

1 **DRAFT MINUTES**

2
3 **Meeting Date: March 20, 2023**

4 **ZONING COMMISSION**

5 **TOWN OF SIMSBURY**

6 **REGULAR MEETING – SUBJECT TO APPROVAL**

7 **MONDAY, MARCH 20, 2023 at 7:00 P.M.**

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

10
11 **ALSO PRESENT:** Planning and Community Development Director George McGregor and
12 Commission Clerk Jackie Lachance

13
14 **I. CALL TO ORDER:** Mr. Ryan called the meeting to order at 7:00 p.m.

15 *All regular members present were seated as well as Jackie Battos for Anne Erickson*

16
17 **II. APPROVAL OF MINUTES**

18 - **March 6, 2023 - Line 25 – changes as noted on the record**

19 **MOTION:** Mr. Elliott moved to approve the March 6, 2023 Minutes as corrected.

20 Mr. Gray seconded the motion.

21 **VOTE:** motion passed, Ryan – aye; Elliott – aye; Gray – aye; Madigan – abstain;
22 Beinstein – abstain; Battos – aye.

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24 **III. GENERAL COMMISSION BUSINESS**

25 None

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27 **IV. PUBLIC HEARINGS**

28
29 *Mr. Gray read the Application description.*

- 30
31
32 1. **Application ZC #23-03** of Vessel RE Holdings, LLC, Applicant, EAY
33 Properties, LLC, Owner, for a site plan pursuant to CGS 8-30g for construction of
34 a ± 55,030 sq. ft., 80-unit multi-family development, at 446 Hopmeadow Street.
35 (Assessor’s Map G13, Block 142, Lot 003C) Simsbury, CT 06070. Zone R-15.

36
37 Attorney Peter Alter of Alter & Pearson in Glastonbury as well as Seamus Moran, Mark
38 Vertucci, Tom Graceffa and Josh Levy of Vessel RE Holdings, LLC, presented this
39 application. Attorney Alter represented that staff was sent a letter extending the date to
40 deliberate on this application to April 17, 2023. Updates to the plan were given during the
41 presentation including the dumpster, storm water management, snow removal plans,
42 lighting, the traffic study, parking and landscaping. The Commission was advised of the

1 Design Review Board's neutral recommendation. The Commission inquired about the
2 solar panels, bike path fencing, snow removal issues, fire access and the upkeep on the
3 filter for the storm water management system.
4

5 Public comment:

- 6 1. Kevin Beal of 12 Hampden Circle brought up concerns for a fire emergency,
7 dumpster sizing/composting and the storm water management.
- 8 2. Ann McDonald of 3 Tamarack Lane cited CT ACT 21-29 regarding the parking
9 spaces and public safety and voiced concerns for the drainage.
- 10 3. Tobey Winters of 111 Old Farms Road was interested in the demographics for this
11 type of project and questioned parking for visitors.
- 12 4. Ellen Gilbert of 126 Hopmeadow Street was concerned with the noise level from the
13 HVAC units, the lack of generator for the elevator and concerns of a utility bill to
14 residents.
- 15 5. Mark Scully, Chair of the Simsbury Sustainability Committee, of 29 Notch Road
16 commended this project for being all electric, the solar panels and tenant feedback on
17 energy performance.
- 18 6. Carmen Monaco of 9 Nutmeg Court asked the Commission to consider the number of
19 rentals in town.
- 20 7. David Johnson of 21 Stillwood Chase does not approve of this project and brought up
21 an article in The New York Times where towns are stopping affordable housing.
- 22 8. David Pariseault of 1 Riverview Circle voiced concerned for fire trucks using the bike
23 path to have full access to the building.
- 24 9. Ray Gagne of 434 Hopmeadow Street is concerned with the light from the building,
25 bugs, noise from the HVAC units and potential crimes.
- 26 10. Jimmy of 11 Westborough Drive commended this company for bringing their capitol
27 to this location, the mixed community that will come to town and brought up the
28 ethics of the experts involved with the planning of this project.
- 29 11. Katherine Beal of 12 Hampden Circle brought up concerns with the mail/package
30 deliveries, numbers of units for this building, the mechanical system, and solar
31 panels.
- 32 12. Diane Nash of 5 Merrywood asked the Commission if they would consider this
33 project if it was not affordable housing with the issues that were brought up at the
34 hearing.
- 35 13. Kelly Rothfuss of 14 Nutmeg Court brought up issues with spillage of garbage in/by
36 the wetlands, safety concerns with the snow removal/piling, water quality/backup and
37 her financial health.
- 38 14. Harold Bender of 6 Maureen Drive discussed the future of electric vehicles and the
39 lack of charging areas and concerns for the storm water management.
- 40 15. Kathryn Godiksen discussed concerns with the storm water management, snow
41 removal, Second Brook flooding and the soil that is on site now.
- 42 16. Deborah Roth of Nutmeg Court discussed light/noise pollution, the parking lot
43 illumination and solar energy not being enough for this property.
- 44 17. Sue Clief of Riverview Circle had concerns about the snow removal and the safety
45 concerns it will bring.

- 1 18. Susan Masino, Simsbury Grange, of 41 Madison Lane discussed concerns about 8-
2 30g damaging itself by way of the ecology, offered using existing buildings for
3 affordable housing.
4 19. John Riccio of 17 Aspenwood spoke of his experience with his rentals and concerned
5 about where the children will play.
6 20. Gordon McKennerney of 3 Hazel Court is concerned with the number of the units in
7 this building.
8 21. Jeanine and Nord Christensen of 35 W Mountain Road showed support for this
9 project and gave her background of owning/managing Simsmore Square and the need
10 for affordable housing in town.
11 22. Al Weisbrich of 3 Lenora Drive is concerned that this is a single-family zoned lot.
12

13 **MOTION:** Ms. Madigan moved to continue this public hearing to the next
14 regular meeting on April 3, 2023 at the Simsbury Public Library.

15 Ms. Battos seconded the motion.

16 **VOTE:** motion passed, Ryan – aye; Elliott – aye; Gray – aye; Madigan – aye;
17 Beinstein – aye; Battos – aye.
18

19 **V. NEW BUSINESS**

20 None
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22

23 **VI. OLD BUSINESS**

- 24
25 1. **Application ZC #22-32** of the Simsbury Zoning Commission, Applicant; George
26 McGregor, Agent; for a text amendment to the Simsbury Zoning Regulations,
27 Hartford-Simsbury Form-Based Code, and Simsbury Center Code for the purpose
28 of prohibiting cannabis establishments in select zoning districts in the Town
29 Zoning Regulations. (Continued from the 11/21/22 regular meeting)
30

31 The Commission discussed banning retail sales and manufacturing of cannabis and how
32 that effects Curaleaf.
33

34 **MOTION:** Mr. Gray moved to approve this application to allow certain cannabis
35 establishments in industrial zones I1 and I2 and to prohibit retail cannabis
36 establishments in all zoning districts in the Town of Simsbury as reflected in the
37 Zoning amendment framework dated on March 20, 2021 based on public record
38 and the following finding:

- 39 1. The text amendment is consistent with economic development and policies
40 found in the plan of conservation and development; and with the following
41 note added to Section 5.5 for clarification: *Existing uses currently classified as*
42 *Medical Marijuana production facilities in the zoning regulations are not*
43 *required to obtain a new special exception in order to enter retail markets,*
44 *unless an improvement to the site requires a site plan amendment.* The effective
45 date of these regulation shall be April 5, 2023
46

1 Ms. Battos seconded the motion.

2 **VOTE:** motion passed, Ryan – aye; Elliott – nay; Gray – aye; Madigan – aye;
3 Beinstein – aye; Battos – aye.
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6 **VII. COMMISSION CORRESPONDENCE**
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8 Dark Skies Principles POCD Discussion – a letter was submitted. Staff will get
9 attachments to the Commission.
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11 **VIII. PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT**
12 **UPDATES**
13

14 None
15

16 **IX. ADJOURNMENT:** Mr. Gray moved to adjourn this meeting at 9:57 p.m.

17 Ms. Madigan seconded the motion.

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