

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, January 3, 2018
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

- I. Call to Order** – M. Sigfridson called the meeting to order at 6:32 p.m.
- II. Roll Call** – M. Sigfridson, Carleen Kelleher, A. Kerouac, J. Mohn, J. D’Agostino, Austin Tanner. Alan Carpenter was absent with notice.
- III. Seating of Alternates** – None.
- IV. Election of Officers**

M. Sigfridson opened the floor to nominations for Vice Chairman.

Motion was made by J. D’Agostino to nominate Carleen Kelleher for the position of Vice Chairman of the PZC for 2018. Second by J. Mohn. There were no other nominations. M. Sigfridson closed nominations for Vice Chairman. Motion carried unanimously (6-0-0).

C. Kelleher opened the floor to nominations for Chairman.

Motion was made by J. Mohn to nominate Michelle Sigfridson for the position of Chairman. Second by A. Kerouac. There were no other nominations.

Motion was made by J. D’Agostino to close nominations for Chairman. There was no second. Upon vote, the Motion to close nominations carried unanimously (5-0-1).

Motion to nominate M. Sigfridson for Chairman carried (5-0-1). M. Sigfridson abstained.

V. Adoption of Minutes:

Regular Meeting Minutes December 6, 2017.

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of December 6, 2017. Second by J. D’Agostino. There was discussion and C. Keller made the following clarification:

- On Page 1, in the paragraph that reads, “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.” Ms. Kelleher clarified that she was not in agreement with going into executive session, but rather, that she agreed with Mr. D’Agostino that she did not fully understand what Mr. Kerouac’s issue was about.

Motion carried with the clarification (4-0-2). J. Mohn and A. Tanner abstained.

Motion was made by J. D'Agostino to adopt the Minutes of the Special Meeting of December 19, 2017 as submitted. Second by C. Kelleher. Motion carried (5-0-1). A. Tanner abstained.

VI. Public Commentary

Carrie Juhasz, 38 Day Street, owner of Moxie Hair Studio, LLC in Woodstock, CT, explained that she would like to leave her business in Woodstock and convert the basement of her home at 38 Day Street in Brooklyn for a single-chair operator so that she would be able to work from home and care for her newly born child (a letter had been submitted dated January 2, 2018). Ms. Juhasz asked the Commission if a single operator would be considered a salon under the Regulations and if so, she stated that she would ask that the Commission consider changing the Regulations to allow this. She would have a separate entrance and parking for customers in the back of the home.

Christine Earehart spoke on the behalf of her daughter, Carrie Juhasz, she noted that this would not cause more traffic in the area.

A copy of the Regulation pertaining to this situation was included in the packets to Commission Members. J. Roberson noted that the term "beauty shop" is listed as not permitted for home enterprise.

It was suggested that this could be discussed later during the discussion of the Zoning Regulations Re-write.

Motion was made by J. D'Agostino to move Item:

VII. Unfinished Business:

b. Other:

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

To after:

VIII. New Business:

a. Applications:

2. **SP 18-001** - 554 Providence Road, McDonalds; PC Zone; Proposed façade update, side by side drive-thru layout, ADA accessible parking spaces, walkway improvements, and pedestrian connection to the public right of way.

Second by A. Tanner. There was discussion.

It was suggested that the Discussion of the Regulations Re-Write take place at its intended spot on the Agenda to allow for discussion regarding Ms. Juhasz which would allow for her and her mother (and baby) to leave at an earlier time. Then table the discussion of the Regulations Re-Write until after VIII.b.2. There was agreement with this suggestion.

J. D'Agostino withdrew his motion. A. Tanner withdrew his second.

VII. Unfinished Business:

a. Applications: None.

b. Other:

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

The Commission Members addressed Ms. Juhasz' situation (home is located in the R-10 Zone) assuming that a single operator would be considered a beauty shop under the current Regulations. There was discussion regarding Section 6 – Enterprises in the Home. Topics

discussed included traffic in the neighborhood, the need for clarifying language regarding beauty shops, what type of home business would need to be determined.

The Commission Members consulted the draft and it was suggested to add Home Enterprise and Home Business to R-10 and R-30 (high density residential zones), however, some Members expressed that they would like to give it more consideration before making changes.

Ms. Juhasz had spoken to the ZEO, Martha Fraenkel, who is not sure if a single operator hair studio would fall under the designation of a beauty shop. There was discussion regarding not considering it to be a beauty shop since it is only one operator/chair and it could be a home business. J. Roberson stated that it is common in other towns that single-chair hair salons are allowed. The Commission will consider Ms. Juhasz' request and hopes to have an answer by the end of 2018.

There was discussion regarding the timeframe because Ms. Juhasz' is trying to determine whether or not she should re-sign her lease for Woodstock in March. J. Roberson explained the process for applications to the PZC.

Motion was made by C. Kelleher to table discussion regarding Item:

VII. Unfinished Business:

b. Other:

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

To after:

VIII. New Business:

b. Other:

3. Review of By-Laws.

Second by A. Kerouac. Motion carried unanimously (6-0-0).

VIII. New Business:

a. Applications:

1. **SPR 17-004** – 242 Hartford Road, Balone Properties, LLC; RA Zone; Proposed Home Business with Resident Contractor/Office.

Mike Malone, Owner, represented himself.

J. Roberson provided a drawing and explained that Mr. Malone purchased the property a couple of years ago and it is the residence of one of his employees. It was presented to the Land Use Office as a home office at that time (no permit was needed). Storage of materials has been noticed and there is more activity that what is expected for a home office, therefore, Mr. Malone is applying for Home Business with Resident Contractor/Office as requested. A Statement of Use (dated January 3, 2018) was attached to his Application Form and both were included in packets to Commission Members.

Mr. Malone explained that he is a general contractor. He is also a builder/site contractor/utility contractor with an office in Bloomfield, CT which is where he keeps his heavy equipment. He is now interested in pursuing building projects in this area. Mr. Malone is a resident of Brooklyn and has an office (with a secretary) at the property which he uses for all of his businesses. He would like to be able to temporarily store equipment/materials at the property for projects in this area so he won't have to move them back and forth from Bloomfield until he can find a property that could accommodate that use.

A site plan, an aerial photo, and copies of Section 6.3 of the Regulations were included in packets to the Commission Members. J. Roberson explained the site plan:

- 35' x 35' Temporary Loading Area which is fenced on two sides (what is behind it is hidden from the Laurel Hill Road side).
- Temporary Equipment and Loading Area contains an equipment trailer.
- There would occasionally be a need for temporary storage of heavy equipment.
- A Wetlands permit is needed.

There was discussion regarding floor areas of the existing house (main structure) on the property which is used as residential and for an office and also about the garage and trailer. J. Roberson referred to Section 6.3.3.4.2 of the Regulations and she will check the measurements, but she feels it is okay because the size of the garage in relation to the house is quite small.

There was discussion regarding access. The only way to get to the residence is to go through the business area.

Mr. Malone explained that he would like to find a property in the Town of Brooklyn, but there is no zone that will allow a contractor's yard. J. Roberson expressed that there is a need because there are a lot of contractor's in Town.

Mr. Malone explained that he owns another 3-acre parcel on the corner of Route 6 which has the same type of issues. He would like to know within the next 12 to 18 months if Brooklyn's Regulations will allow for contractors' yards.

M. Sigfridson commented that this type of business is wanted to be encouraged in Town.

A. Kerouac suggested re-zoning tying in to his property across the street as a business use zone (NC or RB). He said it would qualify for Limited Business along Route 6. J. Roberson suggested a text amendment. Mr. Kerouac also mentioned that a Business Park had been spoken of in the past. Discussion continued.

There was discussion regarding utility trays which are used to protect water courses from pollution from materials (e.g. paint/gas cans) that are stored on the ground (an information sheet was included in packets to the Commission Members).

Discussion continued. Mr. Malone explained his need for temporary storage. There was reference made to Section 3.6.3.3.7. which states no exterior storage. Mr. Malone explained that everything would take place on the back side of the garage. Discussion continued.

C. Kelleher prefers to wait until IWWC makes their recommendation. Mr. Kerouac prefers that the Commission decide whether it meets the criteria of the PZC before being submitted and presented to the IWWC.

There was discussion regarding parking. Mr. Malone stated that in the site plan they had designated 5 spots (3 to be paved and 2 to be process) not including the areas in front of or in the garage. Discussion continued. J. Roberson will work with Mr. Malone regarding parking. o right of way.

James Cranston, Bohler Engineering, represented the Applicant. They are requesting a waiver of special permit because of expansion of a building that is less than 500 square feet (they did submit an application for special permit just in case it is needed). The use is not changing.

Mr. Cranston gave an overview of site work.

ADA improvements:

- Handicapped parking spaces (three) will meet ADA requirements.
- They will fix slopes that exceed 2 percent.
- Walkways to be traditional concrete finish (broom finish).

- Ramps and how they access the building are being revamped to ensure that the egress doors area accessible.
- To provide ADA accessible pedestrian connection to the right-of-way.

Other Site Work:

- Implementation of a dual menu board. He provided hand-outs of digital menu boards that are dim at night and brighter during daylight.
- They lose 12 parking spaces (he indicated where), but are still in compliance. Green space is increased. A detailed planting plan had been submitted.
- Removing the stairs and walkway in the back as it is not needed. Ramp in the back will be removed and reconstructed.

There was discussion regarding access which is not changing. There will be room for 15 cars in the queue.

Mr. Cranston gave an overview of the building:

- Roof will come down and parapet wall will be extended up to screen rooftop units (more modern design). Flat roof.
- Brand Walls (tile surface) are where the two Logos (14 s.f. each) would highlight where the doors are. He showed samples.
- Building is brick and will be re-painted. He showed samples of the colors.
- Architectural Design Guidelines – Added accent at the two drive-thru windows to break up the roof line and changes the colors.

Ms. Roberson took photos of the samples to show the Design Review Architect, Lyn Cole-Smith. Estimate for Ms. Cole-Smith's services is \$350.00 (included in packets to Commission Members). Ms. Roberson has sent the plans to Ms. Cole-Smith and also to Syl Pauley. No IWWC permit is required. No change to the building footprint.

Ms. Roberson referred to and read from Section 3.4.8.8 regarding a waiver of the special permit requirement for site changes which requires an affirmative $\frac{3}{4}$ vote of the authorized number of Regular Members of the Commission to pass. There was discussion. There was interest expressed in getting input from the Design Review Architect.

Motion was made by C. Kelleher to approve the waiver of the Special Permit requirement regarding SP18-001 (McDonalds, 554 Providence Road) for modifications to an approved site plan due to the negligible impacts on traffic, neighborhood, or the environment, and the quality, aesthetics, and function of the site are maintained or improved in accordance with Sec. 3.4.8.8 of the Brooklyn Zoning Regulations. Second by J. Mohn.

There was discussion regarding concern for abutters getting notification and also regarding the Commission getting input from Staff, the Design Architect and the Town Engineer. A statement had been included in the packets to the Commission Members regarding traffic not being impacted. Mr. Cranston added that site lighting is not changing and that landscaping will be improved.

Motion failed as $\frac{3}{4}$ of the full Regular Membership in the affirmative is needed. Results of vote: 4 in favor; 2 opposed; 0 abstained.

J. D'Agostino was opposed because he feels there is a professional courtesy owed to the businesses in the area. A. Kerouac was opposed because of the lack of notice to abutters and no public input.

Public hearing will be scheduled for the next regular meeting, February 7, 2018. J. Roberson will forward comments from the Design Architect and the Town Engineer as soon as she gets them.

Mr. Mohn asked about internal changes. Mr. Cranston stated that they will be putting in new décor (new tile, new wall finishes, new ceiling) they will be remediating bathroom ADA accessibility issues, the dining room will look like new, but they don't touch the kitchen.

b. **Other:**

1. Expiration of subdivision for Village in the Woods

This was a subdivision which was approved in July 2008, was filed with the Town Clerk in August 2008 and it expired May 7, 2017. A notice needs to be signed and recorded on the Land Records.

J. Roberson explained that she had spoken with Attorney Harry Heller (who had represented Meehan Builders) last month when he contacted her regarding an extension. Ms. Roberson researched and confirmed that May 6, 2017 was the deadline for applying for an extension which would have allowed for an additional five years.

Motion was made by A. Tanner to approve the filing of a subdivision expiration for Village in the Woods Subdivision. Second by C. Kelleher.

There was discussion regarding issues with expired permits in the past and whether plenty of notice had been given. J. Roberson explained the procedure. Discussion continued.

Motion carried unanimously (6-0-0).

2. Review of Dunkin Donuts Site Plan- turning radii issue with trucks.

J. Roberson explained that some drivers of the big tractor trailers are having difficulty navigating the turning radii and are backing out onto Route 6 creating a dangerous situation. Killingly Engineering was requested to provide a plan demonstrating adequate turning radii for the vehicles. The plan, as-built survey with turning radii added to it, (dated December 19, 2017) was included in the packets to the Commission Members. There are some differences in the plan from what was approved: electrical transformer at the southwest corner of the building; and the shape of the island was different. The change of the shape of the island is one of three places on the plan that would need to be modified to accommodate the bigger trucks (that sometimes make deliveries). J. Roberson reviewed the plan with Syl Pauley and two problems were noted:

- Too close to the transformer.
- One the north side of the parking lot where the trucks have to back up into parking spaces.

Ms. Roberson and Syl Pauley will work with Norm Thibeault of Killingly Engineering to make changes to the plan. Discussion ensued regarding possible solutions. The owner is willing to make changes and Ms. Roberson will keep the Commission informed.

3. Review of Bylaws.

No changes were made.

Motion was made by J. D'Agostino to accept the By-Laws as presented. Second by A. Kerouac. Motion carried (5-0-1). A. Tanner abstained.

Discussion resumed regarding:

VII. Unfinished Business:

b. Other:

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

There was discussion regarding suggestions for re-zoning the MMUDD to match the public review draft of the Regulations. (A map was included in the packets to the Commission Members. Suggestions included:

- East side of Tiffany Street – Industrial; The two Community Center parcels - R-10 (revert back) and can use the Planned Development District (flexible floating zone).
- All of it - R30
- All Neighborhood Commercial.
- Forming a Subcommittee to come up with a vision (including members from PZC and EDC).

There was discussion regarding what to do with the parcel that is currently zoned Industrial.

After the public review of the draft Regulations, the Commission will meet regarding the map. Then, the map will be available for public review. The map subcommittee will meet in March. Contractors' yards need to be considered.

J. Roberson will provide a schedule/Gant Chart. Discussion ensued. It was decided that the Commission Members will review the draft and present their suggestions and each item will have a determined amount of time to be discussed and voted upon.

A.Kerouac will work on creating a map subcommittee (possibly consisting of a PZC Member and an EDC Member, a Selectman, someone from the WPCA). The plan by Paula Stall should be considered.

The Commission hopes to have the public review draft ready by May 1, 2018.

There was discussion regarding whether to include enforcement procedures in the draft Regulations.

J. Roberson provided copies of Section 6.A.5 Route 69 Design Standards (revision date January 3, 2018). Peter Alter and Martha Franklin are uncomfortable with the "if possible" language. Discussion ensued. J. Roberson will revise by deleting that language (highlighted in the draft).

IX. Reports of Officers and Committees:

1. ZEO's Report
There was discussion regarding the new HVAC at Ocean State Job Lot exceeding the height of the building (more visible).
2. Budget.
There was discussion.
Increase Professional Services by \$150.00.
3. Correspondence.
Connecticut Water Company notification that they are connecting two water systems (Putnam and Plainfield).

J. Roberson provided copies of the Aquifer Protection Area Regulations.

4. Chairman's Report.

M. Sigfridson thanked the Commission Members for voting her in as Chairman again.

X. Public Commentary (Scrivener Error - The Agenda showed this Item as IX also).

There was no Public Comment.

XI. Adjournment

Motion was made by A. Tanner to adjourn at 10:15 p.m. Second by J. D'Agostino. Motion carried unanimously (6-0-0).

Next Meeting: Tuesday, January 16, 2018 (Special Meeting). There will be discussion regarding the Zoning Map, contractors' yards, and Schedule of Events for the public presentation of the draft Regulations. J. Roberson will contact Glenn Chalder.

Respectfully submitted,

J.S. Perreault
Recording Secretary