

From: Lois Laczko May 7, 2010 11:39:45 AM  
Subject: Planning Commission Minutes 03/09/2010 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
March 9, 2010  
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:10 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, Peter Askham, Chip Houlihan and Carol Cole. Also in attendance were Hiram Peck, Director of Planning, Robert DeCrescenzo Town Attorney, as well as other interested parties.

II. SEATING OF ALTERNATES

No alternates were needed.

III. DISCUSSION AND POSSIBLE RECOMMENDATION ON DRAFT PLANNED AREA DEVELOPMENT (PAD) ZONE REGULATION PER CGS 8-3a REFERRAL

Attorney DeCrescenzo stated that the Planning Commission's duties are defined by Section 8-3a, Subsection B, of the General Statutes, which he read to the Commission.

Chairman Loomis stated that the Commission will be considering the February 2, 2010 draft proposal. He encouraged the Commission members to attend the public hearing, which the Zoning Commission would be holding on March 15th. He stated that he will be characterizing the work that this Commission has done at that public hearing.

Mr. Peck distributed the draft PAD Regulation with revisions as recommended by the Planning Commission at their last meeting. Chairman Loomis stated that the Commission will review these changes as well as make other changes if necessary. Mr. Peck stated that this is not the draft that will be going to public hearing, although it could be the recommendation that the Planning Commission makes and submits to the Zoning Commission. Chairman

Loomis stated that he would be making a presentation regarding the Planning Commission's recommendations to the Zoning Commission at the public hearing.

Chairman Loomis stated that all of the red lines in this draft are the proposed changes to the draft PAD Regulation. Mr. Peck went through all of the proposed changes with the Commission members.

Regarding Section One, Purpose and Intent, Commissioner Houlihan suggested defining POCD with the first reference.

Regarding Section One, B., Attorney DeCrescenzo suggested taking out the specific year of the Plan. He feels that it should read, "adopted Plan". In this same section, Commissioner Houlihan questioned if there should be a reference made to the Public Act. Mr. Peck stated that when the legislature passed the Act, it contained the definition of smart growth. When they codified it, they left this definition out. This is the reason he put the Public Act number only into the Regulation.

Mr. Peck stated that Comprehensive Plan has been added to the definitions as a recommendation. Chairman Loomis stated that Comprehensive Plan is a term that is not well understood. It means the master zoning map and the Zoning Regulations taken together. Regarding the definition for PAD, Attorney DeCrescenzo stated that the wording of this definition in this draft PAD regulation is consistent with the wording that Attorney Sitkowski will be recommending.

Regarding Section Two, Definitions, Commissioner Houlihan suggested writing out Connecticut General Statutes in the first reference instead of abbreviating it. Under Section Two, D., Attorney DeCrescenzo also suggested adding the wording, "applicable reference to the section of the ..." The Planning Commission members agreed.

Regarding Section Four, Standards, Review Criteria and Waiver, Chairman Loomis stated that the value of their recommended addition to this section introduces a reference without being any more specific to consideration of a particular area. Attorney DeCrescenzo stated that there are page numbers in this section that refer to the POCD. He stated that, as suggested earlier, they should not take out the specific year of the POCD; he suggested adding this back in.

Commissioner Paine suggested that the first sentence of the red lines in Section Four, which currently reads, "...in evaluating the appropriateness of the development", should read, "...each development". Attorney DeCrescenzo suggested the language read, "...the proposed development." The Commission members agreed.

Mr. John Schaefer, 16 Lostbrook Road, West Simsbury, stated that he is a professional landscape architect. He has done a great deal of presentations to many Land Use Commissions. He has read this draft PAD Regulation. He feels Section Four is confusing. He questioned if land use was a standard because it is in this section. He stated that the first paragraph is fine, although the format of this section is hard to follow. Attorney DeCrescenzo stated that Mr. Schaefer has a valid point. He feels that all of the elements of Section Four need to be in this document, although they may need to be reordered or have a different title. Chairman Loomis asked that Mr. Schaefer state his concerns and confusion to the Zoning Commission at the public hearing.

Commissioner Cole stated her concern regarding Land Use, under Section Four, not fitting in well in this section. She stated that Letter A could become its own paragraph. Mr. Peck stated that they may want to consider making the title of this entire section, Permitted Uses, Standards, Review Criteria and Waiver. Attorney DeCrescenzo stated that Permitted Uses may need to be its own section. He stated that this will need to be discussed and worked through with the Zoning Commission, not the Planning Commission.

Mr. Peck stated that there has been some discussion regarding Section Four, Lighting, and whether the Town will use the term, "dark skies". He stated that Attorney Sitkowski may recommend alternative wording for this. The basic idea is to prevent significant light trespass off of the property into another property. Commissioner Houlihan suggested identifying the objective of what the lighting fixtures is. Attorney DeCrescenzo suggested keeping only the last two sentences of the Lighting section and also omitting the term, "dark skies".

Regarding Section Four, Development Plan Design Standards, Mr. Peck stated that the Design Review Board has stated that they are not satisfied that these are standards. They would be satisfied with a link to their adopted Community Design Guidelines. Commissioner Houlihan stated that these development plan design standards allow the Commission to look at a project and figure out how to apply these. The determination of these standards rests in the discretion of the Zoning Commission. If they feel that these issues are or are not satisfied, they can rule appropriately. Attorney DeCrescenzo agreed with Commissioner Houlihan. He stated that what these standards are intended to do is to notify the applicant; these dictate a certain type of layout of a site. It is left up to the Zoning Commission to determine whether or not, as a standard, the site layout meets this section.

Section Four, under Waiver, Mr. Peck stated that if an applicant brought in an application that did not meet a particular requirement of the

regulation, the Commission has the ability to waive that portion of the Regulation if it is proven to them that it is in the best interest of the project and the Town.

Regarding Section Five, Mr. Peck stated that the number of copies has changed from 55 to 12. They will also require an electronic copy. He is hopeful that all applications will soon be on the Town's website in order for the public to view them.

The Commission discussed adding the section regarding initial staff review, which is wording in red on Page 9. This would be placed prior to Preliminary Development Plan Review. In the Final Development Plan Section, the language was added, which reads, "Any proposed waiver shall be made known and explained to the Commission in writing as part of the staff memo on the application."

Chairman Loomis questioned if there was any logical order to Numbers 1-26 under Final Development Plan. Attorney DeCrescenzo stated that Numbers 1-16 are things that the applicant needs to put on the plan. Numbers 17-25 are reports and studies from design professionals or local officials or local review bodies, although he suggested that Number 25 be moved up under Number 16.

Mr. Alan Needham questioned why some of the requirements in the Final Development Plan section state that things need to be done by a professional engineer and does not specify a certain kind of engineer. Mr. Peck stated that the engineer needs to be licensed in the State of Connecticut.

Mr. Schaefer stated that, at first, he could not find where the Zoning Commission approves the final development plan in this regulation. He stated that he finally found it tucked in under Conformity With Subdivision Regulations. He stated that there should be another paragraph added with wording regarding the Zoning Commission approving an application as is or with modifications. Attorney DeCrescenzo agreed that this section lacks a subheading. This is a formatting issue that will need to be discussed. He stated that they need to make sure there is a logical sequence and have subheadings where needed. Mr. Schaefer stated that there is also an issue regarding Site Plan Submission and Approval. Attorney DeCrescenzo stated that this is addressed in Article Five, Section j. of the Zoning Regulation. This is referenced under this Section. This can also be cleared up with additional subheadings.

Mr. Schaefer stated that the regulation states that the developer needs to submit the requirements prior to getting a Certificate of Occupancy. What seems to be missing to him is if Town staff looks at the submitted as-built

and finds that it is not consistent with what was built. Mr. Schaefer stated that the Regulation states that the developer cannot get the Certificate of Occupancy until this information is submitted; it does not state what will happen if that information is incorrect. Mr. Peck stated that the Statutes are clear. They stated that a building permit cannot be obtained unless the applicant has proven conformance with the Zoning Regulations. The same is true with a Certificate of Occupancy. Commissioner Houlihan suggested ending this section with a closing sentence that states satisfaction is a pre-requisite for Certificate of Occupancy. Mr. Peck stated that they can add wording regarding that any inaccuracy needs to be corrected so that the as-built matches the approval. Attorney DeCrescenzo stated that he would discuss this issue with Mr. Peck prior to recommending new wording.

Mr. Peck stated that Appendix A has been removed from the draft regulation.

Commissioner Post made the following motion:

Whereas, the Simsbury Planning Commission has received a referral from the Simsbury Zoning Commission pursuant to CGS Sec 8-3a regarding a proposed Planned Area Development (PAD) zoning regulation, and

Whereas, the Planning Commission has reviewed and discussed the proposed draft PAD zoning regulation at its February 23, 2010 and March 9, 2010 meetings and discussed a variety of items with the Town Attorney and staff, and

Whereas, the Planning Commission, during its review finds that some revisions to the draft regulation will make the regulation more effective, and

Whereas those revisions are reflected on the attached revised draft of the PAD Zoning Regulation dated March 9, 2010 and as reflected in the minutes of March 9, 2010 and

Whereas, the Planning Commission finds that the proposed PAD is consistent with the recommendations of the adopted 2007 Plan of Conservation and Development.

Therefore, the Planning Commission recommends adoption of the attached PAD Zoning Regulation with the noted recommended revisions.

Commissioner Paine seconded the motion, which was unanimously approved.

#### IV. POSSIBLE APPROVAL OF MINUTES from the February 23, 2010 meeting

Several edits were made to the minutes.

Commissioner Houlihan made a motion to approve the February 23, 2010 minutes as amended. Commissioner Jansen seconded the motion, which was approved. Commissioner Post abstained.

V. DISCUSSION OF REVISIONS TO SUBDIVISION REGULATIONS

There was no report.

VI. THE TOWN CENTER CHARRETTE NEXT STEPS, STATUS

Mr. Peck stated that Code Studio will be back in Simsbury on March 23rd and March 24th. The Design Review Board and the Planning Commission will meet together with the consultant. The consultant will be getting together for two days; they will be back with the revised draft and answer questions in April 28, 2010, which will be a public presentation.

VII. THE INCENTIVE HOUSING ZONE STUDY, STATUS

Mr. Peck stated that the design guidelines will be put into this regulation.

VIII. STAFF REPORT(s)

CRCOG

Mr. Peck stated that he attended the CRCOG meeting to discuss the Charrette activities in Simsbury. He discussed how the process worked and how they led up to the event.

IX. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

X. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:20 p.m. Commissioner Houlihan seconded the motion, which was unanimously approved.

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Gerry Post, Secretary