

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, July 20, 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=m06601768d9f69b94af83afa453a07780	Go to www.webex.com, click Sign In OR On the top right, click Join a Meeting Enter meeting ID: 126 613 4783 Enter meeting password: Second
Phone: Dial 1-415-655-0001 Enter meeting number: 126 613 4783 Enter meeting password: 732663 You can bypass attendee number by pressing #	

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:51 p.m. (waited to have a quorum).

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Earl Starks, J.R. Thayer (present in person). Charles Sczuroski (via Webex). Austin Tanner arrived at approximately 7:09 p.m. (via Webex. Mr. Tanner was partially present due to his having had technical difficulties throughout the meeting).
Allen Fitzgerald, John Haefele and Seth Pember were absent.

Staff Present: Jana Roberson, Director of Community Development (in person); Rick Ives, First Selectman and ex officio Member of the Planning & Zoning Commission (via Webex).

Also Present:
In Person - Paul Archer, Archer Surveying.

Via Webex – Robert Deluca, CLA Engineers; J.S. Perreault, Recording Secretary.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Alternate J.R. Thayer as a Voting Member for this meeting. Second by E. Starks. No discussion.
Motion carried unanimously by voice vote (4-0-0). Mr. Tanner was not present at this time.

IV. Adoption of Minutes: Regular Meeting July 7, 2021

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of July 7, 2021. Second by J.R. Thayer. No discussion.
Roll Call Vote: C. Kelleher – yes; E. Starks – yes; C. Sczuroski – yes; J.R. Thayer – yes; M. Sigfridson – yes.
Motion carried unanimously by voice vote (5-0-0). A. Tanner was not present at this time.

V. Public Commentary – None.

VI. Unfinished Business:

a. **Reading of Legal Notice:** Not read aloud.

b. **New Public Hearings:**

1. **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.

Robert Deluca, CLA Engineers, represented the Applicant and gave an overview. Plans were displayed as discussed.

- Mr. Lehto lives on the parcel and is cutting out 2 lots (one 10-acre lot (proposed Lot #1) with access from Almada Drive and one 5-acre lot (proposed Lot #2) with access off of a long driveway from Paradise Drive as shown on Sheet 5 of the Plan Set).
- Conservation Easement area is between the two lots (selected by the Conservation Commission).
- IWWC approval was received last week.
- Letter was received from the Health Department for suitability for subdivision.
- The letter from the State Archeologist (dated July 1, 2021, included in packets to Commission Members) which states that it was found that there is no need for further study due to the steep slopes and rocky soil in the area for Phase 1.

J. Roberson read aloud the third paragraph from the letter.

- Mr. Deluca stated that the Town Engineer concurs with the plans (letter containing Syl Pauley's comments originally dated May 3, 2021 - revised with additional comments from May 7th and June 29th). The letter, as revised, was included in packets to Commission Members). The Existing Conditions Plan was revised with Notes #3 and #4 which address the two comments from Syl Pauley that had not been addressed previously regarding the accuracy of the topography and wetlands delineation.
- Martha Washburn had requested that some administrative survey notes be added and a correction regarding the Map and Lot being listed incorrectly on one of the survey plans. Note #2 (Lot 6, Map 21) was added to the Existing Conditions Plan and the revised plans were sent to Ms. Washburn earlier in the day She concurred that she is satisfied.

Ms. Roberson displayed the revised plans because they had not been provided to Commission Members.

Mr. Ives asked about connection of the two roads between proposed Lots #1 and #2. Mr. Deluca stated that Mr. Lehto has no plans to connect the two roads. He said that it wouldn't be possible with the maximum grade requirements for a driveway.

There was discussion regarding no signs being posted. Ms. Roberson and Mr. Deluca explained about the Executive Order and that Certified Mailings had been mailed to abutting addresses.

There was discussion regarding Syl Pauley's Note #4 regarding abutters on the west side of Paradise Drive being omitted from the abutter's list. Mr. Deluca stated that this had been addressed because they covered everyone within 200 feet of the property (which included across the street from the property). Ms. Roberson confirmed that the notice requirement was met.

Ms. Roberson displayed an aerial photo of the property on Google Earth and orientated the area and indicating the proposed house sites and where there are steep slopes.

Ms. Roberson asked Mr. Deluca to address run-off from the driveway that connects to Paradise Drive. Mr. Deluca stated that the Town Engineer had reviewed it. He explained that there is a pretty significant roadway ditch (prior to Paradise) that collects quite a bit of water. They have check dams proposed along the way during construction along the sides of the driveway to pick up run-off and to slow it down until grass gets established. He asked that Sheet #7 (Conceptual Development Plan of the two lots) be displayed and he explained that they created swales on either side of the driveway up to Lot #2 and lined them with riprap at the end of the driveway. It eventually connects to a well-defined Town drainage ditch that runs along Paradise and eventually gets out into the Lake. It crosses the street a little further up once it connects to a series of catch basins and there is a sizable pipe. They included a pipe under the driveway as recommended by the Town Engineer. He explained that there is already a perforated pipe that runs under the driveway that runs along that road and there is no chance of water from this driveway getting to Paradise.

There was discussion regarding abutters being noticed as many are campsite lots. Ms. Roberson asked if there were any residents of Paradise Drive that attended the IWWC meeting regarding this Application. Mr. Deluca stated that there was a woman who lives across the street had attended and also attended the site walk and that she had sent a letter also. He said that she was concerned about a tree with woodpeckers in it. He thinks that she was concerned that there is more development than what is actually going on out there. Mr. Ives stated that this person has contacted him four times and was concerned because she thought that more houses were proposed than just the two. Mr. Ives also explained that most of the people who own the little lots (that have little value) live far away and he feels that the people with a vested interest who live there are well aware of what is going on. Ms. Roberson explained that she does not think that either of the houses will be visible from the Paradise side. Mr. Deluca added that the person who lives at 67 is purchasing the 10-acre lot and he thinks that he wants it as a buffer.

