# TOWN OF BROOKLYN PLANNING AND ZONING COMMISSION

# Regular Meeting Tuesday, September 21, 2021 6:30 p.m.

## 3 WAYS TO ATTEND: IN-PERSON, ONLINE, AND BY PHONE

OR

**In-Person:** 

Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT

All attending in person are required to wear masks.

Online:

Go to www.webex.com,

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Phone: Dial 1-415-655-0001

Enter meeting number: 126 613 4783 Enter meeting password: 732663

You can bypass attendee number by pressing #

## **MINUTES**

**I.** Michelle Sigfridson, Chair, called the meeting to order at 6:34 p.m.

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Charles Sczuroski, John Haefele, Seth Pember, J.R. Thayer (all present in person).

**Staff Present:** Jana Roberson, Director of Community Development; Rick Ives, First Selectman and ex officio Member of the Planning & Zoning Commission (both present in person).

**Also Present:** Norm Thibeault, Killingly Engineering Associates; Kermit Hua, KWH Enterprise, LLC; Steven Trinkaus, Trinkaus Engineering; Terri-Ann Hahn, LADA, PC; J.S. Perreault, Recording Secretary (all present in person).

Names that Appeared Via Webex: Carrie, Bob, Nicholas H. Mancuso, Residents of Brooklyn, Dan Scotto, Sandy Brodeur, Andy Mayshar, Cara, Zach, Amaris Jattan, Carrie Barna, Marie, Greg Benoit, S. Harman, Sharon Fitzgerald, Dave Lee, Ashley, AG, Rick Bradley, Jessica, Ellonna Vaszquez, J, Schley, C, and two Online Callers: Cora Corocchio Bellatone and Stephanie Hynes.

## **III.** Seating of Alternates

Motion was made by C. Kelleher to seat Alternate J. Haefele and J.R. Thayer as Voting Members for this meeting. Second by A. Tanner. No discussion. Motion carried unanimously by voice vote (8-0-0).

**IV.** Adoption of Minutes: Special Meeting August 8, 2021

Motion was made by A. Fitzgerald to accept the Minutes of the Special Meeting of August 8, 2021, as presented. Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (8-0-0).

V. Public Commentary – None.

#### VI. Unfinished Business:

- a. Reading of Legal Notice: None.
- b. New Public Hearings: None.
  - 1. **SP 21-002**: Special Permit Application for Multi-Family Development (51 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack.

M. Sigfridson opened the public hearing and reviewed rules and expectations for hearing testimony and comments during the public hearing. She noted the criteria from the Zoning Regulations that the Commission must consider for this Application: Sections 6.E, 7, 9.C and 9.D (all available on the website and at the Town Hall).

Norm Thibeault, Consulting Engineer, Killingly Engineering Associates, represented the Applicant and gave an overview and displayed maps/plans as they were discussed:

- He addressed correspondence he received earlier in the week from Ms.
  Roberson regarding the status of an existing easement on the property and
  how they had determined what the actual frontage on the property is.
  He explained how the frontage (243.74 feet) was calculated based upon the
  Connecticut DOT records.
  He explained that there is a trail easement that goes through the Brooklyn
  Property Management, LLC property. The plan was filed on the Town
  Land Records, but the easement was never recorded. They are proposing
  that, if the Application gets approved, they will record the deed for the
- Special Permit Criteria in Section 6.E for Multi-Family Development are met
- 117 dwelling units would be allowed They are proposing 51.
- No density bonuses requested.

easement.

- Maximum height They are going to look at some ways to use retaining walls (50% of the lower level below grade) to meet the criteria to allow the buildings as they are shown on the plan.
- They tried to hold the buildings parallel to the terrain and work with the existing grades to avoid excessive grading on the site. The most cut or fill in any particular area is about five feet.
- Off-Street Parking They are showing three per unit and a couple of parking areas along the roadway as well. More than adequate parking.
- All interior drives shall be paved.
- Total recreational space they are showing is about 28,000 s.f.
- They are in excess of the required buffer strip pretty much everywhere. There will be over 200 feet to the property lines for the properties to the south.
- To be served by public water and public sewer. Approval has been received from Connecticut Water for the design/hook-up of the water system. To connect at Louise Berry Drive.
   There is a sanitary sewer manhole within the sewer easement off the property along the western side and will be connecting there for sanitary sewer services.
- Traffic A Traffic Engineer has done a traffic study and will be doing some additional traffic counts to be sure that the data that they have

provided is going to be accurate. Preliminarily, peak traffic (a.m.) was found to be 44 trips and in the evening was 57 trips.

Regarding conflicts with the school, it appears that the peak hour in the a.m. and in the p.m. do not conflict with the school. The additional traffic counts will verify that. A specific pick-up and drop-off schedule has been provided to the Traffic Engineer which will be taken into account when he modifies the traffic report. Mr. Thibeault stated that he does not believe that they would be creating a conflict with the school.

- Louise Berry Drive is a public road and they have twelve parking spaces along that road. The Applicant with frontage on the road has the right to utilize the road, but also has the obligation to make sure that the development that they are proposing does not interfere with the activities of the school.
- He explained that the storm water on the site is being collected in a closed system. There is a series of catch basins and piping that will discharge to a storm water basin located in the southwest portion of the site. They are trying to encourage some sheet flow whenever possible.
- IWWC approval has been received because they felt that the wetlands were being protected sufficiently for the Project.
- A consultant was hired by the Town to review the drainage and E&S controls and there are recommendations in the report that will be incorporated into the design going forward to make this a better, more appealing project to the Town.
- Landscaping They are showing street trees at 50-foot intervals as required by the Regulations. A Landscape Architect was hired by the Town who made suggestions for enhancing the landscaping and there are recommendations that will be incorporated into the plans.

#### Ms. Roberson entered two items into the record:

- A map from the Recreation Commission that depicts a trail network that
  exists in the Town of Brooklyn. The map shows the trail mentioned by Mr.
  Thibeault as crossing over the property. She said that it is shown to be
  located within the 28,000 s.f. recreational area. The map is available on the
  Town Website.
- A deed from 1952 which included a perpetual right of access involving the trail and she explained the connections.

### Ms. Roberson introduced the Consultants:

- Kermit Hua, Traffic Engineer with KWH Enterprise, LLC. Mr. Hua gave his presentation explaining that he visited the site and reviewed the Traffic Report and Site Plans. Regarding traffic capacity, Mr. Hua stated that, his overall impression is that he does not see any deficiencies or traffic congestion as a result of this development. Mr. Hua is concerned about the traffic operation and how it relates to the two nearby schools that share Louise Berry Drive and he recommends an update to the Traffic Report to reflect more normal traffic conditions (without the pandemic), which they are doing.
  - Mr. Hua also spoke of concerns regarding interactions during peak time, drop-off loop queues extending into the road, turn radius (emergency vehicles), access to the back of the buildings (emergency vehicles).
- Steven Trinkaus, Expert in Storm Water Management and Low-Impact Development, Trinkaus Engineering.

Mr. Trinkaus gave his presentation explaining that his focus was looking for compliance in the following Sections: 7-F Performance Standards; 7-H Storm Water Management; 9-C and 9.D.5 Site Plan.

Mr. Trinkaus was also asked to look at down-gradient flow of water from the site. He explained the path which leads to a band-aid pond/structure, then it goes further to the south. Mr. Trinkaus explained one of the primary issues with the storm water management plan is that there is no reduction in run-off volume which he explained is a major concern (he referred to page 4 of his Report which summarizes the increase in run-off volume). It is his opinion that, as currently proposed, it is a big risk to downstream property owners.

Mr. Trinkaus spoke about infiltration. He explained that a double-ring infiltration test (at or below the bottom of the basin), to measure the vertical movement of water, should be done instead of a perc test. He explained that any lawn areas proposed have to be considered Class C or Class D soils (not Class B).

Mr. Trinkaus stated that many of the practices proposed by the Applicant are termed secondary practices and he spoke of many various alternative practices and recommendations.

Terri-Ann Hahn, Landscape Architect with LADA, PC.
 Ms. Hahn gave her presentation explaining that her review included looking at site plan objectives and special permit objectives for safe and convenient access as well as livability after construction. She noted concerns for the following:

Units on the south side involving step driveways Sidewalks

ADA units

Provide a narrative on how the Project meets the special permit criteria

## QUESTIONS/COMMENTS FROM THE COMMISSION

A.Fitzgerald asked about Town Engineer, Syl Pauley's comments that have not been addressed.

Mr. Thibeault explained that they just received comments from the consultants last Thursday and that they will be addressing the comments from the Town Engineer, the Fire Marshal and the consultants that spoke tonight as well.

Mr. Fitzgerald asked if the new traffic study is underway.

Mr. Thibeault stated that they did counts today. He stated that the Traffic Consultant that was hired by the Applicant is Hesketh & Associates and he explained that they are doing additional traffic counts to coordinated better with the conditions that exist now as opposed to the COVID conditions.

Rick Ives asked Mr. Thibeault if the comments from the Town Engineer and the consultants can be expected to be addressed at the next hearing.

Mr. Thibeault explained that they expect that the hearing would be continued and that he had not had time to review the consultant's reports. He plans to review the comments, adjust the plans accordingly and give written response. He also needs to have discussions with his client, the Applicant, as well. He estimates that he will be prepared with a complete set of responses for the October 19<sup>th</sup> meeting.

Ms. Roberson offered that members of the public can contact her with questions and she may be able to give objective answers to general questions or refer them to the appropriate professional.

M. Sigfridson asked if the Application had been considered in light of the POCD and how the Application is in harmony with it.

Mr. Thibeault explained that they are offering to provide a variety of housing types with densities not currently offered within the Town of Brooklyn. The wetlands are not going to be disturbed. It is not within an area of key agricultural land. It is served by public utilities. An opportunity for housing for professionals and first-time homebuyers and critical sectors of the workforce.

Mr. Fitzgerald asked what percentage would be affordable housing. Mr. Thibeault stated that it is not going to be affordable housing.

J. Haefele asked for clarification regarding two separate documents from the Town Engineer, Syl Pauley (one dated March 5, 2021 and another more recent one regarding architectural plans).

Mr. Thibeault stated that he will be ready with responses for the next hearing.

# QUESTIONS/COMMENTS FROM THE PUBLIC (IN PERSON AND ONLINE)

Answers were provided/addressed by the appropriate people: The Applicant's Representative; Consultants; Staff; Commission Members.

**George Bulmer,** 220 Gorman Road, is opposed and voiced concerns about traffic, the need for sidewalks for safety, lights at the end of Route 205, how long the construction would last, if there would be any blasting and why not coming in from Route 6/205.

Vicki Lavimoniere, Gorman Road, is opposed and voiced concern about traffic.

**Bill Purcell,** an abutter on Gorman Road, asked if the Commission will enforce all of the recommendations made by the consultants to the Applicant. He said that he agrees with the consultants. He voiced concern about traffic. He suggested evergreen screening for privacy.

**Justin Kirkconnell**, Franklin Drive, voiced concern regarding traffic noting consideration for school programs/sports events, parking, large construction vehicles and perhaps a need to widen the roads, run-off, snow, if the Landscape Architect's study was also done for the property owners, about the recreation area, noise.

**Pamela Nichols**, 130 Gorman Road, is opposed and voiced concern regarding traffic, safety (no lines on the road, no breakdown lane for walkers/bicycles, fire hydrants (she would like to hear from the Fire Marshal).

Ms. Sigfridson read aloud a letter from the Fire Marshal to J. Roberson (e-mail dated September 9, 2021) regarding the turn around and that he will require that a hydrant be installed at the beginning of the road and at the end.

**Cindy Scalzi,** an adjacent homeowner, said that this will impact her life dramatically. She asked how the Project is being funded and if there would be a REIT loan. She asked if it would ever be affordable housing. Ms. Scalzi stated that she has a friend that has been advising her regarding many questions to ask: how it

benefits the Town; noise; wildlife/endangered species; emergencies; public transportation; tax burden; water supply; run-off (she is downhill from there); she is considering moving because of this Project.

Mr. Ives read comments from an **Online Caller**:

**Cora Corocchio Bellatone**, 59 LaSallette Drive, supports the Project. She voiced concern regarding property values, traffic, and asked if plans for a different entrance and exit were considered and if the developer would be willing to build it.

**Curt R. Hosttian,** 11 Louise Berry Drive, spoke of an access option involving Vina Lane and Route 205.

**Sondra Stone**, 134 Gorman Road, is opposed and voiced concern regarding endangered native plant species, property values, traffic, safety when walking on the road, light pollution, wildlife, increase in population, and if it could become affordable housing at some point.

**Wayne Bryan**, 76 Gorman Road, asked if Mr. Thibeault works for a for-profit company. He voiced concern regarding traffic, He suggested that the Town purchase property and the developer build an alternative route. He asked questions about water and sewer, timing of construction, number of stories of the buildings. He asked Mr. Trinkaus if the developer has done their due diligence and how long it should take for them to make adjustments. He asked about the meeting having been postponed from an earlier date. He asked about timeline.

**John Mannilow**, 140 Gorman Road, voiced concern regarding traffic, whether it can turn into affordable housing. He asked if more police, fire, emergency medical, special education in schools and school expansion have been thought out.

**Don Stephens,** 21 Franklin Drive, stated that he received a letter in his mail earlier in the day informing him of this meeting, otherwise, he said that he would not have known about it. He voiced concern regarding the crossing of wetlands which he said would affect the water from wells on Franklin Drive. He spoke of a dirt road that goes past the chicken farm that could be used for another way in and out. He is concerned about traffic.

Mark Haynes, 71 Gorman Road, expressed concern about traffic.

Dawn Haefele, asked how much road frontage the Applicant has.

**Scott Cartier,** 187 Gorman Road, is opposed and he commented that this should be a learning point as this property had been offered to the Town a few years back. He voiced concern about property values. He said the Application should be denied if it doesn't meet the criteria.

**Leo Berube,** Deputy Chief at Mortlake Fire Department, stated that the Fire Department has concerns regarding whether the buildings will be sprinklered, the number of hydrants (three are needed) and if a pump is needed the Applicant needs to pay for it, the road is not wide enough to operate trucks in there, whether there is access to the back of the building with a ladder truck to rescue someone on the second story. He asked about walls.

There was discussion with Mr. Thibeault regarding that the buildings are to be wood framed. Mr. Thibeault explained that, in the past, they provided floor plans and building elevations (at this point) for the Commission to review as they did this time, but Syl Pauley is requesting full architectural plans at this point which he does not feel is an appropriate request (at this point). He explained that, normally, when it goes to hard design, it goes to the Building Official. He asked that the Commission consider this. Mr. Ives commented that the Fire Marshal has jurisdiction and it is important that the Fire Marshal and the Fire Department discuss this. Mr. Thibeault stated that he will meet with them.

**Patricia Buell,** Brooklyn Public School Superintendent, commented that no one had contacted her with questions. She said that the traffic pattern is adequate at this time and that she could have easily provided that information for the school. She offered that she can be contacted to address questions. She stated that there is little impact to the school, but it is the Applicant's responsibility to come and see that and speak to her. She hopes that happens before the next meeting.

Cindy Scalzi asked for an explanation of special permit in the RA Zone.

#### **Online Caller:**

**Stephanie Hynes,** 20 Franklin Drive, is concerned about run-off. Will she be in a flood zone and need flood insurance? If the developer does not make the proper adjustments, what will happen to the adjacent property owners? She asked who was responsible to protect adjacent property owners regarding run-off.

Mr. Ives read comments from an Online Caller:

Marie, Louise Berry Drive, asked if there are plans to widen Louise Berry Drive.

Ms. Sigfridson explained that the Commission does not expect the public hearing to close tonight, so there would be more opportunities for the public to comment and ask questions after additional information is received.

Mr. Thibeault explained that they will take all of the comments from all of the consultants into consideration and will make modifications accordingly to satisfy the recommendations by every consultant.

Ms. Sigfridson noted that the Commission cannot force them to include anything in the Application, but it can be denied if it doesn't meet the Regulations.

There was discussion regarding how the public can look up information which is available online and submit written testimony up until the close of the public hearing to Ms. Roberson which will be included in the file record which the Commission will receive. There will also be opportunity for more verbal testimony when the public hearing is continued.

J. R. Thayer asked Mr. Hua if there is a threshold where the percentage of increase in traffic becomes an issue.

Mr. Hua explained how it is not a major traffic generator. He believes that the Applicant will speak with School Staff to have an understanding between the two parties.

Ms. Sigfridson asked Mr. Hua at what percente increase would you see noticeable delays and also about the wrong classification being used in the report. Mr. Hua explained that they look to keep suburban development to level B at a minimum and for this development, they are looking at levels of A and B. Mr. Hua explained that, in terms of net traffic impact per unit, they are not much different.

**Cindy Scalzi** voiced that her biggest concern is that where the driveway comes out is right at the school

Norm Thibeault asked the Commission what they will require regarding Mr. Pauley's request for an architectural plan because to provide full design and building plans at this juncture would be quite an expense for something they don't know will be approved. He said that some things need to be discussed such as firewalls or sprinklers which is an easy solution. He said he could get a little more information on building materials and colors which he thinks would be helpful.

There was discussion regarding the date to continue the public hearing which will be October 19, 2021.

The Commission Members were in agreement for a site walk which was scheduled for Tuesday, September 28<sup>th</sup> at 5 p.m. The public may attend. Mr. Thibeault will flag the center line of the road.

There was discussion regarding the architectural plans. Ms. Roberson read aloud what the Regulations specify. She noted that first floor elevations are important to determine the number of stories. The Regulations also state that additional information may be required as deemed necessary. Discussion continued. Mr. Fitzgerald commented that he feels that placement of lighting and sidewalks should be added. Mr. Thibeault stated that the best way to address two stories vs. three stories would be to show the following: grade at the end of each house; cross section of what the units will look like and he hopes that would be sufficient for the Commission and the Fire Officials to make a determination. The bullet point requests in Syl Pauley's letter (dated September 16, 2021) were reviewed to determine which ones Mr. Thibeault would provide:

- #1 − yes
- #2 He feels that a general cross section of every building would be sufficient. If Mr. Pauley is looking for all 51 units, Mr. Thibeault feels that is unreasonable.
- #3 yes
- #4 He is not sure what the point of that is at this point.
- #5 was skipped over.
- #6 − yes
- #7 − yes
- #8 − yes
- #9 He can provide this, but he is not sure what the point is at this juncture.
- #10 Looking for plans for every building cluster
- #11 was skipped over.
- #12 yes
- #13 read aloud, but no comment was made.

- The remaining bullet items were not mentioned and Mr. Thibeault skipped to the last sentence of the letter, "A complete finished set of plans need to be submitted in order to conduct a formal review for this application." Mr. Thibeault stated that, the thinks this means a full set of architectural plans and someone could pick up and build from.

  Mr. Thibeault stated that he knows what he has provided to the Town in
- #14 There was discussion about this bullet point and Mr. Thibeault was unsure about this item.

the past that was acceptable.

- There was discussion about ADA sidewalks and Mr. Thibeault will check into whether all of the buildings have to have ADA accessible sidewalks as Mr. Fitzgerald noted.
- #15 Mr. Thibeault didn't feel he could make that statement. Mr. Haefele suggested the following: When you have a building design, it will be compliant. Mr. Thibeault said that he can make that statement.

Mr. Haefele stated that he feels the goal for the plans is reasonable. Ms. Sigfridson agreed. Mr. Fitzgerald said that he does not. Mr. Thibeault offered that he could show the front-side-rear elevation for one of the buildings (the worst-case scenario) on a site plan. Mr. Fitzgerald agreed with this.

There was discussion about bullet point #5 which the Commission agreed is not needed at this point.

Mr. Thibeault stated that he and Ms. Roberson had discussed some possible solutions for the two-story vs. three-story issue and he feels that they will be able to make it work.

There was discussion regarding the connection to the trail areas. Mr. Thibeault indicated the proposed deeded access on the plan. He said they would be deeding it to become a formal trail. Ms. Roberson clarified that there is a perpetual right of access that existed since 1952 and in 2001, an easement plan was produced (this is what is depicted on the plan). Ms. Roberson stated that there could be a condition of approval that this perpetual right of access have a surveyor's schedule attached to it and have it recorded as an easement. Ms. Roberson referred to an e-mail (included in packets to Commission Members) from the surveyor, Greg Glaude. She explained that the LADA Report addresses this very well. She said that there is no actual plan for recreation which is not very meaningful. The trail goes through it and she suggested referring it to the Conservation Commission.

There was a consensus to refer this Application to the Conservation Commission for an opinion regarding the trail.

Motion was made by A. Fitzgerald to continue the public hearing for **SP 21-002** Special Permit Application for Multi-Family Development (51 Condominium Units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack, to the meeting of the Planning and Zoning Commission to be held on October 19, 2021, at 6:30 p.m., in the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT.

Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (8-0-0).

## VII. New Business:

- a. Applications:
  - **1. SPR 21-003:** Site Plan Review Application for ground-mounted solar panels at 80 South Street, 8.6 acres, RA Zone, Applicant: Consolidated Edison Solutions, Inc.
  - **2. SPR 21004:** Site Plan Review Application for ground-mounted solar panels at 29 Tiffany Street, 1.8 acres, R-10 Zone, Applicant: CHIP Fund 6 LLC & CHIP Fund 8 LLC.

Ms. Roberson explained that the above two items do not need to be acted upon tonight. One is complete and she is waiting for more information on the other.

Ms. Sigfridson commented that it makes sense to consider the above two applications together. They are accepted and are tabled to the meeting of October 6, 2021.

Motion was made by C. Kelleher to amend the agenda to add the following items under "Other New Business":

- VI.b.1 90 day extension on filing the mylars for SD 21-001 4-lot subdivision on the west side of Tripp Hollow Road.
- VI.b.2 Five-year extension for SPR 15-001 one-bedroom apartment at 8 Wauregan Road. Second by J. Haefele.

Discussion: J. Roberson noted that the Agenda Item numbers should be VII.b.1 and VII.b.2.

C. Kelleher amended her motion to reflect the corrections noted by J. Roberson. J. Haefele seconded the amendment to the motion.

Main Motion, as amended, carried unanimously by voice vote (8-0-0).

#### **b.** Other New Business:

1. 90 day extension on filing the mylars for SD 21-001 – 4-Lot subdivision on the west side of Tripp Hollow Road.

Motion was made by A. Fitzgerald to extend the subdivision filing deadline for SD 21-001 (four-lot subdivision on Tripp Hollow Road) an additional 90 days.

Second by A. Tanner.

Discussion: Ms. Roberson stated that they were waiting for the attorney to prepare the language for the open space area.

Motion carried unanimously by voice vote (8-0-0).

2. Five-year extension for SPR 15-001 – one-bedroom apartment at 8 Wauregan Road.

Motion was made by J. Haefele to extend the Site Plan approval for SPR 15-001 (one-bedroom apartment at 8 Wauregan Road) granted on April 21, 2015 an additional five years in accordance with CGS Sec. 8-3(i). All work associated with this approval must be completed by April 21, 2025. Second by A. Fitzgerald.

Discussion: Ms. Roberson explained that for site plan approvals, all of the work has to be done within five years, but it can be continued for another five years. The property has a new owner who would like it extended. It was noted that there have been changes to the Regulations, however, Ms. Roberson was not aware of something that would impact this.

Motion carried unanimously by voice vote (8-0-0).

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

Ms. Roberson reported that the Town of Plainfield is doing a text change pertaining to lighting/light trespass.

# IX. Public Commentary – None.

# X. Adjourn

M. Sigfridson adjourned the meeting at 10:21 p.m.

Respectfully submitted,

J.S. Perreault Recording Secretary