

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, March 1, 2017
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order – Chair, Michelle Sigfridson called the meeting to order at 6:30 p.m.

II. Roll Call – M. Sigfridson; C. Kelleher; Craig Dunlop; David Fuss; A. Kerouac; Jeryl Mohn; J. D’Agostino. Alan Carpenter was absent with notice.

Staff Present – Jana Roberson, Director of Community Development.

III. Seating of Alternates:

Motion was made by C. Kelleher to seat J. D’Agostino as a Voting Member. Second by C. Dunlop. Motion carried (6-0-0).

IV. Adoption of Minutes:

1. Regular Meeting Minutes February 1, 2017.

Motion was made by C. Dunlop to approve the Minutes of the Regular Meeting of February 1, 2017. Second by J. D’Agostino.

There was discussion. A. Kerouac stated that he had requested that his report of a negative statement against the P&Z Commission that had been said at a Finance Commission meeting (which was not recorded in that Commission’s minutes) be included in the P&Z minutes to be on record. J. D’Agostino, C. Dunlop stated that they did not object.

Corrections:

- A. Kerouac stated that he would like the following added to Page 4, Item VIII. 3. Correspondence: At the January meeting of the Finance Committee, the Chairman delivered the following report containing a negative comment about the P&Z Commission: “I wish people on the Planning & Zoning Commission would concentrate on the few important things instead of sticking their noses into everyone else’s... minor items.”
- C. Kelleher stated that Page 4, Item IX. Public Commentary, seventh paragraph, should read, “C. Kelleher stated that it is hard to have good communication when the ZEO does not attend P&Z meetings.”

Motion carried with the noted corrections (6-0-1). M. Sigfridson abstained as she had not attended that meeting.

2. Special Meeting Minutes February 21, 2017.

Motion was made by J. Mohn to approve the Minutes of the Special Meeting of February 21, 2017. Second by C. Dunlop.

Discussion: J. Roberson asked the Commission Members to review the bulleted section at the bottom of Page 2 to see if anything was missing. A. Kerouac suggested that, how to handle current gravel permit renewals be added. The following to be added: A sunset provision for existing permits was discussed.

Motion carried with the noted corrections (6-0-1). C. Kelleher abstained as she had not attended that meeting.

V. Public Commentary – None.

VI. Unfinished Business:

- a. Reading of Legal Notice:** None.
- b. Continued Public Hearings:** None.
- c. New Public Hearings:** None.
- d. Continued Applications:**

- 1. SPR16-008 KCTT Properties, LLC, 520 Providence Road, Map 41, Lot 15, PC Zone; Construction of a drive-thru lane (relocation from current).

Paul Terwilleger, PC Survey Associates, represented the Applicant and provided revised plans for the Commission Members showing changes to the dumpster area. The IWWC did not approve the previously proposed gravel dumpster area to the rear of the property. They are now proposing a paved area and the following was approved by the IWWC on February 28, 2017:

- 24-foot wide area (550 s.f. more than previously presented to the P&Z Commission).
- To be curved in and will house the three on-site dumpsters.
- To be graded to drain to the northerly end of the parking area and there will be a filter strip with a trench with stone a foot deep to filter.
- This will give the dumpsters a firmer surface.
- The dumpsters must be kept closed at all times.
- Rubbish to be picked up on a daily basis.
- Stockade fence that runs along the southerly edge of the tree line adjacent to the wetlands which will come off of the existing stockade fence on the north side of the building and run along the tree line to a point in the back of the parking lot which will enclose the dumpster area.

J. Roberson stated that there were a lot of proposals/counter proposals and she feels that this is a good compromise, is less expensive, and achieves what the P&Z was hoping for. She explained that one of the IWWC's conditions of approval is that Janet Blanchette (Design Engineer) certify it. C. Dunlop stated that his concern regarding the dumpster area has been addressed.

Motion was made by C. Kelleher to approve Application SP 16-008: Special Permit for construction of a drive-thru lane (relocation from current); Applicant: KCTT Properties, LLC; location: 520 Providence Road, Map 41, Lot 15, PC Zone, in accordance with all final plans, documents and testimony submitted with the Application (as revised). Second by J. D'Agostino.

M. Sigfridson stated, for the record, that the firm that employs her uses space on the property, but she does not feel that there is a conflict of interest and will vote.

Motion carried unanimously (7-0-0).

e. Other:

- 1. Review/Discussion Draft of the Regulations Re-Write, Topics: Donation Bins, Ground-Mounted Solar Panels.

The Commission continued its discussion regarding the Draft Regulations dated July 29, 2016:

6.K. DONATION BINS

J. Roberson provided Minutes from the Resource Recovery Commission Meeting of December 29, 2016. They prefer that the bins only be allowed at the landfill and that only charitable ones should be allowed. There was a suggestion to place them on concrete pads.

- The Commission discussed whether the bins should also be allowed in the PC Zone and, if so, under what conditions. Whether to require screening was discussed because if they can't be seen, nobody will know that they are there to use them. A. Kerouac stated that current Zoning Regulations do not allow them and that the EDC does not want them in the PC Zone.

Placement of bins with regard to setback requirements was discussed.

- The Commission discussed whether the bins can be limited to only not-for-profit ones.
- There are some bins at one of the schools (south of the Middle School). There was discussion as to whether to continue to allow those.
- Existing bins would be illegal and non-conforming and enforcement action would be pursued.
- There was discussion regarding the one at a Church which is inside a shed (accessory structure).

M. Sigfridson Polled the Commission: If they should be allowed, if so, where, and what conditions?

J. D'Agostino – Transfer Station Only

J. Mohn – Transfer Station and also in the PC Zone with screening so not obviously visible from the road.

D. Fuss – Transfer Station Only, but he would listen to an acceptable alternative to putting them in the PC Zone (the one at Wal-Mart is out of the way and is well cared for.)

C. Kelleher – Transfer Station and PC Zone. She feels the permitting process could control where they can be placed. J. Roberson will research/work on performance criteria.

C. Dunlop – Transfer Station Only.

A. Kerouac – Transfer Station Only. He does not see how they could be allowed anywhere else because how could the Town treat them equally (for profit / not-for-profit)? M. Sigfridson stated that whoever owns the property that they are on gets to decide profit or not-for-profit.

M. Sigfridson – Agrees with C. Kelleher, D. Fuss and J. John, but feels they should be screened.

Results of the Poll:

Just Transfer Station = 3

Both Transfer Station and PC Zone = 4

A. Kerouac suggested informing the Resource Recovery Commission that the P&Z Commission would also like to allow the bins in the PC Zone so that they won't feel so tied to allowing them at the Transfer Station. He stated that the P&Z Commission was tasked to re-write and clarify the Regulations, not to add new ones. M. Sigfridson stated that the Commission is adding a new regulation that permits something, not a new regulation that prohibits something.

Linda Trahan, Maynard Road, stated that she has a complaint regarding donation bins and asked if she should speak with Martha Fraenkel about enforcement. M. Sigfridson asked that she wait to comment during public commentary. J. Roberson and M. Sigfridson explained that existing bins are illegal and that enforcement is postponed pending the adoption of a new regulation. You don't want to kick them all out and then put a regulation in place that would allow them.

GROUND-MOUNTED SOLAR PANELS

J. Roberson provided a sheet containing draft language for definitions, purpose, permitted zone districts, and criteria/requirements.

Draft definition for Ground-Mounted System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

J. Roberson explained that roof panels that are on the roof, but are tilted, are considered “other” in the same category as ground mount. Any non-flush, building-mounted solar panel would be treated in the same category as ground-mounted solar panels.

The following represents the results of the discussion:

<u>ZONE</u>	<u>FLUSH MOUNT ON ROOF</u>	<u>GROUND MOUNT OR OTHER (includes WALL MOUNT)</u>
R10, R-30, RA	-----	Site Plan Review
VCD (if visible) Route 169 Zone	If Visible from a Public Right-of-Way Would be Special Permit If Not Visible -----	Special Permit
NC and RB	-----	Site Plan Review
PC	Zoning Permit	Special Permit
Industrial	Zoning Permit	Special Permit

All of the above must to be accessory to either a residence or a business.

There was discussion regarding a roof-mounted solar panel in the VCD that had been determined, by the Commission, to be a minor modification (lacking any other specific regulations). J. Roberson stated that, by statute, special permit always requires a public hearing, but the Commission waived it in one case. She is not comfortable with current Regulations and will probe this more deeply with Peter Alter when he reviews the Regulations.

There was discussion regarding tracking and possible noise and glare from the sun.

Draft definition for Tracking System: A solar photovoltaic system mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

There was discussion regarding purpose.

Draft language for Purpose: It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety and welfare of adjacent and surrounding neighbors.

- Provide residents with flexibility in satisfying their on-site energy needs.
- Reduce overall energy demands within Brooklyn and promote energy efficiency.
- Integrate seamlessly on the landscape without diminishing the quality of life without impairing the appearance, character and property values of the neighborhood.

J. D'Agostino feels strongly that all ground-mounted systems be by special permit to allow neighbors to know and respond. He also feels that they change the character of the community.

D. Fuss stated that solar regulations around the nation are intense. A. Kerouac brought up standing-seam roofs. J. Roberson will find the answer to the following question: How would either solar panels or a roof change of that nature be reviewed in terms of the design standards?

The Commission discussed Criteria/Requirements:

Location within a lot – J. Roberson drew a diagram of a lot.

- A flag lot behind a lot containing a ground-mounted system would not be able to have a ground-mounted system.
- Not in front yard. In a corner lot, there are two front yards and two rear yards. It will always be visible from somewhere. Focus on minimizing for appearance.
- Similar to accessory structure: side and rear yards, 10 feet from property lines.
- How did Canterbury come up with the 18 foot height limit? What is the height of the ones that Martha Fraenkel has allowed to be installed?
- Screening unresolved.
- Glare is covered as a performance standard.
- Tracking (tilt and rotation) – yes. No portion in setbacks (when most horizontal to the ground).
- Setbacks same as for accessory buildings (whatever it is for the zone for side yard). 10 feet from property lines if in rear yard.
- Removal – 20 years or evaluate. Permit good for the manufacturer's estimated life. Abandonment.
- Safety covered as a performance standard.

D. Fuss left at 9:00 p.m.

VII. New Business:

a. Applications:

1. SD17-001 Square 1 Building Associates, Tripp Hollow Road, Map 7, Lot 12, RA Zone, 6-Lot Subdivision.

J. Roberson asked the Commission to decide if they would like a public hearing or a site walk. It will be referred to the Conservation Commission and the Town of Canterbury. A preliminary discussion for this Subdivision has already taken place (Paul Archer). No proposed use for open space. Clearing has started in Canterbury.

A. Kerouac would like a site walk and also asked to get input from the Ag Commission. He stated that the intent of the Conservation Subdivision is not to have a stack of houses all along the road.

The Application was accepted and there was a consensus to decide whether to hold a public hearing after having discussion at the April meeting.

VIII. Reports of Officers and Committees:

1. ZEO's Report.

- A. Kerouac asked about two tube lights facing the road at Bank Hometown that he does not feel are compliant.
- M. Sigfridson suggested that closed items be removed from the Report.

- J. Mohn asked that she indicate any onerous items that need attention from the Commission. C. Kelleher agreed.
- Kerouac suggested an active (most recent) column on the left.
- J. D'Agostino suggest that closed items be on a separate sheet. J. Roberson stated that a row can be hidden, then revisited.
- A. Kerouac asked about follow-up on 129 Pomfret Road.
- A. Kerouac asked about a storage container at Danielson Glass and stated that they have outside storage of equipment. J. Roberson stated it was in the modification and that they got a permit.
- J. D'Agostino asked if Danielson Glass got a new sign. J. Roberson will find out.
- C. Dunlop stated that Brooklyn Grain & Pet has a mess by one of their storage trailers. They are supposed to use some sort of control (like concrete blocks) for when they get their chips. A. Kerouac asked for a review/report of that entire site. J. Roberson will relay to Martha Fraenkel. There was discussion.

2. Budget.

A. Kerouac asked about revenues and he asked if he could find out how much is in open space. J. Roberson will find out.

A. Kerouac stated that there may be two issues that the Commission will be talking about at a planning meeting:

- Route 169
- The State is restructuring milk farming. There was discussion.

M. Sigfridson stated that the Commission requested additional funds (\$2,500.00) be added to the printing budget for the next fiscal year.

3. Correspondence.

J. Roberson asked if anyone besides A. Kerouac will be attending the workshop by the Planning Bar Association on Saturday, March 25th. M. Sigfridson may attend.

A. Kerouac stated that the Ag Commission wrote a letter regarding open space funding and he had asked that they submit a copy to the P&Z Commission. The letter suggests that tax money from solar panels go to open space. He also mentioned that there is a State bill proposing a one percent tax on all real estate items. There was discussion.

4. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

Motion was made by J. Mohn to adjourn at 9.43 p.m. Second by C. Kelleher. Motion carried unanimously (6-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary