

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

P.O. BOX 356  
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION  
TOWN OF BROOKLYN  
REGULAR MEETING MINUTES  
MARCH 2, 2011  
Clifford B. Green Memorial Center  
69 South Main Street  
7:00 p.m.

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TOWN OF BROOKLYN, CT

**I. Call to Order:** The meeting was called to order at 7:16 p.m.

**II. Roll Call:** Tom Doherty, Paul Camara, Barbara Repko, Don Francis, David Fuss, Deane Rettig, Carlene Kelleher, Craig Dunlop, Henry Moses and Al Sandholm

**Absent:** None.

**Staff Present:** Jim Larkin, NECCOG Planner, Chuck Dobrowski, Land Use Officer, Austin Tanner, First Selectman, and Audrey Cross-Lussier, Recording Secretary.

**Also Present:** Bruce Woodis, KWP Associates; Paul Archer, Archer Surveying, public in attendance.

**III. Seating of Alternates:** None.

**IV. Adoption of Minutes:**

1. Special Meeting Minutes February 15, 2011. A motion was made by Deane Rettig to approve the special meeting minutes of February 15, 2011. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**V. Public Commentary:** There was no public commentary.

**VI. Unfinished Business:**

**a. Reading of Legal Notice:** Al Sandholm read the legal notice into the record.

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

**c. New Public Hearings:**

1. SD11-001 Craig Dunlop, LaSalette Drive, Map 25, Lot 18C, RA/VCD Zone, 2-Lot Re-Subdivision.

Craig Dunlop recuses himself from the table.

Paul Archer, Archer Surveying represents Application SD11-001. The property is approximately 50+ acres located on LaSalette Drive which is off of Route 169. The frontage of the property is located in the VCD Zone with the back half of the property located in the RA Zone. Mr. Dunlop is requesting to re-subdivide the property to create two lots for his children.

Mr. Dunlop's attorney recommended applying for a variance to allow the additional two lots. A variance was awarded February 1, 2010 for Section 3.5.3.3.1 and 3.7.1 for the addition of two building lots in the interest of continuing orderly growth and development in the VCD Zone in Town.

Tom Doherty asked what the reason was for asking for a variance. Mr. Archer stated that it was due to the property being in two different zones-RA and VCD Zone. With the frontage in the VCD zone it would allow plenty of frontage to put the two lots in.

LaSalette Drive is a private drive that services five property owners; Smith, Chenail, Maurice, Bouthillier and Dunlop. The Chenail's have a separate driveway off of Route 169, but have a right to pass on LaSalette Drive. The first 100 feet of the right of way is owned by Leo Hudon. Mr. Hudon has not agreed to give Mr. Dunlop the right to pass over the right of way for the addition two building lots. Mr. Archer applied to the State of Connecticut DOT for a curb cut to be allowed along Mr. Dunlop's driveway for the two lot subdivision. Approval was granted from the State of Connecticut DOT February 17, 2011.

Mr. Archer submitted certified mailings to abutters for the record. Mr. Archer also stated that approval was granted from the Wetlands Commission and the Northeast District Department of Health. Both lots will need engineered systems. There is already a CL & P easement in place.

Mr. Archer stated that LaSalette Drive is a gravel drive approximately 20 feet wide. The maintenance is shared by Mr. Dunlop and the other property owners. A maintenance agreement for the driveway will be put in place with the addition of two new lots.

Al Sandholm asked Mr. Archer if the existing driveway will be closed off. Mr. Archer stated no, there will be a new driveway constructed to be used by the two new property owners. The existing driveway will be used by the current property owners. Discussion held.

Deane Rettig asked Mr. Archer if he has reviewed the letter dated February 28, 2011 submitted by the Brooklyn Conservation Commission. Mr. Archer stated that he has not reviewed the letter. Mr. Rettig read the record into the record. A copy of the letter is available in the Planning Office for review by the public. The Brooklyn Conservation Commission recommends protecting the stone walls which surround the property as a boundary.

Tom Doherty asked why Mr. Archer went to the Zoning Board of Appeals first and not the Planning and Zoning Commission. Mr. Archer stated that a preliminary discussion was held and the Planning and Zoning Commission instructed him to either speak with Attorney Peter Alter; get a variance; or put the whole project in the VCD Zone.

Mark Provost speaking on behalf of his mother Gloria Smith, 10 LaSalette Drive stated that where the proposed driveway is going a large septic field was there previously which serviced 73 Pomfret Road. Mr. Archer stated he is aware of this fact.

Mr. Dunlop stated that Leo Hudon of 73 Pomfret Road has a new engineered septic system on the far side of the road that was installed several years ago. Mr. Dunlop feels this is not an issue. Mr. Archer stated that if the field is disrupted, the field will be dug out and new soils will be replaced. Mr. Provost wants to make sure that the contaminated soils will be disposed of properly.

Leo Hudon, 73 Pomfret Road, asked if the current residents living on LaSalette Drive will be able to use the new proposed driveway as well as the current right of way. Discussion held.

Dave Fuss asked how wide the existing right of way is. Mr. Archer stated it is 20 feet. Discussion was held.

Janet Bouthillier, 30 LaSalette Drive stated her concern is the creation of more traffic; more wear and tear on the right of way. The Bouthillier's do their part to help maintain the right of way; however, there is not a maintenance agreement with Mr. Dunlop. Ms. Bouthillier feels that with more traffic there will be more expense to maintain. Mr. Dunlop stated that a maintenance agreement will be written in the deeds for the two new lots.

Mark Provost commented that his mother's concern is with the amount of traffic. Mr. Provost stated that the road is taken care of pretty well, however, the traffic and the speed of the traffic is a major concern.

Gloria Smith, 10 LaSalette Drive, is concerned that with the two driveways this may create a safety hazard. Mr. Archer stated there is approximately 150 feet between the two driveways. Discussion held.

Leo Hudon, 73 Pomfret Road asked if any thought was given to using a separate driveway and not using LaSalette Drive. Mr. Archer stated no, Mr. Dunlop owns the right of way and would like to continue to use it.

Tom Doherty asked how many houses in total will there be with the two new homes to be built. Mr. Archer stated there are five existing homes but there will be seven in total. Discussion held.

Chuck Dobrowski provided Deane Rettig with a copy of the Record of Variance granted by the Zoning Board of Appeals. Mr. Rettig read this into the record. A copy of the variance is available for review by the public in the Planning Office. Discussion held.

Chairman Kelleher read into the record a letter dated February 26, 2011, received from Joseph Andre Maurice, resident of 42 LaSalette Drive who is opposed to the re-subdivision. A copy of the letter is available for review by the public in the Planning Office. Mr. Archer addressed Mr. Maurice's concerns. Discussion held.

A motion was made by Don Francis to close the public hearing on application SD11-001. Al Sandholm seconds this motion. No discussion held. Craig Dunlop recuses. All in favor. The motion passes unanimously.

Craig Dunlop returns to the table.

A motion was made by Deane Rettig to alter the agenda to add under section d. Other Unfinished Business the following: 1. SD11-001; SP11-001; 3. Brooklyn Golf Course/Paul Archer; discussion of enclosing existing decks; 4. Planned Commercial Zone Draft Regulations. Henry Moses seconds this motion. No discussion held. All in favor. Craig Dunlop abstains. The motion passes.

**2. SP11-001 Hans Koehl and Cristina Haiss-Koehl, 79 Pomfret Road, Map 25, Lot 21, VCD Zone; Proposed construction of garage addition.**

Bruce Woodis, KWP Associates represents application SP11-001. The location of the property is 79 Pomfret Road, 500 feet south of Woodland Drive. This is an existing residential lot with a ranch style home that was built in the 50-60's. There is an existing concrete pad/foundation for a garage that was never constructed. The Koehl's are proposing the construction of a one car garage and a breezeway on the existing foundation. Mr. Woodis submitted pictures of the existing house and a rendering of the proposed garage construction for the Commission to review.

Al Sandholm asked what the present siding on the house. Mr. Woodis stated it is clapboards with a very wide reveal.

The proposed will be a one car garage. The overhead garage door will look like carriage shed doors. There will be transom windows above. The siding will be cedar clapboards. The windows will be wood framed with mullions and muntins. The shingles will be the same gray color as the existing shingles. There is no proposed disturbance to the property as they will be using the existing concrete pad. There will be no changes to the driveway.

Hans Koehl stated that the shingles are cedar shake shingles not clapboards.

Al Sandholm asked if a similar product will be used on the garage as is on the house. Mr. Koehl stated yes.

Chairman Kelleher asked Mr. Dobrowski if he has reviewed the application and has any comments. Mr. Dobrowski stated the application is complete.

Chairman Kelleher asked for public commentary. None was given.

A motion was made by Tom Doherty to close the public hearing on application SP11-001. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**d. Other Unfinished Business:**

**1. SD11-001 Craig Dunlop, LaSalette Drive, Map 25, Lot 18C, RA/VCD Zone, 2-Lot Re-Subdivision.**

Craig Dunlop recuses himself.

A motion was made by Deane Rettig to approve application SD11-001 for the two lot subdivision based on the ZBA approval of variance information. Barbara Repko seconds this motion.

Tom Doherty voiced his concerns as to why he is opposed to the motion. Discussion held.

Vote was taken: In favor of Carlene Kelleher, Deane Rettig, Al Sandholm, David Fuss, Don Francis, Henry Moses, Barbara Repko and Paul Camara. Opposed: Tom Doherty. Craig Dunlop recused. The motion passes.

**2. SP11-001 Hans Koehl and Cristina Haiss-Koehl, 79 Pomfret Road, Map 25, Lot 21, VCD Zone; Proposed construction of garage addition.**

Craig Dunlop returns to the table.

Motion was made by Henry Moses to approve application SP11-001 as it meets all VCD regulations. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

**3. Brooklyn Golf Course/Paul Archer; discussion of enclosing existing decks.**

Paul Archer, Archer Surveying represents Dick Regis, owner of the Brooklyn Golf Course. Mr. Archer discussed with the Commission whether or not the Commission would be content adding the golf course as a permitted use in the R30 and RA Zones and defining with restrictions under definitions. Deane Rettig likes the concept of proposing a text amendment. Discussion held.

Chairman Kelleher suggests that the regulation subcommittee work on this. Deane Rettig suggests that the applicant come forward with a text amendment to present to the Commission. Discussion held.

The consensus of the Commission is to have the applicant come forward with a text amendment for the Commission to review.

**4. Planned Commercial Zone Draft Regulations.**

Chairman Kelleher commented that the changes are fairly minimal; most of them are less restrictive.

Chairman Kelleher reviewed the following proposed changes with Commission Members:

- 3.4.8.1 Intent; change in definition
- 3.4.8.3.1 and 3.4.8.3.2 Waiver of Special Permit Requirement; 500 sq ft or less in total ground floor area
- 3.4.8.4 Dimensional Requirements Changes:
  - 3.4.8.4.2 Rear yard increase to 50 ft
  - 3.4.8.4.3 Side yard increased to 50 ft
  - 3.4.8.4.4 Lot size decrease to 30,000 sq ft minimum
  - 3.4.8.4.5 Lot Frontage decrease to 100 ft minimum
  - 3.4.8.4.6 Building Height 1 or 2 story building 30 ft maximum; 3 story buildings 40 ft maximum
- 3.4.8.4.7 Lot Coverage with impervious surfaces; 65% impervious cover
- 3.4.8.7 Architectural/Design Review; 3.4.8.7.1 through 3.4.8.7.5 Language changes

Jim Larkin discussed the following definitions with Commission members:

- Retail Stores
- Medical, Professional or Business Offices
- Business Services
- Personal Services
- Banks and Financial Institutions
- Banquet Catering Establishments
- Hotels and Motels
- Gasoline stations and Automotive Service
- Restaurants
- Health Clubs
- Florists
- Day care Center, Group Day Care Home, Family Day Care Home
- Community Center Buildings
- Automotive Sales and Rentals
- Theaters
- Mixed Occupancy Uses

Commission Members gave comments on the proposed amendments. Lengthy discussion held.

Chairman Kelleher suggested for Commission Members to review this material for further discussion at next month's meeting.

## **VII. New Business**

**a. Applications:** None.

**b. Other New Business**

**1. Vendor Permits Draft:**

Chairman Kelleher suggested to Commission Members to review the draft regulation for Vendor Permits for further discussion at next month's meeting.

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

**1. Zoning Officer's Report February 2011:**

Chuck Dobrowski discussed in detail the Zoning Enforcement Officer's Report for the month of February 2011 with Commission members.

Mr. Dobrowski stated he has been in contact with the Farmer's Market and would like to know what the renewal process will be for the Farmer's Market as there is not a regulation in place for Vendor Permits to accommodate this.

Mr. Dobrowski discussed a Lot located on Barrett Hill Road. The owners went to Zoning Board of Appeals with an application and it was denied. The Lot has since been reconfigured and met all zoning requirements. Syl Pauley has reviewed and approved the redraft from CME Associates. Tom Rukstela, Highway Director has approved the driveway. Approval has been granted from Northeast District Department of Health. Mr. Dobrowski therefore has issued a zoning permit.

Tom Doherty stated that if the issues with Brooklyn Oil have not been resolved it should be stated in the ZEO Report. Mr. Dobrowski stated that it has not been resolved and he will be going there in the Spring and continue the process at that time.

**2. Village Center District:**

Deane Rettig will be scheduling a meeting for one day next week.

**3. Regulations Subcommittee:**

Chairman Kelleher stated they have not met since she last reported; therefore there is nothing new to report.

**4. Budget:**

Chairman Kelleher calls attention to the fact that there is \$11,607 left in the Professional Services budget line item. This will carry the Commission through the end of the fiscal year.

Tom Doherty questioned if the \$2500 previously discussed and agreed upon has been reserved for making copies of the Plan of Conservation and Development. Mr. Doherty feels printed copies should be distributed to the various commissions. Discussion held.

Al Sandholm asks if it would be possible to get a monthly accounting for fees/applications/advertising/legal fees. Selectman Tanner commented that this information can be made available. Chairman Kelleher will ask Sherri Soucy to give an update on the income.

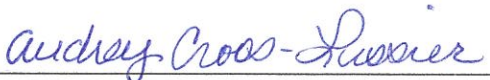
Tom Doherty commented that when a special permit is approved with conditions, a follow up should be done to make sure the conditions are being abided by. Mr. Doherty feels a tickler list should be created. Discussion held.

#### **5. Chairman's Report:**

Chairman Kelleher had nothing new to report.

#### **IX. Adjourn:**

A motion was made by Deane Rettig to adjourn the meeting at 10:16 pm. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

  
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Audrey Cross-Lussier  
Recording Secretary