

From: Lois Laczko January 27, 2012 11:46:44 AM  
Subject: Planning Commission Minutes 01/10/2012 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

PLANNING COMMISSION MINUTES  
JANUARY 10, 2012  
REGULAR MEETING

I. CALL TO ORDER

Tina E. Hallenbeck, Acting Chairman, called the meeting to order at 7:03 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Ferg Jansen, Kevin Prell, William Rice, Robert Kulakowski, Richard Cortes, and Mark Drake. Also in attendance was Hiram Peck, Director of Planning, Janis Prifti, Commission Clerk, and other interested parties.

II. SEATING OF ALTERNATES

A quorum was present; no alternate members were seated.

III. APPROVAL OF MINUTES of December 13, 2011

The December 13, 2011, minutes were amended on Line 16 to change "alternates" to "alternate members". Commissioner Hallenbeck made a motion to approve the December 13, 2011, minutes as amended. Commissioner Prell seconded the motion, and it was passed unanimously.

IV. DISCUSSION ON SUBDIVISION REGULATIONS

Mr. Peck stated draft regulations were sent out to Commission members. Regarding definitions of types of subdivisions, e.g. residential and non-residential, and the possibility of dividing them even further into industrial subdivisions like Ensign Bickford, etc., he plans to go over those definitions with the Town Attorney before incorporating them into the document. He spoke with Bob Decrescendo about attending this meeting, but he is at a Charter Revision meeting; Mr. Peck will ask the Town Attorney to attend the next Planning Commission meeting; Mr. Peck asked to receive any

questions for Mr. Decrescendo in advance of the next meeting in case research is required. Once he receives questions or comments from the Commissioners, Mr. Peck will incorporate them into the Subdivision Regulations they will then go to Public Hearing.

Commissioner Rice asked for clarification of "conditional" and "final" approvals; Mr. Peck confirmed that applicants usually first receive "conditional" approval and further along in the process "final" approval. But he said an applicant could receive "final" approval without "conditional" approval if an application is very clean without further modification or only minor modifications needed. Mr. Peck said conditions will be made clear by the Commission and clarification at that point is technical. Commissioner Rice stated conditional approval is clear on Page 17, Section 11, paragraph B, the last two sentences, that "such approval shall not constitute final approval", but he asked for clarification regarding, "all work in the Subdivision shall be completed within five years after the approval of the plan unless extended by the Commission or by the Connecticut General Statutes" - Mr. Peck clarified that is final approval. He said final approval is triggered when the map is filed with the Town Clerk and a date stamped on the map. He said there might be a conditional approval for a large subdivision filed in phases - the trigger date for those maps for that phase at that time must be completed in five years, but the Legislature recently extended the date for approved subdivisions and site plans by statute from five to nine years plus an additional six years - so approvals could extend to fourteen years. He said this is the result of homebuilders asking the Legislature to extend time for approved subdivisions. Mr. Rice stated the Table of Contents needs to be revised to eliminate duplicate listing of Section 17s and to show correctly numbered or lettered appendices.

## V. DISCUSSION

### a. Budget Discussion

Mr. Peck stated he used the same budget as last year. He said the Economic Development Commission is proposing a marketing study for a number of different areas in Town and it is the only new budget item and will move forward the Town Center and LID work. He said an expensive budget item are the legal notices at a cost of \$5000-6000 a year; sometimes applicants withdraw at the last minute with the money already spent for legal notices and no refund. He said the Legislature last year denied their request to publish the notices on the Town website so they are still bound to publish each notice two times in a paper with general circulation in Town before a public hearing occurs; they use the Farmington Valley edition of the Hartford Courant. He said remaining expenditures are for paper and pens.

He said the Subdivision Regulations were done inhouse at an estimated \$20,000 savings to the Town. He said all the land use commissions are lumped together with no changes to their budgets, but he has noted on the budget request to the Board of Selectmen and Board of Finance that if the amount of activity changes the amounts budgeted may not be adequate. Regarding building permits, he said activity is surprisingly back to just prior to 2008 levels with a significant number of smaller applications for home renovations and home generators which mean the Building Official has 7-9 appointments a day. He said if it becomes more active, the Building Official will need more help and the plan is to begin cross-training staff, and Howard would be trained to assist in this area.

b. Town Attorney Presentation on Planning Law

Mr. Peck anticipates the Town Attorney will address Planning Law at the next meeting. He said the Connecticut Bar Association every couple of years puts on a full day seminar for \$35-45 and some of the best land use attorneys in the state explain municipal law to land use commissions; he will provide the Commissioners with copies of the booklet distributed at the seminar. He said the booklet references some classic cases and the powers of the land use commissions, specifically the powers of the Planning Commissions for subdivisions, and other powers allocated by the Town Charter, e.g. public hearings, approval of conditions, and security requirements as changed by the Legislature now come in toward the end of the project. Mr. Peck will electronically provide Commissioners with revised Subdivision Regulations.

VI. STAFF REPORT(s)

Mr. Peck stated that from the LID workshops held, he is now developing information for the Town website which will be provided to the Commission for further comment and review prior to moving forward, and following completion of the Subdivision Regulations.

VII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Mr. Peck said he has met with 3-4 people regarding parcels of land around Town, including the north end, center and Weatogue, with the potential for different types of plans using PAD regulation or existing Town Center regulations. He said the potential applicants are working on their projects and he anticipates some applications will come forward in the spring. He said potential applicants are asking what the Town would like to see in these areas outside of Town Center which makes him optimistic, and the marketing study with EDC will fit in nicely and provide information on what is needed.

Regarding water pollution control, Mr. Peck said a contract signed with AECOM is scheduled to be completed end-January. He believes Mr. Sawitzke will meet with the consultant next week, and Mr. Peck has asked to attend the meeting to provide planning information as well. He said if an applicant has a piece of land and WPCA previously assessed a fee and now the number of units has doubled, the fee should not be doubled but increased in an amount that both encourages development and keeps the WPCA whole.

Commissioner Rice commented the Hartford Courant today had an article that Bloomfield, similar to Simsbury, is now revising their Conservation and Development Plan, including town center code, form-based development, and moving buildings closer to the road with parking in the rear. Mr. Peck added that Windsor is also doing a form-based code. He would like to see some of the concepts and tools developed for the Town Center spread to other areas of Simsbury as well, e.g. design guidelines, drainage, etc. He said a different area of Town will be the Rte. 44 / Bushy Hill / Hoffman intersection and he anticipates that will develop in the next six months.

#### VIII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 7:35 p.m. Commissioner Rice seconded the motion, and it was passed unanimously.

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Tina Hallenbeck, Secretary