

Planning Board Meeting Minutes
Town of Brookfield, NH
267 Wentworth Road
Brookfield, NH 03872
Second Public Hearing

Monday, February 2, 2015

- I. Chairman Rick Surette called the meeting to order at 6:33 PM.**
- II. Roll Call: Members, Alternates, Appointment of Alternates per RSA 673:11,673:12**
 - A. Members present: Chairman Rick Surette, Vice-chairman Rob Collins, Jim Freeman, Ed Comeau, David Champy II, and Selectman Rich Zacher.
 - B. Tardy: (none)
 - C. Alternates present: (none).
 - D. Members and Alternates absent: Geary Ciccarone, and John Merrigan.
- III. Appointment of Alternates per RSA 673:11, 673:12.**

(No alternates were present.)
- IV. Public Comments.**
 - A. Chairman Rick Surette observed that no members of the public were in attendance and referred to 14.1.1 m of the Rules of Procedure:

In the event that no member of the public is present when the hearing is opened, the Chair may suspend the proceeding until one appears, or until one half hour has passed. If no one appears within that time, the Chair shall declare the hearing closed, and the Board shall deliberate and vote.
 - B. At 6:34 PM Chairman Rick Surette announced that the public hearing would be delayed by thirty minutes to allow for members of the public to attend.
 - C. At 6:35 PM Chairman Rick Surette announced a recess.
- V. Second Public Hearing to Review Proposals to Amend the Zoning Ordinance.**

At 7:04 PM Chairman Rick Surette called the meeting to order and closed the public hearing.

VI. Deliberation

- A. The document entitled, “Proposed Amendments to the Zoning Ordinance with Possible Proposed Warrant Articles Public Hearing February 2, 2015 Working Document Revised 1/30/15” was distributed to Planning Board members.
- B. **Motion:** Vice-chairman Rob Collins moved that the Planning Board submit the amendments listed in the “Proposed Amendments to the Zoning Ordinance with Possible Proposed Warrant Articles Public Hearing February 2, 2015 Working Document Revised 1/30/15” to the Town Clerk as wording for warrant articles after non-relevant language is deleted from the document. Second: David Champy II. The motion passed unanimously.
- C. Chairman Rick Surette requested that the administrative assistant submit the wording of the warrant articles to the Town Clerk as specified by the motion.
- D. Selectman Rich Zacher requested that the administrative assistant send the wording of the warrant articles to the Town Clerk by email.

VII. Member Comments

Ed Comeau announced that he possessed the latest edition of the New Hampshire Planning and Land Use Regulation books, and distributed copies to all attending Planning Board members.

VIII. Adjournment

At 7:10 PM the Planning Board meeting was adjourned.

Respectfully submitted by
George Nick,
Administrative Assistant.

_____ Date 2/10/15

Proposed Amendments to the Zoning Ordinance with Possible Proposed Warrant Articles

Public Hearing February 2, 2015

Background

The Planning Board believes that the current Zoning Ordinance has provisions that are contrary to current state laws, contain imprecise, ambiguous or unclear language, and do not contain language that accurately reflects the intent of the Ordinance. To address these issues, the Board enlisted the services of the Board's attorney to suggest required and desirable amendments to the Zoning Ordinance. The attorney, in close consultation with the Board, has suggested the following amendments to the Zoning Ordinance. The exact wording of changes for most of these proposed amendments is detailed in a separate document.

This document contains proposed wording for the warrant article for each proposed amendment, along with details on which portions of the Zoning Ordinance are affected. Section references refer to the original section number. Page references refer to the page number in the separate document with the exact wording changes.

Amendment #1

Are you in favor of Amendment #1 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to add a definition of home occupation and home based business as businesses located and operated on the property where the owner resides or on an adjacent property used as part of the owner's residential property.

Discussion

This amendment reorganizes the existing language.

Affected Sections

- Article II A. 1. b. (page 2 of 56)

Amendment #2

Are you in favor of Amendment #2 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to make various minor typographical changes which have no impact on the substance of the zoning ordinance.

Discussion

This amendment is not strictly required because the Board can make minor typographical changes without voter approval. However, the Board's attorney suggests placing it on the Warrant to avoid any possible legal ambiguity in the future.

Affected Sections

- Renumbering in numerous sections due to other proposed amendments.
- Article II A. 1. d. (page 4 of 56)
- Article II C. 1. d. (page 10 of 56)
- Appendix C 2. (page 54 of 56)
- Appendix C 4. c. (page 55 of 56)

Amendment #3

Are you in favor of Amendment #3 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: amend the building lot requirements and definitions to remove the requirement for an increased lot size in certain circumstances, to require frontage on a Class V or approved private road, and to require lots fronting on Kingswood Lake to have 250 feet of shore frontage.

Discussion

This amendment simplifies and clarifies building lot requirements and eliminates the use of frontage on streams and ponds to meet the frontage requirement for a buildable lot.

Affected Sections

- Article II A. 3. a. (page 6 of 56)
- Article II A. 3. c. (page 6 of 56)
- Article II A. 3. e. (page 7 of 56)
- Article X HH. (page 47 of 56)

Amendment #4

Are you in favor of Amendment #4 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to require farm stand structures up to 200 square feet to be setback at least 10 feet from the traveled way and, if there is a stone wall along the right of way, to be no closer than the stone wall.

Discussion

This amendment simplifies, clarifies and reorganizes the existing language.

Affected Sections

- Article II A. 3. d. (page 7 of 56)

Amendment #5

Are you in favor of Amendment #5 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to require that all uses permitted by conditional use obtain a permit from the planning board and to eliminate the renewal process, which is contrary to state law.

Discussion

This amendment removes the concept of time-limited conditional use approval, which is not allowed by state law. Because approved conditional uses are permanent, language related to the renewal process is removed.

Affected Sections

- Article II B. 4. (page 8 of 56)
- Article II B. 4. iv. (page 9 of 56)

Amendment #6

Are you in favor of Amendment #6 to the Brookfield Zoning Ordinance as proposed by the

planning board as follows: to change the definition of multi-family dwelling in the workforce housing overlay district to be as defined in state law, and to change the permitted density of multi-family workforce housing to 1 dwelling unit per 1/2 acre from 1 structure per lot.

Discussion

This amendment changes the definition of multi-family dwelling to comply with the state definition. As the state definition does not have an upper limit on the number of dwelling units that a multi-family dwelling may include, a maximum permitted dwelling unit density is added.

Affected Sections

- Article II C. 1. d. (page 10 of 56)
- Article II C. 2. b. (page 11 of 56)

Amendment #7

Are you in favor of Amendment #7 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to require the town to obtain a court order prior to removing dilapidated buildings from properties.

Discussion

This amendment updates the Ordinance to comply with current legal procedures for dealing with dilapidated buildings.

Affected Sections

- Article III B. (page 12 of 56)

Amendment #8

Are you in favor of Amendment #8 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to clarify the process for obtaining special exceptions to alter or construct buildings on non-conforming lots, and to amend the definitions of non-conforming building/structure, nonconforming lot, and nonconforming use such that they are a building/structure, lot or use which was legally created but which no longer conforms to the zoning ordinance.

Discussion

This amendment clarifies the Ordinance with regard to non-conforming lots and buildings.

Affected Sections

- Article IV A. 1. (page 14 of 56)
- Article IV A. 2. (page 14 of 56)
- Article IV A. 3. (page 14 of 56)
- Article IV B. 1. (page 15 of 56)
- Article V C. 4. (page 16 of 56)
- Article X LL. (page 47 of 56)
- Article X MM. (page 47 of 56)

- Article X NN. (page 47-48 of 56)

Amendment #9

Are you in favor of Amendment #9 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to clarify that neither manufactured housing parks nor recreational campgrounds or camping parks are permitted in Brookfield and to provide that camping or travel type house trailers or recreational vehicles may be occupied on a seasonal basis. Further, to change the definition of tent camping to no longer be dependent on whether compensation is made for such use.

Discussion

This amendment clarifies the language related to manufactured housing parks, campgrounds and camping. It also provides for the seasonal and temporary use of RVs as a dwelling.

Affected Sections

- Article VI B. (page 16 of 56)
- Article VI C. (page 16 of 56)
- Article X BBB. (page 49 of 56)

Amendment #10

Are you in favor of Amendment #10 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to amend Article VII--Personal Wireless Service Facilities-- by eliminating any co-location requirements that do not comply with state law and providing that co-location applications shall be governed by RSA 12-K.

Discussion

This amendment updates the co-location requirements to comply with current state law. The Planning Board has not created a detailed markup of these changes.

Affected Sections

- Article VII (page 16 of 56)

Amendment #11

Are you in favor of Amendment #11 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: amend Article VIII--Small Wind Energy Systems-- to comply with state law by designating the Board of Selectmen/Building Inspector as the body to review applications rather than the planning board, to eliminate the need for site plan approval, to establish the minimum setback requirement as 1 ½ times the system height, and to allow 12 months of discontinuance of use before a system is deemed abandoned. Further, to remove references to meteorological towers, which are required to comply with all normal zoning requirements.

Discussion

This amendment updates the regulation of small wind energy systems to comply with current state law.

Affected Sections

- Article VIII A. (page 27 of 56)
- Article VIII B. (page 28 of 56)
- Article VIII B. 16. (page 29 of 56)
- Article VIII B. 17. (page 29 of 56)
- Article VIII C. 1. (page 29 of 56)
- Article VIII D. 1. (page 29 of 56)
- Article VIII D. 2. (page 29 of 56)
- Article VIII D. 5. (page 30 of 56)
- Article VIII E. (page 30 of 56)
- Article VIII E. 1. (page 30 of 56)
- Article VIII F. 1. (page 32 of 56)
- Article VIII F. 3. (page 33 of 56)
- Article VIII F. 4. (page 33 of 56)
- Article VIII I. (page 33-34 of 56)

Amendment #12

Are you in favor of Amendment #12 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to amend the definition of hydric soils to be as defined in the Field Indicators for Identifying Hydric Soils in New England and to amend the definitions of poorly drained soils and very poorly drained soils to be as defined in the Site Specific Soil Mapping Standards for New Hampshire and Vermont.

Discussion

This amendment updates the definitions to comply with current state law. The Planning Board has not created a detailed markup of these changes.

Affected Sections

- Article X CC. (page 46 of 56)
- Article X SS. (page 48 of 56)
- Article X CCC. (page 49 of 56)

Amendment #13

Are you in favor of Amendment #13 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to delete the definitions of "owner" and "owner of record."

Discussion

Affected Sections

- Article X 00. (page 48 of 56)
- Article X PP. (page 48 of 56)

Amendment #14

Are you in favor of Amendment #14 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to amend the definition of structure to be "anything permanently affixed to the ground, including but not limited to, dwellings, accessory buildings, and accessory items."

Discussion

This amendment clarifies the definition of "structure."

Affected Sections

- Article X AAA. (page 49 of 56)

Amendment #15

Are you in favor of Amendment #15 to the Brookfield Zoning Ordinance as proposed by the planning board as follows: to amend the restriction of funnel development to provide that no rights in any lot with frontage on a water body shall be granted for purposes of access to the water body unless that lot has at least 50 feet of shoreline for each person to whom rights are conveyed.

Discussion

This amendment simplifies the language related to funnel development and removes redundancies.

Affected Sections

- Article II A. 2. d. (page 6 of 56)
- Article II A. 3. g. (page 7-8 of 56)