

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Special Meeting
Wednesday, April 20, 2016
Clifford B. Green Meeting
Center 69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order – Chair, Carlene Kelleher, called the meeting to order at 6:35 p.m.

II. Roll Call – Carlene Kelleher; Aaron Kerouac; Craig Dunlop; David Fuss; Jules D’Agostino; Jeryl Mohn. Alan Carpenter was absent with notice. Michelle Sigfridson and Dale Thompson were absent.

Staff Present – Jana Roberson, Director of Community Development.

III. Seating of Alternates

Motion by J. Mohn to seat J. D’Agostino as a voting member in the absence of Alan Carpenter. Second by D. Fuss. Motion carried unanimously (5-0).

III. Public Commentary: No public present.

IV. New Business:

1. Review draft of the Regulations Re-Write.

Glenn Chalder, AICP, Planimetrics, was present to review the draft of the first five Sections of the Zoning Regulations with the Commission. J. Roberson gave an overview. There was a list of policy-related questions that they need feedback on from the Commission to proceed with the re-write.

Mr. Chalder explained that they are still in the formative stages of the Regulations.

SECTION ONE:

- In the Table of Contents, change the heading REGULATORY BASICS to ZONING BASICS;
- Page 1 – Add reference to the POCD under PURPOSES;
- For Consideration: Page 3 – 1.D.2.4. It shall be unlawful “to alter the use of land except in accordance with the Regulations.” J. Roberson will review with Martha Fraenkel
- Consider adding the definition of alteration;
- Mr. Chalder will check for items for sequence;
- Mr. Chalder will tie the terms, “alteration” see “structural alteration” and vice versa;
- 1.D.4.2. - J. Roberson will consult with Attorney Alter.

SECTION 2:

- The Illustrated Book of Development Definitions – J. Roberson will get a copy.
- Page 7 – Bold, Caps, or Hyper-links will be used for all defined terms. Mr. Chalder has been experimenting with hover definitions for on-line use;

- There was discussion regarding adult entertainment. Mr. Chalder did not advise removing it from the Regulations. Maybe this should be handled by ordinance. This will be discussed further at another time. Mr. Chalder stated that how this should be defined may be another question for the Town Attorney. J. D'Agostino asked for case law;
- There was discussion regarding farming nuisances and Best Management Practices;
- There was discussion regarding buildable area. J. Roberson and Mr. Chalder will make a recommendation.
- Page 11 – Delete Collection Center; (Pages 63 & 69 – Clothing Donation Bin to be looked at later);
- Page 13 – Group Homes to be discussed further at a later time. Mr. Chalder will research half-way house;
- Page 15 – Events Facility – Mr. Chalder will check the Regulations for consistency in terminology regarding Events Facility/Special Events;
- Page 16 – There was discussion on whether to delete the Term Grandfathered;

David Fuss left at 7:55 p.m.

- Page 18 – Definition of Junkyard - Remove “or parts of two (2) or more such vehicles,” and have no minimum volume.
- Page 19 – There was discussion regarding lot lines – Mr. Chalder will research lot frontage and lot width. Add, in the case of a rear lot, the setback shall be not from the front lot line but from the property line where the access leads to. (How to determine the setback). J. Roberson will research front yard for rear lots;
- Page 20 – Lot Types - Rear Lot more commonly used than Interior Lot. Mr. Chalder will check how it is used in the Regulations;
- Page 21 – There was discussion regarding Mobile Home/Trailer/Manufactured Home. Minor Modifications – Mr. Chalder will search. Define Mixed Occupancy as two uses in the same building. Define Mixed Use as two uses on the same lot. In Districts, Mixed Occupancy and Mixed Use are by special permit;
- Page 22 – Mr. Chalder will try to think of a way to simplify non-conforming terms (Section 8 addresses this);
It was decided to keep the term “grandfathered” and to add “legal” to the definition. Legal non-conforming use May 24, 1972 (i.e. see legal non-conforming);
- Page 24 – There was discussion regarding Accessory Use.
There was discussion regarding properties at Paradise Lake to be continued at another time (Section 8.4);
- Page 26 – May delete Business Services wherever it appears in the Regulations if it does not make anyone non-conforming (Nutmeg or Danielson Glass). This is to be discussed further by J. Roberson and Mr. Chalder. They will look at the definition to fit more services, but not professional offices;
- Page 29 - Solar Collectors / Generators / Propane Tanks - (Section 8.1) which includes exceptions to setback requirements. To be discussed at a later time;
- Page 31 – Add “temporary” to Construction Trailer and Emergency Trailer. Screening from a public way for all others except Utility Trailer should be in terms per Mr. Chalder. Having a time limit for Emergency Trailer was discussed.
- Page 34 – Clarify the front yard setback to say that on a rear lot, the setback is measured from the property line that the access way leads to.

Business Park Zone:

- Do we want a Business Park Zone? The Mapping Subcommittee (A. Kerouac, A. Carpenter, D. Fuss) wanted a Business Park Zone. It is in the POCD. A designated location for businesses. There was discussion.
Mr. Chalder will re-zone Business Park to Industrial. The numbering system allows the Commission to establish an Industrial Park Zone in the future.
Draft Basic Business Park Zone Regulations separate from Industrial (Section 4F), but don't locate it so that discussions with EDC can take place – Addressing needs that have already been identified.

SECTION 5:

- (Route 169) Scenic Corridor Overlay Zone
Mr. Chalder crafted as a Village District
To protect one of two scenic roads in the State.

J. D'Agostino stated that the answer is in two documents: Route 169 Subcommittee produced a report containing a 5-page section called, Considerations for Route 169 as a Scenic By-Way, and the other is a document of 12-13 pages which laid out an overlay zone for scenic Route 169. He mentioned that the Subcommittee did not want VCD. He will submit a copy of the documents to Mr. Chalder. He also suggested that Mr. Chalder take a look at Limited Business Enterprise.

The Commission wants to explore the concept and Mr. Chalder will distill it down to its essence.

A. Kerouac suggested that it be checked step by step with the Merritt Parkway. He also suggested that this zone have its own signage section.

- Paradise Lake – C. Kelleher suggest that Mr. Chalder take a ride by there. Problem is lot size – There was discussion.
It was decided to change all setbacks to 10 feet. Minimum lot frontage to change to 50 feet. Minimum lot size to stay at 30,000 s.f. Building height to stay at 35 feet. Buildable area no requirement. This will create a new opportunity – it is not a new zone, it is an overlay.
Look at the Tax Map lot boundaries to determine the boundaries for the overlay zone. The Commission will go over it together with J. Roberson so there will be a map to go with the text for a possible, conceptual future overlay zone.

- Golf Course Overlay Zone
Allowing golf courses with accessory uses would allow for sit down restaurants seasonal or year-round. Also define 9 holes or 18 holes or another amount.
Overlay Zone would give the Commission more control and would include the existing golf course. J. Roberson explained that this would take a well-established non-conformity and make it a conformity.

Allow throughout RA Zone or only establish an overlay zone at the Brooklyn Golf Course only?

One strategy is to allow golf courses and accessory uses which could include restaurants and driving ranges by special permit in R30 or RA. There was discussion about allowing golf courses on Route 169 as it would preserve the scenic by-way.

Mr. Chalder stated that there are two ways to do it (regarding the existing Golf Course):

- Establish the overlay zone, or
- Site the overlay zone as part of the Mapping Committee (so that anything they want to do needs to be by special permit)

Mr. Chalder stated that there is a consensus on Brooklyn Golf Course (there were no objections). Discussion on golf courses throughout other districts would be left for another time. He stated that he needs another map from J. Roberson.

- Floodplain Overlay Zone

Mr. Chalder suggested that the Ordinance remain a separate document (as it is adopted and administered by the Town) rather than incorporating it into the Zoning Regulations. He suggested that it be shown on the Zoning Map for due-process notice stating that they will have to comply with the Ordinance. This will avoid the possibility of conflict for the P&Z Commission.

J. Roberson to check with Building Official regarding highlighted text on page 74, 5.D.4.2 as he believes it has been changed to two feet above base flood level.

There was discussion regarding getting an updated map from FEMA.

- Aquifer Protection Overlay Zone

J. Roberson stated that a map from the State has not come yet.

Mr. Chalder suggested that this be held as a placeholder as compliant regulations cannot be adopted until the map is received.

- Groundwater Protection Overlay Zone

Mr. Chalder explained that the State is only regulating pumping wellheads. C. The Conservation Commission wrote the Source Water Protection Plan which is on the website. The #1 recommendation is to adopt a Groundwater Protection Overlay Zone. J. Roberson will send a copy to Mr. Chalder for use in incorporating into the Zoning Regulations.

A. Kerouack stated that he feels the biggest issue will be with the Town's landfill/transfer station facilities. J. Roberson explained that there are recommendations in the Source Water Protection Plan which address Municipal operations (risk management). There was discussion.

Mr. Chalder stated that he will coordinate with J. Roberson for the next meeting, at which he will review Sections 3 and 4 with the Commission and possibly have the revisions for Sections 5 and 6 ready for review. There was a consensus to meet on Wednesday, May 18, 2016.

C. Kelleher suggested that J. D'Agostino be allowed to participate (without needing to be seated) in meetings where discussion regarding the re-write of the Regulations is taking place. J. Roberson agreed. There were no objections.

J. Roberson kept a list of items to be discussed further at a later time:

- Adult Entertainment Uses
 - In or Out?
 - Ordinance?
 - Ex's from case law
 - Art Galleries

- Buildable Area
- Group Homes
- Lot Merges & Grandfathering
- Business Services
- Exceptions to Setbacks

V. Public Commentary: No public present.

VI. Adjourn

The meeting adjourned, by consensus, at 10:00 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary