

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, April 3, 2019
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order – Michelle Sigfridson , Chair, called the meeting to order at 6:32 p.m.

II. Roll Call - M. Sigfridson, Carleen Kelleher, Jules D’Agostino, Austin Tanner, Earl Starks; Alan Fitzgerald – Alternate.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Alternate Allen Fitzgerald as a Voting Member for this meeting. Second by E. Starks. Motion carried unanimously (5-0-0).

IV. Adoption of Minutes: Regular Meeting March 19, 2019

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of March 19, 2019, as presented. Second by C. Kelleher. Motion carried (5-0-1). M. Sigfridson abstained as she had not attended that meeting.

V. Public Commentary:

A.J. Kerouac apologized for raising his voice to J. D’Agostino at the last meeting of the PZC. He stated that PZC meetings are to transact business and that politics should stay outside. He stated that people sometimes get cut-off while speaking and they get turned off by it. He would like to see people get excited about investing in the Community again.

VI. Unfinished Business:

a. Reading of Legal Notice: It had been read at a previous meeting.

b. Continued Public Hearings:

1. **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor’s Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yards of rock.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. He explained that the Application went before the Conservation Commission on April 1, 2019, and he thanked A. Tanner for attending that meeting.

Maps had been provided to Commission Members and Mr. Thibeault explained and indicated the locations of the proposed area to be removed from the current conservation easement (approximately 8,000 s.f.) and the proposed area to be given in return to the conservation easement (approximately 13,000 s.f.). He stated that, in his opinion and, he believes in the opinion of the Conservation Commission, the land they are proposing to give in place of the current area is much better suited to be conservation land because it is along the corridor of the Brook. The bulk of the conservation easement is associated with either wetlands or upland review area associated with wetlands. Mr. Thibeault stated that they had come to an agreement with the Conservation Commission and he asked that the PZC look favorably on the Application.

There was discussion regarding the list of conditions of approval:

- J. Roberson clarified that the modified legal instrument recorded after review and approval by the Town Attorney (#8) would be a modified legal instrument modifying the boundaries of the easement area, not any other text in that document.
- J. D'Agostino stated that #4 was not worded the way it had been presented and accepted at the last meeting. There was discussion and Mr. Thibeault commented that, on the site walk, they had stopped at the field on Route 169 and made a point to look for it, but could not see it. Mr. D'Agostino stated concern because you do know what will happen in the future. Discussion continued and Mr. D'Agostino withdrew his comment.

Mr. Thibeault asked that Mr. Hartin's work not be held up due to the plan being filed on the land records. He stated that the map will be based upon what the field conditions are because the discussion with the IWWC is that they would keep the (green) line on the tree line and not interfere with the agricultural field at all. They have to go out and locate exactly where that line is. Ms. Roberson referred to Statute and explained that the special permit does not go into effect until it is recorded and she stated that if business is conducted prior to that date, you do so at your own risk. Ms. Sigfridson commented that no unreasonable delay is expected.

Motion was made by C. Kelleher to close the public hearing for **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor's Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yards of rock. Second by E. Starks. Motion carried unanimously (6-0-0).

c. New Public Hearings: None.

d. Other Unfinished Business:

1. **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor's Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yards of rock.

Motion was made by A. Fitzgerald to approve the Gravel Special Permit application for the property located on the west side of Canterbury Road, Assessor's Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4 identified in the files of the Brooklyn Land Use Office as SPG 19-001, in accordance with all final plans, documents and testimony submitted with the application with the finding that it is a permitted use in the zone and that potential impacts can be mitigated with the following conditions:

- 1) Excavation is limited to the area shown on the submitted plans dated 12/4/2018, last revised 4/3/19, sheets 1-4 prepared by Killingly Engineering Associates.
- 2) There shall be no importation of fill nor any exportation of soil.
- 3) The access drive shall be maintained to avoid excessive rutting, control dust, and maintain the alignment to avoid impacting adjacent properties.
- 4) Material stockpiles and equipment shall not be visible from the neighboring properties or from Canterbury Road (Route 169) in order to protect the natural, scenic and open condition of the view from a nationally-designated greenway and cultural resource identified in the Plan of Conservation and Development.
- 5) Hours of operation are limited to 7 A.M. to 6 P.M. Monday through Friday and 7 A.M. to 12 P.M. on Saturday. There shall be no activity on Sundays or major holidays.
- 6) Truck traffic is limited to six trucks per week (i.e. twelve trips/week).
- 7) Entry and exit from the site onto Canterbury Road shall be from and to the north only. No trucks shall turn onto or off of the site from or to the south due to the poor alignment of the driveway and apron.
- 8) The modified Conservation Easement shall be added to the plans and a modified legal instrument recorded after review and approval by the Town Attorney.
- 9) The Inland Wetlands and Watercourses Commission approval, with conditions, and the Planning and Zoning Commission approval, with conditions, shall be included on the final recorded special permit plans.

- 10) Draft final approved plans shall be printed on paper and submitted to Town Staff for checking prior to printing on archival material.
- 11) The final approved plans bearing the seal and signature of the appropriate professionals and the April 3, 2024 expiration date and shall be printed on archival material, signed by Commission Chairs, and recorded along with the Special Permit in the office of the Town Clerk.

Second by C. Kelleher.

Discussion:

- Ms. Roberson read the IWWC conditions for approval.
- Rick Ives (seated in the audience) commented that the Applicant, from the beginning, stated that he would do everything that he had to do, and it appears that he has, so Mr. Ives urged that the PZC support the Application.
- Ms. Sigfridson stated, for the record, that she had familiarized herself with the record from the last meeting and, therefore, intends to vote on this Application.

Motion carried unanimously (6-0-0).

2. **SPG 19-002 Gravel Special Permit**- Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road (Assessor's Map 30, Lots 97, 97-1, 97-2), Proposed removal of approximately 218,000 cubic yards of sand and gravel.

There was discussion and Ms. Roberson explained that there is nothing for the PZC to do while the variance is pending on this Application. The ZBA site walk will be on April 9th at 9 a.m. The next ZBA meeting is on April 23rd. Ms. Roberson explained that she is tracking the dates to ensure that there is enough time for the PZC to open the public hearing (Application was received on March 6th).

Ken Niemann, 573 Wauregan Road, asked about abutters being notified. It was explained that it is the responsibility of the Applicant to notify abutters.

Marcel, 601 Wauregan Road, asked when the current permit expires. Ms. Sigfridson explained that questions would be better raised during the public hearing when the Commission has more information in front of them. Ms. Roberson explained that he could also contact the Land Use Office.

Motion was made by A. Tanner to schedule a public hearing for **SPG 19-002 Gravel Special Permit**- Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road (Assessor's Map 30, Lots 97, 97-1, 97-2), Proposed removal of approximately 218,000 cubic yards of sand and gravel for May 1, 2019, Regular Meeting of the Planning and Zoning Commission at 6:30 p.m., in the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by E. Starks. Motion carried unanimously (6-0-0).

3. **SPR 19-002 Site Plan Review** – Brandon Longe/Applicant, Ayana Hotel, LLC/Owner, ~1 acre, 479 Providence Road (Assessor's Map 41, Lot 110), Second floor addition for expansion of caretaker's unit.

J. Roberson explained that she had been in contact with Mr. Longe and that he is working on the mock-up showing what the building will look like. She explained to him the timeframe for site plan review and that he may need to file for an extension of an additional 65 days.

No action taken.

VII. New Business:

a. Applications: None.

b. Other:

1. Request for filing extension for SD 18-003 Resubdivision of Grand View Acres.

J. Roberson explained that the Commission could grant either 90 days or 180 days (maximum allowed). The request was for 90 days to file mylars.

Motion was made by J. D'Agostino to approve the filing extension for SD 18-003 Resubdivision of Grand View Acres an additional 90 days in accordance with state statutes. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

2. Request for interpretation of uses: 245 Providence Road (Brooklyn Farm and Pet), Owner: 245 Providence, LLC, proposed propane filling service.

E. Starks recused himself. There was discussion as to whether he should leave the room or stay in the room. Mr. Starks took a seat in the audience.

Beth Starks explained that they no longer sell bulk mulch and would like to sell propane to extend their business.

The property is in the RB Zone. Ms. Starks submitted Section 3.4.7 of the RB Zone Regulations which was read by Ms. Sigfridson. Ms. Roberson explained that she had researched uses permitted in the Zone and previous approvals that had been granted. In 2010, they had received a special permit for storage and distribution of bulk products which, at that time, was landscape products. Now, it would be propane which is in the same list as landscaping products in the Regulations.

Ms. Roberson explained that the Commission could decide on the the following three scenarios:

- A completely new use subject to a new special permit/site plan approval.
- A minor modification of a previously permitted use.
- A customary and incidental use.

It is a 2,000 gallon propane tank with a 20' x 10' pad (approximately) with bollards. A photo of the one at Saveway was included in packets to Commission Members to show what it would look like. A site plan showing the proposed location of the tank was included in packets to Commission Members. The Fire Marshal is reviewing the site plan to ensure that the setbacks are met.

There was discussion and Ms. Starks stated that they would be filling tanks, but she was not sure if they would be selling tanks.

The Commission discussed the three scenarios and consensus was that storage and distribution of propane at 245 Providence Road is a minor modification and not a new use subject to special permit and site plan approval.

E. Starks re-joined the Commission at the table.

There was discussion regarding when the ZEO position will be filed. The position has been advertised. Martha Fraenkel will be staying on until April 24th.

3. Request for extension of Gravel Special Permit GBR 18-002, Paul Sansoucy, Pomfret Road, Assessor's Map 26, Lots 19 A and 19.

Mr. Sansoucy was present in the audience.

J. Roberson explained that Mr. Sansoucy's five-year permit was due in September of this year and that she and ZEO, Martha Fraenkel, had suggested that he do it now. He has been through IWWC and received a five-year extension.

Motion was made by J. D'Agostino to approve the permit extension for SPG 14-002 Special Permit for Gravel an additional 5 years to September 16, 2024 in accordance with state statutes. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

4. Discussion of possible memo re: Brooklyn Sand & Gravel variance application.

J. Roberson explained that this idea was brought forth by the Land Use Attorney who feels that it would not be inappropriate to comment on the variance applications that the PZC does not consider to be within the intent of the Zoning Regulations. Ms. Roberson explained that a criteria for a variance is that it has to be within the intent of the Zoning Regulations. She explained that this Applicant has made many requests for zone changes over the years. Discussion ensued. A. Tanner stated that the ZBA and the PZC are separate entities and he feels that the PZC should not get involved.

M. Sigfridson asked the Commission Members whether they feel the PZC should submit a memo to the ZBA:

Submit Memo: C. Kelleher; J. D'Agostino; A. Fitzgerald; E. Starks.

Do Not Submit Memo: A. Tanner. If the PZC submits a memo, he suggested making sure that it is legal. He explained that his objection is not due to what is being applied for, it is a procedural thing that he does not feel is correct.

Discussion continued. J. Roberson will prepare a draft memo for review by the PZC at its next meeting (April 16, 2019). The Commission discussed what should be included in the memo: To include a general statement that the PZC encourages the ZBA to look very closely at it because of the impact that this could have on the area and that the following are some concerns:

- Importation of material seems very high.
- The PZC has considered stand-alone processing and has come to the conclusion that it is not a use that they want in the Regulations.
- That it would come to an end at some point.
- The PZC has considered permit terms and has changed review from one year to two years in the Draft of the new Regulations. If they were allowed to renew every ten years, accountability is lost.
- Setbacks and slopes
- Location of materials

There was discussion regarding whether someone from the PZC should go to the ZBA meeting on April 23, 2019, to read the memo. No decision was made.

VIII. Reports of Officers and Committees:

1. Budget (included in packets to Commission Members).
 - J. Roberson submitted a Capital Request for \$35,000.
 - J. Roberson will share a draft of scope of work for the POCD update.
2. ZEO Report (included in packets to Commission Members).
 - There was discussion regarding different signage at the antique dealer.
 - Ms. Sigfridson commented that she hopes the new ZEO will submit reports to the PZC.
3. Correspondence
 - Sustainable CT Certification – April 26, 2019.

4. Chairman's Report. – No Report.

Mr. D'Agostino stated that he had attended an EDC meeting last night and he stated concern regarding getting feedback from the Community for the POCD. He said that two statements had been made that should be of concern to the PZC:

- No communication among Commission Members.
- Brooklyn is not business friendly.

Mr. D'Agostino said that the PZC cannot do it alone. Discussion ensued and Ms. Kelleher explained how it had been done previously. Ms. Sigfridson spoke of creating a subcommittee. Mr. D'Agostino suggests that the Chairs of the Commissions get together.

There was discussion regarding legal review of the Regulations Re-Write. Ms. Roberson will request that it be ready by June 5th.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:42 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary