

MINUTES
ZONING COMMISSION – REGULAR MEETING
MONDAY, April 15, 2024 at 7:00 P.M.
Simsbury Public Library
725 Hopmeadow Street, Simsbury, CT 06070

I. CALL TO ORDER – Chairman Elliott called this meeting to order at 7:11 p.m.

Present: Zoning Chairman, Bruce Elliott; Zoning Commission Vice Chairman, Tony Braz; Zoning Commissioners, Kate Beal, Shannon Leary, Diane Madigan, Tucker Salls; Zoning Commission Alternate Members: Jackie Battos, Joshua Michelson; Planning and Community Development Director, George McGregor; Assistant Town Planner, Brittany MacGilpin.

Absent: Zoning Commission Alternate Member, David Moore

II. APPROVAL OF MINUTES

- April 1, 2024

MOTION: Vice Chair Braz moved to approve the April 1, 2024 minutes as submitted. Commissioner Madigan seconded the motion. Commissioner Salls abstained. The motion carried. (5-0-1)

III. NEW BUSINESS

Application ZC 24-07 of 34 Hopmeadow St. Realty Co, LLC, a Site Plan application to construct a +/- 15,000 sq. ft. childcare center at 30 Hopmeadow Street (AKA 34 Hopmeadow St.) (Assessor's Map E19 Block 117, Lot 001-C) Simsbury, CT 06070, zone PAD.

- Mr. McGregor clarified that the property went through a subdivision and the address will be revised to 30 Hopmeadow Street, as opposed to 34 Hopmeadow Street. He presented the original Master Plan that was approved in 2015 for three, buildings with ~25,000 sq. ft. of mixed commercial uses. The current application is for a singular use of the property for a 15,000 sq. ft. childcare center.
- Brian Denno, Denno Land Surveying, presented an overview of the application, which includes a 15,000 sq. ft. childcare center and ~15,000 sq. ft associated play area.
- Chair Elliott inquired about the number of parking spaces. Mr. Denno noted that the plan includes 36 parking spaces and 14 reserved parking spaces. The original application requested 50+ parking spaces, but Town Staff had requested this be

reduced as Zoning Regulations require 30 parking spaces. The excess parking spaces have been replaced with an open space grass area and the Applicant is able to petition Town Staff if more parking spaces are required.

- Chair Elliott requested that Mr. Denno provide additional detail on the basins. Mr. Denno noted that the basins will have wetlands plantings and grass seed mix.
- Commissioner Michelson inquired about the number of staff members anticipated at the childcare center. Mr. Freeman, Developer, responded that 30-35 staff members are estimated.
- Commissioner Madigan inquired how many students are anticipated and whether there is a signed tenant. Mr. Freeman responded that the childcare center is expected to enroll a maximum of 220 students. He confirmed that there is a signed tenant, which is a national childcare provider.
- Commissioner Beal inquired if 30 parking spaces will be sufficient for staff and parents during drop-off and pick-up times. Mr. Freeman noted that while the original application included 50 spots, there is a drop-off/pick-up zone that will be able to accommodate 8-10 vehicles. Additionally, he anticipates that because of car-pooling, it is likely that the staff will only require 20-25 spaces, so he believes that the parking is sufficient.
- Commissioner Salls inquired if there is on street parking at the neighboring housing development, noting that if the parking spaces are full, the surrounding on street parking could be utilized. Mr. Freeman confirmed there is on street parking at the neighboring housing development. Additionally, Commissioner Madigan noted that the sidewalk with a crosswalk provides accessibility to the housing development.
- Chair Elliott inquired about the drainage system. Mr. Denno noted that there is drainage from the street, but the model has been designed to accommodate this. He noted that he performed a site visit and even with the recent water storms, there was no visible water.
- Chair Elliott inquired if the Town Engineer had reviewed and approved the engineering and storm water management plans. Art Christian, Project Engineer, noted the Town Engineer had provided comments, which have been addressed, but he is not aware of a final approval from the Town of Simsbury Engineer. Mr. Freeman noted that they have been in constant communication with Town Staff and all comments from the Town Engineer have been addressed, but that the Town Engineer has not completed his review. As such, they are requesting an approval which is conditional upon the approval from the Town Engineer.
- Commissioner Leary inquired if the playground is handicap accessible. Mr. Freeman confirmed.
- Mr. Freeman presented a summary of the building architecture. Chair Elliott expressed concern with a blue shingles roof. Mr. Freeman provided the

Commissioners with a sample of the shingles, noting the color is a dark gray with a slightly blue undertone. He noted that the color printed on the slides, was not representative to the actual color.

- Chair Elliott inquired about how the building would impact the view of the ridge. Mr. Freeman noted that the trees and landscaping, along with the building, are setback sufficiently from the road. He also noted that the apartments behind the building are taller than the childcare center, so this building will not obstruct the view of the ridge.
- Mr. McGregor noted that the Application had gone before the Conservation Commission/Inland Wetlands and Watercourses Agency, which outlined specific conditions of approval. Mr. McGregor recommended that these conditions be included in the Zoning Commission approval if approval is provided. He also noted that the Design Review Board recommended a positive referral by a vote of 4-2.
- Commissioner Beal inquired if the building has a second story. Mr. Freeman responded the building is a peaked roof for aesthetic purposes and is a one-story building.
- Commissioner Leary inquired if the outcome of the state's traffic study should be included as a condition for approval. Mr. McGregor noted that as the application is for a significantly smaller scale than what had been originally approved, he would recommend not including this as a condition of approval and would defer to the Department of Transportation.
- Commissioner Beal expressed concern about approving an incomplete project, with an outstanding approval from the Town Engineer. She inquired what the impact of delaying a vote would have to the Applicant. Mr. Freeman responded that there would be significant legal and financing issues. He also noted that the items outstanding with the Town Engineer are not significant design issues. Mr. Freeman noted a delay in approval would put the project at risk.

MOTION: Commissioner Leary moved to approve **Application ZC 24-07** of 34 Hopmeadow St. Realty Co, LLC, a Site Plan application to construct a +/- 15,000 sq. ft. childcare center at 30 Hopmeadow Street (AKA 34 Hopmeadow St.) (Assessor's Map E19 Block 117, Lot 001-C) Simsbury, CT 06070, zone PAD based on the following findings:

- a. The Site Plan substantially conforms to the approved Master Plan.
- b. The Site Plan conforms to the PAD Regulations found in Section 8 and site plan requirements found in Section 11 of the Zoning Regulations.

And subject to the following conditions of approval:

1. The project shall be developed in substantial conformance with the Site Plan set entitled “Childcare Facility”, dated 3/8/2024, revised 4/10/2024, prepared by Denno Land Surveying and Consulting.
2. The project shall be developed in substantial conformance with the architectural set dated, 2/28/2024, revised 4/11/ 2024, prepared by JMM Architects.
3. The project shall be developed in substantial conformance with the playground set detailed for 34 Hopmeadow Street, received on 4/12/2024.
4. The Zoning Commission incorporates the conditions of approval adopted by the Conservation Commission/Inland Wetlands and Watercourses Agency into the Site Plan approval.
5. Prior to the issuance of the building permit for this project, the Applicant shall submit to the Town of Simsbury an erosion and sediment control bond in the form acceptable to the Town in the amount of \$25,000.
6. Prior to the issuance of any building permits, the Applicant shall submit a photometric plan to the Planning Department. All outdoor light fixtures shall be cut-off downlit shielded to avoid unnecessary light trespass and glare on the property. No standard lighting security wall packs are permitted. Lighting shall be on a timer or motion sensor with full light cut-off or dimmed after business hours.
7. The area shown on the site plan labeled “Reserved Parking” shall remain grassed and impervious until such time that the Applicant submits a letter with justification of need to the Planning Director requesting to construct the 14 parking spaces in the reserved area. Town staff may approve the request without a return to the Zoning Commission.
8. Acknowledging that there are unresolved outstanding technical engineering issues, especially related to storm water management, the Zoning Commission delegates final approval on these matters to the Planning Director and the Town Engineer. No building permits for the project shall be issued until all outstanding engineering items are resolved to the full satisfaction of Town Staff. In the event of an impasse or where any issue cannot be resolved, the application shall be returned to the Zoning Commission for adjudication.
9. Prior to the issuance of a building permit for this project, the Applicant shall submit two sets of mylars and 1 paper set for signature and recordation.
10. Prior to the release of any bonds for this project, the Applicant shall submit an “As-Built” to the Town Engineering Department for the project.

Vice Chair Braz seconded the motion. The motion carried. (6-0-0)

IV. GENERAL COMMISSION BUSINESS

161 **ZC 16-44 and ZC 17-10**, 200 Hopmeadow St. Ridges at Talcott Mountain (Hartford
162 NORTH). The Silverman Group, Owner, requests a **Bond Reduction** for Site Work
163 related to Ridges at Talcott Mountain Development Project from the current standing
164 bond amount of \$498,268 to 227,983.80.

- 165 • Mr. McGregor provided an overview of the request, noting that the Town
166 Engineer and the Zoning Enforcement Officer had confirmed that the site plan
167 items were completed, except for a few items, including road paving, landscaping,
168 and site lighting. As a result, the original application was revised to increase the
169 bond amount from 167,000 to 227,983. Mr. McGregor noted that the Zoning
170 Commission had previously provided the Applicant with a bond reduction.
- 171 • Chair Elliott noted that costs estimated reflect current market prices. He also
172 noted the Zoning Commission is not required to reduce the bond, but this would
173 be a favor to the Applicant.
- 174 • Commissioner Salls inquired why this bond request is coming before the
175 Commission. Mr. McGregor responded that the bond reduction is coming to the
176 Commission given its order of magnitude, and that the Commission had
177 previously reviewed a prior bond reduction request.
- 178 • Commissioner Madigan indicated that she does not believe that the bond should
179 be reduced, given the number of issues the Town has had with this Applicant.
- 180 • Vice Chair Braz is in favor of approval as there was previous precedence, the
181 analysis is based on real numbers, and Town Staff has reviewed and
182 recommended.
- 183 • Commissioner Madigan inquired if the bond had a time period outlined. Mr.
184 McGregor responded that there was no timeline outlined, which is not a best
185 practice.
- 186 • Mr. Donohue, representing the Owner, thanked the Commission and noted that
187 the completion date for the daycare facility at the north site is projected to be
188 November 2024. There is also a signed tenant, a salon/beauty facility, identified
189 for the other building.

190
191 **MOTION:** Commissioner Leary made a motion that Zoning Commission approves
192 **Bond Reduction** for Site Work related to Ridges at Talcott Mountain Development
193 Project from the current standing bond amount of \$498,268 to 227,983.80. Vice Chair
194 Braz seconded. Commissioner Madigan opposed the motion. The motion carried. (5-1-
195 0)

196 197 **V. ADJOURNMENT**

198
199 **MOTION:** Commissioner Leary moved to adjourn the meeting. Commissioner Beal
200 seconded the motion. The motion carried unanimously. (6-0-0)

201

202 The meeting adjourned at 8:22 P.M.

203

204 Respectfully Submitted,

205

206 Cara Blackaby

207 Commission Clerk