

From: Lois Laczko December 21, 2009 10:01:42 AM  
Subject: Zoning Commission Minutes 11/16/2009 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
November 16, 2009  
REGULAR MEETING

I. CALL TO ORDER

Mr. Delehanty 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, Madeline Gilkey, John Vaughn 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.

Mr. Gallagher made a motion to appoint Commissioner Delehanty as temporary Chairman for this meeting. Ms. Gilkey seconded the motion, which was unanimously approved.

Mr. Delehanty nominated Mr. Gallagher as temporary Secretary for this meeting.

Ms. Gilkey made a motion to appoint Mr. Gallagher as temporary Secretary for this meeting. Mr. Vaughn seconded the motion, which was unanimously approved.

II. APPOINTMENT OF ALTERNATES

Mr. Delehanty appointed Mr. Pabich to serve in the absence of Mr. Barnett and Ms. Gilkey to serve in the absence of Mr. Barney.

Mr. Delehanty stated that Mr. Barney has served the Town of Simsbury and this Commission for over thirty years. He stated that Mr. Barney has done this job with incredible diligence. He feels that the Town and the residents are much better off for what Mr. Barney has done for them.

Ms. Gilkey stated that she only served on this Commission with Mr. Barney for a few years. She stated that his depth of knowledge is incredible. He

always gave each Commission member the facts and the members were always able to make up their own minds. She stated that she appreciate that and will miss Mr. Barney very much.

Mr. Delehanty made a motion that the Zoning Commission thanked Mr. Barney for his service of over thirty years. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Gallagher read the call.

### III. APPROVAL OF MINUTES of October 19, 2009

Several edits were made to the minutes.

Mr. Elliott made a motion to approve the October 19, 2009 minutes as amended. Mr. Pabich seconded the motion, which was unanimously approved.

### IV. APPROVAL OF 2010 REGULAR MEETING SCHEDULE

Mr. Gallagher made a motion to approve the 2010 Regular Meeting schedule as presented. Ms. Gilkey seconded the motion, which was unanimously approved.

### V. PUBLIC HEARING(s)

a. Application of the Town of Simsbury for a Text Amendment to the Town of Simsbury's Zoning Regulations, pursuant to Article Seven, Permitted Uses, for the purpose of a moratorium (not to exceed eight (8) months) on Adult Oriented Uses.

Mr. Peck stated that 8 ½ months ago, the Zoning Commission was asked to consider a regulation with regard to definitions for adult oriented uses and also a regulation. He stated that the Town Attorney has determined that, instead of enacting the regulation, the Commission should adopt the definition, which the Commission has done. He also suggests putting a moratorium in place for 8 months on the enactment of the actual regulation. The reason for this is because it was intended that this period of time would be used to put the regulation together and fit it into the Zoning Regulations, which is currently being done. Mr. Peck stated that, in the meantime, another Town in the State of Connecticut has gone to court with, essentially, this same regulation; that case is still pending. The Town Attorney has advised that this Commission not adopt this regulation at this time until that case has been decided.

Ms. Gilkey questioned if the other case pending in Connecticut would be decided within the 8 months. Mr. Peck stated that he assumes that a decision will be made in that timeframe, although an extension could be

sought.

Mr. Delehanty asked if there were any comments or questions from the public. There were none.

Mr. Gallagher made a motion to approve the application of the Town of Simsbury for a Text Amendment to the Town of Simsbury's Zoning Regulations, pursuant to Article Seven, Permitted Uses, for the purpose of a moratorium (not to exceed eight (8) months) on Adult Oriented Uses as submitted. Mr. Elliott seconded the motion, which was unanimously approved.

b. 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.

Mr. Peck distributed a document regarding the proposed amendment to the Simsbury Zoning Regulations to the Commission. He stated that the current regulation, Article 10, Section H, uses the following words: "permitted uses which sell or serve alcoholic beverages are declared to possess such special characteristics that each must be considered an individual case..." Mr. Peck stated that there was a great deal of concern regarding what the terms, "sell or serve" alcoholic beverages meant. Several months ago, this Commission asked Mr. Peck to clarify those terms in the regulations.

Mr. Peck stated that the revised regulation clarifies this. The essential difference is that the sell, serving, giving away, distribution or consumption of alcohol in any way of part of any activity or event may be permitted by the Zoning Commission on issuance of a Special Exception permit, which could be used in conjunction with a Special Gathering Permit. Mr. Peck stated that many departments are involved in this process.

Mr. Peck stated that when this revised regulation was given to the Planning Commission, many good comments came back from them, which are reflected in this document that was handed out tonight. Public property was not clear before, which has now been clarified. Also, standards are now put in place.

Mr. Peck stated that this revision clarifies the current regulation. He stated that another intent of the Public Gathering Permit is to have the applicant submit the required information in a timely manner and it also makes clearer when someone needs a Public Gathering Permit.

Mr. Pabich questioned if this has been reviewed by the Town Attorney. Mr. Peck stated that the Town Attorney, Mr. Toner and the First Selectman have

all reviewed this revision.

Ms. Gilkey questioned if it was necessary to put State and local laws into this regulation. Mr. Peck stated that the Police Department is involved in the Public Gathering Permit process. He stated that the last section also talks about permits needed from the State Liquor Control. He feels that it is not the Towns responsibility to enforce certain laws.

Mr. Elliott stated that there were changes in paragraphs 3 and 5 that Mr. Peck did not comment on. Mr. Peck stated that the current regulation states that if a liquor store moves within 1,000 feet of the current location, it would not have to come in for a new permit. He stated that paragraph 3 is a clarification of this issue. Regarding paragraph 5, Mr. Peck stated that all applications submitted under any part of this regulation shall be accompanied by a site plan. He stated that a map will be part of the application for the applicant to mark up. For an application for a private store, an applicant would come in with a normal site plan as they would any other time. He stated that this revision is to include public and private property.

Ms. Gilkey stated that timing is not mentioned. Mr. Peck stated that timing will be covered under the Public Gathering Permit. Special Exceptions, by law, require a public hearing. He is asking that the applicant have the application submitted six weeks prior to the event. This will allow time to process the application.

Mr. Delehanty asked if there were any comments or questions from the public.

Mr. Ryan, 20 West Ledge Road and Chairman of the Performing Arts Center Board, stated that these changes were not brought to the PAC's attention. This is the first time that he is hearing that the Zoning Commission intends to regulate BYOB. He questioned who has the responsibility to apply for this permit and who has the liability if that party fails to apply. He stated that he feels this regulation is over reaching. He also feels that because the REACH Foundation did not follow the rules, these rules are now being put in place. Mr. Ryan stated his concern regarding how this will affect the Performing Arts Center and how they will market their facility because of these changes.

Mr. Gallagher questioned how far in advance the Hartford Symphony Orchestra schedules their events. Mr. Ryan stated that their schedule is set in November. Mr. Delehanty stated that he believes that the Performing Arts Center use and the HSO use have worked in the past. He stated that there was an applicant at the end of the summer that was less than diligent in following the rules, which is the reason this Ordinance was reviewed. The

thought here is that someone like the HSO would get a receptive ear, but would need to come in to get the Special Exception permit.

Mr. Ryan questioned who would apply for the permit. Mr. Peck stated that the Town would sign the Public Gathering Permit, as they do now. The agent typically applies for the permit.

Mr. Delehanty questioned the Commission if there should be more time for public comment and if this public hearing should be left open. Mr. Elliott stated that he would be inclined to hold the public hearing open. Ms. Gilkey stated that she feels the public hearing should be closed; only one comment was received tonight. Mr. Pabich stated that he feels comfortable with this regulation.

T.J. Donahue stated that the permittee for a BYOB permit may not want to do business in Simsbury. He stated that there is a liability issue, which may appertain to that license or permit. He suggested that this issue be raised prior to approving this regulation.

Mr. Bender, 6 Maureen Drive, stated that he has worked at the TMMF for several years. Although they have had a few minor incidents with people drinking too much, no one has ever blamed the facility or the concert symphony.

Mr. Delehanty stated that he feels that Mr. Donahue makes a very valid point which should be given due consideration. He feels that this public hearing should remain open. Mr. Peck stated that he will get the Town Attorney's opinion on this issue prior to the next meeting. There was a consensus among the Commission members that the public hearing should remain open.

c. Application of James Blanchette, Top Ten Holding Company, LLC, Owner, Louis N. George, Hassett & George, PC, Agent, for a Zone Change from zone I-1 to zone B-2 on property located at Auto Bon, 83 93 Wolcott Road. I-1 Zone

d. Application of James Blanchette, Top Ten Holding Company, LLC, Owner, Louis N. George, Hassett & George, PC, Agent, for a Special Exception pursuant to Article Seven, Section F.2.b of the Simsbury Zoning Regulations to allow for the sale of used cars on property located at Auto Bon, 83 93 Wolcott Road. I-1 Zone

Mr. Gallagher recused himself from this discussion.

Attorney George stated that he will present both of these applications together. He stated that the first change the applicant is seeking is for a zone change for 83-93 Wolcott Road from I-1 zone to B-2 zone. If this

zone change is approved, they will be seeking the Special Exception to allow automobile sales, service and repairs on 89 Wolcott Road. He stated that the Zoning Commission previously approved a site plan for automobile service and storage, but not sales.

Attorney George distributed an overview map of the property to the Commission members. He stated that Mr. Blanchette has run his business from 10 Herman Drive where he has his dealer's license. He stated that 83-93 Wolcott Road is all owned by Mr. Blanchette. It is his intention to take his present business from 10 Herman Drive to 89 Wolcott Road. He has recently fixed up this property. Attorney George stated that Mr. Blanchette cannot move his business to this property because he cannot move his dealer's license over to 89 Wolcott Road because the Zoning Enforcement cannot sign off on it because there is an issue regarding whether sales are allowed in this area. He stated that it is unclear if this use is grandfathered in. They felt that the best approach to this issue would be a zone change because it will allow the sales of automobiles to occur on this property.

Attorney George stated that currently, everything on this property is non-conforming. If the zone is changed from an I-1 to a B-2, everything within this property will become conforming. He feels that this change makes sense. In addition, under a Special Exception, it would allow Mr. Blanchette to move his business over, expand it as he intends, and conduct the repair and service, as well as sell vehicles.

Attorney George stated that Mr. Blanchette does not want a major dealership on this property. He intends to designate an area to the side of 89 Wolcott Road, approximately 5,200 s.f., for vehicles that are for sale. Attorney George stated that the Planning Commission gave Mr. Blanchette a positive referral for the sale of 15 cars in a designated area on this lot.

Mr. Elliott questioned if Attorney George had an approved Site Plan for this property. He questioned when the Site Plan was approved; it is not stated in any of the meeting minutes. Mr. Peck stated that the applicant relied on a pre-existing, non-conforming use of the building that was done by the previous owner. There was a great deal of research done regarding the past use of this property. The determination was that it was the same thing that the applicant is proposing to do. Mr. Peck stated that he is unsure if a formal Site Plan was approved, although there was a determination made that this was a pre-existing, non-conforming use at that time.

Mr. Delehanty stated that they have been working with the applicant to help him preserve his license for selling used cars so that he can move his business around the corner. He feels that this business will be an

enhancement in this area.

Ms. Gilkey questioned how many parking spaces were for the repair business and if the 15 spaces for the selling of used cars would be in addition to the other spaces. Mr. Powell, 313 Hopmeadow Street, stated that there are 32 parking spaces allocated for the immediate site at 89 Wolcott Road. There are 15 spaces on the west side of the building, which is included in the total 32 parking spaces.

Mr. Delehanty stated that he has received several letters, which were generally in support of this application, although one letter did not indicate opposition, but rather concern. Mr. Delehanty asked if there were any comments or questions from the public.

Linda Gayle Case, co-owner of Precision Automotive at 9 Herman Drive, stated that she is not for or against this application. She asked for clarification regarding the number of cars on the property, whether for repair or to be sold. Attorney George stated that 89 Wolcott Road will have 32 parking spaces. There are spaces in the front area for used cars for sale. Employees and cars for repair will be parked in the back of the site. He stated that there are 15 parking spaces that are designated for cars for sale. The area will be landscaped; it will not just be filled with cars.

Ms. Case stated that Wolcott Road is heavily travelled. She questioned how the traffic issues would be addressed. Attorney George stated that Wolcott Road is very straight. The ingress and egress have good lines of sight in both directions.

Ms. Case stated that although the property looks great, she stated her concerns regarding not wanting this property to turn into a junkyard with used cars that have not sold. She questioned who polices the site to make sure the applicant is in compliance. Attorney George stated that, for the last 13 years, Mr. Blanchette has kept his properties in great condition. He stated that Mr. Beach, Zoning Enforcement Officer, would also make sure that the applicant is in compliance.

Mr. Needham read previous meeting minutes, which stated that Mr. Blanchette did not sell cars at Herman Drive. Mr. Blanchette stated that he was not selling many cars when his other business was thriving. Attorney George stated that in 2007, Mr. Blanchette did have the ability to sell cars at the Herman Drive location.

Ms. Gilkey stated that she feels there is currently a great need for used cars. She feels that this business will enhance the tax base of Simsbury. She stated that she is in favor of this application.

Mr. Delehanty closed the public hearing.

Mr. Pabich made a motion to amend the agenda to vote on this agenda item.  
Mr. Vaughn seconded the motion, which was unanimously approved.

Mr. Delehanty stated that Top Ten Holding Company has always played by the rules. He stated that the Zoning Commission did encourage him to apply for the zone change. He will be voting in favor of this application.

Mr. Peck stated that the change in zone will make the rest of this non-conforming property conforming.

Mr. Vaughn made a motion to approve the application of James Blanchette, Top Ten Holding Company, LLC, Owner, Louis N. George, Hassett & George, PC, Agent, for a Zone Change from zone I-1 to zone B-2 on property located at Auto Bon, 83 93 Wolcott Road as submitted. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of James Blanchette, Top Ten Holding Company, LLC, Owner, Louis N. George, Hassett & George, PC, Agent, for a Special Exception pursuant to Article Seven, Section F.2.b of the Simsbury Zoning Regulations to allow for the sale of used cars on property located at Auto Bon, 83 93 Wolcott Road with the changes addressed specific to 89 Wolcott Road, with the reference to the map to be recognized in the future as a Site Plan from Top Ten Holding Company LLC, dated November 2006. Mr. Delehanty seconded the motion, which was unanimously approved.

Mr. Gallagher returned to the Commission.

## VI. PRESENTATION(s)

a. Application of Renee Tribert, President, Board of Directors, Simsbury Historical Society, Owner, Amy Zeiner, Simsbury Land Trust, Agent, for Sign Approval for the new location of the Simsbury Land Trust on property located at the Simsbury Historical Society, ~~800~~ Hopmeadow Street. SCZA Zone

Ms. Zeiner, Director of the Historical Society, stated that the Design Review Board has already approved the signage, although they recommended that it be located behind the plantings. She stated that they are now seeking final approval from the Zoning Commission. Ms. Zeiner stated that they will not be doing the drop down signs now because the Historical Society is in the process of re-doing their signs. The drop down signs will ultimately match the new Historical Society signs.



Mr. Delehanty stated that the Commission received a positive referral from the Design Review Board, which states that their preference would be to have the sign located behind the plantings and that the font, letters and color of the signage be similar to the main signs. Also, that there is no lighting associated with this application. Mr. Peck stated that Town staff recommends approval of this application.

Mr. Elliott made a motion to amend the agenda to vote on this agenda item. Mr. Vaughn seconded the motion, which was unanimously approved.

Mr. Elliott made a motion to approve the application of Renee Tribert, President, Board of Directors, Simsbury Historical Society, Owner, Amy Zeiner, Simsbury Land Trust, Agent, for Sign Approval for the new location of the Simsbury Land Trust on property located at the Simsbury Historical Society, 800 Hopmeadow Street. SCZA Zone as submitted. Mr. Gallagher seconded the motion, which was unanimously approved.

b. Application of John D. Ritson, Member, R. C. Connectors, LLC, Owner, for a Site Plan Approval for the construction of a three-story apartment building on property located at 144 – 150 Hopmeadow Street. B-1 Zone

Mr. Ritson, R.C. Connectors, LLC, stated that he is seeking a Site Plan approval from this Commission. He stated that this site sits behind his law office. He stated that he would like to construct a 29,850 s.f. building that is three stories. There will be eight units on each floor for a total of 24 units.

Mr. Ritson stated that several years ago, he was looking to put in a daycare facility on the first floor. The input from the Zoning Commission was for all residential. The abutting property owner, Talcott Acres, also did not want the daycare facility.

Mr. Ritson stated that he has already received approval from the Wetlands Commission. They have required two rain gardens as well as extensive plantings. The Zoning Commission approved a zone change for this property to a B-1 zone in order to allow residential. The Zoning Board of Appeals granted a variance to let this building be all residential. Mr. Ritson stated that he will be working with the Aging and Disability Commission to accommodate individuals with special needs.

Mr. Whitney, Engineer, stated that this site is 3.37 acres in a B-1 zone. The site is flat; there is little difference in elevation. He stated that the wetlands on this site were delineated by a soil scientist; there are no vernal pools in the wetland area.

Mr. Whitney stated that this proposal is to construct a 30,000 s.f., three-story building with parking in front. The requirement for parking is 62 spaces. The plans show 66 spaces with 4 of those spaces being handicapped. The building will be served by public sewer and waters. All utilities will be underground.

Mr. Whitney stated that they are proposing to sheet flow the runoff to the wetlands. They are also proposing two rain gardens to treat the storm water runoff. They are also proposing buffer plantings. Regarding the proposed impervious surface, including the existing and proposed building pavement and sidewalk, is 42,244 s.f., which is approximately 29% of the site.

Mr. Elliott stated that there was discussion regarding garages on the site. He asked that this area be pointed out. Mr. Ritson showed where the future garages may go on the site, although he stated that he would need to go through the process for a Site Plan if he decided to construct the garages.

There was some discussion regarding the building only having two exits. Mr. Gallagher questioned if this was approved by the Fire Marshal. Mr. Ritson stated that this was approved. He has met with Mr. Kowalski, who had stated his concern regarding having a second access into the parking lot.

Mr. Crosskey, Architect, stated that this proposed building will have a main entrance with a lobby and stairs and elevator; there is also a second entrance with a second set of stairs. He stated that each unit on the ground floor will have individual patios. The second and third floors have egress stairs at the end of the building. All of the second and third floor units will be two bedrooms with individual balconies.

Ms. Gilkey questioned if there were any exits in the back of the building in the case of a fire. Mr. Crosskey stated that everyone can exit through the fire rated hallway, which leads to the 2-hour fire rated stairs. He stated that the building will have sprinklers as well. Also, all first floor units have direct exits to the outside through their patios.

Mr. Elliot stated his concern regarding the building having only one elevator. Mr. Crosskey stated that there is no building code requirement in Connecticut to have any units on the upper floors be accessible; there is no requirement to have an elevator, although Mr. Ritson feels that an elevator is practical.

Mr. Gallagher questioned if the dormers were fake. Mr. Crosskey stated that it is possible that they may add extra living space, possibly a

bedroom or study, to the third floor, center units. Mr. Gallagher questioned how many parking spaces there were for each unit. Mr. Crosskey stated that there are two spaces per unit.

The Landscape Architect stated that this site has been disturbed in the past; the site is wooded. He stated that there is a mature canopy along the edge of the property that will be saved. There will be a substantial tree and shade plantings in the parking lot and a staggered large evergreen understory planting plan under the canopy. He stated that they are also proposing a fence and plantings around the dumpster.

Regarding lighting, the Landscape Architect stated that all of the fixtures have recessed fixtures with full cut offs; there will not be any spill off of the site. He stated that they are proposing six 12' high carriage lights in the parking lot and nine 3' high bollard lights in front of the building. He stated that there will also be soffit lights on the building.

Mr. Ritson showed the Commission members photographs of the mature trees on the site. Mr. Gallagher questioned what size trees would be planted as the buffer. Mr. Ritson stated that they will be approximately 7'-8' high.

Mr. Needham questioned how far away this proposed building would be to Talcott Acres. Mr. Ritson stated that it would be approximately 100' away. He stated that he is trying to make as much of a buffer as possible.

Ms. Gilkey questioned if more handicapped parking spaces would be added if more apartments are rented out to disabled and elderly people. Mr. Ritson stated that this is not going to be a group home. The lower floor will be mainly to accommodate the disabled and the elderly if they would like to rent here. He stated that he will be working with the Aging and Disability Commission.

Mr. Needham asked how Mr. Ritson would describe this living space. Mr. Ritson stated that this will be marketed as upscale apartments. He will be the on-site manager. These units will be rented, not sold. He anticipates that the rent will be between \$1,200 - \$1,400 per month.

Mr. LaMontagne, Chairman of the Aging and Disability Commission, stated that he has been working with parents of disabled individuals and also the Farmington Valley Supportive Housing Group. Both of these groups are interested in accessible housing in the Valley for seniors and people with disabilities. He stated that the Aging and Disability Commission has reviewed this application. They feel that this could fill a need. He stated that he is in favor of this apartment building.

Mr. Elliott questioned if Mr. LaMontagne felt that Simsbury was capable of

meeting these needs of these individuals. Mr. LaMontagne stated that yes, he felt Simsbury was capable of handling this, although he does not feel that there will be more of a need for social services.

Mr. Ritson stated that he will not be marketing these apartments to seniors and disabled individuals, although this building can accommodate them. He stated that he will be giving Mr. LaMontagne first priority for the apartments on the first floor. He anticipates 12 units will be rented by seniors or disabled people.

There was a discussion regarding the variance that was granted by the Zoning Board of Appeals. Mr. Elliott stated that the ZBA, as required by State Statute, needs to state the reason for issuing the variance. He stated that they did state a hardship in their motion. Mr. Elliott read several portions of the State Statutes, including Section 8-6 and 8-7. He stated that the applicant had a property that was zoned I-1, which was changed to a B-1 zone. Then the applicant went to the Zoning Board of Appeals with a hardship. He stated that the change to the B-1 zone, at the applicant's request, is the root of the hardship.

After reading several more portions of the State Statutes, Mr. Elliott stated that he feels that this is a clear indication that the action taken by the Zoning Board of Appeals is neither proper nor valid. He suggested deferring action by this Commission until they have a better chance to review these plans and to get an opinion from legal counsel.

Ms. Gilkey stated that she served on the Zoning Board of Appeals for 7 years. It is the obligation of the Zoning Board of Appeal members to determine the hardship, which they very clearly stated. She does not believe that this variance was given out frivolously.

Mr. Ritson stated that he took direction from Mr. Peck and this Commission when taking these steps to change the zone. He stated that the ZBA decided to grant the variance to make this all residential and to make it more harmonious with the abutting condominium association.

Mr. Peck stated that the Zoning Board of Appeals granted this variance. It is valid and it will stand. He suggested that the Zoning Commission continue the process and deal with the facts that are before them and make a decision.

Mr. Elliott made a motion to defer consideration on the application of John D. Ritson, Member, R. C. Connectors, LLC, Owner, for a Site Plan Approval for the construction of a three-story apartment building on property located at 144 – 150 Hopmeadow Street until the first meeting in December. Mr. Vaughn seconded the motion. Commissioners Elliott, Vaughn and

Gallagher voted in favor of this motion. Commissioners Delehanty, Pabich and Gilkey voted in opposition. The motion failed.

Ms. Gilkey made a motion to approve the application of John D. Ritson, Member, R. C. Connectors, LLC, Owner, for a Site Plan Approval for the construction of a three-story apartment building on property located at 144 – 150 Hopmeadow Street as presented. Mr. Pabich seconded the motion. Commissioners Delehanty, Pabich and Gilkey voted in favor of this motion. Commissioner Elliott, Vaughn and Gallagher voted in opposition of this motion. The motion failed.

Mr. Peck stated that if the applicant chooses to leave the plans in place, they will be approved by operation of law within 65 days. The application will simply stay in place if the Commission does not pass a motion.

Mr. Elliott stated that the Commission can take another vote when the Commission has new membership next month. Ms. Gilkey stated that it would be a shame for the applicant to have to go through the process of explaining the application again to the new Commission members.

Mr. Elliott made a motion to defer consideration on the application of John D. Ritson, Member, R. C. Connectors, LLC, Owner, for a Site Plan Approval for the construction of a three-story apartment building on property located at 144 – 150 Hopmeadow Street until the December 7, 2009 meeting. Mr. Vaughn seconded the motion. Commissioners Elliott, Vaughn, Gallagher, Delehanty and Pabich voted in favor of this motion. Commissioner Gilkey voted in opposition. The motion passed.

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

Mr. Peck distributed a Site Plan map for the Hoffman site. He apologized that he did not get this information to the Commission members prior to the meeting, but he did not receive this until 5:15 p.m. this evening. He stated that the Zoning Commission had asked for an updated status report on the construction progress regarding the Hoffman site.

Mr. Delehanty stated that a Simsbury resident, on behalf of the Southwest Homeowners Association, submitted a letter for Commission members. He stated that this is not a public hearing, although the Association can distribute a copy to each Commission member if they chose to do so.

Attorney Donahue stated that the Hoffman site is a significant project. It is the largest investment in Simsbury since The Hartford. He stated that the site is not yet completed. The view shed through Mountain Road has not been closed off yet. He apologized for the unattractiveness to the

neighborhood.

Attorney Donahue stated that the plan that was distributed tonight is a detail of the specific, in the field, possible variances from the construction specifications. He stated that Town staff visited the site several times a week during construction.

Attorney Donahue stated that they continue to move forward. They will be back before this Commission when they have all of the final answers to their questions.

Mr. Delehanty stated that when this project was approved, there were several conditions, one of which was periodic updating on the status. He questioned if having Attorney Donahue here tonight satisfied that condition. Mr. Peck stated that this is correct. He stated that they want to make sure that what has been done on the site conforms with the approved plan. Also, that the improvements that have been done are in accordance with the engineer's version of the plan. Regarding the information that has been submitted today, Mr. Peck stated that everything is where it is supposed to be, although there is still a question regarding the timing. He stated that if the final Certificate of Occupancy is sought before the project is completed, bonding will need to be made, along with bonding for the landscaping.

Regarding the lighting plan, Mr. Elliott questioned if the applicant was in compliance. He stated that the front of the building is being lit. He questioned if this was part of the lighting plan. Attorney Donahue stated that there is no lighting in the parking fields. He does not have an answer to the question regarding the front of the building. Mr. Peck stated that he gave the applicant a list of questions; this was on the list of questions. He stated that he is waiting for answers back from Hoffman. Attorney Donahue stated that the First Selectman promised to have a meeting with the residents and Hoffman. He stated that Hoffman will accommodate this meeting.

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

Several applications were voted on throughout the meeting.

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

Status of Charrette Process and next steps

Mr. Peck stated that there will be a follow up meeting regarding the Charrette on November 17th at 7:00 p.m. The consultant will be coming back to Simsbury in order to discuss the Charrette report and their approach to

creating the regulation.

Update on IHZ study and next steps

Mr. Peck stated that he has received the final report, which he will e-mail to the Commission members.

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

Mr. Peck stated that several workshops were scheduled, although December 10th will be the earliest workshop meeting. He stated that, at this meeting, he will poll the new members to see how they would like to move forward.

Other Business

Mr. Gallagher thanked Mr. Delehanty and Mr. Needham for their service on this Commission.

X. ADJOURNMENT

Ms. Gilkey made a motion to adjourn the meeting at 10:18 p.m. Mr. Gallagher seconded the motion, which was unanimously approved.

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Garrett Delehanty, Jr., Secretary