

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, April 5, 2017  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

**I. Call to Order** – Chair, Michelle Sigfridson called the meeting to order at 6:31 p.m.

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

**Staff Present** – Jana Roberson, Director of Community Development

**III. Seating of Alternates:**

Motion was made by C. Kelleher to seat J. D’Agostino as a Voting Member. Second by D. Fuss.  
Motion carried (6-0-0).

**IV. Adoption of Minutes:**

1. Regular Meeting Minutes March 1, 2017.

Motion was made by D. Fuss to approve the Minutes of the Regular Meeting of March 1, 2017.  
Second by J. Mohn. There was discussion.

**Corrections:**

- J. Mohn, Page 3, Poll – M. Sigfridson – Agrees with C. Kelleher, D. Fuss and J.” Mohn,” but feels they should be screened. Mr. Mohn’s name was misspelled.
- A. Kerouac, Page 6, VIII.2. Budget – Second paragraph First sentence should read, “A. Kerouac stated that there may be two issues that the Commission may bring up at a future planning meeting.”
- A, Kerouac, Page 6, VIII.3 Correspondence – First sentence should read, “J. Roberson asked if anyone besides A. Kerouac will be attending the land use workshop by the Connecticut Bar Association.”
- J. Roberson, Page 2, VI.d.1. SPR-16-008 KCCT Properties LLC, First bullet item should read, “24-foot wide paved area (500 s.f. more than previously presented to the P & Z Commission”).
- J. Roberson, Page 5, Under Location within a lot – J. Roberson drew a diagram of a lot - Strike the first bullet item.
- J. Roberson, Page 5, VII.a.1. SD17-001 Square 1 Building Associates – Strike the last sentence in the first paragraph.

Motion to adopt the Minutes of March 1, 2017, as amended, carried unanimously (7-0-0).

## 2. Special Meeting Minutes March 21, 2017.

Motion was made by J. Mohn to approve the Minutes of the Special Meeting of February 21, 2017. Second by D. Fuss. There was discussion.

### Corrections:

- J. Mohn, Page 2, V.1. Second set of bulleted items – The following sentence should be a third bullet: “Instruct the Applicant to seek a Special Permit Modification (which would be good for one year), as suggested by the Land Use Attorney.”
- Kerouac, Page 5, Change the third paragraph from the bottom of the page to read as follows: “There was discussion regarding modification of current permit vs. new permit. There was more discussion regarding the numbers in the columns of Ms. Fraenkel’s table and also about the previous permits. Mr. Held stated that he used the limit of permitted excavation as 290 K, plus 380 K, plus 69 K, for a total of 739 K. Martha Fraenkel, ZEO, stated 465 K was recorded by the Applicant on the 2015 renewal.”
- A. Kerouac, Page 6, Change the fourth sentence of the second paragraph to read as follows: “He said that the Commission probably should have received a special permit modification rather than a renewal application.”
- A. Kerouac, Page 6, Add the following sentence prior to the sixth sentence of the second paragraph, to read as follows: “A. Kerouac stated special permit requirement would be needed to establish limit unless we rehash the entire debate in one year’s time.”
- A. Kerouac, Page 6, Add the following sentence to the fourth paragraph to read as follows, “A. Kerouac stated that they have 225 K remaining according to Mr. Held’s numbers, so the 100 K on the permit might not be appropriate.”

Motion to adopt the Minutes of March 21, 2017, as amended, carried (6-0-1). C. Dunlop abstained (he was not present for the entire meeting).

## V. Public Commentary – None.

## VI. Unfinished Business:

- a. **Reading of Legal Notice:** None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Continued Applications:**
  - 1. SD17-001 Square 1 Building Associates, Tripp Hollow Road, Map 7, Lot 12, RA Zone, 6-Lot Conservation Subdivision.

Paul Archer, Archer Surveying, represented the Applicant and gave an overview of the project including a history of the property. He stated that there was one minor change to the plans which he provided to the Commission Members for viewing.

- Property located at the end of Tripp Hollow Road (7 acres in Canterbury and 34 acres in Brooklyn). First split cut out 23 acres from the Brooklyn parcel and was put into open space. The Owner wants to build his personal residence on the 7-acres in Canterbury.
- They are proposing to divide 15 acres piece at the north part of the 44 acres).
- Mr. Archer stated that they got the okay back in June at the preliminary discussion with the P&Z Commission to go forth with a conservation

subdivision. He stated that they got approvals from IWWC and the Health Department.

- They are proposing a conservation subdivision: 5 lots along the road each  $\frac{3}{4}$  acre with 110 to 120 feet of frontage, 1 rear lot (1+ acres), and 1 lot of 9+ acres to be put into open space (60 percent).
- Mr. Archer met with Highway Foreman, Tommy Rukstela to discuss road/drainage/sight line issues. School buses and snow plows turn around at a privately owned property in Canterbury. Mr. Archer stated that Mr. Rukstela saw no problems with any of the roads, driveways, or drainage.
- Mr. Archer referred to the Site Development Plan for the houses and stated that they are trying to not put all of the houses in a row and are trying to meet solar requirements (rotated the floor plans to make them work). Mr. Archer disagrees with Syl Pauley's comments (dated April 4, 2017 and e-mail dated April 5, 2017, both included in packets to Commission Members) that it doesn't mimic the surrounding areas. Mr. Archer indicated other subdivisions in the area where the lots are just over an acre and along the road. Mr. Archer feels that this proposal is meeting the requirements and the intent of a conservation subdivision. Mr. Archer stated that the developer will leave buffers.
- Mr. Archer indicated two lots where there will be drainage onto the road. All driveways proposed to be gravel all under 8 percent pitch. He stated that drainage calculation are not needed and that the water will run exactly the way it runs now. D. Fuss stated that there will be very minimal runoff from a 5-percent pitch on a gravel road at 70 feet. They mentioned ways to solve it (crown or pitch).

J. Roberson asked that the plans be signed by a professional engineer (she read from Section 5.1). Mr. Archer disagreed. Ms. Roberson explained that there is a professional engineer on the P&Z Commission (Alan Carpenter) and she referred to his comments (e-mail dated April 3, 2017, included in packets to Commission Members). Mr. Carpenter delineated the drainage area. Using Google Earth, Ms. Roberson did a presentation indicating/orienting the area (northeastern corner of the lot) which drains to the road. She also displayed photos. She explained that there is water draining off of the property now, with no development on it. She showed some damage that the water is causing and how a gully was formed. Some of the water goes onto property at 350 Tripp Hollow Road, collects where there is a culvert and eventually washes into the brook. Ms. Roberson asked Syl Pauley to hold off on doing a thorough analysis of the plans until after the P&Z Commission had a chance to speak with Mr. Archer.

Ms. Roberson read from the Subdivision Regulations (Section 10.6.2) regarding unimproved roads and she read from the Public Improvements Specifications Ordinance (Section 1.5). Mr. Rukstela had stated that it is an unimproved road.

Mr. Roberson stated that the following need to be addressed: An engineer needs to review the plans; what drainage structures are necessary to prevent damage to private property owners; formal turnaround.

- There was discussion regarding the turnaround issue. J. Roberson indicated that the school bus turns around on an old cart path on private property in Canterbury. Mr. Archer stated that it is like a hammerhead turnaround. The Town of Brooklyn maintains the turnaround currently. Mr. Archer stated that

the Towns of Brooklyn and Canterbury have had for years an undocumented agreement for plowing there.

- There was discussion regarding drainage. A. Kerouac noted that some of Mr. Carpenter's comments regarding drainage pipes under the road should be directed to the Highway Department. Mr. Kerouac feels that the on-site drainage needs to be addressed. J. Mohn noted that an approval for improvements on this property would, at best, keep the drainage the same. Mr. Archer explained that he does not believe that the improvements on the two proposed driveways would change or increase anything that is happening out there now. Mr. Archer does not feel that this plan requires engineering as it only requires minor grading which he is allowed to do as a licensed surveyor. J. Roberson explained that it is easy to underestimate the impact that a development can have on storm water runoff. Mr. Archer explained that the water has the right to continue to go where it goes now, but you cannot force water to drain onto someone else's property. He said that his estimation is that there is existing water coming out of the hill onto the driveway now and the Town does not have any type of collection/drainage system and, when they put the two driveways in, it will not increase the amount of water that is going onto the road as it exists now.
- There was discussion regarding the intent of conservation subdivision. J. Roberson read from Section 15.1.5 (Purpose). D. Fuss stated that he does not have a problem with this subdivision and he feels that this is exactly what a conservation subdivision should do. J. Mohn stated that this would be an improvement on Tripp Hollow Road. Mr. Archer stated that the Applicant is committed to the design/footprints on the plans and that they got solar access on three of them. J. Roberson stated that the Conservation Commission was happy with this subdivision arrangement (letter dated April 3, 2017 included in packets to Commission Members).
- There was discussion regarding the road having set back houses with long driveways vs. closer to the road. Mr. Archer stated that he had submitted to J. Roberson a letter from UCONN regarding an archaeological study.
- There was more discussion regarding the turnaround. J. Roberson spoke with Attorney Peter Alter regarding the Commission's authority to require necessary road improvements on-site which includes along the road frontage. It is necessary regardless of whether the subdivision happens or not. Mr. Archer will ask the developer be willing to donate the land. Mr. Archer doesn't think that would be a problem, however, he does think it would be a problem if the Town were expect him to build the turnaround. Mr. Archer suggested that the Commission speak with Mr. Rukstela regarding plowing and maintenance. Mr. Archer asked, if the developer were to donate the land, would the Town forgo him giving up the 25-feet off the centerline of the road (as required by the subdivision regulations). Mr. Archer believes the homeowner should own the stone walls. J. Roberson read from the Regulations regarding unimproved Town roads and she explained that the Public Improvement Specifications give leeway to the Commission with regard to relaxing the 25-foot requirement (if found to be appropriate) and also requiring a turnaround that would work. Mr. Archer suggested a not touching the conservation subdivision and putting the turnaround in a different location which he indicated on the map. There is another parcel in the Town of Brooklyn owned by the Applicant

which Mr. Archer would ask the Applicant if he would voluntarily donate a strip of land for the turnaround to the Town. However, the Applicant would not want to build the turnaround.

M. Sigfridson asked Mr. Archer if he would get an Engineer to review and comment on the water/drainage issue. He stated that he will. J. Mohn asked that the engineer look at current and future and give assurance that it will not be worse. A. Kerouac stated that the turnaround and the drainage issues are Town road issues. Mr. Kerouac is concerned with a 20-foot access strip to the open space. Mr. Archer stated that they are not offering access to the public because it is privately owned. J. Roberson explained that the Commission could determine that access is not appropriate and approve a different form of open space. A. Kerouac read from Section 8.4.2 of the Regulations which explains that it can be waived by the Commission. Mr. Kerouac explained that Towns can only get grant money for Town-owned open space that has public access. J. Roberson explained that there are many options for open space dedication. The Conservation Commission recommends a deed restriction (letter dated April 3, 2017, included in packets to Commission Members). Discussion ensued.

M. Sigfridson polled the Commission: Do you think it is a good idea to have public access?

A. Kerouac – It is a good idea, on paper, to have a public right-of-way for 20 feet.

C. Dunlop – In this situation, he does not see that it is necessary.

C. Kelleher – Referred to the recommendation of the Conservation Commission and feels there is no reason for public access.

D. Fuss – Opposed to the 20 feet.

J. Mohn – No public access.

J. D'Agostino – No public access.

Mr. Archer stated that they will have an engineer look at the drainage.

J. Roberson stated that she would like to have a meeting with Mr. Archer and his engineer, Mr. Rukstela, Syl Pauley, M. Sigfridson, R. Ives to go over everything.

M. Sigfridson polled the Commission: Are you okay with the lot layout?

D. Fuss – Happy with it.

A. Kerouac – Happy with it (but is suggesting one other option).

C. Dunlop – No problem with it.

C. Kelleher – No problem with it.

J. D'Agostino – Good for traffic on Tripp Hollow, but could have been more creative, but will not prevent his approval.

J. Mohn – No objection.

J. Roberson will let Mr. Pauley know.

Mr. Archer stated that he will discuss the donation of a strip of land for the turnaround and asked if anyone objected to allowing the removal of the 25-foot off the centerline of the road. M. Sigfridson stated that she had not heard anyone say that they were going to insist on it. There was discussion.

There was discussion regarding what will be involved for the turnaround. J. Roberson stated that an engineer should be involved in the design. Mr. Archer suggested an easement over the land in favor of the Town for a turnaround, instead of a deed. M. Sigfridson would like to hear opinions from Mr. Ives and Syl Pauley.

There was discussion regarding plans for the houses. Mr. Archer stated that they are committed to the footprint on the plans. He said they might get a little bigger, but still have to fit inside the setbacks.

J. Roberson asked about site walk or public hearing. Mr. Archer stated that if the Commission Members want to drive by or walk the site, to let him know and he will put stakes where the property corners will be.

Mr. Archer stated that stone walls are to stay on the site and that they will re-use the stones cut away for the driveway. He referred a letter from State Archeologist, Brian Jones, which had been submitted to J. Roberson. Ms. Roberson read the last paragraph from the letter in which he states that he has no concerns for significant impacts to archeological or historical resources (Ms. Roberson will provide copies to Commission Members). Mr. Archer will put a note on the plans to state that stone walls are to stay intact.

There was discussion regarding whether to have a public hearing. Mr. Archer will notify the abutters even if there is no public hearing.

J. D'Agostino – Public hearing.

J. Mohn – Public hearing.

D. Fuss – No public hearing.

C. Kelleher – No public hearing.

C. Dunlop – No public hearing.

A. Kerouac – No public hearing.

After hearing discussion, Mr. Mohn changed his vote to no public hearing.

There was discussion regarding the possibility of needing an extension (to be decided at the next regular meeting on May 3, 2017).

Motion was made by J. D'Agostino to continue SD17-001 Square 1 Building Associates, Tripp Hollow Road, Map 7, Lot 12, RA Zone, 6-Lot Conservation Subdivision to the next Regular Meeting of the Planning and Zoning Commission to be held on May 3, 2017, at 6:30 p.m., at the Clifford B. Green Memorial Center located at 69 South Main Street Brooklyn, CT. Second by D. Fuss. Motion carried unanimously (7-0-0).

Mr. Archer will put stakes/tape out for Commission Members who want to drive by the site.

## **VII. New Business:**

### **a. Applications:**

### **b. Other:**

1. SD16-001 Kausch Subdivision: Request for additional filing extension.

Paul Archer, Archer Surveying, represented the Applicant and explained that the legal terminology for the open space by the water is not ready yet (extension request letter dated March 23, 2017, included in packets to Commission Members).

Motion was made by C. Kelleher to approve the second and final filing extension for SD16-001 an additional 90 days from May 6, 2017 to August 4, 2017. Second by D. Fuss. Motion carried unanimously (7-0-0).

#### **VIII. Reports of Officers and Committees:**

##### **1. ZEO's Report.**

There was discussion: 39 Canterbury Road; 455 Providence Road (parking outside of display area – fire lane); Nutmeg truck signs; Route 6 gravel pit – J. Roberson recorded cease and desist order on land records (it is expected to be addressed through the probate process).

D. Fuss left at 8:45 p.m.

Discussion continued: Brooklyn Farm and Pet update – J. Roberson will ask Martha Fraenkel; Pomfret Road excavator and bulldozer; 8 Appell Road; building behind CVS is going up as approved; Dunkin Donuts – issues with traffic light, they have applied for building permit for the second building, the slope which is steeper than what final slope will be;

##### **2. Budget.**

Discussion: Only at 50 percent of projected income for the year; over budget for Professional Affiliations – J. Roberson will ask Sherri. For this year's budget, repeated last year's but added \$2,500.00 for printing of final regulations – J. Roberson will ask if anything has changed due to negotiations.

##### **3. Correspondence.**

Letter from the Brooklyn Agriculture Commission dated March 1, 2017, suggesting that a percentage of the tax revenues from the solar farm be put toward the Open Space Fund. M. Sigfridson suggested putting it on agenda for the next regular meeting to see if the P&Z Commission agrees. There is currently \$103,000.00 in the Open Space Fund.

A. Kerouac stated that he had been in the public audience at a meeting of another body and there was a news article that referenced him as a Planning and Zoning Member, but he was not there representing the P&Z Commission and the meeting had nothing to do with Planning and Zoning.

J. Roberson explained that the updated Level A Map for the Connecticut Water Company Crystal Brooklyn Well Field is completed. The Commission is required to adopt the "red" area on the map as part of the Zoning Map and implement certain land use restrictions that make this a new zone. There is a place holder in the draft regulations. Most of the businesses that have potential to contaminate ground water are not in it.

C. Kelleher stated that the Planning & Zoning Commission is now the Aquifer Protection Commission and will have to hold separate meetings. Kim Zapla will send information and will meet with the Commission to give guidance and timeline for implementation. There was discussion.

4. Chairman's Report – None.

**IX. Public Commentary** – None.

**X. Adjourn**

Motion was made by J. Mohn to adjourn at 9:11 p.m. Second by J. D'Agostino. Motion carried unanimously (6-0-0). D. Fuss had left.

Respectfully submitted,

J.S. Perreault  
Recording Secretary