

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Tuesday, September 15, 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 6:34 pm.
- II. Roll Call** - C. Kelleher, Michelle Sigfridson, Aaron Kerouack, Craig Dunlop, Donald Francis, David Fuss. A. Carpenter and Dale Thompson were absent with notice.

Staff Present - Jim Larkin, Interim Planner; Rick Ives, First Selectman.

III. Seating of Alternates – None.

IV. Public Commentary – None.

V. Unfinished Business:

a. Reading of Legal Notice – No Notice was read.

b. Continued Public Hearings:

1. 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.

John Guskowski, Director of Planning with CME Associates, represented the Applicant. He stated that Pete Parent, Professional Engineer for the project, and the Applicant, Steve Townsend, were present. Mr. Guskowski stated that Wetlands approval had been received last week and that a resolution had been reached regarding the drainage easement.

Jim Larkin explained the comments from the Town Attorney's Office, Associate Joe Hope for the following two questions:

- Based on the conservation easement, what are the responsibilities of the Town; and
- What are the limitations of the Planning and Zoning Commission in reviewing the Application.

Associate Hope's response (via telephone conversation) was essentially that, due to the easement, you cannot restrict peak flows into the drainage swale. You can still review the existing drainage that is there (which was done), but as far as reducing peak flows into that swale, based on the agreement that the Town had signed previously, you couldn't reduce or require anything further from the Applicant in regards to the peak flow. Mr. Hope also mentioned that, due to the fact that the Commission had previously

approved an application for a much larger impervious coverage development in the area, it also goes on to further restrict the ability to control peak flow (because this is actually a reduction in peak flow that is occurring with this Application). Responsibility for maintenance as per the conservation easement does lie with the Municipality. Mr. Larkin stated that he believes Mr. Hope had conferred with the Applicant's attorney about the project. Mr. Larkin stated that ongoing issues due to either maintenance or design of the system would have to be handled through the Town.

C. Kelleher asked Rick Ives and the Applicant to comment on whether there is appropriate access for the Town to do maintenance. Rick Ives stated that he is not sure at this point what the access is to the back swale, but that it can be figured out (the side swale is not a problem). Mr. Ives stated that the Town has not been maintaining that swale, but, he agrees that it is the Town's responsibility and that they will get in there and, hopefully, make it more efficient. He reminded that it is there not to take water, it is there for quality of water and to disperse it into the wetlands.

Pete Parent stated that, as part of the easement agreement, he indicated where they would be providing gates: one off of the parking lot from Ocean State Job Lot and another (a double gate) for access where the drainage system is outletting.

Jim Larkin stated he had spoken with Syl Pauley and that Mr. Pauley feels that his comments have been adequately addressed.

Mr. Guskowski explained changes made to the plans:

- Expanded parking calculation table on cover sheet. Parking analysis based on Institute for Transportation Engineers, Volume 4, 2010 Edition – indicating that peak traffic will be lower than the provided parking numbers. He stated that per the Regulations this can be allowed.
- Changed the labelling (proposed commercial space) of the Plaza on the cover sheet and on the interior of the plan.
- Changes made today (September 15th) due to WPCA comments regarding the sanitary sewer system.

Public Comments:

Robert Ross, Plaza Street, asked who would take care of erosion. He voiced concern for the two last houses on Plaza Street – one on each side of the Street (A.Kerouack clarified that they are in the low point of the swale).

Pete Parent stated that the original intent of the agreement was for it to discharge at points to be determined along the swale. Both structures (serpentine and linear swales) are designed as water treatment areas to treat a specified area, and by adding additional water into the detention portion of those swales you would be reducing the efficiency (negate water quality).

Mr. Ross stated that he would like to see something that would allow the water to flow out easier. He asked who to call when there is a problem. Mr. Parent stated that the maintenance of the swale is the Town's responsibility. Mr. Ross Stated that he doesn't want to see impact to the Town and that it won't be maintained the way it should. Rick Ives stated that it will be maintained the way that it should, but the question is, will that be enough? Mr. Ives stated that the Town will have to address it.

There was more discussion. A.Kerouack questioned who negotiated and made the final decision (which Town Authority) regarding the easement and whether there is an agreement for water coming into this property from Ocean State (who is allowed?). He

questioned whether any other Town Boards had given permission/approval to discharge onto Mr. Townsend's property.

Jim Larkin stated that the original plan set for the larger grocery store had the outlet in the exact same location and that the surface area is decreased from the original plan.

Jim Larkin explained that this was part of a larger watershed quality project done through a 319 Grant through the DEP where the Town was the applicant. He stated that the drainage issue was there when this swale system was designed. He does not know if there is a specific easement just for them, but maybe the Town would want to look at that whole drainage system, but it does not have any bearing on the Applicant's application.

Ron Ventura, Ventura Drive, stated that this is probably a good project for the economic development of the area, but he urged the Applicant, although not obligated, to voluntarily consider assisting the Town by providing some drainage features (such as a trench filled with crushed stone along the edge of the pavement in the parking area to allow water to infiltrate into the ground or drainage features in the parking lot). He asked for compassion on the part of the developer to minimize the impact on the Town, the taxpayers, and the residents in the neighborhood.

Steve Townsend explained that he has given up 2 ½ acres of his property for the drainage easement which allows Ocean State and from other commercial developments on Route 6 to drain onto his property.

Jim Larkin reminded the Commission regarding previous discussion regarding the access way in the northwest corner – emergency access with a gate or have it removed. C. Kelleher stated that it was incorporated into the plan to provide the Town a way to get into the property for emergency purposes (gated with a lockbox). Gates shown on Sheet 3. There was discussion.

Mr. Ross suggested that they put in the berm and plant trees to eliminate noise and dust while the building is going on. Mr. Guskowski stated that they would phase the construction as much as they can to minimize those problems and stated that it is Special Permit and that any changes to the plan would require that they come back before the Commission. C. Kelleher stated that the ZEO would be following the phases of construction.

A. Kerouack asked for clarification of the list of uses. Mr. Guskowski explained that they had removed Day Care Centers and Drive-Thru. They would still pursue quick service without the drive-thru option (such as Subway).

D. Fuss stated that the plan should be noted that during construction of the sewer lines, they would be inspected by a representative of the WPCA before being backfilled. Mr. Parent stated that it had already been added to the plan.

A. Kerouack asked for confirmation of the size of the detached building. Mr. Parent stated 5,040 sq. ft. total.

M. Sigfridson asked the Commission if the parking calculations on the plans be binding or should it be put in as a condition of approval. C. Kelleher stated that there could be a condition that if the use was going to increase the parking requirements they would have to modify the site plan.

Motion by A. Kerouack to close the public hearing for 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 excluding those with drive-thrus; Health Clubs; and Florists; and a detached 5,040 sq. ft. building to be used for the same. Second by D. Francis. Motion carried unanimously.

VI. Other Unfinished Business:

1. 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.

Motion by M. Sigfridson to approve the 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 and 5,040 sq. ft. detached building containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants; Health Clubs; and Florists in accordance with all final plans, documents, and testimony submitted with the application (as revised) and including the following modifications and conditions:

- If any proposed use, and the size thereof, were to change the parking calculation provided on the final plan, that the plan be dated in accordance with the appropriate regulations.

Second by A.Kerouack.

There was discussion and the motion was amended as follows:

Motion by M. Sigfridson to approve the 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 and a 5,040 sq. ft. detached building containing: Retail Stores; Professional, Business, Administrative, and/or Financial Offices; Banks; Personal, Business, and/or Licensed Health Services; Restaurants; Fast Food establishments without drive-thrus; Health Clubs; and Florists in accordance with all final plans, documents, and testimony submitted with the application (as revised) and including the following modifications and conditions:

- If any proposed use, and the size thereof, were to increase the final parking calculation on the plan, it is required that they come back to the Planning & Zoning Commission for authorization regarding Section 3.4.8.8 of the Regulations.
- Modify the plan to show that the access to the northeast from the adjacent parcel be gated, locked, and keys/code be provided to local emergency response agencies (fire, police, etc.) and the Town of Brooklyn.
- Sewer lines be inspected and the Brooklyn WPCA be notified before the sewer lines are backfilled.

Second by A.Kerouack. The amended motion carried unanimously.

VII. New Business:

1. Discussion of Planned Commercial Zone Regulations.

To be discussed at the October planning meeting and to be sent (with any concept or requirements changes) to the Consultant for the re-write. C. Kelleher will find out from Martha Fraenkel to see if she has heard if there is a draft. Jim will contact Glen, the Consultant.

2. Chairman's Report: Discussion of Planning and Zoning Commission and Inland Wetlands Commission possibility of combining.

C. Kelleher stated that there was a newspaper article regarding combining the P&Z and Inland Wetlands. The Commission Members that commented were in agreement that it would be nice, but it would be a lot of extra work as well as more responsibility/authority for the members. Rick Ives mentioned that Inland Wetlands has a hard time making a quorum and agreed that it would be a lot more work.

VIII. Public Commentary – None.

IX. Adjourn

Motion by A.Kerouack to adjourn at 7:59 p.m. Second by C. Dunlop. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Secretary