

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, December 6, 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; A. Kerouac; Jules D’Agostino.

Alan Carpenter and Jeryl Mohn were absent with notice.
Michelle Sigfridson arrived at 6:38 p.m.

Staff Present – Jana Roberson, Director of Community Development.

While waiting to achieve a quorum, J. Roberson provided copies of the latest draft of the Zoning Regulations Re-Write which includes all revisions made through December 5, 2017. C. Kelleher suggested that the final copies be put in 3-ring binders.

III. Seating of Alternates

Motion was made by C. Dunlop to seat J. D’Agostino as a Voting Member. Second by C. Kelleher. Motion carried unanimously (3-0-0).

Since there was no quorum, public commentary was heard at this time.

A.Kerouac commented regarding the importance that there be respect among the Commission Members of the various Boards in Town.

M. Sigfridson arrived at 6:38 p.m.

J. D’Agostino suggested that the Town Attorney be consulted regarding the possibility of the PZC going into executive session to discuss A. Kerouac’s unidentified issue. C. Kelleher and C. Dunlop voiced agreement.

A.Kerouac suggested moving Item VI.b as that discussion may be lengthy.

Motion was made by J. D’Agostino to add the following Agenda Item:

VII. New Business:

b. Other:

3. Adoption of the 2018 Regular Meeting Schedule.

and to move the following Item:

VI. Unfinished Business

b. Other

1. Discussion of Zoning Regulation Rewrite: Scenic Route 169 Overlay Zone, etc.

to after Item:

VII. New Business

a. Applications

1. SPR 04-05: (Special Permit Modification): Addition of generator at Creamery Brook Village.

Second by A. Kerouac. Motion carried unanimously (5-0-0).

IV. Adoption of Minutes:

Regular Meeting Minutes November 1, 2017.

Motion was made by C. Kelleher to adopt the Minutes of the Regular Meeting of November 1, 2017. Second by J. D'Agostino. Motion carried unanimously (5-0-0).

Special Meeting Minutes November 14, 2017.

Motion was made by C. Dunlop to adopt the Minutes of the Special Meeting of November 14, 2017. Second by A. Kerouac. Motion carried unanimously (5-0-0).

V. Public Commentary – See above (after Item III. Seating of Alternates).

VI. Unfinished Business:

a. Applications:

1. GBR 17-002: Paul Sansoucy; Pomfret Road, Map 26, Lot 19A, RA Zone, Gravel Bank Renewal for 2017.

Bruce Woodis, KWP Associates, represented the Applicant and explained that plans have been revised to show small revisions to the active area. Staff has been reviewing the plan/renewal and Martha Fraenkel had wanted feedback from the PZC.

J. Roberson reported on behalf of Ms. Fraenkel:

- Ms. Fraenkel inspected the property; reviewed the Renewal Application; and prepared a five-page Report/Compliance Review dated November 2017 (page 5 was included in packets to the Commission Members).
- The volume is compliant with what was stated in the Application.
- There is a bond in place.
- Ms. Fraenkel would like guidance from the PZC regarding the restoration plan.

Ms. Roberson referred to page 5 of Ms. Fraenkel's Compliance Review:

- This is a stone quarry and the Regulations are written for gravel operations, therefore, some of the requirements may not be applicable.
- The rock quarry is like a sheer cliff and there is a lot of waste material (stone). The restoration plan says that when the quarry is exhausted (or the business stops), the waste material will be moved back up against the sheer face and left at a slope of 50%. Ms. Fraenkel is not sure that that is the best plan and would like feedback from the PZC. The waste has never been measured, so there may not be enough rock to accomplish a 50% slope.
- What is currently being stored and stockpiled on the site could be processed and turned into another product.

Ms. Fraenkel's questions regarding the restoration plan:

1. Is a final grade of 50% realistic? Or will a sheer face (90 degrees) remain at the end of the operation? If so, is that acceptable to the Town?
2. What is the ratio between material needed for restoration (as shown) and the amount actually available?

There was discussion. The current restoration plan (50% grade) was approved (September 2014) by the PZC when the permit had lapsed and a new grading plan had been created for a new permit at that time. Three plans (revision date of October 26, 2017) were included in the packets to the Commission Members.

Mr. Woodis explained the process for determining suitable rock and what will be stockpiled (unsuitable). He explained that there are large stockpiles of soil that are to be used (at the end of this phase or at the end of the operation) to slope the rock and other unsuitable material and cover it over with the organic material that is on site. Mr. Woodis is not sure of the volume of those materials, but does not think there would be enough. He asked, going forward, how formal the Commission wants the restoration plan to be. He asked about the size of the operation – going beyond five acres of disturbed area without permission from the Commission. He and J. Roberson concurred that it is getting close to five acres. Mr. Woodis explained that the five acre area includes: where they stockpile; where they store for shipping; where they do their picking; and where they actively mine rock. They moved 2,400 cubic yards last year and they are expecting 2,500 cubic yards for next year. It is a very slow-moving operation which will end someday.

There was discussion and M. Sigfridson questioned whether to second guess the way the permit was approved. C. Kelleher and J. D'Agostino stated agreement. A. Kerouac likes the 50% grade and stated that if the Applicant feels that the 50% grading is reasonable, then go with that because it had been approved. D'Agostino expressed concern for the operation getting closer to Barrett Hill Road and for wells in the area. J. Roberson stated that she had not received any complaints. C. Dunlop explained that the surface blasting should not be an issue.

Discussion continued. Mr. Woodis stated that there is a small wetlands pocket at the top. He explained that it is unrealistic to treat the quarry like a gravel operation because there will be exposed rock.

M. Sigfridson suggested leaving the restoration plan as is. C. Dunlop stated the important thing is to make it so that it is not a dangerous and attractive nuisance and the 50% slope would probably comply with that.

A. Kerouac suggested that some areas (stockpiles, etc.) be counted as in a state of reclamation (elevations are not going to change). J. Roberson explained that it can be called special circumstances to allow them to exceed the five acres within reason (provided there are no impacts to wetlands). M. Sigfridson stated that she is not uncomfortable with this. A. Kerouac agreed. There was discussion regarding the area of disturbance and J. Roberson stated that it would never be more than ten acres. Mr. Woodis agreed.

J. Roberson asked if the Commission Members were okay with it going a little over five acres. She stated that the most recent active face would be considered special circumstances. J. D'Agostino stated that he would like to know when it would go over the five acres and also where and by how much. J. Roberson referred to Sheet 2 of 3 of the Maps that had been provided in the packets to the Commission Members. A. Kerouac stated that he is okay with it going a little over the five acres, but he would not include the vertical open rock face as a disturbed area.

C. Dunlop asked if the refueling pad is existing or proposed because he would have a concern for drinking water. Mr. Woodis stated that he does not think it ever got installed.

M. Sigfridson stated that consensus was for J. Roberson to relay the following to Ms. Fraenkel:

- Refueling Pad never installed.
- The Commission is okay with the area of disturbance going a little over five acres.
- Stick to the exiting restoration plan.

J. Roberson offered to e-mail the additional four pages of Ms. Fraenkel's Compliance Review to any Commission Members who would like a copy of it.

2. SPR 17-001; VLA Properties; 18 Providence Road; Review of design revisions (stone wall opening, painting, lighting, garage windows).

Paul Archer was unable to attend. J. Roberson reviewed the revisions (differences from the approved plan) with the Commission:

- Stone wall shown on the plan as a continuous wall was opened up (a photo was provided).
J. Roberson contacted Connecticut DOT and they do not consider it a driveway at this point.
- When cellar door was installed, the brick was left in a natural state instead of being painted to match the existing building foundation (a photo was provided).
- Proposed/approved steps were stone slabs to match the existing fieldstone wall. Installed steps are brick and concrete (a photo was provided).
- Garage doors do not have windows as approved (a photo was provided).

There was discussion. M. Sigfridson stated, for the record, that her husband's company had been contracted to build Mr. Archer's building. However, she did not know this at the time of the Application.

A.Kerouac would like the brick by the cellar door to be painted yellow as approved.

Consensus was that no further work is required. A.Kerouac stated that, going forward, he would like people in the Historic District, especially if they own a contributing structure, if specific aesthetics are approved and they agree to them, that they be held to that.

VII.New Business:

a. Applications:

1. SPR 04-05 (Special Permit Modification): Addition of generator at Creamery Brook Village.

Copies of plans were included in the packets to the Commission Members.

Bruce Woodis, KWP Associates, represented the Applicant and gave an overview of the project:

- Existing generator is insufficient during a power outage and they want to install a new emergency generator that will take care of all of their facilities.
- To be located behind the large building in the grassy area behind the parking lot. To go behind an existing row of arborvitaes (approximately 12' to 14' high x 20' long).
- Size of the new generator is approximately 8.5' wide x 32' long and is 12' tall. Color is not known at this time.
- To run on diesel fuel.
- Designed to sit on a concrete pad. Fuel tank to be underneath the generator. Double-wall tank. There is an alarm in the event of a leak.
- Requires approximately 2 feet of excavation to prepare for the concrete pad.
- Just out of the edge of the regulated area for the wetlands.
- There should be no initial or long-term detriment to the grounds.

J. Roberson stated that it is before the IWWC and they have not acted on it yet. She clarified that this is a modification of a previous special permit. It is not in view of a public roadway. Conduit to be below ground.

The Commission will take action on this Application at its next regular meeting.

b. **Other:**

1. Discussion of Zoning Regulation Rewrite: Scenic Route 169 Overlay Zone, etc.

J. Roberson stated that she and Martha Fraenkel have been reviewing procedures and, at this point, about half of Ms. Fraenkel's comments have been incorporated into the draft. Ms. Roberson feels that the draft may be ready soon for public review. There was discussion regarding setting a time limit. Having theme nights (e.g. Agriculture night) to get feedback from other Commissions was discussed. J. Roberson suggested possibly going to the meetings of other Commissions instead of having them come to PZC meetings. It was suggested that they be provided with a copy of the draft to review. The Commission will try to have the public review draft ready by its Special Meeting on February 21, 2018. J. Roberson will have a copy printed for public review and will post it on the website.

There was discussion regarding the following Sections:

6.L.6 FARM WINERIES AND BREWERIES

Does the Commission want to consider additional criteria or allow it per the Statute?

5.A. SCENIC ROUTE 169 OVERLAY ZONE

There was discussion regarding the Commission's request for distinction between site plan review criteria and special permit criteria involving new construction, substantial reconstruction, and rehabilitation of properties. J. Roberson referred to CGS 8-2J which states that they all require design review if visible from the road. Land Use Attorney, Peter Alter may need to be consulted on this because CGS 8-2J makes references to public hearing, but does not state that it is required. It does say that the review from the Village Consultant has to be made part of the public record at the public hearing. This is only due to making this subject to Village District Statutes. M. Sigfridson asked J. Roberson to consult Peter Alter.

There was discussion regarding the NECCOG Route 169 Corridor Management Plan which discusses view shed protection zones, overlay zones, CGS 8-2J, and mandatory conservation subdivisions with reverse frontage.

There was discussion regarding conservation subdivisions. J. Roberson stressed that although the PZC is not meant to thwart development, it does have strong authority, under the CGS for conservation subdivisions, to change where the open space is proposed and where a road or houses might be located. It is managing growth.

6.L.6 FARM WINERIES AND BREWERIES

There was discussion regarding whether the Commission wants to consider additional criteria or allow it per the Statute. The Commission reviewed the special permit criteria (Section 9.D.4) and it was decided that their concerns are covered there.

There was discussion regarding breweries being allowed only on farms.

5.A. SCENIC ROUTE 169 OVERLAY ZONE

There was discussion regarding language regarding subdivisions that had been removed. The Commission was in agreement that it should be removed.

5.A.6.2. Exempted Activities

There was discussion regarding why the statement in 5.A.2.b is not also under 5.A.6.2.1 and 5.A.6.2.3. J. Roberson explained.

5.A.6.2.2.a and 5.A.6.2.3.a. - Change “public roadway” to “Route 169.”

Per Martha Fraenkel’s request, J. Roberson to change all instances of “ZEO” to “Staff” (throughout the document).

5.A.6 PROCEDURES

Martha Fraenkel requested that it be added that Staff decide whether it is visible. It was suggested that a date be applied.

At this time members of the audience, Sandra Brodeur and Anne Ennis, asked if they could make their comments because they had to leave.

Anne Ennis, Kingswood Farm, commented that she heard around Town that tractor trailer trucks would not be allowed on farms on Route 169.

S. Brodeur commented that she heard at a meeting that tractor trailer trucks would not be allowed to be parked in front of, on the side of, or behind farms on Route 169 even if they could not be seen.

J. Roberson explained that all agricultural vehicles are exempt from the commercial vehicle regulations parking standards. She will e-mail information to Anne Ennis.

The Commission resumed discussion regarding **5.A.6 PROCEDURES:**

5.A.6.2 Exempted Activities – Change title.

5.A.6.2.4 There was discussion regarding signs. It was decided to add a #12 under 5.A.5 – Route 169 Design Standards (per page 18 of Appendix B – NECCOG Report). A. Kerouac suggested that the height not be the same as allowed elsewhere.

Discussion resumed regarding 5.A.6.2.3 (New Construction Not Visible).

J. D’Agostino voiced concern about decisions being made solely by the ZEO:

- He feels that if something is not visible from the road now, it may be in the future.
- It is not known who the ZEO will be in the future.

He suggested deleting “but not the design standards of this section” in 5.A.6.2.3.b.

J. Roberson and M. Sigfridson explained that it is part of the requirement of 8-2J Statute and that it had been decided to make this an 8-2 Zone like the Village Center (which would allow for design review standards to be applied to the site plan review).

VII. New Business:

a. Applications:

1. SPR 04-05 (Special Permit Modification): Addition of generator at Creamery Brook Village.

See above (after Item VI.a.2).

b. Other:

1. Expiration of subdivision for Grand View Acres

J. Roberson explained that this subdivision is definitely expired. It was an eleven-lot subdivision and they built all the lots that they didn't need the road extension for, but did not build any of the lots that were dependent on the road extension.

A. Kerouac stated that they do not understand or accept that it is expired. He asked that an Attorney reach out to the Owner before action is taken. It was decided that J. Roberson will notify the Owner.

Motion was made by J. D'Agostino to approve the filing of a subdivision expiration for Grand View Acres. Second by C. Kelleher.

Discussion: A. Kerouac requested that J. Roberson notify the Owner before the expiration is filed. Motion carried unanimously (5-0-0).

At this time, C. Kelleher suggested removing 5.A.6.3.8. J. Roberson will remove it.

2. Set effective date for Aquifer Protection Area Regulations

The DEEP has approved the Regulations. The effective date will be set at the next meeting of the Aquifer Protection Agency on December 19, 2017.

3. Adoption of the 2018 Regular Meeting Schedule.

There was discussion regarding possibly changing the regular meetings from Wednesday to Tuesdays. It was decided to keep the meetings on Wednesdays.

Motion was made by C. Kelleher to approve the 2018 Schedule of Meeting Dates. Second by A. Kerouac. Motion carried unanimously (5-0-0).

VIII. Reports of Officers and Committees:

1. ZEO's Report – None.
2. Budget – None.
3. Correspondence – None.
4. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

Motion was made by J. D'Agostino to adjourn at 8:57 p.m. Second by C. Kelleher. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary