

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

P.O. BOX 356  
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

REGULAR MEETING MINUTES

JANUARY 5, 2011

Clifford B. Green Memorial Center

69 South Main Street

7:00 p.m.

RECEIVED  
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TOWN OF BROOKLYN CT  
Maria A. Maresca

**I. Call to Order:** The meeting was called to order at 7:00 p.m.

**II. Roll Call:** Barbara Repko, Don Francis, Paul Camara, David Fuss, Deane Rettig, Carlene Kelleher, Craig Dunlop, Henry Moses, Al Sandholm and Tom Doherty.

**III. Seating of Alternates:** None.

**IV. Adoption of Minutes:**

1. Special Meeting Minutes November 26, 2010. A motion was made by David Fuss to approve the special meeting minutes of November 26, 2010. Tom Doherty seconds this motion. Barbara Repko abstains. No discussion held. All in favor. The motion passes.

2. Regular Meeting Minutes December 1, 2010. A motion was made by David Fuss to approve the regular meeting minutes of December 1, 2010. Don Francis seconds this motion. Paul Camara abstains. No discussion held. All in favor. The motion passes.

**V. Public Commentary:**

Len Bissonnette, Allen Hill Road had information to discuss on application SPG10-001. Chairman Kelleher asked Mr. Bissonnette to hold off voicing his concerns until the public hearing portion of application SPG10-001.

Chairman Kelleher stated that the Public Commentary is for discussion of anything except an item that is on the agenda for a public hearing.

Ron Ventura, Ventura Drive. Mr. Ventura commented that the Planning and Zoning Commission has more impact on the budget in the Town of Brooklyn more so than any other Commission in Town. The P and Z decisions affect everything from the Recreation Commission to Public Safety and the Highway Department. Mr. Ventura stated that in the Town of Pomfret there is a program on land development rights which slows down development. In the Town of Killingly over the past year there has been a moratorium on subdivisions. In the Town of Canterbury they are going through a process of tightening their zoning regulations. Mr. Ventura stated that developers look close at Brooklyn because we are the easiest place to put in multi-housing development.

Mr. Ventura would like the P and Z Commission to consider what other Towns are doing with regards to future development. Mr. Ventura voiced his concerns over the Route 6 Guidelines and how they may become a hindrance to commercial development along Route 6. The Guidelines should be used as guidelines and not a hammer for rejection. Mr. Ventura would propose the P and Z Commission put a moratorium for 6-12 months on any new regulations concerning commercial development in the Town of Brooklyn so as not to give Brooklyn a name for rejection of development in the PC Zone. Mr. Ventura stated "lets keep Brooklyn a welcome community for business and pleasure."

Lisa Arends, Allen Hill Road. Ms. Arends provided a copy of a recent article in the Hartford Courant that encourages commissions to be proactive with regards to Green Energy. Ms. Arends seconds Mr. D'Agostino's request to move this issue further up on the Planning Priorities list.

**VI. Reading of Legal Notice:** Al Sandholm reads the legal notices into the record.

**VII. Public Hearings:**

**VIII. Continued Public Hearings:**

**1. SPG10-001 Rawson Materials/River Junction Estates, LLC, Rukstela Road, Map 30, Lots 15, 16, 17, 18 and 12A Gravel Removal and Relocate Soil Screener; Rock Crusher; Refueling Pad; Access Way; Temporary Bridge Crossing (if required). (Continued from November 3, 2010).**

Bob Messier from Messier and Associates represents application SPG10-001. Mr. Messier submits revised plans to the Commission members. Mr. Messier addressed the emergency spillway and the interior roadways that were added to the revised plan with Commission Members.

Mr. Messier addressed letter from Nicholas Bellantoni Connecticut State Archaeologist dated December 30, 2010. Mr. Bellantoni recommends the avoidance of the "sensitive" areas in the design plans. Any areas that cannot be avoided should be archeologically surveyed prior to any construction activities. A copy of Mr. Bellantoni's letter is available for review in the Planning Office at the Brooklyn Town Hall.

Deane Rettig asked Mr. Messier if he can point out the sensitive areas on the plans. Mr. Messier addressed this issue with Mr. Rettig. Discussion held.

Syl Pauley, Jr. Regional Engineer from NECCOG commented that he became aware today of a map available at NECCOG of archeological sensitive areas which he would gladly share with Mr. Messier. Mr. Pauley stated that some of the sensitive areas do overlap into this project. Mr. Pauley stated that the west pond of this project may impact some sensitive areas as well as the proposed area where the gravel processing would be moved to. Mr. Pauley does not believe the project is violating the areas, but should be placed on the plan.

Mr. Larkin stated there are a couple of GIS layers put together for probability of archeological sites in New England. There is also a national diversity data base which lists areas of archeological finds and areas of interest.

Dave Fuss asked Mr. Messier if a map was sent to Mr. Bellantoni. Mr. Messier stated yes. Mr. Messier refers to Mr. Bellantoni's letter of December 30, 2010 which states "any areas that cannot be avoided should be archeologically surveyed prior to any construction activities." Discussion held.

Jeff Rawson, Rawson Materials, stated that the only area this applies to is the 13 acre processing area. The area where the ponds are proposed has been disturbed and prior to Rawson Materials being there was tilled for years.

Dave Fuss asked if it is the applicant's intention to have Mr. Bellantoni and staff review the proposed screening area before any work is started. Mr. Messier agreed with this and can be made a condition on approval. Mr. Messier has agreed to place the list of conditions on the plan. Discussion held.

Don Francis asked Mr. Pauley if he only reviewed the general pond locations. Mr. Pauley stated he reviewed the ponds as well as the processing area.

Mr. Pauley addressed his letter dated December 23, 2010 with regards to the site plan review for the general pond locations, i.e. internal roads; proposed emergent shelf; prime function of the ponds; and the emergency spillways. In summary, Mr. Pauley feels the overflow spillways will serve no purpose except to make large areas of the parcel unusable. If the spillways are required another review of the plan would be required by the Inland Wetlands and Watercourses Commission. A copy of Mr. Pauley's letter is available for review in the Planning Office at the Brooklyn Town Hall. Discussion held.

Henry Moses is in agreement with Mr. Pauley's opinion that the spillways are not required. Tom Doherty asks if this can be removed from the plan. Mr. Messier has agreed to remove from the plan.

Len Bissonnette, 755 Allen Hill Road. Submits information he has compiled with regards to application SPG10-001. Discussion held. Mr. Messier addressed Mr. Bissonnette's concerns.

Ron Ventura, Ventura Drive, commented on gravel bank permit fees. The current fee is \$100. Mr. Ventura proposes that the fees be looked at and the permit be based on more than a flat rate, possibly 1% of the cubic yardage of planned excavation. Mr. Ventura also addressed restoration; stripping of topsoil. Chairman Kelleher stated this will be addressed during the gravel regulations public hearing.

Lisa Arends, Allen Hill Road, asked what bearing the new regulations have on an application that has already been received. Chairman Kelleher stated that any application that comes in is subject to the existing regulations. Discussion held.

Don Francis addresses the information submitted by Len Bissonnette with regards to the original permit and the issue of dry screening to wet screening. Mr. Messier, Jeff and Allan Rawson addressed this issue. Discussion held.

Len Bissonnette commented that 14 acres are still being added. The screening operation is being moved. Mr. Bissonnette feels this is a totally different use from the original permit. Mr. Bissonnette feels that it should be the Planning and Zoning Commission who issue the gravel permits. Mr. Bissonnette stated that wet screening to dry screening is a change of use. Mr. Bissonnette would like to see proof that the applicant had rights to use wet screening on the original permit. Dave Fuss addressed his opinion on this issue. Discussion held.

A motion was made by David Fuss to close the public hearing on Application SPG10-001. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**2. SP10-009 MDP Development, Tiffany Street, Map 47/46, Lot 46, 26A and 81, MMUDD Zone and R-30 Zone, 27.9 acres, Proposed 110-unit active adult community in existing mill complex and 11 new multi-family units similar in appearance to nearby existing structure (continued from November 18, 2010 and December 1, 2010).**

Norm Thibeault from Killingly Engineering Associates represents application SP10-009. Mr. Thibeault supplied documentation on soil removal/disposal which was done by B & M Excavating Inc., 53 Blackberry Ridge Road, Portland, CT, dated May 5, 2009.

On December 22, 2010 Mr. Thibeault, Tony Marcotte property owner and Mr. Bellantoni, Connecticut State Archeologist completed a site walk of the property.

Mr. Thibeault supplied correspondence received from Nicholas Bellantoni; Connecticut State Archeologist dated December 30, 2010. Mr. Thibeault reads the letter into the record. A copy of the letter is available in the Planning Office for review. Mr. Bellantoni recommends a Phase 1 reconnaissance archeological survey to be performed before start of construction as well as complete historic documentation of all industrial mill ruins and structures. Mr. Thibeault discussed these recommendations with Commission members.

Mr. Thibeault met with Syl Pauley, NECCOG Regional Engineer, Jim Larkin, NECCOG Planner and ZEO Chuck Dobrowski this afternoon with regards to the application. Mr. Thibeault discussed with Commission members Mr. Pauley's comments from November 16, 2010; Sheet 2 of 22 Key Map/Zoning Requirements; Sheet 8 of 22 Site Plan 2; Sheet 16 of 22 Lighting and Landscaping Plan 2; Sheet 21 of 22 Detail Sheet No.1 and Sheet 22 of 22 Detail Sheet No. 2. A copy of this correspondence is available in the Planning Office for review.

Tony Marcotte, MDP Development discussed the pump for the water system.

Mr. Thibeault discussed with the Commission members comments received from Jeff Otto and the Safety Committee dated December 28, 2010. A copy of this correspondence is available in the Planning Office for review.

Dave Fuss asked Mr. Thibeault if there has been any further correspondence received from Cindy Gaudino, from Connecticut Water. Mr. Thibeault stated he replied to her letter of December 1, 2010 and has not received any further correspondence. Mr. Thibeault further discussed with Commission members Ms. Gaudino's comments.

Chairman Kelleher asked Syl Pauley to address Connecticut Water/Ms. Gaudino's comments. Mr. Pauley feels the author of the comments is not a professional engineer and may not fully understand the operation of the system. Mr. Pauley discussed in detail his opinion with regards to Ms. Gaudino's comments.

Mr. Pauley discussed in detail his opinion with regards to the Safety Committee's comments.

Craig Dunlop voiced his concerns with regards to the drainage system and the volume of under flow drainage system. Norm Thibeault addressed this issue.

Al Sandholm asked Mr. Thibeault if the existing water tower will be activated again. Mr. Thibeault stated no. Mr. Marcotte addressed this issue; an underground storage tank would be used.

Chairman Kelleher opens the floor for public comments.

Len Bissonnette, 755 Allen Hill Road, asked where is the location of the Connecticut water field wells with relation to this project. Mr. Thibeault stated this is a Level B recharge area and there are no actual wells on this property. Mr. Bissonnette asked how close they are to the project. Mr. Thibeault stated it is south down Route 12. Mr. Bissonnette asked if there is a feasibility or access to the river so the fire department can tie in with a pumper if necessary. Mr. Thibeault stated no there is not.

Don Francis asked if there is access to the canal. Mr. Thibeault stated there is an easement to it; the road is very steep and unimproved. Discussion held.

Lisa Arends, Allen Hill Road, addressed her concerns with regards to development impact with regards to a 55 and over community. Mr. Marcotte addressed Ms. Arends concerns.

Chairman Kelleher asked if the units are going to be sold. Mr. Marcotte stated the units will not be sold; the intention is to be apartments with a lease option.

Ms. Arends asked what the plans would be for commercial use in the mill would be. Mr. Marcotte stated they are entertaining medical clinics, a deli, restaurant, barber shops, part-time businesses.

Robert Kelleher, Day Street, voiced his concern with regards to the Safety Committee's comments on positioning of the ladder truck behind the main building. Syl Pauley gave his opinion with regards to the out rigger spurs from the ladder truck. Mr. Marcotte would be in agreement to work with the fire department on this issue to insure the truck will fit into the area. Discussion held.

Jim Larkin commented on conditioning the archeological concerns with regards to this application. Norm Thibeault addressed this issue. Discussion held.

A motion was made by Al Sandholm to close the public hearing on application SP10-009. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

## **IX. New Public Hearings:**

### **1. 6A Adaptive Reuse of an Agricultural Building.**

Chairman Kelleher comments on a letter received from Jules D'Agostino dated December 19, 2010 and suggest Commission members to review it.

Chairman Kelleher opens the floor to public commentary.

Charles Langevin, 542 Allen Hill Road, co-owner of Allen Hill Tree Farm, supports the maintenance of the regulation and urges the Commission not to abandon it or reject it.

Paul Archer, Archer Surveying, 468 Allen Hill Road, encourages the Commission to continue this regulation. Archer Surveying is located in Mr. Langevin's barn that has been renovated for office space and invites anyone to visit and see how the actual regulation works.

Don Francis asked if the date the regulation as adopted can be placed in 6A.3. Mr. Francis addresses Article 2 Definitions – Craftsperson - “without limiting the generality of the foregoing.” Discussion held. The language “without limiting the generality of the foregoing” will be removed.

Chairman Kelleher comments on Jules D'Agostino letter regarding the definition of “Craftsperson.” Discussion held.

A motion was made by Henry Moses to close the public hearing on 6A Adaptive Reuse of an Agricultural Building. Deane Rettig seconds this motion. Discussion held. All in favor. The motion passes unanimously.

### **2. Conservation Subdivision Regulations-5A-Conservation Subdivision Regulations.**

Jim Larkin gave a review of the changes - Section 15.5.5 adding interior lots. This does set a maximum length of the access strip for minimum lots and also carries that three interior lots can be accessed by one access strip.

Chairman Kelleher opens the floor to public commentary.

Paul Archer, asked what the reason for lengthening of the access strip is. Mr. Larkin stated the concern is the subdivision regulations do not have a length of the access strip, therefore, they were trying to keep the houses closer to the road as opposed to having long access strips. Discussion held.

A motion was made by Deane Rettig to close the public hearing on Conservation Subdivision Regulations and 5A-Conservation Subdivision Regulations. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **4. Gravel Regulations.**

Tom Doherty reviewed the gravel regulation changes. Mr. Doherty discussed section 13.5.11 which addresses Mr. Ventura's concerns on topsoil. Discussion held.

Lisa Arends, Allen Hill Road, asked once the regulations go into effect with any renewal of gravel permits follow the new regulations. The Commission stated yes.

Henry Moses asked where the change was made that nothing coming in will exceed the amount processed. Chairman Kelleher stated it is referred to in Section 13.5.4., 13.5.4.1 and 13.5.4.2.

Tom Doherty discussed a letter received from Sebrina Heroux dated December 18, 2010 with regards to gravel banks and blasting with Selectman Tanner.

A motion was made by Deane Rettig to close the public hearing on the Gravel Regulations. Tom Doherty seconds this motion. No discussion held. All in favor. The motion passes unanimously.

#### **Public Hearing Section Closes**

#### **Meeting Business Proceeds**

#### **X. Unfinished Business:**

**1. SPG10-001 Rawson Materials/River Junction Estates, LLC, Rukstela Road, Map 30, Lots 15, 16, 17, 18 and 12A Gravel Removal and Relocate Soil Screener; Rock Crusher; Refueling Pad; Access Way; Temporary Bridge Crossing (if required). (Continued from November 3, 2010).**

Don Francis voiced his concern about the original gravel permit being for wet or dry screening, and if this should be reviewed. Discussion held.

Don Francis voiced his concern with regards to construction of the T-intersection at Route 169. Discussion held.

A motion was made by Henry Moses to approve application SPG10-001 and include the following conditions:

1. The applicant contacts the Office of the State of Connecticut Archeologist before any work commences in Section D1 as shown on a map entitled General Pond Locations prepared for Rawson Materials, Parcel D, off Rukstella Road, Brooklyn, prepared by Messier and Associates,

Revised 12/15/10, to identify sensitive areas and adhere to the recommendations of the State of Connecticut Archeologist's letter dated December 30, 2010.

2. Remove the spillway shown on a map entitled General Pond Locations prepared for Rawson Materials, Parcel D, off Rukstella Road, Brooklyn, prepared by Messier and Associates, Revised 12/15/10, for the proposed east and west ponds.

3. Truck hours do not conflict with Transfer Station hours.

Don Francis seconds this motion. All in favor. The motion passes unanimously.

**2. SP10-009 MDP Development, Tiffany Street, Map 47/46, Lot 46, 26A and 81, MMUDD Zone and R-30 Zone, 27.9 acres, Proposed 110-unit active adult community in existing mill complex and 11 new multi-family units similar in appearance to nearby existing structure (continued from November 18, 2010 and December 1, 2010).**

A motion was made by Deane Rettig to approve application SP10-009 with the following conditions:

1. Recommendation for a Phase 1 reconnaissance archeological survey to be performed before start of construction as per letter dated December 30, 2010, from Connecticut State Archeologist.

