

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

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

Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT Masks are optional for vaccinated individuals.	
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 6:35 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, John Haefele, Seth Pember, Lisa Herring (present in person) and Sara Deshaies (present via Zoom).
J.R. Thayer was absent.

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

Also Present in Person: Robert (Joe) Bellavance; Kelly Bellavance; Paul Archer, Archer Surveying and KWP Associates; Lori Corriveau; Sarah Mooney; Gill Maiato (had not been officially appointed as a Member of the PZC as of the time of this meeting); J.S. Perreault, Recording Secretary.

Present via Zoom: Matt Nemeth; Jenn Nemeth.

III. Seating of Alternates

Motion was made by A. Fitzgerald to seat Lisa Herring, Sara Deshaies and Gill Maiato as Voting Members for this meeting (April 6, 2022).
Second by C. Kelleher. No discussion.
Motion carried unanimously (5-0-0).

Although, in the above Motion #1, Gill Maiato was seated as a Voting Member of the PZC for this meeting, after the meeting, it had been determined that he had not been officially appointed as an Alternate Member of the PZC as of the time of this meeting.

PLEASE NOTE: Mr. Maiato had not made any of the motions nor did he second any of the motions and results of all of the votes taken were unanimous and, therefore, were not affected by his mistaken participation during the meeting. Mr. Maiato's votes are not included in the results recorded, in these Minutes, for any of the votes taken during this meeting.

IV. Adoption of Minutes: Meeting March 15, 2022

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of March 15, 2022, as presented.
Second by J. Haefele. No discussion.
Motion carried unanimously (7-0-0).

V. Public Commentary – None.

Motion was made by J. Haefele to add the following agenda items under Item VII. New Business, Section a. Applications:

3. **SD 22-001:** A proposal for a one-lot subdivision on Woodward Road (Map 10, Lot 25-5), Applicant: Gary McMahon.
4. **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.

Second by C. Kelleher. No discussion.

Motion carried unanimously (7-0-0).

VI. Unfinished Business:

- a. **Reading of Legal Notices: None.**
- b. **New Public Hearings: None.**
- c. **Continued Public Hearings: None.**
- d. **Other Unfinished Business:**
 1. **ZRC 22-001:** Request to change Zoning Regulations Sec. 4.C.2.5. to add self-storage facilities as a permitted use in the Restricted Business Zone, Applicant: Core Holdings, LLC. ***Public Hearing scheduled for April 19, 2022. No discussion.***

VII. New Business:

- a. **Applications:**
 1. **SPR 22-001:** A proposal for a Bed & Breakfast with improvements visible from the road at 42 Hyde Road, Village Center Zone, Applicant: Robert & Kelly Bellavance.

J. Roberson stated that a public hearing is optional. She explained that, for Site Plan Review in the Village Center Zone, the PZC would need to determine whether the Application meets the site plan objectives in the Zoning Regulations and also the design standards in the Village Center Zone. She explained that the Applicants are not doing any additional buildings, but are making changes to the building. Ms. Roberson stated that she has reviewed the Application and has found it substantially complete. She noted that the PZC could condition an approval.

Robert (Joe) and Kelly Bellavance were present and represented themselves (Application documents including plans and photos were displayed as discussed). Mr. Bellavance gave an overview:

- No change to the footprint of the building.
- No out buildings.
- They plan to restructure part of the interior of the building to create more space: 3 bedrooms (each with its own private bath).
- There will not be more than six guests at one time.
- Cars will be parked off of the street.
- The biggest change: Three small dormers containing windows in the middle of the house will become one large dormer all the way across containing three windows. He referred to a sketch showing what it will look like including the roof over the foyer. He explained that there is currently water damage and that this will help with run-off.
- There are three wells on the property.

Ms. Roberson explained that the roof profile would change, but they are addressing modern building code, it gives more headroom and it addresses some roof drainage issues.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS:

- Mr. Fitzgerald noted that it matches the architectural design of the original building. Ms. Bellavance explained that they think that there have been

additions to the original building, but they have not been able to find any records of that.

- Ms. Sigfridson commented that there would not be a big impact on the neighborhood.
- Mr. Fitzgerald asked about lighting.
Ms. Bellavance explained that they have been in contact with a lighting company that works with Bed & Breakfast establishments and they will be coming in the spring. They do not have a plan as of this date.
Ms. Roberson explained that the Applicant included a statement about lighting in their Application. She read it aloud: Low-voltage, outdoor lighting; low-to-the-ground lighting along the walking paths from the driveway to the foyer porch. This light will be seen from the street, but will not provide light beyond the walking paths.

COMMENTS FROM STAFF:

- Ms. Roberson explained that some of the inside work will involve some outside work which will be visible from the road, which is the jurisdiction of the Village Center District: Three mini-split heating and cooling units.
Mr. Bellavance explained that central air is not feasible for the building. He also explained that they will also need to use propane during cold weather. He indicated the locations of the mini-split units and he explained that they plan to screen them from view with lattice and climbing rose bushes to add color and landscaping.
Ms. Bellavance explained that they would prefer for the two new units to be located in the back of the building, but two different contractors have advised them that that is not an option.
- Ms. Roberson asked about the location for garbage and recycling bins.
Mr. Bellavance explained that they will either be located inside the carriage shed or on the back side where they will not be seen.
- Ms. Roberson indicated the location of a pre-existing propane tank and a new generator (both visible on the north side).
Ms. Bellavance explained that they expect that their propane needs will decrease which will enable them to replace it with something smaller after the winter. She is not sure if they would be able to relocate it somewhere else. She said that they would be consistent with the screening for the generator.
Ms. Roberson explained that there are many aesthetic ways for screening and that we want it to be effective. She mentioned a go-away green or gray color instead of white which helps things to blend into the background.
- Ms. Roberson noted that the free-standing sign in the Application was not consistent with the Zoning Regulations. She explained that it must be 10 feet from the edge of the roadway (from the edge of the pavement, not from the property line).
- Regarding parking, Ms. Roberson stated that three additional spots were needed and provided.

QUESTIONS/COMMENTS FROM COMMISSION MEMBERS

(continued):

- Mr. Fitzgerald suggested (to be consistent) that a visual depiction (Ms. Roberson suggested a side-by-side photo mark-up) of the lattice work around the condensers and lighting be added to the site plan: style of fixture (catalog cut); dark-sky compliant; placement of lighting.
- Ms. Kelleher stated agreement with Mr. Fitzgerald and asked if they would need to come back before the PZC.

There was agreement among the Commission Members that it could just go back to Ms. Roberson for approval.

There was discussion regarding speaking with the neighbors.

Ms. Roberson stated that she had spoken with the surveyor who said that the original property boundaries had changed. The actual southern property boundary plan had been provided (in packets of additional items) to Commission Members. Ms. Roberson explained that some of the land had transferred to the corner lot before the Bellavances purchased the property. Mr. Bellavance was unaware of this. Ms. Roberson stated that it does not affect any setbacks. Ms. Roberson explained that the contour lines on the plan indicate where bedrock sticks out of the side of the hill. Mr. Bellavance stated that the proposed name for the Bed & Breakfast is the Stone Ledge Inn.

Motion was made by A. Fitzgerald to approve the Site Plan Review Application **SPR 22-001** for a Bed and Breakfast with improvements visible from the road at 42 Hyde Road in accordance with all final documents and testimony submitted with the application with the finding that the proposal complies with the Site Plan Objectives and Village Center Design Standards of the Brooklyn Zoning Regulations with the following conditions:

- a. That the freestanding sign be at least 10' from the edge of the roadway.
- b. That additional specifications on lighting and screening shall be provided to the Town Planner to determine conformance with the Village Design Review Guidelines.

Second by S. Pember. No discussion.

Motion carried unanimously (7-0-0).

2. **ZRC 22-002:** Request to amend Zoning Regulations Sec. 7.A.3.4. to allow hanging signs in the Planned Commercial (PC) Zone, Applicant: The Ice Box (Matt & Jenn Nemeth).

Matt and Jenn Nemeth were present via Zoom and represented themselves. Mr. Nemeth explained that they are looking to make the PC Zone more consistent with the rest of the Town. He said that the rest of the Town has the ability to put a small hanging sign perpendicular to their building. He said that if you stand outside of their building and look eastbound on South Main Street, you would see that it is allowed about 800 feet away. The Nemeths feel that, for consistency in Town, hanging signs should be allowed as they are further down on the same street.

Ms. Roberson commented that hanging signs are allowed in many other commercial zones in Town. They are suggesting adding the language from the Village Center Zone to the PC Zone.

Motion was made by S. Pember to schedule the public hearing for **ZRC 22-002:** Request to amend Zoning Regulations Sec. 7.A.3.4. to allow hanging signs in the Planned Commercial (PC) Zone, Applicant: The Ice Box (Matt & Jenn Nemeth) for the meeting of the Planning and Zoning Commission to be held on May 4, 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 (7-0-0).

3. **SD 22-001:** A proposal for a one-lot subdivision on Woodward Road (Map 10, Lot 25-5), Applicant: Gary McMahon.

Paul Archer, Archer Surveying and KWP Associates, represented the Applicant. Mr. Archer provided information (including the Assessor's Map and deed) to the Commission Members and he explained that he does not feel that this Application

should need to go through subdivision. He said that the parcel had been approved as a recreational lot by the PZC in 1985. He said that, at that time, the Town also took the street line out for it.

Ms. Roberson stated that she is aware that there was a subdivision which created four building lots in 1985, but this particular lot was not approved as a building lot. She explained that the property history, which was not submitted with the Application, is required and would answer all of the questions regarding subdivision/re-subdivision.

There was discussion and there was disagreement regarding whether the lot was unbuildable vs. undevelopable. Mr. Archer feels that it just needs to be deemed as a buildable lot. He said that to prove it as a developable parcel, they must go through IWWC, the Health Department and must prove that it meets all of the qualifications set forth in the Zoning Regulations. They believe that they have done that and they believe that their map shows that it meets all of the criteria of the RA Zone right now. He said that he believes that it just needs to go to the ZEO and be deemed as a buildable lot. Ms. Roberson, again, explained that the property history (back to July 1, 1967) is needed to make a determination as to whether it is a subdivision, a re-subdivision or neither. Ms. Roberson explained that the PZC is the only entity authorized to make the determination based on the information provided by the Applicant. Discussion continued. Mr. Archer stated that he will create and provide the property history and they will go for a one-lot subdivision.

Mr. Archer asked about open space. He suggested the ten percent fee-in-lieu using the Town's assessment for this lot as not buildable. There was discussion. Ms. Roberson stated that the total appraised parcel value is \$13,900 vacant/unbuildable.

Mr. Archer asked if it would need to go back through IWWC. Ms. Roberson explained that if it is a sub-division, it would need to go through IWWC.

There was a consensus of the Commission that it does not have to go to the Conservation Commission.

Ms. Roberson commented that only three building lots were created and she questions whether it could be considered a lot line adjustment.

4. **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.

Lori Corriveau and Sarah Mooney were present to represent the Applicant.

J. Roberson reviewed the materials that have been submitted, so far, for the Application (included in packets to Commission Members). She is waiting for a report from a Traffic Engineer. A history of the Golden Lamb was submitted which documents grandfathered uses which are allowed to continue. Proposed permitted uses under the PD Zone are: Agriculture; Agricultural Tourism; and Offices. The Application includes 50 high-end campsites (Glamping). There is an additional 53 acres in Pomfret. Neighbors are aware of the proposal. NECCOG will need to be notified. There are 38 abutters.

Ms. Roberson will make all materials available on the website.

There was discussion regarding whether the Commission would want an outside consultant or to refer to other Town Boards/Fire District for feedback.

- M. Sigfridson stated that she would like to refer to other Commissions and consultants as appropriate. Discussion continued. It was decided to refer to the following: Fire Marshal; Mortlake Fire Department/District; Syl Pauley, Town Engineer; Conservation Commission; Agriculture Commission; Public Works/Traffic Authority; Board of Selectmen.
- There was discussion regarding whether third-party any consultants are needed. The Applicant has hired a traffic engineer and the study will be submitted on Friday. Ms. Roberson commented that the PZC could hire a consultant to review the study.
- Ms. Roberson explained that the IWWC does not have jurisdiction at this time, but they would have one meeting before May 4th.
- Ms. Roberson commented that the Applicant needs to show how the proposal fits with the POCD, There was discussion regarding septic requirements of 75 gallons per day per tent.

L. Corriveau explained that they are not actually developing that much. She said that they are keeping all of the scenery from that iconic spot the same. She explained that they will be building up the farm and will be bringing in people for farming education and food. The seasonal tents will be from May through October. There was discussion regarding what drew them to this area and their plans for activities, events and membership. There will be bike riding, but there are no proposed trails for bike riding. They have hired some students from the Killingly Ag Department to help out.

Ms. Roberson's items of concern are traffic and fire access. She would like to look at off-site impacts on other roads, such as Bush Hill Road, Valentine Road, and Wolf Den Road, and make sure that there aren't any issues with accommodating the volume of anticipated traffic which will be provided by the consultant Ms. Corriveau explained that the traffic due to programming would mostly be during the day, the restaurant traffic would be mostly at night (same amount of seating as the Golden Lamb), and then there would be the additional seasonal traffic to the campsites. Mr. Fitzgerald voiced concern regarding abutters. Ms. Corriveau commented that they would be ready for a public hearing on May 4th. She said that several of the abutters have indicated that they would come to the public hearing and she said that the design architect would also attend.

Motion was made by J. Haeefele to schedule 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 for the meeting of the Planning and Zoning Commission to be held on May 4, 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 (7-0-0).

b. Other New Business:

1. Review of "opt-out" provisions in Public Act 21-29.
J. Roberson reviewed Public Act 21-29 (included in digital packet to Commission Members and is also on the Town website). Most of the changes are to take effect on January 1, 2023, unless the Town opts-out.

Ms. Roberson explained that there are three things that the Town can opt-out of (opt-out is a two-step process):

- Temporary Healthcare Structures (Granny Pod) which the PZC decided not to opt-out in 2017 because accessory apartments were already allowed.

- Accessory Dwelling Units (aka ADU's or Accessory Apartments). Public Act 21-29 would require these to be allowed as of right (at least site plan review). Cannot make it a special permit.
Under the current Regulations, an accessory apartment is allowed inside a house by zoning permit only because duplex is a permitted use in the Regulations. However, if the accessory apartment is in a detached structure (like a garage or a barn) it is currently by special permit and if you do not opt-out, you lose the ability to require special permit.
- Ms. Roberson explained that, per Public Act 21-29, parking cannot be required in excess of one space per studio or one-bedroom unit, or two spaces for larger housing units.

There was discussion and Mr. Fitzgerald expressed that he prefers to opt-out. Ms. Roberson explained that it impacts the PZC's ability to write zoning regulations as it changes the authorizing Statute. Ms. Sigfridson stated agreement with Mr. Fitzgerald as she prefers to hold on to the ability to make decisions for ourselves. Mr. Pember and Ms. Kelleher also stated agreement.

There was discussion regarding when to schedule a public hearing which would be the first step to opt-out. A vote by the Selectmen would also be required (step two). Mr. Pember suggested that information be posted on the website. Ms. Roberson will draft a motion to schedule a public hearing.

Ms. Roberson explained that Short-Term Rentals (Air B&B) is another topic that the PZC should discuss soon. She explained that there is now case law in Connecticut that if you want to regulate short-term rentals, it needs to be addressed in the Regulations or else it is just considered accessory to a single family. She offered to draft language. There was discussion and agreement was expressed among the Commission Members that it is not necessary to address in the Regulations at this time.

2. Review of Affordable Housing Plan draft to date.
J. Roberson commented that it needs to be finished and then go to public hearing. She will be going over edits to text and the recommendations part needs to get finished.
3. Preliminary discussion re: setback requirements for accessory structures.
J. Roberson explained that every building is a structure, but not every structure is a building. She stated that she had done research on this and there are two issues:
 - If structures are supposed to follow the normal/principal setbacks, Margaret Washburn would like the Regulations to state that.
Ms. Roberson agrees that it needs to be clarified. She asked what setback should accessory structures follow.
 - Is it the right standard?

Ms. Roberson compared the setbacks in the different zones. There was discussion regarding confusion/misunderstandings about pools. Ms. Roberson asked for direction from the Commission: zone change, do nothing, provide examples? She suggested that a different standard could be made accessory structures and a different standard could be made for pools and decks exclusively.

Ms. Roberson will work with Ms. Washburn to draft language for alternative setbacks for pools for review by the Commission before setting a date for a public hearing.

Ms. Sigfridson asked the Commission, if they want accessory structures to have to go by the same setbacks as a primary structure or the setbacks of accessory buildings or something different. Discussion continued and it was suggested that two parameters

be set and that pools and decks be treated separately from primary structures and other accessory structures.

Ms. Roberson shared an example of a pool (in the R-30 Zone) that caused some difficulties that is 36.2' off the rear property line and 33.4' off the side property line.

There was agreement among the Commission Members to consider alternate setbacks for pools. Ms. Roberson will work with Ms. Washburn to draft language.

VIII. Reports of Officers and Committees:

- a. Staff Reports (ZEO Report was included in packets)
There was discussion regarding Brooklyn Sand & Gravel exceeding the approved limits. They are reapplying for a new special permit which will include the part where they exceed the scope of their old permit. There was discussion regarding importation/processing/grandfathering/old Regulations/new Regulations.
Ms. Roberson will need to contact the Town Attorney.
- b. Budget Update (included in packets) – Ms. Roberson reviewed with the Commission.
- c. Correspondence – None.
- d. Chairman's Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 9:59 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary