

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

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

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

**MINUTES**

- I. Call to Order** – Carlene Kelleher, Vice Chair, called the meeting to order at 6:37 p.m.
- II. Roll Call** – Carlene Kelleher, Allen Fitzgerald, John Haefele, Lisa Herring, and Gill Maiato (all were present in person). Sara Deshaies was present via Zoom. Michelle Sigfridson was absent with notice. Seth Pember and J.R. Thayer were absent.

**Staff Present (in person):** Jana Roberson, Director of Community Development; Austin Tanner, First Selectman.

**Also Present in Person:** Pete Parent, Professional Engineer with CHA (formerly CME Associates) and Steve Townsend. There were 2 additional people in the audience.

**Present via Zoom:** Debbie Cornman; Sharon Loughlin; Ed Homonoff; William Cummings; and J.S. Perreault, Recording Secretary.

**III. Seating of Alternates**

Motion was made by J. Haefele to seat Gill Maiato a Voting Member for this meeting (June 23, 2022).

Second by A. Fitzgerald. No discussion.

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

**IV. Adoption of Minutes:** Meeting June 1, 2022

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of June 1, 2022, as presented.

Second by J. Haefele. No discussion.

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

**V. Public Commentary** – None.

**VI. Unfinished Business:**

- a. **Reading of Legal Notices:** Read aloud by J. Roberson.

b. **New Public Hearings:**

1. Hearing regarding “opt-out” provisions in Public Act 21-29, Sections 3, 5, and 6.

J. Roberson gave a brief overview (a two-page synopsis was included in packets to Commission Members). She explained how Public Act 21-29, a lengthy piece of legislation passed in 2021, made bold changes to Planning & Zoning

Commissions' authorizing statutes. Ms. Roberson recommended that the PZC opt-out.

A gentleman, whose name was inaudible, who lives on Wolf Den Road, asked about detached ADU's. Ms. Kelleher and Ms. Roberson explained that it is already allowed under the Zoning Regulations by special permit and if the PZC opts-out of the provisions of the Public Act, it will continue to be allowed to do that.

There was discussion regarding Air B&B. PA 21-29 does authorize the PZC to regulate ADU's as short-term rentals and she explained that opting-out does not have an impact on any rental properties. Ms. Roberson advised that the PZC may want to consider discussing short-term rentals. There was a consensus of the Commission for Ms. Roberson to prepare draft language.

There was agreement expressed among Commission Members to opt-out. Discussion continued. Ms. Roberson explained that there needs to be a 2/3 vote of both the PZC and the Selectmen to opt-out to be relieved of this extra jurisdiction.

There were no further comments from the public either in person or via Zoom.

Motion was made by A. Fitzgerald to close the public hearing regarding "opt-out" provisions in Public Act 21-29, Sections 3, 5, and 6.

Second by Gill Maiato. No discussion.

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

**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.

Motion was made by J. Haefele to take the following action in the form of a Resolution:

WHEREAS, Public Act 21-29 allows municipalities to opt out of certain requirements of that Act; and

WHEREAS, the Brooklyn Planning & Zoning Commission published notices of the public hearing date on June 8, 2022, and June 15, 2022 in the Turnpike Buyer; and

WHEREAS, the Brooklyn Planning & Zoning Commission held a public hearing on June 23, 2022;

NOW, THEREFORE, BE IT RESOLVED, that the Brooklyn Planning and Zoning Commission does hereby affirmatively opt out of the provisions of Sections 3, 5 and 6 of Public Act 21-29 for the following reasons: 1) that temporary health care structures are extremely limited in their application, no temporary health care structures have been installed since the provision became effective in 2017, and the community has been better served by the accessory dwelling unit regulations already included in the Town of Brooklyn Zoning Regulations, 2) that the Town of Brooklyn Zoning Regulations require two parking spaces per dwelling unit regardless of the type of structure it is in and finds this standard appropriate for the community, and 3) that the Town of Brooklyn Zoning Regulations already permit attached accessory dwelling units to a single-family dwelling in all residential zones by Zoning Permit and such regulations do not restrict the floor area of the accessory dwelling unit, do not require dimensional standards, landscaping, or design standards different from single family dwellings, do not require an exterior door or passageway to the primary unit, and do not require homeownership or familial status as a condition of occupancy; and

BE IT FURTHER RESOLVED that the notice of this action is forwarded to the Brooklyn Board of Selectmen to continue the process of opting out; and  
BE IT FURTHER RESOLVED that the effective date of this action is July 22, 2022.  
Second by A. Fitzgerald. No discussion.  
Motion carried unanimously by voice vote (6-0-0 a 2/3 majority was needed).

C. Kelleher asked A. Tanner to take this item to go before the Board of Selectmen.

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.

Ms. Roberson explained that GBR 22-003 and SPG 22-001 were moved to the regularly scheduled meeting of July 6, 2022, and will be discussed together.

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.

Ms. Roberson explained that Paul Terwilleger, P.C. Surveying will represent the Applicant at the public hearing.

Motion was made by A. Fitzgerald to schedule the public hearing for **SP 22-002:** a 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 for the regular meeting of the Planning and Zoning Commission to be held on July 19, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by L. Herring. No discussion.

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

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).

Ms. Roberson referred to and explained Section 8-24 of the Connecticut General Statutes (included in packets to Commission Members). The property was acquired by the Town in 2002 due to failure to pay taxes. She referred to a map from 1907, entitled Maynard Park (included in packets). She referred to an aerial map (included in packets) showing that the .3 acres is very integral to the VFW property, which is listed for sale.

Mr. Haefele commented that he doesn't see that it has any particular use and is not accessible except through the VFW property.

Motion was made by J. Haefele to recommend the 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) because it is of no apparent use to the Town of Brooklyn.  
Second by A. Fitzgerald. No discussion.  
Motion carried unanimously by voice vote (6-0-0).

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.

C. Kelleher explained that the State has removed the cap and that this proposed language would allow only one in Town which is the same that would have been allowed under the State's original cap.

There was discussion. Ms. Roberson explained that she measured/verified that with the 6,000 linear foot separating distance there can be only one. She explained that Town Land Use Attorney, Peter Alter, has reviewed this Regulation and has determined this to be a legitimate approach.

There were no comments from Commission Members.

There were no comments from the public either in person or via Zoom.

Motion was made by L. Herring to schedule the public hearing for 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, Applicant: Brooklyn PZC, PC Zone for the regular meeting of the Planning and Zoning Commission to be held on July 19, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.  
Second by J. Haefele. No discussion.  
Motion carried unanimously by voice vote (6-0-0).

**b. Other New Business:**

1. Discussion of Groundwater Protection Overlay Zone as it relates to propane storage.

J. Roberson referred to the Zoning Map (which was displayed) and indicated the Overlay Zone which covers approximately 1/4 to 1/3 of the entire Town. Ms. Roberson explained that a proposal has come up for a bulk propane storage facility in the RB Zone and that propane is not a threat to groundwater. She advised that this is something that the Commission should know and may want to take action on. Why would something that is not a threat to groundwater be prohibited? She referred to a publication from Texas Extension, entitled "Reducing the Risk of Ground Water Contamination by Improving Petroleum Product Storage" (included in packets to Commission Members).

There was discussion. Ms. Roberson explained that the current regulations would prohibit even above-ground tanks if it is the primary use. She referred to page 102 of the Zoning Regulations. There was agreement among the Commission for Ms. Roberson to draft language to propose a revision to the Regulations.

2. Discussion of development opportunity at 538 Providence Road.

Pete Parent, Professional Engineer with CHA (formerly CME Associates) and Steve Townsend, Owner of the property, were present in person and gave a poster board presentation:

- There was a previously approved plan for commercial space behind the currently developed areas.
- Mr. Townsend would like to pursue residential townhouses in this area for which they would need either a change to the Zoning Regulations or a Planned Development designation.
- They asked for feedback from the Commission.
- Mr. Parent described the plan for the property for approximately 24 units (depending on how many bedrooms) including sidewalks and parking.
- Mr. Townsend explained that he hears that there is not enough quality housing for young professionals in this area. He said that there is residential behind this property so it would be consistent with that and he said that they could tie sidewalks together for shopping at local businesses.

There was discussion. Ms. Roberson noted that the Affordable Housing Plan was recently completed and this is one of the highest ranking locations for sustainable development (proximity to water & sewer, transit access and walkability). Another option would be a boundary change. They have had a permit for commercial development for nearly 20 years, which has not happened, and they are trying other options.

Ms. Kelleher commented that it looks like it could fit because of the proximity to other residences. However, allowing it throughout the entire PC Zone does not appeal to her. Mr. Haelele agreed. Mr. Haelele, Mr. Fitzgerald and Ms. Kelleher expressed agreement that a boundary change would be the easiest way to go. Mr. Parent expressed agreement. There was discussion about parking and what the back would look like. Ms. Roberson referred to the Route 6 Corridor Design Guidelines (copies were provided to Commission Members). Discussion continued. Mr. Parent explained about the drainage. Ms. Roberson explained that this proposal would have a much smaller footprint than the previously approved Commercial development.

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

There were no reports.

Ms. Roberson provided updates to the Zoning Regulations to Commission Members.

C. Kelleher stated that she would like to have, on a future agenda, discussion regarding Planned Development Zone as she feels that the Commission is not prepared to review an application. There was discussion.

#### **IX. Public Commentary – None.**

#### **X. Adjourn**

C. Kelleher adjourned the meeting at 8:00 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary