

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Special Meeting
Tuesday, April 17, 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 6:36 p.m.
- II. **Roll Call** – Michelle Sigfridson, Carleen Kelleher, A. Kerouac, J. D’Agostino, J. Mohn, Austin Tanner.

Staff Present – Jana Roberson, Director of Community Development.

- III. **Seating of Alternates** – None.

- IV. **Public Commentary** – None.

- V. **New Business**

- a. **None.**

- VI. **Unfinished Business:**

- a. **Discussion of Zoning Regulation Rewrite (Zoning Map, Regulations, etc.).**

Copies of Maps that were provided to Commission Members:

- Existing NC Zone
- Draft of Proposed NC Zone
- Existing Industrial Zone
- Existing MMUDD
- Proposed New Zone

The Commission reviewed text, Map Boundaries for NC, Industrial Zone and the MMUDD.

J. Roberson gave an explanation regarding the interest in expanding the boundaries of the NC Zone to the south side of South Main Street which had opened up a discussion as to what the NC Zone should include. It had been previously suggested to remove funeral parlors. Ms. Roberson suggested that all of the uses be reviewed in relation to the proposed new NC Zone boundary. She noted that the NC Zone is pretty much entirely in the new Aquifer Protection Zone.

Copies of a Regulated Activity List for the Aquifer Protection Area were provided to Commission Members. Exemptions were also listed on that sheet. Ms. Roberson explained that any activity can be permitted in the Aquifer Protection Zone if it takes indoors in a place with an impermeable floor, it is no more than ten percent of the floor area of the building, hazardous material is stored properly, wastewater is lawfully disposed of, and it doesn’t include repair or maintenance of internal combustion engines, underground storage of hazardous material or more than 110 gallons of hazardous material. Total hazardous materials on site cannot exceed 55 gallons. There was discussion regarding the definition of hazardous. Ms. Roberson stated that it is unfortunate that the

most developed part of Town, where we would want to encourage businesses, is where the Aquifer Protection Zone is. She noted that you can have a lot there as long as the risks are mitigated.

There was discussion regarding South Main Street (East Brooklyn). Ms. Roberson stated that she had researched funeral parlors. There was discussion regarding parking. Ms. Kelleher recalled that part of the reason that Don Francis had been resistant to extending NC to the south side of the Street is because many of the lots are long/skinny lots that would not provide for enough parking. There was concern for the area getting run down and also the possibly losing the older/historic houses in the area. The EDC would like to see those houses be used for offices, but not conditional upon the owners living on the property. Ms. Kelleher suggested that the Commission Members discuss what their vision for the area would be and what could happen considering each scenario. Discussion continued regarding restaurants, walking distance, houses of worship, health/membership clubs.

M. Sigfridson suggested that, if a use is found not to be appropriate for the south side of the Street, the Commission should consider whether those uses are still appropriate for the north side of the Street. She suggested that the Commission Members should think about what they would like to see in the NC Zone. Discussion ensued.

Since some Commission Members expressed that they would like to see the historic homes be used for low-intensity business uses that don't have huge parking needs, J. Roberson suggested that a square-footage size cap be included for their vision for these existing historic homes that line South Main Street. There was discussion regarding how a walkable neighborhood with businesses that residents in the area could walk to would be a benefit. There was discussion regarding the possibility of a parking lot at some point in the future.

The Commission reviewed the uses in the NC Zone.

4.B NEIGHBORHOOD COMMERCIAL ZONE

The following changes were decided upon (there were no objections):

- 4.B. Consensus to change the title to NEIGHBORHOOD BUSINESS ZONE.

4.B.1. PURPOSE

- Remove "transitional areas." Add "Commercial uses to benefit the residents in the area."

4.B.2. PERMITTED PRINCIPAL USES

4.B.2.1. Agricultural-Related Uses

- No Change.

4.B.2.2. Residential-Related Uses

- Remove 4.B.2.2.3. Multi-family development in accordance with Section 6.E.
- Remove 4.B.2.2.4. Elderly Housing Development in accordance with Section 6.F.

4.B.2.3. Business-Related Uses

- 4.B.2.3.1. Change maximum retail floor area to 1,000 square feet, with a cap.
- 4.B.2.3.2 Remove "gross."
- 4.B.2.3.3. Personal Services
 - Up to 1,500 s.f. – site plan review.
 - Above 1,500 s.f. – special permit, but no cap.
- 4.B.2.3.4. Restaurant up to 1500 s.f. – site plan review.
- 4.B.2.3.5 Restaurant above 1500 s.f. – special permit, no cap.

- 4B.2.3.6. Office less than 5,000 s.f. – site plan review.
- 4B.2.3.7. Office above 5,000 s.f. – special permit.
- 4.B.2.3.8. Banks by special permit.
J. Roberson will research financial institution vs. financial office.
- 4.B.2.3.9. – No change.
- 4.B.2.3.10. Health and/or Membership Club / Education Center - Up to 1,000 s.f. – site plan review. Up to 2,000 s.f. – special permit, with a cap.
There was discussion as to whether to add the waiver as under Retail. There was discussion regarding indoor sports vs. school.

4.B.2.4. Mixed Uses

- 4.B.2.4.1 – Mixed use development. Separate uses in separate buildings. Up to two dwelling units. Special Permit.
There was discussion regarding grandfathered uses. They cannot be prohibited from adding a new use that complies with the Regulations.
- 4.B.2.4.2 – Mixed occupancy buildings level permitting determined by the uses. Up to two dwelling units.

4.B.2.5 – Industrial-Related Uses – No Change.

4.B.2.6 – Institutional-Related Uses

- 4.B.2.6. Institutional-Related Uses
Education Center. Up to 1,000 s.f. – site plan review. Up to 2,000 s.f. – special permit, with a cap.

Public Comment was allowed by the Chair:

Jo-Ann Perreault, St. Regis Drive, stated that she would like to see the South Main Street/South Street area built up with businesses to benefit the people who live in the area. She would like to see a parking lot in the area so that people could walk to those businesses.

The Commission continued with discussion regarding whether to add places of worship under 4.B.2.6. There was no support.

4.B.2.7. – Other Uses

- 4.B.2.7.3. – Remove Funeral Parlor.

4.B.3 PERMITTED ACCESSORY STRUCTURES AND USES

- J. Roberson will research as to why off-street parking is listed as a permitted accessory use. May just be a reminder to look at Section 7.B.

The Commission reviewed/discussed the draft map of the Proposed NC Zone comparing it to the map of the existing NC Zone. Ms. Roberson indicated the parcels involved.

- Add the park on South Street to the NC Zone.
- There was discussion regarding whether to make the lot on the corner PC (PC on three sides and highly visible from Route 6). It was decided to leave it as it is and, at some point, someone may propose a zone change.
- There was discussion regarding five parcels on the east side of Tiffany Street which are currently NC (two of which are owned by the Housing Authority). It was decided to keep these parcels NC.
- No other changes to the draft map for the proposed NC Zone.

Austin Tanner left at 8:48 p.m.

The Commission discussed the map of the Industrial Zone:

Ms. Roberson explained that, through communication with Peter Alter, it has been revealed that the Town is in jeopardy due to the frontage/access situation for the existing Industrial Zone. She explained that a zone boundary must have frontage and must include some point of access that is zoned the same as the destination. The current Industrial Zone has been without frontage since the 1990's. She spoke of an area that could be an access, but it would impact a high-density residential neighborhood (R-30) with truck traffic. Other options were discussed. There was also discussion regarding Paula Stall's suggestions involving a Business Park. Ms. Roberson spoke of an option involving re-aligning the Allen Hill Road intersection to go through the former Dunkin Donuts property which would be very expensive and would take a long time. Ms. Sigfridson suggested rezoning two lots (which would involve wetlands) to Industrial Zone. Mr. Kerouac suggested that if there is to be frontage on Route 6, that there be a 150-foot to 200-foot buffer. There was discussion regarding changing the Industrial Zone boundary to include a portion of a lot where a lot-line adjustment had been done. However, this would not fix the frontage problem.

J. D'Agostino suggested that the MMUDD, which has access, be changed to be a second Industrial Zone. He said that it would also be good for contractor's yards because it is near the highway. It would have a lot less inconvenience for the people living in the area. Mr. Kerouac expressed concern for allowing industrial uses (contamination aspect) that close to the River and also for social justice (people on Allen Hill won't have to deal with trucks, but the people at Quebec Square, on Tiffany Street and on South Main Street will have to deal with the trucks). There was discussion regarding potential contamination on one option vs. the other. Mr. D'Agostino expressed concern for the residents on Allen Hill Road and their property values. Mr. D'Agostino feels that uses need to be narrowed before a location is selected. Mr. D'Agostino stated that he would like to get a second opinion from another Land Use Attorney.

Ms. Roberson stated she has heard from multiple sources (business people) that access to Route 6 and Route 395 is important. She explained that the current Industrial Zone is a viable Zone and Route 6 has public water, public sewer, 3-phase power and natural gas (which industrial uses would like to see), but it is a problem that there is no frontage. She stated that if the Commission wants the Industrial Zone to be used, how to access it should be determined. M. Sigfridson stated that she would rather that the PZC make the decision as to where the access would be rather than a judge (if it were to go to court). There was discussion regarding the need for frontage on the current Industrial Zone if the MMUDD were changed to a second Industrial Zone. Another option would be to change the current Industrial Zone to a different zone.

A. Kerouac expressed that he would also like to get an opinion from a second Land Use Attorney. It was suggested to contact NECCOG. J. Mohn disagrees with getting a second opinion. M. Sigfridson suggested tabling this discussion and asked Ms. Roberson to share with the Commission the case law that she had received from Peter Alter regarding the frontage issue.

J. Mohn commented that he feels that the current Industrial Zone appears to be viable and that there is significant buffer for the residents on Allen Hill Road.

C. Kelleher questioned which option would be the least expensive regarding building an access road and who would be responsible for the cost. She suggests investigating the path of least resistance. J. Roberson stated that it would be the smaller lot. She suggests buffering and looking at adult uses again to make sure that they could only be put on the interior of the parcel. Ms. Roberson explained that if an industrial use came in, they would be responsible to build the access road. The owner of the property is actively looking for a buyer. There was a question regarding the issue of an industrial use travelling through another zone. It was determined that if the property owner were to grant an easement to allow industrial traffic would be a violation of the Zoning Regulations.

J. D'Agostino stated that he still feels strongly about getting a second Land Use Attorney's opinion on whether, if there were two Industrial Zones, do they both have to have access?

M. Sigfridson suggests that the Commission first review what Peter Alter has provided.

Poll as to whether to consult another Land Use Attorney:

C. Kelleher agrees with M. Sigfridson. She is also curious regarding other towns.

J. Roberson stated that she had gotten an answer from Peter Alter on the question of access to a zone over another zone. She will send Attorney Alter's answer to the Commission Members.

J. Mohn would like to look at Attorney Alter's opinion.

J. D'Agostino said to look at Attorney Alter's opinion.

A. Kerouac would like to get the opinion of another Land Use Attorney.

J. Roberson will contact the realtor for the Casey property.

b. Discussion of solicitation of public input – No discussion.

VII. Public Commentary – None.

VIII. Adjourn

The meeting adjourned at 9:59 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary