

From: Carrie Vibert October 4, 2012 3:16:40 PM
Subject: Planning Commission Minutes 06/26/2012 ADOPTED
To: SimsburyCT_PlanMin
Cc:

PLANNING COMMISSION MINUTES
JUNE 26, 2012
REGULAR MEETING

I. CALL TO ORDER

Michael R. Paine, Chairman, called the meeting to order at 7:07 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, Gary Lungarini, and Mark Drake. Also in attendance were Howard Beach, Conservation Officer, Janis Prifti, Commission Clerk, and other interested parties.

II. SEATING OF ALTERNATES AS NECESSARY

Chairman Paine appointed Commissioner Lungarini to serve as alternate for Commissioner Prell.

III. PUBLIC HEARING(S)

IV. DISCUSSION AND POSSIBLE DECISION

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

Chairman Paine stated his understanding from the Town Attorney that there are no substantive changes to the draft Subdivision Regulations. Commissioner Rice added that in the Definitions section, the Residential and Non-Residential Subdivisions are included, but there is currently nothing in the body of the text reflecting the intent to have different regulations for each. Commissioner Jansen noted in the first line "e" should be added to "mad". Commissioner Rice stated there are a couple of incorrect references to the attachments and a possible need to add something to the current document about "buildable square" and how to employ them. Chairman Paine commented that "buildable square" is more defined by Zoning, and may not correspond to current Subdivision Regulations. Commissioner Rice said if the Zoning Regulations handle

"buildable square", then it may be best to remove it from the proposed Subdivision Regulations. Chairman Paine disagreed stating as long as both Zoning and Subdivision Regulations are the same he is fine with that. Commissioner Rice said it is not currently complete in the Subdivision Regulations and that should either be all in or all out.

Commissioner Rice suggested going page-by-page focusing on comparing existing Subdivision Regulations with proposed Subdivision Regulations to assure there are no gross errors and that everything important in existing Regulations is included in proposed Regulations. Chairman Paine stated his discomfort with current Subdivision Regulations and the philosophical point of the new Subdivision Regulations is much better; in the past when they tried page-by-page review, it didn't work and became a radical departure. Commissioner Jansen agreed the new Regulations are much more logical for users to understand, whereas the previous Regulations were disjunctive. Chairman Paine said the new Regulations flow much better and the Commission could focus at the next meeting on reviewing them; he asked that Mr. Beach or Mr. Peck go through the proposed Regulations to assure definitions are the same as for Zoning. Mr. Beach stated Mr. Peck is reviewing the Subdivision Regulations to assure they are consistent and the Town Attorney's changes were to statutory references with some minor word changes because they are very strictly limited by statute and changes in wording will match. Chairman Paine stated Zoning has not revised their Regulations recently. Mr. Beach said there were some revisions, but money and time are not currently available to do a major re-write. Commissioner Drake said simplification of the Subdivision Regulations is better, progressing, and he favored moving forward. The Commissioners agreed on more in-depth review of the proposed Subdivision Regulations at the next meeting and Chairman Paine tabled the discussion till then.

Regarding specific issues, Commissioner Rice said there are a couple of sections with question marks including, Article 3 "Public Improvements" and whether it should be in or out (Pg. 27); if needed, expanding Section 16 which currently has no text; (1) the attorney has commented on; Chairman Paine said street standards and requirements were to come from the Town Attorney and Mr. Beach said referring to Town standards is best. Mr. Beach noted the need to state what you can and cannot require of applicants, e.g. requiring site walks or not. The Commissioners agreed to take up these issues at the next meeting; Chairman Paine requested members' comments be provided by Friday before the meeting to allow time to digest them; Mr. Beach added the earlier the better in order to get the Town Engineer's input.

B. Pennwood State Park Proposed Open Space Purchase by the Land Trust

Dick Davis representing the Simsbury Land Trust provided review materials to the Commissioners. He said they are applying for a State Open Space Grant and as part of the process the State likes to see a letter of support from the Town if they are putting money into a project and contributing to Town open space. He said a number of areas in the POCD pertain to the property, including: Natural Resource Policy 1, to protect wildlife corridors, significant geological features, communities and habitats, with Objective A under that policy specifically referring to protecting Lucy Brook Ravine which is entirely within the confines of this property; also mentioned are trap rock habitats and the western slope of Metacomet Ridge is trap rock - west slopes are very different and less common than east slopes and this west side of Metacomet has vertical slopes and more variety of mixed habitat. He said Natural Resource Policy 8, mentions utilizing the Farmington Valley Biodiversity Project Conservation Area Map which shows areas of high concern with this property as the only continuous area of concern on that map, and also says the policy would be to utilize DEEP's Natural Biodiversity Database Map with rare plants and animals listed by DEEP, including 17 combination plants and animals. And finally, he said Open Space Policy deals with intra-town trails and expanding the trail network, and because of its location this property is perfectly situated to do that with reasonable easy access from the Pennwood trails at the ridge top down to the Farmington River and across the River at the Drake Hill Bridge; also, there is an existing trail provided by the old charcoal cart road from high on the property up the steepest part of the Ridge. He said Lake Louise where the trail ends is a feature of Pennwood Park with a short distance to walk on Riverside Road, and basically you walk through the woods and mountain to Town Center. He said Bloomfield is doing the same thing on the other side of the Ridge with a trail between the two towns. He said these are the main features, but there are others.

Mr. Davis said Page 1 is the Biodiversity Map with the property circled and red marking 3 corridors on the west side of Town: the west ridge corridor, one on Metacomet Ridge, and one along the River. He said this is a sizable corridor from the top of the mountain east and west to the River; the Land Trust owns adjacent property to the north so the combined trails drop you at the intersection of Terrys Plain and Riverside Roads. He said the map of Pennwood State Park has the subject sites penciled in with Town open space to the north and shows Lucy Brook emptying out of Lake Louise, hitting the rim, cascading over some waterfalls to electric utility lines, and under the road. He said a glacial lateral moraine parallels the ridges and all housing developments on Talcott Mountain and Pinnacle Mountain are situated on top of the moraine from Tarriffville to Roskear Farm; between the moraine and the ridge is a low point of wetlands and the Brook created a ravine cutting through the moraine at 35-40 feet deep and cuts through bedrock. He said the land is highly developable and will not stay in this state. He showed a map of possible trails and photographs of meadows in

this wooded property. He said there is a 500 foot elevation change on the property from the mountain top to East Weatogue; there is great uncommon bird habitat, 3 sizable ponds with 2 vernal pools. He said the Land Trust would love a letter of support from the Commission.

The Commissioners agreed the name of the whole property should be changed to "Tanager Hill". Mr. Beach read a draft letter of support to the President of the Land Trust for the Commissioners review and comment; it included: "... preservation of this unique property for conservation purposes is in concert with specific objectives of the Town's Plan of Development, including: Policy 1, Objective A, specifically mentions Lucy Ravine Brook which is entirely within this parcel as one of the DEEP's priorities for preservation; Policy 8, encourage preservation of sensitive sites through the use of conservation easements, fee simple purchase, or purchase of development rights...; and Objective F, to connect open spaces with each other to the greatest extent possible...; this is the only property that runs clear to the Bloomfield line with fee simple ownership from Pennwood to the road. He said the goal of an east/west connection has been sought for many years by the Town. Chairman Paine said he requested Mr. Beach look up which policies within the POCD supported this purchase and draft this letter.

Commissioner Drake said this is an ideal property which promotes many positives and recommended the Commission's highest endorsement to move forward and hoped it would be in time to get a grant. Mr. Davis said they are also applying to the National Park Service which is interested because the trail is one of 2 National Scenic Trails in New England and the River is under consideration for a Department of Interior Program. Additionally, he said the Silvio Conte Fish and Wildlife Area Program covers the Connecticut River tributaries and Ken Salazar recently announced in Hartford a new program specifically mentioning this property, and there is private individual interest. He confirmed they have about a year to get funding which is the tightest timeframe he has been involved with. He said they are in conversation with the owner and will touch base throughout the process to show they are making reasonable progress. Commissioner Rice stated that while compelling arguments have been made, he remains uncomfortable with the Board issuing any type of letter on this subject. The remaining Commissioners expressed their support in compliance with the POCD.

Commissioner Cortes made a motion that the Planning Commission finds this purchase by the Land Trust in keeping with the Town's POCD and to provide a letter of support to DEEP. Commissioner Hallenbeck seconded the motion, and it was passed with Commissioner Rice opposed.

V. STAFF REPORT(s) ON ABOVE ITEMS

None.

VI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Paine provided for review the letter he signed for the Ethel Walker property purchase of Parcel C sent to DEEP.

VII. APPROVAL OF MINUTES of June 12, 2012

Commissioner Jansen noted the passing of Dunny Barney who was on the Zoning Board for many, many years. Chairman Paine stated his respect and sorrow at the loss of Mr. Barney.

The following changes were made to the June 12, 2012, minutes:

On Line 54, "Pennwood State Park" was changed to "Tanager Hill".

On Line 56, "Penwood" was corrected to "Pennwood".

On Line 81, "Janzen" was corrected to "Jansen".

Commissioner Hallenbeck made a motion to approve the June 12, 2012, minutes as amended. Commissioner Jansen seconded the motion as amended, and it was passed unanimously.

Commissioner Rice asked about whether the Board of Selectmen passed the Dorset Crossing land swap. The Commissioners noted that environmental issues were the issue and Mr. Beach will check on whether it was passed.

VIII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 7:52 p.m. Commissioner Drake seconded the motion, and it was passed unanimously.

Tina E. Hallenbeck, Secretary