

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, September 7, 2016  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

**I. Call to Order** - Acting Chair, Michelle Sigfridson, called the meeting to order at 6:32 p.m.

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

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

**III. Seating of Alternates:**

Motion by J. Mohn to seat J. D'Agostino as a voting member in the absence of A. Carpenter and C. Kelleher. Second by D. Fuss. Motion carried unanimously (5-0-0).

**IV. Adoption of Minutes:**

1. Regular Meeting Minutes August 3, 2016.

Motion by D. Fuss to approve the Minutes of the Regular Meeting of August 3, 2016, as presented. Second by A. Kerouack. Motion carried unanimously (6-0-0).

2. Special Meeting Minutes August 16, 2016.

Motion by D. Fuss to approve the Minutes of the Special Meeting of August 16, 2016, as presented. Second by C. Dunlop. Motion carried unanimously (6-0-0).

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

**VI. Unfinished Business:**

- a. **Reading of Legal Notice** – Read by A. Kerouac.

- b. **New Public Hearings:**

1. ZRC16-002 Planning & Zoning Commission, Request to Amend Articles 3 and 15, Sections 3.5.3.4 and 15.5.4.1; A proposal to modify the Zoning Regulations to ensure that the 300-foot separating distance for access ways to interior lots does not impact adjacent properties.

M. Sigfridson opened the public hearing. J. Roberson gave a presentation. She stated that this change affects the entire Town and that the mandatory notices had been submitted to the abutting towns and NECCOG. She explained that the need arose from a situation between two parcels on South Main Street (both having frontage on the Quinebaug River) and both were planned to be developed. Both parties were interested in having an access way. The owner of the northernmost property is planning a free cut with an access way along the southern property boundary which poses a problem for the adjacent property owner because they do not have the minimum frontage required to locate their own access way. This would dramatically affect the lot yield on the southern parcel. The Town Attorney suggested

eliminating this regulation because, as it exists, it creates an unnecessary burden on adjacent properties and it also creates a first-come, first-served situation. J. Roberson suggested replacement language that the separating distance between access ways be two times the minimum frontage requirement for the zone that it is in. This would only affect access strips, not all driveways. She gave examples of what other towns do.

Discussion ensued. J. Roberson demonstrated how putting the two access strips on the opposite ends of the frontage of the northern parcel would meet both the current regulation and the proposed regulation.

M. Sigfridson polled the Commission Members to see whether they are in favor of reducing the distance:

J. D'Agostino – For the parcels being discussed maybe, but he is not in favor if it is throughout the Town..

J. Mohn – Would like to enable the developer to create the greatest value in the property which would yield the greatest tax value for the Town.

D. Fuss – Agrees with J. D'Agostino and J. Mohn. He needs more time to think about it.

C. Dunlop – Agrees with J. D'Agostino.

A. Kerouac – Agrees with J. D'Agostino, but he is in favor of bringing it down to just the minimum frontage of the zone that the property is in because it applies to the whole Town.

J. Roberson stated the minimum frontage for each of the zones and stated that this would most likely to be seen in the Residential Zones. M. Sigfridson pointed out that residential development is often a net tax loss for the Town.

#### **Comments from the public:**

**Paul Archer**, Archer Surveying, stated that the distances are also normal among other surrounding towns (two lots between an access strip). He spoke in favor of the language (double lot per zone) suggested by J. Roberson.

**Austin Tanner**, agreed with the statement made earlier by M. Sigfridson regarding net loss to the Town.

A.Kerouac stated that his concern may be more appropriately discussed with the re-write.

Motion by D. Fuss to close the public hearing for Application ZRC16-002 Planning & Zoning Commission, request to amend Articles 3 and 15, Sections 3.5.3.4, 15.5.4.1; A proposal to modify the Regulations to ensure that the 300-foot separating distance for access ways to interior lots does not impact adjacent properties. Second by A. Kerouac. Motion carried unanimously (6-0-0).

2. ZC16-002 BLB, LLC, Map 33, Lot 19, 13.5+/- acres on the south side of School Street; Request Zoning Map change from RA Zone to R-30 Zone.

Paul Archer, Archer Surveying, represented the Applicant. Mr. Archer stated that the Applicant would like to do a condo development similar to the Brooklyn Commons condos on Route 6 (VCD Zone). Multi-family housing is not allowed in the RA Zone, however, it has been granted in two instances in the past. He stated that, during the preliminary discussion last month, the Commission had suggested that the best avenue would be to apply for a zone change to R-30.

Mr. Archer read from the Regulations the intent for the R-30 Zone (primarily for medium density residential use in established neighborhoods in a new development with minimum lot size of 30,000 sq. ft.). He read from the intent for the RA Zone (primarily for agricultural use

and low-density residential use). He indicated the property on a map and stated that it is near the School/agricultural use/low density and that the surrounding lots on Franklin Drive are within the 30,000 sq. ft. lot size. He feels that this fits into the R-30 Zone. The property is serviced by city water and sewer which fits into the POCD.

A.Kerouac asked about access. Mr. Archer stated that there are options on School Street and that Mr. Bernard owns a lot on the corner of Franklin Drive which may be a possibility. This parcel has recently been logged.

J. Roberson brought up an aerial photo of the area. Mr. Archer orientated the property in relation to other properties in the area as well as a walking trail (which leads to Route 205), the sewer easement, and wetlands (along the southern property line which is steep). He indicated the corner lot on Franklin Street (frontage of approximately 240 feet). The remainder of the road could be extended and paved. It is a Town road.

A.Kerouac stated that for R-30 it makes more sense to use the Franklin Street parcel for access to the property. He stated concern for what the IWWC would need to do. He would like to know more about the wetlands. He asked about the steepness.

Mr. Archer stated that they have done topography and it has potential. He stated that the major concern is with the traffic pattern at the School with the buses.

J. Roberson stated that almost the whole site is approximately 10-percent slope. She indicated the water and sewer lines.

There was discussion about whether a change in the zone would create any obligation on the part of the Town regarding water and sewer. J. Roberson stated that the POCD addresses water and sewer and read from page 43. D. Fuss stated that the Sewer Authority looked into it and there is plenty of capacity and there is no expense to the Sewer Authority. Mr. Fuss stated that this would be expanding the R-30 Zone.

Mr. Archer submitted the proof of mailing to the abutters and he stated that he had not received any responses to the letter that was sent. He stated that they have offered to sell this property to Mae Lyons, formerly of Board of Education, and Rick Ives and they were not interested in it.

There was discussion whether the Conservation Commission should weigh in on this. J. Roberson offered to submit it to them.

#### **Comments from the public:**

**Don Stevens**, 21 Franklin Drive, spoke in opposition:

- Franklin Drive is a dead end road and should not be used;
- Will have to cross wetlands;
- They have two other options: Right-of-way off Route 205; Walkway is a road that goes past Creamery Brook and out to Route 205;
- He is concerned for small school children;
- He received a letter, but no map.

D. Fuss stated that condo traffic would minimal and he stated that they could possibly create a loop back to School Street. He doesn't feel it would adversely affect Franklin Drive.

Mr. Archer stated that the parcel does not have access to Route 205. Discussion ensued.

J. Roberson read the letter that was sent to the abutters into the record.

Motion by D. Fuss to close the public hearing for Application ZC16-002 BLB, LLC, Map 33, Lot 19, 13.5+ acres on the south side of School Street; Request zoning map change from RA Zone to R30 Zone. Second by C. Dunlop. Motion carried unanimously (6-0-0).

**c. Continued Applications:**

1. ZRC16-002 Planning & Zoning Commission, Request to Amend Articles 3 and 15, Sections 3.5.3.4 and 15.5.4.1; A proposal to modify the Zoning Regulations to ensure that the 300-foot separating distance for access ways to interior lots does not impact adjacent properties.

Motion by A. Kerouac to approve the proposal to amend Articles 3 and 15, Sections 3.5.3.4 and 15.5.4.1 of the Zoning Regulations to ensure that the 300-foot separating distance for access ways to interior lots does not impact adjacent properties. Effective date: 15 days after publication of legal notice. Second by D. Fuss.

There was discussion. M. Sigfridson clarified that, passing this motion, would be approving the language as presented in the Application. D. Fuss stated that he is comfortable with it. M. Sigfridson stated that there is nothing in the POCD directly related to this proposal. M. Sigfridson stated that, if there were suggestions for other language, now would be the time to discuss that. There were no suggestions.

Motion carried (5-1-0). J. D'Agostino was opposed.

2. ZC16-002 BLB, LLC, Map 33, Lot 19, 13.5+/- acres on the south side of School Street; Request Zoning Map change from RA Zone to R-30 Zone.

Motion by A. Kerouac to approve the proposal to rezone Map 33, Lot 19, 13.5+ acres on the south side of School Street from RA to R-30 because of their request. Second by D. Fuss.

There was discussion. J. Mohn stated that it is difficult to approve this if the access is off of School Street. The Commission can decide when a specific plan is brought forward. M. Sigfridson stated that she thinks it is consistent with the POCD because it has city water and sewer. A. Kerouac stated that the walkway is very pretty and he feels it will be used by more people. A. Kerouac also stated that the difficult part is going to be deciding if it is appropriate if the frontage is only on School Street.

Motion carried unanimously (6-0-0) with an effective date of 15 days after publication of the legal notice.

**VII. New Business:**

**a. Applications:**

1. SD16-001 A. Kausch & Sons; Map 46, Lot 37, 6.44 acres on the east side of South Street; 6-Lot Subdivision in R30 Zone.

Paul Archer, Archer Surveying, represented the Applicant.

J. Roberson stated that there are signed copies of plans on file.

Mr. Archer stated that they would like clarification as to whether or not the P&Z Commission feels it appropriate that this proposal go to a public hearing. He stated that this proposal has been sent to the Conservation Commission, but they have not received any response yet. This proposal is on the September 25<sup>th</sup> Agenda for the Sewer Authority.

Mr. Archer explained that this parcel is entitled to a free split (already done and on file) and that it is a 6-lot subdivision because they have included the rearmost lot. He indicated how,

right now, all drainage from East Brooklyn sheet flows onto this property. It has already been approved by IWWC.

There will be a drainage easement. He indicated where a 36-inch pipe would be located. J. Roberson, Syl Pauley, Martha Fraenkel and Paul Archer did a site walk. He indicated where there will be an easement (which they are proposing in lieu of open space) which would allow the Town to continue the walking trail along the Quinebaug River. The drainage easement and the open-space easement are both on the free-split lot. J. Roberson explained that this can be corrected by including it in the subdivision.

This parcel has city sewer (ends on South Street in front of the property) and city water.

Syl Pauley has reviewed the drainage and the calculations. Water will be clean before it gets to the River. Stone riprap has been reviewed by the Town Engineer. Discussion ensued. J. Roberson read from the Regulations regarding the reduction of 25 percent minimum lot area due to sewer availability/use. There was more discussion.

J. Roberson stated that 35-day notice will need to be sent to Killingly and NECCOG, and forward to the Conservation Commission to review proposed open space. Abutters need to be noticed before the application is submitted.

There was a consensus among the Commission to send this to public hearing.

Motion by J. D'Agostino to schedule a public hearing for Subdivision Application SD 16-001 submitted by A. Kausch & Sons; Map 46, Lot 37, 6.44 acres on the east side of South Street; 6-Lot Subdivision in R-30 Zone for the next regular meeting of the Planning and Zoning Commission to be held on October 5, 2016 at 6:30 p.m. at the Clifford B. Green Memorial Center located at 69 South Main Street Brooklyn, CT. Second by D. Fuss. Motion carried unanimously (6-0-0).

2. SP15-005 Toudis, LLC; 445 Providence Road; Modification of application (originally approved 9/2/15, rev. 8/16/16) (Route 6), Map 41, to construct a 2,710 sq. ft. fast food restaurant & a 4,552 sq. ft. flexible space to be used for retail, personal services, and/or other professional, business, or administrative offices in PC Zone.

Norm Thibeault, Killingly Engineering Associates represented the Applicant. Jim Moutoudis and Attorney Nicholas Scola were present. Mr. Thibeault explained that approval had been previously received for the project and that they would like to make some additional modifications:

- Remove the retaining wall;
- Grade appropriately along the property;
- Make a 40-foot easement on the abutting property to the rear which Mr. Moutoudis has purchased since approval was received.

This will be a grass area, nicely sloped (similar to the Danielson Glass property).

Syl Pauley has reviewed the removal of the retaining wall. Mr. Thibeault read the Memo from Mr. Pauley dated September 7, 2016, into the record (Mr. Pauley had no objection to the modification).

Mr. Thibeault stated that the footprint of the commercial building (patio area) was changed from 20-feet wide to 15-feet wide as recommended by the architect. J. Roberson had sketched it on to the copies of plans to the Commission Members. Mr. Thibeault displayed a revised plan for viewing by the Commission and he will submit a revised plan to Staff.

Mr. Thibeault explained that, to accommodate the grading, some parking along the retaining wall on the western portion of the property was removed. They added five employee parking spaces to the south. The amount of pavement was reduced slightly. They are above the parking requirements.

J. Roberson's recommendations:

- Remove the five employee parking spaces as they are unnecessary and it would make the drive thru more attractive;
- A low, shade-tolerant shrub groundcover on the slope (north facing with trees to the south) instead of the grass that is proposed. She recommended a low-maintenance, native species.

There was discussion regarding the parking spaces and groundcover. Mr. Thibeault will submit the revised final plan including the plantings recommended by J. Roberson.

Motion by A. Kerouac to approve with modifications the second modification of application SP15-005 (originally approved 9/2/15, rev. 8/16/16), submitted by Toudis, LLC of 445 Providence Road to construct a 2,710 sq. ft. fast food restaurant and a separate 4,552 sq. ft. flexible space to be used for retail, personal services, and/or other professional, business, or administrative services, in accordance with all final plans, documents and testimony submitted with the application to include the following condition:

- Replacement of the hydroseeding on the southernmost slope with native plantings to be determined with Staff.

Second by D. Fuss.

There was discussion. M. Sigfridson stated that she would like the five employee parking spaces to be removed.

Motion carried unanimously (6-0-0).

3. SPR 16-005 Brooklyn Center Complex, LLC; 71 Vina Lane; Proposal to locate Craftsperson and Business Office with accessory storage in existing structure in Village Center District.

Paul Archer, Archer Surveying, represented the Applicant. Mr. Archer stated that for Coop #3 the proposal is for a professional office/storage for someone who is currently working out of his house. Coop #1 is a couple of office spaces. There will not be any public coming into these offices.

Mark Benard stated that both of these tenants are internet based. Coop #1 (front building) does printed marble (They import marble tile from Turkey and they cut it, paint it and send it out to have a print put on it. When it comes back, they put cork on the bottom.) They also make refrigerator magnets, kitchen towels, coasters, trivets and note cards. They do not sell retail. He provided samples and their brochure for viewing.

Coop #3 - This prospective tenant sold his business in Danielson (VegWare) and wants to have an office and space for personal storage. He would receive a pallet or two each week and he puts it in smaller containers and ships it out.

Mr. Benard stated that they changed to the VCD to allow businesses to come in and to have more opportunities for the coops.

There was discussion regarding whether the process with the marble tile should be considered as a craftsperson or light industry. M. Sigfridson read the definitions for craftsperson and light industry. J. Roberson stated that the Commission could make an interpretation one way or the other. Discussion ensued.

Mr. Benard read the statement of use for both businesses.

The Commission was polled to see whether it should be considered as craftsperson or light industry:

D. Fuss – Craftsperson

J. Mohn – Craftsperson

J. D'Agostino – Light Industry

Craig Dunlop – More information needed regarding the processing of the marble

A. Kerouac – More information needed regarding the processing of the marble

M. Sigfridson – More information needed regarding the processing of the marble

It was decided that it could be split into two separate applications to allow for action to be taken on the VegWare business office at this meeting. This means that two sets of fees would apply. Mr. Benard stated that this is what he would like to do. Jana will recalculate the fees and convert the other (Paisley & Parsley Designs) into a new application.

Motion by A. Kerouac to approve application SPR 16-005 submitted by Brooklyn Center Complex, LLC of 71 Vina Lane to locate a Business Office with accessory storage in the existing structure (Building #3) in Village Center District in accordance with all final plans, documents and testimony submitted with the application. Second by C. Dunlop. Motion carried unanimously (6-0-0).

4. MI-16-001 Referral from Board of Selectmen under CGS 8-24 to transfer 0.72 acres (proposed Grandview Terrace Extension) from Town of Brooklyn back to original owner.

J. Roberson explained that this relates to a paper road that was never built. It was an eleven-lot subdivision (2007). Five lots were built, but six lots were never built because they were dependent on the road which was never built. She indicated the open-space parcel which had been transferred to the Town along with the road parcel after the subdivision was approved. The road is usually transferred to the Town after it is built and accepted. The Town wants to give it back to Brooklyn Builders, LLC which will allow Brooklyn Builders, LLC to merge them into a single lot by applying for a re-subdivision.

The Board of Selectmen want to know if the P&Z has any recommendations. There is a letter from Brooklyn Builders, LLC's attorney asking for the transfer.

There was discussion about whether the value of the property would increase or decrease and also about the way it is taxed.

Motion by J. Mohn to recommend the transfer of 0.72 acres (proposed Grandview Terrace Extension) from Town of Brooklyn back to original owner. Second by D. Fuss.

There was discussion. A. Kerouac stated that this is not a good idea. This could create a snow shelf. J. Roberson stated that the Commission could include, in its letter to the Selectmen, that this would be a good opportunity to ensure that there is a proper turnaround (hammerhead) to the termination of Grandview Terrace..

Motion by J. Mohn to amend his motion to recommend the transfer of 0.72 acres (proposed Grandview Terrace Extension) from Town of Brooklyn back to the original owner to include a recommendation for a hammerhead turnaround. Second by D. Fuss. Motion carried (5-1-0). A. Kerouac was opposed.

**b. Other New Business:**

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

1. Budget – No discussion.

2. Correspondence – A letter from the Connecticut Siting Council regarding a modification to an existing telecommunications facility at 100 Tatnic Hill.
3. Chairman's Report – None.

J. D'Agostino asked if the ZEO had received reports from Brooklyn Sand & Gravel. The ZEO Report was not on the Agenda, but J. Roberson stated that it would be put back on the agenda. Mr. Roberson will check with Martha Fraenkel when she returns from vacation.

J. D'Agostino asked if a sign on a storage facility on Vina Lane where Route 205 meets Route 169 meets the Sign Regulations. J. Roberson will look into this. There was discussion.

A. Kerouac asked if the ZEO is pursuing tag sale signs. J. Roberson stated that she would not be pursuing that as an enforcement action.

A. Kerouac commented about bus stops (there is concern from the Board of Education) in certain locations that are not wanted (private roads in subdivisions). The School and the Bus company do not want a communal bus stop at the beginning of the road. Mr. Kerouac stated that he will suggest that it is removed with the re-write.

#### **IX. Public Commentary:**

**Don Stevens**, 21 Franklin Drive, stated that he didn't like the discussion regarding craftsperson vs. light industry. He feels that a wet saw is all that is needed. He would like to see the buildings/coops used.

#### **X. Adjourn**

Motion by J. Mohn to adjourn at 9:39 p.m. Second by A. Kerouac. Motion carried (4-0-0). J. D'Agostino had left the room at 9:32 p.m. D. Fuss had left at 9:33 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary