

From: Lois Laczko September 29, 2008 3:37:57 PM  
Subject: Planning Commission Minutes 09/09/2008 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

## ADOPTED MINUTES

### PLANNING COMMISSION MEETING September 9, 2008 REGULAR MEETING

#### I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:10 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, Charles Houlihan, Susan Bednarczyk and Carl Eisenmann. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

#### II. SEATING OF ALTERNATES

None were needed.

Chairman Loomis welcomed new member Carl Eisenmann to the Commission. Mr. Eisenmann is a long time resident of Simsbury and is a graduate of Georgetown University and Georgetown Law School. He was a member of the Charter Revision Commission and was a member of the State of Connecticut Pardons and Paroles Board and the Simsbury Police Commission.

#### III. APPROVAL OF MINUTES of August 12, 2008

Commissioner Post made a motion to approve the August 12, 2008 minutes. Commissioner Houlihan seconded the motion.

Several edits were made to the minutes.

The motion to approve the August 12, 2008 minutes as amended was unanimously approved.

Chairman Loomis asked for a motion to reconsider the minutes from the July 8, 2008 meeting. Commissioner Meyer stated that she and Commissioner Post

had not yet had a chance to discuss the issues relating to those minutes.

Commissioner Meyer made a motion to discuss the July 8, 2008 minutes. Commissioner Bednarczyk seconded the motion.

Commissioner Houlihan suggested that Commissioners Meyer and Post discuss these minutes at a later date prior to the next meeting. The Commission agreed.

Commissioner Meyer withdrew her motion to discuss the July 8, 2008 minutes. Commissioner Bednarczyk withdrew her second.

Commissioner Jansen made a motion to reopen the discussion of the August 12, 2008 minutes. Commissioner Post seconded the motion.

Commissioner Jansen made one more edit to the minutes.

The motion to approve the August 12, 2008 minutes as amended was unanimously approved.

#### IV. STATUS OF CHARRETTE INITIATIVE

Mr. Peck stated that the Board of Selectmen met and discussed going forward with the Charrette. Prior to the BOS meeting, the Charrette Sub-Committee met and discussed the Charrette, the RFQs and RFPs that the Town had gotten back from the consultants, and how the process would go forward. Mr. Peck stated that the Charrette Sub-Committee recommended to the BOS to go forward with the public opinion poll, which the BOS agreed to go forward with. Pulsar Consulting will be handling the opinion poll. They stated that the poll will be completed within 30 days of the start of the poll. The poll is a random public opinion poll by telephone. The poll will be approximately 15 minutes long and will ask people's opinion about development in Town and how much people are willing to pay for various things; 400 responses will be gathered. Mr. Peck stated that this information will present a comprehensive picture of the opinions of residents concerning development in Simsbury. This information will ultimately be available to the consultant if the Charrette process goes forward. He stated that there is an objective to this poll that needs to be clear for the consultant. Mr. Peck stated that the cost of the poll will be \$15,000.

Commissioner Meyer stated that she attended the BOS meeting and she believes that there was consideration in using the Board of Education's list in order to notify people that the Town is conducting this poll. She feels that this would be a good way to let people know about the survey. Mr. Peck stated that the Town's website, SCTV and newspapers will be the

way the Town notifies people of the poll. Commissioner Drake stated that the results of the poll might be swayed if they were to go off of the Board of Education's list. He believes that the poll should stay as it is, random. Commissioner Houlihan agreed with Commissioner Drake. Commissioner Bednarczyk stated that she was very surprised at the small number for sampling. She feels that 400 responses to the poll are not enough.

Mr. Peck stated that the BOS discussed the money aspect of the Charrette and where the money will come from and how it will be appropriated. He stated that Mary Glassman has asked the Finance Director to look at the existing budget to find out if there are some funds that are currently in the budget for consulting that have not yet been expended. These funds could possibly be moved into an account that could pay for the Charrette. There was also discussion at the BOS meeting regarding moving funds without public comment. The Board of Finance will also be discussing this issue at their next meeting.

Mr. Peck stated that the BOS agreed to allow requests for the top three consultants to come in for interviews; the interviews will be completed by the end of September. He believes that the Board of Finance will request to have a public meeting to discuss if the money should be transferred and for public comment. At that time, Mr. Peck stated that they should have a good idea as to which consultant would be selected and also a firm idea of how much money will be needed. He stated that the consultant's charges range from \$227,000 and \$440,000.

Regarding available grants, Mr. Peck stated that there is a \$50,000 grant for the Incentive Housing Zone that he will be applying for. There is also \$40,000 in the budget for a study of the Center Zone. This money totals approximately \$90,000 for the Charrette process if it were to go forward. He stated that there may also be additional grant money for smart growth.

Mr. Peck stated that along with the price for doing the Charrette, there are also other considerations as well, such as legal expertise, training, and reprinting the Regulations. Chairman Loomis stated that he does not believe that the budget fully reflects all of these costs. He also stated that Mary Glassman has requested that all of the members of the Charrette Sub-Committee, as well as the members of the BOS, attend the next Board of Finance meeting on September 16th.

Commissioner Bednarczyk stated that she feels the best way to approach the Board of Finance is with the maximum amount of dollars. Also, she suggested that the numbers of all of the costs of the Charrette should be broken down regarding what will be affected this year and in the next budget cycle. Mr. Peck stated that it will all depend on how receptive the

Board of Finance is. Simsbury has transferred money within the budget in the past, although some members say that they are uncomfortable doing this again. He stated that he is very confident that the Town knows what the numbers are and however the Board of Finance chooses to break them down is fine and how they chose to manage this money is a Board of Finance issue. Commissioner Bednarczyk stated that she believes the transferring of money within a budget should not be done on a regular basis, although discussions regarding the Charrette have been ongoing for a long time. She feels that there should have been an amount budgeted for this year for that purpose because the Town did anticipate the Charrette. She does not feel that there was a lot of pro-activity in the Board of Selectmen's thought process. Chairman Loomis stated that the Board of Selectmen only came to a strong consensus in support of the Charrette fairly recently.

Commissioner Post questioned what the pricing quotes were from each of the consultants. Mr. Peck stated that the lowest bid was \$227,000 and the highest was \$440,000, although that number is flexible. He stated that these prices do not include everything. He will be putting a comprehensive list of what the other expenditures will be, although some of these things will be able to be done in-house.

Mr. Peck stated that several people have commented that the Town has not involved the stakeholders. He stated that they will be writing letters to the stakeholders, explaining the process and inviting them to become part of this process. He stated that the Town wants to make sure the landowners are involved. Commissioner Post questioned what would be done if the stakeholders did not want to participate. Mr. Peck stated that the consultants are very good at working with the landowners and getting a consensus.

Commissioner Meyer questioned if a back-up consultant had been picked in case the Board of Finance does not approve the proper funding for the consultant that will be chosen. Mr. Peck stated that his job is to find the firm that will do the best job for the Town. He stated that the public meeting that will be held is very important in order to let the Board of Finance know the issues.

Mr. Dahlquist, Chairman of the Design Review Board, stated that he has looked at the proposals and agrees with Mr. Peck's 3 choices for consultants. He stated that this is about planning a strategy for Simsbury's future. The Charrette is a tool that many parts of the country have already adopted. He feels that this will be as good for the developers as well as the Town. Mr. Dahlquist stated that he fully endorses this whole process. He stated that it is important to communicate the value of the Charrette.

Commissioner Houlihan stated his concern regarding making sure people have a sense of the value of the Charrette. Mr. Dahlquist stated that all of the Land Use Commissions have voted in favor of the Charrette. He stated that the Charrette is a tool that will give Simsbury meaningful results based on reasoning in a controlled situation where everyone is at the table considering and deliberating about the issues that are important to the Town's future.

Commissioner Meyer stated that she has heard people talk about development coming in to the north and south ends of Town and why is a Charrette needed. She stated that the Planning Commission did not approve a development in the north end; they only approved a text modification to the Zoning Regulations. There is no plan for the north or south ends that have gone through the Land Use Commissions. Things can change. She feels that by having the Charrette, the Town will be able to let developers come in and know what Simsbury expects of them. Mr. Dahlquist stated that Simsbury needs to get the development right for the last remaining land in Simsbury.

Commissioner Bednarczyk stated that she had heard people becoming excited about the Charrette. She stated that residents are assuming the Charrette is going to happen. She also stated that she feels that it is very disrespectful of the Board of Finance if they do not support the Land Use Commissions for what we need in order to get something that is good for Simsbury. Mr. Dahlquist stated that the volunteers that sit on Simsbury's Boards and Commissions have Simsbury's interest at heart, although he feels that they should always make sure they inform themselves prior to making decisions.

Commissioner Houlihan questioned if the Charrette will extend beyond the Center Zone. Mr. Peck stated that they did include the areas that are on the Special Areas Map and the Economic Development Map, although these areas will not be as detailed as the other major areas. He stated that they will get a template from the consultant that the Town can use to set up the same type of code for these other areas.

V. REFERRAL FROM ZONING COMMISSION FOR AN AMENDMENT TO ARTICLE SEVEN, SECTION M OF THE TOWN OF SIMSBURY'S FLOODPLAIN ZONE REGULATIONS AS REQUIRED BY FEMA.

Mr. Peck stated that this is a change in date of the Zoning Regulations, which refer to the new floodplain maps that will become effective September 26, 2008. Historically, these maps have been very difficult to read and very inaccurate. The new maps are on a photo base, which is much more accurate. Mr. Peck showed the Commission members the maps depicting the existing FEMA flood areas. The only change to Simsbury is a small area by Ridgebury Road and another area in Tariffville.

Commissioner Houlihan questioned if the Zoning Commission adopts the changes, why the mapping would not be adopted simultaneously. Mr. Peck stated that FEMA has been talking about making changes to the maps for a long time. Recently, they have gotten the maps, which become effective September 26th. He stated that the Town is required to get the Regulation change in place by September 26th so that the Regulations and the maps match at that time. Regarding the map amendment, Mr. Peck stated residents are able to file for a map amendment if they do not agree with the FEMA maps. FEMA would then do an evaluation of that area to see if that property was mismatched.

Commissioner Houlihan made a motion to approve the proposed changes contained in Hiram Peck's memo, dated August 20, 2008 and would recommend a favorable referral to the Zoning Commission. Commissioner Jansen seconded the motion.

Chairman Loomis stated that Article Seven, Section M of the Floodplain Zone, should be identified in the motion.

Commissioner Houlihan amended the motion to include reference Article Seven, Section M, Floodplain Zone Paragraph 2, as the proposed amendment that is reflected in Mr. Peck's memo of August 20, 2008. Commissioner Jansen seconded the amendment.

Commissioner Houlihan stated that he is making this favorable recommendation so that the Town does not interfere with resident's ability to obtain flood insurance. If residents are unable to obtain flood insurance that their lenders require, it could precipitate foreclosures on home mortgages that would not be in the interest of the Town.

The motion was unanimously approved.

## VI. STAFF REPORT

Regarding Attorney DeCresenzo memo regarding public participation, Mr. Peck stated that public comment on certain applications can turn discussions into public hearings. Mr. Peck stated that in his memo, Attorney DeCresenzo was warning commissions to beware of this happening. Commissioner Houlihan stated that this memo confirms that this Commission is doing the right thing regarding public participation.

The Commission discussed improperly speaking with an applicant after closing the public hearing. Commissioner Jansen questioned that if the application is not a public hearing, the Commission or the public audience should not discuss proposals because the applicant is not present. Mr.

Peck stated that if something is going to come back as an application or is a pending application, if the applicant is not present to participate in the discussion, the Commission should not be discussing it.

Commissioner Drake stated that the Commission should not allow public participation. Discussions should be kept within the Commission. Mr. Peck stated that public audience could turn into a public hearing and it would not be listed on the agenda nor would it have been intended to be a public hearing.

#### VII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Loomis stated that Commissioner Eisenmann travels to Nantucket in April and October, although he would still like to participate in the Planning meetings. Mr. Peck stated that he would speak to the IT Department regarding getting a webcast set up, although he does not have all of the details worked out.

Chairman Loomis stated that Dunny Barney, Chairman of the Zoning Commission, would like the Planning Commission to consider and possibly rewrite the Subdivision Regulations regarding fee in lieu of open space. Mr. Peck stated that he has had many discussions with Mr. Barney regarding how to acquire meaningful open space. He stated that this does fit within the Subdivision Regulation revision process. Commissioner Post stated that getting land that the Town does not want versus getting land that would make something better makes sense. He stated that receiving fee in lieu of open space has been done successfully in Avon.

#### VIII. 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