

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN

CONNECTICUT 06234

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

ael SPECIAL CONNECTICUT
REGULAR MEETING MINUTES

June 3, 2010

Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

RECEIVED
TOWN CLERK'S OFFICE
2010 JUN 10 P 4:00
RECORDED VOL. PAGE
Barbara A. Mawhood
TOWN OF BROOKLYN CT

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

II. Roll Call: Barbara Repko, Don Francis, Craig Dunlop, David Fuss, Deane Rettig, Carlene Kelleher, Henry Moses and Al Sandholm.

Absent: Tom Doherty with notice, Paul Camara with notice.

Staff Present: Chuck Dobrowski ZEO, Jim Larkin NECCOG Planner, Audrey Cross-Lussier Secretary.

Also Present: Norm Thibeault, Paul Archer, Ryan Brais and public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes:

1. Regular Meeting Minutes May 5, 2010: A motion was made by Deane Rettig to approve the regular meeting minutes of May 5, 2010 as presented. Barbara Repko seconded this motion. No discussion held. All in favor the motion passes unanimously.

2. Special Meeting Minutes of May 17, 2010: A motion was made by Deane Rettig to approve the special meeting minutes of May 17, 2010 as presented. Craig Dunlop seconded this motion. No discussion held. All in favor. The motion passes unanimously.

V. Reading of Legal Notice: Al Sandholm read the legal notice for the record.

VI. Public Hearings

VII. New Public Hearings:

1. 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.

Craig Dunlop recuses himself from the table.

Norm Thibeault from Killingly Engineering Associates represents application SP10-003. Mr. Thibeault supplied certified mail receipts for the record. Mr. Thibeault submitted a revised plan, i.e., sheet 1 with minor revisions for the record. Mr. Thibeault stated that he received today at 4:30 p.m. a review letter from Evelyn Smith Cole of CME Architecture. Mr. Thibeault stated that the applicant responded to an earlier preliminary review letter that Ms. Cole Smith had put together.

Mr. Thibeault listed the proposed activity i.e. deck, front porch, septic repair, garage reconstruction with one bedroom in-law apartment, 20 x 40 in-ground swimming pool, 12 x 16 shed, 26 x 30 conservatory, block paver walkways and driveway, small retaining wall along the frontage of the property with a vinyl fence on top of the retaining wall and assorted nut and fruit trees to be planted along the southern portion of the property parallel to Rte 169 and the property to the south as well. Mr. Thibeault stated that the Inland Wetlands Commission has granted approval for the project with the condition that a salt water pool system be used.

Mr. Thibeault read into the record a review letter received from Evelyn Cole Smith, CME Architecture, Inc., dated June 3, 2010. Ms. Cole-Smith's letter addresses Section 3.4.5.7.1 through 3.4.5.7.5 of the VCD General Design Standards of the Town of Brooklyn Zoning Regulations. The comments from Evelyn Smith Cole are in response to the written comments made by the applicant. Mr. Thibeault agreed to provide the Commission with the written comments made by the applicant. (A copy of Ms. Cole Smith's letter is available for review in the Planning Office and attached to the filed minutes).

As copies of the letter were not available for Commission members, Chairman Kelleher suggested to continue the public hearing and requested Mr. Thibeault to go through each section of the letter and address any questions that may arise.

Questions raised by the Commission with regards to application SP10-003 and Ms. Cole Smith's Letter:

Section 3.4.5.7.1

Al Sandholm asked Mr. Thibeault when the State of Connecticut did work to Route 169. Mr. Thibeault stated that there was some regrading done this past winter in front of the Knust property to create a depression to try to encourage the flow of water away from the front of the driveway where there was an icing issue. Mr. Sandholm asked what is the necessity of putting in a retaining wall when a new fence could be re-established. Mr. Thibeault stated there is a 1:1 to 2:1 slope there right now. The retaining wall will eliminate the slope which will be approximately 2 to 2 ½ feet high. Discussion held.

Henry Moses asked if the property was subdivided. Mr. Thibeault stated a free split was done on November 8, 2008 as shown on a map prepared by Dunn Surveying on file in Book 19 Page 10.

Section 3.4.5.7.2

Barbara Repko questioned the noise level of the wind turbine. Mr. Thibeault stated it is virtually silent.

Don Francis asked if there is a decibel level. Mr. Thibeault does not have that information but will retrieve this information.

Deane Rettig asked what type of material is the crown of the conservatory made of as this will be visible. Mr. Thibeault stated he did not know but will retrieve this information.

Dave Fuss asked what type of siding would be used on the conservatory. Mr. Thibeault stated it would be wood and glass.

Al Sandholm questioned if the application is complete. Chairman Kelleher stated that the Commission can ask for additional information. Mr. Thibeault stated he will provide whatever additional information the Commission may require. Discussion held.

Section 3.4.5.7.3

David Fuss commented that the vinyl fence close to the road seems to take away from everything else the applicant is doing. Mr. Fuss would encourage them to find something other than vinyl is used.

Henry Moses would like to see the word “block” removed.

David Fuss asked if there is a time frame as to when the fruit and nut trees will be planted. Mr. Thibeault stated “as time and finances allow.” Mr. Thibeault stated that the house and the septic system are the two main focuses at this point. Discussion held with regards to the sun room, wind turbine and nut and fruit tree plantings.

Don Francis referred to Zoning Regulations 3.4.5.2 Village Center District Permitted Uses, Article 5 Special Permit Requirements, Section 4.5. Site Plan Requirements. Discussion held.

Mr. Thibeault stated that he was aware that there are some materials missing with the application and would address this as best as he can and come back next month with further information that is a concern of the commission.

Henry Moses asked about the timeline of the application. Jim Larkin stated the commission has 35 days in which to close the public hearing, however, the applicant can ask for an extension. Once the public hearing is closed there is 65 days to render a decision. Mr. Thibeault will do the best he can to get any answers in a timely manner.

Barbara Repko asked if there will be drawings submitted. Chairman Kelleher commented that the sketches provided do not provide the Commission with an accurate representation of what the buildings will look like. Mr. Thibeault stated that he has stressed this to his client on several occasions that it would be appropriate to get architectural drawings.

Section 3.4.5.7.4

David Fuss commented that many significant architectural/historic features of this building have already been removed. This should be minimized as much as possible.

Section 3.4.5.7.5

Deane Rettig asked if the location can be shown where the line will run from the turbine to utilities. Mr. Thibeault stated he will notate this. Mr. Rettig asked if the utilities will be below ground. Mr. Thibeault stated yes it will. Mr. Rettig asked if this will be going directly to the house. Mr. Thibeault will retrieve this information.

David Fuss asked if the structure the turbine sits on will be black. Mr. Thibeault stated it will be a light gray in appearance and the pole will be black. The turbine blades will circulate vertically. Discussion held.

Chairman Kelleher asked for public comments at this time.

Doug Leonard, 117 Pomfret Road voiced his concerns with the Commission. Mr. Leonard stated that this is one of the most historic properties that the Town has ever had and historically significant to the entire country. Any Town Resident who has been around the Town knows what has been lost on that property which is devastating. Mr. Leonard asks the Commission be skeptical about this entire application. If the additional material is not received in a timely manner than deny the application.

Mr. Leonard feels the Commission should require that the wind turbine not be any taller than a specific height. Mr. Leonard would like to know what decibel readings would be at various distances and if there will be a certain beat or rhythm to it which is specifically mentioned within the regulations. Mr. Leonard stated that he is an attorney and has read the authorizing Statute in detail and also the regulations and the Statute is well within the power of the State and that the regulations do not go beyond what they are authorized to do by the Statute and it is within the Commission's right to insist that we not degrade this historic district any further than it has already been degraded.

Mr. Leonard voiced his concerns regarding the retaining wall and the siding. The Commission does not have to necessarily continue degrading the standards because of past decisions. Mr. Leonard cannot understand how the Commission could authorize a wind turbine at the former Friendship Valley. Mr. Leonard feels that this is a disaster awaiting to happen and the Town is depending on the Commission protect the legitimate interests of the residents of this Town.

Chairman Kelleher thanks Mr. Leonard for his comments.

Pat Burns 80 Pomfret Road questioned the legal notice in the paper which states a front deck. Mr. Thibeault commented on a porch, these are two different things. Ms. Burns is looking for clarification of this issue. The application states front deck, Mr. Thibeault stated that it is a portico that is being referred to.

Mary Beth Leonard 117 Pomfret Road commented that she drives by the property many times a day. Since the applicant has taken over this property it is sad and appalling to see what has happened to the property. Ms. Leonard states it bothers her that the Town has let this happen.

David Fuss stated that he agrees and feels the same way and is saddened to see what has happened to the property. Mr. Fuss stated he expressed to the applicant the first time they came before the Commission how significant the property was to the Town of Brooklyn.

Nancy Bell, 38 Canterbury Road is a 45 year resident in Town and the owner of 10 and 12 Providence Road. Ms. Bell has been a real estate broker since 1971; they build houses and restore old houses. The center of Town is what makes it quintessential i.e., the meeting house, brick church, Old Trinity Church. Ms. Bell states they have spent thousand of dollars keeping the book store in good shape. When Ms. Bell sold the Friendship Valley to the Yates a number of years ago the Yates had done a tremendous study on the history of the property. Public television came to photograph, old newspaper documents were provided, and Prudence Crandall was so important that John Kennedy wrote about her. Ms. Bell states, "what do we have left."

David Fuss stated that because of this application, this is one of the reasons that the Commission is going to revisit the Village Center District Regulations.

Doug Leonard 117 Pomfret Road stated that the Commission has all the language and the power that is needed right now to take care of this in the proper way; more regulations are not needed to reinforce it. Mr. Leonard stated to take a look at the words in the regulations; there are fifteen different ways to make sure this is not going to be a bad thing.

Deane Rettig asked Mr. Thibeault if this is still going to be a business or just a residence. Mr. Thibeault stated it will be a residence.

Barbara Repko asked if the garage in-law apartment is truly going to be an apartment. Mr. Thibeault stated that the intent is that this is where Mr. Knust's caretaker will reside.

Al Sandholm would like to see a defined list of what features are left in the house that are going to be actually saved. Mr. Sandholm asked why the cherry trees along Rte 169 are being removed. Mr. Thibeault stated that they are overgrown, diseased and not in very good condition. The trees that are near the proposed conservatory will remain as they were previously maintained trees. Mr. Sandholm asked what provision is being provided to screen the two 1000 gallon propane tanks. Mr. Thibeault stated they will be underground tanks. Mr. Sandholm asked what the timeline will be on the construction. Mr. Thibeault will retrieve this information.

Deane Rettig commented that he would like to see the fence around the patio be continued with wood; that the sidings on everything other than the existing siding go back to what would be more appropriate for the zone which is not vinyl siding. Mr. Rettig commented that the copper top on the conservatory can turn color. Mr. Rettig would like to know what size fruit and nut trees the applicant is proposing on planting. Mr. Rettig would also like to see something more appropriate for the area than the 6 ft high white aluminum picket fence that is proposed be placed around the pool.

Don Francis commented on following the requirements in section 4.5 of the regulations. Discussion held.

Nancy Bell, 38 Canterbury Road stated that Rte 169 is a designated scenic highway and that this will impact the scenic highway.

A motion was made by David Fuss to continue the public hearing application SP10-003 to the next scheduled meeting July 7, 2010. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously. Craig Dunlop abstains.

Craig Dunlop rejoins the meeting at this time.

2. Text Changes (Zoning Regulations:

a. Article 15 Conservation Subdivision Regulations.

Chairman Kelleher stated that the proposed Conservation Subdivision Regulations will make it easier and much more understandable for the applicant to use with regards to what the guidelines are and the density bonuses. In the Conservation Subdivision a road may be either a public road or a private road at the option of the developer. A private road will be built to the specifications of a public road with the exception of the paved area; the road width will be 22 feet wide with 18 feet paved which will allow two fire trucks to pass one another.

Chairman Kelleher asked the public for their comments at this time.

Paul Archer, 138 Day Street feels that this is a very good set of regulations, it mimics other surrounding towns. Mr. Archer hopes the commission adopts the regulations and feels it is a step in the right direction.

James Paquin, 517 Pomfret Road, stated that in his opinion they are better, they are easier to understand and make sense and doing the right thing to make it easier to develop land correctly and is in favor of the regulations just the way they are.

Tom Rukstela, 121 Mason Road, highway foreman, stated he does not have any problems with the regulations and feels it is a good thing that is happening.

Ryan Brais commented that the current regulations leave the Town open to a lot of bad situations. Mr. Brais has no problems with the proposed regulations and feels that they are a step in the right direction and should be adopted as written.

Deane Rettig discussed with highway director Tom Rukstela maintenance of a 22 foot road. Discussion held.

b. Article 5A-Conservation Subdivision Regulations: No comments were given from the commission members or the public.

c. Section 4 Procedures: Chairman Kelleher stated that this is just a revision of the part of the subdivision regulations to reflect the changes made in the Conservation Regulations.

d. Article 3.6 On Site Parking Requirements: Deane Rettig commented that on the bottom of page 2 of 3.6.2.7 an amendment should be made from 160 sq ft to 8 x 16 ft. Chairman Kelleher stated this will be done.

Public Hearing Section Closes

A motion was made by Don Francis to close the public hearing on Text Changes (Zoning Regulations) Article 15 Conservation Subdivision Regulations; Article 5A Conservation Subdivision Regulations; Section 4 Procedures; and Article 3.6 On Site Parking Requirements. Henry Moses seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Meeting Business Proceeds

VIII. Unfinished Business:

1. 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.

A motion was made by Henry Moses to continue the Public Hearing on Application SP10-003 to the next scheduled meeting July 7, 2010. David Fuss seconded this motion. No discussion held. All in favor. The motion passes unanimously.

2. Text Changes (Zoning Regulations)

a. Article 15 Conservation Subdivision Regulations

b. Article 5A Conservation Subdivision Regulations

c. Section 4 Procedures

d. Article 3.6 On Site Parking Requirements

A motion was made by Henry Moses to accept the four text changes with one change in 3.6.2.7 stating 8 x 16 instead of 160 sq ft. Discussion on the motion. Mr. Moses modified his motion to approve the four text changes; Article 15 Conservation Subdivision Regulations; Article 5A Conservation Subdivision Regulations; Section 4 Procedures; and Article 3.6 On Site Parking Requirements with one change in 3.6.2.7 stating 8 x 16 instead of 160 sq ft of the Parking Design Specifications. David Fuss seconds this motion. All in favor. The motion passes unanimously.

IX. New Applications:

a. Subdivisions: None.

b. Site Plan Review: None.

c. Zone Regulation Change: none.

d. Special Permit:

1. SP10-004 Brooklyn Country Club, 170 South Street, Map 40, Lot 11, RA/R-30 Zone, Change in use – ice skating rink to miniature golf.

A motion was made by Henry Moses to accept the application SP10-004 and to set a public hearing for July 7, 2010. Deane Rettig seconds this motion. No discussion on the motion. All in favor. The motion passes unanimously.

2. SP10-005 Pierce Memorial Baptist Home, 44 Canterbury Road, Map 24, Lot 148, VCD Zone; Proposed conversion of an existing dwelling into offices.

A motion was made by David Fuss to accept application SP10-005 and to set a public hearing for July 7, 2010. Henry Moses seconds this motion. Discussion held on the motion. All in favor. The motion passes unanimously.

X. Other Business:

1. MMUDD Regulations: Commission members reviewed the proposed MMUDD regulations.

Deane Rettig suggests the following changes: 3.4.9.7.4 from Allowable Uses to Permitted Uses; remove Day Care Center on page 3, is there twice; Change Health and Membership Club and change to Health Club; Change light manufacturing to light industry.

Jim Larkin and Henry Moses agreed to hold a meeting on Thursday, June 10, 2010 to review the changes made to the regulations as well as the present definitions in the planned commercial district to be consistent with the MMUDD Regulations.

Single Family Dwellings in the MMUDD district was discussed.

Page 4 the footnote should be deleted.

Page 9 #6 Density was discussed.

Page 13 Landscaping Requirements in the MMUDD district was discussed.

Page 10, #5b Roof structures/and or roof lines i.e., antennas were discussed.

Page 11, #6 Height limitations were discussed.

Page 5 and 6 Noise, Odor and Dust Avoidance were discussed.

A motion was made by Henry Moses to set the Public Hearing for the MMUDD Regulations to July 7, 2010. David Fuss seconded this motion. No discussion held. All in favor. The motion passes unanimously.

XI. Planning Priorities:

Chairman Kelleher stated that this was dealt with at the last special meeting and to sum it up the VCD is the #1 priority at this time.

Deane Rettig commented on getting funds to do a build out for the Planned Commercial Zone. Mr. Rettig does not think the Commission should be looking at cap size until the Commission sees what the potential build out will be in the Planned Commercial Zone. Discussion held.

XII. Public Commentary:

1. Tom Rukstela, highway director, commented on driveway pitches and angles coming off of Salmon Drive which are making water tunnels that head straight for the road. Mr. Rukstela would like more attention paid to this issue. Discussion held with regards to a checklist.

2. Tom Rukstela questioned what is going on with Saveway, is this a parking lot or driveway cuts. Mr. Dobrowski stated that he has left a call with Mr. Scott and is awaiting his reply with regards to this issue.

3. Tom Rukstela asked about buildings on Mason Road. Mr. Dobrowski stated the resident, Mr. Bourget, 97 Mason Road, came in and obtained a zoning and building permit. The applicant indicated to Mr. Dobrowski that he is tearing down a chicken coop and is moving it to the rear of the house. Mr. Dobrowski stated he visited the site and the accessory building is behind the house and is 10 feet off the property line.

XIII. Reports of Officers and Committees:

1. Zoning Officer's Report: Mr. Dobrowski reviewed his report with the Commission. Mr. Dobrowski stated that his last letter to Brooklyn Oil with regards to the junkyard and unregistered motor vehicles stated if nothing is heard soon than this matter will be turned over the Town attorney.

Mr. Dobrowski stated he will be meeting with Wayne Jolley to renew his gravel permit within the next two weeks.

Mr. Dobrowski stated that the Pink House, which is no longer pink, has sent a letter to the assessor saying there will be no commercial activity taking place in the building, it will only be residential. Therefore anything else commercial that happens in that building will have to come back before the Commission.

Henry Moses asked Mr. Dobrowski if the Ice Cream Cone is back in operation. Mr. Dobrowski stated yes over the Memorial Day Weekend.

Deane Rettig asked if there is any way to enforce a fine with regards to signage. Mr. Rettig refers to Brooklyn Farm and Pet signs. Mr. Dobrowski stated he has spoke to the owner with regards to these signs. Mr. Rettig stated that the bulk storage needs to be moved in the back not on the side.

Deane Rettig commented on the furniture in front of the Antique Emporium. Mr. Dobrowski stated that he has been away on vacation but will address this issue with the tenant. Discussion held.

2. Plan of Conservation and Development: Don Francis stated this is moving along, all committee recommendations are now in and going back out to the committees to see what the final form will look like before going to a public hearing. There is a map that has been revised for general discussion. The sense is the public hearing will be in September. Discussion held.

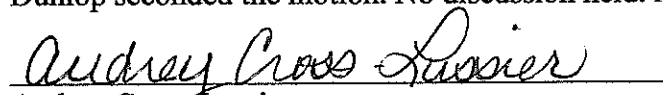
3. Gravel: David Fuss asked what gravel regulations are we using to renew Mr. Jolley's permit. Mr. Dobrowski stated they are operating under his existing permit and the new fee permit. He will be renewed under the existing permit. The processing has not changed.

Chairman Kelleher has spoken with Tom Doherty on the status of the Gravel Regulations. Mr. Doherty indicated to Chairman Kelelher that the gravel regulations should be ready for next month's agenda. Discussion held.

Don Francis commented on Mr. Sweet-Rte 169 has increased the number of barn sales that he is having. There are signs stating "barn sale ahead slow down." Mr. Francis feels if this becomes perpetual barn sales than this should be addressed. Mr. Dobrowski stated that this may be something the building official and fire marshal should look into with regards to safety issues. Discussion held.

4. Budget: No discussion held.

XIV. Adjourn: A motion was made by Henry Moses to adjourn the meeting at 10:44 p.m. Craig Dunlop seconded the motion. No discussion held. All in favor. The motion passed unanimously.


Audrey Cross Lussier
Recording Secretary