

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, April 6, 2016  
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 6:31 p.m.

**II. Roll Call** – Carlene Kelleher; Michelle Sigfridson; Aaron Kerouac; Craig Dunlop; David Fuss; Dale Thompson; Jules D’Agostino; Jeryl Mohn. Alan Carpenter was absent with notice.

**Staff Present** – Jana Roberson, Director of Community Development.

**III. Seating of Alternates**

Motion by D. Thompson to seat J. D’Agostino as a voting member in the absence of Alan Carpenter. Second by A. Kerouac. Motion carried unanimously (7-0).

**IV. Adoption of Minutes:**

1. Regular Meeting Minutes March 2, 2016.

Motion by D. Fuss to accept the Minutes of the Regular Meeting of March 2, 2016, as presented. Second by D. Thompson.

C. Kelleher stated, for the record, that the appointment of Jeryl Mohn was to fill the vacancy of Donald Francis’ unexpired term (as a Regular Member) through January 1, 2020.

Motion carried unanimously (8-0).

2. Special Meeting Minutes March 15, 2016.

Motion by A. Kerouac to approve the Minutes of the Special Meeting of March 15, 2016, as presented. Second by J. Mohn.

- J. Mohn stated that he had been listed as an Alternate Member instead of a Regular Member on the Motion Sheets. J. Roberson clarified that the Motion Sheets are not kept as a permanent record and that the Minutes were correct.
- C. Kelleher wanted to correct/clarify that on Page 7, during discussion of Adaptive Re-Use, it was stated that Adaptive Re-Use is not zone specific, but it is. Section 3.4.4.4 it states that it is only a permitted use in the RA Zone. J. Roberson explained that this is an example of where the Regulations need to be clarified. A. Kerouac clarified that there was reference during this same discussion, regarding a vote taken, but that there was no actual vote (it was just an informal discussion). He stated that this was on the recording, but not in the Minutes.

Motion carried unanimously with the noted changes (8-0).

C. Dunlop stated that he was not at the Special Meeting, but that he had listened to the recording and read the Minutes to be prepared for tonight’s meeting.

## **V. Review/Adoption of Bylaws.**

C. Kelleher explained that there was discussion regarding eliminating the position of Secretary at the Meeting of March 2, 2016. Copies of the revised By-Laws (February 24, 2014) were included in the packets to the Commission Members.

Motion by C. Dunlop to approve the revised By-Laws in accordance with the revisions dated February 24, 2016. Second by D. Thompson. Motion carried unanimously (8-0).

## **VI. Public Commentary** – There were no comments from the public.

## **VII. Unfinished Business:**

**a. Reading of Legal Notice** – It had been read previously.

**b. Continued Public Hearings:**

**1. ZRC16-001 Brooklyn Sand and Gravel LLC;** Zoning regulation change to request to amend Article 13 Gravel Banks; Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing from 50% to 100% and renumber subsequent sections.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, represented the Applicant. Mr. Held referred to his letter to the Commission (dated March 22, 2016, included in the packets to the Commission Members) in which he addresses the comments made by Susan Johnson at the public hearing in March 2016.

Mr. Held stated that concerns regarding the wording of the proposal were addressed with revised wording (revision dated April 5, 2016 provided to the Commission Members). He read the revised proposed wording:

“13.5.4.3 – The Commission may allow importing a quantity of material for processing greater than that mined on site (up to and including importation of all material processed on site) provided the gravel bank site has frontage on a State highway and said frontage is used for access by all truck traffic entering and exiting the site.”

Mr. Held noted that it still leaves the option open that you could mine material on the site and use it or sell it, but not process it.

C. Dunlop asked if trap rock is considered gravel in the definition of gravel. Mr. Held explained that there is no intention to change the definition and that the Regulations speak to material. He read from Section 13.1.

C. Dunlop suggested that “quantity of material” be changed to “quantity of sand and gravel.” C. Kelleher read from Section 13.5.4 and she stated that she liked C. Dunlop’s suggestion.

J. D’Agostino stated that he agrees with C. Dunlop. Mr. D’Agostino stated concern for compliance with the POCD.

A. Kerouac asked Mr. Held to elaborate on how allowing this would be in keeping with the POCD and how, if not approved, it would force business out of Town.

Mr. Held explained that if resources are depleted from a site where processing is already taking place, the business can stay where it is and import material from a different site instead of creating a new disturbance for the same use. A. Kerouac stated that he still does not see how that would block a business from staying where they are.

Discussion ensued. J. D'Agostino stated that there were three submissions supporting the text amendment for Brooklyn Sand & Gravel included in the packets to the Commission Members.

D. Thompson mentioned that there were members of the public standing in the hall. There was a short break to bring more chairs into the room.

Public Comment:

**Marcel Dessert**, 601 Wauregan Road, stated that D. Fuss should not be present as he does business with Jolley.

D. Fuss clarified that he does not hold stock in that Company, he does not socialize with that Company, and he does not derive a profit from that Company.

J. Roberson read her letter for consideration by the P&Z Commission (dated April 6, 2016) which was provided to the Commission Members. Her recommendation:

- As currently proposed, the proposal would open up too many properties to processing-only activities.
- The Commission may wish to consider a requirement that stand-alone sand and gravel processing only be allowed on sites previously containing a permitted gravel mining operation. A performance bond and a reclamation plan should also be in place to ensure that, when sand and gravel processing is complete, the site is properly reclaimed. The Land Use Attorney should review any revisions before a final decision is made on this proposal.

Discussion ensued.

Mr. Held addressed J. Roberson's comments from her letter:

- He does not agree that reclamation would be postponed indefinitely;
- He thinks it is a possibility that it could be a new use that is not a gravel bank at all;

Discussion ensued regarding bonding.

C. Kelleher commented (for consideration) that she believes that the statement that Karen Johnson's made in her letter (to the Commissioners dated January 29, 2016) that the amendment is inconsistent with current regulations is true because, by putting this text amendment in the Gravel Bank Regulation, it conflicts with the opening of the Gravel Bank Regulation. So, rather than correcting an existing inconsistency, it creates the inconsistency.

Mr. Held asked if the Commission would like the Applicant to revise the Application.

Discussion ensued.

C. Kelleher polled the Commission Members as to whether they would be interested in additional revisions:

- D. Thompson – Yes, just clarification;
- J. Mohn – Yes, a revision to keep it from being so open-ended. To enable gravel processing to occur at a site that has processed gravel for a number of years without regard to the limitation on importing gravel, but also ensuring that it doesn't last forever. When the sand and gravel mining operation ceases, its processing activity should cease.
- D. Fuss – Too many questions to answer. Keep the public hearing open;
- J. D'Agostino – Not in favor of another revision. Attorney Alter's recommendations have not been addressed and it is inconsistent with the POCD;

- M. Sigfridson – Would like to discuss another revision. She feels that adding language requiring that it have been a gravel mining operation addresses Attorney Alter’s concern regarding it being a new use;
- C. Kelleher – Feels stand-alone processing requires a stand-alone regulation to address it and that it could state that it applies only to a site that has had a gravel bank on it. She feels that it is best to be included in the re-write of the Regulations;
- C. Dunlop – Prefers that it stay as it is with no more than fifty percent equivalent to what is taken out. He does not see any reason to have an industrial process in a RA Zone. Processing can become a real problem.
- A. Kerouack – In favor of closing the public hearing. The concerns expressed by the Commission point to a completely different application.

**Poll Results:**

There Were Four In Favor - D. Thompson; J. Mohn; D. Fuss; M. Sigfridson.

There Were Four Against - J. D’Agostino; C Kelleher; C. Dunlop; A. Kerouac.

Motion by A. Kerouac to close the public hearing for application ZRC 16-001 Brooklyn Sand & Gravel LLC (as revised) - Zoning regulation change to amend Article 13 Gravel Banks: Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing, and renumber subsequent sections. Second by C. Dunlop.

There was no discussion. A. Kerouack restated his motion to close the public hearing.

In Favor: J. D’Agostino; C Kelleher; C. Dunlop; A. Kerouac; D. Thompson.

Opposed: M. Sigfridson; J. Mojn, D. Fuss.

Motion carried (5-3).

**2. SP16-001 Brooklyn Center Complex, LLC; Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane.**

Paul Archer, Archer Surveying, represented the Applicant and did a poster board presentation. He provided plans to the Commission Members. There were samples of the type of remote control cars for viewing.

Mr. Archer addressed concerns of the Commission from the previous meeting:

- Portable Toilets – The NDDH was contacted and the portable toilets were found to be 100 percent acceptable. He submitted a letter from the NDDH.  
Mr. Archer stated that the locations of the Portable Toilets were added to the plans. The NDDH is requiring a wash station. Mr. Archer indicated that there is an existing wash station.
- Food – No food is to be provided. Pizza may be brought in for parties.
- Dumpster Pad Sites were indicated.
- Overview of the business (hours of operation, etc.) was provided in the packets to the Commission Members.
- Existing Gravity Sewer Line on the north side. They got the OK from the Sewer Authority to tie into it if needed.
- They contacted the Fire Marshal, Doug Kramer, who visited the site.
- He indicated where they are proposing a small gravel driveway for emergency vehicles only.
- He indicated two areas to be used for overflow parking. There will be designated gravel parking spaces.
- He indicated the existing outside light poles and where CL&P will put another one over the parking area.

J. Roberson stated Mr. Archer had addressed the concerns from the previous meeting but, that the parking standards table had not been provided. However, she did the calculations, and stated that the proposed 24 parking spaces is in excess of what is required, so the table would not need to be submitted. Mr. Archer stated that they are showing wheel stops in the gravel parking area to delineate the parking spaces. J. Roberson stated that the spaces do need to be defined and that she is in agreement with the wheel stops because there is a drop off to the south of the gravel drive between the gravel drive and the barns and the wheel stops will stop people from going down the hill. She pointed out the importance that people do not park on the gravel drive not only because it would block the emergency access but it is also the driveway for the nearby residence.

Mr. Archer indicated where the emergency exits are and stated that they will meet with Doug Kramer, Fire Marshal. He stated that John Berard has visited the site also.

Motion by M. Sigfridson close the public hearing for Application SP 16-001 Brooklyn Center Complex LLC-Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane with the finding that it will not create negative impacts on the historic value, distinctive character and landscape of the district. Second by D. Thompson. Motion carried unanimously (8-0).

**c. New Public Hearings: - None**

**d. Other Unfinished Business:**

**1. ZRC16-001 Brooklyn Sand and Gravel LLC;** Zoning regulation change to request to amend Article 13 Gravel Banks; Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing from 50% to 100% and renumber subsequent sections.

D. Fuss stated that this is a vote on the text amendment itself and has nothing to do with Brooklyn Sand and Gravel. C. Kelleher agreed.

M. Sigfridson stated that she feels that the Commission owes it to the Applicant to address the Application and not just vote no just to address it later with the re-write of the Regulations.

Discussion ensued. Suggested amendments to the proposal:

- Change the word “material” to specify sand and gravel;
- Only currently permitted gravel bank sites;
- That it specifically state that this is for gravel banks that have already been processing that want to be allowed to increase processing;
- Have a limit - not open-ended to 100 percent (with appropriate documentation).

Motion by J. D’Agostino to deny Application ZRC 16-001 Brooklyn Sand & Gravel LLC (as revised) - Zoning regulation change to amend Article 13 Gravel Banks: Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing, and renumber subsequent sections. Second by A. Kerouac.

Discussion ensued. A. Kerouac stated that the intent of the Regulations was not to have this as a stand-alone use. He feels that this Application does not achieve the intent. M. Sigfridson stated that she agrees with A. Kerouac, but that it can be accomplished with a few tweaks.

In Favor: A. Kerouac; C. Dunlop; J. D’Agostino; C. Kelleher.

Opposed: M. Sigfridson; D. Fuss; D. Thompson; J. Mohn.

Motion failed (4-4).

C. Kelleher asked those who voted not to deny what they see as the next step. D. Thompson explained that he feels that it just needs clarification to come to a solution. M. Sigfridson stated that she feels it should be tabled

and she asked that J. Roberson draft language that would incorporate her recommendations from her letter for consideration by the Commission. C. Kelleher said that was a reasonable suggestion.

Motion by M. Sigfridson to continue discussion regarding Application ZRC 16-001 Brooklyn Sand & Gravel LLC (as revised) - Zoning regulation change to amend Article 13 Gravel Banks: Modify Sec. 13.5.4.2, add new Sec. 13.5.4.3 to allow gravel bank sites with frontage on a state highway to propose increased percentage of imported material for processing, and renumber subsequent sections to the next regular meeting of the Planning & Zoning Commission on May 4, 2016. Second by D. Fuss. Motion carried (7-1). J. D'Agostino was opposed.

Motion by Motion by A. Kerouac to re-order the Agenda to switch:

**VII. Unfinished Business:**

**d. Other Unfinished Business:**

**2. SP16-001 Brooklyn Center Complex, LLC;** Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane.

and

**3. ZC16-001 Brooklyn Center Complex LLC:** Zone Boundary change request to rezone 71 Vina Lane, RA to VCD-set effective date.

Second by D. Fuss. Motion carried unanimously (8-0).

**2. ZC16-001 Brooklyn Center Complex LLC:** Zone Boundary change request to rezone 71 Vina Lane, RA to VCD-set effective date.

Motion by M. Sigfridson to set the effective date for Application **ZC 16-001** zone boundary change request from RA to VCD to April 11, 2016. Second by D. Thompson.

M. Sigfridson amended her motion to set the effective date for Application **ZC 16-001** zone boundary change request from RA to VCD to April 5, 2016. Second by D. Thompson. Motion carried (7-0). A. Kerouac abstained.

**3. SP16-001 Brooklyn Center Complex, LLC;** Special Permit application to allow Indoor Sports and Recreation use (remote control car club) at 71 Vina Lane.

Motion by D. Thompson to approve Application SP 16-001 Brooklyn Center Complex LLC- Special Permit application to allow Indoor Sports and Recreation use at 71 Vina Lane with the finding that it will not create negative impacts on the historic value, distinctive character and landscape of the district. Second by A. Kerouac. Motion carried unanimously (8-0).

**VIII. New Business:**

**a. Applications:**

**1. SPR16-002 Gabrielle Labonte,** Wauregan Road and 5 Vina Lane, Map 24, Lot 151A, VCD; Proposed construction of office building and parking area.

Bruce Woodis, KWP Associates, represented the Applicant. He provided full-sized plans for viewing by the Commission Members. He gave the Commission Members a moment to read the report from the architectural review and he showed a sample of the vinyl siding. He gave an overview of the project:

- Proposed (law) office building (historically-styled structure);
- Access from Vina Lane and Route 205 with a small 7-space parking lot (one handicap space) to the rear of the building;
- Landscape behind the building will be lawn/grass;
- Sidewalk accessing the parking lot will have wheelchair accessibility;

- One office with one or two employees and up to three clients at a time;
- J. Roberson indicated where the proposed sign (51" x 21") will be located. To be mounted on two finished 4 x 4 posts. (sign permit to be applied for separately with the ZEO);
- To tie into the sanitary sewer and water line;
- Three lights on posts (8 feet tall) proposed for the parking area and one light at each entry door. They are not full-cut off fixtures and would not be on throughout the evening.

J. Roberson stated that the Regulations say that they must be downwardly directed. Mr. Woodis stated that the Applicant would install what the Commission mandates. There was discussion.

Mr. Woodis continued:

- Small section of gutter over each entry for the downspouts;
- Two-flu, red brick Chimney;
- Solid doors;
- Windows 9 over 9 within the panes (they look Colonial);
- Hours of operation: 8:00 a.m. to 5 p.m. (some nights later);
- Hemlock mulch and boxwood plantings to be professionally maintained.

Motion by D. Thompson to approve Application SPR 16-002 Gabrielle Labonte – New Office Building in VCD at 5 Vina Lane with the finding that it will not create negative impacts on the historic value, distinctive character and landscape of the district with the condition that lighting detail showing full cut-off be provided to Staff prior to the zoning permit being issued. Second by J. Mohn.

Discussion ensued regarding vinyl siding.

Motion carried unanimously (8-0).

**2. SPR16-003 Joseph Graveline**, 10 Providence Road, Map 24, Lot 57, VCD Zone; Education Center.

Joseph Graveline represented himself. He would like to open a Martial Arts Educational Training Center as he does not consider himself a business. He has ten students and this will be the third school that he opens. Mr. Graveline gave an overview:

- He rents 12 Providence Road;
- Shared parking lot/driveway with 10 Providence Road

J. Roberson explained that this is not a zone change, it is a site plan review application for a permitted use in the zone. She stated that a site plan was submitted showing the parking spaces, the statement of use was also submitted. No employees. Classes are one hour and are Monday thru Thursday, 6:30 p.m. to 9:30 p.m. She explained that Mr. Graveline is authorized to utilize four parking spaces at the Town Hall (letter from former First Selectman, Roger Engle, dated October 16, 2007). There was discussion regarding parking.

Motion by A. Kerouac to approve Application SPR 16-003 Joseph Graveline – Education Center at 10 Providence Road with the finding that it will not create negative impacts on the historic value, distinctive character and landscape of the district. Second by C. Dunlop. Motion carried unanimously (8-0).

**3. SPR16-004 John Farrell-Cornerstone B & D**, 14 Brown Road, Map 25, Lot 46, VCD, Construct single family home, crushed stone driveway, septic system, well.

John Farrell represented himself and addressed questions from Evelyn Cole-Smith from CME Engineering:

- Front Door will be 6-panel Therma-True fiberglass;
- Gutters will be included;
- Downspouts will be color-coordinated to match the color of the siding (slate gray);
- Exterior lights – provided photos to J. Roberson 4-6-16. (J. Roberson provided a copy of the architectural drawings for the Commission Members to view as they had not been included in the packets. She stated that it is a two-story, garage will be side entry);
- Landscaping Materials: hydro-seeded lawn with mulch beds in front of the house; screened loam;
- Stone Walls not to be disturbed: Opening in the stone wall is drawn on the site plan and will be the used as the driveway cut;
- Full cut-off fixtures: two by the front door and two by the garage door;
- Windows: Simulated divided light 6 over 1;
- Vinyl siding clapboard double four;
- Black asphalt shingle roof.

J. Roberson stated that the report was very favorable.

Motion by J. D'Agostino to approve Application SPR 16-004 John Farrell, Cornerstone B&D –14 Brown Road, Map 25, Lot 46, VDC, to construct a single-family home, crushed-stone driveway, septic system, well, with the finding that it will not create negative impacts on the historic value, distinctive character and landscape of the district. Second by A. Kerouac. Motion carried unanimously (8-0).

**b. Other New Business:**

1. Update regarding Beecher Road Intersection.

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT, represented Strategic Commercial Realty, Inc. He discussed a proposal to re-route the truck traffic going south on Route 169 to keep the traffic from going toward the center of Town. He explained that this would still require some improvements at the intersection, but would have less impact on private landowners. First Selectman, Rick Ives, had suggested that Attorney Cotnoir get the opinion of the P&Z Commission. Discussion ensued and Jeff Rawson, who was seated in the audience, also participated in the discussion.

Due to safety issues, there was a consensus of the Commission that they should stay with the "T."

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

1. Zoning Enforcement Officer Report.

Letter from Martha Fraenkel to Karl Johnson (70 Maynard Road) dated March 30, 2016.

J. Roberson provided copies of the Brooklyn Sand & Gravel permit renewal to the Commission Members. C. Kelleher would like this to be an Agenda Item. The Commission Members were in agreement.

There was discussion regarding Danielson Glass. J. Roberson will review the site plan with Martha Fraenkel.

2. Budget.
3. Correspondence.

Letter from Pullman & Comley, LLC, dated March 30, 2016, regarding a Solar Energy Project on Woods Hill Road in Pomfret.



Next Special Meeting, Wednesday, April 20, 2016, 6:30 p.m. at the Senior Center.

D. Fuss left at 9:52 p.m.

4. Chairman's Report.

C. Kelleher asked J. D'Agostino to prepare a report on the Route 169 Meeting that took place.

**X. Public Commentary – None.**

**XI. Adjourn:**

Motion by D. Thompson to adjourn at 9:54 p.m. Second by J. Mohn. Motion carried unanimously (7-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary