

From: Lois Laczko April 18, 2011 12:06:29 PM  
Subject: Planning Commission Minutes 03/22/2011 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MINUTES  
MARCH 22, 2011  
REGULAR MEETING

I. CALL TO ORDER

Michael Paine, Chairman, called the regular meeting of the Planning Commission to order at 7:08 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members and alternates were present: Ferg Jansen, Tina Hallenbeck, Charles Houlihan, Mark Drake, Sean Askham and Alan Needham. Also in attendance was Hiram Peck, Director of Planning and other interested parties.

II. SEATING OF ALTERNATES

None

III. APPROVAL OF MINUTES of March 8, 2011

Edits were made to the minutes of March 8, 2011.

A motion was made by Commissioner Askham to approve as amended the March 8, 2011 minutes. The motion was seconded by Commissioner Jansen. The motion passed with Commissioner Hallenbeck abstaining.

IV. SECOND NOTICE OF ELECTION OF PLANNING COMMISSION SECRETARY IN ACCORDANCE WITH PLANNING COMMISSION RULES AND PROCEDURES TO FILL VACANT POSITION.

Commissioner Askham made a motion to nominate Commissioner Hallenbeck as Secretary to the Planning Commission. The motion was seconded by Commissioner Drake and passed with Commissioner Houlihan abstaining.

V. APPROVAL OF CAPITAL PROJECT BOND COUNCIL WORDING

Hiram Peck read the wording for the resolution that the Bond Council had

sent to the Planning Commission:

RESOLVED, that the Planning Commission of the Town of Simsbury approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

Improvements to the Simsbury Farms Facility, including renovation of the Simsbury Farms Main Building including improvements to the bathrooms, locker rooms, food concession facility, and first aid area, the addition of approximately 1,000 square feet of new construction, and improvements to the skating rink support rooms and pool deck and improvements to the Simsbury Farms Golf Course.

Mr. Peck explained that this was just a formality of approving a specific wording. He said that Gerald Toner, Director of Parks and Recreation, had already been before this Commission explaining this resolution.

Commissioner Houlihan moved to adopt the resolution as stated. The motion was seconded by Commissioner Jansen and passed unanimously with a 6-0 vote. Commissioners Paine, Jansen, Hallenbeck, Houlihan, Drake, and Askham all voted in favor.

## VI. DISCUSSION

a. Revised Fee in Lieu of Open Space Regulation – Public Hearing set for April 12, 2011

Chairman Paine said that the Town Attorney has been quite firm that we not dramatically change this in spite of the points that Commissioner Houlihan had made. He asked Mr. Peck to take them through the most current draft.

Mr. Peck said that the first page does not have any changes. He said that changes had to do with questions that were raised with Items 5, 6, & 7. The Town Attorney has seen and recommended these changes. The payment of the fee talks about the fee that would be paid under the statute as it is written under Connecticut General Statutes 8-25b. Mr. Peck said that he knows that they have crossed out wordings such as passive recreation, agriculture, but suggested taking this to public hearing, and modifications or changes could be made at the hearing, or after the close of the hearing. Mr. Peck said that by crossing out wordings they are preventing people from talking about it, and some people might say that the Commission has already made up their minds.

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Mr. Peck said that #6 has to do with alternative payment. This is when the applicant, developer could agree to pay the town \$2,500 per lot in advance of filing the record mylar on the land records. This would be paid at the front end of the process, prior to the Commission's endorsement of the map. He said that once the subdivision is approved that the mylar to be recorded has to be submitted to the town for the Chairman's signature. If the check for the open space, under the alternative payment schedule, does not accompany this map then the map does not get a sign off, and without the sign off the map cannot be filed. Mr. Peck said that if the map does not get filed within 180 days of its approval, then they are basically back to square one. The time frame is imposed by the fact that they need the signature from the chairman. The Commission's endorsement (Chairman's signature) is needed, and the approved subdivision map filed as required by the Connecticut General Statutes 8-25a. Chairman Paine said that it is not just the Commission's endorsement, but also the Chairman's signing of the mylar, as the final step of this endorsement.

Mr. Peck said that #7 (documentation) has been shortened significantly. The Town Attorney had said that originally there had been a line indicating that this represents the first lien on the property. He has been empathic that this cannot be done. This line has been taken out. Number 7 basically says that the attorney for the applicant shall provide the Commission with proof that they own the property. The applicant is also responsible for any filing fees with the office of the Town Clerk.

The public hearing has been set for April 12, 2011.

b. Route 10 Corridor Study Status

Mr. Peck showed the Commissioners a series of alternatives that the people at the Charrette have come up with. The alternative could take place in various parts of Town. The intent of showing the alternatives is to try and make sure that Route 10 stays maintained as a two lane highway essentially throughout its general length. If this is the underlying guiding principle, and should development take place anywhere in the corridor whether it is the northern gateway, town center, Weatogue, or the southern gateway, there is going to have to be some relief for Route 10 where it is needed depending on the size of the development that is proposed. Mr. Peck said that if it is a sizeable development, and the underlying rule is that we want to make sure that Route 10 stays a two lane highway, there needs to be some relief available to it. He said that the different alternatives show where relief could possibly be considered should that become necessary. The State owns and controls Route 10, and the State will do what it wants to do because it will want to see traffic flow at certain levels. These are called levels of service and they go from A – F, with F is a failure and A

is unrestricted flow. He said that DOT will permit traffic to flow at level of service D pretty much routinely. The idea of this whole study is take a look at various sections of the corridor to see where alternatives might be needed in the future should development take place. Commissioner Needham said that there was considerable public comment, and some real interest in this, at the last Steering Committee meeting. Chairman Paine said that to have Route 10 remain as a two travel lane is a great goal.

Commissioner Needham said that at the next Steering Committee meeting (3/24 at 7:00 p.m.) they will review public comment and go through each notion and discuss them. At some point the Steering Committee will be asked to endorse the report and send it on to the Board of Selectmen for endorsement. He said that you need to really think 20 years out without having any idea of what is going to happen in 20 years. No matter what comes along, there will be some ideas that have been pre-thought out.

Commissioner Houlihan moved to recommend to the Steering Committee that the Town Center portion of the Route 10 Corridor Study be considered first and recommended to the Board of Selectmen as soon as possible, and before the rest of the study is completed so as to allow for planning in connection with this summer's paving and striping. The motion was seconded by Commissioner Askham and passed unanimously.

c. Referral on Proposed Ordinance Concerning Outdoor Wood-Burning Furnaces to Board of Selectmen

Mr. Peck said that the draft ordinance proposes a ban on outdoor wood-burning furnaces. The State still has not made up its mind on what it is going to do with outdoor wood-burning furnaces. A number of towns have had similar discussions as we have had here. The Board of Selectmen, rather than schedule a public hearing at this time, decided to send it to the Land Use Commissions for input. Mr. Peck said that if there is something that this Commission would like to convey to the Board of Selectmen that is okay, but if not that is also okay. There is not an 8-24 requirement on this at this time.

Commissioner Needham asked if our proposed ordinance has an exemption for

agriculture use. Mr. Peck said that the farm exemption does not really make any sense. No matter how many acres of property you may have, if the house you live in is still right along the road front and your house is right next to your neighbors, there would still be an air quality issue. Mr. Peck said the agriculture use question came up because farmers tend to deal with people that cut and sell wood. He said that on the 31st of this month in South Windsor there is a seminar on how planning and zoning regulations effect farming activities in the state.

Commissioner Houlihan moved that the Planning Commission send a positive recommendation to the Board of Selectmen in favor of the ordinance to Ban Outdoor Wood-Burning Furnaces as presented. Commissioner Jansen seconded the motion.

After a lengthy discussion, the Planning Commission members voted on the above motion. The motion passed with three in favor, Chairman Paine and Commissioner Drake against, and Commissioner Askham abstaining.

Mr. Peck said that they have a request from Main Street Partnership. They are putting together a grant to do an increased intensity study around Eno Memorial Hall. Mr. Peck read the information that he had just received this afternoon from Main Street Partnership. The goal of this project that they are submitting the grant application for is to begin the implementation of the town center vision and transform the area from an auto oriented center to a walkable pedestrian friendly mixed use area complimented by street oriented buildings and tree lined streets.

Mr. Peck said that Main Street Partnership, at this time, is looking for the Planning Commission to be supportive to this idea. They already have support from the Simsbury Design Review Board, the Performing Arts Center Board, Zoning Commission, etc. They also are looking for support from the private property owners. The grant is for \$50,000. Chairman Paine said that the town would not have to put up any money. Mr. Peck said that property owners would be involved in the study, and there would be another steering committee.

Chairman Paine said that this would be a good thing for this commission to support. This would also ultimately help the businesses in the center of town.

Commissioner Houlihan moved to have the Planning Commission support the funding application by the Simsbury Main Street Partnership for an additional study of town center uses and accessibility. The motion was seconded by Commissioner Askham and passed unanimously.

## VII. STAFF REPORT(s)

None

#### VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Paine said that he along with Commissioner Needham and Mr. Peck were at the Connecticut Land Use Law for Municipal Land Use Agencies Boards and Commissions seminar put on by the Connecticut Bar this past Saturday. He said that it was very interesting and impressive. They do a good job talking about the differences between planning and zoning and how they work.

#### IX. ADJOURNMENT

Commissioner Jansen moved to adjourn the meeting at 8:00 p.m. The motion was seconded by Commissioner Askham and passed unanimously.

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Tina Hallenbeck, Secretary