

From: Lois Laczko November 22, 2011 2:24:37 PM  
Subject: Zoning Commission Minutes 10/17/2011 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ZONING COMMISSION - 10/17/11 - ADOPTED MINUTES

ZONING COMMISSION  
REGULAR MEETING  
OCTOBER 17, 2011

I. CALL TO ORDER

James Gallagher, Chairman, called the regular meeting for the Zoning Board to order at 7:00PM on Monday, October 17, 2011 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Edward Pabich, Bruce Elliott and David Ryan. Others in attendance included Hiram Peck, Director of Planning, Leslie Faraci, Clerk and other interested parties.

II. APPOINTMENT OF ALTERNATES

Commissioner Gallagher appointed Commissioner Ryan as the alternate for Commissioner Vaughn.

III. APPROVAL OF MINUTES - October 3, 2011

Commissioner Elliott moved to approve the minutes of October 3, 2011 with a change presented by Commissioner Pabich. The motion was seconded by Commissioner Pabich and passed unanimously.

IV. PUBLIC HEARING(s) Commissioner Pabich read the following Public Hearing items:

- a. Application of James R. Christopher, Owner, for a Special Exception, pursuant to Article Seven, section C.1 of the Simsbury Zoning Regulations, to allow for operation of a two room Bed and Breakfast in a residential zone on property located at 444 Bushy Hill Road. R-40 Zone
- b. Application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations to allow champagne to be served at the Theatre Guild's annual patrons party to be held on Saturday, November 5, 2011 on property located at Boy Scout Hall, 695 Hopmeadow Street. SC-Civic Site

c. Application of Brian Hall, Owner, EmFam, LLC, Applicant for a Special Exception, pursuant to Article Seven, Section E.6.d of the Simsbury Zoning Regulations, for a Change of Use in a business zone to allow for operation of a Convenience Store on property located at 30 Winthrop Street. B-1 Zone

(a) Mr. James Christopher, 444 Bushy Hill Road, Simsbury, addressed the Commission regarding his application for a Special Exception, which would allow for the operation of a two-room Bed and Breakfast in a residential zone on his property, which is his primary residence. Commissioner Elliott asked Mr. Christopher about the parking at the property. Mr. Christopher referred to the site plan distributed to the Commission and said they can park ten (10) cars on pavement and another four (4) to six (6) off-pavement, which would exceed the capacity that they would ever reach. Mr. Christopher explained that State Code allows them to have up to three (3) rooms, of which they only plan to have two (2). Mr. Christopher explained that no further renovations need to be done on the house, other than moving furniture around. Mr. Elliott asked about any signage that they might require and how they would notify any potential clients. Mr. Christopher said between the numbers on their mailbox and the farm sign on the property, they do not plan to put up any additional signs, keeping the house as residential as possible. Potential advertising avenues were discussed, although Mr. Christopher said advertising is a premature issue today, as they want to get everything in order with the Town first.

Commissioner Gallagher then asked about any public audience that might want to speak in support of Mr. Christopher's application. Mr. John McDonald, 452 Bushy Hill Road, Simsbury, addressed the Commission saying they had been neighbors of Mr. Christopher's for a few years and said they had no objections.

Commissioner Gallagher then asked if there was anyone to speak in opposition of the application. Mr. Ranjit Chaterji of 437 Bushy Hill Road, Simsbury, resides across the street from the applicant. Mr. Chaterji expressed his concern of having an increase in crime, as a result of bringing in "unknown elements" from outside areas to the Bed & Breakfast. Commissioner Gallagher asked Mr. Chaterji if he would have an objection even if they didn't put up a sign, to which he replied, yes, he still objects. Mr. Chaterji said he was worried about the traffic, increased accident problems, the security problem and the negative impact a commercial property would have on the value of his house, and the value of other homes in the neighborhood.

Ms. Kathy Carpino, Owner, 444 Bushy Hill, Simsbury, then addressed the

Commission saying that there shouldn't be a concern about negatively impacting the value of the homes around them, especially considering all of the renovations and improvements they have done to the property in the last five (5) years. Ms. Carpino also made the Commission aware that Mr. Chaterji runs a day care out of his home across the street, which has never caused difficulty with traffic. Ms. Carpino then said they would only have guests occasionally on the weekends, and not during holiday weekends, so the impact would be minimal.

Mr. Elliott then let the applicant know that the regulations allows for a sign (32 SF in size), but Mr. Christopher said again that since it is their primary residence, they do not plan to put a sign up in addition to what is currently there.

(b) Darlene Davis, of the Theatre Guild of Simsbury, addressed the Commission with regards to their application for a Temporary Liquor Permit. Ms. Davis explained that, in connection with their musical production of "Curtains", they will be holding a Patrons Party on November 5th and would like to serve champaign along with food, coffee and water. Ms. Davis said this is an annual event that used to be held at Eno Hall, but they switched venues a few years ago to Boy Scout Hall. Commissioner Gallagher asked if there was anyone to speak in favor of the application and Rosemarie Beskin, Stratton Forest, Simsbury said she was in support of the application.

(c) Daniel Emrick, 69 Blue Ridge Drive, Simsbury, addressed the commission on behalf of Brian Hall, Owner EmFam, LLC, Applicant. Mr. Emrick explained that he would be the Tenant, and operator of the proposed convenience store, which would be located at 30 Winthrop Street. Mr. Emrick explained the proposed parking configuration, which was outlined on separate site plans distributed to the Commission members. Mr. Emrick also described the walkways to the store from the parking areas. Commissioner Elliott called attention to the fact that the regulation states that the parking surfaces must be paved and appropriately marked to delineate individual parking spaces.

Mr. Peck reminded the Commission that a regulation allows to "modify the surface construction requirements of the proposed reserve area to decrease storm water run-off and increase groundwater infiltration" (p. 79 5(c)) which he said, may be something the Commission would want to consider in this case. Secondly, Mr. Peck said the Owner of the property would have to provide the property documentation with regard to requiring that parking be used for those specific purposes. Mr. Peck suggested, if they move forward with this application, they might want to consider these two (2) things. Commissioner Pabich then asked Mr. Emrick to address the issues brought up in the letter from Tariffville Village Association that was distributed to the Commission. (1) No sales of alcoholic beverages: In response to this

request, Mr. Emrick said that while they are not currently looking to sell beer at the store, they would like to keep that option open. (2) No delivery vehicles while school children are going to and from school: Mr. Emrick said in response to this request, they have spoken to their vendors and requested them to not come at these times. (3) More off street parking: Mr. Emrick said they have addressed this with the previously discussed parking (4) No customer parking at 2 Center Street: Mr. Emrick said they plan to put signs up to discourage this act.

Commissioner Gallagher then asked if there was anyone to speak in favor of this application. Mr. Frank Haviland, 4 Whitewater Turn, Tariffville, stood to address the commission. Mr. Haviland stated that he represents the Tariffville Village Association and had drafted the letter previously referenced. Mr. Haviland expressed their excitement about this property becoming a potential convenience store and said it is something the Village has wanted for a long time. That being said, Mr. Haviland noted, he did want to outline the four (4) conditions proposed in the letter by the Tariffville Village Association, previously addressed by Mr. Emrick (see previous paragraph). Mr. Haviland stated and expanded upon those four (4) conditions. Then Mr. Roland Wolf, Owner of Valley Barber Shop, 2 Center Street, Tariffville, addressed the commission and explained the history of parking issues he had experienced with Mr. Hall, the Owner of 30 Winthrop Street. Then Mr. Chester Matczak, 18 Wooster Road, Simsbury, addressed the commission saying that he too was happy with the potential of having a convenience store opening at the subject property. Mr. Matczak expressed his concern with the street parking at the property and the safety issue it raises with regards to school children. Mr. Matczak raised the possibility of using the landlocked parcel behind the subject property as a solution for excess parking. Mr. Emrick said that parcel had been designated Open Space by the Town, and therefore, was not available for potential parking. Commissioner Gallagher told Mr. Matczak he would need to get the Board of Selectmen to address that issue, as the Zoning Board could not change the Open Space designation.

Commissioner Gallagher asked Mr. Emrick how many employees he plans to have and he answered, two (2) employees. The Commission members then discussed the liquor permit with Mr. Emrick. Mr. Emrick told the commission said that if he went to apply for a grocery liquor store, he would be grandfathered-in due to the fact that they currently hold a full liquor license. Mr. Peck reminded the commission that Mr. Emrick was present this evening to get permission to open the convenience store and not to get a judgment on selling beer at the location. The topic of the grandfathered liquor permit was discussed further by Mr. Peck, Mr. Emrick and the Commission. Mr. Emrick then discussed the possible layout, if they were to sell beer, in order to minimize the exposure to kids. Neon signage at the property was also discussed. The details of the liquor permit currently in

place at the property were discussed and what would happen if the grocery beer permit was in place for more than a year, specifically if it would extinguish the full liquor permit. Mr. Emrick then mentioned that Brian Hall had put in an application to host Post Office Boxes at the future convenience store and have the ability to sell stamps.

After asking if there were any further questions or statements, Commissioner Gallagher declared the hearing closed.

Commissioner Pabich moved to amend the Agenda in order to vote on the three (3) Public Hearing Items (IV (a), (b) and (c)). The motion was seconded by Commissioner Ryan and passed unanimously.

(a) Commissioner Elliott moved to approve the application of James R. Christopher, Owner, for a Special Exception, pursuant to Article Seven, section C.1 of the Simsbury Zoning Regulations, to allow for operation of a two room Bed and Breakfast in a residential zone on property located at 444 Bushy Hill Road (R-40 Zone). The motion was seconded by Commissioner Pabich and passed unanimously.

(b) Commissioner Ryan moved to approve the application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations to allow champagne to be served at the Theatre Guild's annual patrons party to be held on Saturday, November 5, 2011 on property located at Boy Scout Hall, 695 Hopmeadow Street (SC-Civic Site). The motion was seconded by Commissioner Elliott and passed unanimously.

(c) Commissioner Ryan moved to approve of the application of Brian Hall, Owner, EmFam, LLC, Applicant for a Special Exception, pursuant to Article Seven, Section E.6.d of the Simsbury Zoning Regulations, for a Change of Use in a business zone to allow for operation of a Convenience Store on property located at 30 Winthrop Street (B-1 Zone), with the stipulation that the applicant confer with the Town Engineer regarding the proper lining and surfacing of the parking area. The motion was seconded by Commissioner Pabich and passed by a vote of three (3) to approve and one (1) opposed. Commissioner Elliott opposed the motion.

Commissioner Elliott expressed his concern that the unpaved/unmarked parking clearly did not meet the Zoning Regulations, and therefore, he could not support the approval of this application.

#### V. PRESENTATION(s)

(a) Application of Thomas Evans, Owner, for a Site Plan Amendment to add 3,390 square feet of parking area to the existing Dunkin' Donuts on

property located at 142 Hopmeadow Street. B-1 Zone.

Mr. Peck addressed the Commission regarding the revised plan that would result in an increased parking area on the north side of the Dunkin Donuts structure, in turn, freeing up all of the parking on the property to the south. Mr. Peck referenced a letter from the Town Engineer that indicated this could actually improve the drainage on the property. Mr. Peck then referenced the abutting Owner to the north of the Dunkin Donuts, Mr. Ritson, who requested a fence be constructed on the north side of the Dunkin Donuts property in order to shield the increased amount headlights that will shine. Mr. Peck said the fence will be a six foot (6') fence. The site coverage of the property was discussed. The landscaping was discussed in order to screen, but not obscure, the new parking spaces.

Commissioner Pabich moved to approve the application of Thomas Evans, Owner, for a Site Plan Amendment to add 3,390 square feet of parking area to the existing Dunkin' Donuts on property located at 142 Hopmeadow Street (B-1 Zone), with the condition that the applicant provide some additional landscape screening in front of the new parking spaces between the parking space closest to Hopmeadow Street and the street itself to soften the look at that corner. The motion was seconded by Commissioner Ryan and passed unanimously.

(b) Application of W. Thomas Earl, Business Manager, for a Site Plan Amendment for a new turf athletic field with lighting on property located at Westminster School, 995 Hopmeadow Street. R-40 Zone.

Dick Web, Landscape Architect with CHA (Sports Engineering Design Firm), addressed the Commission regarding the above referenced application. Mr. Web began by giving an overview of the school's layout and then describing where the proposed field would be located. Mr. Web told the Commission that its primary use would be for men's lacrosse and field hockey, although it would be a multi-purpose capacity field that could support soccer, lacrosse and field hockey. Mr. Web said it is not proposed to support football. Mr. Web gave an overview of the field dimensions, make-up, parking, as well as some of the details of the earth-work involved in the project. Mr. Web then addressed the Commission regarding the proposed lighting on the field and gave some specifications regarding the lights and then discussed the proposed drainage. Commissioner Elliott asked what is currently on the parcel, to which Mr. Web replied that it was wooded. Mr. Web then discussed the energy efficient lighting and its low foot-candle readings. Commissioner Ryan asked for further information regarding the light output that would be seen from beyond the campus. Mr. Earl assured the Commission that their games and/or practices would not be held late (not past 9:00PM) in the evening and therefore, the lights would not be on at a late hour of the evening.

(b) Commissioner Pabich moved to approve the application of W. Thomas Earl, Business Manager, for a Site Plan Amendment for a new turf athletic field with lighting on property located at Westminster School, 995 Hopmeadow Street (R-40 Zone). The motion was seconded by Commissioner Elliott and passed unanimously.

VI. Informal update on preliminary concept plan for Dorset Crossing, 1602 Hopmeadow Street.

Dr. Anthony Giorgio, Managing Director, Keystone Companies, LLC, addressed the Commission in order to give an update with regards to their updated concept plans for Dorset Crossing. Dr. Giorgio said they will be having a formal ground breaking on November 1st, but in the meantime, they will begin work on the original road and the initial foundation. Dr. Giorgio gave the Commission an update on some potential leases and interest in development from outside parties. Dr. Giorgio spoke about the Route 10 Corridor Study and how Keystone was approached by the Town to see how Keystone could work in conjunction with the Town to somehow accommodate the study (specifically regarding a road that would potentially cut through Dorset Crossing). Their goal, said Dr. Giorgio, was to accommodate the Town while at the same time, being able to move forward with their project. David Ziaks, F.A. Hesketh & Associates, Inc. then addressed the Commission to further explain their revised concept plan which would accommodate for the "bypass road" proposed by the Town. Mr. Ziaks referred to, and explained, presentation boards illustrating the Dorset Crossing plan with the proposed bypass road incorporated. The Commission members asked Dr. Giorgio some questions about the site plans presented.

VII. OTHER BUSINESS

Route 10 Corridor Study - Mr. Peck said the Board of Selectmen did endorse the Route 10 Corridor study and it will be posted online.

Town Center Design Guidelines - Mr. Peck said the design team, Winter & Associates, will be in town December 5 & 6.

VIII. ADJOURNMENT

Commissioner Ryan moved to adjourn the Regular Meeting of the Zoning Commission at 9:40 PM. The motion was seconded by Commissioner Pabich and passed unanimously.

Respectfully submitted,

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Edward J. Pabich, Secretary