

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**
Regular Meeting
Tuesday, April 16, 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 J. D'Agostino 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 April 3, 2019

Motion was made by J. D'Agostino to approve the Minutes of the Regular Meeting of April 3, 2019. Second by C. Kelleher. Motion carried (6-0-0).

- V. Public Commentary**

A.J. Kerouac asked if applications are being accepted for vacancies on the PZC. Ms. Sigfridson explained that the Selectmen receive them and she gets notified when there is someone that they would like to appoint. Mr. Kerouac stated that there are two that could be filled in December. J. Roberson read from the Ordinance. There was discussion regarding openings. Mr. Kerouac suggested changing the Ordinance regarding appointments in December rather than violating it. There was discussion and M. Sigfridson agreed that it should be rewritten for clarity and she stated that Mr. Ives had mentioned that the Ordinance needs to be looked at.

- VI. Unfinished Business:**

- a. **Reading of Legal Notice:** None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Other Unfinished Business:**
 1. **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.

J. Roberson explained the following:

 - The ZBA meeting is scheduled for April 23, 2019 at 6:30 p.m., 69 South Main Street.
 - PZC's Public Hearing has been scheduled for May 1, 2019 at 6:30 p.m., 69 South Main Street. The Application could change dramatically depending on whether the variances are granted.

There was no further discussion.
 2. **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.

Brandon Longe represented the Owner. Photos of what it would look like had been provided in packets to Commission Members. He stated that if approval is received, he will contact the architect who then will finalize the building plans and he will send them for approval. He said that the chimney is no longer in use.

Ms. Roberson stated that it is a site plan review application. There is no change in footprint and that it complies with the Zoning Regulations. The PZC needs to decide if it meets the design guidelines for the PC Zone. She noted that the façade is more articulated than before.

Mr. Longe explained that it is about 900 s.f. and that it needs to be offset because of a wall. It is tied into public water and sewer.

Motion was made by A. Fitzgerald to approve the application of Brandon Longe to add a second floor addition for the expansion of the caretaker's unit at the Quiet Corner Inn, 479 Providence Road, Map 41, Lot 110 with the finding that the proposal is consistent with the Zoning Regulations and that the design is consistent with the site plan objectives and design guidelines for the Planned Commercial Zone. Second by C. Kelleher Motion carried unanimously (6-0-0).

Motion was made by C. Kelleher to add new item VII.b.1 - Request for interpretation of uses: 148 Prince Hill Road (Integrity Automotive), Owner: 148 Prince Hill, LLC, proposal to sell used cars as an accessory use, and to renumber the following items accordingly. Second by E. Starks. Motion carried unanimously (6-0-0).

VII. New Business:

a. Applications: None.

b. Other:

1. Request for interpretation of uses: 148 Prince Hill Road (Integrity Automotive), Owner: 148 Prince Hill, LLC, proposal to sell used cars as an accessory use.

Dave Hippert, Owner and Operator of Integrity Automotive, represented himself and stated that he is looking to be able to sell used cars on his lot.

J. Roberson stated that it is in the RB Zone and it was approved in 2016 for automotive repair. At the time of the original application automotive repair was a permitted use and auto sales was not. Auto sales had not been included in the original application. Mr. Hippert is now interested in selling a small number of used cars (5 or 6 cars on the lot and selling 2 or 3 per month). Ms. Roberson suggested that it could fall under the category of accessory use (uses that are customary and incidental to automotive repair particularly because of the low volume). No site work is being proposed. There is another automotive repair with a used dealer license in the Zone. The DMV requires local approval. ZEO, Martha Fraenkel and Ms. Roberson thought it best be brought before the PZC for interpretation. Discussion ensued.

Stephen Douglas, 356 Bitgood Road, Griswold, CT, explained that he is working with the Hipperts and he stated that the DMV requires a minimum of six spaces to display used vehicles to get the license. He submitted a prepared statement by Mr. Hippert stating that he will set a maximum of six vehicles for sale at any given time at his location.

Motion was made by E. Starks to find that the proposal to sell used cars at the motor vehicle repair facility located at 148 Prince Hill Road is a customary and incidental use provided that no more than six vehicles are available for sale at one time. Second by A. Fitzgerald.

Discussion: M. Sigfridson stated that she had concern for the wording because she didn't want it to be thought that six is the maximum for it to be an accessory use, but this is specifically for 148 Prince Hill Road. Motion carried unanimously (6-0-0).

2. Appointment of new member to opening made available through resignation with term ending 1/1/2020.

Motion was made by J. D'Agostino to appoint Allen Fitzgerald as a full member of the Planning Commission to fill the vacancy with a term ending January 1, 2020. Second by E. Starks. Motion carried (5-0-1). A. Fitzgerald abstained.

3. Discussion of draft memo re: Brooklyn Sand & Gravel variance application.

A. Tanner left at 7:10 p.m. (before discussion began). He is opposed to sending the memo.

The Commission Members took time to read the memo drafted by J. Roberson (included in packets to Commission Members).

- J. Roberson explained the process for Commission Members who wanted to get a better understanding.
- Ms. Roberson read Section 17.3 (page 6) – Variance (included in packets to Commission Members).
- Ms. Roberson also gave an example. The situation cannot be created by their own doing (unique to the lot in the zone).

Discussion ensued. Ms. Roberson explained that the Town Attorney's suggestion was that the proposals must be in harmony with the general purpose and intent of the Zoning Regulations which is the purpose for writing the memo.

- Ms. Roberson and the Commission Members reviewed the six proposed variances.
- Ms. Roberson researched to find evidence in the Regulations or in previous actions of the PZC to support the statements regarding harmony with the general purpose and intent.
- Ms. Roberson explained that a few years ago there was a zoning regulation text change application by Brooklyn Sand & Gravel to modify the processing requirement and it changed the language a few times (it started out eliminating it completely). Each version was a request to change, specifically, the regulation they are now seeking a variance from (you cannot import more than you excavate). The PZC took action on it which was to deny it.
- Ms. Roberson read Sections 17.3.1 and 17.3.2 which are included with the memo that she drafted.
- There was a suggested to change the word "could" to "would" in the last sentence of the second paragraph on page 4 of 6. There was also a suggestion to change it to "will."
- Ms. Roberson explained that the ZBA's actions can be appealed in court (usually by a neighbor).
- M. Sigfridson suggested adding that to allow ten times the amount of imported material would be paramount to allowing stand alone processing and the PZC had specifically considered that that was not desirable. Ms. Kelleher stated that the Gravel Bank Regulations permit the use of property for excavating gravel and she sees processing as an accessory use and to do it the way they want to do it would change the whole purpose of the Regulation to be processing with excavation as an accessory use. Ms. Roberson will add language to both the request to vary the processing and also with the zone change that was denied.

Mr. D'Agostino had stated that he feels that stronger language should be added. Ms. Roberson stated that she could add some tweaks to address Mr. D'Agostino's concerns.

Discussion continued.

There was a consensus among Commission Members present to accept the draft memo including additional language as discussed and to submit it to the ZBA. There was discussion regarding A. Tanner's position that the PZC should not get involved.

J. D'Agostino will attend the ZBA meeting and will read the memo into the record.

VIII. Reports of Officers and Committees:

1. Correspondence.

J. Roberson provided a photo of 81 Hartford Road where the owner would like to put solar panels on both sides of the peak. It is in the VCD. It would be publicly visible. Ms. Roberson reviewed meeting minutes from 2016 because it had been discussed in the context of another building in the VCD (chicken coop). This one is a different scenario. This is a primary structure. It is much closer to the road than the other one. It is a contributing structure in the Historic District. She asked the Commission Members to consider whether this would be a minor modification or not. Ms. Roberson listened to the audio recording from 2016 and it had been decided that these would be decided by the Commission on a case-by-case basis whether it is major or minor and if it is major, it would come before the Commission as a site plan review. There was discussion and consensus was that this case is more than minor. Ms. Roberson will let them know that they need to submit an application for site plan review and it will be on the next agenda.

2. Chairman's Report.

M. Sigfridson spoke with Mr. Ives regarding candidates for the ZEO positions and there are several well-qualified and experienced applicants.

IX. Public Commentary

A.J. Kerouac asked if there would be a conflict of interest or ethical issue for a Member of the PZC to attend and read the memo to the ZBA. Ms. Kelleher stated that when she had done this in the past, Peter Alter was fine with it.

Mr. Kerouac cited caselaw from 1965. Ms. Roberson referred to and read from the Connecticut General Statutes, Sec. 8-6 Powers and duties of board of appeals.

Mr. Kerouac asked that it be stressed that this is not to encourage/discourage any one business or person from Town.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:20 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary