

From: Lois Laczko June 29, 2009 9:11:34 AM  
Subject: Planning Commission Minutes 06/09/2009 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
June 9, 2009  
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:03 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Susan Bednarczyk, Julie Meyer, Mark Drake, Carl Eisenmann and Ferguson Jansen. Carol Cole arrived at 7:15 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 Eisenmann to serve in the absence of Commissioner Houlihan, although he appointed Commissioner Cole to serve while voting on the May 26, 2009 minutes.

III. POSSIBLE APPROVAL OF MINUTES from the May 26, 2009 regular meeting

Several edits were made to the minutes.

Commissioner Post made a motion to approve the May 26, 2009 minutes as amended. Commissioner Drake seconded the motion, which was approved. Commissioners Meyer and Post abstained.

Regarding summarizing the matters discussed at meetings, Commissioner Post stated that Robert's Rules of Order states that minutes are a record of what was done at a meeting, not a record of what was said. He stated that the meeting minutes are a summary of the meeting.

Commissioner Meyer stated that if the minutes are not accurate, then those parts of the minutes should be dropped. Commissioner Jansen stated that the motions in the minutes should be precise.

Mr. Peck stated that there will soon be a new process for meeting minutes. Chairman Loomis stated that this issue will be discussed at the next meeting.

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

Mr. Peck stated that there are no more copies of the POCD available. If someone is interested in a copy, photocopies will be made.

Chairman Loomis distributed an e-mail to the Commission members regarding the POCD implementation. He stated that this e-mail came about, in part, from a discussion between Chairman Loomis and Commissioner Houlihan. Chairman Loomis stated that there are two additional items that go along with this e-mail. The Planning Commission may want to raise, for Charrette input purposes, 6-12 key goals and/or policies, which could come from any or all topical areas. If the Planning Commission were to do this, they may want this to go to the other Boards and Commissions and the Board of Selectmen in order to get their feedback. Chairman Loomis stated that this could help the Charrette process to be focused. He stated that this will all need to be done in a timely manner in order to get a sense of support.

Commissioner Meyer stated that she feels the 10 policies under Future By Design are all inherent to the Charrette process; she does not believe any of these would not be incorporated into Code Studio's work. She questioned what specificity would the Town get out of the Charrette. Chairman Loomis stated that the consultants will be familiarizing themselves with the POCD, although he feels it would be helpful if the Planning Commission could draw attention to what they consider to be the most key goals and policies.

Regarding Page 162 of the POCD, Commissioner Jansen questioned if they should assume that Simsbury Center 1-9 policies are already done because of the Charrette; these are applied to where the Charrette will be focused. He questioned if these should be left out. Commissioner Post stated that the Charrette will be transferable to other zones.

Mr. Peck stated that there is no need to be specific for Code Studio. They will be looking to the POCD for what applies to the Town Center. He stated that they will also be hearing from the stakeholders throughout the process. They will be taking what they feel fits in with the goals of the Town and putting them into the regulation.

Chairman Loomis stated that he had previously asked that the implementation of the POCD be looked at; the Planning Commission has been passive regarding implementation. He stated that there is currently a lot happening in the Town. He suggested that they take a more initiating

approach. He stated that Commissioner Houlihan had suggested that they use the Charrette as an opportunity to draw attention to some of the high priority goals that they would like the Charrette process to address.

Commissioner Meyer stated that if they tie these goals into the Charrette, she feels that this will preclude them from addressing some of the special areas with the exception of the Town Center. Commissioner Drake stated that if one or two of the goals pertain to the general concept, they may want it to be a consideration as a Town policy and not just a Town Center policy. He stated that on Page 162 of the POCD, most of these issues will already be considered. Density is what the Charrette is about. He feels that most of these will naturally play out on their own, although they may want to give some an extra push.

Commissioner Cole stated that most people are concerned about preserving character and developing in a form based way. Regarding the Future By Design in the POCD, she feels that this is all about encouraging aesthetics and compatibility. She feels that these are important.

Commissioner Drake stated that the PAD will initiate most of this because it gives the Town the flexibility that they are looking for in form based. The PAD is what is currently being promoted. Commissioner Meyer stated that the PAD is not form based. Commissioner Drake stated that the PAD may be the instrument that they want to use; they can combine several of their goals under the PAD. He feels that they will achieve their goal by getting the mixed use format. He feels that they should focus on the PAD and implement these goals in that regulation.

Mr. Peck suggested that the Commission take each goal and pick out the ones they feel apply to the Town Center. They can then decide which of those to focus on.

Commissioner Bednarczyk stated that the goal of the Plan is to match the Zoning Map and to get the Zoning Commission to work with this Commission. She read a section of What is Legally Required regarding the POCD and what the Plan must do. She stated that Glenn Chalder had suggested that the Planning Commission put in what they want to protect first, because then what they want to develop will be made more clearly. She suggested that the Commission prioritize this as a coordinated effort. She stated that it is not just about the Town Center, although it is a very important part. She suggested having a committee set up of more than just the Planning Commission. They should start with the mapping and what they want to preserve and develop. She feels that it is important to include the Zoning Commission in these discussions, although it is the responsibility of the Planning Commission to do this. Commissioner Bednarczyk also suggested having workshops as soon as possible to decide on this priority list and to

decide who will do what work. They can then come up with action items.

Commissioner Jansen stated that the Planning Commission has laid the foundation. The Charrette professionals will look at the POCD and involve the Town to come up with new ideas. The Commission will then have a clearer point of implementation.

Commissioner Meyer stated that this Commission never got the other Boards and Commissions stamp of approval regarding the POCD. Chairman Loomis stated that many of the other Boards and Commissions, with professional help, gave input for sections of the POCD that related to them.

The Commission continued to discuss the implementation of the Plan. Chairman Loomis stated that Mary Glassman, in theory, supported having an implementation committee.

Commissioner Drake stated that all of the Boards and Commissions have their own agendas. He stated that because the Charrette is a concept that people are talking about, they should also use the Charrette to implement what they can. Commissioner Bednarczyk stated that this Commission needs to discuss what their vision is for the Town.

Chairman Loomis stated that this Commission should get feedback and support from the other Boards and Commissions with respect to the Charrette. Commissioner Drake stated that all of the Boards and Commissions were on board when the POCD was developed.

There was a consensus among the Commission members to each come up with key points to discuss at the next meeting. Mr. Peck suggested that the Commission members list these policies in order of importance regarding the Town Center Charrette. He stated that the consultants are very interested in hearing what everyone has to say.

#### V. STATUS OF THE PROPOSED PLANNED AREA DEVELOPMENT (PAD) ZONE

Mr. Peck stated that the PAD Subcommittee will be meeting tomorrow to continue their discussions. He stated that Ken Leslie, Glastonbury's Town Planner, came to the last meeting to discuss Glastonbury's PAD regulation. At tomorrow's meeting, they will discuss the recent revisions and discuss how they will be moving forward.

Mr. Peck stated that he spoke with Bob Sitkowski; he will not be at the meeting tomorrow, although he may come to a subsequent meeting. He stated that Mr. Sitkowski has responded to an RFQ. He may be asked for his legal experience for the upcoming Charrette. Mr. Sitkowski has expressed interest in working with the Town during the Charrette process, although he

does have concerns regarding getting involved with the PAD if it will adversely affect his ability to help with the Charrette.

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

Mr. Peck stated that the Charrette will take place September 11th – 16th. The first public meeting will be held on Saturday, September 12th. Monday night will be the second public meeting and Wednesday will be the final public meeting.

Mr. Peck stated that the venue for the Charrette may be the Simsbury Library. The public will have the ability to come in and out as much as they would like. He stated that SCTV will hopefully be televising these meetings and Mr. Bazzano will be putting information on the Town website.

Mr. Peck stated that two members of the consultant team will be in Town August 10th and 11th. A public meeting will be held on August 10th from 6 p.m.- 7:30 p.m. in order to explain the process. This is a standard procedure for the consultant; they usually come to Town one month prior to the Charrette to hold a public meeting.

Mr. Peck stated that there are 7 firms involved in the Charrette process, although they have cut the days that the transportation and economic people will be involved. This is due to the lesser amount of money that will be spent on the Charrette.

Commissioner Meyer stated her concerns regarding the reduced traffic engineers. Mr. Peck stated that when the process gets down to detailed design, this is when the Town will need a traffic engineer with local experience.

Kirsten Griebel, 7 Caryn Lane, questioned if the Route 10 Corridor Study was still going forward. Mr. Peck stated that he was unsure if and when this study was going forward. GRCOG is currently working on putting this traffic study together; he is unsure of the status of this study.

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

Mr. Peck stated that the consultant has selected the sites, which have been split into three tiers. He stated that all of this information is on the Town website. The sites that have been chosen are a variety of different types of sites; they are all clear with regard to ownership and access to utilities. He stated that the DRB will give input into the design guidelines.

Mr. Peck stated that the density will be determined by the consultant in

terms of what they feel will be appropriate. He stated that there will be 20% workforce housing and 80% market rate housing.

Mr. Peck stated that Concord Square is the consultant for the IHZ study. They would also like to participate in the Charrette process. They will be here for 1-2 days during the Charrette free of charge to the Town.

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

Mr. Peck distributed an example of a fee in lieu of open space regulation, which was based on the Town of Avon's regulation. He stated that if the Town decides it is interested in this type of regulation, this is one approach they may want to consider taking. He stated that if the Town adopts this type of regulation, they need to do this under the State Statutes. He stated that the way the property is assessed is that 10% is of the fair market pre-development value. The amount of money given to the Town is based upon the lots as they are sold. The amount of money is the pre-development value.

Commissioner Post stated that he was on staff in Avon when this regulation was developed. He stated that this could be used as a valuable tool.

Commissioner Meyer stated that if this was adopted into the regulations, it would need a 2/3 vote of the Planning Commission. Mr. Peck stated that this has not been reviewed by the Town Attorney; the procedural issues are not in this regulation. He stated that there are many people who use open space as a dumping ground. The Town has a difficult time maintaining the open space.

Commissioner Meyer questioned if the money collected for fees in lieu of would be in a separate account and if there would be an expiration date that the money would need to be used by. Mr. Peck stated that the money would be in a separate account used for open space, although there would not be a time limit in which the money would need to be used.

Commissioner Drake stated that the Town has many little parcels of land, which are not being used for anything. They have no value. Mr. Peck stated that there could be a combination of part land and part fee as part of the regulation.

Commissioner Meyer stated that the Director of the Office of Comprehensive Planning in the State Department of Economic and Community Development in Maine recommended on their website to do an economic and land inventory analysis in communities prior to adopting the fee in lieu of open space to determine if it is in the public interest to do so. Mr. Peck stated that State law in Connecticut requires the Conservation Commission to maintain a

continual updated open space list. Commissioner Meyer stated that it would still be the responsibility of the Planning Commission to assess the inventory. Mr. Peck stated that the assessor can determine a dollar value of a parcel.

IX. STAFF REPORT(s)

There were none.

X. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Loomis stated that things are moving toward the Board of Selectmen becoming more favorably exposed to organic farming for the Triangle. He stated that the Open Space Committee had two great presentations at their last meeting. One presentation was by Don Franczyk of Bay State Organic Certifiers and the other was by Hugh Smith of the CT Agricultural Experiment Station in Windsor.

Ms. Griebel questioned who would make the decision regarding how the Triangle will be used. Chairman Loomis stated that the terms of the agreement state that the Triangle can be used for agriculture, open space, wildlife corridors and possible limited passive recreation. The Board of Selectmen will make the final decision.

Commissioner Bednarczyk stated that in 1994 several studies regarding the Triangle were not included in the POCD. She stated that if they had done the study, they would have been able to discuss the Triangle then and create a long range development plan for Town owned recreational facilities and open space properties to be implemented over a ten year period. She feels that if this discussion was had back then, the Town may already know what should be done with the Triangle.

XI. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:00 p.m. Commissioner Post seconded the motion, which was unanimously approved.

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Gerry Post, Secretary