

From: Lois Laczko February 1, 2010 11:42:09 AM
Subject: Planning Commission Minutes 01/12/2010 ADOPTED
To: SimsburyCT_PlanMin
Cc:

ADOPTED

PLANNING COMMISSION MEETING
January 12, 2010
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:07 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Gerry Post, Mark Drake, Ferguson Jansen, Charles Houlihan, Tina Hallenbeck, Sean Askham and Carol Cole. Michael Paine arrived at 7:15 p.m. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

None were needed.

III. POSSIBLE APPROVAL OF MINUTES from the December 8, 2009 meeting

Several edits were made to the minutes.

Commissioner Post made a motion to approve the December 8, 2009 minutes as amended. Commissioner Jansen seconded the motion. The motion passed. Commissioners Houlihan and Cole abstained.

Chairman Loomis welcomed Bob Hensley, liaison from the Board of Selectmen. He stated that he would try to alert Mr. Hensley of any issues that may be of importance prior to the meetings.

IV. INITIATION OF REVIEW AND REVISION OF SUBDIVISION REGULATIONS

Chairman Loomis stated that each member was asked to write a paper regarding comments to the Subdivision Regulations and send them to Commissioner Post by January 19th. Commissioner Post stated that he would send each email out to members as he receives them. After receiving all of

them, he will send them to Mr. Peck. Chairman Loomis stated that there is no set format for this assignment. It would be helpful for the new members to point out things in the Regulations that are unclear.

Commissioner Houlihan stated that open space appears that to be a mostly residential oriented plan. When the Commission tries to apply it to a commercial property, it does not work well. He suggested trying to break out provisions that are appropriate to commercial and residential.

Commissioner Cole stated that the Regulations read like there is an attorney involved. She questioned if this was a requirement. Mr. Peck stated that there is no requirement that the Regulation be difficult to read, although they need to make sure the language is clear and defensible. Because it is based on statutory language, there is some element of that which is harder to understand, although the revised Regulations should be easier to read than they are now. He stated that prior to adoption; the Town Attorney will need to review them.

Chairman Loomis stated that Mr. Peck will be summarizing all of the members' comments once they are sent in to Commissioner Post. He stated that several members can then work on putting together a framework to move forward with the revisions. Mr. Peck has stated that this will require revisions of putting new sections into the Regulations and taking some sections out. The new Regulations should be easier to use and more understandable. Chairman Loomis stated that Mr. Peck will be giving the Commission a model from other Towns that may guide this Commission in terms of format and language.

Commissioner Jansen stated that a lot of time has been spent on discussing open space versus conservation easement. He feels that these terms should be defined. Commissioner Houlihan stated that sometimes the developer will propose a conservation easement instead of a dedication of open space. The difference is that if it is dedicated, the Town has responsibilities for the maintenance of the land. This Commission has talked about using conservation easements so that the owner will be the one responsible, although the problem is identifying and making sure the easement remains defined. Mr. Peck stated that some of the open space areas become neglected and become community eyesores. He stated that a broader discussion regarding conservation easements, open space, fee in lieu of, and transfer of development rights need to be discussed.

Chairman Loomis asked if any of the Commission members would be willing to volunteer to participate in the drafting of the revised Regulations. He stated that Commissioner Houlihan and he would be helping in this area, although they would still be looking at Town staff to edit their revisions. Mr. Peck stated that Mr. Beach will be working a lot with this Commission

regarding the revisions.

Mr. Beach stated that he is currently looking for other models for this Commission to review. Chairman Loomis stated that it would be helpful to highlight any models that may be particularly good.

Commissioner Houlihan questioned if the environmental standards would change from commercial to residential and whether the drainage issues would be different also between the two. Mr. Peck stated that he believes that these would be separate, although there will be a reference in the Subdivision Regulations to the drainage standards. He stated that in order to cover things in addition to Subdivisions, such as Site Plans, these standards will typically be found in the Zoning Regulations. There will need to be a lot of cross references. Mr. Peck stated that the LEED standards clearly apply to residential structures as well as commercial structures, although they are different standards.

Commissioner Houlihan questioned how technical the details need to be. Mr. Peck stated that he is unsure at this time.

Chairman Loomis asked Mr. Peck to comment on the interplay between the Town Center Charrette's likely outcome, the Incentive Housing Zone, the PAD Regulation and the Subdivision Regulations. Mr. Peck stated that the Subdivision Regulations and PAD Regulation probably will not apply to much in the Center of Town, although the Incentive Housing Zone may apply. There are ways that these things can work together. He stated that, in general, the PAD is an overlay zone. He stated that depending upon the project, there are appropriate tools for the developer to use.

Regarding the LEED Standards, Mr. Beach stated that these are voluntary. The Commission needs to keep this in mind when revising the Regulations. Mr. Peck stated that LID is Low Impact Development that basically applies to storm water standards. LID is a method of treating storm water to reduce the overall impact to make it fit in more with the environment as much as possible, with such things as rain gardens and swales.

Mr. Peck discussed the plans for Drake Hill Mall that were approved by the Design Review Board. He stated that the project has evolved tremendously from the beginning. The applicant will be constructing an end cap addition next to Fitzgeralds. He stated that there was also a great deal of discussion regarding the proposed corner building. The applicant has agreed to put these discussions on hold; this corner building is a very important key building. This building has two streets that it needs to relate to, as well as several buildings behind it. Mr. Peck stated that the Inland Wetlands Commission has also approved the closing of the ditch that goes through the parking lot on this site. Additional landscaping

will be coming onto the site also.

Commissioner Post questioned if the parking and entrances would be addressed for the Drake Hill Mall site. He feels that the entrance on Hopmeadow Street should be eliminated. Mr. Peck stated that the traffic engineer will be addressing this issue.

V. THE TOWN CENTER CHARRETTE NEXT STEPS

Mr. Peck stated that the consultant will be back in Simsbury, although he is unsure of the date.

At the last Board of Selectmen meeting, Main Street Partnership announced that they have received a grant in order to get the consultant back to Simsbury one or two more times. Chairman Loomis stated that this is a significant and important grant.

VI. STATUS OF THE INCENTIVE HOUSING ZONE STUDY

Mr. Peck stated that he is working on finishing the regulations for the Incentive Housing Zone. He has had discussions with the Design Review Board regarding whether they should put the Design Guidelines into the Regulation or whether they would be an addendum to their current Community Design Guidelines.

Mr. Peck stated that Concord Square is currently preparing the final paperwork to submit the document to OPM for approval. If the Regulation gets approval by OPM, the Regulation could then be adopted.

Mr. Peck stated that there are 6 different sites that are still being considered for rezoning to the Incentive Housing Zone, although he is unsure if all of these sites will stay in the program. Mr. Peck stated that this will be a replacement zone. All of the property owners are still looking to move forward.

Commissioner Houlihan questioned how the Town would manage some of the issues if all six sites wanted to move forward. Mr. Peck stated that this needs to be looked at up front. Commissioner Houlihan questioned if the schools in Town could handle the additional school children. Mr. Beach stated that the schools could handle more children.

VII. STATUS OF THE PROPOSED PLANNED AREA DEVELOPMENT (PAD) ZONE

Mr. Peck stated that the Zoning Commission will be having a workshop on the PAD Regulation. The next regularly scheduled meeting is February 1st. He is suggesting that the Zoning Commission have a Special Meeting on January 25th; he is unsure if there will be a quorum on that date.

Chairman Loomis stated that this Commission will not have a great deal of time to comment on the draft PAD Regulation prior to it going to public hearing. He asked that the Commission members look at this regulation, especially at Section 4, regarding Standards. There has been a great deal of discussion regarding how specific or not these standards should be and if there should be more than one set of standards.

Chairman Loomis stated that Commissioners Houlihan and Meyer were members of the PAD Subcommittee. Commissioner Houlihan stated that the real dialogue was regarding the standards. Some wanted to create form based zoning. He did not agree. He viewed the PAD Regulation as an alternative. This regulation gives the applicant a general sense if their proposal will work prior to spending a great deal of money. He feels that this Regulation will invite developers with creative uses to bring projects to the Town. Commissioner Houlihan stated that the Town currently does not have a mixed use regulation. There are several developers who would like to come in with an application for mixed use but currently cannot. If a project is approved under the PAD Regulation, it creates its own zone.

Chairman Loomis asked that the Commission members review the draft PAD Regulation and also the Special Areas Section of the POCD. He would like this Commission to be prepared to talk about it at an upcoming meeting.

VIII. STAFF REPORT(s)

There were none.

IX. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

The Planning Commission's CRCOG Representation

Commissioner Drake stated that in the past year, CRCOG wanted to update their Regional Plan of Development. It was months before they could approve the final draft because there was seldom a quorum at the meetings. He stated that there was no meeting in December; he does not know the status of that report, although it should be close to being adopted by all of the Towns.

Commissioner Drake stated that there should be continuity regarding representation at the CRCOG meetings. He stated that he would volunteer to continue to represent Simsbury.

Chairman Loomis thanked Commissioner Drake for his continued willingness to

attending the CRCOG meetings. He questioned if any other Commission member would like to be volunteers only as a back-up when Commissioner Drake cannot attend. Commissioner Jansen volunteered to be the back-up.

Commissioner Jansen stated that he and Commissioner Paine have asked the Board of Selectmen, the Board of Education, the Chamber of Commerce and Main Street Partnership to give them input regarding how SCTV can better serve the Town. He encouraged any Commission member to give their input also.

Commissioner Jansen questioned what the status was on the Public Gathering Permit. Mr. Peck stated that they are waiting for the Town Attorney to give the Town revised language for a small part of the application. Regarding the public hearing for the alcohol part of the regulation, the public hearing was closed and no action was taken because the Zoning Commission was told that the Board of Selectmen is considering a re-write of the Town Ordinance with regard to alcohol and the Performing Arts Center. The Zoning Commission has decided to wait until this is done prior to making any decisions.

X. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:33 p.m. Commissioner Post seconded the motion, which was unanimously approved.