

Planning & Zoning Commission
Special Meeting Minutes
7pm Wednesday August 15, 2012
31 Tiffany Street, Community Center

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Deane Rattig, Carlene Kelleher, Henry Moses, Craig Dunlop

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In Attendance: Michelle Sigfridson, Donald Francis, Thomas Doherty, Deane Rattig, Carlene Kelleher, Henry Moses, Craig Dunlop
Also Present: Attorney Peter Alter, Jim Larkin (NECCOG), members of the public
Absent: David Fuss

- I. **Call to Order:** Carlene Kelleher called the meeting to order at 7:04pm
- II. **Roll Call:** Roll call showed 7 members present. David Fuss excused, flat tire
- III. **Seating of Alternates:** no alternates
- IV. **Discussion of Event Facility Regulation with Attorney Peter Alter:** Carlene Kelleher suspended public commentary participation and stated the public will be able to ask questions and make comments as the meeting progressed. Carlene recapped that the Event Facility Regulations were addressed approximately a year ago, with public disapproval. Austin Tanner (First Selectman), Carlene Kelleher (Chair person), Chuck Dobrowski (ZEO) under advisement of Attorney Peter Alters reviewed and revised some of the disapproved regulations and will be presenting changes that were made. Jim Larkin took the floor and presented two handouts. One was dated 8-14-12 (revised regulations) and 2/22/11 (ordinance amendments) bringing to everyone's attention that the 2.22.11 handout would still need to be brought to the First Selectman for final approval. Jim also handed out the current copy of the Mass Gathering state statute. Carlene Kelleher gave a hypothetical scenario regarding a onetime event which would be an ordinance that would require a permit vs. recurring events which would be a regulation needing to be brought to P&Z for approval. Attorney Peter Alters tried to clarify what is expected for land use and steps that need to be taken for those events that are a onetime occurrence. Deane then asked if the regulations in the revised draft 3.4 regarding "Use Regulations" for special activities or events should be interpreted as "to be included" or if they are to be interpreted as "or in addition to." There was continued back and forth discussion as what should be regulated, what is currently in place, and what the proposed changes should be. Final discussion was that the regulations should read First Selectman will handle onetime events whereas recurring events will need the approval from P&Z Commission. Lisa Arends (from the public) asked for clarification as to what is considered a reoccurring event, who is responsible for obtaining the permit, what the process entails and what the fees were involving obtaining the permit. Cheryl (last name not on record) (from the public) also asked for clarification giving an example: if a resident is having a private party of 100+ people, is a permit required? She also stated she didn't think the regulations were clear when referring to a private homeowner or a commercial property owner. Michelle Sigfridson offered the idea of having Economic Development Committee implement something in layman's terms so it would be more easily understood. The next topic was modifications in the application process for a permit (20.3 & 20.4). If they are minor modifications then the whole permit process would not have to be done each time. There was continued discussion as to what would be considered "minor" modifications. Don Francis asked if the fairgrounds would fall under an ordinance or a regulation. Carlene stated fairgrounds are grandfathered (non conforming) usage of 2,000+ people which is considered a mass gathering. First Selectman Austin Tanner stated that according to the law which was passed by the state two years ago, this would be brought to the Board of Selectman and would not be addressed by P&Z.

Attorney Peter Alters stated the fairgrounds having secondary usage that is not agricultural in nature, would not be regulated by P&Z and would be "grandfathered" (non conforming) which could also include just a renewal of a permit annually. Attorney Alters summarized the following. He referred to 5.1.12 draft as to what a event facility means. It was suggested the language be added to include what would be regulated as commercial regulations vs. residential. That this would apply to all zones. If the fairgrounds would be considered as being excluded from regulations then that verbiage would be added to #7. The chair suggested expanding the language in secondary use to assist people in understanding what is not included and to clarify the intention of this regulation. To include what types of activities will be regulated and which ones would not. He discussed the intention of the following regulations. 20.4- stating it should be added that all food service help will require the necessary health regulations be satisfied.

20.6-"insignificant" should be the word used, instead of the word "minor" when referring to a modification for permit renewal.

20.5-applications for renewal should provide the intentions for permit and any information that has changed, will need to be provided when renewing for the new permit.

20.6.2-include in the verbiage why the ZEO would require a application for renewal to come back to the commission because of the disclosure of changes that the commission should determine whether they are insignificant, minor, or require a new public hearing process.

3.4.1.3-simply reference the ordinance, if it is permitted by the Board of Selectman then it is a permitted use for the purpose of this regulation. Concerns whether it should read and/or/combo, we can leave it to the selectman's discretion.

Carlene asked Attorney Alters what he suggests as how the P&Z and the Selectman should handle this issue going forward. Attorney Alters suggested the following verbiage be used when dealing with ordinances: "P&Z respect the uses authorized by the selectman's ordinance process we defer." There was discussion if a public hearing is going to be held ensure the public is aware by posting in an easily accessible place for those interested parties to be able to attend and address issues they want to have heard. Cheryl (last name not on record) (from the public) asked how does the town know what, if any, changes have been listed or if there are any omissions when renewing a permit. Carlene responded, saying it is the ZEO job to do this. Tom Doherty asked Carlene Kelleher if the regulation draft 5/1/12 section 20.3 & 20.5 should read events and not event(s). Carlene responded that yes it should be corrected to read events. First Selectman Austin Tanner brought up the issue which should be addressed first, zoning regulations or the ordinance. The Selectman discussed this and it was agreed that they would address it after P&Z for the reason that selectman would have an ordinance on the book, zoning has nothing and has to do something with permit event, so rather than have it go to selectman and then back to zoning, the selectman made a conscious effort and let zoning address it first. Lisa Arends asked if Mass gathering event regulations are listed somewhere for the public to refer to. Austin Tanner stated it wouldn't have to be because of the fact that it would be covered under the ordinance and would be addressed with the selectman. Deane Rettig stated if someone is going to have a mass gathering event they would be going to the selectman because it would fall under single event. Attorney Alters added that maybe there should be a footnote explaining there may be additional regulations imposed by the state, and applicants should be aware, they may be subject to additional regulation.

- V. **Discussion of Zoning Regulation proposed by Don Francis-19.4 Sale of Alcoholic Beverages.** Don Francis discussed the handout regarding the legislative changes for the sale of alcoholic beverages and what impact that would have on the town of Brooklyn. He discussed that the law

currently states one package store for every 2500 residents, The largest amount allowed by one owner is currently set at (2) the proposed changes would allow (9) which is a threat to Brooklyn because of the fact that a store owner in another town can move all his package stores, (which are called medallions) to Brooklyn and we would have more package stores than we would want. Don Francis brought this to the commission asking for a public hearing to address this issue. Ed Berthume (local package store owner) addressed the commission stating the new law does not permit the town to choose how many package stores are in town, this could allow 15 package stores within 2 miles, if this is passed. Carlene Kelleher voiced her concern about the language as to whether it would be possible to make the 3 current package stores fall under non conforming use. Making them nonconforming prohibits any external expansion of the store. Additional verbiage in the proposed law is that any lot used for the purpose of selling alcoholic beverages for off premise consumption cannot be located within a 2,000 foot radius of a school, park, playground, church or any other place of worship. Continued back and forth discussion regarding removing verbiage as to whether package stores should be located near parks, schools etc. Deane Rettig wants to limit the number of package stores to keep Brooklyn aesthetically appealing. Attorney Alters will check to see if Brooklyn can make new regulations to prevent the number of stores in town. Deane Rettig thanked Attorney Alters for his attendance at this meeting.

- VI. Adjourn:** A motion was made by Deane Rettig to adjourn the meeting at 9:58 p.m. Tom Dunlop seconds this motion. All in favor. Meeting adjourned at 9:58pm.

Respectfully Submitted,

Lisa Scribner
Recording Secretary