

From: Lois Laczko January 8, 2009 4:40:23 PM  
Subject: Zoning Commission Minutes 12/01/2008 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
DECEMBER 1, 2008  
REGULAR MEETING

I. CALL TO ORDER

Austin Barney, Chairman, 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: Garrett Delehanty, Jr., Bruce Elliott, James Gallagher, Scott Barnett, John Vaughn and Ed Pabich. Also in attendance were Director of Planning Hiram Peck and Commission Clerk Alison Sturgeon and other interested parties.

II. APPOINTMENT OF ALTERNATES

None were needed.

III. APPROVAL OF MINUTES of November 17, 2008

Mr. Delehanty made a motion to approve the November 17, 2008 minutes as written. Mr. Vaughn seconded the motion, which was unanimously approved.

IV. PRESENTATION BY Margery Winters, Vice Chairman, Conservation Commission / Inland Wetlands & Watercourses Agency and Sally Rieger on the status of the Farmington River / Salmon Brook Wild and Scenic Study.

Ms. Winters stated that she serves on the Conservation Commission and also serves on the Wild and Scenic Study Group for the Lower Farmington River and Salmon Brook. She stated that she is here tonight to give the Zoning Commission an update regarding this study. She distributed information to each Commission member for their review. Ms. Winters introduced Sally Rieger, Joyce Kennedy-Raymes and Eileen Fielding to the Commission.

Sally Rieger, Chairman of the Wild & Scenic Lower Farmington River and Salmon Brook stated that in 2006, the Feasibility Study Act was signed into law. She stated that much community involvement is needed to make this

study work. The Wild & Scenic Act was passed in 1968 to protect the nation's best Rivers and to keep them free flowing. The program for the Upper Farmington River has been successful since 1994.

The presentation regarding the Farmington River / Salmon Brook Wild and Scenic Study included:

- " The collaboration process (advisory only)
- " Fundamental principles
- " Rivers on the East Coast (designated as Wild and Scenic Rivers)
- " Wild and Scenic Benefits
- " Who is Conducting this Study
  - o Representatives from ten Towns
  - o DEP
  - o Stanley Works
  - o Connecticut Forest & Parks Association
  - o Farmington River Watershed Association
- " What does designation involve?
  - o Eligibility
  - o Support
  - o Planning
- " The process to get the designation
  - o Community interest
  - o Congress authorize study
  - o Study eligibility plus a management plan (public input)
  - o A management plan considered by the Town
  - o Study report to President and Congress
  - o Congress introduces designation legislation
  - o River becomes member of Wild and Scenic River System

Ms. Rieger discussed the outstanding resource values of the Farmington River, which included:

- " Geology
  - " Water quality
  - " Biodiversity - The Farmington River has fresh water muscles diversity. They harbor the endangered Dwarf Wedge muscle.
  - " Cultural Landscape
  - " Recreation - recreational pursuits in and along the River including biking/hiking, fishing, bird watching and paddling opportunities
- Chairman Barney questioned if the Pequabuck River was involved in this Study. Ms. Rieger stated that the Pequabuck is a tributary to the Farmington River. The Pequabuck River Watershed Association has just asked to sit on the Wild and Scenic Committee.

Mr. Gallagher questioned how Towns determine that they would like to be a part of this study. He questioned if it would need to go to referendum. Ms. Rieger stated that the Board of Selectmen or the Town Council would make that decision for their Town. She stated that they establish support

through public forums. Endorsements from each Board and Commission in all Towns would be helpful after they have reviewed the Management Plan.

Chairman Barney questioned if salmon restoration was involved in this study. Ms. Rieger stated that there are no salmon restoration studies that are currently in progress, although they feel that Salmon Brook has some of the best potential salmon habitat. She stated that they are not advocating for it, against it, or funding it. Ms. Fielding stated that the Wild and Scenic designation may leverage funding for getting the fish ladder at Rainbow dam upgraded so it supports better fish passage. Chairman Barney feels that this should be a focal point with regards to economic use of the River.

Regarding the Management Plan, Ms. Rieger stated that the 8 Mile River Management Plan can be seen on their website.

Chairman Barney thanked all of the volunteers who are involved in this study. He stated that their work is spectacular. He stated that the Zoning Commission would be happy to support and endorse this study.

#### V. DISCUSSION ON BYLAW DRAFT

The Commission reviewed the Draft Bylaws and made several edits, which included:

" Several edits that were discussed at the last meeting, which were not corrected.

" Article XI, Section 11 - should read 2/3 of the members present

" Article V, last line that refers to Section 8-19a of the General Statutes - regarding alternates in rotation. "...in accordance with Section 8-19(a) of the General Statues, as amended." should be stricken.

" Article XII - Section 1-21a should be changed to Section 1-226

" Article VII regarding election of officers - Mr. Elliott does not feel that an annual election is needed. He feels that the Chairman and Secretary should be at the pleasure of the Commission. Mr. Peck stated that the Town Attorney put this into the Bylaws in order to provide a mechanism, whether the same person is elected every year or not.

" Article VIII, Section 3 - "for Regular meetings" should be inserted into the first sentence after "The notice".

" Article VI, Section 6 - "The Chairman is empowered to sign all map and plan approvals..." Chairman Barney stated that the signing of mylars should be mandatory. Also the statement, "(the Director of Planning may cause the Chairman's signature to be affixed to such maps or plans by use of a rubber signature stamp.)" should be eliminated. Chairman Barney stated that the Secretary, Mr. Delehanty, when acting as temporary Chairman of the Zoning Commission, can sign the mylars.

" Article IX, Section 3 - the incomplete sentence should be deleted.

" Article XI, Section 5 regarding speakers at a public hearing - the second sentence should be deleted. Regarding public comment, the Zoning Commission is a regulatory Board; they have not had public comment in the past. Mr. Peck stated that the Town Attorney has urged that public comment not be put on the agenda.

" Article VI, Section 5 - Chairman Barney stated that this did not reflect the process correctly. Mr. Peck stated that because of the sentence stating, "With the assistance of the Planning Department..." this Section was fine as written.

" Article VIII, Section 8 - the word, "not" in the first sentence should be eliminated.

Mr. Peck stated that he will be making these corrections and getting them to the Town Attorney prior to the next meeting.

#### VI. STATUS OF CHARRETTE PROCESS

Mr. Peck stated that the Charrette Sub-Committee has decided to focus on the Town Center. They have selected a consultant. He has sent out a draft proposal to the consultant indicating the need of a workshop focusing on the Center. He stated that if the workshop is conducted, it will be in late February or early March. There is \$40,000 available for funding this workshop.

Mr. Peck stated that this workshop will be the first step in a larger process. The workshop will provide information for the second phase of this process. He stated that the Town hopes to get a detailed study and urban plan scale sketches of alternatives from this workshop and detailed next steps in the process of how to move forward. Mr. Peck stated that the workshop will be discussed with property owners and stakeholders.

In response to Mr. Gallagher's question regarding the 1998 Charrette, Mr. Peck stated that the 1998 study was very general. This workshop will be more detailed. There will also be a lot of in-house work done because only \$40,000 is available for funding.

#### VII. STATUS OF ZONING REGULATION REVISIONS FROM CONSULTANT

Mr. Peck asked that the Commission members e-mail him with any comments or questions regarding the Regulation revisions. Chairman Barney stated that the Commission members are overwhelmed by these revisions and suggested that they have a workshop to go through the revisions. There needs to be a process to review these revisions. He suggested that they break the Regulations up into sections and review one section at a time. Mr. Peck reminded Chairman Barney that there is no more funding available for the Regulation revisions.

The Zoning Commission continued to discuss the best approach to reviewing the Regulations. They decided that through a combination of regular and special meetings, they could get through them. They also decided that they would try to get through some of the revisions by coming one hour early to the regular meetings. The Commission members also agreed to start at the beginning of the Regulations and take them one section at a time. Mr. Peck encouraged the Commission members to e-mail him if there was something that needed to be researched prior to the next meeting.

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

Mr. Peck stated that he would like the Zoning Commission to establish a public hearing date for the CCRC Regulations. The Commission members received a memo from Mr. Peck regarding definitions for mixed use development, mixed use building and Continuing Care Retirement Community (CCRC). He urged that all definitions be added to the Regulations and that a public hearing be held. He stated that there are several developers discussing the possibilities of developments in Town. Timing for this is very important.

Chairman Barney stated that he is not supportive of adding the mixed use development or mixed land use or mixed use building definitions. He feels that a mixed use regulation is needed before the definitions can be added and that the Commission should wait for the Town Attorney regarding a mixed use regulation. There was general consensus among the Commission members regarding this.

Mr. Barnett made a motion to include going to public hearing in the appropriate timeframe for the Continuing Care Retirement Community (CCRC) definition on Page 1 and #4 on Page 2 of Mr. Peck's memo dated November 4, 2008, Revised November 24, 2008, Revised December 1, 2008. This would not include the italicized portion of the memo on Pages 2-3 regarding the Conceptual Master Plan. The regulatory changes for these shall be made at a public hearing. Mr. Delehanty seconded the motion, which was unanimously approved.

Mr. Peck stated that there was an article in the Journal regarding 55+ development and the difficulty they are having filling them. He stated that the article also talks about developers coming back to the Land Use Commissions hoping to allow others in these developments.

Mr. Peck distributed a copy of the Zoning Regulations to the Commission regarding governing uses which sell alcoholic beverages. He stated that this one page portion of the Regulations is very brief. He stated that a relocated permit does not need a new Special Exception, although he

questioned if the new permit at the existing location would need a new Special Exception.

Mr. Delehanty stated that he believes it would need to go through the public hearing process. Mr. Vaughn agreed; this would be an additional permit. Mr. Barnett also agreed; it is the person that is permitted, not the space. Mr. Peck suggested that they should tie the revised Regulation to the space and not the person. He stated that the State takes care of the person issue. The Commission discussed distance issues relating to this Regulation, which are not addressed in the Zoning Regulations.

IX. STAFF REPORTS

There were none.

X. ADJOURNMENT

Mr. Delehanty made a motion to adjourn the meeting at 9:13 p.m. Mr. Barnett seconded the motion and it passed unanimously.

---

Garrett Delehanty, Jr., Secretary