

From: Lois Laczko January 17, 2012 1:39:16 PM
Subject: Planning Commission Minutes 12/13/2011 ADOPTED
To: SimsburyCT_PlanMin
Cc:

PLANNING COMMISSION MINUTES
DECEMBER 13, 2011
REGULAR MEETING

I. CALL TO ORDER

Michael R. Paine, Chairman, called the meeting to order at 7:07 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Ferg Jansen, Richard Cortes, Kevin Prell, Tina Hallenbeck, Gary Lungarini, 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

A quorum was present; no alternate members were seated.

III. APPROVAL OF MINUTES of November 22, 2011

Commissioner Hallenbeck made a motion to approve the November 22, 2011, minutes. Commissioner Jansen seconded the motion, and it was passed unanimously with the new members not voting.

IV. DISCUSSION ON SUBDIVISION REGULATIONS

Mr. Peck provided a revised draft of the Subdivision Regulations. He explained to the new Commission members that the Town has been working on the Regulations for Zoning, the Town Center Charrette, Stormwater, and Design Guidelines. He said the existing Town Subdivision Regulations are outdated and have now been revised using the Tolland regulations as a model with the goal of the Planning Commission adopting the revised regulations soon. He explained under State statute if a Subdivision comes in, the Commission does not necessarily have to have a public hearing, but on a re-Subdivision the Commission must hold a public hearing. He said these Regulations say the Commission can hold a public hearing on any application that comes in for a Subdivision or re-Subdivision even though it is not required by State law, and public notice must be given to abutting property

owners with legal notices published in the newspaper both before the hearing and after the decision. He proceeded to highlight areas previously discussed by the Commission, including:

Page 4, the distinction between Residential and Commercial Subdivisions remains blank; Mr. Peck stated the Residential Subdivision is the standard with a piece of land divided to build houses; a Commercial Subdivision today may have lots with varied zoning; there are also PAD (Planned Area Development) Regulations adopted by the Zoning Commission a couple of years ago - e.g., on West Street a mixed use PAD is going forward with both Residential and Commercial development. He said a third category could be mixed use development, but he recommends leaving this distinction out as later on in the Regulations he used mixed use development, residential development and non-residential development allowing the Commission to act on Subdivision of property no matter what the proposal is.

Page 5, D. the State statutes make it clear the Commission does not have the right to require offsite improvements, such as sidewalks; improvements can be required onsite, but not offsite. He would like the Town Attorney to provide his input at the next meeting on this topic. He said cul de sacs are discussed in the Town Regulations limiting their length to 1300 feet to prevent a large number of residences where the road could be blocked by a tree in a storm; he recommended simply saying cul de sacs are not encouraged as the best approach. In paragraph E., at the end it says the Commission can waive the vegetative buffer requirement. In paragraph F., the maximum length of a cul de sac is discussed.

He said Regulation requirements as discussed by the Commission are clearly listed for applicants - what needs to be shown on the application, site analysis, wetland protection maps, soil classifications, and all the items that are not in the current Regulations. He said a conceptual submission is encouraged to be submitted on paper.

Page 10, A.1 regarding the responsibilities of land surveyors, he said the people with the proper expertise must be responsible for signing and sealing plans.

Page 12, Subdivision Plan Contents are set out, including septic systems signed off by the Health Department.

Page 16, protection of stone walls is discussed with the intent of preserving them, but it is not required.

Page 17, Section 10 discusses the Low Impact Development (LID) Guidelines as they apply to Subdivisions and developers must take them into account in the planning stages; legitimate conditional approvals by the Commission

are discussed, as they are an administrative function and need to be clear to developers.

Page 18, Section 12 Final Approval Requirements are listed, including insurance, and bonding as permitted by current State statute.

Page 20, Section 13 discusses public improvements that are part of the Subdivision and he would like the Town Attorney to address this area; performance bonds are discussed.

Page 21, criteria for the Dedication of Open Space allows developers under State statute to buy out the open space requirement by paying 10% of the pre-development value of the property on a lot-by-lot basis and that money would be used for a significant amount of open space elsewhere in Town.

Page 22, 5. open space requirements do not apply to the transfer of land in a Subdivision of less than five parcels - this applies primarily to transfers to relatives; an Appendix 9 has a family transfer exemption notice.

Page 23, Article III, may be redundant as current Town Standards contain it and may conflict; he needs to work with the Town Engineer to deal with the conflict between the Regulations or change the other standards. He asked the Commissioners to review this section and decide whether it is important for regulations from this Commission.

He said the Appendices make requirements clear for applicants for the applicable Town department, and include letters of credit, performance agreements, and As-Built Plan Requirements as determined by the Zoning Enforcement Officer to protect the Town's interests. He said Appendix 10 requiring Digital Mapping will streamline communication; he will have the GIS E-Standard for the next meeting.

Chairman Paine stated his concern of a conflict in properly defining non-residential and residential subdivisions. He liked the detailed outline for presenting plans. He can see some real issues for cul de sacs following the last storm. He said it may be best to let the Town Engineer set the standard for public improvements and the appendices will be valuable. He expects to hear more details from the Town Attorney on areas such as bonding. Mr. Peck added that the Commission has the ability with 3/4 or five votes to waive regulations. Commissioner Kulakowski stated he would like to see the residential and non-residential definitions as they will be a big deal in the Town. Mr. Peck said the Town Center Code should also be included. He said Page 7, M. Scenic Hillside Protection needs to be clear regarding conservation easement areas where damaged trees cut down are replaced.

Mr. Peck said under State law during public hearings anyone on the Commission and the public can ask questions and make comments, but once the Commission is impaneled then the alternates cannot comment and the discussion ends. Commissioner Drake stated his preference for more voices and opinions weighing in. Chairman Paine stated he prefers open communication and diverse opinions in an open forum and would like to discuss this further at the next meeting with the Town Attorney. Chairman Paine asked the Commissioners to review the draft Subdivision Regulations and provide comments to Mr. Peck before the next meeting.

V. DISCUSSION

a. Update on Low Impact Development Guidelines

Mr. Peck stated the LID Guidelines are now on the Town website and he has drafted a policy for each of the Commissions stating when an application is reviewed, they will apply the Guidelines in their process. He said in time the Guidelines will be revised and adopted.

b. Update on Town Center Guidelines

Mr. Peck said four focus groups met for an hour each on 12/6/11 with Consultant Nori Winter to state their views; the groups included 8-10 representatives each from: 1) property owners; 2) community groups - historic society, free library, land trust; 3) business owners; and 4) designers and developers. He said the Guidelines align with the Town Center Code adopted 4/15/11. He said they also met with the Design Review Board to get their input. He said the Town Building Official brought up Connecticut Building Code's impact on the regulations and the consultant will now provide a first draft of proposed changes to the Town Center Code for Zoning Commission review - this is because some areas modeled resulted in negative impacts and they want to assure the best face forward on Hopmeadow. He said they will also provide a series of proposed changes for either the Code or Design Guidelines, as well as changes to regular Community Guidelines the DRB uses. Chairman Paine commended Mr. Peck on the significant progress from the Charrette in 2008 to these Guidelines.

VI. STAFF REPORT(s)

Mr. Peck said regarding Dorset Crossing press releases, only two medical office buildings have been approved and only one permit for the foundation of the first building has been issued. He said as soon as something comes

in from Dorset, the DRB and this Commission will be informed.

VII. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

Commissioner Jansen made a motion to cancel the 12/27/11 meeting.
Commissioner Drake seconded the motion, and it was passed unanimously.

Chairman Paine clarified that, if required, a special meeting can be called with 24-hours notice. Mr. Peck offered to the new Commissioners who provide him with email addresses to send out emails in order to set up their new Town email addresses.

VIII. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:11 p.m.
Commissioner Hallenbeck seconded the motion, and it was passed unanimously.

Tina Hallenbeck, Secretary