

From: Lois Laczko September 20, 2010 10:37:11 AM
Subject: Zoning Commission Minutes 03/15/2010 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
MARCH 15, 2010
REGULAR MEETING

I. CALL TO ORDER

Chairman Gallagher called the Regular Meeting of the Zoning Commission to order at 7:03 p.m. in the Auditorium at Eno Memorial Hall. The following members were present: Ed Pabich, Bruce Elliott, Amy Salls, Madeleine Gilkey, Scott Barnett, John Vaughn and Robert Pomeroy, Jr. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

None were needed.

III. APPROVAL OF MINUTES of March 1, 2010

Mr. Pabich made a motion to approve the March 1, 2010 minutes as written. Ms. Salls seconded the motion, which was unanimously approved.

Mr. Pabich read the call.

IV. PUBLIC HEARING(s)

a. Application of Renee Tribert, President, Board of Directors, Simsbury Historical Society, Owner, Catherine Bermon, Simsbury Historical Society, Agent, for a Special Exception, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for a reception to be held on property located at the Simsbury Historical Society, 800 Hopmeadow Street. SCZA Zone

Ms. Bermon stated that she is representing the Historical Society. They have applied for a one time exemption for a welcome reception for their new director. They have applied for this special exemption because there will

be wine at this event. The reception is by invitation only. She stated that there will also be a bartender for this event.

Chairman Gallagher questioned if the bartender has been through the TIPPS program. Ms. Bermon stated that she was unsure. He questioned if any minors would be at this event. Ms. Bermon stated that she did not believe there would be any minors attending. There is approximately 100-200 people expected at this event, although they did not have to RSVP so she did not have an exact number.

Chairman Gallagher questioned if there were any questions or comments from the public audience. There were none.

Mr. Pabich made a motion to approve the application of Renee Tribert, President, Board of Directors, Simsbury Historical Society, Owner, Catherine Bermon, Simsbury Historical Society, Agent, for a Special Exception, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for a reception to be held on property located at the Simsbury Historical Society, 800 Hopmeadow Street as submitted. Mr. Vaughn seconded the motion, which was unanimously approved.

b. Application of the Simsbury Zoning Commission for an Amendment to the Simsbury Zoning Regulations to adopt a new section entitled Planned Area Development (PAD) Zoning Regulation to be added to Article Ten Special Regulations.

Chairman Gallagher asked that anyone wishing to speak would sign in. He asked that individuals be limited to 3 minutes each; people speaking for groups are limited to 5-6 minutes. Also, he asked that if something has already been addressed, please do not discuss that same issue again. Chairman Gallagher stated that the Town has received 18 letters from residents who are in favor of the PAD Regulation.

Mr. Barnett, Chairman of the PAD Subcommittee, stated that the Subcommittee represented 6 different Boards and Commission in Town. There was a good representation of political parties also. Their work spanned several months; they had many meetings. Individually and as a group, they conducted a great deal of research on this subject as well as discussing this issue with other Town Planners across the State. Mr. Barnett stated that the Subcommittee also had subject matter experts come and speak to them. He stated that they constantly refined this document because of what they were hearing.

Mr. Barnett stated that the Subcommittee had a public meeting at which they heard input for and against this issue. They then had meetings to refine

this document. The Subcommittee voted to pass the draft and recommended that it be forwarded to the Zoning Commission for discussion and hopefully approval. Mr. Barnett stated that the Zoning Commission has had a great deal of discussion regarding the draft PAD Regulation and they are looking for public input tonight. The Zoning Commission will continue to refine this document if needed.

Mr. Barnett stated that it was clear that there were different views on the Subcommittee. A minority report was written and is available for review by the public. He urged people to look at both the minority report and the draft PAD Regulation.

Attorney DeCrescenzo stated that Attorney Sitkowski has been retained as Special Counsel for the PAD Regulation and the Town Center Code. He stated that, regarding procedure, the Zoning Commission has opened the public hearing. Once the draft was submitted to the Town Clerk's Office, there could not be any changes to the draft document prior to this public hearing. Input from this hearing will need to be held open in order for the Zoning Commission to make any changes. Depending upon the scope of those changes, a new public hearing may need to be noticed. He recommended that the PAD Regulation not be voted on tonight. Because this is the Zoning Commission's own application, the Commission is not under the usual time constraints.

Mr. Peck stated that some people are confused regarding this process. He stated that he produced a flowchart. The regulation as drafted calls for a preliminary meeting with Town staff. The regulation also talks about a preliminary development plan; there is no real timeframe for this because there is no application pending. The result of this is that the preliminary plan starts to take shape. The Commissions can give the applicant feedback. The next step is that a preliminary plan would be submitted to the Zoning Commission and a public meeting would be set. The regulation, as currently drafted, calls for that public meeting to be set within 65 days of the receipt of the preliminary plan. The determination, at that time, would be made by the Commission as whether to proceed to final or not. The applicant can then decide, from this feedback to go forward with an application, with a modified plan or not to go forward at all. The next step would be the submission of a final development plan and a planned area development zone change request to the Zoning Commission. The public hearing must be held within 65 days of receipt of the final development plan and the zone change request. This public hearing would be held in full accordance with Section 8-2 of the Connecticut General Statutes. A decision would need to be made within the statutory time limits that apply. Finally, if the Commission finds the site plan and zone change is in conformance with the PAD decision, there could be bonding or phasing and the final determination as to completeness would also be given

to the Commission at that time.

Mr. Peck stated that the full file is available to the public in the Town Hall. The draft PAD Regulation as well as comments from the Design Review Board and from the Planning Commission are in that file. There are also 18 letters of support from various people throughout the Town.

Mr. Peck stated that some people are concerned regarding the impact that this regulation may have on the Town. He stated that this would affect less than 10% of the Town.

Handouts were distributed to the Zoning Commission members, including recommended changes by the Planning Commission of the PAD draft regulation, remarks by Mr. Loomis, and a motion from the Planning Commission. Mr. Loomis, Chairman of the Planning Commission, stated that the Planning Commission has a statutory obligation to prepare a report to the Zoning Commission containing the Planning Commission's findings on the consistency of a proposed zoning regulation with the Plan of Conservation and Development and any other recommendations the Planning Commission deems relevant.

Mr. Loomis read the motion that was made at the Planning Commission's March 9, 2010 meeting. This motion was adopted by a vote of 6-0.

Mr. Loomis highlighted four of the recommended revisions by the Planning Commission, which included the following: Section One on Page 1, under Purpose and Intent A.1.; Section Four on Page 3, under Standards, Review Criteria and Waivers; Section Four on Page 6, under 7, Development Plan Design Standards; and Section Five on Page 9, under Procedure and Application.

Mr. Loomis stated that there are many sections of the 2007 Plan of Conservation and Development that are relevant to the Planning Commission's review and consideration of the proposed PAD zoning regulation. He cited four, including: Page 58 from Future by Design; from the Economic Development section of the Plan on Page 106; from Economic Development on Page 113, Policy 4; and from Economic Development on Page 115, Policy 7, Objective C.

Mr. Loomis thanked the Zoning Commission members in considering the Planning Commission's recommendations.

A memo dated March 15, 2010 with recommended revisions from the Design Review Board was distributed to the Zoning Commission members. Mr. Dahlquist, Chairman of the Design Review Board, stated that he is speaking on behalf of the Design Review Board members. He stated that the Design

Review Board strongly endorses adopting a PAD Regulation as a floating zone to allow added uses and to provide incentives to achieve Simsbury's goals and policies as outlined in the 2007 Plan of Conservation and Development and standards stipulated in the Guidelines for Community Design. The Design Review Board feels that a PAD Regulation would encourage coordinated development.

Mr. Dahlquist stated that although the Design Review Board is in favor of a PAD Regulation, they feel that a better defined PAD that speaks with more intent in order to clarify rather than generalize is needed. They feel that this draft allows for interpretation and little guidance where precision and clarity matters more.

Mr. Dahlquist commended Mr. Barnett for conducting productive PAD Subcommittee meetings. He also commended Attorney DeCrescenzo for providing the Subcommittee what was needed and for Mr. Peck for all of his assistance in this matter.

Ms. Bowman from the Chamber of Commerce stated that she appreciates the opportunity for time to comment. She stated that the current regulation is an excellent tool to offer mixed use in Simsbury. The Chamber appreciates the time and commitment to bringing this regulation to public hearing. She urged the Zoning Commission to approve this regulation without further delay.

Mr. Negrin, 7 Shaw Drive, stated that the Zoning Commission is not prepared to approve this regulation that, he feels, is not ready for approval. This regulation does not have any metrics and limits. He questioned if there was a hidden agenda because of this rush to pass this regulation. He questioned why the Commission was ignoring the residents who are saying that they do not want the character of Simsbury to change. He questioned why this Commission wants to take independent action on a PAD towards mixed use zoning and pre-empting the final results of the Charrette. He stated that this regulation will allow virtually any development without metrics and limits.

Mr. Knierim, 8 Kelly Farm Road, stated that he is in favor of this proposal. He favors mixed use as one of the options to develop property in Simsbury. This regulation provides a thoughtful way of having a floating zone and allows a developer to come to the Town to see how they can present the best project possible. He encouraged the Zoning Commission to approve this PAD Regulation.

Mr. Needham, 2 Basswood Lane, stated that he is a supporter of this PAD Regulation as it relates to increasing developer predictability during the application process and as it relates to increasing developer certainty

that his proposal will be met with approval once they have gone through the steps outlined in the PAD Regulation. He feels that predictability and certainty for the residents of Simsbury is missing in this regulation. He feels that this PAD Regulation should not only benefit the Town, but also its residents. He feels that there is little in this regulation to limit the type and scope of any project except for using the POCD as a guide. Mr. Needham stated that the Town paid for a public opinion survey several months ago, which dealt with development issues. The report from that survey stated that the widening of Route 10, heavy industry and large retail development are the least favored development options among Simsbury residents. He urged the Zoning Commission to change the PAD Regulation so there are limitations; look at the changes from the Planning Commission; consider the changes by Mr. Schaffer; and do not vote on this proposal until they have publically discussed input from this hearing.

Ms. Nash, 5 Merrywood, stated that a new zoning regulation is necessary for Simsbury, although she feels that the Town has committed huge resources for a Charrette for the Town Center. A regulation is being worked on to agree upon the look and the outcome for the Town Center so residents will know what to expect. She feels that the Town is benefitting by directing development in the Town Center area. She asked that development only be allowed in the Town Center.

Mr. Schaefer, 16 Lost Brook Road, stated that he feels that Simsbury needs a mixed use zoning regulation although he feels that this draft is flawed and poorly written. He stated that the paragraph on Land Use is stuck under Standards, Review Criteria and Waivers; the definition for coverage is included in Development Plan Standards; and the text covering the Commission's vote on the PAD application is buried in the text describing concurrent subdivision applications. He stated that this document is flawed because it does not contain specific standards for decision making. He feels that there should be boundaries for the developers as well as the Zoning Commission members. Mr. Schaefer stated that there is no other Municipality that does not have specific standards in an overlay zone. It was made clear that the ramifications of a large scale development are not desired in Simsbury. He urged the Zoning Commission to vote against this PAD Regulation and write another one.

Mr. Houlihan, 2 Somerset Lane, stated that he is in favor of the PAD Regulation. Simsbury does not currently have a regulation that allows mixed use. The Zoning Commission has approved a mixed use before, although they had to create text amendments in order to do this. This PAD Regulation gives the Town an option that they do not already have. Regarding the metrics, he feels that this is in the underlying zone with all of the requirements that the Zoning Commission can follow. This is an alternative zone that does not meet the underlying zone. He feels that

this will allow a developer to bring in a project that the Town can provide feedback of acceptable or not acceptable. To have this alternative allows the Town to look at projects that do not currently come to Simsbury. Mr. Houlihan stated that, regarding traffic, the primary concern is the impact that the project will have on traffic. The Zoning Commission could not consider the traffic issues in past applications; they could not consider off site problems. The PAD Regulation is an alternative to the underlying zone. If an applicant comes in with a PAD, the Zoning Commission can impose limitations and restrictions that they would not otherwise be able to use; they would now be able to consider the traffic in and around a project. He feels that this regulation would be beneficial to the Town of Simsbury and asked that the Zoning Commission adopt this PAD Regulation.

Mr. Richmond, 730 Hopmeadow Street, stated that this PAD Regulation has been discussed for the past 8 years. There are not many new construction projects currently being built in Simsbury. He feels that it is time for the Town to begin the process that can drive some new opportunities to create new developments in Town. This PAD Regulation will make residents proud to see what will come to Town. The informal meetings will be good for the Town through this PAD Regulation. He urged the Zoning Commission to approve this regulation.

Mr. Wagner, 152 Old Farms Road, stated that his family owns commercial property in Town. He stated that he is in full support of the PAD Regulation. He stated that some people claim that this regulation is too open ended and that the Zoning Commission will have too much power. He feels that there is the right amount of guidance in this regulation to maintain the character of Simsbury. If the Zoning Commission wants to seek input from the neighbors that will be most affected by a project, he suggested having Neighborhood Advisory Groups (NAGS). This group would be advisory only. This would also encourage the applicant to address neighborhood concerns in an organized manner prior to the final plan being submitted and prior to the public hearing. He feels that language for the NAG could be inserted under Section B, Final Development Plan, Point #24.

Ms. Schaefer, 16 Lost Brook Road, stated her concerns regarding the confusion of the wording and organization of this regulation. She stated that the Town has stated in the past that they will know a good plan when they see it, although the PAD does not specify what that is. She stated that this concerns her because there is a turnover on Boards and Commissions. Ms. Schaefer stated that she did attend the Charrette process. She feels that it would be a shame to disregard that process and jump back in time with a hit or miss development process. She urged the Town to take a measured approach until the PAD Regulation can get straightened out.

Ms. Bednarczyk stated that she has been doing zoning research regarding why zoning laws were put into place. She stated that good planning brings good zoning, which brings good conservation and development. If Simsbury really wants to embrace land use planning, she feels it would not be trying to encourage a zone that could take away from the very expensive Charrette. This PAD Regulation, as written, could be very harmful to the Town Center in two ways: to overlay the Charrette and render the Charrette useless; and to develop areas outside of the Town Center as centers creating extra centers, which would kill the existing Town Center. She feels it would be wasteful to throw the money away that was spent on the Charrette. Ms. Bednarczyk stated that the other things that could come out of the PAD Regulation could be 100% coverage of any site in Simsbury that is not zoned residential as it applies to any site; Route 10 could become a four lane highway; and the overdevelopment of West Simsbury, Weatogue, Tariffville and the northern and southern gateways. Ms. Bednarczyk read information regarding floating zones to the Commission members. She stated that, also, the pre-application process already exists in Simsbury.

Mr. Napolitano, 140 Old Farms Road, stated that what Mr. Dahlquist has stated in his comments is right. This document, which he supports in theory, needs more specifics. He stated that there is nothing in the PAD Regulation that states that the view of Heublein Tower is not to be violated. He stated that although the current Zoning Commission may not tolerate this view changing, the next Commission may not think that way.

Mr. DiFatta, 14 Clifdon Drive, stated that the Charrette is applied to Town Center. The PAD will be applied to other areas in Town. The Zoning Commission has the power to state what is and what is not acceptable. They have the control. Regarding the standards, he feels that there are positives and negatives to this. Too much specificity could destroy some of the creativity that the developer wants to bring to a project. Mr. DiFatta stated that this PAD Regulation allows the developer to bring in preliminary plans; the Zoning Commission has the discretion to tell the developer if they should go forward or not. The PAD Regulation will give the Town the flexibility to do this. He stated that he is in favor of the PAD Regulation; there are developers that are ready to come forward under this regulation.

Mr. Bailey, 12 Lincoln Lane, stated that he feels that the cart is being put in front of the horse. He stated that there is an article on the Town's website stating that Simsbury has been listed as one of the Dozen Distinctive Destinations. He feels that Simsbury made this list because of its charm and because of its environmental consciousness. He stated that this must have meant that somewhere along the line there were metrics that were implemented. Simsbury was also stated as a Preserve America Community and also voted one of the best places to live. Mr. Bailey stated that,

also on the Town's website there is a section for the Charrette process and another section that addresses the PAD Regulation. Regarding the Charrette, Mr. Bailey stated that it mentions that this Town is at a crossroads not only for the downtown, but also for the north and south ends of Town. He stated that residents want to know what to expect from this process. He stated that there has been a long history of trying to write a mixed use regulation. The Charrette was very costly, although the Town has received many grants and has not spent much of its own money. Mr. Bailey stated that, regarding the PAD Regulation, it states on the Town's website, that this affects only 10% of Simsbury, although he feels that it represents 100% of what is remaining in Simsbury. He stated that this PAD Regulation is not a form based code, although he feels that Simsbury is a form based Town. With the Charrette, the developer already has a clear idea of what could be done; the parameters are already in place. Mr. Bailey stated that Town officials are to serve the residents of Simsbury; they should not be willing to compromise Simsbury's remaining developable resources. He urged the Zoning Commission not to ruin the Town. He urged the Commission to wait for the results of the Charrette.

Ms. Kreczko, 5 Spruce Lane, stated that, regarding this regulation representing 10%, she feels it will still have a big impact on the Town. She is also alarmed that there are a lot of developers speaking highly of this regulation. Her concern is that developers usually have an agenda. They are looking for profit from their projects; the Town should not think that the developer is putting the Town first. They are putting their project first. She stated her concerns with the River Oaks project only having to build the "big box" and not the mixed use part of their project. Mr. Elliott stated that an application was never submitted to the Zoning Commission for the River Oaks project. This Commission only voted on a text amendment.

Ms. Miller, 45 Blue Ridge Drive, stated that, although Mr. Wagner's suggestion for a NAG is a good idea, she does not believe it would work. Ms. Miller stated that she opposes the draft PAD Regulation. It is not specific and it is vague. Simsbury needs a regulation that adheres to the 2007 POCD. She stated that this PAD Regulation is a drop in zone free zone, which has the potential to bring in unwanted development or expensive lawsuits from disgruntled developers. She stated that she did read the minority report of the PAD Subcommittee; four of the nine members agreed with this minority report. She encouraged the Zoning Commission to review this minority report again. She stated that there is a lot of room for error in a flexible regulation. She feels that a regulation is needed that is guided by the POCD. The draft PAD Regulation is too full of holes. She urged the Zoning Commission to oppose this draft PAD Regulation; this regulation would be devastating to the Town of Simsbury.

Mr. Deming, Chairman of the Economic Development Commission, thanked all of those who worked on this draft regulation. He stated that, on behalf of the EDC, with a unanimous vote, they strongly support the PAD Regulation. They feel that this regulation is sufficiently flexible to allow a potential developer to make a proposal that the Town can entertain innovative and appropriate mixed use development, yet it is a regulation that is sufficiently specific to allow the Land Use Commissions, Boards and Town staff to guide that development.

Attorney Donohue, 22 Country Club Drive, stated that he firmly supports this PAD Regulation. He feels that it is good for the community. The Planning Commission has unanimously voted to support this regulation with certain revisions. He feels that this is a direct product of the 2007 POCD. It is a strong regulation for Simsbury. He feels that it will create opportunities for developers and development for smart growth and for growth consistent and balanced in the tradition of Simsbury.

Ms. Meyer, 3 East View Drive, stated that the current zoning regulations in Simsbury are predictable. She stated that Mr. Peck has stated in the past that this is not a form based regulation. She questioned what kind of regulation this was if it is not form based or conventional. Ms. Meyer feels that this PAD Regulation is incomplete. She feels this regulation leaves the Zoning Commission with a lack of tools. She questioned how this Commission could make good decisions without their judging criteria. She feels that this PAD Regulation makes the gross assumption that the Zoning Commission will, "know it when they see it". She does not feel that the Zoning Commission members have the expertise that is needed to make these decisions without criteria. She stated that the current Zoning Regulations does have this criteria needed by Zoning Commissioners to render sound decisions. She feels that the PAD Regulation will send these same Commissioners off to develop their own criteria. Ms. Meyer stated that she feels that the Town needs a PAD Regulation, although this regulation is ill considerate. She stated that she has spoken with other Town officials regarding their mixed use zones. They cautioned that any Town should not have a regulation that discourages development and that the Town should be aware of the need for design standards that give developers a clear indication of what the Town expects.

Ms. Haase, representing Main Street Partnership, stated that it is with their mission of enhancing economic development while celebrating and preserving their heritage that Main Street strongly urges the Town of Simsbury and the Zoning Commission to implement a regulation that allows for and encourages high quality mixed use development throughout the Town.

Mr. Lane, 135 Old Farms Road, stated that he reviewed the State Law Statute 8-3. He stated that a part of this section has another section that

states, "...in making its decision, the Commission shall take into consideration the Plan of Conservation and Development and shall state on the record its findings on consistency of the proposed establishment, change or appeal of such regulations and boundary within such plan". Mr. Lane stated that there is very little consistency between this regulation and the POCD. The POCD is very clear that it wants to encourage a form based regulation. Mr. Lane stated that the POCD also brings in the ideas of smart growth and preserving different aspects of the Town, such as vistas. The POCD also encourages that this Regulation be specific. Mr. Lane stated that this regulation is driven by development in the Town. He feels that it is premature to move forward with this regulation.

Mr. Duguay, 11 Nod Brook Drive, questioned why the minority report was not reproduced with the other handouts for tonight's meeting. Mr. Barnett stated that it has been available for public review. At the beginning of this meeting, he encouraged the public to read this report. Mr. Duguay stated that the minority report should have been widely distributed. He stated that although the PAD Regulation is moving forward, he asked that this discussion be continued after the Charrette process is completed. He stated that the POCD recommends that development take place downtown. He does not understand why the Town would want a floating PAD. He feels that the Town should get commercial development in downtown Simsbury. Regarding the lack of metrics, Mr. Duguay stated that although he understands that the Town wants flexibility, he feels that it is critical that there be metrics to conserve the setbacks to continue to see the pasture heritage of this community. Mr. Duguay stated his concern regarding this regulation bringing in more residential; this Town needs commercial development, not more residential. He feels that metrics are needed for this reason alone. He feels that the Zoning Commission is wasting their time unless they have solid metrics and guidelines that determine what the Town wants.

Ms. Robinowitz, 126 Hopmeadow Street, Unit 3B Talcott Acres, stated that some of the provisions in the waiver section of the PAD Regulation make her nervous. She feels that it opens the door to serious problems. She stated that any conflicting existing regulations are deemed to be waived by what is in the final approved development plan regardless of whether notice has been taken of any conflict or not. She urged that all of the conflicts be required to be explicitly evaluated and discussed and listed in the approval documentation. She stated that Section 7, Phasing, also makes her nervous. She believes that the commercial part of a development can be developed without all of the other phases being developed. She stated that the residents do not want this. She feels that there should be penalties included with noncompliance of a fully developed multi-use plan and a way to protect the Town against this. Ms. Robinowitz stated that she feels that a PAD Regulation is necessary and should be passed.

Attorney DeCrescenzo stated that Attorney Sitkowski, Mr. Peck and he have been working on this draft PAD Regulation. They will be addressing and incorporating, to the extent they can, the Planning Commission's recommendations as well as the Design Review Board's recommendations. They have also heard recommendations regarding formatting; these will also be addressed. They have also heard recommendations regarding the absence of metrics and standards. He stated that these recommendations will be considered and they will be addressed.

Attorney DeCrescenzo stated that the Charter states, that the Town Attorney, after a public hearing has to make a determination whether the changes of an Ordinance, which this regulation is, are substantial that the public hearing will need to be re-noticed as a new public hearing. The alternative to this would be to continue this public hearing, although he recommends erring on the side of caution and will re-notice the public hearing.

Mr. Vaughn stated that he heard tonight that the residents have a willingness to integrate some of the findings from the Charrette process. Since this Commission is not under any time constraints, he recommended waiting for the Charrette guidelines in order to review that document. Attorney DeCrescenzo stated that they have considered sending the next draft of this regulation to Code Studio for their review. He stated that they want to make sure that the Charrette process and this process work in concert with each other.

Mr. Peck stated that Code Studio will be back in Simsbury on March 23rd to speak to the Boards and Commissions. They will be back again at the end of April to have a public presentation. He stated that the consultant took this job on a very low budget; they are not interested in doing things that were not initially contemplated. If the Town asks the consultant to do additional review, funding for this may need to be discussed.

Ms. Salls stated that she appreciated everyone who came out to the public hearing tonight. She stated that this is needed; comments are needed in order for the Commission to know how to proceed.

Chairman Gallagher stated that the public hearing will be continued.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

There were none.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Old Business

1. Application of the Town of Simsbury for a Text Amendment to the Town of Simsbury's Zoning Regulations, pursuant to Article Ten, Special Regulations, Section H, Regulations Governing Uses Which Sell Alcoholic Beverages for a proposal to amend the wording of the existing zoning regulation. (public hearing closed 1/4/2010)

There was no discussion.

VII. ADJOURNMENT

Mr. Pabich made a motion to adjourn the meeting at 9:24 p.m. Ms. Salls seconded the motion, which was unanimously approved.

Ed Pabich, Secretary