

From: Carrie Vibert April 5, 2012 10:18:38 AM  
Subject: Zoning Commission Minutes 03/05/2012 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ZONING COMMISSION REGULAR MEETING  
ADOPTED MINUTES  
MARCH 5, 2012

I. CALL TO ORDER

Rob Pomeroy, Chairman, called the regular meeting for the Zoning Commission to order at 7:03PM on Monday, March 5, 2012 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Amy Salls, David Ryan, Ed Pabich, Derek Peterson, Will Fiske and Vaughn Marecki. Others in attendance included Hiram Peck, Director of Planning, Leslie Faraci, Clerk and other interested parties.

II. APPOINTMENT OF ALTERNATES

It was not necessary to appoint alternates, as a sufficient number of members were present.

III. APPROVAL OF MINUTES - February 6, 2012

The minutes from the February 6, 2012 Regular Meeting were accepted as presented.

IV. PRESENTATION(s) and POSSIBLE ACTION ON:

(a) Application #12-06 of Benny Gjonbazaj, Agency for Southmeadow Associates LLC, for a patio and fabric awning over the existing entrance as well as the new patio on the property located at 562 Hopmeadow Street (Map G12, Block 132, Lot 036), B-1Zone.

Mr. Peck began by providing the Commission members with an overview of the application, which is regarding the placement of a canopy and the railing as well as adding a patio on the south side of the property. Mr. Peck explained that this application has been in front of the Design Review Board (DRB) and was approved. He said it is in front of the Commission because it is a site plan amendment.

Commissioner Pomeroy asked about the patio and the effect it has on the space to the south of the property. Mr. Gjonbazaj explained there is no parking on that south side of the building so there is plenty of room for the deck. Commissioner Fiske asked about the materials Mr. Gjonbazaj plans

to use. Mr. Gjonbazaj said they are going to use metal for the railings, and either pressure treated wood or possibly concrete for the patio. He explained the base level of the patio and how high off the ground it would be once constructed. Alternative possibilities with regards to the materials were discussed by Mr. Gjonbazaj and the Commission members. It was discussed what changes would cause Mr. Gjonbazaj to have to go back in front of the DRB. Mr. Peck said if it was consistent with the building (i.e. concrete faced with brick similar to the existing building) and agreed upon by the Commission members, it would not have to go back to DRB. Commissioner Fiske asked if there would be lettering on the awning, to which Mr. Gjonbazaj replied no, there would not. Commissioner Pabich asked about signage on the side of the building. Mr. Peck explained that signage needs to come back to get proper permit, so that is not part of the application in front of them tonight. Mr. Fiske asked Mr. Gjonbazaj about the possibility of covering the meters on the south side of the property with a box for aesthetic reasons. Commissioner Salls asked if it was even necessary to face the side of the base of the awning with the brick, due to the minimal amount that would show (approximately 1' of exposure). For this reason, Commissioner Salls did not think it would need to go back to DRB.

Commissioner Pabich moved for the approval of the application for the patio as proposed, subject to the Town Staff's endorsement that it is safe, giving the Owner the choice of concrete or pressure treated wood and also for the rail, and awning as originally presented. The motion was seconded by Commissioner Peterson and was unanimously passed.

It was noted by Commissioner Pomeroy that there were specific recommendations made by the DRB which were taken into consideration by the Zoning Commission, and further recommendation by the Owner was presented at tonight's Zoning Commission meeting which was a valid solution and is responsive to some of the concerns about pressure treated wood.

V. UPDATES ON:

(a) Discussion and possible regulation revision for "farm related activities":

Mr. Peck began the discussion by saying there are a number of farms around town that do a lot of different activities, primarily during the summer season, which can involve dinners and gathers of large numbers of people. The problem is, Mr. Peck noted, with the increase in popularity of these events, people are asking how these events are happening on a property located within a residential zone. Mr. Peck continued by saying last year, this was managed by issuing a series of temporary permits, but that is not the ideal way to handle this situation. As he receives lists of events that will be occurring at these farms for the upcoming summer season, Mr. Peck stated he would like to get some indication from the Commission on how they

would like him to handle this.

Mr. Peck outlined three (3) different potential solutions: (1) prohibit these types of activities, which he said no one is contemplating or recommending, (2) Commission could draft a regulation which puts a special permit in place for these types of activities within residential zones, which would require a public hearing and could be done on an annual basis or a more permanent basis (3) Put in as a permitted use in a residential zone, these types of activities, which Mr. Peck said could cause there to be a number of issues allowing anyone to host these types of activities at their homes. Mr. Peck went on to say he would recommend going the way of the special permit.

Farming activity within the residential zone was discussed. The different activities that are held at various farms throughout town were discussed and whether or not permits would be required for each of those. Marshall Epstein, Owner of Rosedale Farms, commented on the changing face of activities at farms, due to the continued growth of agrotourism. Alternative solutions to this issue were discussed by the members and Mr. Peck as well the issues that could come along with those solutions. Mr. Epstein said they have already presented Town Staff with a list of projected events for the summer season. He then mentioned private events (i.e. weddings) are not included on that list and asked if those will need to be approved as well. Mr. Peck said they do not get involved in permitting private parties and they simply ask the property owner to notify police for traffic control purposes. The difference between these private events and events for business purposes were discussed by the Commission members and Mr. Peck. Commissioner Pomeroy suggested granting an annual permit for these types of events at specific locations and then have them re-apply on an annual basis. It was noted by Mr. Peck that while they don't want to create any problems where problems don't currently exist, they need to be consistent across the board and make sure it is a fair process.

Commissioner Pabich continued by asking if the fundamental issue in this case is public safety. Mr. Peck said while yes public safety is involved, the other component is compatibility with surrounding neighbors. And while there are currently no issues now with any property abutters, Commissioner Salls made the point that the Commission needs to be prepared for the future when an issue may arise. Commissioner Pomeroy said the Commission does not want to have to approve events that have been long-standing successes in the community, they just want to make it simple and fair for the property owners and their surrounding neighbors.

Mr. Peck said a way they can handle it is, if the Farm Owners can notify Town Staff of upcoming events, Town Staff can try to handle it administratively and not have to bring it in front of the Commission until

there is an issue and then the Commission would have to get involved.

Commissioner Salls said the temporary permits, while making a little more work, do seem to accomplish the goal without creating other problems, as crafting new regulation might do.

It was concluded that the temporary permit approach would be continued rather than crafting new regulation.

(b) Design Guideline Project Status:

Mr. Peck spoke said he recently with consultant who is doing the design guidelines and Nori Winter will be coming to Simsbury on March 8th for a meeting to discuss the project. Mr. Peck said he would try to get it taped and broadcast on SCTV, but would like as much representation from the Boards as possible. After that meeting, Mr. Peck continued, there will be two (2) additional visits by the consultants, pursuant to the contract.

(c) Projects for 2012:

IHZ - Mr. Peck began by speaking about the Incentive Housing Zone (IHZ). He said initially they looked at seven (7) different sites and have narrowed it down to four (4). He then said they have finished the draft regulation, so it is almost ready for the Commission's consideration, either at the next meeting or the one following that. Mr. Peck said it involves a make-up of approximately 20% affordable housing and 80% market rate housing. Mr. Peck then said there will eventually be a public hearing on this matter.

Village District Projects: Mr. Peck referenced this as three (3) village districts that he wanted to study, costing \$15,000 total, which is yet to be seen if it will get through the budget process. The three (3) districts include Tariffville, Weatogue and West Simsbury. In response to a question from Commissioner Salls, Mr. Peck said this study will basically take a lot of things learned from the Town Center work and see how that information could be adapted to these other areas. The end goal could be a proposed re-zoning scheme for each of those three (3) areas to be accepted or adopted. Commissioner Ryan asked if the North End would be included, but Mr. Peck said it just hadn't been considered yet, although he does think there will be a lot going on in the North End in the near future.

Budget Status: Mr. Peck said he was fortunate enough to have \$67,500 put back into the budget after \$75,000 had been previously taken out and he hopes it will not get taken out at the upcoming the Board of Selectmen meeting. Mr. Peck did reference that \$50,000 of that \$67,500 is for proposed marketing study.

Commissioner Pomeroy asked about Sand Hill and Mr. Peck said the proposal is to rezone the property to R-50, but he said the Public Hearing for that

is scheduled for the next meeting.

Commissioner Pomeroy informed the Commission that there was another request for public comment, with regards to the future development of the Pool Barn Property, at the next Commission meeting. Commissioner Pomeroy continued by saying he thinks the right thing to do is to respond the same way he did last time. He said this is a difficult issue and the Commission wants to be transparent and allow the public to discuss issues. That being said, Mr. Pomeroy continued, there is a process in place by which to do that, after a formal application has been filed, which was the advice provided by Town Council. The Commission members discussed the problems that could arise if they allowed informal public hearings prior to a formal application being filed by the developer. Commissioner Post made the point that the informal application could be completely different than the final/formal application. When Commissioner Ryan suggested looking at the legislature regarding the informal process, Mr. Peck explained that it states; nothing said by the Commission or the Applicant at that informal application is binding. Mr. Peck expressed his concern that the formal application could look completely different than was originally discussed during the information application process and he does not want to create a de facto public hearing. Commissioner Pomeroy then read the letter from the constituent that was addressed to Ms. Mary Glassman, First Selectmen, regarding this matter. Commissioner Pomeroy said he thinks they should reply to Ms. Glassman and let her know that the request was taken into consideration and the Commission should not and cannot allow public comment at this point. Commissioner Salls asked if the information application process is causing more problems than it is helpful. Commissioner Pomeroy made the point that the informal application process is exactly what raised the awareness of this project. It was mentioned by Commissioner Marecki that the residents need to know that they will get their chance to speak on the project and their voices will be heard.

#### VI. ADJOURNMENT

Commissioner Ryan moved to adjourn the Regular Meeting of the Zoning Commission at 7:57PM. The motion was passed unanimously.

Respectfully submitted,

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Robert Pomeroy, Chairman

