

From: Lois Laczko April 27, 2009 2:58:09 PM  
Subject: Zoning Commission Minutes 04/06/2009 ADOPTED workshop  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
WORKSHOP  
APRIL 6, 2009

I. CALL TO ORDER

Chairman Barney called the Workshop of the Zoning Commission to order at 6:33 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Bruce Elliott, Alan Needham, Garrett Delehanty, James Gallagher, Ed Pabich and Madeline Gilkey. Scott Barnett arrived at 7:15 p.m. Also in attendance were Director of Planning Hiram Peck, Zoning Enforcement Officer Howard Beach, Commission Clerk Alison Sturgeon and other interested parties.

II. WORKSHOP TO DISCUSS TOWN OF SIMSBURY'S ZONING REGULATION REVISIONS  
(continued from meeting held on 3/16/2009)

Mr. Peck stated that he would like to discuss three important issues regarding the regulation revisions. He stated that coverage needs to be defined. There has always been a question regarding what should be considered as coverage and if it should eliminate any portion of a site. Many Towns break coverage down by building and other impervious surfaces. Mr. Peck stated that, in draft 3.2, the definition gives a 50% credit for certain things that are open.

Mr. Peck suggested that for a proposed application, that there not be any maximum coverage in the regulations for the Simsbury Center Zone or the Simsbury Center Village District. It would not matter if a number is listed; it matters how they deal with the runoff. He stated that the current Zoning Regulations do not have a maximum coverage requirement or this area.

Mr. Peck recommended allowing coverage up to 75% if the applicant can show, based upon the storm water management plan, that the property can control the storm water or that the applicant has the ability to control the storm water either by a method of ownership or by an easement. The Commission

discussed the Center Zone. Mr. Peck stated that the Center Zone should include the Simsbury Bank down to Dyno Nobel. Chairman Barney stated that they should create this. He questioned if it would be a regulation change. Mr. Peck stated that this would be a map change; they would need to put these on the map.

Mr. Pabich asked if the driving force behind coverage was storm water runoff or density and aesthetics. Mr. Peck stated that it is all of these things. Primarily, from an environmental standpoint, it is storm water runoff and the quality of storm water, in Simsbury's case, to the river.

Ms. Gilkey stated that with 60% maximum coverage, the aesthetics on the property are still good. She stated her concerns regarding 75% coverage and how a parcel might end up with a lot of unbuildable area. Mr. Peck stated that it would be up to 75% coverage. He stated that standards could also be put on this; it could be allowed only under special situations.

Mr. Needham stated that he does not think that the FRWA would feel that up to 75% coverage would be acceptable. He stated that there is no watershed in the State that meets State drinking quality standards that exceed 12% coverage. Mr. Peck stated that the 12% coverage does not take into account at all about separating the developed area from the water body that is receiving the water. He stated that they are proposing to look at, in significant detail, what developing extra density in the Center would do, in terms of providing additional storm water quality measures. He stated that there is a disconnect between the development and the water receiving body; the DEP does not take this into consideration.

Chairman Barney questioned what was counted on the land as part of the developable part of a parcel. Historically, he stated that steep slopes, wetlands, and other unbuildable areas have not been permitted to be counted as part of the coverage. Mr. Peck stated that, in most cases, 100% of the parcel area is used for the calculation. Other Towns vary with this issue. He stated that it is important to try and decide the criteria of what the Commission is trying to do; if standards are strict enough to get additional coverage, it will possibly give a better design.

The Zoning Commission members discussed open space. Mr. Beach stated that the open space dedication on a property has to be the same percentage of buildable and non-buildable area. Chairman Barney stated that currently, the percentage of unbuildable space is not getting calculated into the coverage. Mr. Peck stated that there are times when open space is appropriate, although in an industrial subdivision or around business properties he does not feel that open space is always what is in the best interest of the Town. He stated that it is not always appropriate to have complete public access either, for example, river frontage. He stated that

he would rather see a fee in lieu of open space in some situations. Chairman Barney stated that there is a lot of river bank that needs to be preserved. Mr. Peck stated that having an easement is one thing, but public access is another level.

Regarding coverage, Mr. Elliott stated that Chris Woods, in his draft, has suggested that the reference to parking be included. Mr. Beach stated that this is how the Regulations currently reads. Mr. Peck stated that he would not recommend this as open space; he is not sure if permeable pavements would work in the Northeast. Also, this surface is not easy to walk on. Unless there is a unique situation, he would discourage the use of this.

Chairman Barney stated that he feels this definition of coverage needs to be bigger than just storm water. Mr. Peck stated that this is where the other special permit standards would come in.

Chairman Barney questioned if the Village District could be created independently. Mr. Peck stated that there are still questions regarding the extent of the Village District.

The Commission discussed pool parking. Mr. Peck stated that many Towns, in their downtown areas, eliminate the parking requirements on a use by use basis. He asked that the Commission consider this for the Simsbury Center Zone. He stated that the details in the Regulations should state specifically that a plan from a qualified traffic engineer detailing the need for a particular use needs to be given to the Commission and the Commission would need to find it acceptable. Mr. Peck stated that if a particular use changes, this might change the parking requirements. He stated that there are only a few owners in the Center that say parking is currently a problem.

Mr. Elliott stated his concern regarding enforceability when there is a change of owner or use. Mr. Peck stated that when there is a change of ownership, people usually come in to the Town Hall to see what has been approved.

Mr. Peck stated that the Zoning Commission has discussed building size in the past. There are two or three different ways that building size can be looked at in the Regulations, including: having no building size limitation, but that the building sizes would be limited by the parcel size, setbacks and other standards; state a building size in the Regulations; or put building size limitations by zone and possibly limit the building size on the site plan with a special permit required to exceed that limit.

Mr. Peck stated that he would like to get feedback from the Commission

members regarding these suggestions as to how to go forward.

### III. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 7:35 p.m. Mr. Gallagher seconded the motion, which was unanimously approved.