2012-09-05 P & Z Reg Mtg Minutes

Tuesday, September 11, 2012

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Planning & Zoning Commission
Regular Meeting Minutes
7pm Wednesday September 5, 2012
Clifford B. Green Meeting Center

In Attendance: David Fuss, Carlene Kelleher, Don Francis, Michelle Sigfridson, Deane Rettig, Craig Dunlop (arrived 7:22), Paul Camara, Aaron Kerouack (arrived 7:15), Jim Larkin (NECCOG), Tom Doherty and Henry Moses absent with permission.
Also in Attendance: members of the public, First Selectman Austin Tanner

I. **Call to Order:** Meeting called to order at 7:06pm
II. **Roll Call:** Roll call showed six members present. Two arrived tardy. Two absent with permission.
III. **Seating of Alternates:**
IV. **Adoption of minutes:**
   1. Regular Meeting Minutes of August 1, 2012-David Fuss moved to adopt minutes of August 1, 2012. Deane Rettig seconds this motion. Motion passed.
   2. Special Meeting Minutes of August 15, 2012-Don Francis moved to adopt minutes of Special Meeting on August 15, 2012. Deane Rettig seconds this motion. Motion passed.
V. **Public Commentary:** no discussion from the public
VI. **Unfinished Business:**
   a. **Reading of Legal Notice:** Michelle Sigfridson read the following Legal Notice, SD12-001 Michael Bunning: Herrick Road and Pomfret Road (Route 169 (Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision). Dated 22nd of August 2012 by Carlene Kelleher.
   b. **Continued Public Hearings:** None
   c. **New Public Hearings:**
   1. SD12-001 Michael Bunning: Herrick Road and Pomfret Road (Route 169 (Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision). Norman Thibeault of Killingly Engineering Associates representing Michael Bunning. (Mr. Bunning was also present) Mr. Thibeault explained the layout and size of each lot, his proposed plans to subdivide. The driveway will be made wider, making it easier for two vehicles to pass at the same time. Temporary driveway request during project, then shared driveway when complete. The first 250ft will be paved to avoid washing out. Attorney Kevin Connors represents Robert McMannis who has a driveway easement over the subject property, which would become a shared driveway under the plan. Mr. Connors explained to the Commission that Mr. McMannis has concerns about sharing the driveway, what if the other 2 owners fail to maintain the driveway, will he be able to get in and out of his property, will he have continuous and unlimited access? What about construction traffic? Michelle Sigfridson asked how long Mr. McMannis's driveway was. Mr. Connors stated it is 500ft over the right of way then an additional 200ft to his house. The total driveway is 1,200ft. Mr. Thibeault addressed Mr. Connors concerns and stated the driveway will be widened to 15ft, with shoulders, to allow for passing traffic and agreed to identify in the deed the pull off areas to accommodate emergency vehicles, and whose responsibility it will be to maintain it. Mr. Thibeault also explained that Syl Pauly has reviewed the plans and provided a letter stating that he is satisfied with the erosion sedimentation process and drainage during and after construction that is being provided by Killingly Engineering Associates. Deane Rettig asked Mr. Thibeault if Mr. McMannis could have a voice involving the maintenance agreement, Mr. Thibeault agreed. David Fuss made a motion to close the public hearing. Paul Camara seconds this motion. All in favor. Motion passed.

   d. **Other Unfinished Business:**
   1. SD12-001 Michael Bunning: Herrick Road and Pomfret Road (Route 169 (Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision). David Fuss made a motion to approve application with the following conditions. 1. The staff will be reviewing and considering approval 2. proposed maintenance agreements when property conveys
      3. pull off area to be reviewed by Syl Pauly
      4. the fee in lieu of will need to be approved by Attorney Peter Alters.

Paul Camara seconds this motion. All in favor. Motion passed.

2. SPR12-005 The Learning Clinic, 464 Pomfret Road (Route 169) Map 27, Lot 7, RA Zone, Construct Art Studio 18x24 out-building behind new classroom building. Application was withdrawn by letter dated 8-20-12 as regulations do not allow a private school as a permitted use in a RA zone.
3. SPR12-004 Town of Brooklyn-Disc Golf, Davis Forest, Map 45, Lot 1. Application to withdraw was provided in the P&Z Committee Members packet. Will be resubmitted.
4. Continued discussion of Zoning Regulations proposed by Don Francis-19.4 Sale of Alcoholic Beverages. Attorney Peter Alter is still reviewing, will get back to us. Carlene doesn't feel this is ready for a public hearing. If it is adopted, the 3 current stores will be non-conforming, therefore cannot expand their business in the future. Aaron Kerouack voiced his concerned that the way the proposed language reads, it would discourage new business growth on route 6 because the stores cannot be located near schools, parks, churches etc. The town would like to see growth on route 6, not in residential areas.
   Carlene Kelleher wanted a motion to be made to add an item #5 to "other unfinished business" on the agenda regarding Private School as a permitted use in a RA zone. David Fuss made this motion. Deane Rettig seconds the motion. All in favor. The motion passes. Carlene Kelleher set this item for public hearing on November 7, 2012. David Fuss made the motion to set a public hearing. Deane Rettig seconds this motion. All in favor. Motion passes.

VII. New Business:

a. Applications:

1. SPR12-006 Aldin Associates (Sunoco), 500 Providence Road, Map 41, Lot 13, PC Zone, Replace car wash equipment and install awning over first car n line at teller as per plans. John Macione, Construction Manager for Aldin Associates proposed his new friction (mini tunnel) car wash with canopy with tracks to push the vehicle into the car wash. John explained how the car wash operates. He discussed there will be tracks that will be flush with the ground that will be under an awning, so that during the winter months the tracks will be protected from freezing temperatures and debris. David Fuss asked if this design meets the towns set backs? Chuck Dobrowski Zoning Enforcement Officer confirmed. David Fuss motioned to approve application for the new car wash equipment and awning. Aaron Kerouack seconds this motion. All in favor. Motion passed.

b. Other New Business:

1. Modification to previously approved application (August 3, 2011) SP11-003 Courtesy Ford, 455 Providence Road, Map 41, Lot 114, PC Zone, Proposed building addition to existing automobile sales facility. Terry Chambers of KWP Associates, representing Courtesy Ford took the floor. Mr. Chambers made a statement that in the previous monthly meeting a member of the public, (who was present at the meeting) brought to Mr. Chambers attention that Deane Rettig in his comments voiced his displeasure with the applicant for not being present at the meeting and that Mr. Rettig would deny any application because this applicant disrespected the commission. Mr. Rettig rebutted with the statement that he did not make such a statement. Mr. Chambers discussed his plans for landscaping of Courtesy Ford perimeter. Requesting a modification of the previous approval of this application. First, specifying 15 ft of landscaping at road frontage area, in accordance with town regulations and the variance received from zoning board of appeals. Secondly, requesting landscaping on Courtesy Ford and neighboring Lutheran Church properties. Mr. Chambers discussed his detailed landscaping plans which included a chain linked fence for safety precautions for Lutheran Church property line along with his proposed landscaping vegetation to promote visibility of vehicles for sale.
   Carlene Kelleher discussed how she felt the fencing and massive amount of signs around Courtesy Ford property was offensive to the town and was clearly in violation with P&Z regulations. Mr. Chambers rebutted with the amount of businesses who currently display numerous amount of signs, and that maybe Courtesy Ford is being singled out. Carlene Kelleher stated it was a matter of opinion. There was continued back and forth conversation regarding previous plan approval of landscaping and current proposed landscaping in detail and also including replication of landscaping on east and west side of property to

be aesthetically appealing. Deane asked if the public should have a say in this modification regarding the landscaping/vegetation. Carlene read the regulation pertaining to waiving a special permit application for modifications to approved site plan including but limited to environment, change of use, traffic, site plan approval may be required. Carlene asked if the commission should vote to waive the special permit application. David made a motion to waive the special permit application and hold a site plan review and avoid a public hearing. No one seconds this motion. Motion failed. David Fuss made a motion to bring Courtesy Ford landscaping modifications to a public hearing. Michelle Sigfridson seconds this motion. Motion passes. Will be brought to public hearing on October 3, 2012.

2. Preliminary discussion of open space versus conventional subdivision Redmond Properties, LLC, Bailey Woods Road, Map 22, Lot 8, RA Zone. Bruce Woodis of KWP Associates representing Redmond Properties. Gravel excavating application withdrawn and is preparing a 5 lot subdivision. Proceeded by showing the proposed conservation subdivision of 30,000 sq ft buildable area. The minimum requirement of open space is 40% of the property the proposal from Redmond Properties is 56%. There is a small area of the conservation area that will be disturbed during construction and then re-vegetated after completion of project. David Fuss asked if Bruce if he could propose a maintenance agreement. Bruce stated the plan should be ready for submission in the next few months.

VIII. Reports of Officers and Committee:

1. Zoning Enforcement Officer's Report August 2012. Chuck Dobrowski met with some residents on 9/4/12 who would like to have a mini brewery as a home business, with no retail sales, 1,000 gallons a year to go to distributors. The entire business would be in a 500-600 ft garage that will have its own separate well and septic. The ZEO asked the commission if they would consider this as an allowed use under craftsman and artisans regulation. David Fuss stated he personally would consider this an allowed use. The residents are in the early stages and were coming to P&Z to see if there is a possibility of acceptance.
   David Fuss asked Chuck Dobrowski if he could look at the slopes at the Rawson Sand & Gravel Company it was a concern from a member of the public that the slopes could be hazardous. Deane Rettig asked if Chuck could also examine to see how much they have pulled out to date. Chuck stated hardly anything. Maybe a couple thousand yards maximum. They can process on site but do not.
2. Regulations Subcommittee. No quorum. Carlene Kelleher stated may be October for the meeting.
3. Budget. Included in commission members packet.
4. Chairman's Report. Carlene Kelleher wanted to mention that the commission had discussed that after the summer months they consider having a second meeting each month for planning. They did commit to the topic of cap size and decided to look into it as a commission and the alcohol provision, if it is not handled next month. Carlene Kelleher asked to set a date for this second cap size meeting. Set for October 16, 2012, place of meeting to be determined, notice will be sent to commission members.

XI. Public Commentary: Don Francis discussed rip rap topic regarding plans and the need for more progression, it is a waste of time when decisions are not being made, being dragged out way to long, is there a process in place so that there is some kind of routine inspection regarding erosion sedimentation control.
Carlene Kelleher asked if there has been any additional staff meetings regarding Wal-Mart and is Syl Pauly going to be involved with the project? Jim Larkin stated consulting engineer is responsible for the bonding and adequacy of the bonding for the project.

X. Adjourn: David Fuss motioned to adjourn. Craig Dunlop seconds this motion. Meeting adjourned, 10:30pm.

Respectfully Submitted,

Lisa Scribner
Recording Secretary

BROOKLYN PLANNING AND ZONING COMMISSION
REGULAR MEETING OF
September 5, 2012

ROLL CALL VOTES:

Board Members:	Attendance	1	2	3	4	5	6	7	8	9
Kelleher-Chair	X	+	+	+		+	+	+		+
Rettig-Vice Chair	X	+	+	+		+	+	+		+
Sigfridson-Secretary	X	+	+	+		+	+	+		+
Doherty										
Dunlop	X	+	+	+		+	+	+		+
Fuss	X	+	+	+		+	+	+	+	+
Francis	X	+	+	+	+	+	+	+		+
Moses										
Camara	X	+	+	+		+	+	+		+
Kerouack-Alternate	X	+	+	+		+	+	+		+
- Alternate										
- Alternate										

Motion 1 mm was made by David Fuss to adopt the Regular Meeting minutes of August 1, 2012. Deane Rettig seconds. All in favor. Don Francis moved to adopt Special Meeting Minutes of August 15, 2012. Deane Rettig seconds. All in favor. Motion passed.

Motion 2 mm was made to close public hearing by David Fuss. Paul Camara seconds this motion. All in favor. Motion passed.

Motion 3 mm was made by David Fuss to approve with conditions the proposed maintenance agreement when property conveys for SD12-001 Michael Bunning, Herrick Road and Pomfret Road (Route 169) (Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision) to include a pull off area to be reviewed by Syl Pauly, fee in lieu of to be approved by Attorney Peter Alters. Paul Camara seconds this motion. All in favor. Craig Dunlop abstains.

Motion 4 mm was made to have zoning regulations regarding Sale of Alcohol presented by Don Francis sent to a public hearing. Agree, Aaron Kerouack, David Fuss, Don Francis. Disagree, Paul Camara, Craig Dunlop, Jim Larkin, Deane Rettig, Carlene Kelleher. Michelle Sigfridson abstains. No one seconds. Motion failed

Motion 5 mm was made by Carlene Kelleher to add #5 to agenda regarding Private Schools in a RA zone. David Fuss accepted this motion. Deane Rettig seconds. All in favor. Motion passes.

Motion 6 mm was made by David Fuss to set a public hearing on November 7, 2012 regarding Private School as a permitted use in a RA zone. Deane Rettig seconds this motion. All in favor. Motion passes.

Motion 7 mm was made by David Fuss to approve the application for proposed car wash modifications. Aaron Kerouack seconds this motion. All in favor. Motion passes.

Motion 8 mm was made by David Fuss to waive special permit application, hold a site plan review to avoid a public hearing. No one seconds this motion. Motion failed, goes to public hearing on October 3, 2012.

Motion 9 mm David Fuss motioned to bring Courtesy Ford landscaping modifications to a public hearing on October 3, 2012.

Motion 10 mm made by David Fuss to adjourn. Craig Dunlop seconds this motion. Meeting adjourned.

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TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
NOTICE OF ACTION

At the recent regular meeting of the Planning and Zoning Commission on September 5, 2012 the following action was taken:

1. SD12-001 Michael Bunning, Herrick Road and Pomfret Road (Route 169) Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision-APPROVED WITH CONDITIONS.
2. SPR12-006 Aldin Associates (Sunoco), 500 Providence Road, Map 41, Lot 13, PC Zone, Replace car wash equipment and install awning over the first car in line at teller as per plans-APPROVED.

Any Appeals are to be filed with the superior court 15 days from the date of the legal notice appearing in the paper.

Dated this 6th day of September 2012.

Carlene Kelleher
Chairman

Please publish Friday September 7, 2012 in the legal section of the Bulletin. Use Account Number 10089300. Call Audrey with any questions at 860-779-3411.

PLANNING AND ZONING COMMISSION

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TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
LEGAL NOTICE

The Planning and Zoning Commission will hold a public hearing on Wednesday, September 5, 2012 at 7:00 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT on the following:

1. SD12-001 Michael Bunning; Herrick Road and Pomfret Road (Route 169) Map 26, Lot 3, RA Zone, 3-Lot Re-Subdivision.

Dated this 22th day of August 2012

Carlene Kelleher
Chairman

Please publish in the legal section of the Bulletin Friday August 24th and Friday August 31, 2012. Please use Account Number 10089300.