

From: Lois Laczko March 7, 2011 12:27:52 PM  
Subject: Zoning Commission Minutes 01/03/2011 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
January 3, 2011  
REGULAR MEETING

I. CALL TO ORDER

Chairman Gallagher called the Regular Meeting of the Zoning Commission to order at 7:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Bruce Elliott, Edward Pabich, Tom Doran, Dave Ryan, Amy Salls, Robert Pomeroy and Madeleine Gilkey. Also in attendance were Director of Planning Hiram Peck, Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Mr. Doran to serve in the absence of Mr. Vaughn.

III. APPROVAL OF MINUTES of November 15, 2010 and December 13, 2010

Mr. Elliott made a motion to approve the November 15, 2010 minutes as written. Mr. Pabich seconded the motion, which was unanimously approved.

Several changes were made to the December 13, 2010 minutes.

Mr. Elliott made a motion to approve the December 13, 2010 minutes as amended. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Pabich read the call.

IV. PUBLIC HEARING(s)

a. Adoption of the Aquifer Protection Area as required by the Department of Environmental Protection (DEP), and as shown on the Town of Simsbury's Zoning Map.

b. Adoption of the Aquifer Protection Area Regulation as required by the Department of Environmental Protection (DEP) for the Town of Simsbury.

Mr. Peck stated that the DEP has been working on an aquifer program for many years. They are asking Towns to adopt Aquifer Protection Regulations. The draft regulation, which was distributed to the Commission members, outlines certain areas of Simsbury that show designated aquifer protection areas by this Regulation. He stated that there are additional restrictions, requirements and cautions that are put into play because of the land uses in those areas. Mr. Peck stated that the areas shown on the map contribute to public water supply wells, which is the DEP's focus of this Regulation. The areas that are covered by this Regulation are shown on the Zoning Map; the GIS mapping has overlaid the areas that are required by the DEP. Mr. Peck stated that the Regulation is intended to cover these areas, although it does not cover the aquifers that the Town of Simsbury has mapped and has had in their regulations since the 1990's. The Town has had a map showing aquifer protection zones and areas that are served by private wells. The Town uses this map frequently. Mr. Peck suggested that these two maps be combined onto one map.

Mr. Peck also suggested that the extensive set of definitions that go with the Regulation be put in Appendix A.

Mr. Elliott questioned why all Towns in Connecticut were not asked to adopt these Regulations. Mr. Peck stated that not all Towns have aquifers. Also, the DEP has not yet completed all of the mapping.

Mr. Elliott questioned what will happen to the Aquifer Overlay Zone in the Zoning Regulations. Mr. Peck stated that these will remain. Where there is an overlap, these will be combined and where they do not overlap, there will be two sections, including: Statutory Aquifer Protection Areas; and Simsbury Aquifer Protection Areas.

Mr. Pabich made a motion to continue the applications for Adoption of the Aquifer Protection Area as required by the Department of Environmental Protection (DEP), and as shown on the Town of Simsbury's Zoning Map; and Adoption of the Aquifer Protection Area Regulation as required by the Department of Environmental Protection (DEP) for the Town of Simsbury to the next regularly scheduled meeting. Mr. Pomeroy seconded the motion, which was unanimously approved.

## V. PRESENTATION(s)

a. Application of Richard Fish, Owner, Clyde Grindal, Falcon Sign and Awning Company, Agent, for Signage for Little Mazon Pizza on property located at 1362 Hopmeadow Street. B-2 Zone

Mr. Peck stated that the proposed sign conforms to the Zoning Regulations in terms of size and location. It has been approved by the Design Review Board at their December 14, 2010 meeting. He stated that it is also Town staff's recommendation that this sign be approved.

Chairman Gallagher read the Design Review Board's motion into the record.

b. Application of Mary Glassman, First Selectman, Town of Simsbury- Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Site Plan Amendment to convert a former processing plant into a new community space with a kitchen on property located at the Community Farm of Simsbury, 73 Wolcott Road. I-1 Zone

Mr. Goodwin showed the Commission members photographs of the property. He stated that some windows and doors have already been installed; they are waiting for the building permit to continue the major construction.

Mr. Goodwin stated that a Hartford Foundation Grant was received for this work. He stated that the floor plans have been revised several times. The community space is at floor grade in the front of the building. Beyond that, there will be a kitchen. Above the kitchen, there will be a storage area. Mr. Goodwin stated that there is one exit at grade; a second exit will be constructed near the storage area. He stated that there is no restroom in this building; they did receive an exception for this. The restrooms can be used year round and are approximately 50 feet away from this building. He stated that the kitchen is fully handicapped accessible.

Chairman Gallagher questioned if this will become a magnet school in the future. Mr. Goodwin stated that originally, a Plan of Use was in place for the farm. He has tried to adhere to this Plan while further developing it. He stated that currently there is no plan for a school. They do run a summer camp as well as a Montessori experience. A pilot program was run last year for several elementary schools in Town. He is hopeful that they can get funding so that all of the elementary schools can be involved this coming year. Mr. Goodwin stated that Ethel Walker has contributed funding and volunteers to the farm as well.

Mr. Pabich questioned if this grant covers all of the construction costs. Mr. Goodwin stated that it does cover the costs, although with a contingency.

Ms. Gilkey stated that the original intent of this farm was to feed the poor. While educational endeavors are great, she questioned what the farm is doing about feeding the needy. Mr. Goodwin stated that the farm sold less than 2% of what they grew last year. Most of what was grown was donated. He stated that 4,400 pounds of produce was donated in the first

year.

Ms. Salls questioned how the farm continues to be sustained. Mr. Goodwin stated that the revenue from camps and other programs will be 25-30 percent of their budget. The rest of their revenue is from donations.

c. Modification to approved Master Development Plan for Hop Brook at Simsbury, a Mixed Use Development. PAD Zone.

Mr. Peck stated that this Commission reviewed and approved the first PAD in Town. The applicant has continued to refine their plans. They are here tonight to show the Commission these modifications.

Mr. Janeczko stated that during the process, there were a lot of questions regarding the multi-family units. He stated that this Commission granted approval for zoning and the master plan on October 18, 2010. They took the comments that were received from all of the various Boards and Commissions into consideration, including having more accessible units. Mr. Janeczko stated that they have brought the size of the units down and swapped the ten rental townhomes with twelve flats. They are also proposing an elevator in the middle of the buildings. All units are now accessible. By putting in the elevator, this changed the unit count within the square from twelve bigger units to fourteen slightly smaller units.

Mr. Janeczko stated that he believes the modifications to the plans are of a minor nature. Some were as a result from comments of the Boards and Commissions as well as comments from neighbors.

Mr. Janeczko showed the original and modified plans to the Commission members. He stated that there is now a landscaped buffer; the development was shifted to the north by eliminating units. Modifications along the street include the curb line being left with a tree belt and sidewalks on both sides. He stated that the Master Plan has not changed.

Regarding the architecture, Mr. Janeczko stated that this is subject to the full site plan process. The towers have not changed; the width and heights of the buildings have not changed; and the massing is the same. He stated that some of the windows may have changed slightly to let more light in.

Mr. Janeczko stated that Landworks has to file the survey and the Master Plan by the middle of the month. If the Commission finds these modifications to be minor in nature, they would like to file the mylars with these changes.

Mr. Janeczko stated that the bedroom count is now 2 lower with the modifications. The traffic impact, in theory might be five additional trips in the a.m. and p.m. peaks, although because the average size is

shrinking and the bedroom count is lower, the Traffic Engineer does not believe there will be any impact. Regarding parking, Mr. Janeczko stated that there are still 2 ½ spaces per unit; the development is adequately parked.

Chairman Gallagher questioned if the condominiums and office complex would stay the same as in the original plan. Mr. Janeczko stated that they are now proposing a nicer landscaped buffer in this area as well as an exit only onto Mill Pond Lane instead of vehicles having to make a "K" turn.

Mr. Elliott stated that he feels the elevators in each building are a great enhancement. He stated that he feels that this presentation is out of order. There is an approved master plan. That process involved presenting preliminary plans. The site approval process is very clear that the burden is to produce a site plan approval that is in substantial compliance with the Master Plan that was approved. He feels that the changes are not even close to jeopardizing the ability to reach the substantial compliance threshold. Mr. Janeczko stated that because this is the first PAD application, he wanted to come before this Commission. The minor change in density cannot be waived by the Town Planner. This is another reason why he came before this Commission. He stated that the Zoning Commission needs to decide whether or not this change in density is minor.

#### VI. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Pomeroy made a motion that regarding the Modification to approved Master Development Plan for Hop Brook at Simsbury, a Mixed Use Development, it is the sense of the Zoning Commission that these modifications presented are consistent with the Master Plan that has been approved and is consistent with substantial compliance to that Plan. Mr. Elliott seconded the motion, which was unanimously approved.

Mr. Pomeroy made a motion to approve the application of Richard Fish, Owner, Clyde Grindal, Falcon Sign and Awning Company, Agent, for Signage for Little Mazon Pizza on property located at 1362 Hopmeadow Street as submitted. Mr. Pabich seconded the motion, which was unanimously approved.

Mr. Pabich made a motion to approve the application of Mary Glassman, First Selectman, Town of Simsbury- Owner, Tim Goodwin, Community Farm of Simsbury, Agent, for a Site Plan Amendment to convert a former processing plant into a new community space with a kitchen on property located at the Community Farm of Simsbury, 73 Wolcott Road as submitted. Ms. Salls seconded the motion, which was unanimously approved.

#### VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

a. Other Business

Status of Town Center Code Discussion/Mapping Discussion

Mr. Peck stated that the Commission received a revised draft of the Administration Section of the Town Center Code. This section has been revised several times. The Town Attorney and Attorney Sitkowski made suggestions that have been integrated into the draft.

Mr. Peck stated that Section 7 of the Code deals with how applications will be processed. He distributed a chart explaining the process to the Commission members. He stated that this section discusses the informal process, which means the applicant meets with Land Use staff. If an applicant decides to enter into the formal process, the applicant meets with staff and decides whether to make an application or not. At that time, the applicant would go down a checklist with Town staff based upon the Regulations. The application then gets submitted to the Zoning Commission; this starts the timeframe for an application. The Zoning Commission refers to the Design Review Board. They review the application and make recommendations back to the Zoning Commission. Mr. Peck stated that the same timeframes that are currently in place will be required for Town Center applications. Within 65 days, the application will appear on the consent agenda; regular agenda for site plan review; public hearing agenda for Special Exception; or public hearing agenda for Alternative Compliance. He stated that the term, "alternative compliance" means changing a zone. Mr. Peck stated there will not be any application that comes in for the Town Center that will not appear on a Zoning Commission's agenda. At the final meeting for the application, the Commission will take the final action deciding whether to approve the application or not.

Mr. Peck stated that he would like to handle sign applications on the consent agenda in the future.

Mr. Elliott stated that he feels the consent agenda needs to be more descriptive in the regulation. The applicant needs to understand more clearly the timeline regarding this process. Once the meeting is open, there will be no conversations regarding items on the consent agenda. Also, he stated that the Commission members will need the information and material for applications well in advance of the meeting.

Mr. Elliott stated that he also has issues regarding the 25,000 square feet. He feels that this is an artificial number. He suggested letting the Planning Director and the Design Review Board offer approvals for applications that do not require Special Exceptions and that are not Alternative Compliance. If the Design Review Board does not recommend

approval, the application could then come to the Zoning Commission's regular agenda.

Mr. Pabich stated that the public expects this Commission to be the responsible body for larger projects. He stated that there needs to be some criteria. He likes the idea of identifying a threshold criteria. He stated that he is in favor of preserving the 25,000 square feet.

Mr. Doran stated that the size and scale of what someone wants to build, he feels, matters. He stated that 25,000 square feet is an arbitrary number, although he feels it warrants the Commission's time.

Mr. Pomeroy stated that if a larger project of 25,000 gets removed from the consent agenda by a Commission member to a full hearing, he does not believe this is a bad outcome. He feels that if the square footage is lowered, they will be defeating the purpose of the consent agenda.

Ms. Salls feels that there is no negative impact in keeping the 25,000 square feet in the regulation.

Mr. Peck stated that the definition section of the Code needs to be considered as well. He stated that the definitions of the Town Center Code were incorporated into the overall definitions of the Zoning Regulations. He stated that the definitions from the Town Center Code are capitalized.

Mr. Peck distributed a copy of the Regulating Plan for the Town Center. He stated that the road across the St. Mary's property has been eliminated from the Plan. The Regulation Plan now includes all of the keeper buildings, which came out of the Charrette. It also includes the Assessor's lot lines as well as the wraps around the corners. He stated that the build-to lines are shown as they relate to the keeper buildings. Mr. Peck stated that this Regulating Plan will be a part of the Town Center Code.

Mr. Elliott stated his concern regarding the north side of St. Mary's Way, which has housing drawn in on the plans. He suggested that the housing be changed on this rendering so that the housing is depicted with the structures that are currently there and not what is being proposed. Mr. Peck stated that this property is shown as a civic site.

Mr. Peck distributed a form for the Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions. He stated that if anyone is interested in attending, please let him know.

VIII.                      ADJOURNMENT

Mrs. Salls made a motion to adjourn the meeting at 9:00 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

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Ed Pabich, Secretary