

**AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting, **Tuesday**, February 16, 2010, 7:00 p.m.  
Council Chambers, Audrey P. Beck Municipal Building

**Minutes**  
2/1/10

**Scheduled Business**

**Zoning Agent's Report**

- A. Enforcement Update
- B. Hall Property Old Mansfield Hollow Rd; DeBoer Property, Storrs Rd
- C. Other

**7:05 p.m. Public Hearing**

**Special Permit Application, Proposed Fitness Center at the Eastbrook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290**

**7:15 p.m. Public Hearing**

**Special Permit Application, Proposed Sale of Alcoholic Liquor at Jack Rabbit's Restaurant, 1244 Storrs Road, File #1291**

Memo from Director of Planning

**Old Business**

1. **Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**  
Memo from Director of Planning
2. **Proposed Revision to Article X. Section C regarding Political Signs**  
Memo from Director of Planning
3. **Draft Policy on Transparency and Open Government**  
Memo from Director of Planning
4. **Verbal feedback from Town Planner Re: Proposed Parking Ordinance for Residential Rental Properties and Student/Tenant Registry Ordinance**
5. **Other**

**New Business**

1. **Review of February Draft Revision on Definition of Family**  
Memo from Director of Planning
2. **Connecticut Siting Council Application for a Verizon Telecommunication Town in Willington off of Daleville Road (portions of application attached)**
3. **Other**

**Reports from Officers and Committees**

1. Chairman's Report
2. Regional Planning Commission
3. Other

**Communications and Bills**

1. Winter 2010 Planning Commissioners Journal
2. Notice of 2/17/10 CCM Workshop in Glastonbury "Making the Best Land Use Decisions"
3. CFPZA Length of Service Awards/ Lifetime Achievement Awards
4. CFPZA Annual Conference-March 18, 2010
5. 2/4/10 letter from R. Miller/UConn Re: Proposed State Streamflow Standards and Regulations
6. Other

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## DRAFT MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, February 1, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, P. Plante, B. Pociask,  
Members absent: B. Ryan  
Alternates present: G. Lewis, K. Rawn, V. Stearns  
Staff Present: Gregory Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:19 p.m. Alternates Rawn and Stearns were appointed to act.

Holt MOVED, Stearns seconded, to add to the agenda the Democratic Town Committee's recommendations.  
MOTION PASSED UNANIMOUSLY.

Holt MOVED, Hall seconded, to add to the agenda the Draft Policy on Transparency and Open Government from the Town Council Personnel Committee. MOTION PASSED UNANIMOUSLY.

#### Minutes:

1/19/10-Hall MOVED, Pociask seconded, to approve the 1/19/10 minutes as written. MOTION PASSED UNANIMOUSLY.

#### Zoning Agent's Report:

Hirsch updated the Commission about a cease and desist order that has been issued for the Hall site, and if no response is received, the issue will be turned over to the Town Attorney. Hirsch noted the following items: 1) he has heard from contractors about the letters he sent regarding the regulation change permitting contractors' home occupations; 2) there are three new food service applications in the UConn Campus area. Favretti asked Hirsch to research the regulations that regulate the number of neon signs allowed in business window.

#### Public Hearing:

##### Special Permit Application, Proposed Fitness Center at the East Brook Mall, 95 Storrs Rd, Cardio Express LLC., applicant, File # 1290

Chairman Favretti opened the continued Public Hearing at 7:25 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Plante, Pociask, and alternates Lewis, Rawn and Stearns. Alternate Rawn and Stearns were appointed to act. Gregory Padick, Director of Planning noted the following communications received and distributed to members of the Commission: a 1-12-10 memo from G. Meitzler, Assistant Town Engineer; a 1-14-10 memo from G. Padick, Director of Planning; and a 1-27-10 memo from G. Padick, Director of Planning.

Peter Rasconi, President of Cardio Express, reviewed the application and the history of his company, noting this would be his 6<sup>th</sup> location, if granted approval. He plans to locate in the 9,800 square foot space previously occupied by The Hoot.

Pociask questioned the hours of operation, expressing concern for the safety of the mall and its staff. Rasconi replied that Monday - Friday are 24-hour operations, Saturday's hours will be from 7am-7 pm, and Sunday's are from 7am-5 pm. Rasconi added that at this time they would not pursue a 24-hour operation and would mostly likely operate from 5am-10pm until they can ensure adequate security and staff coverage.

John Fortier, East Brook Mall, property manager, related that the property has 24-hour security coverage and 24-hour interior and exterior camera surveillance in addition to 24-hour lighted parking areas.

Pociask questioned if there is adequate water and sewer for the locker-room area. It was stated that the property is served by municipal water and sewer. Approval is required for both services prior to the issuance of permits. Padick noted that verification of neighborhood notification has not yet been received and his recommendation

would be to continue the public hearing. Holt MOVED, Holt seconded, to continue the Public Hearing until February 16, 2010. MOTION PASSED UNANIMOUSLY.

**Added agenda items:**

**Democratic Town Committee's PZC Alternate and Full Member Recommendations**

Holt MOVED, Hall seconded, to appoint alternate Gregory Lewis as a full member of the PZC. MOTION PASSED UNANIMOUSLY.

Fred Loxsom introduced himself and answered questions. Noting no further questions, Rawn MOVED, Holt seconded, to appoint Fred Loxsom as a PZC alternate. MOTION PASSED UNANIMOUSLY.

Favretti reminded both Lewis and Loxsom to be sworn in by the Town Clerk prior to the next meeting.

**Draft Policy on Transparency and Open Government from the Town Council Personnel Committee**

The consensus of the Commission was to review said policy and be prepared to discuss it at the next meeting.

**Old Business:**

**1. Potential Re-Zoning of the "Industrial Park" zone on Pleasant Valley Rd and Mansfield Ave.**

Padick gave the history of prior drafts and plans that led to the current draft. He noted the 1-26-10 written response from the Hussey's Attorney, Kari Olson, which stated the Husseys are willing to come to a meeting to discuss the current revisions further. After brief discussion, the consensus of the Commission was to move forward with the draft regulations without further meetings with the Husseys or their attorney. Padick commented that he will make some minor changes in the draft prior to the next meeting at which time a date for Public Hearing can be set.

**2. Proposed Revision to Article X, Section C regarding Political Signs**

Padick noted his 2-1-10 memo and stated that the Town Attorney feels the draft revision can be sent to Public Hearing and can include that no political signs are allowed on town property. After extensive discussion, the consensus of the Commission was to not request the Town Council make a policy, but rather to include this item as one of the regulations revisions for the next Public Hearing.

**3. Verbal feedback from Town Planner Re: Proposed Parking Ordinance for Residential Rental Properties, Zoning Definition of Family, Student/Tenant Registry Ordinance**

Padick briefed the commission that he is currently working on plans to modify the current zoning definition of family, and he noted the Town Council is working on a draft student registry and a proposed parking ordinance that already has been presented at a Town Council Public Hearing.

**New Business:**

**1. New Special Permit Application, Proposed Sale of Alcoholic Liquor at Jack Rabbit's Restaurant, 1244 Storrs Road, File #1291**

Holt MOVED, Hall seconded, to receive the Special Permit application (file #1291) submitted by Jack Rabbits of Storrs, LLC for the sale of alcoholic liquor, on property located 1244 Storrs Road, (Storrs Commons) owned by Storrs Associates as shown and described in application submissions, and to refer said application to the staff, for review and comments and to set a Public Hearing for 2/16/10. MOTION PASSED UNANIMOUSLY.

Plante requested that Padick provide the linear distance between the proposed business and E.O. Smith High School and the Church on Dog Lane for the next meeting.

**Reports of Officers and Committees:** None.

**Communications and Bills:** Noted.

**Adjournment:**

Chairman Favretti declared the meeting adjourned at 8:51 p.m.

Respectfully submitted,  
Katherine Holt, Secretary

To: Town Council/Planning & Zoning Commission  
 From: Curt Hirsch, Zoning Agent  
 Date: February 9, 2010



**Re: *Monthly Report of Zoning Enforcement Activity***  
*For the month of January, 2010*

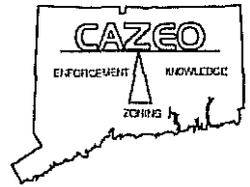
Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	4	7	4	70	84
Certificates of Compliance issued	12	13	12	65	91
Site inspections	39	53	35	293	346
Complaints received from the Public	0	3	2	23	39
Complaints requiring inspection	1	3	2	20	23
Potential/Actual violations found	5	6	1	37	18
Enforcement letters	19	18	8	79	72
Notices to issue ZBA forms	2	0	1	6	4
Notices of Zoning Violations issued	1	4	1	28	32
Zoning Citations issued	10	8	0	35	7

Zoning permits issued this month for single family homes = 0, multi-fm = 0  
 2009/10 fiscal year total: s-fm = 8, multi-fm = 8

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# Town of Mansfield



CURT B. HIRSCH  
ZONING AGENT  
HIRSCHCB@MANSFIELDCT.ORG

AUDREY P. BECK BUILDING  
4 SOUTH EAGLEVILLE ROAD  
MANSFIELD, CT 06268-2599  
(860) 429-3341

To: Planning & Zoning Commission  
From: Curt Hirsch, Zoning Agent  
Date: 2/8/10

*CBH*

**Re: Interior window signs**

I was asked at the 2/1/10 PZC meeting about illuminated window signs for commercial uses. The specific question I believe was about neon window signs. Neon signs displayed within window areas are usually either "OPEN" signs or signs promoting brands of beer. The use of signs within the windows of commercial uses was first added to the zoning regulations in February 1986, and permitted only non-illuminated signs covering not more than 40% of the window area. Effective February 1, 1998, illuminated, interior window signs were permitted subject to the restrictions on hours prescribed in Section C.11 of Article X. Section C.11 limits the illumination of any sign to the hours of business operation or not later than 11:00 p.m. daily. No sign shall be blinking, flashing or rotating. Neon types of signs are not specifically singled out for special attention.

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**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: February 9, 2010  
Re: Special Permit Application, proposed sale of alcoholic beverages at proposed Jack Rabbits Restaurant, 1244 Storrs Road, Storrs Commons, File #1291



**General**

The subject special permit application seeks approval for the sale of beer and wine at a proposed Jack Rabbits restaurant, pursuant to the provisions of Art. X, Sec. I and Art. V, Sec. B of the Zoning Regulations. It is specifically noted that Art. X, Sec. I.4(a)(1)(b) authorizes the PZC, under the special permit review process, to authorize liquor permits for restaurants in Planned Business II zones that are within 500 feet of a school, provided:

- Alcoholic beverages are served “from a service bar in conjunction with the service of meals to customers seated at tables within a building” and
- The “premises does not contain a cocktail lounge or area where alcoholic beverages are served to patrons standing or seated at a bar”

Since Art. X, Sec. I.4 (a)(1)(b) was adopted in 1990, the PZC has acted on four applications submitted under this section. In 1990, an application to allow alcoholic liquor was approved for the Golden Crown Restaurant (currently named Chang’s Garden); in 1993, a similar permit was issued for Paul’s Pizza, in the Marketplace Shops, in 2002, authorization to sell alcoholic beverages was granted to the C.O. Jones restaurant, also in the Marketplace Shops and in 2004 authorization to sell alcoholic beverages was granted to the Oriental Café in the University Plaza.

The applicant’s Statement of Use and submitted floor plan describe a proposed 45-seat restaurant that will be located in the upper level of Storrs Commons in an area previously occupied by Blimpie’s Sandwich Shop. The subject location is 400 feet from E.O. Smith High School (building to building). The subject lot is directly across Storrs Road from the High School. The site is over 1,000 feet from the Hope Lutheran Church on Dog Lane. A 250 foot separation distance from Churches is required by the Zoning Regulations. All other nearby land uses are commercial or governmental in nature. The submitted floor plan does not include a cocktail lounge or bar area for alcoholic beverage consumption. As proposed, customers will place orders at a counter area and be served in designated seating areas. Except for authorized identity signs, there are no proposed changes to the subject building or site. The subject property is served by UConn sewer and water systems.

**Analysis**

The proposed sale of alcohol, beer and wine, as described by the applicant, complies with the provisions of Art. X, Sec. I.4(a)(1)(b) and therefore, a decision on this application should be based on criteria contained or referenced in Art. V, Sec. B. As noted above, there are no changes proposed to the subject shopping center site and, in this reviewer’s opinion, the proposed sale of beer and wine will not significantly alter sanitary, traffic, environmental, parking or aesthetic elements of the site. The approval criteria of Art. V, Sec. A.5 appear to be satisfactorily addressed.

Provided the applicant demonstrates that neighborhood notification requirements have been met, the primary issue involves a PZC judgment regarding neighborhood compatibility and compliance with Art. V, Sec. B.5.c. In reviewing this issue, Public Hearing testimony should be considered with respect to criteria contained within the Zoning Regulations. In evaluating the submittal, the PZC also has the authority to consider additional conditions and safeguards as per the provisions of Art. V, Sec. B.6. For example, Art. V. Sec. 6.e authorizes the PZC to consider “methods or time of operation or extent of facilities.”

**Summary/Recommendation**

As proposed, the submittal is considered to be in compliance with criteria contained in Art. X, Sec. I.4(a)(1)(b) and Art. V, Sec. A.5. A PZC judgment is required by Art. V, Sec. B.5.c with respect to neighborhood compatibility. It also must be verified that neighborhood notification requirements have been met. Additional conditions and safeguards can be required, as per the provisions of Art. V, Sec. B.6. This reviewer does not expect detrimental land use impacts to result due to the subject proposal.

**Storrs Associates, LLC**

**PO Box 476**

**Storrs, CT 06268**

**Phone: 860-429-8891 Fax: 860-429-6857**

**Email: [tmcorp@charterinternet.com](mailto:tmcorp@charterinternet.com)**

Mansfield Planning & Zoning Commission  
Mansfield Town Offices  
4 South Eagleville Road  
Storrs, CT 06268

Re: Jack Rabbit's of Storrs, LLC; Special Permit Application

Dear Commissioners,

I am the Managing Member of Storrs Associates (owners of Storrs Commons) but I will be out of the country on February 16<sup>th</sup>. I am herewith submitting this letter in support of the Special Permit Application of Jack Rabbit's of Storrs, LLC, for the "Sale of beer and wine in conjunction with restaurant" at Storrs Commons (the former Blimpie space).

The sale of beer and wine in conjunction with a restaurant use is consistent with several other similar uses in the immediate area. I have followed the process of the interior build-out of the applicant and observed their professional and high quality approach to their restaurant. I believe it will be a good addition to our downtown community.

Please feel free to contact me should you have any questions or comments.

Truly Yours,

A handwritten signature in black ink, appearing to read "Michael M. Taylor". The signature is fluid and cursive, with a large, stylized initial "M" and "T".

Michael M. Taylor  
Managing Member  
Storrs Associates, LLC

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**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: 2/10/10  
Re: Proposed Rezoning of the "Industrial Park" zone



As discussed at the 2/1/10 meeting, I have reviewed further the 10/15/09 draft regulation revisions and 1/26/10 letter from Attorney Olson. My review has identified some potential modifications to the 10/15/09 draft that warrant PZC consideration. Based on the 2/1/10 discussion, no alternatives to the draft zone changes have been presented.

The attached listing of potential revisions are considered rough drafts and have been presented in long hand to facilitate discussion. After further review of the 10/15/09 draft, individual members also may have identified additional revisions that should be considered. Following the anticipated 2/16 discussion on this matter, I will update the 10/15/09 draft and the PZC can establish a public hearing date.

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October 15, 2009 Draft

2/10/11

Proposed Revisions to Mansfield's Zoning Map and Zoning Regulations

(New provisions are underlined or otherwise indicated)

(Deletions are bracketed or otherwise indicated)

(Explanatory Notes are provided to assist with an understanding of the proposed revisions. These notes are not part of the proposed zoning revisions.)

**A. Proposed Zoning Map revisions (depicted on attached map):**

1. Rezone land south of Pleasant Valley Road and east of the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a Pleasant Valley Residence/Agriculture (PVRA) zone classification;
2. Rezone land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook from Industrial Park (IP) to a new Pleasant Valley Commercial/Agriculture (PVCA) zone classification;
3. Rezone all areas west of Mansfield Avenue that are zoned Industrial Park (IP) to a Rural Agricultural Residence-90 (RAR-90) zone classification.

*Explanatory Note: These zone changes are designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, to address potential health, safety and neighborhood compatibility issues and to address goals, objectives and recommendations contained in Mansfield's Plan of Conservation and Development.*

**B. Proposed Zoning Regulations revisions:**

1. Revise Article II, Section A as follows:

- a. Delete IP (Industrial Park zone) from the current listing of zones:
- b. Add PVCA (Pleasant Valley Commercial/Agriculture zone) to the current listing of zones:

*Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in Item A above, and the fact that there is no existing Professional Office 2 zones.*

2. Revise Article II, Section B as follows:

- a. Delete IP Industrial Park from the current listing of "Design Development" Districts;
- b. Add PVCA Pleasant Valley-Commercial/Agriculture zone to the current listing of "Design Development" Districts.

*Explanatory Note: These revisions are associated with and tied to the proposed Zoning Map revisions listed in A above and the fact that there is no existing Professional Office 2 zones.*

3. Revise Article VII, subsections A.2. and A.4 as follows:

- a. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in line 3 of subsection A.2.c
- b. Replace "Industrial Park" with "Pleasant Valley Commercial Agriculture" Zone in lines 1 and 6 of subsection A.4

X NO changes on this page

Explanatory Note: These revisions are associated and tied to the proposed Zoning Map revisions listed in A above.

4. Revise Article VII, Section K.1. to replace “and” with “and/or” in line 3.

Explanatory Note: This revision reflects the fact that the new area that is proposed to be rezoned from Industrial Park to Pleasant Valley Residence Agriculture historically did not authorize residential uses.

5. Delete Article VII, subsection U, “Uses Permitted in the Industrial Park Zone” in its entirety, add a new Article VII, Subsection U “Uses Permitted in the Pleasant Valley Commercial/Agriculture Zone” (land south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook) and, as necessary, revise zoning cross-references to subsections of Article VII.

The new Article VII, Subsection U shall read as follows:

**U. Uses Permitted in the PVCA (Pleasant Valley Commercial/Agriculture Zone (Land south of Pleasant Valley Road and east of Mansfield Avenue))**

1. Intent

The PVCA zone has been established with special provisions for a distinct area of Mansfield located south of Pleasant Valley Road between Mansfield Avenue and the Flood Hazard Zone containing Conantville Brook. This area has been zoned for decades for intensive industrial and commercial use, but it has remained primarily agricultural. This area is no longer considered appropriate for intensive industrial and commercial use due to access limitations, special agricultural, floodplain, wetland, and aquifer characteristics that warrant protection and preservation, site visibility and scenic character, neighboring agricultural and residential uses and other Plan of Conservation and Development goals, objectives and recommendations. Due primarily to the fact that this area is one of a very limited number in Mansfield that have access to public sewer and water systems, some lower intensity industrial and commercial uses are considered appropriate for portions of this district, but only if designed, constructed, and utilized in a manner compatible with Plan of Conservation and Development recommendations and neighboring land uses. Accordingly, the PVCA zone is subject to special provisions designed to preserve significant areas of prime agricultural land, to protect important natural and scenic resources, and to address other important regulatory objectives.

2. General

The uses listed below in Sections K3 and K4 and associated site improvements are permitted in the PVCA zone, provided:

- a. Any special requirements associated with a particular use are met;
- b. Except as noted below, all uses permitted in the PVCA zone shall be served by adequate public sewer and water supply systems. On a case-by-case basis the Planning and Zoning Commission shall have the right to authorize the use of onsite sanitary waste disposal and/or water supply systems for permitted uses provided it is documented to the Commission’s satisfaction that there is a low risk of aquifer contamination or other health, safety or environmental problems.
- c. Applicable provisions of Article X, Section A (Design Development Districts) and Article VI, Sections A and B (Performance Standards) are met: and

\* NO Changes on this page

a. Repair services for electronic and mechanical equipment, office equipment, home appliances, bicycles and similar uses

d. With the exception of those uses included in K.4 below, special permit approval is obtained in accordance with the provisions of Article V, Section B for any of the activities delineated in Article VII, Section A.2.

Article VII, Sections A.3., A.4 and A.5 also include or reference provisions authorizing the Zoning Agent to approve certain changes in the use of existing structures or lots and authorizing the PZC Chairman and Zoning Agent to approve minor modifications of existing or approved site improvements. All changes in use in the PVCD zone require Planning and Zoning Commission approval in accordance with the provisions of Article VII, Section A.4.

3. Categories of Permitted Uses in the Pleasant Valley Commercial/Agriculture Zone Requiring Special Permit Approval as per the Provisions of Article V, Section B. and Applicable Provisions of Article X, Section A.

a. Research and development laboratories and related facilities and the production, processing, assembly and distribution of prototype or specialized products which require a high degree of scientific input and on site technical supervision. Specialized products that may be authorized include but shall not be limited to the following: precision mechanical and electronic equipment; business machines; computer components; optical products; medical, dental and scientific supplies and apparatus; and precision instruments;

All genetic or bio-engineering research or development activities and the creation of biogenetic products are limited to those permitted in bio-safety level 1 and 2 (BL-1 and BL-2) laboratories as per the current "Guidelines" of the National Institutes of Health regarding research involving recombinant DNA molecules. The keeping and utilization of small animals for scientific purposes is authorized, provided the animals are kept in an enclosed portion of a building located on the subject lot or in areas specifically approved by the Planning and Zoning Commission;

b. Commercial printing and reproduction services, and ~~other industrial~~ <sup>the</sup> production, processing, assembly and/or distribution of products, provided the nature, size and intensity of the proposed use complies with environmental, traffic safety, neighborhood impact and all other special permit approval criteria.

→ warehousing and storage

→ not specified in section 3 above

c. Business and Professional Offices;

d. Commercial recreation facilities, such as tennis clubs and physical fitness centers;

e. Radio, television and other communication facilities

f. Veterinary hospitals and commercial kennels boarding or breeding two or more animals provided potential noise impacts are addressed in association with the required Special Permit application;

g. Repair services for agricultural and commercial vehicles, machinery and equipment, and accessory automobile and truck repair services may be authorized but auto salvage operations are not permitted;

→ State licensed group day care homes or state licensed child day care centers as defined by state statutes.

h. Permanent retail sales outlets for agricultural and horticultural products, provided all the standards and requirements of Article VII, Section G. 13 are met;

i. Other commercial agricultural operations (any agricultural or horticultural use that is not authorized by other provisions of these Regulations).

4. Uses Which May be Authorized in the Pleasant Valley Commercial/Agriculture Zone by the Zoning Agent:

a. Accessory retail outlets for any permitted use authorized within this section 3

- a. Agricultural and horticultural uses such as the keeping of farm animals, field crops, orchards, greenhouses, accessory buildings, etc., provided the provisions of Article VII, Sections G.13 through G.15 are met;
- b. Dwelling units for property owners, managers, caretakers, or security personnel associated with a permitted agricultural use provided all residential structures are located on the same lot as the agricultural use.
- c. Accessory cafeterias or retail shops conducted primarily for the convenience of employees, provided the use is located within a building and there are no advertising or exterior displays.

*Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. This section proposes new permitted use provisions consistent with the intent provisions for the PVCA zone.*

6. Revise Article VIII, Section A, Schedule of Dimensional Requirements, as follows:

- a. Delete from the Schedule the existing row for the IP.
- b. Add in the Zone Column "PVCA" to the row containing PVRA (all existing provisions in this row also shall apply to the PVCA Zone). The revised rows shall read as follows:

ZONE	MINIMUM LOT AREA/ACRES	MINIMUM LOT FRONTAGE/FT	MIN. FRONT SETBACK LINE (IN FEET)	MIN. SIDE SETBACK LINE (IN FEET)	MIN. REAR SETBACK LINE (IN FEET)	MAXIMUM HEIGHT	MAXIMUM BUILDING GROUND COVERAGE
	See Notes (3) (4) (18)	See Notes (4)(6)(7)(13)(16)	See Notes (4)(8)(9)(15)(16) (17)	See Notes (4)(10)(11)(15)(16) (17)	See Note (4)(15)(16) (17)	See Note (14)	
PVRA PVCA see note 1	25 ACRES	200	See Footnote 17 <del>180</del>	See Footnote 17 <del>30</del>	See Footnote 17 <del>50</del>	40	25%

- c. Revise existing foot note 13 on the Schedule of Dimensional Requirements to read as follows:  
13. Lot frontage requirements for business and ~~industrial~~residential uses within specified ~~[business and industrial]~~ zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d)

*Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in item A above. The proposed 25 acre minimum lot size proposal is designed to help ensure that Plan of Conservation and Development recommendations, particularly those tied to agricultural land preservation, are not undermined by smaller, uncoordinated developments. Existing regulations would allow larger projects to be built in smaller phases.*

7. Revise Article VIII, subsection B.3.a, B.3.b, B.3.c, and the first paragraph of B.3.d to read as follows:

**3. [Business and Industrial Exceptions/]Special Dimensional Requirements**

- a. **Setback from Residential Zones** - In the [IP and] RD/LI zone[s], a minimum setback of 150 feet is required between all new industrial or research buildings and residential zone boundary lines. This setback may be reduced by the Commission due to physical characteristics, the nature of proposed landscape and buffer plans or the character of existing land uses.
- b. **Lot Coverage** - Except as noted below, the total ground area coverage of buildings and parking areas in the [IP and] RD/LI Zone[s] shall not exceed 50 percent of the total lot area. Provided all other requirements of these Regulations are met, this coverage limit can be

increased to 75 percent for projects directly associated with a program that permanently preserves large tracts of open space or agricultural land.

- c. **Gate Houses/Security Structures** - In the [IP and] RD/LI Zone[s], the Commission may reduce or waive front or side line setbacks for gatehouses and security structures other than residences.
- d. **Lots on Private Roads** - Provided the standards noted below are met and provided special permit approval is obtained in accordance with Article V, Section B, the Commission may allow lots to be created off of private roads [for business and industrial uses] in the following zones: B; PB-1, PB-2, PB-3, PB-4, PB-5, NB-1, NB-2, PO-1, I, [IP] PVCA, PVRA and RD/LI. This regulation allows, under specific standards, lots to be created without frontage on a Town or State road.

(Note: Subsections 3.d.1 through 6 shall remain in effect.)

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

8. Revise Article VIII, subsection C.2 to read as follows:

**2. Business**

In all Business, [Industrial] and Institutional (PB-1 through 5, NB-1 and 2, B, PO-1 [IP], RD/LI and I) zones, each new building shall have a minimum of 500 square feet of floor area on the ground level.

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

9. Revise Article X, Section A.1 as follows:

- a. Delete IP-Industrial Park from the listing of Design Development Districts.
- b. Add PVCA-Pleasant Valley Commercial/Agriculture Zone to the listing of Design Development Districts.

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

10. Revise Article X., Section A.2.c to delete in line 10 "Industrial park or" and to change "an" to "a".

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

11. Revise Article X, Section A.4.e to delete in line 11 "IP and" and to change "zones" to "zone".

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

12. Revise Article X, Section A.4.h to delete in line 3 "IP or"

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

13. Revise existing Article X, Section A.8 to delete "Industrial Park (IP) and" in the title line of this subsection and to delete references to "IP or" in line 1 of subsection 8a and 8c.

*Explanatory Note: These revisions are associated and tied to proposed zoning map revisions listed in item A above.*

NO changes on this page

14. Revise Article X, Section A.9 (Special Provisions for the Pleasant Valley Residence Agriculture (PVRA) Zone) to read as follows:

a. Revise Subsection 9.b. to read as follows:

**Agricultural Land Preservation Requirements**

b. Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject residential development to be permanently preserved for agricultural use. As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land [within the PVRA] under the control of the applicant. [With the assistance of Mansfield's Agricultural Committee,] The following areas [has] ~~have been designated as [a] priority agricultural preservation areas within the PVRA zone:~~ <sup>should be considered for</sup> ~~agricultural land preservation:~~ *see Insert 14 B on next page*

- Land immediately south of Pleasant Valley Road approximately 750 feet west of Mansfield City Road and immediately east of a significant curve in Pleasant Valley Road.
- Land immediately south of Pleasant Valley Road approximately 1,500 feet west of Mansfield City Road and east of the Flood Hazard Zone containing Conantville Brook.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to ~~require~~ <sup>recommend and facilitate the transfer of</sup> the agricultural land to be transferred in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

b. In Subsection 9.c. delete "open space/recreational facilities" in lines 2 and 3.

c. Add a new subsection 9.f. to read as follows:

f. ~~All residential developments shall provide appropriate open space and recreation facilities as determined by the Commission. The size and location of the open space and the degree of any required improvement shall be tied to the size and nature of the residential development, and the size and location of the agricultural land to be preserved pursuant to subsection 9.b. above. For example, for projects with fifty (50) or more dwelling units, multi-use ball fields, tennis courts, and/or playgrounds may be required by the Commission. For smaller projects, trails, garden areas, and multi-use lawn areas may be considered adequate to meet this requirement. Detailed plans and specifications for proposed or required open space and recreational improvements shall be shown on project plans. Whenever possible and appropriate, active recreational facilities shall be screened from residences, driveways, streets, and parking areas.~~ <sup>The Commission shall have the authority to require</sup> <sup>and</sup> <sup>ant required</sup> <sup>for development's</sup> <sup>the Commission may require</sup>

Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in Above. The revisions in this section are designed to clarify and update agricultural preservation provisions and incorporate appropriate open space/recreational requirements for the PVRA zone.

Based on information reviewed prior to the adoption of this regulation,

Note: typo-corrected as per existing regulation

take into account the

for all residential developments

See Insert 14c on next page

## **Inserts for Item #14**

A. This agricultural dedication provision may be addressed prior to any development, in association with an initial development phase or incrementally, over a series of phases or developments. However, in applying this provision, cumulatively no more than fifty (50) percent of the prime agricultural acreage of a property in existence at the time this regulation is adopted shall be required to be permanently preserved for agricultural use.

B. All property owners and prospective developers are encouraged to work with the Commission and other Mansfield representatives to identify an appropriate location(s) for preserved agricultural land that will retain agricultural value, complement existing and proposed land uses and enhance adjacent and nearby agricultural land.

C. In situations where the agricultural land preservation requirements of section 9.b (above) have been addressed suitably, any additional acreage that may be required to meet this provision shall be limited to acreage needed to provide specific recreational improvements. As a general guide,

15. Add a new Article X, Section A.10 to read as follows:

<sup>10</sup>  
\* **Special Provisions for the Pleasant Valley Commercial/Agriculture (PVCA) zone**

**a. Water and Sewer Facilities**

Except as noted below, all proposed developments in the PVCA zone must be served by public water and sewer facilities or must be readily connected to such services. "Readily connected" is defined as that point in time when contracts have been let for construction of public sewer and water facilities requested for connection. A Certificate of Compliance shall not be issued until the site is connected to public water and sewer facilities. Article VII Section K.2.b. authorizes the commission to waive this requirement.

**b. Building Height Requirements**

No building shall exceed three stories or a height of 40 feet.

**c. Distance Between Structures**

Except as noted below, the distance between any two structures shall be no less than the average height of both, but in no case less than 50 feet. The Commission may vary this spacing requirement when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

**d. Courtyards**

Except as noted below, courts enclosed on all sides shall not be permitted and no open court shall have a length or width less than fifty (50) feet. The Commission may vary these requirements when it determines that such variations will enhance the design of the project without significantly affecting either emergency or solar access.

**e. Parking**

Required parking spaces shall not be allowed on any street or internal roadway and shall be set back a minimum of 10 feet from principal buildings. All spaces shall comply with the parking provisions of Article X, Section D and other dimensional requirements of these Regulations.

**f. Agricultural Land Preservation Requirements**

\*  
Incorporate  
revisions  
identified  
in  
Item # 14

Pursuant to the Plan of Conservation and Development recommendations, the Commission shall have the authority to require up to fifty (50) percent of the prime agricultural acreage on a subject residential development to be permanently preserved for agricultural use. As utilized in this provision, prime agricultural acreage shall be those areas that have been cultivated or otherwise used for agricultural purposes and/or those areas with soils that are classified as "prime agricultural" by the Natural Resources Conservation Service. The location of the agricultural acreage to be preserved shall be determined by the Commission and may be on other land under the control of the applicant. The following areas have been designated as priority agricultural preservation areas within the PVCA Zone:

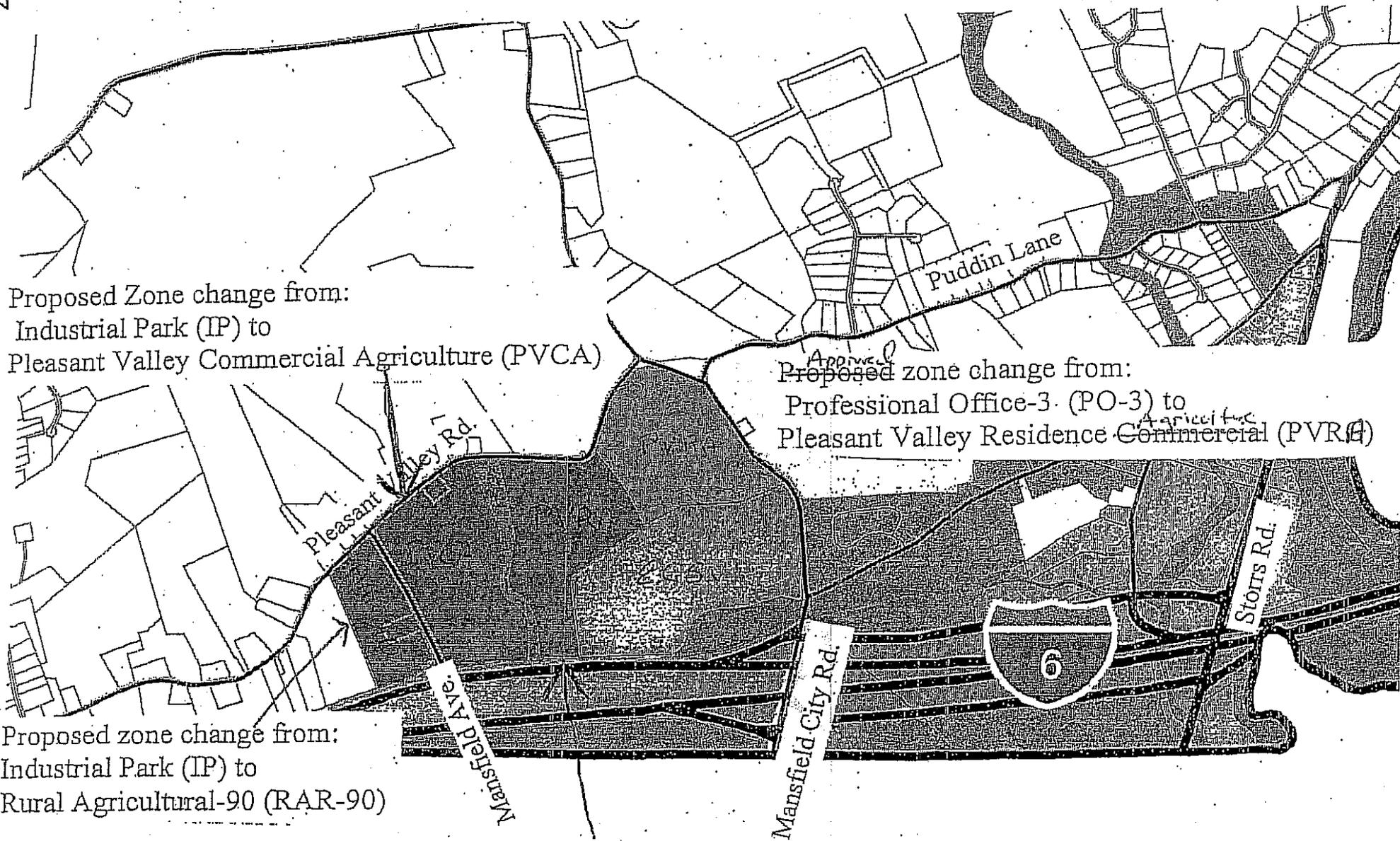
- Land immediately south of Pleasant Valley Road and west of Mansfield City Road.

To ensure the permanent preservation of designated agricultural land, conservation easements, approved by the Commission, shall be filed on the Land Records. In addition, the Commission shall have the authority to recommend and facilitate the transfer of agricultural land in title to the Town of Mansfield or an acceptable organization dedicated to agricultural preservation. Agricultural easement areas shall be monumented with iron pins and Town Conservations

easement markers shall be placed every 50 to 100 feet around the perimeter boundary of the easement area. The Town Markers shall be placed on trees, fences, four (4) inch cedar posts or other structures acceptable to the Commission.

*Explanatory Note: These revisions are associated and tied to the proposed zoning map revisions listed in A above. This section proposes new provisions consistent with the intent for the PVCA zone as described in item 5 (proposed Article VII Subsection U).*

NO changes on this page



Proposed Zone change from:  
 Industrial Park (IP) to  
 Pleasant Valley Commercial Agriculture (PVCA)

Approved  
 Proposed zone change from:  
 Professional Office-3 (PO-3) to  
 Pleasant Valley Residence <sup>Agriculture</sup> Commercial (PVR(A))

Proposed zone change from:  
 Industrial Park (IP) to  
 Rural Agricultural-90 (RAR-90)

Proposed zone change from:  
 Industrial Park (IP) to  
 Pleasant Valley Residence Agriculture (PVR(A))

**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: February 9, 2010  
Re: Draft Zoning Regulation Revisions on Political Signs



Please find attached a 2/3/10 draft revision to Article X, Section C.h.4 regarding political signs. In accordance with the Commission's instruction, this updated draft incorporates an existing regulatory provision that prohibits political signage on public property. In addition, I have attached a 2/3/10 memo I submitted to the Town Manager and Town Council to update them on this issue. Copies of these communications also have been provided to David McGuire of the Connecticut Civil Liberties Union.

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**TOWN OF MANSFIELD**  
**OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Matthew H. Hart, Mansfield Town Manager  
From: Gregory Padick, Director of Planning  
Date: February 3, 2010  
Re: Political signage and Town property



As previously communicated, the Planning and Zoning Commission (PZC) has been reviewing the Zoning Regulation provisions for political signs and plans to conduct a public hearing on proposed revisions to Mansfield's existing political sign regulations in April or May. At Monday's PZC meeting, the Commission reviewed the issue of political signs on Town property and decided to retain, as part of the draft regulation revision, an existing prohibition of political signs on Town property. This decision was reached after consultation with the Town Attorney. In conjunction with the PZC public hearing process, the draft regulation revisions will be forwarded to the Town Council for review and potential comment.

For your information, I have attached a 2/1/10 memo I prepared for the PZC after consultation with the Town Attorney regarding the regulation of political signs on Town property. I also have attached the current draft revision to the Zoning regulations that will be presented to the PZC at their 2/16/10 meeting.

## February 3, 2010 DRAFT

### **Proposed Revisions to Article X, Section C.h.4 of Mansfield's Zoning Regulations Regarding Political Signs**

#### **Proposed Zoning Regulation Revisions**

Revise Article X, Section C.h.4 as follows:

1. Delete existing provisions.
2. Add the following new provisions:

4. Political Signs

Subject to obtaining property owner approval and compliance with the traffic safety criteria of Section C.7. of this Article, political signs on private property are authorized. Political signs shall not be located on public property, including street rights-of-way. To help reduce neighborhood impact and to help preserve Mansfield's scenic character, it is recommended that political signs be limited in size and number, be non-illuminated and be displayed for a limited period of time.

#### Explanatory Note:

The proposed Zoning Regulation amendment would eliminate current standards for political signs on private property which include restrictions on the number, size and period of time for display and limit the nature of a political sign. The proposed amendment retains an existing provision that prohibits political signs on public property. The proposed provision includes generic recommendations for political signs which are advisory and not mandatory. These recommendations are included to help reduce neighborhood impact and potential litter problems and to help preserve Mansfield's scenic character.

**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: February 8, 2010  
Re: 10/24/09 Draft Policy on Transparency and Open Government



At the last PZC meeting the above referenced draft policy was submitted to the Commission for review and comment. A response prior to 2/19/10 was requested by the Town Council Personnel Committee. As requested, I have reviewed the draft policy and have prepared the following comments for the PZC's consideration:

- Many but not all of the draft provisions are designed to document current Mansfield processes and practices.
- Numerous provisions require information to be posted on the Town's website. It should be determined if all of the required postings are appropriate and whether the proposed requirements will increase significantly the cost of maintaining the Town's website.
- Some provisions are general in nature and could lead to interpretation issues and potentially unintended mandates and expenses. An effort should be made to clarify these provisions that necessitate actions by the Town.

For example, the 2<sup>nd</sup> page of the draft policy includes the clause "the following measures, initiatives and activities will be adopted" and includes in subsection IV, "providing electronic delivery of public services." It is unclear what services may need to be provided electronically. This could be interpreted to include the filing of building and zoning applications which is not currently done and would involve a new expense and potential administrative issue.

- On page 3 under Financial Matters, subsection VI mandates a "market value appraisal" for any sale of Town property. A few years ago, the Town conveyed land along Chaffeville Road to an abutting property owner. The subject land was associated with an abandoned segment of roadway and was no longer needed by the Town. The Town Council approved the conveyance after receiving an 8-24 referral report from the Planning and Zoning Commission. A "market value appraisal" was not considered necessary by the Town Council.

Last year, the Town sold a small parcel of land without street frontage to an abutter. The land was obtained for forgiveness of back taxes and the sale price to the abutter covered all Town expenses and the subject back taxes. The Town Council did not require a "market value appraisal".

This mandate for a "market value appraisal" is not considered appropriate or necessary in the draft policy on Transparency and Open Government and should be reconsidered.

- The last provision of the draft policy addresses Freedom of Information inquiries. There are specific State Statutes and State Regulations regarding Freedom of Information requirements and any Town Policy on this issue should be carefully considered and included only if deemed necessary.
- The proposed section on Freedom of Information inquiries includes the sentence "No charge shall be made for a single copy of a draft or final environmental study or report". This reference apparently would include lengthy environmental assessment and environmental impact studies and many other lengthy environmental reports submitted in association with PZC and IWA applications. These reports certainly are available for public review but providing free copies to all requesting individuals could be very expensive for the Town. Many of these reports are hundreds of pages long. This provision should be reconsidered.

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# MEMORANDUM

*Town of Mansfield  
Town Manager's Office  
4 So. Eagleville Rd., Mansfield, CT 06268  
860-429-3339  
Maria.Capriola@mansfieldct.org*

To: Planning and Zoning Commission c/o Gregory Padick  
Mansfield Board of Education c/o Fred Baruzzi  
Communications Advisory Committee c/o Jaime Russell

From: Mansfield Town Council Personnel Committee  
*via Maria Capriola, Assistant to Town Manager, at the request of the Personnel  
Committee*

Date: January 29, 2010

Re: Draft Policy on Transparency and Open Government

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In October 2009, the Mansfield Town Council Personnel Committee compiled a draft policy on open and transparent government. At its January 25, 2010 meeting, the Personnel Committee decided to refer the draft policy to the Planning and Zoning Commission, the Mansfield Board of Education, and the Communications Advisory Committee for review and comment. The Personnel Committee is respectfully requesting feedback on this draft policy from your respective boards by February 19<sup>th</sup>, 2010. Please send your feedback to Maria Capriola in the Town Manager's Office at [maria.capriola@mansfieldct.org](mailto:maria.capriola@mansfieldct.org) or via interoffice mail. Thank you for your assistance.

## DRAFT ACCOUNTABILITY AND TRANSPARENCY POLICY – 10/24/09 VERSION

Accountability, transparency and openness are standards of good government that enhance public trust, which relies on easy to use and easy to find Town information. These standards will be achieved by the Town adopting measures that ensure, to the best of its ability, that all activities and services undertaken utilize a process that is open and accessible to the public. In addition, whenever possible, the Town will engage the public throughout its decision making process which will be open, visible and transparent in the spirit of the Mansfield Town Council in the Resolution on Open and Transparent Government, (Date??)

### Definition(s):

The terms “accountability”, “transparency” and “constituents” mean the following:

- i) **Accountability:** The principle that the Town is responsible to its stakeholders, citizens, children and business, for decisions made and policies implemented, as well as its actions or inactions.
- ii) **Transparency:** The principle means that the Town’s decision making process by elected officials, persons appointed to committees and Town staff is open and clear to the public.
- iii) **Constituents:** The individuals who reside in the Town of Mansfield, taxpayers, and others which have premises in the Town of Mansfield.
- iv) **E Government:** the use of digital technologies to transform government operations in order to improve effectiveness, efficiency, service delivery and community participation.

The principles of accountability and transparency shall apply equally to the Town’s political process and decision making as well as to its administrative management. The

Town of Mansfield government as represented by the Town Council, Town Manager, Town staff, all members of Boards and Commissions) shall pledge that to provide good government with respect to matters within its jurisdiction in an accountable and transparent manner. In keeping with the Town's commitment to the principles of transparency and accountability, the following measures, initiatives and activities will be adopted:

- i) Public Access: Encouraging and facilitating public access to information about the Town's services, programs and encouraging public participation to ensure that business is conducted openly and decision-making is responsive to the needs of the constituents and receptive to their opinions.
- ii) Service Delivery: Delivering high quality services to constituents and actively seeking input for enhancing service delivery and achieving best practices
- iii) Efficiency: Promoting the efficient and effective use of public resources.
- iv) E-government: Providing electronic delivery of public services.

#### A) FINANCIAL MATTERS

The Town will be accountable and transparent to its constituents and other affected parties in its financial dealings. Practices and procedures supporting this principle include the following:

- i) external audits: The Town Council appoints an external auditor who conducts an annual independent audit and reports on financial statements. The Comprehensive Annual Financial Report (CAFR) will be available to the public and posted on the Town website.
- ii) budget process: Town Council budget process will provide opportunities for public

input, as outlined in the Town Charter, prior to approval of the annual budget.

iii) financial reports: Quarterly Financial reports provide reporting on budget variances and will be available to the public and posted on the Town website.

iv) Annual Report: The Annual Report will be available to the public and posted on the Town website.

v) procurement policy: The Town's procurement practices shall comply with the Purchasing Ordinance. Purchasing policies and procedures establish a process for the purchase of goods and services in order to ensure competitive procurement. Requests for qualifications, requests for proposals, and bid awards shall be available to the public and posted on the Town website.

vi) sale of land: The Town's sale of land policy is subject to a market value appraisal prior to being offered for sale. Any sale of land is posted on the Town web site.

vii) property assessments: Property card information and property assessment procedures shall be available to the public and posted on the Town website.

## B) ADMINISTRATIVE MATTERS

The Town's administrative practices shall ensure specific accountability on the part of its elected officials and employees through the following initiatives:

i). Ethics Code. Elected and appointed officials are subject to the Town's Ethics Code. The Ethics Code is available to the public and posted on the Town website.

ii). The Town's administrative practices work to ensure accountability on the part of its employees through the following initiatives:

a) code of conduct: Town employees are subject to the Town's Ethics Code, personnel and administrative policies, and operational procedures established by the Town Manager and/or Town Council.

b) hiring policy: Job openings with the Town are available to the public and posted on the Town website.

c) delegated authority: Town ordinance establishes departments and provide for a clear of understanding of whom/where authority is delegated.

d) operational reviews: The Town Council conducts operational reviews of the Town Manager's performance and the overall performance of Town government to ensure operational efficiency and effectiveness and in pursuit of best practices in service delivery.

e) human resources: The Town Council has approved governing policies for non-union employees and collective bargaining contracts designed with the goal to promote accountability and service standards. The Personnel Policies for non- union employees are posted on the website. The collective bargaining contracts are posted on the town website. The Town Manager contracts will be posted on the website.

e) public participation: The goal of the Town of Mansfield is to ensure that as much as possible meetings of its Council, Standing Committees, and Subcommittees of Council are conducted in open and public session. There will, however, be occasions when it is necessary and/or prudent to conduct part or all of a meeting in executive session and the Town of Mansfield complies with State of Connecticut FOI statues in that regard.

f) notice provision requirements: Town Council complies with Connecticut FOI statues and posts meeting agendas on the town website and Town Clerk's Office.

g) executive session: Staff is required to indicate the legislative authority or reason for a closed meeting. Executive Sessions are limited to the activities identified on the agenda and the resolution to go into session.

h) public meetings: The Town facilitates public involvement in its activities by providing for and hosting a variety of public meetings, open houses, public workshops and public presentations to inform constituents of initiatives being considered by the Town, which are advertized in a timely manner.

i) FOI inquiries: No fee shall be charged for making public records available for inspection. No fee shall be charged for a single copy of a current meeting agenda. A fee may be charged for: 1) single or multiple copies of past meeting agenda or any agenda-related materials; 2) multiple copies of a current meeting agenda; and, 3) any other public record copied in response to a specific request. No charge shall be made for a single copy of a draft or final environmental study or report. All fees permitted under this section shall be determined and specified by the Town Council Nothing in this section shall be interpreted as intending to preempt any fee set by or in compliance with State law.

**TOWN OF MANSFIELD  
OFFICE OF PLANNING AND DEVELOPMENT**

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GREGORY J. PADICK, DIRECTOR OF PLANNING

Memo to: Mansfield Planning and Zoning Commission  
From: Gregory Padick, Director of Planning  
Date: February 10, 2010  
Re: Preliminary Draft: Definition of Family



Please find attached a February 2010 "Preliminary Draft" Zoning Definition of Family. The subject draft is being reviewed by Mansfield's Community Quality of Life Committee. The draft would reduce to three (3) the number of unrelated individuals who would qualify as a family unless the proposed criteria for a "functional family" are met. The draft also includes provisions to address federally protected groups and other groups that meet the proposed criteria for "reasonable accommodation". Ultimately the PZC will have to decide on the appropriateness of a Zoning definition of Family.

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## February, 2010 Preliminary DRAFT

### **Zoning Definition of Family**

(The following preliminary draft prepared by the Director of Planning has been distributed for discussion purposes. It has been prepared based on Poughkeepsie N.Y. regulations and regulations in other municipalities with significant occupancy by unrelated persons. Subsection 5 is based on criteria provided by Mansfield's Town Attorney. The proposed regulation also includes new provisions for a "functional family").

**Family:** A person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of people related by blood, marriage, civil union, adoption, foster care, guardianship or other duly-authorized custodial relationship. (Related by blood shall include only persons having one of the following relationships with another individual(s) residing within the same dwelling unit: parents, grandparents, children, sisters, brothers, grandchildren, stepchildren, first cousins, aunts, uncles, nieces and nephews);
2. One (1), two (2) or three (3) unrelated persons;
3. Two (2) unrelated persons and any children related to either of them;
4. Any protected group pursuant to the American's with Disabilities Act or Federal Fair Housing laws and federal "reasonable accommodation" criteria;
5. Any group sharing a commitment to the single purpose of rehabilitation or recovery from chronic drug or alcohol addiction or abuse provided the following "reasonable accommodation" criteria are met:
  - A. The residence facility is certified by the Department of Mental Health and Addiction Services as congregate sober housing.
  - B. Collectively, the residents lease the entire residence rather than any particular room, and pay rent to the landlord in a single payment.
  - C. Residents may remain indefinitely, but are required to leave the residence if they use drugs or alcohol.
  - D. There is no house manager or paid professional staff, and the owner does not manage the house.
  - E. Residents manage the house themselves and elect house officers, who run weekly meetings.
  - F. Residents share equally most household expenses, including rent, a single household budget, most household chores, including cleaning, shopping and cooking, and the work of maintaining the premises.
  - G. Weekly meetings are used to discuss household, financial, logistical or interpersonal issues, and household safety, including fire safety.
  - H. Residents prepare food and eat together on a frequent basis.
  - I. Individual bedroom doors are unlocked, and there is shared food in the refrigerator.

## February, 2010 Preliminary DRAFT

6. Four (4) or more persons living together as a functional family as determined by the criteria listed below. It shall be presumptive evidence that four (4) or more persons living together, who do not qualify as a family based on other categories of this definition, do not constitute a functional family.
  - A. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by a functional family;
  - B. The group shares expenses for food, rent or ownership costs, utilities and other household expenses;
  - C. The group is permanent and stable. Evidence of such permanency and stability may include:
    1. The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
    2. Members of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration and filing of taxes;
    3. Members of the household are employed in the area;
    4. The household has been living together as a unit for a year or more whether in the current dwelling unit or other dwelling units;
    5. There is common ownership of furniture and appliances among the members of the household; and
    6. The group is not transient or temporary in nature;
  - D. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
  - E. A fraternity, sorority, club, institutional group, emergency shelter, rooming or boarding house, group home (as defined in these regulations) or similar group shall not be construed to be a family.

280 Trumbull Street  
Hartford, CT 06103-3597  
Main (860) 275-8200  
Fax (860) 275-8299  
kbaldwin@rc.com  
Direct (860) 275-8345

February 5, 2010

Via Certified Mail Return Receipt Requested

Gregory Padick  
Director of Planning  
Town of Mansfield  
4 South Eagleville Road  
Mansfield, CT 06268

Re: **Application Filed With The Connecticut Siting Council For A Proposed  
Telecommunications Facility At 343 Daleville Road in Willington,  
Connecticut**

Dear Mr. Padick:

Pursuant to the requirements of Connecticut General Statutes § 16-50(b), I have enclosed, for your information, a copy of the above-referenced Connecticut Siting Council Application.

If you have any questions regarding this Application you should feel free to contact me or the Siting Council directly at (860) 827-2935.



Law Offices

BOSTON

PROVIDENCE

HARTFORD

NEW LONDON

STAMFORD

WHITE PLAINS

NEW YORK CITY

ALBANY

SARASOTA

www.rc.com

KCB/kmd  
Enclosure

Sincerely,

A handwritten signature in cursive script, appearing to read 'Kenneth C. Baldwin'.

Kenneth C. Baldwin

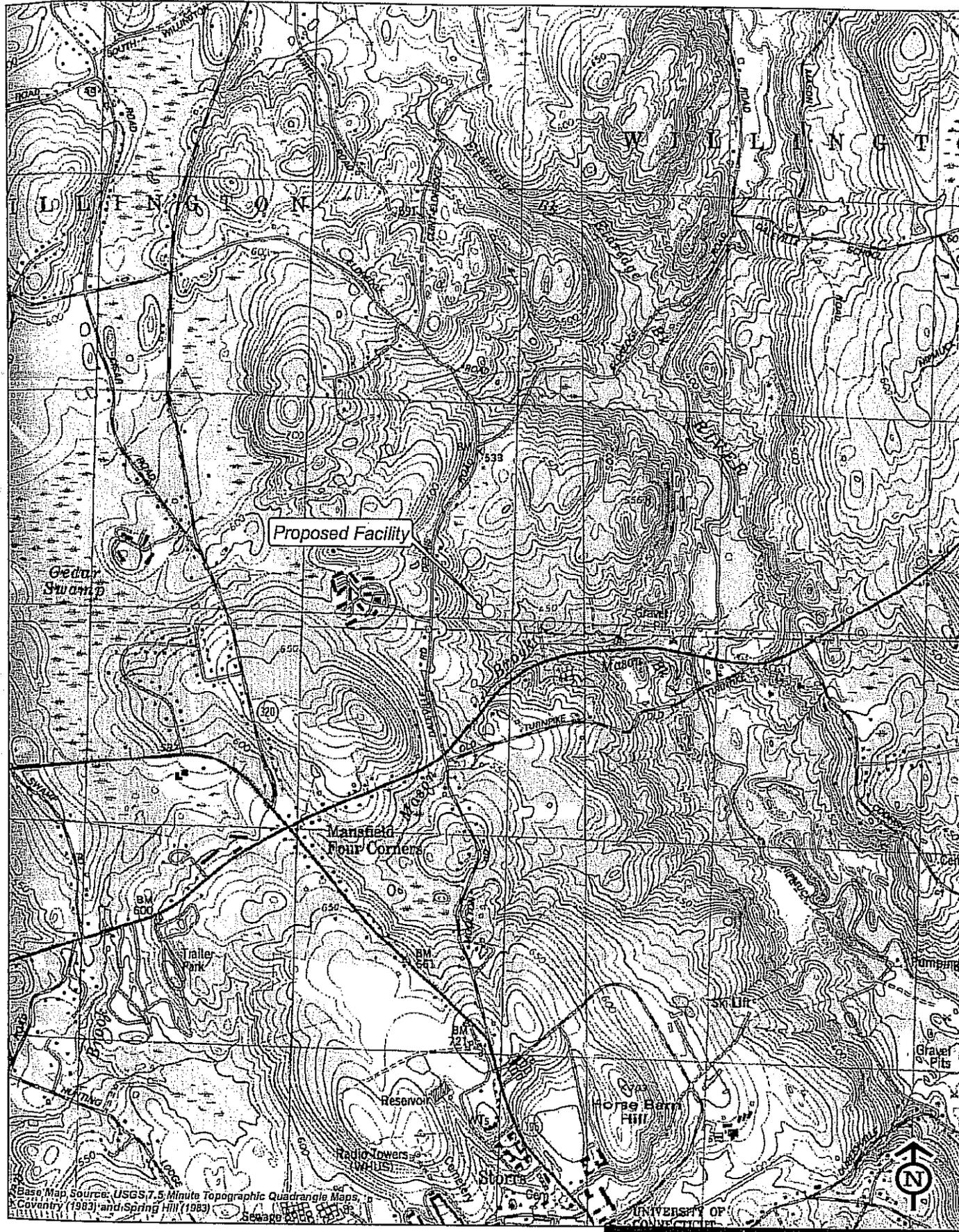
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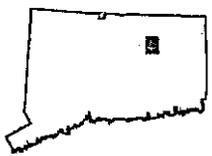
## EXECUTIVE SUMMARY

Cellco Partnership d/b/a Verizon Wireless ("Cellco") proposes to construct a telecommunications tower and related facility on an approximately 22-acre parcel owned by Muriel Kreuzscher (the "Owner") at 343 Daleville Road in Willington, Connecticut (the "Willington Facility"). The Willington Facility will provide wireless service along Route 44, as well as local roads in the southerly portion of the Town of Willington and northerly portion of the Town of Mansfield.

Cellco proposes the construction of a 100-foot telecommunications tower at this site. Cellco will install twelve (12) panel-type antennas, with their centerline at the 97-foot level on the tower. Cellco would also install a 12' x 30' shelter located near the base of the tower to house its radio equipment and a propane-fueled back-up generator. The tower and all ground-mounted equipment will be located within a 60' x 60' fenced compound. A 1,000 gallon propane tank would be installed on a concrete pad in the southeast corner of the fenced compound. Vehicular access to the Willington Facility would extend from Daleville Road over the Owner's existing gravel driveway a distance of approximately 600 feet, then over portions of an existing dirt path to the cell site, an additional distance of approximately 500 feet. Utilities will extend from existing service on the Owner's property approximately 500 feet west of the cell site.



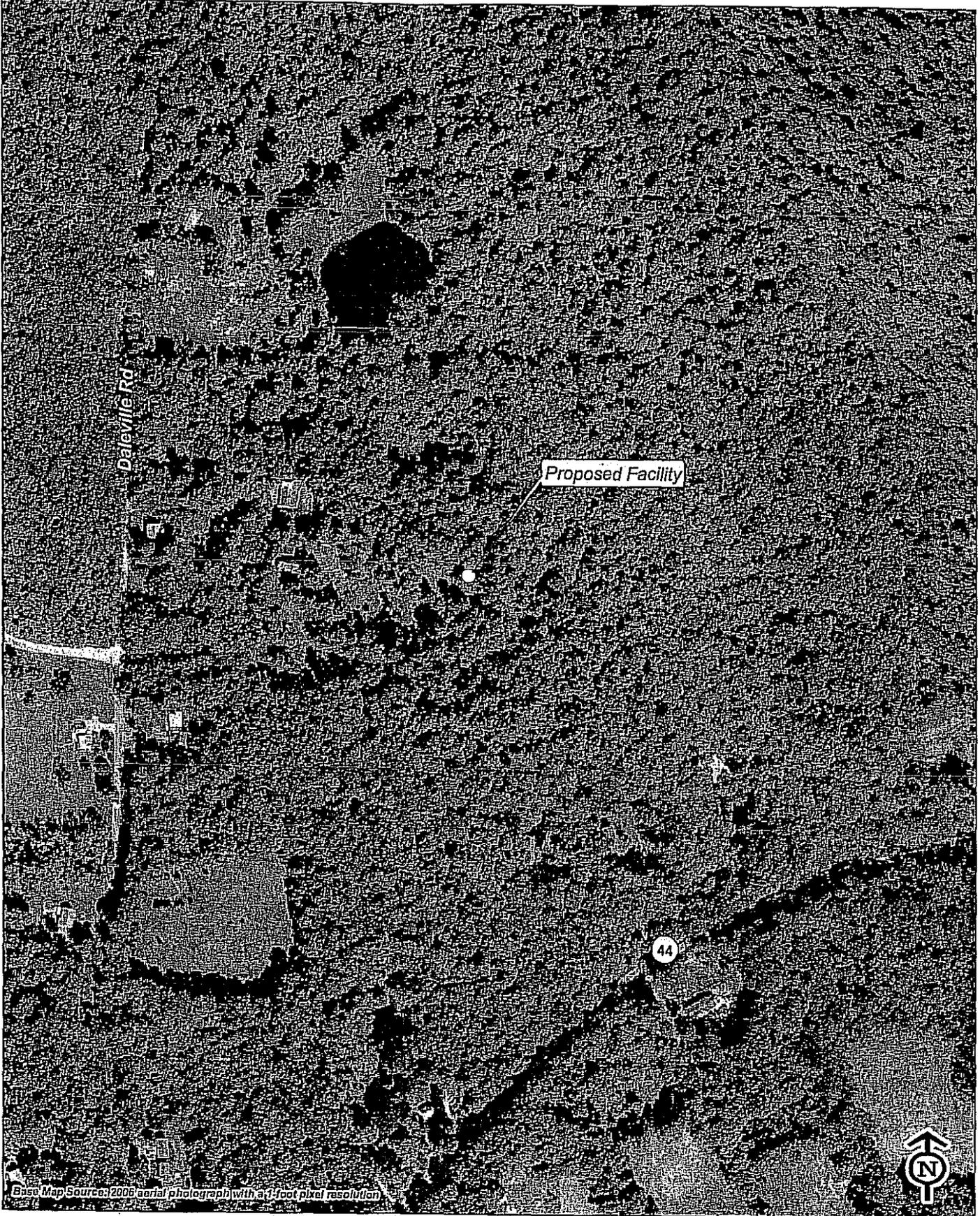
Base Map Source: USGS 7.5 Minute Topographic Quadrangle Maps of Coventry (1983) and Spring Hill (1983)



Quadrangle Location

**Vanasse Hangen Brustlin, Inc.**

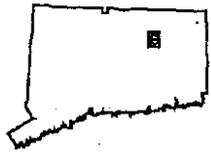
USGS Topographic Map  
 Proposed Verizon Wireless  
 Telecommunications Facility  
 Mansfield Four Corners  
 343 Daleville Road  
 Willington, Connecticut



Base Map Source: 2006 aerial photograph with a 1-foot pixel resolution

**Vanasse Hangen Brustlin, Inc.**

2006 Aerial Photograph  
 Proposed Verizon Wireless  
 Telecommunications Facility  
 Mansfield Four Corners  
 343 Daleville Road  
 Willington, Connecticut



Quadrangle Location





### 3. Environmental Compatibility

Pursuant to Section 16-50p of the General Statutes, in its review of the Application, the Council is required to find and to determine, among other things, the nature of the probable environmental impact, including a specification of every significant adverse effect of the Willington Facility, whether alone or cumulatively with other effects, on, and conflicting with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife.

#### a. Primary Facility Impact is Visual

The wireless system of which the proposed Willington Facility would be a part has been designed to meet the public need for high-quality, reliable wireless service while minimizing any potential adverse environmental impact. In part because there are few, if any other adverse impacts, the primary impact of facilities such as this is visual. This visual impact will vary from location to location around a tower, depending upon factors such as vegetation, topography, the distance of nearby properties from the tower and the location of buildings and roadways in a "sight line" toward the tower. Similarly, visual impact of a tower facility can be further reduced through the proper use of alternative tower structures; so-called "stealth installations." Where appropriate, telecommunications towers camouflaged as trees, flagpoles, and bell towers, to name a few, can help to further reduce visual impacts associated with these structures.

Attachment 10 contains a detailed Visual Resource Evaluation Report, prepared by VHB, Inc. (the "VHB Report") that assesses the visual impact of the proposed tower and includes photosimulations of the tower at this site for the Council's consideration. Overall, VHB

concludes that areas where the tower would be visible above the tree canopy are limited to approximately 7 acres, or less than one-half of one percent of the 8,042-acre study area. Much of the visibility associated with the Willington Facility occurs nearly two miles to the south on the UCONN campus. Cellco estimates that select portions of five residential properties would have at least partial year-round views of the tower. Areas where seasonal views are anticipated comprise approximately twenty-three (23) additional acres and are mainly located in the immediate vicinity of the Willington Facility.

There are approximately eight (8) residences within 1,000 feet of the Willington Facility, four located in the Town of Willington and four located in the Town of Mansfield. The closest residence is located on the Property and is approximately 440 feet to the west owned by Cellco's landlord. The nearest off-site residence is located approximately 780 feet to the west owned by Jefferson N. Willey at 331 Daleville Road.

Weather permitting, Cellco will raise a balloon with a diameter of at least three (3) feet at the proposed cell site on the day of the Council's hearing on this Application, or at a time otherwise specified by the Council.

**b. Environmental Reviews and Agency Comments**

Section 16-50j of the General Statutes requires the Council to consult with and to solicit comments on the Application from the Commissioners of the Departments of Environmental Protection, Public Health, Public Utility Control, Economic Development, and Transportation, the Council on Environmental Quality, and the Office of Policy and Management, Energy Division. In addition to the Council's solicitation of comments, Cellco, as a part of its National Environmental Policy Act ("NEPA") Checklist, solicits comments on the proposed facility from

the U.S. Department of the Interior, Fish and Wildlife Service ("USFWS"), Environmental and Geographic Information Center of the Connecticut Department of Environmental Protection ("DEP") and the Connecticut Historical Commission, State Historic Preservation Officer ("SHPO"). Information on the USFWS and DEP reviews regarding impacts on known populations of Federal or State Endangered, Threatened or Special Concern Species occurring at the proposed site are included in Attachment 11. According to the USFWS letter dated January 4, 2010, there are no federally-listed or proposed, threatened or endangered species or critical habitat known to occur in Tolland County, where the Project is located, and as such the proposed development will not result in an adverse effect to any federally listed, endangered or threatened species.

In its comment letter dated March 13, 2008, the DEP stated that it "has records of a state species of special concern, Wood Turtle (*Glyptemys insculpta*) in the vicinity of [the] project". (See Attachment 11 DEP letter dated March 13, 2008). In response to the DEP, Dean Gustafson with VHB, Inc. completed a Wood Turtle Habitat Survey ("Survey") dated July 25, 2008, for the Property. In the Survey, Mr. Gustafson describes a methodological plan designed to avoid mortality of the Wood Turtle during construction activity associated with the Willington Facility. On January 21, 2010, Mr. Gustafson contacted the DEP and confirmed that there have been no significant changes to the Property since he prepared the Survey and that its findings are still valid. The Survey and Mr. Gustafson's January 21, 2010 letter to DEP are included as a part of Attachment 11.

Also included in Attachment 11 is a letter from the SHPO confirming that the Willington Facility will have no effect on historic, architectural or archeological resources listed or eligible for listing on the National Register of Historic Places.

This review by state administrative agencies furnishes ample expert opinion on the potential environmental impacts from the Willington Facility, in the context of the criteria which the Council must consider.

c. Non-Ionizing Radio Frequency Radiation

The FCC has adopted a standard for exposure to Radio Frequency ("RF") emissions from telecommunications facilities like the one proposed in this Application. To ensure compliance with the applicable standards, Cellco has performed maximum power density calculations for the proposed cell site according to the methodology prescribed by the FCC Office of Engineering and Technology Bulletin No. 65E, Edition 97-01 (August 1997) ("OET Bulletin 65"). The calculation is a conservative, worst-case approximation for RF power density levels at the closest accessible point to the antennas, in this case the base of the tower, and with all antennas transmitting simultaneously on all channels at full power. The calculations indicate that the maximum power density level for Cellco antennas would be 35.43% of the Standard at the Willington Facility.

d. Other Environmental Issues

No sanitary facilities are required for the Willington Facility. The operations at the Willington Facility will not cause any significant air, water, noise or other environmental impacts, or hazard to human health.

E. Estimated Cost and Schedule

1. Overall Estimated Costs

The total estimated cost of construction of the proposed facility is \$785,000. This estimate includes:

(1)	Cell site radio equipment of approximately	\$450,000
(2)	Tower, coax and antenna costs of approximately	150,000
(3)	Power systems costs of approximately	20,000
(4)	Equipment building costs of approximately	50,000
(5)	Miscellaneous costs (including site preparation and installation) of approximately	115,000

2. Overall Scheduling

Site preparation and engineering would commence following Council approval of Cellco's Development and Maintenance ("D & M") plan and are expected to be completed within two to four weeks. Due to the delivery schedules of the manufacturers, installation of the building and installation of the tower are expected to take an additional two weeks. Equipment installation is expected to take an additional two weeks after installation of the building and installation of the tower. Cell site integration and system testing is expected to require two weeks after equipment installation.

IV. CONCLUSION

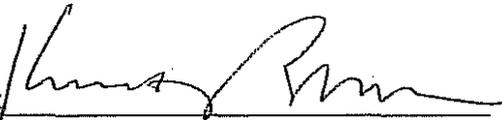
Based on the facts contained in this Application, Cellco submits that the establishment of the Willington Facility, at the Property will not have any substantial adverse environmental effects. A public need exists for high quality reliable wireless service in the Town of Willington and throughout Tolland County, as determined by the FCC and the United States Congress, and a

competitive framework for providing such service has been established by the FCC and the Telecommunications Act of 1996. Cellco submits that the public need far outweighs any possible environmental effects resulting from the construction of the proposed cell site.

WHEREFORE, Cellco respectfully requests that the Council grant this Application for a Certificate of Environmental Compatibility and Public Need for the proposed Willington Facility.

Respectfully submitted,

CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS

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PLANNING  
COMMISSIONERS

# Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

## Contentious Public Hearings



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A face and planning  
process that works  
by engaging the  
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**Come  
to Order!**  
Our Newest  
Publication

See Enclosed  
Insert —

## Public Hearings

I've found that one of the most interesting – and at times frustrating – aspects of being a planning commissioner is the time spent at public hearings.

It almost goes without saying that public hearings are an essential part of local democracy. They provide the opportunity for anyone in the community to weigh in on a proposed development, zoning change, or comprehensive plan amendment.

During the eleven years that I've served on the planning commission here in Burlington, Vermont, I have usually found public input very helpful in evaluating projects and considering zoning and plan changes. At the same time, I've sat through hours and hours of testimony of questionable relevance. What's more, I have seen anger and hostility directed not just at applicants, but at members of the commission – by their fellow citizens. I know that my experience is not uncommon.

Of course, when there's a controversial matter that affects people where they live, it's not surprising that emotions become charged. As we all know, decisions of local planning boards can have a big impact not just on the community as a whole, but on individuals.

But are there ways of reducing the likelihood of having contentious public hearings, or at least "lowering the temperature" in the meeting room? That's the question I asked a number of experts – that is, professional and citizen planners like you – over the past year.

Inside (starting on page 12) you'll find the results of these phone and email conversations. View it as a checklist of ideas for your consideration. Why not discuss your own public hearing process, and see if there's room for improvement? ♦



*Wayne M. Senville*  
Wayne M. Senville,  
Editor

## Building Your Planning Process From the Ground Up

by Joel Russell

It's time for the final public hearing on a zoning revision or comprehensive plan amendment that your commission has been working on for over a year. Suddenly, seemingly out of nowhere, massive opposition erupts as rumors spread around town about what they are about to do to us. You can minimize the chances of this happening if you build your planning process "from the ground up."

## Some Parting Thoughts

by Elaine Cogan

After writing some 70 columns for the *Planning Commissioners Journal*, Elaine Cogan highlights some of the key themes she's covered over the past 19 years in her final "The Effective Planning Commissioner" column.

## Planetizen Update

A look back at several top news stories of 2009 involving planning, development, and the state of our cities – from the Editorial staff of Planetizen.com.

## Dealing With Contentious Public Hearings

by Wayne Senville

One of the toughest challenges facing planning commissioners is how to deal with public hearings involving controversial development projects and zoning amendments. Planners and planning commissioners from across the country offer practical suggestions based on what's worked in their communities. Then join the discussion on our PlannersWeb site:

[www.plannersweb.com/hearings.html](http://www.plannersweb.com/hearings.html)

### In Our Spring Issue:

Because of the length of the feature articles in this issue, we were unable to include articles by Jim Segedy & Lisa Hollingsworth Segedy, Hannah Twaddell, and Ric Stephens. You'll find them in our Spring issue, along with articles by our newest PCJ columnists. For a preview of changes coming to the PCJ, go to our PlannersWeb blog: [www.plannersweb.com](http://www.plannersweb.com) – and look in the right sidebar for "What's New."

# Journal

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# Building Your Planning Process From the Ground Up

by Joel Russell

It's time for the final public hearing on a zoning revision or comprehensive plan amendment that the planning commission has been working on for over a year. Through a multitude of sparsely attended community meetings, participants have discussed the ins and outs of different planning recommendations, reviewing colored maps and charts and pages upon pages of text. Suddenly, seemingly out of nowhere, massive opposition erupts as rumors spread around town about what they are about to do to us.

Why does this happen, and what can be done about it? The art of public participation has been extensively described in planning publications, and much has been written about the techniques of participation, such as written surveys, public workshops, multi-day charrettes, citizen advisory committees, and other techniques designed to elicit public input. These are all useful tools, but unless they successfully engage the community, they will fall short of their goals.

This article describes and illustrates some of the key ingredients in a successful planning process that builds "from the ground up." Good planning is neither strictly top-down nor bottom-up. Rather, it requires effective management at the top to excite the imagination and interest of the community at large, along with a genuine openness to citizens' concerns and suggestions.

When solutions are "pre-cooked" and then pushed through an approval process using *public relations* rather than *public engagement*, they usually fail. Problem definition and solution must emerge through a well-managed public process that involves people in a meaningful way. This is not easy to do. The secret, if there is one, is to directly engage citizens at a heart-felt level on matters in

which they and their families have a stake, using language that they can readily understand. While this is no guarantee of success it certainly improves the odds of a good outcome.

TRUST IS THE SINGLE MOST IMPORTANT ACHIEVEMENT IN ANY PLANNING PROCESS; IT IS A PRECONDITION FOR SUCCESSFUL ACTION.

A structured, open process is at the core of the "Keep Farming"® program developed by the Glynwood Center, a non-profit located in New York's Hudson Valley.  See page 4. Keep Farming has helped several area communities develop and run successful planning efforts. This article describes eight of the key elements of the program's approach, with examples from one of the involved communities, the Town of Chatham, New York.

## I. Have a Clear Purpose in Mind

Unless planning engages people, it will not accomplish much beyond the production of the proverbial "plan on a shelf." Planning processes driven by a state mandate or a vague notion that "we need a plan" are usually less effective than those that focus on issues of most importance to members of the community.

When a planning process is driven by a strong sense of purpose and is well-managed, broader connections will also gradually become apparent, and the process will itself become more comprehensive. For example, while a planning effort may initially focus on how to preserve farmland, those involved may come to see how preserving farms ties together with the need for economic

development, the need to protect environmental resources, and the need for housing for people involved in farming – a panoply of issues not usually considered to be agricultural start to be seen as interconnected and important.

Put differently, a strong purpose that excites people can become the "entry point" that gets the whole community involved and motivated to engage in a much more comprehensive process as the connections between issues become apparent. This can more effectively mobilize the community than the conventional approach which focuses on breaking the process into discrete planning categories such as housing, economic development, transportation, education, energy, and environment, and developing separate plan elements for each.

While a focus on "functional" plan elements seems a logical way to proceed, it often dilutes citizen interest in the process. It also may result in misallocating resources to material that has little interest to most citizens, while neglecting the more important task of tailoring the plan to the community's deeply felt needs.

If necessary or required by law, a plan can always be restructured to fit the conventional "elements." But as a matter of process, preparing compartmentalized functional plans is not usually a way to excite people about planning.

The resonant entry point issue will vary from one place to another. While in exurban areas of the Hudson Valley it has often been agriculture, in other communities it may be economic development and jobs, urban design and historic preservation, affordable housing, sustainability, energy-efficiency, or transit-oriented development. The key question to ask is "what are people most concerned and excited about?"

continued on page 5



## The Keep Farming Program

The Keep Farming program works with selected communities in New York's Hudson Valley wishing to engage in a community-based process for saving agriculture. It has a well thought-out methodology at its heart. As described in the main article, a staff member from the Glynwood Center plays an ongoing role as a coach throughout the process, and helps with problems that arise when dealing with tough, contentious issues. The staff member provides community leaders and residents with hands-on training, instructional materials, and expert guidance organized in three major phases:

### Phase 1: Organizing the Community for Success

Keep Farming engages a wide variety of stakeholders in the process from the beginning and helps community residents gain a deeper appreciation of local farming, how it benefits the community, and why it is worthy of strong support. This helps local residents feel truly invested in the "action plan" developed for local agriculture and its implementation.

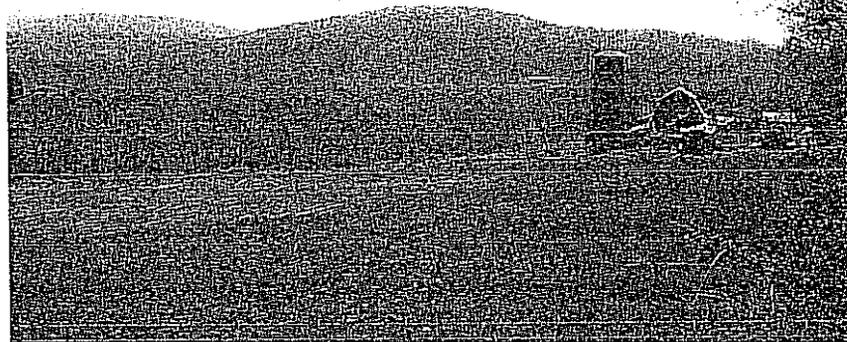
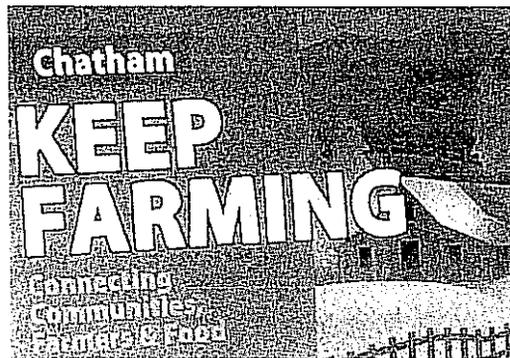
### Phase 2: Analyzing the Challenges and Opportunities of Local Agriculture

Keep Farming helps the community document the contributions that farming makes by assessing the following key values:

- **Economics.** Helps the community understand that the most obvious value of agriculture is that it generates income:

it sells products, employs people, and supports many more in agriculture-related businesses. Additionally, keeping land in agricultural production saves the municipality money because farmland requires fewer services than developed land.

- **Local Foods.** Helps the community pinpoint where their food comes from and how much of that food is produced locally. It also uncovers opportunities for farmers to diversify to meet the demands of local consumers.

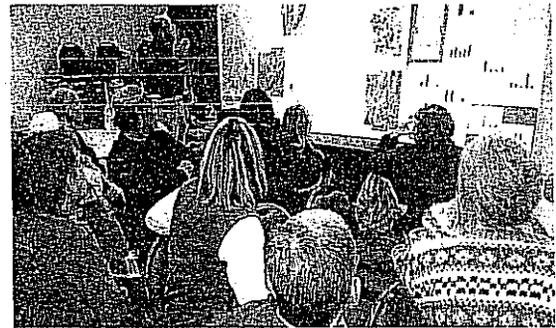


*Farmland is vital to the Town of Chatham's economy and character.*

- **Natural Resources.** Helps the community learn about their natural resources and understand how these resources are affected and protected by farming. Agriculture protects the local water supply by maintaining vegetative land cover rather than paving it over, thereby naturally purifying rainwater and recharging aquifers and streams. It keeps the soil rich with important nutrients and biotic elements that are depleted when

land is developed. It also maintains important habitat and wildlife corridors that support and protect endangered as well as common species.

- **Aesthetics.** Demonstrates the aesthetic quality that farmland brings to a community and how farming keeps the countryside alive. The rolling hills, green pastures, and working



*Citizens were actively involved in all phases of Chatham's Keep Farming planning effort.*

farms – with their barns and grazing livestock – provide the scenic views that create a sense of place and distinctive community character.

### Phase 3: Preparing Your Own Keep Farming Action Plan

Once the community understands the multiple benefits that agriculture provides, Keep Farming uses this information to design a strategy that both protects farmland and supports farmers.

- **Preserving Agricultural Land.** In high and moderate growth areas, the first step in protecting agriculture is to secure the land base. There are many different tools that communities can use to preserve farmland. Keep Farming helps the community understand why certain land use tools work and others do not, which ones are

appropriate for their particular circumstances, and how they must customize these tools in order to achieve their goals.

- **Creating Economic**

**Opportunities.** Small and mid-sized farms have been challenged for too long by a lack of local markets for their products. Most supermarkets do not purchase local products because buyers cannot be guaranteed sufficient volume, year round delivery of seasonal produce, or the lowest price. As a result, farm products in the United States travel an average of 1,300 miles from farmer to table. Keep Farming helps

the community support its farmers in developing new markets for local products and highlights ways that farmers can benefit economically by shortening the food supply chain and linking more directly to consumers and distributors in their region.

More information on the Keep Farming program is available at: [www.glynwood.org/Programs/KeepFarming.html](http://www.glynwood.org/Programs/KeepFarming.html).



The Town of Chatham, New York (population 4,200), is an exurban community about 30 miles southeast of Albany. It is facing strong development pressures. Over one-quarter of Chatham's 33,500 acres is in agricultural use. Two-thirds of the town's active farmland, about 5,000 acres, is used for commodity dairy farming, a sector particularly at risk. Other types of farming include beef, horse, sheep, alpaca, goat, produce, and mixed-production farms.

With its comprehensive plan over 30 years old, and facing increased development, town officials decided to update the plan. But the town struggled for 18 months on efforts to revise the plan before deciding to work with the Glynwood Center's Keep Farming program. By focusing on farmland protection, the program resonated with the strong desire of many residents to sustain an agricultural base in order to maintain the town's rural character. Town officials felt that the Keep Farming program would raise awareness of the importance of agriculture in maintaining this rural identity and would inspire the kind of dedication needed to move from talk to action.

## 2. Strike a Chord that Excites People

Let's face it, planning issues as conventionally presented to the public are often just plain boring. Charts and statistics, along with generic lists of goals, objectives, strategies, actions, and metrics do not engage people's passions. To succeed, a planning process must be tied to something people really care about, expressed in terms they understand (e.g., jobs, teachers, major developments, farmland). Basing a community planning process on what people *want* rather than what they *fear* can create a more constructive climate in which to plan.



In the Chatham Keep Farming program, the chord that really excited people was the economic importance of agriculture in the community and the opportunity to connect to local food. As the local volunteer coordinator of the Chatham Keep Farming program said, "It's when people find out what farms and farmers mean to the local economy that they really start to pay attention."

The concept of an interwoven food system was new to many residents. It transformed the way they saw farming and land. Keep Farming helped them see how agriculture, food, and many seemingly unrelated businesses and activities were interconnected in one economic web, and brought out the central role agriculture played in their economy.

During the planning process people also found that the changing ownership patterns of land could threaten their access to local food and the viability of farming. Research during the planning process showed that 60 percent of the land being farmed was owned by non-farmer landowners. Town residents had not previously realized this. Neither the farmers nor their neighbors wanted to see this farmland leave active production. But the issue was framed in a positive way: "how can we actively work together to keep local farming viable?"

## 3. Provide Leadership for Effective Action

Community leadership is a key ingredient of success. If a project is to move beyond meetings of a group of well-intentioned people, leadership is needed to spur action. But true leadership is not about control, it is about inspiration, empowerment, openness, and effective management.

The community's political leadership needs to endorse and back the planning process, but not try to control it or its outcome. Otherwise, there will usually be pushback and ultimate failure. When local officials stand back and entrust leadership roles to others with credibility in the community, the result is often more broadly supported (more on this in point 8). It's worth noting here that a good outside consultant can help to structure a process that empowers the local community to take effective action and to help a group of dedicated residents take a leadership role in the planning process (more about consultants in point 6).



Chatham's Town Supervisor (the equivalent of a mayor) "blessed" the Keep Farming planning process and then appointed a Town Council member to serve as a liaison to the program. A local volunteer leader then carried the ball. This individual (who happened to be a management consultant specializing in organizational behavior) understood the importance of having farmers involved and brought eight farm leaders onto the program steering committee. Participation by these farmers sent a message to other farmers that the program was important, and as a result many joined the steering committee and attended the community meetings. Other members of the steering committee

included four town officials (in addition to the Town Council liaison) a farm animal veterinarian, and a staff member of the Columbia Land Conservancy. The steering committee provided overall leadership to the program, actively promoted it in the community, attended significant community meetings, and made sure that its goals were fulfilled.

Throughout the process a Glynwood staff member provided training on organizing the community. She served as a resource to the community leader and to members of the steering committee, and helped to ensure that the process remained open and transparent.

## 4. Engage Local Talent and Culture

Communities that can afford staff and/or consultants often make the mistake of leaving most of the process up to these professionals, and do not draw upon the resources of the community itself. The more a plan or ordinance arises from the active participation and skillful contributions of local experts and ordinary citizens, the better it will be tailored to the community's needs.

The temptation to rely heavily upon paid outside consultants, who often use a cookie-cutter one-size-fits-all approach, should be resisted in favor of drawing upon the local talent pool wherever possible. Nevertheless, there are important, but clearly delineated, roles for staff and consultants to play. One role has already been noted (i.e., supporting local volunteers and the steering committee), others are discussed in point 6 below.



In Chatham, as already noted, it was critically important that local farmers were engaged in the planning process. The Keep Farming program actively involved farmers and others with a business or personal connection to farming as much as possible. They were the real experts on local conditions, crops, soils, markets, infrastructure, and what does and does not work on the land and in the marketplace. It also brought in others who were not directly involved in agriculture, but had a stake in it.

Others who were helpful in both supporting and facilitating the process included representatives of the area land trust (the Columbia Land Conservancy) and the USDA Natural Resources Conservation Service, as well as the Berkshire-Taconic Foundation (which also provided funding for

continued on next page



Chatham's outreach brochures). Other local talent included business leaders and residents with expertise in media and communications.

The broad cross section of residents, farmers, and non-farmers involved with the Chatham project made it possible to have a conversation with a variety of stakeholders in which no single viewpoint dominated the discussions. As one resident put it, "the program made us more tolerant of each other's priorities."

### 5. Make Effective Use of Volunteers

If you are able to excite people, you will also attract volunteers. Your local volunteers, in turn, will get even more people excited and involved in the process. As a result, the plan's ultimate recommendations will have greater community buy-in. Too often, the opposite happens: a small number of insiders try to control a pre-conceived agenda, creating a vicious cycle in which the more people think that the result is predetermined, the fewer people get involved. In this case, the plan's recommendations are more likely to be one-sided and shot down when they go public.

It is important to manage volunteers well. If they spend too many hours spinning their wheels trying to figure out what to do, the process will run out of energy. This is where leadership and competent outside consulting or staff work can help enormously. If volunteers are given clearly delineated tasks that make sense to them, draw on their talents, and empower them to shape the outcome, they will feel valued, work hard, and produce good results.

In addition to the usual corps of adult volunteers found in every community, it helps to involve students of all ages, as they often have unique insights into their community. This also serves to train the next generation of citizens. An additional benefit is that by engaging students you may end up involving their parents (who represent a broad cross-section of the community).

Perhaps the most important benefit of using volunteers is that it changes perceptions that planning is a government process engaged in by "them." Rather,

the process is about citizens planning their future together in a way that strengthens the civic culture of the community.



In Chatham, the Keep Farming program put volunteers to work by giving them meaningful and clearly defined tasks, deadlines, and recognition for performance. In order to do this, Glynwood staff made sure that the volunteer efforts were well-managed, using a skilled local coordinator.

Glynwood staff also provided training for recruiting and organizing the volunteers, as well as written resource materials including a detailed Keep Farming workbook. The workbook clearly outlines a methodology for engaging residents on volunteer teams. These teams go into the community to gather data, talk to local farmers, and assess the overall value of agriculture to the local and regional economy, as well as its contribution to the community's food system, environment, and character.

Keep Farming seeks to ensure that participants do not waste their time with more committee meetings than necessary. Volunteers are given real work, especially research and fact-gathering about farming and the local economy. This not only provides invaluable information, it gives participants first-hand knowledge of the facts, breaks through conflicts based upon uninformed opinions, and connects people with others they might otherwise never get to know. As one farmer commented, "I cannot believe how hard the teams worked to gather the information in an effort to try and help the farmers." Another said, "Keep Farming showed that there are folks in our midst who are attempting to understand the issues we face."

### 6. Use Consultants Effectively

Except in the case of purely technical issues, it is a major mistake to turn a planning project over to a consultant in its entirety. Not only does this add tremendous cost, it also reduces the likelihood of community support.

Sometimes there are local experts who are qualified to be consultants. Such local talent can provide the best quality consulting work if the local expert is truly qualified, well-respected, and objective. Local experts know the community best and may have working relationships with key players. They will often work for discounted rates as a community service. It may be tempting to try to get such people to do the work as vol-

unteers, and most will volunteer up to a point. However, they will usually (and justifiably) balk at large assignments which would require them to forego other consulting projects which represent a substantial portion of their income.

Outside consultants can be critical to the success of a planning process if they are used to:

- Provide technical expertise that is not available in the community.
- Provide a recommended organizational structure and methodology for the project and its volunteers.
- Provide discrete tasks and help establish realistic timelines.
- Offer an outside perspective, neutrality, facilitation, and even mediation where necessary.
- Ensure that work is done in compliance with relevant laws, regulations, and grant requirements.



The Keep Farming program offers a form of outside consulting assistance that embodies the first four points bulleted above, empowering citizen volunteers to be more effective. In Chatham, Glynwood staff also connected residents working on the plan with their counterparts in the nearby towns. This provided valuable information, especially about drafting special state legislation to enable the Town to establish a "Community Preservation Fund" using a 2 percent real estate transfer fee for purchasing development rights.

Glynwood sometimes recommends bringing in outside technical experts at appropriate points when needed. For example, I was brought in as a consultant to conduct a training session about different land use strategies and how they might or might not work in Chatham. This helped to catalyze the work that resulted in the Community Preservation Fund legislation.

### 7. Build Trust and Work With Those Most Affected

Trust is the single most important achievement in any planning process; it is a precondition for successful action. Trust between people who had not known each other before, and between citizens and their leaders, is an essential element of successful democratic participation. All affected and interested citizens must be able to participate. This requires a significant effort to recruit

those who are habitually distrustful of government or who usually just do not get involved in community affairs.

Establishing trust also requires a truly open-ended participation process that does not seek to achieve any pre-conceived outcome. Sometimes it is difficult for planners to maintain this kind of open agenda, especially when their well-conceived plans have been muscled aside in the past by citizen protest or special interest lobbying. Building trust requires a leap of faith that a well-managed open process can produce a positive result and will not spin out of control. It is tempting to use the public process as a means to obtain political cover for a pre-ordained planning agenda, rather than as a forum for open decision making. This is ultimately self-defeating because it erodes community trust.

An open process, where the discussion is structured and disciplined but the outcome is not predetermined, can be used to build trust and solve any community problem more effectively. In addition, ideas that emerge through open processes are not only more likely to build trust and gain traction, they are often better ideas because they have been generated and tested by the "wisdom of the crowd."

The trust-building process has to break down the "silos" that divide people into different interest groups and factions. When offered the opportunity to sit on a committee with a particular subject matter, most people will pick the subject that interests them most and end up talking primarily to people who agree with them. It helps to mix people up. This, in turn, can lead to a more comprehensive view of problems and their solutions.



In Chatham, the Keep Farming program forged new connections between farmers and non-farmers that made possible breakthrough understanding and solutions to problems in the local agricultural economy and food system. One surprise was that different kinds of farmers – dairy, horse, beef, poultry, vegetable, fruit, and tree – didn't often talk to one another. So it became important not only to connect farmers with non-farmers, but also to connect farmers with each other.

The diversity of farming sectors began to be seen as a benefit to farmers as well as the community. As the largest dairy farmer in the community put it, "one thing Keep Farming did was help me get to know my neighbors and realize that other farmers have the same issues I do."

Another surprise was the emergence of agricultural economics as the most exciting feature of the project. This probably would not have surfaced without a truly open process in which the research on farming and economics was conducted by volunteer stakeholders rather than by an outside planning consultant.

By building trust within the framework of a well-structured open process, the volunteers working on Keep Farming were able to develop action agendas designed to address multiple issues, including protection of farmland, farm product marketing, water quality concerns, housing needs, and infrastructure demands.

### 8. Build Political Will and Support

Action requires political will. It does not require complete consensus, but there must be enough of a shared community vision to empower political leaders to take actions that are necessary to achieve community goals. Having an effective citizen-based planning process helps build the political will and community support needed to produce results. Political will that leads to successful action also requires follow-through and monitoring by a group charged with the task of making sure that the plan is implemented.



The Town of Chatham adopted the results and recommendations from the Keep Farming initiative as the agricultural section of the Chatham Comprehensive Plan, which ultimately came to have a more conventional structure based upon "plan elements." The Keep Farming recommendations now serve as an important part of the roadmap to the town's future. In order to ensure that these recommendations were carried out, the Town Board established the Chatham Agricultural Partnership (CAP) to oversee implementation. The CAP, with funding from the New York Department of Ag & Markets, recently completed a draft Chatham Farmland Protection Plan. This Plan builds upon the Keep Farming recommendations.

### SUMMING UP:

Keep Farming built trust among those who had not known or trusted one

another, using talented volunteers to gather information and engage in a civic project that built relationships while solving problems. Most importantly, it mobilized both political and citizen leaders to engage in an open, structured process designed to make wise collective decisions through listening, research, and action. In so doing, it has built democracy "from the ground up." ♦

Joel S. Russell, Esq., is a land use planning consultant and attorney based in Northampton, Massachusetts. His practice is national in scope, focusing on smart growth, land conservation, consensus building, and drafting land use regulations to implement plans. Russell has written all or part of fifty zoning codes.



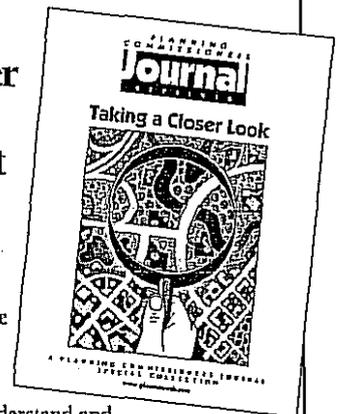
The author also wants to thank Virginia Kasinki and Judy Labelle of the Glynwood Center who read, provided information on Chatham, and gave valuable comments on drafts of this article.

## Taking a Closer Look Reprint Sets

• Food, Farmland, & Open Space  
Cities and towns are

looking to understand and improve their local food systems, by examining how and where food is grown, distributed, and consumed. Communities are also recognizing the need to plan for open space as a way to preserve sensitive areas and maintain water quality. The desire to preserve productive farmland and open space has prompted planners to explore a range of techniques – discussed in this booklet. For detailed contents and to order go to: <http://pcj.typepad.com/> (right hand column).

This is just one of our attractively bound Taking a Closer Look reprint collections. Other sets include: Basic Planning Tools; Ethics; Planning Law; Transportation; Housing; Downtowns; Smart Growth; and Design & Aesthetics.



# Some Parting Thoughts

by Elaine Cogan

It was in 1991 that *Planning Commissioners Journal* editor and publisher, Wayne Senville, first approached me about writing a column for this fledgling publication. We soon agreed it would be on the general topic of "communications," skills and techniques planning board members can consider to do their jobs more effectively.

Since then, it has been a joyous time for me to try to delve into the many non-technical issues unpaid, often unheralded commissioners face all over the country. Now, after 19 years, we have agreed this will be my final column in the *PCJ*. As such, it seems appropriate to comment one last time on the key themes that have resonated most over time.

**Treat everyone with respect.** This seemingly obvious maxim may not always be easy to carry out. Controversy is a natural part of planning. More than most local bodies, planning board members and

their staffs deal with issues that affect people's everyday lives. You seldom have the choice of whether to deal with controversial matters, but you can choose how to deal with them.

When members of the public give testimony or otherwise express their opinions, it is important to model the behavior you expect from others. There are many ways to keep a group of partisans from becoming an angry crowd, and your willingness to listen politely and insist on like behavior are vital. This is important also in your relations with the other commissioners. Engender cordial dialogue, understanding that sometimes you may have to agree to disagree.

**Be prepared.** Come to every board meeting after having reviewed the agenda and accompanying material carefully. Make notes of issues or questions you want to raise but be careful not to monopolize the conversation. If staff per-

sists in overwhelming you and the others with too much technical jargon, insist they give you information, orally and in writing, in plain English.

**Reach out.** Look around at the people who usually attend your meetings. They probably can be divided into two categories: the few civic-minded ones who come all or most of the time and zealous proponents or opponents of a project or point of view.

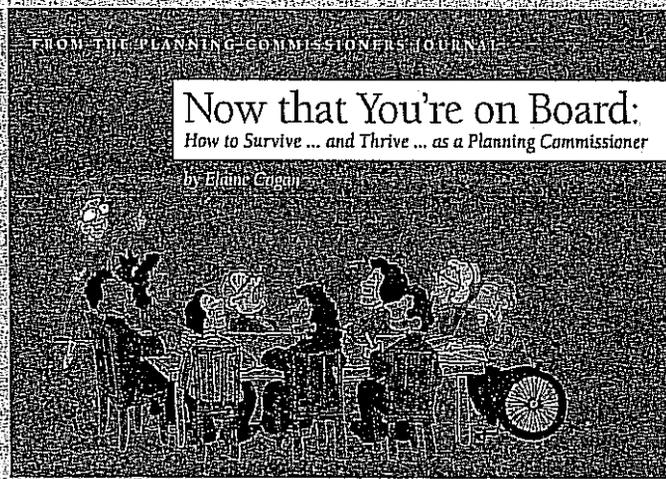
The majority of people in your community... older citizens, young people, ethnic or racial minorities ... are not likely to be seen, although your decisions may affect them greatly. Do not be satisfied with the status quo. Take your show on the road. Hold hearings and meetings in local schools or other venues easily reachable by the people most affected, and advertise these widely. You may have to start out slowly, but the word will soon get around that the

## Thank You, Elaine!

Note from *PCJ* Editor Wayne Senville:

After some 70 columns for our publication, this is Elaine Cogan's last. It has been a pleasure to have worked with Elaine over an extended period of time. She's covered an extraordinarily wide range of topics, always in a direct and thoughtful manner.

For those of you not aware, Elaine has also authored several books, including one which we were honored to publish not long ago: *Now that You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner*. For a complete list of Elaine Cogan's columns published in the *PCJ*, go to: [www.plannersweb.com/articles/cogan.html](http://www.plannersweb.com/articles/cogan.html)



From Elaine's first column, published in our very first issue, I knew that she would connect well with both citizen and professional planners. Respect and communications would be two constant themes in her columns.

"I have the greatest respect and admira-

tion for the thousands of citizens all over our country, people such as you, who volunteer precious time to serve on our local community planning boards and commissions. Your staff are the front lines; at the counter or their desks every day, you read their reports and recommendations, show up for the commission meetings, listen to the citizens, and make the final decision. You are dependent upon each other. If the planning function is to be carried out effectively, but yet you have distinct and different roles."

— from Elaine Cogan, "Things We Often Overlook," *PCJ* #1

Elaine also often reminded us of the need to involve those "less vocal constituencies."

"Never worry that developers or landowners will be shy about voicing their

planning commission is accessible to the people and really interested in hearing from them. Over time, their attendance and attentiveness may pleasantly surprise you.

*Evaluate your environment.* Alas, most planning offices have not changed much in 19 years and there is still considerable room for improvement. Step into the office as if you were a citizen there for the first time. How welcoming is the atmosphere? What does that front entry communicate? Is it a heavy wood or glass door that is always shut? What about that ubiquitous counter? Is it a reasonable height? If staff cannot be there at all times, is there a bell people can ring for service, and will someone appear promptly? Are there comfortable chairs and reasonably current reading material? Are the signs in easily understood English and other languages if appropriate?

Give this same scrutiny to the room in which you hold your commission meetings. Do you sit on a dais, immediately creating a we/they atmosphere? Is there any way you can hold at least informal sessions on the same level as the audience? Can the public see the visual presentations or is the screen tilted only to

the board? Do you routinely use microphones so you can be heard by all? If you once again put yourself in the shoes of the public, you should be able to find ways to accommodate their needs as well as your own.

*Lead, not follow.* Planning decisions are often reactive. Receiving and acting upon requests to change existing rules and regulations are a significant part of your agenda, and probably will remain so. Even the common practice of updating the comprehensive or community plan is usually a matter of starting from where you are and building upon it.

Another aspect to your job that can be more challenging and far-reaching is leading your community in a wide-ranging visioning process that challenges people to think about the future to which they aspire. Maps, charts, and diagrams are still very much part of the technical background people need, but an open process that enables citizens to consider their values and how they might affect the future of their community can be inspirational for all and lead to different ways to consider even the most common planning issues.

*Embrace technology.* All communities seem to have web pages, but are yours up to date with notices and summaries of your meetings and hearings? Do you have a commission blog where you can have informal conversations with people? Are you aware of what others are blogging about in relation to planning issues? Encourage your staff to keep up with the latest forms of communication and use the technology to enhance the understanding and support for planning in your community.

*Enjoy yourself.* As seemingly endless as the job of planning commissioner may be, it should be personally satisfying and rewarding as you deal with the cutting-edge issues your community faces. Most of all, find time to have fun! ♦

Elaine Cogan, partner in the Portland, Oregon, planning and communications firm of Cogan Owens Cogan LLC, has worked for more than thirty years with communities undertaking strategic planning and visioning processes.



opinions about planning policies or programs. Planning affects them directly and they make it their business to follow what you are doing. But there may be other less vocal constituencies in your community equally deserving of attention. For example, non-profit social service agencies may be very interested in zoning matters that affect affordable housing. School advocates and members of adult and youth sports leagues are likely to be interested in parks or open space policies. Before you make significant decisions, broaden the range of people you inform and involve on issues to obtain a true picture of the range of interests affected by planning decisions.

*from Elaine Cogan, "What's Your P.M.O. (Public Meeting Orientation)?" PCJ 173*

Another constant was Elaine calling on us to be aware of our own biases, while putting in the best interests of the community.

Know yourself first, but put yourself last. What does that mean? Be self-critical, aware of your biases and preferences in terms of the issues the planning board faces. After you know and understand yourself, be willing, if needed, to set personal opinions aside to serve the best interests of your community.

*from Elaine Cogan's "Now, What You're on Board"*

Planning commission meetings, especially during those years when I served as Chair, led ways and to one member, Elaine's advice, be patient.

Patience may be the first attribute you lose, when it should be the one you hold on to most tenaciously. Train yourself to be patient with the process and with all the participants, and you will go a long way toward increasing your effectiveness.

*from Elaine Cogan's "Starting Out the New Year on the Right Foot," PCJ 178*

It will certainly miss the insightful articles that Ms. Cogan has authored over the past many years. I personally have appreciated her efforts in wanting to help commissioners perform their duties. I can certainly speak for many in wishing her well.

*Robby Strickland, C.A.P.A., Chairman, Gulf Shores, Alabama, Planning Commission*

I always enjoyed reading your work and sharing it with my planning board members. It was practical advice on topics of great interest. Best wishes.

*Ross A. Moldoff, AICP, Planning Director, City of Salem, New Hampshire*

As usual, I enjoyed Elaine's insight into how planning commissions can improve their approach to an often difficult process. I have referred to Elaine's columns throughout my own career and think her final words are appropriately fitting for her last article. Good luck, Elaine.

*Cheryl Price, AICP, CFM, Bradenton, Florida*

## Top News of 2009

Over the course of the year, Planetizen editors review and post summaries of hundreds of articles, reports, books, studies, and editorials related to planning and urban development. Now, we take a look back at 2009 and the trends and issues that defined the year in urban planning. More of the year's top urban planning issues, as well as links to source articles, can be found at Planetizen.com.

## THE GREAT RECESSION

Casting a shadow over what seems like the entire globe throughout 2009 has been the specter of the worldwide economic recession. Job losses, falling home values, and atrophied economies prevailed worldwide, including the United States. The downturn has been especially tough on local governments. With businesses folding left and right, city tax revenues plummeted. As a result, many city services fell by the wayside.

The City of Petaluma, California made headlines in April when it announced it was downsizing its entire planning staff. The city council says it was forced to make the cuts due

to a slowdown in development and a projected two-year budget shortfall of more than \$4.5 million.

Petaluma was far from the only one, with cities across the country forced to cut positions as fewer development projects came across planners' desks. Skyscrapers and apartment complexes came to a full stop in many American cities, where overambitious developers borrowed above their heads to cash in on the renaissance of downtown living. Even booming Dubai saw its jungle of cranes come to a halt as the credit crunch pushed many developers into bankruptcy.

Though the downturn in building has had a noticeable effect on many cities' skylines, the biggest impact of the global recession has been the loss of jobs. While the national unemployment rate hovered near 10 percent throughout the last half of 2009, the impact was even worse in many American cities. Cities like Detroit, Michigan, Riverside California, and Providence, Rhode Island, suffered with some of the highest rates of unemployment in the U.S.

Though the recession is officially over, the negative impacts of the downturn will continue to be felt into (and possibly past) this year.

## SHRINKING CITIES

It's hard to think about Detroit these days without picturing empty streets, cracked windows, and chaos – essentially, a broken city. In fact, if the idea of a "broken city" needed a poster child, Detroit would be high in the running. Between 2000 and 2007, the city lost more than 30,000 people. More than 3,100 houses were torn down in 2008; and some 15,000 are currently under bank ownership.

Detroit is clearly in a tough place right now, but it's definitely not alone. The recession and housing market crash have weakened many cities, leaving large sections that are virtually abandoned. Some say these neighborhoods will never recover, and it's time for cities to cut their losses. And when they say cities should "cut their losses," they're really talking about bulldozers and widespread demolition.

It's a concept based on the experience of Flint, Michigan, a city plagued by post-industrial decline. Officials there began bulldozing large abandoned areas of town and allowing them to "return to nature," creating parks and open space. The idea is reportedly gaining some traction, as officials in the Obama administration are considering a study to identify areas within American cities where this approach may be appropriate.

But some argue that the bulldozer doesn't have to be the only way to deal with these withering places. "Obliterating whole blocks and neighborhoods is just another way of giving up past and future," wrote Gregory Rodriguez in the *Los Angeles Times*. "It will only further encourage the decentralization

of residents and jobs."

Shrinking cities are wrestling with the question of what to do. Should they create urban farms? Demolish buildings and build parks? Hand over properties to artists? There's no clear consensus on what cities should do, but at the very least, the recession has caused more and more conversations about what options should be on the table. But planners and officials in these and other shrinking cities recognize that unless they're able to create jobs, these places will have little if any hope of any sustained recovery.

## THE "SHOVEL-READY" CONUNDRUM

While the media-at-large covered the broad strokes of the American Recovery and Reinvestment Act – more commonly known as "the stimulus package"



Wednesday, June 10, 2009

Not Giving Up on Flint – Part I



Planning Commissioners Journal Editor Wayne Senville was among several who reported on Flint's aggressive approach to dealing with vacant and abandoned properties. For his reports: [www.circletheusa.com/2009/06/flint1.html](http://www.circletheusa.com/2009/06/flint1.html) and [flint2.html](http://flint2.html)



MauryT: In Detroit Planning Dept during the 90s maintained about 335. It is now about half that size.

7 hours ago from Planetizen

Reply Retweet



cityplan: Our County pl dept had a 39% budget cut-3 planners laidoff 4 position not filled; 6 others in dept gone@PlanningJournal

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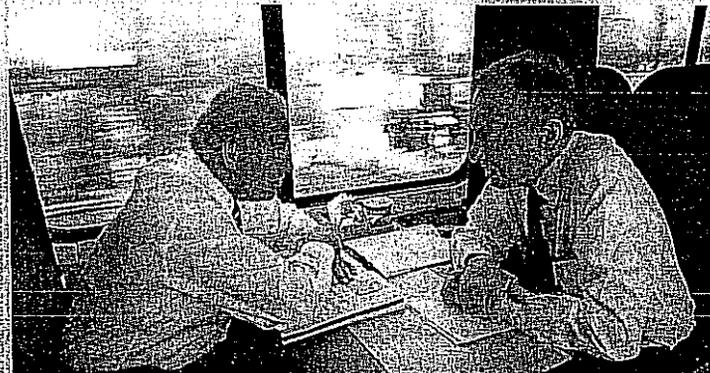
PlanningJournal: @cityplan we're reporting on planning layoffs in our Winter issue; can you provide more info on what your city is facing

20 hours ago from Planetizen

Retweet

A follow-up from Detroit, Michigan, and Wenatchee County, Washington via Twitter on the impact the economy has had on their planning departments.

OFFICIAL WHITE HOUSE PHOTO BY SHANNON HANCOCK



Vice President Joe Biden and Sen. Arlen Specter talk as they ride the train to Philadelphia on Feb. 27, 2009. Biden was a strong proponent for sharply increased high-speed rail funding.

— urban planners were dealing with the details.

A significant amount of the funding went to transportation infrastructure, which many applauded. While the Obama administration is clearly planning-savvy, planners raised a considerable cry of complaint over the requirement that projects be "shovel-ready" in order to receive funding.

It was understandable that the Obama team would take that route, given that the central goal of ARRA was to inject the economy with jobs and funds. But in practice it meant that now-unfashionable projects that had been on the books for decades were getting the green light. With a new awakening to the importance of public transit, it seemed a serious misstep to pour money into unwanted highway infrastructure improvements equated with Alaska's infamous "Bridge to Nowhere." As Robert D. Yaro, president of the Regional Plan Association, put it in *The New York Times*, the stimulus funding dedicated to transit was "a drop in the bucket."

As a result, the projects that actually benefited from ARRA funds were largely status quo: freeway repairs, highway expansions, and other car-centric infrastructure projects took most of the pie.

A study by the group Smart Growth America found that more than 93 percent of all transportation-related stimulus money was being spent on roads and highways. As that group noted, while some states are doing great work, many are not taking proper advantage of federal stimulus money—spending it quickly on new highway capacity, ignoring lengthy (and often dangerous) repair backlogs for their roads, bridges, and

**The States and the Stimulus**

Are they using it to create jobs and 21st century transportation?

Smart Growth America

transit systems, and neglecting investments in the other modes of transportation."

Though many officials had hoped the ARRA money was going to jumpstart more progressive projects, the program's emphasis on quick projects and "use-it-or-lose-it" deadlines turned much of the program's forward-thinking ideals into underwhelming realities.



Governor Schwarzenegger  
Visit his website  
Statement on High-Speed Train

Governor, Federal, State and Local Officials Join  
Statewide to Show United California for High-Speed  
Train Federal Stimulus Funding Bid

President Obama  
Statement on High-Speed Train

CALIFORNIA  
High-Speed Rail Authority

**Midwest High Speed Rail Association**  
Advocating for the development of fast, frequent and dependable passenger trains linking the entire Midwest

### HIGH-SPEED RAIL

While planners were complaining that local transit was getting the short shrift, the Obama Administration announced a bold new plan to create high-speed rail corridors around the nation in April. Ten corridors were singled out in the High-Speed Rail Strategic Plan, stretching across California, Florida, the Pacific Northwest, Texas and the Southeast, the Midwest, and Northern New England—a large part of the country.

"Imagine whisking through towns at speeds over 100 miles an hour, walking only a few steps to public transportation, and ending up just blocks from your destination," said Vice President Joe Biden at the press conference. "Imagine what a great project that would be to rebuild America."

Transportation wonks are understandably excited by the vision and troubled by the implementation. As Rob Goodspeed, a Planetizen blogger, put it, "In reality limited funds, our dysfunctional planning processes, and the historical lack of investment in rail will mean the U.S. will most likely end up with a diverse collection of regional rail systems that may not go that fast."

The federal government dedicated \$8 billion in ARRA

stimulus funds to high-speed rail projects. But by the time the books closed for state funding requests, more than \$57 billion in projects had been proposed.

Building the entire 10,000-mile network could cost upwards of \$200 billion, and it's not likely that the government will be able to afford the entire price tag any time soon. But transit officials are hopeful that the successful implementation of projects on a piecemeal basis will bolster the case for more taxpayer investment in what they hope will be America's future transportation network. ♦

### PLAN-315 Online Planning Commissioner Training

Planetizen, the leading online resource for the planning & development community, using materials from the *Planning Commissioners Journal*, offers a convenient and affordable online course providing planning commissioners with an overview of planning principles and practices. The course instructor is Ric Stephens, also a regular columnist for the *PCJ*. To learn more about this course, go to: [www.planetizen.com/courses/commissioner](http://www.planetizen.com/courses/commissioner). *PCJ* subscribers receive a 10% discount on registration.

# Dealing With Contentious Public Hearings

by Wayne Senville

One of the toughest challenges facing planning commissioners is how to deal with contentious public hearings. Most commissioners, at some point or another, find themselves facing a crowd of angry citizens, and sometimes angry project applicants.

Since public hearings can involve controversial issues, it's not surprising when they become the focal point for strong emotions. When the temperature in the meeting room rises, it can also become more difficult for planning commissioners to consider the testimony and reach well-reasoned decisions. Planning board members may sit there wondering why some of the controversial issues couldn't have been resolved earlier. From my own experience serving on a planning commission, I can attest to the fact that I certainly felt that way on more than one occasion!

Over the past year, I asked a number of planners and planning commissioners what can be done to improve the public hearing process. The results are distilled in a dozen tips, grouped into two categories: Before the Hearing and During



"It was a bear of a meeting."

the Hearing. In some cases there are cautionary notes that go with the tip. But one piece of advice that applies to all of them: be sure to go over any proposed changes in your commission's procedures with your municipal attorney. What may be perfectly acceptable practice in one state or community, may be unlawful in another.

I also want to invite you to continue

the discussion on our PlannersWeb blog. Post your comments on our new Public Hearings Resources Page: [www.plannersweb.com/hearings.html](http://www.plannersweb.com/hearings.html). Share what's worked – and what hasn't – in your own community. The aim is for all of us to learn from each other.

## BEFORE THE HEARING

### 1. Consider Conducting Preliminary Project Reviews

One common approach to reducing the likelihood of contentious public hearings is to have preliminary project reviews. The idea is that less formal meetings before the public hearing can hone in on aspects of a project that might be problematic, giving applicants some feedback before they invest substantial time and money in preparing detailed plans and drawings.

A pre-application meeting can be especially helpful when a controversial project is about to enter the pipeline. Staff can identify to the applicant potential trouble spots with what is being proposed. Several planners I spoke with found this a very useful practice, particularly when input from various municipal departments (e.g., public works, engineering, and fire) is coordinated.

Pre-application meetings can also take the form of a meeting held before the planning commission, open to the public. In some places this is called a sketch plan or conceptual review. These names reflect the fact that the applicant is basically sketching out in broad terms what they'd like to do, without providing detailed plans. Sketch plan review can also be helpful in identifying potential concerns before the development application is finalized. *Sketch Plan Review, p. 14.*

One other approach is to have a more specialized advisory board – focusing on design review or conservation issues – conduct a preliminary review of the

## The Origins of Public Hearings in Planning & Zoning

Public hearings were essential components of both the Standard State Zoning and City Planning Enabling Acts of the 1920s. These model laws served as the basis for most states' planning and zoning enabling laws, and their provisions largely remain the law today.

It's fascinating to see the reasoning behind the public hearing requirement. Here's the explanatory note from the Planning Enabling Act:

"The public hearing ... has at least two values of importance. One of these is

that those who are or may be dissatisfied with the plan, for economic, sentimental, or other reasons, will have the opportunity to present their objections and thus get the satisfaction of having their objections produce amendments which they desire, or at least the feeling that their objections have been given courteous and thorough consideration. The other great value of the public hearing is as an educating force; that is, it draws the public's attention to the plan, cause some members of the public to examine it, to discuss it, to hear about it, and gets publicity upon the plan and planning. Thus the plan begins its life with some public interest in it and recognition of its importance."

project and forward its recommendations to the planning commission. Often, these citizen boards include members with special expertise or training, and can provide valuable insights on challenging aspects of a project. The downside, of course, is that they add another layer of review, lengthening the process.

- SALEM, NEW HAMPSHIRE Town Planning Director Ross Moldoff, AICP, notes that preliminary meetings (called “conceptual discussions” in Salem) “can help flesh out the major issues by giving the planning board a chance for input, and letting abutters raise their concerns before the applicant is locked into a particular layout.” As Moldoff further explains: “We don’t have any criteria to identify such projects, but it’s anything large or complex. Most applicants appreciate the opportunity for feedback before they do all the costly engineering work.”

- Carolyn Baldwin, a long-time New Hampshire land use lawyer, echoes Moldoff’s endorsement of these preliminary discussions. Even though, she notes, “comments at this stage are not binding on either party,” the informal pre-application process “gives both the board and the applicant an opportunity to assess any public opposition and take steps to ameliorate the objections, if possible.”

- “There is nothing more frustrating as a planning commissioner,” says David Foster, a member of the SANTA CRUZ, CALIFORNIA, Planning Commission, “than to have a project come for the first time to the commission with six months of design and engineering work behind it and a vested interest by both the applicant and city planning staff in the plans as prepared.” As Foster observes, “this often results in the commission feeling that they are being obstructionist to

request anything more than color or window placement changes.” “Early review of schematic designs,” he says, “can really open the door to much more creative thinking about things like building massing and possible variances that might allow for a better fit with the neighbors and dealing with site constraints.”

There are potential downsides to informal, preliminary meetings. WOODSTOCK, CONNECTICUT, Town Planner Delia P. Fey, AICP, raises two red flags. First, if there are no submission standards, applicants can come in with presentations ranging from “the equivalent of a sketch on the back of a paper bag” to “professionally prepared plans.” Second, the planning commission may be “worried, correctly, about predetermining their vote and may not give very clear advice to the applicant.” As a result, Fey notes, “the applicant sometimes leaves seeming to be more confused than when they came in.”

Connecticut land use attorney Timothy Bates also advises that these kind of meetings should only occur before a development application is filed. Once an application has been filed and the formal review process begun, Bates notes, “it is inappropriate for discussions to occur in any substantive way outside the public hearing process” since they would constitute *ex-parte* contacts.<sup>1</sup>

- BROOKLINE, MASSACHUSETTS, Director of Planning & Community Development Jeff Levine, AICP, says that: “Having a ‘design advisory team’ of professionals who live in the community can be a good middle ground between just staff and the full planning board. The only drawback is that residents call for a design advisory team on projects that are really too small to have this additional layer of review, but that is the exception.”<sup>2</sup>

## 2. Hold a Meeting in the Neighborhood

Another strategy that can reduce the likelihood of contentious hearings is to request an applicant to first meet with abutters and other neighbors. These meetings are usually organized by the applicant, though sometimes neighborhood associations sponsor them.



## What's Planning Got to Do With This?

Let’s not forget that perhaps the single most effective way of reducing the number of contentious hearings is by dealing with difficult issues during the long-range planning process. After all, planner Anne Krieg reminded me during a phone conversation, isn’t this one of the points of putting together a comprehensive plan?

Elaine Cogan has also observed that “people with strong opinions always will find ways to be heard. But isn’t it at least as valuable, or even more informative, to learn what less vocal but still concerned folk think? In an ideal world, we can engage them before the controversy erupts.”

— From *Now that You’re on Board* (Planning Commissioners Journal 2006).

Some cities and counties require neighborhood meetings on applications that have to go through a public hearing process (not applications that can be approved administratively). Most planners I spoke with saw value in neighborhood meetings, especially for larger or controversial projects – though several added cautionary notes.

- LA PAZ COUNTY, ARIZONA, Community Development Director Scott Bernhart, AICP, CFM, told me that he’s “had success with work sessions in a community setting (in one case on site) with several planning commissioners present to observe neighborhood concerns.” Bernhart adds that “these published and open meetings are normally conducted by the developer or a representative with staff attending.”

- Florida planner Larry Pflueger says that one of the benefits of early neighbor-

*continued on next page*

<sup>1</sup> For more on the problem with *ex-parte* contacts, see Greg Dale’s “*Ex-Parte* Contacts,” PCJ #2 (Jan./Feb. 1992) and “*Revisiting Ex-Parte* Contacts,” PCJ #70 (Spring 2008); available to order & download respectively at: [www.plannersweb.com/wfiles/w516.html](http://www.plannersweb.com/wfiles/w516.html) and [.../w129.html](http://.../w129.html).

<sup>2</sup> Brookline’s “Major Impact Project” review process, which outlines the Design Advisory Team process is set out in Sec. 5.09 of the city’s zoning bylaw; available through: [www.brooklinema.gov/planning](http://www.brooklinema.gov/planning).



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hood meetings attended by planning staff is that "they tend to dampen local criticism because the people get to look at the proposal before it gets into the official planning board review process." Pflueger believes that, "most of the time it seems that people fear the unknown so if the project is brought to them, they can see what is really being proposed rather than just hear the rumors about the project."

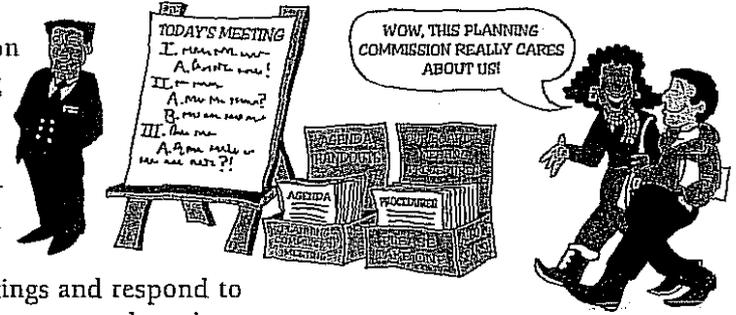
A related benefit, Pflueger notes, is that staff hear "what the real and perceived problems may be ... and if the problems cannot be put to rest at the neighborhood meeting, staff at least know what to concentrate on during its review and can point out the problem to the planning board prior to its meeting so that the board is not surprised when people show up."

• In **ARVADA, COLORADO**, applicants for rezonings, major subdivisions, PUDs, and conditional use permits are typically required to hold a neighborhood meeting at least twenty-one days before the plan-

ning commission hearing.<sup>3</sup> According to Senior Planner Gary Hammond, planning department staff (but not commissioners) attend these meetings and respond to any questions that come up about how the development review process works.

Hammond has found neighborhood meetings helpful since they give applicants a clearer sense of neighbors' concerns and an early opportunity to respond to them. At the same time, the meetings often "work to quell rumors residents have heard about what is going in." Copies of a summary of the meeting are provided to the planning commission before the public hearing. Applicants must indicate how they intend to address (or why they are unwilling or unable to address) concerns, issues, or problems expressed during the meeting.

• In **LAFAYETTE, COLORADO**, says Community Development Director Phillip



Patterson, AICP: "We require applicants to provide comment cards to the participants of neighborhood meetings. This way the developer/applicant isn't in a position to 'summarize' the neighborhood's comments." Patterson also adds "we caution applicants on the format of their neighborhood meetings." As he explains: "Formal meetings, where a single presentation is made to a large group, can cause issues. While many of the attendees may be opposed to the project and are willing to speak, there may be others who support the project but are uncomfortable speaking out before their neighbors." As an alternative, "we encourage an open house type format where there are many representatives from the applicant available to speak one-on-one with members of the public."

While neighborhood meetings are also required for certain projects in **BAR HARBOR, MAINE**, Planning Director Anne Krieg, AICP, adds this note: "They seem to be effective in fleshing out the issues outside the hearing process, but they can backfire too, as they often give abutters a sense of empowerment that they don't have." That's because, she says, "the final review, deliberation, and decision rests with the planning board ... and when the planning board approves something the neighbors didn't like, but meets the ordinance, there is animosity at the end."

### 3. Have a Plan for Citizen Participation

Do you have a plan for how you involve the public in zoning and comprehensive plan amendments, as well as site

<sup>3</sup> For the text of the Arvada ordinance: <http://arvada.org/city-services/land-development-code>. Then look for Article 3.1.6 - Neighborhood Meetings.



\* Editor's Note: The following is from Bar Harbor, Maine's land use ordinance.

## Sketch Plan Review

A. Contents. Prior to requesting a review of a proposed subdivision plan ... an applicant shall submit a preapplication sketch which shall show ... the proposed layout of the streets, lots and other features in relation to existing conditions.

The sketch plan shall be accompanied by:

- (1) A copy of that portion of a USGS topographic map encompassing the site;
- (2) Any written request for the waiver of submissions that the applicant intends to submit pursuant to §125-63;
- (3) An outline of data on existing covenants, medium-intensity soil survey and soil interpretation sheets, and available community facilities and utilities, and by information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants, and proposed utili-

ties and street improvements.

... C. Review of sketch plan ... the Planning Board shall entertain brief public comment on the proposal for the limited purpose of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application.

(1) Upon its review of a preapplication sketch plan, the Planning Board shall:

- (a) Set a date for a site inspection ... within 30 days;
- (b) Make specific suggestions to be incorporated by the applicant in subsequent submissions;
- (c) Act on the applicant's request for submission waivers, if any;
- (d) Determine the need to hold a neighborhood meeting in accordance with §125-74A.

... F Rights not vested. The submission or review of or public comments about a preapplication sketch plan or the conduct of a site inspection shall not be construed to be a substantive review of the proposed subdivision as defined by 1 M.R.S.A. § 302...



plan, subdivision, planned development, and conditional use application reviews? The extent and methods of public participation may vary, but it makes sense to have written procedures or protocols in place and available to the public.

- Arizona law requires cities and counties to adopt procedures for “early and continuous public participation.”<sup>4</sup> In GLENDALE, ARIZONA, for example, the city requires applicants to prepare a Citizen Participation (CP) Plan for staff review.<sup>5</sup> According to Tabitha Perry, a principal planner for the city, depending on the circumstances, the applicant may be asked to hold a neighborhood meeting before the public hearing.

The purpose of the CP Plan, Perry says, “is to ensure that applicants pursue early and effective citizen participation in conjunction with their land use applications.” It gives them the opportunity “to understand and try to mitigate any real or perceived impacts their application may have.” As a result, she observes, “most of the times we don’t get any surprises” at the planning commission public hearing.  *Citizen Participation Plan*

- When complex plans or zoning amendments are at issue, it is especially important to provide citizens with the opportunity to provide input early in the process. As Eric Damian Kelly and Barbara Becker have noted in their book *Community Planning: An Introduction to*



*Editor’s Note: The following is excerpted from the City of Glendale, Arizona’s zoning ordinance. The ordinance requirements are implemented in the city’s “Citizen Participation & Public Notification Manual,” available to download on our Public Hearings Resource page: [www.plannersweb.com/hearings.html](http://www.plannersweb.com/hearings.html).*

### Citizen Participation Plan

... (d) At a minimum the citizen participation plan shall include the following information:

- (1) Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;
- (2) How those interested in and potentially affected by an application will be notified that an application has been made;
- (3) How those interested and potentially affected parties will be informed of

the substance of the change, amendment, or development proposed by the application;

(4) How those affected or otherwise interested will be provided an opportunity to discuss the applicant’s proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

(5) The applicant’s schedule for completion of the citizen participation plan;

(6) How the applicant will keep the planning department informed on the status of their citizen participation efforts.

(e) The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the planning department. ...

*the Comprehensive Plan:* “At a public hearing on a complex plan – whether 23 pages or 223 pages – that has evolved from a year-long effort by the planning body, it is much more difficult for citizens to participate meaningfully ... At that stage in the planning process, both the planning body and the project budget are likely to be nearing exhaustion.”<sup>6</sup>

#### 4. Conduct a Site Visit

After an application for a development project has been filed, but before the public hearing, many planning commissions conduct a site visit. Besides the benefits this provides commissioners in being able to better visualize the proposal, it can also serve as a vehicle for resolving – or at least understanding – neighbors’ concerns.

Site visits call for staff or the Chair to go over the “ground rules” right at the start of the walk, and then make sure that discussions take place only when everyone in the group is together.

 Anne Krieg has found that site visits “allow discussions to be a little more informal.” But she also notes that during site visits she often becomes “the conversation police” in order to “make

sure there isn’t any unintentional ex-parte communication.”

- Ken Lerner, Assistant Planning Director for BURLINGTON, VERMONT, has noted that: “Site visits are a critical part of the review process for major projects. We formally announce the time and place of any site visit during the public hearing on a project. Members of the public are welcome to attend. In order to help avoid ex-parte contacts and inappropriate comments during the site visit, we have prepared ‘site visit guidelines’ which are distributed to all those attending the site visit. In addition, either the commission Chair or a staff member verbally summarizes the guidelines at the start of the visit.”<sup>7</sup>

*Author’s note:* Having participated in quite a few site visits myself, I can attest to the above points. As a planning commissioner, I’ve seen neighbors and the applicant engage in conversations during site visits that have clarified important issues and concerns. But I’ve also heard concerns raised about commissioners who veer off into private side conversations with either representatives of the applicant or with neighbors. Even if they

*continued on next page*

4 See Arizona Revised Statutes, “The governing body shall: adopt written procedures to provide effective, early and continuous public participation in the development and major amendment of general plans. ...” Title 9, Sec. 461-06. For rezonings, “... adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issues or concerns that they may have with the proposed rezoning before the public hearing. Title 9, Sec. 462-03 (emphasis added). Similar provisions apply to counties.

5 Glendale’s “Citizen Participation & Public Notification Manual” (Sept. 1, 2009) is available to download on the PlannersWeb Public Hearings Resource page: [www.plannersweb.com/hearings.html](http://www.plannersweb.com/hearings.html)

6 Eric Damian Kelly and Barbara Becker, *Community Planning: An Introduction to the Comprehensive Plan* (Island Press, 2000), p. 118.

7 These Guidelines are included in a Sidebar to Greg Dale’s, “Site Visits: Necessary But Tricky,” PCJ #39 (Summer 2000); available to order & download at: [www.plannersweb.com/wfiles/w346.html](http://www.plannersweb.com/wfiles/w346.html).

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were just chatting about the weather or last night's ball game, someone observing from several yards away may believe something of greater substance was being discussed.

### 5. Make Your Meeting Noticeable

Providing adequate notice of meetings at which a project will be reviewed is essential. As Christine Mueller points out, the number one complaint she hears in DEARBORN COUNTY, INDIANA, is people saying "we didn't know about it."

Many planners and planning commissioners may view this as the kind of complaint that no amount of notice will ever totally eliminate. Nevertheless, it makes sense to review your public notice policies to see if you're consistently reaching those who might have a concern about a project. In today's online age, there's also

### Online Tools & Public Participation

In a thoughtful series of articles on his web blog, Rob Goodspeed, a PhD student in urban studies and planning at MIT, addresses public participation in light of the rapidly increasing use of the Internet. For Goodspeed, online tools can supplement the use of public hearings. They are valuable in providing additional opportunities for public input and in allowing citizens to track issues and projects they're most interested in.

As Goodspeed notes: "The Internet is the ideal 'home base' for any multidimensional strategy for several reasons. It is increasingly the repository for disclosing government information. For this reason government officials often post meeting minutes, reports, and other documents of presumptive public interest."

"Also its persistent character means it is ideal to store reference or archival information for review at any time and place with a connection."

See "The Internet as a Participation Tool," Goodspeed Update (<http://goodspeedupdate.com/2008/2225>; posted June 26, 2008).

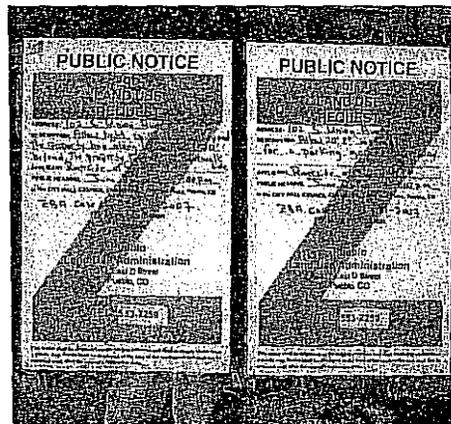


The Village of Mount Prospect, Illinois, and the City of Troy, Michigan (above) are among the growing number of communities that broadcast their planning commission meetings live.

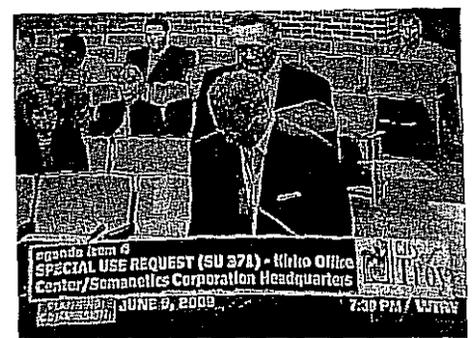
really no excuse for not posting information about upcoming hearings on your municipal web site and using other online tools.

• Carolyn Braun, Planning Director for ANOKA, MINNESOTA, suggests that when mailing out notices: "Include an additional paragraph – beyond the legal text – that explains, as simply as possible, the proposed development or request. Also, make it clear that comments can be mailed or emailed if they cannot make the meeting."

• Little things can also make a difference, such as making sure that application notices are designed to be highly visible, and spot checking to see that notices are not hidden behind screen doors or tucked away in obscure locations. A growing number of cities and towns, like PUEBLO, COLORADO (photo below) have switched to bold, easy-to-spot zoning notice signs.



• Web sites and online social media can supplement posted and mailed public notices. For example, just in the past several months dozens of cities have started to use Twitter to announce upcoming meetings and post links to agendas and meeting minutes (see some



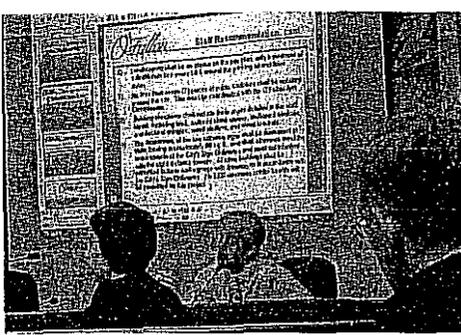
of the municipal "tweets" posted on Nov. 15, 2009).

	cityof29palms Planning Commission Meeting Tuesday Night 11-17-09 @ 6pm Location: Council Chambers City Hall Agenda is available <a href="http://cl.twentynine-palms.ca.us">cl.twentynine-palms.ca.us</a> about 6 minutes ago via web Reply Retweet ★
	CityofBelvedere Come to "Planning Commission Meeting" Tuesday, November 17 from 6:30 pm to 9:30 pm. Planning Commission Meeting on... <a href="http://www.facebook.com/event.php?id=213069594008">http://www.facebook.com/event.php?id=213069594008</a> about 6 hours ago via Facebook Reply Retweet ★
	CityofAbilene A special Planning & Zoning Commission meeting is Monday @ 5:30 pm. One item on agenda: draft Land Development Code. <a href="http://www.abilene.tx.com/PlanningServices/LDCpage.htm">http://www.abilene.tx.com/PlanningServices/LDCpage.htm</a> Yesterday via Facebook Reply Retweet ★
	countyplanning Minutes of the September 10, 2009 Planning Commission meeting: <a href="http://planning.co.cuyahoga.oh.us/about/minutes0909.html">http://planning.co.cuyahoga.oh.us/about/minutes0909.html</a> Yesterday via web Reply Retweet ★
	HoustonPlanning Planning Commission to study the feasibility of expanding the transit corridor rules along key thoroughfares. Yesterday via oah Reply Retweet ★
	CityofLakeland Municipal Planning Commission meeting, 6:30 p.m., Tuesday, November 17. Agenda at <a href="http://www.lakelandtn.gov">www.lakelandtn.gov</a> Yesterday via web Reply Retweet ★

• Cable television has enabled many communities to broadcast public hearings. Some are even experimenting with allowing for public comment to be provided interactively. Cable can also allow for summaries of upcoming meeting agendas to be broadcast a few days in advance. For several years in BURLINGTON, VERMONT, the local public access channel broadcast a twenty minute show during which one of the city's planners took viewers on a "tour" of projects on the next agenda, providing a visual overview of each project.

### 6. Review the Agenda

It can be quite helpful for the Planning Director to meet with the Chair in advance of the meeting to go over the agenda and discuss the likely time requirements for each project. They can also identify potential problems or areas of controversy. The end result is having



In O'Fallon, Illinois, staff recommendations and project reports are available as handouts and displayed on the hearing room screen.

the Chair more comfortable in running the meeting. It also almost goes without saying that all members of the commission should have the meeting agenda and packet in hand at least several days in advance.

• PCJ columnist Elaine Cogan suggests putting controversial items early in the agenda. "Too often, planners still put [the issues which most concern the public] last or next to last on the agenda even though they are well aware of one or more matters certain to attract a big crowd. It is no wonder that people get restless and cranky if they have to sit through several hours of deliberations that do not concern them."<sup>8</sup>

## DURING THE HEARING

### 7. Make Your Introductions Count

Open your meeting by introducing members of the commission and staff, and then explain how the meeting will be conducted and when public comments will be allowed. These first few minutes can go a long way towards reducing tensions at public hearings.

It's important to remember that for many members of the public, this may be their first time at a planning board meeting. Things that may seem matter-of-fact to you as a commissioner may seem mysterious or confusing to members of the public – a problem compounded by the jargon and acronyms often used when discussing planning issues. The only remedy is to take the time to go over the basics and explain terminology that's likely to be unclear.

Related to this, be sure to have plenty

*O'Fallon*

PROJECT REPORT

TO: Planning Commission  
 FROM: Jennifer Howard, Assistant City Planner  
 TITLE: Fred Shook, Director of Planning and Zoning  
 DATE: June 12, 2007  
 SUBJECT: PZ07-11: Crestside Promenade

Location: Northwest Corner of Hwy & Lincoln

Applicant: Gerard Grove  
 Lincoln & Pyle, LLC  
 8100 Watson Road - 4th Floor  
 St. Louis, MO 63128

Owner: (same)  
 Submitted: May 11, 2007

Project Summary

of copies of the agenda available, as well as handouts related to the applications under review, such as project summaries or staff recommendations.

• David Preece, AICP, Executive Director of the SOUTHERN NEW HAMPSHIRE Planning Commission, offers several common-sense suggestions: (1) have the Chair, not staff, start the meeting by going over its purpose, and describing the basic ground rules; (2) remember to have a sign-in list so people can receive a copy of the minutes and be alerted to any

future meetings related to the application; and (3) have staff provide as objective as possible overview of each application.

### 8. Stay on Target

Planning commission meetings can go more smoothly, and take less time, when applicants clearly describe their project and how it meets the land use ordinance's review criteria. While the quality of the presentation is largely out of the commission's hands, planning staff can help ensure that pertinent, helpful information is provided.

Public confusion and anger at meetings can also be reduced when staff provide a clear summary of the project, an explanation of the relevant review criteria, and, if it's your community's practice, their recommendations on how the project meets or fails to meet these criteria. Consider also making any written staff

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## Mediation & Consensus Building

by Kate Harvey

Across the country, many permit decisions on local land use applications unnecessarily end up in protracted litigation. While some of these disputes may in fact require litigation, many end up in court because the parties were never offered an opportunity for another way to resolve their dispute.

Several studies by the Lincoln Institute of Land Policy and the Consensus Building Institute have demonstrated that mediation and consensus building can be effective in resolving land use disputes.

Mediation is a way to resolve disputes that relies on the assistance of a trained neutral who works with the parties to develop voluntary solutions that are acceptable to all the parties.

Consensus building uses a set of techniques to help many diverse parties reach mutually acceptable agreements. It usually relies on non-partisan professionals to facilitate the process and typically includes five key steps: convening; clarifying responsibilities; deliberating; deciding; and implementing agreements.

These processes create opportunities for parties to understand and align divergent interests, develop creative solutions, build agreement on outcomes that all parties find acceptable, and plan for resolving "predictable" disputes related to implementation. Successful mediation and consensus building processes require selecting the right case, at the right time, and matching them with appropriate neutral assistance.

Increasing the use of mediation and other facilitated processes in the land use permit and appeal processes can reduce the burden on valuable judicial resources, save the parties time and money, and perhaps most importantly, resolve disputes that otherwise would divide the community into opposing camps.

Kate Harvey is an Associate at The Consensus Building Institute, Inc., where she works as a facilitator, mediator, researcher, and project manager. For a more in-depth look at this topic, including responses to frequently asked questions, see "Building Consensus: Dealing with Controversial Land Use Issues & Disputes," by Lawrence Susskind & Patrick Field in PCJ #48, Fall 2002, available to order & download at: [www.plannersweb.com/wfiles/w168.html](http://www.plannersweb.com/wfiles/w168.html)

<sup>8</sup> Elaine Cogan, "First on the Agenda is the Agenda!" PCJ #49 (Winter 2003); available to order & download at: [www.plannersweb.com/wfiles/w251.html](http://www.plannersweb.com/wfiles/w251.html).

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recommendations available to the public; this can reduce public distrust of the review process and allow for better focused comments.

• **WICHITA, KANSAS**, planning consultant and attorney C. Bickley Foster, AICP, recommends using check lists to help keep a planning commission or zoning board on track and avoid technical errors. "We have hearing and decision making check lists for all zoning and subdivision matters, including sample motions. These were tested again last year when we provided consulting assistance on five casino cases. We have found them to be very useful, especially for contentious public hearings."

### 9. Have Visible Information

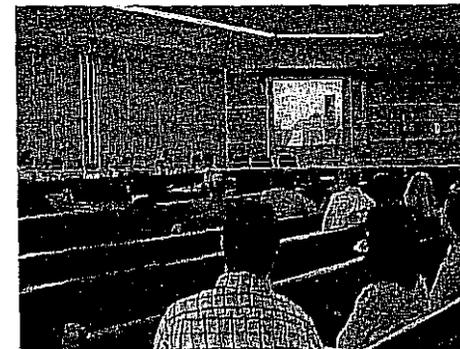
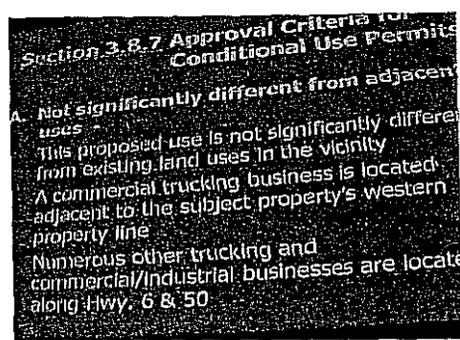
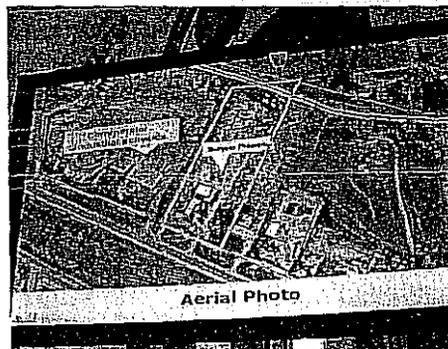
With laptop computers and screens or monitors readily available, there's little reason why maps, photos, charts, and other exhibits shouldn't be visible to all attending the hearing. There can be nothing as frustrating for a member of the public than not being able to see what an applicant is showing members of the planning commission.

Some communities also require applicants for larger projects to provide 3D models – either actual, physical models or computer simulations.

• Delia Fey told me how the use of laptops and projectors at planning meetings has been a big plus in her town of **WOODSTOCK, CONNECTICUT** (population 7,800): "Applicants used to bring their plans in and put them on an easel for the Commission to see. The audience could hear it but couldn't see it. Now, we have joined the modern age and require the applicant to bring digital images so we can project them on the screen with the laptop and computer projector. Even for a small town, it is not that expensive

### Get Some Training

Planning Director David Preece recommends holding a planning commission training session to discuss how to run and participate at meetings, and how to deal with difficult behaviors that may come up.



The display of information can be of great benefit to members of the public. Top row: Mesa County, Colorado, Planning Commission public hearing; bottom left: Jefferson City, Missouri, Planning Commission hearing; bottom right: hearing before the O'Fallon, Illinois, Planning Commission.

to do. That way everyone, including the audience, is looking at the same plans."

• In **MESA COUNTY, COLORADO**, and **O'FALLON, ILLINOIS**, planning department staff also post the review criteria and their recommendations for each application on large monitors in the meeting room while giving their summary of the project. This clearly informs the public just what is relevant to the commission's review.

• Phillip Patterson says that in **LAFAYETTE, COLORADO**, "for larger developments we have been asking developers to present 3D models of their projects using Sketchup [a software program] to create fly-bys so that the planning commission and the public can get a better sense of the scale of the project and the actual design."

### 10. Allocate Time to Foster Useful Input

One challenge facing planning commissions when dealing with controversial applications is how to allow the applicant and members of the public adequate time to provide their presentations, comments, and questions – and, at the same time, avoid having hearings drag on late into the night.

There is also the need to get construc-

tive input in a way that is helpful to the commission in reaching its decision. While many planning commissions set specific time limits for comments by members of the public, there may be better approaches, especially for complex projects. This includes opportunities for input and discussion in advance of the hearing (see also Tips 1-3).

• For complex applications, attorney Timothy Bates recommends setting, in advance of the hearing, time limits for the applicant and for any major interveners or abutters who have hired experts. Bates also suggests that "the Chair should encourage everyone who wishes to speak, but also say that if someone else has said more or less what they were going to say, they can limit their comments to endorsing the position previously taken."

• Another time-saving recommendation from Bates: "Avoid, if at all possible, having the Secretary read into the record letters and reports. The Secretary should report what letters and reports have been received and generally what they say and enter them in the record." As Bates explains, "forcing an unhappy public to sit there while each letter is read word for word simply raises the anger level."

Former PCJ Editorial Board Member Wayne Lemmon offered an interesting option.<sup>9</sup> "In the typical public hearing format, you get a long list of pro and con speakers that line up for hours of very repetitive three-minute statements. What I have seen work effectively is this: if there are organized or even just semi-organized groups (citizens for the plan / citizens against the plan), invite their leaders to make organized presentations of, say, fifteen minutes each, limiting those invitations to just the primary factions that can be identified. You'll get truly articulate and well-marshaled arguments for and against. Moreover, the speakers (particularly the opponents) finally get a feeling that they've had a chance to lay out all their arguments."

According to Lemmon: "Another benefit of this is that emotional and overhyped comments are minimized, and the overall tone of the meeting is much more civil. You still get to do a general hearing, but after the formal presentation session, the speaker list is much shorter."

• David Preece suggests that the Chair not allow "back and forth" debates between members of the public and the applicant as this can be time-consuming and distracting.

### 11. Stay Cool: Recesses, Continuances, and Multi-Session Hearings

Don't be afraid to take a short recess during your meeting. Staff may be able to quickly resolve a question that has come up, or you may get an opinion from your legal counsel on an important point.

Continuing a hearing to your next meeting can also allow for a cool-off period, or give the applicant a chance to respond to suggestions from commissioners and the public.

With complex hearings it sometimes makes sense to divide the hearing into two sessions, rather than hear from the

staff, applicant, supporters, and opponents, and have questions and discussions from commissioners, at a single meeting. If this is planned and announced in advance, it can also lower the heat at the initial session, as everyone knows that no immediate action will be taken.

• In MANCHESTER, VERMONT, says Planning Director Lee Krohn, AICP: "The use of a brief, mid-hearing recess has worked remarkably well on several occasions. We were able to resolve a key question of law or practice, and then keep the hearing moving forward. Since we had a crowd in the meeting room, it was simpler for the board and me to go to a small room to discuss in deliberative session, rather than inconvenience everyone else who would then have to mill about in the hallway. In other cases, we've simply called a five or ten minute recess to let everyone stretch – which can also help quite a bit in calming down overheated persons or emotions."

• Gary Gelzer, Chairman of the GOODYEAR, ARIZONA, Planning Commission, told me that: "When we run into a situation where things are not going well, or when staff is recommending a denial, yet the applicant is insisting that we have the hearing and reach some sort of deci-

sion, we have come up with the following that we usually offer during the hearing: 'Mr. Applicant, would you like a continuance or a denial?' and then some additional comments on having heard both the pros and cons for the case. This offer, right from the dais, either by myself or one of the other commissioners, usually halts most testimony in its tracks. Then a hasty conference between the applicant and their lawyer takes place. The next pronouncement from the Chair is 'I would suggest you work with staff to get these concerns ironed out so that we can make a decision on this case at the next meeting.' "

• Scott Wood, Assistant Director of the NEW ALBANY, INDIANA, City Plan Commission, explains that "we have used tabling to help cool temperatures down, but only when the plan commission has some element that seems to be a 'deal breaker' and they want staff to work with the applicant to see if there's some way to make it palatable for all parties."

Wood cautions, however, to be careful with this tactic "because the developer often gets the feeling that if they satisfy staff then the board or plan commission will also go along ... when they don't go along, I get the grief!"

*continued on next page*

<sup>9</sup> Wayne Lemmon passed away last winter, not long after providing feedback for this article. Lemmon was a long-time member of the *Planning Commissioners Journal's* Editorial Advisory Board, and author of "Proforma 101: Getting Familiar With a Basic Tool of Real Estate Analysis" (PCJ #65, Winter 2007) and "The New "Active Adult" Housing" (PCJ #51, Summer 2003).

### Chairing the Meeting

"The critically important role of the chair of a planning board cannot be overemphasized. The planning process suffers if the chair is either weak and unfocused or too strong and intimidating. Always show fairness and do not express your personal opinions, except when it is time to vote. If you must speak out, turn over the gavel to your vice chair. However, exercise that prerogative sparingly. Fairness also means you give everyone a chance to speak and deal

quickly and decisively with those, either commission members or the public, who try to dominate the discussion."

*Excerpted from Elaine Cogan, "On Being An Effective Commission Chair," from Now That You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner (Planning Comm'r's Journal 2006).*



Florida planner Larry Pflueger advises that: "The continuance should be to a date and time certain. That way, neither party can play games with the process, for example, the government stringing the applicant along over an extended period of time to get concessions it otherwise might not have obtained."

In LAFAYETTE, COLORADO, says Phillip Patterson "a technique that we have used that has been very successful is to require a controversial or very technical development plan to have two hearings before the planning commission." As he explains: "The first hearing is only the presentation by staff and the applicant. The planning commission can ask questions for clarification purposes, and the public is invited, but planning commission and public comments are held until the second meeting. The purpose of this two-part hearing process is to give the planning commission and the public the opportunity to fully understand the proposal prior to hearing public comments. This has assisted in focusing public comments on the specifics of the development plan, and reduced, but not necessarily eliminated, inaccurate, irrational, and emotional comments."

### 12. Show Respect

The single most important factor in "lowering the temperature" of public hearings is the model set by the Chair and members of the commission. If planning commissioners remain respectful of

each other, of the applicant, of the public, and of staff, the odds of having a fruitful public hearing will be significantly improved.<sup>10</sup> At least that's my observation from having served on a planning commission for over ten years, and having attended meetings in a variety of cities and towns across the country.

Being respectful includes obvious, but too often forgotten, points like: arriving on time; not engaging in side conversations during the hearing; being polite to members of the public; and staying awake and attentive throughout the hearing!

It can be hard for commissioners to maintain their composure in the face of verbal assaults from members of the public. In fact, the commission – through its Chair – has an obligation to maintain decorum in the hearing room. But this doesn't negate the need for commissioners to control their temper and show respect.

Attorney Timothy Bates notes that it is important for the Chair "to caution the public against cheering or jeering and inform them that while the Commission is anxious to hear the substance of any concerns, it cannot be swayed by the popularity or lack thereof of a particular project."

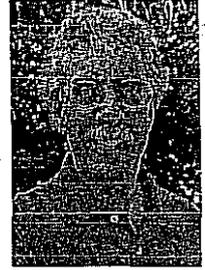
Over the years, PCJ columnist Elaine Cogan has provided numerous tips on how planning commissioners can best deal with difficult members of the public.<sup>11</sup> But Cogan also reminds us that: "It is important that you show respect to the questioner even when you doubt the question. People ask stupid questions... hostile ones... tough ones... all of which you and your colleagues should answer as well as you can, but always respectfully. Sometimes, you and a citizen will have to 'agree to disagree,' but you should never show anger or lose your temper."<sup>12</sup>

### SUMMING UP:

Public hearings are an essential component of local democracy, allowing for public input on development applications, zoning cases, and comprehensive plan amendments. Given the significant role that public hearings play, it's not surprising that on complex or controver-

sial projects they can become acrimonious. There are a number of ways, however, in which planners and planning commissioners can reduce the heat at hearings, while ensuring that they serve as an important and productive vehicle for public input. ♦

Wayne Senville is Editor of the Planning Commissioners Journal. His previous articles and reports for the PCJ include "Libraries at the Heart of Our Communities," PCJ #75 (Summer 2009); "Downtown Futures," PCJ



#69 (Winter 2008); "Crossing America," PCJ #68 (Fall 2007); and "Bright Ideas," PCJ #61 (Winter 2006). Senville has also served on the Burlington, Vermont, Planning Commission (1991-1999, and 2008-present, including three years as Chair).

### Editor's Note:

### Our "Consultants"

Thanks to the following individuals for providing feedback in the preparation of this article: Allan Slovin; Anne Krieg; C. Bickley Foster; Carolyn Baldwin; Carolyn Braun; Christine Mueller; Cynthia Tidwell; David Foster; David Preece; Delia Fey; Gary Gelzer; Gary Hammond; Jeff Levine; Jon Slason; Larry Pflueger; Lee Krohn; Mike Gurnee; Phillip Patterson; Rob Goodspeed; Ross Moldoff; Scott Bernhart; Scott Wood; Tabitha Perry; Timothy Bates; and the late Wayne Lemmon. A special thanks also to others who replied anonymously to questions we posted on the Cyburbia.org web site.

### They're Not Necessarily Wrong

"Though the worst personal traits often come out at public hearings, people are not necessarily wrong because they are angry, obstreperous and noisy ... as annoying as they may be, try to overlook these so that you can understand and respond to the substance of their comments."

– Elaine Cogan, "Show Respect to All," in *Now that You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner* (2006).

10 Commissioners should never berate staff in public. It is uncalled for and can threaten the effective functioning of the commission. For more on this point, see Elaine Cogan's "Staff Needs a Little TLC, Too," PCJ #3 (Mar./Apr. 1992); available to order & download at: [www.plannersweb.com/wfiles/w440.html](http://www.plannersweb.com/wfiles/w440.html).

11 See, e.g., "Dealing With Difficult People Requires Finesse," PCJ #7 (Nov./Dec. 1992); available to order & download at: [www.plannersweb.com/wfiles/w407.html](http://www.plannersweb.com/wfiles/w407.html), and "Meaningful Dialogue With the Public," PCJ #73 (Winter 2009); [www.plannersweb.com/wfiles/w153.html](http://www.plannersweb.com/wfiles/w153.html).

12 "Show Respect," from *Now That You're on Board: How to Survive ... and Thrive ... as a Planning Commissioner* (Planning Comm'ts Journal 2006).



# CCM Municipal Leader Training

Visit [www.ccm-ct.org/education](http://www.ccm-ct.org/education) for the latest updates

January 30	<b>READY TO LEAD:</b> <i>Critical Tools for Newly Elected Local Legislators</i> New Britain
February 3	<b>Municipal Officials' Guide To Human Resources</b> <i>Presented by ConnPELRA</i> Meriden
February 5	<b>So Now You're a Municipal Attorney</b> <i>In association with CAMA</i> Berlin
February 6	<b>FOIA – What Board, Commission, &amp; Committee Members Must Know</b> Middletown
February 17	<b>Making the Best Land Use Decisions</b> <i>– Wetlands, Water Quality Protection and Land Use Change</i> Glastonbury
February 20	<b>Municipal Meetings:</b> <i>Understanding Parliamentary Procedures</i> East Hartford
February 27	<b>Ethics, Accountability and Conflicts of Interest</b> Monroe
March 11	<b>Municipal Meetings:</b> <i>Understanding Parliamentary Procedures</i> Manchester
March 18	<b>FOIA – What Board, Commission, &amp; Committee Members Must Know</b> Farmington
March 23	<b>Brownfield Remediation &amp; Redevelopment:</b> <i>How Has the Landscape Changed?</i> Milford
March 24	<b>The Freedom of Information Act</b> <i>What Police &amp; Fire Depts. Must Know</i> Cromwell

*This calendar is subject to change.*

**Cancellation Policy:**

Please notify us within 24 hours prior to the workshop if you cannot attend, or a cancellation fee of \$10 will be incurred. No Shows will also be billed at \$10 per person. Substitutions are always acceptable.



900 Chapel Street, 9th Floor  
New Haven, CT 06510-2807

**Making the Best Land  
Use Decisions**  
– Wetlands, Water Quality  
Protection and Land Use Change

## Making the Best Land Use Decisions

– Wetlands, Water Quality  
Protection and Land Use Change



**Wednesday  
February 17, 2010**  
9:00 a.m. – 12 noon  
Glastonbury Town Hall  
Glastonbury, CT

**FREE to  
CCM  
Members**



Municipal Leader Training

THE VOICE OF LOCAL GOVERNMENT

# Registration

## Making the Best Land Use Decisions

– Wetlands, Water Quality Protection and Land Use Change

**Wednesday, February 17, 2010**

Glastonbury Town Hall  
Glastonbury, CT

9:00 a.m. - Noon  
Registration begins at 8:30 a.m.

Please make a copy of this form and fill in completely for each person attending.

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Municipality \_\_\_\_\_  
Address \_\_\_\_\_  
City/Town \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-mail \_\_\_\_\_

Registration Fee (per attendee)  
CCM Member Town/City .....NO CHARGE  
Non-Member .....\$120

Payment for Non-Members:

Check enclosed (payable to CCM)    Credit Card:  
 MasterCard     VISA     Discover     AMEX

Card # \_\_\_\_\_

Expiration Date \_\_\_\_\_ CVV Code \_\_\_\_\_

Name on Card \_\_\_\_\_

Billing Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Signature \_\_\_\_\_

Driving Directions will be e-mailed with your registration confirmation.

Seating Limited  
Register By February 11th



Municipal Leader Training  
© January 2010 Connecticut Conference of Municipalities.

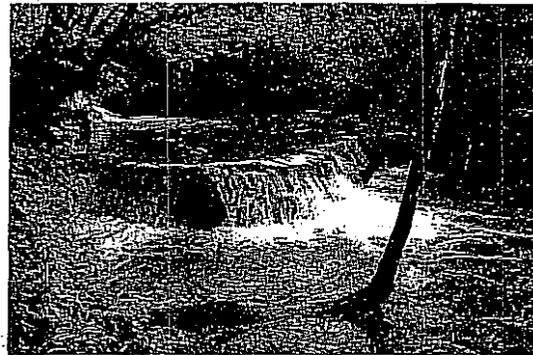
# Program Overview

This workshop is designed to help participants understand the relationship between wetlands, water quality, and permanent land use change.

Section One will cover how the State of Connecticut defines wetlands and how wetlands work to protect water quality.

Section Two will cover the valuable reference material currently available to assist individuals creating plans, and/or review plans for permanent land use changes.

Section Three will introduce participants to the concepts behind Low Impact Development and how it can be the most effective tool available to protect and improve water quality in the streams and lakes of Connecticut.



## 5 Ways to Register:

Online: [www.ccm-ct.org](http://www.ccm-ct.org)  
E-mail: [ccmtraining@ccm-ct.org](mailto:ccmtraining@ccm-ct.org)  
Phone: CCM Training Hotline 203-498-3018  
Fax: 203-497-2477  
Mail: CCM, 900 Chapel Street, 9th Floor, New Haven, CT 06510

# Learning Objectives

- Find out the State of Connecticut's definition of wetlands
- Learn how wetlands protect water quality
- Understand what areas of land use degrade wetlands and water quality
- Review publications on how to prevent water quality degradation:
  - 2002 CT Guidelines for Soil Erosion and Sediment Control and the new companion Photo Archive
  - 2004 CT Storm-water Quality Manual
- Learn about Low Impact Development (LID) and how it protects water quality

# Who Should Attend?

- Mayors/First Selectmen
- Town/City Managers
- Conservation Commission Members
- Planning & Zoning Commission Members
- Wetland Commission Members
- Wetland Enforcement Officers
- Public Works Directors
- Parks & Recreation Directors
- Municipal Land Use Officials
- Town/City Engineers

# CCM Presenters

Sean Hayden

*Northwest Conservation District*

Sean Hayden has worked as a Soil Scientist at the Northwest Conservation District for the past 10 years. He is responsible for providing the towns and residents of Northwest CT with technical and educational tools necessary for the promotion of natural resources conservation.

Sean's responsibilities include wetland delineation, natural resource mapping, certification of sediment and erosion control plans, the review of storm-water quality management plans, construction inspections, and design and delivery of environmental management education/training programs.

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

STEVEN E. BYRNE  
EXECUTIVE DIRECTOR

BUILDING #2  
790 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032  
TELEPHONE (860) 677-7355  
FAX (860) 677-5262



TO: Chairman of Planning and/or Zoning Commissions  
and Zoning Boards of Appeal

SUBJECT: Length of Service Awards / Lifetime Achievement Awards

Length of Service Awards will be presented at the Connecticut Federation of Planning and Zoning Agencies' Annual Conference on March 18, 2010, to those persons who have served 12 or more years as a member of a planning commission, zoning commission, planning and zoning commission or zoning board of appeals.

The twelve years of service may be a combination of time spent as a member of all four agencies. The twelve years, however, must be continuous from year to year. A Length of Service Award form is attached.

Lifetime Achievement awards are presented to individuals who have served at least twenty-five (25) years in the area of land use, either as a member of a zoning agency or as staff or advisor to a zoning agency. Please call Steven Byrne at (860) 677-7355 if there is an individual you believe should be considered for this award.

All nominations should be sent to the following address:

The Connecticut Federation of Planning and Zoning Agencies  
790 Farmington Ave., Building 2B  
Farmington, CT 06032

The nominations can also be sent by Fax to (860) 677-5262.

Please note that individuals who have received these awards in the past are not eligible to receive them again.

All nominations for awards must be returned no later than March 8, 2010.

**NOMINATION FORMS ATTACHED**

# CONNECTICUT FEDERATION OF PLANNING & ZONING AGENCIES

STEVEN E. BYRNE  
EXECUTIVE DIRECTOR

BUILDING #2  
790 FARMINGTON AVENUE  
FARMINGTON, CONNECTICUT 06032  
TELEPHONE (860) 677-7355  
FAX (860) 677-5262



TO: Chairman of Planning and/or Zoning Commissions  
and Zoning Boards of Appeal

FROM: Steven E. Byrne, Executive Director

SUBJECT: CFPZA Annual Conference – March 18, 2010

In light of tight municipal budgets, I am writing to encourage you and your commission members to consider attending this year's Annual Conference of the Connecticut Federation of Planning and Zoning Agencies. The night is sure to be both enjoyable and informative. Our speakers will be providing information on green building and development issues in Connecticut.

I know that many commissions require an education component of their commission members. At a cost of \$40.00 per individual, this conference is a cost effective way to satisfy this requirement while also providing an opportunity to socialize with commission members from other towns.

In addition, Length of Service awards will be presented to commission members who have served in any capacity for 12 or 25 years. If you have a commission member who is eligible, please submit his or her name using the attached form.

Please take time to discuss this opportunity with your commission membership.

I hope to see you there!

**TWELVE YEAR  
LENGTH OF SERVICE AWARD  
NOMINATION FORM**

1. Name of Agency \_\_\_\_\_ Town \_\_\_\_\_

2. Name and address of contact person or person making nomination.

\_\_\_\_\_  
Name Home Address Home/Business Phone

3. Name, address, and home and business phone of Chairman and Secretary of Agency.

Chairman \_\_\_\_\_  
Name Home Address Home/Business Phone

Secretary \_\_\_\_\_  
Name Home Address Home/Business Phone

4. Name and address of Length of Service Award candidate:

\_\_\_\_\_

5. Name and address of who to send confirmation of selection to receive award:

\_\_\_\_\_

7. Length of Service: List below the names of agencies and dates served. Length of service must be continuous and total 12 years. It may, however, consist of time spent on a planning commission, zoning commission, combined commission and/or zoning board of appeals. Time spent as an alternate member is valid.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Individuals who have received this award previously ARE NOT eligible to receive it again.**

**LIFETIME ACHIEVEMENT AWARD  
NOMINATION FORM**

1. Name of Agency \_\_\_\_\_ Town \_\_\_\_\_

2. Name and address of contact person or person making nomination.

Name	Home Address	Home/Business Phone
------	--------------	---------------------

3. Name, address, and home and business phone of Chairman and Secretary of Agency.

Chairman \_\_\_\_\_

Name	Home Address	Home/Business Phone
------	--------------	---------------------

Secretary \_\_\_\_\_

Name	Home Address	Home/Business Phone
------	--------------	---------------------

4. Name and address of Lifetime Achievement Award candidate:

\_\_\_\_\_

5. Name and address of who to send confirmation of selection to receive award:

\_\_\_\_\_

6. Lifetime Achievement: List below the names of agencies and dates served. Length of service must be continuous and total 25 or more years. It may, however, consist of time spent on a planning commission, zoning commission, combined commission and/or zoning board of appeals. Time spent as an alternate member is valid. This award is also open to individuals who have served part or all of the above time as professional staff to one or more of the above mentioned agencies.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

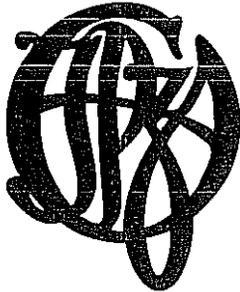
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Individuals who have received this award previously ARE NOT eligible to receive it again. A brief biographical paragraph can be submitted to be read at the presentation ceremony.**

CONNECTICUT FEDERATION  
OF  
PLANNING AND ZONING AGENCIES



ANNOUNCES

ITS

62<sup>ND</sup> ANNUAL CONFERENCE

THURSDAY, MARCH 18, 2010

AT THE

AQUA TURF COUNTRY CLUB  
PLANTSVILLE, CONNECTICUT



Cost: \$40.00 per person for Agencies that are members of the CFPZA  
\$50.00 per person for Agencies that are not members of the CFPZA

**The enclosed registration form must be received by Brescia's Printing,  
by mail or fax, no later than Tuesday, March 16, 2010**

**Fax: (860) 289-7130**

Questions? Call Steve Byrne at (860) 677-7355

*More info on back* →



## 62<sup>ND</sup> ANNUAL CFPZA CONFERENCE

Aqua Turf Country Club  
Plantsville, CT  
Thursday, March 18, 2010

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### PROGRAM

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5:00 p.m. **SOCIAL HOUR / REGISTRATION**

6:00 p.m. **DINNER**  
Soup, Salad, Ziti, NY Strip, Vegetables, Potato, Dessert

7:15 p.m. **AWARDS PRESENTATION**  
    ☛ 12-year Length of Service Awards  
    ☛ Lifetime Achievement Awards

8:00 p.m. **TOPIC: What CT Land Use Commissioners Need to Know  
about Green Development**

Join us for an overview of green building and development issues in Connecticut as they relate to municipal review of development projects and the regulations under which these reviews take place. The speakers will address topics such as: the need for sustainable design; the status of State Building Code amendments pertaining to green buildings; green building rating systems (including LEED); and examples of established and emerging green building and low impact development techniques.

Speakers: **Robert Sitkowski, Esq.**, AICP, LEED AP, Of Counsel, Branse, Willis & Knapp, LLC, Glastonbury, CT, Board Member, Connecticut Green Building Council.  
**Debra A. Lombard**, LEED AP, EIT (Civil), Sustainability Research & Consulting, New Haven, CT Board Advisor & Former Board Member, Connecticut Green Building Council.

Robert's law practice focuses on land use and construction law, emphasizing the legal aspects of smart growth, sustainable development, green buildings, and new urbanism. He has significant experience in evaluating, drafting and implementing planning and zoning regulations and in representing developers, landowners, municipalities and advocacy groups in land use matters.

Debra is a published specialist in green building and sustainability research and consulting including LEED certified project management. Her many consulting clients include Yale and Tufts Universities, US DOE, DPA, HUD, NREL while working for the RETEC Group and Steven Winter Associates in Connecticut. She currently consults and teaches sustainability classes at Gateway Community College. Debra co-founded New Haven Green Drinks and is committed to living a green lifestyle.

### DIRECTIONS TO THE AQUA TURF

**I-84 EAST FROM WATERBURY** – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

**I-84 WEST FROM HARTFORD** – Take the CT-10 exit, EXIT 29, on the left toward Milldale. Stay straight to go onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

**FROM I-91 OR THE MERRITT PARKWAY** – Merge onto I-169 E via Exit 27 toward Meriden. Take the CT-10 exit, EXIT 3, toward Cheshire. Turn left onto CT-10 (Highland Ave.). Continue to follow CT-10. Stay straight to go onto Old Turnpike Road. Turn right onto Mulberry Street. Aqua Turf, 556 Mulberry Street is on right.

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NOTE: Order forms for all Connecticut Federation of Planning and Zoning Agencies publications will be available at the meeting.



University of Connecticut  
*Office of the Vice President and  
Chief Operating Officer*

Office of Environmental Policy

Richard A. Miller, Esq.  
*Director*

February 4, 2010

Paul E. Stacey  
Department of Environmental Protection  
Bureau of Water Protection and Land Reuse, Planning & Standards Division  
79 Elm Street  
Hartford, CT 06106-5127

Re: Comments on the Proposed Stream Flow Standards and Regulations

Dear Mr. Stacey:

The University of Connecticut offers these comments on the Department of Environmental Protection's proposed stream flow standards and regulations. The University is a supplier of public water for the campus communities in the Storrs and Mansfield Depot areas of Mansfield, CT. UConn is responsible for providing potable water for approximately 22,500 students and 4,200 faculty and staff as well as nearby municipal and private customers and a state correctional facility. Two well fields with registered diversions, one along the Fenton River and another along the Willimantic River, provide the water to meet the needs of the UConn community.

UConn supports CT DEP efforts to protect stream and river habitats while balancing the need to maintain an adequate water supply to meet human demands. Our Fenton River in-stream flow study<sup>1</sup> and imminent Willimantic in-stream flow study<sup>2</sup> will serve as the basis for our comprehensive, sustainable wellfield management plan. We believe the studies and attendant wellfield operating guidelines, which reduce pump rates according to stream flows, is a clear example of what the Department proposes as a "flow management compact." However, to be truly workable, the regulations should allow for individual flow management plans that are by and between a single operator and the Department.

---

<sup>1</sup> *Long-Term Impact Analysis of the University of Connecticut's Fenton River Water Supply Wells on the Habitat of the Fenton River*

<sup>2</sup> *Long-Term Impact Analysis of the University of Connecticut's Water Supply Wells on the Fisheries Habitat of the Willimantic River*

*An Equal Opportunity Employer*

31 LeDoyt Road Unit 3055  
Storrs, Connecticut 06269-3055

Telephone: (860) 486-8741  
Facsimile: (860) 486-5477  
e-mail: rich.miller@uconn.edu

Given our comprehensive stream flow studies described above, UConn is well-positioned to meet the narrative standard in the regulations as drafted. However, we have the following specific concerns that if addressed appropriately would ensure our ability to provide a safe and reliable water supply while still being mindful of the intent of the proposed regulations to protect stream flow and habitat.

One of our concerns is that the proposed regulations would allow the Department to re-open a diverter's compact to adjust the previously approved conditions. A water management compact should be binding for its approved duration such that the holder of the compact can effectively plan to meet current and future water demands.

Another concern is the regulation's lack of a variance that could provide temporary relief from the conditions of an approved flow management compact during the rare, albeit possible, situations when the compact's constraints create a legitimate public health risk. Slight changes in the regulations could remedy our concern. The drought-trigger relief available to dam operators in §26-141b-6(a)(4) should be similarly extended to all public water supply activities regulated under the statute.

While we have been advised that a compact could be written with drought contingencies that allow for increased withdrawals to address public safety concerns, these increased withdrawals could create a condition that conflicts with the regulation's narrative standard. Since §26-141b-7(b)(1) requires that a compact must comply with the narrative standard, we question if such a compact could ever be approved by DEP.

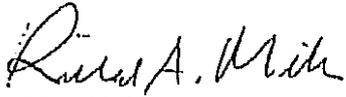
Further, any variance available under these regulations should be jointly granted by both DEP and the Department of Public Health. The variance process should have a defined period up to ten days by which time the request must be answered or be deemed granted. This would allow the variances to be granted within a meaningful timeframe in context of drought response. For more immediate emergencies, an automatic variance or exception should be included.

As the Department is aware, we have worked towards a more efficient water system that has less impact on stream flows through several infrastructure improvements – including a significant upgrade to a main transmission line in 2006, prompt responses to on-going leak detection surveys, and enhanced controls and data acquisition for our water production system. UConn's water conservation efforts include community outreach, higher efficiency standards for all new construction, completion of a report identifying potential water conservation opportunities, a water meter installation program that helps to prioritize buildings for retrofitted improvements, and on-going research and design into treating and reusing sewer effluent.

We recognize that our ability to further many of these conservation goals may be unique to the University setting. As a result, we have achieved significant gains that, when combined with our wellfield management strategies and infrastructure improvements, have resulted in a comprehensive water supply and demand program. With the above recommendations, we believe such a program will allow us to satisfy the regulation's goal of achieving a sustainable balance between ecological and human needs.

Thank you for this opportunity to comment. If you have any questions or would like to further discuss our comments, please contact me or Jason Coite, Environmental Compliance Analyst, at 860-486-9305.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Miller". The signature is written in a cursive style with a large initial "R".

Richard Miller

Director, Environmental Policy

cc: President Michael Hogan, University of Connecticut  
Barry Feldman, Vice President/Chief Operating Officer, University of Connecticut  
Jeffrey Reynolds, Interim Associate Vice President, University of Connecticut  
Thomas Callahan, University of Connecticut Health Center  
Lori Mathieu, Public Health Services Manager, Department of Public Health  
Peter Pezanko, Connecticut Water Company  
David Radka, Connecticut Water Company

PAGE  
BREAK