

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

To join this hearing via the web or phone, follow the below instructions:	
<b>Web</b> Go to <a href="http://www.webex.com">www.webex.com</a> Click sign in On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First	<b>Phone</b> Dial 1-415-655-0001 Enter meeting number: 126 815 8731 Enter meeting password: 34778 You can bypass attendee number by pressing #

**MINUTES**

**I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:37 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; Richard Ives, First Selectman and ex officio Member of the Planning and Zoning Commission.

**Also Present:** Robert Perry; Richard Klingensmith.

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

**IV. Adoption of Minutes:** Regular Meeting February 3, 2021

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of February 3, 2021, as presented. Second by C. Sczuroski. 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** – Ms. Sigfridson asked if there were any comments from the public and she checked to see if there were any callers. There were no callers.

**VI. Unfinished Business:**

a. **Reading of Legal Notice:** The Legal Notice for ZC 21-001 was read aloud by J. Roberson.

b. **New Public Hearings:**

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).

Robert Perry represented himself and explained that he is purchasing 202 South Street (under deposit) and would like to be able to have a couple of horses for his grandchildren who are learning how to ride.

J. Roberson explained that the previous owner was able to acquire some of the history of animals/livestock on the property. There is a letter from a former occupant who stated that they had many types of livestock/farm-related animals on the property over the years (including photos of ponies/goats/chickens). She

explained that Mr. Perry is aware that re-zoning this property would reduce the future development potential of this parcel. It is down zoning which will decrease the use. It is currently R-30 and sub-dividable and if changed to RA, it will no longer be eligible for subdivision, but he would be able to have agriculture which is what he wishes to do. Ms. Roberson compared this proposal to another recent zone change on Christian Hill Road. Ms. Roberson stated that there are a lot of livestock-related structures on this property and she is not aware of any problems.

Ms. Roberson displayed an aerial photo (Google Earth) showing the parcel. She orientated the area indicating the different zone boundaries. She also indicated some of the animal shelters that are on the property. This property is on the edge of the R-30 Zone.

There was discussion regarding zone boundaries. C. Kelleher stated that she sees no problem that would be caused by making this change. Margaret Washburn stated that she supports the change. A. Fitzgerald stated he has no problem with it. Richard Klingensmith stated that he thinks it is a wonderful idea.

Ms. Sigfridson checked to see if there were any callers for public comment. There were none.

Motion was made by C. Kelleher to close the public hearing for **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). Second by A. Fitzgerald. No discussion.  
Roll Call Vote: A. Tanner - yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

**c. Continued Public Hearings: None.**

**d. Other Unfinished Business:**

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).

Motion was made by A. Fitzgerald to approve **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) with the finding that it is suitable for the location, will aid in the protection of protect public health, safety, welfare, and property values and is consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The zone boundary change shall become effective 15 days from the date of publication on the website.

Second by A. Tanner.

There was discussion regarding the protection of public health, safety and welfare. Ms. Roberson explained that it is criteria outlined in the Statutes/Regulations. Ms. Sigfridson noted that the PZC should be trying to ensure these things when changing the Map and that supporting agriculture is consistent with the POCD.

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

There was discussion with Mr. Perry. He will notify Ms. Roberson of the closing date.

## 2. Discussion with Margaret Washburn, ZEO/WEO/Blight.

- Ms. Washburn discussed her concerns regarding the issue of contractors' yards which are now only allowed in the Industrial Zone (which is basically inaccessible). There are currently at least three contractors who seem to be running illegal contractors' yards. She noted that if contractors are wanted in Town, they need to have a place to legally have their yards. She asked that the Commission give this consideration.

Ms. Washburn described the following situations where she feels she may have to do some enforcing:

- 1) 36 Paradise Drive where a paving business is being run with no zoning permit. She referred to Google Earth images which have shown many pieces of equipment there.
- 2) Route 6 where a contractor bought a house (blighted) to fix up and he keeps his equipment on the property (including large, above-ground fuel storage tanks). He keeps his equipment on each job that he is currently working on, like a roving contractor's yard.
- 3) Another instance in the VC Zone running a lumber processing operation for commercial purposes. There is a trailer on the property.

Ms. Washburn stated that it is her understanding that there are others that she is not aware of.

Ms. Washburn explained that she had discussed with Ms. Roberson the possibility of Home Enterprise as a route to getting some of them approved. Fencing could be required so it would not be visible from the road.

Mr. Ives expressed his opinion that perhaps the Commission should revisit this. He feels that perhaps it could be allowed in the RA Zone with a special permit, but he does not agree with allowing it as a Home Business in any of the zones.

Ms. Kelleher expressed her opinion that she would rather see it as a specific permitted use and is in favor of revisiting this issue. She noted that Ms. Roberson had drafted some language, but the Commission had decided to put it off to a later date.

Ms. Sigfridson agreed that Ms. Kelleher made a good point. She also commented that if the requirements of Home Enterprise were met, they could apply for a Home Enterprise permit (it is special permit). She stated that discussion could be put on the agenda for the next meeting.

Mr. Fitzgerald commented that the house on Route 6 is not getting fixed up, it looks terrible and he feels that it is not fair to the other businesses along Route 6 to allow that to continue.

Mr. Tanner stated agreement with Ms. Kelleher as he feels that special permit is cumbersome and costly.

There was discussion about the location of the Route 6 property. Ms. Roberson displayed the Zoning Map and identified the property as a yellow

house visible from Route 6. Ms. Roberson will discuss this site with Ms. Washburn at a later time.

Ms. Roberson explained that the language that she had drafted for Home Enterprise was written specifically to accommodate the most intensive home businesses and were unique in allowing home enterprises (as it was outlined), but it doesn't work for everyone. She noted that contractors are a big part of our local economy and we need to look at this as part of accommodating local businesses. On the other hand, it doesn't mean that everyone who is doing what they are doing now will be allowed to continue (some have properties that are inappropriate, could be the neighborhood or parcel size, just may not work there). She will prepare information for the next meeting. Agreement was expressed by Ms. Kelleher, Mr. Tanner and Ms. Sigfridson.

- Mr. Tanner asked about an issue with the Ice Box.  
Ms. Roberson explained that a building permit (for a smoke hood and other interior renovations) had been issued mistakenly for the building to the side of the Ice Box. The building permit was pulled. There was a misunderstanding regarding what uses had already been permitted. The hope is that they will apply for a special permit to expand their business. Mr. Ives stated that they are in discussion with attorneys and he suggested that it may be a good idea for the Commission to have this discussion at the next meeting (possibly executive session if it has not been resolved). Mr. Ives will attend the next PZC meeting.

Commission Members, as well as Mr. Ives, expressed appreciation for Ms. Washburn's work.

3. **SD 20-005 mod** – Proposal to modify conditions for 5-lot Subdivision on the south side of Beecher Road.

Ms. Sigfridson noted that this subdivision had been recently approved by the PZC. J. Roberson explained that when conditions of approval are drafted for subdivisions, there are conditions that are tied to certain points in time. She explained that Paul Archer discovered that he could not set the property corners before the mylars were recorded because the ground was frozen. She noted that this may not be necessary because the ground is now thawing rapidly. Mr. Archer requested a modification of the conditions to allow that the pinning of the property corners take place at a later time - he suggested before a Certificate of Occupancy is issued. Ms. Roberson noted that that is the last thing that happens and stated that there are a lot of good reasons for having the property corners up prior to construction. One reason being that Ms. Washburn will need to see those to determine, in the field, approximately where setbacks are and to orient herself. Ms. Roberson suggested a compromise: changing the order of the pinning of the property corners to prior to the issuance of a zoning permit (this will allow the survey crew a little more time for the ground to thaw out). Mr. Tanner stated agreement with Ms. Roberson's suggestion.

There were no further comments from Commission Members or Staff.

Motion was made by A. Tanner to approve the request from Paul Archer regarding **SD 20-005 mod** – Proposal to modify conditions for 5-lot Subdivision on the south side of Beecher Road, to allow him to set the boundaries before the time of the Zoning Permit.

Second by C. Kelleher. No discussion.

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

4. **SD 21-001 mod** – Proposal to modify conditions for 4-lot Subdivision on the west side of Tripp Hollow Road.

Ms. Roberson stated that this proposal is the same as for **SD 20-005 mod** above.

Motion was made by A. Tanner to approve the request of Paul Archer regarding **SD 21-001 mod** – Proposal to modify conditions for 4-lot Subdivision on the west side of Tripp Hollow Road, to allow him to set his boundary lines at the time of Zoning Permit issuance. Second by A. Fitzgerald. No discussion.

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

5. **SPG 20-001 mod** – Proposal to modify conditions for Gravel Special Permit on the east side of Allen Hill Road.

Ms. Roberson stated that Richard Klingensmith, the Contractor hired to do the gravel removal work, was in attendance representing Mr. Lehto.

Ms. Roberson explained about the bonding that was required (as with all gravel operators) to guarantee that the site work will be finished (particularly the restoration/vegetation and any repair to the private roads on the property (paved road/gravel road/gravel excavation). She explained that the plans for the special permit included two phases: Phase One – the southern lobe of the gravel removal; Phase Two – the northern lobe. She said that it is possible to complete one phase before initiating the other. Mr. Held, the Project Engineer, had suggested that the project could be bonded in phases, but this language was not included in the conditions of approval. Ms. Roberson stated that the PZC can modify its action if found appropriate. Ms. Roberson said that Mr. Klingensmith will be supplying portions of the bond as well as Mr. Lehto.

Ms. Roberson suggested that, for the excavation portion of the project, that the bond amount be adjusted. She said that a certain amount of money is reserved to restore Phase One and we would wait until Phase One is restored before initiating Phase Two (which would have to happen either when the full bond amount for the excavation was received or upon the release of the bond for Phase One). She assured that the full bonding for the road work would be required before any other work can begin.

There was discussion regarding a question by Mr. Fitzgerald that the condition does not mention that the restoration has to be complete before you can start the next phase. Mr. Tanner stated that he feels that original motion and the suggested language contradict each other. Ms. Roberson offered that the language could be revised and she asked if this idea of bonding in phases is something that the Commission Members would entertain. Mr. Tanner stated that he does not have a problem with that. Ms. Roberson said that it was approved in phases, but the bonding condition never mentioned the phases.

Ms. Sigfridson asked Ms. Roberson if she feels that this is a valid concern. Ms. Roberson stated that Phase Two cannot be opened until Phase One is complete (and he would get his bond restored). Ms. Roberson wants to be sure that the PZC's concerns are addressed.

Mr. Klingensmith stated that when he excavates, he removes the material and reclaims at the same time. He explained that his attorney spoke with the Town Attorney and they are in agreement that it looks like the way that it is written already would work because there are two phases and you could never start Phase Two without completing Phase One.

Ms. Roberson referred to the plans (which were included in digital packets to Commission Members) and she stated that the phases of excavations are contained on page 7 in the Excavation Notes.

Mr. Fitzgerald reiterated his concern that the condition does not mention that Phase One has to be restored, the bond will be returned, then the next phase can be started. Ms. Roberson explained that restoration takes time and that the goal is re-vegetation. She stated that once the grading and seeding are done, that portion of the bond could be released incrementally.

Mr. Ives stated that there is no need to tie-up the bonding when the project is in phases. You just need to agree on the language – everybody is saying the same thing. He said that layering the bonding is perfectly normal. Ms. Roberson stated that she thinks that everyone is saying the same thing: that the work needs to be complete to the satisfaction of the Town before work can continue. Mr. Klingensmith agreed. Mr. Fitzgerald agreed.

There was discussion regarding Mr. Tanner's question about the bonding on the road. He asked when it is required to be done. Ms. Roberson stated that it is to be done before anything happens. She said that there is no suggestion to change the bonding for the road (there is \$38,000 to repair the paved and \$10,000 to repair the gravel road). The full amount for the road repair is going to be required up front. Ms. Roberson explained that, if this change is accepted, the amount to cover the Phase One area of excavation (\$41,000) would also be required. Discussion continued and it was decided to add the following sentence at the end of the suggested language: "The repair of Riverwalk Drive and the gravel road shall occur following the completion of excavation."

Mr. Klingensmith stated that they plan on starting within the next two weeks. Mr. Fitzgerald asked if the condition regarding walking and taking pictures of the site has been done yet. Ms. Roberson explained that an analysis of the road was done over the summer/fall. A report on the status of Riverwalk Drive was prepared by Syl Pauley. This will allow for the documentation of damage as needed. They will inspect it again as soon as the road is passable again.

Motion was made by A. Tanner to modify the approval of SPG 20-001 to allow that Condition 2. be amended to allow that the excavation areas be bonded in phases consistent with the approved phases of excavation. The southern Phase One (4.1 acre excavation area including 63,000 c.y. of gravel) will require a bond to be posted in the amount of \$41,000 prior to commencement of work. The northern Phase Two (2.6 acre excavation area including 27,000 c.y. of gravel) will require a bond to be posted in the amount of \$26,000 prior to the commencement of work. Bonding for each of the phased excavation areas will be returned when the restoration of such phase is complete to the satisfaction of

the Town. Bonding for other required work including \$10,000 to repair erosion on the gravel access road and \$38,000 to repave Riverwalk Drive shall be required prior to any activity on the site. The repair of Riverwalk Drive and the gravel road shall occur following the completion of excavation. 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).

Ms. Roberson will contact Mr. Klingensmith about finalizing the bonding agreement and will coordinate with Paul Lehto regarding his portion.

**VII. New Business:**

- a. **Applications:** None.
- b. **Other New Business:** None.

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

- a. Staff Reports  
Ms. Roberson mentioned the Land Use Webinar Workshop this weekend. She will attend as well as Ms. Sigfridson, Ms. Washburn and Mr. Tanner.
- b. Budget Update  
Ms. Roberson explained that some changes were made to the way revenues are documented. Revenues from Wetlands, ZBA, Building Code and Fire will be accurately accounted. Mr. Ives explained that prior years will be corrected.
- c. Correspondence – None.
- d. Chairman's Report – None.

**IX. Public Commentary – None.**

At this time, Mr. Tanner commented that he had logged onto the NECCOG meeting last Friday. He asked about the status of the POCD. Ms. Roberson stated that they are still working on getting a contract. The PZC will have an opportunity to comment, but it is not ready to share yet.

Mr. Tanner also commented that there was discussion at the NECCOG meeting regarding De-segregate Connecticut and that there may be mandatory training for zoning board members. Discussion ensued. Mr. Ives will keep the PZC informed regarding the Bill.

**X. Adjourn**

Motion was made by A. Tanner to adjourn at 8:12 p.m. Second by A. Fitzgerald. No discussion. Motion carried unanimously by voice vote (6-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary