



State Archives Record Group 089:11d, Records of the Department of Transportation
Dates of photography: February, March, and April 1970
Photographed by: Keystone Aerial Survey, Inc. for the State Department of Transportation.





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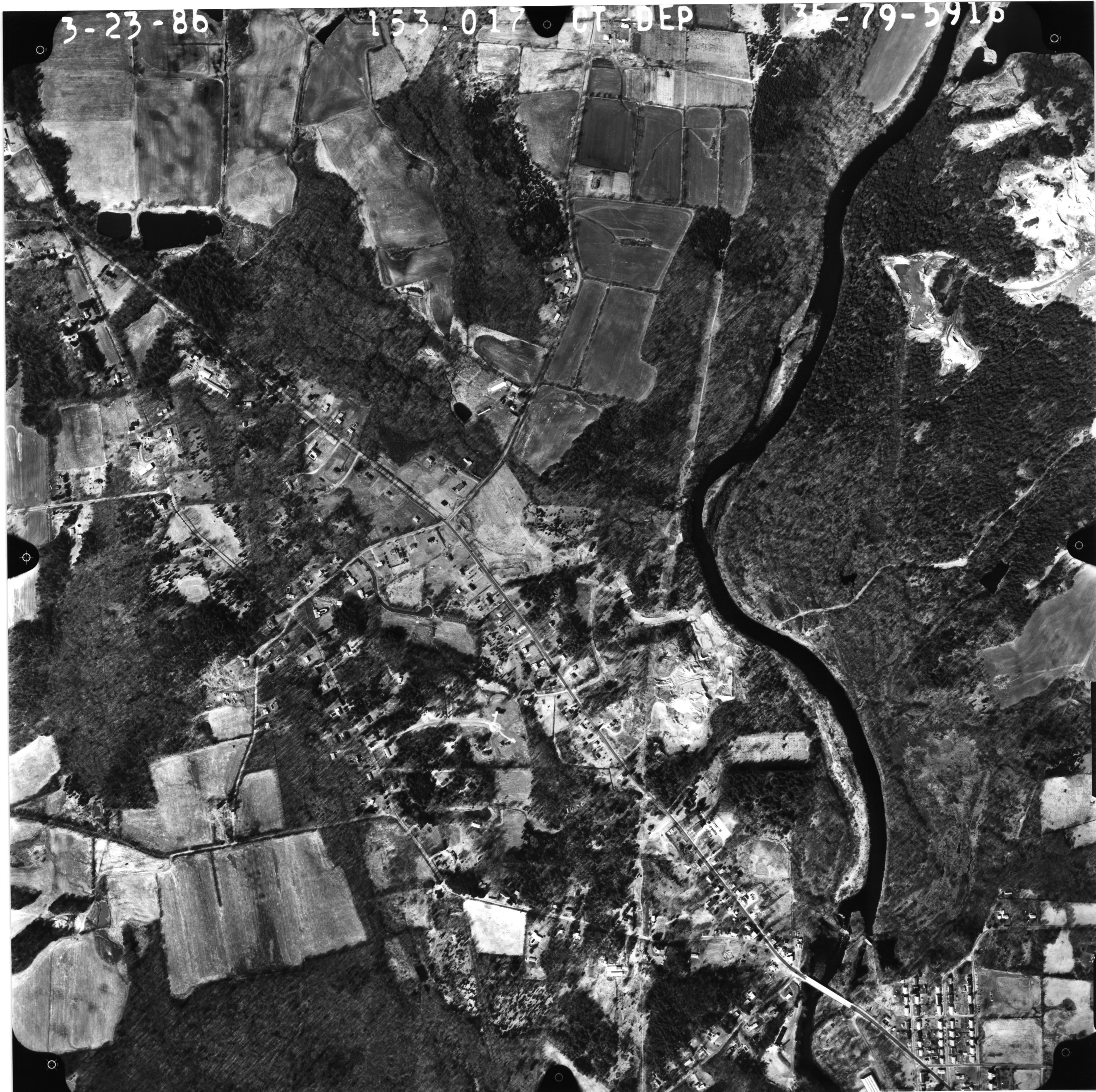


3-23-86

153.017

CT-DEP








35-79-5916



2/22/2020

Processing Plant Visible

Legend

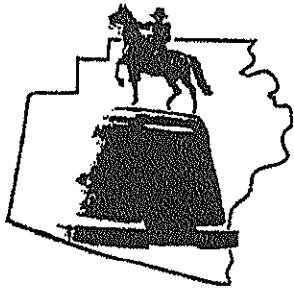
-  580 Wauregan Rd
-  Brooklyn Sand & Gravel
-  Feature 1
-  IND
-  My Community Bible Church
-  NB
-  Sacred Heart Cemetery



Google Earth



1000 ft



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

Wayne L. Jolley
Jolley Concrete & Block
42 Junior Avenue
Danielson, CT 06239

January 3, 2023

Dear Mr. Jolley,

It is my understanding that you have requested the Brooklyn Zoning Enforcement Officer to render a decision as to whether off-site earth products were being imported to the Brooklyn Sand & Gravel LLC site (Assessor's Map 30 Lot 97, Lot 97-1, and Lot 97-2, collectively the "subject property") and processed on the subject property on a regular basis to establish that use prior to the adoption of zoning regulations.

Prior to 1995, the zoning regulations had no provision for the importation of off-site earth material for on-site processing. Your claim of a grandfathered use as to importation of off-site material and on-site processing must pre-date the adoption of zoning regulations.

The Land Use Department is in receipt of ten letters of support for your request. Please refer to the attached list of letters, with dates stamped received and names of persons who wrote the letters. The Land Use Department is also in receipt of the Memorandum of Decision for Brooklyn Sand & Gravel LLC v. Planning and Zoning Commission of the Town of Brooklyn, dated December 2, 2020.

I hereby request additional information, such as aerial photographs, invoices, trucking manifests, and any other evidence documenting the quantities of materials and the off-site mines from which imported material was regularly brought to the subject property for processing. A listing of the type of processing equipment that was on-site prior to the adoption of zoning regulations should also be provided.

The decision you have requested must be made on the basis of evidence and facts that prove to a reasonable standard that the use was in place before the regulation was adopted, at a level that indicates the establishment of an ongoing use, rather than the occasional processing of earth products.

Would you please submit further documentation, if possible, to establish the ongoing use at your earliest convenience? We will make every effort to render a decision as soon as possible after we are in receipt of the additional information in support of your claim of a grandfathered use.

Sincerely,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES**

The Brooklyn Zoning Board of Appeals held a public hearing and special meeting on Tuesday, March 26, 2019 at 6:30 p.m. at the Clifford B. Green Meeting enter, 69 South Main Street, Brooklyn, CT on the following:

Present: Dan Ross, Bill Macnamara, Stephen Mylly and Lucien Brodeur.

Absent: Bruce Parsons with notice.

Staff Present: Martha Fraenkel, ZEO, Rick Ives, First Selectman, Attorney Peter Alter, Audrey Cross-Lussier, Recording Secretary.

Also Present: David Held, Bob Kelleher, Pam Lukin, Linda Trahan, Ken Niemann, Marcel Dessert, Michael Galloway, Maurice Lapierre, public in attendance.

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

Seating of Alternates: None.

Approval of Minutes: Regular Meeting Minutes January 28, 2019.

A motion was made by Lucien Brodeur to accept the meeting minutes of January 28, 2019 as written. Stephen Mylly seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Public Hearing

Reading of Legal Notice: Chairman Ross reads the public hearing notice into the record and opens the public hearing.

ZBA19-002 Brooklyn Sand and Gravel LLC, 530 Wauregan Road, Map 30, Lot 97, RA Zone for variances of the Zoning Regulations pertaining to an existing gravel operation, as follows:

1. Section 13.3.3.1 for a ten-year permit term in lieu of one year currently allowed;

2. Section 13.5.2 for 1) a setback of 20 feet from property line where 100 ft is required; 2) setback of 50 ft from offsite structures where 200 ft is required; 3) zero setback between excavation and highway line where 100 ft is required;
3. Section 13.5.3 for a slope of up to 30% within 25 feet of a highway where no slope exceeding 10% within 200 ft of highway is required;
4. Section 13.5.4.2 to increase the amount of material that may be imported for processing on site, from an amount equal to the material mined on site to ten times the amount mined on site.

David Held, P. E., with Provost and Rovero represents application ZBA19-002. Mr. Held submits copies of certificate of mailings to adjoining property owners for the record.

Mr. Held comments that the applicant is requesting several variances each as a separate request. The applicant would like to give the Commission the flexibility and ability to act on pieces and parts as seen fit.

Secondly, the applicant understands there are specific requirements that the Commission has when evaluating the application by granting variances - proof of hardships, the hardships are not self-imposed, the hardships are not financial in nature and being unique to the property.

In conversation with Ms. Fraenkel, the Commission may request a site walk to look at the property to review the various variance requests.

Mr. Held reviews an aerial photo taken in 1970 of the property and surrounding area. Since 1934 to 2016 the State has done periodic aerial photography of the entire state. This particular year's photo is handy because the Town of Brooklyn's Zoning Regulations were enacted in 1973.

The highlighted area in orange adjacent to the Quinebaug River shows there was gravel excavation and processing going on at this site in 1970 when the photo was taken. Mr. Held references the electrical transmission right of way through the property, the original cemetery plot for the catholic church off of Route 205 where there has been an expansion adjacent to the site well within the boundaries to the subject properties. To clarify the location for Commission members, Mr. Held demonstrates the site entrance, the church, cemetery and electrical transmission lines on the aerial photo.

Mr. Held reviews sheets 2 and 3 of the excavation plans to locate where the variance requests will take effect. In summary, Brooklyn Sand and Gravel excavate material on the site; they import material from other locations; the combined total of excavation and total imported materials are processed on the site with two processing plants that produce fine and coarse aggregate which are various grades of sands and crushed/washed stone as concrete products to support Jolley Concrete and Jolley Block. The reference on the top of the sheet is the Quinebaug River which is the boundary of the property as well as the town line between Plainfield on the upper part and Brooklyn on the lower part. The bottom of the sheet is Route 205.

The variances requested effectively only have to do with one parcel Lot 97 which has frontage on Route 205. There are other small lots 97-1 and 97-2 which are part of the overall site. The truck entrance is Lot 97-1/Lot 97-2. Chairman Ross asked if this is depicted on the plan. Mr. Held comments it is referenced in the notes, but not the individual lot lines.

Mr. Held demonstrates on site plan and discusses the variances requested:

Section 13.5.2 for 1) a setback of 20 feet from property line where 100 ft is required; 2) setback of 50 ft from offsite structures where 200 ft is required; 3) zero setback between excavation and highway line where 100 ft is required.

The site is regulated and inspected by MSHA on a regular basis. To effectively reuse this lot for any useful purpose, the hillside has to be removed. It can be done as part of a subdivision application showing grading. This is obvious usable sand and gravel material. The applicant would like to remove this material and put it to good use and prepare the property for a future reuse. It is the applicant's desire to provide a secondary means of access to maintain the power lines from the frontage and along the easement. The proposed grading will allow this. In order to effectively do the grading, the setback variances are required. Impact to the neighbors would be fairly minimal. The digging would be from the current active side working the bank towards Route 205. There is no opportunity for stormwater to flow down onto the abutting properties and essentially the work will be on the low side of the bank.

How this meets the criteria to for the Commission to grant a variance - It is unique to the property, this is the frontage for the property, it is also a unique feature to the property that this is where marketable material is located, it is good planning to allow the applicant to take the material out and put it to good use and prepare the property for future use. As also mentioned, the secondary electrical transmission right of way through the property is a unique feature of the site as well.

Section 13.5.3 for a slope of up to 30% within 25 feet of a highway where no slope exceeding 10% within 200 ft of highway is required.

The regulations state that within 200 feet of a highway cannot have a slope exceeding 10%. To effectively do this grading and prepare this property for any kind of use, slopes need to be created in excess of 10% within the confines of the highway right of way. Mr. Held reviews sheet 4 of 6 of the site plan with Commission members. The final grading involves creating a very gentle slope into the active portion of the site. In order to grade the side slopes against the site property lines a slope greater than 10% is needed. The final grade shown would be 30% which extend up to the Route 205 right of way, in some instances they go within the right of way which requires a DOT permit as the slope starts in the right of way line.

Section 13.3.3.1 for a ten-year permit term in lieu of one year currently allowed.

The one-year permit is honoris both in terms of applicants and the Commission and Town Staff time and resources. As it relates to the property it creates an additional hardship because of the

way the Town's Wetlands Regulations are written which requires the applicant to obtain a new wetlands permit every year. The only thing they have to obtain a wetlands permit for is an existing disturbance adjacent to the river which has been in place for 25 to 30 years. Because of continual activity, they are required to get a wetlands permit in addition to the special gravel permit renewal every year. This is an undue economic hardship on the applicant as well as being a poor use of resources from the Town's standpoint. As far as the 10- year permit term, this site deals with a limited amount of material. They excavate approximately 40,000 yards off of this site and importing about the same every year. They are processing it on site and sending it out as aggregate products for concrete. The purpose of doing this is because of the limited amount of material that is dealt with on this site. It is an undue hardship on the applicant with this situation, it is not a large-scale excavation or processing facility that might go through hundreds of thousands of yards a year. It seems to make more sense and better use of the Town's resources.

Section 13.5.4.2 to increase the amount of material that may be imported for processing on site, from an amount equal to the material mined on site to ten times the amount mined on site.

Currently the regulations require a 50/50 match. You are allowed to import the same amount of material or less than what is excavated on site. The applicant has been providing records to Town Staff which would substantiate they have been complying as long as they have been asked to provide these records. **There is a finite amount of material that exists on this site that can be excavated off. The operation as a whole is intended to be a temporary operation and not a permanent fixture in town. They are not asking to strictly import material as they recognize the value of having this with some sort of end date in the future,** they are asking for an increase of the material that could be imported which would be up to 10 x that mined on the site. The applicant feels that this makes sense for this site as a unique situation because of the limited amount of material that his handled there. From a planning standpoint, the applicant feels it makes sense to allow this to remain for a little bit longer as it is already set up for that operation, the infrastructure is already in place, the disturbance is already there.

Returning back to the 1970 aerial photo, it is clear that mining and processing has been going on site that predates zoning.

Floor open to the public for comments:

Rick Ives, First Selectman – Mr. Ives does not agree with the economic hardship for the setback variance. With regards to the ten-year permit term, PZC has been looking into extending the term, but Mr. Ives has not heard 10 years mentioned and feels this is way too long. With regards to the amount that may be imported for processing on the site, from an amount equal to the material mined on the site to ten times the amount mined on the site, this would bring 400,000 cubic yards in. The truck traffic now is stifling. Mr. Ives is opposed to this.

Ken Niemann, 573 Wauregan Road, lives directly across from the gravel bank. Mr. Niemann asks with the addition, what is the number of yards that are going to be excavated. Mr. Held stated in the area that they are digging now they are proposing an additional 59,000 yards. In the area of the dimensional variances with frontage on Route 205 where the power lines go through,

it is divided up into two proposed phases. The first phase is 97,000 yards and the second one is 62,000 yards. Mr. Niemann comments that without the variances he has no more gravel. Mr. Held commented no. Mr. Niemann disagrees, why would he want to haul this gravel if there was gravel. The truck traffic in the residential area starts 5:50 a.m. every morning and sometimes at 4 a.m. The people who live on the road do not want this anymore. It is very obvious that the only thing Mr. Jolley is worried about is his pocket because it will cost him a lot of money to move his equipment. Mr. Niemann power washes his house twice a year. There is not an oil water separator at the existing garage, and they are power washing equipment out in front of the building, this is illegal. He continues to do this and has been doing this for years. The only hardship is on Mr. Jolley's wallet. The people who live on Route 205 have suffered dearly. Mr. Niemann also comments on behalf of Theresa an 84-year old nearby resident who has concerns.

Marcel Dessert, 601 Wauregan Road. Asks how many yards are left on the plan now to be removed? Mr. Held would have to investigate the answer to this question. Mr. Dessert comments about the slopes with abutting land owners. Mr. Dessert walked the back of Mr. Galloway's property, there is a 25-foot slope down to the garage, what is going to be done about this? Mr. Held asks Mr. Dessert to address his questions through the Chairman. Mr. Dessert comments with regards to the dust, lack of reclamation and truck traffic.

Maurice Lapierre, 574 Wauregan Road – employee of Brooklyn Sand and Gravel is involved with accurate record keeping.

Michael Galloway, 588 Wauregan Road – Mr. Galloway's driveway is right next to Brooklyn Sand and Gravel and experiences a lot of dust. Mr. Galloway reviews the site plan with Mr. Held with regards to the proposed construction of a new driveway. Discussion ensued.

Mr. Niemann comments with regards to the regulation changes. The regulations were put there for a reason to protect adjacent land owners. A gravel operation has to have gravel, or you do not have a gravel bank. Mr. Niemann does not buy the hardship case.

Linda Trahan, 26 Maynard Road - Ms. Trahan voices her concerns, gravel operations are supposed to be finite. This gravel operation has been going on for many years. Unfortunately, over the years and up until recently there has been spotty enforcement by the Town. With regards to the first request increasing a 1-year permit to 10 years, Ms. Trahan is in total disagreement. These are operations that need to be watched closely. Ms. Trahan feels the 1-year should stay, 10 year is excessive. With regards to bringing in more material from off site, this is a processing plant which should be in an industrial area and not in the current location. This constitutes spot zoning.

Pam Lukin, 20 Maynard Road – Ms. Lukin discusses the longevity of the gravel bank operation from 1970 which brings it to currently 49 years. The operation is intended to be finite. Another concern is using on site material to do reclamation and mediation. Ms. Lukin does not agree with the 10-year permit. Ms. Lukin recommends the Commission members take a site walk down to the edge of the Quinebaug River and the cemetery area.

Maurice Lapierre, 574 Wauregan Road – Mr. Lapierre assures the public in attendance that he is a certified health instructor who is audited yearly for dust and noise. There has never been a safety audit failed for dust and noise. The water truck runs down the road numerous times per day. They are audited once a year for noise. They are well within the parameters of mind, safety, health administration. Mr. Lapierre would be more than happy to review the audits with anyone.

Chairman Ross recommends scheduling a site walk and tabling the public hearing.

A motion was made by Stephen Mylly to schedule a site walk of the property. Lucien Brodeur seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Ms. Fraenkel asks Mr. Held if there are other areas that could be mined other than the proposed, Phase 2 and Phase 3.

Mr. Held stated there are other areas that could be mined. Mr. Held reviews this on the site plan page 2 of 6.

Chairman Ross asked within the current regulations, how much estimated material is left on site. Mr. Held does not have this information. Chairman Ross asked if this information could be obtained. Mr. Held commented not in the short term, they would have to do many borings on the property to determine this.

Mr. Niemann asked how far they are currently from the water table. Mr. Held reviewed the current information with Mr. Niemann.

Mr. Macnamara asked could a 10-year permit not prevent any oversight at all from the Town? Mr. Held commented in terms of the existing special permits and renewals of the permits granted, in the five years that Mr. Held has been involved with the property there has never been any inclination that the Town is not going to look at this and require strict record keeping. It's the matter of not having to apply for a new permit until the 10 years are up. There would still be the same oversight that PZC would condition of any permit, the same annual record keeping and submission of those records as far as truck traffic, etc. There are similar requirements from IWWC on their annual permit. The applicant anticipates that they would not have to apply for a renewal permit every single year. Discussion ensued.

Selectman Ives comments that this is purely assumption. There are no rules or regulations about 10 years permit, this is why it is continued annually. Mr. Ives still does not hear what the hardship is.

Mr. Held addresses the hardship. It is written in the application itself. "Hardship: The property is unique because of the limited amount of material excavated and processed on the property. Processing, stockpiling and general operation of the site is very consistent from year to year because all processing equipment is semi-permanently located."

Chairman Ross asks in what way is this a hardship. Mr. Held comments that this is a very small operation, and this makes it unique to typical gravel operations in Brooklyn. Chairman Ross states this is for the board to consider.

Pam Lukin comments that she finds this hardship to be troubling. A 10-year plan is asking to be there for 10 more years. Ms. Lukin does not feel that this is unique in any way. This may set precedent for other gravel banks in town.

Mr. Macnamara questions Land Use Attorney Peter Alter, is there anything in the regulations on 10-year permits. Attorney Alter comments no. Mr. Macnamara comments that the 13.3.3.1 should not be considered in this application because ZBA has no jurisdiction over it. How can this be varied if it is not in the regulations.

Attorney Alter comments Section 13 Gravel Bank Regulations under Brooklyn Zoning Regulations, a special permit for an excavation operation must be renewed annually as stated in the regulation which currently exists. The issue of whether someone can apply for a variance of that, Attorney Alter does not feel is in dispute. The applicant can apply for a variance, but they have to demonstrate to the board that request relieves him of a hardship that the board has to find exists, that only exists on this piece of property for its particular situation. It has to be unique to this property. Every gravel operation permit in Brooklyn operates under a special permit must renew annually under the regulation. That is a regulation that is set by PZC as the zoning authority in this town, so you are effectively being asked to take the roll of Planning and Zoning Commission and change one year to ten years, and to do that you would have to find the applicant has demonstrated to the board that there is a unique hardship imposed on it by that requirement. Mr. Macnamara asked if there is a precedent for this. Attorney Alter stated no. Mr. Macnamara asks what do other State of Connecticut Planning and Zoning Commission's state. Attorney Alter commented that he deals with quarries and sand and gravel operations in many towns mostly representing operators. Attorney Alter knows of no town that provides a ten-year permit. Most towns are on a two-year basis that he deals with. Some are one, some are three, but he has never gone to a town that is more than three. There is a reason, it requires the town to oversee the operation on a regular basis. The regulation is adopted to bring to mind that there is a gravel operation and there are a lot of rules that need to be followed and we are going to check to be sure they are being followed. Attorney Alter commented that there is no suggestion in the new draft PZC regulations that they are going to a 10-year permit. Mr. Macnamara asks with this notice preceding the establishment of the new zoning regulations, do the zoning regulations proposed after this put forth apply. Attorney Alter commented that if the variance is granted that it goes with the land and it is recorded on the land records and it is done. Chairman Ross commented that it is only specific to that property if a hardship is found.

Mr. Held commented that in terms of the 10-year permit, the Commission has the ability to reduce the variances being asked for. Chairman Ross asks if Mr. Held is suggesting that all of the requests are subjective to be varied to some extent or not at all? Mr. Macnamara commented that Mr. Held stated they can be addressed each individually. Mr. Held commented that specific things have been asked for, but they understand that the board may vary some requests to some extent.

Mr. Dessert comments with regards to the trucks that come into the property from New Haven, Branford and Cheshire. There is a black top road around the back of the property that comes out onto Jolley's driveway, use of this road would end the dust problem.

Mr. Galloway reviews the site map with regards to the pines on the hill. Mr. Galloway's property is located near this.

Pam Lukin speaks with regards to some variances being varied to some extent. Ms. Lukin feels that this blows the whole theory of a hardship. They will take anything except the current regulations. This sound suspect.

Chairman Ross commented that within the boards deliberations they will take all of this into consideration.

Ms. Fraenkel asked what's the purpose of the buildings referenced to the active area. Mr. Held comments that they are rented out to contractors. Mr. Lapierre stated the large building is rented by Mr. Jolley to a contractor who stores concrete forms. The second small building is the old well house.

Ms. Fraenkel asks for test pit description. Mr. Held stated the test pit logs are shown on the last sheet of the plan item 7-15. They were excavated in 2016 with hole numbers 7-16. Mr. Held reviews the test pit information.

Ms. Fraenkel asked do those results indicate a marketable product? Mr. Held commented the coarse sand and gravel is a marketable product, the silky and fine sand maybe.

Attorney Alter addresses the site walk visit. To have a site walk visit it continues to be part of the public hearing, but it should not be an opportunity for any discussion, any comments, no comments received from the public. The public can attend as it is a public hearing. Commission members should not make any comments among themselves or accept any comments from anyone. The only person who would do any talking is the site engineer. All he would be doing is acting as a tour guide for the requested variances. After the site walk upon reconvening the public hearing at the next scheduled meeting, any information that the Commission would like on the record, any observations made, or questions, would be asked then. The reason for this is that there will be no record of what anyone said. It is important as a Board that the decision is made to go look at it and get as much information as you can from the engineer. Mr. Held commented that the Commission can ask what they would like to see, and he will show where it is and that is all he will do, technical discussion will not happen on the site walk.

Chairman Ross commented that there will be no testimony or discussion taken on the site walk. When the hearing is reopened all are invited to speak.

Attorney Alter commented that there are 35 days to finish the public hearing.

Commission members agreed unanimously to set a site walk for Tuesday, April 9, 2019 at 9 a.m. Members are to meet on the site, main driveway next to the building.

Commission members agreed unanimously to set the continuation of the special meeting and public hearing on Tuesday, April 23, 2019 at 6:30 p.m.

Other Business: None.

Adjourn: A motion was made by Lucien Brodeur to table the public hearing until April 23, 2019 at 6:30 p.m. The meeting was adjourned at 7:47 p.m. Stephen Mylly seconds this motion. No discussion held. All in favor. The motion passes unanimously.

Audrey Cross-Lussier, Recording Secretary

TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION

GRAVEL BANK PERMIT

PERMIT NUMBER: G691-3

DATE OF ISSUANCE: 10/17/90 DATE OF EXPIRATION: 10/16/91

PROPERTY OWNER: WAYNE JOLLEY PHONE: 779-3980

ADDRESS: 524 WAREGAN ROAD BROOKLYN, CT 06234

LOCATION: EAST OF ROUTE 205 MAP: 30 LOT: 97

RENEWAL OF PREVIOUS PERMIT: (YES) NO IF SO, DATE OF PERMIT 10/31/89

MAXIMUM AREA IN ACRES OF GRAVEL REMOVAL: 10 ACRES

BOND AMOUNT: \$10,000 DATE OF EXPIRATION: 11/8/91

ISSUING AGENCY: NATIONAL GRAVE MUTUAL

VOLUME IN CUBIC YARDS OF MATERIAL TO BE REMOVED: 240,000 C. Y.

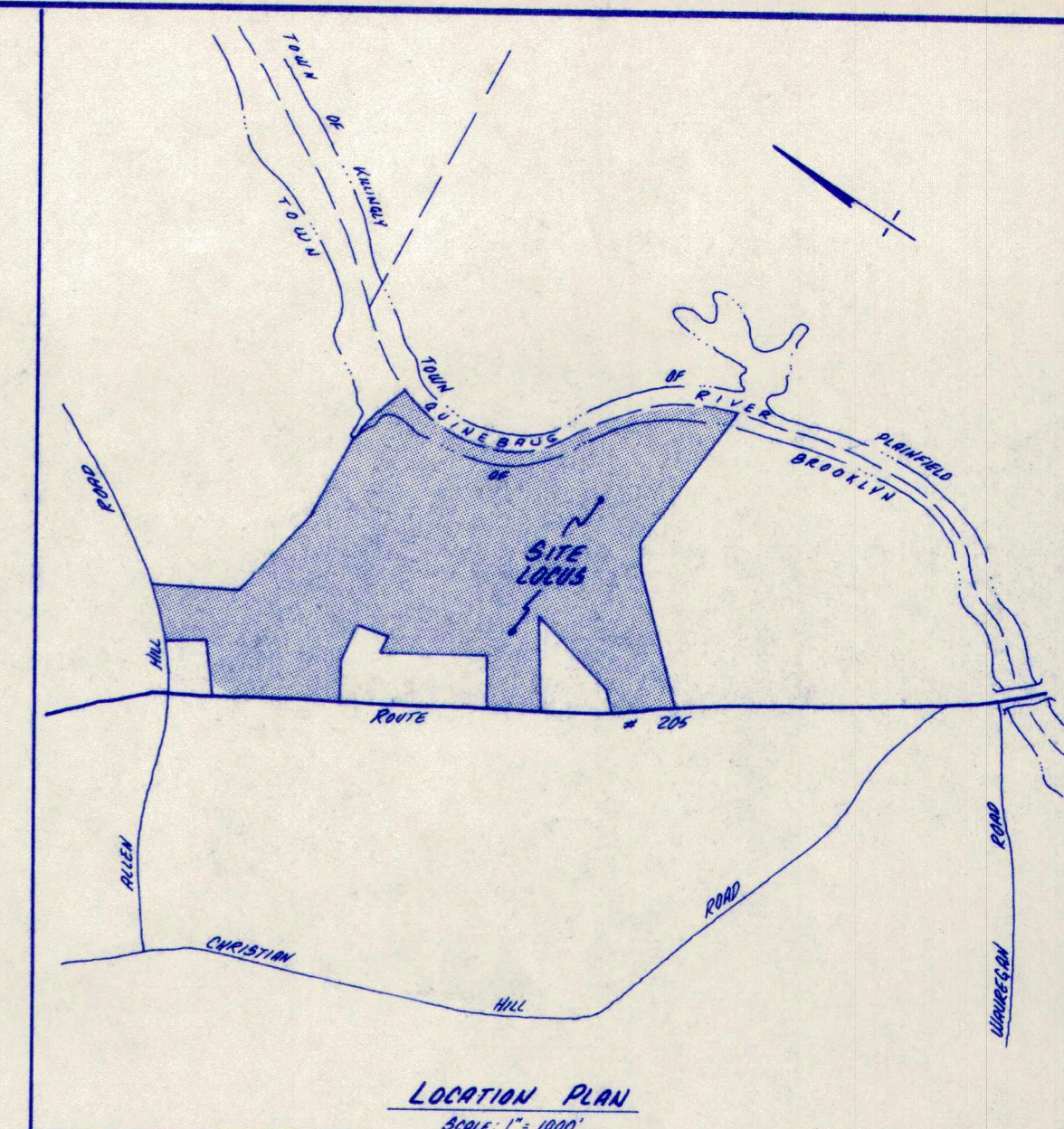
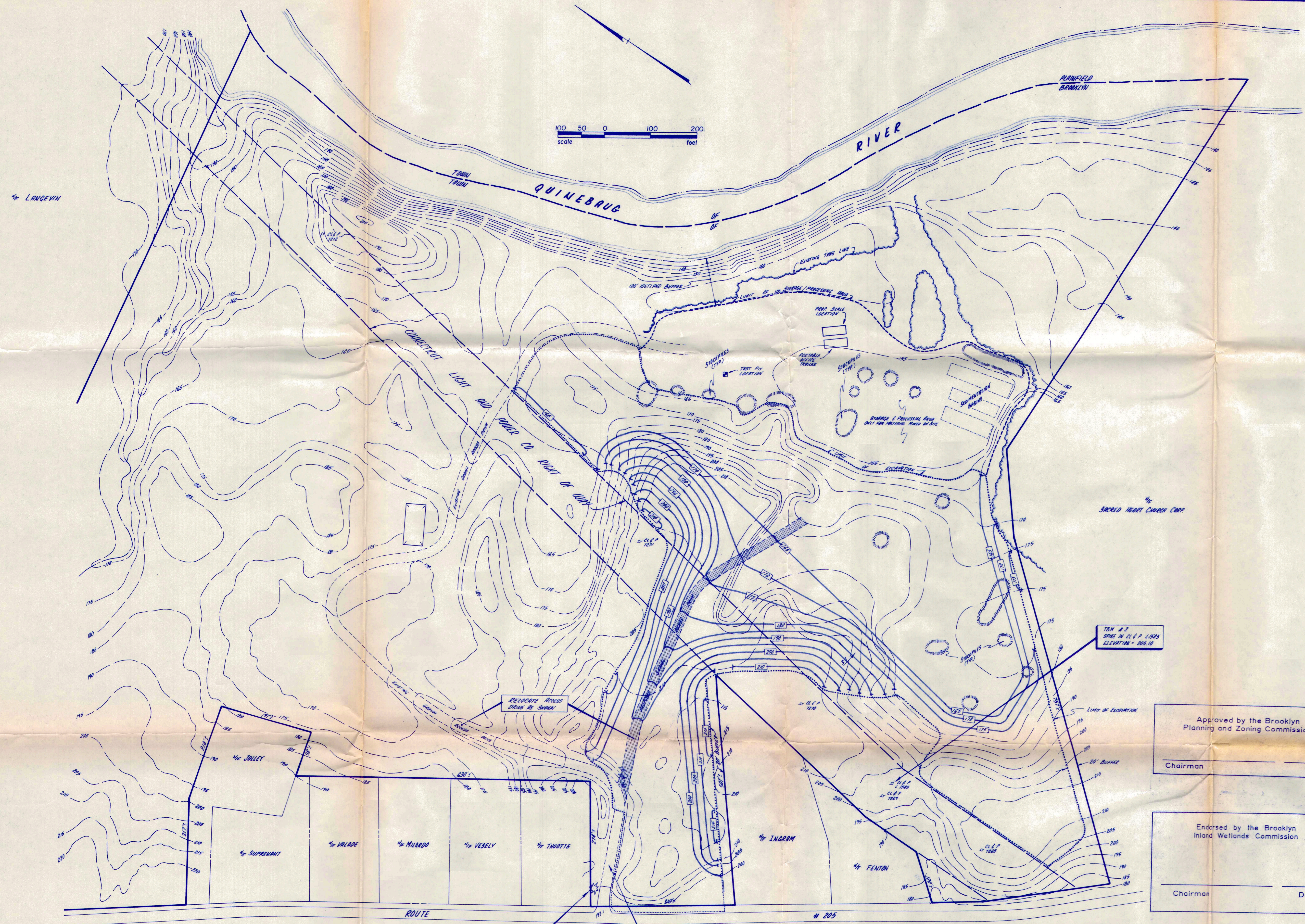
CONDITIONS OF PERMIT/REMARKS PLAN: SITE EXCAVATION PLAN

PREPARED FOR WAYNE L. JOLLEY ROUTE #285 BROOKLYN
BY KWP ASSOCIATES REV. 10/4/89 AND LETTER SUBMITTED
BY B. PAUL KAPLAN TO ALLOW PROCESSING OF GRAVEL AND
THE USE OF A PORTABLE ROCK CRUSHER, A DUM-TYPE WASHER
AND VARIOUS SCREENS AND CONVEYORS.

Any permit issued may be revoked by the Commission (in accordance with Article VI, Section 5, Paragraph B. Revocation of Permits) for any of the following reasons:

1. Excavation of a volume or area in excess of that authorized under this permit.
2. Violation of any requirement under the regulations.
3. Misrepresentation or fraud in any application to the Commission.

Kam Johnson Town Planner for Bruce Parsons
Chairman, Planning and Zoning Commission



THE SITE
 The site is located on the north side of Route 205 and east of Allen Hill Road, Brooklyn.

The proposed gravel and sand mining operation will involve an area of approximately 14 acres. This represents approximately 22% of the 60 acre parcel. There are presently excavated areas and stockpiles of sand and stone to the east of the area to be excavated, but due to site grading and the inherent infiltration capacity of sand and gravel soils, no erosion has taken place.

There is some topsoil stockpiled on the site and additional material was hauled in during August 1989. There is little vegetation on the area slated for excavation.

The highest point within the excavation area is about 212 feet above sea level. The eastern edge of the area is approximately 160 feet above sea level.

THE PROPOSAL
 The plan calls for the removal and processing of approximately 320,000 cubic yards of sand and gravel. The excavation will commence at the 160 foot contour and proceed westward towards the power lines. The bottom of the newly excavated area will have a grade of 0.5%. The side slopes of the excavation will be no greater than 30%, in accordance with the Town of Brooklyn Special Regulations concerning gravel banks.

For safety reasons, vertical slopes will be avoided. Processing equipment will consist of portable crushers, drum washers, conveyors, screens, weigh scale, and portable office trailer.

EROSION & SEDIMENT CONTROL/ENVIRONMENTAL CONCERNS
 A buffer of 20 feet (minimum) will separate the proposed activity from any property lines. These buffers will be left with natural vegetation.

Slope areas which are to be treated will have 4" of topsoil applied as soon as they are brought to final grade (if timing corresponds to seeding dates). Lime will be applied at the rate of 100 lbs./1000 sq. ft., 10-10-10 fertilizer will be worked into the soil and the following seed mix will be spread:

Seed	lbs./1000 sq. ft.
Creeping red fescue	0.45
Redtop	0.05
Crown vetch w/inoculant	0.35
Total:	0.85

The bottom area will be treated as above except for the application of topsoil. The flat final grade, infiltration capacity, and natural revegetation combine to render a low potential for erosion.

The approximate area to be seeded is 150,000 square feet. Other areas will be seeded in similar fashion as they are brought to final grade. Seeding dates shall be April 1 through June 1, or August 15 through September 1.

NOTE: If hydroseeder is used rather than conventional methods, seed application rates will be increased by 10% and lime and fertilizer will be applied with the seed mix.

Hay or straw mulch will be applied to treated areas at 75 lbs./1000 sq. ft., and held in place with suitable netting materials. (If hydroseeded, mulch will be included in mix.)

To control any sediment which might be generated by the proposed activity, an earthen berm or silt fence will be installed at the eastern limit of the excavation which corresponds to elevation 160.

An additional concern when working in gravelly areas is the potential for groundwater quality degradation. Gravelly areas, especially those associated with rivers are often underlain by aquifers. To reduce the potential for accidental spillage of oil, gas or other fluids; extreme care will be exercised when changing oil and/or filters, as well as when refueling. All waste fluids will be disposed of properly.

Dust control within the access road will be practiced as needed to prevent nuisances. The use of calcium chloride for dust control shall be kept to a minimum. Sodium chloride shall not be used. The application of coarse gravel to the road in conjunction with occasional wetting should adequately control dust.

The paved apron and an anti-tracking pad shall be maintained where the haul road enters onto Route 205.

The Planning & Zoning Commission reserves the right to review the fencing needs.

REVISIONS: 01/1990 - NOTES, APPROPRIATE BLOCKS
 REVISIONS: 01/1990 - CHANGES, HAZARDOUS OFFICE TRAILER, NOTES

Approved by the Brooklyn
 Planning and Zoning Commission
 Chairman _____ Date _____

Endorsed by the Brooklyn
 Inland Wetlands Commission
 Chairman _____ Date _____

- NOTES:**
- Zone = R-40.
 - Owner of record - Wayne L. Jolley & Leslie A. Jolley.
 - Elevations based on NGVD 1929. Contours taken from DOT photogrammetry, supplemented by field survey. Contour interval = 5'.

TEST PIT DATA

0" - 94"	Sand & Gravel
Ledge	N/A
GNT	N/A
Mottling	N/A

LEGEND

- UTILITY PALE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- LIMIT OF EXCAVATION
- LIMIT OF STORAGE/PROCESSING AREA

KWP associates
 INC. BOX 416, DAYVILLE, CONN. 06241

TERENCE P. CHAMBERS, P.E. # 10560 DATE 28 Nov. 90
 NOT VALID UNLESS SEAL IS AFFIXED HERETO

I hereby declare that this map is substantially correct in accordance with the standards of a Class D map as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut" as prepared and adopted by the Connecticut Association of Land Surveyors, Inc., on September 13, 1984. This map is compiled from other maps, deed dimensions, and/or other sources of information and subject to change as a field survey may disclose. Topographic features, shown hereon, were prepared in accordance with Class T-D.

RICHARD J. SCHAD, Conn. L.S.#10384
 11-23-1990

Site Plan
 Prepared For
WAYNE L. JOLLEY
 ROUTE # 205
 BROOKLYN, CONNECTICUT

SCALE: 1" = 100' DATE: 11/23/1990 SHEET 1 OF 1

KWP associates
 SURVEYING · MAPPING · ENGINEERING · SITE PLANNING
 POMFRET, CONNECTICUT

PROJECT No: 85126 DWN: GG CHK: TPC DWG No: 2/14/90

PLANNING AND ZONING COMMISSION
TOWN OF BROOKLYN
P.O. BOX 356
CONNECTICUT 06234

August 16, 2022

CERTIFIED# 7022 0410 0002 7292 0994

Brooklyn Sand and Gravel, LLC
42 Junior Avenue
Danielson, CT 06239

RE: Notice of Decision - GBR 22-003 Gravel Bank Renewal -Brooklyn Sand & Gravel, LLC, 64+- acres, 530 Wauregan Road (Assessor's Map 30, Lots 97, 97-1, 97-2) Removal of approximately 112,000 cubic yards of sand and gravel.

Brooklyn Sand and Gravel, LLC:

At their August 3, 2022 meeting, the Brooklyn Planning and Zoning Commission voted to renew the Gravel Special Permit application for the property located at 530 Wauregan Road, Assessor's Map 30, Lots 97, 97-1, 97-2, identified in the files of the Brooklyn Land Use Office as GBR 22-003, a renewal of SPG 19-002, and all associated Wetlands Permits, with the finding that 27,000 cubic yards of material remain to be excavated from Phase II and 22,555 cubic yards of materials remain to be imported, and such material may be processed on-site, in accordance with all final documents and testimony submitted with the renewal application and including the relevant conditions of the original approval, listed here:

- 1) The submitted performance bond in the amount of \$200,000 shall remain in place for the life of the operation, including restoration of the property to the satisfaction of the Town, unless modified by the Planning and Zoning Commission or its designated staff.
- 2) Excavation is limited to the area shown on the plans dated 3/5/19, last revised 6/17/19, prepared by Provost & Rovero.
- 3) Reporting on the importation of material shall be submitted by the permittee to the Brooklyn Zoning Enforcement Officer quarterly in March, June, September, and December.
- 4) The quantity of imported material may not exceed 22,555 cubic yards of material in accordance with the Brooklyn Zoning Regulations as measured by truckloads (not less than 15 cubic yards per truck) and converted to cubic yards. Material excavated on-site will be counted in the year that it is excavated. Imported material will be counted in the year that it is brought in site. Stockpiled material shall not be counted towards the excavation volume or the importation volume.

- 5) All truck traffic to and from the operation will remain off Maynard Road and travel on state highways to and from Brooklyn Sand and Gravel on Wauregan Road.
- 6) Dust shall be controlled throughout the year using water or calcium chloride 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.
- 7) 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 6 of the approved plans. Restoration for the 21 acres of additional areas (including parking and driveways, processing plants and ponds, raw and finished material stockpiles) shall commence within the timeframe specified in the Restoration Notes on page 6 of the approved plans. Failure to do so will result in appropriate enforcement action including the use of bond funds to restore the site.
- 8) The permit shall be renewed for a one-year period from date of issue on August 3, 2022. The renewal date is August 3, 2023.

A legal notice of this approval will be published in the Turnpike Buyer on Wednesday, August 17, 2022. Please note that this application of the Brooklyn Planning and Zoning Commission may be appealed for a fifteen-day period following the publication of the legal notice.

If you have any other 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

CC: File, Provost and Rovero

File Record:

- 1) Application for Gravel Special Permit Renewal # GBR 22-003, received 4/28/2022,
- 2) Cover letter from David Held, P.E., L.S. to Jana Roberson dated 5/2/2022,
- 3) Transmittal from Provost and Rovero dated 5/2/2022,
- 4) Plans titled "Proposed Gravel Excavation & Processing Operation, Wauregan Road (Route 205) Brooklyn CT, Applicant Brooklyn Sand & Gravel, LLC", sheets 1-7, dated 4/28/2022 – Submitted in conjunction with SPG 22-001,
- 5) Brooklyn Sand and Gravel Quarterly Reports spanning 6/15/2019 to 6/15/2022 showing importation of 89,445 cubic yards of material,
- 6) Notice of Exceedance dated 3/21/2022 issued by ZEO Margaret Washburn including ancillary materials and closed on 6/28/2022,
- 7) Wetlands Permit 050122A – Certification of Approval letter dated 6/15/2022 and attached standard conditions,
- 8) Letter of extension from David Held, P.E., L.S. to Jana Roberson dated 7/1/2022,

- 9) Memorandum from Syl Pauley, P.E. to Jana Roberson dated 7/12/2022,
- 10) Bond Documentation- Travelers verification certificate No. 106459414 expiring 2/10/2023 and Power of Atty certificate,
- 11) PZC Staff Guidance dated 8/3/2022, 7 pages,
- 12) Four site photos taken by Jana Roberson, dated 7/14/2022,
- 13) Notice of Public Hearing for SPG 22-001 (to additionally discuss GBR 22-003) published in the Turnpike Buyer dated 7/20/2022 and 7/27/2022,
- 14) Notice to adjacent Town clerks Notice of Public Hearing for SPG 22-001 (to additionally discuss GBR 22-003) sent via certified mail,
- 15) Abutters List and Certificates of Mailing showing notice to abutters dated 7/15/2022.
- 16) Photo of Public Hearing sign installed 7/14/2022,
- 17) Application for Gravel Special Permit # SPG 19-002, dated 3/6/2019, including all ancillary documents and plans and approvals, as revised by order of the court,
- 18) Plans entitled "Proposed Gravel Excavation & Processing Operation, Wauregan Road (Route 205) Brooklyn CT, Applicant Brooklyn Sand & Gravel, LLC", sheets 1-7, dated 3/5/2019, last revised 6/17/2019, and recorded on the Town of Brooklyn Land Records as Map Volume 22, Pages 134-140,
- 19) Record of Special Permit recorded on the Town of Brooklyn Land Records as Book 630, Pages 51-52 and revised as Book 683, Pages 58-60, and
- 20) Minutes of PZC meetings dated 5/4/2022, 5/17/2022, 6/1/2022, 6/23/2022, 7/19/2022, and 8/3/2022.

PROPOSED GRAVEL EXCAVATION & PROCESSING OPERATION

WAUREGAN ROAD (ROUTE 205)
BROOKLYN, CONNECTICUT

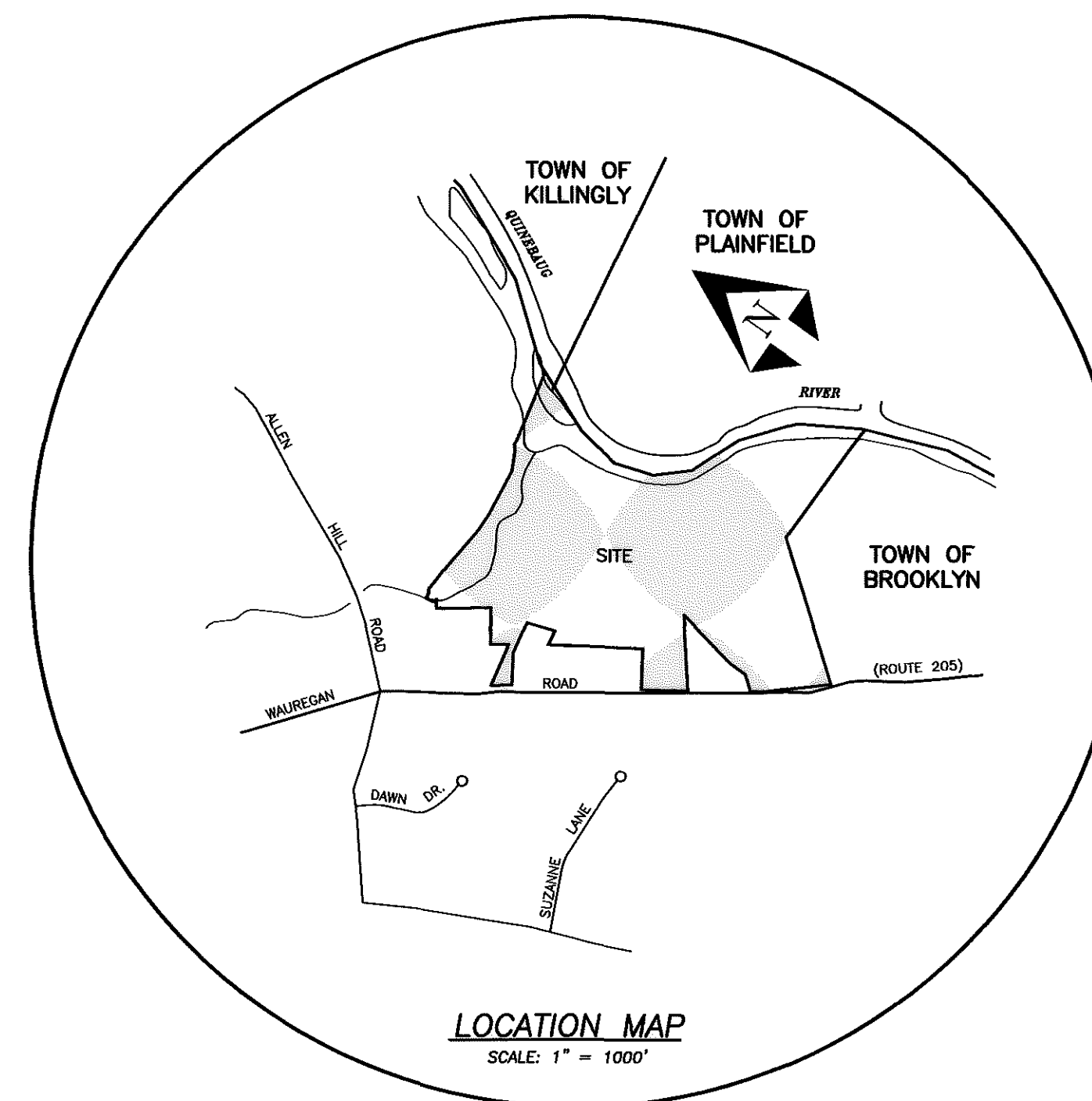
APPLICANT:
BROOKLYN SAND & GRAVEL, LLC

INDEX TO DRAWINGS

TITLE	SHEET No.
COVER SHEET	1 OF 8
OVERALL SITE PLAN	2 OF 8
PROPOSED EXCAVATION PLAN No. 1	3 OF 8
PROPOSED EXCAVATION PLAN No. 2	4 OF 8
PROPOSED EXCAVATION PLAN No. 3	5 OF 8
SITE RESTORATION PLAN	6 OF 8
DETAIL SHEET	7 OF 8
APPROVAL LETTERS	8 OF 8

LEGEND

#	WETLAND FLAG
○	IRON PIN RECOVERED
⊠	TEST PIT
—	EXISTING TREE LINE
—	EXISTING CONTOUR
—	EXISTING INDEX CONTOUR
—	PROPOSED CONTOUR
—	PROPOSED EXCAVATION PHASE LIMITS
—	PROPOSED CLEARING LIMITS



PREPARED BY:

Provost & Rovero, Inc.
Civil Engineering • Surveying • Site Planning
Structural • Mechanical • Architectural Engineering

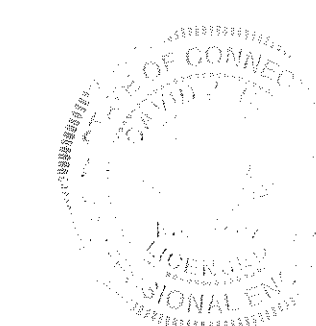
57 East Main Street, P.O. Box 191
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info@prorovinc.com
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REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

APRIL 28, 2022

Received for Record
10/12/2022 @ 1:41pm
Kawin Bism

THIS MAP PRODUCED BY
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PREPARED BY
PROVOST & ROVERO, INC.

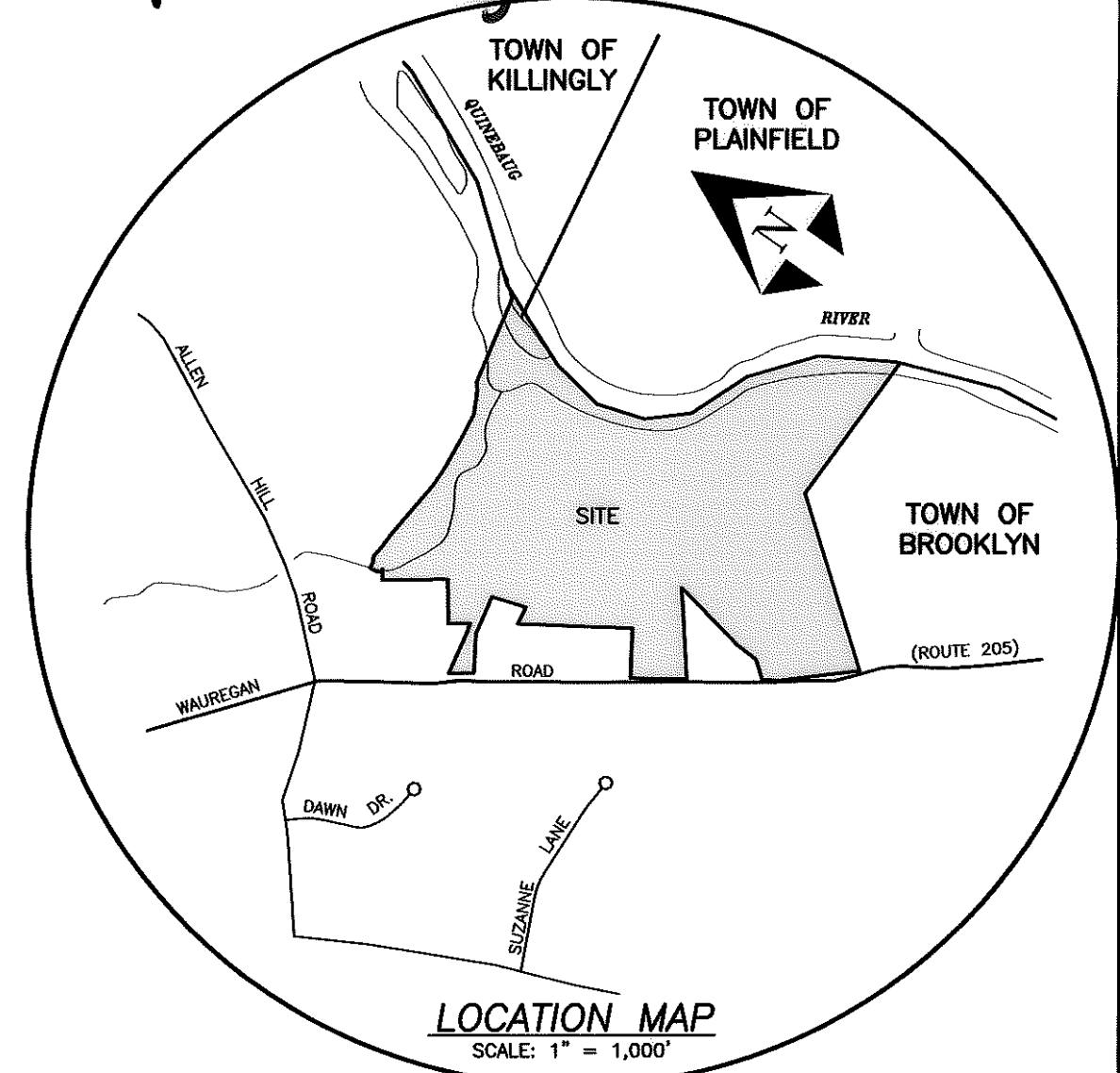
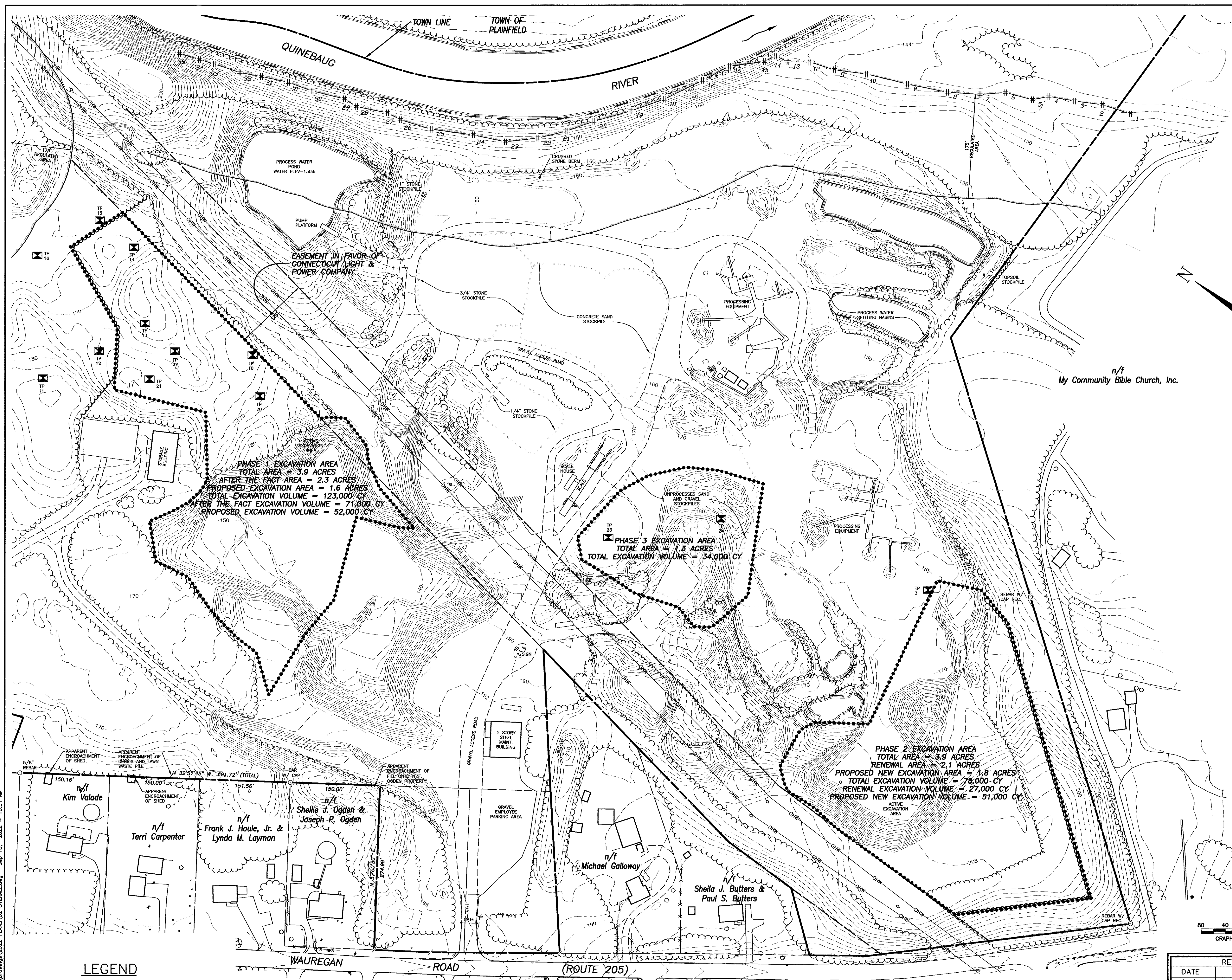


D. Miller 10/4/22
ENGINEER DATE

APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION
R. B. Or 10-05-22
CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
SPECIAL PERMIT EXPIRATION DATE: 8/16/2023
D. Keller 10-5-22
CHAIRMAN (Civil) DATE

I HAVE REVIEWED THE FLAGGED INLAND WETLANDS LOCATION SHOWN ON THIS PLAN AND THEY APPEAR TO BE SUBSTANTIALLY CORRECT.
William Clear 10/10/22
Certified Soil Scientist Date



APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION

R. J. O'Connell 10-06-22
CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
SPECIAL PERMIT EXPIRATION DATE: 8/16/2023

Robert D. Keller 10-5-22
CHAIRMAN DATE

Michael J. Clark 10/10/22
Certified Soil Scientist Date

THIS MAP PRODUCED BY ORIGINAL INK OR MYLAR
PREPARED BY: PROVOST & ROVERO, INC.

SURVEY NOTES:

- This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Section 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 and amended October 26, 2018;
 - The survey of the common boundary lines between land of Ogden, Cummins & Magrey, Carpenter and Valade conforms to a Class "A-2" horizontal accuracy and is a Property Survey with a boundary determination category of Resurvey. The remaining property boundaries are a Completion Plan conforming to a Class "D" horizontal accuracy and 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 changes as an accurate field survey may disclose.
 - Topographic information conforms to a Class "T-2" and "T-3" accuracy.
 - Survey Type: Property Survey, Compilation Plan and Topographic Survey.
 - The intent of this plan is to show the general location of processing equipment, excavation areas and stockpile areas to facilitate an excavation permit renewal.
 - Owner of record: Wayne L. Jolley & Leslie A. Jolley.
 - Zone: RA.
 - The subject property is shown as lots 97, 97-1 and 97-2 on an assessor's map 30.
 - Property lines shown do not represent a property boundary opinion.
 - Contours shown may vary from current site conditions because the site includes active excavation and stockpiling of material. Contour interval = 2'. Elevations are referenced to NAVD-1988.
 - Wetlands shown were field delineated by Joseph Theroux on December 30, 2015.
- MAP REFERENCE:
- "Topographic Survey - Prepared for - Brooklyn Sand & Gravel - Wauregan Road (Route 205) - Brooklyn, Connecticut - Scale: 1" = 80' - Dated: July 3, 2013, Revised: June 4, 2015 - KWP Associates"
 - "Limited Property Survey - Boundary Line Modification - Prepared for - Sacred Heart Church Corporation - 620 Wauregan Road - Brooklyn, Connecticut - Scale: 1" = 50' - Dated: July, 2010 - Archer Surveying, LLC"
 - "Pine Acres - Section I - Route #205 - Brooklyn, Connecticut - Scale: 1" = 40' - Dated: September, 7, 1978 - Kietlyka, Woods & Pike"

PROPERTY & TOPOGRAPHIC SURVEY
OVERALL SITE PLAN
PREPARED FOR
BROOKLYN SAND & GRAVEL, LLC
SPECIAL PERMIT APPLICATION

WAUREGAN ROAD (ROUTE 205)
BROOKLYN, CONNECTICUT

REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

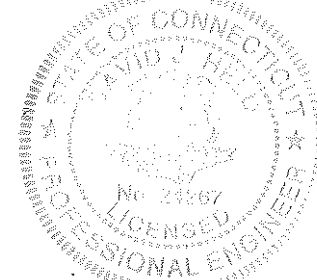
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Civil Engineering • Surveying • Site Planning
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Plainfield, Connecticut 06374
(860) 230-0856 • FAX: (860) 230-0860
info@provovinc.com
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LEGEND

#	WETLAND FLAG
○	IRON PIN RECOVERED
⊗	TEST PIT
—	EXISTING TREE LINE
- - -	EXISTING CONTOUR
- · - · -	EXISTING INDEX CONTOUR
- - -	PROPOSED CONTOUR
- · - · -	PROPOSED EXCAVATION PHASE LIMITS
- · - · -	PROPOSED CLEARING LIMITS

Received For Record
10/12/2022 @ 1:41pm
Kathleen Bisson



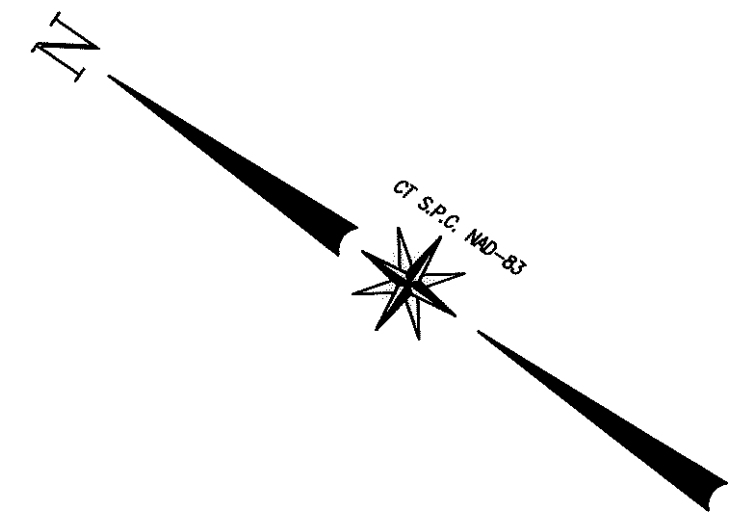
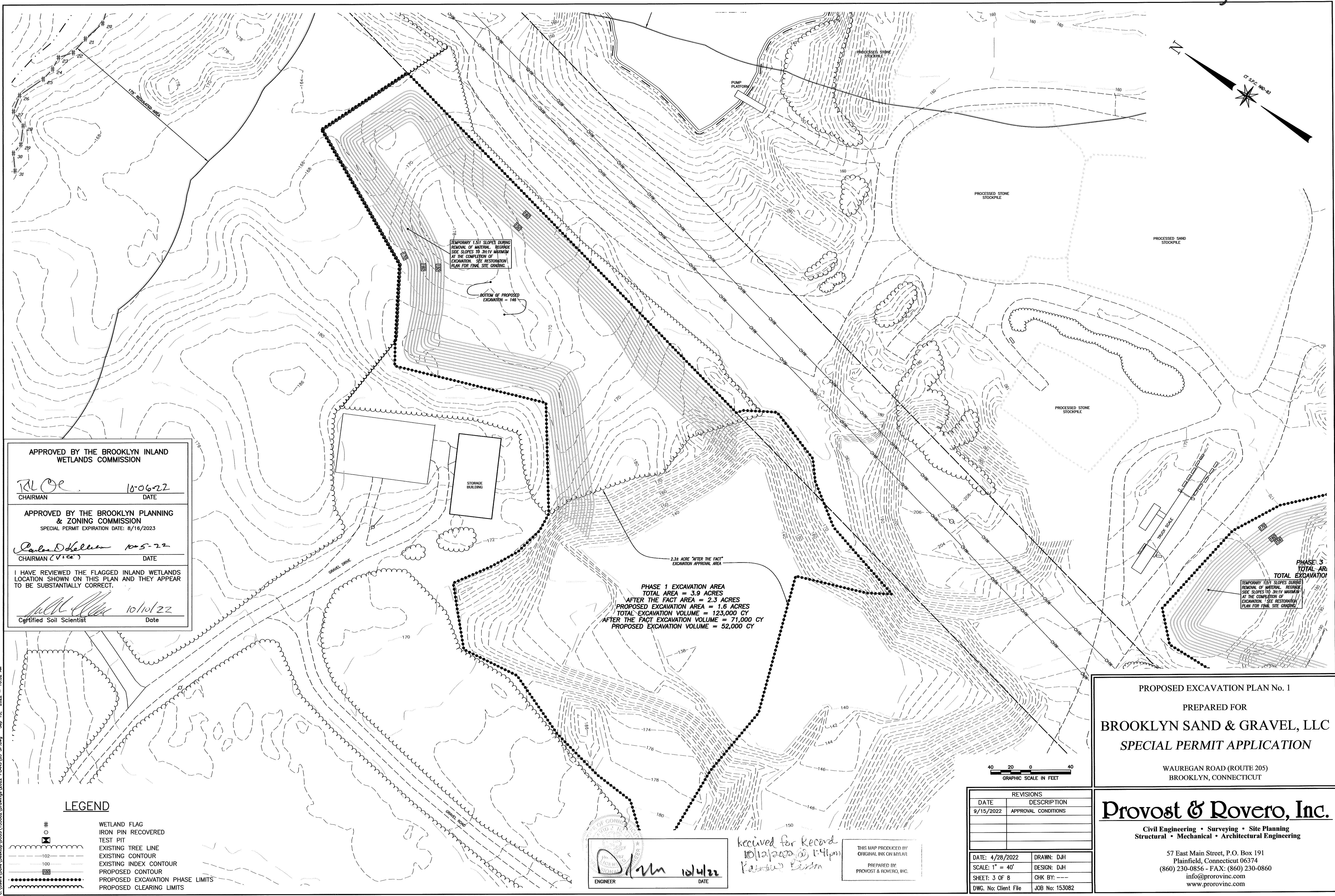
D. Held 10/4/22
ENGINEER DATE

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

D. Held 10/4/22
DAVID J. HELD, L.S. LIC. NO. 24267 DATE

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

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APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION

RLOe 10-06-22
CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
SPECIAL PERMIT EXPIRATION DATE: 8/16/2023

Paula D. Halloran 10-5-22
CHAIRMAN (Vice) DATE

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

John A. ... 10/10/22
Certified Soil Scientist Date

PHASE 1 EXCAVATION AREA
TOTAL AREA = 3.9 ACRES
AFTER THE FACT AREA = 2.3 ACRES
PROPOSED EXCAVATION AREA = 1.6 ACRES
TOTAL EXCAVATION VOLUME = 123,000 CY
AFTER THE FACT EXCAVATION VOLUME = 71,000 CY
PROPOSED EXCAVATION VOLUME = 52,000 CY

PHASE 3 TOTAL AREA
TOTAL EXCAVATION
TEMPORARY 1:5:1 SLOPES DURING REMOVAL OF MATERIAL. REGRADE SIDE SLOPES TO 3H:1V MAXIMUM AT THE COMPLETION OF EXCAVATION. SEE RESTORATION PLAN FOR FINAL SITE GRADING.

LEGEND

- # WETLAND FLAG
- IRON PIN RECOVERED
- ⊗ TEST PIT
- EXISTING TREE LINE
- - - EXISTING CONTOUR
- - - EXISTING INDEX CONTOUR
- PROPOSED CONTOUR
- PROPOSED EXCAVATION PHASE LIMITS
- PROPOSED CLEARING LIMITS



REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

DATE: 4/28/2022	DRAWN: DJH
SCALE: 1" = 40'	DESIGN: DJH
SHEET: 3 OF 8	CHK BY: ---
DWG. No: Client File	JOB No: 153082

PROPOSED EXCAVATION PLAN No. 1

PREPARED FOR
BROOKLYN SAND & GRAVEL, LLC
SPECIAL PERMIT APPLICATION

WAUREGAN ROAD (ROUTE 205)
BROOKLYN, CONNECTICUT

Provost & Dovero, Inc.

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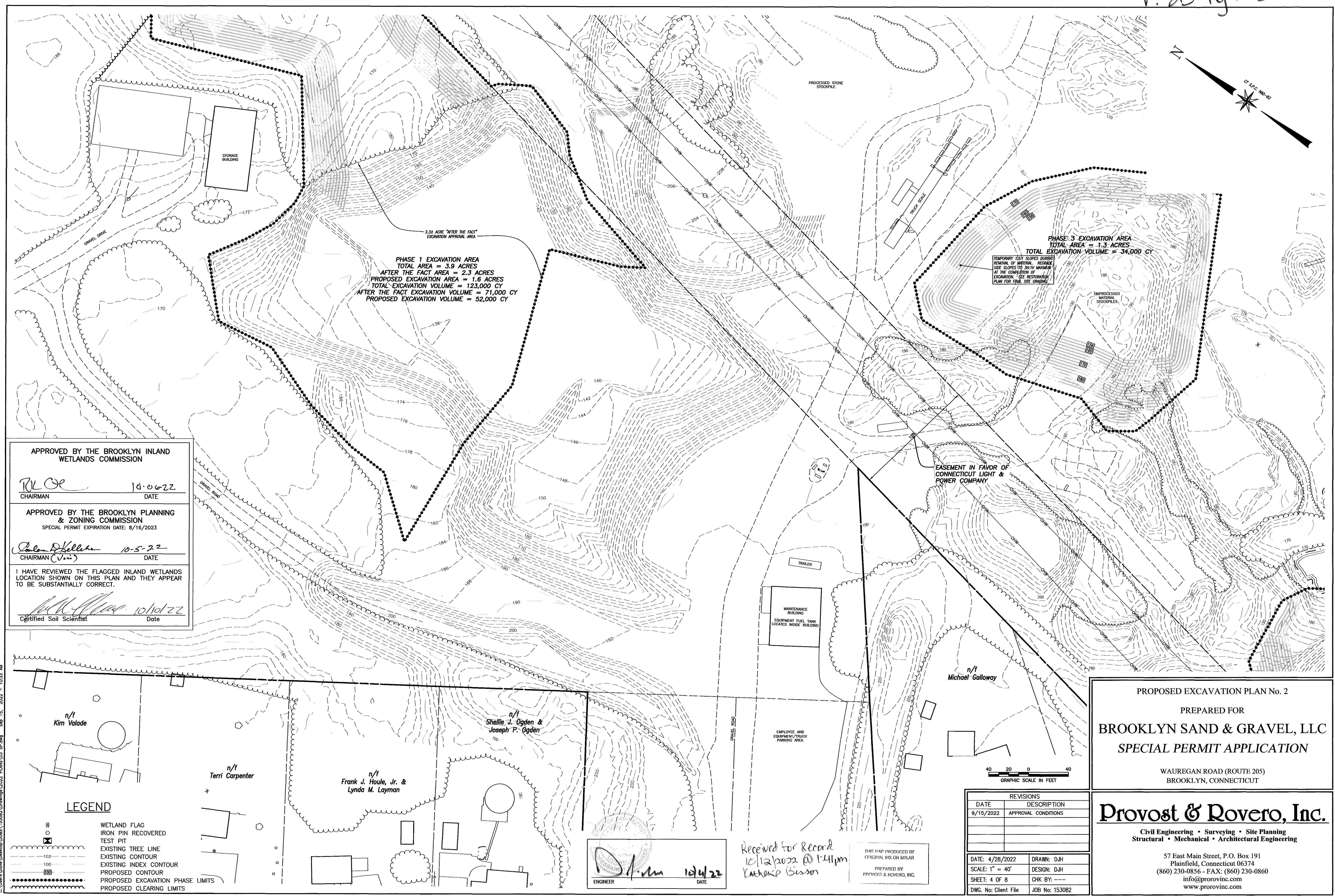
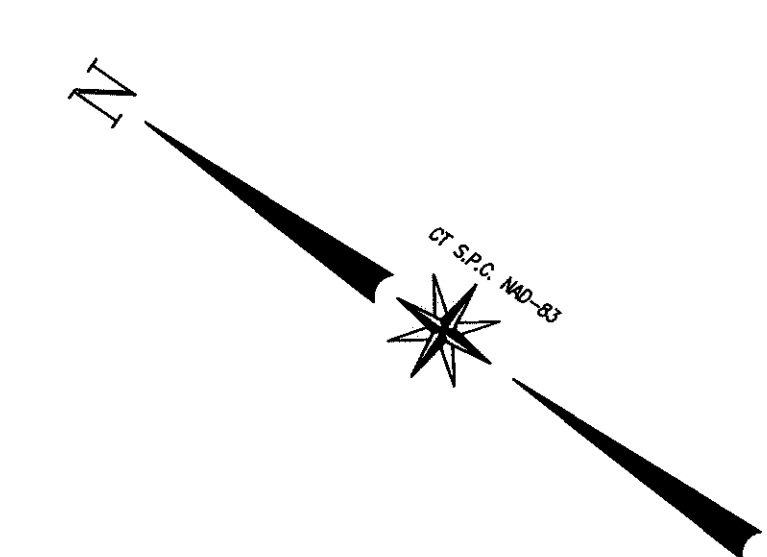
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D. ... 10/14/22
ENGINEER DATE

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PREPARED BY: PROVOST & DOVERO, INC.

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PHASE 1 EXCAVATION AREA
 TOTAL AREA = 3.9 ACRES
 AFTER THE FACT AREA = 2.3 ACRES
 PROPOSED EXCAVATION AREA = 1.6 ACRES
 TOTAL EXCAVATION VOLUME = 123,000 CY
 AFTER THE FACT EXCAVATION VOLUME = 71,000 CY
 PROPOSED EXCAVATION VOLUME = 52,000 CY

PHASE 3 EXCAVATION AREA
 TOTAL AREA = 1.3 ACRES
 TOTAL EXCAVATION VOLUME = 34,000 CY

TEMPORARY 1:1 SLOPES DURING REMOVAL OF MATERIAL. REGRADE SIDE SLOPES TO 3:1:1 MINIMUM AT THE COMPLETION OF EXCAVATION. SEE RESTORATION PLAN FOR FINAL SITE GRADING.

APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION

RLO 10-06-22
 CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
 SPECIAL PERMIT EXPIRATION DATE: 8/16/2023

John D. Keller 10-5-22
 CHAIRMAN (Vice) DATE

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

Mark Alvar 10/10/22
 Certified Soil Scientist Date

EASEMENT IN FAVOR OF CONNECTICUT LIGHT & POWER COMPANY

LEGEND

- # WETLAND FLAG
- IRON PIN RECOVERED
- TEST PIT
- EXISTING TREE LINE
- - - EXISTING CONTOUR
- - - EXISTING INDEX CONTOUR
- PROPOSED CONTOUR
- PROPOSED EXCAVATION PHASE LIMITS
- PROPOSED CLEARING LIMITS

n/f Kim Valade

n/f Terri Carpenter

n/f Frank J. Houle, Jr. & Lynda M. Layman

n/f Shelle J. Ogden & Joseph P. Ogden

n/f Michael Galloway

PROPOSED EXCAVATION PLAN No. 2

PREPARED FOR
BROOKLYN SAND & GRAVEL, LLC
 SPECIAL PERMIT APPLICATION

WAUREGAN ROAD (ROUTE 205)
 BROOKLYN, CONNECTICUT

Provost & Rovero, Inc.

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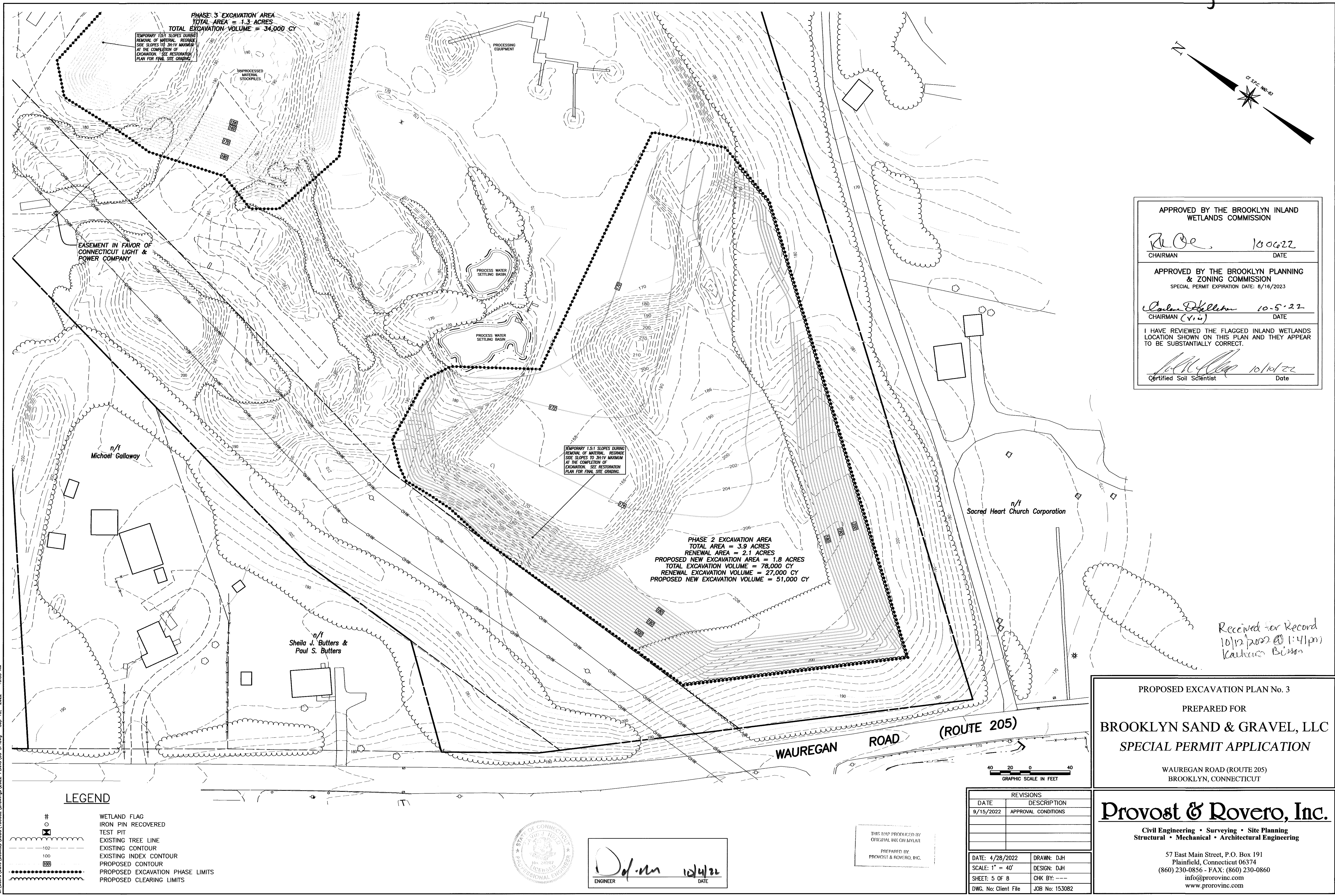
REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

D. Alvar 10/11/22
 ENGINEER DATE

Received for Record
 10/12/2022 @ 1:41pm
 Katherine Bission

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 PREPARED BY PROVOST & ROVERO, INC.

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PHASE 1 EXCAVATION AREA
 TOTAL AREA = 1.3 ACRES
 TOTAL EXCAVATION VOLUME = 34,000 CY

TEMPORARY 1:1 SLOPES DURING REMOVAL OF MATERIAL. REGRADE SIDE SLOPES TO 3H:1V MAXIMUM AT THE COMPLETION OF EXCAVATION. SEE RESTORATION PLAN FOR FINAL SITE GRADING.

TEMPORARY 1:1 SLOPES DURING REMOVAL OF MATERIAL. REGRADE SIDE SLOPES TO 3H:1V MAXIMUM AT THE COMPLETION OF EXCAVATION. SEE RESTORATION PLAN FOR FINAL SITE GRADING.

PHASE 2 EXCAVATION AREA
 TOTAL AREA = 3.9 ACRES
 RENEWAL AREA = 2.1 ACRES
 PROPOSED NEW EXCAVATION AREA = 1.8 ACRES
 TOTAL EXCAVATION VOLUME = 78,000 CY
 RENEWAL EXCAVATION VOLUME = 27,000 CY
 PROPOSED NEW EXCAVATION VOLUME = 51,000 CY

APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION

R. Oe. 10/06/22
 CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
 SPECIAL PERMIT EXPIRATION DATE: 8/16/2023

Carleen D. Hallinan 10-5-22
 CHAIRMAN (Vice) DATE

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

[Signature] 10/10/22
 Certified Soil Scientist Date

Received for Record
 10/12/2022 @ 1:41pm
 Kathleen Bisson

PROPOSED EXCAVATION PLAN No. 3

PREPARED FOR
BROOKLYN SAND & GRAVEL, LLC
 SPECIAL PERMIT APPLICATION

WAUREGAN ROAD (ROUTE 205)
 BROOKLYN, CONNECTICUT

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 www.provostinc.com

REVISIONS

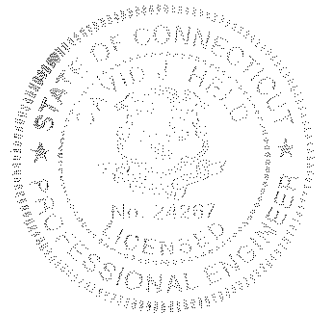
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

DATE: 4/28/2022 DRAWN: DJH
 SCALE: 1" = 40' DESIGN: DJH
 SHEET: 5 OF 8 CHK BY: ---
 DWG. No: Client File JOB No: 153082

LEGEND

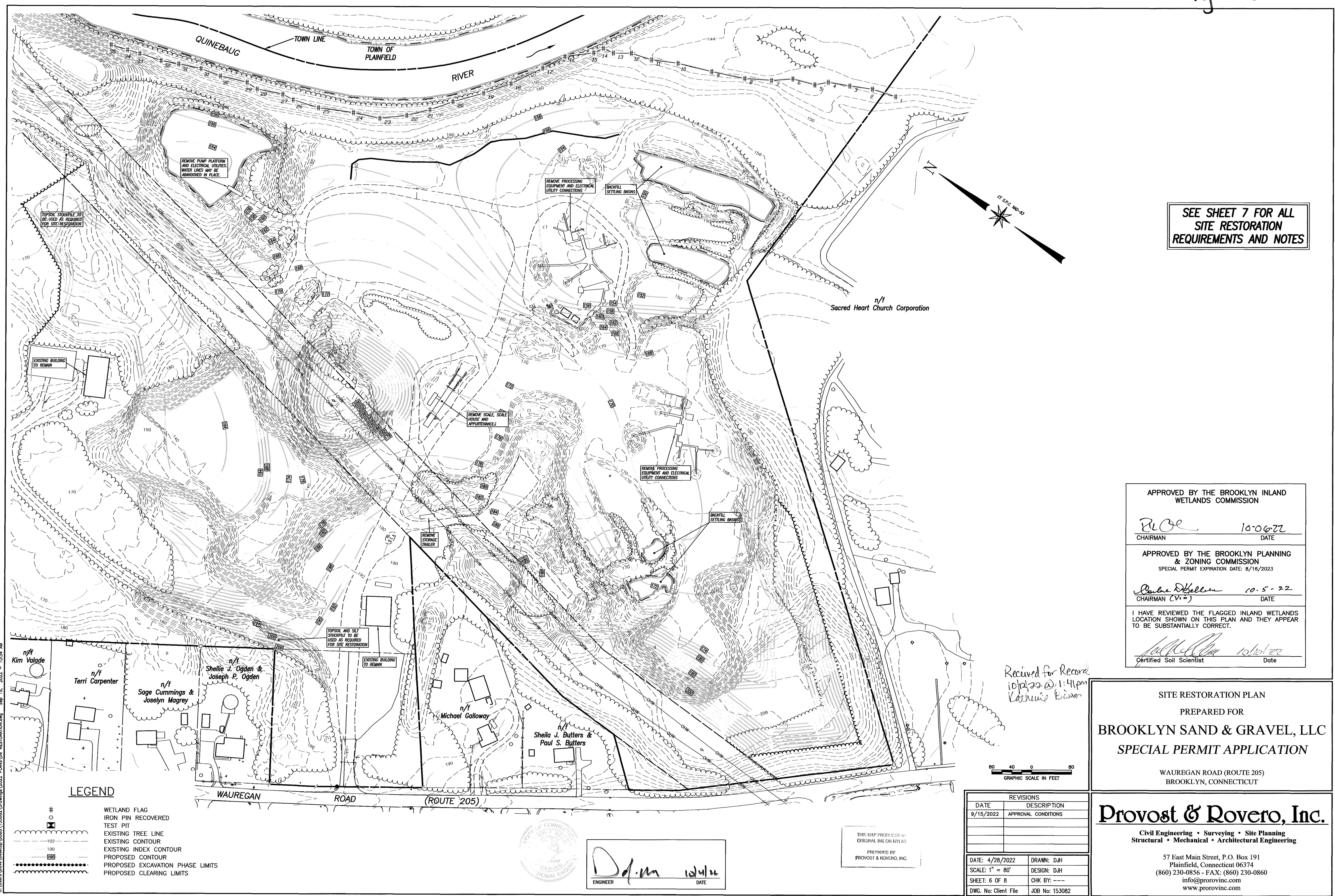
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○	IRON PIN RECOVERED
⊗	TEST PIT
--- (dashed)	EXISTING TREE LINE
--- (solid)	EXISTING CONTOUR
--- (dotted)	EXISTING INDEX CONTOUR
--- (long-dashed)	PROPOSED CONTOUR
--- (dash-dot)	PROPOSED EXCAVATION PHASE LIMITS
--- (thick dashed)	PROPOSED CLEARING LIMITS

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[Signature] 10/4/22
 ENGINEER DATE

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 PREPARED BY
 PROVOST & ROVERO, INC.



SEE SHEET 7 FOR ALL SITE RESTORATION REQUIREMENTS AND NOTES

APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION
Robert 10-06-22
 CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
 SPECIAL PERMIT EXPIRATION DATE: 8/16/2023
Barbara 10-5-22
 CHAIRMAN (V.P.) DATE

I HAVE REVIEWED THE FLAGGED INLAND WETLANDS LOCATION SHOWN ON THIS PLAN AND THEY APPEAR TO BE SUBSTANTIALLY CORRECT.
Michael 10/15/22
 Certified Soil Scientist Date

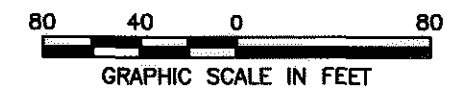
SITE RESTORATION PLAN
 PREPARED FOR
BROOKLYN SAND & GRAVEL, LLC
 SPECIAL PERMIT APPLICATION
 WAUREGAN ROAD (ROUTE 205)
 BROOKLYN, CONNECTICUT

Provost & Rovero, Inc.
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 info@prorovinc.com
 www.prorovinc.com

REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

Received for Record
 10/27/22 @ 1:41pm
 Kathryn Kissner



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LEGEND

#	WETLAND FLAG
○	IRON PIN RECOVERED
⊗	TEST PIT
(---)	EXISTING TREE LINE
(---)	EXISTING CONTOUR
(---)	EXISTING INDEX CONTOUR
(---)	PROPOSED CONTOUR
(---)	PROPOSED EXCAVATION PHASE LIMITS
(---)	PROPOSED CLEARING LIMITS



D.M. 10/14/22
 ENGINEER DATE

THIS MAP PRODUCED BY ORIGINAL BULK ON FILE
 PREPARED BY PROVOST & ROVERO, INC.

EROSION AND SEDIMENT CONTROL PLAN:

REFERENCE IS MADE TO:

1. Connecticut Guidelines for Soil Erosion and Sediment Control 2002 (2002 Guidelines).
2. Soil Survey of Connecticut, N.R.C.S.

SILT FENCE INSTALLATION AND MAINTENANCE:

1. Dig a 6" deep trench on the uphill side of the barrier location.
2. Position the posts on the downhill side of the barrier and drive the posts 1.5 feet into the ground.
3. Lay the bottom 6" of the fabric in the trench to prevent undermining and backfill.
4. Inspect and repair barrier after heavy rainfall.
5. Inspections will be made at least once per week and within 24 hours of the end of a storm with a rainfall amount of 0.5 inch or greater to determine maintenance needs.
6. Sediment deposits are to be removed when they reach a height of 1 foot behind the barrier or half the height of the barrier and are to be deposited in an area which is not regulated by the inland wetlands commission.
7. Replace or repair the fence within 24 hours of observed failure. Failure of the fence has occurred when sediment fails to be retained by the fence because:
 - the fence has been overtopped, undercut or bypassed by runoff water,
 - the fence has been moved out of position (knocked over), or
 - the geotextile has decomposed or been damaged.

HAY BALE INSTALLATION AND MAINTENANCE:

1. Bales shall be placed as shown on the plans with the ends of the bales tightly abutting each other.
2. Each bale shall be securely anchored with at least 2 stakes and gaps between bales shall be wedged with straw to prevent water from passing between the bales.
3. Inspect bales at least once per week and within 24 hours of the end of a storm with a rainfall amount of 0.5 inches or greater to determine maintenance needs.
4. Remove sediment behind the bales when it reaches half the height of the bale and deposit in an area which is not regulated by the Inland Wetlands Commission.
5. Replace or repair the barrier within 24 hours of observed failure. Failure of the barrier has occurred when sediment fails to be retained by the barrier because:
 - the barrier has been overtopped, undercut or bypassed by runoff water,
 - the barrier has been moved out of position, or
 - the hay bales have deteriorated or been damaged.

TEMPORARY VEGETATIVE COVER:

SEED SELECTION

Grass species shall be appropriate for the season and site conditions. Appropriate species are outlined in Figure TS-2 in the 2002 Guidelines.

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.

SEEDBED PREPARATION

Loosen the soil to a depth of 3-4 inches with a slightly roughened surface. If the area has been recently loosened or disturbed, no further roughening is required. Soil preparation can be accomplished by tracking with a bulldozer, discing, harrowing, raking or dragging with a section of chain link fence. Avoid excessive compaction of the surface by equipment traveling back and forth over the surface. If the slope is tracked, the cleat marks shall be perpendicular to the anticipated direction of the flow of surface water.

If soil testing is not practical or feasible on small or variable sites, or where timing is critical, fertilizer may be applied at the rate of 300 pounds per acre or 7.5 pounds per 1,000 square feet of 10-10-10 or equivalent. Additionally, lime may be applied using rates given in Figure TS-1 in the 2002 Guidelines.

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 fill 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 80% vegetative cover).

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:

1. Topsoil will be replaced once the excavation and grading has been completed. Topsoil will be spread at a minimum compacted depth of 6".
2. Once the topsoil has been spread, all stones 2" or larger in any dimension will be removed as well as debris in areas to be maintained as lawn.
3. Apply agricultural ground limestone at a rate of 2 tons per acre or 100 lbs. per 1000 s.f. Apply 10-10-10 fertilizer or equivalent at a rate of 300 lbs. per acre or 7.5 lbs. per 1000 s.f. Work lime and fertilizer into the soil to a depth of 4".
4. Inspect seedbed before seeding. If traffic has compacted the soil, retille compacted areas.
5. Apply the chosen grass seed mix. The recommended seeding dates are: April 1 to June 15 & August 15 - October 1.
6. 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.

EROSION AND SEDIMENT CONTROL NARRATIVE:

PRINCIPLES OF EROSION AND SEDIMENT CONTROL

The primary function of erosion and sediment controls is to absorb erosional energies and reduce runoff velocities that force the detachment and transport of soil and/or encourage the deposition of eroded soil particles before they reach any sensitive area.

KEEP LAND DISTURBANCE TO A MINIMUM

The more land that is in vegetative cover, the more surface water will infiltrate into the soil, thus minimizing stormwater runoff and potential erosion. Keeping land disturbance to a minimum not only involves minimizing the extent of exposure at any one time, but also the duration of exposure. Phasing, sequencing and construction scheduling are interrelated. Phasing divides a large project into distinct sections where construction work over a specific

area occurs over distinct periods of time and each phase is not dependent upon a subsequent phase in order to be functional. A sequence is the order in which construction activities are to occur during any particular phase. A sequence should be developed on the premise of "first things first" and "last things last" with proper attention given to the inclusion of adequate erosion and sediment control measures. A construction schedule is a sequence with time lines applied to it and should address the potential overlap of actions in a sequence which may be in conflict with each other.

- Limit areas of clearing and grading. Protect natural vegetation from construction equipment with fencing, tree armoring, and retaining walls or tree wells.
- Route traffic patterns within the site to avoid existing or newly planted vegetation.
- Phase construction so that areas which are actively being developed at any one time are minimized and only that area under construction is exposed. Clear only those areas essential for construction.
- Sequence the construction of storm drainage systems so that they are operational as soon as possible during construction. Ensure all outlets are stable before outletting storm drainage flow into them.
- Schedule construction so that final grading and stabilization is completed as soon as possible.

SLOW THE FLOW

Detachment and transport of eroded soil must be kept to a minimum by absorbing and reducing the erosive energy of water. The erosive energy of water increases as the volume and velocity of runoff increases. The volume and velocity of runoff increases during development as a result of reduced infiltration rates caused by the removal of existing vegetation, removal of topsoil, compaction of soil and the construction of impervious surfaces.

- Use diversions, stone dikes, silt fences and similar measures to break flow lines and dissipate storm water energy.
- Avoid diverting one drainage system into another without calculating the potential for downstream flooding or erosion.

KEEP CLEAN RUNOFF SEPARATED

Clean runoff should be kept separated from sediment laden water and should not be directed over disturbed areas without additional controls. Additionally, prevent the mixing of clean off-site generated runoff with sediment laden runoff generated on-site until after adequate filtration of on-site waters has occurred.

- Segregate construction waters from clean water.

- Divert site runoff to keep it isolated from wetlands, watercourses and drainage ways that flow through or near the development until the runoff is trapped or detained.

REDUCE ON SITE POTENTIAL INTERNALLY AND INSTALL PERIMETER CONTROLS

While it may seem less complicated to collect all waters to one point of discharge for treatment and just install a perimeter control, it can be more effective to apply internal controls to many small sub-drainage basins within the site. By reducing sediment loading from within the site, the chance of perimeter control failure and the potential off-site damage that it can cause is reduced. It is generally more expensive to correct off-site damage than it is to install proper internal controls.

- Control erosion and sedimentation in the smallest drainage area possible. It is easier to control erosion than to contend with sediment after it has been carried downstream and deposited in unwanted areas.

- Direct runoff from small disturbed areas to adjoining undisturbed vegetated areas to reduce the potential for concentrated flows and increase settlement and filtering of sediments.

- Concentrated runoff from development should be safely conveyed to stable outlets using rip rapped channels, waterways, diversions, storm drains or similar measures.

- Determine the need for sediment basins. Sediment basins are required on larger developments where major grading is planned and where it is impossible or impractical to control erosion at the source. Sediment basins are needed on large and small sites when sensitive areas such as wetlands, watercourses, and streets would be impacted by off-site sediment deposition. Do not locate sediment basins in wetlands or permanent or intermittent watercourses. Sediment basins should be located to intercept runoff prior to its entry into the wetland or watercourse.

- Grade and landscape around buildings and septic systems to divert water away from them.

EXCAVATION NOTES:

1. No blasting is anticipated for completion of the work shown. If blasting is required, the owner is responsible for obtaining all necessary permits.
2. The emergency contact for operations at this site is Wayne Jolley (860) 774-5000.
3. The allowable hours of operation for both processing and excavation shall be 7:00 AM to 6:00 PM, Monday through Friday and 7:00 AM to 12:00 noon on Saturday. No operations shall be allowed on Sundays, Christmas, New Years Day, Memorial Day, Fourth of July, Labor Day and Thanksgiving except by special permission of the Brooklyn Planning & Zoning Commission.
4. The owner and/or site operator shall provide adequate dust control to prevent any off-site nuisance. The preferred dust control measure is the application of water to vehicular travel areas.
5. The owner/operator shall install any necessary barricades or barriers to provide protection around the perimeter of open excavation faces and steep slopes.
6. Excavation operations shall be completed in accordance with all appropriate Mine Safety & Health Administration (MSHA) rules and regulations.
7. The estimated total number of truck trips entering or exiting the site is 9,000 trips per year. The estimated daily average number of truck trips entering or exiting the site is 60. The estimated maximum number of daily truck trips entering or exiting the site is 80.
8. The site operator is responsible for determining the most appropriate means and methods for excavating material in the applicable phase. In general, excavation shall begin with stripping and stockpiling of topsoil and subsoil which will be utilized for site restoration. Removal of material should begin with a downcutting technique to ensure proper internal drainage.
9. The entire site, including the active excavation area shall be maintained in a self-contained condition to prevent the discharge of sediment laden stormwater to undisturbed areas, public roads, the Quinebaug River, Pine Brook or associated wetlands.
10. All trucks leaving the site shall have the loads covered.
11. Any repair work to trucks or mobile equipment should be completed in the maintenance garage if possible. If field repairs are necessary, the site operator and/or mechanic shall take appropriate measures for spill prevention and containment.
12. Trucks and mobile equipment should generally be parked in the employee parking area near the maintenance garage.
13. Fueling of equipment should take place in the maintenance garage from the tank located there.

RESTORATION NOTES:

The restoration requirements described below will be applicable to disturbed areas of the site which are no longer required for excavation, stockpiles, processing equipment or other uses. As site areas become available for restoration, refer to the Site Restoration Plan for proposed grading.

When excavation of the site has been completed, all processing equipment and appurtenances, stockpiles, scales and other equipment shall be removed within 6 months from the termination of operations.

Restoration work shall begin within 12 months of the termination of operation in the phase and be completed within 18 months from the termination of operations or the termination of the excavation permit.

1. Restoration of disturbed areas shall take place following the completion of excavation or other work. Sufficient restoration bonding should be maintained as required by the Town to cover the restoration cost for disturbed/open site areas.
2. Final restoration shall begin with establishing the required subgrade elevations. Proposed grades may be adjusted at time of restoration following approval by town staff, depending on field conditions. Final grades as the final configuration is compliant with the Zoning Regulations. In general, all disturbed slopes shall be graded to a 3H:1V maximum

gradient.

3. Prepare the restoration area by spreading a 12" min. thickness (compacted) layer of silt or washing fines.
4. Complete restoration by spreading on-site stockpiled topsoil to an approximate minimum thickness of 6" (compacted) and seeding for a permanent vegetative cover. On-site topsoil stockpiles may be supplemented with composted organic matter, wood chips and imported topsoil as necessary to provide a suitable planting medium.
5. Spread seed for a permanent vegetative cover over the prepared restoration area. The permanent vegetative cover may be a suitable wildlife habitat mix or the following mixture which is suitable for use in all locations:

Variety	Lbs./Acres
Switchgrass (Blackwell, Shelter, Cave-in-Rock)	4.0
Big Bluestem (Niagra, Kaw)	4.0
Little Bluestem (Blaze, Aldous, Camper)	2.0
Sand Lovegrass (NE-27, Bend)	1.5
Bird's-foot Trefoil (Empire, Viking)	2.0
TOTAL	13.5

6. Hay or straw mulch shall be utilized on 3H:1V slopes to provide temporary stabilization during establishment of permanent vegetative cover. In general, no slopes greater than 3H:1V will be allowable. In the event that steeper slopes are necessary in isolated locations to transition to existing natural grades, no slopes should be steeper than 2:1.

7. Fertilizer and lime shall be provided as required to establish a permanent vegetative cover based on laboratory soil testing results.

8. In lieu of the manual application of mulch and fertilizer, the restoration area may be planted with hydroseeding methods with a suitable tackifier, mulch and fertilizer mix.

TEST PIT OBSERVATIONS - DECEMBER, 2016

TEST PIT	DEPTH	PROFILE
1	0-2' 2'-22'	Topsoil and subsoil Coarse sand and gravel No GW No ledge
2	0-22'	Fine silty sand No GW No ledge
3	0-22'	Fine silty sand No GW No ledge
4	0-20'	Coarse sand and gravel No GW No ledge
7	0-6' 6'-20'	Topsoil and subsoil Medium-coarse sand and gravel No GW No ledge
8	0-20'	Coarse sand and gravel No GW No ledge
9	0-20'	Silt and fine silty sand No GW No ledge
10	0-2' 2'-20'	Topsoil and subsoil Fine sand No GW No ledge
11	0-2' 2'-20'	Topsoil and subsoil Silt and fine silty sand No GW No ledge
12	0-2' 2'-20'	Topsoil and subsoil Silt and fine silty sand No GW No ledge
13	0-6' 6'-20'	Topsoil and subsoil Coarse sand and gravel No GW No ledge
14	0-1' 1'-20'	Topsoil and subsoil Fine sand and silty sand No GW No ledge
15	0-4' 4'-20'	Topsoil and subsoil Coarse sand and gravel No GW No ledge
16	0-4' 4'-20'	Topsoil and subsoil Coarse sand and gravel No GW No ledge

TEST PIT OBSERVATIONS - FEBRUARY, 2018

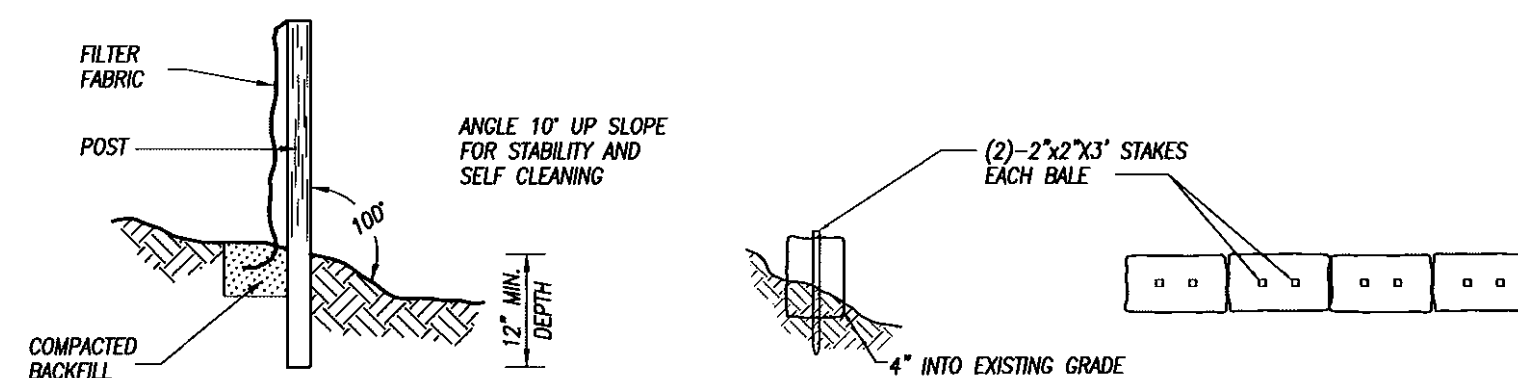
TEST PIT	DEPTH	PROFILE
17	0-4' 4'-6' 6'-24'	Coarse sand and gravel Very fine silty sand Medium to coarse sand No GW No ledge

TEST PIT OBSERVATIONS - JUNE 12, 2019

TEST PIT	DEPTH	PROFILE
18	0-8' 8'-14'	Coarse sand and gravel Very fine silty sand and silt Apparent perched GW @ 8' No ledge
19	0-20'	Coarse sand and gravel layers No GW No ledge

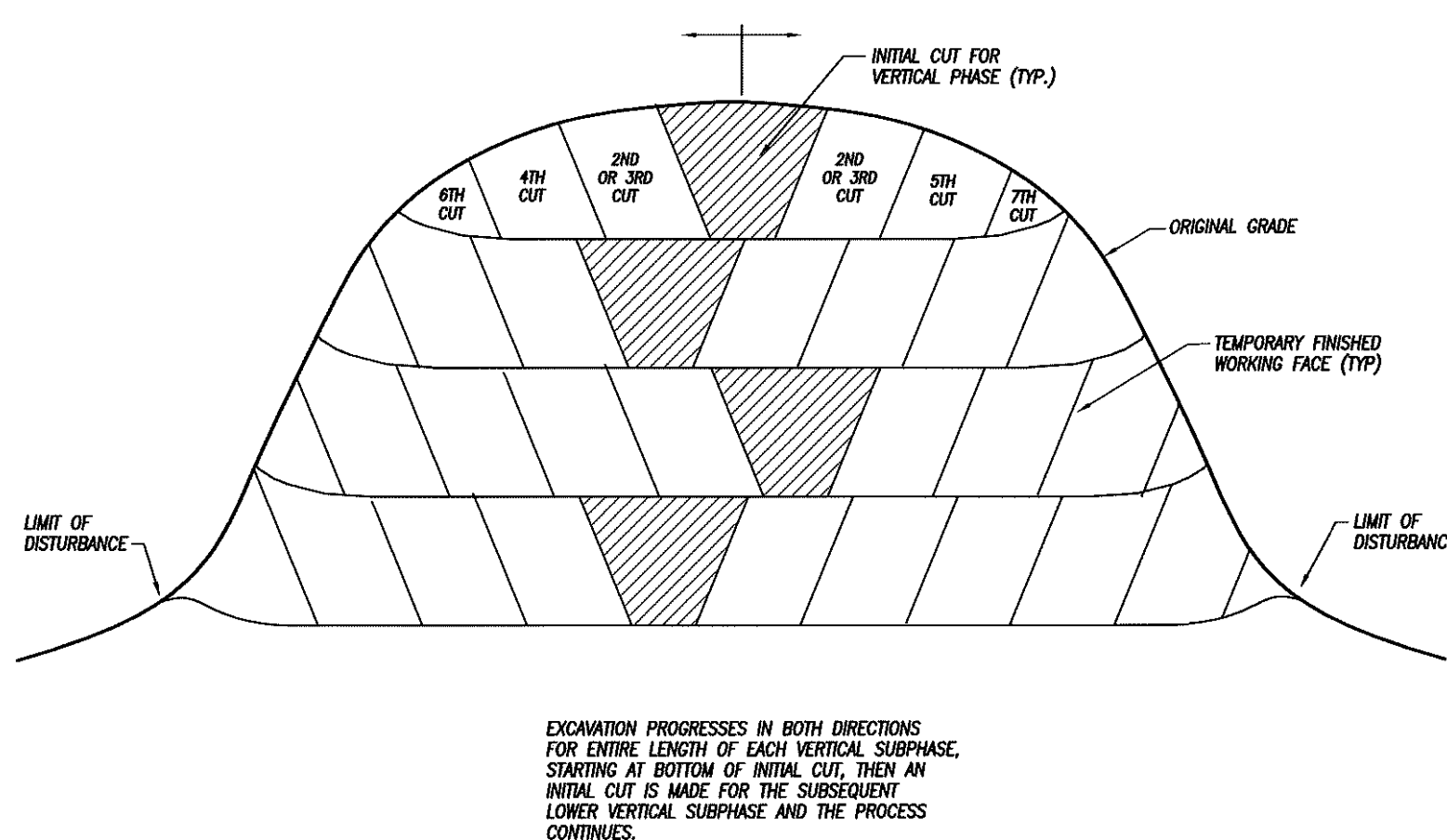
TEST PIT OBSERVATIONS - APRIL 15, 2022

TEST PIT	DEPTH	PROFILE
20	0-2' 2'-15'	Topsoil and subsoil Coarse sand and gravel No GW No ledge
21	0-4' 4'-15'	Topsoil and subsoil Medium-fine sand and silty sand No GW No ledge
22	0-3' 3'-15'	Topsoil and subsoil Coarse sand and gravel No GW No ledge
23	0-15'	Coarse sand and gravel No GW No ledge
24	0-10'	Coarse sand and gravel No GW No ledge



SILT FENCE
NOT TO SCALE

HAYBALE BARRIER
NOT TO SCALE



DETAIL SHOWING "DOWNCUTTING" EXCAVATION METHOD
NOT TO SCALE

EXCAVATION PROGRESSES IN BOTH DIRECTIONS FOR ENTIRE LENGTH OF EACH VERTICAL SUBPHASE, STARTING AT BOTTOM OF INITIAL CUT, THEN AN INITIAL CUT IS MADE FOR THE SUBSEQUENT LOWER VERTICAL SUBPHASE AND THE PROCESS CONTINUES.

APPROVED BY THE BROOKLYN INLAND WETLANDS COMMISSION

John O'Connell 10.06.22
CHAIRMAN DATE

APPROVED BY THE BROOKLYN PLANNING & ZONING COMMISSION
SPECIAL PERMIT EXPIRATION DATE: 8/16/2023

Barbara Kelleher 10.5.22
CHAIRMAN (Vice) DATE

Received For Record
10/12/2022 @ 1:41pm
Kathleen Wilson

D. J. H. 10/14/22
ENGINEER DATE

THIS MAP PRODUCED BY ORIGINAL IRIS CIVIL ENGINEERS PREPARED BY PROVOST & ROVERO, INC.

REVISIONS	
DATE	DESCRIPTION
9/15/2022	APPROVAL CONDITIONS

DETAIL SHEET

PREPARED FOR

BROOKLYN SAND & GRAVEL, LLC

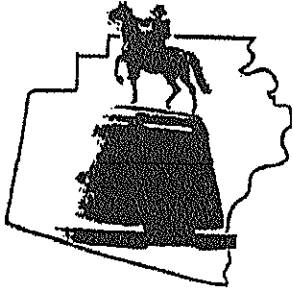
SPECIAL PERMIT APPLICATION

WAUREGAN ROAD (ROUTE 205)
BROOKLYN, CONNECTICUT

Provost & Rovero, Inc.

Civil Engineering • Surveying • Site Planning
Structural • Mechanical • Architectural Engineering

57 East Main Street, P.O. Box 191
Plainfield, Connecticut 06374
(860) 230-0856 - FAX: (860) 230-0860
info@provinc.com
www.provinc.com



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

Wayne L. Jolley
Jolley Concrete & Block
42 Junior Avenue
Danielson, CT 06239

January 11, 2023

Dear Mr. Jolley,

I have received your letter dated 1/4/23.

In regards to grandfathering previously existing, nonconforming use(s), the only timeframe that matters is prior to 5/24/72, when zoning was adopted. Any further evidence you can supply must document the use(s) prior to 5/24/72.

I would like to resolve these matters as quickly as possible. I would like you to try to address the specific points described below.

In order for me to render a decision, please submit a formal request specifically listing the use(s) for which you seek approval as a legally existing, non-conforming use or uses.

It isn't clear to me when the use of the property went from Fred Jolley mining to build himself a campground to a business/commercial use as a mining and processing enterprise. I don't have any documentation of if and when Fred's business had a name.

It would also be helpful to me in rendering a decision if you would please submit a chronological property history including evidence of any specific use(s) for which you seek a decision. This chronological property history should list all the related business uses, with dates, if possible, including the operation of the block plant in Killingly.

You may wish to seek assistance from a land use attorney in the preparation of the formal request and the property history requested above.

Please bear in mind that any decision I make regarding your request will be heavily dependent on the facts that you can provide supporting the existence of the use(s) prior to the enactment of zoning regulations.

It would be helpful to me in rendering my decision if you would please submit written testimonials from any family member or land owner who can attest to selling unprocessed material to Fred Jolley from off-site for processing on-site prior to 5/24/72. Specific timeframes would be most helpful.

Your letter received 10/25/22 mentions that "Ernest Jolly was bringing in the bulk of the material that was imported from off site from various locations around town, including local farmers." It will be important to provide dates of such activity and also the frequency with which such activity occurred. A testimonial from Ernest Jolly would be helpful, if possible.

Your letter received 1/4/23 mentions that Arthur Parent brought material to Fred Jolley. A testimonial from Arthur Parent would also be helpful, if possible.

Can you provide some quantitative estimates of the proportion of on-site material to off-site material processed on-site prior to 1972?

Questions that could be answered include:

How much material was imported in any given year prior to 5/24/72?

Where was the material originally excavated, documented by giving a street address, a map and lot number, or an aerial photograph?

How often was material imported in any given year prior to 5/24/72?

I realize that it must be challenging trying to document events from 50 years ago.

I look forward to hearing from you.

Sincerely,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

1/30/23 Wayne Jolley brought in a 12th letter from Susan Strouse.

Wayne states that the 3 uses listed in his 1/12 letter are what he's asking to have grandfathered. At my urging he says he wants to add excavation of raw material and processing of on-site material ^{to that list}

Wayne states that he is 72 years old. He is a Vietnam veteran. Wayne was discharged in 1971.

Wayne states that he wants excavation to be grandfathered.

his Dad

Wayne states that he filled in the raceway at the old mill. in '69 or '70.

Wayne states that they used to exit the property where his house is now and drive down Rt 205 to get to the old raceway.

Wayne looked at the 1970 aerial photo. He states that the old barn and house are gone now. He built a house for his son there (Christopher), then the son moved ~~to~~ away. The house was sold. Wayne points out where the old gravel pit was.

atty Peter Ridell

Wayne does not want to use ~~a land use~~ attorney in his request for grandfathering.

Wayne says he doesn't have any photographs of the gravel pit before 1972.

I asked Wayne to submit a formal request listing all the activities he wants grandfathered. Dana and I ~~urged~~ urged him to get assistance from a land use attorney.

Wayne says the campground construction started around 1965. He started selling gravel around the same time. Foxtail campground was the only name he used, nothing like Brooklyn Sand + Gravel.

The whole time Fred ran the campground + gravel pit the entrance was where Wayne's house is now. There was no other entrance.

They used to drive from the campground to the mine.

Wayne states that around 1965 all ~~aspects~~ ^{all aspects} were started around ^{(1) campground} (2) ^{onsite} excavating (3) processing (3) selling (4) ^{off site} importing / processing / selling

Emerson Nutting bought raw material and came back with cellar hole spoils to process at Foxtail.

Jane located a quarry on Valley View Rd in Sterling that may be the same site that the Strauses owned in the late 1960's + 1970's
Nearly

Joly's.

Steve Joly is Ernest's son. Steve is living in FL but in poor health. Wayne says he either already has a letter from Steve Joly or he will try to get one. I told Wayne that we do not have a letter from Steve Joly.

Fred

1955 Jolley + Sons opened off Junior Ave.
~~the~~ Fred was getting mat'l from Ernest Joly at first.

Fred F.

1955 Jolley + Sons made ready-mix concrete sold in trucks. Blocks started being produced around 1970. The Joly blocks (mafia blocks) are also made off Junior Ave.

I asked Wayne about Arthur Parent's sons. Wayne can try to get a letter from Arthur Parent's son.

Susan Strause is 72 years old.

Strause, Emerson Nitting, Arthur Parent, Ernest Joly, LaFramboise, would all bring in material from time to time.

Ernest Joly dug a pond for Fred Jolley at the north end of the property with a dam. The pond was for swimming. The dam broke but is still visible. Fred traded pond spoils to Ernest to bring processed material back for campground roads.

Mercier's campground off Brickyard Rd was called "Big Valley" and is now owned by the Greens.

Wayne LaFramboise is 71 years old.

Wayne Jolley by signing this document acknowledges that he read it, understands it and agrees that it is true.

Margaret Washburn

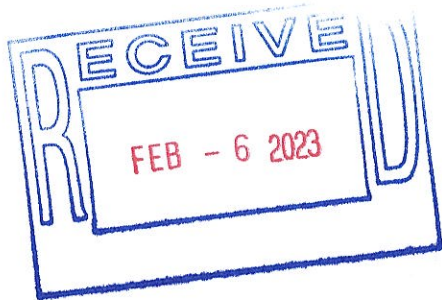
From: Wayne Jolley <wjolley@jolleyconcrete.net>
Sent: Monday, February 06, 2023 7:05 AM
To: Margaret Washburn
Subject: Notes
Attachments: BSG Historical Notes.pdf

Margaret,

Here is the transcribed notes from our meeting, and signed to verify their substance.

Thank you

Wayne



Margaret's Notes



1/30/23 – Wayne Jolley brought in a 12th letter from Susan Strouse.

Wayne states that the 3 uses listed in his 1/12 letter are wheat he's asking to have grandfathered. At my urging he says he wants to add excavation of raw material and processing of on-site material to the list. Wayne states that he is 72 years old, he is a Vietnam Veteran. Wayne was discharged in 1971. Wayne states that he wants excavation to be grandfathered.

Wayne states that his dad filled in the raceway at the old mill in '69 or '70.

Wayne states that they used to exit the property where his house is now and drive down RT 205 to get to the old raceway.

Wayne looked at the 1970 aerial photo. He states that the old barn and house are gone now. He built a house for his son there (Christopher). Then the son moved away. The house was sold. Wayne points out where the old gravel pit was.

Wayne does not want to use atty Peter Rydel in his request for grandfathering.

Wayne says he doesn't have any photographs of the gravel pit before 1972.

I asked Wayne to submit a formal request listing all the activities he wants grandfathered. Jana and I urged him to get assistance from a land use attorney.

Wayne says the campground construction started around 1965, He started selling gravel around the same time. Foxtail Campground was the only name he used, nothing like Brooklyn Sand & Gravel.

The whole time Fred ran the campground & gravel pit the entrance was where Wayne's house is now. There was no other entrance.

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1955 Fred F Jolley & Sons opened off Junior Ave. Fred was getting material from Ernest Joly at first.

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I asked Wayne about Arthur Parent's sons. Wayne can try to get a letter from Arthur Parent's son.

Susan Strouse is 72 years old. Strouse, Emerson Nutting, Arthur Parent, Ernest Joly, Laframoise, would all bring in material from time to time.

Ernest Joly dug a pond for Fred Jolley at the north end of the property with a dam. The pond was for swimming. The dam broke but is still visible. Fred traded pond spoils to Ernest to bring processed material back for campground roads, while Ernest kept some of the material he could use. Fred also processed material at the campground to make road material and sold or traded other material from the processing.

Mercier's campground off Brickyard Rd was called "Big Valley" and is now owned by the Greens.

Wayne Laframboise is 71 years old.

Wayne Jolley by signing this document, acknowledges that he read it, understands it and agrees that it is true.

Sign: Wayne Jolley

Date: 2-3-23

Wayne Jolley

Margaret Washburn

From: Margaret Washburn
Sent: Tuesday, February 07, 2023 1:21 PM
To: Wayne Jolley
Subject: RE: Notes

Received, Wayne. In the interest of concluding the process, will you please submit all related correspondence by February 15, 2023?

Thank you,

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

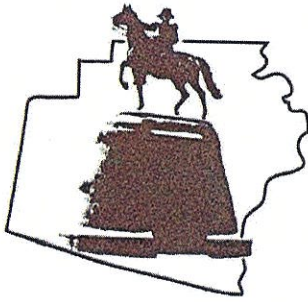
From: Wayne Jolley <wjolley@jolleyconcrete.net>
Sent: Monday, February 06, 2023 7:05 AM
To: Margaret Washburn <M.Washburn@Brooklynct.org>
Subject: Notes

Margaret,

Here is the transcribed notes from our meeting, and signed to verify their substance.

Thank you

Wayne



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

7022 0410 0002 7291 4429

CERTIFIED

Wayne L. Jolley
Jolley Concrete & Block
42 Junior Avenue
Danielson, CT 06239

March 6, 2023

Dear Mr. Jolley,

I have accepted your letter of January 12, 2023 as a request by you that I render a decision with regard to your claim that the property that you own an interest in at 530 Wauregan Road (Assessors Map 30, Lots 97, 97-1 and 97-2) has established a number of legally existing, non-conforming uses that pre-date the zoning regulations of the Town of Brooklyn. You listed the following five business uses that you assert were established on the property:

1. Importing raw material to the location.
2. Processing the imported raw material to clean usable material.
3. Excavating raw material on site for processing.
4. Processing on site excavated raw material to clean usable material.
5. Selling the processed material to customers.

I have assumed that by “raw material” you are referring to unprocessed earth materials such as sand and gravel.

You submitted a number of anecdotal memos and letters from various people who confirmed that each of them witnessed some element of the five activities that you seek to have declared as legally existing, non-conforming uses.

As I indicated to you, it is your burden to prove a sufficient number of acts or business transactions to show that the property was employed for the various business uses you claimed. Although I requested that you provide some further evidence of the business activities you listed such as invoices, business records, maps, plans, photos or other such evidence, you have not provided me with any of these requested materials.

In regard to the business uses listed in your letter dated 1/12/23, I have not received sufficient proof in order to deem that any of the five uses are to be considered pre-existing, non-conforming uses. It appears that if these activities occurred at all prior to the inception of zoning regulations in the Town of Brooklyn that such uses were incidental to the construction of Foxtail Campground.

As you are aware, the ongoing, on-site sand and gravel excavation and processing uses have been approved by Special Permits for the years 1990 – 2022. The importation and processing of off-site

material was included in special permit approvals until recent permit action taken by the Planning and Zoning Commission.

You successfully appealed the exclusion of the off-site importation and processing of earth material and the Commission thereafter granted you a special permit that included that activity.

Based on the evidence you have produced and my research, I am not able to conclude that the 5 business uses listed by you in your 1/12/23 letter predate the adoption of zoning regulations in Brooklyn.

Sincerely,

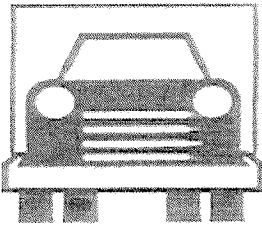
Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

CC: Austin Tanner Jana Roberson, Peter Alter

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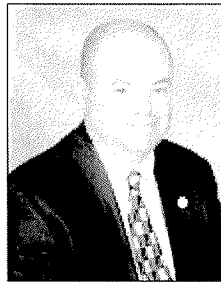
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STEPHEN J. ADAMS

Attorney at Law

158 Main Street, Suite 7
P.O. Box 682, Putnam, CT 06260
Telephone: 860-928-6528 • Fax 860-963-9007
E-mail sja@sjalawyer.com • www.sjalawyer.com

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Town of Brooklyn, Connecticut

DECISION OF ZONING ENFORCEMENT OFFICER

Town of Brooklyn, Decision of Zoning Enforcement Officer Re Claims of Legal, Pre-existing, Non-Conforming Uses at 530 Wauregan Road (Assessors Map 30, Lots 97, 97-1 and 97-2), owned in part by Wayne L. Jolley. By letter dated March 6, 2023, Margaret Washburn, Zoning Enforcement Officer for the Town of Brooklyn, issued a decision that with respect to the property known as 530 Wauregan Road the following uses are not legal, pre-existing non-conforming uses:

1. Importing raw material to the location.
2. Processing the imported raw material to clean usable material.
3. Excavating raw material on site for processing.
4. Processing on site excavated raw material to clean usable material.
5. Selling processed materials to customers.

This notice of decision was published by the Town of Brooklyn, Zoning Enforcement Officer. Aggrieved parties may appeal the decision of the Zoning Enforcement Officer to the Brooklyn Zoning Board of Appeals within thirty (30) days of this notice in accordance with Connecticut General Statutes Section 8-7.

By Margaret Washburn, Brooklyn Zoning Enforcement Officer



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CONTRACTOR



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BROOKLYN ZONING BOARD OF APPEALS
APPLICATION

FEE: \$250.00 / STATE FEE: \$60 / PUBLICATION FEE: \$450 = \$460⁰⁰
CHECK# 10665

APPLICATION # 23-001 DATE SUBMITTED 03/07/2023

APPLICANT: Wayne & Leslie Jolley

MAILING ADDRESS: 42 Junior Ave Danielson, CT 06239

PROPERTY OWNER: (if different) Wayne & Leslie Jolley

MAILING ADDRESS: 42 Junior Ave Danielson, CT 06239

PROPERTY LOCATION: 530 Wauregan Rd Brooklyn, CT 06234

MAP: 30 LOT: 97,97-1,97-2 ACRES: 64 +/-

ZONE: RA R-30 VCD R-10 NC PC RB I-1 (circle one)

Is Property within 500' of a municipal boundary? yes

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

Variance of the Zoning Regulations, Section(s) _____
The variance being requested is _____

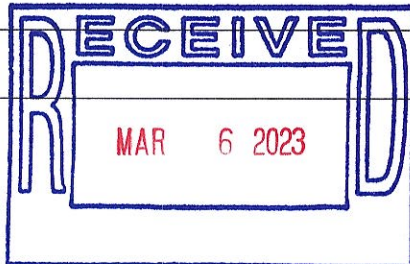
Appeal of an order, requirement or decision of the ZEO under Sec. 17.2 of the Brooklyn Zoning Regulations.

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

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

Appeal of Decision
ZEO on March 6, 2023

Specify the hardship if applying for a variance. A hardship cannot be strictly financial and must be related to the condition of the land.



BROOKLYN ZONING BOARD OF APPEALS

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

1. A plot plan prepared as determined by the ZBA, either:
 - by a licensed land surveyor, to A-2 survey standard OR
 - not an A2 survey but sufficiently accurate to allow the members to reach an informed decision.
2. A copy of the permit denial from the Zoning Officer.
3. Check payable to the Town of Brooklyn.
4. Confirmation that Notices to Abutters have been sent as follows:
 - The applicant shall, at his own expense, send notice of the application at least 15 days prior to the date of the public hearing. Form will be provided by the Town.
 - Notice shall be sent to all property owners of any abutting properties as well as to property owners that lie opposite the parcel across any street or thoroughfare.
 - Notice shall be sent with a Certificate of Mailing receipt obtained from the US Post Office.
 - Copies of the list of abutters and Certificates of Mailings shall be submitted no later than at the public hearing.
 - Abutting owners are the owners that are listed in the Brooklyn Tax Assessor's records.
5. If the proposed activity is located within a Drinking Water Supply Aquifer Area (see attached map) then the Public Water Supply Aquifer Area Project Notification Form must be completed and attached to the application.

NOTE:

- It is the responsibility of the applicant to contact the Building Inspector, Inland Wetlands and Watercourses Agent and Fire Marshal to determine if other permits are required.
- See Article 17 of the Brooklyn Zoning Regulations for the powers and duties of the Board and the criteria for decision-making regarding variances. All criteria must be addressed in the information provided to the Board.
- **Lack of accurate information may cause the Board to deem that the application is an incomplete application and may be grounds for denial.**

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

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

Wayne Jolley 3-7-23
Applicant Date

Wayne Jolley 3-7-23
Property Owner Date

Margaret Washburn

From: Margaret Washburn
Sent: Monday, May 01, 2023 10:15 AM
To: wjolley@jolleyconcrete.net
Cc: Austin Tanner; Jana Roberson; bruce parsons
Subject: ZBA appeals form
Attachments: ZBAApplicationRev 1-17-23.pdf; 23-001 Wayne Jolley appeal.pdf

Dear Mr. Jolley,

The form you submitted for your appeal is outdated. It refers to an old Section 17.2 in the Zoning Regulations, which no longer exists. The updated form is attached. It refers to Section 9.G.1, the current section of the Zoning Regulations for appeals. The updated form is available on the Town website.

To avoid confusion at the 5/22 public hearing, would you please complete the revised form and submit it to me at your earliest convenience?

Thank you,

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

**BROOKLYN ZONING BOARD OF APPEALS
APPLICATION FORM**

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

APPLICATION # _____ DATE SUBMITTED _____

APPLICANT: _____

MAILING ADDRESS: _____

PROPERTY OWNER: (if different) _____

MAILING ADDRESS: _____

PROPERTY LOCATION: _____

MAP: _____ LOT: _____ ACRES: _____

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

Is Property within 500' of a municipal boundary? _____

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

Variance of the Zoning Regulations, Section(s) _____

The variance being requested is _____

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

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

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

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

- (1) When a property cannot be used in a manner permitted in the zone in which that property is located due to its unique shape, topography, or other inherent condition.
- (2) Being too small or too narrow is not a legal hardship unless it restricts the property from being put to a reasonable permitted use.
- (3) A hardship must be unique to the property, in that it is a characteristic that is not exhibited by other properties in the area or in the zone, and one that makes it appropriate for special treatment.

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

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

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

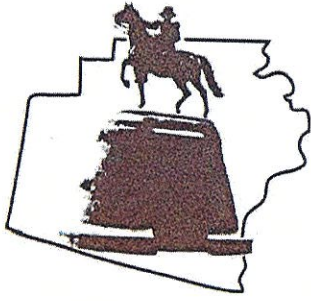
NOTE:

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

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

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

Applicant	Date	Property Owner	Date
------------------	-------------	-----------------------	-------------



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

CERTIFIED # _____

7022 0410 0002 7291 4436

Elizabeth Wilson, Town Clerk
Town of Killingly
172 Main St.
Killingly, CT 06239

March 16, 2023

Dear Ms. Wilson,

In accordance with CGS Section 8-7.d., you are hereby notified that the Town of Brooklyn Zoning Board of Appeals has received the enclosed appeal of a decision by the Zoning Enforcement Officer.

Sincerely,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

BROOKLYN ZONING BOARD OF APPEALS
APPLICATION

FEE: \$250.00 / STATE FEE: \$60 / PUBLICATION FEE: \$450 = \$460⁰⁰
CHECK# 10665

APPLICATION # 23-001 DATE SUBMITTED 03/07/2023

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MAILING ADDRESS: 42 Junior Ave Danielson, CT 06239

PROPERTY OWNER: (if different) Wayne & Leslie Jolley

MAILING ADDRESS: 42 Junior Ave Danielson, CT 06239

PROPERTY LOCATION: 530 Wauregan Rd Brooklyn, CT 06234

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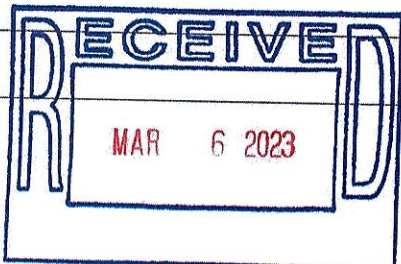
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Appeal of Decision
ZEO on March 6, 2023

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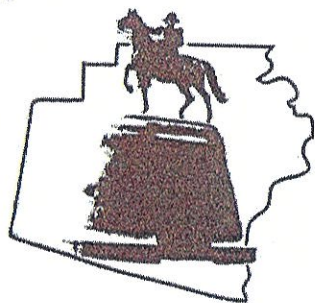
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SUITE 23 BROOKLYN, CT 06234.

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

Wayne Jolley 3-7-23
Applicant Date

Wayne Jolley 3-7-23
Property Owner Date



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

CERTIFIED

7022 0410 0002 7291 4429

Wayne L. Jolley
Jolley Concrete & Block
42 Junior Avenue
Danielson, CT 06239

March 6, 2023

Dear Mr. Jolley,

I have accepted your letter of January 12, 2023 as a request by you that I render a decision with regard to your claim that the property that you own an interest in at 530 Wauregan Road (Assessors Map 30, Lots 97, 97-1 and 97-2) has established a number of legally existing, non-conforming uses that pre-date the zoning regulations of the Town of Brooklyn. You listed the following five business uses that you assert were established on the property:

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You submitted a number of anecdotal memos and letters from various people who confirmed that each of them witnessed some element of the five activities that you seek to have declared as legally existing, non-conforming uses.

As I indicated to you, it is your burden to prove a sufficient number of acts or business transactions to show that the property was employed for the various business uses you claimed. Although I requested that you provide some further evidence of the business activities you listed such as invoices, business records, maps, plans, photos or other such evidence, you have not provided me with any of these requested materials.

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As you are aware, the ongoing, on-site sand and gravel excavation and processing uses have been approved by Special Permits for the years 1990 – 2022. The importation and processing of off-site

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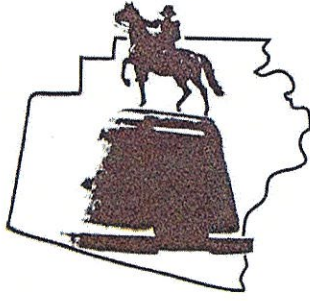
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Sincerely,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

CC: Austin Tanner Jana Roberson, Peter Alter



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

CERTIFIED #

7022 0410 0002 7291 4443

D. Talbot, Town Clerk
Town of Plainfield
8 Community Ave.
Plainfield, CT 06374

March 16, 2023

Dear D. Talbot,

In accordance with CGS Section 8-7.d., you are hereby notified that the Town of Brooklyn Zoning Board of Appeals has received the enclosed appeal of a decision by the Zoning Enforcement Officer.

Sincerely,

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

BROOKLYN ZONING BOARD OF APPEALS
APPLICATION

FEE: \$250.00 / STATE FEE: \$60 / PUBLICATION FEE: \$450 = \$460⁰⁰
CHECK# 10665

APPLICATION # 23-001 DATE SUBMITTED 03/07/2023

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MAILING ADDRESS: 42 Junior Ave Danielson, CT 06239

PROPERTY OWNER: (if different) Wayne & Leslie Jolley

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PROPERTY LOCATION: 530 Wauregan Rd Brooklyn, CT 06234

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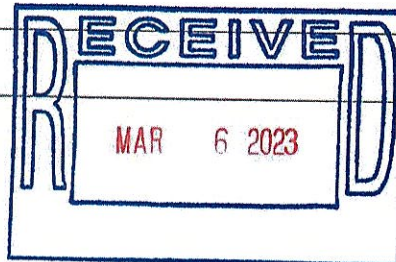
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ZEO on March 6, 2023

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BROOKLYN ZONING BOARD OF APPEALS

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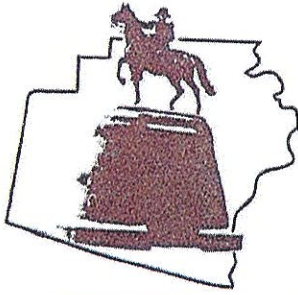
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Wayne Jolly 3-7-23
Applicant Date

Wayne Jolly 3-7-23
Property Owner Date



TOWN OF BROOKLYN
Land Use Department
69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

CERTIFIED

7022 0410 0002 7291 4429

Wayne L. Jolley
Jolley Concrete & Block
42 Junior Avenue
Danielson, CT 06239

March 6, 2023

Dear Mr. Jolley,

I have accepted your letter of January 12, 2023 as a request by you that I render a decision with regard to your claim that the property that you own an interest in at 530 Wauregan Road (Assessors Map 30, Lots 97, 97-1 and 97-2) has established a number of legally existing, non-conforming uses that pre-date the zoning regulations of the Town of Brooklyn. You listed the following five business uses that you assert were established on the property:

1. Importing raw material to the location.
2. Processing the imported raw material to clean usable material.
3. Excavating raw material on site for processing.
4. Processing on site excavated raw material to clean usable material.
5. Selling the processed material to customers.

I have assumed that by "raw material" you are referring to unprocessed earth materials such as sand and gravel.

You submitted a number of anecdotal memos and letters from various people who confirmed that each of them witnessed some element of the five activities that you seek to have declared as legally existing, non-conforming uses.

As I indicated to you, it is your burden to prove a sufficient number of acts or business transactions to show that the property was employed for the various business uses you claimed. Although I requested that you provide some further evidence of the business activities you listed such as invoices, business records, maps, plans, photos or other such evidence, you have not provided me with any of these requested materials.

In regard to the business uses listed in your letter dated 1/12/23, I have not received sufficient proof in order to deem that any of the five uses are to be considered pre-existing, non-conforming uses. It appears that if these activities occurred at all prior to the inception of zoning regulations in the Town of Brooklyn that such uses were incidental to the construction of Foxtail Campground.

As you are aware, the ongoing, on-site sand and gravel excavation and processing uses have been approved by Special Permits for the years 1990 – 2022. The importation and processing of off-site

material was included in special permit approvals until recent permit action taken by the Planning and Zoning Commission.

You successfully appealed the exclusion of the off-site importation and processing of earth material and the Commission thereafter granted you a special permit that included that activity.

Based on the evidence you have produced and my research, I am not able to conclude that the 5 business uses listed by you in your 1/12/23 letter predate the adoption of zoning regulations in Brooklyn.

Sincerely,

Margaret Washburn

Margaret Washburn
ZEO/WEO/Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 ext. 31
Mon. – Thurs. 8:00 am – 3:30 pm
m.washburn@brooklynct.org

CC: Austin Tanner Jana Roberson, Peter Alter

**TOWN OF PLAINFIELD
ANNUAL TOWN BUDGET MEETING
May 15th, 2023**

The electors and citizens qualified to vote at Town Meetings in the Town of Plainfield are hereby warned to meet on Monday, May 15th, 2023 at 7:00pm at the Plainfield Town Hall at 8 Community Ave, for the following purpose:

Item 1. "To approve or reject the annual operating budget in the amount of \$12,998,119 excluding the education budget, for the fiscal year July 1, 2023 to June 30, 2024, as presented by the Board of Finance."

Item 2. "To approve or reject the education budget in the amount of \$37,294,009 for the fiscal year July 1, 2023 to June 30, 2024, as presented by the Board of Finance."

Item 3. "To approve or reject the Capital Improvement Plan for the fiscal year July 1, 2023 to June 30, 2024, as presented by the Board of Finance."

Dated at Plainfield, CT this 2nd day of May 2023.
Dean Gorman, Chairman of the Board of Finance.

**WAUREGAN FIRE DISTRICT
NOTICE OF ANNUAL DISTRICT MEETING
MAY 25, 2023 AT 7:00 P.M.**

ITEM:

1. Report of Officers
2. Appropriations for the fiscal year ending June 30, 2023
3. Tax Levy
4. Authorizing the District Committee to transfer between funds and appropriations
5. Authorizing the District Committee to borrow funds, if needed
6. Authorizing the District Committee to apply for grants in aid from the State and Federal governments
7. Election of officers for another year
8. Other business that may properly come before such meeting

Voters of the Wauregan Fire District are hereby notified of the Annual Fire District Meeting on May 25, 2023 7:00 P.M. at the Atwood Hose Fire Station. Those wishing to request a copy of the proposed budget may email waureganfiredistrict@gmail.com

Celebration of life being held in honor of:

Thomas E. Mistark
Saturday, June 3rd • 2pm-5pm

Putnam Elks Lodge
64 Edmond Street, Putnam, CT

*To come share memories
with Tom's family and friends.*

Please note, young children should not attend the services

Cozy Corner Restaurant

679 Route 205 - Brooklyn, CT

HELP WANTED

**Dish Washer, Cook/Manager
& Breakfast Waitress**

Experienced Only

Apply within

TOWN OF BROOKLYN

**ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE**

The Brooklyn Zoning Board of Appeals will hold a public hearing on Monday, May 22, 2023 at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT, in-person and virtually via Zoom, on the following application:

ZBA23-001 530 Wauregan Road - Map 30 Lots 97, 97-1 & 97-2, Wayne & Leslie Jolley, d.b.a. Brooklyn Sand & Gravel. RA Zone. Appeal of Decision made by ZEO on March 6, 2023, that the following 5 uses are not legally existing, non-conforming uses that pre-date the Zoning Regulations of the Town of Brooklyn: 1. Importing raw material to the location; 2. Processing the imported raw material to clean usable material; 3. Excavating raw material on site for processing; 4. Processing on site excavated raw material to clean usable material; 5. Selling the processed material to customers.

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

Bruce Parsons, Chairman, Zoning Board of Appeals

JEFF



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BROOKLYN SAND & GRAVEL LLC ACTIVE

42 JUNIOR AVENUE, DANIELSON, CT, 06239, United States

BUSINESS DETAILS ∨

Business Details ∧

General Information —

Business Name

BROOKLYN SAND & GRAVEL LLC

Business status

ACTIVE

Citizenship/place of formation

Domestic/Connecticut

Business address

42 JUNIOR AVENUE, DANIELSON, CT, 06239, United States

Annual report due

3/31/2024

NAICS code

Construction Sand and Gravel Mining (212321)

Business ALEI

0632091

Date formed

10/7/1999

Business type



LLC

Mailing address

42 JUNIOR AVENUE, DANIELSON, CT, 06239, United States

Last report filed

2023

NAICS sub code

212321

Principal Details

Principal Name

WAYNE L. JOLLEY

Principal Title

MEMBER

Principal Business address

42 JUNIOR AVE., DANIELSON, CT, 06239, United States

Principal Residence address

524 WAUREGAN RD., BROOKLYN, CT, 06234, United States

Principal Name

LESLIE A. JOLLEY

Principal Title

MEMBER

Principal Business address

42 JUNIOR AVE., DANIELSON, CT, 06239, United States

Principal Residence address

524 WAUREGAN RD., BROOKLYN, CT, 06234, United States

Agent details

Agent name

LESLIE A JOLLEY

Agent Business address

42 JUNIOR AVENUE, BROOKLYN, CT, 06234, United States

Agent Mailing address

42 JUNIOR AVENUE, DANIELSON, CT, 06239, United States

Agent Residence addresss

524 WAUREGAN ROAD , CT, BROOKLYN, CT, 06234, United States

Filing History



(https://ctds.my.salesforce.com/sfc/p/t0000000PNLu/a/t0000003b3kD/zShTZBYcoJy2xW0Y_aL_nJTKnKu0GWLsnGnDjaB_Fro)

Business

Formation -

Certificate of

Organization

0002026802

Filing date:Filing

10/7/1999 time:

**Zoning Board of Appeals
Town of Brooklyn**

In Re: Appeal of Wayne Jolley, d/b/a Brooklyn Sand & Gravel, LLC.
Error in the decision or determination of the Zoning Enforcement Officer, Zoning Regulations, § 9.G.1.(1)(d)

Property: 530 Wauregan Road, (Assessor’s Map 30, Lots 97. 97-1 and 97-2)

On behalf of: Linda Trahan
26 Maynard Road
Brooklyn CT 06234

Pamela Lukin
28 Maynard Road
Brooklyn, CT 06234

Date: Filed: May 17, 2023

Argument

Introduction

The applicant in this matter knows, as a matter of fact and law, that once the sand and gravel are removed from this piece of property, a stand-alone processing plant for raw materials cannot exist without obtaining a change in the zoning regulations or a variance from the Zoning Board of Appeals (ZBA). He claims that because he did the same thing before, he now has a right to do it again. What he does not claim is that any of the activity was legally permitted after 1972.¹ The applicant ignores the plain language of the Regulations and asks this body to abandon its common sense and utter the word “grandfather”. This word will be repeated when he files for a permit - as he must do - once his current Special Permit ends. The word “grandfather” is not a talisman and has no magical powers – nor does it apply with respect to “gravel banks” or any of its associated activities.

This dispute arose because the applicant is unhappy with the changes to the Zoning Regulations. Since 1972, any excavation of gravel on this property has been authorized by a Special Permit. If no Special Permit authorized the activity, the use was non-conforming and illegal. The Special Permit issued in 2018 permit was coming to an end, and it was evident that the gravel and sand would soon be exhausted. The “gravel pit” would be nothing more than a

¹ See Brooklyn Zoning Regulations (BZR) §§ 9.A. through 9.I.

“pit”.² Soon the entire property would have *to be reclaimed and restored* in accordance with the intent of the Regulations – and the applicant’s prior promises. Zoning Regulations, § 6.O.1.³

Importing sand and gravel from other locations is a different activity; processing sand and gravel from any source is a different activity. The Regulations allowed the applicant to do both as *accessory uses* – all activity, however, was subject to a Special Permit and allowed under the Regulations (when that application was filed), the amount imported and processed on site was limited to the amount excavated from the property. Zoning Regulations, § 6.P. ¶ 2. These had also been a condition of the 2018 Special Permit. Both the Regulations and Special Permit required that the material imported and processed could not exceed the amount extracted from the ground.

Around that time, the applicant began his fight with city hall. He filed various requests to change the regulations as well as seeking variances to expand the accessory uses related to his gravel bank – specifically processing material from external sources.⁴ When all these attempts failed, a Special Permit was issued subject to the new regulations. The applicant was unhappy with the Commission’s decision and appealed it to the Superior Court. See, General Statutes. § 8.8. The internal confusion between the Commission and ZBA was enough to convince a judge that Condition 4 of the Special Permit was “unreasonable”. See, *Brooklyn Sand & Gravel, LLC, v. Brooklyn Planning and Zoning Commission*, HHD-CV19-6119135-S.

History of Gravel Banks – Connecticut

Long before the applicant filed for his first Special Permit to continue an existing “gravel bank”, the Native Americans were making use of the same resources to provide the structures and tools necessary for their survival.⁵ Connecticut's complex geologic past provided our

² These facts appear in the pleadings and record of a prior appeal. See, *Brooklyn Sand & Gravel, LLC, v. Brooklyn Planning and Zoning Commission*, HHD-CV19-6119135-S.

³ This Section of the Regulations has remained substantially unchanged since 1972. It is intended to regulate the filling and removal of earth, sand, stone, gravel, soil, minerals, and other substances, so as to protect the public safety, health, and general welfare, including, but not limited to, the loss of land for subsequent uses, lowering of property values, traffic hazards, nuisances, unsightly operations, erosion, dangerous open pits, stagnant water bodies, and the unintended depletion of natural resources. *These regulations are designed to provide for the re-establishment of ground level, protection of the area by suitable cover and to ensure that, following excavation operations, land will be usable for subsequent allowable uses.* (Emphasis added).

⁴ According to the pleadings in Mr. Jolley’s various lawsuits, he has made contracts with related parties to import sand and gravel from nearby a nearby facilities for processing. To comply with the Special Permits, he reduced the internal excavation to process more gravel from external sources. Using the applicant’s analogy, he was expanding the accessory use to extend the life of the *permitted use* – by creating an alternate use not authorized by the Regulations. See, Past, Pending, and Future Litigation, pp. 5-8.

⁵ See, LaVoie, Connecticut's Stone Chambers: What are They? Who Made Them? When? Why? (2021).

forefathers with a substantial mineral legacy. Significant deposits of iron ore, copper ore, garnets, marble, limestone, basalt, and brownstone have provided profitable mining operations not only in this state – but across the country. While the state's iron and copper industry ended, significant operations and resources continue to be mined to this day. Mining operations have a significant impact on the community, with the ability to provide jobs and financial stability to the residents. They also pose a substantial risk of catastrophic harm to life and property.

Sand and gravel form a different species of property with unique physical and abstract qualities. Trees, plants, and vegetables are all *living things* – an abstract quality that is “motivated” by some internal force – separate and distinct from any external forces directing its movement. Clay, copper, gold, gravel, and sand are *non-living things* that must be “extracted” from ground and moved elsewhere. It is the interaction of humans that changes the nature of things. Separating an apple from a tree and digging a shovelful of dirt are each motivated actions combining force and motion to produce different things. Once the thing, living or non-living, is separated from the earth – or the thing connecting it to the earth – it becomes a different form of property and subject to different rules. When fruit and vegetables are harvested, they can be bought, sold, or consumed. The trees remain, and the fields can be replanted with other plants.

The Nature of a Gravel Bank

A gravel bank is a combination of objects and forces. Fundamentally, it involves real property (land), the separation of sand and gravel from that land, processing the material, and moving it someplace else. Excavation is an *internal act* that separates the minerals from the ground. Once separated, it must be processed and moved. If it moves into the public domain it is subject to regulation by municipal, state, and federal authorities.

Each of these are separate activities: extraction, processing, movement, and storage. While an apple is different from a piece of gravel, both can be moved from one place to another, either can be used as a weapon, one can be eaten, and the other used to reinforce concrete. There are creative recipes for apples and multiple uses for sand and gravel. There are risks to farmers and agricultural workers that do not exist in the gravel pits and processing plants. Each activity has its own risks and rewards. The Regulations have always reflected the complex nature of human activity.

Since 1972, all three activities (extraction, processing, and movement) were authorized under a single Special Permit.⁶ All three activities have a direct impact on the general welfare of the public and surrounding neighbors. Because sand and gravel are natural resources they are subject to depletion. As such, the statutes and regulations provide the authority to each municipality to balance the competing interests of property owners and the public in general. Any activity that conformed to the Special Permit was a conforming use of the property; any that did not was illegal – not a pre-existing non-conforming use. That has been the law since 1972. See, Brooklyn Zoning Regulations, Article III (Prohibited Uses); Article VI Gravel Banks; Article VIII (Non-Conforming Buildings and Uses) (1972 Ed.); Zoning Regulations § 6.O., Effective date May 25, 2023.

Zoning Regulations – Brooklyn, Connecticut

After 1972, every new application preserved any right to extract sand and gravel that existed before that date. From that point forward, every existing “gravel bank” was allowed to continue but was required to comply with the zoning regulations. The regulations back then applied to the “*expansion*” of existing gravel banks and as well as the *creation of new ones*. The term newborn, juvenile, adolescent, or adult are far more accurate descriptions of the existing gravel banks at the time the regulations went into effect. To the extent the term “grandfather” or any reference to a human being was employed, the regulations and laws were designed to let the poor creature die a natural death – not put it on life support at the public’s expense.

Since 1972, landowners in the RA district have been able to create new gravel banks by obtaining a Special Permit. The landowner may continue that activity as long as the Special Permit exists and the landowner complies with its conditions. Any subsequent revisions of the Regulations did not affect the substantive rights that existed during the period any Special Permit was valid. It was understood then - and now - that a *Gravel Bank* - as a corpus (body) - whether a “twinkle in the eye of an expectant father”, an adolescent, or an old man with grandchildren - would eventually expire. It doesn’t matter whether the *Gravel Bank* was and infant or an old man

⁶ This has since changed. Both uses are authorized but a Special Permit must be filed for each activity – excavation and processing. See Zoning Regulations, §§ 6.O. and 6.P.

in 1972, it existed then because a Special Permit authorized it and allowed it to survive.⁷ Sand and gravel are the blood that drives that creature – regardless of its age.⁸

The Regulations have been updated throughout the years and were comprehensively revised between 2015-2019. The processing of gravel has always been considered an “accessory use” in a Gravel Bank. As such, the Commission has the *discretion* to allow this activity and the *authority* to regulate its scope. General Statutes, §§ 8-1 *et seq*; Zoning Regulations, § 1.A.

Past, Present, and Future Litigation

Even a discretionary act by a town or municipality may constitute a reckless disregard for the health and safety of its citizenry and the surrounding communities. Allowing an expanded use of this magnitude ignores the express language and intent of the statutes and regulations. It will not only affect members of this community, but it will also impact Plainfield, Canterbury, and Killingly as well. The failure to enforce laws is a tax on every citizen who complies with them. The town has a duty to enforce its existing laws and the failure to do so may subject it to civil liability. See, General Statutes, § 52-557n (b)(7)(8).

The decision of either the Commission or the ZBA may be appealed to the Superior Court. There are two types of appeals: appeals as a matter of right; and appeals as a matter of discretion. Any aggrieved party may appeal the decision of the Commission or ZBA, *as a matter of right*, to the Superior Court. There, the trial court acts as an appellate tribunal and reviews the decisions of these bodies. The trial court’s decision may be appealed to the Appellate Court. See, Practice Book, Chapter 81, General Statutes § 8-8(o); Rules of Appellate Procedure, §81-1. That is a *discretionary appeal* and rarely granted.

The ZBA should assume that the applicant will appeal any adverse action taken in this matter. It is his right to take this fight into the state and federal courts. The applicant should assume that his neighbors will continue to insist that town officials comply with the Zoning Regulations, and that he complies with the legal orders of the ZEO - as is their right.⁹

⁷ Prior to 2018, the property owner made no claim that any activity was “grandfathered” – all work was either authorized by a Special Permit or a non-conforming use after 1972.

⁸ The term “Grandfathering” means that (1) a use, structure, or lot existed before zoning was enacted or amended, (2) the use, structure, or lot was legal but became non-conforming as a result of the zoning ordinance’s enactment or amendment, (3) the use, structure, or lot will be allowed to continue even though it does not comply with the ordinance, but (4) *ordinarily it cannot be expanded or enlarged*. (Emphasis Added). The local regulations dealing with zoning vary widely.

⁹ Any activity that interferes with the property rights of others may be a trespass or nuisance creating a private right against the applicant. See, *Boyne v. Glastonbury*, 110 Conn. App. 591 (2008). When injury to property

Appeal of the 2019 Permit ¹⁰

A judicial decision may be changed by amending the law at issue or enacting a new law. This power is a core principle of democratic accountability and clear proof of the regulatory intent. The Zoning Regulations allow for the amendment to the regulations or a variance to the specific requirement. Zoning Regulations, § 9. Under the most recent updates, “processing” is wholly secondary to the separate activity of excavations. Zoning Regulations, § 6.P.2. (allows the processing of material on the site – but only that which is mined on site). ¹¹ Zoning Regulations, §§ 9.F, 9.G.

These uses, since 1972, have required a Special Permit. Every amendment to the regulations has preserved only those granted by the Special Permit for so long as Permit existed. It covered an activity that had a beginning and end. Any rights established by a Special Permit existed between those two points in time. All future applications have been subject to Regulations existing at the time of the application. This has been the law since 1972. The town of Brooklyn’s pleadings in that matter, including the petition for certification to the Appellate Court is a clear expression of the Commission’s intent regarding this regulation. The regulations could have been amended at any time to allow a standalone processing facility – or to allow the applicant to process more material than could be mined. While that appeal was pending, the Commission removed any possibility of confusion.

The revisions in 2020 restrict the *processing of any outside material*. Only material mined on site may be processed. (Emphasis Added). The purpose of the regulations has always been to 1) *protect the public safety*, 2) *preserve the property of the residents*, 3) *to prevent the creation of hazards*, 4) and finally, *to restore the land so it will be usable for “residential, commercial, agricultural, or some other “allowable use”*. (Emphasis added). See, Brooklyn Zoning Regulations, Article III (Prohibited Uses); Article VI Gravel Banks; Article VIII (Non-

resulting from a trespass is remedial by restoration or repair, it is considered to be temporary. Mr. Jolley’s action in these matters are an admission that he intends to maintain this nuisance – not abate it.

¹⁰ *Brooklyn Sand & Gravel, LLC, v. Brooklyn Planning and Zoning Commission*, HHD-CV19-6119135-S. Notwithstanding the plain language of the regulations, the clear regulatory intent, the objection of the town, and outrage of the citizens, the applicant was able to convince this body is he does not need to comply with the regulations.

¹¹ During the pendency of the appeal to the Superior Court, the language of the regulations was amended to clarify this. More recently, the amendments have further clarified this issue. These changes will go into effect on May 22, 2023, and will apply to any application for a new Special Permit.

Conforming Buildings and Uses) (1972 Ed.); Zoning Regulations § 6.O., Effective date May 25, 2023. ¹²

Pending Federal Litigation ¹³

On February 17, 2021, the applicant filed a federal lawsuit claiming he now has a constitutional right “to process sand and gravel imported from locations outside the town of Brooklyn, Connecticut property”. ¹⁴ This “constitutional right” is predicated on the following facts alleged in that complaint: “22. *Upon information and belief*, in or around 1972, the Town adopted zoning regulations; and 23. Because Plaintiffs and their predecessors imported sand and gravel excavated from other locations prior to the adoption of the Town’s zoning regulations, the importation of such material was a preexisting, nonconforming use at the time the Town adopted zoning regulations. Plaintiff’s Complaint, ¶¶ 22. and 23. (Emphasis added).

These allegations demonstrate either ignorance of the law or a willful attempt to confuse the federal court. The 1972 regulations are a matter of public record and exist independently of counsel’s “information and belief”. They became effective at 12:01 A.M. on May 24, 1972. See 1972 Zoning Regulations. This activity (operation of a gravel pit) has been allowed on this property since 1972, and any activity since that time exists only *because it was allowed by Special Permits* issued in accordance with the regulations. Any authority to continue a use connected with a “gravel bank” applied to any excavations *after that date*. A flag in the ground and pre-dug hole protected any existing activity – going any further has always required a special form of permission that exists within the temporal confines of a Special Permit. Zoning Regulations, § Article VI (5-24-72).

If the applicant has not completed any excavation *that began prior to 1972*, he needs to provide some explanation for his failure to do so – both to the Commission and the federal court. Every excavation since that date, and every activity pertaining to that activity was required to be done in accordance with a Special Permit. Any activity done without that permission was

¹² Under the earlier regulations, the processing of gravel was treated under the sections defining prohibited uses. These involve other state and federal statutes and regulations and deal with activities once the sand and gravel have been separated from the earth. It must be stored, processed, and moved inside the lot and into the stream of commerce. Once the dirt and gravel become moveable they become a different “thing”, and subject to different laws, rules, and regulations.

¹³ *Brooklyn Sand & Gravel, LLC & Wayne Jolley v. Town of Brooklyn*. Case 3:21-cv-00193-JCH (pending U.S. District Court, District of CT).

¹⁴ A Motion for Summary Judgment is now pending in this matter. If granted, the federal case will be dismissed; if denied, it will proceed to trial and the applicant will have to make his case to a judge or jury.

unlawful, not protected by the regulations, and unauthorized. The terms and conditions of each Special Permit defined the rights and duties of the applicant during that period. These were temporal and related to a specific time, a specific area, a beginning, and an end.

Like any other “license” it may be renewed, but any rights bestowed have always been temporal in nature.¹⁵ Each Special Permit obtained since 1972 defined the limits of some activity. If these Special Permits were not enforced, and the applicant exceeded the limits or violated any of the terms, it did not create a right, nor did it allow him to continue the illegal activity. Instead, not only did he expose himself, but the agents of the town to civil liability.

Relevant Law

Processing material has always been allowed as an accessory use *in conjunction with the operation of a “gravel bank”*. Zoning Regulations, § 8.0. As a matter of common sense, separate and distinct uses of property are involved – all of which are common law nuisances and subject to the rights of the municipality and adjoining property owners. Blasting in connection with clearing and quarry operations have all been subject to permits issued by the Commission and State or Local Fire Marshal since 1972. See, Zoning Regulations, Article III, ¶ H. (Prohibited Uses) (1972). All the other hazards and dangers that were Prohibited Uses were subject to these regulations. The Special permits were designed to control the dangers of nuisance and trespass caused by these activities. See, See, Zoning Regulations, Article III, ¶¶ A. – G. (Prohibited Uses) (1972).

Authority of the Zoning Board of Appeals

The Zoning Board of Appeals (ZBA) is authorized and established pursuant to Chapter 124 of the Connecticut General statutes. Its powers and duties are outlined in Section 9 of the zoning regulations. The ZBA has the authority to review the actions of the Zoning Enforcement Officer (ZEO) or allow a variance to the strict application of these Regulations. See, Zoning Regulations, §§ 9.G.1.1 (Order of ZEO) and 9.G.1.2. (variances). The ZBA does not have the authority to change the regulations. That power is specifically reserved for the Commission. See Zoning Regulations, § 9.F. *et seq.*

Within any corporate body, there is an “inner monologue” about regulatory laws between those who make them, those that enforce them, those subject to them, and those interpreting them. When the language is unclear or does not explicitly resolve a factual question, an

“adjudicative body” is tasked with the job of resolving it. The state laws and regulations must be applied to specific facts and imprecise laws. The Zoning Enforcement Officer is charged with enforcing the regulations and performs her duties with the knowledge of the town planner, the members of the commission, and, obviously, the town attorney. The acts of the ZEO are subject to review by both the Zoning Commission and the Zoning Board of Appeals. The ZBA stands in place of the Zoning Enforcement Officer to the extent that it deals directly with the subject of the appeal. See, Zoning Regulations, §§ 9.G.2.1-4.

In this appeal, the Board acts as a reviewing body to determine whether there has been an “error in the order, requirements, decision, or the determination of any official charged with the enforcement of these Regulations”.¹⁶ As such, it is a mixed question of law and fact. While the ZBA may reverse, affirm, or modify the order, *it cannot change the plain language of the regulations*. (Emphasis added). As such, it appears the applicant will still be required to apply for a Special Permit after this body has made its decision. Zoning Regulations, §§ 1; 2; 3.C; 8; 9; and 10.C.

The Applicant Failed to Meet His Burden

The evidence presented to the ZEO was clearly not sufficient to grant the relief requested as a matter of fact and law. It was the burden of the applicant to establish his right, not the town’s duty to defeat it. The ZEO made numerous requests from the applicant for direct evidence. Rather than doing so, the applicant produced a litany of anecdotal tales, irrelevant memories, unsubstantiated hearsay, along with the claims of people who have bought, sold, or moved gravel into and out of the property over the past seventy years or so. The applicant did not provide the ZEO with any of the information she requested – business records and invoices specifically pertaining to the activities involved.

More importantly, none of those letters established that the applicant had a Special Permit that allowed the described activity during that that period. Instead, the ZEO witnessed an open and dusty gravel pit, and a property owner with no intention of complying with the intent of the Zoning Regulations - *to restore it to “an agricultural, residential, or some other use”*. See, 1972 Zoning Regulations, Article VI, § 1; See also, Zoning Regulations, §§ 6.O. ¶ 1; 6.P. ¶ 1.

¹⁶ See, Letter dated March 6, 2023, from the Zoning Enforcement Officer to the applicant.

Conclusion

With each permit that has been filed since 1972, some plan of restoration must have been submitted by the applicant – either Mr. Jolley or some other person connected to the property. Each of those applications contained promises to the town, the neighbors, and all the residents of Brooklyn that someday this activity would end, and the area restored to something less non-conforming. Any promises that have been made have not been honored. Every Special Permit was issued on his promise that “someday” this property would be restored in accordance with the town’s plan of development.

Rather than honor his promises to the Town, the applicant went out and made promises to other people – related parties, no less – legal contracts with others to do things he had no right to do. Now he sues the Town in federal court for interfering with these contracts.¹⁷

Since 2019, Mr. Jolley has made no secret that his intention is otherwise. Prior to that time, his silence on this matter was deafening. Now he has finally revealed his true intent. This is not the type of grandfather anyone needs or wants in their neighborhood or town. His intent has always been to say anything needed to obtain permission - and do as little as possible to satisfy his obligations. This is even more apparent from the position taken in prior and pending litigation. His legal claim to the status of “grandfather” is laughable in anything other than a biological sense. The regulations are crystal clear.

Every permit issued between 1972 and now was subject to a Special Permit and subject to the Zoning Regulations in effect during their existence. The ZEO made repeated attempts to obtain evidence that was never produced by the applicant. It does not exist. Any activity the applicant could prove would have been either have been a conforming use of the property if the Special Permit authorized it, or an illegal, non-conforming use. Instead, the applicant continues to submit a steady diet of the same useless, irrelevant, and immaterial information that no one is disputing.¹⁸ Should this body conclude that the ZEO’s action was illegal under such a clear regulatory mandate, it may result in actionable harm to the citizens of this town, as well as expose the town to zoning appeals and civil litigation.

¹⁷ *Brooklyn Sand & Gravel, LLC & Wayne Jolley v. Town of Brooklyn*. Case 3:21-cv-00193-JCH (pending U.S. District Court, District of CT); Plaintiff’s Complaint, ¶¶ 114 – 119.

¹⁸ See, Letters submitted in support of applicant’s appeal.

The dust and noise caused by gravel banks are subject to the laws of trespass and nuisance. They are authorized by the regulations because of their overall value to the community and respect to the owners to exploit those resources. They are tolerated because they are expected to be temporary – to end when the activity is complete. Once the sand gravel are gone, it will be time to find some other use for that property. That has been clear since 1972 and long overdue.

Respectfully Submitted:

Linda Trahan; Pamela Lukin

By _____

Submitted by: Vincent J. Dooley, Attorney at Law
165 Cooney Road
Pomfret Center, CT 06259 (860) 204-2584
vjdooley@hotmail.com

To: ZBA Members
From: Linda Trahan,
26 Maynard Road
Brooklyn, CT

Re: ZBA Public Hearing – May 22, 2023



Residents of Maynard Road have been concerned about truck traffic on the road since 1989. We have had interactions with five First Selectmen and five Zoning Enforcement Officers/Planners over the years.

Our involvement in matters concerning Brooklyn Sand & Gravel began in 2005, when there was a marked increase in truck traffic on our road and we began to investigate. Our inquiries regarding gravel permit enforcement in Brooklyn revealed very little enforcement and very poor record keeping by then ZEO, Chuck Dobrowski.

In 2006, Brooklyn Sand & Gravel made application to the PZC to remove gravel from a site on Maynard Road. After reviewing the plans and inquiring about the application, it became clear that Mr. Jolley intended on transporting all of the material from that site to his business on Route 205 for processing. Because he was already importing material from his own gravel bank in Canterbury and other gravel banks, that amount would far exceed what was on his own property for excavation, in violation of the zoning regulations. The application was eventually withdrawn.

We then began researching all gravel bank permits and made numerous FOI requests. There appeared to be serious problems with documentation regarding renewals and enforcement. Chairman Parsons may remember this, as he was the Chair of the PZC during this time. In an email dated 10/4/2006, between then Town Planner Diane Blackman and Attorney Peter Alter; Attorney Alter questioned whether any gravel operations were operating as "grandfathered" operations. There were no gravel operations at that time claiming that status. (Please see attached email)

In 2007, the PZC decided that a sub-committee would be formed to review all existing gravel banks and to decide on the process for annual permit renewals, oversight and enforcement. We were involved in those meetings. With regard to Brooklyn Sand & Gravel, it was our assertion that there was little native material left on site for removal in comparison to what was being brought in for processing. A clear violation. In fact, Mr. Jolley, his then engineer, Terry Chambers, and chair of the gravel sub-committee, Tom Doherty, all agreed that more material was being brought in from off site for processing than what was being removed from on site and processed (See attached letter from Attorney Derek Oatis). As it was clear that the Town's enforcement efforts were lacking, we made an agreement with Mr. Jolley that we would not pursue the issue further with the Town regarding enforcement if he agreed to keep his trucks off of Maynard Road. He agreed and that agreement continued.

In October 2007, Brooklyn Sand & Gravel applied to the PZC for a text amendment change to allow for unrestricted processing of off-site material. The application was eventually denied.

In 2009, Brooklyn Sand & Gravel applied to the PZC for a zone change to create a "Business Zone" wherein unlimited gravel processing would co-exist with other business uses on the property. That application was eventually denied.

In 2016, Brooklyn Sand & Gravel applied to the PZC for a text amendment to allow for unrestricted processing of off-site materials. That application was denied.

In 2019, Brooklyn Sand & Gravel made application to the ZBA for variances of the Zoning Regulations, requesting a 10 year gravel permit term, an increase in the amount of material that may be imported for processing on site, from an amount equal to what is mined on site, to **ten times** the amount mined on site. The application was denied by the ZBA, as no hardship was noted. The minutes from that meeting indicate that Attorney Alter was asked by ZBA member William MacNamara whether this particular business was an established use prior to zoning. Attorney Alter commented that it had not been established. He further stated that some testimony had been offered as to how long it had been in place, but the variances being sought didn't relate to the element of being grandfathered.

Mr. Jolley's assertion that he is "grandfathered" and should be allowed to operate a stand alone processing plant is without merit. Throughout the decades that he has operated a gravel business at the Route 205 location, he has **never** claimed grandfather status until now. It is evident by the numerous applications over the years for zoning regulation changes or amendments that he was aware that there was an issue of not having enough native material on site to continue processing at that location without being in violation. It is now clear or should be clear to everyone, that Brooklyn Sand & Gravel cannot meet the gravel special permit requirements. Mr. Jolley has been fortunate that the Town has been quite lenient with him regarding enforcement over the years. He has had over 30 years to operate a business at the Route 205 location. Very little reclamation has occurred on the property, as has been required of other gravel operations that have been reclaimed and closed out; as gravel banks should be. If there is an argument that this is a financial hardship or that the business will have to cease or be relocated, those are not issues relevant to this Board. Those are business planning decisions that likely should have been taken into account long ago.

The ZEO has rendered a decision that Brooklyn Sand & Gravel does not have legally non-conforming existing uses on their Route 205 property. I would respectfully request that the Board uphold the decision of the ZEO, as it not only is the correct decision, but in my opinion, a decision that is long overdue.

Thank you.

Diane K. Blackman

From: Peter Alter [peter.jay.alter@worldnet.att.net]
Sent: Wednesday, October 04, 2006 5:10 AM
To: d.blackman@brooklynct.org
Subject: RE: Gravel Excavation

Diane: How many operations are we talking about? Are some operating as grandfathered operations, not subject to renewal requirements? Are there any quarry operations v. sand and gravel operations? I think the information you are asking for is a good summary to get an idea of issues but what is the plan if the operator simply ignores your request. Are you requiring new maps, engineering, or additional topo surveying? I know that Willington went through a similar exercise several years ago and has had difficulty securing compliance, particularly from smaller operations. Before sending out the request, you may want to discuss with the First Selectman and Chairman of the TP & Z (and others) what the ultimate goal is in terms of regulation of these business operations. What about inland wetland permits related to expanding operations? Do you have an accurate inventory of the operations that are currently ongoing, permitted or not? I am sorry for asking so many questions, but before you start this project, you should have an idea of scope and goal. It may be much larger and more difficult than you imagine now. Peter

-----Original Message-----

From: Diane K. Blackman [mailto:d.blackman@brooklynct.org]
Sent: Monday, October 02, 2006 7:03 PM
To: Peter Alter
Subject: Gravel Excavation

Hi Peter,

Sorry, forgot to do the attachment

Diane

Town Planner
P.O. Box 351
4 Wolf den Rd
Brooklyn, Ct. 06234

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FATIMA T. LOBO
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VALERIE W. PASSARO, REAL ESTATE PARALEGAL
STACEY L. SLATER, REAL ESTATE PARALEGAL
MICHELLE R. CHAKIUSKI, PARALEGAL

February 22, 2007

Via Facsimile: (860) 779 3744 and 652-4022

Rodger Engle, First Selectman and
Diane K. Blackman, Town Planner
Chuck Dobrowski, Zoning Enforcement Officer
Tom Doherty, Chairman Planning and Zoning Subcommittee
Town of Brooklyn
4 Wolf Den Road
PO Box 356
Brooklyn, CT 06234

**Re: Brooklyn Sand & Gravel – Special Permit and Violations
Linda Trahan- CEPA Intervening Party**

Dear Mr. Engle, Ms. Blackman, Mr. Dobrowski, and the Planning and Zoning Subcommittee:

Please be informed that this firm represents Ms. Linda Trahan. Ms. Trahan is a party to the pending permit renewal/application by Brooklyn Sand and Gravel. As you are no doubt aware, Ms. Trahan is a party pursuant to the filing of a petition of intervention under the Connecticut Environmental Protection Act, Conn. Gen. Stat. Sec. 22a-19 ("CEPA").

As you are also aware, a meeting of the Planning & Zoning Subcommittee to address town gravel operations addressed and received testimony to a number of issues regarding the conduct and permit application of Brooklyn Sand & Gravel. While I was not present with Ms. Trahan at this meeting, I have been able to review her recording and am thus completely familiar with the testimony provided.

Based on Wayne Jolly's testimony, statements of Terry Chambers and responses to Tom Doherty, it is clear that Mr. Jolly has violated the conditions of his special permit in that, as noted by Mr. Doherty, "more gravel is brought in for processing than is removed from the site". This is not consistent with the Special Permit previously issued and is a violation of your Regulations.

Obviously, a result of this ongoing violation has been increased heavy traffic which has severely impacted my client and other residence. However, I was encouraged upon hearing discussion from this meeting, initiated by either Mr. Engle or Mr. Doherty (it is not clear to me from the recording), that the traffic be reduced by having "the empty trucks go up the road" and having the loaded trucks "go out to Route 169" and "around". Ms. Trahan requests that this suggestion in the interests of

Rodger Engle, First Selectman and
 Diane K. Blackman, Town Planner
 Chuck Dobrowski, Zoning Enforcement Officer
 Tom Doherty, Chairman Planning and Zoning Subcommittee
 February 22, 2007
 Page 2

public safety be taken one step further and the applicant be required to redirect ALL truck traffic, both loaded and empty, along the route proposed by Mr. Doherty. Given the scope of activity which has occurred, and may continue to occur, in violation of the special permit and the Town Regulations, I believe that this is an extremely reasonable accommodation to provide to residents who have suffered through these violations for too long.

If this change in traffic and route is made a condition of continued operation, Ms. Trahan will not object to the renewal of the existing special permit and continued enforcement under its provisions. If this change in traffic and route is not implemented by the sub-committee of by Mr. Dobrowski, I would request that this meeting be rescheduled so that I may appear with my client.

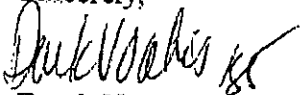
While I must profess some confusion as to the Town's procedures regarding these gravel operations and the creation of a sub-committee to review, approve, and apparently, alter conditions of special permits, I am confident that these actions should proceed under the same regulations and administrative procedures governing applications for special permits. These procedures would ensure, at a minimum, proper notice and the opportunity for public participation. I do not believe that this has occurred in the instant matter, and thus, residents and Ms. Trahan, a party to this action, have been prejudiced. *

In fact, it was my intention to be present at tonight's subcommittee meeting, which was scheduled for 7:00 pm. I have learned, less than one hour ago, that this meeting has been rescheduled to 5:00 pm. As this last minute change precludes my attendance and prejudices Ms. Trahan, I hope that you will consider this letter and Ms. Trahan's wishes at the meeting to reach a result acceptable to Ms. Trahan. Please submit this letter into the record in lieu of my appearance. *

I hope that the traffic and route suggestions made by Mr. Doherty are made a condition of renewal. If that occurs, Ms. Trahan would request no further meetings or hearings on this matter.

Please feel free to contact me with any questions or concerns. Thank you.

Sincerely,



Derek V. Oatis

DVO:sls

cc: Peter Jay Alter, Esq.,

G:\Client Files\Trahan, Linda\Correspondence\P&Z Ltr 02.22.2007.doc

Executive Director
Northeastern Connecticut Council of Governments
125 Putnam Pike, Dayville, CT 06241
860-774-1253

From: The Trahan Family [mailto:stahan3282@charter.net]
Sent: Wednesday, February 11, 2009 5:19 AM
To: john.filchak@neccog.com
Subject: Website info request

Dear John,

I was reviewing the minutes of the Board of Finance Meeting (1/21/09) and saw that you will be working with David Fuss of P&Z to work on a "Business Zone" regulation to assist Mr. Jolley and Brooklyn Sand & Gravel. As you may be aware I am **very** interested in being kept informed of the information about the proposed regulation changes. I feel it is very suspect that we are forming "zones" to accomodate one business owner.

I will be filing an FOI request to P&Z and other boards and commissions regarding this matter.

Also, at the last P&Z meeting I spoke with Jim Larkin about getting a copy of the proposed gravel regulations. He stated that he would forward those to me.

I appreciate any assistance you may be able to offer.

Thank you.

Linda Trahan

2/12/2009

December 11, 2006

Norwich Bulletin

Brooklyn reviewing pit permits

By JESSICA DURKIN
Norwich Bulletin

BROOKLYN — After demand from residents, the Planning and Zoning Commission is re-examining how it handles sand and gravel permits.

The commission is considering an addition to its regulations that would create a paper trail for annual gravel permit renewals. The commission's standard practice for the last seven years was based on examination of the site and verbal approval by the zoning enforcement officer.

"A zoning enforcement officer would go to the site and make sure it was in compliance," Planning and Zoning Commission Chairman Bruce Parsons said. "If everything was, then the ZEO was instructed by the commission to approve. Nothing was put in writing."

AT A GLANCE

- **Status of sand and gravel renewal permits in Brooklyn based on paper records:**
- **Brooklyn Sand & Gravel:** last record of renewal: February 2000.
- **Michael LaFache:** last record of renewal, April 2004.
- **O & G Industries:** last record of renewal, February 2002.
- **Richard Regis:** last record of renewal, January 2006.

WHAT'S NEXT

- **The Planning and Zoning Commission:** has asked Brooklyn Sand & Gravel representatives to attend its meeting 7 p.m., Jan. 3 at Brooklyn Community Center to discuss the company's digging permits.

There's nothing on file that showed these were

See PITS, B2

Pits: Residents want enforcement

FROM B1

approved." Parsons said the practice was ultimately the responsibility of the commission and not the zoning officer.

1 in compliance

Of the five special exception gravel permits in Brooklyn, only one, belonging to Richard Regis, appears to be in compliance with town regulations. Regis submitted his renewal in writing, so there is record of his operations status.

After doing a little digging, resident Pamela Lukin discovered several sand and gravel pit companies in town are operating with permits that have expired — on paper.

Lukin has urged the commission to enforce its regulations and crack down on the expired permits.

Lukin's concern began earlier this year, when she noticed increased truck volume at the Brooklyn Sand and Gravel pit on Wauregan Road.

Brooklyn Sand & Gravel uses Maynard Road, where Lukin lives, to haul gravel

"I question whether fees were even paid. I believe (the commission is) very aware we are concerned with safety and traffic."

Pamela Lukin, Brooklyn

from Canterbury to the Wauregan Road site. The company's last record of permit renewal was in 2000.

"I think the lack of enforcement is very unfair to people who follow the rules and pay their taxes," Lukin said. "I question whether fees were even paid. I believe (the commission is) very aware we are concerned with safety and traffic."

Overstepping

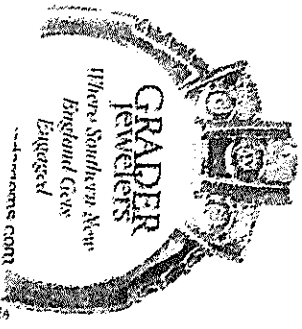
Lukin said she also is concerned the gravel company is excavating more cubic feet than allowed. She has alerted the state Department of Environmental Protection of the gravel pit operations. The department sent an investigator to the Wauregan Road site, and found "administrative viola-

tions" concerning water permitting issues.

Representatives from Brooklyn Sand & Gravel could not be reached for comment.

Resident Linda Trahan submitted a letter to the commission's chairman Nov. 1, expressing the same concerns as Lukin. "Is it too much to ask that these industrial uses in residential areas be more closely monitored?" Trahan wrote.

Reach Jessica Durkin at 774-5503 or jdurkin@norwichbulletin.com



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