

From: Lois Laczko June 22, 2009 1:30:05 PM  
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To: SimsburyCT\_ZoningMin  
Cc:

DRAFT

ZONING COMMISSION MINUTES  
JUNE 15, 2009  
REGULAR MEETING

I. CALL TO ORDER

Chairman Barney called the Regular Meeting of the Zoning Commission to order at 7:45 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Ed Pabich, Alan Needham, James Gallagher, Scott Barnett, Madeline Gilkey and Garrett Delehanty. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

None were needed.

III. APPROVAL OF MINUTES of June 1, 2009 regular meeting and June 1, 2009 special workshop

Mr. Elliott made a motion to approve the June 1, 2009 special workshop minutes as written. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Delehanty made a motion to approve the June 1, 2009 regular meeting minutes as written. Mr. Elliott seconded the motion, which was unanimously approved.

Mr. Delehanty read the call.

IV. PUBLIC HEARING

a. Application of Mark Mitchell, Mitchell Auto Group, Inc. – Owner, B. Charles Milner, Agent, for a Special Exception for a temporary liquor permit, pursuant to Article 10, Section H of the Simsbury Zoning Regulations to allow for wine tasting for the Rotary Club of Simsbury-

Granby fund raiser to be held on October 15, 2009 on property located at Mitchell Volvo, 384 Hopmeadow Street. B-2 Zone

Mr. Milner stated that they held a wine tasting last October, which was a success. Based on this success, they are applying again this year for another special exception to have the wine tasting again. This is a fundraiser for the Rotary; these funds are used for scholarships and other grants to non-profits and other causes throughout the area and the world.

Mr. Milner stated that the Zoning Commission's approval is a pre-requisite to go to the State to get a permit for this event. This permit not only requires this Commission's approval, but also the approval of the Police Department and Fire Marshal prior to going to the State.

Mr. Milner stated that this event will be held at the Mitchell Dealership. It will be held on a Thursday night from 5:30 p.m. to 8:30 p.m.; they are expecting approximately 200 people to attend.

Mr. Delehanty questioned if there were any issues or concerns from last year's event and if the Police Department has been contacted. Mr. Milner stated that there were no issues last year; the event went well. There was no presence of the Police last year at the event, although they will be contacting them again.

Mr. Delehanty questioned how consumption would be regulated. Mr. Milner stated that the wine pouring is done by distributors and staff of Valley Wine and Liquor, who are the managers of the event. The pourers are managed by professionals. If people place orders for wine, they will be picking them up at a later date.

Chairman Barney questioned if these people were TIPS trained. Mr. Milner stated that they were. They will not be allowing minors onto the premises as well.

Chairman Barney asked for any public comments or questions. There were none. Chairman Barney closed the public hearing.

#### V. PRESENTATION(s)

a. Application of Steven Walker, Owner, Michael Turner, Regional Director – CT, Image Resource Group, Agent, for a Site Plan Amendment for Signage at the TD Bank located on property at 714 Hopmeadow Street. SCZA Zone

Mr. Peck stated that this application is for an exchange of signs. The new signs will be the same size and colors.

Chairman Barney stated that since no one was present for this application, they would move along with the agenda.

VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Gallagher made a motion to approve the application of Mark Mitchell, Mitchell Auto Group, Inc. – Owner, B. Charles Milner, Agent, for a Special Exception for a temporary liquor permit, pursuant to Article 10, Section H of the Simsbury Zoning Regulations to allow for wine tasting for the Rotary Club of Simsbury-Granby fund raiser to be held on October 15, 2009 on property located at Mitchell Volvo, 384 Hopmeadow Street as submitted. Mr. Elliott seconded the motion, which was unanimously approved.

VII. PRELIMINARY DISCUSSION with Jim Blanchette, owner of Auto~Bon, requesting reconsideration of a condition on a previous special exception approval for his automobile repair facility located at 89 Wolcott Road.

Mr. Gallagher recused himself from the Commission during this discussion.

Chairman Barney stated that two years ago, the Zoning Commission approved the opening of this auto repair center. They have not been selling used cars at that location. Mr. Blanchette is now asking the Zoning Commission to reconsider the ability for him to sell cars.

Jim Blanchette, 89 Wolcott Road, stated that the auto industry has changed over the last two years. He has been developing a new hydrogen fuel cell that he would like to install in cars and be able to sell them. This would be one way to get the fuel cells into cars and out to the public. Mr. Delehanty questioned if this would be retrofitting existing petroleum burning cars. Mr. Blanchette stated that this is an enhancement for cars; it takes water and introduces it into the engine in the form of hydrogen gas. He feels that people will be more apt to give this product a try if it is already in a car. He stated that installing these fuel cells lowers emissions and increases mileage.

Mr. Elliott questioned if Mr. Blanchette currently has a dealer's license. Mr. Blanchette stated that his dealer's license also allows repairs to be done on cars as well. He stated that he will be moving his business from Herman Drive to Wolcott Road.

Mr. Elliott questioned how many cars the applicant typically has on his current property. Mr. Powell, 313 Hopmeadow Street, stated that this is not allowed at the current location. He stated that Mr. Blanchette currently has 12-15 vehicles for repair at the current location. The new location can handle 32 cars. Long-term cars and staff will be parked along

the back on the north side of the building. The lot to the west will be for short-term cars.

Mr. Elliott questioned if there was a limit to the number of cars that the applicant can sell per year. Mr. Blanchette stated that there was not a limit. Chairman Barney stated that he does not want this location to look like a used car dealership. He stated that it is unsure what the visual impacts will be of having automobiles on this site. The site is wide open from all sides except the west side. The original approval was made in order to not have a sea of asphalt covered with a sea of automobiles. Presuming success on the part of the applicant, that is what it may become.

Ms. Gilkey stated that the parking spaces are delineated on the site. She questioned where the used cars would be put that are for sale. Mr. Blanchette stated that there is an excess of parking spaces in addition to what was required for the facility based on the square footage; there is room for used cars in the spaces that are already provided. He stated that he is not looking for extra parking spaces. Chairman Barney questioned if 32 spaces would be enough. Mr. Peck stated that the 32 spaces represented on the plans are accurate; this is what was previously approved.

In response to a comment made by Chairman Barney, Mr. Blanchette stated that this location will be different from the other auto dealers in the area because he owns this property. His conviction as the property owner is to revitalize the property and to make it look better.

Mr. Pabich questioned if there would be any additional signage. Mr. Powell stated that the signage has already been approved.

Mr. Delehanty questioned if a public hearing would be needed because the applicant is asking for a modification to the initial special exception. He stated that he would be interested in hearing comments from the neighbors. Mr. Peck stated that the Town Attorney recommended that if this application was originally for a special permit, then a public hearing would be needed in order to modify it.

Chairman Barney questioned if the parking area would be paved and striped. Mr. Blanchette stated that it would be paved and striped; they would also be adding handicapped spaces.

Ms. Gilkey questioned if a special license was needed for this fuel cell concept. Mr. Blanchette stated that no license is needed.

Mr. Barnett questioned what Mr. Blanchette's plans were for Buildings 87 and 93. Mr. Blanchette stated that Building 87 is currently a tobacco barn; the structure is worthless. Building 93 is a house that is currently

occupied. Building 85 is also currently occupied, although Building 83 is not occupied.

Mr. Barnett stated that he believes waiving the initial stipulation for selling cars may be appropriate, although he stated his concerns regarding the number of cars. He feels that 32 cars is a lot, although he is unsure of what the number should be. He stated that he is not comfortable with this number intruding on other lots that Mr. Blanchette also owns. Mr. Blanchette stated that there may be times when he may exceed 32 cars, although at the end of the day, the cars will not exceed that number.

Mr. Elliott stated that this parcel is zoned I-1. The Zoning Regulations call for auto sales in B-2 Zones. He questioned if the applicant would need a zone change. Mr. Peck stated that a zone change is not needed. The history of the property is that vehicle repair has been done prior to Mr. Blanchette purchasing the property; this is a continuation of what has been done at this site. Mr. Elliott questioned if there would be a different plan that needs to be approved if the applicant comes back to the Commission. Mr. Peck stated that he does not believe that there are any changes to the site plan that was previously approved. Mr. Peck stated that he will continue to research this issue. The selling of cars at this location would be grandfathered in if cars were previously sold here. Mr. Blanchette stated that he would also research this issue.

Chairman Barney recommended that Mr. Blanchette work with Town staff in order to come up with a solution.

Mr. Blanchette stated that if he is unable to sell cars, he would still like to renew his existing dealer's license for this new location. He stated that this requires the ZEO to sign off in order to move forward. Chairman Barney questioned if Mr. Blanchette could renew this license at the existing location without any issues. Mr. Blanchette stated that the State will not allow him to operate out of the new location unless he has an inspection. In order to do this, the paperwork needs to be signed by Town staff.

The Commission discussed the time constraints. Mr. Peck stated that he would arrange for a public hearing in order for there to be enough time for Mr. Blanchette to renew his license.

Chairman Barney suggested that although Mr. Blanchette owns this whole property, he should consider a row of plantings to separate the areas. Mr. Powell stated that they have discussed plantings, although this is not yet part of their proposal.

Mr. Peck asked the Commission to consider taking action on the TD Bank

application tonight. He stated that the new signs will not have the word, "North" on them because the bank has officially changed their name. The size and color of the signs will remain the same.

Chairman Barney stated that out of respect for the Zoning Commission, there should be a representative from TD Bank at this meeting.

Mr. Elliott stated that this business is important to the community and although he understands Chairman Barney's concern for their failure to appear, he stated that he would like to move forward with this application.

Mr. Elliott made a motion to approve the application of Steven Walker, Owner, Michael Turner, Regional Director – CT, Image Resource Group, Agent, for a Site Plan Amendment for Signage at the TD Bank located on property at 714 Hopmeadow Street as submitted. Mr. Delehanty seconded the motion, which was approved. Mr. Barney voted in opposition.

#### VIII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

##### Status of Charrette Process

Mr. Peck stated that the Charrette is scheduled to take place September 11th – 16th. The consultant will be in Town on August 10th and 11th. A public meeting is scheduled for August 10th to discuss the process with the public and to meet with the stakeholders. This meeting will be held at the Simsbury Library or at Eno Memorial Hall if more room is needed.

##### PAD Regulation status

Mr. Peck stated that the PAD Subcommittee will be meeting again Thursday at 7 p.m. Bob Sikowski will be attending that meeting to answer any questions. Mr. Peck stated that Subcommittee members have already submitted several questions for Mr. Sikowski's review prior to that meeting.

Regarding the timeframe, Mr. Barnett, Chairman of the PAD Subcommittee, stated that next week, the Subcommittee will be having a drafting session to continue their discussions and to take into account Mr. Sikowski's comments. He is hopeful that a public meeting will be scheduled sometime around July 4th. After that meeting, a final drafting session will take place in order to discuss public comments. A vote will be drafted out of the PAD Subcommittee so it can be placed on the Zoning Commission's agenda for their July 20th regularly scheduled meeting.

Mr. Peck stated that the way the regulation is currently set up, there are no lot size minimums, except for the I-1 Zone. He stated that this

regulation is clearly set up to deal with both a large site and a lot of in-fill development.

Mr. Delehanty left the meeting at 8:55 p.m.

Mr. Barnett stated that he agrees with Mr. Peck. He stated that some of the members of the Subcommittee want the regulation to be more general and others would like the regulation to be more specific.

Regarding the timetable for the Zoning Regulations, Mr. Peck stated that the Commission will continue to work on the revisions. He believes that they will start to come together by the end of the year. The PAD and Charrette Regulations should also be coming together by year's end.

Regarding the traffic study for Route 10, Mr. Peck stated that CRCOG should have their contracts in place by mid August. By the end of the year, the Town should know the scope of their project.

Mr. Peck asked that the Commission amend the agenda to hear a small presentation by Mr. Schwendy regarding the demolition that will be taking place at Westminster School.

Mr. Elliott made a motion to amend the agenda to include a presentation by Mr. Schwendy. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Schwendy stated that they are approaching the final phase; the demolition of Baxter Hall will be taking place soon. Mr. Beach attended the pre-demolition meeting last week and asked that he come to this meeting in order to give the Commission an update. He stated that Baxter Hall is a cast in place concrete building that was built in the 1960's with an addition put on in the 1970's. He stated that this building will be demolished in place, crushed and all of the materials will be recycled.

Mr. Schwendy stated that the demolition process is a noisy process. The closest neighbor is approximately 650 feet away. They will be notifying the neighbors of this demolition. He stated that they also have a dust control plan in place.

Mr. Schwendy invited the Zoning Commission members to tour the new facility. He stated that the new facility is geothermal heated. He believes that they will be receiving a LEED Gold Certification.

Mr. Elliott questioned how long the demolition would take. Mr. Schwendy stated that the demolition would take approximately 4 months, although most of the demolition is interior asbestos abatement. The noisy part will take

about 2 months; they will be demolishing the building in sections. This noisy process will take place Monday through Friday from 8 a.m. to 5 p.m. No explosives will be used; this will be a mechanical demolition.

Chairman Barney suggested that Mr. Schwendy put a notice into the newspaper regarding this demolition. Ms. Gilkey suggested notifying the Police Department as well.

Regarding the Simsbury Library sign, Mr. Peck stated that he sent a letter to Sue Bullock, which he will e-mail to the Commission members. The Library Board met tonight; Mr. Peck will have more information regarding this meeting by the next Zoning meeting.

Regarding the Historic Society, Chairman Barney stated that they received and signed for a certified letter. They will be fined \$150.

IX. ADJOURNMENT

Mr. Gallagher made a motion to adjourn the meeting at 9:05 p.m. Mr. Elliott seconded the motion, which was unanimously approved.

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Garrett Delehanty, Jr., Secretary