

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, June 15, 2021
6:30 p.m.**

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MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:34 p.m.

II. Roll Call – Carlene Kelleher, Earl Starks, Allen Fitzgerald, John Haefele, Seth Pember, J.R. Thayer, Michelle Sigfridson. Austin Tanner arrived at 6:43 p.m. Charles Sczuroski was absent with notice.

Staff Present: Jana Roberson, Director of Community Development.

Also Present: Paul Archer, Archer Surveying; Robert Deluca, CLA Engineers; Maria Gandy-Winslow; Scott Winslow; and Summer Winslow, Sole Proprietor of 233 Pottery.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Alternates John Haefele, Seth Pember and J.R. Thayer as Voting Members for this meeting. Second by A. Fitzgerald. No discussion.
Motion carried unanimously by voice vote (4-0-0).

IV. Adoption of Minutes: Regular Meeting June 2, 2021

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of June 2, 2021, as presented. Second by E. Starks. No discussion.
Motion carried unanimously by voice vote (7-0-0).

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. **SP 21-002:** Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack. ***TABLED TO AUGUST 4, 2021***

There was no discussion on this item.

2. **SD 21-002:** Subdivision Application to create two buildings lots at 53 Proulx Street (Assessor's Map 41, Lot 85), 1 acre, R-10 Zone, Applicant: A. Kausch & Sons.
DISCUSSION OF OPEN SPACE DEDICATION ONLY

Memorandum from the Brooklyn Conservation Commission (dated June 10, 2021) was included in packets to Commission Members. The Conservation Commission recommends:

- Fee-in-lieu of open space for this parcel.

Paul Archer, Archer Surveying, represented the Applicant and stated that Mr. Kausch is in favor of fee-in-lieu of open space. They would like to hire Platt Associates to do the appraisal to be ready for the July meeting of the PZC.

There was discussion and the PZC determined by consensus that fee-in-lieu of open space is acceptable for this Application and that Platt Associates is appropriate to do the appraisal.

Ms. Sigfridson noted that Mr. Tanner was now present.

3. **SD 21-003:** Subdivision Application to create four building lots at 111 Day Street (Assessor's Map 42, Lot 32), 6 acres, R-30 Zone, Applicant: CNG Holding, LLC.
DISCUSSION OF OPEN SPACE DEDICATION ONLY

Memorandum from the Brooklyn Conservation Commission (dated June 10, 2021) was included in packets to Commission Members. The Conservation Commission's recommendations for this parcel:

- That the PZC require an open-space dedication as a private deed restriction. Further, it recommends that this land be closer to the north-west property line due to the abundance of agricultural soils, wildlife corridors and stone walls. In addition, the BCC recommends that there be no motorized vehicles, no gravel extraction and no clear cutting of trees to help reduce erosion.

Paul Archer, Archer Surveying, represented the Applicant and he stated that they are not in favor of the open-space dedication and explained that they are in favor of fee-in-lieu. He said that only .65 acres would be put into an open-space easement and that there are no other open-space easements in the area. He does not see an advantage as it does not connect to any other open space in the area.

C. Kelleher recused herself because she lives directly across the street from this property.

Ms. Roberson displayed an aerial photo of the property from Google Earth. She orientated and explained the area and indicated the location for open space as recommended by the BCC (a steep area on the northwest side of the property near the tree line and a stone wall - there is grading and a retaining wall proposed in that area).

Ms. Roberson displayed the Site Plan indicating the existing house, contour lines, the steep slope, tree line and the stone wall. She indicated the proposed lot boundaries (three frontage lots and one rear lot). The rear lot is the one with 50 feet of frontage and the access strip.

Ms. Roberson displayed the Development Plans showing existing conditions for the existing house. She noted that they show three proposed driveways, three houses and a significant amount of grading due to the slopes on the property (going up quite steeply to the west). She indicated the proposed retaining wall with grading in front of it. She indicated another retaining wall shown on the western edge. Ms. Roberson explained BCC's interest in their recommended location for open space.

Mr. Archer (who was experiencing some technical difficulties) explained that there is a potential that they would lose a lot with open-space dedication. He said that he does not see where having a half-acre of open space in that area would be advantageous to anyone. He feels that taking land away from the grading ability would hinder the lot with what you can do.

Robert Deluca, CLA Engineers who did the design work for the grading and the retaining walls, explained that the retaining walls are all less than four feet. He explained that Syl Pauley insisted that retaining walls be shown for grades steeper than 3-1 which isn't typical in most towns. So, they showed a couple landscape retaining walls and he said that existing grades there are probably steeper than the retaining walls and that if they would match the existing grades, they would've been fine. He doesn't feel that there isn't anything excessive about the grading. The lot is steeper than most, but it is certainly within the limits of what you can grade in order to create useable land.

Mr. Tanner and Mr. Starks expressed that they don't see an advantage to having open space there. There was discussion. Ms. Sigfridson spoke of the BCC's expertise on this subject and also about how the fee-in-lieu could potentially allow for the purchase of other desirable tracts. Ms. Roberson will e-mail the amount currently in the Open Space Fund to Commission Members. Mr. Fitzgerald also expressed that he doesn't see an advantage to this being open space, however, he stated that he would like the stone wall to remain. Ms. Roberson stated that, according to the plan, stone wall will stay. Mr. Archer noted that the stone wall could be part of the discussion for approval of the subdivision at next month's meeting. He said there are other ways of saving a stone wall other than an open space easement. Mr. Tanner, Mr. Starks and Mr. Fitzgerald, again, stated that they are in favor of the fee-in-lieu. Ms. Sigfridson also stated that she would not object to fee-in-lieu.

Ms. Roberson stated that the stone wall is completely within the 30-foot side-yard setback and, for the record, she stated that it is Lot 32C and she indicated the area on the map and explained that the corner of the house is right on it. She said that the retaining wall is shown to be in front of the stone wall and if the PZC is satisfied with that as protection, they have the authority to decide.

Ms. Sigfridson asked if there were any objections to accepting the fee-in-lieu of open space. There were no objections. Mr. Thayer explained that he would abstain from this decision because he lives nearby to the property. There was discussion.

The PZC determined by consensus that fee-in-lieu of open space is acceptable for this Application. Mr. Fitzgerald stated, for the record, that he would like to see the BCC's recommendations tied to the Application regarding: no gravel extraction; no clearcutting trees. Mr. Archer stated that there are no trees to clear-cut in the field;

they won't be taking gravel out of there other than what it takes to make the three houses work (two houses may be raised ranches). Ms. Roberson stated that it is in the Application file.

4. **SD 21-004:** Resubdivision Application to create two building lots at Almada Drive and Paradise Drive (Assessor's Map 21, Lot 6), 104 acres, RA Zone, Applicant: Paul Lehto. ***DISCUSSION OF OPEN SPACE DEDICATION ONLY***

Memorandum from the Brooklyn Conservation Commission (dated June 10, 2021) was included in packets to Commission Members. The Conservation Commission's recommendations:

- That the PZC require open space dedication as a conservation easement. The location of which would be off of Paradise Drive and between the proposed parcels 1 and 2. The rationale is that this could be a possible future public access if the Town acquires any adjacent land.
- The BCC further recommends that the PZC request an archeological review of the entire parcel by the State Archeologist due to the fact that neighboring parcels have been found to have archeological significance.

Robert Deluca, CLA Engineers, represented the Applicant. Mr. Deluca stated that he has spoken with Mr. Lehto and that he is open to doing something with a conservation easement. Mr. Deluca stated that he is not sure what the BCC is looking for and he asked for direction from Ms. Roberson.

Ms. Roberson displayed an aerial photo of the property from Google Earth. She orientated and explained the area showing 5-foot contours indicating steep terrain on the parcel. She indicated the parcel locations (one parcel to be accessed from Almada Drive and the other parcel to be accessed from Paradise Drive).

Ms. Roberson displayed the plans showing and explaining contours, wetlands and new proposed lots, existing house, proposed house site (frontage on Paradise Drive) and shared driveway (serving the two homes). The IWWC has not yet acted on this Application. Ms. Roberson explained what the State Archeologist would do if the PZC were to request a review. Mr. Deluca stated that it is unlikely that anything would be found on those slopes. Ms. Roberson agreed and stated that referral to the State Archeologist is something that the PZC has done for many subdivisions. She said that it is not so much the number of lots, but the location.

There was discussion regarding the strip of land which Mr. Deluca stated is approximately 250 feet wide by 450 deep (10 percent of the 15 acres is 2.25 acres). Mr. Fitzgerald expressed that he agrees with the BCC's recommendations. Mr. Thayer agreed and also expressed that he agrees that the State Archeologist should review it. Mr. Starks expressed agreement also. Ms. Kelleher stated that she agrees also.

The PZC determined by consensus to refer this Application to the State Archeologist for review.

There was discussion regarding fee-in-lieu vs. open space dedication and what type of open space. Ms. Roberson referred to page 26 of the Subdivision Regulations and she explained conservation easement, public access easement, fee simple, land trust, private deed restriction.

The PZC determined by consensus to accept the recommendation of the BCC in its entirety regarding open space and State Archeologist Review for this Application.

Mr. Deluca asked for clarification regarding conservation easement restrictions. Ms. Roberson gave an explanation and will e-mail the standard language/template to Mr. Deluca. Mr. Deluca asked whether a type of access road (to remove wood) would be allowed because Mr. Lehto will be asking him about that. Ms. Roberson stated that road building would not be allowed, nor would any grading associated with a driveway. Mr. Deluca stated that he does not think that Mr. Lehto would be planning on doing that.

VII. New Business:

a. Applications:

1. **SPR 21-002:** Site Plan Review for Home Business at 233 Herrick Road (Assessor's Map 17, Lot 25-2), 3.7 acres, RA Zone, Applicant: Maria Gandy-Winslow.

Maria Gandy-Winslow, her husband Scott Winslow, and her daughter Summer Winslow (Sole Proprietor of 233 Pottery) were all in attendance.

Scott Winslow explained that Summer had asked her parents to build a 12' x 16' post-and-beam structure to store and display her pottery and to meet with clients on an individual basis to sell her pottery (which would be by appointment only). They estimate that there would be between 0-to-5 clients per month. They have already received Health Department approval.

Ms. Roberson commented that the studio where Summer makes the pottery is currently on the property on the second floor of the garage. Maria Gandy-Winslow noted that the permits for the kiln had been pulled years ago.

Ms. Roberson displayed an aerial photo of the property from Google Earth. She orientated the property and indicated the location for the proposed building (looking from the road, it would be to the right/west of the garage).

Ms. Roberson displayed the plan and orientated the property and she explained that this is a proposal for a home business. She noted that retail is not allowed under Home Business, however, she gave an example where, in the past, a nutritionist was allowed to sell supplements as part of her home office. The interpretation of the Board, at the time, was that it was not an on-site retail store. Ms. Roberson stated that a potter that sells at farmers' markets and on Etsy is not a retail store as we have come to understand it. Ms. Roberson said that this would primarily be used as warehouse space and, if approved, she would qualify for a sign (as limited by our Regulations).

Ms. Roberson displayed a roadside view of the proposed building.

There was discussion.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **Ms. Sigfridson** commented that she feels that the Regulations want to discourage the traditional drive-by, retail-type location, but just because you're selling things, doesn't necessarily mean you meet that definition.

- **J. Haefele** clarified that this is to meet with clients (maybe to do some custom work) and perhaps, for a local sale made via some other mechanism (other than walk-in retail), they might pick up there. Mr. Winslow stated “that is correct.”
- **Mr. Starks** asked if Summer lives at the property. She does not.
- **Mr. Pember** asked about the sign. It will be for identification.
- **C. Kelleher** commented that it will have relatively little impact on the neighborhood, if any, she feels that it has been clarified that it does not meet the definition of retail and she stated that she doesn’t have a problem with it.
- **A. Tanner** questioned whether the structure should be further back from the road and whether it would be visible from the road. Maria Gandy-Winslow explained that the area is densely planted with burning bush and oak trees. She said that you may be able to see that there is a structure there, but detail wouldn’t be visible from the road. Ms. Roberson stated that it meets the setbacks. There was discussion regarding the setback. Ms. Sigfridson read from the Regulations, Section 8.a.4. Exceptions to the Setback Requirement (which does not apply because it is within the setbacks).
Mr. Tanner asked if there would be electricity or water. Mr. Winslow stated that there would not be water, but electricity is a possibility. They have not decided on whether there would be heat yet. If it were heated, it would be a Mitsubishi split unit.
Mr. Tanner stated that he does not have a problem with the Application.

Motion was made by C. Kelleher to approve the Site Plan Review application of Maria Gandy-Winslow for a Home Business for a pottery studio and storage at 233 Herrick Road (Map 17, Lot 25-2), identified in the files of the Brooklyn Land Use Office as SPR 21-002, in accordance with all final documents and testimony with the finding that it is consistent with the Zoning Regulations and the site plan objectives.

Second by A. Fitzgerald. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; J. Haefele – yes; S. Pember – yes; J.R. Thayer – yes; M. Sigfridson – yes.

Motion carried unanimously (8-0-0).

b. **Other New Business:**

1. Discussion of Affordable Housing Plan.

Ms. Roberson stated that Jim Larkin was unable to attend. The scope of work from the contract with NECCOG and the Housing Profile for Brooklyn (which shows that 35 percent of Brooklyn residents pay more than 30 percent of their income on housing) had been provided to Commission Members. She explained that housing is considered affordable if you don’t spend more than 30 percent of your income on housing costs. She asked that the Commission Members review the report. Also provided to Commission Members was a Community Values Statement from the Town of Mansfield’s Affordable Housing Plan (as an example). She stated that there is now a link to the Affordable Housing Plan on the Planning & Zoning page of the Town’s website. Information for the public will be posted there. One of the early steps will be a Community Input Survey. NECCOG will be preparing a Communications Strategy outlining how we will reach out to the public. She said a lot of it is also education as well as getting information out to the public. She will report (in the future) on data that she has collected from the Assessor on the tax data base.

There was discussion. Ms. Roberson explained State-defined affordable housing vs. naturally-occurring affordable housing. She explained that Brooklyn is currently under the ten-percent threshold and that ten percent does not reflect need or the meeting of needs. She encouraged the Commission Members to focus on need rather than the ten percent. She asked, "What steps could the Town make that would actually make a difference?" She referred to a guidance document on preparing an affordable housing plan. She will send the link to the guide book and to the Mansfield Plan to PZC Members.

Ideas for Community feedback or education:

- Knock on doors.
- Town Events.
- Brooklyn FaceBook.

Mr. Haelele offered to assist Ms. Roberson. Discussion continued. Ms. Roberson stated that when the Communication Strategy is drafted, it will come before the PZC for review/changes and approval. Ms. Roberson stated that extensions had been received for both the Affordable Housing Plan and the POCD. The Affordable Housing funds have to be expended by December 30th and the Plan has to be completed by June 2022. The POCD is already past the deadline, but a letter has been submitted to the State asking for more time.

The Affordable Housing Plan will be a chapter in the POCD update.

VIII. Reports of Officers and Committees: None.

- a. Staff Reports – None.
- b. Budget Update – None.
- c. Correspondence – None.
- d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:33 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary