

TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting Agenda
Wednesday, November 3, 2021 6:30 p.m.

3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

In-Person: Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT All attending in person are required to wear masks.	
Online: Click link below: https://townofbrooklyn.my.webex.com/townofbrooklyn.my/j.php?MTID=m03cff485e32a4158afe905fc971a3c27	OR Go to www.webex.com , click Sign In On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First
Phone: Dial 1-415-655-0001 Enter meeting number: 126 815 8731 Enter meeting password: 34778 You can bypass attendee number by pressing #	

- I. Call to Order**
- II. Roll Call**
- III. Seating of Alternates**
- IV. Adoption of Minutes:** Regular Meeting October 19, 2021
- V. Public Commentary**
- VI. Unfinished Business:**
 - a. **Reading of Legal Notices:**
 - b. **New Public Hearings:**
 - 1. **ZRC 21-001:** Request to change Zoning Regulations concerning Conservation Subdivisions, Applicant: David Held.
 - 2. **SRC 21-001:** Request to change Subdivision Regulations concerning Conservation Subdivisions, Applicant: David Held.
 - c. **Continued Public Hearings:**
 - 1. **SP 21-002:** Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack. ***Public Hearing continued to November 16, 2021.***
 - d. **Other Unfinished Business:**
 - 1. **ZRC 21-001:** Request to change Zoning Regulations concerning Conservation Subdivisions, Applicant: David Held.
 - 2. **SRC 21-001:** Request to change Subdivision Regulations concerning Conservation Subdivisions, Applicant: David Held.
- VII. New Business:**
 - a. **Applications:**
 - 1. **ZRC 21-002:** Request to change Zoning Regulations concerning retail sale of cannabis and micro-cultivation.
 - b. **Other New Business:**
- VIII. Reports of Officers and Committees:**
 - a. Staff Reports
 - b. Budget Update
 - c. Correspondence.
 - d. Chairman's Report
- IX. Public Commentary**
- X. Adjourn**

Michelle Sigfridson, Chairman

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, October 19, 2021 6:30 p.m.**

3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

In-Person: Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT All attending in person are required to wear masks.	
Online: Click link below: https://townofbrooklyn.my.webex.com/townofbrooklyn.my/j.php?MTID=m06601768d9f69b94af83afa453a07780	Go to www.webex.com, click Sign In OR On the top right, click Join a Meeting Enter meeting ID: 126 613 4783 Enter meeting password: Second
Phone: Dial 1-415-655-0001 Enter meeting number: 126 613 4783 Enter meeting password: 732663 You can bypass attendee number by pressing #	

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:37 p.m.

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, John Haefele (all present in person).
Charles Sczuroski was absent with notice. Seth Pember and J.R. Thayer were absent.

Staff Present (in person): Jana Roberson, Director of Community Development.

Also Present (in person): Norm Thibeault, Killingly Engineering Associates; Greg Fedus, Fedus Engineering/COPAR

Present Via Webex/Call-In Users: Nicholas Mancuso; Scott Hesketh; Brennan Hynes; Lisa Vickers; Diane Wimmer; Justin Kirkconnell; Dan Scotto; L. Donovan; Marie; Tom; Zach; Alicia; Adam; Cheri; Mooney; Bob; Joe Voccio; Lisa Lindia; J.S. Perreault, Recording Secretary.

III. Seating of Alternates

Motion was made by A. Fitzgerald to seat Alternate J. Haefele as a Voting Member for this meeting.
Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (5-0-0).

IV. Adoption of Minutes: Regular Meeting October 6, 2021

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of October 6, 2021.
Second by J. Haefele.
Discussion:

C. Kelleher and J. Roberson noted the following correction:

- Page 5, second motion, first condition, delete the word “vinyl.”

Mr. Tanner rescinded his motion as he had not attended the meeting.

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of October 6, 2021.
Second by J. Haefele.

Discussion:

Motion to include the following correction:

- Page 5, second motion, first condition, delete the word “vinyl.”

Motion carried unanimously by voice vote (6-0-0).

V. Public Commentary – None.

VI. Unfinished Business:

a. **Reading of Legal Notices:** None.

b. **New Public Hearings:** None.

c. **Continued Public Hearings:**

1. **SP 21-002:** Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. Mr. Thibeault stated that many of the comments from the Reviewing Engineers had been addressed, but not all, and he will also go through those this evening. There had been two site walks scheduled, but both had been cancelled (the first due to weather and the second because it was not advertised properly). He anticipates that this public hearing will be continued again for site walk purposes and to give them the opportunity to continue to address the review comments.

Mr. Thibeault gave his presentation (plans/maps were displayed as discussed):

- Traffic Study by Hesketh & Associates which was reviewed by KWH (the Town’s reviewing engineer). Mr. Thibeault has the response from Hesketh & Associates stating that all recommendations/suggestions made by KWH have been incorporated:
 - Hesketh & Associates did some additional traffic counts to determine traffic volumes.
 - The Report was adjusted regarding trips per day based upon single-family housing vs multi-family (which generates less traffic). Intersection of Gorman Road and Louise Berry Drive was analyzed during peak hours of dismissal/parent pick-up and compared it to anticipated trip generation numbers for a.m. and p.m. hours. It was determined that the single-family use had the highest trip generation, therefore, the development is now projected to generate a total of 25 trips during the peak morning hour and 16 trips during the afternoon school peak hour. The actual peak hour for people returning back home occurs after the school afternoon peak hour (32 trips). Hesketh & Associates concurs with KWH that the proposed residential use would not be considered a major traffic generator.
 - Mr. Thibeault explained level of service rated A through F (A=shortest amount of delay/free-flowing traffic and F=the worst meaning substantial delays). Level C would be the worst anticipated during the 15-minute to half-hour period when school is being let out and parents are picking up students. It is described as stable flow (you could expect delays at the intersection of Louise Berry Drive and Gorman Road of 16 to 18 seconds before you could pull out).
 - Impact on schools. Traffic volumes are relatively low on Louise Berry Drive.

They don't anticipate any conflicts with site access.

There are faculty parking spaces located directly across from the proposed site entrance. Although that could potentially be a conflict point, teachers are typically there after the students leave, so the potential for conflict is very low.

- Mr. Thibeault had a telephone conversation with Patricia Buell, Superintendent of Schools regarding the potential access for students who may live in the development, in the future, and providing a means for them to walk to the school. He said that the plans have been revised showing a small section of sidewalk coming out of the development, a crosswalk that extends to school property and then an extension of sidewalk that connects to an existing sidewalk on the school grounds. He said they had an informative discussion and that is the solution that they came up with.
- On-site circulation. They looked at the Town's road ordinance which requires a 20-foot radius on all of the intersecting streets. This would be the driveway going into the proposed development and also the side roads that they are proposing on-site. All of the road radii within the development have been adjusted to achieve that 20-foot road radius to allow for turning of larger vehicles.
- Summary of Hesketh & Associates' professional opinion regarding the Traffic Study is that the proposed development will not significantly impact operations on local roadways. The approach to the intersection of both Louise Berry Drive and Gorman Road are acceptable at Level of Service "C" during peak hours. Mr. Thibeault added that they are both Level of Service "A" during non-peak hours.
- Comments from the Fire Marshal or Fire Chief regarding on-site traffic:
 - Suggests that a 75-foot radius would be necessary for the cul de sac. Mr. Thibeault referred to Section D.103 of the Fire Code which states that minimum specifications for an access road with a hydrant calls for a 96-foot diameter cul de sac which is 48 feet. They are proposing 50 feet which is what the Town's ordinance calls for, so they are in compliance with the Town's Road Ordinance and with standard practice. A 75-foot radius would result in over 17,000 more square feet of paved surface which they do not feel is necessary. He researched and said that there is no precedence for a 75-foot cul de sac within the Town or anywhere else that he has seen in the past. Mr. Thibeault spoke of other options for the turn-around (Y or hammerhead T or 120-foot hammerhead) which he does not feel are appropriate for a residential development.
 - Suggestion that a third hydrant may be needed. The original review by the fire Fire Marshal stated that two were needed, but it would not be a problem to put in a third if necessary.
- Architectural Plans:
 - Revised Architectural Plans were submitted with the Title Block and all of the elements that the Commission requested (types of finishes and what they are going to look like, some elevations).
 - Mr. Thibeault described the floor plans levels while indicating on the plans (Commission Members had been provided copies). Some have three bedrooms and some will have two bedrooms and an office.
 - Mr. Thibeault described exterior elevations and finishes. There will be some landscaping between the units (where the driveways step-up along the terrain) which is not shown of the Architectural Plans.
 - Mr. Thibeault described rear elevations (cross section/side view).

- Mr. Thibeault described detail for firewall between the units. He explained the building code. The units will be constructed with a combination of one-hour and two-hour firewalls to meet the fire code.
- Regarding the question of qualified professional/licensed architect to provide the plans. These plans were done by NTH Design, LLC out of Brooklyn, CT. He explained that the person who put these plans together (Mark Skana) has 35 years of experience in architectural design and is very familiar with building code. Mr. Thibeault stated that, in his opinion, Mr. Skana is qualified.
- Number of stories (2 story vs 3 story structures):
 - Mr. Thibeault referred to page 29 of the Definitions of the Regulations and he provided copies of a sketch (to Commission Members) that he put together which he believes meets the intent of the Regulations.
- Regarding concerns about property values/affordable housing.
 - Mr. Thibeault explained that this is not affordable housing and there is no intent to do affordable housing here. There are a lot of criteria that would have to be met that this development does not meet. He had contacted Jared Meehan, a broker with REMAX Bell Park Realty, who provided a letter offering his professional opinion and expertise regarding possible impact of this development to surrounding properties. Mr. Thibeault read the letter aloud into the record, in which, Mr. Meehan gives his opinion that this development should not have a negative impact on surrounding properties and he also states that, in his opinion, the Project could help increase the values of surrounding homes. Mr. Meehan offered his cell phone number (508)561-0249 and his e-mail address jaredmeehan@remax.net to answer questions or concerns. Mr. Thibeault submitted the letter for the record.
 - Mr. Thibeault displayed a sketch regarding property values and an aerial photo (he provided copies to Commission Members). The closest residence to any of the proposed units is Linda Atsales at approx. 300 feet. From the east, is Kurt R. Houseman is 118 feet from the nearest ADA accessible unit. Limits of clearing from the property on Franklin Drive is approximately 250 feet away.
- Mr. Thibeault addressed concerns regarding habitat and the presence of possible protected or endangered species. He referred to the Natural Diversity Database for the Brooklyn area dated June 2021, which shows that there are no critical habitat or species of concern associated with the site.
- Mr. Thibeault addressed comments/recommendations by landscape architect, LADA, P.C., as outlined in their letter dated September 13, 2021 (included in packets to Commission Members).
 - Provided a site proximity plan with aerial overlay with respect to the surrounding properties.
 - The property is identified as a moderate critical resource area in the POCD because of the wetland resource on the property and because of the access to the trails. Habitat and the presence of possible protected or endangered species was discussed above.
 - The moderate critical resource area does not demonstrate any unique or cultural features. It has been historically utilized for agricultural and logging purposes and has been previously disturbed. This project will provide a variety of housing types and densities. The on-site wetlands will be preserved. It is not in an aquifer-protection area, a conservation corridor or in an area of key agricultural land.

