

From: Lois Laczko December 29, 2010 9:27:42 AM  
Subject: Planning Commission Minutes 11/23/2010 ADOPTED  
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Cc:

ADOPTED

PLANNING COMMISSION MEETING  
November 23, 2010  
REGULAR MEETING

I. CALL TO ORDER (Secretary to be Acting Chairman)

Acting Chairman Paine 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, Sean Askham, Chip Houlihan, Tina Hallenbeck and Alan Needham. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

Acting Chairman Paine appointed Commissioner Askham to serve in the absence of Chairman Loomis.

III. APPROVAL OF MINUTES November 9, 2010

Commissioner Jansen made a motion to approve the November 9, 2010 minutes as written. Commissioner Houlihan seconded the motion, which was unanimously approved.

IV. CGS 8-24 REFERRAL FROM THE BOARD OF SELECTMEN ON PROPOSED MEADOWOOD LAND RESTRICTIONS

Commissioner Jansen recused himself from this discussion.

Acting Chairman Paine appointed Commissioner Needham to serve in the absence of Commissioner Jansen during this discussion.

Mr. Peck stated that the Town purchased land in the area of the triangle and an adjacent property, Parcel D2, which is the subject of this discussion. The owner of the property has asked the Town to consider placing additional restrictions on Parcel D2. He distributed a map as well

as the Analysis of Connecticut Conservation Easement Encumbered Sales to the Commission members.

Mr. Lescalleet of Griffin Land stated that this is the final stage of their State permitting process. It was the Town's request that they remediate the soil from this parcel, which triggered the requirement to go to the Army Corps of Engineers to get water quality certification and related permits for the transfer of soil in and out of a wetland area. He stated that this has been a two year process. They are at a point where the Army Corps is waiting for support from the DEP's Wildlife Division in order to issue the permit.

Mr. Lescalleet stated that they are requesting to place additional restrictions on this property that has been purchased by the Town. They are proposing to purchase these restrictions.

Mr. Lescalleet stated that Parcel D2 is owned by the Town; D2 is approximately 27 acres. This parcel is already subject to deed restrictions. They are proposing to apply additional restrictions to the D2 parcel only, not to the triangular parcel. These additional restrictions do not restrict the property from farming purposes, although it limits certain farming practices.

Commissioner Houlihan questioned what the DEP is looking to accomplish. Mr. Lescalleet stated that the intent is to expand an existing wildlife area for the purposes of enhancing and expanding an area for grassland bird habitat.

Commissioner Houlihan questioned what the amount of acreage is that would be needed in order to meet the requirements of the DEP. He also questioned what the additional restrictions would be. Mr. Lescalleet stated that by adding the 27 acres that is partially wooded and partially farmed to the existing wildlife parcels and the other open spaces in the development, this would satisfy the DEP's concerns regarding any impact that there would be to the grassland birds within the project.

Mr. Lescalleet read a letter from Mr. Danzinger to Mary Glassman into the record.

Acting Chairman Paine asked if there were any comments or questions from the public.

Don Tuller stated his concerns regarding the additional restrictions. He questioned why Griffin Land does not put an easement on their own property. He stated that three farmers have leases on the parcel in question. He stated that managing for wildlife is very difficult. The

DEP is not necessarily the friends of agriculture. He also questioned the new wording regarding pesticides. Mr. Tuller stated that the Town does not need to accept this proposal. He stated that if Griffin Land wants to put additional restrictions on Parcel D2, a considerable swap may be to make some other part of the proposed subdivision open space for agricultural production. The Town could also respectfully decline the offer, which is what he is hopeful the Town will do.

Mr. Lescalleet stated that this has nothing to do with the triangle. Parcel D2 is half used for farming and the other half is wooded. Mr. Tuller questioned if they could exclude the farm fields from the easement area. Mr. Lescalleet stated that the farm fields are part of the habitat for the grassland species. He stated that the restrictions that are being requested only prohibit tobacco growing and putting up greenhouses.

Mr. Tuller stated that in order for the Planning Commission to properly weigh this issue, they should know what the alternative options would be. Mr. Lescalleet stated that the DEP feels that this is the best possible scenario; this is not the recommendation of Riverbend.

Commissioner Houlihan questioned what the DEP has asked from Riverbend in order to satisfy the wildlife corridor. Mr. Lescalleet read a letter into the record from an Attorney at Murtha Cullina to Simsbury's Town Attorney. Commissioner Houlihan questioned what the dimensions of the requirements for DEP are. Mr. Lescalleet stated that certain species require different amounts of space. By expanding the habitat, this would make it a suitable area for these species.

Commissioner Drake questioned what the next steps would be for Griffin Land if the Planning Commission does not make a favorable recommendation. Mr. Lescalleet stated that they will have to go back to the DEP. Commissioner Drake questioned why the DEP would consider this land when Griffin Land does not own it. Mr. Lescalleet stated that this land is considered part of the project by the DEP and Army Corps of Engineers.

Mr. Lescalleet stated that in an effort to accommodate the Town's interest in accelerating the purchase of this property, Griffin Land agreed to sell this property to the Town with the understanding and with the agreement that the Town would cooperate with them as they went forward to get the other environmental permits outside of the Town. Mr. Peck stated that the Settlement Agreement states that the Town will cooperate with the developer as they continue to receive their permits.

In response to Commissioner Houlihan's question regarding the value

of the land, Mr. Lescalleet stated that it is up to the Town to decide if the value is fair or not.

Commissioner Houlihan stated that it would be helpful to see specific documentation from the DEP's Wildlife Division of what they are requesting. He stated that he would like to know what the problem is that requires a solution. Mr. Lescalleet stated that the DEP requested a solution to provide a suitable environment for certain grassland bird species. He stated that he will look for documentation, if it exists. Acting Chairman Paine stated that he feels Commissioner's Houlihan request is reasonable.

Mr. Lane stated that he addressed the Board of Selectmen two weeks ago; most of his comments were to clarify what was reported in the newspaper. He stated that the Town entered into a lease with three local farmers for vegetable crops. He stated that they have concerns regarding the additional restrictions; it is evident that they have precluded this type of agriculture. There are some techniques that organic farmers use, such as row covers, that would be prohibited with these additional restrictions. Mr. Lescalleet stated that he would be happy to get details regarding the type of farming practices that are acceptable. He stated that if he had a better understanding of what it is that organic farming entails, it could be reviewed and perhaps there is a consent that could be granted.

Commissioner Drake suggested speaking to a representative from the DEP in order to get insight regarding their issues. Acting Chairman Paine stated that there are a lot of questions that still need to be resolved. He stated that the Commission can submit their questions to Mr. Peck. Acting Chairman Paine asked that the farmers submit any specific concerns also so that the Planning Commission can do their best to answer them. Mr. Lescalleet asked that the farmers also submit details regarding their farming practices.

Commissioner Jansen returned to the Commission.

Commissioner Askham made a motion to put the item regarding the Community Farm of Simsbury next on the agenda. Commissioner Drake seconded the motion, which was unanimously approved.

#### V. CGS 8-24 REFERRAL ON COMMUNITY FARM OF SIMSBURY

Mr. Goodwin stated that they are making improvements to the Community Farm of Simsbury, including Dairy Barn renovations; milk processing plant building renovations; and grounds renovations and improvements. He stated that they have received a \$128,000 grant from the Hartford Foundation for

Public Giving. They would like to make a year round community space; they would like to build this to the highest standards possible.

Mr. Goodwin showed the Commission members a Power Point presentation of the renovation plans. He stated that there will not be a restroom in this community room, although he does not believe it will be a problem when getting State permits.

Commissioner Houlihan made a motion that the Planning Commission approve the 8-24 referral as submitted by the Community Farm of Simsbury with regard to the conversion of the former processing plant with the understanding that the applicant would meet the requirement for local and State permits. The Planning Commission also finds that this application, as submitted, is consistent with the 2007 Plan of Conservation and Development, particularly with respect to its Agricultural Resources Section to preserve farmland and to retain the rural character of the community. Commissioner Askham seconded the motion, which was unanimously approved.

#### VI. REFERRAL TO THE PLANNING COMMISSION ON AQUIFER PROTECTION ZONING REGULATION

Mr. Peck stated that this regulation is required by the State DEP to put the Town's regulation in conformance with the Aquifer Protection Zoning Regulation. He stated that this covers only the areas outlined in the cross hatched areas on the map, which was distributed to the Commission members. He stated that there are a total of four areas.

Commissioner Houlihan questioned if the aquifer areas were presently regulated. Mr. Peck stated that there is a section of the Zoning Regulations that discusses aquifer protection, although they are not currently clearly identified on the map.

Commissioner Houlihan made a motion that the Planning Commission adopt the Aquifer Protection Zoning Regulation and the map as presented. Commissioner Jansen seconded the motion, which was unanimously approved.

#### VII. STAFF REPORT(s)

Mr. Peck stated that the Town will hopefully receive the final draft of the Code by the end of the week. He stated that he originally thought the consultant would come back to Simsbury the week of December 6th, although he would now like to push this off until December 13th in order for the Boards and Commissions to have time to review this revised document.

Regarding the four administrative levels in the Code, Mr. Peck stated that

Level One is an administrative approval by Town staff. He stated that Level Two is for applications that would require a Site Plan. Level Three is for applications that require Special Permits, which require a public hearing. Level Four is for applications that do not fit into the way the Code is currently written. These applications will be for a zone change.

Mr. Peck stated that the Route 10 study is moving forward. The Board of Selectmen recently approved the funding for the local share. There will be a Steering Committee put together; their first meeting will be held on December 7th. He stated that this study will have a lot of public input as part of the process.

Acting Chairman Paine suggested that a nomination be made for the Steering Committee.

Commissioner Jansen nominated Commissioner Needham to be a member of the Steering Committee. Commissioner Houlihan stated that Commissioner Needham has more traffic analysis than the other Commission member. Commissioner Needham stated that he would be happy to volunteer to be a part of this committee.

#### VIII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Acting Chairman Paine stated that the Planning Commission will be holding a public hearing on December 14th regarding the Fee In Lieu Of Open Space Regulation. He asked that Mr. Peck distribute the changes that this Commission already made in time for them to review it prior to that meeting.

Acting Chairman Paine questioned if the Commission members would like to put Election of Chairman on the next agenda. He stated that it will need to be put on the next two consecutive agendas. The Commission members agreed.

#### IX. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 9:10 p.m. Commissioner Hallenbeck seconded the motion, which was unanimously approved.

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Michael Paine, Secretary

