

**New Hartford Planning and Zoning Commission
TOWN OF NEW HARTFORD, CONNECTICUT
SPECIAL MEETING MINUTES
Wednesday, January 27, 2021 at 7:00 PM
Held Via ZOOM**

PRESENT: Chairman Ted Stoutenberg, Dan LaPlante, Marty Post, Jim Steadman, Alternates Tom McLoughlin and Mike Misiorski; Zoning Enforcement Officer Mike Lucas.

ABSENT: David Krimmel, Alternate John Burdick.

Chairman Ted Stoutenberg the meeting to order at 7:00PM.

1. PUBLIC HEARINGS:

None.

2. PENDING APPLICATIONS:

A. Garrett Homes LLC/Applicant – Satan’s Kingdom LLC/Owner – Map 044 – Block 013 – Lot 020 – 173A Main Street – 9000 square feet Retail Development. AND 25% Parking Reduction per Section 6.2 E. 4. of the New Hartford Zoning Regulations.

While no business was discussed, Mr. Stoutenberg reminded the Commission that a public hearing was scheduled for this application for February 10, 2021.

3. NEW BUSINESS:

None.

4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

A. Discuss Possible Regulation Changes.

Mr. Stoutenberg explained that there had been recent discussion in town relative to a possible addition of farm breweries. Mr. Stoutenberg invited the Town’s land use attorney, Mark Branse, to explain the concept to the commission.

Attorney Branse explained that both state statute and case law permit zoning commissions to hold pre-development meetings with applicants. He explained that it can function to identify issues before the application is filed. He cautioned commissioners from commenting with any statements that could be later construed as a predetermination.

Mr. Stoutenberg explained that there is currently no regulation permitting farm breweries. He noted that it may take some time to draft one but that after one is created, the proposed language gets forwarded to adjacent towns prior to being considered at a public hearing. Mr. Stoutenberg noted that the Commission will review it for adoption after this had been done. Attorney Branse noted that most towns that adopt regulations to permit farm breweries include the authorization through a Special Permit. As such, a public hearing would also be required for the individual farm breweries, according to Attorney Branse. He noted that these types of uses have the potential to be very beneficial and also have the potential to be very disruptive.

Mr. Stoutenberg noted that Attorney Branse had provided a sample regulation on farm winery uses while independent Planner Marty Connors had provided a sample regulation from the town of Colebrook farm brewery. Mr. Connors indicated that the draft provided is the one that Colebrook is currently considering to amend. It was unclear whether Mr. Connors was appearing on behalf of the Town or on behalf of the applicant. He explained that Colebrook is currently considering amending their regulation as it does not address food trucks or the ability

to share products from other farm breweries and other farms' products. Mr. Stoutenberg requested Mr. Connors provide his drafts to Attorney Branse.

Present on the call were representatives from three parcels along Litchfield Turnpike, including the land at the corner of Ramstein Road. Included as part of the predevelopment discussion were Daniel Raymond, owner of 2 Ramstein Road and 18 Ramstein Road and Randall Auclair of Cotton Hill Road, with 100 acres extending down to Litchfield Turnpike.

Attorney Branse suggested Mr. Raymond share with the commission more information on what he has in mind for his property so as to have some of those details prior to the work on the additional proposed regulation. Attorney Branse referenced a letter that Mr. Raymond had written to the Commission wherein he had indicated that the statutes have been changed to make it easier to host events. The statutes do not address events at all, according to Attorney Branse. He noted that the statutes have relaxed the rules as they relate to farm wineries, distilleries, and breweries but events are totally up to local zoning.

Mr. Auclair reported that his team does currently have hops growing. He indicated that it will likely be another couple of months before drawings for his parcel will be complete. Mr. Auclair indicated that he was very pleased with the draft regulation that had been prepared by Mr. Connors and Mr. Raymond. Mr. McLoughlin questioned whether Mr. Auclair had been referring to the one that had been attached to an email. Mr. Auclair confirmed.

Mr. Raymond explained that he and his wife had purchased the old Ramstein farm six years ago. He noted that they had shifted from initially thinking about doing a winery to a farm brewery. Mr. Raymond explained that his understanding of the state's liquor laws were somewhat different than what was being discussed such as growing hops. His goal was more to focus on the property's location, such as the barn, as the focal point of a tourism attraction point. He noted that his goals are to establish a farm brewery and indicated that he was hopeful people have observed the work that has gone into his place. Mr. Raymond explained that he and his wife would like to operate a farm brewery and have the ability to serve food and periodically host events, such as weddings and retirement parties.

Curt Cameron, owner of a Deer Run property laying to the east of these properties, noted that he, too, has been in the brewery business for some time and opined that a farm brewery at this location is very possible and would assist in any way he could.

Attorney Branse questioned the number of events that Mr. Raymond might envision per year and maximum occupancy that there would be. He also questioned whether there were specific days, times, and the number of hours per week that Mr. Raymond envisions. He shared his concern with the draft regulation prepared by Mr. Connors, noting that it is very open-ended which can be a problem. He explained that most of the drafts that he has worked on include a statement of use that addresses these things quite specifically and therefore doesn't regulate them up-front or has the parameters right in the body of the regulation itself. Attorney Branse questioned whether events would be held outside with a tent or only to within the barn.

Noting that the project was in its infancy, Mr. Raymond noted that he has yet to have the Fire Marshal come in to guide them regarding an appropriate occupancy. He speculated that occupancy might be 200 people. In terms of hours, Mr. Raymond noted that it would not be like a bar or restaurant. He indicated that he has had family members and close friends use his property for weddings over the past six years with the event held from 5PM to 11PM in those instances. He noted that the hours of operation would be tied to the success that his business would experience. Mr. Raymond explained that his home is located on this property. He

indicated that he could envision his place being open up to five days per week. He questioned whether his communication had been forwarded to the Commission by Zoning Enforcement Officer Mike Lucas. Mr. Raymond noted that the plan includes using the barn as well as the outdoor patio space. Mr. Connors advised the Commission that a special permit in this regard could be conditioned to allow greater flexibility with a site such as Mr. Raymond's. Attorney Branse agreed that conditions could be added to any potential approval. Attorney Branse referenced emails from Mr. Raymond that had led him to believe that he was seeking to be open very soon. Mr. Connors opined that the COVID-19 pandemic is the best time to work on regulations as they need not be published in the newspaper, can merely be published on the town's website, and notices can be done electronically to the surrounding towns.

Mr. Raymond's attorney, Tom O'Neill, addressed the Commission, noting that he has worked with Mr. Connors before with several projects of this type.

Mr. Stoutenberg opened up to the commission for questions. Mr. Steadman indicated that he was fully behind the idea to provide a broad view of a regulation to allow for approval through a Special Exception. Attorney Branse noted that the Sherman model is very flexible and does not have a lot of parameters, such as a cap on the number of events or the number of people, contained within the text. It has a very specific requirement for a statement of use, which requires the applicant to provide a very detailed statement of just what it is they propose to do. Attorney Branse shared that the greatest problem he has observed with these types of uses are when a feel-good approval for something general and then it is discovered later what was actually approved.

Mr. Connors noted that a detailed site plan will be submitted and how very useful that is to reference.

5. APPROVAL OF MINUTES:

A. October 28, 2020.

MOTION: Mr. Steadman, Mr. Misiorski second, to approve October 28, 2020 Minutes; unanimously approved.

B. January 13, 2021.

The January 13, 2021 Minutes should be amended as follows:

Mr. McLoughlin was seated for Mr. Krimmel.

MOTION: Mr. Post, Mr. Steadman second, to approve the January 13, 2021 Minutes as amended; unanimously approved.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Lucas advised commissioners to let him know if they are in need of a full-size set of plans for the upcoming public hearing. He noted Architecture Review Committee will be reviewing the proposal at their regular meeting.

7. CORRESPONDENCE:

None.

MOTION: Mr. Post, Mr. Steadman second, to adjourn at 7:50PM; unanimously approved.

Respectfully submitted,

**Pamela A. Colombie
Recording Secretary**