

April 10, 2021

Mr. Michael Glidden, Director of Planning and Community Development

[mglidden@simsbury-ct.gov](mailto:mglidden@simsbury-ct.gov)

Ms. Laura Barkowski, Land Use Specialist

[lbarkowski@simsbury-ct.gov](mailto:lbarkowski@simsbury-ct.gov)

Town of Simsbury

933 Hopmeadow Street

Simsbury, CT 06070

*Re: Opposition to Application #21-04 of EAY Properties LLC, Owner; Philip Doyle*

Dear Ms. Barkowski and Mr. Glidden:

My family lives in one of Weatogue's historic homes at 315 Hopmeadow Street. We are writing to formally oppose the above referenced Application #21-04 for a Zone Change from R-40 to B-1 District, which would adversely impact local property values, increase traffic congestion in an already-congested road, and permanently change the historic and charming residential character of the Village of Weatogue. Additionally, development along the property along Hopmeadow Street would inevitably adversely impact the flood plain leading into the Farmington River.

Contrary to the Report of the Simsbury Planning Commission, changing the subject 8-acre property from its current residential zone to a commercial B-1 zone is not consistent with the Plan of Conservation and Development or its express objective of preserving the character of this historic village. Traffic is already problematic on this stretch of Hopmeadow Street, leading into a key intersection. Changing the zoning of this property to a commercial B-1 zone and allowing a beer barn would create more traffic issues, as well as noise concerns with the proposal for live music at the beer barn.

Please listen to the residents of Weatogue and neighbors of this historic property and deny the zone change application.

Thank you for your thoughtful consideration of our input.

Sincerely,

  
Bayard Faithfull

  
Mary Whittemore

33

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

Dear Mr. Ryan,

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*David J. Mathewson*  
39 EVANS DR

Dave,

ALL 3 Guys Rob Martin, Adam Westhaver, Pete Klover all involved with Youth Hockey, Soccer and Baseball. Really great group.

34

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

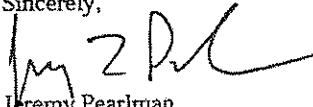
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Sincerely,



Jeremy Pearlman  
31 Winterset Lane  
Simsbury, CT 06070

35

April 14, 2021

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,

Addison Heagney

A handwritten signature in black ink that reads "Add Heagney". The signature is written in a cursive, slightly slanted style.

4 Fawnbrook Lane  
Simsbury, CT 06070

36

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
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Sincerely,

*Kelly W Cross*

*Kelly Cross  
12 Northfield Rd  
Simsbury, CT 06070*

37

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Sincerely,

*Shawn R. Desjardins*

Shawn R. Desjardins  
995 Hopmeadow St  
Simsbury, CT  
06070

38

April 14, 2021

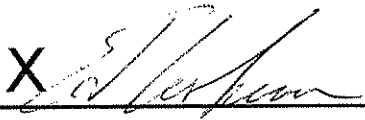
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\_\_\_\_\_  
Ed Leshem

40 Highwood Road,  
Simsbury, Ct. 06070

39

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Simsbury Zoning Commission  
Chairman  
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Sincerely,



Bill Dennehy

21 Surry Circle

Simsbury CT 06070

40



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Simsbury Zoning Commission  
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933 Hopmeadow Street  
Simsbury, CT 06070

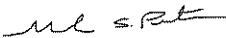
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Sincerely,



Matthew Petras  
17 Clifdon Drive  
Simsbury, CT 06070

50

April 14, 2021

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,



Walker Heagnéy

51

April 12, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

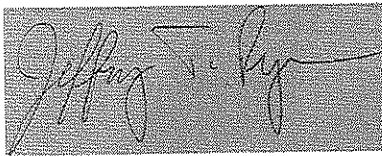
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Sincerely,



Jeffrey T. Ryan  
2 Coolidge lane  
Weatogue, CT 06089

52

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

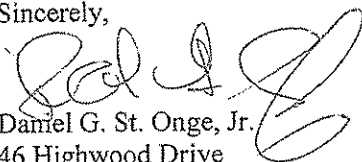
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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

  
Daniel G. St. Onge, Jr.  
46 Highwood Drive  
Avon, CT 06001

53

April 14, 2021

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

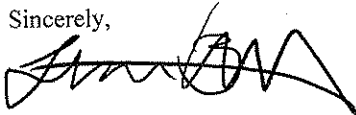
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Sincerely,



Trevor R. Brittell

11 Case Circle

West Simsbury, CT 06092

54

April 14, 2021

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

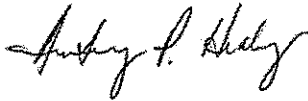
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Sincerely,

*Dennis Dacey*

Dennis Dacey  
63 Blue Ridge Drive  
Simsbury, CT 06070

56

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,



Michael Anastasio  
12 Cedar Hill Road  
West Simsbury, CT 06092

57



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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,

*Michael O'Brien*

Michael O'Brien  
89 Blue Ridge Drive  
Simsbury, CT 06070

58

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,

*Rick Fiengo*

Rick Fiengo  
43 Drumlin Road  
West Simsbury, CT 06092  
860-707-9228

59

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission Chairman  
933 Hopmeadow Street Simsbury, CT 06070

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Sincerely,

*Kelle Beconsall*

Kelle Beconsall  
18 White Oak Lane

Simsbury, CT 06070

60

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,



Shane Combres  
11 Joshua Drive  
Simsbury, CT  
06092

61

April 14, 2021

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Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

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Sincerely,

*Tom Veratti*

Tom Veratti

5 Avery Way, Simsbury

62

April 14, 2021

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Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

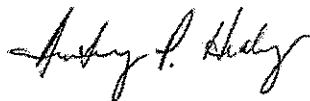
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I am pleased to hear the Commission is considering an application requesting a rezoning of land behind Abigail's restaurant for the potential of a craft brewery. I understand an application for a brewery can only be made if a zone change is granted. The Simsbury land use commissions have historically done a remarkable job protecting the character of the Town while fostering economic growth. I support the concept of a craft brewery and believe the site particularly appropriate.

I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*Rick Fiengo*

Rick Fiengo  
43 Drumlin Road  
West Simsbury, CT 06092  
860-707-9228

68

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission Chairman  
933 Hopmeadow Street Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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Sincerely,

*Kelle Beconsall*

Kelle Beconsall  
18 White Oak Lane

Simsbury, CT 06070

**EXHIBIT 69**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

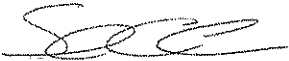
*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Shane Combres  
11 Joshua Drive  
Simsbury, CT  
06092

**EXHIBIT 70**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

Dear Mr. Ryan,

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*Tom Veratti*

Tom Veratti  
5 Avery Way, Simsbury

**EXHIBIT 71**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

Dear Mr. Ryan,

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*Michael Epstein*

Michael Epstein  
395 Bushy Hill Rd  
Simsbury, CT 06070

**EXHIBIT 72**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner: Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Holly B. Simeon

33 West Mountain Rd  
Simsbury, CT 06070

**EXHIBIT 73**



April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*François Marquis*

François Marquis  
10 Musket Trail  
Simsbury, CT 06070

**EXHIBIT 74**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner: Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Gary Schless

63 Munnisunk Drive  
Simsbury, CT 06070

**EXHIBIT 75**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*John Ruzsbatzky*

*Jake Ruzsbatzky*

*Elizabeth Havican*

*Ashley Havican*

*Caitlyn Havican*

All of:

81 Terry's Plain Rd. Simsbury CT 06070

**EXHIBIT 76**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission Chairman  
933 Hopmeadow Street Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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Sincerely,

*Michael Beconsall*

Michael Beconsall  
18 White Oak Lane

Simsbury, CT 06070

**EXHIBIT 77**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

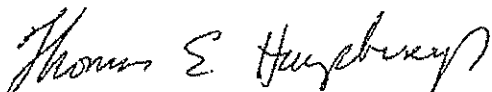
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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Thomas Humphreys  
11 Brook Ridge  
West Simsbury, CT 06092

**EXHIBIT 78**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

  
Emmet Hegarty

**EXHIBIT 79**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Francis Burnett  
23 Lincoln Lane  
Weatouge, CT 06089

**EXHIBIT 80**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*Scott Stevens*

Scott W. Stevens  
995 Hopmeadow Street  
Simsbury, Ct 06070

**EXHIBIT 81**



April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Nicholas Coburn  
4 Oakland Terrace  
Simsbury, CT 06070

**EXHIBIT 82**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

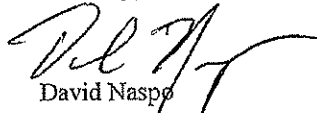
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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



David Naspo

9 Country Club Dr

West Simsbury, CT 06092

**EXHIBIT 83**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Thomas Cross  
12 Northfield Rd  
Simsbury, CT 06070

**EXHIBIT 84**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,

*Sean Murphy*

Sean Murphy  
29 Steeplechase,  
Avon, CT  
06001

**EXHIBIT 85**

April 14, 2021

Mr. David Ryan  
Simsbury Zoning Commission  
Chairman  
933 Hopmeadow Street  
Simsbury, CT 06070

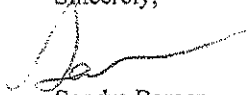
*Re: Application #21-04 of EAY Properties LLC, Owner; Phillip Doyle, Agent for a Zone Change from R-40 to B-1 District on property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

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I trust the Zoning Commission will protect the interests of the neighborhood and the broader character of the Town as they review a site plan in the future.

Sincerely,



Sondra Berger  
11 Elaine Dr

**EXHIBIT 86**

DUNCAN AND JULIE MACKAY  
327 Hopmeadow Street  
Weatogue, CT 06089  
(860) 651-9228  
[mackadr@comcast.net](mailto:mackadr@comcast.net)

**EXHIBIT 87**

*Via Email*

April 15, 2021

Mr. Michael Glidden, Director of Planning and Community Development  
Mr. David Ryan, Chairman Simsbury Zoning Commission  
Members of the Simsbury Zoning Commission  
Mr. Eric Wellman, First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury CT 06070

*Re: Application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change from R-40 to B-1 District on the property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)*

Dear Mr. Glidden, Chairman Ryan, Members of the Simsbury Zoning Commission, and Mr. Wellman:

Julie and I are writing to supplement our prior letter in opposition to the above referenced Application #21-04 for a Zone Change from R-40 to B-1 District.

### **Introduction**

Since the last hearing on April 5, we have emailed and left phone messages several times requesting information and an opportunity to discuss the subject zone change application but have not heard back. And, not surprisingly, we also have not heard from the developer. We are struck and disheartened by the lack of transparency throughout this entire process—from the developer's appearance before the Planning Commission in February (without advance notice to the property's abutters and an opportunity to be heard), to the developer's lack of communication with the property's abutters (despite representations to the Planning Commission to the contrary), to the town's apparent disinclination to engage in discussions with abutters about constructive alternatives to the zone change of the property in question. It suggests to many of us that this application is simply awaiting a rubberstamp of approval. *But why?*

Given what's really at stake here, we think the approval of this zone change application is not only wrong but misguided, and ignores or at best pays lip service to the considerable work and outreach that was done in compiling the town's Plan of Conservation and Development ("POCD"). Approval of this application by the Zoning Commission will simply provide the developer with a "blank check" to cash at the expense of this neighborhood and its neighbors by enabling him to develop *any* of the broad range of uses that are permissible under the B-1 zone, any one of which will inalterably and adversely harm the "sense of place" in the historic hamlet

of Weatogue. We were under the (apparently naïve) impression that the town and its residents were imbued with the power to determine the character and sense of place of our neighborhoods, not that such indelible decisions would be abdicated to a commercial developer with no ties to the community.

### **There are Better Alternatives**

There is a far better approach (better for all concerned including the town, the property owner and the area residents) than simply changing this large, farm-like residential parcel from R-40 to B-1, with all of the attendant uses to which it can thereafter be put. We find it exceedingly hard to believe that, if the zone change application is granted, the developer will actually be successful in obtaining a special exception and site plan approval to locate a brewery and beer tasting room within a hundred or so feet of a day care center. We neighbors will strongly oppose it, and we believe that MRG Group (Abigail's) will fight it as well, which means of course that some other unintended use that is wholly incompatible with the sense of place in this historic hamlet—but permissible under a B-1 zone—might be substituted. A straight-up approval of the application takes away the town's ability to define this area's sense of place and leaves it in the hands of a future SP or SE application. That is not what the POCD contemplates and everyone loses, including the town, but most especially the neighbors!

Wouldn't a better planning approach be to design a floating zone for this historic hamlet gateway area that conditions up-front the uses to which the parcel can be put? This more thoughtful and deliberate process could factor in the input from those most immediately affected, including the parcel's owner—who is clearly looking simply to sell the property to the highest bidder and has little interest in what uses to which it will be put once sold. A floating zone is the most appropriate, responsible, and collaborative way to develop and still preserve the sense of place of our historic hamlet.

While this application is not necessarily “spot zoning”, it will ultimately have the same effect by opening a whole host of potential uses for the subject property's 400 feet of frontage on Hopmeadow Street. The Zoning Commission is not under time pressure to act on this current application, particularly in light of the COVID executive orders, and can even deny it without prejudice to allow us to develop a thoughtful and carefully considered approach to a floating zone, that perhaps opens up access to the Farmington River on this side of the river for town residents and creates a pathway to link Hartford Road to the bike path and the rest of Simsbury, all while preserving the hamlet's sense of place. Why the rush? Let's pump the brakes and approach the decisions about the character of Weatogue deliberatively and collaboratively.

### **The Commercialization of the Subject Property is NOT Consistent with the POCD**

The Simsbury POCD Mission Statement is “Preserve the best from Simsbury's past ... . Ensure the best for Simsbury's future.” That's what we're trying to do. Maintaining and enhancing community character is a central theme of the POCD, as it notes, “character is consistently cited as one of the attributes which makes Simsbury special to residents. Maintaining and enhancing community character is an over-arching principle of this POCD.”

The POCD talks about “sense of place” as follows:

The concept of “place” is abstract, and defining it is elusive; however, you know it when you see it. Place is found in the organizational patterns of the physical landscape, natural or built, i.e., ridgelines, signature brownstone buildings,

winding secondary roads, etc., or in preserved historical land uses, such as farms, factories, mills, etc. These patterns extend beyond the visual. It is more than just the way the town “looks”. “Place” is also manifested in the interaction between human and habitat. The organizational pattern of a farmstead, for example, includes the familiar house, barns and fields. But it also includes the experience of a farm—the sounds (livestock and tractors), the smells (manure and freshly mown hay), and the history associated with the site (perhaps owned by the same family for generations or renowned for its organic produce). POCD at p.39.

Weatogue village has a sense of place based on “the totality of all of these things,” including the historic homes, historic monument and fountain, historic tavern, and large open space residential properties and pastures. According to the POCD, “[t]his ‘sense of place’ is part of what draws people to Simsbury. People make a conscious choice to live here or visit here or stay here because of its small town character and sense of community and all of the elements that contribute to character.” Like the rest of Simsbury, Weatogue has a “‘sense of place’ because these elements (and many others) are all interwoven into the fabric of the community.” It is this character and sense of place that drew us 31 years ago to move to our historic Weatogue home, plant our roots and raise our family, and why over these 31 years we have continued to invest significantly in maintaining its historic look and feel.

This doesn’t mean “no development is good”; rather, the POCD instructs that “future growth or change” should be approached “in ways that will promote places with a ‘sense of place,’ strengthen ... village centers and other unique places, and maintain and enhance the character of the community”, including Weatogue Center. The POCD contemplates potential mixed-use development as appropriate but does promote the commercialization of Weatogue. Again, we Weatogue residents and neighbors want to ensure that any development is responsible and in keeping with our special sense of place.

Unfortunately, we find ourselves on the precipice of a decision that has all the hallmarks of having been fully baked before we neighbors and abutters were even aware of it. It is not too late, though, for the Zoning Commission to correct this process and provide us all with a more sensible way to approach the land use planning in Weatogue Center, balancing the various interests of all affected and staying consistent with the overarching themes of the POCD.

### **The Planning Commission’s Advisory Process was Flawed**

There are several other reasons—beyond what we and others have already provided to the Zoning Commission—why the current application does violence to the sense of place and sense of openness and transparency in our town planning process, any one of which alone should be enough to cause the Zoning Commission to pause or deny outright the application, but taken together, it compels such a decision.

We neighbors and abutters learned for the first time at the Zoning Commission’s public hearing on April 5 that the Planning Commission issued an advisory report on the subject application at its regularly scheduled meeting on February 23, 2021. There is *no* Legal Notice of a February 23, 2021 Planning Commission meeting or the agenda for that meeting published on the town’s Legal Notices site <[Legal Notices | Simsbury CT \(simsbury-ct.gov\)](https://www.simsbury-ct.gov/legal-notices)>, there is *no* notice of any actions taken by the Planning Commission at a regular meeting on February 23, 2021 posted on the Planning Commission’s page on the town’s site, and there are *no* minutes of that regular meeting of the Planning Commission on February 23, 2021 posted on the Planning



Commission's page on the town's site. Upon learning at the April 5, 2021 Zoning Commission hearing that the Planning Commission met to discuss the application and had recommended approval, we promptly requested, and Mr. Glidden supplied an electronic copy of the unposted minutes of that otherwise unpublished meeting.

Adding to the confusion, while the minutes (attached) are dated "Tuesday, February 23, 2021", one of the first references in them states, "Chairman Rice made a motion to amend the agenda to include the review and approval of the minutes from the Tuesday 2/23/21 meeting." And the next entry provides, "Due to Mr. Needham's initial absence, Chairman Rice led the review of the 2/23/21 and the 3/9/21 meeting minutes." The Planning Commission's Legal Notices and News site does have a **March** 23, 2021 Planning Commission Legal Notice of Action, which was posted on March 30, 2021, and a March 9, 2021 Planning Commission Legal Notice. None of these other notices, however, mention the subject application, which the Minutes themselves characterize as follows:

## V. NEW BUSINESS

### 1. Referral from the Zoning Commission

#### A. Application 21-04 of EAY Properties, Owner, Philip Doyle, Agent for a Zone Change from R-40 to B-1 on the property located at 322 Hopmeadow Street.

Further, the zone change application in this matter is signed and dated February 25, 2021 but the cover letter from LADA, P.C. submitting the application to Mr. Glidden is dated March 12, 2021. The file name of the minutes provided to us "PC meeting...3.23.21.docx" seems to suggest the minutes have the incorrect date; however, again the March 23, 2021 Planning Commission Legal Notice of Action doesn't mention this "new business" or the Planning Commissions statutorily required review of the zone change application.

#### **03/23/2021 Planning Commission Legal Notice of Action**

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LEGAL NOTICE OF ACTION

TOWN OF SIMSBURY

PLANNING COMMISSION – REGULAR MEETING

Notice is hereby given that the Planning Commission of the Town of Simsbury took the following action(s) at its regular meeting held on Tuesday, March 23, 2021, at 7:00 p.m. via Zoom: <https://zoom.us/j/2574297243> on the following:

Approved with conditions, Application #21-01 of James & Nancy Brown, Owners; Denno Land Surveying & Consulting LLC, Agent for a 2-lot re-subdivision on the property located at 34 East Weatogue Street (Assessor's Map H14, Block 109, Lot 018) Zone R-40.

A copy of the above is on file in the Office of the Town Clerk, 933 Hopmeadow Street, Simsbury, Connecticut for public inspection.

William Rice, Chairman  
Simsbury Planning Commission

Once we get through the confusion about dates and review the minutes themselves, the first thing we noticed was—while the rest of us were not even aware that the February 25, 2021 zone change application had been filed and was being considered by the Planning Commission (on February 23 and/or March 23) for consistency with the POCD—the applicant was clearly aware and its representative from LADA, P.C. was apparently able to appear at and participate in the virtual meeting. According to the minutes, “Mr. [Philip] Doyle [of LADA, P.C.] presented the property” to the Planning Commission<sup>1</sup>. The applicant characterized its request to approve a rezoning from R40 to B1 for the subject property to “rehab the barn on the property into a brewery with a tasting room.” The Planning Commission minutes noted that the applicant is the owner of other breweries and intended to locate the proposed brewery with a tasting room within the barn on the property. The minutes also suggest that the Planning Commission was shown the barn “on the map screen shared with the Commission” and was led to believe that it was to be the focal point for the proposed zone change and development. Indeed, the Planning Commission was informed and specifically noted, “[t]he house and fields surrounding the property will remain as is.”

The minutes go on to note the “applicant’s request is to go under the use of retail to allow the manufacturing of the product on the property with less than 5 employees while being allowed to sell product which in this proposal would be beer. The tasting room would be an accessory use to the retail.” Based on the applicant’s characterization of the proposed use of the property, in particular the “rehab of the barn” for these purposes, and presumably placing weight on the applicant’s characterization of that use—since the minutes note specifically that the applicant is “the owner of other breweries” and presumably knows what space he needs for the planned use—“Chairman Rice felt that this was consistent with the POCD *from an economic standpoint*<sup>2</sup> and he had no concerns.”

Of course, what we all learned at the Zoning Commission hearing on April 5 is that the barn will in fact not be adequate to house the proposed brewery and tasting room, and that further development of the site including potential additions to the barn and or addition of other structures would be necessary. Facts the applicant surely knew from the outset as he is “the owner of other breweries”. Members of the Zoning Commission expressed their surprise at the applicant’s revelation as this was indeed new information; information that the Planning Commission did not have and was not told. Rather, the Planning Commission based its report on

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<sup>1</sup> A zone change applicant’s presentation and characterization of its application to the Planning Commission, including responding to questions posed by the Planning Commission members doesn’t constitute a public hearing under Connecticut’s Sunshine Laws? The meeting was clearly not properly noticed, statutorily required actions of the Planning Commission were not made public or included in the appropriate Legal Notices, and legally interested parties were not given an opportunity to be heard.

<sup>2</sup> The statutory charge of the Planning Commission is to determine whether the zoning application is consistent with the POCD. Not sure what “economic standpoint” the Planning Commission is referring to in connection with this application. As discussed in this letter, the POCD does discuss “future growth or change” and states that it should be approached “in ways that will promote places with a ‘sense of place,’ strengthen ... village centers and other unique places, and maintain and enhance the character of the community.” Again, there is no “economic standpoint” standard that exists outside of the context of promoting and preserving sense of place. The POCD does mention potential mixed-use development in Weatogue; however, the present proposal is not for a mixed use—it is purely an evisceration of the residential zone and an invitation to any of the many permitted commercial uses.

their understanding that “[t]he house and fields surrounding the property will remain as is” and the barn would be “rehab[bed]” to house the brewery and tasting room.

One of the Planning Commission members noted that the subject property is a residential house and inquired “about the properties that will be sandwiched in between along with the other B1 properties.” In response to this inquiry, the Planning Commission was informed, “[t]he applicant has *met with the other property owners* and they proposed no objection to the re-zoning with the exception that they don’t want to pay additional taxes.” Oh really?! There are several abutters listed in the zone change application, including the McCarty’s, Abigail’s, us, etc., and we were never approached by the applicant. Ever. This includes up through the writing of this letter! Again, we all found out about this opaque zone change process the old-fashioned way: by pure happenstance. Perhaps the applicant meant by the reply to the Planning Commission inquiry that the principles of EAY Properties met with their next-door neighbor to the north, Michael Yakemore, who is a family member of the subject property’s estate. Would that revelation have made a difference to the Planning Commission? Would it have felt differently about the consistency of the proposed zone change with the POCD and the impact on the sense of place of this little hamlet of historic Weatogue if it was made aware of the fact that the neighbors on all sides except the north were vehemently opposed to this commercialization of the largest residential parcel of land in the area?

The applicant was provided a virtual guided tour of the Simsbury planning and zoning process and allowed access to all the appointed and salaried bodies charged with approving or recommending its application *before* the neighbors were even aware the application had been filed. Yet, even with this advantage, the information apparently presented by the applicant about its true plans for development on the property and efforts to harmonize them with its proposed new neighbors was incomplete and inaccurate. The abutters and those neighbors—who will continue to have a stake in and must live with the irreparably altered sense of place in Weatogue to which this commercialization will inevitably lead—were literally left out and denied a voice in these forums. Is that transparent? Is that fair? When the applicant is able to meet and present to the Planning Commission and the Town Planner and they recommend approval of the application, and meet with the Zoning Commission to provide a preview of the application, all before those with legal standing as abutters within 100’ of the property learn of the application is not only a tough pill to swallow, but a true denial of procedural due process, fairness, and transparency. Our town is better than that, right?!

### **The Focus of Any Commercial Development Will be On and Along Hopmeadow Street**

This zone change application encompasses the entire 7.85-acre property at 332 Hopmeadow Street, where it has approximately 400 feet of frontage. We already know, as described above, that if the zone change application is granted, the new owner will not be able to house his brewery plans and tasting room within the existing barn, and that further expansion of the barn and/or construction of other structures will be necessary. Remember, as the Planning Commission minutes note, the applicant is “the owner of other breweries” and certainly knew in advance what its spatial requirements would be for this proposed development. As noted by Mr. Elliott during the April 5 hearing, the floodplain overlay zone extends close, if not right up, to the barn. Under Simsbury’s floodplain zoning regulations, no structures or impervious surfaces, such as driveways and parking lots, are permitted in these environmentally sensitive areas. We understand that TMG Group (Abigail’s) will *not* permit any traffic or parking for the proposed brewery and tasting room on, over or through its property. So, what does that mean for the

application? Even if the applicant can get past the proximity of the beer barn to the Children's Clubhouse, it means that the required addition to the barn, new structures, driveway, parking lot, etc., will all have to take place *up towards and along*, and will be highly visible from, Hopmeadow Street. So, contrary to what was represented to the Planning Commission and to the Zoning Commission in its informal meeting, the barn and the "fields surrounding the property" will most likely NOT "remain as is". Whether the house will remain unchanged or continue to exist at all is solely up to the whim of the applicant if he is successful in changing the zone.

A parking lot, additional structures, and expanded barn all within 25 feet of and sprawled along Hopmeadow Street is in keeping with the sense of place of this historic area? Of course not! Such expansive development along Hopmeadow Street will entirely change the pastoral setting and view of 332 Hopmeadow Street and the sense of place it creates in this historic hamlet. It will also mean more traffic pouring onto this already traffic-burdened area of Hopmeadow Street, where the residence at 332 Hopmeadow Street already has two curb-cuts, the barn already has one curb cut, and Abigail's has one curb cut. Adding additional curb cuts and/or just the associated throughput of cars pulling in and out of the beer barn or other potential retail development(s) that get constructed there will only add to the traffic density and noise and create significant public safety considerations.

### **Conclusion**

We appreciate the opportunity, albeit at the tail-end of this process, to express our views in opposition to this zone change application. Our POCD and the decisions about how to preserve and develop the town while maintaining the important sense of place, is supposed to be an open, transparent and participatory process. It was not in this case. When town residents most directly affected by a land use planning decision are not made aware of an application affecting the character, sense of place and historic charm of the area until all recommendations for approval have already been secured, save for the final one, something is wrong. Please remedy this by rejecting this effort to convert the single largest residential parcel at the heart of this historic hamlet into a commercial zone, and to whatever commercial uses may strike the owner's fancy at the time.

Thank you.

Sincerely,

Julie and Duncan MacKay

*Julie Grey MacKay*

*Duncan Ross MacKay*