

From: Lois Laczko December 11, 2009 10:32:01 AM
Subject: Zoning Commission Minutes 10/19/2009 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
OCTOBER 19, 2009
REGULAR MEETING

I. CALL TO ORDER

Chairman Barney called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Alan Needham, James Gallagher and Ed Pabich. Also in attendance were Director of Planning Hiram Peck, Zoning Enforcement Officer Howard Beach, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Barney appointed Mr. Pabich to serve in the absence of Mr. Barnett and Mr. Needham to serve in the absence of Mr. Delehanty.

III. APPROVAL OF MINUTES of September 21, 2009 and October 5, 2009

Several edits were made to the September 21, 2009 minutes.

Mr. Elliott made a motion to approve the September 21, 2009 minutes as amended. Mr. Needham seconded the motion, which was unanimously approved.

Several edits were made to the October 5, 2009 minutes.

Commissioner Elliott made a motion to approve the October 5, 2009 minutes as amended. Mr. Gallagher seconded the motion, which was unanimously approved.

IV. PRESENTATION(s)

a. Application of Loren Andreo, Owner, Connecticut Tank Removal, Agent, for a Site Plan Amendment for a remediation shed to be placed on property at 828 Hopmeadow Street. SCZA Zone

Tim Firla, CT Tank Removal, showed the Site Plan to the Commission members. He also distributed photographs of the site. He stated that they are proposing to install a stockade fence near the retaining wall. There will be stockade fencing around the remediation shed. He stated that the fencing will be to the east of the shed; the fenced in area will be 20' x 10'. Mr. Firla stated that he does not have pictures of the shed because it is being custom made by Klotter Farms. The shed will be gray cedar clapboard siding. It will be placed on a concrete pad.

Chairman Barney questioned how long the shed would be in place. Mr. Firla stated that he was unsure. It would depend on how quick the contamination is cleaned up. Mr. Peck stated that the original spill happened in 1989. There have been two different spills in this area; one spill was from the Getty station and one spill was from the dry cleaners. There are two different contamination problems; one spill sinks below the ground water and one spill sits on top of the ground water. He stated that this application is only for the shed.

Chairman Barney questioned who would be overseeing this project. Mr. Peck stated that the DEP oversees the project; they will be managing the project and determining the effectiveness.

Chairman Barney questioned if the parking lot would still be used in full capacity and if any bushes would be taken down. Mr. Firla stated that the parking lot would be fully functional, except for three parking spaces. He stated that one bush would need to be taken down; the other two would be saved.

Mr. Firla stated that there will be two 4' doors on the fencing and one overhead door on the shed. The fencing will be three-sided; the fourth side of the fence will be one side of the shed. Equipment will be stored within the fenced area. Mr. Gallagher questioned if anyone could get into the fenced in area. Mr. Firla stated that the fences will be 8' high and the doors will be locked.

Chairman Barney questioned if there would be any piping coming from the shed for venting purposes. Mr. Firla stated that there will be an exhaust fan inside the shed to control the temperature. He is unsure if there will be any piping. Mr. Peck stated that he will pose this question to Geo Insight, Inc. Any technical questions that the Commission has will need to be answered by them.

Mr. Gallagher questioned if there would be bollards in front of the shed. Mr. Firla stated that they can be installed if needed, although they will need to be 8' apart in order to get equipment in and out of the garage door.

Regarding the Design Review Board's motion, Mr. Pabich stated that their motion has two conditions. The first condition is that the underground portion of the construction and excavation be approved. He questioned who this would be approved by. Mr. Peck stated that the DEP would need to approve this; this Commission does not have that authority.

b. Application of Richard J. Higley, Team Leader/Plant Engineer, Dyno Nobel – Owner, for a Site Plan Amendment for an addition to Building B79/80 on property located at Dyno Nobel, 660 Hopmeadow Street. I-2 Zone

Mr. Higley of Dyno Nobel, stated that this application is for Buildings 79 and 80, which is 400' long. This building is approximately 1,500 feet back from the entrance. He stated that Building 79 is the building that they are proposing the addition.

Chairman Barney questioned if there would be any explosives in this building. Mr. Higley stated that there will be; an electric detonator automated assembly machine will be housed in this new building.

Chairman Barney questioned if there was anything in the construction process that needed to be special. Mr. Higley stated that there would be 5 concrete cubicles coming out of the room. When they deal with explosives, they enclose it into a concrete cubicle with a pressure relief vent on top.

Chairman Barney questioned how tall the concrete cubicles would be. Mr. Higley stated that he believes they would be 12'-13' tall; they will not be visible from Hopmeadow Street.

Mr. Needham questioned what is currently in the location that they are proposing the addition. Mr. Higley stated that there are concrete slabs in this location. This addition will not be intruding on the driveway or parking area.

Chairman Barney questioned if this new addition would be bringing work to Simsbury. Mr. Higley stated that this addition will create at least 7 new jobs.

V. UPDATE ON STATUS OF WORK PROGRESSION AT THE HOFFMAN AUTOPARK ON PROPERTY LOCATED ON ALBANY TURNPIKE/WEST MOUNTAIN ROAD.

Mr. Peck stated that he met with Attorney Donohue in order to explain to him what information the Zoning Commission was looking to receive. He informed him that they need to get the as-built submitted. This needs to be what was approved. If something is different than what the Zoning Commission approved, they will need to come to discuss that with this

Commission prior to submitting the as-built. Mr. Peck stated that he has asked them to create the as-built plan and get information to this Commission. He stated that this Commission also had questions regarding the façade and lighting of the Toyota building, which will be addressed. They will also be addressing changes to the screening on top of the Best Buy building and screening the property by fencing and making sure the grading was done in accordance with the plan.

Chairman Barney stated that he is unsure if they are in compliance regarding the upper lot. He stated that it looks like the upper lot was built at the same level as the parking lot behind the Nissan building. He stated that he thought that it should be at a lower elevation. He also questioned why there was so much dirt movement. Mr. Peck stated that he would like to make sure the grading was done in accordance with what was approved. He also asked Hoffman to show the as-built. One of the critical issues with that application was that the coverage not be exceeded; they will need to show the coverage. He stated that he also asked for a schedule of their improvements and asked that the plans be signed and sealed by the Site Engineer.

Mr. Pabich questioned if the Building Department did inspections. Mr. Peck stated that the Building Department is only concerned with the building; they are not concerned with the site. He stated that one big concern is to make sure the drainage basin functions well. He stated that they do not have their final Certificate of Occupancy for this building; they currently have a temporary Certificate of Occupancy. Chairman Barney stated that a temporary certificate allows them to operate freely. Mr. Peck stated that a temporary Certificate of Occupancy only lasts for 90 days.

In response to a question from Mr. Needham regarding the façade of the building, Mr. Peck stated that there are some questions about signage and about the panels on the front of the Toyota building. The application initially indicated that the panels were lit by daylight. The Zoning Commission will need to decide if this meets the Regulations.

Chairman Barney stated that there should be a signage plan for the internal directions signs on this site. Mr. Peck stated that he is unsure if the A-frame signs are permanent. He feels that these internal signs help people navigate through the site. He stated that he will check on the signage prior to the applicant coming to the next meeting.

Mr. Elliott stated that he remembers, as part of the approval, the applicant could not get any building permits until all of the documents were submitted. Mr. Peck stated that all of the required documents were submitted. He stated that bonding needs to be finalized prior to the issuance of a Certificate of Occupancy.

Chairman Barney questioned if there were any concerns from the neighbors. Mr. Peck stated that Mr. Bender stated his concerns regarding the screening on top of the Best Buy building. There have not been any other neighbors that have come forward with any other concerns. Mr. Peck stated that the neighbors did have a landscape architect. He stated that he would go back to review the plans to make sure those recommendations were followed.

Regarding the fencing along Mountain Road, Mr. Peck stated that the applicant needs to get this up; this fencing should have been installed several months ago.

VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Regarding the application of Loren Andreo for the remediation shed, Mr. Peck stated that this is a temporary structure, although the timeframe is unknown.

Mr. Gallagher stated that he would like to know exactly what will be stored in the shed.

Chairman Barney stated that he is unsure what the output will be into the air. Mr. Firla stated that the output will be absorbed by carbon filters. These filters get changed within a contained vessel.

Mr. Elliott made a motion to approve the application of Loren Andreo, Owner, Connecticut Tank Removal, Agent, for a Site Plan Amendment for a remediation shed to be placed on property at 828 Hopmeadow Street. SCZA Zone, as submitted. Mr. Gallagher seconded the motion, which was unanimously approved.

Mr. Gallagher made a motion to approve the application of Richard J. Higley, Team Leader/Plant Engineer, Dyno Nobel – Owner, for a Site Plan Amendment for an addition to Building B79/80 on property located at Dyno Nobel, 660 Hopmeadow Street. I-2 Zone, as submitted. Mr. Pabich seconded the motion, which was unanimously approved.

VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Mr. Peck distributed a letter from the owner of Plan B Restaurant as well as photographs of a cooler. He stated that they are asking the Zoning Commission to review and approve a temporary cooler behind their facility. The owner will be back before the Design Review Board regarding a deck enclosure for the restaurant. He stated that, at this point, the owner is requesting a temporary approval for the cooler only. Mr. Peck stated that a temporary approval can be approved for no longer than 90 days, although

he would recommend 60 days if this Commission decides to approve this cooler.

Mr. Gallagher questioned if the existing cooler was still on this site. Mr. Peck stated that he was unsure.

Chairman Barney questioned what the restaurant was currently using for a cooler. Mr. Peck stated that he was unsure.

Chairman Barney stated that, at a minimum, he feels that the owners of Plan B should have personally come before this Commission. He feels that if this was an emergency, they would have been here.

The Zoning Commission members agreed that no action should be taken. They would like to see the applicant come back to the next meeting with more information.

Status of Charrette Process and next steps

There was no report.

Update on IHZ study and next steps

Chairman Barney stated that he is hopeful that they will soon learn how the Charrette and Incentive Housing Zone interplay with the PAD. He stated that he would not be comfortable approving the PAD that does not take into account the Charrette or IHZ.

Mr. Peck stated that the IHZ consultant participated in the Charrette process. It will be determined in a few weeks how the IHZ and the Charrette will fit together.

Mr. Elliott suggested that the first workshop that has been scheduled for the PAD Regulation be regarding the IHZ. He stated that it would benefit this Commission to better understand the IHZ so when the draft regulation comes back from the consultant, they can make a more knowledgeable decision.

Chairman Barney stated that there are some technicalities with the IHZ that does not make it easily conformable to everything else. Mr. Peck stated that one of the components to the IHZ is that in order to be acceptable to the State, the density has to increase the underlying zone by at least 25%.

Chairman Barney questioned if Code Studio could help the Town integrate their work with the IHZ and the PAD. Mr. Peck stated that the Town is looking into getting local legal help with regard to the integration

process.

PAD Regulation status, reg. workshops: 11/16, 11/30 and 12/7 and next steps

Chairman Barney stated that several workshops have been scheduled.

Other Business

There was none.

VIII. ADJOURNMENT

Mr. Gallagher made a motion to adjourn the meeting at 8:12 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

Garrett Delehanty, Jr., Secretary