

From: Lois Laczko June 9, 2009 10:55:32 AM
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To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
SPECIAL WORKSHOP
MAY 18, 2009

I. CALL TO ORDER

Chairman Barney called the Special Workshop of the Zoning Commission to order at 6:32 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Alan Needham, Garrett Delehanty, Ed Pabich, Bruce Elliott and John Vaughn. Madeline Gilkey arrived at 6:45 p.m. Also in attendance were Director of Planning Hiram Peck, Zoning Enforcement Officers Howard Beach and Lynn Charest, Commission Clerk Alison Sturgeon and other interested parties.

II. WORKSHOP TO DISCUSS TOWN OF SIMSBURY'S ZONING REGULATION REVISIONS
(continued from meeting held on 4/20/2009)

Mr. Peck stated that he would like to discuss the temporary sign regulation tonight. Mr. Beach and Ms. Charest are here to discuss what they go through on a daily basis regarding these signs.

Mr. Beach stated that temporary signs are a continual problem in Town. When a business owner is called regarding a sign that is not permitted, many times, the owner disregards the call and does not remove the sign. Mr. Beach showed the Commission members four sample signs that he collected within 15 minutes, prior to the meeting. He stated that contractor's signs can be up while work is being done, although some contractors take advantage of this. The biggest issue is what the Commission would like to do regarding these signs.

Ms. Charest stated that when someone has a temporary sign that is not permitted, she will call them and educate them regarding the regulations. She stated that this rarely stops them from putting the sign out again in the future.

Regarding A-frame signs, Chairman Barney stated that the Town staff knows

if a permit was taken out for a sign. In the past, Mr. Peck had suggested using a color sticker system in order to make it easier for them to know when the signs should be taken down. Chairman Barney stated that currently, the Regulations allow a business to have a sign for two weeks, four times per year. He stated that this may just not be enough for business owners during these tough economic times, although he is not sure what would be a good length of time.

Mr. Peck stated that Town staff tries to be proactive regarding this type of signage. He stated that they have met with the Chamber and Main Street Partnership regarding this issue. Mr. Beach stated that they have had several meetings; businesses feel that they cannot go without these A-frame signs. Businesses feel that these signs help their business tremendously. He had suggested to business owners who had multiple tenants, to leave a panel blank on the directory sign in front of the building and rotate a tenant through this spot. He stated that the businesses never did this.

Mr. Elliott questioned if it was true that business owners felt that they could not live without these signs. Chairman Barney stated that he has heard business owners testify to this. Mr. Beach stated that people do not read newspapers anymore for advertising. These temporary signs are a good and inexpensive way for businesses to advertise.

Mr. Peck stated that it is important for this Commission to strictly enforce this regulation. He stated that he constantly gets calls from business owners who do not comply regarding people who are abusing their privileges. The problem with these A-frame signs is that they are extremely ugly and they also can cause site line issues. Mr. Pabich suggested having specs for these signs with guidelines for where they can be located. Mr. Beach stated that the signs cannot be located in the State right-of-way. The Town can only regulate the size and placement of the signs.

Mr. Pabich suggested having a grace period to the existing regulations. Mr. Beach stated that the basic premise of zoning is to protect the health, safety welfare, property values, etc. The regulation either serves a legitimate governmental purpose or it does not. There is no middle ground.

Mr. Peck stated that there are three things that can be regulated regarding these temporary signs: time; place and manner. He stated that size and location are for safety reasons; color and content cannot be regulated.

Mr. Delehanty questioned if the Commission could take the position based upon preserving the property values because of the pleasant appearance of fewer signs. Mr. Peck stated that they need to be consistent with regard to all of the properties within a certain zone. The Commission needs to come up with some kind of sensitivity for business owners who are trying to

make a living while at the same time not penalizing other business owners who do not need the signs.

Mr. Vaughn suggested revising the regulation so that business owners have either three weeks, four times per year or two weeks, five times per year. Chairman Barney suggested giving business owners a pool of days.

Mr. Peck stated that when the temporary signs are up without a permit, Town staff needs to document this with a dated photo on a daily basis. They can then fine the business owner until the sign is removed. Mr. Beach stated that a problem with a fine is that they cannot impose the fine for 30 days and that they have to take the business owner to court if they do not pay the fine. The ordinance does authorize the Police or the Zoning Officer to issue a citation for a fine. This can be done on a daily basis if necessary; the onus is on the owner.

Regarding the contractor signs, Mr. Elliott suggested getting the permit for the sign when getting the building permit to do the work. Mr. Peck stated that when the contractor gets a building permit, they will need to be notified regarding what is allowed. Mr. Beach stated that they could put the regulation wording on the building permit; this will help control this issue.

Ms. Gilkey questioned if Mr. Beach and Ms. Charest spend the bulk of their day picking up these signs. Ms. Charest stated that she goes out to pick up these signs several times per week as part of her duties.

Chairman Barney questioned if the current allotment of two weeks, four times per year was adequate for this economy. He questioned if more time should be allowed for business owners to display these signs. Mr. Peck stated that he could draft a regulation for the Commission's review. He stated that this would be a good topic for a public hearing. This is a way to get the dialogue started with business owners.

The Commission members discussed Mr. Peck's drafting a model. Mr. Peck stated that he could use the same timeframe that the regulations currently state, but let the business owners break it down to when they want to use it.

Chairman Barney stated that they need to try to reflect the urgency of the economy without the Town ending up littered with A-frame signs. Mr. Peck stated that he would draft something for the Commission's review. Chairman Barney stated that he would like this to get done quickly. A public hearing can be held to hear business owner's comments and concerns.

In response to Mr. Needham's question regarding blade signs, Mr. Beach

stated that the regulation states that no sign can project more than 15 inches from the building. Business owners feel that the signs can be seen better if they are not flush against the building. He stated that if there is not a negative feeling against blade signs by this Commission, this can be eliminated from the regulations.

Regarding a transfer of development rights program, Mr. Peck stated that he would like to try to work this into the regulations. He stated that transfer of development rights is often misunderstood. The concept of this program is the ability to transfer density from where you do not want it to where you want it.

Mr. Peck stated that Avon has a transfer of development rights program. Although it was not badly written, they cannot get it to work well. He stated that it is important to find a balance between the sending areas and the receiving areas and equating this with the appropriate dollar amount. If someone gives up their development rights, they will need to be somehow compensated for that. Finding this balance is difficult. Mr. Peck stated that the outcome of transfer of development rights is preserving the land that the Town wants to keep rural. He feels that this is a concept worth pursuing.

Chairman Barney stated that there have been discussions regarding a fiscal TDR whereby for every percent of coverage over 60% there is a payment that would be required. This money would go to the Open Space fund to the Town. This may be an easier process because it does not involve two land owners.

Mr. Delehanty made a motion to adjourn the Special Workshop at 7:35 p.m. Mr. Gallagher seconded the motion, which was unanimously approved.