

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 1, 2022 6:30 p.m.**

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

Clifford B. Green Community Center, 69 South Main Street, Brooklyn, CT	
Click link below: https://us06web.zoom.us/j/87925438541	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 6:33 p.m.
- II. Roll Call** – Michelle Sigfridson, Carlene Kelleher, John Haefele, Lisa Herring, Seth Pember and Gill Maiato (all were present in person). Sara Deshaies was present via Zoom. Allen Fitzgerald and J.R. Thayer were absent with notice.

Staff Present (in person): Jana Roberson, Director of Community Development.

Also Present in Person: Paul Archer, Archer Surveying; Andrew Kausch; there were eight additional people in the audience.

Present via Zoom: Joanne's Galaxy, Kathleen Green, Lori, Joe.

III. Seating of Alternates

Motion was made by C. Kelleher to seat Gill Maiato a Voting Member for this meeting (June 1, 2022).

Second by J. Haefele. No discussion.

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

IV. Adoption of Minutes: Meeting May 17, 2022

Motion was made by C. Kelleher to approve the Minutes of the Regular Meeting of May 17, 2022, as presented.

Second by S. Pember. No discussion.

Motion carried unanimously by voice vote (7-0-0).

V. Public Commentary – None.

VI. Unfinished Business:

a. Reading of Legal Notices:

J. Roberson read aloud the Legal Notice for ZRC 22-004.

b. **Continued Public Hearings:**

1. **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.
Continued to June 21, 2022 Public Hearing

The Applicant requested that the Public Hearing be continued. There was discussion regarding a date other than June 21st due to a Town Meeting to vote on the Budget being held on that date.

Ms. Roberson explained that all public testimony and all materials pertaining to this Application can be found on the website, in two PDF's, under "Little Dipper Farm News & Notices."

Motion was made by J. Haeefe to continue 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, to a special meeting of the Planning and Zoning Commission to be held on Thursday, June 23, 2022, at 6:30 p.m. at the Brooklyn Middle School Auditorium, 119 Gorman Road, Brooklyn, CT
Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (7-0-0).

The Regular Meeting scheduled for June 21st will be cancelled and Ms. Roberson will contact the Applicant to see if June 23rd will work for them.

c. **New Public Hearings:**

1. **ZRC 22-004:** Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Paul Archer, Archer Surveying, represented the Applicant. Andrew Kausch, Applicant, was present.

Mr. Archer explained that, if this text amendment is approved, they would then come before the PZC with an application for a special permit/site plan review for a property formerly known as the Regional Building which is on the corner of Route 205 and Vina Lane (8 Wauregan Road). Mr. Archer referred to and read aloud from page 51 of the Brooklyn Zoning Regulations regarding uses that are not listed or prohibited, but may be appropriate in the zone. He said that they feel that self-storage would fit in the VCZ as a business-related use.

Andrew Kausch spoke about the property which is in very bad shape and currently has no power or water (photos were provided). He explained that he needs an end use. There are approximately 13,000 s.f. between the two buildings and he would like to develop 4,000 s.f. of it (at this time) to be used for self-storage. Mr. Kausch explained that it would be a business that he would run himself, it would not be a complex and it would not generate a lot of traffic. He explained that it is funded and that he can get power and water to it. He would fix up the parking lot, the roof, the facade, and do some landscaping. He explained that he had spoken with Ms. Roberson and Ms. Washburn who had issues with the access on Route 205. He said that he would eliminate the one on Route 205

and would have one access on Vina Lane. He said that there is no historical significance (it had been an egg hatchery in the past).

J. Roberson commented that this approach is a strategy in Zoning where you narrowly define a location. She explained that they are presenting it this way because there is a non-contributing, historic structure that they would like to re-use. It is in an area where there are design standards that are already in place and a special permit would trigger all of the design standards. Mr. Kausch desires to adaptively re-use this building and renovate it to be functional (not vacant). Ms. Roberson stated that he also wants to have dwelling units in the building as well which are already permitted by the Zoning Regulations. Mr. Kausch explained that he has already gotten a zoning/building permit for one unit and he can now start to move forward on it. He said that he will be the tenant of that first unit. Ms. Roberson stated that up to three dwelling units are allowed in that building.

There was discussion regarding the proposed language: 4.A.2.3.13 to be added to page 50 to add Self-Storage Facilities by special permit (in accordance with 6.R); and to add 6.R (only in qualifying locations). Ms. Roberson referred to the Map of the 1982 National Historic Register, Brooklyn Historic District Study (copies were provided to Commission Members) and she explained about non-contributing structures and contributing structures. Discussion continued.

Ms. Kelleher expressed opposition to self-storage (visible from the road) in the Village Center Zone as the original intent of the Zone was to preserve the historic feel, but not get locked in time. She would like, someday, to see an area where you could walk around with little shops, with sidewalks. Mr. Kausch stated that he could change the façade, that there would be less than 40 cars per week, and that it is near a walking trail for which he could possibly offer parking spaces on his property. He feels that the look of what he is proposing would fit in more with the historic character than an automotive service station. Mr. Archer stated that it would be done correctly and it would look good and it would become an active part of Town. Mr. Archer spoke about the efforts that have been taken to find tenants, but there has been no interest.

Ms. Roberson spoke about the various uses (some more industrial) that have been in the building. She said that there are some unique challenges to rehabilitating it.

L. Herring and J. Haefele expressed support.

Ms. Sigfridson referred to the POCD and stated that in the VCZ, small-scale goods and services that conform with the historic feel are to be encouraged. She feels that it is about the vibrancy of the neighborhood. It is not just how the building looks from the outside. It is important to have people coming and going.

Mr. Kausch has researched and found that there is no interest by hotel or medical people in redeveloping that building. He said that brick and mortar is a thing of the past. He spoke of the horrible condition of the building. Roof repair will cost more than \$100,000. Mr. Archer stated that Mr. Kausch wants to make the building a viable part of the Community and he asked, in the last ten years, how many people have come before the PZC to do anything in that building.

Ms. Herring expressed agreement with both views.

Sally Kausch spoke in favor of the proposal.

S. Pember expressed agreement with both views, but he is in favor of the text change because he is tired of seeing the building in such disrepair.

M. Sigfridson compared allowing a less than ideal use vs. sticking with the idealized vision of the VCZ.

Jake Kausch spoke about the possibility of putting in an automotive repair shop which is allowed or waiting ten or twenty years to see if someone would come forward to put something else there.

Mr. Kausch spoke about how it could help other area businesses who may need a place to store supplies.

Ms. Roberson commented that a vacant building is less vibrant than an occupied one. She said that having the property upgraded and occupied would add vibrancy that neighboring businesses may actually benefit from.

Amy Majek, Fitzgerald Road, spoke in favor. She has seen the building in its state of disrepair for 25 years and feels that an Inn or Hotel is unlikely. She doesn't feel that it would create a lot of traffic.

Scott Majek, Fitzgerald Road, spoke in favor and of the quality of Mr. Kausch's work. He feels that a business that is there and working is better than something that is just falling apart and being an eyesore. He said that time is of the essence.

Ms. Kelleher stated that this is a tough decision as she agrees with some of the comments that have been made. She commented that the PZC recently denied a request for self-storage, although the situations are different. The neighbors came and spoke in opposition to that application and she is interested to know how these neighbors would feel. Ms. Sigfridson explained that the other application was similar, but there were no abutters here tonight expressing opposition. She said that if the text amendment were approved, there would be another public hearing with notices to abutters. Mr. Kausch stated that he feels that it was right to reject the other application because it was a mostly residential area. Ms. Kelleher stated that she could vote in favor of the text change to allow Mr. Kausch to come in with the application for special permit.

Ed. Berthiaume spoke in favor and about the quality of Mr. Kausch's work. He said that the neighbors are Pierce and Dr. Wilcox. He wonders who would regret someone coming in to improve a property.

S. Deshaies commented that she agrees with Mr. Archer and that Mr. Kausch would need to come back before the PZC for a special permit.

There were no further comments from the public, from Staff or from the Commission.

Motion was made by G. Maiato to close the public hearing for **ZRC 22-004**: Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (7-0-0).

d. **Other Unfinished Business:**

1. **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. ***Continued to June 21, 2022 Public Hearing* - Rescheduled to be Continued to a Special Meeting on June 23, 2022.**
2. **ZRC 22-004:** Proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone.

Motion was made by G. Maiato to approve the proposal to add Zoning Regulations Sec. 4.A.2.3.13 and 6.R to allow Self-Storage Facilities by Special Permit in qualifying locations in the Village Center Zone with the finding that the changes will aid in the protection of public health, safety, welfare, and property values and are consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The regulations shall become effective 15 days from the date of publication.

Second by L. Herring.

Discussion:

J. Haefele asked if the proposed language for 6.R should be changed. No changes were discussed. Ms. Sigfridson stated that she will be voting in favor of the motion because the POCD states that the PZC should encourage businesses in Town and look to encourage small-scale services along Route 169 and in the Village Center. She feels that this would qualify as one of those small-scale services contained within the building that exists there and she agrees that it would be good for property values in that area. It is better for public health, safety and welfare to have an occupied building rather than an empty building, if this allows for that. Motion carried unanimously by voice vote (7-0-0).

3. Potential action regarding “opt-out” provisions in Public Act 21-29, Sections 3, 5, and 6. ***Awaiting June 21, 2022 Public Hearing***

There was discussion about whether a public hearing is needed.

There was consensus of the Commission to reschedule the all of the public hearings previously scheduled for June 21, 2022 to the Special Meeting on June 23, 2022 (unless they are extended).

4. **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. ***Applicant requested to discuss following June 21, 2022 Public Hearing***

Ms. Roberson will contact Brooklyn Sand & Gravel to speak with them about possibly rescheduling.

5. **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 June 21, 2022 Public Hearing***

Ms. Roberson will contact Brooklyn Sand & Gravel to speak with them about possibly rescheduling.

VII. New Business:

a. Applications: None.

b. Other New Business:

1. Discussion of Public Act 22-103 re: cannabis retail.

The cap was eliminated. Ms. Kelleher suggested imposing the same cap that the State eliminated. Ms. Roberson will draft language for Town Attorney, Peter Alter to review. Discussion continued. Mr. Roberson will research what other towns are doing.

Ms. Herring questioned whether limitations on distances from other places, such as schools or child care centers, should be considered. There was discussion regarding purchases being all cash vs. cash or debit and also security.

2. Discussion of setbacks for pools, accessory structures.

Ms. Roberson explained that there has been a lot of confusion among members of the public, design professionals and Town Staff regarding what the Regulations say about pools and decks and the setbacks. The language needs to be clarified. A significant change had been made with the adoption of the new Zoning Regulations. She explained that pools used to be defined as a building and were eligible for an exception (Section 8.A.4, page 179) to the setback requirements. Martha Fraenkel, ZEO at the time, felt strongly that pools should not be located so close to the property line and that the standard setbacks should apply and the PZC adopted this. Ms. Roberson asked if the PZC would like to enforce what the Zoning Regulations say now or would the Commission like to change them.

There was discussion regarding above-ground pools vs. in-ground pools. Ms. Roberson asked: Do you think that pools and decks ought to comply with the same setbacks that apply to buildings or should it be something else?

- There is pressure to be allowed to locate pools more on the fringes of the property to avoid things like the septic system and the well.
- Based on the Affordable Housing Report, Seth Pember noted that one thing that the Town needs is young families. He feels that young families generally need is a smaller lot size (because they don't have a lot of money to invest in a starter home) and they often want a pool for their kids. Mr. Pember suggested that above-ground have their own Zoning. Mr. Maiato and Ms. Deshaies stated agreement. Mr. Pember would be more liberal in allowing them closer to the property line.
- Ms. Roberson stated that it was the policy up until 2019 that they were allowed to within ten feet of a property line in a rear yard.
- Ms. Herring expressed concern regarding a deck that would be close to the neighbor's six-foot high fence.
- Ms. Roberson stated that Margaret Washburn is not necessarily advocating for a change of policy, but would like the current policy to be clarified. Mr. Roberson added that the Commission may choose to revisit the policy. Mr. Haefele stated agreement with Mr. Pember to revisit the policy. Ms. Sigfridson stated that she does not feel strongly either way.
- Discussion continued and it was decided that Ms. Roberson would draft language for half the set back in the rear yard and to distinguish above-ground pools from in-ground pools Ms. Roberson referred to Appendix

“10-B” (the matrix of dimensional requirements starting on page 223) principal building vs. accessory building which she will also clarify to make easier to understand.

- Discussion continued. Ms. Roberson explained that more above-ground pools are being installed, but residents are applying for variance for both above-ground pools and in-ground pools.

Ms. Roberson will draft language to be reviewed by the Commission.

VIII. Reports of Officers and Committees:

- a. Staff Reports
Margaret Washburn’s Report was provided to Commission Members. There was discussion.
- b. Budget Update
There was discussion. Ms. Roberson explained that anticipated revenue was over by about \$1,500. Account numbers are now being included on everything that goes to the Turnpike Buyer so that the Finance Department will be able to decipher which department to apply charges to.
- c. Correspondence – All posted on the website.
- d. Chairman’s Report – None.

IX. Public Commentary – None.

X. Adjourn

M. Sigfridson adjourned the meeting at 8:31 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary