



# Lower Connecticut River Valley Council of Governments

145 Dennison Road Essex, CT 06426 | +1 860 581 8554 | [www.rivercog.org](http://www.rivercog.org)

## Regional Planning Committee

### LOWER CONNECTICUT RIVER VALLEY REGIONAL PLANNING COMMITTEE

#### DRAFT MINUTES OF REGULAR MEETING

Monday, June 24, 2019 - 7:00 pm

Lower Connecticut River Valley Council of Governments conference room

145 Dennison Road, Essex

#### Members:

Chester: Vacancy  
Clinton: Alan Kravitz \*  
Eric Bergman  
Cromwell: Chris Cambareri \*  
Deep River: Bruce Edgerton  
Tony Bolduc  
Durham: Frank DeFelice\*  
Joe Pasquale  
East Haddam: Crary Brownell  
Lou Salicrup  
East Hampton: Michael Kowalczyk \*  
Essex: Alan Kerr \*  
Sandra Childress  
Haddam: Raul deBrigard \*  
Stasia DeMichele  
Killingworth: Stephanie Warren \*  
Alec Martin  
Lyme: Mary Stone \*  
Middlefield: Kevin Boyle \*  
Erine Wilson  
Middletown: Beth Emery  
Stephen Devoto  
Old Lyme: Harold Thompson  
Old Saybrook: Kenneth Soudan \*  
Karen Jo Marcolini  
Portland: Elwin Guild \*  
Westbrook: Bill Neale \*  
Marie Farrell

\*Members Present

#### Staff Present:

Torrance Downes  
Eliza LoPresti

#### Guests:

Jason Vincent, AICP, Director of Planning, Stonington, CT  
Joe Samolis, Director of Planning, Middletown, CT

# RiverRPC

### 1. Call to Order

The meeting was called to order by Chairman DeFelice at 7:00 pm.

### 2. Roll Call

Roll call was taken by Eliza LoPresti

### 3. Seating of Alternates

Stephanie Warren of Killingworth was seated.

### 4. Adoption of Agenda

*Mr. Guild moved to adopt the agenda. Second by Mr. Neale; voted unanimously in favor.*

### 5. Public Comments

None

### 6. Approval of Minutes of Past Meetings

*Mr. Neale moved to approve the minutes of the March 25, 2019 meeting; second by Ms. Warren. Vote was unanimous in favor with Mr. Boyle abstaining.*

### 7. Discussion – Use of Floating Zones; Stonington, CT Director of Planning, Jason Vincent, AICP

Mr. Vincent gave a summary of the types of zoning tools that a planning and/or zoning commission can use, including a master plan (what Stonington calls floating zones). He emphasized using zoning for progress and not using zoning as a defense, i.e. create tools to incentivize the private sector to invest in the community in ways that you want it to change or grow.

He explained the three zoning tiers: base zoning (conventional zones), overlay zones (either restrictive like in flood zones, or permissive like for incentive housing), and master plan zoning (floating zones). Within zones there are different types of uses and permits such as by-right (aka entitlements), site plan permit, special permit which can be open to interpretation, and legal nonconformities created over time as regulations change. The master plan tool is designed to help towns change zoning in a legislative way, rather than administrative.

When asked about the difference between overlay and floating zones, Mr. Vincent stated that a floating zone can only be used when a property is eligible to implement that zone (or master plan), whereas an overlay zone already exists on the map.

Stonington has five master plans in use: 1 – Industrial heritage reuse district (for obsolete mills), 2 – Maritime heritage district with two different zones (Mystic Seaport), 3 – Greenway Development District (Perkins Farm development that became open space, a medical complex, and multiple family units, rather than a subdivision of single family homes), 4 - Agricultural heritage district (Stone Acre Farm), 5 – Neighborhood development.

There was clarification and discussion on how these changes came about. Developers in the cases Mr. Vincent mentioned were engaged with the community, and the neighborhoods and developers worked together came to mutually beneficial solutions. There was discussion on communities that “push” developers into creating single family homes as those are easy by-right development types. There may not be another choice like there would be if a master plan were in use. Fiscally single family home development can aid in making a community unsustainable as it will produce more kids to support in schools and more roads for the town to maintain.

Discussion turned to Stone Acre Farm. A document was sent to committee members explaining the nuts and bolts of the floating zone use in this case. This legacy farm was no longer being used as a farm, and was most likely destined to become a single family home development. Instead, the agricultural heritage district was implemented, and the farm is now used as an event facility for weddings and a farmer's market that provides food to local restaurants. They basically bartered away some of the development rights (only 5 houses can ever be built on this property) in order to enable the property to become profitable.

There was further discussion on engaging the community and developers in productive conversations regarding development and the use of the tools discussed. Mr. deBrigard asked about the mechanism to engage the community in the conversations regarding fiscal impact, etc. There is not really a built-in mechanism for such.

The master plan is a zoning map amendment. An applicant will need to first submit an application for a master plan amendment to change the zoning, which will go through a public hearing. The next step includes implementing one or more pieces or phases of the master plan. The application then moves to a staff level management where permits are issued and construction is monitored. All these steps are developer-driven.

In an effort to clarify some terminology, Mr. Downes explained a master plan as such: a floating zone (aka master plan) is a set of regulations that are already approved and exists with eligibility rules, but that doesn't yet apply to any property in town. The next step is a developer coming and applying the "floating" regulations to a specific property that meets the criteria, and then the floating zone is considered landed. Then, the third step will be the detailed development plan.

There is no zone on the map until the P&Z approves "landing" a zone. Additionally, the POCD of the town should include language that allows for floating zones. Typically, the purpose statement in a floating zone will refer to a town's POCD. The POCD should not be zoning-type specific but state that there are objectives that the town would like to satisfy, and to do so zoning may need to be amended.

There was discussion on crafting the conditions of a floating zone to include eligibility criteria which acts as a "belt and suspenders" so that the zone cannot apply everywhere. You can spell out what types of uses are by-right or by special permit. Mr. Downes noted that these types of zones may invite developers to bring in some creative, out of the box ideas. He gave the example of the Chamard Vineyard in Clinton. Mr. Vincent emphasized the importance of having the public's trust in these cases as the commission has so much discretion. His town holds a public hearing for every meeting.

Section 8-3 of the CT General Statutes enables communities to establish zoning districts, including floating zones. The first step is to create the regulation saying that it is acceptable to utilize a floating zone. Mr. Vincent discussed looking for areas that this type of regulation can be used in a town using blight as a symptom.

Ms. Stone asked if floating zones play a role in an area that has zoning conformity already. Mr. Vincent stated yes, as it is a tool that can be used to incentivize economic development. He emphasized that the objective that you want to achieve be built into the regulatory construct. The floating zone tool can be a less expensive way to re-envision what you want that road/neighborhood/ etc. to be.

## 8. Referrals

**Zoning Map and Zoning Regulation Change, Berlin, CT to accommodate the development of a 319 unit Affordable Housing Development (common border with City of Middletown):**

**RiverRPC**

Joe Samolis, Middletown's Director of Planning, was present to discuss his thoughts on potential intermunicipal impacts. He explained that the proposed development is a dense multi-family development on a property in Berlin, though the main road that will be impacted is in Middletown. The area is without access to resources such as mass transit or walkable/bike-able roads. There are concerns related to the roadway itself and the development's impact on wetlands in Middletown, especially as there is not a lot of information on drainage calculations or other potential impacts. He stated that Middletown is not opposed to 8-30g development, but there are concerns on the placement of this in the larger context of ecological impacts to Middletown and Berlin, lack of resources, and traffic on a small, narrow street in which traffic is already a concern. Atkins Street is located on one of the highest elevations in town with scenic views; and is not a large, well-improved road with shoulders or sidewalks. It is already a safety concern for the city of Middletown. The same is true of Spruce Brook Rd.

While not germane to a discussion of intermunicipal impact, it was noted that CROG has already commented to the Berlin P&Z that the area in which the development is proposed is identified as low-density residential. So, it seems that if the Berlin P&Z wanted to approve this project, it would be in opposition to their own town regulations.

A letter was submitted to Mr. Downes by Jennifer Mahir, the Chair of the Westfield Resident's Association. The letter opposes the proposed zoning map and regulation change. He read this letter into the record and it is attached to the hard copy of these minutes.

There was discussion on affordable housing, and it was clarified that this proposed development is 8-30g which means that there is at least 20% affordable housing mixed in with market-priced units.

After discussion, it was agreed that there is an intermunicipal impact for this referral, based on safety and environmental factors. The proposal was called irresponsible by multiple committee members. Though the committee endorses affordable housing, this doesn't seem like the best location. The committee members discussed an outline of the letter that Mr. Downes will compose.

The letter should start with a statement on the intermunicipal impacts that this project will create, and also state that the Commission supports affordable housing, but in an appropriate location. Next, discuss that the plan does not align with their POCD or zoning maps, then the reasons for the complexities such as limited access to services, safety concerns, etc.

*Mr. Neale moved to authorize Mr. Downes to write a letter as discussed, emphasizing the intermunicipal impacts with Middletown. Second by Ms. Stone. Vote was unanimous in favor.*

*Discussion: Letter can be short, stating that opinion was unanimous that the proposal jeopardizes the health, safety and welfare of potential residents and neighboring communities. It was recommended to Mr. Downes that he create a draft letter, then check the minutes and write a conclusion word for word.*

## **9. Miscellaneous: State, Regional and /or Local Planning Issues**

Mr. Kravitz asked about others' experiences with permitting stationary vendors (ex. – a food truck parked on a fixed premise). Discussion was held on this. Mr. Kravitz will send Mr. Downes Clinton's regulations and some model regs he found in other states for distribution to the group.

Mr. Kravitz also noted he is looking into enforcement of zoning regulations in relation to compliance reviews.

## **10. Adjourn**

*At 9:16 P.M., Mr. Neale moved to adjourn the meeting; Mr. Guild seconded. Vote was unanimous in favor.*

Respectfully submitted,  
Eliza LoPresti