

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

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

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Sharon A. Mainville
TOWN OF BROOKLYN CT

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

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

Absent: Paul Camara with notice.

III. Seating of Alternates: None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes November 3, 2010: A motion was made by Dave Fuss to approve the regular meeting minutes of November 3, 2010. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. Special Meeting Minutes November 18, 2010: A motion was made by Deane Rettig to approve the special meeting minutes of November 18, 2010. Tom Doherty seconds this motion. Discussion held on the motion. Barbara Repko requests the following change be made to page 2, second paragraph line 8 (SP10-009) "In the new building change to "In the existing building." All in favor. The motion passes unanimously.

V. Public Commentary:

Lisa Arends, Allen Hill Road, mentioned that the draft version of the Route 6 Guidelines is still on the website and is requesting that the approved version be placed on the website. Ms. Arends also would like the approved MMUDD regulations to be placed on the website as well.

Jules D'Agostino, Barrett Hill Road. Mr. D'Agostino would like to know when the public hearings for Adaptive Reuse of an Agricultural Building and the Gravel Regulations will be. Mr. D'Agostino suggests the Plan of Conservation and Development Public Hearing be moved to February 2011. Mr. D'Agostino would like to know what happens after the public hearing; does the subcommittee reevaluate the comments received or are they just left to be recorded in the minutes. Mr. D'Agostino stated that the New England Arts Center sign is still up and would like to know when it will be taken down.

Mr. D'Agostino stated he did not receive an answer to his question if JRI-Justice Resource Institute is licensed or not. Mr. D'Agostino would like a time of estimation when the wind turbine regulations will be brought before the Commission. Mr. D'Agostino would like the Commission to consider having Public Commentary placed at the beginning and the end of the meeting.

VI. Reading of Legal Notice: Al Sandholm read the legal notices for the record.

VII. Public Hearings:

VIII. Continued Public Hearings:

1. SPG10-001 Rawson Materials/River Junction Estates, LLC, Rukstela Road, Map 30, Lots 15, 16, 17, 18 and 12A Gravel Removal and Relocate Soil Screening; Rock Crusher; Refueling Pad; Access Way; Temporary Bridge Crossing (if required) (Continued from November 3, 2010).

Bob Messier of Messier and Associates represents application SPG10-001. Mr. Allan Rawson and Mr. Jeff Rawson are also in attendance. Mr. Messier stated that the Inland and Wetlands Commission have granted approval for the project. Mr. Messier submitted revised plans for the record and discussed the revisions with Commission members.

Tom Doherty asked Mr. Messier if he tested the water level below the ponds. Mr. Messier stated no. Mr. Messier addressed this issue.

Henry Moses asked if there are any inlet/outlets for the ponds. Mr. Messier stated no. Mr. Messier addressed this issue.

Henry Moses asked if the pond will have a clay bottom. Mr. Messier stated it will be a sand bottom. Mr. Messier addressed this issue.

Deane Rettig asked where the fueling pad is being relocated from and questioned the location of the proposed portable bridge. Mr. Messier addressed this issue.

Tom Doherty questioned Mr. Messier on the two approvals that were granted by the Inland Wetlands Commission. Mr. Messier addressed this issue.

Don Francis stated an ERT has been done in Canterbury and asked if any archeological work has been done in this area. Mr. Messier addressed this issue.

Chairman Kelleher addresses the letter from Nicholas Bellatoni dated October 14, 2010 addressed to Holly Drinkuth, Brooklyn Conservation Commission. The letter recommends a survey be done to identify and locate any cultural resources on the site. Ms. Kelleher asked Mr. Messier if he had followed up on this letter. Mr. Messier stated he has been in contact with Mr. Bellatoni. Mr. Messier addressed this issue.

Dave Fuss asked what the total disturbed area would be. Mr. Messier stated it is approximately 7.5 acres each.

Al Sandholm asked what the estimation of daily truck traffic will be. Jeff Rawson estimates approximately 50 round truck trips per day. There is a threshold in place for 400,000 cubic yards. Once this is reached a commitment was made to the Town to re-do the Intersection at Beecher Road and Route 169 to go from a Y-intersection to a T-intersection. Mr. Messier has met with the State of Connecticut and approval has been granted. The truck traffic will exit onto Beecher Road and then onto Route 169. Mr. Messier submits the approved plans by the State of Connecticut.

Dave Fuss asked Jeff Rawson for clarification on the threshold placed and the construction of the T-Intersection. Mr. Rawson stated there was a threshold placed on the last permit obtained of 400,000 cubic yards; once the threshold was removed the intersection would be repaired. They do not intend to work on the T-Intersection immediately; however, this will depend on the economy.

Tom Doherty discussed the “special note” on sheet 1 of the plan with regards to “the residents of the Town of Brooklyn shall have priority for deliveries to the Brooklyn Transfer Station from noon until closing on Fridays.” Mr. Rawson commented that there will be no truck hauling when the Transfer Station is open. Mr. Doherty suggests a change in language on the plan. Mr. Messier will amend the language on the plan.

Jeff Rawson commented that they would like to remain as separate from the Transfer Station as possible. A separate trailer has been proposed; utilities will be separate; the scale will be upgraded.

Tom Rukstela, highway director discusses the truck traffic flow with Al Sandholm.

Chairman Kelleher opens the floor to public commentary.

Len Bissonnette, 755 Allen Hill Road. Mr. Bissonnette voiced his concerns on the following: the proposed T-Intersection onto Route 169; the 5 acre ponds-is this the extremities to the top or bottom and how many feet deep; concerned with the use of the scale; suggests a consulting engineering review the project; would like a definition of an all weather road; questions the stockpiling slope 2:1, 3:1 needs to be addressed; longevity of the plan-20 years is too long-15 years is adequate; insurance policy in place for liability with regards to crossing Town property. Mr. Messier addressed Mr. Bissonnette’s concerns.

Jeff Rawson addressed the upgrading of the scale and an insurance policy.

Chuck Dobrowski commented he has met with Attorney Mark Brouillard covering use and liability. Attorney Brouillard is also looking into an agreement for working on Town Property with the intersection of 169 and Beecher Road.

Mr. Messier further discussed in length the proposed T-intersection with Commission members.

Henry Moses discussed an outlet on the pond with Mr. Messier. Mr. Messier has agreed to show an emergency spillway on the plan.

Holly Drinkuth, Christian Hill Road, member of the Conservation Commission, requests clarification on the conversation with Nicholas Bellatoni regarding the road construction and the processing site with respect to the archeological survey. Ms. Drinkuth requests something in writing with regards to conservation. Bob Messier agreed to Ms. Drinkuth's request and will provide a letter from Mr. Bellatoni. Mr. Messier will have Mr. Bellatoni review parcel D1 where the relocation of the equipment will be and have him include this into the letter as well. Mr. Jeff Rawson is also agreeable to this request. Discussion held.

Deane Rettig asked Mr. Messier what the current state of the land is right now. Mr. Messier stated it is a wooded site which will be cleared and graded. Once the operation is complete the property will be reclaimed. Jeff Rawson stated a recreation area will be provided to the Town once the reclamation is done. Mr. Rettig questioned the stockpile areas. Mr. Messier addressed this issue.

Al Sandholm asked what the actual lifespan of the operation will be. Jeff Rawson stated 20 years. Discussion held. Mr. Sandholm asked what the timeline will be for reclamation of the surrounding area around the ponds. Mr. Messier commented that once the ponds are created the reclamation would be done in a matter of weeks with loaming and seeding. Discussion held.

Holly Drinkuth, Christian Hill Road, asked what the plan was for the existing trail that is located on the site. Jeff Rawson stated they have agreed to a trail system that will connect onto Quinebaug Trails on the Canterbury side. Discussion held.

Deane Rettig asked Mr. Rawson if processing of off site material is being done as well. Mr. Rawson stated no off site material processing will be done.

Al Sandholm asked if NECCOG Syl Pauley, Regional Engineer has reviewed this. Mr. Messier stated that Mr. Pauley has reviewed for Inland Wetlands Commission as well as Planning and Zoning; all compliance and requirements have been met. Mr. Sandholm is requesting a copy of this documentation be provided for the Commission.

Don Francis asked Jeff Rawson how much material has been taken out so far. Mr. Rawson stated approximately 2,000 yards. Mr. Rawson has offered to keep an accounting of what gravel is removed and crosses the scale on a monthly basis.

Henry Moses questioned the timeline of the public hearing. Mr. Larkin stated an extension will be required of the applicant.

The Commission agrees to grant an extension for 35 days and would like a letter from Nicholas Bellatoni as well as comments made by Regional Engineer Syl Pauley provided at next month's meeting.

Lisa Arends, Allen Hill Road. Ms. Arends asked Mr. Messier what is the residential buffer. Mr. Messier stated just under 3,000 feet. Ms. Arends asked if a trail inspection will be conducted to make sure they are still functional while the project is under way. Mr. Messier stated this will be addressed during the time of construction. Discussion held.

Paul Damiani, Westview Drive, asked if truck entering/exiting signs be placed. Mr. Messier will talk with the State of Connecticut regarding this issue.

Jules D'Agostino, Barrett Hill Road, asked what the hours of operation. Jeff Rawson stated the processing hours of operation will be 7-5 Monday through Friday; the truck entering/exiting would occur Monday through Friday until noontime or as requested this could be amended if the Town should change their hours of Transfer Station operation.

Dave Fuss suggested having Syl Pauley, Regional Engineer review the "T" intersection. Discussion held.

Chairman Kelleher asks Commission Members if there is any further information requested please forward this to Chuck Dobrowski so he may inform Bob Messier.

A motion was made by Deane Rettig to grant an extension of 35 days to application SPG10-001. Al Sandholm seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Dave Fuss to continue the public hearing on application SPG10-001 to January 5, 2011. Deane Rettig seconds this motion. No discussion held. All in favor. The motion passes unanimously.

2. SP10-009 MDP Development, Tiffany Street, Map 47/46, Lot 46, 26A and 81, MMUDD Zone and R-30 Zone, 27.9 acres, Proposed 110-unit active adult community in existing mill complex and 11 new multi-family units similar in appearance to nearby existing structure (continued from November 18, 2010).

Norm Thibeault from Killingly Engineering Associates represents application SP10-009. Mr. Tony Marcotte from MDP Development is also present. Mr. Thibeault handed out 11 x 17 copies of the plans along with literature on the rain gardens for the on site storm water treatment.

During last month's preliminary presentation Mr. Thibeault discussed how the project meets the intent of the MMUDD Regulation zoning requirements and the storm water treatment.

Mr. Thibeault discussed in detail Regional Engineer Syl Pauley's comments from a letter dated November 16, 2010; Sheet 2 of 22-Key Map/Zoning Requirements #1; Sheet 8 of 22-Site Plan 2 #1-13; Sheet 16-22-Lighting and Landscaping Plan 2 #1-2; Sheet 21 of 22-Detail Sheet No.1 #1-6 and Sheet 22 of 22-Detail Sheet No.2 #1-6. A copy of Mr. Pauley's letter is available in the Planning Office for review. Discussion held.

Owner, Tony Marcotte addressed the “soil mitigation area” (#3 sheet 8 of 22-Site Plan 2). Mr. Marcotte commented that two separate environmental engineers reviewed the area with the previous owner of the property. There was significant testing done and the conclusion was there was some coal slag near the surface that needed to be removed. Mr. Marcotte stated that as part of an agreement with the previous owner, they were responsible for the clean up which happened last year.

Tony Marcotte, addressed “monitoring well data in the soil mitigation area” (#5 Sheet 8 of 22-Site Plan 2). Mr. Marcotte stated that it was the conclusion of the engineers that nothing needed to be reported to the Connecticut DEP regarding the monitoring. Dave Fuss requests a copy of this letter for the record. Mr. Marcotte and Mr. Thibeault will comply with this request.

Mr. Thibeault read into the record a letter addressed to Carlene Kelleher, dated December 1, 2010 from Connecticut Water, Cindy F. Gaudino, Manager Source Protection and Real Estate with regards to the public hearing on MDP Development, Tiffany Street. A copy of Ms. Gaudino’s letter is available in the Planning Office for Review. Mr. Thibeault disagrees with Ms. Gaudino’s comments regarding storm water treatment system; impervious surface associated with the development and water quality. Mr. Thibeault discussed these issues in detail with Commission members. Mr. Thibeault feels the application meets the Town requirements, the State requirements and with a little more conversation with Connecticut Water the project will move forward. Tom Doherty asked if a meeting with Connecticut Water has been planned. Mr. Thibeault stated he will meet with Syl Pauley first. Discussion held.

Dave Fuss asked who would be responsible for cleaning the sumps. Mr. Thibeault stated it would be the owner.

Tony Marcotte stated they are taking an industrial building and creating a residential area which does not get any better from an aquifer standpoint. Discussion held.

Mr. Thibeault commented that an archeological dig was done back in the 1970’s. Mr. Thibeault will meet with Nicholas Bellatoni and hold a site walk on December 20th. Mr. Bellatoni is retrieving all available data on the site. Discussion held.

Al Sandholm asked if any correspondence has been received from Killingly Water Pollution Control Authority and the Town of Killingly. Mr. Thibeault stated a letter dated October 22nd has been received from United Water, Joseph Couture, Jr. Mr. Thibeault stated he has not received any correspondence from the Town of Killingly.

Henry Moses asked if the ongoing maintenance of the rain gardens can be incorporated as part of the plan. Mr. Thibeault agrees to include the maintenance procedure to the plan.

Henry Moses refers to the Rain Garden Booklet and one of the trees proposed are red maples. Mr. Moses would like Mr. Thibeault to remove this from the list. Mr. Thibeault agrees to do so. Discussion held.

Lisa Arends, Allen Hill Road, voiced her concern with regards to storm water treatment, chemicals, the aquifer and resident's drinking water. Mr. Thibeault addressed these issues.

Ms. Arends also asked if it would be cost prohibitive to consider a permeable surface instead of a paved parking lot. Mr. Thibeault and Mr. Marcotte addressed this issue.

Ms. Arends voiced her concern with area demographics and 55 and older housing. Mr. Marcotte addressed this issue. Discussion held.

A motion was made by Deane Rettig to grant an extension of 35 days to application SP10-009. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

A motion was made by Henry Moses to continue the public hearing on application SP10-009 to January 5, 2011. David Fuss seconds this motion. No discussion held. All in favor. The motion passes unanimously.

XI. New Applications:

a. Subdivisions: None.

b. Site Plan Review: None.

c. Zone Regulation Change: None.

d. Special Permit: None.

XII. Other Business:

1. Modification of SP10-006 Courtesy Ford, 45 Providence Road, Map 41, Lot 114, PC Zone, Automobile Sales Display area expansion and storm drainage improvements.

Al Sandholm recuses himself from discussion.

Chairman Kelleher stated a letter has been received from Terry Chambers, KWP Associates requesting the matter be tabled to the January 5, 2011 meeting.

A motion was made by Henry Moses to table the discussion of Courtesy Ford to January 5, 2011. Tom Doherty seconds this motion. Discussion held. All in favor. Al Sandholm recuses. The motion carries.

XIII. Planning Priorities:

Chairman Kelleher commented that the subject of wind turbines has started in the subcommittee. Materials are being reviewed that were submitted by Jim Larkin.

There is no draft of the material as of yet. Deane Rettig requests moving this item up on the Planning Priority list at the next subcommittee meeting. Discussion held.

Jules D'Agostino voiced his concerns over the issue of wind turbines.

XIV. Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report:

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

Mr. Dobrowski discussed Other Activity for November 2010:

1. Trinity Episcopal Church:

Mr. Dobrowski submitted photographs to Commission members of the dilapidated building known as the rectory. Mr. Dobrowski had been in contact with David Bahlman, Architect for Connecticut Historical Commission. A representative of Mr. Bahlman's office visited the site and determined that the building is beyond repair. The recommendation is to demolish the building. The Episcopal Church has requested that a control burn be undertaken. Mr. Dobrowski read into a record a letter from the Episcopal Church sent to Fire Marshal Douglas Kramer regarding negative lead paint testing done on the building. Craig Dunlop voiced his concerns with regards to the burning of the building. Dave Fuss requests the residents of Town be notified when the burn will be scheduled. Discussion held.

2. Brooklyn Library:

Mr. Dobrowski submitted photographs of the south side of the Brooklyn Library. There is an emergency exit that needs to be repaired. The emergency exit will be replaced exactly with the same dimensions. The Building Official, John Berard is drawing up the specifications for the repair which will go out to bid. The building official's concern is does this have to be treated as a significant construction project within the Village Center District. Mr. Dobrowski discussed the VCD Regulation and the special permit process. Discussion held.

A motion was made by Al Sandholm to grant the emergency repair work be done at the Brooklyn Town Library. Dave Fuss seconds this motion. Discussion held. Al Sandholm amends his motion to include the use of natural wood materials. All in favor. The motion passes unanimously.

3. Tiffany Mills:

Mr. Dobrowski stated at last month's special meeting he was asked to deliver the plans to the Safety Committee and the Highway Department Director for their review and comments. A meeting will be scheduled with the Safety Committee the week of December 6th. A set of plans have been given to Tom Rukstela, Highway Director for his review.

4. Air Conditioning at Town Hall:

Mr. Dobrowski stated a grant has been received to install central air conditioning at the Town Hall. The only place to locate the air conditioning units to receive maximum efficiency is against the building on the east side of Route 169. There will be three units 35 inches high sitting on a 4 foot concrete pad. Dave Hart has been contacted to design the landscaping to screen the air conditioning units. Mr. Dobrowski and Mr. Tanner met with Mr. Hart yesterday, and Mr. Hart agrees with the proposed landscaping plan, however, one of the cherry trees will have to be removed. Dave Fuss asks if the landscape screening can be continued into the generator area with the removal of the vinyl fence. Mr. Dobrowski will mention this to Dave Hart.

5. Brooklyn Oil:

Mr. Dobrowski stated he visited the site on Monday, November 29th and there has not been any appreciable progress. Mr. Dobrowski will ask Mr. Tanner if he is willing to start legal proceedings. Discussion held.

Mr. Dobrowski mentioned himself and the Assessor, Kathy Thornton will be visiting Paradise Lake to take an inventory of vehicles that can be taxed as personal property. Discussion held.

6. New England Art Center Sign:

Mr. Dobrowski spoke with Peter Palazzi from the Department of Transportation. Mr. Palazzi has agreed to remove the sign, however, Mr. Palazzi has also given permission to the Highway Department to remove the sign as well.

2. Plan of Conservation and Development:

Tom Doherty stated the public hearing will be held on January 6, 2010. Mr. Doherty spoke to Mr. D'Agostino's comment with regards to postponing the public hearing until February. Discussion held.

Mr. D'Agostino requests copies of the Plan of Conservation and Development are made available for residents for review before the public hearing. Discussion held.

Chairman Kelleher commented to Mr. D'Agostino that the Adaptive Reuse of an Agricultural Building was scheduled for this evening, however, the public hearing notice was not published so this is why it will be rescheduled for January 2011 along with Conservation Subdivision Regulations. Ms. Kelleher commented that proposed regulations will be posted on the website.

Mr. D'Agostino asked if Justice Resource Institute, 9 Barrett Hill Home Group Home is licensed. Mr. Dobrowski read into the record the State Statute Section 8-3(e) with regards to regulation for community residences for mentally retarded persons and childcare residential facilities.

Mr. D'Agostino feels that Mr. Dobrowski and he have interpretation differences on this issue. Mr. D'Agostino stated "you have to be proactive as a ZEO, not reactive." Mr. D'Agostino feels that Mr. Dobrowski has not been proactive but reactive. Mr. D'Agostino stated "his question was, shouldn't we find out before they move in that they are licensed. Mr. D'Agostino stated that he believes, in the ZEO's job description that he read today, requires him to do that." Commission members voiced their opinions on this issue. Discussion held.

3. Village Center District:

Deane Rettig will try to schedule a meeting for the VCD Subcommittee before the Christmas Holiday.

Lisa Arends asked for an update on Friendship Valley. Mr. Dobrowski stated that construction has stopped and permits have been revoked. Mr. Dobrowski has been in contact with the Town Attorney Peter Alter.

4. Budget:

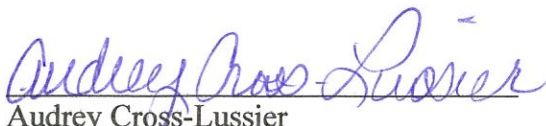
Chairman Kelleher will retrieve the budget information from Sherri Soucy for the January 5, 2011 meeting.

5. Chairman Report:

Chairman Kelleher would like to set up a meeting with Al Sandholm and Deane Rettig to review the Planning and Zoning Bylaws before next month's meeting.

XV. Adjourn:

A motion was made by Don Francis to adjourn the meeting at 10:37 p.m. Tom Doherty seconds this motion. No discussion held. All in favor. The motion passes unanimously.


Audrey Cross-Lussier
Recording Secretary