

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, November 2, 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 6:31 p.m.

II. Roll Call – Carlene Kelleher; Michelle Sigfridson; Craig Dunlop; David Fuss; Aaron Kerouac; Jeryl Mohn; Jules D’Agostino. Alan Carpenter and Dale Thompson were absent with notice.

Staff Present – Jana Roberson, Director of Community Development; Rick Ives, First Selectman and Ex Officio Member of the P&Z Commission.

III. Seating of Alternates:

Motion by A. Kerouac to seat J. D’Agostino as a voting member in the absence of A. Carpenter. Second by C. Dunlop. Motion carried unanimously (6-0-0).

IV. Adoption of Minutes:

1. Regular Meeting Minutes October 5, 2016

Motion by A. Kerouac to adopt the Minutes of October 5, 2016, for discussion. Second by C. Dunlop.

Changes/corrections noted by A. Kerouac:

- Page 2 – He noted that, after the bullet points in the middle of the page, there were 20 minutes of discussion where (he had asked for traffic studies) that were not included in the minutes.
- Page 7 – Second paragraph, sixth sentence, should read, “C. Dunlop agreed with concern for future implications.”
- Page 7 – Fourth paragraph, second sentence, should read, “A. Kerouac stated that he agrees with what was said regarding craftsperson, but he has issue with the two buildings being non-conforming uses and that the Commission cannot change or increase the non-conformity.”
- Page 7 – The reasons for opposing the vote were omitted. He stated, as a point of order, that it is standard for any meeting that reasons be stated.

There was discussion regarding the minutes being less detailed per the FOI meeting/training which was held earlier in the week. C.Kelleher, A.Kerouac and M. Sigfridson stated agreement with this. No one voiced opposition.

Motion carried with the noted changes (5-1-1). M. Sigfridson abstained as she had not attended that meeting. A.Kerouac was opposed.

2. Special Meeting Minutes October 18, 2016.

Motion by J. Mohn to accept the Special Meeting Minutes of October 18, 2016, as crafted. Second by J. D’Agostino.

Changes/corrections noted by A. Kerouac:

- Page 2 – Fourth paragraph, second sentence, should read, “C.Kelleher stated that it is late in the process that it be run by every planning and zoning commission in the region before going to NECCOG for a vote.

- Page 3 – He felt there should have been more bullets under Adaptive Re-Use of an Agricultural Building. The first bullet should read, “To, tentatively, be allowed in RA and VCD” (as suggested by J. Roberson.)
- Page 4, second paragraph, remove the second sentence, “He is okay with businesses or farms on Route 169” as that was never stated.

Correction noted by J. Mohn:

- Page 2 – Sixth paragraph, should read, “J. Mohn does not have a problem endorsing the plan and does not feel that the suggestions are things that the Commission must or will or shall adopt.

Motion carried unanimously with the noted changes (7-0-0).

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notice – Read by J. Roberson.

b. Continued Public Hearings:

1. SRD16-001 Gregory J. Lyon, Request for Scenic Road Designation for Beecher Road, 1.2 miles.

The public hearing had been opened at the October 5, 2016 meeting and it was continued to the November 2, 2016 meeting. C. Kelleher explained that they have the results from the traffic counters which were placed at specific points on Beecher Road and also on another road in Town that had been designated (for comparison).

Donald Francis, Bush Hill Road, stated that he was First Selectman when the Ordinance went into effect and explained that the Ordinance was adopted in the 1990’s to maintain the beauty of Brooklyn and that, at the time, there were other roads that they thought might be added as scenic roads in the future. Mr. Francis stated that he supports the designation of Beecher Road as it meets almost all of the criteria established in 1994 for the designation of a scenic road. He suggested that other roads be considered for designation also: Allen Hill Road; Mason Road; Laurel Hill Road; Fitzgerald Road; and Elliott Road.

J. Roberson explained the results of the traffic volume study (included in packets to Commission Members) which was conducted by NECCOG. Counters were placed at the following locations on Beecher Road:

- #1 - Near the Route 169 Intersection. Data incomplete.
- #2 - Bailey Woods Road (this was an error, but still yielded interesting information). Seven days of data.
- #3 - Christian Hill Road. Data incomplete.

There were problems with the counters: one stopped working; another was not working properly; no data was collected for Counters #1 and #3 on Friday and Saturday when dump traffic was expected. All counters showed very low levels of traffic even Counter #2 with the anticipated peak on Friday and Saturday (the highest average daily traffic with 480 trips – one trip to the dump = two trips). The average daily traffic is around 200.

Data was collected on Bush Hill Road (Intersection with Route 169) for comparison. Five days of data was collected: Saturday and Sunday and three weekdays. Average was 387 and highest peak day was Friday with 429.

There was discussion regarding the data from the traffic count being incomplete. J. Roberson stated that NECCOG would be happy to conduct more testing. Mr. Lyon (seated in the audience) stated that he had conducted his own informal traffic count and got similar data (for two weeks). C. Kelleher stated that the Commission has to decide whether there is anything that can be classified as intensive traffic and that she feels there is not intensive traffic on the road. A. Kerouac stated that there is not real data for #1 to know if there is intensive traffic. J. Roberson stated that the Commission can ask for additional data collection. Discussion ensued. It was suggested (and agreed to) that the Commission look at the rest of the information regarding the Application and then determine whether more information is needed regarding traffic.

There was more discussion regarding traffic counts (Golden Lamb). J. Roberson explained that, there are gaps in the data, but, if you look at the data as a whole, there seem to be some predictable patterns (nothing that would cause the level of traffic to be classified as intensive). In comparison to the Bush Hill data, the volume on Bush Hill is about twice of anywhere on Beecher Road. C. Kelleher stated that the only thing that the Commission needs to determine is whether the highway is free of intensive vehicular traffic.

Letters included in the packets to Commission Members: Judith Mullaney dated September 24, 2016; Albert and Patricia Messore dated October 17, 2016 and November 2, 2016; E-mail from Peter Alter, Land Use Attorney, dated October 12, 2016, in which he answers questions regarding the Ordinance and the road itself. J. Roberson summarized.

There was discussion regarding a 60+ unit subdivision that was granted on Tatnic Hill (that would have changed the vistas) and how that relates to what might happen on Beecher Road. Donald Francis explained that the project got hung-up because they needed to build an access road to Tripp Hollow Road. J. Roberson explained that if there were proposals in the future that would create significant impact (traffic or commercial development) to Beecher Road, the Commission would need to consider the fact that it would be located on a designated scenic road.

There was discussion regarding intensive traffic and A. Kerouac read the last paragraph from Attorney Alter's e-mail dated October 12, 2016, and asked what the Commission is saying the word "intensive" means as applied to this Application. J. Mohn stated that he has concluded that Beecher Road does not have intensive traffic. J. D'Agostino agreed with J. Mohn and stated that all criteria (except one) have been met. M. Sigfridson suggested looking at it hour by hour. J. Roberson stated that planners estimate that a single-family house generates 10 trips per day.

There was discussion regarding the letters from the Albert and Patricia Messore, in which, they stated that they are opposed to allowing heavy truck traffic from Beecher Road to Route 169 near Almada Drive, and that they are also opposed to allowing a truck haul road access through a farm across from Almada Drive and to Route 169 at a point near Almada Drive. C. Kelleher stated that the Commission should not make its decision on that basis and that a scenic road designation should not be used as a way to block other development and other property owners' rights. The Zoning Regulations provide a way that an application (for a gravel bank for example) can be judged on its own merits. Attorney Ernest Cotnoir (seated in the audience) confirmed that it had been indicated that there is another way that Rawson Sand and Gravel could transport gravel out if they could not come out on Beecher Road. C. Dunlop stated that he considers it is a safety issue whether or not trucks are coming in there. A. Kerouac stated that the only part of the Messore letters that is relevant is the second sentence of the second paragraph of the letter dated October 17th, "The land elevations and topography adjacent to the Beecher Road Route 169 intersection area poses possible danger to vehicle traffic with the addition of heavy trucks..." He stated that the Ordinance specifically calls out grading. C. Kelleher stated that the Commission has the option of designating a portion. H said that he is in favor of designating it scenic between the Rukstela/Beecher intersection and the Christian Hill/Beecher intersection.

Public Comments:

Chris Berris, 31 Almada Drive, enjoys the aesthetics of the landscape and countryside and stated that he has spent a considerable amount of resources to improve the aesthetics and blend in with that scenery. He would like to see it remain that way and he is concerned that trucks will present a problem and it will be detrimental to property values. He also expressed safety concerns. There is a daycare center across from the intersection with Almada Drive.

C. Kelleher explained that the Commission needs to stay focused on the scenic road application and she advised that the most appropriate place to voice the concerns of Almada Drive residents would be at the public hearing for a gravel bank application should one be submitted.

Albert Messore, 36 Almada Drive, if the Route 169 intersection (as it stands now) would be included if Beecher Road is designated scenic. He asked about the process should Rawson want to change the intersection. He stated that it is a quality of life issue.

C. Kelleher stated that is the Application and that it does not mean that the Commission will decided to designate the entire length. She explained that Rawson would have to come before the Commission.

Matt Allen, corner of Christian Hill Road and Beecher Road, stated that Mr. Francis is right that Beecher Road meets almost all of the criteria, but so do 75 percent of all the other roads in Town. He stated that it is a big problem that traffic counters #1 and #3 did not function correctly. He said that there is a significant increase when the transfer station is open and that Beecher is used daily by all Town trucks. He mentioned that there is a possible proposal for a hazardous waste facility at the transfer station which he feels will also increase truck traffic. He voiced concern for safety while climbing Beecher Road to Route 169.

Gregory Lyon stated that, the averages for his data for two weeks: Wednesday – 171 vehicles; Thursday – 190 vehicles; Friday – 195 vehicles; Saturday – 312; Sunday – 171 vehicles. He provided a copy to J. Roberson. He stated that he had located a map which showed that the “Y” at Beecher Road has been there since 1868. He does not believe that safety is as big of an issue as everyone says because the State Police reported that there have been 11 accidents in 10 years. A. Kerouac stated that that information is not accurate. Mr. Lyon stated that changing the intersection would be a big job and it would really take away from the scenic aspect of the Road. He said that it is important to him that the entire length be designated as a scenic road.

Dave Allen, 129 Christian Hill Road, stated that Christian Hill and Beecher Road are nice roads and that he might feel the same if there were going to be trucks coming out in front of his house, but changing the road to a scenic road is not worth the ramifications for the property owners and it should be left the way it is.

Donald Francis explained that the increase in traffic on Thursdays, Fridays and Saturdays is due to the Golden Lamb. He also expressed concern that the Town is not spending enough money on preserving farmland.

Ernest Cotnoir, 163 Providence Street, Putnam, CT, represented Rawson Materials and Laframboisse Sand & Stone, and he summarized his comments of last month so that their position would be clear. He stated that they have no position on whether or not Beecher Road satisfies the criteria to be designated a scenic road. They do not have any applications pending. They had publicly, informally, on three separate occasions, made commitments to making safety improvements to the intersection of Beecher Road and Route 169, and they want to stand by that commitment to the Town. If the Road is designated scenic, it will make it difficult for anyone to make improvements there. He suggested that the Commission acknowledge the safety issue and designate Beecher Road for its entirety except for the 500 feet leading up to that intersection. They found out that there may be an alternative and will pursue it if they have to.

Albert Messore stated that he has been seeing large dump/gravel trucks over the last three days driving across the farm to Route 169. He expressed concern for noise as these trucks are very loud when gearing up to climb the hill.

Matt Allen apologized to Mr. Messore and explained that it was him and that he had missed a gear.

C. Kelleher asked if any comments had been received from the Board of Selectmen, Conservation Commission, Tree Warden, or the Highway Department. J. Roberson stated that she had not received any comments. R. Ives stated that he does not have any comments from the Board of Selectmen as a group, but he stated that he does not know what the sense of this Ordinance is, it may or may not have an effect on development. He believes 75 to 80 percent of the roads would qualify. He stated that Beecher Road is beautiful now and is not being overrun. C. Kelleher suggested that the Board of Selectmen look at the Ordinance.

Tom Rukstela, Highway Superintendent, stated that he would love to see the intersection changed for safety reasons (especially when plowing snow). He stated that the rest of the Road has been commercial for over 50 years.

Jane Lyon stated that the intersection is dangerous and could be improved, but she feels there is a conflict of interest concerning who will pay and do the renovations. She doesn't understand why it shouldn't be a scenic road if the criteria is being met.

Linda Trahan, Maynard Road, stated that this was an approved application for this road to be improved many years ago.

J. Roberson asked if the Commission Members have driven Beecher Road. The Commission Members were satisfied that they are familiar with the Road. This involves 1.2 miles of the 75 miles of roads there are in Town.

J. Roberson stated that the Tree Warden has made no comments.

Motion by D. Fuss to close the public hearing for SRD16-001 Gregory J. Lyon, Request for Scenic Road Designation for Beecher Road, 1.2 miles. Second by A. Kerouac. Motion carried (7-0-0).

c. New Public Hearings: None.

d. Continued Applications:

1. SRD16-001 Gregory J. Lyon, Request for Scenic Road Designation for Beecher Road, 1.2 miles.

M. Sigfridson stated that she had not attended the meeting where the public hearing opened, but that she had reviewed the minutes and is prepared to vote on the Application.

Motion by J. D'Agostino to approve the proposal to designate the entire length of Beecher Road as a municipal scenic road in accordance with Brooklyn Town Code 13-5 with the finding that the road is free from intensive commercial development and intensive vehicular traffic and, additionally, meets the criterion outlined in Section 13-5.4.a #4 Road offers scenic views. Effective Date: 15 days after publication of legal notice. Second by D. Fuss for discussion.

C. Dunlop stated that he does not think that the intersection should be included as he considers it a safety issue. Discussion ensued regarding whether to designate a portion and to what point. There was discussion whether the Connecticut Department of Transportation had approved improvements to the intersection. There was discussion regarding traffic (reference was made to Attorney Alter's comments in his e-mail and also including the Upland Review Distance).

Motion by C. Dunlop to amend the motion by J. D'Agostino to exclude the length from Route 169 to the western end of the bridge crossing Blackwells Brook. Second by D. Fuss for discussion.

M. Sigfridson stated that the Applicant had said that he was not amenable to a portion and that the Route 169 scenic vista would be excluded and the 26 Beecher Road house would not be included.

The motion to amend (#6) failed (2-5-0). J. D'Agostino, J. Mohn, D. Fuss, M. Sigfridson, and C. Dunlop were opposed.

The original motion (#5) failed (1-6-0). J. Mohn, D. Fuss, M. Sigfridson, C. Kelleher, C. Dunlop, and A. Kerouac were opposed.

VII. New Business:

a. Applications:

1. SPR16-007 Ulric Deojay/Carol Bard, 64 Hyde Road, Map 25, Lot 45, VCD; Tear down and rebuild garage, 2 feet larger on each side.

Mr. Deojay was seated in audience. J. Roberson indicated the four structures on the property on Power Point. She gave an overview of the proposed garage:

- Steeper pitched roof (more in keeping with the other structures on the property and the historic character of the VCD)
- Circular window

- Concrete foundation
- Cupola
- Wood, horizontal siding and color to match
- Similar windows to what is on the garage now
- Wetlands approval was received

Motion by J. Mohn to approve the proposal to tear down a 20' x 24' residential garage and construct a new 24' x 28' residential garage with the finding that the design is consistent with the design standards for the Village Center District. Second by D. Fuss. Motion carried unanimously (7-0-0).

2. SD16-002 Paul Sansoucy, Pomfret Road, Map 26, Lot 19, RA Zone; 1 lot subdivision.

Bruce Woodis, KWP Associates, represented the Applicant and provided copies of plans to Commission Members. Mr. Sansoucy wants to build a house for himself on his property. He wants to separate the 10-acre lot from the existing house and barn which are near the entrance of his quarry operation.

- The proposed driveway will be to the left of the existing driveway. There is already an apron there.
- The main entrance is paved and gated – they do not currently use it.
- The house will be up on the hill with a garage underneath and there will be a detached workshop/garage and a circular driveway.
- They submitted to IWWC last month, but have not received approval yet. They expect to get approval next week. The property is very dry (on top of ledge). They are proposing to collect runoff in the “Y” and to use riprap.
- A copy of the plans was e-mailed to Syl Pauley.

The Commission was in agreement that a public hearing is not necessary.

Mr. Woodis asked about open space. J. Roberson checked and stated that the open space requirement would be 15 percent of the land or 10 percent of the value. Mr. Woodis stated that they would prefer to do the fee-in-lieu of open space. He suggested using Platt Associates to do the appraisal. There were no objections.

J. Roberson stated that the plans are signed and were received October 26, 2016. She will provide copies of the plans to the Conservation Commission. Mr. Woodis stated that sheet 4 contains the property history.

b. Other:

1. Regular Meeting Schedule for 2017.

Motion by D. Fuss to approve the Regular Meeting Schedule for 2017 as presented. Second by A. Kerouac. Motion carried unanimously (7-0-0).

2. Meeting dates for November Special Meeting.

- November 15, 2017
- November 29, 2017

C. Kelleher stated that she had asked at the FOI training: If the Commission were to meet on discussing Regulations and did not have a quorum could they still meet for discussion only. The Commission could meet, but no action can be taken. She provided copies of the handouts from the meeting.

3. Discussion of Zoning Regulations Re-write (time permitting).
There was no discussion.

VIII. Reports of Officers and Committees:

1. ZEO's Report.

Included in packets to Commission Members. Put review on the agenda for the next regular meeting. C. Kelleher read an e-mail from Martha Fraenkel to Linda Trahan letting her know that Laframboisse is terminating hauling to Joly on Maynard Road.

There was discussion regarding solar.

2. Budget.
There was discussion regarding salaries and a training opportunity for Commission Members in Ashford in 2017.
3. Correspondence. None.
4. Chairman's Report. None.

IX. Public Commentary – None.

X. Adjourn

Motion by D. Fuss to adjourn at 9:08 p.m. Second by A. Kerouac. Motion carried unanimously (7-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary