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Cc:

ADOPTED

PLANNING COMMISSION MEETING
January 26, 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 Board of Education Conference Room at the Simsbury Town Offices. The following members were present: Mark Drake, Ferg Jansen, Tina Hallenbeck, Michael Paine, Sean Askham and Carol Cole. Commissioner Houlihan arrived at 7:30 p.m. Also in attendance were Howard Beach, Zoning Enforcement Officer, as well as other interested parties.

II. SEATING OF ALTERNATES

Chairman Loomis appointed Commissioner Drake to serve in the absence of Commissioner Post.

III. POSSIBLE APPROVAL OF MINUTES from the January 12, 2009 meeting

Several edits were made to the minutes.

Commissioner Jansen made a motion to approve the January 12, 2010 minutes as amended. Commissioner Drake seconded the motion, which was unanimously approved.

IV. INITIATION OF REVISIONS TO THE SUBDIVISION REGULATIONS

Chairman Loomis stated that each member has been working on the pre-drafting stage of the Subdivision Regulation revisions. He stated that this Commission is looking to Mr. Beach and Mr. Peck for direction regarding regulations from other Towns that they should look at and how they should move forward. He stated that this Commission needs to be statutorily consistent while doing what is right for Simsbury.

Mr. Beach stated that there is no money in the budget to hire a consultant

for these revisions. They will be doing this in-house. He stated that he has made several calls to other Towns asking them what regulations Simsbury could look to as a model. Tolland and other Towns have good regulations that he has been pulling together. He has also been in contact with Glen Chalder, who was the consultant for the Town during the Plan of Conservation and Development. Mr. Chalder is knowledgeable in land use law; he is an excellent source for this information. Mr. Beach stated that he is also getting information from Mr. Woods and Dwight Merriam. He feels that the Town is better off finding a format that they like and starting over with the Subdivision Regulations. He stated that he will bring several examples of formats from several different Towns to the next meeting; he will try to send out pertinent information to the Commission members also prior to the next meeting if possible. Commissioner Jansen suggested getting the links to other Town's regulations so each member can get started on their own.

Mr. Beach stated that he has been reviewing the State Statutes. Even though certain things are not in the Statutes, there may be things that need to be included as a required item in the Regulations, even if it is not this Commission's purview. He stated that there could be a checklist for the applicant. He stated that this could be done by subject and addendums; better regulations have been done this way.

Regarding what should be done right away, Mr. Beach stated that there has been a debate regarding open space. Fee in lieu of open space should be considered. Conservation easement versus open space and transfer of development rights should also be discussed.

Chairman Loomis questioned if there was any pattern regarding the 20% open space requirement for this being more or less in other Towns. Mr. Beach stated that he believes the idea of 20% came from the State standard; this was a goal that the State had many years ago. He is not sure of any Towns requiring more than 20%. In terms of the debate regarding open space and conservation easements, Mr. Beach stated that it made sense with open space dedication, at certain times in the past, when a large block of land could be gotten, although when there is a smaller subdivision, this does not make sense. This is an instance where a conservation easement would make more sense.

Commissioner Cole questioned if they should make distinctions, regarding open space. She stated that it would depend on the type of development. Within residential, they may need to make a distinction. Mr. Beach stated that some Towns have a regulation where there is no land that could be dedicated as open space, but for a subdivision somewhere else in Town, a deal could be made in a different location. This helps the Town get a better choice of land.

Mr. Beach stated that 2/3 versus 3/4 vote to amend is also another issue that the Commission should discuss. He stated that the Statute is clear that it takes a 3/4 vote to waive the requirement. Commissioner Drake stated that the Commission may want to consider having the alternate members vote, unless the Commission becomes a nine member Commission. Commissioner Houlihan stated that the Town Charter states that the Planning Commission is a 6 member body.

Commissioner Askham questioned if the revisions should make the Subdivision Regulations flexible or more detailed. Chairman Loomis stated that the Commission is to serve in the best interest of the Town. He feels that they need clarity for what this Commission feels is important, such as the open space requirement.

Commissioner Houlihan stated that when open space is talked about, it has an old style development, almost a cookie cutter feel. He stated that one of the things in the Plan of Conservation and Development is the idea that they may want to encourage closer clusters, which may leave more open space. Chairman Loomis stated that the definition of open space may need to be defined more.

Commissioner Jansen stated that this Commission has always debated conservation easement versus open space. He stated that other options need to be discussed, as well as defined. For Simsbury to come up with the best combinations and to make the best decisions, they have to see all of the options. He feels that although this is a challenge, it is a good opportunity.

Mr. Beach stated certain issues with the current regulations that he himself struggles with, including open space and certain policies regarding inland wetlands. These are some things that this Commission does not have the authority to do, although they can be on the checklist in order for the applicant to know that it will be required of them. He stated that they need to make this process easier for the applicant.

Chairman Loomis stated that, regarding the Purpose, he would like each Commission member to comment regarding what they think this Commission is trying to accomplish and what their purpose is. He stated that the Planning Commission is taking on a legislative role in order to take on this framework, which they will then regulate.

Commissioner Houlihan stated that, with respect to the residential, the Plan of Conservation and Development suggests that they move away from the rectangular R-40 lots. He stated that this Commission should shape this so it is consistent with the Plan. Secondly, Commissioner Houlihan stated

that there is only so much commercial land in Simsbury. The current regulations treat commercial land as residential. He feels that there needs to be discussions regarding open space and how they deal with it. He feels that they should have a commercial list of objectives in place.

Commissioner Paine stated that residential and commercial subdivisions are quite different. In reading the regulations, he found that they jumped around a lot and are not always consistent. He also felt that some of the definitions did not make sense to him. He feels that the applicant needs better direction, which may be a checklist.

Commissioner Jansen stated that they should define this Commission's area of responsibility. He feels that this will help not waste the applicant's time discussing things that are not in their purview. He stated that they may also want to consider allowing new technology, such as Google Earth, into the revised regulations. He feels that new technology will help the Commission make the best decisions for the Town.

Commissioner Cole stated that the issue of commercial and residential needs to be clarified. Also, there needs to be flexibility with good preservation and standards. This is the balance that needs to be made. She stated that there is a lot of flexibility in the Plan of Conservation and Development, and although the Subdivision Regulations need to stand on their own, there cannot be contradictions between the Plan and the Subdivision Regulations.

Commissioner Askham stated that this Commission needs to look beyond themselves; the Subdivision Regulations need to outlast the current members. He feels that the regulations need to continue to allow flexibility for future growth. They should not be narrowed down where they cannot evolve, but they need to be detailed enough. They need to make sure that projects that are right for Simsbury come to Simsbury. Mr. Beach stated that regulations today need to be specific; if they are not, the Town could be taken to Court in order for the Regulation to be interpreted.

Commissioner Hallenbeck stated that the framework of the Subdivision Regulations is critical so the applicant knows what the Commission requires. She also feels that there should be a checklist that mirrors a potential project. She would also like to have a visual; a layout or visual would be helpful to an applicant in order for them to be best prepared. She stated that the visual may be a photograph or plans. Also clarifying the definitions so the applicant can better understand them would be helpful.

Commissioner Drake stated that he agrees with the other Commission members. He feels that the current regulations are very wordy and the references are

not as clear as he would like them to be. He would like to see more tools that would give this Commission the flexibility, while keeping the specificity. Like other Commission members, he feels that a checklist for the applicant would be very helpful.

Commissioner Cole stated that this Commission has discussed having a check list for many years. She stated that Mr. Peck was working on this at one time, although she is unsure why this never happened. Commissioner Houlihan stated that he believes this checklist was for building permits, which he believes is currently in place.

The Commission discussed pre-application meetings. Mr. Beach stated that this Commission cannot require an applicant to come in for this type of meeting, although they can request this of the applicant.

Chairman Loomis stated that they need to make sure that the Subdivision Regulations are tied into the Plan of Conservation and Development and that they are specific only where they need to be. The Regulations need to be clear regarding the definitions and they also need to be user friendly. He feels that if the Commission can get good examples from other Towns, this would be a good place to start.

Mr. Beach stated that he will find good format examples for the Commission members to review. Chairman Loomis stated that they will begin to work on open space; he will be looking to Mr. Beach as to where to start.

Mr. Beach stated that he is looking into how other communities have dealt with the open space issue. He is also looking for examples that have a good format and structure. He is waiting on Chris Woods and Glen Chalder to get back to him with their input.

V. THE TOWN CENTER CHARRETTE NEXT STEPS

Mr. Beach stated that the Charrette consultant should have been here in January, although this has been delayed. They will be back to Town two more times because Main Street Partnership has received money in order to do this. Mr. Beach stated that the consultant will submit the draft regulation for the Commissions to review prior to them coming to Simsbury. Mr. Beach stated that the presentation by the consultant will be to the Zoning Commission, although the other Land Use Commissions will be invited.

VI. STATUS OF THE INCENTIVE HOUSING ZONE STUDY

Mr. Beach stated that Concord Square came up with a draft proposed zoning amendment; copies may be sent out or it may be put on the Town's website.

Mr. Beach stated that the Incentive Housing Zone is a floating zone. This would work in the same manner as the PAD Regulation.

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

Mr. Beach stated that, at their meeting last night, the Zoning Commission voted to send the draft PAD Regulation to public hearing in March. The Town Attorney has agreed to revise several standards prior to the public hearing.

Chairman Loomis stated that the Planning Commission needs to give a referral to the Zoning Commission regarding the PAD Regulation. He stated that he attended some of the Zoning Commission meeting that was held last night regarding the PAD Regulation. Commissioner Houlihan stated that he also attended.

VIII. STAFF REPORT(s)

There were none.

IX. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Commissioner Drake stated that he would continue to represent Simsbury at the CRCOG meetings. Commissioner Jansen will be the back-up representative. Commissioner Jansen stated that he would like CROCG agendas and pertinent information to be e-mailed to the Commission members.

X. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:43 p.m. Commissioner Houlihan seconded the motion, which was unanimously approved.

Gerry Post, Secretary