Ms. Roberson stated that they looked at it with wetlands and if Mr. Pauley had concerns about its effectiveness, he would have communicated it.

Ms. Sigfridson discussed the possibility of continuing the public hearing to allow for more public commentary, but noted that it is a small development and there probably wouldn't be much more interest. She stated that she does not have any concerns about closing the public hearing tonight.

There were no further comments/questions.

Motion was made by C. Kelleher to close 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.

Second by J.R. Thayer. No discussion.

Roll Call Vote: E. Starks – yes; C. Sczuroski – yes; J.R. Thayer – yes; C. Kelleher – yes; M. Sigfridson – yes.

Motion carried unanimously by voice vote (5-0-0). A. Tanner was having technical difficulties.

- c. **Continued Public Hearings: None.**
- d. **Other Unfinished Business:**
 - 1. **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.

Motion was made by C. Kelleher to approve the Subdivision application of Paul Lehto, identified in the files of the Brooklyn Land Use Office as SD 21-004, to create two residential lots on 104 acres on Almada Drive and Paradise Drive, (Map 21, Lot 6) 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 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. A 2.265 acre permanent conservation easement to the Town of Brooklyn granting future public access if adjacent land becomes available for public use shall be reviewed by the Town Attorney and recorded on the land records at the same time as the Final Subdivision Plans.
 - c. 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 Officer 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.
- 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 J.R. Thayer.

Discussion: Regarding Item 1.b. - conservation easement. Ms. Roberson explained that it is, basically, a prohibition for development with an option for future public access if adjacent land becomes available.

Roll Call Vote: C. Sczuroski – abstained; J.R. Thayer – yes; C. Kelleher – yes; E. Starks – abstained; M. Sigfridson – yes.

Results of Vote: 3-0-2. C. Sczuroski and E. Starks abstained. A. Tanner was having technical difficulties.

There was discussion as to whether the motion passes or fails, therefore, it was decided to consult with the Town Attorney and that further action, if necessary, would be taken at the August 4, 2021 meeting.

2. **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. *Rescheduling of Public Hearing and Update on Third Party Review Procedure***

Ms. Sigfridson explained that this public hearing had been scheduled to open on August 4, 2021, however, the Applicant has filed an extension for opening to September 1, 2021.

Motion was made by C. Kelleher to reschedule the public hearing for **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**, to the regularly scheduled meeting of September 1, 2021.

Second by C. Sczuroski.

Discussion: Location to be determined.

Roll Call Vote: J.R. Thayer – yes; C. Kelleher – yes; E. Starks – yes; C. Sczuroski – yes; M. Sigfridson – yes.

Motion carried unanimously (5-0-0). A. Tanner was having technical difficulties.

Motion was made by C. Kelleher to amend the Agenda to add the following item:

- **VI.d.3. Modification of Subdivision Plans following approval for 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.**

Second by E. Starks. No discussion.

Motion carried unanimously by voice vote (5-0-0). A. Tanner was having technical difficulties.

3. **Modification of Subdivision Plans following approval for 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.**

J. Roberson explained that it had been discovered that the parcel boundaries were inconsistent with the sheets within the plan set and that it should be made right before it gets recorded. She explained that some of the boundaries from the previous subdivision had shifted off of the stone wall.

Plans were displayed and Paul Archer, Archer Surveying, indicated the discrepancy on the site development plan/conceptual plan (Sheet 4 of 8) which had been readjusted (maybe due to undersize). He stated that the conceptual plan, which had been approved, had changed but, the subdivision plan has never changed from what was approved.

Ms. Roberson explained that she does not have the authority to make a significant change to previously approved plans. She explained that, on the northern property boundary (from a previous subdivision), there are now two stone walls on Lot 12-8 where the property lines are not the stone walls. She said that the plans have been recorded without the property lines as stone walls.

Ms. Sigfridson clarified that although this is an issue of concern, it is not directly related to what the Commission needs to consider for this modification. Ms.

Roberson stated that the reason for the modification is to make sure that every plan in the recorded plan set has the same property boundary. Discussion continued with Mr. Archer. He explained that he cannot remember why it was changed, but he thinks, perhaps, it was due to the change in the Regulations from 2 acres to 90,000 s.f. Mr. Archer stated that he could go either way with it, but he would prefer to hold the stone wall. Ms. Sigfridson commented that she prefers that also. Discussion continued and Ms. Roberson stated that going to the stone wall does not change the development plan. Mr. Archer stated that it doesn't change anything.

Motion was made by C. Kelleher to modify the approval of SD 21-001 to depict the property boundary between Lots 12-9 and 12-8 as the existing stone wall and to amend the final recorded subdivision plans to reflect this change.

Second by E. Starks. No discussion.

Roll Call Vote: C. Kelleher – yes; E. Starks – yes; C. Sczuroski – abstained; J.R. Thayer – yes; M. Sigfridson – yes.

Motion carried (4-0-1). C. Sczuroski abstained. A. Tanner was no longer present.

VII. New Business:

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

VIII. Reports of Officers and Committees: None.

IX. Public Commentary

There was discussion regarding new legislation involving cannabis. It was decided to put this on the agenda for the next meeting for discussion.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:28 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary