

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Tuesday, September 17, 2019  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

**I. Call to Order** – Carlene Kelleher, Acting Chair, called the meeting to order at 6:31 p.m.

**II. Roll Call** – J. D’Agostino, Earl Starks, Alan Fitzgerald, Austin Tanner, Carlene Kelleher. Michelle Sigfridson arrived at 7:01 p.m. and assumed the Position of Chair.

**Staff Present:** Jana Roberson, Director of Community Development.

**III. Seating of Alternates** – None.

**IV. Adoption of Minutes:** Regular Meeting September 4, 2019

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of September 4, 2019. Second by E. Starks. There was no discussion. Motion carried unanimously (5-0-0).

**V. Public Commentary** – None.

**VI. ZEO’s Report with Margaret Washburn**

Ms. Washburn’s report had been provided to Commission Members at the last meeting. Ms. Roberson provided additional copies. Ms. Washburn offered to answer questions.

There was discussion with Ms. Washburn including the following topics:

- Gravel Operations.
- Number of hours that she works.
- Paul Archer asked about an old barn that had fallen down on Route 169 (north of his building). Ms. Washburn will do an inspection there.
- Ms. Washburn will plan to attend the first meeting in December.

Motion was made by A. Fitzgerald to move Agenda Item VIII.a.1 - **SP 19-002 Special Permit 49 Pomfret Road** to VII.a.1. Second by E. Starks. Motion carried unanimously (5-0-0).

**VII. Unfinished Business:**

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

1. **SP 19-002 – Special Permit**, Mark Olivo, 49 Pomfret Road, New Construction and Multiple Uses in Village Center including commercial agriculture, retail, duplex dwelling, education center (a.k.a. Farmstead Project). This Item was moved up on the Agenda.

Ms. Roberson informed the Commission Members that there was an update to the information packet that Mr. Olivo had previously submitted and she suggested that they review that information.

Paul Archer, Archer Surveying, represented the Applicant. Mark Olivo, Owner, was present.

- The Application will go before the IWWC next week.

- Mr. Archer gave a brief history of the property. There had been two fires which destroyed the house that was there and then the apartment that was in the back. The existing garage is still there.

Mark Olivo gave an overview:

- Two-bedroom house.
- Garage with a one-bedroom rental apartment above.
- Retail stand in the northeast corner of the property.
- Existing garage to be demolished.
- Existing cement slab on which he would like to build a workshop (in the future). He makes furniture which he would sell.
- Flower farming.
- Beekeeping.
- Solar panels (in accordance with the VCD requirements) to be mounted on the south-facing roof of the garage so they will not be seen. Inverters to be mounted on the garage (in back) and will not be visible from the road. Electrical will be run underground and meters will be in back.

Ms. Roberson explained to Mr. Olivo that she had added terminology used in the Zoning Regulations to his Application: Commercial Agriculture, Retail < 2,000 s.f., Duplex, Education Center. She stated that all of the uses are being rolled into one special permit application process. She explained that, typically, when there is new construction in the VCD, an architect is hired to assist with the design review. Lynn Smith in Putnam gave a preliminary estimate of \$600. Ms. Roberson offered to get more proposals. Ms. Roberson explained that it is not required because she, herself, is an AICP Certified Planner. C. Kelleher asked if Ms. Roberson would feel comfortable doing the review. Ms. Roberson stated that she would, however, she is not an architect and does not have the historical knowledge of architecture that an actual architect could provide (to make it more historically compatible). Discussion ensued. Mr. Olivo explained that he kept in mind the VCD requirements regarding the exterior and he feels that it fits with what the VCD represents. Mr. Archer added that they would be using white vinyl siding (which he said has been used elsewhere in the VCD). Reference was made to a one-page report and there was discussion regarding another property in the VCD (Mrs. Jones) where the report contained suggestions for modifications to make it more historically accurate. Ms. Roberson commented that Mr. Olivo's design influence seems to be very compatible. Ms. Roberson stated that, if an architect is not hired, she would consult with Jim Larkin at NECCOG.

Mr. D'Agostino stated that he is in favor of architectural design review.

M. Sigfridson arrived at 7:01 p.m. and assumed the Position of Chair. She suggested that maybe the fee would be less expensive if a trip to the site was not needed.

There was discussion regarding fencing and the existing stonewall.

J. Roberson displayed aerial photos and orientated the property and indicated the locations of proposed uses. Mr. Archer stated that the driveway is not changing, that the paved apron is staying, and that the pole is being removed due to underground utilities.

Mr. Archer feels confident that Ms. Roberson and Jim Larkin would do a very good job on the review process. Mr. D'Agostino stated that he is still in favor of architectural design review for two reasons: It is new to Route 169; and the solar panels. He feels that a standard should be set for architectural design review for Route 169 which is a National Scenic By-Way.

Commission Members commented as to whether they are comfortable with the design review being handled by J. Roberson and Jim Larkin: J. D'Agostino – no; C. Kelleher – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes, but the Commission may decide later that it is needed as long as the public hearing is not closed. Mr. Olivo stated that he would be interested in reading the comments on the one-page report that was discussed earlier.

Motion was made by A. Fitzgerald to schedule a public hearing for SP 19-002 Special Permit – Mark Olivo, 5 acres, 49 Pomfret Road (Assessor's Map 25, Lot 16), New construction and multiple uses in the Village Center including commercial agriculture, retail, duplex dwelling, education center (a.k.a. Farmstead Project), for a regular meeting of the Planning and Zoning Commission to be held on October 15, 2019, at 6:30 p.m., in the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Tanner. Motion carried unanimously (6-0-0).

**b. Continued Public Hearings:**

1. **ZRC 19-001** - Draft Town of Brooklyn Zoning Regulations-Text Change
2. **ZC 19-001** - Draft Town of Brooklyn Zoning Map-Map Change

J. Roberson provided copies of a list of the Revisions to Draft Zoning Regulations (Revisions Made Between May 5 and Sept. 10, 2019). It contains all of the official line changes that have been made since the opening of the public hearing. It has been forwarded to the Town Clerk.

Ms. Roberson noted that, since the last meeting of the PZC, she made the changes to the Accessory Energy Facilities (aka solar panels). The updated table (revised 9/10/2019) was included.

Ms. Roberson also noted that language had been added to Earth Materials Processing (Section 6.P.3.2.b) to read as follows:

- Material excavated off-site and transported to the subject site for processing provided that the applicant can demonstrate that importation of material is necessary to the business.

Discussion ensued regarding coming up with language acceptable to all Commission Members. C. Kelleher, A. Tanner and M. Sigfridson expressed a need to work on the language. Mr. D'Agostino expressed concern for the following:

- Section 6.O - Granting sand and gravel permits in the RA Zone.  
Mr. D'Agostino referred to the Minutes of PZC Meetings of March 21, 2017, and March 14, 2016, in which he said that the Commission was against processing alone in the RA Zone. He said that the Draft Section 6.O will permit processing in the RA Zone.
- Section 6.P – Allowing the importation of material.  
Mr. D'Agostino said that if a gravel operation runs out of stone, the Draft Section 6.P would allow them to continue their operation by importing and processing stone in the RA Zone without mining.  
C. Kelleher and A. Tanner expressed disagreement.  
Ms. Roberson noted Permit #1 for mining and Permit #2 for processing and she suggested that the volume of material on site could be a lot lower than what is imported and she also noted that the PZC would set the volumes during the special permit process.  
Mr. D'Agostino commented that importation cannot be enforced because it is difficult to measure the volumes. He feels these Draft Regulations do not fix this problem.

Ms. Kelleher suggested that the only processing allowed is that of materials mined on site and no importation of material. Mr. D'Agostino agreed with this. Ms. Kelleher stated that if, in the future, someone really needed to import materials, they could present their reasonable case to the PZC and if the measurement can be controlled, the PZC could consider whether to allow it.

Ms. Sigfridson stated that no one on the Commission wants to allow processing of 100 percent material imported to the site (stand-alone processing) but she does not hear anybody saying that processing should not be allowed at all (if there is a need to process materials on site). The question is whether to allow importation of material.

Mr. Tanner suggested a bond for enforcement, if necessary, to hire a third party. Mr. D'Agostino referred to Section 13.2 of the current Regulations. He feels that there should not be any kind of importation of materials in the revised Regulations. Ms. Sigfridson stated that she agrees with Ms. Kelleher regarding a possible need to import material to mix with their product, but the Commission has not heard from anyone in the business that they do need that. She said that a text change be applied for it if it is needed. She commented that the material could be brought somewhere else to mix it.

There was more discussion regarding language. Ms. Sigfridson suggested the following, "Material excavated off-site and transported to the subject site for processing provided that the applicant can demonstrate that importation of material is necessary to market the material mined on site and that the annual quantities of same does not exceed that processed and mined on site." A. Tanner agreed with this language. J. D'Agostino disagreed as he feels that there should be no importation of material. Ms. Sigfridson commented that enforcement has improved.

There was discussion regarding M. Sigfridson's suggested language. A. Fitzgerald explained processing and he stated that you don't bring stuff in to augment, you bring stuff in so you have more material. He explained that there is a deficit of sand right now. He said you wouldn't process material to make stuff and, if you were, you would weigh it. For every truck that comes in there should be a weigh ticket that matches every truck that goes out. Discussion continued regarding whether the "importation of material necessary to market material mined on site" language is needed and Mr. Tanner stated that he feels it should be left open although he has no evidence that it is needed. He feels that there may be other businesses that would need it (like mulch). Discussion continued.

J. D'Agostino stated that he does not eliminating Section 6.P as he originally thought. He suggested eliminating Sections 6.O.5.5.6, 6.O.5.6 and 6.P.2.2.b regarding importation of material. M. Sigfridson stated that the Commission needs to decide whether it wants to, either way, specifically say that importation is not allowed or just don't explicitly allow it.

A.J. Kerouac suggested that, once the PZC decides whether or not to allow importation, leave it at that. He does not agree with the "marketable" language. He said it is about tracking the import and suggests using ratios and separating raw material import and aggregate import. He suggested focusing on the numbers rather than why they are importing.

Mr. Tanner suggested tabling this discussion to allow time to research. J. Roberson offered to research whether importation is needed and also what other Towns allow importation. Ms. Sigfridson also suggested contacting some people in the industry for their opinions on the proposal to eliminate importation.

There was discussion regarding the effective date once the New Regulations are adopted. A new permit application or renewal would go by the Regulations that are in effect as of the date of receipt by the Commission.

There was discussion regarding whether it is allowed to park trailer trucks in gravel banks in the RA Zone under the Draft Regulations. Ms. Roberson will look at the Zoning Regulations to see where they are permitted.

There was discussion regarding the number of votes needed to approve the Re-Write of the Regulations. Majority vote of the full membership of the Commission (5 affirmative votes).

There was discussion regarding the six instances where  $\frac{3}{4}$  affirmative vote of the Regular Members is needed (information was included in packets to Commission Members). Ms. Sigfridson suggested  $\frac{3}{4}$  affirmative vote of Members present. It was suggested to consult with Peter Alter, Town Attorney.

Ms. Sigfridson polled the Commission Members as to whether they feel comfortable voting to accept the Re-Wite, as revised during the public hearing, tonight: A. Fitzgerald – yes; J. D’Agostino – yes; E. Starks – yes; C. Kelleher – yes; A. Tanner – yes; M. Sigfridson – yes.

Ms. Sigfridson stated that there are two issues to resolve: Importation; and the  $\frac{3}{4}$  Vote.

There was discussion regarding the six instances where  $\frac{3}{4}$  affirmative vote of the Regular Members is needed (information was included in packets to Commission Members). There was a suggestion to change it to  $\frac{2}{3}$ . Mr. Tanner stated that the  $\frac{3}{4}$  is not the problem, the problem is that there is not a full Commission. Consensus to change language to “ $\frac{3}{4}$  affirmative vote of the Membership present” in the following Sections: 4.B.2.3.2; 4.B.2.3.15; 4.B.2.6.3; 4.C.2.3.2; 4.C.2.6.4; 9.D.3.5.

There was discussion regarding the waiver of special permit requirement (page 77) which is by majority vote. It had already been revised.

#### Importation Discussion:

- J. D’Agostino and C. Kelleher do not want importation to be allowed. M. Sigfridson stated that she also agrees and she asked Ms. Roberson for her opinion as Planner.  
J. Roberson explained that, due to the recent controversy, applying for a text change would be a strong deterrent. Ms. Sigfridson feels that if a gravel operator needed to import to mix, they would have an attorney to assist. Ms. Sigfridson asked E. Starks and A. Fitzgerald how they feel about not allowing importation: E. Starks – okay with it; A. Fitzgerald – okay with it.

Mr. D’Agostino stated that he would like see importation deleted from wherever it is mentioned in the Regulations so that it is not allowed. Delete Section 6.P.3.2.b and remove “,or brought into,” from Section 6.O.5.6.

The Commission discussed comments by Paul Archer from the Minutes of the PZC Meeting of July 16, 2019 (page 2) some of which had already been resolved.

- Regarding density bonus for sewerer lots and Mr. Archer asked, why not in the VCD also.

Ms. Roberson explained that it is not in the current Regulations. She offered that density in the VCD could be looked at some point in the future.

- Regarding agricultural uses in the Residential Zones, Ms. Roberson read from page 41 of the Draft Regulations. There was discussion regarding the distinction between a backyard garden and commercial agriculture. Agriculture is not a permitted use, but removable farmstands are.
- Ms. Roberson asked if the Commission wants to make a residential compound subdividable. She stated that you have to demonstrate that it could be subdivided (dimensionally). Ms. Sigfridson and Ms. Kelleher stated that it should be kept.
- NB Zone and RB Zone – No minimum lot width and no minimum lot frontage shown.

J. Roberson provided copies of Section 10.B – Appendix B – Area and Dimensional Standards By Zone and she referred to page 2.

There is no fontage shown in the current Regulations. There was discussion and it was noted that frontage is needed to subdivide. M. Sigfridson suggested 60 feet. Ms. Roberson displayed the Zoning Map to find lots with small frontages in the NB and RB Zones. C. Kelleher expressed concern about grandfathered lots. She also expressed concern for creating non-conforming lots. She is uncomfortable about making this change without knowing what the impact would be. Discussion continued and there was a suggestion to make the RB 20 feet and the RB 40 feet. Ms. Roberson read the definitions of lot width and frontage. No decision was A.made at this time.

A.J. Kerouac suggested not rushing to close the public hearing if there is a long list of things that still need to be done.

Ms. Sigfridson listed the revision made at this meeting:

- Delete 6.P.3.2.b.
- Delete “,or brought into,” from Section 6.O.5.6.
- Add Apendix B.
- Change all instances of “three-quarters affirmative vote of the authorized number of regular members of the commission” to “three-quarters affirmative vote of the Members present” in the following Sections: 4.B.2.3.2; 4.B.2.3.15; 4.B.2.6.3; 4.C.2.3.2; 4.C.2.6.4; 9.D.3.5.

Motion was made by A. Fitzgerald to close the public hearing for ZRC 19-001 - Draft Town of Brooklyn Zoning Regulations-Text Change. Second by E. Starks.

Discussion:

A.Tanner commented that the issue with trailer trucks still needs to be resolved. He feels that it is unreasonable to not allow tractor trailers to park in the RA Zone, however, he feels there should be some guidelines.

M. Sigfridson commented that a reason to keep the public hearing open would be to explore further the importation issue.

Motion carried (5-1-0). A. Tanner was opposed.

**c. New Public Hearings: None.**

**d. Other Unfinished Business:**

1. **ZRC 19-001** - Draft Town of Brooklyn Zoning Regulations-Text Change

Motion was made by J. D'Agostino to approve the adoption of the fully revised Zoning Regulations, dated May 5, 2019, and as revised during the public hearings, with the finding that the Zoning Regulations are consistent with current the Plan of Conservation and Development and shall become effective on October 14, 2019.

Second by E. Starks.

Discussion:

M. Sigfridson commented that someone may just object just to a portion of the Regulations and put it on the record, however, they would need to vote yes or no on the motion. She asked if anyone found anything objectionable. Ms. Kelleher stated that there may be a few things that she doesn't particularly agree with, but, as a whole, she doesn't want to go back.

Motion carried unanimously (6-0-0).

2. **ZC 19-001** - Draft Town of Brooklyn Zoning Map-Map Change

Motion was made by A. Fitzgerald to close the public hearing for ZC 19-001 - Draft Town of Brooklyn Zoning Map-Map Change. Second by E. Starks.

Discussion:

Ms. Roberson provided copies of the Draft of the Zoning Map and the Commission Members reviewed it. Ms. Kelleher commented that she would like her copy of the Regulations in a three-ring binder.

Motion carried unanimously (6-0-0).

Motion was made by J. D'Agostino to approve the adoption of the fully revised Zoning Map, dated January 30, 2019, with the finding that the Zoning Map is consistent with the current Plan of Conservation and Development and shall become effective on October 14, 2019. Second by C. Kelleher. No discussion. Motion carried unanimously (6-0-0).

**VIII. New Business:**

**a. Applications:**

1. **SP 19-002 – Special Permit**, Mark Olivo, 49 Pomfret Road, New Construction and Multiple Uses in Village Center including commercial agriculture, retail, duplex dwelling, education center (a.k.a. Farmstead Project). – See Above.

**b. Other New Business:** None.

**IX. Reports of Officers and Committees:**

1. Correspondence – FEMA Workshop.
2. Chairman's Report –
  - The PZC approved the Zoning Regulations Re-Write and Map Change.
  - Need to work on the POCD, Affordable Housing and Subdivision Regulations.

**X. Public Commentary** – None.

**XI. Adjourn**

M. Sigfridson adjourned the meeting at 9:34 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary