

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION**

**Regular Meeting  
Wednesday, March 2, 2016  
Clifford B. Green Meeting Center  
69 South Main Street  
6:30 p.m.**

**MINUTES**

**I. Call to Order** – Michelle Sigfridson called the meeting to order at 6:34 p.m.

Motion by A. Kerouac to seat M. Sigfridson as Chair in the absence of C. Kelleher. Second by C. Dunlop. Motion carried (3-0).

Motion by A. Kerouac to seat C. Dunlop as Vice Chair as M. Sigfridson is seated as Chair. Second by M. Sigfridson. Motion carried (3-0). Please Note Correction: Original Motions submitted incorrectly stated that C. Dunlop seconded.

**II. Roll Call** – Michelle Sigfridson, Aaron Kerouac, Craig Dunlop.

Carlene Kelleher, Alan Carpenter, and Dale Thompson were stated as absent with notice by Secretary, A. Kerouac. D. Fuss was also absent.

**Also Present:** Newly Appointed Alternate Members, Jules D'Agostino and Jeryl Mohn.

**Staff Present:** Jana Roberson, Community Development Director; Rick Ives, First Selectman.

**III. Seating of Alternates:**

Motion by A. Kerouac to seat Alternate Members Jules D'Agostino and Jeryl Mohn as voting Members in the absence of D. Thompson and A. Carpenter respectively. Second by C. Dunlop. Motion carried (3-0). Please Note Correction: Original Motions submitted incorrectly stated A. Carpenter and Dale Thompson respectively.

**IV. Adoption of Minutes:**

1. Regular Meeting Minutes February 3, 2016.

Motion by A. Kerouac to approve the Minutes of Regular Meeting of February 3, 2016, as presented. Second by C. Dunlop. Motion carried (2-0). M. Sigfridson, J. D'Agostino, and Jeryl Mohn abstained.

**V. Public Commentary**

**William Sweeney**, a Land Use Attorney from New London, CT, asked if the public will be allowed to comment during the discussion regarding accessory apartments coming up later on the Agenda. M. Sigfridson stated that it would be more appropriate during Public Commentary as it is not a public hearing.

**Attorney Sweeney**, who represented Dale and Valerie Lyon of 133 Wauregan Road, stated that the Lyons had submitted for a zoning permit last year to construct an accessory apartment above a detached garage on their residential property. The application has been pending for several months without a resolution. Attorney Sweeney cited Section 3.4.4.2 and stated that he believes that the Lyons have a right to a zoning permit for an accessory apartment as it is a permitted accessory use in the RA Zone. He has met with, ZEO, Martha Fraenkel several times and he stated that Ms. Fraenkel will bring it before the P&Z Commission for guidance. Attorney Sweeney stated that they do not object to it being brought to the Commission for

guidance, but if it is not granted, they intend to go to the Zoning Board of Appeals. He stated three reasons why the permit should be granted as there is good basis, legally, in the Regulations and precedent to do so:

- Accessory uses are permitted in the RA Zone and the definition covers a wide range of undefined uses which are “subordinate and customarily incidental to the main building and use on a lot.”
- He did historic research with Ms. Fraenkel on granting zoning permits for detached apartments in Brooklyn and they came up with a handful of permits that had been granted for similar apartments, the last two having been issued last summer by J. Roberson as ZEO (594 Hartford Road and 376 Canterbury Road). Another had been issued by ZEO, Joe Larkin, in 2013, for 247 Herrick Road, as well as others for Hickory, Windham Road and Christian Hill Road. He submitted a copy of the 2014 Permit for Canterbury Road which was signed by J. Roberson in which she cited Section 3.4.4.2 and noted that she had discussed the issue with the Chair of the P&Z Commission. For the precedent issue, he referred to a CT Supreme Court Case from 1979 - Fidorich vs. Town of Torrington Zoning Board of Appeals which involved a Mobile Home being treated as a single-family home because it was put on a foundation. He stated that the Commission and the ZEO should give considerable deference in their interpretation of any existing permit that is pending.
- Allowing the policy to continue as it has is consistent with the POCD and with the comprehensive plan for zoning as both call for diversity of housing. He stated that under the draft of the new zoning regulations being considered by the Commission, it is explicit that accessory apartments will be allowed.

Attorney Sweeney asked that the Commission see the common sense in allowing the policy of the Town of Brooklyn on this issue to continue and to give guidance to the ZEO in that regard.

There were no other comments from the public.

M. Sigfridson stated that the Commission would take Attorney Sweeney’s comments into consideration.

## **VI. Unfinished Business:**

1. SPR16-001 KCTT Properties LLC; Site Plan Review application to allow a 500 sq. ft. building addition and a 8’ x 24’ deck at 520 Providence Road (Sweet Peas).

J. Roberson provided copies of the site plan and photographs for the Members of the Commission.

Ken Cardinal represented KCTT Properties LLC and gave an overview:

- Wetlands approval has been received.
- 24’ x 24’ addition to the back of the building and an 8’ x 24’ deck on the east side of the building. He provided a sketch.
- Deck to be pressure treated with rail per code. Side to be screened with lattice. Access to be from the front. Four tables (seating for a total of 12-15 people).

J. Roberson explained that the standard side yard setback in the Zone is 20 feet and she read from the Regulations regarding a special provision in the PC Zone where it states that side yard setbacks may be waived if access to rear yard is sufficient for use by fire trucks and equipment. Mr. Cardinal requested the waiver as part of his application and he stated that he spoke with the Fire Marshal and the Fire Marshal had no issue and would put it in writing.

J. Roberson stated that the building addition would not be in the setback, but the deck would be. Mr. Cardinal agreed. The purpose of the building addition is for expansion of the kitchen, so it does not affect the parking requirements. J. Roberson stated that she has reviewed the parking and they have already provided more than what is required.

There was discussion regarding getting a letter from the Fire Marshal.

Motion by A. Kerouac to approve the request for a waiver of the side yard setback as provided in Sec. 3.2 of the Zoning Regulations because access is provided to the rear yard sufficient for use by fire trucks and equipment. Second by C. Dunlop. Motion carried unanimously (5-0).

Motion by A. Kerouac to approve the Site Plan Review application of KCTT Properties LLC to construct a 500 s.f. building addition to the north and a 8' x 24' deck on the east side of the building at 520 Providence Road (Sweet Peas) in accordance with the approved plans. Second by C. Dunlop. Motion carried unanimously (5-0).

## 2. Review of Bylaws.

There was discussion regarding suggested changes to the duties of the Secretary. Copies of the proposed revisions dated January 12, 2016 and February 24, 2016 were included in the packets to the Commission Members.

M. Sigfridson stated that she would prefer to wait until the Chair and other Members are present to take action. Additionally, one of the new Alternate Members had not had a chance to review it. A. Kerouac stated agreement.

There was discussion regarding who would perform the tasks of reading legal notices and taking attendance/Roll Call. It was decided that the position of Secretary is not necessary and that the duties would fall under Chair or Vice Chair (Page 6). J. Roberson will make up a new revision striking out everything at the top of Page 3 to be ready for the next special meeting.

Motion by A. Kerouac to table discussion regarding the proposal to amend the Bylaws Article V. Sec. 4 concerning the duties of the Secretary to the next special meeting of the Brooklyn Planning and Zoning Commission to be held on March 15, 2016, at 6:30 p.m., at the Clifford B. Green Meeting Center, 69 South Main Street, Brooklyn, CT. Second by C. Dunlop. Motion carried unanimously (5-0).

## VII. New Business:

### a. Applications:

1. SP16-002 Gabrielle Labonte, Wauregan Road and Vina Lane, Map 24, Lot 151A, VCD; Proposed construction of office building and parking area.

Bruce Woodis, KWP Associates, represented the Applicant and gave an overview:

- Site Plan prepared showing building and parking area;
- Lot is narrow (going back), flat, and fairly well-drained at the intersection of Route 205 and the south side of Vina Lane;
- Proposing an historical-type building;
- Minimal parking – proposing seven spaces as required;
- Parking lot will be trap rock or stone mix (will not be pavement);
- Water and sewer run through the lot behind easements and they will propose to connect into them (no septic or private well);
- Submitted architectural floor plans and use as required with the application;
- Minimal lighting proposed - three historical-type standing lamps near the parking lot and a couple on the building;
- There are no wetlands on the property, but Creamery Brook runs behind it just off the property. There is a flood zone about 20 feet away from the edge of the Brook in back. The Wetlands Agent thinks it could be an administrative-type approval and is requiring that they delineate the wetlands. They are showing a proposed footing drain and, because the site is so flat, it is out-letting about 50 feet away from the Brook, so there will be a small amount of disturbance within the regulated area. So, they have to go through the Wetlands process.
- Vina Lane address.
- He offered reduced-sized copies of the plans to the Commission Members.

- Cedar-style shakes (simulated wood).
- Abutters – One private property owner on the south side. As a courtesy Mr. Woodis will send a certified mailing inviting them to come to the meeting.

There was discussion regarding whether this would be Site Plan Review or Special Permit. J. Roberson stated that it will be Site Plan Review. It will be referred to the Architectural Consultant. J. Roberson stated that Site Plans and Architectural Renderings have been submitted. Wetlands approval has not been received yet.

Motion by A. Kerouac to accept the application of Gabrielle Labonte to construct a 1320 s.f. office building and parking area at the corner of Wauregan Road and Vina Lane and to schedule discussion for the next regular meeting of the Planning and Zoning Commission to be held on April 6, 2016 at 6:30 p.m. at the Clifford B. Green Memorial Center located at 69 South Main Street Brooklyn, CT. Second by J. Mohn. Motion carried unanimously (5-0).

**b. Other New Business:**

1. Discussion regarding accessory apartments in a detached structure as it relates to Section 3.4.1 Use Regulations.

A Memo dated February 25, 2016, from ZEO, Martha Fraenkel was included in the packets to the Commission Members. J. Roberson explained that the issue is with the accessory apartment being in a detached structure and that Ms. Fraenkel is looking for action from the Commission as this is not explicably addressed in the Regulations. J. Roberson stated that there is a procedure in the Regulations for the Commission to make a determination. Ms. Roberson noted that there must be a primary dwelling on the lot in order to have an accessory use and that an accessory use is customary and incidental (smaller/secondary) to the primary use.

Discussion ensued. J. Roberson will consult with the Building Official to see if he can advise. J. D'Agostino asked why the Commission wouldn't endorse tonight since there is recent precedent. M. Sigfridson stated that she would not be endorsing tonight because it could be arbitrary and she explained that, generally, with zoning, if it doesn't say it's allowed, it's not allowed. When they've been permitted in the past, it's been based on the interpretation of accessory use. J. Roberson read from Section 3.4.1 of the Regulations. Discussion continued.

Motion by A. Kerouac to endorse the interpretation that accessory dwelling units may be permitted in detached accessory structures on a residential lot in accordance with Sec. 3.4.1 of the Brooklyn Zoning Regulations. Second by J. Dagostino.

There was discussion. M. Sigfridson clarified that the Commission is endorsing the interpretation and allowing Martha Fraenkel to go forward, in this instance, with approving this Application.

Motion carried unanimously (5-0).

There was some discussion regarding farms/accessory use.

2. Plainfield Zoning Referrals Z2016-0849 regarding clothing donation bins and Z2016-0854 regarding signs.

J. Roberson offered to forward any comments from the Commission to Plainfield.

Discussion ensued.

**VIII. Reports of Officers and Committees:**

J. Roberson stated that Planner's Report should be added and that she had two items to discuss:

- She informed the Commission that Don Francis is being nominated for the Lifetime Achievement Award from the Connecticut Federation of Planning and Zoning Agencies. Mr. Francis has a total of 45 years of experience/service.
- Work on the Source Water Protection Plan is complete. She provided a copy to First Selectman, Rick Ives. The Plan lists what ground-water resources exist in the Town and has recommended actions for protecting ground water (adopting a Ground Water Protection Overlay Zone as discussed by the P&Z Commission during priority setting sessions). It is on the Conservation Commission Website under the link, Brochures and Flyers.

1. Zoning Enforcement Officer Report – Included in the packets to the Commission Members.

A. Kerouac asked about the changing signs outside the Episcopal Church possibly being the same as a billboard. J. Roberson will check with ZEO, Martha Fraenkel, about what is considered a special event and about the current status.

2. Budget.

Professional affiliations - Connecticut Federation of Planning and Zoning Agencies increased dues by \$10.00 – now \$110.00. R. Ives will correct that item on the proposed budget.

J. D’Agostino stated that he feels that J. Roberson should work Thursdays.

3. Correspondence.

Letter dated January 20, 2016, from Susan Williams regarding a blight issue (part of the ZEO Report).

Letter dated February 17, 2016, from Town of Canterbury First Selectman, Roy Piper, regarding Jolley gravel operations. J. Roberson explained that this is a Staff issue and that it is soon to be renewed as requirements are being met. Discussion ensued. J. Roberson will ask ZEO, Martha Fraenkel to send a report to the Commission Members.

4. Chairman’s Report – None.

M. Sigfridson asked if either of the newly-appointed Alternate Members, J. D’Agostino or J. Mohn, were interested in filling the open term as a Regular Member. R. Ives will check to see what the term is.

Motion by J. D’Agostino to seat J. Mohn as a Regular Member of the Brooklyn Planning and Zoning Commission. Second by C. Dunlop. Motion carried (4-0). J. Mohn abstained.

**IX. Public Commentary – None.**

**X. Adjourn**

Motion by A. Kerouack to adjourn at 8:32 p.m. Second by C. Dunlop. Motion carried unanimously.

Respectfully submitted,

J.S. Perreault  
Recording Secretary