

From: Lois Laczko July 30, 2010 11:20:37 AM  
Subject: Planning Commission Minutes 07/13/2010 ADOPTED  
To: SimsburyCT\_PlanMin  
Cc:

ADOPTED

PLANNING COMMISSION MEETING  
July 13, 2010  
REGULAR MEETING

I. CALL TO ORDER

Commissioner Post called the regular meeting of the Planning Commission to order at 7:10 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Ferg Jansen, Sean Askham, Chip Houlihan, and Michael Paine. Also in attendance were Hiram Peck, Director of Planning, as well as other interested parties.

II. SEATING OF ALTERNATES

Commissioner Post appointed Commissioner Askham to serve in the absence of Chairman Loomis.

Commissioner Jansen made a motion to amend the agenda to move Item IV. next on the agenda. Commissioner Houlihan seconded the motion, which was unanimously approved.

III. DISCUSSION AND POSSIBLE ACTION ON EXTENSION OF MEADOWOOD MAP FILING.

Commissioner Jansen recused himself from this discussion.

Attorney Hollister stated that they are requesting a 60 day extension to record the mylar for the subdivision portion of the Meadowood development. He stated that they did provide a mylar to Chairman Loomis and Town staff on April 28, 2010, which established a recording deadline of July 28, 2010. A meeting was held on June 30, 2010 with Town staff and the Town Attorney regarding performance bonds and open space covenants. All outstanding items were provided to Town staff and the Town Attorney, although these drafts are still circulating. Because the deadline is coming up on July 28th, Town staff and the Town Attorney agreed that the documents need to be reviewed more thoroughly without the pressure of the

July deadline.

Commissioner Houlihan questioned if the Court needed to approve this extension. Attorney Hollister stated that this would not be necessary.

Mr. Peck stated that Attorney DeCrescenzo recommends this 60 day extension; he is still reviewing these documents.

Commissioner Post questioned if a 90 day extension should be requested rather than 60 days. Mr. Peck stated that the 60 day extension is a compromise. He stated that a 60 day extension should be adequate.

Commissioner Houlihan made a motion to approve the extension of the Meadowood map filing for a period of sixty (60) days from the end of the existing period. Commissioner Paine seconded the motion, which was unanimously approved.

Commissioner Jansen returned to the Commission.

#### IV. POSSIBLE APPROVAL OF MINUTES from June 8, 2010 and June 22, 2010

The June 8, 2010 minutes were tabled until the next regularly scheduled meeting because of a lack of a quorum.

Several edits were made to the June 22, 2010 minutes.

Commissioner Paine made a motion to approve the June 22, 2010 minutes as amended. Commissioner Jansen seconded the motion, which was unanimously approved.

#### V. DISCUSSION AND POSSIBLE VOTE ON A RECOMMENDATION TO CREATE A SPECIAL RESERVE FUND FOR ACCUMULATING FUNDING FOR THE CREATION OF DESIGN STANDARDS FOR THE TOWN CENTER CODE.

Mr. Peck stated that the First Selectmen has considered establishing a Special Revenue Fund for the creation of the design standards for the Town Center Code. This is a request for a place to put funds if a grant is received or for any donations that the Town may receive. He stated that the Board of Selectmen needs to make a recommendation to the Board of Finance, although they would first like to get a feeling from the Land Use Commissions. The estimated funding that will be needed to hire a consultant for the design standards is approximately \$40,000. Mr. Peck stated that this same process was used in the creation of the Performing Arts Center.

Commissioner Jansen questioned who would be writing the design standards. Mr. Peck stated that if the Town has the funding, they would have to put out a proposal.

Commissioner Houlihan questioned if fees in lieu of open space would be able to be put in this fund for the creation of the design standards. Mr. Peck stated that this could be discussed with the Town Attorney, although he does not believe this would work. He stated that if the Town decided to set this fund up, people could contribute and donate to this fund.

Commissioner Jansen stated that he thought the Design Review Board would be involved in creating the design standards. Mr. Peck stated that he feels outside expertise is needed in creating the design standards. These standards would be subject to the same review criteria as other standards. These standards would be more than guidelines, although they would be not a Zoning regulation.

Mr. Peck stated that the Design Review Board has supported the concept of the Special Revenue Fund, although if the Planning Commission would like to have more discussion regarding this issue, there is no rush to make any motions.

Commissioner Houlihan stated that he would be in favor for making a motion in favor of this special revenue fund. He questioned what would be done with the end product. Mr. Peck stated that the standards could stick in the Town Center because of the way the Code is drafted; it is a form based code.

Commissioner Post stated that he is comfortable with moving this forward tonight. Commissioner Paine agreed.

Commissioner Jansen stated that he would like to hear comments from the Zoning Commission prior to this Commission making any motions. Commissioner Askham agreed.

#### VI. DISCUSSION AND POSSIBLE ACTION REGARDING ADDING ILLUSTRATIVE PLAN TO POCD.

Mr. Peck stated that this will be discussed once the Zoning Commission has made a decision.

#### VII. DISCUSSION AND POSSIBLE ACTION ON CONSIDERATION OF A FEE IN LIEU OF OPEN SPACE SECTION TO BE ADDED TO THE SUBDIVISION REGULATIONS.

Mr. Peck distributed a draft of the fee in lieu of open space regulation, which was revised by the Town Attorney. Mr. Peck stated that

the Town Attorney recommends this draft be taken to public hearing on July 27th. After input from the public hearing, the Commission can then make any necessary changes.

Commissioner Houlihan stated that he had suggested that this Commission make a proposal to have a right to require fee in lieu of. In this draft, only the applicant has control of that. He questioned if this would be overstepping their bounds. Mr. Peck stated that this proposal has to come from the applicant as an offer.

Commissioner Post stated that he had suggested at the last meeting that Town staff prepare a paragraph regarding how the money will be expended. Mr. Peck stated that the Board of Selectmen and the Board of Finance decide how this money will be spent. He will discuss this issue with the Town Attorney.

Commissioner Jansen questioned if this regulation could take the place of a conservation easement as well as open space. Mr. Peck stated that 10% is the maximum under this law. He stated that it can, under this law, be a combination of money and open space. Commissioner Jansen suggested that the Commission further discuss this issue.

Mr. Peck stated that the public hearing will be held at the next meeting regarding this issue. He will be suggesting that the Town Attorney be present at this meeting. He stated that the meeting may take place in the Program Room at the Simsbury Library instead of in the Main Meeting Room at the Town Hall.

#### VIII. UPDATES

##### PAD ZONING REGULATION PROCEDURE

Mr. Peck stated that a PAD application has been submitted for the West Street site. The applicant has given copies of the application on CD, which he distributed to the Commission members.

Mr. Peck stated that the Design Review Board will be commenting on this application at their next meeting. The Zoning Commission will be receiving this application at their next meeting, which is July 19th. He stated that the hearing date will likely be in September.

##### TOWN CENTER CODE STATUS

Mr. Peck stated that the Town Center Code should be submitted to the Town by the middle of July. As soon as this is received, it will be put on the Town's website and copies will be distributed to the Boards and

Commissions. The Zoning Commission will hold a public hearing in September.

#### INCENTIVE HOUSING ZONE (IHZ) REGULATION STATUS

There are five sites still interested in going forward with the Incentive Housing Zone Regulation. He stated that he is hopeful that this regulation will be submitted to the State by the end of the summer.

#### RTE 10 CORRIDOR STUDY STATUS

Mr. Peck stated that CRCOG held interviews and selected a tentative consultant. The study should start in the fall and should take 12-18 months to complete. There will be a lot of public input in this study. The DOT may run a Charrette as part of this study as well.

#### IX. STAFF REPORT(s)

There were none.

#### X. COMMUNICATIONS AND ADMINISTRATIVE BUSINESS

There were none.

#### XI. ADJOURNMENT

Commissioner Jansen made a motion to adjourn the meeting at 8:00 p.m.. Commissioner Houlihan seconded the motion, which was unanimously approved.

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Gerry Post, Secretary