

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, August 3, 2022 6:30 p.m.**

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

Clifford B. Green Community Center, 69 South Main Street, Brooklyn, CT		
Click link below: https://us06web.zoom.us/j/87925438541	or	Go to https://www.zoom.us/join Enter meeting ID: 879 2543 8541
Dial: 1-646-558-8656		
Enter meeting number: 879 2543 8541, then press #, Press # again to enter meeting		

MINUTES

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:34 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, Lisa Herring, Gill Maiato and Brian Simmons (all were present in person). Sara Deshaies was present via Zoom (left at 10:05 p.m. due to losing internet connection). John Haefele and Seth Pember were absent with notice. J.R. Thayer was absent.

Staff Present (in person): Jana Roberson, Director of Community Development; Austin Tanner, First Selectman.

Also Present in Person: David Held, Provost & Rovero; Wayne Jolley, Brooklyn Sand & Gravel; Paul Archer, Archer Surveying; Jeff Fountaine; J.S. Perreault, Recording Secretary. There were seven additional people in the audience.

Present via Zoom: Linda Trahan; Peter Rydel; “S”.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Gill Maiato and Brian Simmons as Regular Members for this meeting (August 3, 2022).
Second by A. Fitzgerald. No discussion.
Motion carried unanimously by voice vote (5-0-0).

IV. Adoption of Minutes: Meeting July 19, 2022

Motion was made by A. Fitzgerald to accept the Minutes of the Regular Meeting of July 19, 2022, as presented.

Second by G. Maiato.

Discussion:

L. Herring noted a correction to page 7, third full paragraph, second sentence, to read as follows: “Ms. Herring feels that it should be discussed when more Members are present and it should be discussed further to get a better understanding of it, but she does not feel that we should do away with it altogether.”

Motion carried, with the noted correction, by voice vote (6-0-1). M. Sigfridson abstained.

V. Public Commentary – None.

Motion was made by A. Fitzgerald to add the following items to the agenda:

- Under Section VII.a. New Business- Applications, add Item 2. **ZRC 22-005:** Groundwater Protection Overlay Zone modification.
- Under Section VII.b. Other New Business, add Item 2. Discussion of Affordable Housing Plan/POCD (cont.)

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (7-0-0).

VI. Unfinished Business:

a. Reading of Legal Notices:

J. Roberson read the Legal Notice for **SPG 22-001** which will also include review/discussion of **GBR 22-003** (SPG 19-002). Published in the *Turnpike Buyer* on July 20th and 27th.

b. Continued Public Hearings: None.

M. Sigfridson recused herself and turned the position of Chair over to C. Kelleher. Ms. Sigfridson took a seat in the audience.

c. New Public Hearings:

1. **SPG 22-001:** Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material. (Hearing will additionally discuss **GBR 22-003:** Renewal of Gravel Special Permit SPG 19-002, Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road, Removal of approximately 112,000 cubic yards of material.)

Ms. Kelleher opened the public hearing.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, represented the Applicant and gave a poster board presentation. Ms. Roberson displayed plans/maps as discussed. Wayne Jolley, Operator/Owner of the property, was present in the audience.

Because the two Applications are so co-mingled, Mr. Held requested that the record for the public hearing pertain to both Applications because it is impossible to discuss one without discussing the other. There were no objections expressed.

Regarding SPG 19-002 which was issued by a legal appeal (Ms. Roberson stated that it was an amended legal appeal), Mr. Held gave an overview:

- He orientated the area and he explained about the two excavation areas that had been approved and about the Phases.
- He explained that the entire excavation bond that was permitted in the first Phase area was completed as part of that special permit. There are 27,000 c.y. of material remaining as part of that proposed excavation area in Phase II. They are seeking approval to allow the completion of that 27,000 c.y.
- The previous approval included the provision that Brooklyn Sand & Gravel could import material to the site for processing on a one-to-one ratio of what they excavated on site. They are proposing that this ratio be continued. He explained that, based on the quarterly reporting that the Applicant provides, they would be allowed to import 22,555 c.y. which would match their permitted on-site excavation. Mr. Held stated that they

would amend their request to match the 22,555 c.y. for importing and processing on the site.

- All other conditions of the initial approval would remain in effect. The Bond amount is \$200,000.

There was discussion regarding who is responsible for tracking the quantities. Ms. Roberson explained that she tabulates the quarterly reports that are submitted by Brooklyn Sand & Gravel. There was discussion regarding restoration. Mr. Held explained that the first Phase has been completed in its entirety and they have started backfilling the excavation to restore it.

Mr. Held gave an overview for **SPG 22-001**:

- Mr. Held explained that the Zoning Enforcement Officer had issued a Notice of Exceedance because Brooklyn Sand & Gravel over-excavated in an area that was not permitted (adjacent the approved Phase I area). Mr. Held had discussions with Town Staff and the Applicant as to how to remedy the situation and it was concluded that they would need to apply for a new special permit that would cover it because it was not permitted. It cannot be included as an amendment to a renewal application because it was never permitted in the first place. The new special permit application includes that over-excavation volume and some new small areas of excavation.
- The plans show three excavation Phases:
Phase 1 - Northerly side of the excavation area. This phase (71,000 c.y. total) includes the unpermitted excavation. New excavation proposed in this area is an additional 52,000 c.y.;
Phase II – Renewal area (as discussed above). He explained that there is also a small area of new excavation (additional 51,000 c.y.) included due to the new Regulations having different dimensional standards than the Regulations that were in effect for the 2019 approval;
Phase III (34,000 c.y.) – The area immediately adjacent to the scale which would be bringing that area back up to grade after it is excavated because it is used for stockpiling the raw and processed material. It would be taking the material out and backfilling it as soon as possible to bring in back to the surrounding grades and then, continue using that area for stockpiling activities. He explained that although this is not a convenient area to excavate, due to the stockpiling, it is to the advantage of the Applicant to take advantage of the material that is there.
- They are seeking approval for a total of 208,000 c.y. of new excavation which includes the 71,000 c.y. of after-the-fact volume. As of the date of application, it would be 137,000 c.y. of new material that would be excavated. He referred to the cover letter in which he said that it is explained that they are also seeking approval for processing under Section 6.P of the Regulations in addition to Section 6.O.
- He explained what would be processed.
Ms. Roberson referred to page 4 of her Staff Guidance dated August 3, 2022, stating that she should have included a synopsis of the excavation material proposed to be excavated under a potential, new special permit:
Phase I – 71,000 c.y. (already excavated) plus 52,000 c.y.;
Phase II – An additional 51,000 c.y.;
Phase III – 34,000 c.y. (new area).

- Mr. Held stated that they propose that the existing bond be carried forward. He stated that they would not object if the Commission wanted to increase the bond from \$10,000 per acre (original amount) to \$15,000 per acre (for a total of \$300,000) as suggested by the Town Engineer. There was discussion regarding that the total acreage may have changed slightly. Mr. Held explained that it may, potentially, change by 2.3 acres.
- He explained that traffic patterns would continue as it has for years under previous special permit approvals. He expects that there would be a reduction in truck traffic because there is no importation of material.
- The Applications have been approved by the IWWC.

QUESTIONS/COMMENTS FROM THE COMMISSION/STAFF:

- **L. Herring** asked about how the over excavation happened, how it happened in an area that had not been approved and she expressed concern regarding how to keep it from happening again.
Mr. Held explained that he does not know how it happened, that it was discovered at the outset of the renewal application, and that they came to address it.
Ms. Roberson referred to comments (dated July 12, 2022) from Syl Pauley, NECCOG Regional Engineer (included in packets to Commission Members). The following were suggested: require more frequent survey; ask for the actual scale receipts/print-outs from the scale; video monitoring of the three accesses; staking out the excavation limits and marking it with signage, or orange snow fence to be installed where a surveyor has staked it out to visually delineate where to stop. Ms. Roberson explained that these methods don't work all of the time and she suggested doing more than one.
Ms. Roberson stated that she would like her Staff Guidance for this meeting, dated August 3, 2022, to be entered into the record. She stated that it was available on the website and that copies had been provided to the Applicant and his Agent. She read from her Staff Guidance and suggested that the Commission consider the following questions (some of which have been addressed):
 - Is any waste material being moved off-site? Is imported material for processing coming from permitted excavations in Brooklyn?
 - How will the site be monitored to ensure that the reported volume of material being imported is accurate?
 - Are there traffic impacts?
 - Is dust being effectively controlled?
 - Can portions of the site be remediated now?
- **C. Kelleher** commented that there needs to be a better way of ensuring that what is being reported is what is being extracted. She said that it is the responsibility of the Applicant to answer the questions raised by Ms. Roberson. She also commented that there is a need for a good way for keeping track of the processing to ensure it is not exceeded.
- **A. Fitzgerald** commented that he does not understand how you take out 71,000 c.y. by mistake and he expressed that there is a need to monitor what is going on.
Mr. Held asked how often the ZEO visit site during a permit period.
Ms. Roberson stated at least yearly and she feels that more frequent site inspections by Town Staff are needed. She commented that Mr. Pauley's suggestion for someone to be there all the time is not really possible. Ms.

Roberson said that she has been there once this year and she thinks that Ms. Washburn has been there at least three times this year.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Marcel Dessert**, abutter to the property, asked what type of material they are thinking about recycling (concrete).
Mr. Held explained that they are recycling material and that there is concrete that is used to backfill the excavation.
Ms. Roberson referred to four photos which she displayed (included in packets to Commission Members) She explained the contents of the photos: Scale; Phase I area viewed from the north side of the pit looking south (main material - ordinary cinderblock - concrete is considered clean fill by the DEEP). She said that there were probably some washings from a concrete truck. She said that she did not see any organic material in the photo, although, she saw some organic material at the top of the cliff and was concerned that the plan could be to push it over. Ms. Roberson stated that she would like it to be entered into the record that she had discussed the topic of the backfilling operations with Syl Pauley. Ms. Roberson read aloud, into the record, an e-mail from Mr. Pauley (dated August 2, 2022). Ms. Roberson, then, continued describing the photos that were included in packets to Commission Members. Ms. Roberson explained that Mr. Pauley's concern is more with the way it was being filled rather than what it was being filled with.
- **Mark Curreri**, 656 Wauregan Road, asked what it means that they are going to process imported material. He asked if the imported materials will be monitored for contamination. He asked if wells along the edge of the property will be tested/monitored as he is concerned about water and wells. He noted two situations in Plainfield where properties were backfilled with contaminated material.
Mr. Held explained about processing imported materials and that the renewal would allow for it. Mr. Held stated that there are no plans for testing/monitoring.
Mr. Curreri suggested two test wells at the edge of the property on the south side. Test wells and monitor water that could affect wells in the neighborhood.
Mr. Held explained that only clean fill is required to backfill excavation areas. What is being brought in is bank-run sand and gravel. They are not bringing contaminants onto the site.
Mr. Jolley spoke to the situation in Plainfield that Mr. Curreri mentioned. He explained that what they use to fill is the silt that comes from material that is already on the site.
- **James Flemming**, 567 Wauregan Road, asked if the permits would have an expiration date. He asked for clarification regarding whether there would be importation of additional materials for the Application that includes the over-excavation.
Mr. Held explained that the imported material associated with the renewal would be a maximum of 22,550 c.y. coming in. He stated that, under the current regulations, the Commission grants a renewal for two years. He noted that the Staff Guidance states two years, however, the renewal would be based on the previous Regulations and would, therefore, be renewed for only one year. Ms. Roberson explained that the Regulations say "up to two years", but the Commission has chosen a shorter timeframe with some other applications.

Ms. Kelleher clarified that importation was allowed under the previous Regulations, but is not allowed under the current Regulations.

- **Mr. Dessert** asked if it is correct that **SPG 22-001** does not have a 1-1 ratio for import.

Ms. Kelleher stated that that is correct.

Mr. Dessert stated that the gravel bank is just being prolonged. He said that a mistake was made and that a nice, healthy fine would be in order.

Mr. Jolley explained that they did over-excavate, but did not know it at the time. There was the Court case, which they won after a year-and-a-half. Then, during COVID, the Governor had said that all special permits were in place. He said they had nowhere to go. He said that it was not intentional.

Ms. Kelleher commented that the Board has a responsibility to make sure that things are monitored effectively. There was discussion regarding the three entrances and different methods for monitoring were also discussed. Mr. Jolley explained that the other entrances do not belong to him (one is owned by Langevin and the one by the old Campground is the same as his main entrance). Ms. Roberson explained that if video monitoring is to be done, you would want it in all three locations and she explained that the scale is pretty central to the property. Discussion continued and Ms. Roberson suggested considering a schedule of quarterly visits. Mr. Tanner suggested snow fence marking the limits.

Mr. Fitzgerald agreed with Mr. Tanner, but feels that surveying/layout/poles are needed. Ms. Roberson explained that it is not foolproof and that it had been marked for the 2019 renewal, but the fencing was ripped out by the operator. Discussion continued. Mr. Tanner feels that the reporting is working and agrees that there should be more inspections.

- Linda Trahan, 26 Maynard Road (present via Zoom), had three questions:
 - How are they going to differentiate the material when the amount that is imported from the renewal is met? Different than the material that is on site to be processed under the new permit.
 - Is there a timeline?
 - She is concerned about dust control
 - Will cameras be installed at the entrance(s) to the sit?

Mr. Jolley explained that the Federal Government monitors for dust control and they have not explained that it would be a one-year timeframe for imported material because that permit is governed by the old Regulations' one-year renewal period.

Ms. Kelleher stated that, regarding Ms. Trahan's first question, it will need to be kept track of. There was discussion regarding slips for what comes in as well as for what goes out. Ms. Roberson explained that it is in the quarterly report (it is not otherwise verified).

Mr. Held suggested adding to the quarterly report if clean fill material is being brought into the site to bring it up to restoration grade.

Mr. Tanner explained that he doesn't feel that cameras will help. Mr. Fitzgerald and Ms. Kelleher agreed.

Mr. Fitzgerald asked if this is the final restoration plan. Mr. Held explained that it is, but there is flexibility built in and he stated that there is a narrative that goes along with it. The Restoration Plan was displayed and there was discussion. Mr. Held explained that the intent is not to bring in hundreds of thousands of yards to regrade the site. Mr. Held

explained it is close to a balance and will need a little bit of importation. He stated that, likely, it will be brought back up to grade, establish vegetation on it and it will be left to some purpose like that or an industrial use or storage units (although it is in a residential zone) that doesn't require wastewater treatment. He said that, unless you are backfilling it with clay, the material will compact itself.

There were no further comments from the public.

ADDITIONAL QUESTIONS/COMMENTS FROM THE COMMISSION/STAFF:

- **Mr. Fitzgerald** stated that there needs to be a way to differentiate between what is being brought in to process and what is being brought in to fill.
- **Ms. Kelleher** feels that a monitoring system needs to be in place before moving forward.
- **Mr. Tanner** feels that there should be more frequent Staff visits and we have the slips.

Ms. Roberson explained that she does not have the actual slips, what she gets a summary of the slips.

- **Mr. Fitzgerald** suggested that the slips would monitor the material brought in to be processed and what is brought in to backfill would be monitored by more frequent surveying.

Discussion continued.

Ms. Roberson explained that, regarding the bond amount, she does not feel uncomfortable with leaving it at \$200,000. She explained that she does not see an area that is capable of being restored to the point of being re-vegetated yet. The Phase I area going to require a lot of fill and all of the other areas are in use (stockpile area/excavation area). She suggested that the Commission could request that the come up with an expedited strategy for restoring certain areas. She said that it is a difficult site to do that.

Ms. Roberson reviewed the draft motion for SPG 22-001 from her Staff Guidance. She suggested that the Commission may want to add quarterly inspections and more frequent surveying to the list of conditions.

Regarding tracking material, Mr. Held suggested that the Applicant could report how many loads are leaving the site quarterly which should match up with the reality of what the grades show. There was discussion regarding the stockpiled material that is there.

Ms. Roberson suggested that the Phase II area may be the best place to start remediation. Mr. Held stated that, for the most part, it would be just re-grading the side slopes. Discussion continued.

Mr. Fitzgerald suggested that the Applications be separated, act on the renewal, and continue the public hearing. Discussion continued.

Mr. Held asked about the procedure: Does the Commission have to vote separately on the processing piece and the excavation piece for the new special permit. Ms. Roberson explained that she had consulted with Peter Alter and he was comfortable with the way we handled it. He reviewed the draft motions and he did not determine that there needed to be a separate vote. She offered that the draft motion could be revised to make it clear that the action would be on both.

Ms. Kelleher stated that she feels that the Regulation should be changed and asked that it be put on the list for a future agenda.

Ms. Kelleher stated agreement with Mr. Fitzgerald's suggestion to act on the renewal, continue the public hearing, and for Staff to work with Applicant to determine agreed-upon monitoring.

Motion was made by A. Fitzgerald to continue the public hearing for **SPG 22-001**: Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material, to the regular meeting of the Planning and Zoning Commission to be held on August 16, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom. Second by L. Herring. No discussion.

Motion carried by voice vote (6-0-0). M. Sigfridson had recused herself.

d. **Other Unfinished Business:**

1. **GBR 22-003**: Renewal of Gravel Special Permit SPG 19-002, Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road, Removal of approximately 112,000 cubic yards of material. – Continued to August 16, 2022 (see above).
2. **SPG 22-001**: Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material.

Motion was made by A. Fitzgerald to renew the Gravel Special Permit application of Brooklyn Sand and Gravel for the property located at 530 Wauregan Road, Assessor's Map 30, Lots 97, 97-1, 97-2, identified in the files of the Brooklyn Land Use Office as GBR 22-003, a renewal of SPG 19-002, and all associated Wetlands Permits, with the finding that 27,000 cubic yards of material remain to be excavated from Phase II and 22,555 cubic yards of materials remain to be imported, and such material may be processed on-site, in accordance with all final documents and testimony submitted with the renewal application and including the relevant conditions of the original approval, listed here:

- 1) The submitted performance bond in the amount of \$200,000 shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless modified by the Planning and Zoning Commission or its designated staff.
- 2) Excavation is limited to the area shown on the plans dated 3/5/19, last revised 6/17/19, prepared by Provost & Rovero.
- 3) Reporting on the importation of material shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly in March, June, September, and December.
- 4) The quantity of imported material may not exceed 22,555 cubic yards of material in accordance with the Brooklyn Zoning Regulations as measured by truckloads (not less than 15 cubic yards per truck) and converted to cubic yards. Material excavated on-site will be counted in the year that it is excavated. Imported material will be counted in the year that it is brought in site. Stockpiled material shall not be counted towards the excavation volume or the importation volume.
- 5) All truck traffic to and from the operation will remain off Maynard Road and travel on state highways to and from Brooklyn Sand and Gravel on Wauregan Road.
- 6) Dust shall be controlled throughout the year using water or calcium chloride as appropriate for conditions. All trucks exiting or entering the site must have their tarp covers closed. Sweeping of the entrance area shall occur regularly and as needed.
- 7) Restoration shall commence upon completion of each phase of excavation as provided in the Zoning Regulations and as noted in the Restoration Notes on page 6 of the approved plans. Restoration for the 21 acres of additional areas (including parking and driveways, processing plants and ponds, raw and finished material stockpiles) shall commence within the timeframe specified in the Restoration Notes on page 6 of the approved plans. Failure to do so will result in appropriate enforcement action including the use of bond funds to restore the site.
- 8) The permit shall be renewed for a one-year period from date of issue on August 3, 2022. The renewal date is August 3, 2023.

Second by G. Maiato.

Discussion: A. Tanner asked about the 1-to-1 ratio and that 27,000 c.y. doesn't match the 22,555 c.y. Ms. Roberson explained that they had imported more.

Motion carried by voice vote (6-0-0). M. Sigfridson had recused herself.

M. Sigfridson returned to the table and resumed the position of Chair.

3. **SP 22-002:** Special Permit Application for a 6,000 s.f. storage/maintenance building with associated driveway, septic, well, drainage, and grading at 170 South St., Applicant: Country View Restaurant, LLC, R-30/Golf Course Overlay Zone. ***Awaiting approval from IWWC*.**

VII. New Business:

a. Applications:

1. **SD 22-002:** A proposal for a four-lot subdivision on Day St. (Map 43, Lot 6), Applicant: Jeffrey Weaver.

Ms. Roberson explained that this Application was received at the last meeting. It has been issued a Wetlands permit. It has been reviewed by Syl Pauley, Town Engineer, who didn't have any major concerns. Ms. Roberson explained that she had not had the time to review it in detail herself, but that she had prepared a draft motion. She provided a copy of the plans to the Chair of the Conservation Commission last week to share with the rest of the Commission, but they have not yet reviewed them and, therefore, there is no recommendation.

Paul Archer, Archer Surveying, represented the Applicant and gave an overview:

- He explained that there were two previous subdivisions, both fee-in-lieu of open space. One of them (6-Lot) had an appraisal done by Platt Associates. He has not had an appraisal for this 4-Lot subdivision which is in the R-30 Zone.
- Mr. Archer explained that it is a simple 4-Lot subdivision and they have all of the approvals, including the Health Department.
- There is 25 feet to the centerline.
- No sightline issues.
- Mr. Weaver tries to save as many trees as possible.
- The only thing that needs to be determined is how to handle the open space.

There was discussion regarding that a zoning permit is required before clearing an area of more than ½ acre for development. Trees have been cut down on the site. Ms. Roberson stated that no permit had been issued. Ms. Sigfridson stated that fee-in-lieu seems appropriate.

Mr. Archer stated that for the 10-Lot subdivision, the fee-in-lieu for each lot was \$1,100 and for the 6-Lot subdivision, the fee-in-lieu for each lot was \$1,000. He said that they are developing 4.5 acres out of the 55 acres. So, he said that the appraisal would be done on only the 4.5 acres as undeveloped land, not as a building lot. Ms. Sigfridson expressed concern as to whether the Commission has the authority to forego an appraisal, as Mr. Archer suggested. Mr. Archer stated that the Vision Appraisal that was done last year for the revaluation can be used. The land valuation for the 55 acres was \$136,000. Mr. Archer stated that they could calculate it or they could get an appraiser. There was discussion regarding finding an appraiser. Ms. Sigfridson suggested Reisse and Associates in Norwich.

Ms. Kelleher asked if the Conservation Commission had seen this. Mr. Archer explained that they had seen the other two subdivisions, when it was 80 acres, and they wanted the fee-in-lieu of open space on both of them. Mr. Archer stated that they are just making an assumption. Ms. Roberson stated that they are

familiar with the property and they are meeting on Monday. There was discussion regarding whether the appraisal would be ready by the August 16th meeting. There was discussion regarding being consistent. Ms. Roberson suggested that the Commission could amend the Regulations to allow the Commission to be flexible when appropriate. Mr. Archer suggested that the Regulations be changed to be more consistent with other towns. Ms. Roberson explained the concept behind open space.

There were no objections voiced regarding using Reisse Associates or another licensed appraiser. Mr. Archer does not feel confident that the appraisal will be ready for the August 16th meeting.

2. **ZRC 22-005:** Groundwater Protection Overlay Zone modification.
Note: Scrivener's error – Should be **ZRC 22-006**

Ms. Roberson explained that she wants to keep moving on the issue that the Commission had previously discussed. The current regulations for the Groundwater Protection Overlay Zone forbids storage of hazardous materials. However, there are hazardous materials that are not a threat to groundwater resources, such as liquid propane that vaporizes into the air. Ms. Roberson prepared the zone change application (included in the amended packets to Commission Members). Ms. Kelleher stated that it is a pretty simple change.

Motion was made by C. Kelleher (as read by J. Roberson) to schedule a public hearing for ZRC 22-006 Revision to the Ground Water Protection Overlay Zone, for the regular meeting of the Planning and Zoning Commission to be held on September 7, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (7-0-0).

b. Other New Business:

1. Pre-Application Discussion re: 50 Tiffany St. (former mill property) Owner: DMP Palmer Associates, Agent: Tony Marcotte, PE Realtor.

Tony Marcotte, PE Realtor, represented the Owner and gave a poster board presentation:

- He explained about the history of the property:
 - Purchased in 2007; Zoned Industrial and R-30; 2011 – Mill Conversion Overlay District that restricted housing in the existing building to over 55 years of age;
 - It had been previously approved for 110 units in the existing large building, commercial in the adjacent 34,000 s.f. building, and 104 townhouses on the R-30. The Mill Overlay District was created for the rest of the lot;
 - Due to the economy, they did not develop the site at that time, however, are ready now to propose a new development.
- They would like to propose a 65-foot tall, five-story building, using the existing footprint. Rather than commercial, the 34,000 existing building would be utilized for housing and community rooms, etc. The entire property would have a maximum of 300 units (a combination of one, two and, possibly, three bedroom units).
 - He explained about how they would handle structural safety during development. They have a demo permit.
 - They had the site analyzed for asbestos-containing material and both buildings have been 100 percent mitigated.

- He explained about how FEMA is revising the 100-Year Flood Plain. He indicated and explained about the current and revised Flood Plains on the plan.
- They are interested in doing a PDZ Application for the entire 30 acres. They would use less of the area for parking. They would use low-impact development strategies. He explained how they would handle infiltration of storm water, so there would be cleaner water going to the River.
- He said that removing the restriction for elderly makes sense because it is all residential area.
- He explained about putting parking in the 100-Year Flood Plain and how there would be more open space than previously proposed.
- He provided a packet of photos and explained about some of the previous projects that they had completed.
- He asked what the Commission thinks about the project.

There was discussion regarding the building height and foundation. Mr. Marcotte provided some copies of additional information to Commission Members. Mr. Marcotte explained that these apartments would bring much-needed workforce housing to the area. He explained that it is a family business that self-manages and that there would be a property manager office on-site.

There was discussion regarding zones. Ms. Roberson commented that R-10 would most closely match the neighborhood zone. There was concern regarding whether the Fire Department would be able to handle a 65-foot tall building. Mr. Maiato explained that the height is not an issue and he gave Creamery Brook's peak height of 85 feet as an example. Mr. Marcotte spoke about fire safety. There was discussion regarding the need for 3-bedroom apartments and the dwindling number of students at the schools.

Mr. Marcotte spoke about how they have a security guard during construction, and they provide well-lit parking lots and cameras around the entire site so that the residents will feel safe.

There was discussion regarding commercial use of the 34,000 s.f. building. Mr. Marcotte offered that they could try commercial use in that building, but they would reserve the right to do residential if, after two years, commercial wasn't working out.

There was discussion regarding traffic and Mr. Marcotte explained that residential traffic is minimal. The road was re-paved and widened some. They have a secondary egress along the River and this easement is gated, but they could work something out regarding emergencies.

There was discussion regarding affordable housing. He explained that they allow Section 8, but are usually above their requirements. Ms. Sigfridson commented that a project that incorporates a portion of affordable housing, as defined by the Statutes, would be considered attractive. Discussion continued. Ms. Roberson explained that the Brooklyn Housing Plan identifies this location as one of the preferred locations for housing, based on the fact that it has water and sewer and it is already urbanized. Ms. Roberson commented that the Town has systematically, over the years, been trying to create public access along the water. Mr. Marcotte explained that they had done that for a project in Fitchburg and that it would be a prescriptive easement, not definitive. He said that it would be monitored and he noted that the Town may be asked for help if it became problematic. He mentioned possibly building a bridge had been discussed. There was discussion regarding a building where they may possibly put up a gazebo in its place.

Mr. Marcotte spoke about an issue of fill going down a slope that the hydro-electric people would need to address.

Mr. Marcotte explained that their own people would be doing the work, but that they would also hire a couple of local laborers. He said that it would go up pretty quick. He said that the next step is the design and the foundation depend on the height of the building. They would like to design during the winter and build during the next construction season (spring). Discussion continued regarding the height and fire safety. Mr. Maiato, who is also a member of the Fire Department, feels that the height wouldn't be an issue. Mr. Fitzgerald expressed trust in Mr. Maiato's opinion.

Paul Archer, who was present in the audience, asked about sewer capacity. Ms. Roberson stated that the unallocated sewer capacity was 77,500 gallons per day within the past year. Mr. Marcotte stated that it is typically 150 gallons per day per bedroom, which would use up that capacity. He said he would do this prior to the design and he asked what the Board would like him to come back with. Ms. Roberson explained that it would be a zone change and that it would make sense to communicate specifically on zone change options. Then, a draft zone change could be presented or they could just submit a zone change application. Ms. Kelleher commented that this could create a new zone. Planned Development Zone was mentioned. There was discussion regarding that the elderly component could be eliminated from the MMUD Zone. Discussion continued.

Mr. Marcotte will work with Ms. Roberson.

2. Discussion of Affordable Housing Plan/POCD (cont.)

Ms. Roberson suggested that the Commission consider adopting the Brooklyn Housing Plan as an intermediate amendment to the POCD as the Housing Chapter. She explained that this would make the POCD meet the update requirement. Discussion continued.

Motion was made by C. Kelleher to start the process to adopt the Brooklyn Housing Plan as an amendment to the POCD.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (7-0-0).

VIII. Reports of Officers and Committees:

- a. Staff Reports (ZBA actions and ZEO Report were included in packets).
There was discussion regarding variances.

There was discussion regarding a one-lot subdivision on Woodward Road which was approved at the May 17th meeting of the PZC. Ms. Roberson explained that after the approval, she noticed that the flood zone was not depicted on the plan. However, it is mentioned in a note that the actual line of boundary was supposed to have been depicted on the plans. Ms. Roberson had consulted with the Land Use Attorney about a possible remedy: Put it on the plans and add a note about the Flood Protection Ordinance to the plans. The Attorney thought both were a good idea. She explained that, currently, you can put a house in the flood zone, but it has to be flood proofed and you would have to purchase flood insurance. We have not received any Mylars for filing before Ms. Sigfridson signs them. The new flood boundary, which will probably be adopted next year, shows that the house will be completely outside the flood zone. The current flood mapping, which is from 1985 and imprecise, is particularly bad in Windham County. She asked if any of the Commission Members have a problem with Ms. Sigfridson signing the plans as they are, containing language stating that the parcel is in the flood zone.

Ms. Sigfridson expressed concern about wanting to handle the mistake on the plans the correct way. Where does the responsibility for the mistake lie? Is it appropriate to ask the Applicant to add it to the plans before she signs them? She said that she would not ask that the note be put on the plans because there is nothing in the Subdivision Regulations referencing that.

Paul Archer provided copies of the old flood maps. He orientated the property on the new flood mapping that has not yet been adopted. Ms. Roberson explained about overlaying the maps. Mr. Archer explained that when someone comes in with a site plan, is when the Commission can ask the Applicant to show where the 100-year flood zone is. He said that it does not need to be on there now, it is on the note. He spoke in opposition to making these changes because he said that this has happened before this Commission twice before (Tripp Hollow Road) and he was not allowed to change the plans, they had to come back before the Commission with new revised plans to do it. He asked for consistency. He said it was an oversight, it was not intentional. He believes the plans should be put on file the way they were approved. Discussion continued. The decision was for Ms. Sigfridson to sign the plans as approved. Mr. Archer will print the mylars and will submit them this week.

b. Budget Update

Ms. Roberson stated that there were updates to the software and she will provide it to Commission Members.

At 10:10 p.m. Ms. Roberson reported that S. Deshaies was no longer present due to losing internet connection at 10:05 p.m.

c. Correspondence – None.

d. Chairman's Report

Ms. Sigfridson explained that she and Mr. Tanner are being deposed regarding the ongoing Jolley Court case.

New Alternate Member Brian Simmons was introduced.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 10:12 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary

Margaret's Report 8/1/2022

Zoning Permits issued:

670 Wauregan Road – Ann Rochester. New 24' round above-ground swimming pool with 30' x 30 deck; new 14' x 14' shed on concrete piers.

118 Spaulding Road – Keith & Rebecca Kneeland. New 10' x 14' shed on a gravel base.

59 Lasalette Drive – Stephen Bellantone. New 12' x 25' rear deck and new 28' x 28' attached garage on existing foundation.

141 Laurel Hill Road – Gregory Weisenberger. New 20' x 30' post and beam garage and loft for storage, with variance issued by the ZBA. The variance has been recorded in the Land Records.

385 Tripp Hollow Road – Square One Builders. New single-family dwelling with attached garage, side deck and rear porch.

357 Church Street – Jeff Weaver. New single-family dwelling.

110 Creamer Brook Road – Robert Brandriff. New 28' x 36' detached garage with storage above.

Final Certificates of Zoning Compliance issued:

118 Spaulding Road – Keith & Rebecca Kneeland. New single-family dwelling, attached garage with suite above, rear deck and rear covered porch.

Home Office Permits Issued: None.

Sign Permits issued: None.

Zoning Issues:

67 Paradise Drive – Lisa Bessette. Storage of a camping trailer and using a camping trailer as a dwelling unit on a lot with no approved dwelling unit. A Citation for Zoning Violations was issued on 7/13. A Citation Hearing has been scheduled for August 11.

670 Wauregan Road – Ann Rochester. Junkyard Conditions. A Cease & Desist Order was issued on July 27. A re-inspection has been scheduled for August 11.

ZBA Variances Granted:

- 1. ZBA 22-001 Galliehue Blevins, 58 Juniper Way, Map 40, Lot 88-36, 1.24 Acres, RA Zone,** for a variance of the Zoning Regulations, Section 3.C.5.2.2, to reduce the minimum side yard setback from 40 ft to 10 ft to install an in-ground swimming pool, patio and pool shed. **Approved.**
- 2. ZBA 22-002 Gregory Weisenberger, 141 Laurel Hill Road, Map 17, Lot 1A, 1.5 Acres, RA Zone,** for a variance of the Zoning Regulations, Requesting variance of Section 3.C.5.2.1 to reduce the minimum front yard setback of 50 feet to 40 feet to construct 20-foot x 30-foot garage with loft for storage. **Approved. Variance has been recorded.**