

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Tuesday, March 19, 2024, 6:30 p.m.**

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

MEETING LOCATION: Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT	
<b>Video call link:</b> <a href="https://meet.google.com/ydf-fzsx-ahb">https://meet.google.com/ydf-fzsx-ahb</a>	<b>Or dial:</b> (US) +1 518-499-6440 PIN: 321 990 545#
<b>More phone numbers:</b> <a href="https://tel.meet/ydf-fzsx-ahb?pin=9730088782536">https://tel.meet/ydf-fzsx-ahb?pin=9730088782536</a>	

**MINUTES**

- I. Call to Order** – Allen Fitzgerald, Chair, called the meeting to order at 6:29 p.m.
- II. Roll Call** – Allen Fitzgerald, Carlene Kelleher, Gil Maiato, Seth Pember and Lisa Herring (all present in person). Michelle Sigfridson present via online.  
John Haefele and Karl Avanecean were absent.

**Staff Present:** Manuel Medina, Interim Town Planner (present via online).

**Also Present in Person:** David Smith, Professional Engineer & Land Surveyor with Archer Surveying; Paul Archer, Archer Surveying; Mark Tetreault; Attorney Doug Williams; Robert Perry; Cindy Perry.  
There were approximately 11 additional people present in the audience.

**Present via Online:** One call-in user.

- III. Seating of Alternates** – None.

- IV. Adoption of Minutes:** Meeting March 06, 2024

Motion was made by G. Maiato to adopt the Minutes of the Meeting of March 6, 2024, as presented.  
Second by C. Kelleher. No discussion.  
Motion carried unanimously by voice vote (6-0-0).

- V. Public Commentary** (*3 minutes maximum per person*) – None.

- VI. Unfinished Business:**

- a. **Reading of Legal Notices**

The Legal Notice for **ZC 24-001** was read aloud by Manuel Medina.

- b. **Continued Public Hearings:**

1. **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38),  
Applicant: Tetreault Building Company

David Smith, Professional Engineer & Land Surveyor with Archer Surveying, and Paul Archer, Archer Surveying, represented the Applicant, Mark Tetreault (also present). Plans were displayed as discussed.

- Mr. Smith explained that the error in the abutters' notices, that had been pointed out at the last meeting, had been corrected the next day (new mailings were sent out indicating that there would be an additional opportunity for comments to be presented or heard at this meeting. He stated that they had the certificates for the mailing to submit.
- An email from Regional Engineer, Syl Pauley's office, was sent yesterday indicating that he had no further comments. Mr. Smith stated that Mr. Pauley is happy with the responses that were provided to him.
- Mr. Smith stated that there were some issues raised by the public at the last meeting that were not actionable by the Applicant.
- Mr. Smith stated that their presentation is complete and he offered to answer questions.

Mr. Fitzgerald confirmed Mr. Pauley's response that he has nothing to add and is happy that everything complies.

#### **QUESTIONS/COMMENTS FROM THE PUBLIC:**

- Joe Beauregard, 157 Wauregan Road, asked about his right-of-way that goes from 205 down to 157 to 159.  
Paul Archer explained that the Applicant has no intend to use it and it will stay exactly as it exists now. He indicated the area on the map.
- Holly E. Joly, 159 Wauregan Road, expressed concern regarding closeness to the Brook and traffic. She commented that she is disappointed because she bought her property because of the privacy.  
Holly E. Joly also asked about the type of homes.  
Mr. Fitzgerald explained that the plans show individual homes with septic systems for single-family houses approved by the Health Department.  
Mark Tetreault, the Builder, explained to Holly Jolly that what they have cleared toward her house is where they are stopping, so they left a nice buffer for her. He explained that he cares about the neighbors' homes and privacy and what is being built there. He said that the homes will be between 1,400 to 2,000 sq. ft.
- Pauline Beauregard, 157 Wauregan Road, asked how far it would be from her driveway to the common driveway and she expressed concern regarding traffic and speeding around the curve.  
Mr. Archer explained that it would be 200 feet from the right-of-way to the edge of the common driveway.  
Mr. Fitzgerald explained that the Applicant had come before the Commission regarding Conventional Subdivision (7 houses with 5 separate driveways) vs. Conservation Subdivision (seven houses with less driveways). Mr. Archer explained the CT DOT has approved the driveway. Mr. Archer also explained about the 85<sup>th</sup> percentile regarding traffic speed.

Motion was made by C. Kelleher to close the public hearing for Application **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38), Applicant: Tetreault Building Company.  
Second by S. Pember. No discussion.  
Motion carried unanimously by voice vote (6-0-0).

c. **New Public Hearings:**

1. **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13)  
Applicant: Robert H. Perry, Sr.

Attorney, Douglas Williams represented the Applicant (present in the audience) and gave an overview:

- The property is entirely surrounded by R-30. Attorney Williams stated that it is kind of a spot zone, so this would conform the property to the area surrounding it. He explained that the property was previously R-30, but was changed to RA approximately three years ago. Attorney Williams does not know the reason for the change, but, at that time, the Perry's had been informed (by Jana Roberson) that they could change back to R-30, which is what they want to do.

Mr. Fitzgerald read aloud, the following from the Staff Guidance comments from Margaret Washburn, ZEO: "Property owner had previously requested a change in zone to be able to keep livestock in his property. The previous zone was R-30. PZC approved zone change to RA in March 2021. The owner has expressed unwillingness to remove horses if the zone change is approved. Upon approval of the zone change, property must be brought into compliance by removing livestock."

Attorney Williams stated that it is a true statement, but his understanding is that, for many years, it was a pre-existing, non-conforming use and there were horses on the property pre-dating Zoning (1950's/1960's). When the Applicants purchased the property, it was zoned R-30 and they knew that it had had horses previously on it. The change in the Assessor's Office was only made a few weeks ago (in terms of what the public would see). He feels that there should not have been a need to change the zone since it was an existing, non-conforming use. They are looking to change back to R-30 with the pre-existing use.

Robert Perry explained that when he bought the property he asked if there was anything he needed to do regarding his ponies. Mr. Perry explained that Jana Roberson told him he would need to change the zone because he is not grandfathered in because he is not related to Mr. Bessett. He feels that he was given incorrect information and that he didn't actually need to change the zone. Mr. Perry explained that they would like to split the lot to allow his stepson to purchase part of the property and build a house on it. Mr. Perry stated that he has a paper from Ms. Roberson stating that he could split his property into three lots. Mr. Perry wants to keep his ponies which he keeps for his grandchildren. Attorney Williams commented that the use doesn't run with the family bloodline, it runs with the use.

M. Sigfridson explained that it is in compliance right now and the Applicant is asking for a zone change that would not provide for the current property use (of having livestock). She feels that the Commission can't approve a zone change that would put the property out of compliance with the Regulations. S. Pember commented that, whether or not incorrect information had been given by Staff, the Applicant had brought the property into compliance at one point and Mr. Pember questioned whether the grandfather clause was retired due to having been brought into compliance. Mr. Pember feels that going back into non-compliance is not part of the grandfather clause. Mr. Pember is interested to know what NECCOG will say about it.

Attorney Williams commented that although there was a zone change, the use has continued. Ms. Sigfridson explained that when the change to RA came before the PZC, it would have been seen as fitting with the POCD, but if the property owner is asking to change the zoning back making that use non-conforming, the Commission would need to look at it very closely before deciding if it is appropriate and if it fits with the POCD. Attorney Williams stated that the

change to RA would be spot zoning because it is surrounded by R-30. Ms. Sigfridson and Mr. Pember stated that it was requested by the property owner. Attorney Williams stated that it is true, and he explained that it was unnecessary. Discussion continued.

C. Kelleher explained that the non-conformance ceased and, right now, there is no non-conformance, so there was a break in the non-conformance use that does not apply anymore, so she doesn't see how the horses could be allowed to be there. Discussion continued.

Mr. Perry asked if he gets rid of the horses, he could change the zone. Ms. Sigfridson explained that it is not a guarantee, at this point, as the Commission would need to review the other aspects of the application. Mr. Perry stated that he has a letter from Jana Roberson stated that he can change it and split it into three lots at any time.

Ms. Kelleher stated that the public hearing needs to be continued to hear from NECCOG and she suggested consulting with the Land Use Attorney. L. Herring expressed agreement.

Mr. Pember asked about the letter from Jana Roberson that Mr. Perry referred to. Attorney Williams will submit a copy to Mr. Medina. Mr. Pember explained that any documentation pertaining to the history of the property could be taken into account. Mr. Perry asked again, if he gets rid of the livestock, can he get the zone change. Mr. Fitzgerald explained that the zone change is not guaranteed and that PZC has to follow the process.

Cindy Perry, 202 South Street, asked why NECCOG is involved.

Mr. Medina explained that NECCOG has to be notified if there is an application for a zone change and NECCOG has 30 days to respond with their findings/recommendations.

Motion was made by C. Kelleher to continue the public hearing for Application **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13) Applicant: Robert H. Perry, Sr., to the next regularly scheduled meeting of the Brooklyn Planning and Zoning Commission on April 3, 2024, at 6:30 p.m., 69 South Main Street Brooklyn and via Google Meets.

Second by M. Sigfridson. No discussion.

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

**d. Other Unfinished Business – None.**

Motion was made by S. Pember to change the agenda as follows:

**VII.a.1. SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38), Applicant: Tetreault Building Company.

**VII.a.2. SPR 24-001** Site Plan Review for Craftsperson including accessory sales of craft items created by the craftsperson on 63 Canterbury Road (Map 24, Lot 91), Applicant: Ethan DeSota.

Second by L. Herring. No discussion.

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

**VII. New Business:**

**a. Applications:**

1. **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38), Applicant: Tetreault Building Company.

Motion was made by C. Kelleher to approve **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38), Applicant: Tetreault Building Company.

Second by L. Herring. No discussion.

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

2. **SPR 24-001** Site Plan Review for Craftsperson including accessory sales of craft items created by the craftsperson on 63 Canterbury Road (Map 24, Lot 91), Applicant: Ethan DeSota.

Ethan Desota gave an overview:

- Copies of a three-page Narrative and site plan, showing three phases, were included in packets to Commission Members.
- Items 1-8 on the Narrative are what they are here for tonight.
- #1 - They are currently living on the second story of the property (front of building) and they want to maintain the use of the property as a primary residence.
- #2 - They want to install offices and a showroom with a showroom kitchen on the first floor. They have a construction company and a cabinet supply company.
- #3 - Signage (page 5 of the site plan). Same location as the previous sign.
- #4 - Mr. Desota explained about their apprenticeship program and about how they want to convert four of the offices into bedrooms to house students for six months to two years to learn the trade and how to start their own businesses.
- #5 - They would add a bathroom and laundry on the first floor.
- #6 – Convert the second story area at the back of the main building to a two-bedroom apartment.
- #7 – Regarding paint colors, reference was made to page 8 of the site plan.
- #8 – Renovation/expansion of the barn/carriage house to accommodate a cabinet shop and millwork shop (reference was made to pages 10 and 11 of the site plan) and he explained how they would expand the driveway to the back to where trailers and vehicles used for the business would be stored out of sight.
- He explained that they would like to install solar, new windows, new heating and cooling and to make the building look like it used to look, but bring it up to a more modern level of convenience.
- In the long term, Mr. Desota explained that they would like to rip out the asphalt and convert the parking area to a mix of old-style brick architecture with a pervious, but permanent parking area that looks like what a parking lot would have looked like if they had parking lots back in the 1800's.
- For now, Mr. Desota explained that he would like get to the point where they can start building cabinets there rather than just using it as storage for tools.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

- Mr. Fitzgerald explained that there is a lot to work through such as rooming house, contractor yard, trailers, site plan (per Section 10.A.1 of the Zoning Regulations), craftsperson, retail space.
- Mr. Pember stated that he feels there may be a traffic issue and he asked if the training is State certified or on-the-job internship. Mr. Pember stated that there may be noise.

Mr. Desota stated that it is on-the-job internship/training as an extension of the business. He said that it is not seen as a rooming house because it is only four rooms.

Mr. Desota explained that they will not bring the manufacturing to this Brooklyn location, that takes place in Massachusetts and Rhode Island. He explained that they will do some modifications and the sound will be very minimal.

- Ms. Kelleher stated that there should probably be a public hearing. She said that sales, alone, requires a special permit which requires a public hearing.

Mr. Desota referred to the Craftsperson requirements and he said that retail is

allowed under site plan review in the Regulations (Section 4.A.2.7.2).

Ms. Herring commented that there is not a definition for craftsperson in the Regulations and asked if it is left for interpretation.

- Mr. Pember explained that there is a lot more to it than just putting a craft shop in.
- Ms. Sigfridson feels that it is a good project, but agrees that it is a lot and we have to be careful and go through it item by item as it may not fit with what we've got in there right now. It is a pretty large-scale project compared to other things that are in that district right now.
- Mr. Pember asked what Mr. Desota would like to do first.  
Mr. Desota stated that they know they can have a multi-family designation and he explained that they would like to get the second unit repaired so that somebody can live there and he said that he would like to get to the usability of the shop. He would like to park the trailers in back (out of sight). He asked how they can be good neighbors.

Mr. Pember suggested a multi-family renovation with a craftsperson business inside, with a showroom less than 2,000 sq. ft., which would be, strictly, a site plan review. Mr. Fitzgerald agreed, but also stated that the site plan would need to be by an engineer.

Mr. Desota said that it could be waived by the Commission.

Mr. Fitzgerald stated that, in his opinion, he does not feel the Commission would be able to waive it in this case, based on the scope.

Mr. Desota explained that he had spoken with Jana Roberson and she told him that it would be better to come in with a five-year plan.

Mr. Desota stated that they will get a surveyor involved and get the official plans to the PZC, they will go to a multi-family renovation with craftsperson if we think we can agree that a craftsperson designation could apply to us. He stated that they will clarify, in the plans, that most of their kitchens will never see Brooklyn.

Ms. Kelleher feels that there should be a public hearing as it is a big project in the Village Center District. She feels that this proposal goes beyond what she thinks of as a craftsperson. She referred to mixed-occupancy buildings with a first-floor business use and up to two dwelling units on upper floors which requires a special permit. She commented about the doctor's office with dwelling places on the first floor and she asked, if they are going to do it again, would it be considered a new use that would require a special permit.

Mr. Medina stated that it is a change of use and it would require a special permit for the mixed use (house and business).

Mr. Desota explained that they moved to a community based on what that community told them (he said that he has a letter from Jana Roberson). He asked that the Commission consider that this is how he feeds his family

Mr. Pember recommended that they get the engineering drawing and consult with the Engineer regarding the best way to phrase what is going to be done with the multi-family structure and get the Engineer's advice/guidance on any future plans for how to keep in compliance with the Village Center District.

There was discussion regarding retail vs. craftsperson. There was discussion regarding traffic. Mr. Desota stated that it would less traffic and impact to property than the doctor's office. He said that most customers won't come to the showroom (maybe two or three per month).

Mr. Desota spoke about remediating the property by removing some trees that have grown in the stone wall and they will rebuild the stone wall. They are also removing bittersweet which is killing trees. The property is 3.8 acres.

Ms. Sigfridson suggested that the Commission do a site visit at some point.

There was more discussion regarding site plan review vs. public hearing. Mr. Pember explained that he believes that if Mr. Desota gets a correct, certified engineering site plan, the Commission looks at it as a site plan review and, then, if the Commission, as a Board, feels that a public hearing would be necessary, then, that would be the proper time. He does not feel that we have enough information to make that determination at this time.

Ms. Kelleher suggested that Mr. Desota meet with Mr. Medina. Mr. Medina will provide the Staff Guidance to Mr. Desota.

The following MOTION TO REQUEST was made by S. Pember regarding **SPR 24-001** Site Plan Review for Craftsperson including accessory sales of craft items created by the craftsperson on 63 Canterbury Road (Map 24, Lot 91), Applicant: Ethan DeSota: Applicant submit revised plans addressing Staff commentary and in accordance with Site Plan requirements by the Town of Brooklyn Zoning Regulations prior to the Meeting on May 21, 2024, for review by the Commission.

Second by C. Kelleher. Discussion: M. Medina explained that May 21<sup>st</sup> is the deadline for the 65 days from the date received. Mr. Medina will follow-up with the Applicant.

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

b. **Other New Business** – None.

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

### **a. Staff Reports**

#### **1. Report of Margaret Washburn, ZEO** (included in packets to Commission Members).

A Memo from Ms. Washburn (dated 3/19/2024) regarding a subdivision on South Street was also included

#### **2. Report of Manuel Medina, Interim Town Planner.**

Mr. Medina reported that 459 and 481 Wolf Den Road will be coming before the PZC to amend their permit.

### **b. Correspondence** – None.

### **c. Chairman's Report** – None.

### **d. Commissioner Training Updates** – None.

## **IX. Public Commentary** – None.

## **X. Adjourn**

**A.Fitzgerald adjourned the meeting at 8:09 p.m.**

Respectfully submitted,

J.S. Perreault  
Recording Secretary