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Subject: Planning Commission Minutes 09/28/2010 ADOPTED
To: SimsburyCT_PlanMin
Cc:

ADOPTED

PLANNING COMMISSION MEETING
September 28, 2010
REGULAR MEETING

I. CALL TO ORDER

Chairman Loomis called the regular meeting of the Planning Commission to order at 7:00 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, Sean Askham, Alan Needham, and Michael Paine. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

Chairman Loomis appointed Commissioner Askham to serve in the vacated regular Planning Commission seat.

III. CGS 8-24 REFERRAL FROM THE BOARD OF SELECTMEN ON A SITE PLAN AMENDMENT TO CONSTRUCT A GREENHOUSE ON PROPERTY LOCATED AT THE COMMUNITY FARM, 73 WOLCOTT ROAD.

Mr. Peck stated that because The Community Farm of Simsbury is Town property, the 8-24 Referral comes from the Board of Selectmen as a referral to the Planning Commission. If the Board of Selectmen recommends approval, it will then go to the Zoning Commission for the approval of the actual structure.

Chairman Loomis stated that a memorandum written by Mr. Beach has been distributed to the Commission, which the members reviewed.

Tim Goodwin, Executive Director of The Community Farm of Simsbury, apologized; he was under the impression that if they showed Mr. Roy the plans, the greenhouse could be built. Mr. Goodwin stated that volunteer days were set up to start on the greenhouse project. The Federal Government granted The Community Farm a specific amount of money for this

project. Half of the money was spent on purchasing the greenhouse and the other half was for a contractor to put up the greenhouse. Mr. Goodwin stated that if they put it up themselves, this money would come to The Community Farm to be used for general operating. He stated that the Federal Government has not yet approved this structure until they come out to look at it to make sure that it was put up properly.

Mr. Goodwin stated that the greenhouse structure is 30' x 70' and anchored in the four corners with concrete. The greenhouse is meant to extend the growing season so they can provide produce to social services twelve months out of the year.

Mr. Goodwin stated that throughout this process, he has worked with Mr. Beach to make sure the greenhouse is the proper distance from the road. There is a fence along the road, which is in conformance with the Zoning Regulations. There is a break along this fencing along Wolcott Road, which will be the access road to the greenhouse.

Chairman Loomis stated that this referral is before the Planning Commission because it is deemed a substantial improvement to Municipal property. Mr. Peck stated that structures that have foundations typically come under this category.

Commissioner Jansen questioned if the concrete sonotubes and greenhouse were already in place. Mr. Goodwin stated that the concrete has been poured, although the greenhouse is not completely done because they have not received final approval from the Federal Government. They also need to put additional topsoil in the area to make the area level.

Commissioner Jansen questioned if there was a heat source for the greenhouse. Mr. Goodwin stated that as part of the grant requirement, they are not allowed to have a heat source, other than the sun, for three years.

Commissioner Hallenbeck questioned where the water would come from for the greenhouse. Mr. Goodwin stated that they have a grant, which is for an irrigation system. The contractor will be digging the trench for this system and volunteers will be laying down the piping. He stated that there will be five spigots. This will be a spring, summer and fall system.

Chairman Loomis suggested that the Commission include additional language from the POCD into Mr. Beach's memo for the resolution.

Commissioner Jansen stated his concerns with the Planning Commission setting a precedent of passing something that was already built. He stated that this Commission typically sees things prior to them being built, which is what this Commission expects.

Commissioner Paine agreed with Commissioner Jansen. He stated that the applicant did get ahead of himself in the process and should have come in sooner, although he did not complete the construction of the greenhouse prior to coming before the various Boards and Commissions.

Commissioner Houlihan made the following resolution, which was seconded by Commissioner Hallenbeck:

Whereas on September 28th, the Planning Commission heard a presentation by the applicant outlining the specifics of the proposed Site Plan Amendment before the Zoning Commission; and

Whereas this referral has been made to the Planning Commission by the Board of Selectmen in accordance with CGS Section 8-24 because it represents construction of a substantial improvement on municipally owned property.

Therefore be it resolved:

1. That the Planning Commission finds the proposed Site Plan Amendment for the construction of the high tunnel greenhouse, consistent with the goals and policies of the 2007 Plan of Conservation & Development, more specifically, Policies One & Two in the section on Agricultural Resources (pgs. 29-31), and the section entitled, "What We Want to Provide – Community Facilities & Recreation", Policy Two (pg. 126); and that the High Tunnel (greenhouse) is being constructed to extend the growing season for food production, much of which will supply local shelters and food programs. This mission is compatible with the requirements of the original deed to the property, which stipulated that the farm be used in support of the poor. The town's 2007 Plan of Conservation & Development, in the "Agricultural Resources" section recognizes, as its primary goal (pg. 29), the support and preservation of farmland to retain the rural character of the community. Policy One, "Strongly support the preservation of working farms", and Policy Two, "Strongly support the conservation of agricultural lands recognizing the need for a continued agricultural presence", are both supported by the proposed construction of the high tunnel greenhouse. The Plan of Conservation & Development, in the section entitled "What We Want to Provide – Community Facilities and Recreation" Policy Two, recommends the evaluation of existing public facilities to expand their function and use. The construction of this proposed high tunnel greenhouse, will bring into concentrated food production, a portion of the farm that was underutilized in the past, expanding the agricultural productivity of the farm, and supporting the larger community by supplying food to the needy; and

2. That the Planning Commission recommends approval of this

application to the Board of Selectman and to the Zoning Commission.

Voting in favor: Loomis, Houlihan, Jansen, Paine, Hallenbeck and Askham

Resolution is Adopted

Dated September 28, 2010

IV. DISCUSSION AND POSSIBLE ACTION

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

Addition Subsection e: (NEW) Procedure

In response to a question by Mr. Charles Howard, Simsbury Land Trust, regarding Subsection 9 of the Subdivision Regulations, Chairman Loomis stated that the requirement for the 20% is an affirmative vote of two-thirds of the Commission members. Mr. Howard questioned if any changes would be made to the waiver relating to this issue. Mr. Peck stated that there is no proposal to change any of this language.

In response to several other questions by Mr. Howard, Mr. Peck stated that the current regulation, which requires dedication of 20% of open space and the current provisions can be either accepted or waived. He stated that this is not proposed to change. Regarding the fee in lieu of regulation, he stated that this is specifically derived from the State Statutes that allow only 10% of the property to be proposed for this consideration.

Mr. Peck discussed what other Towns are doing who have a fee in lieu of open space regulation in place. He stated that there are several options that are available to Simsbury. Chairman Loomis stated that the language needs to be clear that the fees in lieu of will be placed in a fund established by the Town.

Commissioner Paine stated that currently, there are small pieces of land all over Town that are not connected and that the Town has to maintain. This regulation will help put more money into the tax roll. Mr. Peck stated that although this regulation would allow a little more development of a property, it is property that is being subdivided. The tradeoff is that the Town would acquire funds to purchase land in more appropriate locations.

Commissioner Jansen stated that he likes this regulation because it is not mandatory; each case is different. Commission Houlihan stated that it also

opens up the potential for dialogue.

Commissioner Drake questioned if Simsbury had any other regulations that allow a discretion or choice like the fee in lieu of regulation. Commissioner Jansen stated that open space versus conservation easement is one regulation that gives the developer a choice. Commissioner Drake stated that with Commissioner Jansen's example, there is nothing gained in either proposal, although there would be something gained with the fee in lieu of open space regulation. He stated his concerns regarding lawsuits that may come with this regulation if the Commission allows something for one developer but not another. Mr. Peck stated that subdivisions are administrative functions; there is not much discretion. Having options regarding how to pay for the 10% is an administrative option.

Mr. Peck stated that the Town can often use the funds from the Fee in Lieu of Open Space regulation for leveraging against other grants.

V. POSSIBLE APPROVAL OF MINUTES September 14, 2010

Several edits were made to the minutes.

Commissioner Jansen made a motion to approve the September 14, 2010 minutes as amended. Commissioner Paine seconded the motion, which was approved. Commissioner Askham abstained.

VI. UPDATES

Planned Area Development (PAD)

Mr. Peck stated that the public hearing for the Grist Mill development is scheduled for October 18th. The Zoning Commission members will receive the Planning Commission's referral prior to the hearing.

Mr. Peck stated that there are at least two other applicants who are looking to submit applications under the PAD Regulation.

Meadowood

Mr. Peck stated that the mylars have been signed by Chairman Loomis and are now filed in the Town Clerk's Office. Once all of the appropriate signatures are received for the developer's agreement and the other related documents, Mr. Peck stated that he would get copies for the Commission members. Chairman Loomis stated that the developer's agreement supersedes the management plan, even though the plan is dated 2007.

Commissioner Houlihan questioned when the remediation would occur. Mr.

Peck stated that the developer's agreement continues to state that they are in the process of getting permits from DEP and EPA to start this work. Chairman Loomis stated that two extensions have already been granted by the Planning Commission.

Town Center Zoning Regulation

Mr. Peck stated that the draft Code is on the Town's website. He is hopeful that the Town Attorney's comments will be submitted this week. These and other comments will be integrated into the draft and he stated that he would get the new draft out to the Boards and Commissions well in advance of the public hearing. Mr. Peck stated that the public hearing will probably be held in November.

Mr. Peck stated that the Town needs to make sure that the Code conforms with Connecticut State Law. He stated that one of the biggest challenges is to make sure the regulating plan is compatible with the Connecticut General Statutes.

Regarding the State owned parking lots, Mr. Peck stated that he has met with DOT several times. After an appraisal is done for the property, they will propose to sell it to the Town. He stated that the Town will hopefully be able to hold that property until they can get a developer who is interested in developing it.

Incentive Housing Zone (IHZ)

Mr. Peck stated that the Incentive Housing Zone Regulation has been completed. The sites that remain interested are: the Tariffville Mill site; Plank Hill site; and a portion of the CL&P site. He stated that the Town Center Regulation would be more appropriate for the Town Center sites.

DOT Traffic Study

Mr. Peck stated that although the contract is not signed yet, the study should begin in the fall. This study will include a Charrette type activity on Route 10 as part of this process. There will also be a lot of public involvement.

In response to a question by Chairman Loomis regarding the Zoning Commission's action on Abigail's restaurant, Mr. Peck stated that the Commission approved a zone change for that property. He stated that the site plan recommendations will come up when the applicant comes back before the Zoning Commission.

VII. STAFF REPORT(s)

There were none.

VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Loomis stated that the agenda for the next meeting will carry the first notice for the election of Secretary. He stated that this item needs to be on two consecutive agendas. The second notice will be on the October 26th agenda and the election will occur at that meeting.

Chairman Loomis stated that there will be a FOIA presentation at the Simsbury High School on October 5th at 7 o'clock. He stated that if there is not much interest, it may be canceled.

IX. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:00. Commissioner Paine seconded the motion, which was unanimously approved.

John Loomis, Chairman