

From: Lois Laczko December 27, 2011 11:48:27 AM  
Subject: Zoning Commission Minutes 12/5/2011 ADOPTED  
To: SimsburyCT\_ZoningMin  
Cc:

#### ZONING COMMISSION REGULAR MEETING - MINUTES - 12/5/11

##### I. CALL TO ORDER

Ed Pabich, Secretary, called the regular meeting for the Zoning Board to order at 7:00PM on Monday, December 5, 2011 in the Main Meeting Room of the Simsbury Town Offices. The following members and alternates were present: Robert Pomeroy, David Ryan, Will Fiske, Gerald Post, Derek Peterson and Vaughn Merecki. Others in attendance included Hiram Peck, Director of Planning, Leslie Faraci, Clerk and other interested parties.

##### NOMINATIONS - COMMISSION OFFICERS

Commissioner Pabich made a motion to nominate Robert Pomeroy to be Chairman for the upcoming session. The motion was seconded by Commissioner Fiske and passed unanimously.

Commissioner Pomeroy made a motion to nominate Ed Pabich to be Secretary for the upcoming session. The motion was seconded by Commissioner Post and passed unanimously.

Commissioner Pomeroy introduced the new Commissioner members.

##### II. APPOINTMENT OF ALTERNATES

Commissioner Pomeroy appointed Commissioner Merecki as the alternate for Commissioner Salls.

##### III. APPROVAL OF MINUTES - November 21, 2011 Regular Meeting

Commissioner Pomeroy asked if there were any changes. Commissioner Pabich had a change to be made. With that change, Commissioner Pomeroy then accepted the November 21, 2011 minutes.

##### IV. PUBLIC HEARING

Commissioner Pabich read the following legal notice into record:

The Zoning Commission of the Town of Simsbury will hold a Public hearing at a Regular Meeting to be held on Monday, December 5, 2011 at 7:00PM in the Main Meeting Room at the Simsbury Town Offices, 933 Hopmeadow Street,

Simsbury, Connecticut on the following:

1. Application of Brad Mead, Owner, Mark S. Drake, Agent, for a Special Exception pursuant to Article Seven, Section C.9 of the Simsbury Zoning Regulations, for an Accessory Dwelling Unit on property located at 73 East Weatogue Street. R-40 Zone

At this hearing interested persons may appear and be heard and written communications will be received. A copy of the above is on file in the Office of the Town Clerk, 933 Hopmeadow Street, Simsbury, Connecticut for public inspection.

Mr. Peck told the Commission the applicant had been through the Historic District Commission, with this application, and received approval. He then invited Mr. Drake to address the Commission. Mark Drake, representing Brad and Diane Mead, 73 East Weatogue Street, began by showing the Commission a board illustrating the changes the Owners would like to make. He said the existing structure, which they would like to replace, has been in existence for 40 years and is in disrepair, needing replacement. Mr. Drake said they would like to replace the structure in the exact location of the existing structure, just expanding the current footprint by approximately five (5) feet. Mr. Drake expanded further on the plans. Commissioner Pomeroy asked Mr. Drake about the addition size and its ratio with regards to the total dwelling size. Commissioner Pomeroy then asked Mr. Peck if the staff had reviewed these plans in order to determine that it does, in fact, meet current regulations. Mr. Peck confirmed that yes, they had reviewed it and yes, it does comply.

Mr. Drake was asked if there was plumbing in the current structure and he confirmed that yes, there is plumbing in place. The Commissioner members asked Mr. Drake some additional questions specific to the plans presented and septic capacity. Mr. Drake did say that this dwelling would be minimally used around holidays and for sporadic visits by family and friends and if it were used 30 days in a year, that would be a lot. Mr. Drake was asked if the Owners plan to rent this out, and he replied, no, they have no intention to do so.

Commissioner Pomeroy asked if there were any members in the audience to speak on behalf of, or in objection to, the applicant. Ms. Ann August, 71 East Weatogue Street, said as the abutting neighbor, she has no objection to the proposed plans.

Commissioner Ryan asked for clarification on the ability to rent out this dwelling and Commissioner Pabich said that they could rent it if they should want to do so.

Commissioner Merecki asked if it were rented out and occupied full-time, how would that impact the septic system. Mr. Drake said the the Health Department had made their calculations and conclusions based on this being a fully occupied, four-bedroom residence, so it wouldn't be a problem. The difference between Special Exception and Variance were then discussed.

Commissioner Merecki disclosed to the Commission that he is part of Roskear Farm Association, Owner of an abutting property, but that he was not conflicted in the case in any way, therefore, Commissioner Pomeroy said, Commissioner Merecki was able to participate in the vote.

Commissioner Pomeroy then closed the public hearing.

Commissioner Pabich made a motion to amend the Agenda in order to vote immediately on the application of Brad Mead. The motion was seconded by Commissioner Merecki and passed unanimously.

Commissioner Ryan made a motion to approve the application of Brad Mead, Owner, Mark S. Drake, Agent, for a Special Exception pursuant to Article Seven, Section C.9 of the Simsbury Zoning Regulations, for an Accessory Dwelling Unit on property located at 73 East Weatogue Street. (R-40 Zone) The motion was seconded by Commissioner Fiske and passed unanimously.

#### V. PUBLIC HEARING(s) (continued from meeting held on 11/21/11)

Commissioner Pomeroy announced that they would hear public comment on the proposed amendments to the Town of Simsbury Zoning Regulations under:

- Article Two, Establishment of Districts and Provision for Official Zoning Map and
- Article Four, Definitions, and
- Article Five, General Provisions, and
- Article Six, Prohibited Uses, and
- Article Seven, Permitted Uses, and
- Article Eight, Height and Area Requirements

Mr. Peck said that Town Attorney Robert DeCrescenzo had sent his memo regarding the proposed changes. He then recommended, due to the fact that this was the new Commissioners' first meeting, that the new members should fully familiarize themselves with the minutes from the first public hearing, containing all of the feedback from the public as well as the memo from the Town Attorney. After that is done, it would be legitimate for them to vote, perhaps at the next meeting. Commissioner Pomeroy agreed that would be the best course of action. Mr. Peck reminded the public that there will not be additional or substantial changes made moving forward without the public being able to comment on.

Commissioner Pomeroy asked if there was anyone in the public audience that would like to provide their input. Mr. Dave Vonesh, 21 Arrowhead Drive, addressed the Commission with regards to the change of decreasing the setback, for sheds under 200', to no less than 12' of property line, saying that he supports it and thinks it will be helpful to quite a few homeowners in Simsbury.

Commissioner Ryan brought up the fact that he thinks the changes should be more clearly displayed, either on the website or somewhere else, for the public to view and review in order to make sure everyone is aware of the changes.

Ashley Lane, 135 Old Farms Road, addressed the Commission saying he read Attorney DeCrescenzo's comments and expressed concern that he did not make substantial comments on, or recommend anything on, a lot of the language. He asked the Commission to request that Attorney DeCrescenzo provide more in-depth feedback on the changes, due to the current overly broad language that should be more specific.

Commissioner Pomeroy closed the public hearing.

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

### a. Update on Town Center Design Guidelines

Mr. Peck began by saying that up to now, the guidelines have not always been completely clear, creating confusion, so the next step is to finish the Design Guidelines, bringing clarity to that issue. Mr. Peck said his goal is to create a seamless, easy process for someone coming in to Town Center as a developer. He introduced Nore Winter, (Winter & Company - Boulder, CO) who addressed the Commission saying that he realizes the community put a lot into developing Design Codes, which establish a starting point for this process. Mr. Winter said the Guidelines will pick up where the Code leaves off, ultimately refining the originally established vision. Mr. Winter said he is looking forward to the workshops with owners and members of the community to find out what they envision for the character, look and feel of the Town Center. Mr. Winter said the process will take approximately six (6) to seven (7) months with a variety of check-in points along the way. They will have revisions to the Design Review Board and work towards a final draft. The schedule for the workshops was discussed. Commissioner Pabich asked about the specificity to which the guidelines might address and Mr. Winter said that is the purpose of this trip and he will be able to answer that after receiving feedback from the community.

Sue Bednarczyk, East Weatogue Street, addressed the Commission saying that she did not think the majority of the public was aware of these workshops and meetings regarding this issue.

b. Current/Future Developments

Mr. Peck told the Commission that the official ground-breaking ceremony had occurred with regards to Dorset Crossing. He also said the development on West Street was beginning to move forward.

Commissioner Pomeroy discussed some administrative items with regards to the new Commission members. The possibility of scheduling an introductory workshop,, for the new Commissioners, was discussed by Commissioner Pomeroy and Mr. Peck.

Commissioner Ryan asked if they can organize the Zoning Regulation revisions, separating the policy changes from the grammar changes, so the public could clearly see the policy changes. It was discussed amongst the Commissioner members.

VII. ADJOURNMENT

Commissioner Pabich moved to adjourn the Regular Meeting of the Zoning Commission at 8:05PM. The motion was seconded by Commissioner Ryan and passed unanimously.

Respectfully submitted,

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Edward J. Pabich, Secretary