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Cc:

ADOPTED

PLANNING COMMISSION MINUTES
APRIL 12, 2011
REGULAR MEETING

I. CALL TO ORDER

Michael Paine, Chairman, called the regular meeting of the Planning Commission to order at 7:12 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members and alternates were present: Ferguson Jansen, Mark Drake, Sean Askham and Alan Needham. Tina Hallenbeck arrived at 7:20 p.m. Also in attendance was Hiram Peck, Director of Planning, and other interested parties.

II. SEATING OF ALTERNATES

Chairman Paine appointed Commissioner Needham to serve for Commissioner Houlihan.

Chairman Paine said that the Board of Selectmen, last night, approved Bill Rice to be a member of the Planning Commission as an alternate. He was not able to be sworn in today, but should be able to join them at their next meeting.

III. APPROVAL OF MINUTES of March 22, 2011

Commissioner Jansen moved to approve as amended the minutes of March 22, 2011. The motion was seconded by Commissioner Askham and passed unanimously with a 5-0 vote. (Paine, Needham, Drake, Jansen and Askham voted in favor)

IV. PUBLIC HEARING(s)

a. Amendment to Section III, Subsection 9 of the Town of Simsbury's Subdivision Regulations:

- Addition of Subsection d: (NEW) Fees in Lieu of Open Space

- Addition of Subsection e: (NEW) Procedure

Hiram Peck, Director of Planning, read the Call.

Chairman Paine opened the public hearing on amending the regulations to allow Fee in Lieu of.

Hiram Peck said that this particular section of the regulations was previously subject to a public hearing in December of 2010. There were a couple of items that the Commission wanted to see corrected. He said that he has checked with the Town Attorney, and has those items corrected in the current version. Each of the Commissioners should have a copy of the Amendment that says "final redraft". Mr. Peck pointed out the differences for public record. He said that one had to do with whether the Town had a right to put a lien on the property as part of its actions. The Town Attorney said that the Town does not have that ability. Mr. Peck said that the language with regard to that was changed to the Town Attorney's satisfaction. He said, also, that the Commission needs to set an effective date for the regulation. Mr. Peck said that even though this was approved previously, without setting an effective date the regulation then does not necessary become effective. It is important that this is done correctly because it could have potential impact down the road to any applicant. Mr. Peck said that these changes are pretty minor in nature, but they make the regulation completely legal.

Chairman Paine noted for the record that Commissioner Hallenbeck arrived to the meeting a couple of minutes ago and heard what Mr. Peck has just gone over.

Commissioner Askham moved to close the public hearing. The motion was seconded by Commissioner Needham and passed unanimously with a 6-0 vote. (Paine, Hallenbeck, Needham, Drake, Jansen, and Askham voted in favor).

Commissioner Jansen moved that the Planning Commission approve the final re-draft of the Amendment dated March 22, 2011 of the Simsbury Subdivision Regulations. The motion was seconded by Commissioner Drake.

A Commissioner asked if they need to change the dates on the top of the Amendment where it says December 14, 2010, and is effective on December 31, 2010. Another Commissioner said that if this is approved tonight, the adopted date would be April 12, 2011. Mr. Peck said this has to then be published, and it could become effective as early as the day after publication.

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As there was no more discussion, the Chairman Paine asked the Commission to continue their vote on the redraft of the correction dates of being adopted on April 12, 2011 and the effective date of May 1, 2011. The motion to approve passed unanimously with a 6-0 vote. (Paine, Hallenbeck, Needham, Drake, Jansen, and Askham voted in favor).

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

None

VI. DISCUSSION

a. Route 10 Corridor Study Status

Mr. Peck said that the next meeting of the Steering Committee is Wednesday, April 13, 2011 in the Main Meeting Room. At that time they will continue their discussion of the alternatives that had been talked about before, and they will also talk a little bit about the bump-outs at the intersections in Town. Mr. Peck said that they will talk about the ways that those can be accomplished. He said that Richard. Sawitzke and Tom Roy will be there to discuss how that might impact maintenance and things the town might have to do in those areas where the bump-outs are proposed.

Mr. Peck said that the next Steering Committee meeting after that will be on April 28th when the discussions on the rest of the alternatives will continue. He said that the most comments he has heard has to do with the re-alignment of Nod Road with East Weatogue. People are concerned with the East Weatogue Historic District and the potential for adding traffic to that area. Mr. Peck said that the Committee wants to get the pros and cons of all the alternatives on the table so they can be fully discussed. He said that he has heard positive conversation about the bike lanes on Route 10, and there has been discussion on what the north end and south end might yield in terms of future alleviation of traffic congestion on Route 10.

A Commissioner asked about ideas that might have some environmental concerns, and asked if they should be considering environmental concerns now or at the time that the idea is considered. Mr. Peck said that as the matrix is put together for each of the alternatives there will be a series of boxes that will have to be checked off. One box is going to be for how difficult it is to get a permit; another is for how difficult it is going to be to get funding, etc. He said that one of the things that will have to be talked about in almost all of these alternatives is what the environmental impacts are going to be.

Chairman Paine asked if it would typically be the process for each of these sections that there will be a check off list of different things to consider. Mr. Peck said that he believes that is the way the Steering Committee is headed. CRCOG has a list that the Committee needs to go through, which they will be looking through at the next couple of meetings. He feels that there may be some advantages to all of the alternatives.

VII. STAFF REPORT(s)

Mr. Peck said that the Planning Commission had discussed the possibility of trying to get the subdivision regulation revisions back on track almost a year ago. He said that with the Center Code now being adopted they are now to the point where the Planning Commission can now begin to think about what they are going to do next. He said that he will start to get some outlines together for them on how they will approach the whole subdivision regulation process. Mr. Peck said that there are lots of good subdivision regulations out there, but he does not feel that the Simsbury Subdivision Regulations are among them. That is because of the way that they are structured and what they actually accomplish. Mr. Peck said that they need to have some policy discussions on what this Commission wants to see these regulations accomplish. A policy discussion will make it a lot easier to get to where ever you want to go.

VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Commissioner Needham asked about an email they received regarding non-seated alternates. He asked if this means that they can stay in the room, but not talk. Mr. Peck said yes. What this says basically is after a public hearing, for example, the chairman would then select the folks that are seated for that particular decision. That may be based upon the fact that all the regular members are there and have been there through all the public hearing sessions, or it may be based on the fact that someone has a conflict and someone else has to leave. Mr. Peck said that if a person has a conflict they should leave the room so that there is no question about them interfering or influencing somebody from the back with signals. He said that once the chairman impanels the Commission to vote, those who are not

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seated, should not participate in the discussion. This is especially true

if there is the potential for some sort of litigation.

Commissioner Needham questioned the line that says that you can participate in the public hearing. Mr. Peck said that during the public hearing process you have not impaneled the Commission to make a decision yet, so anyone on the Commission can ask questions. Chairman Paine said that what would happen would be that they would open up the public hearing for public discussion, and then have discussion among the Commission members. The public hearing would then be closed, and at that point the Commission would be impaneled and the alternates, unless seated, would not be offering any more conversation or questions.

A Commissioner asked if this only pertained to public hearing items or does this pertain to any item on the agenda that would be voted on. Mr. Peck said that public hearing items is where it really counts. He said that when it is a vote that involves a regulation it is a regulatory meeting, and that is when it kicks in.

IX. ADJOURNMENT

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

Tina Hallenbeck, Secretary