

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, July 7, 2021 6:30 p.m.**

3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

In-Person: Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT All attending in person are required to wear masks.	
Online: Click link below: https://townofbrooklyn.my.webex.com/townofbrooklyn.my/j.php?MTID=m03cff485e32a4158afe905fc971a3c27	Go to www.webex.com, click Sign In OR On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First
Phone: 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** – Carlene Kelleher, Acting Chair, called the meeting to order at 6:36 p.m.
- II. Roll Call** – Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Charles Sczuroski all were present in person. Seth Pember, J.R. was present via Webex. Thayer. Michelle Sigfridson arrived at 6:40 p.m. (in person). John Haefele was absent with notice.

Staff Present: Jana Roberson, Director of Community Development (in person); Lisa Lindia, Brooklyn Building Office Assistant (via Webex).

Also Present:

In Person - Paul Archer, Archer Surveying; Robert Deluca, CLA Engineers; Jimmy West, CNG Holing, LLC; Judith Burke, 15 Robert Street; Bob Kelleher, Day Street.

Via Webex – J.S. Perreault, Recording Secretary.

III. Seating of Alternates

Motion was made by A. Tanner to seat Alternates Seth Pember and J.R. Thayer as Voting Members for this meeting. Second by A. Fitzgerald. No discussion.
Motion carried unanimously by voice vote (5-0-0).

IV. Adoption of Minutes: Regular Meeting June 15, 2021

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of June 15, 2021, as presented. Second by E. Starks. No discussion.
Motion carried unanimously by voice vote (7-0-0).

Michelle Sigfridson arrived at 6:40 p.m. and assumed the position of Chair.

V. Public Commentary

There were no comments from the public.

VI. Unfinished Business:

a. Reading of Legal Notices

Michelle Sigfridson read the Legal Notice aloud for SD 21-002, SD 21-003 and SD 2-004.

b. New Public Hearings:

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

Paul Archer, Arches Surveying, represented the Applicant. Robert Deluca, CLA Engineers, was also present.

Plans were displayed as discussed (included in packets to Commission Members).

Mr. Archer gave an overview:

- He gave a brief history.
- There is an existing house and garage on the property.
- He referred to a section of Kenneth Street that has never been built (a paper street).
- Lot 85-1 had been taken out as the first-time split, creating a parcel.
- This proposed subdivision involves the lot with the existing house and garage with 75 feet of frontage going back to Lot 85-2.
- There are wetlands and they got permission from the abutting neighbor, Judith Burke (present in person in the audience), to go onto her property to have the wetlands delineated. IWWC approval, with conditions, has been obtained (letter dated May 13, 2021 included in packets to Commission Members).
- Serviced by both public sewer and water.
- Mr. Archer displayed a plan, which he had not previously submitted, and referred to it as a demonstration showing both houses to be built. At this time, he submitted a copy to Ms. Roberson and provided copies for Commission Members to view.
- He said that the Town Engineer has reviewed and approved the whole project (letter dated April 30, 2021 was included in packets to Commission).
- Fee-in-lieu of Open Space: Appraisal was done by Platt Associates. Appraisal was for \$33,000, ten percent equals \$3,300, divided by two equals \$1,650 per lot, at the time of the transfer of each lot.

Jana Roberson displayed

Mr. Deluca stated that some of Town Engineer, Syl Pauley's, comments were opinions rather than comments, but that all were pretty minor and administrative and that all had been taken care of.

Jana Roberson discussed the road and frontage issue and she displayed an aerial photo and map of the original parcel from the NECCOG website.

- She indicated the free cut and stated that they had gotten IWWC approval for the first house. The second house is proposed for the northwest corner.
- She indicated the paper street (1940) stating that she does not think that the Town has any intention of ever making it a through street. Ms. Roberson verified that there is no frontage on Kenneth Street. She stated that it

should not be considered to be frontage. She considers it to be the side yard and subject to the side yard setbacks.

- She noted that this amount of density is appropriate for the zone as it is the highest density residential zone.
- She displayed the Site Plan and explained that they made a frontage lot that immediately narrows down to an access way. She said that she cannot find that this is any kind of violation of the Zoning Regulations and that there is no definition. It is like they made a rear frontage lot. She said that this is creative noting that it may be something that Commission may want to address. She said that she believes that it meets the Zoning requirements for a frontage lot.

Mr. Deluca reviewed Mr. Pauley's comments from his letter dated April 30, 2021, and how they had been addressed.

Mr. Archer explained and indicated that multiple iron pins were found coming down one side of Kenneth Street which he found to be an inaccurate source. He explained that he had to, basically, survey the whole block. He explained that it made the Applicant's lot smaller.

COMMENTS FROM THE PUBLIC

Judith Burke, 15 Robert Street, asked about the pins. Mr. Archer explained and indicated for her on the map that it was a sequential conveyance and that everyone has the correct frontage that they are supposed to have. There was discussion and Ms. Roberson stated that they were very consistently off and that the lot is 4 to 5 feet smaller to the south.

There were no further questions or comments.

Motion was made by C. Kelleher to close the public hearing for **SD 21-002: Subdivision Application to create two building lots at 53 Proulx Street (Assessor's Map 41, Lot 85), 1 acre, R-10 Zone, Applicant: A. Kausch & Sons.**

Second by A. Tanner. No discussion.

Motion carried unanimously by voice vote (8-0-0).

2. **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.**

Carlene Kelleher recused herself because she lives directly across the street from the property. Ms. Kelleher left the table and took a seat in the audience.

Paul Archer, Archer Surveying, represented the Applicant. Robert Deluca, CLA Engineers, and Jimmy West, CNG Holding, LLC, were also present.

Plans were displayed as discussed (included in packets to Commission Members).

Mr. Archer gave an overview:

- There is an existing home. The garage that used to be there, has been torn down.
- They are proposing a lot containing the existing house, one rear lot and two frontage lots.
- Deeding a strip of land along the west side of Day Street roughly ranging from 4' to 5' in width in order to get the 25' off the center line

requirement. No needed on Cliff Street. He confirmed for Ms. Roberson that he measured the 25 feet and it does not infringe on the property line as depicted.

- Platt Associates appraised the property. Appraisal was for \$45,000, ten percent equals \$4,500, divided by four equals \$1,125 per lot, at the time of the transfer of each lot.

Mr. Deluca explained that the plans had not changed and that Town Engineer, Syl Pauley's comments (letter dated May 7, 2021 included in packets to the Commission) had been addressed at the last meeting.

- There was discussion regarding sight lines and Mr. Deluca stated that he sees no problems, looking both ways. Ms. Roberson stated that Mr. Pauley confirmed that as well. Ms. Roberson said that it meets the criteria and spoke of speed being a problem, but she explained that is a separate issue that the Town needs to address.
- They have NDDH approval.
- There are no wetlands.

There was discussion regarding that no footing drains are required.

Mr. Archer indicated the location of the stone wall and explained that they are not doing anything near it.

COMMENTS FROM THE PUBLIC

Bob Kelleher, who lives across the street, voiced concern about water coming off the hill and where it will go. He feels the gravel driveways will wash out into the street and he is also concerned about icing in the winter. He feels that the three houses on this parcel is pushing the envelope. He suggests retaining walls.

Robert Deluca, CLA Engineers, addressed Mr. Kelleher's comments. He explained the contours/grades for the proposed lots. He explained the natural swale before you get to Day Street and said that the water never reaches the street or Mr. Kelleher's house. Ms. Roberson asked if he did drainage calculations. Mr. Deluca said that he had not. Mr. West, CNG Holding, LLC, indicated where there had been a parking lot, in the past, and that there are two culverts. He explained that he had cleaned out the one which was full (due to lack of maintenance) and that there have not been any issues with wash outs. Mr. West explained that he is not overly concerned about sloping. Mr. West said there was a 10-year storm in the last four weeks and there was no wash out. Discussion ensued. Mr. West explained and indicated on the plan that, if it is a concern of the Commission, he could increase the grade slightly. Mr. West and Mr. Deluca indicated and explained for Mr. Kelleher that they could soften it and make sure that there is more of a swale there. Ms. Sigfridson asked that a plan be submitted showing the revisions discussed. Mr. Kelleher asked that Syl Pauley review the revised plan. Discussion continued. Mr. Archer stated that, although he does not have it in writing, Mr. Rukstela said (over the phone) that he saw no problems with the driveways. Mr. Kelleher stated that if Mr. Pauley is satisfied with what they are doing about the situation, then fine. Mr. Pauley has not expressed concern regarding a water issue. Ms. Roberson stated that she feels that it needs a second look to be sure and that drainage calculations are advised to demonstrate storage capacity and to be certain that there won't be any water shedding onto the road causing unsafe conditions.

Ms. Roberson voiced concern, and there was discussion, regarding that there is a retaining wall proposed just a couple feet in front of a stone wall. Mr. West explained the stone wall will be protected. Mr. West stated that they would add a statement to the plan that the stone wall won't be impacted and if it is impacted, it will be replaced.

There was discussion about tree clearing. Ms. Roberson, for the record, stated that there will be tree clearing in the area for the rear house.

Mr. Deluca responded to Ms. Roberson's drainage concerns which he stated that he disagrees with her thought that drainage calculations are needed. He stated that they, typically, do not do drainage calculations for three houses such as this and he said that Syl Pauley also did not think that it was necessary. He said that he would be happy to look at some grading that could be proposed due to discussion tonight.

There was discussion regarding revising the plan and having Mr. Pauley review it. Mr. West voiced disagreement, for the record. He feels it is not necessary to have Mr. Pauley review it again. Mr. West, again, explained that he does not feel there is a water issue.

Mr. Deluca suggested a condition of approval for minor grading to alleviate some concerns of the neighbor. There was discussion regarding the changes to be made:

- The plans shall be modified to put in 15-inch CPE pipe under the driveways for Lots A and B.
- On Lot B, the driveway shall be graded to the slope toward the north between contours 246 and 250.

Motion was made by A. Fitzgerald to close the public hearing for **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.

Second by A. Tanner. No discussion.

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

Motion carried (7-0-0). C. Kelleher had recused herself.

Carlene Kelleher returned to the table and re-joined the meeting.

3. **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. ***PUBLIC HEARING TO BE RESCHEDULED***

No discussion.

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. ***PUBLIC HEARING SCHEDULED TO OPEN AUGUST 4, 2021***

No discussion.

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

Motion was made by A. Fitzgerald to approve the Subdivision application of A. Kausch & Sons, identified in the files of the Brooklyn Land Use Office as SD 21-002, to create two residential lots on 1 acre at 53 Proulx Street, (Map 41, Lot 85) in the R-10 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 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. All boundary pins and monuments shall be set and field verified by the surveyor.
2. At the time of sale of any building lot:
 - a. A payment in lieu of open space dedication shall be paid by the applicant to the Town in the amount of \$ 1,650 per lot in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8. 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.
3. 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. Vegetative clearing limits depicted on the plans shall be clearly marked in the field by the surveyor.
 - c. Driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways.
 - d. 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.
 - e. 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.
 - f. 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.
4. 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 C. Kelleher. No discussion.

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

Motion carried unanimously (8-0-0).

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.

Carlene Kelleher recused herself and took a seat in the audience.

Motion was made by J.R. Thayer to approve the Subdivision application of CNG Holding, LLC, identified in the files of the Brooklyn Land Use Office as SD 21-003, to create four residential lots on 6 acres at 111 Day Street (Map 42, Lot 32) in the R-30 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 Department of Health 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. All boundary pins and monuments shall be set and field verified by the surveyor.
 - c. The plans shall be modified to put in 15-inch CPE pipe under the driveways for Lots A and B.
 - d. On Lot B, the driveway shall be graded to the slope toward the north between contours 246 and 250.
2. At the time of sale of any building lot:
 - a. A payment in lieu of open space dedication shall be paid by the applicant to the Town in the amount of \$ 1,125 per lot in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8. 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.
3. 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. Vegetative clearing limits depicted on the plans shall be clearly marked in the field by the surveyor.
 - c. Driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways.
 - d. 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.
 - e. 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.
 - f. 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.
4. 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 Charles Sczuroski. No discussion.

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

Motion carried (7-0-0).

Carlene Kelleher returned to the table and re-joined the meeting.

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.

Ms. Roberson explained that a notice had been sent to abutters letting them know that the public hearing would be rescheduled.

Motion was made by A. Tanner to reschedule the public hearing for **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 the next regular meeting of the Planning and Zoning Commission scheduled for July 20, 2021, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT.

Second by C. Kelleher. No discussion.

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

Motion carried unanimously (8-0-0).

VII. New Business:

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

VIII. Reports of Officers and Committees:

- a. Staff Reports
There was discussion regarding Margaret Washburn's ZEO Report dated July 1, 2021 (included in packets to Commission).
- b. Budget Update (included in packets to Commission)
J. Roberson gave update.
- c. Correspondence – None.
There was discussion regarding retail.
There was discussion regarding training.
- d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:43 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary