

From: Lois Laczko March 14, 2011 9:26:36 AM
Subject: Planning Commission Minutes 02/22/2011 ADOPTED
To: SimsburyCT_PlanMin
Cc:

ADOPTED

PLANNING COMMISSION MEETING
February 22, 2011
REGULAR MEETING

I. CALL TO ORDER (Secretary to be Acting Chairman)

Acting Chairman Paine called the regular meeting of the Planning Commission to order at 7:07 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Mark Drake, Ferg Jansen, Sean Askham, Chip Houlihan, Tina Hallenbeck and Alan Needham. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

No alternates were needed.

III. APPROVAL OF MINUTES of February 8, 2011

Several edits were made to the minutes.

Commissioner Hallenbeck made a motion to approve the February 8, 2011 minutes as amended. Commissioner Jansen seconded the motion, which was approved. Commissioner Askham abstained.

IV. CGS 8-24 REFERRAL FROM THE BOARD OF SELECTMEN FOR MUNICIPAL IMPROVEMENTS to Drainage at the Community Farm of Simsbury, 73 Wolcott Road.

Mr. Peck stated that the improvements include a drainage project and an irrigation line to supply water across the street for crops. Because these are physical improvements to the property, the Board of Selectmen have referred this to the Planning Commission. He stated that Town staff recommends approval of these improvements. There are no issues regarding this application. The Conservation Commission has also approved these improvements.

Commissioner Hallenbeck questioned when this work would begin. Mr. Goodwin stated that they would like to have the drainage project done in June prior to the start of their summer camps. He stated that he would like to get the irrigation line done at the same time.

Commissioner Hallenbeck questioned if Mr. Goodwin has considered using rain barrels to collect rain water instead of installing an irrigation system. Mr. Goodwin stated that if they used water to irrigate crops that has been collected from rain barrels, the Community Farm of Simsbury would lose their organic certification.

Commissioner Jansen made a motion that the Planning Commission give a positive referral to the Board of Selectmen regarding the CGS 8-24 Referral from the Board of Selectmen for Municipal Improvements to Drainage at the Community Farm of Simsbury, 73 Wolcott Road. Commissioner Houlihan seconded the motion.

Mr. Peck asked that the Commission consider adding language to the motion regarding that the Commission finds these improvements in keeping with the POCD and that it will also assist in the efficiency of the farm. Commissioner Houlihan suggested including the last paragraph of the staff memo in the motion. Commissioner Jansen agreed.

Commissioner Jansen modified his motion to state that the Planning Commission send a positive referral to the Board of Selectmen regarding the CGS 8-24 Referral from the Board of Selectmen for Municipal Improvements to Drainage at the Community Farm of Simsbury, 73 Wolcott Road, based on the following:

The Town's 2007 Plan of Conservation & Development, in the "Agricultural Resources" section, recognizes, as its primary goal, the support and preservation of farmland to retain the rural character of the community.

- Policy One, "Strongly support the conservation of agricultural lands, recognizing the need for a continued agricultural presence". Also, in the section entitled, "What We Want to Provide - Community Services & Recreation",
 - Policy Two recommends the evaluation of existing public facilities to expand their function and use.
- Addressing the drainage issue and installing the irrigation line will expand both the utility and agricultural productivity of the farm, thereby furthering the goals of the Plan of Conservation & Development.

Commissioner Houlihan seconded the motion for modification. The motion was unanimously approved.

V. FORTH NOTICE AND POSSIBLE ELECTION OF PLANNING COMMISSION CHAIRMAN IN ACCORDANCE WITH ADOPTED PLANNING COMMISSION RULES AND PROCEDURES TO FILL POSITION VACATED BY JOHN LOOMIS.

Acting Chairman Paine distributed copies of Robert's Rules regarding nominations. He stated that this issue was raised several meetings ago. The Commission held nominations pursuant to Robert's Rules of Order.

Commissioner Askham nominated Commissioner Paine for Chairman of the Planning Commission.

Commissioner Jansen nominated Commissioner Houlihan for Chairman of the Planning Commission.

Acting Chairman Paine asked if there were any other nominations. There were none.

Commissioner Houlihan made a motion to close the nominations. Commissioner Askham seconded the motion, which was unanimously approved.

Commissioners Drake, Hallenbeck, Askham and Paine voted in favor of Commissioner Paine for Chairman of the Planning Commission.

Commissioners Houlihan and Jansen voted in favor of Commissioner Houlihan for Chairman of the Planning Commission. The motion passed 4-2 in favor of Commissioner Paine for Chairman of the Planning Commission.

Chairman Paine stated that notice for election of Secretary of the Planning Commission will be placed on the agenda for the next meeting.

Commission Needham suggested that the Commission make changes to their bylaws. Chairman Paine stated that the Commission should wait until after the Secretary election to do this.

VI. DISCUSSION

Revised Fee in Lieu of Open Space Regulation

Mr. Peck stated that he needs clarification regarding the effective date of the Fee in Lieu of Open Space Regulation. Also, the Town Attorney stated that wording can be put in the Regulation stating that the money is due prior to the issuance of any permit for that property; not prior to the certificate of occupancy. The Commission needs to be clear when the money is due in terms of wording. He suggested that the hearing be opened again; changes be made to the Regulation; and then hopefully the Commission can adopt the Regulation.

Commissioner Jansen questioned if the word “passive” would remain in the Regulation. Mr. Peck stated that, after a great deal of discussion, the Commission decided to leave this wording in the Regulation.

Route 10 Corridor Study

Mr. Peck stated that the next meeting of the Steering Committee will be held on March 3rd.

Mr. Peck stated that the corridor study showed that Route 10 should remain a two lane road. Another issue that was talked about was bike routes throughout the corridor. The bike route through the Town Center would be diverted to Iron Horse Boulevard.

Mr. Peck stated that many discussions were had regarding Weatogue. There are many things in that area that can be reorganized; this area has a great deal of potential. Creating a green was also discussed. This would allow for a possible creation of a commuter lot. In the north end, there was a lot of discussion regarding alternatives for roads near Dorset Crossing and Wolcott Road.

Mr. Peck stated that CROCG will be talking to DOT regarding how easy or difficult some of these projects will be to accomplish.

Mr. Peck stated that information is currently on the CROCG website. He stated that the consultant is hopeful to finish the final product from the study in June, although this may not happen until September.

Commissioner Jansen stated that this Commission should take a serious look at bike paths and safe routes for children to take to school.

Town Center Code

Mr. Peck stated that the Code has been sent to the Zoning Commission. The public hearing has been set for March 21st. This draft of the Town Center Code is currently on the Town website. He stated that there are several minor changes to the Code, including a change regarding the measurement of the height of a building. He stated that the way that Simsbury currently measures height is to the mid-point of the roof. There are other minor wording changes also. As well as the Code, a copy of the process, a copy of the map, and a copy of the definitions will be included in the public hearing. The definitions for the Code will be integrated into the existing Zoning Regulations. The Town Center Code definitions are in capital letters.

Mr. Peck stated that he is hopeful that the Zoning Commission will adopt this Code soon so the Town can move forward. The Zoning Commission will have the opportunity to make changes to the Code, although he is hopeful that no significant changes will be made.

Referral on Proposed Ordinance Concerning Outdoor Wood-Burning Furnaces

Mr. Peck distributed information regarding outdoor wood-burning furnaces. He encouraged the Commission members to review this information. He stated that there is a Bill that is currently in front of the Legislature to ban these furnaces, except on farms.

Mr. Peck stated that this will be put on an upcoming agenda for consideration.

VII. STAFF REPORT(s)

Mr. Peck asked that the Commission amend their agenda in order to have a discussion on the Hop Brook development on West Street.

Commissioner Askham made a motion to amend the agenda to include a discussion regarding the PAD development on West Street. Commissioner Jansen seconded the motion, which was unanimously approved.

Mr. Peck stated that there was a Master Plan that was approved in 1992 that shows the Grist Mill as well as other properties on Grist Mill Road. The lots involved in this development are the lots containing the Grist Mill; the lot behind the office building on Grist Mill Road; and the property across the street that is currently vacant.

Mr. Peck stated that the Planning Commission has jurisdiction over subdivisions. The applicant needs to have a clear understanding that the Planning Commission does not believe that this is a subdivision. Mr. Peck stated that the applicant is not creating any new lots; they are requesting lot line revisions.

Mr. Peck showed the Commission members the property lines for Parcel 19 on the plans. The applicants' view is that moving the lot line to the proposed configuration is consistent with the plans. This would be a lot line revision to include these additional two acres.

Regarding the property with the Grist Mill on it, Mr. Peck stated that the applicant is proposing to divide the portion between the mill and where the

condominiums are as separate parcels. This is for ownership purposes. Mr. Peck stated that there was a house on the corner of this property; Ensign Bickford took the house down several years ago. The applicant feels that this was another lot. They would like the Commission to find that moving the lot line would not be a subdivision. There were two lots before; there will be two lots remaining. The applicant would like the Commission to consider this as a lot line revision as well. Mr. Peck stated that the lot was .17 acres. This land will be added to the Grist Mill property and the lot line between the Grist Mill and the upper parking lot is where the applicant is proposing to revise the lot line. The total parcel size remains the same.

Commissioner Hallenbeck questioned what the additional space would be used for if the lot lines were revised. Mr. Peck stated that the applicant would like to expand the parking.

Commissioner Houlihan questioned why the applicant would want to retain the second lot. Mr. Peck stated that when the condominiums are built, they will have to declare them under unit ownership documents.

Mr. Peck stated that Parcel 24 is the parcel that is furthest up Grist Mill Road. The dimensions have been added to the plans. He stated that the lots have been assessed with what is shown on the plans.

Commissioner Askham stated his concern regarding setting a precedent for other lot line revisions. Mr. Peck stated that he will always come to the Commission with the details. It will be up to the Commission whether they would like the applicant to come in with more information or whether they feel that a decision can be made without hearing from the applicant. Commissioners Houlihan and Jansen recused themselves from the rest of this discussion.

Chairman Paine appointed Commissioner Needham to serve in the absence of Commissioner Houlihan.

Commissioner Hallenbeck made a motion to approve the moving of the former property line on Parcel 19 to reflect the lot from 6.52 acres to 8.512 acres as shown on Drawing 1-1, dated 2/22/11. Commissioner Drake seconded the motion, which was unanimously approved.

Commissioner Drake made a motion to approve the verification of lot lines on Parcel 24, as depicted on drawing S-3, dated 6/9/10. Commissioner Hallenbeck seconded the motion, which was unanimously approved.

Commissioner Drake questioned what the precedent was for changing lot lines. Mr. Peck stated that a formal application is not needed for a lot

line revision. If an additional lot is being created or if three or more lots are being created, then this would be a subdivision, which would require a formal application.

Chairman Paine stated that although he is slightly uncomfortable, the lot line revision for Parcel 21 does seem logical.

Commissioner Askham stated that if this Commission approves this lot line revision, it will hold regardless of what happens on this parcel. Mr. Peck stated that if the PAD development does not go forward, the lot lines would revert back to their original places.

Commissioner Drake stated that he believes this change would make better use of the Grist Mill property.

Commissioner Askham made a motion to revise the lot line on the former area of 7.05 acres to the revised area of 5.01 acres for Parcel 21 as shown on Drawing 1-1, dated 2/22/11. The lot line will be moved so that Parcel 21A becomes 2.21 acres. Commissioner Drake seconded the motion, which was unanimously approved.

Mr. Peck stated that he will not be in attendance at the Planning Commission's March 8th meeting. He stated that he has been asked by the Connecticut Bar Association to make a presentation on the Town Center Code.

VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

IX. ADJOURNMENT

Commissioner Needham made a motion to adjourn the meeting at 8:40 p.m. Commissioner Askham seconded the motion, which was unanimously approved.