

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 7, 2023 6:30 p.m.**

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

MEETING LOCATION:	
Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT	
Click link below: https://us06web.zoom.us/j/84765564828	or Go to https://www.zoom.us/join Enter meeting ID: 847 6556 4828
Dial: 1-646-558-8656	
Enter meeting number: 847 6556 4828, then press #, Press # again to enter meeting	

MINUTES

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:40 p.m.
- II. Roll Call** – Carlene Kelleher, Allen Fitzgerald, Lisa Herring, Seth Pember.
Michelle Sigfridson arrived at 6:43 p.m.
John Haefele and Brian Simmons were absent with notice.
Gil Maiato and Karl Avanecean were absent.
Sara Deshaies resigned.

Staff Present (in person): Jana Roberson, Town Planner and Director of Community Development.

Also Present in Person: Paul Archer, Archer Surveying; Dave Smith, Professional Engineer; Andrew Kausch; Jake Kausch; Eric Anderson; Mark Hamilton; J.S. Perreault, Recording Secretary.

There were approximately eight additional people present in the audience.

Present via Zoom online: Margaret Washburn; Zoriana Radko; Thomas Ball; Matthew Markowsk.

- III. Seating of Alternates** - None.

- IV. Adoption of Minutes:** Meeting May 16, 2023

Motion was made by A. Fitzgerald to accept the Minutes of the Regular Meeting of May 16, 2023, as presented.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

- V. Public Commentary** – None, either in person or online.

Motion was made by C. Kelleher to add the following items to the agenda under Item VII.a.:

- SPR 23-004** – Site Plan Review for 24x40 Outbuilding, 66 Wauregan Road, Village Center Zone, Applicant: Eric & Laura Anderson.

2. **SPR 23-005** – Site Plan Review for Small Solar Energy Systems at 25 Hartford Road, Village Center Zone, Applicant: Sunrun Solar, Owner: M. Hamilton.
3. **SP 15-006 mod** – Special Permit modification for 16,100 s.f. self-storage facility in two buildings and 19,360 s.f. commercial building, 538 Providence Road, Planned Commercial Zone, Applicant: Townsend Development Associates, LL

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Motion was made by C. Kelleher to add discussion with Margaret Washburn to the agenda to between Unfinished Business and New Business.

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (5-0-0).

VI. Unfinished Business:

a. **Reading of Legal Notices:** None.

b. **Continued Public Hearings:**

1. **SP 23-002:** Special Permit for Self-Storage Facility at 8 Wauregan Road, Village Center Zone, Applicant: A. Kausch & Sons, LLC.

Jake Kausch had showed the following Commission Members around at the site walk which took place on May 22, 2023: M. Sigfridson; C. Kelleher; and A. Fitzgerald. Syl Pauley also attended.

Paul Archer, Archer Surveying, represented the Applicant and gave an overview of the revisions (plans were displayed as discussed). David Smith, Professional Engineer, was also present. Andrew Kausch and Jake Kausch were present, as well.

Ms. Roberson stated that she had forwarded the revised plan, which she received on June 5, 2023 (provided to Commission Members at this meeting) to Syl Pauley, but he had not had time to reply. Mr. Pauley's letter (dated May 22, 2023) containing comments regarding the site walk and Mr. Pauley's letter (dated May 23, 2023) regarding his review of the plan (with a revision date of May 11, 2023) were also included in packets to Commission Members. Mr. Archer stated that he had not received Mr. Pauley's comments regarding the site walk.

Mr. Archer reviewed the changes that had been made to the plan per comments from Syl Pauley:

- He explained that they did not close off the entrance and lose the six existing parking spaces on the southerly side of the building, as suggested by Syl Pauley, because the Applicant is not in favor of this. He explained that Mr. Kausch would like to put a 10-foot island in there and have traffic go both ways around the island. He said that he met with Tom Rukstela who, after reviewing the plan, was in favor of the island. Mr. Archer explained that it would be difficult to plow snow if that entrance was closed off.

- Regarding the existing drain pipe along the northerly property line, Mr. Archer explained that it is owned by the State, it is functioning properly as of this time, the State doesn't seem to have a problem with it being half full, and the State has the right to maintain it.
- Regarding the five parking spaces shown on the east edge of the paved parking, Mr. Archer explained that they are on the millings part of the pavement, not in the meadows area.
- Regarding the construction detail for the dimensions for the parking, it was added to the plan.
- Regarding the handicap parking stall detail, it was changed to specify as white.
- Regarding the existing deteriorated paved surfaces identified on the plan as resurfaced, Mr. Archer explained that Mr. Pauley is opposed to the millings, but that the millings have been installed properly (by a professional) and they believe they work.
- Regarding the first 150 feet of the edge of the existing driveway on Vina Lane deteriorating, Mr. Archer explained that, in the area where the two entrances are, the edge will be cut and it will be paved to make it nice. He said that Vina Lane is a Town road.
David Smith explained that the apron that is part of the entrance into the site will become islands and will be upgraded, including curbing, which will help in defining where the edge is.
- Regarding lighting, information had been submitted to Staff.
Ms. Roberson stated that it is dark-sky compliant fixture (included in packets to Commission Members).

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- S. Pember referred to Mr. Pauley's comment (#1 from his Site Walk Observations) about staking the island to identify the property line. Mr. Pember feels this is necessary.
Mr. Archer stated that they have not staked out the island.
- A. Fitzgerald asked if the parking spaces could be turned to people could drive straight in, as that area is close to the intersection.
Andrew Kausch explained that he has a legal curb cut on Route 205 that goes all the way down to the rear garage and there has never been any traffic problems or accidents.
There was discussion.
M. Sigfridson asked Mr. Smith for his professional opinion regarding whether it is safe.
Mr. Smith explained that they took existing conditions and improved them to the point that they are safe. He explained that it is not a high traffic area, nor is this particular use (he referred to a Table in the *Institute of Traffic Engineers' Manual*). He said that this is a good, workable compromise to get some functionality out of an existing facility and to improve the situation where you have a Town road intersecting a State road. He said that it is safe.
Ms. Roberson read aloud, for the record, from Syl Pauley's comment #1 (dated May 23, 2023), "This driveway is too close to the intersection of Vina Lane and Wauregan Road, making it more prone to accidents and a real safety hazard. This driveway opening needs to be eliminated and

will necessitate the redesign of the parking along the south end of the building...” Ms. Roberson said that safe circulation of vehicles and pedestrians is of utmost concern for any proposed development application and she read aloud from the list of Special Permit Criteria, Suitable Transportation Conditions. She explained that the PZC has the authority to approve, modify and approve, or deny the application. Ms. Roberson spoke about the two 36-foot-wide driveway openings which are approximately 40 feet apart. These are wider than what is typically seen in a new development. She feels that the proposed plan is an improvement over what is existing, however, Mr. Pauley does not feel that it meets modern engineering standards and feels that it is unsafe.

Mr. Kausch explained that he does not want to give up access onto a State Road, he is trying to fix the existing condition, he needs to be able to plow without difficulty, and he needs it to function for him. If it is modified down to 24 feet he may not be interested anymore. He wants the customers to be able to get in and out and he wants to keep it looking good. He explained that he likes the millings and that it is not going to be a high traffic area.

Mr. Smith explained that he feels that the proposed driveway is safe and will not cause any burden to patrons or to Vina Lane because of the type of use. He explained that the islands will give definition and structure to the way people would use the site. He explained that, for a commercial site, as a minimum, you would have 24-to-26 feet with two-way traffic.

There was discussion. Regarding Mr. Pauley’s comment (Site Walk Observations dated May 22, 2023) regarding Mr. Kausch’s son, Jake, saying (at the site walk) that heavy trucks would be expected to be running through there, Ms. Sigfridson stated that she does not recall Jake saying anything about heavy trucks. Discussion continued and suggestions were made. There was agreement on the following:

1. Island to be longer and narrower;
2. The western driveway opening on Vina Lane to be out only with signage;
3. Okay with the millings;
4. Driveway to the east on Vina Lane to be in and out.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- Regarding the drainage pipe, Ms. Roberson asked if there is an easement. Mr. Archer explained that the State of Connecticut has the rights to drain, maintain and repair. It is not a delineated area.
- Ms. Roberson asked about detail for the dumpster enclosure. Mr. Archer provided a revised plan to Ms. Roberson, which, he explained, includes two additional details. There was discussion regarding the dumpster enclosure and it was agreed that it would be a six-foot tall, wood fence.
- There was discussion regarding the changes than Mr. Pauley has not yet reviewed:
Regarding #2 (slope along the first 150 feet of the north edge of Vina Lane). Ms. Roberson explained about the edge of Vina Lane being in very

bad condition (drop-off). She asked if the curbing could be extended further along Vina Lane.

Mr. Archer, Mr. Smith and Mr. Kausch explained that it is going to get paved.

Ms. Roberson displayed a street view.

QUESTIONS/COMMENTS FROM PUBLIC:

- Jake Kausch, as a resident of Brooklyn, spoke in support of the Application.
- Eric Anderson spoke of how he walks his dog on Vina Lane which does not have a lot of traffic.
- J. Roberson summarized a letter in support of the Application (e-mail dated 6/7/2023), received from Jessica and Dan Deojay (provided to Commission Members).

There were no comments or questions from anyone online.

There was discussion regarding possible conditions of approval:

- No tag sales.
- No outside storage.
- The Special Permit approval pertains to a 900 s.f. apartment on the first floor and a 9,200 s.f. self-storage facility in the primary structure known as the Regional Building. It does not include accessory structures or any other uses.
- Fencing does not need to be a condition.
- Two “Do Not Enter” signs facing Route 205/Vina Lane.
- One way out.
- The island.

Motion was made by A. Fitzgerald to close the public hearing for **SP 23-002: Special Permit for Self-Storage Facility at 8 Wauregan Road, Village Center Zone, Applicant: A. Kausch & Sons, LLC.** Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

c. **New Public Hearings: None.**

d. **Other Unfinished Business:**

1. **SP 23-002: Special Permit for Self-Storage Facility at 8 Wauregan Road, Village Center Zone, Applicant: A. Kausch & Sons, LLC.**

There was discussion regarding the conditions of approval:

- Reduce the westerly exit only driveway from 36 feet to 30 feet.
- Narrow down the island to be between 4 feet-to-6 feet.

Ms. Roberson read aloud the following draft conditions:

4. No tag sales shall be permitted. No outside storage shall be allowed.
5. The western driveway opening on Vina Lane shall be made out only, reduced to no more than 30 feet in width and appropriate signage added.
6. The landscape island on Vina Lane shall be made longer and narrower (width four-to-six feet).

The dark-sky compliant lighting does not need to be a condition.

Motion was made by A. Fitzgerald to approve the Special Permit application of A. Kausch & Sons, LLC to create a self-storage facility and an additional apartment at 8 Wauregan Road in the Village Center Zone, identified in the files of the Brooklyn Land Use Office as SP 23-002, in accordance with all final documents and testimony submitted with the application with the finding that the proposal is consistent with Sec. 4.A.5 (Village Center Design Standards) and Sec. 9.D.5 (Special Permit Criteria) of the Zoning Regulations. Such approval includes the following conditions and modifications:

1. The Planning and Zoning Commission approval with conditions must be included on the final recorded special permit plans. Draft final approved plans shall be submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals and signed by the Commission Chair shall be recorded along with the Record of Special Permit in the office of the Town Clerk.
2. Prior to conducting any site work, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer. A permit from CT DOT shall be obtained prior to the issuance of a zoning permit.
3. The Special Permit approval pertains to a 900 s.f. apartment on the first floor and a 9,200 s.f. self-storage facility in the primary structure known as the Regional Building. It does not include accessory structures or any other uses.
4. No tag sales shall be permitted. No outside storage shall be allowed.
5. The western driveway opening on Vina Lane shall be made out only, reduced to no more than 30 feet in width and appropriate signage added.
6. The landscape island on Vina Lane shall be made longer and narrower (width between four and six feet).

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (5-0-0).

Mr. Pember mentioned that a condition had not been stated regarding that the fencing for the dumpster enclosure is to be wood. Ms. Roberson noted that there is a detail on the plans.

Discussion with Margaret Washburn (Agenda Item VIII.a) took place at this time (Report dated May 25, 2023 was included in packets to Commission Members):

- She will be served tomorrow regarding the appeal of the ZBA decision - Brooklyn Sand & Gravel, LLC.

Ms. Roberson informed the Commission that a letter to the Commission had been received from someone who opposed the action by the ZBA. She said that she will provide copies to Commission Member.

- There was discussion regarding Ms. Washburn's Report:
 - The work being done on trucks outside the existing garage, near the entrance of the property that was just approved for a storage facility (SP 23-002). Ms. Washburn explained that she will be meeting with the gentlemen on Monday to discuss the nature of his business and whether or not we can retain his business in Town. She explained that she sometimes struggles with having to enforce Regulations that sometimes seem counterproductive to developing the Town. Mr. Fitzgerald voiced concern that he doesn't want this man to lose his business, but he feels that there is going to be a problem because it would be in the way of the entrance to the storage facility. Discussion continued and there was agreement expressed by other Commission Members that there is potential for problems as it is not the place for a contractor's yard. Ms. Roberson said that she would categorize it as more of a single operator trucking operation. She explained that it is a concern of Planning and Zoning

that, potentially, businesses that, if enforcement were 100 percent perfect and complete, it would force people to move their business to another town. She asked that the Commission Members think about contractors' yards.

Mr. Pember suggested a dual-use zone, light industrial/commercial.

- There was discussion regarding campers being allowed in people's yards. They are allowed in R-10 (side yard/rear yard).
- There was discussion regarding looking at the boundaries in the VCD.
- Mr. Pember suggested a digital suggestion box.
- There was discussion regarding a subdivision on Beecher Road (not visible from Route 169) being in the Route 169 Overlay Zone. Ms. Washburn asked that the map be changed and that they be removed from the Route 169 Overlay Zone. M. Sigfridson said that they will take a look at it. Ms. Roberson said that they can change the language or change the boundary or both. Discussion continued. A change needs to be made to language regarding Staff approvals. Ms. Sigfridson suggested the following change, from "If a zoning permit is required, Staff can issue it if it is not visible from Route 169" to "If it is not visible from Route 169, you don't need a zoning permit, unless otherwise required." Ms. Roberson will work on draft language.
- There was discussion regarding Mindy Delp on Pomfret Road who has cleared ½ acre of woods. Complaints were made. Ms. Washburn said that an erosion & sedimentation control plan is needed. Ms. Delp wants ground-mounted solar (in the Route 169 Overlay Zone) and plant trees. She removed a lot of big stones from the ground which are piled up near the driveway. She has done quite a bit of site work visible from Route 169 without any permit. Heavy equipment may have driven over a stone wall. Ms. Washburn issued a Cease-and-Desist Order. Ms. Washburn explained about a drain situation and Ms. Delp had been considering installing a French drain, but has changed her mind. Ms. Washburn asked for guidance from the Commission.
Mr. Fitzgerald explained that his issue is not with Ms. Delp, but with the contractor who knows better.
Ms. Roberson explained that a permit was needed to clear. She explained about minor modification and said that this would not be minor and that it would come before the PZC as it is considered higher level.
Ms. Washburn explained that she has asked for a revised restoration plan and asked if the Commission would want it to come before them. Ms. Sigfridson and Mr. Fitzgerald answered, "yes." Ms. Roberson will put this on the next agenda. Discussion continued.
- There was discussion regarding ½ acre or more of soil disturbance triggering an erosion & sediment control plan. Ms. Washburn referenced the first sentence under Section 9.a.1.1.a and 9.a.1.1.b - Zoning Permit.

VII. New Business:

a. Applications:

1. **SPR 23-004** – Site Plan Review for 24x40 Outbuilding, 66 Wauregan Road, Village Center Zone, Applicant: Eric & Laura Anderson.

Ms. Roberson explained that the Applicant has officially requested a waiver of the site plan requirement. She does not feel that a site plan is necessary in this instance.

Eric Anderson, present in person, represented himself and gave an overview:

- 1740 Colonial Cape with an old, dilapidated barn which was removed.

The foundation is still there.

- New barn will be moved a little further from the property line, and a little further back so that it is away from the trees (so moss won't grow on the roof).
- He intends on keeping the five-acre field as is, honoring the property.
- There will be a couple of garages for a workshop and for his wife's work with floral designs.
- No plumbing.
- No driveways. Semi-visible from the road.
- No wetlands. Margaret Washburn walked the property.
- Not near the septic system or the well.
- Barn shall be used for residential storage for a tractor, car and working on his bicycle. His wife's half will be used as a craft/flower shop.
- Two trees have been removed.

Ms. Roberson read aloud from the Regulations regarding waiving the site plan requirement.

Motion was made by A. Fitzgerald to waive the requirement for a site plan for **SPR-23-004**.
Second by S. Pember. No discussion.
Motion carried unanimously by voice vote (5-0-0).

Motion was made by S. Pember to approve the Site Plan Review Application **SPR 23-004** for new construction of a 24' x 40' outbuilding visible from the road at 66 Wauregan Road in accordance with all final documents and testimony submitted with the application with the finding that the proposal complies with Section 4.A.5. Village Center Design Standards and Section 9.C Site Plan Objectives of the Brooklyn Zoning Regulations with the following conditions:

- a. Barn will be used for residential storage.
- Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (5-0-0).

2. **SPR 23-005** – Site Plan Review for Small Solar Energy Systems at 25 Hartford Road, Village Center Zone, Applicant: Sunrun Solar, Owner: M. Hamilton.

Zoriana Radko, Sunrun Installation Services, was present via Zoom and Mark Hamilton, Owner, was present in person.

J. Roberson explained that the house is on Route 6 in the VCZ (photos included in packets). The solar panels have already been installed for approximately two or three months. A building permit had been received for the installation (included in packets). Ms. Roberson explained that there was an accident the office and have since taken measures to make sure all of the lots are properly identified and flagged, if they need to be.

Ms. Roberson explained that, per the description of the house from the National Register Historic District Study done in 1978 (included in packets), the house is thought to be a contributing structure (circa 1860). The Study

indicates that the house had been heavily modified. Things that can be seen from the road are subject to design review.

Ms. Sigfridson explained that the PZC doesn't try to tell people that they can't do solar, but rather to try to minimize the impact.

Mr. Fitzgerald explained that since Mr. Hamilton has had solar panels installed, which are not conforming, others may want to do it also. He questioned why the contractor that installed them doesn't know the Regulations. Ms. Roberson stated that they had applied for a Building Permit and got one, and that a mistake had been made by her office. Zoriana Radko explained that Sunrun has been permitting in Brooklyn since 2015 following the standard procedure.

Mr. Pember asked Mr. Hamilton if the existing panels are sufficient or if he will be looking to add more panels in the future. Mr. Hamilton explained that, he thinks they will cover the energy needs. However, since the permit was denied, he has not been able to use them, so he is not sure. He doesn't think there is room to put more panels on. Ms. Sigfridson explained that if approved and then there is a need for changes in the future, they would need to come back before the PZC for a modification. Mr. Pember asked if they would be installing any battery packs. Mr. Hamilton stated that they are not, only what is there already. They only need to flip the switch.

There was discussion regarding what the options are for the Commission and there was agreement expressed that there is not a desire to have Mr. Hamilton remove the solar panels.

Motion was made by C. Kelleher to approve the Site Plan Review Application **SPR 23-005** for Small Solar Energy Systems (roof-mount solar panels visible from the road) at 25 Hartford Road, Village Center Zone, in accordance with all final documents and testimony submitted with the application with the finding that the proposal complies with Section 4.A.5. Village Center Design Standards, Section 6.N. Small Solar Energy Systems, and Section 9.C Site Plan Objectives of the Brooklyn Zoning Regulations.

Second by L. Herring. No discussion.

Motion carried unanimously by voice vote (5-0-0).

There was discussion and Ms. Roberson explained that Sunrun needs to apply for a Zoning Permit.

There was discussion regarding how people don't follow the Regulations regarding getting permits and also about enforcement and prioritizing. Ms. Sigfridson stated that she feels enforcement is more consistent now than it was in the past. C. Kelleher agreed. There was discussion regarding fines.

3. **SP 15-006 mod** – Special Permit modification for 16,100 s.f. self-storage facility in two buildings and 19,360 s.f. commercial building, 538 Providence Road, Planned Commercial Zone, Applicant: Townsend Development Associates, LLC.

There was nobody present to represent the Applicant.

Ms. Roberson explained that this Application is a modification of a previous approval (behind CVS), which is why the number is SP 15-006 mod. The change is significant and subject to a public hearing. There was discussion. Ms. Roberson read aloud from the Regulations regarding modifications/amendments following approval.

IWWC needs two months to review the Application. It was decided to wait until after IWWC meets, to set a date for the public hearing. The Green Building will be closed for asbestos abatement work, therefore, during that time, all meetings will be moved to the Community Center on Tiffany Street. There was discussion.

- b. Other New Business:**
 - 1. Signing of Zoning Map.
No discussion.

VIII. Reports of Officers and Committees

- a.** Discussion with Margaret Washburn (see above between Agenda Items VI.d.1. and VII. New Business).

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 9:37 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary