

**TOWN OF BROOKLYN
 PLANNING AND ZONING COMMISSION
 Regular Meeting Agenda - REVISED
 Wednesday, April 7, 2021
 6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com Click sign in On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First	Phone Dial 1-415-655-0001 Enter meeting number: 126 815 8731 Enter meeting password: 34778 You can bypass attendee number by pressing #

- I. Call to Order**
- II. Roll Call**
- III. Seating of Alternates**
- IV. Adoption of Minutes:** Regular Meeting March 3, 2021
- V. Public Commentary**
- VI. Unfinished Business:**
 - a. **Reading of Legal Notice:**
 - b. **New Public Hearings:**
 - c. **Continued Public Hearings: None.**
 - d. **Other Unfinished Business:**
 - 1. **SD 20-003 & SD 20-004** – Proposal to extend the subdivision filing deadline an additional 90 days (Applicant: David and Nancy Bell, Church Street and Prince Hill Road subdivisions).
 - 2. **SD 20-005** – Proposal to extend the subdivision filing deadline an additional 90 days (Applicant: VBL Properties, LLC, Beecher Road subdivision).
- VII. New Business:**
 - a. **Applications:**
 - 1. **GBR 21-001** – Application to renew **SPG 19-001 Gravel Special Permit** - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor’s Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yards of rock.
 - 2. **Request for Waiver of Special Permit Requirement as per Sec. 4.D.6.4.c** - 17 South Main St., Requestor: JMN Properties, LLC, d.b.a. The Ice Box, proposed restaurant (fast food) in existing building.
 - 3. **(if waiver is approved) SPR 21-001** – Site Plan Review for 17 South Main St., Applicant: JMN Properties, LLC, d.b.a. The Ice Box, proposed restaurant (fast food) in existing building.
 - b. **Other New Business:**
 - 1. **Enforcement SPG 20-001:** Cease & Desist Order (C&DO) issued to Paul Lehto for violations of the Gravel Special Permit conditions, scheduling of hearing as per Sec. 9.D.8.5 of the Zoning Regulations.
 - 2. Discussion: Contractor’s yards, outdoor dining, expansion of self-storage facilities.

VIII. Reports of Officers and Committees:

- a. Staff Reports
- b. Budget Update
- c. Correspondence.
- d. Chairman's Report

IX. Public Commentary

X. Adjourn

Michelle Sigfridson, Chairman

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, March 3, 2021
6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com Click sign in On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First	Phone Dial 1-415-655-0001 Enter meeting number: 126 815 8731 Enter meeting password: 34778 You can bypass attendee number by pressing #

MINUTES

I. Call to Order – Michelle Sigfridson, Chair, called the meeting to order at 6:37 p.m.

II. Roll Call – Carlene Kelleher, Austin Tanner, Earl Starks, Allen Fitzgerald, Charles Sczuroski, Michelle Sigfridson.

Staff Present: Jana Roberson, Director of Community Development; Richard Ives, First Selectman and ex officio Member of the Planning and Zoning Commission.

Also Present: Robert Perry; Richard Klingensmith.

III. Seating of Alternates – None.

IV. Adoption of Minutes: Regular Meeting February 3, 2021

Motion was made by A. Fitzgerald to approve the Minutes of the Regular Meeting of February 3, 2021, as presented. Second by C. Sczuroski. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

V. Public Commentary – Ms. Sigfridson asked if there were any comments from the public and she checked to see if there were any callers. There were no callers.

VI. Unfinished Business:

a. **Reading of Legal Notice:** The Legal Notice for ZC 21-001 was read aloud by J. Roberson.

b. **New Public Hearings:**

1. **ZC 21-001** – Zone Boundary Change from R-30 to RA; Robert Perry, Location: 202 South Street, Three acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13).

Robert Perry represented himself and explained that he is purchasing 202 South Street (under deposit) and would like to be able to have a couple of horses for his grandchildren who are learning how to ride.

J. Roberson explained that the previous owner was able to acquire some of the history of animals/livestock on the property. There is a letter from a former occupant who stated that they had many types of livestock/farm-related animals on the property over the years (including photos of ponies/goats/chickens). She

explained that Mr. Perry is aware that re-zoning this property would reduce the future development potential of this parcel. It is down zoning which will decrease the use. It is currently R-30 and sub-dividable and if changed to RA, it will no longer be eligible for subdivision, but he would be able to have agriculture which is what he wishes to do. Ms. Roberson compared this proposal to another recent zone change on Christian Hill Road. Ms. Roberson stated that there are a lot of livestock-related structures on this property and she is not aware of any problems.

Ms. Roberson displayed an aerial photo (Google Earth) showing the parcel. She orientated the area indicating the different zone boundaries. She also indicated some of the animal shelters that are on the property. This property is on the edge of the R-30 Zone.

There was discussion regarding zone boundaries. C. Kelleher stated that she sees no problem that would be caused by making this change. Margaret Washburn stated that she supports the change. A. Fitzgerald stated he has no problem with it. Richard Klingensmith stated that he thinks it is a wonderful idea.

Ms. Sigfridson checked to see if there were any callers for public comment. There were none.

Motion was made by C. Kelleher to close the public hearing for **ZC 21-001** – Zone Boundary Change from R-30 to RA; Robert Perry, Location: 202 South Street, Three acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13). Second by A. Fitzgerald. No discussion.
Roll Call Vote: A. Tanner - yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

c. Continued Public Hearings: None.

d. Other Unfinished Business:

1. **ZC 21-001** – Zone Boundary Change from R-30 to RA; Robert Perry, Location: 202 South Street, Three acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13).

Motion was made by A. Fitzgerald to approve **ZC 21-001** – Zone Boundary Change from R-30 to RA; Robert Perry, Location: 202 South Street, Three acres at the intersection of South Street and Fortin Drive (Map 40, Lot 13) with the finding that it is suitable for the location, will aid in the protection of protect public health, safety, welfare, and property values and is consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The zone boundary change shall become effective 15 days from the date of publication on the website.

Second by A. Tanner.

There was discussion regarding the protection of public health, safety and welfare. Ms. Roberson explained that it is criteria outlined in the Statutes/Regulations. Ms. Sigfridson noted that the PZC should be trying to ensure these things when changing the Map and that supporting agriculture is consistent with the POCD.

Roll Call Vote: E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

There was discussion with Mr. Perry. He will notify Ms. Roberson of the closing date.

2. Discussion with Margaret Washburn, ZEO/WEO/Blight.

- Ms. Washburn discussed her concerns regarding the issue of contractors' yards which are now only allowed in the Industrial Zone (which is basically inaccessible). There are currently at least three contractors who seem to be running illegal contractors' yards. She noted that if contractors are wanted in Town, they need to have a place to legally have their yards. She asked that the Commission give this consideration.

Ms. Washburn described the following situations where she feels she may have to do some enforcing:

- 1) 36 Paradise Drive where a paving business is being run with no zoning permit. She referred to Google Earth images which have shown many pieces of equipment there.
- 2) Route 6 where a contractor bought a house (blighted) to fix up and he keeps his equipment on the property (including large, above-ground fuel storage tanks). He keeps his equipment on each job that he is currently working on, like a roving contractor's yard.
- 3) Another instance in the VC Zone running a lumber processing operation for commercial purposes. There is a trailer on the property.

Ms. Washburn stated that it is her understanding that there are others that she is not aware of.

Ms. Washburn explained that she had discussed with Ms. Roberson the possibility of Home Enterprise as a route to getting some of them approved. Fencing could be required so it would not be visible from the road.

Mr. Ives expressed his opinion that perhaps the Commission should revisit this. He feels that perhaps it could be allowed in the RA Zone with a special permit, but he does not agree with allowing it as a Home Business in any of the zones.

Ms. Kelleher expressed her opinion that she would rather see it as a specific permitted use and is in favor of revisiting this issue. She noted that Ms. Roberson had drafted some language, but the Commission had decided to put it off to a later date.

Ms. Sigfridson agreed that Ms. Kelleher made a good point. She also commented that if the requirements of Home Enterprise were met, they could apply for a Home Enterprise permit (it is special permit). She stated that discussion could be put on the agenda for the next meeting.

Mr. Fitzgerald commented that the house on Route 6 is not getting fixed up, it looks terrible and he feels that it is not fair to the other businesses along Route 6 to allow that to continue.

Mr. Tanner stated agreement with Ms. Kelleher as he feels that special permit is cumbersome and costly.

There was discussion about the location of the Route 6 property. Ms. Roberson displayed the Zoning Map and identified the property as a yellow

house visible from Route 6. Ms. Roberson will discuss this site with Ms. Washburn at a later time.

Ms. Roberson explained that the language that she had drafted for Home Enterprise was written specifically to accommodate the most intensive home businesses and were unique in allowing home enterprises (as it was outlined), but it doesn't work for everyone. She noted that contractors are a big part of our local economy and we need to look at this as part of accommodating local businesses. On the other hand, it doesn't mean that everyone who is doing what they are doing now will be allowed to continue (some have properties that are inappropriate, could be the neighborhood or parcel size, just may not work there). She will prepare information for the next meeting. Agreement was expressed by Ms. Kelleher, Mr. Tanner and Ms. Sigfridson.

- Mr. Tanner asked about an issue with the Ice Box.
Ms. Roberson explained that a building permit (for a smoke hood and other interior renovations) had been issued mistakenly for the building to the side of the Ice Box. The building permit was pulled. There was a misunderstanding regarding what uses had already been permitted. The hope is that they will apply for a special permit to expand their business. Mr. Ives stated that they are in discussion with attorneys and he suggested that it may be a good idea for the Commission to have this discussion at the next meeting (possibly executive session if it has not been resolved). Mr. Ives will attend the next PZC meeting.

Commission Members, as well as Mr. Ives, expressed appreciation for Ms. Washburn's work.

3. **SD 20-005 mod** – Proposal to modify conditions for 5-lot Subdivision on the south side of Beecher Road.

Ms. Sigfridson noted that this subdivision had been recently approved by the PZC. J. Roberson explained that when conditions of approval are drafted for subdivisions, there are conditions that are tied to certain points in time. She explained that Paul Archer discovered that he could not set the property corners before the mylars were recorded because the ground was frozen. She noted that this may not be necessary because the ground is now thawing rapidly. Mr. Archer requested a modification of the conditions to allow that the pinning of the property corners take place at a later time - he suggested before a Certificate of Occupancy is issued. Ms. Roberson noted that that is the last thing that happens and stated that there are a lot of good reasons for having the property corners up prior to construction. One reason being that Ms. Washburn will need to see those to determine, in the field, approximately where setbacks are and to orient herself. Ms. Roberson suggested a compromise: changing the order of the pinning of the property corners to prior to the issuance of a zoning permit (this will allow the survey crew a little more time for the ground to thaw out). Mr. Tanner stated agreement with Ms. Roberson's suggestion.

There were no further comments from Commission Members or Staff.

Motion was made by A. Tanner to approve the request from Paul Archer regarding **SD 20-005 mod** – Proposal to modify conditions for 5-lot Subdivision on the south side of Beecher Road, to allow him to set the boundaries before the time of the Zoning Permit.

Second by C. Kelleher. No discussion.

Roll Call Vote: A. Fitzgerald – yes; C. Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

4. **SD 21-001 mod** – Proposal to modify conditions for 4-lot Subdivision on the west side of Tripp Hollow Road.

Ms. Roberson stated that this proposal is the same as for **SD 20-005 mod** above.

Motion was made by A. Tanner to approve the request of Paul Archer regarding **SD 21-001 mod** – Proposal to modify conditions for 4-lot Subdivision on the west side of Tripp Hollow Road, to allow him to set his boundary lines at the time of Zoning Permit issuance. Second by A. Fitzgerald. No discussion.

Roll Call Vote: C. Sczuroski – yes; C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

5. **SPG 20-001 mod** – Proposal to modify conditions for Gravel Special Permit on the east side of Allen Hill Road.

Ms. Roberson stated that Richard Klingensmith, the Contractor hired to do the gravel removal work, was in attendance representing Mr. Lehto.

Ms. Roberson explained about the bonding that was required (as with all gravel operators) to guarantee that the site work will be finished (particularly the restoration/vegetation and any repair to the private roads on the property (paved road/gravel road/gravel excavation). She explained that the plans for the special permit included two phases: Phase One – the southern lobe of the gravel removal; Phase Two – the northern lobe. She said that it is possible to complete one phase before initiating the other. Mr. Held, the Project Engineer, had suggested that the project could be bonded in phases, but this language was not included in the conditions of approval. Ms. Roberson stated that the PZC can modify its action if found appropriate. Ms. Roberson said that Mr. Klingensmith will be supplying portions of the bond as well as Mr. Lehto.

Ms. Roberson suggested that, for the excavation portion of the project, that the bond amount be adjusted. She said that a certain amount of money is reserved to restore Phase One and we would wait until Phase One is restored before initiating Phase Two (which would have to happen either when the full bond amount for the excavation was received or upon the release of the bond for Phase One). She assured that the full bonding for the road work would be required before any other work can begin.

There was discussion regarding a question by Mr. Fitzgerald that the condition does not mention that the restoration has to be complete before you can start the next phase. Mr. Tanner stated that he feels that original motion and the suggested language contradict each other. Ms. Roberson offered that the language could be revised and she asked if this idea of bonding in phases is something that the Commission Members would entertain. Mr. Tanner stated that he does not have a problem with that. Ms. Roberson said that it was approved in phases, but the bonding condition never mentioned the phases.

Ms. Sigfridson asked Ms. Roberson if she feels that this is a valid concern. Ms. Roberson stated that Phase Two cannot be opened until Phase One is complete (and he would get his bond restored). Ms. Roberson wants to be sure that the PZC's concerns are addressed.

Mr. Klingensmith stated that when he excavates, he removes the material and reclaims at the same time. He explained that his attorney spoke with the Town Attorney and they are in agreement that it looks like the way that it is written already would work because there are two phases and you could never start Phase Two without completing Phase One.

Ms. Roberson referred to the plans (which were included in digital packets to Commission Members) and she stated that the phases of excavations are contained on page 7 in the Excavation Notes.

Mr. Fitzgerald reiterated his concern that the condition does not mention that Phase One has to be restored, the bond will be returned, then the next phase can be started. Ms. Roberson explained that restoration takes time and that the goal is re-vegetation. She stated that once the grading and seeding are done, that portion of the bond could be released incrementally.

Mr. Ives stated that there is no need to tie-up the bonding when the project is in phases. You just need to agree on the language – everybody is saying the same thing. He said that layering the bonding is perfectly normal. Ms. Roberson stated that she thinks that everyone is saying the same thing: that the work needs to be complete to the satisfaction of the Town before work can continue. Mr. Klingensmith agreed. Mr. Fitzgerald agreed.

There was discussion regarding Mr. Tanner's question about the bonding on the road. He asked when it is required to be done. Ms. Roberson stated that it is to be done before anything happens. She said that there is no suggestion to change the bonding for the road (there is \$38,000 to repair the paved and \$10,000 to repair the gravel road). The full amount for the road repair is going to be required up front. Ms. Roberson explained that, if this change is accepted, the amount to cover the Phase One area of excavation (\$41,000) would also be required. Discussion continued and it was decided to add the following sentence at the end of the suggested language: "The repair of Riverwalk Drive and the gravel road shall occur following the completion of excavation."

Mr. Klingensmith stated that they plan on starting within the next two weeks. Mr. Fitzgerald asked if the condition regarding walking and taking pictures of the site has been done yet. Ms. Roberson explained that an analysis of the road was done over the summer/fall. A report on the status of Riverwalk Drive was prepared by Syl Pauley. This will allow for the documentation of damage as needed. They will inspect it again as soon as the road is passable again.

Motion was made by A. Tanner to modify the approval of SPG 20-001 to allow that Condition 2. be amended to allow that the excavation areas be bonded in phases consistent with the approved phases of excavation. The southern Phase One (4.1 acre excavation area including 63,000 c.y. of gravel) will require a bond to be posted in the amount of \$41,000 prior to commencement of work. The northern Phase Two (2.6 acre excavation area including 27,000 c.y. of gravel) will require a bond to be posted in the amount of \$26,000 prior to the commencement of work. Bonding for each of the phased excavation areas will be returned when the restoration of such phase is complete to the satisfaction of

the Town. Bonding for other required work including \$10,000 to repair erosion on the gravel access road and \$38,000 to repave Riverwalk Drive shall be required prior to any activity on the site. The repair of Riverwalk Drive and the gravel road shall occur following the completion of excavation. Second by A. Fitzgerald. No discussion.

Roll Call Vote: C. Kelleher – yes; A. Tanner – yes; E. Starks – yes; A. Fitzgerald – yes; C. Sczuroski – yes; M. Sigfridson – yes. Motion carried unanimously (6-0-0).

Ms. Roberson will contact Mr. Klingensmith about finalizing the bonding agreement and will coordinate with Paul Lehto regarding his portion.

VII. New Business:

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

VIII. Reports of Officers and Committees:

- a. Staff Reports
Ms. Roberson mentioned the Land Use Webinar Workshop this weekend. She will attend as well as Ms. Sigfridson, Ms. Washburn and Mr. Tanner.
- b. Budget Update
Ms. Roberson explained that some changes were made to the way revenues are documented. Revenues from Wetlands, ZBA, Building Code and Fire will be accurately accounted. Mr. Ives explained that prior years will be corrected.
- c. Correspondence – None.
- d. Chairman’s Report – None.

IX. Public Commentary – None.

At this time, Mr. Tanner commented that he had logged onto the NECCOG meeting last Friday. He asked about the status of the POCD. Ms. Roberson stated that they are still working on getting a contract. The PZC will have an opportunity to comment, but it is not ready to share yet.

Mr. Tanner also commented that there was discussion at the NECCOG meeting regarding De-segregate Connecticut and that there may be mandatory training for zoning board members. Discussion ensued. Mr. Ives will keep the PZC informed regarding the Bill.

X. Adjourn

Motion was made by A. Tanner to adjourn at 8:12 p.m. Second by A. Fitzgerald. No discussion. Motion carried unanimously by voice vote (6-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary

Jana Roberson

From: pc survey associates, llc <pcsurvey@snet.net>
Sent: Tuesday, March 16, 2021 4:03 PM
To: Jana Roberson
Subject: RE: Mylars and Appraisal

I was going to request a filing extension for both Church Street and the Prince Hill Road Subdivisions. I thought I had until the April meeting. Please do put it on the agenda.

I'm still waiting for the appraisal. It has supposedly been done, but we are still waiting to receive something from Platt Associates.

Paul Terwilliger, LS

From: Jana Roberson <J.Roberson@Brooklynct.org>
Sent: Tuesday, March 16, 2021 3:38 PM
To: 'pcsurvey@snet.net' <pcsurvey@snet.net>
Subject: Mylars and Appraisal

Paul,

Two important things:

- 1) We are awaiting the appraisal for the Church Street subdivision. When do you think we will have it?
- 2) You delivered the mylars this past Thursday. I calculate that the original 180 day filing period ended this past Sunday. We have one chair coming in Thursday to sign them and the other one has been contacted. I know we talked about it at some point but I don't recall getting the PZC to extend the filing deadline. I can put it on the April agenda if you are OK with that.

Please let me know when you get this message. Thank you.

Jana Butts Roberson, AICP
Director of Community Development/Town Planner
Town of Brooklyn, CT

j.roberson@brooklynct.org
(860)779-3411 x.14
PO Box 356
Clifford B. Green Memorial Building, Suite 22
69 South Main Street
Brooklyn, CT 06234

Jana Roberson

From: PAUL ARCHER <paul@archersurveying.com>
Sent: Wednesday, March 31, 2021 3:38 PM
To: Jana Roberson
Subject: VBL - Beecher Rd

Jana,

At this time we are writing on behalf of our clients, VBL, to request a 90 extension on filing of the mylars for the Beecher Road Project.

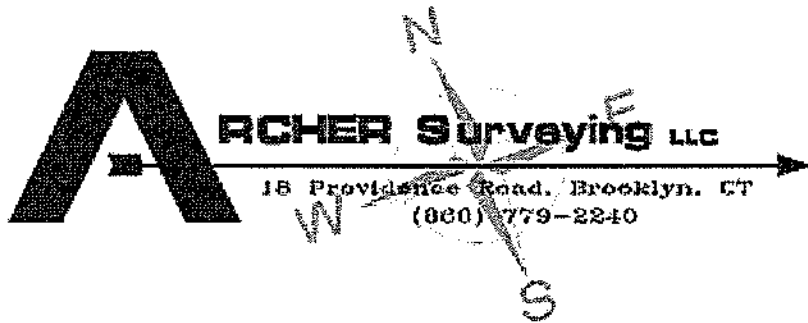
If you have any questions or concerns please let me know.

Paul Archer, PLS

18 Providence Road

Brooklyn, CT 06234

(860) 779-2240



RECEIVED

MAR 30 2021

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT

GBR21-001

Received Date _____

Application # SP
Check # 6863

GRAVEL BANK
APPLICATION FOR SPECIAL PERMIT - Renewal

Name of Applicant HM & E Co., LLC Phone 860-377-4283

Mailing Address 353 BUNGAY HILL ROAD WOODSTOCK, CT Phone _____
06281

Name of Engineer/Surveyor KILLINGLY ENGINEERING ASSOCIATES

Address PO BOX 421 KILLINGLY CT 06241

Contact Person NORMAN TRIBERULT, JR. Phone 779-7299 Fax _____
(860)

Name of Attorney N/A

Address _____

Phone _____ Fax _____

Property location/address 291 CANTERBURY ROAD

Map# 23 Lot# 1 Zone RA Total Acres 119.8

Sewage Disposal: Private Public _____ Existing Proposed _____

Water: Private Public _____ Existing Proposed _____

Proposed Activity EXCAVATION OF ROCK FROM AN EXISTING ON-SITE QUARRY
EXCAVATION OF APPROXIMATELY 20,000 CY OF ROCK - 3 PHASES

Compliance with Article 4, Site Plan Requirements

Is parcel located within 500 feet of an adjoining Town? NO

The following shall accompany the application when required:

Fee \$ _____ State Fee (\$60.00) 3 copies of plans Sanitary Report N/A

4.5.5 Application/ Report of Decision from the Inland Wetlands Commission

4.5.5 Applications filed with other Agencies

12.1 Erosion and Sediment Control Plans

The owner and applicant hereby grant the Brooklyn Planning and Zoning Commission, the Board of Selectman, Authorized Agents of the Planning and Zoning Commission or Board of Selectman, permission to enter the property to which the application is requested for the purpose of inspection and enforcement of the Zoning regulations and the Subdivision regulations of the Town of Brooklyn

Applicant: J. Douglas Hart Date 03-29-2021

Owner: Elaine C. Arturo Date 3-29-2021

*Note: All consulting fees shall be paid by the applicant

Killingly Engineering Associates

Civil Engineering & Surveying



P.O. Box 421 Killingly, CT 06241
Phone: 860-779-7299
www.killinglengineering.com

March 11, 2021

Proposed Mining Operation

*HM&E Co., LLC
291 Canterbury Road
Brooklyn, CT*

APPLICATION PACKAGE CONTENTS – Special Permit – Gravel Mining

Application fee:

\$250.00 (Application fee)
\$300.00 (Excavation volume fee)
\$300.00 (Public Hearing/notification fee)
\$ 60.00 (State fee)

\$910.00 Total Fee

1. 5- full sized sets of plans– Dated: 3/10/2021
2. Special Permit Application
3. Copy of IWWC Approval
4. List of adjacent land owners including across the street
5. Project Narrative
6. Owner's letter of consent
7. NECCOG Mapping

Brooklyn Inland Wetlands
Commission

P.O. Box 356
Brooklyn, Connecticut 06234

RECEIVED
MAR 30 2021

March 21, 2019

Elaine C. Arters
291 Canterbury Road
Brooklyn, CT 06234

RE: Notice of Decision – 010819A HM&E Co. LLC/Douglas Hartin/Applicant, Elaine C. Arters/Owner; 291 Canterbury Road, Map 23, Lot 1, rock quarry operation.

Dear Mrs. Arters:

At the recent March 12, 2019 Inland Wetlands and Watercourses Commission meeting your application 010819A HM&E Co. LLC/Douglas Hartin/Applicant, Elaine C. Arters/Owner; 291 Canterbury Road, Map 23, Lot 1, rock quarry operation was approved with the following conditions:

1. Application form shall be revised to incorporate application modifications.
2. Note on Page 4 shall be modified to omit "cutsheet" to read: "The permittee shall provide invoices for the seed to be used on site to the Brooklyn Wetlands Enforcement Officer/Zoning Enforcement Officer for approval prior to seeding" so as to document compliance.
3. Plan shall be modified to show silt sock placed down-gradient of the stone berm.
4. Standard IWWC conditions apply.
5. Site subject to right of inspection by Inland Wetlands and Watercourse Commission Staff upon 48 hours by telephone or e-mail. Failure of owner or its agent to respond to request within 48 hours will result in implied permission to inspect.
6. IWWC permit duration will concur with PZC permit duration.
7. The applicant shall provide an as-built of the new pipe to confirm compliance.

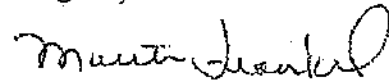
**Your permit consists of this letter and the Commission's Standard Conditions (enclosed).
PLEASE READ CAREFULLY.**

18145

A legal notice of this approval was published in the Villager Newspaper Friday, March 22, 2019. Please note that this action of the Brooklyn Inland Wetlands and Watercourses Commission may be appealed for fifteen (15) day period following the publication of the legal notice.

If you have any questions, please contact Martha Fraenkel at 860-779-3411 Extension 31.

Signed,



Martha Fraenkel
Wetlands Agent

MF/acl
CC: File, Killingly Engineering
Enc: Standard Conditions



**Proposed Rock Mining Operation
291 Canterbury Road
Project Narrative**

13.3.1

1. HM&E Company, LLC has submitted an application under Article 13 of the Town of Brooklyn Zoning Regulations (“the regulations”) to quarry and process rock from an operation that has been in operation for nearly 20 years. The rock was originally mined by the property owner and operations have since been conducted by the applicant. The area of operation is slightly over 3 acres of a 119.8-acre parcel and consists of veins of marketable stone that vary from browns and grays in color to a dark blue. At the current rate of rock removal from the site, the operation could continue for over 15-20 years. The current proposal is nearly identical to that previously approved by the Commission; the operation has not changed.
2. The project is shown to be conducted in three phases. The plans show existing grades at 2’ intervals and for clarity, the proposed rock faces are shown in 10’ intervals which will be cut at 1H:6V.
3. The excavation is shown to be conducted in a tiered fashion with ledge face heights of approximately 20’. Final grades will result in approximately 110’ elevation change from the bottom of the uppermost face to the access drive. The slopes on the lowest plateau adjacent to the access drive will be approximately 5%. Although no test pits have been excavated on site, it is generally assumed that the water table follows the elevation of Blackwell Brook which is approximately 26’ lower than the lowest proposed final grade.
4. Typical removal volume of rock from the site is approximately 1,500 cubic yards. A typical drill and blast event results in only approximately 6’ in off of the rock face and produces approximately 500-700 cubic yards of material per blast.
5. All traffic from the site enters and exits from an existing driveway onto Route 169. From there traffic follows Route 169 north to Route 6 or south to Route 14.
6. Truck traffic transporting rock from the site is limited to 60-80 trucks annually, 2 trucks per week at the most.
7. Although the operation does not have a defined fueling area, equipment is generally fueled on a flat area on site that can be accessed by a fueling truck. Equipment is limited to an excavator and skid steer which are not serviced on site.
8. The applicant proposes to occasionally crush rock/shard that is too small to market for stone work purposes. Allowance of crushing will provide the opportunity to generate a product that could be used to maintain the existing access road, utilized for clean fill, or blended to create useful engineered fill. Crushing would take place where operations are being conducted at any given time, depending on where the current rock face is being mined by means of a portable crusher.
9. Materials are typically not extensively stockpiled; rock from any blast sequence is split by hand and sorted in place into small stockpiles that can be either hand loaded into a skid steer bucket or placed on pallets. These materials are then placed along the east side of the access drive for pickup.
10. Due to the ledge rock nature of the site, we do not believe it is an area of archeological concern.
11. The lowest level of the site adjacent to the existing access drive will ultimately be topped with subsoil and loam and seeded. As with any quarry operation, the final grading of the site will result in exposed ledge faces.

MAR 30 2021

13.4 Performance Bond

Since the project does not propose removal of more than 3,000 cubic yards material or activity on 1 acre or more for any given year, we request that a performance bond not be required.

13.5 General Conditions

- 13.5.1 Although test pits have not been excavated on the site, final grades will not be any less than what currently exist on site. As previously noted in this narrative, the final grades will be approximately 26' higher than Blackwell Brook which is the assumed water table.
- 13.5.2 No excavation will take place nearer than 25' from the highway line, 200' from any building or structure or less than a 100' setback to the property boundary.
- 13.5.3 Slopes will not exceed 25'-200' from the highway line. Ledge cuts will exceed 30% which is standard practice for quarrying operations. Loam and seed will be provided on the lower portion of the operation upon completion and exposed ledge faces otherwise.
- 13.5.4 The applicant requests to be able to occasionally crush and screen on site to produce a usable product from the smaller blast rock. No material is brought to the site nor will it be in the future.
- 13.5.5 No machinery for processing will be located less than 200' from any property or street line or less than 500' from any residence.
- 13.5.6 Due to the nature of the product, dust generation from the operation is limited. The mining area is isolated by wooded terrain that keeps any dust generated contained. The operation is typically not a noise generating activity and previous application included depositions from 2 abutting property Owners who spoke of the quiet operation of the quarry. The access drive is well maintained by the applicant to allow for safe passage of trucks to the site and minimal dust generation.
- 13.5.7 If approved, activities will be limited to the hours of 7:00 AM to 6:00 PM Mondays through Fridays and 7:00 AM to 12:00 PM on Saturdays. There will not be any activity on Sundays or major holidays.
- 13.5.8 Due to the location of the location of the site, stockpiles and equipment storage are not visible to adjacent properties.
- 13.5.9 The Connecticut Guidelines for Soil Erosion and Sedimentation Control will be followed. The applicant has been responsive to recommendations for E&S measures since our involvement with the project.
- 13.5.10 Since the site is comprised of only 3 acres, there will not ever be 5 acres exposed at any given time.
- 13.5.11 Soil will not be removed from the site and will be utilized for restoration of areas specified.

13.6 Safety

The remote location of the operation provides a condition where there are not trespassers on the property to access the location. The plans call for the addition of construction fencing at the tops of slopes of phase limits and a permanent fence at the project limit. Residences are remote from the project and aside from the rock face, there are not any particular hazards. It should be noted that even though the quarry has not been permitted, it has been in operation for nearly 2 decades with no incidences of trespassing or injury. Permits were legally obtained by a licensed blasting company from the fire marshal for all blasting that has occurred throughout the years.

LIST OF AJACENT LAND OWNERS INCLUDING ACROSS THE STREET as of 3/11/2021 NECCOG

HM&E Co., LLC
291 Canterbury Road
Brooklyn, CT

RECORDED
MAR 30 2021

MAP/LOT	NAME
23//2	ARTERS ELAINE C
22//1-4	PO BOX 351
22//1-2	DAYVILLE, CT 06241
23//22B	JESPET INC C/O MOLLIE GROSSMAN 162 SHEPERD LANE ROSLYN HILLS, NY 11577
23//31-1	JOHNSON JENNIFER & SOREL BETH PO BOX 769 BROOKLYN, CT 06234-0769
23//31-2	SOREL JASON P & AMANDA S P O BOX 929 BROOKLYN, CT 06234-1417
22//2	MCNALLY DAVID & PAULA 324 CANTERBURY RD BROOKLYN, CT 06234-2417
22//2A	SANFORD HANEY FARM LLC PO BOX 432 BROOKLYN, CT 06234-0432
22//3	ZAVORSKAS THOMAS S CANTERBURY RD BROOKLYN, CT 06234
22//3-3	PARSONS ALLAN & CYNTHIA 352 CANTERBURY RD BROOKLYN, CT 06234-2417
22//3-5	ROLLINS MARK L & CYNTHIA B 360 CANTERBURY RD BROOKLYN, CT 06234-2417
22//1-3	JENKINS CHAD & JULIE 355 CANTERBURY RD BROOKLYN, CT 06234
22//1-1	SILL ALAN A & JENNIFER P 365 CANTERBURY RD BROOKLYN, CT 06234
22//1A	PULVER GUY A & SHARON L 369 CANTERBURY RD BROOKLYN, CT 06234-2414

03/27/2021
MAR 30 2021

- 22// 1B COVINGTON MICHAEL J & ANGELA D
 399 CANTERBURY RD
 BROOKLYN, CT 06234

- 22// 1C FORTE BARBARA A
 425 CANTERBURY RD
 BROOKLYN, CT 06234-0192

- 14// 9 SEABURY ELIZABETH J ET AL
 63 FIELDSTONE LN
 BEACON FALLS, CT 06403

- 14// 8 MEEHAN BUILDERS LLC
 89 WAUREGAN RD
 BROOKLYN, CT 06234

- 15// 15 GLUCK GARY
 131 OLD TATNIC HILL RD
 BROOKLYN, CT 06234

- 15// 14 GLUCK GARY R & JOHNSON BETH A TRUSTEES
 131 OLD TATNIC HILL RD
 BROOKLYN, CT 06234

- 15// 13 BARNES WILLIAM DOUGLAS & LINDA ELLEN
 PO BOX 628
 MORAN ST
 NO ATTLEBORO, MA 02760

- 23// 6 ARTERS JACK M & OLIVE
 48 GREENHALGH DRIVE
 SEEKONK, MA 02771-2004

- 23// 5 KOTILAINEN GRACE H
 BLUE RIDGE DR
 SOUTH WINDSOR, CT 06074-2809

- 23// 4 BETTENCOURT ANTHONY JOSEPH (L/U) &
 FONTANELLA BRENDA
 203 MASON RD
 BROOKLYN, CT 06234

RECEIVED

MAR 30 2021

I, Elaine C. Arters hereby authorize J. Douglas Hartin of HM & E Company, LLC to submit applications to Town of Brooklyn Inland Wetlands Commission and Planning & Zoning Commission for property located on 291 Canterbury Road in Brooklyn, Connecticut. The applications are to obtain permits for an existing rock quarrying operation on approximately 7.5 acres of a 119.8-acre property shown as Lot 1 on Assessors Map 23.

Elaine C. Arters 01-03-19
Owner: Date:

J. Douglas Hartin 01-03-19
Applicant: Date:

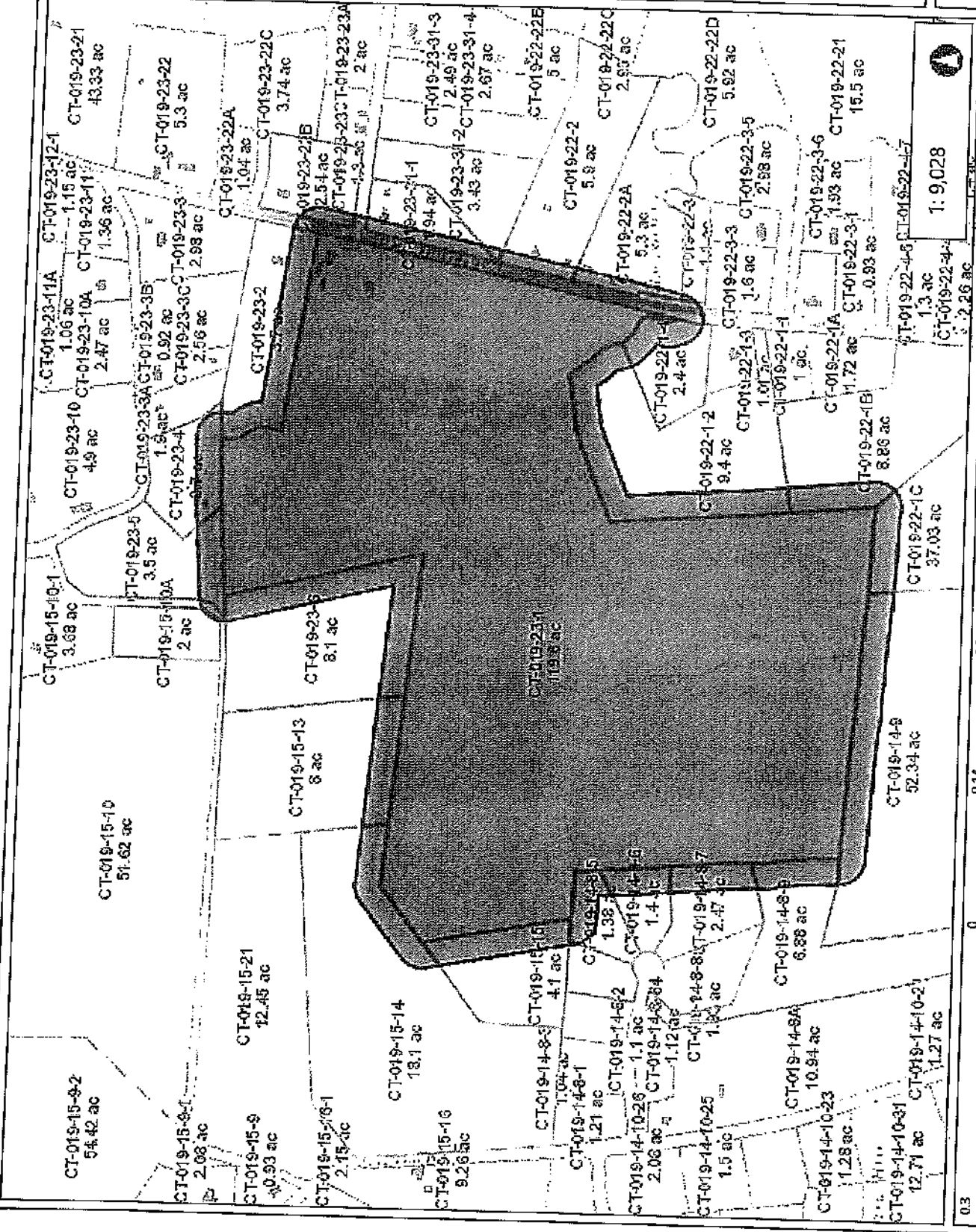
MAR 30 2011

Legend

- Town
- Buildings 2012
- Parcels

Notes

HM&E



1: 9,028

0.3 Miles

0.14

0



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 or may not be accurate, current, or otherwise reliable.

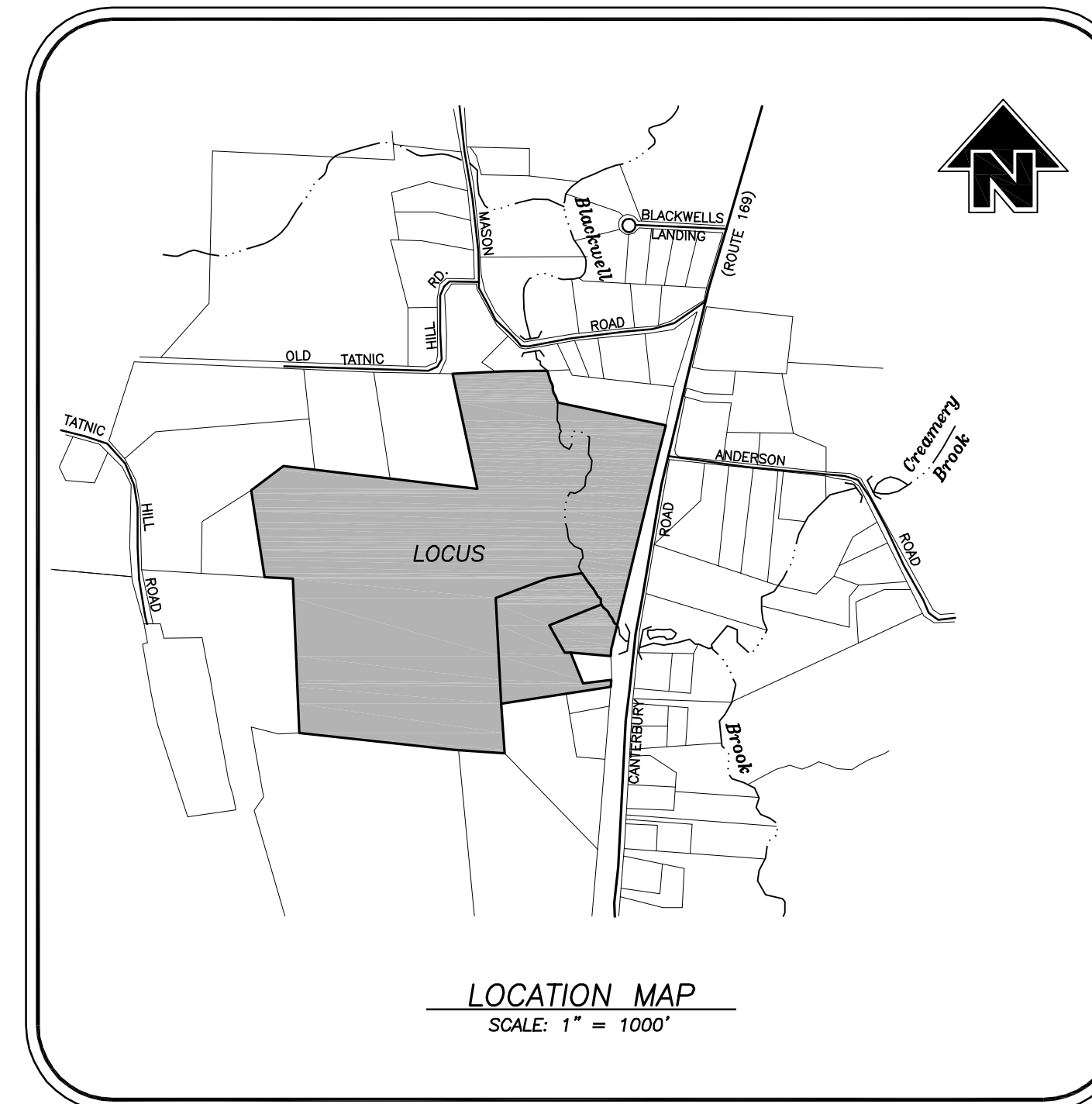
THIS MAP IS NOT TO BE USED FOR NAVIGATION

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Latitude Geographics Group Ltd.

ROCK QUARRY PERMIT RENEWAL

291 CANTERBURY ROAD (ROUTE 169)
BROOKLYN, CONNECTICUT

PREPARED FOR:
H M & E CO., LLC



LEGEND


---100---	EXISTING CONTOURS
---100---	PROPOSED CONTOURS
---#---	INLAND WETLANDS FLAG
---S---	SETBACK LINE
-----	SILT FENCE

INDEX TO DRAWINGS

TITLE	SHEET No.
COVER SHEET	1 OF 4
VICINITY MAP	2 OF 4
SITE GRADING PLAN	3 OF 4
DETAIL SHEET	4 OF 4

PREPARED BY:

REVISIONS	
DATE	DESCRIPTION



Killingly Engineering Associates
Civil Engineering & Surveying

114 Westcott Road
P.O. Box 421
Killingly, Connecticut 06241
(860) 779-7299
www.killinglyengineering.com

MARCH 10, 2021

APPROVED BY THE BROOKLYN
PLANNING AND ZONING COMMISSION

CHAIRMAN _____ DATE _____

Expiration date per Sec. 8-3(i)
Connecticut General Statutes: _____

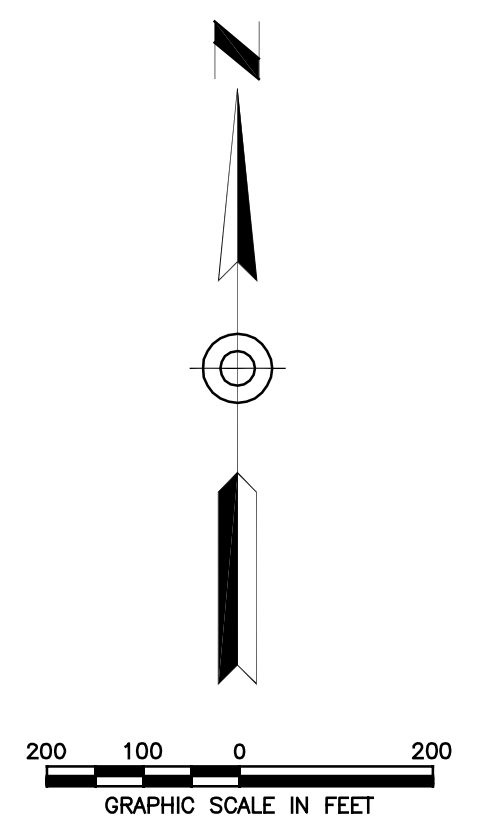
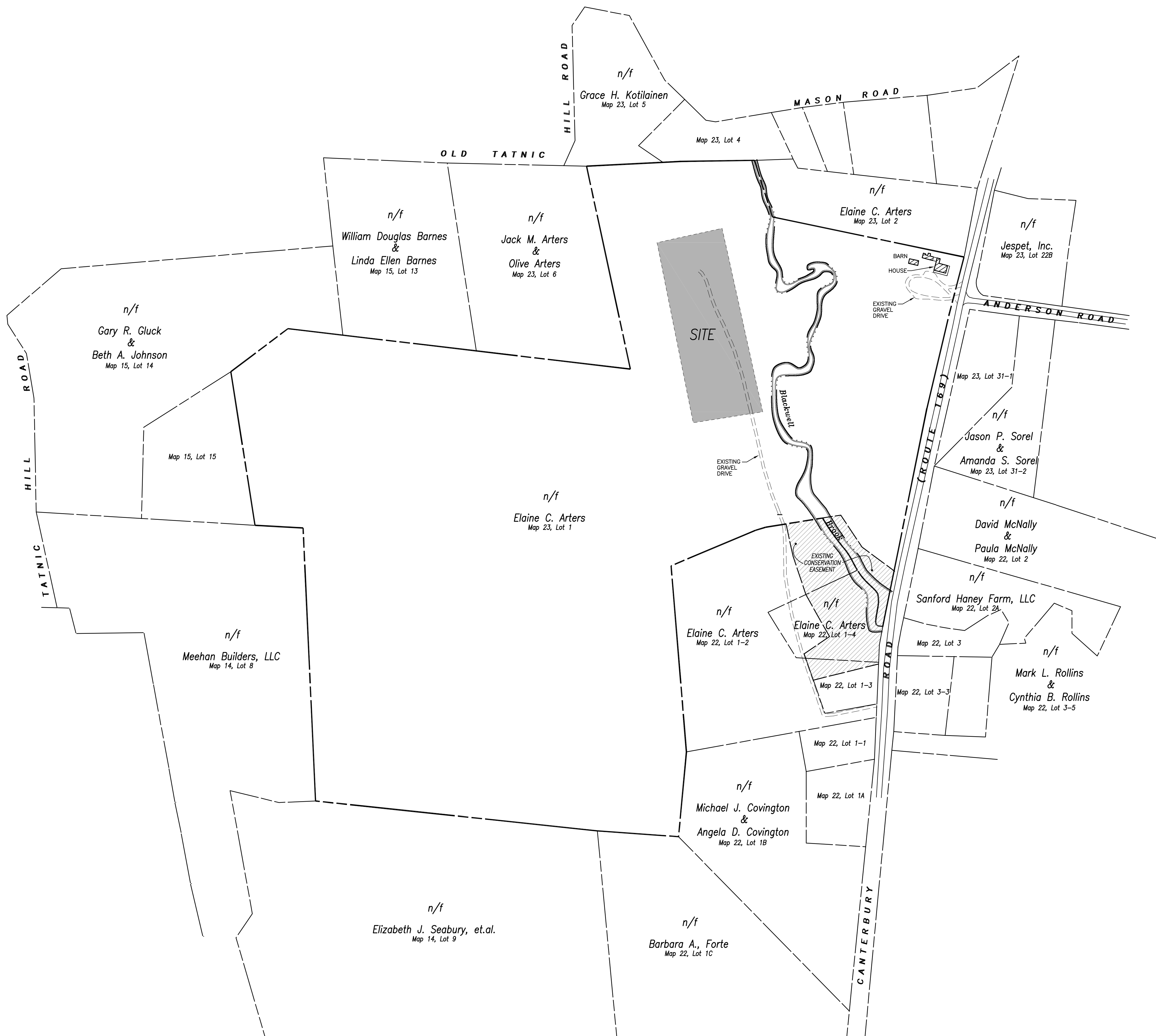
ENDORSED BY THE BROOKLYN INLAND
WETLANDS COMMISSION

CHAIRMAN _____ DATE _____

NORMAND E. THIBEAULT, JR., P.E. DATE _____

K:\18145 Drawings\2021 Gravel Permit\01 COVER 2021.dwg Mar 29, 2021 - 12:58 PM

K:\18145\Drawings\2021_Gravel_Permit\02_VENNY 2021.dwg Mar 29, 2021 - 12:56 PM



- ABUTTERS LIST**
- Map 22, Lot 1-3
Chad Jenkins
Julie Jenkins
 - Map 22, Lot 1-1
Allen A. Sill
Jennifer P. Sill
 - Map 22, Lot 1A
Gary A. Pulver
Sharon L. Pulver
 - Map 15, Lot 15
Gary Gluck
 - Map 23, Lot 4
Anthony Joseph Bettencourt
Brenda Fontanella
 - Map 23, Lot 31-1
Jennifer Johnson
Beth Sorel
 - Map 22, Lot 3
Thomas S. Zavorskas
 - Map 22, Lot 3-3
Alan Parsons
Cynthia Parsons

NOTES:

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
 - This survey conforms to a Class "D" horizontal accuracy.
 - Survey Type: Data Accumulation Map.
2. Parcel is shown as Lot 1 on Assessors Map 23.
3. Zone = RA.
4. Owner of Record: Elaine C. Arters
291 Canterbury Road
Brooklyn, CT 06234
See Volume 66, Page 374

DATE	DESCRIPTION

DATA ACCUMULATION PLAN
VICINITY MAP
 PREPARED FOR

HM & E CO., LLC

 291 CANTERBURY ROAD (ROUTE 169)
 BROOKLYN, CONNECTICUT

Killingly Engineering Associates
Civil Engineering & Surveying

114 Westcott Road
 P.O. Box 421
 Killingly, Connecticut 06241
 (860) 779-7299
 www.killinglyengineering.com

DATE: 3/10/2021	DRAWN: AMR
SCALE: 1" = 200'	DESIGN: NET
SHEET: 2 OF 4	CHK BY: GG
DWG. No: CLIENT FILE	JOB No: 18145

APPROVED BY THE BROOKLYN
 PLANNING AND ZONING COMMISSION

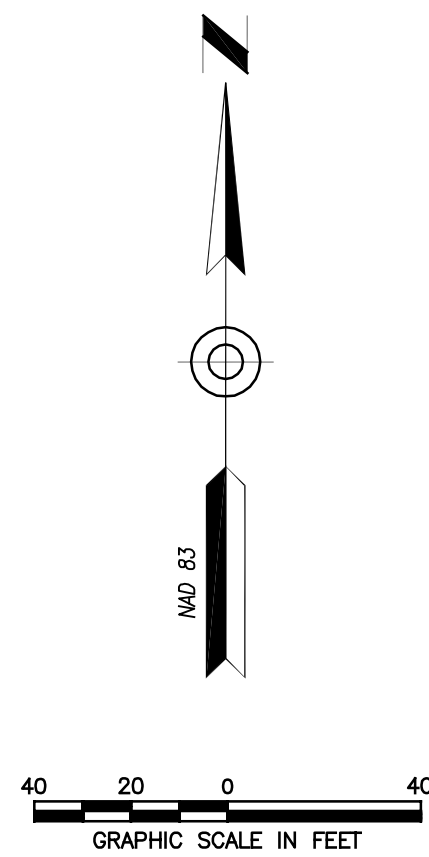
CHAIRMAN _____	DATE _____
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Expiration date per Sec. 8-3(i)
 Connecticut General Statutes: _____

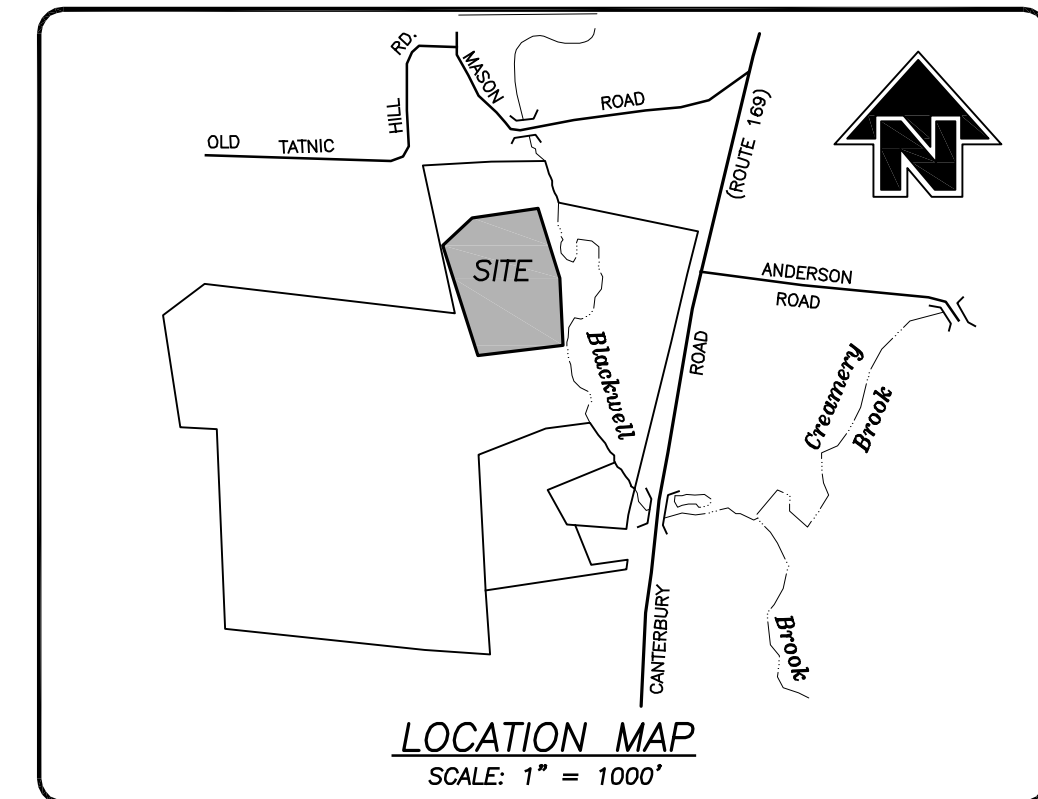
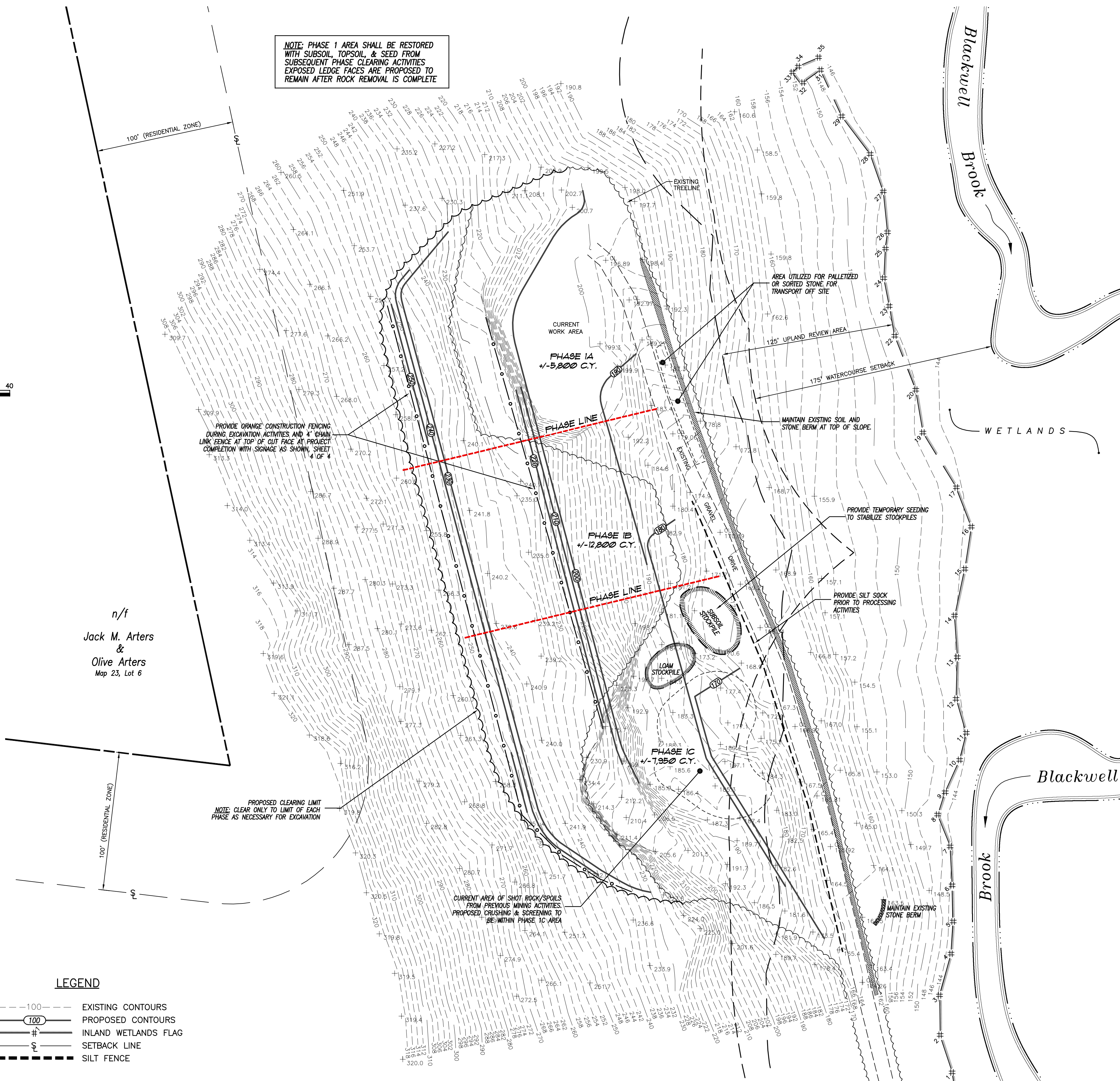
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

GREG A. GLAUDE, L.S. LIC. NO. 70191 DATE _____

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.



NOTE: PHASE 1 AREA SHALL BE RESTORED WITH SUBSOIL, TOPSOIL, & SEED FROM SUBSEQUENT PHASE CLEARING ACTIVITIES EXPOSED LEDGE FACES ARE PROPOSED TO REMAIN AFTER ROCK REMOVAL IS COMPLETE



- NOTES:**
- This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Sections 20-300b-1 through 20-300b-20 and the "Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land Surveyors, Inc. on September 26, 1996;
 - This survey conforms to a Class "D" horizontal accuracy.
 - This plan was compiled from other maps, record research or other sources of information. It is not to be construed as having been obtained as the result of a field survey, and is subject to such change as an accurate field survey may disclose.
 - Survey Type: Topographic Map.
 - Topographic features conform to a Class "T-2", "V-2" vertical accuracy.
 - Zone = RA.
 - Parcel is shown as Lot 1 on Assessors Map 23.
 - Owner of Record: Elaine C. Arters
291 Canterbury Road
Brooklyn, CT 06234
See Volume 66, Page 374
 - Elevations shown are based on North American Vertical Datum of 1988 (NAVD 88). Contours shown are taken from actual field survey. Contour interval = 2'.
 - North orientation, bearings and coordinate values shown are based on North American Datum of 1983 (NAD 83) and are taken from GPS observations.
 - Wetlands shown were delineated in the field by Joseph Theroux, Certified Soil Scientist, in October 2018.
 - Before any construction is to commence contact "CALL BEFORE YOU DIG" at 1-800-922-4455 or 811.

MAP REFERENCE:
"Easement Map - Showing Conservation Easement To Be Granted to - The Town of Brooklyn - Across the Property of - Elaine C. Arters Canterbury Road (Route 169) - Brooklyn, Connecticut - Scale: 1" = 40' - Date: 4/23/2019 - Sheet 1 of 1 - Prepared by: Killingly Engineering Associates.

DATE	DESCRIPTION

LEGEND

- 100--- EXISTING CONTOURS
- 100--- PROPOSED CONTOURS
- #--- INLAND WETLANDS FLAG
- S--- SETBACK LINE
- S--- SILT FENCE

APPROVED BY THE BROOKLYN PLANNING AND ZONING COMMISSION

CHAIRMAN _____ DATE _____

Expiration date per Sec. 8-3(i) Connecticut General Statutes: _____

I HAVE REVIEWED THE FLAGGED INLAND WETLANDS LOCATION SHOWN ON THIS PLAN AND THEY APPEAR TO BE SUBSTANTIALLY CORRECT.

Certified Soil Scientist _____ Date _____

NORMAND E. THIBEAULT, JR., P.E. _____ DATE _____

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

GREG A. GLAUDE, L.S. LIC. NO. 70191 DATE _____

NO CERTIFICATION IS EXPRESSED OR IMPLIED UNLESS THIS MAP BEARS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR.

SITE GRADING PLAN
PREPARED FOR
H M & E CO., LLC
291 CANTERBURY ROAD (ROUTE 169)
BROOKLYN, CONNECTICUT

Killingly Engineering Associates
Civil Engineering & Surveying

114 Westcott Road
P.O. Box 421
Killingly, Connecticut 06241
(860) 779-7299
www.killinglyengineering.com

DATE: 3/10/2021	DRAWN: AMR
SCALE: 1" = 40'	DESIGN: NET
SHEET: 3 OF 4	CHK BY: GG
DWG. No: CLIENT FILE	JOB No: 18145

EROSION AND SEDIMENT CONTROL PLAN:

REFERENCE IS MADE TO:

- The State of Connecticut 2002 DEEP Guidelines for Soil Erosion and Sediment Control ("the 2002 Guidelines").
- U.S.D.A. N.R.C.S. Web Soil Survey.

SOILS:

The quarry site is comprised mainly of one soil type:

75E: Hollis-Chatfield-Rock outcrop complex

Included with these soils in mapping are areas of moderately well drained Sutton soils and poorly drained Leicester soils. Sutton soils are in slight depressions and Leicester soils are in depressions and drainage ways. Also included are very deep, well drained Charlton soils adjacent to Hollis and Chatfield soils. Areas of shallow, somewhat excessively drained Brimfield soils are included where the underlying bedrock is micaceous schist at a depth of 10 to 20 inches below the surface. A few areas in Litchfield County have a yellowish red surface layer and subsoil. Other areas in Litchfield County include sandier soils above bedrock. Minor components make up about 20 percent of the map unit.

ROCK REMOVAL

Sequence of Operations and Erosion & Sedimentation Control

Site Description:

The site is located on 7.5± ac. on the west side of Blackwell Brook in Town of Brooklyn, Connecticut; Blackwell Brook flows from north to south and divides the total parcel which is comprised of approximately 108 acres. The current proposed area of excavation is slightly over 1 acre in area.

The site is predominately wooded in the areas of the proposed excavation except for the areas which have been previously mined (approximately 1.5 acres). The wetlands associated with Blackwell Brook have been evaluated in the field by Joseph Theroux, Certified Soil Scientist as indicated on these plans.

Wetlands will remain undisturbed by the excavation process and shall be protected by an existing berm as well as any additional erosion and sediment control measures as shown on these plans or required by the Town of Brooklyn.

Proposal:

The plan calls for the removal of a maximum of 27,550 cubic yards of rock to be broken down into the following phases:

- Phase 1 (total) = 27,550 c.y.
- Phase 1A = 5,800 c.y.
- Phase 1B = 12,800 c.y.
- Phase 1C = 7,950 c.y.

Prior to excavation the limits of disturbance shall be clearly flagged in the field by a licensed Land Surveyor.

27,500 cubic yards of material area expected to be removed from the site during excavation as proposed. On-site processing of materials will be limited to occasional crushing of blast tailings for road restoration and screening of topsoil. All topsoil and subsoil shall be stockpiled for site restoration at the completion of the operational phases. If there is any excess subsoil, it shall be removed from the property to another location after final restoration.

There will be approximately 60-70 truck loads per year, to and from the site. Both trailers and tri axle dump trucks will be used. The access driveway will be properly maintained, to control dust and mud and to prevent such from being tracked onto Route 169. Trucks traveling to and from the site will use Route 169 to Route 6 or Route 14.

Excavation and trucking will generally occur between 7:00 am and 5:00 pm, Monday through Friday, except for major national holidays and 8:00-2:00 PM on Saturdays. No activity is proposed on Sundays.

The proposed excavation will be performed by pre-split blasting into the existing ledge face as illustrated on these plans, thus limiting the active work area and containing surface stormwater runoff to a small section of the site at any particular point throughout the duration of the operation. Blasting typically takes place once or twice annually and is limited to 8'-10' of horizontal rock removal each time.

DEVELOPMENT CONTROL PLAN:

- The site is currently open from previous rock mining activities. Work shall not commence until (1) the permittee's engineer has inspected the site and reported to the Brooklyn WEO/ZEO that erosion controls have been satisfactorily installed and functional to protect the down gradient wetlands and (2) the WEO/ZEO has inspected the site.
- Development of the site will be performed by the Contractor, who will be responsible for the installation and maintenance of erosion and sediment control measures required throughout the operation.
- The sedimentation control mechanisms shall remain in place from start of the operation until permanent vegetation has been established. The WEO/ZEO for the Town of Brooklyn will be notified when sediment and erosion control structures are initially in place. Any additional soil & erosion control measures requested by the Town or its agent, shall be installed immediately. Once the proposed development, seeding and planting have been completed, the WEO/ZEO shall again be notified to inspect the site. The control measures will not be removed until this inspection is complete.
- All cutting of trees, stripping of topsoil and subsoil is to be confined to the immediate area of rock removal activity. Topsoil shall be stockpiled so that slopes do not exceed 2 to 1. A hay bale or silt sock sediment barrier is to surround each stockpile and a temporary vegetative cover shall be provided.
- Dust control (if necessary) will be accomplished by spraying with water.
- The proposed planting schedule is to be adhered to during the planting of restoration areas throughout the proposed operation.
- Final stabilization of the site is to follow the procedures outlined in "Permanent Vegetative Cover". If necessary a temporary vegetative cover is to be provided until a permanent cover can be applied.
- The Permittee shall inspect all erosion controls on a weekly basis and after rain events of 1/2" or more.
- Permittee shall inform the ZEO/WEO within 24 hours if the permittee finds that erosion controls have failed and sediment has been deposited in the wooded areas down gradient of the operation.

Erosion & Sediment Control:

The proposed grading on this site is such that an elevation higher than the excavated surface will remain around the perimeter of the excavated area, thus eliminating any transport of sedimentation toward the wetlands and its associated buffers. An existing berm along the east side of the access driveway will be maintained to alleviate direct runoff toward the brook & perimeter wetlands.

During the course of operations on the site the wetlands and buffers shall be protected from erosion and sedimentation by methods shown on the plans. These barriers shall be inspected and approved by a representative of the Town of Brooklyn, prior to any clearing, excavation or other activity.

Clear and grub the area of proposed rock removal. Trees and stumps removed shall be disposed of off the property.

Silt socks shall be installed as shown on the plans and in accordance with the detail shown.

Clearing and restoration shall proceed in the following sequence:

Stock and strip topsoil in convenient locations on site for use as cover material for restoration of portions of the site once rock removal is complete. Temporarily or permanently stabilize disturbed areas as excavation progresses. Permanent vegetation shall occur as soon as final grades are achieved.

Stockpiled topsoil shall be protected from erosion with a temporary vegetative cover. Stockpiles shall also be surrounded by silt socks at their bases.

Selected areas of rock removal shall be permanently restored by placement of topsoil and loam and establishment of grass cover in accordance with the recommended seed mixtures.

For these disturbed areas to be permanently restored topsoil and subsoil which has been stockpiled on site shall be spread on the finished subgrade to a depth of a minimum of 12" of subsoil and 6" of topsoil. ALL topsoil and subsoil shall remain on site and utilized for restorative purposes.

SILT SOCK INSTALLATION AND MAINTENANCE:

CONDITIONS

- Deformation due to drive-over or dragging
Action required: Re-contour by hand if applicable. If not, see applicable repair methods below.
- Sock rolling due to hydraulic force
Action required: Reposition and add additional stakes.
- Loss of ground contact
Action required: Fill in depressions and back-grout with chips from damaged section.
- Sediment accumulation of 1/2 sock height
Action required: Remove accumulated sediment or install a second row of sock positioned on top of or up slope of the original sock.
- Holes, rips or tears of the sock
Action required: Small holes or narrow rips shorter than 12 inches may be stitched closed using plastic zip-ties. Tears longer than 12 inches require the sock be replaced.
- Pinch or localized diameter reduction of more than 1/2 the original diameter
Action required: Install new section of sock up slope of the damaged section.

THE PERMITTEE SHALL CONTACT THE WEO/ZEO BEFORE COMMENCING FINAL SITE RESTORATION TO REVIEW REQUIREMENTS

SEEDING

Apply seed uniformly by hand cyclone seeder, drill, cultipacker type seeder or hydroseeder at a minimum rate for the selected species. Increase seeding rates by 10% when hydroseeding.

MULCHING

Temporary seedings made during optimum seeding dates shall be mulched according to the recommendations in the 2002 Guidelines. When seeding outside of the recommended dates, increase the application of mulch to provide 95%-100% coverage.

MAINTENANCE

Inspect seeded area at least once a week and within 24 hours of the end of a storm with a rainfall amount of 0.5 inch or greater for seed and mulch movement and rill erosion.

Where seed has moved or where soil erosion has occurred, determine the cause of the failure. Repair eroded areas and install additional controls if required to prevent recurrence of erosion.

Continue inspections until the grasses are firmly established. Grasses shall not be considered established until a ground cover is achieved which is mature enough to control soil erosion and to survive severe weather conditions (approximately 50% vegetative cover).

TEMPORARY VEGETATIVE COVER:

SEED SELECTION

Grass species shall be appropriate for the season and site conditions. Temporary seed for topsoil stockpiles shall consist of one of the following:

- Annual ryegrass (*Lolium multiflorum*) applied at 1 pound per 1,000 square feet
- Millet (*Echinochloa crusgalli*) applied at a rate of 0.5 pounds per 1,000 square feet
- Sudangrass (*Sorghum sudanense*) applied at a rate of 0.7 pounds per 1,000 square feet.

Combinations of the above may be also be utilized at the recommended rates.

TIMING CONSIDERATIONS

Seed with a temporary seed mixture within 7 days after the suspension of grading work in disturbed areas where the suspension of work is expected to be more than 30 days but less than 1 year.

SITE PREPARATION

Install needed erosion control measures such as diversions, grade stabilization structures, sediment basins and grassed waterways.

Grade according to plans and allow for the use of appropriate equipment for seedbed preparation, seeding, mulch application, and mulch anchoring.

PERMANENT VEGETATIVE COVER:

Refer to Permanent Seeding Measure in the 2002 Guidelines for specific applications and details related to the installation and maintenance of a permanent vegetative cover. In general, the following sequence of operations shall apply:

- Subsoil and topsoil will be replaced once the excavation and grading has been completed. subsoil shall be placed first and topped with topsoil.
- Once the topsoil has been spread, all stones 2" or larger in any dimension will be removed as well as debris.
- Inspect seedbed before seeding. If traffic has compacted the soil, re-till compacted areas.
- Apply the appropriate warm season grass seed mix as listed on this sheet. The recommended seeding dates are as specified.
- Following seeding, firm seedbed with a roller. Mulch immediately following seeding. If a permanent vegetative stand cannot be established by September 30, apply a temporary cover on the topsoil such as netting, mat or organic mulch.

RECOMMENDED SEED MIXTURE (PERMANENT SEEDING):

No.	Seed Mixture (Variety)	Lbs/acre	Lbs/Sq. Ft
**26	Switchgrass (Blackwell, Shelter, Cave-in rock)	4.0	0.10
	Big Bluestem (Niagra, Kaw)	4.0	0.10
	Little Bluestem (Blaze, Aldous, Camper)	2.0	0.05
	Sand Lovegrass (NE-27, Bend)	1.5	0.30
	Birds-foot Trefal (Empire, Viking)	2.0	0.05
	Total	13.5	0.33

** Considered to be a warm season mix. Reference Publication www.soiltest.uconn.edu/factsheets/Warmseasongrasses.pdf

The recommended seeding dates are from early May to early June only

Note: The permittee shall provide invoices for the seed to be used on site to the Brooklyn WEO/ZEO for approval prior to seeding.

CONSTRUCTION NOTES/GENERAL PROVISIONS

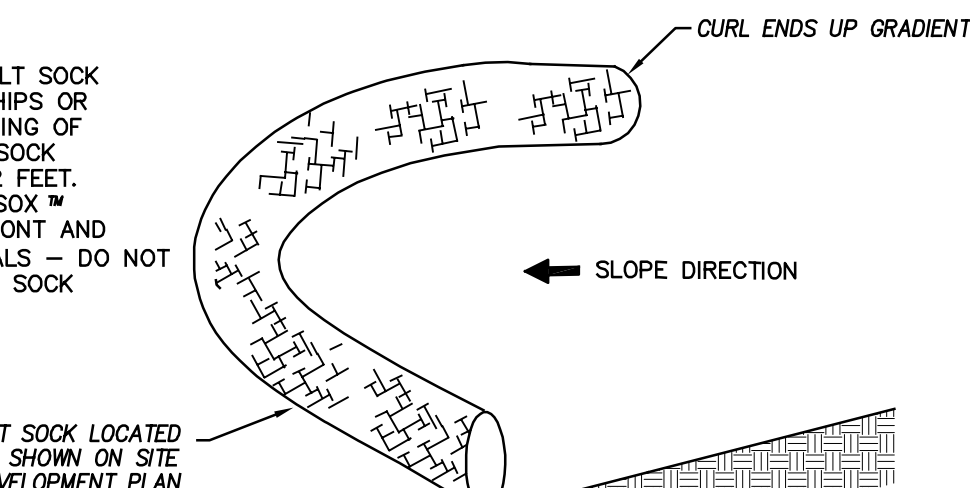
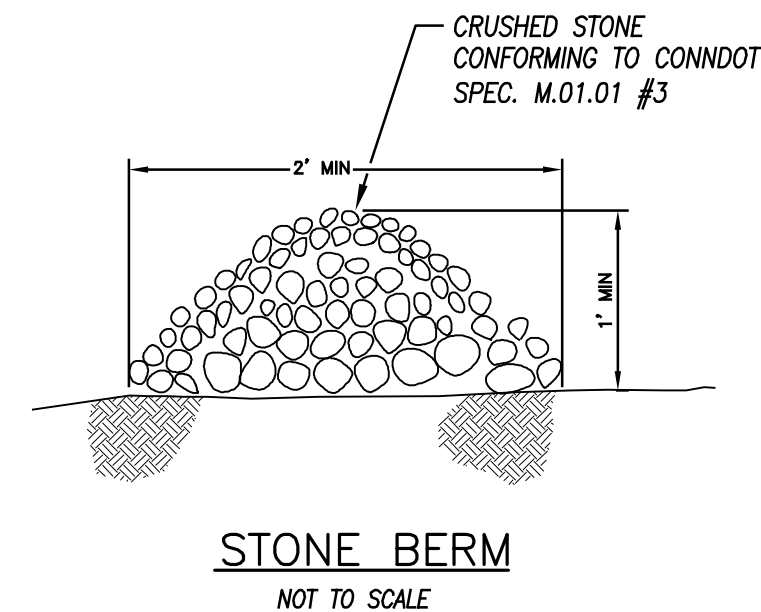
- It is the responsibility of the contractor to verify the location and elevation of all utilities. Contact "CALL BEFORE YOU DIG" at 1-800-922-4455, and obtain all applicable permits, prior to any excavation.
- The Contractor shall obtain all required regulatory agency permits prior to any site disturbance.
- Unless otherwise noted on the plans, the contractor shall use the geometry provided on the construction plans. Benchmark information shall be provided to the contractor by the Owner or the Owner's surveyor. Any discrepancies between field measurements and construction plan information shall be brought to the attention of the Engineer or Surveyor immediately.
- The Contractor shall not revise elevations or locations of items shown on the plans without written consent of the project Engineer or Surveyor.
- The Contractor shall protect benchmarks, property corners, and other survey monuments from damage or displacement. If a marker needs to be removed, it shall be referenced by a licensed land surveyor and replaced as necessary by the same.
- Excavation and regrading taking place as the work progresses shall be done in a manner to allow drainage to flow toward the excavated area and/or erosion and sediment control barriers. Concentrated runoff shall not be permitted to overflow newly graded areas or sedimentation barriers.
- An individual shall be designated by the owner and/or contractor to be personally responsible for implementing this erosion and sedimentation control plan. This responsibility includes the installation and maintenance of control measures throughout the work period.
- All erosion and sediment control devices shall be inspected at least weekly or immediately after a rainstorm with a rainfall total of more than 1/2" accumulated deposits of sedimentation and silt shall be periodically removed from the uphill side of the barrier. Erosion and sedimentation control barriers shall be replaced as necessary throughout the duration of the work on site in order to maintain complete erosion and sedimentation protection.
- The access drive for the excavation areas shall be properly maintained for the duration of the trucking operations. Locations of access drives shall be as shown on the plans or as approved by the engineer prior to the commencement of excavation activities.



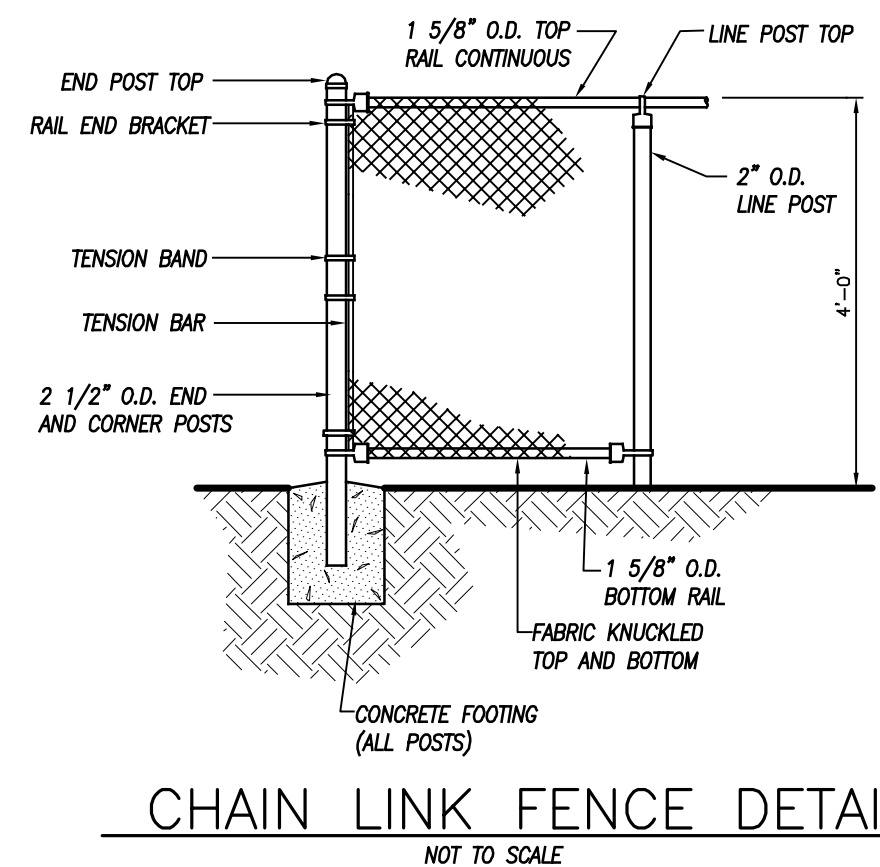
G2310



F5949



- NOTES:**
- REMOVE SEDIMENT FROM UPHILL SIDE OF SOCK WHEN SEDIMENT HAS REACHED HALF THE EFFECTIVE HEIGHT OF THE SOCK.
 - PROVIDE NON-DEGRADABLE SILT SOCKS.



DATE	DESCRIPTION

DETAIL SHEET

PREPARED FOR

H M & E CO., LLC

291 CANTERBURY ROAD (ROUTE 169)
BROOKLYN, CONNECTICUT

Killingly Engineering Associates
Civil Engineering & Surveying

114 Westcott Road
P.O. Box 421
Killingly, Connecticut 06241
(860) 779-7299
www.killinglyengineering.com

DATE: 3/10/2021	DRAWN: AMR
SCALE: NOT TO SCALE	DESIGN: NET
SHEET: 4 OF 4	CHK BY: GG
DWG. No: CLIENT FILE	JOB No: 18145

APPROVED BY THE BROOKLYN
PLANNING AND ZONING COMMISSION

CHAIRMAN	DATE

Expiration date per Sec. 8-3(i)
Connecticut General Statutes: _____

NORMAND E. THIBEAULT, JR., P.E. DATE _____

KARI L. OLSON
860-240-6085 DIRECT TELEPHONE
860-240-5870 DIRECT FACSIMILE
K.OLSON@MURTHALAW.COM

March 31, 2021

Brooklyn Planning & Zoning Commission
69 South Main Street
Brooklyn, CT 06234

Re: The Ice Box Application for Site Plan Review

Dear Commission Members:

This firm represents Matthew and Jennifer Nemeth and their business, "The Ice Box," regarding their enclosed application for site plan approval to continue the pre-existing use of their building located at 17 South Main Street (the "Property") for a "Fast Food" establishment (the "Application").

As the attached correspondence evidences, there has been an ongoing *difference of opinion as to whether the Nemeths require special permit approval for the intended use Fast Food* and while we are not wavering from our position that it does not, in order for the zoning approval record for this property and the validity of the permits for the Nemeths continued operations to be clear, they have filed the Application respectfully seeking that the Commission formally waive the obligation of any perceived need for a special permit approval.

Specifically, pursuant to Section 4.D.6.4.c of the Regulations, the Nemeths request that the Commission waive the requirements for a special permit application and approve the attached application for site plan review only. That Section of the Regulations provides:

Waiver of Special Permit Requirement - For the following types of development, the Commission may waive the requirement for Special Permit approval and authorize such development by Site Plan Review if it finds that such development is unlikely to have significant impacts.

...

Murtha Cullina LLP
280 Trumbull Street
Hartford, CT 06103
T 860.240.6000
F 860.240.6150

c. The development is not significant and is not likely to have more than a negligible impact on traffic, the neighborhood, or the environment.

A. The Development is Not Significant

As you know, the Property lies in the Planned Commercial Zone and is improved with two interconnected buildings. I will refer to the ice cream shop as Building A and the adjacent former bake shop as Building B. The buildings are interconnected in that they are divided by a small walkway (which was once enclosed with a common roof) as well as necessary utilities, such as water, heat and sewer, which all originate in Building B.

This Commission previously granted to the Nemeths a waiver of the Brooklyn Zoning Regulations setbacks to allow the construction of an outdoor deck for patrons to consume their food outside. That deck, as reflected in the site plan that was approved, is also connected to and accessed from both buildings. There is no additional outside work being proposed for Building B, its footprint is not being enlarged and its use will remain as a Fast Food establishment. Thus, there is no real development planned, much less one of significance.

B. The Use of Building B for Retail/Fast Food Is Pre-Existing.

It is well-established that the Property (including both buildings) has been used to create and sell food items since before the Regulations were enacted. Building B was previously a Bakery that made and sold baked goods, which is a Fast Food establishment pursuant to the Regulations. That Building B will be selling a different type of food will not legally change its use. For this reason, approval of its continued use will be of negligible impact on the neighborhood and the environment. Moreover, there is ample parking that meets the existing regulatory requirements for Building B to continue being a Fast Food establishment.

C. The Parking Space in Front of Building B

It has been strongly suggested that the Nemeths eliminate the one parking space that abuts the shared right-of-way of The Ice Box and the Brooklyn Fire Department. That space is depicted on the Plan in cross-hatch (the "Parking Space"). It is important to note that at least two-thirds of the Parking Space lies on the Nemeths' Property and the balance lies within their deeded right-of-way. The use of both Buildings and the Parking Space pre-dates the Fire Department's acquisition of the Fire House by decades. Indeed, until recently, there were no complaints about the Parking Space at

all. The use of the Parking Space was raised for the first time in the midst of a private dispute where the Fire Department was blocking an exit from the Nemeth's parking lot.

Putting aside for the moment the fact that the battle over the Parking Space is more about that private dispute than any real public safety issue, the Nemeths are willing forego the use of the Parking Space if the Commission independently deems it necessary from a public safety standpoint. However, the Nemeths are not willing to give up their property rights in and to the Parking Space, nor are they willing to abandon their right to use it as a parking space should circumstances change in the future; acknowledging that they would have to seek a modification from this Commission of this site plan approval first. The Nemeths also are not conceding that the Fire Department has, nor are they granting to it, an easement, license or other authority to use any of the Parking Space area as its driveway.

Conclusion

For all of the foregoing reasons, and those outlined in the correspondence attached hereto, we ask that you grant the waiver and approve the Site Plan Application.

Very truly yours,



Kari L. Olson

Attachments

c: Matthew and Jennifer Nemeth

RECEIVED

APR 01 2021

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
CONNECTICUT

Received Date _____
Action Date _____

Application # SPR 21-001
Check# 1301
1302

APPLICATION FOR SITE PLAN REVIEW

Name of Applicant JMN Properties LLC Phone 860-774-0042
Mailing Address 31 Day Street Brooklyn CT 06234 Phone 860-235-5087

Name of Owner Same [Matthew & Jennifer Nemeth] Phone _____
Mailing Address _____ Phone _____

Name of Engineer/Surveyor Paul Archer; Archer Surveying
Address 18 Providence Road, Brooklyn
Contact Person Paul Archer Phone 860-779-2240 Fax _____

Property location/address 17 So Main Street
Map # 41 Lot # 104 Zone Pc2 Total Acres 2.4

Proposed Activity Fast food Establishment

Change of Use: Yes ___ No If Yes, Previous Use _____
Area of Proposed Structure(s) or Expansion Pre-existing: 1,105 sq. ft

Utilities - Septic: On Site _____ Municipal Existing Proposed _____
Water: Private Public Existing Proposed _____

Compliance with Article 4, Site Plan Requirements

The following shall accompany the application when required: Total: \$360 -

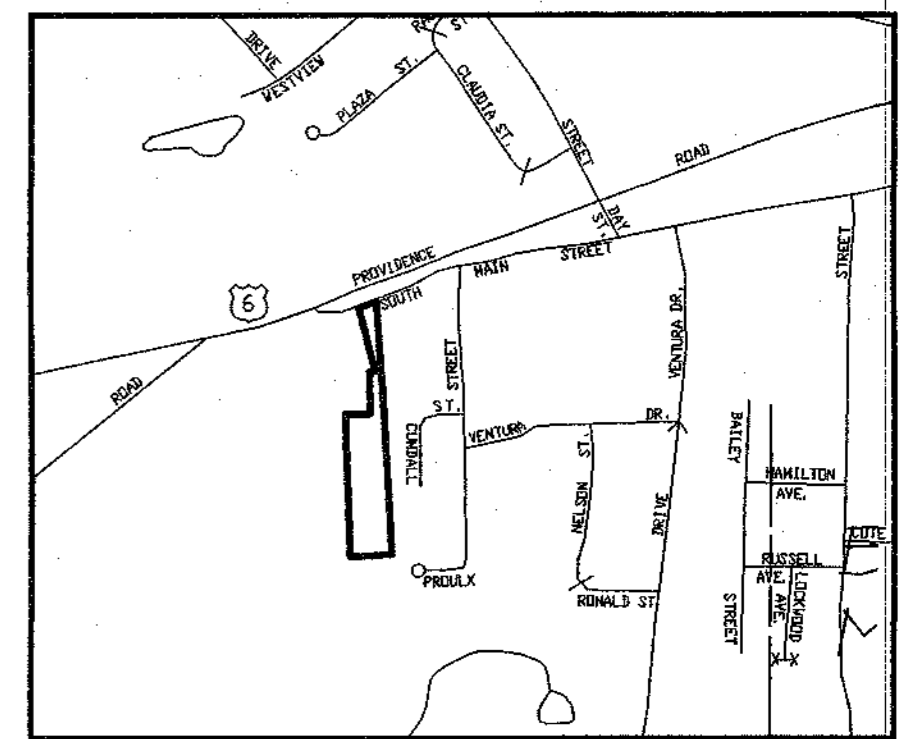
Fee \$ 300.00 State Fee (\$60.00) 60 3 copies of plans _____ Sanitary Report _____
4.5.5 Application/ Report of Decision from the Inland Wetlands Commission
4.5.5 Applications filed with other Agencies
12.1 Erosion and Sediment Control Plans
See also Site Plan Review Worksheet

Variances obtained _____ Date _____

The owner and applicant hereby grant the Brooklyn Planning and Zoning Commission, the Board of Selectman, Authorized Agents of the Planning and Zoning Commission or Board of Selectman, permission to enter the property to which the application is requested for the purpose of inspection and enforcement of the Zoning regulations and the Subdivision regulations of the Town of Brooklyn

Applicant: [Signature] Date _____
Owner: [Signature] Jennifer Nemeth Date 3-31-21

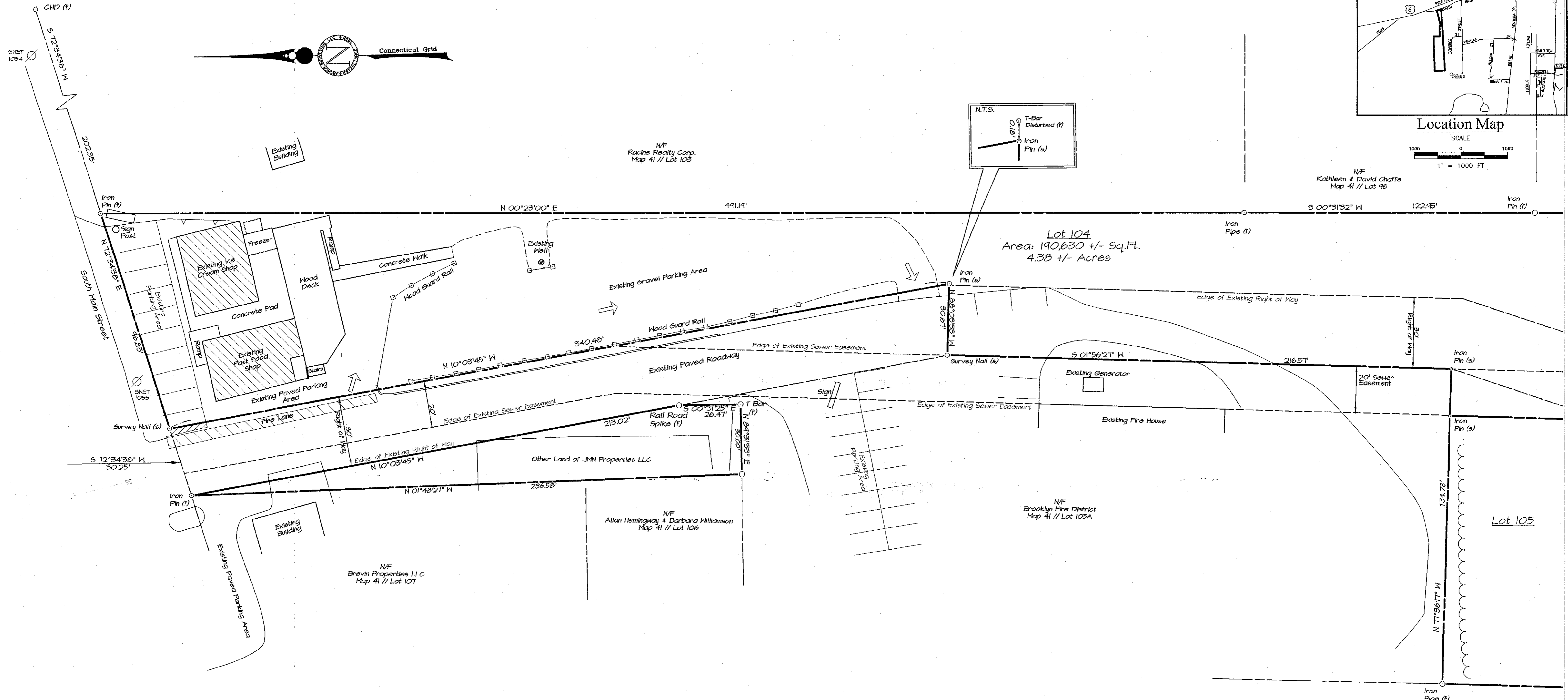
* Note: Any consulting fees will be paid by the applicant



Location Map

SCALE
1" = 1000 FT

NF Kathleen & David Chafte
Map 41 // Lot 46



LEGEND

	PROPERTY LINE
	EASEMENT
	STONEMALL
	EXISTING INDEX CONTOUR
	EXISTING CONTOUR
	PROPOSED CONTOUR
	BUILDING SETBACK
	IRON PIN
	DRILL HOLE
	WOOD GUIDE RAIL
	PROPERTY POINT
	UTILITY POLE

Notes

- This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Section 20-300b-20 and the "Standards for Surveys and Maps in State of Connecticut" as adopted by the Connecticut Associations of Land Surveyors, Inc. on September 26, 1996.
 - This Survey conforms to a Class "A-2" Horizontal Accuracy
 - Survey Type: Existing Condition Plan
 - Boundary Determination: Resurvey
 - Intent: Existing Conditions in relation to property lines
- Parcels shown as Lots 104 & 105 on Assessors Tax Map 41 of the Brooklyn Assessors Office

Map References

- Survey Plan Prepared for Hamilton Test Systems, South Main Street, Brooklyn, Connecticut, Dated: March 1982, Scaled: 1"=20', Prepared by Kleitjka, Woodis and Pike
- Compilation Plan, Prepared for Elisa Ventura, Proulx Street, Brooklyn, Connecticut, Date: Nov. 2001, Prepared by: KHP Associates
- Plan of House Lots, Proulx Plat, Brooklyn, Conn. Date: June 1940, Prepared by: William K. Pike

To My Knowledge, this Map is substantially Correct as noted herein.

[Signature]
Paul M. Archer LLS
Date: 4-5-2021

REVISIONS	
3/31/2021	Revisions per Client
4/5/2021	Revisions per Planner

Existing Condition Plan

Prepared For:
JMN Properties LLC
17 South Main Street
Brooklyn, Connecticut

RECEIVED
APR 05 2021

DRAWING SCALE: 1"=20'

0 10 20 40

ARCHER Surveying LLC

18 Providence Road, Brooklyn, CT
(860) 779-2240

Sheet No. 1 OF 1 Project No. 1809 Date: June 9, 2020

Brooklyn Land Use Department
69 South Main Street
Brooklyn, CT 06234
(860) 779-3411 ext. 31 and ext. 12

**REVISED CEASE AND DESIST ORDER
AND ORDER TO REMEDIATE**

Certified# 7018 2290 0001 0997 6438

Paul Lehto
40 Almada Drive
Brooklyn, CT 06234

March 31, 2021

Mr. Lehto:

Facts

A Notice of Decision was issued on 9/28/21 for the Gravel Special Permit for your property at the end of River Walk Drive (Assessor's Map 32, Lot 148) – 71.34 acres, for the proposed removal of 90,000 cubic yards of gravel from 6.7 acres of land. Refer to the attached copy of this Notice of Decision.

The Gravel Special Permit approval was based on the plan titled Proposed Gravel Excavation Easterly of Allen Hill Road Brooklyn, Connecticut, ("the plan") prepared by Provost and Rovero, dated June 2, 2020 and said approval also contained a number of conditions of the approval which are requirements that are an integral element of the special permit approval.

On 3/23/21, Jana Roberson, Town Planner, and Margaret Washburn, Zoning Enforcement Officer, entered the property that is the subject of the Special Permit to conduct a compliance inspection with your agent, Richard Klingensmith. That inspection resulted in a Cease and Desist Order dated 3/23/21. Refer to the attached copy of this Order. This Revised Cease and Desist Order supersedes the Order issued on 3/23/21 regarding only violations of the Gravel Special Permit. The violations of the Brooklyn Inland Wetlands and Watercourses Regulations will be addressed under a separate Order. Regarding violations of the Brooklyn Inland Wetlands and Watercourses Regulations, the original Cease and Desist Order remains in effect until a superseding Order is issued.

Refer to the attached photographs taken at the 3/23/21 compliance inspection by Ms. Roberson and Ms. Washburn as evidence of the violations of the Special Permit.

The following activities have been observed to have occurred on your property in violation of the Gravel Special Permit:

Excavation commenced without posting any performance bond.

Excavation commenced without the limit of disturbance having been flagged in the field by a licensed land surveyor.

Excavation commenced significantly closer to the property lines (as close as approximately 15 feet) than shown by the limits of disturbance on the approved plan (50 feet).

Excavation commenced prior to the required flagging of property lines within 300' of the area of disturbance.

The erosion and sediment controls were not installed to the satisfaction of the Land Use Office prior to the commencement of Excavation. Excavation commenced prior to the 3/23/21 compliance inspection. A portion of the erosion and sediment controls was in a state of disrepair and in need of maintenance when it was photographed on 3/23/21.

The area of disturbance has far exceeded the 6.7 acres of excavation approved by approximately double the size of 6.7 acres.

The proposed excavation plan (Sheet 4/7) showed that excavation would commence in Phase 1. Extensive excavation was observed to have taken place in Phase 2 during the 3/23/21 compliance inspection.

The proposed excavation plan (Sheet 4/7) states: "Perimeter silt fence and/or staked hay bales shall be installed as shown prior to grubbing and stripping topsoil." No perimeter silt fence and/or staked hay bales had been installed prior to the 3/23/21 compliance inspection.

It was observed and documented at the 3/23/21 compliance inspection that portions of the access road were in poor condition, and that portions of the access road had

been widened significantly. Such widening was not shown on the plan and was not approved under the Gravel Special Permit.

Conditions of the Gravel Special Permit that Have Been Violated

2. Prior to the commencement of any activity undertaken in accordance with this approval, a performance bond in favor of the Town of Brooklyn in the amount of \$115,000 will be submitted to the Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff. The bond shall include: \$67,000 to restore the 6.7 acre excavation area, \$10,000 to repair erosion on the gravel access road as directed by the Town's consulting engineer, and \$38,000 to repave Riverwalk Drive with a 2" overlay as directed by the Town's consulting engineer. Once the repair work on the gravel access road and Riverwalk Drive is completed to the reasonable satisfaction of the Town's consulting engineer, the portion of the bond attributed to that particular activity can be released. The Town shall document the condition of Riverwalk Drive and the gravel access road prior to the commencement of work on the site. No activity shall occur on the site until the bond has been provided in final form to the Town and approved. Except as otherwise provided, the bond shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless this requirement is subsequently modified by the Planning and Zoning Commission.
3. Prior to the commencement of any activity undertaken in accordance with this approval, the limit of disturbance shall be flagged in the field by a licensed land surveyor and such flags shall be posted high above grade on trees or on construction fence so as not to be disturbed by clearing or excavation activities. The limits of disturbance markings shall remain in place for the duration of the excavation activity and shall be replaced if disturbed. Additionally, property lines within 300' of the area of disturbance shall be flagged. All flagging as required by this approval shall be checked no less frequently than quarterly by the operator to ensure they are in place and shall be restored if disturbed or removed.
4. Prior to the commencement of any activity undertaken in accordance with this approval, erosion and sedimentation control measures as shown on the approved plans shall be installed to the satisfaction of the Land Use Office. The Land Use Office shall have the authority to direct that additional erosion

and sedimentation control measures be installed if deemed necessary to maintain adequate protection from erosion and sedimentation.

5. Excavation activity and the volume of material to be excavated shall be as shown on the plans titled "Proposed Gravel Excavation Allen Hill Road Brooklyn, Connecticut" prepared by Provost & Rovero dated June 2, 2020, and as further revised by these conditions. The excavation area is limited to 6.7 acres and the volume of material is not to exceed a total of 90,000 cubic yards. No on-site processing of excavated material is permitted, and no earth material shall be imported to the site except as is required for restoration of the site in accordance with Condition 7 below.

Applicable Laws and Regulations

Section 6.O.4.2:

2. Area of Operation – The Commission may require project stages to limit the amount of land to be denuded, stripped, or otherwise left in an unrestored condition at any one time. Such requirements shall be based upon the character of the neighborhood, the topography of the site, the potential for erosion by wind or water, unique site conditions, and the recommendation of the Town Engineer or such other State or local agency, or special advisor, as may provide advice to the Commission.

Section 6.O.4.4:

Property Line Setbacks - All property boundaries shall be clearly and permanently marked in the field. There shall be no excavation operations within fifty (50') feet of any property line or of a street line, except that the Commission may modify such buffer where the re-use plan indicates that excavation closer to the property line would facilitate a valid successive use of the property. Where the use of an abutting property is similar or compatible to the proposed use or where the topography of the property is appropriate, and when abutters have provided their consent in writing, the Commission may allow material to be removed to the property line to conform to existing or proposed grades.

Section 6.O.4.8:

Fences and Barricades - Snow fence shall be used to clearly delineate the boundaries of the area of operation. Where necessary to protect the safety of persons entering the permit premises, the Commission may require fences, gates, or barricades to control or prevent vehicular access.

Section 6.O.4.9:

Truck Access - Truck access roads to and within the permit premises shall be so arranged as to eliminate danger to traffic and to minimize the nuisance to surrounding property owners. The maximum grade of truck access roads shall not exceed 12%. Such access roads shall have a dustless surface for the first three hundred (300') feet from the public street, which is to be maintained in good condition at all times. There shall be an anti-tracking pad adjacent to the street, or such other additional or alternative measures as the Commission may approve upon the written request of the applicant to prevent the tracking, washing, spillage or other deposition of material on the street.

Section 6.O.7:

Financial Guarantee Required— a. Before excavation operations commence, the owner shall post a financial guarantee with the Treasurer of the Town of Brooklyn in a manner and form consistent with CT General statutes Sec. 8-3, as amended. The amount of such financial guarantee shall be calculated by the applicant's engineer so as not to exceed the anticipated actual costs the implementation of erosion and sediment controls including final erosion and sedimentation measures plus a contingency amount not to exceed ten per cent of such costs. The amount of such financial guarantee shall be approved by the Town Engineer. Such financial guarantee shall be accompanied by a written agreement of terms and conditions that shall be approved by the Commission's legal counsel.

b. The applicant may request a release of all or a portion of the financial guarantee as provided in CT General statutes Sec. 8-3 (g)(3), as amended. Any request shall be accompanied by an estimate of the cost of all remaining restoration prepared by the permittee's engineer. At all times, the amount of the bond retained shall be sufficient to restore the site.

c. The Town of Brooklyn shall be authorized to withdraw funds or otherwise call the bond whenever the owner or operator fails to perform restorative work required

to prevent environmental and neighborhood degradation following notice to the permittee. Such circumstances may include, but are not limited to, abandonment of the excavation operation by the owner or operator or failure to satisfactorily perform restoration work following revocation or termination of the permit by the Planning and Zoning Commission.

2. Inspection - The Commission or the Zoning Enforcement Official may inspect the permit premises for compliance with these Regulations, the approved plans, and any conditions of the permit upon notice to the landowner.

3. Enforcement - a. Any permit issued hereunder shall be enforced in accordance with the provisions of these Regulations.

b. Should the Zoning Enforcement Official (“ZEO”), based on an on-site inspection, determine that the holder of the Special Permit may have exceeded the approved limits of the excavation, the ZEO may require field staking of reference points by a licensed surveyor and/or submission of an updated plan by a professional engineer at the ZEO’s determination as to what information is required. Such information shall be provided by the holder of the Special Permit within 30 days of written notice of the requirement of the field staking or an updated plan, or both. In the event that the holder of the Special Permit shall fail, neglect or refuse to provide the required information, then the ZEO may contract separately for such work and use the financial guarantee as provided by the holder of the Special Permit to pay for it. If it is determined that the excavation does exceed that authorized by the Special Permit issued by the Commission, the holder of the Special Permit shall apply for a new Special Permit for such work within 30 days of written notice of the exceedance issued by the ZEO. In the event that the holder of the Special Permit does not apply for a new Special Permit within 30 days from the date of the notice from the ZEO, the ZEO may issue a cease and desist order and/or may pursue enforcement penalties as provided by the Connecticut General Statutes.

Section 9.D.8.5:

Following Approval for Special Permits

Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations. The Zoning Enforcement Officer or the Commission shall notify the applicant in writing of the specifics of the non-compliance and shall provide a reasonable time period for compliance therewith. Unless there is full compliance within such time

period, the Commission may, following a duly advertised public hearing, rescind and revoke such Special Permit.

YOU ARE HEREBY REQUIRED TO DO THE FOLLOWING WITHIN 30 (THIRTY) DAYS UNLESS A DIFFERENT TIME PERIOD IS SPECIFICALLY OTHERWISE INDICATED FROM THE RECEIPT OF THIS ORDER:

- 1. IMMEDIATELY CEASE AND DESIST ALL SITE WORK, EXCEPT EROSION AND SEDIMENTATION CONTROL INSTALLATIONS. NO OTHER SITE WORK, EXCAVATION, OR GRADING SHALL OCCUR.**

- 2. ATTEND THE 4/7/2021 MEETING OF THE BROOKLYN PLANNING AND ZONING COMMISSION AT 6:30 PM VIA WEBEX. REFER TO THE ATTACHED DRAFT AGENDA FOR INSTRUCTIONS ON HOW TO ATTEND THIS MEETING BY PHONE OR INTERNET CONNECTION.**

- 3. POST THE FULL AMOUNT OF THE PERFORMANCE BOND (\$115,000.00) IN FAVOR OF THE TOWN OF BROOKLYN AS PER CONDITION NUMBER 2 IN THE NOTICE OF DECISION DATED 9/28/2020.**

- 4. WITHIN 30 (THIRTY) DAYS OF THE RECEIPT OF THIS ORDER SUBMIT A REMEDIATION PLAN SHOWING:**
 - WHERE EXCAVATION OCCURRED OUTSIDE THE LIMIT OF DISTURBANCE**
 - WHERE EXCAVATION OCCURRED CLOSER THAN PERMITTED TO PROPERTY LINES**
 - WHERE EXCAVATION OCCURRED CLOSER THAN PERMITTED TO EROSION AND SEDIMENT CONTROLS**
 - WHERE THE ACCESS ROAD WAS WIDENED BEYOND WIDTHS SHOWN ON THE APPROVED PLAN**
 - THE LIMITS OF DISTURBANCE SHOWN ON THE PLAN APPROVED FOR THE GRAVEL SPECIAL PERMIT**
 - A GRADING AND NATIVE VEGETATION PLANTING PLAN FOR THESE AREAS**

5. A LAND SURVEYOR LICENSED TO WORK IN THE STATE OF CT SHALL STAKE REFERENCE POINTS IN THE FIELD, NOT MORE THAN 50 FEET APART, SHOWING THE LIMITS OF DISTURBANCE SHOWN ON THE PLAN APPROVED FOR THE GRAVEL SPECIAL PERMIT.
6. A LAND SURVEYOR LICENSED TO WORK IN THE STATE OF CT SHALL FLAG IN THE FIELD ALL PROPERTY LINES WITHIN 300 FEET OF THE AREA THAT HAS BEEN DISTURBED AS OF 3/23/21.
7. A LAND SURVEYOR LICENSED TO WORK IN THE STATE OF CT SHALL STAKE REFERENCE POINTS IN THE FIELD, NOT MORE THAN 50 FEET APART, SHOWING THE LIMITS OF THE 6.7 ACRES OF LAND WHERE EXCAVATION WAS APPROVED UNDER THE NOTICE OF DECISION DATED 9/28/2020.
8. A LAND SURVEYOR LICENSED TO WORK IN THE STATE OF CT SHALL STAKE REFERENCE POINTS IN THE FIELD, NOT MORE THAN 50 FEET APART, SHOWING THE LIMITS OF THE WIDTH OF THE ACCESS ROAD SHOWN ON THE APPROVED PLAN IN AREAS WHERE THE ACCESS ROAD WAS WIDENED WITHOUT PERMISSION.
9. WITHIN FIVE (5) DAYS OF THE DATE HEREOF, RE-INSTALL THE PORTION OF THE EROSION AND SEDIMENT CONTROLS THAT HAD FAILED AS OF 3/23/21.
10. WITHIN FIVE (5) DAYS OF THE DATE HEREOF, INSTALL DOUBLE-STAKED HAY BALES AND SILT FENCE AS SHOWN ON SHEET 4/7 IN THE PLAN.

FAILURE TO COMPLY WILL SUBJECT YOU TO CITATIONS AND FINES OF \$150.00 PER DAY. REFER TO THE ATTACHED SECTION 20-2 OF THE BROOKLYN TOWN ORDINANCE REGARDING CITATION PROCEDURES AND FINES FOR ZONING VIOLATIONS.

UNLESS THERE IS FULL COMPLIANCE WITHIN 30 (THIRTY) DAYS OF THE RECEIPT OF THIS ORDER THE COMMISSION MAY, FOLLOWING A DULY ADVERTISED PUBLIC HEARING, RESCIND AND REVOKE THE SPECIAL PERMIT FOR THE SUBJECT PROPERTY.

Dated at Brooklyn, March 31, 2021.

Margaret Washburn

Margaret Washburn
Brooklyn Zoning Enforcement Officer

CC: Rick Ives, First Selectman, Jana Roberson, Town Planner, Peter Alter, Town Counsel

PLANNING AND ZONING COMMISSION

TOWN OF BROOKLYN

P.O. BOX 356
CONNECTICUT 06234

9489 0090 0027 6215 8999 61

September 28, 2020

CERTIFIED#

Paul R. Lehto
40 Almada Drive
Brooklyn, CT 06234

RE: Notice of Decision – SPG 20-001 Special Permit for Sand and Gravel – Paul Lehto, end of River Walk Drive (Assessor's Map 32, Lot 148) – 71.34 acres, Proposed removal of 90,000 cubic yards of gravel over 6.7 acres.

Dear Mr. Lehto:

On September 15, 2020, the Brooklyn Planning and Zoning Commission approved your Gravel Special Permit application limited to 6.7 acres within the 71.34 acres on the east side of Allen Hill Road (Map 32, Lot 148), identified in the files of the Brooklyn Land Use Office as SPG 20-001. This Gravel Special Permit is to excavate and remove up to 90,000 cubic yards of sand and gravel from the 6.7 acre site, with the finding that the standards of Section 6.O - Excavation Operations and Section 9.D -Special Permit Applications are satisfied in accordance with all final documents and testimony submitted with the application and subject to and including the following conditions:

1. The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final recorded special permit plans. Draft final approved plans shall be printed on paper and submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals, signed by Commission Chairs, shall be recorded along with the Special Permit in the office of the Town Clerk.
2. Prior to the commencement of any activity undertaken in accordance with this approval, a performance bond in favor of the Town of Brooklyn in the amount of \$115,000 will be submitted to the Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff. The bond shall include: \$67,000 to restore the 6.7 acre excavation area, \$10,000 to repair erosion on the gravel access road as directed by the Town's consulting engineer, and \$38,000 to repave Riverwalk Drive with a 2" overlay as directed by the Town's consulting engineer. Once the repair work on the gravel access road and Riverwalk Drive is completed to the reasonable satisfaction of the Town's consulting engineer, the portion of the bond attributed to that particular activity can be released. The Town shall document the condition of Riverwalk Drive and the gravel access road prior to the commencement of work on the site. No activity shall occur

- on the site until the bond has been provided in final form to the Town and approved. Except as otherwise provided, the bond shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless this requirement is subsequently modified by the Planning and Zoning Commission.
3. Prior to the commencement of any activity undertaken in accordance with this approval, the limit of disturbance shall be flagged in the field by a licensed land surveyor and such flags shall be posted high above grade on trees or on construction fence so as not to be disturbed by clearing or excavation activities. The limits of disturbance markings shall remain in place for the duration of the excavation activity and shall be replaced if disturbed. Additionally, property lines within 300' of the area of disturbance shall be flagged. All flagging as required by this approval shall be checked no less frequently than quarterly by the operator to ensure they are in place and shall be restored if disturbed or removed.
 4. Prior to the commencement of any activity undertaken in accordance with this approval, erosion and sedimentation control measures as shown on the approved plans shall be installed to the satisfaction of the Land Use Office. The Land Use Office shall have the authority to direct that additional erosion and sedimentation control measures be installed if deemed necessary to maintain adequate protection from erosion and sedimentation.
 5. Excavation activity and the volume of material to be excavated shall be as shown on the plans titled "Proposed Gravel Excavation Allen Hill Road Brooklyn, Connecticut" prepared by Provost & Rovero dated June 2, 2020, and as further revised by these conditions. The excavation area is limited to 6.7 acres and the volume of material is not to exceed a total of 90,000 cubic yards. No on-site processing of excavated material is permitted and no earth material shall be imported to the site except as is required for restoration of the site in accordance with Condition 7 below.
 6. Restoration shall commence upon completion of each phase of excavation as provided in the Zoning Regulations and as noted in the Restoration Notes on page 5 of the approved plans.
 7. Any fill that is imported to the site for the purpose of backfilling the excavation area shall be "clean" as defined by the CT DEEP Regulations of State Agencies Sec. 22a-209-1. Prior to the acceptance of any imported fill to be used to restore the site, the source of the imported fill and the proper certification as to the condition of the fill shall be provided in writing to the Town. No imported fill may enter the site unless proper documentation is provided in advance to the Land Use Office.
 8. Dust shall be controlled throughout the year using water or calcium chloride treatment on surfaces as appropriate for conditions. All trucks exiting or entering the site must have their tarp covers closed. Sweeping of the entrance area shall occur regularly and as needed. The Land Use Office shall have the authority to direct that additional dust control measures be installed and employed if deemed necessary to maintain adequate protection from ambient dust within or beyond the site.
 9. Written reports of the volume of excavated materials shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly in March, June, September, and December.
 10. The permit renewal date is September 15, 2022. The renewal procedure shall be as specified in Section 6.O.7 of the Brooklyn Zoning Regulations (effective 10-15-2019).

A legal notice of this approval has been published on September 22, 2020 on www.brooklynct.org/planning-zoning-commission/minutes. Please note that any approval of the Brooklyn Planning and Zoning Commission may be appealed for a fifteen-day period following the publication of the legal notice.

Enclosed is a copy of the record of special permit. It is your duty to file the record of special permit with the Brooklyn Town Clerk. The special permit is not valid until it is filed.

If you have any questions, please call Jana Roberson, in the Land Use Department at 860-779-3411 Extension 14.

Signed,



Jana Roberson, AICP
Dir. Of Community Development/
Town Planner

JR/acl

CC: File, Provost and Rovero, Inc.

Appendix:

- Application SPG 20-001
- Site Plans titled "Proposed Gravel Excavation Easterly of Allen Hill Road, Brooklyn, CT, owner/applicant Paul R. Lehto", prepared by Provost & Rovero, Inc., dated 6/2/20, Sheets 1-7
- IWWC Approval Letter dated 7/30/20
- Letter dated 7/14/20 Syl Pauley, PE, NECCOG
- Email dated 8/4/20 from Syl Pauley to Jana Roberson
- Letter dated 8/10/20 Provost & Rovero, Inc.
- Email dated 8/20/20 from David Held to
- Letter dated 8/31/20 Provost & Rovero, Inc.

**Town of Brooklyn
Record of Special Permit**

In accordance with Section 8-3d of the Connecticut General Statutes, a record of Special Permit shall be filed in the Office of the Town Clerk of Brooklyn before the Special Permit shall be considered valid. It shall be filed under the name of the record owner, who shall be responsible for all fees.

Name of Record Owner(s): Paul R. Lehto

Address: 40 Almada Drive Brooklyn, CT 06234

Property Location: 71.34 acres on east side of Allen Hill Road

Assessors Map-Lot Number: Map 32, Lot 148 Zone: RA

Application Identification Number: SPG 20-001

Activity: Excavation and removal of up to 90,000 cubic yards of sand and gravel from a 6.7 acre site.

Section(s) of Regulations under which the Special Permit was Granted:

Section 6.O - Excavation Operations and Section 9.D -Special Permit Applications

Conditions of Special Permit:

1. The Inland Wetlands and Watercourses Commission approval with conditions and the Planning and Zoning Commission approval with conditions must be included on the final recorded special permit plans. Draft final approved plans shall be printed on paper and submitted to Town Staff for review prior to printing on archival material. The final approved plans bearing the seal and signature of the appropriate professionals, signed by Commission Chairs, shall be recorded along with the Special Permit in the office of the Town Clerk.
2. Prior to the commencement of any activity undertaken in accordance with this approval, a performance bond in favor of the Town of Brooklyn in the amount of \$115,000 will be submitted to the Brooklyn Land Use Department. The form and content of the bond shall be reviewed and approved by Town Staff. The bond shall include: \$67,000 to restore the 6.7 acre excavation area, \$10,000 to repair erosion on the gravel access road as directed by the Town's consulting engineer, and \$38,000 to repave Riverwalk Drive with a 2" overlay as directed by the Town's consulting engineer. Once the repair work on the gravel access road and Riverwalk Drive is completed to the reasonable satisfaction of the Town's consulting engineer, the portion of the bond attributed to that particular activity can be released. The Town shall document the condition of Riverwalk Drive and the gravel access road prior to the commencement of work on the site. No activity shall occur on the site until the

bond has been provided in final form to the Town and approved. Except as otherwise provided, the bond shall remain in place for the life of the operation including restoration of the property to the satisfaction of the Town unless this requirement is subsequently modified by the Planning and Zoning Commission.

3. Prior to the commencement of any activity undertaken in accordance with this approval, the limit of disturbance shall be flagged in the field by a licensed land surveyor and such flags shall be posted high above grade on trees or on construction fence so as not to be disturbed by clearing or excavation activities. The limits of disturbance markings shall remain in place for the duration of the excavation activity and shall be replaced if disturbed. Additionally, property lines within 300' of the area of disturbance shall be flagged. All flagging as required by this approval shall be checked no less frequently than quarterly by the operator to ensure they are in place and shall be restored if disturbed or removed.
4. Prior to the commencement of any activity undertaken in accordance with this approval, erosion and sedimentation control measures as shown on the approved plans shall be installed to the satisfaction of the Land Use Office. The Land Use Office shall have the authority to direct that additional erosion and sedimentation control measures be installed if deemed necessary to maintain adequate protection from erosion and sedimentation.
5. Excavation activity and the volume of material to be excavated shall be as shown on the plans titled "Proposed Gravel Excavation Allen Hill Road Brooklyn, Connecticut" prepared by Provost & Rovero dated June 2, 2020, and as further revised by these conditions. The excavation area is limited to 6.7 acres and the volume of material is not to exceed a total of 90,000 cubic yards. No on-site processing of excavated material is permitted and no earth material shall be imported to the site except as is required for restoration of the site in accordance with Condition 7 below.
6. Restoration shall commence upon completion of each phase of excavation as provided in the Zoning Regulations and as noted in the Restoration Notes on page 5 of the approved plans.
7. Any fill that is imported to the site for the purpose of backfilling the excavation area shall be "clean" as defined by the CT DEEP Regulations of State Agencies Sec. 22a-209-1. Prior to the acceptance of any imported fill to be used to restore the site, the source of the imported fill and the proper certification as to the condition of the fill shall be provided in writing to the Town. No imported fill may enter the site unless proper documentation is provided in advance to the Land Use Office.
8. Dust shall be controlled throughout the year using water or calcium chloride treatment on surfaces as appropriate for conditions. All trucks exiting or entering the site must have their tarp covers closed. Sweeping of the entrance area shall occur regularly and as needed. The Land Use Office shall have the authority to direct that additional dust control measures be installed and employed if deemed necessary to maintain adequate protection from ambient dust within or beyond the site.
9. Written reports of the volume of excavated materials shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly in March, June, September, and December.

10. The permit renewal date is September 15, 2022. The renewal procedure shall be as specified in Section 6.O.7 of the Brooklyn Zoning Regulations (effective 10-15-2019).

Reason for Granting the Special Permit: In conformance with the Zoning Regulations as modified by the Planning and Zoning Commission.

Date of Issuance of Special Permit by the P & Z Commission: September 15, 2020

I certify that the above is a true record of the Special Permit granted for the subject property by the Brooklyn Planning and Zoning Commission.

Jana Robinson
Town Planner

9/28/2020
Date

Cease + Desist Order

3/23/21

Paul Lehto and his agents are hereby required to stop all work on the Allen Hill gravel pit property subject to the provisions of the PZC Special Permit issued in 2020 due to violations of the Special Permit and the Wetlands Permit.

Issued by Margaret Washburn

ZEO + Wetlands Enforcement Officer



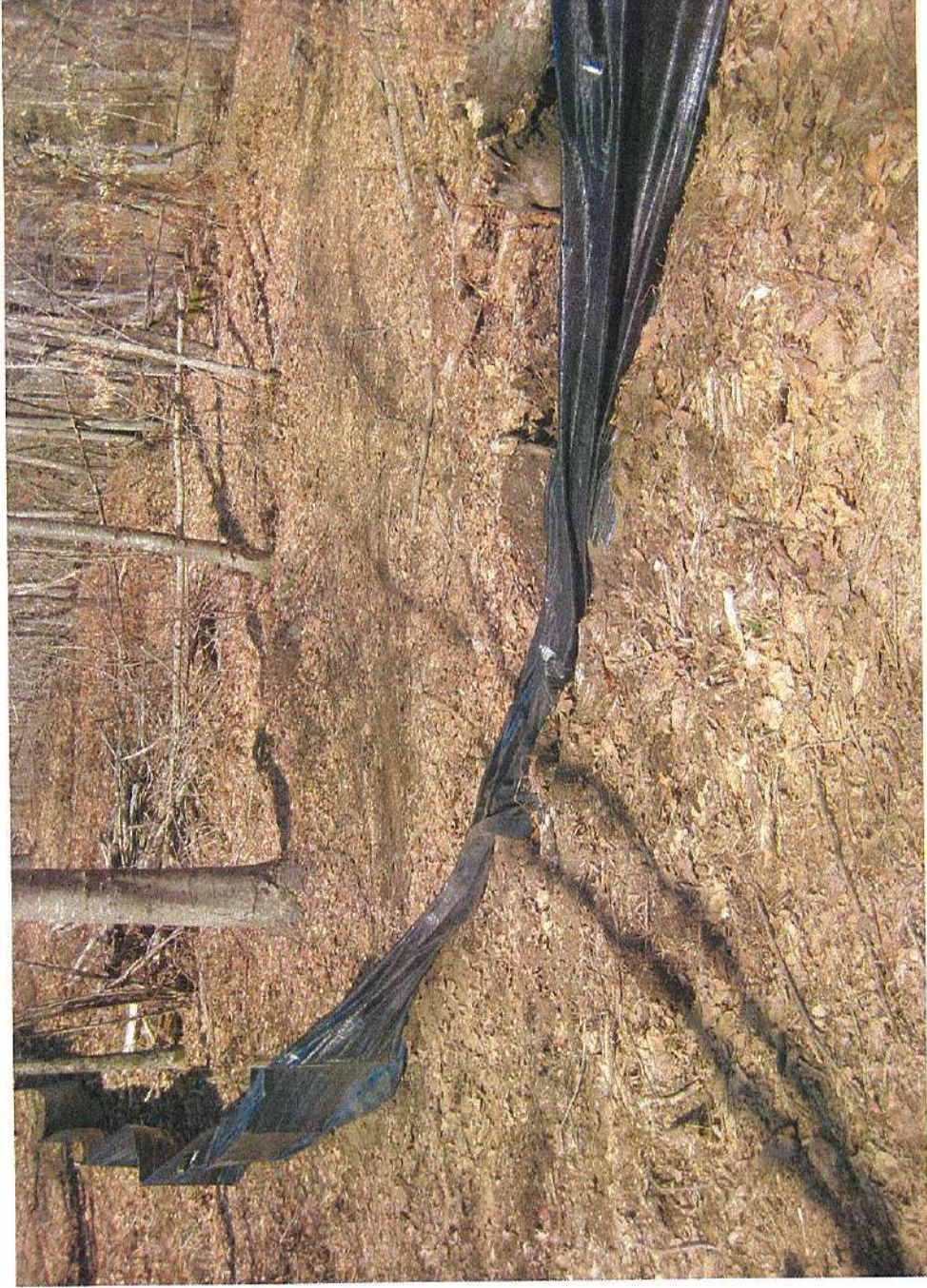
Outside limits of
disturbance



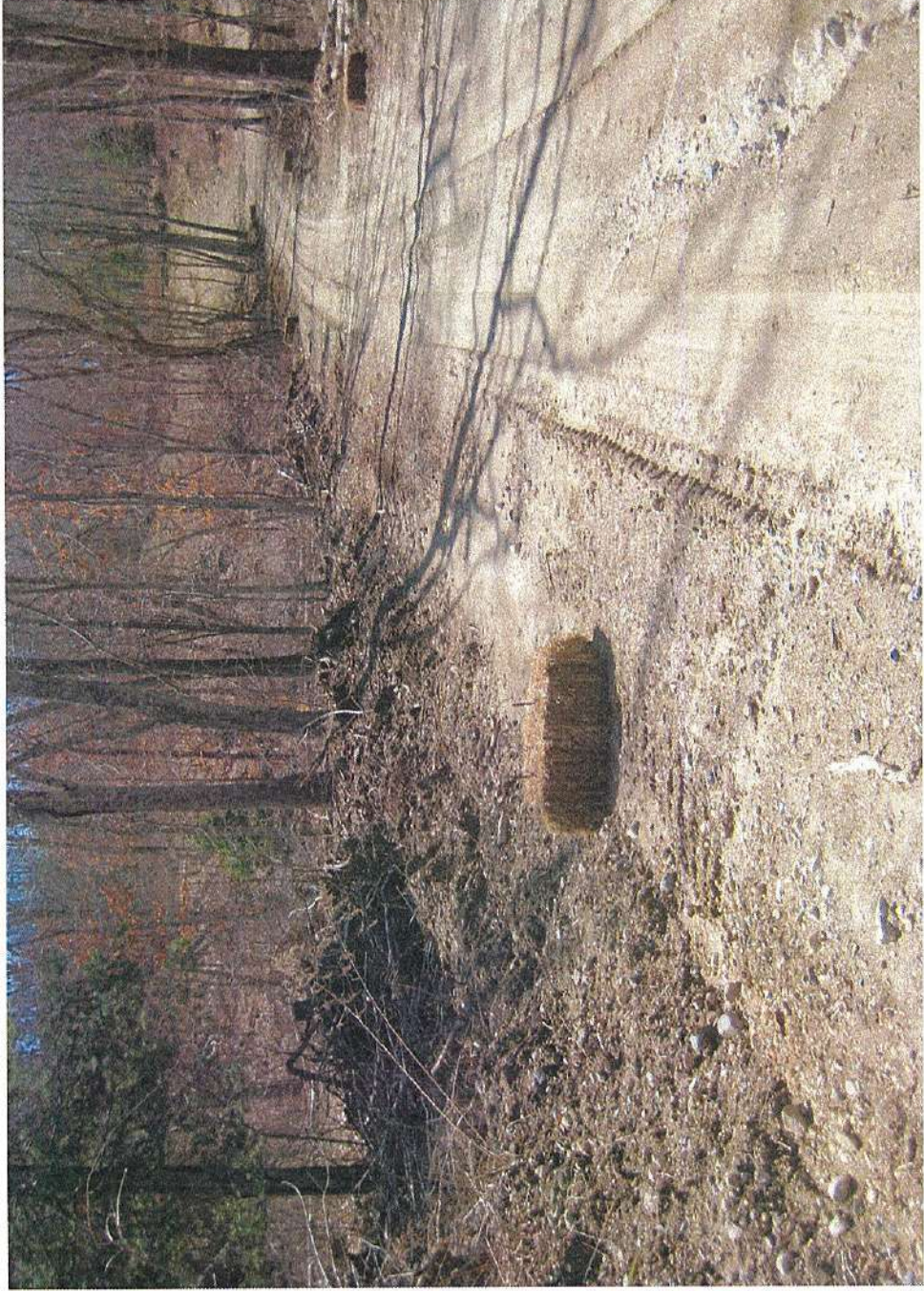
Work outside limits
of disturbance



Work too close to
southern property line

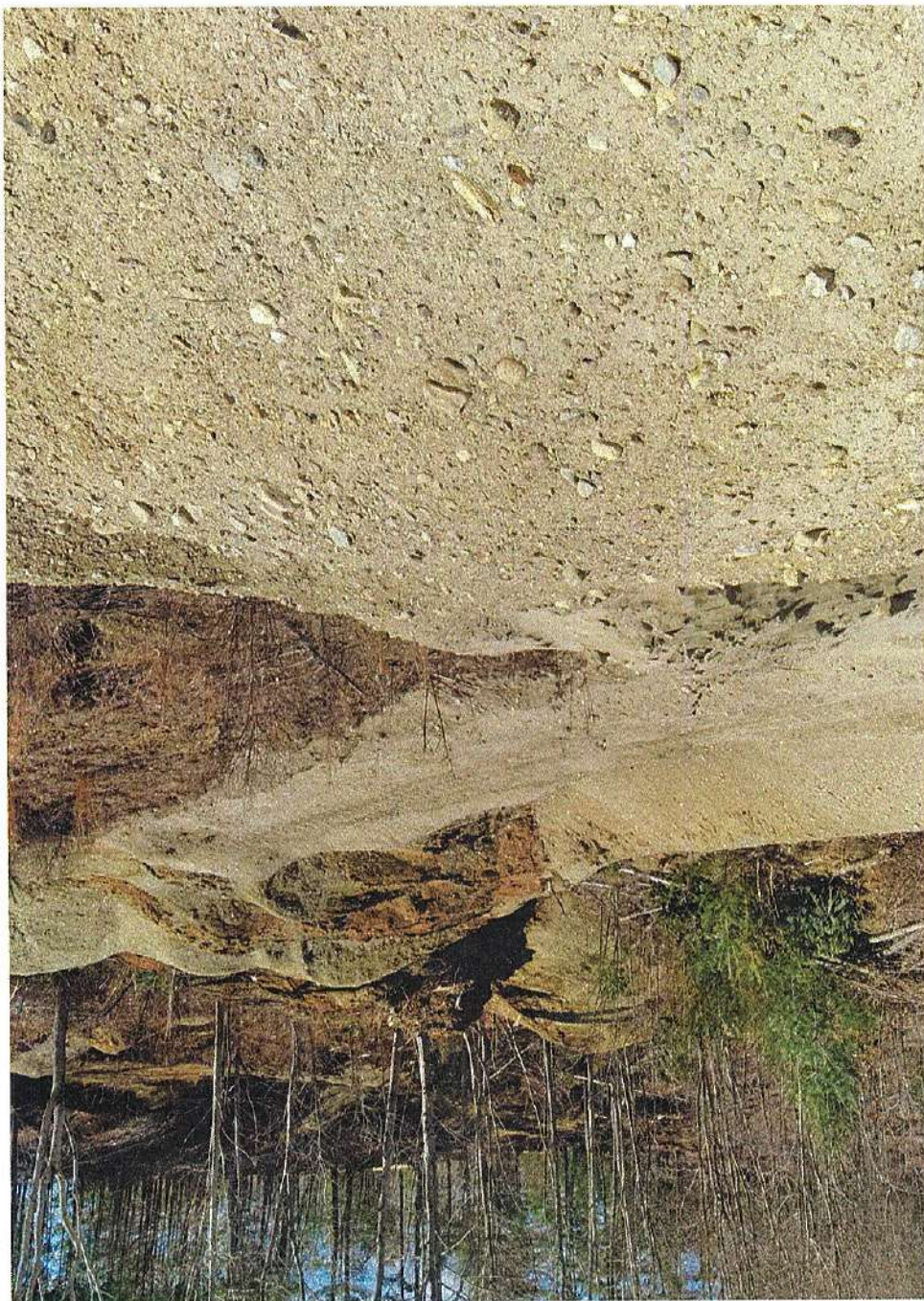


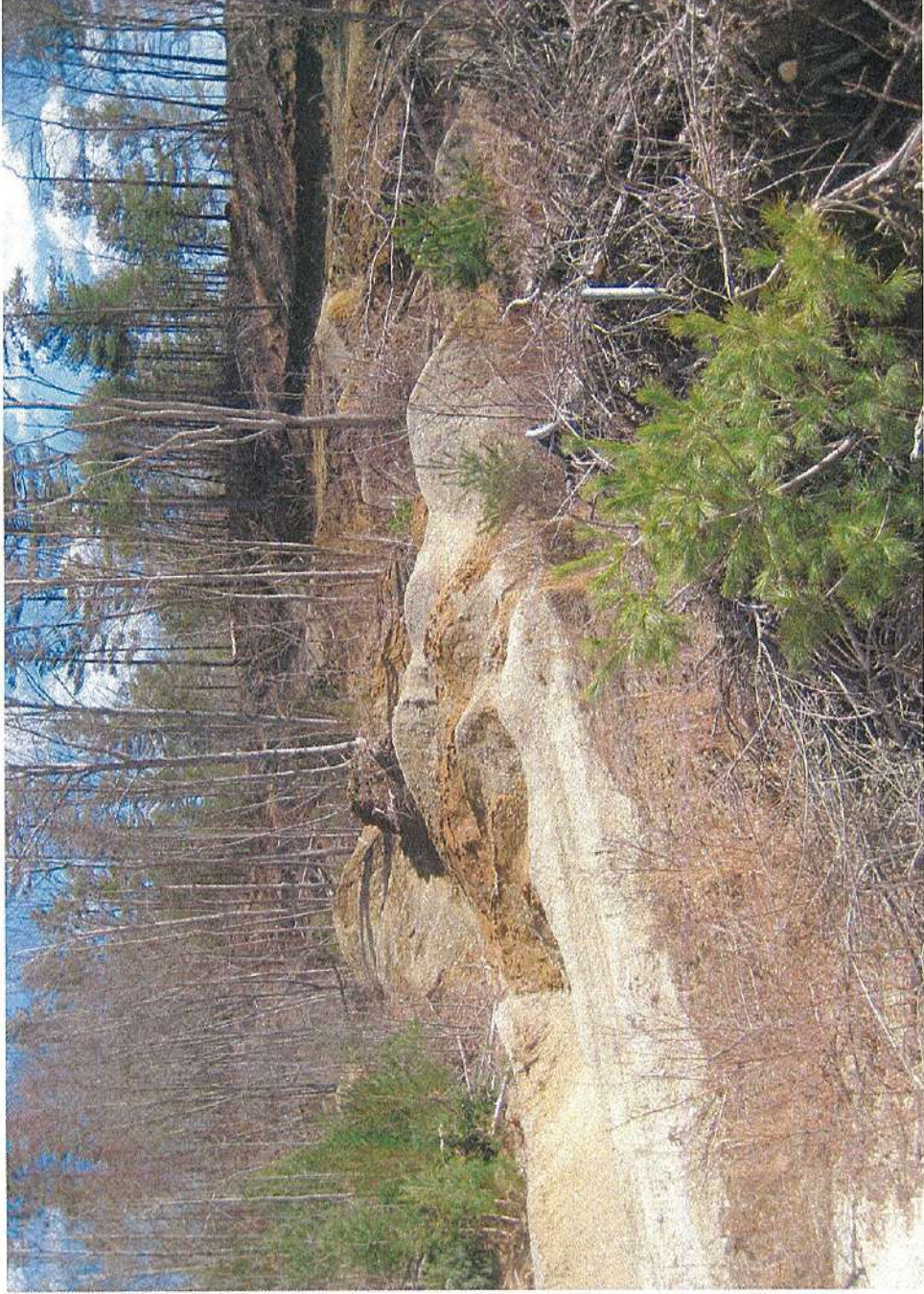
Failed sediment and erosion controls



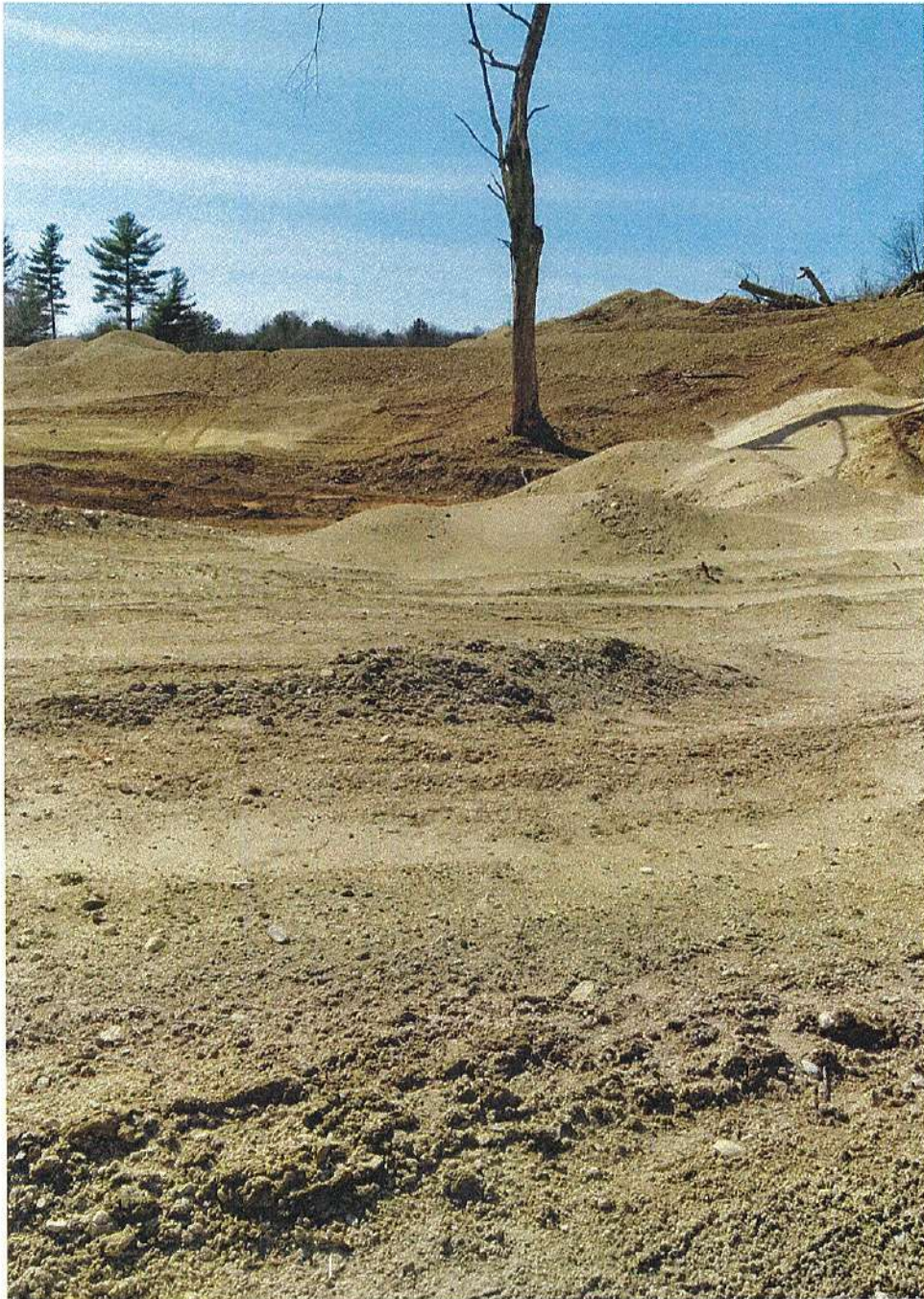
Road widened near
stream crossing

Facing south
Property line

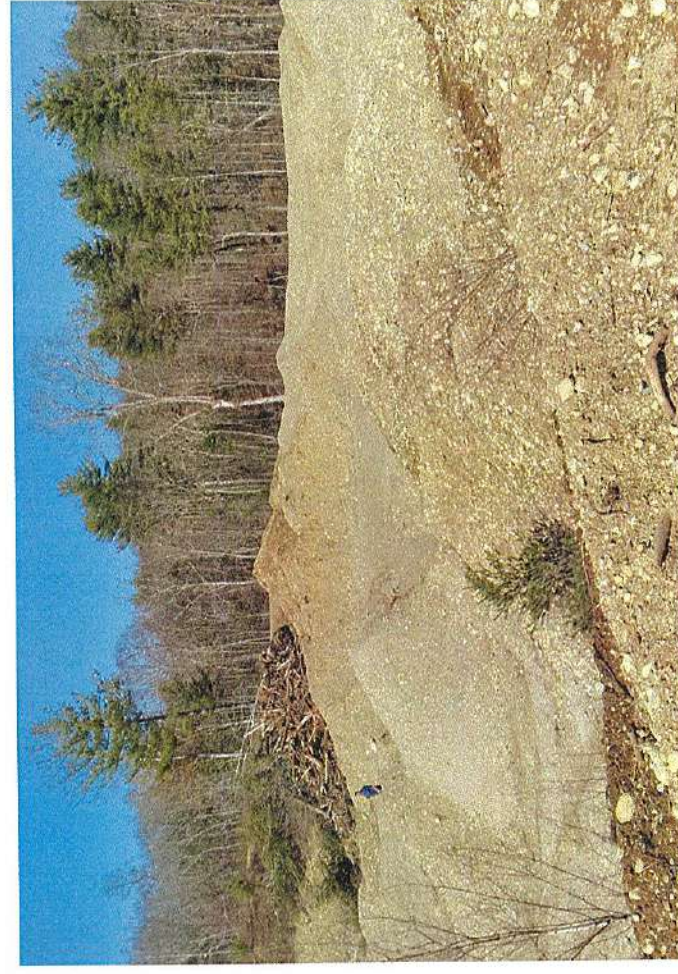
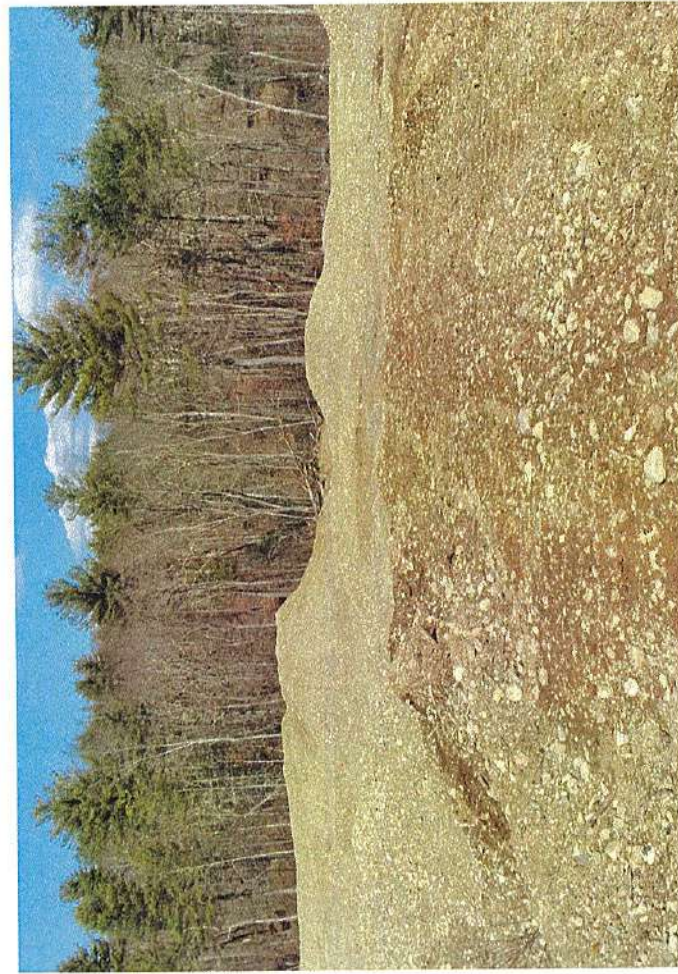
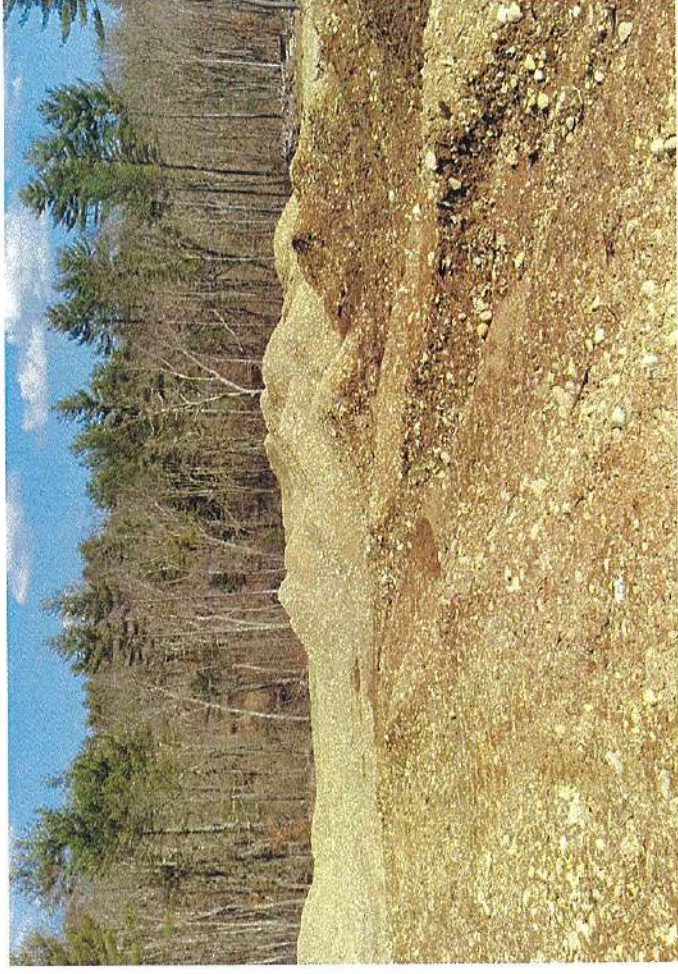
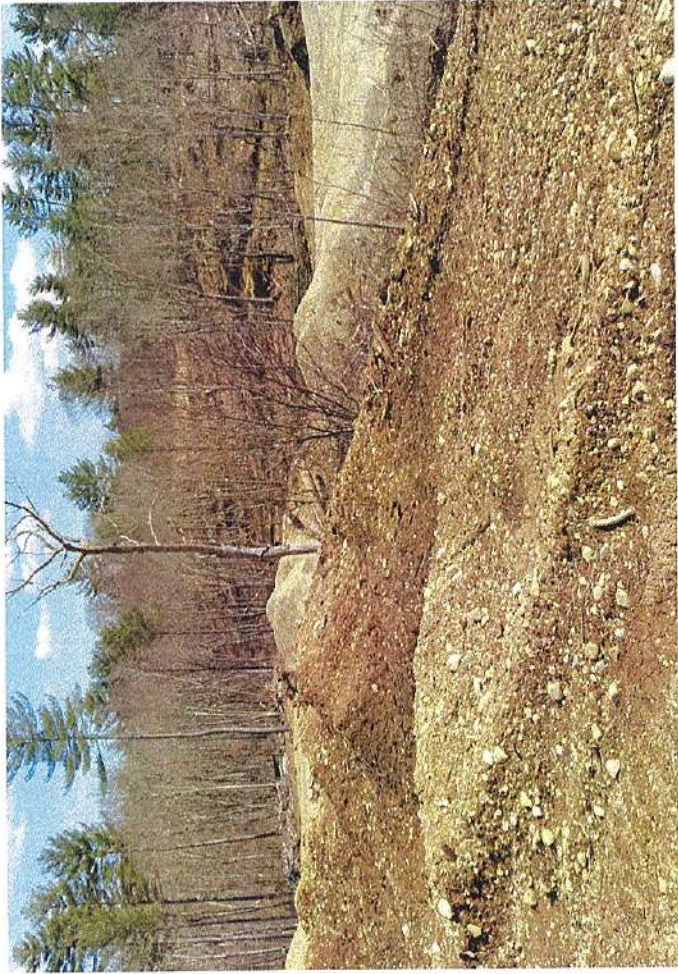




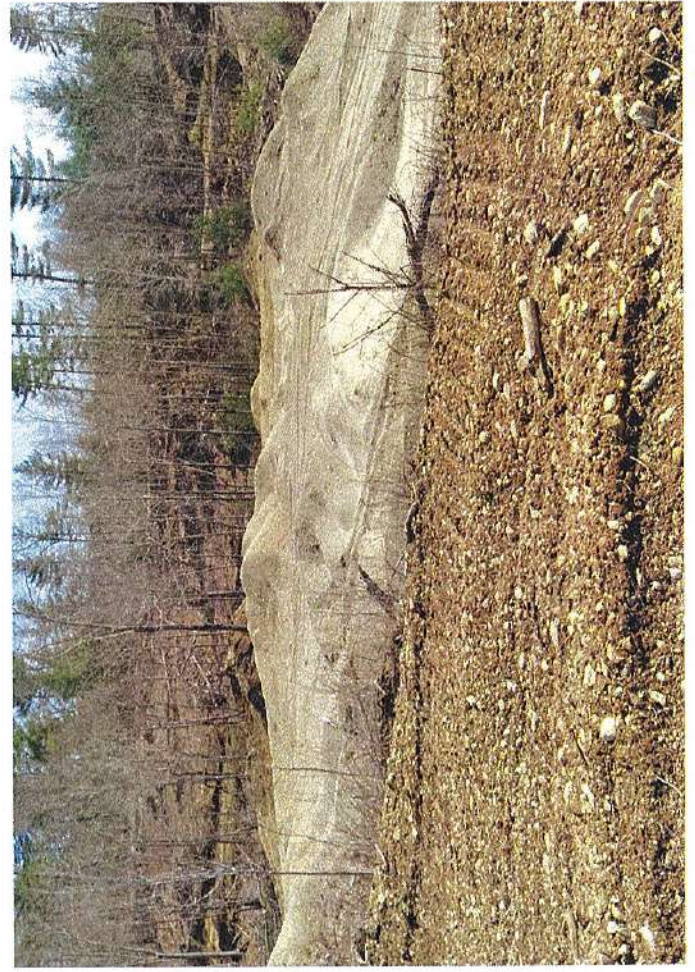
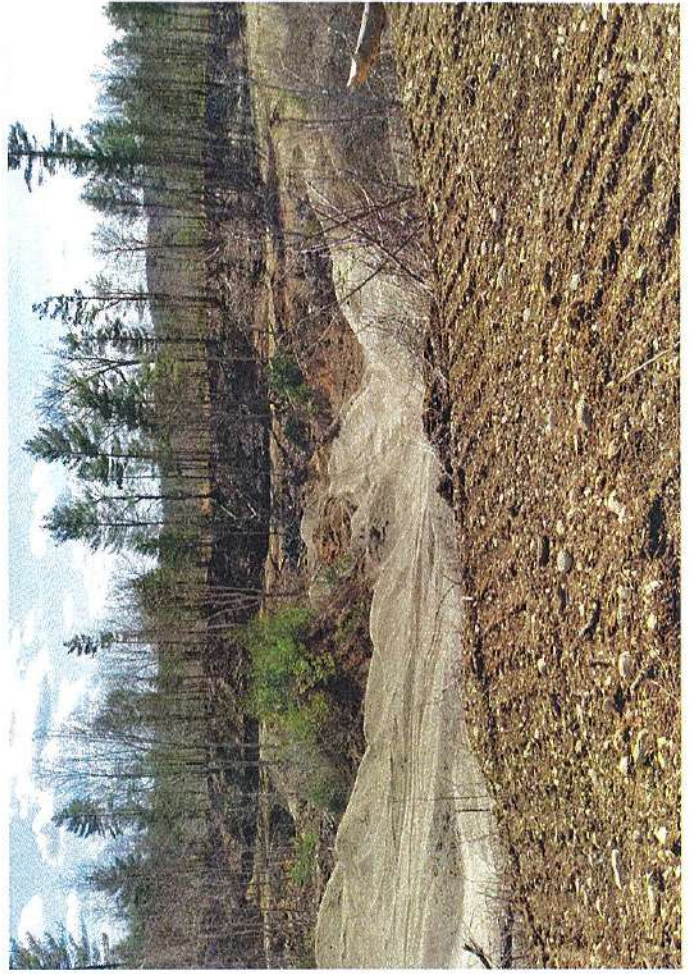
Road created near
Southern property line



Phase 2 work
Phasing plan not followed



Phase 2



Phase 2

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Regular Meeting Agenda
Wednesday, April 7, 2021
6:30 p.m.**

To join this hearing via the web or phone, follow the below instructions:	
Web Go to www.webex.com Click sign in On the top right, click Join a Meeting Enter meeting ID: 126 815 8731 Enter meeting password: First	Phone Dial 1-415-655-0001 Enter meeting number: 126 815 8731 Enter meeting password: 34778 You can bypass attendee number by pressing #

- I. Call to Order**
- II. Roll Call**
- III. Seating of Alternates**
- IV. Adoption of Minutes:** Regular Meeting March 3, 2021
- V. Public Commentary**
- VI. Unfinished Business:**
 - a. Reading of Legal Notice:**
 - b. New Public Hearings:**
 - c. Continued Public Hearings: None.**
 - d. Other Unfinished Business:**
 - 1. SD 20-003 & SD 20-004 – Proposal to extend the filing deadline an additional 90 days (both Bell subdivisions).
- VII. New Business:**
 - a. Applications: None.**
 - 1. **GBR 21-001** – Application to renew **SPG 19-001 Gravel Special Permit - HM & E Co, LLC/Applicant, E. Arters/Owner, 120 acres, 291 Canterbury Road (Assessor’s Map 23, Lot 1; Map 22 Lot 1-2; Map 22, Lot 1-4), Phased excavation of approximately 20,000 cubic yards of rock.**
 - b. Other New Business:**
 - 1. Discussion: Contractor’s yards, outdoor dining.
- VIII. Reports of Officers and Committees:**
 - a. Staff Reports
 - b. Budget Update
 - c. Correspondence.
 - d. Chairman’s Report
- IX. Public Commentary**
- X. Adjourn**

Michelle Sigfridson, Chairman

CHAPTER XX FEES FOR LAND USE APPLICATIONS

20-1 ESTABLISHING LAND USE APPLICATION FEES.

(Prior ordinance history includes portions of Ordinances 3/1/88, 8/15/88, 91-2, 04-5 and 06-4)

20-1.1 Purpose.

The purpose of this chapter is to establish a reasonable and equitable Schedule of Fees, pursuant to Section 8-1c and 22a-42a of the Connecticut General Statutes, to defray the administrative costs and any additional costs, including professional consulting fees, incurred by the Planning and Zoning Commission, Inland Wetlands Agency and Zoning Board of Appeals of the Town of Brooklyn (each a "Land Use Agency") for the processing and subsequent monitoring of Land Use applications. (Ord. 5/3/10)

20-1.2 Definitions.

Land Use Application shall mean an application for (1) any permit(s) or approval(s) required by any Land Use Agency regulations for the use of any land, building or structure; (2) proposed amendments to such regulations or the zoning map; (3) a request for a zoning variance; (4) an appeal of a decision of the Zoning Enforcement Officer or (5) a certificate of location approval and or appropriateness pursuant to Section 14-67 and/or Section 14-321 of the Connecticut General Statutes, submitted by any person, organization or corporation (the applicant).

Staff shall mean any employee or appointee of the Town of Brooklyn or employees of the Northeast Connecticut Council of Governments "NECCOG" who, as part of his or her duties, render advice or assistance to any land use agency. Planning Staff shall be the Zoning Enforcement Officer, Town Planner or employees of NECCOG.
(Ord. 5/3/10)

20-1.3 Determination of Fees Charged for Land Use Applications.

a. *Base Fees.* The base fees established hereby are based on a reasonable estimate of the direct and indirect costs for time spent by staff in reviewing and evaluating each type of land use application and, except as noted, the cost of any public hearing. The base fee plus the estimated costs for advertising and required legal notices shall be paid at the time the land use application is filed.

b. *Additional Fees.*

1. In addition to the base fees set forth herein, a Land Use Agency may require the applicant to pay an "additional fee" to defray other costs and expenses incurred by the Land Use Agency. Such additional fee shall be assessed to the applicant when the Planning Staff and/or the Land Use Agency determines that there is a need for the assistance of one or more third party consultants for review, evaluation or processing the land use application (consultation services). Consultants may be engaged to render engineering, architectural, environmental and planning services including traffic studies. Consultation services may include, but not be limited to, consultation with Town staff or the Town Attorney, discussions with the applicant or its agents, rendering such information and research that the Land Use Agency may request, the preparation of written findings and recommendations, written or oral testimony at any public hearing and post-approval inspections to ascertain that all terms and conditions of any permit have been met.

2. The additional fee shall be equal to the reasonable cost incurred by the Land Use Agency for such consultation services.

3. Upon the determination by the Town staff and/or Land Use Agency that consultation services are necessary, the Town Staff shall provide to the Land Use Agency, for its approval, a reasonable estimate of the cost based on the nature and the extent of the consultation services deemed necessary.

Such determination shall be made as soon as practicable after the receipt (filing) of the land use application by the Land Use Agency and, upon approval by the Land Use Agency, the applicant shall be billed an additional fee in an amount equal to one hundred twenty-five (125%) percent of such estimate. Such additional fee shall be due and payable ten (10) days after receipt.

4. Upon receipt of an additional fee from the applicant, the Land Use Agency shall create an application specific account and shall document the amount of the additional fee and all payments made for consultation services. The Land Use Agency shall render periodic accounting to the applicant. Any balance remaining after the land use application has been acted upon shall be refunded to the applicant, provided there has been a determination by the Staff that all terms and conditions of the permit have been met.

5. Upon the failure of the applicant to pay such additional fee when due, the land use application shall be deemed to be incomplete and may be denied by the Land Use Agency for that reason with or without prejudice. No land use application shall be approved until the base fee, the additional fee, if any, and costs of advertising and legal notices have been paid in full.

c. No fees shall be required for any land use application submitted by the Town of Brooklyn or any of its municipal agencies.
(Ord. 5/3/10)

20-1.4 Effective Date; Validity.

In accordance with Connecticut General Statutes Section 8-1c, upon its effective date the fee structure set forth in this chapter shall supersede any fee schedule adopted by any Land Use Agency (this schedule was adopted May 3, 2010). If any provision or fee imposed by this chapter is, for any reason, found to be invalid by a court of competent jurisdiction, such invalidation shall not affect the validity of the remaining portions of this chapter and the fees imposed. (Ord. 5/3/10)

20-1.5 Amendment of Schedule.

The Board of Selectmen, acting pursuant to the provisions of Connecticut General Statutes Section 7-157(a), may, by ordinance, amend the Schedule of Base Fees from time to time after consultation with the Land Use Agency(ies). (Ord. 5/3/10)

20-1.6 Fee Schedule.

Base Land Use Application Fees

ZONING FEES

Text Amendment to Regulations	\$250.00
Zoning Map Change	\$250.00
Home Occupation	\$50.00
Special Permit	\$100.00 plus site plan review
Site Plan Review	
2,500 sq. ft. or less	\$300.00
Over 2,500 sq. ft.	\$300.00 plus \$15.00 per each additional 1,000 sq. ft.
Site Plan Review (multi-family/active adult or elderly)	\$300.00 plus \$20.00 per unit
Amendment to Site Plan After Submission	\$150.00
Special Permit (Sand and Gravel)	\$250.00 +
< 1,000 cu. yds.	\$200.00
1,000 to 20,000 cu. yds.	\$300.00
21,000 to 50,000 cu. yds.	\$750.00
51,000 to 100,000 cu. yds.	\$2,500.00
> 100,000 cu. yds.	\$5,000.00
Annual Sand and Gravel Renewal	\$100.00

ZONING PERMITS

New Residential Dwelling	\$200.00
Residential Accessory Uses/Additions	\$50.00
Addition/Modification of a Nonresidential Building	\$75.00
New Commercial Building	\$250.00
Change of Use in Existing Commercial Building	\$75.00
Sign Permit	\$20.00

SUBDIVISION APPROVAL

Basic Application	\$250.00
Subdivision Plan Review	\$250.00 per lot
Engineering Review for New Road(s) and Drainage	*
Inspection and Supervision of Road Construction and Utilities	*
Text Amendment to Subdivision Regulations	\$250.00

ZONING BOARD OF APPEALS

All Applications	\$250.00
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INLAND WETLANDS APPLICATION FEES

Residential (Single Lot)	\$150.00
Subdivision Application	\$150.00 plus \$150.00 per lot in the regulated area
Commercial/Industrial	\$200.00
Additional fee based on total impervious surface included in commercial/industrial application	
< 20,000 sq. ft.	\$400.00
20,001-50,000 sq. ft.	\$800.00
> 50,000 sq. ft.	\$1,200.00
Additional Fee for Significant Activity Requiring Public Hearing	\$250.00

*Included in Plan Review Fee but may be subject to the payment of additional fees as set forth in this chapter.

All fees payable pursuant to this chapter are nonrefundable.

In addition to any other remedies permitted by law, any land use application submitted after work has started on a project shall be subject to a surcharge of \$500.00.

In addition to the fees set forth above payable to the Town of Brooklyn, each application is subject to an additional charge payable to the State of Connecticut, which, as of the effective date of this chapter is \$60.00. (Ord. 5/3/10; Ord. 11/2/11)

20-2 CITATION PROCEDURES AND FINES FOR ZONING AND WETLANDS VIOLATIONS.**20-2.1 Issuance of Citations; Schedule of Fines.**

The Brooklyn Land Use Officer is authorized to issue citations for violations of the Zoning Regulations and the Wetlands Regulations of the Town of Brooklyn to the extent and manner provided by this section and the Connecticut General Statutes 7-152c. Any such citation may be served either by hand or by certified mail, return receipt requested, to the person named in such citation. If the person(s) named in the citation sent by

certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Land Use Officer shall file and retain an original or certified copy of the citation, as served.

a. Citations may be issued for those types of zoning and wetlands violations specified in paragraph b. below.

b. The fine for each citation shall be in accordance with this schedule:

ZONING REGULATIONS

Nature of Violation	Amount of Fine
Construction of any building without Zoning approval	\$150.00
Alteration of any building without Zoning approval	\$100.00
Conducting an unauthorized use	\$150.00
Illegal Sign	\$100.00
Building beyond foundation without prior Foundation as-built or erosion control approval	\$150.00
Failure to comply with an approved Site Plan, Special Permit, Subdivision or Re-subdivision including any conditions of approval	\$150.00
Any other violation of the Zoning Regulations	\$100.00

INLAND WETLAND REGULATIONS

For each violation	\$1,000.00
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*In the case of a continuing violation, each day's continuation of the violation shall be deemed a separate and distinct violation.
(Ord. 8/1/13)

20-2.2 Citation Hearing Officers.

The Chief Executive Officer shall appoint one or more Citation Hearing Officers, other than Police Officers or employees or persons who issue citations, to conduct the hearings authorized by this section. (Ord. No. 06-3 § 3)

20-2.3 Notice.

At any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 or section 22a-226d, for an alleged violation thereof, shall send notice to the person cited:

- a. Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- b. That he may contest his liability before a Citation Hearing Officer by delivering in person or by mail written notice within ten (10) days of the date thereof;
- c. That if he does not demand such hearing, an assessment and judgment shall be entered against him; and
- d. That such judgment may issue without further notice.

(Ord. No. 06-3 § 4)

20-2.4 Liability; Payment of Fines; Costs.

If the person who is sent notice pursuant to subsection 20-2.3 wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees

admitted to in person or by mail to the Land Use Officer. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection 20-2.3 shall be deemed to have admitted liability, and the Land Use Officer shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection 20-2.5. (Ord. No. 06-3 § 5)

20-2.5 Hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days not more than thirty (30) days from the date of the mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the Land Use Officer or Police Officer shall be filed and retained by the Town of Brooklyn, and shall be deemed to be a business record within the scope of CGS 52-180 and evidence of the facts contained therein. The presence of the Land Use Officer or Police Officer shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Land Use Officer may present evidence on behalf of the Town of Brooklyn. If such person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of Police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the Town of Brooklyn. (Ord. No. 06-3 § 6)

20-2.6 Notice of Assessment Which is Unpaid.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of a Superior Court facility designated by the Chief Court Administrator together with an entry fee of eight (\$8.00) dollars. The certified copy of notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of eight (\$8.00) dollars, against such person in favor of the Town of Brooklyn. Notwithstanding any provision of the General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person. (Ord. No. 06-3 § 7)

20-2.7 Appeal.

A person against whom an assessment has been made pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of the notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for small claims case pursuant to Connecticut General Statutes (Revision of 1958) 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Supreme Court. (Ord. No. 06-3 § 8)

PUBLIC IMPROVEMENT SPECIFICATIONS.

a. It is hereby found that rapid growth and development within the Town of Brooklyn are placing unprecedented strain upon Town roads and appurtenant drainage systems, culverts, and catch-basins.

b. To alleviate that siltation, and as empowered by Section 7-148 (c) of the General Statutes, the Board of Selectmen are hereby authorized to develop such regulations as they may deem appropriate to carry out the following purposes:

1. To provide the proper alignment, width, and grades and pavements of existing Town roads serving as a right of way to any proposed subdivision, to ensure that such existing Town roads remain safe and continue to conform to the plan of development of the Town;

2. To provide adequate and sufficient storm drainage systems for carrying off increased storm drainage created by any proposed subdivision and associated access road improvements, whether such additional drainage would impact upon existing Town improvements or private lands;

3. To provide that adequate and sufficient culverts, manholes, and catch-basins be installed to carry run-off water from the road surface and to divert road water from the proposed subdivision beneath or around existing roads without causing significant increases in erosion or sedimentation.

c. Compliance with the regulations adopted by the Board of Selectmen shall be a condition precedent to any application for subdivision of property within the Town of Brooklyn. Failure to comply shall be adequate cause for denial of any such application.

If any portion of this section is deemed by a court of competent jurisdiction to be impermissible, its remaining sections shall continue to be valid and enforceable.
(Ord. 6/28/89 § 1)

CHAPTER XX FEES FOR LAND USE APPLICATIONS
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COMMERCIAL VEHICLE - Any vehicle or equipment regularly used to carry, deliver, handle or move goods in the conduct of a business, commerce, profession or trade, and which has three or more of the following characteristics:

1. Has a gross vehicle weight rating (GVWR) of nine thousand (9,000) pounds or more;
2. Exceeds seven (7) feet in height from the base of the vehicle to the top;
3. Exceeds twenty (20) feet in length;
4. Has more than two (2) axles;
5. Has more than four (4) tires in contact with the ground;
6. Used, designed and built to carry more the eight (8) passengers;
7. Designed to sell food or merchandise from the vehicle or trailer itself;
8. Banners, signs, logos, advertising or markings identifying the owner or registrant, a trade, business, service or commodity;
9. Has modifications such as but not limited to platform rack, ladder rack, or mechanical equipment such as a hoist used to facilitate the carrying of goods or equipment;
10. Commercial plate or registration.

Commercial Vehicles used on a farm for activities associated with that farm are exempt from the definition of Commercial Vehicle.

The following types of vehicles when regularly used to carry, deliver, handle or move goods in the conduct of business, commerce, profession or trade shall be considered commercial vehicles - step vans, cargo vans, box trucks, flat bed or stake bed trucks, buses, semi-trailers, tractor trailers, dump trucks, wreckers and trailers for commercial purposes.

↳ The following types of equipment shall also be considered commercial vehicles - earth moving equipment, cement mixers, trenching and pipe laying equipment and other similar type of contractors/ construction/ site work equipment.

COMMISSION - the Planning and Zoning Commission of the Town of Brooklyn.

COMMUNITY CENTER – A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to serve the community.

CONTAINER – Any portable device in which a material is stored, transported, treated, disposed of or otherwise handled. Containers used on a farm for activities associated with that farm are exempt from the definition of containers.

CONTRACTOR'S YARD – A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor including associated office uses and excluding on-site sales.

CONSERVATION SUBDIVISION - See "*Subdivision-Related Terms*".

CONVALESCENT HOME, REST HOME, or NURSING HOME - A dwelling where persons are housed or lodged and furnished with meals and nursing care for hire.

CONVENTIONAL SUBDIVISION: - See "*Subdivision-Related Terms*".

4.E. INDUSTRIAL ZONE

4.E.1. PURPOSE

The Industrial (I) Zone is intended to be the principal industrial area of the Town for enterprises that generate large volumes of traffic, congestion, and noise.

4.E.2. PERMITTED PRINCIPAL USES

4.E.2.1. AGRICULTURAL-RELATED USES	
1. Agriculture	No Permit Required
4.E.2.2. RESIDENTIAL-RELATED USES	
1. Not permitted	
4.E.2.3. BUSINESS-RELATED USES	
1. Offices, Business or Administrative:	
a. with less than 10,000 SF floor area	Site Plan Review (PZC)
b. with 10,000 SF floor area or more	Special Permit (PZC)
2. Contractor's Yard	Site Plan Review (PZC)
4.E.2.4. MIXED USES	
1. Not permitted	



(continued on next page)

6. USE-RELATED PROVISIONS

6.A. HOME-BASED BUSINESSES

6.A.1. PURPOSE

This section is intended to provide for home-based business operations provided they are of appropriate scale and do not materially change the existing or planned nature of the area in which they are to be located.

Home Business uses can include but are not limited to offices, independent contractors, artisans and craftsman, dressmakers and tailors.

Uses not permitted in the home-based business classification include but are not limited to:

- a. barber shops, beauty shops (excluding single service salons),
- b. pet grooming shops,
- c. dancing schools, karate schools,
- d. restaurants,
- e. printing shops,
- f. employment agencies,
- g. radio stations,
- h. automotive repair services, and
- i. retail establishments.

6.A.2. HOME OFFICE

6.A.2.1. TYPE OF APPROVAL

A Home Office is permitted as an accessory use to any residential dwelling in any zone with no approval required (i.e. – “as of right”) provided the use complies with the standards and criteria in Section 6.A.2.2.

6.A.2.2. STANDARDS AND CRITERIA

1. There shall be no change in the exterior of the building or dwelling; no outside display or storage of materials, goods, supplies or equipment; nor is there any exterior visible evidence of home office use.
2. Only 2 employees other than family members residing in the dwelling shall be employed in the Home Office use.
3. The Home Office use shall be operated from either the dwelling or a structure that is clearly incidental to the use of a property for a dwelling.
4. There shall be no traffic, noise, or electrical interference associated with the Home Office use that exceeds that normally associated with a dwelling.
5. There shall be no hazardous, flammable or combustible liquids, materials and/or wastes located, stored, used, or displayed in association with uses as a Home Office other than that normally associated with a dwelling.
6. Off-street parking shall be provided for all employees.

6.A.3. HOME BUSINESS

6.A.3.1. TYPE OF APPROVAL

1. Establishment of a Home Business requires site plan review by the Commission in accordance with Section 9.C of these Regulations.
2. Approval of the Site Plan by the Commission will authorize the issuance of a Zoning Permit for a Home Business.

6.A.3.2. STANDARDS AND CRITERIA

1. A Home Business may only be established in the Residential-Agricultural, Village Center, or Planned Commercial Zones.
2. The property utilized for a Home Business use shall have a minimum lot area of 40,000 square feet.
3. The Home Business use shall be clearly secondary to the residential use of the property, and shall not change the residential appearance of the lot or the residential character of the neighborhood.
4. If located within the primary dwelling, the Home Business shall not utilize more than 50% of the floor area of the primary dwelling.
5. The Home Business use may occupy an accessory building providing that the location and appearance of the accessory building is consistent with the residential character of the lot and of the neighborhood.
6. If located within an accessory building, the Home Business shall not utilize more than an area equal to 50% of the floor area of the primary dwelling except that the Commission may authorize the use of up to 50% of the floor area of the accessory building as it existed as of January 26, 2011.
7. The Home Business use shall not employ more than two persons other than resident family members.
8. The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the building or dwelling to differ from its residential character by the use of materials, construction, lighting, and signs, or by the emission of sounds, vibrations, or electrical interference.
- 9. There shall be no exterior storage of goods, supplies, or materials associated with the Home Business.
10. There shall be no hazardous materials stored, used, or displayed in association with use as a Home Business other than that normally associated with a dwelling.
11. On-site parking shall be provided to accommodate the parking needs of the home business in accordance with Section 7.B of these Regulations.
12. Landscape buffers shall be provided in accordance with Section 7.C of these Regulations.
- 13. Not more than three (3) commercial vehicles associated with the Home Business shall be parked and/or located on the premises at any one time.

6.A.4. HOME ENTERPRISE

6.A.4.1. TYPE OF APPROVAL

1. Establishment of a Home Enterprise requires granting of a Special Permit by the Commission in accordance with Section 9.D of these Regulations.
2. The Special Permit for a Home Enterprise shall be issued to the owner of the property and the owner shall be responsible for ensuring compliance with these Regulations even if the business is leased to or operated by others. The owner of the property shall notify the Commission of the name of the tenant / business operator and any change thereto.
3. The Commission may authorize more than one Home Enterprise on a property but the uses will be considered cumulatively when determining compliance with the Regulations.
4. Changes in types of Home Enterprise uses must be reviewed by the Commission and the Special Permit revised accordingly.

6.A.4.2. STANDARDS AND CRITERIA

1. A Home Enterprise may only be established in the Residential-Agricultural, Village Center, or Planned Commercial Zones.
- 2. A Home Enterprise use must maintain the residential character of the lot and the neighborhood, minimize the conflict of such use with the surrounding residential uses, and protect residential property values.
3. The Home Enterprise use shall be clearly secondary to the residential use of the premises, and shall not materially change the residential appearance of the dwelling, lot or neighborhood.
4. If located within the primary dwelling, the Home Enterprise shall not utilize more than 50% of the floor area of the primary dwelling.
5. The Home Enterprise use may occupy an accessory building providing that the location and appearance of the accessory building is consistent with the residential character of the lot and of the neighborhood.
6. If located within an accessory building, the Home Enterprise shall not utilize more than an area equal to 100% of the floor area of the primary dwelling except that the Commission may authorize the use of up to 100% of the floor area of the accessory building as it existed as of January 26, 2011.
7. The appearance of the lot and of the structures on the lot shall not be altered in a manner that would cause the dwelling or building to differ from its residential character by the use of materials, construction, lighting, or signs, nor by the emission of sounds, vibrations, or electrical interference.
8. The proposed site shall have direct access to a State Highway or an approved town road, shall have an area equal to or greater than three acres, and shall have frontage equal to or greater than one-hundred and fifty (150) feet.
9. The lot shall be of such size shape and dimension that any exterior evidence of the proposed Home Enterprise use is screened from public view in accordance with Section 7.C, Landscape Regulations.
- 10. For any outside storage or parking associated with the Home Enterprise use, a buffer of 50 feet shall be required meeting the Screening and Buffering Area Standards of Section 7.C.6.
11. The application shall show measures taken to minimize the impact of vehicular traffic on the surrounding neighborhood.
12. As a condition to the Special Permit, the Commission may establish limits on the permit pertaining to hours of operation, number and type of vehicles, outside storage, and other such considerations as may be necessary to minimize the impact of the proposed activity on the surrounding residential areas.
13. The Home Enterprise use shall not employ more than five (5) persons other than resident family members.
14. The only retail sales permitted will be of items manufactured on the premises.

7.C.5. PARKING LOT LANDSCAPING REQUIREMENTS

1. Within parking lots, at least ten (10) square feet of landscaping for each parking space shall be provided internally within the parking lot as islands within the paved area.
2. Islands shall be required to indicate and assure safe and efficient pedestrian and vehicular circulation and to separate the major access way through the parking area from parking aisles.
3. Each landscaped area shall contain a minimum of 100 square feet of area, shall have a minimum dimension of at least 8 feet, and shall be planted with grass or shrubs.
4. At least one deciduous tree of a species compatible with the environment of a parking lot, having a caliper of two and one half inches measured four feet above the root crown, and at least eight feet in height, shall be provided for each 100 square feet of required interior landscaping.
5. No more than 15 parking spaces in a row shall be permitted without the use of a landscaped island.
6. Internal sidewalks and pedestrian walkways shall be used in appropriate locations to provide safe pedestrian movement, and to provide separation from vehicular movement. Such sidewalks may be located within required landscaped areas.
7. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs or other means to prevent damage from vehicles.
8. Where best management practices are utilized, the Commission may modify these requirements to allow for the utilization of "low impact development" strategies where landscape islands are used to treat and/or detain stormwater runoff.

7.C.6. SCREENING AND BUFFERING REQUIREMENTS



2. A landscaped buffer area shall be provided along and within all boundaries of a lot or parcel used for non-residential purposes abutting residentially zoned land.
3. Such buffer area shall have a minimum width of 20 feet except that where lot size and shape or existing structures make it infeasible to provide a 20-foot width, the Commission may modify the width requirements.
4. The buffer area shall:
 - a. Be of evergreen planting of such type, height, spacing and arrangement as in the judgment of the Commission will effectively screen the activity on the lot from the neighboring residential area.
 - b. At a minimum, consist of trees 6 feet in height planted at intervals of 10 feet on center.
5. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.
6. Where the existing topography and/or landscaping provide adequate screening, the Commission may modify the planting and/or buffer area requirements.

Margaret's Report 4/1/2021

Final Certificates of Zoning Compliance issued:

7 Erin Drive – Greg Lehto. New single-family dwelling; first floor 1,320 sf; basement bath 81 sf; basement garage 616 sf.

249 Windham Road – Joseph A. Tatro. New single-family dwelling; first floor 1,196 sf; finished basement 450 sf; basement garage 576 sf; front deck; 2 rear decks connected by a staircase.

9 Eino Drive – David Wilterdink. New 24' x 24' detached garage.

9 Hugh Drive – Jacquelin Pellerin. Convert existing garage and shed into in-law with one bedroom. Convert one existing bedroom to a den.

71 Vina Lane – BLB Properties. Adaptive re-use of an agricultural building for mixed use and self-storage units.

71 Vina Lane – BLB Properties. Rude Dog Boxing (coop 1) as approved by the PZC on 9/6/17 with no new parking lot construction needed, as shown on the Site Development Plan dated 9/5/17.

270 Canterbury Road – Brandy Davis. Rooftop solar panels and an electrical inverter the RA & Scenic Rt. 169 Overlay Zones; 200-amp overhead service; new weather head, new riser, new meter can, new feeders, remove a railing on the right side of the door on the north side of the house.

367 Tripp Hollow Road – Square One Building Associates. New single-family dwelling; 1st floor 824 sf; 2nd floor 1,206 sf; attached garage 576 sf.

Zoning Permits issued:

20 Cliff Street – CNG Holdings. New Single-Family Dwelling 2,125 sf; attached garage 624 sf; bonus room 312 sf.

71 Vina Lane – BLB Properties. After-the-fact permit for adaptive re-use of an agricultural building for mixed use and self-storage units.

35 Hartford Road – Thomas Stucke. Rooftop solar panels in the VC Zone.

3 White Brook Drive – Eric and Cory Lynn Strandson. Finish bonus room above garage.

Sign Permits issued:

542 Providence Road – CVS. Eleven signs permits were issued.

Zoning and Blight Issues:

River Walk Drive Gravel Special Permit – Paul Lehto.

Jana and I met Richard Klingensmith on 3/23/21 to inspect the site. No bonds had been posted. The phasing plan had not been followed. Limits of disturbance had not been marked in the field, nor had property lines within 300 feet of proposed excavation. A Cease & Desist Order (C&DO) was issued on 3/23 for violations of the Gravel Special Permit conditions and the Inland Wetlands and Watercourses Regulations. A revised Order was issued on 3/31. Please refer to the attached Order. Mr. Lehto has been required to attend the 4/7 PZC meeting. Town Counsel advises that at the 4/7 meeting, the PZC should uphold the C&DO; the PZC should schedule a public hearing regarding these violations for the 5/5 meeting. A legal notice of the public hearing should be published in the newspaper, posted on the website and a notice should be mailed certified to Mr. Lehto. If the bonds are not posted and other conditions not met within the time frame established in the C&DO, Town Counsel advises revoking the Special Permit.

222 Hartford Road – Balone Properties LLC.

I inspected and took photographs on 3/9/21. A Cease & Desist Order (C&DO) was issued on 3/17/21. I called DEEP regarding fuel storage tanks, buckets and barrels partially full of hydraulic fluid, etc. DEEP issued Case # 2021-886. Don Alf of DEEP called me on 3/17. He said that he went to 222 Hartford Road on 3/10. He talked to someone there and told them to dispose of the barrels and buckets within a week.

Don Alf said that if the above ground fuel storage tanks were to be used, they would require containment, a spill kit, and bollards to prevent vehicles and/or equipment from driving into them accidentally. Regarding the fuel storage tanks, Mr. Alf said that the person who met him at the site told him that Mr. Malone “grabbed them from another site and brought them there”. Don Alf said that the fuel tanks are empty, and are labelled empty. Don Alf said that DEEP has no concern over tanks that are empty and not leaking. However, the tanks are jurisdictional to the Zoning Regulations. They appear to be part of the unpermitted Contractor’s Yard. Above ground fuel storage tanks of that size would require a Zoning Permit and would have to meet Zoning setbacks in order to issue a Zoning permit. The deadline to re-inspect is 4/8.

10 Lasalette Drive – Gloria Smith, Owner and her son, Marc Provost.

A Cease & Desist Order (C&DO) was issued on 3/23 for zoning violations on 3/8. Mr. Provost requested more time to come into compliance. A revised C&DO was issued on 3/10 to meet this request. I inspected for compliance on the 3/30 deadline. Compliance had not been reached. I will re-inspect after one week and if compliance has not been reached the citation process will begin. Mr. Provost is operating a wood processing business on property owned by an abutter, David Chenail of 93 Pomfret Road. A C&DO to Mr. Chenail will be forthcoming.

TOWN OF BROOKLYN

Expenditure Report

From Date: 7/1/2020

To Date: 3/31/2021

Fiscal Year: 2020 - 2021

Account Number	Description	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.41.4153.51620	Planning & Zoning-Wages PT	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
1005.41.4153.51900	Planning & Zoning-Wages-Rec. Secretary	\$3,600.00	\$2,275.00	\$2,275.00	\$1,325.00	\$1,400.00	(\$75.00)	-2.08%
1005.41.4153.53020	Planning & Zoning-Legal Services	\$12,500.00	\$13,241.77	\$13,241.77	(\$741.77)	\$1,023.75	(\$1,765.52)	-14.12%
1005.41.4153.53200	Planning & Zoning-Professional Affiliations	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
1005.41.4153.53220	Planning & Zoning-In Service Training	\$1,500.00	\$160.00	\$160.00	\$1,340.00	\$0.00	\$1,340.00	89.33%
1005.41.4153.53400	Planning & Zoning-Other Professional Services	\$1,000.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00	100.00%
1005.41.4153.55400	Planning & Zoning-Advertising & Legal Notices	\$2,500.00	\$97.50	\$97.50	\$2,402.50	\$0.00	\$2,402.50	96.10%
1005.41.4153.55500	Planning & Zoning-Printing & Publications	\$1,000.00	\$149.25	\$149.25	\$850.75	\$0.00	\$850.75	85.08%
1005.41.4153.55800	Planning & Zoning-Transportation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%
1005.41.4153.56900	Planning & Zoning-Other Supplies	\$250.00	\$79.98	\$79.98	\$170.02	\$0.00	\$170.02	68.01%
1005.41.4153.56950	Planning & Zoning-State Marshal Surveyor/Support	\$2,500.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$2,500.00	100.00%
Grand Total:		\$24,850.00	\$16,003.50	\$16,003.50	\$8,846.50	\$2,423.75	\$6,422.75	25.85%

End of Report

TOWN OF BROOKLYN

Revenue Report

From Date: 7/1/2020

To Date: 3/31/2021

Fiscal Year: 2020 - 2021

Account Number	Description	Adj. Budget	Current	YTD	Balance	Encumbrance	Budget Bal	%Bud
1005.00.0000.42203	Planning & Zoning Fees	(\$9,000.00)	(\$6,820.00)	(\$6,820.00)	(\$2,180.00)	\$0.00	(\$2,180.00)	24.22%
Grand Total:		(\$9,000.00)	(\$6,820.00)	(\$6,820.00)	(\$2,180.00)	\$0.00	(\$2,180.00)	24.22%

End of Report