

**PLANNING AND ZONING COMMISSION  
TOWN OF BROOKLYN  
CONNECTICUT 06234**

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**PLANNING AND ZONING COMMISSION  
TOWN OF BROOKLYN  
CONNECTICUT 06234  
MEETING MINUTES  
January 6, 2010  
Clifford B. Green Memorial Center**

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Liona A. Mainville  
TOWN CLERK, BROOKLYN, CT

**I. Call to Order:** The meeting was called to order by Chairman Thomas Doherty at 7:02 p.m.

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

**Staff Present:** Jim Larkin, NECCOG, Chuck Dobrowski, ZEO, Austin Tanner First Selectman Selectman Robert Kelleher, and Audrey Cross-Lussier Recording Secretary.

**Public in Attendance:** Attorney John Knuff, Alan Carpenter CPH Engineers, Bob Eberts, Paul Archer, Terry Chambers.

**III. Seating of Alternates:** Paul Camara as regular member.

**IV. Adoption of Minutes:** Regular meeting minutes of December 2, 2009. A motion was made by David Fuss to accept the regular meeting minutes of December 2, 2009. Barbara Repko seconded this motion with the changes outlined by Carlene Kelleher. The motion carried unanimously.

Don Francis asked to add an item on the agenda under XII Other Business #2 Changes of VCD.

**V. Election of Officers:** A motion was made by Henry Moses to nominate Carlene Kelleher for Chairman. Don Francis seconded this motion. Dave Fuss made a motion to close the nomination. Deane Rettig seconded this motion. The motion carried unanimously.

A motion was made by Al Sandholm to nominate Deane Rettig for Vice Chairman. Don Francis seconded this motion. Dave Fuss made a motion to close the nomination. Henry Moses seconded this motion. The motion carried unanimously.

A motion was made by Henry Moses to nominate Al Sandholm for Secretary. Deane Rettig seconded this motion. The motion carried unanimously.

**VI. Advancement of Alternate Member to Regular Member due to resignation of Kelli Ritch:** A motion was made by Don Francis to move Paul Camara to fill the unexpired term of regular member Kelli Ritch. David Fuss seconded this motion. The motion carried unanimously.

**VII. Reading of Legal Notice:** None.

**VIII. Public Hearings:** None.

**XI. New Public Hearings:** None.

**Public Hearing Section Closes**

**Meeting Business Proceeds:**

**X. Unfinished Business:**

**XI. New Applications:**

**a. Subdivisions:** None.

**b. Site Plan Review:**

**1. SPR09-001 Wal-Mart Real Estate Business Trust, Revisions to Approved Elevations Pursuant to Section 3.4.8.5 and Condition 2 of the June 23, 2009 Approval.**

Al Sandholm recuses himself at this time.

Attorney John Knuff represents application SPR09-001 Wal-Mart Real Estate Business and Trust. A site plan application is submitted with regards to the approved elevations. On June 23, 2009 an approval was granted to Wal-Mart Real Estate Business Trust. Condition 2 of the approval was read into the record by Attorney Knuff as follows:

“2. The maps and plans shall be modified to eliminate the pre-cast concrete 4’ x 8’ surfaces presently proposed for the front and easterly and westerly sides of the building by replacing same with cementitious clapboards of complementary color or colors as selected by the applicant’s architect and approved by the town’s consulting architect prior to the filing of plans. In areas in which cementitious clapboards may not be feasible or may be inappropriate, a combination of other suitable, complementary materials, (such as architecturally consistent brick or stone), approved in advance by the town’s consulting architect, and reviewed by the Commission pursuant to Section 3.4.8.5, may be utilized. The goal is to refine the design and material selections to be more consistent with the community’s general architectural themes and appearance as required by the regulations and as suggested by the town’s consulting architect. Given the design of the rear (northerly) side of the building, such treatment is not necessary for that side.”

Attorney John Knuff also summarized a letter from Michael Stein, RA, LEED, AP from Stein/Troost Architects that stated “they have reviewed the revised drawings and meet with their approval. The applicant has incorporated the surface treatment revisions Stein/Troost recommended in the May 4, 2009 commentary, and in further informal discussions with architect Bob Eberts. More specifically, the architect has substituted clapboard patterned pre-cast concrete with raised battens at vertical joints for the previously submitted unpatterned pre-cast concrete panels. This approach satisfies the applicants technical and maintenance requirements in a manner consistent with Brooklyn architectural precedents.”

Attorney Knuff stated there have been modest changes made to the exterior of the building. Architect Bob Eberts from Cross River Architects presented the renderings. Mr. Eberts stated they were concerned with the maintenance of the clapboards and that they can break, when exposed to any kind of abuse, therefore Mr. Stein and Mr. Eberts discussed removing the 4 x 4 clapboards and use stamped precast panels below. There will be battens placed over the joints fastening into the masonry. This will also be cementboard material with a thickness which can withstand any abuse. A sealant will be put on one side and the fasteners on the other side vertically about every 6 inches.

Mr. Eberts stated that Wal-Mart took the opportunity to enhance the elevation. They shrunk down the sign board (Trespa material) which is 12 feet narrower, there were wing walls added which are 12 feet wide each. The two sides have been dropped down to 28 feet, the average height is less than it was before at 28 ½ to 29 feet. The arch has changed with the Wal-Mart sign to 37 feet which increased by 1 foot.

Don Francis asked where the lighting was on the sign. Mr. Eberts stated the letters are internally lit; there are no lights on the wing walls.

Henry Moses asked what the total height of the building was when approved. Mr. Eberts stated it was 36 feet in height, now it will be 37 feet due to the curve in the arch, however, the sign will be the same size.

Discussion held.

Chairman Kelleher asked the commission their desire to waive the special permit application 3.4.8. Deane Rettig read into the record regulation section 3.4.8.5 Site Changes.

A motion was made by Tom Doherty to waive the special permit application for modifications to an approved site plan for application SPR09-001. Paul Camara seconded this motion.

Discussion on the motion.

Vote was taken: Kelleher, Rettig, Doherty, Dunlop, Francis, Moses, Repko, Camara in favor, Fuss opposed. Al Sandholm recused.

Chairman Kelleher also asked the commission their desire to waive Section 4.5 of the site plan requirements. Ms. Kelleher stated the commission does not require all the maps and extensive information that would be required for an initial site plan as all of this information was submitted during the original application.

A motion was made by Deane Rettig to waive the balance of the requirements in Section 4.5 as for what they are asking for approval has no bearing on the other items other than the height/elevations which was 4.5.2.3 for Application SPR09-001. Henry Moses seconded this motion. Al Sandholm recused. The motion carried.

A motion was made by Deane Rettig to approve Application SPR09-001 Wal-Mart Real Estate Business Trust, Revisions to Approved Elevations Pursuant to Section 3.4.8.5 and Condition 2 of the June 23, 2009 Approval. Tom Doherty seconded this motion.

Discussion was held on the motion.

Henry Moses stated that he feels the Commission spent a lot of time talking about elevations and that this was a bone of contention in Town. Mr. Moses feels that the Commission should stay with the plan at 36 feet.

Deane Rettig stated his recollection of the discussion was not so much about the height, but what the Commission discussed and came to an agreement with was that the Commission had the latitude to approve the height for signage beyond the physical roof building height. Mr. Rettig feels the building height has not increased. The signage height as discussed by narrowing it has increased by a foot. The discussion was not on the number of feet in height, but whether or not the commission was capable of permitting the applicant to extend the signage only above the actual physical roof height.

Tom Doherty stated that the aesthetics have improved by narrowing the sign and making it a little higher.

Commission members discussed the roof height, building aesthetics, and the clapboard siding.

Don Francis stated with 65 days to act upon this application would it be possible to see a sample of the clapboard.

Carlene Kelleher asked Mr. Ebert if this would be possible. Mr. Ebert stated that this is something new, the company has found a form, but has not been done yet.

Don Francis asked if a smaller sample could be brought in for the Commission to review.

Paul Camara asked if a rendering on paper could be brought in for the Commission to review.

Henry Moses agrees with Don and Paul, there is time if a motion was made to table this. An art department could make draw downs to replicate what will be on the walls.

Deane Rettig agrees with this as well.

Deane Rettig withdraws the motion. Tom seconds withdrawing the motion.

Henry Moses made a motion to table the application to next month and have Wal-Mart come in with an artist drawdown/sample of the material they are going to use. Dave Fuss seconded this motion.

Discussion held on the motion: Deane Rettig stated that if Wal-Mart does not have enough time to bring in the drawdown at the next months meeting then move it to March's meeting.

Vote was taken: All in favor, Al Sandholm recuses. The motion carried.

Al Sandholm rejoined the meeting at this time.

**2. SPR10-001 245 Providence Road, LLC, Map 34, Lot 6; Renovation of existing building for proposed machine shop, feed and grain store and bulk storage.**

Paul Archer, Archer Surveying LLC, stated that the only reason that a special permit is needed is because of the bulk storage that is being asked for.

A motion was made by Dave Fuss to schedule a public hearing for application SPR10-001 to next month's February 3, 2010 meeting. Deane Rettig seconded this motion.

Discussion held on the motion: Deane Rettig asked ZEO Chuck Dobrowski if the application is complete. Mr. Dobrowski stated yes.

Vote was taken: All in favor. The motion carried unanimously.

Discussion held on waiving 4.5.3.3 traffic study and 4.5.3.5 staging.

A motion was made by Henry Moses to waive 4.5.3.3 traffic study and 4.5.3.5 staging for Application SPR10-001 according to the request. Craig Dunlop seconded this motion.

Discussion was held on the motion with regards to the traffic study.

Vote was taken: All in favor Kelleher, Rettig, Sandholm, Dunlop, Fuss, Francis, Moses, Repko and Camara. Tom Doherty opposed. The motion carried.

**c. Zone Regulation Change:**

**1. ZRC10-001 Wayne Jolley Article 3-District Regulations Amend 3.1 and 3.2, Add Section 3.3.6, Add Section 3.4.10; To create a zone which fosters small light industrial and business development in an environmentally sound manner employing low impact development and renewable energy principles.**

Chairman Kelleher stated that this application will require a public hearing. Chairman Kelleher also pointed out that there has been a typographical error on the application as there is already section 3.4.10.

Jim Larkin, NECCOG Planner, stated that a minor error that has no bearing on the content of the regulation therefore is not a major issue to change. Mr. Larkin stated as it is a Text Amendment it would affect areas of 500 feet of a boundary and a regional referral is required which is 30 days before the public hearing. With February being a short month, there is only 28 days until the next meeting, the public hearing would have to be a special meeting or held at the March P & Z meeting.

Deane Rettig also stated that there is a second typographical error; there is already a section 3.3.6.

Terry Chambers asked if he would be allowed to make the changes in the errors during this evening's meeting. Chairman Kelleher agreed on this action. Mr. Chambers changed the typographical errors on the application to 3.3.7 and 3.4.11.

A motion was made by Henry Moses to schedule a public hearing for application ZRC10-001 in March 2010. Don Francis seconded this motion. Motion carried unanimously.

Chairman Kelleher recommended that this public hearing be held at the Brooklyn Middle School. Ms. Cross-Lussier will check the availability of the school.

**d. Special Permit:** None.

## **XII. Other Business:**

1. Scheduling of Planning and Zoning Meeting: Discussion was held with members with regards to scheduling an extra meeting/special meeting per month. The regular monthly meeting would reflect upon zoning issues and the second special meeting would reflect upon planning issues. After discussion a straw vote was taken and the majority was that the second monthly meeting will be scheduled as a special meeting for planning priorities. The first special meeting will be held on Tuesday, January 19, 2010 further meetings will be determined.

2. Hand out by Don Francis regarding proposed change in Village Center District regulations to reduce applicant costs. Don handed out a draft change in a VCD Regulation of section 3.4.5.5.1 and 3.4.5.5.2. Discussion held. This will be added onto the next special meeting of January 19, 2010 for discussion.

## **XIII. Public Commentary:**

Lisa Arends, Allen Hill Road wanted to bring something to the attention of the Commission. Around January of 2009 Ms. Arends submitted a size cap application to the commission and there was a discussion that "retail" was missing off the cover page but was revised in the actual application. Ms. Arends stated they were advised at the time they needed to withdraw the application, to add that wording and then resubmit it and pay another \$180. A waiver of the application fee was asked for but not granted. Ms. Arends stated they were not able to fix the "typo," where the word retail was included in the body of the application but missing off the front cover. Ms. Arends resubmitted the size cap application and a big discussion was held around whether or not planned commercial could be added during the public hearing section and whether or not the Board had the authority to do it or whether or not we could change the application during a public hearing. Ms. Arends makes this a point because of the earlier conversation with regards to the two typos on a zone change application that were changed.

Henry Moses asks Chairman Kelleher if he may address this issue.

Mr. Moses stated to Ms. Arends' that the typos on the size cap application were found during the public hearing on the application and that is why the typos could not be changed. The application presented tonight with the typos is not part of the public hearing process, the applicant can make any changes until the public hearing starts which will be in March.

Chairman Kelleher does think the point has been made and the commission has taken note of it.

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

1. Zoning Enforcement Officer's Report: Chuck Dobrowski reviewed the zoning permits totals for the year. Mr. Dobrowski stated that the owner of "The Cone" will have it removed this weekend. The reason it has not been moved is because it is falling apart. The special permit file that Tom Doherty was asking about will have a report available for at next month's meeting. Deane Rettig likes the totals on the report and asked if there could be running totals for the year and asks if this could be part of the report on a monthly basis.

2. Plan of Conservation and Development: Tom Doherty stated that a meeting is scheduled for the 4<sup>th</sup> Wednesday of this month. They have accepted mostly all the reports and should be done by the first part of the year.

3. Regulations Subcommittee:

a. Regulations: This will be discussed in detail in couple of weeks.

b. Conservation Subdivision: There is no change in the concept. Changes have been made to make the process a little easier. It does contain a requirement that roads within a conservation subdivision be private roads and there are specifications for those roads that need to be looked at for safety considerations. Discussion was held on a safety committee. Jim Larkin stated that this was not a formal group, but met as needed. Austin Tanner stated that he believes there is a group and he will look into this and will talk with Bob Lee of Homeland Security. Jim will provide Selectman Tanner with a copy of the regulation.

c. Open Space: This will be reviewed at the next special meeting.

d. Parking: This is new and to be reviewed at the next special meeting.

e. Site Plan Review: This is just to make a small section comply with State Statutes.


4. Gravel: They are now operating under the new regulations with a \$100 fee. The regulations will be complete very soon.

5. Route 6 Guidelines: Austin Tanner stated that a meeting is scheduled for Thursday, January 21, 2010 at 7:00 p.m. to be held at the Brooklyn Middle School. All commissions and commercial people and the public will be invited. Jim will have the changes ready 1 week before the meeting.

6. Budget: Chairman Kelleher will have Austin Tanner sit with the entire commission with regards to this year's budget. Discussion was held with regards to NECCOG's contract for Professional Services i.e. Land Use and Engineering Services. Deane Rettig requests a monthly budget breakdown to be presented at each meeting.

Chairman Kelleher would like to thank Tom Doherty for his leadership and guidance that he provided through the last year especially during the Wal-Mart Application.

**Adjourn:** A motion was made by Al Sandholm to adjourn the meeting at 9:15 p.m. Henry Moses seconded this motion. All in favor. The motion passed unanimously.

  
Audrey Cross-Lussier  
Recording Secretary