

3 PRIMROSE STREET
NEWTOWN, CT 06470
TEL. (203) 270-4276



TOWN OF NEWTOWN
PLANNING & ZONING COMMISSION

MINUTES
REGULAR MEETING

Thursday, October 19, 2023 at 7:00 p.m.
Council Chambers, Newtown Municipal Center
3 Primrose Street, Newtown, CT 06470

Present: Dennis Bloom, Gregory Rich, David Rosen, Roy Meadows

Absent: Corrine Cox, Kersti Ferguson, Connie Widmann, Brian Leonardi

Staff: Rob Sibley, Director of Planning and Land Use, Amy Coyle, Clerk

Mr. Bloom called the meeting to order at 7:00 pm.

Mr. Bloom designated Mr. Rosen to vote in place of Ms. Ferguson.

Mr. Bloom moved to change the order of the meeting from number 2 to number 3.
Mr. Meadows seconded. All in favor.

1. Introduction of BFJ Planning for the Planning of Conservation and Development (POCD) Timeline.

Thomas Madden, AICP, Associate Principal, BFJ Planning and Michelle Gilman, Planner, BFJ Planning, gave an overview of the Newtown Plan of Conservation and Development (POCD) project. BFJ Planning was hired by the Town to complete the POCD, which is required to be updated every 10 years. The presentation consisted of an introduction, timelines and meeting schedules for the future vision of the town. Mr. Madden stated online surveys will be sent out to the public and workshops will be offered. The goal is to have a draft plan and to hold a public hearing by late February. BFJ has been collecting data, compiling research and will be summarizing their findings.

Mr. Sibley stated the first public workshop has been scheduled for Thursday, November 30, 2023 at the Community Center. The information will be posted on Newtown's website, as well as, an online platform where comments and suggestions will be welcomed. Please see attached presentation.

Mr. Bloom recommended public transportation be included in POCD discussions. Mr. Madden stated yes, public transportation should be addressed and an analysis will be completed.

Mr. Meadows inquired about the scheduling of the meetings. Mr. Madden stated they will build-up the POCD website where the scheduling and survey information will become available. This will be a separate online website. Mr. Meadows asked how people will be motivated to participate in the online survey. Mr. Meadows stated it is very important to receive input from a wide spectrum of people. Mr. Madden stated they will compile an email list, using Facebook, The Bee, flyers, the schools and community groups to collect the data. BFJ also plans on interviewing high school students. This methodology has been used in other towns and has been successful.

Mr. Rich asked if the survey will be anonymous. Mr. Madden stated no, we will have access to personal email addresses. Mr. Madden stated knowing the person is more productive.

Mr. Sibley appreciates BFJ's open process and getting the word out to the community.

Mr. Bloom thanked BFJ and is looking forward to working with them.

2. Application 23.18 by Newtown Planning and Zoning Commission, for a Text Amendment to the Zoning Regulations of the Town of Newtown, to §1.02 and §3.01, to define Farming, Ag-tivities/Agro-tourism, and Non-Agricultural-Related Use, and to define their uses in Farming and Residential Zones, as demonstrated by supporting documents submitted to the Land Use Agency 09/8/23.

Mr. Sibley gave an overview of the application and the previous discussions on the applications. Mr. Sibley stated these recommendations came directly from the 2014 POCD. Mr. Sibley stated the regional COGS have received the text amendment and they have no negative comments.

Mr. Sibley reviewed the text amendment application for the record (please see attached).

Mr. Meadows stated he thought the text amendment would expand on pig farms and not be eliminated. Mr. Sibley stated that he and Mr. Meadows had spoken about opportunities for pig farms in the future. Mr. Sibley explained that a new application needs to be submitted to the P&Z commission, reviewed and discussed with the commission, a public hearing needs to be held and the application needs approval from the COGS.

Mr. Rosen stated we can talk about pig farms at a future time and not hold up the process of the approval of this text amendment.

Mr. Rich asked why we couldn't add "operation of a pig farm" into the text amendment. Mr. Sibley responded it would be open to interpretation.

The commission had a discussion on how to move forward. Mr. Sibley suggested tabling the application and modifying the language for review. Mr. Meadows stated that sounded reasonable.

Mr. Rosen stated for the record that the existing application looks good.

Mr. Sibley stated he will craft new text language regarding pig farms for a future meeting.

Mr. Rich moved to continue the public hearing to November 2, 2023. Mr. Meadows seconded. All in favor. Application 23.18 by Newtown Planning and Zoning Commission, for a Text Amendment to the Zoning Regulations of the Town of Newtown will be CONTINUED to November 2, 2023.

3. Review and Discussion of Potential Text Language Modifications in the Newtown Zoning Regulations

Mr. Sibley stated we will not be reviewing text language at this meeting but the areas we will be concentrating on in the future are: Airbnb's, piggeries, E-charging stations and modifications to the sign regulations.

4. Director's Report

Mr. Sibley stated the town of Brookfield submitted a "Notice of Application for Regulation Change" (Please see attached). Mr. Sibley stated it would not impact Newtown.

Mr. Sibley stated Connecticut Association of Small Towns (COST) modified the required 4-hour yearly training as of October 1, 2023. Commissioners that completed 4 hours training are not required to complete any additional training until after a their 4-year term is complete. Any new commissioners or zoning officers that have not completed 4 hours of training are required to complete 4 hours of training by January 1, 2024. Mr. Meadows asked why there was a change in training requirements. Mr. Sibley stated there are no agencies or webinars that would be able to complete training within one year that would be the equivalent of an associate's degree. Mr. Rosen asked if training courses would be passed on to commissioners and officers. Mr. Sibley stated the Town will continue to train and will continue to pass on courses to staff.

5. Approval of the Minutes

Page 3 change "made" to "requested". Page 4 delete Connie Widmann from the vote and change "carried unanimously 6-0" to "carried unanimously 5-0". Mr. Meadows moved to approve the amended minutes of October 5, 2023. Mr. Rich seconded. All were in favor. The minutes of October 5, 2023 were approved.

The commission had a discussion on the inaccuracies of The Bee. Mr. Bloom stated they misquoted him. The commission concurred. Mr. Sibley stated at the end of the articles there is a phone number and email address to contact for comments or questions.

6. Adjournment

Mr. Rosen moved to adjourn. Mr. Bloom seconded. All members were in favor and the meeting was adjourned at 8:03 p.m.

** Please note any amendments or corrections to these minutes will be reflected in the subsequent meeting's minutes when the minutes are approved by the Commission **

*Respectfully submitted,
Amy Coyle, Clerk*

Town of Newtown Plan of Conservation and Development



Planning & Zoning Commission Kickoff Meeting
October 19, 2023

BEJ Planning

Agenda

- 1 Introductions**
- 2 Project Overview**
- 3 Discussion of Issues, Opportunities, and Priorities**

Introductions

P&Z Commission

Dennis Bloom – Chair

Roy Meadows – Vice Chair

Corrine Cox

Kersti Leia Ferguson

Gregory Rich

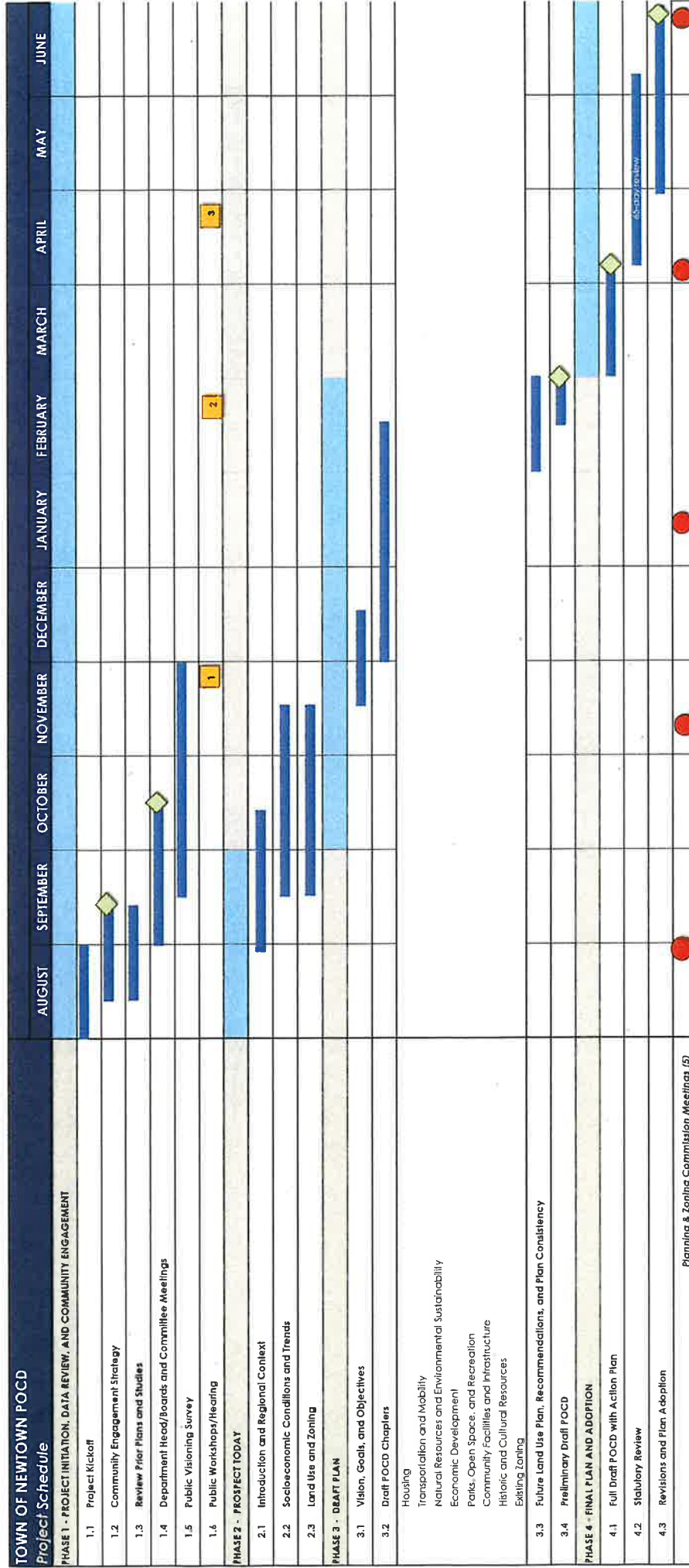
Consultant and Town Team

Thomas Madden, AICP – Associate Principal

Michelle Gilman – Planner

Rob Sibley – Director of Planning and Land Use

Project Overview: POCD Timeline



Public Workshop/Hearing

1. Visioning Workshop
2. POCD Draft Recommendations
2. Planning & Zoning Commission Public Hearing

Major Deliverable

Proposed POCD Chapters

Newtown Today

Introduction and Regional Context

Socioeconomic Conditions and Trends

Land Use and Zoning

Chapters

Vision, Goals, and Objectives

Housing

Transportation and Mobility

Natural Resources and Environmental Sustainability

Economic Development

Parks, Open Space, and Recreation

Community Facilities and Infrastructure

Historic and Cultural Resources

Existing Zoning Regulations

Future Land Use Plan, Recommendations, and Plan Consistency

Project Overview: What Have We Done So Far?

Town Staff Meetings

Town Kickoff – September 18, 2023

Boards and Commissions Meetings

Planning and Zoning Commission – October 19, 2023

Newtown Today

Review of Regional Planning Documents Review (90%)

Data Book (30%)

Town Staff Meetings

Town Kickoff – September 18, 2023

Department Interviews – October 19 – 31, 2023

Town of Newtown

Plan of Conservation and Development Update

Planning & Zoning Commission Meeting: October 19, 2023

Project Overview: Stakeholder Meetings Still to Come

Town Staff Meetings

Economic Development – October 20, 2023
Governance - October 19, 2023
Parks & Recreation and Public Works - October 23, 2023
Public Safety - October 19, 2023
Zoning, Housing, and Development - October 26, 2023

Boards and Commissions Meetings

Bike and Trail Committee	Economic Development Commission
Board of Education	Fairfield Hills Authority
Board of Selectmen	Inland Wetlands Commission
Commission on Aging	Legislative Council
Community Center Commission	Sustainable Energy Commission
Conservation Commission	
Cultural Arts Commission	

Project Overview: Community Engagement

- **Two (2) in-person public workshops**
 - Public Workshop 1: Newtown Today & POCD Vision and Goals
 - Public Workshop 2: POCD Draft Recommendations
- **Online visioning survey via Social Pinpoint**
- **Additional targeted stakeholder meetings**
- **Web presence (Town website)**
- **Public hearing**

Project Overview: Online Visioning

Please add your suggestions on how Downtown Millburn can be improved.
(Click on a category below to enter a comment)



Permanently eliminate the parking meters on Millburn Avenue (OK to enforce time limits). The current situation discourages potential customers from shopping in Millburn for fear of getting a parking ticket from an expired meter.

[View the discussion](#) 4 days ago

Economic development is key. Like Montclair (I work there), rents are too expensive, so you don't get the long-term look like you do in New Hope, Chatham, Madison, Morristown. What are the secrets of those towns? We should highlight our beautiful South Mountain Reservation and Taylor Park, but if we can't handle that "all we care about is money" look, then we will not be successful, and a lot of our stores will stand empty very often. Honor the merchants, and you'll honor the town.

[View the discussion](#) 5 days ago

Please give the complete streets renovations on Millburn Ave a chance. Take away the parking and use the full extent of the large sidewalk for outdoor dining and shopping. There should be no parking on Millburn Ave there and it would be so much more friendly and a nice place to spend time in. We need more bike lanes!! I often ride my bike into town and to the park but am afraid to ride on Millburn Ave.

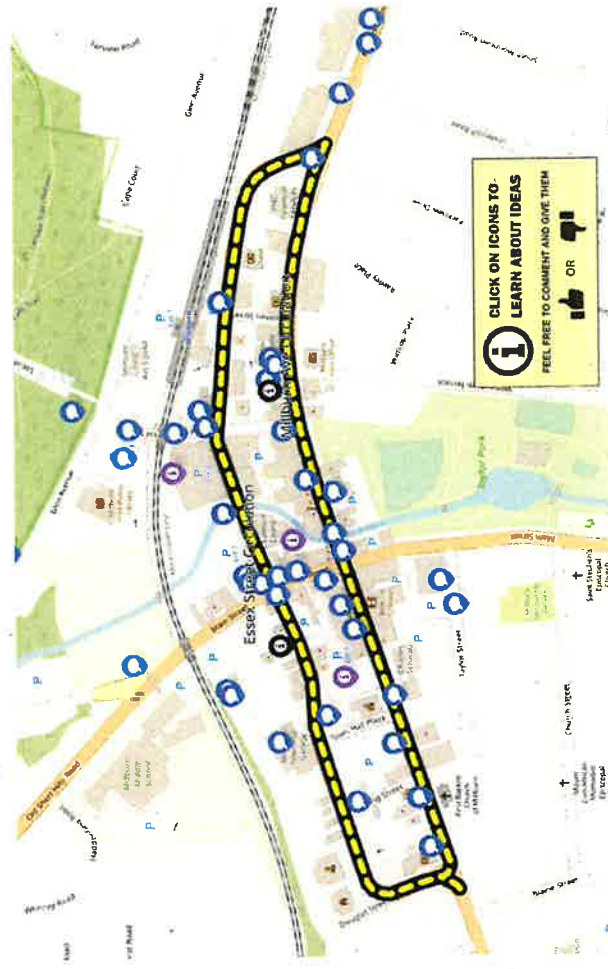
[View the discussion](#) 5 days ago

The town should upgrade the interior of the Bauer Community Center so that it could be repurposed as an Arts & Community Center. The cost would be minimal and the facility would have for many more things such as art shows, lectures, indoor concerts, displays, school demonstrations, etc. This will drive more community engagement and also bring more people to the downtown. A win for the community and for local businesses.

[View the discussion](#) 6 days ago

Would love to have quick dining (sandwiches, small food) that is healthy, preferably in a nice new installation with friendly people. We need more hipster places like Liv breeds where meals can be balanced, individualized (better than another part).

[View the discussion](#) 7 days ago



Ideas Wall: 161 comments
Public survey: 735 participants
Interactive Map: 205 comments

Discussion Questions

- What has changed in Newtown in the past 10 years? What hasn't (and what should)?
- What do you see as the three most significant issues that the POCD should address?
- What are some of the top priorities of the P&Z Commission? Any initiatives that we should know about?
- Where in the Town are you seeing disconnects between zoning and desired development?
- Are there uses that you see applicants seeking that are not accommodated by the zoning code?

Discussion Questions

- Are there specific policy or regulatory changes that you think are needed to support the broad range of housing needed in Newtown?
- Any issues with existing historic districts? Are there additional areas you think should be designated?
- Any other specific areas in Town that need particular focus?



Thank You!

3 Primrose Street
Newtown, CT 06470
(203) 270-4276
(203) 270-4278 Fax



TOWN OF NEWTOWN LAND USE AGENCY

ARTICLE I – GENERAL

SECTION 2 - INTERPRETATIONS AND DEFINITIONS

Farming- Essential activities on a farm including horticulture, crop raising, and the management of livestock but excluding operating a kennel, operating a pig farm, or the raising of pelt bearing animals or wildlife.

Ag-tivities / Agro-tourism - Events of limited duration on a farm that are incidental to Farming uses where the public is invited, including hayrides, animal interactions, corn mazes, educational field trips/workshops, demonstrations, cooperative Farming programs, pick-your-own operations and other similar activities.

Non-Agricultural-Related Use – Event activities that are part of the Farming operation and overall offerings but are not essential to agriculture, such uses may include, but are not limited to rental of farm property for weddings, receptions, corporate events and similar larger events.

ARTICLE III - RESIDENTIAL USES

SECTION 1 - FARMING AND RESIDENTIAL ZONES

Purpose and Intent

The Farming and Residential Zones are intended primarily for ~~single family residences~~ **residential Dwellings** and farms while promoting the preservation of agricultural land and supporting Farming as an important, viable business and lifestyle. Certain other uses such as government supported activities, religious worship, clubs, affordable housing developments and other listed uses which are consistent with the need to provide the quality of life necessary for and that which contributes to the overall community are permitted within certain limits.

Permitted Uses

3.01.212 Farming ~~Farming, including dairying, horse raising, sheep raising, and poultry raising but excluding operating a kennel, operating a piggery or pig farm, or the raising of fur bearing animals or wildlife.~~

Special Exception

3.04.380 Non-Agricultural-Related Use

3.04.381 Shall be farms of at least 20 acres

3.04.382 Maximum of 20 events per calendar year, limited to two per weekend.

3.04.383 Shall obtain a special event permit for each event.

1. Private events by invitation only such as wedding ceremonies, corporate events and similar larger events:

- a. All event activities shall be setback 300 feet from any residential property line and setback 100 feet from all other property lines.
- b. Event structures shall be a combined maximum of 5,000 square total feet.
- c. Events on Fridays and Saturdays shall end by 12:00 A.M. All other days of the week, special events shall end by 10:00 p.m.
- d. Off-site establishments to cater events are allowed including a maximum of three mobile food establishments
- f. Maximum number of guests: 250.
- g. Parking shall be designated on Special Event Permit plan.
- h. Limit one event per day

2. Non – Profit events open to the public such as fairs, festivals and shows:

- a All event activities shall be setback 300 feet from any residential property line and setback 100 feet from all other property lines.
- b. Event temporary structures shall be a maximum 5,000 square total feet.
- c. Events on Fridays and Saturdays shall end by 10:00 p.m. All other days of the week, special events shall end by 9:00 p.m.
- d. Off-site establishments to cater events are allowed including a maximum of three mobile food establishments
- f. Maximum number of guests: 250.
- g. Parking shall be designated on Special Event Permit plan.
- h. Limit one event per day
- I. The property owner shall have the sole responsibility to regulate admittance

Accessory Uses

3.01.540 Ag-tivities/Agrotourism

3.01.541 Farms of at least 5 acres.

3.01.541 Shall register with an Accessory Ag-tivities/Agrotourism Zoning Permit.



TOWN OF BROOKFIELD

BROOKFIELD, CT 06804

NOTICE OF APPLICATION FOR REGULATION CHANGE

11/9/23

Town Clerk
City of Danbury
115 Deer Hill Ave
Danbury, CT 06811

Town Clerk
Town of Newtown
3 Primrose St
Newtown, CT 06470

Town Clerk
Town of Bethel
1 School St
Bethel, CT 06801

Town Clerk
Town of Bridgewater
P.O. Box 216
Bridgewater, CT 06752

Town Clerk
Town of New Milford
10 Main St
New Milford, CT 06776

Town Clerk
Town of New Fairfield
4 Bush Hill Rd
New Fairfield, CT 06812

Re: Application for Text Amendment; Design Flexibility in the TCD Zone

On November 9, 2023, the Zoning Commission will hold a Public Hearing in Room 133 at 7:00 pm, on the following Application. The public hearing for this Application was opened October 12, 2023, but continued until November 9 at the request of the Applicant.

Application #Z-23-51: Proposed Text Amendment re: Article 5.1; Design Flexibility in the TCD Zone.

A copy of the proposed regulation is enclosed.

Regards,

Amy Curran
Land Use Administrative Assistant

TOWN OF BROOKFIELD

ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

Applicant:

A.R. Building Co

Land Owner of Record: (if for specific parcel)

Edward McCarty and Kathleen McCarty

Phone #: 724-741-2331

Contact Person: Emily Mitchell

Phone #: 724-741-2331

Phone #: 860 443-2903

Contact Person: Edward McCarty

Phone #: _____

Boundary Change:

- A. Two (2) copies of an official zoning map are attached hereto indicating:
 - (i) The area for which the change is requested.
 - (ii) The proposed boundary lines and narrative description of the boundaries.
- B. The current Zone Designation is: _____
- C. The proposed Zone Designation is: _____
- D. Rationale for the requested change is attached.
- E. A list of adjacent property owners is attached.

Regulation Change:

Article 5-5.1 Town Center District
5. Design Flexibility

- A. The current Section Number is: _____

The current text reads: (Attached)

- B. The Proposed Section Number is: 5 Design Flexibility
#6

The proposed text or deletion is: (Attached)

- C. Rationale for the requested change is attached.

Applicant Signature and Representation:

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature:

Emily Mitchell

Land Owner's Signature:

(For Zone Change Applications)

Edward McCarty

Kathleen McCarty - POA
Kathleen McCarty

Article 5 – Special Districts

5.1 Town Center District (TCD)

A. Purpose

This district encompasses the historical business center of the town. Many business establishments within the district have been in operation prior to the enactment of the Regulations, and physical conditions exist which limit their compliance with regulatory requirements and/or good planning principles. It is considered in the best economic interest of the Town to foster business development of both new and existing establishments in a planned, integrated, and orderly manner and in such a way as to complement the historic character and traditions of the district.

In the future, the Four Corners will become a center of activity in Brookfield and a destination. It will be a "downtown" for Brookfield that is well defined visually and aesthetically, providing a positive experience for residents and visitors, with a distinctive identity that is well known throughout Brookfield and the region. Development will have complementary scale, character, and density that will contribute to a sense of both history and vitality. It will offer places to live, work, shop, eat, and find entertainment and cultural enrichment. The area will provide a diversity of services that enhance the quality of life for residents and invite travelers to stop. This will be complemented by access to the Still River as a scenic resource in the Four Corners. It will have complementary civic spaces in the form of outdoor parks and plazas and public community facilities. Most new development will result from infill and from reuse or redevelopment of existing sites. No new strip or large-scale single-use developments will be built.

The area will be easy to access and navigate by car, bicycle, transit, and on foot. There will be a variety of opportunities to travel by all these means along all roads within the Four Corners area including walking, biking, rail, and bus along with key connections among those means. Streets in the Four Corners will offer a balance among motor vehicle and pedestrian and bicycle traffic, with an enhanced streetscape that is pedestrian friendly and complementary to the character of the area. This will be accomplished through improvements such as landscaped sidewalks, aesthetic lighting, and areas to pause and relax such as plazas with benches near public art and other public spaces. Traffic on Route 7 will flow at reasonable speeds through the area as a result of measures designed to encourage drivers to slow down, improve safety, and minimize any degradation of the character of this special place.

B. Plan of Conservation and Development

The Commission shall use the Plan of Conservation and Development as amended to include the Four Corners Revitalization Plan, approved by the Planning Commission, Town of Brookfield, as a guide in reviewing all applications for design review approval within the district. In particular, the Commission shall consider and be guided by the various aspects of the Plan, which may identify historic sites, irreplaceable site features, wetlands, utility concepts, bridges and walkways, service areas, common areas and open space, potential housing sites, access drives, vehicle and pedestrian circulation patterns, and common parking areas in addition to other elements.

C. Common Service Areas

In order to provide for services to the district as a whole, certain areas within the district may be acquired by various business entities and held in common under a condominium association or similar entity. Such service areas may consist of access drives, parking areas, area lighting, utility facilities, walkways, seating, landscaped areas, etc.

D. Permitted Uses

1. Table of Permitted Uses

The permitted uses established for the TCD are as indicated in Table I, "Table of Permitted Uses" appearing in Section 4.2.

2. Residential Apartment or Condominium Dwelling Units

Residential apartment or condominium dwelling units may be permitted on floors other than the first floor of a mixed-use structure, **except:** *[amended eff. 2021-Jan-20]*

- (a) When the structure is located more than three hundred (300) linear feet from Federal Road as measured along the road, such dwelling units may occupy the first floor;

OR

- (b) When a mixed-use structure is on a parcel located with a street address on a road other than Federal Road, the first floor shall contain a minimum of forty (40%) percent commercial with the balance residential. If requested by the property owner pursuant to an application for a modified Special Permit and, upon demonstration by such property owner that, despite a good faith marketing plan, all or a portion of the space designated as commercial could not be sold or rented for such use during the first eighteen (18) months after issuance of the Certificate of Occupancy, the Commission may re-designate all or a portion of that space for additional residential use.

Each such dwelling unit shall not contain more than two bedrooms.

3. One-Family Dwellings/PARCs/Multi-Family Dwellings

One-family dwellings, PARCs, and Multi-Family Dwellings (notwithstanding point 2 above) are permitted only in the TCD Perimeter Overlay Zone (see Section 5.2 of these Regulations).

4. Square Footage Restriction

Each new structure permitted within the district shall not exceed a footprint of 12,000 square feet, except when the new structure is a supermarket/grocery store or municipal building, when the footprint shall not exceed 20,000 square feet.

5. Drive-Thru Facility

- a) The lot shall be a minimum of 40,000 square feet;

- b) The lot must have frontage on a state highway, thus making it subject to state Drive-Thru regulations.

E. Land Use Standards

Lot Area, Min.	As determined by parking space and building footprint requirements for a particular use or group of uses but not less than 10,000 square feet
Impervious Coverage, Max.	80%
Loading/Refuse area, Min.	250 square feet
Lot width, Min.	50 feet, plus 26-foot-wide side yard driveway if rear parking is required
Side Yard	None
OR, if a Side Yard Driveway is provided, the setback from the inner edge of the drive	None
Rear Yard	10 feet, plus the width of a rear yard driveway
Front Yard Setback, Min.	6 feet from sidewalk or property line, whichever is closer
Front Yard Setback, Max.	25 feet from property line
Height, Max.	Three stories and 42 feet
Sidewalk width, Min.	6 feet wide or as per Town Center District Sidewalk and Access Management Plan
Common or Public Areas	Refuse containers, seating areas, and other pedestrian amenities shall be provided at locations approved by the Commission.

F. Architectural Guidelines

Additional design standards for compliance for site design are set forth in the TCD Design Guidelines in Appendix 2 of these Regulations.

G. Conflicts

Where compliance with the TCD Design Guidelines is required pursuant to this Regulation, to the extent that there is any conflict between a specific provision of this section and the TCD Design Guidelines set forth in Appendix 2, the requirements of the TCD Design Guidelines shall prevail and apply.

H. Application and Permitting

1. In addition to meeting all requirements of Section 8.5, "Special Permit Application," all projects shall demonstrate:

Article 5 – Special Districts

- a. Preservation of historical sites and irreplaceable site features
- b. Preservation of the architectural design of the original building during renovation or expansion of existing buildings
- c. Continuity of the architectural theme with adjacent structures
- d. Harmony of building material texture and color with other district structures

2. All projects must undergo a preapplication review with the TCD Design Review Team, which shall be chosen by the Commission. The advisory team may be comprised of the following technical specialists: an architect and a landscape architect, the Zoning Enforcement Officer, the Town Historian, Fire Chief or his designee, Fire Marshal, Sanitarian, Building Inspector, WPCA Chief of Maintenance, and Inland/Wetlands, when applicable. A complete site plan must be submitted prior to the preapplication meeting. The team and its members will function in an advisory capacity for the Commission and will provide a report for each project proposed in the TCD.

I. Parking

1. Off-Site Parking - Notwithstanding 6.1, if a business has insufficient parking to meet the regulatory requirements on the site where the business is established, the business may satisfy the requirement by acquiring (lease or purchase) the additional required parking spaces on an off-site location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of a defined off-site parking location shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.

2. Aesthetic and Pedestrian Considerations - If a business determines that site aesthetics and pedestrian accessibility can be improved by the addition of malls, walkways, landscaping, or similar site elements, or if adequate additional off-street parking is provided, it may apply to the Commission for a special permit that would allow for reduced on-site parking in favor of these design enhancements and the substitution of additional parking spaces within a defined off-site parking location approved by the Commission. In such instances, the distance from the closest perimeter wall of the business establishment to the perimeter of the defined off-site parking shall not exceed 900 feet, except that parking spaces dedicated for employee use may be at a greater distance.

3. Location

- a. With the approval of state and municipal authorities, street-side parking within the right-of-way is permitted.
- b. No street-side berms are required.
- c. Off-street parking shall be located in the side or rear yards of street-front development.

4. Minimum Spaces – Parking shall be provided as required by Section 6.1 of these Regulations.

J. Design Flexibility

1. Assemblages – In order to allow for more practical and conforming development, the assemblage of smaller, contiguous parcels into a legal, consolidated conforming parcel is to be encouraged.

2. Side Yards – Pursuant to Section 5.1E above, the Commission has provided for the "clustering" of buildings, on separate sites, planned in such a manner as to foster pedestrian accessibility and continuity, integrity of architectural design, and the orientation of buildings to the street. In such instances, the adjoining buildings may be connected by covered pedestrian walkways or courtyards. The Commission, however, must give specific consideration to the need to provide emergency passage of vehicles through these yards and fire protection methods.

3. Setbacks from Access Drives – Setbacks from common area access drives shall not be less than ten feet. No parking space may be located closer than ten feet from a building.

4. Parking Areas – Buffers, setbacks, and other distance requirements pertinent to parking areas may be reduced when the Commission finds that such reduction will foster pedestrian accessibility, pedestrian and vehicular safety, and utilization of good design and engineering principles. Pedestrian walkways are permitted within any buffers in setback areas between roads, drives, accessways, and parking area pavement.

5. Signage – Signs within the district shall conform to the requirements of Section 6.2, except as follows:

a. There shall be a common design concept, approved by the Commission, for signs for individual businesses located within a building or grouping of buildings.

b. "Building signs" of the prescribed size shall be allowed on both the front and rear of a building.

c. "Freestanding signs" directing vehicles to the access points or assigned parking area of individual businesses may be erected on the approach to access drives or roadways provided that:

- i. The location of the signs is consistent with the Plan of Development,
- ii. The sign(s) do not inhibit lines of sight.

Article 5 – Special Districts

- iii. The overall sign shall have lettering and directional arrows that contrast from the background and shall not exceed a size of 20 square feet.
- iv. Individual sign panels, placed on the above sign and indicating the individual business name, shall not exceed six inches x 36 inches.
- v. Signs shall be no more than 10.5 feet in height.
- vi. Sign location shall not interfere with the use of any sidewalks.

d. Signs which identify the district may be erected at the borders of the district with the prior written permission of the landowners of record. These signs shall be uniform in appearance and shall not exceed 20 square feet.

K. Sidewalks**1. Installation**

For any new, modified, assembled, or subdivided properties within the District, sidewalks shall be installed as follows:

- a. Along all street frontages, between the road right-of-way and building frontages;
- b. Along all sides of a developed site which abut a public highway;
- c. Adjacent to entrances to buildings at locations deemed appropriate by the Commission;
- d. So as to connect sidewalks on a user's property with parking areas on the same or adjacent properties;
- e. So as to connect any sidewalk on a user's property to adjacent parks, plazas, or other open space and/or recreational areas; and
- f. In the event an adjacent sidewalk is planned but not built, the sidewalk shall be built so as to connect to the proposed sidewalk.

2. Sidewalk Location

- a. Sidewalks shall not be permitted within any area dedicated by either the DOT or the Brookfield Director of Public Works (DPW) for guardrails, fencing, drainage devices, plowed snow storage, and the like.
- b. Sidewalks shall be located parallel to the street at a height six inches above the edge of pavement unless otherwise determined by the Commission so as to adjust to variable site conditions.

Attachment B – Proposed Addition

Article 5 – Special Districts

5.1 Town Center District (TCD)

J. Design Flexibility

6. Development of Vacant Constrained Lots – For lots within the TCD which are vacant as of July 1, 2023, include frontage on Federal Road, and encompass environmental constraints such as inland wetlands or other natural resources which limit opportunities for practical and conforming development, the Commission may approve, subject to a Special Permit, development with the following flexibility to typical bulk and dimensional requirements:

- a) Maximum Building Footprint: 16,500 square feet.
- b) Maximum Front Setback: Not applicable.
- c) Maximum Height: 4 stories and 50 feet.
- d) Residential Density: 14 Dwelling Units/Acre.
- e) Maximum Number of Dwelling Units per Structure: 51
- f) Number of Independent Means of Access: 1

Attachment C – Rationale for the Requested Change

The proposed text amendment is a narrowly tailored approach to providing additional flexibility in the development of vacant and constrained lots within the TCD district.