

From: Carrie Vibert July 9, 2012 11:46:55 AM  
Subject: Planning Commission Minutes 06/12/2012 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

PLANNING COMMISSION MINUTES  
JUNE 12, 2012  
REGULAR MEETING

I. CALL TO ORDER

Michael R. Paine, Chairman, called the meeting to order at 7:15 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Ferg Jansen, Richard Cortes, William Rice, Tina E. Hallenbeck, Bob Kulakowski, and Kevin Prell. Also in attendance were Hiram Peck, Director of Planning, Janis Prifti, Commission Clerk, and other interested parties.

II. SEATING OF ALTERNATES AS NECESSARY

III. PUBLIC HEARING(s)

IV. DISCUSSION AND POSSIBLE DECISION

A. Revisions to Draft Subdivision Regulations (if comments available from Town Atty)

Mr. Peck provided the Commissioners with the latest revision and as soon as he receives the Town Attorney's correspondence and member comments he will follow up with changes.

B. Discussion of Town Center Guidelines

Mr. Peck said Nore Winter was in Town for meetings and the Town Center Guidelines were posted on the Town website prior; changes are posted on the Main Meeting Room wall. He said basically, it takes the Town Center Code and expands it to make the design process clearer for those undertaking design in the Town Center to meet the specific intent of the Design Guidelines. He said some photos are of Town areas while some are examples from other U.S. locations.

Mr. Peck stated one Guideline section is about how they work and how to get where you need to be. He added that not many members of the public attended the open house. He asked the Commissioners if anything in the Guidelines seems unclear or there are questions, to let him know in the next week in order for the consultant to complete the project by early July. He said the Guidelines are set up currently only to apply to the Town Center; they may be applied to other Town areas developed in the future.

He said some building photos are examples of what the Town does not want to see; for others, the consultant is showing similarities between buildings in Town that may be allowed by the Code, and as a result, some Code changes may be needed. He said they are trying to show traditional building instances, but the Design Review Board does not want to encourage that, so they are working on particular graphics to improve on that. He stated some other places show development from Iron Horse to Hopmeadow, but the crude sketch doesn't look good and they are working to achieve uniformity in graphics. He reiterated his request to receive any comments, questions, or suggestions in the next week.

#### V. STAFF REPORT(S) ON ABOVE ITEMS

##### Tanager Hill Proposed Open Space Purchase by the Land Trust

Regarding open space near Pennwood State Park, Mr. Peck said it is currently privately owned and the Land Trust is contemplating its purchase for the Trust. He said a small portion is near East Weatogue and will be retained by the property owners. He said the Land Trust has asked the Planning Commission to write a letter of support for the purchase of the property; they are ready to submit an application in order to begin fund raising and to obtain grants. He said at this time there is no request for the Town for funding. He can prepare a memo to send to DEEP if the Commission wants to move forward. He said a POCD objective is connecting open spaces and this would connect Pennwood with other hiking trails in the area.

Regarding whether this involves a subdivision, they had to provide a proposed 15-lot subdivision of that property that could realistically go through the process and meet regulations. He confirmed 3 parcels are shown with the parcel Mrs. Ellsworth lives on potentially coming before the Planning Commission for a 3-lot subdivision; he will check on whether it would be re-subdivision.

Mr. Peck clarified the request is that the Commission recommend approval for the Land Trust purchase based on the POCD. Chairman Paine suggested a motion authorizing Mr. Peck to send the letter without prejudice, in case

something else comes to the Planning Commission nothing is guaranteed; the Land Trust needs this letter to begin fund raising. Commissioner Rice questioned why it is being referred to the Planning Commission. Mr. Peck said the Land Trust is requesting a letter of support from the Planning Commission, similar to what was done for Ethel Walker and the DEEP wants to see a letter of support from local boards and commissions. Chairman Paine noted that recently Mary Glassman sent a letter as First Selectman in support and it is a good thing to do.

Commissioner Jansen stated the owner of 110 East Weatogue, south of the Ellsworth property, is hoping to eliminate his driveway and do a right of way to Talcott Mountain and asked if this would affect that. Mr. Peck stated he was not aware of that and lot line revisions or divisions of land need to be brought to the Planning Commission.

Commissioner Rice stated it was unclear what the Planning Commission's role is in making any type of recommendation regarding what happens to this lot as there is no proposed subdivision, it is a private transaction, no Town funding is involved, and there is no violation of any regulation or laws. He appreciated the value of a supportive response to DEEP, but recommended deferring comment. Chairman Paine said the POCD encourages open space within reason and this is another parcel where it is appropriate and connects the Pennwood ridgeline to the street. Mr. Peck said the Land Trust is asking for a statement from the Commission whether this complies with the POCD; specifically, this plan and statement goes into the file with a recommendation the Land Trust wants to buy it if it complies with the POCD. Commissioner Rice stated the POCD is a public document and this proposal is in compliance and did not see the need to do anything further. Chairman Paine stated he would like to see the Commission support Land Trust initiatives to raise private funds to do this and it is in keeping with past practices; the POCD is the Commission's document and it seems appropriate to endorse it to further the goal of open space.

Commissioner Jansen asked if the property is staked and whether the Commissioners should take a look at it. Commissioner Kulakowski suggested it meets the POCD and is subdividable property so the Land Trust can begin fund raising. Commissioner Rice stated we are not commenting on subdividability. Mr. Peck added it is only about POCD compliance. Commissioner Jansen commented it has been done for other property. Mr. Peck agreed it has been done for Tulmeadow, Ethel Walker, and others. Commissioner Cortes clarified they want a letter stating this meets POCD guidelines with no project recommendation. Mr. Peck agreed and said other comments can be offered if the Commission wishes; the question is does it comply with the POCD.

Chairman Paine asked if a letter was received from the Land Trust

requesting this or were communications verbal. Mr. Peck confirmed a verbal request was received, nothing in writing; it could be put off a couple of weeks and a letter requested. Regarding the amount of open space in Town, Mr. Peck said it is currently 32% of the Town; one of the objectives of the plan is to connect with other open space to promote wildlife habitat. Commissioner Rice stated the Ethel Walker lot proposal is coming up next and it discusses the scarcity of available residential lots; he is in favor of the POCD and favorable toward the Tanninger Hill request without Town funding, but maintains the Commission should not comment on Pennwood. Mr. Peck said the idea is to provide as much impetus as possible when the Land Trust goes to DEEP and establishing the value of the subdivision is important. He said the Commission may feel the 15-lot subdivision is more useful.

Chairman Paine concluded that hearing everyone's comments, it may be best to wait for the next meeting and ask the Land Trust for a letter with specific requests in it. Mr. Peck agreed and will follow up with the Land Trust. The Commissioners requested the specific parts of the POCD where this applies be referenced. Chairman Paine stated letters to DEEP have been done in the past in support of the Land Trust; if an application has all of the local boards' supporting it and another project has the support of only 2 boards, the former will have more support in DEEP.

Proposal for Open Space Purchase - The Ethel Walker School Property - Parcel C

Mr. Peck stated this is a request from Rich Sawitzke, Town Engineer, regarding the Ethel Walker parcels proposed for acquisition over time in a number of different sections. He said Parcel C is 41.809 acres and the proposal provided to the Commissioners outlines the details. He said it will be submitted to DEEP for acquisition in fee and they don't know if it will be granted to the Town; a letter of support increases their chances of obtaining a grant. He said Mr. Sawitzke is requesting the Planning Commission's support of the request; if the Planning Commission decides to go forward, they would like acknowledgement it is in compliance with the POCD and protects the natural resources of the site. He said there is a letter in the current proposal application for the Planning Commission; this is the final parcel proposed for acquisition.

Mr. Peck confirmed this purchase was approved by Town referendum and the total cost is \$1.6 Million, depending on how much the Town receives in grants. He said DEEP has a checklist, does appraisals, and ranks projects against other proposals, so the higher up a project is on the list the more potential there is to receive grants. He said originally when this was discussed, before Parcel 1 was obtained, there was potential for a 90-lot subdivision; the subsequent discussion was to protect the aquifer and

natural areas with hiking trails. He said this is the final piece and where they are requesting the Commission's support. Commissioner Rice stated in this case, a positive endorsement from the Planning Commission is in the best interest of the Town compared to a private purchase. He said he was in favor of issuing a positive letter as approved by the Town's voters for the purchase.

Commissioner Rice made a motion the Commission issue a statement the current Application is consistent with the Plan of Conservation and Development pertaining to Parcel C of the Ethel Walker acquisition, as shown on the maps provided by the Town Engineer. Commissioner Prell seconded the motion, and it was passed unanimously.

Mr. Peck will have the letter written and sent to Chairman Paine for approval.

#### VI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Paine noted the Commission typically does not meet in July and August and requested before the next meeting that members email him their schedules in case a meeting and quorum are needed.

Mr. Peck stated an EPA consulting team will be in Town 7/9 and 10 and will meet in the Library Program Room regarding parking allocations in Town Center; they will take a look at what is currently available, public parking and availability in DOT lots, in order to assess capacity and recommend improvements for access. He asked the Commissioners to inform him of where they would like to be involved. He said the public meeting will be held the evening of 7/10, on the Planning Commission meeting night.

Mr. Peck confirmed the Dorset Crossing land swap and Board of Selectmen decision has not yet occurred. He said the Town Attorney has approved the language, but has asked for environmental reports. He said once they receive the reports, a special BOS meeting will be scheduled with a 6/20 tight financing date coming up. He said the BOS has a heavily scheduled meeting on 6/25; they will get wording straight and environmental language correct before signing off.

Commissioner Prell commented on the Dorset Crossing number of students going from 13 to 40. Mr. Peck said the applicant used the numbers 32-33, but the based on experience it would more likely be 12-13. He said it will not make a difference regarding the number of 1 and 2-bedroom units; the maximum number of students is 33, but they believe it will be much less. He said the number is provided in the context of physical impact, so less students represents a more positive impact.

VII. APPROVAL OF MINUTES of May 15, 2012 and May 22, 2012

The May 15, 2012, minutes are changed on Line 57 from "Bolen?" to "Polan"; and on Line 156 "Knarzik at 118 Weatogue" is changed to "Bednarczyk at 119 E. Weatogue".

Commissioner Rice made a motion to approve the May 15, 2012, as amended. Commissioner Jansen seconded the motion, and it was passed with Commissioner Hallenbeck abstaining.

The May 22, 2012, minutes are changed on Line 37 from "20?" to "20".

Commissioner Jansen made a motion to approve the May 22, 2012, minutes as amended. Commissioner Rice seconded the motion, and it was passed unanimously.

VIII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:10 p.m. Commissioner Kulakowski seconded the motion, and it was passed unanimously.

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Tina E. Hallenbeck, Secretary