

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Wednesday, January 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 6:42 pm.
- II. Roll Call** – Carlene Kelleher, Michelle Sigfridson, Aaron Kerouack, Craig Dunlop, David Fuss.

Dale Thompson arrived at 6:53 p.m.
A.Carpenter arrived at 7:29 p.m.

Staff Present – Jana Roberson, AICP, Land Use Administrator

- III. Seating of Alternates** – None.

- IV. Public Commentary** – None.

V. New Business:

1. Acceptance of Resignation of Donald Francis.

C. Kelleher stated that she did not know if Mr. Francis was going to send an official letter of resignation, and she read from an e-mail that she had received from him in which he suggests holding off on changing or adding new zones until after the current Regulations are completely revised and accepted. Because of the extent of the report, he feels changes should be taken in steps (his estimate - a minimum of two years).

C. Kelleher will send a letter expressing thanks and appreciation for his service on the P&Z Commission. D. Fuss spoke of the service Mr. Francis has provided to the Town of Brooklyn.

Motion by D. Fuss to accept the resignation of Donald Francis. Second by C. Dunlop. Motion carried unanimously.

2. Discussion of Sec. 3.4.8.4 - Waiver of Special Permit Requirement in PC Zone.

Paul Terwilliger, Surveyor represented Ken Cardinal, owner of Sweet Peas. Mr. Terwilliger explained that Mr. Cardinal would like to put an addition onto the back of the Sweet Peas building. He stated that the Regulations allow for up to a

500 square-foot addition to be handled under Site Plan Review. Mr. Cardinal had approached Commission last August with his plans for the 500 s.f. addition. However, since then, he has decided that he would also like to put a 200 s.f. open deck on the side of the building (not connected with the addition). Mr. Terwilliger asked if it would be a cumulative amount of square feet between the deck and the addition, or if the deck would be looked at separately.

Discussion ensued.

Mr. Terwilliger stated that they would need to request a waiver (would be submitted as part of Site Plan Review) for side yard setback. He stated that the deck would be 2 ½ feet off the property line, but it is not on the access side of the building and, therefore, would not obstruct access to the rear of the building.

Discussion ensued.

D. Thompson arrived at 6:53 p.m.

J. Roberson read from two sections in the Regulations:

- Side yard requirements may be waived if access is provided to rear yard sufficient for use by fire trucks and equipment;
- Regarding site changes in the PC Zone - By ¾ vote, you may waive a special permit application for modifications to an approved site plan including, but not limited to, changes of use which is deemed by the Commission to be insignificant and to have negligible impact on traffic, the neighborhood or the environment. Quality aesthetics and function of the site are maintained and approved. Site plan approval would still be required.

C. Kelleher stated that the Commission is comfortable with Site Plan Review. J. Roberson stated that he should submit a request for the waiver when he submits the site plan. There was no opposition expressed by any of the Commission Members.

3. Review draft of the Regulation Re-Write.

Glenn Chalder, Planimetrics, reviewed the first draft of possible revisions to the Zoning Regulations. He asked for feedback (big-picture direction) from the Commission. J. Roberson stated that the Commission could contact her with suggestions.

SECTION 1000 - Introduction:

- There was discussion regarding purposes and Mr. Chalder advised to stick with the statutory purposes. The Commission was in agreement to exclude what is redundant.

- C. Kelleher stated that the electronic version is different from the paper version and was concerned about whether they all were using the same version. J. Roberson stated that the most current version is dated June 1, 2015 (which is on the website).
- Removed listing of individual zoning districts to eliminate redundancies.

SECTION 2000 – Words and Terms:

- Definitions (2100) – Added new language under 2110 #3 – In the case that a term is not defined there is a list of sources that the Commission could refer to that the Commission could consider and then interpret the term. He also removed definitions that are not being used.

A.Kerouack asked about how to define elderly. Mr. Chalder recommends that the definition comply with the Fair Housing Act.

Mr. Chalder tried to group like terms together. Illustrations can be added.

A.Kerouack asked about adding a group-term box around automobile. He suggested separating automotive service station into service centers and gas stations.

A.Kerouack asked about adult entertainment. He stated that, currently, it is more restrictive than it needs to be and he feels that it is restricting businesses from coming into Town (i.e. art galleries). Mr. Chalder stated that a municipal ordinance is a much better management tool. Discussion ensued. Mr. Chalder may move this back to the regulation section. He will work with J. Roberson on this.

A.Kerouack asked about agricultural use. Mr. Chalder stated that there will need to be discussion regarding what the concerns are in order to establish appropriate guidelines.

C. Kelleher expressed concern regarding allowing agricultural uses (farm animals) in the residential zones.

D. Fuss stated that a definition for aqua-culture is needed.

Mr. Chalder stated that the State has a definition of agriculture in the Statutes and that should be incorporated. The State also defines farm.

A.Carpenter arrived at 7:29 p.m.

A.Kerouack stated that a definition for access should be added (to the Definitions Section) and also to each zone.

C.Kelleher asked about collection center. J. Roberson will find the Minutes of when it was officially adopted. Mr. Chalder will look at where this is allowed. M. Sigfridson suggested changing it to collection boxes.

SECTION 3000 – Residential Zones:

- C.Kelleher stated Conservation Subdivisions is currently in the RA Zone.
- There was discussion regarding Places of Worship. Mr. Chalder suggested moving it to special permit.
- C.Kelleher suggested that collection centers/boxes should not be permitted.
- C.Kelleher stated that since agriculture has not been allowed in R-10, Adaptive Re-Use of an Agricultural Building would come out.
- Private schools only in RA Zone.
- There was discussion regarding cemeteries.
- Private Recreation Club was added. Mr. Chalder will research where this came from. J. Roberson stated all of the R-10 is pretty-well built out and is very residential.
- Mr. Chalder stated that they look at accessory uses and structures in the residential districts as to what might not normally be associated with residential properties. Things could be added in sidebars (propane tanks, recreation vehicles, solar panels, etc.). J. Roberson stated that she would like to check with a land use attorney regarding listing accessory uses.

Mr. Chalder stated that he added definitions (Definitions Section) to go along with accessory: customary; subordinate; incidental.

- A.Kerouack mentioned what if you have a horse as a pet. J. Roberson suggested that the Commission may want to look at some ways to be more flexible (within specified criteria). There was some discussion regarding dog kennels.
- M. Sigfridson mentioned building more than one house on a lot (family compound). Mr. Chalder stated that it should be made clear in the new Regulations.
- There was discussion regarding solar panels and wind turbines.
- D. Fuss mentioned solar farms and whether they can be prohibited.
- A.Kerouack asked about height and size of buildings in all of those zones. There was discussion regarding tiny houses.
- Current Planned Recreation Resident Zone eliminated. Added golf course as a permitted use.

SECTION 4000 – Business Zones

- Need to work together to identify where more consistent wording is needed (e.g. health club/membership club).

- Need to work on how to manage square foot limitations (size of building/size of tenant).
- Changed Village Center District to Village Center Zone.
- MMUDD was removed, but can be added back in. Mr. Chalder explained the a zoning tool called the Planned Development District which can be spot-used and based on a specific plan. It gives a great deal of discretion and flexibility.
- A.Kerouack asked about how mixed uses can be limited (not appropriate for all business zones). He also asked if it should be specified: mixed use vs. mixed occupancy. J. Roberson stated that the current definition is somewhat limited. Mr. Chalder will look into this.
- C. Kelleher mentioned that all of the business zones have agriculture in them. Mr. Chalder will work with J. Roberson on this.

SECTION 5000 – Special Zones

- Mr. Chalder explained that these are placeholders based on earlier discussions: Scenic Corridor Overlay Zone – Route 169; Paradise Lake Overlay Zone; Golf Course Overlay Zone; Floodplain Overlay Zone; Aquifer Protection Overlay Zone; Groundwater Protection Overlay Zone. J. Roberson stated that the Conservation Commission is working on a groundwater protection plan. Mr. Chalder will work with their recommendations on this.

SECTION 6000 – Use-Related Provisions

- To allow business uses in non-business areas.

C.Kelleher mentioned that a person who has a home business having to be the owner of the property residing in the house. Mr. Chalder stated that it should be that the occupant of the house can have a home occupation, and that it doesn't have to be limited to the owner.

- A.Kerouack mentioned that conservation subdivisions needs a lot of work. He is hesitant to cut and paste that section. He feels there is overkill on some of the requirements. Mr. Chalder stated that you look at the particular property and its environmental attributes and use that as a foundation for building something. He tends to not be a fan of strict standards. A.Kerouack stated that road standards don't adjust with regular subdivision/conservation subdivision (disturbing wetlands) – other towns minimize curbing, sidewalks. Mr. Chalder will work to integrate those. He established a density standard which is based on the buildable land.

SECTION 7000 – Basic Standards

- New sections on lighting, pedestrian improvements, drainage, etc.

J. Roberson asked how to distinguish between use-related provisions and special provisions. Mr. Chalder stated that use-related provisions have a particular use associated with them and that special standards apply to unique situations like non-conforming conditions or dimensional exceptions.

SECTION 8000 – Special Provisions

- Earth removal activities – Mr. Chalder stated that gravel banks has been identified as a use and it is permitted within a district, but there are all sorts of earth excavation going on in other situations in Town without being regulated. He is setting certain thresholds for the requirement of a permit. He asked the Commission to think about the following: what is permitted as a right, what is a site plan/zoning permit with J. Roberson, what needs a special permit, and what is the restoration plan. D. Fuss stated it has always been that the topsoil stays in any gravel operation. J. Roberson noted that this is not directed at any one particular zone, it is Town-wide. Mr. Chalder stated that it is the activity that we are trying manage, not the use.

SECTION 9000 – Procedures

- Mr. Chalder explained that he will be working with J. Roberson on this section. He stated that, for someone applying for a permit (depending on what type of permit is being applied for), it is almost laid out like a flow chart. Statutory procedures have been integrated, special permit criteria have been upgraded so the Commission will have a check list to go through.

Mr. Chalder will be working on the four major sections of the Regulations with J. Roberson from the beginning and will come back to the Commission with modules for discussion. He asked that Commission Members contact J. Roberson with any questions/comments/thoughts on Sections 1000 and 2000 (by the next meeting of the Commission) and she will communicate those to him during their meetings.

M. Sigfridson mentioned that it is important to address Route 169, as well as other things that have been put off until the re-write.

4. Report of Mapping Sub-Committee.

J. Roberson provided her notes from the meeting of the Sub-Committee on January 13, 2016. Route 169 was discussed and one thought was to have a scenic border overlay zone which would allow business uses, but would have strict design control.

A.Carpenter stated that the Sub-Committee took a high level look and didn't get into details. They also discussed a zone specifically for Paradise Lake. Mr. Chalder explained that a grounded zone for the Paradise Lake residential area could be a great way to go. A.Kerouack stated that something to consider is the spill layer of the dam in Canterbury and that there has been a lot of consolidation of ownership there so there may be a lot of parcels that could comply with zoning. J. Roberson agreed. C.Kelleher asked what other unique things would need to apply to that zone, other than the dimension of the lots, that would warrant its own special zone. J. Roberson stated that there are a lot of private roads out there and that it would be nice to have language clarifying private/public roads. A.Kerouack stated that there is a Regulations that states that the private roads can't connect to public roadways. Mr. Chalder stated that the two major issues to address there are density and yard setbacks. J. Roberson stated that they should determine septic suitability.

J. Roberson wanted the Commission to know that the Sub-Committee also discussed a Business Park Zone as suggested from Paula's presentation (replace current Industrial Zone and provide a place for businesses to grow). Two potential locations discussed: East Brooklyn near the intersection with Allen Hill Road; Jolley gravel pit on Route 205.

Discussion ensued.

VI. Public Commentary – None.

VII. Adjourn:

Motion by Motion by D. Fuss to adjourn at 8:55 p.m. Second by A. Kerouack. No one was opposed.

Respectfully submitted,

J.S. Perreault
Recording Secretary