



## THE NORTHEAST LAW CENTER

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October 28, 2022

Michelle Sigfridson, Chair  
Town of Brooklyn  
Planning & Zoning Commission  
4 Wolf Den Road  
PO Box 356  
Brooklyn CT 06234

RECEIVED

OCT 28 2022

**Re: Application Text Amendment 22-007**

Dear Chairman Sigfridson and Planning and Zoning Commission:

I submit this letter with regard to the Application of The Little Dipper Farm LLC proposing a Text Amendment to the Brooklyn Zoning Regulations (BZR). In addition to my presentation of the application at the upcoming Public Hearing scheduled for November 2, 2022 as counsel for the applicant I offer the following for the record:

In making its decision on a Text Amendment Application, the Commission follows Section 9.E.4. of its Regulations. According to its Regulations, the consideration is limited to:

- a. Considering whether the Text Amendment will be in accordance with the comprehensive plan (the overall scheme of the zoning map and the Brooklyn Zoning Regulations) (§ 9.E.4.3.a.); and
- b. Taking into consideration the Plan of Conservation and Development, prepared pursuant to Con. Gen. Stat. § 8-23 (§ 9.E.4.3.b.)
- c. Under BZR § 9.E.4.4, before approval the Commission makes a determination whether the proposed regulation change will aid in (a) protecting the public health, safety, welfare or property values; and (b) attaining the purposes of the Brooklyn Zoning Regulations.

In general, “the discretion of a commission must be controlled by fixed standards applied to all cases of a like nature.” Sonn v. Planning Comm’n, 172 Conn. 156, 163 (1976). It is well established law in Connecticut that a Commission which “transcends the limitations set by law

### BORNER, SMITH, ALEMAN, HERZOG & CERRONE, LLC

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... are subject to review in the courts ... to the extent of determining whether or not it has acted in abuse of that discretion.” Bartram v. Zoning Comm’n of City of Bridgeport, 136 Conn. 89, 96 (1949).

Under BZR § 9.E.5.1. “whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.” “When a zoning commission states the reasons for its action, ‘the question for the court to pass on is simply whether the reasons assigned are reasonably supported by the record and whether they are pertinent to the considerations which the commission is required to apply under the zoning regulations.’” DeMaria v. Enfield Planning & Zoning Comm’n, 159 Conn. 534, 540 (1970), citing Zieky v. Town Planning & Zoning Comm’n, 151 Conn. 265, 267; George LaVaca & Sons, Inc. v. Town Planning & Zoning Comm’n, 154 Conn. 309, 311; Cameo Park Homes, Inc. v. Planning & Zoning Comm’n, 150 Conn. 672, 677.

The Commission is statutorily obligated to take into account a variety of factors when making zoning decisions and public comment is not a controlling factor. See Konigsberg v. Board of Alderman of City of New Haven, 283 Conn. 553, 591 (2007); Mallory v. West Hartford, 138 Conn. 497, 506 (1952) (the Court noted that the protests heard in public comment “should be considered by are not controlling.”); Bartram v. Zoning Comm’n, 136 Conn. 95 (decision of the Commission upheld when the application met the standards of the Zoning Regulations despite public comment in opposition).

Thank you for your consideration and attention to this application and I look forward to the presentation at the Public Hearing on November 2, 2022.

Sincerely,



Kathleen M. Cerrone

## Jana Roberson

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**From:** william gaspar <wtgaspar01@yahoo.com>  
**Sent:** Monday, October 31, 2022 10:40 AM  
**To:** Jana Roberson  
**Cc:** Austin Tanner  
**Subject:** LITTLE DIPPER PROPOSALS----PLEASE POST THIS EMAIL ON YOUR WEBSITE

Hillandale Farm, currently known as "Little Dipper LLC", is an idyllic, undeveloped crown jewel of the Town-designated "Bush Hill Historic District". In 1987, further distinctions were awarded, as the Federal Government added "Bush Hill" to the " National Register of Historic Places". The State of Connecticut then stepped forward and purchased the Development Rights to multiple pastures and fields, further providing protections from development to this important and irreplaceable farm land.

It would appear that the Town of Brooklyn has spoken with it's designation of Hillandale Farm and surrounding properties as "Bush Hill Historic District; The State of Connecticut has purchased protective Development Rights to a large agricultural portion of the Farm; The Federal Government has placed this important Farm on The National Register Of Historic Places; And the residents of Brooklyn have spoken loud and clear about their opposition to the commercial development of the fields, forests, and waterways of this historic Farm.

Our goal as Brooklyn residents and Town Officials should be to protect and preserve this wonderful Farm and natural habitat, rather than changing/modifying zoning to permit the commercial development of this "Crown Jewel" of the Bush Hill Historic District.

Respectfully,

William T. Gaspar  
Brooklyn, Ct.

**RECEIVED**

**OCT 31 2022**

## Jana Roberson

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**From:** Daniel Blanchette <daniel@jdcivilengineers.com>  
**Sent:** Tuesday, November 01, 2022 3:45 PM  
**To:** Jana Roberson  
**Cc:** Margaret Washburn  
**Subject:** Letter of Support for Text Amendment for Glamping

Good Afternoon Jana and Margaret,

I understand there is a proposed text amendment to allow "Glamping." I live nearby and am very much in favor of this. I would appreciate it if the text below could be read aloud at the meeting, or at least entered into the record somewhere.

**Dear Commission Members,**

**My name is Daniel Blanchette. I live in Pomfret at 261 Valentine Road, about a mile from the Golden Lamb, now the Little Dipper Farm. I am very much in support of this text amendment to allow Glamping in the RA zone in Brooklyn. I think it is extremely important that we maintain the rural and agricultural character of our communities. However, I also understand it is practically impossible for regular agriculture to be profitable any more. The local farms that we love and cherish are dying out, and they are forced to look into alternative business models, whether it is a farm stand, a corn maze, or some other type of tourism. I believe that Glamping will be a terrific method of bringing money into our communities, while preserving their agricultural character.**

**I would also like to state that I am a licensed civil engineer, and have a lot of experience designing large projects such as campgrounds. Personally, I have zero concerns about environmental impacts, additional traffic, noise or light pollution, etc. as a result of allowing Glamping in our communities. There are code requirements and other standards in place to ensure that these projects do not have negative effects. Any business who intends on developing a campground will have to meet those requirements, at the local, state, and possibly even the federal level. Thank you very much for taking the time to read this letter. I hope you will consider voting in favor of the text amendment to allow Glamping.**

Daniel Blanchette, PE

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| FID  | REM_OWN_NA                         | REM_PRCL_L           | REM_GIS_ID    | REM_ACCT_N |
|------|------------------------------------|----------------------|---------------|------------|
| 2397 | GOODWIN NANCY B ET ALS             | WOLF DEN RD          | CT-019-18-19  | 32100      |
| 2150 | HILLANDALE FAMILY LLC              | BUSH HILL RD         | CT-019-19-9B  | 125400     |
| 3038 | SANSOUCY PAUL                      | 248 POMFRET RD       | CT-019-26-19  | 232400     |
| 2761 | POND VIEW HOLDINGS LLC             | 420 POMFRET RD       | CT-019-27-8   | 80100      |
| 3445 | LANGEVIN LIMITED PARTNERSHIP       | 502 ALLEN HILL RD    | CT-019-31-28C | 157000     |
| 2774 | BRODEUR LUCIEN A IRREVOCABLE TRUST | 63 CREAMERY BROOK RD | CT-019-32-119 | 207000     |
| 3028 | 430 ALLEN HILL ROAD LLC            | 430 ALLEN HILL RD    | CT-019-32-128 | 228600     |
| 3324 | ROCKY RIVER REALTY CO              | DAY ST               | CT-019-43-5A  | 234400     |

AS OF 11/1/22, THE PARCELS LISTED ABOVE ARE AT LEAST 125 ACRES IN SIZE WITH AT LEAST 400' OF FRONTAGE IN THE RA ZONE.

Jana Rolerson AICP  
 DIR. OF COMMUNITY DEV'T./  
 TOWN PLANNER

## **Margaret's Report 10/31/2022**

### **Zoning Permits issued:**

**20 Franklin Drive – Stephanie & Brennan Hynes.** New 12 ft x 20 ft above ground pool and 16 ft x 32 ft deck, following recording of variance issued by the ZBA. The variance was recorded on 10/6/2022.

**14 Hugh Drive – Gary Emond.** After the fact 14' x 32' garage.

**330 Day Street – Jesse Trinqué.** Renovating existing garage to 1 bedroom, 1 bath, 729 sq ft accessory apartment. The PZC approval letter dated 10/4/22 was recorded on the Land Records on 10/12/22. Special Permit 22-004 was a modification of SP 21-003, for an accessory apartment in an existing, detached garage.

**129 Creamery Brook Road – Courtney Crofts.** New 12' x 18' galvanized steel run in shed for cattle.

**42 Hyde Road – Joe and Kelly Bellevance.** Modified free-standing sign permit to allow for the sign to be illuminated with exterior lighting directed down onto the sign from above, with 150 watts or less.

**42 Hyde Road – Joe and Kelly Bellevance.** Change of Use from single-family home to Owner-Occupied Bed & Breakfast.

**143 South Street – Loni Decelles.** New 34' x 42' horse barn with turnout area. A variance was issued for to reduce the setback from Salmon Drive, from 50 ft to 12 ft. The variance was recorded on the Land Records 9/14/2022.

### **Final Certificates of Zoning Compliance issued:**

**182 Windham Road – Nick Wells.** New single-family dwelling.

**Home Office Permits Issued:** None.

**Sign Permits issued:** None.

**ZBA Variances Granted:** None.

**Plan of Conservation and Development Update – Housing Chapter**

Sec. 8-23. Preparation, amendment or adoption of plan of conservation and development.

1. Such plan of conservation and development shall be a statement of policies, goals and standards for the physical and economic development of the municipality.
2. At least once every ten years, the commission shall prepare or amend and shall adopt a plan of conservation and development for the municipality. Following adoption, the commission shall regularly review and maintain such plan. The commission may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. The commission may, at any time, prepare, amend and adopt plans for the redevelopment and improvement of districts or neighborhoods which, in its judgment, contain special problems or opportunities or show a trend toward lower land values.
3. After completion of the public hearing, the commission may revise the plan and may adopt the plan or any part thereof or amendment thereto by a single resolution or may, by successive resolutions, adopt parts of the plan and amendments thereto.

**Sample motion**

Move to adopt the Brooklyn Housing Plan 2022-2027, originally prepared in accordance with CT General Statutes Sec. 8-30j, as an amendment to the Brooklyn Plan of Conservation and Development as described in CT General Statutes Sec. 8-23 and specifically as the new housing chapter to replace the previous chapter on housing. The amendment will become effective fifteen days from the publication of the legal notice.

**ZRC 22-007: Revisions to the Residential-Agricultural Zone to allow Glamping as a Special Permit Use with specific standards, including Section 2.B Definitions, Section 3.C.2.4. Permitted Uses in the RA Zone, and Section 6.T Standards for Glamping.**

Tonight is the opening of the public hearing for you to hear presentations and testimony regarding the proposal. You may continue the hearing to the next meeting or close it tonight. Once the public hearing is closed, no additional testimony may be received.

Below is some guidance on zoning regulation changes (i.e. text amendments):

1. In making its decision the Commission shall:
  - a. consider whether the text amendment will be in accordance with a comprehensive plan (the overall scheme of the zoning map and these Regulations), and
  - b. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS Section 8-23.
2. Before approving any Text Amendment application, the Commission shall determine that the proposed regulation change will aid in:
  - a. protecting the public health, safety, welfare, or property values, and
  - b. attaining the purposes of these Regulations.
3. In accordance with CGS Section 8-3(b), such text change(s) shall be established, changed or repealed only by a majority vote of all the members of the Commission (i.e., the full number of regular members of the Commission, not just those in attendance).
4. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reason(s) for its decision.
5. In accordance with CGS Section 8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

## PUBLIC HEARINGS

We realize that there is a large amount of evidence and testimony offered at this hearing. The applicant will present first, followed by consultants and staff comments and Commission questions. The Commission Chair will then ask for public input.

In order to move things along more efficiently, we ask that anyone from the general public wishing to speak to please sign up ahead of time. If you have not done so already there are sign-up sheets available in the front. The Chairman will be calling speakers from the sign-up sheets.

If at all possible, we also ask that you try to keep your remarks under 5 minutes so that all those that wish to speak will have an opportunity to do so within the time we have allotted for this hearing. It would be appreciated if you would not repeat any points already made but instead indicate your support for a particular point of testimony.

The commission is bound by the criteria of its regulations. Please try to keep your comments on the application focused on the criteria that we must consider.

Please keep in mind also that this is a formal hearing and that applause, or other comments from the audience are not appropriate and do a disservice to those that have the floor. The rules of the hearing require that there be no direct debate between audience members and the parties. Any questions or comments must be addressed through the Chairman.

Thank you for your cooperation in making this process as efficient and painless as possible.