

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 5, 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 6:33 p.m.
- II. Roll Call** – Michelle Sigfridson, Carleen Kelleher, Jules D’Agostino, Earl Starks; Alan Fitzgerald; Austin Tanner. Rick Ives, First Selectman and ex Officio Member arrived at 6:35 p.m.
- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Regular Meeting May 21, 2019

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of May 21, 2019. Second by J. D’Agostino. Motion carried (5-0-1). A. Tanner abstained as he had not attended the meeting.

Site Walk/Special Meeting May 29, 2019

Motion was made by C. Kelleher to approve the Minutes of the Site Walk/Special Meeting of May 29, 2019. Second by J. D’Agostino. Motion carried (5-0-1). A. Fitzgerald abstained as he had not attended.

- V. Public Commentary** – None.

- VI. Unfinished Business:**

- a. **Reading of Legal Notice:** The Legal Notice had been read previously.
- b. **Continued Public Hearings:**

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.

M. Sigfridson stated that the site walk had taken place on May 29th, but that she had to it leave early. Otherwise, all Commission Members attended except for A. Fitzgerald.

David Held, Provost and Rovero, stated that they had started the process of surveying the property line near the loam stockpile in question. He expects that it will be completed prior to the next meeting of the PZC. He requested that the public hearing be kept open so that the information obtained from the survey can be submitted. He stated that there may be some revisions based on tonight’s discussion.

Ms. Sigfridson asked if the Commission Members had any questions or comments for the Applicant regarding the site walk. There were none. Ms. Roberson gave a synopsis of the site walk and displayed photos that had been taken. There were approximately 22 photos and Ms. Roberson explained what was depicted in each of them. Her comments included:

- A temporary road had been built on top of a berm to the north of the entrance off of Route 205 (it is now blocked off).

- She noted, that at the entrance looking toward Route 205, there was dust swirling in the air from a truck that had gone by at a high speed.
- She orientated Mr. Ogden's property to the road that had been built on top of the berm between 2017-2018 (for which fill had been brought in) and the pit (which is quite deep). The road is quite a bit higher than the land on either side (20-25 feet higher than the level of the old road).
- She noted erosion.
- She noted dust and aggregate that probably spilled off of trucks.
- She noted the route that the group travelled: They started at the entrance of Brooklyn Sand and Gravel and walked onto Mr. Ogden's property, then from his back property line onto the gravel pit property, then turned around and came back over Mr. Ogden's property and back into the entrance.
- She noted that a loaded gravel truck went by while they were standing at the entrance which she stated was incredibly loud.
- She noted that the processing equipment was operating and that there was general agreement that the sound from the processing equipment was not very loud from where they were standing on the powerline corridor. She stated that the sound from a small engine that was operating, at the nearest residence on the other side, seemed louder than the processing equipment (from where they were standing in the utility easement).
- At a few minutes before 5:00 p.m. everything was being shut down and trucks were being parked, ending activities for the day.

A. Tanner explained that he had not attended the last meeting of the PZC, but that he had listened to the record and he stated that going on the site walk was helpful in gaining a better understanding regarding the reclamation of the land because you could see how it is being used.

PUBLIC COMMENTS:

Michelle Niemann, 573 Wauregan Road, wanted to know about Ms. Roberson's statement that the processing wasn't that loud. She asked if they were using the crusher. Mr. Held stated that he did not have a definitive answer. He said that material was coming out of the conveyor and he assumes that is what it does.

Ken Niemann, 573 Wauregan Road, submitted eight additional signatures from residents, for the record. He explained that there is a hopper that material is dumped into and only about 30 percent of the material that goes into the hopper goes through the crusher the rest drops through onto the conveyor and then is divided into the grades. He said that how much noise it makes depends on the stone content. Mr. Niemann did some calculations based on Mr. Jolly's statement (at the last meeting) that he processes 80-100 yards of material per hour (he provided copies to Commission Members). Mr. Niemann explained that he has experience in this field. Mr. Niemann explained how he came up with his calculations and he feels that Mr. Jolly does not have the material and that is why he is hauling in so much (a truck goes by his house every 3.5 minutes). Mr. Niemann suggested that no permit be granted, based on the calculations. He said that 43 taxpayers willingly signed stating that they do not want it. He said they tolerated it for 35 years. He also stated that the place is a mess and that there are dump bodies being stored there. He asked if there was a blight rule in this Town. He said he hopes that the PZC makes the right decision because it affects all of the families.

M. Sigfridson explained about how the haul-in number is calculated: they are allowed 50 percent of the total material processed to be imported from off site (100 percent of the total amount mined). The Regulation changed in 1999. This would change Mr. Niemann's

calculation. Mr. Niemann stated that he still feels that Mr. Jolly does not have enough material to keep the processor running at full capacity.

Michelle Niemann commented that, during the site walk, she was working outside and that was the quietest that she has ever seen it.

Sheila Butters, 594 Wauregan Road, commented that she has been living with the gravel bank behind her property for the last 30 years. She feels that once the gravel is gone, it is time to reclaim the land. She suggested that, if he wants to run a processing center, he do it from an industrial park somewhere. She said that you can hear the truck brakes constantly.

Linda Trahan, Maynard Road, asked about the purpose of the makeshift road. Mr. Held explained that it is not a road and that people are not driving back and forth on as it is impossible to do that. That material was stockpiled where they are excavating now, in Phase 1, and it was moved there. There was discussion, in a past renewal, to construct a berm there to shield the neighbors from excavation activities. He said that he won't know if it was done correctly or not until the boundary line is surveyed. He explained that the old road underneath lead to the old buildings on the property. Ms. Roberson displayed aerial photos and plans for this area. She asked Mr. Held if topography will be depicted for the property boundary in that area. Mr. Held stated that the grades on the plans reflect the existing topography. He stated that, if there is an encroachment, it would be in Mr. Jolly's best interest to work it out with the neighbor.

Ms. Roberson asked that Mr. Held look at the 2018 plans to determine if they show whether the basic topography matches what is there now. Mr. Held stated that the existing topography was done in January or February of this year (it is not stated on the plans).

Joe Ogden, 564 Wauregan Road, commented about gravel at the end of his driveway and in his yard. He stated that the access road was being used all the time before it was built up, but it is not being used now.

Paul Butters, 594 Wauregan Road, commented that there is barely any foliage between his house and the gravel pit now since they cleared the hill to put the poles in. Ms. Roberson explained that the clearing in the easement was done by Eversource. Mr. Held commented that they are maintaining the 100 foot setback from the property line.

Marcel Dessert, 601 Wauregan Road, commented on the following:

- Rock material in the road due to leaking tailgates
- Dust
- Speed of the trucks
- They do not want anymore material to be brought to the site.
- Bond
- The site walk did not show what the place is really like.
- He has counted between 40-60 trucks per hour.
- He is out of gravel and does not belong there any longer.
- For the last three weeks, the residents have been punished for coming to the meeting. The trucks have been going by faster.
- A proposed new road to Route 205 near the cemetery. Mr. Held stated that the road is no longer being proposed.

David Held spoke about timeline. He stated this if you measure what is on the plans (the quantities are accurate), they are proposing 112,000 cubic yards total and that is about two years.

Ms. Roberson did a PowerPoint presentation showing:

- Photos of the site, entrance, homes in the area (Niemann is approximately 80 feet from the entrance and Ogden).
- Phase 1
- Haul road (built on fill) going back, chronologically, in time (4/2018, 9/2017, 10/2016). Ms. Roberson stated that it used to be fairly level with the entrance road and she suspects that between 2016 and 2017 the overburden was brought in from Phase 2. She said that it was a permitted excavation area, but it was not included on any plans for approval in the 2017 renewal (supposed to be a berm to the side of the access road) or the 2018 renewal. There was a disconnect between what was intended to be built, what was allowed to be built, what was built, and what happened afterwards because it went unnoticed.
- She displayed the 2017 plan indicating the berm (as a barrier between the excavation area, an old wood path, and residential property) and the access road.
- She displayed the 2018 plan indicating contours of the same area showing that it was not built as intended in 2017.
- Materials reporting received from Brooklyn Sand and Gravel for the four quarters of the past year were included in packets to Commission Members. Ms. Roberson stated that she wished the site foreman was present to explain the reports because she had questions.

March through June of 2018 – reported 5,610 c.y.

July through September 2018 – 18,885 c.y.

October through December - 27,405 c.y.

Winter Period - 2,400 c.y.

For a total of 54,300 c.y. She thinks this was excavation volume, but she would like to clarify with Mr. Lapiere whether it is the excavation volume or the import volume (which she thinks he said via e-mail would be the difference between what the permit allows and the 54,300 c.y.).

Regarding truck trips in and out – Ms. Roberson cannot tell, from the information given (included in packets to Commission Members) whether it is indicating import traffic, material originated on site, or both.

She will try to clarify these questions by the next meeting.

Mr. Niemann commented that, on a previous day, he counted loaded trucks in vs. loaded trucks out and it was a ratio of 7 in to 1 out. He feels they are not going across the scale and being counted properly. He would like to get the slips that they are getting paid on to get the true amount of gravel. Ms. Sigfridson asked what is the significance of the ratio and Mr. Niemann answered that the amount of gravel being hauled in throughout the day is tremendous. The ratio equates to 140 c.y. in to 20 c.y. out. He said he is stockpiling it. He said that Mr. Jolly does not have the material and that is why he is bringing it in.

Mr. Dessert commented that if you got rid of the hauling in, the problem would solve itself. He said you can't keep track of it.

Rick Ives asked Ms. Roberson what the purpose was that she showed the aerial photos and old plans. Ms. Roberson explained that she needed to get an explanation of how it came to be. She does not think that it was ever approved as a haul road. She feels it is activity that is out of the scope of their 2017 renewal and was not caught/identified during the 2018 renewal. This activity is right on the property line and the Regulations have a 100-foot setback from residential properties. Mr. Ives commented that people don't believe that there is mineable material to make the equations work and, somehow, we have to get to the bottom of it. He said that, at some point, every sand and gravel operation has to end (which is the whole idea of the Ordinance). Mr. Ives does not understand why information regarding what is going in and coming out is not provided in a way that can be understood.

Ms. Roberson stated that it is her opinion that she does not how activity within 100 feet of the property boundary could be approved as part of a new permit. The PZC does not have to approve activity that is out of compliance with the Zoning Regulations and they can require reclamation in this and other areas at this point in time. She said that Mr. Held made a very salient point when he stated that, by their best estimation, they have two years. Ms. Roberson feels that it is possible to start the reclamation process now, starting with the areas closest to the residences.

There was discussion regarding stockpile areas (which are indicated on the plans) and the road that was made from a mixture of silt, topsoil, and subsoil which Mr. Held stated would be used for reclamation (it is not good for anything else). Ms. Roberson explained about the three types of material: 15 percent is waste material that gets removed from the settling ponds on a regular basis; marketable material; and overburden (soil analysis tests can be done to determine the quality of the material).

Michelle Niemann, stated that they have been dealing with this for 35 years and two years is two years too much. She is tired of the noise and dust. She is 65 years old and wants to enjoy her life.

Linda Trahan, stated concern that they have been asking for over ten years to get a handle on what is coming in vs. what is leaving the property. She feels there has been a lot coming in that went unaccounted for for years. She said that enforcement had not been good in the past, so the operators had the opportunity to do as they chose for years. She said that years ago, she had asked that the Town Engineer figure out what was left on the property and what could be excavated vs. what could be taken in, but it never happened.

Joe Ogden spoke of his concern regarding groundwater/water table. His trees/bushes are dying.

Ms. Roberson stated that a groundwater testpit (#17) was dug at the bottom of Phase 1:

- Observed in February 2018 – Elevation 156 (reports go down to 24 feet no groundwater was detected).
- A good indication of the elevation of the water table in the general area is surface water: Quinebaug River; their process water pond (elevation 130-132).
- The PZC could request a more current test pit to determine the level of groundwater from the current excavation.

Mr. Niemann commented that he feels that the water in the bottom of the pit (where they are currently digging) is the water table.

Mr. Held stated that the elevation had not changed for the current plan where the test pit was.

Mr. Dessert suggested that the NDDH could answer the question regarding groundwater.

A.J. Kerouac commented that he also did calculations three years ago, regarding the same Applicant, and that the math didn't make sense. He said that someone has to keep the books in the office and you have to keep track of what is coming in because you have to pay for it and you have to keep track of what you dig because you have to sell it. He suggests that the person who keeps the books come before the PZC to answer questions. Ms. Roberson explained that they have submitted quarterly reports as required and they have not changed the format because she has looked at the reports for the past two years. She explained that she has questions and will try to have answers for the next meeting.

There was discussion regarding why the public hearing will be continued: To allow for the property boundary to be surveyed (Ogden); clarification from the Applicant regarding the

importation of material; excavate a test pit (J. Roberson, Syl Pauley or Margaret Washburn to be present to observe). Ms. Sigfridson agrees that it would be helpful to have clarification regarding the imported material and it would be in Mr. Jolly's best interest.

Ms. Roberson explained the timing requirements that the PZC must follow (which protect the Applicants).

A.Fitzgerald commented that the two existing contours do not match from year to year. He feels that they over-excavated between 2018 and now, in the direction of Mr. Ogden's property. He said that they are in violation of their permit and they are within 100 feet of the property line.

Mr. D'Agostino does not feel that the information that would be provided at the next meeting is critical. He does not agree with continuing the public hearing and he asked for the opinion of the other Commission Members.

- A. Tanner wants to see the survey to have the facts.
- C. Kelleher feels that the following information is needed in order to make a responsible decision: import volume; excavation volume; how many truckloads are justified by those amounts. She feels that the Commission could not approve/set conditions without this information. Ms. Roberson will come up with a chart when these questions are answered.

Ms. Kelleher also asked, at what point in time do the processing amounts have to equal each other? Mr. Held stated that Martha Fraenkel's take on it was that it was an annual thing rather than an instantaneous thing (as long as the numbers were what they should have been at the end of each year).

- M. Sigfridson asked if the Commission could grant a permit without allowing off-site materials to come in for processing. Ms. Roberson answered, yes, and read from Section 13.5.4 of the Zoning Regulations. Ms. Sigfridson stated that, if the Commission were going to consider taking steps in that direction, a good basis would be needed for limiting the processing allowed. She feels that the more opportunity is given to the Applicant to present more information, the better it is for everyone.

Mr. D'Agostino spoke of restoration which he said has not been done. He said that the Commission has been given a lot of information at the two hearings that comprises the first paragraph of Section 13 (intent) of the Zoning Regulations.

Mr. Held asked if the new ZEO would be able to allocate some time to verify that things are being done right. Ms. Kelleher stated that she would like this. Mr. Ives stated that something could be worked out. Discussion continued. Ms. Sigfridson explained that the Commission has an obligation to follow the Regulations and Statutes.

A.J. Kerouac asked if the current truckloads of material coming in are applied toward the previous permit or the new permit (if approved)? How are the current trucks being counted? If on the current permit, they should have a number of where they are at already with the assumed importation to present to the PZC. Mr. Held stated that a quarterly report is due in two weeks. Ms. Roberson commented that there could be a third type of material: material that is brought onto the site that has already been processed for stockpiling. She will get clarification on this also.

Linda Trahan, asked what if he is taking material from another of his own sites (Canterbury)? It would not count monetarily. Mr. Held stated that Mr. Jolly had to keep track of the number of trucks importing material and then whatever was excavated on site worked itself out from year to year. Mr. Held stated that the yardage anticipated under the previous permit has been pretty much exhausted, so the 112,000 c.y. anticipated in this Application is being depleted.

Mr. Ives asked about J. Roberson's earlier comment regarding importing already processed material. Ms. Roberson explained that she wants to get an answer to that question because it would relate to truck traffic. Mr. Held stated that he does not think, according to the Regulations, that it would count, but there may be points in time when Mr. Jolly would import topsoil if someone has topsoil that they need to get rid of. He said that is how some of the stockpiles of topsoil that are there originated. He said that material should not be quantified when it comes in because it is going to stay there for the end use. He said it could be broken out in the reports so it can be accounted for. Ms. Sigfridson noted that the report states how much is hauled in, not how much is processed. Ms. Roberson stated that they have not been giving trip figures, but rather an estimation based on volume of material. She stated that a member of the public (at the first public hearing) had provided truck counts that would indicate 140 trips which is well over the 80 that had been approved. She explained that it is difficult for Staff to count trucks and that, if anyone has similar information, there would be another opportunity at the continued public hearing to submit it for the record. Mr. Ives stated that, if the public hearing is continued, he will have a report on truck traffic. Mr. Niemann suggested getting a counter put across the driveway. Ms. Roberson noted that neighbors who count truck traffic is valid eye-witness testimony for the record.

Mr. D'Agostino offered testimony and he provided copies to Commission Members and read from it. He said that he counted trucks from 6:40 a.m. until 8:02 a.m. today and he reported on his findings:

- The first truck arrived at 6:42 a.m. and there were twelve trucks in total coming in. His report also showed whether the trucks came from the north or the south.
- There was a total of ten trucks going out which began at 6:50 a.m.
- He said that his findings valid 15 per hour which would make 150 trucks in a ten-hour day.

Mr. Dessert added that the DOT is now conducting a program (which they do once per year), so there weren't nearly as many trucks today as usual. He says, on some days, he has counted between 40 to 60 trucks in an hour. He said that there are aquifers under the land which he is concerned about. He said he feels that he is talking to deaf ears and that he feels that the Commission thinks that the people are lying. Ms. Sigfridson explained that the Commission is very interested in hearing from the public and gives repeated opportunities for people to share their thoughts and observations that can be used as a basis for making a decision. Mr. Dessert stated that he has been complaining for 18 years and if the imports stop, the rest of the mess will stop. He thanked Mr. Ives for being the first Selectman that has tried to help.

Mr. Niemann added that the first truck this morning went by at 6:10 a.m.

Mr. Butters asked about the 100 feet from the property line and Eversource. Ms. Roberson explained that Eversource does not own any property, they have a 125-foot wide easement and they have the right to clear the vegetation in the right of way (which was Mr. Butters' buffer). She also explained that excavation can occur 25 feet into the easement area. Mr. Butters feels that the excavation is less than 100 feet from his property. Ms. Roberson said that they did not see Mr. Butters' house during the site walk. Mr. Held stated that Eversource did do excavation right up to Mr. Butters' property line when putting poles in (built a platform). Ms. Roberson explained that there had been some confusion because some people thought that the activity was Brooklyn Sand and Gravel, but it was actually Eversource.

C. Kelleher read from the Regulations regarding reclamation, "At no time shall no more than five acres be left in an unrestored condition unless expressly authorized by the Commission due to special circumstances such as topography, weather, or unique site

situations.” She stated that she would like the this to be addressed. Mr. Held stated that the Commission has addressed it. He said that Martha Fraenkel brought past renewals because of those types of complications and it was addressed during those past renewals. Ms. Kelleher stated that it should be carried forward.

A.Fitzgerald, in answer to Mr. D’Agostino’s earlier question regarding whether to continue the public hearing, stated that he feels that Mr. Jolly is stockpiling in the event that he runs out of material so he can keep his operation going. Mr. Fitzgerald feels that they are in violation of their permit and that it is important to get the survey and he stated that two weeks should be reasonable to get it done.

Mr. Held stated that it is unusual for a Commission to want to close a public hearing when an Applicant wants to offer additional information within the timeframe to do so. Ms. Roberson agreed with Mr. Held and explained that it is commonplace for public hearings to be repeatedly continued to receive information. To close a public hearing prematurely is detrimental to the process. Mr. Fitzgerald said that his point is that they are in violation of the permit right now.

Mr. Held will arrange for a test pit. Ms. Roberson will make arrangements for either herself, Syl Pauley, or Margaret Washburn to attend. When they dig the test, pit Mr. Held will let Ms. Roberson know what the elevation is.

Motion was made by C. Kelleher to continue the public hearing for the Application SPG 19-002 Gravel Special Permit for 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 to the next regular meeting of the Brooklyn Planning and Zoning Commission to be held on Tuesday, June 18, 2019, at 6:30 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by A. Tanner. Discussion:

A.Tanner noted that the number of cubic yards proposed to be removed should be 112,000, not 218,000. Ms. Roberson confirmed that the Application had been revised to 112,000 cubic yards..

C. Kelleher amended her motion to correct the number of cubic yards from 218,000 to 112,000. A. Tanner seconded the amendment.

Motion, as amended, carried unanimously (6-0-0).

Mr. Ives left at this time (8:46 p.m.).

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.

Motion was made by J. D’Agostino to table the public hearing for the Application SPG 19-002 Gravel Special Permit for Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road (Assessor’s Map 30, Lots 97, 97-1, 97-2), Proposed removal of approximately 112,000 cubic yards of sand and gravel to the next regular meeting of the Brooklyn Planning and Zoning Commission to be held on Tuesday, June 18, 2019, at 6:30 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

VII. New Business:

a. Applications:

1. **Request for Waiver of Special Permit** under Sec. 3.4.8.8 of the Brooklyn Zoning Regulations for Proposed Exterior Renovations at 578 Providence Road (KFC/Taco Bell).

J. Roberson introduced Robert K. Rianna, Renacon, Inc. (dba KFC/Taco Bell). Ms. Roberson explained that the proposal is for an exterior façade renovation. She read from Section 3.4.8.8 of the Zoning Regulations. She explained that if the Commission were to grant the waiver, the Application would be converted to a Site Plan Approval (does not require public hearing).

Mr. Rianna explained that he and his father built the restaurant in 1997 and there have not been any major renovations since they added Taco Bell in the year 2000. They are proposing a new image of KFC (the American Showman).

No changes to the site or elevations, no digging up of sidewalks or asphalt. Proposed changes include painting, new signage, change the fencing to cedar (no change in height and also more consistent with the design guidelines). Photos were included in packets to Commission Members. Ms. Roberson displayed photos of some of Mr. Rianna's other restaurants of the same design and also the existing conditions at the restaurant in Brooklyn.

M. Sigfridson explained what is needed to waive the special permit requirement.

Mr. Rianna stated that he would like the work to begin on June 24th and expects that it would be completed by July 4th.

Ms. Roberson stated that she and Mr. Rianna had discussed signage size which, if action is taken, would be a separate action by the Zoning Official.

Ms. Sigfridson stated that she does not feel that the impact on traffic, the neighborhood, or the environment would be significant. She asked if any of the Commission Members disagree that the quality, aesthetics, and function of the site would be maintained or improved. There was no disagreement voiced.

Motion was made by J. D'Agostino to waive the Special Permit requirement as authorized under Sec. 3.4.8.8 of the Brooklyn Zoning Regulations for the proposal at 578 Providence Road with the finding that it does meet the requirements outlined in Sec. 3.4.8.8. Second by A. Tanner. Motion carried unanimously (6-0-0).

Ms. Roberson provided copies of the Application for Site Plan Review to the Commission Members and she stated that the Application fee had been paid in the event that the Waiver of Special Permit had been granted. She said that there are no site plan changes, only updating materials of existing things.

Motion was made by A. Fitzgerald to add SPR 19-003 Site Plan Review – Renecon, Inc. dba KFC/Taco Bell, ~1 acre, 578 Providence Road (Assessor's Map 41, Lot 17), Exterior Renovation to the agenda as Item VII.a.2. Second by C. Kelleher. Motion carried unanimously (6-0-0).

2. **SPR 19-003 Site Plan Review – Renecon, Inc. dba KFC/Taco Bell**, ~1 acre, 578 Providence Road (Assessor's Map 41, Lot 17), Exterior Renovation.

There was discussion regarding elevation/the size of the sign of Colonel Sanders' Face which is a separate Zoning Permit which would be reviewed and issued by the ZEO. Mr.

Rianna stated that it would only be on one side of the building and the KFC letters would be on the other side.

Motion was made by C. Kelleher to approve the Application of Renecon, Inc. to conduct exterior renovations at the KFC/Taco Bell, 578 Providence Road, Map 41, Lot 17 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 A. Tanner. Motion carried unanimously (6-0-0).

b. Other:

1. Review of Draft Zoning Regulations.

Copies of the latest revision of the Draft Regulations were provided to Commission Members.

The Commission reviewed comments that had been provided by J.D'Agostino:

ISSUE #1

Page 32 of the Draft dated January 30, 2019

Suggestion to add under Theater: Excluding any adult-related uses.
There was no disagreement expressed.

Page 16 – Events Facilities

Suggestion to add to the definition: Excluding any adult-related uses.
There was no disagreement expressed.

Page 133 – Special Events

Suggestion to add: Excluding any adult-related uses.
There was discussion and it was decided not to include this as it is already covered in the definition of Event Facilities. Mr. D'Agostino stated that he will go along with that.
J. Roberson will work on language for 6.J.2.2 (e.g. similar gatherings conducted within a fairgrounds).

ISSUE #2

Page 153 – 6.P.3.4 regarding processing

Current Regulations state 200 feet.
There was agreement to change it from 100 feet back to 200 feet in the Draft.

ISSUE #3

Should there be a process in the Draft for how to determine when a sand and gravel operation is to cease.
Ms. Roberson stated that it had been addressed: Any processing is a separate special permit from a mining permit. Lengthened the renewal period from one year to two years.
Can a time limit be set in a residential area? Problem with property values. Ms. Roberson will research case law.
Mr. D'Agostino asked that Mr. Roberson draft language to be added to the Draft Regulations for review by the Commission.

ISSUE #4

Page 51 – A.4.2. regarding hotels and motels

Mr. D'Agostino feels that this should be deleted from the new draft because he feels that more information is needed.
There was discussion and Ms. Roberson explained that this is a policy decision that the PZC makes collectively based on what it feels is appropriate.
Mr. D'Agostino will do more research and will report on his findings.

ISSUE 5

Affordable Housing

Has enough been done in the Draft regarding affordable housing?

There was discussion and Ms. Roberson suggested that this be worked on after the Draft Regulations get enacted.

There was discussion regarding reducing the lot size in the RA to 2 acres which doesn't really have an impact and tying into affordable housing. There was discussion regarding multi-family and elderly housing developments. Ms. Roberson stated that she made some changes (Section 6) and asked that the Commission Members review it.

Motion was made by A. Tanner to add "Appointment of ZEO" to the agenda as Item VII.c. Second by C. Kelleher. Motion carried unanimously (6-0-0).

- c. Appointment of Margaret Washburn as the Zoning Enforcement Officer.

Motion was made by C. Kelleher to appoint Margaret Washburn as the Zoning Enforcement Officer. Second by A. Tanner.

Discussion:

Ms. Sigfridson stated that she will be meeting with Ms. Washburn next week. She said that she is a soil scientist and is more that qualified, but has not been a ZEO before. She will be getting her certification. Ms. Roberson stated that she is impressed with Ms. Washburn's regulatory experience.

Motion carried unanimously (6-0-0).

Ms. Washburn will attend the next meeting of the PZC.

VIII. Reports of Officers and Committees:

1. Budget.
Included in packets to Commission Members.
2. Correspondence.
Zoning Referral from the Town of Plainfield, Ryder Truck Rental. (Public Hearing June 2, 2019).

Affordable Housing Appeals List
Town of Brooklyn is no longer exempt.
There was discussion.
3. Chairman's Report.
As stated earlier Ms. Sigfridson will be meeting with Ms. Washburn next week.

IX. Public Commentary

A.J. Kerouac commented that he had spoken with the DOH regarding sales in Town (27 affordable units). He said that when covenant-restricted affordable housing is sold without the covenants, it can never be counted on the Affordable Housing Appeals List again.

He said that there are incentive programs, but someone has to lead them (Staff Member).

Money was removed from the proposed budget for an Economic Development person. He said there is so much opportunity to fill this position (even part time). He feels this would be a benefit to the PZC. He asked when a POCD Committee will be formed and if this could be added on to that. Ms. Sigfridson stated that she doesn't see why not. She said the POCD Committee would start meeting after the Draft Regulations get adopted.

X. Adjourn

Motion was made by J. D'Agostino to adjourn at 9:59 p.m. M. Sigfridson adjourned the meeting.

Respectfully submitted,

J.S. Perreault
Recording Secretary