

# PLANNING & ZONING COMMISSION

Clifford B. Green Meeting Center  
69 South Main Street  
Wednesday, November 6, 2013  
7:00 p.m.

## Regular Meeting Minutes

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**I. Call to Order:** - Chair, Carlene Kelleher, called the meeting to order at 7:00 pm

**II. Roll Call:** Carlene Kelleher, Craig Dunlop, Deane Rettig, Aaron Kerouack, David Fuss, Don Francis, Michelle Sigfridson and Derek Wesolowski.

Staff present: Jana Roberson, Land Use Administrator

Carlene Kelleher welcomed and congratulated Rick Ives for a successful run at First Selectman. She invited Mr. Ives to sit with the Commission and participate in the meeting. Mr. Ives accepted.

**II. Seating of Alternates:** - None

### IV. Adoption of Minutes:

1. Regular Meeting Minutes of October 2, 2013. Deane Rettig made motion to accept the Regular Meeting Minutes of October 2, 2013 as presented. David Fuss second the motion. The motion passed unanimously. Deane Rettig abstained.

**V. Public Commentary:** Al Sandholm of Church Street asked the Commission if the Northeast Liquor store that just opened at the old Day Drug on South Main Street had to come before the PZC for a change of use application. Carlene Kelleher said that this was just a retail use to retail use so there was no need for an application. Mr. Sandholm felt there was an issue that has been overlooked regarding the current lighting that has been installed at this property. He referred to the Route 6 Guidelines which state that lighting at properties shall be downward lights. The current lighting at this property shine two LED lights into the east bound side of Route 6 and South Main Street which can pose a hazard. Jana Roberson stated she will look into this further and report back.

### VI. Unfinished Business:

**a. Reading of Legal Notice:** Michelle Sigfridson read the legal notice into the record.

**b. Continued Public Hearings:** - None

### c. New Public Hearing:

1.ZRC13-002 Brooklyn Planning and Zoning Commission/Brooklyn Housing Authority, 31 Tiffany Street, Map 47, Lots 57 and 58, 8.4 acres; Request zoning map change from R-10 to MMUDD-Mill Mixed Use Development District.

Deane Rettig made a motion to open the public hearing of ZRC13-002 Brooklyn Planning and Zoning Commission/Brooklyn Housing Authority. Don Francis second the motion. The motion passed unanimously.

Carlene Kelleher suggested to the Commission they continue this application in order to allow a review by the newly elected Selectmen. A brief discussion ensued.

First Selectman, Rick Ives, stated that he would like to have time to review this matter.

Don Francis made a Motion to continue the public hearing on application **ZRC 13-002 Zoning Map Change for 31 Tiffany Street (Map 47, Lots 57-58) from R-10 to MMUDD** to the next regular meeting of the Planning and Zoning Commission to be held on Dec. 4 at 7:00 p.m. Deane Rettig seconds the motion.

Deane Rettig asked for further clarification regarding this application as he was not in attendance at the meeting it was discussed. Discussion ensued. Jana Roberson explained the time frame for this application.

All in favor. The motion passed unanimously.

2.ZRC13-003 Brooklyn Planning and Zoning Commission, proposed text amendment to Section 19.2-Accessory Buildings, Regarding Accessory Buildings on Corner Lots.

Deane Rettig moved to open the public hearing of ZRC13-003 Brooklyn Planning and Zoning Commission, proposed text amendment to Section 19.2-Accessory Buildings, Regarding Accessory Buildings on Corner Lots. David Fuss seconds the motion. Motion carried unanimously.

Jana Roberson reviewed this application for all in attendance. She stated this will allow greater flexibility when locating accessory buildings on corner and multi-frontage lots.

Public Commentary: None

Don Francis moved to close the public hearing. Derek Wesolowski second. Motion carries unanimously.

**d. Other Unfinished Business:**

1. ZRC13-002 Brooklyn Planning and Zoning Commission/Brooklyn Housing Authority, 31 Tiffany Street, Map 47, Lots 57 and 58, 8.4 acres; Request zoning map change from R-10 to MMUDD-Mill Mixed Use Development District.

Deane Rettig moved to table ZRC13-002 Brooklyn Planning and Zoning Commission/Brooklyn Housing Authority, 31 Tiffany Street. Derek Wesolowski second the motion. Motion carried unanimously.

2. ZRC13-003 Brooklyn Planning and Zoning Commission, proposed text amendment to Section 19.2-Accessory Buildings, Regarding Accessory Buildings on Corner Lots.

Deane Rettig moved to approve the application ZRC 13-003 Zoning Text Amendment to Sec. 19.2 Accessory Buildings regarding corner and multi-frontage lots in order to allow greater

flexibility regarding required yards when locating accessory buildings on corner lots in a manner consistent with the Plan of Conservation and Development. Don Francis second the motion. All in favor. The motion carried.

3. Discussion of Planned Commercial Zone. - Jana Roberson gave a brief review of the updates on the revision of the language of the PC zone regulations which were presented to the Commission for review. She also stated the Commission will be looking at the possibility of incorporating the Route 6 Guidelines to these regulations as well. Further discussion ensued. This will be continued at a future meeting.

Jana Roberson will continue to work on this issue.

4. Discussion of 24 hour operation of businesses. - This issue was brought to the Commission by a member of the public. Jana Roberson reviewed the applications of Dunkin Donuts, McDonalds and Xtra Mart. She did not see anything in these applications which referenced 24 hour operation in the application. She stated these businesses would not be restricted to these hours of operations.

Aaron Kerouack felt this should be considered when hearing future applications.

## **VII. New Business:**

**a. Applications:** - None

**b. Other New Business:**

1. Discussion with Ken Cardinal of the Brooklyn Business Association regarding sign regulations.

Ken Cardinal introduced Carly Demers of the BBA to speak on behalf of this issue.

Carly Demers, Treasurer of the BBA, read a letter dated November 6, 2013 from the President of the BBA to the PZC regarding the zoning regulations specific to business signage in the Town. The BBA is requesting the PZC to form a committee which will have members from the BBA and PZC to review the sign regulations and create new regulations which will reflect the needs and desires of businesses and the citizens.

Ken Cardinal of Baker's Dozen and Sweet Peas does not feel the whole regulation needs to be changed. He feels the current issue that needs to be looked at and discussed further are temporary signs. He stated that smaller businesses in town need to be able to compete with the bigger businesses. Mr. Cardinal volunteered to be a part of any committee that is formed.

Carlene Kelleher gave a brief history of the revision of the regulations which took place in 2012 with the guidance of Jim Larkin of NECCOG. Comments were also requested from the Economic Development Commission which were provided by Lyn LaCharite in June of 2012. She stated the revisions were mainly clarification of the regulations and also to provide ease of use in defining the regulations. Mrs. Kelleher asked Jana Roberson to look into these regulations further and has been advised that these do not need to be rewritten.

Carly Demers requested that Jana Roberson come to a BBA meeting to discuss the sign regulations with the business owners. She accepted the invitation.

In reference to the request to form a Committee, Carlene Kelleher feels this would be exclusionary and suggested a workshop between the BBA, PZC and any other members of the public.

Commission members voiced their opinion regarding this workshop and agree that it would be wise to allow not only the BBA and PZC but members of the public to attend. Aaron Kerouack would like invite the EDC.

Jana Roberson handed out information to the public regarding signage in the PC zone and Route 6 design guidelines which reviews signage. She also reiterated that the Commission is currently working on implementing the Route 6 Guidelines as part of the regulations.

First Selectman, Rick Ives, agrees with the proposed workshop by Carlene Kelleher and the Commission.

2. Sign Permit Application - The Citizen's National Bank, 13 Canterbury Road, Map 24, Lot 105, VCD Zone – Request to turn existing 8' x 3' granite sign from parallel to perpendicular with Canterbury Road and add text to the unprinted side.

Jana Roberson reviewed the application with the Commission. Currently there is a free standing granite ground sign at this property for The Citizen's National Bank. The applicant would like to change the orientation of the sign to perpendicular to the road instead of parallel. It will be rotated 90 degrees. Because this in the VC zone, it needs the approval of the PZC. The Commission discussed further details of the sign.

Jo-Ann M. Chenail, Vice President of The Citizens National Bank, was present to answer questions the Commission had regarding the application.

Deane Rettig moved to approve the sign permit application of Citizen's National Bank dated 10-15-2013 that includes the rotation of their existing 8' x 3' freestanding monument sign 90 degrees and adding text to the unprinted side. Craig Dunlop second the motion. All in favor. The motion passed.

3. MI13-004 Sale of 7.3 acre land-locked parcel located between Tripp Hollow Road and Windham Road, Map 7, Lot 19.

Aaron Kerouack recused himself from the hearing of this application as a Commission member.

Jana Roberson reviewed the application with the Commission. These two properties, located on Paradise Drive and Windham Road, are landlocked. An abutting landowner has expressed interested in purchasing them from the town.

Don Francis gave a history of this property regarding how the Town obtained ownership. He stated that if this property were to be sold by the Town he would like a conservation easement added.

Aaron Kerouack and his family are interested in purchasing this property. They have access to these lots via their property which he reviewed with the Commission.

Jana Roberson further reviewed the site of these properties and stated it is not adjacent to any open space. She also stated that it has not been before the Conservation Commission.

David Fuss would like the Conservation Commission to review this offer. He felt the property may open up issues with current property owners that live in this area. Other Commissioners agree with this suggestion.

Deane Rettig made a motion to table this matter until we have a determination from the Conservation Commission. David Fuss second the motion. Motion approved unanimously.

4. MI13-005 Lease of approximately 3,000 sq.ft. of space at 31 Tiffany Street to Carelot Children's Center, LLC.

Don Francis moved to table to the next regular meeting to be held on Dec. 4 at 7:00 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street Brooklyn, CT. Second by David Fuss. Motion approved.

5. MI13-005 Access and Maintenance Agreement with Jamie Davis to Construct a private residential driveway on Old Tatnic Hill Road to serve Map 15, Lot 21.

Jana Roberson presented the Commission with a Driveway Access and Maintenance Agreement presented to her today by Jamie Davis for consideration.

Paul Archer of Archer Surveying, presented the application to the Commission. The applicant Jamie Davis was present. Mr. Archer commented that they felt Old Tatnic Hill Road was an abandoned road by the Town and has never found anything to confirm that this has been discontinued. He feels this is technically a town road. The application would like to create a driveway on this road to have access to his property. It has been approved by the Attorney, Conservation Commission, Highway Department and Health Department. They would like to use the first 230' of the road. They plan to make the driveway accessible and meet the minimum standards of the driveway regulations. A driveway maintenance agreement has been created between the Town and Mr. Davis, his heirs and assigns, which would alleviate the Town from any maintenance/requirement of the road. Mr. Archer also pointed out that this would need the approval of Syl Pauley, Engineer from NECCOG and also have to go to a Town Meeting.

Jana Roberson confirmed that the Driveway and Maintenance Agreement will need to be reviewed by the Town Attorney before it is approved.

Deane Rettig asked what the process would be if another person comes in and wants to have access to the road. Discussion ensued. Jana Roberson commented that an application would be needed and probably this area would be developed at the cost of the applicant. If this became a road again the Driveway and Maintenance Agreement would be abandoned.

Ron Ventura discussed the history of the road and how it was decided it was a paper street. It never received aid from the State for road funds and was never determined to be a road. Therefore it was developable unless there was a hold harmless clause. Jana Roberson commented that this does conflict with what she has been told and researched. She stated the Town Attorney did not feel this was an issue, however she will discuss with him the new findings. Paul Archer does not feel this is a paper street and was at one time an actual road.

Carlene Kelleher feels comfortable approving this request as long as the road can be extended if a future applicant wishes to use this road. Further discussion was heard.

Deane Rettig moved to approve the proposal to allow an Access and Maintenance Agreement with Jamie Davis to Construct a private residential driveway on Old Tatnic Hill Road to serve Map 15, Lot 21. Second by David Fuss. Michelle Sigfridson opposed. Motion carried.

6. Review of Bylaws due to change in the number of Commission members.

Carlene Kelleher review the change in the by-laws which would bring them up to date and to match the Town Ordinance which would reduce the number of Commission members from 10 to 8 and other changes within the by-laws relating to this change.

Deane Rettig moved Move to approve the proposal to update the Brooklyn Planning and Zoning Commission Bylaws to reflect the recently revised Town Ordinance Section 2-16.2 and 2-16.3 effective 8/24/2013. Such changes to the Brooklyn Planning and Zoning Commission Bylaws include:

Article IV Membership Section 2 : replace "ten (10)" with "eight (8)",

Article VII Annual Meeting Section 2: replace "six (6)" with "five (5)",

Article X Quorum: replace "six (6)" with "five (5)", and

Article XVIII Amending the Bylaws: replace "(6)" with "(5)".

Motion second by David Fuss. All in favor. Motion approved.

7. Scheduling of the next planning meeting - Carlene Kelleher suggested November 19, 2013. She also asked if the Commission would like to hold the signs workshop at this meeting. Discussion ensued. Jana Roberson will handle the notification of this meeting.

**VIII. Reports of Officers and Committees:**

1. Zoning Enforcement Officer's Report October 2013.

Jana Roberson reviewed this report with the Commission. Courtesy Ford is in the final paving of the property. This is the last process that needs to be done regarding this application. She will give them a certificate of final zoning compliance.

Mr. Green has been given the application for gravel bank, He is going to review this with his partners.

Mrs. Bard, the owner of the 3 lot subdivision on High Road, has decided not to file the mylars. She is going to pursue a lot line adjustment instead. There will only be two lots instead of the proposed 3 lots.

Jana Roberson commented on the recent article in ECHO Newsletter (Eastern Connecticut Housing Opportunities) featuring the restoration of Quebec Square and future preservation of Tiffany Place. This article is in the Commissioner's packet.

Amber Robillard approached Jana Roberson regarding selling antiques at her property, 509 Providence Road, which is located on Route 6 heading west on the south side of the road. There is a barn on the property she would like to do this from. The only regulation that would allow

this is Limited Business Enterprise. However, the Commission is still working on the definition of this regulation. Further discussion was heard. Jana Roberson also pointed out that this will need a special permit in the RA Zone.

Deane Rettig would not be comfortable accepting an application until a definitive definition of the Limited Business Enterprise has done.

David Fuss asked if this could be done in the agricultural zone? Jana Roberson stated it can but with conditions. This is another option as well..

Carlene Kelleher would not be adverse to hearing the application because the PZC has not completed their job of regarding the definition. The special permit will allow specific questions to be addressed. Michelle Sigfridson agrees.

Jana Roberson will review the Sorel's Antiques application to see how this will compare to Ms. Robillard's request. David Fuss asked if she could also find out about conditions that may have been added to the approval of Sorel's relating to outside display or storage of merchandise. He feels it is starting to accumulate on this property.

Don Francis would like to have the signs regulations continued to be enforced. He would also like to look at flag signs, cigarette signs and the paper signs on the posts at the workshop.

## 2. Wal-Mart Update. -

Austin Tanner announced at the grand opening of Wal Mart that the town has received a grant from NECCOG to extend the sidewalk on the Wal-Mart property.

Carlene Kelleher thanked Jana Roberson for the job that she did in maintaining that Wal-Mart did follow through with all the conditions of the Planning & Zoning and site plan requirements.

A letter from James K. Winter, RLA and Alan R. Carpenter, PE of CPH, dated October 28, 2013, addressed to Jana Roberson regarding the landscape architecture and was reviewed with the Commission.

David Fuss asked about the plantings in the rear of the building near the residential area. Jana Roberson reviewed this with the Commission. He also asked about the lighting and dimming of them. Jana Roberson stated they have submitted a lighting plan with the application and the conditions stated they would have the lights tested by a professional at during a dark period of the night. They have submitted a report of a test performed by one of their engineers. Ms. Roberson rejected this and asked for a lighting professional to perform this test. If they do not meet the standards they will have to reduce the lighting.

There is currently a \$75,000 cash bond being held for four (4) punch list items outlined in a letter dated October 31, 2013 from Alan Carpenter to Jana Roberson. This letter was reviewed with the Commission.

A second letter dated October 30, 2013 received from Syl Pauley, PE, Regional Engineer for NECCOG commented on the adequacy of the design of the eastern retention basin. After discussions with Alan Carpenter of CPH and review of the retention basins on the property, Mr. Pauley feels this is just a maintenance issue and not a flaw in the design. Jana Roberson will find out when they will do the maintenance on this.

Blue Rhino has approached Jana Roberson asking if they could install Blue Rhino tanks in front of the building. They are not part of the application and will have to come back with a site plan modification.

3. Correspondence. - Land Use Academy Course - 11/9/13.

4. Regulations Subcommittee. - No report.

5. Route 169 Recommendations Follow-up Subcommittee. - No report.

6. Budget.- included in Commissioners packet.

7. Chairman's Report. - Carlene Kelleher asked the Commission if they would like her to send a letter to Austin Tanner thanking him for his support he has given the Commission and for implementing the Land Use Administrator position. This has been very helpful for the Commission.

**XI. Public Commentary:** Lisa Arends of Allen Hill Road also thank Jana Roberson for her work done and would like to see in the future that all promises made to the public are kept and enforced.

She confirmed that Wal Mart will get a permanent CO when all the conditions have been met or certified . Jana Roberson agreed with her.

She asked for further definition of the request for the antique business and if the applicant pay her fees only to find out that it is not a permitted use. Deane Rettig commented that this is a permitted use in the limited business enterprise.

She reviewed the POCD and the surveying of the residents regarding the darkness at night and 24/7 businesses. She feels this will affect all the residence in the PC zone and that the POCD should be used as a guide going forward, which the residents stated is a concern.

She also asked about the implementation matrix. Carlene Kelleher stated that they are aware of this and they did have a priority setting meeting and went through the grid.

**X. Adjourn:** David Fuss made a motion to adjourn. Don Francis second the motion. All in favor the meeting adjourned at 9:30 pm

Respectfully submitted,

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Karen M. Desrosier, Clerk



**PLANNING AND ZONING COMMISSION**

**TOWN OF BROOKLYN**

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*Liona A. Mainville*  
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**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
NOTICE OF ACTION**

At the regular meeting of the Planning and Zoning Commission on November 6, 2013, the following action was taken:

1. ZRC13-003 Brooklyn Planning and Zoning Commission, proposed text amendment to Section 19.2 Accessory Buildings, Regarding Accessory Buildings on Corner Lots-  
APPROVED.

Any appeals are to be filed with the superior court 15 days from the date of the legal notice appearing in the paper.

Dated this 7<sup>th</sup> day of November 2013

Carlene Kelleher  
Chairman

Please publish Friday, November 8, 2013 in the legal section of the Bulletin. Use Account Number 10089300. Call Audrey with any questions at 860-779-3411.