

**TOWN OF BROOKLYN
PLANNING AND ZONING COMMISSION
Meeting
Wednesday, November 1, 2023 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 – Carlene Kelleher, Acting Chair, called the meeting to order at 6:33 p.m.

Roll Call – Carlene Kelleher, Allen Fitzgerald, Lisa Herring, Gil Maiato (all present in person). John Haeefele was present via Zoom until 6:35 p.m. when he arrived in person. Seth Pember was absent with notice.

Michelle Sigfridson, Brian Simmons and Karl Avanecean were absent.

Staff Present: Jana Roberson, Town Planner and Director of Community Development (present in person); Austin Tanner, First Selectman.

Also Present in Person: Norm Thibeault; Killingly Engineering Associates; Ann Nurse; Jeff Weaver.

Present via Zoom: Nicole Rosario, Freedom Forever, LLC; Paige, Freedom Forever, LLC; Sharon Hawes; Sharon Loughlin; Bob Kelleher; Jackie Igliazzi; GI.

II. Seating of Alternates – None.

III. Adoption of Minutes: Meeting October 17, 2023

Motion was made by G. Maiato to approve the Minutes of the Meeting of October 17, 2023, as presented.

Second by A. Fitzgerald. No discussion.

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

IV. Public Commentary – None.

V. Unfinished Business:

- a. **Reading of Legal Notices:** None.
- b. **Continued Public Hearings:** None.
- c. **New Public Hearings:** None.

d. **Other Unfinished Business:**

1. **SPR 23-006:** Site Plan Review (pending determination) for a 25'x25' building addition at 512 Providence Road, Applicant: Vachon Brooklyn, LLC.

Norm Thibeault, Killingly Engineering Associates, represented the Applicant and gave an overview. Mr. Thibeault stated that three sets of plans had been provided to Staff. (plans were displayed as discussed):

- The addition to the existing building is to be used for auto detailing/washing.

- Mr. Thibeault referred to Sheet 3 of the plans and he explained how comments from the Commission last month regarding screening for existing dumpsters and the propane tank not being in compliance with the Zoning Requirements, have been addressed.
- The floor drain is to connect to the existing oil/water separator.
- For the existing dumpsters, they are proposing a 12' x 24' concrete pad and 6-foot, chain-link fence with privacy slats (detail on Sheet 3 of the plans).
- For the propane tank, they are proposing a 6-foot, chain-link fence with privacy slats and bollards around the outside of the fence (detail on Sheet 5 of the plans). Bollards are required by the Fire Marshal.
- Mr. Thibeault explained that these are in the regulated area. He had submitted an application to Margaret Washburn earlier in the day and she approved it and she issued an approval letter today as well (Agent approval).
- The existing dumpsters and propane tank are in the same location that they were in when Vachon purchased the property.
- Regarding comments last month regarding tree removal activity that had occurred on site, Mr. Thibeault explained that Vachon had given access to the tree removal company so that they could remove a tree on the adjacent property.

COMMENTS FROM STAFF:

J. Roberson's comments:

- She noted that it is actually a 26' x 26' addition.
- She stated that these are a great change to the plan and that she appreciates that the Applicant was willing to make the site upgrades in the rear of the property. The upgrade to this area is a compliment to the other changes and improves the aesthetics and the propane tank will be better protected.

There were no questions or comments from the Commission.

Ms. Kelleher stated that the Commission would need to make a determination regarding whether to waive the requirement for special permit.

Motion was made by J. Haefele to approve the request from Vachon Brooklyn, LLC to waive the Special Permit requirement at 512 Providence Road with the finding that the development is not significant and is not likely to have more than a negligible impact, on the neighborhood, or the environment.

Second by G. Maiato. No discussion.

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

Motion was made by L. Herring to approve the Site Plan Review Application as modified for **SPR 23-006** for a 26' x 26' building addition at 512 Providence Road.

Second by J. Haefele. No discussion.

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

2. **SP 22-007mod:** Special Permit for an Events Facility at 459 Wolf Den Road, Applicants: Nicole and Greg Fisher. (a modification of the previous application) ***awaiting Nov. 21 public hearing***

J. Roberson explained that this Application will be before the IWWS next week and that there were some issues with the plans that could possibly cause a delay.

VI. New Business:

a. Applications:

1. **SPR 23-007:** Site Plan Review for ground mounted solar panels at 179 Tripp Hollow Road, Applicant: Freedom Forever, Owner: Ann Nurse.

