

1 **DRAFT MINUTES**

2
3 **Meeting Date: December 5, 2022**

4 **ZONING COMMISSION**

5 **TOWN OF SIMSBURY**

6 **REGULAR MEETING – SUBJECT TO APPROVAL**

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

8
9 **PRESENT:** David Ryan, Bruce Elliott, Kevin Gray, Diane Madigan, Donna Beinstein, Melissa
10 Osborne, Jackie Battos, Anne Erickson and Tucker Salls

11
12 **ALSO PRESENT:** Planning and Community Development Director George McGregor;
13 Commission Clerk Jackie Lachance

14
15 **I. CALL TO ORDER:** Mr. Ryan called the meeting to order at 7:00 p.m.

16
17 *All regular members have been seated.*

18
19 **II. PLAN OF CONSERVATION AND DEVELOPMENT INTRODUCTION AND**
20 **UPDATE**

21
22 Glenn Chalder of Planimetrics and Erin Leavitt-Smith presented the plan to update
23 the POCD and what the next steps will be. Mr. McGregor gave an update as to the
24 community outreach for the survey.

25
26 **III. APPROVAL OF MINUTES**

27 - **November 21, 2022** – *Line 24 should be changed to 5-0-0.*

28 **MOTION:** Mr. Elliott moved to approve the November 21, 2022 Minutes as
29 corrected.

30 Ms. Madigan seconded the motion.

31 **VOTE:** motion passed unanimously, 6-0-0

32
33 **IV. PUBLIC HEARINGS**

- 34
35 1. **Application #22-38** of J. and P. McKenna, Applicant, T.J. Donohue Jr., Agent;
36 for a special exception pursuant to Section 4.5 of the Simsbury Zoning
37 Regulations to permit a private driving school at the property located at 571
38 Hopmeadow Street (Assessor’s Map G12 Block 103 Lot 038). Zone – PO.

39
40 T.J. Donahue, Jr. presented this application with Paul McKenna and Angela
41 Brooks in attendance. The Commission discussed parking; dumpster location;
42 handicap access; and traffic flow.

1 **MOTION:** Mr. Gray moved to close this public hearing.
2 Ms. Beinstein seconded the motion.
3 **VOTE:** motion passed unanimously, 6-0-0
4

- 5 2. **Application #22-39** of Wolf Restaurant LLC/Helmar Wolf, Applicant/Agent; for
6 a special exception pursuant to Section 6 of the Simsbury Zoning Regulations for
7 site improvements in the floodplain at the property located at 4 Hartford Road
8 (Assessor’s Map G15 Block 145 Lot 001). Zone -B1.
9

10 Kevin Grindle presented this application. The Commission discussed exterior
11 noise; the location of the cooler in proximity to the floodplain; the façade of the
12 building; and the potential for bollards.
13

14 **MOTION:** Mr. Gray moved to close this public hearing.
15 Ms. Beinstein seconded the motion.
16 **VOTE:** motion passed unanimously, 6-0-0
17

- 18 3. **Application #22-32** of the Simsbury Zoning Commission, Applicant; George
19 McGregor, Agent; for a text amendment to the Simsbury Zoning Regulations,
20 Hartford-Simsbury Form-Based Code, and Simsbury Center Code for the purpose
21 of prohibiting cannabis establishments in Simsbury Center Code and Hartford-
22 Simsbury Code, and permitting cannabis establishments in select zoning districts
23 in the Town Zoning Regulations. (Continued from the 11/21/22 regular meeting)
24

25 Mr. McGregor gave an update on the research efforts. The Commission discussed
26 the potential of double efforts of research by staff and the Board of Selectman.
27 Ms. Osborne followed up her prior comments regarding written recommendations
28 and the legislation that will be coming along. Several members of the public
29 commented both in opposition of and in favor of cannabis establishments in
30 Simsbury.
31

32 **MOTION:** Mr. Gray moved to continue this public hearing to the Regular
33 Meeting on January 4, 2023 at 7:00 pm at the FSPL room in the Simsbury Public
34 Library.
35 Ms. Madigan seconded the motion.
36 **VOTE:** motion passed unanimously, 6-0-0
37

38 **V. NEW BUSINESS**
39

- 40 1. **Application #22-37** of Ethel Walker School, Owner; Thomas Knowlton, Agent;
41 for a site plan amendment pursuant to Section 3 of the Simsbury Zoning
42 Regulations for the installation of a 75,000-gallon water storage tank on the
43 property located at 267 Bushy Hill Road (Assessor’s Map D15 Block 318 Lot
44 007). Zone R-40.
45

1 Thomas Knowlton of SLR presented this application with Tom DiMartino
2 present. The Commission discussed the intention for the existing tanks and other
3 water sources for the school. The DRB has made a positive referral.
4

5 **MOTION:** Mr. Gray moved to approve this application. The Commission finds
6 that the application for a Site Plan has meets the standards set in Section 11
7 (Special Exception Requirements), subject to the following conditions:
8

- 9 1. The property shall be developed in substantial conformance with the Site
10 Plan titled “75,000 Gallon Water Tank at The Ethel Walker School,”
11 prepared by SLR, and dated August 17, 2022;
- 12 2. Tank Color shall be Forest Green, consistent with the color approved in
13 ZC 16-02;
- 14 3. An administrative zoning permit is required for construction;
- 15 4. Prior to the issuance of a zoning permit, the Applicant shall submit 2 sets
16 of Mylars for signature and recordation; and
- 17 5. Prior to the issuance of a certificate of completion, the Applicant shall
18 submit as “As-built” for the improvements.

19 Mr. Elliott seconded the motion.

20 **VOTE:** motion passed unanimously, 6-0-0
21

- 22 2. **Application #22-38** of J. and P. McKenna, Applicant, T.J. Donohue Jr., Agent;
23 for a special exception pursuant to Section 4.5 of the Simsbury Zoning
24 Regulations to permit a private driving school at the property located at 571
25 Hopmeadow Street (Assessor’s Map G12 Block 103 Lot 038). Zone – PO.
26

27 **MOTION:** Mr. Elliott moved to approve this application. The Commission finds
28 that the application for a Special Exception has met the standards set in Section 12
29 (Special Exception Requirements) of the Simsbury Zoning regulations, subject to
30 the following conditions:

- 31 1. The property shall be developed in substantial conformance with the plan
32 titled “Parking Plan for J & P McKenna LLC” dated 11-19-22, prepared
33 by Denno Land Surveying;
- 34 2. An administrative zoning permit is required for construction;
- 35 3. Prior to the issuance of a zoning permit, the Applicant shall submit 2 sets
36 of Mylars for signature and recordation; and
- 37 4. Provide a dumpster enclosure.

38 Ms. Beinstein seconded the motion.

39 **VOTE:** motion passed unanimously, 6-0-0
40

- 41 3. **Application #22-39** of Wolf Restaurant LLC/Helmar Wolf, Applicant/Agent; for
42 a special exception pursuant to Section 6 of the Simsbury Zoning Regulations for
43 site improvements in the floodplain at the property located at 4 Hartford Road
44 (Assessor’s Map G15 Block 145 Lot 001). Zone -B1.
45

1 **MOTION:** Ms. Madigan moved to approve this application. The Commission
2 finds that the application for a Special Exception has met the standards set in
3 Section 12 (Special Exception Requirements) and the Floodplain Zone
4 requirements in Section 6 of the Simsbury Zoning regulations, subject to the
5 following conditions:

- 6 1. The property shall be developed in substantial conformance with the Site
7 Plan titled "Site Plan for Walk-in Cooler" dated 11-17-22, prepared by
8 Barton & Loguidice;
- 9 2. An administrative zoning permit is required for construction;
- 10 3. Prior to the issuance of a zoning permit, the Applicant shall submit 2 sets
11 of Mylars for signature and recordation;
- 12 4. Prior to the issuance of a certificate of completion, the Applicant shall
13 submit as "As-built" for the improvements;
- 14 5. Six-foot tall white vinyl fencing shall be used to screen the walk-in freezer
15 area and the generator/HVAC area; and
- 16 6. The exterior of the walk-in freezer shall match the exterior of the existing
17 building.

18 Mr. Gray seconded the motion.

19 **VOTE:** motion passed unanimously, 6-0-0

- 20
- 21 4. **Application #22-40** of Larry Atherton, Owner/Applicant, for a site plan
22 amendment pursuant to Section 3 of the Simsbury Zoning Regulations to allow a
23 ±540 sq. ft. attached accessory dwelling unit at 20 Harvest Hill Road (Assessor's
24 Map D10 Block 133 Lot 073). Zone R-40.

25
26 Larry Atherton presented this application and informed the Commission that this
27 has been approved by the FVHD for the septic. The Commission discussed the
28 layout; exterior façade and window locations.

29
30 **MOTION:** Ms. Beinstein moved to approve this application. The Commission
31 finds that the application for a Site Plan has met the standards set in Section 3.5.2
32 (Accessory Buildings and Uses) and is subject to the following conditions:

- 33 1. The property shall be developed in substantial conformance with the plan
34 dated 11-2-22, prepared by Valerio Giadone Architect, Sheets A-1 to A-3;
35 and
- 36 2. An administrative zoning permit is required for construction.

37 Ms. Madigan seconded the motion.

38 **VOTE:** motion passed unanimously, 6-0-0

39
40 **VI. OLD BUSINESS**

- 41
- 42 1. **Application #22-32** of the Simsbury Zoning Commission, Applicant; George
43 McGregor, Agent; for a text amendment to the Simsbury Zoning Regulations,
44 Hartford-Simsbury Form-Based Code, and Simsbury Center Code for the purpose
45 of prohibiting cannabis establishments in Simsbury Center Code and Hartford-

1 Simsbury Code, and permitting cannabis establishments in select zoning districts
2 in the Town Zoning Regulations.

3
4 *This has been continued to the Regular Meeting on January 4, 2023 at 7:00 pm at*
5 *the FSPL Room in the Simsbury Public Library.*

6
7 **VII. GENERAL COMMISSION BUSINESS**

- 8
9 **1. The Commission discussed the number of continuations of the public**
10 **hearing for Application #22-32.**
11
12 **2. Mr. Ryan suggested cancelling the December 19, 2022 Regular Meeting**
13 **due to the holiday.**

14
15 **MOTION:** Ms. Erickson moved to cancel the December 19, 2022 Regular
16 Meeting.

17 Mr. Elliott seconded the motion.

18 **VOTE:** motion passed unanimously, 6-0-0

- 19
20 **3. Mr. Elliott inquired about the Silver Group approaching default due to**
21 **lack of completion and staff gave an update.**

22
23 **VIII. ADJOURNMENT:** Mr. Gray moved to adjourn this meeting at 8:29 p.m.
24 Ms. Beinstein seconded the motion.

25 **VOTE:** motion passed unanimously, 6-0-0