

**TOWN OF NORTH EAST ZONING REVIEW COMMITTEE
MINUTES
February 8, 2021**

The Town of North East Zoning Review Committee meeting took place on Monday, February 8, 2021 via Zoom at 6:30 PM. Board members present were Chair Edie Greenwood, Dale Culver, Ed Downey, George Kaye, Bill Kish, Julie Schroeder, and Dave Sherman. Also in attendance were Will Agresta, Chris Kennan, Sam Busselle, Rob Cooper and Deb Phillips, secretary to the Zoning Review Committee.

Chair Greenwood opened the meeting with a discussion of the Draft Boulevard District Purpose statement circulated by Agresta prior to the meeting.

Agresta: He explained his draft was created looking at the current language in the code, items the committee has been talking about, and items from the Comprehensive Plan, mainly how the Boulevard District is an extension of the village and the creation of one or two district instead of the current six.

Greenwood: Asked Agresta what he meant by **affordable rental housing** in the statement.

Agresta: The rental market is more affordable than home ownership, whether it was a single-family home or a condo. Condo developments tend to be a separate building. His idea was apartments over stores or commercial buildings.

Sherman: He doesn't see the Boulevard District being an area for condos. It could be a desirable area for someone interested in short-term use. He mentioned Kish's comments about the residential uses being maintained, not necessarily in the purpose statement but in the uses.

Downey: He mentioned the apparent constraints that were a concern after the Boulevard District's site visit. He asked about referring to that in the purpose statement. He suggested adding an introductory phrase so the fifth sentence in the first paragraph of the Draft Boulevard District Purpose that would reads "***In a way that appropriately responds to existing, natural constraints, development is intended to enhance the overall quality of the area and promote an architectural design compatible with the overall historic character of the Village and Town, as opposed to nationwide standardized offerings.***"

Sherman: He asked Agresta what he meant by **small-scale traditional retail**.

Agresta: It was to be complimentary. Small scale is not a focus for your typical outlying strip area. In the last 20 years, big box stores were built on the outlying borders of towns. **You're trying to expand the village in a way that is complimentary in design. When we get to the use section, you might want to look at limiting the size of individual uses. You're trying to get more of a density for those uses; density is what you need to attract people.**

Sherman: Thought the water and sewer reference in the first sentence should be moved towards the end of the purpose statement.

Kish: Says that the water and sewer reference needs to be taken out or moved. We are being too constrained on the statement of traditional retail, professional offices, or professional services. When talking about uses an artisans shop was mentioned, he wants it to include workshops of craftsman.

Agresta: Asked Kish if he was talking about someone making a craft or doing more of repairs to things.

Kish: He is talking about someone who is not mass-producing things.

Agresta: Asked Kish if they are in this location, what is the benefit of them being in this location as opposed to being anywhere else.

Kish: There are very few places in the town where people can have such businesses. Even if we put them in the highway business districts north of Route 22, there isn't that much land available.

Agresta: **If you're trying to make the Boulevard District open to more use, you need some level of coherency of what the purpose of the district is.** It's encouraging to the district and people can watch a product being made. That falls under a visitor-oriented type business.

Kish: Community needs for goods and desirable services; he doesn't know if this brings out the idea that this is for full-time residents as opposed to visitors. He likes the language "as opposed to nationwide standardized offerings." Asked if we need sidewalks on both sides of the west side of Kelsey Brook.

Culver: The problem with that is the cost of that bridge needs to be dealt with when there is a planning board applicant.

Agresta: He recommends getting sidewalks throughout the whole Boulevard District. The difficulty is getting across the bridge area. It will either be a developer's project or a municipal project.

Greenwood: Asked if the Committee agreed of having two districts.

Kaye: In favor of two districts with Kelsey Brook dividing them. In the past, the Town and the Village had applied for grants to put in sidewalks going out to where the new Hannaford's proposal was. The County said that there would be no financing until there were stores in that area to make it worthwhile.

Schroeder: Is undecided, doesn't want to limit the districts to one gas station.

Kish: Asked Agresta if there was a way to create a table of uses for a district that limit a use to two and when that use is filled, that use comes off the table.

Agresta: He's only seen it done in Connecticut where they limit the number of liquor stores by population.

Culver: The market would discern whether more gas stations would be needed.

Agresta: The other way to do it is you have two now and you can make them not permitted anymore.

Downey: We need to think in terms of a time frame, maybe 20 or 25 years. We need to think about what is going to happen and how do we want to shape that.

Sherman: He is okay with two districts but is not opposed to more if there is a need to be able to segregate uses in certain areas.

Greenwood: BD-4 is quite different than the rest of the district and could become residential.

Culver: Doesn't want to have any more than two. We need to have the opportunity to hear options that are brought to us by people who are willing to invest rather than write a code that is so tight that we never get to hear what might have been. **We need to be flexible.** We need to attract outside capital and new businesses if we want the Boulevard to become a vibrant continuation of the Village.

Culver: Two districts is fine. If you break it off at Kelsey Brook, it's easily decided.

Agresta: **If you're going to have two districts, you need to know what the focus is for each.**

Kish: The west side is more village-like; more faced to the road, smaller front yard setbacks. The east side is more automotive-focused activities.

Sherman: He views BD-4 (the area behind the supermarket and on the other side of Kelsey Brook) as an artifact of the Boulevard study. It's a tough site because it's been soil mined and the grade has been taken out and leveled down. It is close to the floodway. It's not very desirable to have a residence in it. There might be a better use for it if there for residential further up the grade.

Agresta: The other issue with that area is that it's landlocked.

Uses discussion:

Agresta: He added two additional columns to the Boulevard uses table (Schedule BD: Boulevard Districts, Part A: Permitted Uses): Boulevard West and Boulevard East.

Kish: Said it would be hard to build a list of uses of everything that could be included.

Agresta: He agreed. **Said we could talk about broad uses of retail, personal service, instructional retail businesses and office-type uses. You don't have to label the types of retail; retail can be encompassing of a lot of things. It comes down to how you define retail. The definition would be where you limit the uses; you can limit it to size and what's being sold.**

Kish: Asked how to deal with uses that we envision are problematic and we don't want.

Agresta: There are two ways to deal with that: (1) You know the pieces of what those uses are. You can either in the definition exclude those pieces or exclude those specific types of uses. There are plenty of ordinances that list prohibited uses.

Sherman: Asked Kish his thoughts on a food truck; stating he thinks of it more of a land use issue.

Kish: He would like to see a place where a different food truck would be allowed every month with picnic tables set up.

Agresta: **He has done a food truck mobile vendor permit that was permitted with restrictions and limitations.** He would treat it as a use and provide for it in the permitting, either on a more permanent or temporary basis.

Sherman: Asked if that was not a land-use question vs. a vendor permit type of thing.

Agresta: **Land-use law because food trucks are a use.** Even if it's going to be in a park every weekend, it's considered permanent. The law he wrote covered the entire gamut. It allowed it on a more permanent basis and on a temporary basis. In the commercial districts, it had a mix of either being temporary for events where there were only so many allowed per year. There were others where the food truck was allowed with a designated place to park. Issues of seating, signage and lighting were dealt with.

Culver: When you do things like make it on a more permanent basis, you write permit fees that are a little higher and then use those permit fees to rebate the restaurants that pay land taxes.

Agresta: **The more permanent basis is no different than any other site plan. They are defining where it is and having terms. A temporary basis is where a temporary permit is granted by the ZEO or Building Inspector. The permanent thing comes before the Planning Board.** They have a design that includes where they can park, where they tables can be and how it relates to the parking lot.

Schroeder: They (the food trucks) are hurting businesses with a building that pay taxes.

Agresta: You're going to get fees for a vendor or peddler permits.

Culver: With a food truck, there is less overhead than a restaurant has. When you think about permitting one on a more permanent basis, you should think about it more as revenue generating because permanent buildings pay taxes.

Kish: He assumes the owner of the land where the food truck sits is paying property taxes.

Downey: It's good to think about it as a motorized vendor; we've already seen it once in the Village - a pop-up retail establishment on weekends. We may see more of this.

Agresta: My concept is to **define retail in broader terms** and not to list 20 retail uses but rather defining retail. If there are some things we don't want, we'll call them prohibited. Offices can have a broad definition between professional offices and business offices, medical and dental offices. Within this framework you can get the full gamut of business offices. A clinic might be different than an office, but it may not be, if it is operating the same as a doctor's office. The personal service is your hairstylists, barbershops, shoe shops, laundry - anything that does a service for the individual's personal needs. The instructional retail is karate, dance studio, pottery-making places, etc. You can get a lot of uses without having to list everyone specifically.

Kish: Mentioned **food service** rather than food trucks.

Agresta: You can break up different types of restaurants that you can list differently depending on what you don't want. You have a sit-down restaurant with wait service. You have fast-food that has different a definition that states that it can't have standardized nationwide design. You could have other uses like cafés or retail take-out which are food services but don't generate a higher parking requirement. The reason for these differences, unlike the retail, is that the **different types of restaurants generate a different parking demand.** Retail stores can have like 12 seats and not generate more traffic than the bookstore next door. The places oriented for visitors get into galleries, museums, and craftsman shops.

Agresta: If you list a **religious facility** as a use in other districts and you don't list it here, it would not be permitted.

Greenwood: Mentioned Schroeder's suggested use of about **funeral homes.** Parking is a constraint.

Schroeder: She's had several inquiries from funeral home directors about the possibility of locating another funeral home in the Boulevard District.

Agresta: He's seen a crematorium added to a funeral home. A lot of towns don't want that use.

Greenwood: Mentioned the idea of an educational but hands-on facility referenced in the Comprehensive Plan.

Kish: It's called a **maker's space**, a general-purpose workshop where people can go and use the tools and learn techniques.

Kish: He's a big fan of people repairing things. There is a movement afoot to have more repair facilities.

Agresta: Asked **to what extent would these businesses be allowed or not allowed to have outdoor storage.**

Kish: We would have to draw some boundaries around the storage issue.

Sherman: I thought we were approaching this to try and use more generalized terminology.

Culver: You could say electronic repairs that would include a wide variety.

Schroeder: You could limit it by saying no outside storage of repair items.

Kish: Asked **what replaces a motel.**

Agresta: They are hotels, bed and breakfasts, inns; no one is building motels anymore. You could have an inn and limit the size or the number of rooms.

Culver: He hears from people that there aren't enough places to stay when there are events going on.

Kish: That might be good to mix in with the Boulevard because people could walk there and take part in the economy.

Culver: A small hotel on the Boulevard is not a bad idea. The size and way it's done is more important than the term hotel.

Agresta: Thinks a bed and breakfast or an inn of a moderate size would fit well within the concept of the Village extension.

Greenwood: She asked about **sports or recreational facilities.**

Kish: That's a question of indoor and outdoor and what it looks like.

Greenwood: Mentioned the gym at Thompson Plaza.

Agresta: Asked when the owner came to the Planning Board for a day care, how did it fit into the district uses. Asked how the Planning Board squared it with the district.

Culver: It was utilized as a business for kids' recreation that was being turned into a day care center. The interior of the building was changing but the exterior was not.

Agresta: Most places distinguish a day care center from anything else because they have state licensing requirements.

Kish: Asked what an outdoor sports facility looks like besides a mini-golf course, a driving range or a go-cart track.

Agresta: There are soccer fields (Indoor and outdoor). Batting cages could be indoor or outdoor. Up on Route 22 would be a good place for those.

Agresta: Suggested taking a poll of outdoor vs. indoor.

Schroeder: Agrees with Kish that it should be limited to just indoor. She said to exclude it outdoor.

All agreed on indoor.

Agresta: Said on the list of current uses, there is a concept of a **shopping center** consisting of indoor retail and service businesses when located on a lot of 5 acres or more. He doesn't see the need in the Boulevard District to mention the acreage. It's more about what you're going to have the design look like. If we build on the concept of the west and east sides, the western side is going to be closer to the road.

We're going to maintain the auto sales on the east side. He doesn't think the other uses of building materials, farm machinery, wholesale distribution, warehouse make much sense to be on the boulevard.

Culver: Asked if lawn mower sales and the like fit in with farm machinery.

Agresta: The farm machinery sales are not going to fall out if you allow motor vehicle sales.

Schroeder: Some of those uses could go north of Town.

Kish: A lumberyard could go in the east side of the Boulevard.

Schroeder: She's thinking about the visual impact also, depending on outside storage.

Agresta: Asked the Committee if they would want someone that sold sheds or backyard swing sets.

Agresta: Asked about **commercial greenhouse** and plant nursery use. He doesn't think of a commercial greenhouse as a garden center.

Kish: Put it as retail greenhouse center.

Agresta: Asked if the **farmers' market** was a seasonal type that is allowed or long term.

Schroeder: Pretty much seasonal.

Kish: Would like to see a permanent farmers' market.

Kaye: There is one in the Village year-round.

Agresta: Asked the Committee what they think is negative about a **convenience store**. Is it about the fuel pumps at a convenience store or something different? Is a stand-alone convenience store like a food mart not a good thing?

Kish: The food is terrible for people; it generates a lot of trash and produces minimum-wage jobs at best.

Agresta: Asked how we would distinguish a food mart from any retail store.

Culver: It would be hard to define a food store if you decide what quality foods it can sell.

Schroeder: They're not all that bad; some people depend on them for bread, eggs, milk, and butter. We talk about affordable housing; we need affordable food also. She doesn't have a problem with convenience stores but says we don't need any more.

Culver: If we have enough and you don't allow them, you get no more. The ones that are here can stay and we focus on things that we think we need.

Agresta: He has some additional ideas about uses and wants to see if they fit on either side of this district. He asked about **museums or art galleries**; art galleries have a retail component.

Sherman: It would work fine downtown with the small spaces.

Agresta: You could have a museum in 2,000 square feet. Sometimes, indoor galleries have events. A lot of people don't think of retail when talking about a gallery.

Agresta: Asked about **laundry – full service or self-service**. It's a personal service use.

Culver: If we're going to create mixed-use buildings with affordable apartments, it's likely that most will not have their own washers and dryers.

Agresta: He would look at it to determine if there is a need; is there anything objectionable about it if someone did want to build a Laundromat; and is there any reason you wouldn't want it coming to you.

Culver: It all comes down to scale. It's not a bad thing if it's small and well thought out.

Agresta: If you don't think impact is an issue, then you can allow it.

Kish: Asked if it needed to be connected to a sewer and water service.

Agresta: It would make it easier, but it doesn't necessarily have to be.

Kish: He's concerned about the environmental impacts.

Agresta: Wastewater would have to be taken care of whether there is sewer or not.

Agresta: Asked if anyone saw a **pharmacy** being any different than a retail store.

Greenwood: Asked if the **drive through** aspect of CVS needs to be defined.

Agresta: You should define drive-throughs as an accessory component of the use and there are standards that can be developed for that. You should decide what uses you do or do not want.

Culver: A lot of people want curbside pickup, especially now with COVID. Currently, we're in an adaptive situation that is unique, but he doesn't know how long before everyone feels comfortable coming inside again. It's hard to say whether that's a limitation by eliminating drive-thru or it will become a necessary component.

Greenwood: We should allow them.

Kish: I don't see how we can reconcile this question of drive thru with the desire not to have the cookie-cutter layout of fast-food restaurants. It seems like prohibiting drive-throughs is a useful tool for preventing that type of development.

Sherman: A prohibition of drive-throughs could drive away any interest from the national brands.

Agresta: That prohibition has had that affect. The Dunkin Donuts application was placed in the Village where it could have a drive thru.

Agresta: When we talked earlier about **housing**, are we focused on the purpose statement for rental types of apartments above commercial businesses?

Kish: Wants to see them well designed.

Agresta: We can do some of that with standards.

Sherman: He asked about free-standing apartments at the eastern end near the Connecticut border.

Agresta: That's up to you if you want to include just apartment housing above commercial on both sides, other options on the east side where it could be stand-alone by itself or stand-alone on another property with commercial development but maybe in a separate building. He asked Sherman if he would be okay with housing by itself on a lot in the eastern district with no commercial development.

Sherman: It's a possibility.

Greenwood: She does not want single-family building allowed.

Agresta: We're talking multi-family. Ask the Committee about housing on the eastern side.

Kish: We need more housing so we should allow for it.

Culver: We should be flexible and allow the possibility of housing to come forward. If someone is willing to invest in our community and provide the housing that we need, we need to be willing to listen.

If someone has the money to invest and have a well-designed plan, we all win.

Agresta: Asked the Committee what kind of housing do they think would be built.

Kish: Something that has shared common spaces, gardens, laundry facilities, etc. that provides privacy and sense of community.

Sherman: In the area that's on the western end of the Boulevard, the idea of having something as second story over a commercial enterprise is ideal. He is in favor of stand-alone, multi-family in the eastern end.

Schroeder: Likes the idea of multi-family housing.

Kennan: In the foreseeable future, this is a destination town for people seeking entertainment, food, recreation, etc. Things that can service or appeal to those people should be kept in mind. It's important that we not make things so restrictive.

Greenwood: Meeting adjourned at 8:46 PM. Next scheduled meeting is March 15, 2021 at 6:30PM.

Respectfully Submitted,
Deb Phillips, Zoning Review Secretary