

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, October 7, 2015
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

- I. Call to Order** – Acting Chair, Michelle Sigfridson, called the meeting to order at 6:39 pm.
- II. Roll Call** – M. Sigfridson, Aaron Kerouack, A. Carpenter, Craig Dunlop, Donald Francis, David Fuss, Dale Thompson.
- C. Kelleher arrived at 6:48 p.m.

Staff Present - Jim Larkin, Interim Planner.

- III. Seating of Alternates** – None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes September 2, 2015.

Motion by D. Fuss to accept the Minutes of Regular Meeting of September 2, 2015 as presented. Second by D. Francis.

A. Kerouack suggested the following clarifications:

- Page 4, paragraph should read as follows:
A. Kerouack asked if the Applicant would be willing to reserve 25 feet in from the front lot line on the western side of the property for a potential access management area should the property next door be developed in the future. Mr. Thibeault explained that the layout would not allow for that and, to do that, significant changes to the site design would need to be made.

Mr. Kerouack stated that Mr. Thibeault had understood that he really meant to say 25 feet rather than 250 feet.
- Page 12, first two sentences of the second paragraph should read as follows:
A. Kerouack stated that the P&Z Commission cannot waive Article 4. The Site Plan Requirement is required in order to have a home business.

Motion carried: 6-yes; A. Carpenter abstained as he had not attended the meeting.

2. Special Meeting Minutes September 15, 2015.

Motion by A. Kerouack to accept the Minutes of Special Meeting Minutes September 15, 2015 as presented. Second by Craig Dunlop. Motion carried: 5-yes; A. Carpenter and D. Thompson abstained as they had not attended the meeting.

V. Public Commentary – None.

VI. Unfinished Business:

- a. **Reading of Legal Notice** – No notice was read.
- b. **Continued Public Hearings** - None.
- c. **New Public Hearings:**

1. SP15-008 Strategic Commercial Realty, Incl., d/b/a Rawson Materials; Off of Rukstela Road, Map 29/30, Lot 1/16, RA Zone, 127 Acres; Gravel Removal.

J. Larkin explained that Attorney Cotnoir requested that the opening of the public hearing be postponed to the next regular meeting of the P&Z Commission (letter dated October 7, 2015). J. Larkin stated that he explained to Attorney Cotnoir that there may be additional expenses due to having to post required notices again.

D. Francis asked if there had been an inspection to see if there is conformance with the Regulations on closing a gravel operation. He asked if the ZEO or Syl Pauley could be requested do an inspection to see that it be done before another permit is started. J. Larkin will check with the ZEO.

C. Kelleher arrived at 6:48 p.m.

D. Fuss asked where this Application stands with Wetlands. J. Larkin stated that the public hearing for Wetlands is also being postponed.

Motion by A. Kerouack to postpone opening the public hearing for SP15-008 Strategic Commercial Realty, Incl., d/b/a Rawson Materials; Off of Rukstela Road, Map 29, Lot 1 and Map 30, Lot 16, RA Zone, 127 Acres; Gravel Removal to the next regular meeting of the Planning and Zoning Commission to be held on November 4, 2015, at 6:30 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by A. Carpenter. Motion carried unanimously 8-0.

M. Sigfridson turned over the Chair position to C. Kelleher.

VII. Other Unfinished Business:

1. SP15-008 Strategic Commercial Realty, Incl., d/b/a Rawson Materials; Off of Rukstela Road, Map 29/30, Lot 1/16, RA Zone, 127 Acres; Gravel Removal.

Motion by M. Sigfridson to table Application SP15-008 Strategic Commercial Realty, Incl., d/b/a Rawson Materials; Off of Rukstela Road, Map 29, Lot 1 and Map 30, Lot 16, RA Zone, 127 Acres to the next regular meeting of the Planning and Zoning Commission to be held on November 4, 2015, at 6:30 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by D. Thompson. Motion carried unanimously 8-0.

VIII. New Business:

a. Applications:

1. HB15-002 Jonathan Lisee, 134 Mason Road, Map 23, Lot 9A-3, Home Business Permit Transfers and Sales of Firearms (no inventory stored on location).

C. Kelleher explained that the Commission had approved the Application, but A. Kerouack had later determined (by reviewing the recording) that the motion to approve was not correctly stated as it stated to waive the entire Article 4 and it should have been 4.5. In addition, it should have been submitted in writing and it also requires a vote by $\frac{3}{4}$ of the Commission. She acknowledged that the Commission was in error and that they want to protect the Applicant so there is no question regarding the approval. She asked that the Commission Members review the request for waiver form from the Applicant which was provided in the packets. She stated that six votes in the affirmative would be needed for approval.

J. Larkin stated that he also reviewed the recording.

Motion by A. Carpenter to waive the requirements requested within the Site Plan Review Work Sheet, Section 4.5, of the Regulations for Application HB15-002, Jonathan Lisee, 134 Mason Road, Map 23, Lot 9A-3, Home Business Permit, Transfers and Sales of Firearms (no inventory stored on location). Second by D. Thompson. Motion carried: 7-yes; 1-no. A. Kerouack was opposed.

Motion by A. Carpenter to approve Application HB15-002 (Section 4.5 waived), Jonathan Lisee, 134 Mason Road, Map 23, Lot 9A-3, Home Business Permit, Transfers and Sales of Firearms (no inventory stored on location) in accordance with all final plans, documents, and testimony submitted with the Application (as revised). Second by D. Thompson. Motion carried 6-yes; 1-no (A. Kerouack); 1 abstention (M. Sigfridson).

C. Kelleher asked if there were any objections due to the process. M. Sigfridson and A. Kerouack indicated that they had no objections.

2. SPR15-003 The Connecticut Water Company/Nicholas J. Meder; 101 Quebec Square, Map 47, Lot 53, R-10 Zone, 7.21 Acres; Construct a new 1,000 sq. ft. masonry central treatment building on the existing well property. Currently there are three other structures on the property.

Nick Meder, Project Manager with Connecticut Water Company, stated that he was representing the Applicant and he provided two sample photos and gave an overview for site plan review (Section 4.5) for the construction of a central treatment building at 101 Quebec Square:

- There are currently 3 separate well buildings and they are proposing to build a fourth where central treatment would occur before water is pumped out into the system.
- To be constructed of concrete block, neutral in color (Drawing EA-756 shows elevations);
- Metal roof of neutral color;
- Outdoor illumination full cut-off LED fixtures and only illuminated when someone is there (no timer). The building to be manned one hour per day every other day;
- Eight-foot high, chain-link security fence around perimeter of building;
- Site modifications – removal of underground pipes;
- Project scheduled to start end of October and complete end of January;
- There is an existing generator which uses diesel fuel and is screened by Building #1;
- There are chemicals in each of the buildings which is a safety concern for the operators and it is not efficient for treating the water, so this is the purpose of the central treatment building. Chemicals to be stored in a containment basin (shown in the details).
- Treatment will be chlorination as it is now.
- No chlorine gas; it is liquid.

J. Larkin stated that both, he and Syl Pauley had reviewed the site plan. He stated that Syl had supplied a letter regarding Wetlands and that there was no impact to Wetlands and, upon follow-up regarding Planning and Zoning, he also saw no issues there. J. Larkin stated that he also saw no issues.

It was stated that it is well within the setbacks. A. Carpenter stated that he would like to see, on the page, what the setback is and that it was met.

C. Kelleher asked if all requirements of Article 4 are being met or if there are any requests for waivers. J. Larkin stated there are no requests for waivers because there is a site plan and A-2 Survey.

A. Carpenter questioned whether Wetlands approval is required because there is a wetland on the property and he stated that it looks like there is work within the upland review area. Mr. Meder stated that Wetland review setback is 125 feet and he explained that, as a public water utility, they are exempt through the Connecticut General Statutes from seeking permit approval for construction within the setback of a regulated area. He stated that, after review, the ZEO determined that there is no impact to wetlands. A. Larkin stated that ZEO, Martha Fraenkel, had supplied a letter for the record.

A. Carpenter asked about E&S controls. Mr. Meder stated that there is a small detail on the plans, but they did not put a full E&S plan together because of the determination of no impact. There is a standard silt fence detail on one section (110 feet - northern portion).

Motion by M. Sigfridson to approve SPR15-003 The Connecticut Water Company/Nicholas J. Meder; 101 Quebec Square, Map 47, Lot 53, R-10 Zone, 7.21 Acres; Construct a new 1,000 sq. ft. masonry central treatment building on the existing well property in accordance with all final plans, documents, and testimony submitted with the Application (as revised). Second by A. Kerouack.

Discussion. A. Carpenter suggested that a condition of approval be added to the motion: That a line of silt fence below the excavation and above the wetland line (areas to the northwest) be added to the plan.

M. Sigfridson amended her motion to include the following condition: That the plan be modified to show silt fence between the excavated area and the wetlands to the northwest.

Second by D. Thompson. The amended motion carried unanimously 8-0.

b. Other New Business:

1. Restricted Business Zone-Motor Vehicle Repair/Accessory Uses.

J. Larkin explained that he is looking for clarification from the Commission. Integrity Auto (Mr. Hibbard, Owner, was seated in the audience) had come in for signature on licensing for the State of Connecticut for motor vehicle repair and used auto dealership. The original approval only references motor vehicle repair.

J. Larkin stated that in the Regulations, accessory uses are only shown to be permitted within residential zones, not within commercial zones. He asked if the Commission had ever acted (in the past) to allow an accessory use in the commercial zone. If so, would the sale of two or three used cars be considered an accessory use to a motor vehicle repair shop. If not, since motor vehicle repair is not defined in the Regulations, he asked the Commission to define the parameters and whether those parameters would include the sale of two or three used vehicles.

D. Fuss stated that he would look at the application as the way it was approved, and, since the original approval did not include sales, they would have to come back again as an addition to the permit.

J. Larkin explained that they could not come in as an accessory use because they are not allowed in that zone and if the definition of motor vehicle repair does not include sales, they would need a text amendment first to allow the use (auto sales) and then they would need to go to the ZBA to allow the location for that use. He had conferred with Attorney Alter regarding how the ZBA does its locational approvals and it was determined that even if the P&Z Commission approved it as a use, it would still have to go to the ZBA if it were considered an accessory use. A. Larkin stated that the ZEO stated that it is not uncommon for a motor vehicle repair shop to also obtain the license to sell used vehicles. Staff could work with the applicant to identify the display area or the applicant could come back to the Commission for site plan modification. He cautioned the Commission to consider addressing this within the re-write for any motor vehicle repair within the RB Zone.

C. Kelleher read from Section 3.4 – Use Regulations and she stated concern because it is a special permit use for that zone and that zone was recently amended to allow automotive repair.

Discussion ensued. Mr. Hibbard stated that it would cost him \$2,000.00 to switch back over from dealer plates. M. Sigfridson stated that, at the very least, she would like to see a plan showing where the display area is as this would limit the scope. Mr. Hibbard stated that the driveway is not seen from the road. D. Fuss added to include how many vehicles for repair and how many for sale. A. Carpenter stated that, if Mr. Hibbard has an Attorney to interpret the code to his benefit, he asked that the Attorney provide the interpretation to the Commission for consideration. A. Kerouack suggested that the display area be marked out separately from the parking area.

A. Larkin stated that the DMV has a definition for motor vehicle repair that could be added to include sales of used cars up to a certain number. He stated that Peter Alter said that it is common to do both auto repair and sales for various reasons.

Discussion ensued. C. Kelleher stated that J. Larkin should decide what the best approach to take.

There was a consensus among the Commission Members that a text amendment (with help from J. Larkin) would be needed since time is of the essence.

It was decided that the application could be received at the special meeting on October 20, 2015. A. Carpenter may not be able to attend. D. Thompson will not be able to attend.

IX. Reports of Officers and Committees:

1. Zoning Enforcement Officer Report - Provided in packets.

A. Kerouack asked about the car wash at the car rental at 7 Proulx Street. D. Fuss explained that it is just that the car rental business just washes (by hand) their own vehicles where the former bank's drive-thru used to be.

2. Zoning Permit Report September 2015 – Provided in packets.

3. Status of Gravel Bank Permits

C. Kelleher stated that she had asked ZEO, Martha Fraenkel, to provide the status of gravel bank permits so that the Commission would know what is happening with the gravel banks. Martha has more research to do, but provided what she has at this point. D. Fuss commented that likes this report.

4. Commission Members' Enforcement Questions/Comments.

C. Kelleher explained that she added this item to the Agenda since the ZEO is not able to attend P&Z meetings. This would enable Commission Members to convey questions or comments to either C. Kelleher, the Chair, or to J. Larkin (if she is unavailable) who would then convey it to ZEO, Martha Fraenkel. However, if there is an urgent problem/emergency and C. Kelleher or J. Larkin are not available, then, the Commission Member should contact the ZEO personally. Discussion ensued. The Commission Members were in agreement with this procedure.

D. Francis asked if Syl Pauley should be involved for gravel banks that are pending renewal. J. Larkin stated that he had a conversation with Martha regarding this subject and that he does not think that Syl has ever looked at a renewal application for gravel operations, but he looks at every application for gravel renewal in Canterbury. J. Larkin stated that this may be something that Brooklyn may want to utilize to expedite the application process. A. Kerouack stated that the report from J. Roberson had two more on it (6 total) than the one provided by Martha. He asked for an update on those two. J. Larkin will research (he thinks Jana's list only included current active permits).

C. Kelleher stated that she asked M. Fraenkel if reclamation has been done when it should have been done. Martha is researching.

There was discussion regarding the need for more time for the ZEO. D. Francis suggested recruiting a college student or a veteran. Bob Kelleher, Selectman, who was seated in the audience, will research.

There was discussion regarding reclamation bonds.

5. Wal-Mart Update.

J. Larkin stated that he was contacted regarding the release of the landscaping bond and he is researching.

6. Budget – July thru September 2015 Report included in packets.

7. Correspondence

C. Kelleher stated that everyone should have received an e-mail regarding the advanced training session to be held on October 24th.

D. Francis asked about the status of the re-write. J. Larkin stated that Plan of Metrics is planning on having a draft ready by the end of October for the Commission to review and then meet with the Commission in December (when J. Roberson returns) to discuss.

8. Chairman's Report – None.

X. Public Commentary

Linda Trahan, 26 Maynard Road, asked how would getting Syl Pauley involved with the gravel permit renewal process occur. J. Larkin stated that the ZEO would determine the need. He stated that Syl would look at mainly the engineering issues with the application. Ms. Trahan stated that she would like Syl to be involved and that that may be the piece that has been missing all along. J. Larkin stated that Syl has been involved with enforcement actions regarding some of some of the gravel operations, but not the renewals.

There was a consensus among the Commission that Syl Pauley should take a look at the property. J. Larkin will speak with the ZEO.

A.Kerouack mentioned the handout regarding the McKenzie decision warning that you shouldn't mess with your regulations too much. J. Larkin stated that every planner/attorney interprets it somewhat differently and he may not have the same amount of caution that some commissions in some towns have.

XI. Adjourn

Motion by D. Fuss to adjourn at 8:22 p.m. Second by A. Kerouack. Motion carried unanimously 8-0.

Respectfully submitted,

J.S. Perreault
Recording Secretary