

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, September 6, 2017
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.
(Following the Aquifer Protection Agency Meeting)**

MINUTES

I. Call to Order –Chair, M. Sigfridson called the meeting to order at 6:41 p.m.

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

David Fuss was absent with notice. Alan Carpenter was absent.

Staff Present – Jana Roberson, Director of Community Development.

III. Seating of Alternates

Motion was made by C. Kelleher 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 August 2, 2017.

Motion was made by J. Mohn to accept the Minutes of the Regular Meeting of August 2, 2017. Second by C. Kelleher.

Discussion:

J. Roberson suggested the following corrections/changes:

- Page 2, Item VII.a. ZEO’s Report, toward the bottom of the page, sentence to read as follows: “There was discussion regarding the Wal-Mart fuel-cell.”
- Page 3, Item VII.a. ZEO’s Report, last paragraph to read as follows: Mr. Kerouac stated that Town Recreation signs had been put up on telephone poles and he expressed concern about church signs. It was clarified that the Recreation Department has not been posting event signs in locations where they should not be. Ms. Roberson suggested reviewing the Sign Regulations and seeking additional feedback.”

There was discussion because Ms. Sigfridson and Mr. Kerouac stated disagreement with Ms. Roberson’s second suggestion. Several different suggestions were made. Mr. Kerouac stated that the point he was trying to make with his statement was that Town Departments can’t be violating our own sign regulations.

Ms. Roberson suggested the following alternative wording for her correction regarding Page 3, Item VII.a. ZEO’s Report, last paragraph: “It was clarified that the Recreation Department has not been posting event signs in locations where they should not be.” There were no objections to this wording.

- Page 3, Item VII.c.1. Discussion of Draft Zoning Regulations, third bullet, to read as follows: “Bees and Chickens in the RA? It is already allowed.”

There was discussion, but no objection to this suggestion.

- Page 4, Item VII.c.1. Discussion of Draft Zoning Regulations, third bullet at top of page, to read as follows: “Review South Main Street Zoning to allow more offices, down zone north side, or up zone south side (include EDC for input).”
- Page 4, Item VII.c.1. Discussion of Draft Zoning Regulations, center of page, second line be made into its own bullet, and to read as follows: “Home-Based Contractor. There was discussion regarding the difference between Home Enterprise and Limited Business Enterprise. J. Roberson will provide information regarding commercial vehicles. She would like to find a way to allow more home contractors, but with some restrictions to avoid negative impact on neighbors. There was discussion regarding commercial vehicles and equipment. J. Roberson suggested, as an alternative, revisiting Home Enterprise to see if it needs amendment rather than making a new category. Decision was to not include this in the public review draft and to revisit later.”

- Page 5, Item VIII.1. Budget, second sentence, to read as follows: “Money has been set aside for printing and also to have Glenn Chalder present at the public meeting regarding the re-write of the Regulations.”

Motion to approve the Minutes of the Regular Meeting of August 2, 2017, as amended, carried (5-1-0). A. Kerouac was opposed.

2. Special Meeting Minutes August 22, 2017.

Motion was made by C. Kelleher to adopt the Minutes of the Special Meeting of August 22, 2017. Second by J. D’Agostino.
Discussion:

J. D’Agostino suggested the following comment and correction:

- Page 2, Item V.a. Discussion re: Quinebaug Solar Project, poll to see if the Commission was in favor of taking a position in its letter to the CSC regarding the Quinebaug Solar Project, first bullet item, to read as follows:
J. D’Agostino commented: “There are 12 statements in the POCD where it spoke of preserving the character of Route 169. He stated that he is in favor of the beauty of the view shed. He feels this property should have been preserved as agricultural land. He feels that the PZC should take a position of not in favor due to the effect on the view shed which is on a State and federally designated scenic by-way.”
- Page 1, Item V.a. Discussion re: Quinebaug Solar Project, third paragraph, change “assisting ability” and “assisting abilities” to “sustainability.”
Mr. D’Agostino also commented that he would like it noted that this paragraph is one-sided because the POCD also talks, strongly, about keeping Route 169 as a scenic road.

J. Roberson suggested the following comment/corrections:

- Page 2, Item V.a. Discussion re: Quinebaug Solar Project, poll to see if the Commission was in favor of taking a position in its letter to the CSC regarding the Quinebaug Solar Project, fifth bullet item, to read as follows: “A. Kerouac stated that, in general, the Commission should be in favor of the project. However, he feels that it should be formalized that the Commission came to that decision based on the developer’s willingness to do the things that they stated they would do at the hearing (such as buffers for neighbors, etc.). Mr. Kerouac is concerned for traffic and safety and he has questions regarding the main access point and also about fencing in the whole property with a wildlife fence.”

Ms. Roberson explained that she feels that Mr. Kerouac’s statement, “because the Zoning Regulations are met” should be deleted from the Minutes because this project is beyond any kind of municipal oversight. Mr. Kerouac was opposed to the change being made. There was discussion and it was decided that this item would not be changed, but that the discussion would be reflected in the minutes for this meeting (September 6, 2017). J. Roberson stated that the point that she wanted to make is that there are no zoning rules that apply to that project. Mr. Kerouac stated that this could be clarified at tonight’s meeting (September 6, 2017) as it is on the Agenda.

- Page 2, Item V.a. Discussion re: Quinebaug Solar Project, third paragraph from the bottom of the page, to read as follows: “A. Kerouac asked who would be managing the project. There was a preference for some form of local management.”

There was discussion. J. Roberson’s second suggestion to read as follows: “A. Kerouac asked who would be managing the project. There was discussion regarding the management of the project.”

Motion to approve the Minutes of the Regular Meeting of August 22, 2017, as amended, carried (5-0-1).

J. Mohn abstained.

V. Public Commentary – None.

VI. Unfinished Business: None.

VII. New Business:

a. Applications:

1. SD17-003 Barry Builders, Inc; South Street, Map 46, Lot 38, R-30 Zone, 3 Lot Subdivision.

Paul Terwilliger, P.C. Survey Associates, LLC, represented the Applicant and gave an overview of the proposed project:

- Parcel is a 5.2 acre, rear lot (to the north of the Kausch subdivision).
- Three rear lots and an open-space parcel to be created.
- Common access drive to be owned by the lot furthest to the rear (he indicated the location) with two additional lots accessing from that same driveway.

- One lot to be just under an acre, one lot to be almost 2 acres, and one lot to be 1.26 acres.
- NDDH has reviewed and has approved for development. Soil tests were done (very gravelly soils). They will be doing septic systems for the individual homes. Mr. Terwilliger stated that they are not within the jurisdiction of the WPCA (over 100 feet from their line).
- Houses will be served by public water (South Street).

J. Roberson clarified that the Application had been changed earlier in the day to show that the property is served by public water and she stated that the Commission Members' packets should reflect public water. She stated that the IWWC will receive this Application next week.

Mr. Terwilliger continued:

- Drainage: driveway graded to just under a 10-percent slope; at the bottom of the hill there will be a cross culvert (15"). He indicated a low area to the south side of the driveway where runoff will be anticipated. He indicated another low area and where that runoff will dissipate.
- He indicated where they will do additional grading and stated that he had submitted a revised plan earlier in the day.
- He indicated where they will berm and swale for no potential for runoff to enter the driveway area to the north as this was a concern for abutting property owners.

There was discussion and Mr. Terwilliger indicated the route of runoff as Mr. Kerouac had expressed concern for the amount of runoff. Mr. Terwilliger stated that they are very well-drained soils. Norm Thibeault from Killingly Engineering is working on this project.

Mr. Terwilliger continued:

- He indicated a wetlands area to the rear on the east side of the property which is associated with the Quinebaug River. They are proposing a one-acre, open space area (adjoining the River) which they were going to propose to convey to the Town. However, the Conservation Commission recommends that it be an easement over the lot.

Ms. Roberson explained that the Conservation Commission reviewed the plans last night and are leaning toward (not finalized) the same kind of pedestrian easement as for the Kausch subdivision to continue an intention to provide (in the future) a public walking trail along the River. There was discussion regarding other section portions of the intended walking trail and about an abutting submerged lot. Mr. Terwilliger stated that the deed to the Applicant's property specifically states that it goes along the bank of the River. A. Kerouac stated that he feels more comfortable that, if it is a lot owned by the Town rather than an easement, that there be a pull-off with a sitting area/dock. J. Roberson will refer to the Selectmen for comment.

C. Dunlop asked if the driveway was gravel and about detail. Mr. Terwilliger stated that it would be gravel (grading kept under 10 percent), typical 8-inch base, material from on site.

Mr. Terwilliger stated, for the record, that he had sent notification to the property owners within 200 feet. J. Roberson stated that she had not been contacted by any property owners and that the notices had been mailed on August 24th.

The Commission discussed whether to require a public hearing for this Application. There was discussion regarding whether it would be approved by IWWC or if a wetlands permit would be required. Mr. Terwilliger indicated a small pocket of wetland which is within 125 feet the River and associated wetlands (100 feet from the driveway). Mr. Terwilliger indicated where the proposed driveway cut would be and he explained that the driveway would be graded to flow away from the wetland.

Mr. Terwilliger stated that if a maintenance and use agreement is required, he would put a notation on the plans to reflect it.

There was discussion regarding the distance of the proposed septic from the River/wetlands. J. Roberson referred to Sheet #3 of the Plans and explained that there is no activity within 175 feet of the River or within 125+ feet of the wetlands.

Motion was made by C. Kelleher to accept Application #SD17-003 submitted by Barry Builders, Inc. for a 3-Lot Subdivision on South Street, Map 46/Lot 38, in the R-30 Zone. Second by C. Dunlop. Motion carried unanimously (6-0-0).

2. SPR17-002 Mark Benard 85 Hartford Road, Map 24, Lot 118, VCD Zone; Substantial reconstruction (enclosed deck, windows, stone wall).

Mark Benard, 85 Hartford Road, represented himself and gave an overview of the Application:

- Remove an old window and replace with two separate new windows.
- Closed in a deck and made it a closet.
- Added stone wall in front – unfinished. He explained that he could not finish the stone wall because the State will be connecting his property to public water.

J. Roberson explained that there was a change in the building footprint which was brought to her attention by the Building Official. She noted that the stone wall is consistent with design standards and the new window design is more consistent with an historic window arrangement. There was discussion regarding the addition. Mr. Benard explained that he had removed the sliding glass door to the deck and closed it in years ago, so there was no way to get to the deck. J. Roberson stated that it is all within the setbacks. J. Roberson explained that this falls under the definition of substantial reconstruction because the appearance of the building is being changed from a public vantage point. Mr. Benard stated that the property is on public sewer and will be hooked up to public water.

There was discussion regarding the stone wall being finished at a later time. Mr. Benard explained that he wants to wait to finish the wall after the State completes its work for public water hook-up because it would get knocked down and then he would have to rebuild it. J. Roberson suggested that Mr. Benard could amend his application to say that he will continue the stone wall along the entire length of the frontage.

Motion was made by J. D'Agostino to approve the application of Mark Benard to enclose an existing porch, revise windows, and construct a stone wall at 85 Hartford Road, Map 24, Lot 118, VCD, with the finding that the design is consistent with the design standards for the Village Center District. Second by A. Kerouac. There was discussion and it was noted that Mr. Benard amended his Application to reflect that the stone wall will be finished (as discussed earlier) along the entire length of the frontage of the property upon the completion of the water connection by the State. Motion carried unanimously (6-0-0).

Mr. D'Agostino commented that the Town should have an ordinance for stone walls and that he had provided (in the past) information regarding construction/destruction of stonewalls. He offered to provide another copy.

3. SPR17-003 Mark Benard, 71 Vina Lane, (Coop 1), Map 24, Lot 158, VCD; Indoor Boxing Training Facility (Paul Iannuzzi).

Mark Benard, Applicant/Owner, introduced Paul Iannuzzi (Operator) who gave an overview:

- Mr. Iannuzzi has been involved in boxing for 30+ years and enjoys teaching people of all ages.
- Training is a couple nights per week.
- They compete out of State.

J. Roberson explained that a Statement of Use was included in the packets to the Commission Members as well as a Site Plan and she commented on the following:

- Located within the former Coop #1.
- Approximately 4,000 square feet.
- Providing twenty-two gravel parking spaces along the building (20 are required).
- Do not have approvals from NDDH and IWWC yet. First draft of Site Plan was submitted yesterday (9/5/2017) and they submitted to NDDH today (9/6/2017).
- She noted that Mr. Iannuzzi described the use as training facility, however, a karate school had been approved under the definition of Education Center (which is a Site Plan Review use in the VCD). She believes there is a precedent as this use is fairly comparable with the karate school. She encouraged the Commission to discuss this.
- It was stated in the Statement of Use that no events are to be held at this facility, that there are never more than eight cars there, they compete elsewhere, and that it is just for training and educational purposes.

Mr. Iannuzzi stated that there is only one staff member (himself).

There was discussion regarding the location and floor plan.

Mr. Iannuzzi explained the equipment: Ring; wrestling mats; 6 hitting bags; dumbbells (light weights 5 – 45 lbs); hamstring machine (which doesn't get used).

There was discussion regarding Education Center vs. Boxing Education Center. J. Roberson explained that it is a difference of scale. Events or Boxing Tournaments with a need for more parking would fall under special permit/indoor sports and recreation. Mr. Iannuzzi explained that they do some education on health and fitness, eating right, walks of life/keeping on the straight-and-narrow. Classes are on Tuesday and Thursday nights and Saturday mornings.

There was discussion regarding whether any special licensing is required for operation. Mr. Iannuzzi explained that the only thing that USA Boxing requires is that he be licensed as a trainer (which he stated that he is).

Mr. D'Agostino's questions:

- He asked if Mr. Iannuzzi has a certificate stating that he is licensed to teach. Mr. Iannuzzi stated that he has a license.
Mr. D'Agostino stated that, since Mr. Iannuzzi does not have a certificate from the State of Connecticut, calling the facility an Education Center will not be consistent with State Regulations. Mr. D'Agostino stated that he is in favor of the application, however, he has concerns: The potential for children to get hurt. He asked how Mr. Iannuzzi will be protected. Mr. Iannuzzi explained the procedure. Mr. D'Agostino stated that he feels that more information is needed before an approval can be issued. C. Kelleher explained that the PZC, a land use agency, can't go beyond what it is authorized to do. Discussion continued. Regarding the question of whether State licensing is required, C. Kelleher read the definition of Education Center from the Brooklyn Zoning Regulations. Discussion continued regarding safety precautions that Mr. Iannuzzi takes (e.g. 16 oz. gloves because they are softer, helmets and mouth pieces are worn at all times). Discussion continued.
- Will there be locker rooms/showers? Mr. Iannuzzi stated that there is a changing room, no showers.

J. Mohn stated that he feels that Mr. Iannuzzi has adequately demonstrated that his intended use is consistent with the Statement of Use (Education Facility). A. Kerouac asked why it wouldn't be more of a Health Club as it had been mentioned as a Boxing Club (What is it most similar to – Education Center or Health Club?). There was discussion. J. Roberson explained that Health Club usually involves entering into contracts. J. Mohn read the definition of Health Club from the Zoning Regulations. Discussion continued.

Motion was made by J. Mohn to approve the application of Mark Benard to have an Education Center (Boxing Training Facility) operated by Paul Iannuzzi in 4,000 s.f. of Coop #1 at 71 Vina Lane, Map 24, Lot 158, VCD Zone with the finding that the proposed use and design is consistent with the main use and design standards for the Village Center District. Second by C. Kelleher.

There was discussion:

- J. Roberson clarified that Mr. Benard is the Applicant/Owner and Mr. Iannuzzi is the Operator.
- Mr. D'Agostino stated that, although it is beyond the purpose/responsibility of the PZC, he would like to see additional information (certificates showing qualification to teach), at some point in time, as part of the record.
- J. Mohn questioned signage. J. Roberson noted that this Application is being approved without signage and that a sign permit could be applied for and issued separately. Mr. Benard and Mr. Iannuzzi agreed.

Motion carried unanimously (6-0-0).

b. Other:

1. Review Draft Comments on Quinebaug Solar to CT Siting Council

The Commission discussed the draft of the letter to the CSC. The following changes were decided upon:

- The letter will be revised to not take a position. Page one, third paragraph to read as follows: "The Brooklyn PZC wishes to express the following comments to the Siting Council regarding certain facets of the project."
- Page one, first bullet, second sentence: Change "The Town Plan states:" to "The Brooklyn Plan of Conservation and Development states:"
- Page one, second bullet, to read as follows: "In addition to the scenic views from Route 169, the views from residentially-developed neighborhoods such as Almada Drive are also a concern. The residents of these neighborhoods will be directly impacted by the Quinebaug Solar Project. Therefore, it is also important that impacts to their viewshed be eliminated or minimized."

- Fourth bullet (from page one), at the top of page two, last sentence to read as follows, “The PZC requests an examination of the proposal to the wild trout population in Cold Spring Brook to minimize or eliminate impacts to the the Brook.”

It was mentioned that this Brook may already be monitored due to its distance from the landfill.

- Page 2, fourth bullet, delete the first sentence. This bullet to read as follows: “The PZC requests that the use of Rukstela Road (both segments) particularly the unpaved portions, be kept to a minimum during the construction phase.

J. Roberson will make revisions to the letter.

2. Preliminary Discussion of Draft State Plan of Conservation and Development

J. Roberson provided the website to the Commission Members so that they can review the document and mapping (she also offered hard copies). She asked the Commission to provide feedback regarding whether they prefer Option 1 (eastern third of the Town) or Option 2 (Route 6 Corridor from Killingly Town Line to just past Hank’s Restaurant and the VCD) for the urbanized/development areas. She explained that it is a guide map, not a policy map. There was discussion.

VIII. Reports of Officers and Committees:

1. Budget – (Included in packets to Commission Members) - No Discussion.
2. Correspondence – J. Roberson stated that she had received correspondence from NECCOG regarding the State POCD and that the comment period ends on October 16th.
3. Chairman’s Report – M. Sigfridson offered to discuss the ZEO Report at this time.

A.Kerouac asked if the NECCOG Transportation Report would be considered in Option 1 or Option 2. J. Roberson explained that the State Transportation Plan is more of a work plan and less about statement of goals.

M. Sigfridson continued with the ZEO Report:

- Questions and comments can be directed to Martha Fraenkel when she attends the meeting every three months or M. Sigfridson can communicate comments from the Commission on issues that need attention sooner.

J. D’Agostino asked what the real role of the PCZ is for applications such as the boxing club. He feels it needs to be discussed. M. Sigfridson explained that P&Z encompasses health, safety and welfare, but all the Commission can do is apply the Regulations.

Mr. D’Agostino also expressed that the Commission should have a vision for the Vina Lane area in the VCD (e.g. signs). He suggested a subcommittee. There was discussion. A couple of concept plans had been done by UCONN students.

A.Kerouac stated the need to have a planning meeting of the PZC, the EDC and Rick Ives/Board of Selectmen. There was discussion. J. Roberson commented that there is a need to re-establish a relationship with the EDC. M. Sigfridson will attend the next EDC meeting. Discussion continued.

There was discussion regarding the parking at Pet Value. C. Kelleher asked if something can be done to correct it. J. Roberson will look into it.

IX. Public Commentary – None.

X. Adjourn

Motion was made by C. Kelleher to adjourn at 9:29 p.m. Second by A. Kerouac. Motion carried unanimously (6-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary