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12 May 2023

Jaime Stein
Town Planner
Town of Guilford

Sent via email

Re: Draft Zoning Regulations
Public Review and Comment

Dear Ms Stein,

I appreciate Guilford staff and volunteers taking on this important update to its zoning code. As a former member of both the Town's Planning and Zoning Commission and the Zoning Subcommittee, I know firsthand the importance and weight this endeavor represents. By and large, the effort is sound and its underlying logic clear. I am pleased to with the public role-out of this update and appreciate also the opportunity to express my concerns here.

One of the overall impacts of the proposed changes appears to be towards density, particularly around the downtown area. This is consistent with the Town's Plan of Conservation and Development (POCD) and consistent with state-wide land-use initiatives towards local, walkable neighborhoods linked by regional rail. It's a sound vision of Guilford. My specific concern relates to the rezoning of Guilford's parcels along Route 1. This includes the dissolution of the MUC, CD, TS and PV zones into the new PRB and BMU zones. These parcels have an important role to play in the overall vision for Guilford. However, because of their size and prominence, they require careful consideration to guide their development and to mitigate unforeseen consequences. In that regard, I am concerned that the current effort falls short and caution the Town against wholesale adoption of this code.

First, where is the plan? The Planning and Zoning Commission is an agent of both disciplines. Typically, "planning" precedes "zoning" so that its ordinances enforce a plan's initiatives. The POCD is a plan endorsed by P and Z but it is not, in and of itself, a plan for the built environment. It is a set of goals. Guilford does have a Route 1 West plan from 2015. The current Zoning revision, for the large parcels, does not reinforce the Route 1 West plan and undermines several of its key concepts. What then is the built environment envisioned and supported by the list of uses and bulk standards proposed in the revised Zoning Code? Where is the due-diligence of potential scenarios to ensure adequate protection against unpredicted outcomes?

Second, with these parcels, there needs to be an even stronger reliance on Special Permits and Planned Development Districts (PPDs). The new PRB and BMU zones stretch the length of Guilford's Route 1 and will become both the front door for Guilford and an integral part of each of our daily lives. The proposed new Zoning relies heavily on the Special Permit for many uses of these parcels. I advocate for more. Each of these parcels is distinct in their size, adjacency, frontage, and topography. It is not possible to capture all aspects in a simple list of quantitative bulk standards. Some permitted uses, like recreational fields and farming, include activities that exist outside quantitative bulk standards like lot coverage, but represent significant impacts to adjacent neighbors. The recent quarry use of the parcel across from the Rock Pile at Exit 57, with its piles of stored materials along the sidewalk, is a cautionary tale of unintended consequence in an approved use on large site. The Special Permit should not be viewed as a hinderance towards development or a taking from property owners. It is a regular and statutory approval process used by towns like Guilford to bring another level of review to proposed developments and to better protect a community from an unintended outcome. If Guilford does not have the resources for a new master plan for Route 1, then the PDD process is another useful and well-trod route. While it places much of the planning process on the developer, it nevertheless gives Town staff and the Commission agency in evaluation a PDDs aggregate effect.

Third, has the densities proposed by this Zoning code been sufficiently vetted? When you cross to our town on Route 1 or Route 80 from the east, there is a marked and sudden decrease in density. This is in part due to a decades-long policy of sewer avoidance in our community. Yet the density of dwellings in the proposed Zoning code is almost uniformly listed as 6 units per acres. Where did this number come from? I am aware of very few parcels currently in Guilford that are close to this density. I suspect that many of the parcels along Route 1 could not support this density with conventional septic systems. For the largest of these parcels, the 6 units per acre as a bulk standard becomes nonsensical. The two proposed BMU parcels on the west side of Guilford would support, by right, 660+ and 500+ dwelling units respectively. Is that the intent? If it is, is the Town sufficiently prepared with its services and infrastructure to support multiple parcel along Route 1 being developed at that density? Have we consulted with the regional health authority to assess their ability and willingness to review, monitor, and test the technologically sophisticated septic systems that will likely be required to support densities approaching this?

Thank you for your consideration of these concerns this proposed Zoning Code. In absence of a master plan, I urge for a review of its potential impact on Route 1 and how it will redefine Guilford's image and our quality of life.

Sincerely,

A handwritten signature in black ink that reads "Michael C Scott AIA". The signature is written in a cursive, slightly slanted style.

Michael C Scott AIA