

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
OCTOBER 6, 2010
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

RECEIVED
TOWN CLERK'S OFFICE
2010 OCT 18 A 8:46
RECEIVED
TOWN OF BROOKLYN
CLIFFORD B. GREEN MEMORIAL CENTER
69 SOUTH MAIN STREET
BROOKLYN, CT 06234

I. Call to Order: The meeting was called to order at 7:03 p.m.

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

Absent: Tom Doherty with notice.

Staff Present: Chuck Dobrowski, ZEO, Jim Larkin, NECCOG Planner, Audrey Cross-Lussier, Recording Secretary.

Also Present: Evan and Michele Sigfridson, Norm Thibeault, public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes September 1, 2010: a motion was made by Deane Rettig to approve the regular meeting minutes of September 1, 2010 as presented. Barbara Repko seconded this motion. No discussion held. All in favor. The motion passes unanimously.

2. Special Meeting Minutes September 21, 2010: a motion was made by Deane Rettig to approve the special meeting minutes of September 21, 2010 as presented. Barbara Repko seconds this motion. No discussion held. All in favor. The motion passes unanimously. Craig Dunlop abstains.

V. Reading of Legal Notice: None.

VI. Public Hearings: None.

VII. New Public Hearings: None.

Public Hearing Section Closes

Meeting Business Proceeds

IX. Unfinished Business:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping. (Public Hearing Closed September 1, 2010).

Craig Dunlop recuses himself from the table.

David Fuss stated for the record he has listened to the audio tapes of the meetings and has read all information supplied regarding the application.

Paul Camara stated for the record that he has not listened to the audio tapes but will arrange to do so. Mr. Camara has read all information supplied regarding the application.

Chairman Kelleher stated that the public hearing has been closed on application SP10-003 and deliberations have begun. Ms. Kelleher referred commission members to copies in the packet of the VCD Regulations, site plan requirement checklist and the application information to use as a guide as to what may be or not be in compliance with deliberations on application SP10-003.

Jim Larkin gave a detailed summary of 4.5 Site Plan Requirements Checklist (4.5.1 through 4.5.8) with regards to application SP10-003.

Barbara Repko feels that the commission should work from an accurate site plan. The commission should not consider any proposed activity that is not listed on the site plan.

Henry Moses asked if work is being done on the property without any approvals outside of this application. Mr. Dobrowski stated that the front door and associated trim has been removed and replaced with plywood. Mr. Dobrowski wrote a cease and desist letter regarding any work being done to the exterior of the building until the commission makes a final decision which Mr. Dobrowski hand delivered the letter to Ms. Knust. A copy was also sent via mail. Mr. Dobrowski stated that the only recent active building permits that were issued to the exterior of the building were for a roof and chimney repair. Mr. Dobrowski has not seen any more work being done since he letter has been sent.

Chairman Kelleher asked Mr. Dobrowski if he has spoken with Land Use Attorney Peter Alter with regards to the applicant continuing to do work which has not been approved by the commission. Mr. Dobrowski has spoken with Attorney Alter with regards to what the process should be.

Mr. Dobrowski stated prior to tonight's P and Z meeting, a meeting with he, Ms. Knust and the Building Official was arranged on September 30th to review what prior building permits have been issued. Ms. Knust was unable to attend the meeting due to illness.

Discussion was held with regards to the completeness of the application for approval or denial.

A motion was made by David Fuss to suspend deliberations on application SP10-003 and move Unfinished Business #2 HB10-001 up onto the agenda. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously. Craig Dunlop recuses.

2. HB10-001 Evan Sigfridson, 90 Fitzgerald Rd, Map 7, Lot 11, RA Zone; Home Business Permit-Law Practice.

Craig Dunlop returns to the table.

Michelle Sigfridson, property owner of 90 Fitzgerald Road represents application HP10-001. Ms. Sigfridson is a lawyer and would like to have a home law office. Mr. and Mrs. Sigfridson have recently constructed a barn/garage. The first level of the structure is the garage. The second level of the structure is where the proposed law office will reside. There will be one room office with no employees. Ms. Sigfridson will see a few clients a week. There will be no change to the property other than a small sign on the garage.

Chairman Kelleher asked Mr. Dobrowski for his comments on the application. Mr. Dobrowski stated that the building is in the correct location shown on the site plan. Mr. Dobrowski stated that all of the items defining home business were addressed fairly clearly. Henry Moses asked if the parking was adequate. Mr. Dobrowski stated that the parking is fine and unobtrusive. Chairman Carlene asked if a sign is eventually added Ms. Sigfridson would need to get a sign permit from Mr. Dobrowski.

A motion was made by Henry Moses to approve application HB10-001 as presented. David Fuss seconds this motion. No discussion held. All in favor. The motion carries unanimously.

Deliberations reconvened on application SP10-003.

Craig Dunlop recuses himself from the table.

Chairman Kelleher suggested to Commission Members reviewing each item separately listed on the application: septic repair; garage reconstruction; installation of a pool; conservatory; landscaping; front deck; sunroom; and wind turbine.

Commission members reviewed and deliberated application SP10-003. The following items were discussed in detail:

Septic Repair: This is shown on the site plan which is required for the application. The applicant will need to go to Northeast District Department of Health for approval.

Garage Reconstruction: Use of vinyl siding/trim on the garage discussed. Not appropriate per architect's review. Garage Reconstruction shown on the site plan. The definition of "reconstruction versus demolition" discussed. Incomplete information provided as to what the intentions are with respect to the garage being reconstructed.

In-Ground Swimming Pool: Per architect review the in-ground pool and fence is appropriate.

Conservatory: Per architect's review and commission review there is incomplete information provided concerning the material on the conservatory.

Landscaping: Clarification is needed on the site plan regarding the landscaping on Route 169; dry block or boulder retaining wall.

Front Deck/Portico: Per architect's review the proposed fiberglass door proposed by the applicant is an inappropriate replacement for the existing wood door and sidelight.

Portico: Per architect's review the portico was appropriate except the Corinthian columns are not appropriate.

Sunroom: Has not been annotated or clearly shown on the site plan. Per architect's review the vinyl siding and PVC not be used but the Azek composite trim is compatible material.

Wind Turbine: Site plan lacks utilities placement; other details requested on noise not provided. The applicant expressed willingness to remove wind turbine from application.

South Side Deck: This is shown on the site plan. Per architect's review this is appropriate but pointed out the railings should match the railings being used on the sunroom.

Vinyl Fence: Not appropriate per architect's review. Repairing of fence or replacement with wood is appropriate.

Garden Shed: The use of vinyl is not appropriate.

Windows: Information on the garage windows has been clarified. Information on the house windows needs clarification with regards to specification of replacement windows versus new construction.

Commission members further deliberated and discussion held on application SP10-003.

Chairman Kelleher suggested to have Staff draft a motion with regards to approval/denial of application SP10-003 and to have Attorney Peter Alter review the motion for proper language. Discussion held.

A motion was made by Deane Rettig to table deliberations on application SP10-003 to a special meeting to be held on October 20, 2010. No discussion held. All in favor. The motion passes unanimously. Craig Dunlop recuses.

X. New Applications:

Craig Dunlop returns to the table.

a. Subdivisions: None.

b. Site Plan Review: None.

c. Zone Regulation Change: None.

d. Special Permit:

1. SP10-008 James and Suzanne Combs, 112 Fairgrounds Road, Map 24, Lot 61-3, VCD Zone, Construction of a Garage 28 x 52.

A motion was made by Paul Camara to accept application SP10-009. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by David Fuss to schedule a public hearing on application SP10-008 for November 3, 2010. Deane Rettig 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 nearby existing structures.

A motion was made by Deane Rettig to accept the application SP10-009. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Chairman Kelleher feels that this is a significant application and would requests a review by an engineer. The application does not require an architectural review per regulations. Mr. Larkin feels that Mr. Syl Pauley would be available for this review. Discussion held.

Norm Thibeault from Killingly Engineering Associates represents application SP10-009. Mr. Thibeault stated that Mr. Dobrowski contacted him with regards to the new land use fees that are in place. In addition to the Special Permit Fee, Site Plan Review Fee and State Fee there is another fee of \$20 per unit to be collected (214 units proposed) for multi-family/active adult or elderly community. The additional amount for this application would be \$4,280. Mr. Thibeault understands that the commission cannot waive the fees but is asking the commission for a reduction in this fee on behalf of the applicant.

Chairman Kelleher stated that the only body who has the ability to modify the fees would be the Board of Selectman. Ms. Kelleher stated that this issue would have to be brought to the Board of Selectman. Mr. Tanner and Mr. Kelleher were present at the meeting. Mr. Tanner commented that the fee schedule was in place at the time the application was submitted. Mr. Kelleher commented that the whole entire ordinance would have to be revamped in order to modify this application.

A motion was made by David Fuss to schedule a public hearing and special meeting on application SP10-009 for a date to be determined in November 2010. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

XI. Other Business:

1. Acceptance of Juniper Way Phase I.

Mr. Dobrowski stated that a letter was received from Belmont Homes, LLC dated September 13, 2010, to be placed on the agenda for the acceptance of Juniper Way. Mr. Dobrowski contacted Syl Pauley, NECCOG Regional Engineer and he reviewed the plans. On October 4, 2010 Mr. Pauley made a site visit. During the site visit Mr. Pauley felt there were some issues concerning the paving which is described in a letter dated October 5, 2010. Mr. Pauley will be setting up a meeting next week to meet with a representative from DOT who specializes in asphalt to review this issue. The Belmont Homes representative has been notified of this situation. Mr. Dobrowski is asking the commission to table this item until next month. Discussion held.

A motion was made by Henry Moses to table the acceptance of Juniper Way Phase I. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Discussion of modifying residency requirements for the current 55+ Residential Community at Brooklyn Commons.

Norm Thibeault from Killingly Engineering Associates is present on behalf of the property owners of Brooklyn Commons to discuss the possibility of modifying the residency requirements for the current 55+ residential community. The owners of the property have received a number of inquiries from potential buyers less than 55 years old/first time home buyers looking for something that is reasonably priced. This would also require the existing residents to sign off on this as there is an existing homeowners association. If the commission would entertain this it would require a whole new application be brought forth.

Mr. Thibeault stated there are approximately 27 units. The size of the units are anywhere between 1400-1600 sq. ft., with the same foundations with modified garages, 2nd floors, decks and sunrooms. They are 1-2 bedroom units. There are six units currently occupied. Discussion was held with regards to allowing children to reside there and its impact.

Mr. Moses reminded Mr. Thibeault with regards to the previously approved landscaping plan that has not been completed to date.

3. Discussion of placement of public commentary on the agenda.

Commission members discussed the pros and cons of placing the public commentary at the beginning and end of the Planning and Zoning meetings. Suggestions were made to limit the commentary time at both ends of the agenda. Chairman Kelleher would be willing to give this a try. Mr. Larkin will discuss this with Attorney Peter Alter for his opinion.

4. Discussion of Special Events Regulations.

Mr. Larkin stated there are some minor changes to be made to the regulation. Mr. Larkin stated that Staff will have to work with the Board of Selectmen on how this will work in conjunction with the Ordinance. Discussion held.

Chairman Kelleher made clarification that the meetings for the special events regulation is not a subcommittee meeting but a staff meeting consisting of Jim Larkin, Chuck Dobrowski, Austin Tanner with Ms. Kelleher as the liaison from the P and Z Commission.

Chairman Kelleher commented that as far as she knows the P and Z subcommittees are posting agendas and minutes.

5. Vendor Permits.

6. 6A Adaptive Reuse of an Agricultural Building.

Chairman Kelleher stated that vendor permits and 6A Adaptive Reuse of an Agricultural Building drafts were sent along to Stan Karro, Chairman of the Agricultural Commission for review and comments. Mr. Karro commented that it is the consensus of the AG Commission that the P&Z regulation for the 6A Adaptive Reuse of an Agricultural Building be retained. Chairman Kelleher has not received a comment on vendor permits as of yet from Mr. Karro.

Discussion was held with regards to vendor permits for weekend vendors.

A motion was made by Deane Rettig to table vendor permits to the November 3, 2010 regular meeting. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Deane Rettig to schedule a public hearing on 6A Adaptive Reuse of an Agricultural Building to December 1, 2010. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

7. Conservation Subdivision:

Jim Larkin reviewed the following changes: Interior lots section 15.5.4. changes were made to 15.5.4.1 which added in language to allow for interior lots with the lots having a minimum of 300 feet separating all entrances or access strips on the same side of the street; 15.5.4.2 access strips have a maximum length of 400 feet; 15.5.4.3 no more than three (3) interior lots may be accessed by any one access strip with the ownership of the access strip resting with the lot farthest from the public or private way. Discussion held with regards to emergency apparatus on a right of way and emergency apparatus height requirement.

A motion was made by Deane Rettig to schedule a public hearing on Conservation Subdivision Regulations to December 1, 2010. David Fuss seconds this motion. Discussion held on the motion. All in favor. The motion passes unanimously.

XII. Planning Priorities:

Deane Rettig asked if any further information has been received on solar panels/solar farms. Mr. Larkin has not received any information on solar farms, however, Mr. Larkin has reviewed a presentation with regards to solar that was done by the planner from Windsor, CT. Chairman Kelleher stated that the regulations subcommittee has asked Mr. Larkin to bring any information forward he may have with regards to green energy. Mr. Rettig asks if this information may be copied to him. Mr. Larkin agrees to do so.

XIII. Public Commentary:

1. Julius D'Agostino, 6 Barrett Hill Road. Mr. D'Agostino voiced his concerns over the commission considering Brooklyn Commons changing the residential community requirements to something other than 55+. Mr. D'Agostino encourages the commission to look at the decision that is made at the Tiffany Street development first before making any decision regarding Brooklyn Common. Mr. D'Agostino suggests the commission look at a new regulation on wind turbines in the town. Lastly, Mr. D'Agostino commented that the New England Art Center is no longer in Brooklyn; however, the sign still remains on Route 169. Mr. D'Agostino requests that the sign be removed.

2. Lisa Arends, 533 Allen Hill Road. Ms. Arends thanks Chairman Kelleher for the clarification on the staff meeting with regards to special events. Ms. Arends read the definition of a "meeting" per state regulations. Ms. Arends concerns are that regulations are being discussed and crafted for the town with various members meeting together and the public is being excluded from the meeting. Chairman Kelleher commented that Planning and Zoning Commission is not trying to hide anything from the public by setting up a staff meeting. Ms. Kelleher finds this to be very distressing. Ms. Kelleher stated that the commission is familiar with what is supposed to be done with regards to posting agendas and meeting minutes.

Ms. Arends stated that residents have a right in town to ask questions and inquire as to what is going on. Ms. Arends is asking questions as she would like to be involved. Ms. Arends stated that she met with Austin Tanner last month and spoke with him regards to agendas and minutes that are neither on file in the Town Clerk's Office nor on line. Ms. Arends stated that there is a statutory obligation to post agendas and minutes within 7 days after they occur. Ms. Arends offered to supply Chairman Kelleher with the list of agendas and minutes not on file.

Ray Preece, South Main Street. Mr. Preece voiced his concerns with regards to the MMUDD district regulations. Discussion held.

XIV. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report:

Mr. Dobrowski discussed the ZEO's Activity Report for September 2010. Mr. Dobrowski other activity with regards to letters that were sent out.

Mr. Dobrowski stated he spoke with Tom Doherty with regards to the Emporium and the outside display of goods. In Mr. Doherty's absence Mr. Dobrowski will further speak with Mr. Doherty with regards to this issue.

2. Plan of Conservation and Development:

Chairman Kelleher discussed the draft copy of Plan of Conservation and Development. Ms. Kelleher also passed out the statute on the process. Ms. Kelleher stated the commission has the option before this goes to a public hearing to make changes, however, Ms. Kelleher would prefer to wait until the public hearing is opened to make any changes. Dave Fuss stated that it was the sentiment of the POCD subcommittee that they were in the anticipation of the input received from P and Z before it was sent for public hearing. Discussion held. Ms. Kelleher would like to receive Tom Doherty's comments on this. Chairman Kelleher suggests that commission members review the POCD draft document and the statute on the process.

3. Village Center District:

Deane Rettig stated that there is nothing new to report at this time. A meeting will be scheduled this month.

4. Budget:

Chairman Kelleher reviewed the budget. Professional services current bills have not yet been received.

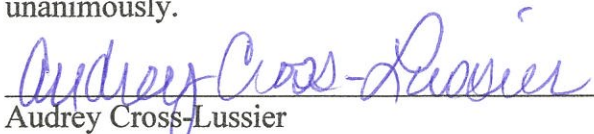
5. Chairman's Report:

Chairman Kelleher commented that the Agricultural Commission's workshop will be held October 19, 2010 at 7:00 p.m. at the Brooklyn Middle School. Ms. Kelleher encourages commission members to attend.

Julius D'Agostino stated that Ms. Arends showed him an agenda for the subcommittee meeting for sand and gravel which is scheduled for October 7, 2010. Mr. D'Agostino stated he has been looking on the internet website for the agenda and it has not been posted.

Chairman Kelleher stated that Tom Doherty is the chairman of the subcommittee and has been ill and this may be the reason for the non-posting of the agenda. Discussion held.

Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 10:35 p.m. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.



Audrey Cross-Lussier
Recording Secretary