

From: Carrie Vibert August 6, 2012 10:09:03 AM  
Subject: Zoning Commission Minutes 07/30/2012 DRAFT SPECIAL MEETING  
To: SimsburyCT\_ZoningMin  
Cc:

ZONING COMMISSION - SPECIAL MEETING  
DRAFT MINUTES  
JULY 30, 2012

I. CALL TO ORDER

Robert Pomeroy, Chairman, called the regular meeting for the Zoning Commission to order at 7:01PM on Monday, July 30, 2012 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: 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. APPOINTMENT OF ALTERNATES

Commissioner Pabich appointed Commissioner Marecki as the alternate for Commissioner Pabich.

III. APPROVAL OF MINUTES of the July 16, 2012 Regular Meeting

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

IV. CONSENT AGENDA ITEMS

Commission Pomeroy moved approval of 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.

The motion was seconded by Commissioner Salls and passed unanimously.

Commission Fiske moved approval of Application #12-29 of Edward Pabich, Owner, for a Site Plan Amendment for the construction of a planter around sign on parking lot island on property located at 131 West Street (Map F11, Block 103, Lot 017). Zone B2.

The motion was seconded by Commission Post and passed unanimously.

Commissioner Ryan made a motion to amend the agenda in order to address item VI prior to item V on the presented Zoning Commission Special Meeting

Agenda.

The motion was seconded by Commissioner Fiske and passed unanimously.

#### VI. DISCUSSION AND POSSIBLE ACTION ON ANY AGENDA ITEM

Mr. Peck addressed the Commission and said he had worked with Town Attorney to draft the motion they have with regards to Application #12-18 of Landworks Development, LLC. Mr. Peck then provided a list of items submitted by the applicant and said the Conservation Commission unanimously approved the application. Mr. Peck then spoke about the Applicant's process thus far with DRB and the changes they made to their plans as a result. Mr. Peck reviewed some of the contents of the motion in detail. Mr. Peck said the Applicant is asking to be relieved of the affordable units wording which, he continued, will be up to the Board of Selectmen, not up to Zoning Commissioner. Commissioner Pomeroy wanted to highlight the point about the importance of fairness of ownership between the Applicant and the current Powder Forest Homeowner's Association.

Upon a motion made by Commissioner Ryan and seconded by Commissioner Fiske the following resolution was unanimously adopted.

WHEREAS, the Commission held a public hearing on July 16, 2012 and took all testimony as required by law; and

WHEREAS, the Commission notes the Village Cluster Zone under which in part, this approval was originally given is no longer a part of the Simsbury Zoning Regulations, however even though the current application applies to only 27.1 acres of developed property the CZ remains in place on the entire 107 acres as approved on November 15, 2004; and

WHEREAS; the Commission notes the application was reviewed by the Design Review Board at a Regular Meeting held on June 26, 2012 and at a Special Meeting held on July 10, 2012, and on a field visit held on July 7, 2012; and

WHEREAS the Commission notes that on July 10, 2012 the Design Review Board voted unanimously to recommend approval of the application to the Zoning Commission; and

WHEREAS, the application was also reviewed by the Conservation Commission on June 19, 2012 and voted to make a positive referral to the Zoning Commission regarding this application specifically with regard to the new access/egress road connecting to Stratton Brook Road in the location shown on the submitted maps, plans and materials; and

WHEREAS, the Commission notes the original approval for all four sections of the Powder Forest Homes development was approved on November 15, 2004

for 182 units of active adult housing on 107 acres of land in the southwest corner of The Powder Forest at Bushy Hill and Stratton Brook Road; and

WHEREAS, the current application only applies to revisions to two, Claremont and Saxony, sections of the previously approved development and the total number of dwelling units will remain at 182 with 74 dwelling units being contained in the Claremont and Saxony sections as shown on the referenced plans; and

WHEREAS, the current application proposes to reduce the coverage from the originally approved 31.5% to 27.9% for these sections, a maximum of up to 31.5% coverage is permitted. Other coverage data is shown on sheet GI-002 of the submitted and referenced plan set; and

WHEREAS, the Commission has reviewed the submitted traffic information particularly with regard to the proposed new connection to Stratton Brook Road and finds the Town Engineers staff memo acceptable in this regard; and

WHEREAS, the Commission has reviewed all submitted plans and materials and finds the application for the modification to the 2004 approval for the Special Exceptions as follows:

1. The number of bedrooms as originally approved is hereby revised to be a number in keeping with the numbers presented to the Commission at the public hearing and in materials as presented by the applicant and as determined acceptable by the Water Pollution Control Authority so that the total amount of sewer capacity is acceptable to the WPCA.
2. The ratio of building types as originally approved is hereby revised to be the mix of building types presented to the Commission at the public hearing and as shown on the submitted and referenced plans and other plans as may be reviewed by staff and determined to be in keeping with the intent of this approval so that at least 6 or more types of dwellings are constructed on the subject property in approximately the locations as shown.
3. The 2004 approval for modification of the exclusive use areas is hereby revised to approve the exclusive use areas as shown on sheets CS-101, 102, 103 and 104.
4. The 2004 approval of reduced spacing for the structures is hereby revised to approve the spacing as shown on the submitted plans provided that no structure exceeds the requirements of the shown exclusive use areas and further meets the requirements of the Simsbury Building official and Simsbury Fire Marshal.

5. The requirement for the vegetative buffers between sections of housing and between housing and the public roads are hereby approved as shown on the referenced revised plans.

6. The requirements, except as noted above, for the buffer areas as approved in 2004 shall remain in effect as part of this approval.

7. The requirement for the number of active adult dwelling units and the age restrictions as dictated by either State or Federal regulation for such development are hereby revised as requested as they may pertain to the Claremont and Saxony sections of this development.

8. No subdivision of the subject property in addition to what has already been approved at this time has been requested or proposed, nor is any subdivision contemplated as part of this approval.

WHEREAS, the application shows the newly proposed access road from Stratton Brook on sheet CS-401 on which improvements are shown in the Town road right of way. These improvements must be reviewed by the Town Engineer and if necessary adjusted in order to be approved by the Town Engineer and the Director of Public Works; and

WHEREAS, the applicant has requested release from the "Restrictive Covenant for Affordable Housing" for the remaining six (6) units of the originally required fourteen (14) units. It is the Commission's understanding that, while based on information presented at the public hearing, it has no objection to the request, this matter must be decided by application for relief to the Simsbury Board of Selectmen; and

WHEREAS, the applicant as part of establishing its own separate homeowners association is hereby required to arrive at an agreement with the existing homeowners association for equitable cost sharing for property and infrastructure maintenance, liability and other typical concerns of homeowners associations to the satisfaction of the Town Attorney. This document(s) is to be submitted to the Town Attorney for review and acceptance prior to execution and recording. This document is to also provide for the continued protection of Open Space and buffer areas as shown on the submitted referenced plans and documents.

WHEREAS, the Commission has reviewed all submitted maps, plans and other application materials and considered all testimony provided at the public hearing and finds the application to be in compliance with Article Seven, Section C. 10. Standards: as follows:

a. The need for the proposed use in the proposed location is found acceptable.

- b. The existing and future character of the neighborhood in which the use is to be located is found acceptable.
- c. The location of the main and accessory buildings in relation to one another is found to be acceptable.
- d. The height and bulk of the buildings in relation to other structures in the vicinity is found to be acceptable.
- e. Traffic circulation within the site, amount, location and access to parking, traffic load or possible circulation problems on existing streets is found to be acceptable.
- f. Availability of water to the site and adequate disposal of sewage and storm water are found to be acceptable.
- g. Location and type of display signs and lighting, loading zone and landscaping are found to be acceptable as presented.
- h. Safeguards to protect the adjacent property and the neighborhood in general from detriment.

THEREFORE BE IT RESOLVED, that 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 as shown on plans drawn by Fuss & O'Neill dated June 4, 2012 revised to July 12, 2012 including sheets GI-001, 002, CS 101-104, CS 401 and plans by Kemper Associates dated May 30, 2012 including sheets A-1 and A-2 is hereby APPROVED as described below.

1. All final drawings are to be reviewed by appropriate staff, especially the ZEO and Town Engineer prior to issuance of any building permit.
2. This approval covers the items as specified above in the fashion described and with the limitations as described.
3. The specific request to grant relief from the condition regarding the active adult age restriction is hereby approved.
4. The plan to revise the buffer area as shown on the submitted and referenced plans is approved with the limitations and requirements as referenced above.
5. While the Commission has no objection to the request for relief from the requirement that six (6) dwelling units be set aside for income restricted individuals, the applicant must present this request to the Board of Selectmen for determination and final action.
6. The new homeowners association documents shall be subject to review and approval of the Town Attorney. Those documents as required by this resolution shall be executed and recorded prior to the issuance of any building permits in connection with the Claremont and Saxony

developments as revised.

#### V. PUBLIC HEARING(S)

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

Application #12-28 of Matt D'Amour of Big Y Foods, Inc., Agent for Simsbury Upper 7, LLC, Simsbury North, LLC, and Simsbury Middle 3, LLC, Owners, for Special Exceptions pursuant to Article 8, Section A(8), and Article 10, Sections E (5a, 5b) of the Simsbury Zoning Regulations and a Site Plan Approval on properties located at 1313 Hopmeadow Street (Map I05, Block 403, Lot 16), 1349 Hopmeadow Street (Map I05, Block 403, Lot 16A), and Hopmeadow Street (Map I05, Block 403, Lot 15-B). Zone B2.

Matt D'Amour, Big Y Foods, Inc., began by introducing Guy Hesketh, F. A. Hesketh & Associates, Inc to go over site plan. Mr. Hesketh began by saying they are here in order to receive site plan approval and special exception for their proposed Big Y to be built on the Former Wagner site. Mr. Hesketh showed a site plan imposed over an aerial and then explained the site plan in detail. He said they are planning a 54,000SF building with access from Hopmeadow Street at a signalized intersection. Mr. Hesketh showed flow and access points/directions on the site plan. He spoke of the 266 proposed parking spaces and also reviewed the planned sidewalks. He then reviewed the landscaping and retaining wall. Mr. Hesketh explained they need the Special Exception, as it is required for a supermarket within the B2 zone. They also need a Special Exception in order to exceed the max coverage requirement of 60%. Mr. Hesketh also noted they are asking for reduction on 41% of their parking spaces size to 9'x16'. He then reviewed the requirements that they are adhering to and spoke further about parking distribution. Mr. Hesketh reviewed the utility design on the site and reviewed storm water runoff and grading in addition to the proposed Water Quality Basin, and described in detail how that basin will work. He noted the site is located within an Aquifer Protection Area, and spoke about some of the criteria that will be met in order to comply. Mr. Hesketh commented they are looking into pervious pavement for some portions of the site, but said they need to verify with the DEP that it will comply with APA criteria. He also spoke of all the erosion control measures they are considering.

Mr. Hesketh reviewed each of the criteria requirements in order to comply for the Special Permit and described how they meet/will meet each of those requirements. He described all of the ways in which they will be maintaining the property and in order to keep the integrity of the property and improve the property from its current state.

Scott Hesketh, F. A. Hesketh & Associates, Inc, addressed the Commission with regards to the topic of traffic. Mr. Hesketh said they have submitted a traffic impact report and gave an overview of traffic report and the numbers used for the report. Mr. Hesketh referenced the declining traffic volumes in past years and the new development in the area now and how they both have contributed to the projected numbers used. He spoke specifically about trip generation volumes and of how the current and proposed intersections will perform. Mr. Hesketh described the proposed signalized intersection and their plan to widen and restripe Route 10, allowing the thru traffic to flow freely. He said they will provide the traffic report to the Office of State Traffic Administration for review.

Ken Laforge, F. A. Hesketh & Associates, Inc, addressed the Commission in order to discuss the proposed landscaping for the property. Mr. Laforge distributed a booklet to the Commission containing photos of the proposed plants. He then reviewed each section of the property and the landscaping they propose for each of those portions of the property. He spoke of mature trees they can keep and the variety of trees they will use in order to create a diverse landscape. Ultimately, Mr. Laforge said, they have created a design to allow a filtered view of the building from Route 10. Mr. Laforge described their plan for the streetscape along Route 10, saying they see it as a very important component of the site. After giving more details on specific plants they plan to use, Mr. Laforge described the proposed retaining wall and presented a board which illustrated what it will look like.

Matt Whittmer, a Licensed Architect with Phase Zero Design, provided a rendering of the proposed building from different vantage points and spoke of the impact of the landscaping just reviewed by Mr. Laforge. He spoke of the comfortable walking environment they are looking to create with the overall plan. He said this proposed building is the standard Big Y prototype which has been successfully used in communities similar to Simsbury. Then Mr. Wittmer reviewed the elevations, showing side and rear elevations and surrounding canopy. He referred to the brownstone they will incorporate into the signage for the property. Mr. Wittmer said the back of the building will not be seen from the skating rink because of the proposed berm and vegetation. Mr. Whittmer then compared the proposed structure with existing buildings in the immediate neighborhood.

At this point, Commissioner Pomeroy asked Emil Dahlquist, Chairman of Design Review Board, to give a brief presentation in order to communicate the findings of the DRB.

Mr. Dahlquist read the decision from DRB, which said DRB recommends denial of this application in its current form when taking into consideration the following documents: 2007 Simsbury Plan of Conservation and Development,

Route 10 Corridor Study, and the Guidelines for Community Design. Mr. Dahlquist said DRB would like them to be in further conformance with the three (3) planning documents previously listed. Mr. Dahlquist said he understands Big Y has certain marketing specifications, but he wanted to outline the issues DRB finds with this application. Mr. Dahlquist said the Simsbury Plan of Conservation and Development lays out a path, creating a guideline, for future development and this document is the basis for a lot of DRB's issues with Big Y's plan. Mr. Dahlquist said DRB does want to see this site developed, and want to see this project happen, but as it is currently presented it would deny all work done up until now in creating those three (3) previously referenced documents. Mr. Dahlquist then highlighted the specific issues DRB has, and said the DRB does not believe this proposed property will infuse character into the site. He spoke about the future of the North Gateway community and the negative impact this current plan would have on the neighborhood. He spoke about how this project does not encourage a pedestrian-friendly environment. Mr. Dahlquist concluded by saying there are ways to accomplish this, and DRB does hope to see this continue moving forward as an ongoing project, but not in its current form.

At this point, Commissioner Pomeroy opened it up to questions from Commission members. Commissioner Fiske asked Mr. Dahlquist how Big Y could design the structure in order to eliminate the parking between Route 10 and the building, as DRB would like to see. In response, Mr. Dahlquist spoke about breaking the proposed 54,000 SF structure up into three (3) separate structures and placing parking on the side and rear of those structures. He said they would like the building reconfigured to look more like a New England design. Mr. Dahlquist said this can be an opportunity for Big Y to create a store prototype more appropriate for smaller towns like Simsbury. In response to a question from Commissioner Ryan about the loading dock configuration, Mr. Hesketh discussed the flow of truck traffic. Commissioner Marecki then asked about any environmental issues they have run into with the site. In response, Mr. Hesketh said there was one small area identified, which was minor, but all else is clean. Commissioner Post questioned some of the traffic flow and the creation of an additional entrance, which was then discussed by Mr. Hesketh. Commissioner Pomeroy then noted that the entrance seemed tight and asked if it was the best configuration. This was discussed by Mr. Hesketh and the Commissioners. Commissioner Salls asked if Big Y has ever done another store design. Mr. D'Amour responded that they have never deviated from the design presented this evening for a traditional grocery store. Commissioner Post commented he has seen large corporations, such as McDonald's, alter its store design, so Big Y should be able to do it as well. In response, Mr. D'Amour said that type of re-design is much easier with a smaller footprint than it is with a larger scale grocery store.

Commissioner Pomeroy then opened up the floor for public audience.

John Lucker, 88 Blue Ridge Drive, addressed the Commission saying while he likes Big Y, he is concerned a new supermarket in town is not viable or needed. Mr. Lucker wanted everyone to keep the guideline documents in consideration. He noted Zoning Commission is repeatedly speaking about special exceptions versus traditional mechanisms we have previously relied upon. Town Planner also understand they report to those documents. Mr. Lucker said he fears the Commission will make it easier for other developers to pass through with these exceptions and that it needs to be done right this time.

Kirsten Griebel, 7 Caryn Lane, expressed her concerns about the application and all of its special exceptions. She said the Aquifer Protection Area is important and needs to be considered and looked at seriously and then Ms. Griebel read from the Aquifer Protection Area Regulations. Ms. Griebel said we need to follow town policies in order to preserve town character. Ms. Griebel read from the Route 10 corridor study and said the foremost priority was preserve 10 as a two (2) lane road. She said with Dorset Crossing being developed, the Northern Gateway will reach its choke point. She asked that the Commission to seek outside evaluation/opinion on this project prior to moving forward.

Sue Bednarzyk, 119 East Weatogue Street, read from the Simsbury Plan of Conservation and Development, specifically the section regarding the Northern Gateway Preferred Strategy. Ms. Bednarzyk expressed her concern regarding the Aquifer Protection Area and asked them to conduct a Phase II study for the protection of people. She also expressed concern for the local businesses this property would negatively affect. She said that putting grocery in the northern gateway will take away from traffic in Town Center. She said it is just too big. Ms. Bednarzyk said she thinks there are a lot of Simsbury citizens who are on vacation now who are not being heard on this matter. She said she is concerned about Town Staff approving a road to be used by the Skating Center. She spoke of increased traffic and the effect that would also have on wildlife in the area.

Nick Mason, 6 Erin's Way, (member of Board of Finance) said the Board of Finance has struggled during the budget process in recent years due to the increased expenses. Mr. Mason said for the past several years, the Mill Rate has grown faster rate than the expense rate because Simsbury's Grand List is stagnant. Mr. Mason reminded everyone that Simsbury has one of highest effective tax rates in the state of CT. He noted the potential \$250K additional tax revenue this project will produce on an annual basis, which will be good for the town. Mr. Mason spoke of recently-approved developments that are starting to add to the Grand List. Mr. Mason closed by saying it is important to start growing the town in a reasonable way

through development, which can help take some burden off of tax payers.

Bob Kane, 18 Arrowhead Drive, began by saying he has been in Simsbury for 50 years, 30 of which with his business, Kane's Market, located across from the proposed Big Y site. He asked the Commission to consider all of the local businesses within in the northern gateway and how they will be affected by the construction of this supermarket. Mr. Kane continued by saying the Town needs to consider all of the small businesses that will close as a result and the taxes will be lost due to those closures.

Rick Wagner, 152 Old Farms Road said he has been working with Big Y for 3-4 years on this project and has thought about this day in and day out. He said he sees it as being good for the north end and local businesses in that area because of the increase in traffic it will create. Mr. Wagner said while he would like them to make DRB happy, it simply isn't practical for Big Y to reconfigure its store. Mr. Wagner closed by saying he is proud of what Big Y is trying to create and there is not much alternative for the site.

Frank Krasnoger, 6 Farmstead Lane, said he thinks Simsbury needs the tax money and he thinks it will do a lot of good for the town. He said he doesn't think it will be harmful to those local businesses.

Judy Rabonowitz, 126 Hopmeadow Street, asked about size of the property as well as pervious pavement and any potential conflict with Aquifer Protection Area. She said putting something this large in that section of town may not be the right thing for the north end.

The topic of closing the public hearing was discussed by Commission members. Ms. Salls said she thinks this is a big enough issue that it should be kept open, as there are a lot of people on vacation who might want to express their opinion.

Commissioner Ryan made a motion to close the public hearing regarding Application #12-28 of Matt D'Amour of Big Y Foods, Inc. The motion was seconded by Commissioner Post and passed by a vote of four (4) to two (2), with Commissioner Salls and Commissioner Fiske voting against.

Mr. Pomeroy said he would strongly suggest they not take action on the application tonight, as they need to get some questions addressed and answered.

## VII. ADJOURNMENT

Commissioner Ryan moved to adjourn the Regular Meeting of the Zoning

Commission at 9:28PM. The motion was seconded by Commissioner Marecki and passed unanimously.

Respectfully submitted,

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Robert Pomeroy, Chairman