

From: Lois Laczko October 4, 2010 10:29:25 AM  
Subject: Planning Commission Minutes 09/14/2010 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
September 14, 2010  
REGULAR MEETING

I. CALL TO ORDER

Chairman Loomis called the regular meeting of the Planning Commission to order at 7:10 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Mark Drake, Ferg Jansen, Chip Houlihan, Tina Hallenbeck, Alan Needham, and Michael Paine. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. WELCOME ALAN NEEDHAM TO THE PLANNING COMMISSION

Chairman Loomis welcomed Mr. Needham to the Commission.

III. SEATING OF ALTERNATES

Chairman Loomis appointed Commissioner Drake to serve in the absence of Commissioner Post.

Commissioner Jansen made a motion to move the next item on the agenda, Approval of Minutes to follow Item 7. Commissioner Paine seconded the motion, which was unanimously approved.

IV. CCS 8-3a Referral from the Zoning Commission for a Zone Change from R-40 to B-1 on property located at 332 Hopmeadow Street. Abigail's Restaurant parking.

Chairman Loomis stated that he and Commissioner Needham walked this site on September 7th and Commissioners Houlihan, Jansen and Hallenbeck walked the site on September 13th. Commissioner Paine stated that he walked the site on September 12th.

Mr. Peck stated that the applicant has asked that a portion of this property be converted to parking for the restaurant. Additional parking is

needed at certain times of the day. In order for a portion of this property to be used for additional parking, the zone needs to change from a residential zone to a zone that will allow the creation of a parking lot. He stated that the L shape strip is to be rezoned from R-40 to B-1 to create the overflow parking area when needed.

Mr. Peck stated that the applicant is aware that they will need to submit a Site Plan that shows the grades and the fact that it would be constructed properly in accordance with the regulations. He stated that this Commission needs to determine if the use of this property is acceptable with regard to the POCD, their overall view of the property and how the property will be used.

Attorney Silver stated that the applicant is seeking to obtain a change in zone to establish an additional parking area. The applicant is under contract to purchase approximately one acre of land; he would like to make some of this area additional parking for the restaurant itself. A more formal Site Plan will be submitted at the appropriate time.

Commissioner Houlihan questioned if this property was the flood plain piece that will be conveyed, the L shape section, to the applicant. Attorney Silver stated that this is correct. Mr. Christensen stated that there is no structure on the land that will be conveyed.

Commissioner Jansen questioned how many parking spaces the applicant would be adding. Attorney Silver stated that there would be approximately 50 additional parking spaces, although this will be fine tuned during the Site Plan phase.

Commissioner Hallenbeck questioned what the view from the area homes to the parking lot would look like. Attorney Silver stated that the applicant would like to save as many trees as possible; an additional buffer may also be needed. He stated that this will also be fine tuned during the Site Plan phase. Chairman Loomis stated that there was a discussion at the initial site walk regarding saving as many trees as possible if their health and condition would permit. Mr. Wolf stated that the intent is to save as many trees as possible.

Commissioner Jansen questioned if the additional parking would be asphalt. Attorney Silver stated that the parking lot is required to be paved per the Town. Mr. Peck stated that the applicant has certain options that can be discussed, which fit in with low impact development techniques.

Chairman Loomis questioned if anyone from the public audience had any comments regarding this matter. There were none.

Chairman Loomis reviewed, with the Commission members, a memo that was written by himself and Mr. Beach regarding this referral. The Commission members took the time to review this document. Chairman Loomis stated that several policies and objectives from the POCD have been cited in this memorandum. He feels that there may be others that can be added.

Commissioner Houlihan stated that the transitional intervals on Route 10 have been important to this Commission; he feels the transitional intervals are relevant to this application. Saving as many trees as possible helps promote the idea of trying to preserve the natural look of that area consistent with having an affective and functioning parking lot. He stated that he is unsure which objective from the POCD this would be.

Commissioner Houlihan stated that there are two policies under the Special Areas of Weatogue section. One objective considers zoning techniques for Weatogue that will enable its individual characteristics to stand out. The other objective is that this could be a Village District in the future, although this has not yet been adopted.

Commissioner Jansen made a motion that the Planning Commission give a positive referral to the Zoning commission regarding the zone change on property located at 332 Hopmeadow Street. Commissioner Drake seconded the motion.

Several changes to the resolution were made by Commissioners Paine and Houlihan.

Commissioner Jansen made the following amended motion:

Whereas the Connecticut General Statutes, (Section 8-3a (b)) requires that in any town with separate Planning and Zoning Commissions, the Planning Commission must send a report or finding to the Zoning Commission indicating that any proposed zone change is consistent with the town's Plan of Conservation and Development; and

Whereas between September 7, 2010 and September 13, 2010 members of the Planning Commission walked the site to observe the property involved in the proposed zone change and subsequent parking expansion; and

Whereas on September 14, 2010 the Planning Commission heard a presentation from the applicant on the specific details of the proposed zone change and resulting activities on the site as shown on a survey entitled "Conveyance Plan prepared for Andrew M. Yakemore, 332 Hopmeadow Street, Routes 10 & 202, Simsbury, Conn. Prepared by Sanderson & Washburn, and dated April 6, 2010 and reduced survey drawing depicting the parking layout; and

Therefore, Be it Resolved:

1. That the Planning Commission finds the proposed zone change to be consistent with the policies enumerated in the town's 2007 Plan of Conservation and Development, in "Economic Development", policy 2, pg. 110, which refers to strategies for diversifying the tax base to reduce the tax burden on property owners. Under Objective A, "Retain, expand and recruit businesses", Objective A (3) reads, "Promote policies that will lead to the expansion of existing businesses and to the start-up of new enterprises". Objective A (5) encourages the town to "Celebrate and publicize successes". Objective C (3) goes on to recommend that the town "Promote the refurbishment and adaptive reuse of historic structures..." The proposed expansion of the parking for Abigail's speaks to the success of the business, and allowing the business to flourish, ensures its economic vitality and secures the preservation of this historic landmark building; and
2. That the Planning Commission recommends approval of the proposed zone change as shown for the portion of the property at 332 Hopmeadow Street which is proposed to be used for overflow parking; and
3. The Planning Commission recommends that the applicant seriously consider the use of permeable pavement for the expanded parking area, and that the trees, that are proposed to be saved along Abigail's current eastern property line and northern property line, be shown on the final Site Plan as such.

Commissioner Drake seconded the amended motion, which was unanimously approved.

Commissioner Houlihan made a motion to move Item 6 on the agenda after Approval of Minutes. Commissioner Drake seconded the motion, which was unanimously approved.

#### V. DISCUSSION AND POSSIBLE RECOMMENDATION

Referral on the application of Ensign-Bickford Realty, Owner, Landworks Development, LLC, Agent, for consideration of Preliminary Development Plan Application of property on Grist Mill Road shown as Parcel 21 consisting of 7.23 acres, Parcel 19 consisting of 8.512 acres and Parcel 24 consisting of 2.29 acres, submitted for Preliminary Development Plan Review under Article Ten, Section L. Simsbury Planned Area Development Zone Regulation. Application consists of renovation of existing Grist Mill building and construction of 98 residential units and related site improvements.

Commissioner Jansen recused himself from the Commission during this discussion. Chairman Loomis appointed Commissioner Needham to serve in the absence of Commissioner Jansen.

Mr. Janeczko stated that they have received unanimous referrals from the Inland Wetlands/Conservation Commission and the Design Review Board. He stated that this plan has evolved throughout the process once Boards and Commissions made suggestions.

Mr. Janeczko showed the Commission members a plan depicting the changes including the expanded tower units. He again explained the concept of this walkable development. During the Site Plan process, they will bring in experts to fine tune the details including the plantings near the pond area.

Mr. Janeczko stated that there is an existing crosswalk and signal across West Street. He stated that he is looking to the State to stripe that crosswalk. He stated that there are also opportunities using the railroad right-of-way for pedestrian access down the other side of West Street toward the high school.

Mr. Janeczko stated that the adjacent property is owned by Dyno Nobel. There is no current plan to expand; they are currently working out the details of the cul-de-sac in this area. Commissioner Houlihan questioned if the Fire Marshall has reviewed this cul-de-sac. Mr. Janeczko stated that he would like to get further into this process to see if the Boards and Commissions feel the radius of the cul-de-sac is appropriate prior to having discussions with the Fire Marshal.

Regarding the existing vegetation on the site, Chairman Loomis questioned if the applicant would be tagging the existing trees that would be saved as well as around the work area. Mr. Janeczko stated that this is an industrial property. The concept of the PAD is to create a higher density mixed use property. Where they can preserve significant areas of vegetation, they will identify them on the map during the Site Plan process. He stated that the other Boards and Commissions have stated their concerns and suggestions regarding this matter. At the rear of the townhomes, Mr. Janeczko stated that some of the vegetation will come down because they need to get equipment in, although they will be replanting vegetation for a linear park with low impact measures; some areas will be preserved. He stated that the areas where there are upland soils, the trees will be preserved. Mr. Janeczko showed pictures to the Commission members regarding the vegetation seen from West Street. Mr. Janeczko also showed plans depicting cross sections of the existing and proposed elements of the development regarding the linear park and townhomes.

Mr. Janeczko showed pictures to the Commission members of what the Mill Building and parking will look like along West Street. He stated that the new parking will have the same pitch to it, which is 5%. He stated that they are also proposing a retaining wall with fencing on the top for safety purposes.

Regarding 67 West Street, Mr. Janeczko stated that this property is owned by Ensign Bickford Realty. The tax records show this property as I-2. The mapping on file with the Town Clerk is not clear as to what the zone is. The Zoning Commission was asked to make a determination regarding the zone of that property. That Commission reviewed the facts and determined that this property is zoned I-2.

Mr. Peck distributed a memorandum with a revised date of September 13, 2010 as well as a possible resolution. The Commission members took the time to review this document. Mr. Peck stated that these items were picked out for discussion because these are items that the applicant asked not to be part of the application at this time but be made part of the Site Plan. Mr. Peck reviewed the four items including: PAD item 16 (page 10 of the PAD Regulation); Outdoor lighting plan; PAD item 17; Traffic study; PAD item 18; Fire Marshal's review; and Item 19; WPCA issues. Mr. Peck stated that the fact that the applicant has asked for temporary relief for only four of these items from the PAD Regulation is not a bad ratio. He stated that he is in support that these four items can be deferred until the final Site Plan stage. The applicant has agreed to provide all of this information, although at a later time. Mr. Peck stated that the applicant would like a positive recommendation from this Commission so they can move forward to seek the PAD application for this site.

Mr. Peck stated that the applicant has provided more than the necessary information for this preliminary development stage. The applicant has submitted the application with so much detail that the Zoning Commission has scheduled the public hearing on the Master Plan. Mr. Peck distributed a flow chart for a PAD application regarding the preliminary development plan; the applicant has already gone through this process. Mr. Janeczko stated that tonight represents their twentieth presentation to Boards and Commissions in Simsbury; it has been a collaborative process. He feels that the plans have evolved past the preliminary phase. When the application was submitted for the PAD zone, he made an application requesting a zone change and master development plan. He stated that in his opinion, they have already gone through the informal presentations with all of the Land Use Board and Commission, absorbed the comments and input, refined the plans and worked with Town staff.

Mr. Peck stated that at this point, whatever information, recommendations or comments that the Planning Commission would like to offer to the Zoning

Commission to put into their record at the public hearing would be well received.

Commissioner Houlihan made the following motion:

Whereas, the applicant has submitted an application for a Planned Area Development (PAD) for property located on West Street and Grist Mill Road as shown on submitted materials; and

Whereas, the Planning Commission has reviewed and discussed these materials at several meetings including the meeting of September 14, 2010; and

Whereas, the Commission finds the application sufficiently complete at this time with regard to:

1. The requirements of the PAD, Section Six B., Preliminary Development Plan Review; and
2. The requirements of the PAD, Section Six C., Master Development Plan and Zone Change, except those items noted whose omission is acceptable at this time, subject to the applicant's submission at a later date as part of a final site plan; and

Whereas, the Commission finds the application acceptable with regard to:

1. The Review Factors contained in the PAD, Section Six E.1., Review Factors and Criteria; and
2. The Criteria contained in the PAD, Section Six E.2., Criteria; and

Whereas, the Commission also finds the submitted PAD application to be in general conformance with the adopted 2007 Plan of Conservation and Development (POCD). Specifically the Commission finds the application to be aligned with and supported by:

1. The Plan Summary, page 3. "The choices expressed in this Plan are intended to:
  - foster a sense of community,
  - preserve the landscape, and
  - encourage responsible economic development that will enhance our town."
2. Natural Resources, page 17: Policy 7: "Development - Ensure that developments and development patterns take into consideration the natural features and conditions of the land. Objective A: Require developers to preserve natural land features by designing buildings to harmonize with the natural surroundings." And "Objective B: Use techniques such as open space cluster zoning and view sector regulations to preserve farmland, scenic areas, wetlands, streambelts, fields and woodlands, and other natural

areas, and historic buildings and sites.”

The Planning Commission also recommends the Zoning Commission request the applicant retain a qualified professional to conduct a fairly detailed survey of trees on the whole site with the intention of retaining any trees which are: a. not invasive species and b. are in good general health and c. which will contribute to the future overall treed character of the site where possible. Where a tree(s) on the site currently exist but which are not proposed to be retained (for one reason or another) it is recommended that a suitable replacement tree be proposed for installation as part of the landscaping plan at the final site plan stage.

3. Historic Resources, page 33: The proposed preservation, reuse and enhancement of the historic mill and mill pond are in keeping with its Goal: “Preserve, enhance, and promote the historic character of Simsbury for its contribution to the quality of life and for its economic benefits.” And with Policy 4: “Enhance the viability of Simsbury’s historic resources as town assets.” And with Policy 4, Objective C3: “In order to preserve historic buildings, give greater consideration for flexibility in adaptive reuse of Simsbury’s historic residential, commercial, governmental and industrial sites.”

4. Community Character, page 43: The proposed PAD, properly implemented, will complement the resources of the site (“Hop Brook Waterfall and the Brownstone Building”), create a more defined sense of place and enhance the quality of life for the residents of the area in keeping with Policy 1, page 48: “Continue to identify and protect the resources, “sense of place”, and quality of life that contribute to the overall character of Simsbury.”

5. A Future by Design, Policy 5, page 62: “Encourage property owners/developers to work with Town commissions, boards, officials and citizens in the preparation of their developments so that they are of a scale and form that is in harmony with the community and surrounding areas.”

6. Special Areas, West Street, page 80: “ . . . West Street would benefit from the enactment of flexible zoning techniques specific to this area of town.”

7. Economic Development, Policy 2, Objective C3, page 110: “Promote the refurbishment and adaptive reuse of historic structures such as has been accomplished with Tariffville Mill and Fiddler’s Green.” And Policy 4, page 113: “Encourage economic development to harmonize with the natural surroundings, adjoining uses, and any surrounding residential areas.” And Policy 6, Objectives A and B, page 114: Objective A: “Encourage the Zoning Commission to develop mixed use zoning districts for certain areas of town;

and Objective B: "Encourage the Zoning Commission to create mixed-use zones (retail, professional office, residential) appropriate to Tariffville, West Simsbury, and possibly other village areas (such as Weatogue Center and West Street) in combination with specific design criteria appropriate to the character of each area. Consider other areas for similar design and regulatory treatment." And Policy 7, Objective C (first sentence only), page 115: "To the extent use-based zoning continues, recommend that the Zoning Commission establish new zoning districts that would permit the development of a mix of uses consistent with the site characteristics of each area including the natural and built environment."

8. Housing, Goal, page 119: "Improve, facilitate, and sustain a living environment that is safe, healthful, aesthetic and distinctive. Provide for a range of housing choices that meets the needs and preferences of Simsbury's residents of all ages and economic circumstances." And Policy 1, Objective B, page 119: "Encourage the Zoning Commission to enact zoning regulations that will enable development of housing appropriate for Simsbury Center, Tariffville Center, and other village areas." It is also noted that the proposed PAD will increase housing opportunities near the Town Center. And Policy 2, Objective C., page 120: Preserve the historic character of structures and sites through measures such as restoring/maintaining old buildings in an appropriate setting. New development should complement nearby historic structures and sites." And Policy 5, page 123: "Encourage diverse housing patterns where public water and sewers are available."

9. Transportation, Policy 5, page 137: "Promote community wellness and physical activity by providing pedestrian and bicycle movement on safe and convenient sidewalks, multi-use paths and roadway lanes." The proposed PAD would provide the alternative to allow residents to walk to the Town Center, to the commuter lot, to the High School and to other business-related locations in or near the Town Center.

Therefore be it resolved that the Planning Commission finds this application in compliance with the PAD Zoning Regulation and with the 2007 Plan of Conservation and Development (POCD) and, based on the foregoing review of the information available to date, recommends that the zone change application for this site be considered favorably.

Commissioner Paine seconded the motion, which was unanimously approved.

Commissioner Jansen returned to the Commission. Commissioner Needham resumed his position as an alternate Commission member.

VI. POSSIBLE APPROVAL OF MINUTES July 27, 2010

One edit was made to the minutes.

Commissioner Jansen made a motion to approve the July 27, 2010 minutes as amended. Commissioner Hallenbeck seconded the motion, which was unanimously approved.

## VII. DISCUSSION AND POSSIBLE RECOMMENDATION

Amendment to Section III, Subsection 9 of the Town of Simsbury's Subdivision Regulations:

Addition of Subsection d: (NEW) Fee In Lieu Of Open Space

Regarding coverage calculations, Mr. Needham questioned what the 40% was. Mr. Peck stated that the purpose of the Fee In Lieu of Open Space Regulation is to allocate open space somewhere else in Town. The coverage still applies to the sites, although the developer does not have to provide any open space with it.

Commissioner Drake stated that this regulation gives the Town options to better utilize open space that is acquired. This Commission also has an option to deny any developer the use of this regulation if it is not appropriate.

Mr. Peck stated that this will be put on the next agenda for discussion and possible recommendation. He asked that if any Commission members have comments, that they email him prior to the next meeting.

Addition Subsection e: (NEW) Procedure

There was no discussion.

## VIII. UPDATES

### PAD ZONING REGULATION PROCEDURE (FLOWCHART)

Mr. Peck stated that this flowchart was distributed earlier in this meeting. He asked that any questions or comment regarding this chart be emailed to him.

### TOWN CENTER CODE STATUS

Mr. Peck stated that the code is on the Town website. There is a cover letter along with the code that states that this is a draft. Attorney Sitkowski has made suggestions and they are now waiting for the Town

Attorney's comments. The draft will be revised once all comments are received.

#### INCENTIVE HOUSING ZONE (IHZ) REGULATION STATUS

Mr. Peck stated that the Incentive Housing Zone Regulation is ready to go to the Zoning Commission to see if they are interested in pursuing this regulation. The State is asking for Towns to submit their regulations because they currently have money available, although he is not sure of the amount that Towns will be receiving.

#### RTE 10 CORRIDOR STUDY STATUS

Mr. Peck stated that CRCOG is working with the consultant to negotiate terms of the contract. This will be a 12-18 month contract. The study does not include anything in Tariffville and he does not believe the study will address the alternate Wolcott Road.

#### IX. STAFF REPORT(s)

Mr. Peck stated that when Community Farm of Simsbury wanted to construct a greenhouse, they were informed that they could build this without any permits. They now need a referral from this Commission. Mr. Peck stated that this is Town owned land; it will be a municipal improvement.

#### X. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

#### XI. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:25. Commissioner Hallenbeck seconded the motion, which was unanimously approved.

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John Loomis, Chairman