

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Tuesday, July 17, 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 6:35 p.m.
- II. Roll Call** – Michelle Sigfridson, Carleen Kelleher, Aaron Kerouac, Jules D’Agostino, Austin Tanner, Earl Starks.

Jeryl Mohn was absent with notice.

Staff Present – Jana Roberson, Director of Community Development.

- III. Adoption of Minutes** - None.

- IV. Public Commentary** – None.

- V. Unfinished Business:**

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

- 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. [Note: Public Hearing rescheduled to August 1, 2018].

- The legal notice will be re-published at the Town’s expense. J. Roberson will request that the sign on the property be updated.
- One individual has contacted Ms. Roberson with interest in providing commentary at the public hearing.
- Comments from the Town Engineer and copies of plans were included in packets to the Commission Members.
- Tentative date for a site walk/drive - Thursday, August 2nd at 7 p.m. J. Roberson will see if she can use a vehicle from the Recreation Department.

Motion was made by J. D’Agostino to seat E. Starks as a Voting Member for the meeting. Second by C. Kelleher. Motion carried (5-0-0).

Motion was made by A. Tanner to move Item:

- VI. New Business:**

- a. **Applications:**

- 1. **SPR 04-005 Modification #3 – Special Permit Modification for Creamery Brook Village**, Pierce Memorial Baptist Home, Inc., 36 Vina Lane, Proposed 2,029 s.f. addition to Dining Room.

to after Item:

- VI. New Business:**

- a. **Applications:**

- 3. **SPG 18-002 Special Permit for Sand and Gravel** – FCR Realty LLC, 200 acres north of Brickyard Road and west of Day Street (Assessor’s Map 35, Lot 7 and Map 41, Lot 6), Proposed removal of 97,650 cubic yards of gravel over 8.8 acres.

Second by A. Kerouac. Motion carried unanimously (6-0-0).

VI. New Business:

a. Applications:

1. **SPR 04-005 Modification #3 – Special Permit Modification for Creamery Brook Village,** Pierce Memorial Baptist Home, Inc., 36 Vina Lane, Proposed 2,029 s.f. addition to Dining Room. – **See Below.**
2. **SD 18-001 – 10-Lot Subdivision,** Jeff Weaver, 23.7 acres on the south side of Day St. across from the Quinebaug River (Assessor's Map 43, Lot 6A), Proposed 10 residential lots.

Paul Archer, Archer Surveying, represented the Applicant. Mr. Archer asked that, if the Commission will require a public hearing, they schedule it for August as this will prevent the Application from being pushed off another month. They would like to be ready to present in August.

There was discussion regarding conventional subdivision vs. conservation subdivision. There was disagreement as to whether it is the decision of the Applicant or the Commission. J. Roberson read from Section 5.A.4.1 of the Subdivision Regulations.

Ms. Roberson advised that the public hearing not be opened on August 1st as the Town Engineer has not reviewed the Application/plans and he is on vacation until after August 1st. She recommends that the public hearing not be scheduled before September 5th. The road is a collector (a lot of thru traffic), it is an agricultural area with significant natural resources.

Some Commission Members expressed interest in seeking advice from the Conservation Commission. Their next meeting is on August 6th. J. Roberson will refer what has been submitted to the Conservation Commission. M. Sigfridson would like to know, if they recommend a Conservation Subdivision, which of the resources they would like preserved.

Mr. Archer explained that he has brought two conservation subdivisions before the PZC in the past and the Commission did not like the way he had it set up and he feels the same thing will happen. Ms. Roberson explained that the conservation priorities are different for every piece of land and houses along the road is on conservation design that was intended to preserve interior forest habitat. This subdivision is in an old cornfield and only a small portion of it is forested. A conservation subdivision is meant to start with an analysis of the natural resources on the site and the design is intended to minimize impacts to those resources where ever or whatever they may be. Mr. Archer stated that the developer is not interested in conservation subdivision in any way, shape or form. C. Kelleher feels that developers don't want the expense of building private roads and prefer to line the houses up along the public road.

There was discussion regarding soils which Mr. Archer described as gravelly.

C. Kelleher suggested that the Town's Land Use Attorney be consulted regarding whether the Commission can require that both plans be presented.

J. Roberson asked if soil types have been referred to the State Office of Archeology. Mr. Archer did not know if Attorney Heller had done that.

M. Sigfridson polled the Commission as to whether or not to have a public hearing:

- J. D'Agostino – yes. He stated that he would also would like to see plans for both conventional and conservation subdivision.
- E. Starks – yes.
- M. Sigfridson – yes.
- C. Kelleher – yes.
- Mr. Kerouac stated that he would also like to see the plans, but was concerned for the cost involved.

- Ms. Roberson explained that types of plans are more like preliminary sketches.
- A. Tanner – No answer was audible.

Discussion continued regarding conventional subdivision vs. conservation subdivision and as to whether it is the decision of the Applicant or the Commission and whether the Commission can require that plans be submitted for each type.

Another question Mr. Roberson will get clarification on from the Land Use Attorney is: Do the Subdivision Regulations comply with the Statute and the case law?

A. Kerouac suggested that Conservation Plan be changed to Conservation Concept.

Mr. Archer explained that if the concept changes to Conservation Subdivision, they would have to retest all the soils for each individual lot. He stated that this Application has already received approval from IWWC and the Health Department.

J. Roberson will consult with Attorney Alter.

3. **SPG 18-002 Special Permit for Sand and Gravel** – FCR Realty LLC, 200 acres north of Brickyard Road and west of Day Street (Assessor's Map 35, Lot 7 and Map 41, Lot 6), Proposed removal of 97,650 cubic yards of gravel over 8.8 acres.

C. Kelleher recused herself and took a seat in the audience.

Plans were included in packets to Commission Members.

Bruce Woodis, KWP Engineering, represented the Applicant and gave an overview:

- The property is located westerly of Day Street and northerly of Brickyard Road.
- The Green's believed that the operation was grandfathered and that they could continue to run their gravel pit without getting a new permit.
- IWWC approval was obtained last month.
- There is not a lot of material still available to take out. Approximately 100,000 yards is proposed.

J. Roberson stated that the Town Engineer has not reviewed the Application. However he may have reviewed it as part of the IWWC permit. Some mitigation measures required:

- A materials stockpile on the south side of the site which is close to wetlands (Phase 1 immediate restoration area).
Mr. Woodis explained that they are proposing to get this done as part of Phase 1.
- They are also required to put up a construction fence all along the limit of disturbance for the entire project.
Mr. Woodis indicated the wetlands.

There is no bond. There was discussion regarding reclamation. This parcel had been forested. Ms. Roberson will research. She explained that Mr. Green had been issued a notice of violation in 2013, and, at that time, Mr. Green was instructed to submit a special permit application. There is a history of non-compliance and a lot of material has been removed from the site (unpermitted). He is now coming into compliance. There was discussion regarding fines.

There was discussion regarding reclamation. Mr. Woodis stated that there is more than adequate loam to sufficiently to cover it and seed it. The surrounding land is pine forest which will re-establish itself quickly. The proposed future use is agricultural/forestry, not for residential purposes. He stated that, in Phase 2, they may make a small pond in the deeper area of excavation (194 contour).

There was discussion regarding processing/sifting which Mr. Woodis stated that has not observed over recent years. There will be no washing, crushing, blasting, only sifting with this project. There are no residences closer than 1,000 feet away. However, there will be impacts to the people on Day Street due to truck traffic.

Motion was made by A. Tanner to schedule a public hearing for Application SPG 18-002 Gravel Bank Special Permit, owner FCR Realty, located on approximately 200 acres north of Brickyard Road and west of Day Street (Assessor's Map 35, Lot 7 and Map 41, Lot 6) in the RA Zone for a Regular Meeting of the Planning and Zoning Commission to be held on September 5, 2018 at 6:30 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by A. Kerouac. Motion carried (5-0-0). C. Kelleher had recused herself.

C. Kelleher returned to the table with the Commission.

VI. New Business:

a. Applications:

- 1. SPR 04-005 Modification #3 – Special Permit Modification for Creamery Brook Village, Pierce Memorial Baptist Home, Inc., 36 Vina Lane, Proposed 2,029 s.f. addition to Dining Room. - Moved from Above.**

Plans/architecturals were included in packets to the Commission Members.

Bruce Woodis, KWP Associates, represented the Applicant and gave an overview:

- This is a modification to an existing site plan.
- The addition is proposed to the southern wing on the western side.
- The space will take up an existing patio area that is not used very often.
- Currently there is not enough seating for the residence if they all wish to eat at the same time.
- No additional parking is required.
- A couple of HVAC units will need to be moved 15 feet and a new pad will need to be built.
- It will not be visible from the road.

J. Roberson stated that it was reviewed by the Wetlands Agent and she does not feel that it is subject to Wetlands jurisdiction (memo on file). Ms. Roberson stated that it is a minor change to the site plan and it is not subject to design review.

Motion was made by J. D'Agostino to approve the Special Permit modification of Creamery Brook Village to add a 2,029 s.f. addition to the Dining Room at 36 Vina Lane in accordance with all final plans, documents and testimony submitted with the application with the finding that the proposal does not change the character or use of the property. Second by C. Kelleher. Motion carried unanimously (6-0-0).

b. Other: None.

VII. Reports of Officers and Committees:

M. Sigfridson announced that she has created a Face Book Event page as discussed at the last meeting of the PZC. Find it under Brooklyn Planning and Zoning Commission.

At this time there was discussion regarding the Draft of the Zoning Regulations which are on the website as of this afternoon. An event has been posted to the Town Calendar. Ms. Roberson has requested the cafeteria of the School instead of the auditorium, but it has not yet been confirmed. She

provided copies of a sheet with Section references to Commission Members as well as changes sheets (which include the addition of the definition of Single-Service Salon and Home Office Regulations).

Ms. Roberson will ask Martha Fraenkel if she will be available to attend the August 1st meeting of the PZC.

There was discussion regarding whether Ms. Fraenkel would be making comments regarding the Lehto gravel bank application. Ms. Roberson will discuss this with Ms. Fraenkel.

The Commission reviewed the Expenditure Report which was included in the packets to the Commission Members.

There was discussion regarding preliminary discussion for the POCD. A subcommittee may be formed.

There was discussion regarding a Memo (dated July 2, 2018) from the Town of Canterbury that was included in packets to the Commission Members. J. Roberson will find out what this notice of public hearing on proposed zoning and subdivision regulation amendments is regarding.

VIII. Public Commentary – None.

IX. Adjourn

The meeting was adjourned at 8:01 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary