

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Wednesday, July 8, 2020
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

To join this meeting via the web or phone, follow the below instructions:	
Web Go to www.webex.com On the top right, click Join Enter meeting information: 129 532 5897 Enter meeting password: MARw5729TY87 Click join meeting	Phone Dial 1-408-418-9388 Enter meeting number: 129 532 5897 You can bypass attendee number by pressing #

MINUTES

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:38 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, Earl Starks, Alan Fitzgerald, Austin Tanner, Charles Sczuroski was absent with notice.
- Staff Present:** Jana Roberson, Director of Community Development; Richard Ives, First Selectman and ex officio Member of the PZC (left at 8:45 p.m.).
- Also Present:** Paul Archer, Archer Surveying; David Held, Provost & Rovero; David Wilterdink; Jeff Weaver.
- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Regular Meeting June 3, 2020
- Motion was made by A. Tanner to approve the Minutes of the Regular Meeting of June 3, 2020. Second by E. Starks. No discussion.
- Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).
- V. Public Commentary** – None.
- VI. Unfinished Business:**
- a. Reading of Legal Notice:** Jana Roberson read aloud the Legal Notice for ZC 20-001 and ZRC 20-001 rev. It had been published in the *Villager* Newspaper and it was posted on the website.
- b. New Public Hearings:** None.
1. **ZC 20-001** – Zone Boundary Change to R-30/RA boundary on south side of Day St., Applicant: Jeff Weaver, proposed adjustment to match proposed lot lines in subdivision.
- Paul Archer, Archer Surveying, represented the Applicant (also present) and gave an overview. Mr. Archer explained that they would like to revise some of the zone boundaries to include all of the lots. He explained that one of the lots in the subdivision (on the east side) is split in half by the RA/R-30 Zone. The southerly line is approximately 25 feet short of the R-30/RA Zone. They would like to modify the R-30 Zone so that it would encompass all of the lots that are in the R-30 Zone. This would entail moving the R-30 line 50 feet to the east and roughly 20 feet to the south.
- Plans were displayed as discussed.

COMMENTS FROM STAFF:

Jana Roberson explained that the boundary change would be approximately one acre and that the zone boundary pre-existed the laying out of lot lines, so there was really no lot line to follow at the time that the zones were laid out. This is a very minor adjustment to the existing zoning.

COMMENTS FROM COMMISSION MEMBERS:

A.Tanner asked about the proposed access on the east side. He asked if part of it is outside of the lot.

Mr. Archer stated that the front half access strip is in the RA Zone and that the back half is in the R-30 Zone. He said that the intent is for proposed Lot 2 to be totally in the R-30 Zone.

Mr. Tanner asked if part is being changed that is not proposed lots.

Ms. Roberson displayed and explained a map depicting the area of the zone boundary change. She explained that the way that proposed Lot 2 is laid out, the zone boundary went right through it and it did not meet the lot size requirements for the RA Zone, so the zone boundary would have to shift. This would be required in order to move forward with the subdivision with Lot 2 in this current configuration.

Mr. Tanner asked if making the line straight to the west has anything to do with the lots (above the remaining land).

Mr. Archer explained that the intent is to make the zone line straight.

Motion was made by A. Tanner to close the public hearing for **ZC 20-001** – Zone Boundary Change to R-30/RA boundary on south side of Day St., Applicant: Jeff Weaver, proposed adjustment to match proposed lot lines in subdivision. Second by C. Kelleher. No discussion.

Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; M. Sigfridson – yes.

Motion carried unanimously (5-0-0).

2. **ZRC 20-001 rev** – A proposal to make amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.K.2.2, 6.O.4.1, 6.P.3.3, 7.B.5.4.

Jana Roberson gave an overview:

- Some are technical corrections.
- Currently, accessory buildings are not allowed to be located in a front yard in multiple zones. She explained that there is a proposal to allow accessory buildings in the front yard by special permit.
- There is a change proposed to remove the requirement for a \$500 financial guarantee for donations bins put out by a tax-exempt organization. Currently, there is no such exemption.
- There is a proposed change to the standards for excavation operations in the gravel mining section of the Regulations (6.O.4.1). She read aloud the following proposed language which, she said, is returning old language to the Regulations. “The minimum elevation of the excavation shall be no less than five feet above seasonal high groundwater and no less than six feet above ledge. Approval of the creation of a pond or water body requires a separate vote of the Commission.”
- There is a proposed change regarding an oversight in Section 6.P.3.3 - Earth Materials Processing, as follows: “All processed materials must be clean as defined by CT DEEP and free from any solid waste.”

There was discussion regarding accessory buildings.

Ms. Roberson explained that she had researched other towns to see how they handle it and, of the responses she received: one-third allow accessory buildings in the front yard; one-third allow only by special permit; and one-third allow it, but under specific criteria unique to that town depending on the circumstances (and she gave some examples). She explained that the front yard is the space between the primary structure and the road.

M. Sigfridson stated that this topic had been discussed at a previous meeting and that her recollection was that there was a desire among most of the Commission Members to be a little less strict than not allowing any accessory buildings/structures in the front yard, but there was some trepidation as to what it would look like and how to go about it and, therefore, came up with the idea to allow it by special permit. There were no comments from the Commission Members. Ms. Sigfridson explained that she likes the idea of special permit, except for the cost.

Rick Ives stated that he is in favor, but would prefer that it be done by setbacks rather than by special permit. He feels this would be less complicated.

Paul Archer stated agreement with Mr. Ives. Mr. Archer feels that there hasn't been a problem with accessory buildings over the last 20 years and he suggested going back to the old language which, she said, allows accessory buildings outside the setbacks. He said to allow the setbacks do what they are intended to do.

Mr. Ives stated agreement with Mr. Archer.

David Wilterdink stated that he would like to put an accessory building on his corner lot which has a large front yard and no back yard.

Mr. Archer explained that there is an existing accessory building (garage) in the front yard, which was allowed back then. He said that that Mr. Wilterdink had been given guidance that he would need to get a variance, which Mr. Archer feels is correct due to the current Regulations. Mr. Wilterdink explained that, as part of the variance procedure, he had Mr. Archer do a survey of his property.

C. Kelleher asked if someone were to want to put an accessory structure anywhere, would they have to speak with the ZEO?

Mr. Archer stated that they would need a zoning permit to put the building in.

Ms. Kelleher stated that, rather than special permit, she would be comfortable as long as they go to the ZEO to be sure that they are within the required setbacks and the ZEO could alert the PZC if there was something that could not be allowed.

Ms. Sigfridson stated that she agrees that this hasn't been a problem in Town. She feels that the issue is with aesthetic concerns (e.g. pools, chicken coops, shipping containers). She suggested the possibility of not allowing shipping containers. Discussion ensued regarding shipping containers and whether the definitions for accessory buildings and accessory structures include shipping containers. Ms. Roberson read aloud the definitions from the Zoning Regulations. Mr. Fitzgerald stated that the definition for accessory building takes care of his concerns. Discussion continued and site plan approval was considered. Mr. Archer suggested that the issue is not with accessory buildings, but rather with shipping containers. Ms. Roberson's opinion is that a shipping container is a structure. Ms. Sigfridson's opinion is that a shipping container is a building and she stated agreement with Mr. Archer that the main concern seems to be with shipping containers in the front yard. Mr. Ives stated that if the concern is with shipping containers, then just don't allow shipping containers anywhere (or perhaps just in the back yard). Ms. Sigfridson suggested that shipping containers, specifically, could not be considered a building for PZC purposes. She feels that it doesn't make sense to disallow them everywhere. Mr. Fitzgerald stated that he has no problem with a garage in the front yard, but he doesn't want to see shipping containers. Discussion continued. Ms. Roberson noted that there is a definition of container (which doesn't reference structure or building) in the Zoning Regulations and they are currently, specifically, only permitted as an accessory in one zone (Restricted Business). They are not allowed in the residential zones because it is not a listed permitted use. Ms. Sigfridson noted that "portable" is the key word and she suggested deleting the prohibition on accessory buildings in the front yard, without deciding whether a container is a building or not, and to say, specifically, that under those circumstances would a container be permitted in the front yard. A. Tanner suggested a time limit such as 30 days.

Ms. Sigfridson reviewed current language. Mr. Archer suggested that the Commission look at Section 17.2 of the old regulations (Accessory Buildings). Ms. Sigfridson suggested,

from the current Regulations, the table of setback standards for the front yard on page 39 of R-10 (make it match the setbacks for the principle building).

There was discussion regarding whether to prohibit containers in the front yard. Ms. Roberson feels that it is already covered. Mr. Ives suggested that the change regarding accessory buildings be done tonight and to form a strong opinion regarding the containers to be further discussed at the next meeting. There was agreement expressed by M. Sigfridson and A. Fitzgerald.

Ms. Sigfridson asked if there were any other items, other than technical corrections, that require discussion. Mr. Ives stated he hopes that everyone supports the change regarding Donation Bins. Ms. Kelleher stated that the Commission had been in agreement at a prior meeting. There were no further comments.

Motion was made by A. Fitzgerald to close the public hearing for **ZRC 20-001 rev** – A proposal to make amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.K.2.2, 6.O.4.1, 6.P.3.3, 7.B.5.4. Second by C. Kelleher. No discussion.

Roll Call Vote: E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; A. Tanner – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

c. Continued Public Hearings: None.

d. Other Unfinished Business:

1. **ZC 20-001** – Zone Boundary Change to R-30/RA boundary on south side of Day St., Applicant: Jeff Weaver, proposed adjustment to match proposed lot lines in subdivision.

Motion was made by C. Kelleher to approve **ZC 20-001** – Zone Boundary Change to R-30/RA boundary on south side of Day St., Applicant: Jeff Weaver, proposed adjustment to match proposed lot lines in subdivision, with the finding that it is suitable for the location, will aid in the protection of public health, safety, welfare and property values and is consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The zone boundary change shall become effective 15 days from the date of publication on the website. Second by E. Starks. No discussion.

Roll Call Vote: A. Fitzgerald – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

2. **SD 20-001** – 6-Lot Subdivision, Applicant: Jeff Weaver, 8 acres on south side of Day St., (Map 43, Lot 6) in the RA and R-30 Zones; Proposed creation of six residential lots.

Plans/photos/documents were displayed as discussed.

Paul Archer, Archer Surveying, represented the Applicant (also present) and gave an overview:

- Mr. Archer noted that they have been before the PZC with preliminary discussion and, therefore, the Commission has an idea of what the Applicant is doing. They are proposing a six-lot subdivision to the west side of the ten-lot subdivision that they did at the beginning of the year.
- Now that the zone boundary has been approved, they are proposing four lots in the R-30 Zone and two lots in the RA Zone.
- Two of the lots will involve a 50-foot access strip which will give access to two rear lots (one in the R-30 Zone and one in the RA Zone).
- IWWC approval has been obtained.
- NDDH approval has been obtained.
- They are proposing a fee-in-lieu of open space. Platt Associates did the appraisal of roughly nine acres of land being subdivided (\$60,000). They are proposing a fee-in-lieu of \$6,000 to be divided among the six lots.
- Mr. Archer stated that some of Syl Pauley's comments (dated April 23, 2020), from his review, had been addressed and some have not been addressed:

SHEET 3 OF 6 – SITE DEVELOPMENT PLAN

1. Wells for Lots 2 thru 4 are very close to Day Street...
Mr. Archer stated that the Health Department should determine the well locations.
2. The vast majority of Lot 1 is in the regulated wetland upland review area...
Mr. Archer stated that the IWWC didn't have a problem with it and they approved it.

SHEET 4 OF 6 – DETAIL SHEET NO. 1

1. Proposed grading along the east side of the proposed driveway...
Mr. Archer stated that David Held of Provost and Rovero designed it and he felt that the grading on the side of the driveway was adequate enough to do it.
2. Development of the site will be the responsibility of the lot owner...
Mr. Archer explained that if Mr. Weaver decides to sell the lots prior to developing them, then the lot owner that has it is required to do it.

SHEET 5 OF 6 – DETAIL SHEET NO. 2

1. A utility trench detail should be included for any underground utility installation. A water service trench detail should also be included. Both details should include detectable warning tape.
2. A typical detail of the foundation underdrain size, material, pipe class strength, rodent protected outlet and riprap splash pad should be included on this sheet.
Mr. Archer stated that if the Commission feels that these details need to be added, they would have no problem adding them.

Mr. Archer stated that he had received comments from Ms. Roberson on July 7, 2020:

- Neighboring land owners had not been notified of this proposal as per Section 2.1 of the Subdivision Regulations.
Mr. Archer explained that the neighbors were to notified 10-15 days prior to the application being submitted. He said that sometimes this is followed and sometimes it is not. He said that they had not notified the neighbors 10-15 days prior to the application being submitted.
- Proper road width has not been dedicated to the Town.
Mr. Archer explained that the road width, if you're coming off the centerline of the road, the Town owns to the face of the wall. Most of the time it was changing by an average of one-to-two feet. He did not see the need to deed over to the Town one-to-two feet of land which is basically going to take the property line from the front of the stone wall to the back of the stone wall. It wasn't the whole length, it was just in spots. Mr. Weaver has no problem dedicating it to the Town if the PZC requires it.
- No Site Analysis Plan has been submitted.
Mr. Archer stated that it is good soil and he explained that when they did the 20-acre subdivision next door, the Conservation Commission did not want open space at that time. He said that the Conservation Commission did not understand that Mr. Weaver was possibly going to subdivide the 60+ acres that he has now or they may have had a different opinion. Mr. Archer stated that they are proposing fee-in-lieu of open space.
- Archeological sensitivity is unknown.
Mr. Archer explained that for the 20-acres, Mr. Weaver had archeological study done and it showed that in the lower regions, where they dug 60-64 holes, they found nothing and that all of the surrounding areas would be either not affected or a lower advantage because findings would be in the lower flats or in the side of the hills.
- Property boundaries do not follow existing stone walls.
Mr. Archer explained that this was Mr. Weaver's choice.
- Storm water runoff exceeds the capacity of the wetlands creating an increased risk of flooding on Day Street.

Mr. Archer stated that he does not see that and he explained that the way the subdivision is designed is that all of the water from all of the houses and driveways is staying 100 percent on his property and he is not pushing water onto Day Street.

Mr. Archer stated that it is a fairly simple 6-lot subdivision with four lots on the road and two rear lots.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS/STAFF:

M. Sigfridson asked about the proposed access easement in favor of Lot 5 which appears to cross over the corner of Lot 5.

Mr. Archer explained that that is the RA/R-30 Zone line which has been changed.

Ms. Sigfridson asked about the southerly line between Lots 5 and 6.

Mr. Archer explained that it is going to be just before the stone wall and he explained that Mr. Weaver is giving Lot 6 his son who will have full control over the stone wall. The access easement will be owned by Lot 6.

Ms. Roberson explained that both Lots 5 and 6 will be served by the accessway, but Lot 6 (the rearmost lot) owns the accessway. Mr. Archer agreed.

There was discussion regarding the property boundaries not following the stone wall. Ms. Roberson explained that none of the property boundaries are coincident with stone walls with the exception of the stone walls along Day Street. If the proper width (25 feet off the centerline of Day Street) is granted to the Town, that stone wall would be Town property. An aerial photo showing stone walls was displayed and Ms. Roberson explained and orientated the property. Since the stone walls are not protected by property boundaries, she explained that a restrictive covenant could be applied.

Ms. Roberson asked if utilities were proposed to be underground.

Mr. Weaver explained that the four lots in the R-30 Zone are going to be close enough to the road where they could utilize the powerlines going by instead of adding another telephone pole as numerous poles always get hit on Day Street. Lots 5 and 6 would have underground utilities going back to them. So they would only be adding one more pole to the mix. He feels this would be safer. Ms. Roberson stated that it is a preference based on the Subdivision Regulations.

Regarding storm water runoff, Ms. Roberson displayed the Development Plan and explained that, currently, the area is completely treed and she spoke of her concern regarding what the treeline would become and of its absorbant value. She feels that storm water runoff will shed off the property at a much faster rate and she suggested that the Commission could ask the Applicant to have the engineer prepare drainage calculations. If the engineer found that corrective measures were needed, they would design them. She said that sometimes raising the water level of the wetland has an impact on it. Ms. Roberson feels that there is potential for an issue and that it could be further reviewed by Mr. Pauley. Mr. Archer stated that if Syl Pauley, Town Engineer, felt that it was a concern, it would have been on his Engineer's review list.

Richard Ives, asked if the IWWC would have asked those questions.

Ms. Roberson explained that they look at impacts to wetlands, but they don't look at flooding on a road which is more of a PZC concern.

David Held, Provost & Rovero, stated that he understands Ms. Roberson's concern with the change in cover types, however, he explained that given the vast size of the wetland (which extends a good distance to the south beyond this proposal, and it is essentially flat) he feels that any increase in water level there from this development would be miniscule at best. He explained that given the overall size of the watershed in that large wetland area, which essentially functions as a detention basin, there would not be any means for impact there with water level. He commented that if there is an existing problem with flooding on Day Street, it would be beyond the scope of this six-lot subdivision. The solution would be more of a Town responsibility. Ms. Roberson stated that she appreciates Mr. Held's comments and she explained that the flow always goes to the south, it goes around the big field and connects with the Longbrook watershed, which eventually reaches the Quinebaug River.

Mr. Archer commented that Mr. Weaver (with the last subdivision that he did) had dedicated an easement to the Town in order to put the water from the road back into that wetland. Ms. Roberson stated agreement.

Ms. Roberson displayed, and paraphrased from, the letter from the Conservation Commission (dated July 7, 2020) in which they recommend open space dedication of some sort in an undeveloped portion of the property. Ms. Roberson explained the options for the PZC to consider. There was discussion regarding the amount of land to be considered if open space were chosen (15 percent of 7.52 acres or of 60.70 acres). Ms. Roberson offered to consult with Land Use Attorney, Peter Alter.

Mr. Ives stated that he had attended the Conservation Commission meeting and that it is their understanding that it is the subdivided portion.

Ms. Roberson clarified that that was the area that was appraised (7.5 acres). She explained that the remaining land would be unbuildable until the time when the remaining land is to be developed, then there would be an open space dedication.

Ms. Sigfridson asked that this be noted on the plans so that it will be clear in the future when someone comes before the Commission to subdivide the remaining 52 acres. Ms. Roberson commented that it could be written into a motion that it be added to the final subdivision plans that further development will require subdivision open space dedication.

Mr. Archer stated that Mr. Weaver is fully aware that if he ever goes to develop the remaining land, it would have to come before the PZC for a subdivision.

Ms. Sigfridson stated agreement.

Mr. Ives left the meeting at 8:45 p.m.

A. Fitzgerald stated that he would prefer open space to fee-in-lieu. There was discussion about this option.

C. Kelleher commented that it does not appear to be contiguous with anything that is already open space and she is not sure that this would be the best way to preserve land in that area. She prefers fee-in-lieu considering the size of land that would be involved in open space on this particular part of the property.

M. Sigfridson commented that she doesn't have a strong opinion either way.

E. Starks prefers fee-in-lieu.

A. Tanner prefers fee-in-lieu in this case.

Mr. Archer commented that Mr. Weaver had given almost \$10,000 fee-in-lieu for the 10-lot subdivision next door and adding \$6,000 for this subdivision, and he suggested that the Town could buy a piece of land for open space with the \$16,000.

Ms. Roberson drafted language for the open space dedication as follows: "At such point in the future the remaining land (53.4 acres) is proposed for development, it shall be required to be subdivided and it shall be subject to open space dedication."

Mr. Archer confirmed that the remaining land would be 53.4 acres.

There was discussion regarding the neighboring land owners not being notified. J. Roberson explained Section 4.2.10 of the Subdivision Regulations (page 13). The Executive Order from the Governor may cover both the Statutes and Regulations regarding noticing and publishing. It has been posted on the website. Ms. Sigfridson noted that the Applicant does not seem concerned about going forward with the Application regarding the possibility of an abutting land owner challenging the decision, if approved.

There was discussion regarding width dedication of the road.

Mr. Archer stated that he had spoken with Mr. Ives about it earlier in the day and that Mr. Ives had expressed that if it was only 1-2 feet, he doesn't want it. However, if the PZC feels it is necessary, Mr. Archer stated that Mr. Weaver has no problem dedicating that land to the Town (25 feet off the center line) and they would revise the plans.

Ms. Sigfridson asked if the PZC has a choice in this matter.

Ms. Roberson explained that it is standard. She thinks it is more like five feet in some areas.

Mr. Archer suggested that instead of deeding over the land, they could grant an easement to the Town, so for Highway purposes, they would have the right to do what they need to do on the land. He said he has done this in other towns.

Due to development being on a Town road, Ms. Roberson read aloud from Section 1.4 of the Public Improvement Specifications (last updated 2007) which are referenced by the Subdivision Regulations: roadway improvements; street curbs; sidewalks; storm drainage; sediment basins. She will distribute copies of this Ordinance to Commission Members. There was discussion regarding existing vs. proposed roads. Ms. Roberson stated that, typically, the Town just gets the land dedication (Section 6.1 of the Subdivision Regulations).

There was discussion regarding the requirement for a Site Analysis Plan. Mr. Archer explained that it was an oversight on his part and he asked that a waiver be granted. He also offered that, if the Commissioner wants a Site Analysis Plan, it could be a condition of approval that one be submitted.

Mr. Tanner stated that he would prefer that one be submitted and agreed that it could be a condition of approval. Ms. Sigfridson stated agreement.

There was more discussion about the road dedication. Mr. Tanner noted that it is unclear because it is two feet in some places and five feet in other places. Mr. Archer explained that if the land is dedicated to the Town, then the Town would own all of the stone walls along with the concern of rebuilding them. Mr. Tanner noted that if the Town owns them, then nobody would be selling them. Mr. Archer questioned whether the Applicant has the right to rebuild the stone wall once it is broken through, if it has been deeded to the Town. Mr. Tanner stated agreement with Mr. Archer's comment that he would offset the centerline of the road whether it is a foot, five feet or six inches and deed that land over to the Town.

Ms. Roberson commented that anything in Section 5 Section – Section 12.6 of the Subdivision Regulations (where the Site Analysis Plan is listed) may be waived by the Commission with a written note from the Applicant and a $\frac{3}{4}$ vote of the Commission. Mr. Tanner stated that he doesn't care one way or the other. Ms. Kelleher and Ms. Sigfridson both stated agreement.

Motion was made by C. Kelleher to waive the requirement for a Site Analysis Plan for **SD 20-001** – 6-Lot Subdivision, Applicant: Jeff Weaver, 8 acres on south side of Day St., (Map 43, Lot 6) in the RA and R-30 Zones; Proposed creation of six residential lots. Second by E. Starks. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

Motion was made by E. Starks to approve the application SD 20-001 – 6-Lot Subdivision, Applicant: Jeff Weaver, 8 acres on south side of Day St., (Map 43, Lot 6) in the RA and R-30 Zones; Proposed creation of six residential lots and remaining land in the R-30 and RA Zones in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

At such point in the future that the remaining land (50+/- as it may change a little due to the dedication of the road) is proposed for development, it shall be required to be subdivided and it shall be subject to open space dedication.

The following items shall be corrected on the Final Subdivision Plans which will be submitted in paper for checking to the Land Use Office prior to being printed on archival material (mylar):

- A land dedication to the Town of Brooklyn shall be added along Day Street for the purposes of meeting the Public Improvement Specifications.

Prior to endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:

- The approval and/or review letters from the Inland Wetlands and Watercourses Commission, the Northeast District Department of Health, and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).
- A Shared Driveway and Maintenance Agreement for the shared driveway in a form acceptable to the Town Attorney shall be filed simultaneously with the recording of the subdivision mylars in the office of the Town Clerk.
- All boundary pins and monuments shall be set and field verified by the surveyor.

At the time of sale of any building lot:

- At the time of sale of any of the six new building lots, a payment in lieu of open space dedication shall be paid by the applicant to the Town in the amount of \$1,000 per lot in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8. An open space lien may be placed on the building lots to ensure that the fee-in-lieu of open space is paid at the time of sale.

Prior to the issuance of a Zoning Permit on any lot:

- The developer shall notify the Zoning Enforcement Office and Town Planner at least seven days in advance of any site work to schedule a pre-construction meeting.
- Prior to any lots being developed, driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways. No stonewalls, mature trees, or ledge within the r.o.w. shall be removed or modified unless necessary for safety. The responsibility of clearing, grubbing, blasting, and earthmoving within the Town of Brooklyn r.o.w. shall be the responsibility of the individual lot developer. Any cutting of trees greater than 30" d.b.h. for sightlines shall require prior approval by the Town of Brooklyn Tree Warden upon finding that the removal of trees is unavoidable to guarantee adequate driveway sightlines.
- The applicant and/or individual lot developers shall minimize impacts to natural features both on private lots and in the Town of Brooklyn r.o.w. to the greatest extent possible. This shall include but is not limited to the preservation of stonewalls, the protection of mature trees lining any public road, and the minimization of clearing and grading.
- Stonewalls must be finished on the edges prior to the issuance of a Certificate of Zoning Compliance on any lot containing a stone wall.

Second by C. Kelleher. No discussion.

Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; M. Sigfridson – yes.

Motion carried unanimously (5-0-0).

3. **ZRC 20-001 rev** – A proposal to make amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.K.2.2, 6.O.4.1, 6.P.3.3, 7.B.5.4.

Motion was made by E. Starks to approve the proposal to make the following amendments to the Zoning Regulations concerning accessory buildings, excavation operations, and other various corrections including Sec. 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1, 3.C.2.4.5, 4.D.2.1.5, 6.K.2.2, 6.O.4.1, 6.P.3.3, 7.B.5.4 with the finding that they will aid in the protection of public health, safety, welfare and property values and are consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The regulations shall become effective 15 days from the date of publication on the website.

Second by A. Tanner.

There was discussion regarding containers:

- M. Sigfridson noted that her understanding from the earlier discussion is that the Commission will look further into the issue of containers at the next meeting of the PZC. Ms. Roberson noted that the other issue is the special permit. Ms. Kelleher stated it was her understanding that they did not want to make the change that would require a special permit. Ms. Sigfridson agreed that that was also her understanding and she stated that they just wanted to change the setbacks to match the setbacks in the zone for the primary structure. Discussion continued about how to do it: whether to amend the motion or to change the Zone Change Application. Ms. Roberson suggested changing the Zone Change Application to read as follows: "For all of the listed sections (that end with 2.1), the minimum front yard setback for accessory buildings shall be the same as for principle buildings in the zone." Mr. Tanner would like it to be stated that it would not require a public hearing.

Ms. Roberson explained that you can change the content of the proposal as long as the change was discussed when the public hearing was open. Ms. Sigfridson agreed. Discussion continued.

E. Starks amended his motion to approve the proposal pursuant to discussion of the Commission such that any reference to accessory buildings requiring a special permit would be replaced with accessory buildings requiring a setback equal to that of the principle structure. Second by A. Tanner.

Discussion:

Ms. Sigfridson explained the motion so that the Commission Members were clear on what they were voting on.

Mr. Tanner feels that this is not parliamentary correct and suggested that the motion be withdrawn and restated.

Mr. Starks rescinded his motion. Mr. Tanner rescinded his second.

Motion was made by E. Starks to approve the proposal to make amendments to the Zoning Regulations as they appear in the Application of those amendments regarding Sections 3.A.5.2.1, 3.B.5.2.1, 3.C.5.2.1, 4.A.4.2.1, 4.B.4.2.1, 4.C.4.2.1 in as much as those amendments would be to allow accessory buildings in the front yard pursuant to the setbacks in that zone rather than by special permit. Second by A. Tanner.

Discussion:

- Ms. Sigfridson explained that her understanding of the effect would be, as discussed, regarding the front yard accessory building issue, and for that, rather than allowing by special permit, they would just be allowed if they are within the setback provided for primary buildings. No opposition stated.
- There was discussion regarding whether this is a restated motion or a new motion. It was decided that it is a new motion.

Roll Call Vote: A. Fitzgerald – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

VII. New Business:

a. Applications:

1. **SPG 20-001** – Gravel Special Permit, Paul R. Lehto, 71.34 acres on the east side of Allen Hill Road (Map 32, Lot 148), in the RA Zone; Excavation of approximately 90,000 cubic yards of sand and gravel on 6.7 acres.

David Held, Provost & Rovero represented the Applicant. Mr. Held stated that he would give the presentation at the public hearing. He commented that if the public hearing were held on July 21st, it would not allow for the proper noticing period.

There was discussion regarding the Governor's Executive Order 7-I which allows for posting a sign on the property rather than sending certified letters to abutters.

Motion was made by A. Tanner to schedule a public hearing for **SPG 20-001** – Gravel Special Permit, Paul R. Lehto, 71.34 acres on the east side of Allen Hill Road (Map 32, Lot 148), in the RA Zone; Excavation of approximately 90,000 cubic yards of sand and gravel on 6.7 acres, to be held at a regular meeting of the Planning and Zoning Commission to be held on August 5, 2020 at 6:30 p.m., access via web and phone to be provided on the meeting agenda to be posted on the Town of Brooklyn, CT website. Second by C. Kelleher. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (5-0-0).

b. Other New Business: None.

1. **SPG 19-003 - *scrivener's correction*** 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 1.05 million cubic yards of sand and gravel.

Ms. Roberson explained that there was an error in the original motion regarding the renewal date. The special permit has not been recorded yet.

Motion was made by C. Kelleher to correct item #10 from the approval of SPG 19-003 granted at the June 3, 2020 meeting of the Planning and Zoning Commission to specify that the permit renewal date is June 3, 2021. Second by A. Tanner. No discussion.
Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; M. Sigfridson – yes.
Motion carried unanimously (5-0-0).

2. **SPG 19-004 – *scrivener’s correction*** 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 1.55 million cubic yards of sand and gravel.

Ms. Roberson explained that there was an error in the original motion regarding the renewal date. The special permit has not been recorded yet.

Motion was made by C. Kelleher to correct item #9 from the approval of SPG 19-004 granted at the June 3, 2020 meeting of the Planning and Zoning Commission to specify that the permit renewal date is June 3, 2021. Second by A. Tanner. No discussion.
Roll Call Vote: E. Starks – yes; A. Fitzgerald – yes; C. Kelleher – yes; A. Tanner – yes; M. Sigfridson – yes.
Motion carried unanimously (5-0-0).

3. **SP 08-005 – Modification #2 - *scrivener’s correction*** Walmart, 450 Providence Road (Map 41, Lot 10) Re-striping of ten (10) wider pick-up stalls, new parking lot directional signs and pavement markings, new exterior wall sign.

Ms. Roberson explained that the grey coloring on the plan made it difficult to read and she was told the day after the public hearing that it was actually ten spaces and not nine as thought at the public hearing. She said that there are two rows of nine spaces.

Motion was made by C. Kelleher to correct the number of parking spaces from the approval of SP 08-005 mod 2 to specify that the number of new designated spaces to be added is ten (10). Second by E. Starks. No discussion.
Roll Call Vote: A. Fitzgerald – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; M. Sigfridson – yes.
Motion carried unanimously (5-0-0).

VIII. Reports of Officers and Committees:

- a. Staff Reports
Margaret Washburn’s Report (dated June 30, 2020) was included in packets to Commission Members. No discussion.
Ms. Roberson will ask Ms. Washburn when she would be available to attend a meeting.
- b. Budget Update (Included in packets to Commission Members)
Ms. Roberson explained that the \$7,715 shown in Revenues is incorrect. She feels that it should be more like \$18,000. There was discussion regarding the discrepancy.
- c. Correspondence – None.
- d. Chairman’s Report
Ms. Sigfridson asked Ms. Roberson if Mr. Ives will be available to meet to discuss the POCD.
Ms. Kelleher suggested a review of the Subdivision Regulations be done soon as they need to be revised.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 10:26 p.m.

Respectfully submitted,
J.S. Perreault
Recording Secretary