

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, July 1, 2015  
Clifford B. Green Meeting Center  
69 South Main Street  
7 p.m.**

**MINUTES**

- I. Call to Order** – Chair, Carlene Kelleher, called the meeting to order at 7:02 pm.
- II. Roll Call** – C. Kelleher, Craig Dunlop, Aaron Kerouack, Donald Francis, David Fuss. Michelle Sigfridson was absent with notice. A. Carpenter had given notice that he would be arriving late.

C. Kelleher stated that there was a quorum.

Alan Carpenter arrived at 8:16 pm.

**III. Staff Present** – Jana Roberson, AICP, Land Use Administrator

**IV. Seating of Alternates** – None.

**V. Adoption of Minutes:**

1. Regular Meeting Minutes June 3, 2015.

Motion by D. Fuss to accept the Minutes of the June 3, 2015 Regular Meeting of the Brooklyn Planning and Zoning Commission as presented. Second by A. Kerouack. Motion carried unanimously (5-0).

2. Special Meeting Minutes June 16, 2015.

Motion by A. Kerouack to accept the Minutes of the June 16, 2015 Special Meeting of the Brooklyn Planning and Zoning Commission as presented. Second by D. Fuss. Motion carried 4-0. C. Dunlop abstained.

**VI. Public Commentary** – None.

**VII. Unfinished Business:**

- a. **Reading of Legal Notice** – Read into the record by A. Kerouack.
- b. **Continued Public Hearings** - None.
- c. **New Public Hearings:**

1. SP15-003 148 Prince Hill, LLC/Jewett City Savings Bank, 148 Prince Hill Road, Map 34, Lot 3B, RB Zone; Proposed motor vehicle repair facility (Integrity Automotive, LLC) at former “Excaliber Fitness” property.

Demian Sorrentino, Certified Planner and Soil Scientist, Boundaries LLC, represented the Applicants and he stated that David McKay (Project Engineer) and David and Dawn Hippert (Owners of 148 Prince Hill, LLC) were present in the audience.

Mr. Sorrentino submitted for the record:

- Certificate of mailing of the notices to the three abutting property owners;
- Notice of Decision, Application ZBA 14-002 (location approval for automotive repair).

Mr. Sorrentino did a posterboard presentation and gave an overview of the project:

**Sheet #1 of the Plan Set**

Shows topographic conditions and existing improvements and from when Excaliber Fitness was approved and constructed which this project will utilize. Two issues were rectified prior to submission of this application:

- Spencer Gouder's property - Easement and portion of driveway that had been constructed on his property. To rectify these issues, a portion of Mr. Gouder's property was transferred to Jewett City Savings Bank.

**Sheet #2 of the Plan Set**

Depiction of proposed improvements for change of use from fitness facility to automotive repair facility:

Mr. Sorrentino noted that the Site Plan for the fitness center was not followed as it should have been for the original development and this Applicant is not proposing to bring the site into 100 percent compliance with the Zoning Regulations, but to propose improvement that will bring it closer into compliance with the Zoning Regulations and also meet the needs of the Applicant and the use.

- For safety at intersection of the access drive and Prince Hill Road – 30-inch Stop Sign (on a breakaway post) and painted Stop Bar.
- Free-standing business sign 10 feet back from the property line (not to be lit)
- Loam and seed the areas adjacent to the access drive.
- Ten feet of 4-foot high black, vinyl-coated, chain-link fence on the right side of the access drive (he indicated location on plan) to a 22-foot security swing gate and then moving across in a westerly direction along the property line, a 4-foot high black, vinyl-coated, chain-link fence to provide a physical barrier between the Gouder property.
- Existing bituminous concrete parking area to be seal coated. To cover the old striping that does not meet requirements and establish zoning-compliant parking spaces (eight spaces plus one ADA compliant van space near the access door).
- Travel isles to be 24 feet, consistent with 90 degree parking and two-way traffic.
- Sixty-eight linear feet of stone check dam to correct an existing erosion problem. This will slow the water down to a non-erosive velocity.
- Existing dumpster area enclosure/wooden poles to be removed and replaced with 10 x 10 reinforced concrete dumpster pad with an enclosure at the northeast corner of parking lot. Detail on Plan Set.
- Proposing to add one additional 20-foot tall pole to the proposed two (for a total of three) to have LED lights mounted on them (one in each of three locations which are different from what was proposed, but never installed, for the Excaliber approval.) Mr. Sorrentino provided cut sheets for what is being proposed to the Commission Members. He asked the Commission for leniency as this differs from the proposed lighting (based on recommendations from Mr. Hippert's site lighting contractor). This is for the pole lighting only -- 120 LED rather than 250-watt HPS.

- Proposing a 6-foot fence for the secured parking area with rolling gates (location to be determined) to secure customer vehicles staying overnight.
- Mr. Sorrentino indicated a gravel area to be removed and loamed and seeded with grass.
- Detail of proposed improvements to existing storm water management basin (shown of Sheet 3 of Plans).
- Improved access to the building by establishing concrete sidewalk to connect to existing then transitions to a concrete ramp to match elevation. Pedestrian access door. Mr. Sorrentino indicated locations.
- One 10 x 10 overhead door and Two 12 x 12 overhead doors (shown of Sheet 4 of Plans).
- Westerly and southerly sides along Gouder property (indicated location) - proposed row of evergreen vegetation (fifteen 6-foot high black spruce) four feet off property line and every ten feet on center. 285 feet of 4-foot high black, vinyl-coated, chain-link fence to sit on property line in front of these trees and continues to the entrance drive.
- Mr. Sorrentino read the 15 General Notes aloud.

#### **Sheet #3 of the Plan Set**

- Shows Construction Details (some discussed above).
- Need to amend the Application to include one additional wall-mounted business sign to be located at the left gable end facing Prince Hill.

#### **Sheet #4 of the Plan Set**

- Mr. Sorrentino gave an overview and explained that this is a depiction of intended improvements that may require additional modifications to the building to be determined by Mr. Hippert and his building contractor.

Mr. Sorrentino provided (and read aloud) a handout (to the Commission Members) regarding hazardous materials that are encountered at an automotive repair facility as had been requested by a Member of the Commission (addressing delivery, management, and disposal). There are no existing floor drains and none are proposed – no car washing.

- Windshield washer solvent delivered in a 55-gallon drum and empty drum removed/replaced one to one. No disposal.
- Anti-freeze delivered in a 55-gallon drum and empty drum removed/replaced one-to-one. Waste stored on site in a 55-gallon drum and removed every six weeks or on as-needed basis.
- Motor oil delivered in a 150-gallon drum and empty drum removed/replaced one-to-one. Waste drained from vehicles into a portable, 20-gallon receptacle (when full, it is pumped into a 275-gallon waste oil tank and removed every six weeks or more often if needed).
- Spent oil filters are left to drain into a waste oil pan for a minimum of 24 hours and then disposed of in the trash.
- Transmission fluid is delivered in a 100-gallon drum and empty drum removed/replaced one-to-one. Waste is combined with waste motor oil in the 275-gallon tank and removed every six weeks or more often if needed.
- Batteries delivered weekly on Monday and removed/replaced one-to-one. Leaking batteries are stored in a metal pan and non-leaking batteries are stored on the floor to await pick-up and disposal.
- Tires delivered on an as-needed basis and spent tires are taken back when new tires are delivered
- Oxygen and acetelyne gas used for cutting torches delivered in 20-lb tanks and removed/replaced one-to-one. No spare tanks kept on site.

- Scrap metal, brake/exhaust parts, etc., taken off vehicles are stored in the back of a pick-up truck and taken to Winco Scrap Metal in Moosup, CT.

Mr. Sorrentino stated that Syl Pauley's (NECCOG) comments regarding the dumpster (in his letter dated June 29, 2015) addressed potential sources of pollution being discarded in the dumpster rather than being taken off site and properly disposed of by licensed contractors.

Mr. Sorrentino stated that there would be two mechanics besides himself (at some time in the future as the business grows).

Mr. Sorrentino read the Northeast District Department of Health, B100a Approval letter, dated June 24, 2015.

David McKay, Professional Engineer, Boundaries, LLC, addressed Syl Pauley's (NECCOG) comments (letter dated June 29, 2015):

- Regarding slope of the proposed gravel storage area – Mr. McKay stated that it would be more beneficial to have the gravel storage area match the existing conditions of the site (1 ½ percent negative slope) where there is a gravel path in this location as well and have it pitched away from the paved area, so storm water will land on the gravel storage area and run off into the densely vegetated portion of the property to the north. The dense vegetation serves to collect the silt and sediment out of run off (referred to as a vegetated filter strip by DEEP). This also addresses the second part of Syl's comment as it reduces the need to put in a bituminous berm and new catch basin on the parking lot to collect water that doesn't run toward the existing catch basin. D. Fuss and C. Dunlop stated agreement with Mr. McKay's determination.
- Regarding a sump in the existing catch basin – Mr. McKay stated that there is a sump and it is full of water, so it is functioning based on the rainstorm earlier in the day.
- Regarding the suggestion for a curb around the perimeter of the concrete dumpster pad – Mr. McKay referred to Sheet #3 which shows the detail for the concrete dumpster pad (6-inch thick concrete pad with welded wire mesh on an 8-inch rolled gravel base sized appropriately for the dumpster). Since the dumpster will not be used for hazardous materials, they feel that adding a berm around it is unnecessary.
- Regarding floor elevations – There was a typographical error. The proper finished floor should be 354.5.
- Regarding the lighting – Mr. McKay stated that they are providing for full cut-off lights to comply with the Regulations. J. Roberson asked if the modified lights are full cut-off. Mr. Sorrentino stated that the two on the north side of the property are. The one on the south side of the property (Gouder side) is specified to have the back light cut-off shield installed by the manufacturer to keep light from being cast out of the back of it to the southerly direction. They do not cast any light up to be compliant with the International Dark Sky Association. J. Roberson stated that there are some tall trees that presumably will remain.

C. Dunlop asked about the 275 gallon waste oil tank. Mr. Hippert stated that there is containment around it. C. Dunlop asked if they poke a hole in the bottom of oil filters to drain them. Mr. Hippert stated that is not necessary and that he leaves them in a bucket overnight. C. Dunlop expressed concern for filters being thrown in the dumpster since they cannot fully drain. D. Fuss agreed and suggested maybe putting them in a container inside the building.

Mr. Sorrentino asked that the Land Use Administrator be allowed to handle minor lighting changes recommended by the lighting contractor. He, again, mentioned the addition of another wall-mounted sign (7.25' x 5') to the left gable end of the building to give visibility over the evergreen buffer. J. Roberson stated that it meets the Sign Regulations.

D. Fuss asked about noise. Mr. Hippert stated that he has not had any complaints at his Plainfield business.

**Public Comments:**

**Spencer Gouder**, abutter on three sides, spoke in favor. He stated that he is not concerned about noise. His main concern, given the history, is with drainage and that the Applicant be made to conform to the plan, and that things get done according to what is proposed. J. Roberson stated that she and the Assistant ZEO would do inspections.

**Robert Sisco**, Malbaurn Lane, asked three questions:

- Why was the ZBA involved? J. Roberson explained that State Statute requires locational approval by the ZBA even though this use is permitted by special permit in the zone.
- Was fire suppression considered? J. Roberson stated that the Fire Marshal will review prior to the Building Official granting a Certificate of Use.
- Are there still some non-conforming issues? J. Roberson explained that the P&Z Commission recently (November 2014) adopted a zone text change allowing automotive repair in the RB Zone without frontage on Route 6. She stated that Mr. Silio (on behalf of Jewett City Savings Bank) has handled many of the regulatory hurdles/compliance steps/easement issues.

J. Roberson stated that Zoning Regulation 11.6 requires a 20-foot vegetative buffer along the zone boundary when there is a non-residential use on a parcel that is adjacent to a residential zone. She stated that there is substantial vegetation there that provides significant buffering and would qualify for the requirement. She stated that this had not be adequately addressed on the plan and she suggested that the Commission require that the 20-foot buffer of natural vegetation be maintained in perpetuity with the exception of what is needed around the entrance for appearance and sight line. She also stated that she feels that black spruce would not thrive in this location and suggested that fifteen 6-foot eastern red cedar (tree form) be substituted.

Mr. Sorrentino addressed Mr. Sisco's question regarding non-conformance. He explained that there are things required in the Zoning Regulations that don't make practical sense at this point, for example, putting in a landscape islands within the parking field.

Motion by D. Francis close the public hearing for Application SP15-003 148 Prince Hill, LLC/Jewett City Savings Bank, 148 Prince Hill Road, Map 34, Lot 3B, RB Zone; Proposed motor vehicle repair facility (Integrity Automotive, LLC) at former "Excaliber Fitness" property. Second by D. Fuss. Motion carried unanimously (5-0).

2. SP15-004 Danielson Glass/Neil Esposito Jr., 379 Providence Road, Map 41, Lot 119A, PC Zone; Construction of a 10,000 sq. ft. Commercial Building with associated parking.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant. He gave an overview and a poster board presentation:

- It is a 6.13 acre site
- Amount of disturbance would be approximately 1.6 acres
- Site is moderately to steeply sloped from the northwest to the southeast
- Single family residence currently on the property to remain

- Utilizing the existing driveway would not work as it would require extensive construction of retaining walls. Therefore, they chose to make the entrance across the street from NAPA Auto Parts and they have received approval from CT DOT for this entrance. J. Roberson stated that she has a copy of the approval on file.
- They are proposing an on-site septic system since they are unable to tie into the 8-inch, high-pressure force main. Due to the grading, they must remove the existing septic system for the house and install a combined septic system with separate tanks for the house and the proposed building that tie into one common septic system. To be comprised of 27-inch high concrete galleries to be installed below the parking area. Not an engineered system. Test holes (10 feet down) with no indication of mottling – all gravel. Perfect conditions for septic and storm water.
- Well within the requirements of the Regulations: Lot frontage – 640 feet; Front yard setback – 46.4 feet; Side yard setback – Almost 128 feet; Rear yard setback – 188 feet; Impervious coverage – A little over 15 percent
- Total area of building 10,125 s.f. to be comprised of office, warehouse (storage with garage doors in back of building), and retail areas.
- Plans under review by NDDH and State of Connecticut (second level of review required for combined septic system).
- Building oriented northeast to southwest to align with the direction of the contours. Center of building set as finished floor grade. Excavating on the northwest side and filling the southeast side.
- Parking for customers in front with employee parking in back. Below parking area in back is a bay of storm water infiltration chambers as recommended by Syl Pauley (NECCOG).
- Storm water design - Storm water being conveyed in three different directions: To the northwest to a retention area defined as a rain garden; another small rain garden area in the northeast; and in the back of the building around the perimeter of the parking area, a 4-foot wide by 2-foot deep crushed stone infiltration trench along the edge of the pavement coupled with some infiltration chambers below grade as well. The design, as submitted and reviewed by Syl Pauley, results in a zero net increase in the rate of runoff from the site.
- Water quality volume – This site has over 7,000 cubic feet which is three times what is required by the State water quality guidelines.
- Erosion control during construction: They propose to establish a row of hay-bail backed silt fence at the slope (14 to 16 feet of fill-in areas); topsoil and seed mix to get down quickly; some erosion-control fabric; groundcover plantings; and to plant 30 new trees on the slope (detail on plans).
- Landscaping plan: Went over extensively with J. Roberson (who contacted DEEP to review) and will provide the species recommendations by the DEEP.
- Proposing to reconstruct stone wall along the property line to provide screening (combined with vegetation) for those traveling eastward on Providence Road. This will also provide some visibility of the building (as required by the Owner).
- No need for extensive lighting as the business hours are 7 a.m. to 5 p.m. during the week and until noon on Saturdays. Lighting will be building-mounted (two in the back and two in the front) with the directional lighting be facing down toward the sidewalks and the front of the building.
- Signage: There will be need for signage, but details have not been decided yet. They have reviewed the Route 6 corridor design guidelines and the sign requirements and Mr. Thibeault stated that they (building mounted and free-standing signs – Danielson Glass and one future retail tenant) will be in conformance. They will have the detail when the public hearing continues (after Wetlands approval is obtained).
- Route 6 Corridor Design Guidelines:  
Look to draw attention to it being a glass company (but not stand out as an eyesore)  
Height of building 21 feet (not including peaks)  
Warm colors – ash grey, bone white

Scale and Proportion Section – No surrounding structures, but not out of proportion/scale from Wal-Mart, the gas station, and the auto dealership. Lynn Smith from CME is reviewing and they will work with her to address any concerns she has.

Building Orientation and Site Layout – Parking and entrances in front of building (easy for pedestrians); loading and service entrances to the rear of building away from pedestrian traffic.

To the best degree possible, they tried to orient the building to be consistent with energy conservation, but had to use the terrain the way that it stood. Long access to the building will be northeast to southwest direction. Front facing northwest which will assist with a glass structure keeping the building cooler in summertime.

Landscaping – Extensive landscaping plan on the slopes as well as around the perimeter of the property.

Lighting – Chose appropriate, full cut-off lighting (small building-mounted lights with low level of luminescence). Will not affect any abutting neighbors. Light details to be added.

Sign – Not intended to be lit.

General Circulation of the Site: Access perpendicular to the road; wide entrance way that will separate traffic going out - dedicated right-hand turn out and dedicated left-hand turn out; entrance in – pedestrian and business traffic to the right, employee and truck traffic to the left.

No room for islands. Tried to keep the footprint and grading down to a minimum.

Single curb cut used – meets recommendations.

Landscaping and Screening – Building set down into terrain, will be well screened from Route 6, stone wall will also add to screening. He indicated the parking area and stated that the visibility will be very minimal.

Sewer – Can utilize the existing well on the property provided the average daily use does not exceed 25 people per day. Typically between 15 to 18 employees total.

A.Kerouack asked when the design review would be available. J. Roberson stated that when available she would forward it to the Commission as soon as possible after Lynn Smith of CME returns from vacation (July 6<sup>th</sup>). She stated that the public hearing could then be continued to the next Special Meeting on July 21<sup>st</sup>. All Commission Members present, except D. Francis, stated that they would be able to attend to make a quorum.

There was discussion regarding the side of the building that would be visible from the road. C. Kelleher stated that they will be better able to comment on the outside of the building after Lynn Smith's review is received. Norm Thibeault will provide additional views of the building showing it from different perspectives.

A.Kerouack asked if they had given thought to closing and planting the area of the other driveway (currently for the home). Mr. Thibeault stated that they had not because of slope restrictions there.

J. Roberson asked Mr. Thibeault if he could update the floor plan by taking it off of the site plan (as there was a conflict).

A.Kerouack asked about the residential use of the home. J. Roberson stated that the proposed use is to continue to be residential and it is a grandfathered use in the zone. J. Roberson agreed with Mr. Thibeault that there is nothing to prevent it from becoming a professional office in the future. A.Kerouack asked about mixed use on the property. J. Roberson stated that it is grandfathered.

A.Carpenter's Comments:

1. Asked that the house and its impacts be added to the site data. Mr. Thibeault will add.
2. Erosion & Sedimentation Control – Move #5 up (put silt fence in before cutting trees). Mr. Thibeault will do.
3. More stone wall on the east side of the driveway to frame. Mr. Thibeault said they can do that.
4. Asked about roof drains – Mr. Thibeault stated that they will be piped and indicated where.
5. Infiltration Trenches (along southeast side) – Mr. Thibeault indicated and explained that the basins are depressed and a small strip of pavement that drains to that trench. He stated that it will never fill up and discharge.
6. Rain garden in front – Mr. Thibeault stated that DOT approval was received.
7. East Pond – Mr. Thibeault stated it is a low-level outlet (4-inch discharge pipe buried in stone). He will extend it to the bottom of the slope.

#### **Public Comments:**

**Bob Sisco**, Malbaurn Lane, asked two questions:

- Size of the retail space?  
Mr. Thibeault, stated 1,400 s.f. of retail space. Mr. Esposito stated that this would be the retail space to be rented out.
- Lighting appropriate for Danielson Glass (with hours 7 a.m. to 5 p.m.), but how will lighting for the second retail space be handled?  
Mr. Thibeault stated that even if the other business had later hours, they still do not feel there would be a need for any exterior lighting in the parking lot.

J. Roberson explained that if this Application for special permit is approved with retail use, both Danielson Glass and future occupant would need to apply for a zoning permit (Staff level approval).

Motion by A. Carpenter to continue the public hearing for Application SP15-004 Danielson Glass/Neil Esposito Jr., 379 Providence Road, Map 41, Lot 119A, PC Zone; Construction of a 10,000 sq. ft. Commercial Building with associated parking for the next Special Meeting of the Brooklyn Planning and Zoning Commission to be held on July 21, 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 (6-0).

#### **VIII. Other Unfinished Business:**

1. SP15-003 148 Prince Hill, LLC./Jewett City Savings Bank, 148 Prince Hill Road, Map 34, Lot 3B, RB Zone; Proposed motor vehicle repair facility (Integrity Automotive, LLC) at former "Excaliber Fitness" property.



Motion by A. Kerouack to approve Application SP15-003 Special Permit for a proposed motor vehicle repair facility (Integrity Automotive, LLC) at the former "Excaliber Fitness" property, Applicants: 148 Prince Hill, LLC/Jewett City Savings Bank, for property located at 148 Prince Hill Road, Map 34, Lot 3B, RB Zone, in accordance with all final plans, documents and testimony submitted with the Application (as revised) and including the following modifications and conditions:

- A 20' buffer of natural vegetation along the easterly side of the property shall be maintained in accordance with Section 11.6 of the Brooklyn Zoning Regulations.
- The fifteen 6' black spruce to be replaced with a more suitable coniferous species such as fifteen 6' eastern red cedar (of the tree form).

A.Kerouack amended his motion to also include the following suggestions made by C. Kelleher and C. Dunlop:

- Drained/used oil filters shall be stored indoors prior to removal by disposal firm and shall not be disposed in dumpster.
- Any changes to the lighting plan shall be reviewed by the ZEO for compliance to the Zoning Regulations.

Second by D. Fuss. Motion carried 5-0. A. Carpenter abstained as he had not been present for the discussion.

D. Francis left after this vote (9:07 p.m.).

2. SP15-004 Danielson Glass/Neil Esposito Jr., 379 Providence Road, Map 41, Lot 119A, PC Zone; Construction of a 10,000 sq. ft. Commercial Building with associated parking.

Motion by A. Kerouack to table action regarding Application SP15-004 Danielson Glass/Neil Esposito Jr., 379 Providence Road, Map 41, Lot 119A, PC Zone; Construction of a 10,000 sq. ft. Commercial Building with associated parking as the public hearing for this Application was continued to the Special Meeting of July 21, 2015. Second by A. Carpenter. Motion carried unanimously (5-0).

## **IX. New Business:**

### **a. Applications:**

1. SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Coffee Shop with Drive-Thru and additional commercial space.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview and poster board presentation:

- Indicated where proposed entrance would be (directly across from signalized Wal-Mart intersection).
- Coffee Shop will be a Dunkin Donuts with some small commercial spaces and one little larger commercial space on the western side of the building.
- He addressed the concerns of the Commission regarding: 1) parking to be in the rear of the building; and 2) to avoid problems between pedestrians and drive-thru traffic in the rear of the building. They are proposing a retaining wall around the perimeter of the western and southern sides of the property. He indicated where the parking would be and how drive-thru traffic would be routed (involving a landscaped island to keep drive-thru traffic away from pedestrian traffic). Stacking as required by regulations.
- Storm water to be handled by below-grade detention with overflow discharges to an existing small basin along the front of the site. Plans for drainage design and entrances are currently before the CT DOT for review.
- Proposing a dedicated one-way entrance for traffic travelling east along Route 6.
- He indicated some of the features of the proposed Cape Cod style building.

Lynn Smith, CME, will do the design review.

J. Roberson will provide her comments regarding the landscaping to Mr. Thibeault. Mr. Thibeault stated that he would be happy to take her recommendations and make adjustments.

A.Carpenter asked for a full-size set of plans and asked how tall the retaining wall is in the back. Mr. Thibeault stated up to 12 feet and it will be an engineered wall. Mr. Thibeault stated that there will be a stone wall across the whole frontage and he believes it will help buffer the visibility of the parking area. A.Carpenter asked how water discharges to the back. Mr. Thibeault indicated the flow. Per J. Roberson, Syl Pauley (NECCOG) is reviewing this. A.Carpenter asked if they would delay construction of any of the parking. Mr. Thibeault stated that he is pretty sure that they would be constructing it all. A.Carpenter asked to have a color rendered building for the next meeting. Mr. Thibeault stated that he had already requested that from the architect.

Motion by A. Carpenter to schedule a public hearing for Application SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Coffee Shop with Drive-Thru and additional commercial space for the next Regular Meeting of the Brooklyn Planning and Zoning Commission to be held on August 5, 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 (5-0).

2. SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Rd); Modification of existing approved Special Permit to develop approximately 35,600 sq. ft. of mixed retail/office in a plaza plus stand-alone 5,000 sq. ft. restaurant on site of formerly approved (but unbuilt) 58,400 sq. ft. retail/grocery as component of site development that included CVS and Savings Institute.

John Guskowski, CME Associates, represented the Applicant and gave a poster board presentation and overview:

- Mr. Guskowski explained that the P&Z Commission had previously approved (2007) a 58,000 s.f. retail/grocery facility. This proposal is for a slightly smaller building footprint and smaller parking/paved footprint than what was previously approved. The Applicant is requesting that the Commission treat this change as a minor revision to a previously approved special permit and treat it as site plan review rather than special permit.

J. Roberson read the criteria from Section 3.4.8.8 from the Planned Commercial Zone Regulations (affirmative 3/4 vote of Regular Commission Members needed to approve). She noted that if this is not a special permit, the special permit criteria would not be applicable. She stated that although this is exactly what the Town of Brooklyn would like to see in the PC Zone, it is a major commercial development, even though it is set back from the road.

Mr. Guskowski stated that the site plan provided does not reflect that CVS and the Savings Institute have been subdivided off. They wanted to demonstrate the continuity of the site relative to the prior approval. They will provide an updated site plan.

C. Kelleher stated that this is a big project and she feels that the public should have the opportunity to comment. She also stated that the Commission does not have the ability to waive its own Regulations.

A.Kerouack asked if the 2007 approval has lapsed. C. Kelleher stated that it had been extended.

Mr. Guskowski noted that the public has the right to be interested, but the Commission had already approved a more intensive use on this exact site and now they are proposing

something less. C. Kelleher stated that this is different because it is now proposed as two buildings. D. Fuss stated that the plans have changed and he feels it would need to go to a public hearing and be reviewed again.

A. Kerouack asked if access management in the back was incorporated in the first approval. Mr. Guskowski stated no. A. Kerouack stated that this makes it a lot more attractive. J. Roberson stated that she forwarded the plans to Syl Pauley (NECCOG) for review and he noted that the property boundary was incorrect. She stated that Mr. Pauley needs a copy of the drainage calculations. Mr. Guskowski will send him the drainage report.

Mr. Guskowski stated that Lynn Smith, CME, designed the architectural drawings so she would not be eligible to review them.

J. Roberson asked the Commission to look at the last sheet of the Plan Set and she stated that there is no design yet for the restaurant building. Mr. Guskowski stated that they do not have a tenant yet. J. Roberson is looking into how to address an after-the-fact design review to be sure that it is done right.

Mr. Guskowski stated that Mr. Townsend is committed to a high design standard for all of his tenants and properties.

There were not enough Members present to vote on whether or not to grant the waiver request (6 needed – only 5 present). C. Kelleher explained that if a motion to set a public hearing fails, it would mean that the majority of Members present would like to grant the waiver and that the vote could be put on the agenda for the Special Meeting of July 21<sup>st</sup>. It was decided to make a motion to accept the application as a special permit application (which is how it was submitted and they are concurrently requesting the waiver), and set a public hearing for August 5<sup>th</sup>, to see if it would pass or fail which would determine the next step to be taken.

Motion by A. Carpenter to schedule a public hearing for SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Rd); Special Permit to develop approximately 35,600 sq. ft. of mixed retail/office in a plaza plus stand-alone 5,000 sq. ft. restaurant for the next Regular Meeting of the Brooklyn Planning and Zoning Commission to be held on August 5, 2015, at 7:00 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by C. Dunlop. Motion carried unanimously (5-0).

3. SP15-007 Gilly Gordon, 260 Herrick Road, Map 17, Lot 19, RA Zone, 4.2 acres; Home enterprise for art studio and classes.

Gilly Gordon stated that she is an artist and has an art studio business in Pomfret where she currently lives. She and her husband, Donald Hay, have two homes and have been looking for a home that they could combine as residence and art studio. The Herrick Road property has a three-car garage with a workshop area that would be suitable for converting to an art studio. She offers classes for adults and children, but her business has declined due to the economy.

C. Kelleher asked if they plan to make any changes to the outside of the building. Ms. Gordon stated that they will change windows, install insulation and sheetrock, heat, etc., within the building. Mr. Hay stated no physical changes and he stated that it would need siding.

D. Fuss asked about retail sales. Ms. Gordon stated that she hasn't done that, but once every three years she does an open studio, but is not interested in having a store. She has a tax ID and occasionally, she sells something (privately) that someone has seen on display somewhere (like

the Vanilla Bean). C. Kelleher stated that does not constitute a retail business. J. Roberson stated that Home Enterprise allows for retail sales as long as it is produced on site.

J. Roberson stated that they are request a waiver of site plan requirements. She stated that hey have provided a lot of information (including photos, a hand drawn sketch, aerial photo) which was in the packets to the Commission Members. J. Roberson stated that they are not doing any additional site work, the developed part of the property is set way back from the road (forested), they have adequate parking. She stated that the Commission could not vote on the waiver request because there were not enough Members present, but a public hearing could be scheduled and the waiver request could be addressed later.

Motion by A. Kerouack to schedule a public hearing for Application SP15-007 Gilly Gordon, 260 Herrick Road, Map 17, Lot 19, RA Zone, 4.2 acres; Home enterprise for art studio and classes for the next Regular Meeting of the Brooklyn Planning and Zoning Commission to be held on August 5, 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 (5-0).

**b. Other New Business:**

**1. Pre-application conference regarding Rawson Gravel Permit.**

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT, represented Strategic Commercial Realty, Inc. d/b/a Rawson Materials. Attorney Cotnoir stated that this is an attempt to come up with a pattern for removing gravel that will take truck traffic off of Wauregan Road in Canterbury and Maynard Road in Brooklyn. He indicated the previous route on the plan which was provided for the Commission Members to view. He introduced Bob Messier to give more details. Mr. Messier gave a brief description of the new proposal: Roughly 7 acres of excavated area to be taken to Laframboise in Canterbury. If going more than 400,000 yards north they must reconstruct the intersection "Y." Plan provided shows Beecher Road and Rukstela Road improvements and the Intersection at Route 169. Mr. Messier stated that the plan was reviewed by Syl Pauley (NECCOG) regarding the wells around the proposed excavated area and Mr. Pauley has approved the location of the monitoring wells. Mr. Messier stated that the State of CT has re-approved the original plan with two changes: 1) ties to the base line for the reconstruction at Beecher Road; and 2) make the stop sign a 30-inch sign. Mr. Messier stated that he would leave the plans for further review.

J. Roberson stated that two of the referrals from Canterbury (later on the Agenda) have potential municipal impact on Brooklyn. She asked the Commission if they had any comments for Canterbury for their public hearing on July 9<sup>th</sup>. It was decided that J. Roberson will send a letter asking for more time to consider.

Attorney Cotnoir stated that this is preliminary and that they will make the improvements immediately as part of the application. C. Kelleher stated that the Commission will want to know how many trucks, how much stuff is coming across, and where it is coming from.

Mr. Messier stated that the Applicant anticipates that the "T" intersection will be completed by May 2016.

**2. Appointment of New Members.**

C. Kelleher stated that there may be a new Alternate Member at the next meeting. R. Ives is proposing that the Board of Selectmen give the Commission new members in the form of alternates and the Commission can then move them to regular members. The Commission Members were in agreement with this.

D. Fuss left at 10:03 p.m. There was no longer a quorum and the meeting adjourned without a formal motion. The following Agenda items remained.

3. Review of Bylaws.

**X. Reports of Officers and Committees:**

1. Land Use Administrator Report.
2. Zoning Permit Report June 2015.
3. Wal-Mart Update.
4. Budget.
5. Correspondence.
  - a. Canterbury Zoning Referrals
6. Chairman's Report.

**XI. Public Commentary** – None.

**XII. Adjourn**

Respectfully submitted,

J.S. Perreault  
Recording Secretary