

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
SPECIAL MEETING MINUTES
OCTOBER 20, 2010
Community Center
31 Tiffany Street
7:00 p.m.

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Sharon A. Mainville
TOWN OF BROOKLYN, CT

I. Call to Order: The meeting was called to order at 7:02 p.m.

II. Roll Call: Deane Rettig, Carlene Kelleher, Craig Dunlop, Henry Moses, Al Sandholm, Tom Doherty, Barbara Repko, Don Francis, Dave Fuss. Paul Camara (arrived late).

Absent: None.

Staff Present: Chuck Dobrowski, ZEO, Jim Larkin NECCOG Planner, Audrey Cross-Lussier, Recording Secretary.

Also Present: Terry Chambers and public in attendance.

III. Seating of Alternates: None.

IV. Reading of Legal Notice: None.

V. Public Hearings: None.

VI. Continued Public Hearings: None.

Public Hearing Section Closes

Meeting Business Proceeds

A motion was made by Deane Rettig to move up onto the agenda item #1 Modification of SP10-006 under Other Business before Item #1 SP10-003 of Unfinished Business. Dave Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

VIII. Other Business:

1. Modification of SP10-006, Courtesy Ford, 45 Providence Road, Map 41, Lot 114, PC Zone, Automobile Sales display area expansion and storm drainage improvements.

Al Sandholm recuses himself from the table as he is an abutter.

Terry Chambers from KWP Associates represents the modification of application SP10-006. Mr. Chambers is asking for a waiver of a new special permit and site plan and treat this as a modification of the previously approved site plan. The first modification is to eliminate the detention basin and move it back and expand the width to have the same volume as before with no changes to the hydrology on the site. This will obtain 100% of the 25 year storm. The second modification is to bring the pavement closer to Advanced Auto Parts within 15 feet of the property line. The third modification is to bring the pavement closer to the road within 15 feet of the street line. The fourth modification is to pave what is currently a gravel yard in the back of the building. This will still be within the 65% allowed lot coverage for impervious surfaces which include building and pavement. The impervious surface is at 59%, with the current scheme it will be at 47%. Mr. Chambers stated that according to the regulations a landscape buffer has to be at least 15 feet in width measured from the street line and this is exactly what is present. The same landscaping elements are planned.

Henry Moses asked Mr. Dobrowski if he has reviewed the plan. Mr. Dobrowski stated this is a modification of the plan and asked the applicant to come back to present this to the commission. Mr. Dobrowski stated that the main thing is the detention area which remains the same just a different configuration.

Craig Dunlop asked Mr. Chambers if the 15 feet from the street line is from the pavement or from the property line. Mr. Chambers stated it is the property line.

Deane Rettig asked what the difference was on the original plan. Mr. Chambers stated roughly 30 feet; this is being moved by 15 feet.

Tom Doherty asked if Syl Pauley looked at this modification. Mr. Dobrowski stated Mr. Pauley reviewed the original plan.

Don Francis commented that this looks like more than a minor modification; moving the detention basin back further on the property; bringing in more pavement. Mr. Francis suggests having Syl Pauley, NECCOG Engineer review the plan.

Dave Fuss questioned the maintenance of the detention pond. Mr. Fuss would like to know what the depth is and what the intended vegetation is. Mr. Chambers stated that per the condition of approval a wetlands seed mix on the slopes of the catch basin is specified on the drawing. The bottom of the catch basin will remain as a gravel surface, not rip-rap.

Henry Moses asked if there is a State mandated road setback that needs to be considered. Mr. Chamber stated it is not a State mandated road setback but zoning regulated. Mr. Moses asked if the hydrology will be same in the back as it is in the front. Mr. Chambers stated yes.

Dave Fuss questioned what the parking in the back of the building be used for. Mr. Chambers stated that it will be service parking.

Mr. Fuss asked if a pervious surface could be used if possible. Mr. Chambers stated it is possible but not convenient for snow plowing. A concrete paver would be much more expensive.

Henry Moses asked if it is necessary to have Syl Pauley review the plan. Discussion held.

A motion was made by Don Francis to refer modification of SP10-006 to Syl Pauley, NECCOG Regional Engineer. Tom Doherty seconds this motion. Discussion held on the motion. All in favor. The motion carries. Al Sandholm recuses.

A motion was made by Deane Rettig to waive in accordance with 3.4.8.5 site changes that we approve a waiver of a special permit application for the proposed modifications. Dave Fuss seconds this motion. No discussion on the motion. All in favor. The motion passes. Al Sandholm recuses.

Al Sandholm returns to the table.

VII. Unfinished Business:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping.

Craig Dunlop recuses himself as he is an abutter.

Commission members further deliberated application SP10-003. A lengthy discussion was held with regards to Section 4.5 Site Plan Requirements; the requirements of Section 4.5 that may be waived; Section 5.7 Standards; and Section 3.4.5.7 VCD General Design Standards.

Commission members discussed the many deficiencies that were brought up within the public hearing with regards to the incompleteness of plan and the incompleteness of the application not complying with the regulations.

Commission Member Paul Camara stated for the record that he has listened to all the audio tapes and the meeting minutes with regards to application SP10-003.

Al Sandholm asked if commission members who have missed any meetings listened to the audio tapes and reviewed the material and meeting minutes with regards to application SP10-003. All members stated for the record they have reviewed all information.

A motion was made by Deane Rettig:

MOVED, the Brooklyn Planning and Zoning Commission denies application SP10-003 by Howard and Mary Knust for the proposed activities Septic Repair, Garage Reconstruction, Installation of Pool, Conservatory, Landscaping, Front Deck, Sun Room and Wind Turbine:

In accordance with the plans on file as part of the application and presented to the Commission as part of the application and public hearing process, and in accordance with information and representations of the applicant filed as part of the application and public hearing process, and in accordance with the following findings:

Based upon the evidence in the record of the Public Hearing, the Commission finds that the application is incomplete:

1. The requirements of **Section 4.5** have not been met, nor have any of the requirements of Section 4.5 been waived by the Commission. Specifically, the applicant has neglected or declined to submit the following materials and information, otherwise required by the regulations:
 - a. 4.5.2.2 - A table or chart indicating the proposed number or amount and types of uses, lot area, lot width, yards, building height, coverage, floor area, parking spaces, landscaping, and open spaces as they relate to the requirements of the Zoning Regulations.
 - b. 4.5.2.5.1 - Location, dimensions, area, height and setbacks of all existing and proposed buildings, signs, fences, underground structures, and walls.
 - c. 4.5.2.6.1 - Location, arrangement, and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits, and ramps.
 - d. 4.5.2.8 – Utilities: Location and design of all existing and proposed sanitary sewer, storm drainage, water supply facilities, and refuse collection areas, as well as other underground and above ground utilities.
 - e. 4.5.3.2 - A written description of the proposed use or uses.
 - f. 4.5.3.4 - Neighborhood Context: The Applicant shall provide a statement that describes the visual context of the street(s) on which the proposed project fronts. The statement will describe significant natural and built features in the immediate vicinity of the proposed project to include common landscape elements, walls, fences, architectural style of structures, common use of materials and any other materials or treatment which contributes to the visual appearance of the neighborhood. The applicant may submit photographs or graphics to illustrate how the proposed project fits into its immediate visual surroundings.
 - g. 4.5.3.5 - Staging Plan Map: In cases where the applicant wishes to develop in stages, an overall site and staging plan indicating ultimate development of the entire property shall be submitted at the same scale as the Site Plan.

In attempting to fairly evaluate the application for compliance with the Regulations, the Commission is prevented from making reasonable determinations of compliance when it is not in receipt of basic information regarding the application.

2. The Commission is unable to make a finding of conformance with Section 5.7 Standards for Special Permit or 3.4.5.7. - VCD General design standards without reasonably accurate, reasonably complete information required in Section 4.5. If the applicants determined that certain of the requirements were not applicable to the application, it could have sought the Commission's waiver of any such requirements, the applicant neither sought a waiver, nor provided the information, leaving the Commission without reasonable information upon which to determine if the application is in compliance with the Regulations. It is the applicant's burden to provide adequate information.
 - a. 3.4.5.6.2 - Applications for alterations, improvements, substantial re-construction or rehabilitation of contributing properties within the Brooklyn Green Historic District and in view of public roadways shall be consistent with The Connecticut Historical Commission - The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Having found that the application and all supporting materials and information submitted by the applicant before the conclusion of the public hearing does not contain reasonably complete and adequate information required by the Brooklyn Zoning Regulations with respect to a Special Permit and Site Plan Approval, the Commission **denies** Application **SP10-003** without prejudice.

The motion was seconded by Al Sandholm. Discussion held on the motion. All in favor. The motion passes. Craig Dunlop recuses.

VIII Other Business (continued)

2. Gravel Regulations:

Craig Dunlop returns to the table.

Chairman Kelleher reviewed what the commission's current position is with the gravel regulations. Ms. Kelleher commented that a public hearing has been previously held on the gravel regulations. Members of the public attended and gave their comments. The commission discussed possible revisions to the regulations with regards to the comments received. At that time it was decided to close the public hearing and send the regulations back to the subcommittee for revisions. At tonight's meeting the commission will review the revisions; either approve them or make additional revisions. The next step would be scheduling a public hearing for the newly revised gravel regulations draft or to send back to the subcommittee for further revisions.

David Fuss made a statement for the record that he does not do business with any of the permitted gravel operations and/or their subsidiaries. Tom Doherty stated that Mr. Fuss does not have to recuse himself. Mr. Fuss stated that was correct.

Tom Doherty discussed the revisions that were made to the gravel regulations i.e., Intent Section 13.1; Permit Process Section 13.3.2; Performance Bond Sections 13.4 and 13.4.1.4; General Conditions Sections 13.5.1 through 13.5.9.

Don Francis commented on section 13.5.2 with regards to the 50 foot buffer being adequate enough in a residential zone. Don Francis commented that the zoning regulations are also to protect the neighborhood. Discussion held with regards to doubling this setback to 100 feet.

Chairman Kelleher asked for a consensus from the commission as to who would be in favor of doubling the setback to 100 feet. In favor of Barbara Repko, Don Francis, Dave Fuss, Deane Rettig, Carlene Kelleher, Paul Camara, Henry Moses, Al Sandholm and Craig Dunlop. Not in favor of Tom Doherty.

Discussion was held with regard to the phasing process. Jim Larkin read Mr. Syl Pauley's NECCCOG Regional Engineer's comments with regards to phasing.

Deane Rettig expressed his opinion on section 13.5.4.2 with regards to doubling the material mined and processed on site. Mr. Rettig feels this is favoring to those businesses that are on a State Highway and is unfair to those that are not. The current regulations are providing a 1:1 ratio in order to help their business. Mr. Rettig is unsure why the commission would want to provide a means for a gravel operation to double processing and do more business. Mr. Rettig's opinion would be to have the gravel operation remove the gravel; reclaim the property as quickly as possible. Discussion held.

Chairman Kelleher would be interested in having Syl Pauley's comments on this issue. Ms. Kelleher would be interested in knowing how many other Towns in Connecticut allow processing to this extent in an RA Zone. Jim Larkin does have some information on this topic and will provide to commission members. Discussion held.

Don Francis had questions with regards to sections 13.4 Performance Bond and section 13.4.1.4. The amount of the performance bond is determined by the Town Engineer/delegate. Mr. Francis feels that two bonds should be posted one with regards to the operation of the gravel operation and one to protect keeping the topsoil on the property. Discussion held.

Commission members discussed minor change in language to Section 13.5.7.1.

Chairman Kelleher asked that "provided that" be added to the end of Section 13.5.5.

Barbara Repko expressed her concern with regards to resident's comments on the speeding along Route 205. Ms. Repko spoke with regards to her own experience traveling along Route 205 and found the traffic to be speeding were cars and not so much the trucks. Ms. Repko is concerned that an impending lawsuit will eventually happen. Ms. Repko recommends the Town to ask the State to do a traffic study or contact the State Police with regards to the issue. Chairman Kelleher suggested referring this to the Board of Selectmen. Discussion held.

Commission members discussed increasing the fee for a gravel permit which is now \$100. This item can be up for discussion at the next public hearing for the gravel regulations.

The commission revisited section 13.5.4.2 regarding the doubling of the material mined and processed on site.

Commission members gave their opinions and input on this issue. Discussion was held. The majority of the commission members not in favor of doubling the processing are Barbara Repko, Don Francis, Deane Rettig, Carlene Kelleher, Paul Camara, Craig Dunlop Henry Moses and Al Sandholm. Commission members in favor of doubling the processing are Tom Doherty and Dave Fuss.

Chairman Kelleher stated that the following changes discussed were changing the buffer to 100 feet; insert phasing as suggested by Syl Pauley; and a fee schedule request.

Jim Larkin read further comments/suggestions made by Syl Pauley regarding the gravel regulations. Discussion held.

Al Sandholm discussed Section 13.5.8 hours of operation. Mr. Sandholm questioned if RA Zone should have different hours of operation than an Industrial Zone. Discussion held.

Chairman Kelleher stated that all changes discussed will be made and brought back to the Commission. Deane Rettig commends the subcommittee for a job well done on the gravel regulations.

IX. Planning Priorities: None.

X: Public Commentary:

Julius D'Agostino Barrett Hill Road. Mr. D'Agostino would like an update on the following: whether or not the commission will be doing any development or resolution on wind turbines; and an update on what is happening with the public commentary being at the beginning and end of the meeting agenda. Mr. D'Agostino compliments the commission on their efforts with the sand and gravel deliberations.

Chairman Kelleher stated that the wind turbine is currently on a list that Jim Larkin will be bringing forward to the regulation subcommittee. As far as public commentary placement on the agenda, Ms. Kelleher stated that Mr. Larkin will be in contact with the land use attorney Peter Alter for his comments on this issue.

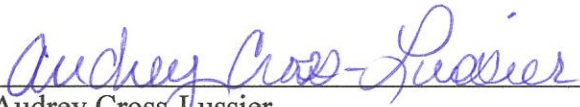
Lisa Arends, Allen Hill Road. Ms. Arends commends the commission for the changes that were made tonight on the gravel regulations. Ms. Arends would like to see draft documents placed on the internet so as the public has a chance to review them. Deane Rettig stated the commission members do not have a chance to review the draft information until the packets are completed before the meeting. Discussion held.

Bob Sisko, Malbone Lane. Thanks the commission for their progress with the gravel regulations. Mr. Sisko voiced his concern on Section 13.5.5 regarding expansion of processing in the industrial zone. Mr. Sisko asks the commission to reconsider reviewing this section.

Chairman Kelleher suggests Mr. Sisko bring this comment to the next scheduled public hearing on the gravel regulations.

Al Sandholm commented that any documents that are generated by the Planning and Zoning Commission are available at the Town Hall for a minimal fee per sheet.

XI. Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 9:28 p.m. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.



Audrey Cross-Lussier
Recording Secretary