

Subject to Approval

ZONING COMMISSION - REGULAR MEETING MINUTES**MONDAY, FEBRUARY 7, 2022****The public hearing was web-based on Zoom at <https://zoom.us/j/2574297243>****Meeting ID: 257 429 7243**

I. CALL TO ORDER – Kevin Gray was Acting Chairman in David Ryan’s absence. Mr. Gray called the meeting to order at 7:00pm.

1. **Appointment of Alternates**: Jackie Battos

Present: Kevin Gray, Diane Madigan, Bruce Elliott, Anne Erickson, Donna Beinstein, Jackie Battos, Laura Barkowski, Tom Hazel

Absent: Melissa Osborne, Amber Abbuhl, David Ryan

MOTION: All in favor, no opposed, no abstentions. (6-0-0)

II. APPROVAL OF MINUTES of the January 03, 2022 regular meeting minutes and the January 24, 2022 special meeting minutes

Mr. Elliott made a motion to approve the minutes from the January 3rd meeting as submitted. Ms. Erickson seconded.

MOTION: All in favor, no opposed, Ms. Battos abstained. (5-0-1)

Mr. Gray moved on to the approval of the special meeting minutes from January 24th. Mr. Elliott made a motion to approve the minutes as submitted. Ms. Erickson seconded.

MOTION: All in favor, no opposed, Ms. Battos abstained. (5-0-1)

III. OLD BUSINESS1. **Applications**

1. **Application# 21-27** – of SL Simsbury LLC, Applicant; T.J. Donohue, Jr., Killian & Donohue, LLC, Agent; Type 3 application pursuant to the Hartford Form Based Code related to changing the commercial zone to residential and constructing a 15-unit residential building on the property located at 250 Hopmeadow Street (Assessor’s Map F17, Block 154, Lot 009-3-2) Zone HS-FBC.

Mr. Gray read the application to the Commission. Mr. Gray amended the agenda to move application 21-27 to the end of the old business section on the account of the applicant being late. Once the applicant was present, Mr. Gray read the application to the Commission. T.J. Donohue described the overview of the application to the Commission. Jeff Rowling described the design of the proposed building which addressed the height concerns of past proposals. Mr. Rowling continued to explain that the lower level could be easily converted to retail space with the new proposal if the market shifted in the future. Ms. Madigan questioned the need to have the first floor of the building convertible as the plan was for residential. Mr. Rowling stated that element was in response to the comments received from the Design Review Board stressing the

51 importance of including retail space in the building. Ms. Madigan agreed with the comments from the DRB
 52 stating she was also a proponent of retail within that space. The Commission discussed the restrictions on
 53 issuing certificates of occupancy before the commercial units are shelled. Jimmy Constantakis of the
 54 Silverman Group spoke to the Commission's concerns over removing the commercial aspect on the lower
 55 level by describing the money invested and the use of multiple brokers for the adjacent commercial space
 56 in the development which remained vacant despite those efforts. Mr. Elliott stated the development of the
 57 building would erode the visual of the mountain ridgeline and that the conversion to apartments would not
 58 be a long-term benefit to the Town.

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 60 2. **Application# 21-30** – of Dorset Crossing LLC, Applicant; David S. Ziaks P.E., Agent;
 61 Site Plan Approval for the construction of two multi-unit residential housing buildings on
 62 the property located at 115 & 130 Casterbridge Crossing (Assessor's Map H04, Block 403
 63 Lot 13A-G) Zone PAD. (**Application postponed by applicant, decision must be**
 64 **rendered by 03/09/2022**)

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 66 3. **Application #21-29** – of the Simsbury Zoning Commission, Applicant; Michael Glidden
 67 CFM CZEO, Agent; application for a text amendment to Sections 3.4, 4.5, 5.5, and 17.4
 68 of the Zoning Regulations amendment for the purpose of establishing short-term rentals as
 69 a use in the regulations per submitted. (**Public Hearing closed on 01/03/22**)

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 71 Mr. Gray read the application to the Commission. Ms. Barkowski stated the Commission could discussion
 72 application 21-29 later in the meeting according to the agenda.

73 74 **IV. PUBLIC HEARING**

75 1. **Applications**

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 77 1. **Application #22-03** – of Simsbury Public Schools c/o Jason Casey, Applicant; SLR
 78 International Corporation, Agent; Special Exception and Site Plan Amendment pursuant
 79 to sections 3.4 and 6 of the Simsbury Zoning Regulations for development in the
 80 floodplain related to the reconstruction of the existing grandstand and press box for the
 81 property located at 34 Farms Village Road (Assessor's Map F11 Block 148 Lot 016). Zone
 82 R-40.

83
 84 Mr. Gray read the application to the Commission. Kevin Fuselier presented the replacement plans for the
 85 grandstand and press box for the Simsbury High School campus. Mr. Fuselier discussed the factors of the
 86 existing conditions of the grandstand and press box including insufficient means of egress for the seating
 87 capacity, the lack of ADA compliant features, and inadequate fall protection. Mr. Fuselier stated the project
 88 had received approvals from both the Conservation Commission to allow the regulated activity in the upland
 89 review area and the Zoning Board of Appeals for the variance to build within the side yard setback on the
 90 property. The project calls for the improvements to the grandstand and press box including increase the
 91 seating capacity to 1082, removing the lower concrete storage building, constructing an ADA compliant
 92 ramp and egress points, and installation of a 6' top rail for fall protection. Mr. Elliott inquired about the
 93 reasons for the concrete building underneath the stands not being included in the replacement. Mr. Fuselier
 94 described the privacy concerns of the abutting property that were addressed through meetings with the ZBA
 95 which resulted in the agreement that the space underneath the stands would remain open and free from
 96 spectators. Ms. Beinstein asked about the landscaping plans for the site. Mr. Fuselier explained the
 97 landscape plan included the replacement of arborvitae that were damaged previously. With no public
 98 comments received, Ms. Beinstein made a motion to close the public hearing. Ms. Madigan seconded.

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 100 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)

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2. **Application #22-02** – of Lisa E. Hamel, Applicant, Agent for Special Exception of the Simsbury Zoning Regulations for a Retail Gift Basket Liquor Permit at the property located at 97 East Weatogue Street (Assessor’s Map H12 Block 107 Lot 020) Zone R-15. **(Application postponed by applicant, public hearing must be opened by 4/13/22)**
 3. **Application #22-01** – of the Simsbury Zoning Commission, Applicant; Laura Barkowski Agent; application for a text amendment to Sections 3.4, 3.5, 4.6, and 8.6 of the Zoning Regulations. Amendment for the purpose of the addition to alcohol use in the regulations per submitted.

112 Ms. Barkowski presented the application to the Commission. Ms. Beinstein inquired about whether the new
113 regulations would allow an applicant to sell liquor gift baskets directly from their home. Ms. Barkowski
114 stated this would allow only the shipment of liquor gift baskets from the applicant’s home. No public
115 comment was received. Mr. Gray requested a motion to close the public hearing. Ms. Battos made a motion.
116 Ms. Erickson seconded.

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118 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)

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4. **Application #22-04** – of the Simsbury Zoning Commission, Applicant; Laura Barkowski Agent; application for a text amendment to section 4.5 of the Zoning Regulations. Amendment for the purpose of the addition of medical offices and clinics as a use per regulations submitted.

125 Ms. Barkowski presented the application to the Commission. No public comment was received. Ms.
126 Madigan made a motion to close the public hearing. Ms. Battos seconded.

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128 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)

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130 **V. DELIBERATION AND ACTION**

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1. **Application# 21-27** – 250 Hopmeadow Street

134 Ms. Battos made a motion to approve application 21-27. Ms. Erickson seconded.

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136 **MOTION:** None in favor, unanimous opposition, no abstentions. (0-6-0)

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2. **Application# 21-30** –115 & 130 Casterbridge Crossing **(Application postponed by applicant, decision must be rendered by 03/09/2022)**
 3. **Application #22-03** – 34 Farms Village Road

142 Ms. Barkowski noted that the Design Review Board passed on a positive referral on application 22-03 with
143 the condition that the press box be painted in a dark “Simsbury” blue. Ms. Madigan made a motion to
144 approve application 22-03 provided the press box be painted dark “Simsbury” blue. Ms. Erickson seconded.

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146 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)

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4. **Application #22-02** – 97 East Weatogue Street **(Application postponed by applicant, public hearing must be opened by 4/13/22)**
 5. **Application # 21-29** – Short-Term Rentals Text Amendment **(Public Hearing closed on 01/03/22)**

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152 Ms. Madigan application 21-29 with an effective date of March 1, 2022. Ms. Erickson seconded.
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154 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)
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156 **6. Application #22-01 – Alcohol Use Text Amendment**

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158 Ms. Battos made a motion to approve application 22-01 with an effective date of March 1, 2022. Ms.
159 Erickson seconded.
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161 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)
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163 **7. Application #22-04 – Medical Offices and Clinics Text Amendment**

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165 Ms. Erickson made a motion approve application 22-04 with an effective date of March 1, 2022. Mr.
166 Elliott seconded.
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168 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)
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170 **VI. GENERAL COMMISSION BUSINESS**

171 **1. None**

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173 **VII. ADJOURNMENT**

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175 Ms. Battos made a motion to adjourn the meeting. Mr. Elliott seconded.
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177 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)
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179 Acting Chairman Gray adjourned the meeting at 8:24pm
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182 Respectfully Submitted,

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184 Joseph Hollis, Acting Clerk