



Town of Simsbury

933 HOPMEADOW STREET
06070

P.O. BOX 495

SIMSBURY, CONNECTICUT

Subject to Approval

ZONING COMMISSION - REGULAR MEETING MINUTES MONDAY, DECEMBER 20, 2021

The public hearing was web-based on Zoom at <https://zoom.us/j/2574297243>
Meeting ID: 257 429 7243

CALL TO ORDER - Chairman Ryan called the meeting to order at 7:00pm.

1. **Appointment of Alternates:** None

Present: David Ryan, Kevin Gray, Diane Madigan, Bruce Elliott, Anne Erickson, Donna Beinstein, Melissa Osborne, Michael Glidden, Laura Barkowski

Absent: None

II. APPROVAL OF MINUTES of the December 06, 2021 regular meeting minutes

Chairman Ryan noted that for the description of application 21-24 “for a period of one year effective November 15th, 2021” should be removed. Mr. Elliott stated within the discussion of application 21 23 the sentence that reads “Mr. Bovee stated the imperious coverage would be increased from 45-48 percent to 65 percent and a net zero increase in runoff for the site.” Imperious should be changed to impervious. Chairman Ryan proposed the Commission make a motion to approve the minutes as amended. Ms. Madigan made the motion. Ms. Erickson seconded.

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

III. PUBLIC HEARING

1. **Applications**

1. **Application# 21-24** – of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury.

Mr. Glidden stated no additional public comments have been received. Mr. Glidden informed the Commission of the surrounding towns that were opting out of the Public Act including: Oxford, Wilton, Rocky Hill, Cheshire, Enfield, Southington, Westport, Darien, and the borough of Fenwick. Chairman Ryan requested that a list of those towns that are opting out to be included in the Commission’s resolution on application 21-24. The Commission inquired about the reasons the other towns chose to opt out. Mr.

40 Glidden explained that Cheshire had similar motives for opting out including wanting tailor the
41 regulations to their town. Mr. Glidden continued to say the comments were echoed in Rocky Hill,
42 Southington, Enfield, Westport, and Darian. Ms. Osborne reiterated that if a Commission opts out of the
43 public act, they are not opposed to the expansion of ADU's instead the Commission differs on how the
44 regulations should be applied. Ms. Barkowski read the resolution to the Commission. Mr. Elliott
45 suggested the Commission include the Simsbury Center Code and the Hartford Form Based Code in the
46 revision to the Board of Selectmen so they can understand the scope of the Public Act. Mr. Elliott
47 continued by suggesting the Commission look into hiring an attorney to assist in the process. Mr. Glidden
48 noted the Commission could use the Town Attorney to look over the proposed regulations and stated that
49 once the Commission elects to opt-out; they only have until January 1st, 2023 for the changes to be in
50 effect. Ms. Beinstein referenced an article in the New York Times about owner-occupied ADU
51 regulations in New Jersey and stated the owner-occupied regulations in Simsbury should be reviewed
52 during the process. Chairman Ryan asked Laura to meet with the Town Attorney and review the questions
53 on the proposed language and the Hartford Form Based Code before the public hearing is closed.
54 Chairman Ryan recommended the Commission continue the public hearing until the next meeting. Mr.
55 Gray made a motion to continue the public hearing until the next regularly scheduled meeting on January
56 3rd, 2022. Mr. Elliott seconded.

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

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60 2. **Application #21-29** of the Simsbury Zoning Commission, Applicant; Michael Glidden
61 CFM CZEO, Agent; application for a text amendment to Sections 3.4, 4.5, 5.5, and 17.4
62 of the Zoning Regulations amendment for the purpose of establishing short-term rentals as
63 a use in the regulations per submitted. (Public Hearing scheduled for 01/03/2022)

64 65 **IV. OLD BUSINESS**

66 1. **Applications**

- 67
68 1. **Application# 21-24** – of the Simsbury Zoning Commission, Applicant; Michael Glidden
69 CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt
70 out of Public Act 21-29 concerning accessory dwelling units and parking standards in
71 Simsbury.

72 73 **V. NEW BUSINESS**

74 1. **Applications**

- 75
76 1. **Application# 21-27** – of SL Simsbury LLC, Applicant; T.J. Donohue, Jr., Killian &
77 Donohue, LLC, Agent; Type 3 application pursuant to the Hartford Form Based Code
78 related to changing the commercial zone to residential and constructing a 15-unit
79 residential building on the property located at 250 Hopmeadow Street (Assessor's Map
80 F17, Block 154, Lot 009-3-2) Zone HS-FBC.
- 81 2. **Application# 21-28** – of Mack V Development LLC, Applicant; Marc R. Cohen, Agent;
82 Sign Permit Application pursuant to Section 9 of the Simsbury Zoning Regulations
83 related to the construction of an externally lit sign on the property located at 1603
84 Hopmeadow Street (Assessor's Map H02, Block 403, Lot 002B) Zone B-2.

85
86 Chairman Ryan proposed the Commission table both applications 21-27 and 21-28 until the next regularly
87 scheduled meeting due to the lack of a positive referral from the Design Review Board. Mr. Gray made a
88 motion to table both applications. Ms. Madigan seconded.

89
90 **MOTION:** All in favor, no opposed, no abstentions. (6-0-0)

92 **VI. GENERAL COMMISSION BUSINESS**

93 1. **Short Term Rental Regulations**

94 Mr. Glidden stated to the Commission that application 21-29 has received a positive referral from the
95 Planning Commission as they found the application consistent with the goals and objectives of the 2017
96 Plan of Conservation and Development and that the regulations have been reviewed by the Town
97 Attorney. Mr. Elliott raised concerns about not including liability insurance in the regulations. Mr.
98 Glidden and Chairman Ryan stated they should avoid redundancy between the documents to avoid any
99 conflicting information in the future. Mr. Glidden stated Ms. Barkowski would confer with the Town
100 Attorney about the ordinance and the omission of the insurance component discussed.

101
102 2. **Sign Regulations Update**

103 Mr. Glidden explained the updates to the sign regulations. Mr. Gray stated the proposed regulations
104 should be reviewed and discussed before it goes to a public hearing on February 7th. Chairman Ryan
105 recommended the Commission motion to rescind the public hearing notice until the Commission has had
106 a chance to review the sign regulations. Mr. Elliott made a motion to rescind the public hearing for the
107 sign regulations. Mr. Gray seconded.

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

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111 3. **Gift Basket Retailer Liquor Permit - ZEO Referral for Determination on Processing**

112 Chairman Ryan explained the permit application to the Commission. Ms. Barkowski stated the applicant
113 has an existing liquor permit for her business, but due to the liquor regulations regarding food sales, the
114 applicant was applying for gift basket retailer permit to operate the retail gift basket portion of her
115 business from her home. Ms. Osborne inquired about the lack of conditions that are allowed under a
116 standard home-based liquor permit and stated if the Commission approved the standard permit, it would
117 be as of right which the applicant could change the business model from web-based sales to selling them
118 out of her home. Ms. Barkowski recommended the Commission treat the business as a home-based
119 service under which determination would be regulated more strictly or that the Commission approve it
120 with a special exception with the condition that the sales be solely web-based. Ms. Beinstein inquired
121 about the ability to ship alcohol. Mr. Elliott expressed that while the gift basket retail was in question that
122 the Commission should review the regulations including item "H" involving inventory storage for
123 business as it was unclear to the Commission how a business could operate without inventory. Ms.
124 Barkowski stated the Commission should also review item "I" as the arts and crafts language could be
125 misinterpreted. Chairman Ryan recommended the Commission approve a special exception due to the
126 conditions under which it would be approved. Ms. Osborne requested to review the regulations regarding
127 home-based services more closely. Chairman Ryan brought up the regulations regarding the time of day
128 and days of the week liquor sales would be allowed. Mr. Glidden stated that the distinction between
129 home-based businesses and a home-based service businesses are that in a home-based service business,
130 the applicant can have visitors at the business. Ms. Osborne reviewed the regulations on the home-based
131 service businesses. Chairman Ryan stated if the applicant noted the sales were solely web-based on the
132 permit application, if she sold in any other method, she would be violating the permit and it would not be
133 renewed. Ms. Osborne was also in agreement with the approval as it would expire in 5 years allowing the
134 Commission to oversee the business. Mr. Elliott stated that the regulations included stipulations on the
135 sale of alcoholic beverages noting that the applicant would have to obtain a special exception. Ms.
136 Madigan noted that the Commission's hands would be tied and if the regulations state alcoholic sales
137 need a special exception, then that is the only option. Mr. Gray inquired if the applicant would need both
138 the gift basket liquor permit and the special exception. Ms. Barkowski stated that the special exception
139 once approved would run with the land; however the Commission could approve it with the conditions of
140 web-based sales. Ms. Osborne questioned the regulations discussed as only applying to business zones.
141 Chairman Ryan suggested the Commission approve a special exception with the condition of solely web-
142 based sales. Ms. Osborne reiterated the regulations never address residential alcohol sales. Mr. Gray
143 inquired about the class of liquor permit the applicant already possessed. Ms. Osborne suggested the

144 Commission approve the home-based service business because the Commission could regulate it more
145 heavily. Ms. Beinstein raised concerns over the traffic in a residential area that could be allowed to stay
146 with the land. Chairman Ryan stated the Commission could allow a special exception with the conditions
147 of it being solely a web-based business and that she would not create undue traffic to the surrounding
148 area. Ms. Osborne inquired if the Commission could require both a special exception and home-based
149 service business permit. Ms. Barkowski stated the regulations for the State liquor license allow for liquor
150 sales on the property provided it was during days and times permitted in the State. Ms. Madigan cautioned
151 against over-regulating the applicant given the potential need for the additional business that the permit
152 would provide. Ms. Erickson queried how the Commission would define "an excessive amount" of traffic
153 in the regulations. Chairman Ryan asked the Commission for their approval of requiring a special
154 exception and a home-based business permit. The Commission advised Ms. Barkowski require both a
155 special exception and a home-based liquor permit.
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157 4. Election of Officers

158 Chairman Ryan opened the election with the Chairman position. Ms. Beinstein nominated Dave Ryan.
159 Mr. Elliott nominated Kevin Gray. With no other nominations, Chairman Ryan proceeded to vote for the
160 Chairman position. Ms. Beinstein voted for Dave Ryan. Ms. Erickson voted for Dave Ryan. Kevin Gray
161 voted for himself. Mr. Elliott voted for Kevin Gray. Ms. Madigan voted for Dave Ryan. Chairman Ryan
162 voted for himself. Chairman Ryan remained elected as the Chairman of the Zoning Commission.
163 Chairman Ryan opened nominations for Vice Chairman. Mr. Elliott nominated Kevin Gray. With no other
164 nominations, Chairman Ryan proceeded to the vote. Kevin was elected unanimously. Kevin Gray was
165 elected to the Vice Chairman position.
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167 **VII. ADJOURNMENT**

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169 Chairman Ryan adjourned the meeting at 8:20pm
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172 Respectfully Submitted,
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174 Joseph Hollis, Acting Clerk