2. Complete historic documentation of all industrial mill ruins and structures as per letter dated December 30, 2010 from Connecticut State Archeologist.

3. Regional Engineer and Killingly Engineering Associates to work out location of fire hydrants.

4. Construct emergency strips on the north side of buildings #6, #9 and #10 with a foot of gravel below the grass.

5. The cold domestic service water lines and mains are replaced from Tiffany Street to the existing mill building.

6. Work with the Fire Department prior to construction to determine what needs to be done to make it save for ladder trucks to access the rear of the existing building #1.

Henry Moses seconds this motion. Discussion held. All in favor. The motion passes unanimously.

### **3. 6A Adaptive Reuse of an Agricultural Building.**

A motion was made by Deane Rettig to approve the text changes to Article 6A-Adaptive Reuse of an Agricultural Building with the changes noted. Al Sandholm seconds this motion. No discussion held. All in favor. Tom Doherty opposed. Motion passes.

### **4. Conservation Subdivision Regulations and 5A-Conservation Subdivision Regulations.**



A motion was made by Deane Rettig to approve the Conservation Subdivision Regulations and 5A-Conservation Subdivision Regulations with the changes noted. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

## **5. Gravel Regulations.**

A motion was made by Deane Rettig to approve the Gravel Regulations with the condition upon effective date be entered under 13.3.4. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

## **XI. New Applications:**

### **a. Subdivisions:**

#### **1. SD10-004 James Paquin, Tatnic Hill Road, Map 15, Lot 9-1, Ra Zone, 1-Lot Subdivision.**

Paul Archer, Archer Surveying represents application SD10-004. James Paquin owns 56 acres on Tatnic Hill Road. There is a driveway permit in place. Mr. Paquin would like to cut one lot off of this parcel to build a home for his mother. In the future Mr. Paquin will be proposing a conservation subdivision. Mr. Archer stated that the applicant will be asking for a waiver of the open space fee because the lot that is being created is being transferred to his mother.

A motion was made by Deane Rettig to accept application SD10-004. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

### **b. Site Plan Review: None.**

### **c. Zone Regulation Change: None.**

### **d. Special Permit: None.**

## **XII. Other Business:**

### **1. Modification of SP10-006, Courtesy Ford, 455 Providence Road, Map 41, Lot 114, PC Zone, Automobile Sales display area expansion and storm drainage improvements.**

Al Sandholm recuses himself from the table.

Chairman Kelleher reads a letter into the record from Terence Chambers of KWP Associates dated January 5, 2011 regarding Courtesy Ford. Mr. Chambers states that Courtesy Ford is also considering building renovations and additions which will require the issuance of a new site plan approval, therefore, in order to avoid presenting portions of this project in a piecemeal fashion they have decided to withdraw our request for modification to the previously approved site plan.

Al Sandholm returns to the table.

### **2. Bylaws Revisions: This was discussed earlier in the meeting.**

### **3. Town of Brooklyn Code 13-4 Permit required to locate private driveways into Town Roads.**

Chairman Kelleher stated that there is an ordinance that requires any new driveway to be approved by the First Selectman. Austin Tanner voiced his concerns with regards to this ordinance. Discussion held.

### **XIII. Planning Priorities:**

A motion was made by Deane Rettig to move Planning Priorities, Zoning Enforcement Officer's Report, Village Center District, Regulations Subcommittee, Budget and Chairman's Report to the Special Meeting scheduled for January 18, 2011. Dave Fuss seconded this motion. No discussion held. All in favor. The motion passes unanimously.

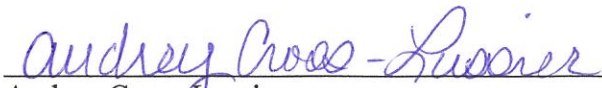
### **XIV. Reports of Officers and Committees:**

#### **2. Plan of Conservation and Development:**

Tom Doherty stated that the meeting has been rescheduled and will be held as a special meeting of the Planning and Zoning Commission in March 2011.

### **XV. Adjourn:**

A motion was made by Al Sandholm to adjourn the meeting at 10:53 p.m. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

  
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Audrey Cross-Lussier  
Recording Secretary