

From: Lois Laczko September 20, 2010 10:38:44 AM
Subject: Zoning Commission Minutes 07/19/2010 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
July 19, 2010
REGULAR MEETING

I. CALL TO ORDER

Mr. Pabich called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Dave Ryan, Amy Salls, Madeleine Gilkey and John Vaughn. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

Mr. Elliot made a motion that Mr. Pabich serve as acting Chairman for tonight's meeting in the absence of Chairman Gallagher. Ms. Salls seconded the motion which was unanimously approved.

II. APPOINTMENT OF ALTERNATES

Mr. Pabich stated that Mr. Pomeroy is now a full member of the Zoning Commission.

Mr. Pabich appointed Mr. Ryan to serve in the absence of Mr. Pomeroy and Ms. Gilkey to serve in the absence of Chairman Gallagher.

III. APPROVAL OF MINUTES of June 21, 2010

Several edits were made to the minutes.

Mr. Ryan made a motion to approve the June 21, 2010 minutes as amended. Mr. Elliott seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of June Mackay, Hogblon Properties, Owner, Mark Heinri, Agent, for Signage at the Weatogue Barbershop on property located at 370

Hopmeadow Street. B-1 Zone

Mr. Myslow stated that he has gone to the Design Review Board twice already. He had wanted to put a lawn sign in front of the building for more exposure, although the Design Review Board asked him to reconsider and put the sign on the building. Although he feels that the sign will not be as visible in this location, he will comply with their recommendation. Mr. Myslow stated that he is now asking for the Zoning Commission to approve this sign that will be placed on the building. He stated that this sign is not a square sign; it will be in the shape of the logo. This proposed sign is within the size parameters that are allowed by the Zoning Regulations.

Mr. Peck stated that the applicant did revise this proposed sign several times. The Design Review Board recommended that the sign be located on the building. There was a lot of discussion by that Board regarding what was already on the posts of the building and what the best way would be to proceed. The Design Review Board members felt that the sign placed on the building would be most in keeping with the character of the building rather than a free standing sign.

Mr. Elliott questioned where the sign would be located on the building. Mr. Myslow stated that sign will be located in the large white space on the building to the right of the front entrance.

Mr. Myslow stated that the original barber pole has been fixed and will also be located at this site.

b. Application of Gerald J. Hansen, President Homeowners Association, Hopmeadow Place - Owner, for a Site Plan Amendment for Signage at Hopmeadow Place, 1 West Street. SCZD Zone

Mr. Peck distributed photographs of a mock sign in the proposed location. This is what has been approved by the Design Review Board. He stated that the sign does not obstruct any site lines.

Ms. Gilkey questioned what would be written on the sign. Mr. Peck showed an illustration of the sign to the Commission members and stated that script letters stating, Hopmeadow Place" would be on both sides of the sign.

c. Application of Asbjorn Ghertsen, Owner, for a Site Plan Amendment for placement of two (2) gazebos (1 to the north of building, and 1 to the south of building) on property located at The Riverview, 10 Winslow Place. B-1 Zone

Mr. Ghertsen stated that he would like approval for two gazebos, one to the

north of the building and one to the south. These are prefabricated structures, 10 feet in diameter. He stated that they would like to add the gazebos primarily for photo opportunities. They will be putting plantings around the gazebos along with hanging plants. He stated that the gazebos are not visible from the street.

Mr. Elliott questioned if the gazebos would be visible from the rails to trails. Mr. Ghertsen stated that they would not.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Elliott made a motion to approve the application of June Mackay, Hogblon Properties, Owner, Mark Heinri, Agent, for Signage at the Weatogue Barbershop on property located at 370 Hopmeadow Street as submitted. Mr. Vaughn seconded the motion, which was unanimously approved.

Regarding the application of Hopmeadow Place, Ms. Gilkey questioned if the sign would be lit. Mr. Peck stated he did not believe that there was any lighting associated with the sign. He stated that the Design Review Board did recommend landscaping around the sign.

Ms. Gilkey made a motion to approve the application of Gerald J. Hansen, President Homeowners Association, Hopmeadow Place - Owner, for a Site Plan Amendment for Signage at Hopmeadow Place, 1 West Street, as submitted. This application does not include any lighting for the sign. Ms. Salls seconded the motion, which was unanimously approved.

Ms. Gilkey made a motion to approve the application of Asbjorn Ghertsen, Owner, for a Site Plan Amendment for placement of two (2) gazebos (1 to the north of building, and 1 to the south of building) on property located at The Riverview, 10 Winslow Place as submitted. Mr. Elliott seconded the motion, which was unanimously approved.

d. Application of Ensign-Bickford Realty, Owner, by Landworks Development, LLC, Agent, for consideration of Preliminary Development Plan Review of property on Grist Mill Road shown as Parcel 21 consisting of 7.23 acres, Parcel 19 consisting of 8.512 acres and Parcel 24 consisting of 2.29 acres, submitted for Preliminary Development Plan Review under Article Ten, Section L. Simsbury Planned Area Development Zone Regulation. Application consists of renovation of existing Grist Mill building and construction of 98 residential units and related site improvements.

Mr. Pabich stated that this is the first preliminary application under the PAD Regulation. He stated that following this discussion, if the Commission feels that it is acceptable, they could discuss the possibility of scheduling a public hearing.

Mr. Elliott stated that he feels it is necessary to object to proceeding with this application because it was brought to his attention that at the May 3rd meeting, a valid vote was never taken on adopting the PAD Regulation. The adopting or changing of the Zoning Regulations is circumscribed by State Law. Mr. Elliott stated that there was no vote and, consequently, there is no actionable provision in the Zoning Regulations at this time to entertain a PAD application. He stated that there was a legal notice posted on May 7th stating that the PAD Regulation was adopted by the Zoning Commission. He stated that he believes this is not true. He stated that this Commission also endorsed the meeting minutes of the May 3rd meeting.

Mr. Pabich stated that he feels this vote is valid and is reflected in the minutes which were unanimously approved. He feels that he is authorized to go forward with this application tonight; the Commission approved the minutes. If there is a legal issue, he believes that would have to be handled through a legal claim. Mr. Elliott stated that tonight starts the 65 day calendar, according to the PAD Regulation; there is 65 days to hold the preliminary public hearing that is called for.

Mr. Pabich stated that the Commission would proceed with the existing agenda.

Mr. Elliott made a motion to engage the Town Attorney to provide advice on this specific issue as soon as possible. Mr. Vaughn seconded the motion. Mr. Vaughn and Mr. Elliott voted in favor. Ms. Salls, Ms. Gilkey, Mr. Pabich and Mr. Ryan voted in opposition. The motion did not pass.

Mr. Peck stated that he has spoken to the Town Attorney several times regarding this matter. This was also discussed at a recent Board of Selectmen meeting; they were considering whether this should be referred to the Town Attorney or not. He recommended that the Commission proceed with this application.

Mr. Janeczko stated that they would agree to any extensions to the 65 days in order for the Town to get legal advice if necessary.

Mr. Janeczko stated that the plans have evolved. They have taken all of the comments that they received from the Boards and Commissions and made several changes. He stated, for example, that the Towers, which the Design Review Board felt was repetitive, have been changed to a Tower Plus unit. He stated that they have also discussed this mixed use development as a walkable development.

Mr. Ferraro stated that this plan is in conformance with the Plan of

Conservation and Development. This is also a site that was identified in the Incentive Housing Zone study. Also, the Charrette stated that residences are needed in the downtown area, which this is. He showed the Commission a walkability and connectivity plan and how this development relates to the surrounding areas in Town.

Mr. Ferraro stated that this site is connected by a major resource, which is the water. There are two ponds within this site. He stated that these are three different pieces of land that they are trying to knit together. Grist Mill Lane will have on street parking and enough room for future bike lanes. The Mill Building will be occupied by a restaurant and office space. Behind the Mill Building, the Overlook at Hopbrook units will be situated. These 24 units, which will be for sale, will have walk out garages and will look out to the pond. The two other properties are comprised of 12 unit buildings, which have garages under the units. There will also be parking spaces in the back of the buildings; they are trying to de-emphasize the automobile in this environment. The Tower units, single family dwellings, will fill in the gaps that helps create a wall to hide the parked automobiles.

Mr. Ferraro stated that the open space creates the connectivity between the various components of the site, as well as preserve the environmental situations.

Regarding parking, Mr. Ferraro stated that they are trying to have the parking not be a part of the main system; they do not want this to be an automobile oriented environment. They hope that the proximity of this development and the connectivity by the pedestrian friendly system will reduce the vehicle traffic in the downtown area by people who live in this development. He stated that there is a courtyard, which becomes the organizing elements for the parking.

Mr. Ferraro stated that there is green space near Grist Mill Lane. Although they do not own this property, they have organized this development around this space. Residents could possibly utilize this area.

Mr. Pabich stated that he likes the walkability of this development, although there are no sidewalks on the south side of West Street, which would be an issue. He questioned if the applicant considered a crosswalk in this area or a pedestrian or bikeway from the Grist Mill to Firetown. Mr. Ferraro stated that this could be considered. They have investigated sidewalks, although there are some right of way restrictions. Mr. Janeczko stated that he has considered the possibilities of pedestrian connections. They have discussed creating pedestrian access through a tunnel, which goes directly through the Mill Building.

Regarding parking, Ms. Salls questioned if people living in this development would have more than one space to park. Mr. Ferraro stated that there is plenty of parking. There is parking on the street, driveways and parking tucked into the alcoves for each unit.

Ms. Gilkey stated her concern regarding residents accessing the corporate property in the middle of this development; she does not want any future problems. Mr. Janeczko stated that he will have discussions with all of the adjacent property owners prior to the public hearing.

Mr. Crane showed the Commission members plans of the streetscape of the pond view units and Tower units. He stated that, in response to the Design Review Board's recommendations, there are two different styles of Tower units. He stated that they have used decorative stones on the buildings to tie them together. They will be using the Tower units as part of the building wall; this will shield people on the street from seeing the driveways and parking areas. Mr. Crane stated that they are using shingle and metal roofs. They will also have recessed entrances and will also break up the buildings with three different roof lines. Each unit will have a private entrance and a garage entrance. Mr. Crane stated that the Tower units are multi-story units; the Tower Plus unit has a separate room that could be used as an office or studio; this can be accessed separately. He stated that every unit also has its own balcony or terrace.

Mr. Crane stated that, regarding the 12 unit buildings, each unit has a garage; each unit is accessible from the exterior and also from the garages. He stated that there are two accessible ranch style units on the ground level and 10 units are townhouses above that. Mr. Janeczko stated that the floor plans are not fully developed as of yet. This is an issue that is still evolving. If they receive approval, they will then move forward with the exact plans for the units.

Regarding the condominium units, Mr. Crane stated that each building is four units. He stated that they wanted to make sure the elevations that look toward the pond are architecturally sound because they will be seen from both sides. The units have varied roof lines and they have also put dormers in. The decks will be trimmed nicely and each unit will have a garage. They have also added some metal roofs, which reflect the Mill Building.

Mr. Crane stated that the colors and materials within this development match the Mill Building. Mr. Janeczko stated that they are borrowing certain elements from the Mill Building, although they will be toning the buildings down with a muted color.

Mr. Pabich questioned what the price range would be for these units. Mr.

Janeczko stated that the market is tough right now and continues to change. Depending upon how the application process goes through the approvals, this will somewhat determine the pricing. He believes the townhomes will be somewhere in the \$300,000's. He stated that they will have better information regarding pricing by the public hearing.

Mr. Crane stated that the Mill Building will essentially be untouched, although there will be a pedestrian walking tunnel through the building. He stated that because of the tunnel, the stairway will need to be reconfigured. There may also be a community room in this building. The restaurant area will also be reconfigured; the upper level will now be used as office space and will not continue to be restaurant space. Mr. Janeczko stated that the parking on the right side of the building will be expanding, although the parking will be less. When the office is closed, those spaces will be available for restaurant parking. He stated that there are 66 parking spaces shown; another 12 spaces are in reserve.

Ms. Gilkey questioned the elevation of the townhouses and if they would be hidden by landscaping and vegetation. Mr. Janeczko stated that they kept the depth of the townhouses so that they go curb to curb of the existing parking lot. He stated that there is a slope, then flat for the parking lot, then the site slopes again. By removing the lower road, they will gently grade it out. He stated that there will be plenty of trees, although they do not want to all together hide the buildings.

Mr. Elliott questioned if the trees would be cleared from the property and then the phases would be built. Mr. Janeczko stated that they will be working with Town staff to keep the trees that are alive and healthy on the property.

Mr. Schwendy, Fuss and O'Neill, stated that they will be using less water than what originally proposed with the Powder Forest Development, as well as less sewer capacity. They will also be using less power utilities. He stated that when designing a walkable community, they try to provide choices of walking instead of driving. The developer has created walkways throughout the development for this reason. He stated that they found that the morning peak hour will have fewer trips in and out than what was originally proposed. The evening peak will have slightly more, although not enough to change the impacts of the surrounding roadway systems.

Regarding storm water, Mr. Schwendy stated that they need to treat the quality of storm water, not just the quantity. He stated that they are trying to meet the six criteria in the 2004 DEP quality manual. They have done an analysis to reach these criteria.

In response to a question from Mr. Vaughn, Mr. Schwendy stated that they

need to take the existing traffic and add to that any improved plans and any proposed plans. Mr. Peck stated that the Route 10 study will also be factored in.

Mr. Peck stated that any input from this Commission to the applicant would be helpful. The application is on file and will be reviewed by other Commissions, which will also give their input. If the Commission is comfortable with the information presented this evening, they can schedule a public hearing for the next meeting. This will give plenty of time for other Boards and Commissions to give their input, as well as public review of the application.

Ms. Gilkey made a motion to set the public hearing date for the application of Ensign-Bickford Realty, Owner, by Landworks Development, LLC, Agent, for September 20, 2010. Mr. Ryan seconded the motion, which was unanimously approved.

Mr. Peck stated that the Design Review Board and the Planning Commission could come to the public hearing. Mr. Elliott stated that he thought the application was supposed to have joint meetings in order for them to save the applicant time and money to only have to present at one meeting. Mr. Pabich suggested that the Chairmen of the Design Review Board, Planning Commission and Zoning Commission meet with Mr. Peck to come up with a process regarding this issue.

Mr. Ryan stated that there is a footnote on the front page of the application regarding determining the status of 67 West Street. He questioned if this zone change would need to precede any approvals from this Commission. Mr. Peck stated that prior to the September 20th meeting, the Town will have a determination by the Town Attorney.

e. Application of Jeffrey Hoffman, Hoffman Enterprises, Owner, T. J. Donohue, Jr., Attorney, Agent, for a Site Plan Amendment for relocation of Fiora right-of-way, gate and jeep road on West Mountain Road, proposed stairway behind Nissan building, proposed berm with 8-foot wood screen fence on Fiora right-of-way on property located at Hoffman Enterprises, Albany Turnpike and West Mountain Road. B-3 Zone

Attorney Donohue stated that this is a request for an amendment to the site plan. He stated that the neighbors, the Hoffman's and the Town are waiting on the installation of a fence. This fencing will screen the view shed. He stated that this site is nearly complete, although the berm and landscaping are still needed. Attorney Donohue stated that when the parking was pushed further south and west, the detention basin took away the footing for the berm, upon which they were going to place the fencing. He stated that they had significant issues with the neighbor to the west,

Ms. Fiora, regarding the access road. In resolving that issue, they moved the right of way to traverse the slope to get up the hill. He stated that they now want to move the road so they can still have the berm in order to have significant screening. Attorney Donohue stated that Ms. Fiora is currently having an engineer evaluate this situation from her point of view. He stated that they will start building the fence, although they cannot finish the fencing until they have an agreement with Ms. Fiora. He stated that he is confident that they will come up with an agreement. He stated that because no new agreement is currently in place, the Commission does not need to consider this part of the application tonight.

Attorney Donohue stated that, in middle of the site, they are proposing an external staircase be put in. This will allow access to both lots instead of people having to walk around. He asked that the Commission consider this part of the application tonight.

Attorney Donohue stated that the other part of the application is the internal signs. The Design Review Board has asked that the applicant come back before their Board for another discussion. He stated that the Commission does not need to consider this part of the application tonight.

Attorney Donohue asked that the Commission act only on the staircase tonight; they will be back with relocation of the access road and also the internal signs at another time.

Ms. Gilkey stated that she would like to see the plans in order to see what the staircase would look like.

Ms. Salls questioned if there were any objections from homeowners to a staircase in this area. Attorney Donohue stated that there is an existing wall there now; they would like to put in a staircase in that area. He stated that there were no concerns or objections regarding the staircase by the neighbors.

Mr. Elliott questioned what color the railings of the staircase would be. Attorney Donohue stated that it would be reasonable for the Commission to approve a darker color.

Ms. Gilkey made a motion to approve the application of Jeffrey Hoffman, Hoffman Enterprises, Owner, T. J. Donohue, Jr., Attorney, Agent for the stairway behind the Nissan building, with the railing to be the same color as the backdrop so it is unobtrusive as possible, unless there is a safety requirement regarding the color. The berm and signs are not included in this approval. Ms. Salls seconded the motion, which was unanimously approved.

f. Application of Dorset Crossing, LLC, Owner, Thomas W. Fahey, Attorney, Agent, for a Site Plan Amendment for development of Phase 1A Dorsett Crossing, 1507 & 1515 Hopmeadow Street. B-3 Zone

Mr. Giorgio, Keystone Company, stated that approximately one year ago, he was before this Commission with his initial application. The site plan was approved for the first phase for a 30,000 s.f. building and a 20,000 s.f. building. No other buildings were approved at that time, other than place holders on the site.

Mr. Giorgio stated that this is a tough economy and the medical community has been dealing with many changes. St. Francis has not wavered in their commitment to Dorsett Crossing, although they have had issues regarding space. He stated that it is easier to accommodate their changing needs in two buildings rather than one building. He stated that he would like to amend the site plan approval to replace the 3-story, 30,000 s.f. building with two, one-story 15,000 s.f. buildings. Both of these buildings would have the same concept and same configuration. These buildings will be connected by a walkway.

Mr. Giorgio stated that construction should begin within 45-60 days. The tenants want to be in the buildings within one year. He stated that there is also interest in opening up a surgical center within this complex. He stated that he will be back before this Commission for approvals after he has gone through the process with the State.

Mr. Giorgio stated that there will be an urgent care center within the 2 buildings that he hopes to get approval for tonight. This will benefit the residents of Simsbury; they will not have to go into the city to get emergency care. Mr. Giorgio stated that he still sees this development as a medical campus.

Ms. Gilkey stated that she likes this design better than the one 30,000 s.f. building. Mr. Giorgio stated that they will be going back to the Design Review Board when the final materials have been determined.

Mr. Pabich questioned if Mr. Giorgio planned to retain ownership of the buildings. Mr. Giorgio stated that he plans to retain ownership, although the physicians would like to participate in the ownership in the surgical center. If this happens, he will still have control of the development.

Mr. Ziaks stated that in the first phase of this development, they will build the common driveway off of Hopmeadow Street. There are also requirements regarding storm water and drainage control on the property. He stated that they will be constructing a mitigation detention area. Mr. Ziaks stated that Buildings #2 and #3 are sister buildings. They will be

constructing 250 parking spaces in front of these buildings.

Mr. Ziaks stated that the site coverage will remain the same if the two buildings are approved. Although the building footprint increases, they are reducing the parking by almost 50 parking spaces.

Mr. Giorgio stated that all of the conditions on the original approval will be transferred to this amendment. Mr. Peck stated that if the Commission approves this amendment, they could state that all original conditions would remain.

Mr. Elliott stated that he feels the Design Review Board would be at a disadvantage if the Zoning Commission approves this amendment. He suggested that if this Commission approves this application, they should approve it upon the condition that the Design Review Board needs to be satisfied. Mr. Giorgio stated he will be back before the Design Review Board with ample opportunities for discussion.

Mr. Elliott made a motion to approve the application of Dorset Crossing, LLC, Owner, Thomas W. Fahey, Attorney, Agent, for a Site Plan Amendment for development of Phase 1A Dorsett Crossing, 1507 & 1515 Hopmeadow Street as submitted, with the three original conditions: 1) Applicant is required to work with the State Traffic Commission to determine and fulfill, if necessary, any requirements regarding traffic management issues pertaining to vehicular access and egress from the site; 2) Applicant to return to the Commission for any further approvals for additional buildings; and 3) All other requirements of the original approval to remain in effect. Mr. Ryan seconded the motion, which was unanimously approved.

VI. DISCUSSION AND POSSIBLE VOTE ON A RECOMMENDATION TO CREATE A SPECIAL RESERVE FUND FOR ACCUMULATING FUNDING FOR THE CREATION OF DESIGN STANDARDS FOR THE TOWN CENTER CODE.

Mr. Peck stated that the First Selectmen has considered establishing a Special Revenue Fund for the creation of the design standards for the Town Center Code. This is a request for a place to put funds if a grant is received or for any donations. He stated that the Board of Selectmen needs to make a recommendation to the Board of Finance, although they would first like to get a feeling from the Land Use Commissions.

Mr. Peck stated that the estimated funding for the creation of the design standards is approximately \$40,000. This is the amount of money needed to hire the consultant.

Mr. Peck stated that the Design Review Board is in favor of creating this Special Revenue Fund. The Planning Commission is still considering the

issue.

Mr. Pabich stated that he is hesitant to make a motion without Chairman Gallagher present. He suggested discussing this issue at the next meeting. The Commissioner members agreed.

VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. Other Business

- Discussion of accessory apartments policy/regulation

Mr. Pabich stated that accessory apartments are becoming a trend. He suggested having a discussion in the near future regarding this issue. There are a number of these apartments around Town; this Commission has already approved several.

Mr. Peck stated that some Towns have set up an amnesty program where residents can come in and register these accessory apartments with no penalty. He stated that, in some cases, there are safety issues associated with these accessory apartments that need to be resolved. This Commission may want to consider some kind of amnesty. He stated that he is also open to other ideas that the Commission would like to consider. He stated that these accessory apartments need to have permits and need to meet the safety codes.

- Status of Town Center Code Discussion/Mapping Discussion

There was no discussion.

b. Old Business

- Application of the Town of Simsbury for a Text Amendment to the Town of Simsbury's Zoning Regulations, pursuant to Article Ten, Special Regulations, Section H, Regulations Governing Uses Which Sell Alcoholic Beverages for a proposal to amend the wording of the existing zoning regulation. (public hearing closed 1/4/2010)

There was no discussion.

VIII. ADJOURNMENT

Commissioner Ryan made a motion to adjourn the meeting at 9:20 p.m. Commissioner Vaughn seconded the motion, which was unanimously approved.

Ed Pabich, Secretary