

From: Lois Laczko June 16, 2009 9:16:49 AM  
Subject: Planning Commission Minutes 05/26/2009 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
May 26, 2009  
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Susan Bednarczyk, Julie Meyer, Carol Cole, and Ferguson Jansen. Mark Drake arrived at 7:30 p.m. Julie Meyer left the meeting at 7:35 p.m. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

Chairman Loomis appointed Commissioner Cole to serve in the absence of Commissioner Post. Chairman Loomis also appointed Commissioner Drake to serve in the absence of Commissioner Meyer after she left the meeting.

Commissioner Bednarczyk made a motion to amend the agenda and take Item V next. Commissioner Cole seconded the motion, which was unanimously approved.

III. STATUS OF THE PROPOSED PLANNED AREA DEVELOPMENT (pad) ZONE

Mr. Peck stated that the PAD Subcommittee met on Thursday. Their discussion centered around if they should use the draft PAD Regulation and revise it or if it should be re-written. The Subcommittee voted to move forward with the Regulation essentially in its current form, although it was unanimous that Section Four regarding standards will need to be substantially edited.

Mr. Peck stated that Mr. Pelligrini from Manchester, would be attending the next Subcommittee meeting to discuss their mixed-use regulation. The Town Planner for Glastonbury will also be at the next meeting to discuss Glastonbury's PAD Regulation.

Mr. Peck stated that there is a lot of misconception about what mixed-use regulations are as opposed to form based regulation as opposed to overlay zones and floating zones and how they all work. The Town Attorney has crafted a process document that does not have a lot of standards. The Subcommittee will be adding some of these standards.

Mr. Peck stated that there has been a lot of discussion to make sure there is adequate reference to the POCD and the Comprehensive Plan. This still needs to be clarified. Section 8-2 of the Statutes stated that the Zoning Regulations shall be made in accordance with a comprehensive plan and in adopting such regulations; the Commission shall consider the Plan of Conservation and Development. He stated that these are two separate items. They are both specifically referenced in regard to creating a new zoning regulation.

Mr. Peck gave a presentation regarding how everything will fit together. He stated that the Town has existing funding in place to do the Town Center Charrette. They also have money from the Incentive Housing Zone grant, the historic preservation grant and the DEP grant. All of these grants have specific requirements and will each have a specific product at the outcome of each process. Mr. Peck stated that the common overlap will happen when the Charrette documents are prepared. The final documents will be a Zoning Regulation Code.

Regarding the second part of this process, Mr. Peck stated that the revisions to the Zoning Regulations started in 2003, although they were put on hold until the POCD was finished. Since then, small tweaks have been made to the Zoning Regulations and the Zoning Commission will continue to do so. He stated that the PAD Regulation is going through the drafting process and possible adoption as an overlay zone. This will fit into the Zoning Regulations as a separate section. The final document, the form based code, will also be put into the Zoning Regulations. The final regulations will be composed of a complete integrated set of regulations with a form based code and design guidelines for the Center of Town.

Regarding the PAD Subcommittee, Commissioner Meyer stated that there are nine people on this committee; 8 were in attendance at the last meeting. The vote was 5 to 3 to proceed with modifications to the existing PAD draft regulation. Mr. Dahlquist is a member who did not vote in favor of the motion; he had stated that the result of the Charrette will be a form based regulation for the Town Center and used as a template throughout Town. Some of the members agreed that the PAD may not be everything they want it to be, although they could get to that point in the future. Commissioner Meyer stated that she felt the Town may never have the right PAD regulation if they do not do things right the first time.

Commissioner Meyer stated that Simsbury's PAD is modeled after Glastonbury's PAD regulation. She stated that Glastonbury's regulation is not a TND Smart Growth Regulation; it is mixed use but does not embody form based design. She feels that it is critical for Simsbury to recognize the distinction between form based smart growth mixed use regulations and just mixed use regulations. Commissioner Meyer distributed an article from the Hartford Courant regarding density.

Commissioner Meyer stated that the current draft of the PAD regulation lacks percentage of uses in an application coming in for a PAD. If it did have the percentage of uses, it would encourage traditional neighborhood design. Mr. Peck stated that he has received many good comments from some Subcommittee members. He feels that the effort needs to be focused on making the Regulation as good as it can be and see if it fits. If it does not fit, people will vote against it. The concern is to get a good regulation; it does not need to be form based to start. He stated that everything going on at the same time will result in a great product.

Chairman Loomis questioned Commissioner Meyer thought that a more direct reference to the POCD would assist in improving the draft PAD regulation in Section Four. Commissioner Meyer stated that she feels the POCD, especially the Future by Design Section, should be incorporated directly into the PAD regulation.

Mr. Peck stated that the DRB has been discussing an update to their Guidelines as part of this overall process. He stated that there are so many moving parts to this process.

#### IV. POSSIBLE APPROVAL OF MINUTES from April 28, 2009 regular meeting

One edit was made to the minutes.

Commissioner Jansen made a motion to approve the April 28, 2009 minutes as amended. Commissioner Cole seconded the motion, which was approved. Commissioners Drake abstained.

#### V. DISCUSSION OF IMPLEMENTATION OF THE PLAN OF CONSERVATION AND DEVELOPMENT (POCD)

Chairman Loomis stated that the basic question is what to do with the implementation plan and how to get it out to the Boards, Commissions and Organizations who have responsibilities regarding implementation. He stated that it was suggested last year that an implementation committee be put together as a working group. Commissioner Jansen stated that this would involve all Commissions. He suggested having at least one member from each Board and Commission on this committee. Commissioner Drake stated that the Charrette was supposed to have helped in the implementation of many of these responsibilities. Commissioner Cole suggested scheduling

a meeting to discuss the implementation part of the POCD. Chairman Loomis agreed and asked that the Commission members read and make comments prior to that meeting.

Commissioner Jansen suggested waiting until the Charrette process, PAD regulation and everything else that is ongoing is done and then revisit the issue of implementation. Commissioner Cole stated that while all the people are together for the Charrette, she feels that it would be a good time to make them aware of this issue.

Mr. Peck asked that the Planning Commission give some thought to who will be doing the work. He stated that the Town has a lot of Committees and meetings. It is hard to imagine doing more in addition to everything else that is currently happening.

Commissioner Drake suggested monitoring what is happening on the other Boards and Commissions and remind them and make them aware that the implementation of certain things need to be done. Chairman Loomis asked that Commissioner Drake look at the Zoning Commission and their responsibilities regarding implementation throughout the POCD. Mr. Peck stated that he would make a list for Commissioner Drake regarding what the Zoning Commission has been considering for edits to the Zoning Regulations.

#### VI. STATUS OF THE TOWN CENTER CHARRETTE

Mr. Peck stated that he is hopeful that the Board of Selectmen will sign the contract with Code Studio at their next meeting. The Charrette will take place September 11-16. He is hopeful that a lot of the public will attend; this is why the Charrette will be held over the weekend. There is \$97,300 allocated for the Town Center Charrette. The first public meeting will be held on Saturday morning; the second public meeting will be held on Monday night; and the third will be held on Wednesday night of that week.

Commissioner Drake questioned who would be invited to the Charrette. Mr. Peck stated that the stakeholders, property owners, Boards and Commissions and abutting property owners would be invited, although he is hopeful that all Town residents will attend.

Mr. Peck stated that he would like to get all of the other consultants, including the consultant for the historic preservation and low impact development, together for the Charrette.

Commissioner Drake questioned if there would be rotating roundtable discussions during the Charrette. Mr. Peck stated that there will be different designers working with different people throughout the day. Each public meeting will be at different levels of discussion throughout the week. Mr. Peck stated that he believes there will be the ability to be involved in discussing more than one topic with the designers.

In response to Commissioner Drake's question, Mr. Peck stated that the

purpose of the Charrette is to develop a public consensus. Public consensus will be limited by what the Town has stated they wanted in the initial contract. The consultant needs to come out of the Charrette with enough information to put together the public consensus while using the framework of a form based code.

Mr. Peck stated that they will be looking for many volunteers throughout the Charrette process.

Chairman Loomis questioned if a venue had been selected yet. Mr. Peck stated that he believes they will be using the Simsbury Public Library. There were other venues that they were looking at, including the Riverview, although these places were not available for the entire consecutive 6 days.

#### VII. STATUS OF THE INCENTIVE HOUSING ZONE STUDY

Mr. Peck stated that the initial map and memo from Concord Square is on the Town website. The consultant has decided on the 6 study sites. As soon as their initial invoice has been paid, they will continue the study. He stated that there is a variety of live/work housing, small single family subdivisions, fairly dense multi-family complexes or a mix of houses that may be appropriate. The consultant will provide the Town with a variety of different areas where different types of housing and different regulations for those areas could be put in place.

Mr. Peck stated that the consultant will take each zone once the regulation is created, and submit them to OPM; OPM will need to approve them. They will then come back to the Town for adoption and incorporation into the regulations.

Mr. Peck stated that it is important to understand that once the zones are adopted, if someone comes in with a plan that meets the regulations, there is no public hearing; it cannot be denied. He stated that the density will be set ahead of time. He will be working with the consultant regarding density. Developments will need to be carefully planned out so they are in harmony with their surrounding developments.

#### VIII. DISCUSSION OF FEES IN LIEU OF OPEN SPACE REGULATION

Mr. Peck stated that he asked the Zoning Commission to consider adding a fee in lieu of open space regulation to the Zoning Regulations. They would use the State Statute that exists to put a fee in lieu of open space section in the regulations so the Town can begin to build an open space fund. He asked that the Planning Commission look at this inclusion. Mr. Peck stated that he does not feel that there is a negative side to this. Mr. Peck stated that he has also had discussions with the Zoning Commission

regarding transfer of development rights (TDR), which dovetails with fees in lieu of open space. He feels that the key to both of these is to make them attractive for people to use them. Chairman Loomis stated that it would be helpful to get input from surrounding Towns that use these effectively. Mr. Peck stated that the Connecticut Statutes are clear as to what can be done.

Commissioner Jansen suggested having sidewalks in lieu of sidewalks or trails, etc. Mr. Peck stated that this is very hard to accomplish, although he will look into some areas where this could be done.

IX. STAFF REPORT(S)

There were none.

X. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

XI. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:35 p.m. Commissioner Post seconded the motion, which was unanimously approved.

---

Gerry Post, Secretary