

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
SPECIAL MEETING MINUTES  
Wednesday, February 10, 2021 at 7:00 PM  
Held Via ZOOM**

**PRESENT:** Chairman Ted Stoutenberg, Dan LaPlante, Marty Post, Jim Steadman, Alternates John Burdick, Tom McLoughlin, and Mike Misiorski; Zoning Enforcement Officer Mike Lucas and Town's Land Use Attorney Mark Branse.

**ABSENT:** David Krimmel.

Chairman Ted Stoutenberg the meeting to order at 7:00PM. Mr. Misiorski was seated for Mr. Krimmel and Mr. Burdick was initially seated for Mr. Steadman until Mr. Steadman's arrival.

**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. He reminded the Commission that he had subdivided this commercial property several years ago. Accompanying Mr. Borghesi was Professional Engineer Matthew Broutin of BL Companies, team member Matt Eucalito, and Attorney Robin Messier Pearson of Alter & Pearson, LLC.

Mr. Lucas read aloud the legal ad, noting that it had been published the requisite two times, on January 29, 2021 and February 5, 2021 in a newspaper with local circulation. Additionally, Mr. Lucas reported having received the Certificate of Mail receipts serving as evidence that the abutting property owners had been noticed on the public hearing.

Mr. Broutin reviewed the proposed site plan, noting the undeveloped parcel on Main Street and pointing out the location of the existing wetlands on the site. He noted that there were some small drainage improvements including concrete reinforced pipe, noting that the site goes from an elevation of 357' and slopes down to 354'. Mr. Broutin indicated the location of the proposed 9100 square foot retail single-story, slab on grade building with a single access driveway from Route 44. He noted that it is one way in and one way out, which is under the control of the State of Connecticut Department of Transportation(DOT). Mr. Broutin reported receipt of an encroachment permit from the DOT that had already been provided to the Town. The proposed paved parking area, the truck unloading area, the transformer pad, and the dumpster enclosure were pointed out by Mr. Broutin.

Mr. Broutin noted that a deferral of parking was being sought, explaining that the building would require approximately 46 parking spaces whereas 35 spots were included as part of the proposal. Mr. Broutin explained that the spaces could be constructed as part of the construction but given the proposed tenant and proposed demand, his client did not deem all of the spots as necessary and would prefer to not add that impervious surface area. Approval was received from the Inland Wetlands Commission the previous week, according to Mr. Broutin.

Mr. Broutin indicated that a tractor trailer truck would be okay in making the turn into the site. He then reviewed the grading and drainage plan, noting that the stormwater management plan includes providing improvements necessary, including the maintaining of drainage patterns, to provide groundwater recharge as available, and to provide water quality improvements. He explained that the goal in the design was to maintain the current flow of the water as it is today, pre-development, and to mitigate peak flows. He noted the location of the above ground detention system that he noted will catch the majority of the water that eventually discharges to

the wetlands, and add a small system in the parking lot which will capture the majority of the front parking lot which will eventually be cleaned and eventually discharged to the system in Route 44. He noted the system consists of catch basins with deep sumps and hoods and hydrodynamic separator with an isolator row, as detailed in the stormwater management report. Mr. Broutin reported having gone back and forth with the Town's hired engineer who was satisfied with the final plans.

Mr. Broutin reviewed the site utility plan, explaining that approval will be necessary from the Farmington Valley Health District for a proposed septic system. He noted that a transient non-community well will be part of the site improvements and approval will be sought from the State of Connecticut Department of Public Health. Propane will be necessary but electric and telephone will be connected as there is a pole along the frontage, according to Mr. Broutin.

Mr. Broutin reviewed the sediment and erosion control plan that will be utilized during construction to protect the wetlands, the street, and the existing drainage system. The construction entrance, soil stockpile area, erosion control blankets, and silt fence will be installed by the contractor prior to major earth work, according to Mr. Broutin. He explained that all of these measures would stay in place until site stabilization is achieved such as landscaping, grass growth, and pavement.

The landscaping plan was reviewed. Mr. Broutin explained that the landscaping plan had been modified after having met with the Architecture Review Board earlier in the evening. The variety of trees were noted throughout the site and parking lot and sod would be included in front of the building, according to Mr. Broutin. The rear of the building had a variety of trees and shrubs to shield the utilities of the building, he noted.

As the architect was not present, Mr. Broutin reviewed the architectural renderings. It was noted that the front elevation had a veneer brick base, a soft gray Hardy clapboard siding going up the elevation, and a darker gray Hardy clapboard siding on top of that. Windows flank both sides of the entrance. He pointed out the peak roof with a gable top, too. Mr. Broutin relayed the ARB's recommendation for gooseneck lighting and darker colored sign in black depicting the retail store's name over the entrance. The north elevation, facing to the right, was then reviewed with the same three layers of façade styling. The south elevation was reviewed with the same theme along with a double door for loading. The rear elevation, facing the wetlands, revealed the roof leaders discharging towards the wetlands. The building will include a cupola as Mr. Broutin pointed out. Mr. Borghesi reported the request made by the ARB to add shutters, which was agreed to by his team, and had recommended the current color siding rather than the original proposed yellow siding. Mr. Borghesi described Hardy siding, noting that it differs from vinyl siding in that it will not dent or crack and is very durable.

Mr. Stoutenberg questioned whether any additional communications had been received beyond the letter from Fire Department Chief Mark Worsman. Mr. Lucas indicated that no other letter had been received.

Mr. Lucas shared the recommendations put forth by the ARB from a meeting held earlier the date of this meeting. He noted that their suggestions included the light gray tone, that the entrance as approved by the DOT be utilized, the gooseneck lighting, the burying of a propane tank for the utility, to not use the yellow for the monument sign, and to increase the size, height, and caliper of the proposed trees. Attorney Mark Branse noted the Commission could add those items as conditions of approvals. He also questioned whether there was a lighting plan included in the plan documents. Mr. Broutin confirmed that all lighting would be LED, full cut-off fixtures. He shared the photometric plan, noting that the goal of the plan was to provide lighting

for safety and security for deliveries and customers without providing any spillage over to abutters which might be a nuisance. The location of the three poles in the parking lot and the small wall packs was pointed out by Mr. Broutin. Attorney Branse questioned whether the wall packs were also full cutoff. Mr. Broutin confirmed.

Mr. Stoutenberg questioned the comments regarding “making every effort possible” to eliminate yellow on the ground mounted sign. Mr. Eucalito explained that the application for the sign is a separate application and the recommendations would be passed along to the company that handles signage. Attorney Branse clarified, noting that the Zoning Regulations are clear in that every special exception application must include a complete sign package which is part of the special exception application. He explained this Commission had the same review over the signs as they do over the colors and styles of every facet of the building. He advised that the Commission has authority over the color of the sign.

Mr. Stoutenberg questioned the language in the Zoning Regulations requiring the breaking up of the parking lot by the planting of trees for every-so-many parking spaces. Mr. Broutin indicated that he found no specific language for a landscape island for parking. Mr. Broutin explained that the 10% of the parking area to be landscaped was captured in the endcap islands.

Mr. Burdick questioned the caliper of the trees. Mr. Broutin indicated the caliper to be 2” to 3”, with a 5’ to 6’ height.

Attorney Pearson questioned whether the elevation Mr. Broutin shared conforms to the revised site plan, noting that a doorway was moved to the rear. Mr. Broutin confirmed. Attorney Pearson noted that there had been notes added to the plans for a possible Rails to Trails allocation. Mr. Broutin shared a possible location for that. Finally, regarding the signs, Attorney Pearson requested that if the sign package does indeed have to be considered part of the Special Permit application, then a request was being made that it be considered as part of this public hearing, opining that enough information had been provided. Attorney Pearson noted that a monument sign would comply with the Zoning Regulations in size, with the brick on the bottom to match the brick on the bottom of the building. She noted that the gooseneck lighting would be included as depicted on the rendering. Attorney Pearson explained that the colors included in the sample photograph provided are her client’s colors, Dollar General with black letters against a yellow backdrop. She noted that a concession had been made with the signage on the building but that the application for the monument was proposed to be what has been provided.

Chief Worsman shared his concerns with the lack of water in the area, reminding the Commission that a cistern has repeatedly been requested for this development area. He indicated that the cistern is a “need” and would not characterize it as a “want”. Chief Worsman recalled that there was to be a cistern when the third building was going to be constructed. He noted that if there is a fire in this area, to battle it would likely result in shutting down Route 44. A 30000-gallon cistern would benefit the applicant, noting that the consumable items as part of a Dollar General inventory carry a heavy fire load, according to Chief Worsman. He indicated a fire like this could spread tremendously in thirty seconds.

Mr. Borghesi indicated that there is no Code requirement to have a cistern available but understood the position of the fire chief. Mr. Broutin indicated that there was not much room on the site to include a cistern. Mr. Stoutenberg noted that the subdivision regulations require a cistern for a five-lot subdivision. Mr. Borghesi indicated that this is the last lot that he owns in this development. Another reason that would prevent his installing a cistern according to Mr. Borghesi are the restrictions for setback radius to a septic system.

Attorney Branse referred the Commission to Section 6.1 of the Zoning Regulations that deals with landscaping and noted that it did not appear that the landscaping requirements had been met. He noted that the landscape screening of loading areas or refuse storage were not observed on the plans nor the requirement including one tree per six parking spaces. Additionally, he noted that 10% of the parking to be landscaped should be in islands and 24 square feet of planting per parking space. According to those standards, landscaping is supposed to be included along the front of the building and not just grass, Attorney Branse explained.

The hearing was open to the public.

Shelly Lloyd of 29 Pioneer Drive spoke in opposition of the proposal, questioning if this parcel is not sufficiently large to have adequate parking, large enough to have adequate landscaping, and large enough to accommodate a cistern, why were those things not considered in earlier planning. She also questioned if the building might be too large for the site which is why the parcel was unable to accommodate those things. Ms. Lloyd also questioned whether there might be sight concerns with turning into the property from Route 44.

Chief Worsman also spoke in opposition of the application, reminding the Commission that he has appealed to them three times to address the need for water in this area.

First Selectman Dan Jerram reported receipt of a communication from Mr. Fernandez who had indicated that he was attempting to access the meeting but was having difficulty doing so.

Ms. Lloyd questioned why this new business was not being required to connect to public water and sewer. Mr. Stoutenberg indicated that nothing on that side of the street connects.

Mr. Post questioned the amount of space a 20000-gallon cistern would take up. Chief Worsman estimated it to be 20'x30'. Mr. Post questioned whether one might be shoehorned into the site. Mr. Broutin opined that in back of the building may not be a suitable location as it may not be a proper distance.

Mr. Jerram read aloud the correspondence from Mike Fernandez, the owner of Super Foodtown. The letter shared the concerns of Mr. Fernandez, as an owner of a store selling similar items to the ones typically sold at Dollar General. He noted his inability to likely compete with prices of that retailer.

Mr. Burdick shared his concerns with a cistern, noting that the consideration should not continue to be kicked down the road.

**MOTION:** Mr. Misiorski, Mr. Post second, to continue the public hearing to February 24, 2021 at 7PM; 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.**

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

## **3. NEW BUSINESS:**

None.

**4. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

Attorney Branse reported having provided Mr. Lucas with documents crafted with the assistance of Marty Connors relative to rural event centers, breweries, wineries, etc. He reminded the Commission that he provided a copy of the memorandum from Daniel Raymond, owner of 2 Ramstein Road and 18 Ramstein Road, which had included a statement of use that provided details on what he planned to do with more specificity than had been provided previously.

Attorney Branse noted that a red-lined version of what Mr. Raymond had provided, a clean version, and the statutes that govern. Attorney Branse was very clear in advising the Commission that it was not a recommendation that the documents be adopted. He urged commissioners to take a close look at what Mr. Raymond is proposing, explaining that ultimately it will be a policy decision of this board regarding what is appropriate for the town.

Attorney Branse explained that what was being proposed was not a farm brewery, farm winery, farm distillery, or farm-anything. He explained that the statutes, as amended, do not require that anything is grown, and it is purely the manufacturing of distilled spirits and can include ancillary things like events and recreation.

Mr. Stoutenberg requested that Attorney Branse review “country club” as contained within the Zoning Regulations. He noted that a country club somewhat aligns with what Mr. Raymond has described for a use for his property and questioned whether that use might be tweaked to cover this. Attorney Branse suggested that it would take more than a tweak as what is being proposed by Mr. Raymond is an event capacity between 700 and 900 people in five separate facilities on the property with no recreation component. Attorney Branse explained that the definition of country club must include a recreational use, with restaurants or dining areas as accessory to that.

Mr. Stoutenberg reported the resignation of long-time Commissioner Dave Krimmel and requested the Town recognize Mr. Krimmel’s many, many years of community service. It was estimated that Mr. Krimmel may have served as long as thirty-five years between his time on this commission, the Zoning Board of Appeals, and the Economic Development Commission.

**5. APPROVAL OF MINUTES – JANUARY 27, 2021:**

**MOTION:** Mr. Post, Mr. LaPlante second, to approve the January 27, 2021 regular meeting minutes; unanimously approved.

**6. ZONING ENFORCEMENT OFFICER’S REPORT:**

Mr. Lucas reported having issued two violation notices recently with one relating to junk cars and the other related to general junk at a residence.

**7. CORRESPONDENCE:**

None.

**MOTION:** Mr. Post, Mr. Burdick second, to adjourn at 8:15PM; unanimously approved.

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