

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

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TOWN OF BROOKLYN
CLIFFORD B. GREEN MEMORIAL CENTER
69 SOUTH MAIN STREET
7:00 P.M.

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
September 1, 2010
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

I. Call to Order: The meeting was called to order at 7:04 p.m.

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

Absent: David Fuss with notice.

Staff Present: Chuck Dobrowski, ZEO, Jim Larkin, NECCOG Planner, Audrey Cross-Lussier, Recording Secretary.

Also Present: Terry Chambers, Mary Knust, Mary Ann Thomen, public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes: A motion was made by Deane Rettig to approve the regular meeting minutes of August 4, 2010 be approved as presented. Tom Doherty seconds this motion. Discussion on the motion. Chairman Kelleher would like a correction to be made on page 3 second paragraph, change Town Attorney to Town Staff. Chairman Kelleher would like a correction to be made on page 11 change monthly report on the budget to quarterly. Vote taken, all in favor. The motion passes unanimously.

V. Reading of the Legal Notice: Al Sandholm read the legal notice for 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, July 7, 2010 and August 4, 2010.

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

Chairman Kelleher commented that there have been four pieces of correspondence received into the record with regards to application SP10-003, i.e., an e-mail dated August 4, 2010 from Anne Garrison; a letter dated August 23, 2010 from the Connecticut Commission on Culture & Tourism-David Bahlman; a letter dated August 29, 2010 from Leslie T. Wendel; and a letter dated August 28, 2010 from the Brooklyn Historical Society-Elaine R. Knowlton. (Copies of the correspondence are available for review in the Planning Office).

Ms. Knust publically objects to the two letters from Anne Garrison and Leslie T. Wendel as they are not residents in the State of Connecticut or the Town of Brooklyn. Since they are not voters, residents, or property owners in the Town of Brooklyn, Ms. Knust feels the letters should not be read into the record.

Chairman Kelleher continues to read into the record the letters Ms. Knust is not objecting to i.e., letter from Connecticut Commission on Culture & Tourism-David Bahlman, Historic Preservation and Museum Division Director and Deputy State Historic Preservation Officer, and a letter from the Brooklyn Historical Society-Elaine R. Knowlton, Curator of Museums and Collections Newsletter Editor.

Ms. Knust questions both of these letters as she has a residence and not a museum. Ms. Knust does not see what their opinion or overview have anything to do with her application.

Chairman Kelleher stated that the commission has set precedence in accepting opinion from various State commissions or departments. Discussion held. Chairman Kelleher stated that she is going to rule that the two letters from the Connecticut Commission on Culture & Tourism and the Brooklyn Historical Society remain as part of the record.

Ms. Knust strongly objects to allowing the letter from the Connecticut Commission on Culture & tourism and the Brooklyn Historical Society being part of the record.

Chairman Kelleher asked commission members as well as NECCOG Planner Jim Larkin if it is allowable to accept non resident opinions, i.e. letter from Leslie T. Wendel and e-mail from Anne Garrison.

Tom Doherty commented that the commission is allowed to accept any expert you would like.

Henry Moses commented that over the past several years the commission has accepted any public information that has come into a public hearing and the commission deliberates against this information.

Mr. Larkin commented that to his knowledge there is no restriction in presenting testimony during a public hearing with regards to residency. It is up to the commission to deliberate this information and determine what is applicable.

Chairman Kelleher stated that she is going to rule that these letters be considered part of the record, but would like commission members to take into consideration Ms. Knust's comments. Chairman Kelleher would like the commission members to review and determine how much weight they want to or do not want to give to these letters.

Ms. Knust addressed the wind turbine and asked the commission if they had any questions. Chairman Kelleher addressed her questions regarding the two different wind turbine illustrations that were provided. The first illustration received was originally reviewed by architect Lyn Cole-Smith. The second illustration was handed out at last month's meeting. Ms. Knust clarified that the illustration that was handed out at the August 4, 2010 meeting is the correct wind turbine she will be proposing to use. Ms. Knust gave a detailed description of the Quiet Revolution wind turbine. Discussion held.

Commission members raised questions with regards to the height of the tower; noise level; wind speed; and the electricity provider information.

Discussion held on the timeline of the application and if there is enough time left to accept new information into the public hearing. Discussion was held regarding approving parts of the application.

Jim Larkin NECCOG Planner commented that if there are certain items that the commission finds that are in conformance with the regulations, the commission can approve those items. Anything that is not being approved, specific regulations must be stated as to why these items are being denied. Discussion held.

Ms. Knust addressed Evelyn Cole Smith's (CME Architecture, Inc.) letter dated September 1, 2010. (A copy of Ms. Cole Smith's letter is available for review in the Planning Office).

Ms. Knust discussed at length with the commission her comments with regards to the vinyl siding; trim; windows; front door; roofing; raised paneling on the sunroom; front portico; shutters; exterior lights; and the garage. Discussion held.

Commission members reviewed the submitted plan along with the materials specifications list.

Chairman Kelleher opens the floor to public commentary.

Doug Leonard, 117 Pomfret Road asked to see the proposed drawings along with the drawings for the wind turbine. Ms. Knust reviewed the plans with Mr. Leonard.

Mr. Leonard asked Ms. Knust if she would be willing to withdraw the wind turbine from the application at this time without prejudice. Ms. Knust would debate this and consider resubmitting in October.

Mr. Leonard questioned Ms. Knust regarding the corner boards. Mr. Leonard asked if whether or not this could be done with more standard materials, it may be more expensive and more creative, but the house does not necessarily have to be plasticized in order to renovate the structure. Discussion held. Ms. Knust stated there are no other materials that might be used. Ms. Knust discussed BOCA Codes with regards to the renovation project.

Chairman Kelleher opens the floor for Commission member comments.

Al Sandholm refers back to questions from the June 3, 2010 meeting. Mr. Sandholm asked for clarification on the State of Connecticut work done on Route 169 and if Ms. Knust is going to be constructing a block wall. Ms. Knust stated that she never wanted a block wall it is going to be a stone wall. The State of Connecticut's plan is to place culverts/storm drains/catch basins in the front of the house due to icing in the winter. Mr. Sandholm asked if there is any documentation regarding this. Ms. Knust stated there will be a meeting on September 6, 2010 with the State to discuss this. Discussion held.

Henry Moses questioned the why dry block and boulder retaining wall is on the site plan if this is not going to be used. Mr. Moses other question pertains to the hydrology of the wetlands and is the State coming in to re-route the stream. Ms. Knust stated they are going to pipe it.

Mr. Moses concern is with what is on the site plan and what is being changed. Mr. Moses questions how the commission can deliberate on a site plan that does not have the changes on it. Discussion held.

Chairman Kelleher suggested that if the commission approves anything where there may be changes conditions will be applied.

Don Francis asked if the plan presented is the official plan presented to the Planning and Zoning Commission. Ms. Knust stated yes.

Deane Rettig addressed his concerns with regards to the copper roof of the conservatory. Ms. Knust stated the dome on the cupola is glass; the cupola itself is copper fish tales and is 10 feet in diameter. Mr. Rettig asked if other materials have been looked into that may be more appropriate and not prone to the green copper corrosion. Discussion held.

Deane Rettig questioned how the turbine will be tied from where the grid connects. Ms. Knust addressed this issue with Mr. Rettig.

A motion was made by Don Francis to close the public hearing on SP10-003. Al Sandholm seconds this motion. No discussion on the motion. All in favor. The motion carries. Craig Dunlop recuses.

VIII. New Public Hearings:

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

Craig Dunlop returns to the table.

Terry Chambers from KWP Associates represents application SD10-003. Mr. Chambers submits the abutters certified mailings/return receipts for the record. Approval from the Northeast District Department of Health has been granted. Approval from the Inland Wetlands and Watercourse Commission has been granted. The property is located on Wolf Den Road adjacent to the Moran property, known as Lot 19C which was subdivided approximately 8 years ago. The lot meets all of the zoning requirements for size and buildable area. There is a small pocket of wetlands located on the property. The proposed driveway is an extension of an existing driveway up to the site of the house. There is a stone wall which will be preserved. Mr. Chambers discussed the parcel history map on the site plan. The only improvements to be made will be the installation of a culvert. The hayfield flows to the wetlands where there is a bit of a cut and an eroded stream which eventually flows to the wetlands. A pipe will be placed and protect the existing swale with 4-6 inch rip rap to convey the water from the hayfield down.

Mr. Chambers discussed the issue of open space. The development rights owned by Hillandale Family Partnership, LLC have been conveyed to the State of Connecticut as permanent development rights. Mr. Chambers reviewed a plan that illustrates all the parcels. The total acreage that has been committed to conservation is 97.26 acres. On the other side of the road roughly 40 acres of total acres of 200 have been deeded to the State of Connecticut. Mr. Chambers feels that they have met above and beyond the open space requirements more so than any other property owner in the Town of Brooklyn. Mr. Chambers made reference to the new Open Space regulations.

Deane Rettig asked when the property was transferred over to the State of Connecticut. Mr. Booth stated that it was in the mid 80's, 1985-1986, it was done all at once.

Chairman Kelleher opened the floor to public commentary. There were no comments made.

Chairman Kelleher asked if the commission members had any further comments or questions. There were no comments made.

A motion was made by Henry Moses to close the public hearing on SD10-003. Barbara Repko seconds this motion. No discussion held. All in favor. The motion carries unanimously.

2. SP10-006 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 as he is an abutter.

Terry Chambers from KWP Associates represents application SP10-006. Mr. Chambers submits the abutters certified mailings/return receipts for the record.

The property is located at 455 Providence Road-Route 6. The property is in a "bowl" and during heavy rains the property is under water. The proposal for the property is to address the drainage issues.

The property has recently changed hands. Related to that sale, an environmental firm established approximately 12 monitoring wells throughout the property. These wells are used to monitor the ground water levels over a period of a year. Test holes have been dug on the property to identify soil types. The purpose of this was to design a detention basin that will hold the water that is generated by a drainage area which ends up on this property. The ground water levels were found to be roughly 12-13 feet below the surface and the soils were quite gravelly. The flooding occurs when the top surface is frozen or during record rains. On the basis of soil information it became apparent that excavation of the detention basins could be done. The current series of catch basins have a beehive structure with leaching chambers below them. These have become silted up and no longer leach. What is being proposed is to remove the beehive structures, put in catch basins in their place and pipe the water over to a discharge area. Mr. Chambers submitted drainage calculations and discussed the 25 and 50 year storm event.

The second proposal is to increase the display area. There is a 65% lot coverage allowed in the PC Zone. This proposal is well within the 5% lot coverage and the impervious surfaces would be a paved displayed area which is taken into account in the drainage calculations.

Landscaping in the front of the facility would include low growing plantings. Mr. Chambers discussed the professionally designed lighting plan.

Tom Doherty commented on the Department of Transportation right of way and the sensitivity of parking cars on the front grass area next to the highway. Mr. Chambers demonstrated the designated property line on the plan. Mr. Doherty would like to see that the parking sensitivity is maintained.

Chairman Kelleher opened the floor to public commentary. There was no public commentary.

Chairman Kelleher opened the floor to commission commentary.

Don Francis asked if Staff looked at the Planned Commercial Route 6 Guidelines in reference to the application. Mr. Dobrowski commented that he reviewed the application as mainly a drainage issue and not a design issue. Mr. Francis feels it would be appropriate for the Route 6 Guidelines to be reviewed with this application.

Tom Doherty commented that the proposed lights and plantings do adhere to the Route 6 Guidelines. Discussion held.

Mr. Chambers stated he would be happy to review the guidelines and if there is an element that can be brought to the plan that would enhance it, he would be willing to do so.

Don Francis suggested certain seeding be done with regards to the detention basin. Mr. Francis handed out the 2009 New England Erosion Control/Restoration Mix for Detention Basins and Moist sites to Mr. Chambers. Mr. Chambers will be happy to comply with this request.

A motion was made by Deane Rettig to close the public hearing on SP10-006. Henry Moses seconds this motion. No discussion held. All in favor. The motion carries. Al Sandholm recuses.

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

Barbara Repko and Don Francis recuse themselves from the table.

Al Sandholm returns to the table.

Mary Ann Thomen, Missions Committee of the Federated Church of Christ represents application SP10-007. Ms. Thomen submits the abutters certified mailings/return receipts for the record. Ms. Thomen discussed the waiver allowing the applicant to use the Route 6 State of Connecticut DOT plan where extensive changes were done to the driveway. The Federated Church is at the cross roads of Route 169 and Route 6 with a number of parcels put together. The proposed Thrift Shop sits in the middle of the parcel which was formerly used as a parsonage, Sunday school space, pastor's office and rental. The exterior changes will be a wheelchair ramp; an existing sign which will be painted over; a new door put into the garage to be used as a swinging exit. There is an existing sign for the church which faces Route 6 will have a small placard hanging underneath it. The shop will not be open after dark, therefore the existing lighting in the area will remain the same. The outside flood light on the front door is turned on and off manually as needed and will be off at night. There is 1495 sq ft of the building first floor and garage. There will be six parking spaces. There will be two volunteers working two nights a week. There will be two staff cars and no more than five cars parking at one time. The nursery school has three employees and a maximum of 25 children in attendance so there are three employee spaces and three additional spaces for children drop off and pick up. The total number of cars at one time for the nursery school and Thrift Shop would be an estimated 11 cars. The shop will be open on Friday and Saturday mornings and any other special occasion that will coincide with the current church activities. There will be no outside storage.

Chairman Kelleher opened the floor for commission commentary.

Deane Rettig asked that the flood light on the front door be pointed towards the steps rather than out so it will not affect anyone driving in the parking lot or the road. Ms. Thomen feels that this is how the light is positioned. Discussion held.

Chairman Kelleher opened the floor for public commentary. No public commentary was given.

A motion was made by Henry Moses to close the public hearing on application SP10-007. Tom Doherty seconds this motion. No discussion held. All in favor. The motion carries. Don Francis and Barbara Repko recused.

4. Gravel Regulations

Barbara Repko and Don Francis return to the table.

Chairman Kelleher asked Tom Doherty to address the regulations. Mr. Doherty stated that there have not been many changes made. Mr. Doherty discussed the changes that were made.

Terry Chambers from KWP Associates spoke on behalf of the Gravel Regulations. Mr. Chambers has represented Brooklyn Sand and Gravel/Mr. Wayne Jolley for many years with permit renewals. Mr. Chambers stated that with the intent of being a good neighbor, Mr. Jolley has voluntarily agreed not to use Maynard Road and Wauregan Road as a haul road. Mr. Jolley's trucks travel onto Route 169, back into Brooklyn and down onto Route 205. Mr. Chambers stated that the regulation gives the commission authority as part of the special permit process to look at impacts on local traffic when considering a special permit application for removal and/or processing. Mr. Chambers stated that this regulation will benefit Mr. Jolley and allow him to double his amount of process on site. Mr. Chambers stated that the commission has the ability to make decisions to protect residents of local roads and take that into consideration when deciding on an application. On behalf of Mr. Jolley, Mr. Chambers supports the regulations.

Tom Doherty would like to thank Mr. Jolley for voluntarily using the State highways.

Pam Lukin, 28 Maynard Road asked how many gravel operations there are on State highways in Town.

Mr. Doherty stated there is Sansoucy on Route 169, Jolley on Route 205. Mr. Dobrowski stated there is an inactive one on Route 6 that is owned by Bill Carver.

Marcel Dessert, 601 Wauregan Road. Mr. Dessert voiced his concerns with the truck noise and traffic through the narrow village road. Mr. Dessert would like to know why a truck/traffic survey has not been done. Mr. Dessert also added if a no Jake Brake Zone can be added from the top of the hill to the bridge. Discussion held with regards to a Jake Brake Zone.

Paul Camara suggested asking Mr. Jolley to have his drivers not use a Jake Brake.

Henry Moses suggested having the First Selectman write a letter to the DOT requesting a no Jake Brake Zone. Discussion held.

Marcel Dessert asked Mr. Chambers how much gravel is left in the gravel pit. Mr. Chambers stated that there is not a lot left under Brooklyn Sand and Gravel's current permit, however, Mr. Jolley is in the process of negotiating to purchase a portion of Sacred Heart Church Property and that portion has a significant amount of gravel there. Also, not all of the currently permitted 60 acres is permitted; there are other areas that have gravel on it. Discussion held.

Marcel Dessert also questioned if there is a bond on this pit as there has been no grass or trees planted. Tom Doherty stated that there is a bond on the gravel pit.

Gary Zurek, Allen Hill Road. Mr. Zurek commented on the truck speed on Allen Hill Road.

Lisa Arends, Allen Hill Road. Ms. Arends questioned how much gravel is being taken out now and if doubling how much will be taken out. Ms. Arends questioned the renewal fee process. Ms. Arends also commented on the truck traffic and speed on Allen Hill Road.

Mr. Dobrowski stated this is a yearly renewal process with so many yards coming in and going out which is all documented. Mr. Dobrowski explained the permit renewal process i.e. cost of a permit, life span, gravel removal and processing. Discussion held.

Marcel Dessert commented on tracking of the gravel removal. Mr. Dessert commented that in the last 3 years the operation has quadrupled and is not tolerable. Mr. Dessert would like to know who is putting the numbers together that Mr. Dobrowski gets. Mr. Chambers stated that field topography is done on a yearly basis and that Mr. Jolley supplies the numbers to Mr. Dobrowski.

Mike Galloway, 588 Wauregan Road. Mr. Galloway states that the Jolley pit is located right behind his house. The dust and noise level is early in the morning starting about 5:30 a.m. and lasts to 6 p.m. at night, also on Saturday's too. Mr. Galloway would like the noise issue addressed.

Discussion held with regards to truck traffic, truck counts, time limitations, buffering and ground water benchmarks, performance bond, and doubling amount of gravel removal/process on state and town roads.

A motion was made by Deane Rettig to continue the public hearing on the Gravel Regulations to September 21, 2010. Henry Moses seconds this motion. Discussion held on the motion. All in favor. The motion carries unanimously.

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, July 7, 2010 and August 4, 2010.

Craig Dunlop recuses himself from the table.

A motion was made by Henry Moses to continue the deliberations on Application SP10-003 to September 21, 2010. Don Francis seconds this motion. No discussion held. In favor Deane Rettig, Carlene Kelleher, Henry Moses, Don Francis, Paul Camara, Barbara Repko and Al Sandholm. Tom Doherty opposed. The motion carries. Craig Dunlop recuses.

Craig Dunlop returns to the table.

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

Henry Moses made a motion to approve application SD10-003. Barbara Repko seconds this motion. Discussion held on the motion with regards to conservation open space requirement or fee in lieu of.

Henry Moses amends his motion to accept a conservation easement. Tom Doherty seconds this motion. Discussion held on the motion.

Henry Moses amends his motion to continue application SD10-003 to September 21, 2010. Barbara Repko seconds this motion. No discussion held. All in favor. The motion carries unanimously.

Deane Rettig requests that the land use attorney be contacted with regards to the open space issue. Staff agreed to do so.

3. SP10-006 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 Don Francis to approve application SP10-006 with the condition that they use the 2009 New England Erosion Control/Restoration Mix for Detention Basins and Moist Sites and that a Representative from Courtesy Ford and Town Staff look at the Planned Commercial Booklet. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries. Al Sandholm recuses.

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

Barbara Repko and Don Francis recused themselves from the table.

A motion was made by Henry Moses to approve application SP10-007. Craig Dunlop seconds this motion. No discussion held. All in favor. The motion carries. Don Francis and Barbara Repko recused. No vote received from Al Sandholm as he was not present at the table.

X. New Applications:

a. Subdivisions: None.

b. Site Plan Review: None.

c. Zone Regulation Change: None.

d. Special Permit:

1. SPG10-001 Rawson Materials/River Junction Estates, LLC, Rukstela Road, Map 30, Lots 15, 16, 17, 18 and 2A Gravel Removal and Relocate Soil Screener; Rock Crusher; Refueling Pad; Access Way; Temporary Bridge Crossing (if required).

Barbara Repko, Don Francis, and Al Sandholm return to the table.

A motion was made by Deane Rettig to accept application SPG10-001 and set the public hearing for November 3, 2010. Craig Dunlop seconds this motion. No discussion held. All in favor. The motion carries unanimously.

3. HB10-001 Evan Sigfridson, 90 Fitzgerald Rd, Map 7, Lot 11, RA Zone; Home Business Permit-Law Practice.

Chairman Kelleher stated that this application does not require a public hearing.

A motion was made by Craig Dunlop to accept application HB10-001. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries unanimously.

A motion was made by Henry Moses to move Agenda Items XI Other Business, XII Planning Priorities, XIV #2 Plan of Conservation and Development and #3 Village Center District to September 21, 2010. Craig Dunlop seconds this motion. No discussion held. All in favor. The motion passes unanimously.

XIII. Public Commentary:

Lisa Arends, Allen Hill Road. Requests copies of the gravel regulations. A copy was given to Ms. Arends.

At last months meeting Ms. Arends commented on the Zoning Regulations from the Town of Vernon. Ms. Arends was inquiring if the language from the Vernon, CT Zoning Regulations with regards to development has been reviewed by Town Staff. Mr. Larkin stated that the subcommittee is working on the PC Regulations at this time. The Vernon, CT zoning regulations regarding development will be brought forward to the subcommittee for their review.

XIV. Reports of Officers and Committees:

1. Zoning Officer's Report:

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

Mr. Dobrowski commented on SD10-002 Cristofori South Street Subdivision, condition which required a letter from highway foreman Tom Rukstela approving the driveway conditions. Mr. Rukstela has complied with this request.


Mr. Dobrowski stated that there was a complaint received regarding a small building built on Tripp Hollow Road without the appropriate permits in place. This issue has been addressed. The resident came in and applied for permits.

Mr. Dobrowski stated that he has met with Brooklyn Oil. There is evidence that things are being removed from the property. Mr. Dobrowski stated that there are fewer than 10 unregistered motor vehicles left to be taken off the property and a number of truck loads of debris.

Mr. Dobrowski stated that the trailers that are being used for storage on the property are registered in Maine.

XV. Adjourn:

A motion was made by Deane Rettig to adjourn the meeting at 10:26 p.m. Barbara Repko seconds this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary