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Cc:

ADOPTED

PLANNING COMMISSION MEETING
February 9, 2010
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 the Main Meeting Room at the Simsbury Town Offices. The following members were present: Gerry Post, Mark Drake, Ferg Jansen, Tina Hallenbeck, Michael Paine, and Carol Cole. Chip Houlihan arrived at 7:12 p.m. Also in attendance were Hiram Peck, Director of Planning, 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 Houlihan.

III. POSSIBLE APPROVAL OF MINUTES from the January 26, 2009 meeting

Several edits were made to the minutes.

Commissioner Post made a motion to approve the January 26, 2010 minutes as amended. Commissioner Paine seconded the motion, which was unanimously approved.

IV. REVISIONS TO THE SUBDIVISION REGULATIONS

Mr. Peck distributed a copy of a handout entitled, Open Space Vehicles; a memo from Mr. Peck to the Planning Commission dated January 25, 2010 regarding Subdivision issues; and a draft amendment regarding fee in lieu of open space for the Commission member's review.

Chairman Loomis stated that they could cut and paste excerpts of plans from other communities that would appropriately fall under the table of contents

categories. He stated that the table of contents needs to be reviewed and discussed. There may be additional headings that need to be created into the table of contents or headings that may need to be changed. They can then begin to build the new Subdivision Regulations using excerpts from other regulations.

Mr. Beach stated that he has pulled together table of contents from regulations in other communities. He stated that there are a number of them that make sense in terms of progression. He stated that he would make copies for the Commission's review and circulate them prior to the next meeting.

Chairman Loomis stated that once the Commission determines the table of contents, the Commission will look to Town staff regarding how to move forward.

Mr. Peck stated that the Commission needs to be careful when looking at regulations from other Towns. They need to make sure they look at other Planning Commission regulations that will fit Simsbury. They need to keep in mind that many other Towns have a combined Planning and Zoning Commission.

Mr. Peck stated that table of contents are mostly dictated by State Statutes.

Mr. Peck stated that open space is a key element; there has been a great deal of discussions regarding this issue. He referred to the open space vehicle chart. This chart was divided into four categories, including: dedicated open space; conservation easements; fees in lieu of; and transfer of development rights. He stated that if an applicant is proposing open space that does not make sense, this Commission should not approve this and should find another way that may be more appropriate.

Mr. Peck stated that dedicated open space is shown on the subdivision map; it is a dedication of property to the Town. The map and the dedicated open space are documents that are filed in the Land Records. Generally, dedicated open space is used to protect a unique resource. Typically, it does lessen the value of the property; the land is not developable once it is dedicated. He stated that dedicated open space has many pros and cons.

Mr. Peck stated that, when the Commission looks at what is being proposed as open space and how this is being accomplished, they need to make sure that this matches. He stated that it is very difficult to properly maintain Town owned open space; there is no money in the budget to maintain these areas.

Mr. Peck stated that the question is if the open space mechanism is accomplishing what the Town wants and if the resources are able to be protected some other way. He stated that if this Commission gets involved prior to the lots being divided, this would be helpful.

Mr. Peck discussed fee in lieu of open space. He stated that if the Commission uses this option, they would be limited to 10% of the value of the property. Commissioner Post questioned if the fee in lieu of open space option could be divided. Mr. Peck stated that he is unsure if this can be negotiated.

Mr. Beach stated that the Commission could also use the Biodiversity Study and the map that goes along with this study as a tool.

Commissioner Drake stated that he feels that the Commission should have three options when an application comes before them. This will enable the Planning Commission to choose the best course of action. He questioned if this Commission could dictate the option that they would like to use. Mr. Peck stated that if the regulations are drafted carefully, this Commission could have that form of control. Open space dedication, fee in lieu of, or transfer of development rights could be written into the regulations; an initial conversation with the developer needs to happen. The Commission could then walk the property and make an appropriate decision.

Mr. Peck feels that the Town needs to have a detailed open space plan, which they currently do not have. Mr. Beach stated that during his research of regulations in other Towns, he has found that many of them require the applicant to come in with an overall plan that shows the whole scheme of development, which gets circulated to all of the Land Use Boards. This way, the plans have been looked at in terms of what the issues are by all Commissions.

Commissioner Houlihan stated that the enforcement of open space has always been an issue. He stated that there may be enforcement techniques that the Commission can include. The other issue is the maintenance of the open space; this is a burden on the Town. He suggested that the Commission have a defined maintenance plan for owners when the objective of the open space is to provide a visual buffer.

Chairman Loomis stated that a con for open space would be Town maintenance, oversight and liability.

Mr. Beach stated that there needs to be a determination if the Commission wants to approve a conservation easement or open space. He stated that for many years, the two have been blended together even though they have very different objectives. The difference between open space and conservation

easement is public access.

Commissioner Drake questioned if the fee in lieu of open space would be dedicated to a special fund. Mr. Beach stated that he believes it would go into the General Fund. The Board of Selectmen would have to adopt a change for a special fund.

Commissioner Jansen stated that if the Town does not want dedicated open space, this Commission should consider the other options. They should only consider open space when the Town deems it to be appropriate. Regarding transfer of development rights, Mr. Beach stated that it is hard to come up with the appropriate value when someone is transferring the rights to another piece of property. He stated that transfer of development rights is not currently done in Simsbury.

Mr. Beach stated that Mr. Peck and he will be refining the open space vehicle document. He stated that there are also enough good regulations from other communities that Simsbury will not have to totally re-write their Subdivision Regulations.

V. THE TOWN CENTER CHARRETTE NEXT STEPS

Mr. Beach stated that the consultant will be back to Town; all of the Land Use Commissions will be invited. He stated that they are hopeful that the draft will be submitted to the Town prior to the consultant coming back to Simsbury.

Chairman Loomis stated that the Charrette Subcommittee did meet last week and handouts were distributed to the Subcommittee members. He asked that this information also be distributed to the Planning Commission members.

VI. STATUS OF THE INCENTIVE HOUSING ZONE STUDY

Mr. Beach stated that Concord Square is finalizing the plan. Within the next few weeks, this will be submitted to OPM. Once this is approved, it can then be adopted as a zone, although this zone will not be appropriate for the Town Center.

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

Regarding the PAD Regulation, Mr. Beach stated that Section Four has been re-written by the Town Attorney.

Chairman Loomis stated that the referral by this Commission needs to be completed by March 15th. Mr. Peck distributed the recommendation draft dated February 1, 2010 to the Commission members. This item will be placed

on the next agenda. A lot of discussions need to take place, which Chairman Loomis feels will take the next two meetings.

Commissioner Houlihan stated that the structure of how this Regulation is laid out is concrete. The Standards Section is what needs to be concentrated on.

Chairman Loomis stated that the PAD Subcommittee worked for many months regarding this Regulation. He asked that the Commission particularly look at Section Four.

Commissioner Houlihan stated that the PAD Regulation is an alternative zoning method. This was not intended to detail particular zones, but to encourage people to bring in projects that would not fit the underlying zone. This will also help applicants to get input early on in the process.

Commissioner Houlihan stated that an applicant that applies under the PAD Regulation is not entitled to something as of right; this becomes a discretionary call.

Chairman Loomis stated that there needs to be discussion regarding how much structure and how much specificity or not, versus flexibility should be in this Regulation.

VIII. STAFF REPORT(s)

There were none.

IX. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

X. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:55 p.m. Commissioner Post seconded the motion, which was unanimously approved.