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Cc:

ADOPTED

ZONING COMMISSION MINUTES
December 13, 2010
SPECIAL MEETING

I. CALL TO ORDER

Chairman Gallagher called the Special Meeting of the Zoning Commission to order at 7:00 p.m. in the Program Room at the Simsbury Public Library. The following members were present: Bruce Elliott, Edward Pabich, Dave Ryan and Amy Salls. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Mr. Ryan to serve in the absence of Mr. Pomeroy.

III. INFORMAL/PRELIMINARY PRESENTATION OF TOWN CENTER DEVELOPMENT

Chairman Gallagher stated that this is not a public hearing.

Mr. Doyle, LADA, stated that they did watch the Charrette process in Simsbury as it developed. He stated that he took that experience and also looked at how the Charrette Guidelines would affect this property.

Mr. Doyle stated that they begin the process by looking at the Charrette map, which shows what may be expected on a certain piece of property. He stated that he would then go to the Regulating Plan to see the zones for the site; 494 Hopmeadow Street is a SC-1 Zone. Mr. Doyle stated that the back of this property is a SC-4 Zone, which goes down to Iron Horse Boulevard. The height limits for this property is 2 ½ stories in the front portion and 3 ½ stories in the back portion.

Mr. Doyle stated that the Charrette Master Plan shows this site to be commercial/retail along the street with a presumed access driveway to Iron Horse Boulevard. Residential units in the back with access to Iron Horse

Boulevard with structured parking are also shown.

Mr. Doyle stated that there was a survey done of the property, which shows the presumed access driveway. This was once approved for improvements to the Town Center Shops, which never took place. He stated that they do have a limited access easement for 8-9 parking spaces; it is not flexible to be expanded for other more extensive connections.

Mr. Doyle showed the Commission members options of different plans for future development of this property. He stated that their initial plan for the site was to rebuild the driveway and try to build the driveway that is on the master plan, although they were not able to do this.

Mr. Crosskey, Architect, stated that the initial goal was to incorporate the existing house into the project, although this could not be included. He showed the Commission members the primary access from Hopmeadow Street. This site is higher at the street and then slopes approximately 20 feet down to Iron Horse Boulevard. The plans show the proposed retail/commercial in the front portion of the site with parking in the middle and residential units in the back. Because of the slope, the parking would be tiered. Mr. Crosskey stated that the plans show 92 parking spaces; a 6,000 square foot building for commercial with 9 rental units; and twenty units of condominiums in the back of the property. He showed the Commission members plans of the different types of buildings that could be constructed on the site.

Mr. Doyle stated that they have gone through months of studies for this site waiting for the Town Center Code Regulation to get adopted. During this time, they have been getting feedback from cost estimators and information regarding marketing as well. He stated that they need to make sure this site is affordable. Because the site has a slope, the parking may be constructed into the hillside.

Mr. Pabich questioned what the developer would want to do on this site if they did not have to follow the proposed Regulations. Mr. Doyle stated that this plan is very close to what they would like to implement, regardless of restrictions.

The Commission discussed the height of the buildings. Chairman Gallagher stated that there will be more development in this area in the future and these proposed buildings should not be too tall that they tower over anything that is built after this. Mr. Crosskey stated that the Commission should also take into consideration the slope of the property.

IV. DISCUSSION OF TOWN CENTER CODE

Several handouts were distributed to the Commission members, including:

Section 1.1 General Provisions; Chapter 7 Administration; Section 7.7 Alternative Compliance; and Chapter 8 Definitions.

Regarding Section 1.1, General Provisions, Mr. Peck stated that this section was redrafted by the Town Attorney, who felt that it needed to reflect Connecticut Law.

Mr. Elliott stated that when reviewing the Code, he found that the referencing to the Code was confusing in several places. He feels that the term "this Code" should be looked at. Mr. Peck stated that the term, "this Code" refers to the whole Town Center. He stated that the terms, "Code" and "Article" are different terms.

Regarding Section 7 Administration, Mr. Peck stated that this document was revised by Attorney Sitkowski, Town Attorney DeCrescenzo and himself. He stated that a matrix was put into Section, 7.2.7, which talks about the Zoning Commission having specific responsibilities regarding this Code; the Planning Commission would have significantly less responsibilities; the Design Review Board would have a prominent part; the Zoning Board of Appeals would continue to have their Statutory responsibilities; and the Planning Director has responsibilities with regard to review and recommendations to this Commission. Mr. Peck stated that Town staff is putting together a comprehensive list of exactly what applicants will need to submit. This is important because every application will go through a pre-review process.

Mr. Peck stated that an activity that is less than 25,000 square feet will go through the Design Review Board process and would also get a preliminary sign off from the Planning Director only if the application is complete and gets a positive recommendation from the Design Review Board. This would then come to the Zoning Commission for final approval on the consent agenda. If the Zoning Commission wants to hear the application, the Commission can take it off of the consent agenda and the application would go through the public hearing process. Mr. Peck stated that if an application requires a Special Exception, it would need to come to the Zoning Commission as well for a public hearing.

Regarding the consent agenda, Mr. Elliott stated that he feels the material identified on the consent agenda needs to be provided to the Commission members well in advance of the meeting. He stated that it only takes one Commission member to ask for the removal of something from the consent agenda.

Regarding alternative compliance, Mr. Peck stated that this is the highest level of a zone change. He stated that if there is something that does not fit under the Code, it would come to the Zoning Commission. He stated that

this is the same mechanism that would be used by the PAD.

Mr. Elliott stated that the Design Review Board plays a big role within the Zoning Commission. He feels that the Design Review Board is invisible in the Town Code as well as the Town Charter. He feels that this is the time to raise the issue and possibly make the DRB a subcommittee of the Zoning Commission. Mr. Peck stated that there may be a Charter revision. The ability to make the DRB a part of the Charter is the decision of the Board of Selectmen. Also, the Town is in the process of drafting the Design Guidelines for the Town Center.

Regarding Section 7.2.3, Historic District Commission, Mr. Elliott stated that he feels the Town Attorney should look at this section again. Mr. Peck stated that this section could be taken out entirely because there is no Historic District in the Town Center. Mr. Elliott and Mr. Ryan agreed that this section should be taken out.

Regarding Section 7.8, Nonconformities, Mr. Ryan stated that it seems that land owners are having their rights abridged by this section. Mr. Peck stated that he would look into this issue.

Mr. Elliott questioned what a certificate of Zoning Compliance is. Mr. Peck stated that this is a separate form stating that a project has complied with zoning. This is something the applicant needs prior to going to the Building Department.

Regarding Section 8, Definitions, Mr. Elliott stated that this should be placed in Article IV of the Zoning Regulations. Also, he stated that some definitions for the same terms are different in the Code in comparison to what is in the Zoning Regulations. Mr. Peck stated that he feels the definitions in the Code are better. Mr. Elliott stated that he would also like to see an actual list for minor modifications.

In response to a question by Mr. Ryan regarding the role of the Zoning Board of Appeals, Mr. Peck stated that the ZBA will have no more or less authority than what they currently have.

Mr. Elliott stated that he would like to see the road across from Massaco Street that goes through the St. Mary's property be taken off of the Regulating Plan. The Commission members agreed.

V. ROUTE 10 CORRIDOR STUDY UPDATE

Chairman Gallagher stated that Mr. Pabich is on the Route 10 Corridor Study Steering Committee.

Mr. Peck stated that the Steering Committee met for the first time on December 7th; there are 10 members on this Committee. The study will go from the Avon Town line to Wolcott Road. The DOT is funding this \$200,000 study. The Town of Simsbury is responsible for 10% of this cost. This study will take approximately ten months; there will be a Charrette as part of this study, which will take place in February.

VI. ZONING ENFORCEMENT UPDATE

Mr. Peck stated that there are several zoning violations that are ready to go to court. The Town has instituted a hearing process; fines can be charged for zoning violations.

VII. ADJOURNMENT

Mr. Elliott made a motion to adjourn the meeting at 8:50 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

Ed Pabich, Secretary