Nicole Rosario and Paige from Freedom Forever, LLC were present via Zoom. Ann Nurse, Applicant, was present in person in the audience.

J. Roberson displayed plans as discussed. She explained that the first four pages of the plan set were the most relevant to the PZC.

Nicole Rosario explained that the system is already installed on the property. She said that they had applied for and got the electrical permit, but when the Building Official went to do the inspection, he informed that that they needed a zoning permit. She said that they had not been asked to get a zoning permit and so, now, they are trying to take the necessary steps to rectify the situation.

Ms. Roberson explained that there is a 900-foot driveway and the house is not visible from the road. There is thick forest between Tripp Hollow Road and this property. She stated that if this Regulation exists to control the visual impact of ground-mount solar, there really isn't any, in her opinion.

C. Kelleher stated that Ms. Roberson is correct that the reason is to protect the visibility from public view and it looks like that is not an issue here.

COMMENTS FROM THE COMMISSION:

- **Fitzgerald** commented about zoning permits not being issued. He said that this is the third time this has happened. He feels that the contractors know that they are supposed to get the proper permits before doing the work. A lengthy discussion followed. Ms. Roberson explained that there is an application for a building permit in the portal, but it cannot be issued until it receives zoning approval and part of that is site plan review by the PZC at tonight's meeting. Then, the next step would be a zoning permit and the Building Official is aware that a Building Permit cannot be issued until a zoning permit is approved (per State Statute). Discussion continued.

Nicole Rosario stated that none of the other installations that they have done in Town (mostly roof-mounted) required only an electrical permit and she referred to the portal. They started building two weeks after receiving the mechanical permit which they received in early September.

There was discussion regarding the \$500 fine for starting work without the required permits. Nicole Rosario offered that they would pay the fine or make changes to the plans if needed. Ms. Roberson and the Commission were in agreement that they are satisfied with the plans that were submitted. Ms. Kelleher stated that she feels that it would be appropriate for the PZC to recommend that the fine be imposed on the contractor.

- Mr. Fitzgerald asked the Applicant if they system is ready to go.

Ms. Nurse stated that it is not and she explained that there is a trench in her backyard that they did not finish because they need the permit to finish it.

Ms. Roberson explained that the Application was received on October 19th.

Motion was made by J. Haefele to approve the Site Plan Review Application **SPR 23-007** for ground-mounted solar panels at 179 Tripp Hollow Road with the finding that it complies with Section 6.N of the Brooklyn Zoning Regulations.

Second by A. Fitzgerald. No discussion.

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

Mr. Haefele recommended that Freedom Forever, LLC work more closely with Staff in the future.

Ms. Roberson explained that she will speak with the ZEO tomorrow about issuing the zoning permit, she will send a certified letter tomorrow also.

2. **SD 23-001mod:** Request for modification of fee-in-lieu of open space for two-lot subdivision including 3 acres on Day Street (Map 43/Lot 6), Applicant: Jeff Weaver.

Jeff Weaver represented himself and explained that during the subdivision process (approved), an appraisal report had not been submitted. He is requesting a modification to submit a new report for the appraisal for fee-in-lieu of open space. He explained that Katherine Herbert had done the appraisal for the first 4-lot subdivision in the front and for the 2-lot subdivision in the back.

Ms. Roberson explained that the Commission had agreed to go along with a different appraisal for different properties. It was for fee-in-lieu of open space in the amount of \$4,500 per parcel. Mr. Weaver said that there was a misunderstanding between Paul Archer and himself. Ms. Roberson explained that the new appraisal came in at \$62,000 for the 2-lot subdivision (value prior to development) which amounts to \$3,100 per lot.

Motion was made by A. Fitzgerald to modify the approval of application **SD 23-001:** Two-Lot Subdivision, Applicant: Jeff Weaver, 3 acres on south side of Day St., (Map 43, Lot 6), Proposed creation of two residential rear lots on a shared driveway in the following way:

At the time of sale of any building lot:

- 1) No change prior to modification.
- 2) At the time of sale of any of the new building lots, a payment in lieu of open space dedication shall be paid by the applicant to the Town in the amount of \$3,100 per lot in accordance with the requirements of CT General Statutes 8-25 and Brooklyn Subdivision Regulation Sec. 8. An open space lien may be placed on the building lots to ensure that the fee-in-lieu of open space is paid at the time of sale.

Second by G. Maiato. No discussion.

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

There was discussion regarding the PZC's authority regarding enforcing the Regulations. The fine is in the Ordinance for Application Fee. There was discussion about the portal and the concern that people think that they apply and pay the fee and they think that they have a permit issued. Ms. Roberson will try to figure out what makes people think that they've been issued a permit.

Motion was made by J. Haefele to add under new business item **VII.a.3. - ZRC 23-007** – Zoning Regulation Change regarding overnight accommodations for Special Events Facilities.

Second by A. Fitzgerald. No discussion.

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

3. **ZRC 23-007** – Zoning Regulation Change regarding overnight accommodations for Special Events Facilities.

J. Roberson explained that she was expecting that one of the Fishers would attend via Zoom, but they were not present. She explained that the Fishers would like to have overnight guests on the property which is why they submitted this application for a Zoning Regulation Change. The Special Events Facilities Regulations do not mention overnight accommodations at all. Ms. Roberson worked with the Fishers on the proposal, but she stated that it is not final, just a draft. Their intention is not to create a hotel. There is a home on the property and, between the barn and the home, there would be a maximum occupancy of approximately 20 people.

Mr. Haefele suggested that Bed and Breakfast is covered under the Regulations. Ms. Roberson explained that she had offered that as an option, but the Fishers were not interested in that. This would affect more than just their property, it would be for any Special Events Facility. Discussion ensued.

The public hearing for the parking lot is supposed to open on November 21, 2023. There was a suggestion to hear both applications at the same time. Ms. Roberson explained that this application cannot be moved up any sooner, but the other one (parking lot) could be moved back further.

Motion was made by J. Haefele to schedule the public hearing for **ZRC 23-007: Zoning Regulation Change regarding overnight accommodations for Special Events Facilities, Applicants: Nicole and Greg Fisher** for the regular meeting of the Planning and Zoning Commission to be held on December 6, 2023 at 6:30 p.m. at the Clifford B. Green Memorial Building, 69 South Main Street, Brooklyn, CT and via Zoom.

Second by G. Maiato. No discussion.

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

b. Other New Business:

1. Discussion regarding potential shift to digital information sharing from paper meeting packets, etc.

J. Roberson explained that, to save time and money, the Town would like to provide tablets (that would stay in the building) for Commission Members to use during meetings rather than providing paper packets. There was discussion.

- J. Haefele explained that he is okay with bringing his laptop, except he would like paper plans. He said 11” x 17” would be okay.
- G. Maiato prefers paper packets.
- A. Fitzgerald brings his own tablet, but said that he agrees with Mr. Haefele about the plans.
- L. Herring brings her own tablet and said that she is okay with paperless. She asked for the WIFI password. Ms. Roberson provided the password – Wolfden 1786.
- C. Kelleher stated that she would be okay with a tablet as long as paper plans are available at the meetings.

Ms. Kelleher asked about whether the Regulations would also be digital. Ms. Roberson explained that the Regulations are digital, but will still be provided in paper.

Mr. Tanner will check with the School Superintendent to see if he could borrow some tablets to try it out to see if it will work.

VII. Reports of Officers and Committees

a. Staff Reports

Ms. Roberson informed the Commission that she took a position in another town, but will be available for a few meetings to help the Town of Brooklyn with the transition. She expressed that she has enjoyed working for the Town and with the PZC Members over the years. If a Committee is formed regarding hiring a new Planner, Ms. Kelleher asked that M. Sigfridson be asked to be on it.

Margaret Washburn's Report dated 10/30/2023 was included in packets to Commission Members. – No discussion.

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

c. Correspondence – None.

d. Chairman's Report – None.

e. Commissioner Training Updates

L. Herring recently went to training in Haddam.

Ms. Roberson gave a reminder for Commission Members who need to do the half-hour CLEAR training on affordable housing. Mr. Haefele stated that he will do this training. Ms. Kelleher will check to see when her term expires to decide whether she will do it.

There was discussion regarding the Brooklyn Conservation Commission site tour at Little Dipper Farm on November 19, 2023. Ms. Roberson displayed a map of the property. Information is posted on the BCC website.

VIII. Public Commentary

Sharon Loughlin (via Zoom)

- Asked for the Application number for the Fishers' application.
Ms. Roberson stated **ZRC 23-007**.
- She or her husband would be interested in being a citizen member if a Committee is formed to hire a new Town Planner.
Mr. Tanner explained that he will be meeting with H.R. in the morning.

IX. Adjourn

C. Kelleher adjourned the meeting at 8:10 p.m.

Respectfully submitted,

J.S. Perreault
Recording Secretary

Attachment: Margaret Washburn's Report dated 10/30/2023.