

From: Lois Laczko November 22, 2010 11:58:25 AM  
Subject: Zoning Commission Minutes 10/18/2010 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
October 18 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, Tom Doran and Amy Salls. Madeleine Gilkey arrived at 7:03 p.m. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Mr. Doran and Ms. Gilkey to serve in the absence of two Commission members.

III. APPROVAL OF MINUTES of October 4, 2010

Several edits were made to the minutes.

Mr. Elliott made a motion to approve the October 4, 2010 minutes as amended. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Pabich read the two legal notices.

IV. PUBLIC HEARING(s)

a. Application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with the Theatre Guild's patron party to be held on Saturday, November 13, 2010 at Boy Scout Hall, 695 Hopmeadow Street.  
SCZB Zone

Mr. Peck stated that this event has been held for a number of years. Town staff is recommending approval.

Ms. Davis stated that this event will be held from 10 p.m. to 1 a.m. She stated that this is a Champaign gala for their patrons.

Mr. Elliott questioned who would be serving the alcohol. Ms. Davis stated that Board members will be serving the Champaign. They will also be serving coffee, soda and food. She stated that they have been holding his event for 38 years; there has never been an issue.

Chairman Gallagher asked if there were any questions or comments from the public. There were none. He closed the public hearing.

b. Application of Wolf Restaurant, LLC, Owner, for a Special Exception, pursuant to Article Seven, Section M.3.b.2 of the Simsbury Zoning Regulations for an additional parking area (for Abigail's located at 4 Hartford Road) within the flood plain on property located at 332 Hopmeadow Street. B-1 Zone

Mr. Pabich made a motion to hear both of the applications for Wolf Restaurant, LLC, together. Ms. Gilkey seconded the motion, which was unanimously approved.

Application of Wolf Restaurant, LLC, Owner, for a Site Plan Amendment to allow for additional parking spaces (for Abigail's located at 4 Hartford Road) on property located at 332 Hopmeadow Street. B-1 Zone

Attorney Silver stated that the new plans submitted have been slightly changed. The only change was the location of the dumpster. It will now be located within the setback requirements. There are approximately sixty additional parking spaces. The plans also show which healthy trees will remain on the site.

Mr. Pabich questioned what consideration has been given for the daycare facility. Attorney Silver stated that they will put a "Do Not Enter" sign on the curb area that goes into the parking area for the daycare portion of the site. Ms. Gilkey suggested having signs that state "No Parking" or "Daycare Parking Only" on those particular parking spots. Attorney Silver stated that they are trying to keep patrons out of this whole area.

Chairman Gallagher questioned if a speed bump would be considered to slow cars down. Attorney Silver stated that this was a possible option. The Commission members agreed that a speed bump was necessary.

Mr. Elliott questioned where the setback issues lie. Attorney Silver

stated that they are seeking a Special Exception to use this area for parking. Mr. Peck stated that the regulations require a setback from residentially zoned property. The Commission can provide relief where appropriate; Town staff recommends this relief because they believe it is appropriate in this case.

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

Attorney Case stated that he represents the owners of the daycare facility at 6 Hartford Road. He stated that they own the building as well as a ground lease. Although they understand the demand for parking, they have concerns regarding the safety of their patrons as well as the aesthetics of the property. Safety of the children in terms of pick up times is a concern. Also, they would like to make sure that the speed bump will be put in place because they feel this will slow the traffic down. The other issue is the way the traffic circulates. People use this parking lot as a cut through in order to avoid the traffic light. He stated that the problem with signage, which the Commission and applicant have recommended, is that the signs disappear.

Attorney Case stated that there are five or six spaces in front of the daycare facility; they have exclusive rights to those spaces. He stated that they need to make sure the flow of the traffic works during the evening hours when people are picking up their children.

Regarding the dumpster, Attorney Case stated that they are concerned that this is not a big enough pad. Also, the daycare dumpster is not shown on the plans. The pad needs to depict two dumpsters; parking is currently shown in that location. He stated that the plan also shows dumpsters behind Abigail's, which he believes will be removed. Attorney Silver stated that the current existing dumpsters will be removed and the pad will be enlarged for use of both tenants; both tenants will be sharing one dumpster.

Michelle Mullins, daycare owner, stated that she does not want to share dumpsters. Attorney Silver stated that the lease will need to be reviewed.

Regarding the aesthetics of the property, Attorney Case showed the Commission members photographs regarding what the property will look like once the trees are cut down. He suggested that mature plantings be made a condition of approval.

Ms. Gilkey questioned if Ms. Mullins would consider one dumpster between the two tenants if there was not enough room to have more than one. Ms. Mullins stated that she would like separate dumpsters in order to keep the

billing separate. Attorney Silver stated that Mr. Wolf has agreed that if the daycare facility does not generating more trash than they historically have, they will continued to be billed the same amount. Attorney Case stated that he believes there is enough room for two smaller dumpsters in the proposed location. In response to a question by Mr. Elliott, Attorney Silver stated that the dumpsters will be screened by fencing.

Ms. Gilkey stated that she believes there should be a speed bump as well as signage in the area of the daycare center.

Mr. Peck stated that Town staff has talked with the Town Engineer; they would like the owner and the project engineer to provide calculations to the Town Engineer regarding the balance of cuts and fills in this area because of the proximity to the floodplain. Town staff would also like to make sure that the owner and his agents work with Town staff on how to best provide the required hard surface for the parking area. Also, the Conservation Officer should be involved prior to removing any trees on this site. Mr. Peck stated that there is one tree in front of the daycare facility, which he recommends that a licensed arborist look at to make sure branches do not fall and hurt anyone.

Chairman Gallagher closed the public hearing.

Mr. Pabich made a motion that move item VI next on the agenda. Ms. Gilkey seconded the motion, which was unanimously approved.

Mr. Pabich made a motion to approve the application of the Town of Simsbury, Owner, Darlene Davis, Theatre Guild of Simsbury, Agent, for a Special Exception for a Temporary Liquor Permit, pursuant to Article Ten, Section H of the Simsbury Zoning Regulations in conjunction with the Theatre Guild's patron party to be held on Saturday, November 13, 2010 at Boy Scout Hall, 695 Hopmeadow Street, as submitted. Ms. Gilkey seconded the motion, which was unanimously approved.

Mr. Pabich made a motion to approve the application of Wolf Restaurant, LLC, Owner, for a Special Exception, pursuant to Article Seven, Section M. 3.b.2 of the Simsbury Zoning Regulations for an additional parking area (for Abigail's located at 4 Hartford Road) within the flood plain on property located at 332 Hopmeadow Street subject to the following conditions: that the owner and project engineer provide calculations to the Town Engineer regarding the balance of cuts and fills in this area; that the owner and his agents work with Town staff regarding how to best provide the required hard surface; that the Conservation Officer be involved and work with the applicant prior to removing any trees on the site; that there will be a speed bump in the parking lot for safety purposes; that the dumpster pad will accommodate the restaurant's dumpster

as well as a separate daycare facility dumpster; and that appropriate signage be erected and properly maintained for the daycare facility. Mr. Elliott seconded the motion, which was unanimously approved.

c. Application of Ensign Bickford Realty, Owner, Landworks Development, LLC, Agent, for approval of Master Development Plan and Zone Change from I-2 to PAD (Planned Area Development) on property located at 67, 75 – 77 West Street and Parcels 19, 21, and 24 Grist Mill Road. I-2 Zone.

Mr. Elliott stated that the PAD Regulation was effective on September 18th and the preliminary development review involves a public meeting. He stated that there has not been any public meeting since July 19th. He believes that a public meeting needs to take place in order to meet this requirement. He questioned if it was Mr. Peck and the Town Attorney's determination that the meeting that was held on July 19th was satisfactory to meet that public meeting requirement of the PAD regulation.

