

From: Carrie Vibert August 8, 2012 2:12:31 PM
Subject: Zoning Commission Minutes 07/16/2012 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ZONING COMMISSION - REGULAR MEETING
ADOPTED MINUTES
JULY 16, 2012

I. CALL TO ORDER

Robert Pomeroy, Chairman, called the regular meeting for the Zoning Commission to order at 7:01PM on Monday, July 16, 2012 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Edward Pabich, Amy Salls, Dave Ryan, Gerald Post, Will Fiske, Edward Cosgrove and Derek Peterson. Others in attendance included Hiram Peck, Director of Planning and other interested parties.

II. ALTERNATES

The appointment of alternates was not necessary, as all of the Commission members were present.

III. APPROVAL OF MINUTES of the June 18 Regular Meeting

These minutes were accepted, with one change presented, by Commissioner Pomeroy.

IV. CONSENT AGENDA ITEMS

Mr. Peck noted the item on the consent agenda was recommended for approval by both the Design Review Board (DRB) and Town Staff.

By a unanimous vote, the following consent agenda item was approved:

a. Application #12-22 of Pattie Smith Jacobus, Agent for Loren Andrew Andreo, Owner, for a Sign Permit for Simsbury Free Bike and Connecticut Adaptive Cycling on the property located at 828 Hopmeadow Street (Map H09, Block 227, Lots 001A+1B). Zone SCZA.

V. PUBLIC HEARING(s)

Commissioner Pabich read into record the legal notice for the following Public Hearing item

a. Application #12-18 of Landworks Development, LLC., Agent for Powder Forest Homes, LLC, Owner, for a Site Plan Amendment, modifications of an existing project/site plan approved 11/15/2004 and subsequently modified on the property located at Stratton Brook and Bushy Hill Roads (Map E12, Block

103, Lot 005). Zone CZ. This application also requests modification of the Special Exceptions as approved on 11/15/04 for Article Ten Section 5.a.8., 5.b., 5.c., and perimeter buffers. Also specifically requested modification of approval conditions for active adult age and income restrictions.

At this point, Commissioner Pomeroy invited the applicant to make their presentation. Daniel E. Kleinman, Levy & Droney P.C., began the presentation on behalf of the applicant. Attorney Kleinman gave an overview of the application, the changes proposed. He told the Commission they are looking to develop the remaining area with 74 additional units, which will be known as the Saxony and Claremont sections. Attorney Kleinman explained that these sections will be a separate association from the existing Powder Forest association. Attorney Kleinman spoke of the owner and the developer, highlighting their strong relationships in the community and reputation. Attorney Kleinman reviewed the preparation done by their team to this point in the process.

Andy Difatta, President, EB Realty, Corp., addressed the Commission and reviewed the sales figures which have been a factor in changing their direction with regards to the age restriction issue. Mr. Difatta spoke of their partner in this project, Landworks Realty, and their reputation.

Gary Emerito, Landworks Realty, addressed the Commission and the public audience regarding their application for the removal of the 55 and over age restriction for the Saxony and Claremont developments. Mr. Emerito gave a background of their experience with this type of development and the reasoning for the proposed change. Mr. Emerito said he sees the market asking for the lifestyle community without that age restriction. He said adding 74 more homes with that age restriction in place would dilute the value of the existing Powder Forest homes by creating an overly saturated market.

Ron Janeczko, Landworks Development, LLC, addressed the Commission regarding the plans for the proposed houses and he distributed the plans to the Commission members. Mr. Janeczko noted the unanimous endorsement they received from the DRB. Mr. Janeczko gave the history of this project and all of the modifications proposed and made to the plans throughout the years. Mr. Janeczko assured the Commission they have made sure the new plans conform to what has been approved in the past years. He then said, given the time of this project, they think the request to remove the age restriction is quite reasonable. At this point, Mr. Janeczko reviewed the specific plans and spoke of how they have moved away from the ranch style and towards a traditional colonial style for this portion of the development. He also mentioned they have increased the amount of open land and decreased the impervious surfaces by changing the home style. Mr. Janeczko reviewed the connectivity and flow of the overall development. He then spoke about their relationship with the current Powder Forest

Association and their desire to be open and transparent with all of the information. Mr. Janeczko then reviewed the few things that will be shared by the two associations and the complimentary rules that, he hopes, will be acceptable to everyone.

Mark Vertucci, Senior Transportation Engineer, Fuss & O'Neill, addressed the Commission in order to speak of the connectivity changes and the impact of those changes. Mr. Vertucci mentioned the advantages to having additional access points to this new development. He said traffic on the spine road will be reduced by 55% over what was previously proposed. He spoke of the traffic generation from the proposed 74 units, and mentioned it is not much different from the previously proposed plan. Mr. Vertucci said these modifications will increase vehicular access and improve the internal flow within the site.

Stephanie White, Senior Landscape Architect, Fuss & O'Neill, said they wanted to make sure this modified proposal is in keeping with the 2004 proposal and there has not been much change in terms of landscape architecture. Ms. White spoke of the few changes they did make, one of which being an increase in the buffer areas and the decrease of impervious surfaces by 30%. Ms. White showed boards illustrating the specific landscaping plan. Mr. Janeczko added that they are committed to adding trees along the spine road for additional buffering and he also spoke about the drainage on the site. He continued and spoke about their efforts to be sensitive to the current Powder Forest neighbors.

When asked by Commissioner Pomeroy why there are two (2) names when it is really one (1) neighborhood, Mr. Difatta said it is only because they were originally going to be two (2) separate neighborhoods. The evolution of the project was discussed further by Mr. Janeczko. Mr. Pomeroy asked about the price restricted homes they currently have at Powder Forest and Mr. Difatta spoke about those homes and the troubles they have had as a result of the price restrictions. The sale prices for the proposed homes were discussed and Mr. Janeczko said while they need to get further along in the process, but he anticipates a price range of \$375K-\$500K. As a result of a question posed by Commissioner Peterson, the intersection located directly across from Stillwood Chase (which will go from three-way intersection to four-way intersection) was discussed. Mr. Janeczko said they still will have to go through the State Traffic Commission and will let the Commission know if anything is not correct in the current plan. The additional intersection was discussed further after Commissioner Post asked why they need to put it in at all. Mr. Janeczko said it is not a requirement to the project, but when they presented it to the existing Powder Forest Homes neighbors, they liked the idea of the intersection. Mr. Peck assured Mr. Post that all of the abutting neighbors had been notified about that proposed intersection. Commissioner Fiske then asked about the anticipated amount of school-age

children within this new development. Mr. Janeczko responded that while they have not done a study on the topic, from their experience with these types of developments, they expect there to be very few. He continued by saying these homes are not designed to attract young families with children. The layouts of the proposed homes were discussed as well as the abundance of sewer capacity. Commissioner Cosgrove expressed his concern about the amount of school children that could potentially end up in the development. Mr. Janeczko said again, in their experience, they just do not see a significant amount of kids within this type of development. Commissioner Cosgrove also asked why they think these will sell when they didn't think the age restricted units would sell. Mr. Janeczko responded by saying they have seen a demand from the demographics they are targeting with this new development. Mr. Janeczko said their goal is to do something non-competitive and complementary to the existing Powder Forest Homes.

Commissioner Pomeroy said it was now time to hear from the public audience. Mr. Stewart Yaffe, Homeowner's Representative on Powder Forest Board, said the majority of those on the Board are comfortable with Landworks' plan, but the one thing he wanted to communicate was that they would definitely like to see an entrance on Stratton Brook. Mr. Yaffe said they have had community meetings and most of the residents are content with the plans, discussion and answers provided by Landworks thus far. He said there will be issues to negotiate between the two (2) associations, but they are confident these issues can be fully worked out in a fair manner.

Mr. Larry Vanderjack, 19 Ashton Circle, stated that he fully supports this proposed development but he wants to make sure it is fundamentally fair to those already in Powder Forest. He mentioned 14.5 acres of conservation land that is currently owned by the Powder Forest Association that he wants to make sure is fairly dealt with. Mr. Vanderjack said he would like Landworks to accept the ownership of this conservation property. He also spoke of the open space maintenance for 30+ acres, saying he wants to make sure the responsibility/cost for that open space is shared.

Dr. Marvin Koff, 4 Ashton Circle, said he supports what he has heard at the meeting tonight. Dr. Koff also spoke of the 14.5 acres of conservation land and asked Mr. Janeczko if they will be willing to take that land back. He mentioned that no one, within their Association that he has spoken with, objects to giving this land back. Mr. Janeczko said the short answer is yes, they would be willing to take that land back, but that is putting the cart before the horse at this point in the process and it is a complicated issue.

Ms. Sue Bednarczyk, 119 East Weatogue Street, said the Zoning Commission has the responsibility to make these people whole since things are changing from the original plan. She also said she thinks the plan is aggressive.

Commissioner Pabich moved to close the Public Hearing. The motion was seconded by Commissioner Ryan and passed unanimously.

At this point, Attorney Kleinman thanked the Commission and wrapped up their presentation. He reviewed the eight (8) required standards, within the Zoning Regulation, that he believes have been met. He asked the Commission to approve the recommendations before them. Mr. Peck said that since the Commissioners probably have some unanswered questions, they should pose those questions to Mr. Peck and then consider meeting in two (2) weeks in order to act on this application.

It was decided there will be a Special Meeting of the Zoning Commission on July 30th at 7:00PM.

VI. PRESENTATIONS:

a. Application #12-26 of Thomas W. Fahey, Jr., Agent for Dorset Crossing, LLC, Owner, for a Site Plan Approval for Lot C-Specialty Housing 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). Zone PAD.

Attorney Thomas Fahey, Fahey & Landolina, Attorneys LLC, addressed the Commission as the representative for Regan Development and said while they are giving their presentation tonight, the Commission will not be able to act on their application due to the fact that they are not meeting with Wetlands Commission until the following night. He spoke briefly about the plan to construct the specialty housing.

David Ziaks, FA Hesketh & Associates, Inc., reviewed the overall site plan and the road plan. Mr. Ziaks provided specifications of the building layout, parking and other special needs accessible features. He also spoke of site lines, architecture style, as well as the proposed landscaping and surrounding vegetation. Mr. Ziaks briefly spoke about the lighting on the site and told the Commission they have received a unanimous positive recommendation from DRB. Mr. Ziaks also said that Rich Sawitzke, Town Engineer, has given these plans a positive review with regards to the drainage and water quality control.

Thomas Barton, Barton Partners, spoke about the architecture of the building. Mr. Barton showed a rendering of the building and the materials they plan to use. Mr. Barton spoke of the changes they have made in order to accommodate those with Multiple Sclerosis (MS). He gave further specifications for the proposed 48 units. Mr. Barton said this will be completed in an appropriate architecture style for the town of Simsbury. He also noted this building is a 4-sided building, meaning each side is

designed to be as attractive as the front.

Ken Regan, Regan Development, spoke of the populations that this type of facility will serve. Mr. Regan said this property is for those with MS who do not belong in a nursing home, but do still have some need for special housing. Mr. Regan noted 40 of the 48 units are set aside for those with MS and the other eight (8) are for local residents who are living with a disability, pursuant to the request of the First Selectmen.

Commissioner Salls asked about the management of the building. Mr. Regan said they have a third party manager (Demarco Management). He also mentioned they are currently trying to secure tax credits for funding which will allow them to construct the property. While Mr. Regan said the State is excited about the project, he cannot give 100% assurance it will get funded. He noted they cannot start building the complex unless the funding comes through. Commissioner Pabich asked if they will affiliate with a local hospital. Mr. Regan said they will affiliate with St. Francis Hospital and Medical Center. When Commissioner Fiske asked how they will select the residents if there are more applicants than units, Mr. Regan said it is basically first-come, first-serve, but there will be some screening in order to ensure the residents' needs are not overwhelming for the facility/staff.

VII. DISCUSSION AND POSSIBLE ACTION ON ANY AGENDA ITEM

Mr. Peck said the Fire Marshall has approved the submitted plan for this project and they will be in front of Wetlands Commission tomorrow. He suggested they put this application on the agenda for the July 30, 2012 meeting.

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

a. Workforce Housing/IHZ discussion

Mr. Peck began by saying since the Commission is not opposed to workforce housing, he put together a Workforce Housing Zone draft regulation in order to address some of the issues previously discussed with regards to the IHZ. Mr. Peck introduced Glenn Chalder who has agreed to work with him through parts of this process.

Glenn Chalder, AICP, Planimetrics, spoke about what other towns have done with regards to an administrator for their workforce housing, which was a question posed by Commissioner Pabich. He spoke about the pros and cons that come along with the IHZ model. Mr. Chalder spoke about finding a way to produce something that works specifically for Simsbury. He said they would be able to lay out some different options for the Commission for review so they can find the best fit for Simsbury. Commissioner Pomeroy said they would like to continue with this topic in order to find a viable option for Simsbury. It was decided this could be put on the agenda for the

mid-September meeting.

Mr. Peck said he they did receive an application from Big Y on the Wagner property and they are anxious to move forward, so it is likely to be on the July 30th special meeting agenda. Commissioner Pomeroy said he thinks the communication, disclosure and timing of this process thus far, shows the fundamental problems existing with coordination and process with DRB.

IX. ADJOURNMENT

Commissioner Ryan moved to adjourn the July 16, 2012 Regular Meeting of the Zoning Commission at 9:38PM. The motion was seconded by Commissioner Salls and passed unanimously.

Respectfully submitted,

Robert Pomeroy, Chairman