

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Tuesday, January 18, 2022 6:30 p.m.**

3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT Masks are optional for vaccinated individuals.		
Click link below: https://us06web.zoom.us/j/84765564828	or	Go to https://www.zoom.us/join Enter meeting ID: 847 6556 4828
Dial: 1-646-558-8656 Enter meeting number: 847 6556 4828, then press #, Press # again to enter meeting		

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:32 p.m.

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, John Haeefe, Seth Pember (all present in person). J.R. Thayer was absent.

Staff Present: Jana Roberson, Director of Community Development; Austin Tanner, First Selectman, arrived at 6:39 p.m. (both were present in person).

Also Present in Person: David Held, Provost & Rovero; Keith Green; Jonathan Lisee, Trinity Solar; There were four more people present in the audience.

Present Via Webex: Elaine; Mary Ellen Green; Rachel Trinque.

III. Seating/Appointment of Alternates

Motion was made by A. Fitzgerald to appoint the following Planning and Zoning Commission Alternates to the following open positions on the Commission, Term expiring January 1, 2023 – Seth Pember and Term expiring January 1, 2025 – John Haeefe.

Second by C. Kelleher.

There was discussion regarding the third Alternate position held by J. R. Thayer. Mr. Thayer was not appointed as a Regular Member this evening since his consent had not been obtained.

Motion carried by voice vote (3-0-0).

IV. Adoption of Minutes: Site Walk, November 1; Reg. Meeting November 3, 2021

Motion was made by J. Haeefe to approve the Minutes of the Site Walk of November 1, 2021, and the Regular Meeting of November 3, 2021.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (5-0-0).

V. Public Commentary – None.

VI. Unfinished Business:

- a. **Reading of Legal Notices:** None.
- b. **New Public Hearings:** None.
- c. **Continued Public Hearings:** None.

d. **Other Unfinished Business:**

1. **ZRC 21-001:** Request to change Zoning Regulations concerning Conservation Subdivisions, Applicant: David Held.

J. Roberson explained that draft language (dated 11/23/2021) for the following Sections of the Regulations was included in packets for review by Commission Members. Ms. Roberson stated that she had confirmed the changes with Mr. Held.

- Section 6.G of the Zoning Regulations
- Article 5A of the Subdivision Regulations

Ms. Roberson stated that six votes in the affirmative would be needed to pass a change to the Zoning Regulations. Therefore, the Commission would not be able to take action at this meeting since only five Members are present. She explained the process and that Mr. Held had granted a 30-day extension.

M. Sigfridson encouraged Commission Members to review the draft language, if needed, to be ready to take action at the next meeting on February 2nd.

There was discussion regarding timeline.

Motion was made by A. Fitzgerald to continue: **ZRC 21-001:** Request to change Zoning Regulations concerning Conservation Subdivisions, Applicant: David Held; and **SRC 21-001:** Request to change Subdivision Regulations concerning Conservation Subdivisions, Applicant: David Held, to the next regularly scheduled meeting of the Planning and Zoning Commission to be held on February 2, 2022, at 6:30 p.m., in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2. **SRC 21-001:** Request to change Subdivision Regulations concerning Conservation Subdivisions, Applicant: David Held.

Continued to February 2, 2022 (see above).

3. **ZRC 21-002:** Request to change Zoning Regulations concerning retail sale of cannabis and micro-cultivation, Applicant: PZC ***No action until after Public Hearing rescheduled to 2-2-2022***

Ms. Roberson explained that this Application needed to be republished and she suggested that it be formally rescheduled to the February 2nd meeting.

Motion was made by J. Haefele to reschedule the public hearing for ZRC 21-002: Request to change Zoning Regulations concerning retail sale of cannabis and micro-cultivation, Applicant: PZC for the regular meeting of the Planning and Zoning Commission to be held on February 2, 2022, at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (5-0-0).

VII. New Business:

a. Applications:

1. **SPR 21-005:** Site Plan Review application for roof-mounted solar panels visible from the road in the Village District at 17 Pierce Road, Applicant: J. Lisee.

Jonathan Lisee was present and explained that he works for Trinity Solar and that a special permit is required for panels to go on the front of the house. He said that he does not believe that the panels will compromise the character of the site or the surrounding historic district because the neighbor has 25 panels on the front of the house and in discussions with Ms. Roberson and the Building Department there was no special permit required or ever applied for or on file for neighbor to have panels on the front of the house. Mr. Lisee stated that he had recorded a video of the front of that house while driving by it which shows that it is visible from the street.

Mr. Lisee stated that the home was built in 1963 and the roofing material is a regular asphalt shingle so any roof repairs or replacements would be done with a material that is a standard material that is used today which would not be difficult to find.

There is a requirement that the installation of the solar panels be reversible. It is in their agreement that, at the end of the agreement, if the homeowner chooses they would remove the entire system at no cost to the homeowner.

Mr. Lisee stated that, in his opinion, they are capable of meeting everything that is required to be approved. He added that all panels are black on black and they look nice.

J. Roberson explained photos (summer time/leaf-on conditions) that were included in packets to Commission Members. She submitted an additional photo (leaf-off conditions) that was not included in the packets. Ms. Roberson explained that the house is set way back from Route 169 and that is not very visible in leaf-on conditions and is somewhat visible in leaf-off conditions. She explained that a contemporary structure, like this one, would be considered a non-contributing structure in the Historic District. She stated that the Commission would need to make a decision as to whether or not they think it is appropriate.

Regarding the comments about the neighbor, which Ms. Sigfridson and Ms. Roberson agreed are irrelevant, Ms. Roberson stated that they did look into it, but did not find any permits at all and she stated that it was before the adoption of our current set of Regulations. Ms. Roberson explained that the Commission would need to review what development is proposed to make sure that it is generally consistent with the character of the Zone.

Mr. Lisee stated that between looking at the photos, the site map/drawings, he does not think that this is, in any way, going to be an issue as far as the Village District goes. C. Kelleher agreed. Ms. Sigfridson asked if anyone disagreed or had any concerns or further questions. J. Haefele stated that he doesn't think there will be a problem. A. Fitzgerald stated that he thinks that it's fine.

Motion was made by A. Fitzgerald to approve the Site Plan Review Application SPR 21-005 for roof-mounted solar panels visible from the road in the Village District at 17 Pierce Road with the finding that the proposal complies with Section 6.N of the Brooklyn Zoning Regulations, will not compromise the character of the site or the surrounding historic district, is minimally visible from the public right of way, will not damage historic roofing material, and is reversible.

Second by C. Kelleher.

Discussion: M. Sigfridson stated agreement with statements that had been made by the other Commissioners.

Motion carried unanimously by voice vote (5-0-0).

2. **GBR 21-004:** Gravel Bank Renewal for Sansoucy Quarries, 248 Pomfret Road, Assessor's Map 26, Lots 19 & 19A, Applicant: Paul Sansoucy.

J. Roberson explained that they are still waiting for the survey for this Application. It is in the hands of Bruce Woodis and Archer Surveying. They have issued an extension for 65 days.

3. **GBR 21-005:** Gravel Bank Renewal for FCR Realty LLC, 200 acres north of Brickyard Road and west of Day Street (Assessor's Map 35, Lot 7; Map 41, Lot 6; Map 42, Lot 43; Map 42, Lot 43), Applicant: FCR Realty, LLC.

J. Roberson explained that there is a Cease & Desist Order for Wetlands and a Notice of Violation as well and there are corresponding zoning permit violations because the Zoning Permit is tied to the Wetlands Permit. She received a 65-day extension today via e-mail.

Ms. Roberson explained that, as part of the renewal application, Ms. Washburn visited the site with Keith Green. Ms. Roberson stated that she received a current topographic survey that shows what work has been done and they compared it to the original permit (from 2018) and they found, in one part, work beyond the permitted area, in proximity to a wetland, and that they have a Wetlands Cease & Desist Order for that. So, there is about an acre of disturbance beyond their original scope of work. They are in the process of having a Wetlands violation hearing on that. Also, separate, but related to that, they have a NOV for Wetlands for being non-compliant with their Wetlands Permit for the area within their scope of work. The orange snow fence, intended to delineate where they are supposed to stop working, was removed and work was done beyond it. They have not kept things in place that were meant to guide where they could go. There was some mitigation in the form of re-vegetating a sloped area that did not get done.

Ms. Roberson explained that, until things are worked out with Wetlands, she does not feel that it is appropriate to take action on the renewal. She said that the extension has been granted. Ms. Roberson will provide copies of the Permit and the enforcement orders and other information to Commission Members on Thursday.

Mr. Fitzgerald commented about a violation of the Phasing Plan which is a Zoning Violation. There was discussion. Ms. Roberson explained that there will be a Zoning Enforcement action, but it hasn't happened yet. She is not aware of any activity on the site at this time. Keith Green stated that, due to the cold weather, he goes there once in a while just to start up the equipment and let it run for a while.

Mr. Fitzgerald asked how the Permit is tied to the right-of-way. Ms. Roberson explained that when the PZC approved the Permit, it included that parcel and a renewal would include that parcel. Whether or not the Applicant still has access over that parcel is more of a civil matter between them and the owners of that parcel. It is referred to as the License Agreement and it is attached to the deed for that parcel.

There was discussion regarding timeline. Ms. Roberson explained that there was an issue with wetland flagging and the survey and they have to do more field work. So, it will take some time (some things are dependent on the weather). David Held explained that they will probably be flagging wetlands later this week assuming that the ground is not frozen or covered with snow. He said that some wetland delineation information on previous mapping is not reliable and they are working with Ms. Washburn to get it corrected. He said that the IWWC has asked for plans to address the NOV by February 28th.

Mr. Held commented that he was unaware that there will be some sort of a Zoning Violation issued and he feels that it seems kind of late, since Ms. Washburn visited the site on December 1st. He said that it is probably a moot point since, he assumes, that it will probably be for the same issues as the Wetlands NOV. Ms. Roberson confirmed that is correct.

Ms. Sigfridson noted that, with the extension being received today, the PZC will have until April to take action. Ms. Roberson agreed and she said that it would probably go out tomorrow.

Mr. Held asked if the NOV prevents the Applicant from going into the originally approved area to start to address some of those problems or should he not touch the entire property. Ms. Roberson said that, it is her understanding, that it is not a Cease & Desist on the originally permitted portion and she advised Mr. Held to check with Ms. Washburn.

4. **SP 21-003:** Special Permit for Adaptive Reuse of an Agricultural Building at 330 Day Street, Applicant: Jesse Trinique.

J. Roberson stated that the Application is complete and very thorough. She explained that the Applicant was not aware that a special permit is needed to conduct business uses on the property. She said that their business uses could be approved under the Adaptive Reuse of an Agricultural Building.

Motion was made by A. Fitzgerald to schedule a public hearing for SP 21-003: Special Permit for Adaptive Reuse of an Agricultural Building at 330 Day Street, Applicant: Jesse Trinique for the regular meeting of the Planning and Zoning Commission to be held on February 15, 2022, at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom. Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (5-0-0).

5. **SP 21-004:** Special Permit for Accessory Apartment at 26 Herrick Road, Applicant: Michael Bunning.

J. Roberson stated that it is by special permit (Section 6.C) because it is in a detached garage. She explained that the new legislation does not take effect until January 1, 2023.

Motion was made by C. Kelleher to schedule a public hearing for SP 21-004: Special Permit for Accessory Apartment at 26 Herrick Road, Applicant: Michael Bunning for the regular meeting of the Planning and Zoning Commission to be held on February 15, 2022, at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.
Second by J. Haefele. No discussion.
Motion carried unanimously by voice vote (5-0-0).

6. **ZRC 21-003:** Request to change Zoning Regulations concerning Adaptive Re-Use of an Agricultural Building, Sec. 6.B.3.1., Applicant: Brooklyn Self Storage, LLC.

J. Roberson explained that the Applicant has plans to improve the property within the existing footprint. They were not able to do it under the existing Regulations, therefore, they have proposed a minor change to the Zoning Regulations which would allow them to tear down some existing buildings and replace them.

C. Kelleher questioned if an expansion was involved. Ms. Roberson referred to the proposed amendment (included in packets to Commission Members) and she stated that they, specifically, left out anything about expansion.

An unidentified gentleman in the audience stated that it would allow you to tear down a building and replace it with one of the same size or smaller. Mr. Fitzgerald suggested adding that it would need to have some kind of agricultural look to it. Ms. Kelleher commented that item "C" does not state anything about utilizing the same footprint. Ms. Roberson stated that it could be addressed/revised during the public hearing. Ms. Roberson stated that she has seen the plans for what they want to do and she confirmed that it is not an expansion. The gentleman in the audience offered that they could make it more clear. Ms. Sigfridson stated agreement with Ms. Kelleher.

Motion was made by A. Fitzgerald to schedule a public hearing for ZRC 21-003: Request to change Zoning Regulations concerning Adaptive Re-Use of an Agricultural Building, Sec. 6.B.3.1., Applicant: Brooklyn Self Storage, LLC for the regular meeting of the Planning and Zoning Commission to be held on February 15, 2022, at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.
Second by J. Haefele. No discussion.
Motion carried unanimously by voice vote (5-0-0).

b. Other New Business:

1. Preliminary discussion for subdivision on South Street at Map 40 Lot 12 (Golf Course) KA&G Development LLC.

David Held, Provost & Rovero, represented the Applicant and gave an overview. There was discussion regarding conventional vs. conservation subdivision. Mr. Held noted that this property abuts the Town's large open-space parcel (the former Davis property) so, the Town may prefer that this be a conservation subdivision design to add to the open space. He presented conceptual plans for both a conservation subdivision layout and a conventional subdivision layout (21 Lots) which he displayed as he explained them indicating boundaries, wetlands, irrigation pond, the Town's open space, the land that would be proposed to be conserved (contiguous with the Town's open space) as a deed restricted area or

conservation easement rather than deeding the land to the Town, etc. Mr. Held asked the Commission for guidance as to whether they would prefer conservation subdivision or conventional subdivision.

- M. Sigfridson commented that, comparing the two conceptual plans, the conservation subdivision looks really promising and interesting for this site. There was discussion regarding Lot #13 including the pond in the conservation proposal.
- A.Fitzgerald commented about the pond area and that it would create a lot of open space. He said that the lot sizes are a concern.
- Mr. Haeefele stated that he prefers the conservation subdivision.
- C. Kelleher agreed.

Ms. Sigfridson asked if there were further comments. There were none.

Mr. Held asked if the consensus is that the Commission would prefer the conservation layout. Ms. Sigfridson stated that it sounds that way. Ms. Roberson commented that it is a larger parcel having adjacent open space and some natural resources, so it does lend itself to that.

VIII. Reports of Officers and Committees:

a. Approval of 2022 regular meeting dates

The Commission reviewed the dates (included in packets). Ms. Sigfridson and Ms. Roberson commented that they like having all regular meetings. There was discussion regarding the time and it was decided to keep it at 6:30 p.m. Ms. Roberson will remove the January dates. Mr. Fitzgerald stated that he will not be able to attend in May or June and he commented that it is important to recruit more members.

Motion was made by J. Haeefele to approve the schedule of 2022 regular meeting dates.

Second by A. Fitzgerald

Motion carried unanimously by voice vote (5-0-0).

b. Staff Reports (two reports from Margaret Washburn were included in packets to Commission Members).

There was discussion regarding things that are done without getting a permit first. Mr. Fitzgerald commented that people may not be aware that they need a permit, but licensed contractors should know. Ms. Roberson will speak with Ms. Washburn.

There was discussion regarding a metal barn being built in front of a house on Wauregan Road. Mr. Fitzgerald stated that he feels that it should have required a special permit. Ms. Roberson stated that the change to the Regulations was made and it became effective July 30, 2020. Discussion continued. Ms. Sigfridson referred to RA Section 3.C.4.1.2 requires special permit if not subordinate in size to the dwelling. Ms. Roberson will speak with Ms. Washburn about it. Ms. Roberson will provide copies of revisions (dated March 30, 2021) to Commission Members at the next meeting.

Mr. Tanner gave an update on finding a Hearings Officer. There will be a meeting on Thursday.

Ms. Sigfridson commented that she is happy to know that Ms. Washburn is issuing violations for gravel issues as it is important to keep it in order.

Mr. Fitzgerald asked if an Executive Session is needed regarding the Green's permit. Ms. Roberson stated that she does not see a need for it right now as there is no pending litigation. Discussion continued regarding the Commission's rights and responsibilities.

Ms. Roberson's Staff Report: She explained that the educational modules for the Housing Plan (including a public input survey to get feedback) are on the Town website. She explained that it takes about 20 minutes to go through all of the modules. An article was published in the *Villager*. She explained that QR Codes will be distributed. It will be in the Town Newsletter which will be delivered by the end of the week. She asked that everyone share this information with others. Ms. Sigfridson offered to share it to the residents of Brooklyn page. Ms. Roberson stated that it could be advertised in the Turnpike Buyer (1/4 page ad is about \$82). There was discussion. She will let the Commission know, at the next meeting, how many people have completed the surveys.

c. Budget Update

Ms. Roberson explained that she still feels that the revenue numbers are not accurate. She explained that she thinks it is more like \$3,000.

Ms. Roberson will prepare a draft budget, but she wants to get the revenue numbers sorted out first.

d. Correspondence – None.

e. Chairman's Report – None.

IX. Public Commentary

There was discussion regarding open positions on the PZC. There are currently two Alternate positions open. Mr. Tanner stated that he may have two new members for the next meeting. There was discussion regarding expired terms.

Dan Lipke, Brickyard Road, spoke about his properties at 24 and 30 Brickyard Road. He referred to a map that he said Planning and Zoning had given to him. He said that the Green's think that they own his field. He said that the property has been in his family for 114 years (his great grandfather bought it in 1918) and the Green's came in the 1950's. He said his family had a campground on the property. He said that it needs to be addressed and the right-of-ways need to be looked at.

X. Adjourn

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary