

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, December 2, 2020
6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com On the top right, click Join Enter meeting information: 173 697 9203 Enter meeting password: FALL1120red Click join meeting	Phone Dial 1-408-418-9388 Enter meeting number: 173 697 9203 You can bypass attendee number by pressing #

MINUTES

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

Staff Present: Jana Roberson, Director of Community Development.

Also Present: Paul Archer, Archer Surveying; Betty Lehto, Owner of Beecher Road Property (Map 2/Lot 38); Robert Russo and Robert Deluca, of CLA Engineers.

- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Regular Meeting November 17, 2020

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of November 17, 2020. Second by E. Starks. No discussion.

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

- V. Public Commentary** – None.
- VI. Unfinished Business**
- a. Reading of Legal Notice** – None.
 - b. New Public Hearings** – None.
 - c. Continued Public Hearings** – None.
 - d. Other Unfinished Business** – None.

VII. New Business

a. Applications:

- 1. SD 20-005 – 5-Lot Subdivision**, Applicant: VBL Properties, LLC, 14 acres on the south side of Beecher Road (Map 22, Lot 38) in the RA Zone; Proposed creation of 5 residential building lots and an open space easement.

Paul Archer represented the Applicant, Betty Lehto who was also present. Mr. Archer gave an overview:

- The property abuts the westerly side of Rukstela Road (which leads to the Transfer Station).
- The 14 acres are proposed to be divided into five building lots for five residential homes all of which would have the maximum frontage on the Town road that is required (no rear lots proposed).
- IWWC and NDDH approvals have been received (letters dated November 5, 2020 and July 23, 2020, respectively, were included in packets to Commission Members).
- The Applicant had an archeological review done on the whole parcel (Report from Heritage Consultants, dated August 2020, was included in packets to Commission Members).
- Blackwell's Brook runs through the property.
- Proposing an open-space easement of 3.12 acres which encumbers Blackwell's Brook. The proposed open-space easement abuts the property to the south which is owned by the Town of Brooklyn.
- Mr. Archer explained that they have met with Mr. Rukstela, Highway Foreman, regarding driveway locations on Beecher Road and he stated that Mr. Rukstela feels that all of the driveway requirements of the Town are met.

Mr. Archer introduced Robert Deluca to give an overview of the engineering aspects including the following:

- Laying out the septic systems (NDDH approved).
- Designing driveway locations (sightlines reviewed with the Highway Foreman).
- Grading the lots. There are no slopes greater than 3-to-1. From an E&S standpoint there is nothing too serious happening (which as reviewed with IWWC).

Mr. Deluca introduced Robert Russo, Soil Scientist, to give an overview of the Archeological Investigation:

- They coordinated with the State Archeologist who, upon her review of the project plans, recommended that an on-site investigation be done because it is in an area recognized as potentially archeologically sensitive.
- Heritage Consultants did a Phase IB Archeological Investigation which involves both looking at historic records, maps, documents, etc., that might indicate the potential of historic resources on the site, and it also involves field work. In each area that is to be disturbed (driveway, septic system, house) they investigated by doing a series of shovel pits and sifting through the material to find anything indicating archeological resources. The Report concludes that they did not find anything within those shovel pits and recommended that no further investigation needs to be done on the site. The Report mentions that, along the River itself, there is potential for archeological resources and it also mentions a historic mill site which they looked for, by visual survey, but could not find. Mr. Russo said that, if there is anything there, it would be protected by the proposed easement.
- Mr. Russo explained that although a significant portion of the proposed open-space easement, which centers around Blackwell's Brook, would

be wetlands, there is room within the Regulations for the Commission to take such open space because several of the criteria would be met by designating the area as open space: providing recreation; protecting natural streams; protecting natural drainage systems; preserving open space along road frontage; preserving wildlife habitat. He noted that Blackwell's Brook is a high-quality perennial stream and it is a significant recreational resource with a trout fishery and it is already an established use (by the bridge where people park and fish) and this would maintain that use and preserve it. He asked that the Commission exercise its authority under Section 8.4.1 and accept the proposed open space as they feel it is the most significant resource on the site to preserve.

Mr. Deluca and Mr. Russo discussed the percentages of the types of land vs. wetlands included in the proposed open space. They conclude that it makes more sense to have the open space along the River to preserve it and use for recreation rather than having an oddly shaped open-space parcel. Mr. Archer noted that the proposed open-space easement abuts Beecher Road and the Town-owned parcel, so it is accessible from the Town's land.

M. Sigfridson asked for clarification as to whether they are proposing an easement and not a dedication. Mr. Archer stated that it is an open-space easement.

Ms. Sigfridson asked whether the Applicant would consider fee-in-lieu of open space. Mr. Deluca stated that it is the Commission's discretion and that his client, Ms. Lehto, would consider fee-in-lieu if that is what the Commission prefers. Betty Lehto confirmed that she would consider fee-in-lieu.

Ms. Sigfridson noted that, before taking action, the PZC usually gets a recommendation from the Brooklyn Conservation Commission (which will be reviewing this Application at its next meeting on Monday, December 7, 2020).

Mr. Archer asked if the Commission would approve of Platt Associates to do the appraisal should the Conservation Commission prefer the fee-in-lieu rather than open space. There were no objections from the PZC Members and Ms. Roberson stated that Platt Associates is on the accepted list.

There was discussion regarding fee-in-lieu vs. open space. Ms. Roberson explained that there are many ways of meeting the open space requirement and, although the location and method is the PZC's discretion, they would like to select an open-space designation that the Applicant is amenable to and that the PZC takes the recommendation of the Conservation Commission under advisement.

Mr. Deluca commented that you would be able to use the land with an open space easement, but with a regulated area in a wetland on private property, you would not be able to use it. Ms. Sigfridson said that it would depend on the terms of the easement. Mr. Deluca stated that the intent of the proposed easement would be to allow public access, but the land would be physically

owned by the property owner. Ms. Sigfridson stated that that is what is typically preferred by the Town (not to hold title to the property).

Ms. Roberson asked about the percentage of wetlands on the proposed easement. Mr. Archer explained that the total easement is 3.12 acres (which is 22 percent of the 14-acre parcel) and 89 percent of that 22 percent is wetlands. Mr. Russo explained/described the type of land that abuts the River. Wetland soils include very poorly drained flood plain and alluvial soils and there some alluvial soils on either side of the Stream which flank Blackwell's Brook. The ones immediately along the edge of the brook are pretty wet for most of the year. The ones at a little higher elevation aren't as wet. Mr. Russo explained that the reason they gave it such consideration as open space is because of the recreational aspect: It is a pretty, high-quality stream; it has trout in it and is used for fishing; there are fisherman's trails along it (which means that whether people have permission or not, they are going to go there and fish). Mr. Russo stated that, while it is mostly wetlands, it is a nice resource to have available for recreational purposes going into the future. He commented that it is nice to have a continuous buffer/corridor along streams and that the Town could continue, over time, to acquire land along Blackwell's Brook.

Ms. Roberson asked that the Commission consider whether to have a public hearing or a site walk.

Ms. Roberson asked about the location of the non-hydric wetland soils. Mr. Archer stated that Mr. Russo's Report shows that information and that the soil types are on the back of the Site Analysis Plan. Mr. Deluca will send a copy of Mr. Russo's Report to Ms. Roberson.

Ms. Sigfridson asked the Commission Members were interested in having a site walk: A. Fitzgerald and M. Sigfridson indicated that they do not feel it is necessary. There were no comments from the other Commission Members in attendance.

Ms. Sigfridson asked the Commission Members if they feel a public hearing is appropriate. The following Commission Members indicated that they do not feel it is necessary: A. Fitzgerald; C. Kelleher; E. Starks; M. Sigfridson. C. Sczuroski did not comment. Mr. Archer stated that they had posted a sign at the property regarding this meeting (Mr. Deluca stated that he forwarded a copy of the sign to Ms. Roberson). Ms. Roberson stated that she had not received any comments from the public.

Ms. Sigfridson stated that no site visit or public hearing would be scheduled and that the Application would be tabled to the next meeting of the PZC on Tuesday, December 15, 2020 (which will be after the Conservation Commission meets).

b. Other New Business – None.

VIII. Reports of Officers and Committees:

a. Staff Reports

Ms. Roberson stated that Ms. Washburn had done a report which will be in the packets to Commission Members for the December 15th meeting.

There was discussion regarding the 2021 Meeting Schedule and whether to continue to have two meeting per month. There was agreement expressed to schedule two meeting per month and cancel as needed.

b. Budget Update – None. Ms. Roberson needs to meet with Shelley Cates in the Finance Department.

c. Correspondence – None.

d. Chairman’s Report – None.

IX. Public Commentary – None.

X. Adjourn

Motion was made by A. Fitzgerald to adjourn at 7:19 p.m. Second by C. Kelleher. No discussion. Motion carried unanimously by voice vote (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary