

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Tuesday, January 21, 2020  
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 6:34 p.m.
- II. Roll Call** – Michelle Sigfridson, Jules D’Agostino, Earl Starks, Alan Fitzgerald, Austin Tanner, Charles Sczuroski. Carlene Kelleher was absent with notice.

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

- III. Seating of Alternates** – None.

- IV. Adoption of Minutes:** Regular Meeting January 8, 2020

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of January 8, 2020. Second by A. Fitzgerald. There was discussion.

The following correction was decided upon by the Commisison:

- Page 25, third line from the top – eliminate period at the end of the sentence and add the following: “and authorized Staff and Commission Officers to select a consultant, in agreement with the Applicant.”

Motion to approve the minutes, as corrected, carried (6-0-1). J. D’Agostino abstained as he had not yet reviewed the minutes.

- V. Public Commentary** – None.

- VI. Unfinished Business:**

- a. Reading of Legal Notice:** None.
- b. Continued Public Hearings:**

- 1. **SPG 19-003** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 30 acres on south side of Maynard Road (Map 29, Lot 5) in the RA Zone; Excavation of approximately 1.2 million cubic yards of sand and gravel.

The site walk that had taken place on Saturday, January 11<sup>th</sup> was discussed. M. Sigfridson, A. Tanner, J. D’Agostino, E. Starks, Attorney Harry Heller and David Held attended. M. Sigfridson stated that she had taken photos which she will submit to Staff. Approximately one hour was spent at the Maynard Road property.

J. Roberson noted that the documents list had been updated and that the following new documents were provided to Commission Members in addition to documents previously provided:

- Archeological Survey – Phase 1, by Public Archeology Lab (Report No. 3870, dated January 2020.
- Letter from State Archeologist to PZC, dated 1-21-2020. The letter indicates no additional need for study.
- Letter from Land Use Attorney, Peter Alter to the PZC regarding jurisdiction over wildlife species and habitat, dated 1-21-2020. Concurs with Attorney Heller’s findings in a letter dated 12-13-2019.

There was discussion regarding that, as of this date, only one RFP has been received (KWH Enterprise, LLC) regarding a traffic engineer.

There was discussion regarding timeline. The public hearing would need to close tonight unless the Applicant grants an extension.

Attorney Harry Heller, 736 Route 32, Uncasville, CT, representing the Applicant, explained that, in his opinion, the public hearing commenced on January 8<sup>th</sup>. He stated that the Applicant is prepared to grant an extension because the PZC does not have all of the information needed to render an informed decision. According to Ms. Roberson's calculation, the date of receipt was October 15, 2019, and 65 days from then was December 19<sup>th</sup>. She explained that the public hearing was set to open on December 17, 2019, but did not due to weather. Therefore, it actually opened on January 8, 2020. Attorney Heller stated that the law is clear on special permit applications in that there are no automatic approvals. He explained that he is prepared to grant an extension for the public hearing to be continued to February 18, 2020, allowing time to gather and review information. The Commission agreed.

Attorney Heller addressed the following:

- Phase 1 Archeological Survey of the property performed by Public Archeology Laboratory. Results of the investigation: Approximately 160 pits were dug on the site; Two chips of chipping debris were found and they were determined to not have historical significance and no further action was recommended. The PZC, through Ms. Roberson, consulted with former State Archeologist, Nicholas Bellantone who has reviewed the Report and concurs with that conclusion.
- Regarding the letter from Land Use Attorney, Peter Alter to the PZC regarding jurisdiction over wildlife species and habitat, dated 1-21-2020, Attorney Heller stated that he will contact Attorney Alter to discuss this matter. He said that Attorney Alter is partly correct and partly incorrect. He referred to a reference made by Attorney Alter to CGS 22a-19 which Attorney Heller feels is contrary to Connecticut law and he cited case law: Connecticut Fund for the Environment vs. Stamford 192 CT 247- 1984 decision. He explained that the Supreme Court specifically holds that the IWWC is not an environmental protection agency and the filing of an intervention petition does not expand the permitting jurisdiction of the regulatory authority.
- Regarding a traffic impact study: Attorney Heller stated that he is shocked that the PZC voted, at its last meeting, to solicit proposals for a traffic consultant to prepare a traffic impact study. He explained that he has since learned that in October 2019, after this Application was filed, the PZC received a decision from the Land Use Court for the Judicial District of Hartford, in the matter of FCR vs. the Brooklyn PZC. In that decision, the Court specifically held that the PZC does not have authority to solicit a traffic investigation unless one of the threshold criteria contained in Section 5.7.4 of the Brooklyn Zoning Regulations has been triggered (more than 25 parking spaces, a drive-thru window, or more than 200 vehicle trips per day). Attorney Heller stated that, based upon the representations of the Applicant, the Application, and the testimony at the last public hearing, and the Canterbury Agreement which is an Appendix to the EIS, they cannot have more than 75 vehicle trips in each direction (150 trips) going from this proposed excavation operation to the Laframboise sand and stone processing facility in Canterbury. None of the trigger events are contemplated by the Application, therefore, Attorney Heller submits that the PZC has no authority under its Regulations to require a traffic investigation.

Mr. D'Agostino stated that the two Applications are different. Attorney Heller stated that it is how the Court interpreted the Regulations and he read aloud from the Court document.

Mr. Sczuroski noted that according to the Canterbury Agreement (verse 16-4 Wauregan Road truck cap), they could increase the trips per day up to 200.

Ms. Roberson referred to a requirement in Section 5.7.4 that a traffic impact analysis be conducted under certain conditions. She also referred to and read aloud from Town Ordinance 20-1.3 - Determination of Fees Charged for Land Use

Applications, Section B-1. She also read aloud from Section 5.4 and Section 4.5.8 (Site Plan Review regarding consultant review) of the Zoning Regulations. Ms. Roberson also read aloud from Section 5.7.4.

Attorney Heller stated that when the traffic engineer was first suggested, he was not aware of the recent decision (FCR vs. Brooklyn PZC) cited case law (CT Pellet Court Case, Cockahan vs. the ZBA for the Town of Montville) which stated that when a municipal regulation has been interpreted by a Court of competent jurisdiction in the State of Connecticut, the Commission is not allowed to deviate from that interpretation. He said that the language from FCR vs. the Brooklyn PZC states that if the Commission required a traffic study, it would be in violation of its own Regulations. Ms. Sigfridson asked if that is binding and Attorney Heller stated that he believes it is binding on the Commission. He said that the Ordinance deals with the obligation of the Applicant to pay certain fees. He said that, under the Regulations, there are situations where a traffic study is warranted and, in those situations, the Ordinance would apply and the Applicant would be required to reimburse the Town for that expense.

Mr. Sczuroski again noted that, according to the Canterbury Agreement, they could increase the trips per day up to 200. David Held and Attorney Heller argued that the Regulation says more than 200. Attorney Heller explained that the Agreement is the legal framework that controls what use the hauling parties, as defined in the Canterbury Agreement, can make of Wauregan Road. If they are in violation of that, it would be an enforcement issue. He said that the FCR decision speaks specifically about unsubstantiated public concerns.

Mr. D'Agostino read from page three of the January 8, 2020, PZC Meeting Minutes, under 13.5.8 and asked Attorney Heller who were the neighbors they consulted with. David Held stated that Jeffrey Rason met with Linda Trahan and Pam Lukin. Attorney Heller explained that their primary concern was that they would be exposed to the operation for its duration and they requested that the phasing be reversed in order to leave a buffer between their residential properties and the excavation until most of the operation was completed and they would just be grading out the final banks (Phase 5). The Applicant did as requested. Mr. Held stated that one directly abuts the site and the other is approximately 100 feet from the property boundary heading toward Route 205. Mr. Held explained that the reason for making the request to reverse the phasing is that they have elderly relatives that live at those particular properties and it was felt that the adjustment of the phasing would make it less bothersome for them. Mr. Held guessed that the meeting with Ms. Trahan and Ms. Lukin took place toward the end of 2018.

Ms. Sigfridson asked about Linda Trahan's request for a permanent traffic counter to be installed if the Application were approved (per the Minutes of the January 8, 2020, PZC Meeting). Attorney Heller stated that he is not familiar with the operation. He stated that, under the Canterbury Agreement, they are required to keep load tickets on all trucks entering and leaving the Laframboise facility. He said that if it is a concern of the Commission, they could come up with something.

Ms. Sigfridson asked if the Application to the PZC includes any specific information regarding expected truck trips. Attorney Heller stated that they will abide by the terms and provisions of the Canterbury Agreement which was submitted as an Exhibit to the Environmental Impact Statement. Ms. Sigfridson stated that she feels that the Town of Brooklyn is not part to the Canterbury Agreement, but that the limits in the Agreement (150 on most days and 200 maximum on any given day) could be made a condition of approval. Attorney Heller stated that that would be perfectly acceptable to the Applicant.

A. Tanner asked about the concern that was raised by a member of the public at the January 8, 2020 Meeting regarding the Canterbury Agreement not being officially

approved. Attorney Heller explained that, although it has not been accepted yet as a judgment of the Superior Court, it has been executed by all of the parties (Town of Canterbury, Canterbury Zoning Official, and all of the hauling parties) so, even if it were never entered as a judgment of the Court, it would still be contractually enforceable. Ms. Sigfridson asked if the intervener has to sign off on it before the Court will accept it. Attorney Heller explained that there has not been an adjudication of that issue. He said that his opinion is that the intervener must be given an opportunity to be heard. Ms. Sigfridson asked if the intervener's position is known regarding this proposed agreement. Attorney Heller stated that he is not representing Rawson in that proceeding, but his understanding is that the interveners have gone through a dissolution of marriage and that the intervener no longer lives at or is associated with the property. She has quit claimed her interest in the property to her husband. Attorney Heller confirmed that no objection has been filed to the Court accepting the Canterbury Agreement. He said that he has reviewed the Judicial website both in the this matter as well as the dissolution of marriage action. Title to the property that abuts the Pinedale haul road that was formerly owned by the intervener, she had divested herself of her interest in that property. Attorney Heller stated that her ex-husband still lives there and owns the house, but he is not an intervener. There was discussion regarding whether both were interveners. Attorney Heller stated that Megan Sposato was the intervener in the prior stipulated judgment in that proceeding and she no longer has an interest in the property and she did not sign off as the intervener on the prior stipulated judgment. He believes that they need to sign off, they just need to be given the opportunity to be heard on their environmental issues. Ms. Roberson stated that Mr. Sposato has contacted her to discuss this Application and he feels that he has the right to be a party in this decision with the Town of Canterbury and Laframboise.

Mr. Tanner asked about gravel that might come out and not go to Laframboise. Attorney Heller explained that the Application indicates that every truck trip that leaves this location has to go to Laframboise. The hauling parties own pretty much all of the property along that stretch of road.

J. D'Agostino raised discussion regarding whether the Agreement has been formally approved at a posted meeting in Canterbury. M. Sigfridson explained that if the Brooklyn PZC approves this Application to take out gravel to go only to Laframboise and it can't go there, then there is no gravel operation. Attorney Heller referred to Statute 8-8n. There was discussion regarding the prior agreement (2014) which was submitted, into the record, by Mr. Sposato at the January 8, 2020 PZC Meeting. Ms. Sigfridson asked if it had firm limits on the number of trucks per day. Attorney Heller stated that it did but, to him, it is unintelligible. Ms. Roberson asked if the current Agreement is able to be revised in the future. Attorney Heller stated that it is and he explained that, in evaluating a special permit, the Commission has the right to impose conditions that are consistent with the evaluation criteria in the Regulations. Attorney Heller suggested that putting a fixed number is in the Commission's discretion. He said what is currently allowed by the Canterbury Agreement, without the excess, they contemplated 75 round trips per day.

Attorney Heller stated that, without the Hydrogeologist's Report, he does not have anything further to address that was not addressed at the last meeting.

J. D'Agostino asked whether school bus stops would conflict with truck traffic on Maynard Road. Attorney Heller stated that this would be an engineering question. He said that, in general, there are a variety of different users of public highways and you have laws that take into consideration how all of those users are required to use the public highway and those laws are implemented in order to ascertain a

degree of safety on the public highway. A. Tanner added that he does not know what the present traffic is, but he travels the road frequently with tractors and he sees trucks going by and has never had an issue. Ms. Sigfridson stated that the representations have been that the parties to the Canterbury Agreement are currently using the capacity that is allowed to them and the testimony of the public is that trucks are going back and forth on the road. Mr. D'Agostino stated that within 450 feet of the thousand yards, there are four bus stops.

Attorney Heller explained that if this Application is not approved and if the Rukstela Application is not approved, Laframboise is still going to continue to operate and more truck traffic will come from more sources from longer runs on Wauregan Road and Maynard Road. The capacity of that Plant is protected by the Canterbury Agreement. He said that this Application, if approved, will not add one more truck traffic trip on that road. There was discussion regarding whether the Commission has jurisdiction to say where the trucks can go. Ms. Sigfridson stated that if there are safety issues, the Commission can direct them to avoid certain roads. Ms. Roberson suggested that a traffic engineer could advise the Commission on this issue. She mentioned that the Commission had not yet made a decision on a traffic consultant or a hydrogeologist.

A. Fitzgerald asked if Syl Pauley's comments regarding borings and groundwater had been addressed. Mr. Held explained that they are anticipating having to make revisions to the plans based on a hydrogeologic investigation for the IWWC. They expect to receive the report this week. They did more borings. They will do all of the revisions and will have the revised plan set before the February 18<sup>th</sup> meeting of the PZC.

There were no comments from the public.

There was discussion regarding a traffic study. Ms. Sigfridson stated that she is still not in favor of having a traffic study, but she said that she disagrees with Attorney Heller and the Judge and she referred to the way Section 5.7.4 is written because it states that you have to have a traffic study under specific conditions, but it doesn't say that you may not have a traffic study under any other conditions. A. Tanner stated agreement. Discussion continued. Ms. Roberson stated that Canterbury did not consult with the Town of Brooklyn in that Agreement which has impacts to the Town of Brooklyn. She explained that a traffic engineer could address concerns regarding the PZC replacing that Agreement for our own analysis of a situation in the Town of Brooklyn. She said the Commission may want to specify something different. A. Tanner agreed. Attorney Heller explained that Laframboise is in Canterbury and is under Canterbury's jurisdiction. The hauling parties have entered into an agreement with Canterbury that limits the amount of traffic in and out of that Facility wherever it comes from. These are public roads and people have the right to use them. It is still limited by the Canterbury Agreement. It is just a question of where it comes from and where it goes to. Attorney Heller stated that if a traffic engineer is hired at this time, counts will not be indicative of anything because it is the middle of winter and it will provide a false picture of what the utilization of that road is when they are an active excavation in process.

There was discussion regarding a hydrogeologist. Two revisions were received: Alta and One Earth. One tripled in price and the other went up by \$500. The lesser one did not include meeting attendance. Ms. Roberson provided copies to Attorney Heller and Mr. Held who stated that they prefer One Earth. Ms. Roberson stated agreement. Attorney Heller commented that the scope of study is not authorized under the judicial interpretation of the Regulations

Attorney Heller submitted, for the record, a written 35-day extension to February 18, 2020.

Motion was made by A. Tanner to continue the public hearing for SPG 19-003 Gravel Special Permit, Strategic Commercial Realty, Inc., d/b/a Rawson Materials, 30 acres on south side of Maynard Road (Map 29, Lot 5) in the RA Zone; Excavation of approximately 1.2 million cubic yards of sand and gravel to, February 18, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT.

Discussion:

Ms. Sigfridson asked if the Commission wants to visit a reclaimed site. There was discussion and photos of various sites were viewed. There was discussion regarding future use and Mr. Held and Attorney Heller stated that the site would be suitable for residential septic systems. There was discussion regarding topsoil. It was clarified for Ms. Roberson that, as long as there is separating distance to groundwater it is technically possible to site a septic system (depending on the soils). Mr. Held stated that it has to be native, in place. Ms. Roberson stated that the bottom of a gravel pit is native, in place.

The Commission decided that it would not be necessary to visit a reclaimed site.

Second by J. D'Agostino.

There was more discussion regarding the date to continue the public hearing to, either February 5<sup>th</sup> or February 18<sup>th</sup> and it was decided to continue to February 18, 2020.

Motion carried (6-0-0).

2. **SPG 19-004** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 200 acres + on the south side of Rukstela Road (Map 21, Lot 7; Map 30, Lot 16) in the RA Zone; Excavation of approximately 1.9 million cubic yards of sand and gravel.

Attorney Harry Heller, 736 Route 32, Uncasville, CT, represented the Applicant, and explained that they expect that this public hearing would be continued to February 18, 2020.

Revised plans (dated 1/15/2020) had been submitted and David Held, Professional Engineer with Provost and Rovero, reviewed the following:

- Sheet 3 – The only change is in the westerly excavation area, the phasing was reduced to three phases (two prior to the pond to just above the water table and Phase 3W which is the creation of the pond).
- Eliminated the excavation of the northerly area that extends out into the corn field because it is a potential site of the Quinebaug Solar Project. Mr. Held explained that new test holes were dug to determine the limits of good material which he indicated.
- The entire easterly excavation areas remain unchanged since the previous plans were submitted.
- Restoration Plan – Shows the extent of the pond (previously it was three times the size). The reduction (total quantity excavation reduced by approximately 400,000 cubic yards) is reflected in the Excavation Notes. The new total is approximately 1.5 million cubic yards.
- Overall phasing of the Project remains the same. They still have to dig the westerly area in its entirety before starting on the easterly part because the access goes through the easterly part.

The site visit that had taken place on Saturday, January 11<sup>th</sup> (at approximately 2 p.m.) was discussed. M. Sigfridson, A. Tanner, J. D'Agostino, E. Starks, Attorney Harry Heller and David Held attended. They were able to drive through the easterly excavation area to the proposed westerly excavation. Approximately one-half hour was spent at the Rukstela Road property. Mr. Held indicated on the map and he explained the route taken by the participants of the site visit. Mr. Held also explained and indicated the route that had been walked with Ms. Roberson and Nick Bellantone. Ms. Roberson noted that a letter from the State Archeologist (dated January 21, 2020) had been received referencing the site walk and stating that he has no additional concerns/investigation. Ms. Roberson also stated, for the

record, that a letter had been received from Town Attorney, Peter Alter (dated January 21, 2020) regarding jurisdiction over wildlife.

Attorney Heller explained, for the record, that he agrees in part and disagrees in part with Attorney Alter's opinion and he will discuss this with Attorney Alter. He referred to Connecticut Fund for the Environment vs. Stamford (192 CT 247- 1984 decision) which indicates clearly that filing an intervention petition does not expand the permitting jurisdiction of the Commission. It just gives the Commission authority to evaluate environmental concerns that are within the limits of the permitting jurisdiction.

Attorney Heller requested that the public hearing be continued to February 18, 2020.

No interest was expressed in visiting a reclaimed site.

Ms. Roberson stated, for the record, that two revised proposals for a hydrogeologist had been received. The Applicant had expressed a preference for the lowest priced proposal which Ms. Roberson said she feels that that particular individual has very relevant experience.

Attorney Heller submitted, for the record, a written 35-day extension to February 18, 2020.

Motion was made by A. Tanner to continue the public hearing for SPG 19-004 Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 200 acres + on the south side of Rukstela Road (Map 21, Lot 7; Map 30, Lot 16) in the RA Zone; Excavation of approximately 1.9 million cubic yards of sand and gravel, to February 18, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by C. Sczuroski. No discussion. Motion carried (6-0-0).

**d. New Public Hearings:** None.

**e. Other Unfinished Business:**

1. **SPG 19-003** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 30 acres on south side of Maynard Road (Map 29, Lot 5) in the RA Zone; Excavation of approximately 1.2 million cubic yards of sand and gravel.

Motion was made by A. Fitzgerald to accept the proposal from One Earth Environmental, LLC, to perform the hydrogeologist services for SPG 19-003. Second by A. Tanner. No Discussion. Motion carried unanimously (6-0-0).

Ms. Roberson will contact One Earth Environmental, LLC tomorrow (January 22<sup>nd</sup>).

There was discussion regarding a traffic engineer. One proposal was received. Mr. Fitzgerald suggested consulting with the Town Attorney. Mr. Sczuroski suggested stipulating a number of maximum trips and monitoring the trip tickets to verify accuracy (without hiring a traffic engineer). There was discussion. Mr. D'Agostino feels that a traffic engineer is needed to advise about issues such as safety, convenience, and congestion. Mr. Fitzgerald noted that the PZC could also reduce the number of trips and he stated that the concerns of the neighbors need to be addressed. Ms. Roberson suggested that the PZC seek clarification on hiring a traffic engineer as it is good idea to have professional guidance, and if the PZC is in agreement, to authorize Staff and Officers to select a consultant proposal (up to \$5,500) pending the conversation with Peter Alter.

Motion was made by J. D'Agostino to authorize Jana Roberson to interview and select a traffic engineer for presentation to the PZC SPG 19-003 by the next meeting.

There was discussion. Mr. Tanner stated that the Commission has already authorized this per page 24 of the Minutes of January 8, 2020. However, this was prior to Attorney Heller entering into the record, his

interpretation of the judge's determination of a previous case. Ms. Sigfridson noted that it should be agreeable to the Applicant.

There was no second. Motion failed.

Motion was made by A. Fitzgerald to hire a traffic engineer for SPG 19-003 contingent upon consultation with the Town Attorney. Second by C. Sczuroski.

There was discussion. Mr. Tanner feels that there is no point in hiring a traffic engineer unless the PZC reduces the limits of the Canterbury Agreement. Ms. Roberson explained that a traffic engineer would analyze the traffic situation and to provide professional guidance. She said, for the record, traffic engineers are in the business of analyzing projects that don't exist yet. One thing that would be determined is what kind of impact the proposed level of traffic would have on the road.

Motion was made by A. Fitzgerald to amend his Motion to hire a traffic engineer for SPG 19-003, as follows:

Motion was made by A. Fitzgerald to authorize Commission Officers and Staff to hire a traffic engineer in accordance with the recommendations and advice of the Town Attorney at a cost not to exceed \$5,500. Second by C. Sczuroski. Motion, as amended, carried (4-2-0). J. D'Agostino was opposed because he does not feel that the Town Attorney needs to be consulted. M. Sigfridson was opposed because she does not feel that truck traffic will increase.

2. **SPG 19-004** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 200 acres + on the south side of Rukstela Road (Map 21, Lot 7; Map 30, Lot 16) in the RA Zone; Excavation of approximately 1.9 million cubic yards of sand and gravel.

Motion was made by A. Fitzgerald to hire the agreed-upon Hydrogeologist, One Earth Environmental, LLC, to perform hydrogeology exploration for SPG 19-004 (Rukstela property) as previously agreed to by the Applicant. Second by A. Tanner. Motion carried unanimously (6-0-00).

## **VII. New Business:**

### **a. Applications:**

1. **SP20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson.

M. Sigfridson recused herself because the Applicant is her husband (not present). She turned the position of Chair over to A. Tanner and took a seat in the audience.

Ms. Roberson explained that the site had been previously approved for a development that did not happen. There is now a proposal for a business-related use. The building could have multiple tenants (not yet identified) and uses could include retail, services (personal or business), restaurant (not fast food or drive-in), office (business or administrative), bank, licensed health services, caterer's establishment, child/adult day-care center, health club and/or membership club, indoor sports and recreation. All business-related uses permitted by special permit in the VCZ (with the exception of Automotive Service Station and Hotel/Motel). In this Zone, retail uses are limited to a maximum retail floor area of 2,000 s.f. Square footage of the building was not available, but Ms. Roberson stated that it is a small, two-story building. M. Sigfridson stated that she co-owns the property with her husband. She stated that the building is 28' x 42'.

Ms. Roberson noted that, in the past, an architectural design consultant had been hired to assist with architectural review. However, it was decided not to for the last one. No architectural profiles or renderings have been submitted yet for this proposal. The Applicant would like to be approved for multiple uses which Ms. Roberson stated is not unusual. No residential. The plans will be sent to the Town Engineer for review. There is a designated in and out which helps with the circulation flow and safety.



There was discussion regarding when to schedule a public hearing.

Motion was made by A. Fitzgerald to schedule a public hearing for **SP20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson for February 18, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by E. Starks. No discussion. Motion carried (5-0-0). M. Sigfridson had recused herself and took a seat in the audience.

A. Tanner turned the position of Chair back over to M. Sigfridson and she took her seat at the table.

b. Other New Business:

1. Preliminary discussion with Dana Barnes re: Zone change at 405 Providence Road.

Dana Barnes provided copies of a map to Commission Members. The property is across the street from Hank's Restaurant (east of the gas station). He explained that he had foreclosed on the property (zoned Planned Commercial).

- Lot 119B is 423 Providence Road (a separate existing lot).
- Lot 118A (is now part of Lot 118) does not yet exist (would need subdivision approval). Lot 118 contains an unoccupied house (no plans to renovate) and a CL&P easement.
- The proposal is for 82 units/apartments in the back of the lot which would require a zone change to a multi-family zone. He provided copies of a concept/site plan.
- Lot 118A would remain Planned Commercial as he proposes retail there.
- One main driveway off of Providence Road with an easement between the two lots. All three lots would share the driveway. He indicated where the access to the apartments would be and he is not sure yet if there would be driveways branching off to the other lots.
- Water and sewer is available.
- 40 percent Density Bonus if 20 percent of the units are deemed affordable housing. It could either be an 82-unit, market-rate project or it could be a 120 unit project with affordable housing.
- The project includes a clubhouse with a pool.
- Two-story buildings. He would like to build more than twelve units per building and asked the Commission for guidance.

Ms. Roberson explained that this type of development would fall under Section 6.E Multi-Family Development, of the Zoning Regulations. She explained that, at some point in that area, the sewer turns into a force main and she thinks there may be issues with tying into it. She will provide Mr. Barnes with a contact at the Sewage Treatment Facility in Killingly.

Ms. Roberson explained that any type of multi-family use is not allowed under the current zoning. The surrounding zone is RA.

There was discussion. Ms. Sigfridson feels that the proposal is interesting. Mr. D'Agostino suggested a different location for the entrance, that Mr. Barnes consider something round instead of square, and 76 units rather than 82. Mr. Barnes explained about the location chosen for the entrance due to power lines and he also explained some other ideas that he has had for the location of the driveway and also about a second exit for emergency purposes only.

Ms. Roberson spoke of the need for affordable housing in Brooklyn (which has fallen below ten percent) as well as in Connecticut. She explained the potential for a Planned Development Zone (Section 5.G). She explained that the subdivision does not have to be done first as zones don't have to follow property boundaries exactly.

Mr. Barnes stated that he would like to know: 1) If the Commission is receptive to this type of Application in this location; and 2) Assuming that the Commission is generally in favor, would they prefer market rate or strictly an affordable project with a higher density. Ms. Sigfridson explained that only 20 percent needs to be

affordable for the density bonus and she stated that the Commission wants to encourage affordable housing. She encouraged Mr. Barnes to consider the Planned Development Zone. Mr. Barnes may be interested in three stories rather than two stories.

Mr. Barnes expressed concern regarding how this would be received by the public. Ms. Roberson suggested some ways that they could get feedback from the public including reaching out to the Housing Commission, the EDC, and business organizations. Ms. Sigfridson stated that, in her opinion, this seems like an appropriate location for this development. Mr. Sczuroski commented regarding a draw on Town resources such as the school system. Ms. Roberson stated that the school is under capacity at this time. Discussion continued.

Ms. Sigfridson suggested creating a carefully planned proposal without trying to squeeze every possible unit out of the parcel.

Mr. Barnes asked about minimum lot size in Planned Commercial. Ms. Roberson explained that it is 30,000 s.f.

#### **VIII. Reports of Officers and Committees:**

**a. Staff Reports**

It was decided to invite Margaret Washburn to attend the February 5, 2020 meeting.

There was discussion regarding training at Wesleyanne.

There was discussion regarding King Cadillac possibly moving to Brooklyn as it was purchased by Vachon.

**b. Budget Update (included in packets to Commission Members).**

No discussion.

**c. Correspondence.**

There was discussion regarding the public hearing of the CT Siting Council hearing at the Brooklyn Community Center regarding Quinebaug Solar consultants and the interveners' consultants. There were no comments from anyone in Brooklyn during the public comments. The PZC has until March 5, 2020, to submit comments. Ms. Roberson asked if the Commission was interested in submitting comments. The main reasons for the first denial were: rate of run-off; and failure to address concerns that the run-off may have on the local environment (Cold Spring Brook runs along the western border of that Project and there are other wetlands there also). Ms. Roberson credited the Herpetologist. Ms. Roberson explained that the new design (Petition #1310A on the CT Siting Council website) is much different and is more sensitive to the layout of the land, and there is a herpetile protection area to try to protect the endangered species. Ms. Roberson offered to help prepare comments.

J. D'Agostino left at 10:13 p.m.

Mr. Tanner asked if the Commission would request that the First Selectman work with the Finance Department regarding payment to the Recording Secretary. Ms. Sigfridson expressed agreement and commented that she would also discuss cancelled meetings. It was suggested that the Recording Secretary prepare the invoice in advance and have the Chair sign it at the meeting. There was a consensus of the Commission that there not be barriers that would keep the Recording Secretary from being paid in a timely manner.

**d. Chairman's Report – None.**

#### **IX. Public Commentary**

**A.J. Kerouac**, former PZC Member, commented that, within the last two years, there were three proposals similar to Mr. Barnes' that were shot down. Ms. Roberson stated that the one proposed for behind CVS had been withdrawn. There was discussion.

Mr. Kerouac stated that there was another one for 90 units on School Street that did not even make it to the Commission. He feels that Mr. Barnes should be prepared as there have been three that did not make it to a vote.

Mr. Kerouac stated that, from a market impact standpoint, when an area of Town is designated for affordable housing, it stigmatizes the area. He said that Brooklyn's rates are affordable because of the incomes in the area, so a lot of people qualify. Discussion continued.

## **X. Adjourn**

The meeting was adjourned at 10:27 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary