

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, September 2, 2015
Clifford B. Green Meeting Center
69 South Main Street
6:30 p.m.**

MINUTES

I. Call to Order - Chair, Carlene Kelleher, called the meeting to order at 6:35 pm.

II. Roll Call - C. Kelleher, Aaron Kerouack, Craig Dunlop, Donald Francis, David Fuss, Dale Thompson, Alternate. A. Carpenter was absent with notice.

Michelle Sigfridson arrived at 6:40 p.m.

Staff Present - Jim Larkin, Interim Planner.

III. Election of Dale Thompson as regular member.

Motion by D. Francis to accept Dale Thompson as a Regular Member of the Brooklyn Planning and Zoning Commission to fill the term vacated by Derek Wesolowski. Second by D. Fuss. Motion carried unanimously (5-0).

IV. Seating of Alternates – None.

V. Adoption of Minutes:

1. Regular Meeting Minutes August 5, 2015.

Motion by D. Thompson to accept the Minutes of the Regular Meeting of August 5, 2015, as presented. Second by D. Fuss. Motion carried unanimously (6-0).

VI. Public Commentary – None.

Motion by A. Kerouack to amend the Agenda to correct the numbering. Second by D. Fuss. Motion carried unanimously (6-0).

VII. Unfinished Business:

a. Reading of Legal Notice - Read at a previous meeting.

b. Continued Public Hearings:

1. SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Construction of a 8,655 sq. ft. building containing a 2,400 sq. ft. fast-food restaurant, a 2,400 sq. ft. retail store and three 1,285 sq. ft. units to contain either retail store, personal services, and/or offices (Professional, Business, or Administrative).

Norm Thibeault, Killingly Engineering, represented the Applicant and did a poster board presentation. He provided full-sized sets of plans (which reflect changes made regarding comments from the Commission/Syl Pauley last month) for the Commission Members to view and he explained how those comments were addressed:

- Retaining wall too close to property line: Footprint has been reduced from 9,000 sq. ft. to 8,400 sq.; reduced parking by ten spaces; moved retaining wall in a little closer and widened the turning radii to make better traffic flow throughout the site. He stated that he had reviewed/demonstrated this (with tuning templates) at a meeting with Syl Pauley and Jim Larkin.
- Entrance was slightly widened to align it with across the street (WalMart): Held the existing center line (33 feet wide) which was aligned with the traffic light; ingress lane 19 feet wide; two egress lanes – one dedicated right-hand turn and the other can go straight across (to WalMart) or turn left (west onto Route 6). This allows for truck access without interfering with traffic sitting at the light.
- Color Rendering – Tan/sand colored building with darker brown accents, white windows.
- Width/depth of building reduced by about four feet and revised the inlet (to minimize the square footage).
- Parking reduced due to Dunkin Donuts being reduced to 2,400 sq. ft. maximum. He stated that it may be reduced a little more and this would result in a little excess of parking. He stated that they meet the parking regulations for each use assuming that they are all going to peak at the same time.
- Details for Storm Water System – Added a third detail sheet (Sheet 8). Minimum of 18 inches of cover achieved for both systems (front and back).
- Pedestrian Safety: Realigned the parking along the front of the building and extended the sidewalk into the site with a crosswalk; reoriented and realigned the traffic islands to make a straight traffic flow; three bollard lightings (low-level lighting), emit light 12 to 15 feet at most, set about 42 inches high (will not interfere with dark sky).
- Perimeter of the Site: Sheet 5 shows Photo Metrics Plan indicating intensity of lighting around the site. Dark sky compliance achieved.

C. Kelleher asked Mr. Thibeault to address comments made by Alan Carpenter at last month's meeting (copy provided to Mr. Thibeault at this time for the record). Mr. Thibeault stated that he had written them down as they were verbalized. He addressed the comments:

- Color rendered elevation – already addressed.
- Full cut-off lighting – resolved.
- Pedestrian level lighting along stone wall/sidewalk – He explained that he believes there is adequate lighting for safe pedestrian access.
- Soil investigations – Did not conduct soil investigations. Soil survey mapping shows well-drained soils and retention basin in back is completely dry all the time. He stated, for the record, that they are not proposing to infiltrate soil and have not designed the storm water system for infiltration – it is simply detention and will drain completely after each storm event.
- Truck turning template – addressed/demonstrated with Syl Pauley and Jim Larkin.

Mr. Thibeault referred to a letter from the State DOT (he submitted a copy to C. Kelleher/Jim Larkin) which contained two comments:

- Request for a no left-hand turn sign and symbol on Route 6 westbound to alleviate left-hand turns into the site which is no longer applicable.
- The other comment was regarding the water line and the sewer line – They revised the plans and resubmitted to the DOT, but have not received final approval yet. Mr.

Thibeault stated that, if the Commission should consider approving the Application, no Building Permit would be filed until final approval was received.

Mr. Thibeault read the letter from Joe Couture of United Water (dated August 27, 2015 – included in the packets to the Commission Members) and he referred to Sheets 4 and 8 of the Plan Set. He stated that there would be no baking.

Mr. Thibeault spoke about the walls (stackable block) which would need a geo grid to keep them from falling forward. If there is an issue with being too close to the property line, another option would be Ready Rock (larger and weigh about 2,400 lbs. each) and can be built about 13.5 feet high without any grid reinforcement.

Syl Pauley commented that he likes the Ready Rock type of wall as it a more massive wall and very resistant to tumbling.

Mr. Thibeault submitted a copy of the traffic study to Jim Larkin, for the record, and he stated that the signal will need to be looked at by the traffic engineer to recommend the timing of the signal for the site. He explained a little about queue times.

Mr. Thibeault addressed Syl Pauley's comments (dated August 5, 2015):

- Site Plan
 1. Deals with the second entrance.
 - 2/3. Delivery area (indicated on plans) in back of parking area primarily for employee parking. During lull times.
 4. Moved dumpster over to the southwest and widened entrance a little.
 5. Widening radius and the driveway overall for safer access.
 6. Indicated areas that can be used for snow storage and, when it becomes problematic, it would be trucked off-site.
 7. If the Building Official requires a hydrant or sprinkler system, it will be incorporated into the design.
 8. Letter submitted from United Water.
 9. This has been addressed.
 10. Sidewalk on western side of building shown on plans.
 11. Alleviated the flush sidewalk in front and replaced with curb sidewalk.
 12. Done and also realigned parking on western side of site (five spaces with 45 degree angle and curb stops in place of parallel spaces).
 13. Lane width on right side of building increased to 24 feet to allow the by-pass of traffic if necessary.
 14. Widened the vehicle stacking lane (from 11 feet to 13 feet) in the southeast corner.
 15. Widened the lanes and radii and improved traffic circulation overall throughout the site.
 16. P-13 is gone (no longer required).
 17. Primary use is detention.
 18. No test pits. Designs as it is and the assumptions made regarding the soils will be sufficient.
- Layout, Lighting & Landscaping Plan (Sheet 5 of 7)
 1. Done.
 2. Showed lighting locations, types of lighting, and candles associated with each type.
 3. They have the tree shown.

4. Greg Glaude, licensed surveyor, has checked the property dimensions on the plans and has certified that they are correct.
- Detail Sheet 1 Plan (Sheet 6 of 7)
 1. Done on the Detail.
 - Detail Sheet 2 Plan (Sheet 7 of 8)
 1. Added to Sheet 8 of the plans.
 - Overall Impression

Reduced the overall footprint of the site, reduced the overall pervious area by about four percent, reduced the building size, and created a lot more generous turning radii and curvature throughout the site to allow for safer and easier pedestrian and vehicle access.

Syl Pauley stated that all of his questions and comments have been addressed.

D. Fuss suggested that United Water be called to inspect the sewer line before it is backfilled.

Jim Larkin stated that all of his concerns have been addressed.

A.Kerouack asked about the square footage to clarify. Mr. Thibeault stated 8,400 total with the Dunkin Donuts at 2,400 and the rest (6,000 sq. ft.) would be flexible space. He stated that whatever the uses happen to be, the parking is calculated for them. A.Kerouack pointed out that the plan shows the total square footage as 7,400. Mr. Thibeault stated that that is an error and that it should be 8,400 and that the parking is calculated on the 8,400. A.Kerouack asked about the stone wall and the State right-of-way. Mr. Thibeault stated that it is not in the right-of-way and that it could not be removed in the future. A.Kerouack asked if signs would be separate. Mr. Thibeault stated that it would.

A.Kerouack asked if the Applicant would be willing to reserve 250 feet in from the front lot line on the western side of the property for a potential access management area should the property next door be developed in the future. Mr. Thibeault explained that the layout would not allow for that and, to do that, significant changes to the site design would need to be made.

PUBLIC COMMENTS:

Bernard Planetta Jr., abutter, stated that he is concerned about the wall and the access. He stated that he had met with the Owner about three months ago and was asked if he would like a stone wall or an elevation change (he did not understand). He was told that they would send him a copy of the plans, but he never received them. He asked about the back of the wall as he feels it would greatly affect his property. Mr. Thibeault stated that he had not been involved in discussions with abutting property owners and he explained that the site is designed to contain it within itself and to allow the development to occur on this site without affecting the site next door. They are making accommodations for the slope by putting the retaining walls in and they are doing it in a manner that will not affect the grading of the other properties. Mr. Thibeault stated that he does not believe the DOT would be in favor of installing another light for a single property less than 500 feet away.

C. Kelleher stated that common access is a concern of the Commission, but at this time, there isn't anything that would require such a thing to be included in the plan. Mr. Thibeault stated that at some point in the future, if that site were to be developed, if the Owner were

approached, it could be revisited and looked at for common access. A.Kerouack stated that this is the best time (before the sale takes place) to get the maintenance of access management in the deed. Discussion ensued.

C. Dunlop pointed out that there was an error with the parking calculation. There should be 54, not 50. Mr. Thibeault agreed and explained how he could add four more spaces and indicated where. He also stated that, if there is a parking shortage in the future they could add nine or ten more spaces (if necessary).

C. Kelleher asked if the Commission Members were in agreement with operating on the basis of requiring less parking spaces as long as it can be demonstrated that there is room for more if needed (as stated in the Regulations). The Commission Members were in agreement.

There were no more comments from the public or the Commission Members.

Motion by D. Francis to close the public hearing for Application SP15-005 SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Construction of a 8,655 sq. ft. building containing a 2,400 sq. ft. fast-food restaurant, a 2,400 sq. ft. retail store and three 1,285 sq. ft. units to contain either retail store, personal services, and/or offices (Professional, Business, or Administrative). Second by D. Fuss. Motion carried unanimously (7-0).

2. SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Fast Food Restaurants, Health Clubs, Florists, and/or Child Day Care Services and a detached 5,000 sq. ft. Restaurant.

C. Kelleher stated that this public hearing would need to be continued because there has not been any action taken by the Inlands & Wetlands Commission yet due to lack of quorum.

John Guskowski, Director of Planning with CME Associates, represented the Applicant and stated that Steve Townsend was seated in the audience. Pete Parent, Professional Engineer, CME Associates was also present. Mr. Guskowski expressed frustration with the Inlands & Wetlands Commission and he formally requested an extension, for the record, and asked that the public hearing be continued to either later this month or October. C. Kelleher stated that she would poll the Commission to see if there would be a quorum for a second meeting this month.

Mr. Guskowski stated that there were two major changes/modifications to the plans since the last public hearing:

- In response to commentary last month:
 1. Name Change from Brooklyn Commons to Townsend Square to avoid confusion with other Developments in Town.
 2. Definition of front yard and appropriate setbacks for the free-standing building in front: He referred to Page 3 of the Plans (site development plan overviews) – The free-standing building is now proposed as a little bit smaller to contain a couple of smaller uses (2,520 sq. ft. each of retail or office) and now the restaurant is slightly larger at 6,400 sq. ft. and is now in the bumped-forward portion of the main plaza. The free-standing building has been rotated and parking has been added to the front and to the rear. He stated that the building has been set back more than 45 feet from the CVS property line. He stated that the front line is on Route 6.

3. Changes to the site plan based on neighbor concerns (Plaza Street):
 - a. Moved dumpsters previously on north side of plaza driveway to the south side of the plaza driveway and screened appropriately.
 - b. Changed landscape detail (Page 7) for the northern section of the sight: Changed the main planting from White Pine to Colorado Blue Spruce (preferred by neighbors); added a berm to elevate the plantings to further screen; increased the height of the fence from 4 ft. to 6 ft. with screening slats.
 4. Added parallel parking along the rear of the plaza (employee, time-restrictive parking to allow for periodic loading and unloading to the rear). This, combined with the additional few spaces attained by rotating the free-standing building, provides 215 spaces (which is still below the required 245). Mr. Guskowski referred to a parking analysis (done from the Institute of Transportation Engineers' Parking Generation Manual, 2010 Edition) which he had provided to the Commission Members. According to the analysis, less than 190 spaces would be required for worst-case scenario, so he believes they meet the criteria for the Commission to accept fewer parking spaces where they are not necessary. He stated that they could provide 30 more parking spaces and explained how they could do it, but they don't feel it is necessary, and have chosen to reduce impervious surface and provide additional buffer for neighbors.
- C. Kelleher stated that as long as they demonstrate that they could provide the parking required by the present Regulations it should not be a problem. M. Sigfridson agreed.
5. Have referred to the Sewer Authority and the Consulting Engineer, but have not heard back yet. D. Fuss may have received an e-mail and will forward it to Mr. Guskowski.
 6. Provided color rendering to echo, in color and design, the Savings Institute (architectural design standards designed by Evelyn Cole-Smith).

Pete Parent addressed specific technical changes made:

- In response to comments received from Syl Pauley:

COVER SHEET:

1/2. Parking Calculations comment was addressed by Mr. Guskowski.

EXISTING CONDITIONS PLAN, SHEET 2

1. Typographical error on Sheet 2 has been revised.

LAYOUT PLAN, SHEET 3

1. Shared access – Where it is entering in, it is in an area that is striped for parking in the back of the Ocean State Plaza, so it is as safe as any other parking lot would be for vehicle traffic.

DRAINAGE PLAN, SHEET 5

1. Expanded the Table to provide more detail on inverts of the existing structures where they are tying into and discharging from.
2. There is an existing 30-inch connection in the proposed location and they are just altering the slope on that pipe slightly. It is a 6-foot diameter structure and they feel it is more than sufficient to handle the additional pipe.

UTILITY PLAN, SHEET 6

1. Pipe sizes and valve locations have been indicated on the plans. 8-inch fire protection service and 4-inch domestic water service continued from the previously installed mains on Route 6.

LIGHTING PLAN, SHEET 8

- 1/2. Included on the plans the wattage rating for both structures as they were available in multiple wattage levels.
3. Provided a call-out for 4,000 psi concrete, schedule for electrical conduit, and 18-inch minimum diameter based on the typical bolt circle for these lights. However, the overall dimensions of the anchor bolts needs to be specific to the pole they are mounted to, so that detail has not been provided (this would be handled during construction).
4. Circuitry is another construction level detail.

CONSTRUCTION DETAILS, SHEET 9

1. Sewer Clean-out for the stand-alone building has been provided.

CONSTRUCTION DETAILS, SHEET 10

1. A note has been added. Standard detail - surface with a concrete collar around it.

CONSTRUCTION DETAILS, SHEET 11

1. Revised to 20-foot handicap parking stall depth.

E&S CONTROL & STORMWATER MAINTENANCE PLAN, SHEET 14

1. Note added to include all supplements to Form 816.
2. Note added to indicate off-site disposal of stumps.

Mr. Parent addressed comments from the Town Planner:

- Regarding separation distance to the property line and CVS – It is now in excess of fifty feet.
- Parking adequacy has been addressed.
- Submission of a Traffic Impact Statement – They do not feel it is necessary to submit a revised traffic statement as this project would have a lower flow rate of traffic compared to the plan (which included a grocery store) that was previously approved. The State Traffic Commission required the signal that is there.

C. Kelleher asked for a copy of the Traffic Impact Statement. Mr. Guskowski offered to provide an electronic copy.

Mr. Parent continued:

- Not providing a crosswalk as they do not see an appropriate place for it. He stated that, if the Commission wants a crosswalk and gives direction where they would like to see it, a crosswalk could be provided, but it would not go from sidewalk to sidewalk as all the sidewalks around CVS dead end.

Mr. Parent addressed comments from the public regarding drainage:

- He gave an explanation of why the drainage system was designed the way it was. The Town and the Property Owner made an agreement: The Property Owner would grant the Town drainage easements and rights-of-way to construct the serpentine swale that accepts the Route 6 drainage and the linear swale that accepts the Ocean State Job Lot drainage (he indicated where these are located). As compensation for that agreement, the Town agreed to let any development on that parcel only treat

their stormwater for water quality and not detention of peak flows. He explained that the maintenance responsibility for both swales lies with the Town. All outlets are designed per State DOT standards for protection of the outlets from erosion. Regarding concerns of flow from neighbors, he stated that there is nothing more that he can do from an engineering perspective.

Syl Pauley, NECCOG, stated that he has not been able to look at the documents provided, but will before the next public hearing. He stated that he had not been privy to the conversation with the Town Planner on the secondary access. He explained his serious safety concerns regarding the 40-foot trailer park in the back which is not protected if there are parking spaces against the building. It looks like it is aimed at the rear of the building where the parking spaces are, so those parking spaces need to be moved and there needs to be strong striping. There are utility poles back there and people dropping off items to the Salvation Army, so this is not a safe access. He feels more work needs to be done in this area. He expressed concern for the residential street (Paula Street) as it may see more traffic including tractor trailers. For safety, he recommends that it be used as an emergency/secondary access with a gate (with lockbox) rather than a free-flowing access as suggested by J. Roberson.

Mr. Guskowski stated that their client is somewhere in the middle and that they put it in for connectivity. He stated that it could be considered a planning corridor that can be approved at some point. He stated that there are aesthetic concerns, but he doesn't feel the traffic on Paula Street would be a huge concern. He stated that they need direction on this. D. Francis asked if there is an agreement with the adjoining property owner. Mr. Guskowski stated not currently.

Jim Larkin stated that it appears that most of the changes have addressed the comments that he had. He will (like Syl) review the information received to be sure all issues have been addressed.

PUBLIC COMMENTS:

Robert Ross, Plaza Street, asked who will maintain the easement when it washes out. C. Kelleher stated that, as she understands it, that issue would need to be brought to the attention of the Town and would need to be addressed by the Town. Mr. Ross stated that he does not understand why the Town would be responsible for something on private property.

Mr. Parent stated that the design of the swales was intended to treat the existing impervious areas to improve the quality of the Quinebaug River. Mr. Ross offered a suggestion which included a retention pond and putting a basin in the swale, and a pipe to the end of the retaining wall, and a double basin coming out the retention pond at Ocean State, at least the water would be contained on the site and wouldn't wash out anything. The Town would only have a 12 by 13 area to maintain.

Ron Ventura, Ventura Drive, spoke on the drainage issue and stated that if there is any possibility of retaining water on that property to any degree, it should be and then eased off slowly. He stated that he hopes that this Commission is sensitive to the concerns of the adjoining properties.

Mr. Guskowski stated that there are engineering options for retention of some of the stormwater and that his client is sensitive to that and the concerns of the neighbors. However, the Town has assumed responsibility for the stormwater and, if the

Commission were to require the Applicant to assume additional costs regarding retention of the stormwater would go counter to the agreement the Town has previously made and create a financial burden that is not the responsibility of the Applicant. Mr. Guskowski offered to work with the Town Engineer and the Board of Selectmen to consult on solutions. A.Kerouack asked for a copy of the agreement.

Syl Pauley stated that he found the easement and that the Town is responsible of all maintenance of the serpentine swale and the swale in back. (The agreement is in the Easement in Volume 365/Pages 285-288). Jim Larkin will include it in the packets for the next meeting.

A.Kerouack asked about the fence on the western side. Mr. Parent stated that there is already a fence there that comes back to the retaining wall.

There was more discussion regarding drainage.

D. Francis asked about the berm along the back boundry. Mr. Guskowski stated that a berm has been added in the back planting area (Profile on Page 7) with a height of approximately five feet from the parking level to the top of the berm with the trees on top of that. Fence on the far side of the berm (Plaza Street side). Landscaping on top of the berm and on the downslope of the berm. Landscape mulch on the slope of the berm. D. Francis asked if a wooden fence would reduce noise from the parking lot. C. Dunlop stated that it would have no affect because of the location.

Rob Ross pointed out that the swale is behind the berm which would make it harder for the Town to get in to maintain it.

A.Kerouack asked if the landscaping lost due to the 90 degree turn of the detached building has been accounted for elsewhere. Mr. Parent stated that there is an excess of landscaping. A.Kerouack stated that the rotation of the building has created an issue with the parking regulations. Jim Larkin stated that Section 11 of the Landscaping Regulations allows the Commission to accept alternative landscaping due to various conditions if it addressed adequately. A.Kerouack asked if the dumpster on the east side is servicing the detached building. Someone stated correct, but the Recording Secretary could not decipher whether it was Mr. Guskowski or Mr. Parent. A. Kerouack asked about the siding from the color rendering. The Recording Secretary could not decipher the answer or who spoke it.

M. Sigfridson asked about the right-of-way to the northeast to Claudia Street (who's driveway is it). Mr. Parent stated that it is the Town-owned right-of-way. He stated that they are required to provide a gate there.

C. Kelleher asked about the list of uses and that uses that do not have the same parking requirements be removed.

Mr. Guskowski stated that they would be willing remove only Day Care and Fast Food from the list. He stated that they accounted for Medical Office and Health Center in the Parking Generation Report which they submitted this evening. He stated that the Applicant is not interested in further reducing the number of potential uses so as to allow him flexibility in recruiting tenants. C. Kelleher stated that the study is not part of the site plan and the site plan shows, specifically, that the parking has been figured at one space per 150 instead of 200. Mr. Guskowski stated that they do not meet that and that the study shows that they don't need that many spaces to meet the actual demand. M. Sigfridson stated that it appears that they don't meet it

by even more. Mr. Guskowski stated that they will stipulate that. A. Kerouack asked about the uses for the detached building. Mr. Guskowski stated retail office on the site plan is meant to be shorthand for the full list of what was applied for in the Application. He stated that they could add the full list of all potential uses to the site plan. C. Kelleher stated that would make it clear what uses they approved and what they haven't. Mr. Guskowski offered to change the description of the detached building in the Application and to list the eleven uses on the entire site plan. Discussion ensued. Mr. Guskowski asked the Commission for direction in noting the potential uses. Jim Larkin stated that it should be acknowledged when listing categories that require 150 rather than using 200 for everything.

M. Sigfridson stated that she does not want the emergency access off the back to come off the plan. D. Fuss stated that he does not see a potential use for that in the future. Mr. Townsend stated that he never thought it would work for traffic, but that he would rather have it there for emergency vehicles. He would rather not have it taken off. C. Kelleher asked if there was a problem with having a gate across it with a lockbox like Mr. Pauley suggested. Mr. Townsend stated that he had no problem with that.

C. Kelleher polled the Commission to see if there would be a quorum for a meeting on September 15, 2015. All Members stated that they would be able to attend. C. Kelleher will check to see if the room is available for that date.

Motion by C. Dunlop to approve the request for extension and continue the public hearing for Application SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Health Clubs, Florists, and/or Child Day Care Services and a detached 5,000 sq. ft. Restaurant to the next meeting of the Brooklyn Planning and Zoning Commission to be held on September 15, 2015, at 6:30 p.m., at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by M. Sigfridson. Motion carried unanimously (7-0).

c. New Public Hearings: - None.

VIII. Other Unfinished Business:

1. SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Coffee Shop with Drive-Thru and additional commercial space.

Motion by A. Kerouack to approve Application SP15-005 SP15-005 Toudis, LLC (Jimmie Moutoudis) 445 Providence Road, (Route 6), Map 41, Lot 115, PC Zone; Construction of an 8,400 sq. ft. building containing a 2,400 sq. ft. fast-food restaurant, with an additional 6,000 sq. ft. of flexible space to be used for retail, personal services, and/or other Professional, Business, or Administrative offices, in accordance with all final plans, documents and testimony submitted with the application (as revised) and including the following modifications and conditions:

- That the plans be updated with the correct proposed numbers for the building square footage;
- That the plans be updated with regard to the correct calculations for required parking spaces;
- That the sewer line be inspected before it is backfilled;
- That final approval be received from the State DOT.

Second by D. Thompson. Motion carried unanimously (7-0).

2. SP15-006 Townsend Development Associates, LLC, Providence Road, Map 41, Lot 16, PC Zone (between 536 and 542 Providence Road); Construction of a 35,600 sq. ft. commercial

plaza containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants, Fast Food Restaurants, Health Clubs, Florists, and/or Child Day Care Services and a detached 5,000 sq. ft. Restaurant. Continued.

IX. New Business:

a. Applications:

1. HB15-001 Home Business Permit Transfers and Sales of Firearms (no inventory stored on location).

Johnathan Lisee, 134 Mason Road, gave a background on himself which included his experience/training with firearms. Due to regulations, he was advised by Jim Larkin to apply for a Home Business Permit rather than running as a Home Office. To receive approval for his Federal Firearms License (FFL) from the Alcohol Tobacco and Firearms Bureau he must have approval from the local Planning & Zoning Commission. He explained that it is better to have the FFL attached to a Business rather than an individual's name. Troop D is reviewing his application for the FFL. He does not intend to have any inventory, no storefront, no signage, not adding any square footage to his home or access buildings, no change to the exterior of his home. He plans to do business with military, law enforcement, and legal Connecticut pistol permit holders. Once ATF approval is received for the FFL, he will have the ability to do background checks on the people he does business with. He has reviewed State and local law. He intends on being an FFL dealer as a hobby and will order (online) firearms on an as needed basis. The customer (one at a time) will come to his residence to pick up the item (which will take about a half-hour). He does not plan on running advertisements. He stated that if he does one or two transfers per month, he would be happy as he is currently employed full time. He feels this would be a good retirement job.

A.Kerouack asked where the guns would be stored after they are delivered. Mr. Lisee stated that if he can't make the transfer that day, he would secure it in his personal gun safe which has additional space as it is not full. A.Kerouack stated that the LLC name would be needed. A.Kerouack asked about other employees. Mr. Lisee stated that it is just himself. A.Kerouack asked about training. Mr. Lisee explained that there is no hands-on firearms training, but (before he receives FFL approval) an ATF Agent will go to his residence (after P&Z approval is obtained) and conduct an interview and go through the entire process from start to finish and answer any questions that Mr. Lisee may have.

A.Kerouack asked Jim Larkin if it is an office (like a drop-off center) or is it retail. Discussion ensued. Mr. Lisee explained that it is just transfer, there is no inventory. Jim Larkin explained that Mr. Lisee is acting as a broker for the transfer of the weapon and would be retaining the fee. The ATF considers the transfer fee to be a retail transaction. Jim Larkin stated that he spoke with C. Kelleher and ZEO Martha Fraenkel in the office and the three of them felt that the transfer could be considered not to be retail, but more like an insurance agent. Ultimately, the Commission determines whether it is retail or not. Discussion ensued.

C. Kelleher stated that this does not seem like it would have much impact to the neighborhood. Mr. Lisee stated that the neighbors that he has spoken with about this are excited and looking forward to him getting the FFL. D.Fuss asked how often the license would need to be renewed. Mr. Lisee answered yearly.

Motion by D. Francis to approve Application HB15-001 Home Business Permit Transfers and Sales of Firearms (no inventory stored on location) 134 Mason Road in accordance with all final plans, documents and testimony submitted with the application (as revised) including the following modifications and conditions. There are no modifications and conditions. Second by D. Fuss.

Discussion ensued. C.Kelleher stated that Article 6.3.1 says that the requirements of Article 4 (Site Plan Review) need to be met. She stated that that requirement would need to be waived.

A.Kerouack stated that the P&Z Commission cannot waive that requirement as the Site Plan Requirement is required in order to have a home business. C.Kelleher asked what he would have Mr. Lisee submit. A.Kerouack stated that he could go to the ZBA, but he believes they would not be able to waive it either. Jim Larkin stated that the back of the site plan application has a list of requirements that may be waived including the A-2 Survey, the traffic, etc. Jim Larkin stated that if the concern is that the application has not been filled out, it could be tabled until the September 15th Special Meeting. A.Kerouack tried to find the Regulation to support his statement. C.Kelleher read from Section 4.2 and stated that the use of his site and building is primarily residential, so she interprets that to mean that there is no need for a site plan. M. Sigfridson stated that she feels the Commission shouldn't act because the address could be published.

D. Francis restated his motion as follows:

Motion by D. Francis to approve Application HB15-001 Home Business Permit Transfers and Sales of Firearms (no inventory stored on location) 134 Mason Road in accordance with all final plans, documents and testimony submitted with the application (as revised) including the waiving of Article 4 of the Planning and Zoning Regulations. Second by D. Fuss.

Vote Results: C. Dunlop- yes; D. Francis- yes; D. Fuss- yes; C. Kelleher-yes; D. Thompson- yes; M. Sigfridson abstained; A.Kerouack was opposed. Motion carried (5-1-1).

2. SP15-008 Strategic Commercial Realty, Inc., d/b/a Rawson Materials; Off of Rukstela Road, Map 29/30, Lot 1/16, RA Zone, 127 Acres; Gravel removal.

Attorney Ernest Cotnoir represented the Applicant.

Jim Larkin stated that he has the plans. Attorney Cotnoir stated that there is a Wetlands Application also pending.

Motion by M. Sigfridson to accept and schedule a public hearing on Application SP-15-008 Strategic Commercial Realty, Inc., d/b/a Rawson Materials; Off of Rukstela Road, Map 29/30, Lot 1/16, RA Zone, 127 Acres; Gravel removal to the next regular meeting of the Planning and Zoning Commission to be held on October 7, 2015, at 6:30 p.m. at the Clifford B. Green Memorial Building located at 69 South Main Street, Brooklyn, CT. Second by C. Dunlop. Motion carried unanimously (7-0).

b. Other New Business:

1. Discussion of Bylaws.

A.Kerouack stated this was on the agenda, had been tabled, and wasn't continued, he feels there is a bias in general. He asked when the notice was received that the Commission would be talking about the By-Laws. C. Kelleher stated that the Commission can talk about the By-Laws, but there is a requirement of a notice to change the By-Laws. A.Kerouack stated that it would need to be unanimous to make changes. C. Kelleher agreed.

A.Kerouack's suggested changes:

- Page 4, Article XII, Voting, Section 1: Either change "officers" to "members" or remove "debate" as discussed at a previous meeting.
C. Kelleher explained that no change is needed because, in some organizations, the chairman cannot vote and that sentence is meant to clarify that the officers are entitled to vote as well as the members.
M. Sigfridson stated that she feels it is worded appropriately.

- Article IV, Section 6: Notification of inability to attend a regular meeting. Some Commission Members stated that they feel there is no need to change this.

M. Sigfridson suggested:

- Article IV, Section 7: Changing “excuse” to “notice.” A.Kerouack suggested, “Any member who is absent for three (3) consecutive meetings...”
C. Kelleher stated that the wording came from the Ordinance and asked Selectman, Bob Kelleher (who was seated in the audience) for his opinion on changing “excuse” to “notice.” Mr. Kelleher stated it would need to be done through Town Meeting to change the Ordinance.

A.Kerouack suggested:

- Article IV, Section 6: Why can’t an exception be added as a buffer. Discussion ensued, but no change was decided upon.
- There was discussion regarding Article VIII, Regular Meetings (cancellation of meetings).

D. Francis left at 9:40 p.m. during discussion of the By-Laws.

X. Reports of Officers and Committees:

1. Zoning Enforcement Officer Report – Included in the packets.

D. Fuss stated that the report was hard to follow because it is not lined up. C. Kelleher said that she had spoken with ZEO, Martha Fraenkel about how much information to include in the ZEO Report and that she had told Martha that the Commission just needs an idea of what is going on as far as enforcement issues, but that, personally, she feels that the Commission doesn’t need to know about who got permits for a garage or a shed (just needs to know the level of activity on those issues). There was no opposition expressed by other Commission Members. C.Kelleher asked the Commission to bring back any suggestions they may have regarding the report.

C. Kelleher and Martha agreed that, for the sake of communication between the Commission and the ZEO, Martha will call her (C. Kelleher) before meetings regarding any real concerns with enforcement issues that the Commission should be aware of. C. Kelleher will call Martha (or Rick Ives) with any concerns of the Commission. Martha is working two days per week at this time and is feeling that it is not adequate time. C. Kelleher asked that Commission Members bring to the next meeting any issues that they may see around Town that may need to be brought to Martha’s attention.

C. Kelleher mentioned that Al had sent an e-mail last month with a list of concerns regarding Danielson Glass and who is checking on that site. J. Roberson and Martha used to split the responsibility of checking on the various sites (during the construction phase), but now that J. Roberson is on maternity leave, Martha is now solely responsible. A.Kerouack questioned the construction sign that Danielson Glass had erected. C. Kelleher stated that the e-mail had been forwarded to Martha.

A.Kerouack mentioned that he called Martha earlier in the week because he noticed a strange vehicle (and work being done there late at night) at a State former group home. It turns out that the State sold the property in 2013, but it had not been recorded until last Monday. A.Kerouack stated that because it was previously a group home, it is still exempt from zoning. Martha issued a cease and desist order because they were moving walls without a building permit.

2. Zoning Permit Report August 2015 – None.
3. Wal-Mart Update.

J. Larkin stated that he received correspondence from Al regarding the status of a bond. J. Larkin will research with Sherri Soucy.

4. Budget – No discussion.
5. Correspondence.
6. Chairman's Report – None.

XI. Public Commentary

Linda Trahan, 26 Maynard Road, asked about the ZEO Report. She had made a complaint (to Martha) on August 27th regarding Brooklyn Sand & Gravel hauling on Maynard Road. She asked how complaints are being responded to with Staff. She stated that Mr. Joly's permit was supposed to be renewed by the 31st and she stated that it has not been. She stated that he is in violation and that her life is being impacted daily. C. Kelleher stated that would be handled by the ZEO. Ms. Trahan asked who determines what issue are significant and will get handled.

D. Fuss asked what the violation and significant impact are. Ms. Trahan stated that she believes Mr. Joly is bringing in far too much to process than what he is allowed to. He is purchasing a great deal of material from Laframiose Sand & Stone (Laframboise and two other companies' trucks are making multiple trips daily travelling over Maynard Road) to process at his own facility. She feels that he is importing too much material. M. Sigfridson stated that Ms. Trahan is handling the situation the right way by reporting to the ZEO and bringing it to the attention of the P&Z Commission who can then direct Martha to investigate.

Discussion ensued. C.Kelleher stated that she will speak with Martha regarding the status of this situation.

XII. Adjourn

Motion by D. Fuss to adjourn at 10:27 p.m. Second by D. Thompson. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Secretary