

PLANNING COMMISSION-MEETING MINUTES

TUESDAY, February 23rd, 2021

The public hearing was web-based on Zoom at <https://zoom.us/j/2574297243>

Meeting ID: 257 429 7243

I. CALL TO ORDER - Chairman Rice called the meeting to order at 7:00pm.

1. Pledge of Allegiance

II. ROLL CALL

1. Appointment of Alternates: Richard Cortes and Julie Eaton were promoted to full voting members.

Present: Thomas Hazel, William Rice, Richard Cortes, Julie Eaton, Holly Beum, Craig MacCormac, Erin Leavitt-Smith, Alan Needham

Mr. Needham joined after the approval of minutes thus the seated alternatives remained, and Mr. Needham was appointed as an alternative.

Absent: Michael Glidden, Dave Blume

III. APPROVAL OF MINUTES of the TUESDAY January 26, 2020 regular meetings

- Chairman Rice made a motion to amend the agenda to include the review and approval of the minutes from the Tuesday 2/23/21 meeting.

Motion: All in favor, no opposed, no abstentions (6-0-0)

- Due to Mr. Needham's initial absence, Chairman Rice led the review of the 2/23/21 and the 3/9/21 meeting minutes. Regarding the 2/23/21 meeting minutes, Ms. Leavitt-Smith noted that on line 42 the word had should read hand so that it reads, right hand side. She also found that on line 63 the word now should be changed to how. On lines 77 and 78, Ms. Leavitt-Smith noted that it should just read the word character only and not fully state character of place; strike the words of place. Ms. Leavitt-Smith made a motion to approve the regular meeting minutes as amended. Mr. MacCormac seconded the motion.

Motion: All in favor, no opposed, no abstentions (6-0-0)

- Chairman Rice made a motion to accept the 3.9.21 minutes as submitted. Ms. Beum seconded the motion.

Motion: All in favor, no opposed, no abstentions (6-0-0)

IV. NEW BUSINESS

1. Receipt of New Application

- 51
- 52 • **Application #20-01** of James & Nancy Brown, Owners/Application; for a 2-lot re-
- 53 subdivision on the property located at 34 East Weatogue Street (Assessor's Map H14,
- 54 Block 109, Lot 018, Zone R-40).
- 55 • Chairman Rice opened the public hearing. Brian presented. There is a 7.63-acre
- 56 lot; two parcels, one parcel where the applicant lives and the next-door parcel
- 57 which was merged with the house lot when the applicant purchased the house.
- 58 The applicant desires to sub divide the lots to separate the second lot back it into
- 59 the 4-acre lot. There will be a house built on the parcel if this application is
- 60 approved. If the lot is approved a site plan will be developed. There was a letter
- 61 submitted regarding a historic passage in that lot. Mr. Needham asked the
- 62 applicant if there will be a way to preserve that or mark it, in which it was agreed
- 63 that it would. Chairman Rice asked for the applicants' thoughts on open space
- 64 dedication. It was explained that the applicant discussed specifically with Mr.
- 65 Glidden where they could put open space that the town would like, and the
- 66 applicant suggested they can preserve the back with the conservation easement
- 67 or around the historical marker. The Commission was asked what they felt would
- 68 be appropriate or accurate. Chairman Rice requested to know where the historical
- 69 marker is on the plan; it is the south side of the house but is actually behind the
- 70 neighbor's property. Mr. Hazel noted this aspect of the re-subdivision has not
- 71 been submitted to the town. Ms. Beum asked the applicant for a map so that she
- 72 could visualize where the marker is. A map was screen shared by Ms. Barkowski,
- 73 town staff. The easement is along the southern border, goes along the street to
- 74 the back corner of the neighbor's property. The applicant was informed that a fee
- 75 in lieu of or an easement plot plan needs to be submitted as well. The applicant
- 76 expressed knowledge of this and also acknowledged that the easement exists.
- 77 Mr. Hazel clarified that since it is an existing easement it needs to be represented
- 78 on the proposed plan and it cannot be considered for open space; it either needs
- 79 to be a carveout outside of the easement or a fee in lieu of. Ms. Leavitt-Smith
- 80 would rather see fee in lieu of. Mr. Needham asked if they are allowed to still
- 81 proceed with this application given that the town staff has not received a plot plan
- 82 to include this easement nor had time to provide any town staff feedback. Mr.
- 83 Hazel was clear that this is an incomplete application without the plot plans being
- 84 submitted to the town staff. The applicant expressed frustration with this process
- 85 and not having his emails and calls answered by the town staff. He felt the
- 86 missing easement had no effect on the subdivision or the lot and that it will be
- 87 included in the plan when it gets submitted to the town. Mr. Needham requested
- 88 to know if this application can be approved pending the revision of the application.
- 89 Mr. Hazel notified Mr. Needham that is up to the Commission however, the town
- 90 staff's position is still that they need to review the missing documents. Ms. Leavitt-
- 91 Smith expressed the desire to be fair to the applicant as they appear frustrated
- 92 with this process and asked for assurance from the town staff that this will get
- 93 looked at in a timely manner. Mr. Hazel expressed that this can be moved along
- 94 as long as the documents are submitted to town staff as soon as possible; this will
- 95 allow the town staff to prepare a staff report in a timely manner. Chairman Rice
- 96 asked the applicant if they have a fee in lieu of proposal prepared. The applicant
- 97 did not. Mr. Hazel suggested they get something in writing and submitted to town
- 98 staff as soon as possible. An agreement of \$3,300.00 for the fee in leu was made
- 99 with the applicant.
- 100

- Chairman Rice opened up the meeting to public comments. Stacey Savin joined via ZOOM. She desired to know where the property lines are as she is an abutter on Highwood Road. She noted she spoke with the surveyor, but she hasn't seen the map and desires to see it. She noted she has easements that runs from her property and wants to know if any of this touch on her easements. It was clarified for Ms. Savin that her easement will remain and that the subdivision will be farther to the west. The map was shared via screen share for Ms. Savin to view. Ms. Savin posed no objections upon being able to see clearly where the property lines are and where her easement was in relation to the subdivision.
- Neighbors, Paul and Sue Lanza joined by telephone. They had no objection to the subdivision. Their request was for the bound to be staked. They have a letter on record that explains their right of way and also submitted a second letter asking that the right of way be restored to the way that it is shown on the folly plan. Mr. Lanza explained that there was a driveway and curb built there and their only request is to have the right of way restored so that their property can be restored. The applicant acknowledged he received the letters and that they have a plan that shows the split entrance for the driveway. Mr. Lanza explained feeling this is an issue to the frontage shown on the plan as well as the future sale of his property. The applicant provided empathy and expressed his willingness to make it a straight driveway instead of having a curve at the end. The applicant also agreed to visit Mr. Lanza tomorrow afternoon at his home for further discussion.
- Chairman Rice ended the public comments and asked the Commission members for any further comments. There was none. Ms. Leavitt-Smith felt she can make a decision pending the fee in lieu of for \$3,300.00 and the revision of the plot plan to show the recently uncovered easements. Motion to close the public hearing. Ms. Beum seconded the motion.

Motion: All in favor, no opposed, no abstentions (6-0-0)

- Chairman Rice made a motion to approve application #20-01 of James & Nancy Brown, Owners/Application; for a 2-lot re-subdivision on the property located at 34 East Weatogue Street (Assessor's Map H14, Block 109, Lot 018, Zone R-40). with the condition that the plot plan be revisited to show the recent easement for the historical location and the fee in lieu of open space statement be prepared and submitted for review to Mr. Glidden with the fee being \$3,300. Ms. Leavitt-Smith seconded the motion.

Motion: All in favor, no opposed, no abstentions (6-0-0)

V. NEW BUSINESS

1. Referral from the Zoning Commission

- A. **Application 21-04** of EAY Properties, Owner, Philip Doyle, Agent for a Zone Change from R-40 to B-1 on the property located at 322 Hopmeadow Street
- The aerial photo of the site was screen shared for the Commission. Mr. Doyle is a land planner. He has been working with the applicant who is looking to purchase

