

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, December 15, 2020
6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com On the top right, click Join Enter meeting information: 179 823 4239 Enter meeting password: RaraJPRn363 Click join meeting	Phone Dial 1-408-418-9388 Enter meeting number: 179 823 4239 You can bypass attendee number by pressing #

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:30 p.m.

II. Roll Call –Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Michelle Sigfridson. Charles Sczuroski was absent with notice.

Staff Present: Jana Roberson, Director of Community Development.

Also Present: Paul Archer, Archer Surveying; Robert Deluca, of CLA Engineers.

III. Seating of Alternates – None.

IV. Adoption of Minutes: Regular Meeting December 2, 2020

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of December 2, 2020. Second by A. Fitzgerald. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

V. Public Commentary

M. Sigfridson stated that there were no members of the public that had called in.

VI. Unfinished Business:

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

VII. New Business:

a. Applications:

- 1. SD 20-005 – 5-lot Subdivision**, Applicant: VBL Properties, LLC; 14 acres on the south side of Beecher Road (Map 22, Lot 38) in the RA Zone; Proposed creation of 5 residential building lots and an open space easement.

Ms. Sigfridson noted that this Application had been discussed briefly at the December 2nd meeting of the PZC and that the Brooklyn Conservation Commission

has met since then. The main issue for the PZC to discuss is the proposed open-space dedication.

Paul Archer stated that they had attended the Conservation Commission's meeting and that fee-in-lieu of open space had been discussed. The Conservation Commission was in favor of the easement as shown on the plan. He stated that Robert Deluca had met with Ms. Roberson at the property and they made modifications which makes it more accessible.

Mr. Deluca displayed plans as he explained the changes that were made:

- Showed the guardrail on the Survey Plan and extended the road line (at the corner of Beecher Road) to include the path making it wider for walking from the Road to the River. He indicated that there is currently access from the existing driveway. He indicated where there is a Town gate along the Town right-of-way where you can currently drive down to the River.

Mr. Deluca explained changes made to satisfy the Engineer's comments:

- Changed a note reference.
- Added a seal on one of the plans.
- Changed a house from multi-family back to two-family.
- Added a comment regarding underground/overhead utilities stating that it would be the discretion of the developer and that it did include cable and tv.

J. Roberson displayed and explained/orientated photos of the areas that were discussed. (included in packets to Commission Members – Pages 79 thru 86).

- Most of the property is to the west side of the Brook, old fields that is farmland.
- Ms. Roberson explained about the portion of the property on the east side that had been identified (in the Cultural Resources Assessment) as a former mill site. No remnants of the mill have been found and if there were remnants underground, this development, as proposed, would not be in that precise spot. She suggested that the PZC could consider a condition relating to the possibility of archeological resources being found during excavation. She noted that the archeological expert did not have specific concerns about this area.
- Ms. Roberson noted the significance of this area and displayed the Black Brook Trail Map (which, she said, will need to be updated) and orientated the area as it relates to this Application. She noted that there is a significant recreational resource in Town that is adjacent to this property and the Town property abuts the property that is proposed for development. Ms. Roberson displayed an aerial photo from Google Earth and orientated the area (she had outlined/highlighted the subdivision area, Brook, wetlands, the Town-owned property, the Trail). Ms. Roberson spoke of the stream system which has native trout. Ms. Roberson displayed the Trail Head Sign and indicated the location of the parking area and where people can park along the side of the road.
- Ms. Roberson displayed a photo that had been sent to Commission Members separately from the packet. She orientated the area in the photo and explained about the erosion that occurs in that area and that the sediment is detrimental to the stream health. She noted that this is an important fisheries resource.

- Ms. Roberson displayed a photo of where she had met with Mr. Deluca and explained that they adjusted the easement boundaries to ensure that both areas to either side of the Stream are included in the Conservation Easement. She noted the importance of this and said that Mr. Ives had mentioned it at last week's meeting of the Conservation Commission. She guessed that the percentage of open space proposed is now probably about 22 percent. The Conservation Commission approves of the easement area that has been proposed (recommendation was included in packets to Commission Members). Ms. Roberson noted that the boundaries have been tweaked since then, but it was to ensure that the public access points were included and it is now bigger.
- Ms. Roberson stated that she added language to her Staff guidance/sample motion regarding the transfer of property along the road frontages (which, she said, was in the Application). Ms. Roberson read aloud Conditions, Item 1.c of the Staff guidance/sample motion regarding a 4.61-acre Conservation Easement. She commented that it is important to have a small sign on either side of the Brook recognizing that it is a public space.

Mr. Deluca and Mr. Archer noted a correction to the acreage of the Conservation Easement. It was 3.2 acres and, with the adjustment, it is now 3.25 acres. Ms. Roberson verified that the 3.25 acres is correct.

There were no questions from Commission Members.

Motion was made by A. Fitzgerald to approve the Subdivision application of VBL Properties, LLC, identified in the files of the Brooklyn Land Use Office as SD 20-005, to create five residential lots on 14 acres on the south side of Beecher Rd. (Map 22, Lot 38) in the RA Zone in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

1. Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:
 - a. The Northeast District Health Department approval, Inland Wetlands and Watercourses Commission approval with conditions, and the Planning and Zoning Commission approval with conditions must be included on the final recorded subdivision plans. Draft final approved plans shall be submitted to town staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals and signed by Commission Chairs shall be recorded in the office of the Town Clerk.
 - b. All land within the subdivision that is within 25' of the centerline of roads abutting the property shall be conveyed to the Town of Brooklyn in a form acceptable to the Town Attorney in accordance with the Public Improvement Specifications and Section 10.6 of the Subdivision Regulations.
 - c. A 3.25-acre Conservation Easement to include the right of perpetual public access to Blackwell Brook (a wild trout stream), its associated wetlands, and adjacent Town-owned land (including hiking trails) shall be conveyed to the Town of Brooklyn in a form acceptable to the Town Attorney and in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8. The easement boundary shall be lineated in the field by markers on trees, fences, or posts at least every 100'. Markers will be provided by the Town of Brooklyn. Additionally, the Town of Brooklyn reserves the right to install appropriate signage for fishing access on both sides of the brook.
 - d. All boundary pins and monuments shall be set and field verified by the surveyor.

2. Prior to the issuance of a Zoning Permit on any lot:
 - a. The developer shall notify the Zoning Enforcement Office and Town Planner at least seven days in advance of any site work to schedule a pre-construction meeting.
 - b. Driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways.
 - c. The applicant and/or individual lot developers shall minimize impacts to natural features both on private lots and in the Town of Brooklyn r.o.w. to the greatest extent possible. This shall include but is not limited to the preservation of stonewalls, the protection of mature trees lining any public road, and the minimization of clearing and grading.
 - d. No stonewalls, mature trees, or ledge within the r.o.w. shall be removed or modified unless necessary for safety. The responsibility of clearing, grubbing, blasting, and earthmoving within the Town of Brooklyn r.o.w. shall be the responsibility of the individual lot developer.
 - e. Any cutting of trees greater than 30" d.b.h. for sightlines shall require prior approval by the Town of Brooklyn Tree Warden upon finding that the removal of trees is unavoidable to guarantee adequate driveway sightlines.
3. Prior to the issuance of a Certificate of Zoning Compliance on any lot, stonewalls must be finished at any necessary openings for driveways.

Second by A. Tanner.

Discussion:

Ms. Sigfridson verified that the correct acreage of 3.25 acres for the Conservation Easement had been stated in the motion.

Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

b. Other New Business – None.

VIII. Reports of Officers and Committees:

- a. Staff Reports: In-person discussion with Margaret Washburn, ZEO

Margaret Washburn commented that she works from 8 a.m. to 3:30 p.m., Monday through Thursday and that she is busy. Ms. Washburn explained that she finds that enforcement is extremely time consuming. Her Report (dated December 1, 2020) was included in packets to Commission Members.

There was discussion regarding the following items from Ms. Washburn's Report:

- Paradis Lake
- 4 Elm Street

There was discussion regarding that changing the Blight Ordinance to have common timelines would be helpful for Staff.

J. Roberson gave an update on the appeal by Brooklyn Sand & Gravel of their approval which prohibited processing. The Town of Brooklyn did not win the Court case. Ms. Roberson stated that Mr. Ives suggests that the Commission discuss this with Town Attorney, Peter Alter in Executive Session at the next meeting of the PZC (January 6, 2021). Information can be obtained from the Judicial Department website. There was discussion regarding rules of Executive Session.

- b. 2021 Meeting Schedule

There was discussion and no changes were made to the draft 2021 Meeting Schedule (included in packets to Commission Members). The Commission was in agreement to

continue with two meetings per month and if there is nothing for an agenda, the meeting will be cancelled. Ms. Sigfridson confirmed that the 2021 Meeting Schedule be posted with the Town Clerk.

c. Budget Update – Proposed FY 21-22 Budget

Ms. Roberson displayed the Proposed FY 21-22 Budget. It had been included in packets to Commission Members, but some were unable to open their e-mail attachment. There was discussion. Ms. Roberson suggested the following changes:

- Recording Secretary – Ask for Rate of Pay multiplied by 24
There was agreement among the Commission Members to ask for the full amount to cover 24 meetings.
- Supplemental Support for Zoning Enforcement – Move into Land Use Department (enforcement-related expense, e.g. State Marshal Services, Surveyor)
There was agreement among the Commission Members to move this to the Department Budget. Ms. Roberson will be meeting with Ms. Washburn next week and will discuss this.

Ms. Roberson explained that what should be included in the PZC's budget are expenses directly attributed to Commission work (e.g. hire an architect for architectural review, for those times when the Applicant cannot be charged, training/transportation for Commission Members, publishing of legal notices required by Statute).

Discussion continued.

d. Correspondence – None.

e. Chairman's Report – None.

Ms. Sigfridson thanked everyone for their service and wished everyone Happy Holidays.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 7:43 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary