

PLANNING & ZONING COMMISSION
TOLLAND, CONNECTICUT
REGULAR MEETING MINUTES OF NOVEMBER, 2011

MEMBERS PRESENT: Marilee Beebe, Chair
Sue Errickson, Vice Chair
John Hughes, Secretary
Dave Barrow, Regular
Bill Eccles, Regular

OTHERS PRESENT: Linda Farmer, Director of Planning & Community Development
Applicants and their representatives

1. **Call to Order:** Marilee Beebe called the meeting to order at 7:30p.m. in Council Chambers. She welcomed new member Bill Eccles to the Commission.
2. **Election of Officers:** Dave Barrow/Sue Errickson motioned to elect Marilee Beebe for Chair. Motion was unanimously approved. Bill Eccles/Dave Barrow motioned to elect Sue Errickson as Vice Chair. Motion was unanimously approved. Dave Barrow/Sue Errickson motion to elect John Hughes as Secretary. Motion was unanimously approved.
3. **Public Comment:** Ken Hankinson of Johnson Road congratulated the new commissioners and welcomed back the returning commissioners. He said he looked forward to a continuing team effort as was practiced in the previous commission.
4. **Public Hearing(s)**
 - 4.1 **P&Z App. #815 – Richard W. Lee** – Request for a revision to the Zoning Regulations Section 8 to allow Multi-family Development in the Neighborhood Commercial Zone.

Mr. Hughes read the public notices for both Public Hearings into the record.

Attorney Len Jacobs of Manchester was present with his client, the applicant, Richard Lee. Attorney Jacobs said they are requesting that the Commission amend the text of their current zoning regulations to allow multi-family housing in NCZ zones and that a Special Permit would be required. He said Mr. Lee owns property in the Route 30/74 NCZ area, but that there are three NCZ zones in town and this change, if accepted, would apply to all three in town.

Attorney Jacobs said that when an applicant proposes a change in zoning language, they aim to propose something that will be desirable for both the applicant and the town. Right now, he said multi-family housing is allowed in the Residential Design District (RDD), the largest of the zones in town and also in the Tolland Village Area. He said Section 5.6 of the Zoning Regulations in the RDD zone lists the requirements for multi-family housing. He said that commonly multi-family housing is specifically allowed in specific areas of a zone, but Tolland does things somewhat differently.

He outlined several reasons why he believes allowing multi-family development in NCZ zones would be good for Tolland:

- By allowing multi-family development to be built next to businesses, these businesses get a built in customer base.
- Multi-family developments are typically major taxpayers in towns.
- Multi-family developments provided an alternate living style that is conducive to many residents.
- Multi-family development in Tolland will aid the WPCA by extending the sewer line and creating a larger customer base and revenue for the sewer system.

Attorney Jacobs said his client has been before the WPCA on an informal basis and the WPCA has looked favorably on the proposed project. With regard to the tax revenue issue, Attorney Jacobs said multi-family developments might be a more appealing alternative to big box development. He said multi-family developments also do not generate as much traffic as big box developments or have some of the negative consequences that sometimes accompany such developments. He said it is not that multi-family development needs to exclude another type of tax-revenue positive development but that he feels multi-family development should be a consideration in more than the two zones it is presently allowed in.

Attorney Jacobs also said that multi-family development makes a good transitional use between retail businesses and single family residential. He said it encourages a housing alternative that is complementary to the Plan of Conservation and Development. He ran through the various sections in Article VIII of the Zoning Regulations that pertain to the NCZ zone, proposing alternative language that would allow multi-family development. He summarized the language proposal:

- They propose a 10-acre minimum parcel size as in the RDD zone.
- They propose to increase density from eight to ten bedrooms per acre of developable area if sewered, noting that the town has ample capacity in its sewer system.
- They propose to keep the present developable acreage requirement.
- They propose to keep the maximum dwelling units per acre.
- They propose to keep the minimum open space requirements.
- They incorporated the general regulations section and copied current title requirements into their proposal.

Attorney Jacobs noted that in her memo, Ms. Farmer pointed out a few items that needed to be included in the proposal such as setbacks and that they are in agreement with her recommendations.

Ms. Beebe asked if the Commission has maps for Mr. Lee's parcel which is at 95 Hartford Turnpike. Ms. Farmer had a map which she shared with Commissioners and she said she would ask Mark Peterson of Gardner and Peterson to send her a .pdf of the map to put up on the overhead screen for the next meeting.

Mr. Hughes read Ms. Farmer's November 9, 2011 memo to the PZC into the record. Ms. Errickson read the October 27, 2011 Report on Zoning Referral Z-2011-78 from CRCOG into the record.

Attorney Jacobs said he agrees with Ms. Farmer that if multi-family development might only work in the Routes 74/30 NCZ but not necessarily in the others, then their proposal as written could not be approved, and they would need to submit a new application.

Mr. Hughes noted that the Commission had planned to discuss the development of the Route 74/30 NCZ zone as a specific node, but that the Tolland Village Area and proposed Technology Zone had taken some precedence. Ms. Beebe asked Ms. Farmer to provide a little history to how multi-family came to be approved in the RDD.

Ms. Farmer said multi-family development is a Special Permit use in the RDD. She said in 2002 some big changes were made with regard to multi-family development and it is not allowed in all of the RDD but rather on State roads and in transitional areas. She said the location criteria can be waived for 20 units or less with four votes from the Commission. She said there were added criteria evaluations for approval of a Special Permit and that it would need to be consistent with the POCD.

Mr. Barrow asked if they would need to make changes to the POCD if they allowed multi-family development in the NCZ. Ms. Farmer said not necessarily, but they would need to find if the proposal was consistent or at least not inconsistent with the POCD. Ms. Errickson said the NCZ is an opportunity to create walkable nodes with mixed uses and that she sees multi-family as a potential fit with that description.

Ms. Errickson said a big issue would be whether allowing multi-family in the NCZ on the other side of the highway in the proposed Technology Zone would be problematic. Ms. Farmer said she was unsure whether multi-family development in that area would work. Ms. Beebe said the NCZ calls for mixed use but with an emphasis on commercial development and that housing in this area should be more of a supportive use. She said if they approved the proposal before them, it would be a broad based decision for all three of the NCZ's in town.

Mr. Barrow asked if Commissioners saw any reason not to allow multi-family development in the Route 74/30 NCZ. He said there is presently not a lot of retail there and questioned whether it might encourage other commercial development there. Ms. Farmer said if they could find ways to make the area walkable, it could create some opportunities for business owners. Ms. Beebe said it will be important for all Commissioners to look at this particular area more closely. Mr. Barrow asked when talking about walkability, are they talking about that within the development or connectivity as well. He said currently there are no sidewalks in that area, and sidewalks would be an improvement.

Mr. Eccles said the daycare at the corner of Old Post Road and the Dance Express business jump out as two businesses that would lend themselves well to walkability. Ms. Errickson added that the hairdresser and jewelry store are other good fits.

Ms Beebe said a more basic question is whether they should look at all three of the NCZ zones and their characteristics and split them out into different types of NCZ zones with different requirements. Mr. Barrow asked if they took this approach, how long it might take to split them out, re-label them, and craft new language for each of the new zones. There was discussion that this might run in the neighborhood of about three months to finish the preliminary work.

Mr. Eccles asked who would bear the cost of a potential sewer extension. Ms. Farmer said it would be the developer and it is typically done with a Developer's Agreement. She explained that as people hook up to the sewer line, the developer would begin to recoup some of his development costs. Ms. Farmer said she will be at the WPCA meeting tomorrow and will discuss with them how benefit assessments would work. She noted that the WPCA has a lot of capacity in its sewer system but not a lot of flow, so this proposal might be attractive to them.

Mr. Lee said his property at 95 Hartford Turnpike has been vacant for many years and feels there may be a need in the next for years for a condominium type project in that area. He said no one would be willing to extend the sewer line the needed 1,400 feet to his property as it would cost in the neighborhood of about \$300K. However, some of the properties in between where the sewer line presently ends and his property are in dire need of sewerage and this would create an opportunity for them.

Mr. Barrow said if the sewer was extended he could see some commercial benefits developing in that area.

Mr. Eccles asked if they should be concerned that if they agreed to this proposal that one after another multi-family developments could pop up in the NCZs. Ms. Farmer said that is a good question as right now they have not established goals or a mix or ratio of housing development that they would want in their zones. She said it would be important to establish ratios. Mr. Barrow agreed saying they would need to establish allowable densities or a percentage of residential components.

The PZC discussed drawing a line in the zone to cut it in two. Mr. Eccles said they will need language to split the zone and that they need to break off the proposed Technology Zone. He suggested the use language by density or ratio that limits the residential component. He also said he would assume that they would not make a change from 8 to 10 units per acre. Ms. Beebe said she believed they might have settled on the 8 units per acre from what other towns do. Mr. Eccles said they also need to consider the potential financial effects on adjacent property owners. He also said the sewer is a resource they should not squander and it would be a tremendous advantage to the town to bring other properties in this area onto the sewer line.

Attorney Jacobs said the discussion this evening has been a good one and he would expect his client will want to withdraw the application for now. He said his only concern would be that in return the PZC will make these changes they discussed a priority so that his client

will not be waiting too long. Ms. Beebe noted that they would expect to discuss this in their goals discussion which is later on tonight's agenda.

Mr. Eccles asked if there would be an action item on this. Ms. Beebe said the item would be to prioritize their goals and set a road map to accomplish what they have discussed. Ms. Farmer said there would be no reason not to move this forward and the Technology Zone at the same time.

Attorney Jacobs provided a handwritten letter to Ms. Farmer formally withdrawing their application.

4.2 **P&Z App. #818 – Tolland Planning & Zoning Commission** – Proposed revisions to the Zoning & Subdivision Regulations concerning bonding to comply with Public Act 11-79.

Ms. Farmer explained that PA 11-79 is a bill that affects the town's ability to hold bonds. She explained that the town usually will hold a bond for public improvements involving roads and subdivisions and that they normally would accept roads but hold a maintenance bond through two winters. However, she said some towns have been holding maintenance bonds for much longer which prompted this new bill, which was initiated by the Connecticut Home Builders Association.

With the new bill, the town can no longer hold bonds of any kind on anything that has been accepted. Therefore, the town will not be able to accept roads until two winters have passed. She said they do hold landscaping and performance bonds, but if they can no longer hold these bonds, then a new business that is completed in the winter would not be able to get a Certificate of Occupancy until after the landscaping is completed in the spring. This will be unfriendly to businesses. She also said she is not happy that the town has to take surety bonds because they are difficult and costly to "call the bond" to receive the funds.

Ms. Farmer provided a memo from Attorney Mark Branse which has some recommendations and she suggested the Commission table their discussion on this until Attorney Conti can review that memo.

Sue Errickson/John Hughes motion to continue P&Z App. #818 to the November 28, 2011 meeting. Motion was unanimously approved.

5. **Action on Public Hearing(s):**

5.1 **P&Z App. #815 – Richard W. Lee** – This application was formally withdrawn.

5.2 **P&Z App. #818 – Tolland Planning & Zoning Commission** – This application was continued to November 28, 2011.

6. Other Agenda Items

6.1 Discuss and approve the proposed 2012 Regular Meeting Schedule. The Commission reviewed the schedule noting that there are four dates that fall on holidays that will need to be eliminated, and this will leave only one meeting each in October, November and December.

Sue Errickson/Bill Eccles motion to remove the four meeting dates (in May, October, November and December) that fall on holidays and to add new special meetings as needed and determined during the course of the year. Motion was unanimously approved.

6.2 Discuss PZC Goals. The Commission reviewed the list of goals that were drawn up in November 2009 noting which goals were completed, which were in progress, and which were yet to be addressed. Ms. Farmer explained the implementation strategies of the POCD saying the PZC established priorities such as creating a town center, which was completed with adoption of the Tolland Village Area, and addressing the overall Route 195 corridor. Ms. Beebe said they will need to do additional workshops with the Economic Development Commission, the Design Advisory Board and the Conservation Commission.

There was consensus that the NCZ and Technology Zones need to rise to the top of their list.

Ms. Farmer said in the past the Commission has not always had the ability to pay for third party reviews to bring in experts and now with a change to their regulations, they can require that applicants pay for such reviews if needed.

Ms. Errickson said at some point she would like to have a discussion on protecting ridgelines.

Ms. Beebe asked that Ms. Farmer put Goals on their agenda for the next meeting so members can add or prioritize items. Ms. Farmer asked commissioners to email her their ideas and she will compile a list and send them out to everyone before the next meeting.

The Commission also discussed how Patch news has become an online community that can be a good resource for the PZC to get their information out to the public. Ms. Farmer said she puts together a fairly involved manager's report on a monthly basis that she could share with the editor of Tolland Patch, updated bi-weekly, and there was consensus that this should be done. The information will be in the tone of a press release.

The Commission also discussed the Freedom Of Information requirements and how Commissioners are not allowed to blog, email or conduct casual conversations about an open Public Hearing. Ms. Farmer said she will put together FOI information for Commissioners.

7. **Approval of Minutes** – Approve minutes of October 24, 2011 Regular Meeting. Sue Errickson/John Hughes motion to approve the minutes. Ms. Beebe, Ms. Errickson, and Mr. Hughes voted to approve. Mr. Barrow and Mr. Eccles abstained. Motion passed.

8. **Activities and Updates**

8.1 Update on Page Property – Gehring & Cedar Swamp Roads – Ms. Farmer said Steve Lowrey has called on Richard Page. There has not been a lot done as Mr. Page has recently had shoulder surgery. She said she does not believe he is living in town anymore and that the property belongs to his mother.

9. **Town Staff Comments** - Ms. Farmer said they have looked at the Gottier project concept plans and the developer is going before the Inland Wetlands Commission on Thursday. She said they will likely need two third party reviewers, one for Low Impact Development and the other for a Traffic Study. She recommended Steve O’Neill of VHB for the Traffic study adding that he may have a resource for the Low Impact Development at VHB or they could use Steve Trinkhaus, who wrote their LID regulations.

10. **Announcements – Upcoming Meetings** – Ms. Errickson said she has a CRCOG meeting on Thursday, but she has not yet seen the agenda. Ms. Farmer noted that CRCOG has recently received a \$4 million energy grant and part of this will be development of sustainable land use code, which she will be involved in.

11. **Reading of Correspondence** – None.

12. **Communications and Petitions from Commission Members** – Mr. Barrow said they will need to be thinking about establishing liaisons to the Town Council and Economic Development Commission. He noted that Jack Scavone was the EDC liaison before. He said if anyone is interested, they should let Ms. Beebe know. Ms. Errickson noted they also need to find alternates for the Commission. Ms. Beebe noted that she is an abutter to the Gottier property and so she will be recusing herself from discussions on that application.

13. **Public Participation** – None.

14. **Adjournment** – Sue Errickson/Bill Eccles motion to adjourn the meeting and pay the clerk at 9:45 p.m. Motion was unanimously approved.

Respectfully submitted,

Annie Gentile
Clerk