

From: Lois Laczko May 4, 2011 12:19:11 PM  
Subject: Zoning Commission Minutes 04/04/2011 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
APRIL 4, 2011  
REGULAR MEETING

I. CALL TO ORDER

James Gallagher, Chairman, called the regular meeting of the Simsbury Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Town Offices. The following members and alternates were present: Edward Pabich, Bruce Elliott, Robert Pomeroy, and David Ryan. Madeleine Gilkey arrived at 7:03 p.m. Also in attendance were Hiram Peck, Director of Planning and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Commissioner Ryan to serve in the absence of Commissioner Salls, and Commissioner Gilkey to serve in the absence of Commissioner Vaughn.

III. APPROVAL OF MINUTES of March 21, 2011

Commissioner Pabich moved to approve as amended the Minutes of March 21, 2011. The motion was seconded by Commissioner Ryan and passed unanimously.

Commissioner Pabich read the Call.

IV. PUBLIC HEARING(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Robert E. Patricelli, Folly Farm Inc., Owner, Barbara A. Foley, Agent, for a Special Exception, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for a fund raiser to be held by the Ron Foley Pancreatic Cancer Foundation on Saturday, May 7, 2011 on property located at 75 Hartford Road. R-40 and FP Zone

Mr. Peck said that this application is for the exact same activities that

took place last year. The staff report that Lynn Charest prepared on April 1, 2011 adequately represents what is proposed. It went off fine last year with no issues or any problems. Mr. Peck said that staff recommends approval.

Commissioner Elliot asked about how many people attended last year. Jennifer Loughran., co-chair of the event, said that approximately 250 people attended last year.

Chairman Gallagher closed the public hearing.

Commissioner Elliot moved to approve as presented the application of Robert E. Patricelli, Folly Farm Inc., Owner, Barbara A. Foley, Agent, for a Special Exception, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for a fund raiser to be held by the Ron Foley Pancreatic Cancer Foundation on Saturday, May 7, 2011 on property located at 75 Hartford Road. The motion was seconded by Commissioner Pomeroy and passed unanimously. 6-0 Vote.

#### V. PRESENTATION(s)

a. Application of Gus Jasminski, Manager of Construction and Design Services, Ensign-Bickford Realty, Owner, Ronald Janeczko, Landworks Development, LLC, Agent, for a final Site Plan Approval for the proposed development of townhouses and apartments on property located on Parcels 19, 21 and 24 Grist Mill Road, and a Site Plan Modification for the Old Mill on 67, 75-77 West Street. PAD Zone

Mr. Peck said that this application has been seen by this commission a number of times before. It is now in its final form. Mr. Peck said that there had been some questions by some commissioners with regards to drainage. He said that he received Richard Sawitzke's traffic report, and drainage report this afternoon. He distributed a copy of the reports to the commissioners saying that Mr. Sawitzke did not have any significant issues with them.

ZONING COMMISSION MINUTES  
APRIL 4, 2011  
PAGE 2

Ron Janeczko and Chris Nelson, Landworks Development, Chris Ferrero, Landscape Architect/Land Planner and Dan Kleinman were on hand to speak on this application.

Mr. Janeczko told the Zoning Commission that there is basically nothing new

that will be presented at this evenings meeting, but he wanted to very briefly go through what has been done since January when they last appeared before this Commission. He said that in January they had shown this Commission a whole new architectural concept with elevator buildings, etc. Since then they have been doing a lot of engineering and that culminated in an application to the Conservation/Inland Wetlands Commission. At that meeting they produced environmental and drainage reports and all fully graded out maps. The Conservation/Inland Wetlands Commission granted them a unanimous approval as presented. Mr. Janeczko said that they then went onto the Design Review Board. The Board was shown all the architectural renderings, materials, samples of stone and roofing shingles, color combinations, etc. They met with the Design Review Board twice and now have a unanimous referral to the Zoning Commission. The DRB had recommended three things, and he said that they had already shown them their agreement on those three items in exhibits. Those exhibits had been emailed to the Zoning Commission members last Friday. Commissioner Elliott questioned the drawing received last Friday. Mr. Janeczko went over the changes with the Commissioners that were shown on this drawing. He explained that there are existing trees (shown in green) that will remain, which originally they did not expect these trees to be able to remain. He showed where they are able to preserve some of the existing trees and also where, along West Street, they will be planting new trees. Commissioner Elliott said that they want to be sure that they are meeting the finer points of the PAD.

Chris Ferrero, said that they are proud of the fact that they have been able to keep to this program because of the level of detail that had already been put into the master plan level governed by the requirements of the PAD regulation. They did not have to make many changes. He said that they have been through a lot of reviews and have had a great dialogue with the Design Review Board. They have tried very hard to try and preserve some of the existing trees between the pond and the units that are behind them. They will also be adding additional trees on the current DOT owned property, but will have to go through a process in order to have that approved. Mr. Ferrero said that back in the master plan phase they had presented a vision for the entry sequence. He said that their concept, after you take the left or right onto Grist Mill Road (showed on plan), was that this is the gateway to the entire place. He said that when you get to the intersection of Mill Pond., the backs of the apartments really becomes the focus of the architectural activity. This starts the sequence of the streetscaping along Grist Mill. There will be a stone mail center structure with a small patio off to its side at that location (showed a plan of this location). This small patio will connect with a walkway and ends with a viewing platform at the ponds edge. He said that this component and what is below the component is part of the storm water management mitigation.

Mr. Ferrero said that the center green space has to provide some social

gathering functions. He said that there will be a grill located there, a stone fire place and also landscaped areas. He said that as this is part of the storm water management system they will try to combine heavily vegetated rain gardens and incorporate those types of environmental systems in with the social functions associated with that space.

Mr. Janeczko said that the Design Review Board had been very concerned about the backs of three of the buildings which would be the most visible from West Street. He said that they have continued a street tree sequence that will help make the buildings less visible (showed on a plan), and also there is also little standing pieces of roof over the sliders. They also took the top roof and pulled it down lower, and now have brackets on these to emulate what is at the existing Mill building when you are looking it at from West Street. Also, at the center building they created a series of double dormers to mix it up so that every back is not the same, and they also took a hip roof feature so that every end is not the same. Each building will be a different color of woodland tone tans and green. There is also a lot of vegetation in this location.

Mr. Janeczko showed the Commissioners some before and after photographs. He said that also with the addition of some trees along West Street it will change what you will be able to see looking into the site.

Commissioner Pabich moved to approve as presented the final site plan on the application of Gus Jasminski, Manager of Construction and Design Services, Ensign-Bickford Realty, Owner, Ronald Janeczko, Landworks Development, LLC, Agent, for a final Site Plan Approval for the proposed development of townhouses and apartments on property located on Parcels 19, 21 and 24 Grist Mill Road, and a Site Plan Modification for the Old

#### ZONING COMMISSION MINUTES

APRIL 4, 2011

PAGE 3

Mill on 67, 75-77 West Street. The motion was seconded by Commissioner Ryan.

Commissioner Elliot said that there are some recommendations of the Town Engineer that should be included in the motion. A brief discussion followed.

The motion was modified as follows:

Commissioner Pabich moved to approve with modifications the final site plan

on the application of Gus Jasminski, Manager of Construction and Design Services, Ensign-Bickford Realty, Owner, Ronald Janeczko, Landworks Development, LLC, Agent, for a final Site Plan Approval for the proposed development of townhouses and apartments on property located on Parcels 19, 21 and 24 Grist Mill Road, and a Site Plan Modification for the Old Mill on 67, 75-77 West Street. The modifications are:

1. That the applicant makes part of the final approval of the plan a complete analysis of the PAD Zone.
2. That the applicant needs to provide security, which is deemed appropriate and required by the Town Engineer for the purpose of proper establishment and operation and maintenance of the erosion controls, the rain gardens as shown and approved by the Conservation Commission/Inland Wetlands and Watercourses Agency, and installation of the landscaping and street trees as described by the applicant.
3. That the applicant should also, as part of this approval, be requested to preserve as many of the trees as possible along the bank facing Mill Pond as has been described this evening. While it is understood that some of these trees may need to be removed it is understood the applicant shall make all reasonable efforts to replace the trees with the appropriate landscaping where possible.
4. Complete set of the approved plan should be submitted in paper format for the Commissions officers to sign. Mylars to be filed as determined by the Town Engineer. A copy of the approved site plan shall also be submitted in electronic format. All fees due the Town shall be paid prior to any map signing and filing.
5. That the owners consider the asymmetry in roof lines between adjacent buildings.
6. That they consider the substitution of coniferous (not pines) trees for some of the deciduous trees along West Street.
7. That the side walk extending through the linear park be stamped or imprinted with color concrete.

The motion was seconded by Commissioner Ryan and passed unanimously. 6-0 Vote

#### VI. DISCUSSION AND POSSIBLE VOTE OF:

The 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

Public Hearing was closed at meeting held on March 21, 2011.

Commissioner Gallagher recused himself from this application. He turned the meeting over to Commissioner Pabich.

Commissioner Pabich said that they did close the public hearing at the March 21, 2011 meeting. The only comments they will have this evening will be a discussion by the Commission with a vote if this Commission is prepared to vote. The Zoning Commission and Mr. Peck discussed the Simsbury Center Code.

#### ZONING COMMISSION MINUTES

APRIL 4, 2011

PAGE 4

Commissioner Ryan made a motion to approve with changes the Simsbury Center Code, dated February 18, 2011 with the changes from staff dated April 4, 2011, and in addition those changes that have been mentioned by the Commission this evening, which are part of the official record. The motion was seconded by Commissioner Pomeroy and passed unanimously. 5-0 Vote

Commissioner Pomeroy made a motion to approve 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. The motion was seconded by Commissioner Pabich and passed unanimously. 5-0 Vote

Commissioner Ryan made a motion to approve with changes the proposed revisions to the Definitions Section, Article Four of the Simsbury Zoning Regulations, which incorporates the definitions applicable to the Simsbury Center Code. The motion was seconded by Commissioner Gilkey and passed unanimously. 5-0 Vote

Commissioner Gallagher returned to the meeting.

#### VII. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Commissioner Elliott said regarding the consent agenda he had suggested that they try to envision how this was actually going to work when someone applies for a project under the Center Code. He said that eventually it is endorsed by the Design Review Board and the Planning Director. It then comes to the Zoning Commission by a consent agenda. Commissioner Elliott said that when the consent agenda comes into the meeting, a commissioner

can ask for it to be removed. Mr. Peck said that generally (with towns that use consent agendas) a decision is made prior to the meeting as to whether something should come off or not. He said that the last thing they want to do is to list something there, have it go to the meeting, and then have it come off at the meeting.

Commissioner Pomeroy said that he thought that the idea was if it was on the consent agenda the Commissioners should have the consent agenda information sufficiently in time so that when the meeting begins they can say that they would like to remove this, and put it on for a full discussion at the subsequent meeting. This would give the applicant enough time to prepare for the subsequent meeting rather than at the meeting in which it was on the consent agenda. Mr. Peck said that they should get the complete application at least one week before the meeting so that they have a chance to look it over and make a determination. Any Commissioner should then let him know if they plan to object and to take it off the consent agenda. Mr. Peck said he can then let everyone know that it is not going to be on the consent agenda and be prepared for discussion. The applicant would also be notified to be prepared for discussion. Mr. Peck said that if all the material and information is not to the Commissioners at least a week ahead of time, he would tell the applicant that it would not go on the consent agenda. Commissioner Elliott said that this could be put into the policy. The policy should be guidance for the applicant and not leave them wondering what is going to happen.

This topic will be continued at the next meeting.

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

None

#### IX. ADJOURNMENT

Commissioner Ryan moved to adjourn the meeting at 8:45 p.m. The motion was seconded by Commissioner Pabich and passed unanimously.

---

Edward Pabich, Secretary

