

From: Lois Laczko June 9, 2009 10:56:34 AM
Subject: Zoning Commission Minutes 05/18/2009 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
MAY 18, 2009
REGULAR MEETING

I. CALL TO ORDER

Chairman Barney called the Regular Meeting of the Zoning Commission to order at 7:35 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Ed Pabich, Alan Needham, John Vaughn, James Gallagher, Garrett Delehanty and Madeline Gilkey. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Barney appointed Mr. Pabich to serve in the absence of Mr. Barnett.

III. APPROVAL OF MINUTES of April 20, 2009 special workshop, and April 20, 2009 regular meeting

Mr. Delehanty made a motion to approve the April 20, 2009 special workshop and April 20, 2009 regular meeting minutes as written. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Delehanty read the call.

IV. PUBLIC HEARINGS and PRESENTATIONS

a. Application of Andrew Yakemore, Owner, Nancy Haase, Agent, for a Special Exception pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for one day only (June 18, 2009) beer tasting on property located at Simsmore Square Farmer's Market, 536 Hopmeadow Street. B-2 Zone.

Mr. Christensen, property manager, stated that they have had a Farmer's

Market at this location for many years, which has been very successful. He stated that they would like to have beer samples for the Farmer's Market on Father's Day this year. Sarah Neilson stated that Main Street Partnership will be sponsoring the beer tasting at the Farmer's Market.

Mr. Delehanty questioned how they would limit the samples. Ms. Neilson stated that people will get two stamps; they will only be allowed a maximum of 8 oz. of beer total. People will also need to show identification.

Chairman Barney questioned if there would be anyone present who is SERT trained. Ms. Neilson stated that Main Street staff will be on hand to monitor this.

Mr. Peck questioned if there would be any extra signage needed for this event. Ms. Neilson stated that they would not need any additional signage; this will be part of the Farmer's Market.

Chairman Barney opened the public hearing up to public comments. There were no comments from the public. Chairman Barney closed the public hearing.

b. Application of Steven Stang, Owner, Ryan Jones, Agent, for a Signage and Special Exception pursuant to Article Seven, Section I.4.b, Article Seven, Section J. and Article Ten, Section H of the Simsbury Zoning Regulations for a restaurant permit and a liquor (beer and wine) permit on property located at 2 Tunxis Road (The Mill at Tariffville). I-2 Zone.

Mr. Jones distributed pictures to the Commission members which included: a view of the building from the street; the handicapped accessibility to the building; the parking lot; and the dumpster area. He stated that the restaurant would be open for dinner only from 5:30 p.m. to 9:30 p.m. Wednesday through Saturday. The restaurant will be 1,200 s.f. and will have 32 seats and 6 stools. There will also be an open kitchen. He stated that he will be serving beer and wine only; there will not be a bar at this restaurant. He will also be working with local farmers.

Ms. Gilkey questioned when the restaurant would be open for business. Mr. Jones stated that they would like to open June 17th. Mr. Elliott questioned what was occupying this space now. Mr. Jones stated that there is currently a florist in this location.

In response to a question by Mr. Pabich regarding signage, Mr. Jones stated that they received a favorable recommendation from the Design Review Board for their 36" x 20" sign. The sign will be a black painted wood with ivory carved writing. It will be placed between the front two windows on the building.

Chairman Barney opened the public hearing up to public comments.

Frank Haviland, 4 White Water Turn, stated that he feels this new restaurant will be a great addition to the Village. Mr. Stang has done a great job improving the Mill and this restaurant will help rejuvenate the area. He urged the Commission to approve this application.

Ms. Salls, 11 Tunxis Road, stated that this restaurant would be a great addition to the Mill; it is in a great location. She feels that this is what the Village needs.

Carl Heintz, 17 Tunxis Road, stated that his house overlooks this building. He is concerned with activity from this restaurant at night that was not there before. He stated that he is happy to hear that the restaurant will not have a bar or a deck down to the River.

Chairman Barney closed the public hearing.

Mr. Peck stated that the Design Review Board recommended approval regarding the sign application. He stated also that the parking complies with the Zoning requirements.

c. Application of the Simsbury Fire District, Owner, Kevin Kowalski, Fire Marshal, Agent, for a Site Plan and Special Exception approval pursuant to Article Seven, Section L, and Article Ten, Section A of the Simsbury Zoning Regulations for reconstruction of the Simsbury Fire House (main station) on property located at 871 Hopmeadow Street. SCZB Zone. Mr. Kowalski stated that this was a challenging project in the Center of Town. The current firehouse was built in 1950; it is not operationally efficient for their current needs. He stated that it was not cost effective to renovate this building.

Mr. Kowalski stated that the new building will be for administrative offices and to house the apparatus. There is a maintenance building in the back of the site that was built in the 1980's. They will be enhancing this building over the next few years to match the new building.

Mr. Delehanty questioned how things would operate during construction. Mr. Kowalski stated that this will also be a challenge. The dispatch center will be moving to the Firetown Firehouse. This move is scheduled to happen on July 1st. Dyno Nobel has offered four garages for the Firehouse's use. Although the building is not big enough for the apparatus, they will probably use it to store equipment. They also have the use of the five other stations in Town.

Mr. Kowalski stated that the new building will have three drive-thru bays. This is for safety reasons. They currently have to back the fire trucks into the bays from Hopmeadow Street.

Regarding the storage facility, Mr. Kowalski stated that they are proposing to set this building into the bank at the rear of the property. This building will be strictly used for storage. There will be two small heaters in the building to control the temperature. There will also be a generator in the back of the main firehouse building, which they will hide behind walls.

Mr. Kowalski stated that the traffic will go one-way around the building. There will be parking on the bay side of the firehouse for volunteer firefighter parking. There will also be additional parking near the administrative offices. There will be pavers in front of the building for the Frank Bradley Memorial. This is an important feature of the building; there will be two flagpoles on either side of the memorial. Regarding vegetation, Mr. Kowalski stated that they will be maintaining the trees on the site, as well as the addition of a Dutch Elm Tree on the north side of the property.

Mr. Kowalski stated that above the main door, there is a dormer in order to let light into the lobby. The base of the building will be Brownstone with brick above. The building will have arched doors, which are traditional firehouse doors. The roof will be a slate-style roof.

Dale Cutler stated that the current building coverage will go from 5% to 16%. The impervious surface will go down by 2%. Regarding parking, there are currently 23 spaces at the firehouse with no handicapped spaces. They are proposing 40 spaces with 2 handicapped spaces for the new building. The proposed building height will be 46.6 with the cupola.

Regarding the design approach, Mr. Cutler stated that he tried to separate the building visually as two separate functions. He stated that he has selected materials for the building without contrast; darker colors are being proposed. There will be a slate shingle roof and brownstone and red brick on the exterior of the building.

Regarding the site details, Mr. Cutler stated that they are proposing a walkway in front. There will also be four lighting fixtures on the site. He stated that they will be using shoebox lighting; he does not want the lighting feature to be decorative. There will also be lighting fixtures on the building; they will be using cutoff lighting for the floodlights.

Mr. Pabich questioned if the trench drains would be tied into any special system. Mr. Cutler stated that the trench drains go to an oil separator

and then into the sanitary sewer.

Regarding the landscaping on the southern edge of the property, Chairman Barney stated that Mr. Peck recommended to break up, visually, the amount of parking and asphalt from traffic coming from the south to the north. He suggested using hedges, 5'-6' in height, which would solve the visual issue.

Chairman Barney opened the public hearing up to public comments. There were no comments from the public. Chairman Barney closed the public hearing.

d. Application of John D. Ritson, R.C. Connectors, LLC, Owner, for a Zone Change from I-2 to B-1 on property located at 146 Hopmeadow Street. Currently Zoned B-1 and I-2 Zone.

John Ritson stated that he has his law office at the front of this property. He would like to develop the back portion of the site. The property is currently zoned I-2 in the back with B-1 in the front. In order to get a building with tenants, he stated that he needs a residential component. There are several daycares that are interested in occupying the building. He stated that he would like mixed use in the back of the property with a residential component. He would need a Special Exception for the daycare facility. Mr. Ritson stated that he would like to propose a daycare with up to 10,000 s.f. on the first floor with residential on the second and third floors with possibility some office space also on the second floor. These apartments would be for rent; his LLC will hold this as an investment. He will be an on-site manager.

Mr. Ritson stated that he has already received wetlands approval for this building. He needs the B-1 zone change in the back of the property in order to build this building. The Design Review Board has given him an informal, positive review, although he would need to get final approval from them. If he is approved for this zone change, he will then be back regarding the mixed use.

Ms. Gilkey questioned if this building would be visible from Hopmeadow Street and from the condominiums on the abutting property. Mr. Ritson stated that this building will sit back approximately 500' on the site, although some of the building will be seen from Route 10. This building will be visible from the condominiums, although a berm will probably be constructed.

Mr. Pabich questioned what the total acreage of the site was. Mr. Ritson stated that the site is 3.37 acres.

Mr. Vaughn stated that there is currently a vacant daycare facility in Simsbury. He questioned why the daycare would not move in to that location. Mr. Ritson stated that this building will have the benefits of being near Hartford Life and Chubb, which will be more convenient for mothers. This is also a possibility to have a drop off connecting The Hartford site to the daycare.

Chairman Barney opened the public hearing up to public comments. There were no comments from the public.

Mr. Peck stated that properties along Hopmeadow Street are currently zoned B-1. The current zoning map, although not officially adopted by the Zoning Commission, does have an inaccuracy in it. The property that is labeled I-1 should be labeled I-2. Mr. Peck would like the Commission members to be clear that what Mr. Ritson is asking for is correct.

Chairman Barney closed the public hearing.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Elliott made a motion to approve the application of Andrew Yakemore, Owner, Nancy Haase, Agent, for a Special Exception pursuant to Article Ten, Section H of the Simsbury Zoning Regulations for a temporary liquor permit for one day only (June 18, 2009) beer tasting on property located at Simsmore Square Farmer's Market, 536 Hopmeadow Street as submitted. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Gallagher questioned if the beer and wine permit for the restaurant at 2 Tunxis Road would go with the owner or the location. Mr. Peck stated that it would go with the location.

Mr. Elliott made a motion to approve the application of Steven Stang, Owner, Ryan Jones, Agent, for a Signage and Special Exception pursuant to Article Seven, Section I.4.b, Article Seven, Section J. and Article Ten, Section H of the Simsbury Zoning Regulations for a restaurant permit and a liquor (beer and wine) permit on property located at 2 Tunxis Road (The Mill at Tariffville) with the following conditions: the applicant shall coordinate with the FVHD for all necessary food service related requirements; the applicant shall coordinate closely with the building official for compliance with any ADA requirements and any exterior safety lighting requirements which may be found applicable to this application at this site; and the applicant shall continue the process of filing as required by the Connecticut Liquor Control Commission for the requested wine and beer permit. Mr. Delehanty seconded the motion, which was unanimously approved.

Mr. Delehanty stated that he feels the design for the new firehouse is great.

Mr. Delehanty made a motion to approve the application of the Simsbury Fire District, Owner, Kevin Kowalski, Fire Marshal, Agent, for a Site Plan and Special Exception approval pursuant to Article Seven, Section L, and Article Ten, Section A of the Simsbury Zoning Regulations for reconstruction of the Simsbury Fire House (main station) on property located at 871 Hopmeadow Street with the following conditions: prior to any earth disturbing activities, the applicant shall coordinate with the Conservation Officer/ZEO all provisions for erosion and sedimentation control for all aspects of the site redevelopment; the applicant should explore means of screening, with vegetation or other means, abutting properties to the extent feasible and desirable so that they are not adversely affected; the applicant should discuss the selection of street trees that it may choose to plant in accordance with the submitted plans with the Conservation Officer/ZEO. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Delehanty stated that he has walked Mr. Ritson's property. He feels that this is a great concept; he does not see any downside to changing the zone.

Mr. Peck stated that the potential for inappropriate development on this site, given the proximity to the condominiums is greater under the present zone than it would be under the B-1 zone.

Mr. Gallagher made a motion to approve the application of John D. Ritson, R.C. Connectors, LLC, Owner, for a Zone Change from I-2 to B-1 on property located at 146 Hopmeadow Street. Currently Zoned B-1 and I-2 Zone with the following conditions: the parcel proposed for rezoning is acknowledged to be only the parcel as shown on the submitted application; any future proposal for development of the parcel would be subject to the zoning regulation in effect at the time such development is proposed; and any future development proposal would have to comply with the requirements of the Zoning and Site Plan regulations in effect and applicable to this site at the time such development was proposed. Mr. Delehanty seconded the motion, which was unanimously approved.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Status of Charrette Process

Mr. Peck stated that the Town has received the contract from Code Studio, which the Town Attorney is currently reviewing. The dates for the Charrette are set for September 11-16. He stated that they are still

looking for a venue that is close to the Town Center that will hold a large number of people and that would be available for 6 days.

Mr. Peck stated that Saturday, September 12th will be the first public meeting; Sunday will be a workday. Monday, September 14th will be the second public meeting and Wednesday will be the final public presentation.

Report from Zoning Enforcement Officer, Howard Beach

Chairman Barney stated that he sees, on a daily basis, a boy being taken to the school bus stop from the Barber Shop of Avon. He asked that Mr. Beach look into this.

PAD Regulation status

Mr. Peck stated that the PAD Subcommittee met last week. They discussed whether or not the draft regulation was acceptable the way it currently read. There were differences of opinion regarding this.

Mr. Peck stated that he sent links to the Subcommittee for them to review regarding the Hamden, CT regulations and a link regarding smart code.

Mr. Peck stated that all comments and revisions for the PAD draft will be forwarded to the Subcommittee members for next Thursday's meeting. By the third meeting, he is hopeful that the Subcommittee will come to a consensus. He would like to have the public meeting at the end of May or the first week in June and the public hearing at the end of June.

Chairman Barney stated that the Zoning Commission needs to understand the PAD Regulation prior to the public meeting. He also expects that the Commission will receive the revised document after the public meeting.

Mr. Elliott stated that there is concern that the framework of the PAD regulation is a contemporary standard zoning style; it does not reflect form base zoning. Mr. Peck stated that the Subcommittee will be discussing this issue.

Mr. Peck distributed a map for the improvements to the field at Curtiss Park to the Commission members. He stated that this will be on the agenda for the next regular meeting.

Mr. Peck stated that the Town is now sending out agendas and information packets to Commission members through e-mail. If any member would like a hard copy of any information, it will be available. He stated that they are trying, through the IT Department, to put all information on the Town website for easier access.

Mr. Elliott stated that he would like to see some type of grid regarding the type of application they receive and what documents that the Commission members should expect to see. This will ensure each member receives all of the necessary information. Mr. Peck stated that they will be putting an index on each e-mail that is sent out regarding what information is included.

VII. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 9:10 p.m. Mr. Gallagher seconded the motion, which was unanimously approved.

Garrett Delehanty, Jr., Secretary