

From: Carrie Vibert June 5, 2012 3:39:06 PM  
Subject: Zoning Commission Minutes 05/21/2012 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ZONING COMMISSION - REGULAR MEETING  
ADOPTED MINUTES  
MAY 21, 2012

I. CALL TO ORDER

Robert Pomeroy, Chairman, called the regular meeting for the Zoning Commission to order at 7:00PM on Monday, May 21, 2012 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Will Fiske, Derek Peterson, Ed Pabich, Gerald Post and Vaughn Marecki. Others in attendance included Hiram Peck, Director of Planning and other interested parties.

II. ALTERNATES

Commissioner Pomeroy appointed Commissioner Peterson for Commissioner Ryan and Commissioner Marecki for Commissioner Salls.

III. APPROVAL OF MINUTES of the May 7, 2012 Regular Meeting

The minutes were approved, pending changes presented by Commissioner Pabich.

IV. PUBLIC HEARING(s)

Commissioner Pabich read the Public Hearing Legal Notice regarding the following items:

1. Application #12-13 of Attorney Thomas W. Fahey, Jr., Agent for Dorset Crossing, LLC, Owner, for a Zone Change to PAD on the property located at 1507 Hopmeadow Street (Map H04, Block 403, Lot 013A), 1515 Hopmeadow Street (Map I04, Block 403, Lot 013), and 1519 Hopmeadow Street (Map H04, Block 403, Lot 13B). Zones B-3 & I-3.

2. To hear public comment and to consider adoption of the proposed amendments to the Town of Simsbury's Zoning Regulations for IHZ (Incentive Housing Zones) Zoning.

Prior to the presentation regarding Item #1 of the Public Hearing, Mr. Peck did note the Conservation Commission and Design Review Board have both made a positive recommendation regarding the zone change for Dorset Crossing. Mr. Peck also noted the Planning Commission has given a positive recommendation regarding the land exchange. The Conservation Commission has

also addressed this, Mr. Peck continued, and has decided the drainage situation is acceptable.

V. PRESENTATION(s)

At this point, Dr. Anthony Giorgio, Director of Keystone Properties, addressed the Commission, beginning with a history of the property, outlining their remediation of the site, environmental work, removal of structures, etc. Dr. Giorgio also explained the zoning changes within the property's history and how they ended up where they are currently. Dr. Giorgio showed an aerial of the property which outlined the zoning of the separate portions of the property. Dr. Giorgio spoke about the issue presented when Northeast Utilities wanted to expand its transfer station on the adjacent lot. He explained the discussion between Keystone and Northeast Utilities, resulting in the proposed land exchange. He said this land exchange will produce a solution where all parties involved benefit. Dr. Giorgio then gave an overview of committed tenants for the development, prospective tenants and LOI's currently in hand. Then he spoke about the make-up of the proposed apartments. At this point, Dr. Giorgio introduced Ken Regan, Regan Development, who is planning to develop special-needs housing units on the property.

Mr. Regan said he has been working with the MS Society in order to try and create housing for people who need this specialized housing at an affordable rate. Mr. Regan spoke about the special services that would be provided for those who need it.

Dr. Giorgio said that they are showing today, a general plan of development, which received a positive review from DRB. At this point, Dr. Giorgio introduced Tom Fahey, Fahey & Landolina, Attorneys LLC, to speak about the technical aspects of the application.

Attorney Fahey stated that he wanted to show they are compliant with all of the PAD requirements, saying they do qualify for a PAD application. He then went through a checklist of all of the things they have done, that had been asked of them to date by the different Commissions. Attorney Fahey then spoke about the Fiscal Impact Analysis study they had completed and the results of the study. He spoke about the small number of school children that would result from occupation of these new apartment units, therefore saying there would be minimal impact on the school system (study predicts a total of 33 new public school students). Attorney Fahey spoke in detail about the Fiscal Impact Analysis, but ultimately, he said there would be a minimum net benefit to Simsbury (in the form of tax revenue) of approximately \$400,000, but stated they think it would be more.

David Ziaks, an engineer with F. A. Hesketh & Associates, addressed the Commission with an explanation of the site plan. He outlined the zone

change map and spoke about the make-up of the property (as well as surrounding properties), reviewing size and acreage. Mr. Ziaks spoke briefly about the Open Space area planned within the development. He mentioned that Walgreens has expressed interest in purchasing a parcel for their potential building. When Commissioner Pomeroy asked if there would be a traffic signal on Route 10 on the Dorset Crossing road, Mr. Ziaks said yes, he anticipates it will be up quickly since they are currently moving forward at a good pace. He continued with the structures that are proposed within the Master Plan for each lot within Dorset Crossing. Mr. Ziaks then spoke briefly about the anticipated traffic flow from different directions. Mr. Ziaks spoke about road configurations throughout the development and traffic flow and then reviewed the square footage of the potential buildings within the development. He continued by speaking about the impervious coverage of the property they are planning, saying it will be under the traditional 40% coverage number that is used as a standard in this area for a project like this. Mr. Ziaks did note, from a traffic perspective, they are not proposing any major widening of Route 10, although there will be some minor widening to accommodate a left hand turn lane going northbound and some widening to accommodate a deceleration lane coming in from the north. Mr. Ziaks finished up by speaking about the lighting plan for the development, stating there will be lighting (as well as sidewalks) throughout the entire community to ensure a pedestrian friendly development.

Dr. Giorgio addressed the Commission again and spoke about their efforts to preserve as many estate trees as they could and showed which trees were saved. Dr. Giorgio then gave a brief overview of the new trees they will be planting and described the aesthetics they hope to achieve with this plan. Dr. Giorgio noted that of the 216 units, half will be one (1) bedroom units and the remaining units will be a combination of two (2) bedroom and studios. Dr. Giorgio closed by saying they are currently paying \$15,000 in taxes, so from an economic development point-of-view, Dorset Crossing makes a lot of sense, since it was stated earlier that they anticipate a minimum future tax contribution to be \$400,000.

Commissioner Pabich asked about approximate rents for the specialty and non-specialty housing. With respect to the specialty housing, Mr. Regan said they hope to work with the State to secure rental assistance for potential occupants and hopefully that will result in \$800/mo for one (1) bedroom units and appx. \$1,000 for two (2) bedroom units. He said they will most likely have a non-profit partner and that partner is most likely to be National MS Society - CT Chapter. Mr. Regan said his firm will develop the complex. With respect to the non-specialty housing pricing, Dr. Giorgio stated it is his understanding is that RG Development expects the one (1) bedroom units to be in the range of \$1,500-\$1,600/mo and two (2) bedroom units up to \$2,500/mo.

Commissioner Fiske asked for further information on the anticipated traffic and how Route 10's current traffic volume will be affected. Then Commissioner Peterson asked to provide more information on how Keystone can be sure Northeast Utilities will not impact their project any more moving forward and he also asked about the aesthetics of the Northeast Utilities parcel. Dr. Giorgio said there is a finite amount of land they are able to use, and they do have some room for further growth on their current parcel. He also said they have agreed to berm it and surround it with evergreens.

At this point, Dr. Giorgio introduced Scott Heska, F. A. Hesketh & Associates, Inc. Mr. Heska described the original 2009 plan and what has changed with respect to their current proposal, which uses updated traffic information. Mr. Heska stated that the two plans are very similar and since the 2009 plan was already approved, he would hope this could also be approved. He then described specifications regarding on and off-peak hour traffic volumes they have projected (approximately 450 trips in morning peak hours, 760 during afternoon peak hours, 640 trips on Saturday peak hours).

At this point, Commissioner Pomeroy asked for comments from the public audience.

Kirsten Griebel, 7 Karen Lane, asked about the process for the PAD application, specifically asking where is the opportunity for public comment going forward? Mr. Peck said the new buildings, if the PAD application is approved and if they are to be built as presented on this Master Plan, would come back in front of the Zoning Commission for site plan approval as well as go to DRB for comments. Ms. Griebel asked that the Public Hearing be kept open in order to hear from more of the public once they have heard these details. Mr. Fahey said there have been multiple Public Hearings on this development and the information is, and has been, open to public review.

Sue Bednarczyk, 119 East Weatogue Street, stated her main concern is the increase of traffic and increased density. Ms. Bednarczyk said her other concern is that, with a PAD, the developer can continue to add to this project, and if that is the case, the traffic numbers cannot really be projected. Ms. Bednarczyk also encouraged the Commission to keep the Public Hearing open in order to receive further comments.

There was no further public audience comment.

Mr. Peck replied to Ms. Bednarczyk's concern by stating if the Commission does approve this application, the PAD application that is approved is what is shown here tonight. Mr. Peck continued by saying, while it could be

smaller than what is presented here, if they wanted it to be bigger, they would have to come back for another public hearing.

Dr. Giorgio reviewed their history of presentations for this development and spoke of their transparency with the Boards and the citizens throughout this process. Dr. Giorgio respectfully asked the Commission to close the Public Hearing and vote tonight.

Commissioner Pomeroy said he thinks they need to be respectful of this project, as it has been around for a long time. He said he is in favor of closing the Public Hearing and voting tonight. Commissioner Peterson and Commissioner Fiske agreed with Commissioner Pomeroy's comments. Commissioner Post also agreed saying Dr. Giorgio has taken all of the appropriate steps throughout the process and noted that notice to the public has been followed to the letter.

Commissioner Peterson moved to close the Public Hearing regarding Item IV (1) of the Agenda, Application #12-13. The motion was seconded by Commissioner Post and passed unanimously.

Commissioner Post moved to amend the Agenda in order to vote on Item IV(1) of the Agenda, Application #12-13. The motion was seconded by Commissioner Fiske and passed unanimously.

Commissioner Pabich moved to approve application #12-13 of Attorney Thomas W. Fahey, Jr., Agent for Dorset Crossing, LLC, Owner, for a Zone Change to PAD on the property located at 1507 Hopmeadow Street (Map H04, Block 403, Lot 013A), 1515 Hopmeadow Street (Map I04, Block 403, Lot 013), and 1519 Hopmeadow Street (Map H04, Block 403, Lot 13B). The motion was seconded by Commissioner Post and passed unanimously.

Commissioner Pomeroy asked Mr. Peck to begin the conversation regarding Public Hearing Item #2, Simsbury's Zoning Regulations for IHZ (Incentive Housing Zones). Mr. Peck began by providing a rundown of the basics of the program and the goal of the program, to create more affordable housing in Simsbury. Mr. Peck spoke of the three (3) sites still under consideration for the IHZ (Tariffville Mill, Firetown Road at Plank Hill Road & Northeast Utilities Site). He reviewed the three (3) types of housing that could be used within the program (single family, townhouses and multifamily housing). Mr. Peck spoke about how it is key to find the appropriate housing type for any specific site and then he reviewed the density that comes with each of the three (3) types of housing. He reminded everyone that 20% of the units have to be affordable and 80% can be market-rate and spoke that the designs can be quite nice and vary unit to unit. He then spoke briefly about the State contribution for each project. He said each of the identified potential parcels is already served by utilities and

infrastructure. Mr. Peck spoke about how a major concern with this is often negative impact on surrounding homes, but he said an MIT Study concluded there is no negative impact on surrounding home values. Commissioner Post asked how successful this program has been in other municipalities and Mr. Peck referenced New Canaan, Wallingford and Old Saybrook as examples of towns that have implemented this program successfully.

Commissioner Peterson asked if these properties would be for rent or for sale, to which Mr. Peck replied it can be either. Commissioner Peterson then went on to ask if the market rate owners/renters would know their property was located in IHZ, to which Mr. Peck replied, yes, they would be able to find that out. When Commissioner Pabich asked about who would act as Administrator, Mr. Peck said a single person would be designated for the Town as Administrator.

The process moving forward with site designation was discussed by the Commission members and Mr. Peck. Commissioner Pabich asked if they could approve the concept but only choose one (1) of the three (3) proposed sites. Mr. Peck said yes, but there has to be at least one (1) site approved in order to continue moving forward. At this point, Commissioner Pomeroy opened it up for public comment.

Jim Gallagher, 27 White Oak Lane, asked what will happen if an occupant of the affordable units suddenly exceeded the annual income limit. Mr. Peck spoke about possible scenarios if that happened. Mr. Gallagher then spoke specifically about the Plank Hill site, saying he is not against affordable housing, but that site cannot handle the six (6) units allowed under this zone. He asked about where the children would go, as there would be no open space. He said he is definitely against that site being approved for IHZ.

Kirsten Griebel, 7 Karen Lane, said she is supportive of increasing affordable housing, but they need to look at the locations extremely carefully. She also stated she was not aware the IHZ sites could be used for mixed-use as well. Ms. Griebel stated that she thought the Tariffville and CL&P sites would be better candidates than the Plank Hill property.

Bob Gaucher, 14 White Oak Lane, asked again about if an affordable housing occupant exceeded maximum income level. He wanted to know how that would be handled with respect to resale. This was discussed by Mr. Peck, Mr. Gaucher and the Commission members and it was decided that more information was needed prior to getting a conclusive answer. Mr. Gaucher asked for more information regarding purchase versus lease properties, saying an occupant is more likely to take care of the property if it were purchased as opposed to leased.

Fay Tomasello, 30 & 33 White Oak Lane, asked if the Plank Hill property

would have to be rezoned to accommodate the smaller lots and Commissioner Pomeroy stated that would be accomplished by making it IHZ.

Meredith Taylor, 10 White Oak Lane, said she doesn't believe the plans are in keeping with the neighborhood. Ms. Taylor said if there were only three (3) houses on the Plank Hill property, it might be alright, but any more than that is too many and the other sites are more appropriate for IHZ.

Sue Guavain, 69 Plank Hill Road, said she agrees with what Ms. Taylor said and she thinks six (6) houses on that lot would be crazy and even four (4) houses would be too many.

Jim Gallagher, 27 White Oak Lane, commented on the already heavy traffic near the Plank Hill Road site.

Steven Stang, 2 Old Stone Crossing, stated he owns the Tariffville site being considered for the IHZ designation. He then said while he had originally approached Mr. Peck about making this site a candidate for IHZ, he now sees it could be problematic due to the difficult site configuration. Mr. Stang said while the concept is excellent, he is struggling to see how it will work for his property.

Commissioner Marecki asked if the Commission is able to alter the number of sites allowed for a specific site, and Mr. Peck said as long as the requirements of the regulations are met, it is up to the Owner. Commissioner Pabich spoke about the Northeast Utilities site, saying it is so large and there are so many options. He asked Mr. Peck if they can look at it another way than just as a 60 acre site. Mr. Peck said these are great questions and he can ask for an extension in order to get answers to the questions presented tonight.

Michael LaFay, 14 Lionel Drive, Owner of the Plank Hill property being considered, addressed the Commission saying he intends to convert his property to residential in a way that is economically feasible. He thinks his lot is the ideal site and his intention is to put four (4) single family properties on the site under the IHZ.

Carol Sanfilippo, 32 White Oak Lane, asked what is the incentive to create this affordable housing, to which Mr. Peck answered that major employers in Town have expressed they cannot find housing for their entry-level employees.

#### VI. DISCUSSION AND POSSIBLE ACTION ON ANY AGENDA ITEM

Commissioner Pomeroy recommended the Public Hearing be left open while they try to collect some additional information.

VII. OTHER MATTERS AS MAY PROPERLY BE BROUGHT BEFORE THE COMMISSION

Commissioner Pomeroy wanted to talk as a Commission about the recommendations of the Charter Revision Commission, as it relates to the Design Review Board. He said, as part of the revision, DRB has asked to be given full permanent status (they have been a temporary Board for 24 years). Commissioner Pomeroy continued by saying The Charter Revision Commission has decided they will be given permanent status, but that they would be appointed by the Zoning Commission. This topic, in addition to the DRB's role within the process, was discussed by the Commission members. Commissioner Pomeroy said there would be a joint meeting with the DRB prior to the Zoning Commission's next meeting at 6PM, June 4th. The reporting process, appointing of DRB members and suggested meeting times were all discussed. It was discussed how the process could be streamlined, possibly via joint meetings, as the DRB is hearing all of the same presentations that the Zoning Commission hears. Commissioner Pomeroy said he is concerned about the issue of accountability. He then said he would like to have the meeting on June 4th and see if they can find some common ground with regards to the process.

Mr. Peck then spoke about a group of properties along Hopmeadow Street that have inconsistent zoning and he wanted to bring it to the attention of the Commission for a future date because it just doesn't make any sense as it is currently configured.

Rick Wagner, 152 Old Farms Road, stated that he would not like to see anything done to take away the character of the Town by diminishing the authority of the DRB.

VIII. ADJOURNMENT

Commissioner Fiske moved to adjourn the Regular Meeting of the Zoning Commission at 10:09PM. The motion was seconded by Commissioner Post and passed unanimously.

Respectfully submitted,

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Rob Pomeroy, Secretary



