

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting
Wednesday, August 2, 2023 6:30 p.m.**

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

MEETING LOCATION: Tiffany St. Community Center, 31 Tiffany Street, Brooklyn, CT		
Click link below: https://us06web.zoom.us/j/87925438541	or	Go to https://www.zoom.us/join Enter meeting ID: 879 2543 8541
Dial: 1-646-558-8656		
Enter meeting number: 879 2543 8541, then press #, Press # again to enter meeting		

MINUTES

- I. Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:37 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, John Haefele, Lisa Herring, Seth Pember (all present in person).
Gil Maiato and Brian Simmons were absent with notice.
Karl Avanecean was absent.
- Staff Present (in person):** Jana Roberson, Town Planner and Director of Community Development; Austin Tanner, First Selectman.
- Also Present in Person:** Paul Archer, Archer Surveying; J.S. Perreault, Recording Secretary.
- Present via Zoom:** Bob Kelleher.
- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Meeting July 18, 2023
- Motion was made by A. Fitzgerald to accept the Minutes of the Special Meeting of July 18, 2023, as presented.
Second by J. Haefele. No discussion.
Motion carried by voice vote (5-0-0). M. Sigfridson abstained.
- V. Public Commentary** – None.
- VI. Unfinished Business:**
- a. **Reading of Legal Notices:** None.
 - b. **Continued Public Hearings:** None.
 - c. **New Public Hearings:** None.
 - d. **Other Unfinished Business:**
 1. **SP 15-006 mod:** Special Permit modification for Self-Storage Facility and Commercial Space (35,460 s.f. in three buildings) at 538 Providence Road, Applicant: Townsend Development Associates, LLC. ***Awaiting Aug. 15 public hearing***
 2. **SP 22-006:** Special Permit for State Route Business Enterprise for Craftsperson at 481 Pomfret Road, Applicant: Mindy Delp. ***Awaiting Aug. 15 public hearing***

3. **ZRC 23-005/ZC 23-002/SRC 23-001:** Floodplain Overlay Zoning Regulation and Map Update, Subdivision Regulation Update (FEMA/NFIP), Applicant: PZC. ***Awaiting Aug. 15 public hearing***

VII. New Business:

a. Applications:

1. **SP 23-003:** Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart.

J. Roberson explained that it is a very large plan set and that only four sheets were included in hard-copy packets to Commission Members (Existing Conditions, Proposed Site Plan, Lumen Plan), but that the entire plans set is available to them in the digital packet. She will get color plans for the public hearing.

Motion was made by A. Fitzgerald to schedule the public hearing for SP 23-003: Special Permit for 5,955 s.f. building addition and related parking modifications for online grocery pick-up at 450 Providence Road, Applicant: Walmart for the special meeting of the Planning and Zoning Commission to be held on September 6, 2023 at 6:30 p.m. at the Tiffany Street Community Center, 31 Tiffany Street, Brooklyn, CT and via Zoom.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (6-0-0).

2. **SD 23-001:** Two-lot subdivision including 3 acres on Day Street (Map 43/Lot 6), Applicant: Jeff Weaver.

Paul Archer, Archer Surveying, represented the Applicant and gave an overview:

- This is the fourth phase to come before the PZC.
- Proposing a 50-foot access strip – remaining land on Lot 6 and 2 building lots on either side of the 50-foot access. He indicated the two lots and explained that ½ of the lot is in the R-30 Zone and the other half is in the RA Zone. They are proposing that all of the houses to be built will be inside the R-30 Zone.
- He referred to and explained about a similar subdivision done in 2011 or 2012 (Craig Dunlop). He said that there had been a clarification that the zone that you use is where the houses are.
- He explained that they are proposing everything in the R-30 Zone: 50-foot access strip; pipe coming across.
- They have IWWC approval and Health Department approval. Syl Pauley has reviewed the proposal for the IWWC. Ms. Roberson stated that she will double check with Syl Pauley as she is not sure if he has seen the revised plans. Mr. Archer stated that they have accomplished everything on Mr. Pauley's punch list of six items. Mr. Archer showed Ms. Roberson the letter that he had received from Mr. Pauley back in June and Ms. Roberson stated that she has a copy. Mr. Archer stated that he made the corrections prior to IWWC approval.
- Mr. Archer stated that all of the other lots had been fee-in-lieu of open space and that the Conservation Commission did not want land and he does not feel that they would want land with this proposal either. Mr. Archer explained that they had an appraisal done in August 2022 on four other lots amounting to 1/2 acre more than these lots. He asked the

Commission to consider allowing that appraisal to be used for this proposal instead of getting a new appraisal, keeping the same value of \$90,000 is probably higher than these lots would appraise at. He provided a copy to Ms. Roberson.

There was discussion and Ms. Sigfridson and Mr. Fitzgerald stated that they did not have a problem with it. Ms. Roberson asked if the Applicant is comfortable with it and Mr. Archer stated that Mr. Weaver is comfortable with it.

- Mr. Archer summarized: A simple, two-lot subdivision; 50-foot access strip; bigger lot (50+ acres) will own the access strip; the two houses will have right-of-way over the access strip.

Ms. Roberson stated that she tried to get an answer to the zone boundary question, but has not yet received an answer from the new Land Use Attorneys (Rich Robers and Ken Slater with Halloran & Sage). She said that she does not have a problem with it as long as the Attorneys concur. She explained that when they did the second subdivision in the sequence, Jeff Weaver had requested a zone boundary change and it was granted. This is, potentially, a way of handling it. Ms. Roberson noted that page 3 and page of the plans, show a different zone boundary. She said that the correct zone boundary is on page 3 and the old zone boundary is on page 4. She indicated it on the plan. She said that she will follow-up with Mr. Archer after she hears from the Attorneys and that there may also be some other corrections involving setbacks.

Ms. Roberson stated that no public hearing is required. She stated that she was anticipating that the PZC would refer it to the Conservation Commission, but can choose not to. There was discussion and the Commission Members do not feel it is necessary.

Ms. Roberson stated that she cannot recommend action at this time. Continued to the August 15, 2023 meeting. There was discussion regarding the zone boundary issue. Ms. Sigfridson stated that the Applicant is suggesting that the standards for the R-30 Zone be applied for the PZC's consideration of this Application. Ms. Roberson is double checking with the Attorneys. Discussion continued.

Ms. Roberson asked if the Commission wanted to take action on the decision to accept the appraisal or just by consensus. Ms. Sigfridson stated by consensus.

b. Other New Business:

1. Discussion of potential subdivision on Wauregan Road.

Paul Archer, Archer Surveying, represented the property owner and presented both Conventional Subdivision and Conservation Subdivision (both were included in packets to Commission Members):

- J. Roberson displayed the area on Google Earth.
- Mr. Archer explained that, originally, there were 17 acres and with the first-time split Tetreault Builders removed the parcel with the house (2 acres), leaving 14.9 acres.
- Conservation Subdivision:
Mr. Archer explained that they would propose a 430-foot, private driveway with seven lots off the driveway, each lot being as close to an

acre as they can get it. There has been no soil testing yet, but they feel that there is good soil out there and he does not see it as an issue at all. He indicated a stone wall that runs southerly which would be the edge of the right-of-way where they would put the cuts. Ms. Roberson noted that the stone wall is at the edge of the field and is not the property line which goes beyond into the woods.

He does not feel that there would be any problem with sight lines. He indicated where they would be proposing 7+ acres of open space (which is above the required 40 percent).

- Conventional Subdivision:

Mr. Archer explained that they would propose one 50-foot access strip with four frontage lots and three rear lots. These would be 2+ acre lots. Mr. Archer indicated the wetlands which have been delineated by Joe Theroux. Mr. Archer stated that they took all of the wetlands into account when looking at the designs.

They would be looking for fee-in-lieu of open space.

He said that the biggest issue would be driveways out on the State road.

He has concern as to whether sight lines could be met.

Mr. Archer stated that the developer, Mark Tetreault, could go either way, but would like to know how the Commission feels before moving forward.

There was discussion regarding how many driveway cuts are allowed and about traffic on the road. Regarding drainage, Mr. Archer stated that the land slopes away from the State road. There was discussion regarding agricultural contouring and Ms. Roberson commented about disturbed soils and she stated that there would be potential for no septic system there. Mr. Archer indicated the area where it would be.

Regarding Conservation Subdivision, there was discussion regarding a cut out triangle of land. Mr. Archer explained that it is not part of the seven acres and stated that it would be added to one of two lots which he indicated.

Regarding the existing house, Mr. Archer explained that it has already been sold. There was discussion.

Ms. Roberson explained about Conservation Subdivision vs. Conventional Subdivision. Mr. Archer explained that these are conceptals.

There was discussion about the road and Mr. Archer stated that they could make it a Town road or a private road. For the private road option, he indicated where they would put a couple of catch basins. He said with the Conservation Subdivision you don't have to meet the drainage and all that stuff, you can sheet flow. You still need the 50-foot right-of-way and indicated which house would, technically, own the 50-foot right-of-way and the others would have rights over the 50-foot right-of-way. He said that it would be like a condo association to pay for the maintenance of the road. The maintenance agreement would get recorded.

Ms. Roberson commented that she checked the farmland soils layer and prior to the agricultural contouring, prime farmland was closer to the road. She likes that on one, there are a couple hundred feet of frontage being maintained as an open

field and on the other, there is a house there. She said that there are a lot of things to balance.

Ms. Sigfridson commented that there is an alternative, third option, to cluster all of the houses in the back. Mr. Archer explained that it would not be cost effective as it would take too much road to get there.

Ms. Roberson suggested that, for the Conventional Subdivision, there could be two shared driveways going to six rear cluster lots while maintaining the frontage. She said that there could also still be one frontage house. Mr. Archer explained about how he feels about the drive in with the beautiful stone wall. Ms. Roberson displayed and orientated the drive along the road (Google Earth). There was discussion about how water collects when it rains (very wet, high water). There was discussion regarding the wood line on Lot 1 and Mr. Archer said that his guess is that the developer would not clear cut. Mr. Pember stated that they will need to get rid of some because the front end of the stone wall will need to be rebuilt. There will need to be two holes in the stone wall to go through.

Ms. Roberson stated that she checked the Flood Zone and elevation.

There was discussion regarding the two barns which stayed with the existing house. There was discussion regarding the farm stand.

Consensus was for the Conservation Subdivision.

VIII. Reports of Officers and Committees

a. Staff Reports

- Ms. Roberson stated that the new part-time, Land Use and Building Office Assistant, Theresa “Terri” Mahana, has started. She will be the Recording Secretary for IWWC and ZBA.
- Margaret Washburn’s Report dated July 31, 2023 (attached) was included in packets to Commission Members.
There was discussion about a property on Route 169 near the old Brooklyn Oil. It looks like they are rebuilding the front of the building and no permit was obtained for the work being done. Ms. Roberson will speak with Ms. Washburn.
- There was discussion about a property on the east side of Route 169, heading north, where approximately ½ acre was cleared. Ms. Roberson will speak with the property owner.
- There was discussion about the spa business on Day Street. The lighted “Open” sign is noticed to be on as late as 9 p.m. on Friday, Saturday or Sunday. Ms. Roberson will look into it.
- There was discussion about a blight situation on Day Street.

b. Budget Update – Included in packets to Commission Members.

c. Correspondence – Referral from the Town of Canterbury for a zone change (included in packets to Commission Members).

d. Chairman’s Report – None.

IX. Public Commentary

- **Paul Archer**, Archer Surveying, represented Ace Hardware. The Application was submitted on Thursday.
Ms. Roberson stated that the public hearing will be scheduled for September 6, 2023. The need for a public hearing is due to a 1,000 gallon, above-ground propane tank being proposed in the Groundwater Overlay District.
The propane can't be located in the CL&P easement and he indicated the location where they want to put it with a black chain-link fence around it.
The Applicant wants to put a dumpster in the back of the building. However, the dumpsters of the other businesses in the plaza are not screened. Therefore, Mr. Archer asked the Commission how they should propose the dumpster and if the Commission is going to require screening. He asked if the Commission wants to see the dumpster on the site plan. There was discussion and it was expressed that, going forward, they all should be required to be screened at such time that they come before the PZC. Mr. Archer stated that he will modify the plan to show screened dumpsters. He said that the Applicant will not have a problem with it.

There was discussion regarding parking and Ms. Roberson explained that it is a non-issue because there is way more parking there than the current standards require.

There was discussion regarding the propane tank. Mr. Pember stated that, if they are going to drive around back, he feels that they will need lanes/signage. Mr. Archer indicated that they can have signs made for two or three spaces to show where propane customers should park. Discussion continued. Mr. Archer stated that he does not think that the Applicant will have a problem with designating spaces.

Mr. Archer stated that he will show, on the plan, the rough area where they would like outside display area. He asked if there is anything else the Commission would want to see on the plan. There was discussion regarding outside display and Mr. Pember stated that it had already been determined, during the previous discussion, where it was going to be and the pallet locations were going to be marked out on the plan. Discussion continued regarding concern for the sidewalk being blocked and about what other businesses do.

Ms. Roberson stated that the public hearing will be scheduled for September 6, 2023 (at the August 15th meeting).

X. Adjourn

M. Sigfridson adjourned the meeting at 7:52 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary