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A wise person once said that “One of the true tests of leadership is the ability to recognize a problem before it becomes an emergency”.

I want to speak to you, Mrs. Glassman as our First Selectman, and to the rest of the Board of Selectman tonight about the problem I see evolving in our town which I am confident will become an emergency if not dealt with. I strongly believe that this problem, if left unmanaged, will over time destroy the character of our beloved Simsbury. We can say goodbye to our “Quintessential New England Town” as we spiral into ubiquitous suburban sprawl.

Tonight I want to outline some of my concerns about the PAD zoning regulation currently being drafted and finalized by the Zoning Commission for a public hearing on March 15th. I believe this PAD regulation is perhaps the most flawed work product ever produced by the Simsbury Zoning Commission in memory. I have spoken to numerous knowledgeable people about the current draft and they have all uniformly said that the PAD draft is an incredibly flawed regulation that will inevitably cause our town to develop in extremely negative ways and will cost our town a fortune in litigation from developers seeking fair and consistent treatment from one development proposal to the next.

My observations and concerns are as follows:

1) the PAD as drafted is devoid of metrics and standards. It can mean different things to different people in different contexts and circumstances. It is a nearly entirely subjective regulation which provides users with nothing but ambiguity. My prediction is if the PAD in this form passes, Simsbury will incur significant litigation in the future or will suffer bad development to avoid litigation. I think an essential question to ask our Town Attorney is could he successfully defend the Town of Simsbury in court over all sections of this PAD? I don't believe he would confidently say Yes.

2) the PAD as drafted, is a Zone-Free-Zone. It would overlay on top of any existing zone and allow a vague, unspecified proposal to circumvent more specific underlying language like the Charrette's zone regulations or any vision or direction for another parcel from the Plan of Conservation and Development. A PAD regulation like this makes the Charrette and the POCD irrelevant.

3) if we must have a PAD, it should serve all the constituents of Simsbury – landowners, business people, developers and residents. This current PAD draft appears to only serve certain landowners, certain politicians with odd motivations and the Simsbury Chamber of Commerce who has been inexplicably lobbying for the PAD.

4) any PAD draft, or any zoning regulation draft, should be reviewed by and discussed with a land use attorney before the regulation goes to public hearing. Our Town Attorney is not a land use attorney.

5) I continue to question why we are creating a PAD regulation at all versus waiting for the Charrette process to complete and for the excellent draft mixed-use zoning regulation that has already emerged from the Charrette consultants to be enacted.

6) other towns embrace predictability in their zoning regulations. Other towns' zoning regulations give their commissions specificity and guidance. Why not this PAD? What is motivating the Simsbury Zoning Commission to ramrod this regulation through the process?

7) our Zoning Commission should be drafting regulations that tell developers and landowners what the Town wants. Regulations should make this clear and achievable. Rather the Zoning Commission seems to be focused more on providing a "we'll know it when we see it" approach which is more expensive for developers, creates uncertainty and ambiguity for the approval process, and virtually guarantees the approval process and public hearing process will be controversial and acrimonious.

Lastly, Mrs. Glassman, I assume you want Simsbury to have the reputation as a town of rationality with a responsible development infrastructure. I assume you don't want Simsbury to be a town headed towards sprawl. I assume you wouldn't want to be remembered as the Simsbury First Selectman under whose leadership Simsbury became like everywhere else. Mrs. Glassman, in my opinion, and in the opinion of other residents who are knowledgeable in land use issues, you are allowing the Planning Director Hiram Peck and the Zoning Commission to go astray. You cannot make the excuse that the Zoning Commission doesn't report to you because Mr. Peck does report to you and those of us watching this process have seen loud and clear that Mr. Peck is a strong driver and influencer of this process. Mrs. Glassman, I think you should be very nervous about what is going on here. I think you need to provide leadership to the land use commissions by providing direction to Hiram Peck and reminding him and the commissions that we must not jeopardize the character and lifestyle of our town for the sake of expediency or political influence from a small contingent of self-interested parties.

Otherwise, I am confident that this Board of Selectman and its First Selectman will go down in Simsbury history as the management that made it possible for sprawl to take over our town - the town that is one of the 2010 Dozen Distinctive Destinations.

Lastly, please review the attached graphic showing some of the numerous current commercial and retail vacancies in Simsbury, Avon and Canton. These pictures were taken last Friday February 19th. Please provide the necessary leadership for this Zoning Commission problem before the inevitable emergency happens later. We don't need any development just to say we did, we need the right development – development we want, development we will enjoy and development that we will all economically benefit from now and in the future.

Thank you.