

2014-04-02 PZC Reg Mtg Minutes

**Planning & Zoning Commission
Town of Brooklyn
Regular Meeting Minutes
Wednesday, April 2, 2014
Clifford B. Green Meeting Center
69 South Main Street
7 p.m.**

- I. Call to Order** – Acting Chair, Michelle Sigfridson, called the meeting to order at 7:04 pm.
- II. Roll Call** – Michelle Sigfridson, Deane Rettig, Craig Dunlop (arrived at 7:31 pm), Donald Francis, David Fuss, Aaron Kerouack, Derek Wesolowski. Carlene Kelleher was absent with notification.

Staff Present – Jana Roberson, AICP, Land Use Administrator

Also Present – Richard Ives, First Selectman, Town of Brooklyn

- III. Seating of Alternates** – None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes March 5, 2014.

Motion by Donald Francis to approve Regular Meeting Minutes March 5, 2014. Second by David Fuss. Motion carried 6-0.

V. Public Commentary

Manisha and Peter Patel, owners of the Brooklyn Market building (Village Center District), would like to put a second story addition

over the flat roof portion at the back of the building (also to include a porch). They provided copies of an aerial diagram and asked the Commission for direction.

J. Roberson gave an explanation of what the Patels would like to do, the area where the building is located (visible from Route 6), and some options.

Discussion ensued.

All Members of the Commission were in agreement that a public hearing would be necessary.

VI. Unfinished Business:

a. Reading of Legal Notice – Read by Secretary, Deane Rettig.

b. Continued Public Hearings – None.

c. New Public Hearings:

1. ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete “Motor Vehicle Repair only when sanitary sewers are available” as a permitted use in RB Zone and; Add “Motor Vehicle Repair” and “Light Industry” (as defined in the Zoning Regulations) as a use permitted by Special Permit.

Attorney John Fitzgerald, Norwich, spoke on behalf of the Applicant, Jewett City Savings Bank. He stated that Ernest Muccio, VP Jewett City Savings Bank, was also present. Attorney Fitzgerald stated that there was some interest in a property on Prince Hill Road that the Bank had acquired. The perspective buyer of the property (formerly a gym) would like to use the property as an automotive repair facility.

Mr. Muccio stated that there were other perspective buyers who were interested in this use for the property as well and

that the real estate agent prompted this action.

Bruce Parsons, 39 River Farm Drive, Brooklyn, asked the difference between sanitary sewer and public sewer.

J. Roberson stated that storm sewer is road runoff and sanitary sewer is what is flushed down the toilet.

Mr. Parsons asked “when sanitary sewers are available,” does that mean onsite sanitary sewer? He stated that it does not specify public sewer.

J Roberson stated that generally “sewer” is used to mean a connection to a sewage treatment plant as opposed to a septic system.

Mr. Parsons stated that his question had been answered.

J. Roberson stated that she would like to include, as part of the public hearing record, the Land Use Analysis of the Restricted Business Zones (included in packets to Commission Members and she offered copies for anyone who would like one). She raised points for discussion:

- Both zones (Route 6 and Route 205 West Wauregan Zone) each have their own composition. She suggested possibly allowing the automotive use by special permit in only one of the zones by reducing the scope of the zone change.
- The existing language under Article 3.4.7.2, “Motor Vehicle Repair only when sanitary sewers are available is a permitted use,” was, perhaps worded that way, because the intention was to only allow motor vehicle repair on Route 6 where there is sanitary sewer.

Aaron Kerouack stated the he thinks that it has more to do with EPA standards, not for the benefit of the business, but for the benefit of the neighboring and abutting properties to

protect them from contaminants/pollutants.

David Fuss stated that automobile repair would be by special permit and State permit.

Discussion ensued.

Attorney Fitzgerald stated that they have no objection to this being limited solely to the Route 6 23-acre RB Zone (no need for sanitary sewer, but need special permit).

Mr. Parsons stated that, in the past, an automotive body shop had been approved for a property west of this property (there was no public sewer there) and he asked what the difference is.

D. Fuss stated that application was for auto restoration or something of that nature, but it is the same thing.

D. Rettig stated that he sees no reason to exclude the Route 205 Restricted Business Zone from this Application, and that there is plenty of control with special permit.

R. Ives asked what was meant by "light industrial".
Discussion ensued.

J. Roberson stated, for the record, that the building (former gym) is partially located within an access easement which leads to a parcel to the west (which also has frontage on Prince Hill).

D. Fuss stated that the parcel to the west is the property that had been approved for auto restoration.

M. Sigfridson read from the 2011 Plan of Conservation and Development noting the Economic Development objective to encourage Route 6 commercial development to increase the grand list; however in the 2009 Residents Survey, the

Restricted Business Zone on Route 6 was the lowest priority for development among the Route 6 commercial areas.

Motion by D. Rettig to close the public hearing on Application ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use in RB Zone and; Add "Motor Vehicle Repair" and "Light Industry" (as defined in the Zoning Regulations) as a use permitted by Special Permit. Second by D. Fuss. Motion carried 7-0.

Attorney Fitzgerald asked if the Commission would be voting on this Application tonight or if action would take place next month.

Motion by D. Rettig to add to the Agenda, under Item VI.d.2., the vote for ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use in RB Zone and; Add "Motor Vehicle Repair" and "Light Industry" (as defined in the Zoning Regulations) as a use permitted by Special Permit. Second by D. Fuss.

There was discussion on whether to table until next month.

Motion carried 7-0.

d. Other Unfinished Business:

1. SPR14-001 Brooklyn Little League/Town of Brooklyn; Greenway Drive, Map 42, Lot 75, R-30/R-10 Zone, 16.22 Acres; Addition of field support appurtenances including fenced bull pens, bleachers, press box, storage shed, batting cage, and parking lot lighting (6 fixtures), etc. (modification of a previously approved application SPR12-001).

Alan Carpenter, Professional Engineer, Brooklyn Little League Safety Officer, represented the Brooklyn Little League. He stated that this is a joint application with the Town of Brooklyn

to add appurtenances to Riverside Park. The Town is adding a gazebo to this Application.

Proposed additions:

- Concrete slabs for bleachers for T-Ball Field;
- Dugouts for T-Ball Field;
- Press Box and storage shed for Tournament Field;
- Concrete slab for bleachers on both sides of the Tournament Field;
- Fencing for bullpen on both sides of the Tournament Field;
- Batting cage on the right field line of the Tournament Field;
- Score Board on the left field corner;
- Conduits to get electrical wiring to scoreboard, batting cage, storage shed and press box (Wetlands approval obtained);
- Low-level lighting (at Town's request) for the parking lot (3 lights on each parking lot). To be 20-foot, full cut-off, down lighting.

Mr. Carpenter stated that Brian Levesque, League President, and Bucky Lohbusch, Recreation Director, were also present.

D. Rettig followed up on the question raised last month by Carlene Kelleher regarding traffic control.

Richard Ives, First Selectman, stated that during a tournament where there may be multiple teams involved, only be one game would be played at a time and that people would be coming and going at different times. He stated that he didn't feel there would be a problem, but if the need arises, it would be dealt with at that time.

J. Roberson stated that the Commission had asked previously for architectural plans (condition of approval when

the location was approved) for the gazebo and that it was included in the packets. She clarified that this Application is for site plan review (SPR) not special permit (SP).

Motion by D. Francis to approve Application SPR14-001 Brooklyn Little League/Town of Brooklyn; Greenway Drive, Map 42, Lot 75, R-30/R-10 Zone, 16.22 Acres; Addition of field support appurtenances including fenced bull pens, bleachers, press box, storage shed, batting cage, and parking lot lighting (6 fixtures), etc. (modification of a previously approved application SPR12-001). Second by D. Fuss. Motion carried 7-0.

2. ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use in RB Zone and; Add "Motor Vehicle Repair" and "Light Industry" (as defined in the Zoning Regulations) as a use permitted by Special Permit.

Motion by D. Rettig to approve Application ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use in RB Zone and; Add "Motor Vehicle Repair" and "Light Industry" (as defined in the Zoning Regulations) as a use permitted by Special Permit. Second by D. Fuss.

D. Rettig stated his reasons for approval:

- It does not infringe on the area (RB Zone);
- It would not generate heavy traffic;
- These types of permitted uses would not overburden the road or the ability to serve thru traffic.

Discussion ensued.

Motion by D. Rettig to amend the motion to approve Application ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete "Motor Vehicle Repair only when sanitary sewers are available" as a permitted use in RB Zone and; Add "Motor Vehicle

Repair” and “Light Industry” (as defined in the Zoning Regulations) as a use permitted by Special Permit to include that review of the relevant sections of the PoCD found this Application to be consistent with those sections of the PoCD. Second by D. Fuss.

Discussion.

Motion by D. Rettig to amend the motion to approve Application ZRC14-001 Request for Zone Text Change to Article 3.4.7.2- Delete “Motor Vehicle Repair only when sanitary sewers are available” as a permitted use in RB Zone and; Add “Motor Vehicle Repair” and “Light Industry” (as defined in the Zoning Regulations) as a use permitted by Special Permit to set the effective date for 15 days from the date of publication. Second by D. Francis.

Vote on the original motion (5) as amended: C. Dunlop – yes; D. Francis – yes; D. Fuss – yes; D. Rettig- yes; M. Sigfridson – yes; A. Kerouack – no; D. Wesolowski – no. Motion carried 5-2.

VII. New Business:

a. Applications:

1. SP14-002 The Learning Clinic, 464 Pomfret Road, Map 27, Lot 7-7A; Art Studio/Modification- deck around building and full basement. (Modification of previous application SP13-002).

D. Francis recused himself and sat in the audience.

Steven Goulter, The Learning Clinic, 476 Pomfret Road, stated that construction is completed on the art studio which is located behind their Applied Arts Building. He stated that for the Certificate of Occupancy, the Building Inspector wanted handrails installed and they have complied, the

Fire Marshal found no issues, Planning & Zoning found that the footprint had been changed.

Mr. Goulter explained that, when they dug for the footings and frost walls, they pushed the topsoil over to another area (to get to virgin soil) so there was a big hole in the ground. Rather than bringing in fill, they put in a full basement. They added a deck which wraps around the east, west, and south sides of the building. They also added stairs.

Mr. Goulter stated a concern would be the distance from the septic system. There was an issue with material (during excavation) which forced them to move the building over five feet and added six feet of deck on that corner, but still over 25 feet away from the septic system (minimum distance of 15 feet). He stated that the deck added to the footprint.

Mr. Goulter stated that there is no additional lighting. He stated that a kiln will be installed in the basement.

Acting Chair, M. Sigfridson, stated that the Zoning Regulations don't provide procedure for approval consideration for a case like this which involved public hearing.

Discussion ensued.

M. Sigfridson asked the Commission Members if it should go back to public hearing. There was a consensus that public hearing was not necessary in this case.

Motion by D. Fuss to accept Application SP14-002 The Learning Clinic, 464 Pomfret Road, Map 27, Lot 7-7A; Art Studio/

Modification- deck around building and full basement.
(Modification of previous application SP13-002).

D. Fuss withdrew his motion to accept Application SP14-002 The Learning Clinic, 464 Pomfret Road, Map 27, Lot 7-7A; Art Studio/
Modification- deck around building and full basement.
(Modification of previous application SP13-002).

Mr. Goulter asked that, if there is no public hearing, the advertising costs for public hearing be returned. J. Roberson said that it would be returned.

Motion by D. Rettig to approve Application SP14-002 The Learning Clinic, 464 Pomfret Road, Map 27, Lot 7-7A; Art Studio/
Modification- deck around building and full basement.
(Modification of previous application SP13-002). Second by A. Kerouack. Motion carried 5-0. D. Wesolowski was opposed. D. Francis had recused himself.

Don Francis returned.

b. Other New Business:

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report March 2014.

J. Roberson reported:

- One zoning permit issued in March for a pool deck
- Renewed two gravel permits:
Regis for 430 Allen Hill Road – There is a wetlands violation, but Mr. Regis will correct it. Wetlands hearing next week.

Jolley for 530 Wauregan Road.

Letters to each from J. Roberson dated March 20, 2014, included in Commissioners' packets.

- Notice of Violation for Unauthorized Gravel Bank dated March 27, 2014, to Fred C. Green, FCR Realty, LLC included in Commissioners' packets.

If progress is not made by Mr. Green by May 1st, he will be given a date for compliance and if there is no progress by that date, fines will start.

- A letter (Notice of Violation) went to Courtesy Ford (not included in the Commissioners' packets). J. Roberson gave them until April 15th to paint the stripes on the parking lot. This includes having engineer/surveyor certify that the work is complete. The date may need to be extended due to weather/temperature.

2. Wal-Mart Update.

J. Roberson reported:

- Sound test next week.
- Did some renovation work to the detention basins.
- Requested releases of bonds and have received partial release of their \$75,000 performance bond. Landscaping bond would be released last.

3. Correspondence.

J. Roberson explained that because the Towns of Plainfield and Canterbury are considering zone changes that affect land within 500 feet of the Town boundary, they must refer it to the neighboring Town for opportunity to comment during the public hearing. She gave an explanation of the proposed changes and offered to relay comments from the Commission to the Towns of Plainfield and Canterbury.

- a. Town of Plainfield Zoning Amendments.
- b. Town of Canterbury Zoning Amendments.

There were no comments to be relayed from the Commission.
D. Fuss suggested that the Town of Brooklyn P&Z
Commission consider the same changes.

4. Regulations Subcommittee – D. Rettig stated that every time Carlene Kelleher tries to get people together for a meeting, she has been unsuccessful.
5. Route 169 Recommendations Follow-up Subcommittee.

D. Rettig stated that a meeting with J. Roberson is needed to finish the definition and get direction. He stated that he feels it would take three or four more meetings. J. Roberson will coordinate.

6. Budget.

M. Sigfridson stated that she attended the budget meeting. The rewrite was discussed, as well as, the possibility of hiring a part-time zoning enforcement officer. Both ideas were well received.

J. Roberson reported that she attended the EDC meeting and did a presentation of the sign regulations. She stated that the main benefit for those attending was the clarification of terms. She will distribute comments received.

Discussion ensued.

7. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

Motion by D. Rettig to adjourn at 9:44 pm. Second by D. Fuss.
Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Clerk