

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

The Planning and Zoning Commission will hold a public hearing on March 21, 2023, at 6:30 p.m. via Zoom and in-person at the Clifford B. Green Memorial Center, 69 South Main Street Brooklyn, CT on the following:

- **ZRC 22-009:** Multiple revisions to Section 4.F Mill Mixed Use Development Zone, Applicant: DMP Palmer Associates.

Please publish March 8th and 15th

TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION



REQUEST FOR CHANGE
IN
ZONING REGULATIONS

Date 12/27/2022 Check # 28462 Application #ZRC 22-009
Application Fee: \$250 State Fee: \$60 Publication Fee: \$60
Public Hearing Date _____ Commission Action _____ Effective Date Call
Name of Applicant DMP PALMER ASSOCIATES, LLC Phone 603-886-5021
Mailing Address 9 OLD DERRY ROAD HUDSON, NH 03051

REQUEST TO AMEND ARTICLE(S) 4.F SECTION(S) 4.F.1 → 4.F.6

If more than one Article is requested please attach separate sheet for each one

PARAGRAPH TO CHANGE Several OF THE ZONING REGULATIONS

REQUEST TO CHANGE:

TO ALLOW NOW AGE RESTRICTED RESIDENTIAL APARTMENTS
AT A HIGHER DENSITY AND HIGHER BUILDING HEIGHT. ALLOW
FOR PUBLIC ACCESS TO THE RIVER TRAIL.

REASON FOR REQUEST:

MARKET CONDITIONS ALLOW FOR APARTMENTS TO
BE CONSTRUCTED

Note: A petition may be filed at the Hearing by 20% or more of the area lots included in such a change within 500 ft of the property under Section 16.5 of the Zoning Regulations

4.F. MILL MIXED USE DEVELOPMENT ZONE

4.F.1. PURPOSE

The intent of the Mill Mixed Use Development Zone (hereinafter referred to as MMUD Zone) is to provide the opportunity to fully utilize former mill ~~structures and~~ related properties that are part of the Town's landscape, character, and history. They are also places of economic activity and economic opportunity. Recognizing the unique and special characteristics of these ~~mill structures~~ locations the Town has established a special zoning district to ~~protect and~~ maximize their potential. Specifically, this regulation is intended to:

1. Provide maximum flexibility for the development and enhancement of mill properties;
2. Retain the potential for business ~~and industrial~~ development in specified mill locations while permitting ~~age-restricted~~ residential development;
3. Foster a greater opportunity for creative development which encourage a mix of uses (residential ~~and~~, commercial, ~~and industrial~~) within former mill buildings;
4. To enhance business vitality, and provide employment opportunities;
- 4.5. To provide access to the riverfront for the enjoyment of this natural resource;
- 5-6. To enhance and protect the Town tax revenues, and;
- 6-7. To encourage the development of flexible space for small and emerging businesses.

4.F.2. GENERAL REQUIREMENTS

1. All uses shall be served by public water and sewer. The applicant shall submit a written report on the adequacy of the public sewer and water supply system of each proposed building lot and/or use prepared by a Professional Engineer licensed to practice in the State of Connecticut.
2. All developments shall be reviewed for compatibility with the Brooklyn Plan of Conservation and Development and be supportive of the public health, general welfare and safety of the community, including adequate provision of public facilities such as playgrounds, trails and a minimum number of access points on existing roads.
- ~~3. Property shall, at the time application for MMUD Zone designation is made, have a Mill Structure located on site. Properties designated as MMUD Zone shall be sub-dividable. The reconstruction of existing buildings found to be no longer structural sound shall be allowed. Building height and number of stories may be as outlined below in Section~~
- 4.3. The commission may, at its discretion, hire a third-party consultant(s) to aid the Commission in its review. Fees charged will be borne by the applicant in accordance with Section 9.1.5.-
- ~~1. Residential uses are not restricted to the density requirements of 6.E.3.3.c. Active Adult Community. The applicant shall supply the Commission with its Declaration of a Planned Community in Compliance with the Connecticut Common Interest Ownership Act, as may be amended from time to time, when submitting its application. (This note appears to have been misplaced before the table below)~~

4.F

MILL MIXED USE DEVELOPMENT ZONE

4.F.3. PERMITTED PRINCIPAL USES

4.F.3.1. AGRICULTURAL-RELATED USES	
1. Agriculture	No Permit Required
4.F.3.2. RESIDENTIAL-RELATED USES	
1. One (1) single family dwelling per lot.	Special Permit (PZC)
2. One duplex building per lot.	Special Permit (PZC)
3. Multi-family development in accordance with Section 6.E. (with exceptions as noted)	Special Permit (PZC)
4. Elderly Housing Development in accordance with Section 6.F.Error! Reference source not found.	Special Permit (PZC)
5. Active Adult Community.	Special Permit (PZC)
4.F.3.3. BUSINESS-RELATED USES	
1. Offices, Business or Administrative	Special Permit (PZC)
2. Personal Services	Special Permit (PZC)
3. Bank	Special Permit (PZC)
4. Restaurants (except fast food and drive in restaurants)	Special Permit (PZC)
5. Licensed Health Services	Special Permit (PZC)
6. Day Care Center	Special Permit (PZC)
7. Health Club and/or Membership Club	Special Permit (PZC)
8. Museum	Special Permit (PZC)
9. Retail stores (when all merchandise is totally enclosed within a building)	Special Permit (PZC)
10. Laundromat	Special Permit (PZC)
4.F.3.4. MIXED USES	
1. Mixed use development (business and residential uses in separate buildings)	Permit determined by uses
2. Mixed occupancy building(s)	Permit determined by uses
4.F.3.5. INDUSTRIAL-RELATED USES	
Light Industry	Special Permit (PZC)
1. Print Shop	Special Permit (PZC)

4.F.4. PERMITTED ACCESSORY STRUCTURES AND USES

4.F.4.1. ACCESSORY TO A BUSINESS	
1. Off-street parking facilities in accordance with Section 7.B Error! Reference source not found.	Site Plan Review (PZC)
2. Signs in accordance with Section 7.A Error! Reference source not found.	Zoning Permit (Staff)
3. Retail Store when clearly accessory to a Permitted Industrial Use on the same property:	
a. with less than 1,500 SF floor area	Site Plan Review
b.a. with 1,500 SF floor area or more.	Special Permit
4.F.4.2. ACCESSORY TO A DWELLING	
1. Family Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)
2. Group Day Care Home when accessory to an existing residence.	Site Plan Review (PZC)

4.F.5. PERFORMANCE AND COMPATIBILITY STANDARDS

4.F.5.1. COMPATIBILITY

1. All new uses shall demonstrate, to the satisfaction of the Commission, that any such new uses (in addition to meeting the requirements of this section) are compatible with all existing uses and will not negatively impact the general neighborhood.
2. Any new buildings or accessory structures shall relate harmoniously to each other with adequate light, air circulation, separation between buildings and, to the extent practicable, shall be in harmony with the existing district.
3. Buildings or structures that are listed on the National Register of Historic Places shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on the State or National Register of Historic Places if structurally sound.

4.F.5.2. ACCESS AND TRAFFIC IMPACTS

1. Traffic and safety impacts to the existing and proposed roads shall be minimized.
2. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be limited.
3. Pedestrian and vehicular traffic shall be separated.
- ~~4. Walkways shall be provided for access to adjacent properties, and between businesses, and to access the riverfront.~~
4. A public access easement or open space dedication to allow pedestrian access to the waterfront and to provide necessary connections to other river trail connections, whether planned or actual, shall be provided.

4.F

MILL MIXED USE DEVELOPMENT ZONE

4.F.5.3. NOISE, ODOR AND DUST ALLOWANCE

1. Uses shall cause no inherent and recurring generated vibration perceptible without instruments at any point between two or more uses or along a property line. Temporary construction is excluded from this restriction.
- ~~2. Heat and glare generated from manufacturing shall be confined to the building structure.~~
- ~~3. Odor, dust, and fumes shall be effectively confined to the premises or so disposed of in accordance with state and federal regulations.~~
- ~~4.2. The Commission at its discretion may limit the hours of operation of any business-related commercial or industrial use.~~
3. Common walls between residential and non-residential uses shall be constructed to minimize the transmission of noise and vibration. Residential buildings to be constructed or rehabilitated shall be designed to filter out noise and vibration through construction employing, but not limited to, such techniques as applying soundproofing material between dwelling units laterally and vertically, and between different uses; employing staggered joists and insulation.
- ~~5.4. Development and uses with the MMUD shall conform to performance standards in accordance with Sec. 7.F~~

4.F.5.4. LIGHTING

1. A lighting plan showing existing and proposed exterior lighting, including building and ground lighting; locations, supports, mounting heights, and orientation of all luminaires and light distribution patterns is required.
2. Parking areas shall be illuminated to provide appropriate visibility and security during hours of darkness.
3. Exterior lighting shall be architecturally integrated with the building style, material and colors.
4. Exterior lighting of the building and site shall be directed downward and designed so that light is not directed off the site, including above the site and the light source is shielded from direct offsite viewing.
5. Fixture mounting height should be appropriate for the project and the setting. Use of low, bollard-type fixtures, three to four (3-4) feet in height is encouraged as pedestrian area lighting. The mounted height of fixtures in smaller parking lots or service areas should not exceed sixteen (16) feet, with lower mounting heights encouraged, particularly where adjacent to residential areas or other sensitive land uses.
6. Raised light pole bases shall be attractively designed and well-detailed to be compatible with the overall project.
7. The use of vandal resistant well lighting is encouraged for lighting monument signs.
8. All parking areas and pedestrian facilities serving non-residential uses and open to the general public shall be provided with illumination during all hours from dusk to dawn that those facilities are open to the general public.

MILL MIXED USE DEVELOPMENT ZONE

4.F.5.5. RESIDENTIAL USE RESTRICTION

1. Residential uses created within the MMUD Zone shall have a note placed on the deed to the parcel notifying potential buyers of the probability of non-residential uses elsewhere on the site. Such note shall state: *"This property is currently part of a Mill Mixed Use Development Zone which allows a variety of non-residential uses within the same district and on the same site."*
- ~~2. An Active Adult Community shall fully comply with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons." This included compliance with any and all rules promulgated by the United States Department of Housing and Urban Development, which govern the implementations of such act.~~
- ~~2. Permanent Occupancy of any Unit is restricted to:~~
 - ~~2. c. any person of the age of 55 year or over, and any person approved by the Declarant or the Board, in accordance with the provisions set forth below in this Section ("Age Qualified Person");~~
 - ~~d. a husband, wife or companion, over the age of 18 years, residing with the Age Qualified Person;~~
 - ~~e. children residing with the Age Qualified Person or residing with the husband, wife or companion of the Age Qualified Person, provided the children are over the age of 18 years;~~
 - ~~f. an individual, over the age of 18 years, residing with and providing physical or economic support to the Age Qualified Person; or~~
 - ~~g. any person who was permitted to and did occupy a Unit with an Age Qualified Person may continue to occupy the Unit after the death of Age Qualified Person.~~

~~NOTE: The Fair Housing Act permits housing intended for persons 55 and older provided that (1) at least 80% of the occupied units are occupied by at least one person who is 55 or older; (2) the Community publishes and adheres to policies demonstrating the intent to be age restricted; and (3) the Community meets certain rules for verifying the age restrictions of the Community. Thus, up to 20% of the Units may be occupied by individuals, all of whom are under 55 years of age.~~

- ~~3. The proposed development shall be a "Common Interest Ownership Community" as defined in Chapter 828 of the Connecticut General statutes.~~
- ~~4. The constituent documents of the Common Interest Ownership Community shall contain provisions requiring the Declarant, (which designation includes the Developer, or a successor in interest to the Developer or any other party holding development rights), in connection with the initial sale of Units, and the Association, as to all subsequent sale of Units, to enforce the Declaration which shall incorporate the Ownership and Occupancy Standards of the Zoning Regulations so that at all times the Common Interest Community will qualify for the 55 or over housing for older persons exemption under The Fair Housing Act. Permanent occupancy of any Unit shall not be permitted or allowed to continue if such occupancy violates the provisions of the Declaration or the Zoning Regulations or results in the loss of the Common Interest Community's 55 or over housing for older person's exemption under the Fair Housing Act. At the closing of title of each unit being sold by Declarant, the purchaser of said Unit will be required to sign a certification or declaration to be used to insure that the Common Interest Community will qualify for the exemption under The Fair Housing Act and to insure that said purchaser is in compliance with the age~~

MILL MIXED USE DEVELOPMENT ZONE

restrictions set forth herein. Persons may not transfer, sell, gift, lease, assign, grant, buy, rent or occupy any Unit, except for the sale of the Unit by Declarant, until such person receives the approval of the Board in accordance with the provisions of the Declaration.

6.3. ~~Apartment and condominium units~~ Dwelling units shall be permitted in existing and new structures, ~~and~~ density shall ~~be~~ consist of the number of units containing not less than ~~six~~eight-hundred (~~600~~800) square feet of livable space that can be created within the existing and new structures based on state building and health codes. Residential density for new construction ~~shall will~~ be limited ~~to one dwelling per 4,000 sq ft of the total lot area.~~ to one dwelling per 10,000 sq. ft.

7.4. ~~For any development it shall be a condition precedent that at least 15% of the total project cost shall be allocated to improvements to the existing mill structure. This minimum shall be determined by the commission based upon cost estimates submitted by a duly licensed engineer or architect. This requirement is based upon the importance—historical, cultural, economic and aesthetic, in maintaining and rehabilitating these mill structures. This requirement may be met by either actual mill structure construction prior to the issuance of residential building permits outside of the mill structure or by surety acceptable to the town, together with an acceptable concept plan and timeline for completion of mill improvements.~~

4.F.5.6. BUFFERS, DENSITY, AND HEIGHT

1. Where a MMUD Zone abuts a single family residentially zoned property, a buffer strip of ~~seventy five~~ fifty (75) feet shall be required for any new non-residential development and shall not be changed by action of the ZBA. Such buffer shall be planted with year-round screening vegetation adequate to buffer the view from the residential zone. Preservation of existing trees and vegetation is preferred where they provide desired screening.
2. ~~Where the MMUD Zone abuts a residentially zoned property, a buffer strip equal to the abutting setback requirements shall be required for any new residential development and said limitation shall not be changed by action of the ZBA.~~
3. To reduce the bulk and area of buildings and pavement relative to the overall size of the development; and to provide landscaped areas for visual and sound buffers, increased groundwater recharge and reduced storm water runoff, the total area of any MMUD Zone that may be covered by buildings and paved surfaces shall not exceed fifty (50) percent coverage and shall not be changed by action of the ZBA. The Commission may allow by Special Permit an increase to a maximum of sixty (60) percent impervious coverage when the Commission finds that one or more of the following benefits of the development outweigh the impacts of the increased impervious coverage:
 - a. The use of grass/pavement block systems or similar treatment reduces storm water runoff; and/or
 - b. The development achieves an overall benefit to the community such as elimination of blight conditions, preservation of historic structures, closure of excessive curb cuts, provision of inter-parcel access or service roads or similar benefit.
4. Maximum Building heights shall be as follows and are not subject to action by the ZBA:
 - a. Residential ~~— sixty five (65)~~ thirty five (35) feet
 - b. Commercial ~~— sixty (65)~~ forty (35) feet

MILL MIXED USE DEVELOPMENT ZONE

- c. ~~Industrial—thirty five (35) feet~~
5. For existing and reconstructed mill structures:
 - a. Telecommunication facilities, water tanks, solar collection systems, similar structures and necessary mechanical appurtenances may be erected on an existing mill structure to a height no more than 10 feet greater than the existing mill structures within the MMUD Zone provided that no such exception shall cover at any level more than twenty-five percent (25%) of the area of the roof on which any one or more of the above are located, except for a solar collection system which may cover more than twenty-five percent (25%) of the area of the roof on which the solar collection system is located if the architectural design and layout is compatible with that of the structure to which it is affixed and generally in keeping with the character of the neighborhood in which any one or more of the above is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.
 - b. Roof structures and/or roof lines may be integrated together where more than one roof line or roof style is present to which telecommunication facilities, water tanks, solar collection systems, similar structures or mechanical appurtenances is affixed and generally in keeping with the character of the neighborhood in which the above is to be situated; and provided further that no such exception shall be used for residential, commercial or industrial purposes other than such as may be incidental to the permitted use(s) of the main structure.
 6. The height limitations of these Regulations for new construction shall not apply to chimneys, gables, cupolas, spires, water towers, flag poles, transmission towers and cables, radio or television antennas or towers or telecommunication service facilities provided that the telecommunication facility, and its antenna(s) or associated equipment does not extend more than five (10) feet above the highest point of the building or structure to which it is attached.

4.F.5.7. OUTDOOR STORAGE AND SALES DISPLAY

Except as specified below, outdoor storage or display of goods shall be enclosed within permanent walls or fences integrated into the design of the building.

- a. Storage or display racks and goods thereon shall not exceed the height of screening walls or fences.
- b. Goods shall not be displayed in landscaped areas, on exterior walls, or in parking lots.
- c. No vending machines shall be allowed outside of any buildings.
- d. All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.

4.F.5.8. WASTE DISPOSAL

1. Garbage or recycling dumpsters/compactors shall have doors or lids that shall remain closed when not being loaded or unloaded and shall be contained in masonry enclosures supplemented with landscaping
2. No delivery, loading, trash removal, compaction or other similar operations shall be permitted between the hours of 8:00 p.m. and 6:00 a.m.

4.F.5.9. SIGNS

1. Signs shall conform to the Brooklyn Zoning Regulations Section 7 and Section 7.A.3.2 (Signs Permitted in the Village Center Zone) for each use on the site.

4.F.5.10. LANDSCAPING REQUIREMENTS

1. Existing trees shall be maintained as practicable and any new trees shall be carefully selected and located where they will complement the building elevation and shall not block all any retail storefront signage from view.
2. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
3. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
4. All new plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.
5. All proposed shrubs except accent, color or ground cover planting shall be a minimum of 5 gallon size. Shrubs and ground cover plants shall be spaced close enough together to ensure an attractive and mature planting effect.
6. Energy conservation within structures shall be addressed by recognizing the sun exposure on the site and providing or maintaining appropriate tree species (deciduous trees on the southern exposure, coniferous and broadleaf evergreen trees along the eastern and western exposures, and evergreens along the northern exposure.)
7. Tree species, when additional trees are proposed, should be selected with root growth habits that will not cause damage to sidewalks, or such tree species should be sited away from such hardscape areas.
8. Landscaping plans shall show all obstructions such as street lights, meters, back-flow devices, utility covers, transformers, and similar objects which may affect plant placement and installation limitations.
9. When constructing new landscape planting areas on surfaces which were previously covered by pavement or structures, all existing asphalt, base rock or other deleterious material shall be removed to the depth of the native soil and clean soil shall be used to backfill the planting area.
10. All exposed dirt areas shall be covered with bark or mulch or other weed control measures included as part of final landscape
11. Street tree placement shall include consideration for vehicle line of sight, entrance and exit curb cuts, street light and traffic control devices, and other site specific conditions as part of design review process.

MILL MIXED USE DEVELOPMENT ZONE

4.F.5.11. PARKING AND LOADING AREAS

Parking shall conform to Section 7.B, unless excepted below, and additionally shall meet the following standards:

- a. Parking lots shall provide well defined routes for vehicles, delivery trucks, and pedestrians.
- b. Loading areas visible from a public street or adjacent property shall be screened with masonry walls supplemented by landscaping.
- c. To the maximum extent feasible, landscaped islands with raised curbs shall be used to define parking lot entrances, the ends of parking aisles, and the location and pattern of primary driveways, and to provide pedestrian walkways where appropriate.
- d. Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, American Standards Institute, Inc., 230 Southern Building, Washington, DC 20005, and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
- e. Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations shall be submitted to reduce total required parking. A reserve area for future development shall be provided on the Site Plan.
- f. The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
- g. Within the Town’s right-of-way all curbing shall be constructed of concrete. However, the Town Engineer may waive this requirement, when in his/her opinion the use of concrete curbing is not necessary.
- h. Parking for residential use shall be 1.5 spaces per unit, with an areas reserved for an additional 0.5 spaces per unit. All aspects of the reserved area, including stormwater management shall be designed and included with the proposed site plan to be approved.

4.F.6. APPLICATIONS AND PERMIT PROCEDURES

~~1. Before an application is made, it is suggested that the applicant become familiar with the regulations contained in this section as well as those contained in Section 9.C (Site Plan Requirements and Procedures) and with Section 9.D (Special Permit Requirements) of these Regulations and consult with the Planning and Zoning Commission and/or planning department office for other regulations to consider and for any clarifications.~~

~~shall proceed through Site Plan review in accordance with Section 9.C (Site Plan Requirements and Procedures) or Special Permit review in accordance with Section 9.D (Special Permit Requirements) of these Regulations~~

~~2.~~

~~shall proceed through Site Plan review in accordance with Section 9.C (Site Plan Requirements and Procedures) or Special Permit review in accordance with Section 9.D (Special Permit Requirements) of these Regulations~~

4.F.7.4.F.6. MMUD ZONE SPECIAL PERMIT APPLICATION

1. A Special Permit application in conformance with Section 9.D, which includes submission of a Site Plan as outlined in Section 9.C, is required for each proposed use. ~~The Special Permit application is also subject to the following General Requirements—Conformance with Section 5.H.5—Performance and Compatibility Standards.~~
 - a. Pre-Application Concept Plan. The Commission recommends that, prior to the submission of an official application the applicant prepares and presents a conceptual plan for informal review per Section 9.B.
 - b. Elements of Pre-Application Concept Plan. The Concept Plan shall be pre-pared by an engineer, architect, or landscape architect, and shall include:
 - i. Drawings at a scale of 1" = 100'.
 - ii. Existing topography, with two (2) foot contours, to show the general gradient of the site, existing structures, existing roads and rights-of-way, major topographic features (including wooded and open areas, ledge or outcroppings), inland wetlands, watercourses and flood plain.
 - iii. The land uses and zoning within 300 feet of the site.
 - iv. Boundary description of the district within it.
 - v. Names of all abutting property owners.
 - vi. The location of all proposed roadways, parking areas, setbacks, rail lines, easements, land use areas, open space areas, and access locations from connecting roads and driveways within the site to the existing public road system.
 - vii. The site shall be divided into general land use areas, identified as one or more of the specially permitted uses (e.g. retail, restaurant, office, research lab, etc.).
 - viii. Proposed building footprints and location of parking areas.
 - ix. Letters from the public water company and the Water Pollution Control Authority stating how service is to be provided to the proposed land uses.
2. Changes to an approved Special Permit Site Plan are to be approved by the Commission.