

From: Lois Laczko September 23, 2009 10:04:16 AM
Subject: Planning Commission Minutes 01/27/2009 ADOPTED
To: SimsburyCT_PlanMin
Cc:

ADOPTED

PLANNING COMMISSION MEETING
January 27, 2009
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:05 p.m. in Main Meeting Room of the Simsbury Town Offices. The following members were present: Charles Houlihan, Gerry Post, Carol Cole, Mark Drake, Julie Meyer, Susan Bednarczyk, Carl Eisenmann, and Ferguson Jansen. Also in attendance were Howard Beach, Zoning Compliance Officer, as well as other interested parties.

II. SEATING OF ALTERNATES

None were needed.

III. APPROVAL OF MINUTES of January 13, 2009

Chairman Post made a motion to approve the January 13, 2009 minutes. Commissioner Meyer seconded the motion.

Several edits were made to the minutes. It was asked that the Clerk type these changes verbatim. The minutes were then tabled until the next meeting when the minutes could be reviewed with these changes.

IV. STAFF REPORTS(s)

Regarding the Charrette, Mr. Beach stated that the Charrette Subcommittee has sent back a revised proposal to all three consultants, although they have not received their responses yet. Mr. Beach stated that there is currently \$40,000 set aside for a Charrette in the Town center.

Chairman Loomis stated that Dover Kohl has come back with a thin proposal for a study and analysis, although there will be few deliverables. He stated that the Charrette Subcommittee has decided to send the RFP back to

all three consultants; the Town is looking for deliverables. He stated that they should be hearing back from all of the consultants soon.

Commissioner Houlihan stated that the Town was looking for a full Charrette but they are now looking at a revised Charrette for 10% of the cost. He is sure that many Municipalities are reconsidering what they bid on last year. Regarding Concord Square, he stated that this seems to come very close to the Charrette; there are public hearings that go along with this as well as public input. He believes that this might be leveraged so that with the \$40,000, there will be some degree of product that will be useful to Simsbury. Chairman Loomis stated that this is the intent; to take the Concord Square and integrate it so it becomes part of the Charrette process. He stated that Concord Square is aimed at affordable housing. It provides for the Town's freedom regarding design requirements. It is a much more Town friendly process regarding controlling the process and the outcome. He stated that 20% of the housing will be aimed at a targeted group, such as young professionals.

Commissioner Eisenmann left at 7:30 to attend the Police Commission meeting.

Mr. Beach stated that this gives the Town flexibility regarding the design, density, etc. He stated that the State reimburses the Town for each unit and also for each building permit that is issued for this affordable housing. He stated that the income for this housing is 80% of the median income of the area or of the State as a whole.

Chairman Loomis stated that this initiative and the Charrette need to be brought together so they can complement one another.

Commissioner Eisenmann returned to the Commission at 7:40 p.m.

Commissioner Jansen questioned if this housing had to be freestanding. Mr. Beach stated that the units could be apartments, condominiums or freestanding units, as long as the density meets the standards.

Chairman Loomis encouraged the Commission members to become familiar with Concord Square. He stated that the outcome of a Charrette may not be much different.

Regarding the Conceptual Master Plan (CMP), Mr. Beach stated that at the Zoning meeting last night, the Town Attorney recommended that the Commission not move forward regarding the CMP. There was a concern that once the CMP was adopted, there may be certain implied vested rights. The Town Attorney and Mr. Peck will be looking into revising the language.

Regarding the referral that the Planning Commission wrote to the Zoning

Commission, Chairman Loomis stated that there may be some concern even in that language regarding vested rights, even though they added the statement that no interest shall be vested. He stated that the Zoning Commission did not make any reference to the Planning Commission's referral at their meeting. He stated that in their referral, it also stated that they recommended having a Land Use Attorney review the language. He stated that he does not feel that the budget is a good enough reason not to have a Land Use Attorney review this.

Commissioner Bednarczyk stated that she has recommended that a Land Use Attorney review several things in the past and she feels that she did not get support from the Commission for that recommendation. Commissioner Post suggested that Commissioner Bednarczyk take her recommendation to the Board of Selectmen. Chairman Loomis stated that he will be meeting with Ms. Glassman at the end of the week. He will be raising this issue. He feels that a Land Use Attorney is needed. Commissioner Post suggested using the \$40,000 that is set aside for the Charrette to hire a Land Use Attorney. He feels that this is a better way to spend that money. He feels that this would be an important move forward for Simsbury and for potential developers.

Commissioner Meyer stated that at the last meeting she had commented that there were various Commissions supporting the Charrette process and yet they had not put their support behind a Land Use Attorney. She stated that she does not feel that she got the support of this Commission when she suggested the Town needs a Land Use attorney for important matters.

There was a consensus from the Commission that a Land Use Attorney is needed for certain issues.

Commissioner Meyer stated that she found it problematic that the Town Attorney was not present at either one of the Planning Commission's discussions regarding the CMP.

Chairman Loomis stated that at his meeting with Ms. Glassman, he will also be talking to her about possibly redirecting the \$40,000 if the consultants do not have deliverables as an outcome of the Charrette.

Commissioner Drake stated that the Charrette should not be done at all if it cannot be done right because of the budget constraints.

Commissioner Jansen suggested finding out if there is a Land Use Attorney in Town that might volunteer his or her time or for a reduced fee in order for certain documents to be reviewed.

Chairman Loomis stated that one concern is that the Town will lose one or both of the interested applicants for a CCRC because the Town is not being

quick enough regarding this issue. Mr. Beach stated that the interested parties cannot come in with their applications until the definition of a CCRC is in the Regulations.

Commissioner Cole questioned if the developers were depending on the CMP. She stated that it appears that people are receptive of the idea of a CCRC. She feels that this is being hung up on a method of proceeding.

Commissioner Cole stated that if the applicant gets an approval for a CMP, they have gotten approval for a Special Exception. She stated that when she reads the language, she sees it as having provided the information for the requirements, but not having been granted the exception. Commissioner Meyer stated that if that language was put into the Zoning Regulations and tied into the Site Plan requirements and submittal requirements for the Special Exception, there is ambiguity in the language and it could cause litigation. She stated that the language needs to be more defined.

Commissioner Drake stated that, in the future, this Commission should only agree with a concept. A Land Use Attorney should write the language. Mr. Beach stated that most Land Use Attorneys do not want to write this type of language, although they will review it.

Mr. Beach distributed copies of the Planned Area Development (PAD) regulation to the Commission members for their review.

V. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Commissioner Meyer gave an update of the last CRCOG meeting she attended. She stated that this was a very brief meeting. The purpose of this meeting was to revisit the mapping that shows the various land use. The changes made to Simsbury were reflected on the mapping. She stated that CRCOG reported that approximately 60% of the Towns have made the necessary changes.

Mr. Beach stated that the new mapping shows the zone changes that had been done in Town. He stated that he and Lynn Charest took the POCD data and all of the current mapping data and marked up the CRCOG mapping for submission. They have rechecked the new mapping for accuracy.

Commissioner Meyer stated that most towns' changes revolved around Open Space purchases that had not been reflected in the past ten years. One of the main purposes of having an accurate map is for grant money.

Commissioner Drake will be attending the next CRCOG meeting.

VI. ADJOURNMENT

Commissioner Jansen motioned to adjourn the meeting at 8:25 p.m. The motion was seconded by Commissioner Meyer and unanimously approved.

Gerry Post, Secretary

