

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, July 5, 2017
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order – Acting Chair, Carlene Kelleher called the meeting to order at 6:35 p.m.

II. Roll Call – Carlene Kelleher; Craig Dunlop; David Fuss; Aaron Kerouac; J. Mohn; Jules D’Agostino.

Alan Carpenter was absent with notice. Michelle Sigfridson was absent.

Staff Present – Jana Roberson, Director of Community Development

III. Seating of Alternates

Motion was made by D. Fuss to seat J. D’Agostino as a Voting Member. Second by C. Dunlop. Motion carried (5-0-0).

IV. Adoption of Minutes:

1. Regular Meeting Minutes May 3, 2017.

Motion was made by D. Fuss to adopt the Minutes of the Regular Meeting of May 3, 2017, as presented. Second by C. Dunlop. Motion carried (5-0-1). J. Mohn abstained.

2. Special Meeting Minutes May 24, 2017.

Motion was made by D. Fuss to adopt the Minutes of the Special Meeting of May 24, 2017, as presented. Second by C. Dunlop.

Discussion: J. D’Agostino - Page 3, last bullet item. Mr. D’Agostino would like the record to show that he and C. Dunlop had expressed concerns during discussion of 7.K.4.4. – On-Site Processing regarding processing within 100 feet of a property line in an RA Zone.

Motion carried (5-0-1). J. Mohn abstained.

3. Special Meeting Minutes June 20, 2017.

Motion was made by C. Dunlop to adopt the Minutes of the Special Meeting of June 20, 2017. Second by D. Fuss. Motion carried (5-0-1). J. Mohn abstained.

V. Public Commentary – None.

VI. Unfinished Business:

- a. **Reading of Legal Notice:** None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Continued Applications:** None.
- e. **Other:**

VII. New Business:

a. Applications:

- 1. SD 17-002 E. Ledogar, 167 Herrick Road, Map 17, Lot 22, RA zone, 1-Lot Subdivision.

Paul Archer, Archer Surveying, represented the Applicant. Caroline Ledogar (Owner) was seated in the audience. Dan and Kathryn Ledogar were also present. Mr. Archer gave an overview of the proposal:

- Caroline Ledogar wants to gift a portion of her property to her son, Dan and his wife, to build a house.
- Free split had already been taken.
- There are no wetlands where they are proposing to build the house. They received a non-jurisdictional ruling from IWWC.
- To share the existing driveway that comes in off of Herrick Road. No new curb cut. They will share the first 72 feet which will be an access right of way and there will be a driveway maintenance agreement.
- They will use the existing gravel partial driveway and will improve it.
- Approval received from NDDH.
- Since it is a family compound, they have submitted a request for a waiver that no interior property corners be set. Property line goes through the garden.
- Gravel driveway will be well under 8 percent.
- Syl Pauley has reviewed it and had no comments.
- He indicated the locations of the existing house, the well and the septic.
- Abutters have been notified. Provided to J. Roberson.

J. Roberson commented that the proposed property line between the two lots comes close to some existing accessory structures. She and Martha Fraenkel had reviewed it and found that it meets the Regulations. The accessory structures have been determined to be to the rear of the house. She explained that the frontage has some awkward angles which make using the Zoning Regulations more difficult. She explained how the existing gravel driveway will be used. She stated that both of the engineers have signed off on it. She noted that the drainage comes toward Herrick Road which is a dirt road in this section. However, no concerns had been expressed regarding the drainage.

Mr. Archer explained the process that they went through to get the non-jurisdictional ruling from IWWC (according to State Statute).

Mr. Archer indicated (regarding the driveway) how the water drains on Herrick Road involving a drainage swale. He stated that they are not proposing anything new – it is

established. Dan Ledogar stated that it goes under the road and that there is a drainage culvert under the road.

There was discussion whether a paved driveway apron should be required. J. Roberson stated that it is an unimproved road and that the Public Improvements Specifications say that the Commission may decide what the appropriate treatment would be.

Motion was made by A. Kerouac to waive the requirements regarding the setting of pins in Section 2.16.3 of the Subdivision Regulations. Second by D. Fuss. Motion carried (6-0-0).

Motion was made by J. D'Agostino to approve the subdivision application of E. Ledogar for the property located at 167 Herrick Road, Assessor's Map 17, Lot 22, identified in the files of the Brooklyn Land Use Office as SD 17-002, in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:

- The approval and/or review letters from the Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).
- The draft language for the utility, driveway access and maintenance easement shall be submitted to the Land Use Department for review and approval prior to recording.
- The paved apron shall be removed from the detail sheet.

Second by A. Kerouac. There was no discussion. Motion carried unanimously (6-0-0).

J. Roberson clarified, for the record, that this application was exempt from the open space requirement because it is a gift within the family (letter dated June 26, 2017 was provided in the packets to Commission Members).

b. Other:

1. Discussion of upcoming Aquifer Protection Agency requirements.

J. Roberson explained that it is required that the that the Planning and Zoning Commission adopt the new Aquifer Protection Zone within six months of the day that the State finished the Level A Mapping (after the PZC's August regular meeting will complete the six month period). Maps and information from the CT DEEP entitled, "The Municipal Aquifer Protection Agency" were included in the packets to the Commission Members.

At a 2005 Brooklyn Town Meeting, the Brooklyn Town Code designated the Conservation Commission as the Aquifer Protection Agency. Since the Conservation Commission is not a regulatory Commission, there was an amendment in 2012, designating the PZC as the Aquifer Protection Agency.

J. Roberson explained the State is mandating the Aquifer Protection Area (which is a well head protection area which goes around the three groundwater wells near Quebec Square) to ensure that the public water supply is not contaminated. The State

adopted Aquifer Protection Regulations to regulate land use, particularly those land uses that have potential to contaminate groundwater within the Aquifer Protection Area. Existing uses that pose a threat are registered through this process and are monitored going forward. New uses that have potential to contaminate groundwater are not allowed in these areas. The State puts the onus on the municipalities to enforce these regulations. It is required to be put on the Town's Zoning Map, but it cannot be fully integrated into the Town's Zoning Regulations. It must be its own, separate, document.

The Town's Aquifer Protection Area is completely residential except for the mill (which is vacant at this time). There are, currently, no land uses that would need to be registered. J. Roberson explained that they would need to do a land use inventory and indicated the boundaries on the Map of the Aquifer Protection Area. J. Roberson will investigate what is happening at the mill as there is renting activity there.

The Aquifer Protection Agency must meet separately from the Planning and Zoning Commission. The Commission was in agreement to hold quarterly meetings of the Aquifer Protection Agency at 6:30 p.m. on the same night as the special meetings of the PZC. However, they may be more often at first because to meet the requirement that the Regulations be adopted by October. The first meeting of the Aquifer Protection Agency will be on the night of the July Special Meeting (7/18/2017) at 6:30 p.m.

PZC Recording Secretary, Jo-Ann Perreault, has agreed to be the recording secretary for the Aquifer Protection Agency also.

There will be training available online within the next couple of months.

Discussion ensued:

- There was discussion regarding the area covered on the map entitled, "Draft Aquifer Protection Area Land Use Inventory" dated 7/5/17. J. Roberson will revise the Inventory to show which properties are on sewer.
- Public education is one of the goals of the Source Water Protection Plan.
- There was discussion regarding businesses and wetlands just outside of the boundary limits.
- Hydro-electric generator at the Tiffany Mill.
- The Section in the Draft of the Re-Write of the Regulations will be a placeholder that will refer to the Aquifer Protection Regulations (as a separate document).
- J. Roberson will check with the Town Clerk regarding how to advertise the time of the PZC Special Meeting to be held after the Aquifer Protection Agency's meeting. There was a suggestion to begin the first meeting (Aquifer Protection Agency) and if not finished, adjourn until after the second meeting (PZC), open the second meeting (PZC), and re-open the meeting of the Aquifer Protection Agency.

VIII. Reports of Officers and Committees:

1. ZEO's Report.

Discussion:

- **7 Providence Road**

The Commission voiced that they don't feel a report form should need to be filled out if the whole Commission shows concern on a particular issue. Why can't they just call on the phone with a complaint?

M. Sigfridson was asked to speak with R. Ives regarding communication between the Commission and the ZEO and whether she will come to PZC meetings. Individual complaints should not be relayed to J. Roberson at meetings. Concerns can be e-mailed to Martha Fraenkel.

- **129 Pomfret Road property (dismantling stone walls).**

- **Dunkin Donuts – erosion in the slope in the back (low shrub vs. grass) that needs to be stabilized.**

- **Brooklyn Farm & Pet – 4 trailers, barrels, dumpsters. Not in compliance with the approved site plan. C. Dunlop will fill out a report form and will supply photos. J. Roberson will relay this issue to M. Fraenkel since it is a Commission priority.**

There was discussion regarding who the ZEO reports to. It was suggested that M. Sigfridson meet with First Selectman, Rick Ives regarding improving communication between the PZC and the ZEO. It was suggested that Ms. Fraenkel come to some PZC meetings and deduct the time from her hours worked for the Town.

The Commission continued with discussion of the ZEO Report:

- **71 Vina Lane – unpermitted boxing club, appliance sales (Regional Building). M. Fraenkel is working with the property owner.**

A. Kerouac expressed concern that Brooklyn Farm & Pet has been a subject of discussion four times, but has not been given higher priority. Discussion ensued.

D. Fuss left at 7:55 p.m. Discussion continued.

2. Budget – No discussion,

3. Correspondence.

There was discussion pertaining to a letter from the Connecticut Siting Council (dated June 16, 2017) regarding the Quinebaug Solar Project. A petition is being filed for a declaratory ruling that no certificate of environmental compatibility and public need is required. If granted, there may not be a hearing process.

J. Roberson spoke regarding Granny Pods (copies of faxed sheet were provided to Commission Members). There was recent legislation requiring municipalities to allow Granny Pods unless they opt out. A Granny Pod is a portable residential structure intended for occupation by an impaired person requiring caregiver assistance. Accessory apartments are already allowed in Town.

4. Chairman's Report.

IX. Public Commentary – None.

X. Adjourn

Motion was made by C. Kelleher to adjourn at 8:15 p.m. Second by A. Kerouac. Motion carried unanimously (5-0-0). D. Fuss left at 7:55 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary