

PLANNING & ZONING COMMISSION
June 23, 2014 Special Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Vincent Zimnoch, Alan Gannuscio, Jim Szepanski, and Curtis Ruckey

Commission Members Absent: Alexa Brengi

Town Staff Present: Jennifer Rodriguez (Town Planner), Dana Steele (Town Engineer), and Patrick McMahon (ECDC Consultant)

I. Call to Order

Chairman Zimnoch called the special meeting to order at 7:07 pm.

II. Roll Call

Commission roll call was taken.

III. Workshop with Guest Speaker Sarah Lewis on Form Based Code

Sarah Lewis, from Fuss & O'Neill, stated that when the Transit Oriented Development (TOD) study was done, they looked at the different elements of Form Based Code (FBC) but did not get into the tough decisions regarding process, administration, and approvals. Tonight she would like to go through some of what they looked at as part of the elements that were written into the study and then talk about what the commission's reactions are to those things, how to move it forward, and whether the commission is comfortable moving it forward.

She then gave a Power Point presentation for the commission. A discussion took place regarding the extent of the FBC, the type of code, and the code adoption process.

Mr. Ruckey asked how long it would take to put together these regulations. Ms. Lewis responded between 9 and 12 months. Ms. Rodriguez stated a lot of what is suggested here is already in the MSOZ, but it is about the process, and a lot of these details have been hashed out already. Mr. Ruckey said he is concerned with the number of residential folks who will be impacted by this decision and if the commission has approached these people for their opinion on this. Ms. Rodriguez responded that as part of the TOD study, notices of the workshops and hearings were sent to every single resident to let them know there were going to be recommendations made. Mr. Steele commented that the overlay zones are already in place, and this would just be a change in the administrative process.

A brief discussion took place regarding the option of the overlay being additional or incentivized.

A discussion took place regarding the approval process. Ms. Lewis commented that a checklist is important because the more you can document, the easier the transition will be. She also commented that when a site plan approval goes through staff review, the approval time could be cut in half for the applicant/developer, which would be an incentive. Mr. Steele suggested another way to speed up the process—taking a look at some of the special uses in the overlay zone and making them site plan reviews instead of special permit reviews.

Mr. McMahon asked Ms. Lewis to explain how this FBC would work with a project that could happen on Main Street.

Chairman Zimnoch is concerned that a lot of details have to be captured and the initial set of regulations have to be 99.9% right. Ms. Lewis stated that the applicant should not dictate the process, that the commission should decide what the rules are. Mr. Gannuscio believes this review process offers speed and accuracy and it offers the certainty of what you can have and how it's going to be interpreted. Ms. Lewis said it is an encouragement and sweetens the deal. Chairman Zimnoch commented that having a complete checklist would take out the unknown factor.

Mr. Steele asked Mr. McMahon what he thinks of FBC. He responded that anytime you can advocate the speed of the approval process is good, but you also have to consider the other side of it—the protection side. He is not certain why the FBC would take nine months to put into place, because there is already a framework in the TOD study, so between the Main Street Overlay Zone and the FBC, they should be able to package something in a shorter time frame. The commission has to decide if Ms. Rodriguez and Mr. Steele have the capacity, not the capability, to take these applications and spend enough time to go through the checklist, and if the commission is comfortable with them making this administrative decision. If the commission wants to keep more control and oversight and review, then they should stick to the MSOZ and make the tweaks when necessary. Another approach would be to look at the MSOZ and see how it plays out for another year or two before taking the leap to the FBC. He suggested visiting with other towns (for example, Hamden and Simsbury) who have FBC and ask them how this has worked in reality. He added that FBC could be a potential advantage as a marketing tool. Ms. Rodriguez said the Town Planner in Simsbury has offered to come speak with the commission.

Mr. Gannuscio commented that we are about a year into this with the overlay, and wondered if it needs to have another year. Ms. Lewis suggested an interim idea--the idea that there might be some tweaks to the MSOZ to shorten the process, so it's like a pilot program, to see what happens there and where the pushback is.

Mr. McMahon asked what effort there would be to develop a FBC, to bring it from what was shown in the TOD study to something that the commission could review and react to. Ms. Lewis responded, if the first step is staying with the process that is in the MSOZ, which she is not recommending, it would be more of a consolidation in writing, so it might be three or four months to get a draft together. The part that takes the longest is if

there is going to be a new administrative process, because there are more people involved in negotiating a new set of rules. Mr. Gannuscio commented that changes to the POCD and a FBC would go hand in hand. Ms. Lewis agreed. She said the POCD should be the envisioning document, so then the regulations have to be completely tied, and a simultaneous effort makes perfect sense.

Mr. Gannuscio suggested having this as an agenda item but not before September. Ms. Lewis said before this even goes in front of the public there are some decisions the commission can make. Mr. Gannuscio asked if this takes the ZBA out of the equation. Ms. Lewis responded that there will always have to be an appeal process, and she liked Mr. Steele's term about the idea of administrative appeal, so the first level is to the commission, and then it goes to ZBA, because you will always need those layers of review and hierarchy. Ms. Rodriguez commented that that would happen anyway, because by statute, any staff or commission action can be appealed. Mr. Gannuscio mentioned that there is also the question of whether this involves any charter issues.

Mr. Ruckey asked, "So if we have this public hearing, what exactly do we bring before them, because we don't have anything put together except some rough idea of what Form Based Code could look like, and when would we actually have that discussion?" Chairman Zimnoch said the commission would probably have to put it on the agenda for discussion. Mr. Szepanski asked if the commission is looking for public approval to move forward with Form Based Code. In other words, do we want them to buy in and approve what we're doing, or do we want to do what we're doing and then tell them what we're doing? Who is going to determine what downtown is going to look like 15 or 25 years from now, and do we want public input on that? Chairman Zimnoch said we already have it in the regulations, as is, so the next question is for the commission to think about this and decide whether they want it and how they can go forward—baby steps, no steps, all or nothing. Mr. Szepanski said, "So down the road, are we looking for their approval or are we just looking to bring them on board?" Ms. Lewis said this is why she posed the question, because this discussion is critical. Mr. Gannuscio said we did this (discussions) when we had the TOD meetings, and those were not very well attended.

Mr. McMahon gave an update on the train station and the Montgomery Mill. He suggested that Dr. Sachdev, the owner of Montgomery Mill, come talk to the commission about his plans for the building.

Ms. Lewis said as the commission gets more questions, she will be in touch with Ms. Rodriguez. Chairman Zimnoch thanked Ms. Lewis for coming and said the commission would put this on the agenda for discussion. Ms. Rodriguez said she would try to arrange something with Hamden or Simsbury. Ms. Lewis offered to do the public education process, if it makes sense to do that at some point.

IV. **Adjournment**

It was **MOVED** (Ruckey) and **SECONDED** (Gannuscio) and **PASSED** (Unanimous, 4-0) that the Planning and Zoning Commission adjourn the June 23, 2014 special meeting at 8:57 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*