

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

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

MEETING LOCATION:		
Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT		
Click link below: https://us06web.zoom.us/j/87925438541	or	Go to https://www.zoom.us/join Enter meeting ID: 879 2543 8541
Dial: 1-646-558-8656		
Enter meeting number: 879 2543 8541, then press #, Press # again to enter meeting		

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:38 p.m.

II. Roll Call – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, Gil Maiato. John Haefele.

Seth Pember and Lisa Herring were absent with notice.

Brian Simmons and Karl Avanecean were absent.

Staff Present: Jana Roberson, Town Planner and Director of Community Development;
Austin Tanner, First Selectman.

Also Present in Person: Nicole Fisher; Greg Fisher; David Held, Provost & Rovero.
There were five additional people present in the audience.

Present via Zoom: G. Lahaie; Sharon Loughlin; Amy Clark; Lori Corriveau.

III. Seating of Alternates – None.

IV. Adoption of Minutes: Meeting November 1, 2023

Motion was made by J. Haefele to accept the Minutes of the Meeting of November 1, 2023, as presented.

Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (4-0-1). M. Sigfridson abstained as she did not attend the meeting.

V. Public Commentary – None.

VI. Unfinished Business:

a. **Reading of Legal Notices:**

J. Roberson read aloud the Legal Notice for ZRC 23-007.

b. **Continued Public Hearings: None.**

c. **New Public Hearings:**

1. **ZRC 23-007:** Zoning Regulation Change regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3).

Nicole Fisher explained their proposal.

- They would like to offer overnight accommodations to guests from Friday through Sunday. It would be limited to only the guests that are invited to the event and only for the Friday through Sunday that the event is occurring. It would also be limited to twenty-two people.

- She explained that this would limit traffic coming and going to the site.
- She explained that the site, currently, can accommodate twenty-two guests, so there would not be a need to be built or expand.
- She explained that the Town suggested that the best way to approach this proposal would be a Zone Change. She explained that she would prefer that her special permit be amended to include the proposed language rather than changing zoning for the Town.

COMMENTS FROM STAFF:

J. Roberson referred to and read aloud from Section 6.J – Special Events (which had been provided to Commission Members). The Applicant is proposing that an Item 9 be added. Ms. Roberson read aloud the proposed language from the Application: “An Event Facility may include the accommodation of overnight guests, limited only to those attending the event, and only for the duration of the event. The maximum number of overnight guests may not exceed 22 guests. An employee of the venue must be at the property at all times.”

Ms. Fisher explained that they do not want to run a Bed & Breakfast as they do not wish to be open to the public.

Ms. Roberson explained that, currently, Section 6.J does not mention overnight accommodations in any capacity. She explained that she had suggested applying for a Zone Change because it is not an allowable change to the existing special permit. She explained that there are existing accommodations on the property, which were there when the Fishers purchased the property and this is a logical use of that space. She noted that, when looking at a potential Zoning Regulation Change, the Commission needs to consider whether and how it is consistent with the POCD. She offered for the Commission’s consideration, that she feels that the following in the POCD are related to a change of this nature: 1) An objective under Economic Development – Route 169 Corridor and the Village Commercial District should encourage businesses that provide goods and services on a smaller scale while preserving its historic character; and 2) Under the list of recommendations under Economic Development – Develop an inventory of available buildings and developable land throughout the Town that could be accessed by potential developers, real estate professionals and Town Officials. She explained that the POCD was written in 2010 and although it wasn’t envisioned that there would be an events facility in that location, at the time, but the barn was there at the time, and could very well have been included in the inventory of available buildings and developable land.

Ms. Roberson explained that the PZC also needs to consider whether and how the proposed Zoning Regulation Change is consistent with the Comprehensive Plan of Zoning (the Zoning Regulations). She said that if it is not mentioned in the Zoning Regulations, you can’t say, specifically, that it is or is not consistent with the Zoning Regulations. It is really an interpretation on the part of the PZC and how they feel about it.

There was discussion with Ms. Fisher regarding Bed & Breakfast and serving food.

There was discussion regarding the number of guests. There are currently two Special Events Facilities and the other one does not provide overnight accommodations.

There was discussion regarding a suggestion that it be limited to existing structures as of the time a special permit is applied for and approved for a Special Events Facility. Limiting the number of guests was discussed and Ms. Roberson explained that the Commission has an opportunity to re-write the language making it discretionary based on the special permit. She strongly recommends that it be made very clear in the revision. In her experience, she feels that it would be an acceptable type of regulation to include in the special permit criteria. The following language was suggested, "Up to twenty-five guests as determined to be appropriate for the neighborhood by the PZC." Ms. Roberson will draft language. Discussion continued.

COMMENTS FROM THE PUBLIC: Comments may be heard in their entirety, as well as the entire meeting, by calling the First Selectman's Office and requesting the Zoom link:

- **Jackie Iglizzi**, 8 Woodward Road, provided and referred to/read aloud from during her presentation, copies of a 13-page handout of research that she has done. She explained her concerns regarding her feeling that this would be transient, short-term rental. She feels that the issue of short-term rentals cannot be handled by this simple proposed zone change. She said that the Town needs to address the issue of short-term rentals soon with a strategy that will be right for Brooklyn. She said that the State is bringing forth legislation.

Ms. Sigfridson explained about the legislation regarding short-term rentals and that it does not apply to this Application.

Ms. Iglizzi explained that she objects to the proposed zone change for the following reasons: The legality issue; the condition of approval placed on the special permit that states that overnight guests are not allowed; and the terminology of the zone change itself. She said if the issues she presented get resolved/answered, she may change her mind.

- **Todd Clark** explained his concerns: traffic; parking (he feels that on-street parking should not be allowed); having overnight transient guests in close proximity to a school zone.

Ms. Roberson explained that the parking issue is addressed in the current Zoning Regulations for Special Event Facilities.

- **Sharon Loughlin**, 601 Wolf Den Road (via Zoom), stated that she has the same concerns as Jackie Iglizzi and Todd Clark regarding school zones. She urged that a good, careful examination be conducted prior to creating the zoning change for the entire Town.

Ms. Fisher asked why a #14 couldn't be added to the special permit that had been approved with conditions.

Ms. Sigfridson explained that it would be granting a right that the Zoning Regulations don't allow, which the Commission cannot do.

- **Lori Corriveau** (via Zoom) commented that all of the venues in northeast CT are at somewhat of a disadvantage because there is not a lot of lodging in this area. She is in favor because, when an event venue like the Fishers' already has lodging on their site (the ability to add it), it would be a great benefit to their business and also to other businesses that already have that type of lodging available. She doesn't feel that a lot of event venues would build-out lodging as it is very expensive.

- **David Held**, Voluntown, commented that, from a planning perspective, it seems like a good idea as they don't want to offer food, only a place to stay. He feels that it would be a good way to support other businesses in Town that would supply those other needs.

Greg Fisher commented about how their not providing things like food provides opportunities to other area businesses.

COMMENTS FROM THE COMMISSION:

- Fitzgerald stated that he agrees with Ms. Sigfridson that short-term rentals would not apply to this Application.
Ms. Sigfridson explained that the legislation deals with limiting short-term rentals and that the Brooklyn PZC had discussed, on two occasions, whether they felt short-term rentals were a problem in Brooklyn (there are a few) and the Commission made a determination that it is not a problem where it rose to a level where the Commission felt that it needed to be addressed through regulation.
- J. Haefele commented that he has done some research and he also feels that the attempted legislation on short-term rentals has no resemblance to this Application whatsoever.
Mr. Haefele asked if the Fishers had re-proposed this Application to the abutters because it previously was specifically limiting and now it is being brought back. Mr. Haefele stated that he feels there needs to be more definition in the draft than what is there now: 1) Change "limit of those attending the event" to "limit to guests"; 2) Is it limited to three days – Friday thru Sunday? Number of guests is arbitrary; and 3) Add language regarding discretion of the Commission.

Ms. Sigfridson commented that limiting the number of guests would be a targeted way to address some of the concerns of members of the public.

- C. Kelleher asked if the maximum number could be tied to this specific facility as part of the approval process.

Ms. Roberson drafted the following language, which she suggested be reviewed by the Land Use Attorney: "The maximum number of overnight guests shall be subject to a finding by the PZC that the number is appropriate for the location and neighborhood." For the Record, Ms. Roberson explained that we do not have a definition in the Definitions Section for Special Events Facility, but there is a lot of language related to what types of uses could be there and what is not included, which is much more detailed than a separate definition would be. Ms. Kelleher and Mr. Fitzgerald expressed agreement with the drafted language. Ms. Sigfridson suggested working on some, more specific language and having it reviewed by the Land Use Attorney.

Mr. Fitzgerald asked Ms. Igliazzi if she would like to submit any information to be considered.

Ms. Igliazzi said that she may.

ADDITIONAL COMMENTS FROM THE PUBLIC:

- **Sharon Loughlin** (via Zoom), thanked the Commission for thoughtfully addressing the ramifications of a zoning change prior to making the change.

Motion was made by A. Fitzgerald to continue the public hearing for **ZRC 23-007**: Zoning Regulation Change regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3), to the next meeting of the Planning and Zoning Commission to be held on December 19, 2023 at 6:30 p.m. at 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 (5-0-0).

Ms. Roberson explained that she will send revised language to the Land Use Attorney for review and guidance regarding the following: duration of the event not being specified; guests, not attendees; number of overnight guests; what does the issue of an employee of the venue mean. Ms. Roberson stated that she will make the revised draft available as soon as it exists.

d. **Other Unfinished Business:**

1. **ZRC 23-007**: Zoning Regulation Change regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3). – Continued to December 19, 2023.
2. **SP 22-007mod**: Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application) ***awaiting Dec. 19 public hearing***

Ms. Roberson explained that this Application will be before the IWWC on December 12, 2023.

VII. New Business:

a. **Applications: None.**

b. **Other New Business:**

1. Approval of 2024 Meeting Dates

There was discussion. It was decided to schedule two meetings per month and if one isn't needed, it could be cancelled. It was decided to delete the July 3, 2024 date from the proposed schedule.

Mr. Tanner commented that the motion to approve the meeting schedule should include that the meetings will be both in person and via Zoom.

Motion was made by J. Haefele to approve the proposed 2024 Schedule of Meeting Dates, deleting the July 3rd date and to include that the meetings will be Hybrid.

Second by G. Maiato. No discussion.

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

Motion was made by C. Kelleher to add under new business item **VII.b.2**. Preliminary discussion regarding subdivision on Gorman Road.

Second by A. Fitzgerald. No discussion.

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

2. Preliminary discussion regarding subdivision on Gorman Road.

David Held, Professional Engineer and Land Surveyor with Provost & Rovero, gave an overview (plans were displayed as discussed):

- 13-lot subdivision on rural 18.2 acres on Route 205 and Gorman Road.
- In the R-30 Zone – all lots comply with the dimensional requirements (Lot Layout was displayed).

- Testing has been completed with the Health Department.
- Subdivision design has been submitted to the Health Department for review.
- It has been submitted to the DOT for review due to driveway access off Route 205 for several of the lots.
- It is before the IWWC.
- Mr. Held explained that they are seeking fee-in-lieu instead of dedicating land for open space. He provided a copy of the Appraisal Report by Steve McCormick of Brooklyn. The appraisal is \$320,000 Fair Market Value, so they would propose a fee of \$32,000 on the sale of the lots. Conservation subdivision is not permitted in the R-30 Zone. Site plan was displayed and he explained that there is fair amount of open space that might be useful for agricultural purposes and the back portion of Lot #2 is fairly large (over 7 acres). He explained about the wetlands on the property. He explained that they would not be proposing any development other than for agricultural use in these areas preserving a portion of the property while also providing the Town with some open space money.
- No tree clearing other than two trees on Gorman Road: one dead tree and the one next to it.
- Mr. Held explained that he had established the 50-foot right-of-way, 25 feet from the center line of the local roads. There are some spots where it is more than 25 feet. Ms. Roberson displayed the property on Google Earth and orientated the area.
- Mr. Held stated that, as part of the IWWC application, Syl Pauley has already reviewed it and has no comments.
- Mr. Held stated that there were no areas of concern regarding archeological or cultural resources on the property. Ms. Roberson explained that they had looked at the Archeological Probability Map and she said that she would not want to assume that there are not archeological resources out there and she suggested that the PZC could refer it to the State Archeologist.
- There would be two driveways coming off of Route 205. One where there is an existing paved apron to get into the field and one right next to it to minimize the guardrail work. One would be a shared driveway to serve three rear lots and one would serve on front lot. He indicated and explained about an access easement.

Mr. Fitzgerald asked if a traffic plan is needed due to the School.

Mr. Held explained that the driveways all have adequate sight lines for the speeds out there.

There was discussion regarding a couple of swales on the property. The well-drained soils are allowing it to infiltrate on site for the most part. Mr. Held explained that he and Margaret Washburn walked the site and confirmed that the water perks into the ground so fast that the wetlands go away.

There was discussion regarding fee-in-lieu vs. open space and whether the timeline would allow for it to be reviewed by the Conservation Commission. Ms. Sigfridson commented that she would like them to look at it.

VIII. Reports of Officers and Committees

a. Staff Reports

Margaret Washburn's ZEO Report (dated November 28, 2023) was included in packets to Commission Members. There was discussion regarding 313 Allen Hill Road.

b. Budget Update (included in packets to Commission Members). No discussion.

c. Correspondence – None.

d. Chairman's Report – None.

e. Commissioner Training Updates

There was discussion regarding online training that is available for those Commission Members that need to complete the required training hours.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:29 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary