

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, September 15, 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: 173 885 3793 Enter meeting password: 6HxYpaiym67 Click join meeting	Phone Dial 1-408-418-9388 Enter meeting number: 173 885 3793 You can bypass attendee number by pressing #

MINUTES

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

Staff Present: Jana Roberson, Director of Community Development; Rick Ives, First Selectman and ex officio Member of the PZC.

Also Present: Keith Crossman, 340 Christian Hill Road; David Held, Provost & Rovero; Paul Terwilliger, P.C. Survey Associates; Paul Archer, Archer Surveying.

- III. Seating of Alternates** – None.

- IV. Adoption of Minutes:** Regular Meeting September 2, 2020

Motion was made by A. Tanner to accept the Minutes of the Regular Meeting of September 2, 2020. Second by A. Fitzgerald. No discussion. Motion carried unanimously by voice vote (5-0-0).

- V. Public Commentary** – None.

Motion was made by A. Fitzgerald to add the following to the PZC September 15, 2020 Agenda:

- Item VII.b.1. – Request for extension to record the mylars for 6 lot subdivision on Day Street.
- Item VII.b.2 - Authorization of back-up Zoning Enforcement Officer.

Second by A. Tanner. No discussion.

Roll Call Vote: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski - yes; C. Kelleher – yes. No discussion. Motion carried unanimously (5-0-0).

- VI. Unfinished Business:**
a. Reading of Legal Notice:

J. Roberson read aloud the Legal Notice for ZC 20-002 and SP 20-002.

b. New Public Hearings:

1. **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.

Keith Crossman was present and explained that he would like to change the zoning to Residential Agriculture because he would like to pursue his childhood dream of starting a hobby farm with possibly more than the zone allows now (no large livestock).

Ms. Roberson displayed an aerial map showing the parcel and surrounding neighborhood (included in packets to Commission Members). She explained that the parcel is largely forested, the front is open and power lines go through it.

Ms. Roberson displayed the tax map superimposed on the zoning map and orientated the area indicating the zones. She explained that the block of R-30 (84 parcels with Mr. Crossman's being the largest) is surrounded by RA. She noted that Mr. Crossman's parcel is somewhat anomalous in the zone.

Ms. Kelleher asked for comments from the public. There were none.

Ms. Kelleher asked for comments from the Commission. There were none.

A. Fitzgerald motioned to approve the Application (there was no second). Ms. Roberson noted that the public hearing had not been closed yet. Ms. Kelleher stated that if there were no further comments from the Commission, the motion would be appropriate under Agenda Item VI.d.4. She then moved on to open the next public hearing (SP 20-002).

2. **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.

Ms. Roberson stated that the agent for the Applicant has requested that the opening of the public hearing be delayed due to an error in the notice requirement. They had not posted the sign. The public hearing for this Application will be moved to the next regular meeting of the PZC on October 7, 2020 at 6:30 p.m.

c. Continued Public Hearings:

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, Professional Engineer and Land Surveyor with Provost & Rovero, represented the Applicant. Mr. Held stated that he had nothing new to present and that the reason for the continuation of the public hearing was due to waiting for the motion to be drafted. He confirmed that he had received the revised draft motion from Ms. Roberson earlier in the day and that he had reviewed it.

Mr. Held commented that the main item of discussion had been clarification of how the bonding requirement would be worded regarding repairing the access road at the conclusion of the excavation. He suggested more discussion for clarification.

There was discussion regarding Condition #2 of the draft motion which was read aloud by Ms. Kelleher. Suggested changes to the draft language were considered, but it was decided, by a poll of the Commission (see below), to leave the language as it had been drafted by Ms. Roberson and Peter Alter, Land Use Attorney.

Ms. Kelleher had asked if the Commission would like to add language suggested by Ms. Roberson "...\$38,000 to repave Riverwalk Drive with a 2" overlay, **if necessary for repairs**, as directed by the town's consulting engineer."

Results of poll: " A. Tanner – no; E. Starks – no; A. Fitzgerald – no; C. Sczuroski – no; C. Kelleher – no. Unanimous (5-0-0).

Ms. Roberson asked if there would be any backfilling. Mr. Held explained that there is no over-excavation proposed and it is not counted for in any of the quantities with the proposed contours shown. However, he explained that, although they don't anticipate any, there may be a small amount if the Applicant wants to flatten an area out. He said they don't anticipate any significant backfill. Ms. Roberson referred to Draft Condition #7 relating to backfilling. Mr. Held stated that it would be appropriate to leave that Condition in.

Motion was made by A. Tanner to close the 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. Second by A. Fitzgerald. No discussion. Motion carried unanimously by voice vote (5-0-0).

d. Other Unfinished Business:

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.

Motion was made by A. Tanner to approve the Gravel Special Permit application of Paul Lehto limited to 6.7 acres within the 71.34 acres on the east side of Allen Hill Road (Map 32, Lot 148), identified in the files of the Brooklyn Land Use Office as SPG 20-001. This Gravel Special Permit is to excavate and remove up to 90,000 cubic yards of sand and gravel from the 6.7 acre site, with the finding that the standards of Section 6.O - Excavation Operations and Section 9.D -Special Permit Applications are satisfied in accordance with all final documents and testimony submitted with the application and subject to and including the following conditions:

1. The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final recorded special permit plans. Draft final approved plans shall be printed on paper and submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals, signed by Commission Chairs, shall be recorded along with the Special Permit in the office of the Town Clerk.
2. Prior to the commencement of any activity undertaken in accordance with this approval, a performance bond in favor of the Town of Brooklyn in the amount of \$115,000 will be submitted to the Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff. The bond shall include: \$67,000 to restore the 6.7 acre excavation area, \$10,000 to repair erosion on the gravel access road as directed by the Town's consulting engineer, and \$38,000 to repave Riverwalk Drive with a 2" overlay as directed by the Town's consulting engineer. Once the repair work on the gravel access road and Riverwalk Drive is completed to the reasonable satisfaction of the Town's consulting engineer, the portion of the bond attributed to that particular activity can be released. The Town shall document the condition of Riverwalk Drive and the gravel access road prior to the commencement of work on the site. No activity shall occur on the site until the bond has been provided in final form to the Town and approved. Except

as otherwise provided, the bond shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless this requirement is subsequently modified by the Planning and Zoning Commission.

3. Prior to the commencement of any activity undertaken in accordance with this approval, the limit of disturbance shall be flagged in the field by a licensed land surveyor and such flags shall be posted high above grade on trees or on construction fence so as not to be disturbed by clearing or excavation activities. The limits of disturbance markings shall remain in place for the duration of the excavation activity and shall be replaced if disturbed. Additionally, property lines within 300' of the area of disturbance shall be flagged. All flagging as required by this approval shall be checked no less frequently than quarterly by the operator to ensure they are in place and shall be restored if disturbed or removed.
4. Prior to the commencement of any activity undertaken in accordance with this approval, erosion and sedimentation control measures as shown on the approved plans shall be installed to the satisfaction of the Land Use Office. The Land Use Office shall have the authority to direct that additional erosion and sedimentation control measures be installed if deemed necessary to maintain adequate protection from erosion and sedimentation.
5. Excavation activity and the volume of material to be excavated shall be as shown on the plans titled "Proposed Gravel Excavation Allen Hill Road Brooklyn, Connecticut" prepared by Provost & Rovero dated June 2, 2020, and as further revised by these conditions. The excavation area is limited to 6.7 acres and the volume of material is not to exceed a total of 90,000 cubic yards. No on-site processing of excavated material is permitted and no earth material shall be imported to the site except as is required for restoration of the site in accordance with Condition 7 below.
6. Restoration shall commence upon completion of each phase of excavation as provided in the Zoning Regulations and as noted in the Restoration Notes on page 5 of the approved plans.
7. Any fill that is imported to the site for the purpose of backfilling the excavation area shall be "clean" as defined by the CT DEEP Regulations of State Agencies Sec. 22a-209-1. Prior to the acceptance of any imported fill to be used to restore the site, the source of the imported fill and the proper certification as to the condition of the fill shall be provided in writing to the Town. No imported fill may enter the site unless proper documentation is provided in advance to the Land Use Office.
8. Dust shall be controlled throughout the year using water or calcium chloride treatment on surfaces as appropriate for conditions. All trucks exiting or entering the site must have their tarp covers closed. Sweeping of the entrance area shall occur regularly and as needed. The Land Use Office shall have the authority to direct that additional dust control measures be installed and employed if deemed necessary to maintain adequate protection from ambient dust within or beyond the site.
9. Written reports of the volume of excavated materials shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly in March, June, September, and December.
10. The permit renewal date is September 15, 2022. The renewal procedure shall be as specified in Section 6.O.7 of the Brooklyn Zoning Regulations (effective 10-15-2019).

Second by E. Starks.

Discussion: Mr. Tanner asked for clarification regarding whether portions of the bond can be released separately (e.g. if the gravel access road and Riverwalk Drive are completed). Ms. Roberson explained that, although it is awkward the way it is written, the idea is that the bond can be released in phases, but it would have to be by action of the Commission. She said that it probably won't be a cash bond.

Roll Call Vote: E. Starks – yes; A. Fitzgerald – no; C. Sczuroski - yes; A. Tanner - yes; C. Kelleher – yes. Motion carried (4-1-0).

2. **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.

Paul Terwilliger, Licensed Land Surveyor with P.C. Survey Associates, represented the Applicant and gave an overview:

- IWWC approval has been received.

- This is the remaining portion of the Kingswood Estates Subdivision that was done in the 1980's.
- Comments from Syl Pauley, Consulting Engineer:
 - There were two wetlands related comments. IWWC granted approval.
 - Drainage calculations for the cross drain were done by Norm Thibeault of Killingly Engineering and have been submitted to the Town. Mr. Terwilliger stated that he has not heard and further comments, so he assumes that comment has been addressed satisfactorily.

Ms. Roberson referred to page 73 of 120 of the packet to Commission Members (the second and final review by Mr. Pauley). She confirmed that submitting the drainage report addresses Mr. Pauley's Item #2. She confirmed that Item #1 is a IWWC concern and that they must be satisfied because they issued an approval with only the standard conditions.

Ms. Roberson displayed the plan that shows the two conservation easements most clearly (Open Space Conservation Easement A - .59 acres and Area B - 6.43 acres. She stated that this more than meets the open space dedication requirement of 15 percent. This was the recommendation of the Conservation Commission. She commented that the legal instrument should be a deed restriction rather than an easement She had forwarded a copy (of the one used for Mr. Weaver on Tripp Hollow Road as well as others) to Mr. Terwilliger, earlier in the day, to review with the Applicant. Mr. Terwilliger stated that he had not had a chance to review it with the Applicant, however, he had looked at it and explained that some tweaking would need to be done to address this particular scenario. He said that it seems to be what they were looking for as the solution to address this easement. It would be more of a covenant over the property rather than an easement that the Town would have possession of. Ms. Roberson explained that it is basically a permanent restriction on the land that says that you can never develop it. She asked Mr. Terwilliger if he thought the Applicant would have a desire to retain the right to hunt on the property (as others have in the past). Mr. Terwilliger stated that since it is a 16-acre piece of property, the potential buyer may wish to retain that right. Mr. Terwilliger noted that the property is referred to as a lot, but that it is not a separate lot, it is an area across the lot. Ms. Roberson explained that it is part of the standard template and that the deed restriction would reflect the fact that this is an area within a parcel. Ms. Roberson explained that the final language of the legal document is not needed at this meeting, but the content should be discussed. She read aloud the list of ten restrictions in the standard template which she had sent to Mr. Terwilliger earlier in the day. She omitted the last sentence of number ten as she said that it is not appropriate for this Application.

Mr. Terwilliger voiced concern regarding the following:

- Hunting
- Gaining public access

Mr. Terwilliger explained that if you can't clear anything, you can't put a trail in to get to the back. He said that in his original submission, he had left a provision for some kind of means of

access to the back/other side of the easement area in a suitable spot.

Ms. Roberson asked Mr. Terwilliger to explain how he delineated the conservation areas. Mr. Terwilliger explained that he created a corridor for the two wetland areas where the ponds are so that migrating species could get from one to the other utilizing the undisturbed land.

- No agricultural use of the land. He said there are prime farmland soils in that area.

Ms. Roberson stated that she does not think it prohibits agriculture. But, due to the slopes, it doesn't seem likely that they would be clearing for cropland.

Mr. Terwilliger stated that he would let the Commission decide what they want to do around agriculture.

There was discussion regarding possibly continuing the public hearing and about agriculture. Ms. Kelleher asked the Commission Members and Ms. Roberson to let Mr. Terwilliger know of anything else that he should prepare for the next meeting so that nothing new would be brought up then. There were no comments from the Commission. Ms. Roberson stated that it is just deciding what to include in the restrictive covenant. She feels that it is not likely, due to steep slopes, that there would be any agriculture on the property. She suggested that the language regarding agriculture could be removed. There were no objections.

Mr. Terwilliger stated that if the Commission is agreeable to removing the agricultural language, he feels that the Applicant would accept the language that gets drafted.

Ms. Roberson asked that Mr. Terwilliger give clear guidance regarding the list of restrictions. She re-read aloud the list of restrictions leaving out agriculture, hunting, potential future public access (which she thinks was written for a specific property and not part of the standard template).

Ms. Roberson asked the Commission if they were comfortable with the following list:

- No structures.
- No motorized vehicles.
- No herbicides or pesticides.
- No dumping.
- No fires.
- No mining or natural resource extraction.
- No harvesting of timber or firewood except as part of a forest management plan.

Poll of the Commission: A. Fitzgerald – yes; C. Sczuroski – no (because of hunting/trapping); A. Tanner – yes; E. Starks – yes; C. Kelleher – yes. (4-1-0).

Mr. Terwilliger asked about the language in Condition #4 of draft motion regarding stone walls. Ms. Roberson read it aloud and explained that it addresses cutting through for the driveway and what they ask is to rebuild the edges in the same style as the wall (the ends of the wall where you have to break through). Ms. Roberson displayed the Lot Development Plan and

the next sheet. Mr. Terwilliger indicated which stone walls would be impacted by the driveway and the development. Ms. Roberson stated that stone walls had been used as property lines where it makes sense to. The stone walls that will be impacted are not along the frontage and are not what is seen when riding by.

Ms. Kelleher asked if there were any other comments regarding stone walls. There were none. She asked if everyone was okay with the language as is. There were no objections voiced.

Motion was made by A. Fitzgerald to approve the Subdivision application of David and Nancy Bell, identified in the files of the Brooklyn Land Use Office as SD 20-002, to create three residential lots on a shared driveway on 25.65 acres on the east side of Church St., (Map 35, Lot 4) in the RA Zone in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

1. Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:
 - a. The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final recorded subdivision plans. Draft final approved plans shall be printed on paper and submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals, signed by Commission Chairs, shall be recorded in the office of the Town Clerk.
 - b. 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.
 - c. A Conservation Deed Restriction for conservation area "A" comprising 0.59 acres on Lot 17 and conservation area "B" comprising 6.43 acres on Lots 18 and 19 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.
 - d. All boundary pins and monuments shall be set and field verified by the surveyor.
2. Prior to the issuance of a Zoning Permit on any lot:
 - a. The developer shall notify the Zoning Enforcement Officer and Town Planner at least seven days in advance of any site work to schedule a pre-construction meeting.
 - b. Driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways.
 - c. 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.
 - d. 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.
 - e. 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.
3. 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 E. Starks. No discussion.

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

3. **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.

Paul Terwilliger, Licensed Land Surveyor with P.C. Survey Associates, represented the Applicant and gave an overview:

- IWWC approval has been received last week.
- They are proposing a fee-in-lieu of open space dedication as requested by the Commission. However, they have not been able to obtain an appraisal as of this date. Mr. Terwilliger asked if the Town's appraisal for the assessment of the lots could be used to come up with a number. Using $\frac{3}{4}$ of the appraised land value on the Assessor's card because it is for six acres, he multiplied it by ten percent and divided that by three. He suggested \$1,500 per lot to be paid at the time of the sale of each lot (a total of \$4,500 for the parcel). He said the Applicant is amenable to that amount.

Discussion ensued. Rick Ives commented that the assessment is five years old and that the Town is being revalued at this time. Values have changed. Ms. Roberson commented that it is for eight acres, not six acres and she checked the Regulations, "The fair market value shall be determined by the appraiser jointly selected by the Commission and the applicant." She stated that an appraisal may come in at a lower value than the current appraisal for tax purposes. Ms. Kelleher asked for comments from the Commission. Mr. Fitzgerald and Mr. Sczuroski expressed that they feel an appraisal should be obtained.

Ms. Kelleher called for a poll of the Commission as to whether they agree that an appraisal should be obtained:

Results of poll: A. Fitzgerald – yes; C. Sczuroski – yes; E. Starks – yes; A. Tanner – yes (he doesn't want to set a precedent); C. Kelleher – yes.

Ms. Kelleher stated that the public hearing would be continued to the next meeting. Mr. Terwilliger stated that as long as they can get an appraisal by the next meeting that should be good.

Ms. Roberson displayed the plan showing Lot 3 and she commented regarding stone walls. She had visited the site and took a picture. She indicated where clearing and grading would need to take place. She said that there isn't much stone wall along Prince Hill Road with the exception of the spot where the driveway goes in. She doesn't think there is another location for the driveway. She noted a small retention area and some grading in the Town r.o.w. that would lead to the removal of more stone wall. She was happy that nothing needed to be removed to get a sightline, but she asked if there were an alternative to cutting down some of the stone wall (which is 3-4 feet tall and in good shape) as this section of the wall will be much more visible after clearing. Mr. Terwilliger stated that they will see if they can work out something or maybe they could rebuild that section after the grading is done.

Ms. Kelleher asked if there are any other issues to discuss. There were no comments. Ms. Kelleher stated that the public hearing is tabled until the next meeting (October 7, 2020).

4. **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.

Motion was made by A. Fitzgerald to approve 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, with the finding that it is suitable for the location, will aid in the protection of protect 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. Tanner – yes (He stated that he does not like the idea of cutting a different zone out of the middle of another zone. He would rather see it contiguous, but this is a big parcel in a small zone.); E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski - yes; C. Kelleher - yes.

Motion carried unanimously (5-0-0).

5. **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.) – No discussion.
6. **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.

Ms. Kelleher asked if Ms. Roberson had a chance to review this Application. Ms. Roberson stated that she had reviewed it. She said there is no open space proposed and that the Applicant would like to propose fee-in-lieu of open space (ten percent of the value of the land prior to subdivision).

Paul Archer, Archer Surveying, represented the Applicant. He explained that Mr. Kausch purchased the property in December 2019 at a price of \$32,000 (3.5 acres). He suggested \$32,000 multiplied by ten percent is \$3,200, divided by two lots, so \$1,600 per lot as open space fee at the time that each lot is transferred. He stated that no appraisal had been done prior to Mr. Kausch purchasing the property.

Ms. Roberson spoke with the Assessor earlier in the day about the sale price and the Assessor felt that it was appropriate price.

Mr. Tanner asked about the difference in acreage 3.50 acres vs. 4.07. Mr. Archer explained Mr. Kausch owns a piece of land that abuts to the west (comes off of Tatnic Road). Mr. Archer referred to a boundary line modification that had been done which allowed for the two lots (parcel history was included in packets to Commission Members). There was discussion regarding adding the additional acreage (which Mr. Archer stated is all wetlands) to figure the fee-in-lieu of open space which was determined to be \$1,808 per lot instead of the \$1,600 per lot proposed by Mr. Archer.

Ms. Kelleher commented that the Commission would need to decide whether to require an appraisal or to accept what Mr. Archer proposed. There was discussion regarding amending the fee-in-lieu to include the additional acreage. The amount of \$1,808 fee-in-lieu for each lot was agreed upon.

Do you want to accept Mr Archer's amended fee-in-lieu proposal of \$1,808 per lot?

Results of Poll: A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – not present at this time due to technical difficulties; C. Kelleher – yes. (4-0-0).

Ms. Kelleher asked if Ms. Roberson had any further comments regarding her review of this Application. Ms. Roberson stated that all of the standard language regarding stone walls, street trees and such is applicable, the sightlines are acceptable, it is just really squeezed up on the wetlands, but the IWWC approved it. She said that this piece of land is about 50 percent wetlands and the developable space is between the wetlands and the road. She said that the concerns are addressed to the extent that they can be.

Motion was made by E. Starks to approve the Subdivision application of A. Kausch & Sons, LLC, identified in the files of the Brooklyn Land Use Office as SD 20-004, to create two residential lots on 4 acres on the west side of Tripp Hollow Rd. (Map 15, Lot 4) in the RA Zone in accordance with all final plans, documents and testimony submitted with the application and including the following conditions:

1. Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:
 - a. The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final recorded subdivision plans. Draft final approved plans shall be printed on paper and submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals, signed by Commission Chairs, shall be recorded in the office of the Town Clerk.
 - b. All boundary pins and monuments shall be set and field verified by the surveyor.
2. At the time of sale of any building lot, a payment in lieu of open space dedication shall be paid by the Applicant to the Town in the amount of \$ 1,808 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.
3. Prior to the issuance of a Zoning Permit on any lot:
 - a. The developer shall notify the Zoning Enforcement Officer and Town Planner at least seven days in advance of any site work to schedule a pre-construction meeting.
 - b. Driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways.
 - c. 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.
 - d. 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.
 - e. 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.
4. 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 A. Fitzgerald. No discussion.

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

VII. New Business:

a. Applications – None.

b. Other New Business:

1. Request for extension to record the mylars for 6 lot subdivision on Day Street.

Motion was made by A. Fitzgerald approve the filing extension for SD 20-001 6 Lot Subdivision on Day Street an additional 90 days in accordance with state statutes. Second by E. Starks. No discussion.

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

2. Authorization of back-up Zoning Enforcement Officer.

Motion was made by C. Sczuroski to authorize Jana Roberson to perform the duties of the Zoning Enforcement Officer if necessary in the absence of the Margaret Washburn. Second by E. Starks. Discussion:

Ms. Roberson explained that she had been authorized back in 2013, but Ms. Washburn had taken vacation time and there was an instance where Ms. Roberson needed to authorize a final certificate of zoning compliance in Ms. Washburn's absence. It is appropriate to have a backup for Ms. Washburn so as not to cause delays to developers. Ms. Roberson stated that, although not certified, she has passed CASIO exams twice and is qualified and comfortable to fill in as a backup when absolutely necessary.

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

VIII. Reports of Officers and Committees:

- a. Staff Reports – None.
- b. Budget Update – None.
- c. Correspondence – None.
- d. Chairman's Report – None.

IX. Public Commentary – None.

There was discussion regarding when the PZC will be able to meet in person again. The Town does not have the ability to livestream meetings. Ms. Kelleher spoke of how Pomfret is doing hybrid meetings. Ms. Roberson will contact Pomfret for information. At the last meeting, Ms. Sigfridson had offered to speak with Mr. Ives.

There was discussion regarding the POCD. Ms. Roberson hopes to have time to work on it in the coming months. The Town will likely contract with a housing market professional for a portion of the research. She is working on a contract with NECCOG. She will be allowed four more hours per week. She suggested that the PZC look at a chart of tasks involved at a future meeting.

There was discussion regarding Saveway because it looks like they are closing down.

X. Adjourn

Motion was made by A. Fitzgerald to adjourn at 8:51 p.m. Second by E. Starks. No vote was taken.

Respectfully submitted,

J.S. Perreault
Recording Secretary