

**Planning & Zoning Commission
Special Meeting Minutes
7pm Wednesday December 5, 2012
Clifford B. Green Meeting Center**

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In Attendance: Carlene Kelleher, Deane Rettig, Don Francis, Michelle Sigfridson, David Fuss, Aaron Kerouack, Jim Larkin (NECCOG)
Excused: Craig Dunlop, Tom Doherty
Absent: Henry Moses, Paul Camara

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TOWN CLERK, BROOKLYN, CT

- I. **Call to Order:** Meeting was called to order at 7:06pm
- II. **Roll Call:** Roll call showed 6 members present. Two excused. Two absent
- III. **Seating of Alternates:** none
- IV. **Adoption of Minutes:** Deane Rettig motioned to accept the minutes of 11/7/12 as presented. Michelle Sigfridson seconds this motion. Carlene Kelleher would like the minutes to be corrected and reflect the following:
Minutes from 11/07/12 pg.2 2nd paragraph, the commission did not agree to discuss with Attorney Alter the request for a variance and if an access management plan is an option. No other discussion. All in favor. Minutes accepted with changes.
Deane Rettig made a motion to accept the Special Meeting Minutes of the 11/20/12 as presented. Don Francis seconds this motion. Carlene Kelleher would like the minutes to be corrected and reflect the following:
item #3 discussion of size cap, second to the last sentence states the name Tom Dunlop when it should read Tom Doherty. Also the minutes state Carlene Kelleher would not like to see "big box" stores and would like to see a cap size in place. She does not think she made such a statement. No discussion. All in favor. Michelle Sigfridson abstains. Minutes accepted to reflect changes.
- V. **Public Commentary:** Normand Thibeault, Jr. representing Keith Hoyt, addressed the commission with regards to activity on Mr. Hoyt's property. Carlene Kelleher asked for a motion to put this on the agenda under new business. Deane Rettig motioned to place this topic on the agenda in section VII New Business subsection b) **Other New Business** #3 Discussion of Hickory Lane. Carlene suggested moving it to #2 and taking # 2 and placing on the agenda as item #3. Michelle Sigfridson seconds this motion. All in favor. Item placed on agenda.
Jules D'Agostino, Barrett Hill Rd, addressed the commission regarding stone walls on Hyde Road and the property on Hyde Road closest to Rte 169. A neighbor on Rte. 169 which lives across the street (is familiar with the final report from the Rte 169 committee), saw a truck removing stone from the property at went and asked them what they were doing and that Rte 169 is a Scenic Road and removal of stone walls is not allowed. The owner of the home informed the current renter of the home to remove the stone because she will be using at her current property in Massachusetts. Mr. D'Agostino read from the Rte 169 Committee Plan that was created. Recommended the commission present a cease and desist order. Chuck Dobrowski, ZEO addressed the commission stating if the wall is on her property, as long as it doesn't mark any boundary lines then she can remove the stone wall. Austin Tanner did meet with all parties involved asked that it be put on hold. The property is being surveyed right now.
Carlene Kelleher commented as to whether the commission might want to have Peter Alters take a look at our VCD regulations to see if the regulations can give us any protection as to whether the stone walls should not be removed.

VI. Unfinished Business:

a. Reading of Public Notice: Michelle Sigfridson reads the legal notice into the record.

b. Continued Public Hearings:

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 KWP Associates, representing Courtesy Ford, at the last meeting, as-built was presented as per Syl Pauley's (Town Engineer) comments. The Public Hearing was continued so that Mr. Pauley could review the as-built. Syl Pauley and his comments were presented in the commission members packets. Syl Pauley Jr. (engineer) addressed the commission with his statements from his review of the plan revision to the Courtesy Ford lot and landscaping to improve drainage on the lot. His findings were as follows:

1. The regulations state 65% is allowed for impervious coverage, Courtesy Ford has 71%. His remedy would be to rip up the impervious and install pervious.
2. Floor and garage area bays 54 spaces required, only 38 provided but does have an "open" area which could be utilized for parking if they chose to do so.
3. Current regulations allow 1 access to commercial sites. Continued discussion regarding safety. His remedy would be to reduce the width of driveway 20-30ft and striped for easy visibility. This would also allow for more "display" area. It was also suggested that there be a designated area striped so no vehicles will travel in this area.
4. Spaces in front of building for parking spaces, handicap spaces are 8ft wide with no protection zone; state requires 15ft for handicap spaces.
5. Parking in rear of building is less than safe (his professional opinion) dimensions of spaces are not safe for two way traffic.
6. Loading and unloading space is not designated, although he does feel there is adequate space it is not delineated.
7. Site needs additional signage.
8. Gas meter is not protected, catastrophic if hit by a vehicle.
9. Commented on the landscaping, place the tree line in the trap rock to beautify the lot and avoid easements if planted on the church property.

Terry Chambers readdressed the commission reminding them of the request for modification of the previously approved application. The modification was for landscaping issues not the redesigning of the entire site. Terry Chambers stated it is the Commissions job to address violations, landscaping issues and striping. The owner of Courtesy Ford is applying for more land abutting the property to adhere to the 65% lot coverage issue. If denied he will rip out the pavement and stripe the lot in front of the building. There are still 35 days in the statutory extensions so negotiations may conclude with either additional property or a plan will be devised to show the plan for removing the pavement. Terry Chambers requested in writing the maximum extension that is allowed. Deane Rettig reviewed the plan revision list addressing each item. Jim Larkin addressed the parking space issue stating that some of the parked cars are protruding into the isle way, the fix for this could be to remove one space (leave it unmarked) and that way lot traffic would be able to maneuver around easier. Terry Chambers did state striping will be done as requested.

Carlene Kelleher stated the striping is being requested, not to mark where pedestrian walkways are located, but to mark the lot as to where the cars should not be parked. Terry Chambers hopes to devise a plan for the next meeting, which will address these issues that were discussed at tonight's meeting. Deane Rettig motioned to accept the extension provided by Courtesy Ford

and continue the Public Hearing until January 2, 2013. David Fuss seconds this motion. All in favor. Motion passes.

c. New Public Hearings: none

d. Other Unfinished 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.

Deane Rettig motioned to table unfinished business SP11-003 until the next meeting. Michelle Sigfridson seconds this motion. All in favor. Motion passes.

2. Event Facility Draft.

David Fuss motioned to move Event Facility Draft to Public Hearing for February 6, 2013. Deane Rettig seconds this motion. All in favor. Motion passes.

VII. New Business:

a. Applications: none

b. Other New Business:

1. SD12-001 Michael Bunning, Herrick Road/Pomfret Rd Map 25, Lot 3, RA Zone, requesting two (2)-90 day extensions for filing of the Mylar plans for the 3-lot re-subdivision.

Normand Thibeault requested (2)-90 day extensions. David Fuss motioned to grant the (2) - 90 day extensions. Deane Rettig seconds this motion. Don Francis opposes extension because he believes the town can start collecting money a lot sooner (with no extension) on subdivisions and "open space". Four in favor. One opposed. Michelle Sigfridson abstains.

2. The next item on agenda that was added was the mining operation on Hickory Lane. Normand Thibeault representing Keith Hoyt regarding definition of his property lines because he believed his abutting neighbor (Rich Jaxx) was cutting down trees that were on Mr. Hoyt's property. After staking out the property it was discovered that in fact trees were cut down on his property by his neighbor and they are in discussion with regards to compensation for that. Also there is a lot of rock ledge being removed from the abutting property. Maps were presented to the Commission with pictures showing the activity. Mr. Thibeault is asking for the Commission's opinion as to whether a permit is required and on behalf of Mr. Hoyt would like the Commission to recommend a cease and desist. The ZEO, Chuck Dobrowski and the First Selectman, Austin Tanner went to the site and determined the excavated area in question was in fact less than .5 acres and a permit is not required for this site. Rich Jaxx approached the Commission to provide information as to why he was excavating and where on the property his plans will be located. Mr. Jaxx has agreed to change his hours of operation to avoid displeasing his neighbors and he will also have the entire area which is currently being excavated and the area where he intends to plant an orchard in the future be surveyed to conclude if a permit is required for this project. Chuck Dobrowski, ZEO and Syl Pauley (Town Engineer) will conduct a site inspection for erosion and sedimentation issues to be presented at the next meeting (Normand Thibeault would like to accompany this site review with the land owner's permission). Normand Thibeault stated he did not see a need to be on the abutting property during site review because the properties are close enough for him to view everything from Mr. Hoyt's property if necessary.

3. Discussion of Land Use Officer's Job Description Draft. The draft was reviewed and discussion was held.

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report November 2012.
Linny's Café on Rte 6 has new occupants who will start up a Nutritional Counseling Business in that location.
Saveway had an oil spill approximately 10 years ago and is now remediating the situation. They would like to use the adjacent area that he owns to have a temporary parking area for his employees until the project is complete. There will be monthly reports to the Wetlands Committee with results of water testing.
2. Wal-Mart Update.
Austin Tanner received his first report from Milone & MacBroom which he responded in writing on 12/4/12 that the report was not detailed enough with respects to the plan as originally agreed to, and that it just briefly explained the progress on the site.
3. Regulations Subcommittee.
Had a meeting last week, the committee is still working on VCD. Discussed creating an overlay zone to tighten up regulations, Jim Larkin is working on something that will be presented at the January meeting. Jim Larkin has a VCD map that is color coded as to type of use. After reviewing the map nothing jumped out as far as needing commercial/residential division.
4. Route 169 Recommendations Follow-up Subcommittee.
The intention of the subcommittee is to strengthen the RA Zone as it relates to Rte 169. It was agreed that strengthening the RA Zone implied that there would be more regulations which meant either an overlay zone or different zone would have to be done. The preceding subcommittee had discussed these options, with no conclusion. Therefore the current subcommittee will be reconsidering what the options are.
5. Addition of Private Schools as a Permitted use in the RA Zone.
Carlene Kelleher reiterated the approval of a regulation that allowed Private Schools as a permitted use in the RA Zone. However when the notice was published in the newspaper it was described as definition of Private Schools which was objected by Mr. Fitzgerald that we did not want to run the risk of an appeal, somebody saying we did not do it the correct way so the regulation is not valid. Therefore it is on the agenda to reschedule a public hearing with proper notice and also have left it on the agenda correctly as well. Deane Rettig motioned to place addition of Private School Use to RA Zone and definition of municipal facilities into a Public Hearing for Special Meeting on January 13, 2013. Don Francis seconds this motion. All in favor. David Fuss opposes, he would like to see it combined into one public hearing. Deane Rettig motioned to reconsider the previous motion. Michelle Sigfridson seconds this motion. All in favor of reconsideration. No oppositions. Deane Rettig motioned to place addition of Private School Use to RA Zone and definition of municipal facilities to the Regular Meeting on February 6, 2013.
6. Budget.
A copy of the budget is in the packet for review by the Commission Members.
7. Chairman's Report.
Nothing to report that has not already been discussed at tonight's meeting.

XI. Public Commentary:

Attorney John Fitzgerald is here representing Hans Kohl who is a resident of Brooklyn and is here to discuss the Learning Clinic. Mr. Kohl also wanted Mr. Fitzgerald to attend so Mr. Kohl could

get the outcome of Private Schools. Attorney Fitzgerald asked the commission to strongly consider how they tie dormitories into Private Schools. Mr. Kohl's main concern regarding the Learning Clinic was the lighting. This has been resolved by issuing an ammended C.O. for the Learning Clinic to install motion sensors. Section 8-7d general statues the town is required to set up a public registry. Mr. Kohl would like to be placed on the register so he can be notified of all Private School Hearings. Lisa Arends, Allen Hill Rd asked if the Event Facilities Draft on line dated 9/13/12 is the most current and if it will be discussed at the Public Hearing. She had a question pertaining to Size Cap involving bundling of property on Brick Yard Road. She would like the Commission to Plan Ahead and keep an open mind and consider the importance of maintaining the character of Brooklyn. She would also like the Commission to consider an ordinance to prohibit stone wall removal. Jules D'Agostino addressed the Commission to discuss the preservation of Rte 169. He asked about the status of the scenic byway advisory committee. Carlene Kelleher stated she needs to write a letter.

IX. Adjourn:

David Fuss motioned to adjourn. Michelle Sigfridson seconds this motion. Meeting adjourned at 10:44pm

Respectfully Submitted,

Lisa Scribner
Recording Secretary

BROOKLYN PLANNING AND ZONING COMMISSION
REGULAR MEETING OF

ROLL CALL VOTES: December 05, 2012

Board Members:	Attendance	1	2	3	4	5	6	7	8	9	10
Kelleher-Chair	X	+	+	+	+	+	+	+	+	+	+
Rettig-Vice Chair	X	+	+	+	+	+	+	+	+	+	+
Sigfridson-Secretary	X	+	+	+	+	+	+	+	+	+	+
Doherty											
Dunlop											
Fuss	X	+	+	+	+	+	+	+	+	+	+
Francis	X	+	+	+	+	+	+	+	+	+	+
Moses											
Camara											
Kerouack-Alternate	X	+	+	+	+	+	+	+	+	+	+

- Motion 1 mm was made by Deane Rettig motioned to accept the minutes of 11/7/12 as presented. Michelle Sigfridson seconds this motion. All in favor. motion passed.
- Motion 2 mm was made by Deane Rettig to accept the Special Meeting Minutes of the 11/20/12 as presented. Don Francis seconds this motion. All in favor. motion passed.
- Motion 3 mm was made by Deane Rettig motioned to place this topic on the agenda in section **VII New Business** subsection b) **Other New Business #3** Discussion of Hickory Lane. Carlene suggested moving it to #2 and taking # 2 and placing on the agenda as item #3. Michelle Sigfridson seconds this motion. All in favor. Item placed on agenda.
- Motion 4 mm was made by Deane Rettig motioned to accept the extension provided by Courtesy Ford and continue the Public Hearing until January 2, 2013. David Fuss seconds this motion. All in favor. Motion passes.
- Motion 5 mm was made by Deane Rettig motioned to table unfinished business SP11-003 until the next meeting. Michelle Sigfridson seconds this motion. All in favor. Motion passes.
- Motion 6 David Fuss motioned to move Event Facility Draft to Public Hearing for February 6, 2013. Deane Rettig seconds this motion. All in favor. Motion passes
- Motion 7 David Fuss motioned to grant the (2) - 90 day extensions. Deane Rettig seconds this motion. Don Francis opposes extension because he believes the town can start collecting money a lot sooner (with no extension) on subdivisions and "open space". Four in favor. One opposed. Michelle Sigfridson abstains.
- Motion 8 Deane Rettig motioned to place addition of Private School Use to RA Zone and definition of municipal facilities into a Public Hearing for Special Meeting on January 13, 2013. Don Francis seconds this motion. All in favor. David Fuss opposes, he would like to see it combined into one public hearing. Deane Rettig motioned to reconsider the previous motion. Michelle Sigfridson seconds this motion. All in favor of reconsideration. No oppositions. Deane Rettig motioned to place addition of Private School Use to RA Zone and definition of municipal facilities to the Regular Meeting on February 6, 2013.
- Motion 9 David Fuss motioned to adjourn. Michelle Sigfridson seconds this motion. Meeting adjourned at 10:44pm