

**TOWN OF SOMERS
SOMERSVILLE MILL STRATEGIC PLANNING AD HOC COMMITTEE
MEETING MINUTES
Monday, November 7, 2016
6:00pm
Selectmen's Conference Room
Town Hall**

Call to Order:

Chairman Brad Pellissier called the meeting to order at 6:00pm.

Members Present:

Members present included Chairman Brad Pellissier and Committee Members Joe Iadarola, Tim Keeney, Erik Ness and Ralph Williams. Members Evan Plotkin and Tim Potrikus were absent. Also present were First Selectman Lisa Pellegrini (recording) and special guest Glenn Chalder – Planimetrics.

Discussion regarding the Planned Development District:

Chairman Pellissier welcomed everyone and introduces Glenn Chalder from Planimetrics and asks him to share with the Committee his experience. Mr. Chalder states his experience as a previous town planner for Avon, a private real-estate appraiser and a land use consultant for 26 years. He has worked with the Town of Somers for approximately 14 years on a variety of planning and zoning matters, including the Town's Plan of Conservation and Development and the Somersville Mill Informational presentation. He says he was contracted by the Town to work on developing a Planned Development District (PDD) regulation with the Zoning Commission. He begins to go over the draft PDD, explaining that a PDD is a powerful tool for the development of the mill. He states it is a tool that should be used carefully and correctly and limited to certain areas in town. He states the attributes of a PDD can be best described as follows:

1. The PDD approach is configured so that a developer may propose a development program which the Zoning Commission will then review for compatibility with the location and the community. This is different than a typical zoning approach where the Zoning Commission establishes the rules up front. The PDD approach is intended to help address challenging land use situations where pre-adopted regulations may inhibit appropriate development rather than encourage it.
2. The PDD approach involves a review of a conceptual plan through a zone change process. When deciding whether to approve a zone change or not, the Zoning Commission is considered to be acting in a "legislative" capacity and has considerable discretion whether to approve something or not. This can have many advantages over a typical site plan or special permit process where the Zoning Commission is considered to be acting in an "administrative" capacity.

3. If the conceptual plan is approved, it will establish that specific plan as the permitted use(s) at that location in accordance with the conceptual plan. A change in the uses or the conceptual plan requires modification of the approval. This can be different than a typical zone change or approval process where the zone may allow a variety of uses or development layouts (some of which may not be considered appropriate in that specific location) which may not be specified when the zone change was approved.
4. The PDD approach can offer some other significant benefits as well. A typical zoning approach might involve an applicant requesting a text change and/or a zone change before applying for approval of a special permit and/or site plan. This multi-step process can also be a multi-year process. The PDD approach can allow this to happen as a one-step process and this can help encourage development.
5. Preliminary discussions are strongly encouraged so that the Zoning Commission and developers can explore alternative concepts before significant funds are invested. Eligible locations must be identified in the Plan of Conservation and Development.

The draft PDD (see attached) will be discussed on Monday, November 21st at the 7pm Zoning Public Meeting. Mr. Chalder goes over the draft PDD section by section and Committee Members begin to ask questions.

Mr. Keeney asks if the PDD enables a quick approval. Mr. Chalder states that with a PDD a change in zone can be done in one application.

Mr. Iadarola asks why the approach is not geared towards an overlay district. Mr. Chalder states the approved plan becomes a new zone. The first question a developer has about a potential property is “what can I do with it/what are the regulations”. He states current overlay zones in the Somersville area are not working out well. They are restrictive in nature and development hasn’t happened.

Chairman Pellissier comments if we knew the best use we would have already created specific zoning for it.

Mr. Chalder says the PDD enables the town to keep the door open for creative, appropriate development and encourages developers to look at the property.

Mr. Ness asks what the procedural standpoint is if a developer is interested in purchasing the property. Mr. Chalder states there are steps in place to release the property and after stating that a check in with the Town Attorney is always recommended, says an interested developer may take an exclusive position on the property for 60-90 days. The Town can enter into an exploratory agreement with a developer. At the end of 90 days the Town can offer 6-9 months for process approval before the developer closes on the property.

Mr. Ness and Mr. Iadarola lead discussion as to how the PDD may mitigate risk to a developer. Mr. Chalder states that to a developer a PDD shows the willingness for the Town to listen and be open and receptive to ideas. If a developer wants to invest in the community, a PDD shows them the path.

Mr. Chalder states that a PDD ensures town control as if the master plan calls for a specific business (say a pharmacy) then the plan can't change to an auto parts store. In normal zone change regulations conditions can change. In the PDD regulation that doesn't happen. It eliminates surprises.

Discussion continues with mention of West Hartford being the leader in this type of plan. They call it a Special Development District.

Mr. Chalder states the PDD allows the creation of a self-contained village. He believes Somersville has good bones for it and gives, as an example, the impact 100 residential units would have in the area. Creation of those units would result in economic reinvigoration of a walkable community with businesses opening up nearby to support the needs of the residents. He believes the PDD allows for baby steps in the right direction.

Mr. Iadarola says having a master plan is significant and has the desired detail for the town to make informed decisions. Mr. Pellissier says you are able to tell if the development proposal is a good thing for the community. He believes in letting the marketplace do their work and thinks this (the PDD) is a beneficial tool for them to use.

Mr. Williams is concerned about public input and asks about public deliberation. Mr. Chalder states the public does have an opportunity to comment and references section 214-145 of the PDD with mention of the accordance to Section 214-114 of the Regulations.

Further discussion ensues with the group believing the PDD is an opportunity for the Town. Mr. Chalder states the PDD is a powerful tool and as with any tool there is potential for abuse, however he believes it to be the best tool for the mill site as it sets up a framework for dialogue.

The Members discuss the highest value and best uses of the property.

Mr. Iadarola asks if the Committee should make a recommendation to the Zoning Commission in support of the PDD. Members discuss this option. Mr. Chalder believes the creation of a PDD to be a positive direction for the Town. It can accomplish things that the Town would want to encourage by creating the ability to do so. Mr. Ness states that the Town has been looking at the mill for a long time and believes the PDD to be an ideal tool.

The members thank Mr. Chalder for his time. Mr. Chalder leaves the meeting at 7:15pm.

Discussion Regarding Site:

Members continue discussing both the relevance and importance of a PDD to the success of development at the Somersville Mill site and how that information should be communicated to the Zoning Commission at the Public Hearing. Discussion centers on the need for a formal statement to the Zoning Commission. Members agree the PDD is a good idea, with Chairman Pellissier commenting that the mill has sat there for the last 50 years, eventually burning down due to the failure of the existing regulations to spur economic growth.

Future Meeting:

Chairman Pellissier recommends cancelling the November 21st 6pm Ad Hoc Committee meeting and encourages all to participate in the Zoning Public Hearing at 7pm on the same date.

Mr. Iadarola makes a motion to cancel the meeting on November 21, 2016, seconded by Mr. Williams. The motion passed with all present members voting "yes".

The next meeting dates will be on December 5th and December 19th. Meeting dates for 2017 will be set at the December 19th Meeting.

Approval of Minutes:

Approval of the Minutes from the October 24, 2016 Meeting-Tabled for future meeting.

Adjournment:

Mr. Iadarola makes a motion to adjourn the meeting, seconded by Mr. Williams and with all in agreement the meeting is adjourned at 7:35pm.

Respectfully Submitted,

Lisa Pellegrini, Recording

Minutes are not official until accepted at a subsequent meeting.

Somers – Zoning Regulations

Planned Development District

ARTICLE XXV – PLANNED DEVELOPMENT DISTRICT

214-142 Purpose

This section of the Regulations is intended to permit modification of the strict application of the standards and provisions of these Regulations to accomplish the purposes set forth below:

- A. Enable the development or redevelopment of specific areas in accordance with an overall Master Plan for such area and in accordance with the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
- B. Be flexible in order to allow for innovative design techniques, accommodate unique uses and/or encourage creative approaches to development or redevelopment.
- C. Promote economic development in appropriate locations which will help meet community needs and be compatible with the community.
- D. Result in a development that demonstrates a high regard for design and that is compatible with the historic, cultural and geographic qualities of Somers.

214-143 Eligible Areas

In order to establish a Planned Development District (PDD), public water and public sewers shall be provided to the proposed development and at least one of the following conditions shall be met:

- A. The location of the proposed PDD shall be identified as a potential location for a PDD in the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
- B. The location of the proposed PDD shall consist of an assemblage of contiguous or abutting properties with at least one of the properties identified as a potential location for a PDD in the Plan of Conservation and Development adopted in accordance with CGS Section 8-23, as may be amended.
- C. The location of the proposed PDD shall be contiguous to a PDD previously approved by the Zoning Commission provided the Master Plan demonstrates that the proposed development will complement the overall development of the area.

09/19/16 PDD Regulation For Public Hearing

214-144 Preliminary Discussion Strongly Encouraged

In order to guide the proposed development and minimize the potential for unnecessary expense or delay, persons wishing to establish a Planned Development District hereunder are strongly encouraged to arrange for preliminary meetings with the Zoning Commission prior to submitting an application for a Planned Development District.

214-145 Basic Parameters

- A. A Planned Development District may only be established by approval of three (3) applications submitted and processed at the same time:
 - 1. A Master Plan providing the information described in Section 214-146 in sufficient detail for the Zoning Commission to understand and establish the overall parameters of the proposed development,
 - 2. A Text Amendment application, processed in accordance with Article XX (Section 214-114) of these Regulations, where “the exact wording of the change applied for” shall refer to the Master Plan documents as may be approved by the Zoning Commission in accordance with this Article XXV of the Regulations, and
 - 3. A Zone Change application, processed in accordance with Article XX (Section 214-114) of these Regulations, locating the proposed Planned Development District on the official Zoning Map.
- B. Once a Planned Development District is established, actual development may only occur with site plan approval as provided in Section 214-101 where the purpose of such site plan approval is to determine if the proposed development is consistent with the approved Master Plan and to document the proposed improvements.
- C. As provided in Chapter 114 of the Ordinances of the Town of Somers, the Zoning Commission may require the applicant to pay the cost of reasonable consulting fees for peer review of the technical aspects of any of the applications.

214-146 Requirements for Master Plan Submittal

A Master Plan of the proposed development shall be submitted to the Zoning Commission for approval and such Master Plan shall include the following:

- A. **Overview of Planned Development District** – A name identifying the proposed Planned Development District and a general statement regarding the intent of the proposed Planned Development District.

09/19/16 PDD Regulation For Public Hearing

- B. **Conceptual Site Plans** – One or more sheets depicting the proposed schematic design of the site including:
 - 1. The identification and general location of proposed uses;
 - 2. Existing and proposed building footprints;
 - 3. Proposed public and private streets, sidewalks and/or pedestrian walkways, rights-of-way, and parking areas;
 - 4. A landscaping plan, including the location of proposed buffers;
 - 5. Information regarding the provision of water, sewer, drainage, and other utilities; and
 - 6. The location of public and/or private open space or conservation areas.

- C. **Schematic Architectural Drawings** – One or more sheets illustrating the schematic design of the proposed buildings and structures, including:
 - 1. Schematic floor plans;
 - 2. Architectural elevations of all buildings, and/or
 - 3. Photographs of buildings similar to the proposed buildings.

- D. **Data Table** – Information regarding the proposed development including:
 - 1. Lot area and lot frontage;
 - 2. Building setbacks, yards, and/or building separations;
 - 3. Building coverage and impervious coverage;
 - 4. Proposed floor area by proposed use;
 - 5. Parking spaces.

- E. **Additional Documentation** – Depending on the nature and/or intensity of the proposed Planned Development District, the following documentation may also be required by the Zoning Commission:
 - 1. A traffic study estimating the potential traffic generation and the capacity of streets within and neighboring the district to accommodate the projected traffic;
 - 2. A report regarding the adequacy of proposed utility services;
 - 3. A statement on how the proposed development complies with the Plan of Conservation and Development; and
 - 4. Any additional information as may be required by Section 214-101 of these Regulations.

214-147 Application Processing

- A. Following the close of the public hearing(s), the Zoning Commission shall first approve, modify and approve, or deny the Master Plan.

09/19/16 PDD Regulation For Public Hearing

- B. In evaluating the merits of the Master Plan and determining the appropriateness of a proposed PDD, the Zoning Commission shall consider the following factors:
 - 1. Consistency with the Plan of Conservation and Development, as may be amended.
 - 2. Whether the proposed PDD promotes reasonable and logical development to serve the public interests of the community.
 - 3. Whether the uses proposed are consistent with the special permit considerations and criteria, as appropriate, of Section 214-102.G of these Regulations.
 - 4. Accessibility to major roads and proximity to community services.
 - 5. Physical characteristics of the lot.
 - 6. The capability of existing infrastructure to support the proposed development (or infrastructure to be provided by the applicant).
 - 7. Any other factors that it deems applicable to a change of zone request.
- C. If the Zoning Commission denies the Master Plan, they shall also deny the Text Amendment application and the Zone Change application.
- D. If the Zoning Commission approves or modifies and approves the Master Plan, the Zoning Commission may approve the Text Amendment application.
- E. If the Zoning Commission approves or modifies and approves the Master Plan, the Zoning Commission may approve the Zone Change application.

214-148 Effect Of Approval

- A. If the Zoning Commission approves the Text Amendment application, the effect of such approval shall, provided the requirements of Section 214-149 below are followed, be to treat the Master Plan materials approved by the Zoning Commission and any conditions of approval as if it were a distinct part of the text of these Regulations and to modify Section 214-152 of these Regulations to reference the approved Master Plan and any conditions of approval.
- B. If the Zoning Commission approves the Zone Change application, the effect of such approval shall be to rezone the property to the name of the Planned Development District provided the requirements of Section 214-149 below are followed.
- C. Adoption of a PDD by the Zoning Commission and completion of the requirements of Section 214-149 below shall constitute authorization to apply for site plan approval.
- D. Any provision of these Regulations applicable to the property prior to the Zone Change and Text Amendment and not superseded by adoption of the Master Plan, standards, and zoning map and regulation amendments shall continue in full force and effect.

09/19/16 PDD Regulation For Public Hearing

214-149 Completion Of Approval / Effective Date

- A. If the Zoning Commission approves the Text Amendment application, the approved Master Plan and accompanying material shall, within ninety (90) days of the Zoning Commission's action, be submitted to the Zoning Commission for signature by the Chair or the approval of the Zone Change and Text Change shall be null and void.
- B. Once signed by the Chair of the Zoning Commission, the approved Master Plan shall, at the applicant's expense, be filed on the land records within thirty (30) days of the Chairman's signature or the approval of the Zone Change and Text Change shall be null and void.
- C. Upon request of the applicant and for good cause shown, the Zoning Commission may extend the period prescribed in Section 214-149.A by ninety (90) additional days and/or the period prescribed in Section 214-149.B by thirty (30) additional days.
- D. The effective date of the Text Amendment and the Zone Change applications shall be the date that the approved Master Plan documents, signed by the Chair of the Zoning Commission, are filed on the land records by the applicant at the applicant's expense.

214-150 Site Plan Approval / Construction

- A. No construction within the PDD may occur without approval of detailed site plans in accordance with Section 214-101 documenting that the proposed construction substantially conforms to the approved Master Plan and standard engineering requirements.
- B. If site plans are not submitted within two (2) years of the effective date of the Text Amendment and the Zone Change applications, or within 2 years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Zoning Commission for good cause shown, then the Text Amendment application and the Zone Change application shall become null and void and the PDD area shall revert to all the requirements of its previous zoning.
- C. Site Plans may be submitted in phases provided that such phases:
 - 1. include all those public amenities and features used as a public protection for the surrounding area, and
 - 2. shall be capable of complete and self-sufficient existence without the completion of the remaining stages.
- D. If construction of improvements is not begun and diligently prosecuted to completion within five (5) years of the effective date of the Text Amendment and the Zone Change application, or within 5 years of the final dismissal of an appeal of such zone change by a court of competent jurisdiction, and if an extension of time is not given by the Zoning Commission for good cause shown, then the Text Amendment application and the Zone Change application shall become null and void and the PDD area shall revert to all the requirements of its previous zoning.

09/19/16 PDD Regulation For Public Hearing

- E. No Certificate of Zoning Compliance precedent to a Certificate of Occupancy shall be issued within the PDD without the posting of a financial guaranty, in form, amount and surety approved by the Zoning Commission, to guarantee the provision of common elements which may be included in a later phase but are considered by the Commission to be integral to the overall development including, but not limited to, private roads, buffer strips, walkways, recreational facilities, or other common elements.

214-151 Future Modifications

- A. Any modification of an approved Master Plan may be approved by Site Plan approval in accordance with Section 214-101 of these Regulations if:
 - 1. the modification decreases the dimensional elements (e.g. reduction of building size) or lessens the impact on abutting properties, and/or
 - 2. does not substantially alter, in the opinion of the Zoning Commission, the character of the approved Master Plan.

- B. Any modification of an approved Master Plan shall be approved by a Text Amendment in accordance with Section 214-114 and with Section 214-149 of these Regulations codifying the revised Master Plan as part of this Article XXV of the Regulations if:
 - 1. the modification adds or deletes a permitted use or substantially alters, in the opinion of the Zoning Commission, the area devoted to different uses in the approved Master Plan.
 - 2. the modification increases the dimensional elements in the Master Plan (e.g. expansion of building size).
 - 3. the modification substantially alters, in the opinion of the Zoning Commission, the character of the approved Master Plan.

214-152 Approved Planned Development Districts

- A. Planned Development District #1 (<<insert name of PDD District >>) approved by the Zoning Commission at a meeting on (<<insert date of ZC approval >>), effective on (<<insert date of filing on land records >>), and filed on the land records at Volume _____, Page _____ and/or Map File _____.