

From: Carrie Vibert                      October 17, 2012 10:22:49 AM  
Subject: Zoning Commission Minutes 10/15/2012 DRAFT  
To: SimsburyCT\_ZoningMin  
Cc:

ZONING COMMISSION - REGULAR MEETING  
DRAFT MINUTES  
OCTOBER 15, 2012

I.            CALL TO ORDER

Robert Pomeroy, Chairman, called the regular meeting for the Simsbury Zoning Commission to order at 7:01PM on Monday, October 15, 2012 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Will Fiske, Edward Pabich, Ed Cosgrove, David Ryan, Amy Salls and Derek Peterson. Others in attendance included Hiram Peck, Director of Planning and other interested parties.

II.          ALTERNATES

Commissioner Pomeroy appointed Commissioner Peterson for Commissioner Post.

III.        APPROVAL OF MINUTES of the October 1st Regular Meeting

Commissioner Pomeroy adopted the minutes as presented.

I.           PUBLIC HEARING(s)

Commissioner Pabich read the legal notice for the following Public Hearing item:

a) Application #12-37 of Wiley Swain, DBA Wiley Swain General Carpentry, Agent for Stephen and Susan Ersinghaus, Owners, for a Special Exception pursuant to Article 7, Section C.9, of the Simsbury Zoning Regulations for an in-law addition on the dwelling on the property located at 246 Stratton Brook Road.

Mr. Peck confirmed that this application meets with regulations. Commissioner Pabich asked if a family member will occupy the in-law addition and Mr. Swain, DBA Wiley Swain General Carpentry, confirmed that yes, it will be a family member of the Owners. Commissioner Pomeroy asked if there were any neighbors of the applicant in attendance for comment and

there were none.

Commissioner Pabich made a motion to close the Public Hearing. The motion was seconded by Commissioner Fiske and passed unanimously.

#### V. PRESENTATIONS

a) Application #12-38 of Hartford Sign & Design LLC, Agent for Jeffrey Dixon, Owner, for a 2-sided post and panel style sign on property located at 927 Hopmeadow Street.

Mr. Peck spoke regarding the application, as the applicant was unable to attend, explaining that the sign presented at this meeting was approved and recommended for approval by DRB, with the slight addition of a request to decrease the size of the property address number. Mr. Peck said the DRB did ask for specifications regarding the lights, which will be presented later this week. DRB also recommended the Owner plant small vegetation/landscaping on both sides of the sign in order to shield the lighting and the Owner agreed to follow that recommendation. Mr. Peck confirmed this application meets with requirements. Commissioner Cosgrove said he thinks it is important that the street number on the sign is large enough to be visible by motorists, which was discussed briefly by the Commission members.

Commissioner Fiske moved approval of Application #12-38, granting Mr. Peck the ability to ensure the street number on the sign is large enough to be read by passers by. In addition, the lighting is approved, as long as it is adequately shielded from passers by, pursuant to the DRB's recommendation. Commissioner Pabich seconded the motion and was unanimously passed.

Commissioner Pabich moved approval of the Public Hearing Item (Application #12-37). The motion was seconded by Commissioner Fiske and was unanimously passed.

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

a) Discussion of proposed Zoning Regulation amendments, set public hearing date.

Commissioner Pomeroy began the discussion regarding the topic of production and distribution of Medical Marijuana within Simsbury and the corresponding potential Zoning Regulation revision to address that topic. Mr. Peck suggested holding a public information session in order to gauge public opinion on this topic. Ms. Salls said the public should be able to get some information on this topic prior to having this session and then asked Mr.

Peck how that information could be distributed to the public. Mr. Peck suggested putting a copy of the law on the Town website for people to view prior to holding the public information session and also suggested a fact-based press release. The process of communicating this information to the public was discussed by the Commission members. Mr. Peck asked if the November 19th regular Zoning Commission meeting will work for this public information session/discussion. Commissioner Pomeroy clarified that this would be a preliminary meeting prior to crafting regulations at the Town level to deal with the State Medical Marijuana law. Mr. Peck spoke briefly about some other towns that are addressing this topic now.

Moving on to the topic of proposed Zoning Regulation revisions, Commissioner Pomeroy asked if there were any questions about the revisions proposed by Mr. Peck. Commissioner Pabich asked about the wording on one of the proposed revisions, which Mr. Peck explained. After the discussion, Commissioner Pabich said he was ok with the language. Some other administrative changes were discussed.

Commissioner Pabich made a motion to set a public hearing date on December 3, 2012 in order to address the proposed Zoning Regulation changes. Commissioner Fiske seconded the motion which passed unanimously.

Commissioner Pomeroy said the Zoning Commission will be recommending the adoption of the proposed Zoning Regulation amendments.

b) Discussion of sign regulation revisions. No action required.

Commissioner Pomeroy recommended that the Zoning Commission have a discussion with DRB regarding this issue. Mr. Peck said on October 30th, there would be a presentation at the Library by the consultant to DRB at 5:30PM. Mr. Peck said there would be a public meeting (7:00PM) following the presentation.

## VII. OTHER MATTERS AS MAY PROPERTY BE BROUGHT BEFORE THE COMMISSION

Mr. Peck said Rick Wagner came to him regarding a proposed use at his property, located at 1259 Hopmeadow Street.

Commissioner Peterson moved this item be added to the meeting agenda. Commissioner Salls seconded the motion which was unanimously passed.

Steve Morris and Rick Wagner addressed the Commission regarding Mr. Morris's woodworking operation, which is growing and in need of additional space. Mr. Morris explained they are creating jobs for people with intellectual disabilities with their business. He said the work that will be done on the property will be that of splitting and bundling of wood. Mr.

Wagner said this is for charity and he and Mr. Morris have gone through some plans together already. Mr. Morris said they will be trying electric wood splitters in order to minimize noise and pollution. Commissioner Pomeroy asked how long this would be there and Mr. Wagner said it was an indeterminate length of time at this point. Mr. Peck said this meets all zoning regulations, but he just wanted the Commission to know about what will be going on at the property. Mr. Morris then described how the business is supervised.

Commissioner Fiske moved to approve the application. The motion was seconded by Commissioner Ryan and was unanimously approved.

Mr. Peck addressed the Commission saying there is a tremendous amount of activity in the Building Department, and it has been difficult for the Building Official to keep up with inspections, although there have not been any complaints regarding delays yet. Mr. Peck said activity levels in that department are back up to 2007 levels there is no longer an assistant. He wanted the Commission to know there will probably be a request for funds within the next budget season in order to hire additional help and keep up with demand for inspections.

Commissioner Salls asked Mr. Peck the best course of action for those who have a complaint about a blight property. Mr. Peck said they should put in a comment to his office so it can be addressed. He said there are currently 56 active blight properties.

Commissioner Cosgrove asked about a sign at the Benny's property that he does not think meets current regulations. Mr. Peck said they are in contact with the owner and are working on that issue.

Commissioner Pomeroy asked for an update on the Big Y project. Mr. Peck said they are currently going through the State Traffic Commission process and should be through that in January, would like to break ground in February and be open by October 2013.

Mr. Peck said he will be soon speaking to Simsbury business Owners, outside of Town Center, in order to hear how their department can help them be more successful.

#### VIII. ADJOURNMENT

Commissioner Ryan moved to adjourn the October 15, 2012 Regular Meeting of the Zoning Commission at 7:54PM. The motion was seconded by Commissioner Pabich and passed unanimously.

Respectfully submitted,

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Robert Pomeroy, Chairman