

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
P.O. BOX 356
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
SPECIAL MEETING MINUTES
MAY 19, 2011
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

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I. Call to Order: The meeting was called to order at 7:00 p.m.

II. Roll Call: Carlene Kelleher, Barbara Repko, Don Francis, Dave Fuss, Henry Moses, Al Sandholm, Tom Doherty. Craig Dunlop arrived late 7:28 p.m.

Absent: Deane Rettig and Paul Camara with notice.

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

Also Present: Paul Archer, Rene and Lynn Comtois, Doug Gagnon, Lyn and Roland LaCharite.

III. Seating of Alternates: None.

IV. Public Commentary: None.

V. Unfinished Business:

a. Reading of Legal Notice: Al Sandholm read the legal notice into the record.

b. Continued Public Hearings: None.

c. New Public Hearings:

1. ZRC11-001 Pap Incorporated, 392 Providence Road, Map 41, Lot 4, Text Change to Section 10.6.2 Wall Signs.

Paul Archer, Archer Survey LLC represents application ZRC11-001. Mr. Archer submitted the following proposed Text Change:

10.6.2 Buildings signs shall be permitted. Such sign or signs shall be parallel to the face of the building if mounted on the wall and no part thereof, including any illuminating devices, shall

project more than twelve (12) inches beyond the face of the building, nor be higher than the wall upon which it is located. Roof signs shall be permitted, and no part thereof, including any illuminating devices, shall project higher than the peak of the roof upon which it is located. The aggregate area of all the building signs shall not exceed one (1) square foot for every foot in length of such building wall that the sign is located on or above.

Mr. Archer submitted to the commission pictures of five commercial buildings in Town with existing roof signs. Discussion held.

Tom Doherty asked Mr. Archer if his proposal adheres to the Route 6 Guidelines. Mr. Archer commented that he was not sure if it does. Henry Moses commented that they are "Guidelines" not Regulations. Discussion held.

Chairman Kelleher opens the floor to the members of the public.

Doug Gagnon, owner of Gagnon Sign was involved with the writing of the present sign regulations. Mr. Gagnon feels that roof signs were overlooked when the present sign regulations were written. Mr. Gagnon commented that what Mr. Archer discussed as a potential amendment would be exactly what is needed. Mr. Gagnon stated that in the case of the Mr. Comtois/PAP Building there is a situation where the windows are very close to the roof and the ground. By amending the regulation in this case and cases similar to this the sign can be applied in a location that is much more aesthetically pleasing.

Lynn Comtois directed a question toward Mr. Doherty asking him on Route 6 what style building would he like to see more of. Mr. Doherty answered that the Route 6 Guidelines make it clear, pitch roofs, natural architecture, rural character buildings. Ms. Comtois asked Mr. Doherty with the style building that NAPA is how would someone place a sign on it. Discussion held.

Lyn LaCharite, Chairperson of Economic Development commented that the EDC Commission supports the text amendment. Ms. LaCharite feels that with the type of building that NAPA is, the roof sign is the best way to go and in keeping with the Route 6 Guidelines.

Rene Comtois, President/owner of the NAPA store in Town reads a letter into the record supporting the proposed text change for Planned Commercial Zoning Regulations Section 10.6.2 Wall Signs. A copy of Mr. Comtois letter is available in the Planning Office for review by the public.

Al Sandholm refers to the Route 6 Guideline section that speaks to signs. There is no verbiage with regards to roof signs. Mr. Sandholm commented that the Zoning Regulations take precedent over the Route 6 Guidelines.

Dave Fuss agrees with comments made by Doug Gagnon. Mr. Fuss feels that this "fell through the cracks" with regards to the sign regulation. Mr. Fuss would like to see this text change taken into consideration as it will help future businesses in Town.

Discussion was held by Commission Members and public in attendance with regards to existing roof signs in Town.

Discussion was held with regards to buildings with flat roofs and where a sign would be placed.

Tom Doherty suggests adding to the text change the following “roof signs can be approved as an acceptable sign if the façade is not appropriate for an adequate sign.” The applicant would have to submit proof that the façade is not adequate.

Don Francis suggests that the commission continue the public hearing to June 8, 2011 to give the applicant time to modify the text.

Paul Archer, Rene and Lynn Comtois are in agreement with the change in text and continuing the public hearing to June 8, 2011.

Jim Larkin agrees with this suggestion. Mr. Larkin also commented that there needs to be something in the text with regards to who determines the façade is or is not adequate enough.

Al Sandholm suggests acting on the text amendment tonight. When the regulation subcommittee reconvenes they would have the time to add verbiage into the sign regulation. Mr. Sandholm feels acting tonight will eliminate further delays of the business owner.

Chairman Kelleher commented she would agree with Mr. Sandholm, however, the applicant stated they did not mind waiting until June 8, 2011. Ms. Kelleher feels the majority of the commission members are in support of the text amendment. Discussion held.

Chairman Kelleher asked for a consensus from the commission as to whether they should act on the amendment at tonight’s meeting or continue the public hearing until June 8, 2011.

Barbara Repko is in agreement with continuing the public hearing to June 8, 2011.

Don Francis is in agreement with continuing the public hearing to June 8, 2011.

Tom Doherty is in agreement with continuing the public hearing to June 8, 2011, but has confidence that it could be done tonight.

Dave Fuss agrees to both, acting on this at tonight’s meeting or continuing the public hearing to June 8, 2011.

Chairman Kelleher is in agreement with continuing the public hearing to June 8, 2011.

Craig Dunlop agrees with both, acting on this at tonight’s meeting or continuing the public hearing to June 8, 2011.

Henry Moses agrees with both, acting on this at tonight’s meeting or continuing the public hearing to June 8, 2011.

Al Sandholm agrees with both, acting on this at tonight's meeting or continuing the public hearing to June 8, 2011.

A motion was made by Don Francis to continue the public hearing on ZRC11-001 to June 8, 2011. Dave Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Vendor Permit Regulation:

Chairman Kelleher opens the floor to public comment.

Lyn LaCharite, Chairperson of Economic Development has no problem with the proposed Vendor Permit Regulation and trusts the P and Z Commission to make the right decision on this regulation.

Chairman Kelleher discussed the placement of the Vendor Permit Regulation within the Zoning Regulations.

Henry Moses commented that he would like to add the sale of agricultural products in the VCD. Discussion held.

Carlene Kelleher comments on Article 20.2 Itinerant Vendors Section 20.2.2.2 references Zoning Permit fee. Chairman Kelleher would like to verify the Land Use Fee Schedule and if something is to be added then the Board of Selectmen should be notified.

Jim Larkin commented on Farmer's Market having a definition. Discussion held.

A motion was made by Tom Doherty to close the public hearing on Vendor Permits Regulation. Henry Moses seconds this motion. Discussion held. All in favor. The motion passes unanimously.

d. Other Unfinished Business:

1. ZRC11-001 Pap Incorporated, 392 Providence Road, Map 41, Lot 4, Text Change to Section 10.6.2 Wall Signs.

A motion was made by Henry Moses to table ZRC11-001 to the June 8, 2011 meeting. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Vendor Permits:

A motion was made by Henry Moses to approve the Vendor Permit Regulation with the following condition: Add the sale of agricultural products in the VCD. Tom Doherty seconds this motion. Discussion held. Henry Moses withdraws the motion.

A motion was made by Henry Moses to approve the Vendor Permit Regulation which is consistent with the Plan of Development. Tom Doherty seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. Townsend Development Associates, LLC, Providence Road, requesting 5 year extension of Site Plan SP06-009 (original approval January 3, 2007).

Paul Archer, Archer Surveying represents Townsend Development. Mr. Archer commented that a 5 year extension has been granted by the Wetlands Commission. Mr. Archer spoke with Mr. Townsend today who stated that everything has been addressed and done that was required by the Town.

Mr. Archer refers to a letter written by ZEO, Chuck Dobrowski dated June 6, 2008, which states "This letter will serve as the termination of the letter of credit #5365. All work required on the Townsend Development project on Route 6 in Brooklyn has been completed to the Town's satisfaction."

Mr. Larkin commented that Syl Pauley, NECCOG Engineer reviewed the bond in December 2007 and made a recommendation that the bond be reduced. Mr. Larkin commented that there is no bond in place at the current time.

Jim Larkin contacted Attorney Peter Alter for legal advice. Attorney Alter's feelings were that under Section 4.4.5 the language stating "The Planning and Zoning Commission, upon finding good cause for non-completion, may extend the date of completion for an additional period not to exceed 10 years in aggregate from the date of the original approval." Attorney Alter refers back to the site plan objectives taking into consideration health, safety, convenience, property values of the immediate neighborhood, in particular that there may be a reasonable request in regards to the present conditions that may be attached to the renewal. Mr. Larkin and Attorney Alter reviewed the issue of the bond. Attorney Alter felt that since the project is not complete an additional bond could be requested by the Commission for stabilization and restoration of the property.

Don Francis stated that the fence that was to be placed along the back of the property has not been completed as per the plan. Discussion held.

Commission Members discussed the conditions of approval.

Al Sandholm asked if the ZBA Variance granted with regards to impervious surface effects the original condition list. Mr. Archer commented that the variance for the impervious surface was for the completed lot not the back lot.

Al Sandholm asked if Staff has reviewed the plans to be sure all the conditions have been met. Also Mr. Sandholm would like to know if the two detention ponds that the Town acquired have any conditions that are cross linked with the P and Z conditions. Discussion held.

Barbara Repko voiced her concerns regarding the dust and debris at the undeveloped site the abutting property owners have been subjected to over the past few years.

Dave Fuss suggests the ZEO make a site visit of the property to be sure that the original conditions of approval have been met and report his findings back to the Commission. Discussion held.

Chairman Kelleher suggests the Town Engineer walk the property with the ZEO and Mr. Archer to see if there are any concerns that would need to be addressed. Discussion held.

Mr. Archer agrees to a site walk of the property with the ZEO and Town Engineer.

Al Sandholm asked if the extension is granted does the Commission lose all rights with regards to asking for additional conditions when an actual building is placed on the lot. Jim Larkin addresses this issue. Mr. Larkin will ask Attorney Alter to put in writing what can and cannot be done with granting extension of the application. Discussion held.

Tom Doherty suggests that Mr. Archer, the ZEO and the Town Engineer walk the property and assure that all conditions have been met along with the fence, dust and debris issue.

Commission members are in agreement with Mr. Doherty's suggestion.

4. Planned Commercial Draft Regulations; reschedule of public hearing date (6-8-11).

The reason for rescheduling the public hearing date for the Planned Commercial Draft Regulation is because Mr. Larkin did not have enough time to make the appropriate corrections to the document as well as time constraints with regards to regional referral notification.

A motion was made by Barbara Repko to reschedule the public hearing for the Planned Commercial Draft Regulations to July 6, 2011. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

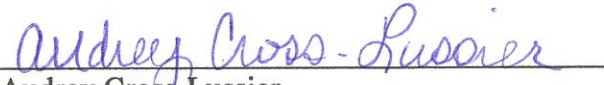
VI. Chairman's Report:

Chairman Kelleher reported that she was invited to go to an Aquifer Protection workshop, Monday, June 6, 2011, by the Conservation Commission. The Conservation Commission is thinking that perhaps they are not the appropriate body to be dealing with the Aquifer for Protection because they are not a regulatory Commission. Chairman Kelleher has agreed to go to the workshop. Chairman Kelleher suggested inviting the Inland Wetlands Commission along with Wetlands Agent Chuck Dobrowski and NECCOG Planner Jim Larkin.

Mr. Larkin commented that he, Syl Pauley and Mark Goetz attended the workshop in 2008.

VII. Public Commentary: None.

VIII. Adjourn: A motion as made by Al Sandholm to adjourn the meeting at 9:15 p.m. Barbara Repko seconds this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary