

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
P.O. BOX 356
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
MAY 4, 2011
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

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2011 MAY 11 P 3:29
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10-10-11
TOWN OF BROOKLYN

I. Call to Order: The meeting was called to order at 7:00 p.m.

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

Absent: Paul Camara with notice.

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

Also Present: Paul Archer, Gene Michael Deary, public in attendance.

III. Seating of Alternates: None.

Chairman Kelleher commented that the P and Z June 1, 2011 regular meeting is in conflict with the Town Meeting that will be on the budget. Chairman Kelleher suggests rescheduling the meeting date. Discussion held.

A motion was made by Al Sandholm to reschedule the regular meeting of June 1, 2011 to a special meeting on June 8, 2011. Barbara Repko seconds this motion. No discussion held. All in favor. The motion passes unanimously.

IV. Adoption of Minutes:

1. Regular Meeting Minutes April 6, 2011:

A motion was made by Al Sandholm to approve the meeting minutes of April 6, 2011. Tom Doherty seconds the motion with the following change – page 6 change Tom Doherty noted that the trailers are licensed in Maine to “Tom Doherty claimed the trailers are licensed in Maine.” No discussion held. All in favor. The motion passes unanimously.

V. Public Commentary:

Paul Damiani, Westview Drive, was asking for clarification on the discussion in last month's meeting minutes on the Lambert Property-RA Zone. Chairman Kelleher commented that it was not a discussion to make a zone change; it was related to the map being correctly noted in the POCD document.

Al Sandholm commented that he brought up the subject during the POCD discussion. The map that was originally included with the document was in error. The property is in the RA Zone.

Don Francis suggested Public Commentary be at both the beginning and the end of the agenda for the next couple of months. Discussion held. Chairman Kelleher agreed to trying this starting with the next meeting public commentary will be added at the beginning and the end of the agenda.

VI. Unfinished Business:

a. Legal Notice: None.

b. Continued Public Hearings: None.

c. New Public Hearings: None.

d. Other Unfinished Business:

1. Plan of Conservation and Development Final Draft:

Al Sandholm would like to see a completed document with the correct zoning map before the commission votes. Mr. Sandholm also commented on the photograph for the Economic Development section of POCD which shows a few illegal signs. Mr. Sandholm feels this sends the wrong statement. Mr. Sandholm also commented on the photograph for the Economic Development Recommendation section which shows an 80 foot wide strip of asphalt. There is no character shown in the photo. Mr. Sandholm also commented on the Finance Section photograph of the Town Hall Office. Mr. Sandholm feels better photographs could be taken to represent these areas. Discussion held.

Deane Rettig stated that all the citations have been made in the proper format with the exception of three of them where they don't have a space where they require one and one has a space where it does not require one. Mr. Rettig requests this be corrected before printing.

Deane Rettig commented that on the Open Space and Natural Resources Conservation/ Habitat and Forest Resources Map – the comment under the map; line 4 the last word “corridors9” should be changed to “corridors.” Mr. Rettig requests that the pages be numbered. Mr. Rettig agreed to e-mail the corrections to the appropriate person.

Chairman Kelleher commented on Governance and Administration – under the Objectives & Relation to Key Priorities the first sentence, last word “actives” should be changed to “activity.”

Jim Larkin commented on Open Space & Natural Resources Conservation section the last sentence refers to “125 foot” of a wetland or watercourse. Mr. Larkin stated that this should be changed to “125 foot for wetlands and “175 feet for watercourse.”

Tom Doherty asks permission from the P and Z Commission to invite Holly Drinkuth to explain the Open Space Map in detail. Discussion held. Chairman Kelleher agrees with Mr. Doherty’s suggestion.

Chairman Kelleher commented she is concerned with how much the POCD document will cost to print. Ms. Kelleher stated there is \$1,500 in the budget at the present time for printing. Tom Doherty commented that \$2,500 was previously asked for. Discussion held.

The consensus of the Commission was to table the Plan of Conservation and Development Document until the June 8, 2011 special meeting as to give time for the appropriate corrections to be made.

2. Planned Commercial Zone Draft Regulations:

Jim Larkin commented on the changes that were made to the Planned Commercial Zone Draft:

- Addition of the 10% for bonus from the 5% on page 4, 3.4.8.7.
- Change to the definition section, gas station.

Chairman Kelleher suggested to the Commission reviewing each page of the document for any additional changes.

Deane Rettig comments on page 1, suggests Banquet and Catering Establishments change to Banquet Hall and Catering Establishments. The definition should also reflect this change.

Chairman Kelleher suggested removing Gasoline Stations and change to Automotive Service Station.

Tom Doherty discussed 3.4.8.3 Outdoor Displays with the Commission.

Commission members discussed 3.4.8.3.7 – Items are only displayed during business hours.

The consensus of the Commission is to remove 3.4.8.3.7.

Commission members discussed 3.4.8.3 removing “zoning permit.” Jim Larkin suggests removing zoning permit so that it would be initially approved by site plan review or special permit. Changes in the outdoor display may be permitted by the Zoning Enforcement Officer through a zoning permit. Commission members are all in agreement with this change.

Commission members discussed the definitions:

#1. Retail Stores, remove “when all merchandise is totally enclosed within a building.”

#4. Change the definition “Services, Personal to Personal Services.”

#6. Change to “Banquet and Catering Establishments.”

#8. Automotive Service Station, remove “other premises.” Place a small “t” on thereof.

#10. Health Clubs, change “Clubs to Club.”

#12. Discussion held with regards to Day Care Center, Group Day Care Home, Family Day Care Home. Craig Dunlop suggests changing “children” to “persons.” Jim Larkin commented that he will check into the State definitions with regards to Day Cares.

A motion was made by Don Francis to schedule the public hearing for the Planned Commercial Zone Regulations to June 8, 2011. Deane seconds this motion. No discussion held. All in favor. The motion passes unanimously.

3. Special Events Draft Regulation:

Jim Larkin discusses the Special Events Regulation with Commission members. Attorney Peter Alter has reviewed the draft and gave his recommendations. Attorney Alter suggested creating a tier type system. The first tier would be an accessory use to the property such as churches or fire department which holds a fund raiser such as a dinner or barbecue. This is essentially allowed to occur without zoning involvement.

The second tier would be to permit areas or land owners who may have property that is suitable to hold events such as a wedding, banquet or a function which would be allowed by special permit.

The third tier is where the ordinance would apply to large scale events that are not held on a regular basis, i.e., Town Anniversary. The Board of Selectmen would handle this by the Town Ordinance.

Deane Rettig discusses the language in the “Intent” of the Special Events on page 1.

Henry Moses commented on General Conditions - the minimum of 10 acres. Discussion held. Tom Doherty suggested adding “should provide adequate space for the proposed activity, a site by site basis.” Commission members agreed that it should be site specific. Jim Larkin will amend this.

Don Francis questioned why Special Events has become a Planning and Zoning issue. Tom Doherty feels that an intelligent ordinance would cover special events. Discussion held.

Chairman Kelleher polled the Commission as to who is in favor of or not in favor of the Special Events Regulation.

Dave Fuss, Henry Moses, Deane Rettig, Carlene Kelleher, Craig Dunlop, Al Sandholm and Barbara Repko were in favor of the Special Event Regulation.

Tom Doherty and Don Francis were not in favor of the Special Event Regulation.

Deane Rettig asked under Revocation of Permits what does “The criteria of Article XX are not subject to action by the ZBA mean and what is the purpose.” Chairman Kelleher commented that if the Commission should deny the application due to not meeting particular criteria that the party involved could not go to the ZBA for a variance.

Deane Rettig addressed where to place the Special Events regulation in the Zoning Regulations. Discussion held.

Al Sandholm commented on the last page of the Special Activities or Events Ordinance Amendments 4-2.3 Penalty, there is a typo error and fine should be changed from Five Hundred to One Thousand dollars.

Jim Larkin will note the corrections and revisit the Special Event Draft Regulation on the June 8, 2011 special meeting.

4. Motion to change the public hearing date of vendor permits to May 17, 2011:

Discussion was held with regards to changing the May 17th date to May 19th due to the Town Meeting being held on May 17th.

A motion was made by Carlene Kelleher to change the special meeting date of Tuesday, May 17, 2011 to Thursday, May 19, 2011. Tom Doherty seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Deane Rettig to change the public hearing date for the vendor permits from Tuesday, May 17, 2011 to Thursday, May 19, 2011. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

VII. New Business:

a. Applications:

1. SP11-002 Spiro Haveles, 18 Providence Road, Map 24, Lot 58, VCD Zone, Commercial use with Apartment.

A motion was made by Dave Fuss to schedule the public hearing for application SP11-002 for June 8, 2011. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. ZRC11-002 Richard Regis, South Street, Request to amend Article(s) 3.4, Section(s) 3.4.3.2 and 3.4.4.2.

Paul Archer, Archer Surveying, represents application ZRC11-002. Mr. Archer asked the Commission why the applicant, Mr. Regis, is asked to write the text amendment and why it is not allowed to go to the subcommittee for review. Lengthy discussion held.

Mr. Archer submitted a letter to withdraw the application. Mr. Archer and the applicant will work with Staff on the Text Amendment and resubmit the application for the May 19, 2011 special meeting.

b. Other New Business:

1. Townsend Development Associates, LLC, Providence Road, requesting 5-year extension of Site Plan SP06-009 (original approval January 3, 2007).

Henry Moses asked if all conditions of approval have been met. Mr. Dobrowski stated that originally the project was broken up into Phase I and Phase II. Everything in Phase I is completed. Phase II of the remaining property has not yet begun, which is what the 5-year extension will address.

Don Francis voiced his concern with regards to the condition of the site. Mr. Francis would not like to see the current condition of the site for the next five years. Mr. Francis suggests asking for some concession when granting the 5-year extension.

Jim Larkin commented that an approval is in place. Mr. Larkin suggests that the Commission review the conditions of the original approval.

Dave Fuss suggests tabling this until the approval of the original conditions have been reviewed.

Chairman Kelleher suggests reviewing the site plan before granting the 5-year extension.

Discussion held.

A motion was made by Dave Fuss to table the 5-year extension of site plan SP06-009 until the May 19, 2011 meeting to allow staff to review the condition of the approval, site plan review and approval letter and report back to the commission. Don Francis seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Endorsement of Small Cities Grant application for Fortin Drive project.

Selectman Tanner stated the Town has applied for a Small Cities Grant for Fortin Drive which will go from Ronald Street to South Street to address the drainage issues and to repave the road. Selectman Tanner stated that the more letters to support the project gives the Town a better chance to retrieve the grant. Chairman Kelleher has written a letter in support of the Grant. Selectman Tanner would like a letter of support from the Planning and Zoning Commission.

A motion was made by Deane Rettig to endorse the Small Cities Grant Application for the Fortin Drive project. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

VIII. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report April 2011.

Mr. Dobrowski discussed in detail the Zoning Enforcement Officer's report for the month of April 2011 with Commission Members.

Mr. Dobrowski discussed the following with Commission Members:

1. Mr. Dobrowski stated that O & G Industries, Inc/River Junction Estates, LLC is asking for a date to come in and address the Commission regarding the improvements of the road to the Transfer Station and discuss the construction of the new intersection of Beecher Road and Route 169.

Chairman Kelleher read the letter from Messier and Associates dated May 2, 2011 into the record. A copy is available for review by the public in the Planning Office.

A lengthy discussion was held. Chairman Kelleher stated the Commission will be happy to set a date and meet with O & G Industries, Inc/River Junction Estates after they have discussed this issue first with the Board of Selectmen.

2. Letter regarding 148 Prince Hill Road. Mr. Dobrowski commented that there was a lot of tree damage on the property over the winter; the trees were cut down and removed. Mr. Dobrowski wrote a letter to the owner who in turn spoke with Mr. Dobrowski and stated they will be replanting with arborvitaes and pines in the original buffer area. Henry Moses suggests giving the owner a timeline for the planting. Mr. Dobrowski agreed to do so.

3. Signs at 10 Providence Road-Pocketfuls. Mr. Dobrowski will be issuing a sign to Pocketfuls. The sign sketch meets the regulations. They will be made of wood and are nice signs.

4. Brooklyn Oil. Mr. Dobrowski has recently visited with Brooklyn Oil and had a long conversation with the owner. Mr. Dobrowski stated that approximately 700 to 800 sq ft of debris has been removed.

Tom Doherty commented again on the trucks being licensed in Maine and would like confirmation that the trucks are truly licensed in Maine. Discussion held.

Mr. Dobrowski will speak again with the Assessor regarding this issue.

Al Sandholm asked Mr. Dobrowski what the timeline would be for the clean up of the debris from the barn to the road. Mr. Sandholm feels there should be a strict timeline for the clean up.

Mr. Dobrowski stated that he is working with the owner on cleaning up little sections at a time.

Dave Fuss commented that he is satisfied with the “baby steps” and would like to see Mr. Dobrowski continue with this approach.

Deane Rettig commented on Brooklyn Farm and Pet. The mulch area is not contained as was stated on the original site plan as well as a tractor trailer on site being used for storage. Mr. Dobrowski suggests modifying the site plan to suit the owner’s current needs. Discussion held.

Chairman Kelleher read Section 4.4.6 of the Zoning Regulations with states “application for amendments or modifications to an approved Site Plan shall be made in the same manner as the original application. The Town Zoning Official may approve minor modification.”

Discussion held with regards to “minor modification.”

Mr. Dobrowski will contact the owner with regards to the modification.

Don Francis asked for an update on the former “Friendship Valley.”

Mr. Dobrowski spoke with Attorney Peter Alter with regards to the issues at 60 Pomfret Road. Attorney Alter recommended Mr. Dobrowski observing the property carefully and keep documentation of any further work being done. Mr. Dobrowski has complied with this request.

2. Village Center District.

Deane Rettig stated that the next meeting will be held on Thursday, May 12, 2011.

3. Regulations Subcommittee.

Chairman Kelleher stated that the next meeting will be scheduled fairly soon.

4. Budget.

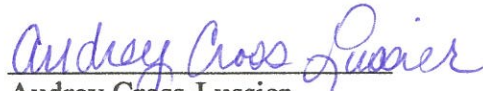
Chairman Kelleher stated the budget is included in the packet and suggests the Commission Members review this.

5. Chairman’s Report.

Chairman Kelleher stated that Jim Larkin has brought in a couple of Bills to discuss with the Commission. Bill 896 has procedural changes to the site plan and subdivision application process. Bill 860 deals with bonds and surety with regards to public improvements within subdivisions.

IX. Adjourn:

A motion was made by Deane Rettig to adjourn the meeting at 10:25 p.m. Dave Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary