

From: Lois Laczko December 14, 2009 9:19:20 AM
Subject: Design Review Board Minutes 11/10/2009 ADOPTED
To: SimsburyCT_DesignMin
Cc:

ADOPTED

Design Review Board Minutes
November 10, 2009
Regular Meeting

I. CALL TO ORDER

Chairman Dahlquist called the meeting to order at 5:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Rita Bond, Mark Naccarato, Charles Stephenson, Kevin Gray, John Carroll, and Anthony Drapelick. Also present was Hiram Peck, Director of Planning.

II. APPOINTMENT OF ALTERNATES

Chairman Dahlquist appointed Commissioner Bond to serve in the absence of Commissioner Gardner and Commissioner Carroll to serve in the absence of Commissioner Schoenhardt

III. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

Application of Shawn Skehan, Plan B, Owner, for a Site Plan Amendment to enclose the deck on property located at the Plan B Restaurant, 4 Railroad Street. SCZA Zone (continued from mtg. held on 10/27/09)

Chairman Dahlquist stated that the applicant is not here tonight. They were not ready to make their presentation.

Chairman Dahlquist distributed the Secretary of the Interiors Standards for Rehabilitation regarding standards and masonry. He stated that this is useful for rehabilitation projects. He asked that the Board members review this prior to their next meeting.

Mr. Peck stated that the restaurant enclosure and cooler for this application also needs to be addressed. The Zoning Commission will meet Monday to hear this application. The applicant had requested a temporary

permit for the cooler, although this was not granted. Mr. Peck stated that the applicant's overall plan needs to be presented before they can move forward.

Commissioner Stephenson stated that in this document that Chairman Dahlquist just distributed, under "Not recommended", it states that damaging or destroying roofs that are important to defining the overall historic character of a building, so as a result that the character is diminished. He stated that this is very important for the applicant to understand. Mr. Peck questioned if the Board felt that the extension of the roof would come under this category. The Board stated that they feel that it would. Mr. Peck stated that he would discuss this issue with the applicant.

Mr. Peck stated that he has told the applicant to look at the standards as well.

IV. DISCUSSION

Amending Rules and Procedures to address Applicant meeting preparation and appearance on the Agenda.

Chairman Dahlquist stated that he has made additional inserts into the Design Review Board's Rules and Regulation, which he distributed to the Board members. He added the following under the meeting section:

1. The agenda for the next scheduled regular meeting will be tentatively set by the Chairman and staff liaison by 4:00 p.m. Wednesday prior to the Tuesday meeting, or three full working days otherwise.
2. All formal/informal review materials must be submitted to the Director of Planning by 4:00 p.m. on the Thursday prior to the scheduled regular meeting at which time the agenda will be set by the Chairman and staff liaison. Mailings will be done on Friday.
3. Last minute informal applications may be considered by the Chairman until noon on the Monday prior to the Tuesday meeting however, applications may not be heard if the agenda is deemed full by the Chairman and in no case will the application be considered a formal review without proper public notice.

Chairman Dahlquist stated that currently, if an applicant comes in after the agenda is written and asks for a last minute request to get on that agenda, Town staff has usually done this by calling it an informal application. He stated that he is not in favor of this; there is no time to review the material for what is being presented.

Regarding a formal and informal application, Chairman Dahlquist stated that there needs to be public notice for all formal applications. Commissioner Carroll stated that this Board has converted informal applications to formal applications without the proper notice. He stated that the Design Review Board will become key in the land use process and they need to recognize the legal formal obligations that this Board has. He suggested not making informal applications formal without the proper public notice. He stated that this Board needs to be careful about their process moving forward.

Chairman Dahlquist stated that he would like to create a checklist of issues that need to be covered by an applicant, which are of concern to this Board. This list can be passed onto the Zoning Commission. He feels that this list will help this Board elaborate on some of the technical issues when making referrals to the Zoning Commission.

Commissioner Carroll stated that although the Plan B restaurant agreed to come back to the Design Review Board, they do not have to and can bypass this Board. He feels that something should be stated to the Zoning Commission if this does occur. Mr. Peck stated that the DRB could make a recommendation to the Zoning Commission based on the lack of information or the Board could state that they do not have a recommendation because the applicant did not participate fully in the process.

Commissioner Gray questioned how often the Zoning Commission approves applications the first time they are heard. Mr. Peck stated that they do this for the smaller applications, although they sometimes continue an item when it is a public hearing.

Chairman Dahlquist stated that the role of the Design Review Board is to help the Zoning Commission to arrive at a decision by persuasion.

Regarding the Rules and Regulations, Chairman Dahlquist questioned if these inserted points were too much for this type of document and also if they should be inserted in at this location. He also questioned if this additional information was asking too much from Town staff regarding preparation. Chairman Dahlquist read the following from the Rules and Regulation: "During a presentation if it becomes evident to the Chairman or another member that the applicant's information is incomplete or inadequate to allow for an informed referral, the Chairman may stop the proceedings and request a hand vote to determine whether a majority of the Board members find the information presented sufficient or not. If yes, then the review may continue and if not, the Board may then move to suspend the review until such time when the applicant can present the materials requested".

Commissioner Naccarato stated that the Chairman may call for a motion to deny the application because of the lack of information. Chairman Dahlquist stated that the Design Review Board would have the following options at that point: to table the application; to not make a recommendation; or to not take any action. Commissioner Naccarato stated that he feels a cleaner way, at that point, would be to reject the application as Option #3 of their motions.

Regarding the Rules and Regulations, Chairman Dahlquist stated that the following are also additional inserts:

4. The staff liaison shall give each applicant a copy of the submittal information required for an informal/formal review at the time the application is made and review those materials prior to the review for completeness notifying the applicant with discrepancies.

5. Every applicant must be familiar with the presentation materials deemed necessary by the Design Review Board to render a referral to the Zoning Commission in advance of the meeting.

6. During the course of the Review the first action of the Design Review Board will be to determine by a majority hand count whether there is sufficient material submitted to render an informed referral. If information is deficient, inaccurate or misleading the Design Review Board may move not to continue with the review until additional information is provided.

Chairman Dahlquist stated that the presentation materials came from the Guidelines and were modified. He reviewed informal and formal presentations and larger and smaller scale projects. He questioned if there was better wording instead of larger or smaller scale. Mr. Peck stated they could use significant and smaller projects. Commissioner Naccarato suggested using unlimited scope and full scope. Full scope could be for projects that would dramatically alter the physical appearance of a building.

Commissioner Carroll suggested using the "large scale project" list as the initial list for Town staff. When reviewing a new application Town staff can determine if certain requirements can be waived. Town staff can also determine if a project is deemed large or small scale and what is and is not appropriate for an applicant to submit. He suggested that the list for smaller projects should be eliminated.

Regarding the landscape design portion of the Rules and Regulations, Commissioner Bond stated that she feels that significant existing

vegetation should be included. This will inform the Board of what the applicant plans on removing.

Mr. Peck stated that Town staff could talk and meet with the applicant and inform them of this checklist. He stated that this list should be what the Design Review Board wants. If the applicant is not prepared, the Board can continue the application to the next meeting and ask the applicant to come back with the appropriate information.

Commissioner Carroll stated that most of the smaller applications are for signage. He suggested that they have a separate list for just sign applications.

The Board discussed the differences between materials required for both large and small projects. The Board decided to put an asterisk on the larger project list on those certain items that may not be required for the smaller projects.

Chairman Dahlquist stated that he would modify this document and send it to the Board members for their review. He stated that he would like to take a vote regarding these Rules and Regulations at the next meeting.

Mr. Peck stated that, under the FOI section, the website is incorrect. Also, on Page 5, the "may" should be changed to "should" in first statement. It should read, "A DRB member or alternate should recuse him/herself...". He stated that a Board member can vote if that individual does not feel that they have a conflict.

Format and content for Zoning Commission referrals.

Chairman Dahlquist stated that the Board would not be discussing this item tonight.

Mr. Peck stated that Code Studio will be back in Simsbury on November 17th at 7 p.m. to make a presentation. He is currently trying to find a location to hold this meeting. This will be a joint meeting with all of the Land Use Boards and Commissions.

Mr. Peck stated that he met with approximately 30 property owners of historic structures last week to talk to them regarding how to deal with the preservation and conservation or demolition of their structures. He stated that some of the more significant structures would remain. Mr. Peck stated that he will be talking to Code Studio more about this and ways to deal with historic structures.

Chairman Dahlquist stated that Main Street Partnership is getting a \$10,000

grant, which will be dedicated to getting Code Studio back to Town.

Incentive Housing Zone (IHZ) Guidelines

Chairman Dahlquist stated that there are conflicts in the IHZ with the Town Center Charrette. Mr. Peck stated that there are certain situations that do not fit together well. The Zoning Commission needs to decide how to proceed regarding a recommendation from the Code.

Mr. Peck distributed the Marblehead Smart Growth District Design Standards to the Board members for their review. He stated that this Board needs to put Guidelines together regarding what they want to see for Design Guidelines in the IHZ.

Commissioner Naccarato left at 6:30 p.m.

Chairman Dahlquist distributed Code Components to the Board members for their review. He stated that they needed to decide which components were key to use in the Code. He stated that it needs to cover all of the major issues.

Chairman Dahlquist stated that he could put together a Power Point presentation of different scenarios. He questioned what Concord Square's timeframe was. Mr. Peck stated that the consultant needed to be done by the end of the year, although an extension could be given to them. He stated that this Board could then plug in their own design standards with what they get from the consultant.

Commissioner Gray questioned if they could write different guidelines for different sites. Mr. Peck stated that they could.

Chairman Dahlquist suggested that the Board go back to the Plan of Conservation and Development and use this as their starting point in order to be consistent. Although, he stated that issues still need to be discussed even if they are not in line with the POCD because they may still fit.

Chairman Dahlquist stated that they may need to call a special meeting to get things in order.

V. APPROVAL OF 2010 REGULAR MEETING SCHEDULE

Commissioner Carroll made a motion to approve the 2010 Regular Meeting Schedule as presented. Commissioner Gray seconded the motion, which was unanimously approved.

VI. CORRESPONDENCE

There were none.

VII. STAFF REPORT

Mr. Peck stated that the signage at the Hoffman site will be discussed at the November 16th Zoning Commission meeting.

VIII APPROVAL OF MINUTES of October 27, 2009

Commissioner Drapelick made a motion to approve the October 27, 2009 minutes as written. Commissioner Gray seconded the motion, which was unanimously approved.

IX. ADJOURNMENT

Commissioner Stephenson made the motion to adjourn the meeting at 6:47 p.m. Commissioner Gray seconded the motion, which was unanimously approved.