

From: Lois Laczko September 28, 2009 11:08:00 AM
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To: SimsburyCT_ZoningMin
Cc:

ADOPTED

ZONING COMMISSION MINUTES
JULY 27, 2009
SPECIAL MEETING

I. CALL TO ORDER

Chairman Barney called the Special Meeting of the Zoning Commission to order at 7:31 p.m. in the Program Room at the Simsbury Public Library. The following members were present: Bruce Elliott, Ed Pabich, Alan Needham, Madeline Gilkey, John Vaughn and Garrett Delehanty. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Barney appointed Ms. Gilkey to serve in the absence of Mr. Barnett and Mr. Pabich to serve in the absence of Mr. Gallagher.

III. APPROVAL OF MINUTES of June 15, 2009 regular meeting and June 15, 2009 special workshop

Mr. Elliott made a motion to approve the June 15, 2009 special workshop and June 15, 2009 regular meeting minutes as written. Mr. Delehanty seconded the motion, which was unanimously approved.

IV. PRESENTATION(s)

a. Application of Mary A. Glassman, First Selectman, Town of Simsbury - Owner, Richard L. Sawitzke, P.E., Town Engineer, Agent, for a Site Plan Amendment for construction of a Parks and Golf Service Building to be located on property at Simsbury Farms, 100 Old Farms Road. R-80 Zone

Mr. Sawitzke stated that the Town would like to construct a combined parks and golf maintenance facility at the Simsbury Farms Complex. The present Parks Department operations and Golf operations are scattered around in several buildings throughout Town. The proposed facility will be an 8,000

s.f. modern, full compliance facility. The building will include administrative offices and training areas, a safe and secure storage area for equipment as well as vehicles. Mr. Sawitzke stated that the Parks Department maintains a wide array of facilities, including buildings and athletic fields and open space. The existing buildings that they currently utilize total 3,660 s.f. They have also managed to utilize part of the Apple Barn and the Performing Arts Center for storage; these buildings could and should be utilized in a more appropriate way.

Mr. Sawitzke showed the layout of the Simsbury Farms Complex. The proposed building will be located near the golf maintenance facility. This is over 500 feet away from the nearest residential home. They are proposing to tuck this building into a small cutout in the trees. There is already existing parking in the area. Mr. Sawitzke stated that they will have limited lighting for this building; they will be using full cutoff lighting. There will not be any spillage coming off of the site. Mr. Sawitzke stated that this proposed building is well outside of the 100 foot upland review area. He stated that they would also be using the existing well and pump system from the present golf maintenance building and there would be an onsite septic system for the runoff from the roof. He stated that he also intends to put in a rain garden.

Chairman Barney questioned if there would be increased traffic on this road that may be a concern to the neighbors. Mr. Sawitzke stated that he does not anticipate much additional traffic. The bulk of the equipment that will be stored at this location belongs to the Golf Department. The Parks Department will primarily be bringing in things for long-term maintenance and storage; there will not be a lot of coming and going.

Chairman Barney questioned what the schedule would be regarding taking down the existing building and the construction of the new building. Mr. Sawitzke stated that they hope to remove some of the old Park Maintenance building next spring.

V. DISCUSSION AND POSSIBLE VOTE ON ANY AGENDA ITEM

Mr. Delehanty made a motion to approve the application of Mary A. Glassman, First Selectman, Town of Simsbury - Owner, Richard L. Sawitzke, P.E., Town Engineer, Agent, for a Site Plan Amendment for construction of a Parks and Golf Service Building to be located on property at Simsbury Farms, 100 Old Farms Road as submitted. Mr. Elliott seconded the motion, which was unanimously approved.

VI. RECEIPT OF PAD RECOMMENDATIONS AND DRAFT PAD REGULATIONS FROM PAD SUBCOMMITTEE AND POSSIBLY SET PUBLIC HEARING DATE

Chairman Barney stated that the Commission members received this draft document today. For many members, this is the first time they have seen this.

Mr. Peck stated that back in May, a Subcommittee was set up, which had members from the Planning, Zoning, Economic Development Commissions and Design Review Board and Zoning Board of Appeals. The nine members of this Subcommittee met ten times. They discussed many issues and there were differences of opinions. This document, structurally, is very similar to the Regulation that this Commission saw in the joint meeting at the beginning of the year in terms of how the Regulation functions and how it works. The primary area of discussion by the Subcommittee was whether the Regulation should contain more or less detail.

Mr. Peck stated that this regulation is structured as an overlay zone for a planned area development with the purposes and intents that are covered in Section One, which is to encourage mixed-use development. This regulation does not apply to any residential areas. Mr. Peck stated that the Subcommittee also had a great deal of discussion regarding lot size. This regulation uses the existing lot size that are in the existing Regulation with regard to all of the zones in Town, which do not have a lot size restriction, except for the I-1 zone.

Mr. Peck stated that the Subcommittee also had discussions regarding if this Regulation should move forward before or after the Charrette process. The regulation went forward as it is currently drafted because it applies to a variety of places in Town, not just the Town Center.

Mr. Peck stated that the Subcommittee put in several definitions; planned area development is defined. The underlying zone is also defined. Mr. Peck stated that this Regulation could include a number of different parcels, all owned by the applicant or applicants, which was also clarified in the regulation as well. Regarding mixed use development, Mr. Peck stated that this is permitted under this PAD Regulation, although it is not required.

Mr. Peck explained the preliminary development plan process to the Commission members. He stated that it is critical for the Commission to have the ability to tweak the design in concert with the concerns of the other Boards and Commissions.

Chairman Barney stated his concerns regarding a project that may be more complex. He stated that it may look good on paper, although it may not look how they thought it would. Mr. Peck stated that there are many standards in this Regulation; the Commission could request a certain detailed presentation from the applicant. He stated that the applicant

will not be given a certificate of occupancy unless they exactly meet the approved plan.

Chairman Barney questioned what relationship would someone have to have to each other in order to come in as co-applicants. Attorney DeCrescenzo stated that they would have to have documentation to the Commission's satisfaction that the applicant has the ability, upon approval of the final development plan, to assemble the parcels. He stated that each applicant would be bound by the final development plan; no difference than a single applicant. Attorney DeCrescenzo stated that one of the most important things about the preliminary development phase is that the Commission will troubleshoot the application. The Commission does not just looking at the renderings of the buildings. When there is more than one applicant, a binding legal agreement could be requested to last for all phases of the project. He stated that certain conditions regarding this could be put into the Regulation, although it would have to be broadly worded to anticipate different types of business formations that could be assembled.

Mr. Pabich questioned what would happen if there was a major dispute between the property owners or co-applicants. Attorney DeCrescenzo stated that there is an opportunity within the approval resolution to set a time limit. If a certain amount of time elapses and not much has been done with the development plan, it would come back before this Commission for consideration whether or not to change the zone back to the underlying zone. Attorney DeCrescenzo stated that the discussion of the Subcommittee regarding Section Four of the draft regulation was flexibility verses creating clear direction to the Zoning Commission and the developer.

Mr. Peck stated that there are two graphics on the last two pages of the draft document. He stated that there were a lot of references that were requested and brought into this regulation. One is called Organizing Principles, which is taken from the POCD. The second, the Neighborhood Form Standards discusses types of land use, building types, streetscapes, etc. These are meant to dovetail into the organizing principles.

Regarding coverage, Mr. Peck stated that building coverage and site coverage are both split up and defined in this regulation. He stated that there are no specific percentages included. There was a great deal of discussion regarding this issue by the Subcommittee. The Commission needs to feel comfortable with whatever number gets put in the regulation prior to taking this to a public hearing. Mr. Peck stated that the Center Zone would have one particular site coverage requirement and there would be another coverage requirement outside of the Center Zone. Attorney DeCrescenzo stated that coverage and density are closely related. This Commission will need to decide how to make this distinction.

Ms. Gilkey stated that she understands the differences of opinions on the Subcommittee regarding having more or less details. She questioned if they could develop guidelines for a specific application as a way of referring things that should be asked by the Commission. She feels that this will be a good tool for the Zoning Commission. Mr. Peck stated that this could be done.

Regarding having a binding agreement for multiple applicants or owners, Ms. Gilkey stated that she feels strongly that this should be included in the regulation. Mr. Peck stated that this is something that the Commission needs to be sensitive to and he agreed that there needs to be something in place. Attorney DeCrescenzo stated that he will draft a proposal regarding this matter.

Mr. Needham stated that he does not see much emphasis in this draft document regarding residential component of mixed use. Mr. Peck stated that there is a fair amount of information regarding residential. He stated that in the definition of mixed use, there is a 50% component of residential. Mr. Pabich stated that there is no specific requirement that a certain percent of any PAD be residential.

Regarding standards, Attorney DeCrescenzo stated that the Subcommittee has tried to incorporate many of the POCD goals and objectives into this regulation. The intent was to use this regulation as a means of taking the POCD and turning it into a zoning regulation.

Chairman Barney stated that the interest with the Incentive Housing Zone and the passing of the PAD Regulation may result in a lot of PAD sites. He questioned if the Subcommittee discussed landing the sites on certain areas. He stated that the Town has not done something like this before and he is concerned that the Town may not have the ability to keep up with the applications coming in for this.

Mr. Delehanty stated that he did not feel comfortable continuing this discussion because he has not had the chance to read this document. He stated that he would also like the opportunity for this Commission to hear from Mr. Elliott and Mr. Barnett, who were both on the Subcommittee.

Mr. Elliott distributed copies of the minority report (see attachment I) that some members of the Subcommittee would like the Zoning Commission to consider. Those members include John McCann from the Zoning Board of Appeals, Julie Meyer from the Planning Commission, Emil Dahlquist from the Design Review Board and Mr. Elliott.

Mr. Elliott stated that he does not support the PAD draft regulation being referred to the Commission tonight. He stated that he is disappointed in

the Subcommittee process that brought it here tonight. He stated that no alternatives to the Glastonbury PAD document were introduced; no in-depth discussions of the PAD regulation's actual purpose or intention transpired; no options for appropriate regulatory standards were given any discussions; and no discussions were given to common mistakes made in other PAD documents or lessons learned by other Towns. Mr. Elliott stated that he believes that the Town will not see the real impact of this PAD regulation for at least ten to fifteen years; he does not think things should be rushed.

Mr. Elliott read the minority report into the record. He stated that four favorable votes brought the draft regulation to the Zoning Commission tonight; three votes were in opposition. There were also three votes in opposition to forwarding this draft. The minority members do not want to settle for knowing what they do not want in Simsbury being more important than requiring what they do want. This viewpoint eliminates specificity and it represents a negative approach to the regulation. They feel that the current draft dismisses the single most important factor, which is predictability. Without predictability, there is reduced certainty for approval, which is counter for the Town's and the developer's best interest. They feel that the PAD regulation should have a linkage to an adopted public policy; clearly defined boundaries for decision making; specific standards to guide developers, Commissioners and staff; and sufficient physical detail to allow for predictable outcomes. They feel that the challenge for Simsbury is to build well, and building well means in the best and long-term interest of Simsbury, which included provisions for mixed use developments. Distinctions of mixed-use developments should be identified and made clear. The minority members recommend the following action steps: 1) defer further action of the PAD regulation to allow the Zoning Commission time to benefit from the experiences for the Center form based code, to gain needed expertise, secure a commitment from the Board of Selectmen to provide financial resources to gain a Land Use Attorney, and to allow residents to see the Simsbury Center process and encourage local ownership to ease the PAD implementation; 2) elaborate on and more fully develop the purpose section of the PAD regulation to include smart growth principles; 3) refine the four primary organizing districts or special areas described in the 2007 POCD in more detail representing likely sites for PAD floating zones; specify public space standards for each of the areas to include streets, civic places, sidewalks, street trees, etc; and specify building form standards for each of the special areas to include configuration, placement, features and functions of buildings that define and shape the public realm; 4) adopt the basic components of the POCD as the basis for a Town wide regulating plan; 5) prepare a comprehensive glossary; 6) endorse a revised draft by the Zoning Commission, then schedule and conduct a public hearing; and 7) consider the public input, revise the draft accordingly and vote on the final draft.

Mr. Elliott made a motion that the Zoning Commission defer further action on the PAD draft that was recommended by the Subcommittee until the regularly scheduled meeting on November 2, 2009. This time will give the Commission members the opportunity that is suggested in this plan of action to absorb the process of the Charrette and get the basic understanding as Commission members, a familiarity with the detail in this report that is important to regulate the development of mixed use projects and PAD's in Simsbury in the future. Mr. Vaughn seconded the motion.

Ms. Gilkey stated that she would like to read this draft document prior to voting on any motion. She suggested tabling this agenda item. Chairman Barney asked that Mr. Elliott withdraw his motion. He stated that he is unsure if the Zoning Commission is meeting on November 2nd; he does not have a calendar available.

Mr. Elliott withdrew his motion.

Chairman Barney thanked the Subcommittee and Mr. Barnett for taking this complex issue and discussing it. It is not surprising that there were and still are differences of opinions. This Commission will be discussing many of these points in open sessions in the future.

VII. OTHER MATTERS AS MAY PROPERLY COME BEFORE THE COMMISSION

Status of Charrette Process

Mr. Peck stated that the initial meeting with the consultant will be on August 10th at Eno Memorial Hall at 6 p.m. This will be a meeting to inform the public of the process. At the same time, the consultant will be in Town gathering information that will assist them during the actual Charrette process as well. The consultant will be meeting with small groups of stakeholders on August 11th.

Mr. Peck stated that he is hopeful that SCTV will be able to webcast the Charrette sessions in September. He stated that CRCOG will be providing aerial photographs of the study area prior to the Charrette. They will also be participating in the Charrette process as well.

Mr. Peck stated that the Charrette process will be starting on September 11th. He stated that there is a tremendous amount of work to be done prior and during the Charrette.

Report from Zoning Enforcement Officer, Howard Beach

Mr. Peck stated that Mr. Beach has been working on a number of issues, some

of which have been ongoing. If there are specific sites or issues of concern to the Commission, he asked that they please notify Mr. Beach.

Mr. Peck stated that work is still ongoing at the Hoffman site. Construction is being monitored to make sure it is in compliance with the approval that was granted.

Chairman Barney stated his concern regarding the hotdog vendor in front of the Valley Carwash. Mr. Peck stated that he would have Mr. Beach look into this issue.

Mr. Needham stated that there is a clear cut strip from Route 10 across the bike path to Canal Way. He stated that it looks like a road or right-of-way of some kind. Mr. Peck stated that he would look into this.

Mr. Peck stated that several months ago it was asked that this Commission consider removing the restriction of selling used cars on a property on Wolcott Road. Mr. Peck stated that this application is being withdrawn. The property owner understands that this was something that the Commission was clear about when the original permit was granted.

VIII. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 9:23 p.m. Mr. Elliott seconded the motion, which was unanimously approved.

Garrett Delehanty, Jr., Secretary