

From: Lois Laczko September 15, 2008 9:26:22 AM  
Subject: Planning Commission Minutes 08/12/2008  
To: SimsburyCT\_PlanMin  
Cc:

PLANNING COMMISSION MEETING  
August 12, 2008  
SPECIAL MEETING

I. CALL TO ORDER

Chairman John Loomis called the special 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, Charles Houlihan, Julie Meyer, and Susan Bednarczyk. 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 Post.

III. DISCUSSION AND POSSIBLE DECISION

a. 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. (continued from meeting of July 22, 2008)

Commissioner Houlihan stated that since the last meeting, he has walked the site and has listened to the recording of the original hearing. Based on this, he is now eligible to vote.

Commissioner Houlihan made a motion to reconsider the prior vote concerning whether or not to accept a conservation easement in lieu of open space dedication. Commissioner Jansen seconded the motion.

Commissioner Houlihan stated that he is making this motion because after walking the property and identifying the portion of the property that is proposed for the conservation easement, it will be behind one house and it is to the side of the intended second house on the other lot. As a result, there is not any public access to that site. He stated that his preference

has always been and still is, generally, that where the possibility of public access is none or close to none, it is in the best interest of the Town to adopt a conservation easement so that segment of property is preserved and so the Town does not have any maintenance requirements or any liability.

The motion was unanimously approved.

Commissioner Jansen made a motion that they waive the open space requirement in lieu of the conservation easement as presented. Commissioner Houlihan seconded the motion.

Commissioner Meyer stated that she would like to modify the motion by shifting the conservation easement slightly by taking 6,000 s.f. off of the southern portion of Lot #1 and putting that same 6,000 s.f. onto the northern boundary of Lot #2, which would equate to a 30 foot band giving the entire length of both lots a conservation easement. This would protect the neighbors on Sharlin Drive. She stated that she has talked with the Town Attorney who informed her that the conservation easement could be considered against the entire property and that this Commission has the option to propose a change in where that conservation easement would go. The Commission continued to discuss this further.

Commissioner Houlihan stated his concerns with Commissioner Meyer's suggestion because of the impact to the back lot. He questioned how this would affect the proposed site plan. Commissioner Meyer stated that it would be well within the 50' rear setback; it does not impede the building. It is a 30' strip that gives the current or future owner the same protection that the Miller family has. She would like to take the 6,000 s.f. and shift it to the property on Lot #2 to give one continuous strip of easement to the pre-existing neighbors. She feels that this would be the most effective way to protect the existing neighbors.

Commissioner Drake stated that although Commissioner Meyer's idea is admirable, in order to protect future neighbors, there are extremely tall White Pine trees that can become a dangerous situation. If there is a conservation easement, the property owners will not have the ability to clear any of those trees. He stated that since the present land owner is not making any requests for this easement, he feels that it should be left as presented. Commissioner Meyer stated that although there are some White Pines in this area, there is a lot of other vegetation in that area also; the White Pines are mostly on the western border of that property. Commissioner Houlihan stated that the proposed conservation easement has younger growth White Pine trees. He stated that he also agrees with Commissioner Drake.

Commissioner Jansen stated that he feels the conservation easement should be left as presented. Also, this Commission should have a dialogue regarding how far they should go to change ideas.

Commissioner Bednarczyk stated that it is this Commission's right and obligation to move open space. Chairman Loomis disagreed. She stated that this Commission is here for the residents of Simsbury. She stated that whether or not the residents ask for something or not, it is this Commission's obligation to protect the residents. She feels that Commissioner Meyer's suggestion to move the conservation easement will help protect the residents.

Commissioner Drake stated that Commissioner Meyer's intent is to protect the landowner behind this property. Since the property line is in the middle and since the rear property owners have 10'-15' of pines or barriers, the goal is accomplished. They already have a buffer that will never be touched by this new landowner. The only thing that this conservation easement will do is inhibit the landowner of the new lot from protecting themselves from the White Pines; it will not give them any more or less of a buffer. He feels that it is not necessary to extend the conservation easement. Commissioner Meyer was not in total agreement.

Chairman Loomis stated that he does not believe that there is a higher good served for the Town or residents by taking the applicant's proposed easement and modifying it. He feels that the proposed easement works fine as presented.

Commissioner Bednarczyk made an amendment to the motion to include Commissioner Meyer's proposal to transfer an amount of land equal to a 30' border or a 6,000 s.f. area along the rear lot line to be subtracted from the proposed easement. Commissioner Meyer seconded the amendment to the motion. Commissioners Meyer and Bednarczyk voted in favor of the amendment. Commissioners Jansen, Drake, Loomis and Houlihan vote in opposition to the amendment.

Regarding the main motion, which was made by Commissioner Jansen, that would waive the open space requirement in lieu of the conservation easement as presented, Commissioners Jansen, Drake, Loomis, Houlihan and Meyer voted in favor. Commissioner Bednarczyk voted in opposition.

Commissioner Drake made a motion to approve this application for the rear lot as depicted on the plot plan, dated May 28, 2008, last revised on 6/19/08. Commissioner Jansen seconded the motion.

Commissioner Meyer stated that the map does have a drafting error; the 50' setback is drawn at 40'. After some review by Mr. Peck, he stated that the

map will need to be re-drafted.

Commissioner Drake amended his motion to make the correction that the rear setback on Lot #2 should be corrected to the proper 50', instead of the current 40' as depicted on the map dated May 28, 2008 and revised on June 19, 2008. Commissioner Jansen seconded the motion. Commissioners Jansen, Drake, Loomis, Houlihan and Meyer voted in favor. Commissioner Bednarczyk voted in opposition.

#### IV. ACCEPTANCE OF ERICA LANE (Brookshire Subdivision) AS A TOWN ROAD.

Mr. Peck stated that all of the members of the Commission should have received a letter from the Town Engineer stating that this road has been constructed in accordance with Town standards and is ready for acceptance. Mr. Peck stated that the Town Engineer has had the road inspected. After the Planning Commission agrees to recommend acceptance of the road, that recommendation along with the Town Engineer's letter, will go to the Board of Selectmen for acceptance.

Commissioner Bednarczyk stated that she was under the impression that roads would be named for historical reasons or after significant people. Commissioner Bednarczyk suggested naming the road with regard to some historical significance. Mr. Peck stated that this should be done at the time of the subdivision approval because many documents have already been generated include the reference for this road. Although he feels it is too late for a change, Commissioner Jansen did agree with Commissioner Bednarczyk that the names of roads should have some local significance.

Commissioner Jansen made a motion to accept Erica Lane as the name of the road for the Brookshire Subdivision. Commissioner Drake seconded the motion, which was unanimously approved.

#### V. APPROVAL OF MINUTES of July 8, 2008 and July 22, 2008

The Commission discussed the use of the verbatim portion of the July 8, 2008 minutes. It was decided that Commissioner Meyer would summarize the dialogue, which she would send to Commissioner Post for his review. They can then decide what should be added to the minutes, which will be discussed at the next meeting.

Commissioner Jansen made a motion to approve the July 22, 2008 minutes. Commissioner Houlihan seconded the motion.

Several edits were made to the minutes.

The motion to approve the July 22, 2008 minutes as amended was unanimously approved.

## VI. STATUS OF CHARRETTE INITIATIVE

Mr. Peck stated that the RFPs went out to 8 firms; their responses are due back by August 18th. He is hopeful that the Town will receive 4-6 proposals. Regarding the Charrette Committee that is being formed, Mr. Peck stated that Ms. Glassman will Chair this Committee with two members of the BOS and the Chairman or a designee from each of the land use commissions. When the chosen consultants come in for an interview, it will be important to know what the proposals are in terms of cost. Mr. Peck stated that they are currently 6-8 weeks behind schedule based upon concerns by the BOS, re-writing the RFP, sending the RFP and RFQ out separately and the BOF's choice not to establish a special revenue fund.

Kirsten Griebel, 7 Caryn Lane, questioned the status of the economic survey, which was discussed at the last BOS meeting. She stated that Mr. Long had asked for research to see what would be viable for development. Mr. Peck stated that he believes what Mr. Long was talking about was the Public Opinion Polling exercise with regard to development attitudes. The EDC is considering updating their economic development plan. A lot of things are being blended together. He stated that the Charrette is a planning exercise that has to do primarily with land use. The economic development report that the EDC is discussing is more oriented to economic development and things that would affect that. One is a sub-set of the other. Although there will be an economic component to the Charrette, it will not take the place of the EDC's strategic plan. Mr. Peck stated that the Town has sent out letters asking for interest with regard to polling activities with respect to the economic development survey. He stated that they did not receive any responses; most of the firms stated that they were not interested. The University of Connecticut recommended Pulsar, from Vernon, who does UCONN's polling. Mr. Peck stated that he will be looking into this company.

Ms. Griebel stated that she keeps hearing that Simsbury will be getting a form-based code for the Town Center out of the Charrette, although on the Town's website it also states that they will also be getting detailed information regarding other areas. She questioned if this would provide Zoning Regulations so development can be done in the north or south ends of Town. Mr. Peck stated that the primary focus is on the Town Center. The other areas of focus are the items that are called out on the Economic Development Plan and the POCD. They will also be looking at the special areas that are shown in the POCD. Ms. Griebel questioned if there would also be a regulation for other areas in Town. Mr. Peck stated that he is not sure what will be proposed; it will also depend on the cost.

Commissioner Drake stated that the Charrette will give a consensus of the

ideas that exist. It will then be up to the Boards to make the modifications to the Regulations and use all of the data to apply it to the northern and southern gateways as well. He stated that it has the potential to change the POCD in certain areas.

Commissioner Meyer questioned what would be needed to add to the B-3 Zone to make sure it is form-based; it is currently mixed-used. Mr. Peck stated that the B-3 Zone, as it occurs now, does not have any form parameters in it. As of the last Zoning Commission meeting, there is a square footage limitation that was put on the footprint of 25,000 s.f.; other than that, everything is the same. Mr. Peck gave several examples of different developments in Town. Mr. Peck stated that Mr. Giorgio, during his presentation at the last BOS meeting, stated that if the Charrette process goes forward and should it provide attractive results applicable to the property he is developing, he would be willing to consider that. The Planning Commission continued to discuss what happened at the last Zoning Commission meeting regarding the Hoffman and Dorset Crossing applications.

Ms. Griebel questioned why the Dorset Crossing zone change did not come back before the Planning Commission since changes were made to it. Mr. Peck stated that he did talk to the Town Attorney regarding this. If the change was significant or not part of the original application, it would need to come back before this Commission. He stated that it would only typically come back to this Commission if the change made would make a difference in the notification.

#### VII. DISCUSSION OF 2007 POCD IMPLEMENTATION

This was not discussed.

#### VIII. STAFF REPORT

There were none.

#### IX. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There was none.

#### X. ADJOURNMENT

Commissioner Jansen motioned to adjourn the meeting at 8:50 p.m. The motion was seconded by Commissioner Meyer and unanimously approved.

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Gerry Post, Secretary