

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, November 1, 2017  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**IMMEDIATELY FOLLOWING THE  
AQUIFER PROTECTION AGENCY MEETING**

**MINUTES**

**I. Call to Order** – Chair, Michelle Sigfridson called the meeting to order at 7:00 p.m.

**II. Roll Call** – Michelle Sigfridson; Carlene Kelleher; Craig Dunlop; D. Fuss; A. Kerouac; J. Mohn; Jules D’Agostino.

Alan Carpenter was absent with notice.

**Staff Present** – Jana Roberson, Director of Community Development; Martha Fraenkel, Zoning Enforcement Officer (seated in the audience).

**III. Seating of Alternates**

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

**IV. Adoption of Minutes:** Regular Meeting Minutes October 4, 2017.

Motion was made by J. D’Agostino to adopt the Minutes of Regular Meeting of October 4, 2017. Second by C. Kelleher. There was discussion and the following changes were suggested:

- J. D’Agostino clarified his vote in opposition of Item VII.b. SD17-003: He felt strong concern regarding the change to allow hunting on the 9 acres of open space, even though there are 16 more acres beyond that, as it is close to three nearby homes and he had concern for hunting within 500 feet of a home.
- A.Kerouac – page 4, Everything under Item IX. Public Commentary be moved under Item VIII.3. Correspondence.

Motion carried with the suggested changes (6-0-1). M. Sigfridson abstained as she had not attended that meeting.

**V. Public Commentary** – None.

Motion was made by C. Kelleher to move the following Agenda Item:

**VI. Unfinished Business:**

**b. Other:**

- 3. Discussion of Zoning Regulation Rewrite: Scenic Corridor Overlay Zone, etc.

to follow:

**VII. Reports of Officers and Committees:**

- 1. ZEO’s Report

Second by D. Fuss. Motion carried unanimously (7-0-0).

**VI. Unfinished Business:**

**a. Applications:**

- 1. SD17-003 Barry Builders, Inc; South Street, Map 46, Lot 38, R-30 Zone, 3 Lot Subdivision.

Copies of plans (Received date November 1, 2017) had been provided in the packets to the Commission Members.

Paul Terwilliger, PC Survey Associates, represented the Applicant and explained changes since the previous discussion:

- IWWC approval has been received (letter dated 10-26-2017 was included in packets to Commission Members).
- The configuration of the open-space lot was rearranged to wrap around the wetland area so that, in the case of a future trail, access would not have to go through the wetlands. This enlarged Lot #38-4 by .6 of an acre.
- The Engineer's comments were addressed at the October meeting.
- The Engineer had an additional comment regarding an existing stone wall at the outfall of the drainage pipe (NECCOG Memo dated 11-7-2017 was included in the packets to the Commission Members). Mr. Terwilliger explained that it is a retaining wall built into the embankment and that water will flow over the top of it and he does not feel that this will destroy it. He stated that if it were to be damaged or washed away there would not be a big impact. Flows going through there will be minimal.
- The swale had been addressed previously.
- Silt fence was added to the easterly side of Lot #38-2.

J. Roberson added that the Conservation Commission had reviewed the Application and that their comments were included in the packets to the Commission Members (letter dated September 13, 2017). A Common Driveway and Maintenance Agreement and a draft Grant of Open Space Easement which was modeled after the language in the easement for the subdivision to the north (both dated Received 10-3-2017, were included in packets to the Commission Members). The open space is approximately one acre and is proposed as a conservation easement granted to the Town for the purpose of a walking trail to the north and to the south. Ms. Roberson indicated (on the map) that it does not go over any residential lots except for the where the easement is.

Mr. Terwilliger noted another change:

- The street line was reset 25 feet from the centerline of the road to give a future 50-foot width.

Ms. Roberson stated that the open space had been referred to the Board of Selectmen and they had not recommended a transfer of the property (and fee) to the Town. The transfer of the easement is consistent with what had previously been done along this stretch of the River.

There was discussion regarding a waiver request for the public access requirement.

There was discussion about liability.

Mr. Kerouac referred to #10 on page 2 of the plans and there was discussion regarding whether it would be possible to put a sitting area on the trail in the future as he feels the language is very specific. Mr. Kerouac feels that whether to accept the land or not should be determined by a Town meeting. M. Sigfridson read aloud the page of the proposed, draft Grant of Open Space Easement (which was missing from the copies supplied to the Commission Members in their packets). Discussion continued.

Motion was made by C. Kelleher to approve the subdivision application of Barry Builders, Inc. for the property located on the east side of South Street, Assessor's Map 46, Lot 38, identified in the files of the Brooklyn Land Use Office as SD 17-003, 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:

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- 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 one-acre public access pedestrian easement along the Quinebaug River shall be transferred to the Town of Brooklyn in a form acceptable to the Town and in accordance with the requirements of CT General Statutes 8-25 and Section 8 of the Town of Brooklyn Subdivision Regulations.
- The language for the driveway access and maintenance agreement shall be approved by the Town Planner prior to recording.

Second by C. Dunlop. There was discussion.

C. Kelleher rescinded her motion.

Motion was made by C. Kelleher Move to waive the requirement contained in Sec. 8.4.2 of the Subdivision Regulations requiring a 20' wide access from a public street. Second by A. Kerouac. Motion carried unanimously (7-0-0).

Motion was made by C. Kelleher to approve the subdivision application of Barry Builders, Inc. for the property located on the east side of South Street, Assessor's Map 46, Lot 38, identified in the files of the Brooklyn Land Use Office as SD 17-003, 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 one-acre public access pedestrian easement along the Quinebaug River shall be transferred to the Town of Brooklyn in a form acceptable to the Town and in accordance with the requirements of CT General Statutes 8-25 and Section 8 of the Town of Brooklyn Subdivision Regulations.
- The language for the driveway access and maintenance agreement shall be approved by the Town Planner prior to recording.

Second by C. Dunlop.

Discussion:

A. Kerouac suggested that the third bullet item be changed to read as follows: "The one-acre public access pedestrian easement along the Quinebaug River shall be granted to the Town of Brooklyn in a form acceptable to the Town and in accordance with the requirements of CT General Statutes 8-25 and Section 8 of the Town of Brooklyn Subdivision Regulations.

Motion carried unanimously with the suggested change (7-0-0).

**b. Other:**

1. SP15-005: Toudis, LLC; 445 Providence Road; Review of design revisions (window grilles, building mounted lighting, pergola).

Norm Thibeault, Killingly Engineering, represented the Applicant and explained the design revisions:

- Windows - awnings, no grilles.
- Pergola – awnings on the windows and umbrellas on the tables.
- Building-mounted lights – one on the western side of the building and two in the back. Shed more light than those shown on the plan which is better for safety and security. The light from these fixtures does not leave the property.

There was discussion regarding the lighting and Mr. Moutoudis, Owner, explained that the other lighting did not provide enough light for the security cameras. Discussion continued regarding photographs of the lighting that had been provided in the packets to the Commission Members.

Consensus was to accept the changes. Bond to be released.

2. SD17-001 Square 1 Building Associates, Tripp Hollow Road, 6-Lot Conservation Subdivision – request for second filing extension.

Motion was made by J. Mohn to approve a filing extension of the final subdivision plans for SD 17-001 an additional 90 days from November 22, 2017 to February 20, 2018. Second by D. Fuss.

There was discussion: J. Roberson explained that this is their second extension request and that February 20, 2018 would be the deadline.

Motion carried unanimously (7-0-0).

3. Discussion of Zoning Regulation Rewrite: Scenic Corridor Overlay Zone, etc. – **See Below (following VIII.1. ZEO's Report).**

## **VII. New Business:**

### **a. Applications:**

1. GBR17-002: Paul Sansoucy; Pomfret Road, Map 26, Lot 19A, RA Zone, Gravel bank renewal for 2017.

J. Roberson explained that the Application was just received recently and that she has plans. She asked that the Commission discuss how they would like renewals to be handled. Both she and Martha Fraenkel feel that there should be a formal process and that they should be on the PZC agenda.

M. Sigfridson likes the idea of having it on the PZC agenda.

Regarding this Application: Martha Fraenkel reported that she has not had any complaints she has not been there since it was renewed the last time, and she does not have any particular concerns. She has questions for Mr. Sansoucy regarding how he manages the spoil and what he is going to do with it. She reported that it is an active operation, people are working there every day. Per Bruce Woodis (Surveyor), he is within the perimeter of his activity area. She would like to take a look at it before commenting further. She feels it is a good idea to visit the site once a year concerning wetlands and safety.

There is a recommendation for the following process:

- Received by the PZC.
- Staff review it and come back to the PZC with a recommendation for action.

There was discussion. C. Kelleher stated that she is okay with final approvals being done by the ZEO as long as the PZC is aware of any problems going on with the gravel operations.

J. D'Agostino asked for a copy of the permit for this gravel operation (Sansoucy). He also asked if there were provisions in the permit for processing. He will meet with J. Roberson to see the permit and the plans. Ms. Roberson will e-mail the plans to the Commission Members. It was explained that this operation does not do processing.

Regarding the recommendation for the process: A. Kerouac would like renewals to come before the PZC so the Commission can decide whether to handle it or send it to the ZEO. M. Sigfridson likes the recommendation, but has concern for rehashing the entire permit when a renewal comes before the PZC.

There was discussion regarding renewals involving the IWWC.

There was discussion regarding M. Fraenkel's recommendations and final action coinciding with her attendance at PZC meetings.

b. **Other:**

1. Preliminary discussion with Brooklyn Center Complex, LLC Re: free-standing solar panels on Vina Lane.

Mark Benard, Brooklyn Center Complex, explained the location (3-acres on Vina Lane) where they would like to install free-standing, ground-mounted solar panels, he provided a photograph to Commission Members and he introduced Glen Martin.

Mr. Martin gave an overview:

- 12 structures (27 feet tall) to be completely hidden from view by evergreen trees on all sides (which would be planted after installation). Only visible from Vina Lane.
- Some of these units have already be installed in other locations around Town.
- See-through solar panels (Arrays) to be staggered.
- Small, micro system (250 kw facility).
- Project completion in a four-month window.
- Low impact (only one or two machines/excavator on the property).
- No fence would be required. Transformers located high up on a pole.
- 40-year life span.
- Excess power could be sold back to the Town (wholesale).
- Panels to be white powder-coated finish, bi-facial/double-sided.
- Manufactured in Connecticut (55 %).
- State grant available for the team.
- Hydraulically driven – move every three minutes (tile/turn).
- Quiet.
- No snow issues. No issue with wind.
- Three-phase power (three-phase tie-in is required by Eversource).
- Completely sealed system – no air – no condensation.
- 48 panels per structure.
- 39 feet wide by 24 feet high.

J. Roberson explained that this idea is currently not permitted anywhere in Town under the Zoning Regulations. She suggested that it could be considered for the Zoning Regulations Re-Write.

**Bruce Barrett**, one of the owners of the property, asked why some people have ground-mounted solar panels if they are not permitted in Town. M. Sigfridson explained that the issue is accessory vs. primary use.

Mr. Martin gave a computer presentation of the solar panels. He provided a photo showing the position of the panels at night. He explained how they stay clean. He explained that they have already applied with Eversource and are waiting for approval and are trying to move forward with the permit as soon as possible.

J. Roberson explained that all of the other ground-mounted solar panels in Town have been approved as accessory structures to a primary use. This proposal would require a zoning regulation change and would probably take 3 months.

Discussion ensued. Mr. Martin explained the timeline they are on with Eversource to get funding. After December 4<sup>th</sup> the site will be forfeited and they will never be able to apply for that particular site again. He suggested putting in a small system (24-panel) for the trailer home that is on the site so that they will not lose money. Discussion continued.

J. Roberson explained the steps that would need to be taken to apply for this proposal.

Discussion continued regarding accessory structure to a primary use, residential use vs. commercial use, customary/incidental. Suggested approaches: Zone change to Industrial Zone; use change in the VCD; overlay zone; floating zone. Discussion continued.

It was suggested that the Applicant hire an expert for guidance (consult the CT Bar Association Land Use Section).

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

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

Martha Fraenkel provided copies of a special report regarding Brooklyn Farm and Pet. She reviewed the ZEO's report with the Commission. She commented on the following topics:

- Allen Hill Road – Regis Sand & Gravel. Ms. Fraenkel would like input from the PZC before closing of the project.
- August – A Marshal was hired to serve a notice of violation last week.
- Day Street gravel operation – It is an active operation and Ms. Fraenkel asked Mr. Green to submit an application to the PZC by the end of the year.
- 49 Pomfret Road – Ms. Fraenkel recorded an Order on the land records and is hoping that the issues get rectified before transfer of the property. The wetlands violation has been corrected. Junk is approximately 80 percent removed. She has not released the Order and is now in contact with the realtor and an attorney.
- 314 Providence Road – Due for inspection in November to see if he complied with removal of metal.
- 417 Wauregan Road – Ms. Fraenkel will use the Blight Ordinance.

There was discussion regarding the fencing at Brooklyn Oil along Route 6. Mr. Fraenkel asked that the flapping green stuff be taken down.

There was discussion regarding Paradise Drive (page 2 of the ZEO Report). A Notice of Violation was issued by certified mail. Must be cleaned up by the end of the year.

Ms. Fraenkel reviewed her report on Brooklyn Farm and Pet (revision date 10/3/2017). She suggests that when someone submits a modification, it should be subject to the 65-day review period unless it is going to public hearing or it gets rejected. It is hard to enforce something that has been laying around for a long period of time. She has encouraged Earl to speak with Ms. Roberson regarding some of his ideas for his property, such as a farm stand. Ms. Fraenkel confirmed that the site plan is not what was originally approved, but what is on the site is reflected on a modified plan that had been accepted, with no action, two years ago.

## **VI. Unfinished Business: (Re-ordered Agenda Item)**

### **b. Other:**

#### **3. Discussion of Zoning Regulation Rewrite: Scenic Corridor Overlay Zone, etc.**

This item was tabled. However, J. Roberson asked the Commission Members to read the revised draft dated October 25, 2017, and she gave a brief description of the revisions:

- 5.A.1 Purpose
  - 5.A.3 Permitted Uses are only as those allowed in RA.
  - 5.A.5 Exempt Activities
  - Renamed 5.A.6 Scenic Compatibility Objectives. – only get triggered for special permits (additional special permit criteria).
- She will send special permit uses in the RA Zone to the Commission Members.

There was discussion regarding Section 5.A.5 Exempt Activities. J. Roberson will tweak the language.

J. Roberson will let the gravel operators know that there have been changes (prohibited uses section).

There was discussion regarding the Scenic Overlay Zone. It will be in the draft for public review. J. Roberson will re-send to the Commission Members for review.

There was discussion regarding farm stands. J. Roberson will send information regarding farm stands for review at the next meeting.

Tentative special meeting November 14<sup>th</sup> at the Senior Center or November 21<sup>st</sup>. J. Roberson will check on the availability of the Senior Center.

D. Fuss left at 10:00 p.m.

There was discussion regarding the ZEO's Report appearing earlier on the agenda in the future when Martha Fraenkel is present.

2. Budget – No Discussion.
3. Correspondence  
J. Roberson stated that correspondence was received regarding a cellular relay station (on a telephone pole between South Main Street and Route 6 across from Ocean State Job Lot).
4. Chairman's Report – None.

**IX. Public Commentary – None.**

**X. Adjourn**

Motion was made by J. D'Agostino to adjourn at 10:06 p.m. Second by C. Kelleher. Motion carried unanimously (6-0-0). D. Fuss had left at 10:00 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary