

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Special Meeting Minutes
Tuesday, April 21, 2015
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 7:07 pm.

II. Roll Call – Michelle Sigfridson, Alan Carpenter, Craig Dunlop, Aaron Kerouack, Donald Francis, David Fuss. Carlene Kelleher was absent with notification.

Staff Present – Jana Roberson, AICP, Land Use Administrator

III. Seating of Alternates – None.

IV. Adoption of Minutes:

V.

1. Regular Meeting Minutes March 4, 2015.

Motion by D. Fuss to accept the Minutes of the March 4, 2015 Regular Meeting of the Brooklyn Planning and Zoning Commission as presented. Second by C. Dunlop. Motion carried unanimously.

2. Special Meeting Minutes March 17, 2015.

Motion by A. Kerouack to accept the Minutes of the March 17, 2015 Special Meeting of the Brooklyn Planning and Zoning Commission as submitted. Second by C. Dunlop. Motion carried 5-0. D. Fuss abstained because he had not attended that meeting.

VI. Public Commentary

Steve Goultar, The Learning Clinic, 476 Pomfret Road, stated that they are interested in buying another property in the RA Zone and wanted to know they would need to do to add it to their parcel. He did not know what the use would be. Three possible uses: classrooms as part of school; office space; residential.

J. Roberson explained that the Private School is special permit use in the RA Zone and, as discussed by the Commission before, any expansion of the Private School would require a new special permit. Mr. Goultar stated that they have other homes where the students are housed in Brooklyn and other towns. Michelle Sigfridson asked if this was in compliance with the Regulations. Jana Roberson stated that she is not sure and that she was not aware of that. She stated that any time a special permit use requires land and adds to the property and intends to extend that special permit use to the additional land, that is considered an expansion and would require a new special permit. Mr. Goultar stated that only one parcel is owned by the Learning Clinic (the Putnam Homestead), all of the others are owned by LLC's. A. Kerouack stated that makes it even more complicated and stated that he feels the Town Attorney should be consulted. Mr. Goultar stated that these are children with disabilities and they are protected under a lot of different laws. J. Roberson will look into it. A. Kerouack would like to know how Pomfret handles it.

A. Kerouack stated that the question is whether the use is a residence or a dormitory. D. Fuss stated that the solution may be as simple as a text amendment.

Mr. Goultar asked if they purchase the property and don't designate a use right now, do they have to open up a public hearing do a modification and special permit. J. Roberson explained that they don't need Zoning approval to buy a piece of land, however, there is concern of the commencement of a use.

Jules D'Agostino, 6 Barrett Hill Road, asked if there will be a public hearing scheduled for Agenda Item VIII.1 - ZRC15-001 Zone Regulation Change-Limited Business Enterprises. He stated that he hopes it does not get delayed any further. He asked that if his suggestions do not get discussed this evening, he hopes that they would be kept in the agenda for a later date.

J. Roberson stated that a public hearing for that Item had been published and scheduled for the Meeting of April 1st, but, unfortunately, that meeting had to be cancelled. It could not be opened tonight because it had to be republished. The intent is to schedule a public hearing this evening. She stated that Mr. D'Agostino's e-mail had been received and will officially become part of the record.

VII. Unfinished Business – None.

a. Reading of Legal Notice:

b. Continued Public Hearings:

c. New Public Hearings:

Motion by A. Kerouack to add to the Agenda:

VIII. Other Unfinished Business:

3. Discussion of PC Zone Build-Out.

Second by D. Fuss for discussion.

D. Fuss voiced concern regarding the absence of Chair, Carlene Kelleher.

Motion carried unanimously.

VIII. Other Unfinished Business:

1. ZRC15-001 Zone Regulation Change-Limited Business Enterprises: Article 2-Definitions, Article 3 District Regulations-Section 3.4.4.4, Article 6B Limited Business Enterprises-Section 6B.1-4.

Motion by A. Kerouack to reschedule the public hearing for the application ZRC15-001 Zone Regulation Change- Limited Business Enterprises: Article 2- Definitions, Article 3 District Regulations-Section 3.4.4.4, Article 6B Limited Business Enterprises-Section 6B.1-4 for the next regular meeting of the Planning and Zoning Commission to be held on May 6, 2015 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by D. Francis. Motion carried unanimously.

2. Discussion of Zoning Regulations Rewrite.

J. Roberson stated that she is still working on the contract with Plan of Metrics. She will provide copies to the Commission Members before it is finalized (about two weeks).

3. Discussion of PC Zone Build-Out.

A.Kerouack stated that he would like to set the May Special Meeting for a planning meeting aimed at the Build-Out. M. Sigfridson stated that it can be put on the agenda, but the whole meeting may not be able to be devoted to that one item.

D. Fuss asked Lynn LaCharite, EDC, who was seated in the audience, if EDC had a chance to review the Build-Out. Lynn LaCharite stated that they discussed it at their last meeting and, in whole, they endorsed it. She stated that EDC will be having a training seminar presented by CERT at their June 2nd meeting and the P&Z will be invited. They will be using the POCD and the report from Paula Stall as tools to see what might be feasible in the PC Zone.

There was a consensus to put this item on the agenda for the next special meeting of the P&Z. J. Roberson stated that she will provide copies of the scope of work to the Commission Members. She suggested that as much time as possible be devoted at the May special meeting to specific items that should be worked on.

IX. New Business:

a. Applications:

1. SP15-001 Special Permit-Adaptive Reuse of an Agricultural Building for Self –Storage Units by Brooklyn Center Complex, LLC at 71 Vina Lane, Map 24 Lot 158, RA Zone.

Mark Benard, Brooklyn Center Complex, stated that they are looking to convert the first two chicken coops into self-storage units. They are proposing paved parking for four cars (where the turn-around is). Northeast of the western-most chicken coop.

J. Roberson stated that abutters notices would need to be addressed right away if scheduling public hearing for the May 6, 2015 special meeting. She asked Mr. Benard for a Statement of Use to include: parking spaces, average daily traffic, number of employees, hours of operation. She stated that where the signage would be needs to be resolved.

J. Roberson stated that this application is only for Lot #158 and it is not a frontage lot.

There was discussion regarding frontage. Mr. Benard stated that the driveway could be owned by the rear lot. J. Roberson stated that there may need to be a lot line adjustment.

A.Carpenter stated that he would like to see more detail on the plan: a site data block showing acreage on the property; setbacks required and provided; building coverage; number of parking spaces required; number provided. He'd like to see how they're going to get frontage to comply with zoning, how wide of a driveway, if there will be an easement over a driveway – document in the land records.

J. Roberson stated that all waivers would be from Article IV – Site Plan Requirements.

Discussion ensued.

Motion by D. Francis to schedule a public hearing for the application SP15-001 Special Permit-Adaptive Reuse of an Agricultural Building for Self –Storage Units by Brooklyn Center Complex, LLC at 71 Vina Lane, Map 24 Lot 158, RA Zone for the next regular meeting of the Planning and Zoning Commission to be held on May 6, 2015 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by D. Fuss for discussion.

D. Fuss asked if this property is in the RA Zone or VCD. J. Roberson stated that Lot #158 is in RA and she believes Lot #156 is in VCD.

Motion carried unanimously.

Discussion ensued.

Motion by A. Carpenter to grant waivers for application SP15-001 Special Permit-Adaptive Reuse of an Agricultural Building for Self –Storage Units by Brooklyn Center Complex, LLC at 71 Vina Lane, Map 24 Lot 158, RA Zone as follows:

- A-2 Survey
- Easements
- Parking (but would like to see detail for what is proposed)
- Utilities
- Drainage
- Topographic Map
- Open Space & Landscaping
- Traffic Data
- Staging Plan
- Hazardous Materials and Waste (J. Roberson stated that this is not applicable)

Second by Craig Dunlop. Discussion ensued.

A.Carpenter amended his motion to remove parking, open space, and landscaping from the list of waivers to be granted. There was no second to the amendment to the original motion. Amended motion carried unanimously.

2. SPR15-001 Site Plan Review – One Bedroom Apartment by Brooklyn Center Complex, LLC at 8 Wauregan Road, Map 24 Lot 151, VCD Zone.

Mark Benard, Brooklyn Center Complex, stated that there was an apartment in this space previously and they want to put a 740 s.f. apartment there with a deck coming off the back of the building. Looking at it from the road you would barely see two steps of the back stairs. There would be two parking spaces.

J. Roberson stated that this would be on the second story of the brick part of the Regional Building. This is site plan review, not special permit. Two light fixtures.

Discussion ensued regarding the use/mixed use.

Motion by A. Carpenter to approve the waiver requests for application SPR15-001 Site Plan Review for a one Bedroom Apartment by Brooklyn Center Complex, LLC at 8 Wauregan Road, Map 24 Lot 151, VCD Zone. Second by C. Dunlop. Motion carried unanimously.

Motion by A. Carpenter approve application SPR15-001 Site Plan Review for a one Bedroom Apartment by Brooklyn Center Complex, LLC at 8 Wauregan Road, Map 24 Lot 151, VCD Zone, in accordance with all final plans, documents and testimony on the grounds that it is in harmony with the character of the Village Center District and will not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof with the following conditions:

- 1) Addition of modest landscaping at the bottom of the stairs to buffer view of the stairs from Route 205.
- 2) Sufficient existing parking for the use.
- 3) Any lighting provided shall be full cut-off fixtures.

Second by C. Dunlop.

There was discussion regarding why the application is being taken as a one bedroom apartment when it is being applied as a single-family dwelling. A. Kerouack also mentioned that single family dwellings are exempt from waivers. J. Roberson stated that she reviewed the Regulations in light of the intended use and, in her opinion, the site plan approval was the appropriate procedure. She also explained that forms need to be updated.

Motion carried 5-0. A. Kerouack was opposed.

3. SP15-002 Special Permit-Adaptive Reuse of an Agricultural Building for Self –Storage Units by Brooklyn Self Storage, LLC at 311 Allen Hill Road, Map 33 Lot 79, RA Zone.

Bruce Woodis, KWP Associates, represented the Applicant for both this Application and for the next item on the Agenda (SD15-001 2-Lot Re-Subdivision by Niemann Family Trust at 311 Allen Hill Road, Map 33 Lot 79, RA Zone).

Mr. Woodis provided plans for viewing by the Commission Members. He explained that Eleanor Niemann lives on the property and no longer wants to run the business, but wishes to continue to live in her house. The home business was formed in 1993 after converting farm buildings into self-storage units. She would like to subdivide and sell the 10 acres with the self-storage which is an existing permitted use. Mr. Woodis explained that adaptive re-use of an agricultural building would apply to this situation. He stated that the only proposed changes would be to add chain-link fence and vinyl privacy fence, and to change the wording on the existing sign to read Brooklyn Self-Storage.

Mr. Woodis offered larger scale plans for viewing by the Commission.

J. Roberson asked about the fence. Mr. Woodis stated that he received clarification from the proposed buyer (type of fence) and added it to the plans.

A. Capreuter asked about gates and the driveway. Mr. Woodis stated that there will be no gates or easements. Mrs. Niemann will make a new access to her garage in the back on the other side of the house. She will use one side of the crescent-shaped driveway.

Motion by A. Kerouack to schedule a public hearing for the application SP15-002 Special Permit-Adaptive Reuse of an Agricultural Building for Self –Storage Units by Brooklyn Self Storage, LLC at 311 Allen Hill Road, Map 33 Lot 79, RA Zone for the next regular meeting of the Planning and Zoning Commission to be held on May 6, 2015 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by D. Fuss. Motion carried unanimously.

4. SD15-001 2-Lot Re-Subdivision by Niemann Family Trust at 311 Allen Hill Road, Map 33 Lot 79, RA Zone.

Motion by D. Francis to schedule a public hearing for the application SD15-001 2-Lot Re-Subdivision by Niemann Family Trust at 311 Allen Hill Road, Map 33 Lot 79, RA Zone for the next regular meeting of the Planning and Zoning Commission to be held on May 6, 2015 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by A. Kerouack. Motion carried unanimously.

A. Carpenter asked Mr. Woodis (for the record) to provide a site data block for the self-storage showing how much building square footage, parking, how it complies with zoning.

J. Roberson explained the notice requirement issue and Mr. Woodis stated that notices were mailed yesterday.

5. ZRC15-001 CME Associates, Inc., Request for change in Zoning Regulations to amend Article 3. District Regulations Section 3.4.8.2 – Add New Subsection 3.4.8.2.1 Self-Storage Facilities.

Jr. Roberson stated that there was no representation and that they will attend the public hearing.

Motion by D. Francis to schedule a public hearing for the application ZRC15-001 CME Associates, Inc., Request for change in Zoning Regulations to amend Article 3. District Regulations Section 3.4.8.2 – Add New Subsection 3.4.8.2.1 Self-Storage Facilities for the next regular meeting of the Planning and Zoning

Commission to be held on May 6, 2015 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by D. Fuss. Motion carried unanimously.

b. Other New Business:

1. Preliminary discussion of potential development options at 538-540 Providence Road.

J. Roberson explained that the Applicant decided to pass on the preliminary discussion.

2. Preliminary discussion of Danielson Glass development at 379 Providence Road.

Neil Esposito, owner of Danielson Glass currently on Wauregan Road in Killingly, stated that he is looking to purchase 379 Providence Road and move his business there. He did a posterboard presentation. Proposing:

- 10,125 square-foot 135' x 75' building (glass front). One-story, single slope building – 25' tall in front sloping to 18'.
- Retail
- Commercial division in back
- Rental property
- Parking will be in front of building.
- He indicated asphalt areas, grass areas, and planting areas.
- Loading dock and equipment in back
- He indicated lighting.
- Tying into force main (putting pump in) for water and sewer. D. Fuss stated that Mr. Esposito's engineer would need to discuss this with the Sewer Authority first (as soon as possible). D. Fuss stated that they could put in a septic system if not able to tie into the sewer.
- Storm water – two retention ponds on both sides going into a swale area with vegetation and will disperse into wetlands.

He stated that it is safe from wetlands, meets all setbacks, will have good visibility. There is an existing house on the property which may be used as professional office in the future, but will remain residential until a decision is made. A. Carpenter stated that a projected use for that house should be part of the Application, as well as setbacks, how it complies with zoning (site data block).

D. Francis left at 9:04 pm.

Mr. Esposito stated that he is doing an environmental study. He is not sure yet if silt fence or wood chips will be used for berm (Wetlands prefers wood chips).

3. Preliminary discussion of potential Gravel Excavation by Strategic Commercial Realty on Rukstela Road.

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, represented Strategic Commercial Realty, Inc. (a/k/a Rawson Materials). He provided Maps (2) and a Summary (dated April 1, 2015). Attorney Cotnoir explained that there were several lawsuits filed between the Town of Canterbury and Rawson Materials due to complaints from residents because of the traffic from the three gravel sites off Wauregan Road in Canterbury. All of the claims were settled in April and May of 2014. He stated that the key to the settlements was the creation of a haul road south of Route 169 which would take a great deal of traffic off of Wauregan Road.

Attorney Cotnoir referenced the first map and indicated on the proposed haul road – It cuts across State of Connecticut land and shows the contours of the existing pit in Brooklyn, it goes south

across Wauregan Road, then down parallel to the Quinebaug River, and comes out on Maynard almost into Plainfield. However, the right to cross the land owned by the State had to be approved by DEEP. A formal application was submitted in May 2014 and it was denied on March 31, 2015. He explained that there is still legislation pending that could force DEEP to convey the rights.

Attorney Cotnoir stated that they put together another application that would deal with all of the issues in Canterbury. He referred to the second map and explained that they are proposing that the material that would come out of Brooklyn would go down the private road (gravel road to the left of the gravel pit), cross Wauregan Road in Canterbury, and go directly into the Laframboise pit which is affiliated with Rawson Materials. He then indicated that the material, rather than going down Wauregan Road or Maynard Road, would go back up the same way, through the pit, out to Rukstela Road, and then through the intersection to the State Highway. They are also proposing to make repairs and modifications to intersections of Beecher and Route 169. Almost no residences would be involved.

Attorney Cotnoir stated that timing is critical and that this has already been informally presented to the P&Z Commission in Canterbury.

Attorney Cotnoir stated that the Beecher Road upgrade has already been approved by the State and he stated that it is his understanding that the approval still holds and that the State did not have any issues with it. D. Fuss stated that he has a copy of the approved (by the State) intersection plan.

Attorney Cotnoir stated that the improvements would be included as part of the application, that they would be submitting to both Brooklyn and Canterbury simultaneously, and that they have already submitted to Wetlands.

J. Roberson stated that there will be a new special permit application. She stated that the using of the Beecher Road intersection was not part of the original Wetlands application and will probably need its own Wetlands permit. She stated that there may be other upgrades needed on Rukstela Road.

J. Roberson asked Attorney Cotnoir if it needed Army Corp. approval. Attorney Cotnoir stated that it did not. Discussion ensued.

There was discussion regarding improvements to and ownership of Rukstela Road. D. Fuss suggested that, if there is going to be an agreement, language be included regarding maintaining the Road. J. Roberson suggested trying to anticipate the wear and tear on the entire Road. This road upgrade would be beneficial, not only to Rawson Materials, but also to the Town.

J. Roberson mentioned that Route 169 is a National Scenic By-way. D. Fuss stated this was taken care of: other than the T on one side, there was a line of sight issue on the other side of the Road that they will have to cut back on that corner.

4. Invitation to Comment on T-Mobile USA proposed modifications to existing telecommunications facilities at 50 Tiffany Street (water tank).

J. Roberson stated that 50 Tiffany Street is the old Tiffany Mill (across from Quebec Square). Between that mill and the river is a water tank which is covered with antennas. Included in the packets to Commission Members was a letter from EBI Consulting dated March 19, 2015, a drawing and a photo.

J. Roberson explained that they want to replace one of the rings of antennas and replace with more antennas. She explained that it is in a Historic District and it must go before the Connecticut Siting Council. P&Z is given a chance to comment. Discussion ensued.

D. Fuss left at 9:34 p.m. M. Sigfridson mentioned that there was no longer a quorum.

Discussion continued. The remaining Commission Members seemed in agreement that they saw no problems.

X. Reports of Officers and Committees:

There was discussion regarding signs.

1. Land Use Administrator Report – None.
2. Zoning Permit Report March 2015 – None.
3. Wal-Mart Update – None.
4. Budget – None.
5. Correspondence – None.
6. Chairman's Report – None.

XI. Public Commentary – None.

XII. Adjourn

Acting Chair, Michelle Sigfridson, declared the meeting adjourned at 9:44 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary