

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
August 4, 2010
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

RECEIVED
TOWN CLERK'S OFFICE
2010 AUG 11 P 1:30
RECORDED VCL. PAGE
Maria A. Mainville
TOWN OF BROOKLYN

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

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

Absent: David Fuss with notice. Paul Camara without notice.

Staff Present: Chuck Dobrowski, Jim Larkin and Audrey Cross-Lussier.

Also Present: Mary Knust, Paul Archer, Paul Terwilleger, Sandra Rukstela, Dick and Naomi Regis and public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes: Regular Meeting Minutes July 7, 2010.

A motion was made by Deane Rettig to approve the regular meeting minutes of July 7, 2010 as presented. Barbara Repko seconded this motion. Discussion held on the motion. All in favor. The motion carries unanimously.

V. Reading of Legal Notice: Al Sandholm read the legal notices into the record.

VI. Public Hearings:

VII. Continued Public Hearings:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping continued from June 3, 2010 and July 7, 2010.

Craig Dunlop recuses himself from the table as he is an abutter.

Mary Knust property owner represents application SP10-003. Ms. Knust addressed the issue with regards to the approval granted for vinyl siding. Ms. Knust addressed Architect Evelyn Cole-Smith's comments from the letter dated July 14, 2010 with regards to "being misled to believe the vinyl siding and trim was previously approved by the Planning and Zoning Commission." Ms. Knust stated at the April 2008 meeting it was decided the description would be given to the Town Attorney Mark Brouillard, to see whether it met the regulations in VCD. Ms. Knust stated she received a phone call from then First Selectmen Roger Engle stating that Attorney Brouillard decided that it was "okay." Ms. Knust stated she then visited the Town Hall and asked if she were to go back to another meeting and she was advised at the time that "no it was decided that you were within the regulations and go ahead and put the vinyl siding on." Ms. Knust stated she has an active approved building permit for the vinyl siding and windows.

Ms. Knust provided the Commission with new information on the wind turbine. Ms. Knust stated the wind turbine would be installed next year.

Ms. Knust discussed appraisals that have been made on the property. Ms. Knust stated she was offended by the slanderous comments that were made by Mrs. Bell and Mr. Leonard at a previous Planning and Zoning meeting June 3, 2010.

Chairman Kelleher commented that the most recent letter received from Evelyn Cole-Smith, dated July 29, 2010, indicates that she does not consider the recent drawings that were submitted to be complete enough for her to review and make any comments. Ms. Kelleher wanted to make Ms. Knust aware that the Commission does not have enough information on the project and will be asking for an extension on the application. Ms. Knust stated she understands this and will resubmit plans to be forwarded to Ms. Cole-Smith.

Ms. Knust discussed the original dry laid basement foundation and the flooding that occurred on the property this past spring. Ms. Knust contacted FEMA with regards to the flooding. FEMA would like them to remove the entire dry laid foundation and repair with a cinderblock concrete foundation. Ms. Knust stated that the reason there is no landscaping plan is because the government has said to Ms. Knust they would like a 6 foot high retaining wall with drainage placed from one end of the property to the other end so flooding will not happen again. FEMA would also like a row of Irish Hues across the back property line for erosion purposes.

Ms. Knust stated that the reason why the repairs on the property have been so slow in progress is due to illnesses with both Mr. and Mrs. Knust. Ms. Knust discussed the repairs that have been made to the roof and chimneys. Ms. Knust discussed the design of the vinyl siding and the correct information on the wind turbine and where it will be located on the property.

Al Sandholm questioned the timeline on another request for extension. Chairman Kelleher stated Ms. Knust may ask for one more extension and at the September 1, 2010 meeting the commission will be required to close the public hearing.

Chairman Kelleher emphasized if the commission members have any questions and feel there is any additional information that will be needed to refer this to Chuck Dobrowski before next month's meeting.

Deane Rettig asked Ms. Knust if she received all the comments from Norm Thibeault that were made at the June 3, 2010 meeting. Ms. Knust stated she received some of the comments and they were addressed. Ms. Knust is requesting a list of comments from the commission. Mr. Rettig suggested Ms. Knust research the meeting minutes for the list of comments. Al Sandholm provided Ms. Knust with a copy of the June 3, 2010 meeting minutes.

Chairman Kelleher stated that as far as the vinyl siding the commission has no knowledge that approval was given. The meeting minutes were researched and there was nothing in the minutes that indicated approval was granted. It was referred to the Town Attorney for research to be done.

Tom Doherty commented that Attorney Brouillard and the First Selectman had no authority to give permission for the vinyl siding. Discussion held.

Mr. Dobrowski stated he has spoke with Attorney Brouillard who commented that he never gave permission to use vinyl siding as well as the Planning and Zoning Commission never gave permission for the vinyl siding. Ms. Knust stated she received a phone call from then First Selectman Roger Engle saying "go ahead and use the vinyl siding." Mr. Dobrowski stated that the First Selectman cannot make that kind of decision; this is supposed to be left to the Planning and Zoning Commission.

Ms. Knust discussed what is left of the original house. Deane Rettig referred to the VCD regulations section 3.4.5.7.1. Discussion held.

Chairman Kelleher opened the floor to the public for their comments. No comments were heard.

Chairman Kelleher opened the floor to the commission members for their comments.

Don Francis referred to Section 4.5 of the special permit and commented that there are a number of things missing from the application. Mr. Francis asks staff to review this. Discussion held.

Ms. Knust provided the commission with an extension request form to continue the public hearing to September 1, 2010.

A motion was made by Henry Moses to accept the extension on application SP10-003 to next month's meeting. Al Sandholm seconded the motion. No discussion held. All in favor. The motion carries. Craig Dunlop abstained.

VIII. New Public Hearings:

1. SP10-004 Brooklyn Country Club, 170 South Street, Map 40, Lot 11, RA/R-30 Zone, change in use driving range area to miniature golf.

Craig Dunlop returned to the table.

Paul Archer of Archer Surveying represents application SP10-004. The golf course consists of two parcels, one on the north side of South Street and the other on the south side of South Street. The current application is dealing with the parcel on the north side that is roughly 11 acres and zoned RA/R-30. The parcel on the south side is 57 acres in the RA zone. The Golf Course predates zoning. In the 1980's a restaurant and bar were built adjacent to the Pro Shop. In the 1990's a deck was built adjacent to the restaurant. A few years ago the golf course was taken over by the Brooklyn Golf Authority who came before the commission and was granted approval for lights on the driving range and an ice rink. Ms. Sandra Rukstela presently operates the Brooklyn Country Club. Ms. Rukstela installed a removable miniature golf course on the lawn area which has not interfered with parking places, however, this use was found not to be a permitted use in the R-30 zone. A couple of months ago the applicant came before the commission proposing to switch a permitted use for a non permitted use, i.e., swaps the ice skating rink for the miniature golf. In conversation with the Town Planner, Jim Larkin, it was discovered that the ice skating rink was not a permitted use by the commission. The new area chosen for the swap is just north of the concrete structure which is the natural grass driving range area. The grass will be allowed to grow to deter patrons from using this area. The driving range is open from sun up to sun down with lights provided at night time until 10 p.m. Whereas the miniature golf is open from 11 a.m. until dusk. The miniature golf is mostly used by younger children.

Mr. Archer stated that this is a temporary fix. There needs to be a regulation written to allow both areas to grow so the golf course may prosper. Mr. Archer stated that what is being proposed is swapping out the driving range area for the miniature golf. The actual square footage on the 11 acres of land is 3,900 sq. ft.

Tom Doherty asked why the swap is necessary. Mr. Archer stated you cannot make anything more nonconforming. The driving range is nonconforming use and will be swapped with the miniature golf which is a nonconforming use. Chairman Kelleher commented that the commission referred this to Attorney Peter Alter and this is what he had suggested. Discussion held.

Chairman Kelleher opened the floor for public commentary.

Edith Roberts, Mason Road, commented that she was delighted when the miniature golf was added as they bring their grandchildren there. They frequent the Country View Restaurant and feel that the Golf Course is a wonderful place and urges the Town to support all the efforts that have been made. Ms. Roberts feels this is a nice little gem for the Town to have.

Chairman Kelleher opened the floor for Commission commentary.

A motion was made by Deane Rettig to accept all waivers on the site plan review sheet for application SP10-004. Tom Doherty seconds this motion. No discussion held. All in favor. The motion carries unanimously.

Craig Dunlop personally feels that this would be an accessory use.

Chairman Kelleher questioned the parking. Mr. Archer stated that the total space required for everything is 31 spaces and the total spaces available are 66.

Deane Rettig asked what the actual area is of the driving range area. Mr. Archer stated that they are all equal.

A motion was made by Don Francis to close the public hearing on application SP10-004. Al Sandholm seconded this motion. No discussion held. All in favor. The motion carries unanimously.

Public Hearing Section Closes

Meeting Business Proceeds

IX. Unfinished Business:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping continued from June 3, 2010 and July 7, 2010.

A motion was made by Deane Rettig to table application SP10-003 to next month's meeting. Al Sandholm seconds this motion. No discussion held. All in favor. The motion carries. Craig Dunlop abstains.

2. SP10-004 Brooklyn Country Club, 170 South Street, Map 40, Lot 11, RA/R-30 Zone, change in use driving range area to miniature golf.

Jim Larkin, Planner, made a suggestion to the commission when making a motion to make a reference to section 14.4 of the regulations specifically where it does say in accordance with Article 5 to another non-conforming use, that it is not more objectionable and deemed to be more conforming if it is the commission's wishes to approve the permit. Conditions can be added if the commission so desires.

A motion was made by Tom Doherty to approve application SP10-004 miniature golf in accordance with Article 14.4 (change in use). Craig Dunlop seconds this motion. No discussion on the motion. All in favor. The motion carries unanimously.

Henry Moses left the meeting at 7:55 p.m.

3. MMUDD Regulations (Mill Mixed Use Development District).

The following numerical and grammatical corrections were made to the MMUDD Regulations:

Deane Rettig: page 7 B grammatical changes were made.

Chairman Kelleher: page 7 number 5A grammatical changes were made. On page 8 and 9 numerical corrections made. Chairman Kelleher discussed the formatting issues on the definitions.

Al Sandholm commented on page 12 being blank. Discussion held.

Deane Rettig: page 14 regarding retails stores grammatical and punctuation corrections made.

Chairman Kelleher: discussed retail stores.

Deane Rettig: page 14 print shop discussed. Sentence revised.

A motion was made by Tom Doherty to approve the Mill Mixed Use Development District regulations with the changes so noted herein which include numerical, grammatical, alteration of words and/or sentences which have been recorded. Al Sandholm seconded the motion. No discussion held. All in favor. The motion carries unanimously.

4. SD10-002 Paul and Celia Cristofori, South Street, Map 41, Lot 129, RA Zone, 4-lot subdivision continued from July 7, 2010.

Paul Terwilleger with PC Survey represents application SD10-002. Mr. Terwilleger stated that at last month's meeting the commission requested that the Conservation Commission review the application as well as comments from Syl Pauley, NECCOG Regional Engineer with regards to the driveway.

Mr. Pauley's recommendation was that all driveways be constructed with drainage controls (e.g. level spreaders off to the side and/or medium depth (2') crushed stone filled infiltration trenches, etc.) to diminish potential impact to South Street. Discussion held.

The Conservation Commission's overall recommendations are to consider options or clause for public access and/or connectivity to future open space. Remove section II. 1. Above and below-ground utility exception. This is a very small conservation easement (1.6 acres) providing limited ecological benefit and no public access benefit to the Town of Brooklyn, however, the easement will require on-going monitoring by the Town. Without public access value, fee-in-lieu of open space should be considered.

Mr. Terwilleger commented on the proposed conservation easement to be located along the rear of the property. There is approximately 143 acres that connects to it which at some point maybe developed, however, it is open land at this time. This will give a place to position the conservation easement or open space on the property. This is intended to be a private conservation easement not where public access is necessary. The Town does have a right to access this.

Tom Doherty asked if the easement abuts the industrial zone. Mr. Terwilleger stated that it does.

Chairman Kelleher asked if a fee in lieu of open space was requested what the piece of property could be used for if it is abutting the industrial zone. Tom Doherty stated that one of the things they are looking for in the 10 year Plan of Conservation and Development is to avoid islands. The POCD will consist of contiguous corridors. An island would be of minimal use. Discussion held.

Don Francis discussed his thoughts on the corridor, conservation easement and the fee in lieu of open space. Mr. Francis feels that it is a better value if left as open space. Discussion held.

Chairman Kelleher asked Selectman Tanner for his comments with regards to the land or fee in lieu of open space. Mr. Tanner agrees with Don Francis, he has no problem with an easement but the Town does not want to own all these little parcels.

Al Sandholm asked what type of easement monitoring would there be, is this a maintenance issue for the Town. Jim Larkin stated it would be only as an enforcement action. Mr. Larkin referred to the Open Space regulation 8.3.

Mr. Terwilleger stated in talking with the Conservation Commission they visit the sites once a year. There is one located across South Street and one at the end of Salmon Drive.

Al Sandholm asked what enforcement capabilities the Conservation Commission has.

Mr. Terwilleger stated that the responsibilities are in the private conservation easement agreement. This will be a separate deed between the property owner and the Town of Brooklyn. Mr. Terwilleger reviewed the easement with commission members.

Craig Dunlop asked what the access agreement is. Mr. Terwilleger stated that the Town has a right to access the easement area over their property. Discussion held.

Al Sandholm asked if the Highway Director, Tom Rukstela looked at the plan and made any comments. Mr. Terwilleger stated that Mr. Rukstela has reviewed the plan and he was to forward a letter to the commission. Selectman Tanner stated Mr. Rukstela is away on vacation this week.

Jim Larkin reviewed Section 8.4.2 of the subdivision regulations with the commission members. Discussion held.

A motion was made by Tom Doherty to approve subdivision application SD10-002 and accept the fee in lieu of open space to be no more than 10% of the appraisal company Platt and Associates Real Estate Appraisers with a condition that written comments are received from Tom Rukstela, Highway Director is in agreement with Syl Pauley, NECCOG Regional Engineer on the driveway changes. Al Sandholm seconded this motion. Discussion held on the motion.

Deane Rettig is in favor of the conservation easement instead of the fee in lieu of. Mr. Rettig would like to know the approximate value of the land before considering a fee in lieu of.

Don Francis asked what the soil types on the proposed easement area. Mr. Dobrowski stated they are fairly gravelly with no wetlands.

Craig Dunlop asked if the fee in lieu of is based on the best use of the property or based on strictly land value. Mr. Terwilleger stated it is raw land.

Chairman Kelleher referred to Section 8.11.1 of the subdivision regulations reflecting on the appraiser. Discussion held.

Chairman Kelleher asked for a vote: In favor: Tom Doherty and Craig Dunlop. Against: Carlene Kelleher, Deane Rettig, Al Sandholm, Don Francis and Barbara Repko. The motion fails 5-2.

A motion was made by Deane Rettig to approve subdivision application SD10-002 with the open space easement conditioned upon receiving a letter from Tom Rukstela, Highway Foreman with regards to the driveway conditions. Craig Dunlop seconded this motion. Discussion on the motion. Deane Rettig modifies the motion to provide a copy of the easement to the Town Attorney for review and comment and in accordance with 8.4.2 waive the public access requirement. Craig Dunlop seconds this modified motion. Discussion held on the amended motion. Vote taken: In favor Craig Dunlop, Carlene Kelleher, Deane Rettig, Al Sandholm, Don Francis and Barbara Repko. Against: Tom Doherty. The motion carries 6-1.

X. New Applications:

a. Subdivisions:

1. SD10-003 549 Wolf Den Rd, Hillandale Family Partnership, LLC, Map 18, Lot 19B, RA Zone, 1-Lot Re-subdivision.

A motion was made by Al Sandholm to accept application SD10-003 and move to public hearing September 1, 2010. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries unanimously.

b. Site Plan Review: None.

c. Zone Regulation Change: None.

d. Special Permit:

1. Courtesy Ford, 455 Providence Road, Map 41, Lot 114, PC Zone, Automobile sales display area expansion and storm drainage improvements.

Al Sandholm recuses himself from the table.

A motion was made by Deane Rettig to accept application SP10-006 and move to public hearing to September 1, 2010. Don Francis seconds this motion. No discussion held. All in favor. The motion carries unanimously. Al Sandholm recuses.

Don Francis suggested having staff look at the potential of combining the Lutheran Church driveway with the Courtesy Ford application and have it located across from the Wal-Mart exit.

Chairman Kelleher asked for Chuck Dobrowski and Jim Larkin to review this issue.

2. SP10-007 Federated Church of Christ, 17 Hartford Road, Map 24, Lot 103, VCD Zone, Operation of a Thrift Shop two days per week.

Al Sandholm returns to the table.

Barbara Repko recuses herself from the table.

A motion was made by Deane Rettig to accept application SP10-007 and move to public hearing September 1, 2010. Craig Dunlop seconds this motion. Discussion held on the motion. Deane Rettig modifies his motion to approve the waivers listed on the site plan review worksheet for application SP10-007. Craig Dunlop seconds this motion. No discussion held. All in favor. The motion carries unanimously. Barbara Repko recuses herself.

A motion was made by Deane Rettig to approve the waivers requested by the Federated Church of Christ of the fees for special permit of \$100, site plan review of \$300 and sign permit of \$20. No second on the motion. Discussion held. Chairman Kelleher commented that the land use fee ordinance has no provision for fees for non profits. Deane Rettig retracts his motion.

Chairman Kelleher suggested that the Board of Selectmen discuss the issue of no provision for fees for non profits at an upcoming meeting.

Barbara Repko returns to the table.

XI. Other Business:

1. Paul Archer, preliminary discussion of conservation subdivision for Jeff Weaver, Tatnic Road.

Paul Archer, from Archer Surveying presented a preliminary plan for informational purposes on a proposed conservation subdivision for builder Jeff Weaver located on Tripp Hollow Road. Mr. Archer noted that there is an error in the new conservation subdivision regulations. Mr. Archer stated the error has to do with rear lots. Mr. Archer discussed in length the pros and cons of a conventional subdivision versus a conservation subdivision as well as the issue of the new conservation regulations not allowing for rear lots. Commission members addressed their concerns. Tom Doherty suggested that the subcommittee reconvene to revisit the conservation subdivision regulations rear lot issue. Chairman Kelleher is in agreement with this suggestion.

2. Village Center District: Nothing new to report.

3. Special Permit Application Checklist:

Mr. Larkin commented that the front page is the application requirements that staff review when the application comes in. The rest of the check list is used as guidance for the commission's review of the special permit. Mr. Dobrowski feels the checklists will work out well.

XII. Planning Priorities: Nothing new to report.

XIII. Public Commentary:

Lisa Arends, Allen Hill Road. Ms. Arends commented on Planning and Zoning regulations she has reviewed from Vernon, CT. Ms. Arends stated that the regulation pertains to development and adds a 25 foot depth to rear and side yard as required for each 20,000 sq. ft. of a building up to a maximum of 200 feet which provides buffering and protection to property owners. Ms. Arends suggested as the commission reviews the zoning regulations for changes that this concept be considered.

Chairman Kelleher asked Ms. Arends to provide a copy of these regulations and send them along to NECCOG Planner Jim Larkin.

XIV. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report:

Mr. Dobrowski discussed the ZEO's Activity Report for July 2010.

Mr. Dobrowski discussed correspondence that went out to the Heart Association regarding a concert to be held on September 25th. Mr. Dobrowski, Ms. Kelleher, Mr. Tanner and Mr. Larkin met and began to put together a draft regulation that will address special events.

Mr. Dobrowski commented on vendor permits.

Mr. Dobrowski commented on Brooklyn Oil. A meeting will take place with Town Attorney Mark Brouillard to draft a letter to Brooklyn Oil with regards to the clean up of the property.

Tom Doherty asked about the screening issue at the Fitness Club on Prince Hill Road. Mr. Dobrowski will be in contact with them regarding this issue.

Chairman Kelleher asked that any application that has been approved with conditions be included as part of the ZEO's monthly report.

2. Plan of Conservation and Development:

Tom Doherty stated that the draft is just about ready to bring before the Planning and Zoning Commission.

3. Budget:

Ms. Kelleher will contact Sherri Soucy for a monthly report for the P and Z Budget.


4. Chairman's Report:

A draft copy was handed out to commission members with regards to vendor permits and special events regulation.

A lengthy discussion was held on both subjects by commission members.

Don Francis commented that a request for proposal for architectural and planning services was recently advertised in the Hartford Courant.

XV. Adjourn: A motion was made by Deane Rettig to adjourn the meeting at 10:38 p.m. Al Sandholm seconded the motion. No discussion held. All in favor. The motion carries unanimously.


Audrey Cross-Lussier
Recording Secretary