

**PLANNING AND ZONING COMMISSION  
TOWN OF BROOKLYN  
CONNECTICUT 06234**

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**PLANNING AND ZONING COMMISSION  
TOWN OF BROOKLYN  
SPECIAL MEETING MINUTES  
SEPTEMBER 21, 2010  
Clifford B. Green Memorial Center  
69 South Main Street  
7:00 p.m.**

RECORDED VOL. PAGE  
*Lena A. Mainville*  
TOWN CLERK, BROOKLYN, CT

**I. Call to Order:** The meeting was called to order at 7:04 p.m.

**II. Roll Call:** Barbara Repko, Don Francis, Tom Doherty, Deane Rettig, Carlene Kelleher, Henry Moses and Al Sandholm.

**Absent:** Paul Camara with notice. Craig Dunlop with notice. David Fuss with notice.

**Staff Present:** Jim Larkin, NECCOG Planner, Audrey Cross-Lussier, recording secretary.

**Also Present:** Bruce Woodis, Jim Booth and public in attendance.

**III. Seating of Alternates:** None.

**IV. Reading of Legal Notice:** Al Sandholm read the legal notice into the record.

**V. Public Hearings**

**VI. Continued Public Hearings:**

A motion was made by Deane Rettig to reverse the order of unfinished business #1 SP10-003 to #2 and reverse #2 SD10-003 to #1. Al Sandholm seconds this motion. No discussion held. All in favor. Tom Doherty abstains. The motion carries.

**1. Gravel Regulations:**

Tom Doherty spoke on behalf of the Gravel Subcommittee and the proposed changes to the regulations. Mr. Doherty stated that in their review, the subcommittee looked at State Regulations, the Town of Killingly's Regulations, the Town of Brooklyn's Regulations and tried to strengthen them and make changes that were amenable to the Town, public and the present sand and gravel operations in Town.

Mr. Doherty reviewed the changes that were made to the Gravel Regulations i.e., Article 13 Intent section 13.1; Permit Process section 13.3.2; Performance Bond section 13.4; General Conditions sections 13.5.4 and 13.5.4.2 through 13.5.9. Mr. Doherty discussed 13.7 Renewal of Permits.

Mr. Doherty stated that there have been very few complaints with most of the sand and gravel operations. Don Francis stated that the only complaints that he was aware of while he was the First Selectman were dust complaints which was taken care of and the traffic on Maynard Road. Mr. Doherty stated that Jolley Sand and Gravel trucks travel State roads Route 169 and Route 205. The gravel renewal for an annual application is now \$100 per the town ordinance fee schedule.

Mr. Doherty discussed with the commission the mechanism and function of the Jake Brake and the speed limit of the trucks. Commission members discussed these issues.

Deane Rettig discussed the trucking within the operation hours of 7-12 in section 13.5.8. Discussion held. Mr. Rettig discussed changes to be made in sections 13.5.8 and section 13.4.

Commission members discussed the reclamation process.

Chairman Kelleher opens the floor to public commentary:

Paul Butters, 594 Wauregan Road. Mr. Butters residence is located as the last house before the woods near the church. Mr. Butters commented that the police do have posted speed checks in this area. Mr. Butters states he almost gets hit just about once a week while crossing the road to retrieve his mail. Mr. Butters stated that it is mostly cars that are speeding, however, the trucks also are going fast. Mr. Butters stated that the truck drivers are putting the canopies up on the trucks as they reach Maynard Road. Mr. Butters questions if these canopies on the trucks should be on before leaving the gravel bank.

Michael Galloway, 588 Wauregan Road, commented that his power has been taken out by the dump beds going through; his neighbor's tree branches have also been taken down. Mr. Galloway voiced his concern on doubling the truck traffic and the gravel processing; and would like to know if it is legal to remove gravel from underneath the power lines as Mr. Galloway's property abuts the power lines. Discussion held.

Mary Knust, 60 Pomfret Road, discussed phasing the reclamation process.

Linda Trahan, 26 Maynard Road, questioned what the wisdom is behind increasing the processing as this will create a great deal of traffic. Ms. Trahan cautions the commission with regards to speaking about a "particular operator/owner." Discussion held. Ms. Trahan requests when the commission looks at the gravel regulations that they look at the entire town.

Marcel Dessert, 601 Wauregan Road, discussed a comment that was made by Mr. Terry Chambers at the last meeting; "little to none." Mr. Dessert commented that if the trucks were doing the speed limit they would not need to use the Jake Brake.

Michael Galloway, 588 Wauregan Road, commented that doubling the processing will create double the traffic, double the accidents and the rock crushers will create more dust. Mr. Galloway feels that doubling it will get out of hand.

Tom Doherty referred to section 13.5.7 which relates to noise, dust, vibration and flying debris. Mr. Doherty stated that the commission wants to hear about any complaints with regards to the noise, dust, vibration, etc. The complaints should be brought to the Zoning Enforcement Officer at the Town Hall.

Robert Sisko, 37 Malbone Lane, made presentation with regards to the proposed gravel regulations. Mr. Sisko provided copies of the presentation to the commission members. The information included recap of changes; nature of change; result of change; clerical errors; other concerns, regulation changes; other items not addressed. A copy is available for review at the Town Hall in the Planning Office. Mr. Sisko also addressed a lagoon located on a gravel bank in town; the Town GIS system; and P & Z Gravel Subcommittee Meeting Minutes from March 15, 2010. Discussion held.

Julius D'Agostino, 6 Barrett Hill Road, commends the commission on conducting the meeting in a very professional business like way. Mr. D'Agostino also thanked the Planning Office Assistant for all of her help with retrieving information with regards to the proposed gravel regulations. Mr. D'Agostino is concerned with the additional truck traffic that will be created on Routes 6, 169 and 205 with doubling of the processing. Mr. D'Agostino discussed the compromising of property values and safety the proposed regulations may incur. Mr. D'Agostino would like section 13.5.4.2 deleted and encourages the commission to not act on the proposed gravel regulations tonight but to turn it back to the subcommittee for further study, including a traffic study done by an engineer.

Marcel Dessert, 601 Wauregan Road, commented that this is a recipe for disaster. There is too much truck traffic. Mr. Dessert asked if this is a non-conforming use. Chairman Kelleher addressed this issue. This is a permitted use in the RA Zone by special permit renewed on a yearly basis.

Michael Galloway, 580 Wauregan Road, stated that there is a vertical drop from his property line to the gravel pit and would like to know how this will be filled in. Mr. Galloway feels that this is quite steep and a safety issue. Chairman Kelleher stated she understands the question but is unable to answer at this time.

Lisa Arends, 533 Allen Hill Road, asks that more work be done on the regulations before approving. Ms. Arends asks that the word "doubling" be stricken. Ms. Arends asked what the life span of a gravel operation is. Henry Moses stated that it is hard to answer this as it is an economic situation. It has to do with how many cubic yards are left in the pit, not how long it is going to take to remove it. The operation stops at a 4 foot level to ground water and then it is reclaimed. Tom Doherty addressed this issue. Ms. Arends discussed hours of the gravel banks and top soil being left on the property. Ms. Arends commented on increasing buffers for residents who are impacted or adjacent to gravel banks. Discussion held.

Paul Butters, 594 Wauregan Road, discussed property values of residents living near a gravel operation.

Mary Knust, 60 Pomfret Road, commented on site development buffering. Anything less than 50 feet does not offer enough foliage/blockage. Ms. Knust feels 75 to 100 feet of buffer zone around the parameter of a development site is adequate.

A motion was made by Henry Moses to continue the public hearing on the Gravel Regulations to October 6, 2010. Deane Rettig seconds this motion. Discussion held on the motion. Henry Moses withdraws the motion.

A motion was made by Henry Moses to close the public hearing and send the Gravel Regulations back to the subcommittee. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries unanimously.

Chairman Kelleher thanks the public for all of their comments.

### **Public Hearing Section Closes**

### **Meeting Business Proceeds**

### **VII. Unfinished Business:**

#### **1. SD10-003 549 Wolf Den Road, Hillandale Family Partnership, LLC, Map 18, Lot 19B, RA Zone, 1-Lot Re-subdivision continued from September 1, 2010.**

Bruce Woodis from KWP Associates represents application SD10-003. Mr. Woodis spoke with the Town Attorney and Planner Jim Larkin. A minor modification was made of the plan proposing to put a conservation easement allowing 16% of the property being subdivided that would meet the minimum requirement of open space. Mr. Woodis submitted the plan for the record. Mr. Larkin summarized Attorney Alter's response which in conclusion states the commission should either look at a fee in lieu of open space or whether there was anything on the property that could be put into a conservation easement qualifying within the Open Space regulations. What is presented represents 16% of the subdivided area.

A motion was made by Henry Moses to accept the plan proposing the conservation easement on application SD10-003. Deane Rettig seconds this motion. Discussion held on the motion. All in favor. The motion carries unanimously.

A motion was made by Henry Moses to approve SD10-003. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries unanimously.

#### **2. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping. (Public Hearing closed September 1, 2010).**

Chairman Kelleher commented to Ms. Knust that the public hearing has been closed on the application, therefore no new information is allowed to be taken into consideration. Ms. Kelleher also stated that no action has been made on the application, the commission will begin deliberations.

Chairman Kelleher addressed a print out of the regulations 3.4.5.6 Application and Commission Determination provided by Mr. Larkin which apply to application SP10-003. The highlighted sections of the regulations are what the commission must address when deliberating on the application.

Don Francis would like clarification from staff that Section 4.5 Site Plan Requirements has been met for this application before deliberations begin.

Mr. Larkin prepared a site plan requirement checklist for the application. Mr. Larkin reviewed this checklist with the commission.

Don Francis suggests that it would be in the best interest of the commission to postpone any further discussion on this application until a complete review and a set of recommendations are received back from staff. Discussion held.

A motion was made by Don Francis to postpone deliberations on SP10-003 to next month's meeting October 6<sup>th</sup>. Henry Moses seconds this motion. Discussion held. All in favor, Tom Doherty opposed. The motion carries.

**3. Gravel Regulations:** The public hearing has been closed. Tom Doherty will set up a Gravel subcommittee meeting to be held at a future date.

## **VIII. Other Business:**

### **1. Discussion of Special Events Regulations:**

Chairman Kelleher reviewed suggested changes to the Special Events Regulation Draft provided by Don Francis with regards to special events on residential property, agricultural property, business property, industrial property, religious property, and for fraternal and non profit. The changes addressed registration with the ZEO prior to the special event; parking and the limits on the number of events that can be held per year.

Chairman Kelleher commented on a change under Non-Profit Organization that should be changed to read "exempt" under Title 26 Section 501(c) of the Internal Revenue Code or a non-profit corporation in good standing organized under the laws of the State of Connecticut.

Mr. Doherty spoke in regards to the Section 501(c), and non profit organizations.

Chairman Kelleher is proposing to take Mr. Francis' suggestions and any other comments made by commission members back to the subcommittee.

Jeff Otto, Mason Road discussed with the commission that Section 501(c) of the federal code includes fifteen (15) categories of nonprofit organizations.

## **2. Vendor Permits:**

Jim Larkin discussed with the commission the differentiation between Itinerant Vendors and Seasonal Vendors. A seasonal vendor shall be permitted by Special Permit and Site Plan Review. The Itinerant Vendors may be permitted by the ZEO within the PC and RB Zones because they are limited to how long they may operate and the types of things they can do.

Henry Moses suggests a sign off sheet by the resident trooper be required of the sketch plan as to traffic and pedestrian safety, i.e. sections 20.2.2.4 and 20.3.2.3. Mr. Larkin commented that a sign off sheet can be added to the application. Mr. Moses questioned how the fees would be implemented. Ms. Kelleher commented once the regulation was approved the issue of fees would be brought up to the Board of Selectmen.

Mr. Moses asked if farmers would apply for this permit or would they be exempt. Mr. Larkin stated they are allowed to sell products that are grown on site. Discussion held.

Tom Doherty commented on Itinerant Vendor signs section 20.2.1.7 and Seasonal Vendor signs 20.3.1.5. Discussion held.

Barbara Repko asked if Porto-potties are prohibited. Ms. Repko is not in favor of Porto-potties being placed along Route 6. Discussion held. A provision for screening was discussed.

A motion was made by Henry Moses to set a public hearing for Vendor Permits on November 3, 2010. Tom Doherty seconds this motion. Discussion held on the motion. Henry Moses amends the motion to table Vendor Permits and keep as an agenda item for next month's meeting October 6<sup>th</sup> and not bring to a public hearing November 3rd. The motion carries unanimously.

## **3. 6A Adaptive Reuse of an Agricultural Building:**

Discussion was held with regards to the Adaptive Reuse of an Agricultural Building. Chairman Kelleher asked by hand vote which commission members are in favor of – Deane Rettig, Henry Moses and Al Sandholm. Tom Doherty is not in favor of. Don Francis suggested sending this along to the agriculture committee in town and getting a recommendation from them. Chairman Kelleher offered to give Chairman Stan Karro a call and forward this onto the Agriculture Commission for their comments. Chairman Kelleher also suggested sending this along to the Farmer's Market in town for their comments. Al Sandholm asked Don Francis to recreate the previous agricultural list of buildings in town for the commission to review.

## **IX. Planning Priorities:**

1. Chairman Kelleher discussed reviewing of the Sign Regulations.

2. Henry Moses commented on moving public commentary to the beginning of the meeting. Discussion held. This topic will be discussed at next month's meeting on October 6, 2010.

#### **X. Public Commentary:**

Jeff Otto, Mason Road pointed out that the Board of Education has public commentary at both the beginning and the end of the meeting. Mr. Otto stated that this works out very well and urges the commission to adopt this.

Mr. Otto voiced his opposition over the Special Events Regulations and the Vendor Permit Regulations. Mr. Otto would like to see the commission simplify the way we do things in Town. Mr. Otto feels that government should not regulate every activity of citizens. Discussion held.

Julius D'Agostino, 6 Barrett Hill Road. Mr. D'Agostino would like to know what zones are vendor permits allowed. Mr. Larkin stated the PC Zone and the RB Zone. Mr. D'Agostino asked what an agriculture building is. Ms. Kelleher stated it is a barn, chicken coop, anything that was used as an agricultural use. Discussion held.

Julius D'Agostino commented that many commissions have public commentary on both ends of the meeting. Mr. D'Agostino stated that three things take place; there is a 3 minute speaking time frame allotted; there is no response by the directors; the comment is made and there is no dialog after the comment is made; as far as commentary someone is delegated to get back to the citizen. Mr. D'Agostino suggests the commission take this into consideration and have public commentary at both ends of the meeting.

Lisa Arends, 533 Allen Hill Road. Ms. Arends asked are the Special Event meetings going to be posted and is this a public meeting. Ms. Arends would like clarification on this issue. Al Sandholm commented that this was a Selectman's initiative. Discussion was held with regards to receiving public comments on Draft Regulations before a public hearing is set.

Ms. Arends questioned the position of the national register of historic places and the position they may have on historic buildings in town. Mr. Doherty stated that this protects the property from eminent domain from highways. Discussion held.

#### **XI. Reports of Officers and Committees:**

**1. Plan of Conservation and Development:** Mr. Doherty stated that a meeting will be held tomorrow and hopefully this will be sent to the Planning and Zoning Commission for a public hearing.

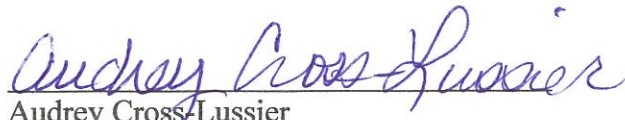
**2. Village Center District:** Deane Rettig stated a meeting was held where sections were discussed. Mr. Rettig stated another meeting will be scheduled in October.

**3. Budget:** Chairman Kelleher has spoken with Sherri Soucy, administrative assistant at the Town Hall. Ms. Soucy has agreed to supply the commission with a quarterly report.

**4. Chairman's Report:** A flier was provided by Stan Karro, Chairman of the Agricultural Commission which is in conjunction with the Conservation Commission who will be sponsoring a workshop type of meeting with Staff members of the Green Valley Institute. They are looking at the potential for a build out analysis of Brooklyn. Ms. Kelleher feels that this directly effects Planning and Zoning and asks commission members to attend the meeting which is scheduled for October 19, 2010 to be held at the Brooklyn Middle School at 7:00 p.m. Discussion held.

**5. Ross Property:** Don Francis commented that the Senior Landscape Architect students from UCONN/Last Green Valley will be using the Ross Property as a studio and will be looking at the property over the next 3 weeks. This review will take approximately 3 weeks and they will present their perception of the Ross Property and what it could be used for. A public presentation will be made sometime around the 1<sup>st</sup> of November.

**XII. Adjourn:** A motion was made by Al Sandholm to adjourn the meeting at 10:30 p.m. Deane Rettig seconds this motion. No discussion held. All in favor. The motion carries unanimously.

  
Audrey Cross-Lussier  
Recording Secretary