

From: Lois Laczko July 19, 2011 11:53:45 AM
Subject: Zoning Commission Minutes 06/20/2011 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
JUNE 20, 2011
REGULAR MEETING

I. CALL TO ORDER

James Gallagher, Chairman, called the regular meeting of the Simsbury Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Town Offices. The following members and alternates were present: Edward Pabich, Bruce Elliott, David Ryan, and Madeleine Gilkey. Also in attendance were Howard Beach, Zoning Enforcement Officer/Conservation Officer and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Commissioner Ryan to serve for Commissioner Salls, and Commissioner Gilkey to serve for Commissioner Pomeroy.

III. APPROVAL OF MINUTES of the June 6, 2011 meeting

Commissioner Elliott moved to approve as amended the June 6, 2011 minutes. The motion was seconded by Commissioner Gilkey and passed unanimously.

IV. PUBLIC HEARING(s)

a. Application of the Town of Simsbury, Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with three fundraising events to support the charitable mission of the farm, which will be held on Saturday, July 9, 2011, Thursday, August 18, 2011, and on Thursday, September 8, 2011 on property located at the Community Farm of Simsbury, 73 Wolcott Road. I-1 Zone

Commissioner Pabich read the Call.

Tim Goodwin, Community Farm of Simsbury, and Dana Price, 15 Silvermine Acres, Canton, CT spoke on behalf of this application. Mr. Goodwin said that they have three events planned this summer. Each one is meant to help bring people out to the farm who may not have been there before, and to raise funds for their charitable mission. He said that all the food that they grow in the teaching gardens goes to Social Services, Gifts of Love and Billings Forge of Hartford. They also have eight weeks of camp at the Community Farm that started today. During the school year all the first grade and eighth grade students from the five Simsbury schools attended a program at the Community Farm, and the Community Farm people also go to the schools in Simsbury and surrounding towns. The programs are done at a very low cost and the food is donated.

Mr. Goodwin said, depending on the growing season, they are hoping to donate around 10,000 lbs of food this year. They have added additional acreage and also brought in honey bees.

Mr. Goodwin said that the planned events are important to the farm's ability to bring in more folks to teach them about the charitable mission of the farm, and they are also important as they help provide additional revenue. Most of their revenue comes from corporate foundations, corporate donations, or foundation donations. Mr. Goodwin said that they need to improve their individual donation database, as last year only about 1% of their revenue came from individual donors. With giving all their food away they need to have donations as one of their primary sources in keeping the farm going.

Mr. Goodwin said that one event that they are planning is a Salsa Night where there will be appetizers, fresh salsa and also some salsa dancing. Two other events will be a "Dinner on the Farm". At all three events they would like to have beer and wine (no other types of alcohol). He thinks that the beer and wine will be donated. A TIPS certified bartender will be hired to make sure that no one goes beyond where they should in terms of drinking. Some lights will also be rented to make sure that the parking areas will be well lighted. The events will be held in the Community Learning Center, which can seat up to 75 people. This used to be the old milk processing plant, and is now a state of the art classroom/meeting center. Mr. Goodwin said that they would like to take advantage of this space and try to bring more people into the farm and support what they are doing at the Community Farm of Simsbury.

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Commissioner Pabich asked how much they plan to sell in terms of alcoholic beverages, and what do they anticipate in earnings. Mr. Goodwin said that they have never done this before, so the income is coming from the sale of tickets to the events. They have also not established a price yet for the two dinners (will be more than \$50.00 per plate). Metro Bis will be preparing one of the meals, and Firebox Restaurant from Hartford will be preparing another.

Commissioner Ryan asked if they are intending to sell per drink, or are they giving it with the cost of the ticket. Mr. Goodwin said that at the two dinners, it most likely will be part of the cost of the dinner. The Community Farm will pay the restaurant for their services from the fee, and the rest of the money that comes from the sale of the tickets will go to support the Community Farm of Simsbury. Mr. Goodwin said that at the Salsa Night event they will be selling wine and beer by the drink.

Commissioner Elliott said that they recently had an application for a temporary liquor permit for a fundraising event, and it was suggested that the Commission should routinely try to ascertain what the beer and the wine would be because beer in particular, if you factor in malt liquors, can have widely variant amounts of alcohol in them. He asked Mr. Goodwin if he knows what the beer and wine brands would be. Mr. Goodwin said that this would be donated beer and wine. He does not expect any special varieties.

Commissioner Pabich asked if any police would be present for any reason. Mr. Goodwin said no. The only time that they hire policemen is when they do the fall festival in late October, as at that event they have more people and have to utilize parking across the street from the farm. The Community Farm will come before this Commission prior to that event.

Mr. Beach said that the Community Farm has already been before Town staff to go over the public gathering permit process for each of the events listed. The Police Department representative was at the meeting. Mr. Beach said that the only item missing is insurance certification. Ms. Price said that the insurance certification will be received tomorrow. Mr. Beach said also that due to the size of the events, and the type of events, the police felt that there was no need for police presence.

Commissioner Elliott questioned the Fall Festival on the Farm event that will be held in October. Ms. Price said that there will not be any liquor at this event.

Commissioner Gilkey asked how they plan to advertise the events. Ms. Price said that they are putting the information out to several of their organizations email databases, and also through the Gifts of Love on their database. This will also be listed in the Hartford Courant I-Towns section,

and also on the Living Social web site. The Community Farm will also be listing them on their own website under upcoming events.

Chairman Gallagher opened the hearing up for public comment.

Robert Kalechman, Simsbury resident, said that when events have three courses dinners in most cases there are three different wines. This could be quite expensive. He said that his concern is that whenever there is a town function we have to serve alcohol, beer or wine. Most people do not want to be seen with a drink in their hand. Mr. Kalechman said that at the last meeting, the Chairman of the Planning Commission spoke saying that he was not at this meeting as a public official. Everyone on this Commission knew that he was the Chairman of a Commission. Mr. Kalechman said that he perceived that he was trying to influence this Commission to get the approval for the alcohol for the PAC. Commissioner Pabich responded, as he was Chairman for that item, saying that what Mr. Kalechman just said is correct. He was not aware of that situation, and this was discussed later. Commissioner Pabich said that this will not happen again. Mr. Kalechman also said that he does not see what the farm does to benefit the poor of Simsbury.

Joan Coe, 26 Whitcomb Drive, said that the Zoning Commission should deny the sale of alcohol at the Community Farm of Simsbury for their fundraising events. She said that the Community Farm of Simsbury started their operation in 2008 on land deeded to the Town through the Eno Trust for the poor of Simsbury (she gave a copy of the deed to the Commission) and read a portion of it to the Commission. Mrs. Coe said that presently the Community Farms of Simsbury is registered with the State having the Ethel Walker School as their business address. She said having an elite private school running the town farm is inconsistent with the Trust. The Ethel Walker School and their associates who are occupying the Town Farm should not be raising money through the use of alcohol for a mission that is inconsistent with the Trust.

Mrs. Coe said that the use of this property has had a poor history, stating that the Town allowed the Town Farm Dairy to occupy the poor farm without any approval from the Trust Division of the Attorney Generals Office. This is an entity that was inconsistent with the Eno Trust and failed.

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Mrs. Coe said that it does not matter if the Community Farm has insurance for the alcohol event because the Town also has the liability for the use of the Community Farm and the sale of the alcohol. She said that as the

Ethel Walker School does not have approval from the Trust Division of the Attorney Generals Office for occupying the poor farm, this Commission cannot give them permission to sell alcohol. She also asked if the Town's insurer, CIRMA, has given approval for the events, and asked for the written approval.

Mr. Goodwin said that they are currently working with the Attorney General's Office, the Town Attorney, and their own attorney working for a revised plan of use. The process is not one that happens over night, but he believes currently they are doing more for the town poor than has been done there in recent memory. He said that last year everything they grew went to support people in need in Simsbury or in the Farmington Valley. Mr. Goodwin also said that what they sold at the farm stand last year was less than 1%, and also was their leftovers. The best of their products go to the people in need.

Tom Brown, 30 Sand Hill Road, said that liquor liability is a special form that needs to be included in your general liability insurance policy. If your general liability insurance does not specifically state alcohol, it is not covered. He said that they might have to go and purchase a single event liquor liability insurance policy, or if someone is serving liquor at the event have their insurance policy name you as a named insured.

Chairman Gallagher closed the public hearing.

Commissioner Ryan moved to approve as stated the application of the Town of Simsbury, Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with three fundraising events to support the charitable mission of the farm, which will be held on Saturday, July 9, 2011, Thursday, August 18, 2011, and on Thursday, September 8, 2011 on property located at the Community Farm of Simsbury, 73 Wolcott Road. The motion was seconded by Commissioner Gilkey and passed unanimously with a 5-0 vote. Commissioners Gallagher, Pabich, Elliot, Ryan and Gilkey all voted in favor.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Done

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION/ COMMUNICATIONS

Commissioner Elliott said that on June 12th he sent an email to Hiram, Howard and this Commission regarding a concern that has been raised by the Southwest Homeowners Association relative to the incomplete status of

landscaping work at the Hoffman Autopark. Commissioner Elliott said that Hiram sent him a note stating that the autopark does not have a Certificate of Occupancy, and it is being withheld until the landscaping is completed. Hiram also said that they have some time left under the Connecticut General Statutes to complete their requirements, and any changes to the landscaping would have to be approved by this Commission. Commissioner Elliott asked Mr. Beach if he has something further to add on the status of this work that is now in the fifth year at the autopark. Mr. Beach said that they are currently negotiating with the neighbors. The autopark has proposed some changes in some of the plantings and are discussing with the neighbors some final arrangement. He said that Mr. Peck has told Hoffman that anything that is different than what had already been proposed would need to come back to this Commission for reapproval. Mr. Beach said that he does not think this will be substantial.

Mr. Beach said that from a soil erosion control standpoint, he has been at their site recently and there is active erosion on the site. They have been informed of the fact that this needs to be corrected and if this is not corrected in 30 days he will take action and start imposing fines on them.

VII. ADJOURNMENT

Commissioner Ryan moved to adjourn the meeting at 7:45 p.m. The motion was seconded by Commissioner Gilkey and passed unanimously.

Edward Pabich, Secretary