

From: Lois Laczko April 20, 2009 12:19:38 PM  
Subject: Economic Development Commission Minutes 03/10/2009 ADOPTED  
To: SimsburyCT\_EconMin  
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ADOPTED

ECONOMIC DEVELOPMENT COMMISSION  
March 10, 2009  
SPECIAL MEETING

I. CALL TO ORDER

The meeting was called to order at 8:04 a.m. in the First Floor Meeting Room at the Simsbury Free Library. Chairman Thomas Frank and Commissioners Alan Levesque, Lou George and Derek Peterson were in attendance, as well as other interested parties.

Jim Flynn, President of the Simsbury Free Library welcomed everyone to the meeting. He stated that the Simsbury Free Library is a private foundation. Amos Richards Eno donated this building to Simsbury and this building was the Town's library from 1890 to the mid 1980's. Mr. Flynn stated that there is a lack of recognition of this building and he feels that it is an underutilized asset to the Town of Simsbury. He asked that people help by raising consciousness in the community.

II. Presentation of Draft Planned Area Development Regulation by Robert DeCrescenzo, Town Attorney and Hiram Peck, Director of Planning.

Mr. Peck stated that this is the first of several meetings to get awareness out regarding this regulation. He stated that the initial task is to create a mixed use zoning regulation. A previous effort of this was the Planned Development District (PDD). There are many types of this regulation to generate mixed uses to allow Commissions to look at them in a variety of different ways and to create mixed uses in compatible settings. He stated that the intended purpose of this regulation is not to prohibit development. It is to encourage development of specific character or type; to have a clear process that balances public and private individuals; and to have a process that is efficient and cost effective.

Mr. Peck stated that one regulation may not be able to satisfy all situations and may not be able to address issues that differ from area to

area. This regulation may need a template that is adaptable. He stated that too much or too little may prevent adoption of this regulation.

Mr. Peck stated that a goal of this regulation is to balance public and private interest. He stated that this process needs to be made clear. There are many interests that will be taken into account and opinions of everyone need to be heard.

This regulation will provide for a variety of zones or locations; a reasonable review process; a public hearing process; a decision on conceptual design; and final application to include all final details as required by the regulation that gets adopted. Regarding techniques, Mr. Peck stated that there will be new base zones, floating zones, overlay zones, and as of right zones.

Mr. Peck stated that this regulation format includes purpose clauses; some definitions; type(s) of PUD/PAD authorized; Zoning procedures followed; basic standard approvals; and a pre-application process. He stated that the typical PAD process includes a pre-application conference, which can allow the Commissions meeting together. The developer would submit a concept or sketch prior to the final plan if that is what they decide to do based on the feedback from the Commissions.

Attorney DeCrescenzo stated that this type of regulation is not new in the State of Connecticut. There are approximately 130 Municipalities in the State that have a version of this PAD already in place. He stated that this is a reaction to dissatisfaction with traditional zoning methodology. This is an alternative set of zoning tools to produce land use results that are more in keeping with the character of a Town. Separation of uses has resulted in a car dependent culture. This PAD regulation requires a mix of uses. It has to allow, within certain constraints, the ability within a geographic area or piece of land, for there to be residential and commercial on the same tract of land. He stated that parking is also an issue. They do not want to pave over land and create drainage structures that channels water from an impervious surface into a watercourse. He stated that it is generally true, that minimizing parking and creating parking fields is a better design than having a parking regulation, which is designed for only a few days a year.

Attorney DeCrescenzo stated that Mr. Peck and he have come up with a preliminary draft of this regulation for discussion. He stated that this is hopefully something that the Zoning Commission can adopt when it is finished. He stated that today's presentation and discussion is regarding the concepts of the regulation.

Regarding Section One, Purpose, Attorney DeCrescenzo stated that this is

regarding the master planning process for a tract of land that relates buildings to the surroundings. This is intended to develop a Master Plan that shows all of the land and how it will be developed, possibly in phases, over time. He stated that all of the Land Use Commissions will have input in this process.

Regarding Section Two, Definitions, Attorney DeCrescenzo stated that, regarding underlying zones, the PAD application is only eligible for certain zones. Regarding land use, if something is prohibited in another zone, it will be prohibited in the PAD. He stated that any definition of land use has to allow for a mixture of uses on the land and a mixture of uses within individual buildings. If both are not allowed, the purpose will not be accomplished. Attorney DeCrescenzo stated that more definitions may need to be added to this regulation, although he is not in favor of adding definitions that are not needed; only key definitions are needed.

Regarding Section Three, Eligible Zones and Minimum Tract Size, Attorney DeCrescenzo stated that the eligible zones are the Center Zone, Industrial Zones, Business Zones and the Professional Office Zone. He stated that zones may need to be added or deleted to this section.

Regarding Section Four, Standards, Attorney DeCrescenzo stated that waiver is the key incentive for developers to use the PAD. He stated that a waiver is the mechanism of how the PAD gets implemented. He stated that the PAD has many standards because there are no objective standards for which the Zoning Commission must apply; all applications are evaluated in the same manner. There needs to be objective standards by which the Zoning Commission will make judgments as to whether or not a PAD makes sense. These standards tell the applicant what the Zoning Commission will look at while evaluating an application for PAD.

Regarding the evaluation standard, Charity Folk, Simsbury Chamber Of Commerce, stated that she feels that there is so much detail that it is overpowering and cumbersome. She feels that this may be a stumbling block and feels that it may be more negative than positive. Attorney DeCrescenzo stated that this is putting the developer on notice as to what is important to the Town. Although there is a lot of information in this paragraph, he does not feel that this is out of the ordinary for a PAD type regulation.

Nick Mason, Board of Finance, stated the Zoning Commission may take all of these words and, because of judgment, come up with a completely different decision from the Zoning Commission five years from now. Attorney DeCrescenzo stated that this PAD regulation is not intended to be a substitute for good judgment on the part of the Land Use Commission members.

Regarding lighting, Attorney DeCrescenzo stated that they are trying to reduce spill of lighting over the site borders. Also, he stated that this is an increasing concern along with storm water quality. Regarding building intensity, this is a core concern of a PAD regulation. Zoning is set up to reduce density. In this regulation, they are trying to relax this.

There was a question from the audience regarding how the blanks in the draft document would be filled in. Attorney DeCrescenzo stated that this meeting and tonight's meeting is a part of that process. He stated that these are policy judgments that need to be made by the Land Use Commissions and, ultimately, by the Zoning Commission.

Regarding open space, Charity Folk questioned if the normal procedure for developers was perpetual maintenance of open space. Attorney DeCrescenzo stated that the developer could convey an easement to the Town. He stated that this regulation will provide flexibility regarding open space.

A member from the audience stated that there are two difference types of open space: common space and open space. He feels that these two definitions need to be separated. Open space is given to the Town. He does not think that the developer should be burdened. Mr. Peck stated there are 7-8 types of open space. He stated that this regulation is trying to get the Commissions to interact with each other. Open space will be under the purview of the Conservation Commission, the Wetlands Commission, etc. The specifics of how this is organized will come into play when those Commissions review the application. He stated that separating maintenance from non-maintenance is a very open door. Attorney DeCrescenzo stated that in keeping with the flexibility of this regulation, the open space requirement has this flexibility.

There was a short discussion regarding open space and certain trade-offs that could take place. Attorney Donahue stated that this could be a transfer of public benefits, which may be a better way of handling open space.

Regarding Section Five, Procedure and Application, Attorney DeCrescenzo stated that the review process will consists of the preliminary development plan review, the final development plan approval in the form of a text amendment and zone map change and site plan approval. Regarding the preliminary development plan, the applicant will show these plans at a joint meeting with all of the Land Use Boards and Commission during which time the Commission members can comment on the plans. Before the developer comes in with any submittals, they will get non-binding input from the Commissions. At the end of this review process, there will be a consensus

by the Zoning Commission and Planning Commission as to whether or not the applicant is encouraged to take this project further. The developer can then decide to go to that next step or not. There will not be any formal action taken at this point. Once the applicant comes in for a text amendment and zone map change, this is when a legislative act of the Zoning Commission will occur. If the applicant decides to go forward with the final development plan, the applicant has as many as 24 required submittals. These submittals are required to the Zoning Commission prior to any decisions.

Charity Folk questioned if the PAD would be in the Center Zone or if the Center Zone would become a PAD. Mr. Peck stated that both were correct; there is tremendous flexibility. A PAD can also be formed with several properties. Attorney DeCrescenzo stated that this is also not limited to only one property owner. There are minimum acres in order to apply for a PAD, although those requirements are still needed in this draft. Mr. Correia stated that the Center Zone would need virtually zero because there are smaller lots that can be developed in the Center.

Mr. George questioned if the Center Zone would be as it exists now or would it change over time. Attorney DeCrescenzo stated that he would recommend making the Simsbury Center zone the underlying zone. Any changes that are deemed to be important to Simsbury Center would be done as an addition to the PAD. There would be a section created that applies only to the Simsbury Center Zone. Mr. Peck stated that this is an ongoing discussion. The conventional zoning boundaries may be altered before or during the PAD. Mr. George stated his concern regarding not wanting the Center Zone to become stagnant while the PAD moved through this process.

Charity Folk questioned what the timeline for this regulation was. Mr. Peck stated that he would like to get comments back within one week from any Board or Commission member. He would like to have the next revision to this draft done in March, one that the Zoning Commission might agree to go forward with. He would like to get a vote by the Zoning Commission regarding this regulation by the end of June. Attorney DeCrescenzo encouraged everyone to read this draft regulation over again and ask any questions they may have. He stated that he would also be happy to meet this way again to review the regulation. He stated that the only way this will work by the time it gets to the Zoning Commission for their vote is if everyone is familiar with this document and that all input has been given.

The meeting adjourned at 9:20 a.m.

