

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Special Meeting
Tuesday, December 19, 2017
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.
IMMEDIATELY FOLLOWING
AQUIFER PROTECTION AGENCY MEETING**

MINUTES

I. Call to Order – Chair, Michelle Sigfridson called the meeting to order at 6:35 p.m.

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

Alan Carpenter was absent.

Staff Present – Jana Roberson, Director of Community Development; Richard Ives, First Selectman (was present from 6:40 p.m. until 8:05 p.m.).

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 unanimously (5-0-0).

IV. Public Commentary

Paul Sansoucy, Sansoucy quarries, questioned why he has to go through this process since this is a renewal application of an existing permit. He, and Bruce Woodis of KWP Associates, feel that a lot of the requests for information were part of the original approval.

M. Sigfridson explained that the Commission has been having discussions regarding a new approach for handling renewal applications.

V. New Business

- a. GBR 17-002: Paul Sansoucy; Pomfret Road, Map 26, Lot 19A, RA Zone, Gravel bank renewal for 2017.**

Richard Ives arrived at 6:40 p.m.

J. Roberson referred to page 5 of a report by Martha Fraenkel that had been provided to Commission Members last month. Ms. Roberson had prepared the following list of additional information (based on Ms. Fraenkel’s report) that she explained the Commission could request regarding this renewal:

- 1. The location of the active vertical work faces should be shown on the plans to provide a better indication of the current activity. Spot elevations may be substituted for contours. The applicant can additionally document annual activities with aerial photos.

2. Stockpiled materials should be labelled as to the type of materials and approximate volumes now and on an annual basis.
3. The applicant should provide their best estimate regarding the timing (phasing) of areas of future excavation to the east and west of the currently active area.
4. The applicant's engineer should review the restoration bond amount and provide an updated, itemized estimate of the cost of the restoration as shown on the approved plan.

As a conditional of approval, the paved refueling pad shown on the approved plans must be installed no later than May 1, 2018.

Bruce Woodis (through conversation with Ms. Roberson earlier in the day) and Mr. Sansoucy confirmed that the refueling pad is there, so Ms. Roberson stated that this item can be removed from the list.

There was discussion regarding procedure:

- Recommendation from ZEO, then Commission to take action; or
- Renewals to come to the Commission, not for the purpose of reviewing what has been done, but just so that the Commission is aware of what is going on and to ensure that renewals are done on time; or
- Commission to be briefed by the ZEO in the permit renewal process, not for the Commission's approval, but rather for awareness of what the ZEO is doing with an opportunity to provide feedback and perhaps guidance, but not to undermine the authority the Staff would be expected to have in managing permit renewals.

Mr. Sansoucy was asked regarding maximum depth of excavation 40 feet and depth to water table 25 feet. He explained that the statement is misleading and that they are digging into the face, nowhere near the water table.

There was discussion regarding the bond which was last reviewed in 2014.

There is no tank at the refueling pad. A truck comes in.

There was discussion regarding how much a burden it would be for the Applicant to provide the items on the above list. Mr. Sansoucy explained that the northern most part of the quarry is finished and that size of the work area is not growing (it is moving a little). It gets restored as they go.

Discussion ensued regarding procedure. Mr. Ives stressed the importance of timeliness with renewals.

Motion was made by J. D'Agostino to conditionally approve the renewal of GBR 17-002: Paul Sansoucy; Pomfret Road, Map 2, Lot 19A, RA Zone, Gravel bank renewal for 2017. The following conditions (identified by the Zoning Enforcement Officer) must be addressed to the satisfaction of the Zoning Enforcement Officer by January 31, 2018:

1. The location of the active vertical work faces should be shown on the plans to provide a better indication of the current activity. Spot elevations may be substituted for contours. The applicant can additionally document annual activities with aerial photos.
2. Stockpiled materials should be labelled as to the type of materials and approximate volumes now and on an annual basis.
3. The applicant should provide their best estimate regarding the timing (phasing) of areas of future excavation to the east and west of the currently active area.
4. The applicant's engineer should review the restoration bond amount and provide an updated, itemized estimate of the cost of the restoration as shown on the approved plan.

Second by C. Dunlop. There was discussion. Motion failed for lack of vote.

Discussion: A.Kerouac does not feel that Items 1 and 2 are necessary to be requested of the Applicant. J. Roberson explained that the requests are either tracking or documenting information needed for the restoration plan, and a reality test of the bond and for the stockpiled materials. Discussion ensued regarding stockpile material.

Motion was made by J. D'Agostino to amend his motion to conditionally approve the renewal of GBR 17-002: Paul Sansoucy; Pomfret Road, Map 2, Lot 19A, RA Zone, Gravel bank renewal for 2017. The following conditions (identified by the Zoning Enforcement Officer) must be addressed to the satisfaction of the Zoning Enforcement Officer by March 31, 2018:

1. The location of the active vertical work faces should be shown on the plans to provide a better indication of the current activity. Spot elevations may be substituted for contours. The applicant can additionally document annual activities with aerial photos.
2. Stockpiled materials should be labelled as to the type of materials and approximate volumes now and on an annual basis.
3. The applicant should provide their best estimate regarding the timing (phasing) of areas of future excavation to the east and west of the currently active area.
4. The applicant's engineer should review the restoration bond amount and provide an updated, itemized estimate of the cost of the restoration as shown on the approved plan.

Second by C. Dunlop.

Discussion: Whether a date for completion of the four conditions is necessary and that a full topographic is not being requested.

Main Motion as Amended carried unanimously (6-0-0).

There was discussion regarding the importance of getting the Re-write of the Regulations done including what the roles of the Commission and Staff will be for renewal applications. (It was clarified that the Commission has not yet come to a decision on this issue.) It was also noted that enforcement is another issue that needs more consideration.

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

C. Dunlop stated agreement with the IWWC's recommendation that bollards be added in front of the parking lot and that the number (with appropriate spacing), for safety, should be decided upon by an engineer.

Motion was made by C. Dunlop to approve the Special Permit modification of Pierce Memorial Baptist Home to add a 32' x 18.5' x 12' generator in accordance with all final plans, documents and testimony submitted with the application, including the Inland Wetlands and Watercourses condition to add bollards, and with the finding that the proposed generator is not visible from a public right-of-way. Second by C. Kelleher. Motion carried unanimously (6-0-0).

c. Preliminary question re: McDonald's façade renovation and site work.

Three photos were included in the packets to the Commission Members. J. Roberson explained that the Applicant would possibly be coming before the Commission in January with a Site Plan Review Application for a complete exterior renovation including reconfiguration of the drive-thru to have two ordering stations. They will be adding a pedestrian walkway that connects from the sidewalk to the front door.

Ms. Roberson asked the Commission Members if they feel that this application should be subject to the Design Review Consultant (the Applicant would be responsible for the cost).

There was discussion regarding parking. They will be losing some parking spaces in the back due to the addition of a second drive-thru lane.

J. Roberson stated that this application would qualify for the Special Permit exemption per the Planned Commercial Zone Regulations.

Consensus was for design review by Lynn Cole-Smith.

VI. Unfinished Business:

a. Discussion of Zoning Regulation Rewrite.

Comments from Jeff Rawson were included in the packets to the Commission Members. J. Roberson provided copies of the latest revision of the draft for 5.A. Scenic Route 169 Overlay Zone (dated December 19, 2017), copies of the State Statutes regarding Village Districts, and copies of an article, "Hartford Eliminates Parking Minimums Citywide" (by Angie Schmitt, STREETS BLOG, December 13, 2017).

J. Roberson stated that she had made the following changes as discussed at the last meeting:

- References to ZEO changed to Staff;
- References to public roadway changed to Route 169;

Ms. Roberson stated that she has not heard from Peter Alter regarding her questions regarding specific details that are not answered in the Statutes.

There was discussion regarding Jeff Rawson's comments:

- Why Earth Operations and Earth Materials Processing would be prohibited.

It was noted that the question has been answered when those two uses were listed as prohibited.

- "Land that is within view from Route 169 at the time an application is submitted," being too subjective.

The following sentence had been added as a result of discussion at the last meeting, "Staff shall determine if the proposed work is in view from a public road." J. Roberson referred to the Village District Statute. Discussion ensued.

J. Roberson suggested adding the following to 5.A.6.3.1, "Staff may consult with the Chairman/Commission, as needed, if questionable." M. Sigfridson stated that it is understood. Discussion continued and it was decided that 5.A.6.3.1 will be modified to read similarly to the following, "The Staff shall determine upon consultation with the Chairman if the proposed work is in view from a public road and if any uncertainty exists between them, they will refer the matter to the full Commission."

Richard Ives voiced concern that these regulations may be too restrictive. Discussion ensued regarding design guidelines on economic impact.

There was discussion regarding contractors' yards as there is currently nowhere in the Zoning Regulations that accommodates them unless they have a home enterprise with enough land to hide the equipment. Discussion to continue at a later date.

Mr. Ives left at 8:05 p.m.

There was discussion regarding whether Conn DOT can override local regulations (e.g. curb cuts).

J. Roberson explained that a couple of level of permitting changes may need to be made for the RA Zone if the Commission is to go ahead with the 8-2j. Presently, a Zoning

Permit comes from Staff for a single-family dwelling. The Village District Statutes state that the design standards must apply to any new construction or substantial reconstruction, therefore, single family dwelling and duplex may both need to be upgraded to Site Plan Review (she referred to page 46 of the Regulations – List of Permitted Uses in the RA Zone). Usually one meeting – No public hearing. J. Roberson needs to review this with Peter Alter. This is only for the Overlay Zone.

There was discussion about changes of use (Section 5.A.6.2.1) regarding group/family daycare.

There was discussion regarding Section 3.C.3.2.2 and 3.C.3.2.3 involving parking of commercial vehicles. There is a new definition for Commercial Vehicle. J. Roberson explained that any vehicle that has to do with a farm is excluded regardless of its license plate and that recreational vehicles are also excluded (campers and boat trailers have to be in a rear yard – no permit). Overlay Zone only.

There was discussion regarding the Architect/AICP Planner for the Overlay Zone. J. Roberson read from the 8-2j.d. State Statute which states that you need a design consultant for new construction and substantial reconstruction. M. Sigfridson pointed out that J. Roberson is a Certified Planner which means no additional cost to the Town. J. Roberson mentioned that there is an Ordinance that allows for the applicant to be charged the fee for any design consultant. Discussion continued.

C. Kelleher voiced her opinion that it is not needed to be a Village District because she feels the same restrictions could be imposed without having a Village District and there would not be a conversation regarding architectural review for residential homes. She also noted that future Commission Members may interpret things differently from this Commission.

Ms. Roberson will remove, “paid for by the Commission,” from Section 5.A.6.3.6. J. and will add language that it is preferable to use Staff.

C. Kelleher suggested changing the name of Limited Business Enterprise. Commission Members will submit suggestions to J. Roberson.

There was discussion regarding whether Mr. Sansoucy seemed happy with the conditional approval that he had received for his renewal application, GBR 17-002.

Ms. Roberson asked the Commission Members to review the draft and to mark items that they feel need to be addressed.

There was discussion regarding Hartford’s decision to have no minimum parking standards.

Copies of Realtors and Smart Growth Magazine were provided to Commission Members.

There was discussion regarding Quinebaug Solar’s application to proceed through the expedited process which had been denied. They had not properly considered wetlands/runoff impacts. They will correct the defects in their application and re-apply.

There was discussion regarding another Solar Project in the Church Street area (not in Brooklyn). There have been complaints regarding truck traffic, vibration, damage to wells.

There was discussion regarding whether there would be notification regarding an energy plant in Killingly.

VII. Public Commentary

C. Kelleher pointed out that C. Dunlop's term is expiring on January 1, 2018, and he will not be renewing. The Commission Members thanked Mr. Dunlop for his service and for his expertise.

VIII. Adjourn

M. Sigfridson adjourned the meeting at 9:07 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary