

MINUTES OF PUBLIC HEARING ON ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF WEST HARTFORD REGULATING THE SIZE OF CERTAIN RETAIL BUILDINGS AND ADDING REQUIREMENTS FOR TRAFFIC AND ECONOMIC IMPACT STUDIES RELATED THERETO. (CONTINUED FROM PUBLIC HEARING 8/13/96)

September 5, 1996

Council Chambers

999

President Nan Glass called the hearing to order at 7:00 p.m.

Present were Councilors Rob Bouvier, Kevin Connors, Liz Gillette, Nan Glass, Sandy Klebanoff, Patrick McCabe, Madeline McKernan, John Ritter and Alfred Turco.

President Glass: Before I call on the applicant Mr. Donatelli I want to read into the record receipt from Barry Feldman of information relating to questions raised about the proposed "big box" ordinance at our previous public hearing. This is dated September 3rd, 1996 and I do believe that the applicant has received a copy of this from Mrs. Wilder and if anybody else wants a copy, or wants to look through a copy, it will be available through the Town Clerk Mrs. Cronin. Mr. Donatelli.

Mr. Donatelli: Thank you Madam Mayor. Actually, I think as you are all aware the main reason I am here tonight is to ask for an extension, continuation. We are not fully prepared yet with gathering all the information we had hoped to get. Talking to Marge she said that it had to come from me to be on the record to request the extension so that is basically what I'm here for tonight.

President Glass: Do you have any idea, Mr. Donatelli, how long an extension you...

Mr. Donatelli: I mentioned a couple of weeks but again I think the date that you had come up with Marge was about the 26th as a possibility.

Mrs. Wilder: It was a date someone mentioned as I don't know the Council's ...

Mr. Donatelli: Whatever.

Mrs. Wilder: I think the 26th turned out not to be a good date for some Council people.

Mr. Donatelli: Whatever is good really.

President Glass: I didn't want to continue it to a night of a Town Council meeting.

Councilor McKernan: That's the 24th Council meeting.

President Glass: Because I think it is something that deserves our time and attention and if it is a Council meeting night it takes a lot of time. Does anyone have any conflicts over here that last week in September? The 26th I think a couple of people have conflicts.

Councilor McKernan: How about the 25th?

Vice President Klebanoff: No, I have a Bar Foundation meeting, sorry.

Councilor McKernan: The 30th?

Mr. Donatelli: The week before? I don't know. It doesn't even have to be that week as we are concerned.

President Glass: Monday the 30th?

Councilor Ritter: No.

President Glass: We have busy people here.

Councilor Ritter: How about the same night as Home Depot?

President Glass: No, I don't think so. How about the 19th, Thursday the 19th of September? Will that you give you enough time?

Mr. Donatelli: That's fine. It should.

Councilor Ritter: I can't make that.

President Glass: Mr. Donatelli, what about early in October? We have a baby due around the 18th or 19th so I think we need to take that into consideration here.

Mr. Donatelli: I know the 1st and the 3rd are already dates for hearings, right?

President Glass: The 2nd is the debates, Vice Presidential debates which I think we would all be interested in that. What about the 7th of October which is a Monday night?

Councilor McKernan: That's okay.

Mr. Foster: The Town Plan and Zoning meets that night.

Mrs. Wilder: That can go in another room.

President Glass: How about the 10th?

Mrs. Wilder: The 7th shouldn't be a problem. They should be able to use another room.

Mr. Donatelli: Does he have to be in two places at once though? Would Don have to be in two places at once?

Councilor Ritter: Can Mila cover the Zoning meeting?

President Glass: Can you work that out Don? All right. That certainly gives them enough time to make whatever arrangements. Is the 7th all right for everyone? October 7th.

Mr. Donatelli: What time would it be?

President Glass: I would say 7:00 o'clock, 7:00 o'clock then on October 7th.

Mr. Donatelli: I apologize for forcing you to come out tonight but I appreciate it.

President Glass: Don't at all. I mean I think that is fine. I appreciate that you are taking the time to review it and this will give us an opportunity also to review material that the administration has distributed. Thank you. Mrs. Wilder?

Mrs. Wilder: If there is any material that you want to put together if you convey it to the Town Clerk it can be sent to the Town Council.

Mr. Donatelli: Right, that was something else we wanted to try to do.

Mrs. Wilder: It can be sent to the Council in its package maybe the week before or something if that is possible.

Mr. Donatelli: Great.

President Glass: Is there anyone who wishes to speak briefly? As you know, there will be other opportunities. Doug, I know you signed did you want to speak?

Mr. Gugino: Just the timing of this will be such that I would like to just get some comments on the record tonight ahead of that meeting on the 1st and the 3rd.

President Glass: All right. Come up to the podium.

Mr. Gugino: Good evening and thank you for listening to me tonight. I know you are looking forward to a continuance but I wasn't aware of that so I wanted to make sure I had some comments today. They won't be that long. They basically have to do with why this zoning provision that you are considering I believe is important.

Public Hearing
September 5, 1996
"Big Box" Ordinance

I would like to make a distinction between economic development and land use planning. As far as the zoning ordinance that you have, you are going to be considering later on in October, I consider that as a land use planning tool, that zoning ordinance. I want to make a distinction tonight about that versus economic development and also to comment on why I believe it is important to consider such a zoning ordinance, considering some of the tensions in the present organization within the town because there is a continuing set of confusions about the Town Plan and Zoning Commission not being the zoning authority and there is sort of a blur there and I just wanted to make up some points based on comments from Terry Tondrow in his book "Connecticut Land Use Law" so I appreciate your patience with me tonight.

He first makes a statement about planning and again the zoning ordinance you are considering I consider to be a planning tool, land use planning tool, is a forward thinking anticipatory process, the process by which business organizations such as the Town get from where they are to where they want to be. In the public sector through the practice of land use planning localities decide what kind of future they want for themselves. They are attempting much like an artist to paint a picture of what they hope their community will be in the future so that zoning ordinance you are considering as one of your tools that you can use to paint your picture.

Now to point out some of the tensions between how we are currently set up within the town as we look at planning and zoning issues. Generally boards are permitted to consult with municipal planning, engineering and other professional staff members outside the context of a public hearing. The result is that the persons with the opposing views do not have the opportunity to cross examine the staff advisor or to rebut the information provided which is contrary to the open discussion model of commission proceedings. These officials, especially the Town Planner are supposed to provide the technical expertise to the citizen commissioners charged with making the policy and that is what definitely we have in front of you tonight yet the duties of these same officials, again especially the Planner, include assuring the proper development of the municipality so here is the first instance where economic development and land use planning are overlapped into a single function and again I want to make that distinction between the two.

In this capacity they are very likely to have worked closely with the developers considering projects in the community and before a proposal is placed before the board it probably has the approval of the various staff offices. It is doubtful the Planner could therefore advise the board from a neutral stance and that is from Professor Tondow's

"Connecticut Land Use Law", Section 74-13. So again, there is the tension there between economic development and land use planning so zoning is important. The ordinance as you consider in a context such as a hearing tonight and continued on it is very important as it concerns the land use planning and the picture you are trying to paint of where you hope the community will be in the future.

Professor Tondrow makes some statements about separating, in fact, he even has a sample organization chart within the town, where you have a planning director...

President Glass: Doug, I don't want to cut you too short but you could submit that and we could make it part of the record rather than spend anymore time tonight.

Mr. Gugino: I don't have very much...

President Glass: If you don't mind, we have a school curriculum conflict going here and I think that is one of the reasons why we are trying to keep things down and you will have another opportunity obviously.

Mr. Gugino: So that is just basically the point is that economic development is very good, land use planning is very good, to have those separate and to have a natural tension between the two rather than a natural overlap as what we have today. That is why I think it is so important what you are doing when you are considering zoning and what you would like the town to be.

President Glass: Thank you very much. Thank you, Doug. Folks, we will continue to 7:00 p.m. on October 7th and I thank you very much.

The hearing recessed at 7:15 p.m.

Norma W. Cronin
Town Clerk/Council Clerk