

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, May 3, 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 6:35 p.m.

**II. Roll Call** – Michelle Sigfridson; Carlene Kelleher; Craig Dunlop; David Fuss; Aaron Kerouac; Jules D’Agostino. J. Mohn was absent with notice.  
Alan Carpenter was expected to arrive at 7:30 p.m., but did not make it.

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

**III. Seating of Alternates**

Motion was made by D. Fuss to seat J. D’Agostino as a Voting Member. Second by A. Kerouac.  
Motion carried (5-0-0).

**IV. Adoption of Minutes:**

1. Regular Meeting Minutes April 5, 2017.

Motion was made by C Kelleher to approve the Minutes of the Regular Meeting of April 5, 2017.  
Second by C. Dunlop. Motion carried unanimously (6-0-0).

2. Special Meeting Minutes April 18, 2017.

Motion was made by C. Kelleher to approve the Minutes of the Special Meeting of April 18, 2017. Second by J. D’Agostino.

**Discussion:**

J. D’Agostino stated that he would like to clarify why he had voted opposed to the renewal application of Brooklyn Sand and Gravel (GBR 17-001).

J. D’Agostino and A. Kerouac asked that the Town Attorney be consulted regarding adding (to the minutes) something that had not been stated at a meeting and taking out something (from the minutes) that had been stated at a meeting. M. Sigfridson and C. Kelleher stated that they did not feel that the Town Attorney needs to be consulted. The Commission would not accept the minutes if it felt something was not appropriate.

It was decided that Mr. D’Agostino’s comments regarding his opposition would be reflected in the minutes of this meeting (May 3, 2017), since those comments had not been stated at the time of the vote.

Motion carried (5-0-1). C. Dunlop abstained as he had not attended the meeting.

**V. Public Commentary**

- Paul Archer thanked the Commission, Martha Fraenkel and J. Roberson for getting rid of the bins across from his office.
- J. D’Agostino stated the three reasons why he was opposed to the renewal application of Brooklyn Sand and Gravel (GBR 17-001):
  - 1) The plan of reclamation was unclear. It was not consistent with Staff recommendation.
  - 2) The numbers presented for 100,000 cubic yards were suspect in current form and in historical form.
  - 3) There was questionable and conditional support by the Staff.
- A.Kerouac commented on relevant State training regarding reversal of an affirmative decision because of the lack of reasoning being in the minutes. Reasons should be on record at the time the motion is made.

J. Roberson explained that the incorrect agenda had been posted. The correct, intended agenda had included the following Item: VI. Unfinished Business: e. 1. Review/Discussion Draft of the Regulations Re-Write, Topic: Gravel Regulations.

Motion was made by D. Fuss to amend the Agenda to add “Review/Discussion Draft of the Regulations Re-Write, Topic: Gravel Regulations” as Item e under Section VI. Unfinished Business. Second by C. Kelleher. Motion carried unanimously (6-0-0).

#### **VI. Unfinished Business:**

- a. **Reading of Legal Notice:** None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Continued Applications:**
  1. 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.

#### **Drainage:**

Mr. Archer stated that engineer had been hired to look at the drainage (Report entitled, Storm Drainage Analysis from Provost & Rovero dated April 25, 2017 was included in the packets to the Commission Members). Mr. Archer indicated (on the site development page) that they will cross slope the driveways and put a small swale (running east to west) to intercept the water. According to the engineer’s calculations, this will only affect the small storms with a very slight increase, but it will decrease the amount of runoff from the large storms onto the road. Sly Pauley is okay with this. (Letter from Syl Pauley (NECCOG) dated April 28, 2017, was included in the packets to the Commission Members.)

#### **Turnaround:**

The Applicant has offered to donate a 56’ x 76’ area (over 5,000 s.f.) to the Town so that the Town can build a turnaround if it so chooses. Mr. Archer indicated the area on the map.

Clarification:

Mr. Archer clarified a statement that he made at the April 18, 2017 meeting regarding holding to the exact footprints of the houses. He explained that the Applicant cannot be held to the exact footprints shown on the plans because it depends on what the owners want. They still have to abide by the Regulations and meet the setbacks.

There was discussion regarding the engineer's Drainage Report being based on the footprints on the plans (impervious area) vs. what actually gets built.

M. Sigfridson started discussion regarding the Land Dedication:

First Selectman, Richard Ives, who was seated in the audience, stated that the Board of Selectmen would recommend that the land be accepted. He stated that there is a possibility that there may be a need for a turnaround in the future and this fits the bill. J. Roberson explained the procedure for the conveyance. There was discussion regarding the subdivision and the turnaround being two different situations and whether or not it should be a condition of approval. Suggested language for condition of approval: shall be offered for conveyance. The Commission Members were agreeable to this language.

There was discussion regarding conservation subdivision vs. conventional subdivision to allow for more creativity.

M. Sigfridson started discussion regarding the Unimproved Road issue:

J. Roberson stated that from the Canterbury Town Line, for 1.8 miles, it is an unimproved road according to the State's list. There was discussion. J. Roberson read from the public improvement specs, "Improvements shall be provided at the discretion of the Town." She stated that the Selectmen and the Road Foreman have been consulted and they do not feel that there is a need for improvements. There have been discussions with the Town Engineer and there have been differences of opinion.

There was discussion regarding not taking the land off the center of the road even if the road were improved in the future. Mr. Archer explained that they are trying to keep the rural characteristics of the road and that the houses should own/maintain the stone wall.

J. Roberson's Comments:

Syl Pauley is okay with the drainage calculations and the Towns decision on the road and drainage improvements (Letter dated April 28, 2017).

Letter from the Brooklyn Conservation Commission stating that they are satisfied with the private deed restriction on the 9+ acres of open space. She said that they want to allow forestry and she read recommendations.

Mr. Archer stated that they will give the right to drain onto and it will be on both the drainage easement and the deed. Mr. Archer explained and indicated that, prior to the last subdivision, they changed the boundaries (modifying the shape of the lot) on the rear lot because they didn't want the drainage easement to be encumbered on the rear lot. It did not change the acreage.

There was discussion regarding how to state the amount of square footage of land for the turnaround.

Motion was made by J. D'Agostino to approve the subdivision application of Square One Building Associates for the property located on the west side of Tripp Hollow Road, Assessor's Map 7, Lot 12, identified in the files of the Brooklyn Land Use Office as SD-17-001, in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:

- The approval and/or review letters from the Inland Wetlands and Watercourses Commission and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).
- All boundary pins and monuments shall be set and field verified by the surveyor who shall document the action in writing.
- The draft language for the conservation deed restriction on the 9.19 acre open-space parcel shall be consistent with the recommendations of the Conservation Commission dated April 3, 2017, and shall be submitted to the Land Use Department for review and approval prior to recording.
- The draft language for the drainage easement for the grass-lined swale affecting two lots shall be submitted to the Land Use Department for review and approval prior to the recording.
- The parcel of land sufficient for a vehicle turnaround shall be offered for conveyance to the Board of Selectmen prior to recording. This action denotes a favorable report under the requirements of Section 8-24 of the CT General Statutes.

Second by D. Fuss.

Discussion:

A.Kerouac asked that the Commission delve into its plan for the Town (moving forward), including unimproved roads, at the next planning meeting.

Motion carried unanimously (6-0-0).

**e. Other:**

1. Review/Discussion Draft of the Regulations Re-Write, Topic: Gravel Regulations.

J. Roberson provided copies of the current draft (dated May 3, 2017). The draft includes comments from Martha Fraenkel, Syl Pauley, and Jeff Rawson. It also includes some language from Peter Alter. It is not, consistently, a reflection of the comments from David Held (Provost & Rovero).

David Fuss left at 7:33 p.m.

The Commission reviewed the draft with J. Roberson:

**7.K. EARTH OPERATIONS**

**7.K.1 Purposes**

- Last sentence to read, "These regulations are designed to provide for the re-establishment of ground level, protection of the area by suitable cover and to

ensure that, following earth operations, land will be usable for subsequent allowable uses.

7.K.2 Applicability – No Change.

7.K.3 Pre-Existing Excavation Operations – No. Change.

7.K.4 Standards for Excavation Operations

- 1.a. – No Change.
2. – Hours of Operation – 7:00 a.m. to 6:00 p.m. Monday through Friday.  
Holidays: New Year’s Day; Memorial Day; Fourth of July; Labor Day;  
Thanksgiving Day; Christmas Day.
3. – No Change.
- 4.c. – No language drafted yet for Special Permit criteria for a gravel operator who wants to import material for processing. J. Roberson will include language regarding the material must be clean.

J. Roberson will also include (where appropriate) language that it must be demonstrated that the site is clean before a gravel permit can be issued.

5. through 13. – No Changes.
14. – First sentence to read, “Applicant shall retain A and B horizons of surface soil on-site as necessary to implement the restoration and reuse plan. There was discussion and there was agreement among the Commission that if topsoil is scraped and mixed up, it will be B horizon for the re-use plan and they may have to import A horizon.
15. – No Changes.

There was no discussion regarding 7.K.5 Application Requirements or 7.K.6 Criteria for Decision.

7.K.7 Following Approval

1. – Financial Guarantee Required. J. Roberson explained that she used language to be consistent with CT General Statutes Section 8-3. Ms. Roberson provided copies of the relevant Sections from the CT General Statutes. There was discussion.
2. – No Changes.
3. – No changes noted, but J. Roberson asked the Commission to further review Item b and give their comments.
4. – No Changes. There was discussion regarding time limit vs. expiration.
5. – No Changes.
6. – No Changes.

There was discussion regarding the next planning meeting. J. Roberson will survey the Commission Members to see who will be available on May 23<sup>rd</sup> or May 24<sup>th</sup>.

**VII. New Business:**

**a. Applications:**

**b. Other:**

1. Discussion of letter from Agriculture Commission re: tax revenue from solar project.

The Commission Members present were supportive of the concept of some of that tax revenue being used for open space purposes (letter from the Brooklyn Agriculture Commission dated March 1, 2017, was included in the packets to Commission Members).

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

1. ZEO's Report (included in packets to Commission Members).  
J. Roberson also provided in the packets to Commission Members the regulations of State agencies concerning engineers (surface water runoff) and surveyors (measure things).

J. D'Agostino asked that Robert's Rules be consulted to get clarification on how to deal with "draft" minutes vs. final approved minutes. There was discussion.

C. Dunlop left at 8:43 p.m. and there was no longer a quorum.

The Commission discussed the ZEO's Report.

2. Budget (Expenses/Revenues Report was included in packets to Commission Members).

J. Roberson stated that there is about \$100,000.00 in the open space fund. She explained that they are not over budget (something got entered twice).

Discussion regarding the ZEO Report resumed.

There was discussion regarding J. Roberson's work hours.

Discussion regarding the ZEO Report resumed. J. Roberson suggested that Mr. Kerouac e-mail Martha Fraenkel (and cc the rest of the Commission) with his questions/concerns regarding the ZEO report. M. Sigfridson asked the Commission Members to think about whether they would like her to approach Martha Fraenkel with their concerns. J. Roberson will ask Ms. Fraenkel if she could come to regular quarterly meetings because there is a need for better communication.

3. Correspondence – None.
4. Chairman's Report – None.

#### **IX. Public Commentary – None.**

#### **X. Adjourn**

Motion was made by J. D'Agostino to adjourn at 9:10 p.m. There was no second and there were no objections.

Respectfully submitted,

J.S. Perreault  
Recording Secretary