

From: Lois Laczko April 5, 2011 4:10:37 PM
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To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
March 21, 2011
REGULAR MEETING

I. CALL TO ORDER

Mr. Pabich called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Auditorium at Eno Memorial Hall. The following members were present: Bruce Elliott, Tom Doran, Dave Ryan, Amy Salls, Robert Pomeroy and Madeleine Gilkey. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

Mr. Pabich stated that Chairman Gallagher has recused himself from this meeting because he has family members that are property owners in the Town Center.

Mr. Pomeroy made a motion that Mr. Pabich act as Chairman of the Zoning Commission tonight. Ms. Gilkey seconded the motion, which was unanimously approved.

II. APPOINTMENT OF ALTERNATES

Mr. Pabich appointed Ms. Gilkey to serve in the absence of Mr. Vaughn and appointed Mr. Ryan to serve in the absence of Mr. Gallagher.

III. APPROVAL OF MINUTES of February 28, 2011 Zoning Commission Special Meeting, and also the February 28, 2011 Simsbury Aquifer Protection Agency Special Meeting

Mr. Elliott made a motion to approve the February 28, 2011 Zoning Commission minutes as written. Ms. Salls seconded the motion, which was unanimously approved.

Several edits were made to the minutes.

Mr. Elliott made a motion to approve the February 28, 2011 Aquifer

Protection Agency minutes as amended. Ms. Gilkey seconded the motion, which was unanimously approved.

Acting Chairman Pabich read the call.

IV. PUBLIC HEARING(s)

To hear public comment on the draft Simsbury Center Code dated February 18, 2011 and to consider the adoption of:

- a. The Simsbury Center Code, dated February 18, 2011, and
- b. The revision to the Zoning Map where the Simsbury Center Code's Regulating Plan and the rest of the Town Center Code components will replace the Simsbury Center Zone, and
- c. The proposed revisions to the Definitions Section Article Four of the Simsbury Zoning Regulations, which incorporates the definitions applicable to the Simsbury Center Code.

Mr. Peck made a presentation regarding the Town Center Code. He stated that there was a Charrette done in 2009. One of the products of that process was the Illustrative Plan, which has not been changed since the Charrette. The Illustrative Plan was the basis of the Town Center Code. This puts the form of the structures over the use of the structures.

Mr. Peck stated that many of the elements of the form based code are important, such as the Regulating Plan. The Regulation Plan is the Zone map. The Regulating Plan is an integral part of the form based code. Another important part of the form based code are the public space standards, which deals with how the public space is treated; the widths of right-of-ways; and how the overall public space in the future will be developed. Mr. Peck stated that the Code also contains building form standards, which are specific requirements with regard to how big buildings can be, which is not different from the current Code.

Mr. Peck stated that there is an Administrative Section in the Code. He stated that the definition section of the Code has been moved into the Zoning Regulations. These definitions are in capital letters.

Mr. Peck stated that the other parts of the form based code have more detailed architectural standards. The Town is in the process to getting money to put together these guidelines. This is not part of the current Code; this is an option that the Commission can decide to put in the Code at a later time. Regarding landscaping standards, Mr. Peck stated that there are some in the code, although more can be put in the Code at a later time as well. Signage is important to the Town Center and is a part of this Code. Another possible item to put in the Code is environmental

resource standards. He stated that low impact development and light imprint can be a part of these standards.

Mr. Peck stated that this Code includes, the introductory provisions; street frontages; and height maps. Uses are also covered in the Code, as well as street standards, which correspond with the Route 10 study; site development standards; and an administration section.

Mr. Peck stated that the Regulating Plan has a great deal of information on it. The street frontages basically dictate what the setbacks are, the types of buildings, and how the Town could be developed in the future.

Mr. Peck recommended that the consent agenda be made as a policy of the Commission.

Mr. Peck stated that some typographical errors have been found in the Code, which will be corrected. Also, questions regarding specific uses that have been brought up will be answered. There is also a section regarding sign lighting, externally and internally lit; a correction needs to be made regarding this.

Acting Chairman Pabich questioned if there were any comments or questions from the public. He asked that these comments be limited to the Town Center Code.

Rich Correia, President of Simsbury Main Street, stated that they have been supportive of this process from the beginning. They have helped provide a \$10,000 grant that brought Code Studio back to Simsbury. He commended the Town for taking on this process as well as commended town staff and residents. Mr. Correia stated that the 2009 Charrette is now a model for other parts of the State. He urged this Commission to adopt this Regulation. Main Street is committed to finishing this process. They have received an additional \$8,000 grant to help fund the design guidelines once this Regulation has been adopted.

Michael Paine, Chairman of the Planning Commission, stated that the Planning Commission voted unanimously to endorse the Town Center Code. The Planning Commission is in favor of the new Code because it will work in concert with the values of the Plan of Conservation and Development. He stated that there are a number of sections of the POCD that could be used as a point of reference, including: Historic Resource Policy No. 4; Community Character Policy and the Quality of Life Section; and the Special Use Section that mentions the Town Center Zone. He encouraged the Zoning Commission to pass this Code. As a resident, Mr. Paine stated that although this has been a long process, it has been very impressive. He feels that this regulation will be great for Simsbury.

Anita Mielert, 57 East Weatogue Street, stated that she was helping to prepare a grant application that focuses on the first step of implementation for this vision that the Zoning Commission has before them tonight. She stated that Simsbury's downtown is not traditional. She feels that the Town needs a downtown that will serve their community. This Code is what Simsbury needs. She stated that today's generation requires a new downtown; walkability is very important. She also feels that real estate will be of more value if this Code is put in place. She feels that the overall vision of the Code suits Simsbury's character.

Father Metzler, St. Mary's church, thanked the Zoning Commission for being sensitive to their property concerns. He feels that the height requirements in the Code, as currently set, might impede their ability to build for their needs in the future.

Sue Bednarczyk, East Weatogue Street, stated that the Charrette process was positive for the Town. She read from What's Legally Required regarding Zoning regulations in terms of having a comprehensive plan. She stated that at the last Route 10 Study meeting, it was stated that this Code, as it is drafted, could make Hopmeadow Street into a four lane road. Before this Code is adopted, she feels that it should be sent to traffic engineers for their review. Also, she feels that the southern and northern gateways should be considered; the Town needs to be considered as a whole. She questioned if the Farmington River Watershed has weighed in on the impacts of the River, the floodplains and the wetlands. She feels that this should be done if it has not been already.

Mr. Pabich stated that the traffic engineers did review this Code and have stated that this Plan, in its current form, is what they would use as a base document.

Kirsten Griebel, 7 Karyn Lane, stated that this Code is very prescriptive. She feels it will be a win-win situation for everyone. She stated that the Code must be adhered to and administered carefully. She stated her concerns regarding the administrative section of the Code. With respect to Pages 7.4 and 7.9, regarding the Zoning Board of Appeals, Ms. Griebel stated that she hopes that the ZBA, in overturning any requirement or decision about the Town Code, would be required to do so only within the framework of the Regulating Plan of the Town Center Code. Also, Section 7.7, regarding alternative compliance is concern to her. She stated that allowing property to be developed in the Town Center under the PAD that has no certainty or parameters would alter or negate the vision and design that is set forth in the Code. She urged that the alternative compliance option be deleted from the Code.

Jay Reynolds, Seminary Road, stated his concerns that there would not need to be a public hearing on something complying with the form of the Code. Also, regarding protected buildings verses unprotected buildings, he believes that the unprotected buildings do not have to comply with the Code until changes are desired to be made to those buildings. He questioned what the Town Center would look like with some buildings unchanged. Mr. Reynolds stated that the biggest issue will be structured parking; he feels this is a big hurdle.

Mr. Peck thanked the public for their thoughtful comments.

In response to several questions and comments from the public, Mr. Peck stated that the consultant for the Route 10 study has looked at this Code. Every site that comes under review in the Town Center will be given strict review in terms of storm water as well. Regarding Section 7.4 and 7.9 in terms of the Zoning Board of Appeals, he stated that the State Statutes are what they are. Everything that is in the Code is required and is necessary. The authority of the Zoning Board of Appeals has not changed because of this Code. Regarding alternative compliance, Mr. Peck stated that this means a zone change. Alternative compliance is in the Code because the Code is not perfect. If someone comes in with a great idea that the Code does not contemplate and the Commission would like to hear their idea, a public hearing can be held because of this section in the Code. The PAD Regulation is referenced because this is the process that would be used for this zone change.

Mr. Elliott stated that the Center Zone is one of the many zones that the PAD can land. He feels that this is redundant in the Code. Also, he feels that the terminology gives the mistaken impression that the PAD can be used to comply with the Center Zone. This is not correct. Mr. Peck stated that the process will be the PAD, although the Commission has the most discretion that it can have when someone wants to change a zone. Regarding protected and unprotected structures, Mr. Peck stated that he believes owners will feel some economic stress if they do not improve their structures. If they want to improve the structure, they will need to comply with the Code, although no one will be mandated to make any changes on their property.

Regarding structured parking, although it is expensive, Mr. Peck stated that there can be an economical benefit to this. He stated that this refers to tuck-under parking; two open levels of parking that are well designed and well lighted. He feels that for the Town to have parking on the interior will be good for Simsbury.

Regarding St. Mary's, Mr. Peck stated that the height map currently shows two and a half stories on the property along Hopmeadow Street and three and

a half stories along Iron Horse Boulevard. If the Commission decides that they would like to change this in the future, this can easily be done.

In response to a question by Mr. Ryan regarding the Zoning Board of Appeals, Mr. Peck stated that the ZBA, by law, needs to make sure there is a hardship in order to waive a regulation. An economic hardship by itself is not a hardship. The Regulation itself cannot be a hardship as well.

Ms. Gilkey stated that having been a member of Zoning Board of Appeals, if this will change how a land owner can develop their property, the Zoning Commission, she believes, will have a fight on their hands. There needs to be something in the law that says they have the right to do this. Mr. Peck stated that the reverse is actually true. There is more density built into this plan that, he believes, property owners will like more than dislike; the benefits to the property owners are significant.

Mr. Elliott stated that artisan is a category that could be added to the Code, which he feels would be good. Also, he feels that the introduction of the adoption of this Code will create an enthusiasm for developers in the center of Town. He questioned when the tax rolls would feel the benefit of this regarding when commercial property is reassessed. Mr. Peck stated that the Assessor could answer this better, although that until something is built that is bigger or more dense, their assessment will not go up substantially. He feels that the potential to entice developers is already here. Some developers have already come forward in hopes to build what is on the plan. These developers are waiting for the Code to be adopted.

Mr. Elliott stated that protected and unprotected definitions show up repeatedly. He feels that this could be simplified by striking the word protected and use the setbacks that have already been described. Mr. Peck stated that the reason for the words protected and unprotected is the intent of the protected district is to make sure that those abutting residential properties in the Simsbury Center Zone are granted additional setbacks so that existing residential areas are not intruded upon. The other reason for the term is that they need to convey to people why these zones are singled out; uses that are not compatible next to each other without the additional consideration that there is an additional setback. The title of a protected district says that this Commission wants to make sure that those setbacks stay in place and the abutting residential properties are protected.

Mr. Ryan stated that there are requirements for glass on doors and windows for retail. He questioned if certain offices are exempt from these restrictions. Mr. Peck stated that there is a transparency requirement for each of these uses. The idea is to create transparency on the street. Mr.

Ryan stated that law offices may object to these restrictions. Mr. Peck stated that there are a number of different ways to gain privacy for certain types of businesses. This is something that the Design Review Board will be discussing.

Acting Chairman Pabich closed the public hearing.

Acting Chairman Pabich stated that he feels that votes on this topic should be deferred until the next meeting in order for the Commission members to have time to deliberate the comments and points that have been made tonight.

In response to a question by Ms. Gilkey regarding the Route 10 Corridor Study, Mr. Peck stated that the plan shows 11 foot lanes with parking on either side. That is what is being proposed and that is what is being approved. He stated that the Corridor Study is a recommendation only. It does not bind the Zoning Commission.

V. PRESENTATION(s)

There were none.

VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

There were none.

VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION/
COMMUNICATIONS

There were none.

VIII. ADJOURNMENT

Ms. Gilkey made a motion to adjourn the meeting at 8:15 p.m. Mr. Ryan seconded the motion, which was unanimously approved.
