

**TOWN OF BROOKLYN
ZONING BOARD OF APPEALS
SPECIAL MEETING AGENDA**

The Brooklyn Zoning Board of Appeals Commission will hold a public hearing and meeting on Thursday, December 1, 2022 at 6:30 p.m.

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

In-Person: Clifford B. Green Memorial Center, Suite 24, 69 South Main Street, Brooklyn, CT For fully vaccinated persons attending, masks are optional. For persons not fully vaccinated, masks are required.	
Online: Click link below: https://us06web.zoom.us/j/5075752217	OR Go to Zoom.us, click Sign In On the top right, click Join a Meeting Enter meeting ID: 507 575 2217 Enter meeting password: change
Phone: Dial 1 646 558 8656 US Toll Enter meeting number: 507 575 2217 Enter meeting password: change You can bypass attendee number by pressing #	

Call to Order:

Seating of Alternates:

Approval of Minutes: Regular Meeting Minutes 9/1/22

Public Hearing

Reading of Legal Notice:

1. **ZBA 22-005** – Applicants: Nicole Wineland-Thomson Fisher and Gregory Fisher, Map 18, Lot 18B, 93.4 Acres, RA Zone, proposed variance of Zoning Regulations Section 6.J.3.3 to use an existing building as an Events Facility by reducing the property line setbacks from 200 ft to 175 ft to an abutter's property line, and from 200 ft to 77 ft to a property line of other property owned by the applicants.

Public Hearing Closes

Unfinished Business:

1. **ZBA 22-005** – Applicants: Nicole Wineland-Thomson Fisher and Gregory Fisher, Map 18, Lot 18B, 93.4 Acres, RA Zone, proposed variance of Zoning Regulations Section 6.J.3.3 to use an existing building as an Events Facility by reducing the property line setbacks from 200 ft to 175 ft to an abutter's property line, and from 200 ft to 77 ft to a property line of other property owned by the applicants.

Other Business:

Adjourn:

Bruce Parsons, Chairman

ZONING BOARD OF APPEALS REGULAR MEETING MINUTES

The Brooklyn Zoning Board of Appeals held a regularly scheduled meeting and public hearings on Thursday, September 1st, 2022, at 6:30 p.m. at the Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT in-person and via Zoom, on the following:

Members Present: Bruce Parsons, Lucien Brodeur, Stephen Mylly, Adam Brindamour and Ryan Cheverie (Alternate/Resigned).

Members Absent: William Macnamara with notice.

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer.

Also Present: Paul Archer, Stephanie Hynes, Megan Bein, Loni Decelles, James Rand, Andrew Clark and Mark Putnam.

Call to Order: The meeting was called to order at 6:30 p.m.

Seating of Alternates: None

Approval of Minutes: Regular meeting Minutes July 7th, 2022.

Reading of the Legal Notice:

Chairman Parsons read the legal notice into the record.

Public Hearings:

- 1. ZBA 22-003 Stephanie Hynes, 20 Franklin Drive, Map 33, Lot 16, .49 Acres, R30, for a variance of the Zoning Regulations,** requesting variance of section 3.B.5.2 to reduce the minimum rear yard setback from 50 feet to 36.2 feet to construct a pool.

Public Discussion:

Paul Archer from Archer Surveying, along with homeowner Stephanie Hynes.

Paul Archer – Stated that back in October Stephanie hired a pool contractor and thought they pulled all the permits.

Paul Archer – Surveyed the pool, property lines Archer believes pool meets regs. Margaret Washburn disagrees. Paul asked that Margaret Washburn deny the application. She would not do this. Paul stated that minutes from the last meeting mention that the regulations need to be clarified.

Lucien Brodeur – The commission did ask for clarification.

Paul Archer – Thinks that the pool is an accessory structure. There are no regs for accessory structures. This is the easiest way to ask for a variance from the rear setback. From 50' to 36.2'.

Bruce Parson – You have this down Paul, but it is not Margaret's fault. Margaret has to enforce based on what she has been told and what is in the regs.

Lucien Brodeur – Feels being here was a waste of time.

Paul Archer – Submitted the certificates of mailings to Margaret Washburn.

Megan Bein of 12 Franklin Dr has no objections to the pool's location.

Public Hearing closed at 6:39pm

Public Hearing opened at 6:40pm

2. ZBA 22-004 Loni Decelles, 143 South Street, Map 40, Lot 88-11, 3.22 Acres. RA.

Construction of a horse barn and turnout area. Variance being requested is 12 ft in lieu of 50 ft required.

Public Discussion:

To build an accessory structure in a front yard according to Town definition. Loni Decelles refers to it as a side yard.

Lucien Brodeur – The wetlands is a constraint on the location of the barn.

Bruce Parson – Asked how big is the barn?

Loni Decelles – The barn will be 34' x 42' with the height of 24'. It is located 24' off the curb.

Mark Putnam - 25 Salmon Drive. Has an issue with wetlands committee where the manure ends up. If the wetlands committee has a problem, then they will have to address it.

Loni Decelles – Spoke to two companies today regarding containerized manure removal due to the river being at the edge of the property.

James Rand – 42 Salmon Drive – James has spoken to Loni several times regarding future use. Currently Loni has two of her own horses and boards two horses. If she was to sell her home and someone else was to take over what happens then?

Margaret Washburn – It is exempt as an as-of right of use. Loni wants a larger area giving her more control. Also, further away from the wetlands. As well as selective tree harvesting. The boulders and stumps will be removed off site. The shelters that are currently there will be removed.

Lucien Brodeur – Have you received any negative intentions from the neighbors?

Loni Decelles – No, I have received mostly questions regarding the project.

Mark Putnam – Commented it smells.

Loni Decelles – It is agriculture.

Andrew Clark – If the horses are already there, they will have a better place to rest at night.

Loni Decelles – Explained that she had to move the horses in an emergency situation now they are here to stay and wants to make the necessary improvements. The project is going to cost around \$150K - \$200K and wants to be able to better manage it.

Bruce Parsons – This would be better protection for the horses. Are you planning on clearing between the barn and the road?

Loni Decelles – Stated that I am still working on that with the highway foreman.

Loni Decelles – Showed the plan to Mr. Putnam.

Mark Putnam – Response I have the First Selectman's phone number.

Public Hearing Closes: 6:57 PM

Unfinished Business:

- 1. ZBA 22-003 Stephanie Hynes, 20 Franklin Drive, Map 33, Lot 16, .49 Acres, R30, for a variance of the Zoning Regulations,** requesting variance of section 3.B.5.2 to reduce the minimum rear yard setback from 50 feet to 36.2 feet to construct a pool.

Motion:

Adam Brindamour – Doesn't think it should be a variance and it should be allowed.

Lucien Brodeur – motioned to approve the variance for **ZBA 22-003 Stephanie Hynes, 20 Franklin Drive, Map 33, Lot 16, .49 Acres, R30, for a variance of the Zoning Regulations**, requesting variance of section 3.B.5.2 to reduce the minimum rear yard setback from 50 feet to 36.2 feet to construct a pool. Believes it meets requirements of the regulations. Seconded by Adam Brindamour. No discussion held. All in favor. The motion passed unanimously.

Margaret Washburn – explained that the decision has to be recorded at the Town Clerks Office, proof submitted to the Land Use Office before a zoning permit can be issued.

3. ZBA 22-004 Loni Decelles, 143 South Street, Map 40, Lot 88-11, 3.22 Acres. RA.

Construction of a horse barn and turnout area. Variance being requested is 12 ft in lieu of 50 ft required.

Motion:

Adam Brindamour – Asked are AG barns exempt?

Margaret Washburn – The use of the barn may be exempt, but the structures must meet regulations.

Lucien Brodeur – motioned to approve the variance for **ZBA 22-004 Loni Decelles, 143 South Street, Map 40, Lot 88-11, 3.22 Acres. RA.** Construction of a horse barn and turnout area. To reduce setback from 50ft to 12 ft off of Salmon Drive. Seconded by Steve Mylly. No discussion held. All in favor. The motion passed unanimously. Hardship is wetlands.

Other Business:

Adjourn: Meeting closed at 7:07 pm, motioned by Stephen Mylly, seconded by Adam Brindamour. No discussion held. All in favor. The motion passed unanimously.



Lisa M. Lindia, Recording Secretary

**TOWN OF BROOKLYN
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

The Brooklyn Zoning Board of Appeals will hold a public hearing on Thursday, December 1, 2022 at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street Brooklyn, CT, in-person and virtually via Zoom, on the following application:

ZBA 22-005 – Applicants: Nicole Wineland-Thomson Fisher and Gregory Fisher, Map 18, Lot 18B, 93.4 Acres, RA Zone, proposed variance of Zoning Regulations Section 6.J.3.3 to use an existing building as an Events Facility by reducing the property line setbacks from 200 ft to 175 ft to an abutter's property line, and from 200 ft to 77 ft to a property line of other property owned by the applicants.

Interested persons may appear and be heard. Written communications will be accepted. A copy of the application is available on the Town of Brooklyn website and at the Land Use office. Zoom meeting information will be included on the December 1, 2022 Zoning Board of Appeals Agenda.

Bruce Parsons, Chairman
Zoning Board of Appeals

**BROOKLYN ZONING BOARD OF APPEALS
APPLICATION FORM**

FEE: \$250.00 / STATE FEE: \$60 / PUBLICATION FEE: \$180 CHECK# CC \$460.00

APPLICATION # ZBA 22-005 DATE SUBMITTED 10/13/22

APPLICANT: Nicole Wineland-Thomson Fisher and Gregory Fisher

MAILING ADDRESS: 53 Barnard Ave, Watertown, MA 02472

PROPERTY OWNER: (if different) Please see attached.

MAILING ADDRESS: Please see attached.

PROPERTY LOCATION: Wolf Den Road

MAP: 18 LOT: 18B ACRES: 93.4

ZONE: R-10 R-30 (RA) VC R-10 NB PC RB MMU I (circle one)

Is Property within 500' of a municipal boundary? No.

Application is submitted for approval of the following (check all that apply):

☒ Variance of the Zoning Regulations, Section(s) 6, J, 3, 3

The variance being requested is To reduce the property line setback from 200ft. to 77ft. for an existing building.

☐ Appeal of an order, requirement or decision of the ZEO under Sec. 9.G.1. of the Brooklyn Zoning Regulations.

☐ Locational Approval for the dealing in or repairing motor vehicles (CGS 14-54), motor vehicle recycler's yard or motor vehicle recycler's business (CGS 14-67i), or sale of gasoline or other product intended for use in the propelling of motor vehicles using combustion type engines (CGS 14-321).

Complete Description of Project (attach additional sheets if necessary):

Please see attached.

Specify the hardship if applying for a variance. A hardship cannot be strictly financial and must be related to the condition of the land. HARDSHIP - As recognized by the law:

- (1) When a property cannot be used in a manner permitted in the zone in which that property is located due to its unique shape, topography, or other inherent condition.
- (2) Being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable permitted use.

- (3) A hardship must be unique to the property, in that it is a characteristic that is not exhibited by other properties in the area or in the zone, and one that makes it appropriate for special treatment.
- (4) A hardship must not be merely financial, which is personal and not inherent in the property itself, nor is the personal hardship of the owner, such as age or family condition, a legal hardship.
- (5) A hardship must not have been created by the owner or the predecessor in title, such as by dividing a parcel to create lots which cannot support the desired use; by creating a topographic condition by excavation, fill, or other measures which render the property unusable for its highest use without a variance; or by building a structure which, for whatever reason, violates a current zoning regulation.

Please see attached.

The following information must accompany each application at the time of submittal:

1. A plot plan prepared as determined by the ZBA, either:
 - by a licensed land surveyor, to A-2 survey standard OR
 - not an A2 survey but sufficiently accurate to allow the members to reach an informed decision.
2. A copy of the permit denial from the Zoning Officer.
3. Check payable to the Town of Brooklyn.
4. If the proposed activity is located within a Drinking Water Supply Aquifer Area (see attached map) then the Public Water Supply Aquifer Area Project Notification Form must be completed and attached to the application.

NOTE:

- It is the responsibility of the applicant to contact the Building Inspector, Inland Wetlands and Watercourses Agent and Fire Marshal to determine if other permits are required.
- See Sec. 9.G.1. of the Brooklyn Zoning Regulations for the powers and duties of the Board and the criteria for decision-making regarding variances. All criteria must be addressed in the information provided to the Board.
- Posting of the property with signs and notifying abutters 15 days prior to hearings for variances is not required but may be done voluntarily in the interest of transparency.
- **Lack of accurate information may cause the Board to deem that the application is an incomplete application and may be grounds for denial.**

**SUBMIT APPLICATIONS TO THE BROOKLYN LAND USE OFFICE, 69 SOUTH MAIN STREET,
SUITE 23 BROOKLYN, CT 06234.**

The undersigned applicant(s) and owner(s) hereby state that the information contained in this application and in all documentation provided is complete, true and accurate to the best of my/our knowledge.

Applicant

10/25/22

Date

Property Owner

10/25/22

Date

Map 18 Lot 18B Wolf Den Road
List of Property Owners and their Addresses

Nicole Wineland-Thomson Fisher, Trustee of the Nicole Wineland-Thomson Trust
53 Barnard Avenue Watertown, MA 02472

and

Warwick Thomson, Trustee of the Barrier Realty Trust
68 Forest Street Unit B Watertown, MA 02472

BROOKLYN ZONING BOARD OF APPEALS
Application for Map 18, Lot 18B, Brooklyn, CT 06234

Complete description of project / specification of hardship:

We plan to seek a special permit for the existing barn and property to be used as an event facility. In order to comply with the special permit, the building must be 200' from the neighbor's abutting property. The existing barn, which will be used for events, is currently 175' from the property line of the Booth's. This is 25' short of the 200' requirement. When we purchased the property, the barn was already existing on site and built by the previous owners, so we are kindly asking for a reduction of the property line setback from 200' to 175'.

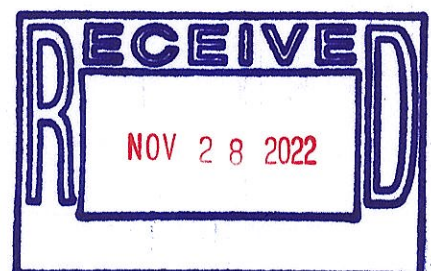
The hardship we are experiencing is that we are unable to obtain the special permit with the current location of the barn and the requirements from the town of Brooklyn. The barn automatically sits too close to the property line by 25' and was built this way by the prior owners. If we can reduce the setback by 25', we would be able to continue our journey to obtain the special permit. We can show to the board that a variance was approved. We cannot submit our application for a special permit unless the variance is approved.

In addition, we are requesting to reduce the setback from 200' to 77' for the internal property line. As it turns out, we have two lots. One lot has the barn, and the other lot has the house. There also needs to be a setback reduction for this property line between the two.

Please see our survey for details on the existing barn and current property line(s).

Thank you,

Nicole + Gregory



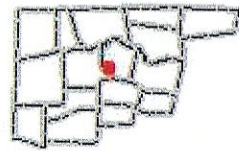
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99 00		Vacant Land Vacant																											
Style: Model Grade: Stories: Occupancy Exterior Wall 1 Exterior Wall 2 Roof Structure: Roof Cover Interior Wall 1 Interior Wall 2 Interior Flr 1 Interior Flr 2 Heat Fuel Heat Type: AC Type: Total Bedrooms Total Bthrms: Total Half Baths Total Xtra Fixtrs Total Rooms: Bath Style: Kitchen Style:			<div> <div>CONDO DATA</div> <table> <tr> <td>Parcel Id</td> <td></td> <td>C</td> <td></td> <td>Owne</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>B</td> <td>S</td> </tr> </table> <div> <table> <tr> <td>Adjust Type</td> <td>Code</td> <td>Description</td> <td>Factor%</td> </tr> <tr> <td>Condo Flr</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Condo Unit</td> <td></td> <td></td> <td></td> </tr> </table> </div> </div>			Parcel Id		C		Owne						B	S	Adjust Type	Code	Description	Factor%	Condo Flr				Condo Unit			
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BUILDING SUB-AREA SUMMARY SECTION																													
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Ttl Gross Liv / Lease Area		0	0	0	0	0																							

