

From: Carrie Vibert September 17, 2012 3:14:44 PM
Subject: Zoning Commission Minutes 09/10/2012 DRAFT
To: SimsburyCT_ZoningMin
Cc:

ZONING COMMISSION - REGULAR MEETING
DRAFT MINUTES
SEPTEMBER 10, 2012

I. CALL TO ORDER

Robert Pomeroy, Chairman, called the regular meeting for the Zoning Commission to order at 7:01PM on Monday, September 10, 2012 in the Board of Education Conference Room of the Simsbury Town Offices. The following members and alternates were present: Dave Ryan, Gerald Post, Will Fiske, Edward Pabich, Vaughn Marecki and Derek Peterson. Others in attendance included Hiram Peck, Director of Planning and other interested parties.

II. APPOINTMENT OF ALTERNATES

Commissioner Pomeroy appointed Commissioner Peterson for Commissioner Salls and Commissioner Marecki for Commissioner Pabich (specifically regarding Application #12-28, as Commissioner Pabich recused himself from that agenda item).

III. APPROVAL OF MINUTES - July 30, 2012 Special Meeting

This minutes were adopted, with changes presented, by Commissioner Pomeroy.

IV. PUBLIC HEARING(s)

At this point in the meeting, Commissioner Pabich read the legal notice into record regarding the following public hearing items:

a. Application #12-32 of Thomas R. Evans, Owner, for a Special Exception pursuant to Article 10, Section H, of the Simsbury Zoning Regulations for a freestanding monument sign on the property located at 138 Hopmeadow Street (Map F18, Block 154, Lots 007A+8A). Zone B-1.

b. Application #12-34 of Ieke Scully, Agent for Simsbury Historical Society, Owner, for a Special Exception pursuant to Article 10, Section H, of the Simsbury Zoning Regulations for a temporary liquor permit on the property located at 800 Hopmeadow Street (Map G10, Block 227, Lot 001). Zone SC-1.

Application #12-32: Matthew Calendrillo, Live Everyday Orthotics, addressed the Commission saying they are looking to place two (2) signs up and have

been through Design Review Board. Mr. Calendrillo said they are willing to adhere to DRB's suggestion to take away the phone number and established date from the sign. Mr. Peck said the sign attached to the building does meet all of the standards and asked the applicants to speak further regarding the freestanding sign. Anthony Calendrillo, Live Everyday Orthotics, spoke about the specifications of the freestanding sign and showed the Commission renderings of the two (2) signs as well as a site plan illustrating location of the sign. Mr. Peck explained that DRB thought it was not appropriate to have the telephone number and established date on the signs. The Commissioners agreed there is no objection to having the applicant keep the established date on the sign. Commissioner Pomeroy asked if there were any comments from the public and there were none. Commissioner Pabich made a motion to close the Public Hearing regarding Application #12-32. The motion was seconded by Commissioner Fiske and passed unanimously.

Application #12-34: Ms. Scully addressed the Commission and described the events for which they would like to have the temporary liquor permit. Mr. Peck said there had been no complaints in the past with the Historical Society's events and the recommend approval of this application. Ms. Scully confirmed there will be no admission for those under 21 and the breweries have their own bartenders. Commissioner Pomeroy asked if there were any comments from the public, there were none.

Commissioner Ryan made a motion to close the Public Hearing regarding Application #12-34. The motion was seconded by Commissioner Fiske and passed unanimously.

Commissioner Pabich made a motion to amend the agenda in order to act on the public hearing items immediately. The motion was seconded by Commissioner Fiske and passed unanimously.

Commissioner Ryan made a motion to approve Application #12-32 of Thomas R. Evans, Owner, for a Special Exception pursuant to Article 10, Section H, of the Simsbury Zoning Regulations for a freestanding monument sign on the property located at 138 Hopmeadow Street (Map F18, Block 154, Lots 007A +8A), provided the applicant accept the DRB's suggestion to remove the telephone number from the sign. The motion was seconded by Commissioner Pabich and passed unanimously.

Commissioner Ryan made a motion to approve Application #12-34 of Ieke Scully, Agent for Simsbury Historical Society, Owner, for a Special Exception pursuant to Article 10, Section H, of the Simsbury Zoning Regulations for a temporary liquor permit on the property located at 800 Hopmeadow Street (Map G10, Block 227, Lot 001) for the three (3) event dates, or substitute dates if necessary. The motion was seconded by

Commissioner Pabich and passed unanimously.

V. DISCUSSION AND POSSIBLE ACTION ON ANY AGENDA ITEM

a. Site Plan Amendment for the Drake Hill Mall for a revised landscaping plan on the property located at 700-710 Hopmeadow Street: Mr. Peck said while the applicant was unable to make the meeting this evening, the Commission previously approved the landscaping plan for this development and the revised landscaping plan is simply a substitution of landscaping materials and was unanimously endorsed by DRB.

Commissioner Pabich made a motion to approve the Site Plan Amendment for the Drake Hill Mall for a revised landscaping plan on the property located at 700-710 Hopmeadow Street (Map G10, Block 227, Lots 001 and 001+2). The motion was seconded by Commissioner Fiske and passed unanimously.

b. Application #12-30 of Christopher Straka of Ascendant Energy, Agent for Arbur Holdings, LLC, Owner, for a Site Plan Amendment for solar panels on the property located at 123 West Street: Mr. Straka addressed the Commission saying they originally planned for the solar panels to be placed on the roof but the structure cannot handle it, so they need to go onto the ground and will be encroaching on wetland area. Mr. Straka described the property and said he would answer any questions the Commission might have. Commissioner Ryan asked about the threat of flooding in that area and Mr. Straka said he had not done a wetlands study there, but according to the Owner, there have been no flooding issues. Commissioner Marecki asked about the visibility of the proposed solar panels from the apartments next door and Mr. Straka showed the layout on a photo and the position of the proposed solar panels. Commissioner Peterson asked how much they plan to save in terms of energy bills as a result of the solar panels and Mr. Straka said they expect to offset 100% of the Owner's bill. Mr. Straka spoke of the minimal impact to the surrounding area the solar panels will have and said there will be no reflective issues. As a result of a question posed by Commissioner Post, Mr. Straka provided the specifications of the panels. It was confirmed that the Conservation Commission already looked at this and had no issues. Commissioner Ryan asked if there would be any chance for future expansion of the panels and Mr. Straka said no, this is a one-time thing.

Commissioner Post made a motion to approve Application #12-30 of Christopher Straka of Ascendant Energy, Agent for Arbur Holdings, LLC, Owner, for a Site Plan Amendment for solar panels on the property located at 123 West Street (Map F11, Block 103, Lot 002). The motion was seconded by Commissioner Pabich and passed unanimously.

c. Application #12-31 of Nadir Lamaj, Owner, for a Sign Permit for a freestanding sign on the property located at 244 Farms Village Road:

Mr. Lamaj addressed the Commission speaking about the addition to their current sign they would like to make and described the changes he would be making. Mr. Peck said the new sign fits with all of the regulations.

Commissioner Ryan made a motion to approve Application #12-31 of Nadir Lamaj, Owner, for a Sign Permit for a freestanding sign on the property located at 244 Farms Village Road (Map C10, Block 418, Lot 016). The motion was seconded by Commissioner Fiske and passed unanimously.

d. Application #12-33 of Thomas R. Evans, Owner, for 2 signs for Live Every Day on the property located at 138 Hopmeadow Street:
Mr. Peck confirmed the proposed sign is within regulations.

Commissioner Pabich made a motion to approve Application #12-33 of Thomas R. Evans, Owner, for 2 signs for Live Every Day on the property located at 138 Hopmeadow Street (Map F18, Block 154, Lots 07A+8A), provided the applicant accept the DRB's suggestion to remove the telephone number from the sign. The motion was seconded by Commissioner Fiske and passed unanimously.

e. Meadowood Conservation Easement:
Mr. Peck addressed the Commission saying this is regarding the trail system that was approved as part of the Meadowood development. Mr. Peck showed the Commissioners a site plan outlining the original plans. Originally, Mr Peck continued, the question was if the public had access to the trail system and who would own the public space, showing the property boundaries on the map. He continued by saying the latest version of the easement does give the public access to the trails. Mr. Peck said the Conservation Commission is the commission most involved with this topic and that Town Attorney instructed him to have Zoning see this prior to going back to the Conservation Commission. Mr. Peck suggested they approved as structured currently and it will have to come back to Zoning if there are any significant changes made in the future. Mr. Peck and Commissioner Pabich spoke about the terms of conveyance vs. donate with regards to the Open Space and Mr. Peck said Town Attorney has confirmed that the Owner will maintain liability and be responsible for maintenance, not the Town.

Commissioner Ryan made a motion to accept the Meadowood Conservation Easement in accordance to with the agreement made amongst the Zoning Commissioner, Conservation Commissioner and Planning Commission. The motion was seconded by Commissioner Post and passed unanimously.

f. Staff items for discussion: a. Discussion of the term Arterial Road in current Zoning Regulations:
Mr Peck said there is a section within the regulations that deals with assisted living facilities and it says the only place those facilities can

be located are parcels that lie on an "Arterial Road". He said there is a developer considering building an assisted living facility, but the road they are considering is not classified as an arterial road, although it meets all of the standards of one. Mr. Peck said the cleanest way to deal with this issue would be to change the definition to "arterial roads or road that meets the specification standards of an arterial road".

Commissioner Pomeroy said he wants to find the best process to resolve this issue. Mr. Peck said this would be a change to the Zoning Regulations and would require a public hearing, but would be a very simple change and could be done later this fall.

f (b). Discussion of possible Zoning Regulation revision regarding licensed medical marijuana dispensaries and producers:

Mr. Peck said some towns are revising their regulations in order to address this issue. Mr. Peck said Canton wrote a regulation in order to limit the area marijuana can be grown and the dispenser would have to be a licensed pharmacist. Mr. Peck said limiting to licensed pharmacist could be a good way to amend the Zoning Regulations and get public input about this topic. Mr. Peck spoke about some other Town's approaches with regards to this topic. The process of how medical marijuana license is obtained was discussed. Commissioner Fiske clarified that amending the Zoning Regulations will be a way to control where it could be grown and where it could be dispensed. Mr. Peck said he would distribute more detailed information to the Commissioners regarding this topic for review and consideration.

f (c). Discussion of revisions to current Zoning Regulations pertaining to signs:

Mr. Peck said he wants to make more sense out of the sign regulations as they are redundant and don't always make sense, so Mr. Peck is looking at making revisions. Mr. Peck said his draft will be ready in November/December for review by the Commission.

g. 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:

Commissioner Pabich recused himself from discussion/participation on this topic, Commissioner Marecki is seated as an alternate for this item. Commissioner Pomeroy said this is a chance for the Commissioners to ask questions of Mr. Peck. Commissioner Fiske asked Mr. Peck about the lighting, which he described and confirmed that it is similar to the lighting throughout town. Mr. Peck showed the site plan, specifically

pointing out the lighting plan to the Commissioners. It was discussed that the signage would be a separate application.

Commissioner Ryan commented that BigY has done their homework by conducting a market analysis, confirming the demand for the store. With the proposed Meadowood, he continued, there could potentially be an additional 400 houses, which would increase that demand.

Commissioner Peterson said he sees this development as improving the future character of the area. Commissioner Marecki he sees this development as a catalyst for change in that area of town. Commissioner Post said as a large property owner, Mr. Wagner will have a big influence on the future of that area.

The ingress and egress was discussed as well as future potential traffic with Commissioner Post expressing concern about the addition of future driveways for adjacent potential developments. As a result of that comment, connectivity between parcels and/or future developments was also discussed. Commissioner Peterson asked about truck traffic and delivery times. Mr. Peck said the applicant had told the Commission previously that the major deliveries would be made at late evening or early morning. Mr. Peck also spoke about BigY's planned buffers for the loading area to decrease noise and light.

Commissioner Pomeroy asked if there were comments regarding the height and bulk of the building in relation to other structures in the vicinity, saying the case was made by the applicant that the proposed building is a smaller footprint than surrounding structures. Commissioner Ryan agreed with that representation.

The Commission spoke about impervious pavement versus pervious pavement with regards to storm-water run off. Mr. Peck said Town Engineer completed a report and in terms of storm-water, his opinion is the site is adequately designed to deal with storm water from the building and parking lot. He also said DEP staff's opinion is that the use of impervious or pervious would be acceptable at this site, although they would prefer them to use pervious pavement. The developer previously said they would consider using pervious paving at the appropriate areas on the site and there is no issue regarding potential contamination. Pervious versus impervious pavement was discussed further. Mr. Peck said where there is a lot of truck traffic, it should be impervious pavement.

Mr. Peck said Commissioner Salls had three (3) questions that she wanted on record, as she is unable to attend in person this evening: (1) Has storm-water management plan addressed all of the possible issues of the site? Mr. Peck responded that they had just discussed this topic and referenced the

Town Engineer's report, which confirms that their plan does address the possible issues. (2) Traffic issues, does the plan adhere to the Traffic Control regulations and follow the Route 10 corridor recommendations? Mr. Peck responded that State Traffic Commissioner will review and approve the plan. Mr. Peck said in most cases it follows the Route 10 Corridor study, but in some cases, it does not. (3) What is the potential revenue to the Town: Mr. Peck reviewed the numbers presented at the last meeting of potential future taxes between \$150K-\$250K/year, which is currently \$40K for that site.

When asked about signage, Mr. Peck said there is no application for it yet, but their proposed signs are consistent with regulations. Commissioner Ryan said he is concerned with mandating pervious surfaces when they don't know if it will be practical. Commissioner Pomeroy said if it is not practical or possible, they have to come back in front of the Zoning Commission and it will be addressed again at that point. Commissioner Pomeroy noted the large amount of time spent talking about the landscaping plan as an integral part of the overall plan and in his opinion, it is an essential part of accepting the other issues of non-compliance.

Commissioner Peterson went back to the topic of traffic circulation and access (referencing an analysis that quoted they will operate in C or better) and asked Mr. Peck to put it in context. Mr. Peck said C is an acceptable level. Potential future traffic lights were discussed.

The shortened parking spaces were discussed further after Commissioner Marecki expressed his concern about the larger cars and potential accidents as a result of tighter space.

Commissioner Pomeroy said he appreciates the public participation with regards to this issue, as it is not an easy situation to consider. He said he thinks the Zoning Commission is challenged to review the project on the merits of its application, and they have used their best efforts to do just that.

Commissioner Peterson asked if the Town Engineer would be supervising on-site in order to avoid having the applicant come back later with an issue. Mr. Peck said Town Engineer would be involved, but the Owner has to give constant progress updates.

Commissioner Post said he does think there is a long-term issue regarding easements for the main driveway and it needs to be addressed. Commissioner Pomeroy agreed and said it could be addressed within the motion.

Commissioner Ryan moved the approval of 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 the following Special Exceptions; (1) allowance of a supermarket located in a B-2 Zone (2) expansion of property coverage from 40% to 60%, and (3) change in the length of specific parking spaces, provided the applicant adhere to the following three (3) stipulations; (1) pervious paving be used for the parking and light traffic areas, (2) the Applicant grant multiple easements to the property located adjacent to the south and (3) consideration of the Conservation Commission's request they clean the storm water system at least twice a year. The motion was seconded by Commissioner Marecki and passed unanimously.

VI. OTHER MATTERS AS MAY PROPERLY BE BROUGHT BEFORE THE COMMISSION
There were none.

VII. ADJOURNMENT

Commissioner Ryan moved to adjourn the September 10, 2012 Regular Meeting of the Zoning Commission at 8:43PM. The motion was seconded by Commissioner Fiske and passed unanimously.

Respectfully submitted,

Robert Pomeroy, Chairman