

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Monday, August 9, 2021 6:30 p.m.**

3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

In-Person: Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT All attending in person are required to wear masks.	
Online: Click link below: https://townofbrooklyn.my.webex.com/townofbrooklyn.my/j.php?MTID=m201237d025518b68ff4c28a54e6d7721	Go to www.webex.com, click Sign In OR On the top right, click Join a Meeting Enter meeting ID: 182 040 0303 Enter meeting password: Special
Phone: Dial 1-415-655-0001 Enter meeting number: 182 040 0303 Enter meeting password: 7732425 You can bypass attendee number by pressing #	

MINUTES

- I. Call to Order** – Carlene Kelleher, Acting Chair, called the meeting to order at 6:36 p.m.
- II. Roll Call** – Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Seth Pember (all present in person).
Michelle Sigfridson (present via Webex, but turned over the position of Chair to C. Kelleher for this meeting), John Haefele (via Webex).
Charles Sczuroski was absent with notice.
J.R. Thayer was absent.

Staff Present: Jana Roberson, Director of Community Development (in person).

Also Present:

All Via Webex – Norm Thibeault, Killingly Engineering Associates; Attorney Nicholas Mancuso (6:54 p.m.); J.S. Perreault, Recording Secretary.

III. Seating of Alternates

Motion was made by A. Fitzgerald to seat Alternate S. Pember as a Voting Member for this meeting.
Second by E. Starks. No discussion.
Motion carried unanimously by voice vote (5-0-0).

Motion was made by A. Fitzgerald to seat Alternate J. Haefele as a Voting Member for this meeting.
Second by E. Starks. No discussion.
Motion carried unanimously by voice vote (6-0-0).

IV. Adoption of Minutes: Regular Meeting July 20, 2021

J. Roberson noted that references to “Martha” Washburn should be corrected to “Margaret” Washburn.

Motion was made by J. Haefele to accept the Minutes of the Regular Meeting of July 20, 2021, including the correction noted by J. Roberson that references to “Martha” Washburn should be “Margaret” Washburn.
Second by A. Fitzgerald.
Motion carried unanimously by voice vote (7-0-0).

V. **Public Commentary** – None.

VI. **Unfinished Business:**

- a. **Reading of Legal Notices: None.**
- b. **New Public Hearings: None.**
- c. **Continued Public Hearings: None.**
- d. **Other Unfinished Business:**

1. **SP 21-002: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack. *Selection of third party consultants. Public hearing rescheduled to open September 1, 2021***

J. Roberson explained that the Commission had decided at a previous meeting to hire third-party consultants for this Application: Drainage Engineer, Landscape Architect and Traffic Engineer. Information on all, who had submitted a proposal for consideration by the Commission, was included in packets to Commission Members. Ms. Roberson also explained that due to her concern regarding time, she had also sent the proposals to the Applicant, which she explained was a mistake as they must first come before the Commission for review and approval.

Ms. Roberson read, into the Record, a letter (e-mail dated July 21, 2021) that she had received from Attorney Nicholas Mancuso, who represents the Applicant, in which he explains the concerns of the Applicant regarding the selection of consultants, cost and duplication of work. Ms. Roberson forwarded the letter to the Town Attorney who advised her to follow procedure. Ms. Roberson stated that the Commission has the option to change its mind about the need for consultants and that it also has the option to choose whichever consultant(s) they wish. There was discussion regarding how the consultants were solicited.

Attorney Nicholas Mancuso made it known that he was now present (6:54 p.m.). There was discussion regarding local firms being solicited. Ms. Roberson stated that she had contacted three local firms and they were not interested for various reasons.

Norm Thibeault, Killingly Engineering, commented on the following:

- He understands the need to review the traffic study (as a peer review) due to the proximity to the School. He feels that it makes sense for the Traffic Engineers to come to a consensus as to what is important regarding how traffic is handled and how it might impact operations at the school.
- Mr. Thibeault also explained that he agrees, to some degree, with hiring a Landscape Architect as they had not hired a Landscape Architect for this particular project.
- Mr. Thibeault explained that he does not agree with hiring a Drainage Engineer because Syl Pauley had reviewed the drainage and civil plans quite extensively (three different rounds of review comments). He explained that Mr. Pauley was very detailed in his reviews. Mr. Thibeault stated that they had addressed every one of Mr. Pauley’s drainage issues which Mr. Pauley then reviewed with regard to the State’s Storm Water Quality Guidelines as well as with the Town’s Storm Water Guidelines and, ultimately, he signed off on it. He asked, “If you don’t trust Syl Pauley’s review, then what’s the point in having him as the Town Engineer?”

There was discussion regarding whether it is appropriate to discuss Syl Pauley's comments before the public hearing is opened. Ms. Roberson explained that it is okay in the context of the task at hand, but individual comments should not be discussed. She stated that Mr. Pauley had reviewed the project extensively for the IWWC and those comments are available. Ms. Roberson will provide copies of Mr. Pauley's comments to the PZC. Ms. Roberson explained that the origin of the concern for a Drainage Engineer Specialist was the scale of the development and the amount of impermeability in proximity to the School. She noted that the original plans had rain gardens in them and Mr. Pauley had asked for them to be taken out. Ms. Roberson explained that her concern is that Mr. Pauley (who is not a Specialist) may not be the best person to take the Town's Storm Water Management Standards (Zoning Regulations) into account. Attorney Mancuso stated agreement with Mr. Thibeault regarding this issue as it was already reviewed. Attorney Mancuso asked, for the record, the names of other consultants that she reached out to that did not submit proposals. Ms. Roberson stated the following: Provost & Rovero; J & D Engineering; and Paula Stall.

Discussion continued:

- S. Pember explained that he is in favor of hiring all three consultants as it is important to be as informed as possible about the project and what the impact will be.
- Tanner explained that he has faith in Syl Pauley who does a thorough job. He doesn't think that for a project this size, \$5,000 to make sure things are done right, it a tremendous thing to ask.
- A. Fitzgerald referred to the Minutes of the PZC Meeting of June 2, 2021, and asked if Mr. Pauley's comments had all been addressed. There was discussion regarding Mr. Pauley's comments (which it was determined had been provided to Commission Members). Ms. Roberson explained that there were still some items that were still unaddressed.
- J. Haefele feels that there are legitimate concerns regarding the drainage. He is in favor of hiring all three consultants. There was discussion regarding whether there is time for the consultants to complete the work in time for the public hearing. M. Sigfridson explained that the hearing could be left open to give more time for consideration.

Ms. Kelleher called for a poll of the Commission Members:

- A. Fitzgerald – all three.
- E. Starks – all three.
- M. Sigfridson – all three. She feels it is not unreasonable.
- S. Pember – Asked about the Town Attorney's opinion regarding hiring all three. Ms. Roberson explained that he had read the Minutes and she referred to and read from the Town Attorney's letter, in which he states (regarding the Drainage Engineer) that "the Commission's concern goes beyond your typical drainage study and greater expertise is needed to advise the Commission." Ms. Roberson read from Section 7.8 of the Zoning Regulations – Storm Water Management.
Mr. Pember – all three.
- A. Tanner – all three. The scope of the project justifies the cost of the experts.
- C. Kelleher – all three.
- J. Haefele – all three.

Ms. Sigfridson commented that all of the potential consultants are well qualified and suggested selecting the most cost effective in each category. Ms. Roberson suggested that they could attend virtually to lower the cost. Attorney Mancuso asked Mr. Thibeault how he feels about the consultants attending virtually vs. in person. Mr. Thibeault explained that, typically, when there is a third-party review, a written response is provided first, they, then can have a conversation based on the written comments. Therefore, Mr. Thibeault stated that if the report is delivered shortly before or on the night of the meeting and no one has had an opportunity to review the comments, he does not see a point in their coming to the meeting that night. Mr. Thibeault does not have an objection to consultants attending a meeting at some point. Attorney Mancuso stated that he has no problem with attending virtually.

Ms. Kelleher stated that the Commission could vote on each of the consultants.

Ms. Roberson read a statement from each of the Landscape Architects (LADA P.C. - \$3,600 and BL Companies - \$3,500) since their proposals were so close. There was discussion. Ms. Kelleher noted that LADA had included a site visit. Ms. Roberson commented that she thinks that they are all qualified. Ms. Kelleher commented that perhaps the most cost effective should be selected. Mr. Fitzgerald commented that he feels that LADA includes a site visit and it is only \$100 more.

Motion was made by J. Haeefele to accept Landscape Architect, LADA, P.C. - \$3,600 as a third-party consultant for **SP 21-002: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack.**

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (7-0-0).

Ms. Roberson suggested that the sample motion on her Staff Guidance sheet be used.

Motion was made by A. Fitzgerald that, in accordance with the Town Ordinance 20-1.3.b.3, the Planning and Zoning Commission (also known as the Land Use Agency) approves the following estimate of costs for supplemental consulting services determined to be necessary on June 2, 2021 for SP 21-002: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack:

- Landscape Architect – LADA, P.C. - \$3,600 (selected by unanimous vote)
Still to decide on the following:
- Drainage Engineer – Trinkaus Engineering - \$4,200 or BL Companies - \$6,500
- Traffic Engineer – KWH Enterprise, LLC - \$6,000 or BL Companies - \$4,500

Second by E. Starks.

The Commission will next discuss the selection of a Drainage Engineer.

There was no vote on this Motion.

The Commission discussed Drainage Engineers:

Ms. Kelleher noted that there is a big difference in cost between the two (Trinkaus Engineering - \$4,200 and BL Companies - \$6,500) and she asked the Commission to consider taking the lower bid.

Motion was made by A. Fitzgerald to select Trinkaus Engineering - \$4,200 as a third-party consultant (Drainage Engineer) for **SP 21-002**: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack.

Second by J. Haefele.

Discussion: Attorney Mancuso stated that he would like to speak with the Applicant before any consultants begin work because there is a possibility that they will change the Application. They may consider a different type of housing, possibly affordable housing, which will take some of these issues off the table. Ms. Roberson stated, for the Record, that it is confusing to her how the type of housing would change any of this. She will make sure that no works starts before she hears from Attorney Mancuso (by Monday, August 16, 2021, the latest). Ms. Roberson spoke of procedure regarding an additional application fee, plus a 25 percent contingency, payable by the Applicant within ten days. She said that the Town will not sign any contracts with any consultants until the check is received.

Vote was taken during discussion regarding selection of a Traffic Engineer. See Below*.

The Commission discussed selection of a Traffic Engineer:

J. Haefele suggested that BL Companies be selected as the Traffic Engineer.

Norm Thibeault commented that he had spoken with his Traffic Engineer who is familiar with KWH Enterprise, LLC because he has worked with them in the past. However, Mr. Thibeault stated that they do not object if the Commission selects the most cost effective option.

* At this time the vote was taken for the Drainage Engineer above. Motion carried unanimously by voice vote (7-0-0).

Discussion regarding selection of a Traffic Engineer continued:

The Commission had hired KWH Enterprise, LLC before for a gravel pit. It was clarified that the consultant would review the traffic report prepared by Hesketh Associates. Mr. Fitzgerald and Ms. Kelleher stated that they feel that the biggest issue is the traffic, specifically at the School twice per day. Ms. Kelleher feels that this information should be included in the traffic study. Ms. Kelleher suggested that the School Superintendent be contacted to get an accurate representation of the traffic flow and times of day that it occurs (pick up and drop off). Ms. Roberson commented that September 1st is the first day of school. Ms. Roberson stated that the Applicant's Traffic Engineer was able to capture some of that data before school ended in the spring. Ms. Kelleher would still like the information from the School Superintendent, but there is no need to ask for it again if it has already been obtained.

Motion was made by A. Fitzgerald to select KWH Enterprise, LLC - \$6,000 as a third-party consultant (Traffic Engineer) for **SP 21-002: Special Permit Application for Multi-Family Development** (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack.

Second by E. Starks.

There was discussion regarding the scope of services. Mr. Tanner feels that it is too general and the Town should be more specific.

Mr. Haefele commented that he doesn't see a tremendous difference between the two proposals and asked what more KWH Enterprise, LLC would be providing for the additional cost.

Ms. Roberson explained that all of the Scopes of Services are similar and have only been tweaked a little for each one and that the School was not mentioned in any of them. She read aloud and summarized from each of the two proposals.

Mr. Thibeault explained that traffic engineering is a non-subjective type of analysis. It is based upon counts and numbers and turning motions and impacts to roads. It is a very numbers-oriented type of engineering.

Mr. Tanner stated that he doesn't see a reason to pick one over the other, so he can't see spending the extra money. Mr. Haefele stated agreement with Mr. Tanner.

Motion carried by voice vote (4-3-0). A. Tanner – no; J. Haefele – no; C. Kelleher – no. They had all expressed during discussion that they preferred selecting the lower price.

There was discussion regarding confusion about the Motions for the third-party consultants. The following Motion was made to include all three consultants rather than three separate votes:

Motion was made by A. Fitzgerald that, in accordance with the Town Ordinance 20-1.3.b.3, the Planning and Zoning Commission (also known as the Land Use Agency) approves the following estimate of costs for supplemental consulting services determined to be necessary on June 2, 2021 for **SP 21-002: Special Permit Application for Multi-Family Development** (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack, the Engineers shall be:

- Landscape Architect – LADA, P.C. - \$3,600
- Drainage Engineer – Trinkaus Engineering - \$4,200
- Traffic Engineer – KWH Enterprise, LLC - \$6,000

Second by S. Pember.

A voice vote was taken, but was incomplete.

During the vote there was discussion regarding that this combined Motion does not reflect the vote for the Traffic Engineer and Mr. Fitzgerald rescinded his Motion and Mr. Pember rescinded his Second to the Motion. Motions #4, #6 and #7 reflect the vote of the Commission for the third-party consultants.

VII. New Business:

a. Applications: None.

b. Other New Business:

1. Discussion of communications strategy for Affordable Housing Plan

There was discussion and J. Roberson explained that she and someone from the NECCOG Staff will be at the Brooklyn Fair (she invited PZC Members to attend also). They are working on an interactive game/activity to raise public awareness regarding Affordable Housing and to get public feedback. They may have business cards (with the website) available at the Fair. There will be short, themed articles/slide shows geared toward educating a general audience (including a short survey) on the website. Ms. Sigfridson will post to FaceBook. The Affordable Housing Plan will be a chapter in the POCD. There is no guidance for the Plan from the State. She said that if people identify with it, that would be a success.

2. Discussion of cannabis legislation pertaining to zoning (PA 21-01)

There was discussion and Ms. Roberson stated that she had attended a webinar where there was a slide show and she had included a slide in packets to Commission Members outlining the new zoning authorities relating to cannabis establishments (selling of recreational marijuana – dispensary). Public Act 21-01 took effect July 1, 2021. Ms. Roberson explained what can be done right now:

- Prohibit siting of cannabis establishments;
- Allow, but restrict proximity to schools, etc.;
- Allow, but restrict hours and signage;

She explained that if you do nothing, they would be treated the same as any other retail. There are eleven different licenses for cannabis under this legislation (grow it, sell it, delivery services, hybrid retail, people who turn it into other things like edibles, micro and mega cultivators). It is not considered agriculture.

Ms. Roberson asked for direction from the Commission. There was discussion regarding what zone(s) it could be allowed in and signage.

There was agreement among the Commission Members not to prohibit it.

Ms. Roberson will draft language to add this use (micro-cultivator and retailer) to the Regulations allowing both by Special Permit in the Planned Commercial Zone. There was discussion regarding the possibility of micro-cultivator in the Industrial Zone.

VIII. Reports of Officers and Committees:

- a. Staff Reports
Margaret Washburn, ZEO, will attend the next meeting. Ms. Washburn would like to discuss contractors because they have been getting more requests. Her report was included in packets to Commission Members.
- b. Budget Update – None.
- c. Correspondence – None.
- d. Chairman’s Report – None.

IX. Public Commentary – None.

X. Adjourn

Motion was made by J. Haefele to adjourn at 8:45 p.m. Second by A. Fitzgerald.
Motion carried unanimously by voice vote (7-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary