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Cc:

ADOPTED

ZONING COMMISSION MINUTES
SPECIAL WORKSHOP
JUNE 1, 2009

I. CALL TO ORDER

Chairman Barney called the Special Workshop of the Zoning Commission to order at 6:40 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Alan Needham, Garrett Delehanty, Ed Pabich, and Bruce Elliott. Also in attendance were Director of Planning Hiram Peck, Zoning Enforcement Officer Howard Beach, Commission Clerk Alison Sturgeon and other interested parties.

II. WORKSHOP TO DISCUSS TOWN OF SIMSBURY'S ZONING REGULATION REVISIONS
(continued from meeting held on 5/18/2009)

Mr. Peck distributed several handouts. He stated that the first discussion item would be regarding outdoor wood burning furnaces. Several Towns have experienced issues regarding these furnaces. Many people have been burning more than just the kind of wood that is supposed to be used. The major problem with these furnaces is that they are emitting a significant amount of smoke. The DEP has put Regulation 22a-174k together. This is to control the height of the smoke stacks in order to get the smoke away from the neighbors. The smoke that is emitted from these furnaces has an odor depending upon what is being burned. The only kind of wood that is supposed to be burned is hard, dry wood.

Mr. Peck stated that there is also an issue regarding some people not installing these outdoor wood burning furnaces correctly. Because of this, the smoke is not rising because the temperature and combustion is not high enough. This has adverse health impacts. He stated that some Towns have banned these furnaces; other Towns have put stipulations on them. Mr. Peck asked that the Commission members give him any feedback or concerns they might have regarding this issue.

Chairman Barney stated that the pipe has to be at least the height of the

peak of the house. Anything that does not conform to this would be in violation of the building code. Mr. Peck stated that some are separate structures. He stated that any structure on the property that is not serviced by these outdoor wood burning furnaces needs to be 500 feet away.

In response to Chairman Barney's question regarding indoor furnaces and wood stoves, Mr. Peck stated that these are not as detrimental, although they still need to be in conformance. Mr. Peck stated that he will e-mail the Commission members with several locations of these outdoor wood burning furnaces so they can drive by and look at them.

Chairman Barney questioned if the Town has received any complaints regarding these furnaces. Mr. Peck stated that they have not received any as of yet.

Mr. Elliott questioned if this could possibly be more of a building code issue than a Zoning issue. Mr. Peck stated that in order to have one of these furnaces, the homeowner would need a Zoning permit as well as a building permit.

Mr. Peck distributed a chart of comparison of natural gas furnaces and fireplaces to outdoor wood burning furnaces. The numbers are significant.

Mr. Peck questioned if this was something that the Commission members would like to proceed with or if the Commission would like to prohibit these furnaces, it would not be difficult.

Chairman Barney questioned if any other Towns have regulations for these furnaces. Mr. Peck stated that two or three other Towns do have regulations. He will get copies of these for the Commission's review.

Chairman Barney stated that it is important to not take an anti-alternative energy posture. They need to think about ways that they can possibly help individuals as well as the energy supply system. Mr. Peck stated that, regarding alternate energy, it needs to be kept as clean as possible.

Mr. Peck distributed the revised section of the Regulations regarding lighting; this is a good synopsis of where the revisions are at this time. He also distributed a dark sky resource guide. This is a comprehensive summary regarding different types of lighting fixtures. In the current draft of the Regulations, it does state the lighting fixtures that are acceptable and those that are unacceptable. Mr. Peck distributed the lighting section of other Town's Zoning Regulations for the Commission's review. He stated that these regulations are not terribly long, although some are more precise than others. Mr. Peck stated that the Regulations in the current draft are not bad; he feels they are a good compromise between

complex and short regulations. He suggested that the Commission review the other Town's lighting regulations. If changes are needed to Simsbury's lighting regulation, Mr. Peck asked that they let him know so he can further research this issue.

Regarding a Site Plan, Chairman Barney stated that the Zoning Commission would only be concerned if the light spills over onto another property. An easy change could be that the lights need to be lit from the top down.

Mr. Peck stated that some lighting fixtures are well focused, which saves electricity, gives better light, and lowers utility costs. He stated that he will be looking closely at the canopy at the Gulf Station on West Street.

Chairman Barney questioned how this could be controlled on larger sites where everything is lit up. A sample of this would be the Hoffman site. Mr. Peck stated that the Commission may require submittal of a lighting plan including iso diagrams prepared by a qualified expert. He stated that this is key. Mr. Beach stated that the lighting for Hoffman's was approved by the Design Review Board. Mr. Peck stated that in the draft regulation, it does limit the height of the poles to 14 feet. It also talks about security lighting. Mr. Peck stated that at the next meeting, the Commission would be talking about technical transportation issues and how to review a transportation report. This is also an important issue regarding lighting.

Mr. Elliott stated that while there are standards in the regulations for pole height, there is not a limit on the amount of lights. Mr. Peck suggested not putting in too much detail into the regulation because sometimes lighting is hard to measure. He asked that the Commission members bring any comments regarding the lighting section to his attention.

Mr. Needham questioned if the Town deals with sound. Mr. Peck stated the issue is that the Town needs an Ordinance to deal with the problem of sound. He stated that many calls they receive are regarding sound due to construction; sound is a very tough issue.

Chairman Barney questioned if Mr. Peck knew of any regulation in other Towns, which state that exterior lighting needs to be shut off at certain hours for both commercial and residential properties. Mr. Peck stated that he will see if there is a regulation in another Town that addresses this issue. He stated that there may be a security issue related to this.

Mr. Peck distributed an article regarding wind devices along with some model regulations. He stated that the minimum height of these turbines is no higher than 45 above the ground to the highest point of the blades and

the maximum rotor diameter is 6 feet. He asked that the Commission members review this to determine if it should be included in their regulations.

Mr. Beach stated that a grant is being pursued to find sites in Town where a test meter might be installed to see, from a feasibility standpoint, if they would work or not. He believes that there are very few places in Simsbury that would qualify; Most of them would be ridges.

Mr. Peck made a presentation regarding the different activities and funding that will be taking place in Simsbury. He stated that the Incentive Housing Zone grant study is moving forward. The next step will be to get a detailed analysis of the six sites and then put the regulation together. Another study is the Connecticut Trust for Historic Preservation. The last study is from the Connecticut DEP Farmington River Enhancement Grant study. This is a storm water analysis regarding density. Mr. Peck stated that the common overlap will happen when the Charrette documents are prepared. The final documents will be a Zoning Regulation Code.

Mr. Peck stated that the Charrette will be held on September 11-16 at either the Library or the Riverview.

In response to Chairman Barney's question, Mr. Peck stated that the PAD Regulation is a classic mixed-use regulation with a series of standards that can be somewhat form based in terms of the wording and content, although it is totally different than a form base regulation that has specific public space standards.

Chairman Barney stated that the budget for the Land Use Department got cut back to \$40,000. This means that there is no money available for Chris Woods. Mr. Peck stated that even with this cut, they will continue to move things forward.

Kirsten Griebel questioned if State money was involved in identifying the sites for the Incentive Housing Zone. Mr. Peck stated that the State passed Legislation that gave Towns, once a plan was approved, \$2,000 per condominium. They also approved \$5,000 payments to the Town for single family dwellings in Incentive Housing Zones. Mr. Peck stated that it would be unrealistic to think that the State will be giving this money to the Towns; this money has been taken back by the Legislature. He stated that if this Commission decides to go forward with the IHZ placement on the land, several things need to happen. The Regulation and guidelines will need to be approved by this Commission and also by OPM. The Town can then choose to implement this or not. There is no additional money that the Town will receive based upon the fact that there is no money in the State budget.

Mr. Delehanty made a motion to adjourn the Special Workshop at 7:42 p.m.
Mr. Pabich seconded the motion, which was unanimously approved.