



Town of Simsbury

933 HOPMEADOW STREET
06070

P.O. BOX 495

SIMSBURY, CONNECTICUT

Office of Community Planning and Development

AGENDA

ZONING COMMISSION – REGULAR MEETING

MONDAY, April 5, 2021 at 7:00 PM

The public meeting will be web-based on Zoom at:

<https://zoom.us/j/2574297243>

Meeting ID: 257 429 7243

Watch meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at www.simsburytv.org

I. CALL TO ORDER

II. APPROVAL OF MINUTES of the March 15, 2021 regular meetings

III. Appointment of Zoning Enforcement Officer

1. Appoint Laura Barkowski as Zoning Enforcement Officer
2. Appoint Tom Hazel as Assistant Zoning Enforcement Officer

IV. PUBLIC HEARING

1. Applications

- a. Application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change from R-40 to B-1 District on the property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)

V. OLD BUSINESS

1. Applications

- a. Application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change from R-40 to B-1 District on the property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)

VI. GENERAL COMMISSION BUSINESS

1. Temporary Outdoor Dining for 2021 season
2. Regulation update workshop
 - a. Sign Regulations
 - b. Industrial Zone Regulations

PLEASE NOTIFY MICHAEL GLIDDEN AT 860-658-3292 OR MGLIDDEN@SIMSBURY-CT.GOV WITH YOUR AVAILABILITY TO ATTEND THIS MEETING.

How to Join us on Zoom for the Public Meeting:

1. Join us on the web: <https://zoom.us/j/2574297243>
2. Join us by phone: +1 646 558 8656
3. Written communications may be emailed to lbarkowski@simsbury-ct.gov by 12:00pm April 5, 2021 to have the comments read into the record at the meeting.

How to view application materials:

Visit: <https://www.simsbury-ct.gov/zoning-commission>



ORIGINAL
TOWN

Town of Simsbury

Office of Community Planning and Development - Zoning Commission Application

DATE: 3-15-2021 FEE: \$ 640 CK #: 191134 APP #: 21-04

PROPERTY ADDRESS: 332 HOPMEADOW STREET

NAME OF OWNER: EAT PROPERTIES LLC

MAILING ADDRESS: 540 HOPMEADOW STREET # 6 SIMSBURY

EMAIL ADDRESS: _____ TELEPHONE # _____

NAME OF AGENT: PHILIP DOYLE

MAILING ADDRESS: 104 WEST STREET SIMSBURY

EMAIL ADDRESS: LADAPC@GNET.NET TELEPHONE # 860 651 4971

ZONING DISTRICT: R-40 & FP LOT AREA: 7.85 SQ FT/ACRES

Does this site have wetlands? ☒ YES ☐ NO Have you applied for a wetlands permit? ☐ YES ☒ NO

REQUESTED ACTION (PLEASE CHECK APPROPRIATE BOX):

☒ **ZONE CHANGE:** The applicant hereby requests that said premises be changed from zone R-40 to zone B-1.

☐ **TEXT AMENDMENT:** Please attach proposed changes, including Articles and Sections, and purposes.

☐ **SPECIAL EXCEPTION:** The applicant hereby requests a public hearing pursuant to Article _____, Section _____.

☐ **SITE PLAN APPROVAL:** The applicant hereby requests

☐ PRELIMINARY

☐ FINAL

☐ SITE PLAN AMENDMENT pursuant to Article 5, Section J

☐ **SIGN PERMIT**

☐ **OTHER (PLEASE EXPLAIN):** _____

NOTE: Each application must fully comply with the requirements of the Zoning Regulations prior to receipt by the Commission. Each application for zone change and/or special exception shall include a list of names and addresses of abutting property owners and all property owners within 100 feet of the subject site.

A check payable to the Town of Simsbury must accompany this original signed and dated application. Six (6) complete (folded) sets of plans and eleven (11) copies of the completed application and correspondence must also be included. If you have a PDF of your plans, we would appreciate a copy of that sent to lbarkowski@simsbury-ct.gov, as well.

[Signature] 2-25-21
Signature of Owner Date
Manager

[Signature] 2-25-21
Signature of Agent Date
PHILIP E. DOYLE

Telephone (860) 658-3245
Facsimile (860) 658-3206

www.simsbury-ct.gov

933 Hopmeadow Street
Simsbury, CT 06070

EXHIBIT 1

LADA, P.C.

Land Planners

Land Development Consulting, Site Planning, Landscape Architecture
Environmental Impact Statements, Erosion Control Specialists

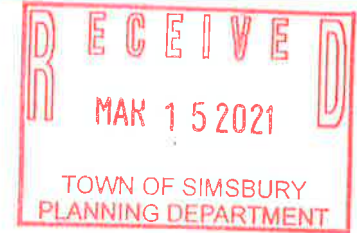
EXHIBIT 2

March 12, 2021

Mr. Michael Glidden
Director of Planning and Community Development
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT. 06070

Re: Rezoning Application for 322 Hopmeadow Street

Mr. Glidden:



Accompanying this letter is an application for zone change from R-40 to B-1 for a 7.85+/- parcel of land fronting on both Hopmeadow Street (Route 10) and Route 185. The property surrounds the north and west sides of the B-1 zoned land upon which the Abigail's restaurant is constructed. The general surroundings of the site is within what is considered the Weatogue area of the town.

The property is known as 322 Hopmeadow Street, owned now by EAY Properties, LLC and is under contract of sale to Paddle Creek Beer. The subject property is identified as G15 145 002 on the Town tax maps and contains a multiple tenant home, an outbuilding, a barn, farm fields, a pond and frontage upon the Farmington River. Large portions of the land are overlaid with The Floodplain Zone associated with the river. Immediately to the north of the site are lands of the Riverview banquet facility and two single family homes with mixed B-1 and R-40 zoning.

My client, Adam Westhaver, owns Paddle Creek Beer and has secured the purchase contract with EAY Properties, LLC. Adam desires to retain and utilize the existing barn on the site as a brewery and tasting room. Such a use is not permitted under R-40 zoning standards but would be allowed within a B-1 zone. Within a B-1 zone, the brewing and sale operations would fall into the retail use classification. The serving of food would be a restaurant use. The barn is positioned immediately adjacent to Abigail's restaurant. Extending the B-1 zone from the Abigail's property would allow complimentary land uses to exist without undue disturbance of the neighborhood and retain the farm setting.

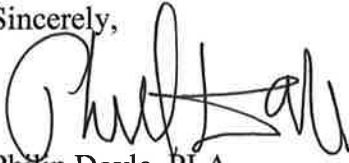
No plans exist to alter the existing home on the property or the frontage along Hopmeadow Street. Given the extent of Floodplain overlay zone on the property any extensive future building development of the 7.5 acre site is unlikely. The use of properties on the east side of Hopmeadow Street have migrated toward commercial, while those west of the street tend to be residential. Hopmeadow Street, to a degree, acts as a division between land uses. This site slopes away from Hopmeadow Street toward the river.

The site is situated along the Farmington River and is adjacent to the Abigail's Restaurant, which is identified as a point of interest in the Character Places map in the current Plan of Conservation and Development (POCD). The site is almost across the street from the Civil War Monument and the White Memorial Fountain, shown on the Historic Points and Places map in the POCD. The site looks east toward the river, Talcott Mountain and farm fields and floodplain forests. The site reflects the character of the eastern portion of the town often discussed in the POCD. The specific use of a small local brewery on the property would maintain the character of the site. Residents of the town and visitors could stop and enjoy the beauty of the site and the Farmington Valley. The site is accessible from the nearby bike path and a kayak and canoe launch on the river.

Offices in Simsbury, CT • Brewster, NY
104 West Street, Simsbury, CT 06070
(860) 651-4971 • (845) 278-7424 • Fax (860) 651-6153
E-mail: ladapc@snet.net

The applicant is appreciative of the recent opportunity for an informal review of the proposal with the Zoning Commission and looks forward to discussing the formal application with the Commission at a soon to be scheduled public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip Doyle". The signature is stylized with a large initial "P" and a long, sweeping horizontal stroke.

Philip Doyle, PLA
Agent for Paddle Creek Beer

Town of Simsbury

Geographic Information System (GIS)



Date Printed: 2/25/2021



LOCATION PLAN

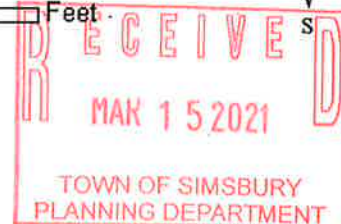
MAP DISCLAIMER - NOTICE OF LIABILITY

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Simsbury and its mapping contractors assume no legal responsibility for the information contained herein.

Approximate Scale: 1 inch = 400 feet



EXHIBIT 3





Date Printed: 2/25/2021

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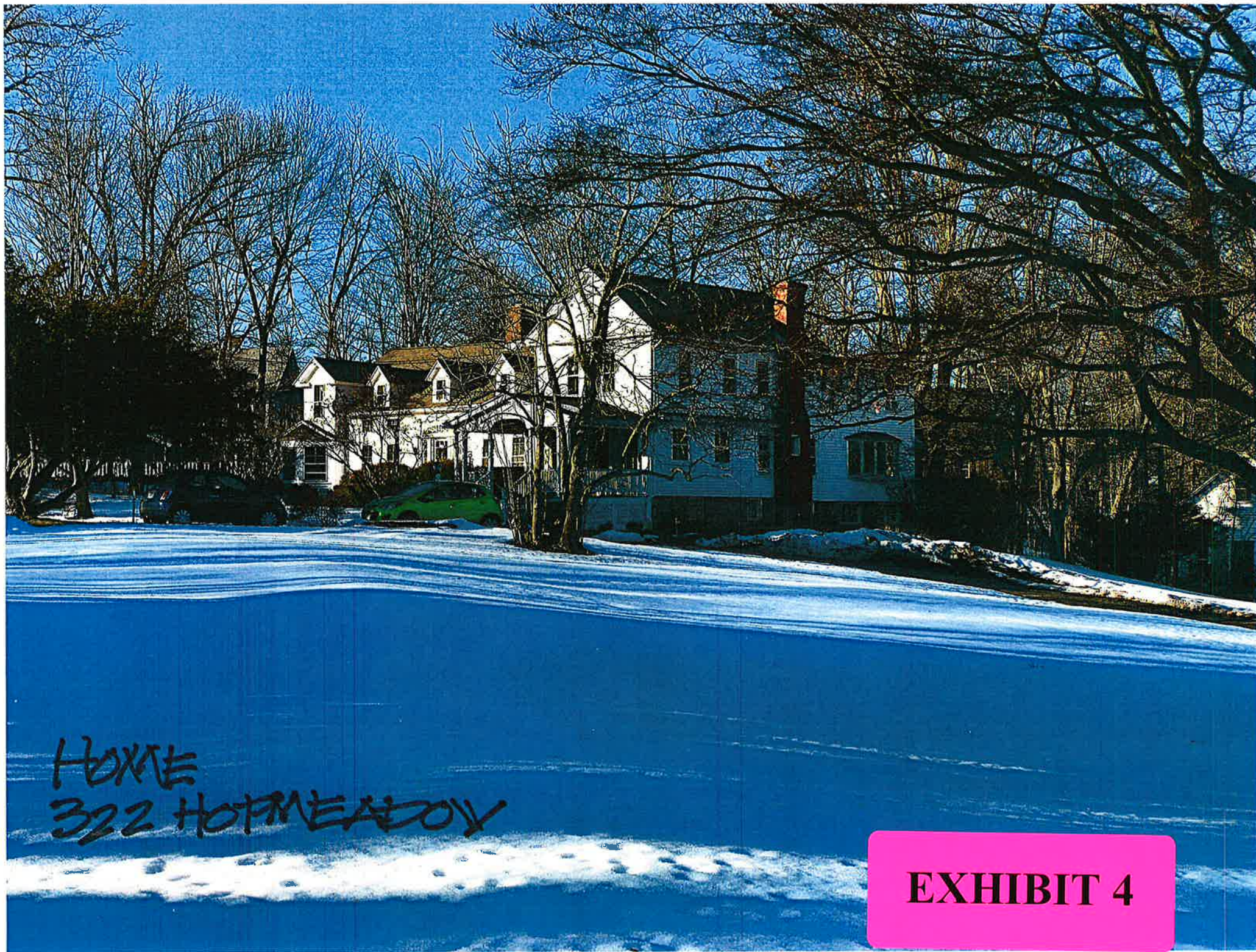


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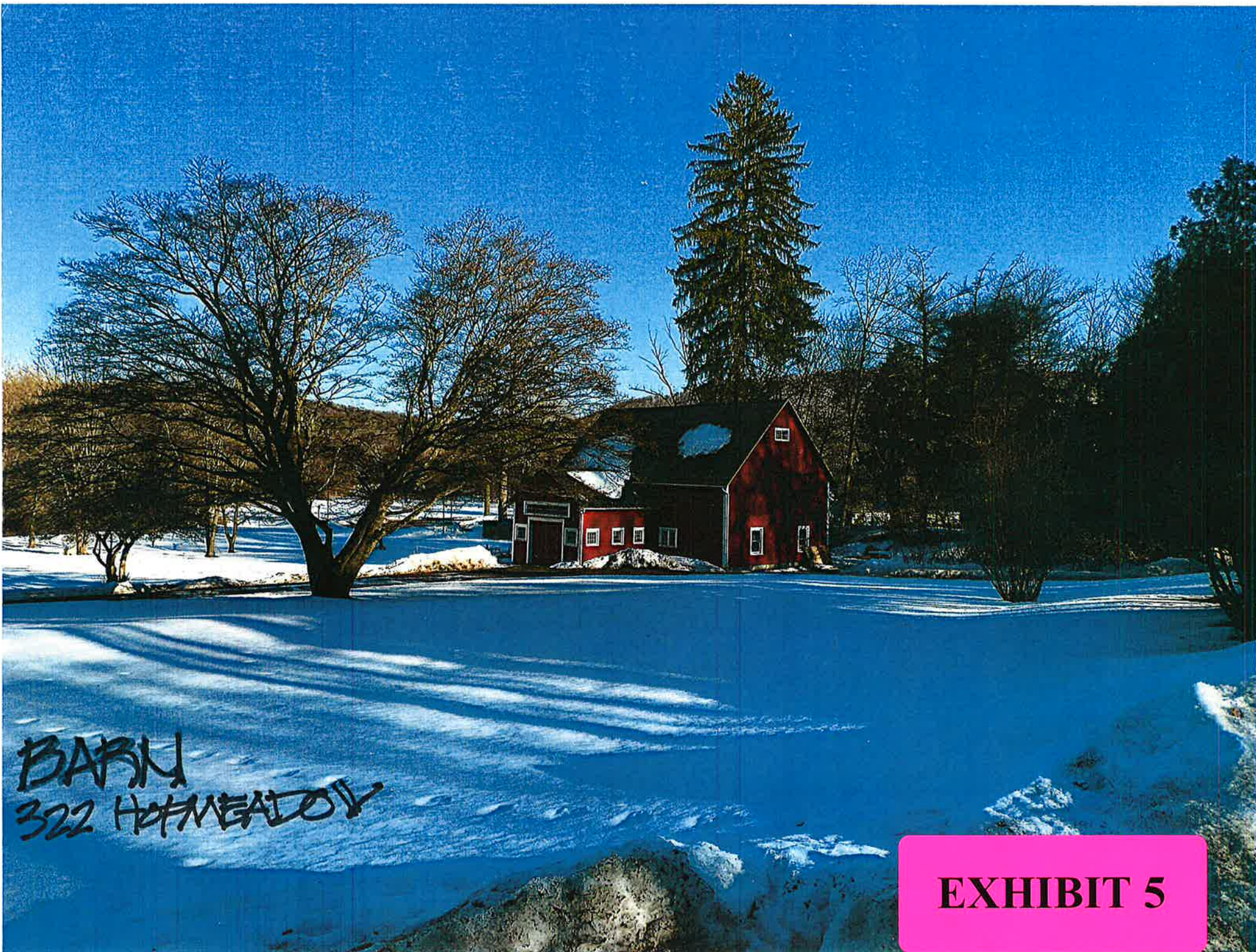
Approximate Scale: 1 inch = 100 feet





HOME
322 HOMEMeadow

EXHIBIT 4



BARN
322 HOFMEADOW

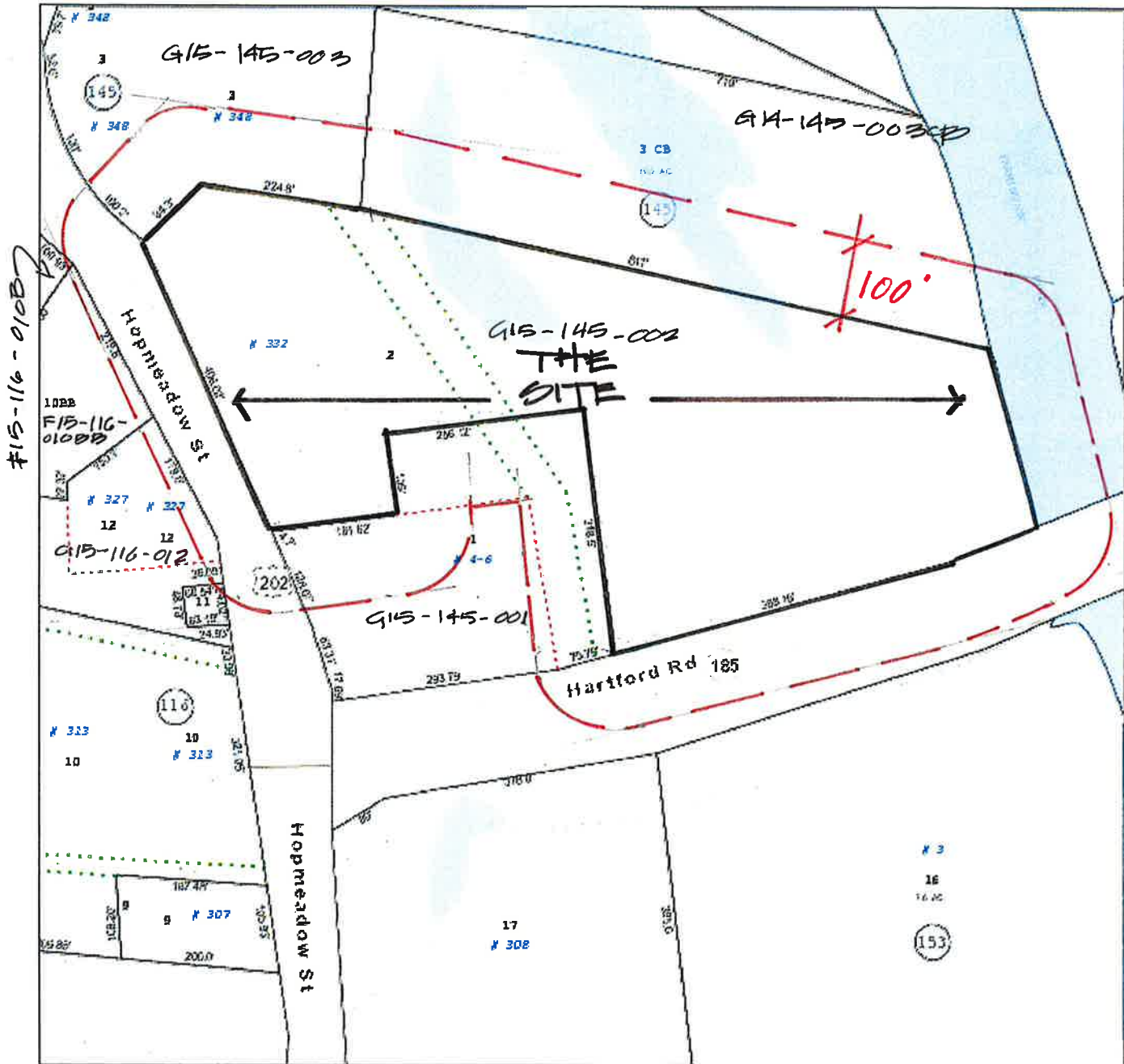
EXHIBIT 5

Town of Simsbury

Geographic Information System (GIS)



Date Printed: 2/25/2021



CONTEXT : PROPERTY OWNERS WITHIN 100'

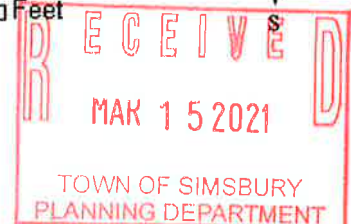
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Approximate Scale: 1 inch = 200 feet



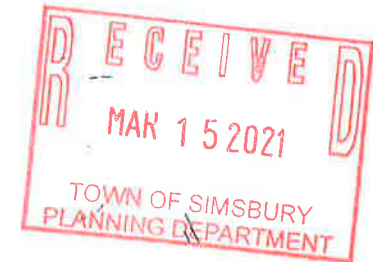
EXHIBIT 6



PROPERTY OWNERS WITHIN 100'

TOWN OF SIMSBURY, CONNECTICUT

Parcel ID	Site Address	Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
G15 116 011	HOPMEADOW STREET	WHITE MEMORIAL FOUNTAIN		NA	NA	0
G15 145 002	332 HOPMEADOW STREET	EAY PROPERTIES LLC	540 HOPMEADOW STREET #6	SIMSBURY	CT	06070- 0000
F15 116 010B	343 HOPMEADOW STREET	IERACI ANTHONY J AND ROXANN E	343 HOPMEADOW STREET	WEATOGUE	CT	06089- 0000
F15 116 010BB	HOPMEADOW STREET	MCCARTY JENNIFER AND CHRISTOPHER	327 HOPMEADOW STREET	WEATOGUE	CT	06089- 0000
G15 116 012	327 HOPMEADOW STREET	MACKAY DUNCAN R AND JULIE GREY	327 HOPMEADOW STREET	WEATOGUE	CT	06089- 0000
G15 145 003	348 HOPMEADOW STREET	YAKEMORE MICHAEL L	PO BOX 27	WEATOGUE	CT	06089 - 0000
G14 145 003CB	10 WINSLOW PLACE	10 WINSLOW PLACE SIMSBURY LLC	506 CANDLEWOOD LAKE ROAD	BROOKFIELD	CT	06804- 0000

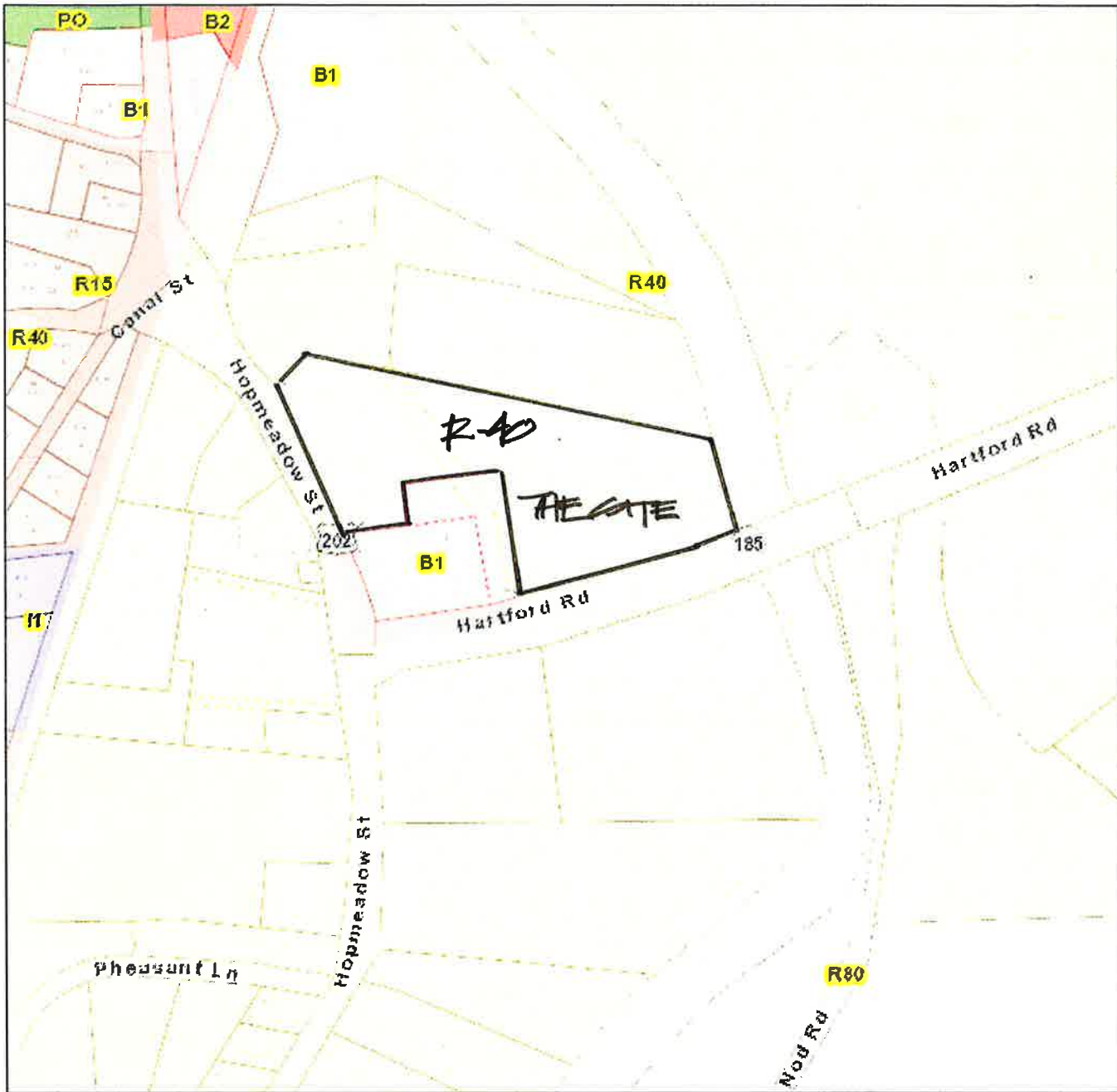


Town of Simsbury

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EXISTING ZONING

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Approximate Scale: 1 inch = 400 feet

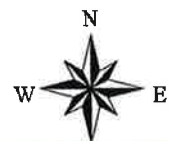


EXHIBIT 7

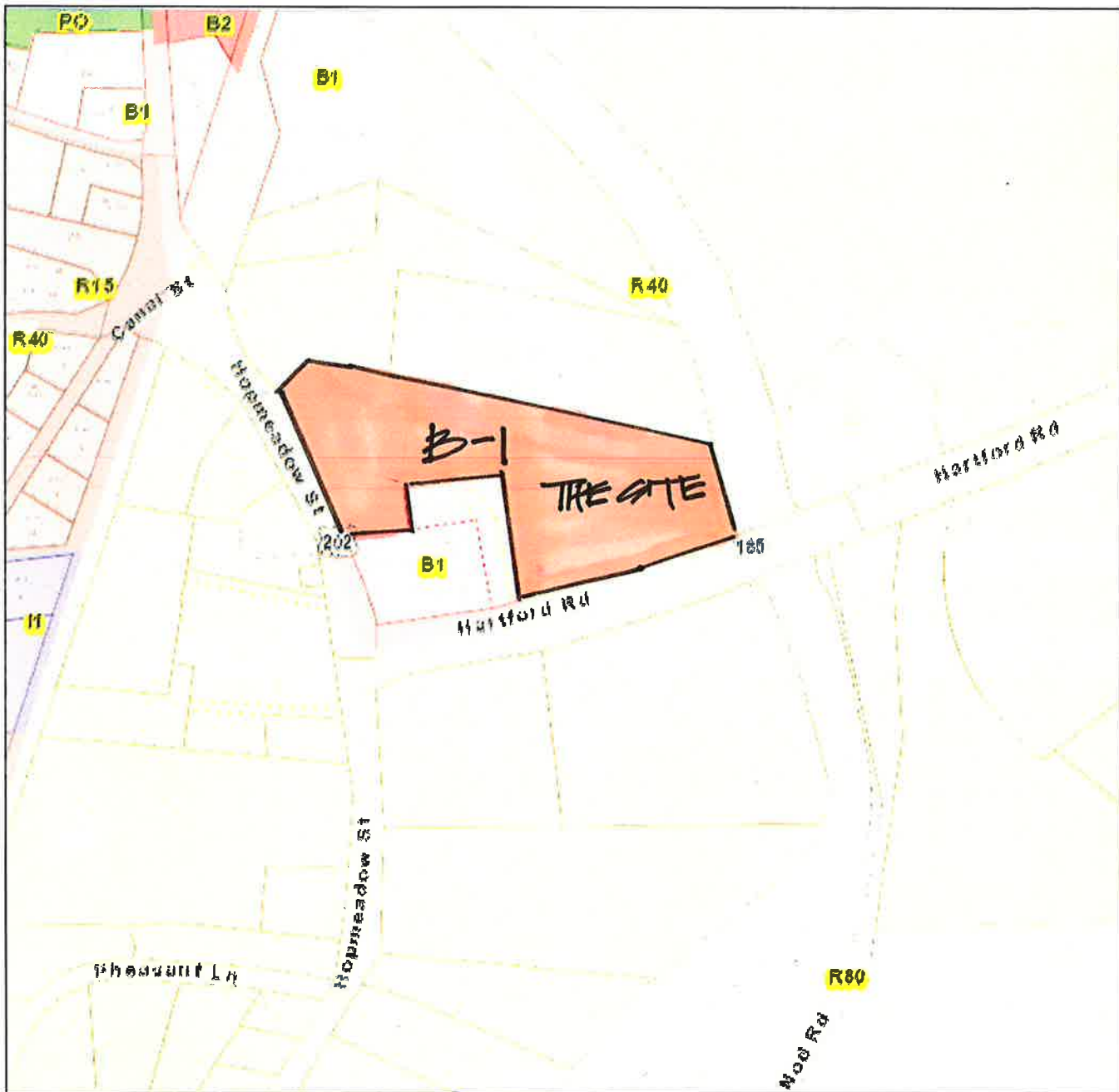


Town of Simsbury

Geographic Information System (GIS)



Date Printed: 2/25/2021



~~PROPOSED~~ ZONING

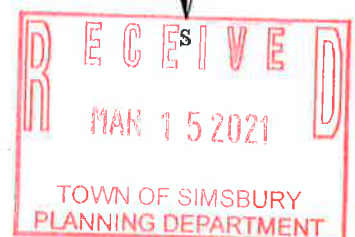
MAP DISCLAIMER - NOTICE OF LIABILITY

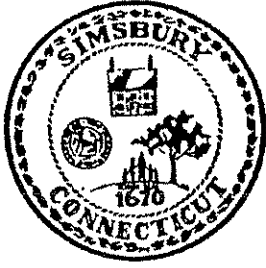
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EXHIBIT 8





Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

TO: Ms. Ericka Butler
Town Clerk
Town of Simsbury

FROM: Planning Staff

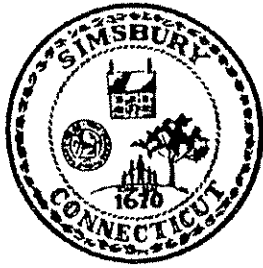
DATE: March 24, 2021

SUBJECT: Application #ZC 21-04

MAR 24 2021 AM 9:28
ERICKA BUTLER, TOWN CL

Attached please find a copy of the application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change Application scheduled for public hearing before the Zoning Commission on April 5, 2021.

EXHIBIT 10



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

Date: March 25, 2021
To: Simsbury Zoning Commission
From: Simsbury Planning Commission

RE: 332 Hopmeadow Street. Assessors Map G15, Block 145, Lot 002. Zone R-40. Request for a referral for a zone change from R-40 to B-1.

This is to inform the Simsbury Zoning Commission that the Simsbury Planning Commission, at its regularly scheduled meeting on Tuesday March 23, 2021, voted to make a positive referral for the requested zone change from R-40 to B-1 for the parcel at 332 Hopmeadow Street Simsbury CT.

Thomas Hazel
Assistant Town Planner
Simsbury, CT

EXHIBIT 11

Barkowski Laura

From: Autumn Brooke <autumnabrooke@gmail.com>
Sent: Friday, March 26, 2021 4:09 PM
To: Barkowski Laura
Subject: 332 Hopmeadow Proposal Concerns

EXHIBIT 12

Hi Laura,

It has recently been brought to my attention that a brewing company is proposing a zoning change of 332 Hopmeadow Street for the purpose of opening a brewery. I am shocked to learn of this and want to express my deep concern over the proposal.

While I am not opposed to a brewery establishment in Simsbury and think there are many positive aspects that would benefit our town, I am opposed to the location that is currently being proposed, especially considering many available locations in Simsbury, already zoned for business, and just as, if not more, charming.

My main points of concern are expressed below:

Close Proximity to Daycare: My 2 year old daughter attends The Children's Clubhouse, which is **directly behind**, and in **close proximity** to, the red barn. The 332 Hopmeadow lot **surrounds** The Children's Clubhouse. I am deeply concerned with a strictly alcoholic establishment so near my daughter's school.

The point has risen that Abigails serves alcohol and is near the daycare, however, Abigails is a high end-**restaurant** with an older clientele that existed as a historical pub hundreds of years before the day care. The daycare felt comfortable with the proximity when they chose to set up next door. Such is **not the case** in this situation, as per my **direct** conversations with The Children's Clubhouse owner's and teachers, and soon to be Children's Clubhouse parents.

Traffic Concerns: Rt. 10 and 185 intersection is already severely clogged, and traffic backs up regularly without the addition of a brewery.

Noise Concerns: A brewery in Granby has caused issues with the community, as the noise levels have risen and caused the surrounding properties distress. Music events, food trucks, and people wandering the grounds are all cause for concern in a residential area.

Historic Significance: The current area has many properties of historic significance, and opening the door to more businesses also opens the door for the loss of the historic integrity, peace, and overall feeling of the area. As one business moves in, more tend to follow. There would be nothing stopping that whole side of the street becoming another business development in the future, even if the current plans are not aiming for that.

Residential Concerns: There are many business zones in town, and the loss of one of the few historically significant residential zones, while many businesses stand empty, doesn't make much sense. Better use would be to build a brewery in a currently available commercial location rather than destroy peaceful residential zones.

Safety Concerns: There would be significant concerns with the mixture of people drinking, and the proximity to a body of water, both the pond and the river nearby **as well as the daycare facility**.

These concerns are valid and I could not more strongly emphasize my concern over having a brewery establishment next to my daughter's daycare.

I will be attending the public hearing on April 5th.

I greatly appreciate you taking the time to hear my concerns and I thank you for all that you do to both preserve and make our town beautiful, community oriented, and family focused!

respectfully,

Autumn Brooke

Michael L. Yakemore
348 Hopmeadow Street
Weatogue CT 06070

Phone 860-777-5185
Fax 860-651-8376

EXHIBIT 13

April 1, 2021

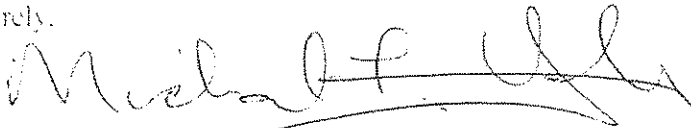
Mr. David Ryan
Simsbury Zoning Commission
Chairman
933 Hopmeadow Street
Simsbury, CT 06070

Dear Mr. Ryan:

It has been brought to my attention that a zoning change from R 40 to B 1 has been requested for the adjoining parcel of land known as 332 Hopmeadow Street, Simsbury CT. I have owned my residence for many years and fully appreciate the changing land use along Hopmeadow Street. I am very much in favor of the requested and proposed zoning change from R 40 to B 1 for the property located at 332 Hopmeadow Street.

Please consider this letter as an expression of being in favor of the proposed change. I respectfully request that the Simsbury Zoning Commission consider this request favorably.

Sincerely,



Michael L. Yakemore

Cc: M. Glidden, Town Planner
R. Correia
J. Strimaitis

DUNCAN AND JULIE MACKAY
327 Hopmeadow Street
Weatogue, CT 06089
(860) 651-9228
mackadr@comcast.net

April 2, 2021

Mr. Michael Glidden, Director of Planning and Community Development
Ms. Laura Barkowski, Land Use Specialist
Town of Simsbury
933 Hopmeadow Street
Simsbury CT 06070

Re: Application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change from R-40 to B-1 District on the property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002)

Dear Ms. Barkowski and Mr. Glidden:

We are writing to formally lodge our objections to the above referenced Application #21-04 for a Zone Change from R-40 to B-1 District, which would adversely impact our property values and constitute an unlawful taking.

This zone change application encompasses the entire 7.85-acre property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002). The subject property has approximately 400 feet of frontage on Hopmeadow Street and nearly another 400 feet of frontage on Hartford Road.

The subject property and "red barn" are located directly across Hopmeadow Street from our historic home (circa 1723) at 327 Hopmeadow Street, where we have lived and raised our family since 1990. When we moved to Weatogue and the "gateway" to Simsbury, the properties to the west side of Hopmeadow were zoned R-40 and those to the east side of Hopmeadow, save the historic restaurant that is now Abigail's (a tavern that George Washington is reported to have visited), were likewise zoned R-40. The stretch of buildings from Hartford Road to Winslow Place and Sand Hill Road are historic in nature, including the house and barn located at 332 Hopmeadow Street.

Our property surrounds to the south the historic White Memorial Fountain, which was dedicated to Dr. Roderick White in 1892. At the time, its placement was in the heart of Weatogue Village as a tribute to the much beloved, Dr. White, and we have helped raise thousands of dollars, donated thousands of dollars, and donated landscaping services to support the fountain's maintenance and operation for many years. To the north, our property borders the Simsbury

Soldiers Memorial, erected to the memory of Union soldiers in the War of the Rebellion (1861-1865). This stretch of Hopmeadow Street is the historic gateway to the rest of Simsbury.

We have invested hundreds of thousands of dollars over the thirty (30) years we have lived here to improve our home and maintain its historic character, and to improve and maintain the grounds of this largely historic, residential gateway area. Approving the subject zone change will destroy the character of this residential neighborhood and irreparably deflate our property values, resulting in an inverse condemnation.

The applicant makes several purportedly factual claims in support of its zone change application for its proposed brewery and tasting room that are unfounded, at best, and mischaracterizations, at worst.

The applicant's first set of assertions seek to create the fiction that the east side of Hopmeadow is actively leaning commercial and the west side is leaning residential. "Immediately to the north of the site are lands of the Riverview banquet facility and two single family homes with mixed B-1 and R-40 zoning." The applicant goes on to claim the "use of the properties on the east side of Hopmeadow Street *have migrated toward commercial*, while those on the west of the street *tend to be* residential. Hopmeadow Street, to a degree, acts as a division between land uses." This is simply not true. Directly adjacent to the subject property on Hopmeadow Street are two R-40 zoned single family homes with substantial frontage along Hopmeadow Street and around the corner onto Winslow Place. The Riverview, which was built over twelve (12) years ago in 2008, is located much further around the corner of these residences *on Winslow Place* at the end of the *cul de sac*, and can barely be seen from Hopmeadow Street. The tavern that is now Abigail's has been on that location since Colonial times as a tavern. Thus, there has been no commercialization, let alone the claimed "migrat[ion] toward commercial" on Hopmeadow Street—east side or west side. Further, the west side of Hopmeadow Street doesn't "tend to be" residential, it, like the eastern side, *is residential*. Accordingly, Hopmeadow Street does not serve as a "division between land uses", as the east and west side between Hartford Road and Winslow Place and Sand Hill Road is and has consistently been residential. Period.

Similarly, the applicant states, "extending the B-1 zone from the Abigail's property would allow complimentary land uses to exist." The proposed brewery and tasting room are hardly a complimentary use to its neighbors. Abigail's is a tavern restaurant that serves beer, including locally brewed beer, on its menu and in its two fully functioning bar rooms. The applicant's proposed use is competitive with, if not redundant of, Abigail's, but again the restaurant has been on that location since 1780. Conveniently absent from the applicant's cover letter, though, is that the proposed brewery and tasting room will abut, to within several hundred feet, the Children's Clubhouse, a longstanding child and day care center. Is that a "complimentary land use"? While Abigail's was not there when the day care moved into its location, another dining establishment was. According to The Historical Marker Database, "Jonathan Pettibone built the first Pettibone Tavern about 1780 in that location and, after it was largely destroyed by fire, rebuilt it in 1801. The large chimney stack is thought to be from the original building and some nineteenth century features remain. As with most taverns, weary travelers could sleep as well as drink and dine there." The original tavern and its progeny were not beer barns.

The applicant goes on to say that this compatible use will not “undu[ly] disturb[]... the neighborhood.” We are perplexed by the statement since we live in the “neighborhood”, and we literally found out about this proposed zone change by pure happenstance. There has been to our knowledge *no effort whatsoever* by the applicant to find out what its proposed new neighbors think about having a “beer barn” directly across the street from their homes. As stated above, this historic, predominantly residential gateway neighborhood *has not changed* in the last thirty (30) years from a zoning perspective, and for the applicant to flippantly suggest that its proposed commercialization of a nearly 8 acre parcel of land square in the middle of our neighborhood won’t unduly disturb it is simply callous. This is particularly so when it has not shown the neighbors the slightest courtesy by introducing themselves to discuss their proposed plans and seek input and reaction. The applicant’s failure to reach out speaks volumes about just how much this proposed new business cares about the character of the neighborhood, let alone the sentiments of its neighbors.

The applicant goes on further to claim that the proposed zone change from R-40 to B-1 will somehow “retain the farm setting” of our historic and picturesque pastoral neighborhood. Really? Doesn’t maintaining the residential zoning designation of the nearly 8-acre parcel guarantee that the “farm setting” will be maintained? While the applicant blithely claims “no plans exist” to alter the historic home on the property or the pastoral landscape; plans change. Indeed, once the zone changes from R-40 to B-1, the potential commercial or retail uses to which the property could be put abound. Once the zone changes, the genie is out of the proverbial bottle and can’t get back in. The applicant’s supposed lack of plans means nothing and does not limit or estop the applicant or some future purchaser or lessee of the property or a portion thereof from completely altering the developable portion of the nearly 8 acre parcel for a multitude of different commercial and retail uses. As one business moves in, more tend to follow, and there would be nothing stopping the dominoes from falling to the point where the applicant’s statement about the east side of Hopmeadow Street going commercial ceases to be fictional and becomes a reality. It is entirely disingenuous to claim the proposed zone change and planned (and unplanned) use won’t inexorably alter the character of this neighborhood and its farm setting, and irreparably undermine our residential property values.

In addition, granting the applicant’s zone change request will also add to the already congested traffic at the Hartford Road and Hopmeadow Street intersection. This is exacerbated by the fact that the subject property fronts on both streets and has multiple curb cuts on both. The current planned use of the beer barn as well as future yet-to-be-planned commercial or retail uses will create a traffic and public safety nightmare. Having lived here for thirty (30) years, we can attest to the fact that traffic backs up regularly and it is often difficult to get out of our driveway, particularly to head north on Hopmeadow Street without the addition of a beer barn and the subject property’s two existing curb-cuts on Hopmeadow Street, not to mention the rear driveway from Abigail’s directly across Hopmeadow Street from our driveway.

We similarly question the public safety and noise impacts of the proposed beer barn. The application suggests that the tasting room will draw from cyclists on the bike path (that runs behind our property) and boaters from the Farmington River. Access from the bike path will be

either through our property or directly in front of our house, and access from the river will be across the flood plain and behind the childcare center. It is inconceivable that the beer barn would not need to be expanded to accommodate both a brewery and a tasting room, and likewise inconceivable that the tasting room won't have an outdoor option leading to increased noise and activity directly opposite the front of our home and two upstairs bedrooms.

Don't get us wrong, we are not teetotalers, and enjoy a good pint or pull from the tap while having dinner at Abigail's. We generally like the idea of microbreweries and other small, local businesses moving to the Simsbury area. Indeed, there are a multitude of locations throughout the town that are zoned for and truly compatible with such uses. We patronize and support similar small, local businesses, and I dare say we would support the applicant's brewery, but just not in our historic *residential* neighborhood. This zone change application will undoubtedly—despite the applicant's claims to the contrary—completely, unduly and irreparably change the character of our neighborhood; and not for the good. The applicant's complete and utter lack of engagement with us neighbors causes us a great degree of concern about what we might expect from them going forward if the zone change is approved. If the applicant were truly interested in blending in and ensuring its intended use was compatible and in keeping with the character of this historic residential neighborhood, then its *sotto voce* pursuit of a quick and quiet zone change is a poor way to demonstrate it.

We object to this zone change application, which will result in an inverse condemnation of our property. Thank you.

Sincerely,

Julie and Duncan MacKay

Julie Grey MacKay

Duncan Ross MacKay



ZONING BOARD OF APPEALS

SIMSBURY, CONNECTICUT 06070

THIS IS TO CERTIFY that the Simsbury Zoning Board of Appeals granted a variance on property located at 332 Hopmeadow Street and owned by Jeffrey Whitman Cooley. Volume 312, Page 420.

A variance in Article Twelve, Section A 3, of the Simsbury Zoning Regulations was allowed in order to permit the premises to be used for the production of video and film with the following conditions:

1. The property will be used only as a film production studio as outline in information submitted to the Board entitled "Studio 16 Communications" which is a description of the services. A copy of this information is attached.
2. The total number of people involved in the operation shall not exceed 10.
3. The existing Victorian house use is to remain primarily as a single-family residence. *R40/FR*

THIS IS TO CERTIFY that the size and shape of the property and its close proximity to other businesses constituted a hardship and relief can be granted without detriment to the public welfare and impairment to the integrity of the Simsbury Zoning Regulations.

The vote of the Board was unanimous.

THIS IS TO CERTIFY that the effective date of this decision is to be July 31, 1987, provided a copy of the decision is filed in the Office of the Town Clerk and provided a copy of this certificate is recorded in the Land Records by the owner.

I hereby certify this is a true copy of the decision of the Simsbury Zoning Board of Appeals on July 22, 1987.


Charles E. Davis, Secretary
SIMSBURY ZONING BOARD OF APPEALS

Certified Mail No.: P 531 101 266
to: Brian & Darlene Cawley
c/o Lewis B. Rome, Esq.
693 Bloomfield Avenue, Bloomfield 06002

CC: Town Clerk
✓ Building Official

Studio 16

Communications

16 Ridgewood Terrace Springfield, Massachusetts 01105 (413) 736-0311

STUDIO 16 COMMUNICATIONS, INC.

Introduction:

Studio 16 Communications, Inc. is a full service film and video production company currently located in Springfield, Massachusetts. The company was incorporated in July of 1984 by its sole shareholders Brian & Darlene Cawley. In addition, their son Jonathan Cawley is employed in the business.

From its inception to the present time, the business operated from Victorian premises in Springfield, Massachusetts. The business activities are primarily in New England but with increasing growth in the Connecticut area. This growth together with the necessity to retain and expand on an existing creative environment are the principal reasons for seeking a move to new property.

Business Activities:

The company's productions fall into two main categories.

- a) Industrial training films, corporate communications and product demonstration films
- b) High quality television commercials and documentaries

Starting from zero, the company has rapidly acquired a reputation for high quality production, outstanding service and exceptional creative ability, all in the space of three years.

Utilizing in house or freelance skills, concepts are developed with clients, scripts written, and projects are produced on film or videotape. The company uses its own equipment for this purpose and where necessary, locates talent, locations, and props. Following production, in company editing including the addition of music, sound effects, and announcers is completed.

Although the company is in business for profit, various community and charitable organizations are served on a non profit or no cost basis. A partial listing of clients and productions are listed in Appendix A.

At the present time, the company employs six full time employees plus the three family members. However, subject to expansion and the attitude of the zoning board, other local full, part time, or freelance jobs may be created.

Growth:

Over the three years following incorporation, the company has enjoyed a one hundred percent per annum growth in sales volume. This has imposed considerable strain on space, equipment and the creative environment previously afforded. From start up, the company has operated from a Victorian property in a mixed residential and professional area of Springfield. This atmosphere has not only been of considerable benefit to the staff, but a much talked about and enjoyed benefit to visiting clients. However, the current studio and the size and number of rooms to accomodate equipment and production activities are now too small.

Why Connecticut:

The majority of the current growth is coming from the greater Hartford area. Due to lack of space, distance, and general client attitude to the commute to Springfield it is necessary to relocate the company nearer to the source of business.

Because of a lack of production facilities in the Northeastern Connecticut area, the company has received considerable support and encouragement to move from the Connecticut Film Commission (see letter Appendix B).

Connecticut also affords the company a tremendous range of shooting locations and additional support facilities.

At considerable personal expense and inconvenience, the owners of the business have for three years commuted each day from their residence in Middletown, CT to Springfield.

Why Simsbury:

Successful filmmakers and filmmaking requires a unique operating environment. The company has demonstrated that the combination of a family operated business in a semi professional, residential, rural atmosphere has produced excellent results. Another ingredient is proximity to different locations which can be utilized in the various films the company produces.

Simsbury satisfies so many of these needs including proximity to Hartford, in town services, accommodations and facilities for visiting clients and performers. It has a charm and a variety of locations which if included in certain productions, would enhance their value.

In August of last year, the owners of Studio 16 commenced their search of a new home for their business. To them, words cannot describe the feeling of excitement, exhilaration and satisfaction they found in locating this property in Simsbury..

Why 332 Hopmeadow St.:

The property has rural charm but is not isolated from the town or other essential services. The house will be utilized by the Cawley family as their residence. Should exterior or interior filming for a program be necessary, the house will afford that opportunity. Because entertaining and pre production planning is necessary, the house affords sufficient space to accommodate these business related activities. For this reason, the house must not be altered or changed in any way. The small art studio which overlooks the pond will be used by creative and scriptwriting staff. Because the existing red barn has so much character, it must be retained and utilized for props, scenery storage and also a car garage. Additional accommodation will have to be provided for other staff, technical equipment, editing suites, and a studio of sufficient size for film productions. This accommodation will be designed to be in keeping with the existing property and add to its current attractiveness.

Peace and quiet are essential to filmmaking therefore considerable care will have to be taken to ensure that no exterior noise filters into the buildings.

The property has also been selected because of the land and its natural look. The pond, woods, fields and river are a vital and necessary reason for selecting this property. Under no circumstances will they be altered or changed from their present look or use. The film and video production business is by its nature a quiet business. Other than private cars, no trucks or heavy machinery are required.

In addition, hazardous materials are not stored or utilized. The business does not use chemicals or processing agents, detergents or have contaminated waste. Any film processing required is effected by laboratories.

in New York or Boston. It should also be noted that business operates by appointment only and is therefore not open to the general public. As has been stated previously, the care and personal attention that the business enjoys from the family owners has proved to be successful. This property affords a continuation of that tradition but with the family living with the business. In addition, the considerable natural features of the property plus the proximity to Simsbury will give the company a unique and creative environment which is rarely seen or enjoyed in the film production business.

Jennifer and Christopher McCarty
327 Hopmeadow St.
Weatogue, CT 06089
860-306-2282
Jennifergrey131@gmail.com

April 2, 2021

Mr. Michael Glidden, Director of Planning and Community Development
Ms. Laura Barkowski, Land Use Specialist
Town of Simsbury
933 Hopmeadow St.
Simsbury, CT 06070

Dear Ms. Barkowski and Mr. Glidden:

We are formally submitting our strong objections to the Application #21-04 of EAY Properties LLC, Owner; Philip Doyle, Agent for a Zone Change from R-40 to B-1 District on the property located at 332 Hopmeadow Street (Assessors Map G15, Block 145, Lot 002).

It is telling that we only recently learned of this application *unofficially* and by chance. This lack of transparency and underhanded approach to making such significant and devastating changes to the historical character and charm of our residential neighborhood undermines any assurances that might be made relative to future development and alterations that could be made once the zoning changes. Claims to maintain the current historical barn structure, the property farm setting and limitations to future commercial use seem dubious. The horse will be out of the proverbial barn.

As owners of the carriage house, and the lot between it and 343 Hopmeadow next door, we have invested many thousands of dollars and hours improving and tending to our home and property. We are deeply concerned about the impact of the proposed brewery directly across the street relative to increased traffic—which is already quite heavy and difficult to navigate at times—noise, and safety of potentially impaired people driving, paddling or bicycling to this establishment. We already experience random people coming through the property from the bike path. This would undoubtedly be made worse by the proximity of the proposed brewery.

We are patrons of Abigail's which is a historical tavern and draw for many in the area to Weatogue/Simsbury. We would be supportive of such a proposed brewery in town and believe that there are several attractive alternative sites that would not be as distressing to us, our neighbors and patrons of the children's center across the street.

We have been fortunate and proud to be part of the gateway to town and remain committed to protecting its reputation for being one of CT's best places to live and raise a family. In addition to the visible and disruptive nature these changes might incur in the near and long term, we believe this proposal would damage the Weatogue community, and severely and negatively impact our property values and investment in the neighborhood that we love and have been caretakers of for over thirty years.

Sincerely,

Jennifer Grey McCarty
Christopher McCarty

From: [Ben Mozier](#)
To: [Barkowski Laura](#)
Subject: Proposed Zoning Change Concerns
Date: Friday, April 2, 2021 10:41:39 AM

Laura,

I'm reaching out as a concerned Simsbury parent in regards to Application #21-04 for a zone change from R-40 to B-1 at 322 Hopmeadow Street.

While I would welcome a brewery to Simsbury I do have several concerns that fall into two key categories that I will list below.

Re-zoning of the site in general:

1. Traffic Congestion at the intersection of Hopmeadow Street and Hartford Rd. is already significant for a predominately residential area, any increase in business use will only add to that
2. Poor entrance/exit accessibility, to turn left from Hartford Rd. requires crossing multiple lanes and the only entrance from Hopmeadow Street is very narrow and not suitable for two way traffic on/off a main road
3. Existing acceptable retail space is currently available, with so many local business closures due to the pandemic the focus should remain on filling vacant spaces already zoned for business use
 - a. While I wish any new business nothing but success the reality is 30% fail within the first 2 years and 70% fail within the first 5 years. There is greater than 2/3 chance that this lot will become another vacant business location within the next 5 years.

Proximity of Specific Business (Brewery) to Day Care:

1. While the argument has been made that Abigail's serves alcohol and is next door there are several main differences:
 - a. Abigail's primary offering is food, a brewery's primary point of revenue is alcohol sales
 - b. Abigail's parking lot does not require a driver to pass the daycare's parking lot if entering/exiting from Hartford Rd.
2. Increase in potential impaired driving occurring, there have been several studies that beer specifically is the most difficult alcoholic beverage for individuals to determine their correct BAC, resulting in more impaired driving.
 - a. An increase in impaired driving (there's no reason to visit a brewery other than to drink beer...) coupled with having to drive through a day care parking lot should be a SERIOUS concern for all involved including the owners of the brewery.

3. Increase in pedestrian traffic, with the day care and brewery having to share parking space (unlike Abigail's which is fairly well separated) there is an increased risk of interaction between brewery patrons and children or daycare workers which is concerning.

I look forward to the hearing on Monday where these and other potential issues can hopefully be discussed, and am more than happy to speak separately with any members of the committee or the proposed business owners if it helps.

Thanks,

Ben Mozier

From: [Andrea Fenton](#)
To: [Barkowski Laura](#)
Subject: Potential Brewery Concerns
Date: Friday, April 2, 2021 11:32:56 AM

Hello Laura,

I recently heard about the petition to open a brewery in the barn behind the Children's Clubhouse daycare in Simsbury. Since my son attends this daycare I do have some concerns about how this type of establishment might affect him during his time at the center.

A brewery could cause some safety issues in this location. It is concerning that an establishment primarily focused on serving alcohol would be so close to a quiet and peaceful daycare center. The idea that individuals under the influence of alcohol might be roaming the grounds near the center is worrying to a parent of a young child. A brewery could also cause significant noise concerns for the area. Young children are napping throughout the day at the center and it might be disruptive to them.

A brewery could also cause traffic concerns in this location. I often have difficulty turning out of the center parking lot safely due to the number of cars already in the route 10 and 185 intersection. I am concerned that adding another establishment into this complex will make this traffic issue worse.

For these reasons, I hope an alternate location could be considered for this establishment.

Thank you,
Andrea Fenton