

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Tuesday, August 15, 2023 6:30 p.m.**

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

MEETING LOCATION: Tiffany Street Community Center, 31 Tiffany Street, Brooklyn, CT	
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 – Carlene Kelleher, Acting Chair, called the meeting to order at 6:36 p.m.

II. Roll Call – Carlene Kelleher, Allen Fitzgerald, Lisa Herring, Seth Pember, Gil Maiato, Michelle Sigfridson arrived at 6:40 p.m. (all present in person).
John Haefele was absent with notice.
Brian Simmons and Karl Avanecean were absent.

Staff Present (in person): Jana Roberson, Town Planner and Director of Community Development; Austin Tanner, First Selectman (arrived at 6:40 p.m.).

Also Present in Person: Peter Parent, P.E., CHA; Bill Couture; Attorney Daniel Brennan; Mindy Delp; J.S. Perreault, Recording Secretary.
There were two additional people seated in the audience.

Present via Zoom: Steve Townsend; Sharon Loughlin; Bob Kelleher.

III. Seating of Alternates – None.

IV. Adoption of Minutes: Meeting August 2, 2023

Motion was made by A. Fitzgerald accept the Minutes of the Special Meeting of August 2, 2023, as presented.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0). M. Sigfridson was not present at the time of this vote.

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notices:

Legal Notice for SP 15-006 mod, SP 22-006, and ZRC 23-005/ZC 23-002/SRC 23-001, published August 2, 2023 and August 9, 2023.

b. Continued Public Hearings: None.

c. New Public Hearings:

1. **SP 15-006 mod:** Special Permit modification for Self-Storage Facility and Commercial Space (35,460 s.f. in three buildings) at 538 Providence Road, Applicant: Townsend Development Associates, LLC.

C. Kelleher opened the public hearing.

Peter Parent, P.E., CHA, represented the Applicant. Steve Townsend was present via Zoom. Bill Couture (developer) and Attorney Daniel Brennan were also present regarding this Application.

Mr. Parent gave an overview (plans were displayed as discussed):

- This is a modification of the rear half of the CVS/Hometown Bank site for which they have been before the PZC several times.
- They had previously come before the Commission to add self-storage as an allowed use in the Zone.
- This is similar to what had been previously proposed. The conceptual layout is for two buildings for self-storage on the east side (behind McDonalds) and continuing with the previously-proposed commercial use on the west side.
- Mr. Parent displayed and explained sheet #3 of the plans. They intend to keep the existing parking around the existing spa and medical office building, expanding that parking as was previously proposed in the development plan that had the large commercial building which they are keeping, essentially, the same with a small bump-out and extended area, parking in front and in the rear, and loading dock on the side. The self-storage would be a contained area with a perimeter fence for security, paved drive isles, and doors on all four sides for access.
- Drainage (sheet #5 of the plans) - All of the existing parking and roof area is collected by an existing drainage system, discharged through a water-quality treatment unit and then discharged to the wetlands to the west. All of the new development area will be collected by a separate systems of catch basins and discharged through an additional water-quality treatment unit and discharge to the water-quality swale to the north.

Mr. Parent explained that the previous owner had entered into an agreement with the Town of Brooklyn and allowed the Town to construct a serpentine water-quality swale on the west side of the property and there is more linear water-quality swale on the north side of the property, in exchange for the development on this property not having to provide on-site detention for peak flows. Mr. Parent stated that they are providing water-quality in compliance with that agreement, but they are not providing any on-site detention for peak flows.

- Landscaping (sheet #7 of the plans) – The intensive Landscaping Plan is in accordance with the Regulations. They are swapping out an invasive species with another species as suggested by J. Roberson. Mr. Parent explained that an existing landscape berm that had been installed with one of the previous construction projects will remain and is to be expanded to the east. He indicated where plantings would be.
- Mr. Parent said that this proposal is very similar to what had been previously approved.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **L. Herring** asked if they are only doing the self-storage at this time, not the commercial building. She asked if there is office space in the storage buildings. Mr. Parent explained that the self-storage has an interested developer and that they are still seeking tenants for the commercial space. When they find a tenant, they would do that portion. Bill Couture, the developer, explained that they would make an office out of one of the 5' x 10' storage units near the gate entrance. It won't be

a manned facility with office hours. It will have a swinging door and there will be a slot where people can drop their payments. Most of the self-storage industry is transacted online. There will be very minimal foot traffic at the site

- **C. Kelleher** asked if all of Syl Pauley's comments have been resolved. J. Roberson stated that they have and she referred to an email from Mr. Pauley to Margaret Washburn (dated August 7, 2023) in which he states that all of his comments had been addressed and that the plans were revised accordingly. Ms. Roberson explained that this Application has been reviewed by the IWWC and that Mr. Pauley's comments were from an engineering perspective that involved a lot of review of the previous approval, the drainage, Stormwater Management Regulations and whether and how they are being met, and he is satisfied.

Steve Townsend commented about his confidence in the experience of Mr. Couture who owns/operates self-storage facilities. He asked that Mr. Couture comment about how he operates his existing facilities and how he views this site in Brooklyn.

Mr. Couture explained how he and his wife operate their two facilities (one in Putnam and one in Plainfield). He has been in the business for five years. He stated that he is a commercial loan officer and has multiple borrowers who have self-storage facilities. His wife, Kim, is the day-to-day operations manager. They have taken older style facilities and brought them up to date with technology (upgraded security systems/ability to rent units through your phone). He said that there is still a demand for self-storage in Town. Mr. Couture explained that a 100-unit facility is proposed and he said that it would be very low impact as he expects an average 2-3 car count per day, once it is stabilized. He feels that it will be a successful site and that it would work well in the proposed area.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- **A. Fitzgerald** asked if the lighting is dark-sky compliant. Ms. Roberson explained that there is a lighting plan and that it is LED lighting with full cut-off fixtures (detail is on sheet #8 of the plans).

QUESTIONS/COMMENTS FROM THE PUBLIC:

- **Robert Ross**, Plaza Street, spoke about drainage concerns and asked who would be liable for washouts or erosion. He said that it is a Town-maintained swale and the Town only goes in there once every few years. He suggested putting a pipe into the retention pond to hold it back a little bit more, rather than letting it free-flow into the 4-foot channel. He feels that there should be some kind of protection for the neighborhood. Mr. Parent explained that the swale is slated to be maintained a little more regularly than it has been.
- **Dawn Merchant**, 33 Plaza Street, explained that she is very concerned about the drainage because it gets to be like a pond in the back of her house. Mr. Parent indicated on the plan and explained about the designed water-quality swale along the back of Ms. Merchant's property which, by design, fills up with water when it rains. He explained that there is a great deal of area that discharges to it, but it was included in the original design calculations by J&D. They accommodated for this property to be developed when they designed both of the swales and the way that the agreement was written, between the Town and the previous owner, was that they had the right to discharge from their development into those swales. So, the Applicant is trying to provide the water quality per that

agreement and are discharging in as safe a way as possible. He explained that they have an erosion control outlet designed per State standards, very shallow pipe, low velocities. They are doing what they can for the potential for erosion and are providing the water-quality treatment.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- **A. Fitzgerald** asked if anyone has as-built that swale.
Mr. Parent explained that it had been several times.
Ms. Roberson stated that there is an as-built as it exists.
Mr. Parent stated that he does not believe that there are contour lines on the current existing conditions plan, but they have surveyed it in the past.
Mr. Parent explained and indicated that it is grown in with vegetation and there is some maintenance that needs to be done, but nothing has moved considerably.

Mr. Tanner asked about Mr. Parent's earlier comment about maintenance and asked who is to maintain it.

Mr. Parent explained that it is the Town's responsibility to maintain it.

Mr. Tanner asked if they had checked with the Town.

Mr. Parent stated that they had several conversations and that the IWWC is going to encourage the Town to maintain it more regularly. He, again, explained about the agreement and how the two water-quality swales were designed as an overall project to improve the water quality of the Quinebaug River. The serpentine swale takes the discharge from Route 6 and the linear swale takes a good portion of the Ocean State Job Lot parking lot into it and it all funnels into the wetland at the end of Plaza Street, then all of that water makes its way towards Day Street and the River.

- **L. Herring** asked Ms. Merchant about what happens behind her property.
Ms. Merchant explained that she has photos of her yard, basement and garage, but she did not have them with her. She said that she had been told that it is the Town's problem and she has not received any help.
Ms. Roberson displayed sheet #2 of the plans and indicated the riprap, berm, existing fence and Ms. Merchant's house.
- **G. Maiato** asked if this development could cause more of a problem for Ms. Merchant.
Ms. Roberson stated that she defers to the Engineers and she said that Syl Pauley was satisfied with the Stormwater Report. She explained that the original agreement was in 2004 and that is when this easement was put into place and it was part of the original approval for a full development of this property (the original commercial structure). She explained that although she was not employed by the Town at that time, it has been confirmed that at that point in time the Town took responsibility for both of the swales.
Mr. Maiato asked if the Town is liable to fix Ms. Merchant's problem if this development causes her more of a problem.
Ms. Roberson said that she does not know about that, but she believes she has a problem. Ms. Roberson asked her what the situation is today since it rained earlier.
Ms. Merchant explained that it is very wet back there and that in the thirty years that she has lived there, she believes that the Town has only maintained it one time.
Mr. Tanner stated that they clean out the one by the Bank regularly.

Robert Ross explained that you keep adding from Route 6 into that low-lying, stormwater area and it only holds so many gallons. He said that he believes there is only an 18-inch pipe that goes down and ties-in across Day Street and goes out to the River, so he feels that this may be part of the problem. He said that we get a lot more rain now than we did in 2004 which, he said, is one of the reasons why they changed the laws so no water can leave the area. He suggested putting a set of 4' x 4' galleys the length of the berm in the back to retain some of the water before it actually went out. He said that it would filter through the ground and nobody may even see it. It would be an added expense, but he feels that it would be less hassle.

- **A. Fitzgerald** asked what needs to be cleaned out.

Mr. Ross explained that he doesn't know if the pipe is big enough to handle all of the water coming out of the swamp.

Mr. Fitzgerald asked if the pipe is sufficient enough.

Mr. Parent stated that the swales are designed to treat the water quality. At the time, the wetland was designed as being the detention portion of it. They have not mottled it beyond that original design.

Mr. Fitzgerald stated that, when they approved previously, they should have taken into account the run-off of the whole area.

Ms. Roberson stated to the standards of the day which have changed as well as climate conditions have changed.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- **Mr. Ross** asked, again, if something happens, who is responsible.

Mr. Maiato stated that he does not feel that the Town should be responsible. He feels that the Applicant should be responsible.

Mr. Pember and Mr. Fitzgerald explained that the agreement is in place and that the communication hasn't been very good.

M. Sigfridson commented that the agreement says that the Town has the responsibility to maintain the swale, but what if it were determined that upgrades needed to be made? Would the Town have the right to make those upgrades?

Mr. Parent explained that the Town has an easement over both of the swales, they had an easement to construct them and they were constructed under a Town contract. So, if the Town feels that upgrades or modifications needs to be made, they have the right to do so.

Ms. Roberson stated that she has concern as to whether the water is flowing in the wrong direction. She asked if it should be flowing west.

Mr. Parent said "yes" and indicated how it should be flowing. He explained that it is a relatively low area and Ms. Merchant's lawn is very close to the elevation of the swale, so he can see how, in a very large rainfall, her yard would potentially flood.

QUESTIONS/COMMENTS FROM STAFF:

- Ms. Roberson asked if Mr. Parent has topography for that portion of the site. Mr. Parent stated that he has topography from 2014. Ms. Roberson stated that it shouldn't have changed since then.
- Ms. Roberson said that she saw a sheet showing that the berm is there.
- The landscaping on the berm seems okay.
- The fence is there.
- Ms. Roberson said that she was unable to walk the whole property as it was too vegetated. She asked about the location of the swale between the residences and the fence.

Mr. Parent explained that there is the landscape berm and a fence on the backside of the berm, then the swale, and then the residences. There is access from Ocean State Job Lot.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- **L. Herring** asked about the cost of fixing the problem
Mr. Parent explained that it would depend on what was determined as needing to be fixed. He said that, based on his walk-through, he feels that all that needs to be done, at this point, is mowing. There didn't appear to be anything blatantly out of place.
There was more discussion with Mr. Ross.
- **G. Maiato** stated that he feels it should be addressed.
- **S. Pember** explained that the PZC is not in a position to hold up this project as this site has already been approved based on the existing swale. The PZC cannot condemn this project based on what may or may not happen in the future, as far as what is Town responsibility.
Ms. Roberson commented that it has been previously approved for a similar scale of development and the drainage system was designed based on a very similarly scaled development. Not the same building layout, but approximately the same impervious area.
- **S. Pember** suggested that a letter be written to the First Selectman.
Mr. Ross stated that if Ms. Merchant has problems with it, somebody is going to hear about it.
Mr. Pember stated that the PZC doesn't have the authority, unless we want to go back and undo everything that was done back in 2004. He questioned whether they could.
Ms. Roberson said that she doesn't think so, but there were actually several approvals over the years. The swales were probably installed after the first approval. She explained that this Application is **SP 15-006 mod** because we are modifying an approval that took place in 2015.
Mr. Parent explained about the different approvals and he noted that the impervious area in this Application is considerably less than the impervious area in the original design. Ms. Roberson stated agreement.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- **Robert Ross** asked why you couldn't take that pipe and go out into the serpentine. He said that there is a 7-foot retaining wall there. He said that the same amount of water will still get to the same spot, but it won't get discharged into the swale. He said that the swale is holding its own right now.
Mr. Parent explained that, with the original approval, they had originally proposed discharging the lower portion directly into the serpentine swale and, for whatever reason (he does not remember), they ended up discharging after the outlet, not into the swale. He thinks it was based on comments received.
There was discussion regarding Mr. Ross question about possibly discharging into the existing basin and trying to get the elevation from there. Mr. Parent explained that it would require IWWC approval.

QUESTIONS/COMMENTS FROM STAFF continued:

- Ms. Roberson commented that the IWWC has approved this plan.
- Ms. Roberson offered that a site walk could be scheduled.

- Ms. Roberson stated that she was not aware of the flooding in Ms. Merchant's yard and she offered that Syl Pauley could be consulted about it.
Mr. Pember commented that the drainage is more of a Town problem, so he does not think that a site walk would change anything.
There was discussion. Ms. Roberson referred to the easement that was recorded in 2005 and was reapproved by the PZC in 2015.
Mr. Pember suggested that Syl Pauley could take a second look and make recommendations, but he doesn't feel that it would change the owner's responsibility on this project.
Ms. Sigfridson agreed with Mr. Pember and added that it would be a good idea to have Mr. Pauley look at the swales and the swamp area to see if there is something that can be done easily to address the issues.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- A. Fitzgerald asked if the original developer constructed the swale or was it subcontracted out.
Mr. Parent stated that the Town subcontracted it out.
Mr. Fitzgerald asked if Mr. Parent would provide as-built and topo information. Ms. Roberson stated that she may already have that information.
- Mr. Pember asked about timeline.
Ms. Roberson stated that the public hearing could be continued.

Mr. Townsend voiced concern that the Commission is linking his ability to move forward with this project to the Town dealing with a drainage issue in the swale. He felt that they addressed it when it was turned over to the Town, the swale was built, and their agreement was that they would be able to discharge into that swale. He said that he is not comfortable with holding up his project while the Town, which has gone through a number of studies on it own. J&D did the original engineering, Syl Pauley has reviewed it twice, it's been approved by the IWWC, and does not see any reason why he should be held up on this project while the Town looks up what it may need to do going forward.

Mr. Pember explained that he wanted to be sure to stay within the timeline.

Ms. Sigfridson explained that when she suggested having Mr. Pauley look at it, she meant separate and apart from this Application, based on concerns being raised by property owners in that area.

Mr. Pember stated that, regardless of what the PZC does, he feels that the Town Engineer needs to go in there and look at it, which is not going to hold up Mr. Townsend's project. He stated agreement with Ms. Sigfridson.

Mr. Ross and Ms. Merchant both stated that they are not looking to hold up the project, they are just concerned about the drainage and who is responsible.

QUESTIONS/COMMENTS FROM STAFF continued:

- Ms. Roberson commented that there is a lot of water going onto this property from Ocean State Job Lot and she said that there is also room on that property for some on-site infiltration. She said that there should be opportunities for the Town to pursue infiltration to the east.
Robert Ross, again, asked who is responsible if the water builds up.
Ms. Roberson stated that per the easement, the Town is responsible.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- Ms. Sigfridson commented on the importance of getting ahead of this in our Planned Commercial Zone so projects won't get held up in that general area.
- Ms. Kelleher suggested that writing a letter is a good idea to get this problem stated and identified so that the Town can coordinate doing something to address it.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- Robert Ross commented that he is sure that the elevation of the swamp has come up 6-8 inches in 20 years because of leaves, debris, etc. Mr. Fitzgerald stated that that is why he asked about the as-built topo. Mr. Fitzgerald asked if it is designed to infiltrate to the bottom. Mr. Parent explained that a portion is and the soils there are fairly sandy. Discussion continued with Mr. Ross.

QUESTIONS/COMMENTS FROM STAFF continued:

- Ms. Roberson commented that the Callery pear is considered an invasive species and the Applicant has agreed to replace them with Pin Oak.
- Ms. Roberson explained that the storage facility was allowed through a zone change and the feeling, at the time, was that that was an appropriate use off of Route 6, not taking up frontage, and not being very visible to the public. She referred to the Route 6 Corridor Guidelines which talk about appearance in many different ways. She said that it very specifically calls out chain-link fence as something to be avoided. She stated that black-coated, chain-link fence is specified for around the storage facility which she feels will be very visible. She displayed and explained about photos of other kinds of fencing and different ways of screening dumpsters in the neighborhood. Ms. Roberson asked if the Applicant would consider a different kind of fencing that would more effectively hide the buildings and the dumpster. Mr. Parent stated that screening the dumpster would be something that they would be willing and able to do. Hiding the buildings, from a site security standpoint, with a more decorative fence would be something that they could consider, but he does not think they would want to provide something opaque. Mr. Couture explained about the chain-link fencing at his Putnam facility and about how a fence that blocks the view of the building encourages intruders to get in and, therefore, is less secure. People who rent self-storage want their units to be secure. He said that they want to avoid criminal activity. He commented that this is more of a rear lot that is already mostly blocked by McDonald's, Auto Zone, the side of Ocean State Job Lot, and plus they have the fence facing the residential portion. Ms. Roberson referred to the Architectural Plan which was submitted with the IWWC Application.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- Robert Ross commented that he feels that the black chain-link fence with no slats would look much better with seeing the buildings rather than making it look like a horse corale. He can see it for the dumpster to hide the garbage and debris. He said that if the place is running the way it is supposed to, the parking lot should be kept clean and the appearance of the buildings should be well kept. He said that you won't see the black fence from a distance, but it would give them security.

Mr. Couture stated that there will not be a dumpster with the self-storage facility as there will be no trash.

QUESTIONS/COMMENTS FROM STAFF continued:

- Ms. Roberson commented about the dumpster in the back that the smaller building would utilize.
Mr. Parent stated that is incorrect and he indicated the location where they are providing another dumpster alongside McDonald's.
- Ms. Roberson referred to and displayed the Architectural Plan. She said that it may be a long time before the other building is built and she said that the storage facility is all that might be seen for some time. She said that her impression of the zone change was that it would be allowed because it wasn't very visible. She said that there are other ways to do advertising. She said that this is going to be creating people's mental images of our Community and so, she feels that a more aesthetic style of fencing would be appropriate for those publicly facing sides.
- Ms. Roberson asked if all of the vegetation on the eastern property boundary and along the whole perimeter with McDonald's needs to be removed and replaced with junipers because the existing vegetation seems to be doing a pretty good job of buffering.
Mr. Parent explained that there is quite a bit of grading that needs to happen along the Auto Zone side, but there is also quite a bit of property between the curb and the property line that wouldn't be disturbed. Same thing on the McDonald's side, there is a considerable difference between their parking lot and the property line. Some of the existing vegetation will stay.

QUESTIONS/COMMENTS FROM THE PUBLIC continued:

- Robert Ross asked if there would be a landscaped island between the fence and CVS.
Mr. Parent explained that the fence would be going to the property line, the raised island is very narrow, so no trees or shrubs there.

QUESTIONS/COMMENTS FROM THE COMMISSION continued:

- A. Fitzgerald commented that he does think that you would be able to see very much of the buildings. From a security standpoint, he said that he wouldn't want it blocked in.
Ms. Roberson stated that a more aesthetic fence is not going to be opaque. She said that you can still see through it, but it's not chain-link. She said that the black coating kind of makes it disappear and then, you're looking at a storage building.
Ms. Sigfridson stated that the buildings are not attractive. It is what it is. Mr. Ross commented that he understands both sides.
- A. Fitzgerald asked what color the garage doors would be.
Mr. Couture said that there are unlimited color choices and gave his Putnam facility as an example: beige siding with forest green doors. He said that he is open to suggestions.
Ms. Roberson displayed the aerial of the Putnam Facility.
- A. Fitzgerald asked if the buildings are pre-fab metal.
Mr. Couture stated that they are.
- Mr. Fitzgerald suggested a 6-foot high, black picket fence (aluminum post) that he had seen around another storage facility in Windham and also Brooklyn Self-Storage as an aesthetic alternative to the chain-link.
Ms. Roberson and Ms. Sigfridson agreed that it sounds nice.

Mr. Ross stated that it is a nice-looking fence.

Mr. Couture stated that that was the other option that they had considered if the proposed fencing doesn't work. Mr. Couture explained that it comes down to cost. The aluminum posts are really nice, but they are also really expensive. He asked if it would be possible to do two sides with the chain-link. He said that the back facing the residential already has chain-link.

Ms. Roberson stated that a lot of the fencing has already been installed (along most of the property lines). She stated the ornamental aluminum fencing for the parts that are most prominent and the dumpster. She asked what the Applicant was thinking for a dumpster enclosure.

Mr. Parent stated that they could do something more opaque, similar to CVS and McDonald's.

Ms. Roberson commented that she doesn't feel that CVS's is the best and suggested more like McDonald's (steel frame with vertical wood panels, painted a neutral color).

Ms. Sigfridson suggested a darker beige.

Mr. Couture stated that he is not than picky regarding the color scheme.

QUESTIONS/COMMENTS FROM STAFF continued:

- Ms. Roberson commented that it is her understanding that they do not yet have approval from the WPCA.

Mr. Parent stated that they have not reached out to the WPCA. The storage units do not have sewer or water.

- Ms. Roberson commented that the Applicant has stated that they do not have tenants for the commercial portions of the building.
- Ms. Roberson explained that "commercial space" is not listed as a use in the Zoning Regulations (not defined enough). She explained how she addressed this in her Staff Guidance/sample motion.

She and Ms. Sigfridson explained to Mr. Townsend that Automobile Sales, Automotive Service Station, and Gas Station were also not included in the previous approval.

Mr. Townsend stated, "Okay."

Ms. Roberson read aloud, for the Record, from Section 4.D.2.3, the business-related uses that would be included for the commercial building: Retail; Personal Services; Restaurant including Fast Food; Office, Business or Administrative; Bank; Licensed Health Services; Banquet Hall or Caterer's Establishment; Hotel/Motel; Child Daycare Center or Adult Daycare Center; Health Club and/or Membership Club; Theater; Indoor Sports and Recreation; Itinerant Seasonal Vendors; and Retail Sale of Cannabis. She said it is everything for that Zone with the exception of the three automotive uses.

There were no further comments.

Motion was made by A. Fitzgerald to close the public hearing for Application **SP 15-006 mod:** Special Permit modification for Self-Storage Facility and Commercial Space (35,460 s.f. in three buildings) at 538 Providence Road, Applicant: Townsend Development Associates, LLC.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (6-0-0).

At this time, M. Sigfridson assumed the position of Chair for the remainder of the meeting.

2. **SP 22-006:** Special Permit for State Route Business Enterprise for Craftsperson at 481 Pomfret Road, Applicant: Mindy Delp.

Mindy Delp represented herself and explained that she would like to have permission to have a craft shop. She said that previously, she had argued that it was unrealistic for everything sold in the shop to have to be produced by one person - herself. She explained that she would like to have a wide variety of products, involving other local artisans, to offer the Community. She explained that is a labor of love for her and that she is not doing this to make money, so it would be advantageous to the other artisans as she would not be taking a huge percentage of sales as most galleries take 40-50 percent. She said that it would be fun for her to produce and sell things and interface with other local artisans.

Ms. Sigfridson explained that Ms. Delp had previously submitted an application which had been withdrawn to give the Commission the opportunity to consider amending the Regulations to allow other people to show their work. The Commission did change the Regulations to allow that and now, Ms. Delp has resubmitted an Application specific to her property for her project. Ms. Delp stated agreement and explained that the wording had been changed from “the craftsperson” to “a craftsperson.”

Ms. Roberson explained that the wall signage was increased as the Regulations had not addressed signage for State Route Business Enterprises and Ms. Delp would like to do a “Barn Quilt” wall sign (photos were included in packets to Commission Members). Ms. Roberson displayed and explained photos of the property that she had taken from the road earlier in the day. Ms. Delp spoke of the historic building, built in the early 1800’s, that may have been used as a toll-collecting station. Ms. Roberson stated that it is in the Bush Hill National Register Historic District.

Ms. Roberson explained that there was some lot clearing done on the property (she displayed photos) which Ms. Delp would like to include in this Application. Trees, brush, and invasive vines were removed. There is a pretty substantial stonewall along the southern property boundary. Some large stones had been pulled from the ground along the western property boundary and were placed alongside of the stonewall for now.

Ms. Delp stated that she had enclosed the heating/cooling unit as Ms. Roberson had suggested to her. Ms. Roberson explained that, in preparation for using the building, a mini-split system had been installed. Ms. Roberson pointed out that the condensate line, shown in the photo, had been painted the color of the house making it blend in beautifully. She suggested another item in the photo that could also be painted to blend in with the building.

Ms. Roberson showed a photo of the driveway and indicated the approximate location of the parking spaces.

Ms. Roberson explained that the wood clearing, which could be subject to special permit, is now included in this Special Permit Application. So, it is covered in regards to the Scenic Route 169 Overlay Zone which regulates clearing of anything in view from the road. She said that it was found that Ms. Delp’s clearing just exceeded ½ acre which triggers a stormwater soil erosion and sedimentation control plan. Ms. Roberson stated that she and Margaret Washburn have been out there and there is no soil movement. It is, basically, staying on-site and it is re-vegetating, so everything is good there. Ms. Washburn has signed-off

as the Wetlands Agent. Ms. Delp explained Ms. Washburn's findings: the stone wall is continuous along the back of the property where drainage would occur, if there was any to occur; and the slope is a couple of degrees, at best. Ms. Delp stated that a silt fence has been installed all along the stone wall. Ms. Roberson clarified that it is along the western side, which is the direction of the slope. Ms. Roberson noted that you can see the large stones. Ms. Roberson mentioned that there is a driveway which was not visible in the photograph that she had displayed. She asked Ms. Delp what her proposal is for this area.

Ms. Delp explained that her hope is that it will look better now that the half-dead ash trees and invasive vines and the whole area have all been cleared (without knowing that a permit was needed). She explained that she plans to plant conifers all across the front (eastern side of the property) along with another type of trees to form a living fence across the east side of the property so that not much of the property would be visible in a few years as these trees grow three feet per year. She explained that she would also like to plant fruit trees toward the back of the property (western side) near the vegetable garden she currently has there. Ms. Roberson stated that the trees would be for screening. Ms. Delp agreed and stated also along the stone wall on the southern part of the property. She said that she would need approximately 40-50 trees and she feels that it will look better than it did originally. Ms. Delp mentioned the Cease & Desist Order that had been issued and stated that she would like to get started on the work again to get rid of the rocks and level the land a bit and do the planting, but these things can't be done until what is there from the clearing is removed. Ms. Roberson explained about how the clearing was added onto this special permit application. She said that combining projects into a single application is suggested to everyone. Ms. Sigfridson commented that she did not see anything on the plan addressing that portion of the property, the clearing or the proposed planting. Ms. Roberson displayed and explained/orientated a sketch of the property, noting the following: stone wall; street sign (front of property); State culvert for run-off from School property; eastern property boundary; the pile of rocks and trees (depicted in another photo); approximate location for fruit trees and bushes; location of proposed tree planting for screening.

There was discussion regarding applicable Regulations (Soil Erosion & Sedimentation Control - Section 7.F.5 and the Scenic Route 169 Overlay Zone). Ms. Roberson explained about Staff approval and Site Plan Review. She said that there was concern about drainage, at first, but it was found not to be an issue. However, Ms. Roberson said that she felt that the sitework, within view from Route 169, should come before the PZC.

Ms. Sigfridson stated that she feels that we may be overstepping bounds and that she had a couple of concerns with this Application. She gave an example that she wouldn't want people to have to have their site plan modified to change one particular plant for a different one. Also, for this specific Application, she clarified that the PZC is not suggesting that the Green Giant trees are what is necessary to be planted along Route 169. Mr. Fitzgerald stated agreement with Ms. Sigfridson and also commented that the contractor that did the clearing should have known better. Discussion continued. Ms. Delp explained that a neighbor had offered to allow the large stones/boulders to be thrown over the stonewall onto his property or she may sell them. Ms. Roberson explained that incorporating them into the existing stonewall would damage it.

Ms. Delp submitted, to Staff, the certified mailing to the four abutters.

There were no comments from the public.

Motion was made by C. Kelleher to close the public hearing for Application **SP 22-006**: Special Permit for State Route Business Enterprise for Craftsperson at 481 Pomfret Road, Applicant: Mindy Delp.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (6-0-0).

3. **ZRC 23-005/ZC 23-002/SRC 23-001**: Floodplain Overlay Zoning Regulation and Map Update, Subdivision Regulation Update (FEMA/NFIP), Applicant: PZC.

Ms. Roberson explained that in 1985 Brooklyn joined the National Flood Insurance Program and have been using Regulations adopted at that time, with very minor changes over the years, and a mapping that was developed in 1985 has been in affect up, and to, today.

Ms. Roberson explained that FEMA has re-mapped the flood zones and that we are mandated to update our Town Flood Management Regulations. Previously, this had been in an Ordinance adopted at a Town Meeting which delegated the Authority of enforcement to the PZC. There is a Section in the Zoning Regulations that refers to the Ordinance. We have a Flood Plain Overlay Zone. The previously FEMA mapping was so bad that we could not put it on the Zoning Map, but the new mapping is much better and can be added to the Zoning Map.

Ms. Roberson has spoken with the State's Floodplain Coordinator, and was informed that FEMA does not care if it is an ordinance or a regulation (e.g. zoning regulation) as long as it is adopted before September 7, 2023. Ms. Roberson suggested taking the Flood Pain Regulations out of the Ordinance, where it is separated from the Zoning Regulations, and put the whole thing in the Zoning Regulations. Ms. Roberson explained that all of the proposed changes reflect the new NFIP fully incorporated into our Zoning Regulations. The full requirements are in Appendix D (included in packets to Commission Members), there is a page in our Zoning Regulations that points you to look in the Appendix, and references in the Subdivision Regulations have also been updated. Should the Commission choose to adopt this new approach, the Ordinance would become obsolete and can be removed from the Town Code. The Town Clerk researched this and found that you do not need a Town Meeting to rescind the Ordinance. Mr. Tanner stated that he does not agree with that and he will speak with the Town Clerk about it. Ms. Roberson said that FEMA doesn't care and she said that she had researched it and it has been checked by the Floodplain Coordinator.

Ms. Roberson explained that there are two sections that are the PZC has some discretion over and she referred to the Appendix D:

- Market Value (page 5)
There was discussion and consensus of the Commission was for Option #2 - The property's tax assessment.
- Substantial Improvement (page 6)
There was discussion about exemption in the definition vs. the variance procedure. Consensus of the Commission was for exemption. Ms. Sigfridson asked that the Record reflect that the Commission Members nodded for exempting historic structures.

Motion was made by A. Fitzgerald to close the public hearing for Application **ZRC 23-005/ZC 23-002/SRC 23-001**: Floodplain Overlay Zoning Regulation and Map Update, Subdivision Regulation Update (FEMA/NFIP), Applicant: PZC.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (6-0-0).

d. Other Unfinished Business:

1. **SP 15-006 mod**: Special Permit modification for Self-Storage Facility and Commercial Space (35,460 s.f. in three buildings) at 538 Providence Road, Applicant: Townsend Development Associates, LLC.

Motion was made by A. Fitzgerald to approve the Special Permit modification application of Townsend Development Associates, LLC to create a self-storage facility and commercial space at 538 Providence Road in the Planned Commercial Zone, identified in the files of the Brooklyn Land Use Office as SP 15-006 mod, in accordance with all final documents and testimony submitted with the application with the finding that the proposal is consistent with Sec. 4.D.5. (Additional Special Permit Criteria), the Route 6 Corridor Design Guidelines, and Sec. 9.D.5 (Special Permit Criteria) of the Zoning Regulations. Such approval includes the following conditions and modifications:

1. The Planning and Zoning Commission approval with conditions must be included on the final recorded special permit plans. Draft final approved plans shall be 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 and signed by the Commission Chair shall be recorded along with the Record of Special Permit in the office of the Town Clerk.
2. Prior to conducting any site work, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer. Approval from the Water Pollution Control Authority will be obtained before applying for a Zoning Permit for the commercial structure.
3. The Special Permit modification approval pertains to one 6,300 s.f. self-storage building, one 8,400 s.f. self-storage building, and a 19,360 s.f. commercial building. Since commercial tenants have not been identified, any business-related use contained in Sec. 4.D.2.3. of the Zoning Regulations may be located in the commercial building except: automobile sales, automotive service station, or gas station. Potential commercial tenants must obtain a Zoning Permit from the Zoning Enforcement Officer and must comply with the Zoning Regulations and this approval.
4. Callery pear trees will be replaced with Pin Oak (*Quercus palustris*).
5. Chain link fencing with slats will be replaced with decorative aluminum fencing along the southern and western facing sides adjacent to the storage facility. The dumpster shall be surrounded by an opaque or nearly-opaque enclosure. The final design to be approved by the Zoning Enforcement Officer as part of the Zoning Permit.

Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (6-0-0).

2. **SP 22-006**: Special Permit for State Route Business Enterprise for Craftsperson at 481 Pomfret Road, Applicant: Mindy Delp.

Motion was made by S. Pember to waive the site plan requirement for Application **SP 22-006**: Special Permit for State Route Business Enterprise for Craftsperson at 481 Pomfret Road, Applicant: Mindy Delp.

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (6-0-0).

Motion was made by C. Kelleher to approve the Special Permit application of Mindy Delp to create a State Route Business Enterprise for Craftsperson at 481 Pomfret Road, identified in the files of the Brooklyn Land Use Office as SP 22-006, in accordance with all final documents and testimony submitted with the application with the finding that the proposal is consistent with Sec. 6.B.2. (State Route Business Enterprise Standards), Sec. 5.A.5 (Route 169 Design Standards) and Sec. 9.D.5 (Special Permit Criteria) of the Zoning Regulations. Such approval includes the following conditions:

1. The Record of Special Permit shall be recorded in the office of the Town Clerk.
2. Prior to conducting the use, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (6-0-0).

3. **ZRC 23-005/ZC 23-002/SRC 23-001:** Floodplain Overlay Zoning Regulation and Map Update, Subdivision Regulation Update (FEMA/NFIP), Applicant: PZC.

Motion was made by G. Maiato to approve the changes to the Zoning Regulations, Zoning Map, and Subdivision Regulations with the finding that the changes will aid in the protection of public health, safety, welfare, and property values; are consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations; and are consistent with the requirements of the National Flood Insurance Program. These changes will become effective fifteen days from publication in accordance with CT General Statutes Section 8-7d. These regulations will supersede and replace the existing flood damage prevention ordinance contained in Chapter 12 of the Brooklyn Town Code.

Second by A. Fitzgerald.

Discussion:

- C. Kelleher noted that Mr. Tanner had stated that the removal of the Ordinance would need to be done by Town Meeting. M. Sigfridson stated that the PZC cannot remove the Ordinance. Mr. Tanner explained that it would be superseded. Ms. Roberson stated that this doesn't do anything to the Town Code, but it does make it clear that we are regulating this completely through Zoning. Ms. Sigfridson stated that the proposed changes did not need to be mentioned in this motion to approve as they were discussed during the public hearing.

Motion carried by voice vote (5-0-0). A. Fitzgerald was not present at the time of this vote.

4. **SP 23-003:** Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart. ***Awaiting Sept. 6 public hearing***
5. **SD 23-001:** Two-lot subdivision including 3 acres on Day Street (Map 43/Lot 6), Applicant: Jeff Weaver.

Ms. Roberson explained that they had just received a Zone Change Application and are within the timeframe on the subdivision. This will be on a future agenda.

VII. New Business:

a. Applications:

1. **SP 23-004:** Special Permit for above-ground propane storage and outside display of merchandise at 564 Providence Road, Applicant: Sholes Aces Hardware.

Motion was made by S. Pember to schedule the public hearing for **SP 23-004:** Special Permit for above-ground propane storage and outside display of merchandise at 564 Providence Road, Applicant: Sholes Ace Hardware for the special meeting of the Planning and Zoning Commission to be held on September 6, 2023 at 6:30 p.m. at the Tiffany Street Community Center, 31 Tiffany Street, Brooklyn, CT and via Zoom.

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (6-0-0).

2. **ZC 23-003:** Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6), Applicant: Jeff Weaver.

Motion was made by S. Pember to schedule the public hearing for **ZC 23-003:** Zone boundary change from RA=>R-30 for 1.3 acres on the south side of Day St. (Map 43, Lot 6), Applicant: Jeff Weaver for the special meeting of the Planning and Zoning Commission to be held on September 6, 2023 at 6:30 p.m. at the Tiffany Street Community Center, 31 Tiffany Street, Brooklyn, CT and via Zoom.

Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (6-0-0).

b. Other New Business: None.

VIII. Reports of Officers and Committees – None.

There was discussion regarding a property in the VCD.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 9:18 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary