

From: Lois Laczko June 22, 2009 1:35:40 PM
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To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
JUNE 1, 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 and Garrett Delehanty. Also in attendance were Director of Planning Hiram Peck, Zoning Enforcement Officer Howard Beach, 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 and Mr. Needham to serve in the absence of Mr. Vaughn.

III. APPROVAL OF MINUTES of May 18, 2009 special workshop, and May 18, 2009 regular meeting

Mr. Elliott made a motion to approve the May 18, 2009 special workshop and May 18, 2009 regular meeting minutes as written. Mr. Delehanty seconded the motion, which was unanimously approved.

IV. PRESENTATION(s)

a. Application of the Town of Simsbury, Owner, Susan M. Bullock, Library Director, Agent, for a Site Plan Amendment for Signage at the Simsbury Public Library, 725 Hopmeadow Street. SCZB Zone

Mr. Riley of Riley Signs, LLC, stated that he was asked to create the design for this sign. He designed the sign similar to the archway entrance of the Library. The Design Review Board did have concerns regarding that the pillars of the sign were not to scale. He stated that he has since rescaled the pillars; the sign is more stable now.

Regarding the materials for the sign, Mr. Riley stated that he is looking for the leftover brick that was used to build the Library, although if he cannot find them, the brick and mortar for the sign will be a close match. The panel of the sign will be a PVC box which will slide over blocks. The lettering will be raised black PVC and the graphic logo will also be raised and painted PVC.

Mr. Delehanty questioned if the sign would be two-sided. Mr. Riley stated that it would. The ends of the sign will have a frame to the edges, which is something that the Design Review Board asked him to do.

Chairman Barney stated that the design of the sign is secondary to the concerns of the Town Planner. There is a concern regarding the location of this sign being in the State right-of-way. Mr. Riley stated that the new sign will be put in the same planters as the existing sign. The proposed sign is not as high as the existing sign, although it is 2 square feet larger than the existing sign. He stated that he will be making this a breakaway structure because of DOT requirements.

Chairman Barney stated that there have been complaints in the past regarding signs being in the right-of-way at the Town and State levels. He stated that a permit from the State is needed for this sign. Mr. Riley stated that the existing sign is already permitted. Chairman Barney stated that there is no record of a sign permit for the existing sign.

Susan Bullock, Library Director, stated that she recalls going to the DOT for a permit for the existing sign 12 years ago. She asked that the Zoning Commission approve this proposed sign pending approval from the DOT. The existing sign has been in this location since 1985.

Mr. Elliott suggested approving this sign with a contingency. Chairman Barney stated that having a State permit as a contingency is not a good idea. Mr. Peck stated that this Commission cannot make a condition on another agency's approval.

Mr. Sawitzke stated that the existing sign has a State permit. The permit is for a Municipal building identification; the sign is in the State right-of-way.

Mr. Delehanty made a motion regarding the application of the Town of Simsbury, Owner, Susan M. Bullock, Library Director, Agent, for a Site Plan Amendment for Signage at the Simsbury Public Library, 725 Hopmeadow Street, to give Town staff the right to give final approval to this sign subject to confirmation of the currency of the DOT permit. Mr. Needham seconded the motion, which was unanimously approved.

b. Application of Mary A. Glassman, First Selectman, Town of Simsbury – Owner, Gerry G. Toner, Director of Culture, Parks & Recreation, Agent, for a Site Plan Amendment to construct a sixth soccer field on property located at Curtiss Park, Tariffville Road (Route 315). R40/FP Zone

Mr. Sawitzke stated that this project was proposed by the Simsbury Soccer Club. It has been approved by the Board of Selectmen and the Culture, Parks & Recreation Commission. This proposed field will be situated between the western most field and the one next to that. He stated that there are many children that play soccer; additional fields are needed. This project makes better use of this facility. There will be a balance of cuts and fills. The dirt parking lot will be moved to the rear of the property.

Mr. Sawitzke stated that the total site is 48 acres. They will be working in the upland review area, not in the wetlands. There is 1.1 acres of upland review area. They have already received approval from the Wetlands Commission. The bulk of the land will be restored as lawn. They will be using an impervious surface for infiltration; they will also be constructing a rain garden. Mr. Sawitzke stated that the only paving that will be done is an apron on the road to prevent debris from getting onto the road and also for the handicapped parking spaces.

Mr. Sawitzke stated that there is a small pipe system in the dirt parking lot, which will be used. They will be installing two smaller drains, but will be using the existing outlet.

In response to a question by Mr. Elliott regarding the existing shed, Mr. Sawitzke stated that they will be moving these sheds. The sheds will be set back northwest of the pavilion. One shed is used for equipment; the other shed has trophies stored in it.

Mr. Elliott questioned if the new field would have a chain linked fence around it. Mr. Sawitzke stated that there will be a low fence and netting.

Mr. Elliott questioned why the field was not being proposed on the other side of the facility. Mr. Sawitzke stated that the balance of cuts and fills is important. They also needed a place where it is well drained. There is a drastic difference in soil between the two areas.

c. Application of Mary A. Glassman, First Selectman, Town of Simsbury – Owner, Richard L. Sawitzke, P.E. Town Engineer, Agent, for a Site Plan Amendment to construct a shelter (Greenway Shelter) on property located at 28 Iron Horse Boulevard. SCZC Zone

Mr. Sawitzke stated that the Simsbury Rotary Club has expressed interest in a shelter on the Greenway. They have decided to use the gazebo that was

taken from the Library property. The structure is 9' x 21'; it also has a beautiful copper roof. The Rotary Club has agreed to pay for a substantial part of this cost. Mr. Sawitzke stated that the gazebo is a very attractive building.

Chairman Barney questioned if the gazebo would be on a concrete pad. Mr. Sawitzke stated that it would be on a concrete slab with brick pavers around the slab. He stated that the slab was put down as part of the utility work that was done in the past.

Mr. Elliott questioned if there would be any fencing between the Greenway and the structure. Mr. Sawitzke stated that there would be a walkway and opening there, although there will be a low timber fence separating the gazebo and Greenway.

In response to a question from Mr. Needham, Mr. Sawitzke stated that the gazebo would be used for small events, such as Trails in Motion. It may be a refreshment point for events, although it will not be used by vendors. It may also be used as a resting spot for people using the Greenway.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Delehanty made a motion to approve the application Mary A. Glassman, First Selectman, Town of Simsbury – Owner, Gerry G. Toner, Director of Culture, Parks & Recreation, Agent, for a Site Plan Amendment to construct a sixth soccer field on property located at Curtiss Park, Tariffville Road (Route 315) as submitted. Mr. Needham seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of Mary A. Glassman, First Selectman, Town of Simsbury – Owner, Richard L. Sawitzke, P.E. Town Engineer, Agent, for a Site Plan Amendment to construct a shelter (Greenway Shelter) on property located at 28 Iron Horse Boulevard as submitted. Mr. Delehanty seconded the motion, which was unanimously approved.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Report from Zoning Enforcement Officer, Howard Beach

Mr. Beach distributed the Zoning Officer's Report to the Commission members.

Regarding 69 Laurel Lane, Mr. Beach stated this was taken to court 2-3 years ago; it was combined with a tax issue. In order to get the tax issue resolved the Zoning issue was dropped. Nothing has been done since regarding the illegal structures on the property. It was thought that if

no action was taken, the structures would be deemed legal. The Town Attorney stated that this does not apply to this situation because the use is not grandfathered in and because the homeowner did not apply for any permits. Mr. Beach stated that he can now go back and force compliance.

Regarding 499 Hopmeadow Street, Mr. Beach stated that Cheryl Vincent has signed a lease. They will start the interior build out soon, although it will take up to two months to complete. He stated that he is unsure what Ms. Vincent will do regarding the zoning of the old facility.

Regarding 9 Sand Hill Road, Mr. Beach stated that an attorney is operating his law practice out of his home. He has sent a Cease and Desist, although he has not gotten any type of response from the homeowner. He will be turning this over to the Town Attorney. Mr. Delehanty suggested making a complaint to the Bar Association.

Regarding 33 Canal Street, Mr. Beach stated that he has had a tough time communicating with this homeowner because he has been in Florida for the winter. The owner wants a variance on the requirement that only one person outside of the family can be employed in a home occupation. Chairman Barney stated that if someone does not conform to the home occupation regulation, then they do not comply; the Regulations are very clear regarding this issue.

Regarding 348 Hopmeadow Street, Mr. Beach stated that this has been cleaned up.

Regarding 378 West Mountain Road, Mr. Beach stated that every time this home goes into foreclosure, the Attorney General threatens to take the mortgage company to court if they foreclose on this property. The mortgage company is being investigated by the Attorney General's Office. After talking to the Town Attorney, the process of this enforcement needs to be started from the beginning.

Chairman Barney stated that the Historic Society had planned a large event at which they served or sold liquor. No permit was gotten for this event. Mr. Beach did speak to them regarding needing a permit prior to the event and suggested that they use the Maple Tree as their venue. A permit would not be needed at the Maple Tree. The Historic Society had this event anyway without the required permit. The issue is that they willfully violated the Regulations. He stated that their response to Mr. Beach was that they do this every year.

Chairman Barney suggested that Mr. Beach write a sever letter of reprimand, at the least. There was some discussion regarding fining the Historical Society also.

Mr. Peck stated that the Commission has the option, under the Ordinance, to seek a \$150 one-day fine. He suggested that because the Statute carries certain damages for the ZEO if it is issued frivolously, he asked that this be reviewed by the Town Attorney. The Commission agreed.

VII. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 8:36 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

Garrett Delehanty, Jr., Secretary