

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, August 5, 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 7:05 pm.

II. Roll Call - C. Kelleher, Michelle Sigfridson, Aaron Kerouack, A. Carpenter, Craig Dunlop, Donald Francis, David Fuss.

Staff Present - Sam Alexander, NECCOG.

Also Present – Rick Ives, First Selectman.

III. Seating of Alternates – C. Kelleher introduced new Alternate Member, Dale Thompson.

Motion by D. Fuss to seat Alternate, Dale Thompson, as a voting Member of the Brooklyn Planning and Zoning Commission for this meeting. Second by D. Francis. Motion carried 7-0.

IV. Adoption of Minutes:

1. Regular Meeting Minutes July 1, 2015.

Motion by D. Fuss to accept the Minutes of the July 1, 2015 Regular Meeting of the Brooklyn Planning and Zoning Commission as presented. Second by D. Francis. Motion carried 6-0. M. Sigfridson and D. Thompson abstained as they had not attended that meeting.

2. Special Meeting Minutes July 21, 2015.

Motion by M. Sigfridson to approve the Minutes of the July 21, 2015 Special Meeting of the Brooklyn Planning and Zoning Commission as presented. Second by C. Dunlop.

A.Kerouack noted an error on page 4 regarding the motion to approve SP15-004. It should have reflected a vote of 5-1.

Motion carried 6-0. D. Francis and D. Thompson abstained as they had not attended that meeting.

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notice - Read into the record by A. Kerouack.

b. New Public Hearings:

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

Gillian Gordon explained that she has been giving art lessons in her studio in Pomfret for the past twenty years, but would like to have one property for her residence and art studio. Classes are three hours once per week. Students over the past year were 5 adults and 4 teenagers.

C. Kelleher stated that, at the last meeting, Ms. Gordon had provided a detailed sketch of her home studio and had stated that she did not plan on making any changes to the outside of the Herrick Road property.

M. Sigfridson asked about the number of students. Ms. Gordon stated, at the peak, it would be twenty students once per week.

C. Kelleher stated that a letter of support had been received from a neighbor.

Marge Townsend spoke in favor and stated that she had taken classes from Ms. Gordon in the past and that it is a very quiet operation.

Motion by D. Francis to close the public hearing for SP15-007 Gillian Gordon, 260 Herrick Road, Map 17, Lot 19, RA Zone, 4.2 acres; Home enterprise for art studio and classes. Second by A. Kerouack. Motion carried unanimously.

2. SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Construction of a 8,655 sq. ft. building containing a 2,400 sq. ft. fast-food restaurant, a 2,400 sq. ft. retail store and three 1,285 sq. ft. units to contain either retail store, personal services, and/or offices (Professional, Business, or Administrative).

A. Carpenter stated that Killingly Engineering's traffic engineer had contacted his office for information regarding the signal and that Mr. Carpenter deferred the question to another person in the office.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant, and gave a poster board presentation. He provided full-size plans to the Commission Members. Mr. Thibeault also submitted the certified mail receipts to Sam Alexander.

Mr. Thibeault gave an overview and addressed comments from the Commission during the preliminary presentation:

- Proposed (existing) 3-lane driveway is at a signalized intersection. It was installed as part of the roadway redevelopment project associated with Wal-Mart which is suitable for a left-hand turn, a dedicated right-hand turn, and center lane to go across the street or take a left-hand turn.
- Reducing the amount of parking in the front of the building and reducing pedestrian conflict with the parking to the rear of the building regarding the proposed drive-thru. They created a drive-thru lane around the outside perimeter on the far southern side of the site. Parking located between the drive-thru and the building and in the front of the building (he indicated on the plan). He stated that there is also some parallel parking (on the side) which is a change from the plan that had been presented.
- Syl Pauley reviewed the drainage report and was satisfied. Norm Miller at the DOT has approved the drainage, but the final approval letter has not been received.
- Major Change to Plans: Per Syl Pauley's and Jim Larkin's comments upon review (according to Section 3.6.2.3 – maximum of 1 point of ingress for vehicles and 1 point of egress for vehicles to the parking lot and for each street), the ingress shown as a dedicated in-lane on the western side of the property for vehicles travelling to the east has been removed. The CT DOT has plans showing this change. However, Mr. Thibeault explained

that the Applicant would still like it to be considered if it were a waiverable option for this Application. If not, in the future, may come back to the Commission for a change to the plan, or go to the ZBA to have that requirement waived.

- They created a counterclockwise traffic motion around the perimeter of the building with one-way on the west and the east, a 24-foot wide lane on the eastern side of the building enough for stacking for cars and a generous by-pass lane.
- Regarding Zoning Regulations:
 - Lot Area – 71,210 sq. ft. total
 - Lot Frontage - 236+
 - Front Yard Setback – 45 feet (due to parking in front). Actually 117 feet back from the front lot line to the closest face of the building.
 - Side Yard Setback – 36.4
 - Rear Yard Setback – 94.4
 - Building Height – 24 feet (at highest point)
 - Impervious Coverage – 45,736 (64.2 percent)
- Plans show 2,957 sq. ft. building for fast food/donut shop (parking calculations reflect this square footage – 58 spaces). The Applicant would like to reduce back to the original 2,400 sq. ft., therefore, there would be more than sufficient parking and Mr. Thibeault stated that it would be nice to get a reduction in parking (by 5 or 6 parking spaces) by either adjusting the overall size of the building or by putting in some pervious parking areas. He indicated how the building size would be reduced.
- Stone wall (native stone) across entire frontage of property which will screen a good portion of the area to be used for retention/detention. Basin was installed as part of the CT DOT roadway improvements and accepts the drainage from this site at this time. They will modify it slightly by making it a little larger and stretching out the contours to make the slopes more gentle. Regarding Jim's comment to move the stone wall back or do a planting buffer, Mr. Thibeault explained that they chose to do the planting buffer (row of Inkberry) because the front parking area sheet flows in that area.
- To control storm water they are proposing low-grade detention facilities (Storm Tech SC740 Chambers). There will be some degree of infiltration associated with the chambers, but did not account for this in drainage computations (just assumed there would be none).
- Two-year to 50-year design storms – no increase in peak run-off from site.
- He addressed comments from Jim Larkin:
 - Section 4.3.4 regarding traffic hazards – They shifted the building over 4 feet.
 - No Loading Area – Showed rear of the building as the loading area.
 - Outdoor Lighting – Cut-off style lighting around perimeter of site and building-mounted lights shining down.

C. Kelleher asked about hours of operation. Mr. Moutoudis stated 24 hours (same as existing).

Mr. Thibeault continued:

- Traffic report is being prepared and should be to the Town Engineer within ten days. Signal plan will need to be modified and then will be submitted to the DOT for review.
- Previously shown ingress to the site has been removed (as discussed earlier).
- Buffer – well over 45 feet (not an issue).
- Stone Wall discussed earlier.
- Deciduous trees for interior landscaping – The plan was modified to show dwarf species in the islands around the perimeter of the building.
- Internal Sidewalks and Pedestrian Walkways – In addition to the sidewalk along the frontage of the site, they have added another small section of sidewalk parallel to the access drive with a crosswalk to get to the building.

Regarding the Building:

- Mr. Thibeault referred to the front elevation of the building and stated that it fits in with the Route 6 Corridor Design Guidelines:

Clapboard-style building with high peak roofs, gable ends facing, cupolas on top, larger windows with dividers.

- He explained how the design is compatible with the Route 6 Corridor Design Guidelines.

Building Layout:

- Minimized parking in the front (balanced by putting half in front and half in rear).
- Long access of building is facing south – oriented as best as it can be for energy conservation.
- Extensive planting plan to establish vegetation around the site.
- At a similar setback as most of the buildings on that side of the road.
- Limited lighting (total of nine lights around perimeter for safe pedestrian access).
- Proposing to keep sign in same location as existing sign, but do not have final design at this point. Signage not part of this Application.
- Mr. Thibeault explained the counterclockwise motion of traffic around the perimeter of the site – plenty of room for turning and adequate stacking.
- No new curb cuts.

Mr. Thibeault addressed Syl Pauley's concerns which were the same as those of Jim Larkin:

- Traffic on right side of building – shifted building over to make lane wider.
- Second ingress to the property.
- Table with drainage structures.

C. Kelleher informed Mr. Thibeault that there was an Engineering Plan Review dated August 5, 2015, from Syl Pauley which was in the packets to the Commission Members. Mr. Thibeault had not seen it. A copy was provided to him.

A. Carpenter requested that the following be provided:

- color-rendered elevation
- Storm water detail
- Traffic study
- DOT approval letter Detail for erosion protection for sheet flow of the front parking lot through the landscape into the detention.
- Mr. Thibeault will provide a Photometric Plan with the design and height of the lights.
- How will they deal with the construction of the 16-foot tall segmental block retaining wall (Will a construction easement be needed from neighbor?)

A. Carpenter asked if they had done any test pits to verify soils, water table depths, etc. Mr. Thibeault stated that they had not. A. Carpenter stated that it would be good to have the test pits done.

D. Fuss as if there will be lighting at the entryway (Route 6). Mr. Thibeault stated that they are not proposing any lighting there and that there are street lights there.

A. Kerouack mentioned that the traffic lights start flashing at 10 p.m. and questioned whether the DOT feels it is safe with multiple 24-hour businesses. Mr. Thibeault stated that the DOT will make that determination based upon anticipated traffic at that time of the evening.

A. Kerouack asked about the legal notice reading differently than what was presented regarding the number of units. Mr. Thibeault explained that they will most likely revert back to what was originally proposed.

M. Sigfridson asked if the rear entrances are intended to be customer entrances. Mr. Thibeault stated that they are not. They are intended to be employee entrances or for loading.

A. Carpenter asked if they had considered pedestrian-level lighting along the walkway like Wal-Mart did. Mr. Thibeault stated that they had not, but he was not opposed to taking a look at it.

Mr. Thibeault stated that he would like to address the comments from Syl Pauley that he received tonight at the next meeting.

A.Kerouack asked about a potential easement to tie into the lot next door for access management. Mr. Thibeault stated that he could discuss it.

Public Comments:

Leonard Bissonnette, 755 Allen Hill Road, stated that this is a heavily congested area and it is difficult to get out where there is no traffic signal. He stated that this is a tight site asked if there will be a trench drain to capture some of the water from the slope. Mr. Thibeault explained that the site will be cut down considerably and he stated that there will be enough slope to have positive drainage toward the front. Mr. Bissonnette stated that he feels it is a good idea to remove the second entrance. He asked if there will be a pedestrian light as it is a hazardous area. A.Kerouack stated that there is one there.

There were no other comments from the public.

Motion by D. Francis to continue the public hearing for SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Construction of a 8,655 sq. ft. building containing a 2,400 sq. ft. fast-food restaurant, a 2,400 sq. ft. retail store and three 1,285 sq. ft. units to contain either retail store, personal services, and/or offices (Professional, Business, or Administrative) to the next Special Meeting of the Brooklyn Planning and Zoning Commission to be held on August 18, 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.

3. SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Fast Food Restaurants, Health Clubs, Florists, and/or Child Day Care Services and a detached 5,000 sq. ft. Restaurant.

John Guskowski, Director of Planning with CME Associates, represented the Applicant, and gave a poster board presentation. He stated that Charles Eaton, P.E. and Director of Municipal Services with CME Associates, seated in the audience, was available to answer questions. Mr. Guskowski submitted (for the record) the certified mailing green cards of notifying abutters.

Mr. Guskowski explained that the public hearing will need to be continued due to a number of things pending. He stated that this is a modification and reduction (10,000 sq. ft. less space/impervious area) of a previously approved plan for commercial development. He stated that the uses requested are intentionally broad. The Application and the Plaza are meant to be somewhat flexible in its design in terms of interior occupancy so they can swap out uses to accommodate the needs of the tenants.

C.Kelleher expressed concern for parking calculations. She stated that she would like to see unlikely uses removed from the list.

Mr. Guskowski stated that the original application went through an extensive traffic analysis with the State Traffic Commission (which is why there is a traffic signal there now) and that the traffic impact will be lessened compared to the previously approved plan. A lot of drainage has already been put into place.

Mr. Guskowski stated the following regarding Parking:

- 185 parking spaces proposed. Reduction permissible per Regulation 3.6.2.5 provided there is space provided on site for future parking should demand require it.
- He indicated where an additional 15 to 40 parking spaces could become available should the need arise.

Mr. Guskowski stated that comments from Syl Pauley have not been received. Wetlands has not yet acted. This public hearing will need to be continued.

Mr. Guskowski addressed comments from Jim Larkin:

- Updated Maps and Dimensions: Dimensional Requirements on first page and the sizing for parcel were incorrect (they were using archival data). This has been updated on the plan sheet.
- Front yard setback on one of the buildings: Distance between proposed restaurant and front lot line.

Mr. Guskowski stated that it is well over 100 feet from the street. He stated the setback question isn't an issue.

Discussion ensued. A.Carpenter stated that the plan doesn't show what the lot really looks like. Mr. Guskowski stated that it is being updated. C.Kelleher asked Sam Alexander to explain Jim's issue. Mr. Alexander stated that they are interpreting the lot line in front of CVS as that being the lot line from which the right of access (strip) is leading to Route 6. Mr. Guskowski stated that he feels that does not follow the way the Regulations are written. Discussion continued as they still did not agree. Mr. Guskowski stated that they are asked to be bound by the Regulations that apply and Regulations that apply refer to Route 6 as the lot line and so that is what they are calling it. Some Commission Members suggested consulting with the Town Attorney.

Mr. Guskowski continued to address Jim Larkin's comments:

- Dimensional chart will be updated and updated plans will be provided to the Commission following commentary from Syl Pauley.
- Landscaping and Planting: He agrees with Mr. Larkin that a few more trees should be added. They will update the Planting Plan to reflect that.

A.Carpenter asked if there is an cross parking agreement with CVS to cross park the rest of the center in their parking lot if needed. Mr. Guskowski stated that he will make sure that is in place.

D. Fuss asked about the sewer line problem. Mr. Guskowski explained that there was a clog and it was corrected. Sewer lines will be re-routed around the building.

A.Carpenter would like a full-size set of plans with construction methodology for taking the existing lines out of use and putting the new lines into use – same thing with the drainage.

A.Kerouack asked if there is proposed screening for dumpster areas. Mr. Guskowski stated that he thinks they are proposing to put them in fenced areas. The dumpsters will be within dumpster enclosures in the east and west of the rear parking lot. He will detail it on the plans.

Mr. Guskowski pointed out that the architectural were done by Evelyn Cole-Smith who is familiar with the Route 6 Design Standards.

A.Carpenter asked for the color scheme to be added to the plan. Mr. Guskowski stated the color palate and materials will be similar to the Savings Institute.

A.Kerouack mentioned that the name, Brooklyn Commons, is already being used.

Don Francis stated that if they move the sewer line there would need to be a new right-of-way and the Sewer Authority would need to give clearance. Chuck Eaton of CME Associates stated that the revised sewer is designed to be considered a main and services would tie into it.

Public Comments:

Robert Ross, lives in back and would like to know what is going on with the back of the building. He voiced concern with water running to his property. D. Fuss offered him a set of plans.

A woman seated near Mr. Ross did not identify herself, but voiced complaints about living behind CVS including: noise from emptying dumpsters in early morning hours, lights, trucks, yard floods, people digging in Salvation Army dumpsters.

Mr. Guskowski stated that what was previously approved is proposed to be reduced. He spoke of the landscaping and drainage plans and proposed plantings.

Sam Alexander stated that it appears that the landscaped buffer between the back parking lot and the neighborhood to the north is in the area reserved for future parking spaces if needed. Mr. Guskowski stated that they don't feel this would ever be necessary, but they have to demonstrate that there is adequate space for it.

Mr. Ross stated that he feels they should do something for privacy before construction is started on the site. He said it is wet back there.

Mr. Guskowski referred to the Photometric Plan in the plan set that demonstrates insignificant light spill at the property lines, so the lighting plan is in compliance with the Regulations.

Rick Ives and A. Kerouack asked about where the trees and fencing would be.

Mr. Guskowski referred to Sheet #7.

A. Kerouack suggested that there be a change to promote a thicker, more water-resistant buffer than the white pines shown.

The woman seated near Mr. Ross spoke of the street sweeper going by at 3:30 a.m.

Mr. Ross asked who would maintain the retention pond.

C. Kelleher stated that the Applicant is hearing the concerns and she suggested that Commission Members not familiar with the property go to the site to see the distance of the neighbors to the back of the lot.

A. Carpenter stated that if there is a predevelopment condition with drainage, it would be the Applicant's responsibility to fix it, but they can't fix Job Lot. He stated Syl Pauley will be doing the engineering review and that the Commission has the ability to make conditions on approvals.

M. Sigfridson stated that it may be worth exploring other placement options for the dumpsters.

C. Dunlop stated that the detail for the dumpster enclosures won't stop noise.

A. Kerouack stated that the 4-foot fence along the back is not tall enough. He would like to see 6-foot, green PVC to blend into the vegetation with privacy slats for visual barrier. Mr. Ross mentioned natural barrier instead of fence.

D. Fuss mentioned that if the fence were above the lights on the back of the building so they don't shine in backyards that would be a benefit.

Ron Ventura, spoke representing the EDC. He stated that while the EDC likes to support development in the district, there are concerns that the people of Brooklyn have and that the developer is possibly not as transparent as they could be regarding serious intent for leasees and the number and type of businesses as there is already rental space available. It has the character of a strip mall which, in the long term, are not good substantial investments. There is concern for empty rental spaces. He spoke in favor of a chain-link fence joining the residential area. There is concern with safe pedestrian access. He suggested adjoining pedestrian access between the properties with sidewalks to

keep pedestrians off the road as much as possible. He also mentioned a speed bump to slow down vehicles. He stated that the EDC is uncomfortable as it stands now and may be able to support it after seeing more details.

Motion by A. Kerouack to continue the public hearing for SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16 PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Health Clubs, Florists, and a detached 5,000 sq. ft. Restaurant to the next Regular Meeting of the Brooklyn Planning and Zoning Commission to be held on September 2, 2015, at 6:30 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by D. Fuss. Motion carried unanimously.

VII. Other Unfinished Business:

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

Motion by M. Sigfridson to approve the Application SP15-007 Gillian Gordon, 260 Herrick Road, Map 17, Lot 19, RA Zone, 4.2 acres; Home enterprise for art studio and classes in accordance with all final plans, documents, and testimony submitted with the application (as revised). Second by A. Kerouack. Motion carried unanimously.

2. 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.

Continued to August 18, 2015.

3. SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Fast Food Restaurants, Health Clubs, Florists, and/or Child Day Care Services and a detached 5,000 sq. ft. Restaurant.

Continued to September 2, 2015.

VIII. New Business:

a. Applications:

1. Discussion of bylaw change – regular meeting start time change to 6:30pm from 7pm.

A. Kerouack stated that there were other proposals to amend the By-Laws that he had suggested that had been tabled.

Rick Ives stated that if the meeting time for each meeting is set at the prior meeting, then every meeting would be a special meeting and there are strict rules regarding what the Town Clerk has to send to the State. He suggested changing the By-Laws, inform the Town Clerk of the change, and she will notify the State.

A poll of the Commission showed that a change to 6:30 p.m. would work.

Motion by A. Kerouack to amend Article 8 of the Planning and Zoning Commission By-Laws to change the meeting time from 7 p.m. to 6:30 p.m. Second by D. Fuss. Motion carried unanimously.

C. Kelleher will inform the Town Clerk of the change and she asked A. Kerouack to inform Jim Larkin by e-mail of the change and also of the other proposed amendments that had been tabled.

b. 1. Preliminary discussion of potential addition at 520 Providence Rd.

Ken Cardinal, Sweet Peas, stated that he had spoken with Jim Larkin last week. Sweet Peas needs to expand its kitchen by putting on a less than 500 sq. ft. addition to the rear of the building. They would like to do an amendment to the approval of the original site plan rather than applying for special permit. No increase to impervious area. They will need Wetlands review. He stated that there is access to more parking if needed in the back of the parking lot. No discharging of water. No impact to traffic flow. Meets setbacks.

A.Carpenter asked if there is a parking problem. Mr. Cardinal stated that parking is not an issue, but that he would like to share parking with CVS, but there are issues with wetlands. C. Kelleher stated that Mr. Cardinal would come before the Commission for site plan modification.

Motion by D. Francis to approve the request to waive the special permit requirement for 24 x 24 addition to rear of building for kitchen and storage at 520 Providence Road, Sweet Peas. Second by D. Fuss. Motion carried unanimously (8-0).

IX. Reports of Officers and Committees:

1. Land Use Administrator Report – None.
2. Zoning Permit Report June 2015 – In Packet.
3. Wal-Mart Update – None.
4. Budget – None.
5. Correspondence.
 - a. Canterbury Zoning Referrals

C.Kelleher will speak with Jim Larkin about this when he returns from vacation. A.Kerouack stated that he hoped that Canterbury would not make a regulation that extends beyond their borders.

6. Chairman's Report – None.

X. Public Commentary:

Marge Townsend spoke of the type of projects Steve Townsend has done in area towns. She stated that she doesn't know what the Commission wants if they don't want anything he brings to them. D. Fuss explained that it is a public hearing and once issues are addressed, he doesn't see any problem with it. A. Carpenter stated that it is a process. A.Kerouack stated that the Commission should not comment on an active application and he stated that the other two applications were withdrawn by the Applicant. C.Kelleher explained that the Commission follows the regulations and if the application meets the regulations it will be approved (possibly with conditions).

XI. Adjourn

Motion by D. Fuss to adjourn at 9:44 p.m. Second by A. Kerouack. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Secretary