

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
P.O. BOX 356
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
July 6, 2011
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

RECEIVED
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2011 JUL 13 PM 1:45
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SPRING 2011
TOWN OF BROOKLYN

I. Call to Order: The meeting was called to order at 7:02 p.m.

II. Roll Call: Barbara Repko, Don Francis, Carlene Kelleher, Al Sandholm, Paul Camara, Tom Doherty. Dave Fuss and Craig Dunlop arrived late.

Absent: Henry Moses and Deane Rettig both with notice.

Staff Present: Chuck Dobrowski, ZEO, Jim Larkin, NECCOG Planner, Syl Pauley, Regional Engineer, Audrey Cross-Lussier, Secretary. Austin Tanner, First Selectman, Robert Kelleher, Selectman.

Also Present: Steven Townsend, public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes:

1. Special Meeting Minutes of June 8, 2011.

A motion was made by Tom Doherty to approve the special meeting minutes of June 8, 2011. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously. (Dave Fuss and Craig Dunlop did not vote on the minutes due to arriving late).

V. Public Commentary: None.

VI. Unfinished Business:

a. Reading of Legal Notice: Al Sandholm read the legal notice into the record.

b. Continued Public Hearings: None.

c. New Public Hearings:

1. SP11-003 Courtesy Ford; 455 Providence Road; Map 41, Lot 114, PC Zone, Proposed building addition to existing automobile sales facility.

A letter was received dated July 6, 2011 from Terry Chambers, KWP Associates stating that abutting property owners were failed to be noticed, therefore Mr. Chambers is asking to delay the opening of the public hearing until the August meeting.

A motion was made by Dave Fuss to postpone the opening of the public hearing for application SP11-003. Tom Doherty seconds this motion. Discussion held on the motion. All in favor. The motion passes. Al Sandholm recuses.

Don Francis asked if staff has reviewed the application. Mr. Dobrowski commented that he has reviewed the application. Syl Pauley commented that he has looked at the drainage only. Jim Larkin has not reviewed the application.

Mr. Dobrowski commented that the project is mainly built around the architecture of the building and questions whether an architectural review will be necessary. Discussion held.

Don Francis suggests having staff review the plans regarding this issue and decide if an architectural review is required. Chairman Kelleher agrees with Mr. Francis suggestion.

2. Planned Commercial Zone Regulations.

Chairman Kelleher opens the floor to public commentary:

Ron Ventura, Ventura Drive voices his concerns with regards to the buffer strip being increased from 20 feet to 50 feet. Mr. Ventura also voiced his concern with regards to the impervious surface in the commercial zone. Mr. Ventura encourages the commission not to pass the regulations until a "build out" has been done to demonstrate future possible development.

Lisa Arends, Allen Hill Road, voices her concerns with regards to the buffer strip being increased from 20 feet to 50 feet. Ms. Arends feels the 50 foot buffer strip is better for residential properties abutting a commercial property and will further protect property values for the residents. Ms. Arends agrees with reviewing a "build out" in the Planned Commercial Zone. Ms. Arends also voiced her concerns regarding the P and Z Commission acquiring the responsibility of administering the Aquifer for Protection Regulations. Ms. Arends would like to see "rural character in Town" replaced in section 3.4.8.1.

Chairman Kelleher opens the floor to the Commission members for their comments:

Tom Doherty voiced his concern with regards to the increase in the buffer strip from 20 to 50 feet. Chairman Kelleher commented that the subcommittee was trying to protect the values of residential property that abuts the commercial property.

Al Sandholm agrees with Mr. Ventura's comment that the 50 feet is excessive to the regulation.

Craig Dunlop voices his concern with the increase in the buffer and agrees that the 50 foot buffer is adequate.

Don Francis voices his concerns with the increase in the buffer and agrees with Mr. Dunlop that the 50 foot buffer is adequate. Mr. Francis suggests leaving it at the 20 foot buffer but can increase to 50 feet when requested by the abutting resident. Discussion held.

Al Sandholm comments on page 1 as to why Membership Clubs were crossed out. Mr. Sandholm discusses a "BJ's Warehouse Club. Discussion held. Chairman Kelleher comments that the definition of "Retail Store" addresses this issue.

Chairman Kelleher commented that most changes were for clarification and definitions. Discussion held.

Craig Dunlop comments on a grammatical issue on page 9 "Child Day Car Services means:" needs to be indented more.

Ron Ventura, Ventura Drive voiced his concern on buffer strips with regards to noise and sound pollution.

A motion was made by Don Francis to close the public hearing on the Planned Commercial Zone Regulations. Dave Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

d. Other Unfinished Business:

1. SP11-003 Courtesy Ford; 455 Providence Road, Map 41, Lot 114, PC Zone, Proposed building addition to existing automobile sales facility.

A motion was made earlier in the meeting to postpone the opening of the public hearing until next month's August meeting.

2. Planned Commercial Zone Regulations.

A motion was made by Don Francis to approve the Planned Commercial Zone Regulations. Barbara Repko seconds this motion. Discussion held on the motion. Don Francis amends the motion to use the first definition of Adult Day Care Center and add to the definition "without overnight accommodations." Don Francis also amends the motion to strike the language "shall be increased to 50 feet when abutting residential zoned land" on page 3 Dimensional Requirements Section 3.4.8.6.2 and 3.4.8.6.3. Vote was taken: All in favor with the exception of Craig Dunlop opposed. The motion passes.

3. Townsend Development Associates, LLC, Providence Road, Requesting 5 year extension of Site Plan SP06-009 (original approval January 3, 2007).

Chairman Kelleher commented that a site walk was held on June 16, 2011. Also Steven Townsend met with the First Selectman to determine ownership/maintenance of the drainage swale.

Syl Pauley, Jr., P.E., Regional Engineer, NECCOG, addressed the site walk that took place on June 16, 2011. Mr. Pauley read into the record his letter dated June 21, 2011. A copy of Mr. Pauley's letter is attached with the minutes and available for review in the Town Clerk's office. In summary, the following items were pertinent to the site walk:

- Evaluation of soil erosion around portions of the detention basin and drainage swale.
- The 4' tall, black PVC coated, chain link fence not yet installed at the rear of the property.
- Assessment of the silt fence requirement.
- Effectiveness of the existing vegetative cover growing over the disturbed portion of Phase II.
- Planting of trees in the three (3) existing mulch covered traffic islands.
- Identification of the party responsible for maintaining the engineered drainage system. (The Town of Brooklyn is only responsible for maintaining the detention basin and the grassed swale along the west and north side of the property).
- When Phase II property is transferred to new owner, a detailed drainage system maintenance schedule is provided to new owner.

Tom Doherty discussed the maintenance schedule and if additional site work will be required. Mr. Pauley addressed this issue.

Discussion held.

Barbara Repko voices her concerns with regards to the dust, debris and dirt the abutting residents have endured over the last few years. Ms. Repko feels the property values have been devalued. Ms. Repko feels a correction needs to be made at this time and discusses landscape material being planted on the Townsend side to act as screening for the abutting property owners. Ms. Repko feels it is one of the prime directives of this Commission to protect property values.

Syl Pauley addressed Ms. Repko's comment. Mr. Pauley stated that in his professional opinion that there was no landscaping proposed in the rear area as there is very limited space because of the access isle behind the proposed building. This was the plan that was approved by the Commission years ago. Discussion held.

Jim Larkin discussed draft motion #2 with regards to the 4' black PVC coated fence/and or guardrail. Syl Pauley addressed this issue. Mr. Pauley stated that it would be a reasonable request of the owner to place along the westerly and northerly property line a 2 foot earth berm 10 feet out from the wall. This would stop a vehicle from entering this area. Also it would be prudent to block off the entrance of the end of the paved area with boulders.

Steven Townsend, owner of the property has agreed to block this off to prevent vehicle access into this area.

Tom Rukstela, Director of Public Works Department, asks where the original design/paperwork is regarding the maintenance program of the swale. Mr. Rukstela has seen nothing on paper with regards to the maintenance, only what Mr. Pauley has recently recommended. Discussion held. Mr. Pauley commented that he believes this was between the DEP and the Town of Brooklyn (319 Project).

Mr. Pauley commented that the yearly maintenance at the present time would consist of cutting down saplings every couple of years and to get in there with a line trimmer and cut down some of the grass. Mr. Pauley feels this is a small project than can be handled by the Town.

Dave Fuss suggests that Mr. Pauley's maintenance suggestions be passed along to the First Selectman who in turn will pass along to the Public Works Director.

Tom Doherty addressed the issue of the bond. Mr. Pauley discusses this issue with Mr. Doherty and Commission members. Discussion held.

Commission members agreed to remove #2 draft motion, revise #4 draft motion and revise #7 draft motion.

A motion was made by Tom Doherty that upon good cause demonstrated by the applicant for non-completion of the site plan as previously approved, the Commission grants a final 5-year extension for Townsend Development Associates SP06-009 and the plans titled Special Permit "the SHOPPES AT BROOKLYN COMMONS" SITE DEVELOPMENT PLAN prepared for TOWNSEND DEVELOPMENT ASSOCIATES (PROVIDENCE Road) U.S. Route #6 Brooklyn, Connecticut, which maps and plans are on file in the Town of Brooklyn, in accordance with Section 4.4.5 and subject to the following additional conditions:

1. All of the conditions of the original site plan approval dated January 9, 2007 and related special permit remain in full force and effect, except as specifically modified by this motion and the additional conditions.

2. Silt fence to be re - installed and maintained per "Erosion and Sedimentation Control Narrative & Details" sheet SED-1, E & S Control Storm Water Management Plan and Regional Engineer's report dated June 7 & 21, 2011. The Regional Engineer may require the applicant to maintain, repair or replace the silt fence and to take reasonable steps to stabilize the site to prevent any further erosion or sedimentation as site conditions may require during the extension period.

3. Scoured areas shall be repaired and restored – loamed and seeded along the north border drainage detention basin and swale per Regional Engineers report dated June 7 & 21, 2011 and to the reasonable satisfaction of the Regional Engineer.

4. Site shall be brush hogged twice a year until start of "Phase II" construction. Said activity shall occur on a schedule of once between May 1 and June 30, and once between September 1 and October 30 of each year.

5. On or before November 1, 2011, Six (6) Callery Pear trees (PCC) shall be planted and thereafter maintained, including replacement if necessary, as shown on sheet LND-1 Landscaping Plan in the three islands along the southern boundary of Phase II as depicted on sheet STG-2 Staging Plan-Phase II.

6. Establish a bond in an amount determined by the Regional Engineer for "Phase II" development to insure repair, restoration, and stabilization of the property and in the event that this work is not completed within 6 months, than a bond can be imposed in a form and amount satisfactory to the Regional Engineer.

Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

4. Special Events Draft Regulations.

Jim Larkin handed out to Commission members examples of accessory uses; description of a special event; as well as special events regulated by ordinance.

Tom Doherty asked why a special events regulation is needed. Selectman Tanner stated it is needed because unless something is permitted in the regulations you cannot do it.

Jim Larkin commented how other Towns handle a special event.

A lengthy discussion was held by Commission members with regards to the special event regulations.

Chairman Kelleher polled the Commission as to who was interested in such a regulation:

In favor of the regulation: Barbara Repko, Dave Fuss, Carlene Kelleher, Paul Camara, and Al Sandholm.

Not in favor of the regulation: Don Francis, Tom Doherty and Craig Dunlop.

Members will read over the handouts and discuss at next month's meeting.

Tom Doherty suggests having Attorney Alter be invited to a future meeting regarding this issue. Chairman Kelleher asked Selectman Tanner if Attorney Alter could be invited to a future meeting for discussion of the Special Events Regulation. Selectman Tanner agreed to allow Attorney Alter to come to a meeting when the Commission has a final draft regulation ready.

VII. New Business:

a. Applications:

1. SP11-004 Gregory Michaelidis, Harris Avenue, Map 24, Lot 67/73/74, VCD Zone, Construction of two (2) duplex residences.

A motion was made by Dave Fuss to accept application SP11-004 and schedule a public hearing for August 3, 2011. Tom Doherty seconds this motion. Discussion held on the motion.

Don Francis asked if this application will be sent for an architectural review. Mr. Dobrowski commented that some preliminary review has been done by Syl Pauley. Mr. Dobrowski will send along to Evelyn Cole Smith from CME for architectural review.

All in favor. The motion passes unanimously.

b. Other New Business:

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report June 2011:

Mr. Dobrowski discussed in detail the Zoning Enforcement Officer's report for the month of June 2011 with Commission members.

Mr. Dobrowski discussed the following with Commission Members:

1. Library Roof: Mr. Dobrowski commented that the library roof is being replaced. In doing so the contractor realized the front chimney was in very bad condition and should be removed. The chimney is not operable and not in use. There is a chimney towards the rear of the building which will be rebuilt. The building is within the VCD District; therefore, any changes from the original permit need to come back to the Commission. In conversation with Cassandra Leach, Librarian, it is her concern that the bricks will fall off creating a safety issue.

Discussion held.

Steve Breen, Mason Road, restoration mason inspected the two chimneys. The chimney at the rear of the building is functioning and used for the furnace. This chimney at the top is pulling away from the building about $\frac{3}{4}$ of an inch. There is no historic value to the chimney. From a safety point of view the chimney can be strapped to the building until a proper decision can be made on what needs to be done to repair it and keep it functioning for the library.

The other chimney is on the front of the building which has no function and is not used for any type of appliance, although it does affect the appearance of the building. The chimney could be torn down without a lot of ramification of the function of the building. It was most likely re-built after the 1938 hurricane. Mr. Breen commented that it could be taken down or also repaired at a very reasonable cost.

Discussion held. The Commission all agreed to repair the chimneys at reasonable cost.

2. Saveway Petroleum Parking Lot: A letter was sent to David Scott stating that parking for non-residential uses shall be paved with a hard surface material as per zoning regulation. Discussion held.

3. Brooklyn Farm and Pet: It was brought to Mr. Dobrowski's attention that Brooklyn Farm and Pet were advertising for flea market/yard sale/farmer's market. Mr. Dobrowski spoke with the owner regarding obtaining a vendor permit application. The owner has agreed to comply. Mr. Dobrowski reported that the storage trailer is filled with hay that the owner sells. It is per order of the Fire Marshal that the hay is not kept inside the building and must be kept in a separate structure.

4. Junk Cars/Brooklyn Oil: Mr. Dobrowski spoke with Assessor, Kathy Thornton with regards to taxing the cars. Ms. Thornton is in agreement with the idea and would like to do this on a Town wide basis. Mr. Dobrowski stated this will start within the next couple of weeks.

5. 60 Pomfret Road: Mr. Dobrowski stated that a court date will be set in the next 2-3 weeks per Attorney Peter Alter. An injunction has been filed where no more work shall be done and the owner is still working steadily on the property.

6. Fireworks Tent Vendor Permit: The permit was issued with all information on the vendor permit. The tent was partially set up on State property. The tent was then moved closer to the building upon Fire Marshal approval.

Don Francis discussed the issue of vinyl siding in the VCD District. Discussion held.

2. Village Center District: Due to conflicts of schedules, no meeting has been held.

3. Regulations Subcommittee: Chairman Kelleher stated the subcommittee has met. Discussion has been held on Green Energy Regulations-solar panels and wind turbines. Discussion was also held on the lot size in the RA zone; a build out for the PC Zone; and VIS 360 software presentation. Chairman Kelleher asked Mr. Larkin to make a presentation at next month's meeting with regards to the VIS 360 software.

4. Budget: Chairman Kelleher asked members to review the budget information provided in the packet.

5. Chairman's Report: Nothing to report.

Tom Doherty commented on the Plan of Conservation and Development. A copy needs to be sent to the State. Mr. Doherty also inquired about the cost of printing. Ms. Cross-Lussier commented that we are awaiting the final copy with the correct mapping.

Selectman Tanner commented that the Town has received millings (crushed asphalt) from the State of Connecticut.

Selectman Tanner suggested that the millings could be used on Herrick Road. Mr. Tanner brought up the issue that Herrick Road is a "Scenic Road." According to the Scenic Road Ordinance a public hearing is required notifying abutters.

A motion was made by Dave Fuss to place Herrick Road as an agenda item for the August 3, 2011 meeting. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

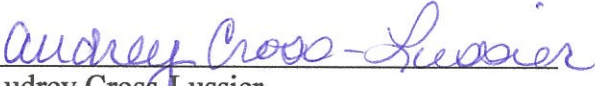
IX. Public Commentary:

Lisa Arends, Allen Hill Road, Requests copies of the special events draft regulations. A copy was supplied to Ms. Arends.

Ms. Arends asks the Commission to consider a noise ordinance in Town. Craig Dunlop addressed this issue with Ms. Arends. Discussion held.

Ms. Arends asked if there may be another way of notifying residents when the Commission is considering changes that may affect property owners. Chairman Kelleher addressed these issues with Ms. Arends.

X. Adjourn: A motion was made by Al Sandholm at 10:28 p.m. Dave Fuss seconded this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary



June 21, 2011

Mr. Chuck Dobrowski
Zoning Enforcement Officer
Town of Brooklyn
5 Wolf Den Road
P.O. Box 356
Brooklyn, CT 06234

SUBJECT: "The Shoppes at Brooklyn Commons"
Second Site Walk on Undeveloped Phase II
543 Providence Road (U.S. Route 6)
Brooklyn, Connecticut

Dear Mr. Dobrowski:

At the request of the Brooklyn First Selectman, a site walk was conducted on June 16, 2011 from 7:00 a.m. until 8:30 a.m. at the referenced location. The purpose of this meeting was to provide further clarification to questions that ensued during the continuing discussion dealing with the request for an extension to the expiration date of the Special Permit for this development, which was held at the June 8, 2011 meeting of the Brooklyn Planning and Zoning Commission (P&Z), and to develop an understanding of where responsibility lies between the Town and the Owner/Developer in correcting alleged deficiencies. Attendees accompanying me and you included First Selectman Austin Tanner, P&Z Chairwoman Carlene Kelleher, Owner/Developer Steve Townsend and Paul Archer, P.L.S., Mr. Townsend's land surveyor. The following items were pertinent to the walk:

- Evaluation of soil erosion around portions of the detention basin and the drainage swale.
- The 4' tall, black PVC coated, chain link fence not yet installed at the rear of the property.
- Assessment of the silt fence requirement.
- Effectiveness of the existing vegetative cover growing over the disturbed portion of Phase II.

Slopes along the detention basin to the rear of the new savings bank and along the drainage swale at the rear of Phase II were closely examined. A few deeply eroded areas were found along the southern bank of the detention area. This is most likely being caused by sheet flow from impervious surfaces on the bank's property, which appears to have been constructed in accordance with the previously approved Site Plan. However, the Town of Brooklyn is responsible for the maintenance of the detention basin and as such the Town will take steps to repair the eroded slope by reshaping it and covering it with riprap underlain by a layer of filter fabric. Along the east slope of the basin the silt fence has been rendered ineffective due to large amounts of sediment washing down from above an unstable slope located in Phase II. Mr. Townsend will mitigate this condition, which runs along a portion of the east side of the existing 4' tall chain link fence, by covering the bare gravel surface from the back of the curbing to the fence with a 4" (min.) layer of loam planted with grass seed, beginning at the bank property and running northerly a distance of one hundred thirty (130) more or less feet. He will also re-establish the silt fence in this area and maintain the same until a hardy stand of grass is established. At the time it is found that the silt fence is no longer needed, Mr. Townsend will remove the same.

C. Dobrowski
"The Shoppes at Brooklyn Commons" Second Site Walk
June 21, 2011
Page 2 of 2

The slope along the south side of the swale at the rear of Phase II was also viewed. It was observed that the extensive washout in the slope that was described in my June 7th letter to you was repaired by Mr. Townsend's contractor and a substantial quantity of riprap was added to protect against a recurrence. It was agreed by all that the vast majority of the slope was stable and not exhibiting soil erosion except for a small area, thus making re-establishment of the old silt fence unnecessary. Mr. Townsend agreed to add 4" (min.) loam and seed cover to areas of the slope where erosion has occurred. As with the detention basin, the Town is responsible for maintaining the swale and will be performing maintenance including grass trimming, removal of invasive species (e.g. Russian Olive and Wild Cherry saplings), and scarifying the bottom of the swale and planting grass seed in the period August-October, where silt has accumulated from the previously mentioned washout.

The vegetative cover growing over the vast majority of Phase II property was also evaluated. Most of the vegetation has been trimmed since my last visit on June 6th, making the "field" appear more aesthetically pleasing. The consensus of the group was that the existing vegetative cover was protecting the land from water and wind erosion and that there would be nothing to gain by adding loam and seed to this area.

Another topic discussed relative to landscaping was planting trees in the three (3) existing, mulch covered, traffic islands that are located in Phase II on the north side of the CVS Drug Store drive-through exit aisle. It was pointed out that there may be pavement under the mulch in the islands. If this is found to be the case, the pavement would be removed to plant trees. Mr. Townsend will plant trees in the islands in at least the quantities shown on the originally approved landscape plan.

Finally, two other important clarifications were made during this meeting. The first one was identifying the party responsible for maintaining the engineered drainage system (catch basins, drainage manholes, pipes, and hydrodynamic separators) that is located in Phase I and Phase II. It was agreed that these items are the responsibility of the Owners of the property, not the Town. The Town of Brooklyn is only responsible for maintaining the detention basin and the grassed swale along the west and north side of the property. The second item is that if and when the Phase II property is transferred to a new owner, a detailed drainage system maintenance schedule be provided to the new owner.

I am including sketches of the areas described above for added clarification. If you have any questions, please do not hesitate to call me at (860) 774-1253 Ext 13.

Respectfully,

Syl Pauley, Jr., P.E.
Regional Engineer

SP/s

cc: J. Filchak, Exec. Dir., NECCOG
J. Larkin, Assoc. Dir., NECCOG
S. Townsend, TDA, LLC
P. Archer, P.L.S., Archer Surveying, LLC
File



LOT #22

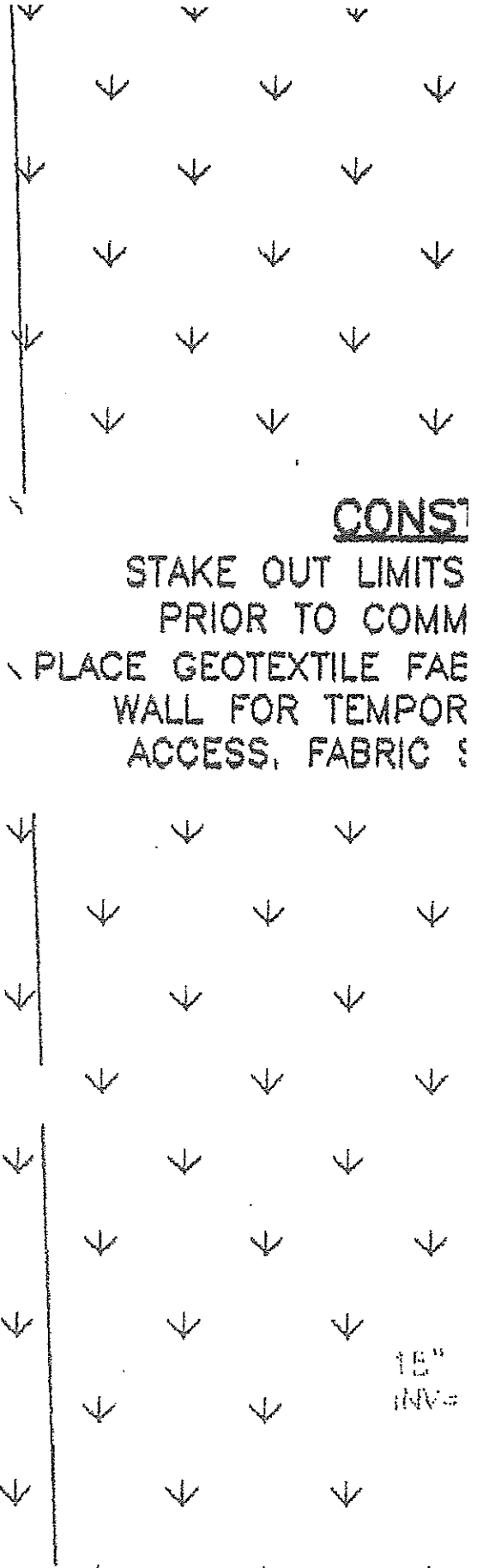
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ARY D. KUCHY &
JINDA L. KUCHY

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SHORES AT BROOKLYN COMMONS



CONST

STAKE OUT LIMITS
PRIOR TO COMM
PLACE GEOTEXTILE FAE
WALL FOR TEMPOR
ACCESS, FABRIC S

15"
INVS

AREA OF RESPONSIBILITY - TOWN

PROVIDE 32 LF
OF CONC. CRADLE
ENCASEMENT

LITY - TOWNSEND

ANN - MA
VOLUME

PROP.
SCOUR
HOLE

FES (2) INV=390.90

39' (15" CPP)

S=0.5%

24' (18" CPP)

S=4.29%

237' (15" CPP)

S=0.5%

73' (8" PVC, SDR 35) S=0.7%

395.83

7' (12"

S=