

2014-03-05 P&Z Reg Mtg Minutes

Planning & Zoning Commission
Town of Brooklyn
Regular Meeting Minutes
Wednesday, March 5, 2014
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

- I. **Call to Order** – Chair, Carlene Kelleher, called the meeting to order at 7:05 pm.
- II. **Roll Call** – Carlene Kelleher, Michelle Sigfridson, Deane Rettig, Craig Dunlop, Donald Francis, David Fuss, Aaron Kerouack, Derek Wesolowski.

Staff Present – Jana Roberson, AICP, Land Use Administrator

- III. **Seating of Alternates** – None.

IV. **Adoption of Minutes:**

1. Special Meeting Minutes January 7, 2014.

Motion by Deane Rettig to approve the Minutes of Special Meeting of January 7, 2014. Second by David Fuss. Motion carried 7 - 0. Don Francis abstained as he did not attend that meeting.

V. **Public Commentary**

Paul Archer, L.S., Archer Surveying, represented his client, Jeff Weaver, and did a pre-application poster board presentation (yield plan and conservation plan) for consideration of the Commission regarding a conservation subdivision on Tatnic Hill Road (8 lots

on 19.5 acres).

Yield Plan:

- Each lot can meet the 45,000 s.f. buildable area
- Each lot meets the minimum acreage required for conventional subdivision
- 50-foot access strip
- Topography shows within the percentage rates required to be buildable

Conservation Subdivision (proposed):

- All 8 lots fall within the stone wall parameters
- Open space to Town would be almost 10 acres
- Stone walls would be used as boundary lines and be maintained

Mr. Archer stated that it has been presented to the Conservation Commission, but has not received a response.

Jana Roberson explained options including: conventional subdivision (could be fee in lieu of open space); cluster design with smaller lots with the difference of land toward open space. She explained different options for the dedication of the land for open space. She stated that the number of houses would be the same with either type of subdivision.

Discussion ensued.

Carlene Kelleher stated that the purpose of the conservation regulations is to encourage conservation subdivisions where feasible so she supports the idea of an application for a conservation subdivision. Deane Rettig, Michelle Sigfridson, David Fuss, and Craig Dunlop all stated that they agree.

Jules D'Agostino, 6 Barrett Hill Road, Member of the Route 169 Committee, stated that he wanted to discuss two items on the Agenda:

Item VII.b.1. Review of 2014 Priorities:

- What does “Regulate the protection of scenic highway” mean?
- Why related to #8 and not Transportation #9?
- And why #5 Historic District on POCD and not #9?
- What is the status of the work study group from Lisbon and Woodstock that was to get together with Jim Larkin?

Item VIII.5. Route 169 Recommendations Follow-up Subcommittee:

- He would like to know the status of the Committee.
- Is there an estimated date that the Committee will have a report for the Commission to consider? He stated that it is important to think about closure and he read from two magazines that mentioned that Route 169 is the second longest national scenic byway in America (32.1 miles). He stated that there is a treasure in Town and the Commission must preserve that treasure.
- He asked about the status of the draft of an ordinance regarding preservation of stone walls along the public rights of way through subdivisions that the Committee had submitted about a year ago.
- He asked for an estimated date when the draft will be given to P&Z for review. He stated that it would then need to go to the Selectman to prepare for Town Meeting for the ordinance to be accepted.
- Regarding the establishing of a scenic byway advisory committee (as recommended by POCD): He volunteered his service, if needed, to be part a group of two or three people to get together (to put up “scenic road” signs).

Carlene Kelleher asked the Commission Members if they would agree to take the time to answer Mr. D’Agostino’s questions. The Commission Members were in agreement.

David Fuss stated that he is as passionate about Route 169 as Mr. D'Agostino and that he would like to see the whole 32.1 miles protected. He stated that he sat on two committees over the years.

Deane Rettig stated that he would notify Mr. D'Agostino of upcoming meetings. He stated that after three more meetings he thinks it would be ready to bring before the P&Z Commission. He is hopeful that there will be a meeting at the end of March or beginning of April. Deane stated that he had been waiting to discuss the stone wall ordinance in the Subcommittee and then bring it to P&Z to see if any of it could be implemented with an overlay. Deane stated that the Transportation #8 and Transportation #9 issue was a typo (it should be under Transportation #9). Deane stated that POCD #9 is not P&Z, it is under Board of Selectmen. Deane stated that POCD #5 would be P&Z to work with the Historical Society to protect interests.

Mr. D'Agostino offered to present this information at a meeting with the the new Board of Selectman. Carlene Kelleher authorized him to do so.

Discussion ensued.

Jana Roberson will make some phone calls.

VI. Unfinished Business:

- a. Reading of Legal Notice: None.**
- b. Continued Public Hearings: None.**
- c. New Public Hearings: None.**
- d. Other Unfinished Business:**
 1. Approval of Bylaws.

Carlene Kelleher asked Jana Roberson if she would go over any corrections made.

Jana Roberson stated that she ran a spell check, fixed the numbering issue, and removed one word under Article 18 Amending By-Laws, to read, "These By-Laws may be amended by a majority (5) vote of the Commission members at any meeting of the Commission provided that notice of said proposed amendment is given to each member at least five days prior to said meeting, except that the By-Laws may be changed at any meeting by the unanimous vote of the entire voting membership of the Commission."

Motion by Deane Rettig to approve the Bylaws as revised to 1/15/2014 in accordance with the suggestions made at the Special Meeting of January 7, 2014. Second by Craig Dunlop. Motion carried unanimously.

VII. New Business:

a. Applications:

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.

Jana Roberson stated that Mr. Celio was not present.

Motion by Deane Rettig to schedule a public hearing 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 for the Regular Meeting of Wednesday, April 2, 2014 at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT. Second by Derek Wesolowski.

Don Francis asked that, since there are no landscaping requirements in the RB District, should changing the regulations be done at the same time at the public hearing, or should landscaping be a condition for approval. Jana Roberson explained that this is a private petition and that landscaping could be addressed through the special permit process.

Aaron Kerouack asked if this would be within the 65 day period. Ms. Roberson stated that it is really close to 65 days, but it is good.

There was some discussion regarding the sheet in the packet titled, Land Use Analysis of the Restricted Business Zones.

Aaron Kerouack asked, since the parcel which had been split from that lot is also for sale, if the same person purchases both, would this decision apply to that lot as well? Ms. Roberson stated yes, anywhere in the blue boundary on the Land Use Analysis of the Restricted Business Zones sheet.

Motion carried unanimously.

2. SP14-001 Brooklyn Common Way Development, LLC; Providence Road, Map 25, Lot 51, VCD Zone; Construction of a 2-family duplex within a previously approved active adult housing development (modification of a previously approved application SPR04-008 and SP10-002).

Norm Thibeault, P.E., Killingly Engineering Associates, represented Brooklyn Common Way Development and did a poster board presentation. He stated that the Wetlands Commission questioned why this unit was not included originally. Mr. Thibeault stated that this was a very steeply sloped area and, during excavation for the buildings, there was a lot of extra material which was stockpiled in this area. They decided that this would be a good place for another building.

Mr. Thibeault gave an overview of the plans:

- Slope will be extended out a little more
- They will reorient the drainage
- They will construct the plunge pool and riprap outfall that should be there
- Tie into the existing water and sewer
- A duplex unit similar in style to the others and to be part of the Condo Association
- Community garden area
- A stable gravelly base and to be constructed in accordance with standard engineering practices

Mr. Thibeault read into the record a letter dated March 3, 2014, from Cynthia Lee of the Brooklyn Commons Condominium Association (17 in favor and 2 against).

Craig Dunlop asked if evergreens would be planted along Route 6 as originally was supposed to have been done.

Discussion ensued.

Motion by Don Francis to approve SP14-001 Brooklyn Common Way Development, LLC; Providence Road, Map 25, Lot 51, VCD Zone; Construction of a 2-family duplex within a previously approved active adult housing development (modification of a previously approved application SPR04-008 and SP10-002).
Second by Deane Rettig.

Chair, Carlen Kelleher, asked Jana Roberson for her comments. Ms. Roberson asked Mr. Thibeault if his client would consider adding evergreen trees along Route 6 as they were supposed to have been installed as part of the original approval. She stated that there was a leak off on Route 6 that was supposed to have been installed as part of the original plans also. She stated that she would need to see that before the last unit gets built.

Discussion ensued.

Mr. Thibeault stated that he is sure his client would be willing to install the evergreen trees.

Motion by Don Francis to amend the motion to approve SP14-001 Brooklyn Common Way Development, LLC; Providence Road, Map 25, Lot 51, VCD Zone; Construction of a 2-family duplex within a previously approved active adult housing development (modification of a previously approved application SPR04-008 and SP10-002) with the condition that an evergreen landscaping buffer be placed along Route 6 consistent with standard landscaping practices. Second by Deane Rettig. Motion carried unanimously.

3. SPR14-001 Brooklyn Little League; 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, etc. (modification of a previously approved application SPR12-001).

Jana Roberson explained that the file number (SP14-002) on the Agenda was incorrect and that it should be file number SPR14-001 as it is the first site plan review application in the year 2014.

Al Carpenter, P.E., CPH Design, the Engineer and Safety Officer for the Brooklyn Little League gave a presentation of proposed enhancements to the existing ball fields:

For the T-Ball Field:

- Add concrete pads for bleachers
- Covered dugouts

For the Tournament Little League Field:

- Add a shed behind the backstop which will act as a press box as well (10' x 20')
- Fenced bullpen area next to existing dugouts

- Concrete pads on both sides of the field for bleachers
- Batting cage on right field line
- Scoreboard behind the left field fence
- Electric lines (underground conduits) from the gazebo (which the Town is building) to the scoreboard and to the press box/shed and to the batting cages
- Considering a lighting project at a later date

The Little League has received a \$150,000.00 grant from the State. Application is on the agenda for the next meeting of the Wetlands Commission.

Mr. Carpenter stated that they are also planning, as part of the original site plan approval, to construct a concession stand this spring/summer. He stated that Brian Levesque, League President, would be attending next month's meeting to answer questions.

Jana Roberson stated that the Town is a Co-Applicant and is proposing some modest lighting for the parking areas: three lampposts 20' tall and 60' apart. She handed out copies of the design for the gazebo (a larger version of the pump house in the Town Center). She stated that the concession stand would be identical to the one at Prince Hill Park.

Discussion ensued.

Carlene Kelleher asked if the lighting that Jana described would be added to the site plan. Mr. Carpenter stated that he would add it on the plan for next month's meeting.

Jana Roberson stated that she would make sure that the file is amended correctly and that the Town is properly listed as a Co-Applicant.

David Fuss asked, for the record, if safety standards were considered for the batting cages, press boxes, bleachers, etc. Mr.

Carpenter stated that they do not have the design for those yet, but they will meet Little League safety requirements.

Motion by Deane Rettig to table SPR14-001 Brooklyn Little League; 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, etc. (modification of a previously approved application SPR12-001) to the Regular Meeting of Wednesday, April 2, 2014, at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT. Second by Derek Wesolowski.

Chair, Carlene Kelleher, expressed concern regarding traffic during tournaments. She mentioned that there was an agreement that someone be there to direct traffic for large events, and she just wanted to bring it up again. Mr. Carpenter agreed that it could be a concern.

Motion carried unanimously.

b. Other New Business:

1. Review of 2014 Priorities.

Jana Roberson handed out a Matrix of 2014 Priorities that she drafted. The Commission Members discussed the format and decided that the matrix was too confusing and to reorganize the priorities and to have more than three levels of priority.

- It was decided to remove Housing #1 as the Conservation Regulations address that.
- It was decided to move Housing #3 to priority level #5.
- It was decided that South Main Street Zoning should be priority level #1.

Carlene stated that before starting anything else, four things that work has been started on should be finished:

- Finalizing the Village Center District regulations

- Planned Commercial District
- Signs
- Route 169

Some of the Commission Members expressed agreement.

2. Initial discussion of Zoning Regulations rewrite.
Discussion ensued.

At a previous meeting, Jana Roberson handed out copies of the case law for the McKenzie decision. The court case that reminds P&Z Commissions that they are not authorized to create flexible zoning standards.

Carlene Kelleher stated that Rick Ives has asked the Capital Committee to put \$40,000.00 in their budget for a consultant for the rewrite.

Discussion ensued.

Don Francis suggested that money left over in the P&Z budget be used toward the consultant fee and getting the process started.

Aaron Kerouack suggested putting high on the priority list, re-examining the zones to see if Industrial can be added to any of them.

Deane Rettig stated that a priority list (with a priority status section and a POCD section) needs to be created, instead of a matrix, and this would create a to-do list. The top four priority items should be, as Carlene Kelleher suggested:

- Finalizing the Village Center District regulations
- Planned Commercial District
- Signs
- Route 169

Aaron Kerouack stated that Agriculture #11 (farmers' market/farm

stands) should be added.

Carlene Kelleher stated that she likes Deane's suggestion and she suggested using that list to prepare a second list for the consultant.

Jana Roberson stated that she will create a new list to look more like the 2013 Priorities List.

Carlene Kelleher stated that she will not be here for the next two meetings as she will be on vacation. Michelle Sigfridson will be the acting Chair in Carlene's absence. The March planning meeting was tentatively scheduled for Tuesday, March 18, 2014, at 7:00 pm, at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT.

3. Continued Discussion of PC Zone.

Carlene Kelleher suggested continuing the discussion of the PC Zone to another meeting.

Jana Roberson stated that the Brooklyn Business Associates met to discuss signs. She will be attending the next EDC meeting and will do a presentation of the sign regulations, as they are now, with the hopes that this will foster discussions on what changes need to be made.

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report January and February 2014.

Jana Roberson stated that it is in the packets.

Jana Roberson stated that Rick O'Keefe posted a \$1,000.00 performance bond for the repair of a stone wall at a house on South Street that Jana could not see upon inspection because it was covered by snow.

Don Francis suggested that a part time Land Use Officer be hired to help with enforcing sign regulations. Carlene will call Rick Ives with this suggestion. Jana stated that she would like to relay this as a formal request of the Commission. Carlene told her to go ahead and do that and that she will call Rick also.

Deane Rettig stated that the Ford Dealership is in violation because they have vehicles parked in the ingress/egress. He suggested fining them for every instance. Jana Roberson stated that the painting is the last remaining item, but they do have someone lined up to do it when weather permits. Jana stated that since Deane is concerned about the entrances being safe, she will go there March 6, 2014 to inspect the vehicle parking. Carlene Kelleher asked Jana to address the situation in writing. Jana will send the owner a certified letter stating a final deadline for the painting to take place.

2. Wal-Mart Update.

Jana Roberson stated that she received the lighting plan prepared by a lighting professional, but she has not fully reviewed it yet.

David Fuss suggested that Jana check the landscaping for dead trees. Jana stated that the planted white pines are not "fastigate" as was approved. She asked the Commission to consider if this is acceptable or is this something they need to correct. She stated that they have requested a partial release of the bond.

3. Correspondence.

Next week is the Annual Connecticut Federation of P&Z Conference and the topic is the palliative use of marijuana.

Jana Roberson mentioned that there were some e-mails and some letters.

4. Regulations Subcommittee.

Deane Rettig stated that the update on Route 169 took place earlier in the meeting.

5. Route 169 Recommendations Follow-up Subcommittee.

Deane Rettig stated that the update on Route 169 took place earlier in the meeting.

6. Budget.

7. Chairman's Report.

Carlene Kelleher stated that she has nothing more to report.

IX. Public Commentary:

Jules D'Agostino stated that there was discussion regarding green energy regulations at the January 7, 2014 meeting. He asked if this is a priority of the Commission. Carlene Kelleher stated yes. Mr. D'Agostino stated that there was a two-page green energy draft dated December 2010 or 2011.

Discussion ensued regarding wind turbines.

Mr. D'Agostino expressed concern for Route 169.

Adjourn:

Motion by David Fuss to adjourn at 10:15 pm. Second by Aaron Kerouack. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Clerk