

From: Carrie Vibert June 14, 2012 12:59:06 PM
Subject: Planning Commission Minutes 05/15/2012 SPECIAL MEETING
ADOPTED
To: SimsburyCT_PlanMin
Cc:

PLANNING COMMISSION MINUTES
MAY 15, 2012
SPECIAL MEETING

I. CALL TO ORDER

Michael R. Paine, Chairman, called the meeting to order at 7:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Ferg Jansen, Richard Cortes, Kevin Prell, Bob Kulakowski, and William Rice. Also in attendance were Hiram Peck, Director of Planning, and other interested parties.

II. SEATING OF ALTERNATES AS NECESSARY

Chairman Paine appointed Commissioner Cortes to serve for Commissioner Hallenbeck and Commissioner Kulakowski to serve for Commissioner Drake.

III. PUBLIC HEARING(s)

A. Application #12-02 of Attorney Thomas W. Fahey, Agent for Dorset Crossing, LLC, Owner, requesting a subdivision of property located at 1507 Hopmeadow Street (Map H04, block 403, Lot 013A), 1515 Hopmeadow Street (Map I04, Block 403, Lot 013), and 1519 Hopmeadow Street (Map H04, Block 403, Lot 13B) to allow for the creation of 6 lots. Zones B-3 & I-3.

Tony Giorgio, Managing Director of Keystone Companies, provided an overview of their plan and introduced Attorney Tom Fahey, and David Zyacks, PE of F.A. Hesketh & Associates. He said they have met with the Conservation Commission, the Design Review Board and the Board of Selectmen. He said they recently learned NU was planning to expand its substation eastward which would have destroyed the extension of Wolcott Hill Road, but between Town Staff, NU and them, NU has agreed to move westward due to an even land swap. He reminded the Commission they purchased the Garrity Pit in 2004, and received approval in 2008 for half the site as B-3 (retail, residential and office) and the remaining 25 acres continuing as I-3 (excavation).

Mr. Giorgio said the PAD recently developed by the Town allows them to apply for a single PAD zone for the entire parcel of land which will be discussed with Zoning 5/21/12. They would like to create a subdivision in this parcel including medical offices, retail, market rate apartments, and special needs apartments. They are constructing a 15,000 sq. ft. building to be completed by 8/1/12; it is well within all setbacks and landscaping includes a berm and variety of trees. He said the main tenant moving into the building in September will be St. Francis with an urgent care facility for individuals in this area; they are in negotiations with Walgreens to develop a new prototype drugstore and will return with that plan; a Fairfield developer with whom they have a Letter of Intent is working on 216 market-rate apartments; and a NY state developer is working on 48 special needs housing units with 40 dedicated to MS patients and 8 to similar needs patients. He said St. Francis specializes in the MS area and Simsbury has a very active advocacy community. He said as part of the Town Charrette, an alternative road with roundabout was developed and is about 2/3 done with the remainder of the road able to be easily completed in the future.

Attorney Fahey of Windsor Locks, CT representing the Applicant pointed out the I-3 Zone only has excavation use which has been completed. He said once the PAD was in place, they were able to make this Application. He said the site has unique development potential serving as part of the northern gateway and described the 150 acres that makes up the gateway with the PAD defining a mixed use conceptual framework. He said the PAD developed in 2007 allows for retail, medical and residential and multi-family use based upon a massive site plan. He said a requirement of the PAD is the Polan report dated 11/15/11 provided to the Commission this evening; it inter-relates appropriateness of the zone change and subdivision and how it relates to the POCD and the positive physical impact of the entire development.

Mr. Fahey said the industrial portion of the site is impacted by wetlands and flood plain associated with Saxton Brook and crossed by overhead high tension wires; the PAD change provides the opportunity to incorporate the unusual portions of the industrial site and to unify the site providing specified usage. He added there is a need for more flexible housing units with retail and office. He said they already have the SBC permit for the Dorset Crossing intersection/entrance, and adequate sewer and water are available. He stated Dorset Crossing's net impact is positive and they are requesting this evening approval of the 6-lot subdivision and approval of the 824 referral for the land exchange agreement; he is preparing the agreement and received the Town Attorney's comments today and will shortly complete the agreement for execution at the next Board of Selectmen's meeting. He said they are also requesting the Commission's positive endorsement for the 824 referral from Zoning designating the site as a PAD.

Mr. Zyacks described the map submitted to the Zoning Commission for discussion 5/21/12 and said it is basically a subdivision Application with zone change. He described Dorset Crossing as a "T" shaped property including: 4 acres of I-3 Town property and their property with 24.4 acres zoned B-3 and 25.7 acres currently zoned I-3 for a total PAD of 50.1 acres. The right of way for the Town road will cut through the property and has been included in the PAD; the Lots are 13, 13A and 13B. He said to the north are 200 feet of undeveloped wooded land owned by River Bend and residential subdivisions; to the south is I-1 to the skating center; and business development east of Rte. 10. He said in order to accomplish the PAD and roadway, a subdivision needs to be established. They are proposing 6 lots with 1 dedicated to open space; Dorset Crossing Drive under construction would become a Town road with roundabout and a new intersection on Hopmeadow. He said Lots A and F would be primarily medical and retail; Lot B of 14.8 acres has market-rate apartments; Lot C of 2.15 acres has special needs housing units; and Lot D of 2.5 acres is to be developed in the future as the new Town road is extended. He pointed out 16.4 acres as dedicated open space with a 100-foot strip to the new Town road; they are talking with the Conservation Commission about a 100-foot conservation easement and crossing at Saxton Brook. He said roads within the right of way will meet Town specifications for a subdivision road with appropriate trees and landscaping. He said an additional 2.69 acres dedicated for the future Town road right of way is incorporated into the overall 50.1 acres of the PAD.

Mr. Zyacks provided an overhead view showing surrounding land, tension wires, and described the site layout. He said everything meets Town regulations for subdivisions, including yard and setback requirements. He stated it is a comprehensive, nicely integrated plan that sets the tone for redevelopment of the area.

Regarding the land swap, Mr. Zyacks pointed out 3 odd-shaped portions of Dorset Crossing land that will be added to Town parcels to accommodate expansion of NU's site. Mr. Peck stated NU came to the Board of Selectmen on 5/14/12 to explain their expansion to improve reliability in the area which the BOS received positively. He said the BOS is favorable toward the land exchange agreement with net positive 1.06 acres from the Town exchanged for 1.07 acres coming to the Town. Mr. Zyacks pointed out the wetlands area which in discussion with the Conservation Commission may be open space for passive recreation and animal habitat as it falls in with the overall adjacent open space, including a 100-foot permanent conservation corridor along Saxton Brook to Rte. 10.

Mr. Giorgio projected net tax revenue at about \$400K. He said while the PAD encourages mixed-use development, two other elements not as current are

the WPCA and FCC charges and how to evaluate multi-family housing for tax revenue.

Regarding open space, Mr. Peck said it has been discussed with Town staff and the Conservation Commission and the Applicant are in agreement the 20 acre parcel will go into open space and protect the Saxton Brook corridor. Mr. Zyacks said all of the brook water generated onsite goes into infiltrator systems onsite; additionally, runoff from Town roads and parking areas passes through mechanical separation devices, and other techniques, and goes into an onsite storm drainage system and into a stormwater pond; developers will construct roof water systems into this system. Mr. Giorgio said they have designed and constructed retention ponds and a series of infiltrators under the parking lots at an infrastructure cost of \$2.9 Million with about \$3 Million in site work. Mr. Zyacks added that in developing the master plan they decided to create a system for the whole site to reach water quality goals, rather than doing one building at a time. Mr. Peck said the Conservation Commission was pleased with LID techniques and post-development conditions are better than at pre-development.

Regarding the Town road being partially completed and whether there have been discussions with the Town Engineer, Fire Marshall, and Chief of Police regarding the terminals, Mr. Zyacks said for now the roundabout will be a cul de sac until the road is extended. He said they have discussed extensively requirements with the Fire Marshall and will continue to work on it as the MS site plan is developed. Mr. Giorgio said they can build the road west in the future, but property to the east is owned by someone else, and possibly NU may allow some use of its right of way. However, he said mechanical systems in back of the building will be placed with constructed fencing and, if necessary, they can replicate the front of the building using modular features. Mr. Zyacks said cooperation has been excellent and they will get hydrants in place and continue working with Town officials.

Regarding how subdivision regulations tie in with PAD, Mr. Peck said Zone B-3 and I-3 meet all subdivision regulations and the PAD states if an Application requires a subdivision, it comes to Planning first; following public comment the Hearing can be closed tonight and a decision made. He stated the Zoning Commission will hold a hearing on 5/21 on whether to change the zone to PAD. However, he explained the lot lines stay in place based upon what the Planning Commission decides.

Chairman Paine invited public comment. The owner of Doggy in the Window stated support for the project, but expressed concern about traffic flow on Hopmeadow with new traffic lights and intersections. Mr. Giorgio responded the Application has always been for 200+- apartments and there will be

dedicated turn lanes on Hopmeadow so there will be no negative impact on traffic flow. He said the road system is designed to handle traffic. Mr. Zyacks said as part of the approval for Meadowood a traffic light is being installed. He said all intersections into the center of Town have been analyzed and the Town's policy is to maintain Rte. 10 as a country-type road providing reasonable service. Mr. Zyacks said built into the model after installing signals with the latest technology, traffic flow patterns will develop and adjustments will be made. Mr. Giorgio believes renters here want the bucolic nature of Simsbury and anticipates less traffic impact.

Sue Bednarczyk of 119 E. Weatogue Street asked to have the open space pointed out. Mr. Zyacks reiterated its potential use for passive recreation and animal habitat, but not for athletic fields. She did not understand the rationale for subdividing the PAD zone and stated concern about traffic and the square footage effect; neighbors need to be protected and the building is 50 feet from the road with neighbors expressing concern and DRB's review after the fact. She said regarding apartments going in for the whole Town, 200 are going in on West Street and 200 proposed on the south end and whether there is a comprehensive plan. She said this is not in the center with each piece treated differently, and since tenants aren't regulated how do you insure its Walgreens.

In response, Mr. Giorgio stated his belief PAD regulations do not exclude subdivisions. He said the site plan revision did not move the building's original location. Regarding buffers, he described an open area and has not received any phone calls of problems. He said many Rte. 10 studies, a Charrette, and a POCD extensively studied the area with this end of Town designed for mixed use and they have carefully developed this project in compliance. Attorney Fahey added the PAD anticipated creation of subdivisions with "flexibility" being a key word. He said it is now easier for developers to finance projects when they are subdivided as it provides flexibility. Regarding traffic, he said for State roads long-term capacity is studied before approval, but there is no regulation against something not conceived of yet. He said the Town road was designed as part of the Charrette and provides the opportunity to move safely north or south to Rte. 10. Regarding buffers, the Town encouraged connectivity with industrial zoned land to the south that will likely be developed in a PAD format. Mr. Giorgio added they agreed to save a number of trees on Rte. 10 replacing those lost in the storm and will frame the building with landscaping.

Mr. Peck clarified this hearing is for a straight subdivision and not the PAD. He said the land swap agreement is being developed and will be discussed at the 5/21/12 BOS meeting; NU presented their project to expand its substation to the BOS on 5/14/12 and will shortly file with the Siting

Council. Regarding DRB's review, Mr. Giorgio stated that for revisions to the project, the process requires them to get approval from Zoning and Planning, but they are now also back on track with DRB's input.

If the land swap does not go through, Mr. Giorgio said the whole road system would be redesigned with lot lines changing and a new review process required.

Mr. Peck confirmed the wetlands are in the open space area and there are no minimum lot sizes; the Commission is only looking at the subdivision tonight. He said the development for each lot will come back to the Commission, but currently parts of each lot may be B-3 and other parts I-3. Mr. Zyacks added that regardless of lot zoning, a subdivision cannot be built without a road. Mr. Giorgio said 300 total housing units are possible, but there is no plan for that.

Commissioner Jansen made a motion to close the public hearing for discussion of the subdivision. Commissioner Kulakowski seconded the motion, and it was passed unanimously.

IV. DISCUSSION AND POSSIBLE DECISION

A. CGS 8-24 referral from Board of Selectmen regarding possible exchange of property between the Town of Simsbury and Dorset Crossing, LLC, in connection with road construction and development at Dorset Crossing

Mr. Peck provided the Commissioners with a map dated 4/17/12 showing the Town receiving 1.07 acres in an exchange with the Applicant receiving 1.06 acres. He said the 2007 POCD Transportation chapter discusses policy and objectives including, Section 5a about new road construction between Wolcott, Hopmeadow and Hoskins with intersection improvements; C5 desirable to use roundabouts, techniques and turn lanes rather than signals; and E construction of roundabouts where feasible. He said Staff's recommendation is this is in compliance with the POCD and Staff is in favor of this 824 referral as proposed. He said the BOS needs the Planning Commission's recommendation before considering the land exchange; this is step 1.

Commissioner Jansen made a motion for recommendation to the Board of Selectmen that this 8-24 referral as proposed is in concert with the Plan of Conservation and Development. Commissioner Rice seconded the motion, and it was passed unanimously.

Commissioner Rice made a motion to approve the Application for subdivision based on material as submitted by the Applicant in the latest revised Map dated 4/17/12 as presented to the Commission this evening as part of the Public Hearing. A condition of this approval is that if anything changes

in the subdivision in the future, the Applicant will return to the Commission for reconsideration as determined by the Town Attorney. Commissioner Jansen seconded the motion, and it was passed 5 to 1 with Commissioner Prell opposed.

C. Referral to Zoning Commission regarding PAD Zone designation for Dorset Crossing

Commissioner Jansen made a motion for positive referral to the Zoning Commission with regard to the PAD on this particular site noting the consistency with the Plan of Conservation and Development and consistency with the PAD regulations described. Commissioner Kulakowski seconded the motion, and it was passed unanimously.

B. Referral to Zoning Commission regarding draft IHZ Zoning Regulation

Mr. Peck said they looked at all sites shown on the initial map and the 3 remaining sites are: Tarriffville Mill site; NCA Enterprises small lot at the top of Plank Hill; and NU's site. He said the Tarriffville site would be live/work in a mill design architecture, if IHZ goes into place. For Plank Hill, he said they would likely be small single family dwelling units of 900-1200 sq. ft. with IHZ requiring 6 dwelling units per acre, with the owner interested in building 4 units. He said NU's site is 60 acres with their building in the center; and they made an informal presentation to the BOS for apartments/condos, retail, and small commercial in an IHZ zone, but the plan is not developed. He requested the Commission's recommendations for the 5/21/12 Zoning hearing so he can draft a letter for their review prior; if that is not acceptable, he would be happy to meet again to receive the Commission's recommendations. He sent the Commissioners information about how IHZ works, the process, and information on Connecticut's affordable housing programs. He said IHZ was set up to offer town's incentives to get involved in affordable housing with the town controlling location and design of housing. He also provided a primer on the CT Home Law, and 11 pages of the actual legislation. He will email information on typical issues, questions, benefits, and also provided a study done by Rutgers for CT on the impact on school children regarding affordable housing noting there has been a decline in students in regional school systems.

Commissioner Rice moved to continue discussion of IHZ to the next meeting. Commissioner Prell seconded the motion, and it was passed unanimously.

V. STAFF REPORT(S) ON ABOVE ITEMS

Mr. Peck said on 5/24/12 a meeting is scheduled from 7-9 at the Town Library regarding Town Center Guidelines. He made all changes requested by

the Town Attorney and when he receives the revision will transmit it to the Commissioners.

VI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

VII. APPROVAL OF MINUTES of April 10, 2012 and April 24, 2012

Tabled for discussion at the 5/22/12 meeting.

VIII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:30 p.m.
Commissioner Cortes seconded the motion, and it was passed unanimously.

Tina E. Hallenbeck, Secretary