

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, February 3, 2021
6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com Click sign in On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: Wednesday	Phone Dial 1-415-655-0001 Enter meeting number: 126 815 8731 You can bypass attendee number by pressing #

MINUTES

NOTE: There were technical issues throughout this meeting which were expressed by all participants (mostly audio, but Jana Roberson experienced video problems as well and she was unable to display maps/documents). The Host, Michelle Sigfridson, was able to hear the participants clearly (most of the time). She reiterated, at times, so that all could have an understanding of what had been said.

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:40 p.m.
- II. Roll Call** – Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Charles Sczuroski, Michelle Sigfridson.

Staff Present: Jana Roberson, Director of Community Development.

Also Present: Paul Terwilliger, PC Survey Associates; Paul Archer, Archer Surveying; Robert Deluca, of CLA Engineers.

- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Regular Meeting January 6, 2021

Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of January 6, 2021.

Second by A. Fitzgerald. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

- V. Public Commentary** – None.

VI. Unfinished Business:

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

1. **SD 20-002** - Proposed modification of open space dedication for 3-lot subdivision on Church Street.

Paul Terwilliger, PC Survey Associates, represented the Applicant and summarized:

- The Brooklyn Conservation Commission reviewed the modification of the original proposal for open space: To create two separate areas on the 16-acre lot instead of one long area that cuts all the way through the property (as originally proposed). This was discussed at the PZC meeting of January 6, 2021. The Conservation Commission recommends keeping with the original proposal or, as an alternative, fee-in-lieu of open space. Mr. Terwilliger stated that the Applicant does not object to fee-in-lieu of open space, but this would require them to get an appraisal. He asked if this would require that they come back before the PZC again, or if it could be handled at Staff level. He explained that there would be three lots, so one-third would be dedicated at the time of the conveyance of each of the lots. J. Roberson stated that it is not normal procedure to get an appraisal afterwards, but said that the Commission could probably proceed. She referred to the sample motion provided in the Staff Guidance Sheet (dated 2-3-21) for Commission Members to consider. There was discussion and Ms. Roberson explained that the appraised value/fee-in-lieu per lot is not needed to proceed.

Motion was made by A. Tanner to change the open space on the lots to fee-in-lieu to be determined and approved by Staff.

Ms. Roberson suggested using the sample motion provided in Staff Guidance as it contains accepted language.

There was no second to this motion.

No vote was taken.

Motion was made by A. Fitzgerald to modify the approval of SD 20-002 to include a fee-in-lieu of open space in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8 instead of a conservation deed restriction. An open space lien may be placed on the building lots to ensure that the fee-in-lieu of open space is paid at the time of sale.

Second by E. Starks. No discussion.

Roll Call Vote: A. Tanner – abstained (he objects because the motion that he made was not being used); E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-1).

Ms. Sigfridson explained that motions do not have to be exactly as written by Staff, but, she said that in this case, she prefers that the language in the sample motion referencing the Statute/Ordinance be used since the value had not been set (which is what the Staff would need to follow to do that).

Ms. Sigfridson explained to Mr. Terwilliger that the fee-in-lieu has been approved, that the appraisal is needed, that he can work with Staff to get the lien in place, and that the Applicant does not need to come back before the PZC.

2. **SD 21-001** – 4-lot Subdivision, Applicant: Square One Building Associates; 23 acres on the west side of Tripp Hollow Road (Map 7, Lot 12-1) in the RA Zone; Proposed creation of 4 residential building lots.

Paul Archer, Archer Surveying, represented the Applicant and Robert Deluca from CLA Engineers was also present. Mr. Deluca summarized:

- They met with the Brooklyn Conservation Commission on Monday (Letter dated February 2, 2021, was included in packets to Commission Members. Ms. Sigfridson stated that the Conservation Commission recommends a permanent conservation easement covenant, as proposed by the plan (5.58 acres of open space adjacent from existing 9.19 acres). Ms. Sigfridson read aloud the restrictions listed in the letter which Mr. Deluca agreed are included on the plan.
Ms. Roberson explained and there was discussion regarding that the document referred to is a Conservation Restriction Covenant, not an easement as it does not grant public access. There was discussion regarding transfer of the development vs. transfer of land.
- Mr. Deluca stated that Syl Pauley's comments were addressed:
Ms. Sigfridson asked that Mr. Deluca address Mr. Pauley's comments that state that they have not been addressed.
Sheet 2 of 8 – Mr. Deluca stated that the two comments regarding wetland flags had been addressed. They added the flags and added a note had been added.
Sheet 4 and 5 of 8 – Mr. Deluca stated that they had addressed the two comments regarding silt fence.
Mr. Deluca explained that the comment regarding 25' feet from the centerline being deeded to the Town is not valid.

J. Roberson stated that Mr. Pauley's concerns had been adequately addressed. She stated that she had no further concerns.

C. Sczuroski asked about Mr. Pauley's Comment #8 on **Sheet 5 of 8**. Mr. Deluca stated that the construction detail is on the plan. Mr. Sczuroski stated that he was satisfied.

Ms. Sigfridson asked if the Commission Members had comments or concerns regarding what type of open space dedication the Commission will require. There was discussion. Mr. Archer stated that they would like to follow the same covenants to be consistent with the nine acres. Mr. Deluca stated that it is the same language as for the nine acres. A. Fitzgerald asked what page contains the drawing for the open space. Mr. Deluca stated that it was not in the packet. Ms. Sigfridson stated that page 38 of 50 shows it toward the back of Lot 12-1. Ms. Roberson stated that it is adjacent to the existing private open space. Mr. Fitzgerald stated that he could now see it.

There were no further comments from Commission Members. Ms. Roberson stated that it is pretty straightforward as long as the Commission is okay with the open space.

Motion was made by C. Kelleher to approve the Subdivision application of Square One Building Associates, identified in the files of the Brooklyn Land Use Office as SD 21-001, to create four residential lots and a shared driveway on 23 acres on the west side of Tripp Hollow Road, (Map 7, Lot 12-1) 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 Health Department approval, the 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, signed by Commission Chairs, and shall be recorded in the office of the Town Clerk.
 - b. A Shared Driveway and Maintenance Agreement for the shared driveway in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision mylars in the office of the Town Clerk.
 - c. A Conservation Deed Restriction for the conservation area comprising 5.58 acres on Lot 12-1 in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision mylars in the office of the Town Clerk.
 - 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 with 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. Stonewalls must be finished on the edges prior to the issuance of a Certificate of Zoning Compliance on any lot containing a stone wall.

Second by A. Fitzgerald.

Discussion:

Ms. Sigfridson commented that the motion does not mention much about the conditions of the Conservation Deed Restriction other than that it states "in a form acceptable to the Town Attorney." She asked if the conditions in the Conservation Commission's letter should be included. Ms. Roberson suggested the following language be added to the motion: The Deed Restriction for this open space should match the restriction on the adjacent open space.

C. Kelleher amended her motion to include additional language in Condition 1.c that the Deed Restriction for this open space should match the Restriction on the adjacent open space.

A. Fitzgerald seconded the amendment.

Roll Call Vote on the Amendment to the Motion: E. Starks – yes; A. Fitzgerald – yes; Charles Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

Roll Call Vote on the Main Motion as Amended: A. Fitzgerald – yes; Charles Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; M. Sigfridson – yes. Main Motion as Amended carried unanimously (6-0-0).

VII. New Business:

a. Applications:

1. **ZC 21-001** – Zone Boundary Change from R-30 to RA; Robert Perry, Location: 202 South Street, Three acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13)

M. Sigfridson stated that keeping horses is not permitted in the R-30 Zone.

Motion was made by A. Fitzgerald to schedule a public hearing for ZC 21-001 – A proposal to change the zoning designation for 202 South Street (Assessor's Map 40, Lot 13) from R-30 to RA for the regular meeting of the Planning and Zoning Commission to be held on March 3, 2021 at 6:30 p.m. via virtual meeting.

Second by C. Kelleher. No discussion.

Roll Call Vote: Charles Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

b. Other New Business: None.

VIII. Reports of Officers and Committees:

a. Staff Reports

ZEO, Margaret Washburn's Report dated February 1, 2021, was included in packets to Commission Members.

J. Roberson stated that she will send her report to Commission Members via e-mail.

Ms. Roberson and Ms. Sigfridson plan to attend the Wesleyan "Land Use Law" virtual webinar on March 6, 2021.

b. Budget Update

J. Roberson is still working out the details.

c. Correspondence

J. Roberson will forward to Commission Members.

d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

The meeting adjourned at 7:48 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary