTHER BUSINESS TO COME BEFORE THE COMMISSION:

None.

5. APPROVAL OF MINUTES: May 12, 2021

Mr. Lucas reported having not received the May 12, 2021 Minutes. The approval was postponed to the following meeting.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

No report was provided.

7. CORRESPONDENCE:

No correspondence was discussed.

MOTION: Mr. Steadman, Mr. Misiorski second, to adjourn at 7:39PM; unanimously approved.

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