

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Tuesday, July 19, 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		
Click link below: https://us06web.zoom.us/j/84765564828	or	Go to https://www.zoom.us/join Enter meeting ID: 847 6556 4828
Dial: 1-646-558-8656		
Enter meeting number: 847 6556 4828, then press #, Press # again to enter meeting		

MINUTES

- I. Call to Order** – Carlene Kelleher, Vice Chair, called the meeting to order at 6:31 p.m.
- II. Roll Call** – Carlene Kelleher, Allen Fitzgerald, John Haefele, Lisa Herring, and Gill Maiato (all were present in person).
Michelle Sigfridson, Seth Pember and Sara Deshaies were absent with notice. J.R. Thayer were absent.

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

Also Present in Person: Paul Terwilleger, P.C. Survey Associates; Jeff Fountaine; J.S. Perreault, Recording Secretary. There was one additional person in the audience.

Present via Zoom: Sharon Loughlin; Kathy Thompson; Bob.

III. Seating of Alternates

Motion was made by A. Fitzgerald to seat Gill Maiato a Regular Member for this meeting (July 19, 2022).

Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (4-0-0).

There was discussion regarding when Mr. Maiato would be able to become a Regular Member. Ms. Kelleher asked that if there is a mistake in the Ordinance, it be corrected. She asked that Ms. Roberson explore whether they can fill the unexpired term at this time.

Motion was made by G. Maiato to move Agenda Item:

VIII. Reports of Officers and Committees: Margaret Washburn, Zoning/Wetlands/Blight to after Agenda Item:

III. Seating of Alternates

Second by A. Fitzgerald. No discussion.

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

IV. Reports of Officers and Committees: Margaret Washburn, Zoning/Wetlands/Blight

Ms. Washburn referred to her Report June 30, 2022, which the Commission Members had received in a previous packet. She explained that she has been busy issuing the various permits and enforcement.

Ms. Washburn stated that there was a request at the last ZBA meeting for the PZC to clarify the language regarding the setbacks for pools. This has been discussed by the PZC and Ms.

Roberson explained that the draft language is not ready yet, but it is high on the list of priorities.

Ms. Washburn explained about a citation that she issued regarding people who are living in a camping trailer on a lot that does not have a primary residence. There was discussion. Ms. Washburn explained that she follows the Ordinance very carefully regarding enforcement.

She discussed another instance involving a shed.

Things have slowed down a bit, so she will have more time to spend on enforcement. There was discussion regarding Paradise Lake.

V. Adoption of Minutes: Special Meeting June 23, 2022

Motion was made by A. Fitzgerald to approve the Minutes of the Special Meeting of June 23, 2022, as presented.

Second by J. Haefele. No discussion.

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

VI. Public Commentary – None.

VII. Unfinished Business:

a. **Reading of Legal Notices** –J. Roberson read aloud the Legal Notices for SP 22-002 and ZRC 22-005.

b. **New Public Hearings:**

1. **SP 22-002:** Special Permit Application for a 6,000 s.f. storage/maintenance building with associated driveway, septic, well, drainage, and grading at 170 South St., Applicant: Country View Restaurant, LLC, R-30/Golf Course Overlay Zone.

J. Roberson stated that she had not received any comments from the public in the office.

Paul Terwilleger, Licensed Land Surveyor, P.C. Survey Associates, represented the Owner/Applicant, Jeff Fountaine, who was present.

Mr. Terwilleger gave an overview/poster board presentation:

- A special permit is required due to the Overlay Zone. This is considered an expansion of the use of the property.
- The proposed 60' x 100' storage building would be located to the rear of the parking area on the property and should not affect any of the existing parking.
- There will be a gravel driveway that loops around in an easterly direction around to the north side of the building where the entrance doors to the building will be.
- The side of the building facing the road will not have entrance doors. It will be a plain building façade.
- There will be a vehicular entrance door on the east side for access out to the driving range for equipment (ball collectors and mowers).
- There will be a bathroom in the building. Septic system (single row of concrete leaching galleys) proposed in the rear of the property (he indicated the location). Tank will be located under the parking lot for

easy access for pumping it. Plans have been submitted to the Health Department, but they are waiting for written comments. Per verbal communication, no issues were mentioned.

- There is a wetland on the property and they are on the IWWC agenda for next month. Therefore, Mr. Terwilleger stated that this public hearing will need to be continued until after the IWWC has given its opinion.
- Site drainage runs down to the north side of the property. He explained that they will do cuts and fills, compensating, going down about 4 or 5 feet on the south side and then level it out and then they will be filling in on the northeast side of the property creating a small slope there.
- Roof drains: On the south side of the building, they are proposing a drainage trench of crushed stone with perforated pipe in it to catch the roof water and run it into a PVC pipe and around and down to a level spreader that will spread it out on the low side of the building.
- They will put in a new well to serve the building.
- The property to the rear is zoned Industrial.

J. Roberson referred to the rendering of the building (included in packets to Commission Members) and explained that the side of the building facing the road is a blank wall (it is about 400 feet from the road and is set down about five feet below grade from the rest of the property). All doors and access is from the north side which will not be visible from South Street at all. The nearest residence to the proposed building is over 300 yards away. Ms. Roberson explained that the Overlay Zone is one of the flexible zoning techniques. When the Golf Course Overlay was adopted the PZC was specifically providing a mechanism for the two uses (restaurant and golf course) to allow them to reasonably operate, grow, expand and change as businesses do. Ms. Roberson explained that the uses that the building would accommodate, if approved, can only relate to the two grandfathered uses (no other business uses).

There were no comments from the public.

Motion was made by A. Fitzgerald to continue the public hearing for **SP 22-002**: Special Permit Application for a 6,000 s.f. storage/maintenance building with associated driveway, septic, well, drainage, and grading at 170 South St., Applicant: Country View Restaurant, LLC, R-30/Golf Course Overlay Zone, to the regular meeting of the Planning and Zoning Commission to be held on August 16, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by G. Maiato. No discussion.

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

2. **ZRC 22-005**: Proposal to add Zoning Regulations Sec. 4.D.2.3.18 and 6.S to require a 6,000 linear foot separating distance between retail cannabis establishments.

J. Roberson stated that she had not received any comments from the public in the office.

Mr. Roberson gave an overview of how this came about after the State of Connecticut legalized marijuana. Originally, the State included many criteria that applicants seeking licenses from the State would have to follow. For communities with a population of less than 25,000 people, the State would only issue one license for a cannabis retailer. However, this has been changed and Ms.

Roberson explained that it is not within the scope of the PZC's authority to limit retailers to one for a town with a population of less than 25,000 people, like the State can. She explained that what the PZC can do is introduce a separating distance between retail cannabis establishments. The one zone where the PZC made this a permitted use, by special permit, is the Planned Commercial Zone which is approximately 6,000 feet long. If the draft language were adopted, it would limit the number of cannabis retailers in Town to one, in a way that is within the scope of the Commission's authority. The draft language has been reviewed by the Town Attorney and his recommended language was incorporated. The proposed language (included in packets to Commission Members) is as follows:

4.D.2.3.18 Permitted Principal Uses in the PC Zone – Business-Related Uses

Proposed: Retail sale of cannabis by a Cannabis Retailer, or
Retail sale of cannabis and medical marijuana by a Hybrid Retailer, **in**
accordance with Section 6S Special Permit (PZC)

6.S Separating Distance for Retail Sale of Cannabis

6.S.1 Purpose

The intent of this regulation is to control the number and proximity of retail cannabis outlets in a rural community of our population as a matter of public safety and convenience, to preserve property values, as a means of promoting health and the general welfare of the community, and to preserve the community's quality of life.

6.S.2 Standards

Notwithstanding any other Section of these Regulations, retail sale of cannabis by a cannabis retailer or a hybrid retailer may be allowed as a Special Permit use in accordance with the provisions of Sec. 9.D. and further subject to the following provision: that any cannabis retailer shall be located not less than 6,000 linear feet from another cannabis retailer or hybrid retailer. The separating distance between any two cannabis retail outlets (whether a cannabis retailer or a hybrid retailer) shall be measured from the nearest property line of the lot upon which the use is located to the nearest property line of the lot upon which another retail sale of cannabis use is proposed. No variance shall be issued by the Zoning Board of Appeals to reduce this separating distance.

There were no comments from the public.

Motion was made by A. Fitzgerald to close the public hearing for **ZRC 22-005**: Proposal to add Zoning Regulations Sec. 4.D.2.3.18 and 6.S to require a 6,000 linear foot separating distance between retail cannabis establishments.

Second by J. Haeefe. No discussion.

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

a. Continued Public Hearings: None.

b. **Other Unfinished Business:**

1. **SP 22-002:** Special Permit Application for a 6,000 s.f. storage/maintenance building with associated driveway, septic, well, drainage, and grading at 170 South St., Applicant: Country View Restaurant, LLC, R-30/Golf Course Overlay Zone. – Continued to August 16, 2022 (see above).
2. **ZRC 22-005:** Proposal to add Zoning Regulations Sec. 4.D.2.3.18 and 6.S to require a 6,000 linear foot separating distance between retail cannabis establishments.

Motion was made by J. Haeefe to approve the proposal to add Zoning Regulations Sec. 4.D.2.3.18 and 6.S to require a 6,000 linear foot separating distance between retail cannabis establishments 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 A. Fitzgerald. No discussion.

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

3. **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.

To be heard simultaneously with SPG 22-001 on August 3, 2022.

4. **SPG 22-001:** Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material.
Public hearing moved to August 3, 2022

Motion was made by A. Fitzgerald to move the public hearing for **SPG 22-001:** Gravel Special Permit, Brooklyn Sand & Gravel, LLC, 64+- Acres, 530 Wauregan Road, Removal of approximately 208,000 cubic yards of material, to the regular meeting of the Planning and Zoning Commission to be held on August 3, 2022 at 6:30 p.m. in the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by G. Maiato. No discussion.

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

VIII. New Business:

- a. **Applications:** None.
- b. **Other New Business:** Affordable Housing Plan/POCD, Letter re: Planned Development Zones.
 - There was discussion regarding adopting the Brooklyn Housing Plan as an amendment to the PODC. Ms. Roberson provided copies of the official Brooklyn Housing Plan to Commission Members. The Board of Selectmen took action on it, it has been reported to the State and it has been adopted as the Brooklyn Housing Plan.

Work on the update to the POCD is ongoing. Ms. Roberson explained that she has been meeting intermittently with Boards and has gotten feedback from the Library, Recreation and various other people. Ms. Kelleher expressed that it was going to be done as a Commission. She asked about when the POCD is supposed to be amended/adopted.

Ms. Roberson explained that to start the process of adopting the Brooklyn Housing Plan into the POCD, it has to be officially referred to the Board of Selectmen and a public hearing needs to be scheduled. It has already been referred to NECCOG which is a requirement. She suggested that there could be a public information meeting and said that it could be adopted within the next two months. Ms. Kelleher asked if there were other parts of the POCD that need to be changed and the timeline for getting it accomplished. Ms. Roberson suggested adopting the Housing Plan into the POCD now and continue other changes.

Ms. Kelleher stated that she sees no reason for not adopting the Brooklyn Housing Plan as an amendment, but she is concerned about getting the POCD done. Ms. Roberson explained that she would be happy to create a new Plan and that the previous thought was that a lot of emphasis would be on the Housing Plan which would be adopted as an amendment to the POCD and that the POCD update would be very light because the 2011 Plan was done with a lot of public input, it was a good Plan with a lot of things that had not changed and some things that had been accomplished. She has been reviewing the task matrix and is about half-way through and she has determined which tasks have been completed and which are incomplete. She has reached out to some of the Boards regarding what they would like to add or drop. This has been done mostly by email and phone calls.

There was discussion regarding that the Housing Plan is a State mandate from 2017. The POCD has a housing chapter (4 or 5 pages), but the Brooklyn Housing Plan was done as a lengthy public process and is a much more detailed analysis of housing in Brooklyn.

There was discussion about and Ms. Roberson recommended that the Commission review pages 25 through 27 of the Brooklyn Housing Plan where it speaks about strategies. Ms. Roberson explained about affordable housing and that the Town is not on the exempt list. Ms. Roberson explained that she would like it to be proof-checked. There was discussion. Ms. Roberson said that we are vulnerable and adopting the Housing Plan as an amendment to the POCD won't change that. What we really need to do is make more affordable housing units and get back on the right side of the list. She suggested that the PZC may want to look at the Zoning Regulations because there may be some things that may not be helping housing affordability. She suggested speaking with someone like Jeff Weaver who does a lot of building in Town and he knows what works.

Ms. Kelleher and Mr. Maiato expressed that they agree with including the Brooklyn Housing Plan in the POCD. It was decided to revisit when more Members are present.

- There was discussion regarding Planned Development Zone. A letter was received from Preserve Brooklyn, dated July 5, 2022 (included in packets to Commission Members).

Ms. Roberson provided copies of an OLR Research Report (dated July 28, 2006) entitled, "Alternative Zoning Techniques" to Commission Members. She explained about "Euclidean Zoning vs. how separating uses is not always the best thing for communities. She explained that adopting a PD Zone is part of the PZC's legislative authority, its broadest scope of power, and the PZC decides what the standards will be. She explained about the master plan. She said that

there was a lot of confusion around the Little Dipper Application regarding what a PD Zone is. When any zone change comes before the PZC, they can approve it, deny it, or modify it and approve it.

Ms. Kelleher explained that she feels that the PZC should not have been acting on a PD Zone without having an understanding of it. She didn't know how it would fit in with the rest of the Regulations. She expressed concern regarding special events and the Ordinance for large crowds. Ms. Roberson stated that a standard for the number of events could be added to the application.

Ms. Kelleher has concerns regarding campgrounds. She explained that with the Little Dipper application, she didn't know what the Commission should be doing because she is used to looking at uses, lot lines, design standards, etc. Ms. Roberson explained that it was all quantified in tables in the master plan. It did not match the format of the Zoning Regulations, but she didn't say that it had to because the process that was adopted was focused on the master plan.

Ms. Roberson asked how the Commission wants to proceed with the PD Zone. Ms. Herring feels that it should be discussed when more Members are present and it should be discussed further to get a better understanding of it, but she does feel that we should do away with it altogether. Mr. Haelele and Ms. Kelleher agreed that they don't want to get rid of it, they want a better understanding of it. Discussion continued. Ms. Roberson explained that it is good for a town to have something like this to be ready for something when it comes up, because you can't predict everything.

Mr. Fitzgerald expressed that he feels that the Little Dipper application went too far by trying to commercialize too much. Discussion continued. Ms. Roberson explained that the grandfathered uses are allowed to continue and intensify, however, they cannot expand. She explained about the uniformity clause which is why we need flexibility. Ms. Roberson spoke about some of the misunderstandings regarding the Little Dipper application which was withdrawn before the Commission had the chance to ask questions. Discussion continued.

Ms. Kelleher suggested having requirements for campgrounds: hours of operation, lighting, fires, and bathrooms. Special events/special permits can be applied if the Commission so chooses. Ms. Roberson explained that the Commission does not have authority over anything that is grandfathered. Ms. Roberson explained intensify vs. expansion. Discussion continued.

Regarding the Little Dipper application, Ms. Kelleher brought up whether the PD Zone could be confined to just the portion of the property where the activities were proposed instead of the whole property. Ms. Roberson stated that the Commission can modify and approve.

IX. Reports of Officers and Committees: Margaret Washburn, Zoning/Wetlands/Blight – See above).

X. Public Commentary

Sharon Loughlin (via zoom), 601 Wolf Den Road, stated that she appreciates the Commission's curiosity and investigation regarding the PD Zone. She said that the Little Dipper's initial application is gone, but she asked that Commission Members carefully read

the letter sent by Norm Berman (included in packets to Commission Members). She stated that, historically, this property has never been able to support itself as a working farm (back to the mid 1800's there have been a lot of uses on this property). She said that, realistically, something has to happen to support that open space, but what is the best choice for that property, specifically, and for the community of Brooklyn.

XI. Adjourn

Motion was made by G. Maiato to adjourn at 8:18 p.m.

Second by A. Fitzgerald. No discussion.

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

Respectfully submitted,

J.S. Perreault
Recording Secretary