

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, January 4, 2017  
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 p.m.

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

**Staff Present** – Jana Roberson, Director of Community Development; Rick Ives, First Selectman and Ex Officio Member of the P&Z Commission.

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

**IV. Election of Officers.**

C. Kelleher informed the Commission of her decision that, although she still would like to serve on the Planning & Zoning Commission, she does not want to serve as Chairman any longer. She turned the meeting over to J. Roberson to conduct the Election of Officers.

**J. Roberson opened the floor for nominations for Chairman.**

Motion was made by C. Kelleher to nominate M. Sigfridson. Second by D. Fuss.

There were no other nominations.

Motion was made by C. Kelleher to close nominations for Chairman. Second by A. Kerouack. Motion for M. Sigfridson for Chairman carried (5-0-1). M. Sigfridson abstained.

**J. Roberson opened the floor for nominations for Vice Chairman.**

Motion was made by D. Fuss to nominate C. Dunlop. C. Dunlop stated that he would not be interested in serving in the position.

Motion was made by D. Fuss to nominate C. Kelleher for Vice Chairman. Second by M. Sigfridson.

There were no other nominations.

Motion was made by M. Sigfridson to close nominations for Vice Chairman. Second by C. Dunlop. Motion for C. Kelleher for Vice Chairman carried unanimously.

J. Roberson stated that there is one opening on the Commission for a Regular Member and two openings for Alternates. There was discussion regarding whether the Commission or the Board of Selectmen would be responsible to appoint someone to replace D. Thompson since he resigned and his term ended on December 31, 2016. According to the Ordinance, it would be the Board of Selectmen.

**V. Review of Bylaws.**

There were no comments.

**VI. Adoption of Minutes:**

1. Special Meeting Minutes November 29, 2016

Motion was made by D. Fuss to adopt the Minutes of the Special Meeting of November 29, 2016. Second by C. Dunlop. Motion carried (5-0-1). A. Kerouack abstained.

2. Regular Meeting Minutes December 7, 2016.

Motion was made by D. Fuss to adopt the Minutes of the Regular Meeting of December 7, 2016. Second by C. Dunlop. There was discussion.

J. Roberson suggested the following correction: Page 2, motion at the bottom of the page – remove “the public hearing for” as it was not a public hearing.

Motion carried with the noted correction (5-0-1). A. Kerouac abstained.

**VII. Public Commentary – None.**

**VIII. Unfinished Business:**

- a. **Reading of Legal Notice** – None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.
- d. **Continued Applications:**

1. SD16-002 Paul Sansoucy, Pomfret Road, Map 25, Lot 19, RA Zone; 1 lot subdivision.

Bruce Woodis, KWP Associates, represented the Applicant and provided maps dated October 5, 2016, to the Commission Members.

J. Roberson stated that the packets to Commission Members included the following: 3- page e-mail response from Peter Alter, Town Attorney; a letter dated 11/17/2016 from Syl Pauley (NECCOG); preliminary approval letter from NDDH, IWWC approval letter dated 11/10/2016; extension request from Mr. Sansoucy; two letters of review from the Conservation Commission (one a review of 10.5-acre development parcel dated 11/14/2016, and the other a review of the remaining 154 acres dated January 4, 2017). J. Roberson indicated the property in the projector showing the original parcel at the adoption of Subdivision Regulations. It has already had its free cut and a lot-line adjustment. The quarry is not on the parcel. She indicated where the division of the parcels would be, where the existing house is and where the future house would be.

J. Roberson read aloud Peter Alter’s recommendation as to how the required open space dedication should be applied. He recommended that the Commission focus on the 10.5-acre parcel for the open space dedication. Discussion ensued.

Mr. Woodis stated that Mr. Sansoucy prefers fee-in-lieu and has already contacted an appraiser to appraise just the 10.5-acre parcel for the purpose of applying fee-in-lieu of open space for that parcel. J. Roberson stated that the Conservation Commission had recommended fee-in-lieu of open space for the 10.5-acre parcel. However, upon a second review (including the entire property) they changed their recommendation to 15 percent of the land on the northeast corner of the parcel because it is adjacent to functionally-protected open space.

Discussion continued. J. Roberson explained that she researched what has been done previously: for a conventional subdivision – it has been based on the acreage of the original parcel; when there is a big piece of land that is slowly subdivided over time – open space has usually been applied to the development parcel. However, these were all before the 2010 adoption of mandatory open space dedication.

The Commission can take fee-in-lieu for the smaller parcel now and revisit the larger parcel later (if there is further division). There is an existing house on it. There is wetlands described by the Conservation Commission in their letter dated January 4, 2017.

J. Roberson reviewed the other recommendations by Attorney Alter:

- What type of transfer would trigger the payment of fee-in-lieu of open space? Attorney Alter replied: “A sale is a transfer for consideration that is not to an exempt recipient per the statutory provision.” A trust or mortgage are considered a sale. Mr. Sansoucy is not interested in giving the property to a family member.
- He recommended a fee-in-lieu of open space lien (municipal lien). A separate document placed on the land records making it clear to a potential buyer that the lien is to be paid.

Discussion continued. A. Kerouac stated that that even if the existing house weren't there, he could not agree to 15 percent without looking at the whole parcel (164 acres). Discussion ensued.

M. Sigfridson polled the Commission Members regarding whether they feel it is more appropriate to address the 164 acres or just the 10.5 acres as intended to be a building lot: J. Mohn – 10.5 acres; D. Fuss – 10.5 acres (and make it 154); C. Kelleher – 10.5 acres; C. Dunlop – either way; A. Kerouac – 164 acres. She also asked R. Ives – 10.5 acres.

Discussion continued. J. Roberson explained that the Commission can, if it decides to have the open space dedication apply to the entire acreage (164 acres), take fee-in-lieu on the 10.5 acres and 15 percent land dedication on the 154 acres. Mr. Woodis explained the cost that this would impose on the Applicant. Dedicating the land would involve surveying, pinning, mapping, etc. Mr. Sansoucy recognizes that no development is going to happen back there with the wetlands and high tension lines.

C. Kelleher stated that the Applicant simply wants to build a house on property that he owns and it is being made far too complicated. Discussion continued.

M. Sigfridson stated that the Commission was in agreement to only consider the 10.5 acres and she polled the Commission Members regarding whether they favor fee-in-lieu of open space: J. Mohn – yes; D. Fuss – yes; C. Kelleher – yes; C. Dunlop – yes; A. Kerouac – yes.

There was discussion regarding pending appraisals. The 154 acres will be subject to re-appraisal at a later date (if subdivided).

Mr. Woodis asked if the Commission would consider reducing the 10 percent since appraisal fees are quite substantial (\$2,000.00+). M. Sigfridson pointed out that the Applicant is saving money by not doing the open space dedication on the entire 164 acres.

J. Roberson stated that there is a small paved apron that was intended to be used for the driveway. Connecticut DOT does not consider it to be an apron and is requiring an encroachment permit. She explained that it was suggested (with knowledge of where they really want the driveway) to approve an alternate location for the driveway making the existing driveway a shared driveway with a condition of approval covering both driveway

scenarios. Mr. Woodis stated that Mr. Sansoucy would grant himself an easement and show it on the plans. J. Roberson indicated both locations on the plan. Discussion continued.

There is an extension request to January 17<sup>th</sup>.

Motion was made by C. Kelleher that the decision of the Commission regarding the open space dedication for SD16-002 Paul Sansoucy, Pomfret Road, Map 25, Lot 19, RA Zone; 1 lot subdivision would be based on the 10.5 acre parcel and would be for 10 percent fee-in-lieu of open space. Second by D. Fuss for discussion.

There was discussion regarding the fee-in-lieu (ten percent of the entire parcel) as discussed previously (the entire parcel had been previously appraised at \$346,000.00) and what it may be when the current appraisal comes back.

Motion carried (5-1-0). A. Kerouac was opposed.

Motion was made by D. Fuss to continue SD16-002 Paul Sansoucy, Pomfret Road, Map 25, Lot 19, RA Zone; 1 lot subdivision to the Special Meeting of the Planning and Zoning Commission to be held on Tuesday, January 17, 2017, at 6:30 p.m., at the Clifford B. Green Memorial Center located at 69 South Main Street Brooklyn, CT. Second by A. Kerouac. Motion carried unanimously (6-0-0).

## **IX. New Business:**

### **a. Applications:**

1.SP16-006 KCTT Properties, LLS, 520 Providence Road, Map 41, Lot 15, PC Zone;  
Construction of a drive-thru lane (relocation from current).

Paul Terwilleger, PC Survey Associates, represented the Applicant and provided a map for review by the Commission Members. He explained that the drive-thru on the property is short and potentially backs out onto Route 6. They are proposing to run the drive-thru through the parking lot and around the back of the building and down the west side to alleviate problems with Route 6. The Application is currently before the IWWC. He asked if the Commission would consider this to be a modification to an existing site plan as there is an existing drive-thru and this would be relocating it to a safer and more useful position on the site. The abutting property (car dealership) will grant some land to the Applicant to accommodate this drive-thru. The drive-thru window would remain in the same location.

Motion was made by C. Kelleher accept the application of KCTT Properties LLC to construct a re-located drive-through lane at 520 Providence Road (Sweet Peas) and to waive the Special Permit requirement for modifications to an approved site plan due to the negligible impacts on traffic, neighborhood, or the environment, and the quality, aesthetics, and function of the site are maintained or improved in accordance with Sec. 3.4.8.8 of the Brooklyn Zoning Regulations. Second by D. Fuss.

There was discussion regarding the requirement that  $\frac{3}{4}$  of the Commission Members must vote yes for it to pass.

Motion carried unanimously (6-0-0).

J. Roberson explained that Application Number will now be SPR-16-006.

Mr. Terwilleger gave an overview of the proposal:

- Redirecting the traffic thru the main portion of the parking lot around the back between the main building and a smaller building (office space) in the back.
- Will entail some filling to bring up the grade to get around the back of the building.

- Constructing a 10-foot wide drive running between the car dealership and the donut shop building wrapping around to the existing drive-thru window.
- Drainage – They will be removing some pavement at the southwest corner of the building and will do some landscaping there to offset – coverage will be maintained. Drainage will be directed down to a leakoff that will run into an existing drainage swale to the back of the lot. Drainage from that point will run down and shoot across the parking area, as it does now, to a wetland area.
- Syl Pauley has been working with J&D Engineers and Mr. Pauley had no problems with the proposal. IWWC approval is pending.
- Steps will be shifted forward and the loading dock will be reworked.
- Wooden guide rails (on western side).
- Screen fence to hide HVAC.
- Sidewalk for delivery and entrances.
- No improvements to existing parking lot.
- Fourteen spaces in the queue.
- Encroachment permit is needed.
- Construction would start in the spring.

To be continued to the Special Meeting of the Planning and Zoning Commission to be held on January 17, 2017.

**b. Other:**

1. Acceptance of Dale Thompson's resignation and potential appointment of replacement.

Motion was made by C. Kelleher to accept the resignation of Dale Thompson. Second by D. Fuss. Motion carried unanimously (6-0-0).

2. Discussion of regarding ground-mounted solar panels

There was information in the packets to Commission Members for review/consideration. J. Roberson stated that the Commission had discussion in December regarding pursuing a zone regulation change in advance of the re-write. She noted that the ground-mounted solar panel on Pomfret Road conforms to the standard setbacks. There was discussion regarding the VCD.

The Commission discussed whether to pursue a zone regulation change in advance of the re-write.

There was a consensus that the Commission is comfortable with the criteria/standards that are currently in place for those that may be permitted until the re-write is approved. A. Kerouac suggested that another diagram be added for accessory structures (as part of the re-write).

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

1. ZEO's Report.

- There was discussion regarding 35 Hartford Road asphalt parking lot.
- There was discussion regarding Blackwell's Brook where trash is being dumped.
- Whether there will be a revisiting of signs in the new year. Is three days enough time for Martha Fraenkel to do signs? She has trouble getting everything done. R. Ives will figure out what to do about it.
- R. Ives reported that the process has been started for the gravel permits that are coming due in 2017 (to be done by renewal date). A. Kerouac stated that the Commission should discuss triggering a full review. R. Ives stated that they will be brought to P&Z to be aware of what is happening.
- There was discussion regarding a potential solar project with a gravel bank. The gravel bank is not active.

- What role does the Commission play in renewals regarding the Willington Regulations?

2. Budget.

Approximately 25 percent has been used about half-way thru the year. R. Ives would like to have the final budget 2017/2018 after the February meeting of the P&Z Commission. There was discussion regarding what is left for the re-write of the Regulations and associated expenses. There was discussion regarding recording secretary payment.

3. Correspondence.

- a) There was discussion regarding Dunkin Donuts design changes to the second building to match the first. The following changes were noted:
- Three Dormers
  - No Gable End
  - Cupola Lower
  - Pitch of Roof (less steep)
  - Widow's Walk
  - Addition of Gooseneck Lights and Orange Awnings on the windows of the Dunkin Donuts side
  - Addition of Gooseneck Lights over the windows on the second building
  - Clapboard deleted and color

J. Roberson will review the changes with the Applicant and she will check the scale.

- b) Letter from FEMA dated December 28, 2016, regarding updating of Floodplain Mapping of the Quinebaug Watershed.
- c) Letter from the Town of Plainfield dated December 15, 2016, regarding a Text Amendment for Dog Kennels.
- d) Norwich Bulletin article entitled, Brooklyn leaders want residents' feedback on solar project. There will be a public meeting on January 26, 2017, at 6:30 p.m., at the Brooklyn Middle School Auditorium.

4. Chairman's Report – None.

**XI. Public Commentary – None.**

**XII. Adjourn**

Motion was made by D. Fuss to adjourn at 8:49 p.m. Second by J. Mohn. Motion carried unanimously (6-0-0).

Respectfully submitted,

J.S. Perreault  
Recording Secretary