

MINUTES
ZONING COMMISSION – REGULAR MEETING
MONDAY, October 16, 2023 at 7:00 P.M.
Simsbury Town Hall – Main Meeting Room
933 Hopmeadow Street, Simsbury, CT 06070

I. CALL TO ORDER – Chairman Ryan called this meeting to order at 7:00 p.m.

Present: Town Planner, George McGregor; Zoning Chairman, David Ryan; Zoning Commissioners, Jackie Battos, Donna Beinstein, Tony Braz, Bruce Elliott, Anne Erickson, David Moore, Diane Madigan

Absent: Tucker Salls

II. APPROVAL OF MINUTES

October 2, 2023 regular meeting

- Chairman Ryan recommended the following changes:
 - Line 38 should be rephrased to read “contains a wetland”.
 - Line 80 “repaired” should be edited to “prepared”.
 - Line 6 “Chair” should be edited to “Chairman”.
- Mr. Braz recommended the following changes:
 - Lines 181-182 should be rephrased to read “to sites that already provide food and beverages”.
 - Minutes should be updated to include the request for the Town Attorney to provide an update on litigation.

MOTION: Commissioner Elliott moved to accept the Minutes for the October 2, 2023 regular meeting of the Commission as amended with the noted revisions. Commissioner Braz seconded the motion. Commissioner Beinstein and Commissioner Madigan abstained. The motion carried. (4-0-2).

III. PUBLIC HEARINGS AND/OR ACTION ON APPLICATIONS

Application ZC #23-34 of Christopher Lippet, Owner, Welcome Home Improvement, Applicant, for a special exception pursuant to Section 6.3 of the Simsbury Zoning Regulations for a +/-132 sq. ft. expansion to the existing deck in the floodplain on the property located at 48 Old Mill Court (Assessor’s Map G10, Block 148, Lot 039), Simsbury, CT 06070, Zone RD. **This item is continued from October 2, 2023.**

- 41 • Sharlene LaCroix, Contractor from Welcome Home Improvement, explained that
42 the project is to extend an existing balcony by installing three posts with concrete
43 piers to provide support and structure.
- 44 • Mr. McGregor commented that construction on floodplain requires a special
45 exception from the Zoning Committee.
- 46 • Mr. Elliott noted that the picture presented shows that the project has already
47 begun. Ms. LaCroix noted that to date they have only built out to the existing
48 balcony as they are awaiting approval.
- 49 • Ms. Battos inquired if a garden is recommended to offset displaced flood water.
50 Ms. LaCroix confirmed that was the case, noting the Town Engineer's report
51 includes details of the recommendation. The garden is recommended to absorb
52 water and ensure there is no increase in flood water.
- 53 • Mr. Elliott inquired if the garden is marked on the plans or pictures provided. Mr.
54 LaCroix explained that the garden would be 14'x2' and would be located around
55 the piers. It is not specifically marked on the images provided.
- 56 • Ms. Beinstein inquired about why a garden was recommended as opposed to
57 grass. Mr. McGregor responded that the garden would be depressed into the
58 ground to offset any water displaced by the project. Ms. LaCroix noted that the
59 amount of water displaced is slightly more than half a cubic foot.
- 60 • Chairman Ryan opened the floor for public comment. No comments from the
61 public were made.

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63 **MOTION:** Commissioner Braz moved to close the public hearing. Commissioner
64 Erickson seconded the motion. The motion carried. (6-0-0).

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66 **MOTION:** Commissioner Elliott moved to approve **Application ZC #23-34** of
67 Christopher Lippet, Owner, Welcome Home Improvement, Applicant, for a special
68 exception pursuant to Section 6.3 of the Simsbury Zoning Regulations for a +/-132 sq. ft.
69 expansion to the existing deck in the floodplain on the property located at 48 Old Mill
70 Court (Assessor's Map G10, Block 148, Lot 039), Simsbury, CT 06070, Zone RD. The
71 special exception criteria in section 12 of the Town of Simsbury Zoning regulations have
72 been met or satisfied. Those considerations include:

73
74 **Orderly Development** – The proposed residential improvement meets the requirements
75 for the residential zone and therefore constitutes orderly development. A building and
76 administrative zoning compliance permit are required prior to the start of the project.

77 **Property Values** – The proposed improvement has no known negative impacts on
78 property values.

79 **Public Safety** – The proposed improvement has no known impacts on public safety.

Traffic Considerations – There are no traffic concerns or considerations with this application.

Landscaping and Buffers – No landscaping and/or buffers are required for this application except as required by the Wetlands Commission.

Relationship to Utility Systems, Drainage Systems, and Impact on Community Facilities – There is no expected impact on these systems/facilities.

Commissioner Madigan seconded the motion. The motion carried. (6-0-0).

IV. GENERAL COMMISSION BUSINESS

- Briefing: DRAFT Text Amendment to comply with new State Regulations related to Family Group and Family Care Homes.
 - Mr. McGregor noted that a new state law directs all municipalities to treat in-house or in-residence childcare homes as single-family homes and requires an annual attestation to that fact. As such, Town Staff is recommending a minor change to the Zoning Regulations that allows for that attestation to be shown clearly.
 - Chairman Ryan inquired about the timing to approve the attestation. Mr. McGregor responded that the attestation is required by December 1, 2023. Alternatively, the town can outline the process or plan for how the town will achieve this.

MOTION: Chairman Ryan moved to request Town Staff add this to the meeting agenda for the next regular meeting of the Zoning Commission on November 20, 2023. Mr. Elliott seconded the motion. The motion carried. (6-0-0).

- Planning Director Report - Training Updates, Calendar Review, Pending Items, Meeting Schedule
 - Mr. McGregor noted that all Commissioners are invited to the Plan of Conservation and Development public hearing on Tuesday, October 24, 2023 at 7:00 p.m. at the Simsbury Public Library.
 - Mr. McGregor noted that there is an annual training requirement and that Town Staff will email anyone who is required to complete training.
 - Mr. McGregor noted that November 20, 2023 is the next and last meeting for this constituted board. There will be no agenda items for the Zoning Commission meeting on December 4, 2023.
 - Effective today, Monday, October 16, 2023, the Hartford South application was deemed received. It will be included in the drop box. Town Staff recommended

scheduling a public hearing for these at the December 18, 2023 regular meeting of the Zoning Commission.

- Ms. Battos inquired for an update on the north-piece of the project, noting that issues had been identified, which require resolution. Mr. McGregor responded that Town Staff has been in communication with the developer and they are putting together a schedule on next steps to address outstanding items.
- Mr. Elliott commented that for this project, issuing a CO by building is different from the previously approved Silverman project, for which Cos were issued by apartment. Mr. McGregor responded that all units need to be completed within a building in order to be issued the CO.
- Mr. Elliott inquired given the date the application was received, whether it would be under the old version or new version of the POCD document. Mr. McGregor noted that as the POCD is a policy document, they would rely on the most updated version for this application.

VI. ADJOURNMENT

MOTION: Commissioner Madigan moved to adjourn. Commissioner Braz seconded the motion. The motion carried unanimously. (6-0-0).

Chairman Ryan adjourned the meeting at 7:30 P.M.

Respectfully Submitted,

Cara Blackaby
Commission Clerk