

**MINUTES**  
**ZONING COMMISSION – REGULAR MEETING**  
**MONDAY, SEPTEMBER 18, 2023 at 7:00 P.M.**  
**Simsbury Town Hall – Main Meeting Room**  
**933 Hopmeadow Street, Simsbury, CT 06070**

**I. CALL TO ORDER** – Chair Ryan called this meeting to order at 7:00 p.m.

**Present:** Town Planner, George McGregor; Zoning Chair, David Ryan; Zoning Commissioners, Jackie Battos, Tony Braz, Bruce Elliott, Anne Erickson, Diane Madigan, David Moore, Tucker Salls

**Absent:** Donna Beinstein

Appointment of alternates

- David Moore is introduced to the Commission and is seated as a Commissioner.

**II. APPROVAL OF MINUTES**

**July 17, 2023 regular meeting**

- Commissioner Elliott requests the following revisions:
  - Line 163 and 167 – Commissioner Elliott’s name is not spelled correctly.
  - Line 312 – Replace the term “blow-up” cactus with “inflatable” cactus.

**MOTION:** Commissioner Moore moved to accept the Minutes for the July 17, 2023 regular meeting of the Commission as amended with the noted revisions. Commissioner Braz seconded the motion. Commissioner Moore abstained. The motion carried. (5-0-1).

**September 6, 2023 regular meeting**

- Commissioner Braz requested the following revisions:
  - Line 90 – Replace “effected” with “affected”.
  - Line 96 – Replace “collisions” with “conflicts”.
  - Line 126 – Replace “this” with “thus”.
  - Line 276 – Replace “9/19/23” with “9/18/23”.
- Commissioner Elliott requested the following revisions:
  - Line 168 – Insert “zoning districts” after “B” to clarify.
  - Line 260 – Remove the phrase “and it was not efficient”.
  - Line 261 – Remove the term “abutters”.

41 **MOTION:** Commissioner Moore moved to accept the Minutes for the September 6,  
42 2023 regular meeting of the Commission as amended with the noted revisions.  
43 Commissioner Erickson seconded the motion. The motion carried unanimously. (6-0-0).  
44

### 45 **III. PUBLIC HEARINGS AND/OR ACTION ON APPLICATIONS**

46

47 **Application ZC #23-27** of the Simsbury Zoning Commission, Applicant, George  
48 McGregor, Agent, for a text amendment to the Simsbury Zoning Regulations pursuant to  
49 Sections 4.5, 5.5, and 17.4 and the establishment of a new Section 8.7 to allow mobile  
50 food vendors as an accessory use in business, industrial, and planned area development  
51 districts (Public Hearing continued from July 17, 2023).

- 52 • Chair Ryan provided the Commissioners with a revised version of the regulations  
53 that changed the language to permit any general business to have a food truck;  
54 however, alcohol cannot be served unless there is a primary alcohol use permit for  
55 the property.
- 56 • Town Staff recommended that if there is more than one truck included in an  
57 application, it would come to the Zoning Commission for a full review of the site  
58 plan.
- 59 • Commissioner Braz inquired if the Town Attorney had any comments on the  
60 regulations, noting that other jurisdictions had litigation over similar language  
61 being found unconstitutional for restricting competition. Mr. McGregor  
62 confirmed that he provided the revisions to the Town Attorney, and he did not  
63 have any comments; however, Mr. McGregor will follow-up with the Town  
64 Attorney on that specific issue.
- 65 • Commissioner Elliott inquired if there is any limitation or regulation on the  
66 ownership of the food truck. Mr. McGregor responded there is no limitation on  
67 ownership of the food truck. However, the regulations require authorization of  
68 the property owner for a food truck to be located on his/her property.
- 69 • Commissioner Madigan inquired if language encouraging the use of local  
70 restaurants/food trucks can be included. Mr. McGregor indicated that this type of  
71 language would not be included.
- 72 • Commissioner Salls expressed concern with allowing a food truck to operate on  
73 land that was not originally considered and approved for restaurant use.
- 74 • Commissioner Battos is concerned with the impacts this regulation may have on  
75 local tax-paying restaurants.  
76

77 **MOTION:** Commissioner Moore moved to withdraw **Application ZC #23-27** and  
78 directed Town Staff to re-draft the regulations with a more permissive approach to allow  
79 food trucks in business districts. Commissioner Elliott seconded the motion. The motion  
80 carried unanimously. (6-0-0)

81  
82 **IV. NEW BUSINESS – Site Plan Applications**  
83

84 **Application ZC #23-33** of Jeff Lizotte, Applicant, and GSHP LLC, Property Owner, for  
85 Site Plan approval to allow special events as an accessory use on the property located at 2  
86 Tunxis Road, (Assessor’s Map K04 Block 206 Lot 001) Zone I-1.

- 87     • Mr. McGregor presented the Application explaining that the request is to process  
88 a zoning text amendment that would allow private events in an I-1 district. The  
89 application includes the location of where the tent would be. Mr. McGregor  
90 noted that Present Company has had similar events in the past, and the Town is  
91 working with the Applicant to ensure these events conform to the zoning  
92 regulations.  
93

94 **MOTION:** Commissioner Moore made a motion to approve **Application #23-33** of Jeff  
95 Lizotte, Applicant, and GSHP LLC, Property Owner, for Site Plan approval to allow  
96 special events as an accessory use on the property located at 2 Tunxis Road Assessor’s  
97 Map K04 Block 206 Lot 001) Zone I-1. The Commission finds that the application for a  
98 Site Plan meets the standards set in Section 5.7 (Special Outdoor Sponsored Events)  
99 Section 11 (Site Plan Requirements), subject to the following conditions:  
100

- 101     1. The property shall be developed in substantial conformance with the Site Plan  
102 titled “Proposed Tent”, prepared by Denno Land Surveying and Consulting, LLC,  
103 prepared by and dated 4/18/22.  
104     2. An administrative zoning permit is required.  
105

106 Commissioner Madigan seconded the motion. The motion carried unanimously. (6-0-0)  
107

108 **V. GENERAL COMMISSION BUSINESS**  
109

110     • **Retail Cannabis Referendum and Possible Text Amendment**

- 111     ○ Mr. McGregor summarized the deliberations from six months ago, which would  
112 allow retail cannabis in the B-3 district zone near the intersection of 44/202/Bushy  
113 Hill Rd only. The review would be permissible after special exception review and  
114 public hearing and limited to a maximum of one in Simsbury.  
115     ○ Mr. McGregor provided an overview of the timeline, noting the vote on cannabis  
116 is the first week in November. If the vote on the retail use of cannabis in  
117 Simsbury passes, it would go into effect the first Monday in December. He noted  
118 that the Commission has one scheduled meeting on November 20, 2023,  
119 providing the opportunity to hold a public hearing and vote on cannabis  
120 regulations prior to the regulation going into effect, and he recommended that the

Commission come to an agreement on approach and draft language so a public hearing can be advertised.

- Commissioner Madigan inquired if there is an opportunity to propose a different location. Chair Ryan noted a text amendment could be made to the regulation in the future.
- Commissioner Elliott requested clarification the regulation that the establishment must be within 1,500 ft of the 44/202/Bushy Hill Rd. intersection. Mr. McGregor confirmed that it will be based on the center line of the intersection and will provide the Commissioners with a copy of the map.
- Commissioner Elliott noted that in Section III of the draft document, sections 2.6a, 2.6b and 2.6c are referenced, but Commissioner Elliott was unable to locate these sections in the town regulations. Mr. McGregor will follow-up.

**MOTION:** Chair Ryan made a motion to direct Town Staff to advertise for a public hearing to be held on November 20, 2023 on the draft Zoning Amendment Framework dated 9/18/23. Commissioner Moore seconded the motion. The motion carried unanimously. (6-0-0)

• **Briefing: FEMA Flood Map Revisions**

- Mr. McGregor updated the Commission on FEMA's revisions to the flood maps in Simsbury and the greater Farmington Valley, which has been on-going since 2016. FEMA's maps are available for review and affect property members within Simsbury. Town Staff will begin outreach to property owners impacted and will put a notice on the town website. Adoption is expected to be in late 2024 or early 2025.
- Mr. McGregor noted that Town Staff will continue to update the Commission on this topic as appropriate.

**VI. ADJOURNMENT**

**MOTION:** Commissioner Moore moved to adjourn. Commissioner Braz seconded the motion. The motion carried unanimously. (6-0-0).

Chair Ryan adjourned the meeting at 7:54 P.M.

Respectfully Submitted,

Cara Blackaby  
Commission Clerk