

MINUTES
ZONING COMMISSION
MAY 5, 2010 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Present: French, Haviland, Hudecek, O’Neill
 Alternates Cady, Sutherland
Absent: Brandt, Marquardt
Staff: Davis, Gilot

Meeting was called to order at 7:03 p.m. and Chairman Hudecek seated Sutherland for Brandt.

II. PUBLIC HEARING

1. Special Permit #314, 721 Long Hill Road, PIN 169805088408, DDD Zone. Proposal is for a ten percent reduction in the total required parking under the Downtown Flexibility Standards to permit the conversion of furniture store to general retail. Review is per Section 6.2-9A of the Zoning Regulations. (Myron Hendel, Applicant)

Commissioner Haviland recused himself from the public hearing because he practices law before Judge Hendel. Chairman Hudecek seated Cady for Haviland for this application.

Clint Brown, DiCesare Bentley Engineers, represented the applicant. Mr. Brown detailed the location and history of the site, a former Ethan Allen furniture store. Mr. Brown explained that the existing building on the site is less than 15,000 s.f. which is not large enough for a typical furniture store of today. The applicant proposes to market the property as general retail use. Mr. Brown detailed the existing parking spaces. The applicant is asking for a reduction of six spaces under the downtown flexibility standards in the zoning regulations. Mr. Brown detailed the potential for non-vehicular access to the property and distributed copies of a section of the sidewalk master plan showing the downtown area, and a SEAT bus schedule, showing two bus routes that pass this site.

The Planning Commission did not endorse the application due to the speculative nature of the use. Mr. Brown said that this request would not apply to personal uses of the property, such as bars, etc. Mr. Brown said that the owner does not yet have a tenant. Mr. Brown explained the types of businesses that could and could not use the building based on the parking, and the existing area of the building.

Staff distributed the Economic Development Commission and Planning Commission comments to the Commission and discussed “general retail”. Staff reminded the Commission that a special permit goes with the property; the use could change without site plan approval, as long as it meets the parking requirements, irrespective of the special permit.

Chairman Hudecek asked the public for comments and there were none.

The public hearing was closed at 7:28 p.m.

III. APPROVAL OF THE MINUTES OF February 3, 2010

MOTION: To approve the minutes of February 3, 2010 as written.

Motion made by French, seconded by Cady. Motion passed 3-0-2, 2 abstentions (O'Neill, Hudecek).

IV. PUBLIC COMMUNICATIONS

Jim Furlong, 57 Fishtown Lane, Mystic, a member of the GOSA board, commented personally on the joint Zoning and Planning Commission meeting held on March 9th. Mr. Furlong spoke about compact development, and that it should be stipulated that open space land should be left open permanently.

V. CONSIDERATION OF PUBLIC HEARING

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The Commission discussed what may go into the site, and the Planning Commission's concerns.

MOTION: To approve Special Permit #314 for a ten percent reduction in the total required parking for general retail use under the Downtown Flexibility Standards.

Motion made by O'Neill, seconded by French, so voted unanimously.

VI. OLD BUSINESS

1. Land Use Regulation Update Project

Staff said he will keep the project moving forward but had recently been focused exclusively on meeting a deadline for a DEP open space acquisition grant application. The Chairman said he had asked for a comparative analysis of site development under existing and the proposed regulations. Staff did not recall that specific request and noted that we had modeled at least three sites under the draft regulations. The Chair would like staff to compare a sample parcel, if built out with hypothetical yield based on the current regulations, versus what the new regulations would permit. Staff requested clarification as to the underlying purpose of this type of analysis and the Chair indicated that he could not support any changes to the regulations that would potentially result in additional unit yield (i.e. above what current regulations would allow).

Commissioner Haviland recounted the amount of time and effort that has gone into the project to date and felt that the commission has in fact been given opportunities to be involved.

Staff suggested that a simplistic fixation on unit yield was a major impediment to moving forward, that the community has spent two years and over \$70,000 on the land use regulation update, that the commission has in fact been involved in various respects throughout this period, that this was a core component of the overall scope, that certain members of the community have been criticizing the Town for not moving forward with these concepts (buildable area standards), that it was very late in the process to be debating basic concepts, and that we could either resolve these concerns, or focus on other elements of the work program.

Staff noted that the very purpose of zoning is to be a tool to implement community plans, and that to the extent that the yield model resulted in potential unit yields that were consistent with the community's adopted POCD recommendations, then yield in and of itself was not a legitimate issue, and that we needed to move on to design standards. Staff felt that to advocate as a commission for an approach to "buildable area" regulations which resulted in substantially down-zoning areas of town with planned densities shown in the adopted POCD, was to act in a way that undermined the community's adopted POCD recommendations. Staff also reminded the members that this is the reason that the draft regulations were modeled on actual sites (i.e. in order to confirm that the potential yields were generally consistent with the planned densities adopted in the community's POCD).

Some commissioners felt they had not participated in the regulation update project to date, had no feel for the implications of the new regulations, or had misimpressions regarding what was being advocated.

Commissioner Sutherland initiated a discussion of how the draft yield model would potentially impact the "sheep farm" parcel and both she and the Chair raised concerns about the potential fiscal impact, traffic and other possible impacts of increased residential yields. Staff suggested that the fiscal impacts of housing was a very complex matter and that a valid empirical approach required detailed study of such attributes as housing type, tax contributions over time and units occupancy over time. Staff offered to provide well established data and studies on this topic from credible sources.

In light of Commissioner Sutherland's mention of the "sheep farm" tract and her concerns over how the draft regulations might affect that parcel, staff offered to have the consultant provide 2-3 "illustrative" layouts for development of that site under the draft yield model, showing an increase in open space dedication above what had been previously approved for the Highpoint Subdivision, while also increasing the unit yield above what had been approved in that same subdivision.

Chairman Hudecek stated that he would not support a regulation that increased unit yield above what could potentially be accomplished under the current regulations because he was concerned about the harm that increased unit yields would do to the Town.

It was the general consensus of the members present that this discussion was worthwhile and that it would help move the process forward.

VII. NEW BUSINESS

1. New Applications

Staff said no new applications were received.

VIII. REPORT OF CHAIRMAN

The Chairman asked Commissioner French if she would update the members on the meetings she had attended, specifically the climate change meetings, not the ethics training meeting. Commissioner French provide an update regarding sea level rise estimates under various theoretical models, including one that suggests a rise of 212 feet, wherein the entire State of Rhode Island would be under water. The Town's tax rolls would be impacted by such an event.

Haviland asked staff for a zoning enforcement report for the next meeting.

IX. REPORT OF STAFF - None

X. ADJOURNMENT

Motion to adjourn at 8:17 p.m. made by O'Neill, seconded by French, so voted unanimously.

Richard Haviland, Secretary
Zoning Commission

Prepared by Debra Gilot, Office Asst. III