Mr. Peck stated that there are a number of steps in the beginning of the process that are optional steps that the applicant may or may not choose to take. He stated that the steps that are not optional include this public hearing and the requirement that the application meet the requirements of the PAD Regulation.

Attorney DeCrescenzo stated that Section VI of the Regulation is divided into several steps. There is the preliminary plan, initial staff review, which clearly is optional. He stated that Section VI states that the procedure of making application for and obtaining approval of a Planned Area Development Zone shall be governed by the laws and regulations applicable for all zone changes, text amendments and map amendments to the Simsbury Zoning Regulations, including Article XIII. He stated that, if the Commission decides to proceed on this basis, he believes they can because all of the steps required under the Statutes are outlined, although they should incorporate into their record those preliminary proceedings that presumably follow Subsection B. He stated that it is up to the Zoning Commission if they feel that they want to proceed with the public hearing tonight; he feels they can move forward if they choose to.

Mr. Elliott stated that it needs to be made clear to the applicant that if there is a favorable determination here tonight or in the future, to the extent that that determination is at risk because of a failure to adhere to the letter of what is here, they need to state if they are willing to take that risk. If they are not willing to take that risk, the applicant should state that also. Attorney DeCrescenzo stated that the applicant should state if they would like to move forward.

Attorney Kleinman, Levy & Droney, representing Landworks, called the Commission's attention to Section B, Subparagraph IV. He stated that the Planning Commission has made the proper referral. The purpose of the meetings for the preliminary development plans is to receive preliminary information from the applicant and input from the public and to elicit comments and suggestions from the Zoning Commission, the Planning Commission, the Design Review Board, the Conservation Commission and other Boards and Commissions to provide the applicant with enough Commission input and public comment to decide whether to proceed with the expense of preparation of the master development plan. Attorney Kleinman stated that his clients have made the determination that they are ready to proceed and they have incurred the expense to preparing the master plan to be presented this evening. Mr. Janeczko stated that they are ready to move forward with their application.

Attorney Kleinman stated that he submitted the required signed affidavit to Mr. Peck as well as a letter by Mr. Akthar, 125 West Simsbury Street, who is in favor of this application.

Mr. DiFatta, President of Ensign Bickford Realty, stated that they are currently the land owners of this property. They have a long history in this Town and they would like to make sure things are done right and that this is something Simsbury can be proud of. He feels that this application is consistent with the POCD and the Town Center. He stated that they are pleased to have the opportunity to work with Landworks Development.

Mr. Janeczko stated that they continue to advance their work regarding standards and efficiency. He stated that their company has worked in Simsbury before and have won awards for their work. Regarding market experience, he stated that they have a sister realty company, which helps them to have a broad understanding of the Farmington Valley market. He stated that they have done background work regarding the type of product that is right for Simsbury. They also have a consulting firm that they are working with. Mr. Janeczko stated that they have reviewed the Charrette and other Town documents. He stated that multi-family, mixed use and rental housing is important for Simsbury to have. This property is appropriate for high density residential housing; he submitted two reports that were done, by the Town for the Town, stating this. Mr. Janeczko stated that another guide that they used was the Special Areas Reference Map from the POCD.

Mr. Ferraro, Landscape Architect, stated that this development is in close proximity to the high school, the Town Center and Powder Forest; this development is walkable. He stated that this site is a transitional site. It is bounded by a number of different land uses, including office sites and mixed land uses along West Street.

Mr. Ferraro stated that that there are approximately 100 units being proposed for this site. The historic Mill will be renovated to part restaurant and part offices. A common theme of this development is the connection of the water bodies into an open space system that can be shared by all. The other item that generated the form of this development is a steep slope that accesses an upper parking lot. He stated that they are accommodating all of their parking needs with new innovations; they are using the upper parking lots to develop the Townhomes. He stated that the hillside generates opportunities and constraints. Some of the Townhome units will be walk out units and some will not.

Mr. Ferraro stated that this site was approved for an office development. Many studies were done. This development, with respect to traffic generations and storm water, has much less impacts than what it would have been under the previous approval.

Mr. Ferraro stated that they are hoping that the automobile trips out of this development will decrease because of the close proximity of the Town Center and other amenities. The way the buildings and parking systems are oriented in this development, the idea is that the majority of the traffic will be diverted into the interior of the development into a large parking court with a central green as its central feature.

Mr. Ferraro stated that they have researched what the view of the development from West Street will be. He stated that there are a great deal of invasive species at the pond, which will overtake the pond over time. He showed a plan to the Commission members depicting West Street and the pond. He stated that there is also nice vegetation that is healthy that will be used as buffers. He discussed the grade change of the site and how the Townhomes will be buffered.

Mr. Ferraro stated that the open space component is important to this development. The plans have exceeded the open space quantities of the original Powder Forest application. He stated that they will provide streetscape improvements to the property frontage. They will also have a small park and mail center at the front of the site. The pond will be completely opened up for view by the entire development. A great focus is on the Town's conservation area near the office buildings; it is a great visual element of this development. He stated that there is a linear system that goes along the ponds; they also act as a storm water infiltration system.

Mr. Schwendy, Senior Vice President of Fuss and O'Neill, stated that, regarding traffic, West Street is a State Street. When the Powder Forest application was approved, it was required to have a major traffic generator certificate. He stated that this project will also fall under this STC

program, not as a separate certificate, but as a modification of the existing certificate. He stated that for their initial preliminary review, they did get traffic counts for 2007. They then applied an annual growth rate to these numbers of 1.5%. They also used a trip generation manual to see how much the development will produce in terms of trips. They determined the afternoon peak for West Street is actually between 3:00 p.m. and 4:00 p.m., which is earlier than the peak that would be seen from this development, which would be between 4:00 p.m. and 6:00 p.m. Although this development will be adding traffic to the existing conditions, it will not be added at the busiest time for the roadway.

Mr. Schwendy stated that the water supply is by Aquarion; the water lines have been deemed adequate. Sanitary sewers in this area were designed for a greater flow than what this development will need. Electrical power is CL&P; the natural gas is through CNG, and is sufficient for this development.

Regarding the storm drainage, Mr. Schwendy stated that they are proposing to bring this under sustainable site standards. They will be applying the 2004 Connecticut Storm Water Quality Manual and its six goals. He stated that they will not be able to meet all of these goals, although they are confident that they can use best management practices.

Ms. Gilkey questioned if the pond is a spring fed pond. Mr. Schwendy stated that there is a lot of sediment coming into the pond from off site and the invasives are taking over. The pond is fed by a small stream; upland wetlands feed this pond. It may also be spring fed. He stated that they would like to treat the offsite runoff prior to it getting to the pond.

Mr. Janeczko distributed a traffic analysis of Mill Pond Lane to the Commission members.

In response to a question by Mr. Elliott regarding the entrance and exit of the development in terms of the site lines, Mr. Schwendy stated that there is a lot of vegetation currently in this location and they feel confident that they can clean and open this area up.

Mr. Kemper, Architect, stated that regarding the Mill building, they are proposing to cut a tunnel through the building as a walk through that would connect to the bridge. This passageway will give pedestrians a way to walk through the building instead of having to go around. In terms of the restaurant, there will be less square footage and there will be offices upstairs. There will also be a community room in this building for the residential units.



In response to a question by Mr. Elliott, Mr. Janeczko stated that the final configuration is not yet set for the restaurant. They plan to discontinue either the third floor EB Room or the pub because they feel there is too much restaurant space. Also, they do not have the parking to accommodate such a large restaurant.

Regarding the Townhouses that overlook the pond, Mr. Kemper stated that they are mindful of the view from West Street. The units are designed to be viewed as architecture. They have organized the windows and varied the roof lines. They are proposing brownstone elements for the buildings. They will also be masking the garages and will be using metal roofs. They are borrowing elements in this development from the Mill building. Mr. Kemper stated that these units are approximately 1,700-2,000 square feet with garages and lofts. He stated that they feel like individual houses. They also have full foundations.

Mr. Kemper stated that the multi-family buildings will have 12 units per building. They have their own entries and garages. They are designed so the elevation that faces Grist Mill Drive is all living space. He stated that the handicapped accessible apartments will have their garages behind these units. Mr. Janeczko stated that multi-family developments over a certain unit count per building are required to have up to 10% of its unit count as adaptable for the handicapped. Mr. Kemper stated that these rental units are one and two bedrooms with possible lofts. There will also be a brownstone band around the first level of these multi-family buildings.

Mr. Kemper stated that there will be individual units in between the multi-family buildings. Some are larger than others. Mr. Janeczko stated that they will be working on varying the textures and colors so they do not have the same element repeated throughout the development. They will be refining this throughout the Site Plan process.

Mr. Pabich questioned what kind of HVAC systems would be used for the units in this development. Mr. Nelson stated that they continue to study different options. They are designing these buildings to achieve 50% or less energy use from a normal building like this built to code. The heating will be gas; it will have centralized duct work. The units will have highly efficient systems that are designed to use the minimal amount of energy per unit.

Mr. Janeczko stated that they have had many discussions with neighboring property owners. There have been some concerns regarding the parking lot for the restaurant at the Mill building. He stated that with the parking as it is currently, headlights from cars are disturbing people in the abutting house. The new design has the parking lot recessed into the

grade. The headlight reflection will be stopped by a retaining wall. They are proposing to take the existing retaining wall and move it toward West Street as well as lengthen it. They are proposing a privacy fence as well.

Mr. Pabich questioned if there were any safety issues regarding the retaining wall. Mr. Janeczko stated that he envisions having fencing on top of the retaining wall; they are also proposing landscaping in this area.

Mr. Janeczko stated that he looks forward to continuing this process with the Town.

Mr. Elliott stated that there are 376 parking spaces for this development. He stated that if the number of parking spaces is different from what the uses dictate, according to the Zoning regulations regarding parking by use, there needs to be a parking plan to support the request for something different. He questioned if calculations have been submitted. Mr. Ferraro stated that there are 364 parking spaces, which includes some assumptions about parking on Grist Mill Drive. He stated that the parking equates to 3.6 parking spaces per unit, which far exceeds the regulation.

Chairman Gallagher stated that the Zoning Commission has received the minutes from the Design Review Board's meetings on 6/22; 7/13; 7/27 and a site walk on 8/10; Planning Commission minutes from their meetings of 7/27; site walk on 8/10 and 9/14; and Conservation Commission minutes from 8/3.

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

Attorney Donohue, representing Mill Pond Associates, stated that they have had two significant meetings with the developer. The developers have the economic wherewithal to build and complete this development. Regarding Mill Pond Lane, the developers have also committed to coordinate design and install the landscaping, light and signage elements and work with Mill Pond Associates to coordinate utilities and the delineation of mixes and uses. He stated that the developer has also agreed to full cooperation of the design refinement process in the PAD regulation. Therefore, Mill Pond Associates supports this application and urges the Zoning Commission to approve a PAD designation of this site.

Sue Bednarczyk, 119 East Weatogue Street, stated that overall, this is a positive project. She questioned if the open space could be accessed by the public. She stated that she is concerned that the offices do not have phasing. She questioned if the developer could guarantee that the office component would be built. Also, she stated that she did not hear anything in the presentation about Route 10 traffic impacts.

Mr. Janeczko stated that regarding the public parks, the sidewalks on Grist Mill Road would be public walks. The linear parks will help to funnel pedestrians through these linear parks and although they will be on private land, they are intended for public use. Regarding phasing of the offices, he stated that these offices exist already. There is currently a tenant in there now. Residential is the only new use that is being proposed. Mr. Schwendy stated that they will do a full impact traffic study; they will contact State DEP to discuss how far the study has to go. He expects that Route 10 will be a part of this study.

Mr. Carpenter, of Grist Mill Partners and a neighbor of this proposed development, stated that he does not believe a restaurant in this location will be easy. Also, he feels that a new restaurant may hurt other local restaurant in the area. He stated that he does not believe this proposed development will be a walkable community; his workers drive every day to the Town Center. He is fearful that there will be extra traffic from this development because people will not walk to where they want to go. He urged the Zoning Commission members to walk the land. He stated that there are a lot of wetlands that cannot support this development. Mr. Carpenter stated that the Town is making a mistake by developing this property. He also stated that the proposed development violated terms of the purchase agreement with Ensign Bickford for his land and would lower its value, so he intended to initiate litigation to prevent the development if approved.

Ms. Salls stated that she disagrees with the concern that people do not walk in Simsbury. She feels that if there are more amenities in close proximity, people will walk more.

Mr. Janeczko stated that the master plan is to develop momentum and they will be subsidizing the restaurant in the Mill building. He feels that this will be an amenity for this development and several restaurants are already interested. Also, regarding the walkability of this development, he stated that they would like to provide the linkage if people choose to walk. He stated that there is nothing in the Town of Simsbury that will compete with this development in terms of other products in Town. This development is a new product that the Town has been asking for. Regarding being more sensitive to their neighbors, Mr. Janeczko stated that they will continue to discuss and work on satisfying everyone's concerns.

Mr. Elliott stated that this development is approximately 90% residential and 10% is a reuse of existing uses. If there is no restaurant or if that restaurant fails, this number will fall under 10%. He stated that it is important that the Commission recognize that this little commercial enterprise, the restaurant, and professional office space represent a very small portion of what is being proposed. Mr. Janeczko stated that this

Commission needs to judge this application on all of its merits. He feels that the restaurant aspect adds value to this development.

Mr. Peck read the Planning Commission's recommendation into the record.

Attorney Kleinman stated that the record will show that the applicant has met the letter of the PAD Regulation, not only the purpose and intent, but the 26 items that are listed in this regulation. Based upon this, he asked that this application be approved in order to give the applicant the opportunity to move forward with the Site Plan; to work with the neighbors to refine the plan; to deal with comments and concerns heard tonight; to further refine the Site Plan and to come back before this Commission with a Site Plan.

Chairman Gallagher closed the public hearing.

Mr. Elliott stated that because he has not had an appropriate amount of time to review this application, he does not feel that this application should be voted on tonight. He does not feel that the Commission can make a good decision on the part of the Town. Mr. Pabich disagreed. He stated that the applicant has been before this Commission several times; they also have very detailed plans.

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

Regarding the application of Ensign Bickford Realty, LLC Owner, for approval of the Zone Change from I-2 to PAD (Planned Area Development) on property located at 67, 75 – 77 West Street and Parcels 19, 21, and 24 (as shown on Assessors Map G11, Block 103 and Lot numbers 19, 21 and 24) on Grist Mill Road.

The Simsbury Zoning Commission in accordance with the requirements of Simsbury Zoning Regulations Article Thirteen, considered the above-referenced application at a regular meeting held on October 18, 2010 and took the following action:

Upon a motion made by Mr. Pabich and seconded by Ms. Gilkey the following resolution was adopted 5-1. Voting on this item: Chairman Gallagher, Commissioner Pabich, Commissioner Gilkey, Commissioner Salls and Commissioner Doran voted in favor of this motion. Commissioner Elliott voted in opposition of this motion.

Whereas, the Commission held a public hearing on October 18, 2010 and took all testimony as required by law; and

Whereas, the Commission has reviewed the application material submitted and

considered all testimony submitted, specifically including the positive referral recommendation submitted by the Simsbury Planning Commission; and

Whereas, the Commission has also considered an additional positive referral recommendation on this application as submitted by the Design Review Board; and

Whereas, the Commission finds the application complete as required by Section Six C. of the Planned Area Development (PAD) regulation with the allowable exceptions as noted in the staff memo on this matter dated October 15, 2010, as those matters will be dealt with at the time of submission of a final site plan; and

Whereas, the application meets the intent and purposes set forth in the PAD regulation as described in Section One; and

Whereas, the Commission finds the referenced application is able to satisfy the required findings of the PAD regulation as described in Sections Six and Seven of the PAD regulation; and

Whereas, the Commission also finds the application in conformance with the comprehensive plan of the Town of Simsbury.

Therefore be it resolved, that the application of Ensign Bickford Realty, LLC Owner, for approval of the Zone change from I-2 to PAD (Planned Area Development) on property located at 67, 75-77 West Street and Parcels 19, 21 and 24 (as shown on Assessors Map G11, Block 103 and Lot numbers 19, 21 and 24) on Grist Mill Road is hereby adopted with an effective date of October 23, 2010.

Dated October 18, 2010

Regarding the application of Ensign Bickford Realty, LLC Owner, Landworks Development, LLC, Agent, for approval of a Master Development Plan on property located at 67, 75 – 77 West Street and Parcels 19, 21, and 24 (as shown on Assessors Map G11, Block 103 and Lot numbers 19, 21 and 24) on Grist Mill Road for the Master Development Plan approval as shown on sheets as indicated on Planning Director's memo dated 10/15/10.

The Simsbury Zoning Commission in accordance with the requirements of Simsbury Zoning Regulations Article Ten, Section L, PAD regulation, considered the above-referenced application at a regular meeting held on October 18, 2010 and took the following action:

Upon a motion made by Ms. Salls and seconded by Mr. Doran the following resolution was adopted 5-1. Voting on this item: Chairman Gallagher,

Commissioner Pabich, Commissioner Gilkey, Commissioner Salls and Commissioner Doran voted in favor of this motion. Commissioner Elliott voted in opposition of this motion.

Whereas, the Commission held a public hearing on October 18, 2010 and took all testimony as required by law; and

Whereas, the Commission has reviewed the application material submitted and considered all testimony submitted, including the positive referral recommendation submitted by the Simsbury Planning Commission, specifically including the unanimous findings of the Planning Commission in that the application furthers the policies of the adopted POCD as enumerated in the Planning Commission's motion on this matter; and

Whereas, the Commission has also considered the additional positive referral with design recommendations pertaining to this application as submitted by the Design Review Board which should be considered at the time a final site plan is submitted; and

Whereas, the Commission finds the application complete as required by Section Six C. of the Planned Area Development (PAD) regulation with the allowable exceptions as noted and recommended in the staff memo on this matter dated October 15, 2010, as those matters will be dealt with at the time of submission of a final site plan; and

Whereas, the application meets the intent and purposes set forth in the PAD regulation as described in Section One; and

Whereas, the Master Development Plan is constructed as submitted, would further the implementation of the Simsbury comprehensive plan; and

Whereas, the Commission finds the referenced application is able to satisfy the required findings of the PAD regulation as described in Sections Six and Seven of the PAD regulation; and

Therefore be it resolved, that the application for approval of the Master Development Plan for the property as noted above is hereby approved with all understandings, authority and requirements of the adopted PAD regulation and is effective as of October 23, 2010.

It is to be clearly noted by all that the approved Master Development Plan shall be the basis for any final development plan which may be submitted for this PAD. Any deviations from the approved Master Development Plan shall be noted on any final site plan and shall be reviewed and considered by the Commission at that time in accordance with the adopted requirements of the PAD.

Dated October 18, 2010

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. Other Business

Status of Town Center Code Discussion/Mapping Discussion

There was no report.

IHZ discussion and possible action

There was no report.

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.

VII. ADJOURNMENT

Mr. Salls made a motion to adjourn the meeting at 10:35 p.m. Mr. Pabich seconded the motion, which was unanimously approved.