

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, April 4, 2018
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

- I. Call to Order** – Michelle Sisfridson, Chair, called the meeting to order at 6:30 p.m.
- II. Roll Call** – Michelle Sigfridson, Carleen Kelleher, A. Kerouac, J. D’Agostino, J. Mohn, Austin Tanner.
- III. Adoption of Minutes:** Special Meeting Minutes March 20, 2018.

Motion was made by C. Kelleher to accept the Minutes of the Special Meeting of March 20, 2018, as presented. Second by A. Kerouac.

Discussion: J. Mohn stated that the motion sheet that had been submitted before the Minutes were posted indicated that he had been present and that he had voted for each of the motions at the March 20, 2018 meeting, but that it had been corrected in the Minutes of the meeting showing that he was, indeed, absent.

Motion carried (5-0-1). J. Mohn abstained.

- IV. Public Commentary** – None.

- V. Unfinished Business:**

a. Applications:

1. **SPR 17-004** – 242 Hartford Road, Balone Properties, LLC; RA Zone; Proposed Home Business with Resident Contractor/Office.

A.Kerouac stated that Mr. Malone had not been attending meetings (PZC/IWWC) and stated that perhaps the Application should be withdrawn. He asked about the timeline. J. Roberson explained that he has until May 13th and that the Application will be on the IWWC agenda next week and then it will be known if it will move forward.

J. D’Agostino stated that his comments are closely in line with Mr. Kerouac’s and he feels that a lot of time is being spent on this and that at the last meeting it had been decided to set this aside. M. Sigfridson clarified that Mr. Malone is involved in two separate issues and that tonight the issue being addressed is regarding the Home Business Application, not Contractor’s Yards. There was discussion.

2. **ZRC 18-001** - Carrie Juhasz, Request to modify Sec. 2 - Definitions and Sec. 6.2.2.4 – Home Office of the Zoning Regulations (Public Hearing scheduled: May 2, 2018).

M. Sigfridson explained that a Public Hearing had been scheduled for May 2nd, therefore, there is no action to be taken regarding this Application at this meeting.

Motion was made by C. Kelleher to move Item:

V. Unfinished Business:

b. Other:

1. Discussion of Zoning Regulation Rewrite: Zoning Map, Public Review draft, etc.

To after:

VI. Unfinished Business:

b. Other:

1. Preliminary discussion re: 405 Providence Road, Brooklyn 405 LLC.

Second by A. Tanner. There was discussion. No vote taken on this motion.

Motion was made by A. Kerouac to add the following Item to the agenda:

VI. b. Other

2. **SP 18-001 McDonalds's 554 Providence Road**– Request to modify drive-thru configuration (go back to single drive-thru after side-by-side drive-thru was approved).

And to move:

V. Unfinished Business:

b. Other:

2. Discussion of Zoning Regulation Rewrite: Zoning Map, Public Review draft, etc.

To after:

VI. b. Other

2. **SP 18-001 McDonalds's 554 Providence Road**– Request to modify drive-thru configuration (go back to single drive-thru after side-by-side drive-thru was approved).

Second by C. Kelleher. Motion carried unanimously (6-0-0).

b. Other:

1. Discussion of Zoning Regulation Rewrite: Zoning Map, Public Review draft, etc. – **See after Item VI. b. 2.**

VI. New Business:

a. Applications:

1. **GBR 18-001** – Renewal of Gravel Permit for Brooklyn Sand & Gravel, Wauregan Road (Map 30, Lot 97), 64 acres.

J. Roberson referred to ZEO, Martha Fraenkel's Memo to the Brooklyn PZC, dated March 21, 2018, containing her comments (included in packets to Commission Members).

David Held, Provost & Rovero, represented the Applicant. Mr. Held gave an overview:

- Proposing new excavation within the same footprint which was proposed as part of the 2017 approval. Going deeper in that approved area.
- Proposing 47,000 c.y. of material to be excavated during this calendar year which will bring them to the 100,000 c.y. maximum under the existing special permit.
- Received IWWC approval for renewal of this plan last night with one minor change to one of the notes, requested by Martha Fraenkel, regarding final restoration.

J. Roberson read Ms. Fraenkel's suggestion: The recently restored area in the northeast corner of the site shall be reseeded in compliance with the approved plan, using warm season grasses, in 2018. Staff shall be consulted prior to seeding and documentation of seed type, source, and seed volume shall be provided to staff. Ms. Roberson explained that it is quite far from the current excavation area (close to the River). Mr. Held indicated the area on the map. It was confirmed that all of Ms. Fraenkel's conditions had been included in the twelve presented. Condition #'s 1 thru 10 were the same as last year (dates updated) and that #'s 11 and 12 were new for this year.

There was discussion regarding the seed mix. J. Mohn stated that re-vegetation is critical and he stressed the importance of following the plan that was approved.

There was no determination from IWWC regarding the retention pond.

Ms. Roberson commented that Ms. Fraenkel finds that this is a tidy and organized gravel pit.

When asked if IWWC had added any conditions, Mr. Held stated that they were almost verbatim from the previous approval with one addition: They want the Applicant to certify every six months that their corridor where they pull back further from the River stays pulled back further from the River, and also, they want to see that area re-seeded to a point where there is stable vegetation there. There is one \$200,000 bond which was adjusted last year. Mr. Held explained that there is less area to be reclaimed and he indicated work that had taken place during the last permit period.

As requested by Mr. D'Agostino, Mr. Held confirmed that Ms. Fraenkel has not indicated that she is dissatisfied with the quarterly reports that have been submitted. When asked by Mr. D'Agostino when the new special permit would be required, Mr. Held stated that they anticipate that it would be before this permit renewal expires (probably within eight months).

Motion was made by C. Kelleher to approve GBR 18-001 gravel bank renewal application of Brooklyn Sand and Gravel for the property located on the east side of Wauregan Road, Assessor's Map 30, Lots 97/97-1/97-2, identified in the files of the Brooklyn Land Use Office as GBR 18-001, in accordance with the plans dated 2/7/18, and all final documents and testimony submitted with the renewal application and including the following conditions:

- 1) Excavation is limited to the area shown on the submitted plan dated 2/7/2018 and prepared by Provost & Rovero.
- 2) The submitted performance bond in the amount of \$200,000 shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless modified by the Planning and Zoning Commission or its designated Staff.
- 3) Dust shall be controlled throughout the year using water or calcium chloride as appropriate for conditions.
- 4) All truck traffic to and from the operation will remain off Maynard Road and travel on State highways to and from Brooklyn Sand and Gravel on Wauregan Road.
- 5) The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final plans.
- 6) The quantity of imported material may not exceed mined material in accordance with the Brooklyn Zoning Regulations as measured by truckloads and converted to cubic yards. Reporting shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly on June 15, 2018, September 15, 2018, December 15, 2018, March 15, 2019.
- 7) Restoration shall commence upon completion of excavation within the approved project phase as provided in the Zoning Regulations and as noted in the Restoration Notes on page 5 of the approved plans. Failure to do so will result in appropriate enforcement action including the use of bond funds to restore the site.
- 8) Snow fence shall remain in place around the process water pond to meet requirements for safety per Section 13.6 due to steep slopes. There shall be no modification of this requirement unless approval has been granted by the Zoning Enforcement Officer.
- 9) The permit/permits shall be approved for a one-year period from date of issue on April 4, 2018. The expiration date is April 4, 2019.
- 10) The Commission authorized the proposed additional excavation of 100,000 cubic yards to be calculated commencing March 15, 2017. No further renewals under the existing permit/permits shall be issued once the additional 100,000 cubic yards is removed.
- 11) Note #2 on sheet 5 shall be revised to read "Proposed grades may be adjusted at time of restoration following approval by Town staff, depending on field conditions, so long as the final configuration is compliant with the Zoning Regulations."

- 12) The recently restored area in the northeast corner of the site shall be reseeded in compliance with the approved plan, using warm season grasses, in 2018. Staff shall be consulted prior to seeding and documentation of seed type, source, and seed volume shall be provided to staff.
Second by A. Tanner. Motion carried unanimously (6-0-0).

2. **SD 18-001** – Request for Extension and Re-Phasing for the Village in the Woods Subdivision (73 lots located at the terminus of Old Tatnic Hill Road), Meehan Builders, LLC.

Attorney Harry B. Heller (Heller, Heller & McCoy). Uncasville, CT, represented the Applicant and explained the following as a preliminary matter to the Application:

- In January, the PZC expired the Subdivision under CT General Statute 8-26c.
- Their position is that the expiration was not properly done and is not in effect (letter from Attorney Harry B. Heller, dated February 20, 2018, included in packets to Commission Members).

Attorney Heller referred to CT General Statute 8-26c(c) as interpreted by Judge Fuller.

Attorney Heller explained that when someone obtains a land use approval, that is a property right which is inherent in the property. In order to deprive someone of that right, there is a constitutional guarantee of procedural due process (notice and an opportunity to be heard). He stated that there was no notice given to the Applicant of the January 3rd meeting and, had they received notice, they would have appeared before the Commission and would have asked to be heard by the Commission before the Subdivision was expired.

Attorney Heller stated that they filed their Application in early February. The notice that was filed on the Land Records was not filed until February 21st. The Statutory conditions had not been complied with at the time of their Application for consideration of an extension and re-phasing was submitted.

Attorney Heller noted that the notice that was recorded in the Land Records was filed under the name of Tatnic Hill Investments. Meehan Builders, Inc. is the owner of the property and has been for many years. Attorney Heller submitted into the record, copies of tax bills for all of the lots as evidence that the Assessor has been assessing the 73 lots in the Subdivision under the name of Meehan Builders, Inc. He stated that his land record research indicates that Meehan Builders, Inc. is the owner of the property, not Tatnic Hill Investments. Therefore, Attorney Heller stated that the Statutory provisions to expire the Subdivision have still not be complied with as no notice has been filed on the Land Records in the name of the record owner of the property.

Attorney Heller stated that the Commission first needs to make a determination as to whether or not the Subdivision has been Statutorily complied with and the requirements of procedural due process have been complied with in the action taken at the January 3rd meeting.

Secondly, regarding the Application for the extension of the period in which to complete public improvements, Attorney Heller explained that the Statute that was in effect, based on the date of approval of the Subdivision, gives nine years to complete the public improvements and the Commission has discretion to grant a five-year extension (if granted, it would be extended to 2023). IWWC approval had been granted a couple of years prior to the Subdivision approval. The IWWC permit was extended and is in full force and affect and will expire in 2020 (cannot be further extended). For practical purposes, the 2020 date is the terminal dated that they are asking for.

Attorney Heller explained that whether or not to grant an extension is discretionary. Based on the market that has existed in eastern Connecticut in the last eight or nine years, they ask consideration from the Commission in granting the extension. This

Subdivision has a lot of infrastructure and a lot of expense. He explained that, at the time of the original Application, the lot values were considerably higher. He explained that not granting the extension does not provide any material benefit to the Town of Brooklyn and requested that the Commission consider granting the extension to allow the Applicant the opportunity to bring this project to fruition.

Attorney Heller explained that the re-phasing plan that was submitted would make the project more economically viable particularly with respect to the up-front the costs that have to be incurred. Copies of the Re-Phasing Plan (dated May 10, 2016) were provided to Commission Members in their packets). When asked if he had a copy of the original Phasing Plan, Attorney Heller stated that he did not have one with him. He stated that it is dissimilar, but could not tell how much because Phase One was initially just a couple of lots and Phase Two moved more into the center of the site with the extension of the emergency access out to Tripp Hollow Road. He stated that what should be a legitimate concern of the Commission is the fact that this Subdivision was predicated on getting the emergency access out to Tripp Hollow Road. So, if the Commission is willing to consider the Re-Phasing, he suggests that, in addition to the Phase One infrastructure, that the Commission require bonding of the emergency access to ensure that it does ultimately get built.

J. Roberson was asked if she had consulted with Attorney alter. She stated that she had and will continue to. She referred to four points that she stated are in the Staff guidance document and she suggested that the Commission not take action at this meeting and that any action should be reviewed first by Attorney Alter.

Ms. Roberson commented that the power to grant an extension of the Subdivision approval is clearly discretionary under the language of the Statutes. She stated that logic would dictate that the Commission make a reasonable and defensible decision and she advised that the Commission give consideration to all items.

Ms. Roberson noted that the extension was requested after the expiration date had passed (the nine year date). The request for extension was received in February 2018, which was nine months after the Subdivision had expired. Ms. Roberson stated that she had a telephone conversation with Attorney Heller two months prior to that and had told him, at that time, that the Subdivision had expired. Ms. Roberson explained that there have been substantial changes to the Subdivision Regulations since this Subdivision was adopted (she noted that C. Kelleher, A. Tanner and J. D'Agostino were on the PZC at the time in 2005). Ms. Roberson stated that the Application for a 70+ lot subdivision was received on December 2, 2005. She explained that on December 19, 2005, a new regulation came into effect changing the minimum lot size from 40,000 s.f. to 90,000 s.f. This was the last subdivision to be received before that took effect. The minimum lot size has been 90,000 s.f. in the RA Zone since 2005.

Ms. Roberson noted that Attorney Alter believes that the Commission is entitled to look at what the current Regulations are to see if there is a reasonable basis to grant this extension which would effectively create 70+, currently, non-conforming lots (a very large residential development which does not comply with current Regulations).

There was discussion regarding the difference between the Revised Phasing Plan and an identical conservation subdivision under the current Regulations. It may require a significantly larger open-space dedication, but may also substantially reduce the cost of re-application for the Applicant. It was noted that there had been a great deal of public interest in this Subdivision.

Attorney Heller stated that the Applicant had granted the conservation easements to the Town as required by the original Subdivision. He was not sure if they had been recorded or if they had expired.

There was discussion as to whether there could be a modification of the approved subdivision. This could be discussed with Attorney Alter.

There was discussion regarding procedural due process regarding notice. Whenever there is the potential for the deprivation of a property right, procedural due process must be allowed and that requires notice and an opportunity to be heard. Discussion continued. There had been attempts to contact the Owner, Mr. Meehan:

- A certified letter had been delivered.
- Ms. Roberson made several attempts to call Mr. Meehan, but never was able to speak with him or even leave a message.

Ms. Roberson explained that a seven-step process had been followed. She asked Attorney Heller why the same extension that was applied for with IWWC was not applied for with the PZC. Attorney Heller explained that it was not needed at the time (in effect from February 2011 to February 2020).

Attorney Heller stated, for clarity, that this came to light when he contacted the Town Planner on December 20th to find out what the application fee would be to file the request. Then, thirteen days later, it appeared on the agenda, action was taken on it, and no notice was provided to his client or to himself. He feels that violates the rules of procedural due process.

Ms. Roberson was asked about the conversation that she had had with Attorney Heller. She confirmed that Attorney Heller had contacted her in December regarding the application fee. She told him that she thought it had expired and that she would research it. When she called Attorney Heller back, she informed him that she found that it had expired in May 2017. Attorney Heller stated that Ms. Roberson's recollection of the phone call was correct. Ms. Roberson explained that she attempted to contact Mr. Meehan after the PZC took action as the Board has asked her to before sending the certified letter. She stated that she had also published it in the newspaper. Ms. Roberson noted that, at no point, had she officially contacted Meehan Builders prior to the PZC taking action, nor had she with the one other subdivision that had also been through the expiration process. There was discussion regarding the agenda. It was published in the same manner that agendas are posted, but not published in a newspaper. Attorney Heller stated that publication is constructive notice, under the law, to the whole world. He stated that there was neither constructive notice nor was there actual notice.

Ms. Roberson asked Attorney Heller why they waited nine months after the expiration date to file the extension request. Attorney Heller explained that Meehan Builders had two shareholders, Brian Meehan and his brother. The brother, who was the business partner, passed away. Brian Meehan had difficulty with handling the administrative tasks of the business and was not aware of the expiration.

There was discussion regarding the name under which the notice was published. Attorney Heller stated that ownership transferred in 2007 and that it has been taxed under Meehan Builders for eleven years. It was unclear as to whether the original application was filed under Tatnic Hill Investments in 2005. Ms. Roberson stated that this is the first time this has been brought to her attention. Attorney Heller suggested that advice from the Town Attorney be sought before making a correction. Ms. Sigfridson agreed and stated that Attorney Alter could be available to attend a future meeting.

It was suggested that documentation regarding the housing market be brought to a future meeting. Attorney Heller stated that in 2005 the lots were valued at approximately \$80,000.00 to \$90,000.00 and they are now probably under \$50,000.00 which would have a huge economic impact on whether or not the project is viable.

There was discussion regarding why an extension requires Commission action.

There was discussion regarding questions to ask Attorney Alter:

- Whether the PZC will consider the Subdivision as expired.
There was discussion regarding timeline. J. Roberson explained that the request for extension was received on March 7, 2018, and there are 65 days from that date to take action. Attorney Alter's suggestion is to handle the request for extension as any other application before the Commission (follow standard rules of procedure and statutory timing requirements).
- Don't know if the Subdivision is expired or not, but procedural errors have been discussed.
- The power to grant an extension is discretionary. The Commission is under no obligation to do so.

J. D'Agostino asked, in the event that it is decided that the Subdivision is not expired and the Commission decides not to grant an extension, what would an Attorney expect Mr. Meehan's next move to be? Ms. Roberson explained that he could submit a re-subdivision application.

M. Sigfridson asked the Commission Members how they feel about whether to ask Attorney Alter to attend the next meeting or to just have him communicate with Ms. Roberson via e-mail. It was decided to just ask Attorney Alter to write a memo to answer the following questions:

- Whether the Subdivision is expired.
- The effect of the incorrect name.
- Whether if the Commission could suggest a conservation subdivision.
- Reasonable and well-reasoned decision.

This issue was tabled until the next Regular Meeting of the PZC on May 2, 2018.

C. Kelleher asked for copies of the prior approval because there were issues of concern. J. Roberson will put together minutes, the approval letter and some plans. She also offered that anyone could view the files in her office. There was discussion regarding timeline.

b. Other:

1. Preliminary discussion re: 405 Providence Road, Brooklyn 405 LLC.

Dana Barns, Manager, Brooklyn 405 LLC, provided copies of a map (2 parcels across from Hank's) and explained that his company's profit sharing plan loaned money to a developer for the land before Wal-Mart was built (2006) and nothing happened. They foreclosed on it. They have been trying, unsuccessfully, to get it developed over the last six years.

Mr. Barns explained that they did a lot-line revision creating a one-acre pad site that would be suitable for a fast-food restaurant or a bank. He stated that they dropped the price by more than half and it is still sitting there.

Mr. Barns provided copies of a map showing a proposal for a trucking enterprise on 9.5 acres in back with access to the right of the Mobile Station. There is an existing driveway that leads to a house in the back that is rented. There are power lines and a brook. The PC Zone does not allow this proposed use. The prospective developer would want to take off some of the hill,

but Mr. Barnes stated that it would not be a gravel operation. Mr. Barnes asked if the Commission would consider changing the Zone to allow the use or changing the back 9.5 acres to Industrial Zone.

They would come before the Commission:

- With a subdivision application to split 405 Providence Road.
- Create another 1-acre pad site in front.
- Leave 9.5 acres in back with the access to the right of the Mobile Station.

J. Roberson stated that this is a sizeable amount of land in the PC Zone that is clearly underutilized. M. Sigfridson stated (from just looking at the plan) that the parcel is not pretty with the CL&P easement and the gas station out front, so this seems like a nice use for that 9.5 acres. Mr. Barnes noted that it is elevated, and if the hill were re-contoured and trees were removed, it could be more visible.

C. Kelleher would like to know more about what activities a trucking business would entail. Mr. Barnes stated that it would involve hauling fill from one customer to another, there would be stored material, trucks would be stored there (he does plowing in wintertime). He said that industrial uses would need to be allowed.

A.Kerouac asked about access. Mr. Barnes stated that they would just be using the driveway that is already there which dirt and has potholes, so they would probably put some gravel down. Paving would be up for discussion.

J. Mohn asked about the level of traffic. Mr. Barnes estimated probably 30 or 40 per day (in and out). A. Kerouac voiced concern regarding trucks turning in and out of a 12-foot wide driveway off of Route 6.

C. Kelleher asked about surrounding properties and if there were wetlands. Mr. Barnes stated that behind the property is Residential (Allen Hill Road) and some may be Planned Commercial.

M. Sigfridson noted the following: the existing Industrial Zone is just one parcel that was zoned Industrial; there needs to be discussion regarding whether it would be appropriate to allow this use in all of the PC Zone.

A.Kerouac asked when the house on the driveway was built. Mr. Barnes guessed 1940 and he stated that it is in rough shape. It is Commercial.

J. Roberson brought up an aerial photo and indicated the lots and the surroundings (including next closest residences – couple hundred feet away, power lines, current PC Zone boundary, low density on Allen Hill Road to the south).

J. Mohn asked if this business would be doing building improvements on the lot (warehouse for storage). Mr. Barnes stated that the interested party is thinking about converting the house into his office.

When J. Roberson was asked for her thoughts on how the Commission could make this happen, she stated that she feels rezoning the rear of the parcel is worth considering. The Commission is authorized to do that as long as it is found to be consistent with the POCD. There was discussion regarding possible other re-uses that this would open the door to, the undeveloped surrounding areas and, also, the possibility of creating a new zone such as light industrial (which also may address contractor's yards)..

A.Kerouac voiced concern regarding whether the driveway would be sufficient for access for industrial uses. The driveway is alongside wetlands. A.Kerouac stated concern for uses in

Industrial because there isn't much land to use due to setbacks and what is actually useable. Mr. Barnes stated that there is 150+ feet of frontage on that side. When asked about the wetland review area, J. Roberson guessed that from surface water is 125 (soil survey). She indicated a stream that flows north which is in good condition. Mr. Barnes stated that it is not a 35-foot driveway strip access, there is 150 feet located under power lines.

A.Kerouac stated that he feels both options, zone change to Industrial or a use added to the PC Zone, are worth exploring.

It was clarified that 423 Providence Road is its own one-acre lot of record that is for sale.

There was discussion regarding whether noise and traffic from a trucking business would make it more difficult to find occupants for the two front lots. Mr. Barnes stated that he doesn't think so because he thinks there is enough of a buffer. Ms. Roberson stated that potential buyers would be looking for frontage on Route 6. A. Kerouac agreed.

Mr. Barnes asked the Commission Members if they would be more amenable to a zone change or to an additional use to the current zone.

- M. Sigfridson stated she would have to think more about it, but that she likes the idea of an additional zone somewhere between Industrial and PC.
- C. Kelleher would not like to see the use added to the PC Zone. She would be willing to look at a zone change. She stated that the appearance along Route 6 would make a difference to her.

C. Kelleher recommended that Mr. Barnes stay in contact with J. Roberson. Mr. Barnes stated that he will study the Industrial Zone Regulations and will speak with the potential buyer to see if he is agreeable. If he is, Mr. Barnes will contact J. Roberson and come before the PZC with an application.

There was discussion regarding property value.

A.Kerouac clarified that looking at the Industrial Zone was not the only option that the Commission would consider and that they would also consider a hybrid zone if one were proposed. Mr. Barnes will consider it.

2. SP 18-001 McDonald's 554 Providence Road– Request to modify drive-thru configuration (go back to single drive-thru after side-by-side drive-thru was approved).

John A. Kucich, Professional Engineer, gave an overview:

- Approval had been received to renovate the existing restaurant including updates to accessible features, side-by-side drive-thru,
- Construction to start Monday on the building and sidewalk improvements.
- They have decided not to install the side-by-side drive-thru as it has been determined that volumes at this location do not warrant it. They will stay with the single configuration and change out the menu boards as previously proposed.
- A modified site plan (revision date March 21, 2018) was included in packets to Commission Members. It is identical to existing with one exception: two parking stalls displaced along the building because the existing accessible parking stalls need to be made wider to comply. He stated that drive isles and perimeter of the site all to remain unchanged.

J. Roberson confirmed that comparing the C-4 Plan is the same as the existing conditions survey (same alignment) with a concrete pad that is not there now. Signage will be updated. The parking spaces on the northeastern corner will not be lost (as they would have been with

the side-by-side drive-thru). Syl Pauley has reviewed it and did not have any comments or concerns. There was discussion regarding truck turning radius. Mr. Kucich and J. Roberson explained that there will not be a problem with the single-lane drive-thru. Ms. Roberson stated that it does not meet stacking requirements, but it does not make it worse.

J. Roberson stated that they are still doing the following:

- Installing the walkway out to the sidewalk.
- Re-configuring the handicap parking spaces and moving them closer to the door where they are supposed to be.
- Interior improvements.
- The whole façade.

J. Roberson stated that this is considered to be a site-plan modification to the special permit.

Motion was made by C. Kelleher to approve the revision to Application SP 18-001 McDonalds, 554 Providence Road, originally approved on February 20, 2018, to change the side-by-side drive-thru layout to a single lane drive-thru as depicted on the plans dated 12/20/17. Second by A. Kerouac. Motion carried unanimously (6-0-0).

Mr. Kucich asked if they are able to begin work. J. Roberson explained that, technically, it has to be published and that there is a 15-day appeal period from the date it is published. She noted that they may proceed at their own risk.

V. Unfinished Business:

b. Other:

1. Discussion of Zoning Regulation Rewrite: Zoning Map, Public Review draft, etc. – **Moved on the Agenda from above.**

Public Review Draft Discussion:

- J. Roberson provided copies of the Summary of Major Changes to DRAFT Regulations (dated April 4, 2018) that she is working on. She asked if the Commission Members like the way she re-organized it by topic. She will change Housing to Residential. She will spoke with Glenn Chaulder who suggested that it be kept to under four pages and making a folder (two 11"x17" sheets) that has worked well. He also suggested photos.
- M. Sigfridson suggested drafting different language for the following: Development proposals do not need to comply with current zoning.
- J. Roberson asked that the Commission Members review this Draft with a critical eye and submit comments to her so that she and the Commission can work together to fine tune the language.
- Suggestions for some other topics to add: Performance Standards (noise, dust, hazardous waste); Lighting; Gravel Regulations; Planned Commercial Zone (guidelines and standards); Business; Home Business (there was a suggestion to include "No Permit Required"); Re-zoning of South Main Street. J. Roberson will e-mail her progress with the Draft to Commission Members.
- There was discussion regarding the Golf Course Overlay Zone.
- J. Roberson will try to limit the Draft of Changes to three pages so that the fourth page can be the Zoning Map.

Zoning Map Discussion:

- Copies were provided in packets to the Commission Members. J. Roberson brought up an aerial photo of South Main Street on the projector using overlays and she indicated the different areas.

- Ms. Roberson explained that she has continued to work on the map adding zones such as Ground Water Protection Overlay Zone.
- There was discussion regarding the history of the two sides of South Main Street being zoned differently (Neighborhood Commercial and R-10).
C. Kelleher is concerned regarding both sides being zoned NC because she feels the old homes will be lost/demolished. She mentioned that there had been interest, at one time, for another Village Center District in that area of Town. There is also the possibility that those homes would be turned into apartment buildings. Ms. Kelleher suggested that this is the only NC Zone in Town, so maybe the uses should be reviewed and maybe some changes could be made.
The EDC strongly suggests re-zoning. There are several home businesses in the area (some grandfathered, some not).
- J. Roberson explained her suggestions. She explained the suggested up-zoning and down-zoning.

M. Sigfridson left at 8:47 p.m.

- C. Kelleher stated that she thinks Ms. Roberson's suggestions make sense.
- Ms. Roberson stated that she had made a map of all of the lots that have less than 30,000 s.f. She stated that there aren't many. She will bring it to the next meeting. There was discussion regarding agriculture. A. Kerouac commented, "Why would the land across from the River be anything else but R-A?" He feels nobody would build a house there. J. Roberson stated that it is forestland and that it would never really have a functional use.
There was discussion regarding leaving the corner parcel (the Gateway) NC because it could be the functional access on South Main Street.

J. D'Agostino left the room at 8:53 p.m.

- There was discussion regarding A. Kerouac's suggestion to make all of South Main Street NC because there are already commercial uses there.
- A. Kerouac commented that there is another discussion to be had regarding the road being consistent with the rest of the same road (in PC then in NC).
C. Kelleher stated that she thinks it works and that she was hoping that some of the uses in the NC would be changed to make it more neighborhood and less commercial. A. Kerouac stated that he suggests dividing that Street then.

J. D'Agostino returned at 8:59 p.m.

- J. Roberson asked if any of the Commission Members like her suggestions for the boundaries.
C. Kelleher stated that she does if the uses change. J. Roberson will send an e-mail regarding reviewing the uses in the NC Zone. It was suggested to take out Funeral Parlors. C. Kelleher agreed.
J. Mohn stated that it looks reasonable.
J. D'Agostino asked how the people in the R-10 will feel when things are changed.

MMUDD Discussion:

- J. Roberson indicated her suggestion for the MMUDD area on the map and stated that it cannot be left empty, it has to be re-zoned to something else. It won't affect the previously-approved housing development (the approval is grandfathered until it expires). It was previously Industrial. There is a lot of blight in the area. J. Roberson indicated the buildings in the area and what condition they are in.
There was discussion regarding possible zone designations. There is currently no unified vision for the dead end with three zones. J. Roberson suggested a Light

Industry Zone for the area. A. Kerouac stated that the Commission needs to decide what it wants for the area and then make the Mill property whatever was decided for the rest of the area. J. Roberson will work on that.

- There was discussion regarding different types of financial aid and public private partnerships.
 - There was discussion regarding the adjustment to the MMUDD and a lot that is owned by the Housing Authority. A. Kerouac suggests that the Housing Authority property be down-zoned.
 - J. Roberson made another suggestion for Commission review: adding two parcels which are owned by the same LLP (Casey). She indicated them on the map. She referenced a housing development at the end of Proulx Street. She explained how a better access to the current Industrial Zone could be obtained, as well as utilities such as water, sewer, 3-phase power and natural gas. This would be good for whatever business moved there. There was discussion regarding setbacks, etc. J. Roberson will speak with Mr. Casey.
- Discussion continued regarding acreage (136.38) and what is useable (67) in the Industrial Zone. Paula Stall's plan was referred to.

J. Roberson asked how the Commission Members feel about adding to the Industrial Zone which she noted is very actively marketed:

- J. D'Agostino – No. He does not like that it touches Allen Hill. He wants it to stay with no useable access for industrial purposes. J. Roberson explained where access points currently are.
- C. Kelleher – If it gets any use as an Industrial Zone, the Commission would have to do something.
- A. Kerouac – This one lot change is a small issue. He is in favor provided the okay is obtained from the land owner.
- J. Mohn – Agrees with A. Kerouac.
- C. Kelleher – Agrees with A. Kerouac.
- A. Tanner – Agrees with A. Kerouac.

J. Roberson will speak with Mr. Casey.

VII. Reports of Officers and Committees:

1. ZEO's Report – No discussion.
2. Budget – No discussion.
3. Correspondence – No discussion.
4. Chairman's Report – No discussion.

VIII. Public Commentary – None.

IX. Adjourn

The meeting was adjourned at 9:32 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary