

From: Lois Laczko October 25, 2010 9:36:36 AM  
Subject: Zoning Commission Minutes 10/04/2010 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
October 4, 2010  
REGULAR MEETING

I. CALL TO ORDER

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

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Ms. Gilkey to serve in the absence of Mr. Vaughn.

III. APPROVAL OF MINUTES of September 20, 2010

Several edits were made to the minutes.

Mr. Elliott made a motion to approve the September 20, 2010 minutes as amended. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Pabich read the call.

IV. PUBLIC HEARING(s)

a. Application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Dale H. Cutler, Jr., Kenyon & Cutler, Agent, for Signage, pursuant to Article Ten, Section c.6 of the Simsbury Zoning Regulation, on property located at the Simsbury Town Library, 725 Hopmeadow Street. SCZB Zone

Mr. Cutler stated that they are proposing a replacement sign at the library. He showed the Site Plan depicting the location of the sign. The

existing sign is located in the State right-of-way. He stated that they were led to believe that they could replace the new sign in the same location, although certain restrictions would be placed for the sign by the DOT. Mr. Cutler stated that they have decided that they would like to locate the proposed sign behind the property line. They will be preserving some of the brownstone planter that is around the existing sign.

Mr. Cutler stated that the proposed sign has two brick supports. The brick that is being used is the same material that was used to construct the library. The brick supports will be capped. He stated that they will also have a planter around the proposed sign with a low evergreen bed beneath the sign to hide the lighting. The sign is an off white color with black lettering. There is also a black raised detailed stripe around the sign.

Ms. Gilkey stated that this new sign is an improvement from what is currently there.

In response to a question by Mr. Elliott, Mr. Cutler stated that the proposed sign sits on two concrete piers. Inside the 8 inch brick planter is exposed earth with plantings; there is no foundation under this planter. He stated that the Garden Club takes care of these plantings.

Chairman Gallagher asked if there were any comments or questions from the public.

Harold Bender, 6 Maureen Drive, questioned if there was any uplighting regarding this proposed sign. He stated that if the applicant is proposing uplighting, it needs to be shielded. Mr. Cutler stated that they have been using an LED source that is small but directional. They will be considering using this type of light.

Mr. Elliott stated that the plans do not show any lighting. Mr. Cutler stated that they could come back before this Commission with a lighting plan or if the Commission would prefer, he would commit to using the LED lighting.

Chairman Gallagher stated that the Design Review Board unanimously approved this proposed sign. He closed the public hearing.

Mr. Pabich made a motion to move Item VI., Discuss and Possible Vote on any Agenda Item, next on the agenda in order to vote on Item IV. a. Ms. Gilkey seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Dale H. Cutler, Jr., Kenyon & Cutler, Agent, for Signage, pursuant to Article Ten, Section c.6 of the

Simsbury Zoning Regulation, on property located at the Simsbury Town Library, 725 Hopmeadow Street as presented with the qualification that LED lighting be included in the approval, two lights per side, three inches in diameter and angled to minimize light spillage. Mr. Pabich seconded the motion, which was unanimously approved.

V. PRESENTATION(s)

a. Application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Site Plan Amendment for construction of a 30-foot x 70-foot High Tunnel (greenhouse) on property located at the Community Farm of Simsbury, 73 Wolcott Road. I-1 Zone

Mr. Peck stated that The Community Farm is in the process of building this greenhouse to extend their growing season. Volunteers did some of the work recently, although they did not have a permit. Because this is Town property, the Board of Selectmen suggested getting an 8-24 approval. He stated that the Planning Commission recommended approval of the 8-24. He stated that part of the structure has already been established. The Community Farm has apologized for getting ahead of the process.

Mr. Peck stated that there are four piers for the greenhouse foundation. There is no water or electricity for the greenhouse at the present time. Water will be put in in the future; Town approval may be needed in order to do this.

Mr. Peck stated that all of the food that is grown at The Community Farm is in keeping with the Charter of the farm. The produce goes to food banks in the area. He stated that the greenhouse also meets all of the Zoning setbacks. The application is before the Zoning Commission tonight for approval of the structure as shown on the plans.

Mr. Ryan questioned why to application went to the Planning Commission. Mr. Peck stated that this is a structure that has a foundation that is on Town owned land. One part of the 8-24 Statute requires that substantial improvements or placement of structures on public property need to go to the Planning Commission.

Mr. Elliott stated his concerns regarding safety issues; a cross walk may be needed.

Mr. Pabich made a motion to move Item VI., Discuss and Possible Vote on any Agenda Item, next on the agenda in order to vote on Item V. a. Ms. Gilkey seconded the motion, which was unanimously approved.

Mr. Pabich made a motion to approve the application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Site Plan Amendment for construction of a 30-foot x 70-foot High Tunnel (greenhouse) on property located at the Community Farm of Simsbury, 73 Wolcott Road as submitted with consideration for crosswalks to make sure volunteers and others are safe crossing Wolcott Road. Mr. Pomeroy seconded the motion, which was unanimously approved.

b. Application of Jeffrey Hoffman, Hoffman Enterprises, Owner, T. J. Donohue, Jr., Attorney, Agent, for Signage on property located at Hoffman Enterprises, Albany Turnpike and West Mountain Road. B-3 Zone

Attorney Donohue stated that the applicant is seeking approval of the unified sign plan for this site. They have been before the Design Review Board and received a favorable vote. This is a unique site. Some of the members of the Design review Board wanted less signs, although the professional consultant gave convincing testimony stating these signs are needed for safety reasons.

Mr. Peck stated that the Fire Marshal would like several additional fire lane signs to be added to the site as shown on the plans. The Fire Marshal felt the amount and locations of the stop signs were adequate. Regarding the design of the signs, the Design Review Board did not have any problems; their issue was with the number of signs. They would like to see the number of signs reduced, although emergency personnel believe that the number of signs, along with the additional fire lane signs, are adequate.

Mr. Peck stated that the other signs that are a part of this sign package are directional signs, which were not opposed by the Design Review Board. They liked the wayfinding signs; they felt that these signs were appropriate. He stated that there are also delivery signs for the Best Buy. There are also signs at the rear of the property that direct people to the body shop. They are currently using 4-5 sandwich board signs; these signs would be replaced with one new auto body sign.

Attorney Donohue stated that the abutting homeowners have been patient. The applicant will be constructing the berming, fencing and planting the trees along West Mountain Road immediately upon opening the bids.

Mr. Elliott stated that he believes there is an outstanding matter with respect to if the front of the Toyota building was ever approved as a sign. He questioned if this issue was included with this application that is before this Commission tonight. Attorney Donohue stated that this sign package does articulate and list the Toyota sign as just the letters; there is no discussion of the architectural feature of the Toyota wall. Mr.

Elliott stated that he believes the wall that the lettering is placed on is considered part of the signage. He questioned if there was a final Certificate of Occupancy for this building. Mr. Peck stated that a Certificate of Occupancy has not been yet been given. Attorney Donohue stated that the Toyota signage is part of the plan specifications, including the Gensler Study, which was part of the process and part of the approval documents.

Mr. Elliott stated that there are more than 100 signs that are being proposed for this site. He stated that although he is not opposed to the signage, he does not feel that the Commission has gotten enough time to review the plans. He believes that a favorable vote for the application tonight would endorse the wall in front of the Toyota building as a sign that is acceptable in the Town of Simsbury.

Ms. Gilkey stated that although the temporary signs that are currently on the site do the job, she believes these proposed signs are more professional. She stated that the fire lane signs outweigh the other signs, although if the Fire Marshal has recommended these signs, she feels that this Commission should not question his authority.

Mr. Pomeroy stated that the directional signs are tastefully done and helpful. The size and positioning of the fire lane signs seem reasonable. If the Fire Marshal feels additional signs are needed, they should be approved. He stated that although he understands Mr. Elliott's concerns, if the Toyota building was adequately and accurately described at the time that it was approved, this Commission cannot reinterpret their decision.

Ms. Salls stated that the Toyota sign seems to be in violation of how the Town approves signs. She stated that the question is if the Commission can take their approval back. She questioned if the Commission could approve what needs to move forward tonight, but continue to look at this issue. Mr. Elliott stated that one approach could be to recommend approval of all of the elements of this application except those that pertain to the front of the Toyota building.

Attorney Donohue stated that the wall is not part of the sign. It is a wall that has a function of separating space. If the Commission has interest in prohibiting that type of a feature on a commercial building, they should pass a new regulation that discusses this issue.

Mr. Pabich stated that he feels this is an attractive building. Although an understand Mr. Elliott's concerns, he does not believe there is any benefit to delaying this vote tonight. He stated that he is in support of this application.

Mr. Bender stated that the same sign and wall on Toyota buildings in other Towns turn their lights off when the dealership is not open. This may be an option.

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

Mr. Pomeroy made a motion to approve the application of Jeffrey Hoffman, Hoffman Enterprises, Owner, T. J. Donohue, Jr., Attorney, Agent, for Signage on property located at Hoffman Enterprises, Albany Turnpike and West Mountain Road as submitted. Mr. Pabich seconded the motion.

Mr. Elliot made a motion that the Commission exempt the front of the building from approval tonight and defer that issue for further consideration. There was no second.

Mr. Pomeroy's motion was approved. Mr. Elliott voted in opposition to the motion.

#### VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

##### Other Business

##### Status of Town Center Code Discussion/Mapping Discussion

Mr. Peck stated that the draft code is now on the Town website. If any of the Commission members have comments, he asked that they email him. The Town Attorney's comments have not yet been received. Mr. Peck stated that when he receives those comments, he will integrate them into the code and will get the revised code to the Boards and Commissions.

Mr. Peck stated that they need to get the regulating map in place. This map shows the buildings closer to Hopmeadow Street in order for them to line up with the buildings that already exist and to maintain the green space.

Mr. Peck stated that the DOT parking lot issue is moving forward. He is hopeful that the Town can make a proposal within the next 6 months.

Chairman Gallagher stated that he met with Chairman Loomis of the Planning Commission and Chairman Dahlquist of the Design Review Board regarding the Town Center Code. All of the Land Use Boards will be reviewing the code and will get their comments back to the Zoning Commission. He stated that they may have a joint meeting in November with all of the Land Use Commissions. Mr. Pabich suggested having a workshop to discuss the revised code with the Town Attorney. Mr. Elliott stated that Attorney Sitkowski was hired to represent the Town. Attorney Sitkowski also has form base

code experience; the Commission may want to consider having the workshop with Attorney Sitkowski.

Mr. Peck stated that there will be a Route 10 study that will be starting soon. A small Charrette will be a part of this study. The same consultant will be working on this study with the State DOT. Mr. Peck stated that he is hopeful to have the consultant speak with the Commissions regarding the revised draft at that time when he is already in the area.

#### IHZ discussion and possible action

Mr. Peck stated that the Incentive Housing Zone Regulation will be finalized soon and will be submitted to OPM. There are 3-4 property owners that would like to move forward with this regulation.

Mr. Peck distributed a letter from a homeowner regarding accessory structures. The Zoning Regulations constricts where they can put their shed. They are requesting that the Zoning Commission look at this regulation and revise it. This homeowner will be pursuing a variance through the Zoning Board of Appeals.

Mr. Peck distributed a flow chart regarding the process for the PAD Regulation. The hearing for the first PAD application for the Grist Mill property will be held on October 18th.

Mr. Peck stated that in the front windows of the CVS Pharmacy on Hopmeadow Street, the showcase backs can be seen. He stated that they are proposing to cover the back of the shelves with lettering on the inside of the windows. The total amount of signage would be 3.9 feet. The lettering would state, "Baby, Health, Beauty, Photo and Pharmacy". Mr. Peck stated that this proposal meets the sign regulations.

Mr. Elliott stated that he feels CVS should submit a proposal prior to this Commission making a determination. The Commission agreed.

#### 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

Mr. Pabich made a motion to adjourn the meeting at 8:35 p.m. Ms. Gilkey seconded the motion, which was unanimously approved.

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Ed Pabich, Secretary