

CONNECTICUT PLANNING



American Planning Association
Connecticut Chapter

Making Great Communities Happen

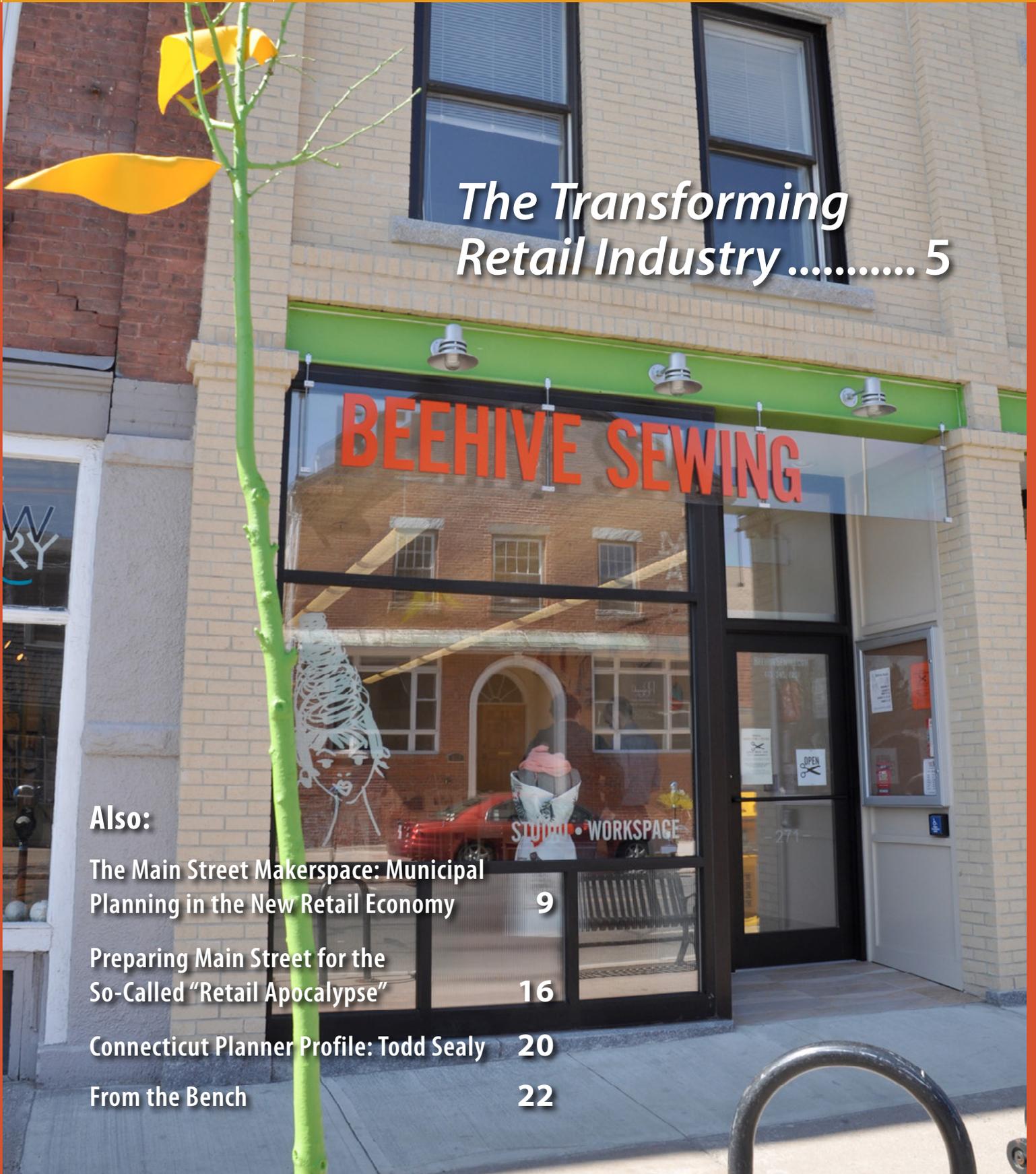
A Publication of the Connecticut Chapter of the American Planning Association

ct.planning.org

The Transforming Retail Industry 5

Also:

The Main Street Makerspace: Municipal Planning in the New Retail Economy	9
Preparing Main Street for the So-Called "Retail Apocalypse"	16
Connecticut Planner Profile: Todd Sealy	20
From the Bench	22



Connecticut Chapter of APA – Officers & Directors

Michael Piscitelli, AICP
President

Emily (Moos) Hultquist, AICP
Past President

Abby Kenyon, AICP
Secretary

Khara Dodds, AICP
Treasurer

John Guskowski, AICP
Government Relations Comm. Co-Chair

Amanda Kennedy, AICP
Government Relations Comm. Co-Chair

Jeanne Davies, AICP
Program Committee Chair

Alan Weiner, AICP
Membership Committee Chair

Rebecca Augur, AICP
Communications Committee Chair/
CT Planning Magazine

Valarie Ferro, AICP
Awards Committee Chair

Patrice L. Carson, AICP
Member at Large

Robert Phillips, AICP
Member at Large

Don Poland, PhD, AICP
Member at Large

Jonathan Reiner, AICP
Member at Large

Christopher J. Smith, Esq.
Member at Large

Demian Sorrentino, AICP
Member at Large

Click on the names above to send email, or visit our [website](#) for additional information about CCAPA leadership.

MAKING
GREAT COMMUNITIES
HAPPEN

PRESIDENT'S MESSAGE



Hello Fellow Planners, and Happy Spring!

I trust everyone is enjoying the first really nice stretch of Spring weather and taking some time to get outside during the change of seasons.

As promised, 2019 has been a year of transition. On a personal note it has been an honor to take over additional responsibilities at the City of New Haven, coordinating on an interim basis the work of six departments all focused on community and economic development. Our City Plan Department is now led by Aicha Woods, who comes over from Pelli Clarke Pelli Architects. Aicha is one of five new staff members, indicative of the generational transition happening in many governments across Connecticut. Please take a minute to meet and welcome our New Haven team at an upcoming CCAPA event.

At the state level, the policy priorities of the Lamont Administration are now in focus. Economic development is front and center, given ongoing sluggish job growth in many parts of Connecticut. Of note, Chapter member David Kooris is leading a team at the Connecticut Department of Economic and Community Development on policy guidance for Opportunity Zones. CCAPA representatives are assisting with the rollout of sound planning and zoning guidance. This will be very important since the Opportunity Zone program is based on federal tax incentives and does not specifically prioritize comprehensive planning and inclusive growth strategies. That responsibility falls to state and local leadership, and we look forward to ongoing collaboration in that regard.

Our Government Relations Committee has been very active in Hartford this year as the state legislature navigates a regular session and a full slate of proposals. CCAPA has expressed strong support for HB 6749. Through many collaboration meetings with the new House chair of Planning and Development, Cristin McCarthy Vahey, HB 6749 has been making its way through P&D and the Housing Committee. One of the key reasons for CCAPA's support rests on a

(continued on page 3)

Cover photo: *Beehive Sewing Studio and Workspace, Northampton, MA*

CONNECTICUT PLANNING

is published quarterly by the Connecticut Chapter of the American Planning Association. Contributions are encouraged. Submissions must include the name and contact information of the contributor. Material may be edited to conform to space or style requirements. Please address submissions to Executive Editor Rebecca Augur, AICP (contact information below).

Rebecca Augur, AICP
Principal Planner
Milone & MacBroom, Inc.
99 Realty Drive, Cheshire, CT 06410
Ph: (203) 271-1773 • Fax: (203) 272-9733
ctplanners@gmail.com

Layout/Advertising:
Jeffrey H. Mills
J.M. Communications
13 Deer Path, Ste. 2, Maynard, MA 01754
Ph: (860) 454-8922 • Fax: (978) 637-2630
jmcommunications@comcast.net

new section concerning affordable housing. The bill would not only establish a working group, but also begin a process to attach real penalties for inaction. Given the dramatic need for new housing production, now is the time for more intentional action both at the state and local levels. Planners are strongly encouraged to facilitate local dialogue and the planning for new housing. APA's [Planning Home](#) initiative provides excellent guidance.

Although the "debt diet" is proving to be a challenge, many of Governor Lamont's core policies are consistent with CCAPA's value-of-place approach to economic growth and talent attraction. This strategy was one of the key takeaways from the 2018 Start with Planning initiative and the efforts made by our members to bring these issues to the forefront of statewide discourse.

Approximately 40 of our members made it out to San Francisco for the National Planning Conference. With a booming tech economy, northern California has also become a national symbol for inequity — manifest in income, housing, and transportation. These challenges were discussed at length in session proceedings and mobile workshops. I participated in the community planning assistance team program at the Lake Merritt BART station in Oakland. Community members in that district are planning for the positive and potentially-adverse impacts associated with a major mixed-use TOD project. MacArthur Fellow Vijay Gupta delivered a compelling keynote address on his work with the homeless and disadvantaged on skid row in Los Angeles.

I strongly encourage you to listen to one of Mr. Gupta's moving [TED talks](#). Special thanks as well to Robinson & Cole for once again hosting a well-attended New England chapter reception.

I hope you are pleased and excited to use the new CCAPA website! Led by Communications Committee Chair Rebecca Augur, the team worked for over a year to transition the website to the APA standard format. With the new format, CCAPA will not only save money on web hosting fees but also leverage local content with some of APA's very best online features, such as the employment portal. Please take some time to explore the website (note the new address: <https://ct.planning.org>) and provide feedback. Thanks, Rebecca, for carrying this to the finish line!

As mentioned in our last magazine, CCAPA has worked on a new development plan. The plan focuses on three guiding principles: supporting the next generation of planners; facilitating the digital transition in planning; and introducing planning as a more central function in state governance. We will talk further about the development plan and ways to get involved as part of our annual Hot Topics event, coming up on June 14. Also at Hot Topics, we will roll out a new program developed with CEDAS that is focused on best practices in economic development. Coupled with legislative updates, legal and ethics sessions, this will be a great event and I look forward to seeing you on the 14th.

— Michael Piscitelli, AICP 



If you would like more information on the many ways CCAPA can assist you in professional practice, please do not hesitate to contact me at (203) 946-2867 or mpiscite@newhavenct.gov. 

MacArthur Fellow Vijay Gupta delivered a powerful and inspiring keynote address at NPC19. Mr. Gupta is the founder of the Street Symphony, providing musical enrichment to foster social connection and offer support to homeless, incarcerated, and other under-resourced communities in Los Angeles.

FROM THE EDITOR

We've all heard gloom and doom reports about brick and mortar retail. No doubt — the retail industry is in flux. Outside of restaurants and breweries, what is the future for retail storefronts in our town centers? We have a great collection of articles in this issue addressing this topic. Starting with a great overview of recent changes in the retail sector, we then learn about one planner's foray into a new type of retail format, and her challenges and successes. Finally, learn what you can do to better prepare your community for new retail formats. We also have our regular Planner's Profile and From the Bench columns.

We're considering a bike and pedestrian planning topic for our next issue. If anyone has any ideas or is willing to contribute, please get in touch! 📧

— Rebecca Augur 



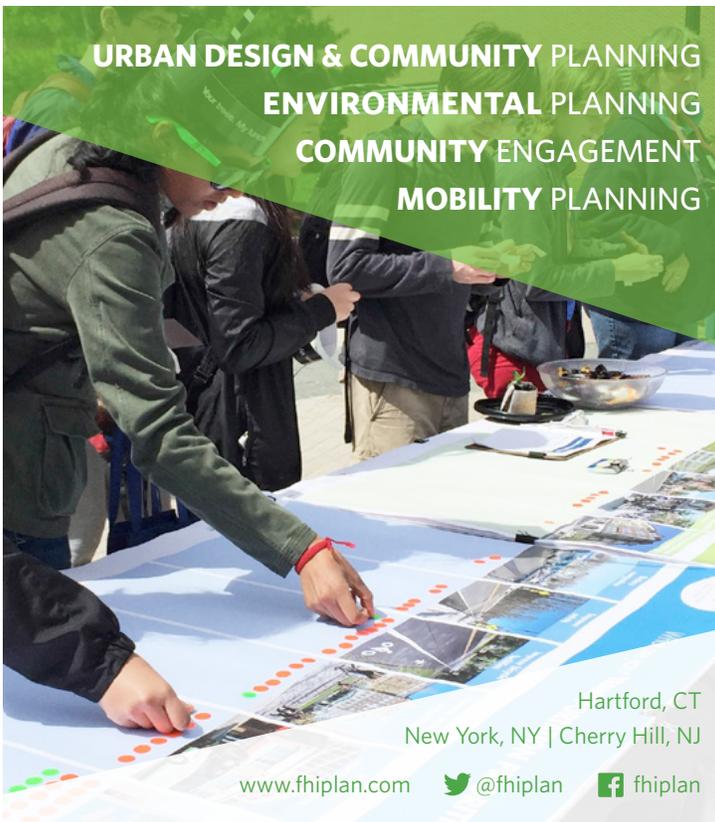
*Environmental, Planning,
and Engineering Consultants*

Ashley Ley, AICP

AKRF, Inc.
34 South Broadway, Suite 401
White Plains, NY 10601
914.922.2360
aley@akrf.com

www.akrf.com

URBAN DESIGN & COMMUNITY PLANNING
ENVIRONMENTAL PLANNING
COMMUNITY ENGAGEMENT
MOBILITY PLANNING



Hartford, CT
New York, NY | Cherry Hill, NJ

www.fhiplan.com  @fhiplan  fhiplan



Innovative Planning
BETTER COMMUNITIES

 **HALLORAN
SAGE**

860.522.6103 | halloransage.com

Our Team

Eric D. Bernheim
Mark K. Branse
Ronald F. Ochsner
Kenneth R. Slater, Jr.
Richard P. Roberts
Matthew J. Willis
Michael A. Zizka

Our Practice Areas

Regulation Amendments
Special Permitting and Variances
Zoning Enforcement
Site Plans
Subdivisions
Wetlands Permitting and Enforcement
Administrative Appeals
Siting Council Approvals
Complex Land Use Litigation



The Transforming Retail Industry

by Alissa DeJonge



The retail industry has gone through a substantial transformation over the past decade, and it continues to evolve. Brick and mortar stores still dominate retail sales transactions. However, they are under siege from online competition, causing them to adopt strategies that involve creating unique customer experiences and making customer purchases easier. At the same time, the online threat is evolving; online stores are also working to increase market share, improve the customer experience, and increase profitability. Online retailers are looking for ways to offer more personalized assistance to shoppers, as a way to increase sales, and also decrease the amount of returns.

Some other interesting trends transforming the retail industry include:

- **Brands as Culture:** Increasingly, consumers are prioritizing corporate responsibility and social consciousness, and brands are responding by thinking about their companies as a culture and way of life more than just a series of products to be sold. Marketing efforts are designed to reveal the internal culture of the company rather than just trying to sell its products.
- **Faster Shipping:** Most major brands have an online presence, in addition to brick and mortar stores. With the onset of Amazon Prime, two-day free shipping is a standard offering, and people expect low-priced or free shipping for many items. Reducing shipping time is essential for any e-commerce business to stay competitive. However, companies do not necessarily have to turn to Amazon or Walmart

as the hub for online shopping; for the right shipping option consumers are willing to purchase their items directly from their traditional retailers.

- **Growing Subscriptions:** Consumers are interested in purchasing items that are based on their preferences and delivered directly to them. Businesses in the subscription market curate products and ship them to consumers on a recurring basis. Subscriptions are popular: according to a McKinsey & Company report, 15% of consumers who shop online also signed up for at least one subscription service in 2017. Indeed, new brands such as Harry's razors have been created with a business model based on subscription purchases. The trend is expected to continue to gain increasing popularity in the marketplace. Examples of this trend include Stitch Fix for clothing and KiwiCo for children's STEM projects.

(continued on page 6)

Increasingly, consumers are prioritizing corporate responsibility and social consciousness, and brands are responding by thinking about their companies as a culture and way of life more than just a series of products to be sold.

Initially, online sales led to the closure of a number of brick-and-mortar stores and a decrease in the demand for space as stores used space more efficiently. However, trends in the demand for retail real estate continue to shift as companies adapt, and businesses learn how to meet new consumer expectations.

The Transforming Retail Industry, cont'd

- **Integration of Channels:** Even though the closure rate of brick and mortar stores is higher than ever, these stores can still play an important role in the sales process. Instead of being the primary sales point for many products, the store can be one of a variety of touchpoints for consumers that, when used together, help the consumers feel comfortable enough to make their purchases. Consumers use websites, marketplaces, social media and brick and mortar stores when determining purchases, and it is this integration across all of these channels that makes a compelling case for companies' sustainability. Furniture stores, for example, increasingly center their sales pitches around online searches followed by "touch and feel" advantages.

There is no doubt that technology and the growth of online commerce have significantly shifted the way real estate is used for retail, in a number of ways. Initially, online sales led to the closure of a number of brick-and-mortar stores and a decrease in the demand for space as stores used space more efficiently. However, trends in the demand for retail real estate continue to shift as companies adapt, and businesses learn how to meet new consumer expectations. We note a number of related trends:

- **One major trend is the growth in experiential retail.** Consumers do not want to spend a lot of time at a store shopping for basic goods, which can be done online more quickly and easily. However, they will pay for entertainment, and retail locations that include an experiential component (dining out, activities such as movies or other entertainment, or which are designed with place-making in mind like "paint and sip" galleries) are performing well. Millennials and the younger generation may be contributing to this shift, as many exhibit a preference for spending money on entertainment and experiences, while the minimalist trend advocates consuming fewer traditional goods and living with less. In response to these trends, retailers are now growing more savvy and

retooling their existing stores to align with consumer demand. Examples include Jordan's Furniture with indoor ropes experiences; and grocery stores with children's care clubs contained inside.

- **Another growth market arising from the shift to online retail is the growth of more flexible commercial space.** The internet has allowed many start-up businesses to gain a foothold with minimal overhead, so real estate space is being adapted to accommodate the growth of these businesses as they evolve; for example, when someone is ready to move out of their home office, garage, or basement into their first commercial space. Uses such as business incubators, maker-spaces, coworking space, shared offices, and leases with more flexible terms have all grown in the last few years, to try to provide support for the expansion of these businesses.

- **Another area in which retail-related real estate growth has been strong is in logistics and warehousing.** Online sales have increased demand for these services, and warehouse technology has allowed for faster processing and delivery of orders. In recent years, consumer expectations regarding delivery times has narrowed; while in years past, orders could take a week or two for delivery, consumers now expect to receive their items within two days, so demand for "last mile" warehousing and logistics is expected to continue to grow. Retailers such as Amazon even promise same-day or next-day delivery in certain areas, and many stores use their retail locations to double as fulfillment centers or offer next-day pickup in-store, when home delivery may take a bit longer.

(continued on page 7)



The Transforming Retail Industry, cont'd

• Another current trend in retail real estate involves *dark stores*, or vacant **big box stores**. The “dark store valuation method” argues that comparables for assessing the value of operational big box stores should be the sale prices of similar buildings, including vacant big box retailers, rather than the price paid for the building plus renovations minus depreciation, which is how big box store valuations have traditionally been calculated. Since demand is so much lower for dark stores, the vacant stores stay empty longer and often sell for lower prices than the sellers paid for the properties. This market mechanism drives down the assessment values and thus the property tax revenues for operational stores. As owners of properties for operational big box stores contest each assessment using the dark stores, the value of operational stores tends to go down as assessors try to compromise with property owners; one big box store in a community winning a lower revaluation

(continued on page 8)



Engineers
Scientists
Planners
Designers

planning + design

Offices in Wethersfield, White Plains, New York City
and throughout the eastcoast

www.vhb.com



[Free] A GOVERNMENT'S GUIDE TO TINY HOUSE REGULATION

[Download Now](#)

BROUGHT TO YOU BY  **viewpoint** Cloud

user-friendly permitting & licensing trusted by 40+ Connecticut municipalities



The Transforming Retail Industry, cont'd

using dark stores can also set the precedent for other operational big box stores contesting their valuations, thus compounding the effect.

How consumers shop has changed drastically over the past decade, with implications for real estate, logistics and warehousing, and marketing. Retailers and related property owners that stay competitive are embracing the changes and adapting accordingly. 🏪

Sources: The Center for Client Retention, Forbes.com, CBRE, Deloitte, NAREIT, CityLab

— *Alissa DeJonge is Vice President of Research at the Connecticut Economic Resource Center, Inc., (www.cerc.com) a nonprofit corporation and public-private partnership that drives economic development in Connecticut by providing research-based data, planning and implementation strategies to foster business formation, recruitment and growth.*

listen. think. deliver.®

- Transit/Multi-modal/ Intermodal Planning
- Strategic and Sustainable Transportation Planning
- Complete Streets and Walkable Urbanism
- Environmental Services
- Green Infrastructure
- Engineering, Design and Construction of Urban Systems

CDM Smith®
cdmsmith.com

East Hartford • New Haven

STAY CONNECTED TO CCAPA!

The Main Street Makerspace: Municipal Planning in the New Retail Economy

by Tess Perrone Poe

T rue confession: I once wrote planning documents touting the promise of mixed-use vibrant downtowns full of storefront shops and restaurants. The reality? As a planning consultant who also served on a land-use commission in a small Western Massachusetts city (population 55,000) and in the land-use division of a regional planning agency composed of 40+ towns and cities in two counties, I actually had almost no idea *how* storefronts get filled and stay filled, and how dramatically the small-format storefront retail landscape would evolve in a decade.

In 2012 I set aside my professional planning career; by then I had spent several years as a community planner for the U.S. Department of Transportation, and did a stint at a multi-state U.S. Department of Agriculture Rural Development office. I had been developing a hypothesis based on years of research into shared workspace and strategies for downtown revitalization. The result was a business concept for radical use of a downtown re-

tail storefront as a consumer makerspace.

What key factors contributed to the development of the business concept? Overall the retail sector is stable — in Connecticut, the number of paid employees in *all* retail trade grew by five percent from 178,082 in 2010 to 186,979 in 2016 with an annual payroll of more than \$5.5B in that same year.¹ Despite the ubiquitous nature of digital platforms and

(continued on page 10)

Overall the retail sector is stable — in Connecticut, the number of paid employees in *all* retail trade grew by five percent from 178,082 in 2010 to 186,979 in 2016 with an annual payroll of more than \$5.5B in that same year.



Main Street Makerspace, cont'd

e-commerce, online sales as a percent of all retail sales nationwide is still only 9.9 percent. Notably, however, the share of online sales has increased or stayed the same in every single quarter since data tracking began in the fourth quarter of 1999.²

So why does it feel like the retail sector is in a sort-of “death spiral” in many communities? First, it is critical to distinguish between small-format retail, big-box retailers, and shopping malls. Activity in each of these forms of retail is affected not only by economic factors (e.g. the financial crash of 2008, changes in access to working capital and business loans, cost of goods sold, and others), but also non-economic factors like transportation infrastructure and demographic shifts. My interest – and my business hypothesis – is concerned with small-format storefront retail: the “mom-and-pop” or “brick-and-mortar” type entities that are the hallmark of what many of us consider thriving downtowns.

Historically, a local small-format storefront retail operation could support an individual or a family.

From this sliver of retail trade, anecdotal and local quantitative data are clear: there are fewer establishments and higher real estate and labor costs. Generally, small-format retail operations traffic in products (of which restaurants and food/beverage is a part) or personal and professional services like hairdressers, banking, and dry cleaners. For certain types of retail products, such as imported non-essential consumer goods (think: ceramic decorated made-in-China coffee mugs), an independent storefront retailer’s ability to compete with low-overhead online sales is near impossible. Outside of towns and cities with strong tourism economies, these kinds of businesses will continue to face mounting pressures to survive.

My hypothesis adds a third kind of retail operation to the product/service mix: experiences. This should not be confused with more recent discussions of “experiential retail” whereby retailers like Urban Outfitters and Abercrombie + Fitch invest in creating a unique and desirable in-store consumer experience as a means of selling product. Rather, this proposed new type of retail hinges on the consumer *purchasing* the self-directed experience. While there may be add-on product purchases or in some cases service purchases, the concept considers how to shift retail storefront use from “showroom” to “workroom.” Thus, I created a sewing makerspace for individuals and hobbyists.

This radical re-envisioning of small-format storefront use leverages the premise that instead of competing with online sales and ecommerce platforms, downtown economies can thrive and reactivate streetscapes by pivoting towards those characteristics that differentiate storefronts from other retail platforms, namely a physical place where people can interact. There is no scenario where an in-store experience can be replicated in an online platform.

Making Retail Happen

A generation ago, retail sales managers in Connecticut had higher annual wages than they do today.³ Historically, a local small-format storefront retail operation could support an individual or a family. A career in the retail sector did not

(continued on page 12)



COHEN *and* WOLF P.C. ATTORNEYS AT LAW

**Municipal
Zoning & Inland Wetlands
Development & Permitting
Litigation & Land Use Appeals
Siting Council
Affordable Housing
Commercial Real Estate
Residential Real Estate**

For more information, please contact:

PATRICIA C. SULLIVAN
psullivan@cohenandwolf.com

BRIDGEPORT 203.368.0211	DANBURY 203.792.2771	WESTPORT 203.222.1034	ORANGE 203.298.4066
-----------------------------------	--------------------------------	---------------------------------	-------------------------------

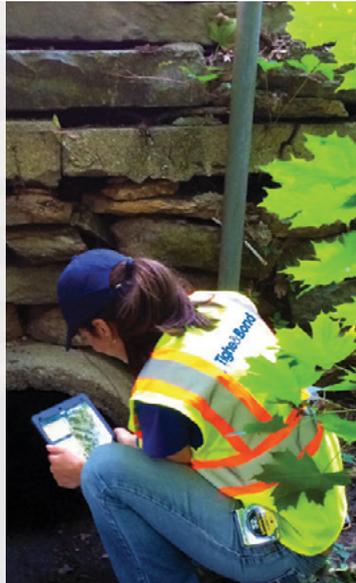
WWW.COHENANDWOLF.COM

Tighe & Bond

Engineers | Environmental Specialists

Delivering Comprehensive Plans

Brownfields
GIS
Integrated Infrastructure
Municipal
Stormwater
Transportation
Wastewater
Water Supply



Middletown, CT | 860.704.4760
 Shelton, CT | 203.712.1100



www.tighebond.com



Serving the Land Use Legal Needs of Connecticut

For more information, please contact:

Gary B. O'Connor
 Department Chair
 860.424.4366
goconnor@pullcom.com

Diane Whitney
 860.424.4330
dwhitney@pullcom.com

- Municipal, State, Federal Permitting
- Brownfield Redevelopment
- Real Estate Development
- Municipal Development Plans
- Urban Revitalization
- Administrative Hearings
- Land Use Litigation

PULLMAN & COMLEY, LLC | *Pulling Together. Succeeding Together.*
 ATTORNEYS

www.pullcom.com | **BRIDGEPORT** 203.330.2000 | **HARTFORD** 860.424.4300 | **STAMFORD** 203.324.5000 | **WATERBURY** 203.753.8966 | **WHITE PLAINS** 914.705.5355



FUSS & O'NEILL

ENGINEERS • SCIENTISTS • PLANNERS



Creating Works of Life

Partnering with our clients to creatively and effectively bring their communities to life

800.286.2469

www.fando.com

Connecticut • Massachusetts • Maine • New Hampshire • Rhode Island • Vermont

Main Street Makerspace, cont'd

require a bachelor's degree, or in some cases any education beyond high-school. Local and regional banks backed by the Small Business Administration could provide start-up and working-capital to new retail operations based on a history of consumer spending taking place in brick-and-mortar retail settings.

Today, retail business owner demographics reflect broader shifts in the retail sector, from consumer spending online to land use development that features big-box retail accessible primarily by private vehicle.

While limited data exist to allow comparison of specific demographic and economic characteristics of small-format retail owners and workers, observational data

suggest some gentrification of this group. Individuals with more education, more years of work experience, and higher median household incomes are investing in traditional and non-traditional retail operations. In some cases, this means more “hobby” businesses. It may mean that business owners are using a different equation for profitability because there is a willingness to sacrifice earnings for a social venture, or because an owner has other family or household income. This possible gentrification may also mean that entrepreneurs and new business owners are entering the small-format retail workforce without prior career experience in the retail sector, and may be less willing or interested in making a long-term commitment to occupying a storefront. The impact on a town's commercial core? A downtown storefront that once was occupied by a 30-year-old shoe store may house four or five different entities over the next 30-year period.

For planners, understanding the factors that contribute to a proprietor's decision to invest in small-format retail can yield new approaches to planning and zoning issues. One of the most significant considerations for retail business success is real estate. Specifically, there are three real estate factors that I wish planners in my city understood better:

- Location, “findability,” and foot traffic;
- Building stock; and
- Commercial property ownership.

Location, “Findability,” and Foot Traffic

As a retail experiment operating without an existing business model or “playbook” for a flexible-access sewing makerspace, it was clear that a Main Street storefront would be prohibitively expensive. Instead, a location approximately 0.3 miles from our city's main intersection was more affordable and had the same village center characteristics as buildings throughout the rest of the central business district.

A prominent and long-standing retail business was located 0.5 miles from the city center, anchoring the opposite end of the thoroughfare on which my storefront business was located. During the six

(continued on page 13)



Main Street Makerspace, cont'd

years my business occupied the storefront, several other new businesses cut their ribbons. Nevertheless, planning department staff, the local Chamber of Commerce, and other boosters failed to showcase activity in a location considered “too far” from Main Street.

It would have been productive and helpful for existing institutions and staff to open the aperture of what is considered “downtown” and respond to the on-the-ground and very tangible investments that business owners were making. Agile and innovative planning tactics like variable message signage, non-permanent pedestrian improvements, and review of special district boundaries (like cultural districts, historic districts, and others) can yield successes for the community and its businesses.

Finally, there are several major cities in Connecticut and Southern New England that are large enough to support a genuinely diverse mix of transportation modes (transit, bicycling, walking, driving), the bulk of our smaller cities, towns, and villages are accessed by private vehicle. Prevailing wisdom about consumer behavior in the 1980s and 1990s sparked the development of strip-mall, freestanding, and big-box retail stores, designed for easy car access. Small-format village centers and downtowns, however, still thrive on foot traffic. To the extent that long-range plans include a strategy for consolidated vehicle parking (e.g. parking structures or municipal lots) and safe, efficient pedestrian and bicycle infrastructure, planners can create the conditions that help small-format retail thrive.

Commercial Building Stock

Any town or city thinking strategically about the future of its downtown retail economy should have reliable and complete building data readily available. Differentiating a storefront environment from its online counterpart requires continuous assessment of the condition and value of those spaces. In my situation, the family-owned trust that owned the four-story building was committed to carrying out a major façade improvement

project. While the project would have many cosmetic advantages, it also resulted in ADA accessibility, removal of lead-paint and other hazardous materials, and energy efficiency improvements. This kind of work created two modernized and upgraded storefronts that — if priced appropriately — should see low vacancy in future years.

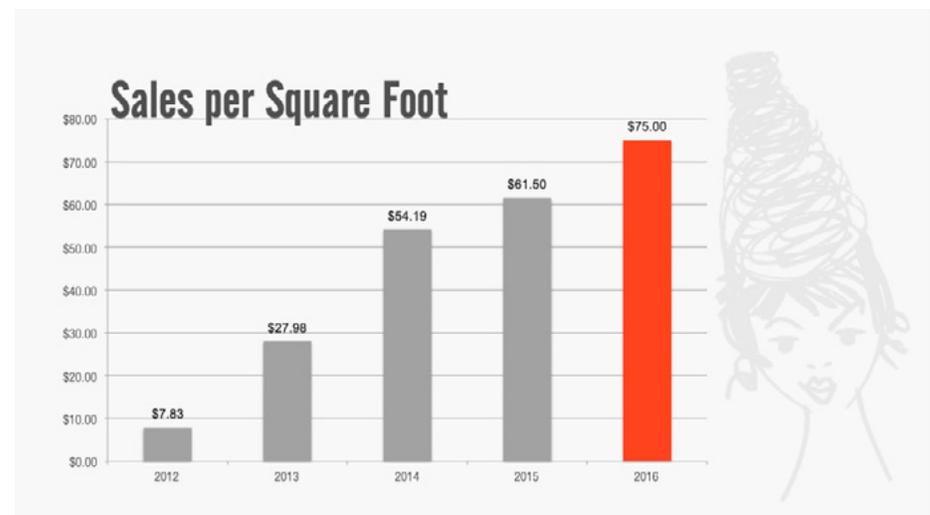
The above-referenced project was unique; many buildings in our downtown are 75-100 years old or more. Municipal infrastructure is aging; water mains, electricity and gas supply lines have had problems that cause interruption to business activity and make it difficult for potential entrepreneurs to commit to storefront occupancy. In one specific case, rats found their way through a water conduit into a retail store customer bathroom. In this case, the municipality could only enforce its health code if the rats were found in a residential unit, not a commercial one. The municipal response could be a review of existing zoning and building codes with an eye towards impacts on storefront retail operations. Code revision and a commitment to enforcement could mitigate some of the risks storefront leaseholders experience.

Commercial Property Ownership

Real estate investment can have a positive and measurable impact on a community’s economic health. However, federal tax law has historically incentivized writing-off losses associated with commercial vacancies. Last year’s Tax Cuts and Jobs

(continued on page 14)

FOR INFO ON ADVERTISING RATES AND AVAILABILITY, PLEASE REACH JEFF MILLS AT (860) 454-8922 OR VIA EMAIL AT JMCOMMUNICATIONS@COMCAST.NET



Sales growth at the sewing makerspace retail shop.

Over the span of two three-year commercial lease terms, rent on a 1,100-square-foot unit increased by more than 35 percent; the increase outpaced my company's dramatic sales growth and cost-cutting measures, and contributed to my decision to opt out of signing on for another term.

Main Street Makerspace, cont'd

Act added new deductions for landlords⁴ that can, in some cases, pit a real estate investor's business objectives against community efforts to reactivate streetscapes and increase downtown vitality.⁵

While storefront vacancy is one problem, rising rent costs for occupied spaces is another. For small-format retail operations that have leased storefront space, managing real estate costs is a top priority. Owners know that paying the rent is paramount to taking a salary or an owner's draw. Innovative and creative ventures like makerspaces or artisanal manufacturers are in tenuous positions since most people do not consider storefronts as "incubators" with subsidized costs. Over the span of two three-year commercial lease terms, rent on a 1,100-square-foot unit increased by more than 35 percent; the increase outpaced my company's dramatic sales growth and cost-cutting measures, and contributed to my decision to opt out of signing on for another term.

How can planners address these two issues associated with commercial property ownership? Vacancies are challenging, and across the country cities and towns have experimented with different interventions with varying degrees of success. Broadly, interventions will either be "carrots" or "sticks." Common sticks include vacancy taxes, which have now received broad support. In Massachusetts, one small city (population 43,000) implemented a fee for commercial property owners who don't register vacant properties with the city. The fee, however, was waived if the building owner allowed art to be displayed in the storefront, ostensibly distracting from the vacancy.

To tackle commercial rent costs, some cities and towns have created rent subsidies available to new businesses. In one small Massachusetts city, the municipality generated revenue from an existing fee and provided cash payments for a certain percentage of rental costs, with a maximum cap, for up to 2 years. Bear in mind that while this approach could help a

(continued on page 15)



**BERCHEM
MOSES** PC
Attorneys and Counselors at Law

**A Full Service Land Use
and Environmental Practice
Providing Innovative Solutions
To Local and Regional Clients**



- Planning and Zoning
- Zoning Board of Appeals
- Inland Wetlands
- Affordable Housing Act
- Connecticut DEEP
- State Traffic Administration
- Coastal Area Management
- U.S. Army Corps of Engineers

Please contact any member of our Land Use Group:

- Robert L. Berchem
- Bryan L. LeClerc
- Ira W. Bloom
- Brian A. Lema
- Mario F. Coppola
- Stephen W. Studer
- Peter V. Gelderman

www.berchemmoses.com

Milford
75 Broad Street
Milford, CT 06460
Phone: 203-783-1200

Westport
1221 Post Road East
Westport, CT 06880
Phone: 203-227-9545

**Don't play games with
your community's future.**



**Get the experience and
guidance you need from a
name you can trust.**



Planimetrics

Glenn Chalder, AICP
 860-913-4080
g.chalder@planimetrics.net

Main Street Makerspace, cont'd

retail storefront business during the early critical years, it does not address a commercial landlord's assumptions about reasonable rental rates. Having a public conversation about the shifts in the value of storefront real estate could bring landlord and tenant expectations into better alignment.

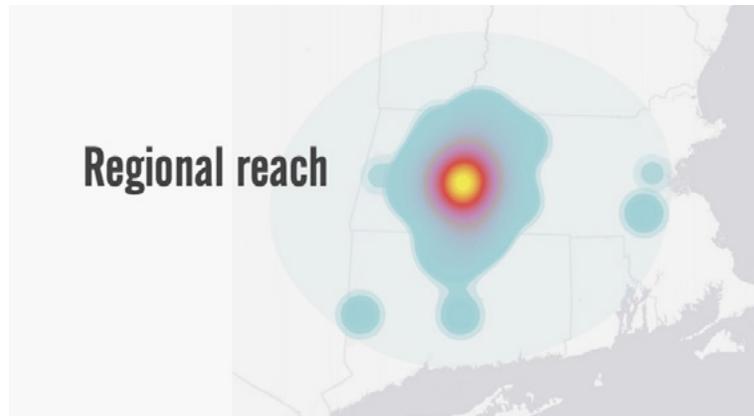
A different intervention — and one that I proposed to my building owner — is facilitating the condo-ization of storefronts and commercial buildings in our downtowns. For potential retail start-up owners who may be in different economic positions than their predecessors, purchasing a storefront unit can keep monthly real estate costs lower and more stable than in a “triple net”⁶ multi-year commercial lease situation. While this strategy would not require a zoning response, planning staff and municipal officials can provide technical assistance to property owners to streamline the condo-ization process.

A Path Forward

What were the results of the makerspace experiment? From a business perspective, the company experienced rapid and substantial growth over a 5-year period. Consumer behavior did begin to shift, but not quickly enough to keep pace with costs, including the opportunity cost of a professional salary.

Conceptually, there was broad agreement that investing in a creative activity in a storefront environment was a viable alternative model for use of retail space. The heat-map indicates a reach of up to 100 miles from the storefront location, presumably because this was the only retail operation of its kind in the region.

Practically, makerspaces featuring any sort of tools and equipment rely on a workforce with technical skills, and in the retail model, sales and customer service skills. If such a workforce is not readily available, the business will also need to



Consumer reach of the sewing makerspace store.

invest in workforce development and training even before opening its doors to customers.

From a long-range planning and economic development perspective, now is the time to reframe what kinds of business activities are expected to occupy city and town centers and small-format storefronts. Expanding opportunities and acknowledging the role self-directed experiences can play in the retail mix is critical for elected officials and municipal leaders. Tracking data about storefront activities and the characteristics of proprietors is even more actionable and can reveal or predict future trends in retail occupancy. ■

Footnotes

¹ U.S. Census Bureau County Business Patterns for State of Connecticut for NAICS codes 44-45 (all Retail Trade). Note that the number of establishments in has declined from 2010 to 2012 and 2016, dropping 2.7 percent from 2010 to 2016.

² U.S. Census Bureau Retail Indicators Branch, March 2019.

³ In 1997, mean annual wage for retail sales managers was \$36,380 or \$56,918 in 2018 dollars. Those in the same occupation earned a mean annual wage of \$52,610 in 2018.

⁴ U.S. News and World Report, “There’s No Better Time to Be a Real-Estate Investor.” March 30, 2018

⁵ In 2016, elected officials and municipal leaders in Chicago attempted to address issues of “vacancy fraud” in several neighborhoods. “Vacancy Fraud” Allowing Tax Breaks for Empty Storefronts Under Fire.

⁶ Triple-net or “NNN” is an agreement where the tenant or lessee agrees to pay all real estate taxes, building insurance, and maintenance (the three “nets”) on the property in addition to the base rent and other fees (utilities, etc.).

— Tess Perrone Poe is the founder and owner of Beehive Sewing Studios in Northampton, MA. She currently works part-time for the U.S. Department of Transportation’s Volpe Center in Cambridge, MA, and will be pursuing a Ph.D. in Planning at the University of Massachusetts Amherst this fall.

Preparing Main Street for the So-Called “Retail Apocalypse”

by Larisa Ortiz

This op-ed was published in collaboration with the Island Press Urban Resilience Project, which is supported by The Kresge Foundation and The JPB Foundation, and originally appeared on Next City on March 1, 2019.

It’s been called the “retail apocalypse”—the growth of e-commerce at the expense of brick-and-mortar stores. The term is misleading: Overall, retail is doing just fine, with industry growth up 4.4% in 2018. But online sales grew by 12% last year, so the growth in e-commerce dwarfs that of the industry as a whole by a factor of 3:1.

The way people spend their money is changing, and fast. While business owners are embracing change, cities are often less prepared for the decisions they must make to remain competitive. And over time, many cities will see brick-and-mortar businesses retract, while still others will become the beneficiaries of businesses looking for the best locations. It is already happening in mall environments: Class A

malls are doing well while Class B and C malls struggle.

Cities that want to be on the winning side need to focus on two critical areas. First, they must update existing regulatory frameworks that are increasingly an impediment to innovative business concepts. By lowering the hurdle to entry in any given market, we create opportunities for smaller, less well-capitalized businesses — the “mom-and-pops,” if you will. And second, just as a building must be constructed on a strong foundation, cities must address the fundamentals, including accessibility, walkability, and even the co-location of businesses that enable businesses to share customers and improve profit margins. More walkable

(continued on page 17)

At Buff City Soap Company in Memphis, customers can see soap being removed from the ovens and sliced into bars. Changes to the city’s zoning now allow for light manufacturing that are accessory to retail businesses. (Screenshot courtesy Paradigm Marketing & Creative, via Vimeo)



Retail Apocalypse, cont'd

communities will also better serve people of all ages. This will become critical as the Boomers continue to age. Ensuring their comfort will be necessary to capture their spending.

As a New York City Planning Commissioner and retail strategist working in mixed-use environments for more than two decades, I have realized that changing shopping habits have the potential to upend our lives and affect communities of every size. From Cambridge, Massachusetts (population 100,000) where my firm recently completed a city-wide retail strategy, to New York City (population 8.5 million), challenges will pop up in unexpected ways — from conflicts over streets (how do delivery trucks steer clear of bike lanes on narrow streets?) to confusion over what defines a retail business (are maker spaces “industrial” uses that can now be allowed on retail corridors?).

Existing regulations are no match for the fast-changing retail landscape. In fact, many rules unintentionally hamper en-

trepreneurial activity, particularly among first-time business owners. For example, in many downtowns manufacturing uses are restricted, yet specialty food manufacturers and breweries are often a great fit for downtown environments. A small-batch ice cream maker in Cambridge, MA had to go through a costly and time-consuming discretionary special permit process to make ice cream in the rear of the store (considered a manufacturing use), all while paying rent on a storefront space. When we asked the owner about her experience with the permitting process, she was quick to share that other entrepreneurs in her circle had decided against opening a business in Cambridge altogether. Up until now, breweries were not even mentioned in Cambridge’s Table of Uses. The closest categorization in the code was a “bottling facility,” a heavy industrial use not allowed along traditional commercial streets. As a result, new breweries had to navigate expensive and costly discretionary approval processes.

(continued on page 18)

What's going on?!

Stay current with CCAPA happenings! Bookmark our online events page at <https://ct.planning.org/conferences-and-meetings/> so you don't miss out!

LADA, P.C. Land Planners

**Landscape Architecture
Planning**

Recreation and Campus Planning

Stormwater Quality

Stormwater Monitoring

Streetscape and Placemaking

Erosion Control Review & Design

Municipal / Peer Review

Visioning

Charettes and Workshops

LADA, P.C.

Land Planners

104 West Street
Simsbury, CT 06070 (860) 651-4971
Brewster, NY 10509 (845) 278-7424
ladapc@snet.net

BFJ Planning

www.bfjplanning.com



PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

115 FIFTH AVENUE
NEW YORK, NY 10003
T. 212.353.7474
F. 212.353.7494
info@bfjplanning.com

677 WASHINGTON BOULEVARD
SUITE 101
STAMFORD, CT 06901
T. 203.251.7470
f.fish@bfjplanning.com

In urban areas, long blocks mean customers cross in the middle of the street, playing a dangerous game of “Frogger” to get safely across. This effectively decreases the number of stores that a shopper can easily visit at any given time, which in turn reduces the length of stay and the amount of money a shopper might spend.

Retail Apocalypse, cont'd

The good news is that Cambridge is now revising its Table of Uses to prevent these issues from hampering other businesses. And Cambridge is not alone. Memphis passed zoning that allows for light manufacturing uses when they are accessory to retail. This has enabled Buff City Soap Company to manufacture soap from their downtown Memphis location. Watching staff remove tins of soap from ovens and cut them into bars right in front of you is part of the store experience; it certainly cannot be replicated online.

Another often overlooked factor is the physical environment in which our business districts reside. I often say the job of the public sector is to “stage” the shopper. This means creating a comfortable and safe environment for the visitor — one that encourages longer stays and enables businesses to leverage proximity and share customers.

Consider something as simple as crosswalks. In urban areas, long blocks mean customers cross in the middle of the street, playing a dangerous game of “Frogger” to get safely across. This effectively decreases the number of stores that a shopper can easily visit at any given time, which in turn reduces the length of stay and the amount of money a shopper might spend. Moreover, while able-bodied shoppers might be able to easily cross, that’s not the case for seniors or families with small children. Little wonder that many might prefer to shop safely in the mall or at home.

To address this problem, the city of Corning, New York created mid-block crosswalks throughout its downtown shopping district. Corning boasts a vibrant downtown in the Finger Lakes Region of New York, where economic stagnation is more the rule than the exception. The mid-block crossings are part of a bevy of best practices that enable the district and its businesses to survive and thrive. This simple solution has been executed in many downtowns nationwide.

Another consideration? Signage. Signs are critical to catching the eyes of passers-by, but overly restrictive signage rules can prevent businesses from raising their visibility. Signs should be like breadcrumbs, giving shoppers visual clues that something deserving of their attention lies but a short distance away.

In Pittsburgh, our firm recommended blade signs, also known as “shingle” or “banner” signs, for businesses along Shiloh Street in the Mount Washington neighborhood. Why? This community receives nearly two million visitors annually. Most take the Monongahela Incline to see the stunning views of downtown Pittsburgh. But visitors did not often patronize businesses beyond the block adjacent to the overlook. After businesses along the second block put up visible signs, they saw a 30 percent increase in foot traffic, which in turn resulted in increased sales.

In today’s fast-changing retail environment, downtowns must fight for their share of shoppers’ dollars. That means taking a hard look at rules and regulations to determine whether they are helping or hurting local businesses. And it means making key investments in a safe, accessible downtown environment. In this way, cities can create prosperous downtowns that meet the needs of businesses, shoppers and the residents they serve. ■

— *Larisa Ortiz is the author of “Improving Tenant Mix,” published by the International Council of Shopping Centers. She is Principal of Larisa Ortiz Associates and a New York City Planning Commissioner.*

Enhancing properties and communities through exceptional land use services.

Serving Fairfield, New Haven and Westchester Counties Since 1957

REDNISS
& MEAD

LAND SURVEYING
CIVIL ENGINEERING
PLANNING & ZONING CONSULTING
PERMITTING

203.327.0500 | www.rednissmead.com

Seeking Inspiring Small Town and Rural Planning Stories!

The [New Ruralism Initiative](#), a partnership between the [Northern New England Chapter of the APA](#) and the [APA Small Town and Rural Planning Division](#), is developing an online collection of case studies from around the country highlighting ingredients that have made for successful innovation in rural communities. The initiative started as a pilot project with funding from the APA Chapter Presidents Council which compiled a set of case studies in Northern New England. Read all about it [here](#). The Initiative is now expanding to create an online library of examples from other communities across the country — and they want to hear from you!



Is your community engaging in innovative planning work related to: accessing local food; providing for the needs of children and seniors; cultivating job opportunities; tackling climate change and energy conservation; protecting your working landscape; addressing transportation needs and alternatives; ensuring adequate healthcare; adding resiliency to your community toolbox; or being creative in other ways to better community life?

Please tell the New Ruralism Initiative team about it! This is a great opportunity for your community's story to be celebrated and shared!

Share a few sentences about your story and contact information. The Initiative team will contact you for the full story. 📧



GEI Consultants, Inc.
Consulting Scientists and Engineers




Serving Connecticut

GEI is a multi-disciplinary national firm with a strong local presence. Our Glastonbury, CT office has a staff of 45 professionals with expertise in Engineering, Geology, and Environmental and Ecological Sciences. We offer Connecticut Planners a variety of services including:

- Natural Resource Evaluation
- Environmental Impact Assessments
- GIS Services
- Brownfields Consulting
- Project Funding Application Assistance and Program Management
- Coastal Engineering & Planning
- Living Shorelines
- Flood Control Engineering

David Terry, LEP
455 Winding Brook Drive, Suite 201
Glastonbury, CT 06033
860.368.5396 | dterry@geiconsultants.com

www.geiconsultants.com


LAND USE


URBAN PLANNING


ECONOMIC ANALYSIS


REDEVELOPMENT


COMMUNITY OUTREACH



MILONE & MACBROOM

TRANSFORMING COMMUNITIES

BY ENRICHING THE LIVES OF OUR NEIGHBORS
& THE ENVIRONMENTS IN WHICH WE LIVE

ENGINEERING | PLANNING | LANDSCAPE ARCHITECTURE | ENVIRONMENTAL SCIENCE

Learn More about what we do at www.MMIInc.com

Connecticut Planner Profile: Todd Sealy

- Current Position:** Assistant Town Planner for the Town of Windsor
- Hometown:** Florence, AL which is located along the Tennessee River in northern Alabama and is home to the University of North Alabama, where Todd went to college
- Favorite Places:** His hometown (Florence, AL), the Adirondacks, Peru and Spain

What made you decide on a career in planning?
While studying geography at the University of North Alabama, I was exposed to the subjects of planning, architecture and landscape architecture and I developed a passion for urban design. After I graduated from college, I studied landscape architecture at the SUNY College of Environmental Science and Forestry in Syracuse, NY, and developed an interest in working to improve local social issues.

What projects/initiatives are you currently working on as a planner?
As Assistant Planner, my work involves many different tasks including review of site plan applications and sign permit application, development of maps for the Town and answering questions from the public.

Why did you join CCAPA? What do you like about being a member?
I joined CCAPA because I wanted to connect with other planners in this region and meet other planning professionals. CCAPA provides great learning opportunities for planners.

Do you have any favorite websites/tools/blogs that relate to planning and/or your job that you'd like to share?
One of my favorite websites is the one for the [National Climate Assessment for the Northeast](#).

(continued on page 21)

Planning
Legal solutions for solid foundations.

SHIPMAN & GOODWIN ^{LLP}
COUNSELORS AT LAW

For decades, we have advised corporations, developers, lenders, non-profit institutions, governmental entities, and individuals on their most complex and notable transactions.

Land Use is a core focus of our law firm.

shipmangoodwin.com/landuse

Contact: Timothy S. Hollister at (860) 251-5000

GREENWICH | HARTFORD | LAKEVILLE | NEW HAVEN | NEW YORK | STAMFORD | WASHINGTON DC

(Because Todd is so new to Windsor and Connecticut, Eric Barz, AICP assisted with the following questions.)

How does the changing retail market impact the land use and planning in Windsor?

Windsor has a diverse economy that does not rely heavily on retail establishments. Given our central location in CT and Southern New England, the bigger challenge has been managing the demand for both online and brick and mortar retail distribution facilities, with their high truck traffic and fluctuating employment levels. Amazon, Dollar Tree, Tire Rack, and Walgreens have all located in Windsor, accounting for almost four million square feet of floor space. While commercial floor area in our villages has diminished over time with the loss of car dealerships, a discount department store, grocery stores and clothing stores, the supply and demand has been relatively stable for decades.

How has Windsor Planning Office managed the changes to the Town's retail market?

We work closely with CT Transit to bring bus service to the large distribution facilities, as well as with the Rideshare Company to manage peak hour traffic generated by these facilities. We have relaxed parking regulations in our villages to foster adaptive reuse of buildings



as well as new transit-oriented development residential that will in-turn support more village retail.

Does Windsor have any advice for other communities with respect to managing land use affected by the changing retail market?

Remove unnecessary obstacles to adaptive reuse of former retail space; consider tax incentives for significant investment in older buildings; allow mixed uses with offset peak parking demands, such as office and housing, allowing for more intensive use of limited space with less parking, which will create a captive market for existing and new commercial development. ■



HORSLEY WITTEN GROUP / ENGINEERS • SCIENTISTS • PLANNERS
P r o v i d e n c e | B o s t o n | E x e t e r | S a n d w i c h



by Christopher J. Smith, Esquire, Alter & Pearson, LLC

The Intersection of State Zoning and Federal Law — Sober Houses

Spring Glen Civic Association, Inc., et al. v. Zoning Board of Appeals of the Town of Hamden, et al., 67 CLR 357, (Barbara M.



Quinn, JTR; October 29, 2018), addresses the interplay between municipal zoning regulations premised on state law, and federal statutes governing fair housing and individuals with disabilities. The zoning regulations involve the Town of Hamden (“Regulations”). The federal statutes involve the Fair Housing Act (“FHA”), and the Americans with Disabilities Act (“ADA”).

The subject property is located in the Spring Glen Village District (“SGV District”). The Hamden Regulations permit sober houses in certain zone districts, but not the SGV District. However, the Regulations allow the following uses in the SGV District by zoning permit (not special permit): “Accessory buildings; keeping of animals; Family [D]ay Care Home, Roomers and Boarders, Student Housing; and *other uses which are required to be permitted by federal or state law.*” (Emphasis by the Court.) The Regulations define “family” (permitted “as of right”) as not more than fourteen related, or four unrelated, individuals. State law, C.G.S Section 8-3e, essentially provides that certain groups of six or fewer unrelated, disabled individuals must be treated as a single family for purposes of zoning.

The FHA and ADA require “reasonable accommodation” of fair housing and services for individuals with disabilities. As interpreted by the Court in the decision, “reason-

able accommodation” involves essentially a two-prong test determining whether the requested accommodation will: (a) result in undue hardship or fiscal burden to the community; and (b) fundamentally alters the zoning scheme.

The subject property has a single family residence with three baths and six bedrooms. The owner sought a permit (presumably a “zoning permit”) for a sober house use with nine unrelated, “recovering persons and a staff member.” The ZEO determined that the building is served by public water and sewer, and has a driveway with five parking spaces. The ZEO found that the proposed use “was a reasonable accommodation to the single family dwelling zoning requirements.” Based upon these findings, the ZEO issued a zoning permit. The plaintiff neighborhood association and some member homeowners appealed the issuance of the zoning permit to the Zoning Board of Appeals (“ZBA”).

After a public hearing, the ZBA upheld the ZEO’s issuance of the zoning permit. The neighborhood association and some members appealed the ZBA’s decision to the Superior Court.

On appeal, the association and neighbors argued that a special permit, not zoning permit, is required. They further claimed that the proposed sober house use with nine unrelated individuals fails to satisfy the two-prong test provided by the FHA and ADA.

The ZBA argued that a sober house involves a “use which [is] required to be permitted by federal or state law” and, therefore, a permitted

use in the SGV District subject to obtaining a zoning permit. Allowing the proposed use to house nine unrelated individuals, as opposed to only four, is a “reasonable accommodation” under the FHA and ADA. Therefore, the issuance of the zoning permit was proper.

The Court agreed with the ZBA and held: (1) it is reasonable to interpret the Regulations as allowing a sober house use in the SGV District subject to obtaining a zoning permit; and (2) allowing for nine unrelated individuals is a “reasonable accommodation” under federal law. There was no evidence found to substantiate claims of adverse impacts to an aquifer or parking. Furthermore, there is no difference between the single family residence being occupied by fourteen related individuals, as allowed by the Regulations, or nine unrelated individuals, as proposed. The Court concluded that the ZBA’s interpretation of the Regulations and federal law was reasonable, and dismissed plaintiffs’ appeal thereby upholding the ZBA’s decision.

The Court noted in closing: “While the interrelationship of state and federal statutes can be complex, the overarching requirement that federal law be followed remains.”

As readers of this column appreciate, when confronted with a matter that involves federal law claims, you should involve legal counsel. Your boards, commissions and agencies should understand this as well. ■

— Christopher Smith is an attorney with Alter & Pearson, LLC. He can be reached at (860) 652-4020 or csmith@alterpearson.com.