

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT 06234

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
REGULAR MEETING MINUTES
July 7, 2010
Clifford B. Green Memorial Center
69 South Main Street
7:00 p.m.

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Shirley A. Mainville
TOWN OF BROOKLYN, CT

I. Call to Order: The meeting was called to order at 7:02 p.m.

II. Roll Call: Barbara Repko, Don Francis, Paul Camara, Tom Doherty, Deane Rettig, Carlene Kelleher, Craig Dunlop, Henry Moses, Al Sandholm.

Absent: David Fuss with notice.

Staff Present: Chuck Dobrowski, ZEO, Jim Larkin, Planner NECCOG Austin Tanner, First Selectman and Audrey Cross-Lussier, Secretary.

Also Present: Paul Archer, Bruce Woodis, Len Goldberg and public in attendance.

III. Seating of Alternates: None.

IV. Adoption of Minutes: Regular meeting Minutes of June 3, 2010.

A motion was made by Don Francis to approve the June 3, 2010 regular meeting minutes as presented. Barbara Repko seconded this motion. Discussion on the motion. Carlene Kelleher made a correction to page 10, Ms. Kelleher made a comment that the VCD regulations do not have the restriction that all merchandise has to be enclosed within the store but the commercial zone does. All in favor. The motion carries unanimously

V. Reading of Legal Notice: Al Sandholm read the legal notice into the record.

VI. Public Hearings:

VII. Continued Public Hearings:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic Repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping, continued from June 3, 2010.

Craig Dunlop recused himself from the table.

Chairman Kelleher stated that a letter was received from Mary Knust dated June 29, 2010 asking that the public hearing be continued to the August 3, 2010 meeting.

A motion was made by Deane Rettig to accept the letter requesting an extension of 35 days for application SP10-003. Henry Moses seconded this motion. Discussion on the motion.

Chairman Kelleher asked Commission Members if they had any further questions that they did not ask at the last meeting, these questions will be referred to Chuck Dobrowski, ZEO who will forward them on to the applicant, Mary Knust.

Barbara Repko requested that Evelyn Cole-Smith from CME Architecture Inc., redo her architectural review because the information that was given to her is inaccurate. Ms. Repko refers to page 2 of the June 3, 2010 letter received from CME Architecture, Inc. with regards to use of PVC materials and vinyl siding and trim previously approved for use on the main house.

Ms. Repko referred to meeting minutes of April 2, 2008 and stated that this was the first time Ms. Knust came before the Board and was proposing to use vinyl siding. Ms. Repko stated that there was some discussion, but no approval granted for the vinyl siding. Ms. Repko stated that it was Hans Koehl who suggested that more information and research be done before making any final decision.

Ms. Repko referred to the meeting minutes of May 7, 2008. There was an update on Friendship Valley, however, Ms. Knust was not present at the meeting and no approval was granted. Ms. Repko stated she reviewed all the minutes from April through the last time the commission met and absolutely no permission has been given to use vinyl siding. Therefore, Ms. Repko feels that Ms. Cole-Smith has been working under a bad assumption.

Chairman Kelleher suggested asking Ms. Cole-Smith if any of her comments would change if she had known if there was no approval of the vinyl siding granted by the Commission.

Al Sandholm agrees with Ms. Repko. Mr. Sandholm commented that there has been an architectural review has been done; however, no final architectural drawings are available to date. Mr. Sandholm is under the assumption that the application is incomplete.

Chairman Kelleher stated that the public hearing has been opened on the application.

Jim Larkin stated that Staff can contact Ms. Knust and request the architectural drawings be made available two weeks prior to the next meeting so the drawings and Ms. Repko's question can be forwarded to the Architect for review and have comments back in time for the continuation of the public hearing in August 4, 2010.

Discussion held.

Chairman Kelleher stated that Jim Larkin's suggestion is a reasonable one and Mr. Dobrowski can forward Ms. Repko's question onto the Architect.

Vote was taken on the motion. All in favor. The motion passes unanimously. Craig Dunlop recuses.

Craig Dunlop rejoined the meeting at this time.

VIII. New Public Hearings:

1. SP10-004 Brooklyn Country Club, 170 South Street, Map 40, Lot 11, RA/R-30 Zone, change in use driving range area to miniature golf.

Paul Archer from Archer Surveying represented Application SP10-004. Mr. Archer stated that when applying for a special permit the applicant was looking to swap the existing ice rink for the miniature golf. Mr. Archer met with ZEO Chuck Dobrowski and Planner Jim Larkin and discovered that the ice rink was not a permitted use by the P and Z Commission, so in turn the swap of a non-permitted use for a permitted use could not be done. The applicant would like to remove swapping the ice rink for miniature golf and replace this with swapping part of the driving range area for the miniature golf. Mr. Archer stated the applicant would like to have the opening of the public hearing be at the August 4, 2010 regular meeting.

Tom Doherty questioned Mr. Archer if the driving range will partially be taken over. Mr. Archer stated that the applicant will close down the same amount of area of the natural grass driving range area to swap with the same amount of area designated for the miniature golf.

A motion was made by Don Francis to accept the letter to postpone the opening of the public hearing until August for application SP10-004. Al Sandholm seconded this motion. No discussion held. All in favor. The motion carries unanimously.

2. SP10-005 Pierce Memorial Baptist Home, 44 Canterbury Road, Map 24, Lot 148, VCD Zone; Proposed conversion of an existing dwelling into offices.

Bruce Woodis, KWP Associates represents Application SP10-005. Mr. Woodis stated that the application is for the utilization of an existing building on the property of Pierce Memorial Baptist Home. This building was formerly used as residence and the proposed is to be used as support offices for the Pierce Memorial Baptist Home property. Mr. Woodis presented a location map depicting the property. Mr. Woodis stated that there are no proposed changes to the façade or structural changes to the building. Mr. Woodis passed out photographs showing the front, two side views and a rear view of the existing structure for the commission members to review. The only change that is proposed to the entire site is an existing sign on the front property. Mr. Woodis passed out renderings of what the change to the sign will look like to commission members for review. Mr. Woodis supplied copies of certified mailings to the abutting property owners notifying them of the public hearing. Mr. Woodis stated that the parking will continue to be the same that is currently utilized. There are a couple of parking spaces in front of the garage and there are also another couple of spaces where cars can park. There is also an adjacent

parking area which extends quite a distance down the access drive to the rest of the facility. There are 21 parking spaces along that first parking area. There are is total of 205 parking spaces available through the entire facility.

Chairman Kelleher opened the floor for public comments.

John Harris, 51 Canterbury Road, resides right across the street from the building and the signs. Mr. Harris' concerns are the size of the sign; will the sign be lighted; and the traffic going in and out of the driveway. Mr. Harris also questioned once you have changed the use in the area do you lose the power to have any say about future tenants on the property.

Chairman Kelleher stated they are not changing the zone it is a change in the use of the building.

Len Goldberg, representative of Pierce Home, stated that the building will be used by three people. Two of them will be operating the nursing services and the third person will be Bob Simons. There will be little or no traffic to that location because it is not a place that will see patients. It is an administrative area for a nursing group that services the community who will work by telephone. There are four parking spaces with only three being used.

Chairman Kelleher asked Mr. Goldberg if there will be any additional traffic created by any of the proposed uses. Mr. Goldberg stated no, it is simply an administrative area.

Tammy Harris, 51 Canterbury Road, who resides across the street is concerned that the building as well as the sign will require more lighting. Ms. Harris feels there are more ways to provide security such as ADT. Ms. Harris would like the commission to limit the lighting so not to cause any light pollution. Ms. Harris also addressed her concerns with increased traffic as well as the outside lighting of the building.

Len Goldberg stated that the sign currently exists. The only change is the addition of the remaining parts of the signage. The sign is currently lit beneath the sign canopy and will be the only lighting. Mr. Goldberg stated it is not their intention to light the building.

John Harris, 51 Canterbury Road, questioned the height of the sign. Mr. Goldberg stated that the height of the sign is the same as the existing sign.

Chairman Kelleher asked Chuck Dobrowski if he has reviewed the sign. Mr. Dobrowski stated per regulations the sign must be 12 sq ft in total, no more than 8 feet high and shall be less than 10 feet from the public roadway.

Discussion held.

Chairman Kelleher opened the floor to commission member comments.

Don Francis asked if staff reviewed the application and if the plan conforms to the regulations for the change of use from residential to commercial and referred to section 3.4.5.7.9 of regulations and then to Article 11.

Bruce Woodis stated that there is unlimited parking at the facility with 205 parking spaces. There are 25 parking spaces within the immediate vicinity of the building. Mr. Woodis also stated that because it is an existing building and they are not proposing any architectural changes or changes to the site, therefore, a waiver of architectural review is being requested; Mr. Woodis submitted a letter requesting such for the record. Mr. Woodis believe the plan submitted meets the regulations.

A lengthy discussion was held with regards to the plan conforming to the regulations for the change of use from residential to commercial and the referred sections of the zoning regulations with regards to landscape buffering and parking area requirements. At the end of the discussion it was determined that the landscape buffering and parking area requirement were sufficient.

Mr. Dobrowski stated that he did review the plans and it was his opinion that the existing buffering area as well as the parking area was sufficient.

A motion was made by Al Sandholm to close the public hearing on Application SP10-005. Tom Doherty seconded this motion. No discussion held. All in favor. The motion carries unanimously.

3. MMUDD Regulations (Mill Mixed Use Development District).

Chairman Kelleher opened the floor for comments by the public. No public commented at this time.

Chairman Kelleher opened the floor for comments by the Commission.

Commission members reviewed pages 1-25 of the Mill Mixed Use Regulations. Discussion was held on the following: permitted uses by special permit; performance and compatibility standards; buffers, density and height; florists; print shops and all definitions pages 21-25. Grammatical and numerical changes were made.

Comments made by the public:

Bob Sisko, Malbone Lane, asked if the wells for Connecticut Water were within the MMUDD district. Mr. Dobrowski stated no. Tom Doherty stated that the whole area is part of the Aquifer.

Lisa Arenda, Allen Hill Road, asked if there was a definition of accessory uses. Chairman Kelleher stated that there is a definition of accessory uses already existing in the regulations in the definition section. Ms. Arends also asked if retail uses in the MMUDD district would include adult stores or head shops be allowed. Chairman Kelleher stated only what is stated in the list can be permitted. Those types of stores are only allowed in the Industrial Zone.

Ray Preece, South Main Street addressed his concerns with regards to the MMUDD Regulations and questioned the density in the MMUDD regulations and the ability to build single family dwellings as well as multifamily dwellings.

Jim Larkin stated that the density is based on the highest density of the abutting zone which is the R-10 zone. Any multifamily structure built would need to follow the restrictions of R-10. Discussion held.

A motion was made by Deane Rettig to close the public hearing on the MMUDD Regulations. Tom Doherty seconded this motion. No discussion held. All in favor. The motion carries unanimously.

Public Hearing Section Closes

Meeting Business Proceeds

IX. Unfinished Business:

1. SP10-003 Howard and Mary Knust, 60 Pomfret Road, Map 25, Lot 57, VCD Zone, Septic repair, Garage Reconstruction, Installation of a Pool, Conservatory, Front Deck, Sunroom, Wind Turbine and Landscaping, continued from June 3, 2010.

Chairman Kelleher stated a motion was made prior with regards to this application to accept the letter requesting an extension.

2. SP10-004 Brooklyn Country Club, 170 South Street, Map 40, Lot 11, RA/R-30 Zone, change in use driving range area to miniature golf.

A motion was made by Henry Moses to table application SP10-004. Deane Rettig seconded this motion. No discussion held. All in favor. The motion carries unanimously.

3. SP10-005 Pierce Memorial Baptist Home, 44 Canterbury Road, Map 24, Lot 148, VCD Zone; Proposed conversion of an existing dwelling into offices.

A motion was made by Henry Moses to approve application SP10-005 with the condition that all external lighting is down lit and that the sign be presented to the Zoning Enforcement Officer for further approval. Tom Doherty seconded this motion. No discussion held. All in favor. The motion carries unanimously.

4. MMUDD Regulations (Mill Mixed Use Development District).

A motion was made by Deane Rettig to approve the MMUDD regulations with all the changes discussed and Jim Larkin has notation of. Paul Camara seconded the motion. Discussion on the motion. Deane Rettig modified this motion to table the decision on the MMUDD regulations until the next meeting. Paul Camara seconds this motion. No discussion held. All in favor. The motion carries unanimously.

A motion was made by Deane Rettig to move section XI Other Business #1 Village Center District and #3 Gravel Regulations to Section XIV #4 and #5 of Reports of Officers and Committees. Discussion held. Deane Rettig revises the motion to move section XI. Other

Business #1 Village Center District to #4 of section XIV Reports of Officers and Committees and make Chairman's Report #5. Tom Doherty seconded this motion. No discussion held. All in favor. The motion carries unanimously.

X. New Applications:

a. Subdivisions:

1. SD10-002 Paul and Celia Cristofori, South Street, Map 41, Lot 129, RA zone, 4-lot subdivision.

Al Sandholm made a motion to accept application SD10-002. Deane seconded this motion. No discussion held. All in favor. The motion carries unanimously.

Henry Moses asked Chairman Kelleher if a public hearing will be required. Ms. Kelleher stated that a public hearing is not required.

Paul Terwilliger, PC Survey Associates represents application SD10-002. The proposed is an 11 acre parcel with a 4 lot subdivision that fronts South Street in the RA Zone. This property abuts against the R30 Zone and Industrial Zone to the north. A portion of this property has been brought previously before the Commission. There is an existing gravel drive that will be utilized by the two rear lots. The two frontage lots will have their own driveways off of South Street. To the rear of the property the applicant would like to designate 15% of the property to Open Space and place a conservation easement where the property will be left in its natural state. There are no wetlands on the property. The Northeast District Department of Health has reviewed the plan and has passed the soil testing which is acceptable for septic systems. Lot 129-12 will require an engineered system; however, the other three lots will not require engineered systems. On the development plan four bedroom houses have been proposed and can be accommodated.

Deane Rettig asked if the driveway still goes all the way up. Mr. Terwilliger stated a portion will be closed off after the last house.

Al Sandholm asked if this is allowable and asked if this was a utility easement. Mr. Terwilliger stated that there has been a release of the easement.

Mr. Terwilliger stated that the rear boundary abuts the industrial zone.

Discussion was held with regards to having a review done by the Conservation Commission and referrals to public works and engineering.

Mr. Terwilliger stated that he walked the driveway areas with Highway Director Thomas Rukstela. Mr. Terwilliger stated that Mr. Rukstela has no problems with the site lines or location of the driveways.

Jim Larkin discussed the subdivision plans along with construction documents be signed off by an engineer.

Commission members agreed to have the application referred to the Conservation Commission for their comments as well requesting the Town Engineer's comments.

A motion was made by Henry Moses to table application SD10-002 to next month's meeting. Craig Dunlop seconded this motion. No discussion held. All in favor. The motion carries unanimously.

b. Site Plan Review: None.

c. Zone Regulation Change: None.

d. Special Permit: None.

XI. Other Business:

1. Zoning Application Checklists:

Chairman Kelleher stated at last month's meeting there were some concerns raised about the completeness of applications. A suggestion was made to implicate the use of an application checklist. Staff will review the applications; utilize the appropriate checklist to indicate whether or not the required information is included within the application. If information is missing this should be noted on the checklist and the applicant informed of the missing information that must be provided to complete the application. All items on the checklist must be met by the applicant before a public hearing is set. If the information does not come in for the Commission to process the application within the normal time constraints, then the application can be denied at that point.

Discussion held.

A motion was made by Henry Moses to have staff proceed with the checklist and report feedback to the Commission. Barbara Repko seconded this motion. No discussion held. All in favor. The motion carries unanimously.

2. Gravel Regulations:

Tom Doherty reviewed pages 1-5 with the Commission members and the changes that were made to the Gravel Regulations. Discussion was held on the following: Permit Process 13.3.2, 13.3.2.1; 13.4 Performance Bond; General Conditions 13.5.4 and 13.5.7.1. (Decibel values). Grammatical changes were made.

Discussion held with regards to decibel testing.

A motion was made by Deane Rettig to accept the Gravel Regulations with the changes discussed and forward them along to NECCOG. Don Francis seconded this motion. Discussion

held. Deane Rettig revised his motion to include setting the public hearing on September 1, 2010. No discussion held. All in favor. The motion passes unanimously.

XII. Planning Priorities: None.

XIII. Public Commentary: Ron Ventura of Ventura Drive commented on commercial use of an RA Zone. Mr. Ventura feels that this has been a continuing use over the past couple of years where it has become a venue for entertainment and fund raising. Mr. Ventura's concern is that advertised gatherings no matter what the monetary considerations are, does not seem to conform to the use of an RA Zone. Mr. Ventura would hate to see that use expand and would like the Commission to investigate that use. Mr. Ventura feels that the present Town ordinance is in conflict with the zoning regulations and would like the Commission to look at this carefully so that we understand the regulations should be followed as this has been brought up many times in the past.

Chairman Kelleher stated that this concern has been addressed and this item will be included in the Zoning Enforcement Officer's Report.

XIV: Reports of Officers and Committees:

1. Zoning Enforcement Officer's Report:

Mr. Dobrowski passed out to Commission members a letter dated July 5, 2010 from Attorney Peter Alter with reference to Advertised Public Gatherings. (A copy of the letter is attached to the filed minutes available in the Town Clerk's Office).

Mr. Dobrowski stated that a complaint was filed along with a photocopy add from the Turnpike Buyer advertising a concert approximately around July 17th, to be held by Brooklyn for Sensible Growth. Mr. Dobrowski stated that Attorney Alter was contacted with regards to a similar issue that was held on Route 169 in a place called "The Barn." Mr. Dobrowski stated that "The Barn" had one event in the fall. Mr. Dobrowski stated a conversation was had with the property owner regarding a Town Ordinance which states that if you are going to have more than 150 people, serving alcohol, that criteria, a permit is required from the Board of Selectmen. The following Spring the property owner of "The Barn" came in and met with the Board of Selectmen stating that 3 concerts were going to be held one in spring, one in mid summer and one in fall and requested three permits for these events. The Board of Selectmen issued the permits. After the first concert there were some complaints, using the same logic that Mr. Ventura used in the sense that if it is not a permitted use than you cannot fall back on an ordinance. In the case of "The Barn" the last two permits were revoked by the ZEO. The property owner appealed the ZEO's decision to the Zoning Board of Appeals. The ZBA upheld the ZEO's decision and the concerts ended.

Mr. Dobrowski summarized Attorney Peter Alter's letter dated July 5, 2010.

Mr. Dobrowski stated that in talking with the First Selectmen and the Planning and Zoning Chairman a decision was made to put together some sort of regulation that would allow special

events and charity events to happen. Mr. Dobrowski would like to have the regulation ready by the August meeting.

Public commentary was heard from Ron Ventura, Don Taylor, Lisa Arends and Andrea Malone with regards to special events and permits required. Discussion held.

Chairman Kelleher will form a subcommittee to work on a special event regulation. Written comments are welcome from the public. Ms. Kelleher would like to have this information ready for discussion at the August 4, 2010 P and Z regular meeting.

Lyn Lacharite asked Mr. Dobrowski if he had any information with regards to reports about signs within his ZEO Report. Mr. Dobrowski stated that he will be commenting on this issue.

Robert Sisko asked if there were any conditions put on the detention basin behind the Savings Institute and Sweet Peas. Mr. Sisko stated the erosion fences are down and trees are growing out of the area.

Mr. Dobrowski stated that the detention basin is owned by the Town and there is some definite maintenance needed in this area.

Henry Moses discussed the Townsend Property and the need for maintenance with re-grading and seeding. Mr. Moses asked if there was a management structure within the plans. Mr. Dobrowski will look at the plans and see if there is a provision for this.

Al Sandholm discussed two detention ponds near Claudia Avenue which need maintenance. Mr. Dobrowski states the Town owns the two ponds. This was part of the 319 Project. Discussion held.

Robert Sisko questioned the Wal-Mart property line and asked if it extends into Brickyard Road. Mr. Dobrowski stated no. Mr. Dobrowski stated there is a 50 foot right of way with an 18 to 20 foot wide road. The Town owns from the edge of the road to the property line, so the Town does own some of the land. Discussion held.

Mr. Dobrowski discussed the Zoning Officer's Activity Report for June 2010. There were 8 zoning permits issued.

Mr. Dobrowski discussed zoning letters sent out and received during the month of June 2010, i.e. Bruce Bourget, 97 Mason Road regarding a chicken enclosure; Letter received from Town of Killingly referral dated June 14, 2010 with regards to a 2 lot conventional subdivision; Letter received from Anne Meister, 18 Providence Road dated June 21, 2010 with regards to changing the property from commercial to residential use; Letter issued to Brooklyn Sand and Gravel dated June 29, 2010 with regards to renewal of the gravel permit; Letter to Joseph Eber, 106 Tripp Hollow Road, dated July 7, 2010, with regards to a mobile home being used as a dwelling.

Mr. Dobrowski stated he had conversations with business owners with regards to signs. Some of the business owners were upset. Discussion held on this issue.

Chairman Kelleher would be interested in hearing solutions from the business owners with regards to signs. Lyn Lacharite stated maybe there should be a class for the business association to review the regulations for signs. Discussion held.

Tom Doherty asked Mr. Dobrowski for an update on Prince Hill Property and Brooklyn Oil.

Mr. Dobrowski stated that the owners of Prince Hill Property were installing the landscaping. As far as Brooklyn Oil Mr. Dobrowski had a long conversation with David Fuss who is acting as a go between. Mr. Fuss stated to Mr. Dobrowski that there are things being moved out. Mr. Doherty would like Mr. Dobrowski to make sure that this is true as it does not seem that anything is moving off the property.

Craig Dunlop asked Mr. Dobrowski for an update on the new Brooklyn Farm and Pet and the issue with the placement of the mulch.

Mr. Dobrowski stated that the area where the mulch was to be originally placed has a lot of water coming off of the hill. The store owner had to dig a swale right at the edge of the property line. As new mulch comes in the property owner is now placing it in the approved area. Discussion held.

Don Francis discussed the Planned Commercial Zone and designs of signs. Chairman Kelleher suggested reviewing the sign regulations. Discussion held.

2. Plan of Conservation and Development: Tom Doherty stated that the draft is ready and hoping to wrap things up in August. Discussion held with regards to referrals to other agencies and the setting of a public hearing.

3. Budget: Chairman Kelleher stated that there is nothing to report. Ms. Kelleher will ask Sherri Soucy for a monthly report for the P and Z budget.

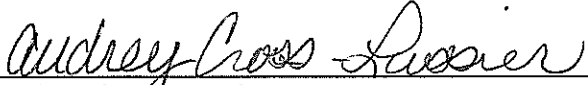
4. Village Center District: Deane Rettig stated that the subcommittee met for the first time. The purpose of the committee was to review the regulations and the dimensions of the zone and make recommendations to the commission. The subcommittee set some goals and objectives. Mr. Larkin had brought in some items such as the Village District Act and regulations from Richfield and Madison, CT for the subcommittee to review. Another meeting will take place next week to review recommendations and see if they may need revision and a legal opinion.

5. Chairman's Report: Chairman Kelleher reported on Vendor Permits. Mr. Dobrowski, Mr. Larkin and Ms. Kelleher met recently with regards to this, changes and revisions were made and will be brought forward to the Commission.

Chairman Kelleher requested that if any commission member has any enforcement complaints to bring these concerns to Ms. Kelleher who will contact Mr. Dobrowski or First Selectman Austin Tanner.

Chairman Kelleher asked Don Francis for his comments on a request for proposal for architectural firms. Mr. Francis' recommendation is that the Commission do request for proposals to architectural firms that have background in dealing with New England towns. Consultants now are hired on a one time basis. Mr. Francis stated the Commission needs to look at other options, such as submitting a proposal. Mr. Francis has agreed to make a rough draft of the proposal. Craig Dunlop suggested that as part of the proposal the applicant submit some documents showing what work they have done for other towns.

XV. Adjourn: A motion was made by Henry Moses to adjourn the meeting at 10:58 p.m. Al Sandholm seconded this motion. No discussion held. All in favor. The motion carries unanimously.



Audrey Cross-Lussier
Recording Secretary



Peter Jay Alter, LLC
ATTORNEY AT LAW

Peter Jay Alter
palter@pjalle.com

701 Hebron Avenue
P.O. Box 1530
Glastonbury, CT
06033

July 5, 2010

860.652.4020 telephone
860.652.4022 facsimile

(Via facsimile and e-mail only)

Austin Tanner, First Selectman
Town of Brooklyn
4 Wolf Den Road
P O Box 356
Brooklyn, CT 06234

Reference: Advertised, Public Gatherings

Dear Mr. Tanner:

This letter is written in response to your inquiry as to the issues that have arisen in the Town of Brooklyn as a result of certain activities by some property owners. Specifically, you have been made aware that on more than one occasion, a property owner in the RA (Residential-Agricultural) Zone has advertised and then conducted an event open to the public.

Reference is made to letters that I wrote and received with respect to a similar situation that arose in Brooklyn related to "The Barn." I am not aware that the Town of Brooklyn has adopted any new town ordinance or modified its Zoning Regulations in any way that would cause me to modify my earlier opinion. Activities as were conducted at "The Barn" and activities as you described in our recent telephone conversation do not comply with the Town of Brooklyn Zoning Regulations. In my opinion, the purpose for which the event is held is irrelevant. If public advertising is undertaken and an admission charge of some kind, no matter what the purpose, is collected by the property owner, then such a commercial activity is prohibited, since it is not a permitted use in the RA Zone.

If the activity occurs again, then the Zoning Enforcement Officer should proceed in accordance with state statute and town regulations to enforce the zoning regulation.

The Board of Selectmen and/or the Planning and Zoning Commission may wish to establish a process by which such activities could be legally conducted. The proper process would be for the Planning and Zoning Commission to consider adding a new use category to its permitted RA Zone uses and to establish a process, such as a Special Permit process, to approve such activities. Additionally, the Board of Selectmen could also consider an ordinance to additionally permit such activities once approved by the Planning and Zoning Commission, or the Board of Selectmen could simply leave it in the hands of the Planning and Zoning Commission.

Please feel free to contact me with further questions or comments. Best regards.

Yours truly,


Peter Jay Alter