

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**Regular Meeting
Wednesday, December 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 6:33 pm.
- II. **Roll Call** – Carlene Kelleher, Michelle Sigfridson, Aaron Kerouack, Craig Dunlop, Donald Francis, David Fuss. Dale Thompson was absent with notice.

A.Carpenter arrived at 7:13 p.m.

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

- III. **Seating of Alternates** – None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes November 4, 2015.

Motion by D. Fuss to accept the Minutes of Regular Meeting of November 4, 2015, as presented. Second by D. Francis. Motion carried unanimously.

- V. **Public Commentary** – None.

VI. Unfinished Business:

- a. **Reading of Legal Notice** – None.

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

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

C. Kelleher explained that a letter (dated December 2, 2015) had been received from Attorney, Ernest Cotnoir requesting, on behalf of the Applicant, that the public hearing be continued to the next regular meeting of the P&Z Commission as they are still in the process of obtaining a Wetlands permit. J. Larkin explained the timetable and said that there is a possibility that the Applicant may need to withdraw both applications. He also explained that the site walk discussed at the November 4th meeting of the P&Z Commission had not been held because it was decided that it would be better to hold the site walk following the presentation of what is being proposed.

D. Francis asked about the Cease and Desist Order that had been issued and J. Larking explained that it is still in place. Discussion ensued regarding safety at the site. R. Ives stated that the excavation (severe holes) has been pretty much levelled off and that he would have ZEO, Martha Fraenkel do an inspection and send a report (via e-mail) to the Commissioners immediately.

D. Francis asked if the Town Attorney should be contacted as to whether a new permit can be issued before the standards of the last permit (which has run out) have been met. J. Larkin explained that it is his belief that the new permit was intended to be the corrective action (by then ZEO/Planner). By acting on the new permit is what would resolve the Cease and Desist action.

D. Francis asked how much of the proposed application affects the old pit. J. Larkin stated that he believes the proposed application is essentially the same area that the old permit was for and, based on the aerial and plans submitted, it looks like it is 30-to-40 percent completed.

Discussion ensued. It was decided to contact Town Attorney, Peter Alter, for his opinion on the following:

- Can the Applicant be required to close the pit regardless of whether work is finished?
- If so, then what process will be used?

M. Sigfridson suggested that a new special permit with very specific conditions regarding reclamation could be issued. She stated that she agrees with D. Francis in that the Commission should not turn a blind eye to permits expiring without following through with work that was supposed to be done, but she feels it doesn't make sense to require that they reclaim everything and then tear it back up again. C. Kelleher feels this is a reasonable suggestion. D. Francis stated that M. Sigfridson made some good points, but there is a difference of opinion. He doesn't like that the pit has been open for so long, but it will be dealt with when they come before the Commission.

Motion by A. Kerouack to grant the request for extension of SP15-008 Strategic Commercial Realty, Incl., 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 Brooklyn Planning & Zoning Commission to be held in January, 2016, 6:30 pm, at the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT. Second by M. Sigfridson. Motion carried unanimously.

c. New Public Hearings: None.

VII. Other Unfinished Business:

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

Continued, see above.

VIII. New Business:

- a. Applications – None.
- b. Other New Business:

1. Preliminary discussion on Brooklyn Sand and Gravel processing facility.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, spoke on behalf of Mr. Jolley, owner of Brooklyn Sand and Gravel. Mr. Held explained that Mr. Jolley is in the renewal process for his gravel bank and wants to find a solution to making processing a permissible, stand-alone use in the Town. They are looking for a long-term solution to allow importing of all or more than 50 percent of material and processing on site whether mining on the site or not. He asked the Commission for direction.

Mr. Held offered three potential options:

- Stand-alone special permit use (text amendment);
- Potential over-lay floating zone;
- Zone change to Industrial Zone.

Considerations:

- Mining and processing go together;
- Allow the processing use to continue on a site where it already exists as in Mr. Jolley's situation.

C. Kelleher stated that the re-write would be the appropriate place to address this issue. The draft is going to be looked at in January 2016. D. Francis stated that he feels the Commission should take a look at this. D. Fuss agreed. C. Kelleher stated that there is a subcommittee that will be looking at the zoning map (Industrial Zone/Business Park) to be included as part of the re-write.

Discussion ensued.

A. Carpenter arrived at 7:13 p.m.

D. Fuss stated that he is in favor of a zone change and suggested that Mr. Held work with Staff on a definition (what would be allowed, etc.) for the re-write. C. Kelleher pointed out that the POCD should be considered and that the Commission has more to consider as well as get input from Staff. It will be kept on the agenda for January.

2. Meeting Schedule for year 2016.

Time will remain at 6:30 p.m. C. Kelleher will ask Melissa to reserve the third Tuesday of each month for special/planning meetings.

Motion by C. Dunlop to approve the Meeting Schedule for year 2016. Second by A. Kerouack. Motion carried unanimously.

C. Kelleher will submit the Meeting Schedule to the Town Clerk.

3. Discussion of Gravel Bank Renewal Process.

C. Kelleher suggested some changes to the Gravel Regulations to consider for the re-write:

- How often should renewals be? (Information from area towns was included in the packets to the Commission Members.)
- Timeframe for the owner of the gravel bank to submit before the renewal date.
- Renewals come before the P&Z Commission so that the Commission will be more knowledgeable. It would be on the agenda, so the public would know what is going on.
- Require inspection by the Town Engineer prior to renewal.

Discussion ensued. J. Larkin mentioned that Glen may have tweaked the current Regulations to address some of the issues already. The Commission Members were in agreement that the current process needs some changes. She asked the Commission Members to review the information and suggested that gravel banks could be discussed at planning meetings.

IX. Reports of Officers and Committees:

1. Zoning Enforcement Officer Report

C. Kelleher stated that the report included in the packet to Commission Members is easier to follow than previous reports. C. Dunlop stated that it had improved.

C. Zoning Permit Report November 2015 – None.

D. Budget – See below under Chairman's Report.

E. Correspondence – None.

F. Chairman's Report

C. Kelleher asked R. Ives to discuss staffing changes. R. Ives stated that he had decided to split the Planner and ZEO positions into two part-time positions. Jana Roberson will be returning next week as

the Planner (on a limited basis) and Martha Fraenkel will continue as Zoning and Wetlands Enforcement Officer. He stated it is important to have a focus on each to get things done in a timely manner. He feels that a full-time ZEO may be needed.

A. Kerouack asked for a copy of the job description as he thought that J. Roberson's position was ZEO that also does Planning. R. Ives stated that she had been hired as Land Use Administrator and under that job description were the Planning functions, Zoning Enforcement, Inland & Wetlands Enforcement, and Blight Enforcement.

C. Kelleher explained that the Planner will be responsible for reviewing all of the applications that come in, keeping Regulations up to date (including the re-write), and staffing the P&Z Commission meetings.

J. Larkin stated that Glen requested that the Commission set a meeting date to discuss the re-write. Glen will provide a draft a week or two prior to that date, but needs to discuss some issues with J. Roberson first. A planning meeting date of January 19, 2016, was agreed upon by the Commission.

R. Ives asked the Commission to look at the Budget that was included in the packets.

X. Public Commentary

Jules Dagostino, 6 Barrett Hill Road, stated that his question had been answered during the meeting and he wished everyone Happy Holidays.

Linda Trahan, 26 Maynard Road, asked if there was an update on the Brooklyn Sand and Gravel renewal and if there had been a decision made on it. R. Ives stated that information was received, but it is being followed-up for clarification. Once clarified, they should have enough information to make a decision. M. Sigfridson asked if Syl Pauley would be involved. R. Ives stated that he may have been involved at some level and that he would check on that.

Pam Lukin, 28 Maynard Road, asked if the planning meetings and re-write meetings are open to the public. C. Kelleher answered that they are and they are posted on the website and at the Town Hall. She asked if minutes are posted. C. Kelleher stated yes.

Ms. Lukin stated that a proposal for an Industrial Zone was discussed for the same location in May/June 2009 with similar circumstances. She stated that the Engineer should look at the permits.

Mike Zurowski, 275 Rukstela Road, asked about the gravel bank on Rukstela Road and since the ponds cannot be put in, what are they going to do, how will they reclaim it. He spoke of safety concerns regarding motorcycles, 4-wheelers, etc., that get in.

C. Kelleher stated that the ZEO and Syl Pauley will be inspecting for safety and that the Town Attorney will be consulted regarding the reclamation issue.

XI. Adjourn

Motion by D. Fuss to adjourn at 8:17 p.m. Second by A. Kerouack. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault
Recording Secrery