

From: Lois Laczko July 30, 2010 11:22:20 AM  
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To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
June 8, 2010  
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:05 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Sean Askham, Mark Drake, Tina Hallenbeck, Michael Paine. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

Chairman Loomis appointed Commissioner Askham to serve in the absence of Commissioner Post and Commissioner Drake to serve in the absence of Commissioner Jansen.

III. POSSIBLE APPROVAL OF MINUTES from May 11, 2010 and May 25, 2010

The May 11, 2010 and May 25, 2010 minutes were tabled until the next regularly scheduled meeting because of a lack of a quorum.

IV. DISCUSSION AND POSSIBLE ACTION REGARDING ADDING ILLUSTRATIVE PLAN TO POCD.

Mr. Peck stated that it is his recommendation that the Planning Commission consider adopting the Illustrative Plan as an amendment to the Plan of Conservation and Development. He stated that the Town Attorney and Attorney Sitkowski are also recommending that the Commission adopt this Plan.

Chairman Loomis read a section of the May 25, 2010 Planning Commission minutes to the Commission members. He stated that Mr. Peck cited nine policies at the last meeting, which support his recommendation. Chairman Loomis stated that Commissioners Paine, Houlihan and Jansen

suggested endorsing the Illustrative Plan instead of adopting it because they felt that they did not want to get ahead of the Zoning Commission.

Mr. Peck urged the Planning Commission to adopt this amendment. He stated that the Regulating Plan is equivalent to the Zoning map and the Illustrative Plan is equivalent to the Plan of Conservation and Development. He stated that this is a further detailed illustration of what the current POCD shows. If the Planning Commission adopts this, they will have something to rely on when applications come to them. Mr. Peck stated that the Planning Commission has always felt strongly that the POCD should be a strong document that provides as much guidance as possible.

Commissioner Askham questioned what weight would it hold in the future if this Commission adopts the Illustrative Plan. Mr. Peck stated that when an application comes to the Zoning Commission for something in the Town Center, the Planning Commission would typically refer to the POCD and any associated materials in terms of making a recommendation back to the Zoning Commission.

Commissioner Hallenbeck stated that she is in support of the Planning Commission adopting the Illustrative Plan because she is a visual person and she feels that it would be helpful.

The Commission discussed potential developments and changes regarding the Fitzgerald's and Andy's properties.

Chairman Loomis stated that he would like to give notice to the Commissioner members and get everyone at one meeting in order to further discuss this issue and to get a strong consensus.

Commissioner Drake stated that if this is strictly a visual aid, he does not see the harm in adopting the Illustrative Plan. He does not feel that this will have a detrimental effect to the POCD; the Commission will still have flexibility. He stated that he also does not mind if the Commission adopts the Illustrative Plan but not make it a part of the POCD.

Commissioner Askham stated that the Illustrative Plan does not have much value; it is only a depiction of what could happen. It does or doesn't have to be applied. He stated that he does not feel that there is any harm in adopting this Plan into the POCD. Chairman Loomis stated that property owners are under no obligation to adhere to the Illustrative Plan. Commissioner Askham stated that he is open to being positive regarding adopting the Illustrative Plan.

Commissioner Paine stated that he wants to make sure the Plan is illustrative. There still needs to be flexibility. He stated that he feels more comfortable after hearing that the Regulating goes to Zoning and

this Commission would not be usurping their authority.

Chairman Loomis stated that he would like all of the Commission members to be at the next meeting in order to discuss this issue further. A public hearing will also need to be scheduled.

V. DISCUSSION AND POSSIBLE ACTION ON CONSIDERATION OF A FEE IN LIEU OF OPEN SPACE SECTION TO BE ADDED TO THE SUBDIVISION REGULATIONS.

Chairman Loomis stated his concerns with this possible regulation. He feels that Section X needs to be made clearer that open space consideration is still the first consideration. Also, he suggests the following wording, "...deposit any such payments in a designated open space fund which shall be used solely for the purpose...". Commissioner Paine suggested that Section X read, "...the subdivider may pay a fee to the Town of Simsbury and/or transfer land." He feels that the "and" should be changed to "and/or".

Chairman Loomis stated that the Commission will need to go through the process in order to adopt this to be an amendment to the Subdivision Regulation if the Commission chooses to do so.

Commissioner Askham questioned if the Planning Commission adopts the amendment into the Subdivision Regulation, would the Board of Finance and Board of Selectmen then create a fund. Chairman Loomis stated that they would seek the support of the Board of Selectmen and the Board of Finance prior to this Commission adopting this amendment.

Mr. Peck stated that State Statutes are clear. He stated that this would be a tool for this Commission to use. He suggested that it depends on the context of the application if there are areas worth preserving; it is the Commission's option to decide.

Chairman Loomis stated that he expects to vote on this issue at the next meeting. Mr. Peck stated that he would advise the Commission to hold a public hearing.

Chairman Loomis stated that Commissioner Post has stated that this regulation could get very complex, as he saw in Avon. Mr. Peck stated that it is clear what can and cannot be done through this regulation.

VI. UPDATES

PAD ZONING REGULATION PROCEDURE

Mr. Peck stated that there are no applications that have come in through

the PAD Regulation, although if there were, they would follow the procedures outlined in the regulation.

Mr. Peck stated that he wanted to have a preliminary discussion with regard to the potential application at the Grist Mill property. He had wanted to set up a joint meeting, although the Chairmen of the Design Review Board and Planning Commission decided not to do this. Chairman Loomis stated that he wanted to give Commissioners enough notice in order for them to come to the joint meeting, which, he feels, was not given.

Mr. Peck stated that the PAD Regulation has been on the Town website since May 5, 2010. Chairman Loomis stated that the document is hard to find on the website.

Mr. Peck stated that the application process is set up where a preliminary application would come in and would be distributed to the Commissions. It would then go to the Zoning Commission for a public hearing; to the Planning Commission for a recommendation; and the Zoning Commission will then decide to adopt it or not. The Design Review Board does not have any regulatory authority, although they would get a referral, as they currently do.

#### TOWN CENTER CODE STATUS

Mr. Peck stated that there will be a presentation by the consultant tomorrow at 7 p.m. at the library regarding the Town Center Code. After this is presented, a copy will be put on the Town's website.

Chairman Loomis questioned if the final draft will be the basis for the Zoning Regulation itself. Mr. Peck stated that it will be presented to the Zoning Commission; the Zoning Commission will discuss it; and the Regulation and maps will be presented to the public for a public hearing.

Mr. Peck discussed the timeframes regarding the Zoning Commission possibly adopting the Town Center Code.

Chairman Loomis questioned what would happen if the Planning Commission does not adopt the Illustrative Plan as an amendment to the POCD. Mr. Peck stated that it will not hold the Town Center Code from going forward, although it would be a nice addition if it was adopted.

#### INCENTIVE HOUSING ZONE (IHZ) REGULATION STATUS

Mr. Peck stated that the Incentive Housing Zone Regulation is ready to be submitted to the Zoning Commission for their approval. The Design Review Board, at their last several meetings, made recommendations regarding

design standards. Once this regulation goes to the Zoning Commission for their review, it will then go to the Office of Policy and Management for their approval and will go through the regular adoption process. Mr. Peck stated that there have been no substantial changes to the regulation. He stated that there are currently owners of five sites that are interested in the Incentive Housing Zone.

VII. STAFF REPORT(s)

There were none.

VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

IX. ADJOURNMENT

Commissioner Hallenbeck made a motion to adjourn the meeting at 8:21 p.m. Commissioner Paine seconded the motion, which was unanimously approved.

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Gerry Post, Secretary