

From: Lois Laczko February 15, 2012 11:03:46 AM
Subject: Zoning Commission Minutes 12/19/2011 ADOPTED
To: SimsburyCT_ZoningMin
Cc:

ZONING COMMISSION REGULAR MEETING - MINUTES - 12/19/11

I. CALL TO ORDER

Rob Pomeroy, Chairman, called the regular meeting for the Zoning Board to order at 7:02PM on Monday, December 19, 2011 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Amy Salls, David Ryan, Gerald Post, Ed Pabich, Ed Cosgrove, and Derek Peterson. Others in attendance included Hiram Peck, Director of Planning, Leslie Faraci, Clerk and other interested parties.

II. APPOINTMENT OF ALTERNATES

Commissioner Pomeroy appointed Commissioner Cosgrove as the alternate for Commissioner Fiske. Commissioner Pomeroy appointed Commissioner Peterson as the alternate for Commissioner Salls.

III. APPROVAL OF MINUTES - December 5, 2011 Regular Meeting

Commissioner Pomeroy asked if there were any changes, there were none. Commissioner Pomeroy then accepted the December 5, 2011 minutes.

Commissioner Salls arrived at 7:06PM.

IV. INFORMAL DISCUSSION (with Tom Evans regarding possible redevelopment of 155 Hopmeadow Street)

Mr. Peck explained that this was an information presentation, prior to application to give an idea of what the property owner has in mind for the property in order to get some feedback from the Commission.

Mr. Evans, the owner of 155 Hopmeadow Street, addressed the Commission with a presentation board outlining a preliminary site plan for the redevelopment of this property. This property, known as the "pool barn site", Mr. Evans explained, will be rebuilt for the use of retail, while maintaining its historical integrity. He also explained that they planned to put a gas station on the property. When asked if the retail would be multi-tenanted, Mr. Evans showed how they intended to divide up the interior square footage, in keeping with current demand for small retail suites. He explained that he would combine suites as needed for any potential bigger tenants. Mr. Evans explained that there would be a drive through ATM on the site, but not a full service bank on the premises. He

also said there would be a convenience-type store related to the gas station. When asked about the character of the convenience store, Dale Cutler, Cutler & Kenyon Architects, stated that they would be mindful to keep the historical character when developing the gas station and convenience store, then he handed out a rendering to the Commission members, showing what they had in mind.

The ingress/egress, as well as traffic flow on Route 10 were discussed between Mr. Evans, Mr. Cutler and the Commission members. It was agreed upon by all that ingress/egress, as well as traffic flow, at that location, was an issue that needed to be seriously investigated as they moved along with the project. The parking at the property was discussed as well as the application of use. Mr. Peck suggested the thought about a PAD application for this property, considering its multiple intended uses. Other Zoning Application options were discussed. The accessibility to the bike trail was discussed and the positives and potential issues that come along with that. Commissioner Peterson asked about the potential safety issues that come along with a wood frame structure directly over the gas pumps and Mr. Cutler responded that the timber frame can be more fire resistant than coated steel. Mr. Peck then discussed the potential for bicycle racks on the property for the users of the bike trail and how the addition of bike racks would effect their parking ratio.

Commissioner Pomeroy said that overall, he thought the feedback is positive, and that they should continue their studying of the issues discussed.

V. PRESENTATION(S)

(a) Application of Richard L. Sawitzke, P.E. Town Engineer/Director of Capital Projects, Applicant, for a Site Plan Amendment for additional parking at Boy Scout Hall and also to construct a pedestrian walk/stream crossing between Boy Scout Hall and the Simsbury Public Library on property located at the Simsbury Library, 725 Hopmeadow Streets, SC-1

Mr. Sawitzke presented the Commission with boards showing the proposed Site Plan. He said they have looked at a number of alternatives over the years to provide the library with additional parking. He said they would be adding access to 18 existing spaces and adding ten (10) more to that, representing approximately a 30% increase for the library, which is needed. The landscaping and vegetation was discussed. He said Design Review had suggested a couple changes, which were taken into consideration. Mr. Sawitzke described the stream crossing they plan to erect and then discussed schedules. The parking was then discussed further. Mr. Sawitzke said they are going in front of the Wetlands Commission tomorrow. When asked if they already presented to the Library Board, Mr. Sawitzke said yes, they had. Commissioner Ryan said that the Library Board met tonight

and that they have not seen or voted on this. Mr. Sawitzke said a lot of the Board members had seen this. Commissioner Ryan said he does not think they should act on this prior to the Library Board having seen the most recent changes. Commissioner Pomeroy asked what the feedback had been from First Church and Mr. Sawitzke said they are comfortable with this version rather than a drive-through option. When Commissioner Peterson asked who owns the lot, Mr. Sawitzke said it is owned by the Town of Simsbury. Commissioner Pomeroy said before acting, they would like to hear from Wetlands Commission and the Library Board. Mr. Peck suggested the possibility of a Special Meeting in January to re-visit this issue, as there is no regularly scheduled January meeting. The lighting and the walkways were then discussed. Commissioner Pomeroy said he thinks the general consensus is favorable on this Site Plan Amendment, but they cannot act of this tonight.

PROPOSED AMENDMENTS ON TOWN OF SIMSBURY ZONING REGULATIONS

Dennis Hannon, Simsbury resident, said he was busy with the storm clean up and was unavailable for the prior public hearings, and would like to give input on these proposed changes prior to their voting on them. Commissioner Pomeroy said that unfortunately, the Public Meeting, which went on for two (2) meetings, were closed, so there is not the official forum for his input to be considered. He welcomed Mr. Hannon to stay and listen to the Commission discussion.

Mr. Peck started by going through the proposed changes with the Town Attorney Robert DeCrescenzo's comments/feedback. He went through the changes from the Town Attorney's memo, November 11, 2011.

1. Article Two, Section A, Page 4:

Mr. Peck said there was no suggested change to this proposed revision.
Final Decision: Adopt revision as drafted and recommended by Town Staff

2. Article Four, Section 4.2, Page I-4:

This revision is regarding the definition of "Boarding House", which was discussed between Mr. Peck and the Commission. While Attorney DeCrescenzo had proposed putting a specific number of occupants in the definition, Mr. Peck said he does not necessarily think the number is important, but the nature of the relationship and whether or not compensation is involved is what is most needed. It was decided that the Attorney's comments were acceptable. Mr. Peck said as long as it creates a tool to enforce the rule, they will be satisfied.

Final Decision: Adopt revision as proposed by Town Attorney

3. Article Five, Section B.1 (c) Page 16:

This revision is regarding permanent storage at a residential zoned property. Mr. Peck said, after reviewing further, staff suggests to exclude

the wording “storage containers regardless of size” out of the regulation at the present time and also modify “whether registered or not”.

Final Decision: Adopt revision as drafted and recommended by Town Staff, with the exclusion of the above referenced wording.

4. Article Five, Section H, Page 18:

This revision is regarding the noise reduction emanating from commercial sites and will delete the words “for advertising purposes”.

Final Decision: Adopt revision as drafted and recommended by Town Staff

5. Article Five, Section J.1 (c):

This revision was regarding a request from Town Engineer, and requested to add the language, “field verified, existing and proposed...”

Final Decision: Adopt revision as drafted and recommended by Town Staff

6. Article Six, Section E, Page 22:

This revision was regarding the addition of the following wording to prohibited uses “Boarding Houses, unless expressly permitted.”

Final Decision: Adopt revision as drafted and recommended by Town Staff

7. Article Seven, Section B.1, Page 25:

This revision was regarding the changing of the existing wording to read:

“Farms, provided the storage of fertilizer, manure and all buildings housing animals shall be located at least 100 feet from any property line”.

Mr Peck commented that there had been quite a lot of feedback from the public on this particular revision and suggested that the Commission might want to find an alternative way to deal with this. The wording of this revision was discussed, saying this revision would create a lot non-conforming properties. It was decided that this would be worked on further and no action would be taken at this time. Commissioner Pomeroy said he would like to leave the language as is.

Final Decision: No Action

8. Article Seven, Section B.6 (a), Page 25:

This revision is regarding the addition of the language, “No Roosters of Peacocks allowed”. There were no issues with this revision.

Final Decision: Adopt revision as drafted and recommended by Town Staff

9. Article Seven, Section B.6 (c), Page 25:

This revision is regarding the deletion of “...or accessory buildings” and replace with “...or housing of farm animals and placement of riding rings be located closer than...”. It was decided, after hearing feedback from the public, that this revision would make it extremely difficult for someone to have a riding ring, and thus, it was decided no action would be taken.

Final Decision: No Action

10. Article Seven, Section C.1, Page 26:

This revision is regarding the deletion of, “except such uses shall not be permitted in the R-160 zone.”. The definition of Home Occupation was discussed after a question from Commissioner Cosgrove.

Final Decision: Adopt revision as drafted and recommended by Town Staff

11. Article Seven, Section C.8, Page 27

This revision is regarding the replacement of “Planning” with “Zoning”.

Final Decision: Adopt revision as drafted and recommended by Town Staff, with addition of Town Attorney’s language.

12. Article Seven, Section C.9 (b) (2), Page 29:

This revision had to do with accessory dwelling units. Mr. Peck said, after review, it would be best to leave the language the way it currently reads.

Final Decision: No Action

13. Article Seven, Section F.1(i), Page 33:

This revision was to change the language to “Repair services or businesses which are not large item or heavy industrial in nature.”. Mr. Peck said he would recommended the revision with “large item” be taken out.

Final Decision: Adopt revision as drafted and recommended by Town Staff, with the deletion of “large item”

14. Article Seven, Section L, Pages 39-42:

This revision was to delete existing language and replace with adopted Simsbury Center Code.

Final Decision: Adopt revision as drafted and recommended by Town Staff

15. Article Seven, Section M.3, Page 43:

This revision is regarding a new section of Floodplain regulation as required by State of CT.

Final Decision: Adopt revision as drafted and recommended by Town Staff, and as required by general statutes.

16. Article Eight, Section A, Note A (1), Page 46:

This revision is regarding the deletion of this section, as the staff thinks this regulation has no positive effect and penalizes the commercial property for a situation that may be preexisting.

Final Decision: Adopt revision as drafted and recommended by Town Staff

17. Article Eight, Section B.15, Page 50:

This revision is regarding the addition of a new section, “Sheds of 200 SF or less may be located within 12 feet of a property line, but may not be located in any front or side yard”. It was discussed that the public had a lot of feedback in favor of this proposed revision.

Final Decision: Adopt revision as drafted and recommended by Town Staff and

as recommended by ZBA Staff

18. Article Eight, Section C.4, Page 51:

This revision is regarding the removal of this section because the definition of height measurement is contained in the previously adopted definitions section.

Final Decision: Adopt revision as drafted and recommended by Town Staff

Prior to the vote, Commissioner Pomeroy appointed Commissioner Peterson for Commissioner Fiske, allowing Commissioner Salls to vote on this item.

Commissioner Ryan moved to accept the Regulation changes as outlined by Hiram Peck (summarized above). The motion was seconded by Commissioner Pabich and passed unanimously.

VI. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. Update on Town Center Design Guidelines

Mr. Peck said that on December 6th, the consultants were in town conducting meetings regarding the Town Center Design Guidelines. They are now drafting those guidelines and should have a draft back in late January/early February to discuss. Mr. Peck suggested that all of the Land Use Commission take a look at that first draft in order to get all comments out on the table.

b. Status of present developments

Commissioner Pomeroy spoke of the activity occurring at Dorsett Crossing and Grist Mill. Lastly, Mr. Peck showed the Commission the "Implementation Award of 2011" that was presented to Simsbury by the CT Chapter of the American Planning Association.

Commissioner Pomeroy said the next meeting is February 6, 2012, so there may have to be a Special Meeting in January.

VII. ADJOURNMENT

Commissioner Ryan moved to adjourn the Regular Meeting of the Zoning Commission at 8:50PM. The motion was seconded by Commissioner Salls and passed unanimously.

Respectfully submitted,

Edward J. Pabich, Secretary

