

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

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PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

REGULAR MEETING MINUTES

September 7, 2011

Clifford B. Green Memorial Center

69 South Main Street

7:00 p.m.

I. Call to Order: The meeting was called to order at 7:05 p.m.

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

Absent: Tom Doherty and Al Sandholm with notice.

Staff Present: Chuck Dobrowski, ZEO, Audrey Cross-Lussier, Secretary, Austin Tanner, First Selectman, Bob Kelleher, Selectman.

Also Present: Michael and Terry Masse, Mike Barry, Chairman BRRA, Bob Messier, Messier and Associates, public in attendance.

III. Seating of Alternates: None.

Reflecting on last month's meeting, Chairman Kelleher commented that the P and Z Commission are public officials conducting business on behalf of the Town of Brooklyn. Ms. Kelleher comments that in order to do this in a professional manner, it is important while business is being conducted, that only one person speaks at a time that has been recognized by the Chairman.

A motion was made by Deane Rettig to bring onto the agenda application HB11-001 Michelle Fleming Sigfridson, 90 Fitzgerald Road, Map 7, Lot 11, RA Zone; Home Business Permit-Massage Therapy under VII. New Business, a. Applications. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

IV. Adoption of Minutes:

A motion was made by Deane Rettig to approve the regular meeting minutes of August 3, 2011 as presented. David Fuss seconds this motion. No discussion held. All in favor. The motion passes. Paul Camara abstains.

V. Public Commentary:

Ron Ventura, Ventura Drive, comments that after the effects of storm Irene, once power was restored business were flooded with people. This has proven that the Commercial Zone is very important asset to the Town of Brooklyn and valuable to the whole region. Mr. Ventura comments that the only thing that was lacking was a full service supermarket which will be coming in the near future. Mr. Ventura is looking forward to future development in the Commercial Zone.

VI. Unfinished Business:

a. Reading of Legal Notice: None.

b. Continued Public Hearings:

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

Chairman Kelleher commented that a letter dated September 2, 2011 has been received from Norm Thibeault; Killingly Engineering Associates requesting the Commission continue the public hearing and grant a 35 day extension on application SP11-004 until the October 5, 2011 meeting. Discussion held.

A motion was made by Henry Moses to continue application SP11-004 to the October 5, 2011 meeting and grant a 35 day extension. Deane Rettig seconds this motion. Discussion on the motion. Henry Moses amends his motion to include that a site plan be presented to Evelyn Cole Smith, of CME Associates for architectural review before next months October 5, 2011 meeting. Deane Rettig seconds this motion. All in favor. The motion passes unanimously.

c. New Public Hearings: None.

d. Other Unfinished Business:

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 Deane Rettig to table application SP11-004 to the October 5, 2011 meeting. Paul Camara seconds this motion. No discussion held. All in favor. The motion passes unanimously.

VII. New Business:

a. Applications:

1. HB11-001 Michelle Fleming Sigfridson; 90 Fitzgerald Road, Map 7, Lot 11, RA Zone; Home Business Permit-Massage Therapy.

A motion was made by Deane Rettig to accept application HB11-001 as presented and place on the October 5, 2011 agenda. Don Francis seconds this motion. Discussion held. All in favor. The motion passes unanimously.

b. Other New Business:

1. Theresa and Michael Masse, 173 Wauregan Road, Map 23, Lot 38, Gravel Removal.

Mr. Dobrowski commented that in April of 2006 Jim Booth discussed gravel removal and re-grading of agricultural land located on the Masse's property at 173 Wauregan Road. Mr. Dobrowski reviewed the prior concerns of the Commission with regards to the timeline of the project and truck traffic. Mr. Dobrowski commented that approval was granted by the Commission.

Mr. Dobrowski commented that Mr. Masse came in to the Planning Office approximately 1 year ago asking if the agreement was still in effect. Mr. Dobrowski commented that it was still in effect as it had not met the 5 year expiration date.

Mr. Dobrowski commented that in mid August 2011 he had noticed that work had started up again. Mr. Dobrowski contacted Mr. Masse to discuss the original agreement. At this point Mr. Masse stopped the gravel excavation. Mr. Dobrowski directed Mr. Masse to come before the Commission and discuss the original agreement and see if anything new would be required.

Chairman Kelleher asked Mr. Dobrowski if the gravel removal is going beyond the 6,000 to 7,000 cubic yards originally agreed upon. Mr. Dobrowski stated that it is not going to be anywhere near the 7,000 cubic yards, however, the main concerns were the timeline and truck traffic.

David Fuss asked Mr. Dobrowski what happens to a gravel permit that is not renewed every year. Mr. Dobrowski stated that it expires. Mr. Fuss asked if there was a gravel permit was granted for this project. Mr. Dobrowski stated it was not a gravel permit but an agricultural use. Mr. Fuss would like to see a plan showing calculations of the gravel removal.

Michael Masse, 173 Wauregan Road, discussed the previous agreement with Commission members and displayed a map from 2006 labeled agricultural contouring. Mr. Masse discussed in detail with Mr. Fuss the gravel removal, re-grading and the timeline.

Mr. Fuss asked Mr. Dobrowski if there were any concerns with erosion controls. Mr. Dobrowski stated he has no concerns; everything is at a lower level and when re-graded it will be very flat.

Mr. Fuss asked Mr. Masse if he had an estimate as to how many cubic yards of gravel would be removed. Mr. Masse stated that in this last section it is 10 ft high to be cut; 150 yards long and approximately 6,600 yards of gravel base material.

Mr. Masse discussed the first phase of the gravel removal with Commission members.

Mr. Fuss asked Mr. Dobrowski how much a gravel permit for this operation would cost. Mr. Dobrowski stated over \$1,000.

Henry Moses commented that this started out as an agricultural use so the fields could be flattened and the land could be used for the garden, etc. If this has not changed than this would still be an agricultural use. Mr. Moses questioned how long the project is going to take and can we still look at it as an agricultural use. Mr. Dobrowski discussed this issue with Mr. Moses.

Don Francis asked if the topsoil has been replaced/reclaimed in the area that was previously disturbed by Jim Booth. Mr. Masse stated that the section behind the barn has been reclaimed. Don Francis asked how big of an area this is. Mr. Masse commented that it is approximately one and a half acres. The topsoil has been replaced and seeded. Mr. Masse stated the second phase has been opened up with the top soil stripped off but has not been reclaimed. Discussion held.

Don Francis would like to see a definite plan showing what the grade is now, how much material will be removed, how much topsoil will be put back, how close is this to the water table, what type of crops are to be grown and some type of a production schedule.

Commission members discussed whether this is an agricultural use or whether this will require a gravel permit.

David Fuss would like to be sure that this does not set a precedent as this is what he was uncomfortable with the first time around. Mr. Fuss agrees with Mr. Francis suggestion. Discussion held.

Mr. Dobrowski has agreed to work with Mr. Masse on the application process.

2. Rawson Materials/Discussion of Rukstela Road.

Bob Messier of Messier and Associates speaks on behalf of Rawson Materials. Mr. Messier commented that a few years ago Rawson Materials came before the Commission and was approved for excavation and the creation of ponds. The original route was Rukstela Road onto Beecher Road and onto Route 169. Phase 2 of the operation is currently happening now. Once 450,000 cubic yards of gravel were removed the plan was to renovate the intersection at the junction of Route 169 and Beecher Road and create a "T" intersection. Approvals were granted from the State of Connecticut.

David Fuss asked if the "T" intersection was part of the prior approval granted to O and G Industries. Mr. Messier commented that it was.

Mr. Messier commented that instead of doing the "T" intersection, Rawson Materials would like to pave Rukstela Road. Mr. Messier and Rawson Material have met with the Board of Selectmen, Town Attorney and Chairman Mike Barry of Resource Recovery with regards to this change. Mr. Messier commented that the proposal is to do a heavy duty paving approximately 2,000 feet of Rukstela Road with a width of 22 feet, with drainage, correcting the low points,

placing catch basins, leak offs, and drainage swales. Mr. Messier discusses the road base, paving heights and Cape Cod curbing.

Chairman Kelleher commented that the issue for the Commission is not to approve roads, but the issue is the approval granted for the gravel permit with the condition that the "T" be constructed on Beecher Road and whether or not to disregard this condition. Ms. Kelleher would like to consult Attorney Alter on this issue.

Selectman Tanner commented that Rawson Material has been very good with maintaining Rukstela Road; however, it is a real problem in the spring with cars getting stuck. Mr. Tanner feels it would be more beneficial for the Town people to have Rukstela Road paved instead of doing the "T" intersection at the junction of Route 169 and Beecher Road. The Board of Selectmen realizes that this change would have to be endorsed by the P and Z Commission.

Don Francis voices his concern with regards to this change and feels that it is a bad deal.

David Fuss voices his concerns with regards to this change and feels that the "T" intersection is a safety issue for the trucks entering onto Route 169. Mr. Fuss feels that Rukstela Road is a seasonal issue and can be improved and addressed by building the road up.

Deane Rettig is in agreement with Mr. Fuss. Mr. Rettig's biggest concern is the "T" intersection and safety. Mr. Rettig feels that Route 169 is used far more regularly than Rukstela Road by residents in Town.

Chairman Kelleher commented that she feels that it is not the job of the Commission to decide whether or not to pave Rukstela Road or fixing the "T" up is of most benefit to the Town. The concern is if the original condition on the approval is an appropriate condition. Chairman Kelleher suggests taking a look at the meeting minutes to see what reasoning went into the decision made.

Craig Dunlop agrees that the intersection is definitely a safety issue.

Mr. Messier commented that Rawson Materials were not looking for a decision this evening but a consensus from the Commission on the proposed change.

Chairman Kelleher would like to place this as an agenda item for next month.

Selectman Tanner comments that the condition of Rukstela Road is a problem all year long; one of the biggest problems in Town is dirt roads which require constant maintenance.

Henry Moses asked if Rukstela Road has gone through the pulverization process as described back in 2007. Mr. Moses refers back to the meeting minutes of July 11, 2007. Discussion held.

Mike Barry, Chairman of Resource Recovery Authority voices his concerns with regards to the paving of Rukstela Road opposed to the "T" intersection of Beecher Road and Route 169.

Mr. Barry is in favor of the paving of Rukstela Road due to the multiple cars getting stuck in the spring time and the cost of constructing the "T" which will require property easements.

Mr. Messier comments with regards to the easements that would be required for the "T" intersection for Beecher Road and Route 169. Discussion held.

Chairman Kelleher recommends having staff review the prior engineering reports on the approved application SP07-003 and supply this information into the packets for Commission members to review.

David Fuss suggests looking back at the original approval back in 2004 or 2005.

Henry Moses comments to Selectman Tanner that the upkeep of Rukstela Road was to be an ongoing process and not just a "one time thing." Rawson was to maintain and take care of the road. Mr. Tanner agrees with this and comments that he has no complaints on the upkeep that Rawson has been doing. Don Francis commented that while he was First Selectman for 12 years he does not remember pulling a car out of the mud on Rukstela Road. Henry Moses commented that Rukstela Road is a whole lot worse than it used to be and should be maintained a lot better.

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report August 2011.

Mr. Dobrowski discussed in length the Zoning Enforcement Officer's Report for the month of August 2011 with Commission members.

1. Letter to Brooklyn Farm and Pet Supply: Mr. Dobrowski sent a letter to Earl Starks regarding yard sale/farmer's market being held. Mr. Dobrowski spoke with Mr. Starks regarding this issue and explained that there is no provision within the existing vendor regulations to allow this. Mr. Starks has complied with Mr. Dobrowski request.

2. Letter from AMVETS/VFW 660 Wauregan Road: The AMVETS are requesting to put in a handicap ramp, however, the whole building is non-conforming and to close to the road where the ramp is proposed to be placed, therefore this cannot be done. Mr. Dobrowski feels that this issue may need to be given to the ZBA Commission.

Deane Rettig commented that the new Linney's deli/bakery may have a safety concern with parking. Residents are pulling into the front of the business off of Route 6 and backing out onto Route 6. Mr. Rettig suggests that an A Frame Sign be placed out front stating "parking around the corner on Route 169." Mr. Dobrowski agrees with this and will speak with the owner.

2. Village Center District:

Chairman Kelleher commented that this will be going to the regulations subcommittee and will no longer need to be placed onto the P and Z Agenda.

3. Regulations Subcommittee:

The last meeting was cancelled and will be rescheduled. Green Energy information has been provided in the packet and Chairman Kelleher asks members to review for the next meeting.

4. Budget:

The budget information was provided in the packet for Commission members to review.

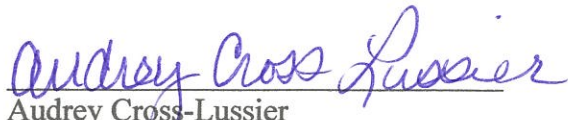
5. Chairman's Report:

Nothing new to report.

IX. Public Commentary:

Lisa Arends, Allen Hill Road, asked what the status is on the Special Events Regulations. Chairman Kelleher stated they are awaiting reply from Attorney Peter Alter.

Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 8:47 p.m. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary