

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, February 6, 2019  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

- I. Call to Order** – M. Sigfridson, Chair, called the meeting to order at 6:30 p.m.
- II. Roll Call** - Michelle Sigfridson, Carleen Kelleher, Jules D’Agostino, Austin Tanner, Earl Starks;  
Alan Fitzgerald – Alternate, Rick Ives – Ex Officio Member.

**III. Seating of Alternates**

Motion was made by C. Kelleher to seat Alternate A. Fitzgerald as a Voting Member for this meeting. Second by E. Starks. Motion carried unanimously (5-0-0).

**IV. Adoption of Minutes:**

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of January 15, 2019, as presented. Second by J. A. Tanner. Motion carried unanimously (6-0-0).

**V. Public Commentary:**

**Kyra Parvaresh**, Lunar Leaps (Children’s Playplace)

Ms. Parvaresh gave an overview of her proposal. Information had been provided in the packets to the Commission Members. The use is proposed as an indoor children’s playplace (for all ages) at 566 Providence Road (previously the Salvation Army). There would be no changes to the footprint of the building or to the outside of the building. They would add another bathroom and partial walls to divide the space inside.

Ms. Parvaresh described it as a place where families could have a fun, safe place with activities (such as art classes/science center for hands-on learning/movie nights/dance parties/birthday parties) for the children where they could learn as they play. She said that they would offer memberships as well as drop and play.

J. Roberson explained that, although this specific use is not covered in the current Zoning Regulations, there is language that allows for the PZC to make an interpretation of the use in (she read from the Regulations). The property is located in the PC Zone and Ms. Roberson suggested that the Commission consider if any of the permitted uses (such as Community Center, Banquet Hall, Theatre, Child Daycare Center) in the PC Zone relate to aspects of this proposal enough to be interpreted as one of those uses.

There was discussion regarding when language had previously been added for Indoor Sports and Recreation in the VCD and that it had also been added in the Draft Regulations for the PC Zone. There was discussion regarding this discussion taking place during Public Commentary and whether this could be considered a preliminary meeting for this item or if it should be on a future agenda. Ms. Roberson explained that changes of use do not have to go before the PZC. M. Sigfridson determined that this would be an interpretation by the PZC which would require approval. Discussion continued and J. D’Agostino expressed that he feels that this is a nice idea, but that it should be on a future

agenda for discussion. M. Sigfridson determined that Mr. D'Agostino's issue is procedural and he agreed. C. Kelleher commented that she would be in favor of adding it on tonight's Agenda.

Motion was made by A. Tanner to add the following item to tonight's Agenda under:

**VIII. New Business:**

**b. Other:**

1. Discussion with Kyra Parvaresh, regarding her proposal for Lunar Leaps (Children's Playplace). Second by C. Kelleher. Motion carried unanimously (5-1-0). J. D'Agostino was opposed.

**Mark Olivo, Mimby Farms (Farmstead with Farmstore)**

Information had been provided in the packets to the Commission Members.

Mr. Olivo gave an overview of his proposal for 49 Pomfret Road. He is in the process of purchasing the 5.04-acre property which is in the VCD. He would like to build a home with a rental apartment/cottage and to also have a small farm/retail store for an aviary/woodworking shop on the property. He plans to sell honey and do flower farming and woodworking products. He is aware that he will need to obtain various special permits. Ms. Roberson commented that this would be in support of agriculture/agricultural tourism/heritage tourism and would be a complimentary/attractive feature for Route 169.

There had been a cease and desist order which has been lifted because the property has been cleaned up.

There was discussion regarding commercial agriculture which requires a special permit. Mr. Olivo hopes to close on the property within the next two weeks and he is working with Paul Archer and a builder.

**A.J. Kerouac**, Windham Road, commented about the cancellation of the Public Information Session that had been scheduled for January 30, 2019. He stressed the importance of getting the New Regulations enacted.

**VI. Quarterly Report from ZEO, Martha Fraenkel**

Ms. Fraenkel provided copies her Quarterly Report (dated February 6, 2019) and reported on the following properties:

- August Drive which involved camper removal.
- Day Street unpermitted gravel operation. An Order had been issued and was received and it has been appealed with the Zoning Board of Appeals (hearing has not yet been scheduled).
- 226 Paradise Drive – Served by State Marshal last week.
- 227 Paradise Drive – (trailers and campers). She will be going forward with fines according to the Ordinance.
- 49 Pomfret Road – Tenant in the garage is gone and the cleanup has been completed and the Order has been lifted.

Citations have been issued to three builders for installation of foundations without applying for permits first. Two are paid and one is being appealed. Permits have since been issued. Discussion continued.

Ms. Fraenkel provided copies of a Zoning Permit and she explained the process regarding issuing of a Zoning Permit (which becomes a punch list for zoning compliance). She explained that the better the PZC's approvals are, the better her permits will be. She requested that the PZC cite exact dates of final revisions in approvals.

Ms. Fraenkel asked the PZC to consider the use of storage containers for sheds. Peter Alter has been consulted for an opinion. Attorney Alter, J. Roberson and M. Fraenkel concluded that they could be used as sheds as long as they are not on wheels (set on the ground in a permanent location). Ms. Fraenkel asked that the PZC consider if people in R-10 or R-30 would want to live next to them. They are currently permitted and it could be addressed in the Draft.

A. Tanner asked that Ms. Fraenkel provide a list of what she would like to see in PZC approvals.

**VII. Unfinished Business:**

**a. Reading of Legal Notice:** None.

**b. Continued Public Hearings:** None.

**c. New Public Hearings:** None.

Motion was made by A. Tanner to move the following Agenda Items:

**VII. Unfinished Business:**

**d. Other Unfinished Business:**

1. **Zoning Regulation Rewrite** – Review of comments from Public Information Session, text and zone boundary revisions, rescheduling of second Public Information Session, etc. – **See Below.**
2. **MI 19-001 CGS 8-24 Referral:** Purchase of Community Center at 31 Tiffany Street from Brooklyn Housing Authority (Assessor's Map 47, Lots 57 & 58), ~ 6 acres.

to after

**VIII. New Business:**

**b. Other:**

1. Discussion with Kyra Parvaresh, regarding her proposal for Lunar Leaps (Children's Playplace).

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

**d. Other Unfinished Business:**

1. **Zoning Regulation Rewrite** – Review of comments from Public Information Session, text and zone boundary revisions, rescheduling of second Public Information Session, etc. – **See Below.**
2. **MI 19-001 CGS 8-24 Referral:** Purchase of Community Center at 31 Tiffany Street from Brooklyn Housing Authority (Assessor's Map 47, Lots 57 & 58), ~ 6 acres. – **See Below.**

**VIII. New Business:**

**a. Applications:**

1. **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor's Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yard of rock.

Doug Hartin, Applicant, who was seated in the audience, stated that Norm Thibeault will be late to arrive. - **See discussion below.**

Motion was made by C. Kelleher to table discussion regarding the following item until after the arrival of Mr. Norm Thibeault:

**VIII. New Business:**

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

**b. Other:**

1. Discussion with Kyra Parvaresh, regarding her proposal for Lunar Leaps (Children's Playplace).

Ms. Roberson explained that the PZC needs to make an interpretation (if ready) and that the Commission may find that this use is close enough to the list of permitted uses. Section 3.4.1 regarding the interpretation of use had been included in the packets to Commission Members. Ms. Roberson read from Section 3.4.8.1 – Intent.

M. Sigfridson stated that she feels that this use meets the stated intent. There was discussion. Ms. Parvaresh explained the ages of the children and the different areas for different aged children. It would be open to children from other towns also. She plans to have employees to help. Parents will be there at all times with their children. Ms. Parvaresh stated that she does not have experience in this field and that she will need to get licensing from the State. She said that it would not be like a daycare because parents will be there at all times.

Proposed Hours of Operation:

Mondays closed for deep cleaning.

Tuesday through Thursdays open 11 am until 6 pm

Fridays and Saturdays open 10 am until 8 pm

Sundays open 11 am until 6 pm

There was discussion and Ms. Roberson explained that the PZC is charged with the Zoning Regulations. Ms. Roberson had met with Ms. Parvaresh who had submitted photos and a written description of her proposed use, and she stated that the existing parking is sufficient, at a signalized intersection, no change to the footprint of the building, all construction is internal, Ms. Parvaresh is aware that zoning permits would be required for the new use and for the sign. Ms. Roberson explained items that are looked at for new construction as they relate to public health, safety and welfare.

Is this proposed use related or equivalent to any of permitted uses listed in the PC Zone? Some permitted uses in the PC Zone that may be interpreted as similar are Community Center, Banquet Hall, Theatre and Child Daycare Center, and Mixed Uses.

C. Kelleher suggested that Indoor Sports and Recreation be added as a use by a formal text change to the PC Zone to allow this use. There was discussion. M. Sigfridson feels that this use is equivalent to Community Center. Ms. Roberson read the definition of Community Center. Mr. Ives commented that the types of activities are some of the same activities that happen at the Community Center now. Discussion continued.

Ms. Parvaresh explained that the area they will be using is about 10,000 s.f. of the total 14,000 s.f. They will be serving pre-packaged food/snacks and drinks (e.g. water and juice).

Consensus was that this use is similar to Community Center and that this interpretation of use be put on the Agenda for the next Regular meeting of the PZC on February 19, 2019, at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT.

J. Roberson explained interpretation of use vs. the procedure for approval when there is a change of use. J. Roberson explained the process for the ZEO (who consults with Staff and the PZC Chair) to issue a Zoning Permit for a new tenant moving into a vacant space.

M. Sigfridson Polled the Commission Members regarding whether they interpret this use as a Community Center: A.Tanner – yes; C. Kelleher – yes; E. Starks – yes; J. D’Agostino – yes; A. Fitzgerald – yes; M. Sigfridson – yes.

Ms. Parvaresh submitted a floor plan. Ms. Sigfridson explained to Ms. Parvaresh that she would not need to come back before the PZC.

Discussion continued regarding who else would be looking at the aspects of this new use. Mr. Ives explained that Ms. Parvaresh would need to get licensing under State Regulations. Ms. Roberson offered that a condition could be added to the Zoning Permit that all applicable licensing be obtained prior to the Zoning Permit being issued.

Discussion continued regarding safety.

#### **a. Applications:**

1. **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor’s Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yard of rock.

**Norm Thibeault**, Killingly Engineering Associates, gave an overview and orientated the property. Access to the parcel across two other parcels also owned by the Applicant. He gave a brief history of the rock mining on the property. The current owner was unaware that he needed a permit and found out when blasting rock. It is a low-volume, three-person operation and the rock is split by hand, stacked on pallets and taken off site in trucks (approximately 60-80 truckloads per year). There is no use of jackhammers or pneumatic equipment.

Plans have been submitted to Syl Pauley for review.

It is currently before the IWWC and there was a site walk with the IWWC a couple of weeks ago.

Two letters from abutting property owners were included in packets to Commission Members:

- Douglas Phaiah dated January 2, 2019, in favor.
- Alan and Jennifer Sill dated January 6, 2019, in favor.

Regarding terrain, J. Roberson explained that it is the eastern face of Tatnic Hill. She explained that the future Phases are shown on the plans, but are not part of this Application. The excavator is visible from the road when the leaves are off of the trees. Ms. Roberson will get photos.

Mr. Thibeault explained that they are requesting the ability to crush/process occasionally. He explained that there is no danger of impact/runoff to Blackwell’s Brook. He explained the 125-foot upland review area. He indicated the indicated the existing and proposed topography.

Ms. Roberson clarified that the current proposal is only for Phases 1A, 1B and 1C. The plans show future phases and Mr. Thibeault offered that they could be removed if Mr. Pauley or Ms. Roberson feel it is necessary.

There was discussion regarding the excavator being visible from the road. Mr. Hartin explained that you can’t see the rockface, but you can see the machine. Mr. Thibeault will take pictures. Ms. Roberson will go there to view it. Mr. Hartin stated that they normally don’t see people there, except for hunters in the fall.

Fencing will be installed after complete which will not be visible from the road. During the phases, orange construction fencing to be used. The processing should not be visible from the road.

There was discussion regarding a site walk. Consensus was for the Commission Members do site walks in groups of three. Ms. Roberson explained that the purpose of the site walk is for the Commission to view and to ask clarifying questions and that discussion should wait for the public hearing.

Motion was made by A. Fitzgerald to schedule a public hearing for **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor's Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yard of rock for the March 6, 2019, Regular Meeting of the Planning and Zoning Commission at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by J. D'Agostino. Motion carried unanimously (6-0-0).

C. Kelleher disclosed that, although she knows the owner and that her husband was in practice with Harry Arters (now deceased) 22 years ago, she does not believe that it will influence her decision.

The following two Items had been moved on the Agenda:

**VII. Unfinished Business:**

**d. Other Unfinished Business:**

1. **Zoning Regulation Rewrite** – Review of comments from Public Information Session, text and zone boundary revisions, rescheduling of second Public Information Session, etc. – **See Below.**

Rescheduled Public Information Session to Tuesday, February 19, 2019 at 6:30 p.m., Regular Meeting of the Planning and Zoning Commission at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. There was discussion regarding advertising. J. Roberson stated that it was in the Newsletter and she will put it on the new version of the Newsletter (which goes on the website), and that she had e-mailed information to the approximately 40 people on the e-mail list. She will also have it advertised in the Villager Newspaper. Mr. Ives will put it on the FaceBook Page. PZC Members were urged to spread by word of mouth. There will be refreshments similar to last time.

There was discussion regarding deed-restricted housing which requires income verification. This is working well in the Town of Bethel (copies of Bethel's Design Conservation District Regulations were included in the packets to Commission Members). Bethel offers up to a 50-percent density bonus if 20 percent of the total dwelling units are restricted affordable.

2. **MI 19-001 CGS 8-24 Referral:** Purchase of Community Center at 31 Tiffany Street from Brooklyn Housing Authority (Assessor's Map 47, Lots 57 & 58), ~ 6 acres. – **See Below.**

Mr. Ives spoke of the history of the property. The building was done through a grant for a Head-Start Program in that part of Town. The Town thought that it owned the property, but found out in 2014 that it was actually owned by the Housing Authority at which time, the Town took responsibility for it at that time. He explained that there is a Right of First Refusal. The Housing Authority is going through a period of divesting themselves and they offered to sell it to the Town for \$1.00. The Selectmen are okay with it since the Town already controls/operates it and there are no taxes because it is a municipal entity. It was referred to the PZC and he hopes that the PZC will concede. There was discussion regarding plans for the building may include housing a Town Office; Recreation Programs in the summertime. The upstairs now gets used on a daily basis.

There was discussion regarding a second parcel which Mr. Ives feels it is important that they stay together as it would be important for Recreation. The Housing Authority has four housing units at this time. Mr. Ives explained that one of the Members (the Chairman) is now officially a Member the Putnam Housing Authority and that there have been ongoing discussions regarding the future of Housing. He feels there is a need for all varieties of housing in Town: multi-family; low-income; mixed use; regular-rate apartments and housing. He stated that he likes the idea that Ms. Roberson presented regarding Bethel.

J. D'Agostino will contact Mrs. Filchek, who works for the Extension Service at UCONN, to see if she can offer some advice/guidance.

Motion was made by J. D'Agostino to recommend the acquisition of the Community Center at 31 Tiffany Street and associated properties by the Town of Brooklyn from the Brooklyn Housing Authority. Second by E. Starks. Motion carried unanimously (6-0-0).

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

##### **1. Budget.**

A Draft Budget and a Year-To-Date Expenditures Report which had been included in packets to the Commission Members. There was discussion regarding proposed increases in the amount of \$20,620 which include Enforcement Support Services, Legal Services, Recording Secretary, Other Supplies. There was discussion regarding Legal Services/Legal Notices. There was discussion regarding legal review of the Re-Write of the Regulations which Ms. Roberson explained is part of the Capital Budget and that more money may also be needed regarding the POCD. There was discussion regarding revenues. There was discussion regarding Open Space funds.

A Capital request for the POCD to be put on the March 6, 2019 agenda.

Consensus was to forward the proposed budget to the Finance Committee.

##### **2. Correspondence.**

There was discussion regarding the Connecticut Confederation of Planning and Zoning Newsletter which Ms. Roberson will send to Commission Members. The annual meeting conference will be held on March 28, 2019.

Mr. Ives left at 9:06 p.m.

##### **3. Chairman's Report.**

Will speak with Mr. Ives regarding the POCD after the Public Information Session.

#### **X. Public Commentary**

**A.J. Kerouac** commented on the following:

- He had wanted to discuss a topic while Mr. Ives was present.
- He feels that there could be a conflict with the same person being the Blight Enforcement Officer and the ZEO as it clouds the issues. He asked if there is something the PZC can do moving forward.  
There was discussion and Mr. Kerouac stated that there isn't a conflict issue as long as the guidelines are followed.
- He spoke about how the Vachon Ford Dealership's display area is out of compliance again and that it had been finally been brought under compliance under the former owner.

**XI. Adjourn**

M. Sigfridson adjourned the meeting at 9:13 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary