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MINUTES
ZONING COMMISSION – REGULAR MEETING
MONDAY, SEPTEMBER 18, 2023 at 7:00 P.M.
Simsbury Town Hall – Main Meeting Room
933 Hopmeadow Street, Simsbury, CT 06070

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

Present: Town Planner, George McGregor; Zoning Chair, David Ryan; Zoning Commissioners, Jackie Battos, Tony Braz, Bruce Elliott, Anne Erickson, Diane Madigan, David Moore, Tucker Salls

Absent: Donna Beinstein

Appointment of alternates

- David Moore is introduced to the Commission and is seated as a Commissioner.

II. APPROVAL OF MINUTES

July 17, 2023 regular meeting

- Commissioner Elliott requests the following revisions:
 - Line 163 and 167 – Commissioner Elliott’s name is not spelled correctly.
 - Line 312 – Replace the term “blow-up” cactus with “inflatable” cactus.

MOTION: Commissioner Moore moved to accept the Minutes for the July 17, 2023 regular meeting of the Commission as amended with the noted revisions. Commissioner Braz seconded the motion. Commissioner Moore abstained. The motion carried. (5-0-1).

September 6, 2023 regular meeting

- Commissioner Braz requested the following revisions:
 - Line 90 – Replace “effected” with “affected”.
 - Line 96 – Replace “collisions” with “conflicts”.
 - Line 126 – Replace “this” with “thus”.
 - Line 276 – Replace “9/19/23” with “9/18/23”.
- Commissioner Elliott requested the following revisions:
 - Line 168 – Insert “zoning districts” after “B” to clarify.
 - Line 260 – Remove the phrase “and it was not efficient”.
 - Line 261 – Remove the term “abutters”.

41 **MOTION:** Commissioner Moore moved to accept the Minutes for the September 6,
42 2023 regular meeting of the Commission as amended with the noted revisions.
43 Commissioner Erickson seconded the motion. The motion carried unanimously. (6-0-0).
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45 **III. PUBLIC HEARINGS AND/OR ACTION ON APPLICATIONS**

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47 **Application ZC #23-27** of the Simsbury Zoning Commission, Applicant, George
48 McGregor, Agent, for a text amendment to the Simsbury Zoning Regulations pursuant to
49 Sections 4.5, 5.5, and 17.4 and the establishment of a new Section 8.7 to allow mobile
50 food vendors as an accessory use in business, industrial, and planned area development
51 districts (Public Hearing continued from July 17, 2023).

- 52 • Chair Ryan provided the Commissioners with a revised version of the regulations
53 that changed the language to permit any general business to have a food truck;
54 however, alcohol cannot be served unless there is a primary alcohol use permit for
55 the property.
- 56 • Town Staff recommended that if there is more than one truck included in an
57 application, it would come to the Zoning Commission for a full review of the site
58 plan.
- 59 • Commissioner Braz inquired if the Town Attorney had any comments on the
60 regulations, noting that other jurisdictions had litigation over similar language
61 being found unconstitutional for restricting competition. Mr. McGregor
62 confirmed that he provided the revisions to the Town Attorney, and he did not
63 have any comments; however, Mr. McGregor will follow-up with the Town
64 Attorney on that specific issue.
- 65 • Commissioner Elliott inquired if there is any limitation or regulation on the
66 ownership of the food truck. Mr. McGregor responded there is no limitation on
67 ownership of the food truck. However, the regulations require authorization of
68 the property owner for a food truck to be located on his/her property.
- 69 • Commissioner Madigan inquired if language encouraging the use of local
70 restaurants/food trucks can be included. Mr. McGregor indicated that this type of
71 language would not be included.
- 72 • Commissioner Salls expressed concern with allowing a food truck to operate on
73 land that was not originally considered and approved for restaurant use.
- 74 • Commissioner Battos is concerned with the impacts this regulation may have on
75 local tax-paying restaurants.
76

77 **MOTION:** Commissioner Moore moved to withdraw **Application ZC #23-27** and
78 directed Town Staff to re-draft the regulations with a more permissive approach to allow
79 food trucks in business districts. Commissioner Elliott seconded the motion. The motion
80 carried unanimously. (6-0-0)

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IV. NEW BUSINESS – Site Plan Applications

Application ZC #23-33 of Jeff Lizotte, Applicant, and GSHP LLC, Property Owner, for Site Plan approval to allow special events as an accessory use on the property located at 2 Tunxis Road, (Assessor’s Map K04 Block 206 Lot 001) Zone I-1.

- Mr. McGregor presented the Application explaining that the request is to process a zoning text amendment that would allow private events in an I-1 district. The application includes the location of where the tent would be. Mr. McGregor noted that Present Company has had similar events in the past, and the Town is working with the Applicant to ensure these events conform to the zoning regulations.

MOTION: Commissioner Moore made a motion to approve **Application #23-33** of Jeff Lizotte, Applicant, and GSHP LLC, Property Owner, for Site Plan approval to allow special events as an accessory use on the property located at 2 Tunxis Road Assessor’s Map K04 Block 206 Lot 001) Zone I-1. The Commission finds that the application for a Site Plan meets the standards set in Section 5.7 (Special Outdoor Sponsored Events) Section 11 (Site Plan Requirements), subject to the following conditions:

1. The property shall be developed in substantial conformance with the Site Plan titled “Proposed Tent”, prepared by Denno Land Surveying and Consulting, LLC, prepared by and dated 4/18/22.
2. An administrative zoning permit is required.

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

V. GENERAL COMMISSION BUSINESS

- **Retail Cannabis Referendum and Possible Text Amendment**

- Mr. McGregor summarized the deliberations from six months ago, which would allow retail cannabis in the B-3 district zone near the intersection of 44/202/Bushy Hill Rd only. The review would be permissible after special exception review and public hearing and limited to a maximum of one in Simsbury.
- Mr. McGregor provided an overview of the timeline, noting the vote on cannabis is the first week in November. If the vote on the retail use of cannabis in Simsbury passes, it would go into effect the first Monday in December. He noted that the Commission has one scheduled meeting on November 20, 2023, providing the opportunity to hold a public hearing and vote on cannabis regulations prior to the regulation going into effect, and he recommended that the

- 121 Commission come to an agreement on approach and draft language so a public
122 hearing can be advertised.
- 123 ○ Commissioner Madigan inquired if there is an opportunity to propose a different
124 location. Chair Ryan noted a text amendment could be made to the regulation in
125 the future.
 - 126 ○ Commissioner Elliott requested clarification the regulation that the establishment
127 must be within 1,500 ft of the 44/202/Bushy Hill Rd. intersection. Mr. McGregor
128 confirmed that it will be based on the center line of the intersection and will
129 provide the Commissioners with a copy of the map.
 - 130 ○ Commissioner Elliott noted that in Section III of the draft document, sections
131 2.6a, 2.6b and 2.6c are referenced, but Commissioner Elliott was unable to locate
132 these sections in the town regulations. Mr. McGregor will follow-up.
- 133

134 **MOTION:** Chair Ryan made a motion to direct Town Staff to advertise for a public
135 hearing to be held on November 20, 2023 on the draft Zoning Amendment Framework
136 dated 9/18/23. Commissioner Moore seconded the motion. The motion carried
137 unanimously. (6-0-0)

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139 • **Briefing: FEMA Flood Map Revisions**

- 140 ○ Mr. McGregor updated the Commission on FEMA's revisions to the flood maps
141 in Simsbury and the greater Farmington Valley, which has been on-going since
142 2016. FEMA's maps are available for review and affect property members within
143 Simsbury. Town Staff will begin outreach to property owners impacted and will
144 put a notice on the town website. Adoption is expected to be in late 2024 or early
145 2025.
 - 146 ○ Mr. McGregor noted that Town Staff will continue to update the Commission on
147 this topic as appropriate.
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149 **VI. ADJOURNMENT**

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151 **MOTION:** Commissioner Moore moved to adjourn. Commissioner Braz seconded the
152 motion. The motion carried unanimously. (6-0-0).

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154 Chair Ryan adjourned the meeting at 7:54 P.M.

155

156 Respectfully Submitted,

157

158 Cara Blackaby
159 Commission Clerk

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