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Cc:

ADOPTED

PLANNING COMMISSION MEETING
September 23, 2008
REGULAR MEETING

I. CALL TO ORDER

Chairman John Loomis called the regular meeting of the Planning Commission to order at 7:07 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Mark Drake, Julie Meyer, Carol Cole, Charles Houlihan, and Carl Eisenmann. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

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

III. APPROVAL OF MINUTES of September 9, 2008

The Commission made several edits to the minutes.

Commissioner Houlihan made a motion to approve the September 9, 2008 minutes as amended. Commissioner Meyer seconded the motion, which was approved. Commissioner Cole abstained.

Commissioner Meyer made a motion to approve the July 8, 2008 minutes with the verbatim transcript portion to be included in the minutes. Commissioner Drake seconded the motion.

Commissioner Meyer stated that on September 9th, she sent Commissioner Post a modification to the July 8, 2008 minutes for his review prior to the meeting that night; he did not have a chance to review them. She stated that Commissioner Post did not want to include the modifications into the

minutes, although he did not offer any other changes. Commissioner Post's preference was to include the verbatim transcript instead of these modifications; he was not comfortable with the modifications because other Commission members were involved. Commissioner Meyer stated that she agreed to include the verbatim portion.

Commissioner Houlihan stated that the verbatim transcript was typed up because Commissioners Meyer and Post expressed differences about an issue. He feels that the verbatim transcript loses what they were trying to say. His choice would be that each of these Commission members write a few statements to what they were trying to get across.

Commissioner Meyer stated that she wanted to reference the discussion between herself and Commissioner Post in the minutes. She wrote something to this effect and gave Commissioner Post the opportunity to review it and make any changes; Commissioner Post chose not to do this. Because of this, the verbatim needs to be included.

Chairman Loomis encouraged the Commission to approve these minutes tonight, although this may not be the most desirable option.

The motion to approve the July 8, 2008 minutes as amended was unanimously approved.

IV. STATUS OF CHARRETTE INITIATIVE

Mr. Peck stated that the interview process will begin tomorrow, September 24th at 10 a.m. in the Program Room at the Library. These interviews will be open to the public. The Charrette Sub-Committee will be interviewing two consultants tomorrow and the third consultant on Monday, September 29th. The presentation should take approximately 40-45 minutes with questions and answers after that. He stated that all of the members of the Charrette Sub-Committee have been invited to participate in the interview process, which he hopes they will. Each member of the Sub-Committee will be making their own informed decision regarding each consultant. Mr. Peck stated that he is hopeful that they will come to a solid consensus.

Commissioner Houlihan questioned if there were any private donors for the Charrette. Mr. Peck stated that there were none yet. The issue is the creation of a Special Revenue Fund, although the Board of Finance has declined this. He believes that some of the BOF members would like to wait until the next fiscal year, although this would be a conflict. The consultants have already submitted their information; there is also a risk that their costs will go up.

Mr. Peck stated that he suggested to the Board of Finance regarding having a public meeting because they felt that in order to address the question of whether the transfers were appropriate, they wanted to have public input. Mr. Peck stated that he reserved Eno Memorial Hall for October 2nd, although he did not get any response of interest from the Board of Finance.

Commissioner Houlihan questioned if once the consultant was identified, would the Town then enter into negotiations regarding the scope of the services. Mr. Peck stated that the RFP was very specific. The process will result in a form-based Code for the Town Center, although they will also take a look at the northern and southern gateways and other Special Areas.

Mr. Frank, 19 Banberry Drive, stated that through e-mail the Chairman of the Board of Finance stated that he will not be attending the interviews that are being held tomorrow. He has also declared that, in his opinion, the Charrette should not be funded at the present time; it should be part of the regular budget cycle in the next financial year. Mr. Frank stated that the entire outcome rests with the Board of Finance. Chairman Loomis stated that he would be satisfied with a willingness from the Board of Finance to create the fund, which is a way of allowing for the possibility of the accumulation of funds.

Mr. Peck stated that he does not believe the Board of Finance is aware of the pressures of the Land Use Commissions; the timing of the Charrette is very important. He is hopeful that a fund will be created and the Charrette will go forward.

Commissioner Meyer questioned if the Board of Selectmen has the authority to request that the Board of Finance have a public meeting. Mr. Peck stated that this would be up to the Board of Finance; the Board of Selectmen can only ask or recommend.

Commissioner Houlihan stated that if there is a contract that is above a certain level, a public hearing would be required. Mr. Peck stated that until they have the costs, they will not know for sure if this is required or not.

Chairman Loomis stated that all of the Land Use Commissions have given their general support regarding the Charrette initiative. He stated his concerns regarding the Board of Finance members not being familiar with the subject matter as appropriate. He is hoping that there might be another joint meeting with the Board of Finance and Board of Selectmen. Mr. Frank stated that the Chairman of the Board of Finance at the last joint meeting had stated that they could not take any action because there was not a

request for authorizing the fund. He had stated that unless the Board of Selectmen makes a request, no discussions would take place. Mr. Peck stated that this process has evolved as people have gotten more educated. He stated that people, who initially did not think this was a good idea, now feel that the process has some merit.

Mr. Frank stated that at their regular meeting this month, the EDC passed a resolution to send a letter to the Board of Selectmen stating that the EDC does not know if the Board of Selectmen are in favor of a Charrette because they have never taken a position. The letter asks the BOS to take a vote whether or not they, as a Board, favor the Charrette initiative in principle. Chairman Loomis stated that some would argue that, in their support of the invitation for the consultants to come in, that this would be favorable.

The Commission had a discussion regarding e-mails from the Board of Finance chairman stating that he would not be attending the Charrette Sub-committee interviews on September 24th. Commissioner Houlihan questioned if this was a boycott by the Board of Finance. He feels that opposition regarding the cost would be appropriate, although not participating in the dialogue would not be. The question is what value the Town would be getting for their dollars; the Board of Finance cannot evaluate this as they are not part of the discussions.

Mr. Peck stated that there will be discussion regarding the components of the process and the public opinion poll, which is proceeding in parallel with the Charrette. He stated that the questionnaire will be going out within the next few days. This information will be made available to the consultant if the Charrette was to go forward.

Mr. Peck discussed the importance of properly funding the Charrette process if it is to go forward. He stated that Mary Glassman has been working with the Finance Director to look at various accounts. They have unearthed approximately \$200,000-\$225,000, which leaves a shortfall of approximately \$200,000, if they were to go with the most costly consultant. He stated that any three of the consultants are excellent candidates. The consultants have put a great deal of work into this process already and are very educated regarding Simsbury.

Regarding the public opinion poll, Mr. Peck stated that the consultant, Pulsar, will be putting the questions together after they knew what the general issues are that the Town is interested in knowing about. He stated that they wanted to know about the public's opinion regarding development issues and land use issues in Simsbury, the price they are willing to pay for certain things, i.e. open space or additional services, or things they were willing to forgo in order to purchase additional open space. Mr. Peck

stated that there are a total of 55 questions.

Chairman Loomis questioned if the Town would have any input regarding these questions. Mr. Peck stated that he has discussed this with the Board of Selectmen and the Economic Development Commission. They have all decided that the poll should go forward with Pulsar putting the questionnaire together based upon the issues that have been brought up by the Town. This will ensure that certain things are covered. Mr. Peck stated that they need to put trust in the consultant.

Mr. Tom Frank stated that there are 2 issues regarding the public opinion poll. One issue is what the information is trying to elicit and the second is the wording of the questions. The research, as far as the EDC is concerned, was sponsored and encouraged by the Board of Selectmen. He stated that the controversial issue about the research is figuring out who should be involved with the wording of the questions, although the EDC feels that the main issue is what information the public opinion poll is attempting to get. Mr. Frank stated that the EDC has discussed this and the members felt that the Town should not get involved in putting the questions together. He stated that they sent Commission member Alan Needham to participate in the discussions regarding the topics for the questions. They also discussed how the questions should be worded.

Mr. Peck stated that there was a great deal of discussion regarding if the public should be educated prior to giving their answers. The consultant stated that they should not be. In their studies, they have found that educating people does not make much difference in terms of their opinions. Mr. Peck stated that this information will be plugged into the Charrette process.

Chairman Loomis questioned what would happen if people being called did not know anything about the Charrette process. Mr. Peck stated that there would be an "I don't know" answer for all or most questions.

Commissioner Cole stated that there have been people who are concerned that the public opinion poll is only getting 400 responses; they do not feel that this is enough. She stated that 400 responses would be sufficient in order for the survey to be statistically relevant. She questioned that if the consultant does not get an answer or gets an answering machine, is there another form of polling, i.e. e-mail. Mr. Peck stated that the consultant will try a specific number four different times of the day/week if someone does not pick up the phone. They are also very careful regarding who in the household they speak with.

V. STAFF REPORTS

There were none.

VI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

CRCOG Update - Commissioner Meyer stated that CRCOG has been given an executive order from Governor Rell stating that they have to update their original plan. They are currently in the process of updating the Land Use Policy Map; they last updated this in 2003. Going forward, they will update this every 10 years. The 2008 Revised Land Use Policy Map includes the same geographical areas that the 2003 map contains, however, it now contains more gradation of development recommendations. They based the gradation criteria on the following: proximity to current transit; proximity to sewer and water lines; whether the area is already in an existing higher density zone; and population and employment data. There are also four grades that they are assigning to the different areas of the map, including a lower density, two medium grade densities, and one higher density.

At the meeting, Commissioner Meyer stated that they went around the room; each of the representatives from Towns talked about some of the recent news in their community. She stated that Avon has not had any takers on their transfer of development rights Regulation. The Town also has two applications pending for assisted living; one might have a small amount of mixed-use involved with this development. The representative from Avon questioned if any Town has ever allowed housing within an industrial zone. The Commission continued to discuss this issue. Chairman Loomis stated that there was an article in the Connecticut Law Tribune entitled, "Another Hurdle for Affordable Housing". The article stated that a judge said no zoning designation can bar low cost development.

Commissioner Meyer stated that the roundtable discussion was also discussed at the CRCOG meeting. This is Governor Rell's Order 15, that there be a Regional and State level roundtable discussion so that the State knows what is going on in the Towns and also to have an open dialogue. She stated that 100 people were surveyed and responded what was good and not good about our region. She stated that the top likes were the proximity to the mountains, large cities, jobs, and a strong sense of community. The dislikes were crime, concern with present and future safety throughout the region, transportation congestion and lack of transportation options, the tax structure and property tax reliance, and energy costs. She stated that the next meeting for the roundtable discussion will be held sometime in November.

Commissioner Meyer stated that Rebecca Auger has left CRCOG; she is now Assistant Planner in Cheshire.

Chairman Loomis stated that there is an implementation plan regarding the POCD. He suggested that they wait until the Charrette happens or is postponed. He feels that this would place them in an awkward position to try and move an implementation committee forward; he does not feel that the time is right. He stated that it is possible that the Charrette Sub-Committee members might be a part of the implementation committee.

Regarding Meadowood, Chairman Loomis stated that the closing was supposed to be on September 30, 2008, although this was postponed until October 6th. The Board of Selectmen voted to grant authorization to delay the closing if needed until October 31, 2008 because of certain issues with respect to getting the State grant of \$350,000 prior to the closing. He stated that this does not change anything except to give a little bit of flexibility to the closing process. Mr. Peck stated that the current owner of the property is extending the closing period as well. He stated that there are other issues regarding getting the property cleaned up prior to the Town taking ownership; this is not part of the remediation. There is no remediation scheduled for the Triangle, although there has not been any remediation done on the rest of the property either.

Chairman Loomis stated that there will be a Connecticut Transit meeting on October 1st. Mr. Peck stated that Rich Sawitzke or he will be going to the meeting; there will be representation at the meeting.

VII. ADJOURNMENT

Commissioner Houlihan motioned to adjourn the meeting at 8:28 p.m. The motion was seconded by Commissioner Meyer and unanimously approved.

Gerry Post, Secretary