No Sketch



Necog GIS Site

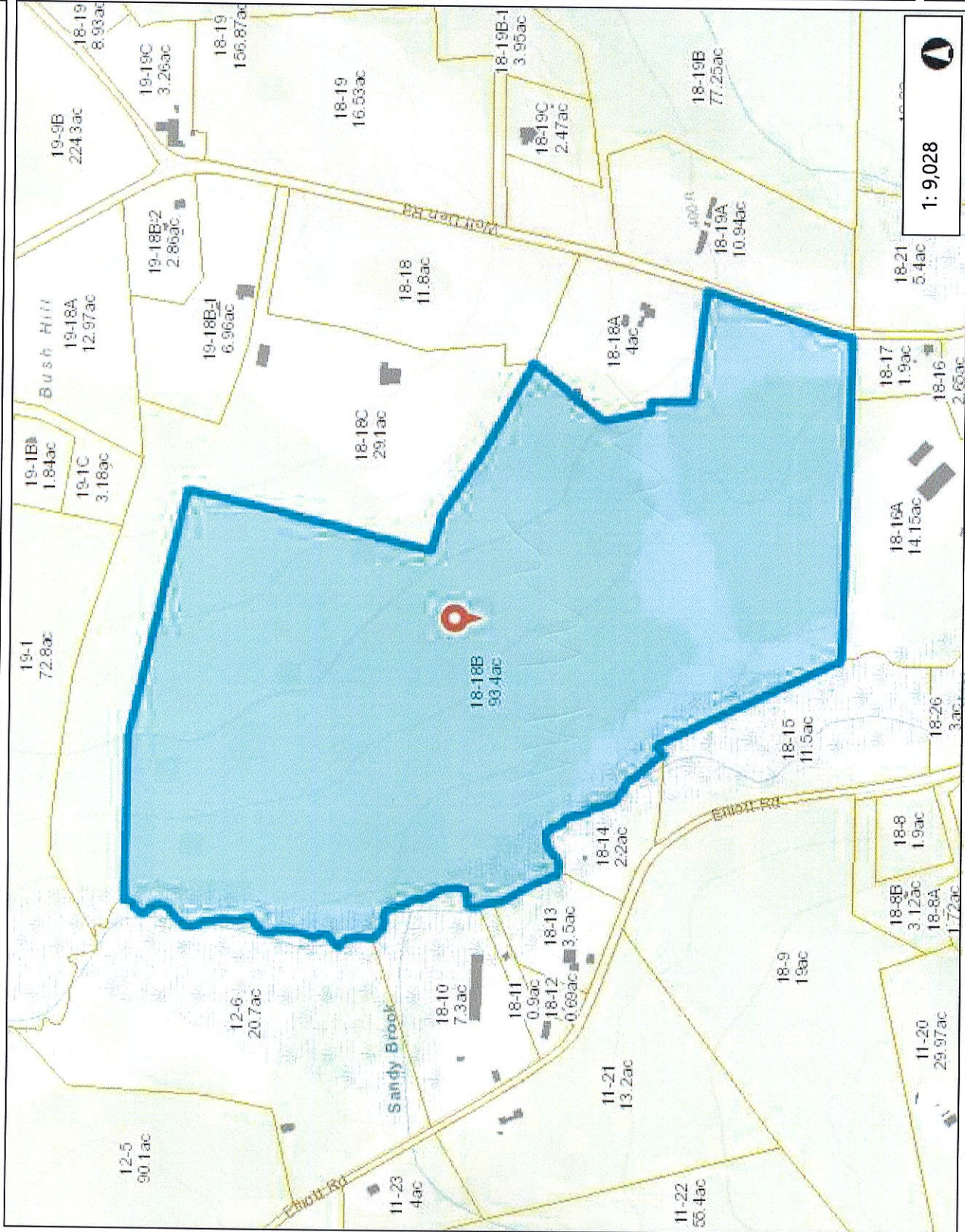
necog



- Legend**
- Town
 - Buildings 2012
 - Parcels

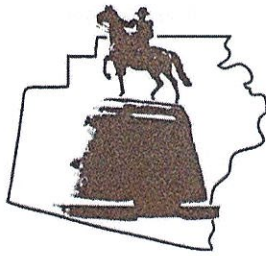
Notes

Map 18 Lot 18B



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



Brooklyn Land Use Department

69 South Main Street
Brooklyn CT 06234
(860) 779-3411 x 31

Inland Wetlands_____

Zoning Enforcement ☒

Blight Enforcement_____

SITE INSPECTION NUMBER

1 2 3 4 5

Map 18 Lot 18B

Address

10/20/22

Date

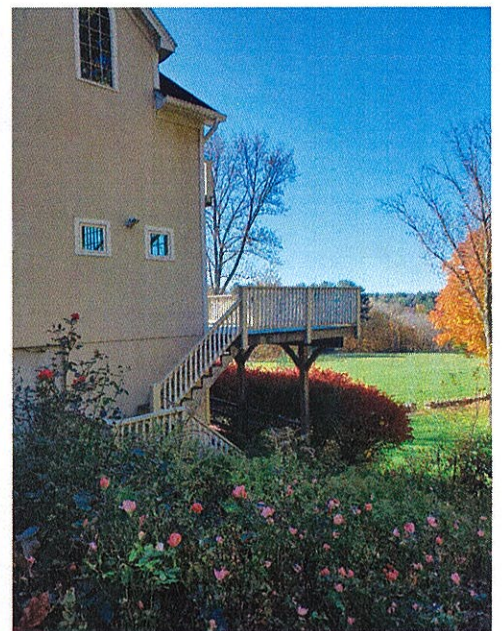
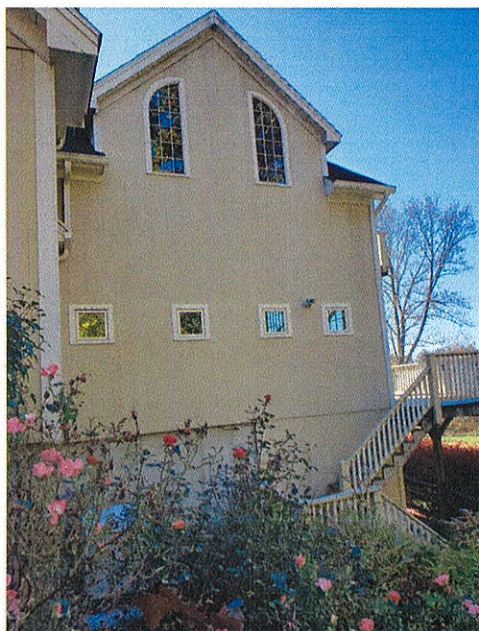
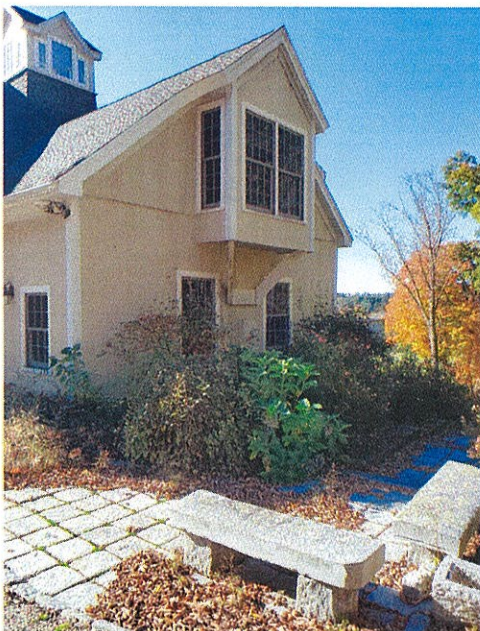
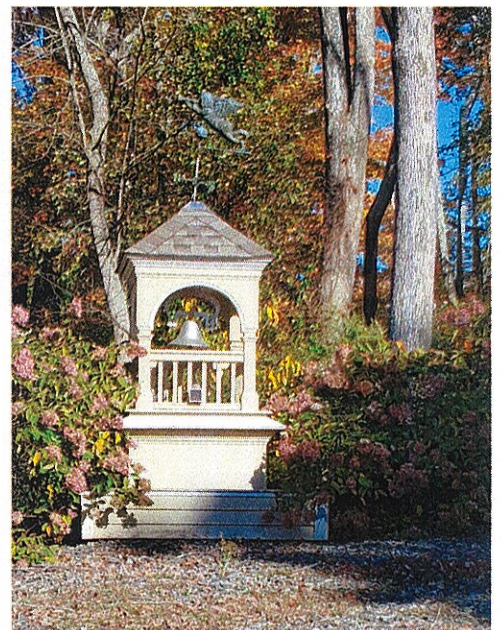
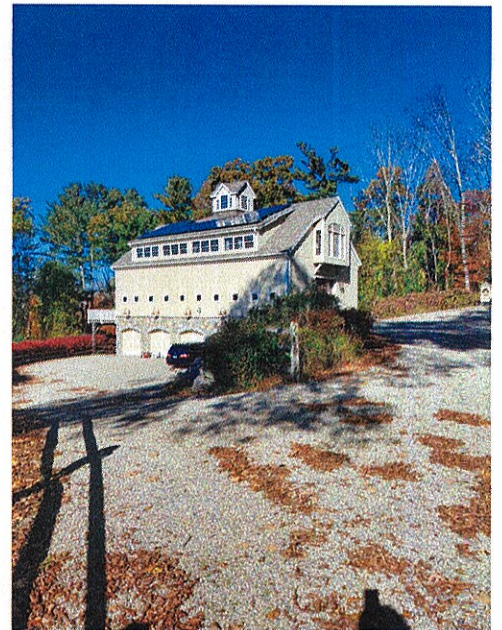
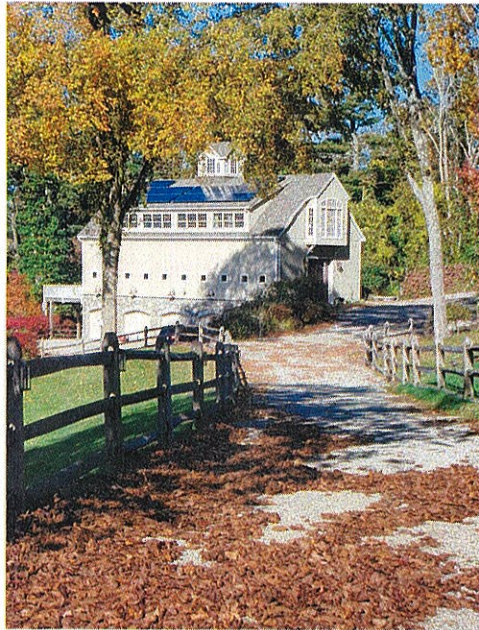
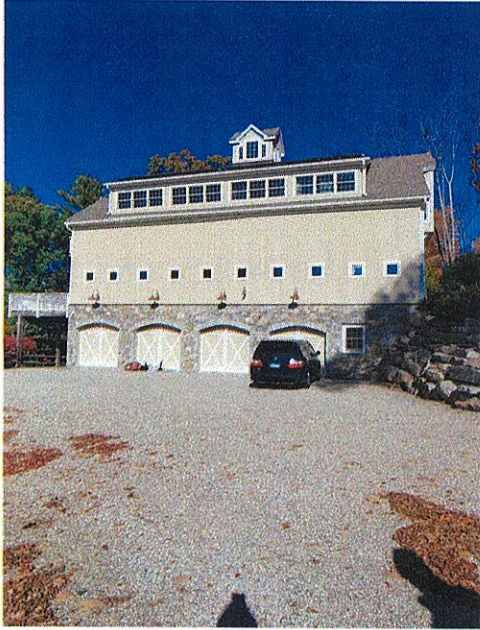
I met Greg Fisher, inspected and took photos for a ZBA application for a variance.

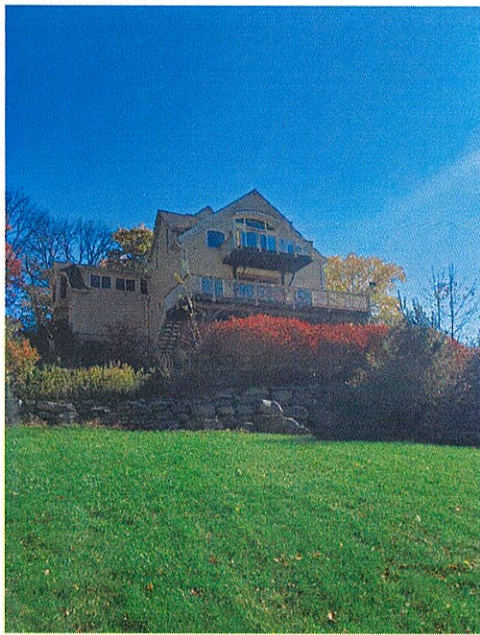
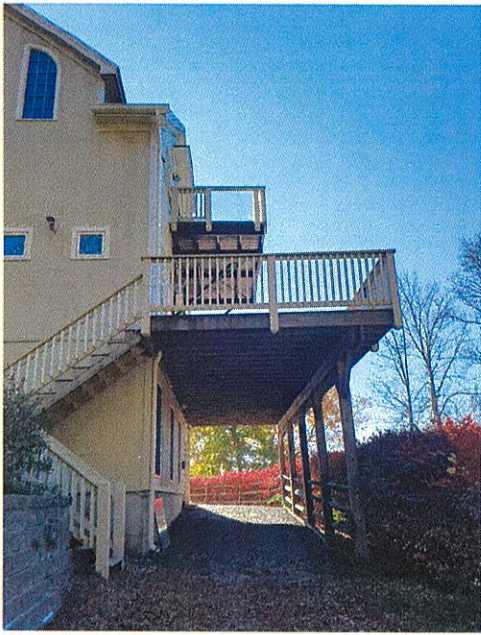
Two variances for property line setbacks for an existing building will be needed, one for 175' to an external property line, and a second one for 77' to an internal property line for 459 Wolf Den Road.

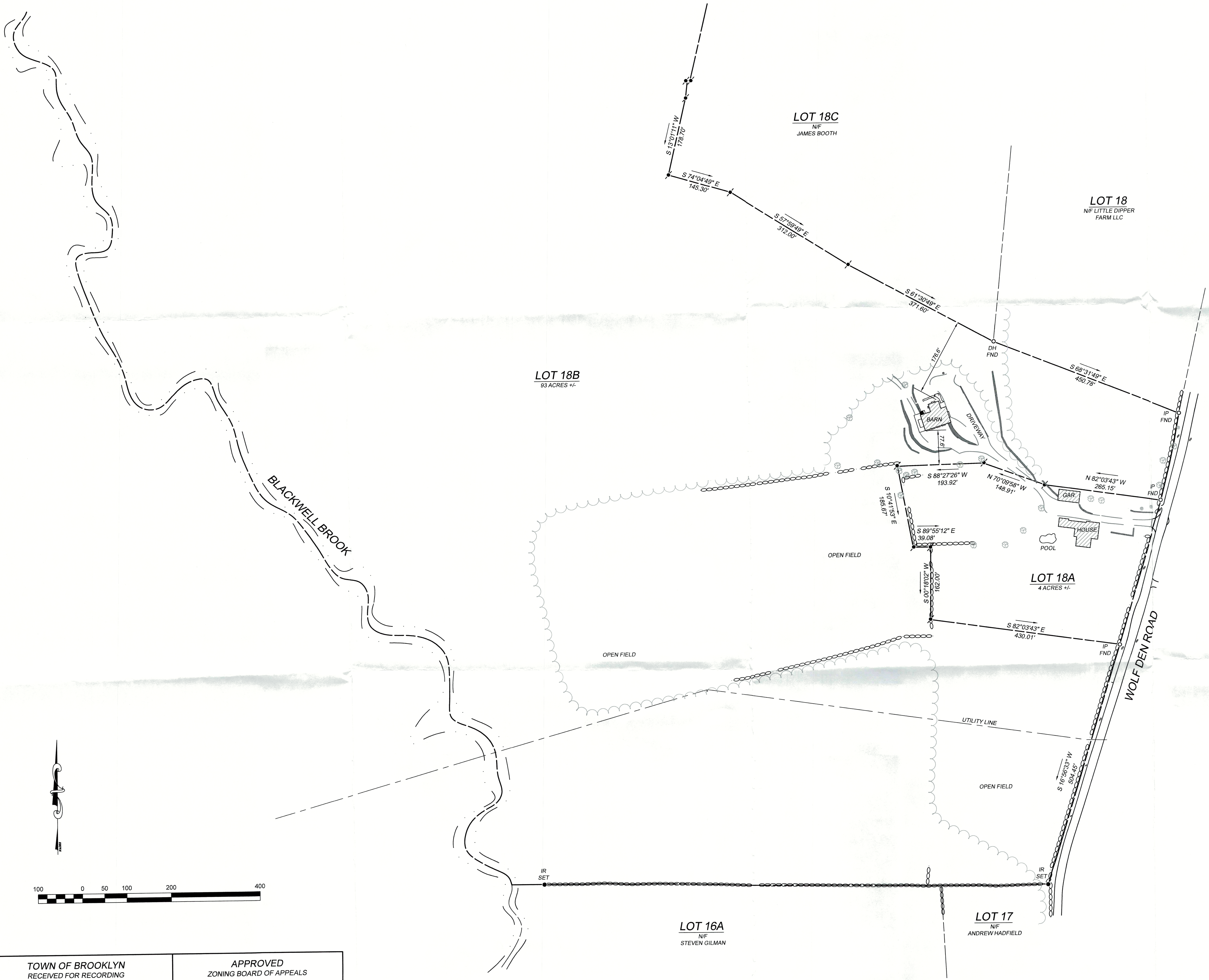
The regulations call for a 200' setback for an event facility to any property line.

Commission Representative M. Washburn.

Owner or Authorized Signature _____







SURVEY NOTES

1. THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARD FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.

SURVEY TYPE: PROPERTY SURVEY

BOUNDARY DETERMINATION CATEGORY: FIRST SURVEY / DEPENDENT RESURVEY

HORIZONTAL ACCURACY: CLASS A2

PURPOSE: OBTAIN A VARIANCE FROM THE ZBA

2. REFERENCE PLANS:
(A) COMPILATION PLAN / PROPERTY SURVEY PREPARED FOR HILLDALE FAMILY LIMITED PARTNERSHIP, WOLF DEN ROAD BROOKLYN CONNECTICUT SCALE: 1" = 160' DATE 3/7/2007 SHEET 1 OF 1 BY KWP ASSOCIATES
(B) PLAN OF LAND TO BE CONVEYED TO JUDITH C. TOLDORF OF WOLF DEN ROAD BROOKLYN, CONNECTICUT. SCALE: 1" = 40' DATE SEPT/1970 KIETLYKA & WOODIS LAND SURVEYORS

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

John A. Bartolomei 10/25/22 17244
JOHN A. BARTOLOMEI DATE LICENSE #

THIS MAP IS NOT VALID WITHOUT A LIVE SIGNATURE
© 2022 J&D CIVIL ENGINEERS, LLC

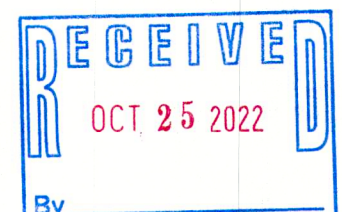
ZONING INFORMATION:
ZONE: RESIDENTIAL AGRICULTURAL
MINIMUM LOT AREA: 87,120 SF (2 ACRES)
MINIMUM FRONTAGE: 150'
MINIMUM FRONT YARD: 50'
MINIMUM SIDE YARD: 40'
MINIMUM REAR YARD: 50'

PROPERTY OWNER
NICOLE WINELAND-THOMPSON FISHER
AND WARWICK THOMPSON

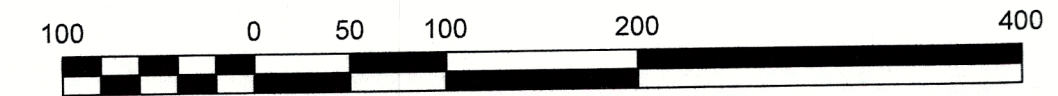
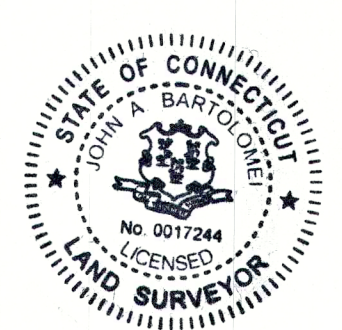
REFERENCE DEED
BROOKLYN LAND RECORDS
VOL. 699 PG. 168

ASSESSORS REFERENCE
MAP 19 - BLOCK 18 - LOT 18B

- LEGEND**
- IRON ROD OR DRILL HOLE TO BE SET
 - ANGLE POINT
 - EXISTING IRON ROD DRILL HOLE
 - EXISTING PROPERTY LINE
 - ABUTTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - BUILDING SETBACK
 - EDGE OF EASEMENT
 - STONE WALL
 - UTILITIES
 - TREELINE
 - EDGE OF WATER



PROPERTY SURVEY PREPARED FOR NICOLE WINELAND 459 WOLF DEN ROAD, BROOKLYN, CT	
J&D CIVIL ENGINEERS, LLC 401 RAVENELLE ROAD N. GROSVENORDALE, CT 06255 860-923-2920	
DESIGNED: APS CHECKED: JAB	REVISIONS: 2022-10-20 ADD DIMENSION
JOB NO: 22172	DATE: OCTOBER 18, 2022
SCALE: 1" = 100'	SHEET: 1 OF 1



TOWN OF BROOKLYN RECEIVED FOR RECORDING		APPROVED ZONING BOARD OF APPEALS	
TOWN CLERK	DATE	CHAIRMAN	DATE



SURVEY NOTES:

1. THIS MAP HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARD FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996.

SURVEY TYPE: TOPOGRAPHIC AND GENERAL LOCATION

HORIZONTAL ACCURACY: CLASS B
VERTICAL ACCURACY: CLASS T2

PROPERTY LINES DO NOT EXPRESS A BOUNDARY OPINION.

2. TEST PIT AND PERC TEST LOCATIONS HAVE BEEN COMPILED, IN PART, BASED UPON INFORMATION FURNISHED BY OTHERS. THIS INFORMATION IS TO BE CONSIDERED APPROXIMATE AND J & D CIVIL ENGINEERS DOES NOT TAKE RESPONSIBILITY FOR SUBSEQUENT ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED INTO THIS PLAN AS A RESULT.

3. REFERENCE PLAN:
(A) COMPILATION PLAN / PROPERTY SURVEY PREPARED FOR HILLANDALE FAMILY LIMITED PARTNERSHIP, WOLF DEN ROAD BROOKLYN CONNECTICUT SCALE: 1" = 160' DATE 3/7/2007 SHEET 1 OF 1 BY KWP ASSOCIATES
(B) PLAN OF LAND TO BE CONVEYED TO JUDITH C. TOLDORF OF WOLF DEN ROAD BROOKLYN, CONNECTICUT. SCALE: 1" = 40' DATE SEPT/1970 KIELTYKA & WOODIS LAND SURVEYORS

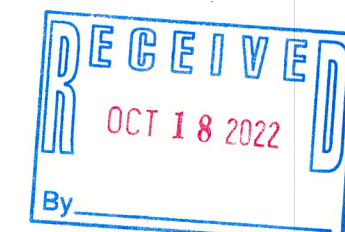
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

Dennis R. Blanchette 12107
DENNIS R. BLANCHETTE DATE 9/12/22 LICENSE NUMBER

THIS MAP IS NOT VALID WITHOUT A LIVE SIGNATURE
© 2022 J&D CIVIL ENGINEERS, LLC

LEGEND

	BUILDING SETBACK LINE
	PROPERTY LINE
	EXISTING CONTOUR LINE
	PROPOSED CONTOUR LINE
	EDGE OF WETLANDS
	WETLAND BUFFER/UPLAND REVIEW AREA
	EROSION CONTROL DEVICES
	TEST PIT
	LEACHING TRENCH
	STONEWALL
	UTILITIES
	TREELINE
	FENCE



SITE DEVELOPMENT PLAN PREPARED FOR NICOLE WINELAND 459 WOLF DEN ROAD, BROOKLYN, CT MAP 1S - LOTS 1S & 18A	
J&D CIVIL ENGINEERS, LLC 401 RAVENELLE ROAD N. GROSVENORDALE, CT 06255 860-923-2920	
DESIGNED: DDB CHECKED: DRB	REVISIONS:
JOB NO: 22172 SCALE: 1" = 40'	DATE: SEPTEMBER 12, 2022 SHEET: 1 OF 1

