

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, February 3, 2016
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

- I. Call to Order** – Chair, Carlene Kelleher called the meeting to order at 6:34 p.m.
- II. Roll Call** – Carlene Kelleher, Aaron Kerouack, Craig Dunlop, David Fuss, Dale Thompson.

Michelle Sigfridson was absent with notice.

Alan Carpenter arrived at 7:19 p.m.

Staff Present: Jana Roberson, Community Development Director.

- III. Seating of Alternates** – None.

IV. Review and Vote of Bylaws

J. Roberson read the proposed revision:

Section 4. The duties of the Secretary shall be as follows:

- ~~Shall generally oversee, with the assistance of available staff, Commission legal notices, agendas and minutes; and shall sign official documents of the Commission.~~ **To be replaced by the following:**
- **Shall take attendance and shall read all notices. In the event the Secretary is absent from any meeting, the officer presiding shall designate a Secretary Pro Tem.**

Motion by D. Fuss to accept the By-Laws with the change:

- Shall take attendance and shall read all notices. In the event the Secretary is absent from any meeting, the officer presiding shall designate a Secretary Pro Tem.

Second by C. Dunlop.

Discussion ensued. Current Secretary, A. Kerouack, stated the he feels that the function of the Secretary isn't there anymore as taking attendance could be taken care of by roll call vote and audio recordings. J. Roberson will check the Ordinance.

D. Thompson and C. Kelleher expressed that they like the idea of roll call. D. Fuss withdrew his motion.

Motion by D. Fuss to table Agenda Item IV. Review and Vote of By-Laws to later on the Agenda to Item IX.b.2.

There was more discussion.

D. Fuss amended his motion to table Agenda Item IV. Review and Vote of By-Laws to the next regular meeting of the Planning and Zoning Commission. Second by D. Thompson. Amended Motion carried unanimously (5-0).

Motion by D. Fuss to add an item that he would like to discuss to the Agenda as Item IX.b.2 (which would move Discussion of 2016 Priorities to Item IX.b.3). Second by D. Thompson. Motion carried unanimously (5-0).

V. Adoption of Minutes:

1. Regular Meeting Minutes January 6, 2016.

The Minutes had, mistakenly, not been included in the packets to the Commission Members. However, the Commission Members stated that they had received them via e-mail and they had read them and were comfortable voting on them.

Motion by D. Fuss to accept the Regular Meeting Minutes of January 6, 2015. Second by D. Thompson. Motion carried unanimously (5-0).

Special Meeting Minutes January 20, 2016 were included in the packets to the Commission Members. C. Kelleher stated that she would like them to be acted on although not mentioned on the Agenda.

Motion by D. Fuss to accept the Special Meeting Minutes of January 20, 2016. Second by C. Dunlop. Motion carried unanimously (5-0).

V. Public Commentary

Jules Dagostino, 6 Barrett Hill Road, expressed that he will miss Donald Francis since Mr. Francis will no longer be serving on the P&Z Commission. He said that, "those will be big shoes to fill." Mr. Dagostino also said that he is concerned about how the Commission will handle Agenda Item IX.a.2. He suggested that the Commission take the advice of Donald Francis and hold off on any changes to any zones until after the re-write of the Regulations is complete. He expressed thanks to M. Sigfridson and J. Roberson for thinking of Route 169. Mr. Dagostino urged the Commission to think about the overall impact of the new Regulations and he stated that it is easier to make changes before they get on paper than after they get on paper.

VII. Unfinished Business:

- a. Reading of Legal Notice – None.
- b. Continued Public Hearings – None.
- c. New Public Hearings - None.

VIII. Other Unfinished Business:

IX. New Business:

a. Applications:

- 1. SPR16-001 KCTT Properties LLC; Site Plan Review application to allow a 500 s.f. building addition and an 8' x 24' deck at 520 Providence Road (Sweet Peas).

C. Kelleher explained that this requires approval by the Inland Wetlands Commission before the P&Z Commission can act on it. J. Roberson explained the request for waiver of special permit requirement (Section 3.4.8.8). This would require 2/3 majority vote to approve the waiver. A site plan review is still required and they have prepared a site plan application (included in packets to the Commission

Members). There were not enough Members present at this time. A. Carpenter is expected to arrive later.

Motion by A. Kerouack to table Agenda Item IX.a.1 SPR16-001 KCTT Properties LLC to IX.a.5 to allow time for Alan Carpenter to arrive to make the required six Commission Members to be present. Second by D. Thompson. Motion carried unanimously (5-0).

2. ZRC16-001 Brooklyn Sand & Gravel LLC; Zoning regulation change request to amend Article 13 Gravel Banks: Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing from 50-100%, and renumber subsequent sections.

C. Kelleher explained that the only action that the Commission can take at this time is to set a public hearing date and that the approval of a zone change requires a positive vote from the majority of the Regular Members of the Commission whether they are present or not.

Motion by D. Thompson to table Agenda Item IX.a.2 ZRC16-001 Brooklyn Sand & Gravel LLC to IX.a.6 to allow time for Alan Carpenter to arrive. Second by C. Dunlop. Motion carried unanimously (5-0).

3. ZC16-001 Brooklyn Center Complex LLC; Zone boundary change request to rezone 71 Vina Lane and a portion of 121 Vina Lane (approximately 25 acres total) from RA (Residential-Agricultural) to VCD (Village Center District).

Motion by D. Thompson to table Agenda Items IX.a.3 ZC16-001 Brooklyn Center Complex LLC and IX.a.4 SP16-001 Brooklyn Center Complex LLC to IX.b.4 and IX.b.5 to allow time for Alan Carpenter to arrive. Second by D. Fuss. Motion carried unanimously (5-0).

4. SP16-001 Brooklyn Center Complex LLC; Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane. [Note: This application is contingent on the approval of the requested zone boundary change.]

Tabled to IX.b.5 (see Motion above).

5. SPR16-001 KCTT Properties LLC; Site Plan Review application to allow a 500 s.f. building addition and an 8' x 24' deck at 520 Providence Road (Sweet Peas).

C. Kelleher gave A. Carpenter an explanation of why the Commission needed to wait for him to arrive.

Motion by A. Kerouack to accept the Site Plan Review application of KCTT Properties LLC to construct a 500 s.f. building addition and an 8' x 24' deck at 520 Providence Road (Sweet Peas) and to waive the Special Permit requirement for modifications to an approved site plan due to the negligible impacts on traffic, neighborhood, or the environment, and the quality, aesthetics, and function of the site are maintained or improved in accordance with Sec. 3.4.8.8 of the Brooklyn Zoning Regulations. Second by D. Thompson.

There was discussion. A. Carpenter stated that he remembered that Mr. Cardinal had come in before the Commission for preliminary discussion. J. Roberson explained Section 3.4.8.8. A. Carpenter stated that the only question he had previously was regarding parking, but it looks like the parking complies.

Motion carried unanimously (6-0).

6. ZRC16-001 Brooklyn Sand & Gravel LLC; Zoning regulation change request to amend Article 13 Gravel Banks: Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing from 50-100%, and renumber subsequent sections.

Motion by D. Thompson to accept application ZRC 16-001 Brooklyn Sand & Gravel LLC – Zoning Regulation change request to amend Article 13 Gravel Banks: Modify Section 13.5.4.2; add new Section 13.5.4.3 to allow gravel bank sites with frontage on a State highway to propose increased percentage of imported material for processing from 50%-100% and renumber subsequent sections and to schedule a public hearing for the next special meeting of the Planning and Zoning Commission to be held on March 15, 2016, at 6:30 p.m., at the Clifford B. Green Memorial Center, located at 69 South Main Street, Brooklyn, CT. Second by A. Kerouack.

Discussion ensued regarding the number of Commission Members that will be required. Majority vote of all Members – five affirmatives (Article 18).

Motion carried unanimously (6-0).

b. Other New Business:

1. Report on status of gravel bank inquiry.

J. Roberson stated that several questions had been raised at the last regular meeting:

- Renewals.
- Reclamation and what is the order of how it should happen.

Mr. Rawson has offered to post a performance bond from a surety in the amount of \$290,000.00 (\$10,000.00 per acre of active land). J. Roberson has met with Mr. Rawson, Attorney Cotnoir, the new surveyor (Messier Associates), Syl Pauley, Martha Fraenkel to discuss Rawson's resubmittal. J. Roberson does not know the status of the reclamation plan for Rawson.

Jolley is also in the process of posting a full bond to cover the 19 acres of open land. A reclamation plan has been received.

The question raised by Don Francis regarding an expired permit and whether they have to reclaim everything before they can get a new permit: According to consultation with Peter Alter, the Regulations are very clear that you are not to have more than five acres open at once. The Commission is within its authority to require reclamation for everything but five acres prior to any kind of new permit or renewal. Discussion ensued. J. Roberson has spoken with Martha about the Earth Removal chapter in the draft regulations. A. Kerouack suggested a window with a start and finish time (two growth seasons for plantings).

A. Carpenter arrived at 7:19 p.m.

Discussion continued.

- Safety. Martha Fraenkel walked the Rawson gravel pit with Jeff Rawson. She was satisfied that there were no precipitous cliffs. Mr. Rawson has put up additional barricades to try to keep trespassers off of the property.

2. Discussion by David Fuss.

D. Fuss spoke regarding an e-mail that was sent to Richard Ives, First Selectman, by Linda Trahan dated January 10, 2016, in which she states that she feels it is a conflict of interest for David Fuss to be voting on P&Z issues involving Mr. Jolley/Brooklyn Sand & Gravel. Mr. Fuss stated that he does not do business with Mr. Jolley/Brooklyn Sand & Gravel and has not for quite some time. He clarified that he had not spoken on behalf of Mr. Jolley. He stated that it was an opportunity to use a piece of property that Mr. Jolley owns that fits Brooklyn's need for a business park. He consulted with Town Attorney, Peter Alter, and was advised that it is easy to determine: He does not own stock in the Company; he does not do business with Mr. Jolley; he does not socialize with Mr. Jolley; he does not receive a profit from Mr. Jolley. He stated that he would speak in favor of any application if he felt it was important to the Town of Brooklyn. Mr. Fuss asked the other Commission Members if they feel it is inappropriate.

D. Thompson stated that he does not. A. Carpenter stated that he recuses himself from issues relating to WalMart as he has benefitted from WalMart, and is in agreement with the Town Attorney.

3. Discussion of 2016 priorities.

J. Roberson stated that two items had been completed:

- Build-out Analysis of the PC District;
- Revise the Village Center District Regulations.

Many of the other items on the list are underway as they are part of the Regulations Re-Write. She stated that the Commission needs to come to a consensus on how to deal with Route 169 to give the consultant clear direction on how to proceed.

There was discussion regarding Industrial Zone/Business Park/Green Energy. The Timeframe for Gravel Bank Regulations Re-Write and Green Energy Regulations was set for mid 2016 and the priority level was changed from low to high (part of the re-write). Review/Revise Subdivision Regulations was set for 2017 (low priority). A. Kerouack suggested adding review of the permitting fees and process for each one. C. Kelleher stated that it could be brought to the Board of Selectmen.

4. ZC16-001 Brooklyn Center Complex LLC; Zone boundary change request to rezone 71 Vina Lane and a portion of 121 Vina Lane (approximately 25 acres total) from RA (Residential-Agricultural) to VCD (Village Center District).

J. Roberson explained that this is a boundary change and is related to the next Item on the Agenda. She stated that they went with the boundary change because the VCD has so many more uses permitted. A. Kerouack asked if this would create a non-conformity as the storage units were approved based on the frontage on Route 205 in the RA. J. Roberson stated that you can create a non-conformity (it would be grandfathered) and she will make them aware of it.

Motion by A. Carpenter to accept application ZC 16-001 Brooklyn Center Complex LLC – Zone boundary change request to rezone 71 Vina Lane and a portion of 121 Vina Lane (approximately 25 acres total) from RA (Residential Agricultural) to VCD (Village Center District) and to schedule a public hearing for the next special meeting of the Planning and Zoning Commission to be held on March 15, 2016, at 6:30 p.m., at the Clifford B. Green Memorial Center, located at 69 South Main Street, Brooklyn, CT. Second by D. Thompson. Motion carried unanimously (6-0).

5. SP16-001 Brooklyn Center Complex LLC; Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane. [Note: This application is contingent on the approval of the requested zone boundary change.]

Motion by D. Thompson to accept SP 16-001 Brooklyn Center Complex LLC – Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane and to schedule a public hearing for the next special meeting of the Planning and Zoning Commission to be held on March 15, 2016, at 6:30 p.m., at the Clifford B. Green Memorial Center, located at 69 South Main Street, Brooklyn, CT. Second by C. Dunlop. Motion carried unanimously (6-0).

X. Reports of Officers and Committees:

1. Zoning Enforcement Officer Report – Included in the packets to the Commission Members.

2. Budget – Included in the packets to the Commission Members.

D. Fuss asked work will start on the Budget. There was discussion regarding J. Roberson working one more day per week.

3. Correspondence – None.

4. Chairman's Report – None.

XI. Public Commentary

Linda Trahan, 26 Maynard Road, stated that the reason she sent the e-mail (discussed above, Item IX.b.2) was to get an opinion from Rick Ives regarding ethics of previous votes that had been taken and inconsistencies. She stated this is a historical issue and has Minutes from 2007 and 2008 where Mr. Fuss recused himself and then participated in votes at times. She stated that Mr. Fuss used his position as a Board of Finance Member saying that he'd be working with the EDC on behalf of Mr. Jolley. Ms. Trahan suggested that the Commission consult with the Town Attorney about back and forth conversation with someone in the audience.

Jules Dagostino, 6 Barrett Hill Road, asked about the Mapping Subcommittee. He wanted to know if it is open to the public. C. Kelleher stated that the purpose is to look at the present zones and boundaries and to come up with suggestions for changes that may need to be made. It is open to the public. J. Roberson will add him to the list so he will know when the next meeting is.

A.Kerouack stated, for clarification, that last Friday a Member of the Board of Selectmen made a statement on-line that he had acted inappropriately as a Member of the Planning & Zoning Commission that he used his position to purchase property in Town. He stated that he has never purchased land in Brooklyn, so the statement is false and slanderous.

D. Fuss stated that he is encouraged after the discussion regarding staffing and J. Roberson's new title of Community Development Director.

There was discussion regarding replacing Don Francis.

XII. Adjourn

Motion by D. Fuss to adjourn at 8:28 p.m. Second by C. Dunlop. Motion carried unanimously (6-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary