

October 22, 2009 10:11:02 AM

ZONING BOARD OF APPEALS
MINUTES – REGULAR MEETING
AUGUST 26, 2009

Peter Stempien, Chairman, called the regular meeting of the Zoning Board of Appeals to order at 7:30 p.m. in the Main Meeting Room of the Simsbury Town Hall. The following members and alternates were present: Peter Stempien, Thomas Horan, Nancy Haase, Katie Martin, John McCann, Sharon Lawson, Craig MacCormac and Tegan Blackburn. Also in attendance were Hiram Peck, Director of Planning, Lynn Charest, Zoning Enforcement Officer and other interested parties.

None

III. PUBLIC HEARING(S)

- Mr. Bonchick said that he had been told to prove hardship. He went back to the original installer of the septic system which was Suburban Sanitation. Suburban Sanitation provided Mr. Bonchick with an email, which he read into

the record (Attachment I). He also spoke with Ms. Diane Harding, Senior Register Sanitarium, of the Farmington Valley Health District. Mr. Bonchick said that he did not have anything in writing, but was told that the FVHD prevents them from traversing over the septic system. He said that the weight of the shed (according to the manufacturer) is 6,000 lbs. Ms. Harding said that she would call the Building Official and the Zoning Officer. Ms. Charest, Zoning Enforcement Officer, said that she did not receive any call.

Mr. Bonchick said that he measured the distance from the back left hand corner of the house from the nearest significant trees. He said that there is an eight-foot gap between the trees and the corner of the house. Traversing the shed, even on pipes which was suggested, would not work as the shed is twelve-foot wide. Mr. Bonchick showed the location on photos.

Mr. Bonchick said that they would like to request just a front of the house variance within the building envelope. He showed on the plan where they would like to place the shed. Mr. Horan said that it will now be closer to the garage. Chairman Stempien said that it will now be only one variance and reduced. Mr. Bonchick said that they will have to take down a number of trees, but they feel that this is the best alternative.

Chairman Stempien thanked Mr. and Mrs. Bonchick for bearing with the Board and listening to what they had to say with trying to work out a way that was meaningful to all. He appreciates their effort in trying to help the Board out and to try to minimize the amount of variances. Mr. Horan feels that this should work out nicely as the shed will be nearer to the garage for the lawn and snow equipment.

Chairman Stempien said that he has been made aware of a couple of things from a few shed sales people: 1) they could paint the shed any color that you want it, and 2) informed by two of the shed people (Kloter Farms and Cape Cod) that they could place the shed anywhere you want it on the property. They can use cranes or rollers to get the shed over the septic system. Mr. Bonchick asked how he would reconcile this with the Farmington Valley Health District. Chairman Stempien said that he most likely would have had to use a crane so nothing goes over the septic system. Farmington Valley does not want anything to go on the septic tank itself, nor the leaching fields.

Mr. MacCormac asked if the shed could be delivered in pieces (deconstructed and reconstructed). Mr. Bonchick said that there is a lot of trim on this shed, and it would never go back together the same way (he showed the Board a picture of the finished shed).

Chairman Stempien declared the public hearing closed.

Ms. Haase moved to approve the application for a front yard variance. The approval is based upon the hardship being the septic system. The motion was seconded by Mr. Horan. A discussion of the proposed motion followed. Chairman Stempien said that if this variance is granted, the map will have to be adjusted to show the exact placement of the shed on the property. Ms. Charest said that they could reference the zoning regulation within the motion. The motion will have to be amended to reflect this. Mr. Peck said that as a point of order the original application was for more variances that are now being requested. The Board should be clear on the record that it is not approving the previous variances because the application does state the variances. They should have their motion include the denial of the two other variances and the approval of the one that is being requested. Ms. Haase amended the motion to reflect the above with Mr. Horan seconding the amended motion as follows in Item IV.

IV. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Ms. Haase moved to Approve the application of Christine Bonchick, Owner, for a Variance to Article Three, Section A.5 of the Simsbury Zoning Regulations for placement of a 12-foot x 18-foot structure in front of a dwelling and Denied the Variances to Article Eight, Section A of the Simsbury Zoning Regulations for placement of a 12-foot x 18-foot structure within the front and side yard set backs on property located at 23 Drumlin Road. The hardship is the location of the septic system in the front yard. The motion was seconded by Mr. Horan and passed with a 5-1 vote. Approved by Ms. Haase, Mr. Horan, Ms. Martin, Mr. McCann and Ms. Lawson and Denied by Chairman Stempien.

Chairman Stempien reminded the applicant that when he applies for a building permit a site map will be needed showing the exact location of where the shed is being placed.

V. DISCUSSION ITEMS

Charrette

Chairman Stempien said that the Charrette will be on September 11th – 16th. He asked Hiram Peck, Director of Planning, to discuss the Charrette procedure. Mr. Peck said that they have been able to get the grants

together to do the Charrette. The consultants review and interview process took about a year. The lead consultant is Code Studio out of Austin, Texas. They will have with them a number of other firms that do a variety of different things. On August 10th and 11th Code Studio came to town for a preliminary kick off discussion with several groups of stake holders. This included property owners in the town center, business owners in town, a group of individuals who could make development happen (developers and real estate people), and a group of representatives who represented community groups. Mr. Peck said that he has devised a number of ways that people can participate in the September Charrette process. The Charrette does start September 11th, but the first day that the public can come to a meeting is September 12th. This will be Saturday morning in the Library from 8:30 – 12:30. Mr. Peck had distributed a time line with a session explanation to each Board member.

Chairman Stempien said about 135 people attended the six sessions held in August. He thought that this was close to the maximum that the room holds. Mr. Peck said that he spoke with the Fire Marshal and has been told that they can have up to 175 people seated in the Program Room. Once they break up into tables with 10 – 15 people around each, the number of people in that room will go down as the tables will take up space.

Mr. Peck said that they will have base maps that are brand new aerial photographs of the town that were taken about a month ago. Simsbury is the first town in the region to get the photographs digitized and this was through CROCG. It was at a relatively a low cost to the Town.

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Mr. Peck said that the first meeting is the most important meeting and that is Saturday, September 12th from 8:30 – 12:30 at the Library in the Program Room. The next session that is for specific public review will be on Monday evening from 6:00 – 8:00. This will be a drop in session where people can walk around the room and take a look at the alternative plans that have been generated between Saturday and that Monday evening session. They can talk to the consultants about what it is they like or do not like. It can be about a particular interest whether it is traffic on the street, how the meadows are used, environment issues, walk ability, sidewalks, etc. Those are the kinds of things the consultants need to hear at that Monday

session. The consultants will then work on refining their alternative plans. By Wednesday evening there will be one or two final alternatives put together and at a final presentation the consultants will explain what they heard from people.

Mr. Peck said that they feel that they have selected a really good consultant for this Charrette. The consulting firm has a good variety of firms from throughout the country working with them. One person is from California and is doing the graphics that will show what things look like now and what they could look like if the plan is put in place. Another consultant from Boulder, Colorado is a historic preservation specializing in historic preservation. There is also a traffic consultant out of Boston, Massachusetts, and the marketing economics person is out of Annapolis, Maryland.

Mr. Peck said that they need to be sure that the consultants receive good information from the people of the town. The consultants can only go on what they are told. He said to come out and make sure that the consultants know what your concerns and thoughts are. Bring backup information to what your concerns are (i.e. pictures). The number one thing is to maintain the small town historic character. You want to increase the development here and make sure it is appropriate in terms of scale and maintain the character. Some of the big things of this process are the flood plains, the meadows, the Performing Arts Center and the river. Linking open spaces is important, and the town has incredible resources.

Mr. Peck said that they are trying to eliminate the tremendous amount of animosity that happens during the development process. If someone comes in with a plan that ultimately meets the plan that the town puts together, they are basically administratively approved. The developers have all said that they want certainty, and the process to take a short period of time. As long as the town gets what they want, the developer does not want six months, lawyers, etc. They do not want any controversy going back and forth about any project.

Mr. Peck said that the town wants to promote housing opportunities in the center. They are coordinating the Incentive Housing Zone and trying to get more housing downtown, not all affordable housing or market rate housing, but the IHZ has an 80/20 breakdown (20% is workforce housing). They have to be very careful that they do not over commit the town to developing a number of units that they cannot ultimately fill.

Mr. Peck told the Board members to check the town web site. There is a special Charrette page that talks about the Charrette information. There is also a blog spot on the web site. He also said that there will be a Facebook page. Mr. Peck said that they are trying to appeal to as many

different age categories and brackets of people as possible. SCTV will be filming the three main meetings and will take the tapes and post it to the web within a few hours after each of these meetings.

VI. APPROVAL OF MINUTES of August 12, 2009 and July 22, 2009

Ms. Martin moved to approve the Minutes of August 12, 2009. The motion was seconded by Ms. Haase and unanimously approved.

Ms. Haase moved to approve the Minutes of July 22, 2009. The motion was seconded by Ms. Lawson and unanimously approved.

Chairman Stempien said that this group had mentioned changing this meeting time from 7:30 p.m to 7:00 p.m. This would have to be put into the by-laws.

Chairman Stempien said that someone wrote to him through the town email regarding the Ritson situation. The letter was received after the 15 days of appeal. Chairman Stempien received a letter from Bob DeCrescenzo regarding it. He read the Town Attorney's letter into the record.

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VII. ADJOURNMENT

A motion was made and seconded to adjourn the meeting at 8:30 p.m.

Thomas Horan, Secretary