**AGENDA**
Regular Meeting
Canton Planning and Zoning Commission
Wednesday, December 21, 2016 at 7:30 pm
Community Center, Room B
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:**
**ROLL CALL:**
**READING OF THE LEGAL NOTICE:**

## PUBLIC HEARINGS

1. **File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owner

2. **File #156, Apln #1646;** Zoning Regulation Amendment; Proposed removal of Section 8.6; Design Review; Town of Canton Planning and Zoning Commission, applicant/owner

3. **File #156, Apln #1647;** Zoning Regulation Amendment; Proposed edits pertaining to Mixed Residential Accessory Uses; Town of Canton Planning and Zoning Commission, applicant/owner

4. **File #156; Apln #1648;** Zoning Regulation Amendment; Proposed edits to Section 7.3.D.1.n; Open/Closed Signs or Flags; Town of Canton Planning and Zoning Commission, applicant/owner

5. **File #156; Apln #1649;** Zoning Regulation Amendment; Proposed edits to Section 5.1.C; Master Plan Requirements for Design Districts; Town of Canton Planning and Zoning Commission, applicant/owner

6. **File #156; Apln #1650;** Zoning Regulation Amendment; Proposed edits pertaining to the filing of As-Builts; Town of Canton Planning and Zoning Commission, applicant/owner

7. **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

## REGULAR MEETING

**PUBLIC HEARING ACTIONS:**

1. **File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owner

**NOTE TO PERSONS WITH SPECIAL NEEDS:**
The Town of Canton does not discriminate on the basis of disability. Individuals who need auxiliary aids or an interpreter at a Town meeting must notify the appropriate department in advance of the meeting as soon as they are able.

2. **File #156, Apln #1646;** Zoning Regulation Amendment; Proposed removal of Section 8.6; Design Review; Town of Canton Planning and Zoning Commission, applicant/owner

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**OLD BUSINESS:** None

**NEW BUSINESS:** None

**OTHER BUSINESS:**

1. Zoning Enforcement Case Study Presentation
2. Review minutes from the September 21, 2016 Regular Meeting, November 2, 2016 Special Meeting and November 21, 2016 Regular Meeting
3. CRCOG Representative Recommendation for Regional Planning Commission
4. Discussion of Election of Officers for 2017
5. Discussion of the TIF Preliminary Master Plan
6. Discussion of Possible Edits to Zoning Regulations
    a. Review of draft language pertaining to Electronic Message Board Signs
7. Discussion of Design Regulations
8. Discussion of Subdivision Regulations Rewrite
9. Discussion of Streetscape Grant
10. Staff Reports:
    a. Town Planner's Report
    b. ZEO Report

**ADJOURNMENT:**

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Exhibit List for:

**File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owner

**List as of December 7, 2016**

Correspondence:

1. Town of Canton Planning/Zoning Development Application – File #347; Apln #1642; 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owner
2. Copy of payment; check #125
3. Floor plan for the second floor of 122 Main Street
4. Special Permit application checklist
5. Town of Canton assessment parcel map
6. Town of Canton GIS abutter map
7. Narrative describing proposed use and compliance with Special Permit criteria of Section 9.2.E
8. Abutter notice
9. Sales and use tax permit for Stiles Artistry, LLC; issued 4/6/15
10. State of Connecticut Department of Public Health tattoo technician license for Kevin Stiles; current through 11/30/17
11. FVHD salon permit for Stiles Artistry, LLC; current through 3/31/17
12. American Red Cross first aid and bloodborne pathogens training certification; completed 8/18/16
13. FVHD salon regulations
14. Assessor's card for 122 Main Street
15. Abutter notice from Kevin Stiles to the Town of Canton; dated 11/10/16
16. Certification of notice for posting of Public Hearing sign per Section 9.9.F of Zoning Regulations; dated 11/29/16
17. Certificates of mailing
18. Town of Canton Legal Notice for publication in the Valley Press on 12/8/16 and 12/15/16

**Legal Notice**
**Town of Canton**
**Planning & Zoning Commission**

The Canton PZC will hold a public hearing at a regular meeting on Wednesday, December 21, 2016 at 7:30 p.m. in Room B of the Canton Community Center, 40 Dyer Avenue, Canton, CT for the following applications:

**File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owners

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These applications are on file and available for public inspection in the Land Use Office of Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 1st day of December 2016.

Jonathan Thiesse, Chairman
Philip Pane, Secretary

To be published twice in the Valley Press on Thursday, December 8, 2016 and Thursday, December 15, 2016.

(17)

U.S. POSTAL SERVICE CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL. DOES NOT PROVIDE FOR INSURANCE—POSTMASTER
Received From:
Stiles Artistry, LLC
7 RIVER ST
Collinsville, CT
One piece of ordinary mail addressed to:
JOHN SWEDD
9 HICKORY HILL WAY
West Granby, CT
06090
PS Form 3817, Mar. 1989
U.S. POSTAGE HARTFORD, CT 06101 NOV 18 AMOUNT $1.30 R2305K134673-15

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AUDRY MINER
51 Versville Rd
AVON, CT 06001
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Thomas McCarthy
383 Huckleberry Hill
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Southern New England Telephone
401 MERRITT 7
NORWALK, CT 06851
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LORIE TERAVINEN
478 Steele Rd.
New Hartford, CT
06005
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Denis Soucy
5 Aqua CT
NORWICH, CT
06360
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P.O. Box 213
MILL RIVER, MA 01244
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Stiles Artistry, LLC
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Eaton Hardware Co
126-A Main St
Collinsville, CT 060
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Paula Gozza
37 Dyer Ave
Canton, CT 06001
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Adrianna Newell
170 Main St
Collinsville, CT 0601
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Hough Block, LLC
126 Main St
Collinsville, CT 0601
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One piece of ordinary mail addressed to:
WILLIAM BISSELL c/o Kathy Alle
75 TORRINGTON AVE
Canton, CT 06019
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Stiles Artistry LLC
7 RIVER ST
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One piece of ordinary mail addressed to:
JAMES BARRY
7 MIDLANDS DR
AVON, CT
06001

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Stiles Artistry LLC
7 RIVER ST
Collinsville CT

One piece of ordinary mail addressed to:
Anne Houghton
1374 Bleak Rd.
Cortland, NY
13045

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John Howard Madsen
179 Reservoir Rd
Newington, CT
0605

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Stiles Artistry, LLC
7 River St
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One piece of ordinary mail addressed to:
Donald Ogden
P.O. Box 371
Collinsville, CT 0602

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Stiles Artistry, LLC
7 RIVER ST
Collinsville, CT

One piece of ordinary mail addressed to:
105, 107, 109 Main St, Collin
24 Collins Rd.
Collinsville, CT 060

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Stiles Artistry LLC
7 RIVER ST
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One piece of ordinary mail addressed to:
TOM & HELEN HUGHE
203 Cold Spring Rd
Avon, CT
06001

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Thomas Skenyon
130 Main St. 4B
Canton, CT 06019

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One piece of ordinary mail addressed to:
Jennifer Asaro
130 Main St 4A
Canton, CT 06019

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Stiles Artistry, LLC
7 River St
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One piece of ordinary mail addressed to:
Sara & Robert Shea
6 Musket Trail
Simsbury, CT
06070

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Stiles Artistry, LLC
7 RIVER ST
Collinsville, CT

One piece of ordinary mail addressed to:
ROY VINKE
130 MAIN ST 2L
Canton, CT 06019

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Stiles Artistry, LLC
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Collinsville, CT

One piece of ordinary mail addressed to:
Margaret Kane
130 Main St
Canton CT 0601

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One piece of ordinary mail addressed to:
William Carson
130 Main St.
Canton, CT 06019

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One piece of ordinary mail addressed to:
David Wiechnicki
130 Main St 3D
Canton, CT 0601

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Collinsville, CT

One piece of ordinary mail addressed to:
Town of Canton
Market St
Collinsville, CT
06022

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PS Form 3817, Mar. 1989

(16)

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

## CERTIFICATION OF NOTICE

Planning & Zoning Commission: File Number: 347
Application Number: 1642

Zoning Board of Appeals: File Number: _____

I certify that as per Section 9.9.F, Notice of Public Hearing Signs, of the Canton Zoning Regulations, I have posted at: 122 Main Street a sign reading:

"ZONING APPICATION PENDING ON THIS PROPERTY. FOR INFORMATION CONTRACT THE ZONING ENFORCEMENT OFFICER, TOWN HALL CANTON."

For fifteen (15) continuous days beginning on 11/29/16 and ending on 12/14/16 prior to a public hearing scheduled for 12/21/16.

Name of Applicant: KEVIN STILES
Signature of Applicant: [signature]
Date: 11-29-16

(15)

# FICE

ville, Connecticut 06022

IL/RETURN RECEIPT

ommission (PZC) for a Special Permit (Section 4.1.C.1.E;
t) been filed with the Canton Land Use Office for the

for Wednesday, December 21, 2016.

ty Center located at 40 Dyer Avenue, Canton, and is

If you are unable to attend this meeting but wish to
ct them by email to: Renee Narducci, Land Use
by mail to the following address:

n in the subject line.

10-16

e

Files Artistry, LLC
7 River St
Collinsville, CT

Town of Canton
Market St
Collinsville, CT
06022-0000

HARTFORD
CT
16 NOV 16
PM

UNITED STATES POSTAL SERVICE
1000

06022

U.S. POSTAGE
PAID
HARWINTON, CT
06791
NOV 16 16
AMOUNT
$0.47
R2305K134673-15

Card 01 of 01 card — Town of Canton Commercial Property Card

Property at 00122 MAIN STREET — Account 3590122 — Printed 05-MAR-14 6:45 PM — Design and Layout (C) Right/Angles

## Administrative Information

Owner name: EATON HARDWARE CO
Second name: C/O EVERETT NEWELL
Address: 126-A MAIN STREET
City/state: COLLINSVILLE CT Zip: 06019

## Location Information

Clerk map: Callback?
Lot: 3590122 Map: 38 Neigh.: Zone: B1 Vol: 69 Page: 176

### Assessments

| Assmt category | Qty | Amount |
|---|---|---|
| Commerc Land | .04 | 70,000 |
| Commerc Building | 1.00 | 170,880 |
| Commerc Outbldg | 1.00 | 670 |

### Exemptions

| Exempt | Cat | Amount |
|---|---|---|

### Last sale

Sale date:
Sale price:
Sale valid:

### Values

Mkt value :
Cost value: 345,070

### Summary

| | |
|---|---|
| Total assessments | 241,550 |
| Total exemptions | |
| Net assessment | 241,550 |

### Utilities

| | |
|---|---|
| Water | Collinsville |
| Sewer | Public sewer |
| Gas | None |

### Sales ratios

Cost/sale :
Mkt/sale :
Assmt/sale:

## Land Information

| Type | Use | Acres/SqFt | Rate | Total | Infl Fact | Value | 70% Value |
|---|---|---|---|---|---|---|---|
| PRIM | 21 | .040 | 100,000 | | | 100,000 | 70,000 |
| Primary Site | | 1,742 | | | | | |
| | | .0400 acres | | Total land value | | 100,000 | 70,000 |

## Commercial Building Information

| Subject | Code | Description |
|---|---|---|
| Primary Use | 34 | Retail |
| Exterior Walls | 01 | Wood Frame |
| Roof Material | 01 | Asphalt Shingles |
| Roof Type | 01 | Gable |
| Foundation | 03 | Field Stone |
| Interior Walls | 01 | Plaster |
| Floors | 03 | Hardwood |
| Heating System | 03 | Steam |
| Fuel Type | 01 | Oil |
| Construct Type | 01 | Wood Frame |
| Grade | 33 | C+ |
| Garage | | |
| Basement | 01 | Full |
| Bsmt Finish | 01 | Unfinished |
| Air Cond | 99 | None |
| Interior Cond | 04 | Average |
| External Cond | 05 | Good |
| CDU | 05 | Good |

| Use | | Description | Perc |
|---|---|---|---|
| Basement | 84 | Storage | 96.00 |
| 1st Floor | 34 | Retail | 100.00 |
| 2nd Floor | 84 | Storage | 18.00 |
| | 82 | M/U and Indust O | 50.00 |
| 3rd Floor | | | |
| 4th Floor | | | |

| Other Features | | Size | Qty |
|---|---|---|---|
| CP5 | Canopy-Economy | 315 | 1 |
| OP1 | Open Porch | 108 | 1 |

Year Built: 1850 Eff Year Built:

## Commercial Valuation Summary

Main Area: 1,891 Construction Type: Wood Frame

| Subject | Code | Description | Perc | AdjSF | AdjRate | Net Value |
|---|---|---|---|---|---|---|
| Basement | 84 | Storage | 96.00 | 1,815 | 29.91 | 54,290 |
| 1st Floor | 34 | Retail | 100.00 | 1,891 | 84.38 | 159,560 |
| 2nd Floor | 84 | Storage | 18.00 | 340 | 31.91 | 10,850 |
| | 82 | M/U and Indust O | 50.00 | 946 | 94.82 | 89,700 |
| 3rd Floor | | | | | | |
| 4th Floor | | | | | | |

| Other Features | | Size | Rate | Qty | Rate | Value |
|---|---|---|---|---|---|---|
| CP5 | Canopy-Economy | 315 | 12.25 | 1 | | 3,860 |
| OP1 | Open Porch | 108 | 43.00 | 1 | | 4,640 |

| | | | |
|---|---|---|---|
| Sub-Total | | | 322,900 |
| Grade | C+ | Factor 1.0800 | 348,730 |
| CDU | | C&D Factor 1.00 | 348,730 |
| Depreciation | | 30 % | 244,110 |
| Cost value admin record | | Computed cost value @ 70% | 170,880 |

## Outbuilding Information

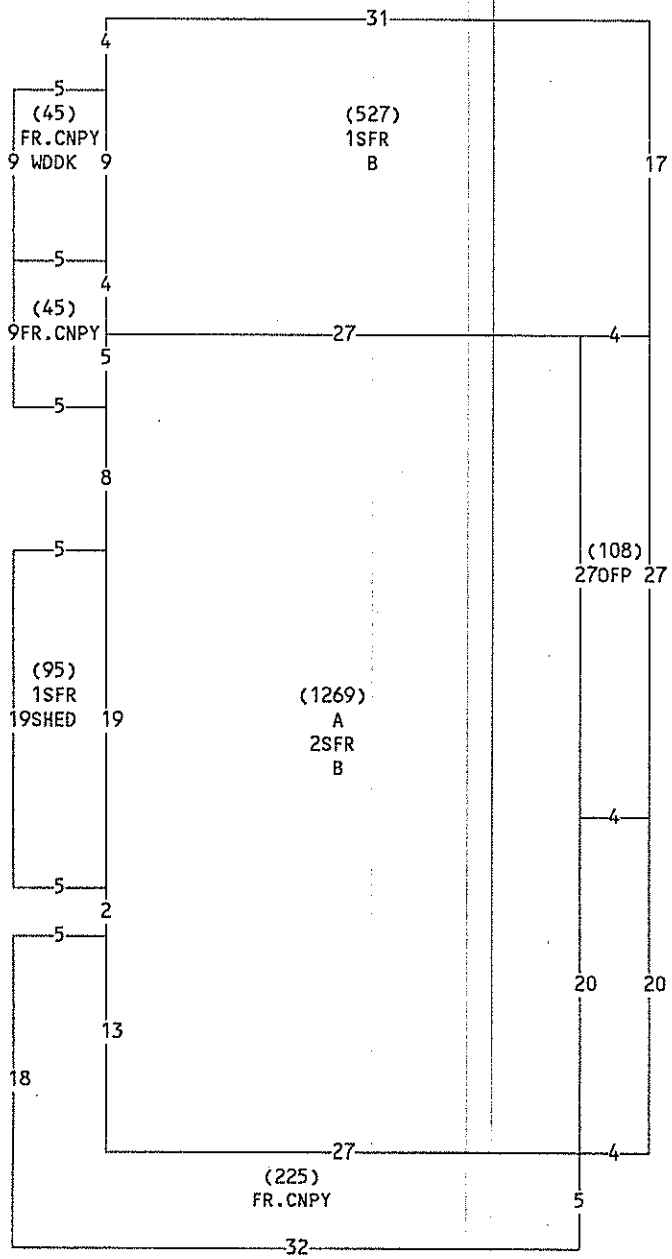
| Description | Wid | Len | Area | Rate | Year | Cnd | RCN | Depr | Value |
|---|---|---|---|---|---|---|---|---|---|
| RS1 Frame Utility Shed | | | 95 | 20.00 | 1980 | C | 1,900 | 50 | 950 |

Value at 70% 670 Value at 100% 950

14

Card 01 of 01 card | Town of Canton Commercial Property Card | Scale: 1" = 3.77 feet

Property at 00122 MAIN STREET | Account 3590122 | Printed 05-MAR-14 6:45 PM | Design and Layout (C) Right/Angles



AVON
BARKHAMSTED
CANTON
COLEBROOK
EAST GRANBY
FARMINGTON
GRANBY
HARTLAND
NEW HARTFORD
SIMSBURY

FVHD FARMINGTON VALLEY HEALTH DISTRICT

95 RIVER ROAD, SUITE C • CANTON, CONNECTICUT 06019 • PHONE (860)352-2333 FAX (860)352-2542

# Salon Regulations

## Section 1: Scope and Purpose

A. The purpose of this regulation is to protect the health and safety of patrons at Farmington Valley Health District Salons and to prevent the spread of disease including, but not limited to, viral, bacterial and fungal infections.

B. This regulation is enacted pursuant to the powers and duties set forth in the Connecticut General Statutes (CGS) 7-148, 19a-92a, 19a-92g, 19a-206, 19a-207,19a-231, 19a-232, and 19a-243a.

## Section 2: Definitions

For the purposes of this code:

A. **Authorized Agent:** Farmington Valley Health District employee or independent contractor designated by the Director of Health to enforce provisions of the Farmington Valley Health District Salon Regulations.

B. **Barbering:** (CGS Sec. 20-234) includes the following described practices, when performed by a barber licensed in the State of Connecticut, upon the head, face and neck for cosmetic purposes only and done for the public, with or without compensation:
   a. The cutting, trimming or shaving of the hair;
   b. Singeing, shampooing, dyeing, coloring or styling of the hair;
   c. The application of cosmetic preparations, hair tonics, antiseptics, powders, oils, clays, cream or lotions;
   d. Giving facial and scalp massage or the application of oils, creams, lotions or other preparations, either by hand or mechanical appliances.

C. **Body Piercing:** (CGS Sec 19a-92g) Piercing or creating a channel through any part of the body other than the ear lobe (i.e. lower portion of the auricle having no cartilage) for the purpose of inserting a decorative object.

D. **CGS:** Connecticut General Statutes

E. **Director of Health:** The Director of Farmington Valley Health District.

F. **Fee schedule:** The fees specified in the Annual Fiscal Year Budget as adopted by the Farmington Valley Health District Board of Health.

G. **FVHD**: Farmington Valley Health District

H. **Hairdressing/Cosmetology:** (CGS Sec. 20-250) includes the following described practices performed by a licensed hairdresser/cosmetician in the State of Connecticut upon the head, face, scalp, arms, hands, body, legs and feet for cosmetic purposes only and done for the public with or without compensation:

   a. Dressing, arranging, curling, waving, weaving, cutting, singeing, waxing, relaxing/straightening, bleaching and coloring hair;
   b. Treating the scalp, face, neck and arms by massaging cleansing, exercising, stimulating or manipulating with the hands, mechanical appliances or water;
   c. Application of cosmetics, preparations, antiseptics, tonics, lotions, creams, powders, oils, clays or any product pertaining to the skin;
   d. Manicuring fingernails of the hand and feet, for cosmetic purposes only, trimming, filing and painting of the feet, **excluding** cutting nail beds, corns, calluses, or other medical treatment involving the foot or ankle.

I. **Independent Contractor**: An individual that possesses the skills, ability and knowledge needed to perform salon inspections by contract with FVHD.

J. **Nail Technician:** A person, who for compensation, cuts, shapes, polishes or enhances the appearance of the nails of the hands or feet, including but not limited to, the application and removal of sculptured or artificial nails.

K. **Potable Water:** A public water supply or well water that is deemed safe for human consumption as evidenced by a yearly bacteriological laboratory analysis.

L. **Salon:** Any shop, store, day spa or other commercial establishment at which the practice of barbering, hairdressing and cosmetology, nail technician services, tanning, tattooing, body piercing or any combination thereof, is offered and provided.

M. **Tanning:** Use of ultraviolet radiation emitting equipment in an indoor setting for the purpose of producing a suntan, such as a sunlamp, tanning booth or tanning bed.

N. **Tattooing:** (CGS Sec 19a-92a) Marking or coloring, in an indelible manner, the skin of any person by pricking in coloring matter or by producing scars.

O. **Unsanitary conditions:** Salon conditions which cause or risk the spread of viral, bacterial or fungal infections, or any other communicable disease.

## Section 3: Application & Permit Process

A. No entity shall operate a salon within the FVHD without having applied to FVHD on forms furnished by the FVHD and paying an annual permit and inspection fee as determined in the current FVHD fee schedule.

B. All Permits shall be renewed annually. Salons desiring renewal of such permit shall file an application with the FVHD prior to the expiration date with the appropriate fees. Documentation required in Section 3: G & H of these regulations must also be submitted at that time, if applicable.

C. In the case that a Salon permit renewal application, fees and supporting documentation as required in Section 3: C & D of these regulations, if applicable, are submitted after 30 days from the previous permit expiration date, a late fee, as determined in the current FVHD fee schedule, shall be assessed.

D. New Salons applying for a permit within the permitted year will be charged a pro-rated permit fee.

E. Permits are valid for one year unless revoked by the Director of Health. Permits shall not be transferable

F. All Salons must post their FVHD salon permit in a conspicuous location clearly visible to the public.

G. Salons that have well water must provide a yearly bacteriological water analysis with permit application.

H. Salons that tattoo must provide the required supervising physician's name, address and yearly agreement letter with permit application.

## Section 4: Revocation of a Permit/Closure of a Salon

A. In the event that the Director of Health or authorized agent finds unsanitary conditions in the operation of the Salon or violations of this regulation or an unpermitted salon, the Director of Health may immediately issue a written notice to the permittee or person in charge citing such conditions, specifying corrective action to be taken and time frame within which action shall be taken. If correction is not made in the allotted time, the salon permit may be revoked and/or ORDERS to close the establishment will be issued by the Director of Health.

B. The Director of Health may order closure without warning, prior notice or hearing, any permit to operate a salon:
   1) If the operation constitutes an imminent public health hazard or;
   2) If the owner or person in charge has interfered with the performance of the Director of Health's or authorized agent's duties.

C. An imminent health hazard shall include, but is not limited to, any one of the following:

1) An ongoing outbreak of an infectious, pathogenic or toxic agent capable of being transmitted to consumers; or
2) The absence of potable water, in a quantity which, in the opinion of the Director of Health or authorized agent, is capable of meeting the needs of the facility;
3) A sewage backup into the facility, onto the surface of the ground or into a watercourse.
4) An unlicensed individual performing procedures requiring licensing by the Connecticut Public Health Code.

**D.** When serious violations of any of the requirements of these regulations and/or the Regulations of Connecticut State Agencies, are observed which may be considered to pose an imminent health risk to patrons of the establishment, or for interference with the Director of Health or authorized agent in the performance of their duties, the permit may be revoked and ORDERS to close the establishment will be issued by the Director of Health. The permit holder or person in charge shall immediately cease all salon operations, and such operations shall not be resumed without written approval of the Director of Health.

**E.** Any Permit holder who has had their permit revoked shall have an opportunity for a Hearing.

**F.** A revoked permit will be reissued **only** after a satisfactory re-inspection of the facility and payment of the annual inspection and permit fee.

**G.** Hearings for permit revocation shall be held if a written Appeal is filed with the Director of Health within three business days of service of the ORDER to close. Hearings shall be held within five (5) business days of the receipt of the Appeal which must contain detailed itemization of the corrective measures taken to address deficiencies cited in the ORDER. The establishment shall remain closed in accordance with the ORDER until a decision is made at the Hearing.

**H.** Upon the decision of the Director of Health to revoke the permit to operate, an ORDER to immediately cease all Salon operations shall be issued. The owner of a salon who is aggrieved by such ORDER of the Director of Health may, within three business days, appeal to the Commissioner of Public Health who shall thereupon immediately notify the authority from whose order the appeal was taken and examine into the merits of such case and may vacate, modify, or affirm such action. Copies of any such appeals must be filed with the Director of Health.

## Section 5: Inspections

**A.** At least once a year, the Director of Health or authorized agent shall inspect each establishment at which the practice of barbering, hairdressing and cosmetology or the services of a nail technician, or any combination thereof, is offered and provided in order to enforce this regulation, the CGS and the Regulations of Connecticut State Agencies, including, but not limited to, the Public Health Code.

**B.** The Director of Health or authorized agent shall be allowed to enter, during normal business hours, any portion of any Salon for the purposes of making inspections to determine compliance with these regulations.

## Section 6: Owner/Employees

A. No employee shall knowingly serve any patron who is afflicted with an infectious disease including, but not limited to, impetigo, folliculitis, lice, nits or ringworm.

B. No employee having a communicable disease in the infectious stage shall serve any patron.

C. The Salon owner shall report to the Director of Health any case of disease or serious injury that results from service in the salon.

D. No employee shall remove or attempt to remove a wart, mole, skin tag or treat any disease of a patron.

E. All employees requiring a State of Connecticut license shall have a copy of the current license available on site.

## Section 7: Physical plant

A. Every Salon shall have an adequate supply of potable hot and cold running water. Hot water shall not exceed 115°F.

B. Salon wastewater shall discharge into municipal sewers or on-site subsurface sewage disposal systems.

C. Adequate toilet facilities and hand wash sinks shall be provided for customers and employees. They must be maintained in good repair and in a clean condition. Sufficient hot and cold water, soap & individual hand towels or hand air dryers must be provided.

D. Lighting shall be sufficient to provide adequate illumination in work areas.
EThe Salon shall be free from excessive odors and not cause nuisance odors to indoor air quality of adjacent premises. Ventilation shall comply with applicable building codes.

F. Provide a hands free trash receptacles in work areas.

G. Adequate equipment shall be provided to perform necessary cleaning and proper storage of supplies.

H. The Salon must be in compliance with all applicable Federal, State and Local codes.

## Section 8: Sanitation

A. Each Salon shall be maintained to provide a safe and sanitary environment. Everything shall be kept clean and in good repair.

B. Reusable equipment including, but not limited to, combs, brushes, towels, finger bowls, foot spas, straight edge razors, tanning beds, waxing sticks, must be properly cleaned and sanitized using an EPA approved method **after serving each customer**.

**C.** Disposable and single use items shall be disposed of immediately after use.

Note: Manicure items may be kept for the original customer if stored in a covered container labeled with the customer's name.

**D.** A single use sanitary paper strip or clean towel shall be placed around the neck of each customer before any other covering is used.

**E.** Customers must wear water-resistant coverings when chemical treatments are used.

## Section 9: Prohibited and required equipment and products

**A.** It is **prohibited** to use the following items in a salon:

- **a.** A lancet or any other device used to break the skin;
- **b.** A razor blade callus shaver; credo blade.
- **c.** Any substance banned by the FDA, such as, liquid methyl methacrylate monomer & methylene chloride.
- **d.** Pedicure fish.

**B.** Brush neck dusters, powder puffs, makeup brushes sponges, shaving mugs, brushes and Dremel rotary tools are **prohibited** unless they are single-use disposable instruments.

**C.** Multi-use of cosmetics is **prohibited** unless single use applicators are provided.

**D.** Pedicure fish are **prohibited.**

**E.** If **ultraviolet light radiation** is used for drying nails, Section 11 A-D requirements must be followed.

## Section 10: Tattooing and Body Piercing

**A.** No person shall engage in **tattooing** except a physician, an advanced practice registered nurse rendering service under the direction of a physician, a registered nurse rendering service under the supervision, control and responsibility of a physician, a physician assistant under the supervision, control and responsibility of a physician, or a technician rendering service under the supervision of a physician in accordance with regulations adopted by Department of Public Health pursuant to subsection (d) of the Department in the CGS section 19a-92a.

**B.** Tattooist's supervising physician's name and contact information must be provided to FVHD during application process. A copy of signed agreement with the supervising physician must be updated yearly and a copy maintained on site.

**C.** No person shall tattoo or perform body piercing (see definition) on an un-emancipated minor under eighteen years of age without the written permission of the minor's parent or legal guardian. Permission forms shall be for one year on site.

**D.** All reusable equipment that comes into contact with blood must be properly **sterilized** by thoroughly cleaning with an ultrasonic machine or other approved method and then holding in a steam autoclave at an adequate temperature, time and pressure or another equal process. Verification of achieving sterilization (e.g. indicator tape) is required and monthly spore (Bacillus stearothermophilus) testing documentation must be maintained for 2 years. Single use and disposable needles are recommended.

**E.** All tattoo inks must be manufactured with STERILIZED water. Sterilized water shall be used for dilution of tattoo ink when making gray wash tattoo ink.

**F.** Connecticut Department of Health and Department of Energy & Environmental Protection requirements must be followed regarding disposal of sharps and biomedical waste.

## Section 11: Tanning

**A.** It is the responsibility of the tanning salon operator to assure that the applicable Food and Drug Administration (FDA) & Federal Trade Commission (FTC) regulations are adhered to.

**B.** Signage with warning/danger statements regarding ultraviolet light exposure, protective eyewear and substances that may increase photosensitivity to ultraviolet radiation must be displayed in a conspicuous location.

**C.** Use of a tanning device in a Salon is prohibited for patrons under the age of 17. Signed parental or legal guardian consent is required for patrons under 18 years of age. Consent forms shall be maintained for 30 days.

**D.** Manufacturer's label (describing production date, serial & model #), factory installed timer and electrical testing label must be permanently affixed to tanning bed. Owner's manual must also be on premise.

**E.** Single user protective eyewear must be worn. Disposable protective goggles must be available.

**F.** Tanning bed must be cleaned after each use. Cleaning solution must be readily available for patron use.

## Section 12: Sanitizers

**A.** The following chemical methods constitute satisfactory sanitization of implements if used in accordance with manufacturer's instructions.

a. Quaternary ammonium compounds
b. Boiling water
c. Lysol (or compound cresol solution or phenolic compound
d. Commercial formalin
e. Alcohol (70% ethyl alcohol or 99% isopropyl alcohol)
f. Lubricant sanitizer
g. Other EPA-registered disinfectants

**B.** No method is considered effective without prior thorough cleaning with detergent (soap, tri-sodium phosphate, etc.)

**C.** Chemicals suitable for low temperature washing (less than or equal to 158°F) of towels and linens shall be used. Lysol or household bleach (sodium hypochlorite) shall be used according to manufacturer's specifications. Color safe bleach may not be used.

**D.** Non-chemical methods of sanitizing must be approved in writing by the Director of Health. Equipment specifications shall accompany requests for approval.

## Section 12: Appendices

Latest revisions of sample forms, protocols, charts and other miscellaneous information are created by and available at FVHD.

## Section 13: Penalties

Applicable penalties are found in sections 19a-36, 19a-220, and 19a-230 of the Connecticut General Statutes, and sections 19-13-B1&2 of the Regulations of Connecticut State Agencies.

## Section 14: Severability

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared by a court of competent jurisdiction, to be unconstitutional or invalid for any reason, the remainder of the regulation shall not be affected thereby.

## Section 15: Date of Effect

This regulation shall be in full force and effect on: 03/01/2012.

_____, Chairman, Board of Health

As amended by the Board on: 03/04/2014

_____, Chairman, Board of Health

(12)

American Red Cross

# Kevin Stiles

has successfully completed requirements for

First Aid: valid 2 Years
Bloodborne Pathogens Training: valid 1 Year

**Date Completed: 08/18/2016**
conducted by: American Red Cross
Instructor: Sue E Cook

ID: GTLRVV
Scan code or visit:
redcross.org/confirm

AVON
FARMINGTON

BARKHAMSTED
GRANBY

CANTON
HARTLAND

COLEBROOK
NEW HARTFORD

EAST GRANBY
SIMSBURY

FVHD

# SALON PERMIT

## FARMINGTON VALLEY HEALTH DISTRICT

95 RIVER ROAD, SUITE C • CANTON, CT 06019
(860)352-2333 PHONE (860)352-2542 FAX

### Permit to operate a Salon

NOT TRANSFERABLE

BUSINESS NAME: STILES ARTISTRY LLC

OPERATOR NAME KEVIN STILES

LOCATION: 7 RIVER STREET, CANTON, CT

EXPIRATION DATE: March 31, 2017

PERMIT # CA028S

FVHD

Jennifer C. Kertanis
Director of Health

This Permit is issued in accordance with Connecticut General Statutes and Farmington Valley Health District Salon Regulations.

This Permit must be displayed in a prominent place and is revocable at any time.

(=)

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

PURSUANT TO THE PROVISIONS OF THE GENERAL STATUTES OF CONNECTICUT

THE INDIVIDUAL NAMED BELOW IS LICENSED
BY THIS DEPARTMENT AS A:
TATTOO TECHNICIAN

KEVIN STILES

LICENSE NO.
000042

CURRENT THROUGH
11/30/17

VALIDATION NO.
03-351767

SIGNATURE

COMMISSIONER

Department of Revenue Services
State of Connecticut
25 Sigourney St Ste 2
Hartford CT 06106-5032

R603 (Rev. 07/09)

# Sales and Use Tax Permit

Use only at this location: Lic Nbr: 1166684

The person named below is licensed under the Sales and Use Tax Act.
This permit is good **only** for the named permittee and at the location shown.
If there is any change in ownership, the permit is null and void.

| Date Issued | Expiration Date | Business Start Date | Connecticut Tax Registration Number |
|---|---|---|---|
| 04/06/2015 | 12/31/2019 | 01/01/2015 | 65220063-001 |

STILES ARTISTRY LLC
STILES ARTISTRY LLC
5 RIVER ST
CANTON CT 06019-3185

STILES ARTISTRY LLC
STILES ARTISTRY LLC
5 RIVER ST
CANTON CT 06019-3185

Kevin B. Sullivan
Commissioner of Revenue Services

**This license may not be transferred or assigned.**

(8)

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

**CERTIFIED MAIL/RETURN RECEIPT**

File #347; Apln #1642

Dear Neighboring Property Owner:

An application to the Canton Planning & Zoning Commission (PZC) for a Special Permit (Section 4.1.C.1.E; Tattooing/Tattoo Parlor within the Business District) been filed with the Canton Land Use Office for the following property:

Location: 122 Main Street, Collinsville, CT 06022

Applicant: Kevin Stiles

Property Owner: Everett Newell

A Public Hearing for this application is scheduled for Wednesday, December 21, 2016.

The meeting will be held at the Canton Community Center located at 40 Dyer Avenue, Canton, and is scheduled to begin at 7:30 p.m.

At this hearing public testimony will be accepted. If you are unable to attend this meeting but wish to express your thoughts and concerns, please direct them by email to: Renee Narducci, Land Use Coordinator at rnarducci@townofcantonct.org or by mail to the following address:

Town of Canton
Land Use Office
4 Market Street, P.O. Box 168
Collinsville, CT 06022

Please be sure to reference the above application in the subject line.

Sincerely,

Signature

11-10-16
Date

CANTON TOWN HALL
LAND USE OFFICE
NOV 1 0 2016
DATE OF RECEIPT IN OFFICE

#21 – "A narrative describing compliance with the Special Permit Criteria of Section 9.2.E."

Section 4.1.C.1.e – pertains to tattooing and being in compliance with the FVHA and CGS with regard to tattooing. I have the proper training and hold a current certificate in Red Cross First Aid as well as Bloodborne Pathogens – both dated August 18, 2016. First aid needs to be renewed on an annual basis and bloddborne pathogens every two years.

My tattoo technician license provided the CT Department of Health is valid through November 30, 2017. The license needs to be renewed every two years.

My sales and use tax permit is valid through December 2019.

Stiles Artistry, LLC is overseen by the FVHD and is inspected on an annual basis. My current permit is valid through March 31, 2017.

As far as the nature and intensity of the activities proposed...I feel they will be of minimal impact. I've been an artist all my life and taught high school art for over 20 years. I have a devoted following that I've established over the years. My clientele will consist primarily of one or two customers per day. I use contemporary rotary tattoo machines which are very quiet and produce virtually no sound pollution.

The Art Gallery will dominate most of the 624 square foot area. Most of the work I'll be displaying will be my own and feature the variety of a mediums: all forms of two dimensional art as well as landscape and figurative photography.

The tattoo area will occupy approximately one quarter of the overall space...with moveable walls for privacy.

#11 – "A statement describing in detail the proposed use or uses."

Art gallery and tattoo parlor on the 2nd floor...occupying approximately 624 sq. ft. Gallery space would comprise nearly ¾ of the allotted space...and the balance would be used for tattooing. Envisioned for the gallery area would be artwork and photography framed and hung on available wall space and portable walls. The tattooing would be done behind a screened area.

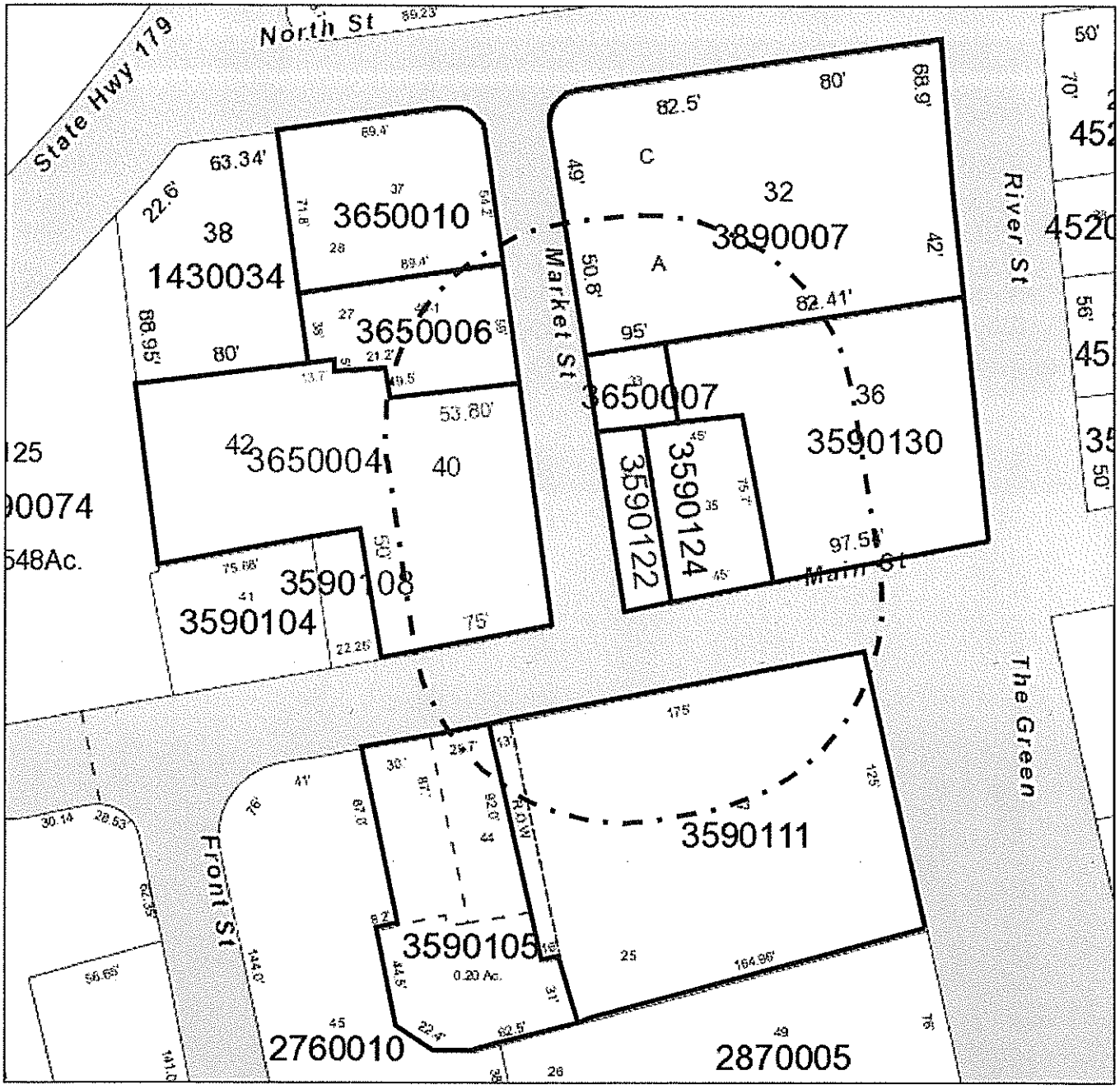
CANTON TOWN HALL
LAND USE OFFICE
NOV 1 0 2016
DATE OF RECEIPT IN OFFICE

(6)

# Town of Canton

Geographic Information System (GIS)

Date Printed: 10/24/2016




**MAP DISCLAIMER - NOTICE OF LIABILITY**

This map is for assessment purposes only. It is not for legal description or conveyances. All information is subject to verification by any user. The Town of Canton and its mapping contractors assume no legal responsibility for the information contained herein.

N
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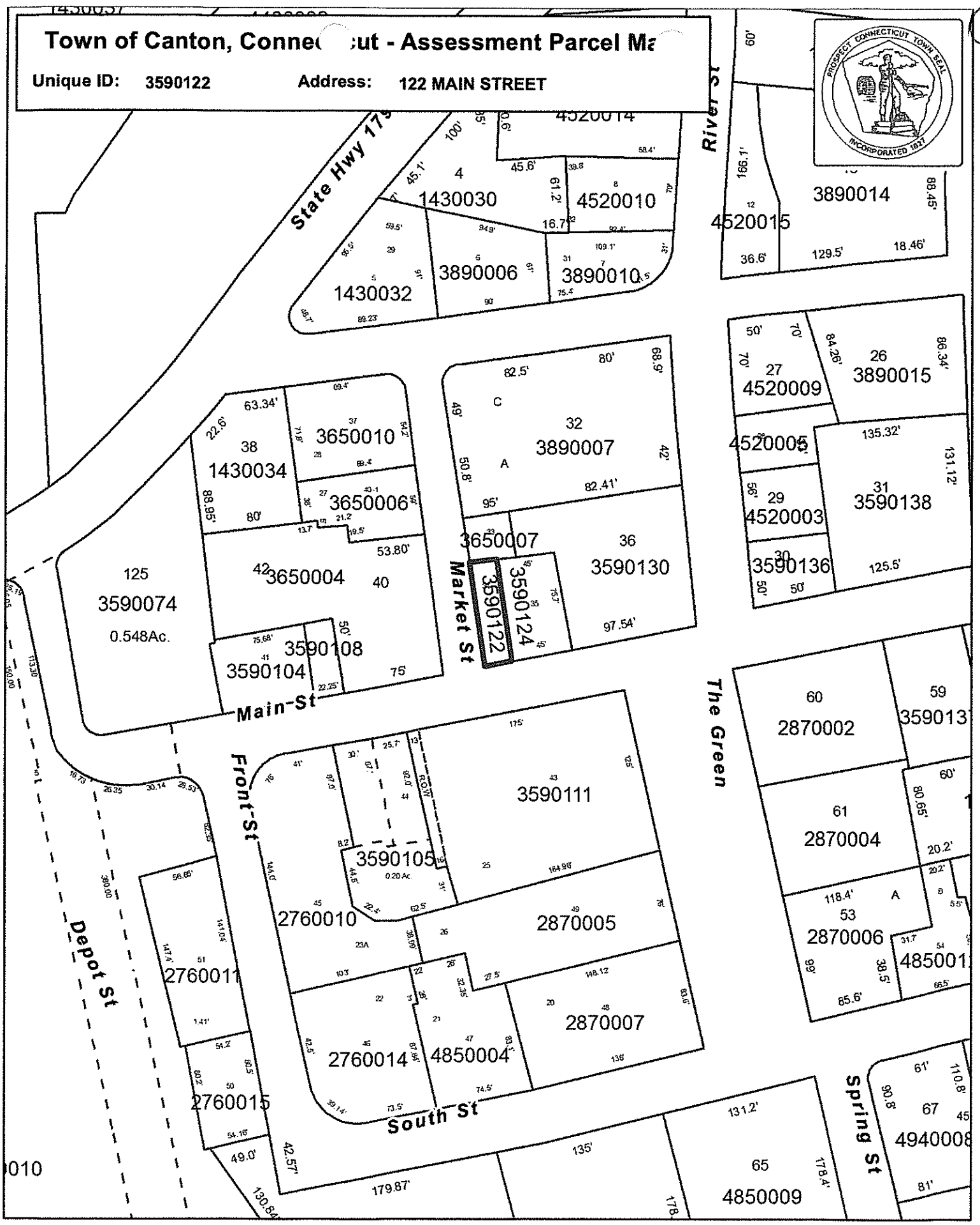
# Town of Canton, Connecticut - Assessment Parcel Map

**Unique ID:** 3590122 **Address:** 122 MAIN STREET




**Approximate Scale:** 1 inch = 100 feet

**Disclaimer:**
This map is for informational purposes only.
All information is subject to verification by any user.
The Town of Canton and its mapping contractors
assume no legal responsibility for the information contained herein.

**Map Produced** July 2016

Sublot — 65 Sublot ID
Easement — 4850007 Parcel ID
Misc — 89' Dimension

## 1.5. SPECIAL PERMIT APPLICATION

☐ 1. **Site Plan**

An approved site plan filed with the Town of Canton Town Clerk, or an application submitted for approval of a site plan in conjunction with the application for a special permit.

☐ 2. **Copies**

Unless otherwise specified by herein, each application shall be submitted with eleven (11) copies of the following information.

☐ 3. **Application Form**

A completed application form, as adopted by the Commission, bearing the original signature(s) of the owner(s) of record, or letter of authorization from the owner to a designated agent.

☐ 4. **Application Fee**

The complete application fee, as required by Chapter 248 of the Town Code. This may include additional review fees for technical expertise, engineering, and other reviews if required by the Commission.

☐ 5. **Notice**

Notification to parties holding restrictions may be required in accordance with the requirements of Section 9.9.K.

Pursuant to CGS Section 47-42d, for property subject to a conservation or preservation restriction, and where activity is proposed within the restricted area, a notarized statement from the applicant certifying that:

1. the proposed activity involves only work that does not expand or alter the footprint of an existing building, or
2. the applicant provided written notice of such application, by certified mail, return receipt requested, not later than sixty days prior to the filing of the application to the party holding a conservation restriction or a preservation restriction, and the holder of such restriction or the holder's authorized agent has submitted a letter verifying that the application is in compliance with the terms of the restriction.

☐ 6. **Notice**

Notification to adjoining municipalities may be required in accordance with the requirements of Section 9.9.H.

☐ 7. **Notice**

Notification to water companies may be required in accordance with the requirements of Section 9.9.J.

☐ 8. **Notice**

For every special permit application the Commission shall:

1. hold a public hearing on the special permit application; and
2. publish a legal notice in accordance with the requirements of Section 9.9.E of these regulations.

☐ 9. **Notice**

The applicant shall give notice by the posting of a sign in accordance with Section 9.9.F.

☐ 10. **Notice**

The applicant shall give notice to abutting property owners in accordance with Section 9.9.G of these regulations.

☐ 11. **Uses Proposed**

A statement describing in detail the proposed use or uses.

☐ 12. **Site Plan**

Copies of detailed maps and plans as required under Checklist "C. Site Plan Application":

☐ 13. **Traffic**

For any proposed non-residential development containing a gross floor area of ten thousand (10,000) square feet or more, any intersection that would have 100 or more vehicles trips in a peak hour, or for any development which, in the Commission's judgment, could generate high levels of traffic, exacerbate existing traffic conditions, or create a traffic safety issue, the applicant shall provide a traffic impact analysis, in accordance with the Institute Of Transportation Engineers requirements for traffic impact studies. Such analysis shall evaluate traffic generated by a proposed development and its probable impact on existing roads and intersections in the area in accordance with Section 7.8.B and shall include the following:

☐ 13.1. existing and projected traffic volumes (average daily traffic, peak A.M. and P.M.) and peak hour traffic generation,

☐ 13.2. past and present roadway conditions including location and number of accidents;

☐ 13.3. existing roadway capacity; volume & capacity ratios;

☐ 13.4. proposed sight lines;

☐ 13.5. location of existing and proposed curb cuts, traffic lights and intersections at the development site and within three hundred (300) feet from the development site,

☐ 13.6. traffic impact of proposed development, including but not limited to, the effect of the proposed development on traffic conditions on abutting streets and any nearby intersections that would have 100 or more vehicle trips in a peak hour;

- ☐ 13.7. the patterns of vehicular circulation in relation to the adjoining street system;
- ☐ 13.8. adequacy of:
  1. right-of-way and travel way;
  2. traffic signalization, traffic channelization, left-turn lanes and roadway widths of adjoining streets;
  3. vehicular stacking lanes and/or distances;
  4. pedestrian drop-off areas; and
  5. other traffic or transportation facilities to accommodate the proposed development.
- ☐ 13.9. recommendations for safe pedestrian, bicycle, and vehicular circulation.
- ☐ 13.10. where applicable, the applicant shall include the written recommendations of the Connecticut Department of Transportation, the Canton Traffic Authority, and the Commission's engineer.
- ☐ 13.11. whether a significant traffic impact will occur as identified under Section 7.8.B.4

☐ 14. If a multi-family development, fifteen (15) copies of a report of the proposal including:

- ☐ 14.1. Number of units proposed and breakdown of dwelling unit types;
- ☐ 14.2. The density of the proposed development (units per gross acre);
- ☐ 14.3. Acreage in buildings and parking and acreage in open space
- ☐ 14.4. Anticipated number of people and number of school age children per unit
- ☐ 14.5. Projected dwelling unit floor areas
- ☐ 14.6. A draft of proposed covenants and restrictions

☐ 15. **Traffic**

Comments from the Local Traffic Authority.

Copy of approval of the Office of the State Traffic Administration.

☐ 16. **Staging**

A statement describing the proposed staging if the development is to be constructed over a period of years.

☐ 17. **Fire**

A report from the Canton Fire Marshal commenting and/or recommending on fire protection provisions affecting the development or nearby properties.

☐ 18. **Topo/ Drainage**

In cases where unusual topographic, drainage or other conditions exist, the Commission may require the submission of additional data pertinent to their review.

☐ 19. **DRT**

A report from the Design Review Team on the site plan, site illumination, landscaping, and architectural design of all buildings, signs, and other structures.

☐ 20. **Construction Schedule**

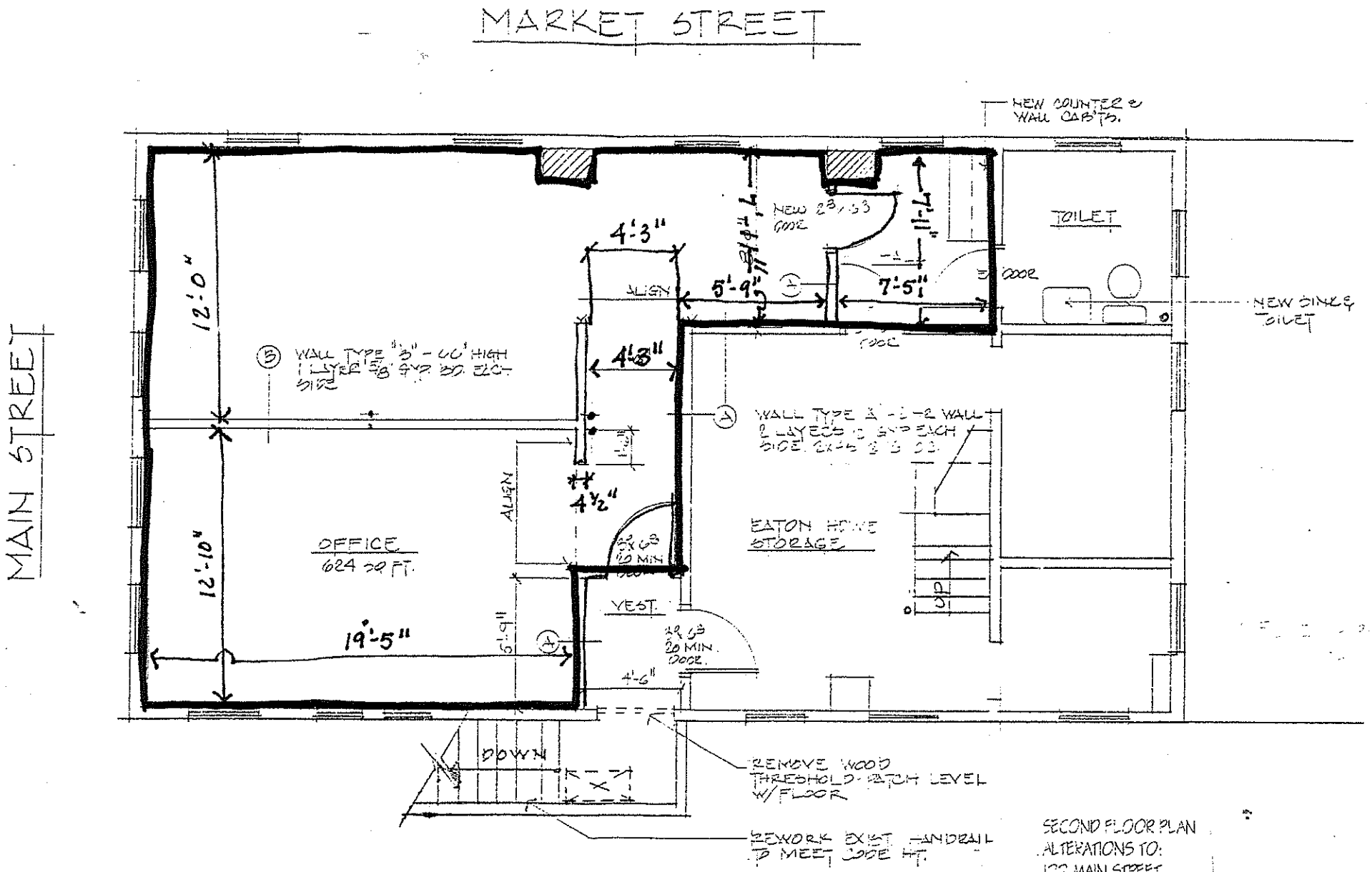
A narrative describing construction stages and manner in which the application complies with the requirements for erosion and sedimentation control prescribed under these Regulations

☐ 21. **Special Permit Criteria**

A narrative describing compliance with the Special Permit Criteria of Section 9.2.E

☐ 22. **Additional Information**

Any other information which in the Commission's judgment will assist in evaluating the proposal.




SECOND FLOOR PLAN
1/4" = 1'-0"

SECOND FLOOR PLAN
ALTERATIONS TO:
122 MAIN STREET
COLLINSVILLE, CT.

**STILES ARTISTRY LLC**
5-7 RIVER ST 203-695-7343
COLLINSVILLE, CT 06019

125
51-7425/2111
13

11-10-16
Date

Pay to the Order of Town of Canton $ 260.00/100

two hundred sixty and 00/100 Dollars

Security Features Details on Back.

Thomaston Savings Bank
855.344.1874

For Application

⑆211174259⑆ 3300 200 08⑈ 0125

Harland Clarke

INTOUCH® CUSTOM CREATIONS®

2

(1)

**TOWN OF CANTON**
4 Market Street
PO Box 168
Canton, CT 06019

Land Use Department
(860) 693-7856
(860) 693-7884 (fax)

CANTON TOWN HALL
LAND USE OFFICE
NOV 1 0 2016
DATE OF RECEIPT IN OFFICE

**OFFICE USE ONLY**

**APPLICATION #** 1642 **FILE #** 347 **FEE AMOUNT:** 260.00

DATE SUBMITTED: 11/10/16 PAID (Y) N

check #125

**APPROVED Y / N**

**Zoning Official** _____ **Date:** _____

**Comments** _____

## ZONING – DEVELOPMENT APPLICATION

Address: 122 MAIN ST

Assessor's Identification: Map#: 38 Lot #: 359

Zoning District: C.B. - B1

Lot Size: .04

Land Record Reference to Deed Description: Volume: 69 Page: 176

**PROPERTY OWNER:** EATON HARDWARE CO EVERETT NEWELL **PHONE:** _____

**APPLICANT / AGENT:** KEVIN STILES **PHONE:** 203-695-7343

**MAILING ADDRESS:** 46 BEACH DR HARWINTON CT 06791

**EMAIL ADDRESS:** TATTOOSTILES@YAHOO.COM

**Present Use**

Briefly describe the present use of the site

KITCHEN CENTER FIRST FLOOR - DESIGN SERVICES
2nd FLOOR

**Proposal**

Briefly describe the proposal

PHOTOGRAPHY STUDIO + TATTOO PARLOR 2nd FLOOR OCCUPING APROX 624 SQ FEET

| Type of Application and Required Fee | | Amount Included |
|---|---|---|
| __ Special Exceptions | $200 for first and $75 for each additional special permit/exception | $200.00 |
| __ Detailed Site Plan Non-residential (new construction or expansion | $200 up to 2,000 sq. ft and $30 for each additional 1,000 sq. ft. of floor area. | ____ |
| __ Detailed Site Plan Residential (new construction or expansion | $200 up to four (4) dwellings; $30 each additional dwelling over four units. | ____ |
| __ Any application to modify plans previously approved and not considered to be new construction or expansion of a residential or nonresidential use/area | Fee equal to 50% of the original filing fee. | ____ |
| __ Excavation and Grading Permit | $200 plus $75 per acre of disturbed area or portion thereof | ____ |
| __ Soil and Erosion Control Plan Certification | All applications requiring a soil and erosion control plan certification may require an additional fee required by and paid to the North Central Soil Conservation District. | ____ |
| ✓ **All applications require an additional $60 State Fee** | | **$60.00** |
| ___ Additional Fees | The Commission may require additional fees in accordance with Town Ordinance Chapter #248 | ____ |

**TOTAL FEE** $ 260.00

Cite the Section(s) and written description of the Zoning Regulations under which you are applying (only those items specifically identified on this application will be included in the public notice and application proceedings):

Section # 4.1.C.1.E Regulatory Language: Tattooing/Tattoo parlor w/in business district
Section # 6.1.E Regulatory Language Uses allowed by Special Permit and site Plan
Section # _____ Regulatory Language: _____ approval w/in
Section # _____ Regulatory Language: _____ Collinsville Business
Section # _____ Regulatory Language: _____ Overlay District

Is any portion of the site within 500 feet of an adjoining town? (See Town of Canton Zoning Map available at Town of Canton Land Use Office)

___ Avon
___ Barkhamsted
___ Burlington
___ Granby
___ New Hartford
___ Simsbury

The required "CHECKLIST" has been completed by the applicant and attached? (Zoning Regulations Appendix)

___ No *(Failure to submit the required checklist shall render the zoning application incomplete)*

✓ Yes

**This application will be considered incomplete if any required information is not submitted.**

If a development application involves a Zoning Regulation or Map Amendment the applicant shall submit a Town of Canton Zone Change Application. The applicant shall file a copy of any proposed **regulation amendment or zone change** with the Town Clerk ten (10) days prior to the hearing per Sections 8-3(a) of the Connecticut General Statutes. Certification by the Town Clerk of the filing under these sections must be presented by the Applicant at the public hearing. (See certification form attached)

By submitting this application, I hereby verify that all materials contained herein are true and grant permission to Town employees and Commission members to enter and view the subject site.

As the applicant/ owner, I hereby give Town employees and Commission members permission to enter and walk the property, which is the subject of this application, during daylight hours during the pendency of this application.

**BEFORE SIGNING, OWNERS AND APPLICANTS PLEASE NOTE:**

By signing this application, the signer represents as to the owner or applicant, whichever applies, either:

(i) if an individual, that the signer is that individual; or

(ii) if an entity (e.g. corporation, LLC, partnership, trust, association) that he or she is legally authorized to sign on behalf of that entity.

Owner Name (please print)
EATON HARDWARE CO.
EVERETT NEWELL

Owner Signature
Everett Newell

Date: 11-8-2016

Applicant Name (please print)
KEVIN STILES

Applicant Signature

Date: 11-8-2016

Exhibit List for:

**File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone: Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

**List as of December 16, 2016**

Drawings:

1. Stormwater Pollution Control Plan: Overall Map; Dowd Avenue Industrial Park; Prepared for Casle Corporation; Prepared by Megson & Heagle; dated 8/29/00
2. Design District #1 Canton Commerce Center 2016 IPD: Master Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
3. Design District #1: IP District Existing Conditions/Site Context/Index; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
4. Canton Commerce Center Design District #1: Consistency with the Plan of Conservation and Development; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
5. Design District #1 Canton Commerce Center: Proposed Master Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
6. Canton Commerce Center Design District #1: Existing Zoning; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
7. Canton Commerce Center Design District #1: Proposed Zoning; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
8. ALTA/NSPS Land Title Survey; 300 and 350 Commerce Drive; Prepared for Canton Commerce Center Associates, LLC; Prepared by Dufour Surveying, LLC; dated 10/22/16
9. Design District #1 Canton Specialty Housing District Graphic: Master Site Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
10. Design District #1 Canton Specialty Housing District: Building Concept; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
11. Design District #1 Canton Specialty Housing District: Cover; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
12. Design District #1 Canton Specialty Housing District: Site Data and Letters of Approval; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
13. ALTA/NSPS Land Title Survey; 300 and 350 Commerce Drive; Prepared for Canton Commerce Center Associates, LLC; Prepared by Dufour Surveying, LLC; dated 10/22/16
14. Design District #1 Canton Specialty Housing District: Grading Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
15. Design District #1 Canton Specialty Housing District: Site Utility Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
16. Design District #1 Canton Specialty Housing District: Erosion Control Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
17. Design District #1 Canton Specialty Housing District: Erosion Control Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
18. Design District #1 Canton Specialty Housing District: Erosion Control Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
19. Design District #1 Canton Specialty Housing District: Erosion Control Notes; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
20. Design District #1 Canton Specialty Housing District: Layout Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16

21. Design District #1 Canton Specialty Housing District: Materials Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
22. Design District #1 Canton Specialty Housing District: Planting Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
23. Design District #1 Canton Specialty Housing District: Lighting Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
24. Design District #1 Canton Specialty Housing District: Fire Truck Turning Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
25. Design District #1 Canton Specialty Housing District: Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
26. Design District #1 Canton Specialty Housing District: Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
27. Design District #1 Canton Specialty Housing District: Site Utility Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
28. Design District #1 Canton Specialty Housing District: Site Utility Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
29. Canton Specialty Housing: Building Floor Plans; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16
30. Canton Specialty Housing: Exterior Elevations & Perspective; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16
31. Canton Specialty Housing: Dwelling Unit Plans; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16

<u>Correspondence:</u>

1. Town of Canton Planning/Zoning Development Applications – File #453; Apln #1652; 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners
2. Letter of transmittal from LADA, P.C. to Neil Pade; dated 11/30/16
3. Copy of payments; check #'s 12749 & 12750
4. Letter from Phil Doyle of LADA, P.C. to Neil Pade; dated 11/25/16
5. Site Plan application checklist
6. Regulation Amendment application checklist
7. Zone Map Amendment application checklist
8. Letter from David Sessions of Canton Commerce Center Associates, LLC to Neil Pade; dated 11/28/16
9. Letter from Ken Regan of Regan Development Corporation to Neil Pade; dated 11/14/16
10. Narrative on Ken Regan and the Regan Development Corporation
11. Narrative describing the proposed Site Development Plan
12. Narrative describing the zone and conformance to Section 5 of the zoning regulations
13. Narrative describing the proposed zone: DD#1 Canton Specialty Housing District (CSH)
14. Traffic statement
15. Institute of Transportation Engineers Common Trip Generation Rates
16. Fiscal impact statement
17. Estimated real estate tax for the proposed Canton Specialty Housing
18. 2016 real estate tax bill for 300 and 350 Commerce Drive
19. Narrative describing the architectural design concept
20. List of abutters with 100 feet of 300 and 350 Commerce Drive
21. Town of Canton GIS map for 300 and 350 Commerce Drive

22. Custom soil resource report for the State of Connecticut pertaining to 300 and 350 Commerce Drive; dated 11/8/16
23. Natural Diversity Data Base request from Phil Doyle of LADA, P.C. to the State of Connecticut Department of Environmental Protection; dated 10/26/16 (11 pages)
24. Letter from the State of Connecticut Department of Environmental Protection to Phil Doyle regarding the Natural Diversity of Data Base inquiry; dated 11/15/16 (6 pages)
25. Letter from Phil Doyle to Roger Ignazio of the Town of Canton WPCF regarding a capacity review; dated 10/26/16
26. Town of Canton WPCF capacity review/change of use application
27. Letter from Phil Doyle to Paul Robotham of the Connecticut Water Company regarding a capacity review; dated 10/27/16 (3 pages)
28. Letter from Paul Robotham to Phil Doyle; dated 11/22/16
29. Storm drainage report; prepared for Canton Commerce Center; prepared by Clark Engineering; dated 11/29/16 (found under separate cover)
30. Certification of notice for posting of Public Hearing sign per Section 9.9.F of Zoning Regulations; dated 12/1/16
31. Certificates of mailing (2 pages)
32. Abutter notice; received by the Land Use Office on 12/2/16
33. Deeds for 300 and 350 Commerce Drive (found under separate cover)
34. Email from Renee Narducci to town staff regarding plan review; dated 12/6/16
35. Plan review comments from Chief of Police Christopher Arciero; dated 12/7/16
36. Town of Canton legal notice
37. Email from Renee Narducci to Town Clerk Linda Smith regarding notification of the public hearing on 12/21/16; dated 12/8/16
38. Memo from Renee Narducci to Town Clerk Linda Smith regarding notification of the public hearing on 12/21/16, as required per Sections 9.3.B.6 and 9.4.B.6 of the zoning regulations dated 12/8/16
39. Plan review comments from Fire Marshal Tim Tharau; received 12/14/16
40. Turning radius requirements for the Town of Canton Fire Department Ladder Truck
41. Email from Project Administrator George Wallace to Neil Pade regarding plan review comments; dated 12/14/16
42. Sketch from George Wallace regarding possible shift of parking spaces in order to reduce overall ground disturbance; received 12/14/16
43. Plan review comments from Building Official Jerry Waters; received 12/14/16
44. Proof of legal notice from the Valley Press
45. Agenda for the 12-21-16 Planning and Zoning Commission meeting
46. Staff memorandum from Neil Pade to the Planning and Zoning Commission regarding plan review comments; dated 12-14-16
47. Revised email from Project Administrator George Wallace to Neil Pade regarding plan review comments; dated 12/15/16
48. Plan review comments from the Chief of Fire and EMS Craig Robbins; received 12-15-16
49. Email from Paul Dombrowski of Woodard & Curran, Inc. to Phil Doyle regarding a request for sewer capacity review; dated 12-16-16
50. Letter from Paul Dombrowksi of Woodard & Curran, Inc. to Phil Doyle providing a response to request for a sewer capacity review; dated 12-16-16

**COMMITMENT & INTEGRITY DRIVE RESULTS**

1699 King Street, Suite 406
Enfield, Connecticut 06082
www.woodardcurran.com

T 855.347.6788
T 860.627.0314

WOODARD &CURRAN

December 16, 2016

Mr. Phillip Doyle
LADA, PC
104 West Street
Simsbury, CT 06070

Re: Application 16-008, 300-350 Commerce Drive, Canton

Dear Mr. Doyle

This letter is in response to Application 16-008, requesting verification of available sewer capacity for a 40+/- unit apartment complex that will include 70 proposed bedrooms at 300 and 350 Commerce Drive in Canton, CT. This application was received and accepted by the Canton WPCA at their November 1, 2016 meeting.

Based on our review, we can confirm that the Canton sanitary sewers, from the proposed point of connection to the Water Pollution Control Facility (WPCF), have adequate capacity to accommodate the proposed flow of 5,950 gpd projected in the application. Note that the capacity requested is not guaranteed and may not be available in the future.

Based on these findings, the Canton WPCA, at their regular meeting of December 6, 2016, voted to approve this application for a capacity review.

Please note that the following steps are required moving to forward and prior to initiating construction of any sewer connection:

1. A design package shall be submitted to the WPCA for review and approval. Note that all work pertaining to sanitary sewer installation must comply with the Canton WPCF Standard Specifications and Details. In addition, also note that construction of any new public sewers or existing sewers modified will require a construction agreement between the property owner and the WPCA
2. Final as-built drawings and/or a building walk-through will be required to confirm the number of units and bedrooms included in this project.
3. Any new or modified connection to the sanitary sewer system will be subject to Connection Charges, in accordance to the Current Schedule of Sewer Connection Charges. Also note that, once connected, the properties and buildings served will be subject to Sewer Use Charges in accordance with the currently published Schedule of Annual Sewer Usage Charges.

Please do not hesitate to contact either me at (860) 253-2665, or WPCF Superintendent Roger Ignazio, Jr. at (860) 693-7867 if you have any questions or need additional information.

Sincerely,

WOODARD & CURRAN INC.

Paul A Dombrowski

Paul A. Dombrowski, PE, BCEE
Senior Principal

PAD/pad/#222479.08
cc: Roger J. Ignazio, Jr., Superintendent

50

## Narducci, Renee

**From:** Pade, Neil
**Sent:** Friday, December 16, 2016 10:37 AM
**To:** Narducci, Renee
**Subject:** FW: 330-350 Commerce Drive
**Attachments:** 2016.12.16 330-350 Commerce Capacity Review.pdf

-----Original Message-----
From: LADA, P.C. [mailto:ladapc@snet.net]
Sent: Friday, December 16, 2016 10:39 AM
To: Pade, Neil; Ken Regan
Subject: FW: 330-350 Commerce Drive

See capacity letter from the WPCA.

-----Original Message-----
From: Paul Dombrowski [mailto:pdombrowski@woodardcurran.com]
Sent: Friday, December 16, 2016 10:32 AM
To: Philip Doyle
Cc: Roger J. Ignazio - Town of Canton (RIgnazio@TownofCantonCT.org)
Subject: 330-350 Commerce Drive

Mr. Doyle,

Attached is a letter following up on the application submitted by your firm to the Canton WPCA (Application 16-008) regarding the request for sewer capacity for the proposed development at 330-350 Commerce Drive.

Please contact either me or Roger Ignazio should you have any questions.

Regards,

Paul A. Dombrowski, PE, BCEE
Senior Technical Practice Leader
Woodard & Curran, Inc.
1699 King Street, Suite 406
Enfield, CT 06082
Cell (203) 605-1297
Office (860) 253-2665

(48)

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

**APPLICATION REVIEW**

CANTON TOWN HALL
LAND USE OFFICE
DEC 15 2016
DATE OF RECEIPT IN OFFICE

To: George Wallace, Project Administrator
Jerry Waters, Building Official
Craig Robbins, Chief of Fire and EMS
Tim Tharau, Fire Marshal
Christopher Arciero, Chief of Police
Roger Ignazio, WPCF Superintendent

From: Renee Narducci, Land Use Coordinator (860) 693-7856

Re: **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

Date: December 6, 2016

---

The above captioned application is scheduled to be received at the Planning & Zoning Commission meeting scheduled for December 21, 2016. Please review the attached plans and return them with your comments at your earliest convenience. Use a separate sheet if necessary. Thank you in advance for your time and review.

**COMMENTS**

Comments from the Fire/EMS Department based on initial review

- Fire hydrant and sprinkler connections not shown on plan
- Fire Department would encourage a standpipe system be installed
- Tree's shown may block aerial access to building, and encroach on turning radius in parking lot.
- Ensure area in rear of building is accessible and maintained for ground ladder setup/access
- Request inside dimensions of elevator car to ensure EMS stretcher will fit

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## Narducci, Renee

**From:** Wallace, George
**Sent:** Thursday, December 15, 2016 9:31 AM
**To:** Pade, Neil
**Cc:** Anyzeski, Emily; Narducci, Renee; Skinner, Robert; Martin, Robert
**Subject:** RE: Site Plan for #300 & #350 Commerce Drive; Canton, CT added comment adj.
**Attachments:** doc10146920161214141021.pdf

Neil,

I have completed a preliminary review of the site plans entitled Design District #1 Canton Specialty Housing District; Canton Commerce Center, Commerce Drive; Canton, CT – Sheets S-1 [Site Utility Plan] dated 11/29/16, L-9 [Planting Plan] dated 11/30/16; & L-11 [Fire Truck turning Plan] dated 11/30/16; as prepared for Regan Development Corporation; along with the Storm Drainage Report dated 11/29/16; and have the following comments:

1. Considering the proximity of the site(s) to the bike path/walking trail to the north coupled with the amount of residential development to the south, it is recommended that sidewalks be installed across the frontage of #350 & #300 Commerce Drive.

2. The gravel driveway and associated grading shown to the south of the proposed building on sheets L-9 & L-11 is not shown on sheet S-1.

3. M.H. #1 and the existing downstream receiving catch basin should be drop structures with the 4' sumps to help dissipate some of the flow energy generated in the upstream pipe segments which are in excess of 10% in grade and generate pipe velocities in excess of 10 fps [feet per second].

4. It is suggested that the underdrain be constructed as a curtain drain and be shifted to the east to the toe of the cut slope unless test pits have indicated the groundwater will not be an issue at that location.

5. It is suggested that consideration be given to eliminating the long curb drop off segment in front of the proposed building and instead use two (2) drop off spaces on each side of a main entrance bump out which would allow shifting/concentrating parking to the south [shown on attached sketch] and thus reducing ground disturbance by approximately 5,950 sq. ft. [170' x 35'] some of which would be reduced pavement area.

6. It is suggested that consideration be given to cutting some of the required parking spaces into the slope on the east side [shown on attached sketch] and with further shifting of parking to the south to maintain the same number of spaces there could be a reduction in overall ground disturbance by at least 3,600 sq. ft. [170' x 18'] some of which would be reduced pavement area.

7. If lot #300 and lot #350 are not combined into a single lot as part of the proposed development; it would be recommended that an access/sloping right/drainage easement over lot #350 in favor of lot #300 be included on the plan in the event that someday lot #350 may be sold and/or other development may be proposed for it.

Please contact me if you have any questions on any of the above.

Sincerely,

PLANNING & ZONING COMMISSION
Canton, Connecticut Inc. 1806
4 Market Street, Collinsville, Connecticut 06022

**MEMORANDUM**

**TO:** Planning and Zoning Commission

**FROM:** Neil S. Pade, AICP, Director of Planning & Community Development

**CC:** Phil Doyle, LADA, Applicant Representative
Ken Regan, Regan Development, Applicant
Zoning File #456 Apln #1652

**SUBJECT:** Design District Application; 300 and 350 Commerce Drive; Staff Report

**DATE:** December 14th, 2016

---

**Proposal**

The applicant proposes to construct and operate a unique multi-dwelling unit facility focused on the needs of clients of the nearby Favarh service provider. Favarh assists people with intellectual and developmental disabilities live, grow, and experience life independently.

A total of 40 dwelling units and approximately 70 bedrooms are proposed. Of these, ten (10) are designed with "accessible plus" features that provide "high quality special needs rental units" for "people living with developmental disabilities". Two (2) units are designed to be "accessible" meeting fundamental accommodations under the American with Disabilities Act (ADA). All other units are designed in a manner that is convertible to "accessible" units if necessary. One quarter of the units will be specifically dedicated to clients of Favarh. Favarh will have staff within the building to assist their clients 24 hours per day. More information on Favarh and its mission can be found at the following:
http://favarh.org/

All dwelling units are proposed to be "affordable" in nature in a manner consistent with Connecticut General Statutes (CGS) § 8-30g.

Necessary and associated site improvements for such a facility are also proposed, including but not limited to, grading, landscaping, parking, utilities, storm water, etc.

## Design Districts

This is the first application for a Design District proposal under Section 5 of the 2014 Zoning Regulations. Section 5, Design Districts, was created to allow for the development of an area to be master planned in a manner not presently allowed by zoning. Through the master planning process, new development potential and associated uses, are considered. The process evaluates existing conditions of the area, provides for a general development plan representing how the area may potentially be developed, and provides regulations and standards to allow the concept of the planned development to be realized.

As such a Design District combines the planning function with the legislative process of adopting new zoning districts and regulations, a zone map amendment and zoning regulation amendment (Zone Change).

Approval of a Design District application requires the affirmative consideration of the following:

- Section 5.1.D – Design District Decision Considerations
- Section 9.3.C – Regulation Amendment Decision Considerations
- Section 9.4.C – Zone Map Amendment Decision Considerations
- CGS § 8-2 – Consideration of Zoning authority
- CGS § 8-2 – Consistency with the "comprehensive plan"
- CGS § 8-3a – Consistency with the Canton Plan of Conservation and Development (POCD)

When a Design District proposes uses to be allowed within the district the following criteria are applicable:

- Section 9.2.D – Special Permit Decision Considerations
- Section 9.2.E – Special Permit Criteria

When a Design District proposes a complete Site Development Plan the following criteria are applicable:

- Section 9.1.A – Site Plan Application Requirements
- Section 9.1.D – Site Plan Decision Considerations
  (It is understood the Design District may create new standards with limitation, however if not specifically addressed, current standards apply, i.e. Section 7 Basic Standards and Section 8 Special Regulations)

## Industrial Park Master Plan and Re-Planning the Industrial Park.

The Industrial Park was part of a master plan developed by the town in the 1980's. Following that plan, the land was divided into lots intended for a very limited number of low intensity light industrial uses to occupy 14 buildings (approximately 26,000 sf in size on average). Additional information on the history of the park is included in the applicant's zone narrative.

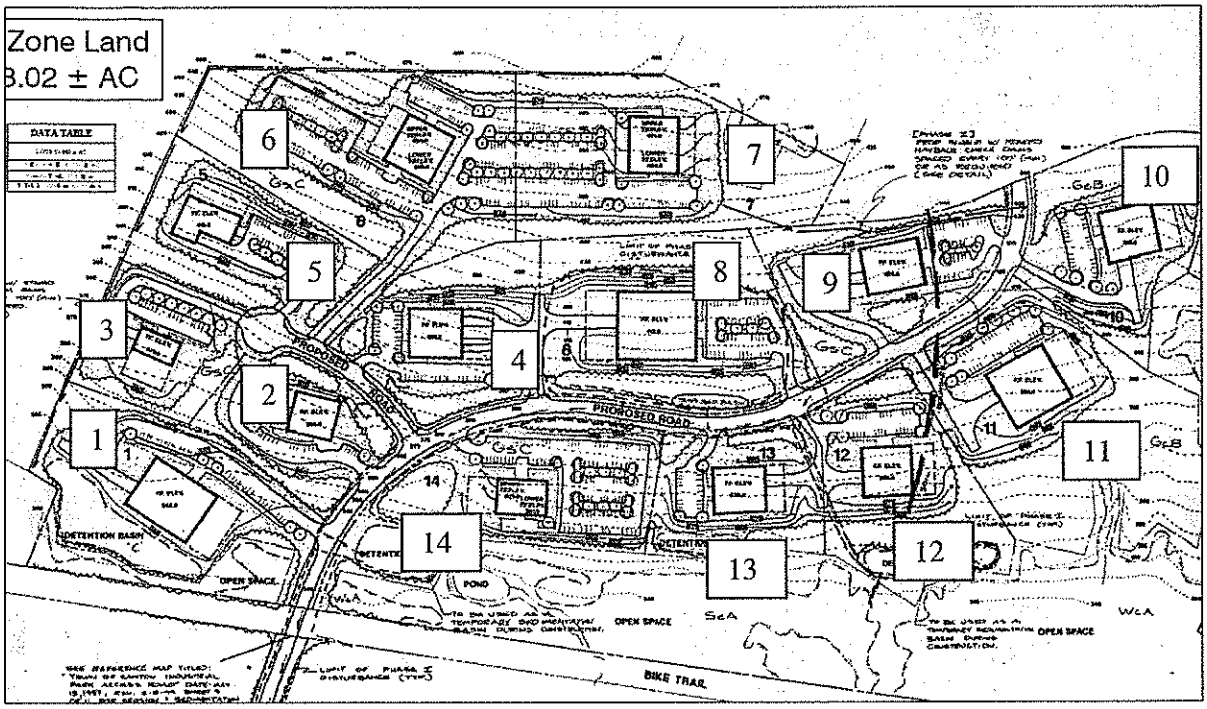


*Figure 1 - Except of Commerce Center Master Plan, 8-29-00 (South is orientated to the top of the page)*

At some point after 2000, Lots 6 and 7 (the two southernmost industrial lots) were combined and rezoned as Active Adult Housing (AAH). That development abuts land to the south subsequently developed as single family housing. The AAH thus functions as a transition between the single family homes and intended non-residential development.

This proposal adds additional high density housing within the Industrial Park on Lots 8 and 9, in closer proximity to lots presently occupied, and intended to be occupied, with places of business (Lots 1-5 and 10-14).

This places us as at a crossroads for the planned future of this area. The Commission should be cautious not to review this proposal in a vacuum. Anticipation of this concern was raised at the August 17, 2016 special meeting/ site walk of Commission and Canton Economic Development Agency (EDA) at Ojakian Commons in Simsbury, "this may be a "threshold" moment for the EDA and PZC. They may want to consider moving the struggling park forward in a direction maybe not originally intended, but a direction that would help meet the needs of the community." The Commission must evaluate the community needs of special needs housing and affordable housing opportunities versus the community need of additional non-residential development. The Commission must evaluate the potential change in direction of the Industrial Park.

This is not the first time the addition of high density residential uses to the Industrial Park has been discussed. If this proposal is approved, it is anticipated additional high density residential development interest in the market will be pursued on other undeveloped lots (Lots 10, 11, and 12), while others may be retained for non-residential uses (Lots 4, 5, and 13).

The Commission identified this as a "transitional point", the time and opportunity to re-envision the future of the entire Park. It was not clear whether this re-envisioning would occur in the form of multiple/ nearly simultaneous (two to three) Design District applications proposing the coordinated fragmentation of the park into different use areas, or through an overall master plan.

The pre-application review discussed the concept of high density residential district likely on Lots 8-12 (expanding the transition from the single family neighborhood to the south), to non-residential development remaining on Lots 2-5, and 13. A "Favarh campus" was also discussed representing Lots 1, 14 and 8 and 9 (also referencing 20 Canton Springs Road, another Favarh facility accessed through the trail). While an initiative to study this moved forward, the Town was notified that funding deadlines specific to the special needs housing was moved out of schedule with the intended course of action. The development proposal specific to Regan was resultantly moved ahead independently.

In addition to the remaining lots possible for business and residential purposes, the Industrial Park includes the Farmington River Rail Trail (FRRT). An application is also pending opposite Lot 14 on the north side of the FRRT to create a community "dog park".

While the Regan proposal may be evaluated on its own, it's timing and potential effect of how the rest of the Park may be developed cannot be ignored. With the potential for the Park to be developed with a mix of high density residential, businesses, a Favarh campus, and recreational/ community facilities all in close proximity, it should be master planned as a whole with consideration of how all of the lots, facilities and uses will interconnect and function as a community.

**Public Hearing Notices and Statutory Time**

The application was submitted on November 30th, 2016.

The official date of receipt of the application under CGS § 8-7d(c) will be the date of the next regularly scheduled meeting of the Commission, December 21, 2016. A public hearing is required for Zone Change applications. The application was submitted with enough time for legal notices to be published so that the hearing could open at the **December 21, 2016** regular meeting.

Legal notices of public hearing have been to be published as follows:

- Legal notices were/ are to be published in the Hartford Courant on Thursday, December 8, 2016 and Thursday, December 15, 2016

- Certification of the posting of a Public Hearing Sign (Section 9.9.F) was submitted on December 1st, 2016 (pending the conclusion of the notification period).

- Certification of the required mailings (Section 9.9.G), was submitted on October 8, 2014. Copies of the letters sent to abutters have been added to the file on December 1st, 2016.

- The proposed amendment has been filed with the Town Clerk (CGS § 8-3) (at least 10 days before the hearing) has been confirmed on December 8th, 2016.

Per CGS § 8-7d(a) the hearing must be closed within 35 days (**January 25th, 2016**) unless the applicant grants an extension. The Commission should remain cognizant of the associated Site Plan application. For Special Permit applications, when entwined with a Site Plan application, the statutory time frames of the Special Permit govern. It is not clear if the same occurs when a Zone Change is entwined with a Site Plan proposal. The Commission is advised to monitor the two statutory timelines from receipt, 65 days to open the hearing, 35 days to conduct the hearing, 65 days to render a decision (Zone Change) vs. 65 days to render a decision (Site Plan).

These two applications are inherently entwined and should be processed simultaneously. The Commission should formally require a public hearing for the Site Plan (allowed but not required under statute) to coincide with the public hearing for the Zone Change (required under statute). It should be made clear that public input is invited on all aspects of this proposal. It should be understood the uses and standards demonstrated on the Site Plan are prohibited until a Zone Change allowing them is approved and becomes "effective".

**Fee**

The application was submitted with the required fee calculated by the applicant and confirmed by the Land Use Coordinator.

Per Chapter 348 of the Canton Town Code, Additional Fees may be required by the Commission by making any of the following findings:

(1) the nature and intensity of the project may have a significant impact on the site and its surrounding areas; or
(2) the project is extraordinarily large, complex or otherwise significant project; or
(3) Town staff will not be able to complete a technical review of the application in the time period prescribed by the Connecticut General Statutes; or
(4) The project poses environmental, traffic and/or other issues beyond the expertise of the Permitting Authority's staff to evaluated and make appropriate recommendations.

Based on preliminary reviews, staff does not recommend the setting of an Additional Fee at this time.

**Exhibits**

See the Appendix for a list of exhibits on file at the time this memorandum was drafted.

## Checklist Review

The applicant has submitted a completed Zone Map Amendment, Regulation Amendment, and Site Plan Application Checklists. Under item 16.3 of the checklist, additional information would need to be submitted by the applicant should a protest petition is received. An Erosion and Sedimentation Control Checklist is also required however materials have been submitted and the requirements of that section have been reviewed regardless.

## Completeness

At the time of this memorandum, the application and submission requirements appear to be generally complete, with sufficient information available to commence review and processing of the application.

## Design District Considerations

Per Section 5.1.D, the following are a required part of the Commission's decision:

- 5.1.D.1 The Decision Considerations of Section 9.4 Zone Map Change Amendment – Consistency with the Comprehensive Plan and POCD; and consideration of the factors under CGS § 8-2 and 8-3 – to be evaluated below.

- 5.1.D.1.a Whether the proposal is consistent with the POCD – In addition to the requirements of this section, CGS § 8-3a provides that:

  "In any municipality which has a combined planning and zoning commission operating under the general statutes or any special act, the commission shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality." (underlining added for emphasis)

  The following analysis is provided for the Commission's consideration:

  - It is a concern that there is a very limited amount of undeveloped land remaining zoned for non-residential (i.e. tax positive) uses. The Industrial Park is identified in the POCD as an "Opportunity Site", meaning there is an expectation that the land will contribute a meaningful positive addition to the tax base. In recent years, when light industrial uses have been proposed to be added to existing residential areas, the community has opposed them. It is logical the Town would want to protect the Park for the anticipated grand list growth it was intended to provide. At the same time the Park has struggled through periods of substantial economic growth with years of opportunity to be realized. Understanding this, the POCD calls for this area to be explored for Industrial Mixed Use. POCD Implementation Measure ED50 specifically states:

"Consider allowing mixed use with increased density and impervious coverage in the Industrial Park such as a Commerce Drive District defined as a mix of businesses and industrial and high density residential. (Consider requiring a percentage match of uses and limit residential to upper floors)".

The submitted application is consistent with this Implementation Measure in many ways, short of evaluating and providing mechanisms for the future mix of the entire Park area between sites and within buildings. (It is recognized in this proposal employees of Favarh will be staffed and provide services within the building, however such employment function/ business use is not a requirement in the proposed district.)

- The POCD recognizes the Canton Village District, the district this proposal is located in, to be an "auto-dependent environment". Per the Canton Village District Infrastructure evaluation:

  "Additional provisions should be made for bicycles and pedestrians by expanding connections between nearby commercial, residential and institutional uses. Such action could also connect to and enhance the use of the Farmington River Rail Trail (FRRT)" (an ADA accessible recreational resource).

  This proposed residential development associated with the Favarh 'Campus' proposes no such connections. Nor is there an ADA accessible route to the public right of way. As proposed, two buildings that share a close business relationship are approximately 350 feet apart, yet would require a vehicle trip of approximately 1/3rd of a mile to get between them. Mobility options for the intended residents, employees, and visitors are constrained. The proposed layout dictates unnecessary vehicle trips concentrated in a very small geographic area.

- POCD measure ED49 provides:

  "In all business districts and mixed use zones – increase/ expand sidewalks, including both sides of the street wherever feasible and prudent."

  POCD measure ED72 states to:

  "Revise the regulations to encourage/ require business areas to be more pedestrian and bike friendly."

  The Commission carried this out through the adoption of Section 7.9 from which this proposal requests exemption.

- Numerous POCD references emphasize coordinating connections between sites, to and from community resources and destinations.

- R6 – Promote naturally occurring affordable housing which may not be deed restricted but which meet the market criteria for purchase or rent by low and moderate income families.

- R9 - Review zoning regulations to create one or more zones that allow for apartment/ condominium development. Consider limiting the number of units per building and other character related caveats where appropriate.

- R10 – Maintain a strong, diverse housing balance, increasing the more moderately priced housing options while maintaining the number of detached single family housing units at above 65%.

- R-11 – Explore regulations for higher density areas suitable for mixed-income and mixed use development with significant control over the location, amount, type and design of such housing and associated development.

- F4 – Address the need for affordable housing, ideally in the vicinity of, and consider the development of, complimentary supporting transportation options. (Note: the FRRT is an Active Transportation Route able to accommodate persons who cannot afford a car get to points of employment, services, transit, and education (utilized as the Town's Safe Routes to School route.))

- CC16 – Land use regulations and actions that promote a variety of neighborhoods and housing to accommodate households of diverse sizes and economic status.

- CC45 – Continue to encourage and promote the community's welcoming spirit to all residents and visors alike.

- This unique proposal touches upon an interestingly high number of development, residential, and community service related POCD references, more than can be included in the body of this report. Please see the Appendix for additional references.

A final determination of the consistency of this proposal with the POCD will be made by the Commission during the proceeding.

- <u>5.1.D.1.c Whether the proposal complies with the Master Plan Requirements of 5.1.C</u>
  - Existing Conditions Plans – comprehensive existing conditions plans submitted
  - General Development Plans (Comprehensive Site Development Plan Submitted as allowed by Section 5.1.B.5)
    - 5.1.C.2.b. i-vii adequately addressed in Site Development Plan.

    - 5.1.C.2.b. viii – under evaluation by Emergency Responders, Public Works, Project Administrator, etc... Adequate provision of water has been confirmed by supplier. Sewer is pending WPCA review. Additional information is requested for fire protection service from Fire Chief.

    - 5.1.C.2.b.ix – Requires "sidewalks and/ or pedestrian walkways shall be provided in conformance with the requirements of Section 7.9." The

applicant proposes regulations within the proposed DD#1 District that exempt this requirement from projects made consistent with the states affordable housing statute. A District requirement cannot be removed in order to attain approval under that District (except by a separate legislative proposal). However, the Commission, in their evaluation of Section 7.9, could modify the application of these standards in accordance with 7.9.C.6.

- 5.1.C.2.b.ix - The applicant has partially met this requirement by the provision of sidewalks internal to the site only.
    - 7.9.C.1 – 6 requires ADA compliant pedestrian access and walkways to the lot, along the street frontage, and to and from the building and street.

    - 7.9.D.1 – 6 requires bicycle parking to be provided due to its nature as a Multi-dwelling unit development, as a Design District, and as required by its proximity to the FRRT (7.9.D.1.a, b & d).

    - 7.9.E – under review by Emergency Responders

- 5.1.C.2.b.ix – The proposed exclusion of Section 7.9, Bicycle, Pedestrian, and Emergency Accommodations for projects consistent with CGS § 8-30g (Affordable Housing) is troubling. Persons who reside in Affordable Housing developments should be provided the same improvements that market rate residents would receive under the proposed district. Affordable Housing is the very use in which alternate modes of transportation (i.e. non-motorized) are a necessity for residents.
    - The proposed exclusion from the DD#1 district is concerning for a development near an accessible Active Transportation route providing connections to two of the Town's three economic centers, three of the four public schools, community facilities and transit. Also in close proximity are Canton Village Center and the shops and services within.

    - A separate accessible path to from the building to the street is required by this section.

    - The short distance and lack of a connection between Favarh's headquarters, Lot 14, to this development (where Favarh clients and staff will reside and provide service), is concerning. The lack of connection limits mobility options of residents and employees. This dictates unnecessary motor vehicle trips within a small geographic area.

- The Town recently completed a Road Safety Audit under the State's Community Connectivity Program to build pedestrian improvements and connections within the Canton Village District, including Dowd Avenue, Commerce Drive, and the Trail http://ctconnectivity.com/wp-content/uploads/2016/08/2016-0816-Canton-RSA-Report.pdf

- Standards for Proposed Development (Comprehensive Site Development Plan Submitted as allowed by Section 5.1.B.5)
  - 5.1.C.2.c.i - Uses – The applicant proposes the following uses permitted as of right: Multiple Dwelling Units; Special Needs Multiple Dwelling Units; Affordable Dwelling Units.
    - Multiple Dwelling Units and Affordable Dwelling Units are existing Defined Terms. Special Needs Multiple Dwelling Units is not. Some explanatory text is provided. The Commission should consider if a standalone definition should be provided.

    - A required/ minimum mix of uses is not provided. Technically if this district were approved, 40 market rate units could be swapped in without contention. The Commission should be cognizant of this and determine whether or not it is of concern in this district. The Commission may wish to prescribe a required percentage match of affordable and/ or special needs units.

    - As written the proposed use of Special Needs Dwellings has no connection to Favarh or similar organization. The Commission should be cognizant of this and determine whether or not it is of concern in this district.

    - As written the proposed uses do not consider employment function by Favarh or similar service providers. This may be no different than typical home-care services not regulated by zoning. This should be clarified based on the intended 24 hour staffing and specific relationship proposed.

    - It is recommended that uses be allowed by Zoning Permit and Site Plan Approval utilizing or referencing the language used immediately following Sections 4.1.B and 4.2.B. This is recommended in order to be consistent with the present scheme in which zoning and subsequent building permits are administered.

    - Minor modifications to an approved site plan are allowed under 9.1.A.13 which may be referenced.

- By using the defined term "Affordable Housing" the applicant is limiting such housing to housing allowed and regulated under CGS § 8-30g. This may be different than the stated intent to provide housing "in a manner consistent with CGS 8-30g".

- 5.1.C.2.c.ii – bulk standards – provided and acceptable except for the following:
  - Standards for massing, however density limits are proposed;
  - Allocation of uses by floor area;
  - Landscaping standards – demonstrated on submitted plans
  - Site lighting standards – demonstrated on submitted plans
  - Hours of operation (residential)
  - Design guidelines – represented on submitted plans. An Architectural Design Concept Narrative has also been submitted.
  - Signage – referencing existing regulations
  - Unified development – The proposal is presently on two separate lots. Suggest the following addition to proposed 5.8.A: "Properties within the DD#1 District may be developed as a Unified Development Parcel in accordance with the provisions of Section 5 of the regulations and the DD#1".

- 5.1.C.2.c.ii – bulk standards – for those standards not spelled out in regulations the Commission should determine the provision of this information graphically on the site plan is acceptable or if written standards should be provided. It should also be clarified that any regulation not addressed by this new section remains applicable. The following language is recommended:

  "except as otherwise provided in this section the property within the DD#1 shall be subject to all applicable provisions of the Zoning Regulations of the Town of Canton."

- Proposed Section 5.8.A has a typo, "2013" should read "2014".

- 5.1.C.2.d Fiscal Impact Analysis – A limited fiscal impact analysis is provided

- 5.1.C.2.e – Additional Documentation –
    - A detailed traffic statement is provided. Based on the original anticipated build out of the park the proposed change is not anticipated to produce a significant change in traffic generation.

    - Water service has been confirmed. WCPA service is pending.

- 5.1.D.c Whether abutting streets and intersections are capable of accommodating anticipated traffic – See 5.1.C.2.e, specific to motor vehicle traffic it is anticipated this will decrease from original motor vehicle traffic projections.

- 5.1.D.1.d Whether proposed uses are consist with the Special Permit Criteria of Section 9.2.E – The Special Permit Criteria of Section 9.2.E is listed in the Appendix. In the context described in the POCD and comprehensive plan evaluations of this report, it is understood that higher density residential housing is considered to be an appropriate transitional use for land being developed within this context. Further the Town's needs for housing diversity and affordable housing options is well documented. Concerns raised in the review of the Design District Standards and POCD review are applicable to this section.

- 5.1.D.1.e Adherence to the purposed of the District – the purpose of the Design District is listed as follows:
    - 5.1.A.1 - Enable the development of an area in accordance with an overall Master Plan;

    - 5.1.A.2 - Result in a development that demonstrates a high quality design compatible with Canton's qualities;

    - 5.1.A.3 - Foster development which is compatible with the surrounding areas and incorporates buffers or transition areas to reduce potentially negative impacts on single family areas;

    - 5.1.A.4 - Encourage a mixture of compatible uses and sizes of structures to create a sustainable and attractive environment for a wide variety of businesses;

    - 5.1.A.5 - Break up the apparent mass and scale of large structures, as well as large paved areas, to reduce visual impacts and insure that development does not detract from Canton's character;

    - 5.1.A.6 - Mitigate impact of large-scale development within its surroundings;

    - 5.1.A.7 - Promote and facilitate a safe and comfortable pedestrian scale environment;

- 5.1.A.8 – Be flexible to allow for innovative design techniques, accommodate unique uses and encourage creative approach to development issues;

- 5.1.A.9 – Allow for an organized manner in which applications filed under CGS § 8-30g may be processed;

This proposal meets most of the intentions of Section 5.1.A noted above. Specific to subsections 5, 6, 8, and partially 2, the layout and design makes use of the existing site conditions, and substantial remaining tree line, and lays out a somewhat large and tall building (inclusive of a parking area that is not insignificant), in a manner that frankly is not going to be very visible. As explained in the architectural narrative the area context has been taken into consideration in the proposed building design. The property when viewed from its closest residential neighbors to the south will be screened and if visible will appear as a two-story building. From the road (north), the building will appear to be a three story building but its mass and height will be softened by the substantial existing tree line that is proposed to remain.

Subsection 4 is partially met in that the proposal introduces additional residential housing somewhat unique from the other housing already existing within this "business" area (although such unique housing is tentative to this developer, not a requirement of the district). The uses are considered to be compatible with existing residential and business uses in the area, and overall compatible with the area short of the lack of pedestrian infrastructure. As such without the inclusion of pedestrian access to the exterior of the property and interconnection between sites, the proposal fails in this regard with Subsection 7. Applicability of Subsection 9 is not clear at this time.

- 5.1.D.f Consistency with other applicable regulations – Evaluated under 5.1.C.

- 5.1.D.g Consistency with CGS § 8-2 – The Commission can consider all of the factors listed in CGS § 8-2 when reviewing changes in zoning regulations (inclusive of map amendments). Approval of proposed amendments should be found to be reasonably related to the police powers set forth under CGS § 8-2. (Copied to the end of this memorandum for convenience.)

    - Comprehensive Plan - Amendments approved by the Commission should be consistent with the comprehensive plan. The comprehensive plan is found in the scheme of the zoning regulations and its zoning map. The purpose of reviewing the comprehensive plan is to ensure that the Commission does not act in a manner which is arbitrary or unreasonable, but promotes reasonable and logical development. In promoting reasonable and logical development the wishes of individual property owners is not strongly considered. The change must serve the public interest in the development of the community.

The Industrial Park is substantially underdeveloped. The two largest developments within consist of the high density residential development to the south that was rezoned to AAH, and the Favarh headquarters within the IPD, both of which complement the proposed zone change. Also the proposed zone change provides high density residential uses which are appropriate to locate in this transitional area. This proposal is within close proximity to community facilities and recreational assets such as the FRRT, also consistent. Recent planning efforts call for the connection of this area to the Canton Village shopping and high density residential area on Dowd Avenue, also consistent.

- 5.1.D.2 Compliance with Site Plan criteria of Section 9.1 unless superseded by new standards adopted under this section. Section 5 allows for the submission and possible approval of a complete site development plan as part of the General Development Plan required under Section 5.1.C.2.

  Staff has conducted a review of the site plan requirements including all of the standards prescribed by Section 7.1 – 7.13 and Section 8, the overwhelming majority of which have been satisfactorily addressed. Discrepancies noted are included in the Appendix.

  The following are specifically called out to the Commission's attention:

  - An erosion control estimate must be submitted as part of the Certification requirements for the Erosion Sedimentation Control Plan.

  - The November 15, 2016 recommendations of the CTDEEP should be incorporated by reference.

  - Compliance with the standards of Section 7.9 is required. The Commission may determine modifications under Section 7.9.C.6.c.

  - The Commission should recognize the extent existing vegetation is utilized to comply with the intent of landscaping standards under Section 7.1.D.1-4

## Legal Considerations for Commission Action

The following are legal requirements derived from a reading of CGS, Section 8-3; as summarized by Zizka in ***What's Legally Required – 2004***, 7th edition, DEP Bulletin # 39, and / or ***Planning and Zoning in Connecticut, 4th Edition***, by Thomas P. Byrne, Esq. pp. 185-206:

### Statutory Requirements

- Amendments to the zoning regulations and map require the filing of the amendment in the Office of the Town Clerk, and notice of the hearing in a newspaper of general circulation;
- If property affected by the change is within 500 feet of a municipal boundary, notice of a change in the Regulations or zoning boundary must be directed to the regional planning agency;
- The Commission must state on the record "its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality.";
- The Commission must approve a change in zoning regulations or boundaries by a majority vote of the full Commission membership (i.e., 4 votes in Canton);
- If the Commission receives a protest petition signed by 20% of the owners of property within the zone change, or from the owners of 20% of the area of property within 500 feet of all portions of the property(ies) of the subject zone change, the Commission must approve the application by 2/3 vote of the full membership of the Commission (i.e., 5 votes in Canton);
- Approved amendments must be filed with the Town Clerk, and notice in a newspaper of general circulation required (implied within 15 days).

### Relevant Considerations Derived from CT Caselaw

The Commission might find the following summary to be instructive as it deliberates on this request:

- A landowner has no vested right in the existing zoning classification of their property. (Byrnes, p. 186)
- Zoning needs to be sufficiently flexible to meet the demands of increased population. (Byrnes, p. 188)
- Courts will interfere in a zone change decision only if there is a clear abuse of discretion or an unreasonable deprivation of property rights, or if arbitrary, illegal, and unreasonable. The Commission has liberal discretion. The welfare of the public, rather than private gain is a paramount consideration. (Byrnes, p. 188)
- The zone change must be for the good of the community as a whole, and not for the benefit of a particular individual or group. (Byrnes, p. 189)
- The determination as to what constitutes the "public interest" is within the sound discretion of the Commission. (Byrnes, p. 189)
- Highest and best use, or higher monetary value, cannot be used as a basis for approving or denying a zone change. The enrichment of a property owner is not a controlling purpose of zoning. (Byrnes, p. 191)

- The Plan of Development is merely advisory and does not bind the Zoning Commission. (Byrnes, p. 191-2)
- There is an implied expectation by property owners that the zoning of property will not be changed except for the public good. (Byrnes, p. 192)
- Ordinarily, a zone classification should not be changed unless some new condition has arisen which alters the character of the area, or that there was some mistake or error in the original zoning. (Byrnes, p. 193)
- The question to be answered by the Commission is whether the public interest requires an amendment? (Byrnes, p. 196)
- Reasons for granting a change of zone must be stated on the record, but failure to do so, or poorly articulating the reasons, are not fatal to an action. (Byrnes, p. 197)
- Failure to state reasons may interfere with the proper review of the Commission's actions by the courts upon appeal. (Byrnes, p. 198)
- Although there is no statutory requirement to state reasons for denial, the failure to state reasons may also interfere with the proper review of the Commission's actions by the courts upon appeal. (Byrnes, p. 198)
- It is necessary to find a basis for the Commission's actions in the public record. (Byrnes, p. 199)
- The reasons for any action must be those of the Commission as a collective body, and not individual reasons that the full Commission does not agree on. (Byrnes, p. 200)
- In acting on a zone change, the Commission cannot use factors that are beyond the Commission's control. (Byrnes, p. 205)

Based on the above, staff suggests that the Commission consider the following:

1. The Commission's findings for the record relative to consistency with the POCD, comprehensive plan, and CGS 8-2;
2. The Commission's actions on the zone change should not result in the unreasonable deprivation of property rights, or be arbitrary or illegal;
3. The Commission's actions must be in the public interest, and not based on the benefit to <u>any one individual or group;</u>
4. Highest and best use, or higher monetary value, cannot be used as reasons for its decision;
5. What is the new condition that has arisen that substantially alters the character of the area, or the mistake or error that the Commission may have made, since the property was zoned over 20 years ago?;
6. Although the Commission must state how an application complies with the POCD, the POCD is advisory and not binding on the Commission;
7. The Commission must state for the record both the reasons for approval, or for denial;
8. The Commission should articulate its reasons clearly;
9. The Commission should collectively agree on reasons; and
10. Reasons must be based on factors that are within its control.

## Conclusion

Overall this proposal presents a good opportunity for the community to provide housing options that positively enhances the quality of life of persons with developmental and physical disabilities. The proposed special needs dwelling units, in combination with the build out of the Favarh "campus", represents good forward thinking in providing quality of life accommodations and services for people with these disabilities and provides a desirable and well thought out alternative to group homes.

As noted throughout this report it is the opinion of staff that this proposal is consistent with the comprehensive plan, is consistent with and furthers numerous goals and implementations measures of the POCD, and meets the majority of site plan and special permit criteria. However it is also noted that as presently written, the submitted master plan, regulations, and site plan contain conflicts with important concepts of the POCD, required standards of Section 5, and a small number of other standards.

The Commission should be cognizant that the master plan (and subsequent division of land that occurred) for the Industrial Park was laid out in a manner that did not foresee this area being built out with high density residential uses, nor did it plan for affordable housing options, or the need to consider alternate modes of transportation (the Trail has documented over 156,000 annual users at Commerce Drive). Had the land been proposed to be master planned and subdivided for a different scale of business and residential densities in the current context, additional improvements would have been required. Safe accessible connections between lots, and to and from community resources and services, would have been thought out. The overall mix and balance of uses would have been determined. The Park is now being re-planned, unfortunately though not intended, through incremental submittals. The Commission has an opportunity to create a new future for the Park and transform it into a diverse and desirable community that this proposed development could and should be a part of. The question is if there are mechanisms through which this desirable outcome can be achieved, without losing the ability to re-envision as a whole one of the last remaining areas in Canton intended for development?

It is recommended that the applicant consult with the Commission how to best meet the outstanding criteria noted in this report.

## Draft Motion

A draft motion can be provided to the Commission upon request.

## Appendix

## Exhibit List

**File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone: Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

**List as of December 14, 2016**

Drawings:

1. Stormwater Pollution Control Plan: Overall Map; Dowd Avenue Industrial Park; Prepared for Casle Corporation; Prepared by Megson & Heagle; dated 8/29/00
2. Design District #1 Canton Commerce Center 2016 IPD: Master Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
3. Design District #1: IP District Existing Conditions/Site Context/Index; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
4. Canton Commerce Center Design District #1: Consistency with the Plan of Conservation and Development; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
5. Design District #1 Canton Commerce Center: Proposed Master Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
6. Canton Commerce Center Design District #1: Existing Zoning; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
7. Canton Commerce Center Design District #1: Proposed Zoning; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
8. ALTA/NSPS Land Title Survey; 300 and 350 Commerce Drive; Prepared for Canton Commerce Center Associates, LLC; Prepared by Dufour Surveying, LLC; dated 10/22/16
9. Design District #1 Canton Specialty Housing District Graphic: Master Site Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
10. Design District #1 Canton Specialty Housing District: Building Concept; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
11. Design District #1 Canton Specialty Housing District: Cover; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
12. Design District #1 Canton Specialty Housing District: Site Data and Letters of Approval; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
13. ALTA/NSPS Land Title Survey; 300 and 350 Commerce Drive; Prepared for Canton Commerce Center Associates, LLC; Prepared by Dufour Surveying, LLC; dated 10/22/16

14. Design District #1 Canton Specialty Housing District: Grading Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
15. Design District #1 Canton Specialty Housing District: Site Utility Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/29/16
16. Design District #1 Canton Specialty Housing District: Erosion Control Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
17. Design District #1 Canton Specialty Housing District: Erosion Control Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
18. Design District #1 Canton Specialty Housing District: Erosion Control Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
19. Design District #1 Canton Specialty Housing District: Erosion Control Notes; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
20. Design District #1 Canton Specialty Housing District: Layout Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
21. Design District #1 Canton Specialty Housing District: Materials Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
22. Design District #1 Canton Specialty Housing District: Planting Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
23. Design District #1 Canton Specialty Housing District: Lighting Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
24. Design District #1 Canton Specialty Housing District: Fire Truck Turning Plan; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
25. Design District #1 Canton Specialty Housing District: Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
26. Design District #1 Canton Specialty Housing District: Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
27. Design District #1 Canton Specialty Housing District: Site Utility Details 1 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
28. Design District #1 Canton Specialty Housing District: Site Utility Details 2 of 2; Commerce Drive; Prepared for Regan Development Corporation; Prepared by LADA, P.C.; dated 11/30/16
29. Canton Specialty Housing: Building Floor Plans; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16
30. Canton Specialty Housing: Exterior Elevations & Perspective; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16

31. Canton Specialty Housing: Dwelling Unit Plans; 300 and 350 Commerce Drive; Prepared for Regan Development Corporation; Prepared by K&A Architectural Services, LLC; dated 12/1/16

Correspondence:

1. Town of Canton Planning/Zoning Development Applications – File #453; Apln #1652; 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners
2.
3. Letter of transmittal from LADA, P.C. to Neil Pade; dated 11/30/16
4. Copy of payments; check #'s 12749 & 12750
5. Letter from Phil Doyle of LADA, P.C. to Neil Pade; dated 11/25/16
6. Site Plan application checklist
7. Regulation Amendment application checklist
8. Zone Map Amendment application checklist
9. Letter from David Sessions of Canton Commerce Center Associates, LLC to Neil Pade; dated 11/28/16
10. Letter from Ken Regan of Regan Development Corporation to Neil Pade; dated 11/14/16
11. Narrative on Ken Regan and the Regan Development Corporation
12. Narrative describing the proposed Site Development Plan
13. Narrative describing the zone and conformance to Section 5 of the zoning regulations
14. Narrative describing the proposed zone: DD#1 Canton Specialty Housing District (CSH)
15. Traffic statement
16. Institute of Transportation Engineers Common Trip Generation Rates
17. Fiscal impact statement
18. Estimated real estate tax for the proposed Canton Specialty Housing
19. 2016 real estate tax bill for 300 and 350 Commerce Drive
20. Narrative describing the architectural design concept
21. List of abutters with 100 feet of 300 and 350 Commerce Drive
22. Town of Canton GIS map for 300 and 350 Commerce Drive
23. Custom soil resource report for the State of Connecticut pertaining to 300 and 350 Commerce Drive; dated 11/8/16
24. Natural Diversity Data Base request from Phil Doyle of LADA, P.C. to the State of Connecticut Department of Environmental Protection; dated 10/26/16 (11 pages)
25. Letter from the State of Connecticut Department of Environmental Protection to Phil Doyle regarding the Natural Diversity of Data Base inquiry; dated 11/15/16 (6 pages)
26. Letter from Phil Doyle to Roger Ignazio of the Town of Canton WPCF regarding a capacity review; dated 10/26/16

27. Town of Canton WPCF capacity review/change of use application
28. Letter from Phil Doyle to Paul Robotham of the Connecticut Water Company regarding a capacity review; dated 10/27/16 (3 pages)
29. Letter from Paul Robotham to Phil Doyle; dated 11/22/16
30. Storm drainage report; prepared for Canton Commerce Center; prepared by Clark Engineering; dated 11/29/16 (found under separate cover)
31. Certification of notice for posting of Public Hearing sign per Section 9.9.F of Zoning Regulations; dated 12/1/16
32. Certificates of mailing (2 pages)
33. Abutter notice; received by the Land Use Office on 12/2/16
34. Deeds for 300 and 350 Commerce Drive (found under separate cover)
35. Email from Renee Narducci to town staff regarding plan review; dated 12/6/16
36. Plan review comments from Chief of Police Christopher Arciero; dated 12/7/16
37. Town of Canton legal notice
38. Email from Renee Narducci to Town Clerk Linda Smith regarding notification of the public hearing on 12/21/16; dated 12/8/16
39. Memo from Renee Narducci to Town Clerk Linda Smith regarding notification of the public hearing on 12/21/16, as required per Sections 9.3.B.6 and 9.4.B.6 of the zoning regulations dated 12/8/16
40. Plan review comments from Fire Marshal Tim Tharau; received 12/14/16
41. Turning radius requirements for the Town of Canton Fire Department Ladder Truck
42. Email from Project Administrator George Wallace to Neil Pade regarding plan review comments; dated 12/14/16
43. Sketch from George Wallace regarding possible shift of parking spaces in order to reduce overall ground disturbance; received 12/14/16
44. Plan review comments from Building Official Jerry Waters; received 12/14/16
45. Proof of legal notice from the Valley Press

## POCD References

- ED1 - increase the tax base proportion from residential to commercial by 5%
- ED9 – Anticipate and promote development on the opportunity location identified in the POCD
- ED10 – Understand the relationship of higher density residential uses adjacent to or near commercial land as appropriate transitional uses
- ED11 – consider ways to turn tax-negative land into tax positive land
- ED12 – Expand opportunities for light industry
- ED16 – Review the existing industrial park for development constraints, market feasibility and marketing strategy. Consider reducing setback requirements and expanded uses permitted as of right to increase the industrial park's potential as a viable option for industry
- ED21 – Consider allowing increases in impervious and building coverage in areas identified as appropriate for mixed use development
- ED22 – Fund a market feasibility study with focus on the Industrial Park
- ED28 – Consider tax incentive packages to stimulate development on opportunity sites
- ED33 – Regulations for Village Centers to reduce parking requirements appropriate to the 'park-once' nature of a downtown
- ED27 – Promote infill and redevelopment of existing sites to expand the tax base within existing developed areas while maintaining context sensitivity
- ED39 – Encourage redevelopment to provide a mix of uses, shared parking and walkable connections between different uses and sites
- ED42 – Leverage the economic value of the Farmington River Trail. Support and pursue future connections to trails, or bicycle/ pedestrian friendly routes
- ED63 – Establish standards for buffering of business and residential properties
- ED69 – Provide transitions between uses
- ED71 – Evaluate and include creative ways to reduce parking requirements and encourage shared parking and access between adjacent parcels.
- ED72 – Revise the regulations to encourage/ require business area to be more pedestrian and bike friendly.

- R2- Building design that is responsive to the context of the area
- R6 – Promote naturally occurring affordable housing which may not be deed restricted but which meet the market criteria for purchase or rent by low and moderate income families
- R9- Review zoning regulations to create one or more zones that allow for apartment/ condominium development. Consider limiting the number of units per building and other character- related caveats where appropriate.
- R10 – Maintain a strong, divers housing balance, increasing the more moderately priced housing options while maintaining the number of detached single family housing units at above 65%.
- R-11 – Explore regulations for higher density areas suitable for mixed-income and mixed use development with significant control over the location, amount, type and design of such housing and associated development.

- R12 – Revise regulations to create mixed-use zones in village centers and most or all non-industrial commercial areas. Such mixed use zones should allow as of right mixed commercial and residential uses within individual buildings.
- R13 – Allow multi-family residential structure as of right in mixed use zones. Maximum unit per building requirements, set as appropriate for the subject area should be considered
- R14 – Consider the creation of mixed-use 'blending' zones, where the types and densities of commercial use and residential development allowed are less intense than a normal mixed use zone, to transition from commercial areas to lower density residential areas.
- R17 – Encourage residential development that promotes a sense of neighborhood and community.
- R21 – Insure that design standards: promote environmentally appropriate layout; encourage resource efficient design; encourage architectural features materials, landscaping etc... representative of the character of the area yet distinctive; provide pedestrian connectivity between neighborhoods and destination points. increase opportunities for people to interact

- F4 – Address the need for affordable housing, ideally in the vicinity of, and consider the development of complimentary supporting transportation options. (location close to Active Transportation Route)

- T6 – Responsibly plan for future transportation infrastructure and service needs
- T9 – Identify and close gaps and provide extensions in high use locations
- T12 – Look for opportunities to improve safety for pedestrians

- CC5 – Revise regulations to minimize the visual 'bulk' of parking areas; Visually screen larger parking areas from adjacent roadways
- CC6 – Use architectural features and building facades that are appropriate for the character of the town and neighborhood surrounding the development.
- CC7 – Keep the natural environment a prominent part of Canton's landscape;
- CC11 – Encourage more pedestrian and bicycle friendly pathways and traffic flow
- CC16 – Land use regulations and actions that promote a variety of neighborhoods and housing to accommodate households of diverse sizes and economic status.
- CC24 – Encourage pedestrian and bicycle connections from the FRRT to and through relevant commerce areas
- CC26 – Conserve tree buffers along streets whenever possible;
- CC29 – Limit development related clear-cuts and exposed home sites;
- CC45 – Continue to encourage and promote the community's welcoming spirit to all residents and visors alike.

## Connecticut General Statutes Section 8-2

"Sec. 8-2. Regulations. (a) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality, the height, number of stories and size of buildings and other structures; the percentage of the area of the lot that may be occupied; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93, and the height, size and location of advertising signs and billboards. Such bulk regulations may allow for cluster development, as defined in section 8-18. Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All such regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district, and may provide that certain classes or kinds of buildings, structures or uses of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. Such regulations shall be made in accordance with a comprehensive plan and in adopting such regulations the commission shall consider the plan of conservation and development prepared under section 8-23. Such regulations shall be designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a. Such regulations shall also promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and shall encourage the development of housing which will meet the housing needs identified in the housing plan prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26. Zoning regulations shall be made with reasonable consideration for their impact on agriculture. Zoning regulations may be made with reasonable consideration for the protection of historic factors and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the

regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage energy-efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation. The regulations may also provide for incentives for developers who use passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision. Such regulations may provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer. Such regulations may also provide for notice requirements in addition to those required by this chapter. Such regulations may provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations. No such regulations shall prohibit the operation of any family day care home or group day care home in a residential zone. No such regulations shall prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards. No such regulations shall unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons. Such regulations shall not impose conditions and requirements on manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes which are substantially different from conditions and requirements imposed on single-family dwellings and lots containing single-family dwellings. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments. Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use. Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough; but unless it is so voted municipal property shall be subject to such regulations."

## Special Permit Criteria

In considering any application for a Special Permit, the Commission shall, in addition to other standards in these Regulations, evaluate the merits of the application with respect to the following factors:

1. **Plan of Conservation and Development** – Whether the proposed use or activity is in accordance with or facilitates achievement of one or more of the goals, objectives, policies, and recommendations of the Plan of Conservation and Development, as amended;

2. **Purposes of Regulations** – The proposed use or activity is consistent with the purposes of the Regulations;

3. **Environmental Protection and Conservation** – Appropriate consideration shall be given to the protection, preservation, and/or enrichment of natural, scenic, historic, and unique and environmental resources and features which enhance the character of the community;

4. **Suitable Location for Use** – with respect to:
   a. The size of the lot;
   b. The nature and intensity of the activities involved in or conducted in connection with the use;
   c. The streets giving access to it are such that the use shall be in harmony with the appropriate and orderly development in the neighborhood in which it is located; and,
   d. The impact on neighboring properties and residences or the development of the district.

5. **Appropriate Improvements**
   a. The design elements shall be attractive and suitable in relation to the site characteristics, the style of other buildings in the immediate area, and the existing and probable future character of the neighborhood;
   b. The location, nature and height of buildings, walls, and fences, planned uses and the nature and extent of landscaping on the lot shall not hinder or discourage the appropriate development and use of land and buildings in the neighborhood or impair the value thereof;
   c. The proposed use shall have no material adverse impact upon the neighborhood;

6. **Suitable Transportation Conditions**
   a. The design, location, and specific details of the proposed use or activity shall not:
      i. adversely affect safety in the streets;
      ii. unreasonably increase traffic congestion in the area;
      iii. interfere with the pattern of vehicular circulation in such a manner as to create or increase unsafe traffic conditions.
   b. Parking area or areas shall:
      i. be of adequate size for the particular use;
      ii. be suitably screened from adjoining residential uses; and
      iii. have entrance and exit drives laid out so as to prevent traffic hazards and nuisances.
   c. Streets and other rights-of-way shall be of such size, condition capacity, width, grade, alignment and visibility to adequately accommodate the additional traffic to be generated by the particular proposed use.

7. **Adequate Public Utilities and Services**
   a. The provisions for water supply, sewage disposal, and storm water drainage shall:
      i. conform to accepted engineering practices;
      ii. comply with all standards of the appropriate regulatory authority; and
      iii. not unduly burden the capacity of such facilities.
   b. The proposed use or activity shall:
      i. provide ready accessibility for fire apparatus and police protection, and
      ii. be laid out and equipped to further the provision of emergency services.

8. **Nuisance Avoidance**
   a. The use shall be appropriate for the area shall not create a nuisance, and shall not hinder the public health, safety, convenience, and property values.

9. **Long Term Viability** - Adequate provision shall be made for the sustained maintenance of the proposed development including structures, streets, and other improvements.

## Site Plan Criteria Discrepancies

7.1.C.10 – slopes greater than 25% shown in cleared areas must consist of a non-mow able ground cover, otherwise must be reduced to 25%. Type of ground cover in these areas is not clear.

7.1.D.1-4 – warrant a finding by the Commission based on the substantial amount of existing vegetation being retained on the proposed plan that the additional plantings of this section are not applicable and therefore the standards are reduced or met by the existing vegetation.

7.1.E.8 – the landscape buffer strip provided, while exceeds the minimum depth requirements should include additional plantings in the combination recommended by this section.

7.2 - note curbing item "10" and Gravel Section "I" shown on Sheet L-8 may require explanation.

7.2.D.2.b – the proposed cross section exceeds the town's requirement.

7.2.D.8 – areas designated for snow storage to be depicted on the plans.

7.4.C – final selection of lighting fixtures to be approved by Landscape Architect with verification from ZEO regarding compliance with 7.4.C.

7.5 – proposed to be exempt.

7.6 – due to the cumulative distributed area, the Erosion and Sedimentation Control Plan must be certified. A completed Erosion and Sedimentation Control Checklist must be submitted in addition to the required information. The information submitted with the application without the checklist is substantially complete with the exception of the following:

- An estimate for the cost to implement and maintain the soil erosion and sediment control plan over the duration of the project is to be provided.
- Engineers seal of the certified plan.
- The Commission may refer the applicant to the North Central Conservation District for review comments if desired.
- Request to the CTDEEP NDDB has been submitted. Nine (9) protection strategies are recommended in their November 15, 2016 response which should be incorporated by reference as conditions for construction.

7.9.C – proposed to be exempt but required by 5.1.C.2.b.ix

7.9.C.1 – pedestrian access and sidewalks, to the lot, along frontage, to and from and in-between buildings to be incorporated – pedestrian walkways interior to the site provided only.

7.9.C.2.a – sidewalks that front the walkway parrallel to the building should have concrete wheels stops to maintain minimum sidewalk width and clearances.

7.9.C.2.d – pedestrian/ sidewalk connection to the public street not provided.

7.9.C.2.e – ADA?

7.9.C.3 – pedestrian crossings in the interior of the lot to be constructed or marked across driveways within the submitted plan.

7.9.C.4 – benches to be provided along interior walkway

7.9.C.6.c – possible modification of these standards allowed under this section.

7.9.C.2 – The proposed walk detail consisting of bituminous concrete pavement conflicts with this requirement of walks being Portland cement concrete. Noted in details of Sheet 12.1 but not identified on the plans. Detail to be removed.

7.9.D.1 – Bicycle parking required by the specific criteria of this section: Multi-dwelling unit development; Development within industrial or design district; New development within 1,000 feet of the Trail/ Greenway/ regional bike route

7.9.D.2 – Minimum 4 bicycle parking spaces required.

7.9.D.3 – locational and siting standards to be met.

7.9.D.6 – connections to the street required

**AGENDA**
Regular Meeting
Canton Planning and Zoning Commission
Wednesday, December 21, 2016 at 7:30 pm
Community Center, Room B
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:**
**ROLL CALL:**
**READING OF THE LEGAL NOTICE:**

## PUBLIC HEARINGS

1. **File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owner

2. **File #156, Apln #1646;** Zoning Regulation Amendment; Proposed removal of Section 8.6; Design Review; Town of Canton Planning and Zoning Commission, applicant/owner

3. **File #156, Apln #1647;** Zoning Regulation Amendment; Proposed edits pertaining to Mixed Residential Accessory Uses; Town of Canton Planning and Zoning Commission, applicant/owner

4. **File #156; Apln #1648;** Zoning Regulation Amendment; Proposed edits to Section 7.3.D.1.n; Open/Closed Signs or Flags; Town of Canton Planning and Zoning Commission, applicant/owner

5. **File #156; Apln #1649;** Zoning Regulation Amendment; Proposed edits to Section 5.1.C; Master Plan Requirements for Design Districts; Town of Canton Planning and Zoning Commission, applicant/owner

6. **File #156; Apln #1650;** Zoning Regulation Amendment; Proposed edits pertaining to the filing of As-Builts; Town of Canton Planning and Zoning Commission, applicant/owner

7. **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

## REGULAR MEETING

**PUBLIC HEARING ACTIONS:**

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**NOTE TO PERSONS WITH SPECIAL NEEDS:**
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**OLD BUSINESS:** None

**NEW BUSINESS:** None

**OTHER BUSINESS:**

1. Zoning Enforcement Case Study Presentation
2. Review minutes from the September 21, 2016 Regular Meeting, November 2, 2016 Special Meeting and November 21, 2016 Regular Meeting
3. CRCOG Representative Recommendation for Regional Planning Commission
4. Discussion of Election of Officers for 2017
5. Discussion of the TIF Preliminary Master Plan
6. Discussion of Possible Edits to Zoning Regulations
   a. Review of draft language pertaining to Electronic Message Board Signs
7. Discussion of Design Regulations
8. Discussion of Subdivision Regulations Rewrite
9. Discussion of Streetscape Grant
10. Staff Reports:
    a. Town Planner's Report
    b. ZEO Report

**ADJOURNMENT:**

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least two zoning classifications, Vitalono said. The zones in the proposed development are neighborhood commercial and neighborhood transition zones.

The neighborhood commercial zone will include retail, office and commercial uses and will be in the beginning of the development.

Beyond the commercial zone will be the neighborhood transition zone, which

ward the Farmington River.

"That's done to kind of create that sense of place," Vitalono said.

The higher density area will have apartment buildings, an assisted living building and units with four- or five-unit townhouses.

The lower density area will have a "neighborhood type feel," Vitalono said. It would be a walkable community with a central green

the green would be town

the focal point, a clubhou

within the developmen

and beyond that the brid

on Route 189 and Heubler

Tower. A series of roa

would circulate the site, an

parking will be internal t

the quadrants or on street.

"You're never seein

large open fields of parkin

Vitalono said. "We wanted t

create a very walkable com

munity, so there are sid

**Legal Notice**
**Town of Canton**
**Planning & Zoning Commission**

The Canton PZC will hold a public hearing at a regular meeting on Wednesday, December 21, 2016 at 7:30 p.m. in Room B of the Canton Community Center, 40 Dyer Avenue, Canton, CT for the following applications:

**File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owners

**File #156, Apln #1646;** Zoning Regulation Amendment; Proposed removal of Section 8.6; Design Review; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156, Apln #1647;** Zoning Regulation Amendment; Proposed edits pertaining to Mixed Residential Accessory Uses; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1648;** Zoning Regulation Amendment; Proposed edits to Section 7.3.D.1.n; Open/Closed Signs or Flags; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1649;** Zoning Regulation Amendment; Proposed edits to Section 5.1.C; Master Plan Requirements for Design Districts; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1650;** Zoning Regulation Amendment; Proposed edits pertaining to the filing of As-Builts; Town of Canton Planning and Zoning Commission, applicant/owner

**File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

These applications are on file and available for public inspection in the Land Use Office of Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 1st day of December 2016.

Jonathan Thiesse, Chairman
Philip Pane, Secretary

To be published twice in the Valley Press on Thursday, December 8, 2016 and Thursday, December 15, 2016.

(43)

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

**APPLICATION REVIEW**

CANTON TOWN HALL
LAND USE OFFICE
DEC 1 4 2016
DATE OF RECEIPT IN OFFICE

To: George Wallace, Project Administrator
Jerry Waters, Building Official
Craig Robbins, Chief of Fire and EMS
Tim Tharau, Fire Marshal
Christopher Arciero, Chief of Police
Roger Ignazio, WPCF Superintendent

From: Renee Narducci, Land Use Coordinator (860) 693-7856

Re: **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

Date: December 6, 2016

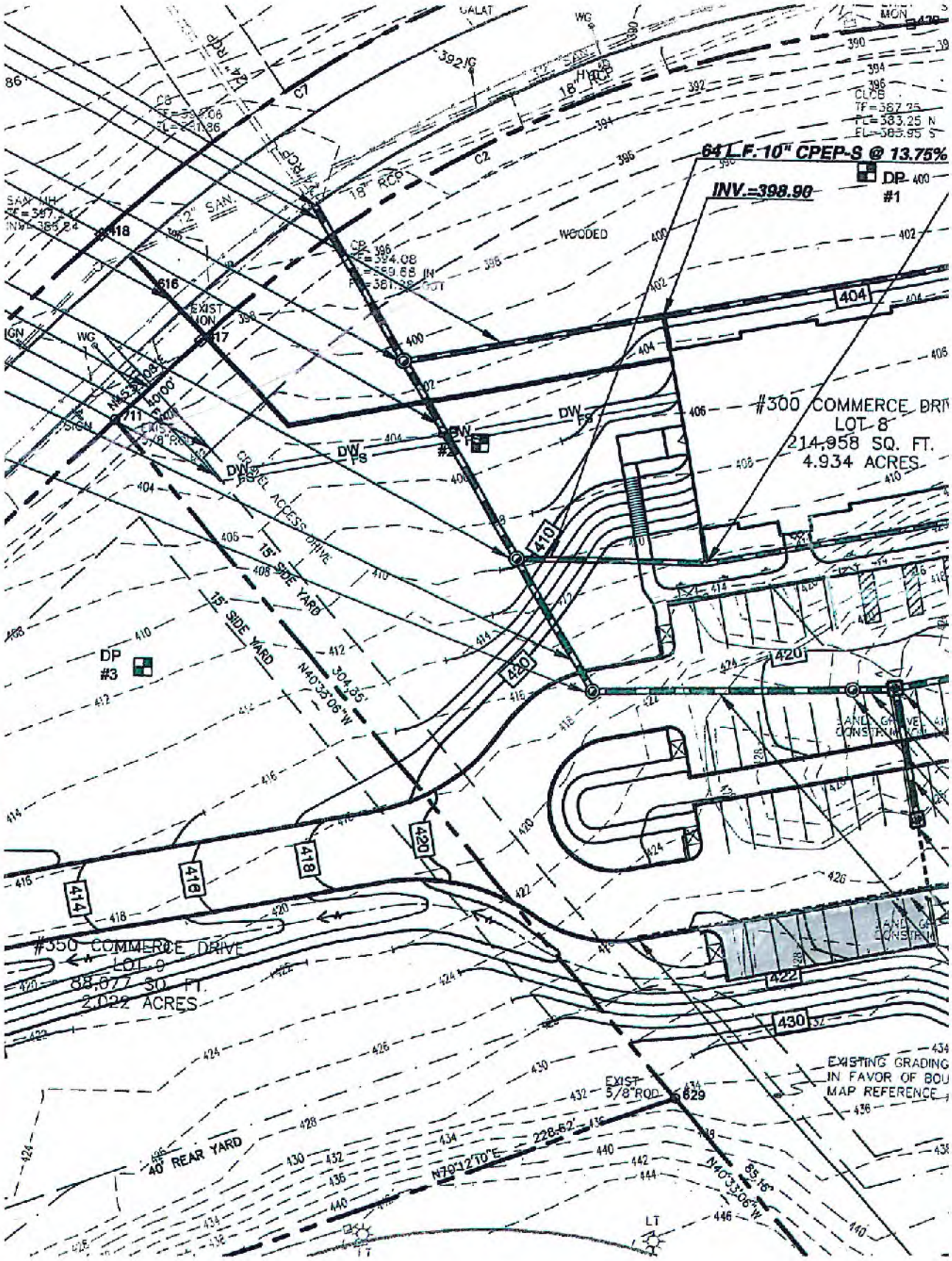
---

The above captioned application is scheduled to be received at the Planning & Zoning Commission meeting scheduled for December 21, 2016. Please review the attached plans and return them with your comments at your earliest convenience. Use a separate sheet if necessary. Thank you in advance for your time and review.

COMMENTS

No comment at this time.

Jerry Waters, Building Official




CANTON TOWN HALL
LAND USE OFFICE
DEC 14 2016

DATE OF RECEIPT IN OFFICE

(41)

## Narducci, Renee

**From:** Wallace, George
**Sent:** Wednesday, December 14, 2016 2:36 PM
**To:** Pade, Neil
**Cc:** Anyzeski, Emily; Narducci, Renee
**Subject:** RE: Site Plan for #300 & #350 Commerce Drive; Canton, CT
**Attachments:** doc10146920161214141021.pdf

Neil,

I have completed a preliminary review of the site plans entitled Design District #1 Canton Specialty Housing District; Canton Commerce Center, Commerce Drive; Canton, CT – Sheets S-1 [Site Utility Plan] dated 11/29/16, L-9 [Planting Plan] dated 11/30/16; & L-11 [Fire Truck turning Plan] dated 11/30/16; as prepared for Regan Development Corporation; along with the Storm Drainage Report dated 11/29/16; and have the following comments:

1. Considering the proximity of the site(s) to the bike path/walking trail to the north coupled with the amount of residential development to the south, it is recommended that sidewalks be installed across the frontage of #350 & #300 Commerce Drive.

2. The gravel driveway and associated grading shown to the south of the proposed building on sheets L-9 & L-11 is not shown on sheet S-1.

3. M.H. #1 and the existing downstream receiving catch basin should be drop structures with the 4' sumps to help dissipate some of the flow energy generated in the upstream pipe segments which are in excess of 10% in grade and generate pipe velocities in excess of 10 fps [feet per second].

4. It is suggested that the underdrain be constructed as a curtain drain and be shifted to the east to the toe of the cut slope unless test pits have indicated the groundwater will not be an issue at that location.

5. It is suggested that consideration be given to eliminating the long curb drop off segment in front of the proposed building and instead use two (2) drop off spaces on each side of a main entrance bump out which would allow shifting/concentrating parking to the south [shown on attached sketch] and thus reducing ground disturbance by approximately 5,950 sq. ft. [170' x 35'] some of which would be reduced pavement area.

6. It is suggested that consideration be given to cutting some of the required parking spaces into the slope on the east side [shown on attached sketch] and with further shifting of parking to the south to maintain the same number of spaces there could be a reduction in overall ground disturbance by at least 3,600 sq. ft. [170' x 18'] some of which would be reduced pavement area.

Please contact me if you have any questions on any of the above.

Sincerely,

George M. Wallace, P.E.
Project Administrator
Town of Canton

40

## TURNING RADIUS ESTIMATOR

Configuration | Definitions

**Selected Options**

| | |
|---|---|
| Front Axle | 0030262 Axle, Front, Oshkosh TAK-4, Non Drive, 19,500 lb, Qtm/AXT/DCF |
| Front Tires | 0078243 Tires, Front, Michelin, XZY3 (wb), 385/65R22.50, 18 ply |
| Front Wheels | 0019611 Wheels, Front, Alcoa, 22.50" x 12.25", Aluminum, Hub Pilot |
| Chassis | 0624889 Arrow XT Chassis, Aerials/Tankers, Tandem Axle |
| Bumper | 0550014 Bumper, 13" Extended, AXT, DCF/Saber FR/Enf |
| Aerial Device | 0673136 Aerial, 105' Heavy Duty Ladder, (750 dry/500 water) |
| Wheelbase | 255.50 in. |

ESTIMATE

**Results**

| | |
|---|---|
| Inside Cramp Angle | 45° |
| Axle Track | 82.92 in. |
| Wheel Offset | 4.68 in. |
| Tread Width | 14.9 in. |
| Chassis Overhang | 68.99 in. |
| Additional Bumper Depth | 13 in. |
| Front Overhang | 6 ft. 10 in. |
| Inside Turn | 20 ft. 3 in. |
| Curb To Curb | 36 ft. 4 in. |
| Wall To Wall | 40 ft. 7 in. |

**Notes**

Actual Inside Cramp Angle may be less due to highly specialized options.

Curb to Curb turning radius calculated for a 9.00 inch curb.

Reduce turning radius by 33% if vehicle is equipped with all-wheel steer.

The SalesNet resource, and all related estimator tools, may be used to obtain product estimates based on the specific values you have entered and/or the options that you have selected. The SalesNet estimates are subject to a number of variables and may change based upon Any future modification to a product variable, specification or configuration option. Certain product measurements and specifications are subject to a standard variance as determined by the manufacturer from time to time. Any estimates provided to Pierce Manufacturing Inc. customers and/or any other third party shall be clearly and expressly qualified by the above-referenced limitations.

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39

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

**APPLICATION REVIEW**

CANTON TOWN HALL
LAND USE OFFICE
DEC 1 4 2016
DATE OF RECEIPT IN OFFICE

To: George Wallace, Project Administrator
Jerry Waters, Building Official
Craig Robbins, Chief of Fire and EMS
Tim Tharau, Fire Marshal
Christopher Arciero, Chief of Police
Roger Ignazio, WPCF Superintendent

From: Renee Narducci, Land Use Coordinator (860) 693-7856

Re: **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

Date: December 6, 2016

---

The above captioned application is scheduled to be received at the Planning & Zoning Commission meeting scheduled for December 21, 2016. Please review the attached plans and return them with your comments at your earliest convenience. Use a separate sheet if necessary. Thank you in advance for your time and review.

COMMENTS

The Fire Marshal's Office has comments on the review of the plan.

1. The site utility plans hydrant locations and fire department connections for sprinkler system aren't showing.
2. Fire Lane locations should be located on the plans
3. Turning radius requirement for fire department Ladder Truck (see enclosed information)
4. Planting Plans show trees in front of building and around driveway that could prevent fire department ladder truck access to building in the event of an emergency.
5. Fire Department Assess to the front of the building is limited by way of outside stairs.

Plans were review for site location for fire department access to the property.

Please note that plans shall be submit for Fire Code Review for Compliance of the Connecticut Fire Safety Code and Fire Prevention Code.

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# PLANNING & ZONING COMMISSION
# Canton, Connecticut Inc. 1806
4 Market Street, Collinsville, Connecticut 06022

TO: Linda Smith, Town Clerk

FROM: Renee Narducci, Land Use Coordinator

CC: Neil S. Pade, AICP, Director, Planning & Community Development

SUBJECT: **File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone: Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

DATE: December 8, 2016

---

Linda,

Please post the attached information for the above referenced Zoning Regulation Amendment and Zoning Map Amendment for 300 and 350 Commerce Drive, Canton, CT.

The public hearing has been scheduled for Wednesday, December 21, 2016 at 7:30 p.m. in Room B of the Canton Community Center.

If you have any questions, please feel free to contact me.

Renee

37

## Narducci, Renee

**From:** Narducci, Renee
**Sent:** Thursday, December 08, 2016 8:55 AM
**To:** Smith, Linda
**Subject:** Public Hearing Notification for 300 and 350 Commerce Drive
**Attachments:** File 453; 1652; 300 and 350 Commerce Drive; Memo to Town Clerk.doc; File 453; 1652; 300 and 350 Commerce Drive; Info for Public Hearing Notification.pdf

Good Morning Linda,

Attached is a memo and supporting documentation regarding the zoning regulation amendment and zoning map amendment for the proposed Design District at 300 and 350 Commerce Drive, which will be heard as part of a public hearing on December 21, 2016 at 7:30 p.m. in Room B of the Community Center.

Thank you so much,
Renee

---

Renee Narducci
Land Use Coordinator
Town of Canton
P.O. Box 168
Collinsville, CT 06022
860-693-7856

36

**Legal Notice**
**Town of Canton**
**Planning & Zoning Commission**

The Canton PZC will hold a public hearing at a regular meeting on Wednesday, December 21, 2016 at 7:30 p.m. in Room B of the Canton Community Center, 40 Dyer Avenue, Canton, CT for the following applications:

**File #347; Apln #1642;** 122 Main Street; Assessor's Map 38; Parcel 3590122; Zone B and CBD; Special Permits, Section 4.1.C.1.E, tattooing/tattoo parlor within the Business District; and Section 6.1.E, uses allowed by Special Permit and Site Plan approval within the Collinsville Business Overlay District; Kevin Stiles, applicant; Eaton Hardware Company c/o Everett Newell, owners

**File #156, Apln #1646;** Zoning Regulation Amendment; Proposed removal of Section 8.6; Design Review; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156, Apln #1647;** Zoning Regulation Amendment; Proposed edits pertaining to Mixed Residential Accessory Uses; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1648;** Zoning Regulation Amendment; Proposed edits to Section 7.3.D.1.n; Open/Closed Signs or Flags; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1649;** Zoning Regulation Amendment; Proposed edits to Section 5.1.C; Master Plan Requirements for Design Districts; Town of Canton Planning and Zoning Commission, applicant/owner

**File #156; Apln #1650;** Zoning Regulation Amendment; Proposed edits pertaining to the filing of As-Builts; Town of Canton Planning and Zoning Commission, applicant/owner

**File #453; Apln #1652;** 300 and 350 Commerce Drive; Assessor's Map 35; Parcels 3330300 and 3330350; Zone Industrial Park District (IP); Design District Application (Section 5) consisting of: Zoning Regulation Amendment (Section 9.3) request to establish Section 5.8, Design District # 1, Canton Specialty Housing District (CSH); Zoning Map Amendment (Section 9.4), request from IP to CSH; and Detailed Site Development Plan Application (Section 9.1); to construct a 40-unit, three-story, multi-family building with +/- 70 parking spaces and associated site improvements; Phil Doyle, applicant; Canton Commerce Center Associates, LLC c/o The Casle Corporation, owners

These applications are on file and available for public inspection in the Land Use Office of Town Hall, 4 Market Street, Collinsville, CT, telephone 860-693-7856.

Dated at Canton, Connecticut, this 1st day of December 2016.

Jonathan Thiesse, Chairman
Philip Pane, Secretary

To be published twice in the Valley Press on Thursday, December 8, 2016 and Thursday, December 15, 2016.

35

## Narducci, Renee

**From:** Arciero, Christopher
**Sent:** Wednesday, December 07, 2016 11:36 AM
**To:** Narducci, Renee
**Subject:** RE: Staff Review for File 453; Apln 1652; 300 and 350 Commerce Drive

No issues

Christopher Arciero
Chief of Police/Emergency Management Director
Canton Police Department
45 River Road
Canton, CT 06019
Tel. (860) 693-7872
Fax (860) 693-8493
carciero@townofcantonct.org

---

**From:** Narducci, Renee
**Sent:** Wednesday, December 07, 2016 8:25 AM
**To:** Wallace, George; Waters, Jerry; Craig Robbins; Tharau, Timothy; Arciero, Christopher; Ignazio, Roger
**Cc:** Pade, Neil
**Subject:** RE: Staff Review for File 453; Apln 1652; 300 and 350 Commerce Drive

Good Morning Everyone,

As promised, attached is the Site Utility Plan.

Thank you,
Renee

---

**From:** Narducci, Renee
**Sent:** Tuesday, December 06, 2016 4:13 PM
**To:** Wallace, George; Waters, Jerry; 'Craig Robbins'; Tharau, Timothy; Arciero, Christopher; Ignazio, Roger
**Cc:** Pade, Neil
**Subject:** Staff Review for File 453; Apln 1652; 300 and 350 Commerce Drive

Good Afternoon Everyone,

The Land Use Office recently received an application for a 40-unit, three-story, multi-family building at 300 and 350 Commerce Drive. A public hearing has been scheduled for Wednesday, December 21, 2016, and the Planning and Zoning Commission would greatly appreciate your feedback on the proposed plans. I have attached the following:

34

## Narducci, Renee

| | |
|---|---|
| **From:** | Narducci, Renee |
| **Sent:** | Tuesday, December 06, 2016 4:13 PM |
| **To:** | Wallace, George; Waters, Jerry; 'Craig Robbins'; Tharau, Timothy; Arciero, Christopher; Ignazio, Roger |
| **Cc:** | Pade, Neil |
| **Subject:** | Staff Review for File 453; Apln 1652; 300 and 350 Commerce Drive |
| **Attachments:** | File 453; 1652; 300 and 350 Commerce Drive; Comment Sheet.doc; File 453; 1652; 300 and 350 Commerce Drive; Fire Truck Turning Plan.pdf; File 453; 1652; 300 and 350 Commerce Drive; Planting Plan.pdf; File 453; 1652; 300 and 350 Commerce Drive; Proposed Master Plan.pdf |

Good Afternoon Everyone,

The Land Use Office recently received an application for a 40-unit, three-story, multi-family building at 300 and 350 Commerce Drive. A public hearing has been scheduled for Wednesday, December 21, 2016, and the Planning and Zoning Commission would greatly appreciate your feedback on the proposed plans. I have attached the following:

1. Comment Sheet;
2. Fire Truck Turning Plan;
3. Planting Plan; and
4. Proposed Master Plan

We are currently missing a digital copy of the Site Utility Plan, which I hope to have from the applicant tomorrow. Once received, I will forward a copy to everyone.

Please let me know if you have any questions or need any of the files printed.

Jerry – I have placed a copy of the architectural drawings on your desk ☺

Thank you so much,
Renee

---

Renee Narducci
Land Use Coordinator
Town of Canton
P.O. Box 168
Collinsville, CT 06022
860-693-7856

(32)

# LADA, P.C.

**Land Planners** Land Development Consulting, Site Planning, Landscape Architects, Planners, Corridor Studies, Visual Assessment, Environmental Impact Statements, Erosion Control Specialists, Streetscapes, Recreation, and Master Planning

December 1, 2016
Public Hearing Notice
Land owner within 100' of Lots 9 & 8
(300 and 350 Commerce Drive, respectively)
Canton Commerce Center

Re: MBL 35/121/0078
TOWN OPEN SPACE

An application, per Section 5 of the Canton Zoning Regulations, has been made to change the zone of 300 and 350 Commerce Drive from Industrial Park (IP) to Canton Specialty Housing (CSH). The application by Regan Development Corporation requests a zone change to construct forty apartment units, one quarter of which would serve clients of Favarh. A Public Hearing is required for a zone change and, this Public Hearing notice is sent to property owners of land within 100' of the above referenced lots, see attached location plan.

The Public Hearing is scheduled to occur at 7:30 pm December 21, 2016 in Room B of the Canton Community Center. The entire application is on file and available for review in the Town Land Use Office and in the Town Clerk's Office at Canton Town Hall. Updates regarding the application can be provided by contacting the Town Land Use Office. The Town Land Use Office can be reached at (860) 693-7856.

Questions can also be directed to Philip Doyle @ (860) 651-4971, agent for the applicant.

CANTON TOWN HALL
LAND USE OFFICE
DEC 0 2 2016
DATE OF RECEIPT IN OFFICE

Offices in Simsbury, CT • Brewster, NY
104 West Street, Simsbury, CT 06070
(860) 651-4971 • (845) 278-7424 • Fax (860) 651-6153
E-mail: ladapc@snet.net

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CANTON, CT 06019

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Simsbury, CT 06070

To: WOLF PARTNERS LLC
C/O OLD MOUNTAIN RD
FARMINGTON CT
06032

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LADA, P.C., Land Planners
104 West Street
Simsbury, CT 06070

To: CANTON COMMERCE CENTER ASSOC LLC
% CABLE CORP
200 FISHER DRIVE
AVON, CT 06001

Postmark Here
DEC - 1 2016

PS Form 3817, April 2007 PSN 7530-02-000-9065

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From:
LADA, P.C., Land Planners
104 West Street
Simsbury, CT 06070

To: BOULDER RIDGE ASSOC LIMITED PARTNERS
60 EXECUTIVE DRIVE
FARMINGTON, CT 06032

Postmark Here
DEC - 1 2016

PS Form 3817, April 2007 PSN 7530-02-000-9065

Mail
Letter
(Domestic)
(AVON, CT 06001)
(Weight:0 Lb 0.60 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
|---|---|---|
| Cert of Mail | 1 | $1.30 |
| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

Mail
Letter
(Domestic)
(FARMINGTON, CT 06032)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
|---|---|---|
| Cert of Mail | 1 | $1.30 |
| (Affixed Amount:$0.00) | | |

| | |
|---|---|
| Total | $14.16 |
| Personl/Bus Check | $14.16 |

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Clerk: 37

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| Product Description | Sale Qty | Final Price |
|---|---|---|
| First-Class | 1 | $0.47 |

Mail
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(Domestic)
(AVON, CT 06001)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

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|---|---|---|
| Cert of Mail | 1 | $1.30 |
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| First-Class | 1 | $0.47 |

Mail
Letter
(Domestic)
(CANTON, CT 06019)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

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| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

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Letter
(Domestic)
(COLLINSVILLE, CT 06022)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
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| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

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Letter
(Domestic)
(FARMINGTON, CT 06032)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
|---|---|---|
| Cert of Mail | 1 | $1.30 |
| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

Mail
Letter
(Domestic)
(AVON, CT 06001)
(Weight:0 Lb 0.70 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
|---|---|---|
| Cert of Mail | 1 | $1.30 |
| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

Mail
Letter
(Domestic)
(AVON, CT 06001)
(Weight:0 Lb 0.60 Oz)
(Expected Delivery Day)
(Saturday 12/03/2016)

| | | |
|---|---|---|
| Cert of Mail | 1 | $1.30 |
| (Affixed Amount:$0.00) | | |
| First-Class | 1 | $0.47 |

(30)

# TOWN OF CANTON
# LAND USE OFFICE
4 Market Street, Collinsville, Connecticut 06022

**CERTIFICATION OF NOTICE**

Planning & Zoning Commission: File Number: 453
Application Number: 1652

Zoning Board of Appeals: File Number: _____

I certify that as per Section 9.9.F, Notice of Public Hearing Signs, of the Canton Zoning Regulations, I have posted at: 300 + 350 Commerce Drive a sign reading:

"ZONING APPICATION PENDING ON THIS PROPERTY. FOR INFORMATION CONTRACT THE ZONING ENFORCEMENT OFFICER, TOWN HALL CANTON."

For fifteen (15) continuous days beginning on 12/1/16 and ending on 12/16/16 prior to a public hearing scheduled for 12/21/16.

Name of Applicant: _____
Signature of Applicant: _____
Date: 12/1/16

12/1/16
Danielle Borko
Notary Public
My commission expires 10/31/2017.

Exhibits 1-29 have been provided under separate cover

CANTON
CONNECTICUT

# Standard Zoning Enforcement Procedures

# Connecticut General Statutes

- § 8-12 - "Such regulations shall be enforced by the officer or official board or authority designated therein"

- § 8-3(e) - "The zoning commission shall provide for the manner in which the zoning regulations shall be enforced."

- 9.8.A.5 - "The Commission may by resolution adopt administrative rules and procedures for the enforcement of these regulations."

# Connecticut General Statutes

- § 8-12 - "Procedure when regulations are violated"

- § 8-6 – "Powers and duties of board of appeals"
  - To hear and decide appeals where it is alleged that there is an error in any order, or decision made by the official charged with the enforcement the regulations;

- § 8-7 – "Appeals to board. Hearings."

# Connecticut General Statutes

- § 8-12a – "Establishment of municipal penalties for violations of regulations."

- § 7-152c – "Hearing procedure for citations"
  - The hearing procedure for any citation issued pursuant to this section shall be in accordance with section 7-152c except that no zoning enforcement officer, building inspector or employee of the municipal body exercising zoning authority may be appointed to be a hearing officer.

# Why have Standard Procedures?

- Push towards standardized office procedures
- Citation Ordinance
- Building consistency
  - Inconsistency with staff
  - Inconsistency with public/ customers
  - Inconsistency of Zoning Authority's desire/ message
- Protection of staff

# Complaints

- Priority - To be determined by the ZEO
  - 1. Immediate danger to the health, safety, and community.
  - 2. Development projects under construction.
  - 3.Proactive enforcement programs.
  - 4.Reactive or complaint based enforcement programs.
  - 5. Neighbor and/or civil disputes receive the lowest priority.

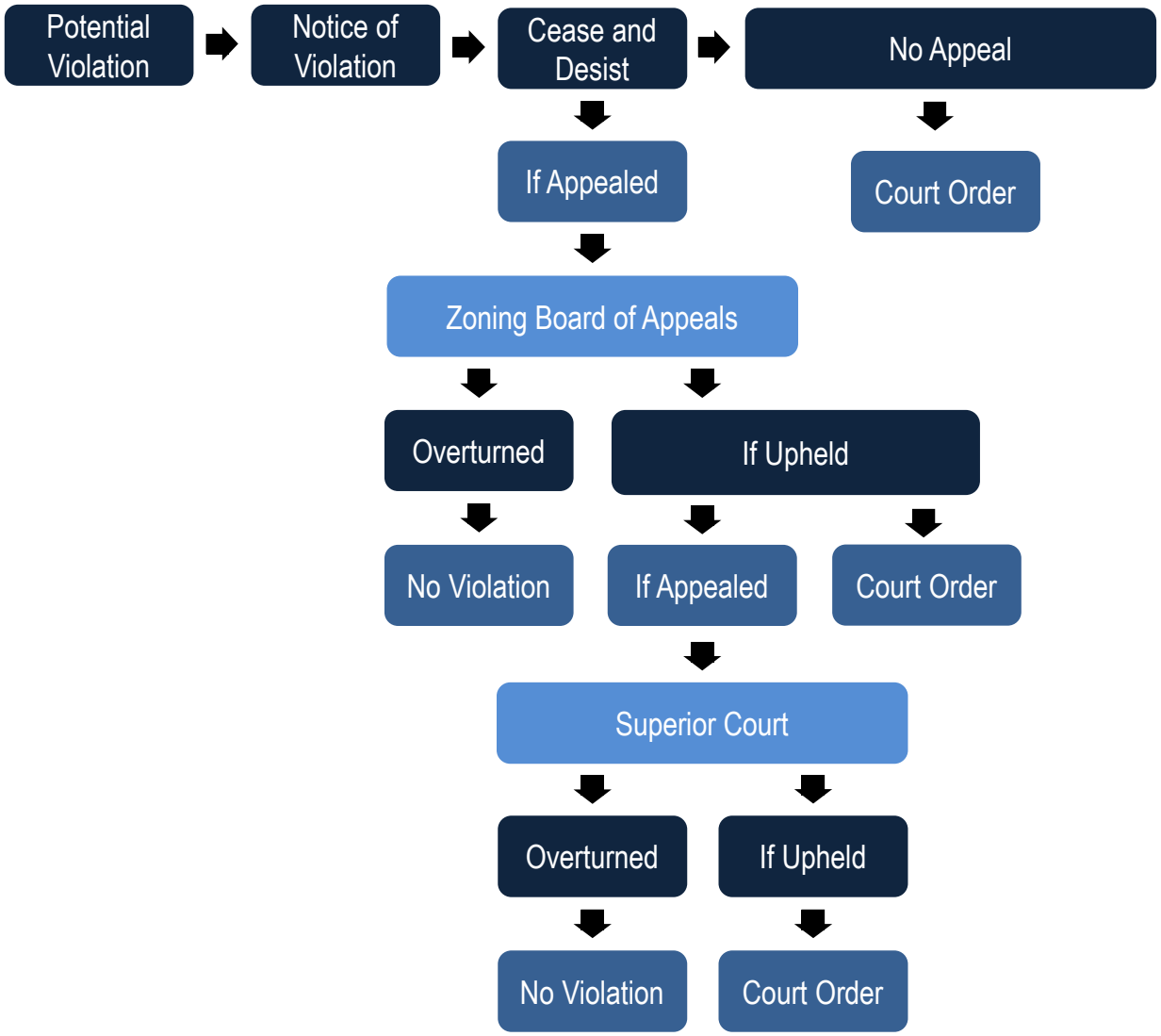
# Procedures

- Complaint
- Property Research
- Site Inspection
- OOV
- Follow Up Inspection
- NOV
- Follow Up Inspection
- Enforcement Order
- Authorized Court Action
- Citations
- Model Letters

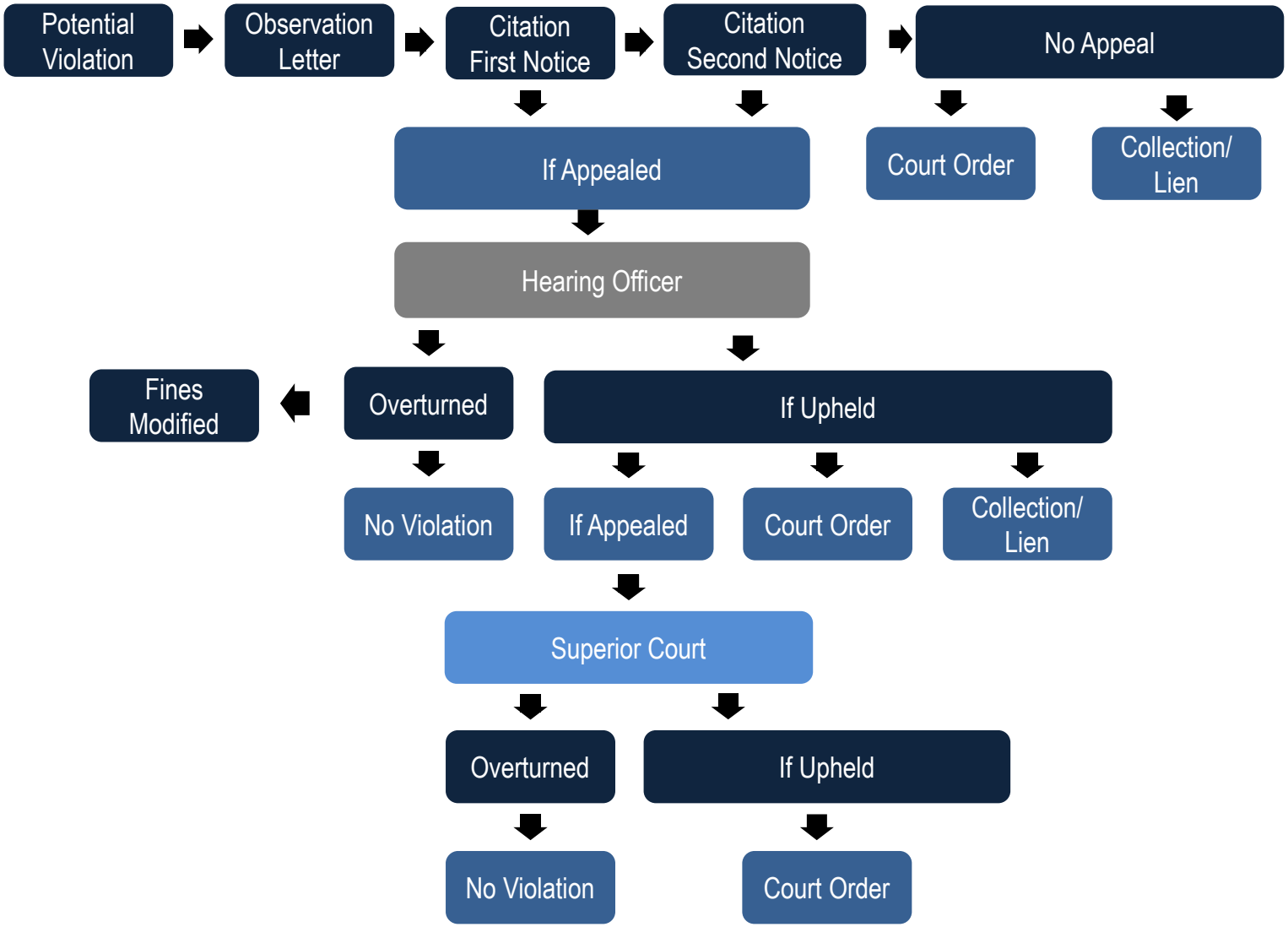
# Certificates of Zoning Compliance

- Zoning Permits
- Certificates of Zoning Compliance
- Site Plan Modifications
- Section 9.8, Zoning Regulations:
- http://www.townofcantonct.org/filestorage/19178/19230/ZONING_REGULATION_Effective_5-12-14_No_Appendix%2C_Revised_8-19-15.pdf

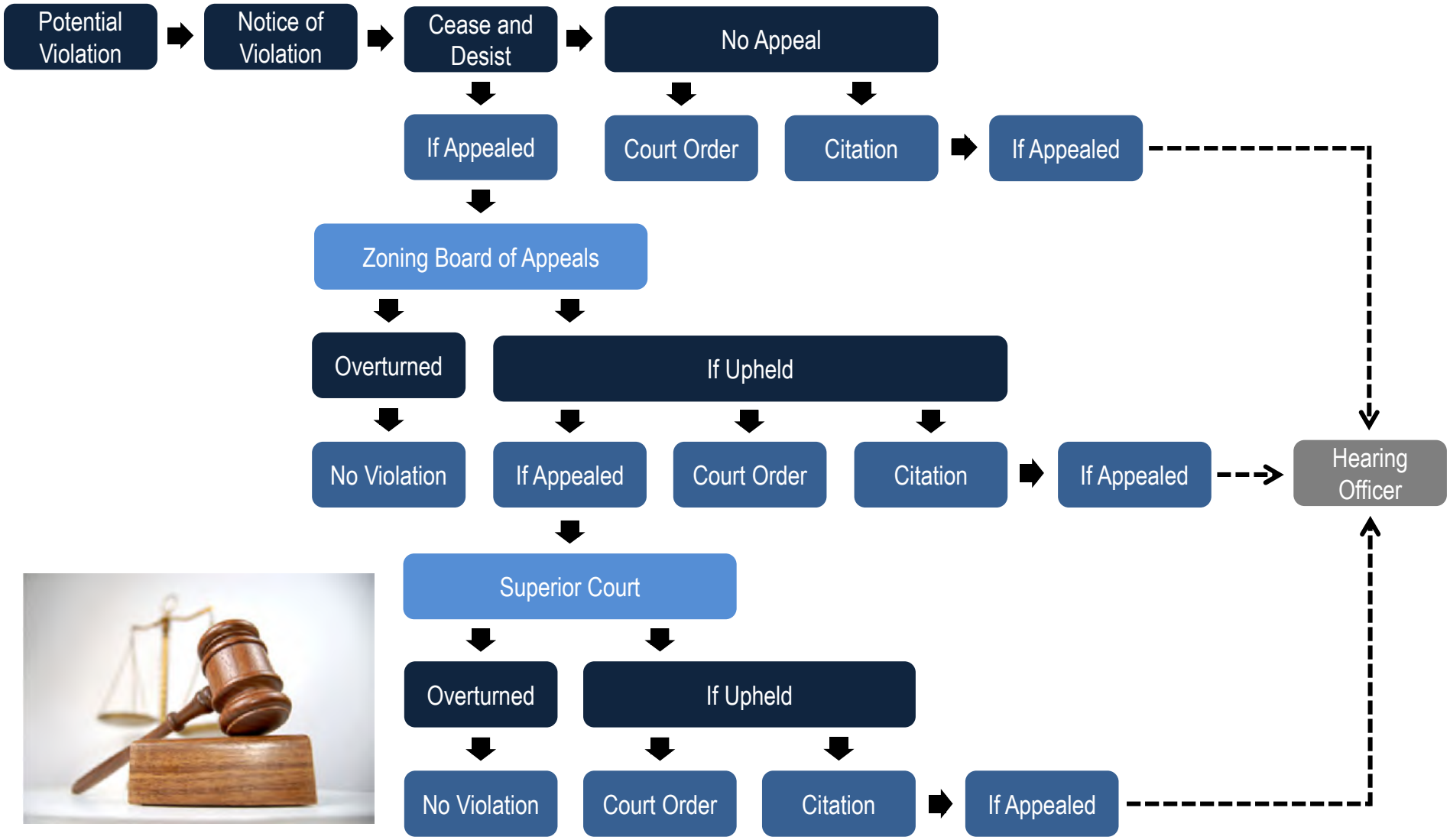
# Town of Canton
# Standard Zoning Enforcement Procedure Flow Chart



# Town of Canton
# Standard Zoning Enforcement Procedure Flow Chart



# Town of Canton
# Standard Zoning Enforcement Procedure Flow Chart



# Examples

# Hearing Officer Example – Harts Corner - Background

- Large retail store, "Petals and Paws"
- Site Plan Modification in 2012 for a "small hoop house"
  - Approximately 22' x 24'
  - No foundation or utilities
  - Not more than 9' high
  - Temporary, portable structure

# Hearing Officer Example – Harts Corner – Background

- Minor Modification in 2014
  - "…to increase size of greenhouse by 576 square feet"
  - Location was noted on new plan, as well as size increase
  - No other changes were noted

# Hearing Officer Example – Harts Corner - Enforcement

- OOV sent 6/26/15 in response to a Commissioner complaint regarding unknown construction
  - A tall, wood framed building with a steeply pitched roof was being constructed (not a hoophouse)
  - Applicant stated verbal approvals had been given, however no evidence of this. Construction continued

# Hearing Officer Example – Harts Corner

# Hearing Officer Example – Harts Corner - Enforcement

- NOV sent 7/22/15
  - Foundation was poured, with no foundation permit sought out/ issued
  - Applicant stated verbal approvals had been given, however no evidence of this. Construction continued

# Hearing Officer Example – Harts Corner – Enforcement

- Application was submitted to PZC while construction continued (7/24/15)
  - Application was later withdrawn.
- Cease and Desist Order was issued (8/12/15)
- Building official submitted a memorandum verifying that the construction was not consistent with the building permit on file

# Hearing Officer Example – Harts Corner

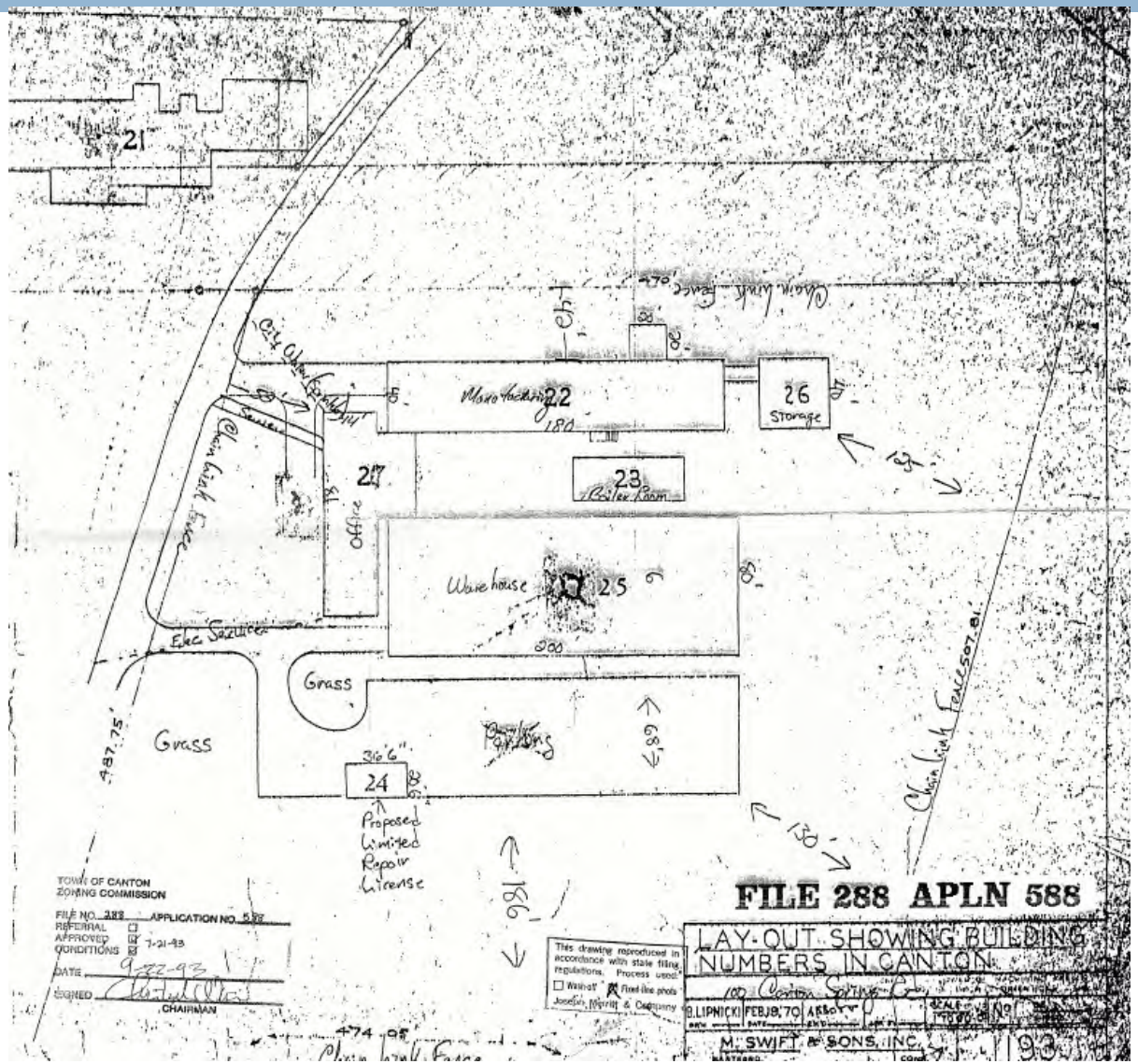
# Hearing Officer Example – Harts Corner – Enforcement

- Grand opening for new structure was advertised for 9/19/15, with no CO
- Citation issued 10/1/15, applicant appealed

# Hearing Officer Example – Harts Corner – Appealed Citation

- Hearing Officer used citation process as means for compliance.
  - Fines continued to accrue as applicant was allowed a continuation of appeal to gain approval from PZC
  - Hearing Officer acknowledged faults from both appellant and town
- Application was submitted 10/13/15, no fines were issued.

# ZBA Example – Canton Springs Road Background

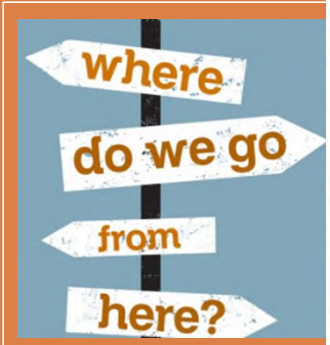


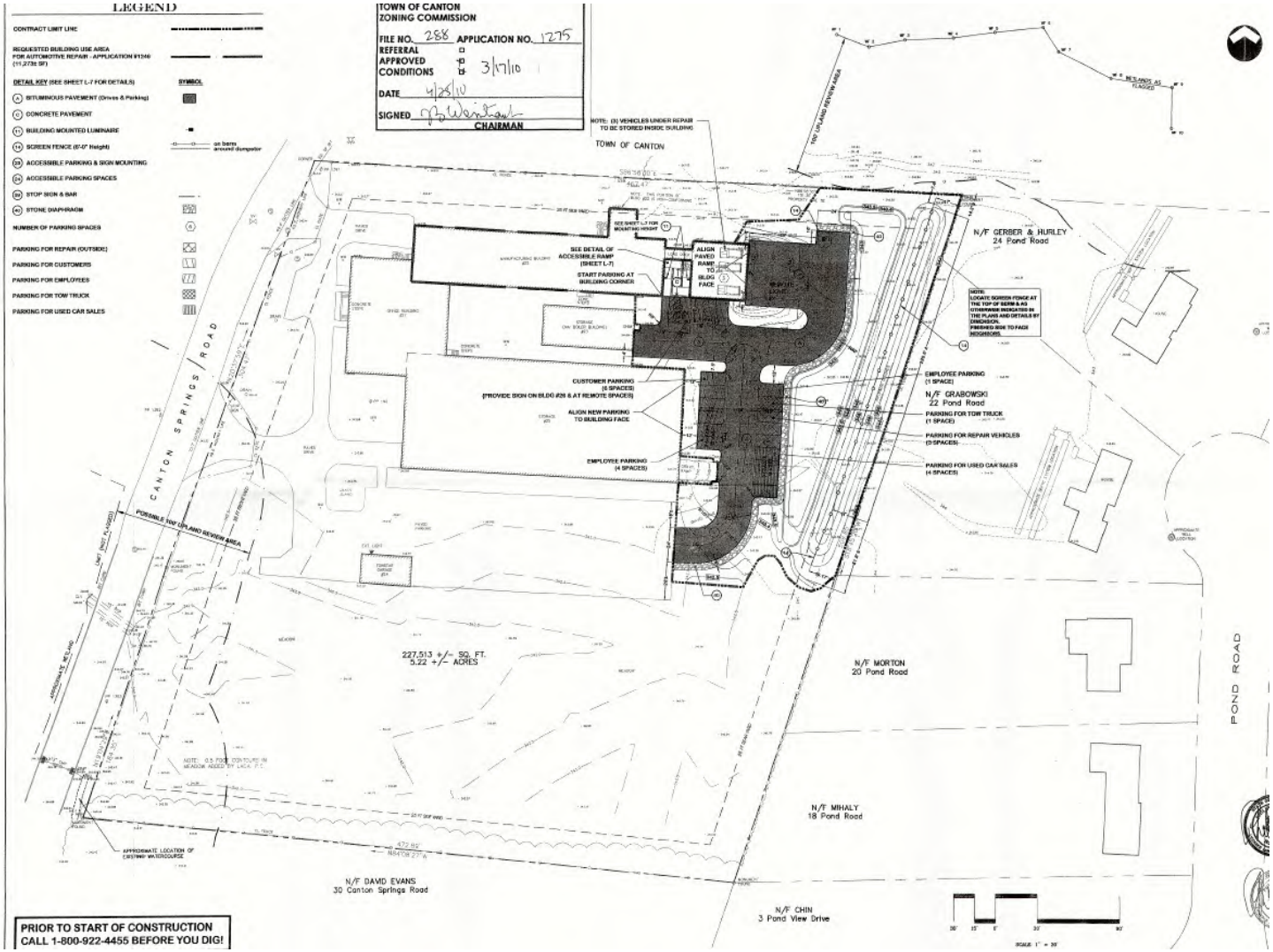
# ZBA Example – Canton Springs Road Background

# ZBA Example – Canton Springs Road Background

- Zoned industrial; adjacent to residents
- Complaint filed 11/20/15 regarding influx in vehicular storage on grass
- File research showed no approvals for parking of vehicles on grass
  - Most recent plans did not indicate grass to be used for storage

# ZBA Example – Canton Springs Road Background



# ZBA Example – Canton Springs Road Enforcement

- OOV issued 1/15/16
  - "There appears to be a large amount of unapproved vehicular storage in the grass south of the approved paved parking lot"
  - ***"You may also provide this office with any information that would allow for a determination to be made that such violation does not exist"***
  - Information was not brought in, OOV was appealed

# ZBA Example – Canton Springs Road Appeal

- 3/9/16 ZBA meeting
  - Appellant argues vehicular storage existed in grass prior to zoning
  - ZBA requests testimony from family member of original business to verify parking claim
  - Confirmed no zoning approvals for parking
  - Continued to April

# ZBA Example – Canton Springs Road Appeal

- 4/11/16 ZBA meeting
  - Notarized letter brought in during meeting
  - Public argues no time to review evidence
  - Historic aerials gathered through USGS dismissed, argued to be irrelevant with no knowledge of time photos were taken and days of the week

# ZBA Example – Canton Springs Road Aerials - 1959

# ZBA Example – Canton Springs Road Aerials - 1968

# ZBA Example – Canton Springs Road Aerials - 1991

# ZBA Example – Canton Springs Road Aerials - 2004

# ZBA Example – Canton Springs Road Aerials - 2006

# ZBA Example – Canton Springs Road Aerials - 2008

# ZBA Example – Canton Springs Road Aerials - 2010

# ZBA Example – Canton Springs Road Aerials - 2012

# ZBA Example – Canton Springs Road Appellant Evidence

15 March 2016
21 Ox Yoke Dr
Simsbury, Ct. 06070

To Steve Singenheld,
M. Swift and Sons employees parked their cars on the grassy field south of the factory buildings.
I am Mr. Swift's son-in-law and worked for M. Swift and Sons

# ZBA Example – Canton Springs Road Appellant Evidence

Mar. 30,2016

To whom it may concern,

The Swift family started the Swift Textile Metalizing business in Canton in the early 1950's and built the first of the factory buildings there at that time. Eventually that business was moved to East Hartford and the Canton factory buildings were taken over by M. Swift and Sons,Inc.

To the best of my remembrance M. Swift and Sons employees parked on the grass south of the buildings. There were 15 to 20 employees including office personnel,factory supervisor,coating machine operators,the men making the mixes used in the coating machines,quality control inspector, and warehouse employees. Most of these people drove to work in their own cars and parked on the grass south of the buildings because there was no other place for them to park. They could not park across the street from the factory because there was a large pond of water which is now occupied by the self storage business.

Ernest W Smith

Terri-Lee Urquhart 3/30/16

TERRI-LEE URQUHART
Notary Public
Connecticut
My Commission Expires May 31, 2016

# ZBA Example – Canton Springs Road Appeal

- 4/11/16
  - No extension granted, though public requested it
  - OOV is overturned

# ZBA Example – Canton Springs Road Appeal

**MOTION:** Mr. Brainard moved that the appeal for File #2016-1; 20 Canton Springs Road; Kings Highway Associates, LLC be upheld. The information provided by the applicant in the form of a notarized letter from Mr. Ernest Smith dated March 30, 2016 is the only evidence provided in the affirmative that parking of five or more vehicles occurred at 20 Canton Springs Road prior to the 1958 zoning regulations. **No contradictory evidence pertaining to the use was presented. Parking of more than five vehicles may occur anywhere on the property** with the exception of the area for File #288, Application #1275 as depicted on the map labeled Sheet L-3; Layout and Materials Plan; 20 Canton Springs Road; Prepared by LADA, PC; Prepared for AA Automatic & Brake; dated 1/12/10; revised 3/31/10 which may have restricted parking on it.

# ZBA Example – Canton Springs Road Appeal

- ZBA motion is not appealed
- ZEO's role with property has ended, because of SZEP's

# QUESTIONS?

**DRAFT MINUTES**
Regular Meeting
Canton Planning and Zoning Commission
Wednesday, September 21, 2016 at 7:30 pm
Community Center, Room F
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** The Regular Meeting of Canton Planning & Zoning Commission on September 21, 2016 was called to order at 7:30 p.m.

**PRESENT:** Jonathan Thiesse, John Huyghebaert, Phil Pane and Lansford Perry
**ABSENT:** Bill Sarmuk, David Evens, Kevin Baldwin and Ryan O'Donnell
**ALSO PRESENT:** Town Planner Neil Pade and Land Use Coordinator Renee Narducci

A quorum of the Commission is present.

**MODIFICATION OF AGENDA:** None

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. **Pre-Application Review; File #405; Apln #1629; 361 Albany Turnpike; Assessor's Map 30; Parcel 1010361; Zone B; discussion of development concepts for multi-family rental apartments; Arthur Godbout, applicant; Canton Commercial Properties, LLC, owner** – N. Pade provided an overview of the pre-application process and stated how no formal decisions are made by the Commission. Arthur Godbout, the managing member of Canton Commercial Properties, LLC, was present to discuss the application. Mr. Godbout provided an overview of the property, as well as the various site pad approvals that currently exist in town at other properties owned by Canton Commercial Properties, LLC.

   After talking with consultants and brokers, along with extensive market research, it was determined that there might be a market for an upscale apartment project in Canton. Mr. Godbout stated that there is currently no sewer or water onsite, but he has been working with the WPCA, CT Water and CT Natural Gas over the past year to explore potential connections. Greg Brown from Brown Land Planning was hired for the proposed design and Thomas Shannon was hired as the engineer. Mr. Godbout stated that he is seeking site pad approval at this time, so that he can go to market to see if there is a demand for this type of development. The proposed concept has 144 units, 36 units in each building and approximately 200 parking spaces. The structures are close to the road in keeping with the Form-Based Code and allow for an adequate buffer between the apartments and abutting property owners to the north.

   Access to the site is proposed at the western entrance on Route 44 due to better site-lines and a pre-existing curb-cut. N. Pade provided additional background on the property, as well as previously proposed concepts for the site, and stated how the concept of site pad approvals have not been done within a Design District. Guidance is requested from the Commission regarding site pad approvals and how they fit into the Form-Based Code. J. Thiesse informed the applicant that the only surety available is through a Design District approval. Design Districts are necessary for proposed developments that do not comply with current Zoning Regulations. Overall, the Commission appeared to have a positive reaction to the proposed concept and informed the applicant that he could either submit a Design District application or wait for the Form-Based Code to become effective, which wouldn't be for another 6 to 9 months.

**OTHER BUSINESS:**

1. **Review minutes from the July 20, 2016 Regular Meeting and August 17, 2016 Special Meeting** – The minutes from July 20, 2016 were approved as amended, and the minutes from the August 17, 2016 Special Meeting were approved as presented.

2. **Discussion of Possible Edits to Zoning Regulations**
   a. **Review of draft language pertaining to Electronic Message Board Signs** – N. Pade provided an overview of where things currently stand, and J. Huyghebaert provided additional information to the Commission electronically prior to the meeting. L. Perry proposed the idea of scheduling special meetings in order to hold workshops for the purpose of working through the development of these regulations. P. Pane informed the Commission of his conversations with various sign companies and although the signs have many abilities, that does not mean the Commission cannot limit the options used. J. Thiesse expressed his thoughts and feels that this use of signage can be controlled through rate of change, limitations on animation and intensity of color, etc. He further stated that before utilizing various models for our own regulations, the Commission needs to determine what they are aiming for. It was suggested that if an electronic message board sign is part of larger sign, then a percentage would be used to determine its size, while freestanding signs would adhere to current message board regulations. J. Thiesse stated that he will communicate with the Assistant Town Planner in order to work on a draft for the next meeting.

   b. **Review of edits to Design Review** – N. Pade provided an overview of the proposed edits and informed the Commission that a public hearing will be scheduled in the following months.

   c. **Review of edits to Mixed Residential Accessory Uses** – N. Pade provided an overview of the proposed edits and informed the Commission that a public hearing will be scheduled in the following months.

   d. **Review of edits to Design District; Section 5.1.C; Additional Documentation/Submission Criteria** – N. Pade provided an overview of the proposed edits and informed the Commission that a public hearing will be scheduled in the following months.

3. **Discussion of Design Regulations** – N. Pade informed the Commission that edits are currently being made and J. Thiesse advised everyone that the section regarding parking regulations still needs to be corrected. N. Pade stated that it's a matter of changing the calculations, rather than re-writing the narrative.

4. **Discussion of Subdivision Regulations Rewrite**
   a. **Distribution of draft for Commission review** – After a brief overview by N. Pade, L. Perry and J. Thiesse stated that they will read through the document and send all comments back to Neil. Upon receipt of the proposed changes, Neil will create a revised draft for distribution prior to acceptance. The Department of Public Works is currently finalizing comments and edits to the Public Improvement Standards.

   b. **Policy for processing lot line revisions pertaining to conforming parcels** – N. Pade informed the Commission that, per past legal guidance, all modifications to an approved subdivision go before the Commission for review. Lately, the majority of owners appear to be consolidating parcels that conform to zoning and Town Staff is seeking permission from the Commission to review these requests administratively. J. Thiesse expressed his thoughts and also wondered why the Commission reviewed lot-line revisions. He suggested giving N. Pade the authority to administratively handle lot-line revisions and adjustments that result in conforming lots. If the proposed activity is questionable, then the application will be brought before the Commission for review. It was suggested that a memorandum outlining the proposed policy be provided for review and possible action at the next regular meeting.

5. **Discussion of possible update to the Standard Zoning Enforcement Procedures –** N. Pade distributed an updated version of the SZEPs prior to the meeting, which included J. Thiesse's proposed changes. J. Thiesse provided an overview of his proposed edits, which included softening some language, defining terms, additional language to provide further explanation where necessary, and more.

   **MOTION:** J. Huyghebaert moved to adopt the Standard Zoning Enforcement Procedures as presented on September 21, 2016. J. Thiesse seconded the motion, which passed unanimously 4-0-0.

6. **Discussion of possible minor modifications to the existing Collinsville Streetscape in the areas of 74 Main Street and 37 Bridge Street, as it pertains to the CHDC** – N. Pade provided an overview of the proposed work, which does not fall within the Collinsville Historic District and will be handled by the Assistant Town Planner as a minor site plan modification.

7. **Discussion of lighting at the Canton High School Track –** N. Pade informed the Commission that an application has been submitted by the Board of Education, and it was not placed on the agenda as it was submitted less than 10 days prior to tonight's meeting. Statutorily, the official receipt date is this evening and the scheduling of a special meeting is requested as the lighting consultant is unable to attend the next regular meeting on October 19, 2016. The Board of Education is currently reaching out to the adjacent neighborhood and working on list of proposed events. If a quorum is not achievable for November 2, 2016, then the application will be placed on the November 16, 2016 regular meeting agenda.

8. **Discussion of potential Vice Chairman, and possible nominations and vote –** L. Perry stated that he would take the position if no one else was interested.

   **MOTION:** J. Huyghebaert moved to appoint Lansford Perry as Vice Chairman of the Planning and Zoning Commission. J. Thiesse seconded the motion, which passed unanimously 4-0-0.

9. **Discussion of Streetscape Grant** – N. Pade informed the Commission that the acceptance of the grant was approved at a Town Meeting, and town staff is attempting to contact/obtain contact information for the assigned Project Manager at DOT. There is currently no contract to proceed under the grant.

10. **Discussion of process for updating the 2014 Plan of Conservation and Development** – N. Pade provided an overview of where things stand with the POCD and informed the Commission that the Board of Selectmen is requesting a process for reviewing, collecting and recommending potential edits, updates, etc. Neil would like to provide a memo to the Board of Selectmen regarding guidance from the Commission. J. Thiesse suggested having a liaison from the Commission for the Plan Implementation Committee (PIC). The Commission recommends that the PIC be the lead agency for the collection of edits, but a liaison from the Commission review/oversee their incorporation into the document.

11. **Staff Reports:**
    a. **Town Planner's Report** – N. Pade informed the Commission that FAVARH has put out an RFP for a proposed facility in the Commerce Drive Industrial Park, and they are moving forward with a Design District application. Neil is also working with the property owners of 3 and 5 Cherry Brook Road regarding possible development concepts, and a Design District application could be in the works. The Commission was also informed of the proposed parking lot improvements at 534 Cherry Brook Road, also known as the Grange. Based on the scope of work, a minor site plan modification and IWWA Authorized Agent application are required.

    b. **ZEO Report** – The monthly report was distributed electronically prior to the start of the meeting and N. Pade informed the Commission that the Assistant Town Planner is currently drafting regulations pertaining to shipping containers.

**ADJOURNMENT:**

**MOTION:** Mr. Perry moved to adjourn the meeting at 9:22 p.m. Mr. Pane seconded the motion, which passed unanimously 4-0-0.

**DRAFT MINUTES**
Special Meeting
Canton Planning and Zoning Commission
Wednesday, November 2, 2016 at 7:30 pm
Community Center, Room B
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** The Special Meeting of Canton Planning & Zoning Commission on November 2, 2016 was called to order at 7:30 p.m.

**PRESENT:** Jonathan Thiesse, John Huyghebaert, Phil Pane, David Evens, Kevin Baldwin and Lansford Perry
**ABSENT:** Bill Sarmuk and Ryan O'Donnell
**ALSO PRESENT:** Town Planner Neil Pade and Land Use Coordinator Renee Narducci

A quorum of the Commission is present.

## PUBLIC HEARINGS

**READING OF THE LEGAL NOTICE:** Read by Mr. Pane.

1. **File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner**

   **COMMISSIONERS SEATED:** Jonathan Thiesse, John Huyghebaert, Phil Pane, David Evens, Kevin Baldwin and Lansford Perry

   Mr. Dwight Carlson was present to discuss the application and answer any questions the Commission had. The original application called for two, 80-foot poles and two, 90-foot poles; however, the applicant is now looking into an LED option that would allow for four, 80-foot poles due to a better photometric beam pattern. When the application was submitted, HID lighting was the most attractive option; however, LED lighting offers a dimming package and better control of lighting. An 1150W LED Luminaries sheet was provided to the Commissioners during the public hearing by Mr. Carlson; however, a full photometric survey depicting the revised lighting option was not readily available. Each light pole would consist of 10 fixtures, each with 228 diodes and one bulb on each fixture would face upwards in order to provide up-lighting. Mr. Carlson brought a sample of the light fixture to the meeting so the Commission and public would have a better understanding of what was being recommended.

   Mr. Mike Mahoney of Musco Lighting was also present to provide further insight on the lights, as well as company background. Musco Lighting has over 40 years' experience in sports field lighting and specializes in the ability to control light. Mr. Carlson informed the Commission that they are looking to schedule games with an end-time at 10:00 p.m.; however, not to exceed past 11:30 p.m. Mr. Kevin Case, Superintendent of Canton Public Schools, stated that the lights will be set to shut off automatically at 10:00 p.m., unless a game runs into overtime or there is a charity event; i.e., 24-hour walkathon. Mr. Carlson also discussed the proposed changes to the sound system, which aim to reduce noise levels and direct sound away from abutting residential properties. The facilities will be maintained by the Board of Education, and the lighting system has a 25-year warranty with no maintenance fee during this period.

Mr. Mahoney explained how the lighting is controlled and monitored by the company, and any modifications require user authorization. Mr. Case informed the Commission that there will be an Event Supervisor at every scheduled event. Mr. Pade provided background on the approval of the track and how the potential for future lighting was discussed when the application came before the Commission. He also reviewed the zoning regulations and special permit requirements/standards pertaining to the application.

Todd Follert of 90 Simonds Avenue, Canton, stated his concerns regarding the maintenance of the lighting, the scheduling of games, the future for potential alterations at other fields in town, and current noise levels.

Chris Weller, Varsity Coach for the Canton High School, spoke in favor of the lights and expressed concerns regarding current scheduling conflicts and how the proposed lighting would allow for extended hours of operation.

Victoria Scranton of 63 Dyer Avenue, Canton, stated that she is less concerned with light spill over and more worried about the physical placement of the light poles. She expressed concern regarding current noise levels and the potential for events to occur every weekend during the school year.

Andrew Edwards of 61 Dyer Avenue, Canton, expressed his concerns regarding the increased number of events.

Greg Skinner, President of the Canton Athletic Booster Club, stated that funding for the lights will be provided by a subcommittee of the Booster Club, known as Lights on Canton. He expressed the desire to establish a usage agreement for the field, which would allow for common procedures to be utilized by everyone.

Kennedy Mitchell (address not stated), spoke in favor of the lights and how it would be nice for the town to host home events for the traveling soccer team.

Avery Brown (address not stated), spoke in favor of the lights.

Devon Brown (address not stated), spoke in favor of the lights.

Lauren Marci (address not stated), spoke in favor of the lights.

Karen Marci (address not stated), spoke in favor of the lights and the increased usability of the field that would occur if approved.

Jonathan Webb of 26 Sunrise Drive, Canton, spoke in favor of the lights and stated his experience serving on the Board of Education's CIP Field Study Committee.

Emily Mitchell (address not stated), spoke in favor of the lights and stated how the generators for the temporary lighting are a nuisance and attendance for current games is poor due to the early start times.

Ashley Potter (address not stated), spoke in favor of the lights.

Abby Skinner (address not stated), spoke in favor of the lights and how they would allow for better more flexibility in terms of scheduling.

Nathan Fuller (address not state), stated the need for a good working relationship between the Board of Education, the community and the athletic groups.

Peter Vanschaack of 81 Simonds Avenue, Canton, stated his concerns regarding the hours in which the lights would be operational and had questions regarding the survey that was conducted in 2013 as a result of the approved temporary lighting for the field.

Drew DiPippo, Principal of the Canton High School, spoke in favor of the lights and stated that most athletic events typically begin between 6:00 p.m. and 7:00 p.m., ending between 8:00 p.m. and 9:00 p.m.

Mr. Pane suggested the idea of utilizing a balloon so the Commission and abutting property owners could visualize the height in which the lights will stand. Mr. Perry and Mr. Thiesse felt that a balloon would not provide any additional benefit. Mr. Pane, Mr. Huyghebaert and Mr. Baldwin agreed that the application should submit of a photometric survey that depicts property lines, and it should be collected prior to making a decision. Mr. Evens stated that there needs to be some limitations, as well as standards that everyone can follow. After some deliberation, it was determined that the applicant needs to be submit a revised photometric survey and a narrative that outlines the proposed number of events and affiliated timing.

**MOTION:** Mr. Thiesse moved to continue the public hearing for File #336; Apln #1628 to the next regular meeting on November 16, 2016 at 7:30 p.m. in Room F of the Community Center. Mr. Baldwin seconded the motion, which passed unanimously.

## REGULAR MEETING

**PUBLIC HEARING ACTIONS:**

1. **File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner** – No action was taken.

**OLD BUSINESS:** None

**NEW BUSINESS:**

1. **File #524; Shallot Meadow Subdivision; Road Acceptance Request; Gervais Jouvin, applicant; Family Home Builders, LLC, owner** – Mr. Pade reviewed the latest staff report regarding the road acceptance request made by Mr. David Whitney on behalf of Family Home Builders, LLC. The formal action of accepting a road is made by the Board of Selectmen (BOS) once a recommendation is provided by the Planning Commission under CGS 8-24. Historically, the town uses this process to review the road acceptance request with the Planning Commission as a means to make sure all items have been met before going to the BOS. The former Town Engineer had developed an in-depth checklist, which has been applied to this request and submitted to the Commission in the form of a staff report. The criteria necessary for a road acceptance request is outlined in Section 621 of the Subdivision Regulations and the staff report outlines 21 different items, which Mr. Pade explained in depth.

   The Town Attorney has reviewed the drainage easements and the town has received a letter from Mr. and Mrs. Olson, dated October 25, 2016, stating concerns about the objection to flow and drainage onto their property, in which an excerpt has been included as part of the meeting packet. Mr. Thiesse went on to explain how the Commission receives and handles unsolicited input regarding an administrative function of the Commission where no Public Hearing is held. He stated that, in general, unsolicited input and testimony not from a town agency or staff, or from some other governmental or similar type agency, in regards to site plans or other administrative deliberations of the Commission in absence of a public hearing should not be accepted or considered by the Commission as a matter of appearance of fairness. Mr. Thiesse further discussed the exceptions to this standards and the determination of relevance to deliberation. The first letter received by the Olson's dealt more with history; however, the last paragraph on the second page appeared relevant to the Commission's deliberation on the matter.

Mr. Thiesse made a point to distinguish between the original subdivision approval and the road acceptance request. Based on review by the Town Attorney, the proper drainage rights are in place and with respect to drainage on adjacent properties, the rights are in place and even if they are not, there is an arrangement with the developer to protect the town. Mr. Thiesse clarified that the Commission is not here to take action but to provide a report to the BOS on road acceptance, and in his opinion, what was received by the Town Attorney suffices for road acceptance. It was stated that the secondary letter to the Commission provided by Mr. and Mrs. Olson does not provide any new information that would change the opinion provided by the Town Attorney. Mr. Huyghebaert stated that the legal opinion provided by the Town Attorney has satisfied the town's process for reviewing the road acceptance request, and Mr. Thiesse and Mr. Perry agreed.

**MOTION:** Mr. Thiesse moved that for Subdivision File #524, Shallot Meadow Road, the Commission, based upon the recommendation of their Engineer and the November 2, 2016 recommendation of the Town Attorney, that the requirements for road acceptance have been successfully accomplished by Family Home Builders LLC, the Commission herby submits a favorable a report, in accordance with Section 621 of the subdivision regulation (SR) and Connecticut General Statutes 8-24, to the Board of Selectman (BOS) recommending acceptance of the roadway and other associated public improvements. A residual security required by SR 621.1 and 614.1 in the amount of $78,116 shall be retained for one year from the date of acceptance of the public improvements by the BOS in a form acceptable to the Town. Additional security associated with the acceptance of the road inclusive of an indemnification of the Town with respect to any drainage dispute shall be provided in accordance with the recommendation of the Town Attorney. Mr. Evens seconded the motion, which passed unanimously 6-0-0.

**OTHER BUSINESS:** None

**ADJOURNMENT:**

**MOTION:** Mr. Perry moved to adjourn the meeting at 9:55 p.m. Mr. Huyghebaert seconded the motion, which passed unanimously 6-0-0.

**DRAFT MINUTES**
Regular Meeting
Canton Planning and Zoning Commission
Wednesday, November 16, 2016 at 7:30 pm
Community Center, Room F
40 Dyer Avenue, Canton, CT

**CALL TO ORDER:** The Regular Meeting of Canton Planning & Zoning Commission on November 16, 2016 was called to order at 7:30 p.m.

**PRESENT:** Jonathan Thiesse, John Huyghebaert, Phil Pane and Lansford Perry
**ABSENT:** Bill Sarmuk, David Evens, Kevin Baldwin and Ryan O'Donnell
**ALSO PRESENT:** Town Planner Neil Pade and Land Use Coordinator Renee Narducci

A quorum of the Commission is present.

## PUBLIC HEARINGS

**READING OF THE LEGAL NOTICE:** The legal notice was read at the November 2, 2016 Special Meeting by Mr. Pane.

1. **File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner**

   **COMMISSIONERS SEATED:** Jonathan Thiesse, John Huyghebaert, Phil Pane and Lansford Perry

   Mr. Dwight Carlson was present to discuss the application and answer any questions the Commission had. Mr. Pade provided an overview of what was received since the last meeting, which included numerous emails, a revised photometric survey, a proposed usage agreement and information regarding the Town of Farmington's field lighting. Mr. Carlson explained that the revised photometric survey depicts the exact location of the proposed lighting and represents zero foot-candles at the property lines. The proposed user agreement includes 25 events, which Mr. Carlson reviewed with the Commission, and offers the utilization of walking lights for public use and does not permit amplified sound at practices. The walking lights will run at a reduced level (around 15%) and will not turn on unless someone is present to push a button. In terms of noise, the sound system has been amplified more than normal due to the loudness of the generators utilized for temporary lighting. The Commission was pleased to see zero foot-candles at the property lines and felt it would be easier to regulate when games began, rather than when they end. Mr. Pade expressed concern for how the Land Use Office will monitor complaints and determine whether an event is concerned a game, practice or a charity event. Mr. Perry recommended approving the application with a provision to revisit the matter in two years in order to see where things stand and if modifications are necessary.

   Christina Mitchell of 14 Noja Trail provided background on the number of games that are typically held for each sport at the school, and stated that it is not standard practice to have sound at soccer, field hockey or lacrosse games. She also noted that it is common practice to schedule games back-to-back during the week rather than on the weekends.

David Hudon of 48 Gildersleeve Avenue had questions regarding the creation of the proposed user agreement and whether or not abutting property owners were included in the process. He stated his concerns regarding the number of games to be held each week and asked whether or not the proposed lighting was dark-sky compliant.

Todd Follert of 90 Simonds Avenue informed the Commission of previous issues that he had with the noise generated by the Little League and is concerned that existing noise levels will only get worse.

Cheryl Follert of 90 Simonds Avenue expressed the need for a point of contact regarding the school track and a contact number that can be utilized if a problem arises.

Abby Skinner of 10 Highfields Drive spoke in favor of the lights and stated how it will allow for better scheduling and utilization of the field.

Ronald Dymicki of 5 Sugar Camp Road stated his concerns regarding the proposed user agreement and expressed the need for better management and monitoring of games, as well as the shut off times for the lights.

Greg Skinner of 10 Highfields Drive spoke in favor of the lights and encourages the community to get involved.

Emily Mitchell of 14 Noja Trail spoke in favor of the lights and stated how it will allow for better scheduling and utilization of the field.

Justin Ludwig of 80 Simonds Avenue expressed his concern regarding the noise and liked the idea of permitting games at different times during the week, versus on the weekends.

McCauley of 25 Greystone expressed her concerns regarding the scheduling conflicts that currently exist due the lack of lighting.

Victoria Scranton of 63 Dyer Avenue expressed her concerns regarding potential noise issues and ensuring an equal opportunity for all youth sports. She would like to see open field time incorporated into the user agreement, so that children not involved in organized sports could still utilize the field, as there is already a field shortage in town.

Mr. Pade reviewed the 2013 approval, which included 28 conditions and noted how the proposed lighting will be dark-sky compliant. He discussed how a special exception was built into the current regulations to allow for athletic field lighting by approval of the commission, and how the commission can only regulate the number of events and time frames in which the lights are operational. Mr. Perry suggested that the commission present a draft motion before closing the public hearing so the public could have the chance to comment. Mr. Carlson supported the idea of having a point of contact for any concerns, as well as opening up the field to non-organized school sports. The commission discussed at length potential conditions and modifications to the proposed user agreement.

**MOTION:** Mr. Pane moved to close the public hearing for File #336; Apln #1628. Mr. Huyghebaert seconded the motion, which passed unanimously.

## REGULAR MEETING

**PUBLIC HEARING ACTIONS:**

1. **File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner**

**MOTION**: Mr. Thiesse moved to APPROVE File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner.

This approval is granted in part on the application submitted on September 14, 2016, testimony received at a public hearing commenced on November 2, 2016, continued to November 16, 2016 and closed on that date; and upon the following documentation submitted by the Applicant or others during the course of the proceedings on the application:

Drawings:

1. Sheet 1; Illumination Summary; Canton, CT; Prepared for Canton High School Turf Field; Prepared by Musco Lighting; dated November 9, 2016

Correspondence:

1. Town of Canton Planning/Zoning Development Application – File #336; Apln #1628; 72 and 76 Simonds Avenue; Assessor's Map 30; Parcels 4820072 and 4820076; Zone MCPF; Special Permits, Section 6.4.E.10, enlargement of special permit standards; Section 7.4.D.3.F, lighting necessary for special outdoor events and playing fields; and Site Plan Modification, Section 9.1; request to install four new light poles for illumination of the track and field; Dwight Carlson, applicant; Town of Canton, owner
2. Zoning Approval for File #336; Apln #1393; dated March 18, 2013
3. Zoning Approval for File #336; Apln #1421; dated September 24, 2013
4. Zoning Approval for File #336; Apln #1464; dated October 1, 2014
5. Town of Canton GIS Map for 72 and 76 Simonds Avenue
6. Narrative describing the proposed lighting
7. Musco Lighting pole specifications sheet (2 pages)
8. Musco Lighting illumination summary (2 pages)
9. Musco Lighting equipment layout
10. Abutter notice; dated 10/6/16
11. Letter from Patricia Goodwin of 552 Cherry Brook Road; received 10/4/16
12. Certification of Notice for posting of public hearing sign per Section 9.9.F of Zoning Regulations; dated 10/6/16
13. Valley Press legal notice; dated 10/12/16
14. Letter from Canton Public Schools to the Town of Canton regarding the proposed track and field lighting; received 10/12/16
15. Email of support from Kim Kulik to Neil Pade; dated 10/13/16
16. Proof of legal notice publication from Barbara Ouellette at the Valley Press; dated 10/17/16
17. Email of support from Beth Griffin to Neil Pade; dated 10/15/16
18. Certified mail receipts from abutter notices; dated 10/17/16
19. Email of support from John Koster to Neil Pade; dated 10/18/16
20. Email of support from Mark Schuman to Neil Pade; dated 10/18/16
21. Email of support from Jennifer Underkoffler to Neil Pade; dated 10/18/16
22. Email of support from Rebecca Andrews to Neil Pade; dated 10/18/16
23. Email of support from Tiffany Davis to Neil Pade; dated 10/18/16
24. Email of support from Amy Yanke to Neil Pade; dated 10/18/16
25. Email of support from Amy Brown to Neil Pade; dated 10/18/16
26. Email of support from Hailey Miller to Neil Pade; dated 10/18/16
27. Town of Canton receipt of abutter notification; received 10/18/16
28. Email of support from Linda Quattro to Neil Pade; dated 10/20/16
29. Email of support from Andrew Lefave to Neil Pade; dated 10/20/16
30. Email of support from Shane Toland to Neil Pade; dated 10/21/16
31. Certified mail green cards; received 10/25/16

32. Photometric survey
33. Email of support from Kathy Wood to Neil Pade; dated 10/26/16
34. Agenda for the 11-02-16 Special Meeting of the Planning and Zoning Commission
35. Staff memorandum from Neil Pade to the Planning and Zoning Commission; dated 10/26/16
36. Notification of public hearing room relocation
37. Email of support from Amanda Mainville to Neil Pade; dated 10/27/16
38. Email of support from Carol Coutant to Neil Pade; dated 10/31/16
39. LED photometric survey; received 10/31/16
40. Revised narrative depicting HID versus LED luminaire option; received 11/1/16
41. Image of multipurpose facility lighting at New Milford High School by Musco Lighting; received 11/2/16
42. Email of support from Charlotte LaCombe to Neil Pade; dated 11/2/16
43. Email of support from Michele Matthes to Neil Pade; dated 11/2/16
44. Email of support from Lisa Campbell to Neil Pade; dated 11/2/16
45. Email of support from Michelle Winkler to Neil Pade; dated 11/3/16
46. Email of support from Christina Mitchell to Neil Pade; dated 11/3/16
47. Email of support from Ruth Pinto to Neil Pade; dated 11/2/16
48. Email of support from Jessica Giblin to Neil Pade; dated 11/3/16
49. Email of support from Carol Coutant to Neil Pade; dated 11/9/16
50. Draft minutes from the 11/02/16 Special Meeting of the Planning and Zoning Commission
51. Email from Victoria Scranton to Neil Pade regarding the Town of Farmington's track and field lighting; dated 11/16/16
52. Email from Susan McDonald, Executive Assistant for the Superintendent of Canton Public Schools, to Neil Pade regarding the proposed usage agreement for the track and field; dated 11/16/16
53. Canton Public Schools' proposed track and field Usage Agreement; dated 11/09/16; revised 11/10/16
54. Email from Neil Pade to William Warner, Town Planner for the Town of Farmington; dated 11/16/16
55. Email from Sandra Michaud, Town of Farmington Land Use Coordinator, to Neil Pade; dated 11/16/16
56. Town of Farmington Plan and Zoning Commission meeting minutes; dated 07/08/02
57. Town of Farmington Plan and Zoning Commission meeting minutes; dated 03/14/11
58. Memo from Kathleen Greider, Superintendent of Farmington Public Schools, to Bill Warner, Town Planner for the Town of Farmington, regarding turf field lighting; dated 06/10/15
59. Letter from Bill Silva, Principal of Farmington Public Schools, to Sandra Michaud, Town of Farmington Land Use Coordinator, regarding turf field lighting; dated 07/15/15
60. Town of Farmington Planning and Zoning Commission meeting minutes; dated 07/27/15
61. Letter from Donald Doeg, Town of Farmington Plan and Zoning Commission, to Kathleen Greider, Superintendent of Farmington Public Schools, regarding turf field lighting; dated 08/05/15

This approval with conditions and modifications is granted because the Commission finds that the application, <u>as conditioned and modified by and inclusive of the stipulations of this approval</u>, would comply with the following:

1. Section 9.2.E – Special Permit Criteria
2. Section 7.4 – Standards for Outdoor Lighting
3. Section 7.4.D.3.F – Lighting necessary for special outdoor events and playing fields
4. Section 9.1.A.1 - Site Plan Modifications
5. Section 8.2 – Performance Standards
6. Section 6.4.E.10 – Enlargement of a Special Permit Use

This approval is effective **December 6, 2016** (20 Days from approval date) and UPON THE RECORDING OF AN APPROVAL LETTER/CERTIFICATE OF ACTION WITH THE TOWN CLERK.

The Commission hereby grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. The following stipulations are necessary to ensure compliance with the special permit criteria of Section 9.2.E:
    a. Walking lights shall be permitted from 5 AM through dawn, and from dusk to 8:30 PM at 15% of full power (no greater than 7 foot candles on the track surface) on a user activated button operational only at that time.
    b. Up to 25 games shall be allowed to be held under the lights.
    c. Football games held on a Friday night shall have a scheduled start time of no later than 7 PM.
    d. Non-football games held on a Friday night shall have a scheduled start time of no later than 8 PM.
    e. Other nights of the week any game shall have a scheduled start time no later than 7 PM.
    f. One week a year scheduled games that week shall be allowed starting no later than 8 PM.
    g. No games or practices shall be allowed under the lights on Sundays.
    h. Lights shall be turned off ½ hour from the conclusion of the game.
    i. Practices under the lights shall conclude by 8:15 PM with lights turned off by 8:30 PM.
    j. Up to two special events (in addition to the 25 games allowed under b) shall be allowed to conclude by 9:30 PM with lights turned off by 10 PM.
    k. Amplified sound for games under the lights, including but not limited to pre-game music and National Anthem, is permitted prior to the start of the game.
    l. Amplified sound for games under the lights may be used for mid or post event for senior ceremonies or pertinent score announcing.
    m. Use of amplified sound shall cease at the completion of the game.
    n. No more than 10 games under the lights are allowed “play by play” amplified sound.
    o. Amplified sound under the lights is not allowed at practices of any kind.
    p. The conditions of the March 2013 approval of the facility are incorporated by reference.
    q. The use of amplified sound under the lights shall expire at the conclusion of 30 months, operation from the date of completed installation unless the applicant submits an application at that time (or sooner) for a public hearing to evaluate the conditions pertaining to use of amplified sound under the lights. The Commission may modify such conditions based on input and observations at that time.
    r. Under any circumstance in which play is extended due to inclement weather or unexpected suspension of play, lights shall be turned off no later than 10:30 PM on weekdays and 11 PM on weekends.
    s. Photo metrics at the property lines shall be field verified by the ZEO and adjustments made if necessary prior to the commencement of operation of the lights.
2. Any enlargement or expansion shall require a modification of this approval by the Commission.
3. This approval is binding upon the applicant / developer, heirs, assigns, and grantees. This approval constitutes a contractual agreement between the Town of Canton and the applicant, heirs, assigns and grantees.
4. In evaluating this application the Town of Canton has relied on information provided by the Applicant or his/her agent.

**SECONDED:** By Mr. Pane.
**VOTE:** Passed unanimously.

**OLD BUSINESS:** None

**NEW BUSINESS:** None

**OTHER BUSINESS:**

1. **File #434; 708 Cherry Brook Road; Assessor's Map 1; Parcel 1850708; Zone R-3; Request to release the remaining Erosion and Sediment Control Bond in the amount of $30,000** – Mr. Pade provided an overview of the situation and stated how the conditions of the current bond were set by the Inland Wetlands and Watercourses Agency. George Wallace, the Town of Canton Project Administrator, inspected the property and issued his recommendations. Mr. Pade reviewed Mr. Wallace's recommendations, as well as the suggested terms for approval. Mr. Jeff Miller, the property owner, was present to provide further insight on the property and answer any questions the Commission had. Based on the discussion that occurred, there was a consensus that the Planning and Zoning Commission had no objection to the release of the remaining Erosion and Sediment Control Bond as requested by the applicant.

2. **Review minutes from the September 21, 2016 Regular Meeting and November 2, 2016 Special Meeting** – This agenda item was TABLED.

3. **2017 Planning and Zoning Commission Meeting Schedule**

   **MOTION:** Mr. Thiesse moved to adopt the 2017 Planning and Zoning Commission meeting schedule as proposed. Mr. Huyghebaert seconded the motion, which passed unanimously 4-0-0.

4. **Discussion of Fiscal Year 2016-2017 Annual Report Narrative** – The Commission reviewed the draft narrative and had no changes.

5. **Discussion of Possible Edits to Zoning Regulations** – Mr. Thiesse recommended some changes for the proposed Zoning Regulation Amendments that will be discussed at a public hearing on December 21, 2016.

   a. **Review of draft language pertaining to Electronic Message Board Signs** – This agenda item was TABLED.

6. **Discussion of Design Regulations** – This agenda item was TABLED.

7. **Discussion of Subdivision Regulations Rewrite** – This agenda item was TABLED.

8. **Discussion of Streetscape Grant** – This agenda item was TABLED.

9. **Discussion of the TIF Preliminary Master Plan** – This agenda item was TABLED.

10. **Staff Reports:**

    a. **Town Planner's Report** – This agenda item was TABLED.

    b. **ZEO Report** – The Commissioners received a copy of the report prior to the start of the meeting.

**ADJOURNMENT:**

**MOTION:** Mr. Huyghebaert moved to adjourn the meeting at 10:44 p.m. Mr. Thiesse seconded the motion, which passed unanimously 4-0-0.

CRCOG CAPITOL REGION COUNCIL OF GOVERNMENTS
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**TO:** **Municipal Planners and Planning Directors**

**FROM:** **Mary Ellen Kowalewski, Director of Policy & Planning**

**SUBJECT:** **Appointments to CRCOG Regional Planning Commission**

**DATE:** **December 1, 2016**

We are updating our Regional Planning Commission membership lists. Appointments are made on an annual basis for terms beginning in January and lasting through December of the upcoming year.

We request that your Planning Commission or Planning and Zoning Commission appoint a representative and alternate to serve on the RPC from the date of appointment through December 31, 2017. If your commission members are appointed by the Board of Selectmen or Town/City Council, the RPC appointments must also be approved by these bodies.

Your participation on the Regional Planning Commission ensures that the concerns of your municipality are reflected in regional plans and policies developed by the commission. Two of the main responsibilities of the RPC, as established under State Statutes, are to keep up-to-date a Plan of Conservation and Development for the Capitol Region, and to comment on zoning and subdivision proposals occurring along town lines.

Please make sure that the person appointed to the RPC is willing to attend our meetings on a regular basis, and if possible, please appoint an alternate who is willing to attend in the member's absence. The 2017 RPC Meeting Schedule is attached. Meetings will be held on the second or third Thursday of meeting months, as noted on the schedule. Meetings are held at the West Hartford Town Hall.

RPC meetings are used to keep planning and zoning officials informed on CRCOG projects and programs related to regional and local planning. In addition, workshop sessions on current planning and zoning topics are periodically held, and members are given time to share information on municipal planning issues.

We look forward to working with your town's RPC representative in the coming year. If you have any questions, please feel free to contact me at 860-522-2217 ext. 222 or mkowalewski@crcog.org.

cc. Regional Planning Commission members and alternates.

# REGIONAL PLANNING COMMISSION

# 2017 MEETING SCHEDULE

Regular meetings of the Regional Planning Commission are held on the second or third Thursday of every other month.

7:00 PM at the

West Hartford Town Hall,

50 South Main Street,

West Hartford *(unless noted to the contrary)*

January 19, 2017

March 9, 2017

May 18, 2017

September 14, 2017

November 16, 2017

# Collins Company Complex Preliminary TIF Master Plan

## Town of Canton, CT

September 2016

Prepared for:

Town of Canton, CT
4 Market Street
Collinsville, CT 06019

camoin associates
ECONOMIC DEVELOPMENT

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## About Camoin Associates

Camoin Associates has provided economic development consulting services to municipalities, economic development agencies, and private enterprises since 1999. Through the services offered, Camoin Associates has had the opportunity to serve Economic Development Organizations, local and state governments, and developers from Maine to California; corporations and organizations that include Lowes Home Improvement, FedEx, Volvo (Nova Bus) and the New York Islanders; as well as private developers proposing projects in excess of $600 million. Our reputation for detailed, place-specific, and accurate analysis has led to projects in 28 states and garnered attention from national media outlets including *Marketplace* (NPR), *Forbes* magazine, and *The Wall Street Journal*. Additionally, our marketing strategies have helped our clients gain both national and local media coverage for their projects in order to build public support and leverage additional funding. The firm currently has offices in New York; Maine; Massachusetts, and Vermont. To learn more about our experience and projects in all of our service lines, please visit our website at www.camoinassociates.com. You can also find us on Twitter @camoinassociate, on Facebook, and on our website at www.camoinassociates.com.

## The Project Team

Jim Damicis
*Senior Vice President, Project Principal*

Tom Dworetsky
*Economic Development Analyst, Project Manager*

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# Introduction

The purpose of this preliminary plan is to prepare for a Tax Increment Financing (TIF) District Master Plan for the Town of Canton, Connecticut, for the redevelopment of the former Collins Company Complex and to support economic development in the village center of Collinsville. The Collins Company Complex is the former home of the Collins Company, which manufactured axes and related products until 1966. The property consists of 25 historic buildings situated on 19 acres along the east bank of the Farmington River and within Collinsville in the southwestern section of Canton.

Town records indicate there are 34-56 businesses that occupy the site, but much of the site remains vacant or underutilized. The full property is currently for sale and the Town is interested is seeing the site developed to its fullest economic potential in a manner that is compatible with the Town, the Collinsville village center, and the natural and historical environment; creates new investment for the Town's tax base; creates new employment; and helps support a vibrant and sustainable downtown economy.

The site has yet to generate a buyer and developer, though several proposals are being considered. To come to fruition and to be developed in a manner that best meets the Town's needs, a public private partnership will be needed to support site and related development costs. The need for this partnership is driven by:

- Relatively high site costs, including but not limited to environmental testing and remediation, demolition, stabilization of existing structures, utilities, roads, parking, restoration of canal and dam system, public access amenities, and other quasi-public infrastructure
- Ability to achieve town goals, and objectives to become a signature property with significant economic impact potential

TIF provides this opportunity for a public/private partnership. TIF is a financing method used by communities to catalyze economic development. It allows future property tax revenues from new development at a site or within a district to be dedicated and utilized to support the project/district and related economic development. Tax benefits from the project can be used to support public and private development costs. Figure 1 on the following page shows how revenues are dedicated or "captured" under a TIF arrangement.

TIF revenues can be used to offset public and/or private developer costs and as business incentives. TIF revenues can be used for:

- Infrastructure
- Land Acquisition
- Construction, Demolition, Remodel
- Streetscape
- Capital Costs (fixtures, equipment, etc.)
- Professional Services (engineering, architecture, etc.)
- TIF Administration & Organization Costs (municipal, consulting costs)
- Off-Site (but related to TIF District) including:
    - Roadways
    - Water/Sewer
    - Public Safety
    - School
    - Mitigation of Adverse Impacts (e.g., new traffic)

- Economic Development Initiatives
- Employment Training
- Environmental Improvement Projects

- To support funding for approved TIF uses above

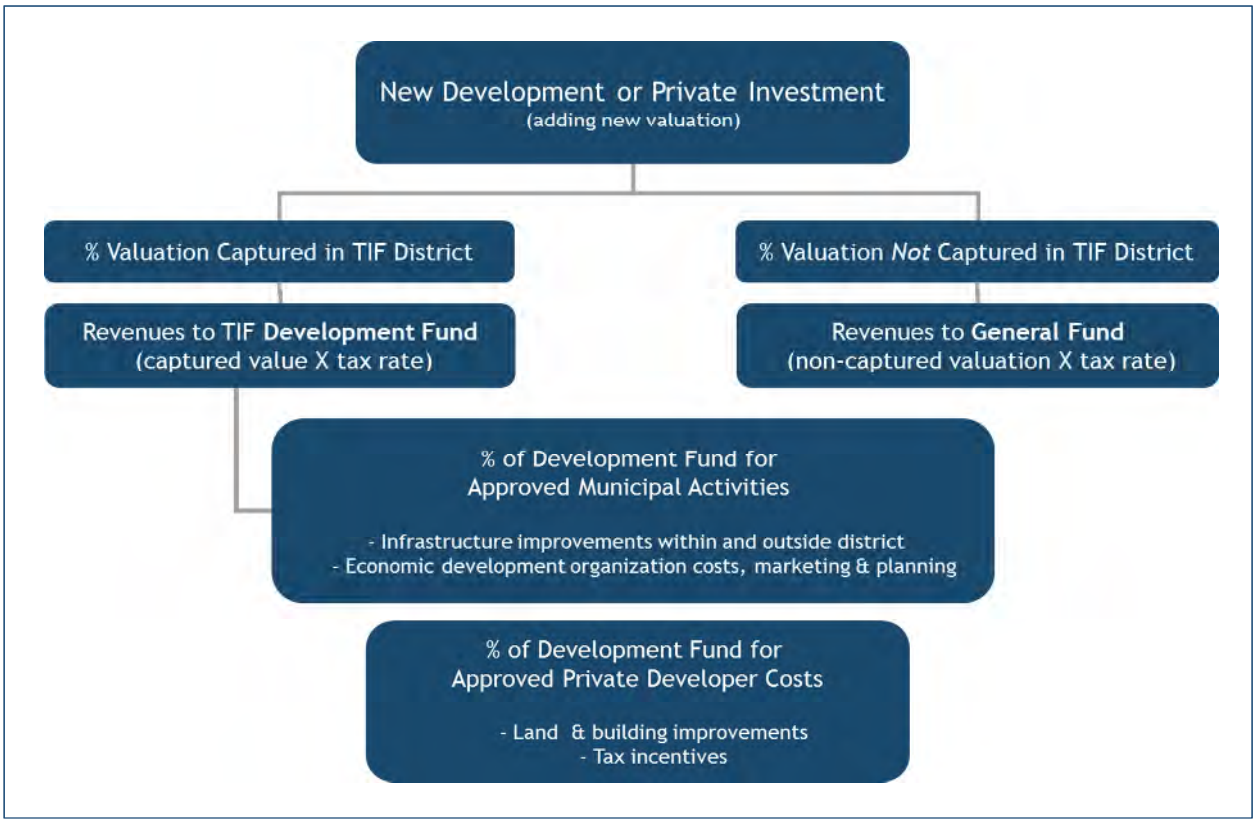


**Figure 1**

See Appendix A for examples on how TIF has been used in communities throughout Maine. While new to Connecticut, TIF has been utilized in Maine for more the twenty-five years.

## TIF Process

To establish a TIF District a municipality must complete a District Master Plan. This includes:

- Description and listing of boundaries and properties (parcels) within the district
- Description of projected future development – size, type, uses
- Site, building, and infrastructure Improvements to be completed in the district and related areas, including public and private
- Duration of TIF District (up to 50-year maximum)
- Financial Plan – existing tax valuation, public and private development costs projected future valuation from new development projected new revenues, portion of new revenues to be used in TIF plan broken out between public and private uses, financing mechanisms, public debt if any, and related financial data

The process for approval of a TIF incorporates nine steps. They are:

1. After securing an interest in real property within the Tax Increment District area as described in the preliminary TIF District Master Plan, a Developer may approach the Town seeking the potential use of Tax Increment Financing (TIF). The property interest must include sufficient rights to purchase the property upon a definitive event.
2. The Board of Selectmen shall review the proposal against the criteria, goals and objectives identified in the Preliminary TIF District Master Plan.
3. Upon review and approval of the Board of Selectmen, the Chief Administrative Officer shall be authorized to enter into negotiations with the Developer to create a proposed TIF District Master Plan consistent with the guidelines outlined in the Preliminary TIF Master Plan. Prior to initiating such negotiations, the Developer shall deposit in escrow with the Town sufficient funds to pay the reasonable costs of professional services to represent and assist the Town in developing and reviewing the proposed TIF District Master Plan on behalf of the Town. The Chief Administrative Officer shall be authorized to contract such professional services as may be necessary to assist in creating the Proposed TIF District Master Plan.
4. After completing the proposed TIF District Master Plan, the Plan shall be submitted to the Board of Selectmen for review. After consultation with the Board of Finance, the Board of Selectmen shall determine whether the proposed TIF District Master Plan conforms to the guidelines specified in the Preliminary TIF District Master Plan, satisfies the statutory requirements of Connecticut Public Act 15-57 and is in the Town's best interest to adopt.
5. The Board of Selectmen shall submit the TIF District Master Plan to the Planning and Zoning Commission for comment ninety (90) days prior to approval of the proposed TIF District Master Plan. The Planning and Zoning Commission shall also render an advisory opinion as to whether the proposed TIF District Master Plan is consistent with the Plan of Conservation and Development.
6. After receiving comments from the Planning and Zoning Commission the Board of Selectmen shall hold a public hearing on the proposed TIF District Master Plan. Such public hearing shall be properly noticed at least 10 days prior to the public hearing pursuant to Public Act 15-57.
7. The proposed TIF District Master Plan shall then be submitted to a Town Meeting for final approval.
8. If approved by the Town Meeting the Board of Selectmen shall take such steps as are necessary to create and administer the TIF District Master Plan.

9. The creation and approval of a TIF District Master Plan shall not relieve the Developer from complying with any other regulatory and/or permitting requirements which may be necessary as part of the Developer's project.

## Town Goals and Objectives

The purpose of this plan is to prepare for a Tax Increment Financing (TIF) District Master Plan for the Town of Canton, Connecticut, for the redevelopment of the Collins Company Complex and to support economic development in the adjacent downtown area. The Town is interested in seeing the site developed to its fullest economic potential in a manner that is compatible with the Town, the Collinsville village center, and the natural and historical environment; creates new investment for the Town's tax base; creates new employment; and helps support a vibrant and sustainable downtown economy. Specifically, the Town seeks development that reasonably meets the following goals and objectives:

- Is reasonably compatible with surrounding uses and the natural environment
- Is feasible in the market with defined assistance through a partnership with the Town and has utilized all non-Town related sources of funding support
- Meets the overall economic development goals and objectives of the Town
- Creates and enhances connections to downtown and adjacent neighborhoods and improves the economic wellbeing of the downtown area and Town as a whole
- Preserves the historic resources of the site and prevents the further deterioration of these resources
- Enhances recreation, public spaces, and water access
- Creates and/or sustains businesses and jobs
- Increases and diversifies the tax base
- Can be developed to its fullest potential within a reasonable time frame
- Has a net-positive fiscal impact on the Town by generating more revenues than it costs in related services and expenditures

These goals and objectives will be utilized by the Town when considering the planning, adoption, and implementation of a Tax Increment Financing District and any related agreements to assist potential developers.

# The Collins Company Site

The site is the former home of the Collins Company, which manufactured axes and related products in a factory complex onsite until 1966. The property consists of 25 historic buildings situated on one parcel occupying 19 acres along the east bank of the Farmington River in the Collinsville section of Canton, Connecticut. The Farmington River Rail Trail divides the site in two.

Existing buildings date back to the 19th and early 20th centuries and once functioned as mills and warehouses. The Farmington River, which once powered the factory, traverses the site through stone-lined canals and raceways. The existing buildings contain about 150,000 square feet of space, some of which is occupied by retail, office, and light industrial tenants. Much of the property, however, sits vacant and unused.

## Development Potential

Camoin Associates conducted interviews with interested developers as well as members of the Canton community in order to understand the development potential of the site from a physical perspective, regulatory perspective, and economic feasibility perspective.

The site is within the Town's Industrial Heritage (IH-1) zoning district. The district was developed to retain the historic character of the property as well as promote a mix of uses that complements nearby downtown Collinsville. The mix of uses allowed by current zoning is shown in Table 1.

**Table 1**

| Current Zoning Standards - Industrial Heritage (IH-1) District | |
|---|---|
| Use Type | Required Range |
| Residential | 40 - 100 units |
| Office | 25,000 - 75,000 SF |
| Light Industry | 10,000 - 25,000 SF |
| Retail | 10,000 - 45,000 SF |
| Other | 0 - 50,000 SF |

Please reference the @COLLINSVILLE IH-1 District Master Plan and Zoning Standards, adopted November 17, 1999, for additional information on use and design standards.

### Residential

According to interviews with real estate professionals familiar with the Canton market, there is significant demand for residential units. Canton is located about 20 miles from employment centers in and around Hartford, making it a desirable location for professionals and families seeking to live in a small-town setting but also within an easy commuting distance. Moreover, the scenic views and historic nature of the axe factory make the property particularly attractive to potential residents. Market-rate rental apartments and for-sale condominium units are both viable for this site.

### Retail and Restaurant

Retail space is also a viable use for the site, given its location in the village center of Collinsville. Members of the Canton community have expressed a desire to augment Collinsville's position as a destination for specialty and boutique retail and dining within the region. While Collinsville already boasts an attractive historic downtown, the existing shops and restaurants are not sufficiently numerous to achieve the critical mass needed to attract regional visitors and offer them enough to do to justify the trip. Additional space for specialty retail and dining at the axe factory site would be instrumental toward achieving this objective. It should be emphasized that local and specialty retail and eateries would be the most logical fit for the site from an economic perspective, as opposed to

national chain retailers, which require significantly higher traffic counts than are currently present on the thoroughfares adjacent to the site.

## Office

A low to moderate amount of office space could likely be supported at the site, with most potential office tenants likely to be small space users. A large firm would not be a strong candidate to locate in Collinsville given its relatively remote location from major transportation corridors and other employment centers.

Some level of medical office space would be a suitable use for the site, as national trends are pointing to a rise in outpatient care and thus an increased need for ambulatory care facilities. Moreover, the region's aging population suggests growing demand for healthcare overall.

## Accommodations

There are currently very limited accommodations options in the immediate Canton area. A hotel onsite would be instrumental in supporting the growth of visitation and tourism in Canton. The presence of the Farmington River and other natural assets in the vicinity, combined with increased retail and dining options and event space that could come with site redevelopment make a small boutique hotel an economically feasible option for the site. This will provide an opportunity for guests to spend the night in Collinsville, which is currently not possible.

## Light Industry

There are currently several light industrial tenants occupying space at the site. Given the site's manufacturing history, it is important to the Town that these uses continue onsite. From a financial feasibility perspective, however, light industry provides less value to developers than other higher uses for which demand exists. It is also of concern that the rents that would have to be charged in order to justify the investment would far exceed what light industrial tenants currently pay, as well as the maximum they might be willing to pay. In order for light industrial uses to continue onsite, some level of subsidy through a public/private partnership would likely be needed.

# Financing Economic Development

Tax Increment Financing (TIF) provides a method for communities to support economic development by helping finance public and private investments for development within a specified district. In addition to TIF, there are other financing mechanisms to assist with economic development financing, all of which can be used either separate from or within a TIF District Plan.

## Property Tax Abatement

Property tax abatements involve reducing a portion of property taxes owed for specified reasons. In Connecticut they can be used by communities to reduce taxes for a specified period of time for certain types of new construction or rehabilitation including residential and commercial/industrial, subject to property tax laws detailed in Chapter 203 of the Connecticut General Statutes. They have been the traditional method used by communities in Connecticut to incentivize private development for the purpose of economic development at the municipal level. Their use is very limited in terms of time period over which incentives can be provided, the types of property and uses for which abatements can be provided, and the percent of taxes to be paid that can be abated. TIF provides an alternative to the use of tax abatements through what is known as a credit enhancement agreement (CEA), which provide far greater flexibility on these matters and are discussed further below. Plus, within TIF districts, abatements or CEAs can be utilized according the Town's district plan.

## Historic Tax Credits

Historic Tax Credits can also be utilized to help offset development costs. The Connecticut Historic Rehabilitation Tax Credit Program establishes a 25% tax credit on the Qualified Rehabilitation Expenditures associated with the rehabilitation of a Certified Historic Structure for either 1) residential use of five units or more, 2) mixed residential and nonresidential use, or 3) nonresidential use consistent with the historic character of such property or the district in which such property is located. An additional credit is available for projects that include affordable housing as provided in section 8-39a of the general statutes. Similar Federal Tax Credits of 20% are also available, which together with the State credits covers a total of 45% of qualified expenditures

### Program Specifics:

- 25% tax credit of the total qualified rehabilitation expenditures
- 30% tax credit of the total qualified rehabilitation expenditures if the project includes an affordable housing component provided at least 20% of the rental units or 10% of for sale units qualify under CGS Section 8-39a.
- $31.7 million in tax credit reservations are available each fiscal year
- per project cap is up to $4.5 million in tax credits
- qualified rehabilitation expenditures are hard costs associated with rehabilitation of the certified historic structure; site improvements and non-construction costs are excluded
- buildings must be listed on the National or State Register of Historic Places, either individually or as part of an historic district
- all work must comply with the Secretary of the Interior's Standards for Rehabilitation
- state tax credits may be combined with the 20% federal historic preservation tax credits provided the project qualifies under federal law as a substantial rehabilitation of depreciable property as defined by the Internal Revenue Service
- tax credit vouchers are issued after completion of rehabilitation work or, in phased projects, completion of rehabilitation work to an identifiable portion of the building placed in service

- tax credits are available for the tax year in which the building or, in phased projects, an identifiable portion of the building is placed in service
- tax credits can only be used by C-corporations with tax liability under Chapters 207 through 212 of the Connecticut General Statutes
- tax credits can be assigned, transferred or conveyed in whole or in part by the owner to others up to three times

## Tax Increment Financing

The purpose of Tax Increment Financing (TIF) is to assist a developer with redevelopment through various mechanisms, including the fixing of tax assessments, abatements, payment for credit enhancement agreement, bonds, and funding of infrastructure to support development. Through a TIF, future property tax revenues from new development and/or above current property valuations within a specified district (parcel or set of parcels) can be dedicated to pay portions of public and/or private development. This can include any of the following or a mix of the following:

- Placing into TIF development fund to dedicate to paying off public costs for infrastructure and economic development related to the district
- Credit Enhancement Agreements – a binding legal agreement with a property owner or developer to reduce future property taxes related to new development by a specified percentage (0-100%) for a specified period of time (up to 50 years). This reduction in future property taxes represents a future flow of funds which can then be used by the property owner or development to enhance their credit in obtaining additional private debt or equity.
- Tax Abatement – see explanation above – more restrictive than CEAs but can still be utilized within a TIF District
- Fixed Valuation – With a TIF District the municipality can agree to set a fixed valuation on a property for up to fifteen years providing the owner/developer with predictability in tax liability.
- Payment stream for public finance including bonds explained above
- General Obligation bond (GO) – A GO is a bond issued by the municipality that is backed by the municipality's full faith and credit (including taxing authority). GO bonds are obligated to be paid back regardless of the completion and performance of the use for which they were issued. They are typically used by municipalities to finance significant public infrastructure projects including roads, sewer, water, and facilities.
- Revenue Bonds – Revenue Bonds provide a method for financing public and private (through public-private partnership) infrastructure and development costs. They are a means of debt financing available to municipalities. Revenue bonds distinguish themselves from general obligation (GO) bonds through their method of repayment; unlike GOs which rely on taxation, revenue bonds are guaranteed by the specific revenues generated by the issuer. In the case of use for financing for economic development an example would be utilizing parking fees to pay back a revenue bond utilized to build a parking garage. Within a TIF district and according to a TIF District Master Plan future revenues from new property taxes can be utilized to help finance public and private development costs including infrastructure and site improvements. However, if revenue bond funds are used to support private development then the bond revenues will not be tax-exempt, contrary to if they are used for public infrastructure.

## Development Scenarios

Two potential development scenarios were developed for the purposes of modeling future revenues and expenses the Town would incur as a result of redeveloping the site. The scenarios were assembled based on an understanding of what the market would support, current zoning standards, and community desires.

Scenario 1 reflects zoning requirements for the Town's Industrial Heritage (IH-1) District, and it includes the use types as outlined in the following table. Development intensities for each use type fall within the range allowed by current zoning. Applying typical construction costs per square foot to each use type, the total development cost for the scenario is calculated.[1] The total development cost for Scenario 1 is estimated at $33.25 million.

**Table 2**

| Scenario 1 - Current Zoning Development Program and Cost | | | |
|---|---|---|---|
| Use Type | Intensity | Construction Cost per SF | Total Cost |
| Residential | 100 units / 100,000 SF | $ 200 | $ 20,000,000 |
| Retail | 20,000 SF | $ 150 | $ 3,000,000 |
| Restaurant & Café | 15,000 SF | $ 150 | $ 2,250,000 |
| Office | 15,000 SF | $ 150 | $ 2,250,000 |
| Medical Office | 10,000 SF | $ 150 | $ 1,500,000 |
| Hotel | 30,000 SF | $ 125 | $ 3,750,000 |
| Light Industrial | 10,000 SF | $ 50 | $ 500,000 |
| Scenario 1 Total | | | $ 33,250,000 |

Scenario 2 reflects the maximum intensity of development desired, as determined from input from the Town and its residents. The same construction costs per square foot as used in the first scenario were applied. The total development cost for Scenario 1 is estimated at $54.25 million.

**Table 3**

| Scenario 2 - Maximum Development Program and Cost | | | |
|---|---|---|---|
| Use Type | Intensity | Construction Cost per SF | Total Cost |
| Residential | 175 units / 175,000 SF | $ 200 | $ 35,000,000 |
| Retail | 55,000 SF | $ 150 | $ 8,250,000 |
| Restaurant & Café | 15,000 SF | $ 150 | $ 2,250,000 |
| Office | 15,000 SF | $ 150 | $ 2,250,000 |
| Medical Office | 15,000 SF | $ 150 | $ 2,250,000 |
| Hotel | 30,000 SF | $ 125 | $ 3,750,000 |
| Light Industrial | 10,000 SF | $ 50 | $ 500,000 |
| Scenario 2 Total | | | $ 54,250,000 |

[1] Note that hotel and light industrial construction costs are based on costs for rehabilitation and not new construction.

## Other Development Costs

The development costs above reflect only vertical construction costs, and do not take into account site work costs. Site work costs needed to allow for development are estimated at approximately $10-$15 million and may include the following:

- Site engineering
- Environmental testing and remediation
- Demolition
- Stabilization of existing building foundations
- Installation of utilities, e.g. gas, electric, water, sewer, phone, CATV
- Installation of stormwater management
- Installation of roads, sidewalks, lighting, parking
- Restoration of the forebay pond and canal and dam system through the site
- Public access to river, Riverwalk, and trail
- Other quasi-public infrastructure serving to integrate site and surrounding neighborhood

Based on the parking formula in the current zoning regulations, Scenario 1 requires 316 parking spaces and Scenario 2 requires 495 spaces, which may be built as some combination of surface and structured parking.

# Assessed Value

In order to estimate future revenues and costs associated with each scenario, the assessed value of the completed development must be estimated. While income-producing properties are typically assessed under the income approach to valuation, at this stage in the planning process not enough information exists to reasonably project the net operating income of a potential development. As such, we use a modified cost approach to estimate assessed value. Under the cost approach, the market value of a property is equal to the cost of construction, which is typically higher than market value determined under the income approach. For the purposes of arriving at a conservative assessed value, we consider only the costs of vertical construction and exclude site work and parking costs. In Connecticut, real property is assessed at 70% of value. Applying 70% to the market value under the modified cost approach yields the estimated assessed value for each scenario. Note that this value is known in tax increment financing (TIF) as the "increment." The increment is the increase in assessed value attributable to project, and does not include the assessed value of the land or existing improvements on the property.[2]

**Table 4**

| Assessed Value | | |
|---|---|---|
| | Scenario 1 | Scenario 2 |
| Development Cost | $ 33,250,000 | $ 54,250,000 |
| Assessed Value (70%) | $ 23,275,000 | $ 37,975,000 |

# Annual Property Tax Revenues

The current mill rate for the Town of Canton is 29.76. Applying this to assessed value, annual property tax revenue for Scenario 1 if completed today would be approximately $693,000. For Scenario 2, property tax revenue for the current year would be about $1.13 million. See Table 5.

[2] For the planning and approval of a final TIF agreement the Town's Assessor will estimate future valuation based on development details and financials to be provided by the developer.

To account for future rises in the mill rate, the current mill rate was escalated by 1.5% per annum over 20 years. This is the average rate of increase in the Town's mill rate since 2008, not considering the change between 2012 and 2013, when a Town-wide property revaluation occurred.

Over 20 years, the total property tax revenue associated with Scenario 1 would be about $16.3 million. Total property tax revenue associated with Scenario 2 would be about $26.5 million.

**Table 5**

| Annual Property Tax Revenues | | | |
|---|---|---|---|
| Year | Mill Rate* | Revenue (Assessed Value * Mill Rate) | |
| | | Scenario 1 | Scenario 2 |
| Current | 29.76 | $ 692,664 | $ 1,130,136 |
| 1 | 30.21 | $ 703,054 | $ 1,147,088 |
| 2 | 30.66 | $ 713,600 | $ 1,164,294 |
| 3 | 31.12 | $ 724,304 | $ 1,181,759 |
| 4 | 31.59 | $ 735,168 | $ 1,199,485 |
| 5 | 32.06 | $ 746,196 | $ 1,217,477 |
| 6 | 32.54 | $ 757,389 | $ 1,235,740 |
| 7 | 33.03 | $ 768,750 | $ 1,254,276 |
| 8 | 33.52 | $ 780,281 | $ 1,273,090 |
| 9 | 34.03 | $ 791,985 | $ 1,292,186 |
| 10 | 34.54 | $ 803,865 | $ 1,311,569 |
| 11 | 35.06 | $ 815,923 | $ 1,331,243 |
| 12 | 35.58 | $ 828,162 | $ 1,351,211 |
| 13 | 36.12 | $ 840,584 | $ 1,371,479 |
| 14 | 36.66 | $ 853,193 | $ 1,392,051 |
| 15 | 37.21 | $ 865,991 | $ 1,412,932 |
| 16 | 37.77 | $ 878,981 | $ 1,434,126 |
| 17 | 38.33 | $ 892,165 | $ 1,455,638 |
| 18 | 38.91 | $ 905,548 | $ 1,477,473 |
| 19 | 39.49 | $ 919,131 | $ 1,499,635 |
| 20 | 40.08 | $ 932,918 | $ 1,522,129 |
| Total, Years 1-20 | | $ 16,257,186 | $ 26,524,882 |

*escalated at 1.5% per annum

Note that the revenue scheduled shown in Figure 5 is for planning purposes and assumes completion of the full development scenario in Year 1. In actuality, development of the site would likely be completed in phases based on the specific development and market conditions.

## Developer Share of Increment

Two possible splits of the tax increment between a potential developer and the Town were considered. Under the first arrangement, the developer and the Town would each receive half of the increment, a 50/50 split. Under the second arrangement, the developer would receive 25% of the increment, and the Town would receive the remaining 75%, a 25/75 split.

Table 6 shows the share of the increment for Scenario 1 that each party would receive under the 50/50 split and 25/75 split, both at the current mill rate and over a 20-year escalation. Under the 50/50 split, the developer would receive approximately 24% of the project's total development cost. Under the 25/75 split, the developer would receive approximately 12%.[3]

**Table 6**

| Scenario 1 - Share of Tax Revenue | | | |
|---|---|---|---|
| Annual Property Tax Revenues at Current Mill Rate | | | |
| | Developer Share | Town Share | Total |
| 50 / 50 Split | $ 346,332 | $ 346,332 | $ 692,664 |
| 25 / 75 Split | $ 173,166 | $ 519,498 | $ 692,664 |
| Property Tax Revenues Over 20 Years (Annual Mill Rate Escalation of 1.5%) | | | |
| | Developer Share | Town Share | Total |
| 50 / 50 Split | $ 8,128,593 | $ 8,128,593 | $ 16,257,186 |
| Total Development Cost | $ 33,250,000 | | |
| Developer Share as a Pct. Of Total Development Cost | 24.4% | | |
| 25 / 75 Split | $ 4,064,296 | $ 12,192,889 | $ 16,257,186 |
| Total Development Cost | $ 33,250,000 | | |
| Developer Share as a Pct. Of Total Development Cost | 12.2% | | |

[3] Since the Collinsville TIF would be among the first TIFs to be implemented in Connecticut, there are no in-state examples against which to compare the amount of TIF revenue allocated to a developer as a proportion of total development costs. Drawing from examples in Maine, the developer allocation of TIF revenues amounts to about 16% of total development costs on average, which falls within the 12.2% to 24.4% range shown here. See Appendix A for applications of TIF in Maine.

Similar information is shown for Scenario 2 in Table 7 below.

**Table 7**

| Scenario 2 - Share of Tax Revenue | | | |
|---|---|---|---|
| Annual Property Tax Revenues at Current Mill Rate | | | |
| | Developer Share | Town Share | Total |
| 50 / 50 Split | $ 565,068 | $ 565,068 | $ 1,130,136 |
| 25 / 75 Split | $ 282,534 | $ 847,602 | $ 1,130,136 |
| Property Tax Revenues Over 20 Years (Annual Mill Rate Escalation of 1.5%) | | | |
| | Developer Share | Town Share | Total |
| 50 / 50 Split | $ 13,262,441 | $ 13,262,441 | $ 26,524,882 |
| Total Development Cost | $ 54,250,000 | | |
| Developer Share as a Pct. Of Total Development Cost | 24.4% | | |
| 25 / 75 Split | $ 6,631,220 | $ 19,893,661 | $ 26,524,882 |
| Total Development Cost | $ 54,250,000 | | |
| Developer Share as a Pct. Of Total Development Cost | 12.2% | | |

The Town should be prepared to negotiate with a potential developer the schedule of revenue sharing. It is likely that a developer would prefer to frontload the revenue sharing arrangement (i.e. receive a greater revenue share in the early years of the TIF, scaling down to smaller amounts in later years) in order to cover high upfront costs associated with site preparation and construction. Therefore, under a 50/50 split arrangement, for example, the developer might receive higher than 50% of the tax increment in the first year scaling down to lower than 50% in the final year, averaging out to a 50% share over the duration of the TIF. The exact arrangement would be worked out with the developer on a case-by-case basis and dependent on the needs to make the project feasible and beneficial to the Town.

## Limited Fiscal Analysis

A limited fiscal analysis was performed to determine the impact of each scenario on Town services, and whether the amount of the increment retained by the Town would be sufficient to cover the increase in expenses attributable to the development scenarios. We emphasize that the impacts this section are calculated using a very conservative statistical approach and are not based on a detailed examination of Town's budget items. It is recommended that a full fiscal impact analysis be completed for any development proposal that is presented to the Town.

### Demographic Impacts

Using demographic multipliers developed for Connecticut by the Rutgers University Center for Urban Policy Research, we developed estimates for the number of residents and public school-age children that would be added to the Town as a result of each scenario. Assuming an even split of one- and two-bedroom apartments in the $850 to $1,450 per month range,[4] we estimate that the 100 new residential units in Scenario 1 would add 183 new residents to the Town, of which 12 would be school-age children attending public schools. Using the same assumptions for Scenario 2, the 175 new residential units would add 321 new residents and 21 public school-age children.

**Table 8**

| Demographic Impacts | | |
|---|---|---|
| | Scenario 1 | Scenario 2 |
| New Residential Units | 100 | 175 |
| New Residents | 183 | 321 |
| New Public School-Age Children | 12 | 21 |

Calculated using Connecticut demographic multipliers developed by Rutgers

### Percent Change

The percent change in residential population, commercial assessed value, and public school enrollment were calculated in order to estimate associated changes in revenues and expenses.

The 183 new residents in Scenario 1 would represent a 1.80% increase in the Town's population. The 321 new residents in Scenario 2 would represent a 3.15% increase in the Town's population.

**Table 9**

| Town of Canton - New Residents | |
|---|---|
| Current Population (2016)* | 10,173 |
| New Residents, Scenario 1 | 183 |
| Pct. Increase over Current, Scenario 1 | 1.80% |
| New Residents, Scenario 2 | 321 |
| Pct. Increase over Current, Scenario 2 | 3.15% |

*Source: Esri

[4] We note that rents for residential units may exceed this range. Because the number of residents and school-age children tends to decrease as rents increase, we applied multipliers for this price range as a conservative approach.

The assessed value of the commercial component of Scenario 1 is about $9.3 million, or an increase of 0.95% in the town's total grand list. In Scenario 2, the commercial assessed value of $13.5 million represents a 1.37% increase.

**Table 10**

| Town of Canton - Increase in Assessed Value | | |
|---|---|---|
| Total Grand List (2015) | $ | 980,322,490 |
| New AV, Scenario 1 | $ | 23,275,000 |
| New Commercial AV, Scenario 1 | $ | 9,275,000 |
| Pct. Increase over Current, Scenario 1 | | 0.95% |
| New AV, Scenario 2 | $ | 37,975,000 |
| New Commercial AV, Scenario 2 | $ | 13,475,000 |
| Pct. Increase over Current, Scenario 2 | | 1.37% |

Scenario 1 would result in a 0.73% increase in enrollment over current levels in the Canton Public Schools. Scenario 2 would result in a 1.29% increase.

**Table 11**

| Canton Public Schools - New Public School-Age Children (PSAC) | |
|---|---|
| Current Enrollment (15-16)* | 1,633 |
| New PSAC, Scenario 1 | 12 |
| Pct. Increase over Current, Scenario 1 | 0.73% |
| New PSAC, Scenario 2 | 21 |
| Pct. Increase over Current, Scenario 2 | 1.29% |

*Source: CT Dept of Education

## Change in Expenses and Revenues

We applied these percentage increases in residential population, commercial assessed value, and public school enrollment to relevant line items in the Town's budget in order to estimate the associated change in expenses and revenues. We calculated these using two approaches: the High Estimate (Average Cost Approach) and Low Estimate (Blended Cost Approach).

### High Estimate (Average Cost Approach)

The average cost approach assumes that all Town expenses and revenues change in proportion with the change in residents or commercial assessed value. This is an extremely conservative approach.

### Low Estimate (Blended Cost Approach)

The blended cost approach assumes that only certain budget items ("variable expenses") change in proportion with change in residents or commercial assessed value, while others remain fixed.

The following series of tables shows the high and low estimate calculations of expenses and revenues for both development scenarios.

Table 12

| Estimated Annual Expenses - Residential Component<br>Town of Canton Budget, Board of Selectmen | | | | | | |
|---|---|---|---|---|---|---|
| | High Estimate (Average Cost Approach) | | | Low Estimate (Blended Cost Approach) | | |
| | Revised Budget FY 2015/16 | Scenario 1 Increase 1.80% | Scenario 2 Increase 3.15% | Revised Budget FY 2015/16, Variable Expenses | Scenario 1 Increase 1.80% | Scenario 2 Increase 3.15% |
| General Government | $ 699,237 | $ 12,578 | $ 22,038 | $ - | $ - | $ - |
| Finance | $ 424,421 | $ 7,635 | $ 13,376 | $ - | $ - | $ - |
| Police | $ 1,904,510 | $ 34,260 | $ 60,024 | $ 1,904,510 | $ 13,995 | $ 24,562 |
| Fire Service & Other Public Safety | $ 469,088 | $ 8,438 | $ 14,784 | $ 469,088 | $ 3,447 | $ 6,050 |
| Public Works | $ 1,832,061 | $ 32,957 | $ 57,741 | $ 1,832,061 | $ 13,463 | $ 23,627 |
| Human Services | $ 1,072,211 | $ 19,288 | $ 33,793 | $ 1,072,211 | $ 7,879 | $ 13,828 |
| Planning & Community Development | $ 318,325 | $ 5,726 | $ 10,033 | $ 318,325 | $ 2,339 | $ 4,105 |
| Insurance | $ 278,141 | $ 5,003 | $ 8,766 | $ - | $ - | $ - |
| Health Insurance & Employee Benefits | $ 1,893,735 | $ 34,066 | $ 59,684 | $ 1,037,180 | $ 7,622 | $ 13,376 |
| Capital Improvement | $ 1,326,086 | $ 23,855 | $ 41,794 | $ - | $ - | $ - |
| Total Expenses, Board of Selectmen | $ 10,217,815 | $ 183,806 | $ 322,032 | $ 6,633,375 | $ 48,745 | $ 85,547 |

Table 13

| Estimated Annual Expenses - Commercial Component<br>Town of Canton Budget, Board of Selectmen | | | | | | |
|---|---|---|---|---|---|---|
| | High Estimate (Average Cost Approach) | | | Low Estimate (Blended Cost Approach) | | |
| | Revised Budget FY 2015/16 | Scenario 1 Increase 0.95% | Scenario 2 Increase 1.37% | Revised Budget FY 2015/16, Variable Expenses | Scenario 1 Increase 0.95% | Scenario 2 Increase 1.37% |
| General Government | $ 699,237 | $ 6,616 | $ 9,611 | $ - | $ - | $ - |
| Finance | $ 424,421 | $ 4,016 | $ 5,834 | $ - | $ - | $ - |
| Police | $ 1,904,510 | $ 18,019 | $ 26,178 | $ 1,904,510 | $ 18,019 | $ 26,178 |
| Fire Service & Other Public Safety | $ 469,088 | $ 4,438 | $ 6,448 | $ 469,088 | $ 4,438 | $ 6,448 |
| Public Works | $ 1,832,061 | $ 17,333 | $ 25,183 | $ 1,832,061 | $ 17,333 | $ 25,183 |
| Human Services | $ 1,072,211 | $ 10,144 | $ 14,738 | $ - | $ - | $ - |
| Planning & Community Development | $ 318,325 | $ 3,012 | $ 4,376 | $ 318,325 | $ 3,012 | $ 4,376 |
| Insurance | $ 278,141 | $ 2,632 | $ 3,823 | $ - | $ - | $ - |
| Health Insurance & Employee Benefits | $ 1,893,735 | $ 17,917 | $ 26,030 | $ 1,037,180 | $ 9,813 | $ 14,257 |
| Capital Improvement | $ 1,326,086 | $ 12,546 | $ 18,228 | $ - | $ - | $ - |
| Total Expenses, Board of Selectmen | $ 10,217,815 | $ 96,673 | $ 140,449 | $ 5,561,164 | $ 52,615 | $ 76,441 |

Table 14

| Estimated Annual Expenses - Public Schools<br>Town of Canton Budget, Board of Education | | | | | | |
|---|---|---|---|---|---|---|
| | High Estimate (Average Cost Approach) | | | Low Estimate (Blended Cost Approach) | | |
| | Revised Budget FY 2015/16 | Scenario 1 Increase 0.73% | Scenario 2 Increase 1.29% | Revised Budget FY 2015/16, Variable Expenses | Scenario 1 Increase 0.73% | Scenario 2 Increase 1.29% |
| Employee Salaries | $ 14,788,880 | $ 108,675 | $ 190,725 | $ - | $ - | $ - |
| Health Insurance & Employee Benefits | $ 4,460,387 | $ 32,777 | $ 57,523 | $ - | $ - | $ - |
| Purchased Services | $ 3,320,967 | $ 24,404 | $ 42,829 | $ 3,320,967 | $ 24,404 | $ 42,829 |
| Utilities | $ 646,425 | $ 4,750 | $ 8,337 | $ - | $ - | $ - |
| Maintenace/Repairs | $ 305,965 | $ 2,248 | $ 3,946 | $ - | $ - | $ - |
| Other | $ 1,114,672 | $ 8,191 | $ 14,375 | $ 1,114,672 | $ 8,191 | $ 14,375 |
| Capital Improvement | $ 264,500 | $ 1,944 | $ 3,411 | $ - | $ - | $ - |
| Total Expenses, Board of Education | $ 24,901,796 | $ 182,989 | $ 321,146 | $ 4,435,639 | $ 32,595 | $ 57,204 |

Table 15

| Estimated Annual Revenues - Residential Component<br>Town of Canton Budget | | | | | | |
|---|---|---|---|---|---|---|
| | High Estimate (Average Cost Approach) | | | Low Estimate (Blended Cost Approach) | | |
| | Revised Budget FY 2015/16 | Scenario 1 Increase 1.80% | Scenario 2 Increase 3.15% | Revised Budget FY 2015/16, Variable Expenses | Scenario 1 Increase 1.80% | Scenario 2 Increase 3.15% |
| Motor Vehicle Property Tax | $ 2,415,502 | $ 43,452 | $ 76,129 | $ 2,415,502 | $ 43,452 | $ 76,129 |
| Town Clerk | $ 260,000 | $ 4,677 | $ 8,194 | $ 260,000 | $ 4,677 | $ 8,194 |
| Police Department | $ 64,490 | $ 1,160 | $ 2,033 | $ 64,490 | $ 1,160 | $ 2,033 |
| Parks and Recreation | $ 49,500 | $ 890 | $ 1,560 | $ 49,500 | $ 890 | $ 1,560 |
| Library | $ 14,084 | $ 253 | $ 444 | $ 14,084 | $ 253 | $ 444 |
| Charges for Services | $ 7,500 | $ 135 | $ 236 | $ 7,500 | $ 135 | $ 236 |
| Miscellaneous Receipts | $ 37,200 | $ 669 | $ 1,172 | $ 37,200 | $ 669 | $ 1,172 |
| Total Revenues | $ 2,848,276 | $ 51,237 | $ 89,768 | $ 2,848,276 | $ 51,237 | $ 89,768 |

Table 16

| Estimated Annual Revenues - Commercial Component<br>Town of Canton Budget | | | | | | |
|---|---|---|---|---|---|---|
| | High Estimate (Average Cost Approach) | | | Low Estimate (Blended Cost Approach) | | |
| | Revised Budget FY 2015/16 | Scenario 1 Increase 0.95% | Scenario 2 Increase 1.37% | Revised Budget FY 2015/16, Variable Expenses | Scenario 1 Increase 0.95% | Scenario 2 Increase 1.37% |
| Motor Vehicle Property Tax | $ 2,415,502 | $ 22,853 | $ 33,202 | $ - | $ - | $ - |
| Town Clerk | $ 260,000 | $ 2,460 | $ 3,574 | $ 260,000 | $ 2,460 | $ 3,574 |
| Police Department | $ 64,490 | $ 610 | $ 886 | $ 64,490 | $ 610 | $ 886 |
| Parks and Recreation | $ 49,500 | $ 468 | $ 680 | $ - | $ - | $ - |
| Library | $ 14,084 | $ 133 | $ 194 | $ - | $ - | $ - |
| Charges for Services | $ 7,500 | $ 71 | $ 103 | $ - | $ - | $ - |
| Miscellaneous Receipts | $ 37,200 | $ 352 | $ 511 | $ - | $ - | $ - |
| Total Revenues | $ 2,848,276 | $ 26,948 | $ 39,151 | $ 324,490 | $ 3,070 | $ 4,460 |

The analysis above is summarized in Table 17, showing the high and low estimates for the change in annual expenses and revenues attributable to Scenarios 1 and 2. Note that new real estate taxes are excluded from the revenues line.

Under Scenario 1, the net annual fiscal impact on the Town ranges from a low estimate of $80,000 in increased in costs to a high estimate of $385,000. Under Scenario 2, net impacts range from a $125,000 net increase in expenses to a $655,000 increase in expenses. This is, in effect, the minimum amount of real estate tax collections necessary for the project to pay for itself.

**Table 17**

| Estimated Net Annual Fiscal Impacts (excluding real estate taxes) | | | | |
|---|---|---|---|---|
| | Scenario 1 | | Scenario 2 | |
| | High | Low | High | Low |
| Expenses - Board of Selectmen Budget | $ (280,479) | $ (101,360) | $ (462,481) | $ (161,988) |
| Expenses - Board of Education Budget | $ (182,989) | $ (32,595) | $ (321,146) | $ (57,204) |
| Revenues (excl. real estate taxes) | $ 78,185 | $ 54,307 | $ 128,919 | $ 94,229 |
| Net Annual Fiscal Impact (excl. real estate taxes) | $ (385,283) | $ (79,648) | $ (654,708) | $ (124,964) |

In Table 18, net fiscal impacts are compared to estimated property tax revenues under a 50/50 split and 75/25 split. In both scenarios, the amount of property tax the Town receives under the 75/25 split is enough to cover the "high estimate" net expenses. Under the 50/50 split however, the Town's share of property tax revenues covers "low estimate" net expenses, but not "high estimate" net expenses.

**Table 18**

| Comparison of Net Fiscal Impacts and Property Tax Revenues | | | | |
|---|---|---|---|---|
| | Net Fiscal Impacts (excl. RE property taxes) | | Estimated Property Tax Revenues | |
| | Low Estimate | High Estimate | Town Receives 50% Share of New Revenues | Town Receives 75% Share of New Revenues |
| Scenario 1 | $ (79,648) | $ (385,283) | $ 346,332 | $ 519,498 |
| Scenario 2 | $ (124,964) | $ (654,708) | $ 565,068 | $ 847,602 |

Table 19 shows the Town's revenue surplus (or gap) for each scenario. Under the 50/50 split and applying the high estimate, the Town would face a $39,000 gap for Scenario 1 and a $90,000 gap for Scenario 2. All other arrangements would lead to a revenue surplus for the Town. We emphasize that the "high estimate" is an extremely conservative approach and that true impacts are likely to be closer to the "low estimate."

**Table 19**

| Revenue Surplus (Gap) | | | | |
|---|---|---|---|---|
| | Town Receives 50% Share of New Revenues | | Town Receives 75% Share of New Revenues | |
| | Surplus (Gap) Under Low Estimate | Surplus (Gap) Under High Estimate | Surplus (Gap) Under Low Estimate | Surplus (Gap) Under High Estimate |
| Scenario 1 | $ 266,684 | $ (38,951) | $ 439,850 | $ 134,215 |
| Scenario 2 | $ 440,104 | $ (89,640) | $ 722,638 | $ 192,894 |

The minimum Town share of the tax increment at which no gap would exist under the "high estimate" is approximately 58%. In other words, under the most conservative assumptions, the developer could receive up to 42% of the tax increment, and the project would have a beneficial impact on the Town's coffers. It should be emphasized that this is a limited fiscal impact analysis for planning purposes only. Actual impacts will vary based on the specifics of the development scenarios. A more in-depth fiscal impact should be completed prior to any final TIF agreements.

# Recommendations

Based on the desire of the Town for the highest and best use of the Collins Company Complex and the Town's overall economic development goals we recommend the following for consideration by the Town with regard to a TIF District Master Plan.

## District Boundaries

The Town proposes to create a district that defines the district boundaries as the Collins Company Complex, see Figure 2. This would allow the Town to focus specifically on the improvements and incentives needed to have the site sold and developed to its highest and best potential from both the private sector and the Town's perspective. Based on market potentials redevelopment of the site can generate significant economic and fiscal benefits which can be leveraged to assist with public and private development costs, as well as support economic development and activity in the adjacent downtown area and throughout the Town. The Complex is unique in size, history, and scope, and so, focusing on its redevelopment in terms of a TIF district will allow a custom solution that is best for the Town and most affective in the market when working with potential buyers/developers. While the boundaries may be confined to the Complex, planning regarding future connection to, needs of, and impact on the village neighborhood should be considered as part of any future development of the Collins Company. Collinsville, like the Farmington River and the Collins Company Complex, is a unique asset that is vital to the economic well-being of Canton. The development of the Collins Company Complex will have impacts and create opportunities in the entire Collinsville area.

## Time Period

In order to mitigate development costs and incentivize the private sector to undertake a redevelopment a project, a minimum TIF period of 20 years is recommended. Twenty years is a reasonable time period for the planning of development and infrastructure costs.

If the Town anticipates using TIF revenues for significant other public infrastructure and related purposes, a period of longer than 20 years and up to 30 years is recommended.

## Use of TIF Revenues

Beyond utilizing the revenues to mitigate development costs for the developer, the Town should specify any other purposes it wishes to achieve that could be funded through TIF revenues. See potential uses for TIF revenues listed in the Introduction. This amount will determine how much of the revenues should be captured from the TIF district versus utilized for the general fund.

Based on the development scenarios, current market conditions, and the significant costs known to be needed for the redevelopment of the site, the site could warrant up to a 50% reduction in taxes over 20 years. Therefore, the Town should be prepared to consider a 25% to 50% return of taxes to the developer for a period between 20 and 30 years. Note that 25% to 50% is the recommendation for the average return to the developer over the duration of the TIF, and may scale down over the period from a higher amount in early years to a lower amount in later years according to the developer's needs.

## Financing Mechanisms

From the Town's perspective, the most flexible and lowest-risk way to assist a developer would be through a Credit Enhancement Agreement (CEA) and is our recommendation for the preferred method. The CEA avoids the cost and risk of issuing bonds to support public and private development while still providing a predictable cash flow that can be utilized by the developer to obtain additional financing. See Appendix B for more information on CEAs.

The Town should remain open to considering other financing mechanisms such as tax abatement and bonds based on the specifics of a given development proposal including the site, infrastructure, and market needs.

## Conditions on Developer

In addition to the goals, objectives and criteria previously described on page 4 of this document, in considering and negotiating support for private development costs, the level of support given by the Town should be contingent on the developer meeting the following requirements:

- A minimum level of private investment (for purposes of the creation of a TIF district related to this site we recommend a minimum of $10 million in proposed private development costs)
- Reasonable buildout timeline for investment and completion of construction with documentation indicating the build-out completion plans with supporting market/feasibility information
- Developer has exhausted use of other available funding and incentives and has integrated other sources to the extent possible
- Developer provides sufficient financial information as deemed necessary by the Town for planning and administration of the district
- Any other documentation requested by the Town to help ensure that the Town will benefit through new investment, new employment, or other public benefits

## Administration

For the establishment and implementation of the TIF district, the Town should make available appropriate resources and processes for:

- Assessment/valuation of property
- Planning for and construction of infrastructure and other needs related to the district
- Administration of tax collection and distribution
- Monitoring and reporting on progress within the district

Proposed Boundaries of Tax Increment Finance District
N
1 inch = 250 feet
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Figure 2

# Appendix A | Downtown TIF: Example Uses of TIF Revenues

The purpose of this overview is to summarize how other communities have utilized Tax Increment Financing in their downtowns and to provide examples of the guidelines and criteria that communities have issued for entering into credit enhancement agreements with private developers.

For each community a summary of the TIF arrangement is provided along with a list of the anticipated uses of TIF revenues and their costs. The cost estimates are the total cost for each project or program and do not reflect how much TIF revenue will actually go towards each.

## Topsham, ME

In seeking to turn it its Main Street into "a place rather than a conduit for traffic" it implemented a 30-year, 326-acre TIF district to fund public improvements. Among these improvements were road construction and paving improvements including engineering and design costs. Other projects included expanded public transit by allocating TIF revenues toward the bus system operating and capital costs. A waterfront park and trail project was also included. Other improvements involved sewer infrastructure, streetscape improvements, and Wi-Fi services in the district. Altogether, the town identified $12.7 million in projects to be funded with future TIF revenues.

| Use | Description | Cost Estimate |
|---|---|---|
| Road Improvements | Improve and maintain roads and streets that form the transportation routes most directly impacted by the creation of the District. Road construction and paving improvements within the TIF District, including but not limited to engineering and design work, sidewalk and pedestrian crossing safety improvements, culvert repair, and catch basin and storm water infrastructure work | $4,820,000<br>(total 30 years) |
| Public Transit | Costs associated with a route expansion of the Brunswick Explorer or other new transit service, including capital costs and ongoing costs for transit operator salaries, transit vehicle fuel and transit vehicle parts replacements. | $800,000<br>(total 30 years) |
| Waterfront Park & Riverfront Trail | Design and construction costs associated with a Waterfront Park (including a possible parking area), Riverfront Trail and a Riverwalk Priority trail and overlook. The park will likely be located partially inside the District and partially outside the District. It would provide an attractive amenity to the businesses located and to be located in the future in the lower village area near the river. The park and trails are directly related to the development in the District and would support and promote the District activities. The connected trail system will provide an additional method of travel from residential areas to the commercial area, providing a commuting option for employees and another attractive way to move | $575,000 (total 30 years) |

| | | |
|---|---|---|
| | patrons to the businesses. The trails and park also provide another attraction for tourists in the Brunswick/Topsham and Midcoast area. | |
| Androscoggin River Bike Path: | Design and construction costs associated with the Androscoggin River Bike Path including but not limited to the following three segments: North side of Route 196; Merrymeeting Bridge to Community; and Village Drive to Eagle's Way. TIF Revenues are likely to provide the local match for other grant funding. This trail would connect Topsham to a regional recreational tourist-focused bike path which runs to Brunswick's Cooks Corner. The trail would provide access from other regional commercial areas to the businesses in Topsham's village. | $640,000 (total 30 years) |
| Sewer Infrastructure: | Directly related to the creation of the District, the Town may be required to relocate an existing sewer pump station on Green Street (within the TIF District) and build a gravity sewer line and pressure line on Canam Road between Mountain Road and Village Drive (partially outside the TIF District). This project includes any design, engineering and other capital costs associated with sewer infrastructure projects required for the District. | $1,550,000 (total 30 years) |
| Site Preparation and Relocation Costs: | Costs associated with preparing sites within the District for redevelopment, real property assembly costs and the costs, if any, associated with relocating individuals or businesses from sites within the District that will accommodate commercial redevelopment. | $3,000,000 (total 30 years) |
| Streetscape Improvements | Improve the streetscape along Main Street, including but not limited to historically appropriate decorative street lights, benches and signage. Such improvements would provide recognizable pathways and would communicate more clearly where the center of Topsham is located, attracting businesses and patrons. | $250,000 (total 30 years) |
| WiFi | Cost of providing WiFi services to foster economic development within the District. | $750,000 (total 30 years) |
| Professional Service and Administrative Costs | Professional service and administrative costs associated with the District and the implementation of the Development Program. | $300,000 (total 30 years) |
| **Total Municipal Project Costs** | | **$12,685,000 (total 30 years)** |

## Yarmouth, ME

In July 2016, Yarmouth enacted a 30-year downtown TIF to help finance an estimated $39 million in identified investments. These investments include purchasing public safety building and equipment including a snowplow, fire truck, and emergency response equipment; sidewalk and parking improvements; underground utilities; road and natural gas infrastructure; trails and bike lanes; as well as storm and wastewater improvements. Other investments in the municipality, but outside the district itself, include economic development studies and operations, marketing the town, local agriculture, bus shelters, GIS capital improvements, broadband infrastructure, streetscape, energy projects, land acquisition, and more. The Downtown Plan also allows for Credit Enhancement Agreements to assist private developers.

| Use & Description | Cost Estimate |
|---|---|
| Commercial business park land acquisition/ redevelopment including construction and permitting | $3.5 million |
| Public safety equipment including snow/plow and fire truck, sweeper and emergency response apparatus | $1.85 million |
| Sidewalk and crosswalk upgrades/extensions | $2 million |
| Parking improvements including facility and related land acquisition/design/construction | $1.5 million |
| Mill/Elm Streets and Marina Road/Handy's parking/Pedestrian access | $500,000 |
| Underground utilities including phone/broadband/ fiber | $2 million |
| Road/Intersection improvements including signalization and traffic calming measures | $2.5 million |
| Natural gas infrastructure including street and right-of-way construction | $175,000 |
| Piers, floats and visitor/tourist boat amenities including launch, to support District economic activities | $450,000 |
| Public fire safety building with associated infrastructure and equipment including hydrants and firefighter gear | $600,000 |
| Bicycle/Pedestrian trails, bicycle lanes/parking, benches and wayfinding signage including capital/ maintenance but strictly limited to clear commercial connectivity outside District footprint when not trails-related | $1.1 million |
| Storm and waste water improvements related to flow or drainage to accommodate Waste Water Treatment Plan increased commercial capacity and business development | $1.5 million |
| Sewer infrastructure improvements including waste water pump station capital improvements | $8.75 million |
| Economic Development (ED) operations/costs including ED salaries and prorated municipal salaries | $4.245 million |
| ED studies including planning, market analysis and associated consulting fees | $350,000 |
| Capitalization of business revolving loan fund per § 5225(1)(C)(3) for costs authorized by 30-A M.R.S. § 5225 and Department rules as amended from time to time | $1 million |
| Marketing Town as a business, tourism and ecotourism destination including programs/events | $350,000 |

| | |
|---|---|
| Grant matching related to 30-A M.R.S. §§ 5221-5235 economic development activities | $1 million |
| Creation/Funding for local agriculture commercial endeavors including year-round farmers market and food truck vendors | $250,000 |
| Bus shelters and transportation amenities such as transit vehicles, rail conveyances, bus shelters/ benches and other transit-related equipment/ infrastructure | $1 million |
| GIS Capital Improvement Program including software, ongoing maintenance and training | $350,000 |
| Streetscape improvements including benches, sidewalks, gateway/way-finding signage or system, lighting and a business facade improvement revolving loan or grant program | $1 million |
| 3-Phase power implementation | $500,000 |
| Broadband/Wireless/Fiber infrastructure and business Wi-Fi network | $1 million |
| Energy generation and transmission projects including electrical/hydrogen stations | $1 million |
| Harbormaster Office construction capital costs and prorated salaries over $60,000 base adjusted by 2%/YR from 2016 | $250,000 |
| **Total Public Costs** | $39 million |

## Naples, ME

The town of Naples created a downtown and waterfront TIF district to enhance the local economy, promote tourism, and provide access to open space and outdoor recreation opportunities. Specific projects targeted with TIF funds include improving public boat launches, improving picnic areas, establishing a visitor information center, acquiring land to access open space, installing decorative lighting, establishing a façade improvement matching grant program, infrastructure improvements, undertaking planning studies, creating a revolving loan fund for economic development, credit enhancement agreements, and others. Individual cost estimates for each use was not provided.

| Use | Description |
|---|---|
| Public Facilities | Provide adequate public restroom/changing room facilities in Village District and at public recreation sites within TIF district; Improve existing public boat launches and docking facilities; Expand the number of public boat launches and docking facilities; Where appropriate, dredge waterways to provide increased access to recreational areas; Provide improved public picnic areas; Establish Visitors Information Center. |
| Land Development and Acquisition | Develop available town land to ensure adequate public open space and public access for visitors and residents; Acquire new land to ensure adequate public open space and public access for visitors and residents; Acquire new land to ensure adequate public parking for visitors and residents. |
| Pedestrian Improvements | Install sidewalks within Village District to encourage development of sidewalk network through Village District and surrounding growth |

| | |
|---|---|
| | areas. |
| Parking Improvements | Provide adequate and safe public on and off-street parking in Village District and Causeway area; Provide Park and Ride Lot to support new Lakes Region shuttle bus; Provide bicycle racks and related amenities in Causeway area. |
| Streetscape/Landscape Improvements | Install decorative lighting within district; Plant trees, other plantings within district. Install benches at appropriate locations within district; Install, update or replace informational/directional signage to be consistent in design and materials. |
| Traffic Improvements | Implement traffic calming measures where appropriate; Implement improved traffic signalization where appropriate. |
| Building Improvements | Establish Façade Improvements matching grant program to support private sector investment with appropriate incentives to preserve structures of historic and cultural significance. |
| Infrastructure Improvements | Where appropriate, construction of public water, sewer, telecommunications and power systems to leverage private sector investment and job creation. |
| Other Improvements | Public Safety equipment and/or maintenance made necessary by the establishment of the District; Public Works equipment and/or maintenance made necessary by the establishment of the District. |
| Planning | Update Village Design Study to establish design standards for Village District and Causeway area. |
| Economic Development | Establishment and support of Downtown Manager or other staff dedicated to economic development. Events/festival support and promotion/marketing. Credit Enhancement Agreements. Revolving loan fund. Consultant services in support of economic development. Employment training for residents not to exceed 20% of total project costs. |
| Administration | Staff time for TIF administration; Consultant services in support of TIF administration. |

## Lisbon, ME

The Town of Lisbon developed a downtown plan that set strategic priorities. To help achieve its vision for downtown, the town passed a 30-year Downtown Omnibus TIF District to capture 100% of new assessed value in the district. The district is about 175 acres. TIF revenue will be used to support economic development programs and public infrastructure in the downtown areas. The town will also use TIF for Credit Enhancement Agreements (CEAs) to be negotiated with developers or other parties that purchase a development property for the purpose of commercial development. Of note, the TIF District actually encompasses two separate villages, creating two separate sub-districts under a single TIF District and program.

The specific uses of TIF funds are as follows:

| Use | Description |
|---|---|
| Public Improvements | Would generally include pedestrian infrastructure and safety enhancements, street trees and small green spaces, signage and way-finding, lighting and streetscape amenities, and related road, infrastructure and public facilities improvements as appropriate. There are specific improvements and programs in support of the redevelopment of the Lisbon Falls waterfront area, a defunct industrial area. |
| Economic Development Programs | Programs needed to support redevelopment and business growth in the downtown areas include Credit Enhancement Agreements, a façade program, and other business programs, through the Lisbon Economic Development Department, targeted towards business retention and attraction in the downtowns. The terms and conditions for each CEA will be negotiated by the Town Manager or his designee without need for further public hearing or vote by the Town Council based on investment and employment criteria. |

## Richmond, ME

In 2005, Richmond approved a 25-year TIF district in its downtown covering about 100 acres. The TIF was implemented to achieve the following:

- Promote long-term sustainable employment opportunities for area residents;
- Capitalize on the town's proximity to major highway routes as well as the Kennebec River;
- Create a more pedestrian friendly and accessible downtown;
- Establish a gateway to the town;
- Redevelop, restore and enhance buildings with historic significance within the village;
- Revitalize Fort Richmond Park;
- Upgrade town infrastructure including sidewalk improvements, rerouting overhead utilities, creation of additional parking, and establishing more green space in the community; and
- Redevelop older properties in the downtown area.

Since the creation of the Downtown TIF District, many of the above objectives have been met, such as redeveloped and enhanced historic buildings, upgraded infrastructure, a more pedestrian friendly downtown, and

improvements to Fort Richmond Park ("the Waterfront"). A significant contribution of capital investment in the community has also been made by several private business owners and the Maine DECD.

Several downtown initiatives proposed in the Downtown Revitalization Plan could be implemented with TIF revenues and public/private investment, including:

- Implementation of the Downtown Parking Master Plan
- Continued implementation of bicyclist/pedestrian infrastructure, including the state-approved Richmond Village Merrymeeting Trail.
- Village gateway and way-finding signage.
- Restoration of downtown historic buildings, such as the Hathorn Building on the corner of Main and Front Street.

# Appendix B | Credit Enhancement Agreements (CEAs)

Credit Enhancement Agreements allows municipalities to provide reimbursements of future incremental property tax revenues to developers to help cover development costs. Their purpose is to make otherwise financially infeasible projects possible to develop by the private sector. Communities with TIF Districts adopt guidelines for how and when they will consider CEAs with private entities. These guidelines typically include:

- Minimum base criteria
- Guidelines that determine the municipality's level of participation
- Application requirements
- Process description

The following are examples of the guidance and criteria that communities have adopted that outline how and when communities will consider credit enhancement agreements within TIF districts.

## Yarmouth, ME (draft guidelines)[5]:

### Base Criteria for CEAs include projects that:

1) Would not likely occur otherwise;
2) Create or retain employment opportunities;
3) Expand significantly the Town's tax base; and
4) Conform to the quality and types of development sought by the Town as outlined in the Zoning Ordinances, Comprehensive Plan, the Tax Increment Financing District Development Programs, and other policies enacted by the Town Council.

### Process for CEAs:

CEA Applications (whether initiated by the Town or requested by a developer or business) will be considered by the Town Manager, Economic Development Director and the Town Council with all final approvals granted after a public hearing, by the Yarmouth Town Council and the Maine Department of Economic Development (DECD). The Economic Development Director will coordinate all activities regarding applications and will assist the developer throughout the CEA process. The terms and specific details of each CEA will be developed on a case by case basis. The Town Manager and the Manager's designated representatives will negotiate for the Town based on the merits of the project and these guidelines following the process laid out in this document.

### CEA Goals:

A. Creates new jobs
B. Assists existing business to retain jobs
C. Creates significant long-term employment
D. Improves the local economy
E. Broadens the tax base

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[5] **http://www.yarmouth.me.us/vertical/sites/%7B27541806-6670-456D-9204-5443DC558F94%7D/uploads/Yarmouth_CEA_Guidelines_draft_recommended_by_EDAB_2016_0113.pdf**

F. Improves blighted areas

G. Creates or expands public infrastructure beyond project

H. Supports community projects

I. Creates public benefits for other workers and/or businesses

### Mandatory Guidelines:

- A need to offset infrastructure costs unique to the site; or
- A need to offset economic advantages available to a corporate entity if it should develop a project (or expand operations) outside of Yarmouth; or
- A lack of sufficient private or other public funding sources to meet the full capital investments needed to undertake a project.
- The project creates significant new tax value equal to or greater than $TBD and creates or retains jobs within the Town's established TIF Districts.
- The applicant is financially capable to undertake the project.
- The applicant has not engaged in illegal or unfair labor and employment practices; unsafe employment practices; or adverse or illegal environmental practices.
- The applicant is compliant with all statutory and regulatory guidelines of the Town of Yarmouth and the State of Maine.

### Guidelines that determine level of municipal participation:

- The project assists an established business in the Town of Yarmouth, thus retaining existing employment opportunities;
- The project creates long-term, permanent and quality employment opportunities; ⎫ The project contributes to the revitalization of the Downtown District, Route 1 North and Route 1 South TIF Districts; or any other approved TIF district;
- The project improves a blighted building site in need of rehabilitation;
- The project creates public infrastructure facilities that have application beyond the particular development such as improvements to utilities, telecommunications, traffic patterns, parking facilities, green space, etc.;
- The project supports or will support community projects, provides job training, provides student internships, supports local contractors and suppliers; and
- The project supports or will support local efforts and programs that assist those who are underemployed or low to moderate income (LMI).
- The developer has a responsible history with property tax payment and pledges the continued responsibility.

### CEA Application Requirements

A. The cost of public infrastructure improvements unique to the project or site.

B. The developer demonstrates the financial capacity to undertake the project and provides evidence in support of this capacity. Evidence will include but is not limited to:

1. Development budget and pro-forma
2. Financial commitments of project lenders

3. A project implementation plan and schedule.

C. (All such information shall be kept confidential to the extent permitted by law. The Town Council, Town staff and Council designee(s) will sign a non-disclosure agreement, if deemed necessary and to the extent permitted by law.)

D. The project creates incremental assessed tax value equal to or greater than $1 million, excluding personal property

E. The developer is compliant with all statutory and regulatory guidelines of the Town of Yarmouth and the State of Maine.

## Hamden, ME[6]

### Mandatory Guidelines:

The Town's participation is economically necessary and involvement by the Town is needed in order for the project to be undertaken. Justification for economic need and Town involvement must be demonstrated by:

a) A need to offset infrastructure costs unique to the site, or
b) A need to offset economic advantages available to the entity if it should build or expand outside of Hampden, or
c) The unavailability of sufficient private or other public funding sources to meet the full capital investment needs of the entity seeking assistance. {EP - 01192887 - v3}

2. The project creates new incremental real estate tax equal to, or greater than, five hundred thousand dollars ($500,000). The value of new, incremental personal property tax value may be considered if the value is equal to, or greater than, the value of new incremental real estate value.

3. The applicant must provide evidence of financial capability to undertake the project by submitting one of the following:

a) A letter from a financial institution, government agency, or other funding agency indicating a commitment to provide a specified amount of funds, and the uses for which the funds may be utilized.
b) In cases where funding is required but there can be no commitment of money until approvals are received, a letter of "Intent to Fund" from the appropriate funding institution indicating the amount of funds and their specified uses
c) The applicant's most recent corporate (or other entity) annual report indicating availability of sufficient funds to finance the development, together with explanatory material interpreting the report.
d) Evidence indicating availability of funds if the developer will personally finance the development.

4. Compliance with all statutory and regulatory guidelines of the Town and State.

### Conditions of Approval and Guidelines to Determine Level of Town Participation:

Although an applicant need not meet each of the following criteria, the Town may use them to determine the level of participation.

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[6] **http://www.hampdenmaine.gov/vertical/sites/%7B1FCAF0C4-5C5E-476D-A92E-1BED5B1F9E05%7D/uploads/TIF_Policy_Revised_Draft_7.2.13.pdf**

1. The project assists an established business in the Town of Hampden, thus retaining existing employment or existing tax base.
2. The project creates long-term, permanent employment opportunities.
3. The project improves the general economy of Hampden.
4. The project improves and broadens the tax base.
5. The project improves a distressed area within the community in need of redevelopment, or an area identified as a priority by the Town of Hampden for redevelopment.
6. The project improves a distressed area or blighted building in need of rehabilitation, or a building identified as a priority by the Town of Hampden for rehabilitation.
7. The project creates public infrastructure facilities or benefits, which have application beyond the particular development, such as traffic upgrades, public parking facilities, etc.
8. If not from the beginning of the district, then as soon as possible, the project will support community projects or create public benefits, such as granting access to open spaces, creating student internships, providing job training, supporting local contractors and suppliers, etc. The Town shall set forth the goals for municipal benefit in any TIF application that may be required within the TIF District or the TIF Municipal Development Plan.

### Application Guidelines:

The Town's Planning and Development Committee will act as a clearinghouse and coordinate all activity regarding TIF & CEA proposals, and in cooperation with the Finance Committee, negotiate the conditions of the proposed tax increment financing as requested by applicants. Working with potential applicants, the Community and Economic Development Director, her/his designee or consultant(s) as directed by the Director, as the designated representative of the Planning and Development Committee, will:

1. Provide information on tax increment financing.
2. Discuss project proposals and accept preliminary application information from applicants.
3. Review preliminary applications, based on policy guidelines, to insure that application is complete, and advise applicants of determination.
4. Make a recommendation to the Planning and Development Committee whether to accept or reject the application. If deemed necessary by the Town Manager and the Community and Economic Development Director, the advice and assistance of other departments within the Town of Hampden may be requested. The Community and Economic Development Director will provide a written decision of the Planning and Development Committee to the applicants approving (with or without conditions), or disapproving, the preliminary application. Approval of the preliminary application by the Planning and Development Committee shall not create any vested rights in the applicants.
5. Will, following approval by the Planning and Development Committee, assist applicants to complete a final application suitable for presentation to the Town Council and the Maine Department of Economic and Community Development for formal review and approval.
6. Make presentation to the Town Council with the recommendation of the Planning and Development Committee. The applicant shall be present at the public hearing to answer any questions prior to a final vote by the Town Council.
7. Advise applicants, in writing, of the decision of the Town Council.
8. Assist the applicant in submitting the necessary documents and information to the Town so that the Town can make application to the State, based on direction from the Town Council.
9. Finalize, with the assistance of staff, the Credit Enhancement Agreement between the Town of Hampden and the applicant. If the applicant transfers ownership of its property within the District, the applicant must notify the Town Manager, in writing, prior to finalizing the transfer. The new owner must agree, in writing, to accept the provisions of the TIF/Credit Enhancement Agreement as presented to and approved

by the Town Council, before the Finance Director will release any further TIF payments. The Credit Enhancement Agreement is subject to the approval of the Town Council.

10. Monitor ongoing public and private investment in the development project.

## Gardiner, ME[7]

In all instances, applicants for tax increment financing must demonstrate that the City of Gardiner's participation is economically necessary and that participation is needed to undertake the project. Such justification is demonstrated by:

- A need to offset infrastructure costs unique to the site; or
- A need to offset economic advantages available to a corporate entity if it should develop a project (or expand operations) outside of Gardiner; or
- A lack of sufficient private or other public funding sources to meet the full capital investments needed to undertake a project.
- The project creates significant new tax value throughout the City's planned development, commercial, and industrial zones, including projects located in the Downtown Shopping District, the Associated Grocers Business Park, the area surrounding the Libby Hill Business Park, and other areas the City Council deems necessary.
- The developer is financially capable to undertake the project.
- The developer is compliant with all statutory and regulatory guidelines of the City of Gardiner and the State of Maine

### GUIDELINES THAT DETERMINE THE LEVEL OF MUNICIPAL PARTICIPATION

- The project assists an established business in the City of Gardiner, thus retaining existing employment opportunities;
- The project creates long-term, permanent and quality employment opportunities;
- The project contributes to the revitalization of the Downtown Shopping District or other areas in need of redevelopment;
- The project improves a blighted building site in need of rehabilitation;
- The project creates public infrastructure facilities that have application beyond the particular development such as improvements to traffic patterns, parking facilities, green space, etc.;
- The project supports or will support community projects, provides job training, provides student internships, supports local contractors and suppliers; and
- The project supports or will support local efforts and programs that assist those who are under-employed or who are making the transition from welfare to work, etc.

[7] http://www.gardinermaine.com/Public_Documents/GardinerME_policies/f-TIF%20Guidlines%20Gardiner%20-%202003%20(2012%20amendment%20incorporate.pdf

## Saco, ME[8]

The creation of a TIF District is a policy decision of the Saco City Council made on a case by case basis. The Council may override these guidelines if it determines that a project merits such treatment. A TIF is not a right under Maine law and these guidelines do not create a right or entitlement for any application, nor should they be interpreted to encourage any application.

### Eligibility

1. Uses -Applicants are limited to manufacturing, assembly operations, warehousing and distribution, research and development, and major office, major tourism facilities such as major hotels, major amusement parks, and major urban redevelopment projects. Retail uses are generally ineligible except in major mixed-use redevelopment project and in extraordinary circumstances approved by the City Council.
2. Jobs - Applicant shall create at least 15 new full time jobs meeting the guidelines herein within three years of TIF approval.
3. Investment- Proposed investment (new taxable value) must achieve at least $750,000 within three years of the approval of the TIF.
4. Quality of Employment:
    a) Wages -The average hourly wage for new jobs to be created or relocated must be at a rate at least 50 percent greater than the federal minimum wage anticipated during the first three years of the agreement.
    b) Benefits - A competitive benefits package, including as many as possible of the following: paid holidays, vacations and sick leave, and employee health benefits with a substantial employer contribution.
    c) Environmental Standards - The applicant shall ensure that high environmental standards are met and that all state, federal and local environmental standards are met.

### Basic Provisions

1. Enhancement Agreements - Tax Increment Financing Districts are generally approved only for credit enhancement agreements.
2. Documentation - The applicant is required to submit all report and documentation so that the City can determine if the standards herein are met and to protect the City's financial interests.
3. Terms - The specific terms of each TIF agreement are negotiated between the City and the applicant, but in no case shall the tax recapture for the applicant exceed the limits prescribed below:
    a. Term of TIF- Maximum Recapture to Applicant
    b. 1 - 5 years - 50 percent
    c. 6 - 10 years- 40 percent
    d. Agreements may be structured so that additional recaptured amounts and amounts recaptured for longer periods are used by the City for purposes permitted by Maine law, not for the applicant.
4. Costs and Fees - All applicants shall pay for the City's legal fees and any other out-of-pocket costs associated with the development and approval of a TIF agreement, regardless of whether it is approved. TIF agreements shall provide for a 1 percent annual administrative fee to be deducted from the tax recapture forwarded to the applicant during the life of the agreement.
5. Performance Reporting - The TIF agreement shall provide for the applicant to submit reports and documentation in a form satisfactory to the City supporting any costs to be reimbursed by the TIF and in

[8] **http://www.sacomaine.org/Administration/Policies/Tax%20Increment%20Financing%20Guidelines.pdf**

order to assess the applicant's performance with regard to compliance standards outlined in "Eligibility" above, including investment, jobs, wages, benefits, and environmental standards.

6. Suspension and Recapture of Benefits - The TIF agreements shall contain provisions for the suspension, termination and/or recapture of benefits to the applicant if the applicant does not meet compliance standards outlined in "Eligibility" above, including investment, jobs, wages, benefits, and environmental standards. The agreements shall also provide for the termination and/or recapture of benefits to the applicant if the applicant relocates all or a substantial portion, to be determined at the time of agreement, of the Saco operation outside the City during the term of the agreement or within five years after its end.

### GUIDELINES FOR ALL APPLICANTS

In all instances, applicants requesting tax increment financing must demonstrate:

1. The City's participation is economically necessary and involvement by the City is needed in order for the project to be undertaken. Justification for economic need and City involvement must be demonstrated by:
    a. A need to offset infrastructure costs unique to the site; or
    b. A need to offset economic advantages available to the corporate entity if it should build (or expand) outside of Saco; or
    c. The unavailability of sufficient private or other public funding sources to meet the full capital investment needs of the corporate entity seeking assistance.
2. The project creates significant new tax value equal to or greater than $750,000 and creates at least 15 new full time jobs meeting the standards of these guidelines.
3. Financial capacity to undertake the project must be demonstrated by means such as commitment letters. If commitments await approval, a letter of "intent to fund" from a reputable bank or other financial entity not associated with the project indicating the uses and amounts of funds. The most recent audit of the company shall be provided. If self-financing is planned, evidence of the availability of funds, such as bank statements shall be submitted.
4. Compliance with all statutory and regulatory guidelines of the City and state.

### GUIDELINES TO DETERMINE LEVEL OF CITY PARTICIPATION

Although an applicant need not meet each of the following criteria, they will be used to determine the level of participation by the City:

1. The project assists an established business in the City of Saco, thus assisting in expanding and retaining existing employment;
2. The project creates significant long-term, permanent employment;
3. The project improves a blighted area or building in need of redevelopment or rehabilitated, or an area identified as a priority by the City of Saco;
4. The project creates public infrastructure facilities which have application beyond the particular development such as traffic upgrades, sewer upgrades, public parking facilities, etc;
5. The project broadens the tax base of the City.

### STANDARD OPERATING PROCEDURES

The City's Director of Economic Planning and Development Programs will coordinate all City activity regarding tax increment financing proposals, by providing information on tax increment financing; discussing project proposals and accepting preliminary applications from applicants; reviewing preliminary applications based on policy guidelines with city staff, attorneys and Bond Counsel; coordinating consideration by the Economic Development Commission, and, if approved by the City Council, submitting application to the State.