150 this property from trustees of the estate. Mr. Doyle presented the property. The
151 request is for the Zoning Commission to approve a rezoning from R40 to B1 for
152 this property as the applicant would like to rehab the barn on the property into a
153 brewery with a tasting room. This applicant is the owner of other breweries. The
154 barn was shown on the map screen shared to the Commission. The applicant
155 desires to expand the B1 zone from the Abigail's restaurant located adjacent to
156 the property to their property. The house and fields surrounding the property will
157 remain as is. There is a public hearing set with the Zoning Commission for
158 4/15/21. Chairman Rice asked for the permitted uses for B1 zoning; it is restricted
159 business, retail stores, taverns, specialty limited menus, convince stores, markets,
160 outside storage, banks, studios, etc. The applicant's request is to go under the
161 use of retail to allow the manufacturing of the product on the property with less
162 than 5 employees while being allowed to sell product which in this proposal would
163 be beer. The tasting room would be an accessory use to the retail. Mr. Hazel
164 added that anything under B1, B2, B3 there is no as of right, it is all site plan and
165 special exception to the Zoning Commission. Chairman Rice felt that this was
166 consistent with the POCD from an economic standpoint and he had no concerns.
167 Chairman Rice recommended a positive referral to the Commission. There is a
168 floodplain so they are limited to what they can do to the right of Abigail's going
169 towards the river. This was taken into consideration as well by the Commission.
170 The proposed estate is a residential house. The house would be preexisting and
171 non-conforming. Ms. Beum asked about the properties that will be sandwiched in
172 between along with the other B1 properties. The applicant has met with the other
173 property owners and they proposed no objection to the re-zoning with the
174 exception that they don't want to pay additional taxes. The applicant voiced that
175 there is recent legislation looking for there be a tax increase for houses over a
176 certain mill rate so this would already have an effect on the properties.
177

- 178 • Chairman Rice made a motion for a positive referral for application 21-04 of EAY
179 Properties, Owner, Philip Doyle, Agent for a Zone Change from R-40 to B-1 on
180 the property located at 322 Hopmeadow Street as it is consistent with the 2017
181 POCD as it relates to economic development. Mr. MacCormac seconded the
182 motion.
183

184 **Motion:** All in favor, no opposed, no abstentions (6-0-0)
185

186 **1. Referral from Board of Selectman**

187 A. Review of Capital Improvement Plan for fiscal year 2021-2022 pursuant to CGS 8- 188 24

- 189 • Chairman Rice asked for the report by the town engineer as in the past the town
190 engineer would provide a report. Mr. Hazel noted this Commission is only looking
191 to see if it fits the POCD plans and improvements so a report from the town
192 engineer isn't needed. Ms. Beum read the document but felt it would be better
193 served if someone was there to present it and explain it and asked if they can
194 request for someone to come to the next meeting. Mr. Hazel noted they cannot
195 and that they can either approve the referral or not approve the referral. Chairman
196 Rice pointed out the two major items for 21-22; Meadowood and Latimer Lane
197 which will both be bonding and grant. The question posed to the Commission was
198 do the improvements fit with the POCD. Mr. Hazel was clear that any monetary
199 issues should be voiced at the Board of Selectman public hearing. Mr. Hazel

suggested that the Commission members join the Board Of Selectman public hearing as a Simsbury resident if they have concerns. Chairman Rice found no issue with the Capital Improvement Plan fitting the 2017 POCD. Ms. Leavitt-Smith made a motion for a positive referral of the Capital Improvement Plan for fiscal year 2021-2022 pursuant to CGS 8-24. Mr. MacCormac seconded the motion

Motion: Five in favor, one opposed Holly Beum, no abstentions (5-1-0) Ms. Beum opposed.

VI. GENERAL COMMISSION BUSINESS

1. POCD Update Commission Workshop

- Mr. Hazel offered for this to be tabled until Mr. Glidden is present or Mr. Hazel is more caught up. Chairman Rice provided Mr. Hazel with a brief summary of the POCD update workshop. Mr. Needham informed the Commission there are a couple of bills in the legislature right now that will completely change everything and feels that they should pause the any revisions to the POCD. The Commission members discussed the bill that is being proposed by the senate and a second by the house. Ms. Leavitt-Smith expressed feeling as though they should still move forward however, Chairman Rice and Mr. Needham explained to Ms. Leavitt-Smith that these bills would completely eliminate the POCD. Both bills will be sent out via email for the entire Commission's review. This agenda item will be postponed.

VII. CORRESPONDENCE

1. None

VIII. ADJOURNMENT: Mr. Cortes made a motion to adjourn the meeting. Mr. MacCormac seconded the motion. The meeting adjourned at 8:40pm.

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

Respectfully Submitted,

Amanda Werboff
Commission Clerk