

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Tuesday, December 19, 2023 6:30 p.m.**

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

<b>MEETING LOCATION:</b>	
<b>Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT</b>	
<b>Click link below:</b> <a href="https://us06web.zoom.us/j/84765564828">https://us06web.zoom.us/j/84765564828</a>	<b>Go to <a href="https://www.zoom.us/join">https://www.zoom.us/join</a> Enter meeting ID: 847 6556 4828</b>
<b>Dial: 1-646-558-8656</b>	
<b>Enter meeting number: 847 6556 4828, then press #, Press # again to enter meeting</b>	

**MINUTES**

- I. **Call to Order** – Michelle Sigfridson, Chair, called the meeting to order at 6:34 p.m.
- II. **Roll Call** – Michelle Sigfridson, Carlene Kelleher, Allen Fitzgerald, Gil Maiato, Seth Pember and Lisa Herring (all present in person).  
John Haefele was absent with notice.  
Brian Simmons and Karl Avanecean were absent.

**Staff Present:** Jana Roberson, Town Planner and Director of Community Development;  
Austin Tanner, First Selectman.

**Also Present in Person:** Greg Fisher; Daniel Blanchette, Nannette Bartels.  
There were three additional people present in the audience.

**Present via Zoom:** Nicole Windland Fisher; Marilu Medina; Cirian; Heather; Margaret Washburn.

- III. **Seating of Alternates** – None.

- IV. **Adoption of Minutes:** Meeting December 6, 2023

Motion was made by C. Kelleher to accept the Minutes of the Meeting of December 6, 2023, as presented.

Second by G. Maiato.

Discussion: There was discussion regarding whether the two Alternate Members, Brian Simmons and Karl Avanecean, are still active or if they should be removed from the list. Mr. Tanner will find out and an updated list will be provided.

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

L. Herring stated, for the Record, that she had watched the entire recording of the last PZC meeting (December 6<sup>th</sup>) in preparation for tonight's meeting.

- V. **Public Commentary** – None.

- VI. **Unfinished Business:**

- a. **Reading of Legal Notices:**

J. Roberson read aloud the Legal Notice for SP 22-007 mod.

- b. **Continued Public Hearings:**

1. **ZRC 23-007:** Zoning Regulation Change regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3).

J. Roberson explained that the Applicant's draft language had been reviewed and discussed at the December 6<sup>th</sup> meeting and that she has since consulted with Town Attorney, Rich Roberts (Halloran & Sage) about additional language that she had drafted, per the discussion at the December 6<sup>th</sup> meeting, regarding the maximum number of guests and for how long. Ms. Roberson read aloud Attorney Robert's email response which she said she feels addresses the concern and, perhaps, similar concerns. Ms. Roberson explained that this is a special permit use and that a special permit is different from other forms of Zoning approval because not only does it have to meet the criteria, but the Commission also has to find that it is appropriate for the location. Ms. Roberson referred to Section 6.J of the Regulations – one of the application requirements for a Special Events Special Permit is to state the anticipated number and duration of events. She noted that this Zoning Regulation change would not pertain to just one location in Town. Ms. Roberson explained that the Commission could limit to three days, they could add additional criteria to the number of guests (must be in compliance with building code, health code, fire safety code, but she feels this would be redundant as these codes are applicable anyway).

There was discussion. C. Kelleher suggested doing the same thing as with the maximum number of people, which she feels would be the easiest thing to do. She said that it may vary. Agreement was expressed from the Commission. Ms. Roberson asked if it would still be limited to those attending the event. Ms. Sigfridson stated that it would. Changes to the language were suggested. Ms. Roberson read aloud the suggested language for Section 9 including all of the changes: "An Event Facility may include the accommodation of overnight guests, limited only to those attending the event, and only for the duration of the events specified in the special permit application. The maximum number of overnight guests shall be subject to a finding by the Planning and Zoning Commission that the number is appropriate for the location and neighborhood. An employee of the venue must be at the property at all times." Agreement was expressed from the Commission.

Discussion continued: Ms. Kelleher asked, although a Special Events Facility could be approved in any zone, whether the Commission could decide that a particular zone is just not appropriate. Ms. Roberson stated that the Commission could do that and the reasons would need to be specified, for the Record.

**COMMENTS FROM THE PUBLIC:** Comments may be heard in their entirety, as well as the entire meeting, by calling the First Selectman's Office and requesting the Zoom link:

- **Jackie Igliozi**, Woodward Road, voiced concern that the NDDH does not specify this type of facility. She said that they would need to be contacted. She also asked about the purpose/function of the employee on site.

Regarding an employee being present, M. Sigfridson explained that it is a representative of the Owners and would limit any disturbances. A. Tanner added that it would be a contact person in case something happens. There was discussion regarding how the employee would be identifiable to the public/neighbors.

Greg Fisher explained that, in his case, either he or his wife, Nicole, would be present to ensure that the terms of the special permit are being honored. There was discussion regarding possibly adding language.

- **Matt Allen**, 105 Christian Hill Road, voiced concern regarding how it would be enforced.

There was discussion. Depending on the issue, the appropriate party could be called: Owner of the Facility; Wedding Planner; Police, Fire Department or Zoning Enforcement Officer.

**Nicole Fisher** (via Zoom) noted that when you go to a restaurant or any place of business and you are upset about something, you would usually ask to speak with the Manager. She feels that it wouldn't be any different than that. She said that it is in their application that it is a requirement that the planning team be on-site.

Ms. Roberson suggested that the language, as was presented, makes a really important distinction between an event facility and a regular, single-family house that somebody put up on Air B&B. She explained that with the typical model for Air B&B, you're renting the house and the owner may not be around at all and no employee on-site. She explained that we don't put personal details or contact information into Zoning Regulations. A responsible party on-site is not so that people can call them specifically, it is just so that it is known how they are supposed to be operating. This would be conditional on their permit. If a policeman finds that there is not an employee on-site, it would get back to Zoning Enforcement and could be evidence to revoke a special permit if they are not abiding by the conditions. She feels that the language, as it is, is appropriate for the type of venue. It helps extinguish it between other types of venues that we don't want to include. Ms. Kelleher and Ms. Sigfridson stated agreement.

- **Jackie Igliazzi** commented that she feels someone specific should be identified, such as a facility manager with a description of what they are supposed to do.

Greg Fisher explained that protocol has been stated.

There were no further comments.

Motion was made by C. Kelleher to close the public hearing for **ZRC 23-007**: Zoning Regulation Change regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3).

Second by G. Maiato. No discussion.

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

c. **New Public Hearings:**

1. **SP 22-007mod**: Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application)

**Daniel Blanchette**, Licensed Civil Engineer, represented the Applicants and gave an overview of the changes. Plans (revision date December 4, 2023) were included in packets to Commission Members and were displayed as discussed.

- Mr. Blanchette explained that the special permit had been approved earlier this year for this same property. The biggest change is that they decided to move the parking lot. They are proposing to lengthen the driveway and to construct the parking lot behind the barn about 700 feet from the road. He explained that it will be much better for the neighborhood, everything is more screened from the road and from adjacent houses, less noise and light pollution, no large retaining walls which could be a safety issue. Driveway location is not proposed to be changed (first 1,500 feet not being changed).
- Not changing the use, total number of guests or ceremony area.

- Mr. Blanchette orientated and explained the site plan. Long driveway that will wrap around, 40-car parking lot, access path down to the lower field so people can bring in temporary tent material.
- They are proposing a couple changes in the lower field: 1) to flatten a portion of the lower field, raise it up about two feet so it will be more of a level area for the guests; 2) to construct a pond in the lower field, partially for aesthetics and partially to provide fill for some of the other construction projects (less trucks on the road importing/exporting material).
- Received IWWC approval.
- Mr. Blanchette displayed Sheet 2 of the Plans and explained how the first portion of the driveway is to drain into a swale which will, then, be directed into some pipes and catch basins which will discharge into the field.

Regarding Drainage, Mr. Blanchette explained about the steep hillside, Group C soils (very silty and don't infiltrate well) so stormwater is a big concern. He explained about the drainage pattern. He said that Town Engineer, Syl Pauley has reviewed the plans and there are two issues that are not totally resolved:

- Water Quality Volume – Mr. Blanchette explained that he submitted Water Quality Volume Calculations to Mr. Pauley who assumes it was going to be paved, but it is going to be gravel and/or pea stone. He explained that it was a very conservative calculation of an estimated 86 percent of the required water quality volume. Mr. Blanchette provided an updated Water Quality Volume Calculation and explained that the gravel driveway and parking area is 80 percent impervious. They are now providing 122 percent of the Water Quality Volume. Mr. Blanchette stated that he is very confident that they are meeting that requirement.
- Groundwater – Mr. Blanchette explained that they dug four test pits and he said that he is very confident that his drainage system is going to function properly. He explained that a small amount of the basins could be in the water table a few inches, but the bottom of the basins don't have as much volume as the top. He doesn't see it as being a concern. He feels it is appropriate for the following reasons: The site is going to be 99 percent pervious; it is about 800 feet (vegetated buffer) from the property line with Blackwell Brook. He said that this was discussed with the IWWC and they were satisfied.
- Mr. Blanchette displayed the last sheet of the plans and explained about the ceremony area which is not being changed, but they included some information per advise of the Town.
- Mr. Blanchette explained that they corrected some typos on the landscaping plan (regarding trees matching schedule).

#### **COMMENTS FROM STAFF:**

- J. Roberson stated that a response has not been received from Syl Pauley regarding the latest changes.
- Ms. Roberson commented that due to the recent storm, the Town's server was down, therefore, she was unable to provide the draft motion for this Application. She explained she had prepared a modified version of the previous motion.
- Ms. Roberson commented that she does not have any concerns about this design if Mr. Pauley is satisfied that it meets the stormwater management requirements of our Zoning Regulations Section 7.H. She explained that the Applicants have gone above and beyond by taking an entire approved plan and redesigning it to preserve the scenic integrity of the site. She

recognizes that moving the parking lot creates different impacts: it is closer to wetlands and it is on a slope. She said that the significant redesign of the parking is to protect what is there and it will be an enhancement of the facility, particularly, leveling the tent area.

Mr. Blanchette explained that the plans are dated December 4<sup>th</sup> and they were submitted to Mr. Pauley on that same day and that Mr. Pauley's latest communication was on December 11<sup>th</sup> and there are two outstanding issues. He stated that if the Commission feels that he needs to tweak the drainage to satisfy Mr. Pauley, he asked that it be a condition of approval as they are hoping to receive approval at this meeting. He explained that making the change to raise the basins 6 or 12 inches (which is what Mr. Pauley would ask for) would create a bigger impact to the wetlands (drainage design vs wetlands impacts) and he would have to go back before the IWWC. He feels that it is a small technical detail that he and Syl can work out.

There was discussion. Ms. Roberson explained that Mr. Pauley had said that he would review it tomorrow. Ms. Roberson also explained that the Commission should never condition an approval based on someone else's approval some time in the future. Third party conditions are not acceptable procedure.

There was more discussion regarding elevations, the grade, the basins and the test pits.

There was discussion regarding what should be included in the motion to approve. There was discussion regarding whether Condition #1 of the original approval (March 2023) regarding no overnight accommodations could be changed as part of this modification. Ms. Sigfridson noted that overnight accommodations is not mentioned in this Application and she stated that she does not feel comfortable making changes regarding overnight accommodation requirements, based on this Application. Mr. Blanchette stated that he had not involved in the overnight aspect. There was discussion regarding the need for the Applicant to submit a separate application regarding overnight accommodations. Mr. Fisher explained that the intent for this Application was for the parking lot and they understand that it may take longer. There was agreement expressed by Commission Members that separate applications would be best.

Ms. Roberson stated that the Commission could continue this public hearing and that it can be re-noticed if there is a concern that the public notice was not detailed enough. It would also give a chance for the Town Engineer to review the stormwater design (high water table). Ms. Roberson explained that it was her impression that the Applicants wanted to include overnight accommodations in this Application and she apologized that it was not mentioned on the agenda. Greg and Nicole Fisher explained that their goal was to have the zoning change approved knowing that they would need to come back before the Commission regarding overnight accommodations.

Ms. Sigfridson asked if the Applicants' preference would be to treat them separately if it means possibly be able to deal with the parking lot issue more expeditiously. Mr. Fisher stated "yes."

There was more discussion regarding Syl Pauley concerns regarding stormwater (IWWC vs. PZC). Ms. Roberson commented that the review process by the Engineer is an important sign-off to have in place before taking action. Ms. Sigfridson asked about the water quality volume calculations. Mr. Blanchette explained about the latest revision. He said that he is confident that they are meeting the water quality volume. Mr. Blanchette explained that he and Mr. Pauley have different opinions regarding the catch basins. Ms. Roberson stated, for the Record, that Mr. Pauley's review comments were included in packets to Commission Members.

Ms. Sigfridson commented, for the Record, that Syl Pauley is very conservative in detail and she referred to, and read aloud from, his letter dated December 11, 2023, regarding underdrains being removed from the stormwater basins. Mr. Blanchette explained about a French drain (perforated pipe) that he had designed uphill from the tent area. Regarding Mr. Pauley's comment about groundwater near the basins, Mr. Blanchette explained that he thought Mr. Pauley was objecting to them so he removed them. Ms. Sigfridson asked Mr. Blanchette which is the better design, to which, he replied that he does not think they are needed.

Mr. Tanner stated that the pond is only about six feet deep. Mr. Blanchette agreed. The material is to be used to level the tent area which he feels will be sufficient for that pedestrian area. The first level is to be about a foot of topsoil.

Mr. Pember stated that he is not happy with the high watermarks on the drainage basins, but he noted that he is not an engineer. He stated that he feels that the public hearing should be closed. Mr. Fitzgerald stated concern regarding whether it would need to go back to IWWC if the drainage is changed and impacts the wetlands.

Discussion continued regarding continuing the public hearing vs. closing the public hearing. Mr. Fisher explained that he would prefer that it be closed. There was discussion regarding drafting a motion to approve.

There were no comments from the public.

Motion was made by A. Fitzgerald to close the public hearing for **SP 22-007mod: Special Permit** for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application).

Second by S. Pember. No discussion.

Motion carried by voice vote (5-0-1). G. Maiato abstained.

**d. Other Unfinished Business:**

1. **ZRC 23-007: Zoning Regulation Change** regarding overnight accommodation for Special Events Facilities (Sec. 6.J.3).

Motion was made by S. Pember to approve the proposed zoning regulation change ZRC 23-007 as revised with the finding that it meets the intent of the Zoning Regulations and is consistent with the Plan of Conservation and Development. The regulation will become effective 15 days from the publication of the legal notice.

Second by G. Maiato. No discussion.

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

2. **SP 22-007mod:** Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application)

M. Sigfridson stated that this is just regarding the parking issue.

There was discussion regarding drafting a motion.

Motion was made by A. Fitzgerald to approve the modified application, **SP 22-007mod:** Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application), in accordance with the submitted plans, to include all of the previous conditions of approval as approved by the Commission on March 21, 2023.

Second by G. Maiato. There was discussion regarding that the Applicant would need to apply for another modification to change Condition #1, of the previous approval, regarding overnight accommodations.

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

## **VII. New Business:**

### **a. Applications:**

1. **SPR 23-008:** Site Plan Review for Small Solar Energy Systems (roof mount) at 99 Pomfret Road, Village Center Zone, Applicant: Venture Home Solar.

Marilu Medina (via Zoom) represented the Applicant and gave an overview. Nannette Bartels, property owner, was present in the audience.

- Total of 19 panels.

J. Roberson stated that the site plan was included in packets to Commission Members and she displayed the property (street view) on Google Earth. The house is a 1950's ranch with a massive hedge in the front. It is not in the Historic District. There is a shared driveway entrance. Ms. Roberson asked if the owner had given an consideration to moving the solar panels to the western aspect of the roof.

Ms. Medina explained that the Engineer considered the structure of the house, weight of the panels and what side(s) would be best for the sun exposure. There are five panels in the front, six in the back and eight on one side.

Nannett Bartels explained that the western side of the roof is shaded by a big Norway spruce and there is a row of spruce trees further up the hill that also block the sun on that side.

Ms. Roberson read aloud language from the Regulations standards in the Village Center Zone for small solar energy systems. There was discussion regarding whether panels are reversible. Ms. Roberson stated that she feels that they are all reversible – if they go on, they can come off. There was discussion regarding visibility from the road. Ms. Sigfridson explained that, in the VCZ, it is within the PZC's discretion to decide on a case-by case-by-case basis whether it is appropriate or not. There was discussion regarding people who have solar panels installed without getting a permit.

Agreement was expressed by Commission Members that it would not detract from the character of the site.

Motion was made by C. Kelleher to approve the small solar energy system at 99 Pomfret Road (SPR 23-008) with the finding that it meets the criteria of Sec. 6.N and Sec. 4.A.5.4.12.

Second by G. Maiato. No discussion.

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

2. **SD 23-002:** Fourteen-lot resubdivision including 18.2 acres on Wauregan Road and Gorman Road (Map 32, Lot 15-1), Applicant: KA&G Investments, LLC.

Ms. Sigfridson explained that there was a preliminary discussion at the December 6<sup>th</sup> meeting.

Ms. Roberson recommended that the public hearing be opened on February 7<sup>th</sup>.  
Ms. Sigfridson asked that it be referred to the Conservation Commission to get input prior the February 7<sup>th</sup> meeting of the PZC.

Motion was made by S. Pember to schedule a public hearing on the fourteen-lot subdivision including 18.2 acres on Wauregan Road and Gorman Road (Map 32, Lot 15-1) for February 7, 2024 at 6:30 pm at 69 South Main Street Brooklyn and via Zoom.

Second by G. Maiato. No discussion.

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

- b. **Other New Business:** None.

#### **VIII. Reports of Officers and Committees**

- a. Report of Margaret Washburn, ZEO. (Report dated November 28, 2023 was included in packets to Commission Members.)

Ms. Washburn asked if there was going to be someone from NECCOG that will be helping as this will be Ms. Roberson's last meeting.

Mr. Tanner explained that he expects to find out soon if the Applicant will be accepting the position. Mr. Tanner has spoken with NECCOG in case there is a need.

There were no questions from the Commission for Ms. Washburn.

- IX. **Public Commentary** – None.

#### **X. Adjourn**

M. Sigfridson adjourned the meeting at 8:23 p.m.

Respectfully submitted,

J.S. Perreault  
Recording Secretary