

From: Lois Laczko April 9, 2009 10:53:01 AM
Subject: Zoning Commission Minutes 03/16/2009 ADOPTED WORKSHOP
MINUTES
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
WORKSHOP
MARCH 16, 2009

I. CALL TO ORDER

Chairman Barney called the Workshop of the Zoning Commission to order at 6:30 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Alan Needham, Scott Barnett, Garrett Delehanty, James Gallagher and Madeline Gilkey. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. WORKSHOP TO DISCUSS TOWN OF SIMSBURY'S ZONING REGULATION REVISIONS
(continued from meeting held on 3/5/2009)

Mr. Peck stated that at the last few meetings, the Zoning Commission talked about the Planned Area Development (PAD) Regulation. A presentation was made to the Chamber, Main Street Partnership, the Economic Development Commission, and the Land Use Boards. He stated that he is currently waiting for their feedback. Mr. Peck stated that the EDC will be holding a special meeting Thursday morning to allow him to do an overview of the PAD. The Chamber would also like him to come back on April 14th to answer some of their questions. He stated that he is continuing to get the word out regarding the PAD regulation. Mr. Peck stated that all of the comments and feedback he gets will go into an e-mail as soon as possible to the Zoning Commission members for their review.

Mr. Peck stated that, tonight, they will be talking about revisions to the Zoning Regulations. He stated that one problem they have from time to time is regarding earth excavation operations. He suggested eliminating the I-3 earth excavation zone from the Regulations. He stated that once a property is zoned I-3, the owner would have the ability to carry on earth excavation operations at that site for as long as it is zoned that way. Once the materials are exhausted from a site, the use is no longer appropriate for

the site. If a property is currently zoned I-3, and if this was eliminated from the Regulations, the property would become non-conforming.

Mr. Delehanty questioned if there was another existing zone in which excavation is permitted. Mr. Peck stated that the Zoning Commission can permit excavation in any zone in Town by special permit. He stated that because the site would be non-conforming, it would put some pressure on the owner to phase out their operation. By removing this from the Regulations, this may put more pressure on the operations to become something more productive.

Mr. Delehanty stated that he is in agreement with removing the I-3 zone and looking into more active discouragement.

Ms. Gilkey questioned how many properties are currently zoned I-3 in Town. Mr. Peck stated that he believes there are 2-3 properties. She questioned if removing this from the Regulations would be diminishing the value of the property by making it non-conforming. Mr. Peck stated that this would not diminish the value of a property. He feels that the overall property value may increase along with surrounding properties.

Ms. Gilkey question what the purpose of eliminating the I-3 zone was if there are only 2-3 sites existing. Mr. Peck recommended taking this out of the Regulations so there would not be the possibility of someone asking for an excavation site. They would only be able to get a Special Exception for a limited time. Chairman Barney asked that Mr. Peck find out exactly how many properties are currently zoned I-3.

As another revision to the Regulations, Mr. Peck recommended that a change be made regarding earth excavation. He suggested changing 25 cubic yards to 250 cubic yards. He feels that 25 cubic yards is too small for modern construction. Mr. Barnett stated that 250 cubic yards would be somewhat equal to a 2,250 square foot footprint. Mr. Elliott questioned if Chris Woods made any recommendations regarding earth excavation and how many cubic yards would be appropriate. Mr. Peck stated that Mr. Woods has also suggested 250 cubic yards. Mr. Peck referenced Page 8-1, second paragraph of Mr. Woods report.

Chairman Barney stated that the issue of this regulation of material, historically, has been trucking it over the roads, not the removal of the material.

Under the earth excavation regulation and standards, the regulation states that no excavation shall take place within 100 feet of any property line or within 200 feet of any street line. Mr. Peck suggested having more detailed language in this section in order to be more specific in what the

Commission is trying to protect. This will also allow the Commission to have more flexibility. Chairman Barney asked that Mr. Peck draft wording regarding this issue for the Commission members to review.

Chairman Barney questioned if there was a plan regarding the last phase of Mr. Wood's work regarding funding. Mr. Peck stated that starting July 1st, there is money in the budget for this purpose.

Mr. Peck stated that Page 49-50 of the Zoning Regulations is regarding the measurement of required yards, stating, "Where a contiguous area is in multiple ownership, it may be developed under a single site plan with 'height, area and yard requirements' governing the boundaries of the entire parcel so developed". Mr. Peck stated that when there is a series of different parcels, sometimes they remain, but other times these parcels have been sold off to different owners. Because of the wording of this regulation, when an applicant comes in for an initial site plan approval, coverage is based upon properties that may be controlled by multiple owners. This changes the coverage ratios for the whole parcel. He stated that when these properties are owned by different people, there could be a lot of issues. There is no way to control this the way that the Regulations are currently worded.

Chairman Barney stated that the property owners should be notified that if parcels are sold to different owners, then the previous approval is no longer good. Mr. Delehanty stated that approval goes with property and not with ownership. Chairman Barney stated that the property becomes out of the bounds of the approval. A new approval would be needed.

The Commission members discussed Simsmore Square and issues relating to this property because of multiple owners.

Mr. Peck distributed a regulation from Fitchburg, MA regarding other types of energy systems, such as small wind energy systems. He asked that the Commission members review this and consider the pros and cons of the regulation. Chairman Barney stated that solar panels and wind turbines will be issues that will be coming to the Zoning Commission in the near future.

Mr. Peck stated that another type of energy system is ground water heat pumps. Typically, they are wells, although they do not use the ground water. It exchanges the heat with the ground water. West Minister is using this kind of system.

Chairman Barney questioned if there were any regulations in Connecticut that deal with any of these energy systems. Mr. Peck stated that there are a few Towns with regulations. Goshen is a Town in Connecticut that has an application before them for a commercial wind turbine system for a sewage

plant. No approvals have been given for this as of yet.

Mr. Peck stated that they are always trying to improve their enforcement procedures. Zoning violators often say that they are being harassed. He stated that he would like to put these procedures in the Regulations, in detail, of how they will be enforced. He stated that the Board of Selectmen will be holding a public hearing regarding the fine ordinance, which will allow the Town to fine someone \$150 per day for a zoning violation that remains ongoing. He recommended that the following steps be added to the regulations for violations: that the violator would be notified and it would be determined if a violation existed or not; a notice of violation would be filed; if the conditions continue, a citation could be issued, which is a \$150 per day fine; violations that are not brought into compliance after the citation is issued, will be subject to further citations or some other order.

Regarding the PAD Regulation, Mr. Elliott questioned if a public meeting would still be held in April. He stated his concerns regarding the timeframe. Mr. Peck stated that he is hoping to get comments and feedback back from all of the Boards and Commissions as soon as possible. The Zoning Commission will then set a date for when the public meeting will take place.

III. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 7:33 p.m. Ms. Gilkey seconded the motion, which was unanimously approved.