

From: Lois Laczko September 20, 2010 11:57:51 AM
Subject: Zoning Commission Minutes 04/05/2010 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
APRIL 5, 2010
REGULAR MEETING

NOTE: THE RECORDING DEVICE IN THE MAIN MEETING ROOM JAMMED AND DID NOT RECORD THIS MEETING.

1. CALL TO ORDER

Chairman Gallagher called the Regular Meeting of the Simsbury Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members and alternates were present: Edward Pabich, Amy Salls, John Vaughn, Bruce Elliott, and David Ryan. 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 Barnett.

III. PUBLIC HEARING(s)

a. Application of Robert and Diane Luff, Owners, for a Special Exception pursuant to Article Seven, Section C.9 of the Simsbury Zoning Regulations for an accessory apartment on property located at 43 Great Pond Road. R-40 Zone

This public hearing was presented and then discussed by the commissioners. The public hearing portion was opened for public comment, and then closed.

IV. PRESENTATION(s)

a. Application of GPF-700 Hopmeadow Street, LLC, GPF-Drake Hill, LLC, Owner, Phil Doyle, LADA, P.C. Land Planners, Agent, for a Site Plan Amendment for renovations on property located at Drake Hill Mall, 700,

710-720 Hopmeadow Street. SCZA Zone

This presentation was presented and then discussed by the commissioners. During the presentation, Commissioner Elliott asked the design team to explain compliance with Simsbury Zoning Regulations Article Ten, Section A 4 b. "The maximum footprint of buildings containing individual shops, restaurants, and other retail and service establishments shall be 25,000 square feet" given their application to expand the existing primary structure shown as 39,140 square feet by addition of 2,000 square feet. Their response was that regulation does not apply because the 2,000 square feet of new space is separated by a firewall and therefore qualified as a separate building.

Commissioner Elliott then read Simsbury Zoning Regulation Article Four B DEFINITIONS "Building: An independent structure having a roof including shed, garage, stable, greenhouse or other accessory building. A detached building is one separated on all sides from adjacent buildings by open space from the ground up." The design team confirmed no airspace was planned between the primary structure and the proposed addition. Commissioner Elliott stated the proposed 2,000 square foot expansion was then expressly prohibited by Article Ten, Section A 4 b. In discussion among Commissioners, he repeated that the application could not be approved as it represents a prohibited expansion of an already non-conforming structure, and recommended the Zoning Commission seek a legal advice before considering action on the application.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

a. A motion was made to approve the application of Robert and Diane Luff, Owners, for a Special Exception pursuant to Article Seven, Section C. 9 of the Simsbury Zoning Regulations for an accessory apartment on property located at 43 Great Pond Road. The motion was seconded and approved.

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b. A motion was made to approve with modifications the application of GPF-700 Hopmeadow Street, LLC, GPF-Drake Hill, LLC, Owner, Phil Doyle, LADA, P.C. Land Planners, Agent, for a Site Plan Amendment for renovations on property located at Drake Hill Mall, 700, 710-720 Hopmeadow Street as

shown on submitted maps, plans, and documents with the following modifications:

1. The applicant is responsible for securing all other local, state and federal permits associated with the site plan improvements.
2. The applicant's Traffic Engineer is to work with the Town Engineer to propose adequate measures to slow site traffic down so as to make the traffic, especially in front of Fitzgerald's, proceed at reasonable and safe speed. This may involve a proposal for speed bumps or tables or similar effective devices.
3. The proposed landscaping shall either be bonded in a form satisfactory to the Town Attorney and in an amount satisfactory to the Town Engineer, or the proposed landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the proposed new buildings.

The motion was seconded and approved with a 5-1 vote. Commissioners Gallagher, Pabich, Salls, Vaughn, and Ryan voted in favor. Commissioner Elliot voted nay.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

- a. Other Business
- b. 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 regulations. (public hearing closed 1/4/2010)

No other business was voted on at this meeting.

VII. ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Edward J. Pabich, Secretary

