

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, February 5, 2020  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:35 p.m.
- II. Roll Call** – Michelle Sigfridson, Jules D’Agostino, Earl Starks, Alan Fitzgerald, Austin Tanner, Charles Sczuroski. Carlene Kelleher was absent with notice.

**Staff Present:** Jana Roberson, Director of Community Development.

- III. Seating of Alternates** – None.

- IV. Adoption of Minutes:** Regular Meeting January 21, 2020

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of January 21, 2020, as presented. Second by E. Starks. No discussion. Motion carried (6-0-1).

- V. Public Commentary**

**Douglas Schwartz**, from Groton, spoke about the proposed Solar Farm on the border with Canterbury. He said that he is involved with opposing abusive solar farm locations. He submitted two documents: a map (he explained that it is a hilltop farm and it is about storm water run-off as they turn it into an impermeable surface); a draft document containing comments on proposed regulations going to the DEEP from Steve Trinkas, an engineer who has working on the stormwater run-off problems that solar farms create. Ms. Roberson will e-mail these to Commission Members.

Mr. Schwartz noted that the Brooklyn PZC had submitted comments in 2017 for the first attempt which was denied by the CT Siting Council and he suggested that the Commission consider sending additional comments (deadline March 5, 2020). He asked the Commission to consider whether it is consistent with the POCD. Mr. Schwartz feels that comments from PZC’s are given a lot of weight by the CT Siting Council.

Mr. Schwartz’ explained his concerns which include the following: stormwater run-off; toxicity of the panels; fire safety; decommissioning plans. Mr. Schwartz said that Troy Sposato, an abutting neighbor, has been in contact with him with concerns about these issues.

There was discussion. Margaret Washburn, Brookly ZEO, concurred with Mr. Schwartz’ comments regarding fire safety due to her experience at her previous position in Spencer, Massachusetts, where she oversaw the development of fifteen solar farms.

- VI. ZEO Report with Margaret Washburn**

ZEO Report dated February 3, 2020, was included in packets to Commission Members. Ms. Washburn reviewed her report and answered questions from the Commission Members. She commented that, although she is still learning, she is enjoying her work as the ZEO.

Ms. Roberson explained that the underground tanks are being removed at the former D&Z Soda King. This site will be available to be redeveloped. She said that she does not have any reason to suspect that there is any leakage.

There was discussion regarding blight complaints, which Ms. Washburn says keep her busy, and whether the Blight Ordinance is strong enough. She explained that she is making progress and that taking people to court is the last resort.

Ms. Washburn commented regarding the proposed correction to Section 6.O.4.1 of the Zoning Regulations (Draft dated February 5, 2020). She explained that she is in favor of reinstating the proposed language regarding protecting groundwater as soon as possible.

Ms. Washburn commented about Paul Archer's suggestion to get rid of language regarding not allowing accessory structures in front yards.

## **VII. Unfinished Business:**

- a. Reading of Legal Notice:** None.
- b. Continued Public Hearings:** All public hearings have been continued to or will open on February 18, 2020.
- c. New Public Hearings:** None.
- d. Other Unfinished Business:**

- 1. **SPG 19-003** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 30 acres on south side of Maynard Road (Map 29, Lot 5) in the RA Zone; Excavation of approximately 1.2 million cubic yards of sand and gravel.  
No discussion.

Motion was made by J. D'Agostino to table the public hearing for **SPG 19-003** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 30 acres on south side of Maynard Road (Map 29, Lot 5) in the RA Zone; Excavation of approximately 1.2 million cubic yards of sand and gravel, to the next regular meeting of the Brooklyn Planning and Zoning Commission on February 18, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

- 2. **SPG 19-004** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 200 acres + on the south side of Rukstela Road (Map 21, Lot 7; Map 30, Lot 16) in the RA Zone; Excavation of approximately 1.9 million cubic yards of sand and gravel.

Motion was made by A. Fitzgerald to table the public hearing for **SPG 19-004** – Gravel Special Permit, Strategic Commercial Realty, Inc, d/b/a Rawson Materials, 200 acres + on the south side of Rukstela Road (Map 21, Lot 7; Map 30, Lot 16) in the RA Zone; Excavation of approximately 1.9 million cubic yards of sand and gravel, to the next regular meeting of the Brooklyn Planning and Zoning Commission on February 18, 2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by A. Tanner.

Discussion:

Mr. Fitzgerald asked how this Application is affected by the solar farm. It was decided that this would be asked, for the Applicant to address, during the public hearing. The amount of the total excavation will be reduced and will be changed on the Application.

Motion carried unanimously (6-0-0).

- 3. **SP20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson.

M. Sigfridson recused herself and turned over the position of Chair to A. Tanner. She remained at the table.

Ms. Roberson explained that the Commission had scheduled the opening of the public hearing for February 18, 2020. She stated that the Application is now complete and that the Commission Members will receive it before the opening of the public hearing.

Motion was made by A. Fitzgerald to table the public hearing for **SP20-001** – Special Permit for Business-Related Uses at 15 Hyde Road, 1.55 acres in Village Center Zone (Map 25, Lot 58), Applicant: Evan Sigfridson, to the next regular meeting of the Brooklyn Planning and Zoning Commission on February 18,

2020, 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by C. Sczuroski. Motion carried unanimously (5-0-0). M. Sigfridson had recused herself.

M. Sigfridson resumed the position of Chair.

**VIII. New Business:**

- a. Applications: None.
- b. Corrections/Updates to Zoning Regulations – Review of draft

Ms. Roberson provided and explained the list of proposed corrections (Draft dated February 5, 2020). The hope is to schedule a public hearing for March.

- **Section 3.C.2.4.5** – Page 44 (Typographical Error)  
Proposed language as follows, “Earth Materials Processing in accordance with Section 6.P.”
- **Section 6.P.3.3** – Page 149  
Proposed language as follows, “All processed materials must be clean as defined by CT DEEP and free from any solid waste.”
- **Section 6.O.4.1** – Page 142  
Proposed language as follows, “The minimum elevation of the excavation shall be no less than five feet above seasonal high groundwater and no less than 6 feet above ledge. Approval of the creation of a pond or water body requires a separate vote of the Commission.”
- The Commission discussed two options to allow accessory structures in the front yard: 1) in all front yards, or 2) in the front yard of a corner lot – Page 179:  
**Proposal #1** – Allow accessory buildings in front yards. Remove all six references to “Accessory buildings shall not be located in the front yard.” (3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.C.4.2.1).  
**Proposal #2** – Sheds, garages, and similar accessory buildings may be located up to ten (10) feet from a property line provided they are located in a rear yard. **In the case of a corner lot, accessory buildings may be located up to ten (10) feet from a property line provided they are located to the rear of a line drawn parallel to the front façade of the building.** Otherwise, an accessory building shall comply with standard setbacks.

Mr. Fitzgerald suggested that it be by special permit for front yards. There was discussion regarding cost.

Mr. D’Agostino suggested that it be by special permit for corner lots. He feels that one statement to sum up all corner lots cannot be done. Mr. D’Agostino stated that he would like to continue to prohibit accessory building in the front yard. Discussion continued. Ms. Sigfridson noted that, “Accessory buildings shall not be located in the front yard,” would cover not allowing accessory buildings in both front yards and on corner lots.

Ms. Roberson offered **Proposal #3** – With or without language for a corner lot, “located in a rear or side yard.” Discussion continued.

Ms. Roberson noted that there are separate definitions for accessory building and accessory structure.

Mr. Fitzgerald suggested that accessory buildings can be allowed in front yards by special permit. There was discussion regarding the cost involved with special permit.

Ms. Sigfridson polled the Commission regarding how they feel: A. Tanner, E. Starks, and C. Sczuroski feel that there should be an avenue for people to be able to put accessory buildings in the front yard, but doing it by special permit may be too burdensome. A. Fitzgerald stated agreement with this also. Ms. Sigfridson also agrees with this and she stated that there is general agreement that this is expensive, but better

than not allowing it at all. She suggested trying to find another way than special permit. Ms. Roberson stated that more specific criteria could be written into the Regulation. Discussion continued.

Ms. Sigfridson suggested to allow it by special permit and put it on the list to continue to work on if the Commission would like to decrease the level of permitting. In the meantime, feedback may be received. There was consensus for Ms. Roberson to work on special permit language (using 9.B.5 existing special permit criteria) and she will prepare all six proposed changes for a Zone change proposal to receive at the next meeting.

**Consensus to amend and move forward with Proposal #1 as follows** – Allow accessory buildings in front yards by special permit. Remove all six references to “Accessory buildings shall not be located in the front yard.” (3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.C.4.2.1).

- **Section 4.D.2.1 Agricultural-Related Uses** – Page 71 (Numbering Error)  
Now 5, Proposed 1
- **Section 7.B.5.4 Surface Material** - Page 164 (Numbering/Lettering Error)  
Now e, Proposed a  
Now f, Proposed b  
Now g, Proposed c

c. Other New Business

Motion was made by J. D’Agostino to add, Item VIII.c.1. Discussion of the proposed Solar Farm and the possible response by the Commission. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

1. Discussion of the proposed Solar Farm and the possible response by the Commission.

Due to the comments by Douglas Schwartz, Mr. D’Agostino suggested that the Commission prepare a response to address concerns regarding public health and safety for the Town of Brooklyn. There was discussion. Ms. Roberson will send copies, to Commission Members, of the previous letter which was submitted to the Connecticut Siting Council. There was a consensus for Ms. Roberson to prepare an update to the previous letter submitted to be ready for review by the Commission prior to the February 18, 2020 meeting.

Information regarding this Application with the Connecticut Siting Council is on-line (Application #1310A).

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

- a. Staff Reports – None.
- b. Budget Update (Expenditure/Revenue Reports and also the PZC Budget were included in packets to Commission Members).  
J. D’Agostino left the room at 9:05 p.m. and returned at 9:08 p.m.  
There was discussion and it was noted that there is a discrepancy (Professional Affiliations). Mr. Tanner will inquire about this at the Budget Meeting on February 6<sup>th</sup>.
- c. Correspondence.  
Correspondence relating to continued Applications had been submitted.
- d. Chairman’s Report – None.

**X. Public Commentary**

**A.J. Kerouac** suggested that more direction on blight come from the Commission as a Planning activity and submit an advisory priority list to the Board of Selectmen.

Mr. Kerouac disagrees that accessory structures are not currently allowed as there are hundreds in existence which were permitted. He asked if the existing ones will be grandfathered in the case that someone might want to enlarge/change/fix theirs. Ms. Roberson explained that it would depend on when it was built. There was discussion.

Mr. Kerouac asked when the POCD would be worked on. Ms. Sigfridson hopes this year.

## **XI. Adjourn**

Motion was made by J. D'Agostino to adjourn at 9:17 p.m. Second by A. Fitzgerald. Motion carried unanimously (6-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary