

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting Agenda  
Wednesday, September 5, 2018 at 6:30 p.m.  
Clifford B. Green Meeting Center, 69 South Main Street**

- I. Call to Order** - M. Sigfridson, Chair, called the meeting to order at 6:30 p.m.
- II. Roll Call** - Michelle Sigfridson, Carleen Kelleher, Aaron Kerouac, Jules D'Agostino, Earl Starks. Austin Tanner arrived at approximately 6:40 p.m.

**III. Seating of Alternates**

Motion was made by A. Kerouac to move Earl Starks from an Alternate Member to a Regular Member filling the vacancy left by Jeryl Mohn. Second by C. Kelleher. Motion carried unanimously (4-0-0).

**IV. Adoption of Minutes: Special Meeting Minutes August 1, 2018**

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of August 1, 2018. Second by E. Starks. Motion carried (4-0-1). J. D'Agostino abstained.

**Special Meeting Minutes August 15, 2018**

Motion was made by C. Kelleher to approve the Minutes of the Special Meeting of August 15, 2018. Second by E. Starks.

Discussion: A. Kerouac asked that all comments received be attached to the minutes.

Motion carried with the noted request (4-0-1). J. D'Agostino abstained.

**V. Public Commentary – None.**

**VI. Unfinished Business:**

**a. Reading of Legal Notice(s):**

Legal notices for SPG 18-001 (continued) and SD 18-002 were read by J. Roberson. She explained that the legal notice for SPG 18-002 had been published, but there had been a deficiency in the sign and also that abutters had not been noticed. Therefore, an extension has been granted and the public hearing will need to be tabled until October 3, 2018.

At this time J. D'Agostino expressed concern regarding the sample motions (written in the affirmative) that had been provided to the Commission Members pertaining to the applications on the agenda to be heard. He is concerned that this influenced his decision prior to the hearings. He asked that the minutes reflect that it is his opinion that the three hearings are invalid and should not be heard tonight because the Commission Members have been influenced on how their decision should come out. He asked that the Chair decide how to handle this.

M. Sigfridson explained that the sample motions are part of Staff guidance sheets and she explained that a motion to approve is more involved because it would include conditions of approval. A motion to deny would need to include the reason(s) for denial.

Ms. Roberson, a professional Planner, commented that it is not her intent to pressure anyone with the guidance that she offers as Staff. She offered that she could stop drafting motions or to she could always include detailed motions to deny.

Discussion ensued. A. Kerouac commented that the Chair would need to decide how to handle this issue, but that the Chair should not decide whether he feels that he's been influenced or not. He stated that he has not been influenced, but if he had, he has the right to recuse himself. He stated that he appreciates having sample motions to approve because he feels that it is better to

make a motion in the affirmative even if it fails (as he stated that he has expressed to Staff in the past). C. Kelleher stated that she agrees with Mr. Kerouac and she said that the Commission does make changes to the Staff recommendation at times. She stated that the sample motions do not influence the way that she will vote.

There was discussion regarding if any of the applications were time sensitive. Ms. Roberson explained that SPG 18-001 would need to close unless an extension is granted. Ms. Sigfridson decided that the Commission would proceed with the holding the public hearings tonight.

Mr. D'Agostino asked that the Commission think about this because there is a sharp line between the roles of the Staff and the Commission and sometimes it becomes blurred.

**b. Continued Public Hearings:**

**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.**

A. Kerouac and M. Sigfridson both stated, for the record, that they had not been able to attend the site walk. Mr. Kerouac visited the site earlier in the day. Ms. Sigfridson stated that she also had visited the site on her own.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, represented the Applicant. Mr. Held stated that the plans have not changed since the last meeting and that he has nothing new to present. Bonding, which was a major reason for having the site walk, needs to be worked out. He stated that correspondence from the Town Attorney advises that the previous gravel excavation and restoration of that area cannot be revisited at this point. J. Roberson agreed and stated that the Commission cannot attempt to rectify the past failures with this application and must focus specifically on the gravel permit and perhaps any potential impacts caused by the removal of the gravel.

Mr. Held's three topics of discussion regarding bonding:

- Bonding for restoration of the gravel site. A bond estimate was submitted and has been reviewed by the Town Engineer and Staff and was found to be acceptable: \$10,000 per acre / \$27,000 for entire excavation area.

J. Roberson provided copies of a letter from Mr. Held (dated August 29, 2018) in which he answers questions that she had asked him and also itemizes the amount of the bond (originally \$61,000). Ms. Roberson explained that Syl Pauley, the Town Engineer, had revised it to \$73,000. Comments from Mr. Pauley (dated May 30, 2018) were included in the packets to Commission Members as well as Mr. Held's reply e-mail (dated June 6, 2018) as well as additional e-mails from David Held (dated June 6, 2018) and from Syl Pauley (dated June 25, 2018). Ms. Roberson stated that there is more correspondence on file.

- Bond estimate for periodic repair of potential erosion on the haul road (not submitted with the original application).  
Proposed \$3,000. Staff recommends \$10,000. Mr. Held stated that they do not take exception to the \$10,000 for this item.
- Potential repairs to the common driveway portion of River Walk Drive in the event that the excavation impacts that area (not submitted with the original application).  
Proposed \$31,000. Town Engineer recommends \$36,000 because he does not agree with the measurements.

Mr. Held feels that it is excessive to require a bond to repair something, that is not in the best shape, to brand new condition. He said that \$73,000 exceeds the value of the material that the Applicant is looking to remove.

There was discussion regarding the previous application and the current existing stockpiles. Ms. Roberson read Item #3 in Mr. Held's letter dated August 29, 2018.

Mr. Held stated that they would not be opposed to the \$73,000 if it is in the form of a performance bond rather than a cash bond. Ms. Roberson explained that the Regulations specify performance bond. A bonding agreement sufficiently detailing the work that needs to be done and the amount required would protect the Town and allow whatever mitigation needs to be done in the event Mr. Lehto does not finish the work.

There was discussion regarding the road.

There was discussion regarding whether Syl Pauley's comments were all addressed. J. Roberson stated that Mr. Pauley did not have any additional concerns.

There was discussion regarding topsoil. Mr. Held indicated that the minimum in the test pits was 7 inches. It varies from 7 to 12 inches. Today's grade is the starting grade for the 2.7 acres.

Ms. Sigfridson asked if there were any comments from the public. There were none.

There was discussion regarding a track pad. Mr. Held confirmed that the most logical place to put it would be up against the existing paving.

There was discussion regarding drainage structures that had been installed 12 or 13 years ago that were supposed to have been part of the Town road. Mr. Held stated that there are not any pipes between the basins.

Ms. Roberson commented that the sample motion for this application had been reviewed by the Town Attorney.

There was discussion regarding bond amounts. Mr. Held suggested at total of \$52,500. The Town Engineer, Syl Pauley had suggested \$73,000. C. Kelleher stated that she sees no reason to lower it if it is a performance bond, since the Town Engineer is not present to counter. Mr. Held had stated earlier that there was not a problem with \$73,000 in the form of a performance bond,

Motion was made by A. Tanner to close the public hearing for 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. Second by C. Kelleher. Motion carried unanimously (6-0-0).

**c. New Public Hearings:**

- 1. 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.

As discussed earlier, this application was granted an extension. Abutters were not notified.

Motion was made by A. Tanner to table the opening of the public hearing for 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 to the next Regular Meeting of the Planning and Zoning Commission to be held on October 3, 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 unanimously (6-0-0).

2. **SD 18-002 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 6-1), Proposed 10 residential lots.

J. Roberson provided additional correspondence (not included in packets to the Commission Members):

- Review letter from Town Engineer, Syl Pauley, dated August 31, 2018.
- Approval letter from NDDH dated June 29, 2018.
- Letter from State Archeologist, Brian D. Jones, dated August 22, 2018. Ms. Roberson explained that a Phase 1B Cultural Resources Survey had been done and she has the results.

The Commission Members reviewed the above correspondence. They had a plans for viewing.

Attorney Harry Heller, 736 Route 32 in Uncasville, represented the Applicant (seated in the audience). He submitted the following into the record:

- Notices to abutting property owners.
- Copy of the required posting (on the property).
- Notice to CL&P (distribution easement) as requested on August 29<sup>th</sup> by the Town Planner. It was hand delivered on August 30<sup>th</sup>.
- He asked that the letter from the NDDH (dated August 13, 2018) be made part of the record.
- Report from the Brooklyn Conservation Commission. Ms. Roberson stated that this is already part of the record.
- Appraisal of the undeveloped value (in the event that the Commission grants fee-in-lieu of open space).

Attorney Heller gave an overview of the proposal:

- Ten residential building lots with a minimum of 90,000 s.f. each.
- Eight single-family dwellings. Lots #2 and #3 each to accommodate one duplex containing two, one-bedroom units (side by side).
- Sheet #2 – Subdivision Plan  
Delineates the layout of the lots and the easements that are necessary to accommodate the development of the lots.
- To meet the road standards, they are proposing to dedicate a strip of land along the northwesterly side of the road to the Town for possible future widening of the road.
- Proposed Lots #'s 1, 2, 3 and 4 have frontage on Day Street and will access from Day Street.
- Proposed Lot #'s 8, 9 and 10 will gain access by virtue of a common driveway extending westerly from Day Street and then northerly. The access strip itself is a portion of Lot #8 as required by the Regulations. Lots #9 and #10 will have an easement over applicable portions of Lot #8 for purposes of access to those Lots. A draft joint driveway easement and maintenance agreement has been submitted as part of the application.
- Lot #'s 5, 6 and 7 will also gain access by virtue of a right-of-way off of Day Street with the access strip itself being a portion of Lot #7 (as delineated on the plan).

- The property is bisected by a CL&P distribution easement which extends northeasterly to southwesterly across the property. The driveway providing access to Lot #'s 8, 9 and 10 is located within the limits of that easement and is delineated on the plan.
- Sheets #3 and #4 are the individual lot development plans which are conceptual. He explained that the individual lot owner is not mandated to place the houses in the locations shown. They must comply with the public health code and setback requirements of the RA Zone.
- Potable water will be supplied by on-site wells. Each single-family house will have an individual well. Each duplex will have one well.
- Each lot will have its own on-site, subsurface sewage disposal system. Site testing has been conducted on each lot and soils have been found suitable for installation of an on-site septic system for each lot in compliance with the public health code.  
Test pit data and calculation of the minimum leaching area spread is contained in the application and has been reviewed by NDDH. (Sheet #5 of the plans also contains septic system notes and the complete E&S Control Plan).
- Sheet #6 contains details applicable to the development of the project.
- Sheet #7 parcel history plan.

Attorney addressed Syl Pauley's comments:

- Revised plans (dated September 4, 2018) had been submitted electronically earlier in the day.
- Cover Sheet (Sheet 1 of 7) – numbering issue was corrected.
- Subdivision Plan (Sheet 2 of 7)  
Comment #1 (Sheet 2) – It is a property line.  
Comment #2 (Sheet 3) – He indicated where a line has been added to be consistent with Sheet #3. It delineates the easement limit of the driveway rights of Lot #9 (as contained in the joint driveway easement and maintenance agreement).  
There was discussion and Attorney Heller stated that the driveways are dead ends. Attorney Heller explained how a fire truck could make a wide turn. The geometry is shown on the plan.
- Site Development Plan No. 1 (Sheet 3 of 7)  
Comment #1 – A couple of the polygons did not comply with the requirements of the Regulations. They have been revised by Paul Archer and David Held and are now all in compliance.  
There was discussion regarding buildable area/wetlands/flood plain. Attorney Heller explained that they moved the polygon so it excludes those areas. He confirmed that there is 45,000 s.f. of buildable area on Lot #10.  
Comment #2 – Attorney Heller indicated where a note regarding GST 6218 was added.  
Comment #3 – Attorney Heller explained that there are different types of systems.  
Comment #4 – The inconsistency was an error on Sheet #5 which has been corrected for 4 bedrooms (design criteria for Lots #2 and #3)..  
Comment #5 – Has been revised and detail has been added to the Detail Sheet.  
Comment #6 – No footing drains are proposed. The lots are extremely flat.  
Comment #7 – The northwest corner of Lot #9 is where the access easement in favor of Lot #9 terminates. Lot #9 does not have any deeded rights to utilize the portion of the driveway located further to the west.  
Comment #8 – They have notified CL&P of this development and have provided them with a copy of the proposed plan. Attorney Heller stated that a copy of transmission line easement, which is very old (1918), has been submitted and he asked that it be part of the record.

Comment #9 – They have submitted the joint driveway and maintenance agreement has been submitted as part of the application. Attorney Heller explained that access easements utilized by the power company are a very minimal use.

Comment #10 – No discussion.

Comment #11 – Plans shown are conceptual lot development plans only.

Comment #12 – They moved the utilities from the limits of the CL&P distribution line easement. There is a new note on Sheet #2. Lot #'s 5, 6 and 7 would gain access off of this easement. In addition to Lot #'s 5, 6 and 7, the underground utilities would also serve Lot #'s 4, 8, 9, 10.

This will eliminate a potential issue raised by Mr. Pauley regarding a conflict between the underground residential utilities and the distribution lines.

Comment #13 – This is not part of the subdivision review process. This is handled with the utility company when the utilities are installed.

Sheet #6 – Detail of the underground utility trend by code. Each utility (cable tv/electricity/telephone) will have a separate conduit and separate hand holes. The location of hand holes will be specified by the utility company.

Comment #14 – They do not feel it is necessary to contour it. Attorney Heller indicated how water flows. The area is extremely flat and is a perfect location for sheet flow because you are not going to get any concentrated flows. Mr. Held stated that if the Highway Foreman feels that there is an issue, he would bring it to the attention of the developer.

Comment #15 – No discussion.

- Site Plan Plan No 2 (Sheet 4 of 7)

Comment #1 – Addressed earlier (see Comment #1 under Site Development Plan No. 1 (Sheet 3 of 7).

Comment #2 – A sightline easement has been added along the frontage on Day Street (see Sheet #2) in favor of Lot #'s 6 and 7 giving the ability to clear and remove vegetation on Lot #5 to obtain approximately 335 feet of sightline to the west. There are no restrictions – it is flat and it is clear.

There was discussion. Mr. Held offered that the easement could be made larger. Mr. Pauley has not reviewed these plans as they just came in today. Regulations don't specify a distance for subdivisions. Ms. Roberson feels that the Town Engineer should review this suggestion and she would like to be very certain that there is an easement and it provides sufficient visibility to all people using this driveway because she feels it is an unsafe area.

Comment #3 – They were not provided with any parameters regarding what the Town is looking for. They are not adverse to granting an easement, but will need parameters. Attorney Heller suggested that, since there is no closed drainage system in Day Street, he feels it would be more appropriate to designate an area and grant rights to drain rather than a specified easement. However, he stated that they are agreeable to whatever is recommended. There was discussion regarding right to drain vs. drainage easement. Attorney Heller explained that it would most obviously go in the northwesterly corner of Lot #5.

Comment #4 – This has been addressed.

- Detail Sheet (Sheet 5 of 7)

Comment #1 – No need as there is nothing on this sheet that is applicable to CL&P or its easements.

Comment #2 – The numbering error on the prior plan have been corrected.

Comment #3 – The note has been removed. There are no pump-up systems proposed in this project.

Comment #4 – This has been done for Lot #'s 2 and 3.

Comment #5 – The note has been removed.

- Detail Sheet (Sheet 6 of 7)

Comment #1 – Detail has been added.

Comment #2 – This has nothing to do with the permitting jurisdiction under the Regulations.

Comment #3 – This has been relabeled.

Comment #4 – Detail has been added on the construction entrance to indicate 4 inches minimum thickness.

- General Comments

Regarding the drainage along Day Street, there are no issues there. During construction each common driveway and each lot will require a curb cut permit from the Department of Public Works and any issue identified during construction will be handled with Public Works at that time. They have indicated that they are willing to grant an easement or rights to drain, but they need details and they will incorporate it onto the plans and will provide necessary documentation.

Attorney Heller urged the Commission to approve the application because they feel that it is in full compliance with the Regulations.

There was discussion regarding drainage. The design is to be installed at grade. Regarding curbing, Connecticut law is clear regarding that the developer is not responsible for making any public improvements in the existing highway unless it is in conjunction with the development of an intersecting street that is constructed part of the development.

There was discussion regarding septic systems. Mr. Held explained that the GSP systems shown for the reserves are related to wetlands. It is a smaller footprint to keep it further from the wetlands and out of the regulated area.

There was discussion regarding stone walls. It was suggested that, on those locations where they need to be broken through, the ends be finished similar to the rest of the wall.

There was discussion regarding open space. Attorney Heller stated that there is no contiguous open space in the area. He feels that the Town would be better served with the fee-in-lieu of open space. The Conservation Commission recommends fee-in-lieu of open space.

### **COMMENTS FROM THE PUBLIC:**

**JANET BOOTH**, Brooklyn Resident, asked about flood zone.

Attorney Heller indicated on the plans that the 100-year flood zone line is delineated on Sheets 3 and 4. He explained that portions of the property are located within the 100-year flood zone, but no development is proposed within the flood zone.

Ms. Roberson explained that this property is too high up to be flooded by the Quinebaug River. She also explained that the flood zone is up the Whitebrook Watershed from the River.

Attorney Heller stated that Mr. Weaver would do custom houses if requested, otherwise he will build spec houses.

There was discussion regarding amendments to the flood plain mapping which may be required by banks. The mapping is very old, but is currently being redone. In the future, there will be a better flood plain ordinance based on more accurate mapping.

There was discussion regarding whether to postpone acting on this application to allow Syl Pauley to review the plans that came today and also the clearing easement. Paul Archer spoke against postponing.

There was discussion regarding the land to be granted to the Town. It will be granted by deed. Attorney Heller explained that he does it as part of the process when the plans are endorsed by the Chair. He said that there is a legislative process.

The dimensions on the 1,000-gallon and the 1,250-gallon septic tanks are shown to be identical. Mr. Held stated that they should be different as one is bigger than the other. They will take a look at it.

There was discussion regarding whether there is a need to postpone taking action.

Motion was made by J. D'Agostino to close the public hearing for **SD 18-002 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 6-1), Proposed 10 residential lots. Second by A. Tanner. Motion carried unanimously (6-0-0).

**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 approximately 75,000 cubic yards of gravel over 2.7 acres.

Motion was made by A. Kerouac to approve 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 approximately 75,000 cubic yards of gravel over 2.7 acres in accordance with all final plans, documents and testimony submitted with the application with the finding that it is a permitted use in the zone and that potential impacts can be mitigated with the following conditions:

- Excavation is limited to the area shown on the submitted plans dated 3/8/2018 (revised 5/8/2018, 6/6/2018) and prepared by Provost & Rovero.
- Prior to the commencement of any work, the limit of disturbance shall be flagged in the field by a surveyor and such flags shall be posted high above grade on trees or on construction fence so as not to be disturbed by clearing or excavation activities. Such flagging shall be checked quarterly by the operator to ensure they are in place.
- Property lines within 300' of the area of disturbance shall be flagged prior to the commencement of work.
- Any importation of fill to backfill the excavation area shall be clean as defined by the CT DEEP Regulations of State Agencies Sec. 22a-209-1 and the source of the imported fill shall be identified in writing to the Town.
- Dust shall be controlled throughout the year using water or calcium chloride as appropriate for conditions.
- Within 14 days, a performance bond in the amount of \$73,000 will be submitted by the Applicant to Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff prior to commencement of any activities.
- The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions shall be included on the final recorded special permit plans.
- Draft final approved plans shall be printed on paper and submitted to Town Staff for checking prior to printing on archival material.
- The final approved plans bearing the seal and signature of all appropriate professionals and the September 5, 2023 expiration date and shall be printed on archival material, signed by Commission Chairs, and recorded along with the Special Permit in the office of the Town Clerk.

Second by A. Tanner.

Discussion:

David Held questioned the expiration date and it was verified that the expiration date should be September 5, 2019.



Motion was made by A. Kerouac to amend his motion to approve 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 approximately 75,000 cubic yards of gravel over 2.7 acres. Bullet point #9 to read as follows:

- The final approved plans bearing the seal and signature of all appropriate professionals and the September 5, 2019 expiration date and shall be printed on archival material, signed by Commission Chairs, and recorded along with the Special Permit in the office of the Town Clerk.

Discussion:

C. Kelleher asked whether the performance bond needs to specify purposes. J. Roberson stated that it would be included in the bonding agreement.

A. Kerouac asked whether water and calcium chloride is binding. It is only for a year.

J. D'Agostino was opposed because of the following reasons:

- Precedence (regarding not reclaiming the area previously) should be considered in this application.
- Difference in opinion regarding bond amount.
- He is not convinced that the road will be taken care of in a suitable manner for the safety of the residents in the area.
- No report of traffic impact.
- The Town of Brooklyn does not need another sand and gravel operation (according to the POCD).

There was more discussion regarding bond amount, the road and the limited scope.

Second by C. Kelleher.

Main Motion, as amended, carried (5-1-0). J. D'Agostino was opposed for the reasons stated above.

2. **SPD 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. – Tabled to October 3, 2018. See Above.
3. **SD 18-002 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.

Motion was made by A. Kerouac to approve the application **SD 18-002 10-Lot Subdivision**, owner Jeff Weaver, 23.7 acres on the south side of Day St. across from the Quinebaug River (Assessor's Map 43, Lot 6-1) in the RA Zone 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, the Northeast District Department of Health, and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).
- Shared Driveway and Maintenance Agreements for the two shared access ways in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision mylars in the office of the Town Clerk.
- A Drainage Easement and a Sightline Easement over Lot 5 shall be provided in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision mylars in the office of the Town Clerk.
- All boundary pins and monuments shall be set and field verified by the surveyor.

At the time of sale of any building lot:

- Because the undeveloped land is recommended for fee-in-lieu of open space by the Conservation Commission, at the time of sale of any of the ten new building lots, a payment in lieu of open space dedication shall be paid by the Applicant to the Town in the amount of \$1,100 per lot in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulations Section 8.

An open space lien may be placed on the building lots to ensure that the fee-in-lieu of open space is paid at the time of sale.

Prior to the issuance of a Zoning Permit on any lot:

- The developer shall notify the Zoning Enforcement Officer and Town Planner at least seven days in advance of any site work to schedule a pre-construction meeting.
- Prior to any lots being developed, driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways. No stonewalls, mature trees, or ledge within the r.o.w. shall be removed or modified unless necessary for safety. The responsibility for clearing, grubbing, blasting, and earthmoving within the Town of Brooklyn r.o.w. shall be the responsibility of the individual lot developer. Any cutting of trees greater than 30" d.b.h. for sightlines shall require prior approval by the Town of Brooklyn Tree Warden upon finding that the removal of trees is unavoidable to guarantee adequate driveway sightlines.
- The Applicant and/or individual lot developers shall minimize impacts to natural features both on private lots and in the Town of Brooklyn r.o.w. to the greatest extent possible. This shall include, but is not limited to, the preservation of stonewalls, the protection of mature trees lining any public road, and the minimization of clearing and grading.
- Stonewalls must be finished on the edges of driveway cuts prior to the issuance of a Certificate of Zoning Compliance.

There was discussion regarding whether another condition of approval should be added for the granting the easement/conveyance to the Town. It was decided that it is not necessary.

There was discussion regarding whether to remove the condition about stone walls. It was decided to leave it in. Second by A. Tanner. There was more discussion. Motion carried unanimously (6-0-0).

#### 4. **Zoning Regulation Rewrite** – Review of Comments from Public Information Session, etc.

It was decided that this will be discussed at a Special Planning Meeting to be held on Tuesday, September 18, 2018.

## VII. **New Business:**

### a. **Applications:**

#### 1. **SP-15 005 (mod 3) Special Permit Modification** – Toudis, LLC, 443-445 Providence Road (Assessor's Map 41, Lot 115), Proposed 3,452 s.f. restaurant in western building.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and provided copies of plans for viewing by the Commission. Mr. Thibeault gave an overview:

- Original permit was for retail/commercial.
- Proposing an up-to 90 seat restaurant.
- There is sufficient parking (there are 52 spaces on site):  
Dunkin Donuts requires 16 spaces  
Cricket Wireless requires 6 spaces  
A 90-seat restaurant would require 30 spaces.  
There was discussion.
- Pub-type atmosphere.
- Hours of operation will not conflict with Dunkin Donuts and Cricket Wireless.  
Lunch and dinner hours. Open at 11 a.m. and close sometime between 10 p.m. or 12 a.m. They will not be open 24 hours. They will not serve breakfast.

J. Roberson commented that her concern had been parking. Mr. Thibeault will provide a video showing that the turning radius for trucks is not an issue. Curbs have been trimmed back. They did not move the western curb more over to the west. There is no need for a traffic study due to the signalized intersection.

There was discussion regarding fast food/curbside pickup. It cannot be another fast-food restaurant.

Motion was made by J. D'Agostino to approve the third modification of application SP 15-005 (originally approved 9/2/2015, rev. 8/16/2016, rev. 9/7/2016, submitted by Toudis, LLC of 445 Providence Road to allow a 3,452 sq. ft. restaurant in the western building, in accordance with all final plans, documents and testimony submitted with the application. Second by C. Kelleher. Motion carried unanimously (6-0-0).

**b. Other:** None.

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

1. ZEO's Report – Martha Fraenkel will attend the October regular meeting.
2. Budget – Included in packets to Commission Members. There was no discussion.
3. Correspondence – Nothing additional.
4. Chairman's Report – M. Sigfridson stated that she will no be able to attend the October meeting.

**IX. Public Commentary** – None.

**X. Adjourn**

The meeting was adjourned at 9:27 p.m.