

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, February 18, 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 6:31 p.m.

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Jules D’Agostino, Earl Starks, Alan Fitzgerald, Austin Tanner, Charles Sczuroski.

Staff Present: Jana Roberson, Director of Community Development; Richard Ives, First Selectman and ex officio Member of the PZC (arrived at 6:35 p.m. and left at 9:37 p.m.).

III. Seating of Alternates – None.

IV. Adoption of Minutes: Regular Meeting February 5, 2020

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of February 5, 2020, as presented. Second by E. Starks. No discussion. Motion carried (6-0-1). C. Kelleher abstained because she had not attended the meeting.

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.

Attorney Harry Heller, 736 Route 32, Uncasville, CT, represented the Applicant. He stated that the PZC has received the report from the Hydrogeologic Consultant, but the report from the Traffic Consultant has not yet been received. Therefore, the public hearing cannot be closed tonight. Attorney Heller submitted a request for a 35-day extension.

Attorney Heller stated that they had reviewed the Hydrogeologic Report:

- The conclusion is that there is minimal impact, if any, on groundwater resources as a result of the Application.
- Regarding concerns with impacts on water quality, as had been clarified by David Held (the Applicant’s Engineer), any backfilling that occurred would be washed with silt from the wash plant that would be under Rawson control. Attorney Heller stated that there is an e-mail, in the record, indicating that those concerns had been addressed.

Attorney Heller stated that they had nothing further to present at this time and he offered to answer questions.

Jana Roberson explained and read from a letter, received earlier in the day, from the Law Office of St. Onge & Brouillard (dated February 18, 2020, and will become part of the record). They have been retained by Troy Sposato and a Motion to Intervene on Mr. Sposato’s behalf has been filed. There was discussion. Mr. D’Agostino stated that it had been suggested by Attorney Heller, at a previous meeting, that there was a contractual agreement with Canterbury and when asked if it had ever been approved by municipal

authorities at a legally posted meeting, the answer was “no.” Mr. D’Agostino feels that this should have some reflection on the kinds of decisions the PZC has to make regarding the two requests.

Ms. Roberson stated that she concurs that it would be pre-mature to closed the public hearing: The IWWC has not taken action on this proposal; and the Traffic Report has not been received. She suggested that the PZC review the Hydrogeologist’s Report, which she stated that she has provided to Provost & Rovero. Ms. Roberson stated that she concurs that the amendments to the notes of the plans were found to be satisfactory by the Town’s Hydrogeologist. The main concern was the introduction of material on the site and what that might cause. She suggested that the PZC may want to consider a condition based on the recommendations of the Hydrogeologist.

Attorney Heller was provided a copy of the letter from St. Onge & Brouillard and he reviewed it because he had not seen it yet. He responded with the following:

- The letter indicates intervention in the Superior Court Action, not in this proceeding, so it is extraneous to this proceeding.
- He maintains the position that the Canterbury Agreement, even though it has not been entered as a modified judgment in the Superior Court yet, is contractually enforceable as an agreement between the hauling parties and the Town of Canterbury. He explained that there is a Canterbury Agreement that has been modified a couple of times and is a judgment of the Superior Court. He said that this amended and restated Canterbury Agreement was amending specific terms of it, but there is a judgement of the Superior Court. He entered into the record, the tickler from the Judicial website entering an Order approving the 2015 version of the Canterbury Agreement as a judgment of the Superior Court.

M. Sigfridson asked Attorney Heller, in his opinion, if the modified Agreement that is awaiting approval alters the current Judgment, in any way, that is relevant to the PZC’s consideration for this Application. Attorney Heller explained that yes, it does (but not the Rukstela Application) because the amended and re-stated stipulated Judgment that has been executed by the hauling parties and the Town of Canterbury limits traffic in both directions on Wauregan Road and Maynard Road and it is more specific in terms than the 2015 Agreement. A. Tanner asked Attorney Heller if he is expecting a decision on this one by the Judicial Court. Attorney Heller stated that he is not representing the parties in that proceeding, so he can’t say. He said that he does not know what the hold up is, but that he could probably get an answer.

COMMENTS FROM THE PUBLIC:

Linda Trahan, 26 Maynard Road, asked for clarification regarding what the Traffic Engineer is looking at to include in that study and she asked if they were going to do counts of trucks (traffic impact).

Ms. Roberson stated that they would be looking for existing and future impacts to Town roads (mainly Maynard Road) and she said that it did not include a specific requirement for a traffic count. A. Fitzgerald noted that they will review what 75 loads (at 20 tons per load) will to the road itself.

Ms. Trahan reiterated her request, from a couple of meetings ago, that, should this Application be approved, permanent traffic counters be placed on Maynard and Wauregan Roads.

Ms. Roberson stated that the Traffic Report is expected by the March 4, 2020 meeting of the PZC.

Pam Lukin, 28 Maynard Road, asked for further clarification as to why they won’t be counting as an area of concern.

Ms. Roberson explained that it was not specified as a requirement in the scope of services as there had been some discussion that, due to the time of the year, it would not be necessarily be a reflection of the kind of traffic on the road in August. Ms. Lukin feels that the biggest issue is the amount of traffic, are there any violations, and what should be done with those 75 trucks. Ms. Sigfridson explained that the decision cannot wait until better weather comes. Ms. Lukin stated that the residents have requested counters for years and it doesn't ever get done, except occasionally for a couple of weeks, which she does not feel is fair. She said it still needs to be done. Mr. Tanner commented and Ms. Sigfridson explained that the count may be more of an enforcement issue rather than approval or denial of the permit. **Ms. Lukin** stated that, although the residents have been asking for this for years because they believe it is not accurate, it has not been enforced. She said that if it is not going to be enforced, it should not be approved.

There was discussion and **Ms. Trahan** commented that the residents have been saying that it is an enforcement issue for 30 years and that there needs to be a solution to determine what the traffic is, what type of traffic it is, and how it will be enforced if the numbers are not within what the Agreement states.

There was discussion about whether the Town of Brooklyn has jurisdiction regarding trucks using Town roads that are going to pits in Canterbury. Ms. Sigfridson reiterated what is being asked for: If the Application were to be approved with limits/conditions on the amount of traffic, the residents want reassurances that those limits will be enforced. Ms. Sigfridson asked if that is accurate. **Ms. Trahan** stated "yes." Ms. Sigfridson stated that she thinks that it is a fair request.

Attorney Heller explained the Canterbury Agreement Limits: It limits them to 75 round trips which is 150 trips (75 in and 75 out). For the record, they have no problem with the Commission conditioning any approval on those limitations. Whether the gravel comes from the Potvin pit or from somewhere else in Brooklyn, using Maynard Road, those are the limitations that are imposed. So, those trips are likely to occur whether they come from Potvin or somewhere else. The new, amended Agreement is more restrictive than the old Agreement (which he will enter into the record at the next meeting). The old Agreement was non-directional whereas the new Agreement is directional (it limits trips in both directions from the Laframboise Processing Center). Attorney Heller said that he thinks the total trips are the same in both Agreements. He said that the Processing Center is in the Town of Canterbury, so they would have jurisdiction to enforce the Agreement.

Ms Roberson explained, for the record, that the Applicant is seeking a waiver of the boundary setback for the property line that abuts the Tilcon property.

Ms. Roberson asked if a bond proposal was included in the Application. David Held, Provost & Rovero explained that in the cover letter that was submitted with the Application, they had proposed a bond amount of \$9,500 per acre. Mr. Held suggested that it would be better if they bond the entire work area at the outset.

Motion was made by C. Kelleher to table the public hearing for **SPG 19-003** – Gravel Special Permit, Strategic Commercial Realty d/b/a Rawson Materials, 30 acres on south side of Maynard Road, removal of 1,205,000 cubic yards of material, to the next regular meeting of the Brooklyn Planning and Zoning Commission on March 4, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Tanner. No discussion. Motion carried unanimously (7-0-0).

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 1.5 million cubic yards of sand and gravel.

Attorney Harry Heller, 736 Route 32, Uncasville, CT, represented the Applicant. He said that they are in a position to close the public hearing tonight.

- The IWWC has acted on this Application.
- The PZC has received the Hydrogeologist's Report indicating that there are no impacts to groundwater as a result of the proposed excavation.
- They are requesting to excavate into the watertable in both the easterly excavation and the westerly excavation which, per the Regulations, would require a separate action by the Commission.
- The Application is governed by the following Sections of the Zoning Regulations: RA District; Section 13.5 (Excavations); Section 5.7 (Special Permit Evaluation Criteria); Section 5.8 (the Commission requested an Environmental Impact Statement –EIS).
- The following salient information has been presented into the public hearing record: EIS which contains a report prepared by Robert Silverstein, a Licensed, Real Estate Appraiser, which gives his professional opinion that there is no neighborhood impact or adverse impact on property values as a result of this proposed excavation operation.
- The Commission conducted a Site Visit. This property is located northerly of Wauregan Road in the Town of Canterbury and access is through the Town of Canterbury. The excavation areas are located between 1/2 and 3/4 of a mile northerly of Wauregan Road. They are proposing to conduct the westerly excavation area first because access to the westerly excavation area is through the easterly excavation area. Prior excavation has occurred on these sites under a prior permit issued by the Brooklyn PZC. In conjunction with that permit a special permit was issued by the Brooklyn PZC, so a defacto determination was made that that proposal was in compliance with the special evaluation criteria contained in the Regulations. This excavation is similar, both in scope and in location, and proposes two ponds as did the prior special permit that had been granted. The site is disturbed because excavation stopped when a cease and desist order had been issued when the prior permit had expired. This excavation, if permitted by the PZC in accordance with the Application, will be the culmination of what was started under the prior permit and will result in the stabilization of the site and the ultimate return of the site to a vegetated state.
- Regarding concerns of possible archeological resources on the site: Presented into evidence, an archeological study that was done in conjunction with the Solar Project proposed in that area. The findings of that investigation were reviewed by Nicholas Bellantone, the Town's Consulting Archeologist, and he agreed with the conclusions that there are no significant archeological resources that would be impacted by this proposed excavation operation.
- The Hydrogeologic investigation, performed by the Town's Consultant: The Report indicates that there are no significant adverse impacts to groundwater resources as a result of this proposal.
- When conducting the initial public hearing, the Applicant's Representatives went through the permitting criteria contained in the three applicable sections of the Regulations and indicated how, in the Development Team's professional opinion, the Application complied with the permitting criteria contained in the Regulations. Attorney Heller submits that the evidence presented over the last couple of months bears out those initial conclusions.
- Regarding Traffic: One Hundred Percent of the truck traffic existing the proposed Rukstela excavation will attain a perpendicular crossing of Wauregan Road and go into the Laframboise Processing Center. This also is governed by the Canterbury Agreement. This will result in Zero truck trips on any Brooklyn Roads which are under the jurisdiction of the Town of Brooklyn. They have no issue with the PZC conditioning any permit that is granted.

Attorney Heller concluded his presentation: He stated that the Application complies with the requirements of the Regulations. He said that there is Connecticut Law that, if there has not been a significant change in circumstances, if a Commission makes findings in accordance with its regulations, those findings must be adhered to on a subsequent

application. He asked that the public hearing be closed and he offered that he or David Held would address questions from the Commission during deliberation.

Richard Ives asked, for a matter of understanding, if they are basically going back and starting where it was left off (in a condition not found acceptable) because the permit (which was approved) expired. Attorney Heller indicated that that is correct. Mr. Ives asked if it would also include some kind of reclaiming at the same time. Attorney Heller explained that, ultimately, the site will be fully reclaimed. Attorney Heller explained how River Junction Estates, the adjacent property, owns the property that is the subject of this Application, but they do not own the mineral rights. The Applicant, Strategic Commercial Realty owns the mineral rights to this parcel. Attorney Heller stated that Strategic Commercial Realty has the obligation to reclaim this property, but not the adjacent property. Mr. Ives asked about how, perhaps the PZC could somehow be able to get the adjacent property cleaned-up, as well, at this time. David Held stated that he had, specifically, asked the ZEO if she wanted some kind of an application in front of the PZC to deal with that issue and she had said that it is strictly a wetlands issue and that the cease and desist was issued for wetlands reasons. Mr. Held stated that IWWC approval was received for the reclamation plan last week. The intention is that the other parcel will be reclaimed by the end of May 2020. Mr. Held stated that they have done what they have been asked to do. Ms. Roberson explained about the River Junction Estates enforcement action.

Attorney Heller asked if a bond will be required to ensure that reclamation occurs on this site. Ms. Roberson commented that the process of reclamation is laid out in the notes in the plans. She suggested that the Commission may want to consider emphasizing the steps or add steps as a condition. Attorney Heller stated that Mr. Held designed the reclamation plan, with special measures, requiring that a layer of silt be placed over all of the slopes before they are loamed and seeded so that the surface layer will retain vegetation to ensure a stable growth of grass on the slopes and that the reclamation is successful.

Ms. Roberson entered into the record:

- Letter from St. Onges & Brouillard (dated February 18, 2020) which states that Troy Sposato is filing a motion to intervene.
- Hydrogeologist Report – Findings indicate no impacts to the general water supply. Impacts to the groundwater itself are best addressed by, perhaps, a condition that any of the fill be virtually inert. The Applicant has revised the plans to address the Hydrogeologist's concerns and he was satisfied with that.

Ms. Roberson stated that she prefers that the public hearing be kept open (at least until March 4th – an extension was submitted by Attorney Heller at a previous meeting) because the PZC will not be taking action tonight and once the public hearing is closed, no additional information can be received. The Town's Review Engineer has not confirmed that his initial concerns have been addressed and has not commented on the revised plans. The PZC has not heard from Attorney Brouillard regarding the Troy Sposato letter (Ms. Roberson suggested seeking advise from the Town Attorney). She urged the Commission Members to discuss concerns and possible conditions, so that she can draft the language and have the Town Attorney review it before the March 4th meeting. There was discussion regarding when to have the discussion regarding possible conditions. Attorney Heller stated, for the record, that discussion regarding possible conditions should take place after the public hearing is closed. There was discussion regarding how many days remain in the timeline. The public hearing opened on January 8th and an extension of 35 days was given.

Attorney Heller feels that the Commission has all of the pertinent information needed to make an informed decision. Regarding the intervention, Attorney Heller stated for the record, that it is not an intervention in this proceeding. The Application is based on the Canterbury Agreement. He said that, in this Application, other than workers going to and from the site, there will be no truck traffic on Brooklyn roads (it will all be from the Rukstela site across the road to the Laframboise Processing Center).

Discussion continued. Ms. Roberson stated that the public hearing does not have to close until the PZC's second meeting in March. Mr. D'Agostino stated that he agrees with Ms. Roberson's advice and that he is in favor of keeping the public hearing open. Attorney Heller explained that conditions could be discussed in the public hearing, but should not be discussed under the Agenda Item, Other Unfinished Business without the public hearing being closed.

Mr. Tanner asked if the haul road is all staked out. Mr. Held stated that it is already built and exists (it is blocked off with concrete blocks and a chain). The entrance is to be moved 300 feet to the east so that it lines up with the access to Rukstela.

THERE WERE NO COMMENTS FROM THE PUBLIC.

Mr. Starks stated that he is in favor of keeping the public hearing open. There were no comments from the Commission to close the public hearing.

DISCUSSION REGARDING POSSIBLE CONDITIONS:

- Reclamation was discussed. There was discussion regarding the enforcement action issued in 2014 on an adjacent property which Ms. Roberson explained cannot be a factor in this decision. She encouraged Commission Members to read the restoration notes on the plans and make appropriate adjustments. Every condition must be supported by the record.

Mr. D'Agostino suggested a condition: All operations cease and desist when the reclamation is not completed after the first phase, with a caveat that, not only cease and desist, they would accept the burden of penalties for not reclaiming the land after forty-five days. There was discussion regarding whether the timelines for reclamation and excavation would be practical (seeding). Mr. Tanner suggested that it would be okay if the silt layer is placed. Mr. Ives noted that they could get rid of slopes and fill in holes.

Mr. Held urged the Commission Members to read the restoration notes and look at the restoration plan as what is being discussed is exactly what is proposed on the plans. He said that they heard those concerns and that is why they were incorporated into the plans. He said that the plans are enforceable.

Mr. Ives stated that it seems reasonable and noted that it is the lack of enforcement that has caused a lot of the issues. Not that they couldn't enforce them, they just didn't. He said that all that is needed is something enforceable, and then enforce it. Ms. Roberson agreed. It was noted that it is the responsibility of the Applicant to do the work. Ms. Roberson and Ms. Sigfridson read #'s 7, 8 and 9 from the General Restoration Notes on pages 14 of the plans.

There was discussion regarding the word "should" in Note #9 on Sheet #14 of the plans. Attorney agreed to the word "should" being replaced by the word "shall" in both instances. Mr. D'Agostino feels that there are no teeth in that language and he feels that enforcement should be added to the language. Discussion continued and Ms. Roberson explained how the new language regarding reclamation in the Regulations had been developed by Martha Fraenkel with help from Mr. Held. Ms. Roberson suggested that there may be other small tweaks in the language that the Applicant may be amenable to that might address some concerns to make the language stronger.

There was discussion regarding bonding. Mr. Held stated that, similar to the other Application, they are happy to bond the the whole disturbed area at the outset. Ms. Roberson stated that the cover letter had not been included in the packets to Commission Members, but that she would distribute it to them (it is on the website).

Discussion regarding possible conditions continued.

- Traffic was discussed. Ms. Sigfridson asked if no traffic on Maynard Road was in writing in the plans or the Application. Mr. Held stated that it is in the excavation notes (regarding use of the Pinedale Haul Road). Mr. Held also stated that it is spelled out in detail in the Environmental Impact Statement). Ms. Sigfridson read from Note #7 on page 14 of the plans and suggested that a condition be drafted to address that issue. Ms. Roberson suggested that the Applicant could be asked to make a clarification in the text.
There was discussion regarding Note #12 on page 14 of the plans as there was concern because it refers to trucks entering public roads. Attorney Heller read from the EIS and M. Sigfridson stated concern that the plans do not state that the entrance to Laframboise would be right across the street (she referred to page #2 of the plans). She suggested that a condition be drafted. Mr. Held commented that the PZC would be trying to regulate something in Canterbury. Ms. Roberson asked, if that is the intention, that the plans be amended to address this issue (particularly Note #7 when there is a reference to the Pinedale Haul Road).
- There was discussion regarding the revised reduced number of cubic yards of material to be removed. The revised total cubic yards is 1,551,000. Attorney Heller stated that the plan has been revised.
- There was discussion regarding whether the resumption of the gravel operation could begin before the solar farm is constructed. Mr. Held stated that it can presumably begin as soon as the special permit is filed. Mr. Ives said that it would have to get worked out. Mr. Held explained that they have coordinated work areas, but not start dates as it is not germane to the excavation.
- Ms. Sigfridson commented that the rest of the proposed conditions on the Staff Guidance Sheet (dated February 18, 2020 and included in packets to Commission Members) look pretty standard.
- Mr. Starks asked about the “bowl” and stated concern for noise and dust. Ms. Roberson gave an explanation and referred to the plans. Attorney Heller gave an explanation and referred to the Phasing Plan (page 3) and he explained the down-cutting process. The main reason is for erosion control, but Attorney Heller explained that it also is a buffer for noise and dust.
- J. D’Agostino referred to, and read from, a letter from Attorney Heller (dated December 13th). He said that he disagrees with Attorney Heller’s interpretation of the Statute regarding endangered species/threatened species/species of special concern/habitats. Mr. D’Agostino referred to page 3 of the POCD where it speaks of maintaining wildlife protection. He asked that the Commission consider a condition for the protection of wildlife as recommended by Mr. McKay. Attorney Heller responded referring to the powers of PZC’s in Connecticut enumerated in Section 8.2 of the Statutes. He said that he thought that this issue had been put to rest as the Town’s Attorney was in agreement. Ms. Roberson explained that she agrees with most of Attorney Heller’s statements, but there are endangered species known to be on the property. She said that any condition relative to that would be an illegal condition which would make the Town extremely vulnerable to an appeal. Mr. D’Agostino stated that he would like the minutes to reflect that he feels it should be considered and that 75 percent of the Town wants to ensure that wildlife is protected.

COMMENTS FROM THE PUBLIC:

Pam Lukin, 28 Maynard Road, asked about the number of loads that can be taken through the haul road.

Mr. Held stated that it is in the Canterbury Agreement (Daily - 125 trucks out of the haul road and 125 trucks into the haul road, and there is a provision to allow an increase up to 185 each way if necessary). He said it is a moot point right now.

Ms. Sigfridson asked if it is anticipated if this project, as proposed in the plans, would take advantage of the full 125 per day, most days. Mr. Held said that that would be a fair assumption to make.

Pam Luken stated that would be 250 trip ins. She asked who to report to if there are violations noticed.

There was discussion regarding number of trips/direction. Attorneu Heller explained that this Application proposes no longitudinal use of the road to bring material into Laframboisse. He said that Laframboisse is going to process material based on market demand and if it doesn't come from this site, it will come from somewhere else and anywhere else it comes from is going to involve longitudinal use of the road. He said that this site is reducing potential truck traffic on Wauregan Road and Maynard Road. Discussion continued regarding number of truck trips and the final number is 75 round trips in each direction, which is a total of 300 trips.

Ms. Lukin stated that Maynard Road and its residents will be impacted and she asked how it will be enforced. Ms. Sigfridson explained that, if a zoning permit is a violated, it could be brought to the PZC at a meeting or it could be brought directly to the ZEO. **Ms. Lukin** said that they are trying to be proactive by requesting counters. The self-reporting is not trusted by the public. Attorney Heller stated, for the purpose of this Application, if a truck comes out of the Pinedale Haul Road and turns left, it is a violation. This Application is not impacting any Brooklyn road, it is not proposing traffic on any Brooklyn road, it is under the jurisdiction of Canterbury.

Mr. Ives asked, without the new crossing (where there was a little bit of a turn to go in before), is that subject to the 75 round trips on that road. Mr. Held explained that that does not count as the directional traffic on Maynard or Wauregan Roads, They are addressed separately.

Ms. Roberson stated that she mistakenly did not refer to 16.3 which is the provisions in the Agreement about the Pinedale Haul Road. She suggested that the Town could use video cameras at the entrance to count truck traffic. Mr. Ives commented that counters would be the best way to go right from the beginning.

Ms. Roberson reviewed her list of conditions to draft. C. Kelleher suggested that ZEO, Margaret Washburn be asked for suggestions for conditions, since she would be responsible for enforcement. Ms. Roberson will speak with Ms. Washburn.

Motion was made by A. Fitzgerald to continue the public hearing for **SPG 19-004** – Gravel Special Permit, Strategic Commercial Realty d/b/a Rawson Materials, 206 acres on south side of Rukstela Road, removal of 1,551,000 cubic yards of material, to the next regular meeting of the Brooklyn Planning and Zoning Commission on March 4, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by C. Kelleher. No discussion. Motion carried unanimously (7-0-0).

c. New Public Hearings:

1. **SP 20-001** – 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, turned the position of Chair over to C. Kelleher, and took a seat in the audience.

Ms. Roberson read the legal notice into the record.

The Applicant, Evan Sigfridson represented himself. Plans were included in packets to Commission Members. Ms. Roberson provided copies of color chips and she provided copies of the review letter from Town Engineer, Syl Pauley (dated February 18, 2020) containing his comments. The letter had been forwarded to Mr. Sigfridson (and his consultants) earlier in the day. Ms. Roberson displayed the plans for public viewing.

Mr Sigfridson stated that it is a simple Cape with a walk-out basement and he orientated the property.

Ms. Kelleher asked if the Commission wanted to require an architectural review consultant. Ms. Roberson explained that she is qualified to do design review as she is an AICP Certified Planner. Ms. Roberson stated that the proposal is a nice fit for the district, it is somewhat reminiscent of historical design, very traditional. It is designed to fit with the landscape and the lay of the land in a way that she feels is appropriate for that location.

- Ms. Kelleher stated that she does not see a need for an architect.
- Mr. D'Agostino asked about the entrance. Mr. Sigfridson stated that there are two entrances on two levels and he indicated their locations. Mr. D'Agostino commented that the exit is at the same point where cars are coming into Hyde Road and asked if there is a safety issue. Ms. Roberson explained that anytime when there is an intersection and a driveway, there is a safety issue. She said that she feels that this layout is possibly the best that can be done given the awkward alignment of some of those intersections. There had previously been a development proposal on the site which had the same in and out locations. The Town Engineer has reviewed it and did not recommend any changes to the locations of the entrances. There is an existing paved apron where the outlet is. There was discussion regarding how Hyde Road is partially one-way traffic and partially two-way traffic.
- Twenty parking spaces are proposed. Mr. Sigfridson indicated the location.
- Ms. Kelleher commented that she remembers the previous review and the concerns that the Commission had. She said that they felt there should be something with fairly low traffic and low impact on the neighborhood which has some very nice homes in it. She said that she has concern for some of the proposed uses such as bank and restaurant. She likes the proposal, but has reservations about approving it for so many uses.

COMMENTS FROM THE PUBLIC:

- **Daniel Kosoff**, Providence Road, asked about the square feet of the footprint and the building. Mr. Sigfridson stated that the footprint is 1176 for one story. **Mr. Kosoff** asked if there could be 20-30 cars on-site at any one time. Mr. Sigfridson stated that he does not foresee that happening right now, but, in the future, they would like to reserve an area for another structure. Ms. Kelleher commented that usually the parking spaces are determined by the use of the building, so she is having a difficult time without having a better idea of what it is going to be used for.
- **Kathleen Mattson**, 23 Hyde Road, asked about the building being built with no actual use at this point. Mr. Sigfridson explained that there will be three units and one will be a law office (800 s.f. and there could be another tenant on this story). They are unsure of what will be in the other two units, so that is why there are twenty parking spaces.

There was discussion regarding the uses and Ms. Roberson suggested eliminating the least likely uses (she suggested eliminating child care and restaurant because they tend to have high traffic peaks). Mr. Sigfridson stated that he would be willing to eliminate a couple of the uses. Ms. Kelleher commented that it is not necessary to get all uses approved ahead of time and she explained about site plan modification. Ms. Roberson noted that accommodating many potential future tenants is good for economic development. There was discussion regarding parking. Ms. Roberson stated that she reviewed the number of parking spaces and she feels that twenty spaces is in excess of what the Regulations require for these uses. In general, three parking spaces are required per 1,000 s.f. of floor area.

- **Mr. Kosoff** voiced concern for noise of idling cars/trucks at drive-thrus. It was explained that fast food/drive-thrus are not allowed.

- **Mr. Kosoff** asked if there is a professional, well-screened and appropriate landscape plan. Ms. Roberson explained that comments regarding landscaping requirements were given to Mr. Sigfridson today. There are some tweaks that would need to be made to the plans before they could be approved.
- **Mr. Kosoff** asked about aesthetic value in the Historical District. Ms. Roberson referred to the color scheme and Mr. Sigfridson explained the colors. Ms. Roberson asked about shutters. Mr. Sigfridson stated that there would be no shutters.
- **Mr. Kosoff** expressed concern regarding residents travelling to and from work and that each business may have a different traffic pattern.
- **Stephanie Kosoff**, Providence Road, is concerned about peak times for traffic and feels that, unless they are going out Brown Road, there will be traffic jams. She and her husband and the Mattsons have lived there for over 20 years and she said that you can sit there for quite a while before you can pull out. She suggested the types of businesses where traffic will trickle in. She also mentioned reduced visibility due the sun. She said that the flow of traffic needs to be considered in terms of the tenants/businesses that go in.

Mr. Starks asked about sign locations. Mr. Sigfridson indicated the location and Ms. Roberson explained that when they are ready to install the sign, they will need to apply for a sign permit.

- **Daniel Kosoff** asked about parking lot material. Mr. Sigfridson stated that it would probably be pea stone.

Ms. Roberson asked about the standing-seam roof. Mr. Sigfridson said that it already looks like a dwelling, and because it is a commercial property, it needs something to set it apart. Color to be gray.

Ms. Roberson asked if the Commission feels that there is a need for a Architectural Design Consultant. Consensus of the Commission that no Consultant is needed. Ms. Kelleher stated that landscaping is needed and that she would like to see a reduced number of proposed uses.

C. Sczuroski commented about tractor-trailer trucks making deliveries and the need to widen the existing openings/radius. He suggested considering allowing businesses that would not need deliveries by tractor-trailer trucks. Mr. Sigfridson stated that it is not that type of property.

There was discussion regarding the size of the septic tank. Mr. Sigfridson stated that he was assured that it is adequate. Ms. Roberson asked if the Department of Health has reviewed the plans. Mr. Sigfridson stated that they had and he has a letter. Mr. Sigfridson stated that he mentioned to Bruce Woodis (KWP Associates) the possibility of a hair salon or barber shop. The cannot tie-into the high-pressure sewer line.

The Application has already been approved by the IWWC.

- **Gideon Mattson**, 23 Hyde Road, asked about lighting in the evening. Mr. Sigfridson stated that there would probably be some sign lighting determined at the time of getting the sign permit. Ms. Roberson stated that, if there is going to be any building or pole-mounted lighting, it should be on the site plan. Mr. Sigfridson stated that there isn't any lighting being proposed. Mr. Roberson stated that if any lighting is proposed, it will need to be compliant with the Zoning Regulations. She said that it is supposed to be part of the Architectural Design Review. Mr. Sigfridson stated that he envisions a wall sconce adjacent to each door, but he doesn't foresee that they would be left on.

Motion was made by A. Tanner to continue **SP 20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson, to the next regular meeting of the Brooklyn Planning and Zoning Commission on March 4, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Fitzgerald.). No discussion. Motion carried (6-0-0). M. Sigfridson had recused herself.

M. Sigfridson returned and resumed the position of Chair.

d. 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. – Continued to March 4, 2020 (see above).
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 1.5 million cubic yards of sand and gravel. – Continued to March 4, 2020 (see above).
3. **SP 20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson. – Continued to March 4, 2020 (see above).

VII. New Business:

a. Applications:

1. **ZRC 20-001** – A proposal to make amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.O.4.1, 6.P.3.3, 7.B.5.4.

J. Roberson explained that this is a formal Application by the PZC for a Zone Text Change as discussed at the PZC Meeting of February 5, 2020. There was discussion regarding timeline.

Motion was made by J. D’Agostino to schedule a public hearing for **ZRC 20-001** – A proposal to make amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.O.4.1, 6.P.3.3, 7.B.5.4, for the regular meeting of the Planning and Zoning Commission to be held on April 1, 2020, at 6:30 p.m. in the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Fitzgerald. No discussion. Motion carried unanimously (7-0-0).

Mr. Sczuroski asked about the time when tweaks could be made and Ms. Sigfridson stated that it would be done during the public hearing.

Paul Archer, seated in the audience, disagreed and stated that he thought that once it is published, it can’t be tweaked. Ms. Roberson stated that it can be tweaked up until the public hearing is closed. She explained that only the Section numbers are published and not all of the proposed changes.

Mr. Archer explained that he had wanted to comment regarding accessory buildings by special permit. Ms. Roberson stated that it will be presented to the public as listed by special permit, and if Mr. Archer feels it should be otherwise, he can discuss it during the public hearing. There was discussion and Mr. Archer suggested that the previous language be used from the previous Regulations. Mr. Roberson explained that the previous language

is ambiguous and can be interpreted different ways. Mr. Ives agrees that the language needs to be clearer. Ms. Roberson suggested that Mr. Archer read the Minutes and listen to the Audio of the Meeting of February 5, 2020.

b. Other New Business:

1. Preliminary discussion with David Lavoie DBA Honor Movers re: 71 Vina Ln.

Ms. Roberson stated that Mr. Lavoie was unable to come tonight. She explained that he wants to buy the chicken coop property on Vina Lane (4 chicken coop structures on the property). In 2015 the PZC approved a permit for a self-storage facility in two of the buildings. Mr. Lavoie wants to convert all four of the chicken coops to self-storage.

Mr. Ives left at 9:37 p.m.

Mr. D'Agostino left the room at 9:38 p.m. and returned at 9:43 p.m.

Mr. Lavoie was under the assumption that the previous approval covered all of the buildings. Ms. Roberson explained that it would be a modification because the previous approval only covered two of the buildings. She referred to the current Regulations concerning modifications of a special permit, page 201, Section 9.D.8.6. and 9.D.8.6.b. She asked the Commission for guidance as to whether it needs a public hearing or not (modification vs. new special permit).

Ms. Sigfridson commented that, although it doesn't seem like a huge change, but it increases (almost doubles) the gross floor area of that use, so it seems that it would require a public hearing. Discussion continued. Consensus that Mr. Lavoie be advised that it would require a new special permit/public hearing - 9.D.8.6.b.

VIII. Reports of Officers and Committees:

a. Staff Reports – None.

b. Budget Update – None.

c. Correspondence

There was discussion and it was decided to purchase a book (containing case law), from a training session, at a cost of \$55.

Ms. Roberson provided copies of, "From the Bench," Case law article 4-209 CCAPA. There was discussion regarding traffic consultants.

d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

The meeting was adjourned at 10:02 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary