

From: Lois Laczko February 7, 2012 2:45:04 PM
Subject: Planning Commission Minutes 10/25/2011 ADOPTED
To: SimsburyCT_PlanMin
Cc:

PLANNING COMMISSION MINUTES
OCTOBER 25, 2011
REGULAR MEETING

I. CALL TO ORDER

Michael R. Paine, Chairman, called the meeting to order at 7:05 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Ferg Jansen, Charles Houlihan, Alan Needham, William Rice, Tina Hallenbeck, Sean Askham, Robert Kulakowski and Mark Drake. Also in attendance was Hiram Peck, Director of Planning, Janis Prifti, Commission Clerk, and other interested parties.

II. SEATING OF ALTERNATES

All members were present; no alternates were seated.

III. APPROVAL OF MINUTES of October 11, 2011

The October 11, 2011 minutes were amended as follows:

Line 21, "One" is changed to "On";
Line 32, "specific" is inserted before "subdivision plan requirements";
Line 33, "specific" is deleted;
Line 65, the sentence "Commissioner Kulakowski recommended to Mr. Peck adding the definitions for residential and nonresidential." is added;
Line 132, after "regularly scheduled" the words "in November" are inserted;
Line 133, "11/27" is changed to "11/22".

Commissioner Hallenbeck made a motion to approve the October 11, 2011, minutes as amended. Commissioner Jansen seconded the motion, and it was passed, with Commissioners Hallenbeck and Houlihan abstaining.

IV. INFORMAL, update on preliminary concept plan for Dorset Crossing, 1507 & 1515 Hopmeadow Street.

Commissioner Houlihan made a motion to amend the agenda to allow Dorset Crossing's presentation precede approval of the minutes. Commissioner

Askham seconded the motion, and it was passed unanimously.

Dr. Tony Giorgio, Managing Director of Keystone Companies, stated equipment is on site at Dorset Crossing and they expect to begin construction of the first building within 30 days. He expects foundation permits to be requested at the end of next week. He said that 3 years ago they appeared before the Planning, Design Review and Zoning Commissions with a request to have Dorset Crossing approved under B3 zoning; the front 8 acres were B2 and the remaining parcel was I3 which is effectively an excavation zone. He and his partner bought the property in 2004, filled in the excavation pit, and developed a master plan. He said they were somewhat delayed because they wanted to do mixed use and the Town had no PAD regulation and people were tied up with a large project on the south end of Town. He said they decided to apply for a B3 zoning change for the entire 45 acres with mixed use for residential and medical office; the Zoning Commission felt it was more appropriate to split the project with an imaginary line rezoning the front to B3 (residential, office and retail) and the back remaining I3 with a plan to do residential. He said Mr. Peck then asked them to consider putting the I3 piece into a Town application to the State for the IHZ zone. He asked David Zyacks of F. A. Hesketh to quickly put together a hypothetical development for multi-family to be submitted with the Town application to see if there were State funds to help master plan and consider this for multi-family; however, another site was selected.

Mr. Giorgio said until the PAD was passed there was little that could be done to make the back piece economically viable in a master plan project. He said when the PAD regulation was passed, they signed a lease with St. Francis Hospital for the first building, and came back to Zoning and Planning to ask for modification of the approved site plan allowing two 15,000 sq. ft. buildings instead of one 30,000 sq. ft. building. He said that was followed by the Rte. 10 Corridor Study and Charrette in which they were involved as they moved forward. He said they started working with Hiram Bradley Brokerage. He stated that in the U.S. marketplace, demand for multi-family has increased and this site does not lend itself to single family housing. He said they have all their equity capital in place with two institutions competing to provide debt financing; final selection will be made in the next 3 weeks with attractive interest rates.

Mr. Giorgio said groundbreaking is scheduled for 11/1/11 at 11 a.m. and invited the Commissioners to attend with 65-70 guests. He has a Fairfield-based developer with many years of apartment development experience and they have signed a letter of intent to develop an apartment complex in the back. He said they wanted to have informal discussions with Zoning and Planning prior to submitting a formal application with a master plan. He said they are also negotiating with a New York-based developer for 80 adaptive housing units for patients with MS. They will have both market

rate apartments and adaptive housing apartments for disabilities requiring adaptive housing. He said now that the Rte. 10 Corridor Study is finished there may be a way for them to help with the Rte. 10 bypass road in the northern gateway with a triangle road.

David Zyacks stated the concept of the bypass road has been under consideration for many years. He said there is an opportunity for more open space with wetlands and the opportunity to tie in the whole corridor. He noted CL&P has a transfer station with high tension wires and the Town is considering bringing in a new bypass road across Wolcott, through the triangle, cutting through CL&P's piece, southwesterly to the Riverbend Griffin Land Properties; the only logical place for crossing is at Saxton Brook where there is an existing established farm road crossing, continuing southwesterly toward the intersection of Hoskins and County Roads. He said there is about 45 acres of land in the master plan and believes there will be some combination of Town funds and grant money. They will continue with Dorset Crossings' development and not affect the Towns' plan or area residents.

Mr. Zyacks said they electronically superimposed and integrated into their master plan the new town bypass road introducing a mini-roundabout tying into the Town's road heading southwest. He said they can continue development of the front commercial portion with the apartment portion coming forward and special housing. He said the question is how to set up Dorset in the Interim Master Plan so the bypass road can come through in the future - with about 15 acres of land in the back dedicated to permanent open space; Phase I residential units to the rear; and special needs housing in the southeast corner. Dorset Crossing Drive would be built to Town standards as a town road; the roundabout would be built now; a portion of the new town road would be extended far enough to provide access to the southerly development areas. They will be able to pre-grade the area so it will be simple to build the road from the south and north, tying into the traffic circle without impacting surrounding residents; utilities would be laid out with no changes needed to Dorset Crossing Drive; land and utility easements would be dedicated so the Town can come in when they're ready with a minor level of construction. He said stormwater control would be built into the Dorset master plan to accommodate portions of the Town road.

Mr. Zyacks went over the locations of planned buildings in creating this subdivision which will have no physical impact on the existing CL&P system; the triangle left after the road cuts through can be discussed by the parties later. He described the location of Riverbend land and said they have not talked with them. He said the pink area is the St. Francis Center will be under construction shortly; a square building is planned as a 20,000 sq. ft. 2-story building for general or medical space; there is also an opportunity for a small bank or area for retail. He said the blue boxes

are 3-story apartment buildings with 30-48 units of 1-2 bedrooms with elevators and small balconies; and there is a community building in the center with amenities such as an outdoor swimming pool. He said in the back corner is adaptive housing with unique design to accommodate people with disabilities. He said the area would be tied together with a sidewalk system and a nice feel blending mixed use.

Mr. Giorgio stated he has a group of orthopedic surgeons who want to create an outpatient day surgery center which requires state and other approvals. He said Hiram Bradley Brokerage has canvassed the area and has 25-30 physicians waiting for a groundbreaking. He is optimistic about the positive feedback for the project; the St. Francis building will provide an urgent care center for the northern gateway; the area within 15 miles of Simsbury has about 225,000 residents and 48% of St. Francis market share is in that area - they see this project as a growth opportunity providing convenience, quality and service. He said for this particular site, both CVS and Walgreen's have expressed interest and some local pharmacists, although he doesn't know what will become reality. He said if the medical component is successful it will likely influence additional service retail for workers.

Mr. Giorgio expects to submit the PAD application in early November, followed by a preliminary site plan, renderings, and real materials for buildings being constructed; there may be some modifications to some blue box buildings now that they have an LOI with a developer. He stated their intent with the PAD application is to show as much information and elevations as they have. Regarding the number of apartments, Mr. Giorgio said using the part of the land that "really wants to be developed" provides a maximum of 200-250 market-rate apartments with the market demanding the bulk of them be studio and 1-bedroom apartments; there would be very few 2-bedroom apartments. He said the market is looking for 700-900 sq. ft. on average and 1200-1300 sq. ft. maximum; the units will be upscale with rental rates ranging from \$950 to \$2000 - in order for these developers to be successful the rentals must be in that range.

Regarding the draw for 22-28 year olds to live there, Mr. Giorgio said he bets young people who move here have grown up in suburban communities. With regard to office and retail space and how traffic will flow from Dorset Crossing Drive and the Town road, and parking accommodations - Mr. Giorgio said that under the original permit and STC permit this will be a signaled intersection with dedicated turning lanes within the existing right of way and comply with the Rte. 10 Corridor Study to maintain a 2-lane road. He said it will be easier for traffic to enter and exit Dorset Crossing and should the road not line up with the triangle it is conceivable it becomes the first leg of the road. He said the road will be built to Town standards with shared parking; there will not be miles of

asphalt and the islands will be planted. He said they originally agreed to save specimen trees in front, although now there is discussion with Mr. Beach about elm or real forest trees, and they will accommodate what is decided.

For access to the existing Northeast Utilities substation, Mr. Giorgio stated NU has a 50-foot right of way (30' transportation and 20' construction) and once a year a large truck services this area; once the project is done NU may decide it is easier to access the area on the road; in any event, they will landscape the area. He said the mechanical systems will be hidden in a notch in the back of the building.

Regarding Mr. Giorgio personally taking control of the commercial aspect in front with the remaining residential proposed, he said they will come back under the PAD with a master plan that will show the residential components. Regarding selling off the residential part to a private developer, Mr. Giorgio said the Commission will approve what the developer will build and the master plan must be adhered to. Commissioner Drake suggested it might change to another format other than studios. Mr. Giorgio stated he has made it clear to both developers this is a demanding community regarding approvals and he did not want to come in with placeholders knowing he is not an apartment developer; he wanted to have something real and has now found two apartment developers they are comfortable with. He said the developers will come to the Commission with the master plan, it will be their product and they will explain it; he wants to leave with an approval of the PAD and timetable. Commissioner Drake said the timetable will not necessarily be adhered to; it will be an economic component that when the economy is right, those will be built accordingly. Mr. Giorgio stated he believes they can get through the PAD initial and secondary phases in a six-month window; they expect that in the spring of 2012 they will close on their properties and begin construction; those questions can be asked when they are here.

Tom Fahey, Attorney for Mr. Giorgio, stated any significant change to the planned development must come back to the Commission. Commissioner Drake has seen situations where after 5-6 years and things have fallen apart, developers come back in to change the master plan. He asked Mr. Peck what is the Town's position on changing a master plan. Mr. Peck agreed with Mr. Fahey that all specifics are set out and any significant changes come back to the Commission for approval, including changing apartment sizes. Regarding having more retail as in the original proposed village complex, Mr. Giorgio said there was community sensitivity about the amount of retail and it was decreased, but it should bring retail jobs into the community. He wants to set a tone for further area development.

Regarding the tax benefit to the Town, Mr. Giorgio said they project a

minimum half million dollars in net revenue; currently, they pay taxes of \$15,000/year. He said the Rutgers Study will be part of the formal application and suggests the number of children residing in apartments is de minimus; 30-40% of young people who will work here may migrate into Town. Regarding how stormwater is handled and the use of permeable paving, Mr. Giorgio said that in order to build, all of the infrastructure for stormwater must be in place; \$2.8 million must be done for a 15,000 sq. ft. building - everything to manage stormwater will be put in place with the building of this one building; DEP must approve this. Attorney Fahey read pertinent information on page 10 of the PAD.

V. DISCUSSION ON SUBDIVISION REGULATIONS

Robert DeCrescenzo, Town Attorney, stated new State law Pubic Act 11-79's most significant change regards timing - the subdivision is approved by the Commission, the mylar comes in, the Chairman signs it, then it is recorded in the clerk's office and you wouldn't yet have a bond as you do today. The law requires the Commission release the bond or part of the bond when reasonably satisfied the modifications the bond covers have been completed; 65 days after the release request, the Commission has to release the bond. The law also spells out the types of acceptable surety. There are many other issues involved in this law, e.g. bonding for maintenance of improvements is outlawed; however, the Commission's current regulations don't do this. His recommendation, as discussed with Mr. Peck, is not to make any changes now because the law may be amended soon, and current Town regulations are close to the State law.

For the formal process where Town staff release the bond after required steps are completed and a formal recommendation is made to the Commission, he stated this is covered in the 65-day release requirement where the Commission or its agent is either satisfied or must provide a written explanation of additional modifications needed for withholding the bond - this targets other town's that have held back a portion of a bond far after accepting improvements. Under this new law you cannot require bonding for improvements on private property, but improvements that will be deeded over to the Town and become public assets, e.g. a town road, would be bonded. Bonding and conditions are different - you can have a condition for approval of subdivisions to issue a C of O while the state law controls bonding requirements regardless of what Town regulations say. He is not recommending any quick amendment to existing regulations at this time. Mr. Peck stated the Town does not want to hold bonds any longer than necessary. Mr. DeCrescenzo said the law was enacted because of abuses in other towns and to clear up the statute where it was silent.

VI. DISCUSSION

a. Update on the Route 10 Traffic Corridor Study by CRCOG

Mr. Peck said the Board of Selectmen endorsed the Rte. 10 Corridor Study with minor revisions by the Steering Committee and hard copies were offered to Commissioners. He will write a letter to the Policy Board of CRCOG on 11/26 informing them of the endorsements so they can queue it for the Transportation Improvement Plan considered periodically.

b. Update on Low Impact Development Guidelines

Mr. Peck stated the consultant study by John Ford was completed on 9/30; he is having the large files put on the Town website and will also have paper copies of the one-inch thick study available in the next two days. He believes this study will tie directly into the Design Guidelines.

c. Update on Town Center Guidelines

Mr. Peck stated the consultants will arrive on 12/5 with meetings on 12/6 in Masonic Hall beginning at 9 a.m. for focus groups and staff throughout the day. The Design Review Board will meet with the consultants from 5:30-7 p.m. followed by a public meeting from 7-9 p.m. On 12/7, there will be a debriefing with staff and others, and the consultants depart. He said the plan is for the consultants to return at least three times and to complete the study by 6/30/12. He said the Design Review Board is very interested in being involved in the process, as well as all the commissions, in order to assure a balanced economic plan. He anticipates the current community guidelines will be taken apart, expanded, and tie together the center zone, LID, stormwater, etc., providing much better guidance to people.

V. STAFF REPORT

None.

VI. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Chairman Paine stated he attended the Charter Revision Commission meeting held 3-4 weeks ago about the possible combination of Town Commissions. He spoke for himself stating there are different and competing legal requirements for each commission. He invited the other Commissioners to share their opinions with Charter Revision who will meet for another 7-8 months before presenting a decision to the Board of Selectmen. Commissioner Askham said the next Charter Revision meeting is set for 11/8.

Chairman Paine stated the next Planning Commission meeting is on 11/22.

VII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:45 p.m.
Commissioner Askham seconded the motion, and it was passed unanimously.

Tina Hallenbeck, Secretary