- They believe this development will offer opportunities for young professionals, first-time homebuyers and critical sectors of the workforce.
- Radii on the roads are compliant with the Town's Regulations. They believe that the 50-foot cul de sac also complies. Per the suggestion of the Fire Marshal and per the Fire Code which recommends a 26-foot wide road width at the hydrants they will make an adjustment to either make the entire road 26 feet wide or a portion of the road 26 feet wide.
- The front doors for the units have been addressed on the Architectural Plans.
- Locations of existing hydrants are identified on the plans (base mapping).
- They received detailed information on traffic patterns for the school and it has been reviewed by the Traffic Engineer and they concluded that they do not believe that there will significant impacts to the pick-up and drop-off schedule for the school. The a.m. and p.m. peaks for this development do not occur at the same that the peak for the school occurs.
- Length of right-of-way: Louise Berry Drive ends 243.74 feet along the property frontage. Justification was provided to J. Roberson. It is based upon the amount of roadway funding that the Town receives from the State. At the end of the public right-of-way, it becomes the school's property.
- A 20-foot radius has been provided on all of the streets within the Project and a 50-foot radius on the cul de sac. All have been adjusted and labeled accordingly on the Plans.
- Access to the recreation area: They have made an adjustment to the Plan within the recreation area showing a playscape (he indicated a 40' x 60' area). They will construct a gravel path that will lead to the playscape as well as to the easement area connecting to the existing trail system. Per discussion that he had with Ms. Roberson, whether this can be considered a trailhead would need to be determined, but it would be an access point to the trail. Mr. Thibeault's opinion is that he feels it would be more of an access just for the people of this development.
- Regarding general landscaping compliance:
Mr. Thibeault noted that the existing vegetative coverage is not only damaged due to recent storms, but also due to the property being heavily logged before the Applicant purchased the property, so it is difficult to access at this point.
Regarding screening between units especially on the north side of the site: A row of evergreen plantings (Arborvitae) will screen the back decks and keep headlights out of the buildings. Street trees will be at 40-50-foot intervals all the way around the cul de sac.
Dead, damaged and invasive vegetation will be removed from the proposed clearing limits to the wetlands boundary (noted on the plan).
- Lighting: Plans show 10-foot high, Colonial, lantern-style, full cut-off lights which will provide safety on the site without creating bright-sky conditions.
Lights on the Buildings: Full cut-off sconce lights above garage doors and front lights. Low-level lighting pointed downward. There will be no lighting that shines outward from the site.
He feels this will keep the dark-sky here that people are accustomed to seeing.
- Energy Conservation: He explained that, whenever possible, they are trying to keep the long access of the buildings for a southern or at least an eastern exposure to allow for radiant heating or sunlight in the buildings.

- Regulated areas shown on all plans (175-foot offset from the centerline of the stream and the 100-foot offset from the edge of the wetlands).
- Provided a legend on the Planting Plan showing the number of proposed plants.
- Regarding the conflict between the parking and garage numbers listed: Mr. Thibeault explained that there is going to be a two-car garage in the place questioned. He said the numbers on the Parking Plan are correct and accurate. There are three spaces per unit (two garage and one driveway) and there are 13 additional spaces throughout the site. They are well in excess of that requirement.
- Mr. Thibeault addressed the remaining questions regarding Syl Pauley's review:
 - Page 7, Comment #13 – Information from CT Water regarding the two hydrants was re-forwarded to Staff earlier in the day (55 psi and over 1,200 gallons per minute – well above the minimum of 750 gpm).
 - Page 14, Comment #5 – Detail for flared end section – They switched from concrete to high-density polyethelene.
 - Page 15, Comment #9 – Mr. Trinkaus does not concur with Mr. Pauley's comment that 4-foot sumps and hoods on all catch basins are required. The last catch basin is the only one for which Mr. Trinkaus would recommend that. Mr. Thibeault explained that it is easier to keep track of, clean and maintain if only on one.
 - Page 18, Comment #12 – Sidewalk is shown as a 5-inch thick sidewalk with Portland concrete cement and is specified in the Construction Detail.
 - Page 19, Comment #4 – Parking exceeds the regulatory requirements so, additional on-street parking is not required or prudent because of the grades.
 - Page 20, Comment #25 – Regarding a Wetlands Biologist Report - The Project has been approved by the IWWC. The original Wetlands Report and Evaluation was done by Joseph Theroux, Soil Scientist, who delineated the wetlands. Per the DEEP National Diversity Database, there are no species of concern on this property.
 - Page 21, Comment #7 – Mr. Thibeault explained that they disagree with Mr. Pauley's comment regarding the plans being schematic in nature and require a lot of guesswork.
 - Page 22, Comment #11 – Architectural Plans have been provided.
 - Page 23, Comment #3 – Mr. Thibeault explained that, based upon the Regulations and the Statutory requirements, they do not believe that the Application is incomplete. He agreed that there are still some things that need to be addressed, but completeness is defined in the Regulations regarding what submissions are required with the Application, which they have provided.
 - Page 23, Comment #4 – Test pits were witnessed by Mr. Thibeault who stated that he has been reading test pits and doing profiles for more than 30 years and he feels that he is qualified to do so.
 - Page 24, Comment #7 – They acknowledge that the registration of the CT DEEP General Permit for the discharge of storm water associated with construction activities is required for this Project. They concur that the registration needs to be filed 60 days before the start of construction. He explained that this is not an application, it is a registration and Connecticut actually holds this permit as a general permit which they renew on a five-year basis. For projects under 100 acres, the Applicant just needs to register that blanket permit that the State holds.

- Mr. Thibeault agreed with Mr. Pauley's comment that an as-built plan is required by the Regulations.
- Mr. Thibeault addressed comments from Trinkaus Engineering regarding storm water:
 - Mr. Thibeault explained that the last set of revised plans provided show a phasing plan: The road would be constructed in its entirety; residences will be constructed from the top, down (so that people can start moving into them and they won't have to go through a construction site to get to their homes); the binder course of pavement won't be installed until the Project is completed in its entirety. Installation of the binder course allows emergency vehicles to access the site, if necessary, and to turn around all the way at the end if they need to.
 - Regarding the method to determine the infiltration rate: double-ring infiltrometer (very expensive to buy - \$3,000) vs. percolation testing vs. soil sample.
Options: Find a place a soil-testing facility with an infiltrometer and have them do the test; ask Mr. Trinkaus if he knows someone who has one; ask Mr. Trinkaus if there is another method he would find acceptable.
Mr. Thibeault explained that this information is needed for the rest of the design.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS and STAFF:

- **A. Tanner** asked about the right-of-way funding that the Town gets from the State.
J. Roberson explained that the Town Clerk researched the status and length of Louise Berry Drive (formerly School Street). She explained that the State relies on Towns to accurately document the length of their town roads. The Town of Brooklyn has claimed to the State that it is a Town road and the length has been verified by the Town Clerk. Ms. Roberson stated that she can testify that the Applicant does have the amount of frontage that they claim to have. She offered that she can provide further documentation.
Mr. Tanner asked whether a survey had been done on the school property. He would like to see a definite delineation.
Mr. Thibeault explained their survey plan, prepared by Archer Surveying (not on file), shows the 243.74 feet of frontage on Louise Berry Drive and he referred to a note on the plan stating that it was done by a Boundary Line Agreement dated December 11, 2019.
Mr. Thibeault stated that his partner, Greg Glaude, Licensed Surveyor, had forwarded information to Ms. Roberson regarding his determination of where the limit of the Town road (Louise Berry Drive) ends.
Mr. Tanner stated that he is satisfied.
- **J. Haefele** asked about qualified architect signing off on the plans.
Mr. Thibeault stated that he is not a licensed architect and noted that the Regulations say a "qualified professional."
Mr. Haefele noted that the normal interpretation is a licensed architect.
- **J. Roberson** explained about the process for this stage of the public hearing and the documents received. She explained that the consultants have not yet had a chance to review/respond to the changes since they have been submitted. If the public hearing is continued, more information may be received as well as comments from the public (verbal or written) up until the public hearing is closed.
- **A. Fitzgerald** asked about import/export.

Mr. Thibeault explained that there is a little bit of export. (1,500 to 1,800 yards).

Mr. Fitzgerald said that the sketch defining story doesn't work on Units 1, 2, 3, 46 and 48 due to slopes.

Mr. Thibeault explained that Units 1, 2 and 3 are the ADA accessible units (single-level units). He will provide detail for those.

Mr. Thibeault explained that Units 46 and 48 are walk-outs. He will provide detail for these also.

Mr. Fitzgerald asked how long the Project will take.

Mr. Thibeault explained that it is a five-phase project and it would probably be a five-year build-out depending on market sales (ten units per year). The road will take about three-to-four months to construct.

Mr. Fitzgerald asked if there would be any detail provided for the road (run-off, maintenance) during the five years. Binding doesn't bring you to the catch basins.

Mr. Thibeault stated that he will address that with the phasing plan. He only has the layout at this point.

Mr. Fitzgerald asked about bonding.

Ms. Roberson explained that a performance bond can be required to guarantee that the work gets completed appropriately. She clarified that it would be an interior access drive. The consultants will have an opportunity to comment.

- **C. Kelleher** would like to know the reason why the Fire Marshal requested a 75-foot radius. She also mentioned that she would like follow-up to the comments made by a member of the Fire Department who had spoken about rear access to the buildings.

Ms. Roberson stated that she is expecting to receive comments from Chief Breen (Mortlake Fire Department) as she had asked him to review the Project and confer with the Fire Marshal and to provide recommendations if different from what has been submitted. She said that verbal testimony had been received, at the last public hearing, from the Assistant Chief of Mortlake Fire Department and written comments had been received from the Fire Marshal.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Pamela Nichols**, 130 Gorman Road, commented about the traffic study done by KWH Enterprises. She read aloud a statement made six years ago on September 22, 2015, during an interview on WINY Radio by May Lyons, Chairman of the BOE for Brooklyn, regarding traffic congestion at the school. Ms. Nichols said that traffic congestion has increased tremendously with the pandemic and that a 16-18 second delay is grossly understated. Ms. Nichols asked that Ms. Lyons' comments/concerns be made part of the record. Ms. Nichols stated that she would consider 8:30 to be the AM peak on Gorman Road. She said that traffic generation is a major concern and that it has been considered a major congestion area for many years.
- **Diane Hostman** submitted a photo, for the record, of cars parked by the school on Louise Berry Drive. She asked if an old-fashioned traffic counter had been used to count traffic.

Mr. Thibeault explained that the counts were hand counts by someone who was out there recording information during peak hours, which is how a traffic analysis is typically done. School peak hours are from 8:15 – 8:45 a.m. and from 3:15 – 3:45 p.m.

Ms. Hostman submitted another photo, for the record, showing what is seen now from her deck (near the ADA units) as opposed to what will be seen after the Project is completed. She said it will be close to her property line. **Ms. Hostman** submitted a third photo, for the record, of a hawk that she said they see every year. She was not sure, but she feels that hawks may be an endangered species. **Ms. Hostman** stated, for the record, that she does not want the Application to be approved.

Ms. Roberson asked that call-in users eliminate background noise so that all would be able to hear.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- **Bill Purcell**, 179 Gorman Road, stated that he does not feel that there is enough outside parking. He is concerned that people may not park inside the garages.

Mr. Purcell questioned and asked to see what was presented for the story levels and how it matches up with the 35-foot maximum height.

Mr. Thibeault explained that it would be from the lowest level to the midpoint of the roof, as defined by the Regulations (32-feet high).

Mr. Purcell commented regarding that, to the east of the Hostman property where the logger removed a lot of trees, he does not feel that there is adequate screening between the ADA Units and the Hostman property. He referred to Section 7 of the Regulations and also the LADA Report and he said that he would like to go on the site walk to show the area where he feels buffering is needed. He also does not recommend arborvitae as it gets damaged by deer.

Ms. Roberson stated that everything that has been submitted into the record is available in her office for public review and will also be on the website.

M. Sigfridson stated that they intend to reschedule the site walk and she explained that discussion is discouraged on site walks. The public hearing, on the record, is the appropriate place for discussion. She thanked Mr. Purcell for his comments and said that they will look at what he suggested during the site walk.

QUESTIONS/COMMENTS FROM THE PUBLIC (ONLINE AND CALL-IN USERS):

- **Marie** commented (via Chat) that the Traffic Study does not include the five-year build and asked if the traffic flow during construction is being considered in the “unrealistic Study.”

Mr. Thibeault explained how peak hours are determined.

Mr. Fitzgerald commented that he feels that the property owners do not agree with the peak hours as determined by the Study for Gorman Road and the School. They feel that there is more traffic after 4 p.m.

At this time, it was discovered that there were technical difficulties with the audio for those online and calling in.

Scott Hesketh, Traffic Engineer, addressed the comments regarding peak hours and construction traffic. He stated from 7 a.m. – 9 a.m. and from 2:30 p.m. – 4:15 p.m. and he believes those hours coincide with the pick-up and

drop-off hours at the School. Using the turning movements observed at the intersection of Gorman Road and Louise Berry Drive and the CT DOT traffic volume counts (conducted pre-COVID during 2019). They are reflecting the higher volumes from Gorman Road and from the School. He explained that he believes that they are reflecting the appropriate hours of analysis.

- **Linda Musen** (Call-in User), Gorman Road, explained a situation that she had encountered several houses down from the School (between 3:15 p.m. – 3:30 p.m.) which made her late for an appointment.
Mr. Hesketh agreed that it is busy around the School at pick-up times, but he stated that the difficulties in the area are related to the School and parents picking-up and dropping-off students, not due to residential traffic. He said that difficulties should be addressed by the School, not neighboring property owners. Mr. Hesketh stated that it was difficult for the online participants to hear what was said earlier during the hearing.
- Regarding **Marie's** concern for traffic caused during the construction phase, Mr. Hesketh said that there would likely be more construction traffic than residential traffic upon completion of the Project, which is a temporary situation. He explained that the construction traffic is not often reviewed during traffic-impact studies since it is temporary.
- **Justin Kirkconnell** asked about the size of the construction vehicles as he is an avid bike rider and is concerned about the width of Gorman Road.
Mr. Hesketh explained about the heavy construction equipment that will remain on site and will be taken off-site at the end of the construction period. He explained that day-to-day traffic to and from the construction site will be typically pick-up trucks/passenger vehicles of people going to work at the site and, occasionally, deliveries of equipment/materials. He reiterated what Mr. Thibeault had said about the site being nearly balanced.
Mr. Hesketh said that the last three traffic volume counts conducted by the CT DOT have shown a decrease in traffic volumes on Gorman Road since 2010 (from 2,300 vehicles per day in 2010 to 2,000 vehicles per day in 2019). He said that the traffic volumes in the Report should be sufficient for a five-year build-out period.
Mr. Kirkconnell asked about the number of parking spaces to be sure that the traffic study is based on the correct number.
- **Marie (via Chat)**, asked about guest parking for the Condos.
Mr. Thibeault explained that there are 13 additional spaces on the site and that each Unit has two garage spaces and one driveway space. There would need to be policing by the Homeowners' Association to make sure that people don't park where they shouldn't.

Ms. Roberson gave her contact information.

- **Linda Musen**, spoke of her concern for wildlife habitat.
Mr. Thibeault explained that this is a contiguous parcel with a lot of other open space. The actual corridor where the wildlife travel is going to be left intact (wetland corridor). The portions of the site that are proposed for development are already disturbed (treed heavily/invasives/stumps/treetops).
Ms. Musen disagreed with Mr. Thibeault and stated that she has photos and videos of wildlife behind her house. She said this is the reason she moved to Brooklyn a year ago. She commented that she could not hear most of the meeting and suggested that better equipment be purchased.

Ms. Musen voiced concern about noise and safety and commented how she saw an Amazon truck mirror get clipped because the road is so narrow. She is concerned for children. She said that she is going to move.

- **L. Donovan** (via Chat), asked if they would be putting in an additional entry/exit road on Franklin Drive.
Ms. Roberson answered “No.”
- **Marie (via Chat)**, asked if there is a projected unit selling price.
Mr. Thibeault stated that they will be somewhere in the \$300,000 range.

There were no further questions or comments.

There was discussion regarding the date to continue the public hearing.

Motion was made by A. Tanner to continue **SP 21-002**: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack, to the November 16, 2021 meeting of the Planning and Zoning Commission.

Second by C. Kelleher.

Discussion:

Location to be the Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT, at 6:30 p.m.

C. Kelleher seconded the amendment to the motion.

Discussion Continued:

A. Tanner amended his Motion to change the location from the Clifford B. Green Meeting Center to the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT.

C. Kelleher seconded the second amendment to the original motion.

Motion, as Amended, carried unanimously by voice vote (6-0-0).

d. Other Unfinished Business:

1. **SP 21-002**: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack. ***Reschedule site walk only***

There was discussion and there was a consensus to reschedule the site walk to Tuesday, October 26, 2021, from 5p.m. – 5:30 p.m.

2. **ZRC 21-001**: Request to change Zoning Regulations concerning Conservation Subdivisions, Applicant: David Held. ***No discussion – Public Hearing scheduled for November 3***

Ms. Roberson stated that the full text is in packets to Commission Members and also on the Town website and in the Town Clerk’s Office as well as the Land Use Office.

3. **SRC 21-001**: Request to change Subdivision Regulations concerning Conservation Subdivisions, Applicant: David Held. ***No discussion – Public Hearing scheduled for November 3***

Ms. Roberson stated that the full text is in packets to Commission Members and also on the Town website and in the Town Clerk’s Office as well as the Land Use Office.

4. **SPG 19-002 mod**: Gravel Special Permit – Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road (Assessor’s Map 30, Lots 97, 97-1, 97-2), Removal of

approximately 218,000 cubic yards of sand and gravel. ***Modification of Gravel Special Permit by order of the court***

M. Sigfridson recused herself, turned the position of Chair over to C. Kelleher, and stepped away from the table.

Motion was made by A. Fitzgerald that the Brooklyn Planning and Zoning Commission, acting in accordance with the Memorandum of Decision in the matter of Brooklyn Sand & Gravel, LLC et al v. Planning and Zoning Commission of Brooklyn, hereby approves the Special Permit as previously approved deleting the former Condition 4 which has been declared by the Court to be void, and adding the following Condition 4:

- The quantity of imported material may not exceed mined material in accordance with the Brooklyn Zoning Regulations as measured by truckloads and converted to cubic yards. Material excavated on-site will be counted in the year that it is excavated. Imported material will be counted in the year that it is brought on site. Stockpiled material shall not be counted towards the excavation or importation volume.

This permit has an effective date of April 21, 2021 and shall expire one year from its effective date on April 20, 2022.

Second by J. Haefele. No discussion.

Motion carried by voice vote (5-0-0). M. Sigfridson had recused herself.

M. Sigfridson returned to the table and resumed the position of Chair.

VII. New Business:

a. **Applications:** None.

b. **Other New Business:**

1. Preliminary Discussion with Greg Fedus, P.E. for COPAR re: gravel excavation.

Greg Fedus, Fedus Engineering/COPAR gave a presentation:

- The current access point through the Grandpa's Cabin, LLC property (off of Day Street to the east) would no longer be used.
- A map was displayed and he orientated the property and indicated the current access and six potential access points.
- He asked for feedback from the Commission as to what they would be looking for in the end product.
- He said the approval was for 100,000 c.y. (10-25 trucks per day), but they would be looking for more than that to make it worthwhile.
- Their plan is to purchase it and operate it themselves.
- Close to 300 acres.

Ms. Sigfridson stated that any application to remove earth materials would be subject to a public hearing and they have to be careful not to predetermine any project. She said they are always looking to minimize impacts.

Ms. Roberson said that the current approval will not transfer to a future owner and it is up for renewal shortly. She explained that there is a deed restriction limiting the access just to Fred Green. Ms. Roberson stated that potential access does not mean that it is a viable access. COPAR's challenge is to find an entry point.

Ms. Sigfridson clarified that the permit would not expire upon transfer, it is just that the new owner would be bound by the conditions of that permit which only allows access via a route that would presumably no longer be available.

Mr. Fedus stated that if they found another access, they would have to get that access permitted to get to the already permitted gravel excavation. Ms. Roberson stated that the question is whether a completely different access point is an acceptable modification of an existing permit.

Ms. Kelleher commented that she had recused herself from the last hearing regarding this gravel bank, but she did attend and she said that there was discussion regarding the Church Street access and a number of people had expressed opposition to that access. Mr. Fitzgerald suggested not using Day Street or Church Street. Discussion continued.

There was discussion regarding wetlands. Ms. Roberson explained about how the accesses would be to the western side of Longbrook.

There was discussion regarding a right-of-way through Walmart. Ms. Roberson explained that they could possibly use a portion of it with permission of the property owner.

There was discussion regarding Brickyard Road.

Mr. Fedus stated that they will look at all of the options. Ms. Sigfridson noted that it is a heavily residential area of Town. Ms. Roberson spoke about reclamation, revegetation and proposed future uses (which is part of an application). Discussion continued. Mr. Fedus stated that, if he had to speculate, he feels that they would want to give something back to the Town, possibly a natural park. He spoke about phases. Ms. Roberson spoke about wildlife corridor and indicated where the property had been clear-cut.

2. Filing Extensions for SD 21-003 and SD 21-004 and to approve such extension for an additional 90 days.

Ms. Roberson stated that these are the Almada Paradise Subdivision and the Day Street Subdivision.

Motion was made by J. Haefele to amend the agenda to add the following item under Other New Business VII.b.2 Filing Extensions for SD 21-003 and SD 21-004 and to approve such extension for an additional 90 days

Second by A. Tanner. No discussion.

Motion carried unanimously by voice vote (6-0-0).

VIII. Reports of Officers and Committees: None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 9:41p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary

P.O. Box 191
57 East Main Street
Plainfield, CT 06374

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OCT 04 2021

October 4, 2021

Brooklyn Planning & Zoning Commission
C/O Jana Roberson, Director of Community Development & Town Planner
69 South Main Street
Suite 22
Brooklyn, CT 06234

RE: Proposed Zoning Text Amendment
P&R Job No. 213050

Dear Commissioners:

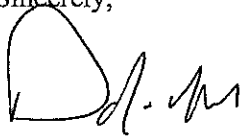
Attached, please find a completed application form, ^{\$615⁰⁰} ~~\$910.00~~ application fee and a proposed amendment to Section 6.G of the Brooklyn Zoning Regulations. The subject section outlines the requirements for the development of Conservation Subdivisions. The requested amendment is intended to better encourage the development of Conservation Subdivisions and to simplify the application of the regulation during the design and permitting of a Conservation Subdivision. The amendments and the reasoning for each specific request are summarized as follows:

1. Allow duplex buildings in Conservation Subdivisions. *There seems to be no technical or engineering related reason not to allow duplex buildings in Conservation Subdivisions. All septic system, well and building setback requirements would apply to duplex buildings in the same manner as single family buildings. Since duplex buildings are allowed by right in a Conventional Subdivision, it seems appropriate to allow duplex buildings in a Conservation Subdivision as long as the applicable technical and dimensional requirements can be met.*
2. Remove the requirement to show trees >18" DBH as Secondary Conservation resources. *Trees are a temporary site feature, particularly larger trees which may be over-mature and near the end of their natural life cycle. Unfortunately, we also live in a time when invasive pests threaten to destroy particular species of trees. Buildings, roads and infrastructure are permanent site features. It does not seem appropriate to require the design of permanent site features around particular trees or to require developers to bear the expense of detailed tree surveys to locate every large tree on a property.*
3. Revise language on Primary and Secondary Conservation Areas. *The current language utilizing the word "shall" will create conflicts on the majority of project sites. If an application is presented for a property on which the entire parcel qualifies as either Primary or Secondary Conservation Areas, the proposed amendment alleviates any potential regulatory conflict and recognizes that in almost all cases, the development of a Conservation Subdivision will involve a compromise over which areas should be conserved and which areas should be developed.*

4. Provide full credit for conservation of wetlands, watercourses and areas of steep slopes. *Since these areas are specifically identified as Primary and Secondary Conservation Areas which should be prioritized for conservation, it is not appropriate to exclude their areas from the required open space dedication. In some instances, such as a site with a large pond, wetlands, watercourses and surrounding steep slopes may very well represent the most noteworthy natural resources on the property and full credit should be given for these land areas in open space dedication.*
5. Removal of 100' buffer requirement along Town right of way. *The perimeter of a Conservation Subdivision must comply with conventional zoning setbacks. There is no reason that development in a Conservation Subdivision would be any different aesthetically from a Conventional Subdivision. This regulation requires the use of additional land and creates additional expense to developers, both of which discourage the development of Conservation Subdivisions with no perceptible benefit.*
6. Revised rear lot access strip requirements. *25 feet wide is adequate for the installation of a residential driveway and utilities in most situations. Wider access strips can be used where required. Allowing more flexibility for development of rear lots will allow for less land consumption for subdivision development, more orderly design and potentially less need for infrastructure, all of which are in keeping with the goals of Conservation Subdivision design.*
7. Remove reference to Town Counsel. *This appears to be a typographic error which was intended to be Board of Selectmen.*

Thank you for your consideration of this application. If you have any questions or need additional information, please do not hesitate to contact us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. J. Held', with a stylized flourish at the end.

David J. Held, P.E., L.S.
Provost & Rovero, Inc.

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**REQUEST FOR CHANGE
IN
ZONING REGULATIONS**

Date 10/4/21 Check # 1864 ^{\$910⁰⁰} ^{-300⁰⁰} ^{-SRC-21-001} Application #ZRC 21-001
Application Fee: \$250 \$250 State Fee: \$60 \$60 Publication Fee: \$~~000~~³ 300⁰⁰
Public Hearing Date 11/3/21 Commission Action _____ Effective Date _____
Name of Applicant KA&G Development LLC, c/o David Held Phone 860-234-3183
Mailing Address 15 Woodland Lane, Baltic, CT 06330

REQUEST TO AMEND ARTICLE(S) 6 SECTION(S) 6.G

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

PARAGRAPH TO CHANGE see attached OF THE ZONING REGULATIONS

REQUEST TO CHANGE: see attached

REASON FOR REQUEST: Easier implementation of and encouragement of conservation subdivisions.

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

6.G. CONSERVATION SUBDIVISION

6.G.1. PURPOSE

This Section of the Regulations is intended to provide a method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allowing greater flexibility and creativity in the design and layout of residential and/or development in order to:

1. Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;
2. Minimize alteration of or damage to the natural, historic and scenic resources;
3. Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;
4. Promote development that is compatible with existing neighborhoods;
5. Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;
6. Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;
7. Reduce public costs for the maintenance of roads and other public infrastructure;
8. Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and
9. Conserve energy resources.

Conservation Design



6.G.2. OVERALL STANDARDS AND DESIGN PROCESS

1. A Conservation subdivision shall:
 - a. only be permitted in the R-A zone.
 - b. only be used for detached single-family dwellings, duplex buildings and permitted accessory uses.
 - c. require a minimum of forty (40) percent Open Space set aside.
2. Any application for a Conservation subdivision shall include the following materials prepared by a landscape architect, civil engineer, or surveyor licensed to practice in Connecticut:
 - a. a site inventory / analysis map as described below, and
 - b. an overall lot / roadway layout plan which responds to the site inventory / analysis map.
3. If the Commission is not satisfied with the quality of the analysis submitted with the application, it may hire another landscape architect, civil engineer, or surveyor licensed to practice in Connecticut to prepare such analysis and charge the applicant for the cost of such services.
4. The site inventory / analysis map shall identify Primary Conservation Areas:
 - c. wetlands and vernal pools,
 - d. watercourses,
 - e. steep slopes (15 percent or more), and
 - f. 100-year floodplain (FEMA Floodzone A).
5. The site inventory / analysis map shall also identify Secondary Conservation Areas and other environmental, scenic, and cultural resources such as:
 - g. Prime farmland soils and soils of statewide significance,
 - h. areas within 50 feet of a wetland,
 - i. areas within 100 feet of a watercourse or a vernal pool,
 - j. 500-year floodplain (FEMA Floodzone B),
 - k. Natural Diversity Database sites,
 - l. wildlife corridors,
 - m. mature woodlands,
 - ~~n.~~ n. notable individual trees (>18" DBH),
 - ~~o.~~ o. ridgelines, scenic views and vistas,
 - ~~p.~~ p. stone walls and /or farm hedgerows,
 - ~~q.~~ q. key resources identified in the Plan of Conservation and Development or other natural / cultural resource inventory,
 - ~~r.~~ r. key open space and trail connections identified in the Plan of Conservation and Development,
 - ~~s.~~ s. possible connections between conservation areas on the site and adjacent protected and unprotected open space,
 - ~~t.~~ t. proposed open space areas, and
 - ~~u.~~ u. moderately well drained to excessively drained soils.
6. Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas shall be considered potential development areas and lots, streets, trails, and other improvements may be sited in these areas will generally be the preferred potential development areas for the siting of buildings, streets and other improvements.

7. Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas ~~shall~~ be will generally be the preferred potential areas considered for permanent protection by one of the following means:
 - a. creation of a Conservation Easement in favor of the Town of Brooklyn;
 - b. creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town, as approved by the Commission;
 - c. conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission;
 - d. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
 - e. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or
 - f. any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.
- ~~8. Where Open Space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General statutes, and slopes over twenty five (25) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty five (25) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made.~~
- ~~9. Where at all possible, a buffer shall be maintained between the Town right-of-way and the subdivision houses to screen the development from the Town road in order to maintain the appearance of a single family residential driveway, rather than a multi-lot subdivision. A buffer of 100' consisting of mixed deciduous and/or evergreen trees is desired.~~
- ~~10-8.~~ A pre-application meeting with Town Staff and the Commission is strongly encouraged.

6.G.3. DIMENSIONAL STANDARDS

1. Density in the Conservation subdivision shall not exceed 0.6 lots per acre of buildable land.
2. There shall be no minimum lot size requirement in a Conservation Subdivision but all lots shall meet the requirements of the State Health code and the Northeast District Department of Health.
3. Within a Conservation subdivision, each lot for a building site shall have at least 100 feet of frontage on a private or public road or at least 100 feet at the building line if located on a cul-de-sac.
4. Within a Conservation subdivision, all structures shall be set back at least thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines except that all structures at the perimeter of the parcel shall conform to the setback requirements applicable to conventional development in the underlying zone.
5. Rear lots may be permitted within a Conservation subdivisions provided that:
 - a. the access strip serving such lot(s) shall be at least 2550 feet wide.
 - b. ~~the access strip serving such lot(s) shall be located at least three hundred (300) feet from all entrances or access strips on the same side of the street. There shall be no more than two access strips within 300 feet of frontage on the same side of the street.~~
 - ~~c. the access strip serving such lots shall not exceed 400 feet in length.~~
 - ~~d-c.~~ No more than three (3) rear lots may be accessed by any one access strip.
 - ~~e-d.~~ The access strip shall be owned by the owner of the rear lot or, in the case of multiple rear lots, by the owner of the rear lot located farthest from the public or private way.
 - ~~f-e.~~ The access strip shall be encumbered by an easement if another rear lot exists, granting access to such lot.

6.G.4. ROAD REQUIREMENTS

1. Roads created within a Conservation subdivision may be privately owned and maintained in perpetuity by a Homeowner's Association.
2. This arrangement shall be formalized as follows:
 - a. A note shall be placed on the final Conservation subdivision plan stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
 - b. A notation shall be placed in the deed to the property stating: "This subdivision development is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
 - c. In such other form as is acceptable to the Commission which shall, at the Commission's discretion, be subject to review by the ~~Town Counsel~~[Board of Selectmen](#) prior to filing of approved plan or other documents.
3. Private roads shall:
 - a. be identified on the subdivision plans,
 - b. have a right-of-way of 50'.
 - c. conform to the construction standards listed in the Town of Brooklyn Public Improvement Specifications including being paved with 3" bituminous concrete (1 ½" Class I and 1 ½" Class II) to a minimum width of eighteen 18 feet.
 - d. have a cross slope from center crown to gutter of at least 3/8" /foot.
 - e. not exceed 12% grade
 - f. not serve as a connecting road between two public streets.
 - g. have the final design be subject to the recommendation of the Town Engineer since the design may need to be site specific.
4. All dead end roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet and, if a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.
5. Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.
 - a. Curbing shall be required:
 - where a road is in a cut situation with surrounding land pitching toward the road;
 - at a low point in the road with catch basins to collect storm water runoff; and
 - where a closed drainage system is required.
 - b. Curbing is not required;
 - where the land generally has flat slopes;
 - where the road is in a fill situation and sheet flow away from the road is advantageous; and
 - where no closed drainage system is required.
 - c. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.
6. Any proposed public roads shall be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.

6.G.5. LEGAL ARRANGEMENTS

1. Appropriate Certificates of Incorporation, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation subdivision shall be provided as part of the application.
2. Appropriate easements shall be provided as part of the application for travelways, utilities, snow storage, maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf.
3. Following approval, a Conservation subdivision and all parcels of land within it shall be subject to the following limitations:
 - a. No lot or parcel within a Conservation subdivision may be further subdivided and:
 - A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk.
 - A perpetual development restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation subdivision and such development restriction:
 - shall provide that no lot in the Conservation subdivision may be further subdivided into additional building lots.
 - shall be in such form and substance as the Commission shall prescribe, and
 - may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.
 - b. Home offices are allowed as a matter of right per Section 6.A.2 except that there shall be no non-resident employees.
 - c. Home enterprises and home businesses are not permitted in Conservation subdivisions.

Provost & Rovero, Inc.

SRC 21-001

Civil Engineering • Surveying • Site Planning • Structural • Mechanical • Architectural Engineering

P.O. Box 191
57 East Main Street
Plainfield, CT 06374

Telephone (860) 230-0856
Fax (860) 230-0860
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RECEIVED

OCT 04 2021

October 4, 2021

Brooklyn Planning & Zoning Commission
C/O Jana Roberson, Director of Community Development & Town Planner
69 South Main Street
Suite 22
Brooklyn, CT 06234

RE: Proposed Subdivision Text Amendment
P&R Job No. 213050

Dear Commissioners:

\$610⁰⁰

Attached, please find a completed application form, ~~\$310.00~~ application fee and a proposed amendment to Section 5A of the Brooklyn Subdivision Regulations. The subject section outlines the requirements for the development of Conservation Subdivisions. The requested amendment is intended to better encourage the development of Conservation Subdivisions and to bring the Subdivision Regulations into alignment with the Zoning Regulations.

Thank you for your consideration of this application. If you have any questions or need additional information, please do not hesitate to contact us at your convenience.

Sincerely,

David J. Held, P.E., L.S.
Provost & Rovero, Inc.

#1864 overpaid ZRC 21-001 by \$300⁰⁰
which was added to application SRC 21-001.

TOWN OF BROOKLYN
PLANNING & ZONING
REQUEST FOR CHANGE IN
SUBDIVISION REGULATIONS

Date 10/4/21

+300 LEGALS

FEE \$250.00

State Fee \$60.00

Application # SRC 21-001

Check # 1863 \$310⁰²
1864 \$300⁰⁵

Public Hearing Date 11/3/21 Commission Action _____ Effective Date _____

Name of Applicant KA&G Development LLC, c/o David Held Phone 860-234-3183

Mailing Address 15 Woodland Lane, Baltic, CT 06330

REQUEST TO AMEND SECTION (S) 5A

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

PARAGRAPH TO CHANGE see attached OF THE SUBDIVISION REGULATIONS

REQUEST TO CHANGE TO: see attached

REASON FOR REQUEST: consistency with Zoning Regulations

Article 5A - Conservation Subdivision Regulations

5A.1 - Purpose: The purpose of this regulation is to provide a Conservation method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allowing greater flexibility and creativity in the design and layout of residential and/or development in order to:

5A.1.1 - Protect the existing rural appearance and character of the Town of Brooklyn in accordance with the Town's Plan of Conservation and Development;

5A.1.2- Minimize alteration of or damage to the natural, historic and scenic resources;

5A.1.3 - Avoid adverse impacts of new development on the value of existing homes and reduce sprawl;

5A.1.4 - Promote development that is compatible with existing neighborhoods;

5A.1.5 - Preserve open spaces, large unfragmented forests, wildlife habitat and other undeveloped open land particularly along Town roads;

5A.1.6- Establish buffers for adjacent land uses such as agriculture and fragile ecosystems;

5A.1.7 - Reduce public costs for the maintenance of roads and other public infrastructure;

5A.1.8 – Protect water resources by reducing the amount of impervious surfaces, volume of runoff, and pollutant loads to streams and other water resources; and

5A.1.9 – Conserve energy resources.

5A.2 - General Requirements: Conservation Subdivisions:

5A.2.1 - Shall only be permitted in the RA zone.

5A.2.2 - Shall lead to the creation of five (5) or more lots.

5A.2.3 - Shall be used only for detached single-family dwellings, duplex buildings and permitted accessory uses.

5A.2.4 - Shall require a minimum of forty (40) percent Open Space set aside.

5A.2.5 – Density shall not exceed ~~the number of lots that could be attained within a Conventional Subdivision unless a Density Bonus is granted in accordance with Section 5A.70.6~~ lots per acre of buildable land.

5A.2.6 – Home enterprises and home businesses are not permitted in Conservation Subdivisions. Home offices are allowed as a matter of right per Section 6.2 with the exception that there shall be no non-resident employees.

5A.3 - Applicability/Procedure: ~~Subdivision of land that meets the criteria listed in Section 5A.2.1 – 5A.2.3 shall be made according to the design; either Conservation or Conventional Subdivision that best promotes enhances and assists in the accomplishments of the objectives listed in Section 5A.1. It shall be at the discretion of an applicant whether an application for subdivision of land which meets the criteria listed in section 5A.2.1 and 5A.2.2 is proposed as a Conservation or Conventional Subdivision.~~

~~5A.3.1—Prior to submission of a Preliminary Plan, an applicant is strongly encouraged to review with the Town Planner or other authorized agent any proposal for a Conservation Subdivision.~~

~~5A.3.2—Prior to formal Subdivision application, any landowner/developer, whose property/proposed development or Subdivision Application meets the requirements listed in Section 5A.2.1–5A.2.3 shall file a Preliminary Design for a Conservation Subdivision for review by the Commission.~~

~~5A.3.3—The Preliminary Design shall follow the requirements set forth in Section 5A.4.~~

~~5A.3.4—The Commission shall make a determination of the suitability of the Preliminary Design for a Conservation Subdivision based on the information provided in the Preliminary Plans and the objectives listed in Section 5A.2.~~

~~5A.3.5—Formal Application for Conservation Subdivision shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Regulations for the Subdivision of Land, and the Conservation Subdivision requirements contained herein.~~

5A.3.1 – Any application for a Conservation Subdivision shall include the following materials prepared by a landscape architect, civil engineer or surveyor licensed to practice in Connecticut:

- a. A site inventory/analysis map as described below, and
- b. An overall lot/roadway layout plan which responds to the site inventory/analysis map.

5A.3.2 – The site inventory/analysis map shall identify Primary Conservation Areas:

- a. Wetlands and vernal pools,
- b. Watercourses,
- c. Steep slopes (15 percent or more), and
- d. 100 year flood plain (FEMA flood zone A).

5A.3.3 – The site inventory/analysis map shall also identify Secondary Conservation Areas and other environmental, scenic and cultural resources such as:

- a. Prime farmland soils and soils of statewide significance,
- b. Areas within 50 feet of a wetland,
- c. Areas within 100 feet of a watercourse or a vernal pool,
- d. 500 year flood plan (FEMA flood zone B),
- e. Natural Diversity Database sites,
- f. Wildlife corridors,
- g. Mature woodlands,
- h. Ridgelines, scenic views and vistas,
- i. Stone walls and/or farm hedgerows,
- j. Key resources identified in the Plan of Conservation and Development and/or other natural/cultural resource inventory,
- k. Key open space and trail connections identified in the Plan of Conservation and Development,
- l. Possible connections between conservation areas on the site and adjacent protected and unprotected open space,
- m. Proposed open space areas, and
- n. Moderately well drained to excessively well drained soils.

5A.3.4 – Areas of the site which are not considered Primary Conservation Areas or Secondary Conservation Areas will generally be the preferred potential development areas for the siting of buildings, streets and other improvements.

5A.3.5 – Areas of the site which are considered Primary Conservation Areas or Secondary Conservation Areas will generally be the preferred potential areas considered for permanent protection by one of the following means:

- a. Creation of a Conservation Easement in favor of the Town of Brooklyn,
- b. Creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town as approved by the Commission,
- c. Conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission,
- d. Creation of a Conservation Easement in favor of a Tax Exempt organization approved by the Commission.
- e. Conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area, or
- f. Any other method deemed appropriate by the Commission which accomplished permanent dedication in accordance with the requirements set forth in this Section.

5A.3.6 – A pre-application meeting with Town staff and the Commission is strongly encouraged.

5A.4 – Dimensional Standards:

5A.4.1 – Density in the Conservation Subdivision shall not exceed 0.6 lots per acre of buildable land. Buildable land is the area of the parcel after subtracting any areas designated as wetlands, watercourses, slopes of 25% or greater, areas within the 100 year flood boundary, and areas encumbered by any rights-of-way or easements.

5A.4.2 – There shall be no minimum lot size requirement in a Conservation Subdivision but all lots shall meet the requirements of the State Health code and the Northeast District Department of Health.

5A.4.3 – Within a Conservation Subdivision, each lot for a building site shall have at least 100 feet of frontage on a private or public road or at least 100 feet at the building line if located on a cul-de-sac.

5A.4.4 – Within a Conservation Subdivision, all structures shall be set back at least thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines except that all structures at the perimeter of the parcel shall conform to the setback requirements applicable to conventional development in the underlying zone.

5A.4.5 – Rear lots may be permitted within a Conservation Subdivision provided that:

- a. The access strip serving such lot(s) shall be at least 25 feet wide.
- b. There shall be no more than two access strips within three hundred (300) feet of frontage on the same side of the street.
- c. No more than three (3) rear lots may be accessed by any one access strip.
- d. The access strip shall be owned by the owner of the rear lot, or in the case of multiple rear lots, by the owner of the rear lot located farthest from the public or private way.
- e. The access strip shall be encumbered by an easement if another rear lot exists, granting access to such lot.

5A.5 – Road Requirements:

5A.5.1 – Roads created within a Conservation Subdivision may be privately owned and maintained in perpetuity by a Homeowner's Association. This arrangement shall be formalized as follows:

- a. A note shall be placed on the final Conservation Subdivision plan stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."
- b. A notation shall be placed in the deed to the property stating: "This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."

- c. In such other form as is acceptable to the Commission which shall, at the Commission's discretion, be subject to review by the Board of Selectmen prior to filing of approved plan or other documents.

5A.5.2 – Private roads shall:

- a. Be identified on the subdivision plans.
- b. Have a right of way of 50 feet.
- c. Conform to the construction standards listed in the Brooklyn Public Improvement Specifications including being paved with 3" bituminous concrete (1 1/2" Class I and 1 1/2" Class II) to a minimum width of eighteen (18) feet.
- d. Have a cross slope from center crown to gutter of at least 3/8" per foot.
- e. Not exceed 12% grade.
- f. Not serve as a connecting road between two public streets.
- g. Have the final design be subject to the recommendations of the Town Engineer since the design may need to be site specific.

5A.5.3 – All dead end roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet and, if a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.

5A.5.4 – Curbing and formal closed drainage systems are to be held to a minimum, except as provided below.

- a. Curbing shall be required:
 - Where a road is in a cut situation with surrounding land pitching toward the road;
 - At a low point in the road with catch basins to collect storm water runoff; and
 - Where a closed drainage system is required.
- b. Curbing is not required:
 - Where the land generally has flat slopes;
 - Where the road is in a fill situation and sheet flow away from the road is advantageous; and
 - Where no closed drainage system is required.
- c. A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design.

5A.5.5 – Any proposed public roads shall be constructed in accordance with the Public Improvement Specifications for the Town of Brooklyn.

5A.6 – Legal Arrangements:

5A.6.1 – Appropriate Certificates of Incorporation, by-laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision shall be provided as part of the application.

5A.6.2 – Appropriate easements shall be provided as part of the application for travelways, utilities, snow storage, maintenance, stormwater drainage and to accommodate any hammerhead turnaround and associated snow shelf.

5A.6.3 – Following approval, a Conservation Subdivision and all parcels of land within it shall be subject to the following limitations:

- a. No lot or parcel within a Conservation Subdivision may be further subdivided and:
 - A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk.
 - A perpetual development restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation Subdivision and such development restriction:

- Shall provide that no lot in the Conservation Subdivision may be further subdivided into additional building lots.
- Shall be in such form and substance as the Commission shall prescribed, and
- May contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

5A.4—Preliminary Design Review:

5A.4.1—Informal Review of Preliminary Plans The purpose of the informal review of preliminary plans is to provide guidance to the applicant and to identify areas of concern or further study, so as to minimize delay, expense and inconvenience to the public, the applicant, and the Commission upon the future receipt, if any, of a formal application for subdivision. The applicant shall submit preliminary plans for informal review, however, neither the applicant nor the Commission shall be bound by any statement made during such informal review, nor shall the statement of any Commission member be deemed to be an indication of prejudgment or prejudice, it being acknowledged by the applicant that the Commission response like the request itself are preliminary and subject to further refinement. After review, the Commission shall, provide informal, suggestions to the applicant regarding the overall layout and design of the proposed subdivision, and a determination whether to proceed with an application under this Section or to adhere to the Conventional Subdivision requirements of the applicable Sections of the Brooklyn Subdivision Regulations.

5A.4.2—Preliminary Plans: Land Owners/Developers are required to submit two concept plans for the proposed subdivision. One of which shall depict how the parcel could be developed as a Conventional Subdivision (Yield Plan) consisting of lot and street layouts conforming to the Brooklyn Zoning and Subdivision Regulations governing Conventional Subdivision lots, and the Town of Brooklyn's Public Improvement Specifications, and another which shall depict how the parcel could be developed as a Conservation Subdivision. Although such Plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be permitted in a Conventional Subdivision layout. Plans shall include the following elements as well as identify physical and other features that would limit or restrict the use of the parcel for development, including, but not limited to;

j) At Least a Class-D Survey

k) North arrow

l) Scale 1"= 100'

m) Location map (1"= 1000')

n) Name of Applicant

f) Name of Subdivision

g) Date of Plan and plan number or identification

h) Existing Streets

i) Proposed streets, or private drives

j) Proposed lot lines

s) Proposed Open Space, including a narrative description of the characteristics of the proposed open space

t) Topographic contours, at a contour interval of no more than more than ten (10) feet;

u) Slopes greater than 25%

v) Inland wetlands and watercourses in areas of the property not being proposed for development (on either the Conventional Plan or the Conservation Subdivision Plan) may be depicted as they appear on various sources of other mapping, inland wetlands and watercourses in areas of proposed development shall be delineated by a Professional Soil Scientist;

w) Existing zoning on adjacent properties

x) Preliminary septic field and well location

y) 100-year floodplains (Flood Zones A, as shown on FEMA maps); and easements and rights-of-way affecting the parcel.

~~5A.4.3—The Commission shall require that the Preliminary Plans include a “Property Survey” prepared in accordance to the Standards for “Surveys and Maps in the State of Connecticut”, as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996, and as may be amended.~~

~~5A.4.4—On lots that would not be served by public sewage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be demonstrated. The Commission may select a small percentage of lots (10 to 15%) to be tested, in areas considered to be marginal. If all tests on the sample lots meet applicable Public Health Code requirements, the applicant’s other lots shall be deemed suitable for septic systems, for the purpose of calculating total lot yield. However, if any of the sample lots fail, several others (of the Commission’s choosing) shall be tested, until all the lots in a given sample pass.~~

~~Nothing herein shall be construed to prevent an applicant from presenting plans and documentation in greater detail and containing more information to the Commission, its staff or other public agencies or officials.~~

~~5A.5—Dimensional Requirements: A Conservation Subdivision may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements:~~

~~5A.5.1—Lot Area: Each lot shall contain at least 30,000 square feet of buildable area, exclusive of wetlands, ledge, and slopes in excess of 25% and must be able to support a septic system and well approved by the local health authority or serviced by public sewer and water.~~

~~5A.5.2—Frontage: The frontage of each lot for a building site created in a Conservation Subdivision shall not be less than 100 feet on a private or public road, or, on a cul-de-sac, not less than 100 feet at the building line.~~

~~5A.5.3—Setbacks: All structures shall be set back a minimum of thirty (30) feet from any front lot line and twenty (20) feet from all side and rear lot lines, provided, however, that with respect to lot lines which abut land outside the Conservation Subdivision, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.~~

~~5A.5.4—Interior Lots: Are permitted within Conservation Subdivisions provided;~~

~~5.5.4.1—Lots shall have a minimum of three hundred (300) feet separating all entrances or access strips on the same side of the street.~~

~~5.5.4.2—Access strips have a maximum length of 400 feet.~~

~~5.5.4.3—No more than three (3) interior lots may be accessed by any one access strip with the ownership of the access strip resting with the lot farthest from the public or private way.~~

~~5.5.4.4—The access strip shall be encumbered by an easement if another interior lot exists, granting access to such lot.~~

~~5A.5.5—Restrictions Against Further Development: No Conservation Subdivision may be further subdivided. A notation to that effect shall be made on the Final Plan as to be endorsed by the Commission and recorded with the Town Clerk. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Brooklyn, shall be recorded with respect to the land within the Conservation Subdivision. Such restriction shall provide that no lot in the Conservation Subdivision may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Commission shall prescribe and may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.~~

5A.6—Standards: In reviewing an Application for a Conservation Subdivision, the Commission shall consider the extent to which the Application meets the purposes of a Conservation Subdivision by satisfying the following standards:

5A.6.1—The developed areas, roads, storm drains, sewage disposal systems, and utilities shall work with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space and shall, to the extent appropriate, use low impact development techniques.

5A.6.2—The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.

5A.6.3—Natural and historic features of the land, as determined by the Commission with recommendations from the Conservation Commission, shall be protected.

5A.6.4—The plans demonstrate that the impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.

5A.6.5—The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized. Combined driveways on private drives are encouraged to reduce the number of cuts.

5A.6.6—Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within a Conservation Subdivision.

5A.6.7—The design shall minimize the size of proposed Developed Areas.

5A.6.8—The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be preserved in perpetuity by one of the following means:

5A.6.8.1—creation of a Conservation Easement in favor of the Town of Brooklyn;

5A.6.8.2—creation of a Conservation Easement in favor of the Town of Brooklyn reserving specific agricultural rights and uses by the Town, as approved by the Commission;

5A.6.8.3—conveyance of fee simple ownership to a Tax Exempt Organization approved by the Commission;

5A.6.8.4—creation of a Conservation Easement in favor of a Tax Exempt Organization approved by the Commission;

5A.6.8.5—conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or

5A.6.8.6—any other method deemed appropriate by the Commission which accomplishes permanent dedication in accordance with the requirements set forth in this Section.

5A.6.9—Where Open Space is required by the Commission, the land to be dedicated to meet Town requirements may include wetlands or watercourses as defined in the Connecticut General Statutes, and slopes over twenty five (25) percent, but the Commission has the right to require that the percentage of the dedicated land within these wetland, watercourse and steep slope categories is not greater than the percentage of wetlands, watercourses and slopes over twenty five (25) percent within the property to be subdivided and, as applicable, within previous subdivision sections where dedications were not made. For

~~example, consider a tract to be subdivided with 40% of the land to be divided consisting of wetlands, watercourses and slopes over 25 percent. and 60% of the land to be subdivided without these limitations. The Commission shall have the right to require 60 % of Open Space without any limitations and to allow 40% of the Open Space to include wetlands, watercourses or slopes over 25%.~~

5A.7—Density Bonuses: The maximum number of building lots may, subject to Commission approval, be increased in only one of the following ways:

~~5A.7.1—A density bonus may be granted for the provision of excess Open Space, meaning the amount of any open space acreage that is greater than the minimum amount that would be required under this Article. The additional Open Space may be within the parcel to be subdivided or elsewhere within the Town of Brooklyn in accordance with Section 8 of the Subdivision Regulations, as may be amended. For each five acres of excess Open Space accepted by the Commission, one additional building lot shall be allowed, up to a maximum of fifteen percent (15%) of the total number of lots that would otherwise be allowed under Article 5A of these regulations. The decision whether to accept an applicant's offer to dedicate excess Open Space shall be at the discretion of the Commission, which shall be guided by the recommendations contained in the Town's Plan of Conservation and Development and its determination as to the value of the excess land for any of the purposes described in Article 5A of these regulations.~~

~~5A.7.2—Where a proposed subdivision contains soils defined as prime or important agricultural soils as defined by the USDA soil classification system, for each five acre tract preserved two additional lots shall be allowed up to 20% of the total number of lots allowed under Article 5A of these regulations.~~

5A.8—Road Requirements

~~5A.8.1—Proposed Public roads are to be constructed in accordance with Public Improvement Specifications for the Town of Brooklyn.~~

~~5A.8.2—Private Roads created within a Conservation Subdivision shall be maintained by a Homeowner's Association, in a form acceptable to the Commission, which shall, at the Commission's discretion, be subject to review by the Town Counsel prior to filing of approved plan.~~

~~5A.8.2.1—A note shall be placed on the final Conservation Subdivision plan, and in the deed to the property stating: **"This subdivision is serviced by a private road (and/or common driveway) that is intended to remain private in perpetuity. The Town of Brooklyn will provide no maintenance, repair or school bus service along this private road (and/or common driveway)."**~~

~~5A.8.3—Appropriate Certificates of Incorporation, by laws, rules and regulations of any association or corporation of the lot owners within the proposed Conservation Subdivision shall be provided.~~

~~5A.8.4—Appropriate easements shall be provided for travel, utilities, snow storage, PAGE 28~~

~~maintenance, storm water drainage and to accommodate any hammerhead turnaround and associated snow shelf. All private lanes shall be identified on the subdivision plans.~~

~~5A.8.5—A right of way of 50' shall be required.~~

~~5A.8.6—Private Roads shall not exceed 12 % grade~~

~~5A.8.7—Private roads shall not serve as a connecting road between two public streets.~~

~~5A.8.8—All private roads shall be paved with 3" bituminous concrete (1 ½" Class I and 1 ½" Class II) to a minimum width of eighteen (18) feet. Final design is site specific and subject to the recommendation of the Town Engineer.~~

~~5A.8.9—Curbing and formal closed drainage systems are to be held to a minimum, except as provided below:~~

~~5A.8.9.1—Curbing shall be required: where a road is in a cut situation with surrounding land pitching toward the road; at a low point in the road with catch basins to collect storm water runoff; and where a closed drainage system is required.~~

~~5A.8.9.2—Curbing is not required; where the land generally has flat slopes; where the road is in a fill situation and sheet flow away from the road is advantageous; and where no closed drainage system is required.~~

~~5A.8.9.3—A closed drainage system is required where drainage structures (e.g. catch basins) are necessitated by site conditions and subdivision design. The cross slope from center crown to gutter shall be no less than 3/8" /foot.~~

~~5A.8.10—All dead-end private roads shall terminate in a cul-de-sac with an outside radius of travel way of fifty (50) feet. If a center island is proposed, the width of the travel way around the island shall be at least twenty (20) feet.~~

~~5A.8.11—Location of private roads: Where at all possible, a buffer shall be maintained between the Town right of way and the subdivision houses to screen the development from the Town road in order to maintain the appearance of a single family residential driveway, rather than a multi-lot subdivision. A buffer of 100' consisting of mixed deciduous and/or evergreen trees is desired.~~

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**REQUEST FOR CHANGE
IN
ZONING REGULATIONS**

Date 11/1/2021 Check # N/A Application #ZRC 21-002

Application Fee: \$250 _____ State Fee: \$60 _____ Publication Fee: \$600 _____

Public Hearing Date _____ Commission Action _____ Effective Date _____

Name of Applicant PLANNING AND ZONING COMMISSION Phone _____

Mailing Address 69 S. MAIN ST. SUITE 22 BROOKLYN, CT 06234

REQUEST TO AMEND ARTICLE(S) _____ SECTION(S) 2.B,

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

4.D.2.3.18,
4.E.2.5.3

PARAGRAPH TO CHANGE _____ OF THE ZONING REGULATIONS

REQUEST TO CHANGE:

SEE ATTACHED

REASON FOR REQUEST:

COMPLIANCE WITH P.A. 21-1 RE: ADULT-USE CANNABIS

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

- 1) *Explanation: The purpose of this change is to introduce definitions for the retail sale of adult-use cannabis, hybrid retail (combined sale of adult-use cannabis and medical marijuana), as well as micro-cultivator in accordance with P.A. 21-1.*

2.B Definitions

Proposed: **CANNABIS RETAILER** - A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs.

Proposed: **HYBRID RETAILER** - A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

Proposed: **MICRO-CULTIVATOR** - A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior to any expansion authorized by the Commissioner of Consumer Protection or any designee of the commissioner.

-
- 2) *Explanation: The purpose of this change is to provide for the retail sale of adult-use cannabis with or without medical marijuana in the Planned Commercial Zone as provided by Public Act 21-01. Pg. 71*

4.D.2.3.18 Permitted Principal Uses in the PC Zone – Business-Related Uses

Proposed: Retail sale of cannabis by a Cannabis Retailer, or
Retail sale of cannabis and medical marijuana by a Hybrid Retailer

Special Permit (PZC)

-
- 3) *Explanation: The purpose of this change is to provide for the micro-cultivation of the cannabis plant in the Industrial Zone as provided by Public Act 21-01. Pg. 80*

4.E.2.5.3 Permitted Principal Uses in the I Zone – Business-Related Uses

Proposed: Cultivation, growing and propagation of cannabis by a Micro-cultivator

Special Permit (PZC)

Margaret's Report 10/25/2021

Zoning Permits issued:

118 Spaulding Road – Woodstock Building Associates. Single family home with 2,362 sf living space, 807 sf 3-car attached garage, suite above.

108 Pomfret Road – Tia Russo. Minor modification visible from the road in the VC Zone. Install 2 propane tanks on the south side of the house; install a 6-ft dark brown picket fence to screen tanks and create safe space for children to play.

369 Pomfret Road – Doug Taylor. Work visible from the road in the Scenic Route 168 overlay zone: Remove existing vinyl siding and install new vinyl siding. Remove existing front steps. Construct new front entrance with 4' x 7' deck and roof. Remove existing red front door. Install new back front door.

454 Wolf Den Road – Todd & Amy Clark. 12' x 24' moveable metal framed/ wood sided run-in shed for livestock.

80 South Street – Paul Cristofori. Ground Mounted solar PV install - 15.75kW DC - (42) LG375N1C-A6 modules - (1) SE11400H-US inverter.

215 Stetson Road – Gary and Sherry Greene. New 1300-sf single family dwelling with attached garage, front porch and rear deck.

49 Proulx Street – Andrew Kausch. Single family home 26' x 42', raised ranch, w/ attached single car garage and rear deck.

44 Canterbury Road – Pierce Care. New 6' high white vinyl privacy fence approved as a Minor Modification visible from the road in the VC Zone.

42 Hyde Road – Joe and Kelly Bellavance. After-the-fact zoning permit for stripping and re-roofing the front porch and the front portion of the house, as a Minor Modification visible from the road in the VC Zone.

11 Tiffany Street – Doug Phaiah. 13'4" X 21 ft bedroom/full bathroom one-story addition.

25 Anderson Road – Joseph Tatro & Bernie Watrous. New single-family dwelling with attached garage, front porch and rear deck.

131 Old Tatnic Hill Road – Gary Gluck. After-the-fact zoning permit for a 30' x 30' garage with storage above.

177 Windham Road – Matt Kamfonik. 11' x 18' shed and 4' x 6' chicken coop.

Final Certificates of Zoning Compliance issued:

151 Grandview Terrace Extension -Gary Pasay. New single-family dwelling with attached garage, front porch and rear sunroom.

152 Grandview Terrace Extension -Gary Pasay. New single-family dwelling with attached garage, front porch and rear deck.

185 Windham Road – Patrick Riley. New single-family dwelling with attached garage, front porch and rear deck.

Home Office Permits Issued: None.

Sign Permits issued: None.

Zoning Permits Denied: None.

Zoning Issues:

215 Stetson Road – Gary and Sherry Greene.

When I inspected for the IWWC and Zoning Permits on 10/12/21 the Greenes had already moved a camping trailer to the front yard of a circa-1968 uninhabitable trailer on the subject property. I took photos and told the Greenes that they cannot use the camping trailer as a residence. They had already tied the camping trailer into the septic system of the circa-1968 trailer without any permits from NDDH. On 10/13, I issued a Cease & Desist Order, requiring them to remove the camping trailer, stop using it as a residence, and call me for a re-inspection within 21 days. Ms. Greene had called me weeks before this and asked if they could live in a camping trailer on the property while they were building the house. I told her “No”.

106 Darby Road – Daryl Frink.

I received an anonymous complaint about a deck being constructed with no zoning or building permits. After a letter to Mr. Frink was issued on October 4, he contacted me. Mr. Frink applied for a zoning permit on 10/13. I inspected, met Mr. Frink and his contractor, and took photos on 10/14. A letter from the Health Department is required prior to issuing a zoning permit; no such letter has been issued yet.

TOWN OF BROOKLYN

Revenue Report

From Date: 7/1/2021

To Date: 10/31/2021

Fiscal Year: 2020 - 2021

Account Number	Description	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.00.0000.42203	Planning & Zoning Fees	(\$9,000.00)	\$0.00	(\$12,240.00)	\$3,240.00	\$0.00	\$3,240.00	-36.00%
Grand Total:		(\$9,000.00)	\$0.00	(\$12,240.00)	\$3,240.00	\$0.00	\$3,240.00	-36.00%

End of Report

TOWN OF BROOKLYN

Expenditure Report

From Date: 7/1/2021

To Date: 10/31/2021

Fiscal Year: 2020 - 2021

Account Number	Description	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.41.4153.51620	Planning & Zoning-Wages PT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
1005.41.4153.51900	Planning & Zoning-Wages-Rec. Secretary	\$3,600.00	\$0.00	\$2,975.00	\$625.00	\$0.00	\$625.00	17.36%
1005.41.4153.53020	Planning & Zoning-Legal Services	\$12,500.00	\$0.00	\$16,829.77	(\$4,329.77)	\$0.00	(\$4,329.77)	-34.64%
1005.41.4153.53200	Planning & Zoning-Professional Affiliations	\$0.00	\$0.00	\$110.00	(\$110.00)	\$0.00	(\$110.00)	0.00%
1005.41.4153.53220	Planning & Zoning-In Service Training	\$1,500.00	\$0.00	\$160.00	\$1,340.00	\$0.00	\$1,340.00	89.33%
1005.41.4153.53400	Planning & Zoning-Other Professional Services	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00	100.00%
1005.41.4153.55400	Planning & Zoning-Advertising & Legal Notices	\$2,500.00	\$0.00	\$685.21	\$1,814.79	\$88.20	\$1,726.59	69.06%
1005.41.4153.55500	Planning & Zoning-Printing & Publications	\$1,000.00	\$0.00	\$149.25	\$850.75	\$0.00	\$850.75	85.08%
1005.41.4153.55800	Planning & Zoning-Transportation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
1005.41.4153.56900	Planning & Zoning-Other Supplies	\$250.00	\$0.00	\$139.78	\$110.22	\$0.00	\$110.22	44.09%
1005.41.4153.56950	Planning & Zoning-State Marshal Surveyor/Support	\$2,500.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$2,500.00	100.00%
Grand Total:		\$24,850.00	\$0.00	\$21,049.01	\$3,800.99	\$88.20	\$3,712.79	14.94%

End of Report

Robinson+Cole

KENNETH C. BALDWIN

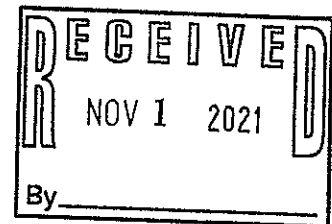
280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
kbaldwin@rc.com
Direct (860) 275-8345

Also admitted in Massachusetts
and New York

October 27, 2021

Via Electronic Mail

Melanie A. Bachman, Esq.
Executive Director/Staff Attorney
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051



Re: **Notice of Exempt Modification – Facility Modification**
Brown Road (a/k/a 159 Brown Road), Brooklyn, Connecticut

MAP 34, LOT 34

Dear Attorney Bachman:

Cellco Partnership d/b/a Verizon Wireless (“Cellco”) currently maintains an existing wireless telecommunications facility at the above-referenced property address (the “Property”). The facility consists of antennas and remote radio heads attached to and associated equipment on the ground adjacent to the tower. The tower was approved by the Siting Council (“Council”) in January of 2004 (Docket No. 264). Cellco’s shared use of the tower was approved by the Council in April of 2007 (EM-VER-019-070328). A copy of the Council’s Docket No. 264 Decision and Order and EM-VER-019-070328 approval are included in Attachment 1.

Cellco now intends to modify its facility by removing six (6) existing antennas and installing three (3) new Samsung MT6407-77A antennas and six (6) MX06FRO660-03 antennas on Cellco’s existing antenna platform. Cellco also intends to replace six (6) remote radio heads (“RRHs”) with six (6) new RRHs behind its antennas. A set of project plans showing Cellco’s proposed facility modifications and specifications for the new antennas and RRHs are included in Attachment 2.

Please accept this letter as notification pursuant to R.C.S.A. § 16-50j-73, for construction that constitutes an exempt modification pursuant to R.C.S.A. § 16-50j-72(b)(2). In accordance with R.C.S.A. § 16-50j-73, a copy of this letter is being sent to Brooklyn’s Chief Elected Official and Land Use Officer.

Melanie A. Bachman, Esq.
October 27, 2021
Page 2

The planned modifications to the facility fall squarely within those activities explicitly provided for in R.C.S.A. § 16-50j-72(b)(2).

1. The proposed modifications will not result in an increase in the height of the existing tower. Cellco's replacement antennas will be installed on Cellco's existing antenna platform.

2. The proposed modifications will not involve any change to ground-mounted equipment and, therefore, will not require the extension of the site boundary.

3. The proposed modifications will not increase noise levels at the facility by six decibels or more, or to levels that exceed state and local criteria.

4. The installation of Cellco's new antennas will not increase radio frequency (RF) emissions at the facility to a level at or above the Federal Communications Commission (FCC) safety standard. A cumulative General Power Density table for Cellco's modified facility is included in Attachment 3. The modified facility will be capable of providing Cellco's 5G wireless service.

5. The proposed modifications will not cause a change or alteration in the physical or environmental characteristics of the site.

6. According to the attached Structural Analysis ("SA") and Mount Analysis ("MA"), the existing tower, tower foundation and antenna mounts, with certain modifications, can support Cellco's proposed modifications. Copies of the SA and MA are included in Attachment 4.

A copy of the parcel map and Property owner information is included in Attachment 5. A Certificate of Mailing verifying that this filing was sent to municipal officials and the property owner is included in Attachment 6.

For the foregoing reasons, Cellco respectfully submits that the proposed modifications to the above-referenced telecommunications facility constitutes an exempt modification under R.C.S.A. § 16-50j-72(b)(2).

Melanie A. Bachman, Esq.
October 27, 2021
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Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth C. Baldwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenneth C. Baldwin

Enclosures

Copy to:

Richard Ives, Brooklyn First Selectman
Jana Butts Roberson, Director of Community Development/Town Planner
Richard and Cynthia Perkins, Property Owners
Alex Tyurin, Verizon Wireless