

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 6, 2018
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

- I. Call to Order** – Michelle Sisfridson, Chair, called the meeting to order at 6:32 p.m.
- II. Roll Call** – Michelle Sigfridson, Carleen Kelleher, J. D’Agostino, J. Mohn, Austin Tanner, new Alternate Member, Earl Starks.

A. Kerouac arrived at 6:36 p.m.

Staff Present – Jana Roberson, Director of Community Development.

- III. Adoption of Minutes:** Special Meeting Minutes May 9, 2018

Motion was made by C. Kelleher to accept the Minutes of the Special Meeting of May 9, 2018. Second by A. Tanner. Motion carried (5-0-0). J. Mohn abstained as he had not attended that meeting.

- IV. Public Commentary** – None.

- V. Unfinished Business:**

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

Motion was made by J. D’Agostino to move both:

- V. Unfinished Business:**

- d. Other Unfinished Business:**

- 1. **ZRC 18-001 Zoning Regulation Change** - Carrie Juhasz, Request to modify Sec. 2 - Definitions and Sec. 6.2.2.4 – Home Office of the Zoning Regulations.

and

- 3. **Zoning Regulation Rewrite** - Public Review draft, Earth Materials Processing, etc.

to after

- VI. New Business:**

- a. Applications:**

- 3. **SD 16-001 Conditional Subdivision** - A. Kausch & Sons, Map 46, Lot 37, 6.44 acres on the east side of South Street; 6- Lot Subdivision in R-30 Zone – Proposal to convert conditional approval of subdivision to final approval.

Second by C. Kelleher. Motion carried unanimously (6-0-0).

- d. Other Unfinished Business:**

- 1. **ZRC 18-001 Zoning Regulation Change** - Carrie Juhasz, Request to modify Sec. 2 - Definitions and Sec. 6.2.2.4 – Home Office of the Zoning Regulations. - **See Below.**

2. **SD 18-001** – Request for Extension and Re-Phasing for the Village in the Woods Subdivision (73 lots located at the terminus of Old Tatnic Hill Road), Meehan Builders, LLC. **(TABLED To July 11, 2018)**

Motion was made by J. D'Agostino to table **SD 18-001** – Request for Extension and Re-Phasing for the Village in the Woods Subdivision (73 lots located at the terminus of Old Tatnic Hill Road), Meehan Builders, LLC to the next Regular Meeting of the Brooklyn Planning and Zoning Commission on July 11, 2018, at the Clifford B. Green Meeting Center, 69 South Main Street, at 6:30 p.m. Second by J. Mohn. Motion carried unanimously (6-0-0).

3. **Zoning Regulation Rewrite** - Public Review draft, Earth Materials Processing, etc. – **See Below.**

VI. New Business:

a. Applications:

1. **SPG 18-001 Special Permit for Sand and Gravel** – Paul Lehto, end of River Walk Drive (Assessor's Map 32, Lot 148), ~70 acres, Proposed removal of 75,000 cubic yards of gravel over 2.7 acres.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, LLC, gave a brief overview of the proposal:

- Subject of a prior gravel operation application. Approval was granted in 1991. The Town still holds a cash bond for the reclamation.
- Looking to finish up excavation on the property.
- Using the overall Site Plan, Mr. Held orientated the area.
- A CL&P transmission line easement runs through the property.
- There is an existing gravel road on the property.
- He described the 2.7-acre area where the proposed 75,000 c.y. of additional gravel is to be removed.
- The restoration plan calls for trucking some material back in to backfill the excavation and to provide a gradual slope.
- IWWC approval has been received. (Copies of the IWWC letter of approval, with conditions, dated May 16, 2018, was included in packets to the Commission Members.)
- Town Engineer, Syl Pauley, has reviewed the proposal. A number of his comments have been addressed in revisions. The revisions have been submitted to J. Roberson and they will be provided to the PZC before the public hearing.

There was discussion regarding whether to do a site walk. Mr. Held offered that the Owner would not have an issue with Members doing individual visits. It was decided that the Commission would visit the site as a group.

Motion was made by C. Kelleher to schedule a public hearing for Application SPG 18-001 Gravel Bank Special Permit, owner Paul Lehto, located at the end of River Walk Drive (Map 32, Lot 148) in the RA Zone for the next Regular Meeting of the Planning and Zoning Commission to be held on July 11, 2018, at 6:30 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by A. Tanner. Motion carried unanimously (7-0-0).

Date for site walk to be set at the public hearing.

2. **SP 08-005 Special Permit Modification** - Walmart, 450 Providence Road, Map 41, Lot 10
Re-stripping of eight (8) wider pick-up stalls, new parking lot directional signs and pavement markings, new exterior wall sign.

Perry Petrillo, Perry M. Petrillo Architects, P.C., explained how the APP-driven, online grocery pickup works (pickup hours are 8 a.m. to 8 p.m.) and gave an overview:

- Interior component includes repurposing and re-using certain areas for marshaling of goods (freezers/coolers/area for dry goods).
- Exterior component includes: He indicated 8 parking spaces to be re-stripped to go from 9'6" width to 11' width. To make up for the one parking space that will be lost, they are proposing to eliminate one of the furthest cart corrals.

Associates to exit the store from the back, left corner through an existing, double-egress door which is to be changed on one side to include a large vision panel. This will remain as an emergency egress door which requires a card to unlock.

Ground marking signs and directional signs to the pickup area.

Elevation – Add a pickup sign on the lefthand front corner. To maintain the previous signage square footage of 514.77, they are eliminating the existing Outdoor Living sign, so the proposed square footage for signage is 503.03. Mr. Petrillo will submit the revised plan showing the proposed signage to J. Roberson for documentation.

There was discussion regarding the current and proposed flow of traffic in the area of the pickup area. Mr. Petrillo indicated on the plan that it is currently two-way and he explained that they can't close off to the back of the building (fire egress). A. Kerouac expressed concern for pedestrian safety and suggested one-way traffic flow. Mr. Petrillo stated that they had added pedestrian striping for the associates that would be delivering to the cars in the pickup area and that customers stay in their cars. Mr. Petrillo offered that they could add a couple of pedestrian crossing signs with solar-mounted, flashing LED lights. Discussion continued.

Ms. Roberson stated that the Town Engineer has reviewed the plans and found no issue. Mr. Pauley commented that he felt it was better to be around the side to the back to be out of the way.

Motion was made by E. Starks to approve the Special Permit modification of Walmart to re-stripe eight (8) wider pick-up stalls, install new parking lot directional signs and pavement markings, remove Outdoor Living sign, and add new pick-up sign to allow for the orderly and safe pick-up of groceries ordered online in accordance with all final plans, documents and testimony submitted with the application. Second by A. Tanner.

Discussion: A. Kerouac stated that he would vote no if pedestrian safety is not addressed. He suggested the following:

- A one-way traffic loop in the pick-up area;
- Do Not Enter sign.

Mr. Petrillo stated concern that the drive isles are two-way widths and that people are used to the two-way traffic there. He offered that they could graphically stripe it "Loading Zone Only" or "Truck Traffic Only" to warn people not to go that way and also to add two lit pedestrian crossing signs. Discussion continued. There was no consensus for the one-way traffic loop.

Motion was made by E. Starks to amend his motion to approve the Special Permit modification of Walmart to re-stripe eight (8) wider pick-up stalls, install new parking lot directional signs and pavement markings, remove Outdoor Living sign, and add new pick-up sign to allow for the orderly and safe pick-up of groceries ordered online in accordance with all final plans, documents and testimony submitted with the application, to include the following:

- Add Ground Striping;
- Add Graphics indicating truck traffic only;
- Add two lit pedestrian crossing signs.

A.Tanner seconded the amendment to the motion.

Main motion, as amended, carried unanimously (7-0-0).

3. **SD 16-001 Conditional Subdivision** - A. Kausch & Sons, Map 46, Lot 37, 6.44 acres on the east side of South Street; 6-Lot Subdivision in R-30 Zone – Proposal to convert conditional approval of subdivision to final approval.

Paul Archer, Archer Surveying, explained that the 6-lot subdivision was done months ago. When filing the mylars, instead of filing a bond, there was a conditional approval regarding the drainage easement. All easements have been filed, all pins have been set, the drainage easements have been put in place, the as-built is done and approved by the Town Engineer and the Applicant's Engineer and accepted by the Town. They are looking to file the final mylars.

J. Roberson stated that everything is in order. Site Plan modifications are slightly different than the subdivision plans adopted by the PZC, but are within the realm of normal changes. It does not change subdivision status (not a re-subdivision). Remain compliant with the Zoning Regulations, with the WPCA approval, and the Subdivision Regulations.

There was discussion regarding lot-size reduction which they did not receive. Three lots to be on public sewer and the three rear-most lots will have septic systems. Mr. Archer stated that they all meet the zoning requirements for the zone. Ms. Roberson recommends approval of the final plans.

There was discussion regarding the lot line adjustment that had been done.

Motion was made by J. D'Agostino to approve the recording of the final subdivision plans for the six-lot subdivision located on the east side of South Street, identified in the files of the Brooklyn Land Use Office as SD 16-001. These recorded final subdivision plans supersede the conditional subdivision plans recorded in the Brooklyn Land Records as Map Volume 22, Pages 33-37. Second by C. Kelleher. Motion carried unanimously (7-0-0).

b. Other: None.

Motion was made by A. Tanner to add to the Agenda, as requested by Paul Archer on behalf of Mr. Weaver, a preliminary discussion regarding a 10-Lot Subdivision on Day Street. Second by C. Kelleher. Motion carried unanimously (7-0-0).

Attorney Harry Heller, 736 Route 32, Uncasville, CT, represented Jeff Weaver, Owner and future applicant (present in the audience). Paul Archer, the designer, was also present. Attorney Heller provided information/plans to the Commission Members and he stated that they wanted to have a preliminary discussion regarding a couple of potential issues and to get comments from the PZC before submitting an application for consideration at the next meeting. The project is currently before the IWWC.

Attorney Heller explained that the Weaver property was originally a 100-acre tract and extended along the southerly line of Day Street to its intersection with Church Street to the west. In 1944,

approximately 20 acres at the intersection of Church Street and Day Street were cut off leaving approximately 83 acres. The parcel has remained in that configuration since 1944. When the property was acquired by Mr. Weaver, it was entitled to a first division under the State Statutes in the Subdivision Regulations. The first division is shown on a sheet he had provided. They have divided the property (by deed, filed in the Brooklyn Land Records) into two tracts (Lot 6 and Lot 6A).

Lot 6A (23.75 acres) is the subject of the subdivision application that they will be filing.

- The property is bifurcated by a CL&P transmission-line easement extending southerly from Day Street through the property roughly perpendicular to Day Street along the easterly portion of the property.
- The property slopes, generally, from southwest to northeast. Topography is shown on Sheet 1.
- They are proposing a standard subdivision, dividing the property into ten residential building lots (depicted on Sheet 2 provided to PZC Members). RA Zone requires 90,000 s.f. of lot area and each lot contains more than 90,000 s.f.
- Five interior building lots (Lots 6, 7 and 8) in the westerly portion of the property to be accessed by a driveway to be constructed within the 50-foot access strip (as depicted) which will be a part of the lot furthest from the street. Lots 9 and 10 to be accessed by a proposed 50-foot access strip located further easterly on the property.
- When they submit the application for subdivision, they will submit a joint driveway easement and maintenance agreement which will provide for the reciprocal easements being granted over those access strips for the lots granting right-of-way and providing for the maintenance and repair of the improvements within those strips.
- Proposing on-site wells and septic systems. The Conceptual Lot Layout Plan (Sheet 3 provided to PZC Members) shows proposed septic and well locations (75-foot protective radius).
- All site testing has been done and that information will be submitted with the application.
- Soils are good and all perc rates were quicker than 5 minutes to the inch, but none were quicker than one minutes to the inch. The 75-foot protective radius applies.
- Proposing fee-in-lieu of open space. Attorney Heller expressed his opinion that active recreation area inside a low-density residential area detracts from the character of the neighborhood and is not desired by residents. The resources are better applied on a municipality-wide basis.
Attorney Heller asked that, if the PZC would consider the fee-in-lieu of open space, he would like to discuss an appraiser to get the appraisal process started.
- Some of the property is located within the hundred-year flood zone (he indicated the area on Sheet 3). No activity is proposed within that area.
- The property is not in an Aquifer Zone.
- There are no hits on the State-listed species within about two miles of this location.

A.Kerouac asked about active recreation land/open space uses. Attorney Heller read from the Regulations. There was discussion regarding wetlands mapping/farmland soil. Ms. Roberson stated that a full analysis of natural resources will be submitted and, as a matter of procedure, subdivision applications are referred to the Conservation Commission for their recommendation. Some Commission Members expressed agreement with that.

A.Kerouac asked that information regarding contiguous undeveloped acreage (how much?) be provided. He said that there is a corridor of undeveloped farm and forest land. Ms. Roberson commented that the Subdivision Regulations require that information to be provided (including land within 500 feet) and she said that the Conservation Commission would look at that bigger picture. Discussion continued.

M. Sigfridson asked if a Conservation Subdivision had been considered. Mr. Archer stated that it had not. Attorney Heller spoke about market conditions.

Ms. Roberson commented regarding two of her concerns that may or may not be able to be addressed:

- The Quinebaug River is on the other side of Day Street and there is a situation with an undercut bank encroaching on the road. She stated that she has presented, to the current First Selectmen, an idea to alter the alignment of Day Street (pushing it further into the field) to provide for safety (the River continuously erodes the shore immediately opposite of proposed Lots 1 and 2).

Attorney Heller stated that this is way beyond the scope of the authority of the Subdivision Regulations.

- At the base of the hill, where the curve is, there are some known drainage and sight-line issues. Day Street is a collector road with a lot of thru traffic. She feels there are safety concerns.

Attorney Heller asked if the drainage is coming off of the subject property. Ms. Roberson answered that some is probably coming from this property and some is probably coming down the hill. The location was clarified and Attorney Heller stated that their Engineer could take a look at it and if it is a problem that is going to be exacerbated as a result of the development, they have an obligation to address it, if not, then, it is a municipal problem.

A. Tanner asked about the distance between the driveways/accesses. Attorney Heller explained that there is a requirement for the separating distance on accesses for common driveways. He stated that they cannot be combined, but he indicated that they could move one of them so that they are contiguous to each other at the property line. There was discussion regarding wetlands and the 100-year flood plain. A. Kerouac asked about a corner of the property which is the closest part to the River. Attorney Heller stated that the FEMA Flood Maps do not have it in the flood plain (of the Quinebaug River). Discussion continued regarding elevations. Ms. Roberson indicated the area being discussed.

Mr. Archer explained that the flood zone is for Long Brook, not for the Quinebaug River. He said that it is an unelevated flood zone. FEMA Flood Maps have not been updated since 1980. Attorney Heller explained that “unelevated” means that it is not an area that has been studied by FEMA.

A. Kerouac stated that he would have been interested to see it as a Conservation Subdivision.

Mr. Kerouac explained that he had asked Attorney Heller about a third access that is being reserved for access to the larger parcel (that access strip is shown to be servicing two lots on Page 2). Mr. Kerouac explained that he is in favor of a conservation subdivision rather than fee-in-lieu of open space. M. Sigfridson stated that she wouldn't count it out.

Attorney stated that they will submit and see where it goes.

V. Unfinished Business:

d. Other Unfinished Business:

1. **ZRC 18-001 Zoning Regulation Change** - Carrie Juhasz, Request to modify Sec. 2 - Definitions and Sec. 6.2.2.4 – Home Office of the Zoning Regulations. - **Moved from above.**

Motion was made by A. Kerouac to approve Application ZRC 18-001 with the finding that the topic is not specifically addressed in the Plan of Conservation and Development but that the Planning and Zoning Commission finds it compatible with the spirit of the document, particularly the statement that “Local businesses are the backbone of the local economy in a Town such as Brooklyn.” It is the finding of the Planning and Zoning Commission that the proposal would create a more positive environment for small, home-based businesses without sacrificing the character of residential neighborhoods. Second by A. Tanner.

Discussion:

- J. Mohn stated that he was not in attendance at the public hearing, but he has reviewed the Minutes and has listened to the recording. He also stated that he was in attendance when it was first discussed with the Applicant and he feels that he is informed and is prepared to vote.
- E. Starks is not eligible to vote since he had just been sworn in.
- J. D'Agostino expressed that he feels the motion has a lot more in it than it is supposed to have. He said the statement does not represent the complete Commission. He feels it is a propaganda statement.

Mr. Kerouac explained that it is a statement of support of why he is putting forward a motion in favor with the reason being that it was found compatible and it was seconded. He said that a "no" vote should also state a reason.

Ms. Sigfridson offered that if someone does not agree with the motion, they are free to vote in opposition. She also offered that during discussion, the motion can be rephrased to reflect how the Commission feels most accurately.

Ms. Roberson explained that the Commission can write their own motions. However, for Zoning Regulation Change, there are Statutory requirements that must be addressed: specifically state reasons for approving or denying; confirm that the proposal has been reviewed in light of the POCD. There was discussion and it was decided that Ms. Roberson would make up two separate motions in the future: one for approval and one for denial.
- Mr. Kerouac stated his motion a second time (no changes in wording).
- Mr. D'Agostino asked if this text change is going to be part of the new revised regulations.

Ms. Roberson stated that, if approved, it would become part of the current Regulations and that it would carry over to the Draft Regulations.

Mr. D'Agostino stated that he was disappointed to hear that answer and that he would speak about it under that Item on the Agenda.
- Ms. Roberson reminded the Commission that an effective date is needed.
- Mr. Kerouac explained the process that the Commission has been following regarding the re-write of the Regulations. He also explained that everything in the Draft would be open for debate at the public hearing.

Motion was made by A. Kerouac to amend his motion to approve Application ZRC 18-001 with the finding that the topic is not specifically addressed in the Plan of Conservation and Development but that the Planning and Zoning Commission finds it compatible with the spirit of the document, particularly the statement that "Local businesses are the backbone of the local economy in a Town such as Brooklyn." It is the finding of the Planning and Zoning Commission that the proposal would create a more positive environment for small, home-based businesses without sacrificing the character of residential neighborhoods to include an effective date of fifteen (15) days from publication. Second by A. Tanner. Motion carried (5-1-1).

J. D'Agostino was opposed because the motion does not reflect his interpretation that this text change will be the backbone of the local economy in the Town of Brooklyn, nor does he feel that this text change would create a more positive environment for small home businesses since he discerns that it sacrifices anything allowed in the RA Zone, it sacrifices the character of the residential area. In addition, this Commission has acted on an item that is not specifically addressed in the POCD, which is the vision for this Town, and any action that should have been taken, should have been deny.

E. Starks abstained.

3. Zoning Regulation Rewrite - Public Review draft, Earth Materials Processing, etc. – Moved from above.

The Commission began discussion by continuing discussion regarding the approval of **ZRC 18-001 Zoning Regulation Change** - Carrie Juhasz, Request to modify Sec. 2 - Definitions and Sec. 6.2.2.4 – Home Office of the Zoning Regulations.

Ms. Sigfridson stated that if the Commission thought it was appropriate to approve it, then it would be appropriate to carry it over to the draft regulations.

Mr. D'Agostino stated that those that don't feel it is appropriate, would not feel that it is appropriate to add it to the draft regulations. He asked that each Commission Member ask himself/herself what, in the revision, can we not support? He feels it would be an embarrassment if the Commission cannot unanimously support the document. Discussion ensued. The Commission Members that gave an opinion were in agreement that they did not expect that the Commission would be unanimous on all issues, but that all should support the majority vote.

There was discussion regarding public information session(s) and also when Glenn Chalder will attend. It was decided to have a special meeting/public information session with Glenn Chalder (presentation and solicitation of feedback) on August 21, 2018, at the School. If there is a need, they will schedule another session. It was suggested to do more than the normal advertising (robo calls?). Possible date for public hearing September 18, 2018.

Public review draft to be released by June 15th.

SECTION 6.P EARTH MATERIALS PROCESSING

Copies of these draft regulations, for just processing, were provided to Commission Members as well as to Rawson Materials, Brooklyn Sand & Gravel, and David Held. She has not received an official feedback yet.

Ms. Roberson commented that the Commission had made a decision to separate the gravel excavating special permit from the gravel processing special permit. She stated that these draft regulations would allow processing without any excavation. C. Kelleher stated disagreement as she does not remember the Commission having a consensus or taking a vote to allow a processing only operation. Ms. Kelleher stated that her understanding was that the only way you could have a processing operation is if you had an active gravel bank. A. Kerouac, J. D'Agostino, and J. Mohn agreed.

Ms. Sigfridson added that it was because of the natural time limitation that is associated with excavation. She stated that there was a poll of the Commission and the majority did not want to allow stand-alone processing. She stated that the draft can be modified. There was discussion. J. Roberson will modify the draft to reflect that if an active gravel operation would like to do processing also, they would need to apply for a separate special permit for the processing. Discussion continued as there was disagreement about what had been decided upon previously. It was clarified that Mr. D'Agostino does not feel that processing should be a special permit separate and apart from the excavation operation. Ms. Sigfridson stated that although Mr. D'Agostino may hold that position since they first had the discussion, enough of the Commission Members must have wanted it to be separate and that is why this draft is before them now.

Mr. Kerouac expressed his opinion that he prefers it to be separated. Discussion continued.

David Held suggested adding 6.P.2.3. Only eligible to apply for this if you also either have or are applying for an excavation permit.

J. Mohn suggested including that you cannot import more than you excavate. There was no opposition expressed.

There was discussion regarding the following and changes that were decided upon are noted:

6.P.3. STANDARDS FOR EARTH MATERIALS PROCESSING

6.P.3.2. “clean” to be in bold print.

6.P.3.4. To read, “No fixed or portable machinery shall be erected, located or maintained within 500 feet of a residence.”

100-foot setback to apply everywhere else.

Add language to address spoiled materials.

6.P.3.6. Add “may increase or decrease” language for hours of operation as in 6.P.3.3.

There was discussion regarding importation of material (ratio vs. percentage)

6.P.4 Remove the #1 because there is no Item #2.

J. Roberson provided copies of the Summary of Possible Revisions (booklet form) that she had prepared. She asked the Commission Members for feedback or corrections. She will put the August 21st public information session in the Town of Brooklyn Newsletter as long as the public review draft is released at least a month before.

There was discussion regarding a new name for Restricted Business Zone. Suggestions included: Rural Business Zone; Limited Business Zone; Business Zone; Qualified Business Zone.

J. Roberson will provide another paper copy of the Draft (black and white).

There was discussion regarding the access to the Industrial Zone. J. Roberson explained that the Commission had decided to add as a new special permit use in the PC Zone access to the Industrial Zone.

VII. Reports of Officers and Committees:

1. ZEO’s Report – None.

J. Roberson reported:

- Now have an approved, revised, circulation plan for Dunkin Donuts. They are considering requiring an as-built survey.
- Aquifer Protection Area – June 30th is deadline for registrations. First notice and second notice certified letters have been sent to property owners in the Zone that are suspected of potentially needing to register. She stated that there will be no need for registrations as none of them qualify.

- Connecticut Rural Lands and Rural Town Planning Conference, at Allen Hill Tree Farm, June 13th, 2 p.m. to 7 p.m.

M. Sigfridson, A. Kerouac and J. Roberson will attend. A. Tanner may attend if it is raining.

A. Kerouac asked about signs at McDonald’s. J. Roberson will check the height of directional signs.

A. Kerouac asked M. Sigfridson if she had asked about money for a build-out. She had not.

A. Kerouac asked if a group would be formed to start talking about the POCD. There was discussion.

2. Budget. (Included in packets to Commission Members.)
A.Kerouac stated that a build-out is needed more than a logo.
3. Correspondence – None.
A.Kerouac spoke about negative comments that had been made about the PZC at a Brooklyn Business Association meeting.
4. Chairman's Report – None.

VIII. Public Commentary

C. Kelleher commented that some of the landscaping at Walmart is dead.

IX. Adjourn

The meeting was adjourned at 10:07 p.m.