

From: Lois Laczko October 20, 2008 9:44:44 AM  
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Cc:

ADOPTED

PLANNING COMMISSION MEETING  
July 8, 2008  
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: Ferguson Jansen, Mark Drake, Julie Meyer, Gerry Post and Carol Cole. Susan Bednarczyk arrived at 7:30 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 Drake to serve in the absence of Commissioner Bednarczyk.

Commissioner Post made a motion to move the Public Hearing item before the approval of minutes. Commissioner Jansen seconded the motion, which was unanimously approved.

III. PUBLIC HEARING

Application of George Sakellarios, 185 Atwater Street LLC, Owner, requesting a two (2) lot re-subdivision on property located at 38 Wildwood Road. R-40 Zone

George Sakellarios of 7 Railroad Avenue, Unionville, and also the applicant, stated that this parcel is a little over three acres. He showed the plans of the property to the Commission members. Mr. Sakellarios feels that the best use of this land is to make another building lot. He stated that the first piece has 200' of frontage, which meets the criteria. The second piece, the front lot, is broken into two parts, the lot and the

conservation easement. He stated that this lot currently has a house on it.

Mr. Sakellarios stated that the Fire Marshal requested that the right-of-way be increased from 20' to 25'. He also requested a turn-around driveway so that emergency vehicles could go in and turn around and come out front first. Mr. Sakellarios stated that he has talked with the Town Planner who also believes that this is a viable piece of property to be split in to two lots.

Chairman Loomis stated that the Regulations require certain things; the Zoning Regulations provide the authority for the Planning Commission to do a rear-lot re-subdivision rather than the Subdivision Regulations.

Commissioner Meyer questioned if there was an existing dirt road on the property. Mr. Sakellarios stated that there is a little lane there, although it is mostly grass now. At one time, vehicles did go down through there to access the garage. Commissioner Meyer also questioned where the proposed septic and leeching fields would be. Mr. Sakellarios showed the Commission members there they were on the plans, including the area for the reserve. He also stated that the ground is great for the septic system because it is gravel and sand.

Commissioner Jansen questioned how big the proposed house would be and also what kind of property was adjacent to these lots. Mr. Sakellarios stated that the proposed house would be approximately 3,000 s.f. - 3,500 s.f. He stated that there is open wooded land to the east of this property and beyond; there are residential lots to the north.

Chairman Loomis read from the Regulations stating that access to the rear lot should be provided across the portion of the original lot and street frontage should be within an easement at least 20' wide and be constructed to accommodate fire and emergency apparatus. The Regulation also state that the right-of way should be sufficiently buffered to screen the lot from abutting properties. He questioned what kind of screening and buffering would be proposed with respect to the right-of-way and the adjacent properties. Mr. Sakellarios stated that the area is already treed. They are proposing a 25' right-of-way; the right-of-way is the lot line.

Chairman Loomis questioned what would be proposed if the buffering was an issue. Mr. Sakellarios stated that they might propose a fence or plant more trees and shrubs in the area. Chairman Loomis suggested that low and moderate growth would be appropriate for this area, if needed. Mr. Peck stated that once the Commission has gone on the site walk, they would be able to get a better feel for what kind of buffer is there and what might

be needed. He stated that there are a number of options for this area.

Regarding the site walk, Chairman Loomis expressed to Mr. Sakellarios that they would like to see the key points, such as where the right-of-way is and the lot lines. Mr. Sakellarios stated that stakes are already in place. They would also be able to see the test holes where the septic testing was done.

Chairman Loomis opened the public hearing to comments or questions from the public.

Len Bobinski, 8 Beaverbrook Road, questioned what the Zoning Regulations were for subdivisions in Simsbury. Chairman Loomis stated that there are Subdivision Regulations and one of the unusual features of this particular rear lot re-subdivision is that the authority is delegated to the Planning Commission for approval of a rear lot from the Zoning Regulations. Commissioner Drake stated that this property is zoned R-40; they are approximately 1 acre lots.

Commissioner Drake questioned if the right-of-way took away the frontage of the existing property. Mr. Peck stated that it does not under the current Regulations. The frontage stays the same; it is an easement over the front lot.

Commissioner Drake questioned if the conservation easement was within the Regulations. Mr. Peck stated that it was. Mr. Sakellarios explained why he chose to have a conservation easement as opposed to open space. The Commission members agreed that having this as a conservation easement was fine.

The homeowner of 10 Sharlin Drive asked for an explanation of a conservation easement versus open space. Mr. Peck explained the difference to him. That homeowner also questioned what the significance was regarding who retained ownership of the conservation easement. Commissioner Post explained that the owner of the conservation easement would have to pay taxes on the property and they would ultimately be responsible for the property.

Elaine Arthur, 34 Wildwood Road, questioned if the public could attend the site walk. Chairman Loomis stated that the public was invited to attend.

After some discussion, the Commission agreed to have a site walk on Saturday, July 12th at 9:00 a.m.

Chairman Loomis stated that the public hearing would be continued until the next regular meeting.

#### IV. APPROVAL OF MINUTES of June 24, 2008

Commissioner Jansen made a motion to approve the June 24, 2008 minutes. Commissioner Bednarczyk seconded the motion.

Several edits were made to the minutes.

The motion to approve the June 24, 2008 minutes as amended were approved by Commissioners Jansen, Bednarczyk, Loomis and Meyer.

#### V. STATUS OF CHARRETTE INITIATIVE

Mr. Peck stated that he sent out the RFQs to which he received 8 responses. He stated that they are now in the process of making summaries of those responses. He now needs the Board of Selectmen's permission to send out the RFPs to selected firms in order to get them back as soon as possible. Regarding funding, Mr. Peck stated that this is still a major concern.

Chairman Loomis questioned what the range of responses to the RFQ was. Mr. Peck stated that they were all very substantial. All of the firms that responded have nationally known people working for them. Many of the firms also specialize in consensus building and deal with specific issues and problem within communities, which they do through a variety of methods. Many of the responding firms have read the POCD and have made comments in their proposals about the Plan.

Mr. Peck stated that he will be making two recommendations to the Board of Selectmen. It is important that they get authorization for the First Selectman to send out the RFPs. Secondly, Mr. Peck will be making the recommendation that they consider allowing the First Selectman to retain appropriate Special Land Use Counsel to guide the Town through this process. This would be more than just a Town Attorney function.

Mr. Thomas Frank, 19 Banberry Lane, questioned that when the RFPs go out, if that would be for the Town Center only or if it would also include the northern and southern gateways. Mr. Peck stated that the main focus would be on the Town Center, although with consideration for the other areas that are identified in the RFQ, which are the areas in the Special Areas map in the POCD.

#### VI. DISCUSSION OF 2007 POCD IMPLEMENTATION

Chairman Loomis stated that the Commission needs to look at the implementation section of the POCD and asked for comments or questions from Commission members regarding the following:

Page 147, Main Purpose - Chairman Loomis stated that the Planning Commission needs to promote this; the Planning Commission is responsible for all of the recommendations.

Page 148, Goals - There are 10 goals in this section. This Commission had pointed out that based on a survey, 4.6 professionals would seem appropriate. There are now 3 full-time positions filled, which would fit this category, although they are still one full-time professional position short.

Regarding the goals and adding another professional, Mr. Peck stated that he could not suggest adding additional staff because of the economic times. Chairman Loomis questioned if there was funding available for additional staff. Mr. Peck stated that they have made efforts to seek as many grants as possible.

Commissioner Bednarczyk suggested getting Glenn Chalder back to help this Commission facilitate; she feels that this is critical from a prospective of doing the implementation and it is also critical to have a professional working with them.

Page 150, Policy 2, Establish a Plan Implementation Committee with responsibility for developing an annual work program - Chairman Loomis stated that Mary Glassman had agreed to a PIC (Plan Implementation Committee) approximately three months ago. The concept was to have 12-14 representatives from each major organization in Town, although there are still many questions regarding how this would be done and if it was still the way to go.

Commissioner Jansen stated that he believes that PIC is still a good idea. He feels that a professional facilitator is important, although because people are currently involved with other issues, this should not be implemented until the first of the year when people can focus more. Commissioner Jansen stated that there should be many people involved; new people along with people who have dealt with these issues on an ongoing basis. He feels that the Town will get a better product this way. Mr. Peck stated that the reality is that the responsibility will fall with the Planning staff to coordinate the PIC. On a Committee of this kind, there does not need to be a strong Chairman; there needs to be a strong consensus and a coalition among the different departments. He stated that he also agrees with Commissioner Jansen to start this in the beginning of 2009. Commissioner Meyer stated that she feels deciding how this will happen is much more important than the timing.

Page 151, Consider maintaining the Plan in small incremental steps over a ten-year period rather than in one major initiative - Chairman Loomis

stated that they are doing this. Commissioner Bednarczyk stated that they are being reactive and not proactive.

Page 152, Policy 4, Encourage local land use boards to consider the recommendations of the POCD when reviewing applications - Chairman Loomis stated that to an extent, this is happening. The EDC, Design Review Board and the Zoning Commission are paying attention to this Plan. Mr. Peck stated that developers are reading the POCD also.

Commissioner Post: I think that was obvious with Dorset Crossing. He did his homework.

Chairman Loomis: That is just frustration, in part, because he was doing his homework back in 2006 with drafts, then existing drafts, which for the northern gateway haven't changed all that much.

Commissioner Post: You know, I mean, I heard a lot of criticism about the Planning Commission passing this, but, you know, the guy comes in and meets this Plan. I mean, I didn't find one thing that, other than there are some questions on what the long term layout will look like, the guy comes in...

Commissioner Jansen: But that comes in with a Site Plan.

Commissioner Post: ...comes in with a plan, and not only does he get criticized, both by another Commission and then in the newspapers question, we get criticized for passing a plan that we are following in our POCD.

Commissioner Bednarczyk: Well, some of it.

Commissioner Post: Well, most of it.

Commissioner Bednarczyk: There are maybe major pieces missing.

Commissioner Post: There are not major things missing. There is a thing called working with the customer. The people sitting out there are customers that are coming in with a proposal and we need to work with them and finesse it to get it where it meets this Plan and it meets whatever the POCD is or the Charrette process turns out. And if we continue to turn down these people, they are all going to be going to Granby, they are going to be going to Avon, West Hartford, Bloomfield and other places. You drive by...

Chairman Loomis: But we are not.

Commissioner Post: But we are not, but you know...

Commissioner Meyer: He didn't come in with a Site Plan, he came in with a text amendment, which is...

Commissioner Bednarczyk: And that affects everything.

Commissioner Jansen: Have you people read Hiram's June 30th and July 1st memos to Zoning? You should read it. Everyone last night should have read those to understand about the B-3 because when you read the memos, you understand it and you understand why he is so, you know, because.

Commissioner Meyer: But listen to Dunny's comment yesterday to the applicant, you know, about, well, I won't go there...

Chairman Loomis: Folk, we had better...

Commissioner Jansen: I don't think the applicant...

Commissioner Meyer: We are talking about a site, we didn't actually review his plan. We are reviewing a Zoning Regulation...

Commissioner Jansen: We weren't supposed to.

Commissioner Meyer: ...and a text amendment, so to say that we are taking someone's plan and not fitting it into the POCD is not what we were doing. We were looking at specific zoning regulations.

Commissioner Jansen: Exactly. And that is...

Chairman Loomis: Should this move forward, we will have an opportunity to look at the Site Plan.

Commissioner Meyer: But we weren't doing that when we made that vote and that, when you say that we are getting criticism for that, we are getting criticism for not a Site Plan, criticism for a text amendment...

Mr. Frank stated that the EDC members are not particularly informed or enthusiastic about the POCD. He feels that there is clear resistance on the concept with moving forward with the recommendations. Mr. Frank feels that the POCD needs to be marketed more aggressively within the community. Commissioner Drake agreed with Mr. Frank that the Planning Commission should start, at the beginning of the year, promoting the combined action with all of the Boards to get a sense of how they feel.

The Commission had a short discussion regarding if they would be able to participate in the Charrette process. Mr. Peck stated that he believes the Commission members will be able to participate. This is only one example of why he feels that Special Land Use Counsel is needed. The Commission

continued to discuss the need to educate other Boards and Commissions and not only the public. Getting a map with a summary of highlights on the back would be an excellent way to do this. Commissioner Post stated that he is very much in favor of getting this done as soon as possible. He asked Mr. Peck to start looking into getting quotes for this map.

Page 152, Policy 5, Update the zoning and subdivision regulations - Chairman Loomis stated that they have already discussed this. Regarding encouraging consistency between annual operating budget and the long term goals of the POCD, they need to arrive at an informed state of consistency.

Page 154, Policy 8, Encourage consistency between municipal improvements and the capital improvement program and the long term goals of the POCD - Chairman Loomis stated that the Planning Commission is charged by Statute with capital improvement oversight. Rich Sawitzke came before this Commission and updated them on capital improvement projects. Commissioner Bednarczyk stated that although this Commission was updated, she stated that they did not get the final update until late. Chairman Loomis stated that this Commission needs to take the authority and responsibility more seriously regarding capital projects.

Page 154, Policy 10, Continuously improve the land use review process - Mr. Peck stated that he has done a draft of the entire process, which has been given to Mary Glassman and building officials for their review and comment. They are also revising and modifying the forms to go onto the website so the necessary forms can be printed, which will help shorten the process. Mr. Peck stated that currently, the process involves coordination with a lot of different departments and they are trying to make this process easier. Mr. Peck stated that the Board of Selectmen has decided to enter into a contract for a long range IT plan to coordinate how everything fits together. In addition, he stated that they need to get the GIS more up to date.

#### VII. STAFF REPORT

There were none.

#### VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There was none.

#### IX. ADJOURNMENT

Commissioner Jansen motioned to adjourn the meeting at 9:00 p.m. The motion was seconded by Commissioner Post and unanimously approved.



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Gerry Post, Secretary