

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, September 2, 2020
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: 173 465 7410 Enter meeting password: ruFYA8xiA22 Click join meeting	Phone Dial 1-408-418-9388 Enter meeting number: 173 465 7410 You can bypass attendee number by pressing #

MINUTES

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:43 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, Earl Starks, Alan Fitzgerald, Austin Tanner, Charles Sczuroski.

Staff Present: Jana Roberson, Director of Community Development.

Also Present: Paul Archer, Archer Surveying; Curt Hostman.

- III. Seating of Alternates** – None.

- IV. Adoption of Minutes:** Regular Meeting August 18, 2020

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of August 18, 2020. Second by E. Starks. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

- V. Public Commentary**

Curt Hostman asked if there was going to be discussion regarding condos behind the Brooklyn School.

Ms. Roberson explained that the application is pending before the IWWC, at this time, and that she is not sure when it will be submitted to the PZC for consideration. The PZC cannot act on it until after the IWWC does.

- VI. Unfinished Business:**

- a. Reading of Legal Notice:**

J. Roberson read aloud the Legal Notice for Application SPG 20-001.

- b. New Public Hearings:**

- 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.

Ms. Sigfridson announced that the public hearing is opened.

David Held, Provost & Rovero, represented the Applicant and gave an overview.

- An application had been submitted to the IWWC and was approved with standard conditions (Letter from the IWWC dated July 30, 2020 was included in packets to Commission Members).
- They are proposing a restoration bond amount of \$10,000 per disturbed acre, total of \$67,000 for the 6.7 acres. (Letter from Provost & Rovero dated June 2, 2020 was included in packets to Commission Members.)
- The proposed excavation is an extension of a previously permitted excavation. Total of 90,000 c.y. of material to be removed.
- Syl Pauley's comments were reviewed (Letter from Syl Pauley of NECCOG dated July 14, 2020 and e-mails dated August 4, 2020 between Syl Pauley and Jana Roberson were included in packets to Commission Members):
 - Mr. Pauley suggests an estimated bonding amount of \$115,000 (\$67,000 for restoration of the disturbed 6.7 acres, \$10,000 for repair of erosion on the gravel access road, and \$38,000 to repave Riverwalk Drive with 2" overlay).
 - Mr. Held spoke of concern as to whether the road can accommodate the truck traffic and he stated that the Commission may be comfortable with the existing, single 24-inch concrete pipe.
 - Mr. Held explained that the proposed work is not in an area of concern regarding endangered species.
 - Mr. Held explained that they are waiting for a response from the State Archeologist (UConn) and will submit the results when available. He noted that the area had been logged heavily in the last two years and that there are steep slopes.
 - Mr. Held stated that the Town holds bonding from 1995. That area had never been restored, but there is stable vegetation there now which happened on its own over time. He said that there are no erosion or sedimentation concerns. Let it naturalize.

J. Roberson explained that this is a reboot of another application that was approved in 2018. Some areas were not eligible to be excavated under the old Regulations, but are eligible under the new Regulations. She explained that Syl Pauley's review of the bond estimate is \$115,000 (updated for 2020 for the same work). There was discussion regarding the bonding from 25 years ago, for which Mr. Lehto nor the Town of Brooklyn Finance Department has any record of that much smaller bond. Ms. Roberson explained that there was no bond for the 2018 approval because Mr. Lehto never finalized the approval.

There was discussion regarding why the area had not been restored 20+ years ago. Mr. Held explained that Mr. Lehto had planned to do a subdivision for a condo project, but was unable to do it. He said that Mr. Lehto is not likely to develop the subdivision. Mr. Tanner stated that the purpose of the bond is to get it restored and he expressed concern for setting a precedent to just let it sit and

take care of itself. Mr. Fitzgerald and Ms. Kelleher voiced agreement.

- Mr. Held discussed Mr. Pauley's comment regarding "no estimated time of completion" and stated that the bonding requirements would be reviewed at renewal.

There was discussion regarding anticipated truck trips per day. Mr. Held stated that he estimates that there would be 55,000 loads over the entire project (two-years @ 200 working days per year = 14 trips per day). Ms. Roberson noted that a typical residence has 10 trips per day. She also noted that plans had been included in packets to Commission Members.

- Mr. Held stated that the date of the mapping for this project is 2016 (comment #1 from Mr. Pauley).

Ms. Sigfridson, who had missed part of the meeting due to technical difficulties, asked if Mr. Pauley's comments had been addressed and Ms. Roberson stated that Mr. Held had addressed them in his presentation.

There was discussion regarding traffic on Riverwalk Drive and Allen Hill Road. There was a suggestion to limit the number of trucks/operating hours. Mr. Tanner stated that sight line is excellent. Mr. Fitzgerald agreed, but expressed concern regarding how drivers tend to ignore the speed limit on Allen Hill Road. It was noted that the Application is only for 90,000 c.y. and that it would be 15 loads per day (4 loads per hour). Mr. Held explained that the material would most likely be sold in place to a third party.

There were no comments from the public.

Ms. Sigfridson commented about the outstanding bond from the past approval and cautioned that the Commission would want to avoid that type of situation in the future. She said that the Commission should be aware and vigilant regarding reclamation going forward.

Ms. Roberson commented that there had been a lot of public participation two years ago and that conditions of approval can be carried over and that actual volume could be added.

Margaret Washburn suggested that 4.1 acres be stabilized and the stockpile be spread before going on to the second phase. Mr. Held explained that the maximum disturbed area would be 6.7 acres and that the stormwater containment area needs to remain open while work is being done in Phase 2. He noted that \$115,000 is not a small amount and that, with this excavation, there would be more oversight by Staff.

Ms. Washburn asked if the area could be secured regarding safety hazards due to ATV's/dirt bikes. Mr. Held explained that this would not be realistic.

Mr. Tanner is concerned about the condition of the road afterward and he would like there to be a condition of approval. Ms. Roberson will add a

condition that the road be restored to current conditions as of the date of approval. Ms. Roberson will also add detail (consistent with the 2018 approval) to Draft Condition #6 in her Staff Guidance, dated 9-2-2020 (included in packets to Commission Members). She will have the Town Attorney review the language. Mr. Held stated that he has no problem with adding conditions of approval to the mylars and he suggested that the Town document the current condition of the road. Ms. Washburn suggested that the Applicant make a video, but Mr. Held suggested that it may be better if the Town were to make the video because then the Town would be sure to document everything that they want included.

There was more discussion regarding speeding vehicles on the road. Ms. Roberson stated that they can do signage, but she does not see this Application as causing a dramatic change in traffic on Allen Hill Road.

Ms. Sigfridson announced that the public hearing is tabled to the next meeting scheduled for September 15, 2020

c. Continued Public Hearings: None.

d. Other Unfinished Business:

1. Discussion with Margaret Washburn, ZEO

Ms. Washburn reviewed her Report (dated September 1, 2020) which was included in packets to Commission Members. Commission Members expressed that they feel she is doing a good job. Ms. Roberson noted that Ms. Washburn has feedback for the Commission regarding recent changes to the Zoning Regulations, as she feels that they may be subject to multiple interpretations.

2. **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.
Tabled to September 15, 2020, (see above, Item VI.b.1).
3. **SD 20-002** – 3-lot Subdivision, Applicant: David and Nancy Bell, 25.65 acres on the east side of Church St. (Map 35, Lot 4) in the RA Zone; Proposed creation of 3 residential buildings lots on a common driveway. **(Continued to September 15, 2020.)**
4. **SD 20-003** – 3-lot Subdivision, Applicant: David and Nancy Bell, 6 acres on the east side of Prince Hill Road (131 Prince Hill Road, Map 34, Lot 52) in the RA Zone; Proposed creation of 3 residential buildings lots, two sharing a common driveway. **(Continued to September 15, 2020.)**
5. **ZC 20-002** – Zone Boundary Change from R-30 to RA, Applicant: Keith Crossman, 340 Christian Hill Road, proposed adjustment to 6.75 acres on east side of Christian Hill Road. **(Public hearing scheduled for September 15, 2020.)**
6. **SP 20-002** – Special Permit for additional vehicle storage, Applicant: Vachon Brooklyn, LLC, 512 Providence Road, Proposed construction of two 16' wide

access drives to proposed new vehicle storage lots. (**Public hearing scheduled for September 15, 2020.**)

VII. New Business:

a. Applications:

1. **SD 20-004** – 2-lot Subdivision, Applicant: A. Kausch & Sons, LLC, 4.07 acres on the west side of Tripp Hollow Road (Map 15, Lot 4) in the RA Zone; Proposed creation of 2 residential buildings lots.

Paul Archer, Archer Surveying, represented the Applicant and gave an overview:

- This is a simple, 2-lot subdivision.
- There had been a previous free-split to the north.
- Received approval from the IWWC (Letter dated July 30, 2020 was included in packets to Commission Members).
- Mr. Archer reviewed Syl Pauley's comments:
Missing signatures and seals have been provided on the plans.
Mr. Pauley recommends that the Town witness installation of footing drains 25 feet from the well. Mr. Archer explained that this would be under the Health Department. They have received approval from the Health Department (Letter dated July 6, 2020 was included in packets to Commission Members).
- They will be donating a small strip to the Town for highway purposes.
Ms. Roberson explained that this is an old regulation.

Ms. Roberson explained that this application had been submitted recently and that she had not had time to review it closely. She said that the biggest issue is that it has a lot of wetlands. She said that it had received approval from the IWWC.

Ms. Roberson asked about sight line. Mr. Archer explained that the driveway permits have been applied for and that Tommy Rukstela has no problems.

E. Starks and A. Fitzgerald expressed that they feel okay with approving this Application tonight.

Motion was made by A. Fitzgerald to approve Application **SD 20-004** – 2-lot Subdivision, Applicant: A. Kausch & Sons, LLC, 4.07 acres on the west side of Tripp Hollow Road (Map 15, Lot 4) in the RA Zone; Proposed creation of 2 residential buildings lots. Second by E. Starks.

Discussion:

J. Roberson explained the Zoning Compliance Review had not been done yet and, therefore, the Application has not been thoroughly reviewed.

Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski - no; C. Kelleher - no; M. Sigfridson – no. Motion failed (3-3-0).

M. Sigfridson stated that she voted no because the application had not been fully reviewed.

C. Kelleher voiced agreement with Ms. Sigfridson.

There was discussion regarding whether this Application can be put on the Agenda for the next meeting since the motion to approve had failed. Mr. Tanner explained that there would need to be a motion made to reconsider it.

Motion was made by C. Kelleher to reconsider Application **SD 20-004** – 2-lot Subdivision, Applicant: A. Kausch & Sons, LLC, 4.07 acres on the west side of Tripp Hollow Road (Map 15, Lot

4) in the RA Zone; Proposed creation of 2 residential buildings lots, at the next regularly scheduled meeting of the Planning and Zoning Commission on September 15, 2020. Second by E. Starks.
Roll Call Vote: E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher - yes; A. Tanner - yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

b. Other New Business – None.

VIII. Reports of Officers and Committees:

- a. Staff Reports – See above, Item VI.d.1. Discussion with Margaret Washburn, ZEO.
- b. Budget Update
Ms. Roberson explained that the Finance Department is still working on getting the correct information on the PZC’s Budget Reports.
- c. Correspondence
Ms. Roberson stated that she had received information from FEMA regarding flood plain re-mapping.
- d. Chairman’s Report – None.

IX. Public Commentary

There was discussion regarding when or how the Commission can begin meeting in person again. Ms. Sigfridson will speak with Rick Ives about this.

X. Adjourn

Ms. Sigfridson announced that the meeting was adjourned at 9:11 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary