

Brookfield Planning Board
Commerce, Home Occupation and Cottage Industry Committee

Minutes

Wednesday, August 5, 2009

Attendance: Steve Michalsky, Bill Gaver, Janet Murfey, Geary Ciccarone, Rob Collins, Andy Jacobson, Charlotte Colman, Jim Murfey.

The meeting was called to order by Chairman Jim Murfey at 6:40 pm

1. The attendees discussed and agreed upon language for the charter/mission statement for the Committee, as follows:

To ensure that the language of the Zoning Ordinance of the Town of Brookfield as it applies to commerce reflects the wishes of the people of the town and is clear and enforceable.

2. There was strong sentiment supporting the concept that a survey of the people of the Town would be the best way to determine to what extent restrictions should be place on commercial activity within the Town. To that end, Bill Gaver agreed to contact a resource at the University of New Hampshire which may help. Geary Ciccarone agreed to contact another resource he knew of.
3. Rob Collins discussed research he had done in the past which indicated the many approaches towns take to deal with commercial activity of the home occupation/cottage industry variety. They range from broad references to permitted and prohibited commercial activity to extensive lists of permitted and prohibited activities to restrictions base on defining acceptable impact levels governing home occupation/cottage industry. He has agreed to retrace the steps of that research and provide links to those examples or documents to be used as reference in the Committee's efforts.
4. Jim Murfey expressed some concern about the make-up of the committee as the vast majority of the attendees were members of the Planning Board or its alternates. Some effort should be made to attract participation of townspeople not associated with the Planning Board.

The next meeting of the Commerce, Home Occupation and Cottage Industry Committee of the Planning Board was scheduled for Wednesday, August 12, 2009 at the Town Offices.

The meeting was adjourned at 7:50 p.m.

Respectfully submitted,

James J Murfey

Attachments: Bill Gaver – Definitions for ZO, Geary Ciccarone – Home Based Business and Commercial Activity in Brookfield

PROPOSED DEFINITIONS
For Article X of Zoning Ordinance
Town of Brookfield, New Hampshire

Accessory Use or Structure: A use or structure subordinate to the single family residence as defined on page 2 of the Brookfield Zoning Ordinance.

Bed & Breakfast: The primary single family dwelling of an owner-operator that provides overnight lodging of transient guests whose posted rates include breakfast prepared in kitchen of residence.

Business Office: A dwelling occupied by one or more offices for activities related to the sale or provision of goods and services to others, including financial service provider, real estate agents, nonprofit or other community services and governmental agencies.

Business Services: A commercial activity within a residence which primarily provides services to people or businesses such as advertising and mailing, employment services, management and consulting services, security services, and travel agencies.

Craftsperson: An individual having creative skills in assembling or arrangement of materials resulting in a finished product or commodity such as wearing apparel, home decorations, jewelry, toys, furniture, leather goods, dried flowers, or similar products.

Educational Use: A dwelling used for education, tutoring, or instruction in any branch of academic and/or cultural pursuit in addition to serving as a residence.

Garage: A detached accessory building or an accessory building attached to a dwelling. The accessory building is designed for the parking or temporary storage of household goods and/or motor vehicles by the owner-occupants of the dwelling.

Home Businesses: Uses conducted in a dwelling that provide space for commercial activity that is in scale and character with neighborhoods and areas that are primarily residential.

Home Occupation: An occupation conducted on the premises of a dwelling unit which is principally operated by an occupant and which is clearly incidental and secondary to the use of the principal structure as a dwelling unit and does not change the residential character thereof.

Medical Office: A dwelling occupied by one or more medical or health-care practitioners for the purpose of providing health services to people on an outpatient basis including doctors, dentists, physical therapists, and chiropractors.

Office: A portion of a dwelling used for conducting the affairs of a business, profession, service, or government and generally furnished with desks, tables, files, computers, and communication equipment. This may include areas for meeting with customers and/or clients.

Professional Offices: A portion of a residence occupied by one or more offices in which there is no product sales, nor any commercial use conducted other than the professional offices of a lawyer, architect, engineer, insurance agent, physician, dentist or other similar professional services.

Prototype Production: A portion of a dwelling limited to the fabrication of new or experimental products produced in quantities not exceeding those necessary for research and development or testing of the product and not intended for sale.

Research and Development Uses: A portion of a dwelling devoted to technological experimentation or the development of new products and processes, research carrying on investigation in the natural, physical or social sciences that may include engineering or product development and testing. Manufacturing of any kind not permitted.

Residence: Single, two-family or multi-family structure serving as a principle residential dwelling.

Studio: The workshop of an artist, photographer, or craftsman, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.

Planning Board Subcommittee Study
Home Based Business and Commercial Activity in Brookfield
From: the office of G. Ciccarone, planning board member

STATEMENT:

August 5, 2009

Commercial: Pertaining to or characteristic of commerce, the interchange of goods or commodities; trade.

The mission of any regulatory body is to insure the health, safety and welfare of the people subject to those regulations. However, the regulations that inherently provide those protective concepts should never be constructed without the input of the people that ultimately benefit or suffer the consequences of those regulations.

The town of Brookfield has existing zoning ordinances governing commercial activity. Those ordinances have existed substantially unchanged for over twenty years and many of them far longer. The restrictions do not prohibit commercial activity, only govern it. The question is "Are those ordinances reflective of the parameters that define the circumstances of the myriad of small businesses that presently exist in the town?" The further question is "Do those ordinances reflect the desires of the majority of the towns people?"

Both moderate contraction of or expansion of commercial activity are well within the parameters outlined in the Master Plan. The master plan consistently refers to surveys taken of townspeople over the years that indicate the desire of the governing bodies and formulators of the Master Plan at the times were conscious of, as well as desirous of making sound ordinances that reflected the wishes of the majority, not just the wishes of the lawmakers. The Master Plan also expresses in several locations the need for investigation of future commercial development in the town.

PURPOSE:

To determine if changes to the existing regulations are necessary and provide the planning board with information to act as a guide for the following:

1. Recommend the implementation of new regulations that further restrict commercial activity than do existing ordinances or
2. Recommend that current ordinances be altered to allow for an expansion of commercial activity within the town or
3. Recommend that the current ordinances are adequate and should remain substantially unchanged.

METHOD:

Conduct a survey of the townspeople via mail consisting of succinct, pertinent questions prior to constructing any new ordinances.

Meet on a regular basis after the results of the survey have been gathered to implement the "wishes" of the townspeople in new regulations or changes to existing regulations, if any.

SUGGESTED DEADLINE:

December 2009 should give the planning board members sufficient time to hash over the findings and recommendations of the subcommittee and act accordingly.

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