

From: Lois Laczko February 5, 2010 11:45:55 AM  
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To: SimsburyCT\_ZoningMin  
Cc:

ADOPTED

ZONING COMMISSION MINUTES  
JANUARY 4, 2010  
SPECIAL WORKSHOP

I. CALL TO ORDER

Chairman Gallagher called the Special Workshop of the Zoning Commission to order at 6:38 p.m. in the Main Meeting Room at the Simsbury Town Offices. The following members were present: Ed Pabich, Bruce Elliott, Dave Ryan, Amy Salls, and Robert Pomeroy, Jr. Also in attendance were Director of Planning Hiram Peck, Town Attorney Robert DeCrescenzo, Commission Clerk Alison Sturgeon and other interested parties.

II. STATUS AND DISCUSSION OF REGULATION AMENDMENTS AND REVISIONS

Mr. Peck distributed a memo regarding the summary of the PAD process, which he had written in July 2009. He stated that the PAD Regulation task was to create a mixed use regulation that the Town could enact. Many different types of regulations were researched, including Planned Unit Development; Planned Area Development; Planned Development District; Special Development District; and Special Design District.

Mr. Peck stated that the purpose of this regulation is to allow or encourage the development of a particular character or type. The topic of details in the regulation has been an issue throughout the discussions. Some people feel that there are too many details; some feel there are too little details. The goal needs to be a good balance. Mr. Peck stated that the public needs to be involved in this process; the minority opinions also need to be heard.

Mr. Peck stated that some techniques that could be created through this regulation are: new base zones; floating zones; overlay zones; and as-of-right zones.

Regarding the typical PAD process, Mr. Peck stated that there would first be a pre-application process. Town staff would meet with the applicant

even prior to this meeting. The applicant would then submit a concept plan. A preliminary development plan may be submitted, if approved, although a conceptual plan may only be necessary. This will help the Commission understand what the applicant has in mind; it also saves the applicant preparation time and money. Lastly, the final detail development plan would be submitted.

Mr. Peck discussed the draft PAD Regulation outline. He stated that this regulation will not affect any residential zones nor would it probably apply to the Town Center Zone. Mr. Peck highlighted Sections 1-10 of the PAD Regulation Outline for the Commission members.

Attorney DeCrescenzo stated that the PAD Regulation is a floating zone that can land in eligible zones. He stated that when an applicant submits a preliminary plan, they will be looking to the Commission for input. The Commission can use "stoplight indicators". A red flag might mean that the Commission does not feel that the applicant should go forward; a green light would mean that the Commission feels the project is great; and a yellow light would mean that the Commission would like to have a full discussion regarding the project. It would then be the applicant's decision whether or not to move forward. Attorney DeCrescenzo stated that if the applicant decides to move forward, they would then go to the final development plan phase, which is a zone change. If the PAD is approved, it would then become the zoning designation for that parcel or parcels. He stated that all site plans that go through the PAD Regulation have to conform to the final development plan.

Attorney DeCrescenzo stated that the PAD Subcommittee spent a great deal of time on the Standards Section of the regulation because some members wanted prescriptive standards and some wanted non-prescriptive standards. He stated that there are good arguments for both.

Attorney DeCrescenzo stated that the Zoning Commission will have to go through all of the sections of the PAD Regulation to make sure that they are comfortable with everything. He stated that the Standards and Waiver Sections make this regulation work.

Mr. Peck stated that site coverage and building coverage were greatly discussed among the PAD Subcommittee. He stated that there were several speakers that came to talk to the Subcommittee members. Glastonbury's Planning Director talked about the Regulation and what he thought about it. Attorney Sitkowski also came in and talked about the differences between this regulation and form based codes.

Attorney DeCrescenzo stated that the problem with writing this Regulation is the issue of unintended consequences. He stated that they have tried to minimize this within this regulation as defining it as a zone change.

Chairman Gallagher questioned how the upcoming workshops should be broken down. Attorney DeCrescenzo stated that several workshops should be scheduled; Sections 1-3 of the draft PAD Regulation could be discussed at the first workshop; Sections 5-8 at the second workshop; Sections 9-10 at a third workshop; and Section 4 may need its own workshop. Mr. Peck suggested that the Commission go through the draft regulation from the beginning at the first workshop; many of the sections are very straight forward.

Mr. Pabich questioned if there were minutes from the PAD Subcommittee meetings. Mr. Peck stated that meeting minutes are available as well as the recording of those meetings. He stated that he would e-mail the key issues/debates and decisions from those meetings to the Commission members.

Mr. Elliott stated that there would be great value in the Zoning Commission hearing from Code Studio regarding form based zoning regulation. He feels this background information is needed when looking at the standards of the PAD; the Commission members will then be able to make an educated decision as to which they feel will be the most appropriate for the long term, best interest of Simsbury. He stated that the minority report is different from this; the minority report is more associated with the process. Mr. Elliott stated that there was a sufficient amount of time for the Subcommittee members to look at form base code and other alternatives, although the Town did not want to do this. He feels that this is why the Zoning Commission members do not have any alternatives to look at.

Mr. Pabich stated that the Board of Selectmen funded to have Attorney Sitkowski come and discuss the differences between the PAD Regulation and form based code. He stated that he would like to hear that debate before it is recreated by this Commission. Mr. Elliott stated that Attorney Sitkowski made a presentation to the PAD Subcommittee for one hour. He declined to respond to specific questions, even though the members had many questions. As a result, he also declined to answer the questions that the members submitted prior to his presentation. He stated that these details are not in the summary that Mr. Peck provided to the Commission. Mr. Elliott stated that the Subcommittee members also believed that Attorney Sitkowski would return for further expert input on how the Subcommittee might bridge the difference between a form based PAD and a use based PAD.

Mr. Peck stated that he disagreed with Mr. Elliott; Attorney Sitkowski did give the Subcommittee members answers to their questions, although he did not want to defend one particular approach over another.

Mr. Pabich stated that this Commission should make a decision regarding how to move this process forward.

Ms. Salls questioned if the workshops would be open to the public. Attorney DeCrescenzo stated that they are open to the public, although workshops are to inform the Commission. The public can speak at the public hearings on this issue when they are held.

Chairman Gallagher stated that the next regularly scheduled meeting is February 1st. He feels that it is good to have time between meetings in order for Town staff to prepare the necessary information.

Mr. Ryan stated that he thought this workshop was to update the Commission on all of the issues that need to come to a close. He also feels that there are many steps in the PAD process, which may deter applicants. Mr. Peck stated that the PAD Regulation allows the process to move forward. If the project is initially accepted, it will move forward in a timely manner.

The Commission members agreed to have a workshop on February 1st.

Attorney Donohue, who was part of the public audience, stated that he feels it is very important to get the public involved. He asked that the Commission schedule the public hearing regarding the draft PAD Regulation. He stated that it is time to put the PAD Regulation on the table and stop wasting time.

### III. ADJOURNMENT

Mr. Elliott made a motion to adjourn the workshop at 7:38 p.m. Mr. Pabich seconded the motion, which was unanimously approved.

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Ed Pabich, Secretary