

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
MEETING
Wednesday, March 6, 2024, 6:30 p.m.**

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

MEETING LOCATION: Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT	
Click link below: https://us06web.zoom.us/j/87925438541	or
	Go to https://www.zoom.us/join Enter meeting ID: 879 2543 8541
Dial: 1-646-558-8656	
Enter meeting number: 879 2543 8541, then press #, Press # again to enter meeting	

MINUTES

- I. Call to Order** – Allen Fitzgerald, Chair, called the meeting to order at 6:30 p.m.
- II. Roll Call** – Allen Fitzgerald, Carlene Kelleher, Gil Maiato, Seth Pember and Lisa Herring (all present in person).
John Haefele was present via Zoom.
Michelle Sigfridson and Karl Avanecean were absent with notice.

Staff Present: Manuel Medina, Interim Town Planner (present via Zoom); Austin Tanner, First Selectman.

Also Present in Person: David Smith, Professional Engineer & Land Surveyor with Archer Surveying.
There were two additional people (Michael Zmayefski and Ray Preece) present in the audience.

Present via Zoom: Carrie Barna; Michael D’Amato; Bob; Paul and Pamela Manocchio.

- III. Adoption of Minutes:** Meeting February 07, 2024

Motion was made by G. Maiato to adopt the Minutes of the Meeting of February 7, 2024, as presented.
Second by C. Kelleher. No discussion.
Motion carried unanimously by voice vote (6-0-0).

- IV. Public Commentary** (3 minutes maximum per person)- None.

V. Unfinished Business:

- a. **Reading of Legal Notices** – M. Medina read aloud the Legal Notice for SD 23-003.
- b. **Continued Public Hearings** – None.
- c. **New Public Hearings:**
 1. **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38),
Applicant: Tetreault Building Company

David Smith, Professional Engineer & Land Surveyor with Archer Surveying represented the Applicant and gave an overview:

- Mr. Smith explained that the property was reviewed as a conventional subdivision and that they had decided to go with a conservation subdivision – A 14.5-acre parcel with 52 percent to be preserved as open space.
Seven building lots off of a private, large common driveway with mutual rights supporting each other

- Mr. Smith reviewed each sheet of the plans.
- They received IWWC approval.
- The Health Department has indicated that they are happy with the soil test results for the septic systems.
- Mr. Smith stated that they have a letter of review from the CT DOT. They will have a single driveway cut that services just under 500 feet of 18-foot wide, paved road with a cul de sac at the end of it, providing access to the seven new driveways for the seven new homes. Mr. Smith explained about the areas where they will be cutting a couple of feet and where they will be filling a couple of feet. They will be importing specialty materials for base, but by-and-large the earthmoving is intended to try to balance itself out.
- Mr. Smith explained and indicated (Sheet 3 of the Plans) that the original home was carved out as the first cut and that just east of the old farmstand will be the large conservation land will be combined with Lot #8 and will be called Lot #7. The remaining six lots will be smaller and will be in conformance with the recommended minimum requirements for a conservation subdivision, but will be large enough to provide individual driveways, wells, on-site septic systems and all amenities that go along with a new proposed home.
- Creamery Brook is to the south and west. The road runs down, not quite a centerline ridge of the existing terrain, but by-and-large, it follows gently downhill (2 percent at the beginning and 4 percent at the end). Mr. Smith explained about the single catch basin at the bottom to collect any run-off on the road which will discharge into a stormwater treatment center which will help to recharge some of the flow that it receives. He explained that he wants the discharge from the stormwater system to be more gentle/less aggressive on the hillside.
- Mr. Smith explained about an existing well that is protected in an easement area. It is greater than 75 feet to any of the active part of Lot #3.
- Mr. Smith explained about the Sediment and Erosion Control (Sheet 6).
- Mr. Smith explained about the Detail Sheet (Sheet 7). He explained about the Energy Dissipator and Recharge Area which he and Syl Pauley have discussed.
- Mr. Smith referred to, and explained about, a parcel history which had been prepared by Paul Archer.
- Mr. Smith explained about the last Sheet of the Plan Set which shows a more conventional subdivision showing five new driveways, one of which is a common driveway serving three houses. Mr. Smith stated that he thinks that the sightlines are probably fine, but he feels that the State would want them to reduce the number of points of intersection between private driveways and their State Route for safety and ease of traffic purposes.
- Mr. Smith stated that he had the original return certified mail receipts for notices sent to abutters. Two were returned undeliverable. M. Medina stated that Mr. Archer had e-mailed them to him earlier and asked that Mr. Smith drop them off at the office tomorrow.

At this time, Michael Zmayefski, 176 Wauregan Road, asked Mr. Smith to read aloud the Notice to the abutters, which he did. The Notice contained an error – It stated that the public hearing was scheduled for Tuesday, March 6th and it should have stated Monday, March 6th.

Mr. Zmayefski stated that the public hearing should be continued.

M. Medina suggested that, if the Commission wishes, the public hearing could be kept open and a second round of Notices could be sent out. He said that the Legal

Notices were posted in the newspaper correctly.

Mr. Fitzgerald stated that it can be addressed when the Commission decides whether to close the public hearing.

QUESTIONS/COMMENTS FROM STAFF:

- A. Tanner asked about a maintenance agreement for the driveway. Mr. Smith explained that it would be privately owned (fee simple ownership of the property in the back). There will be binding easements and restrictions of the lots, as they are sold, to provide for maintenance and upkeep of the road and the shared responsibility. It is a requirement of the Conservation Subdivision Regulations.

At this time, there was a question-and answer-session with Mr. Zmayefski whose concerns included the following: Limit to the number of houses on a shared driveway; amount of acreage per house; wetlands/open space; work is being done on the property as of last night (clearing trees); drainage onto the road where the storm drain is.

Mr. Smith continued:

- Mr. Smith explained that Syl Pauley had done a review (dated January 17, 2024 – included in packets to Commission Members) which led to revisions that have been made which have addressed most of Mr. Pauley’s concerns (responses from Mr. Smith - in red - were done on February 23, 2024, and were forwarded to Staff and to Mr. Pauley approximately ten days ago).

M. Medina explained that Mr. Pauley has not yet had an opportunity to review the revised plans or comments, but he should be able to next week.

Mr. Smith suggested that the review of the revisions with the Commission wait until after Mr. Pauley reviews them as there may be things that he disagrees with.

Mr. Fitzgerald recommended that the public hearing be continued to March 19th due to re-mailing the Notice to the abutters and to wait for Syl Pauley’s review comments.

QUESTIONS/COMMENTS FROM THE COMMISSION:

- C. Kelleher referred to page 127 of the Conservation Subdivision Regulations and asked about a Homeowners’ Association for maintenance of the road.

Mr. Smith explained that there would be a legal HOA and it can be done with easements and restrictions in favor of each other. The road will not be owned in common, but it benefits the other lots. He was unsure of how they will make sure that everyone participates.

Mr. Pember noted that there is nothing in the current submitted plans regarding a legalized/formalized Homeowners’ Association.

Mr. Smith agreed and stated that there are references to mutually supported easements and that sort of thing.

M. Medina explained that Staff usually review those documents once the final subdivision is approved to make sure that they are consistent.

There was discussion regarding re-sending the notices to the abutters.

Mr. Smith will re-mail them tomorrow.

M. Medina explained that the Legal Notice was correct and there is no need to republish in the newspaper.

QUESTIONS/COMMENTS FROM THE PUBLIC:

- Ray Preece, 146 South Main Street, asked for a copy of the last sheet of the Plan Set. He is concerned about setbacks. He stated that he would prefer the conventional subdivision.
Mr. Pember gave him a copy of the Plan Set.
Mr. Fitzgerald referred to, and read aloud from, the definition for Conservation Subdivision.

Mr. Smith asked the Commission if there is something that they would like the Applicant to work on. Mr. Fitzgerald stated that he thought there was something, but he couldn't remember what it was.

Motion was made by C. Kelleher to continue the public hearing for **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38), Applicant: Tetreault Building Company, to Wednesday, March 19, 2024 at 6:30 pm at 69 South Main Street Brooklyn and via Zoom.

Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (6-0-0).

Mr. Smith held up a letter that he had prepared granting an extension, which he will provide to Mr. Median tomorrow. Mr. Smith stated again that he would re-mail the notices to the abutters tomorrow.

2. ZC 24-001: Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13)
Applicant: *(No Discussion, Public Hearing Scheduled for 3/19/2024)*

There was discussion regarding that it was already scheduled. M. Medina explained that a motion is not needed. C. Kelleher stated that the Commission normally makes a motion to schedule a public hearing.

At this time, there was a question-and-answer session with Michael Zmayefski who asked questions regarding the location of the property.

The Commission continued discussion regarding scheduling. Mr. Fitzgerald explained that the PZC usually determines whether to schedule a public hearing. Going forward, the PZC will schedule the public hearings.

- d. **Other Unfinished Business** – None.

VI. New Business:

a. **Applications:**

1. **SD 23-003** Seven-lot subdivision on Wauregan Road/Rt. 205 (Map 23, Lot 38),
Applicant: Tetreault Building Company.

The public hearing for **SD 23-003** was continued to Wednesday, March 19, 2024 at 6:30 pm at 69 South Main Street Brooklyn and via Zoom.

- b. **Other New Business** – None.

VII. Reports of Officers and Committees

a. **Staff Reports**

1. **Report of Margaret Washburn, ZEO.**

The Commission reviewed M. Washburn's Report (dated 2/28/2024) was included in packets to

2. Report of Manuel Medina, Interim Town Planner.

- **Home Occupation vs. Home Business – Kayak Rentals**

M. Medina explained that an inquiry had been received from Paul Manocchio (present via Zoom) regarding a kayak rental business. Mr. Medina and Ms. Washburn decided to ask the PZC for guidance regarding whether it should be considered a Home Office (Section 6.A.2) or a Home Business (Section 6.A.3).

Paul Manocchio said that precedent had already been set since he already has another home office-type business (bakery) and he feels that this business that he is proposing is no different. He said that his other business did not have to go before the PZC.

For the kayak business, he stated that people would schedule a time for their service on-line or over the phone and he would deliver the kayak(s) to the State-owned or Town-owned boat launch of their choice. Customers would not come to his location. He said that there are no State Regulations other than the normal boating laws. Personal floatation devices would be provided and he said that insurance would be heavily held to his heart, being the type of business that it is. Kayaks would be stored in his residence (garage) and there would be no visibility and no traffic. He doesn't feel that he should be penalized for being creative and trying to survive. He said that liability falls on him, not on the Town or on the State. Mr. Manocchio said that as long as it is not breaking any Regulations, it should not be brought before the Board. He said that he understands the PZC's concerns, but he doesn't feel that they are valid. He said that between himself and his wife, they own seven businesses and he doesn't understand why they should be limited to only one home occupation when this is no different other than answering the phone differently and providing a different service than what he already provides.

Mr. Pember, as a point of clarification, explained that nobody is trying to discourage the kayak rental business, but there are reasons why we have these discussions. Mr. Pember referred to the Zoning Regulations for a Home Office Business which clearly state that there can be no outside display or storage of goods, materials, supplies or equipment, nor is there any exterior visible evidence of Home Office Use. He said that it is for the neighbors and the good of the Community and that the Commission is just trying to make sure that everyone is in compliance. Mr. Manocchio stated that he is in compliance with those things. Mr. Manocchio stated that he and Mr. Tanner previously went over every checkpoint of what is required. Mr. Manocchio said the only reason it came to light is because of Mr. Medina. Mr. Manocchio said that this Town is not friendly to small businesses. When a profanity was used, Mr. Manocchio's audio was muted which gave the Commission Members a chance to have discussion.:

- C. Kelleher stated that this has not been seen before tonight and she explained that the PZC is responsible for interpreting the Regulations and Staff had a questions because it is new. The procedure is that the Commission have a change to discuss it and decide. The Commission tries to support the businesses in Town to the extent that they can.
- A. Tanner explained that Mr. Manocchio had asked to have a discussion with himself and the Amy Brosnan, the Recreation Director. Mr. Manocchio explained that the State doesn't have rules. Mr. Tanner told him that the Town has rules for a Home Office and he referred to Section 6 for Home Office which they went over and Mr. Manocchio qualifies for everything, except he felt there may be a question concerning traffic. He told Mr. Manocchio that he would need to have the landowner's permission, he is not connected with the Parks at all, and he can put his kayaks in the boat launch the same as everybody else, but he has not connection to

the Park. M. Tanner went over the six questions raised in the Staff Guidance. Regarding the questions about future growth, Mr. Tanner stated that if you can't store them inside, they would have to go somewhere else. Mr. Tanner said that he didn't see any problems regarding the six issues in our Regulations. He explained that he wants to encourage business in Town.

- Mr. Fitzgerald stated that his only concern was outside storage and that has been explained, so he doesn't have any problem.
- Mr. Medina stated that he doesn't have any issues.
- Mr. Pember stated that he doesn't have any issues.
- Ms. Herring stated that she doesn't have any issues.

Mr. Fitzgerald thanked Mr. Manocchio and stated that he is all set.

Ms. Herring defended Mr. Medina regarding a comment that had been made earlier. Mr. Manocchio apologized.

- b. Budget Update** – There was no discussion on the FY 2023/2024 Budget dated 2-1-24 thru 2-29-24 was included in packets to Commission Members).

Mr. Tanner stated that he has not yet met with Shelley Cates regarding the FY 2024/2025 Budget.

- c. Correspondence** – None.

- d. Chairman's Report** – None.

- e. Commissioner Training Updates** – No discussion.

Public Commentary

- Ray Preece, commented that there are over 150 businesses in Brooklyn and, although his is new to his Position as a Selectman, he has not found more than one business that is not happy in Brooklyn. He hears it said often that Brooklyn is not business friendly, but he feels that opposite. Mr. Tanner stated that we are trying to help people with getting through the application maze. Mr. Fitzgerald stated that the PZC tries to be consistent. Mr. Maiato stated that he doesn't know of any businesses in Town that are not happy. Mr. Pember explained that he has been on the other side many times in his career and Brooklyn's Regulations are pretty scant compared to some other's.
- Mr. Tanner explained that he had gotten an e-mail from Patricia Buell, Superintendent of Brooklyn Schools (dated March 6, 2024). The School would like to install an electronic sign. A copy of the e-mail (including photographs) was provided to Commission Members. There was discussion. Mr. Medina explained that this type of sign is not allowed. Therefore, a text amendment would be needed, which would require a public hearing. Discussion continued. The answer is "no." They can appeal if they want to. Discussion continued and the Commission reviewed the Signage Regulations. Mr. Tanner will provide a copy of the applicable Regulations to the Superintendent.

Adjourn

Motion was made by G. Maiato to adjourn at 7:42 p.m.

Second by A. Fitzgerald. No discussion.

Motion carried unanimously by voice vote (6-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary