

# Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

*Office of Community Planning and Development*

**LEGAL NOTICE  
TOWN OF SIMSBURY  
ZONING COMMISSION – REGULAR MEETING**

The Zoning Commission of the Town of Simsbury will hold a Public Hearing at a Regular Meeting to be held on Monday, July 15, 2013 at 7:00 p.m. in the Main Meeting Room at the Simsbury Town Offices, 933 Hopmeadow Street, Simsbury, Connecticut on the following:

1. Application #13-34 of Brian R. Smith of Robinson & Cole LLP, Agent for Mark Sullivan, Petitioner, for a 6-Month Moratorium on farm use, pursuant to Article Seven, Section B.1, of the Simsbury Zoning Regulations, and the keeping of horses in residential districts, pursuant to Article Seven, Section B.6, to allow the Commission to consider potential restrictions and standards that would protect adjacent residential properties.
2. Application #13-35 of Brian R. Smith of Robinson & Cole LLP, Agent for Mark Sullivan, Petitioner, for Amendments to Article Four, Section B, and Article Seven, Section B, and Article Seven, Section C, of the Simsbury Zoning Regulations to address issues related to commercial horse stables, as distinguished from horses maintained for personal enjoyment, in residential zones.

At this hearing, interested persons may appear and be heard and written communications will be received.

Edward J. Pabich, Secretary

Dated this 26<sup>th</sup> day of June, 2013, at  
Simsbury, Connecticut

**HARTFORD COURANT:**

**Please publish this on both Wednesday, July 3, 2013, and Wednesday, July 10, 2013 and  
ZONE FOR THE FARMINGTON VALLEY EDITION ONLY.**

Invoice the SIMSBURY ZONING COMMISSION



Telephone (860) 658-3245  
Facsimile (860) 658-3205

[www.simsbury-ct.gov](http://www.simsbury-ct.gov)

*An Equal Opportunity Employer*  
8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Friday



**Capitol Region Council of Governments**  
241 Main Street  
Hartford, Connecticut 06106-5310  
Telephone: (860) 522-2217 • Fax: (860) 724-1274  
[www.crocog.org](http://www.crocog.org)

Mary Glassman, Chairman  
Lyle D. Wray, Executive Director

**ZONING REFERRAL FORM**

FOR: NOTIFICATION OF REFERRALS BY ZONING COMMISSIONS OF THE CAPITOL REGION  
Please fill in, save a copy for your records and send with appropriate attachments by certified mail or electronically to: [zoningref@crocog.org](mailto:zoningref@crocog.org).

FROM:  Zoning Commission  
(Select one)  Planning and Zoning Commission  
 City or Town Council (acting as Zoning Commission)

Simsbury \_\_\_\_\_  
(Municipality)

TO: Capitol Region Council of Governments  
Policy Development & Planning Department  
241 Main Street  
Hartford, CT 06106

Date of Referral to CRCOG: 6/6/13

Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zone change is referred to the Capitol Region Council of Governments for comment:

**NATURE OF PROPOSED CHANGE**

- Adoption of amendment of ZONING MAP for any area within 500 feet of another Capitol Region Municipality. Attach map showing proposed change.
- Adoption or amendment of ZONING REGULATIONS applying to any zone within 500 feet of another Capitol Region Municipality. Attach copy of proposed change in regulations.

THE CHANGE WAS ORIGINALLY REQUESTED:  by municipal agency: \_\_\_\_\_  
 by petition \_\_\_\_\_ (Specify)

PUBLIC HEARING ON SAID CHANGE IS SCHEDULED FOR: 7/15/13 (Date)

**MATERIAL SUBMITTED HEREWITH:**

- Public Notice  
 Map of Change
- Regulation Changes  
 Other (Specify): \_\_\_\_\_
- Supporting Statements

HAS THIS REFERRAL BEEN SUBMITTED PREVIOUSLY TO CRCOG?  YES - ON WHAT DATE? \_\_\_\_\_  
 NO

<b>(FOR USE BY CRCOG)</b>	
Date Received	_____
Date Email Receipt Sent	_____
If Needed, Was Follow-up Sent Certified?	_____
CRCOG File Number	_____

Name: Carrie Vibert *Carrie Vibert*  
(Person Sending Referral)

Title: Administrative Secretary II

Address: 933 Hopmeadow Street  
P.O. Box 495  
Simsbury, CT 06070

BY LAW (Section 8-3b of the CGS, Effective October 1, 2011): When the zoning commission of a municipality proposes to establish or change a zone or any regulation affecting the use of a zone any portion of which is within five hundred feet of the boundary of another municipality, the zoning commission shall give written notice of its proposal to each regional planning agency of the region in which it and the other municipality are located. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by the regional planning agency on the agency's Internet web site for receipt of such notice, not later than thirty days before the public hearing to be held in relation thereto. If such notice is sent by electronic mail and the zoning commission does not receive an electronic mail from a regional planning agency confirming receipt of such notice, then not later than twenty-five days before the public hearing, the zoning commission shall also send such notice by certified mail, return receipt requested, to such planning agency. CRCOG's email address for submitting zoning referrals is: [zoningref@crocog.org](mailto:zoningref@crocog.org)

If you have questions or experience difficulty submitting your referral electronically, please contact Lynne Pike DiSanto at (860) 522-2217 ext. 211

CRCOG-9/2011

280 Trumbull Street  
Hartford, CT 06103-3597  
Main (860) 275-8200  
Fax (860) 275-8299  
bsmith@rc.com  
Direct (860) 275-8224

*Via Hand Delivery*

June 3, 2013

Robert F. Pomeroy, Jr. Chair  
Zoning Commission  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

**Re: Petition for Zoning Regulation Amendment for  
Horse Farms/Stables in Residential Zoning Districts**

Dear Chairman Pomeroy and Members of the Commission:

On behalf of our client, Mark Sullivan, who resides at 52 East Weatogue Street in Simsbury, I submit this request for zoning regulation amendments to address issues related to commercial horse stables, as distinguished from horses maintained for personal enjoyment, in residential zones. We ask that the Commission consider the public and planning benefit of distinguishing commercial horse stables and imposing standards to protect residential neighborhoods from the potential impacts of the more intense use of land involved with keeping horses for other than personal use.

Also enclosed for your consideration is a draft of amendments Mr. Sullivan requests the Commission to consider adopting for the purpose of protecting the residential and historic character of the town's neighborhoods from the public health, noise, traffic, pollution and other potential negative effects of a commercial horse stable in a residential zone. The text includes three new definitions, a new Article 7.B.7 and Article 7.C.10 and some other appropriate changes. Also enclosed is a check for \$290 for the fee for a regulation amendment.



*Law Offices*

BOSTON

PROVIDENCE

HARTFORD

NEW LONDON

STAMFORD

WHITE PLAINS

NEW YORK CITY

ALBANY

SARASOTA

*www.rc.com*

# ROBINSON & COLE<sub>LLP</sub>

Robert F. Pomeroy, Jr. Chair  
June 3, 2013  
Page 2

We respectfully request the Commission's consideration of these petitions at its June 17<sup>th</sup> meeting.

Sincerely,



Brian R. Smith

Enclosure

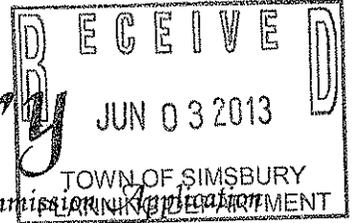
Copy to: Mark Sullivan





# Town of Simsbury

Office of Community Planning and Development - Zoning Commission



DATE: 6/3/13 FEE: \$290.00 CK #: 223567 APP #: 13-35

PROPERTY ADDRESS: N/A

NAME OF OWNER: Mark Sullivan

MAILING ADDRESS: 52 East Weatogue Street, Simsbury, CT

EMAIL ADDRESS: N/A TELEPHONE # \_\_\_\_\_

NAME OF AGENT: Brian R. Smith, Robinson & Cole LLP

MAILING ADDRESS: 280 Trumbull Street, Hartford, CT 06103-3597

EMAIL ADDRESS: bsmith@rc.com TELEPHONE # 860-275-8224

ZONING DISTRICT: N/A LOT AREA: N/A SQ FT/ACRES \_\_\_\_\_

Does this site have wetlands?  YES  NO N/A Have you applied for a wetlands permit?  YES  NO N/A

**REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):**

- ZONE CHANGE:** The applicant hereby requests that said premises be changed from zone \_\_\_\_\_ to zone \_\_\_\_\_.
- SPECIAL EXCEPTION:** The applicant hereby requests a public hearing pursuant to Article \_\_\_\_\_, Section \_\_\_\_\_.
- SITE PLAN APPROVAL:** The applicant hereby requests
  - PRELIMINARY
  - FINAL
  - SITE PLAN AMENDMENT pursuant to Article 5, Section J
- SIGN PERMIT**
- OTHER (PLEASE EXPLAIN):** Zoning Regulation Amendment to Article 4B, Definitions, Stable; Article 7.B Keeping of Horses for Personal Use; and Article 7.C, Special Exception for Commercial Stables

*NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.*

A check payable to the Town of Simsbury must accompany this **signed and dated** application. **Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence** must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to [cvibert@simsbury-ct.gov](mailto:cvibert@simsbury-ct.gov), as well.

Mark E. Sullivan 6/3/13 Brian R. Smith 6/3/13  
 Signature of Owner Date Signature of Agent Date

Telephone (860) 658-3245  
Facsimile (860) 658-3205

www.simsbury-ct.gov 06-03-2013 0947

933 Hopmeadow Street  
Simsbury, CT 06070  
CHECK 290.00

Note:

Existing text in **BOLD**

Proposed text in regular font

Deleted text in [ ] brackets

#### **IV.B. DEFINITIONS - TERMS**

**Stable:** Any building or enclosed area used for the housing, feeding or caring of one or more horses.

**Stable, Commercial:** A stable where horses are kept for compensation or for use by other than the resident or owner of the property, including but not limited to, the boarding of horses, riding instruction programs, therapeutic riding programs, horse shows, riding competitions, commercial breeding, fundraising or other charitable events, the renting of horses, or the keeping of horses incidental to the operation of a club, association, ranch, non-profit organization, business, or similar establishment.

**Stable, Non-commercial:** A stable used solely for horses owned by the owner or resident that are used solely for personal use and not for uses listed under "Commercial Stable."

### **ARTICLE SEVEN**

#### **PERMITTED USES**

##### **B. USES PERMITTED IN ALL RESIDENTIAL ZONES...**

###### **6. Keeping of domestic animals . . .**

a. [Horses,] ponies, sheep . . .

###### **7. Horses For Personal Use:** A Non-Commercial Stable is permitted provided the following standards or conditions are met:

a. The horses must be owned by the resident or owner and kept and used only for personal enjoyment. The horses shall not be used for purposes permitted in connection with Commercial Stables including, but not limited to, the boarding of horses, riding instruction programs, therapeutic riding programs, horse shows, riding competitions, commercial breeding, fundraising or other charitable events, or the renting of horses.

b. There shall be one (1) acre as the minimum size lot for the first horse being kept and an additional one-half acre for each additional horse, but there shall not be more than three (3) horses.

c. Stable manure and urine must not create a health hazard to the community in general or to the persons in the surrounding neighborhood from an air, drainage and water pollution standpoint. Storage of manure

and/or manure and urine bedding or other such materials is prohibited within 100 feet of a property line. A description of manure and urine disposal provisions must be included with an application for Zoning Compliance.

- d. Adequate fencing must be installed and maintained to reasonably contain the horses within the property.
- e. No building or other structure shall be located less than 100 feet from the street, side or rear lot lines.
- f. The use of temporary buildings or trailers for the stabling of horses in excess of fifteen (15) days is prohibited. There shall be no storage of supplies outside of permanent buildings.
- g. The area shall be landscaped to harmonize with the character of the neighborhood. The land shall be maintained so as to prevent health hazard or environmental pollution, including provisions for dust control and proper stormwater drainage facilities. The manure storage area shall be screened and located so as not to be unsightly nor create offensive odors off the premises.
- h. There shall be no external floodlighting. No light shall be permitted which is considered objectionable due to brightness or intensity or which transmits outside the premises.
- i. There shall be no loudspeakers, Public Address Systems, or similar audio systems that project noise in a manner that can be heard by neighboring property owners.
- j. The use shall not have an adverse effect on a historic property or historic district.

**C. USES PERMITTED AS A SPECIAL EXCEPTION IN ANY RESIDENTIAL ZONE AFTER PUBLIC HEARING: ...**

- 10. Commercial Stables are prohibited in the R-40 zone and are allowed in all other residential districts provided:
  - a. The barns, riding rings, corrals, and accessory facilities shall be contained within a parcel or contiguous parcels of land consisting of at least 10 acres. There shall be a five-acre rectangular area on which a principal building and the riding ring and/or indoor arena must be located.
  - b. The roads for entering and leaving the property shall be located or placed in such a manner so as not to create pedestrian or vehicular traffic hazards on public streets or highways.

- c. Stable manure and urine shall not create a health hazard to the community in general or to the persons in the surrounding neighborhood from an air, drainage and water pollution standpoint. The stabling of horses shall conform to all State and local laws, regulations and codes.
- d. Sanitary facilities shall be provided for workers, patrons and visitors in accordance with State and Local health requirements for normal operations as well as for horse shows and similar activities.
- e. Adequate fencing shall be installed and maintained to reasonably contain the horses within the property.
- f. Fire control facilities and/or structures for the barns, buildings, and other amenities used for normal operations as well as for horse shows and similar activities shall be approved by the Town Fire Marshal.
- g. The use of Public Address Systems is prohibited.
- h. No part of any building, riding ring, corral, or manure/urine storage area used for or in conjunction with the operation shall be located less than 150 feet from the street, side or rear lot lines.
- i. The use of temporary buildings or trailers for the stabling of horses in excess of 15 days is prohibited.
- j. The premises shall be landscaped to harmonize with the character of the neighborhood. The land shall be maintained so as to prevent health hazard or environmental pollution, including provisions for dust control and proper stormwater drainage facilities. The manure/urine storage area shall be screened and located so as not to be unsightly or create offensive odors off the premises. A plan for manure storage and disposal shall be submitted with the application for special exception.
- k. Buffer Area: A buffer area shall be required along all lot lines of at least 50 feet in depth and contain evergreen planting of such type, height, spacing and arrangement as will screen activity on the lot from neighboring areas. A wall or fence of location, height, design and materials approved by the Commission as providing equivalent screening may be substituted for all or part of the required planting.
- l. Additional Requirements: Maximum intensity of use and/or membership limit shall be restricted to four horses per acre. Maximum building height shall be 30 feet. Sale of products or materials shall be restricted to only those products or materials which are customarily incidental to the principal use as determined by Special Exception. Dwelling use on the same property is permitted, but an additional two acres shall be required for the dwelling and all requirements for the dwelling and lot must meet the zoning regulations. No horse shall be housed in any part of a building used as a residence. There shall be no storage or supplies outside of permanent buildings. Adequate fencing must be installed and maintained to reasonably contain the horses within the property. The conduct of the

instruction of riders, training of horses, and the spectator participation in competitions should be modulated and continuously controlled in order to avoid becoming a nuisance to surrounding neighbors.

- m. Parking: Sufficient off-street parking facilities shall be provided to accommodate all users and visitors to the property, including spectators, for horse shows or other equestrian events. Minimum parking setback shall be 100 feet from the front, side, and back lot lines. Minimum required parking shall be two (2) parking spaces per horse stall. A parking plan shall be required showing the location and dimensions of the proposed parking area, provisions for trailer as well as vehicle parking, the type of surface to be used, provisions for storm drainage and other improvements to limit water run-off, and the location of the access road or roads. The provisions for traffic control, parking and handling of large horse vans during the conduct of horse shows shall be included in the application for special exception.
- n. There shall be no external floodlighting that transmits outside of the property from which it originates, and no light shall be permitted which is considered objectionable due to brightness or intensity.
- n. The use shall not have an adverse effect on a historic property or historic district.

[10] 11. **Standards . . .**