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From: Lois Laczko September 14, 2009 9:46:10 AM  
Subject: Planning Commission Minutes 07/14/2009 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
July 14, 2009  
REGULAR MEETING

I. CALL TO ORDER

Commissioner Post called the regular meeting of the Planning Commission to order at 7:17 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Carol Cole, Charles Houlihan, Julie Meyer, Carl Eisenmann, and Ferguson Jansen. Susan Bednarczyk arrived at 8:00 p.m. Also in attendance were Howard Beach, Environmental Compliance Officer, as well as other interested parties.

II. SEATING OF ALTERNATES

Commissioner Post appointed Commissioner Eisenmann to serve in the absence of Commissioner Bednarczyk, and Commissioner Cole to serve in the absence of Chairman Loomis.

Commissioner Jansen made a motion to move Item IV. Public Hearing next on the agenda. Commissioner Meyer seconded the motion, which was unanimously approved.

III. PUBLIC HEARING

Application of Noris E. Christensen, Owner, David F. Whitney, P.E., David F. Whitney Consulting Engineers, LLC, Agent, requesting a three (3) lot subdivision on property located on Shingle Mill Road (Assessor Maps A-10 and B-10, Block 419, Lot 013), West Simsbury. R-40 Zone. (continued from meeting of June 23, 2009)

Mr. Whitney, Professional Engineer, stated that a site walk was completed prior to this meeting. On the site walk, among other areas, they looked at proposed Lots 1, 2, and 3; the back of the wetlands and the conservation restriction; and the watercourse.

Mr. Whitney stated, at the last meeting, there was an outstanding issue regarding the detail for the common driveway. He distributed the detail to the Commission members and also stated that this has been added to the plans. He stated that the common driveway is 15' wide with shoulders. It is not a requirement that the 15' driveway be paved; the applicant would like to make that decision in the future. The Town Engineer recommends that this be a durable surface.

A memo from the Town Engineer has been received tonight regarding the drainage on the site. Mr. Whitney stated that there is a large watershed, approximately 960 acres. He showed the Commission members the limits of the watershed on the plans. This is a 23 acre site; it is a small part of that watershed. The applicant is proposing three houses. If the driveway is paved and the houses are built as shown, there will be .74 acres of new impervious surface, which is less than 1% of the watershed. Also, Mr. Whitney stated that the runoff would flow through the culvert before the larger peak flow arrives at the culvert; this development will not affect the peak flow.

Mr. Whitney stated that the driveway will go down and then up in elevation; the Town Engineer did not want the water flowing down the driveway and then out onto the road. As the driveway goes up, there are two culverts; one is a long 24" culvert that picks up the intermittent watercourse and outlets at the toe of the slope where the existing watercourse dissipates. The second culvert for proposed Lot 2 will feed into the inlet into the 24" pipe.

Mr. Whitney stated that the common portion of the driveway is under 400'. The Town Engineer is concerned with the common driveway being a dirt road; he wants to be able to control the water. He stated that they have also increased the driveway radius from 30' to 50'. The 15' width of the driveway has been agreed upon by the Fire Marshal, although he wanted the shoulders for emergency access.

In response to Commissioner Meyer, Mr. Whitney stated the post development peak flow is 52 cfs. The combined site's undisturbed and developed areas' runoff totals 52 cfs.

Mr. Whitney stated that this is a 23 acre site in an R-40 zone. There is a one acre minimum lot size per house; the applicant is proposing only three houses. In the scheme of things, this is a low density development.

Commissioner Jansen questioned if the water for the houses would be coming from individual wells. Mr. Whitney stated that each house would have a new drilled, individual well.

Commissioner Meyer questioned if the wet to dry ratio was calculated. Mr. Whitney showed plans depicting this. He stated that the houses are in the 5%-20% sloped areas. The flat land, which also contains the wetlands, is 25% of the site; the 5%-20% sloped areas is 28% of the site; the 20%-50% sloped areas is 32% of the site; and the steep areas is 15% of the site. He stated that the open space across the back of the site is a 20' wide proposed strip of land and access way to connect the Town land to the other open space. Commissioner Meyer stated that to the northeast part of the easement, the slopes are very steep; they are in excess of 50%. More than half of the easement is steep slopes. She stated that if that much of the easement is in steep slopes, then to meet the ratio, the whole property has to contain the same percentage of steep slopes to be in compliance with the ratio. Commissioner Meyer stated that, in the future, it would be very helpful to get these calculations from Town staff prior to meetings. Based on the calculations that she has done, she does not feel that the applicant is in compliance with this. She stated that there needs to be more open space in dry slopes below 30% in order to make this comply. Mr. Whitney stated that the applicant could request a waiver.

Mr. Beach stated that what is being proposed in this subdivision is a 20' wide fee simple ownership to the Town and a 130' wide conservation easement. There is no percentage offset calculation in the conservation easement. He stated that if the Commission were to want this area to be open space, then there would be the issue of buildable verses non-buildable. The land would then require a waiver or additional flat land be added to it.

Commissioner Meyer questioned what the ability was for future owners of proposed Lot 3 to subdivide. Mr. Beach stated that they would not be able to subdivide. There is only 600' of frontage on this site; there can only be three lots. Mr. Whitney stated that this parcel qualified for a rear lot; the applicant could have come in for a fourth lot, although the Wetlands Commission made it very clear that the watercourse was very important.

Mr. Beach stated that the Town Engineer has recommended, not required, that the common portion of the driveway be paved.

Commissioner Post opened the public hearing to public comments or questions.

Noris Christensen stated that his personal preference is that he would like to have a gravel driveway. He does not like the concept to be required to pave the driveway. He feels that it is nice to hear someone coming up the driveway and he just prefers gravel. Commissioner Houlihan questioned if there was a mechanism in place for the driveway to be maintained. Noris

Christensen stated that, presently, there was not. Noel Christensen stated that gravel roads, he feels, are less trouble to maintain than paved surfaces.

Commissioner Meyer questioned what the difference was, for paved versus gravel, regarding the environmental impacts to the watershed. Mr. Whitney stated that the compact gravel has more infiltration. Mr. Beach stated that the Fire Department does not have any issues with a gravel driveway; they require a hardened surface.

Commissioner Post questioned who the primary owner of the driveway would be. Noel Christensen stated that there will be easements on the Lots. Mr. Whitney stated that they will need to have a homeowner's associations for these lots. How they decide to collect money will be up to the owners; it will be in the deed. Commissioner Houlihan stated that it could also be in the easement grant. He feels that there is no need to figure this out now. When the applicant goes to develop the property, they will need to have a plan for this, although there should be a condition that there is a process to maintain the driveway for emergency access.

Commissioner Houlihan made a motion to close the public hearing. Commissioner Meyer seconded the motion, which was unanimously approved.

Commissioner Houlihan made a motion to approve the application of Noris E. Christensen, Owner, David F. Whitney, P.E., David F. Whitney Consulting Engineers, LLC, Agent, requesting a three (3) lot subdivision on property located on Shingle Mill Road (Assessor Maps A-10 and B-10, Block 419, Lot 013), West Simsbury. R-40 Zone with the condition that some arrangements be made for maintenance of the driveways on the site. The proposed development plan is consistent with the POCD; it is within an area that is a natural resource in Town; the design appears to minimize the environmental degradation while enhancing appropriate development that is in keeping with the style of the neighborhood; the drainage and location appears to maintain the ecological integrity of the landscape and it appears that it is sufficiently buffered so it does not interfere with any of the surrounding uses to the property; and it satisfies the goals of having the appearance and functionality of a neighborhood being maintained and preserved. Although there are no buildings to look at now, the plan before the Commission appears to harmonize with the natural surrounding area and it seems to improve, facilitate and sustain an environment that is safe, healthful, aesthetic and distinctive, and it would maintain and protect the quality of the residential neighbors and the design of the water flow system seems to be appropriate to protect against additional water flowing onto Shingle Mill Road and with the intended risk that that would propose. Commissioner Eisenmann seconded the motion.

Mr. Beach stated that the Subdivision Regulations usually require open space dedication. In this application, they are proposing a 20' fee simple strip of land plus a conservation easement, which totals the 20%. He recommended that the motion state that the Commission will accept the conservation easement as opposed to open space on this parcel. Commissioner Houlihan stated that this is usually done in two separate motions. The conservation easement would need to be a prior motion.

Commissioner Houlihan withdrew his motion. Commissioner Eisenmann withdrew his second to the motion.

Commissioner Houlihan made a motion to approve the substitution for the open space requirement contained in the application providing the Town with a fee simple interest of a 20 foot path on the northern boundary to facilitate a connection between Town owned land and property owned by the Simsbury Land Trust and beyond that, a 130 foot strip of land adjacent to this on which would be a conservation easement, the details and maintenance of which would be contained in the easement itself and to be defined.

Commissioner Meyer stated that she would like to add, for clarification, that it will be 4 acres of conservation easement with .6 acres of open space. Mr. Whitney stated that the 20' wide access way is .624 acres and the conservation easement area is 4.019 acres, which is a total of 4.64 acres. This totals 20% of the site.

Commissioner Houlihan supplemented his motion to state that the 20 foot wide access way is .624 acres and the conservation easement area is 4.019 acres, which is a total of 4.64 acres. Commissioner Meyer seconded the motion, which was unanimously approved.

Commissioner Houlihan made a motion to approve the application of Noris E. Christensen, Owner, David F. Whitney, P.E., David F. Whitney Consulting Engineers, LLC, Agent, requesting a three (3) lot subdivision on property located on Shingle Mill Road (Assessor Maps A-10 and B-10, Block 419, Lot 013), West Simsbury. R-40 Zone with the condition that some arrangements be made for maintenance of the driveways on the site. The proposed development plan is consistent with the POCD; it is within an area that is a natural resource in Town; the design appears to minimize the environmental degradation while enhancing appropriate development that is in keeping with the style of the neighborhood; the drainage and location appears to maintain the ecological integrity of the landscape and it appears that it is sufficiently buffered so it does not interfere with any of the surrounding uses to the property; it satisfies the goals of having the appearance and functionality of a neighborhood being maintained and preserved. Although there are no buildings to look at now, the plan before the Commission appears to harmonize with the natural surrounding area and

it seems to improve, facilitate and sustain an environment that is safe, healthful, aesthetic and distinctive, and it would maintain and protect the quality of the residential neighbors and the design of the water flow system seems to be appropriate to protect against additional water flowing onto Shingle Mill Road and with the intended risk that that would propose. Commissioner Eisenmann seconded the motion.

Commissioner Post stated that he is comfortable with this subdivision. He feels that both the property owners and the Town staff did a great job protecting the assets in the area, protecting the neighbors and protecting the site lines. He feels that this is a fair use of the land.

Commissioner Houlihan stated that the recommendation from Town staff was in favor of approving this application. A lot of time and attention has been directed toward the issue of drainage. He feels that the site walk was very beneficial in terms of understanding how the drainage will work and how it will keep water flow from going onto Shingle Mill Road. He stated that he is satisfied with the application.

Commissioner Jansen stated that he feels that the common driveway is a good plan.

The motion was unanimously approved.

Commissioner Bednarczyk arrived at 8:00 p.m. Commissioner Post relieved Commissioner Eisenmann from serving for Commissioner Bednarczyk.

#### IV. POSSIBLE APPROVAL OF MINUTES from the June 23, 2009 regular meeting

Several edits were made to the June 23, 2009 minutes.

Commissioner Jansen made a motion to approve the June 23, 2009 minutes as amended. Commissioner Houlihan seconded the motion. Commissioners Cole, Jansen, Houlihan and Meyer voted in favor. Commissioners Post and Bednarczyk abstained.

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

Mr. Beach stated Mr. Peck will be compiling a list of references that Commission members submitted to him regarding goals and priorities.

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

Commissioner Houlihan stated there will be a public meeting this Thursday at 7 p.m. at the Simsbury Library. If someone cannot attend this meeting,

comments through e-mail will be accepted. He stated that they are looking for input on the current state of the PAD draft.

Commissioner Houlihan stated that one element of the PAD Subcommittee's discussion has been regarding the transect analysis, which is a description of the different types of neighborhoods. He stated that what is in the proposed PAD was ultimately taken out of the POCD. This is a proposal to introduce the detail element. The Subcommittee will be discussing this. Some of the members of the Subcommittee feel that more details are needed to make sure the Town gets the concept that is being expressed, while others feel that not as much detail is needed.

Commissioner Meyer stated that the difficulty is to know how to write a code that is applicable to different parcels in Town. She stated that this is when they decided to have some definition to three types of areas and how much specificity there should be for these three areas. She feels that it is important to state that the PAD becomes a floating zone that is legislative in nature, whereas the current Zoning regulations are administrative. When an application comes in under the PAD, the Zoning Commission would act as a legislative body and they will have a lot of flexibility. She stated that the question is if the developer should have complete flexibility to come in with creativity, or should the Town have some say as to what they want on specific areas.

Commissioner Jansen stated that the Charrette will help with this. He feels that they should be having this discussion after the Charrette process. Commissioner Meyer stated that waiting was an issue; some of the members of the Subcommittee wanted to wait until after the Charrette and others did not. Commissioner Houlihan stated that some members feel that now is the perfect time because there are no applications currently pending.

Commissioner Houlihan stated that there is not a mixed use regulation in Town. He stated that the Planner from Glastonbury came to a meeting to discuss their PAD regulation, which is very vague. This was very helpful. Commissioner Meyer stated that the PAD in Glastonbury is used mostly for residential properties.

## VII. STATUS OF THE TOWN CENTER CHARRETTE

Mr. Beach stated that there will be a kick-off meeting on August 10th to explain the Charrette process. The Charrette will take place from September 11th-16th and will be held in the Program Room at the Simsbury Public Library.

Kirsten Griebel, 7 Caryn Lane, questioned how people were identified to

receive letters from the First Selectman inviting them to attend the Charrette. Commissioner Post stated that it may have been a sampling of people who received the letters, although he is not certain. Mr. Beach stated that he will check with Ms. Glassman's office regarding the letters.

Mr. Beach stated that they will be advertising for the Charrette with A-frame signs, a banner over Hopmeadow Street and on SCTV.

Regarding the PAD regulation, Ms. Griebel questioned if it would be coming to the Planning Commission as a referral. Commissioner Meyer stated that further clarification is needed. Commissioner Post stated that the PAD Subcommittee will complete the draft and will present the draft at a public meeting for comments and questions. Subsequently and with any changes to the draft, if any, the Subcommittee will forward the full draft to the Zoning Commission. In turn, the Zoning Commission can reject or accept the draft and with whatever further modifications can schedule a public hearing.

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

There was no report.

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

Mr. Beach stated that it is up to the Planning Commission to decide if they would like to discuss this further or to schedule a public hearing. He stated that the Town of Avon has had this regulation in place for 10 years. This is an alternative for someone; it is not something that is required. The fee in lieu of open space regulation is a good way to get funds to buy additional open space that will benefit the Town.

Commissioner Post questioned if this should go to the Open Space Committee for their review. Commissioner Meyer stated that it should go to them for their input, although she feels that the Planning Commission should first have more discussion regarding the issue. Commissioner Houlihan stated that there needs to be a work product before they can refer it to the Open Space Committee.

Commissioner Post stated that they would continue this discussion at the next meeting.

Regarding the application of Noris E. Christensen, Commissioner Meyer stated that the dry to wet ratio does not only apply to open space because it is technically open space until it is voted to have it become a conservation easement in lieu of open space. She stated that in the HARCO Subdivision, they gave up the land in the front of the property so it would



meet the dry to wet ratio and steep slopes; there was no open space in that subdivision, although they met the ratio. Mr. Beach stated that if an applicant is proposing open space it would have to meet the ratio and if it is a conservation easement it does not have to meet the ratio.

Commissioner Meyer stated that she believes this would apply to a conservation easement in addition to and/or open space. She asked for legal clarification. She feels that for every subdivision the Commission should have the calculation presented to them by Town staff.

X. STAFF REPORT(s)

There was none.

XI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

XII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:50 p.m.  
Commissioner Houlihan seconded the motion, which was unanimously approved.

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Gerry Post, Secretary