

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Tuesday, September 19, 2023 6:30 p.m.**

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

MEETING LOCATION: Tiffany Street Community Center, 31 Tiffany Street, Brooklyn, CT	
Click link below: https://us06web.zoom.us/j/84765564828	or Go to https://www.zoom.us/join Enter meeting ID: 847 6556 4828
Dial: 1-646-558-8656 Enter meeting number: 847 6556 4828, then press #, Press # again to enter meeting	

MINUTES

I. Call to Order – Carlene Kelleher, Acting Chair, called the meeting to order at 6:39 p.m.

II. Roll Call – Carlene Kelleher (present via Zoom), Allen Fitzgerald, Lisa Herring, Seth Pember, Gil Maiato. (all present in person).
John Haefele was absent with notice.
Michelle Sigfridson, Brian Simmons and Karl Avanecean were absent.

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

Also Present in Person: Ben Jednak, Bohler Engineering; Paul Archer, Archer Surveying; Mr. Sholes, Sholes Ace Hardware & Supply; Jeff Weaver; David Held, Provost & Rovero; J.S. Perreault, Recording Secretary.
There were seven additional people seated in the audience.

Present via Zoom: Edward Danza, Massa Multimedia Architecture, P.C.; Sharon Loughlin.

III. Seating of Alternates – None.

IV. Adoption of Minutes: Meeting August 15, 2023

Motion was made by A. Fitzgerald to accept the Minutes of the Special Meeting of August 15, 2023, as presented.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

V. Public Commentary – There were no comments from the public, either in person or via online.

Due to difficulty hearing C. Kelleher via Zoom, A. Fitzgerald assumed the position of Chair.

VI. Unfinished Business:

a. **Reading of Legal Notices:**

J. Roberson read aloud the Legal Notice for SP 23-003, SP 23-004 and ZC 23-003, which was published in the *Turnpike Buyer* on August 23, 2023 and August 30, 2023.

Ms. Roberson explained that the September 6, 2023 meeting of the PZC had been cancelled and, therefore, the public hearings scheduled for that meeting were rescheduled to September 19, 2023.

b. **Continued Public Hearings:** None.

c. **New Public Hearings:**

1. **SP 23-003:** Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart.

Ben Jednak, Bohler Engineering, represented the Applicant and gave an overview. Maps/plans were displayed as discussed.

- IWWC approval was received on August 8, 2023.
- Mr. Jednak orientated the property and explained that the proposed building addition is on the east side of the building where an existing parking field is currently.
- They are proposing 45 new, pick-up parking spaces. The entire lot will have 716 parking spaces (502 are required).
- They will be maintaining all existing drainage patterns on the site. The basins will continue to function as they currently are. They will be reducing the current pervious coverage by approximately 691 s.f. which will reduce the peak flows to those basins.
- In addition to the expansion area, the entire parking lot marking/stripping will be repainted/refreshed.
- All proposed lighting fixtures are dark-sky compliant (fully cut-off and fully shielded).
- The Regional Engineer has reviewed the plans and did not find any issues with the proposed expansion, parking modifications or drainage.

QUESTIONS/COMMENTS FROM STAFF:

- **J. Roberson** asked about the façade/exterior changes to signage. Edward Danza, Architect with Massa Multimedia Architecture, P.C., (present via Zoom) explained that they will be reducing the signage by 135 s.f. There are currently seven signs (505 s.f.) and will be reducing to five (370 s.f.).
Ms. Roberson summarized the proposal and noted that there would be some changes to color on the exterior: addition of blue accents on the vestibules; blue logo above the main entrance.
Mr. Jednak provided sample materials/colors for viewing by the Commission.
Ms. Roberson asked if the whole building was going to be painted earth tones, except for the blue and yellow.
Mr. Danza stated, “correct” and explained that they will try to keep it as close to the existing brown as possible. So, all the precast will remain brown and basically, all they will be painting would be the caps (grey). He explained that the expansion would be painted to match the existing (right elevation 2). Ms. Roberson indicated the area on the plan.
Ms. Roberson asked why it was decided to move the groceries and freezers to the other side of the building.
Mr. Danza explained that it is a new program involving not just grocery, but also merchandise.

There were no questions or comments from the Commission.

There were no questions or comments from the public, either in person or via online.

Motion was made by S. Pember to close the public hearing for SP 23-003: Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart.
Second by G. Maiato. No discussion.
Motion carried unanimously by voice vote (5-0-0).

2. **SP 23-004:** Special Permit for above-ground propane storage and outside display of merchandise at 564 Providence Road, Applicant: Sholes Ace Hardware.

Paul Archer, Archer Surveying, represented the Applicant. Mr. Sholes was present in the audience. Revised plans were provided and were displayed as discussed. Mr. Archer gave an overview:

- Mr. Archer explained that the special permit is needed as they are proposing an above-ground, propane recharging station behind the building and they are also proposing outside merchandise storage units in the front of the building.
- Mr. Archer referred to the detail page of the plans showing the bollards and 5 x 16 concrete pad to house the 1,000-gallon propane tank. It will have a security light and two doors. Per request of the Commission and the Fire Marshal, they are proposing that one of the parking spaces on the side of the tank will be designated as “no parking” and also a couple of spaces on the side of the tank as parking for the recharging station. They will be putting signs there.
- They are proposing an underground line going from the building to a security light that will be in the northeasterly corner.
- They are proposing a couple of screened dumpsters. Mr. Archer noted that none of the existing dumpsters are screened.
- Regarding the display area on the sidewalk, Mr. Archer explained that the sidewalk is ten-feet wide and the steel posts are 7.5 feet off the face of the building. Photos were displayed and explained by Ms. Roberson. Mr. Archer also provided some photos for viewing by the Commission. Mr. Archer stated that they are proposing to move the storage units up into the post area and he explained that they will leave a four-foot passageway down the walkway, at all times.

Ms. Roberson commented about the existing dumpsters behind the building and about how well that area has been being maintained by Ocean State Job Lot. She indicated nearby neighbors. Ms. Roberson recognized that it is an awkward situation that screening is now required, but that it hadn’t been for previous approvals.

- Mr. Archer explained about the propane tank location which is due to a CL&P Easement being where they had previously intended to locate it.
- Regarding a comment from Syl Pauley about installing a concrete walkway, Mr. Archer stated that this has been included on the plan.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **L. Herring** spoke about the importance of maintaining the four-foot walkway which is the minimum ADA requirement for wheelchair accessibility.

COMMENTS FROM STAFF:

- **J. Roberson** explained that the use of the hardware store does not have to come before the Commission. The Applicant has applied for a Zoning Permit to open. This Application for a Special Permit, for the outdoor

display of merchandise and the propane tank, is not holding up the opening of the store.

There were no questions or comments from the public, either in person or online.

Motion was made by L. Herring to close the public hearing for SP 23-004: Special Permit for above-ground propane storage and outside display of merchandise at 564 Providence Road, Applicant: Sholes Ace Hardware.

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (5-0-0).

3. **ZC 23-003:** Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6), Applicant: Jeff Weaver.

Paul Archer, Archer Surveying, represented the Applicant. Jeff Weaver was present in the audience. Mr. Archer gave an overview (plans were displayed as discussed):

- This Application precedes Application SD 23-001 for a two-lot subdivision of this same property (see Agenda Item VI.d.4).
- Mr. Archer explained that past practice of the PZC is that the entire should be in the same zone in which you are developing. All of the proposed development for the two-lot subdivision would be happening in the R-30 Zone. However, the back half of the lots are split (part in the R-30 Zone and part in the RA Zone). This zone boundary change would allow both entire parcels to be included the R-30 Zone. Mr. Archer provided maps/plans, with the area outlined, to Commission Members.

Ms. Roberson explained that this is the recommendation of the Town's Land Use Attorneys. Ms. Roberson clarified that a parcel can span zone boundaries, but the Applicant is proposing to create new lots and, as part of that subdivision process, there has to be a demonstration that you can meet zoning requirements. In this case, it is impossible for these lots to meet the zoning requirements of both zones simultaneously. Ms. Roberson considers this to be a minor tweak and Mr. Archer explained how it had been done previously on a six-lot subdivision.

- Mr. Archer explained that it would not be spot zoning as the surrounding area is the R-30 Zone and this would be adding a little over an acre to the R-30 Zone.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- **Seth Pember** asked if there were any changes to the site plan. Mr. Archer stated that there were no changes at all to the site plan.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Emily MacNamara**, an abutting property owner, asked if additional lots are being created or just adds to the current lots that have already been separated. Mr. Archer stated that it just adds to the current lots and he explained about the two lots that they are proposing (each over 3/4 acre) to be all in one zone (R-30). Ms. Roberson explained that the proposed lots, which are part of a subdivision, although related to this Application, are not subject to this public hearing. The subject of this public hearing is the shifting of the zone boundary, but she said that it is fine to discuss both Applications.

- **Bill MacNamara**, 288 Church Street, asked if either of the proposed houses are to be multi-family houses or rental properties. He also asked if this would fall under multi-family development.
Jeff Weaver stated that, at this point, they are not, they are to be single-family.
Ms. Roberson explained that they are proposed as duplexes (two-family) and she explained that multi-family is defined as three or more.
- **Todd**, 307 Day Street, asked if the duplexes would be rentals or if they are to be sold.
Mr. Weaver stated that, at this point, they are to be single-family homes, but are proposed as duplexes on the plan.
Ms. Roberson asked what the intention is, single-family or duplex.
Mr. Weaver stated that the intention is two single-family homes, not duplexes.
Ms. Roberson asked about open space vs. fee-in-lieu of open space.
Mr. Archer stated that this had already been discussed and that he had provided the appraisal.

Motion was made by S. Pember to close the public hearing for ZC 23-003: Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6), Applicant: Jeff Weaver
Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (5-0-0).

d. **Other Unfinished Business:**

1. **SP 23-003:** Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart.

Motion was made by S. Pember to approve the Special Permit modification application of Walmart to create a 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road the Planned Commercial Zone, identified in the files of the Brooklyn Land Use Office as **SP 23-003**, in accordance with all final documents and testimony submitted with the application with the finding that the proposal is consistent with Sec. 4.D.5. (Additional Special Permit Criteria), the Route 6 Corridor Design Guidelines, and Sec. 9.D.5 (Special Permit Criteria) of the Zoning Regulations. Such approval includes the following conditions and modifications:

1. The Inland Wetlands and Watercourses Commission approval and Planning and Zoning Commission approval with conditions must be included on the final recorded special permit 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 and signed by the Commission Chair shall be recorded along with the Record of Special Permit in the office of the Town Clerk.
 2. Prior to conducting any site work or installing any signage, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.
- Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2. **SP 23-004:** Special Permit for above-ground propane storage and outside display of merchandise at 564 Providence Road, Applicant: Sholes Ace Hardware.

Motion was made by G. Maiato to approve the Special Permit application of Sholes Ace Hardware for above-ground propane storage and outside display of merchandise at 564 Providence Road in the Planned Commercial Zone, identified in the files of the Brooklyn Land Use Office as **SP 23-004**, in accordance with all final documents and testimony submitted with the application with the finding that the proposal is consistent with Sec. 4.D.5-6 (Additional Special Permit Criteria and Additional Provisions), the Route 6 Corridor Design Guidelines, Sec. 9.D.5 (Special Permit Criteria), and Sec.

5.F (Groundwater Protection Overlay Zone) of the Zoning Regulations. Such approval includes the following conditions and modifications:

1. The Planning and Zoning Commission approval with conditions must be included on the final recorded special permit 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 and signed by the Commission Chair shall be recorded along with the Record of Special Permit in the office of the Town Clerk.
 2. Prior to conducting any site work, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.
 3. The sidewalk display of merchandise must be kept tidy and maintain a minimum clearance of 4' in accordance with ADA requirements.
- Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (5-0-0).

3. **ZC 23-003:** Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6), Applicant: Jeff Weaver

With the plans showing duplexes on both lots, S. Pember asked if an architectural drawing is needed on those to approve the subdivision. Ms. Roberson explained that if this zone change were approved, the only map change that would occur is to the official zoning map. Mr. Pember stated that the plan, technically, isn't correct showing a duplex on the lots where they are moving the line. Ms. Roberson explained that when a zone change is proposed, it is helpful to put it on some kind of background, and in this case, the single-family vs. duplex is sort of a background image to help you understand where the actual proposal is. It is not part of the proposal.

Motion was made by A. Fitzgerald to approve the application **ZC 23-003:** Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6) with the finding that the change is consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations, will aid in the protection of public health, safety, welfare, or property values, and is suitable for the location. These changes will become effective fifteen days from publication in accordance with CT General Statutes Section 8-7d.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

4. **SD 23-001:** Two-lot subdivision including 3 acres on Day Street (Map 43/Lot 6), Applicant: Jeff Weaver.

Paul Archer, Archer Surveying, represented the Applicant. Jeff Weaver was present in the audience. Mr. Archer gave an overview (plans were displayed as discussed):

- They are proposing a 50-foot-wide strip coming down to two lots.
- Mr. Archer explained that Mr. Weaver had contemplated putting two duplexes, but after speaking with the neighbors and hearing their concerns, he is now going to make it two, single-family residential homes. Mr. Archer noted that the plans are conceptual.
- Mr. Archer explained how he will modify the map to show the zone change that was just approved and the single-family homes. Mr. Archer stated that Syl Pauley's comments are on it.
- Mr. Archer explained about open space and about the appraisal which would be divided by two for a fee-in-lieu of open space of \$4,500 per lot.
- They have approval from the IWWC (included in packets) and the Health Department.

Ms. Roberson stated that David Held is the Engineer of record and the drainage report that he prepared has been reviewed and approved by Syl Pauley. Final review by Mr. Pauley:

- Mr. Pauley asks that revision dates be added to the plans;
- Mr. Pauley asks who would maintain the pipe under the shared driveway (this should be included in the shared driveway agreement).

Mr. Archer stated agreement.

- Mr. Pauley asks why the road continues.

Mr. Archer explained that it enables Mr. Weaver to get to the rear-most parcel of his land, which he uses for recreational purposes.

Ms. Roberson stated that this is the plan that was presented to the IWWC.

Mr. Archer stated, "correct."

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Cory, 311 Day Street**, commented that a lot of the neighbors are concerned about adding developments deeper into the woods behind people's houses. A lot of run-off has been noticed.
Mr. Archer explained that run-off was a concern and the IWWC did a site walk and that is why they added a pipe under the driveway to keep the water running in the right direction, into the wetlands.

Motion was made by G. Maiato to approve the application **SD 23-001: Two-Lot Subdivision**, Applicant: Jeff Weaver, 3 acres on south side of Day St., (Map 43, Lot 6), Proposed creation of two residential rear lots on a shared driveway in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:

- 1) The approval and/or review letters from the Inland Wetlands and Watercourses Commission, the Northeast District Department of Health, and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).
- 2) A Shared Driveway and Maintenance Agreement for the shared driveway in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision plans in the office of the Town Clerk.

At the time of sale of any building lot:

- 1) All boundary pins and monuments shall be set and field verified by the surveyor.
- 2) At the time of sale of any of the new building lots, a payment in lieu of open space dedication shall be paid by the applicant to the Town in the amount of \$4,500 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.

Prior to the issuance of a Zoning Permit on any lot:

- 1) 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.
- 2) Prior to any lots being developed, driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways. 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. 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) 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.

- 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. (When a stone wall needs to be broken, it needs to be re-built along the edges of the opening.)

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

VII. New Business:

a. Applications:

1. **SP 23-005:** Special Permit for sit-down café and restaurant (tea, beverages, ice cream, baked goods, soup, sandwiches), retail gift shop and catering at 8 Wolf Den Road, Applicant: Creamery Tea House, Owner: Julie MacCormack.

Motion was made by S. Pember to schedule the public hearing for **SP 23-005:** Special Permit for sit-down café and restaurant (tea, beverages, ice cream, baked goods, soup, sandwiches), retail gift shop and catering at 8 Wolf Den Road, Applicant: Creamery Tea House, Owner: Julie MacCormack for the meeting of the Planning and Zoning Commission to be held on October 4, 2023 at 6:30 p.m. at the Clifford B. Green Community Center, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2. **SPR 21-004mod:** Site Plan modification for ground-mounted solar panels at 5 Front Street and 29 Tiffany Street, 1.8 acres, R-10 Zone, Applicant: CHIP Fund 6 LLC & CHIP Fund 8 LLC.

David Held, P.E. and Land Surveyor with Provost & Rovero, represented the Applicant and gave an overview (plans were displayed as discussed):

- Mr. Held explained that this is a modification of a project that the PZC approved in 2021 at the two multi-family buildings (each on its own lot) at the corner of Front Street and Tiffany Street.
- Mr. Held referred to the Site Development Plan and indicated the locations for the solar panels.
- They are proposing a carport structure (with solar panels on top) for the larger multi-family building on Front Street. Mr. Held indicated where the Applicant would like to add a second carport structure (also with solar panels on top).
- Mr. Held explained that a minor lot-line adjustment is needed to comply with setback requirements (treating it like it is a building).
- Most of the carport structure would be screened from Tiffany Street by the building it would serve.
- Not proposing to change anything about the ground-mount portion of the array. Still same fencing, same security. Just adding the carport structure.
- Mr. Held explained that there will be excavation to put in footings for the posts.

QUESTIONS/COMMENTS FROM STAFF:

- **J. Roberson** stated that this is a very minor change.
- Ms. Roberson commented that there is a lot of debris out there and that there is a problem with maintenance on the property.
Mr. Held explained that the property owner is having difficulty with getting a contractor who will do a good job of rehabilitating the building. Ms. Roberson commented that with the previous approval, there was concern about the appearance from the public road. She said that this is a National Register Historic District. Chain-link fence with slats had been

discussed for the previous approval and Ms. Roberson stated that it is still part of this. She displayed and explained photos. There was discussion about the slatted chain-link fencing.

There were no questions or comments from the public, either in person or online.

Motion was made by S. Pember to approve the Site Plan Review Application **SPR 21-004mod** for ground-mounted solar panels at 5 Front Street and 29 Tiffany Street with the following condition in accordance with Section 6.N of the Brooklyn Zoning Regulations: 1) That screening shall be required in accordance with the original approval on October 6, 2021.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (5-0-0).

3. **ZRC 23-006:** Modification to Appendix 10.D: Floodplain Management Regulations of the Floodplain Overlay Zone/ (FEMA/NFIP), Applicant: PZC.

Motion was made by S. Pember to schedule the public hearing for **ZRC 23-006:** Modification to Appendix 10.D: Floodplain Management Regulations of the Floodplain Overlay Zone/ (FEMA/NFIP), Applicant: PZC for the meeting of the Planning and Zoning Commission to be held on October 17, 2023 at 6:30 p.m. at the Clifford B. Green Community Center, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by G. Maiato.

Discussion:

C. Kelleher asked why it is necessary to have a public hearing on this item.

Ms. Roberson explained that the Commission had adopted the Flood Zone Regulations and they were sent to FEMA and notice was received that some technical language was not accurate and it must be corrected. FEMA has granted an extension.

Motion carried unanimously by voice vote (5-0-0).

b. **Other New Business:**

1. Discussion of potential subdivision on Old Tatnic Hill Road.

Ms. Roberson explained that Killingly Engineering Associates requested that this be postponed to a later date.

VIII. Reports of Officers and Committees

Mr. Fitzgerald asked about the person on Pomfret Road (west side of Route 169).

Ms. Roberson explained that they had met with him and he has a permit. He is saving the building, but not changing it, so, it is, basically, considered maintenance. Discussion continued.

IX. Public Commentary

There was discussion regarding Alternate Members.

X. Adjourn

A. Fitzgerald adjourned the meeting at 8:16 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary