

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, December 7, 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 6:30 p.m.

II. Roll Call – C. Kelleher; M. Sigfridson; Craig Dunlop; David Fuss; A. Kerouac; Jeryl Mohn; Jules D’Agostino. Alan Carpenter was absent with notice. Dale Thompson was absent.

Staff Present – Jana Roberson, Director of Community Development.

III. Seating of Alternates:

Motion by M. Sigfridson 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 November 2, 2016.

Motion by M. Sigfridson to accept the Minutes of the Regular Meeting of November 2, 2016, as presented. Second by C. Dunlop. Motion carried unanimously (7-0-0).

2. Special Meeting Minutes November 15, 2016.

Motion by C. Dunlop to accept the Minutes of the Special Meeting of November 15, 2016, as presented. Second by J. Mohn. Motion carried (6-0-1).

V. Public Commentary - None.

Motion by J. D’Agostino to add Item:

VII. New Business:

b. Other:

4. Discussion - Article 18 regarding the role of the Zoning Enforcement Officer’s range of responsibilities.

Second by M. Sigfridson. Motion carried unanimously (7-0-0).

VI. Unfinished Business:

- a. **Reading of Legal Notice.** – None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Continued Applications:**

1. SD16-002 Paul Sansoucy, Pomfret Road, Map 25, Lot 19, RA Zone; 1 lot subdivision.

Bruce Woodis, KWP Associates represented the Applicant. Mr. Woodis provided reduced-sized plans for the Commission Members (Full-sized plans were also available). He gave an overview:

- To create a lot with 10.55 acres for Mr. Sansoucy to build a house and barn/garage with workshop for himself.
- Mr. Sansoucy owns the adjacent remaining 154 acres which already has an old farmhouse/art studio on it.
- Wetlands and Health Department approvals have been obtained.
- Syl Pauley has reviewed the plans for drainage/other issues and was satisfied with the layout.
- They are proposing a fee-in-lieu of open space. Appraisal was done by Platt. J. Roberson had provided copies to Commission Members. Since Mr. Sansoucy will continue to own both properties, Mr. Woodis asked how the Commission would like to handle levying the open space fee. Discussion ensued. J. Roberson explained that, by looking at the property history, this has been confirmed as Lot #3. J. Roberson read the report and reviewed the checklist from the Conservation Commission which were included in the packets to the Commission Members (recommendation is for fee-in-lieu of open space). It needs to be determined whether the Conservation Commission looked at the entire property or just the proposed lot that the house is to be built on. J. Roberson will consult with the Conservation Commission. Also, it needs to be determined whether Mr. Sansoucy could build a second house on the property without subdividing. J. Roberson will consult with Attorney Peter Alter.

J. Roberson has already consulted with Peter Alter regarding a third question: If there is a fee-in-lieu of open space, how does the Town protect itself and not create any difficulty (due to a lien being placed) for Mr. Sansoucy in case he wants to take out a mortgage? It could be noted on the mylars, but that is not enough. When the new owner comes in for a zoning permit, is when the fee is collected and it is verified before the permit is issued. J. Roberson read from Section 8.11.2 of the Subdivision Regulations which speaks of forms of security.

Also outstanding is the right of entry. Approval has not been received from the Connecticut DOT yet regarding the driveway apron.

There was more discussion regarding whether the Conservation Commission looked at the entire lot and whether they should require the fee-in-lieu of open space.

Mr. Woodis asked, if fee-in-lieu of open space was decided upon at this time, could it be revisited/modified in the future to donate the open space instead? This is another question for Peter Alter.

There was more discussion regarding the curb cut. Mr. Woodis explained that he was waiting to get a formal permit using the contractor. He didn't think it would be an issue.

Mr. Woodis had provided a copy of the approval letter from NDDH (included in packets to the Commission Members).

The Commission began discussion again regarding fee-in-lieu vs. open space dedication. Mr. Woodis suggested that the public hearing be continued to next month to give J. Roberson a chance to consult with the Conservation Commission and with Land Use Attorney, Peter Alter, to get clarification on the previously-discussed questions. Mr. Sansoucy will not be able to attend in January.

Motion by A. Kerouac to continue the public hearing for the subdivision application of Paul Sansoucy for the property located on the east side of Pomfret Road, Assessor's Map 26, Lot 19, identified in the files of the Brooklyn Land Use Office as SD 16-002, to the next Regular meeting of the Planning and Zoning Commission

to be held on January 4, 2017, 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 (7-0-0).

There was discussion regarding two houses on one lot which had been discussed at a previous meeting regarding the Re-Write and it was suggested that it be called Residential Compound rather than Family Compound.

VII. New Business:

a. Applications: None.

b. Other:

1. Discussion Re: Dunkin Donuts Roof.

Mr. Moutoudis was in attendance with his Attorney, Nicholas Scola.

J. Roberson explained that she had contacted Norm Thibeault, Killingly Engineering, when she noticed that the roofline of the building under construction did not match the building elevations that were received/approved. A peak was removed by the Architect post-approval. The site plan did not change. J. Roberson feels the change is for the better.

C. Kelleher stated that when the Commission approves a plan, if there will be changes, they should be brought before the Staff before any changes are made. Attorney Scola explained that the Engineer, Norm Thibeault, had not realized that the Architect had sent him a revised set of plans to be submitted to the Town. Attorney Scola stated that the Building Official had the revised set of plans.

J. Roberson suggested that this type of situation be addressed with the Re-Write of the Regulations because there are changes that happen post-approval and that there should be a process in place for evaluating the significance to determine whether a change should come before the Commission. C. Kelleher and M. Sigfridson stated agreement. J. Roberson will work on criteria to determine significance.

There was discussion regarding whether or not there should be a procedure for this type of situation.

Mr. Moutoudis explained that the change was made to avoid the possibility of having a lot of water accumulate between the two buildings. There is a drain in the patio area.

C. Kelleher stated that the change requires approval.

Motion by A. Kerouac that the Planning and Zoning Commission finds that the post-approval change in the Dunkin Donuts roof is a minor modification to be handled by Staff. Second by D. Fuss. Motion carried unanimously (7-0-0).

2. SD16-001 Kausch Subdivision: Request for filing extension.

J. Roberson stated that there was a letter dated November 29, 2017, from Archer Surveying requesting the extension (included in the packets to Commission Members). She said that there are some minor things that they need to work on and they need the time.

Motion by D. Fuss to grant the request for a 90-day filing extension for A. Kausch Subdivision SD16-001 from February 3, 2017 to May 5, 2017. Second by C. Dunlop. Motion carried (7-0-0).

C. Kelleher stated that Agenda Item VIII.b.4. would be moved up to before VIII.b.3:

4. Discussion - Article 18 regarding the role of the Zoning Enforcement Officer's range of responsibilities.

J. D'Agostino is concerned that the current Regulations (Section 19.2 accessory buildings) do not fully address stand-alone solar panels and that the ZEO has the authority to approve solar panels and what might happen until the new Regulations are adopted. He would like the Commission to set some conditions such as: height, coverage, impact on the neighborhood, and that neighbors be notified. He referred to a draft from 2011 from a Committee which included the ZEO at that time. He asked that the ZEO come before the Commission for guidance and consideration regarding requests for stand-alone solar panels before a decision is made (according to the current Regulations, she does not have to).

Discussion ensued. The definition of structure was discussed and may be challenged. There was discussion regarding accessory uses. There was a consensus that Martha Fraenkel be invited to discuss, with the Commission, how free-standing solar panels have been interpreted and how to fix the problem. J. Roberson will make a list of solar panels that have been issued in the past year. J. Roberson asked if the Commission would like more descriptive criteria for accessory structures.

3. Discussion of Zoning Regulations Re-write (time permitting). – No discussion.

4. Discussion - Article 18 regarding the role of the Zoning Enforcement Officer's range of responsibilities. – See Above Item VII.b.3.

VIII. Reports of Officers and Committees:

1. ZEO's Report.

The Commission discussed the ZEO's Report:

- 53 South Main Street was permitted per A. Kerouac. J. Roberson will research 2012/2013 and she will speak with Martha Fraenkel.
- There was discussion regarding 314 Providence Road.
- There was discussion regarding 95 Wauregan Road.
- There was discussion regarding alleged site plan violations on page 3.

D. Fuss left at 8:49 p.m.

- Discussion regarding Fred Green. There is a cease and desist order on file.
- Discussion regarding a garage on Hyde Road – rotated the building 90 degrees. The peak side is facing the road.
- Discussion regarding 35 Hartford Road. J. Roberson provided a photo. There is a paved parking area in front of the house (VCD) – no permit. Because it is so visible and in the VCD, this should have come before the Commission for site plan review. J. Roberson will send a letter.

2. Budget - No discussion.

3. Correspondence.

4. Chairman's Report – No discussion.

IX. Public Commentary – None.

X. Adjourn

Motion by A. Kerouac to adjourn at 9:00 p.m. Second by C. Dunlop. Motion carried unanimously (6-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary