

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, February 1, 2023 6:30 p.m.**

MEETING LOCATION:	
Brooklyn Middle School Auditorium, 119 Gorman Road, 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 6:33 p.m.
- II. Roll Call** – M. Sigfridson, Carlene Kelleher, Allen Fitzgerald, Lisa Herring, S. Pember, J. Haefele; Gil Maiato; Sara Deshaies (all were present in person).
Brian Simmons was absent with notice. Karl Avanecean was absent.

Staff Present: Jana Roberson, Town Planner and Director of Community Development; Austin Tanner, First Selectman (both present in person).

Also Present in Person: Norm Thibeault, P.E., Killingly Engineering Associates; Scott Hesketh, P.E., F. A. Hesketh & Associates; Patricia Buell, Brooklyn Schools Superintendent; John Serrell/Kencyn Corporation; J.S. Perreault, Recording Secretary.
There were nine additional people present in the audience.

Present via Zoom: Attorney Nicholas Mancuso; Aoife Heaslip; Stephanie Hynes; Bob.

- III. Seating of Alternates** – No Alternates seated.
- IV. Adoption of Minutes:** Meeting January 17, 2023

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of January 17, 2023, as presented.

Second by J. Haefele. No discussion.

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

- V. Public Commentary**
Debra Karinski introduced herself and informed the Commission that she intends to purchase a property on Canterbury Road where she would like to have a distillery (similar to one in Putnam) in the carriage house in the back.
M. Sigfridson commented that it is a beautiful building which she feels is underused.

- VI. Unfinished Business:**
- a. **Reading of Legal Notices:** J. Roberson read aloud the Legal Notice for SP 22-008 which was published in the *Turnpike Buyer* on January 18, 2023 and January 25, 2023.
 - b. **Continued Public Hearings:** None.
 - c. **New Public Hearings:**
 1. **SP 22-008:** Special Permit Application for Multi-Family Development (50 Condominium units) on south side of Louise Berry Drive (Assessor's Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack and Erin Mancuso.

Norm Thibeault, P.E., Killingly Engineering Associates, represented the Applicants and gave an overview of the proposal (plans were displayed as discussed):

- Mr. Thibeault explained that there were 51 units proposed in the previous application, which had been withdrawn, and they are now proposing 50 units.

One of the accessible units has been eliminated due to the layout of this type of unit and it is too tight for the amenities to work correctly with the rest of the floor plan.

- Proposing access from Louise Berry Drive.
- Proposing an approximately 1,000' long roadway which will terminate in a cul-de-sac on the far western end of the property (furthest point down-gradient of the property).
- Clusters of three-to-seven units per building.
- Regarding the requirement that facades not be contiguous for more than 40 feet, the buildings are offset in jogs to give more character.
- Reference was made to Section 6.E – Special Permit Criteria: Minimum of 5 acres required, they have 13.5 acres; Density requirement for properties having access to water and sewer – A maximum of 117 units that would be allowed on this property, they are proposing 50 units taking into account spacing between the buildings, access and parking. The hope is to make the flow of the development more conforming and more attractive to potential buyers of the units.
- These will be for-sale units and will be operated by a Homeowners' Association.
- The road will also be privately owned and maintained by the Homeowners' Association. The Town will not be expected to maintain it, plow it or clean the stormwater system.
- Reference was made to Section 6.E.2.3 - They exceed the square-footage requirements for the units.
- They are not proposing any living below grade or second story.
- They adhere to the minimum 40-foot spacing between buildings.
- Reference was made to Section 6.E.3.13 – Buildings should harmonize with the landscape and each other – They are utilizing the terrain and stepping the buildings up and down depending on the terrain to try to get them to fit into the terrain and they try to minimize the amount of grading required to construct these units.
- Regarding suitably lit parking and walkways – He stated that he received a comment from Ms. Roberson yesterday and he will need to take a closer look at this to be sure that they meet this requirement.
- Mr. Thibeault stated that all driveways are to be paved.
- Mr. Thibeault stated that the streets do meet Section 10 of the Criteria of the Subdivision Regulations and Public Improvements Specifications.
 - They are proposing sidewalks as they are within 1,500 feet of a school.
 - Regarding storm drainage design criteria within the Public Improvements Specifications, he said that the storm drainage system and computations have been extensively reviewed by Syl Pauley (Town Engineer). Mr. Thibeault said that it was also reviewed for the previous application by Steve Trinkas who had been hired as a third-party consultant. Mr. Thibeault explained that the stormwater layout, the stormwater detention system and the stormwater treatment were all designed with input from both Mr. Pauley and Mr. Trinkas. Mr. Pauley's latest comments (Dated January 25, 2023), received yesterday by Mr. Thibeault, states that he has no further comments on the drainage system. Mr. Thibeault stated that the system is built in conformance with the State of CT DEEP for quality guidelines and they will exceed it. He explained that, to alleviate the single-point discharge, they incorporated a second stormwater basin into the design so that they can split the discharge. He also explained about an 8-foot-wide wet swale to alleviate excessive velocities in run-off.
- They have received approval from IWWC (late 2022). Mr. Thibeault explained that they had an existing approval from the previous application (good for five years), but with the changes incorporated, they went back to the IWWC and received approval.

- Regarding parking spaces, 100 spaces would be required, but they are proposing two spaces per unit for the 48 non-accessible units and three spaces per accessible unit. They are also providing 36 additional parking spaces spread out in clusters along the roadway and along some of the side driveways. Total of 140 parking spaces (conservatively).
- Mr. Thibeault explained that the units located on the northern side of the proposed roadway have a very deep garage unit, but it they do not have quite 40 feet (with the width of the foundation and garage doors) as required. He said that people with smaller cars could utilize those for additional parking. He said that if we are a little more lenient with our counts, we could get some more additional parking within the buildings.
- Recreation Area – They are showing a 40' x 60' playscape area as well. A Total recreation area of 28,000 square feet. Mr. Thibeault stated that they will provide more detail as requested by Ms. Roberson.
- Building Heights – Mr. Thibeault explained that, depending on how we look at these, either way we choose to measure it, we do meet the maximum height criteria as defined by the Regulations.
- Landscaping – Mr. Thibeault indicated the units on the north side of the road and stated that they are proposing to plant evergreen buffers between the roadway and the backs of the buildings to screen the deck/patio areas. Mr. Thibeault explained that, prior to the Applicant purchasing the property, it had been logged extensively and a lot of the un-usable portion of what was cut, was left in place making it difficult to maneuver through the property at this point. There is also a lot of invasive vegetation. This has been discussed with Joseph Theroux, a Certified Soil Scientist and Certified Forest Practitioner, who provided a letter for the Record (dated May 10, 2022) in which he suggests cleaning up the ground and planting 250 18–24-inch tall, white pine seedlings per acre. Within 8-10 years this would provide a nice vegetated buffer on the southern side of the property. They will also be planting additional buffer landscaping along the northern side of the property where the school is located. They also will be planting some buffer landscaping to the east where the accessible units are located.
- Regarding concerns about traffic, Mr. Thibeault explained that in addition to traffic counts that had been taken for the previous application, Scott Hesketh, P.E., did some additional counts last week.

Scott Hesketh, P.E., F.A. Hesketh & Associates, explained that his office had, originally, prepared a Traffic Impact Report dated July 13, 2021. This Report had been reviewed by Kermit Hua who provided comments to the Commission. Mr. Hesketh stated that his office was in the process of preparing a response to Mr. Hua's comments, but the application was withdrawn and a new Application was subsequently submitted.

Mr. Hesketh explained that the current November 30, 2022 Report is, basically, the same as the July 13, 2021 Report, but has been updated to reflect some new count information in an attempt to answer review comments from Mr. Hua.

Ms. Roberson clarified, for the Record, that the information in the Commission Members' packets does not reflect data recently collected since the November 30, 2022 Report was submitted.

Mr. Hesketh reviewed and explained his Report (dated November 30, 2022):

- His office visited the site to review the current roadway conditions including both the Elementary School and the Middle School. In response to Mr. Hua's comment that the counts be updated, they collected data on September 21, 2021, which is the analysis that the November 30, 2022 Report is based on. They used Land Use Code 2020 which is multi-family housing, low-rise type, as was recommended by Mr. Hua.

- Mr. Hesketh referred to Table 3R-1 of his Supplemental Report (dated January 26, 2023). The results indicate the following:
 - Gorman Road approach operates at Level of Service A during all peak hours for both background and combined traffic conditions.
 - Louise Berry Drive approach operates at Level of Service C during peak hours for both background and combined traffic conditions with the exception of the afternoon commuter peak hour which operates at Level of Service D with average delays of 25.4 seconds per vehicle. He noted, for the Record, the trip line between Level of Service C and D is 25 seconds.
 - Per their observation, a significant amount of the traffic occurs during the 15-minute peak period when students are dropped off in the morning and picked up in the afternoon. Mr. Hesketh explained about the Peak Hour Factor.
 - For the intersection of Louise Berry and the proposed site driveway, all approaches were operating at Level of Service A or B during peak hours under the combined traffic conditions.
 - In terms of the proposed site driveway, they are recommending that a stop sign and stop bar be placed at the approach to Louise Berry Drive and probably should have 50 linear feet of double yellow line to separate entering and exiting flows.
 - Regarding intersection sight distances, Mr. Hesketh stated that some clearing of vegetation will be needed to maintain the sight distances.
 - Based on projected traffic volumes, the parking spaces located opposite to the proposed site driveway, used by School Faculty, Mr. Hesketh stated that there should be minimal conflict between the site-generated traffic and the traffic into and out of those spaces.
 - Mr. Hesketh explained that during their initial count, they had made observations of drop-off and pick-up procedures, but was informed that the procedure has recently changed. He stated that the recommendations currently posted on the School's website are the same as they were in September 2021. He said that the traffic volume counts indicated that people are operating in that particular fashion. However, Mr. Hesketh explained that, to verify, they did additional counts (for intersection of Louise Berry Drive and Gorman Road) over the last week and the counts are very similar during the morning and afternoon School peak hours. He said that the volumes observed were significantly less during the p.m. peak-hour commuter times than they had projected in their previous Report. Mr. Hesketh provided copies of Diagrams, Analysis, and Level of Service Calculations to the Commission Members for review.
- Mr. Hesketh stated that during School peak times, the traffic volumes observed last week are nearly identical to the traffic volumes they observed in September 2021, which the Report is based upon. So, they are confident that the analysis in the Report, at least during the School peak hours, is consistent and, during the afternoon peak hours, they present even better Levels of Service than what is presented in the Report.

Mr. Hesketh summarized his Report: Based on their review, background traffic volumes, projected site-generated traffic volumes, and the calculated Levels of Service at the intersections reviewed, it is his professional opinion that the local roadway network can accommodate the increase in traffic associated with this proposed development without significant impact on traffic operations, that the site access driveway is properly located with respect to available intersection sight distances, and is designed to accommodate the anticipated peak-hour volumes.

Mr. Hesketh provided copies of his Supplemental Report (dated January 23, 2023) to Commission Members.

Mr. Thibeault reviewed Architectural items:

- In response to comments received yesterday regarding stories of a building, he read aloud from the Regulations and he explained that if more than half of a level is below grade, it is not considered a story. He explained, and provided copies of, calculations that he did for Units 8-12 as a sample to show compliance with Section 6.E.3.9 of the Regulations and he offered to do the same for each building to be sure that they meet the criteria, which he stated that he believes they do.
- Regarding the question of an experienced professional for preparing the plans, Mr. Thibeault referred to the Regulations and said that they say “experienced professional” not “licensed professional architect.” He explained that it is their interpretation that it is not a licensed, but an experienced professional and the person that has been preparing the plans has over 30 years of experience in doing design work and preparing plans and they feel that he has the experience to, at least, provide plans at this juncture of the permitting process. He said that the Building Official will determine or require the need for stamped, architectural plans when it is time to obtain building permits. Mr. Thibeault requested that the Commission take this into consideration and give guidance on this issue.

Mr. Thibeault reviewed criteria:

- Consistent with the purpose of the Regulations because it is an allowed use by special permit. They are only at 42 percent of the maximum density allowed and are showing good judgement in designing the site.
- Environmental Protection/Conservation – There are no historic or scenic features on this site. It has been heavily logged and vegetation is scattered. There are a lot of invasives which will be eliminated as part of this project and they will replant with a new over-story of vegetation. Ultimately, the planting plan will improve the wooded canopy.
The stormwater design that this into account as it has been designed in accordance with the Connecticut Stormwater Quality Guidelines and has been reviewed extensively by two other licensed professionals. He feels that they have a good design that addresses water quality and reduces the maximum rate of discharge from the site for every storm.
- Overall Compatibility – He believes it serves a need of the Community for market-rate housing where property maintenance is not required (first-time homebuyers/young workforce/empty nesters).
- He feels that it is a suitable location for this use as there is access from a Town road. The roadway is sufficient to meet the access and egress needs. The on-site circulation allows for the movement of traffic quite easily. They do not feel that the development will have a detrimental impact on the School. He stated that, for the previous application, there was testimony from a School Department Representative that did not have a huge issue with this. They wanted a crosswalk from the roadway that led to the School. Mr. Thibeault stated that they added a small section of sidewalk and a crosswalk in that area which is shown on the plans.
- Regarding appropriate improvements, they do not believe that the buildings would be obtrusive to the area. Because of the terrain, much of the development is not going to be visible from the roadway.
- Not proposing any excessive lighting.
- There will be no excessive noise associated with these residential areas.
- They are improving the vegetative screening by re-establishing some forested land.
- Regarding traffic and transportation, Mr. Thibeault stated that Mr. Hesketh’s presentation addressed the ability of the roads to accommodate any traffic that may be generated as a result of this development.

- Regarding adequate public utilities, they have approval from the Brooklyn WPCA and from Connecticut Water. He said that there is capacity in both systems and plenty of water pressure, so public utilities are sufficient.
- Regarding long-term viability, Mr. Thibeault stated that the road and drainage system would be owned and maintained by the Homeowners' Association, so it doesn't present any kind of a burden on the Town when this development goes in.
- Regarding nuisance avoidance, Mr. Thibeault stated that there would be no excessive light, odors, erosion or stormwater run-off generated as a result of this development. He explained that during construction is when we have to be most conscious of stormwater run-off. The five-phase development plan shows locations of erosion and sedimentation controls during each phase of the project. There are temporary sedimentation basins and they have incorporated mechanisms into the drainage design to keep excessive sediment from flowing off the site.
- Regarding the POCD, Mr. Thibeault explained that this is shown as an area of moderate critical resource value and he feels that, with the higher density housing clustered, with the water and sewer, it provides a tight footprint for a lot of housing rather than 50 individual two-acre lots, which would result in a lot more land being disturbed. He spoke about property owners creeping to the perimeter of the property by installing sheds/pools/extend garage and the footprint gets bigger and bigger.

Mr. Thibeault explained that a criteria of the Housing Section of the POCD requires an adequate, sustainable mix of housing for all income levels and encourages new development with a small environmental footprint. He feels that this development gives an option that really isn't available in Brooklyn, or very limited, and it provides a much smaller footprint than building fifty homes.

It is recommended in the POCD, that the Town review zoning densities for areas served by public utilities. He said that this is what we have here: we have public utilities; and we meet the zoning densities as allowed by the Regulations. Mr. Thibeault stated that he has addressed promoting incentives for developing housing for young professionals, first-time home buyers, critical sectors of the workforce and empty nesters.

Mr. Thibeault offered to answer questions.

COMMENTS FROM STAFF:

J. Roberson stated that she had prepared a 3-page Zoning Review Report containing her comments (dated 1/31/2023) which was provided to Commission Members and had been made available to the Applicant. She stated that her comments largely agree with what Mr. Thibeault has presented. Items that she has concern about:

- It would be nice to have a tabulation of the square footage of all units, particularly noting living areas.
- She referenced Section 6.E.3.8 of the Multi-Family Development Zoning Regulations which prohibits livings quarters below the finished grade of the ground surrounding the structures nor above the second story. She thanked Mr. Thibeault for his demonstration tonight, but she said that this information regarding the average finished grade surrounding the buildings, based on the actual plans, has not been officially provided.
- First floor elevations have not been provided. She explained that spot elevations on the ground in front of the units is not first floor elevations. She asked for the level of the floor so that it can be verified.
- She referenced Section 6.E.3.9 regarding a maximum of 35 feet and a maximum of two stories. She displayed plans which she said look like three stories. She clarified, for the Commission, that there is a 4-foot retaining wall that is flush with the front of the façade that is affecting the average finished grade.
- She is not certain that the criteria has been met as information has not been provided to definitively answer that question.

- Dumpster locations are in the setback. She said that they are subject to the setback. More detail on the dumpster fencing is needed.
Mr. Thibeault explained that he had received Ms. Roberson's comments yesterday and has not had the opportunity to address all of them. He said that it won't be a problem to move them.
- She asked that it be verified that Units 44 and 32 are 40 feet apart.
- No information on colors or specific materials has been received (Section 9.D of the Special Permit requirements).
- No specifications have been provided regarding how building clusters will be externally identified. Signage may be lit and there is a requirement that there be signage at every driveway intersection.
- Regarding Parking – one interior space and one exterior space for every unit. ADA units have one interior and two exterior spaces. She noted that the exterior spaces are in front of the garage door, which blocks it. She used Unit 12 as an example and suggested that, for safe vehicular movement, some spaces identified as parking spaces might actually be turn-around spots. She said that they have tried to provide parking for guests and extra vehicles. She explained that she feels that the parking requirements have been met and exceeded, although, she is not sure that all parking spaces should be designated as parking spaces as they look like turn-arounds.

At this time, Stanley Rhodes, Franklin Drive, who was seated in the audience and was waiting to speak regarding this Application, indicated that he had to leave.

COMMENTS FROM STAFF RESUMED:

- Regarding the Recreational Area, Ms. Roberson stated that it would be 7,500 sq. ft. based on the number of units. She indicated the 2,400 sq. ft. box on the plan entitled "Proposed Mulched Playscape Area."
Mr. Thibeault indicated an area to the north of the playscape area designated as recreational area (which has access to the walking trail) for a total 28,000 sq. ft. Ms. Roberson stated that it is hard to envision and said that it would be nice to have more details. She asked Mr. Thibeault if he is suggesting that providing access to the trail qualifies the area as recreational open space.
Mr. Thibeault stated that he is and he offered that if they need to look at other areas as potential recreation alternatives, they could do that.
Ms. Roberson made reference to a deed that documents the public access to the trail which she had sent to Mr. Thibeault as part of the previous application. She stated that the plans have not been updated to reflect that there is a deed and a map for the public access, which she said is correctly depicted. She said that the deed is referenced on Map Reference #6.
- Regarding Road Frontage – It was presented as 243 linear feet with four street trees. The requirement is one street tree for every 50 feet and Ms. Roberson feels that there should be another tree.
Ms. Roberson explained that she has concerns regarding buffering, most notably on the northern property line where the clearing comes within ten feet of the property line. She explained that there should be at least fifteen feet of buffer and she suggested that it could be addressed with more white pines. The plan was not labeled for the area north of Units 38 and 25.
Mr. Thibeault stated that they could buffer it a little better. He suggested they could look at providing a bigger, heartier, emerald green arborvitae to start with in that area to provide immediate buffering between those buildings and the School.
- Regarding the issue with the Regulations specifying "Qualified Professional," Ms. Roberson explained that she believes that the intention is Professional Architect and she said that the State has licensing guidelines.
Mr. Thibeault explained that these are not construction drawings, at this point, and the intent of the drawings, at this point, is to give the Commission a flavor

of what these buildings are going to look like. He acknowledged that he still needs to provide more information regarding finishes, colors, etc.

Ms. Roberson referred to, and read aloud from, Section 20-288 of the Connecticut General Statutes. She said that this does seem to be an aesthetic design and a preliminary study of a plan and she still feels that this is the practice of architecture which should be engaged in by an architect.

- Ms. Roberson explained that a proposal, based on the modified Scope of Work, to hire supplemental consulting services to review the Traffic Report prepared by F.A. Hesketh & Associates, as allowed by Ordinance and Zoning Regulations, had been included in packets to the Commission Members. Ms. Roberson read aloud the items included in the Scope of Work and explained that the Commission would need to take action to accept the Consultant's proposal in order to proceed with hiring that third-party Consultant because the Applicant would have to pay the Consultant's fee. She explained that, for the previous application, in addition to a Traffic Consultant, the Commission had also hired third-party Consultants regarding stormwater and landscaping. The proposal is \$155/hour, not to exceed \$6,000. She feels this would be more than enough for Mr. Hua to review the Application.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- **A.Fitzgerald** asked when the final draft of the Traffic Report would be received.
Mr. Hesketh explained that it is not his intent to do an additional report as he had already provided updated information and the comparison indicates that the volumes are the same. He offered that he would do it again, if the Commission wants him to.

Nicholas Mancuso, Attorney for the Applicant, commented on the following:

- The Traffic Report originally submitted is, for all intensive purposes, the same Report in front of the Commission now. He said that the only differences are that Mr. Hua's comments and the responses from Mr. Hesketh are incorporated into the Report. Attorney Mancuso said that the traffic counts are the same or lower than they were initially. He said that the Applicant does not believe that it is reasonable to have a Traffic Review Engineer at this point.
- Regarding the issue of "Qualified Professional," Attorney Mancuso said that it is unreasonable and not in-line with precedent, to require an Architectural Stamp for conceptual plans. He spoke of Mr. Skene's experience designing numerous plans in Windham County. He said that if an Architect were required, it would be in the Regulations, but it is not. He feels that Mr. Skene is a Qualified Professional and they have satisfied that requirement. Attorney Mancuso explained that there is a process in place and, if approved, the Building Official would review the plans and either approve, disapprove or ask for modifications. He said that it is not within the Commission's purview to require an Architect at this point. He said that if the Commission wants to revise the Regulations to require it, they can, but, as it stands right now it is a Qualified Professional and we satisfy that standard. He said that Ms. Sigfridson, at the last public hearing, acknowledged, to some extent, that we are not required to have an Architect, it was a Qualified Professional.

Ms. Roberson referred to, and read aloud from, Section 9.D.3.3 (Submission Requirements) and explained about "Qualified Professional" as appropriate. There are a list of things and they don't all relate to architecture. She explained that it is not unusual or unprecedented in this Town to get plans from actual Architects or to hire Architects to review them. She said that questions about the design would have probably been addressed by an Architect. She said that the

building plans that have been submitted have not been signed by an Architect, they don't specify that they conform to the Building Code, and, right now, we don't know if they do or not.

QUESTIONS/COMMENTS FROM THE COMMISSION RESUMED:

- **J. Haefele** stated that it is specifically included in the Regulations and there is also precedent. He said that this is our requirement and we have required other people to comply with it. To change the requirement for this Applicant would be the exception, rather than following precedent.
- **L. Herring** asked for clarification regarding traffic counts. Mr. Hesketh referred to Figure 2R-2, which was included as part of the information he provided this evening. He explained that this sheet contains the traffic volumes taken in September 2021 and January 2023. He said that the counts conducted in January 2023 confirm that the counts conducted in September 2021 are accurate counts. He explained that although they had not done turning counts during afternoon peak hours in September 2021, based on the Institute of Transportation Engineers, they projected a total of 52 left turns (recently counted 11) and they projected 28 right turns (recently counted 13). So, those volumes were significantly lower during the commuter peak hour than their Report is based upon. Therefore, he explained that he does not see a need to update the Report. He said that the Capacity Analysis, based upon those numbers, is also included in the information he provided this evening. He said they have done the analysis and the analysis indicates that the Levels of Service at that intersection are substantially similar to the one he presented in his previous Report: Level of Service "A" at Gorman Road; Level of Service "C" at Louise Berry Drive coming out.
Ms. Herring stated that, due to concern for the children, she would like to have it reviewed by a Consultant to be sure that all safety concerns have been addressed.
Mr. Hesketh explained that if there were Levels of Service of "E" or "F" and delays of 70 or 80 or 90 seconds it might be appropriate, but he does not feel that it is that big of a deal with "B" or "C."
Ms. Roberson asked Mr. Hesketh to explain Level of Service. He explained that it is based on the average vehicular delay at an intersection.
- **S. Pember** noted that on Figure 2R-2 the p.m. peak hour for the School was changed from 3:15 to 2:30 and he asked if the window covered was from 2:30 to 3:30, instead of 3:15 to 4:15 as was done 2 years ago. **Mr. Hesketh** explained that, for the recent counts, they counted from 7 to 9 a.m., from 2 to 3:15 p.m. peak hour during school time, and from 4:45 to 5:45 p.m. during the evening peak. He said that in September 2021, the peak hour observed was from 3:15 to 4:15 p.m. He did not know why the peak hour was changed to 2:30 to 3:30 p.m. **Mr. Pember** stated that since the Elementary School discharges at 3:15 p.m., he is not sure how we could come up with a peak between 2:30 and 3:30 p.m. He explained that the traffic flow/pattern has changed since September 2021. **Mr. Hesketh** stated that the same traffic pattern was followed in September 2021, as indicated on the School website. **Mr. Pember** disagreed and explained that there were not two lanes of traffic coming out of the back in September 2021, there was only one. Where the proposed driveway would be (off of Louise Berry Drive) is exactly where those two lanes of traffic emerge. **Mr. Hesketh** agreed that the traffic from the Schools does exit at this location and he explained that his understanding is that it was operating that way in September 2021 and that he does not know what was

happening on the other side of the School and that could not count two locations simultaneously.

Mr. Pember asked about the location of the proposed crosswalk going over to the School.

Mr. Thibeault explained.

Patricia Buell, Brooklyn Schools Superintendent, made the following comments:

- She requested a crosswalk to narrow the walking area with the goal to be able to monitor the students coming across as opposed to just randomly coming across the road. She assumes that there will be some children walking from that area. The intent for the crosswalk was that it would cross to right behind the School where there is an existing sidewalk.
- Regarding the Traffic Study, from the Schools' standpoint, Ms. Buell stated that she had reviewed the document that was posted to the website (November 30, 2022) and there are still some inaccuracies. She explained that the initial Study was done during COVID and the drop-off time was later, so there was a schedule change. The initial Study was not accurate because half of the students were coming to School.

Regarding the September 2021 Study, she said that there was still some decrease in enrollment at that point.

Regarding the November 30, 2022 Study, she explained that there were still some inaccurate start and end times. However, she said that on page 5, the start time had been corrected to 8:15 a.m., but on page 6 it was stated incorrectly again as 9:30 a.m.

Ms. Buell stated that it is up to the Commission whether they require another Study, but this document is inaccurate. She said that they may have updated counts:

- 7 to 9 a.m. would cover the drop-off time since parents start lining up about 8 a.m. and are usually gone by 8:45 a.m. So, that that would be accurate.
- However, counting from 2 to 3:15 p.m. and from 4 to 5 p.m. would not be accurate times to count because School is not dismissed until 3:15 p.m.
- There are easily 100 students (60 cars) that are picked up everyday in the back of the Elementary School.
- She stated that the traffic pattern has changed. She said that, as she had stated previously, if Mr. Hesketh had reached out to her, she would have reviewed it with him and would have been able to clarify it before this evening.
- She confirmed that there are two lanes of traffic that leave the School property onto Louise Berry Drive which is near the proposed entrance to the development. She noted that there are employees that will be leaving at the same time (some at 3:15, some at 3:30 and some at 3:45), so she said that there is a need to count straight through. There are 175 employees. She stated that she doesn't think that there is going to be a problem, but if you want accurate information, you should probably get another count.
- She said that she would be happy to work with them and to assist in any way that she can.

QUESTIONS/COMMENTS FROM THE COMMISSION RESUMED:

- **Ms. Sigfridson** asked Mr. Hesketh to confirm that the afternoon hours observed were between 2:30 and 3:30 p.m. and again between 4 and 5 p.m.
Mr. Hesketh stated from 2 to 3:30 p.m. and from 4 to 6 p.m. for the commuter peak times.
Ms. Sigfridson asked how those times were selected.
Mr. Hesketh explained that he had gone to the website and got the start and stop times. Middle School pick-up times were stated as 2:20 to 2:45 p.m. and the Elementary School let out at 3:15 p.m., so they thought 2 to 3:30 would be appropriate.

- Ms. Herring** asked School Superintendent, Patricia Buell for her opinion regarding the additional traffic.

Ms. Buell explained that once the pattern flows get organized, it will become a normal flow. She feels that the biggest traffic pattern at the start of every School year is the Gorman Road side. They now have the parents enter by the Middle School and what happens, at that time of year, is that Gorman Road backs up in both directions, so there are definitely traffic pattern issues at that time. She explained that part of it is parents figuring out which line they need to be in. This lasts for about two weeks.

Ms. Herring asked if the children are far enough away from that driveway where it is not a safety issue.

Ms. Buell stated that if there were no students that had to cross Louise Berry Drive and it were only cars, she feels that it would be a natural flow. She explained that when the traffic pattern was different, they used to have significant issues on Louise Berry Drive. She said that she will look for the incorrect information on the website regarding the School end time and will correct it. She said that the new traffic pattern seems to reduce the Gorman Road and Louise Berry Drive traffic. There are no traffic issues, at this point, on Louise Berry Drive. Regarding students crossing at the crosswalk, the issue then becomes how to get those students safely across without adding Staff to cross them. She said there will be an impact in that sense, it's just a matter of making them safe.

Ms. Herring asked if Mr. Buell foresees ever having to change back to the previous traffic pattern.

Ms. Buell explained that this has been working for about three years now, although there was a slight change at the Middle School which reduced the amount of traffic coming out onto Louise Berry Drive.
- Ms. Sigfridson** asked about the two lanes of traffic.

Ms. Buell and Mr. Pember explained for both drop-off and pick-up for parents who have students in one or both schools and also when there are events such as sports.

Attorney Mancuso asked if the public road, Louise Berry Drive, was being used to stop and park.

Ms. Sigfridson explained that it is not.

Mr. Thibeault explained that, if approved, the build-out would be over a number of years. He explained that construction traffic wouldn't be as frequent as 50 units going in and out.

Mr. Fitzgerald voiced disagreement.

A.Tanner expressed disappointment with the Traffic Study as the Superintendent of Schools had previously offered her assistance and they had not made an attempt to coordinate with her.

Attorney Mancuso commented that Mr. Hua had reviewed the Report and signed off on it.

There was discussion as there was disagreement expressed among between Attorney Mancuso, Mr. Tanner, Mr. Haefele, Ms. Roberson and Ms. Sigfridson. Mr. Haefele stated that the new data collected last week was not included in the November 30, 2022 Report and the data was collected at a time that was not appropriate. Mr. Hesketh stated that he checked the website for the School let-out times and that information he used was incorrect. He acknowledged that he misinterpreted it and stated that he will rectify it with new information.

There was discussion regarding the information being based off of feedback received from the previous application, although Ms. Sigfridson explained that it will not be determinative.

Mr. Thibeault stated, for the Record, that both the Landscaping and the Stormwater Designs presented as part of this Application are certainly part-and-parcel the result of

the reviewing parties for the previous application. He feels that it would be foolish not to take that into consideration while presenting a new application.

ADDITIONAL QUESTIONS/COMMENTS FROM STAFF:

- **J. Roberson** asked Mr. Thibeault to provide examples of responses to the Landscape Architect's comments from the previous application.
Mr. Thibeault stated that they have incorporated turning radii for vehicles on the plan, they are showing emerald green arborvitae screening between units, information on the restoration in the report received from Joseph Theroux, they have added screening between the ADA units and the adjacent property to the plans.
- **Ms. Roberson** made the following comments:
 - Part of the discussion before the public hearing opened was that the data collected for the Traffic Report was from 2021.
 - There was a strong feeling among several Commissioners that the traffic had changed both in volume and pattern.
 - She and the Commission had specifically requested more contemporary data/traffic counts which was done on January 26, 2023 and the information has just now been received at the public hearing.
 - Ms. Roberson said that she has received conflicting information from different members representing the Applicant. Mr. Hesketh stated that it is a new Report and Attorney Mancuso has repeatedly said that it is the same Report. The information received tonight may have some issues as pointed out by Ms. Buell.
 - Ms. Roberson feels that the Commission deserves to get accurate, complete information.
Mr. Thibeault stated that he agrees.
 - Ms. Roberson suggested that the official Hesketh Report be revised to include the latest information with any recommended changes regarding the start and release times of the School. She requested that the School Superintendent be contacted, by phone, to discuss the issue.
 - Ms. Roberson strongly encouraged the Commission to proceed with the third-party Consultant/Traffic Engineer.

Ms. Sigfridson stated agreement with proceeding with the third-party Consultant/Traffic Engineer. She stated that she doesn't know if an additional phone call with the Ms. Buell is warranted, since she spoke at this public hearing.

Ms. Sigfridson commented about a half-hour gap between 3:30 and 4 p.m. She suggested counting from 2 to 6 p.m.

Mr. Hesketh stated that they will be doing a count tomorrow from 2 to 4:30 p.m. He explained that it is difficult for someone to sit in a vehicle for four hours and count continuously without the need to take some kind of a break.

Ms. Sigfridson explained that the concern is more for the School peak rather than the commuter peak.

ADDITIONAL QUESTIONS/COMMENTS FROM THE COMMISSION:

- **L. Herring** stated concern regarding School and construction traffic taking left turns.
Mr. Thibeault suggested that, to alleviate potential conflicts, it could be defined on the plans a construction schedule when construction vehicles could be prohibited from egressing or accessing the site.
- **M. Sigfridson** stated that it is a good suggestion, but we would need to give careful consideration to these restriction as to when it would be because the traffic lining up may not interfere as much as right upon dismissal.
- **J. Haefele** asked about Syl Pauley's comments and if there are still some unresolved issues.

Mr. Thibeault explained that most of them are just drafting corrections. He would like some things clarified in the phasing. They will address those items. **Mr. Haefele** asked about the Site Plan Titles and the Architectural Building Plans.

Mr. Thibeault stated that they have no objection to changing the title of a drawing if it clarifies things. He said that the Architectural Building Plans issue had already been discussed.

A. Tanner asked about drainage. Since the development is on the north side, he asked how the water is going to get to the catch basins on the south side of the driveway.

Mr. Thibeault explained that they have roof leaders going to the catch basins for the buildings. It is going over land to the private roadway. Everything flows toward the roadway and they have a catch basin system in the private roadway.

Mr. Thibeault stated that they widened the roadway to 26 feet at the hydrants for access. It is 24 feet elsewhere.

Ms. Roberson stated that she had reviewed the plans with the Town Fire Marshal and he was satisfied with the hydrants and the turning radius of the turn-around.

PUBLIC COMMENTS:

- **Mark Haynes**, 71 Gorman Road, commented that his first priority is the protection of the School children.
 - He also spoke about Louise Berry Drive being a public road, but he explained that it not just an easy thoroughfare back and forth. It has one way in and one way out.
 - He does not believe that restricting times for construction vehicles will work.
 - He also spoke about his concern regarding construction vehicles causing a lot more traffic on Gorman Road.
 - He doesn't feel that needing a break is a good excuse for not counting the traffic for four hours.
 - He said that Gorman Road and all of the roads that tie-into it are residential. He asked that this be kept in mind. It is difficult to get in and out of his driveway.
 - He likes the speed signs and would like them to stay, but would like it placed further up.
 - He said that he is not in favor of the Application.
- **Cindy Scalzi**, 36 Franklin Drive, said that she had spoken with a friend of hers that is an Architect. Ms. Scalzi voiced concern regarding the following:
 - Parking, cars, protection of the aquifer from run-off and pollutants.
 - She read a prepared statement in which she states concerns which include: That the development will be at the taxpayers' expense; it will be an eyesore; wildlife; agriculture; wetlands; climate change; flood plain; the ravine is perched above her home; noise is like an echo chamber/amphitheater coming into her home (She asked if there would be provisions for sound barriers); light pollution; she has sensitivity to noise as she has fibromyalgia; concerns for children trying to study in school during construction and how they will be affected; traffic; speeding; aggressive drivers; emergency services and situations.
 - She said that the whole plan is a disaster. It doesn't fit this area.
 - She moved to Brooklyn to be in a quiet place. Her home will be a completely different place to live.
 - She also voiced concern regarding aggressive driving/road rage.
- **William Purcell**, 179 Gorman Road, commented on the following:
 - He walks his son to school everyday through his neighbor's woods because they have gotten run off the Gorman Road before.
 - He likes the speed signs. There is a lot of traffic on the road and people speed.
 - He is concerned about construction traffic.

- He noted a correction to the abutters list as David Dumont no longer lives on Gorman Road. Mr. Purcell feels that Mr. Dumont may not have gotten notified properly by certified mail.
- Mr. Purcell stated that the Landscape Plan does not match with what Mr. Theroux put on there. He does not feel that it complies with Section 7.C.6 of the Regulations regarding buffering. He does not see 6-foot-tall evergreen trees on the plan. He suggested, through his personal experience, that giant green arborvitaes be planted because the emerald green ones are just deer candy.
Ms. Sigfridson explained that Section 7.C.6 applies to non-residential purposes.
Ms. Roberson stated that the wrong Section was referenced. There are buffering requirements along property line (minimum of 15 feet).
Mr. Thibeault explained that Mr. Purcell's question regarding the size of the evergreen trees, Mr. Theroux's Report is a restoration plan for the areas that had been logged. They are proposing the larger evergreens for actual buffering purposes. This will be incorporated into the plans.
- Mr. Purcell asked how much of the thirteen acres is actually buildable.
Mr. Thibeault explained that they have to show the zoning calculations, for the general area, on the plans to show that they are compliant. He stated that they could have put 117 units in the dry spots, but they didn't.
- Mr. Purcell asked Ms. Buell about afterschool activities and the traffic pattern for those.
Ms. Buell explained that most of those pick-ups are after 5 p.m., but it varies. She was not sure about the traffic pattern for all of these activities, but some at the Middle School get picked-up near the gymnasium. For the Elementary School, picks-up are typically at the Main Entrance.

Ms. Buell asked about the driveway as she is not clear where the driveway for the development as opposed to the driveway for the School. Mr. Thibeault showed her the locations on the plans. Mr. Thibeault will prepare something for her to give a better perspective.

COMMENTS FROM THE ZOOM ON-LINE CHAT:

- **Aoife Heaslip** asked if right-of-way signs would be added on Louise Berry Drive and who would have the right-of-way. Ms. Heaslip stated that the issues of right-of way need to be addressed so that it is clear to the drivers. She is concerned about accidents and also about school shootings.
Mr. Thibeault explained that they are proposing a site sign for the development.
Ms. Roberson stated that signs on the Louise Berry Drive would be the Town's responsibility.
Mr. Thibeault suggested a sign at the end of the public right-of-way defining that you are now on School property.
- **Stephanie Hynes** commented that afterschool recreations goes until 6 p.m. and follows the traffic pattern behind the School, exiting Louise Berry Drive.

ADDITIONAL QUESTIONS/COMMENTS FROM THE COMMISSION:

- **M. Sigfridson** stated that more information is needed and that the public hearing would need to be continued.
- **L. Herring** commented about recent legislation requiring that charging station be installed for residential developments with 30 or more parking spaces. Ms. Roberson requested that the Applicant consider adding this to the design. Mr. Thibeault agreed.

- **S. Pember** suggested that Mr. Hesketh be given a chance to revise his January 26, 2023 Report, and then, the Commission could consider the proposal for our own Traffic Study. Ms. Sigfridson stated agreement.

Mr. Thibeault stated the following:

- He has no objections to addressing the written comments that Ms. Roberson had forwarded to him.
- Mr. Hesketh will get additional traffic counts and will revise the Report accordingly.
- Regarding charging stations, they have no objections.
- He asked that the public hearing be continued to the March 1st meeting to allow time to address these items.
There was discussion regarding location and it was decided to try to reserve the School Auditorium for the March 1st meeting.

ADDITIONAL PUBLIC COMMENTS/QUESTIONS:

There was discussion with Mr. Purcell regarding noticing requirements. There was discussion between Ms. Scalzi and Mr. Thibeault regarding drainage/run-off. Ms. Sigfridson commented that a Drainage Report was submitted with the Application.

ADDITIONAL QUESTIONS/COMMENTS FROM THE COMMISSION:

A.Fitzgerald commented that the Architect issue is not resolved. There was discussion regarding Section 9.D.3.3 which has three subsections and “Qualified Professional” applies to all three subsections. Ms. Sigfridson explained that the Commission needs to determine who is a qualified professional for each of the subsections. Ms. Sigfridson stated agreement with the Applicant’s position and also with some statements by Commission Members as sometimes the Commission has required an Architect and sometimes has not. Discussion continued.

Ms. Roberson made the following comments:

- We don’t know what kind of fire suppression would be between units (Building Code issue).
- Questions about stories and living quarters and first-floor elevations would be answered by an Architect, but they haven’t taken the drawings to a level of detail to answer those questions.
- If the Application were approved, and there was a change to any Zoning Criteria, it would have to come back before the Commission.
- She feels that it is an issue, but defers to the Commission to make the decision.

Discussion continued. Ms. Sigfridson stated that it is incumbent upon the Applicant to provide the Commission with the information needed to make a decision.

C. Kelleher stated that she feels that we could get that information without requiring an Architect.

Mr. Haefele stated that Mr. Thibeault has stated that he is going to provide the information. Mr. Thibeault stated agreement.

Motion was made by A. Fitzgerald to continue the public hearing for **SP 22-008: Special Permit Application for Multi-Family Development (50 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack and Erin Mancuso, to the regular meeting of the Planning and Zoning Commission to be held on **March 1, 2023** at 6:30 p.m. at the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT and via Zoom.**

Second by S. Deshaies. No discussion.

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

d. Other Unfinished Business:

1. **SP 22-008: Special Permit Application for Multi-Family Development (50 Condominium units) on south side of Louise Berry Drive (Assessor’s Map 33, Lot 19), 13.5 acres, R-30 Zone, Applicant: Shane Pollack and Erin Mancuso. **Continued – see above.****

2. **SD 22-004:** One lot Resubdivision including 2 acres on Allen Hill Road/Wauregan Road (Map 31, Lot 97C), Applicant: Wayne Jolley/Lori Pike. ***Public Hearing 2/21/2023***
3. **SP 22-007:** Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. ***Public Hearing 2/21/2023***
4. **ZRC 22-009:** Multiple revisions to Section 4.F Mill Mixed Use Development Zone, Applicant: DMP Palmer Associates. ***Public Hearing 3/21/2023***

VII. New Business:

a. Applications:

1. **SPR 23-001:** Site Plan Review for a Home Business (Woodstock Rebuilding) at 249 Windham Road, RA Zone, Applicant: Kencyn Corporation/John Serrell.

John Serrell was present and represented himself. He gave an overview:

- He has owned Woodstock Rebuilding since November 2020. He has operated a home business for 25 years, originating in Woodstock, CT. He would like to officially set up his business at 249 Windham Road.
- He rebuilds starters and alternators. Most of his customers are loggers and farmers. He also does work for the Town of Brooklyn and the DOT and DEEP. There are not many people left in the State who do what he does.
- It is a one-man shop and will probably continue to be.
- On a busy day, four people may show up. Other times, he may not have a customer for a few days.
- He does not work on vehicles on-site and has no intention to. People drop off the part, he fixes it and they come back to get it.
- There is no impact. They are a very green company. No hazardous chemicals.

COMMENTS FROM STAFF:

J. Roberson stated the following:

- It doesn't seem to be a high-traffic use.
- He has purchased the shipping container and it is currently in the rear yard behind the house, well within setbacks. She had explained to Mr. Serrell that we do not allow shipping containers. He plans to make it look like a building to make it more compatible with the neighborhood.
- The plan is an as-built plan of the home (in packets to Commission Members).
- Photos were provided (in packets to Commission Members).
Mr. Serrell explained that if he purchased sheds, they wouldn't support the weight of the things that he would need to store. Eventually, he would like to build a permanent structure in that location. He said that it is not visible to anyone unless you start coming up the driveway.
Mr. Serrell explained that he needs a safe and secure place to store his inventory and this is the most cost-effective option.

COMMENTS/QUESTIONS FROM THE COMMISSION:

- **S. Pember** asked how there is no mess/oil. He asked if he does any sandblasting. He asked if the shipping container is just for storage or if he would be working out of it.
Mr. Serrell explained that he uses Simple Green to clean the parts. He said that there is no change for any run-off or spills. It is a pretty contained system. He doesn't do restoration work.
Mr. Serrell explained that he does not have sandblasters setup. He has a 1962 lathe, a wire buffer, a drill press, and a grinding wheel. He had an abrasive machine but does not currently have a compressor wired up.
Mr. Serrell stated that he would not be working out of the shipping container and that it is just for storage for his car and it will be lined with steel shelves. He explained that the business would be in his attached, two-car garage.

- **A. Fitzgerald** asked about the timeline for getting the container clad and he asked about dimensions and setbacks.
Mr. Serrell explained that he is working on getting quotes for grading, gravel for underneath, wood for attaching. He feels that he could have it done in a weekend.
Ms. Roberson stated that setbacks are depicted and it is definitely not within a setback.
Mr. Serrell stated that it is 40 feet from the corner of the house and it is all to scale on the drawing. He offered to put additional buffering if needed. He said that there is quite a bit of an elevation change from the neighbor across the street.
Ms. Roberson stated that it is probably more visible from the neighbor's than from the street. She displayed a photo.
Mr. Fitzgerald stated that he doesn't see a problem as long as it gets clad in a reasonable amount of time.

Motion was made by C. Kelleher to approve the Site Plan Review Application **SPR 23-001: Site Plan Review for a Home Business (Woodstock Rebuilding)** at 249 Windham Road, RA Zone, Applicant: Kencyn Corporation/John Serrell. in accordance with all final documents and testimony submitted with the application with the finding that the proposal complies with Sec. 9.C Site Plan Objectives and Sec. 6.A.3. Home Business Standards of the Brooklyn Zoning Regulations, with the following condition:

- That it be clad within 60 days.

Second by A. Fitzgerald. No discussion.

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

2. **ZRC 23-001: Multiple revisions concerning exceptions to the setbacks including Secs. 2.B, 3.A.5.2., 3.B.5.2., 3.C.5.2., 4.B.4.2., 4.C.4.2., and 8.A.4.**

Motion was made by C. Kelleher to schedule a public hearing for **ZRC 23-001: Multiple revisions concerning exceptions to the setbacks including Secs. 2.B, 3.A.5.2., 3.B.5.2., 3.C.5.2., 4.B.4.2., 4.C.4.2., and 8.A.4.**, for the regular meeting of the Planning and Zoning Commission to be held on **March 1, 2023** at 6:30 p.m. at the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT and via Zoom. Second by J. Haeefe. No discussion.

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

- b. **Other New Business:** None.

VIII. Reports of Officers and Committees:

- a. Staff Reports
Margaret Washburn's Report (dated 1/30/2023) was included in packets to Commission Members.
- b. Budget Update
Draft proposed Budget for FY 23-24 was reviewed (included in packets to Commission Members).
There was discussion regarding a possible raise in pay for the Recording Secretary. Mr. Tanner will look at it.
- c. Correspondence – None.
- d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 10:14 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary