

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Special Meeting Agenda
Thursday, June 23, 2022 6:30 p.m.**

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

Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT		
Click link below: https://us06web.zoom.us/j/85473027214	or	Go to https://www.zoom.us/join Enter meeting ID: 854 7302 7214
Dial: 1-646-558-8656		
Enter meeting number: 854 7302 7214, then press #, Press # again to enter meeting		

- I. Call to Order**
- II. Roll Call**
- III. Seating of Alternates**
- IV. Adoption of Minutes:** Meeting June 1, 2022
- V. Public Commentary**
- VI. Unfinished Business:**
 - a. Reading of Legal Notices:**
 - b. New Public Hearings:**
 - 1. Hearing regarding “opt-out” provisions in Public Act 21-29, Sections 3, 5, and 6.
 - c. Continued Public Hearings: None.**
 - d. Other Unfinished Business:**
 - 1. Potential action regarding “opt-out” provisions in Public Act 21-29, Sections 3, 5, and 6.
 - 2. **GBR 22-003:** Renewal of Gravel Special Permit SPG 19-002, Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road, Removal of approximately 112,000 cubic yards of material.
 - 3. **SPG 22-001:** Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material. ***Awaiting July 6 Public Hearing***
- VII. New Business:**
 - a. Applications:**
 - 1. **SP 22-002:** Special Permit Application for a 6,000 s.f. storage/maintenance building with associated driveway, septic, well, drainage, and grading at 170 South St., Applicant: Country View Restaurant, LLC, R-30/Golf Course Overlay Zone.
 - 2. **MI 22-001:** Disposition of 0.3 acres of Town-owned land located on the east side of Wauregan Road, behind VFW (Assessor’s Map 30, Lot 86).
 - 3. **ZRC 22-005:** Proposal to add Zoning Regulations Sec. 4.D.2.3.18 and 6.S to require a 6,000 linear foot separating distance between retail cannabis establishments.
 - b. Other New Business:**
 - 1. Discussion of Groundwater Protection Overlay Zone as it relates to propane storage.
- VIII. Reports of Officers and Committees**
- IX. Public Commentary**
- X. Adjourn**

Michelle Sigfridson, Chairman

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 1, 2022 6:30 p.m.**

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

Clifford B. Green Community Center, 69 South Main Street, Brooklyn, CT	
Click link below: https://us06web.zoom.us/j/87925438541	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** – Michelle Sigfridson, Carlene Kelleher, John Haefele, Lisa Herring, Seth Pember and Gill Maiato (all were present in person). Sara Deshaies was present via Zoom. Allen Fitzgerald and J.R. Thayer were absent with notice.

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

Also Present in Person: Paul Archer, Archer Surveying; Andrew Kausch; there were eight additional people in the audience.

Present via Zoom: Joanne's Galaxy, Kathleen Green, Lori, Joe.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Gill Maiato a Voting Member for this meeting (June 1, 2022).

Second by J. Haefele. No discussion.

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

IV. Adoption of Minutes: Meeting May 17, 2022

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of May 17, 2022, as presented.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (7-0-0).

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notices:

J. Roberson read aloud the Legal Notice for ZRC 22-004.

b. **Continued Public Hearings:**

1. **PDZ 22-001, ZRC 22-003, ZC 22-001:** A proposal for a Planned Development Zone near and around the intersection of Wolf Den Road and Bush Hill Road, including 538 Wolf Den Road and totaling 13 parcels on 534 acres, Applicant/Owner: Little Dipper Farm, LLC.
Continued to June 21, 2022 Public Hearing

The Applicant requested that the Public Hearing be continued. There was discussion regarding a date other than June 21st due to a Town Meeting to vote on the Budget being held on that date.

Ms. Roberson explained that all public testimony and all materials pertaining to this Application can be found on the website, in two PDF's, under "Little Dipper Farm News & Notices."

Motion was made by J. Haeefe to continue the public hearing for **PDZ 22-001, ZRC 22-003, ZC 22-001:** A proposal for a Planned Development Zone near and around the intersection of Wolf Den Road and Bush Hill Road, including 538 Wolf Den Road and totaling 13 parcels on 534 acres, Applicant/Owner: Little Dipper Farm, LLC, to a special meeting of the Planning and Zoning Commission to be held on Thursday, June 23, 2022, at 6:30 p.m. at the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT
Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (7-0-0).

The Regular Meeting scheduled for June 21st will be cancelled and Ms. Roberson will contact the Applicant to see if June 23rd will work for them.

c. **New Public Hearings:**

1. **ZRC 22-004:** Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Paul Archer, Archer Surveying, represented the Applicant. Andrew Kausch, Applicant, was present.

Mr. Archer explained that, if this text amendment is approved, they would then come before the PZC with an application for a special permit/site plan review for a property formerly known as the Regional Building which is on the corner of Route 205 and Vina Lane (8 Wauregan Road). Mr. Archer referred to and read aloud from page 51 of the Brooklyn Zoning Regulations regarding uses that are not listed or prohibited, but may be appropriate in the zone. He said that they feel that self-storage would fit in the VCZ as a business-related use.

Andrew Kausch spoke about the property which is in very bad shape and currently has no power or water (photos were provided). He explained that he needs an end use. There are approximately 13,000 s.f. between the two buildings and he would like to develop 4,000 s.f. of it (at this time) to be used for self-storage. Mr. Kausch explained that it would be a business that he would run himself, it would not be a complex and it would not generate a lot of traffic. He explained that it is funded and that he can get power and water to it. He would fix up the parking lot, the roof, the facade, and do some landscaping. He explained that he had spoken with Ms. Roberson and Ms. Washburn who had issues with the access on Route 205. He said that he would eliminate the one on Route 205

and would have one access on Vina Lane. He said that there is no historical significance (it had been an egg hatchery in the past).

J. Roberson commented that this approach is a strategy in Zoning where you narrowly define a location. She explained that they are presenting it this way because there is a non-contributing, historic structure that they would like to re-use. It is in an area where there are design standards that are already in place and a special permit would trigger all of the design standards. Mr. Kausch desires to adaptively re-use this building and renovate it to be functional (not vacant). Ms. Roberson stated that he also wants to have dwelling units in the building as well which are already permitted by the Zoning Regulations. Mr. Kausch explained that he has already gotten a zoning/building permit for one unit and he can now start to move forward on it. He said that he will be the tenant of that first unit. Ms. Roberson stated that up to three dwelling units are allowed in that building.

There was discussion regarding the proposed language: 4.A.2.3.13 to be added to page 50 to add Self-Storage Facilities by special permit (in accordance with 6.R); and to add 6.R (only in qualifying locations). Ms. Roberson referred to the Map of the 1982 National Historic Register, Brooklyn Historic District Study (copies were provided to Commission Members) and she explained about non-contributing structures and contributing structures. Discussion continued.

Ms. Kelleher expressed opposition to self-storage (visible from the road) in the Village Center Zone as the original intent of the Zone was to preserve the historic feel, but not get locked in time. She would like, someday, to see an area where you could walk around with little shops, with sidewalks. Mr. Kausch stated that he could change the façade, that there would be less than 40 cars per week, and that it is near a walking trail for which he could possibly offer parking spaces on his property. He feels that the look of what he is proposing would fit in more with the historic character than an automotive service station. Mr. Archer stated that it would be done correctly and it would look good and it would become an active part of Town. Mr. Archer spoke about the efforts that have been taken to find tenants, but there has been no interest.

Ms. Roberson spoke about the various uses (some more industrial) that have been in the building. She said that there are some unique challenges to rehabilitating it.

L. Herring and J. Haefele expressed support.

Ms. Sigfridson referred to the POCD and stated that in the VCZ, small-scale goods and services that conform with the historic feel are to be encouraged. She feels that it is about the vibrancy of the neighborhood. It is not just how the building looks from the outside. It is important to have people coming and going.

Mr. Kausch has researched and found that there is no interest by hotel or medical people in redeveloping that building. He said that brick and mortar is a thing of the past. He spoke of the horrible condition of the building. Roof repair will cost more than \$100,000. Mr. Archer stated that Mr. Kausch wants to make the building a viable part of the Community and he asked, in the last ten years, how many people have come before the PZC to do anything in that building.

Ms. Herring expressed agreement with both views.

Sally Kausch spoke in favor of the proposal.

S. Pember expressed agreement with both views, but he is in favor of the text change because he is tired of seeing the building in such disrepair.

M. Sigfridson compared allowing a less than ideal use vs. sticking with the idealized vision of the VCZ.

Jake Kausch spoke about the possibility of putting in an automotive repair shop which is allowed or waiting ten or twenty years to see if someone would come forward to put something else there.

Mr. Kausch spoke about how it could help other area businesses who may need a place to store supplies.

Ms. Roberson commented that a vacant building is less vibrant than an occupied one. She said that having the property upgraded and occupied would add vibrancy that neighboring businesses may actually benefit from.

Amy Majek, Fitzgerald Road, spoke in favor. She has seen the building in its state of disrepair for 25 years and feels that an Inn or Hotel is unlikely. She doesn't feel that it would create a lot of traffic.

Scott Majek, Fitzgerald Road, spoke in favor and of the quality of Mr. Kausch's work. He feels that a business that is there and working is better than something that is just falling apart and being an eyesore. He said that time is of the essence.

Ms. Kelleher stated that this is a tough decision as she agrees with some of the comments that have been made. She commented that the PZC recently denied a request for self-storage, although the situations are different. The neighbors came and spoke in opposition to that application and she is interested to know how these neighbors would feel. Ms. Sigfridson explained that the other application was similar, but there were no abutters here tonight expressing opposition. She said that if the text amendment were approved, there would be another public hearing with notices to abutters. Mr. Kausch stated that he feels that it was right to reject the other application because it was a mostly residential area. Ms. Kelleher stated that she could vote in favor of the text change to allow Mr. Kausch to come in with the application for special permit.

Ed. Berthiaume spoke in favor and about the quality of Mr. Kausch's work. He said that the neighbors are Pierce and Dr. Wilcox. He wonders who would regret someone coming in to improve a property.

S. Deshaies commented that she agrees with Mr. Archer and that Mr. Kausch would need to come back before the PZC for a special permit.

There were no further comments from the public, from Staff or from the Commission.

Motion was made by G. Maiato to close the public hearing for **ZRC 22-004**: Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (7-0-0).

d. **Other Unfinished Business:**

1. **PDZ 22-001, ZRC 22-003, ZC 22-001:** A proposal for a Planned Development Zone near and around the intersection of Wolf Den Road and Bush Hill Road, including 538 Wolf Den Road and totaling 13 parcels on 534 acres, Applicant/Owner: Little Dipper Farm, LLC. ***Continued to June 21, 2022 Public Hearing* - Rescheduled to be Continued to a Special Meeting on June 23, 2022.**
2. **ZRC 22-004:** Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Motion was made by G. Maiato to approve the proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone with the finding that the changes will aid in the protection of public health, safety, welfare, and property values and are consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The regulations shall become effective 15 days from the date of publication.

Second by L. Herring.

Discussion:

J. Haefele asked if the proposed language for 6.R should be changed. No changes were discussed. Ms. Sigfridson stated that she will be voting in favor of the motion because the POCD states that the PZC should encourage businesses in Town and look to encourage small-scale services along Route 169 and in the Village Center. She feels that this would qualify as one of those small-scale services contained within the building that exists there and she agrees that it would be good for property values in that area. It is better for public health, safety and welfare to have an occupied building rather than an empty building, if this allows for that. Motion carried unanimously by voice vote (7-0-0).

3. Potential action regarding “opt-out” provisions in Public Act 21-29, Sections 3, 5, and 6. ***Awaiting June 21, 2022 Public Hearing***

There was discussion about whether a public hearing is needed.

There was consensus of the Commission to reschedule the all of the public hearings previously scheduled for June 21, 2022 to the Special Meeting on June 23, 2022 (unless they are extended).

4. **GBR 22-003:** Renewal of Gravel Special Permit SPG 19-002, Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road, Removal of approximately 112,000 cubic yards of material. ***Applicant requested to discuss following June 21, 2022 Public Hearing***

Ms. Roberson will contact Brooklyn Sand & Gravel to speak with them about possibly rescheduling.

5. **SPG 22-001:** Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material. ***Awaiting June 21, 2022 Public Hearing***

Ms. Roberson will contact Brooklyn Sand & Gravel to speak with them about possibly rescheduling.

VII. New Business:

a. Applications: None.

b. Other New Business:

1. Discussion of Public Act 22-103 re: cannabis retail.

The cap was eliminated. Ms. Kelleher suggested imposing the same cap that the State eliminated. Ms. Roberson will draft language for Town Attorney, Peter Alter to review. Discussion continued. Mr. Roberson will research what other towns are doing.

Ms. Herring questioned whether limitations on distances from other places, such as schools or child care centers, should be considered. There was discussion regarding purchases being all cash vs. cash or debit and also security.

2. Discussion of setbacks for pools, accessory structures.

Ms. Roberson explained that there has been a lot of confusion among members of the public, design professionals and Town Staff regarding what the Regulations say about pools and decks and the setbacks. The language needs to be clarified. A significant change had been made with the adoption of the new Zoning Regulations. She explained that pools used to be defined as a building and were eligible for an exception (Section 8.A.4, page 179) to the setback requirements. Martha Fraenkel, ZEO at the time, felt strongly that pools should not be located so close to the property line and that the standard setbacks should apply and the PZC adopted this. Ms. Roberson asked if the PZC would like to enforce what the Zoning Regulations say now or would the Commission like to change them.

There was discussion regarding above-ground pools vs. in-ground pools. Ms. Roberson asked: Do you think that pools and decks ought to comply with the same setbacks that apply to buildings or should it be something else?

- There is pressure to be allowed to locate pools more on the fringes of the property to avoid things like the septic system and the well.
- Based on the Affordable Housing Report, Seth Pember noted that one thing that the Town needs is young families. He feels that young families generally need is a smaller lot size (because they don't have a lot of money to invest in a starter home) and they often want a pool for their kids. Mr. Pember suggested that above-ground have their own Zoning. Mr. Maiato and Ms. Deshaies stated agreement. Mr. Pember would be more liberal in allowing them closer to the property line.
- Ms. Roberson stated that it was the policy up until 2019 that they were allowed to within ten feet of a property line in a rear yard.
- Ms. Herring expressed concern regarding a deck that would be close to the neighbor's six-foot high fence.
- Ms. Roberson stated that Margaret Washburn is not necessarily advocating for a change of policy, but would like the current policy to be clarified. Mr. Roberson added that the Commission may choose to revisit the policy. Mr. Haefele stated agreement with Mr. Pember to revisit the policy. Ms. Sigfridson stated that she does not feel strongly either way.
- Discussion continued and it was decided that Ms. Roberson would draft language for half the set back in the rear yard and to distinguish above-ground pools from in-ground pools Ms. Roberson referred to Appendix

“10-B” (the matrix of dimensional requirements starting on page 223) principal building vs. accessory building which she will also clarify to make easier to understand.

- Discussion continued. Ms. Roberson explained that more above-ground pools are being installed, but residents are applying for variance for both above-ground pools and in-ground pools.

Ms. Roberson will draft language to be reviewed by the Commission.

VIII. Reports of Officers and Committees:

- a. Staff Reports
Margaret Washburn’s Report was provided to Commission Members. There was discussion.
- b. Budget Update
There was discussion. Ms. Roberson explained that anticipated revenue was over by about \$1,500. Account numbers are now being included on everything that goes to the Turnpike Buyer so that the Finance Department will be able to decipher which department to apply charges to.
- c. Correspondence – All posted on the website.
- d. Chairman’s Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:31 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING**

The Planning and Zoning Commission will hold a public hearing on Thursday, June 23, 2022, at 6:30 p.m. via Zoom and in-person at the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT on the following:

- 1) ~~**PDZ 22-001, ZRC 22-003, ZC 22-001:**~~ A proposal for a Planned Development Zone near and around the intersection of Wolf Den Road and Bush Hill Road, including 538 Wolf Den Road and totaling 13 parcels on 534 acres, Applicant/Owner: Little Dipper Farm, LLC. ~~***Continued from May 17th***~~ **APPLICATION WITHDRAWN**
- 2) A proposal to “opt-out” of provisions contained in Public Act 21-29, Sections 3, 5 and 6.

Copies of these proposals will be available for review on the Town of Brooklyn website and the Land Use office.

All interested parties may attend the meeting, be heard and written correspondence received. Written correspondence may be submitted in advance of the meeting to the Town Planner at j.roberson@brooklynct.org or at 69 South Main Street Brooklyn, CT 06234

Please publish 6/8/22 & 6/15/22

A Two-Step Process to “Opt-Out”

To opt out, the Planning & Zoning Commission must hold a public hearing, approve the opt out with a 2/3 majority, and publish notice of the decision. The Board of Selectmen must also vote to opt out with a 2/3 majority. In municipalities whose ADU regulations conflict with the new State requirements and who do not opt-out by January 1, 2023, the applicable state provision will override any conflicting local requirement.

Accessory Dwelling Units (ADU’s/Accessory Apartments) – See Sec. 6. of PA 21-29, page 13-16 of 28

PA 21-29 establishes default provisions that allow construction of ADUs (referred to in the Act as “accessory apartments”) on lots accompanying single-family homes, unless a municipality chooses to opt out of this provision by January 1, 2023.

Limits on ADU requirements: In addition to allowing ADUs accompanying single-family homes, PA 21-29 places limits on other conditions of approval, including:

- ADUs are not restricted to homeowners or relatives of occupant of primary structure.
- **Approval process shall not require a public hearing, special permit or special exception; and decisions must be rendered within 65 days of application. *Currently a Special Permit***
- Permission to construct an ADU shall not be conditional to correcting a non-conformity or requiring fire sprinklers if they are not required by the fire code for the principal dwelling.
- Regulations shall not require ADUs to have an exterior door, be connected to the primary structure, **or have more than one parking space.**
- Regulations must allow maximum ADU size of at least 1,000 sf or 30% of the size of the primary structure, whichever is smaller.
- The construction of an ADU may not trigger more restrictive lot coverage requirements than applicable to the primary home, require greater setbacks than are required for the primary home, require greater height, landscaping, and architectural design standards than apply to single-family dwellings.
- ADUs shall not be required to be affordable.
- Municipalities may regulate the use of ADUs as short-term rentals. ***(Short-term rentals is a separate topic we should discuss soon.)***

Maximum Parking Requirements – See Sec. 5. of PA 21-29, pages 12-13 of 28

Public Act 21-29 requires that zoning must not require parking in excess of 1 space per studio or 1-bedroom unit, or 2 spaces for larger housing units, unless a municipality opts out of this requirement.

Our Zoning Regulations currently require two parking spaces per dwelling unit.

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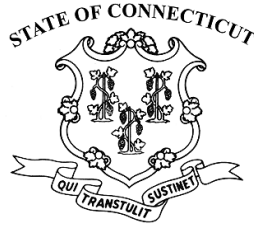
Temporary Health Care Structures – See Sec. 3 of PA 21-29, page 3-4 of 28

Public Act 21-29 requires that a municipality must issue a "municipal permit" within 15 days of receipt of application unless a municipality opts out of this requirement. 2/3 vote not required.

We decided not to opt-out in 2017 but you may wish to reconsider at this time.

(3) "Temporary health care structure" means a transportable residential structure that provides an environment in which a caregiver may provide care for a mentally or physically impaired person and that (A) is primarily assembled at a location other than the site of installation, (B) has one occupant who is the mentally or physically impaired person, (C) is not larger than five hundred gross square feet, (D) is not placed on or attached to a permanent foundation, and (E) complies with the applicable provisions of the State Building Code, Fire Safety Code and Public Health Code.

(b) A temporary health care structure shall be allowed as an accessory use in any single-family residential zoning district on a lot zoned for single-family detached dwellings that is owned by a caregiver or mentally or physically impaired person and used as his or her residence. Such structures shall comply with all setback requirements, coverage limits and maximum floor area ratio limitations that apply to accessory structures in such zoning district as of October 1, 2017.



Substitute House Bill No. 6107

Public Act No. 21-29

AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) "Municipality" as used in this chapter shall include a district establishing a zoning commission under section 7-326. Wherever the words "town" and "selectmen" appear in this chapter, they shall be deemed to include "district" and "officers of such district", respectively.

(b) As used in this chapter and section 6 of this act:

(1) "Accessory apartment" means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;

(2) "Affordable accessory apartment" means an accessory apartment that is subject to binding recorded deeds which contain covenants or

Substitute House Bill No. 6107

restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income;

(3) "As of right" means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;

(4) "Cottage cluster" means a grouping of at least four detached housing units, or live work units, per acre that are located around a common open area;

(5) "Middle housing" means duplexes, triplexes, quadplexes, cottage clusters and townhouses;

(6) "Mixed-use development" means a development containing both residential and nonresidential uses in any single building; and

(7) "Townhouse" means a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

Sec. 2. Section 8-1c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission.

Substitute House Bill No. 6107

Such schedule shall supersede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

(b) A municipality may, by regulation, require any person applying to a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission for approval of an application to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any particular technical aspect of such application, such as regarding traffic or stormwater, for the benefit of such commission or board. Any such fees shall be accounted for separately from other funds of such commission or board and shall be used only for expenses associated with the technical review by consultants who are not salaried employees of the municipality or such commission or board. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) No municipality may adopt a schedule of fees under subsection (a) of this section that results in higher fees for (1) development projects built using the provisions of section 8-30g, as amended by this act, or (2) residential buildings containing four or more dwelling units, than for other residential dwellings, including, but not limited to, higher fees per dwelling unit, per square footage or per unit of construction cost.

Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the [provision] provisions of subdivision (5) of subsection [(a)] (d) of section

Substitute House Bill No. 6107

8-2, as amended by this act, regarding authorization for the installation of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Sec. 4. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) (1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: [~~the~~] (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including water-dependent uses, as defined in section 22a-93; [~~]~~ and (E) the height, size, location, brightness and illumination of advertising signs and billboards. [~~Such bulk regulations may allow for cluster development, as defined in section 8-18~~] except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All [~~such~~] zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may

Substitute House Bill No. 6107

differ from those in another district. [, and]

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or [uses] use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. [Such regulations shall be]

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in [adopting such regulations the commission shall consider] consideration of the plan of conservation and development [prepared] adopted under section 8-23; [. Such regulations shall be]

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to] (D) provide adequate light and air; [to prevent the overcrowding of land; to avoid undue concentration of population and to] (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [. Such regulations shall be made] (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et

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seq., as amended from time to time;

(3) Be drafted with reasonable consideration as to the [character] physical site characteristics of the district and its peculiar suitability for particular uses and with a view to [conserving the value of buildings and] encouraging the most appropriate use of land throughout [such] a municipality; [. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage]

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a; [. Such regulations shall also promote]

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households; [, and shall encourage]

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26; [. Zoning regulations shall be]

(7) Be made with reasonable consideration for [their] the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1; [.]

(8) Provide that proper provisions be made for soil erosion and

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sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may: [be]

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors; [and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage]

(3) Require or promote (A) energy-efficient patterns of development; [.] (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; [.] (C) combined heat and power; and (D) energy conservation; [. The regulations may also provide]

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(4) Provide for incentives for developers who use [passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be] (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision; [. Such regulations may provide]

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer; [. Such regulations may also provide]

(6) Provide for notice requirements in addition to those required by this chapter; [. Such regulations may provide]

(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations; [. No such regulations shall prohibit]

(8) Provide for floating zones, overlay zones and planned development districts;

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including off-site; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline

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setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) Prohibit the operation of any family child care home or group child care home in a residential zone; [. No such regulations shall prohibit]

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; [. No such regulations shall] or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons; [. Such regulations shall not impose]

(3) Impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, [which] including mobile manufactured home parks, if those conditions and requirements are

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substantially different from conditions and requirements imposed on (A) single-family dwellings; [and] (B) lots containing single-family dwellings; [. Such regulations shall not impose conditions and requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on] or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments; [. Such regulations shall not prohibit]

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; [or] (B) require a special permit or special exception for any such continuance; [. Such regulations shall not] (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; [. Such regulations shall not] or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure; [. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit]

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, as amended by this act, of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb] if such structures

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comply with the provisions of said section, [.] unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, [;] but unless it is so voted, municipal property shall be subject to such regulations.

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[(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.]

[(d)] (f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

Sec. 5. (NEW) (*Effective October 1, 2021*) The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units,

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provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Sec. 6. (NEW) (*Effective January 1, 2022*) (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

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(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an

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additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds

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vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or

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apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. For the purposes of calculating the total number of dwelling units in a municipality, accessory apartments built or permitted after January 1, 2022, but that are not described in subdivision (4) of this subsection, shall not be counted toward such total number. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qqq. As used in this subsection, "accessory apartment" [means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations] has the same meaning as provided in section 8-1a, as amended by this act, and "resident-owned mobile manufactured home park" means a mobile manufactured home park consisting of mobile manufactured homes located on land that is deed restricted, and, at the time of issuance of a loan for the purchase of such land, such loan required seventy-five per cent of the units to be leased to persons with incomes equal to or less than eighty per cent of the median income, and either [(i)] (A) forty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than sixty per cent of the median income, or [(ii)] (B) twenty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than fifty per cent of the median income.

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Sec. 8. Subsection (e) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(e) (1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person appointed as a zoning enforcement officer on or after January 1, 2023, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

(2) Beginning January 1, 2023, and annually thereafter, each person appointed as a zoning enforcement officer shall obtain certification from the Connecticut Association of Zoning Enforcement Officials and maintain such certification for the duration of employment as a zoning enforcement officer.

Sec. 9. (NEW) (*Effective from passage*) (a) On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training. Any such member serving on any such commission or board as of January 1, 2023, shall complete such initial training by January 1, 2024, and shall complete any subsequent training every other year thereafter. Any such member not serving on any such commission or board as of January 1, 2023, shall complete such initial training not later than one year after such member's election or appointment to such commission or board and shall complete any subsequent training every other year thereafter. Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.

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(b) Not later than January 1, 2022, the Secretary of the Office of Policy and Management shall establish guidelines for such training in collaboration with land use training providers, including, but not limited to, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut, the Connecticut Bar Association, regional councils of governments and other nonprofit or educational institutions that provide land use training, except that if the secretary fails to establish such guidelines, such land use training providers may create and administer appropriate training for members of commissions and boards described in subsection (a) of this section, which may be used by such members for the purpose of complying with the provisions of said subsection.

(c) Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.

Sec. 10. Section 7-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

For the purposes of this chapter: (1) "Acquire a sewerage system" means obtain title to all or any part of a sewerage system or any interest therein by purchase, condemnation, grant, gift, lease, rental or otherwise; (2) "alternative sewage treatment system" means a sewage treatment system serving one or more buildings that utilizes a method

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of treatment other than a subsurface sewage disposal system and that involves a discharge to the groundwaters of the state; (3) "community sewerage system" means any sewerage system serving two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system, but does not include any sewerage system serving only a principal dwelling unit and an accessory apartment, as defined in section 8-1a, as amended by this act, located on the same lot; (4) "construct a sewerage system" means to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system; (5) "decentralized system" means managed subsurface sewage disposal systems, managed alternative sewage treatment systems or community sewerage systems that discharge sewage flows of less than five thousand gallons per day, are used to collect and treat domestic sewage, and involve a discharge to the groundwaters of the state from areas of a municipality; (6) "decentralized wastewater management district" means areas of a municipality designated by the municipality through a municipal ordinance when an engineering report has determined that the existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required and such report is approved by the Commissioner of Energy and Environmental Protection with concurring approval by the Commissioner of Public Health, after consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership,

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corporation, limited liability company, association or public agency; (10) "remediation standards" means pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

Sec. 11. Subsection (b) of section 7-246 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; and (6) areas to be designated as decentralized wastewater management districts. Such plan may designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units. Such plan shall also describe the means by which municipal programs are being carried out

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to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Energy and Environmental Protection and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

Sec. 12. Section 8-30j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) [At] Not later than June 1, 2022, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management, who shall post such plan on the Internet web site of said office. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

(2) If, at the same time the municipality is required to submit to the Secretary of the Office of Policy and Management an affordable housing plan pursuant to subdivision (1) of this subsection, the municipality is also required to submit to the secretary a plan of conservation and development pursuant to section 8-23, such affordable housing plan may be included as part of such plan of conservation and development. The municipality may, to coincide with its submission to the secretary of a plan of conservation and development, submit to the secretary an affordable housing plan early, provided the municipality's next such submission of an affordable housing plan shall be five years thereafter.

(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan and shall post a copy of any draft plan or amendment

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to such plan on the Internet web site of the municipality. If the municipality holds a public hearing, such posting shall occur at least thirty-five days prior to the public hearing. [on the adoption, the municipality shall file in the office of the town clerk of such municipality a copy of such draft plan or any amendments to the plan, and if applicable, post such draft plan on the Internet web site of the municipality.] After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and [, if applicable,] post the plan on the Internet web site of the municipality.

(c) Following adoption, the municipality shall regularly review and maintain such plan. The municipality may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. If the municipality fails to amend and submit to the Secretary of the Office of Policy and Management such plan every five years, the chief elected official of the municipality shall submit a letter to the [Commissioner of Housing] secretary that (1) explains why such plan was not amended, and (2) designates a date by which an amended plan shall be submitted.

Sec. 13. (*Effective from passage*) (a) There is established a Commission on Connecticut's Development and Future within the Legislative Department, which shall evaluate policies related to land use, conservation, housing affordability and infrastructure.

(b) The commission shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom is a member of the General Assembly not described in subdivision (7), (8), (9) or (10) of this subsection and one of whom is a representative of a municipal advocacy organization;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a member of the General Assembly not described in

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subdivision (7), (8), (9) or (10) of this subsection and one of whom has expertise in state or local planning;

(3) Two appointed by the majority leader of the House of Representatives, one of whom has expertise in state affordable housing policy and one of whom represents a town with a population of greater than thirty thousand but less than seventy-five thousand;

(4) Two appointed by the majority leader of the Senate, one of whom has expertise in zoning policy and one of whom has expertise in community development policy;

(5) Two appointed by the minority leader of the House of Representatives, one of whom has expertise in environmental policy and one of whom is a representative of a municipal advocacy organization;

(6) Two appointed by the minority leader of the Senate, one of whom has expertise in homebuilding and one of whom is a representative of the Connecticut Association of Councils of Governments;

(7) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development;

(8) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the environment;

(9) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to housing;

(10) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters

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relating to transportation;

(11) Two appointed by the Governor, one of whom is an attorney with expertise in planning and zoning and one of whom has expertise in fair housing;

(12) The Secretary of the Office of Policy and Management;

(13) The Commissioner of Administrative Services, or the commissioner's designee;

(14) The Commissioner of Economic and Community Development, or the commissioner's designee;

(15) The Commissioner of Energy and Environmental Protection, or the commissioner's designee;

(16) The Commissioner of Housing, or the commissioner's designee; and

(17) The Commissioner of Transportation, or the commissioner's designee.

(c) Appointing authorities, in cooperation with one another, shall make a good faith effort to ensure that, to the extent possible, the membership of the commission closely reflects the gender and racial diversity of the state. Members of the commission shall serve without compensation, except for necessary expenses incurred in the performance of their duties. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall jointly select one of the members of the General Assembly described in subdivision (1) or (2) of subsection (b) of this section to serve as one cochairperson of the commission. The Secretary of the Office of Policy and Management shall serve as the other

Substitute House Bill No. 6107

cochairperson of the commission. Such cochairpersons shall schedule the first meeting of the commission.

(e) The commission may accept administrative support and technical and research assistance from outside organizations and employees of the Joint Committee on Legislative Management. The cochairpersons may establish, as needed, working groups consisting of commission members and nonmembers and may designate a chairperson of each such working group.

(f) (1) Except as provided in subdivision (2) of this subsection, not later than January 1, 2022, and not later than January 1, 2023, the commission shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development, environment, housing and transportation and to the Secretary of the Office of Policy and Management, in accordance with the provisions of section 11-4a of the general statutes, regarding the following:

(A) Any recommendations for statutory changes concerning the process for developing, adopting and implementing the state plan of conservation and development;

(B) Any recommendations for (i) statutory changes concerning the process for developing and adopting the state's consolidated plan for housing and community development prepared pursuant to section 8-37t of the general statutes, and (ii) implementation of such plan;

(C) Any recommendations (i) for guidelines and incentives for compliance with (I) the requirements for affordable housing plans prepared pursuant to section 8-30j of the general statutes, as amended by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act, and (ii) as to how such compliance should be determined, as well as the form and

Substitute House Bill No. 6107

manner in which evidence of such compliance should be demonstrated. Nothing in this subparagraph may be construed as permitting any municipality to delay the preparation or amendment and adoption of an affordable housing plan, and the submission of a copy of such plan to the Secretary of the Office of Policy and Management, beyond the date set forth in subsection (a) of section 8-30j of the general statutes, as amended by this act;

(D) (i) Existing categories of discharge that constitute (I) alternative on-site sewage treatment systems, as described in section 19a-35a of the general statutes, (II) subsurface community sewerage systems, as described in section 22a-430 of the general statutes, and (III) decentralized systems, as defined in section 7-245 of the general statutes, as amended by this act, (ii) current administrative jurisdiction to issue or deny permits and approvals for such systems, with reference to daily capacities of such systems, and (iii) the potential impacts of increasing the daily capacities of such systems, including changes in administrative jurisdiction over such systems and the timeframe for adoption of regulations to implement any such changes in administrative jurisdiction; and

(E) (i) Development of model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision regulations, which guidelines shall (I) identify common architectural and site design features of building types used in urban, suburban and rural communities throughout this state, (II) create a catalogue of common building types, particularly those typically associated with housing, (III) establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change and infrastructure capacity, (IV) establish procedures for expediting the approval of buildings or streets that satisfy such design review standards, whether for zoning or subdivision

Substitute House Bill No. 6107

regulations, and (V) create a design manual for context-appropriate streets that complement common building types, and (ii) development and implementation by the regional councils of governments of an education and training program for the delivery of such model design guidelines for both buildings and context-appropriate streets.

(2) If the commission is unable to meet the January 1, 2022, deadline set forth in subdivision (1) of this subsection for the submission of the report described in said subdivision, the cochairpersons shall request from the speaker of the House of Representatives and president pro tempore of the Senate an extension of time for such submission and shall submit an interim report.

(3) The commission shall terminate on the date it submits its final report or January 1, 2023, whichever is later.

Approved June 10, 2021



PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT

Received Date _____

Application #SP 22-002
Check # 1035

APPLICATION FOR SPECIAL PERMIT

Name of Applicant BROOKLYNS COUNTRYVIEW RESTAURANT, LLC Phone 860 230 6848
Mailing Address 170 SOUTH STREET, BROOKLYN, CT 06234 Phone _____

Name of Engineer/Surveyor PC SUREVY ASSOCIATES, LLC , (KILLINGLY ENGINEERING ASSOCIATES)
Address 63 SNAKE MEADOW ROAD, KILLINGLY, CT 06239
Contact Person PAUL TERWILLIGER, LS Phone 860 774 6230 Fax _____
NORMAND THIBEAULT, PE 860 779 7299

Name of Attorney _____
Address _____
Phone _____ Fax _____

Property location/address 170 SOUTH STREET, BROOKLYN, CT 06234
Map# 40 Lot# 11 Zone R30 GCO Total Acres 11.58
Sewage Disposal: Private X Public _____ Existing X Proposed X
Water: Private X Public _____ Existing X Proposed X

Proposed Activity CONSTRUCTION OF 6000 S.F. STORAGE/MAINTENANCE BUILDING WITH ASSOCIATED DRIVEWAY,
SEPTIC SYSTEM, WELL, DRAINAGE AND SITE GRADING (EXPANSION OF EXISTING USE)

Compliance with Article 4, Site Plan Requirements

Is parcel located within 500 feet of an adjoining Town? NO

The following shall accompany the application when required:

Fee \$445 State Fee (\$60.00) \$60 + \$150 3 copies of plans 3 Sanitary Report _____
4.5.5 Application/ Report of Decision from the Inland Wetlands Commission
4.5.5 Applications filed with other Agencies
12.1 Erosion and Sediment Control Plans

The owner and applicant hereby grant the Brooklyn Planning and Zoning Commission, the Board of Selectman, Authorized Agents of the Planning and Zoning Commission or Board of Selectman, permission to enter the property to which the application is requested for the purpose of inspection and enforcement of the Zoning regulations and the Subdivision regulations of the Town of Brooklyn

Applicant: X [Signature] Date 6/6/22

Owner: X [Signature] Date 6/6/22

*Note: All consulting fees shall be paid by the applicant

ABUTTERS LIST – MAP 40 , LOT 11 - 170 SOUTH STREET, BROOKLYN, CT

MAP 40 , LOT 9

PETER WOLAK, TRUSTEE – EVERGREEN WILDLIFE FOUNDATION LAND TRUST
134 SOUTH STREET, BROOKLYN, CT 06234

MAP 40 , LOT 12

KA&G DEVELOPMENT, LLC
15 WOODLAND AVENUE, BALTIC, CT 06330

MAP 40 , LOT 12-1

ADVANTA IRA SERVICES, LLC
15 WOODLAND AVENUE, BALTIC, CT 06330

MAP 40 , LOT 13

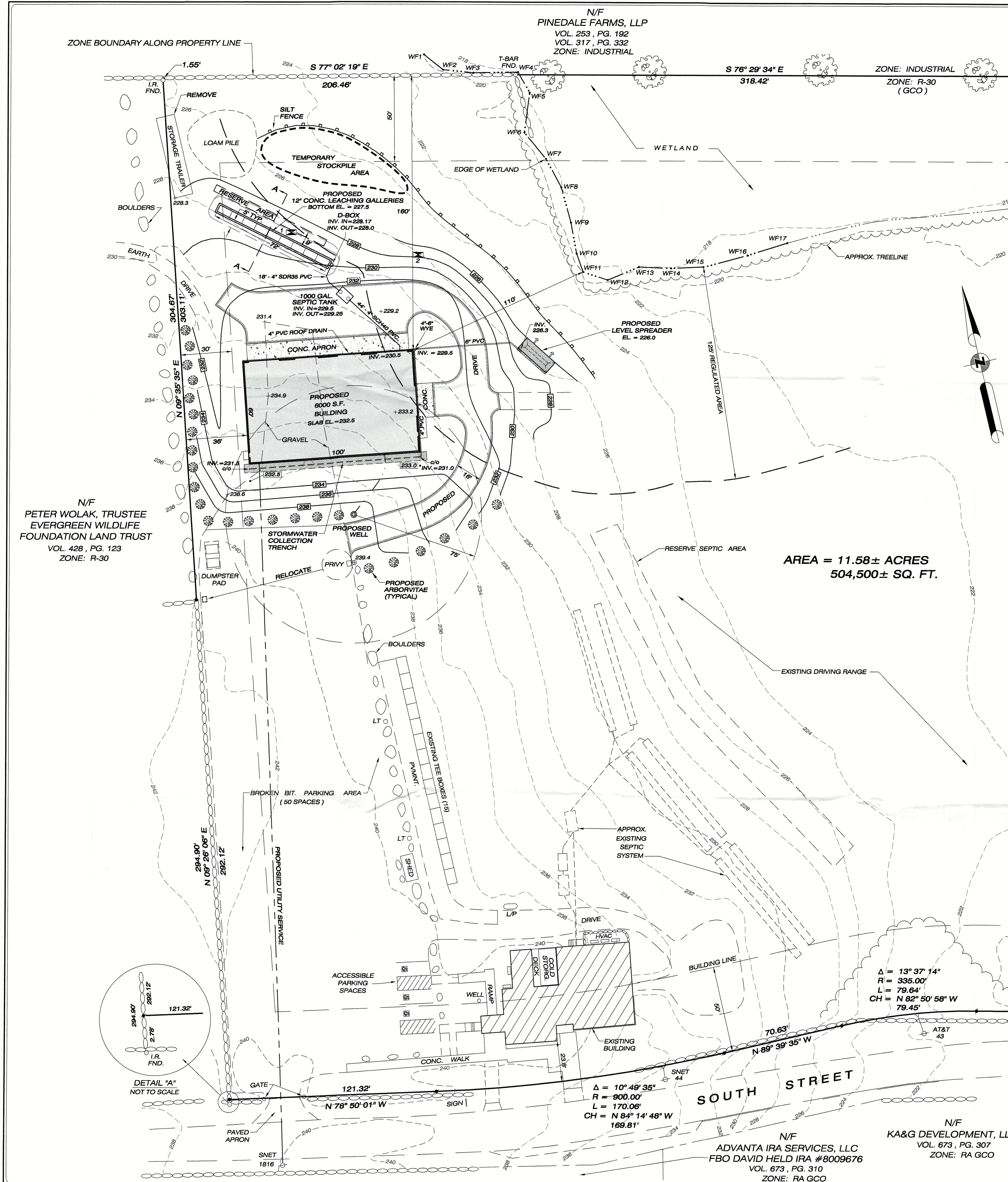
ROBERT HARRY PERRY, SR.
202 SOUTH STREET, BROOKLYN, CT 06234

MAP 40 , LOT 14

RACHEL MARIE FORTIN
23 FORTIN DRIVE, BROOKLYN, CT 06234

MAP 41 , LOT 129

PINEDALE FARM, LLP
278 SPERRY ROAD, BETHANY, CT 06524



ZONE: R-30 GOLF COURSE OVERLAY DISTRICT

	REQUIRED	EXISTING	PROPOSED
AREA	30,000 S.F.	504,500± S.F.	504,500± S.F.
FRONTAGE	110'	881'±	881'±
FRONT SETBACK	50'	23.8' *	369.5'±
SIDE SETBACK	30'	150'±	36'
REAR SETBACK	50'	>500'	160'

* EXISTING NON-CONFORMING SETBACK

EXISTING USE: RESTAURANT / DRIVING RANGE

PROPOSED ADDITIONAL USE: EQUIPMENT STORAGE AND MAINTENANCE (NOT FOR PUBLIC USE)

PARKING:

RESTAURANT: 1 SPACE / 3 SEATS = 75 SEATS / 3 = 25 SPACES

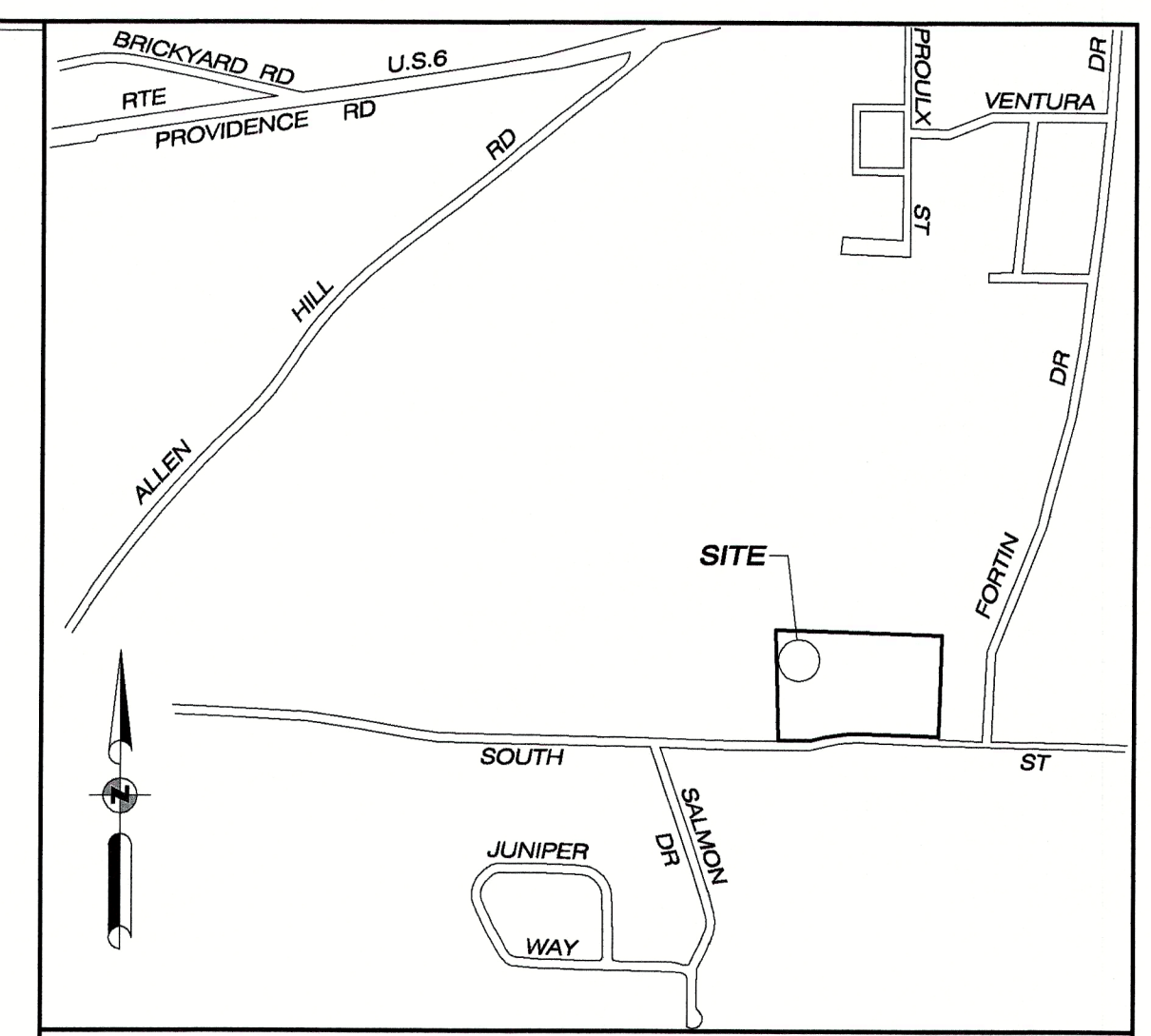
DRIVING RANGE: 1 SPACE / TEE BOX = 15 TEEBOXES = 15 SPACES

EMPLOYEE SPACES: 7

ACCESSIBLE SPACES: 3

TOTAL SPACES PROVIDED: 50

NOTE: PROPOSED ADDITIONAL USE REQUIRES NO ADDITIONAL SPACES



LOCATION MAP 1" = 1000'

- NOTES:
1. THIS MAP AND SURVEY HAVE BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT", AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A GENERAL LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "B". TOPOGRAPHIC FEATURES WITHIN THE AREA OF DEVELOPMENT WERE DERIVED FROM FIELD SURVEY AND CONFORM TO TOPOGRAPHIC ACCURACY CLASS "T-2". TOPOGRAPHIC FEATURES OUTSIDE THE AREA OF DEVELOPMENT WERE TAKEN FROM NOAA LIDAR DATA AND CONFORM TO TOPOGRAPHIC ACCURACY CLASS "T-1". CONTOUR INTERVAL = 2 FEET. VERTICAL DATUM = APPROX. NAVD88. THE PURPOSE OF THIS MAP AND SURVEY IS FOR USE IN THE PERMITTING PROCESS FOR THE PROPOSED IMPROVEMENTS DEPICTED.
 2. REFERENCE MAPS:
 - A. PROPERTY SURVEY PLAN PREPARED FOR JOHN M. BOYLE - ALLEN HILL ROAD & SOUTH STREET, BROOKLYN, CONNECTICUT - SCALE: 1"=150' - DATE: 6/15/1999 - REVISED 10/25/2001 - BY: KWP ASSOCIATES
 - B. PERIMETER SURVEY PREPARED FOR ROLAND FORTIN - FORTIN DRIVE, BROOKLYN, CONNECTICUT - DATE: JULY 2003 - SCALE: 1"=80' - BY: ARCHER SURVEYING, LLC
 - C. PERIMETER SURVEY PREPARED FOR 170 SOUTH STREET, LLC - SOUTH STREET, BROOKLYN, CONNECTICUT - DATE: NOVEMBER 2017 - SCALE: 1"=40' - BY: PC SURVEY ASSOCIATES, LLC
 3. REFERENCE IS MADE TO A DEED TO BROOKLYN'S COUNTRYVIEW RESTAURANT, LLC RECORDED IN VOL. 604, PG. 240 OF THE BROOKLYN LAND RECORDS.
 4. AREA FROM THE STREET LINE DEPICTED TO THE CENTERLINE OF SOUTH STREET WAS GRANTED TO THE TOWN OF BROOKLYN FOR ROADWAY PURPOSES, AS OF THE DATE OF THIS SURVEY, THE DEED OF CONVEYANCE HAS NOT BEEN RECORDED IN THE BROOKLYN LAND RECORDS AND IS IN THE POSSESSION OF THE TOWN OF BROOKLYN LAND USE OFFICE.
 5. SUBJECT PROPERTY IS SHOWN AS MAP 40, LOT 11 OF THE BROOKLYN ASSESSOR'S RECORDS.
 6. INLAND WETLANDS WERE FIELD DELINEATED BY JOSEPH R. THEROUX IN APRIL 2022.

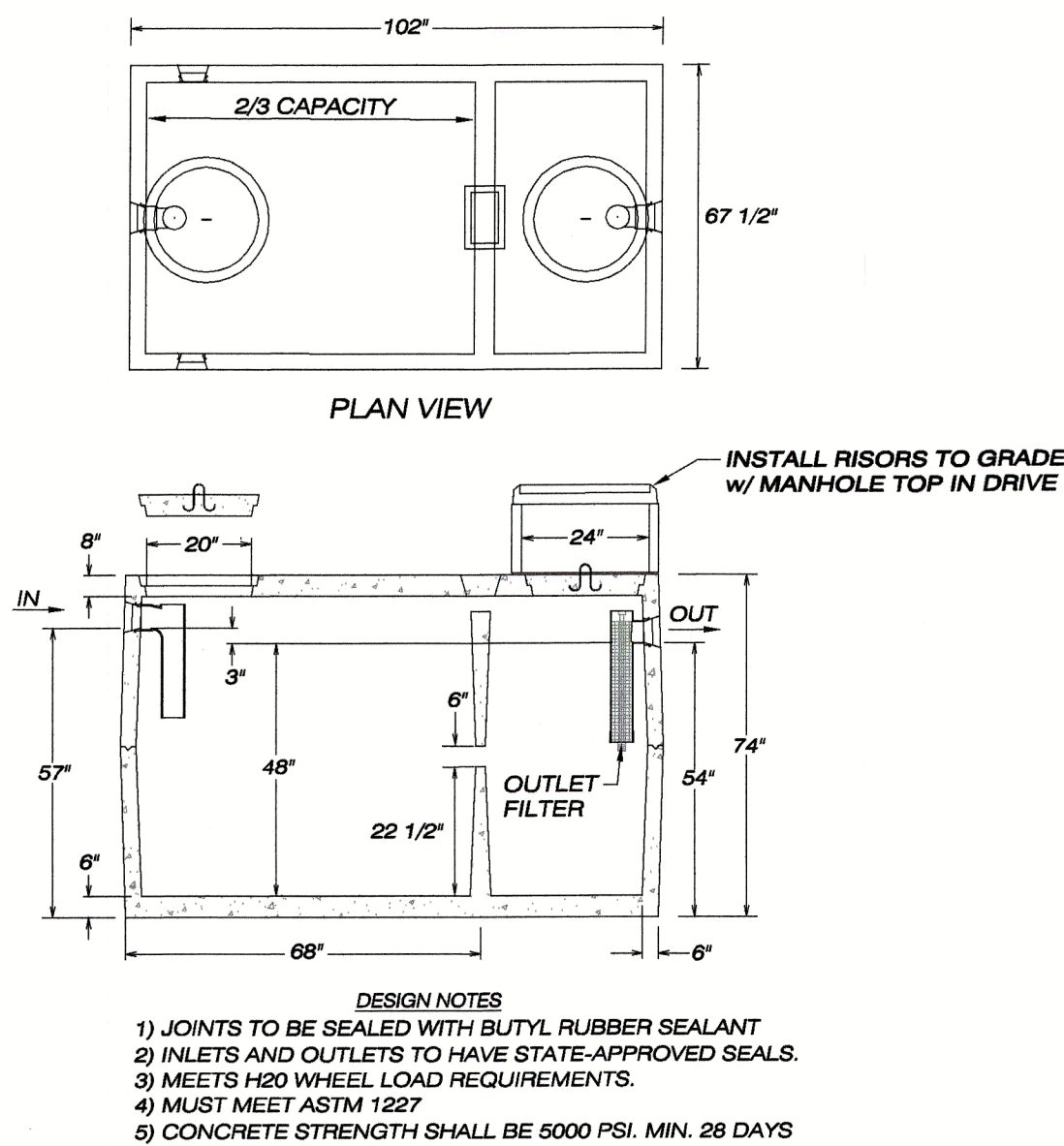
- LEGEND
- STONE WALL
 - WIRE FENCE
 - FENCE REMAINS IN TREE
 - EXISTING SPOT GRADE
 - PROPOSED SPOT GRADE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - EROSION CONTROL BARRIER
 - TEST PIT



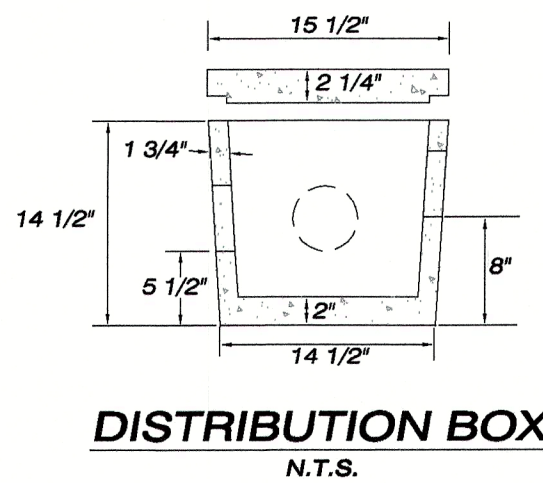
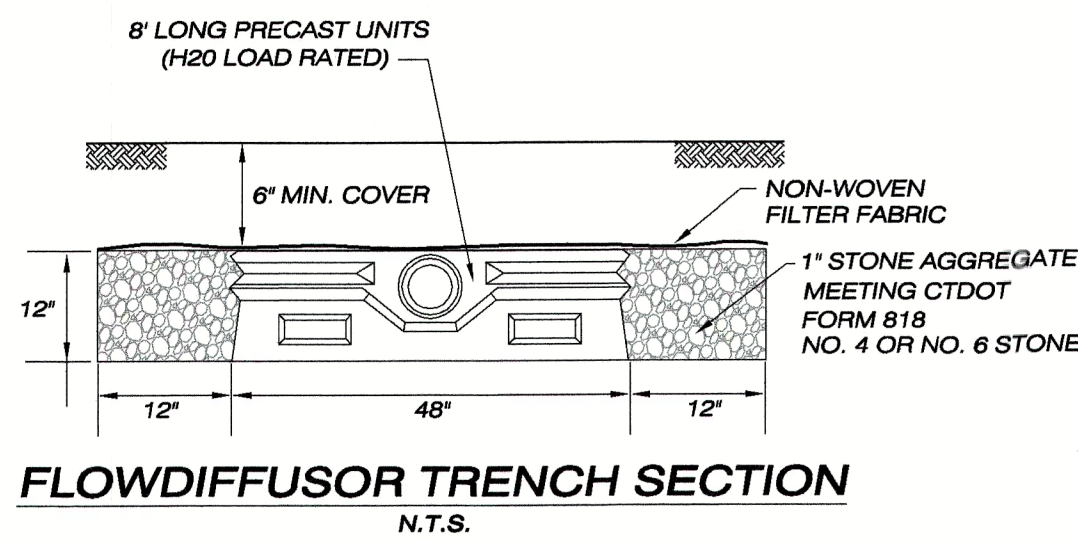
Killingly Engineering Associates
114 Westcott Road
P.O. Box 421
Dayville, Connecticut 06241
860 779 7299

Norman Thibault, Jr. 6/6/2022
NORMAND THIBAUT, JR., P.E. No. 22834 DATE

GENERAL LOCATION SURVEY		SURVEYING • MAPPING • PLOT PLANS	
SITE PLAN OF PROPOSED BUILDING TO BE LOCATED ON LAND OF		TOPOGRAPHY • SUBDIVISION	
BROOKLYN'S COUNTRYVIEW RESTAURANT, LLC			
170 SOUTH STREET		63 SNAKE MEADOW RD	
BROOKLYN, CONNECTICUT		KILLINGLY, CT 06230	
DATE: MAY 2022		SHEET NO: 1 OF 2	
SCALE: 1" = 30'		REVISED:	
JOB NO: 22016	F.B. NO: 229	DRAWN BY: P.A.T.	MAP NO:



1000 GALLON - H20
TWO-COMPARTMENT SEPTIC TANK
N.T.S.



SOIL TEST DATA - 4/26/2022 BY N.D.D.H.

TP1
0-8" TOPSOIL
8-32" REDDISH BROWN FINE LOAMY SAND
32-88" GRAY COMPACT FINE LOAMY SAND, PAN
MOTTLING AT 32"
NO WATER
NO LEDGE

TP2
0-12" TOPSOIL
12-32" REDDISH BROWN FINE LOAMY SAND
32-52" MOTTLED TAN FINE LOAMY SAND
52-88" GRAY COMPACT LOAMY SAND w/ ROCKS
MOTTLING AT 32"
LEDGE AT 88"

PERCOLATION TEST B:

TIME	READING
10:33	3"
10:40	6"
10:42	9"
10:44	11"
10:46	12.5"
10:48	DRY

PERCOLATION RATE: 1.33 MIN./INCH @ 32" DEPTH

SEPTIC SYSTEM NOTES

PERC RATE: 1.33 MIN./INCH

DESIGN FLOW: 600 GPD (0.1 GPD/S.F. x 6000 S.F.)

SEPTIC TANK: 1000 GALLON (H20)

LEACHING AREA REQUIRED: 600 GPD/1.5 = 400 SQ. FT. ELA

LEACHING AREA PROVIDED: 72' OF 12" CONC. LEACHING GALLERIES @ 5.9 S.F./L.F. = 424.8 SQUARE FEET.

MOTTLING: 32", LEDGE: 88", WATER: N/A

MLSS CALCULATION: HF = 26 (6.1-8% SLOPE, 32" TO RESTRICTIVE)
FF = 600/300 = 2.0
PF = 1.0 (UP TO 10 MIN./INCH)
MLSS = HF x FF x PF = 26 x 2.0 x 1.0 = 52 L.F. MLSS

MLSS PROVIDED: 72 L.F.

MAXIMUM DEPTH INTO EXISTING GRADE: 8"

SPECIFICATIONS

SEPTIC SYSTEM INSTALLATION SHALL BE IN ACCORDANCE WITH THE "CONNECTICUT PUBLIC HEALTH CODE REGULATIONS AND TECHNICAL STANDARDS FOR SUBSURFACE SEWAGE DISPOSAL SYSTEMS".

SEPTIC TANK: JOLLEY PRECAST, INC. OR EQUAL TWO-COMPARTMENT H20 LOAD RATED TANK WITH OUTLET FILTER. INSTALL RISERS OVER TANK CLEANOUTS IF COVER OVER TANK EXCEEDS 1'.

DISTRIBUTION BOX: JOLLEY OR EQUAL 4 HOLE D-BOX

HOUSE AND EFFLUENT SEWER PIPE: 4" PVC ASTM D 1785 OR ASTM D 2685 SCHEDULE 40 WITH RUBBER COMPRESSION GASKETS OR PVC AWWA C-900 WITH RUBBER COMPRESSION GASKETS.

DISTRIBUTION: 12" HIGH FLOWDIFFUSOR CONCRETE LEACHING GALLERIES

POLYLOK PIPE SEAL AS MANUFACTURED BY SUPERIOR SEPTIC TANKS (OR EQUAL) SHALL BE USED TO SEAL SEPTIC TANK AND D-BOX INLETS AND OUTLETS.

BOTTOM OF TRENCHES TO BE LEVEL.

ALL FILL SHALL BE CLEAN BANK RUN GRAVEL, MEETING THE FOLLOWING REQUIREMENTS OF THE CT DEPT. OF PUBLIC HEALTH.:
MAX. PERCENT GRAVEL (PLUS NO. 4 SIEVE MATERIAL) - 45%
GRADATION ON FILL LESS GRAVEL:

SIEVE	DRY PERCENT PASSING	WET PERCENT PASSING
NO. 4	100	100
NO. 10	70-100	70-100
NO. 40	10-75	10-50*
NO. 100	0-5	0-20
NO. 200	0-2.5	0-5

* PERCENT PASSING THE #40 SIEVE CAN BE INCREASED TO NO GREATER THAN 75% IF THE PERCENT PASSING THE #100 SIEVE DOES NOT EXCEED 10% AND THE #200 SIEVE DOES NOT EXCEED 5%

FILL MUST PERC AT A RATE EQUAL TO OR FASTER THAN THE UNDERLYING SOIL.

TEMPORARY VEGETATIVE COVER

A TEMPORARY SEEDING OF RYE GRASS WILL BE COMPLETED WITHIN 15 DAYS OF THE FORMATION OF STOCKPILES. IF THE SOIL HAS BEEN COMPACTED BY CONSTRUCTION OPERATIONS IT SHALL BE LOOSENEED TO A DEPTH OF 2 INCHES BEFORE THE FERTILIZER, LIME AND SEED IS APPLIED. 10-10-10 FERTILIZER AT A RATE OF 7.5 POUNDS PER 1000 S.F. LIMESTONE AT A RATE OF 90 LBS. PER 1000 S.F. SHALL BE USED. RYE GRASS APPLIED AT A RATE OF 1 LB. PER 1000 S.F. SHALL PROVIDE THE TEMPORARY VEGETATIVE COVER. STRAW FREE FROM WEEDS AND COARSE MATTER SHALL BE USED AT A RATE OF 70-90 LBS. PER 1000 S.F. AS A TEMPORARY MULCH. APPLY A JUTE NETTING COVER TO SLOPES OF 3:1 OR GREATER SLOPE.

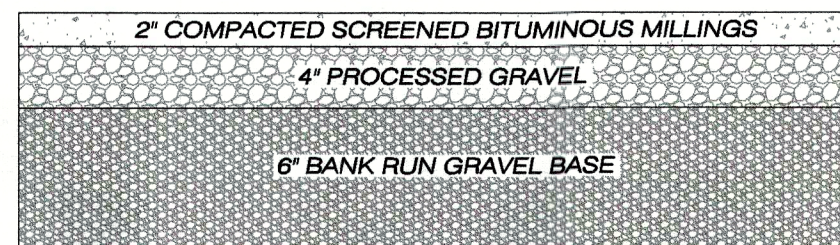
PERMANENT VEGETATIVE COVER

TOPSOIL WILL BE REPLACED ONCE THE EXCAVATION AND FILL PLACEMENT HAS BEEN COMPLETED AND THE SLOPES ARE GRADED TO A SLOPE NO GREATER THAN 2 TO 1. PROVIDE SLOPE PROTECTION ON ALL CUT SLOPES. TOPSOIL WILL BE SPREAD AT A MINIMUM COMPACTED DEPTH OF 4 INCHES. ONCE THE TOPSOIL HAS BEEN SPREAD, ALL STONES TWO INCHES OR LARGER IN ANY DIMENSION WILL BE REMOVED AS WELL AS DEBRIS. APPLY AGRICULTURAL GROUND LIMESTONE AT THE RATE OF TWO TONS PER ACRE OR 100 LBS. PER 1000 S.F. APPLY 10-10-10 FERTILIZER OR EQUIVALENT AT A RATE OF 300 LBS. PER ACRE OR 7.5 LBS. PER S.F. WORK LIMESTONE INTO THE SOIL TO A DEPTH OF 4 INCHES. INSPECT SEEDBED BEFORE SEEDING. IF TRAFFIC HAS COMPACTED THE SOIL, RETILL COMPACTED AREAS. APPLY THE FOLLOWING GRASS SEED MIX:

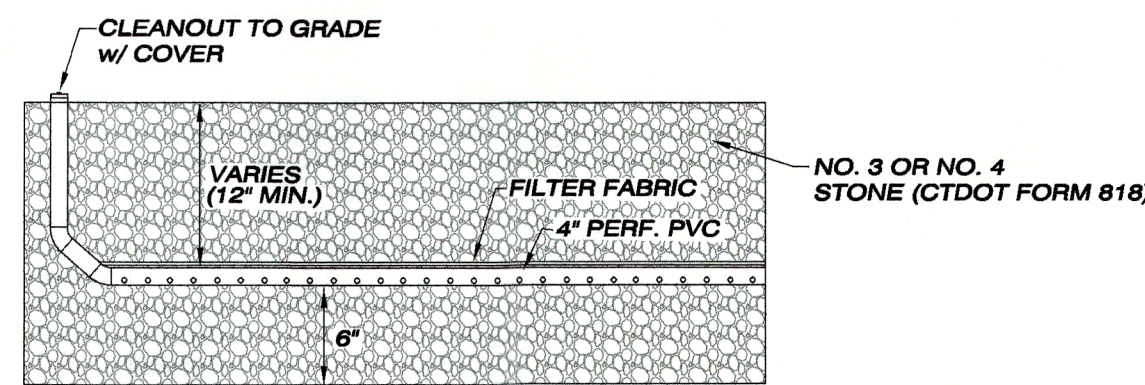
SEED MIXTURE	LBS./ACRE	LBS./1000 S.F.
KENTUCKY BLUEGRASS	20	0.45
CREeping RED FESCUE	20	0.45
PERENNIAL RYEGRASS	5	0.10
	45	1.00

THE RECOMMENDED SEEDING DATES ARE: APRIL 1 - JUNE 15 AND AUGUST 30 - OCTOBER 1

FOLLOWING SEEDING MULCH WITH WEED FREE STRAW AND APPLY A JUTE NETTING COVER TO AREAS OF 3:1 OR GREATER SLOPE



DRIVEWAY SECTION
NOT TO SCALE



STORMWATER COLLECTION TRENCH
NOT TO SCALE

EROSION & SEDIMENT CONTROL PLAN

REFERENCE IS MADE TO:

1. CONNECTICUT GUIDELINES FOR SOIL EROSION AND SEDIMENT CONTROL, MAY 2002.
2. SOIL SURVEY OF WINDHAM COUNTY CONNECTICUT, U.S.D.A. SOIL CONSERVATION SERVICE 1983.

DEVELOPMENT

PROPOSED DEVELOPMENT CONSISTS OF THE CONSTRUCTION OF A 6000 S.F. MAINTENANCE/STORAGE BUILDING WITH APPURTENANT SEPTIC SYSTEM, WELL, DRIVEWAY, UTILITIES AND SITE GRADING.

CONSTRUCTION SEQUENCE:

1. INSTALL EROSION AND SEDIMENT CONTROL STRUCTURES ALONG THE PROPOSED LIMITS OF DISTURBANCE.
2. REMOVE AND STOCKPILE TOPSOIL AND INSTALL SEDIMENT BARRIER.
3. ROUGH GRADING AND DRIVEWAY INSTALLATION.
4. EXCAVATE FOUNDATION SITE AND BEGIN BUILDING CONSTRUCTION.
5. INSTALL SEPTIC SYSTEM AND WELL.
6. INSTALL UTILITIES TO THE BUILDING.
7. FINAL DRIVEWAY GRADING AND SURFACING.
8. LOAM, SEED & MULCH DISTURBED AREAS AND LANDSCAPING.
9. REMOVE EROSION AND SEDIMENT CONTROL.

GENERAL DEVELOPMENT PLAN

PRIOR TO THE COMMENCEMENT OF OPERATIONS IN ACCORDANCE WITH ANY PERMIT ISSUED BY THE TOWN OF BROOKLYN, THE CONTRACTOR SHALL INSTALL ALL EROSION AND SEDIMENT CONTROL DEVICES.

THE CONTRACTOR SHALL OBTAIN A SITE INSPECTION FROM THE TOWN OF BROOKLYN ZONING ENFORCEMENT OFFICER OR WETLANDS AGENT TO ENSURE THAT ALL EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED IN ACCORDANCE WITH THIS NARRATIVE. UPON APPROVAL WITH RESPECT TO THE INSTALLATION OF EROSION AND SEDIMENT CONTROL MEASURES, THE CONTRACTOR MAY COMMENCE OPERATIONS PURSUANT TO THE PERMIT. EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE "SILT FENCE INSTALLATION & MAINTENANCE" SECTION OF THIS NARRATIVE.

ALL STRIPPING IS TO BE CONFINED TO THE IMMEDIATE CONSTRUCTION AREA. TOPSOIL SHALL BE STOCKPILED SO THAT SLOPES DO NOT EXCEED 2 TO 1. THERE SHALL BE NO BURIAL OF STUMPS. A SILT FENCE SEDIMENT BARRIER IS TO SURROUND EACH STOCKPILE AND A TEMPORARY VEGETATIVE COVER PROVIDED IF NECESSARY.

DUST CONTROL WILL BE ACCOMPLISHED BY SPRAYING WITH WATER.

FINAL STABILIZATION OF THE SITE IS TO FOLLOW THE PROCEDURES OUTLINED IN PERMANENT VEGETATIVE COVER. IF NECESSARY A TEMPORARY VEGETATIVE COVER IS TO BE PROVIDED UNTIL A PERMANENT COVER CAN BE APPLIED.

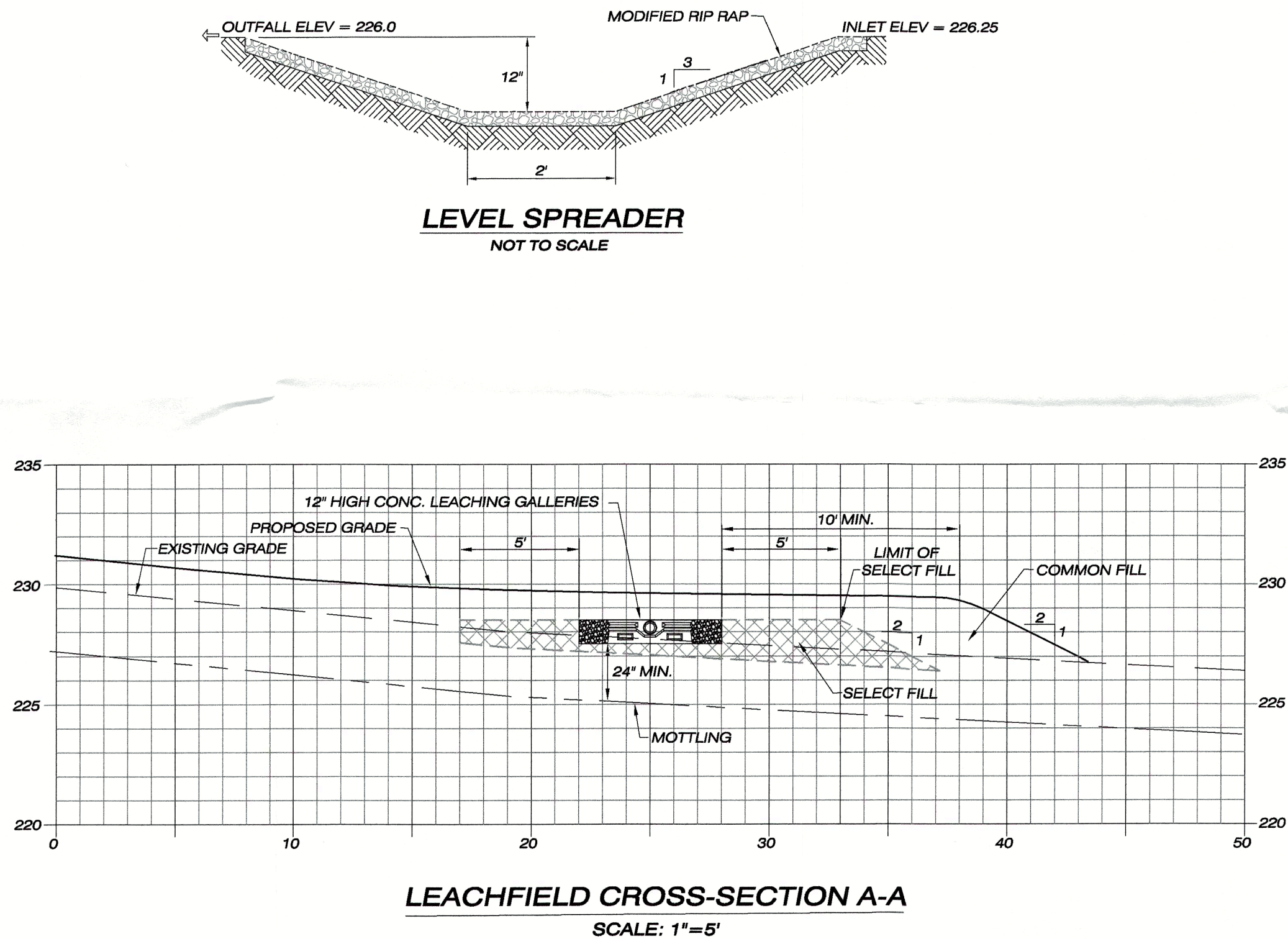
DURING THE STABILIZATION PERIOD, ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED IN PROPER WORKING ORDER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING ALL EROSION AND SEDIMENT CONTROL ON A TWICE-WEEKLY BASIS DURING THE STABILIZATION PERIOD AND AFTER EACH STORM EVENT. DURING THE STABILIZATION PERIOD WITH RESPECT TO THE SITE, ANY EROSION WHICH OCCURS WITHIN DISTURBED AREAS SHALL BE IMMEDIATELY REPAIRED, RESEEDED AND RE-ESTABLISHED.

ALL DISTURBED SLOPES SHALL BE STABILIZED WITHIN ONE SEASON (SPRING OR FALL) OF THE COMPLETION OF THE PROJECT.

ONCE STABILIZATION HAS BEEN COMPLETED AND APPROVED BY THE TOWN OF BROOKLYN ZONING ENFORCEMENT OFFICER, EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED BY THE CONTRACTOR.

SILT FENCE INSTALLATION AND MAINTENANCE:

1. DIG A 6" DEEP TRENCH ON THE UPHILL SIDE OF THE BARRIER LOCATION.
2. POSITION THE POSTS ON THE DOWNHILL SIDE OF THE BARRIER AND DRIVE THE POSTS 1 FOOT INTO THE GROUND.
3. LAY THE BOTTOM 6" OF THE FABRIC IN THE TRENCH TO PREVENT UNDERMINING AND BACKFILL.
4. INSPECT AND REPAIR BARRIER AFTER HEAVY RAINFALL.
5. INSPECTIONS WILL BE MADE AT LEAST ONCE PER WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL AMOUNT OF 0.5 INCH OR GREATER TO DETERMINE MAINTENANCE NEEDS.
6. SEDIMENT DEPOSITS ARE TO BE REMOVED WHEN THEY REACH A HEIGHT OF 1 FOOT BEHIND THE BARRIER OR HALF THE HEIGHT OF THE BARRIER AND ARE TO BE DEPOSITED IN AN AREA WHICH IS NOT REGULATED BY THE INLAND WETLANDS COMMISSION.
7. REPLACE OR REPAIR THE FENCE WITHIN 24 HOURS OF OBSERVED FAILURE. FAILURE OF THE FENCE HAS OCCURRED WHEN SEDIMENT FAILS TO BE RETAINED BY THE FENCE BECAUSE:
 - THE FENCE HAS BEEN OVERTOPPED, UNDERCUT OR BYPASSED BY RUNOFF WATER,
 - THE FENCE HAS BEEN MOVED OUT OF POSITION, OR
 - THE GEOTEXTILE HAS DECOMPOSED OR BEEN DAMAGED.



Killingly Engineering
Associates

114 Westcott Road
P.O. Box 421
Dayville, Connecticut 06241
860 779 7299

Norman Thibault, Jr. 4/26/2022
NORMAND THIBAUT, JR., P.E. No. 22834 DATE

E&S CONTROL & DETAIL SHEET

FOR SITE PLAN
OF PROPOSED BUILDING
TO BE LOCATED ON LAND OF
**BROOKLYN'S
COUNTRYVIEW
RESTAURANT, LLC**

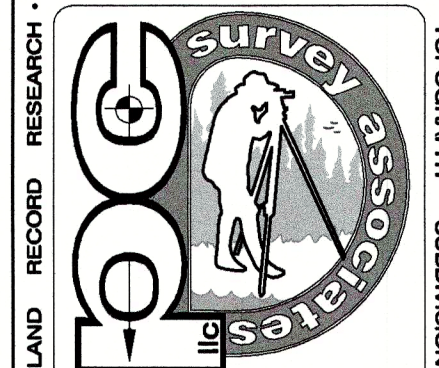
170 SOUTH STREET
BROOKLYN, CONNECTICUT

DATE: MAY 2022
SCALE: 1" = AS NOTED

0 0.5 1 2 3

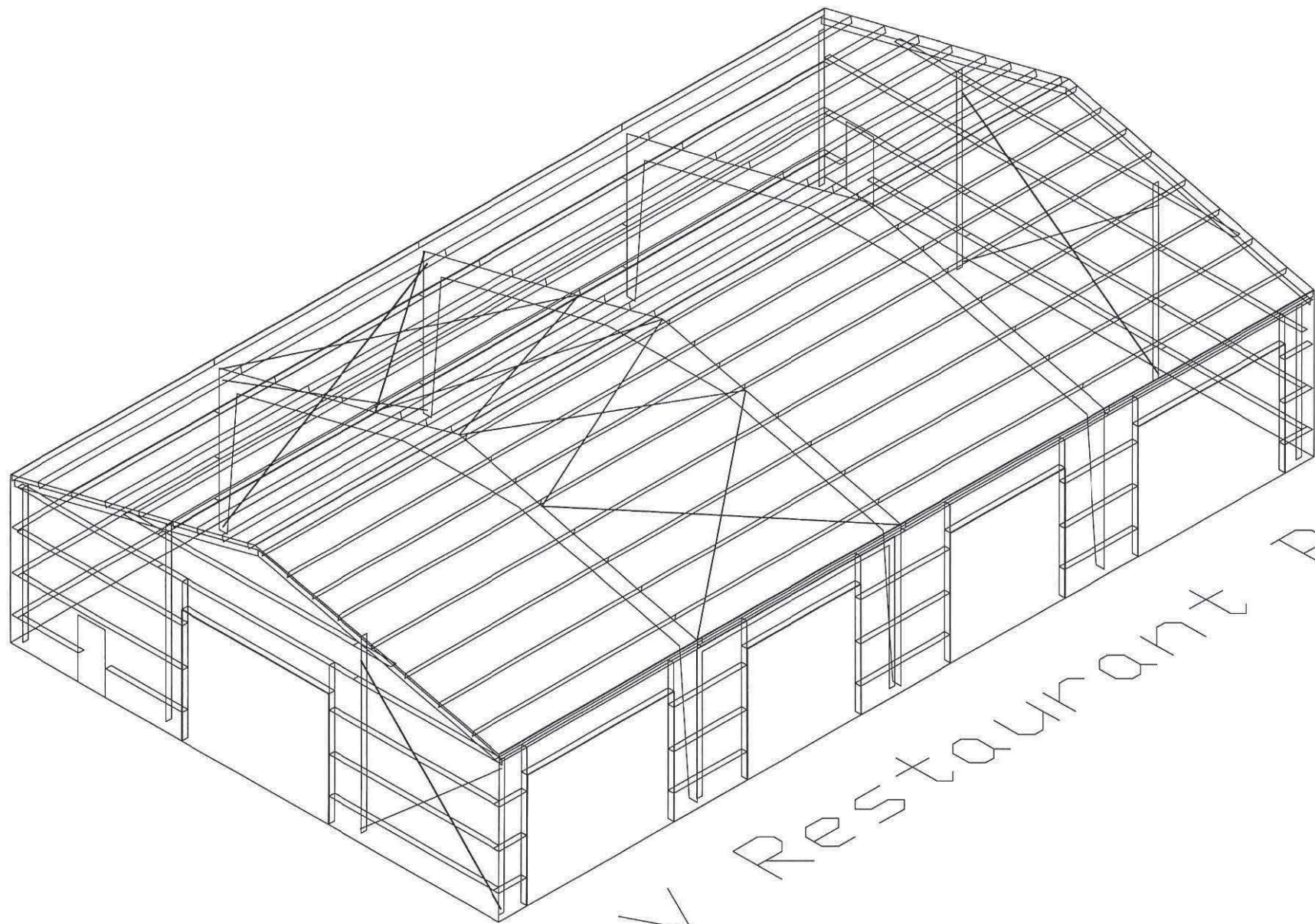
JOB NO: 22016 F.B. NO: N/A DRAWN BY: P.A.T. MAP NO:

SURVEYING • MAPPING • PLOT PLANS

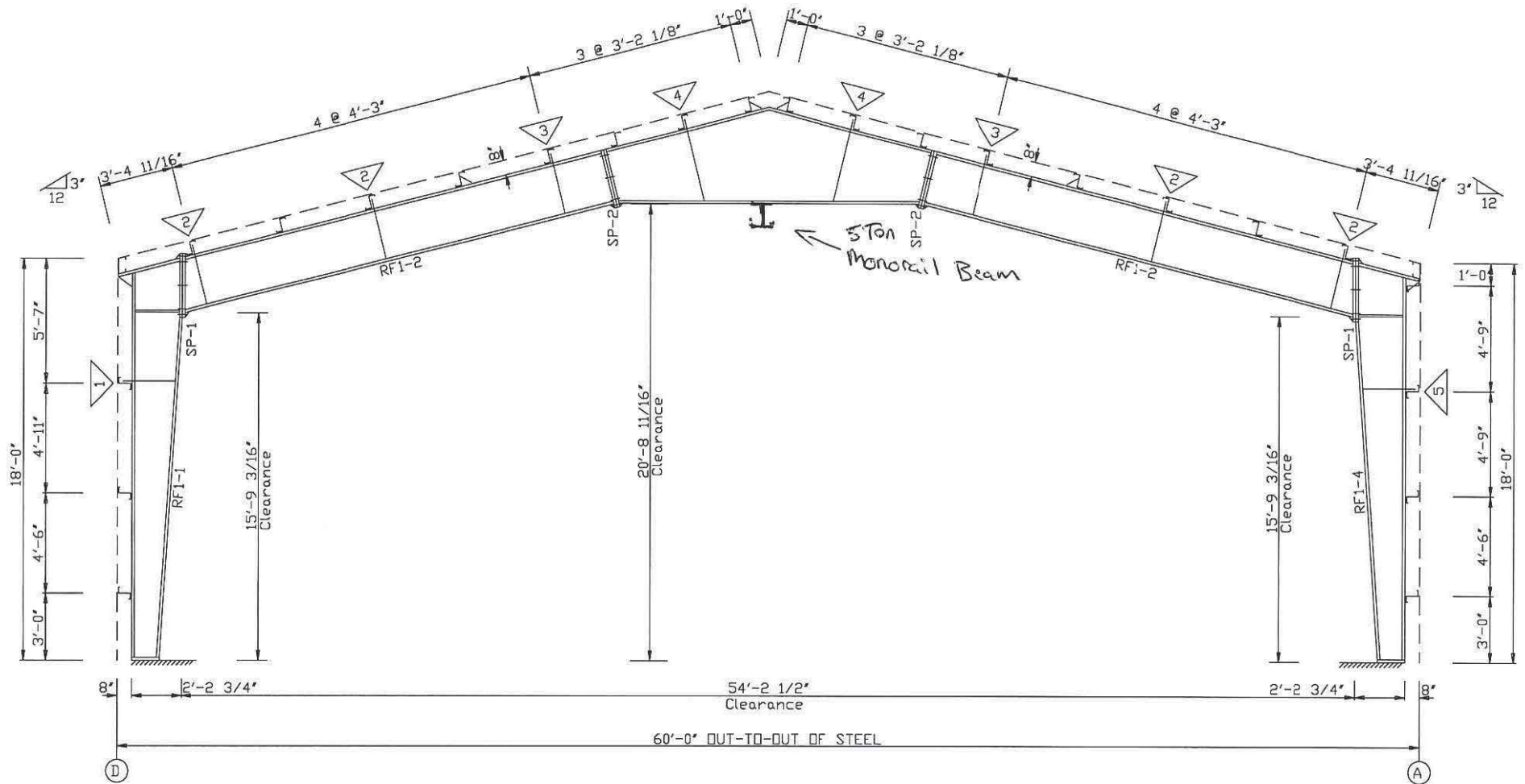


email: pdsurvey@earth.net
63 SNAKE MEADOW RD
KILLINGLY, CT 06239
860 774 6230

SHEET NO: 2 OF 2
REVISED:



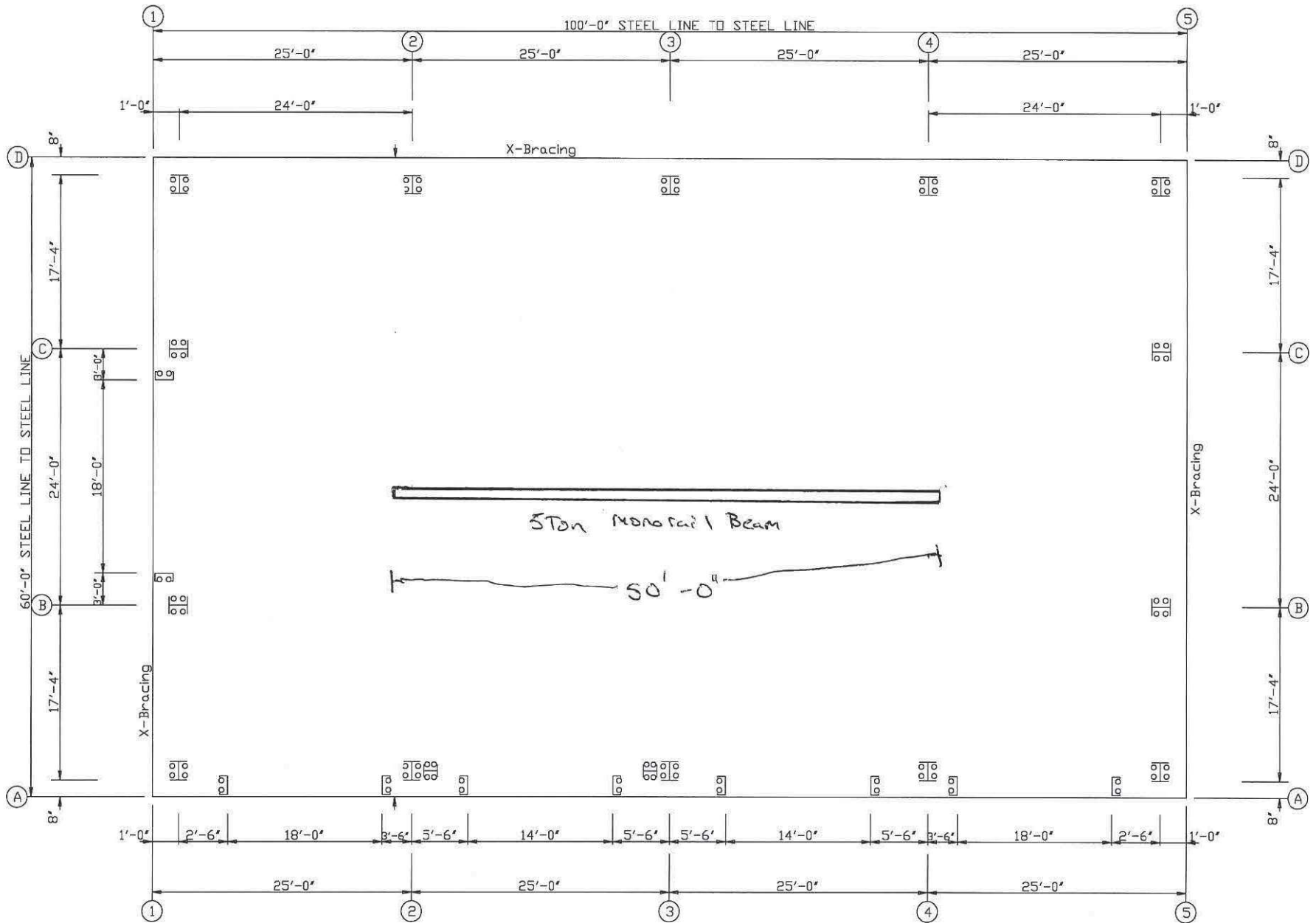
BCV Restaurant Bldg



RIGID FRAME ELEVATION: FRAME LINE 2 3 4

NORTHERN BUILDING SYSTEMS		Fontaine Real Estate LLC	
PROJECT	BCV Restaurant Bldg	FRAME CROSS SECTION	
ID	2205-003	PRELIM. - NOT FOR CONSTRUCTION	
PROJECT	170 South Street	CSR:TMZ	
ADDRESS	Brooklyn, CT 06351	DATE: 5/17/22	DRAWING: FRXS-1





ANCHOR BOLT PLAN
NOTE: All Base Plates @ 100'-0" (U.N.)

NORTHERN BUILDING SYSTEMS		Fontaine Real Estate LLC	
PROJECT	BCV Restaurant Bldg	ANCHOR BOLT PLAN	
ID	2205-003	PRELIM. - NOT FOR CONSTRUCTION	
PROJECT	170 South Street	CSR:TMZ	
ADDRESS	Brooklyn, CT 06351	DATE: 5/17/22	DRAWING: ABLT-1







Sec. 8-24. Municipal improvements. No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads.

Property Location WAUREGAN RD
Vision ID 2022

Account # 00180500

Map ID 30/186/1

Bldg # 1

Bldg Name
Sec # 1 of 1

Card # 1 of 1

State Use 9030
Print Date 1/25/2021 3:03:11 PM

CURRENT OWNER		TOPO		UTILITIES		STRT/ROAD		LOCATION		CURRENT ASSESSMENT				6019 BROOKLYN, CT <div style="font-size: 2em; font-weight: bold; margin-top: 10px;">VISION</div>								
BROOKLYN TOWN OF P O BOX 356 BROOKLYN CT 06234-2545										Description	Code	Appraised	Assessed									
										EX COM LN	21	1,000	700									
SUPPLEMENTAL DATA										Total												
Alt Prcl ID 30/086 OVERLAY FIRE DIST SEWER										490 PEN DEVRIGH SUBDIV. SURVEY # DEV LOT Census # 9051												
RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		Q/U		V/I		SALE PRICE		VC		PREVIOUS ASSESSMENTS (HISTORY)								
BROOKLYN TOWN OF MAYNARD MARY M		0293 0381 0030 0158		05-28-2003 10-27-1949		U V U I				0 0				Year	Code	Assessed	Year	Code	Assessed			
														2020	21	700	2019	21	600	2018	21	600
														Total		700		Total		600		Total
EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor <div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>														
Year	Code	Description		Amount	Code	Description												Number	Amount	Comm Int		
Total				0.00																		
ASSESSING NEIGHBORHOOD												APPRAISED VALUE SUMMARY Appraised Bldg. Value (Card) 0 Appraised Xf (B) Value (Bldg) 0 Appraised Ob (B) Value (Bldg) 0 Appraised Land Value (Bldg) 1,000 Special Land Value 0 Total Appraised Parcel Value 1,000 Valuation Method C Total Appraised Parcel Value 1,000										
Nbhd		Nbhd Name		B		Tracing		Batch														
0001																						
NOTES																						
BUILDING PERMIT RECORD												VISIT / CHANGE HISTORY										
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments				Date	Id	Type	Is	Cd	Purpost/Result					
												07-08-2020	MM			13	Field Review					
												10-30-2019	KN			61	Field Check					
LAND LINE VALUATION SECTION																						
B	Use Code	Description	Zone	LA	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustmen	Adj Unit P	Land Value						
1	9030	MUNICIPAL MD	RB			0.330 AC	2,700	1.00000	0	1.00	0050	1.100	LL		1.0000	1,000						
Total Card Land Units						0.330 AC		Parcel Total Land Area						0.3300		Total Land Value		1,000				

Property Location WAUREGAN RD
 Vision ID 2022 Account # 00180500

Map ID 30 / 86 /
 Bldg # 1

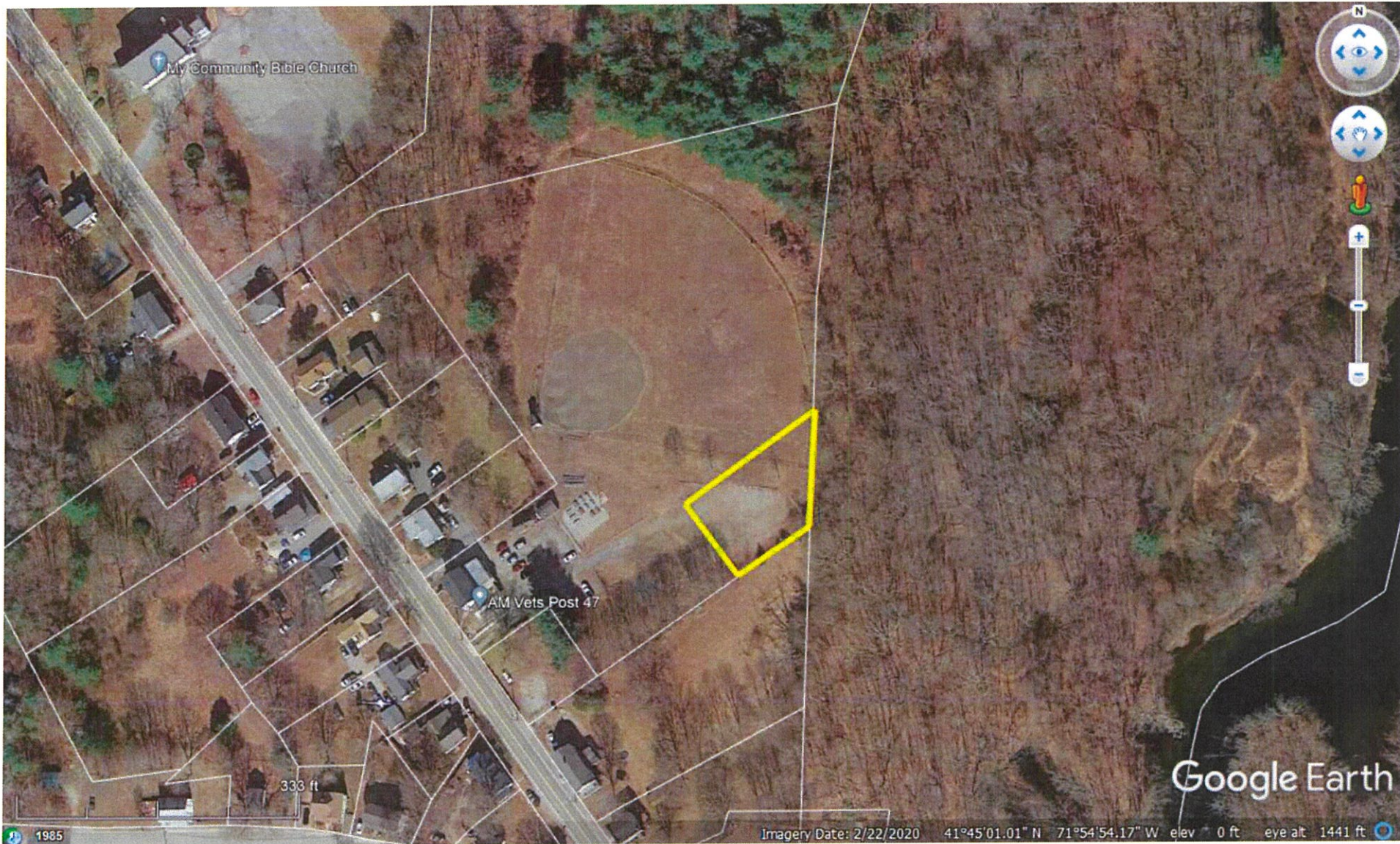
Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 9030
 Print Date 1/25/2021 3:03:12 PM

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)							
Element	Cd	Description	Element	Cd	Description					
Style: Model Grade: Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2 Heat Fuel Heat Type: AC Type: Total Bedrooms Total Bthrms: Total Half Baths Total Xtra Fixtrs Total Rooms: Bath Style: Kitchen Style:	99 00	Vacant Land Vacant								
			CONDO DATA							
			Parcel Id		C	Owne				
					B	S				
			Adjust Type	Code	Description	Factor%				
			Condo Flr							
			Condo Unit							
			COST / MARKET VALUATION							
			Building Value New							
			Year Built							
			Effective Year Built			0				
			Depreciation Code							
			Remodel Rating							
			Year Remodeled							
			Depreciation %							
			Functional Obsol							
			External Obsol							
			Trend Factor			1				
			Condition							
			Condition %							
Percent Good										
RCNLD										
Dep % Ovr										
Dep Ovr Comment										
Misc Imp Ovr										
Misc Imp Ovr Comment										
Cost to Cure Ovr										
Cost to Cure Ovr Comment										
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
BUILDING SUB-AREA SUMMARY SECTION										
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value				
Ttl Gross Liv / Lease Area		0	0	0		0				

No Sketch



My Community Bible Church

AM Vets Post 47

333 ft

Google Earth

Imagery Date: 2/22/2020 41°45'01.01" N 71°54'54.17" W elev 0 ft eye alt 1441 ft

Tax Collector's Deed

Know all men by these presents, that whereas the Town of Brooklyn Connecticut did on previous lists and on the first day of October 1, 2001 lay a tax on its grand list next to be, or last perfected rate bills for a property tax which in all respects made out according to law with a warrant thereto attached was placed in my hands, I being the duly appointed and qualified collector thereof, for collections, which tax became due on the first day of July, 2002 and whereas Mary Maynard, upon demand made, neglected and refused to pay the tax set opposite Mary Maynard name in said rate bills, and thereupon I thereafter levied upon the parcel of real estate hereinafter described for the amount of said tax which was assessed thereon, to wit, \$917.20 and accrued interest, and gave due notice thereof to said taxpayer and to all encumbrancers of record, as by law provided, which real estate so levied upon is situated in the Town of Brooklyn, County of Windham, and State of Connecticut, and is more fully described as follows, see Schedule A attached hereto and made part of, and on the 23rd day of November, 2002, no one having previously tendered me said tax with interest and my fees, in pursuance of said levy, and in accordance with the terms of said notice, I sold at public auction the whole of said real estate to Town of Brooklyn of Brooklyn, CT, in as much as no one offered to take any less thereof for the amount due, for the sum of \$917.20 being the amount of the taxes levied for, with interest, and my fees.

Now, therefore, in consideration of the premises, and of said sum of money received to my full satisfaction of said Town of Brooklyn, I hereby bargain and sell unto him the premises described in Schedule A, with appurtenances, to have and to hold the same to him and his heirs forever.

And, also, I, the said Collector, acting in the name of and for the Town of Brooklyn, Connecticut do by these presents bind said Town forever to warrant and defend the above-granted and bargained premises to the said Grantee, heirs and assigns, against all claims and demands arising from any necessary act omitted or unlawful act done by me in connection with the aforesaid levy on sale which impairs the same.

This parcel is conveyed subject to all zoning, building, wetlands, or other applicable regulations. Grantor specifically excludes any warranty that the property now complies with said regulations or is suitable for building upon.

In witness whereof I have hereto set my hand and seal this 6th day of December, 2002.

WITNESSED:

Frederick C. Duff
Debra A. Mainville

Susan Gibeault
Susan Gibeault, Revenue Collector
Town of Brooklyn

STATE OF CONNECTICUT)

ss Brooklyn, December 6, 2002

COUNTY OF WINDHAM)

Personally appeared Susan Gibeault, as aforesaid, Signer of the foregoing instrument, and acknowledged the same to be her free act and deed and the free act and deed of the said municipality, before me.

Grantee's latest address:
Mary Maynard
387 Christian Hill Road
Brooklyn, CT 06234

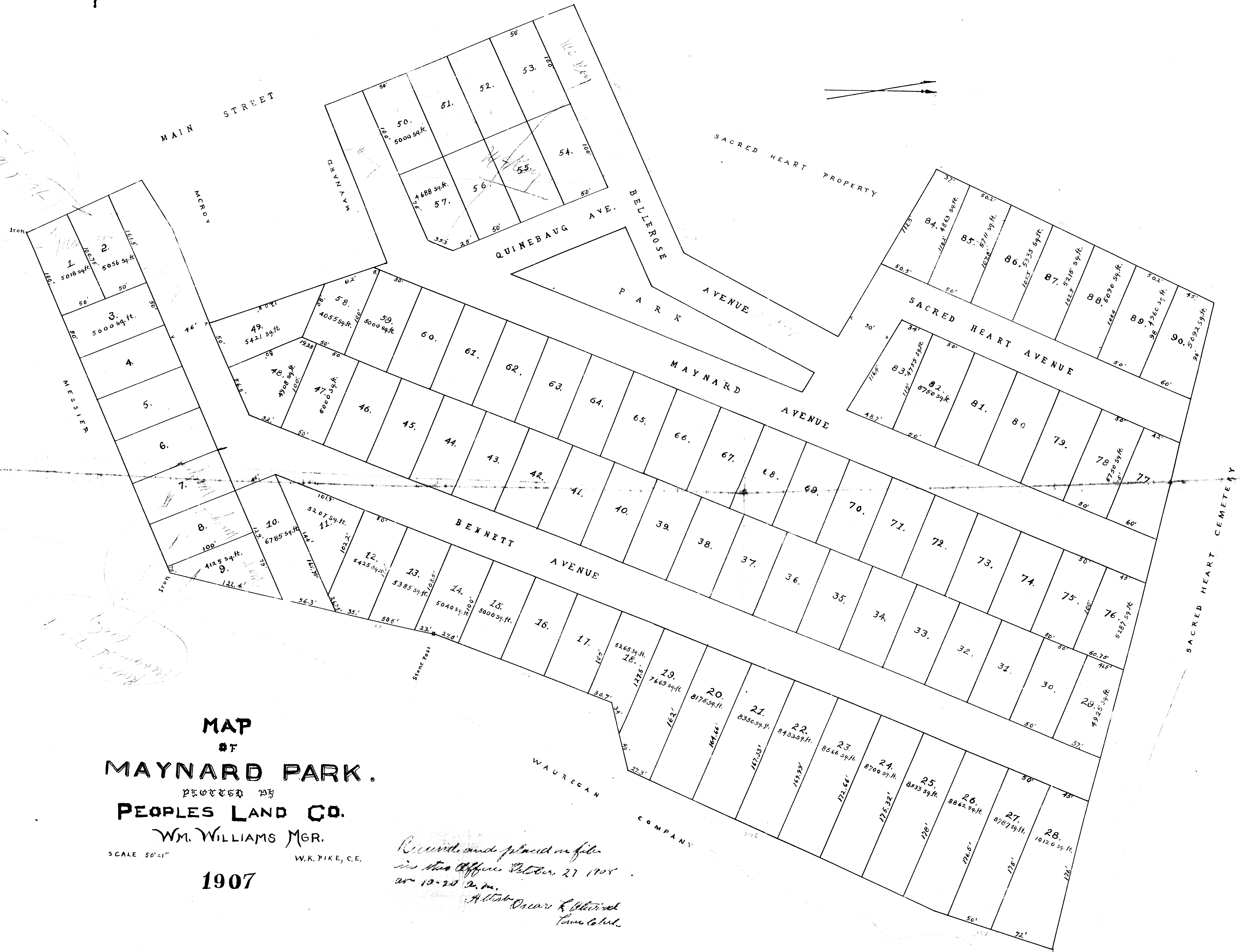
Debra A. Mainville
LEONA A. MAINVILLE
NOTARY PUBLIC
BY COMMISSION EXPIRES SEP. 26, 2007

SCHEDULE A

The real estate belonging to said estate, the same being all those three certain tracts or lots of land, lying and being situated in the southeasterly part of said Town of Brooklyn, and being a part of Maynard Park as platted by William K. Pike, C.E., 1907 and numbered Seven (7), Eight (8), and Nine (9) on said plat.

Being all the same premises described in a certain Warranty Deed from Frank X. Maynard and Corinne Maynard Weed to Romeo Maynard, dated December 1, 1928 and recorded in Brooklyn Land Records Vol. 23, Page 36.

Received for record this 28th day
of May 2003, A.D. at 9:08 A. M.



MAP
OF
MAYNARD PARK.
PRODUCED BY
PEOPLES LAND CO.
WM. WILLIAMS MGR.
SCALE 50' = 1" W.K. PIKE, C.E.
1907

Revised and placed on file
in this Office October 27 1908
at 10-20 A.M.
H. H. Oscar & Edward
Towns, Cadd.

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION**

**REQUEST FOR CHANGE
IN
ZONING REGULATIONS**

Date 6/16/2022 Check # _____ Application #ZRC 22-005

Application Fee: \$250 _____ State Fee: \$60 _____ Publication Fee: \$600 _____

Public Hearing Date _____ Commission Action _____ Effective Date _____

Name of Applicant TOWN OF BROOKLYN PZC Phone _____

Mailing Address 69 S. MAIN ST. SUITE 22 BROOKLYN, CT

REQUEST TO AMEND ARTICLE(S) _____ SECTION(S) 4.D.2,3.18, 6.S

If more than one Article is requested please attach separate sheet for each one

PARAGRAPH TO CHANGE _____ OF THE ZONING REGULATIONS

REQUEST TO CHANGE:

SEE ATTACHED.

REASON FOR REQUEST:

Note: A petition may be filed at the Hearing by 20% or more of the area lots included in such a change within 500 ft of the property under Section 16.5 of the Zoning Regulations

1) *Explanation: The purpose of this change is to control the number and proximity of retail cannabis outlets in a rural community of our population as a matter of public safety, convenience and to preserve property values and as a means of promoting health and the general welfare of the community and to preserve the community's quality of life.*
Pg. 71 and Pg. 151

Proposed: Retail sale of cannabis by a Cannabis Retailer, or
Retail sale of cannabis and medical marijuana by a Hybrid Retailer, **in
accordance with Section 6.S** Special Permit (PZC)

The intent of this regulation is to control the number and proximity of retail cannabis outlets in a rural community of our population as a matter of public safety and convenience, to preserve property values, as a means of promoting health and the general welfare of the community, and to preserve the community's quality of life.

Notwithstanding any other Section of these Regulations, retail sale of cannabis by a cannabis retailer or a hybrid retailer may be allowed as a Special Permit use in accordance with the provisions of Sec. 9.D. and further subject to the following provision: that any cannabis retailer shall be located not less than 6,000 linear feet from another cannabis retailer or hybrid retailer. The separating distance between any two cannabis retail outlets (whether a cannabis retailer or a hybrid retailer) shall be measured from the nearest property line of the lot upon which the use is located to the nearest property line of the lot upon which another retail sale of cannabis use is proposed. No variance shall be issued by the Zoning Board of Appeals to reduce this separating distance.



TEXAS A&M
AGRILIFE
EXTENSION

Reducing the Risk of Ground Water Contamination by Improving Petroleum Product Storage

B.L. Harris, D.W. Hoffman and F.J. Mazac, Jr.*

1. Do you store liquid petroleum products closer than 100 feet from your water well?
2. Are you planning to build a new petroleum storage tank on your property?
3. Do you store petroleum products below ground on your property?
4. Does your storage system lack proper spill and overfill protection?
5. Do you store petroleum products in an above-ground tank?
6. Is your tank more than 20 years old?
7. Do you need to become more aware of proper petroleum tank monitoring procedures?
8. Do you have any storage tanks that are no longer in use?

If these questions create doubt about the safety of your management practices, this publication will provide helpful information.

*Professor and Extension Soils Specialist; Research Scientist, Texas Agricultural Experiment Station; Extension Associate-Water Quality, The Texas A&M University System.

Petroleum Products Overview

Storing liquid petroleum products, such as motor fuel and heating fuel, above ground or underground presents a potential threat to public health and the environment. Nearly one out of every four underground storage tanks in the United States may now be leaking, according to the U.S. Environmental Protection Agency. If an underground petroleum tank is more than 20 years old, and especially if it is not protected against corrosion, the potential for leaking increases dramatically. Newer tanks and piping can leak, too, especially if they were not installed properly.

Even a small gasoline leak of one drop per second can result in the release of about 400 gallons of gasoline per year. A few quarts of gasoline in the ground water may be enough to severely pollute drinking water. At low levels of contamination, fuel contaminants in water cannot be detected by smell or taste, yet seemingly pure water may be contaminated to the point of affecting human health.

Preventing tank spills and leaks is especially important because gasoline, diesel and fuel oil can move rapidly through surface layers and into ground water. Also, vapors from an underground leak that collect in basements, sumps or other underground structures have the potential to explode.

Petroleum fuels contain a number of potentially toxic compounds, including common solvents such as benzene, toluene and xylene, as well as additives such as ethylene dibromide (EDB) and organic lead compounds. EDB is a carcinogen, a cancer-causing agent, in laboratory animals, and benzene is considered a human carcinogen.

This publication focuses on safe storage of gasoline, diesel, kerosene and liquid heating fuels. It does not apply to liquid propane (LP) gas, since such leaks vaporize quickly and do not threaten ground water. A glossary at the back of this publication explains the terminology used. The following areas are covered:

- 1) Storage tank location
- 2) Tank design and installation
- 3) Monitoring tanks
- 4) Tank closure
- 5) Evaluation table

Storage Tank Location

From a water quality standpoint, one of the most important aspects of your liquid petroleum storage tank location is how close it is to your water well. State well regulations require that petroleum storage tanks be at least 100 feet from a water well. Minimum separation distances regulate only new well installation. Existing wells are required by law only to meet separation requirements in effect at the time of well construction. However, making every effort to meet current regulations whenever possible will further reduce the risk of contamination.

Every site has unique geologic and hydrologic conditions that affect ground water movement. The time it takes petroleum products to reach ground water also will depend upon local soils. The more porous the soil (sands and gravels, for example), the faster the rate of downward movement to ground water. You may choose to locate a new tank more than 100 feet away from a well to provide reasonable assurance that subsurface flow or seepage of contaminated ground water will not reach the well. If possible, the tank should be located downslope from the well. Figure 1 illustrates petroleum product seepage into soils.

If you have an above-ground tank, follow existing regulations for underground storage tanks as a guide. To protect against explosion and fire, do not locate tanks (especially above-ground tanks) closer than 25 feet to existing buildings. Previous regulations for siting above-ground storage tanks were concerned more with the danger of explosion than with the danger of ground water pollution. State agencies have revised above-ground storage tank regulations to better protect ground water. However, always keep in mind the potential for vapors to accumulate in or under nearby storage buildings. These vapors can directly affect human health and are a fire hazard.

Along with maintaining adequate distance from your drinking water well, choose a location for a new tank based on the following considerations:

- ★ **Soil characteristics.** Highly corrosive clays, wet soils and acidic (low pH) soils can significantly increase the rate of corrosion of underground metal tanks and piping. Use clean backfill during installation



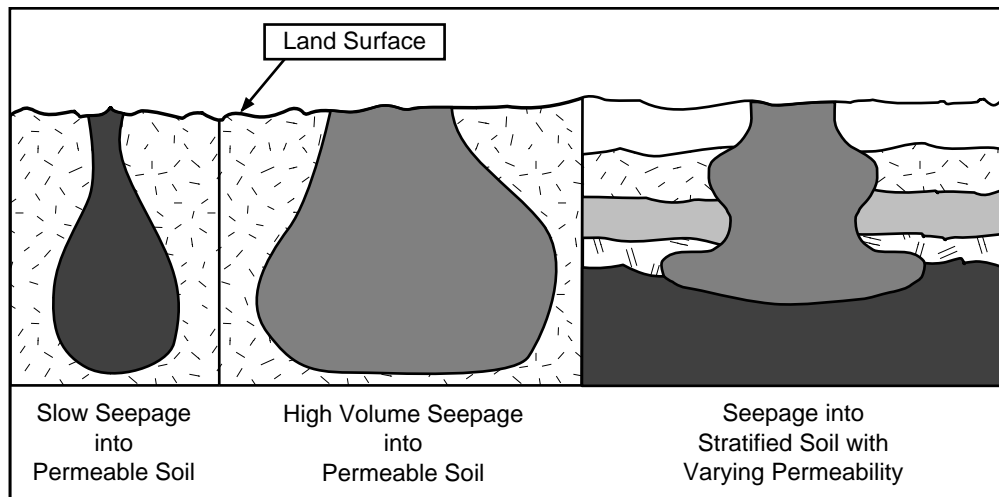


Figure 1. Petroleum product seepage into soils. Source: Underground Tank Corrective Action Technologies, EPA/625/6-87-015, January 1987.

to decrease the negative effects of surrounding soils.

- ★ **Soil stability.** Assess the suitability of the underlying soil to support both underground and above-ground tanks. At special tank locations, such as hillsides, be sure to properly anchor and hold tanks in place. Regardless of soil conditions, locate above-ground tanks over an impermeable liner made of concrete or one of the newer synthetic fabrics and build a collection basin for spills.
- ★ **Damage control.** Be sure that pipes cannot twist or break if the tank is bumped or disturbed.
- ★ **Current and previous land use.** Sites that contain abandoned pipes and tanks, agricultural drainage tiles or waste materials pose special installation problems. Any metal already in the ground at your chosen site will increase corrosion rates for the new tank.
- ★ **Traffic.** Assess traffic patterns around the tank. Determine whether the location of the tank or dispenser will block movement of vehicles during refueling or cause special problems if any work needs to be done on the tank. Protect piping from collisions with vehicles.
- ★ **Depth to ground water.** Floodways or areas where the water table is close to the surface are poor locations for storage tanks. Tanks placed in such areas require

special installation. To reduce pollution potential, an above-ground tank may be preferable to an underground tank in some situations.

Tank Design and Installation

Whenever you install a fuel storage tank, carefully follow the manufacturer's recommended installation practices. Proper installation is one sure way to minimize leaks from the tank or connected piping. Scratches in a metal tank caused by careless installation can increase corrosion and tank deterioration.

Underground Tanks

All new underground petroleum storage tanks and related piping must be constructed of non-metallic materials, such as fiberglass, or have corrosion protection. Methods of corrosion protection include using interior liners and sacrificial anodes which are connected to the tank.

A sacrificial anode is a special material with a greater tendency to corrode than the tank material. The anode will typically protect the tank for up to 30 years. Interior liners are made of non-corrosive synthetic materials and also can be effective in protecting metal tanks.

Texas regulations require that all new underground tanks (other than heating oil tanks for on-site use) have spill and overfill protection. Spill protection typically consists of a catch basin for collecting spills when the tank is



filled. Overfill protection is either a warning device, such as, a buzzer or a prevention device such as an automatic shutoff. Spill and overfill protection are important because they can prevent pollution from a number of small releases over a long period of time.

Above-ground Tanks

State regulations for above-ground tank installation seek to reduce the potential for both pollution and fire. Requirements include the following:

- 1) enclosing the tank within a secure 6-foot fence or well-ventilated building constructed of non-combustible material; and
- 2) constructing a fire wall between the fuel dispensing area and the tank.

To decrease pollution potential, place tanks within a secondary containment structure consisting of a dike and a pad. All piping should be above ground within the dike or may go over the dike wall. However, if it goes over the dike wall, it must be placed below the ground and within 10 feet of the dike wall. Above-ground piping must be made of steel and coated to prevent corrosion. Any below-ground piping may be either steel or fiberglass, but the steel piping must be coated and cathodically protected.

Monitoring Tanks

Regulations for new underground tanks require that they have a method of detecting leaks. Select the tank location carefully to ensure that installation is easy and leak detection methods reliable. Test the tank periodically for leaks, and measure the tank inventory on a monthly (or more frequent) basis to help detect leaks before major problems develop.

Since cleanup of gasoline leaks is always costly and often not totally effective, it is important to constantly monitor underground tanks containing petroleum products. If you already have a petroleum storage tank, be especially aware of the age of your tank as well as the need to establish a leak-detecting program. Figure 2 shows how ground water can be contaminated by underground tanks.

Since most older tanks are bare steel, they are likely to corrode and leak. If your tank is more than 20 years old or if you do not know its age, make a special effort immediately to determine whether there are leaks.

Even when a tank has been tested and proven tight, existing regulations and good practice require that you have a method for regularly detecting leaks. Some good methods include the following:

- ★ Installing internal or external devices to monitor ground water and vapor, or to automatically gauge tanks.
- ★ Measuring tank inventories regularly. Leakage is apparent when there is any decrease in level over time, without any withdrawal of fuel, or when there is an increase in water in the tank. While inventory measurement will not detect very small leaks, it will at least provide a warning that further investigation may be necessary.
- ★ Using a measuring stick to measure tank liquid level. This method is acceptable, but be sure that the stick does not puncture or damage the bottom of the tank.

The closer the tank is to a water well, the more important it is to have an adequate leak detection system in place.

Tank Closure

Tanks no longer in use can cause problems for owners and operators many years later. They will continue to corrode and, if they still contain gas or oil, will likely contaminate ground water.

Try to determine the location of any unused tanks on your property. Also, try to find out whether the tanks still hold product or have holes. These tanks must be pulled from the ground and disposed of in a landfill or at a scrap dealer.

State law requires that only certified individuals can legally pull a tank. Always notify your local fire department at least 1 month before you have the tank pulled so that they can take precautions to prevent an explosion or other problem. Deaths have occurred because of improper closure.



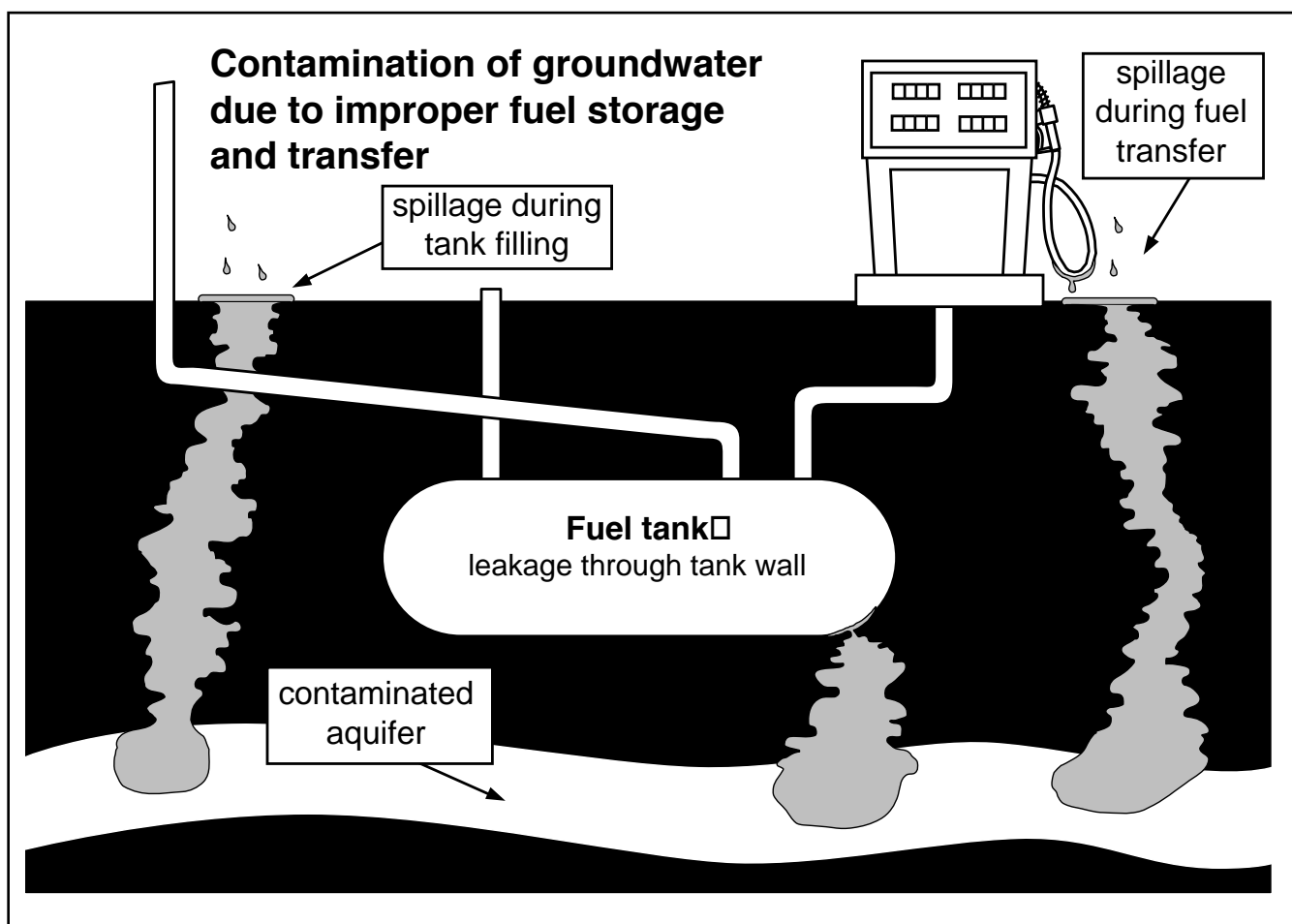


Figure 2. Contamination of groundwater due to improper fuel storage and transfer. Source: Handling and Underground Storage of Fuels, Cooperative Extension Service, Michigan State University, Extension Publication WQ01, Reprinted, February 1986.

Evaluation Table

The following table can be used to help agricultural producers and rural homeowners determine the risk that drinking water on a given property will be contaminated because of the management practices being used. For each category on the left that is appropriate,

read across to the right and circle the statement that best describes conditions on your land. Allows 15 to 30 minutes to complete the table, and skip any categories that do not apply. Note any high risk ratings and take appropriate actions to remedy them. Strive for all low or low-moderate risk ratings.



Petroleum Product Storage: Assessing Drinking Water Contamination Risk				
	Low Risk	Low-Moderate Risk	Moderate-High Risk	High Risk
Location (all tanks)				
Position of tank in relation to drinking water well	Tank downslope more than 100 feet from well in medium- or fine-textured soils (silt loam, loam, clay loams, silty clay) with low permeability.*	Tank at grade or upslope more than 100 feet from well in medium- or fine-textured soils (silt loam, loam, clay loams, silty clay) with low permeability.*	Tank downslope more than 100 feet from well in coarse-textured soil (sands, sandy loam) with high permeability.*	Tank at grade or upslope less than 100 feet from well in coarse-textured soil (sand, sandy loams) with high permeability.*
Tank location and local land use (leakage potential)	Well-drained soils. Water table always beneath tank. Above ground tank more than 50 feet from buildings.	Moderately well-drained soils. Only occasionally high water table.	Located more than 50 feet from buildings. Medium- or fine-textured soils (silt loams, loam, clay loams, silty clay) saturated seasonally.	Located less than 50 feet from buildings and in areas with fine-textured soils (clay loams, silty clay, clay) often saturated.
Design and Installation Table (all tanks)				
Type and age of tank/corrosion protection	Synthetic tank or tank with cathodic corrosion protection.	Steel tank less than 15 years old, coated with paint or asphalt.	Coated steel tank 15 or more years old. Bare steel tank less than 15 years old.	Bare steel tank 15 or more years old.
Spill and tank overfill protection	Impermeable catch basin plus automatic shutoff.	Impermeable catch basin plus overfill alarm.	Impermeable catch basin or concrete catch pad.	No protection.
Piping	Piping protected from rust and corrosion by cathodic protection. Piping isolated from tank and sloped back to tank. Check valve at pump (not at tank).	Piping galvanized but not isolated from tank. Pipe drains back to tank. Check valve at pump.	Pipe galvanized, not isolated or bare. Piping sloped back to tank, but check valve is located at tank (foot valve).	Piping and tank isolated and of dissimilar materials. Uninsulated pipe bare, cannot drain freely to the tank. All pressure pipe systems.
Tank installation	Installed by state certified installer.	Installed according to recommendations provided with new tank by seller.	No information on installation.	Installed without backfill, setback, secondary containment, anchors and other protection, OR by untrained individual.
Design and Installation (above-ground tanks only)				
Tank enclosure	Tank surrounded by 6-foot-tall non-combustible building or fence with lock. Building well-ventilated. Firewall in place if setbacks do not conform to code.	Tank surrounded by low fence with lock. Firewall in place if setbacks do not conform to code.	Tank surrounded by low fence. No lock. No firewall.	No enclosure.
*See Glossary.				



Petroleum Product Storage: Assessing Drinking Water Contamination Risk				
	Low Risk	Low-Moderate Risk	Moderate-High Risk	High Risk
Design and Installation (above-ground tanks only) (continued)				
Secondary containment	Tank placed within concrete or synthetic dike with pad able to hold 125% of tank capacity.	Tank placed within dike and pad made of low permeability soils*, able to hold 125% of tank capacity.	Tank placed on pad.	No secondary containment.
Monitoring (all tanks)				
Tank integrity testing and leak detection monitoring	Regular (monthly) leak monitoring.	Daily inventory control and annual tank tightness testing.	Occasional inventory control and annual tank tightness testing.	No inventory control, testing or monitoring.
Tank Closure (underground tanks)				
Unused tank	Tank removed from ground. Excavation checked for evidence of contamination.	Tank filled with inert material and excavation checked for evidence of leaking.	Tank removed or filled with inert material. Excavation not checked for contamination.	Tank left in ground (illegal after 12 months).
*See Glossary.				

Glossary

Cathodic protection: One of several techniques to prevent corrosion of a metal surface by reversing the electric current that causes corrosion. A tank system can be protected by sacrificial anodes or impressed current (See sacrificial anodes and impressed current.).

Certified installer: A person certified by the state to install and repair petroleum storage tanks.

Corrosion: Deterioration of a metallic material due to a reaction with its environment. Damage to tanks by corrosion is caused when a metal underground tank and its underground surroundings act like a battery. Part of the tank can become negatively charged and another part positively charged. Moisture in the soil provides the connecting link that finally turns on these tank batteries. Then, the negatively charged part of the underground tank system where the current exits from the tank or its piping begins to deteriorate. As electric current passes through this part, the hard metal begins to turn soft, holes form and leaks begin.

Corrosion protection: One method of corrosion protection is cathodic protection. Steel tanks can be protected by coating them with a corrosion-resistant material combined with “cathodic” protection. Steel underground tanks also can be protected from corrosion if they are bonded to a thick layer of noncorrosive material, such as fiberglass-reinforced plastic. Also, the corrosion problem can be entirely avoided by using tanks and piping made completely of noncorrosive material, such as fiberglass.

Galvanized: The result of coating an iron or steel structure with zinc. Galvanized materials do not meet corrosion protection requirements.

Impressed current: This protection system introduces an electric current into the ground through a series of anodes that are not attached to the underground tank. Because the electric current flowing from these anodes to the tank system is greater than the corrosive current attempting to flow from it, the underground tank is protected from corrosion.

Interior liner: A liner for petroleum storage tanks made of noncorrosive synthetic materials that can be effective in protecting metal tanks.



Inventory control: Measuring and comparing the volume of tank contents regularly with product delivery and withdrawal records to help detect leaks before major problems develop.

Sacrificial anodes: Pieces of metal attached directly to an underground tank that are more electrically active than the steel tank. Because the anodes are more active, electric current runs from the anodes rather than from the tank. The tank becomes the cathode (positive electrode) and is protected from corrosion. The attached anode (negative electrode) is "sacrificed" or consumed in the corrosion process.

Secondary containment: A system such as a sealed basin and dike that will catch and hold the contents of a tank if it leaks or ruptures.

Soil permeability: The quality that enables soil to transmit water, air or other fluids. Slowly permeable soils have fine-textured materials, such as clays, that permit only slow fluid movement. Moderately or highly permeable soils have coarse-textured materials, such as sands, that permit rapid fluid movement.

Spill and overflow protection: Spill protection usually consists of a catch basin for collecting spills when the tank is filled. Overflow protection is a warning device such as a buzzer or a prevention device such as an automatic shutoff. These precautions can prevent a number of small releases over time from polluting ground water.

Tank tightness testing: A procedure for testing a tank's ability to prevent the leaking of any stored substance into the environment, and to prevent ground water from seeping into the tank.

Contacts and References

For additional information contact:

- ★ The Texas Natural Resource Conservation Commission at (512) 239-1000,
- ★ Texas Agricultural Extension Service Water Quality unit (409) 845-0887,
- ★ Texas State Soil and Water Conservation Board, (817) 773-2250.

Internet address: TEX*A*Syst bulletins and links to other water quality sites are contained in a homepage located on the World Wide Web at: <http://waterhome.tamu.edu>.

TEX*A*Syst is a series of publications to help rural residents assess the risk of ground water pollution, and to describe Best Management Practices (BMPs) that can help protect ground water. The TEX*A*Syst documents were developed from the national Farm*A*Syst ground water protection program. The TEX*A*Syst system is designed to help the user learn more about the environment, existing environmental policies and regulations, and recommended management practices. Thus, the user can voluntarily reduce the pollution risks associated with water wells.

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