

1 **Meeting Date: September 19, 2022**

2 **ZONING COMMISSION**

3 **TOWN OF SIMSBURY**

4 **REGULAR MEETING – SUBJECT TO APPROVAL**

5 **MONDAY, SEPTEMBER 19, 2022 at 7:00 P.M.**

6 **In-Person**

7 **PRESENT:** Kevin Gray, Bruce Elliott, Anne Erickson, Diane Madigan and Jackie Battos

8
9 **ALSO PRESENT:** Planning and Community Development Director George McGregor;
10 Assistant Town Planner Savannah-Nicole Villalba

11
12 **ABSENT:** David Rogers Ryan, Donna Beinstein, Melissa Osborne, Tucker Salls

13
14 **I. CALL TO ORDER:** Vice Chairman Gray called the meeting to order at 7:00 p.m.

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16 **II. APPROVAL OF MINUTES** of the July 18, 2022 regular meeting and July 25, 2022
17 special meeting minutes

18
19 July 18, 2022 – Line 37 needs to be corrected to read
20 July 25, 2022 – approved as submitted

21
22 Ms. Battos read the legal notice.

23
24 **III. PUBLIC HEARINGS**

- 25
26 1. **Application ZC #22-25** of Larry Atherton, Owner/Applicant, for a special
27 exception pursuant to Section 3 of the Simsbury Zoning Regulations to construct
28 a ±288 sq. ft. detached accessory dwelling unit at 20 Harvest Hill Road
29 (Assessor’s Map D10 Block 133 Lot 073). Zone R-40.

30
31 Ms. Villalba gave the background on this application. Mr. Atherton was present to
32 answer questions from the Commission such as the dwellings orientation, utilities.
33 Members of the public voiced concerns about this dwelling turning into an air
34 b&b in the future, septic system issues, property value going down, visibility of
35 the dwelling, neighborhood characteristics and water run-off.

36
37 **MOTION:** Ms. Battos moved to continue this application to the October 3, 2022
38 regular meeting. Mr. Elliott seconded the motion.

39 **VOTE:** motion passed unanimously. (5-0-0)

40 **IV. OLD BUSINESS**

- 41
42 1. **Applications:** None

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2 **V. NEW BUSINESS**
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- 4 1. **Application ZC #22-25** of Larry Atherton, Owner/Applicant, for a special
5 exception pursuant to Section 3 of the Simsbury Zoning Regulations to construct
6 a ± 288 sq. ft. detached accessory dwelling unit at 20 Harvest Hill Road
7 (Assessor’s Map D10 Block 133 Lot 073). Zone R-40.
8

9 This application has been continued to the October 3, 2022 regular meeting.
10

- 11 2. **Application ZC #22-26** of Willow Arms Mutual Housing Association, Owner,
12 Susan Odell, Applicant, for a site plan amendment pursuant to Section 11 of the
13 Simsbury Zoning Regulations to perform site improvements to exterior/interior
14 features, lighting, and landscaping at 55 Elm Street (Assessor’s Map K04 Block
15 127 Lot 016). Zone R-15-25.
16

17 Susan Odell presented this application and answered questions regarding solar
18 energy, grills, dumpsters, construction timeline. This will be an occupied
19 renovation.
20

21 **MOTION:** Mr. Elliott moved to approve this application subject to the following
22 conditions for approval:

- 23 1. The proposal shall be developed in substantial conformance with the
24 site plan set entitled Willows Arms Development dated January 10,
25 2022; revised September 16, 2022;
26 2. The property shall be developed in substantial conformance with the
27 architectural set entitled Willow Arms schematic design dated January
28 10, 2022; September 16, 2022;
29 3. The applicant shall submit two sets of mylars and one paper set for
30 signature and recordation;
31 4. An administrative permit is required for construction;
32 5. The Commission authorizes staff to approve minor changes on the
33 approved plans such as landscaping, grading, etc. Said changes are to
34 be made in writing to staff and approved prior to interpretation.
35 6. Prior to issuance of a building permit.

36 Ms. Madigan seconded the motion.

37 **VOTE:** motion passed unanimously. (5-0-0)

38 **MOTION:** Ms. Battos made a motion to move up 33 canal street to the next
39 agenda item. Ms. Madigan seconded. Motion passed unanimously. (5-0-0)
40 *moved to move up 33 Canal Street next on the agenda.*
41
42

43 **VI. GENERAL COMMISSION BUSINESS**
44

- 45 1. **33 Canal Street: Findings Pursuant to §7.5.2 Non-Conforming Use of**
46 **Structures.** The Applicant Stephanie Ma proposes to change one non-conforming

1 use (medical office) to another non-conforming use (professional office) at 33
2 Canal St.

3
4 Attorney Louis Hassett, representing Jessica and Jonathan Star, presented the
5 background and intention for this property.

6
7 **MOTION:** Ms. Battos moved to approve this application.

8 Ms. Madigan seconded the motion.

9 **VOTE:** motion passed unanimously. (5-0-0)

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12 **2. Cannabis update**

13 **1. Text Amendment**

14 **2. Moratorium Extension**

15 Mr. McGregor gave an update from the town attorney. The moratorium
16 expires on November 8, 2022. Mr. McGregor suggested that the Commission
17 schedule a public hearing for both matters. Chris Peterson from the Board of
18 Selectman and the Commission discussed who is better positioned to address
19 this issue.

20
21 **MOTION:** Ms. Battos moved to direct staff to schedule a public hearing for
22 October 17, 2022 on the Text Amendment for Cannabis Establishments dated July
23 18, 2022 and as amended on September 19, 2022.

24 Ms. Madigan seconded the motion.

25 **VOTE:** motion passed. (5-0-0)

26
27 **MOTION:** Ms. Battos moved to direct staff to schedule a public hearing for
28 October 17, 2022 on the Text Amendment to extend the temporary Cannabis
29 Moratorium for six additional months from November 8, 2022 to May 8, 2023.
30 Ms. Erickson seconded the motion.

31 **VOTE:** motion passed unanimously. (5-0-0)

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33 **3. Residential Parking Space Standards Opt Out from Public Act 21-29**

34 Mr. McGregor gave the background on this Act. Staff and the town attorney
35 suggest to have another public hearing on the resolution to opt out of the
36 residential parking standards. The hearing has been set for October 3, 2022.

37
38 **MOTION:** Ms. Battos moved to schedule a public hearing for October 3, 2022 in
39 order to make sure the Opt Out process can be approved by the Board of
40 Selectman by January 1.

41 Ms. Erickson seconded the motion.

42 **VOTE:** motion passed unanimously. (5-0-0)

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4. Appointment of George McGregor and Savannah-Nicole Villalba as Assistant Zoning Enforcement Officers

MOTION: Ms. Madigan moved for the Zoning Commission to confirm the recommendation of the duly appointed Zoning Commission Officer to appoint George McGregor and Savannah-Nicole Villalba as assistant zoning compliance officers.

Ms. Battos seconded the motion.

VOTE: motion passed unanimously. (5-0-0)

VII. ADJOURNMENT: Ms. Erickson moved to adjourn this meeting at 9:07 p.m. Ms. Battos seconded the motion.

VOTE: motion passed unanimously. (5-0-0)