

**ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a special meeting and public hearing on Tuesday, January 24, 2022, at 6:30 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT, in-person and via Zoom, on the following:

Members Present: Bruce Parsons, Lucien Brodeur, Stephen Mylly and Adam Brindamour.

Members Absent: Bill Macnamara with notice.

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer.

Also Present: Paul Terwilliger via Zoom, and Paul Archer, in-person.

Call to Order: The meeting was called to order at 6:30 p.m.

Seating of Alternates: None.

Approval of Minutes: Stephen Mylly made a motion to approve the Regular Meeting Minutes from January 4, 2022 as written. Lucien Brodeur seconded this motion. No discussion held. All in favor. The motion passed unanimously.

Reading of the Legal Notice:

Chairman Parsons read the legal notice into the record.

Public Hearing Opens at 6:30 pm

ZBA 21-009 David and Nancy Bell, 10 & 12 Providence Road, Map 24, Lot 57, 0.27 Acres, Village Center Zone, for variances of the Zoning Regulations pertaining to dividing an existing, non-conforming, mixed-use lot into two lots: one lot with a commercial use and one lot with a residential use, as follows:

Section 4.A.4.1.1 to vary the minimum lot size from 30,000 sf to create 2 lots, one of 4,150 sf and one of 7,430 sf.

Section 8.B.4.2 to vary the regulation to be allowed to reduce the area of a non-conforming lot in a manner which would increase its non-conformity.

Public Discussion:

Paul Terwilliger of PC Survey representing the Bells – Thanks the commission for holding the Special Meeting. There are 3 tracts on the original plan. The assessor shows it as one lot. It is taxed as one lot. He does not understand why this is the case. Should this variance be approved, it would allow for 4 more parking spaces for the commercial property on site, in addition to the 4 parking spaces allowed across the street at Town Hall. The residential property would have 2 parking spaces close to the house.

The fact that the commercial property does not have enough parking is a hardship.

The lot used to be in the R-30 zone. It is a pre-existing non-conforming lot.

Paul Archer says he thinks this is a good thing. He thinks the tenants in the house will have someone park in the middle strip (easement). The easement is a through way no. No one is supposed to park there.

Paul Terwilliger – Offered a Common Driveway Use & Maintenance Agreement in writing. There was one emailed over today; Margaret Washburn offered Paul Archer a copy to review. Paul Archer declined.

Bruce Parsons - Inquired if there would be signs posted reading “One Way”?

Paul Terwilliger – No signs are proposed however it could be made a condition of Approval. They can also put up a “Do Not Enter” sign. The traffic situation would not be any different then what it currently is now.

Adam Brindamour – How many spots are on the commercial property right now?

Paul Terwilliger – Currently there are 4 spots on that property, but the lines have not been painted.

Paul Archer – Asked would the house have rights to park in the 4 parks spots?

Paul Terwilliger – No.

Margaret Washburn – Asked if the owner of the house could ask for an allowance for more parking spaces at the Town Hall?

Paul Terwilliger – Yes. Anyone can ask for anything.

Bruce Parsons – If parking should ever become an issue for the house would they be able to park elsewhere on the property?

Paul Terwilliger – The new homeowner could put in another driveway.

Bruce Parsons – Asks Margaret Washburn if the commercial building has enough parking?

Margaret Washburn – This has always been a pre-existing non-conforming lot. The building is not currently rented out.

Paul Terwilliger – He reviewed the 3 tracts shown on his plan “Tract Relocation”. The tracts were in effect until the Bells bought the property 9/21/83. The 2 tracts on the commercial property were on their own deed until it was purchased in 1983. The same is true for the house; it was on a separate deed. Once purchased by the Bells in 1983 those tracts were no longer shown on the deed as separate.

Stephen Mylly – Asked Margaret Washburn if the proposed parking/egress would be under the jurisdiction of the state?

Paul Terwilliger – There is nothing being changed.

Margaret Washburn – Feels the answer is no unless they want to add a driveway.

Paul Terwilliger – Agrees unless there is a change, or something is added it does not fall under the jurisdiction of the state.

Bruce Parsons – Inquired where do the house tenants park now?

Paul Terwilliger – There is nothing being changed; they will park where they park now.

Lucien Brodeur – Currently the tenants block the driveway off at all times to prevent traffic from cutting through to avoid the intersection.

Bruce Parsons – We are reducing the parking at the red building.

Margaret Washburn – The red building will continue to have 4 spots in effect at the Town Hall across the street.

Adam Brindamour – Asks so what is the hardship?

Paul Terwilliger – Currently the existing tract line is one foot from the red building. If we move the line the commercial building will have parking on its own lot.

Margaret Washburn – Directed the commission the look at the application and also the fact that the state took away parking spots from the commercial building when the intersection was reconfigured. Sections 9.G.3, Variances, and 9.G.4, Action Documentation, from the Zoning Regulations were reviewed with Commission.

Public Hearing Closes

Chairman Parsons closed the public hearing at 7:07 pm.

Unfinished Business:

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Adam Brindamour – The hardship is that it is a mixed-use lot.

Margaret Washburn – Mixed uses are allowed on every lot in that zone.

Bruce Parsons- Is the red building on the National Historic Register?

Margaret Washburn & Paul Terwilliger – Both do not know.

Lucien Brodeur made the following motion:

Section 4.A.4.1.1 to vary the minimum lot size from 30,000 sf to create 2 lots, one of 4,150 sf and one of 7,430 sf.

Section 8.B.4.2 to vary the regulation to be allowed to reduce the area of a non-conforming lot in a manner which would increase its non-conformity.

ZBA 21-009 David and Nancy Bell, 10 & 12 Providence Road, Map 24, Lot 57, 0.27 Acres, Village Center Zone, for variances of the Zoning Regulations pertaining to dividing an existing, non-conforming, mixed-use lot into two lots: one lot with a commercial use and one lot with a residential use with the finding that the criteria listed in Sec 9.G.3. of the Brooklyn Zoning Regulations have been met.

The reason for granting the variance is to divide the lot into two lots so the Bells can sell them, one as a commercial lot and one as residential. The hardship on both lots is that they are nonconforming with the commercial lot having no parking.

Lucien Brodeur made the above stated motion as written. Stephen Mylly seconded this motion. No discussion held. All in favor. The motion passed unanimously.

Adjourn: Meeting closed at 7:20 pm, motioned by Adam Brindamour, seconded by Lucien Brodeur all in favor motion carried.

Lisa M. Lindia, Recording Secretary