

**AGENDA**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting, Monday, November 15, 2010, 7:00 p.m.  
Council Chambers, Audrey P. Beck Municipal Building

**Minutes**

11/1/10

**Scheduled Business**

**Zoning Agent's Report**

- A. Monthly Activity Report
- B. Enforcement Update
- C. Other

**Old Business**

1. **Storrs Center Update**  
Memo from Director of Planning
2. **Draft Revisions to the Subdivision Regulations**  
Memo from Director of Planning
3. **Request to authorize overhead utility lines over a conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**  
(to be tabled-awaiting additional information)
4. **Other**

**New Business**

1. **New Application to Amend Zoning Regulations, Article VII, Section M.2.n (mixed-use projects in the PB-2 Zone) and Article VIII, Section A (footnote #19 of Schedule of Dimensional Requirements) Storrs Center Alliance, LLC and Mansfield Downtown Partnership Inc., Applicants, File #1246-5**
2. **Other**

**Reports from Officers and Committees**

1. Chairman's Report
2. Regional Planning Commission
3. Regulatory Review Committee (next meeting tentatively scheduled for 12/1/10 at 1:15 pm)
4. Other

**Communications and Bills**

1. Fall 2010 Planning Commissioners Journal
2. 11/4/10 WINCOG Regional Planning Commission letter to Chaplin Re: Subdivision on Mansfield/Chaplin Line
3. Other

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## DRAFT MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, November 1, 2010 Council Chamber, Audrey P. Beck Municipal Building

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

Chairman Favretti called the meeting to order at 7:08 p.m. and appointed Stearns to act in Pociask's absence.

#### Minutes:

10-18-10-Hall MOVED, Beal seconded, to approve the 10/18/10 minutes as written. MOTION PASSED with all in favor except Goodwin, Plante, Holt and Ryan who disqualified themselves.

#### Zoning Agent's Report:

Hirsch noted that he and Chairman Favretti approved a minor modification, consisting of an awning over the main entrance, at the Husky Spirit Shop in Mansfield Center.

#### New Business:

##### **2. Request for Approval of Location, Eagleville Motors, 860 Stafford Rd, PZC File #279**

Hirsch summarized his memo and noted that the State General Statutes require approval for new owners despite no change in use occurring at this location. Andrew Ladyga, owner, noted that he and his wife are currently working on enhancing the appearance of the property and are eager to become active business-owners in the community. Chairman Favretti noted no further comments or questions from the public or Commission. Planted MOVED, Hall seconded, that the PZC grant an approval of location without a hearing, to Eagleville Motors, LLC, as a used car dealer under CGS Section 14-54, as submitted in a request from Elicia and Andrew Ladyga and as shown on a "Plan For Repair License for Eagleville Motors, LLC", dated 9/30/10, because there are no changes being proposed to the site or to the existing operation of the used car dealer use. MOTION PASSED UNANIMOUSLY.

#### Old Business:

##### **2. August 2010 Final Draft Environmental Assessment Re: Planned Animal Health Research Center at UConn Depot Campus**

Holt MOVED, Plante seconded, that the Planning and Zoning Commission authorize its Chairman to send a letter to University of Connecticut representatives communicating support for the findings of the August 2010 Draft Environmental Assessment (EA) regarding a proposed USDA Animal Health Research Center on UConn's Depot Campus. This letter of support shall include a request that Mansfield representatives be provided an opportunity to review final designs prior to any construction authorizations.

Furthermore, that the Town Council be provided an opportunity to co-endorse the letter of support. The attached 11/9/10 draft letter prepared by the Director of Planning shall be utilized as a guide for the subject letter. MOTION PASSED UNANIMOUSLY.

##### **3. Request to authorize overhead utility lines over a conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**

Item tabled, awaiting additional information.

**New Business:**

**1. 2011 Meeting Schedule**

Beal MOVED, Holt seconded, that the Planning & Zoning Commission approve the 2011 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency. MOTION PASSED UNANIMOUSLY.

**Old Business:**

**1. Draft Revisions to the Subdivision Regulations**

Padick reviewed the 10-7-10 draft revisions and subsequent changes that he identified as “housekeeping” items, along with changes that were recommended by the Conservation and Open Space Committees. He suggested it would be premature for action at this meeting to move to public hearing, noting that he will prepare the recommended changes for review with the Regulatory Review Committee and then present the revised regulations to the full Planning and Zoning Commission. He also stated that Attorney O’Brien has reviewed the proposed regulations and has found no legal issues.

**Reports of Officers and Committees:**

Beal stated that the next Regulatory Review Committee meeting is on 11/10/10 at 1:15pm.

**Communications and Bills:**

Noted.

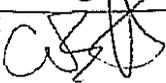
**Adjournment:**

Chairman Favretti declared the meeting adjourned at 8:07 p.m.

Respectfully submitted,

Katherine Holt, Secretary

To: Town Council/~~Planning & Zoning Commission~~  
 From: Curt Hirsch, Zoning Agent  
 Date: November 1, 2010



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

Activity	This month	Last month	Same month last year	This fiscal year to date	Last fiscal year to date
Zoning Permits issued	16	8	11	48	48
Certificates of Compliance issued	11	6	7	45	31
Site inspections	53	49	46	187	156
Complaints received from the Public	6	7	2	19	16
Complaints requiring inspection	4	5	2	14	13
Potential/Actual violations found	4	2	5	9	22
Enforcement letters	10	9	14	41	37
Notices to issue ZBA forms	0	0	0	0	2
Notices of Zoning Violations issued	3	1	4	6	21
Zoning Citations issued	8	2	4	14	12

Zoning permits issued this month for single family homes = 1, multi-fm = 8  
 2010/2011 fiscal year total: s-fm = 2, multi-fm = 8

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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: November 8, 2010  
Re: Storrs Center Project Update



The attached outline provides updated information regarding the various elements of the Storrs Center Project and the anticipated schedule for obtaining required permits and beginning and completing initial improvements. Of particular importance to the IWA/PZC, it is expected that an application to amend the Zoning Regulations will be submitted for receipt at the November 15<sup>th</sup> meeting. Subsequently, it is anticipated that specific development plans for mixed use buildings in phases 1A and 1B will be submitted for review in December. The planned parking facility and intermodal center and related roadway and streetscape improvements that are Town of Mansfield projects will be submitted for review and approval in the spring of 2011.

As discussed at previous meetings, the Storrs Center development no longer includes a separate Dog Lane 1 building, which was initially planned for relocating existing commercial uses. The Dog Lane 1 building was granted Special Permit approval by the PZC prior to the adoption of Storrs Center Special Design District and associated special approval standards and approval processes. The Dog Lane 1 mixed uses approved by the PZC on Planned Business2 zoned land north of Dog Lane are now merged with an adjacent Storrs Center Special Design District building. This redesign necessitates two Zoning Regulation amendments and Special Permit modification approval from the PZC.

In addition to obtaining necessary approvals from the PZC, the planned phases 1A and 1B require Zoning Permit approval based on the Storrs Center Special Design District approval process. The initial Zoning Permit application is expected to be submitted in December and presented at a Downtown Partnership Public Hearing in January. The Phase 1A and 1B plans also need to be reviewed by the IWA for a confirmation that the plans are compliant with the overall project plans approved by the IWA. Subject to obtaining all necessary approvals, construction of the mixed use buildings in Phase 1A and associated improvements are expected to start in March 2011 and be completed by July 2012. The parking facility and intermodal/street and streetscape improvements that will be constructed by the Town also are expected to be completed by July 2012.

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11/8/10

## Storrs Center Update

Prepared by G. Padick, Mansfield Director of Planning

### 1. Storrs Road/Dog Lane Improvements

- Thirty plus percent complete Design Plans were presented at an October Public Hearing and are being finalized in association with the State Department of Transportation design process
- Designs are expected to be completed and approved by the Spring of 2011
- Construction expected to start Spring 2011
- Completion expected by June 2012

### 2. Intermodal Improvements/Parking Facility

#### a. Intermodal Improvements

- \$4.9 Million grant awarded in July by the Federal Transit Administration for construction of Intermodal and associated access improvements, including roadway connections to Storrs Road and the Post Office Road
- A consultant has been selected and design work has begun
- Designs are expected to be completed and approved by spring 2011 (FTA and Zoning Permit approvals needed)
- Construction expected to start by fall 2011
- Completion expected by July 2012

#### b. Parking Facility

- \$10 Million grant awarded by State
- A consultant has been selected and design work has begun
- Designs expected to be completed and approved by spring 2011 (CT DOT and Zoning Permit approvals needed)
- Construction expected to start by fall of 2011
- Completion expected by July 2012

### 3. Building Phase(s) 1A and 1B

- Final designs are in process for building phases 1A and 1B and expected to be completed by the end of November
- Phase 1A is located east of Storrs Road and north of Dog Lane. This phase includes the merger of the previously approved Dog Lane-1 building in the Planned Business -2 zone with an adjacent Storrs Center Special Design District mixed use building. A portion of the adjacent Bishop Center parking lot will be incorporated into Phase 1A.
- In association with the merger of the Planned Business-2 zoned Dog Lane project into Phase 1A, an application to amend the Zoning Regulations is expected to be submitted in November.
- The currently planned Phase 1A will include about 130 apartments and about 20 commercial tenants in about 30,000 square feet of space.
- PZC Special Permit Modification approval and Zoning Permit approval (pursuant to Storrs Center Design District Standards) will be necessary for Phase 1A.
- Construction of Phase 1A is planned for the spring of 2011 with completion by July 2012.
- Phase 1B, which will be submitted for Zoning Permit approval concurrently with Phase 1A, is located south of Dog Lane between the planned town square and the planned parking facility. Phase 1B will include about 160 apartments and about 40,000 square feet of commercial space
- Construction of Phase 1B is planned for the spring of 2012 with completion by July 2013.

4. Other

- Development Agreements between the developer and the Town and between the Developer and UConn are progressing with anticipated completion by the end of November.
- Necessary property and easement acquisitions have been agreed to but need execution in association with planned time schedules.
- Construction traffic plans are being developed and will need to be approved by State and local officials.
- A judgment will be needed that the Phase 1A and 1B plans are consistent with the IWA's approval of the entire Storrs Center development.
- Potential subdivision issues are under review.

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

GREGORY J. PADICK, DIRECTOR OF PLANNING

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Memo to: Planning and Zoning Commission  
From: Gregory J. Padick, Director of Planning  
Date: November 9, 2010  
Re: Draft Revisions to the Subdivision Regulations



Attached please find 11/3/10 draft revisions to the Subdivision Regulations. I have identified sections where revisions to a previously distributed draft have been incorporated. The Regulatory Review Committee will be reviewing these revisions at their 11/10/10 meeting and it is expected that the Committee will be recommending that a public hearing be scheduled and that the draft be referred to staff and various advisory committees for review and comment. An updated report from the Regulatory Review Committee will be available at the 11/15/10 meeting. The current 11/3/10 draft has been included in the agenda packet due to timing issues associated with the 11/11/10 Veteran's Day holiday. Any further revisions recommended by the RRC will be distributed at Monday's meeting.

Subject to the Regulatory Review Committee report, it is recommended that the Planning and Zoning Commission act at Monday's meeting to schedule a Public Hearing on the proposed revisions. It is suggested that the hearing be held on January 18, 2011. The January 18<sup>th</sup> date will allow adequate time for application referrals and will avoid conflicts with the December/January holiday period and UConn semester break. The following motion can be utilized if the Planning and Zoning Commission decides to schedule a Public Hearing at Monday's meeting.

MOVE, \_\_\_\_\_ seconds that the Planning and Zoning Commission schedule a Public Hearing for Tuesday, January 18, 2011, on 11/3/10 draft revisions to various sections of Mansfield's Subdivision Regulations. Furthermore, that the Planning and Zoning Commission refer the proposed revisions to the staff, Town Attorney, Town Council, Conservation Commission, Open Space Preservation Committee, Zoning Board of Appeals, EHHD, WINCOG Regional Planning Commission and abutting towns for review and comment.

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Note - Sections that have been revised from the previous draft are indicated by \* - see Pages 4, 5, 6, 7, 8, 11 + 12. JSP

## November 3, 2010 DRAFT

### Proposed Revisions to the Subdivision 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.)*

1) In Section 3, Definitions, incorporate the following revisions:

a. **3.9 Natural and Manmade Features**

Significant trees, [specimens or groupings;] standing singly or in groves; agricultural lands including open fields and pastures; water, including ponds, lakes, brooks, streams, rivers, and cascades; ledges, and large rock outcroppings or formations, large hills or ridges, or expanses of valley floors; visible historic sites or features, such as stone walls, individual buildings or groupings of buildings, cemeteries, cellar holes, foundations, or similar features.

b. **3.10 Plan, [Preliminary] Conceptual Layout**

[The preliminary drawing(s) and any supporting data indicating the proposed manner and layout of the subdivision (see Section 5.0 for requirements)]

A plan prepared after analyzing off-site influences and site and neighborhood features and indicating potential streets, lots, open space areas and other site alterations. Conceptual plans, which are required for subdivisions with potential streets and/or four (4) or more lots, are reviewed by the planning staff pursuant to Section 5.

c. **3.18 [Trees (specimen and groups of trees)]**

Specimen: a fully developed tree, standing singly or in a group, exceeding 9" (nine inches) d.b.h. (diameter breast height) on a proposed lot or 6" (six inches) d.b.h. within an existing or proposed street right-of-way. Groups of trees, ranging from 6" to 12" (six to twelve inches) d.b.h., of hardwoods or evergreens, especially as they stand along roadsides or boundaries or properties or lots, so as to serve as privacy screens or buffers, or to enhance a public road or way. Groups or masses of trees may be indicated on a plan as a mass, and each tree need not be delineated.]

**Trees, Significant**

A healthy, well formed, individual tree nine (9) inches or greater d.b.h. (diameter breast height) on a proposed lot or within an existing or proposed street right-of-way, and/or a grove of trees of any size, especially as they stand along streets or boundaries of existing or proposed lots, that add scenic character or serve as privacy screens or buffers.

d. **3.20 View**

[A sight or prospect of some landscape or extended scene; an extent or area covered by the eye from one vantage point, whether on or off a subdivision site.]

Scenery that exceeds one-hundred and eighty (180) degrees in width as observed from a vantage point.

e. **3.21 Vista**

[A view seen through a long or restricted passage, such as between rows or groups of trees or buildings.]

Scenery that is less than one-hundred and eighty (180) degrees in width as observed from a vantage point and is framed by trees, landforms, buildings or other vertical features.

f. **3.23 Yield Plan**

A map or maps containing a lot and site improvement layout and additional information, as required by these regulations (see Section 6.10.a.6), that demonstrates: compliance with the zoning Schedule of Dimensional Requirements provisions for standard lot size, lot frontage and building setbacks; compliance with all other zoning requirements, including minimum lot area requirements for new lots; and compliance with all subdivision requirements, including the Design Objectives of Section 5.1, the [Design Criteria of Section 7] lot size and configuration provisions of Section 7.4 and the Open Space requirements of Section 13.

A yield plan must be submitted whenever a subdivider seeks a reduction or waiver of minimum lot frontage (see Section 7.6) or in the R-90 and RAR-90 zones, a lot size of less than 90,000 square feet.

*Explanatory Note: The revised definitions are associated with new design process provisions in Section 5 and revised provisions in Sections 6.5 and 7.8 regarding the identification and preservation of significant trees, views and vistas.*

2) In Section 4, General Provisions, incorporate the following revisions and renumber Sections 4.7 through 4.9 to 4.5 through 4.7.

a. **4.2 Zoning Regulations**

No subdivision plan shall be approved unless it conforms to the Zoning Regulations of the Town, as adopted, as may be amended hereafter (copy on file in the Office of the Commission). [Pursuant to Article III, Section A of the Zoning Regulations, Mansfield has adopted a Temporary and Limited Moratorium on receiving and acting upon certain subdivision and resubdivision applications. See Article III, Section A of Mansfield's Zoning Regulations for specific details.]

b. Relocate, without revision, Section 4.5 (Subdivisions in Flood Hazard Areas) to a new Section 7.1.

c. Relocate, without revisions, Section 4.6 (Solar Access-Energy Efficient Design) to a new Section 7.2.

d. Relocate, without revision, Section 6.17 (Submission to Regional Planning Commission) and Section 6.18 (Notification to Adjoining Towns) to new Sections 4.8 and 4.9.

- e. Relocate, with the following revisions, existing Section 6.19 to a new Section 4.10

**4.10 [6.19] Windham Water Works/Connecticut Department of Public Health  
Notification**

When an applicant files with the Planning and Zoning Commission an application concerning a subdivision that is within an aquifer protection area delineated pursuant to Section 22a-354c of the State Statutes or which is within the watershed of the Willimantic Water Works or other water company as defined in Section 25-32a of the General Statutes, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by the Commissioner (provided such water company or said Commissioner has filed a map showing the boundaries of the watershed on the Mansfield Land Records and with the Mansfield Planning and Zoning Commission or the aquifer protection area has been delineated in accordance with Section 22a-354c, as the case may be). Such notice shall be made by Certified Mail, Return Receipt Requested, and shall be mailed within seven days [of] after the date of the application. The Willimantic Water Works or other such water company and the Commissioner of Health may, through a representative, appear and be heard at any hearing on any such application.

- f. Relocate, with the following revisions, existing Section 6.20 to a new Section 4.11

**4.11 [6.20] Notification of Abutting Property Owners**

The applicant shall be responsible for notifying all property owners abutting the site of a proposed subdivision, including property owners across the street from a subject subdivision (as measured at right angles to straight street lines and radial to curved street lines). Said notification, which shall be sent by Certified Mail, [Return Receipt Requested,] within seven (7) days of the Commission's receipt of the application, shall include mapping that depicts the proposed subdivision. The notice also shall reference the fact that the complete application is available for review in the Mansfield Planning Office. Notification forms (available in the Mansfield Planning Office) shall be utilized for notifying abutting property owners.

*Explanatory Note: The revisions to Section 4 eliminate an expired moratorium reference and incorporate statutory requirements regarding notification to the CT. Department of Public Health and to abutting property owners.*

- 3) Delete Existing Section 5 in its entirety and add new Sections 5 as follows:

**Section 5.0 Subdivision Design Objectives/Design Process**

**5.1 Design Objectives**

Subdivisions shall be designed in a manner that protects the public's health and safety, promotes goals, policies and recommendations contained in Mansfield's Plan of Conservation and Development, addresses the provisions of Section 1 of these Regulations (Purpose and Authority) and complies with all specific requirements contained or referenced

in these regulations. To address these objectives, primary consideration in designing streets, walkways/bikeways and other public improvements, lot layouts, proposed locations for houses, driveways, sanitary systems and other site work and identifying appropriate open space preservation areas shall be:

- a. The protection and enhancement of vehicular and pedestrian safety through the appropriate siting of streets, driveways, walkways, bikeways and trails;
- b. The protection and enhancement of existing and potential public water supply wells and ground water and surface water quality through appropriate design and installation of sanitary systems, roadways, drainage facilities, house sites and other site improvements;
- c. The protection and enhancement of natural and manmade features, including wetlands, watercourses, aquifer areas, agricultural lands, hilltops or ridges, historic sites and features, expanses of valley floors, interior forests and scenic views and vistas on and adjacent to the subdivision site through, wherever appropriate, a clustering of streets and house sites and the identification and preservation of significant open space areas including agricultural lands, interior forests and other land without physical limitations.
- d. The utilization of a site's natural terrain, avoiding unnecessary re-grading, filling and removal activities.
- e. The promotion of energy efficient patterns of development and land use, energy conservation and the use of solar and renewable forms of energy through the appropriate siting of streets, driveways and house sites and, whenever appropriate, , bikeway and walkway/trail connections to neighboring streets and neighborhoods; existing and planned commercial areas; schools parks, and other public facilities and town designated walkway or bicycle routes.

## 5.2 Design Process

All prospective subdividers are encouraged to meet with the Director of Planning or other Planning Office Staff to review zoning and subdivision approval criteria and application submission requirements.

To help achieve the design objectives of Section 5.1, to expedite application reviews, to help reduce application submission costs and to help ensure compliance with all applicable provisions of Mansfield's Zoning and Subdivision Regulations, the following subdivision design process shall be followed. Mansfield has established a subdivision design process that includes specific pre-application requirements. Mansfield's subdivision design process has three (3) primary steps.

- Step 1 Inventory and Review of Off-Site Influences and Site and Neighborhood Features  
For Subdivisions including new streets or four (4) or more lots, certain information is required to be submitted to the Director of Planning for review and comment (see Section 5.2.a)
- Step 2 Preparation of Conceptual Yield Plan and Conceptual Layout Plan  
For subdivisions including new streets or four (4) or more lots, these conceptual plans are required to be submitted to the Director of Planning for review and comments (see Section 5.2.b)
- Step 3 Testing and Preparation of Final Subdivision Plans  
(See Section 5.2.c and Section 6)

\* a. Preliminary Review/Inventory of Off-Site Influences/Site and Neighborhood Features

1. Off Site Influences

\* Regional, town-wide and neighborhood characteristics and influences shall be inventoried and considered with respect to the subject subdivision site and the Design Objectives of Section 5.1. State and regional land use plans, Mansfield's Plan of Conservation and Development, local knowledge and other sources of information should be considered in conducting this inventory of off-site influences. ~~This inventory shall be presented in the form of a plan which may be a small, reduced-scale map displayed as a cover sheet for the set of project plans.~~

While all prospective applicants are encouraged to submit and review with the Planning Staff an inventory of off-site influences, whenever a subdivision proposal includes new streets or four (4) or more lots, this inventory is mandatory and shall be submitted by a Connecticut Licensed Landscape Architect in association with the Site Analysis Plan requirements of Section 5.2.b. ~~Where required, a map shall be submitted~~ this inventory shall be presented and in the form of a plan showing the location of the project site, area factors such as roads and transportation networks, noteworthy topographical and natural resource features, proximate commercial, recreational, educational and cultural land uses and any other external site features that could influence development on the project site. This plan may be displayed as a cover sheet for the set of final subdivision plans.

\* 2. Site Analysis Plan and Neighborhood Features/Site Analysis Plan

~~The second step in designing a Mansfield subdivision shall be an inventory of~~ Natural and man-made features on or adjacent to a potential subdivision site shall be inventoried and considered in association with the design objectives of Section 5.1 and other provisions of these regulations. While all prospective applicants are encouraged to submit and review with Planning Staff a Site Analysis Plan (as described below), whenever a subdivision proposal includes new streets or four (4) or more lots, the submittal of a Site Analysis Plan is mandatory. Where required, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning five (5) copies of a Site Analysis Plan containing the information listed below as applicable to the subject site. This plan shall be submitted in association with an Inventory of Off-Site Influences Plan as per Section 5.2.a.1.

\* The submitted plans shall be reviewed by Mansfield staff members and ~~as deemed appropriate by the Director of Planning,~~ the plans shall be referred to the Conservation Commission and the Open Space Preservation Committee. As deemed appropriate by the Director of Planning, the plans also may be referred to other advisory committees for review and comment. The Director of Planning shall within forty-five (45) days of receipt provide review comments on the submitted plans. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Commission unless this Site Analysis Plan and off-site influences inventory requirements have been met.

The following information shall be included, as applicable to the subject site, on all required Site Analysis Plans:

1. North arrow, scale and date. The scale selected should be one best suited to the site and one that is clear to the reader of the plans.

2. Name of subdivider and subdivision and the name and seal of the Landscape Architect who prepared the plan.
3. Boundaries of tract to be subdivided.
4. Existing contours at two (2) foot intervals. All slopes over 20 percent and watershed divides should be indicated.
5. Existing streets, easements, fences, walkways, bikeways, trails, structures both onsite and immediately adjacent to the site.
6. Wetlands and watercourses including intermittent streams both onsite and immediately adjacent to the site.
7. One Hundred (100) year flood plains, including base flood information on any portion of the land being subdivided which is within flood hazard areas as shown on the Zoning Map and in greater detail in the flood insurance study dated July 1980, and the most current Federal Emergency Management "Floodway" and Flood Insurance Rate Maps.
8. Aquifer areas and public drinking water wells on or within 500 feet of a site.
9. Soil type classifications as per the current U.S.D.A. Natural Resource Conservation Service Soil Survey for Tolland County, CT.
10. On-site and adjacent historic features including: all structures, wells and other utility features, walls and fences regardless of their condition, existing or former walks, paths, drives, trails, etc., curbs and pavement, man-made elements inserted into the ground such as hitching posts, garden or enclosed areas, significant vegetation, remains of old foundations, rip-rapping, arbors, trellises, etc., and any other historic features observed.
11. On-site and adjacent agricultural land with existing uses identified.
12. Areas with potential State and Federally-listed endangered, threatened or special concern species as per the current State and Federal Listed Species and Natural Communities Map published by the Connecticut Geological and Natural History Survey of the Connecticut Department of Environmental Protection; and significant natural flora and fauna communities as per Mansfield's Plan of Conservation and Development mapping.
13. Other natural and man-made features, including rock ledges and rock outcropping, significant trees, tree or shrub groves or masses of groundcover and obvious wildlife habitats.
- \* 14. Desirable scenic and/or historic views and vistas into or out of the site, desirable internal vistas and views and any undesirable views and vistas both off and on-site.
15. On-site and adjacent open space and recreational land with existing uses identified.
16. Off-site nuisances to be screened.
17. Negative site conditions such as dangerous and dilapidated buildings, dead and falling trees, diseased plants, infestation of invasive species, areas of stripped top soil, deposits or junk and refuse.
18. Objectionable noises or odors and their sources both on and off site.
19. Particular micro-climatic conditions that may affect development.
20. Directions of prevailing winter winds and summer breezes.
21. Horizontal angles of the sun (azimuth) on December 21 and June 21.

22. Primary directions of off-site traffic flow and relative volumes; points of connection of site with sidewalks, bikeways and trails, if any.
23. Logical points of ingress and egress to the site; sight lines of possible driveway to road; locations of all trees over 9 inches in diameter (d.b.h.) within sight lines.
24. Tentative notations of possible preservation and conservation areas (areas where development should be discouraged).
25. Tentative identification of areas that are better suited for development.

An example of a site analysis plan is contained in Appendix A of these regulations.

**b. Conceptual Yield Plan and Conceptual Layout Plan**

Following the analysis and review of off-site influences and site and neighborhood features, the ~~third~~ next step in designing a Mansfield Subdivision shall be the preparation of a Conceptual Yield Plan and a Conceptual Layout Plan. These plans shall take into account all comments received in association with the initial step ~~two, the Site Analysis Plan review~~, as described in Section 5.2.a.

All applicants are encouraged to submit to the Planning Office a conceptual Yield Plan and Conceptual Layout Plan for review prior to the submittal of final plans. However, whenever a subdivision proposal includes new streets or four (4) or more lots, a Connecticut Licensed Landscape Architect shall prepare and submit to the Director of Planning five (5) copies of a Conceptual Yield Plan and a Conceptual Layout Plan. The submitted plans shall be reviewed by Mansfield staff members and, ~~as deemed appropriate by the Director of Planning, the plans shall be referred to the Conservation Commission, the Open Space Preservation Committee and the Design Review Panel.~~ As deemed appropriate by the Director of Planning, the plans also may be referred to other advisory committees for review and comment. Several concept plans may be submitted concurrently. The Director of Planning shall within forty-five (45) days of receipt provide review comments on the submitted plans. No final subdivision plan involving new streets or four (4) or more lots shall be considered complete and approvable by the Commission unless these conceptual plan requirements have been met. All review comments on conceptual plans shall not be considered as a commitment to approve final plans which are subject to independent review and approval by the Commission.

The Conceptual Yield Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed with standard frontages and lot sizes pursuant to all applicable zoning and subdivision approval criteria. Mansfield's Subdivision Regulations require a yield plan to determine the maximum number of lots that could be developed on a subject site (see Section 6.10.a.b for yield plan provisions).

The Conceptual Layout Plan, which shall be drawn to a scale best suited to the site and allows appropriate review, shall identify potential streets (where applicable), potential lots and potential open space areas that could be developed pursuant to all applicable zoning and subdivision approval criteria, including Mansfield's "Cluster Development" provisions. Section 7.4 of the Subdivision Regulations authorizes the Commission to require new subdivisions to be clustered with reduced lot sizes and larger areas of preserved open space. Section 7.6 includes provisions to reduce or waive lot frontage and setback requirements. A

submitted Conceptual Layout Plan should reflect an applicant's intended final plan submission subject to soil testing and obtaining more specific site information.

**c. Testing/Preparation of Final Subdivision Plans**

X Following the receipt of review comments on all submitted conceptual plans, applicants shall conduct all required testing pursuant to State Health Code requirements and permits issued by Eastern Highlands Health District. Following on-site testing and further analysis, applicants can elect to resubmit conceptual plans pursuant to Section 5.2.b. or prepare final plans pursuant to Section 6. The final plan shall take into account all information obtained through Mansfield's Site Analysis Plan, ~~Conceptual Yield Plan and Conceptual Layout Plan~~ pre-application design process.

Final Subdivision plans shall depict proposed streets, lot lines, building and development area envelopes, house locations, well and septic system locations, open space areas, natural and manmade resources and other details required by Section 6 and other provisions of these Regulations. The final subdivision plan shall address the minimum lot size provisions of the Zoning Regulations, and the number of proposed lots shall be no greater than the number depicted on a finalized yield plan prepared pursuant to Section 6.10.a.6.

*Explanatory Note: The revisions to Section 5 include the relocation and expansion of subdivision design objectives and the establishment of a new pre-application process designed to promote compliance with the design objectives and all applicable subdivision submission and approval standards. For subdivisions involving four (4) or more lots or new streets, the proposed regulations require applicants to submit to the Director of Planning, and as deemed appropriate, other staff members and advisory committees, an inventory of regional, town-wide and neighborhood characteristics and influences and a site analysis plan before preceding to the preparation of conceptual yield and layout plans which also must be submitted for review and comments. Any subdivision application submitted to the Planning and Zoning Commission pursuant to Section 6, that involves four (4) or more lots or new streets, would be incomplete if the new pre-application requirements have not been met. The new pre-application process is expected to expedite Planning and Zoning Application reviews and help reduce application revisions and associated processing costs.*

4) In Section 6, Final Plans, incorporate the following revisions:

a. **6.1 Plan Required**

[Except as provided for in Section 4.9,] In order for land to be subdivided, all procedures and requirements of this Section (6.0) and other applicable sections of these regulations, including the subdivision design process of Section 5 [design criteria of Section 7,] must be complied with. Only final plans approved by the Commission may be filed in the office of the Town Clerk.

b. **6.2 Complete Application**

The subdivision application shall be considered complete by the Commission when it determines the subdivider has complied with the design process provisions of Section 5 and all submission provisions of Section 6 [all the plan requirements]. If an application involves activities within regulated areas as defined by the Mansfield Inland Wetland Agency (IWA), the application shall not be received unless a license application for said activities has been

received by the IWA and is currently under IWA review; or unless a license for said activities has been approved by the IWA; or unless the proposed activities have been ruled by the IWA to be exempt from licensing requirements. The date of the meeting at which the Commission determines the application is complete shall be designated the official date of submission.

**c. 6.3 Final Plan Requirements**

- a. The final plans shall consist of the subdivision map, construction and public improvement plan (if needed), pursuant to Section 6.7 and supportive documentation (Section 6.10 and 6.11) either required herein or as may be required by the Commission.
- b. All required plans shall be prepared by and shall bear the name, signature and seal of a land surveyor and professional engineer licensed by the State of Connecticut.
- c. Final plans shall include the name, signature and seal of a landscape architect licensed by the State of Connecticut whenever a subdivision proposal includes new streets or four or more lots, or the Commission determines that a landscape architect is needed to address application requirements and approval criteria including potential impacts on natural and manmade features and scenic views and vistas.
- d. Final plans shall include the name and signature of a certified soil scientist whenever wetlands or watercourses exist within one hundred fifty feet of proposed building envelopes or the Commission determines that a soil scientist is needed to address application requirements and approval criteria.
- e. All full sized plans shall be drawn at a scale of one (1) inch equals forty (40) feet (1"=40') or less. The Commission may permit different scales for large parcels.
- f. All plans shall be submitted on sheets at least 24 inches wide and 36 inches long (24" x 36"). The subdivider shall submit at least 6 copies of all full size maps, [two of which shall be on Mylar or similar reproducible medium.] The Commission may require additional copies. In addition, the subdivider shall submit fifteen (15) copies of the final plans reduced, wherever possible, to fit paper eleven (11) inches wide and seventeen (17) inches long. The reduced sized maps shall be at a measurable scale, which shall be noted on the reduced size map. [Upon approval by the Commission, final plans also shall be submitted in digital form AutoCAD R-14 or compatible form acceptable to the Town (unless specifically waived by the Commission for smaller subdivisions where a digital form is not available).]

**d. 6.5.j.3 Final Subdivision Maps/Other Natural and Manmade Features on the Site**

3. Open fields and meadows, woodlands, tree lines, significant trees. The subdivision map shall identify all significant trees (see definition) that are within a proposed development area envelope or an existing or proposed street right of way. In addition, all [over six (6) inches d.b.h. (diameter breast height) within an existing or proposed street right-of-way or nine (9) inches d.b.h. on a proposed lot that are to be removed in association with road, drainage, driveway, house, septic or underground utility construction. All] trees over fifteen (15) inches d.b.h. (diameter breast height) situated on the subdivision site shall be identified, either individually or as part of a [group of trees] grove. [Specimen] Significant trees [and groups or masses of trees (see definition)] that are to be preserved shall be specifically [shown and] labeled on final plans.

e. **6.5 Final Subdivision Maps**

- n. Proposed street layout (where applicable) with pavement type and typical street cross-section, right-of-way widths, street names, location of existing and proposed street signs and street lights, with design details and street trees, with standard plant specifications;[signs and sidewalks, if any;]
- f. 6.5 Final Subdivision Plans-Add a new Section o to read as follows and re-letter existing Section o through t to p though v.
- o. Sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance safe bicycle and pedestrian use (see Section 9). Where required, cross-sections and related construction details shall be provided.
- g. 6.10, Required Documentation, incorporate the following revisions: 6.10.a.5, change Section 4.6 to Section 7.2; 6.10.a.6, delete “design” in line 6; 6.10.b.1, delete “Sewer Authority” in line 1
- h. 6.13 a and b, Revisions, replace “Town Planner” with “Director of Planning” (3 locations)
- i. **6.14 Submittal of Approved Plans/ Endorsement**  
Upon approval, the subdivider shall submit, in accordance with the schedule contained in Section 6.15, two (2) sets of reproducible subdivision plans acceptable to the Town Clerk based on the provisions of Section 7-31 of the State Statutes; [and] three (3) sets of full sized paper prints of the approved plans[shall be submitted to] and three (3) sets of reduced size maps as per the submission provisions of Section 6.3.f. In addition, the subdivider shall submit the final plans in digital form AutoCAD R-14 or a compatible form acceptable to the Town. Alternatively, Town staff may accept other forms of digital data (property lines, wetland boundaries and other data contained on a final subdivision plan) provided the data can be readily incorporated into the Town’s current digital mapping system. This digital data is needed to appropriately update Town records.
- The Chairman of the Commission who, after determining that [they] the submittals comply with the Commission's action and that all other regulatory requirements have been met, shall sign the plans. When the Chairman is absent, or otherwise unable to act, the Vice-Chairman or Secretary of the Commission shall sign said maps. No plan shall be recorded with the Town Clerk until approval has been endorsed thereon and recording of the plan without such endorsement shall make said plan void. A plan revised without a proper endorsement shall also be void. The endorsement of approval shall state the date on which the subdivision approval period expires (see Section 6.16). [The applicant also shall file with the Town the final plans in digital form (see Section 6.3.g).]
- j. Renumber Section 6.21 and 6.17 (existing Sections 6.17 through 6.20 are being relocated to Section 4).

*Explanatory Note: The revisions to Section 6, clarify and update final subdivision plan application submission and post approval requirements. The revisions reference the new pre-application provisions*

of Section 5, clarify significant tree inventory provisions and provide alternatives for submitting final plans digitally.

5) In Section 7 to be relabeled “Additional Subdivision Criteria” incorporate the following revisions.

a. Delete existing Sections 7.1 and 7.2 and replace them with existing provisions contained in Sections 4.5 and 4.6.

b. **7.7 Stone Walls/Historic Features**

[Subdivisions shall be designed to preserve, where] To the extent possible (subject to any safety issues) [after consideration of other regulatory provisions,] all existing stone walls, remains of old foundations and any other historic features on the subject site shall, regardless of condition, be preserved and maintained. Furthermore, wherever possible, existing stonewalls shall be used to delineate property lines. The Commission may require stone walls and other historic features to be included within conservation easements to help ensure long term protection.

All existing stone walls that need to be removed due to street, driveway, house, septic system or other site construction shall be [rebuilt elsewhere on the property, or the stones shall be] used to enhance adjacent segments of walls or other existing walls on the property, particularly along new property lines. [Information] Specific plans regarding any stone wall removal and proposed stone wall rebuilding or improvements shall be included on the subdivision plans and the Commission shall have the right to require stone wall work to be the responsibility of the subdivider.

c. **7.8 Trees**

a. Unless specifically authorized by the Commission, no roadside tree over [six (6)] nine (9) inches d.b.h. (diameter breast height) shall be removed unless the removal is necessary to provide suitable sightlines, to establish suitable driveway or roadside drainage, or to provide suitable underground utility service (see underground utility provisions of section 11.1);

b. Subdivisions shall be designed to preserve, where possible after consideration of other regulatory provisions, [specimen] significant trees [and groups of trees] that contribute to Mansfield’s scenery and/or help enhance significant man-made and natural features (see definitions of scenery, significant trees and natural and man-made features).

d. **7.10 Common Driveways**

a. The use of a common driveway may be authorized or required by the Commission where:

1. Wetlands, steep slopes or other physical constraints would require extensive grading, filling or tree removal for individual driveways;

2. ~~Where~~ Common driveways will protect and preserve natural and manmade features ~~and~~, scenic views and vistas, interior forests and/or other Plan of Conservation and Development identified existing and potential conservation areas (see map 21);

3. Common driveways will promote cluster development and other design objectives of these regulations (see Section 5.1). [Any approved common driveway shall serve no more than three (3) residential lots.]

Where common driveways are approved, a driveway easement that establishes

maintenance and liability responsibilities shall be depicted on the plans, shall be incorporated onto the deeds of the subject lots and shall be filed on the Land Records.

- \* b. Except where specifically authorized by the Commission pursuant to this section, any approved common driveway shall serve no more than three (3) residential lots.

By a three-quarters (3/4) vote of the entire Commission (seven (7) votes), the maximum number of residential lots served by a common driveway may be increased to four (4) or five (5) lots. The following factors shall be considered by the Commission in evaluating a potential common driveway serving four (4) or five (5) lots.

1. Whether the proposed common driveway will significantly reduce environmental impacts.
2. Whether the proposed common driveway will significantly promote vehicular and/or pedestrian safety.
- 3. Whether the proposed common driveway will significantly promote ~~subdivision design objectives contained or referenced in Section 5 of these regulations.~~ the protection and preservation of natural and man-made features, scenic views and vistas, interior forests and/or other Plan of Conservation and Development identified existing and potential conservation areas (see map 21).
- 4. Whether the proposed common driveway will significantly promote cluster development and other design objectives of these regulations (see Section 5.1).

- c. [b.] All sections of a common driveway that include areas that have a slope of ten (10) percent or greater shall be surfaced with an appropriate thickness of bituminous concrete or an equivalent surface approved by the Commission;

- d. [c.] Common driveways serving two (2) or three (3) lots shall have a minimum travel width of twelve (12) feet and minimum load-bearing shoulder widths of two (2) feet. Common driveways serving four (4) or five (5) lots shall have a minimum travel width of twenty (20) feet. All curves along a common driveway shall have a minimum inside radius of twenty-five (25) feet.

- e. All common driveways shall be designed and constructed to safely accommodate fire department apparatus, pursuant to Mansfield's Fire Lane Ordinance (Chapter 125 of the Mansfield Code). Subdivision plans shall include a common driveway cross-section that demonstrates compliance with this requirement.

- f. At all intersections of a common driveway and a street, common driveways shall have a minimum travel width of twenty (20) feet for a minimum length of forty (40) feet. This width is necessary to safely provide for entering and exiting traffic.

- g. [d.] Common driveways shall meet the slope, sightlines and drainage standards of Section 7.9 and the driveway length standards of Section 7.11.

- h. Common driveway improvements shall include the following street number signage:
1. Signage listing the approved street numbers of all dwellings served by a common driveway shall be erected at the intersection of a common driveway and a street. Signage details, including the location and nature of support posts, shall be included on subdivision plans. The subject sign shall not exceed two (2) square feet in size.

2. Signage listing the approved street number of an individual dwelling shall be erected at the intersection of a common driveway and individual driveway. Signage details, including the location and nature of support posts, shall be included on subdivision plans.
  - i. Common driveways shall not be used for parking, storage or other uses that could act as an access impediment.
  - j. [e.] Common driveways and all associated improvements, including signage, shall be considered the responsibility of a subdivider and shall be completed or bonded pursuant to Mansfield's regulatory requirements, prior to the filing of a subdivision on the Land Records.
- e. **7.11 Driveway Length Standards**

To help ensure safe and appropriate access to a house site for all vehicles, including emergency vehicles, the following provisions shall apply for all driveways exceeding a length of three hundred (300) feet:

  - a. The driveway shall have a minimum travel width of twelve (12) feet and minimum load-bearing shoulder widths of two (2) feet, except for certain common driveway improvements that require a twenty (20) foot minimum travel width. All driveway curves shall have a minimum inside radius of twenty-five (25) feet;
  - b. Pull-off areas adjacent to the driveway shall be provided at average intervals of every three hundred (300) feet or as deemed necessary by the Commission due to slope, sightline or other site characteristics. Pull-offs shall have a minimum load-bearing length of forty (40) feet and minimum width of ten (10) feet;
  - c. An adequately-sized, located and surfaced turnaround area that will accommodate a fire truck shall be provided. Unless the following distance requirements are waived by the Commission due to specific site characteristics, the turnaround area shall be no closer than seventy-five (75) feet from a house site and no further than two hundred (200) feet from a house site and the turnaround shall be at least thirty (30) feet in length with two (2) foot wide, load-bearing shoulders.

Explanatory Note: The revisions to Sections 7.8 and 7.9 expand provisions designed to protect stone walls and any other historic feature on a subdivision site and clarify provisions designed to protect significant trees. The new provisions reference the potential use of conservation easements to protect historic features.

*The revisions to Sections 7.10 and 7.11 would allow, subject to specific criteria and a ¾ vote waiver, common driveways to serve four (4) or five (5) residential lots. This change is proposed to provide more flexibility in situations where environmental impacts will be significantly reduced, where traffic safety will be significantly enhanced and/or where increasing the number of homes served by a common driveway would promote subdivision design objectives as documented in the regulations. The revisions also incorporate additional width provisions, street number signage requirements and other requirements designed to enhance safety and help ensure safe emergency vehicle access.*

- 6) In Section 8.7, incorporate the following revisions:
  - a. **Existing Street Improvements**

Whenever any subdivision is proposed for land fronting on or accessible only by a street or streets that do not meet the Town's current "Engineering Standards and Specifications" requirements as administered by the Mansfield Department of Public Works, and the

Commission determines that approval of the subdivision plan would be contrary to the public safety unless such street or streets were altered or improved along the frontage of the proposed subdivision or beyond the limits of the proposed subdivision, the Commission [may disapprove] shall consider denial of such plan or [may condition] shall consider conditioning its approval upon completion of the improvements or alteration of such street or streets by and at the expense of the subdivider, or [may disapprove] shall consider the denial such plan until the Town Council has authorized expenditures for such improvements.

In [making the above determination] considering alternative actions, the Commission shall take into account the width and degree of improvement of the street and its ability to handle the increased volumes of traffic which will be generated by the proposed subdivision, the ability of school buses and emergency vehicles to travel the street safely, the drainage conditions of the street, pedestrian and bicycle safety and, [generally] the ability of any vehicle or person to use the street safely. Before taking action, the Commission shall consult with the Town Attorney or other qualified legal consultant with respect to statutory authority and case law pertaining to this issue.

*Explanatory Note: The revisions to Section 8.7 are designed to provide more flexibility in considering potential off-site improvements and to help ensure compliance with applicable statutory authority, as refined through Connecticut Case Law.*

7) In Section 9, incorporate the following revisions:

**9.0 Sidewalks/Bikeways/Trails**

[Sidewalks may be required by the Commission] Sidewalks, bikeways, trails and/or other improvements designed to encourage and enhance safe pedestrian and bicycle use shall be required, unless specifically waived by a three-quarter (3/4) vote of the entire Commission (7 votes), in all subdivisions within or proximate to Plan of Conservation and Development designated "Planned Development Areas" [commercial areas; in locations] proximate to schools, playgrounds, parks and other public facilities; [and in areas along] or proximate to existing or planned [Town-designated] walkway [or], bicycle or trail [priority] routes. In evaluating any waiver request, [determining the need for sidewalks,] the Commission shall consider the size and [review] the location of the proposed subdivision [and] its relationship to [commercial areas,] existing or planned development, school sites, playground areas and other public areas and the location and nature of existing or planned sidewalk, bikeway or trail improvements.

*Explanatory Notes: The revisions to Section 9 are designed to clarify and expand existing provisions regarding requirements for sidewalks, bikeways, trails and other improvements designed to encourage pedestrian and bicycle use. The proposed provisions require pedestrian oriented improvements, unless waived by a ¾ vote of the Planning and Zoning Commission, when a subdivision is within or proximate to planned development areas, schools, parks or other public facilities or existing or planned walkways, bikeways or trails.*

8) Revise Section 13.8, incorporate the following revisions:

### 13.8 Site Improvements

- a. In addition to the access requirements of Section 13.7, the Commission shall have the right to require a subdivider to include, as part of subdivider responsible improvements, park and/or hiking trail improvements, including, as appropriate, clearing, grading, drainage, base preparation, surfacing and re-stabilization of all disturbed areas. [make site improvements such as clearing, grading, drainage, seeding and parking areas where active park, playground or hiking trail uses are deemed appropriate.] [The] All referral reports shall be considered in determining whether site improvements are appropriate. The degree of site improvement required shall be directly associated with the number of proposed lots within the subject subdivision. For example, a graded and seeded multi-purpose playground field may be a suitable requirement for a larger subdivision of twenty (20) or more lots and/or trail improvements may be required to link a subdivision site to adjacent parks and trail systems or to otherwise enhance access to existing or proposed open space areas. In situations where site improvements are required, the site work shall be depicted and fully documented on final subdivision plans and the site work shall be completed or fully bonded to the Commission's satisfaction before final maps are signed and filed on the Land Records.

In situations where trail improvements are deemed appropriate, the degree and nature of clearing, base preparation, drainage and surface improvements shall be determined taking into account the size and location of the subdivision and site and neighborhood characteristics. Where required, trails shall have a minimum width of five (5) feet and shall have an appropriate base, surface and drainage to allow year round use. Stone dust surfacing may be required and all wetland or watercourse crossings shall utilize cedar or pressure treated wood or other materials acceptable to the Commission. Trail marking and access signage also can be required.

- b. With the exception of site work that may be required by the provisions of Sections 13.7 and 13.8a or agricultural activities approved by the Commission, all land dedicated as open space or park land shall be left in its natural state by the subdivider and shall not be graded, cleared or used as a repository for stumps, rocks, brush, soil, building materials or debris.

*Explanatory Note: This proposed revision clarifies and expands existing provisions regarding the Planning and Zoning Commission's authority to require site improvements in association with subdivision open space dedications. In particular, the new provisions focus on trail improvements and associated construction requirements.*

9) In Section 14, incorporate the following revisions:

- a. Revise the Title of this Section from "Bonding" to "Completion of Improvements/Bonding/As Built-Plans"

- b. **[14.1 Completion**

The Commission may, with the advice of the Department of Public Works, prescribe the extent to which and the manner in which the streets shall be graded and improved and public improvements and utilities and services provided in connection with any subdivision plan, and may require that all or a specified portion of such work and installations be completed prior to the final approval of the plan. As provided in other provisions of these regulations,

the Commission also may require driveway, drainage and other site work to be completed by the subdivider or bonded prior to the filing of the subdivision on the Land Records.]

#### **14.1      Completion of Improvements**

Pursuant to other provisions of these regulations, subdividers shall be responsible for completing and bonding subdivision improvements, including approved streets, common driveways, sidewalks, trails and parking improvements, drainage and site work improvements. These subdivision improvements shall be completed and/or bonded prior to the filing of the subdivision plans on the Land Records. The Commission, with the advice of the Town's Planning and Engineering staff, may prescribe the extent to which and the manner in which subdivision improvements are completed and associated utilities are provided.

For all subdivision lots that are dependent on new streets for access, the following specific completion provisions shall be met:

- a. No Zoning Permit shall be issued for new dwellings until the roadway binder course and all associated drainage and grading have been completed to the satisfaction of the Town Engineer, or his designated agent, and the Fire Marshal and until the new subdivision road has been fully bonded for completion pursuant to Mansfield's regulatory provisions.
- b. Unless specifically authorized by the Commission, no Zoning Certificate of Compliance shall be issued for new dwellings unless the roadway and all associated drainage, signage, site stabilization and lot monumentation has been completed and accepted by the Town.

*Explanatory Note: The proposed revisions to Section 14, clarify existing provisions regarding the completion of subdivision improvements. For subdivision lots dependent on new streets for access, the revisions incorporates new provisions that link Zoning Permits for new houses to the completion of a roadway binder course and associated site work and Certificates of Compliance for completed houses to the completion of roadway drainage, signage, monumentation and site stabilization work.*

280 Trumbull Street  
Hartford, CT 06103-3597  
Main (860) 275-8200  
Fax (860) 275-8299  
tcody@rc.com  
Direct (860) 275-8264

*Via FedEx*

November 9, 2010

Mr. Rudy Favretti, Chairman  
Mansfield Planning and Zoning Commission  
Audrey P. Beck Municipal Building  
Four South Eagleville Road  
Mansfield, CT 06268

Re: **Storrs Center Project**  
**Application for Zoning Text Amendment**

Dear Mr. Chairman and Members of the Commission:

Enclosed please find an application to amend the text of the Mansfield Zoning Regulations. Enclosed with this letter are the following:

1. Application form
2. Proposed Zoning Text Amendment Language
3. Statement of Justification
4. Application fee in the amount of \$560.00.

After the Commission receives this application at its November 15, 2010 meeting, we hope that the Commission will schedule a public hearing for December 6, 2010. If you have any questions, please do not hesitate to contact me.



*Law Offices*

BOSTON

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WHITE PLAINS

NEW YORK CITY

ALBANY

SARASOTA

[www.rc.com](http://www.rc.com)

Very truly yours,

A handwritten signature in cursive script that reads "Thomas P. Cody".

Thomas P. Cody  
Attorney for Storrs Center Alliance LLC

Enclosures

Copy to: Macon Toledano, Storrs Center Alliance LLC  
Cynthia van Zelm, Mansfield Downtown Partnership, Inc.

APPLICATION TO AMEND THE ZONING REGULATIONS  
(See Article XIII of the Zoning Regulations)

File # \_\_\_\_\_  
Date \_\_\_\_\_

1. APPLICANT See attached.  
(Please PRINT)  
Street Address \_\_\_\_\_  
Town \_\_\_\_\_

By: Thomas P Coy  
(Signature) ATTORNEY FOR  
APPLICANT STARRS CENTER  
Telephone \_\_\_\_\_  
Zip Code \_\_\_\_\_ ALLIANCE LLC

2. AGENT who may be contacted directly regarding this application:  
Macon Toledano LeylandAlliance LLC  
Name (please PRINT) Address  
P.O. Box 878, Tuxedo Park, NY 10987  
(845) 649-1490  
Telephone number

3. List article(s)/section(s) of Zoning Regulations to be amended:  
(Consideration should be given to interrelated sections that must also be modified to ensure consistency within the Regulations)  
Article Seven, Section M.2.n  
Article Eight, Schedule of Dimensional Requirements, Footnote 19

4. Exact wording of proposed amendment(s) – use separate sheet if necessary:  
See attached text of proposed amendments.

5. Statement of Justification addressing approval considerations of Article XIII, Section C and  
(1) substantiating the proposal's compatibility with Mansfield's Plan of Development;  
(2) the reasons for the proposed amendment (including any circumstances or changed conditions that justify the proposal and how the amendment would clarify or improve the Zoning Regulations);  
(3) the effect the change would have on the health, safety, welfare and property values of Mansfield residents  
(use separate sheet if necessary)  
See attached Statement of Justification.

6. The following have been submitted as part of this application:

  X   Application fee

       Reports or other information supporting the proposed amendment (list or explain):

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

(end of applicant's section)

\* \* \* \* \*

(for office use only)

Date application was received by PZC: \_\_\_\_\_ Fee submitted \_\_\_\_\_

Date of Public Hearing \_\_\_\_\_ Date of PZC action \_\_\_\_\_

Action: Approved \_\_\_\_\_ Effective \_\_\_\_\_

Denied \_\_\_\_\_

Comments:

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

\_\_\_\_\_  
Chairman, Mansfield Planning & Zoning Commission

\_\_\_\_\_  
Date

Proposed Zoning Text Amendment Language

---

Article Seven

Permitted Uses

\* \* \* \* \*

M. Uses Permitted in the Planned Business 2 Zone (Route 195/Dog Lane Area)

\* \* \* \* \*

2. Categories of permitted uses in the Planned Business 2 zone requiring special permit approval as per the provisions of Article V, Section B:

\* \* \* \* \*

n. Category M

Mixed-use projects consisting of one or more of the uses permitted in the Planned Business 2 zone and multi-family housing, provided that the site is served by adequate public sewers and public water, and the square footage utilized by the residential use does not exceed fifty percent of the total square footage of the buildings within the project.

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Article Eight

Schedule of Dimensional Requirements

Notes to Schedule of Dimensional Requirements

\* \* \* \* \*

19. A maximum building height of 85 ~~60~~ feet to peak of roof (excluding spires, cupolas, steeples, chimneys and similar vertical elements, which are allowed) may be applied to any proposed building in the PB-2 zone district that is connected to or a part of a building also located in the SC-SDD zone district. ~~located within 250 feet of any other building at least 65 feet in height.~~

APPLICATION BY:

STORRS CENTER ALLIANCE, LLC  
MANSFIELD DOWNTOWN PARTNERSHIP, INC.

TEXT AMENDMENT TO THE MANSFIELD ZONING REGULATIONS

STATEMENT OF JUSTIFICATION

About the Applicants

Storrs Center Alliance, LLC (“SCA”) is the development company that was selected by the Mansfield Downtown Partnership, Inc. (the “Partnership”) to be the master developer of Storrs Center. The sole member of SCA is LeylandAlliance LLC, a real estate development firm based in Tuxedo, New York that specializes in traditional neighborhood development. LeylandAlliance is currently building traditional neighborhood developments in Norfolk, Virginia; North Augusta, South Carolina; and Warwick, New York. SCA has a business address in care of LeylandAlliance LLC, Post Office Box 878, Tuxedo Park, New York 10987.

The Partnership is the municipal development agency authorized under Connecticut General Statutes chapter 132 to prepare a municipal development plan for, and to implement, the Storrs Center project. The Partnership and SCA jointly prepared the municipal development plan for Storrs Center (the “MDP”) during 2004 and 2005. The MDP was approved by the Mansfield Town Council and the Commissioner of the Department of Economic and Community Development. The Partnership has a business address of 1244 Storrs Road, Post Office Box 513, Mansfield, Connecticut 06268.

Project Background

The MDP provides that Storrs Center will be a mixed-use village at the crossroads of the Town of Mansfield and the University of Connecticut. The project area represents an assemblage of parcels amounting to approximately 51 acres located east of Storrs Road (Route 195). The developed area will occupy about one-third of the overall site. Most of the remaining portion of the site will be reserved for conservation as part of an effort to establish an environmentally balanced and intelligent approach to the use of the land.

The core development area largely overlies previously developed property. The project will be a mixed-use concept designed to create a vibrant Main Street experience within a shared public realm, as well as a more residentially oriented area with limited commercial use. Structured and surface parking will be provided in accordance with the plan to support the needs of the various neighborhoods. Like the modern downtown Storrs Center is meant to be, civic uses will permeate the project. Included throughout the development area will be public open spaces, including the town square, streets, sidewalks, small plazas, and terraces, contributing to the varied experience of the public realm that is essential to the viability and sustainability of the mixed use community.

The MDP includes a Relocation Plan that was prepared pursuant to state and federal law. The Relocation Plan identifies the businesses that will be vacating their current space, since some of the existing buildings in the existing shopping plaza will be removed as part of the project. The Partnership has retained a special relocation consultant to assist it in providing relocation assistance to the existing businesses that will be relocating. The Partnership and SCA have been actively involved in making the relocation process as smooth as possible.

As part of the relocation process, SCA has taken the lead in planning for the development of commercial space in Storrs Center that would create a new place of business for many of the existing businesses in the area. Initially, a plan was created for 1.16 acres of land with frontage on the north side of Dog Lane, east of Storrs Road (Route 195) (the "Property"). The Property is a portion of a larger property identified by the Town of Mansfield Assessor as Map 16, Block 40, Lot 10, and is owned by the State of Connecticut. Much of the Property is currently paved and forms part of the driveway and parking lot associated with the Bishop Center of the University of Connecticut. The remainder of the Property includes a volleyball court, basketball court, lawn area and wooded area. There are no buildings currently located on the Property.

SCA took the lead in designing, preparing applications for, and obtaining approval in 2006 of several applications for the Property, which was to become the first phase of development known as Phase 1A. These approvals included a zoning text amendment, zoning map amendment, special permit, and a one-lot subdivision. Building DL-1, the first building to be built in Phase 1A, was designed and approved as a mixed-use building with retail, restaurant, office and potentially residential uses, as well as a single motor vehicle repair business.

#### 2006 Zoning Text Amendment

The 2006 text amendment made three revisions to the PB-2 provisions in the regulations. First, the text amendment allowed a motor vehicle repair business to be located in the PB-2 zone, so long as certain conditions were satisfied. This amendment created a place for the existing automotive repair facility already located in the neighborhood to relocate to.

Second, the text amendment provided that multi-family residential uses may be located in the PB-2 zone provided that the site is served by adequate public water and sewer services, and the square footage utilized by the residential use does not exceed fifty percent of the total square footage. This provision was requested because, although the primary intent of Building DL-1 was to provide commercial space for relocating businesses, it was also anticipated that not all of the commercial space would be leased, thus leaving capacity for some residential uses. The text amendment created the flexibility to locate residential uses in the space, but with a cap to ensure a certain amount of commercial space.

Finally, the 2006 text amendment changed the maximum building height for this zone district from 40 feet to 60 feet, but only in instances where other buildings at least 65 feet

in height are located within 250 feet of the building. This was requested because buildings taller than 65 feet already exist in the immediate area of the PB-2 zone district. The amendment was limited to areas that are located within 250 feet of another building that is at least 65 feet in height.

SCA and the Partnership later applied for, and received approval of, an application to amend the Mansfield Zoning Regulations and Zoning Map to create a new special design district for the remainder of Storrs Center known as the Storrs Center Special Design District (SC-SDD). The MDP anticipated the creation of such a new zoning district, and SCA intends to develop Storrs Center pursuant to this new zoning district. The rezoning to SC-SDD did not include the Property, which was anticipated to remain in the PB-2 zone district. The SC-SDD zone district includes a building height limit of 85 feet in the Town Square Area, which is adjacent to the Property.

#### Current Application for Zoning Text Amendment

The plan for Phase 1A of Storrs Center has evolved since the 2006 approvals and no longer includes a separate DL-1 building. The same uses previously approved for DL-1 have been incorporated into a larger Phase 1A building to be built in both the SC-SDD and PB-2 zone districts. The goal of providing relocation space within Phase 1A for existing tenants in Storrs Center remains unchanged. Phase 1A will still provide space for tenants who wish to relocate. Since the new plan for Phase 1A includes land within the adjacent SC-SDD zone as well as the PB-2 land, considerably more commercial space will be built in this phase than originally thought. In other words, relocating commercial tenants will not be limited to the original plan for the smaller DL-1 building.

As a result of the expanded scope of Phase 1A, there is no longer a need to keep the 50% residential zoning limitation for the PB-2 zone portion of the project. The current application for a zoning text amendment seeks to delete the 50% residential limitation without changing any other provisions of the regulations.

The second part of the current zoning text amendment seeks to amend the building height limitation within the PB-2 zone to make it consistent with the adjacent SC-SDD land. The 2006 text amendment, which was approved before the SC-SDD zone district was created, increased the maximum building height to 60 feet in areas that are within 250 feet of an existing building that is at least 65 feet in height. The adjacent land was later rezoned to SC-SDD, which includes a building height limit of 85 feet to peak of roof, not including spires, cupolas, steeples, chimneys and similar vertical elements, which are allowed. This text amendment would modify the building height limitation in the PB-2 zone to be consistent with the adjacent SC-SDD zoning.

This application to amend the zoning regulations for the PB-2 zone is consistent with the SC-SDD zone district and the MDP. The MDP included a relocation plan for the existing businesses in the area. Thus, this text amendment, in conjunction with the development of Phase 1A, is a critical first step in the overall effort to redevelop Storrs Center.

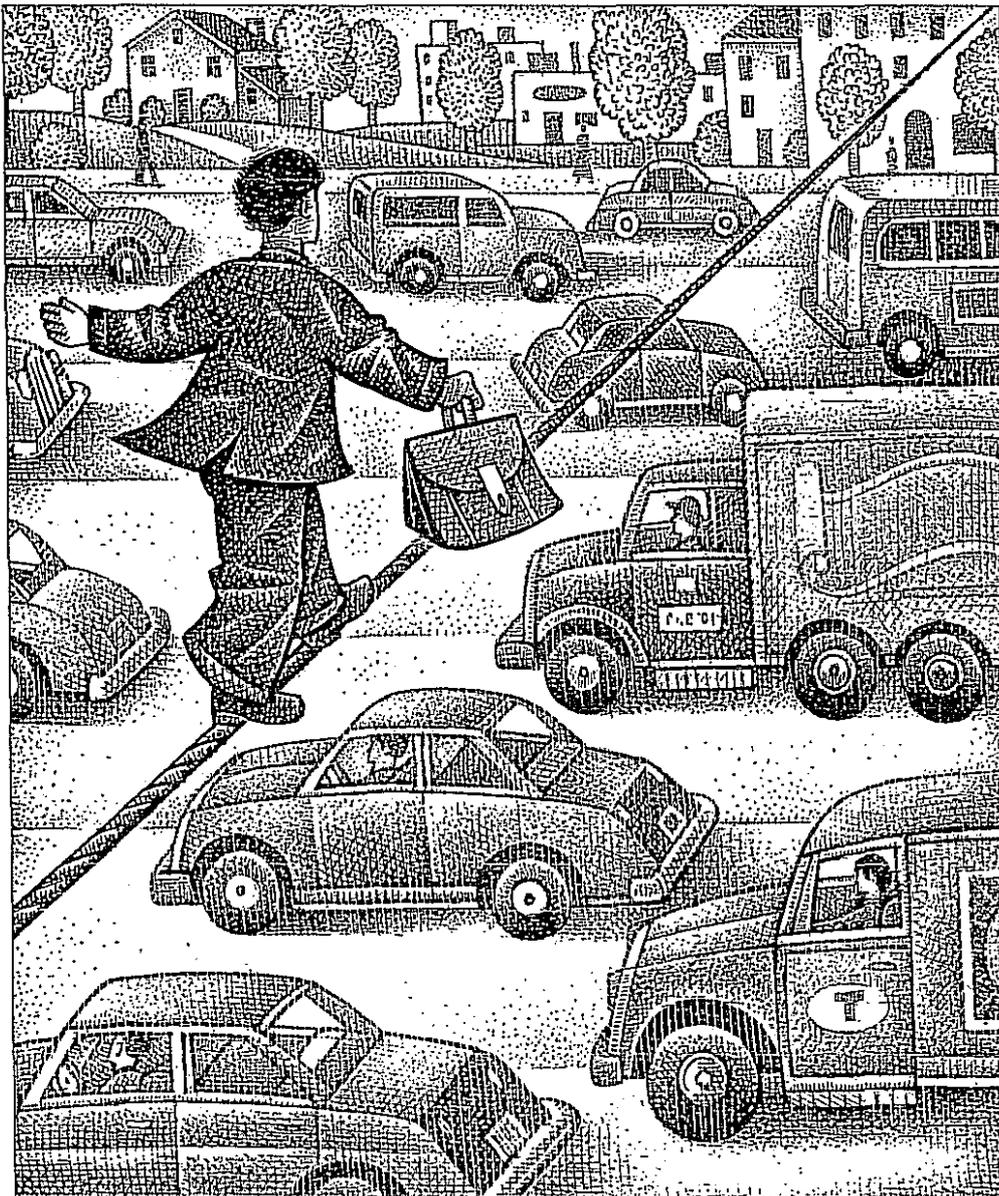
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PLANNING  
COMMISSIONERS

# Journal

NEWS & INFORMATION FOR CITIZEN PLANNERS

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## Where Are We Heading?

In planning for our communities, how often do we really think about where we're heading – and to what extent do we rely on old assumptions?

In this issue, Hannah Twaddell and Gary Toth talk about the new direction many communities are taking when it comes to transportation planning. It's based on a growing realization that for too long the overriding objective of transportation planning has been to come up with ways of moving vehicles through our cities and towns as quickly as possible – and that this single-minded approach has hurt efforts to build more livable, sustainable communities.

Not too long ago, for example, few transportation planners (or others) questioned the assumption that the best way to improve our transportation networks is by building wider and straighter roadways. But now, there's a growing recognition this is often not the best approach to reducing traffic congestion and improving mobility. Even more importantly, there's a realization that mobility is just one factor to consider when thinking about how well our transportation systems work.

Of course, it's not just in the field of transportation planning that we need to think about the direction we're taking our cities and towns. This calls for the insights planners and planning commissioners can bring to the table. Inside, you'll also find articles showing how you can gain a clearer understanding of your community – and region – in several ways: by cataloguing its natural and man-made resources (Wendy Grey); by examining its economic assets (Gwendolyn Hallsmith); and by better understanding its retail market (Beth Humstone).

Gain knowledge of your community.

Question old assumptions.

Don't be afraid to ask: "Where are we heading?" ♦

*Wayne M. Senville*

Wayne M. Senville,  
Editor



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# Journal

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# What's "Sustainable"?

by Dave Stauffer

If your commission is like the one in my town, more developers and applicants are loading their designs with features intended to impress you because they're "sustainable."

But ask them what they mean by sustainable and you're likely to get responses ranging from a blank look to a treatise on every person's obligation to help save the planet.

So, what's "sustainable"?

- The most common definition seems to be that offered by the United Nations World Commission on Environment and Development's 1987 Brundtland Report, stating that sustainable development "meets the needs of the present without compromising the ability of future generations to meet their own needs."

- The International Institute for Sustainable Development quotes the U.N. definition and adds, "The concept of sustainable development ... helps us understand ourselves and our world. The problems we face are complex and serious – and we can't address them in the same way we created them. But we *can* address them."

- Others reach back in history to cite, for example, the "Great Law of the Iroquois," which supposedly commanded sustainability by declaring, "In every deliberation we must consider the impact on the seventh generation."

For the past few years, as chairman of a regional business group whose below-the-logo tagline is "Advancing Sustainable Enterprise," I've read and heard a lot about sustainability and sustainable development. Among my conclusions:

- We're a long way, in consensus and

time, from universal agreement on a definition of sustainability.

- It's nice, but not crucial, that we agree on a definition.

- What is crucial is that we who are asked to weigh claims of sustainability come up with a practical definition that we can use day-to-day to make the decisions that come before us.

**SUSTAINABILITY MAY BE  
HARD TO DEFINE, BUT IT'S  
VITALLY IMPORTANT TO OUR  
COMMUNITIES.**

That's no simple task. Opinions on a project's sustainability will often range widely among commissioners. Moreover, assessing a project's attributes will seldom be a matter of black or white, but rather a frustrating gray.<sup>1</sup>

But gray terms are nothing new for us; we toil in a realm of squishy definitions. We shouldn't – and in my opinion can't – shy away from our own determination of whether project features really are sustainable.

How might we do that?

- *Make developers or applicants do the heavy lifting.* When they tout their project's sustainability, ask how they define that term. Then ask them to explain how their sustainable features meet that definition. Don't settle for generalities: get names of processes, materials, and methods. Also be sure to ask what additional up-front amount they're spending, beyond regulatory requirements, to achieve long-run sustainability.

- *Give an "A" for effort.* Sustainability means different things to different people, has no widely accepted metrics, and – truth to tell – few projects that come before us can be called sustainable. So (without ignoring any stated require-

ments for project approval) cut some slack for applicants who show you they've made a commendable effort to fashion a project that conserves resources, respects its surroundings, and is built to last.

- *Devise and think through your own list of sustainable project features.* My current list includes attributes of —

- ✓ Scale – a good fit with neighbors, neither ramshackle nor grandiose.

- ✓ Access and mobility – it's easy to get into, out of, and around in.

- ✓ Consumption & waste – efforts to minimize are evident and effective.

- ✓ Re-use – makes use of recycled building materials when feasible.

- ✓ Location & siting – makes the most of orientation to sun, topography, wind, natural and man-made infrastructure.

- ✓ Absence – preserves open space and is no larger than necessary for its functions.

- *Stay flexible in defining sustainability.* There's nothing wrong with a changing concept of what sustainability is or how a project achieves it; sustainability as its own field of study is far from mature. As you review more applications that claim sustainability, stay open to refining your own criteria.

Given the state of our world today, especially our accelerating depletion of natural resources and rising costs of man-made resources, sustainability is certain to gain ever-increasing attention. It may be hard to define, but it's vitally important to our communities. ♦

Dave Stauffer is a freelance writer and chairman of the Yellowstone Business Partnership. He is a former city planner, planning commission chair, and city council member in Red Lodge, Montana. Stauffer regularly writes for the PCJ.



<sup>1</sup> The extent to which our evaluations of sustainability may influence, or serve as a basis for, our decisions to approve a project will likely vary based on local codes and/or state enabling laws. Seek guidance from your planning staff on your options.

# What Planners Wish Their Planning Commissioners Knew

by Jim Segedy, Ph. D., FAICP, and Lisa Hollingsworth-Segedy, AICP

Lisa recently visited with Paulding County, Georgia's Planner, Chris Robinson, whose career has included work at two regional planning commissions, two counties, one city, and one state agency. She asked him "over the years and in all the places where you have worked as a planner, what did you wish your planning commissioners knew?"

Chris' answers started us down a road studded with memories of our own experiences over the years as we worked to empower planning commissioners at their job. It never hurts to remind ourselves who we are, and what we're doing on the planning commission in the first place.

So with our thanks to Chris for his perspective, and apologies to David Letterman, here's our Top Ten List of things planners wish their planning commissioners knew. One caveat: each state has slightly different planning and zoning laws, and local commissions' procedures will vary. Still, the basic ideas we set out should be relevant for most of you.

10. *The responsibilities and duties of being a planning commissioner.* Planning commission involvement is not an appointment to accept for status or just to add to your resume. It involves training, study, and preparation for every meeting. You will need a clear understanding of the commission's role in administrative and legislative actions, as well as legal issues such as due process, "takings," preemption, and more.

Planning commissioners are responsible for working together to ensure that the community grows and develops according to the vision established in the plan. As you consider an appointment (or accepting a re-appointment) carefully consider the significant commitment required, from the amount of time involved in preparing to make informed

decisions to the (potentially lengthy) meetings each month.

9. *Proper adoption of the zoning ordinance, map, and amendments is very important.* Planning commissioners should be familiar with their state's code language that spells out the procedures for how a zoning ordinance and/or map can be amended. Requirements for advertising and public hearings are the most common items addressed, but some states specify additional standards.

STAFF ARE A RESOURCE TO YOU AS PLANNING COMMISSIONERS TO MAKE YOUR DELIBERATIONS EASIER BY ASSEMBLING THE INFORMATION YOU NEED BEFORE YOU MEET.

8. *The relationship between the comprehensive plan and the zoning ordinance.* Your comprehensive plan (or master plan, or something similar) is the critical guidance document for your community. It likely contains an examination of current conditions, identifying goals and objectives for the future, and a general framework for how to achieve those goals – and why. The plan establishes the framework for decision-making and the public purpose for local government regulations pertaining to land use.

7. *The definition of "hardship" when granting a variance.* Typically, a variance from the zoning code's standards is allowed only when there is a "hardship on the property." In other words, the property cannot be developed under the current rules because of specific conditions on the site or its unusual configuration. "Hardship," as the word is defined in zoning codes, does not relate to the

financial well-being of the property owner, or whether the site could generate greater profit (that is, more than a "reasonable return") if a variance were granted. As one of the leading treatises on zoning law states, "the courts have consistently held that a variance may not be granted solely on the ground that such relief will enable the applicant to make a greater profit."<sup>1</sup>

The technical zoning definition of hardship is too often ignored by planning and zoning boards (the body authorized to grant variances differs from state to state). One consequence of this, and of too readily granting variances, is that the community's zoning ordinance and comprehensive plan will be undermined. Bottom line: it is important to know the criteria in your ordinance for granting variances, and then make decisions in accordance with those criteria.

6. *Politics is for politicians – not planning commissioners.* In most places, planning commission appointments are made by elected officials. Sometimes these officials have "expectations" about their appointees and the decisions they are called on to make. This has the potential of damaging the commission's integrity as an independent body. As Greg Dale (who has frequently written on ethical issues for the PCJ) has noted: "As a planning commissioner you have an ethical obligation to remain in a position of objectivity and fairness. Any time you take a position at the urging of an elected official, you run the risk of tainting your credibility as an objective decision-maker."<sup>2</sup>

One of the fundamental purposes behind the creation of planning commissions early in the 20th century was to

1 Anderson's *American Law of Zoning*, 4th Edition, Sec. 20.23, p. 495.

2 "Who Do You Work For," in PCJ #16 (reprinted in *Taking a Closer Look: Ethics & the Planning Commission*; for details: [www.plannersweb.com/ethics.html](http://www.plannersweb.com/ethics.html)).

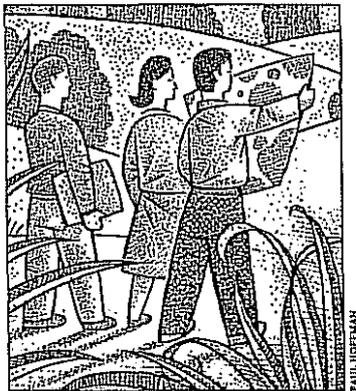
provide for an independent, non-partisan, body to provide advice to the governing body on planning, zoning, and other land use matters. As planning historian Laurence Gerckens has noted, "it is worth recalling that citizen planning commissioners were put into that position ... to provide insights into the problems and potential of the community, and to provide leadership in the solution of problems before they arise."<sup>3</sup>

5. "Health, safety, and welfare." These three words are the foundation upon which a community's comprehensive plan and land use ordinances are built. Planning commission decisions should be based on impacts on the health, safety, and welfare of the community, not just on the welfare of any one individual or group.

Planning commissioners should also be familiar with the concepts of "due process" and "takings" so they are not "buffaloed" by applicants who will argue that an adverse decision will violate one or both of them.<sup>4</sup> Your by-laws and/or zoning ordinance should contain

a checklist or form that will keep you on track and document due process and findings for approval or denial.

4. *Conflicts of interest – and how to avoid them.* As a planning commissioner, you are called upon to check your personal interests at the door of each meeting. It is critical that you keep the community's best interests in focus, not how the proposal may impact your own business, property, or income. You and your fellow commissioners should be familiar with your commission's rules on conflicts of interest (which we hope your



commission has!) and scrupulously adhere to them.

It is also important to put aside personal feelings about either the applicant or members of the public who may be testifying. Jim recalls that during his term as a planning commissioner, he heard fellow commissioners say, "they seem like nice people," or "my kid plays soccer with the their kid." These should have nothing to do with your review of a project. If you can't focus on making objective decisions based on your ordinance's criteria, you probably shouldn't be serving on a planning commission.

3. *The role of planning staff.* If your community employs planning staff, it is part of their job not just to ensure that development applications are complete,

but to conduct a basic evaluation of the permit request against the standards contained in your ordinance. In some communities, staff may also prepare recommended findings based on their technical review of the application. But staff should never direct you how to vote, and you

should always independently evaluate the recommendations you receive, the material presented by the applicant, and any testimony or public comments you hear.

Staff are a resource to make your deliberations easier by assembling the information you need before you meet. Most staff welcome questions from commissioners in advance of the meeting. This can help keep the meeting on track and keep you as a planning commissioner well informed.

2. *Site visits to subject properties are important.* Looking at photos and maps just isn't the same as seeing the site and observing the conditions that may be impacted by a proposed development. Driving by the site for a quick look usually isn't as revealing as getting out of your car and walking around the site. Issues involving scale or density, for example, can seem abstract without a

real feel for the specific area potentially affected by the project.

Some planning commissioners are reluctant to go on site visits because they are concerned about running afoul of Sunshine Laws, or even trespassing. Site visits are fact-finding missions, so as long as you restrict conversations to details of the permit request and don't stray into the area of discussing possible decisions, you should be fine. Of course, be guided by advice your commission receives from its legal counsel on site visits.

1. *Why avoiding ex-parte communications is critical.* Decisions must be made on the basis of fact – and in the light of day. Information gathered should come through appropriate channels: the permit application; maps and photos that support it; what you observe on a site visit; clarifications provided by your staff; and public hearing comment. If your decision is based, even in part, on information you privately received from the applicant or from someone opposing a project, you are – in our opinion – leaving yourself open for a court challenge.

However, in the review process for this article, we heard from one planner who informed us that ex-parte communications are allowed in her jurisdiction, though members are encouraged to report the content of such communications at the commission meeting and to remain objective.

Your best bet is to follow the communication and decision-making standards spelled out in your planning commission by-laws and/or your zoning ordinance procedures. If your commission or board doesn't have provisions addressing how to handle ex-parte contacts, set aside some time to develop them. ♦

Jim Segedy is the Director of Community Planning for the Pennsylvania Environmental Council. Lisa Hollingsworth-Segedy is the Associate Director for River Restoration for American Rivers' Western Pennsylvania Field Office. They both thank Chris Robinson for his contributions to this column.



<sup>3</sup> "Community Leadership & the Cincinnati Planning Commission," *PCJ* #18 (Spring 1995).

<sup>4</sup> *Editor's Note:* For a good overview of procedural due process and "takings," we'd recommend respectively "Procedural Due Process in Practice," by Dwight Merriam, FAICP, Esq., and Robert Sitkowski, AIA, Esq. (*PCJ* #31); and "Taking on Takings Claims," by Dwight Merriam (*PCJ* #60). Both articles are included in our publication, *Taking a Closer Look: Planning Law* (2008). For details: [www.plannersweb.com/law.html](http://www.plannersweb.com/law.html).

# Transportation Planning for Livable Communities

## MEASURING WHAT MATTERS

by Hannah Twaddell and Gary Toth

Let's pay a visit to the imaginary planet HemoGlobe. The people of this world have bodies just like ours, but they measure their physical health by only one indicator: the speed at which their blood moves. If blood is traveling too slowly through a certain area, a surgeon widens the problematic vein. Or if a patient is starting to gain weight, the surgeon expands more veins to make room for anticipated fat deposits.

This practice has gone on so long that few doctors ever "think outside the vein." No one questions the assumption that faster blood flow is always better, or considers the adverse impacts of widening the veins on other bodily functions. Alternative treatments, such as losing weight, are considered by only a few "radical fringe" practitioners.

Most of us on Earth would probably agree that the single-minded, HemoGlobian approach to managing health makes little sense. Yet in our world, to draw an analogy, transportation planners tend to rely on a similar method to manage the "health" of our transportation systems. We put a great deal of emphasis on a single indicator of travel speed – roadway Level of Service (LOS) – and our strategies to deal with congestion usually involve widening highways.

This narrowly focused approach doesn't help us address the really important question: Is our collective life-blood (people and goods) flowing properly in ways that nourish our vital organs: the places where we live, work, learn, and play?

In order to get a more complete picture of how well our transportation systems are really serving us, we need to assess their impacts and performance from several perspectives. In this article, we'll explore ways to measure four aspects of community life that depend



**TRANSPORTATION SAFETY IS A CRITICAL LIVABILITY FACTOR—NO ONE SHOULD DIE BECAUSE OF POORLY DESIGNED TRANSPORTATION NETWORKS.**

upon well-functioning transportation systems:

- (1) mobility – our need to drive;
- (2) accessibility – our need to arrive;
- (3) livability – our need to thrive; and
- (4) sustainability – our need to survive.

### MOBILITY – OUR NEED TO DRIVE

*Can people and goods move quickly and safely along our corridors, in any type of vehicle – cars, buses, bikes, wheelchairs – and on foot?*

Mobility is, quite simply, the ability to move. We measure it by calculating the speed at which people can travel along a given route. Level of Service (LOS) indicators for highway mobility are the most commonly used measures in transportation planning. If drivers can travel as fast as they desire along a given corridor during the most congested time of day (the "peak hour"), the LOS score is an "A." The slower the traffic moves, the lower the grade. An "F" means gridlock.<sup>1</sup>

The thresholds for acceptable LOS are, in most communities, based upon long-held transportation agency rules of thumb – such as maintaining a minimum LOS level of C for all suburban arterials and D for all city streets, regardless of urban context or local land use policies. Agency traffic forecasts for future LOS usually assume the highest possible level of potential development over a 20- or 30-year period.

Relying heavily on highway LOS as the dominant indicator for transportation planning tends to encourage ham-fisted solutions to complex problems. As the old saying goes, "to a man with only a hammer, everything looks like a nail."

Roadways with poor LOS show up on traffic model maps as red lines. The easiest way to deal with them in the model is to keep adding roadway links and lanes until you "get the red out." But LOS models don't help us consider the adverse impacts that can result from

<sup>1</sup> Intersection LOS is determined by estimating the speed at which motorized vehicles can pass through intersections during the most congested time of day. For roadway segments between intersections, LOS is calculated by dividing the projected traffic volume by the theoretical capacity of the highway lanes (e.g. 2,000 vehicles per hour for a freeway lane). If the combined speed through intersections and along segments matches the speed deemed appropriate, the LOS score ranges from "A to C." If delay at intersections becomes too significant, or if the volume on a segment of roadway exceeds the pre-assigned capacity, the roadway is assigned a grade of E or F.

roadway expansion, such as destroying natural areas, bisecting neighborhoods, or discouraging pedestrians, bicyclists, and transit riders.<sup>2</sup>

In many communities, major arterials have been widened extensively in order to maintain the highest possible LOS at rush hour. But they may sit unused much of the time. Those wide, empty lanes tempt drivers to zoom well above posted speeds most of the day and night. The resulting conditions are dangerous for motorists and downright hostile to bicyclists, pedestrians, and transit riders.

Congestion problems can often be solved by simpler, less expensive, and more environmentally sound methods than highway expansion. For example, instead of widening a single congested artery, a community can make the existing system more efficient. Operational improvements such as turning lanes and coordinated signal timing can go a long way towards clearing up rush hour bottlenecks. Networks of connector streets around major arterials can provide alternative routes for local traffic, allowing for more pedestrian, bicycle, and transit options.

Local community leaders can – and should – engage with transportation agencies to customize LOS expectations for different contexts along a given corridor. More importantly, communities need to expand the types of indicators and tools they use for transportation planning.

### ACCESSIBILITY – OUR NEED TO ARRIVE

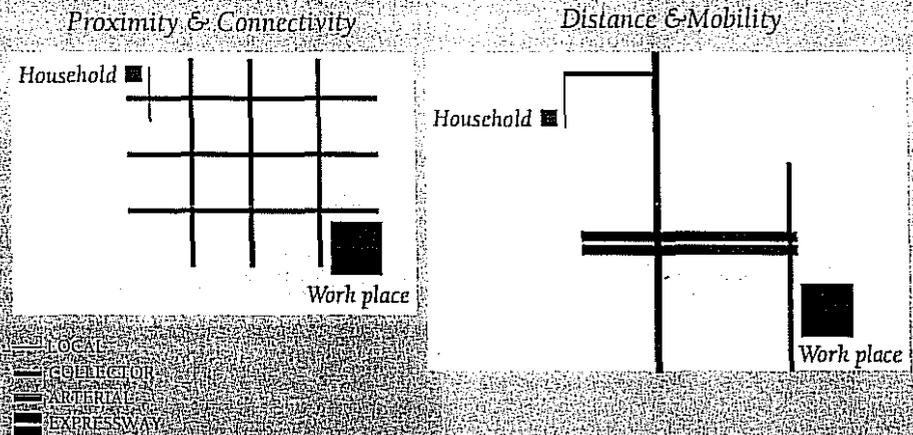
*Can people and goods arrive at their final destinations within a reasonable amount of travel time?*

The concept of accessibility goes beyond simple mobility. It's one thing to be able to move quickly along a corridor.

*continued on next page*

2 There has been growing interest in bicycle and pedestrian LOS standards. In part, this has been to counterbalance the over-reliance on highway LOS. A good resource on developing bicycle and pedestrian LOS is the Transportation Research Board's "Multi-modal Level of Service Analysis for Urban Streets" (NCHRP Report 616; published 2008).

## Commute Trip Comparison



Same travel time, different speed (mobility) & distance (proximity)

FACILITY	RATE (MPH)	TIME (MIN)	DISTANCE (MI)	FACILITY	RATE (MPH)	TIME (MIN)	DISTANCE (MI)
LOCAL	15	32	0.3	LOCAL	15	32	0.3
COLLECTOR	20	24	0.5	COLLECTOR	20	15	0.5
ARTERIAL	25	18	0.6	ARTERIAL	25	14	0.6
EXPRESSWAY	50	7.2	1.6	EXPRESSWAY	50	7.2	1.6
	70	2.5	1.9		31	25	1.9

A person who lives eight miles from work could get there in about 25 minutes using a local street network at an average speed of 20 miles per hour. If one street is closed or congested, the commuter could use a number of alternative routes. Or, given the network's relatively compact block size and low-speed streets, the commuter may also be able to bike or use transit to get to work. Another person might live 13 miles from his or her workplace, but could also get to work in 25 minutes by using a higher-speed street network that allows for an average speed of 31 miles per hour.



Connectivity refers to the internal networks within a given community, as well as external connections between the community and the larger regional network. The benefits of regional accessibility are strongest in communities with strong internal and external connections.

From *Vitrans 2035: Virginia's Long-Range Multimodal Transportation Plan, 2007-2035*, Regional Accessibility White Paper (October 2009), graphic by Renaissance Planning Group.

## Transportation Planning ...

*continued from previous page*

Accessibility focuses on the bigger question of how successfully people can traverse the entire network.

Accessibility is most often measured by calculating the total amount of travel time between Point A and Point B. The mobility (LOS) of the corridors within the network has an impact on overall accessibility, but so do other elements, such as the variety of travel routes and mode choices, the connectivity of travel networks, and the distance between places.

For example, building a new rail station in a central city could greatly enhance regional mobility. But if it takes suburban commuters longer to get from the station to their downtown jobs than it does to make the journey from home to the station, the overall regional accessibility hasn't really improved much.

In this scenario, the station may be located too far from the city center, or the pedestrian and transit connections to key destinations may be inadequate. Whatever the reason, the return-on-investment for a new transportation facility will be greatly diminished if it is not connected to well-designed local networks.

"Connectivity indices" that measure the density of streets, paths, and intersections in a given area can help us map out plans for regional networks that provide robust access to higher density centers and ensure mobility for trucks, cars, pedestrians, bicyclists, and transit riders.<sup>4</sup>

Pedestrian connectivity in town and village centers can be improved by defining pedestrian paths more clearly and creating shorter blocks (typically 300-600 feet long). Simple transportation enhancements like these will boost the effectiveness of revitalization efforts such as redeveloping vacant parcels, empty buildings, and surface parking lots that

break up the continuity of downtown streets. The more places people can reach on foot, the greater your community's pedestrian accessibility, urban vitality, and overall livability.



### LIVABILITY – OUR NEED TO THRIVE

*Can people accomplish the purposes of their daily travel: getting to work, connecting with each other, and buying and selling goods, while also traveling safely and promoting public health?*

Livability focuses on the ways in which transportation systems help us thrive, individually and collectively. Livability indicators that are strongly affected by transportation systems include public health, safety, economic prosperity, and the quality of the natural and built environment.

Organizations focusing on public health, such as the Centers for Disease Control (CDC) and the Robert Wood Johnson Foundation, have recognized

5 See, e.g., the "CDC Transportation Recommendations" ([www.cdc.gov/transportation/recommendation.htm](http://www.cdc.gov/transportation/recommendation.htm)) and the Robert Wood Johnson Foundation's "Active Living Research" program (<http://activelivingresearch.org>).

6 See, e.g., Eric Dumbaugh & J. L. Gattis, "Safe Streets, Livable Streets," *Journal of the American Planning Association* (Vol. 71, Sept. 2005), and Reid Ewing & Eric Dumbaugh, "The Built Environment and Traffic Safety: A Review of Empirical Evidence," *Journal of Planning Literature* (Vol. 23, May 2009).

the strong relationship between public health and transportation policy.<sup>7</sup>

Public health advocates are encouraging communities to counter rising obesity and asthma rates, especially among children, by providing pedestrian networks that allow for walking and biking to everyday destinations such as school, work, social visits, or shopping. At the same time, better pedestrian links (along with improved transit services) make it possible for older adults who don't drive to stay engaged in community life, which plays a big part in sustaining mental and physical well-being.

Transportation safety is a critical livability factor. No one should die because of poorly designed transportation networks. Over the past 50 years, many in the engineering profession have held fast to a practice of improving highway safety by applying freeway design principles (wider, straighter, faster) to urban arterials. But research shows that these well-intentioned improvements can actually decrease driver and pedestrian safety.<sup>6</sup>

Crash data can help you identify hot spots that may benefit from strategies such as medians, pedestrian refuges, roundabouts, bike lanes, or improved access management. These strategies have the added benefit of making traffic flow more smoothly, especially at congested intersections. Thus, the overall accessibility (travel time) on a network can be maintained or improved even if mobility (speeds) in some locations is reduced.

Crime statistics, walkability audits, and transit rider surveys can help you assess the safety (real and perceived) of people who walk, cycle, or take the bus or train.

Another key livability factor is the impact of transportation systems on the

4 An excellent explanation of how connectivity indices work can be found in the Victoria Transport Policy Institute's *Online TDM* [Transportation Demand Management] *Encyclopedia* at: [www.vtppi.org/tdm/tdm116.htm](http://www.vtppi.org/tdm/tdm116.htm). I also discussed the importance of connectivity in "Making the Connection," in *PCJ* #58 (Spring 2005).

7 A valuable resource for information on these kinds of indicators is *Livable Streets*, by Donald Appleyard, Sue Gerson, and Mark Lintell (University of California Press, 1981). This book has served for almost 30 years a fundamental reference for transportation planners and complete street advocates.

8 These three clusters are often referred to as the "triple bottom line," a phrase coined by John Elkington in his 1998 book, *Cannibals with Forks: the Triple Bottom Line of 21st Century Business*.

natural and built environment. The "footprint" of roadways and transit systems should complement the natural landscape and foster community vitality. Indicators along these lines could include roadway design characteristics such as lane width and grade; traffic noise and pollution levels; and economic performance measures such as the numbers of pedestrians who shop in local business districts and congregate in public spaces such as outdoor cafes.<sup>7</sup>

### SUSTAINABILITY – OUR NEED TO SURVIVE

*Can we achieve desired levels of mobility, accessibility, and livability without undermining the ability of future generations to meet their needs?*

Sustainability is the mark of how well one generation preserves livability for future generations. Sustainability indicators are similar to livability indicators, but focus more on long-term environmental, economic, and social equity issues.<sup>8</sup>

There are a wide range of transportation-related indicators that can help with planning for community sustainability. For example, *environmental indicators* could include factors such as:

- the amount of land area covered by roads and parking lots (asphalt paving can increase temperatures, leading to "urban heat island" effects, while large amounts of paved surface make it harder to provide a compact pattern of land development);
- the levels of toxic chemicals generated by roadway runoff into streams and groundwater; and
- the amount of air pollution and greenhouse gases emitted by the transportation sector (cars and trucks

traveling long distances, at high speeds, and/or idling in traffic jams can be especially large contributors).<sup>9</sup>

*Economic indicators* of sustainable transportation systems could include factors such as:

- the long-term resilience of transportation infrastructure to changing conditions such as sea level rise;
- the financial wherewithal to pay for ongoing system maintenance as well as new facilities; and
- options for local industries to move freight by more energy-efficient means.

*Social equity indicators* might include:

- the conditions created by the combined effects of land use patterns and transportation networks, such as the amount of affordable housing that is close to transit routes;<sup>10</sup>

- accessibility to jobs and shopping among low-income households; and
- the variety of travel options available to people of all ages, abilities, and income groups.

### SUMMING UP:

Changing our collective beliefs and practices is not an easy or quick process. But there is growing recognition that we must balance accessibility and mobility to create more livable, sustainable communities. It's time to widen our focus and measure what matters. ♦

*Hannah Twaddell is a Principal Planner in the Charlottesville, Virginia, office of Renaissance Planning Group (www.citiesthatwork.com). Her articles on transportation planning topics appear regularly in the Planning Commissioners Journal.*



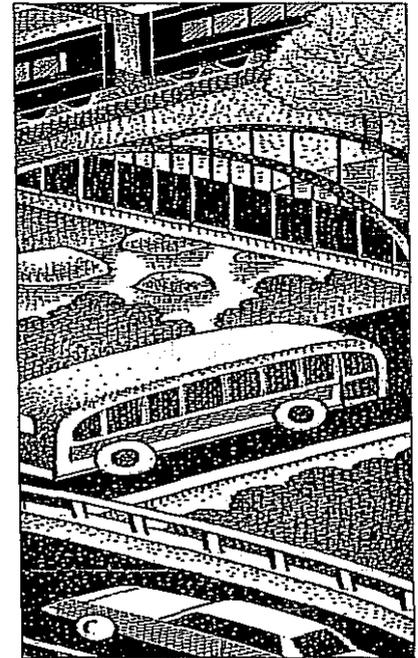
*Gary Toth worked for 34 years with the New Jersey Department of Transportation, where he spearheaded many innovative projects and programs. He now serves as the Senior Director of Transportation Initiatives for the Project for Public Spaces (www.pps.org).*



<sup>9</sup> The Transportation & Climate Change Clearinghouse of the U.S. Dept. of Transportation is an excellent resource, and includes information (and links) on what several states and regions have done to assess the climate change and greenhouse gas impacts of their transportation systems. Go to: <http://climate.dot.gov/state-local/integration/case-studies.html>.

<sup>10</sup> A very useful, and visually engaging, online resource is the Center for Neighborhood Technology's "Housing + Transportation Affordability Index." Go to: <http://huaindex.cnt.org/>.

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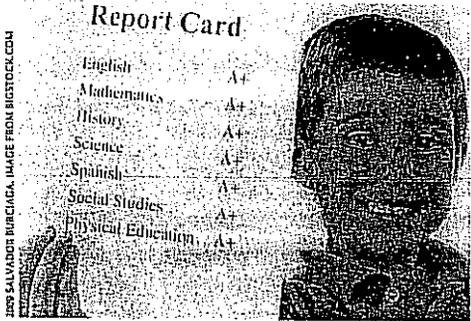
Communities are coming to a better understanding of the critical relationship between land use and transportation planning. *Transportation: Getting Started* will provide you with an introduction to the transportation planning process and basic issues related to street and sidewalk design.

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# Why Getting Good Grades Isn't Always the Answer



*Note from PCJ Editor Wayne Senville: my reports on the next two pages were originally posted on our PlannersWeb blog. They draw on some of what I learned during a Project for Public Spaces' "Streets as Places" workshop.*

It's a constant source of amazement to me how much we're addicted to report cards. Many of us strove in elementary school, high school, and then in college to get those A's (OK, sometimes a B or C was acceptable). But the idea of receiving an F for flunking/failure, or even a D, was something to dread.

I think – and I'm not kidding about this – this is part of what imbues highway "Levels of Service" ratings with such power. Most local elected officials and citizens I've encountered seem to view good LOS grades as a sign of success, and D's (or even C's) as evidence of failure. Our built-in aversion to receiving a "failing" LOS report card is reinforced by the fact that there is some truth to the ratings: D does indicate congestion problems, while A or B means we can zip along our roadways with nary a stop.

You noticed that I highlighted the word "some." The problem, according to transportation engineer Gary Toth, is that LOS ratings tell you only part of the story – and sometimes not the most important part.<sup>1</sup> As Toth explains, "design decisions based on LOS performance measures end up serving only the

through motorist at the expense of the very communities that the road is also supposed to serve."

How's that? According to Toth, LOS simply does not take into account other considerations – such as impacts on

pedestrians, on businesses served by the roadway, or on other community or neighborhood interests. It simply focuses on the motor vehicle. "The fact is," Toth said, "improving levels of service for cars can degrade it for pedestrians, shops, and others."

What's more, Toth adds, LOS calculations are typically made "using peak hour travel projections, generally 20 years into the future." This means our roads are intentionally "over designed" to handle capacity that only occurs at the very heaviest travel period. The problem with over-designed roadways, Toth notes, is that they can "take major bites out of the community's fabric," while – especially during off peak hours – turning the roadway into a speedway.

Are we bound by Level of Service standards contained in the Transportation Research Board's *Highway Capacity Manual* and AASHTO's *Green Book*? No, we're not, says Toth. As he points out, "while often used as a bible by traffic modelers, in

<sup>1</sup> Gary Toth is also co-author of the article on page 6 of this issue. Toth, who is now Senior Director of Transportation Initiatives for the Project for Public Spaces ([www.pps.org](http://www.pps.org)), worked for 34 years for the New Jersey Dept. of Transportation, where he served as Director of Project Planning & Development. He has been one of the leading national advocates for integrating land use and community considerations into transportation planning.

reality the *Highway Capacity Manual* neither constitutes nor attempts to establish legal standards for highway construction."

As Toth explains, "the *Green Book* and most DOTs provide guidelines for selection of LOS, but these are guidelines only ... selection of a target LOS is a policy decision and is based on a particular jurisdiction's philosophy on whether or not to accept congestion." Indeed, the Federal Highway Administration notes that "while the *Highway Capacity Manual* provides the analytical basis for design calculations and decisions, judgment must be used in the selection of the appropriate level of service for the facility under study."

That was my key take away from Gary Toth's remarks: communities have a choice – and these choices have major ramifications. They can decide on wider, straighter roadways to eliminate congestion (and receive better grades on their LOS report card), or they can balance traffic needs against other community goals, such as encouraging more pedestrian activity and street life.

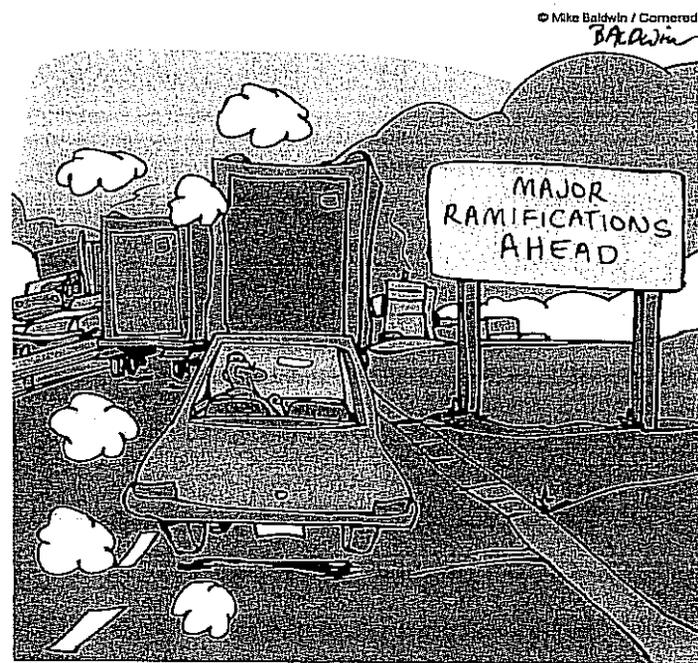


Gary Toth

A community, if it wants to, can actually aim for having drivers slow down so they can smell the coffee – and pull over to stop at that tempting coffee house. For a growing number of cities and towns, living with some congestion is a trade-off worth making.

It's also worth noting that major highway planning organizations such as AASHTO and the Institute for Transportation Engineers have been moving towards more flexible guidelines that take a roadway's surrounding context into account.<sup>2</sup>

Toth calls level of service standards one of the "deadly duo" – the other being traffic



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projections. He calls them the "deadly duo," because unthinking reliance on them can kill efforts to build strong, vibrant communities.

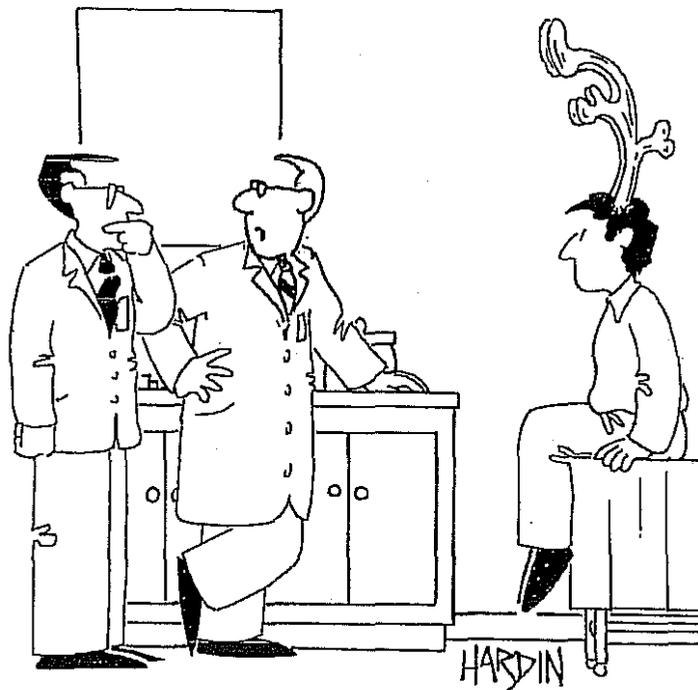
## The Misuse of Traffic Projections

Travel projections – and the models that generate them – are of critical importance because they set the table for how we plan and design our roadways ... and our communities.

We all know the expression, "garbage in," "garbage out," that shorthand reminder that the quality of the results we get from using data depends on the quality of the data we're relying on. That's also true when thinking about traffic models. So what are some of the warning signs?

For Gary Toth, the first thing to watch out for is growth projections, both for population (which he says often result in overestimations) and for traffic. As he explains: "Most traffic models ignore changing demographics such as the aging of our population, rising energy prices ... and societal changes. Most assume that our economy will continue to grow at the same rate as it has over the last 30 years."

But there's an even more important thing to watch out for, Toth warns: models have a built-in bias towards continuation of the status quo. "Without direction or a reason to do otherwise, modelers will likely assume that future growth will continue to occur in segregated



"On the computer model the only side effect was a dry mouth."

and spread out patterns."

Why is this critical? "Because research shows that compact mixed use development can reduce travel by 25 percent or more." Traffic models, Toth says, don't consider how we can reshape the direction our communities are heading.

Moreover, by relying on the projections of traffic models that overestimate our need for more or wider roadways, we're making it more difficult to achieve the goal of more walkable, less auto-dependent, communities.

In an article for the *Planning Commissioners Journal* ("K is for Knowledge"), noted planning

historian Laurence C. Gerckens, FAICP, wrote about the tyranny of projections driven by overreliance on past trends:

"[A] 'flaw' – or built in bias – in the 'classic' planning process lay in the fact that it was premised on the projection or continuation of past trends. In other words, past trends became the policy-bases for the comprehensive plan. As a result, plans rarely reflected any vision for positive change. Instead, they reinforced historic patterns."<sup>3</sup>

"Modern' planning processes," Gerckens continues, "began not with the acquisition of immense amounts of data, but with the creative visioning of

alternative futures – establishing community goals, alternative patterns of development, and the means of their attainment ... Responsible planning is a creative art using data from the past and knowledge of interrelationships to create new and better communities for the future."

But what can you as a planner or local official do when faced with traffic projections you believe overestimate future travel demand and fail to take into account the community's vision of its future? Ask hard questions, is Toth's reply. "Challenge growth and build out numbers, and ask if they adjust for walkability and for increased mixed-use ... listen to the answers, and then ask more questions."

"Don't let the model tell you how wide your streets should be," Toth continues, "you tell modelers how wide you want your streets to be, and then have them tell you what that will mean in terms of congestion." In other words, remember that you are the policy makers, and the traffic modelers are there to help you understand the impacts of what you want. It's up to you then "to decide what you want to do about any projected congestion" given your community's vision and goals.

What's more, Toth concludes, "if the model is cheap or faulty, just don't use it." ♦

2 For more on this, see Hannah Twaddell's article, "Fitting Roadways to Community Needs: A Look at the ITE Urban Thoroughfares Report," *PCJ* #67, Summer 2007; included in our reprint collection, *Transportation: New Directions* (for details: [www.plannersweb.com/transportation.html](http://www.plannersweb.com/transportation.html)).

3 From *Planning ABC's* (Champlain Planning Press, 2003); available to order & download at: [www.plannersweb.com/abc.html](http://www.plannersweb.com/abc.html).

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# Assets that Build Your Local Economy

by Gwendolyn Hallsmith

*Editor's Note: this is the third of a series of related articles by Gwendolyn Hallsmith. In her first article, Hallsmith discussed the importance of focusing on local economic development – with a stress on the word "local." In our Summer issue, she explained how to get started in developing a local economic plan.*

When unemployment is high, when young people coming out of college can't find jobs, when storefronts stand vacant on Main Street, it can be hard to visualize assets that can make the local economy prosperous again. Yet despite all the problems you may be facing, our current economic situation can be like the young girl, when asked why she was shoveling a pile of horse manure with such enthusiasm, said: "There must be a pony in here somewhere!"

Where do you start to inventory your assets? The first step is to realize that there are many different kinds of economic assets. If you look at your community as a company, you might categorize your assets as being a result of different forms of capital.

**Natural Capital:** Your natural capital forms the basis for meeting critical community needs. It includes your water supply and waste assimilation systems; soils, forests, and natural areas; sources of energy; the foods you eat and the air you breathe; and so on.

**Physical Capital:** In addition to natural capital, your community has physical capital: housing; transportation and communication systems; manufacturing capacity; public buildings; water and sewer lines; energy generation facilities; commercial and industrial buildings; and also cultural and historic assets.

**Human Capital:** All those college and high school students who can't find jobs are a good example of underutilized human capital. The people power your community has – the ingenuity, creati-

ty, entrepreneurial spirit, and real skills locally available – are critically important for your future prosperity.

**Social Capital:** You can have highly skilled people, but if they are isolated and unable to work together to take collective action, your social capital might be quite low. Social capital allows people to accomplish things together. It forms the bonds of trust and mutual interests that are so important for any enterprise – or community – to thrive.

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**Financial Capital:** The investment potential in a community is a function of people's savings; the banking capacity; and the means used to exchange goods and services. Insurance companies and investment firms manage financial capital, as do local foundations and charities.

**Institutional Capital:** We don't often think of our institutions as a form of capital, but if you visit parts of the world where there is a lot of corruption, you can appreciate the benefit that local government, justice systems, organizations and businesses, and other institutions that work with integrity and within the rule of law bring to a community.

Why is wise management of your community's assets important? Think of it this way. If you have a savings account at the bank, you want the deposits you make in the account to grow in value. Once you start tapping into the principal

of your investment or bank accounts, you start to get worried because you know that over time, this will erode your future capacity to produce more income, or more assets.

The same principle applies to local economic planning. You want your community's capital to increase in value, you don't want to spend the principal to make a quick buck. If you are extracting water faster than it naturally recreates itself, or polluting the water bodies, then you're spending your principal. If you let topsoil and prime agricultural land disappear, let your schools deteriorate, forego investment in job training programs, and allow local institutions to stagnate, you are spending your principal.

The assets you inventory – natural, physical, social, financial, and institutional – will give you the foundation you need to begin an economic development plan. Although the list might seem daunting, local and regional government and other organizations collect information on all these kinds of assets, so you don't need to reinvent the wheel. Some of these organizations should already be members of the stakeholder group you've pulled together to develop your local economic plan (see my previous column). If they aren't, meeting with them should be a priority.

Once you have an inventory of your economic assets, the next step is to analyze the opportunities you have to use them to create more local wealth and prosperity. I'll discuss this in my next column. ♦

Gwendolyn Hallsmith is Director of Planning & Community Development for the City of Montpelier, Vermont.



# A "Community Character" Inventory

by Wendy Grey, AICP

An important responsibility of planning commissioners and staff is to enhance their community's character by strengthening its positive attributes and modifying negative ones. These efforts can increase the sense of pride and belonging people have, while making your community a more desirable place to live and work – boosting economic development efforts.

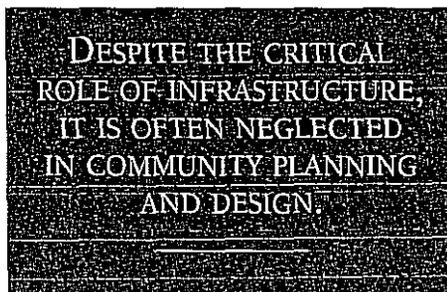
Many people bemoan the increasing homogeneity of communities. If, however, you look beyond the commercial strips and interstate interchanges, you will find that each community has its own identifiable character. It is the result of the needs, wants, and abilities of the people who live there and the physical attributes of the place.

The groundwork for strengthening the character of your community lies in a solid understanding of what you currently have. Your community's natural and built environment shapes its character.

While I'll be focusing on the "place" rather than the "people," these two components are deeply intertwined.<sup>1</sup> The kind of work people do, the ethnicity and age structure of the population, and your community's economic base are just a few of the factors that influence the physical environment. Conversely, climate, topography, and the arrangement of land uses influence people's daily lives and can either attract people to an area or discourage them from coming.

This column offers a range of ideas

on how to inventory the physical character of your community and assess needs and opportunities. The inventory process described below is typically done as part of a much broader comprehensive planning process – and should provide information and insights of value in the preparation of your plan.



As you read the article, please keep in mind the following:

- Some of the components of a "typical" inventory that I'll be discussing may not apply to your community. Think of the inventory below as a template that you will modify to be sure that the characteristics and places your community values will be included in your analysis.

- Your community may be small enough in size and scale that conducting a complete assessment is feasible. In other places, it may be more practical to inventory just a part of your community.

## Conducting Your Inventory

Community character is not monolithic or uniform. The answers to the questions posed below may differ depending on which part of your community you are studying. Mid-20th century subdivisions will have different attributes than in-town neighborhoods developed 100 years earlier. A master planned community will differ from a part of town that has developed more incrementally. You may wish to organize your inventory by district characteristics – the type of activity (e.g., commercial or institutional); the main transportation

mode (pedestrian or automobile); or by the primary user group (e.g., students, families, or tourists).

In preparing the inventory, involve individuals with a variety of perspectives, especially those who may experience your community in different ways – for example, seniors, children, visitors, and workers who commute from other areas.

## Documenting Your Inventory

A visual record is essential. You cannot evaluate community character by simply looking at a set of land use maps, although such maps can be a good base document for recording your data.

Keep in mind that even if you are very familiar with an area, there may well be features that you do not consciously notice. Yet these features may affect your perception of the area. That is where photos or videos can be very helpful. Aerial maps are available online from Bing or Google and can give your analysis a "fifth dimension."<sup>2</sup>

## What to Inventory

Now let's discuss what might be covered in an inventory of community character. Listed below are key physical elements that influence community character, with some ideas of what to look for and an explanation of why these elements are important. Remember, this inventory is a template for you to expand and modify as appropriate.

### 1. The Natural Environment

- What is the climate like – is it often rainy, or hot and dry?
- What are the soils like and what impact does that have on development?
- Is the land hilly, mountainous, or flat?
- Are native flora and fauna thriving or threatened?
- What is the quality of surface and/or groundwater?

*continued on next page*

<sup>1</sup> For a good look at the "people" side of community character, see Jim Segedy and Lisa Hollingsworth Segedy's article, "This Plan's for You" in *PCJ* #71 (Summer 2008).

<sup>2</sup> Thanks to Barbara Sweet who, in reviewing a draft of this article, highlighted the value of aerial maps. Editor's Note: we invite all our readers to review drafts of *PCJ* articles. For information on this, go to: [www.plannersweb.com/review-articles.html](http://www.plannersweb.com/review-articles.html).

## A Community Character Inventory

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Why is your community's natural environment important? Features such as hills, native trees, rivers, and lakes are key elements of a community's character.

Protecting these features in the site planning process and as part of public works projects can reinforce the identity of your community. For example, buildings can be designed to accommodate significant slopes without excessive grading. Low impact development techniques can reduce the amount of natural area that is disturbed. The use of native vegetation in landscaping can provide habitat for local wildlife.

### Editor's Note

## Changing Standards

PCJ transportation planning columnist Hannah Twaddell has reported that there's at least the beginnings of a change in roadway standards, providing local governments with the ability to better take community character and a roadway's context into account. I'd encourage you to take a look at her "Fitting Roadways to Community Needs: A Look at the Urban Thoroughfares Report," published in our Summer 2007 issue. Twaddell discusses a report prepared by the Institute of Transportation Engineers and the Congress for the New Urbanism (with funding from the Federal Highway Administration and the EPA). As she notes:

"The product of five years of hard work, the report provides a much needed approach to integrating the transportation objectives of roadways with design considerations that take into account the surrounding built environment and pedestrian needs. The goal: to create vibrant, healthy, and walkable urban communities. ... [it] focuses on planning for integrated, walkable streets in four context zones: suburban, general urban, urban center, and urban core."

We're making Twaddell's article available to download at no cost; go to [www.plannersweb.com/twaddell67.pdf](http://www.plannersweb.com/twaddell67.pdf)

## 2. The Built Environment

- Do buildings and site design work together to make users feel safe and comfortable?
- Do adjacent developments relate to each other? Is there a sense of connectivity or is each development an isolated entity?
- What kind of landscaping is required and how does it affect the image of the community?
- Is there a distinct building design that reflects your community's character?

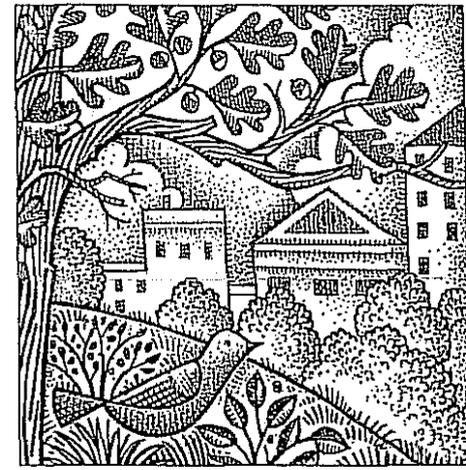
Why is the built environment important? Because it strongly influences our interactions with each other and with nature. One example: siting buildings so they relate to each other can convey a sense of orderliness that helps people navigate their surroundings, particularly in automobile oriented districts. Another example: incorporating balconies and awnings in pedestrian oriented districts keep people out of the heat or rain.

The built environment also tells us something about the past. What are the historically significant buildings in your community? Are they set in a complementary context so they can be appreciated or does nearby development detract from their presence?

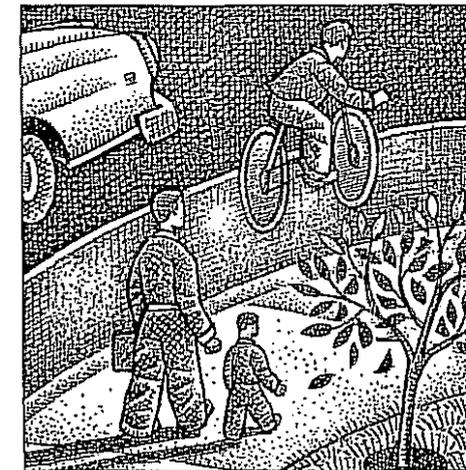
Enhancing community character doesn't mean being locked into the past. "Character" should not be equated with being quaint or requiring development to look old. Having said that, a community's character is shaped by its history. Buildings and the layout of the community reflect the period in which development occurred and contribute to your community's sense of place and should be analyzed as part of your inventory.

## 3. Infrastructure

- What do your major roads look like? What kind of signage is allowed? Are the roads landscaped?
- How are pedestrians and cyclists accommodated in the transportation system?
- Are electric lines buried? If they are aboveground, are they located along the right-of-way or set behind buildings?
- Are stormwater ponds fenced off or



THE NATURAL ENVIRONMENT



INFRASTRUCTURE

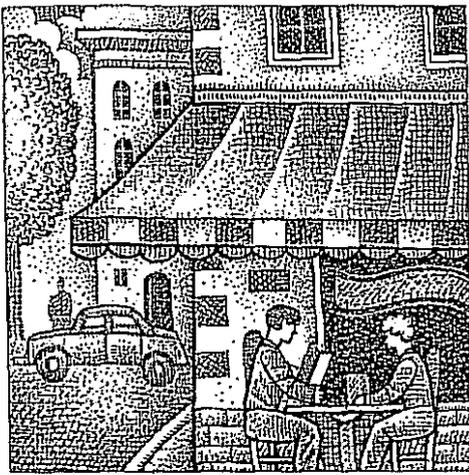
designed to be integrated into the open space of developments?

Why is consideration of your community's infrastructure important? Infrastructure provides the basic services needed to support your community's quality of life. Despite the critical role of infrastructure, it is often neglected in community planning and design.

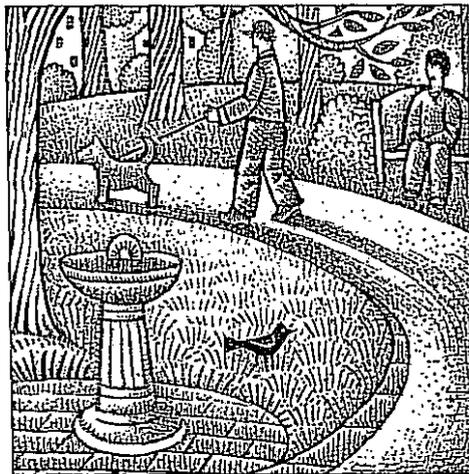
It can be very difficult to "localize" infrastructure design to enhance your community's character. For example, electric utility corporations (and even municipal utilities) can be resistant to putting lines underground. Yet undergrounding utilities can dramatically

3 See, for example, Richard Louv's *Last Child in the Woods: Saving Our Children from Nature Deficit Disorder* (Algonquin Books, 2008).

4 See, for example, William Whyte's *The Social Life of Small Urban Spaces* (The Project for Public Spaces, 2001) and Ray Oldenburg's *The Great Good Place* (Da Capo Press, 3rd edition, 1999)



THE BUILT ENVIRONMENT



PUBLIC SPACES

Why are public spaces important? Public spaces are where people in the community can gather and interact. They may be active recreational sites, such as ballfields or swimming pools, or passive areas, such as courthouse squares and nature preserves. There is substantial literature on the benefits of experiencing nature, especially for young children.<sup>3</sup> The benefits of common places where people can meet and interact have also been documented.<sup>4</sup> Providing places where people from various parts of town can enjoy a common experience helps build community bonds.

In this part of the inventory, you can also document places that have special meaning to the community – places where annual events take place or places with special historic significance. Some of these places may not actually be publicly owned, but they are an important part of your community's civic identity.

#### Before You Finish, Step Back

Whether you look at all the districts in your community, or just a few, before you finish the inventory, take the time to step back from the various pieces and consider the overall pattern of development:

- Identify the edge of town and determine if it coincides with political jurisdictions. Maybe there is no discernable edge, just a long continual strip of development.
- Determine whether development is generally compact or diffuse.
- Consider whether the different areas of your community are connected, either physically or in appearance, or whether they have little in common.

This look at the big picture will help you see patterns of development in your community. It will provide a framework for thinking about how the different districts can work together.

#### Moving Forward

Once the inventory is done, you will begin to work with members of the community to determine the most and least desirable features of your community and how the community can improve its character. Remember that, as with any

improve the character of a neighborhood, or of a commercial corridor.

Traffic engineers at the local and state level typically rely on nationally recognized road design standards. While it may not be possible to make major changes to the infrastructure in your community, by presenting authorities with a comprehensive description of your community's character and your desire to improve it, you may be able to initiate incremental changes. *Editor's Note, Changing Standards.*

#### 4. Public Spaces

- Do public spaces relate to the needs of your residents and visitors?
- Are they designed to feel safe?
- Are they designed to be interesting?
- Are there sitting areas, drinking water, and restrooms?
- Are there places with special meaning to the community?

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planning process, regular evaluations are necessary. Your community will evolve over time. Things that were once critical become less important as demographics and technology change. So, the assessment of your community character is an ongoing process.

#### SUMMING UP

As a planning commissioner, you can play a key role in strengthening the image and character of your community. This can yield benefits not just to residents, but also to the local economy. ♦

Wendy Grey, AICP, is principal of Wendy Grey Land Use Planning LLC which works with public, private, and non-profit clients on planning and land use issues. Prior to establishing her own firm in September 2002, Grey



spent 20 years in the public sector dealing with development and growth management in Florida, including 10 years as Planning Director for Tallahassee and Leon County.

# The Place Making Dividend

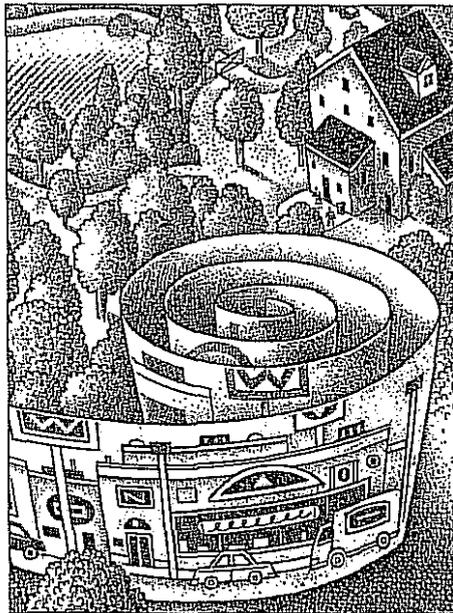
by Edward T. McMahon

In June, the technology giant Apple finally opened its first store in the Georgetown neighborhood of Washington, D.C. The grand opening was the culmination of a saga stretching back two and one half years to when Apple bought a building that formerly housed a women's clothing store. It took Apple eight months to build its new store, but it took them more than twice as long to get design approval (19 months) for the new building which replaced the former clothing store.

The protracted design review process began when Apple proposed their standard (off-the shelf), modern façade (they are, after all, a high-tech company) that they use in suburban stores all over the country. The Georgetown Design Review Board balked at this and reaped a heap of criticism for letting historic preservation stand in the way of retail progress.

The new building, which is now complete, looks pretty much like dozens of other historic commercial structures that line Georgetown main commercial thoroughfares. Some may think the façade is bland. Others will say it fits right in. Whatever you think, one of the things the new design proves is that when a chain store developer comes to town it generally has at least three designs (A, B, or C) ranging from Anywhere USA to Unique (i.e., sensitive to local character). According to retail consultant, Bob Gibbs, "which one gets built depends heavily upon how much push back the company gets from local residents and officials about design and its importance."

While the Apple store owners were no doubt frustrated by the community's demands and the design review process, they will assuredly do very well in their Georgetown location. As local blogger, Topher Matthews said, "most simply won't notice the building's architecture at



IF YOU CAN'T  
DIFFERENTIATE YOUR  
COMMUNITY FROM ANY  
OTHER COMMUNITY,  
YOU HAVE NO  
COMPETITIVE ADVANTAGE.  
CAPITAL IS FOOTLOOSE  
IN A GLOBAL ECONOMY.

all and will instead hone in on the toys inside."<sup>1</sup>

Georgetown is one of the single best retail locations in the nation. Why? Because, the historic neighborhood is one-of-a kind. It is charming, walkable, and filled with tech savvy young adults. Georgetown is the kind of neighborhood that provides "a place making dividend." This simply means that people will stay longer, spend more money, and come back more often to places that attract their affection.

<sup>1</sup> Topher Matthews, "Georgetown Apple store finally ready to open" (on *The Washington Post's* "All Opinions Are Local" blog, June 16, 2010).

We sometimes forget that every building has a site, every site has a neighborhood, and every neighborhood is part of a community. Georgetown is a successful retail location primarily because it has a unique sense of place. What would happen to the Georgetown's of the world if every chain store operator could build their standard, off-the-shelf building? Georgetown would simply cease to be a special place. It would lose its place-making dividend.

Place is more than just a location or a spot on a map. A sense of place is a unique collection of qualities and characteristics – visual, cultural, social, and environmental – that provides meaning to a location. Sense of place is what makes one location (e.g., your hometown) different from another location (e.g., my hometown), but sense of place is also that which makes our physical surroundings worth caring about.

Land use planners have spent too much time focusing on numbers: the number of units per acre, the number of cars per hour, the number of floors per building, and not enough time on the values, customs, characteristics, and quirks that make a place worth caring about.

Unfortunately, many American communities are suffering the social, economic, and environmental consequences of being places that simply aren't worth caring about. The more one place (one location) comes to be just like every other place, the less reason there is to visit or invest.

Just take tourism, for example: the more a community comes to look just like every other community, the less reason there is to visit. On the other hand, the more a community does to enhance its distinctive identity, whether that is natural, cultural, or architectural, the



Top, the Apple Store in the Georgetown neighborhood of Washington, D.C. Immediately above: the initially proposed design.

more reasons there are to visit. Why? Because tourism is about visiting places that are different, unusual, or unique; if one place was just like everyplace else, there would be no reason to go anyplace.

Similarly, when it comes to 21st century economic development a key concept is "community differentiation." If you can't differentiate your community from any other community, you have no competitive advantage. Capital is foot-loose in a global economy. Natural resources, highway access, locations along a river or rail line, have all become less important.

Larry Goldman, a leading authority on economic development, has said "How people think of a place is less tangible, but more important than just about anything else."

Today, however, the subtle differences between places are fading and larger regional differences hardly exist. Now, if you were dropped along a road outside of most American cities or towns, you wouldn't have the slightest idea where you were, because it all looks exactly the

same: the building materials, the architectural styles, the chain stores, the outdoor advertising.

Building materials can be imported from anywhere. Hills can be flattened and streams put in culverts. We can transform the landscape with great speed and build anything that fits our budget or strikes our fancy. Technological innovation and a global economy make it easy for building plans drawn up at a corporate headquarters in New Jersey to be applied over and over again in Phoenix, Philadelphia, Portland, or a thousand other communities.

Over the past 40 years America's commercial landscape has progressed from unique to uniform, from the stylized to the standardized.

Author Wallace Stegner once said, paraphrasing his friend Wendell Berry, "If you don't know where you are, you don't know who you are." We all need points of reference and orientation. A community's unique identity provides that orientation, while also adding economic and social value to a place.

To foster a sense of place, communities must plan for built environments and settlement patterns that are uplifting and memorable – and that create a special feeling of belonging and stewardship by residents. A community also nurtures sense of place by understanding and respecting its natural context, such as rivers and streams, hills and forests, native flora and fauna, but also its community landmarks, whether historic or unique.

This is what heart and soul planning is all about. It is about helping communities adapt to change while maintaining or enhancing the things they value most. It is both a process and a philosophy. The process seeks to engage as many citizens as possible in community decision making. The philosophy recognizes that special places, characteristics, and customs have value.

As Lyman Orton, owner of the Vermont Country Store, and Chairman of the Orton Family Foundation, likes to say, "When a community takes the time to get to know itself, it gains a sense of

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identity and purpose that informs decisions about the future."

Similarly, for me, heart and soul planning is about helping communities ask the question: "Do you want the character of your community to shape the new development – or do you want the new development to shape the character of your community?"

Given the opportunity, I think I know how most communities will answer this question. ♦

Edward T. McMahon is a senior resident fellow at the Urban Land Institute and a board member of the Orton Family Foundation. Over the years, McMahon has written nearly two dozen articles for the PCJ; they're listed at: [www.plannersweb.com/articles/mcmahon.html](http://www.plannersweb.com/articles/mcmahon.html).



# Understanding Regional Retail Development

by Beth Humstone

**O**n the corner. In the downtown. Along highway strips. At interchanges. Retail development is a significant land use in virtually every community. It has its own demands and impacts that are distinct from offices or services. One only has to look at the acres of parking and traffic congestion commonly associated with shopping centers to understand this.

In many communities today, the supply of retail space exceeds the demand for it. There are vacancies in downtowns, strip centers, and shopping malls. We have over-zoned land for retail development and in the process have spread it out across the landscape. So how does a planning commissioner determine where retail development should go and how it should be designed and accommodated?

## REGIONAL RETAIL MARKET ANALYSIS

The first step in planning for retail development is to undertake a regional market analysis. Shopping is largely a regional experience. In spite of the interest in buying locally, most consumers do travel around a region for shopping purposes as not all goods are provided in each community. In addition, people often shop where they work – which is often in a different part of their region.

Regional retail market analyses are typically conducted by regional planning commissions, chambers of commerce, or regional development agencies. Some analyses are undertaken in response to major retail development proposals; others in anticipation of retail changes or needs. Planners should be cautioned

<sup>1</sup> A regional trade area is the geographic area from which a large percentage of sales are derived (usually from 50 percent up to 90 percent, depending on the extent to which sales come from tourists, visitors, and others from outside your region). Regional trade areas may vary considerably in size. The retail market analysis will include a map or definition of the trade area.

about developers' or retailers' market analyses as they may be skewed towards favoring a specific proposal.

A retail market analysis estimates the potential growth in retail demand and compares that to the supply of retail facilities within the trade area.<sup>1</sup> Information is compiled on population growth, income, and expenditures by retail type (groceries, apparel, furnishings, etc.).

IN ADDITION TO ZONING BY TYPE OF RETAIL STORE, A GROWING NUMBER OF COMMUNITIES REGULATE THE SIZE, CONFIGURATION, AND IMPACT OF RETAIL STORES

From these projections, estimates of retail sales and square footage demand for different types of retail stores in the region can be obtained. The analyst will also consider what share of sales will take place online, especially important since some goods, such as computers, have a high number of on-line purchases.

Next, a community-by-community inventory of existing retail space and occupancy rates is conducted. This inventory will show where the retail areas are within the trade area. A comparison between the existing available space and the projected space needs can be made and gaps identified.

Most market analyses distinguish between *convenience* goods and *comparison* goods. Convenience goods are widely distributed, less expensive, and frequently purchased items. Examples include food, newspapers, and gas. Comparison goods are purchased at less frequent intervals and are generally more expensive; they also are often purchased after

examining prices at several stores. Examples of comparison goods include major appliances, furniture, and sporting goods.

The regional market analysis will indicate the extent to which the region may already be "over-stored" (more space than demand justifies) or "under-stored" (less space than demand justifies) with either convenience or comparison goods. It may even point out areas where future shopping should be planned.<sup>2</sup>

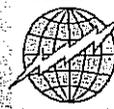
## PLAN FOR EFFICIENCY AND EFFECTIVENESS

With the information from the retail market analysis on the supply and demand for retail space in the region, a planner can identify locations for future retail development.

The first step will be to determine the viability of existing spaces for continued retail use. For example, old highway strip centers may be ripe for other uses if stores have shifted to shopping malls or interstate interchanges. Downtowns that may be filling up with specialty and tourist shops may need to offer basic goods for residents. The appropriateness of each existing retail areas for future retail use should be evaluated and its particular role – regional retail center, community shopping center, neighborhood center – determined.

When considering new locations for retail development, planners must recognize that retail development does have public service and infrastructure costs that should be weighed against the potential benefits of a wider selection of goods, employment, and tax revenues.

<sup>2</sup> Due to the economic downturn, the market for retail, especially in less-populated, peripheral areas is down and not expected to pick up soon. See *Emerging Trends in Real Estate, 2010* (PricewaterhouseCoopers and the Urban Land Institute).



## E-Commerce a Growing Share of Retail Sales

While e-commerce is a growing share of all retail sales, it is still a small percentage – 3.6 percent overall in 2008 according to the U.S. Census. Nevertheless, planners should factor in e-commerce when estimating future retail sales in their regions.

Between 2003 and 2008, e-commerce sales nearly tripled from \$57.9 billion to \$141.9 billion. The economic downturn has tempered that rate of growth somewhat. Nevertheless, e-commerce sales are a growing share of total retail sales – up to 4.1 percent according to U.S. Census estimates for the second quarter of 2010.

The highest proportion of e-commerce retail sales (under the category of electronic shopping and mail order houses) is in Clothing and Accessories (\$17 billion) followed by Other Merchandise (\$14 billion) and Electronics and Appliances (\$13 billion).

Sources: U.S. Census Bureau, "E-Stats: 2008 E-commerce Multi-sector Report," (published May 28, 2009); U.S. Census 2008 Annual Retail Trade Survey, Table 5.

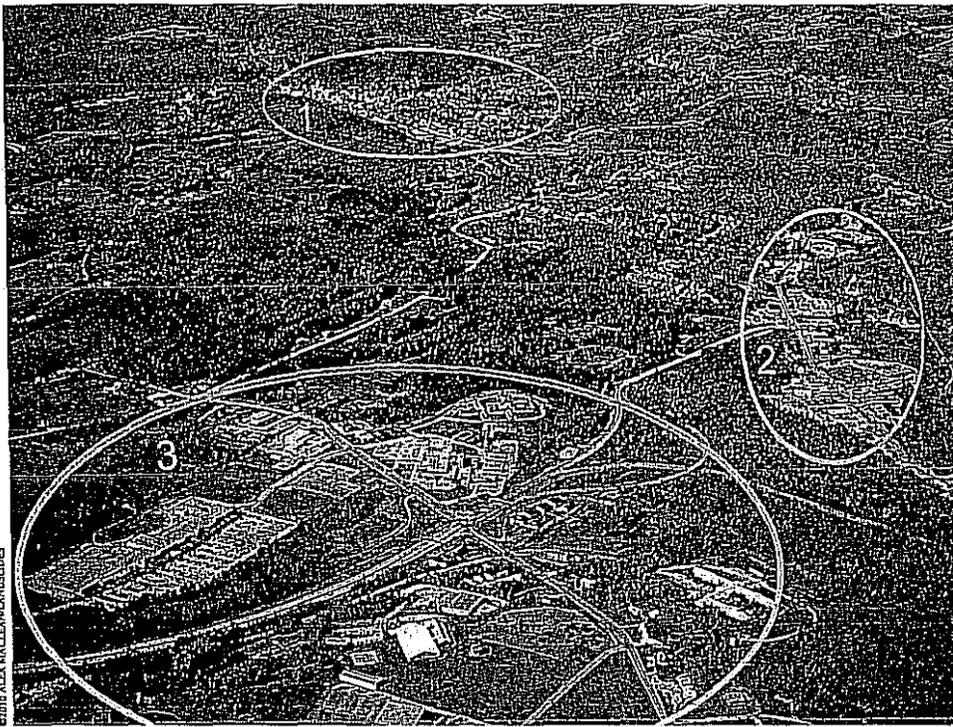


Photo illustrates three centers of retail development around Montpelier, Vermont: (1) downtown, (2) strip commercial, and (3) interchange development.

The most obvious service demanded is transportation, generally taking the form of new or enlarged roads and highways. While some of these improvements are paid for by developers, many are financed with taxpayer dollars.

Retail centers also require a full range of infrastructure services, including water, sewer, roads, sidewalks, driveways, parking, electricity, gas, and cable. They demand police protection, emergency services, and fire protection. Again, it is the municipality that most often pays for these services.

New retail areas can impact existing retail areas, such as downtowns, village centers, and older shopping centers. Research has documented that new shopping malls and big box stores can shift sales from older retail areas to these

new areas.<sup>3</sup> With reduced sales, older shopping centers can experience declines in occupancy, employment,<sup>4</sup> and property values.

Planning for retail development, both existing and new, should minimize costs and maximize efficiency by following these guidelines:

1. Reinforce existing active retail areas, especially those in close proximity to concentrations of population. Significant public and private investment has already been made in these areas. It is inefficient not to utilize them in the future.

2. Promote compact retail development where mixed uses exist or are proposed, and a range of transportation alternatives are available. Such development will promote more walkable environments, while minimizing traffic impacts.

3. Locate retail centers where there is a full range of infrastructure, including water, sewer, roads, sidewalks, electric, gas, and fiber optic cable.

4. Provide for comparison goods in highly accessible, compact, mixed use regional centers; provide for convenience goods in neighborhood and town centers.

3 See, e.g., Thomas Muller and Elizabeth Humstone, "Superstores in 'Sprawl Locations' in Iowa: An Analysis of their Effects on Downtowns," in *Better Models for Superstores*, Constance Beaumont, Editor (National Trust for Historic Preservation, 1997); and Thomas Muller and Elizabeth Humstone, *Impact of Wal-Mart Stores on Northwestern Vermont* (Preservation Trust of Vermont, 1995).

4 In some cases, employment in certain types of retail has been found to decline regionally as a result of these new retail developments. See reports cited in footnote 3.

## IMPLEMENT REGULATIONS THAT REFLECT YOUR PLANS

Zoning should specify the locations identified through the market analysis and planning studies for retail development, differentiating among the types and scale of retail that are appropriate for different parts of the community.

One mistake is to treat all commercial development and all retail development as one single use in a zoning code or ordinance. Commercial development includes not just retail trade, but also services, offices, and wholesale businesses. Each comes with its own set of impacts and considerations. For example, offices generally have fewer traffic impacts than fast food restaurants.

Even among retail stores there are differences. Locations for convenience goods are often more numerous and dispersed, while those for comparison goods are concentrated. Traditionally,

*continued on next page*



## ...Regional Retail Development

continued from previous page

downtowns have been centers for both comparison and convenience goods, while smaller town centers and villages provide convenience goods. Suburban shopping malls typically focus on comparison goods. Most big box stores, such as K-Mart, Wal-Mart, and Target, offer both comparison and convenience goods.

In addition to zoning by type of retail store, a growing number of communities regulate the size, configuration, and impact of retail stores.

• **Square Foot Caps:** To limit the proliferation of big box or other large-scale stores in inappropriate locations, some communities have placed caps on the size of stores. Sometimes the caps are designed to ensure that the scale of new stores will fit into the character of a neighborhood, such as a historic district.

Others limit the location of large stores to certain places in the community.<sup>5</sup>

• **Urban Design Standards:** Another approach to fitting new retail within a neighborhood, town center, or historic area is to use design standards or guidelines. For example, in some communities regulations call for entrances to stores to be on public streets and sidewalks and for facades to include a row of display windows (proving greater visual interest for pedestrians). Parking is often required at the side, back, or underneath buildings. Some communities have required the location of retail within multi-story buildings and/or mixed use buildings. *Editor's Note: for more on this, see Ilene Watson's "Introduction to Urban Design Guidelines," in PCJ #41.*

• **Impact Studies:** Economic and fiscal impact assessments and/or transportation impact studies are sometimes required of retail projects over a certain size to determine whether or not they will impose excessive costs on the community.

– Economic impact assessments measure the effect of projects on sales, employment, property values, and wages.

– Fiscal impact assessments focus on taxes and other revenues and cost of services.

– Transportation impact studies examine the effect the new development will have on traffic, roadway level of service, and the need for improvements in roads, as well as other modes of transportation (e.g., pedestrian, bicycle, bus).

### SUMMING UP:

Retail development is an important land use in virtually every city and town. Effective planning, drawing on a thorough regional market analysis, can result in the more thoughtful development of future retail and revitalization of existing retail centers. Many cities and towns also use local regulations or guidelines to ensure that new retail does not impose excessive costs on the community, and better fits with existing neighborhood character. ♦

Beth Humstone regularly writes for the *Planning Commissioners Journal*. Over the past 35 years, she has worked as a planning consultant on a wide range of projects in rural communities and small towns. Humstone is the author, with Julie Campoli and Alex MacLean, of *Above and Beyond, Visualizing Change in Small Towns and Rural Areas* (Planners Press, 2002).



For additional resources related to this article, go to our *PlannersWeb* site – our resource pages are listed in the right-hand sidebar. Look for "Regional Retail."

## A Retail Hierarchy

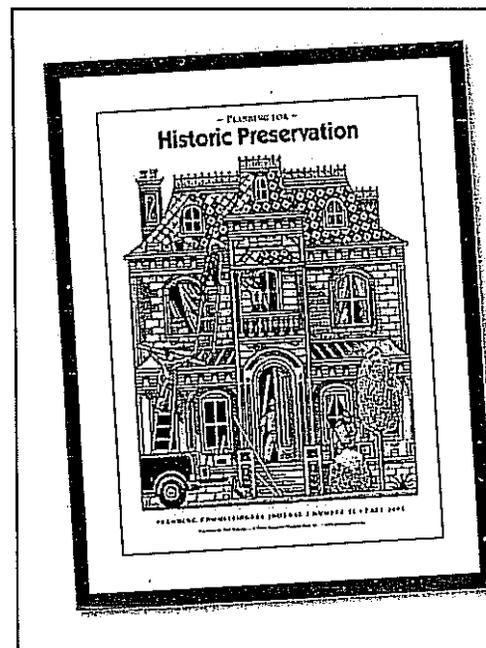
**Regional shopping center:** Has the largest concentration of retail businesses within a trade area. Usually a minimum of 350,000 square feet with two or more anchor stores. Includes downtowns, shopping malls, and big box retailing areas. Attracts shoppers from many towns, including adjoining counties and regions. Offers a broad range of comparison goods and often convenience goods. (Super-regional centers may have over 800,000 SF of retail space.)

**Community shopping center:** Serves one or more communities with a range of shopping facilities, usually 100,000 SF to 350,000 SF in total. Features some comparison goods and a broad range of convenience goods. Usually in town centers, along major highways, and at interchanges.

**Neighborhood shopping center:** Primarily serves the host community with from 30,000 to 100,000 SF. Generally offers convenience goods. Usually in village centers or along highways.

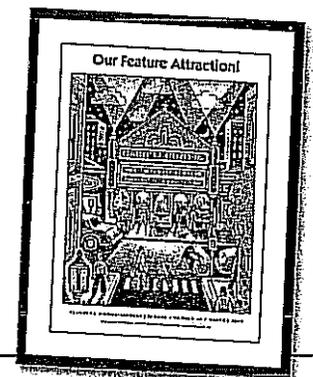
**Corner stores:** A few small stores serving the immediate neighborhood at a prominent intersection.

<sup>5</sup> The New Rules Project currently has an online map and index of places around the U.S. with store caps: [www.highbxtoolkit.com](http://www.highbxtoolkit.com).



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# WINDHAM REGION COUNCIL OF GOVERNMENTS

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## REGIONAL PLANNING COMMISSION

Date: November 4, 2010  
Referral #: 10-10-01-CN  
Report on: **Subdivision**

**CHAPLIN**

Mansfield/Chaplin Boundary

To: Town of Chaplin Planning & Zoning Commission  
C/o: Demian Sorrentino, Town Planner

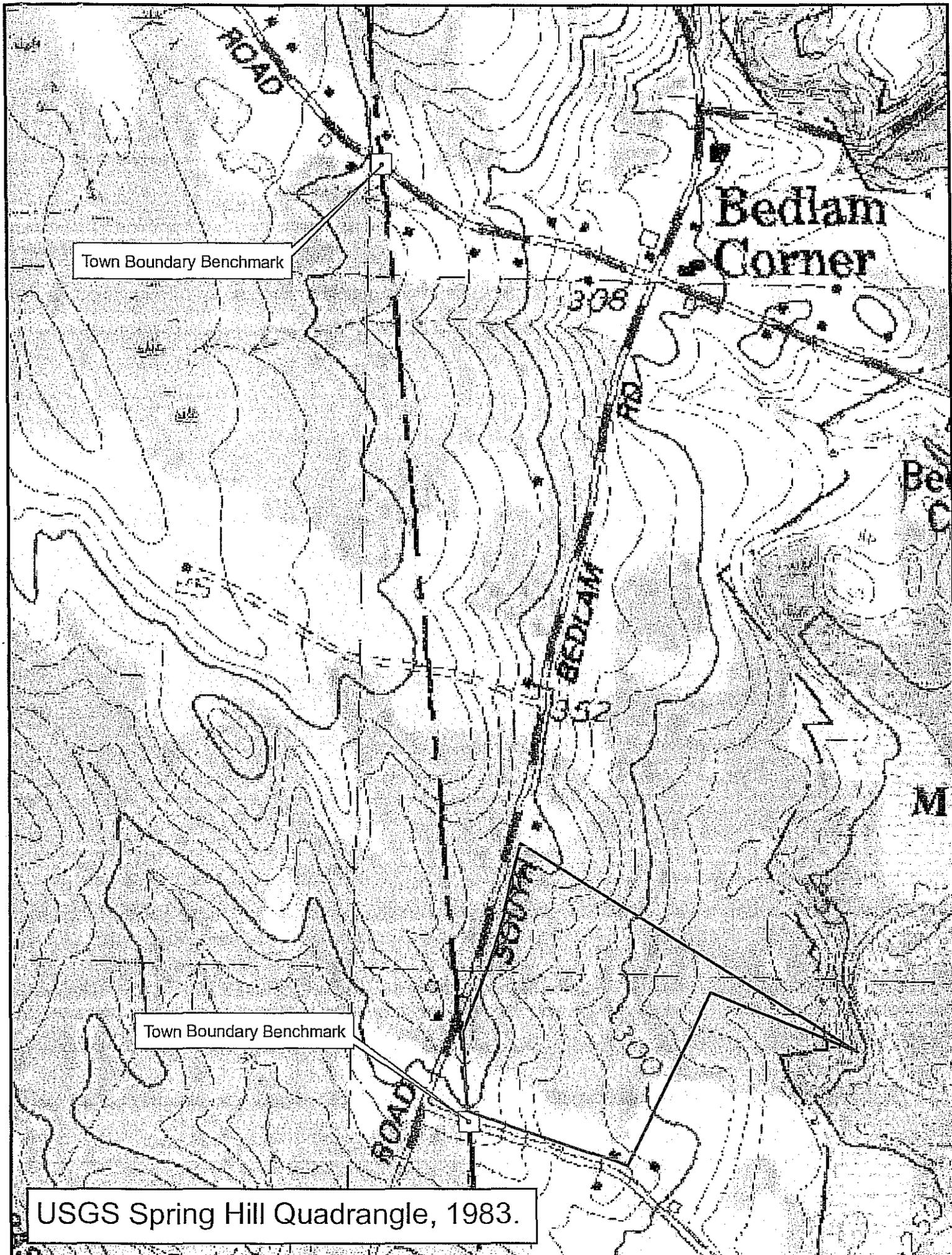
Commissioners:

This referral involves: A proposal to subdivide a parcel of land crossing the Mansfield/Chaplin town boundary.

Receipt is hereby acknowledged of the above referral. Notice of the proposed changes to the Zoning Regulations were transmitted to the Windham Region Council of Governments under the provisions of Section 8-26b of the Connecticut General Statutes, as amended.

**Comments for Inclusion in the Public Record:** The Regional Planning Commission reviewed the proposed subdivision. The commission offers recommendations on how proposals can better meet the goals and vision of the Windham Region Land Use Plan, WINCOG's regional guide for conservation and development. The recommendations of the Regional Planning Commission are purely advisory.

- As noted by the Mansfield Planning and Zoning Commission, there is a considerable discrepancy between the Chaplin/Mansfield town boundary depicted on this proposed subdivision plan and the same boundary depicted on an abutting, approved subdivision in Mansfield. The 1983 USGS Topographic Quadrangle (named Spring Hill) shows that there are two town boundary benchmarks nearby. Please see attached map. One benchmark is on Shuba Lane immediately next to the land proposed for subdivision. The other is located where Atwoodville Road and Bedlam Road meet. By locating these two benchmarks, a surveyor should be able to determine the actual location of the town boundary on the proposed subdivision plan. While it appears that both proposed lots in Chaplin will meet the minimum lot requirements, the Chaplin Planning and Zoning Commission may wish to inquire why the surveyor for the subdivision did not locate the town boundary benchmarks in the field.
- In the Windham Region Land Use Plan, the area of the proposed subdivision is identified as a "Rural Conservation Area" and as a "Historic Area". The general policy for Rural Conservation Areas is that structural development should be avoided, although the plan recognizes that some development in these areas is inevitable. Therefore, the specific policy



Town Boundary Benchmark

Bedlam  
Corner

308

BEDLAM  
RD

Be  
C

M

Town Boundary Benchmark

USGS Spring Hill Quadrangle, 1983.