

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, May 6, 2015
Clifford B. Green Meeting Center
69 South Main Street
7 p.m.**

MINUTES

I. Call to Order –Chair, C. Kelleher, called the meeting to order at 7:06 pm.

II. Roll Call – Carlene Kelleher, Michelle Sigfridson, Alan Carpenter, Aaron Kerouack, Donald Francis. David Fuss was absent with notice. Craig Dunlop was absent without notice.

Staff Present – Jana Roberson, AICP, Land Use Administrator

III. Seating of Alternates – None.

IV. Adoption of Minutes:

1. Special Meeting Minutes April 21, 2015.

Motion by A. Kerouack to accept, for discussion, the Minutes of the April 21, 2015 Special Meeting of the Brooklyn Planning and Zoning Commission. Second by M. Sigfridson.

A. Kerouack stated that the vote for Motion #8 was incorrect and should have read: Motion carried 5-1. A. Kerouack was opposed.

A. Kerouack also stated that the Minutes were lacking proper wording for the discussion that had taken place before the vote was taken for Motion #8. He will review the recording and suggest wording to be added at the next meeting of the P&Z Commission.

A. Kerouack withdrew his motion.

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notice – Read by A. Kerouack.

b. Continued Public Hearings - None.

c. New Public Hearings:

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.

Written testimony from Jules D'Agostino, 6 Barrett Hill Road, dated March 30, 2015, was included in the packets to the Commission Members. J. Roberson provided copies of written testimony from Kerry and Elaine Lambert, 50 Brickyard Road, dated May 6, 2015.

Mr. D'Agostino elaborated on the three suggestions that he had made:

- Article 6B.2.3
Limited Business Enterprise shall maintain the residential character of the buildings and the lot and the neighborhood, shall be developed in a manner that will minimize the conflict of such use with the surrounding residential uses AND ITS CULTURAL AND HISTORICAL HERITAGE, and shall not negatively impact the value of surrounding residential property.
- Article 6B.2.4
To add "TRAILERS USED FOR ANY USES QUALIFIED AS LIMITED BUSINESS SHALL NOT BE PERMITTED."
- Article 6B.3
To include DAYS of operation.

C. Kelleher read, into the record, the testimony from Kerry and Elaine Lambert asking that "or approved Town road" be included. C. Kelleher explained that Limited Business Enterprise is already allowed on State highways in the Regulations, but that the term needed to be defined.

Discussion ensued. There was no objection from the Commission to include the first of Mr. D'Agostino's suggestions. There was a consensus not to include the second suggestion: Mobile Homes are taken care of elsewhere in the Regulations and the Commission would have the ability to adjust or deny a site plan regarding truck trailers. There was a consensus to include the third suggestion.

Mr. D'Agostino offered in argument that the POCD states that Route 169 and 6 deserve the same kind of substantial attention as the VCD and that it clearly states "no trailers" in the VCD. He said that he would accept whatever decision the Commission makes.

There were no further comments regarding Mr. D'Agostino's suggestions.

C. Kelleher stated that she understands the reason that the Lamberts ask that Limited Business Enterprise be allowed on any approved Town road, but it is wanted to keep residential areas residential and that there are provisions for home business/enterprise in other areas. Consensus for agreement.

Elaine Lambert voiced concern that she could not do retail because her property is in the RA Zone and she asked why restrict all of the properties. C Kelleher stated that, although it may make sense for the Lambert's property, it doesn't seem like a good idea to extend it Town wide. Discussion ensued. A. Kerouack suggested that the Lambert's could propose a text change.

Motion by M. Sigfridson to close the public hearing for 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. Second by A. Carpenter. Motion carried unanimously.

2. 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.

Dave Smith, KWP Associates, provided updated copies of drawings to the Commission Members and gave a poster board presentation. Mr. Smith stated that the use for self-storage

was approved in the late 1980's and then re-approved in 1993 for home enterprise. He explained that Mrs. Niemann would like to stay in her home, but not run the business.

Mr. Smith stated that the changes include:

- Zoning requirement table
- Dedication of an easement area to the back for perpetuity for open space issues
- A drafting mistake was corrected involving labeling of the contours/elevations
- Security fence to be added (around an area approximately 2 acres in size – surrounding the buildings and leaving a clear zone between the properties to the south and the fence for maintenance)
- No other proposed changes other than changing the name and phone number on the existing sign out front.

J. Roberson stated that if the Commission were to take action this evening, it could not include approval of the new sign because that information had not been received yet.

There was discussion regarding the original approvals as storage facility/home enterprise. Mr. Smith stated Bruce Woodis may have memory/knowledge on this subject. C. Kelleher stated that it would be nice to know, but it is not critical.

A. Carpenter thanked Mr. Smith for providing the site data block. He asked about the dimension from the fence to the property line – how far for the maintenance access area. Mr. Smith answered about 20 feet. A. Carpenter asked why a chain-link fence as he feels it would be hideous going across the face of the existing residence. Mr. Smith stated that they are also providing a vinyl privacy fence. Mr. Smith indicated on the drawing where the fencing is proposed. Discussions ensued.

Mr. Smith stated that it is Special Permit, so there is room for discussion as far as conditions. He stated that the length of the fence is approximately 50 feet (to the other side of the driveway). J. Roberson explained that from Allen Hill Road, you would see chain link on either side of the wood-frame storage building, and what you would see from the existing house would be vinyl and fence.

Mr. Adams, neighbor to the south, spoke in opposition to a chain link fence. He stated that it should at least match with the fence that Mrs. Niemann is getting. He stated that it would be visible from Allen Hill Road.

A. Carpenter asked Mr. Smith, if he could bring back detail for next meeting. Sean Sullivan, 25 Providence Street, Putnam, Representative for the Niemann Family Trust, stated that the fence has to be able to open and close for access. There will be limitations on how decorative it can be.

J. Roberson stated that there are standards for special permits that the Commission must follow and that if the Commission feels that a change is necessary to a proposal, the Commission may modify it in a manner consistent with the use standards. She read from Section 5.7 of the Zoning Regulations.

The Commission was in agreement that different, more decorative, fencing should be used to provide a more pleasing view from Allen Hill Road and for the neighbors. A. Kerouack stated that he feels only one type of fencing (vinyl) should be used along the entire south side, rather than combining two different types (chain link and vinyl). A. Carpenter disagreed, but then conceded.

Motion by D. Francis to continue the public hearing for 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 to the next regular meeting of the Planning & Zoning Commission, June 3,

2015, at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by A. Carpenter.

M. Sigfridson asked if Mr. and Mrs. Adams (neighbors) would respond regarding the fencing on the south side of the property. She asked if they feel it would be appropriate to have decorative fence for the first half and then chain link for the rest going toward the back of the property. Mr. Adams stated that once you get to the front of the back barn they don't care. They just want it to be pleasing to the eye. Mrs. Adams suggested wrought iron.

A. Carpenter asked that a proposal be brought back. A. Kerouack and C. Kelleher wanted to be sure that the Applicant had clear direction to answer questions of the Commission.

Mr. Adams asked about operational hours. Mr. Sullivan stated that he believes it is the new owner's intention that the big buildings near the Adams' property would be accessible 24 hours a day. A. Carpenter asked that what is being proposed for hours of operation be added to the plan. A. Carpenter asked that if pavement is being removed that it also be added to the plan (where the fence is going across the driveway). Mr. Sullivan stated that there will be no office hours at the facility and that there are no bathroom facilities Port-o-potties are there now.

C. Kelleher asked about lighting. Mr. Sullivan stated that there will be some perimeter lighting. A. Carpenter asked that if lighting is being proposed, it be added to the plan.

There was discussion regarding hours of operation after A. Kerouack stated concern for 24-hour access in a residential neighborhood.

The Commission asked that a proposal be submitted for consideration.

Motion to continue the public hearing carried unanimously.

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

Dave Smith, KWP Associates, stated that the proposal for re-subdivision would create Lot 79 (11.35 acres) and Lot 79-13 (10 acres). He stated the following:

- New lot line positioned so concrete-block garage meets setbacks
- Well and septic system for house entirely on that parcel
- No cross-linkages/easements encumbering one property in benefit of the other
- Will make revisions to show that the driveway will still be a serviceable, safe entry/exiting point onto Allen Hill Road
- Access will be brought up to the concrete-block garage and there will be adequate room to turn around
- Driveway curb cuts remain unchanged and are adequate for sight lines
- No changes to site plan
- There may be some pavement removed which will be added to the plan

J. Roberson stated:

- It meets lots size requirements.
- It is subject to the 15 percent open space dedication.
- They have proposed a conservation and agricultural deed restriction for the rear acreage. There is a corn field.
- She has notified the Conservation Commission, but they have not taken official action on it as of yet.
- Meets the open space requirement in terms of area. Fee-in-lieu of open space is another option. Or it could be in a different location.

There was discussion regarding whether to wait for a recommendation from the Conservation Commission. J. Roberson explained that they have not had a chance to look at it as a Commission as she had just informed them via e-mail on May 5th. The Conservation Commission will meet before the P&Z's next regular meeting.

There were no comments from the public.

Motion by M. Sigfridson to continue the public hearing for Re-Subdivision by Niemann Family Trust at 311 Allen Hill Road, Map 33 Lot 79, RA Zone, and identified in the files of the Brooklyn Land Use Office as SD 15-001 to the next regular meeting of the Planning & Zoning Commission, June 3, 2015, at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by A. Carpenter. Motion carried unanimously.

Mr. Smith provided full-size copies of the plans to J. Roberson.

4. ZRC15-002 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.

John Guzkowski, Director of Planning and Real Estate Development, CME Associates, Woodstock, CT, did a poster board presentation. Mr. Guzkowski stated that this change is under very specific circumstances. He referenced the POCD.

He stated that visual impact is an important consideration:

- Subsidiary use of a larger, mixed-use facility
- Storage facility limited in size to either 30 percent of the total building square footage or 10 percent of the total acreage
- Limited in height to one level
- Located to the rear of existing structures
- Landscaping screens
- Fenced with controlled access

Mr. Guzkowski feels this would answer the Town's need for economic development and provides a response to the visual concern for Route 6. He stated that, should this proposal be approved, Steve Townsend (developer and commercial/residential property owner), who owns the property behind McDonald's/CVS/Savings Institute, would come before the Commission in a couple of months with an application for a special permit for the development of that property. Mr. Guzkowski gave a representation of how the property could be developed including commercial/restaurant/retail/office uses/self-storage units.

Steve Townsend stated that since developing the property with CVS and the bank (almost 10 years ago) he has been trying to find something that would fit in the back and he feels that mixed use would be appropriate for this area of Town and that it would be a driver for economic development.

C. Kelleher pointed out that "mixed occupancy" is defined in the Regulations as retail/commercial on the first floor with dwelling units on the second floor. Mr. Guzkowski stated that that word is flexible.

C. Kelleher asked about buffering/distance to a residential zone and lighting. Mr. Guzkowski stated that the Regulations would apply.

A.Carpenter stated concern for how much self-storage the Town could end up with.

C. Kelleher stated concern for how self-storage will fit in with the build-out and the re-write of the Regulations, and what would the impact be of allowing self-storage facilities on other parcels within the Zone.

Mr. Guzkowski stated that these regulations were specifically designed to be a subsidiary use to a use that is already encouraged and welcomed by the PC Zone, as well as delivering upon the requests of the POCD.

A.Kerouack questioned whether storage units is the highest and best use of a property. Mr. Guzkowski stated that minimizing the visual and square footage impact provides a boost to the tax base without taking away from the character of this or any other parcel that these regulations would apply to.

A.Kerouack questioned relying on structures on neighboring properties for shielding. Mr. Guzkowski stated that the building would have to be in place first in order to have self-storage behind it, and it is also landscape and screening. He stated that if that building were no longer there, the landscaping would be in place.

D. Francis asked about taxing. Mr. Guzkowski stated that the building would be taxed, but the contents are not.

M. Sigfridson asked about the 24-hour security cameras. Mr. Guzkowski stated that it would discourage inappropriate access.

Jules D'Agostino, stated concern for the impact on the Town. He asked if this is what the Commission wants for the long-term vision for Brooklyn.

J. Roberson stated that she has seen self-storage facilities tucked away behind commercial areas. They tend to be quiet and not in conflict with adjacent commercial areas. She pointed out that she is not sure that Section 3.4.8.2.1 is the best structure for this regulation, but it could be addressed with the re-write.

A.Kerouack stated that this would apply to every parcel in the PC Zone.

Discussion ensued regarding 30 percent total building area/10 percent total acreage. M. Sigfridson stated that she would be more inclined to be in favor if it were more limited.

There was discussion regarding traffic.

M. Sigfridson asked Mr. Townsend if he feels this would be good for the Town. He stated that he does.

C. Kelleher stated that the language needs to be changed. The following was listed:

- Mixed occupancy
- Maximum square footage/building size cap
- Rear of structures

Jules D'Agostino read from the Economic Development Section of the POCD.

D. Francis suggested closing the public hearing, but he did not want to make the decision tonight. J. Roberson stated that if the idea is to work on the regulation, the public hearing should be left open to be sure the changes get incorporated.

Mr. Guzkowski offered that he and the Applicant could discuss with Staff tweaks to the specific language if the Application were approved with language modifications incorporated as part of the motion. The Commission did not agree with this.

Motion by A. Kerouack to continue the public hearing for 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 to the next regular meeting of the Planning & Zoning Commission, June 3, 2015, at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by M. Sigfridson. Motion carried unanimously.

VII. 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 approve 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 upon finding that the changes are consistent with the policies and principles of the Plan of Conservation and Development and with an effective date of June 1, 2015. Second for discussion by M. Sigfridson.

M. Sigfridson suggested including the following suggestions which were made by Jules D’Agostino:

- Article 6B.2.3
Limited Business Enterprise shall maintain the residential character of the buildings and the lot and the neighborhood, shall be developed in a manner that will minimize the conflict of such use with the surrounding residential uses AND ITS CULTURAL AND HISTORICAL HERITAGE, and shall not negatively impact the value of surrounding residential property.
- Article 6B.3
To include DAYS of operation.

There was a consensus for the above suggestion by M. Sigfridson.

A.Kerouack amended his motion to include the above suggestion by M. Sigfridson as written by Jules D’Agostino and delivered to the Brooklyn Planning & Zoning Commission March 30, 2015. The Chair stated that there was an amended motion and a second. Upon vote, the motion carried unanimously.

2. 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.

J. Roberson explained that because there were issues with frontage requirements, the Applicant has decided to pursue a variance (from the frontage requirement) and has asked that the public hearing be delayed to June 3, 2015 (which may or may not be enough time for ZBA to act). The legal notice had not been published yet.

Motion by M. Sigfridson to re-schedule the 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 June 3, 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.

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.

Continued to P&Z Regular Meeting, June 3, 2015.

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

Continued to P&Z Regular Meeting, June 3, 2015.

5. ZRC15-002 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.

Continued to P&Z Regular Meeting, June 3, 2015.
Direction for Staff to work with the Applicant on language.

6. Discussion of Zoning Regulations Rewrite

J. Roberson stated that the re-write would be the main focus of the June Special Meeting. She has started working on a revised contract with the planning consultant (about halfway through it). She will provide a copy of the proposal for the scope of work before the Special Meeting.

D. Francis announced that he would like to leave the meeting and asked if there would be any other votes. J. Roberson stated that there may be a vote on the next item (SPR15-002). D. Francis stayed.

VIII. New Business:

a. Applications:

1. SPR15-002 Michael Bevenour, 16 Gunnar Drive, Map 24, Lot 68, VCD Zone, Replace existing house/garage which was destroyed in a January 2015 fire located in the Village Center District.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave a poster board presentation. Information on this Application had not been included in the packets to the Commission Members.

Mr. Thibeault explained that the house (originally built in 1954) was lost in a fire in January 2015. They would like to reconstruct on the same foundation (same footprint). The only change would be square-up the garage. Mr. Thibeault indicated on the plan. Two-car driveway to remain exactly the same. Garage to be located on the same side. Home to be constructed to accommodate for special needs.

Requesting waivers for everything in site plan review because they are replacing an existing house. The only thing that will be a little closer to the road is the ramp, but it will be within required setbacks. Vinyl siding will be used rather than cedar.

J. Roberson explained that there is a sketch plan which is a replacement for the site plan (waiver requested for site plan). She asked if the driveway would be widened. Mr. Thibeault stated that it would not. J. Roberson asked what kind of fence is proposed. Wayne Vezina, the builder, who was seated in the audience, stated that it would be 5-foot stockade fence. J. Roberson asked if she could add that to the plans. There was no objection. There were no other questions.

Motion by M. Sigfridson to approve the Site Plan Review application SPR15-002 Michael Bevenour, 16 Gunnar Drive, Map 24, Lot 68, VCD Zone, Replace existing house/garage which was destroyed in a January 2015 fire in the Village Center District, 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. Second by A. Kerouack. Motion carried unanimously.

2. ZRC15-003 Town of Brooklyn, Map 41, Lot 19, .84 acres; Request change from PC Zone to R-10 Zone; To allow the parcel to be used for residential purposes.

J. Roberson stated that this is a small, wedge-shaped parcel behind the Salvation Army acquired by the Town through unpaid taxes. In the r-10 Zone, the parcel would meet the lot size requirements to be its own building lot, however it may be restricted in other ways (which would require research). The Town would like to sell the property.

Discussion ensued.

Motion by M. Sigfridson to schedule the public hearing for the application ZRC15-003 Town of Brooklyn, Map 41, Lot 19, .84 acres; Request change from PC Zone to R-10 Zone for the next regular meeting of the Planning and Zoning Commission to be held on June 3, 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.

D. Francis left at this time 10:03 p.m.

Motion by A. Kerouack to adjourn at 10:03 p.m. due to lack of quorum. Second by A. Carpenter. Motion carried unanimously (4-0). D. Francis had stated that he was leaving.

b. Other New Business

IX. Reports of Officers and Committees:

1. Land Use Administrator Report – None.
2. Zoning Permit Report April 2015 – None.
3. Wal-Mart Update.

J. Roberson stated that she had released the performance bond that was posted right before opening. She has not had the time to go over with the bonding company the release of the E&S bond or the modification of the landscaping bond. It is on her to-do list.

4. Budget – None.
5. Correspondence – None.
6. Chairman's Report – None.

X. Public Commentary – None.

XI. Adjourn – See above.

Respectfully submitted,

J.S. Perreault
Recording Secretary