

**TOWN OF BROOKLYN  
PLANNING AND ZONING COMMISSION  
Wednesday, April 3, 2024, 6:30 p.m.**

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

<b>MEETING LOCATION:</b> Clifford B. Green Memorial Center, 69 South Main Street, Brooklyn, CT	
<b>Video call link:</b> <a href="https://meet.google.com/iuo-ynpj-fhh">https://meet.google.com/iuo-ynpj-fhh</a>	<b>Or dial:</b> (US) +1 929-324-1654 PIN: 533 016 007#
<b>More phone numbers:</b> <a href="https://tel.meet/iuo-ynpj-fhh?pin=7773715705093">https://tel.meet/iuo-ynpj-fhh?pin=7773715705093</a>	

**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, John Haefele Gil Maiato (all present in person).  
Michelle Sigfridson present via online.  
Lisa Herring was absent with notice.  
Seth Pember and Karl Avanecean were absent.
- Staff Present:** Manuel Medina, Interim Town Planner; Austin Tanner, First Selectman (present in person).  
Margaret Washburn, ZEO (present via online).
- Also Present in Person:** Attorney Doug Williams; Robert Perry; Cindy Perry; Normand Thibeault, Killingly Engineering Associates.  
There were three additional people present in the audience.
- Present via Online:** Michael D’Amato; Jennifer Warner; Jessica Solis.
- III. Seating of Alternates** – None.
- IV. Adoption of Minutes:** Meeting March 19, 2024
- Motion was made by G. Maiato to accept the Minutes of the Meeting of March 19, 2024, as presented.  
Second by J. Haefele. No discussion.  
Motion carried unanimously by voice vote (5-0-0).
- V. Public Commentary** (3 minutes maximum per person) – None.
- VI. Unfinished Business:**
- a. **Reading of Legal Notices**  
Manuel Medina read aloud the Legal Notice for ZC 24-001 which was published on March 6 & 13, 2024.
- b. **Continued Public Hearings:**
1. **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13)  
Applicant: Robert H. Perry, Sr.
- Attorney Doug Williams represented the Applicant:
- Attorney Williams referred to, and read aloud from, an email from Jana Roberson, former Town Planner, to Mr. Perry, dated January 25, 2021, and also from the Minutes of the March 3, 2021 PZC Meeting (both were included in packets to Commission Members).

Attorney Williams noted that a previous owner in the 1950's had horses and other animals on the property pre-zoning and that it was a non-conforming use in the R-30 Zone. He questioned why Mr. Perry would have applied for a zone change to RA because it wasn't needed. The letter indicates that he could apply for a zone change back to R-30. However, Mr. Perry would like to keep his horses. Attorney Williams feels that there may have been a mistake or misunderstanding. He noted that there is no reference to being able, or not being able, to have horses in either the Minutes or the email and there is no indication that the non-conforming use was ever terminated. Attorney Williams stated that Mr. Perry is simply trying to get back what he originally had.

#### **QUESTIONS/COMMENTS FROM THE COMMISSION:**

- J. Haefele asked if the Land Use Attorney had been asked for an opinion. Mr. Fitzgerald stated that there was nothing mentioned in the Staff Guidance. Mr. Haefele stated that he does not know why the zone change to RA was applied for to begin with, but we can't undo that. He asked, Does the existing, non-conforming use survive the zone change?
- A. Tanner feels that it runs with the property, so he feels the answer is "yes."
- M. Sigfridson disagreed and explained that the Board cannot change the zoning to create a non-conforming lot and that it is not the PZC's role to give legal advise to applicants.
- Mr. Fitzgerald explained that if the zone were changed, the horses would not be allowed to stay.

Attorney Williams asked when the horses would have to leave.

Mr. Fitzgerald stated fifteen days.

Discussion continued regarding whether the use was grandfathered. Attorney Williams offered that he could provide information to prove it.

Mr. Perry stated that when he spoke with Jana Roberson about what he needed to do about the horses, she told him that he would need to change the zone because it was not grandfathered because he is not related to Mr. Bessette. Mr. Perry feels that Ms. Roberson should have told him, at that time, that he did not have to change the zone because it was already non-conforming.

Mr. Haefele explained that grandfathering doesn't have anything to do with being related, it runs with the land.

Mr. Perry stated that he did not know that.

Discussion continued. M. Sigfridson explained that, at the time of the previous zone change application, Mr. Perry was not asking the PZC to consider grandfathering (to be exempted from the requirements of the R-30), he was asking the PZC to change the zone and the Commission did because they determined that it was appropriate for that property to be RA.

C. Kelleher referred to the Minutes of the March 3, 2021 PZC Meeting and she commented that that it was not clear whether the horses were already there. She said that, if, at that time, there were no horses there, the grandfathering would no longer exist. Ms. Sigfridson stated that the Commission was not being asked to determine that at the time. Ms. Kelleher expressed agreement with Ms. Sigfridson and said that it is an unfortunate situation. Mr. Tanner commented that he agrees with Ms. Sigfridson and that it cannot go back to non-conforming.

Attorney Williams commented that it is a spot zone (agricultural) in the middle of R-30, which is the same thing with a different name, that it is a unique situation and that the non-conforming use was never terminated.

Mr. Haefele explained that it was terminated when it was changed to RA, it was brought into conformance and it was no longer an existing, non-conforming use. There was discussion regarding notices to abutters.

Mr. Fitzgerald explained that it had been explained to Mr. Perry that if the zone was

changed to RA, he would not be able to subdivide. It was more important to Mr. Perry, at the time, to have the horses than to subdivide, so the zone was changed. Now, Mr. Perry feels that it is more important to subdivide the property and keep the horses, but the use has changed. Attorney Williams stated that Mr. Perry didn't understand that he didn't have to change the zone, he had both and that is the unfortunate situation. Mr. Haefele explained that the PZC cannot remedy that problem and what the PZC has to do is proceed with the zone change from RA to R-30 carrying nothing with it.

**COMMENTS FROM STAFF:**

Mr. Medina stated that when it was R-30, the animals were non-conforming. It was brought to RA, now the animals are conforming. Now, they want to change back to R-30, but the animals will not be conforming anymore, so they will have to be removed.

Mr. Fitzgerald asked what the Applicant wants to do.

Mr. Perry stated that he has no problem with moving the animals to a different facility, but it will take a little time. He would appreciate it if the PZC would change the zone.

There were no comments from the public.

Motion was made by C. Kelleher to close the public hearing for **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13) Applicant: Robert H. Perry, Sr.

Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (5-0-0).

c. **New Public Hearings** – None.

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

**VII. New Business:**

a. **Applications:**

1. **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40 & Lot 13) Applicant: Robert H. Perry, Sr.

Motion was made by C. Kelleher to approve **ZC 24-001** Zone Boundary Change from RA to R-30 for 202 South Street (Map 40, Lot 13) Applicant: Robert H. Perry, Sr. With the finding that it is suitable for the location, will aid in the protection of public health, safety, welfare, and property values and is consistent with the Plan of Conservation and Development and the intent of the Zoning Regulations. The zone boundary change shall become effective 15 days from the date of the publication of the notice of approval in the newspaper.

Second by J. Haefele. No discussion.

Motion carried unanimously by voice vote (5-0-0).

2. **SD 24-001** Two-Lot Subdivision on South Street (Map 40, Lot 12) Applicant: Louis A. Polseno.

Normand Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview (posterboard presentation):

- The property was formerly the Brooklyn Golf Course.
- A free split had been taken previous to Mr. Polseno purchasing the property.
- Proposing a two-lot subdivision – one 27.1 acres and the other 26.949 acres.
- No roads are proposed..
- Property history map was provided (as required).
- Proposing two, single-family homes with two individual driveways, on-site septic system, drilled wells.
- IWWC approval was received – no activity in the wetlands or in the upland review area.

- Sheet 5 indicates areas where slopes are 20 or more.
- Sheet 6 contains test pit information. All of test pits and perc tests are code compliant with the public health code. There were no test holes that were not compliant. All pretty decent soils out there.
- It is a pretty simple subdivision.
- Mr. Thibeault met with Staff.

**QUESTIONS/COMMENTS FROM THE PUBLIC:**

- Robert Perry, Sr., 202 South Street, asked about the location and how many lots. Mr. Thibeault indicated the location and stated two lots.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

- G. Maiato asked about the location of the driveway accesses. Mr. Thibeault indicated the locations and explained that they are about 400 feet away from the Restaurant entrance.

Motion was made by J. Haelele to approve **SD 24-001: Two-Lot Subdivision on South Street (Map 40, Lot 12) Applicant: Louis A. Polseno.**

This approval is granted subject to the conformance with referenced plans (as may be modified by the Commission) and the following additional conditions/modifications.

Prior to the endorsement by the Commission of the Final Subdivision Plan(s) for filing in the office of the Town Clerk:

1) The approval and/or review letters from the Inland Wetlands and Watercourses Commission, the Northeast District Department of Health, and the Planning and Zoning Commission shall be added to the Final Subdivision Plan(s).

Prior to the issuance of a Zoning Permit on any lot:

- 1) The developer shall notify the Zoning Enforcement Officer and Town Planner at least seven (7) days in advance of any site work to schedule a pre-construction meeting.
- 2) Prior to any lots being developed, driveway permits must be obtained from the Road Foreman in accordance with the adopted policy concerning driveways. No stone walls, mature trees, or ledge within the R.O.W. shall be removed or modified unless necessary for safety. The responsibility of clearing, grubbing, blasting, and earth moving with the Town of Brooklyn R.O.W. shall be the responsibility of the individual lot developer. Any cutting of trees greater than 30" D.B.H. for sightlines shall require prior approval by the Town of Brooklyn Tree Warden upon finding that the removal of trees is unavoidable to guarantee adequate driveway sightlines.

Prior to the issuance of C.O/CofC

- 1) All boundary pins and monuments shall be set and field verified by the surveyor.
- 2) Final grading and seeding shall be in place or a bond for the unfinished or unestablished work shall be submitted.
- 3) The applicant and/or individual lot developers shall minimize impacts to natural features both on private lots and in the Town of Brooklyn R.O.W. to the greatest extent possible. This shall include but is not limited to the preservation of stone walls, the protection of mature trees lining any public road, and the minimization of clearing and grading.
- 4) Stone walls must be finished on the edges prior to the issuance of a Certificate of Zoning Compliance on any lot containing a stone wall.

General Conditions

- 1) Additional Erosion and Sedimentation controls may be required by Town staff as onsite conditions necessitate.
- 2) This project shall be constructed and maintained in accordance with the final mylars. Minor modifications to the approved plans that result in lesser impacts may be allowed, subject to staff approval.
- 3) By accepting this approval and its conditions, the applicant, owner and/or their successors and assigns acknowledge that right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Second by G. Maiato. No discussion.

Motion carried unanimously by voice vote (5-0-0).

3. **SPR 24-002** Site Plan Review for Small Energy Systems (ground mount) at 78 Tripp Hollow Road (Map 15, Lot 10) Applicant: Bright Ops – Jason Mockus/Robin Klein.

Arianna Beers, Bright Planet, represented the Applicant:

- Proposing a ground-mounted solar array of 36 panels (130 feet away from the house).

- There are a lot of trees on the property.

**QUESTIONS/COMMENTS FROM THE COMMISSION:**

- G. Maiato asked if it would be equipped with rapid shutdown.  
Arianna Beers stated that, typically, that is located outside the house. It is a safety feature.

Motion was made by A. Fitzgerald to approve **SPR 24-002: Site Plan Review for Small Energy Systems** (ground mount) at 78 Tripp Hollow Road (Map 15, Lot 10) Applicant: Bright Ops – Jason Mockus/Robin Klein. Approvals from the Health Department, Zoning Officer, and Building Official must be obtained prior to commencement of any work.

Mr. Fitzgerald stressed the importance of getting building and electrical permits before beginning work.

The Applicant indicated that they had already applied for the permits.

Second by C. Kelleher. No discussion.

Motion carried unanimously by voice vote (5-0-0).

- b. **Other New Business** – None.

**VIII. Reports of Officers and Committees**

a. **Staff Reports**

1. **Report of Margaret Washburn, ZEO.** (Report dated March 28, 2024 included in packets to Commission Members).

The Commission reviewed the Report. There was discussion regarding the following:

- Ace Hardware – No date for opening yet.
- Ms. Kelleher brought up her concern regarding an issue 111 Day Street where it appears the new resident may have opened a contractor’s yard. It is not allowed under the Regulations in that location. Ms. Washburn explained that she, Mr. Medina and Mr. Tanner have been attempting to communicate with them with no luck so far. She said that she has done two inspections there so far and this will not fall through the cracks. She hopes to have news to report at the next PZC meeting.
- There was discussion regarding the Townsend project.

2. **Report of Manuel Medina, Interim Town Planner.**

Mr. Medina reported that Tractor Supply is working on IWWC approval for a South Main Street location (abuts the Industrial Zone).

Mr. Fitzgerald asked about possibly asking for access to the Industrial Zone.

Mr. Medina explained about their proposed access which would be dangerous because it is near the traffic lights. There was discussion.

- b. **Budget Update** (included in packets to Commission Members) – No discussion.

- c. **Correspondence** – None.

- d. **Chairman’s Report** – None.

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

**IX. Public Commentary** – None.

**X. Adjourn**

**A.Fitzgerald adjourned the meeting at 8:02 p.m.**

Respectfully submitted,

J.S. Perreault

Recording Secretary

Attachment