

ZONING BOARD OF APPEALS REGULAR MEETING AGENDA

The Brooklyn Zoning Board of Appeals Commission will hold a regularly scheduled meeting on Monday, October 16, 2023, at 6:30 p.m. at the Clifford B. Green Memorial Meeting Center, 69 South Main Street, Brooklyn, CT on the following:

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

In-Person: Clifford B. Green Meeting Center, Suite 24, 69 South Main Street, Brooklyn, CT	
Online: Click link below: https://us06web.zoom.us/j/5075752217	OR Go to Zoom.us , click Sign In On the top right, click Join a Meeting Enter meeting ID: 507 575 2217 Enter meeting password:
Phone: Dial 1 646 558 8656 US Toll Enter meeting number: 507 575 2217 Enter meeting password: You can bypass attendee number by pressing #	

Call to Order:

Seating of Alternates:

Approval of Minutes: Regular Meeting Minutes May 22, 2023.

New Application Received:

1. ZBA 23-002 Edward & Kelly Berthiaume, 17 Sunset Drive Extension, Map 22, Lot 18-13, 1.33 Acres, R-30 Zone: Requesting a variance of section 3.B.5.2.1 of the Zoning Regulations from the minimum front yard setback of 50 feet to 35 feet to construct a 35-foot x 6-foot front porch.

Other Business:

1. Vote on 2024 meeting dates
2. Public Act 21-29: Required Training for each member of a Zoning Board of Appeals

Adjourn

Bruce Parsons, Chairman

**ZONING BOARD OF APPEALS
REGULAR MEETING MINUTES
May 22, 2023**

The Brooklyn Zoning Board of Appeals held a regular meeting and public hearing on Tuesday, May 22, 2023, at 6:30 p.m. at the Clifford B. Green Memorial Meeting Center, 69 South Main Street, Brooklyn, CT as well as virtually via ZOOM on the following:

Members Present: Bruce Parsons, Adam Brindamour, Stephen Mylly and Bill Macnamara.

Members Absent: Lucien Brodeur with notice.

Staff Present: Lisa Lindia, Recording Secretary, Margaret Washburn, Zoning Enforcement Officer.

Also Present: Attorney Peter Alter Town Counsel, Attorney William McCoy, Wayne Jolley, Attorney Vincent Dooley, Linda Trahan, James Booth, Tim Albee

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

Seating of Alternates: None.

Approval of Minutes: William Macnamara made a motion to approve the Regular Meeting Minutes from March 4, 2023 as written. Adam Brindamour seconded this motion. No discussion was held. All in favor. The motion passed unanimously.

Public Hearing: 6:31 pm

Reading of legal notice: Chairman Bruce Parsons

ZBA23-001 530 Wauregan Road – Map 30 Lots 97, 97-1 & 97-2, Wayne & Leslie Jolley. RA Zone. Appeal of Decision made by ZEO on March 6, 2023.

Attorney Peter Alter, Town Counsel reminded the ZBA members and public to review and refresh the process. CT Statutes, Section 8-7 requires four votes of the ZBA members to approve the action. All four members have to agree. Mr. Jolley must understand that he needs all four votes – missing member is considered a non-vote. This is not an application for a variance with hardship as the Commission is accustomed to. They are to act as fact finders. Facts are as members find relevant, non-relevant, importance and credibility. The burden of proof is on the applicant, Mr. Jolley, not Ms. Washburn. Distinguish between what is the principal use vs. and accessory use.

Ms. Washburn laid out her reasoning in making her decision and presented evidence to the ZBA members. Brooklyn adopted Zoning Regulations in 1972. Mr. Jolley has operated by Special Permit since 1990. Ms. Washburn started receiving letters regarding historical activity on the subject parcel. She requested more information from Mr. Jolley on multiple occasions. On March 6, 2023, she issued a zoning enforcement decision that she could not conclude, based on Mr. Jolley's submitted evidence and her own research, that the five business uses identified by Mr. Jolley in a letter dated 1/12/2023

predated the adoption of Zoning Regulations. **[Note: Ms. Washburn's evidence is attached as items a-z.]**

Bruce Parsons – asked if the deed included all the land. The taxes on the field cards do not refer to any processing equipment. Lisa Lindia explained to Mr. Parsons that it referenced buildings.

William Macnamara – Can the Commission sort through the five uses and approve one or another?

Attorney Alter – Confirmed that the uses could be approved separately.

William Macnamara – Asks for clarification of a principle use vs. accessory use.

Attorney Alter and Margaret Washburn – Explain the difference between principle use vs. accessory use. Attorney Alter states that gravel is a diminishing asset. You can expand on the original site and continue operation under a Special Permit. Uses can evolve over time.

Attorney William McCoy of Heller, Heller & McCoy – Here to represent Mr. Jolley and Brooklyn Sand & Gravel. The Jolley's are the property owners. Under the law 'grandfathering' is not the right term. Pre-existing nonconforming is the correct term. Attorney McCoy disagrees with Attorney Alter to some degree as to the basis of Judge Aurigemma's decision from December 2020. On page 2 in the judge's decision, it stated that the subject property was used to excavate and process gravel since the 1950's. Attorney McCoy referenced another section on page 18 which stated that "The importation of material was pre-existing non-conforming use". In regards to the 1977 deed conveying the property to Mercier & Sons, most deed does not carry language about the activity on the property, just the land descriptions. Rarely do you see a reference for use. The Superior Court Judge found from the hearing that without question, gravel mining was used for many years. Gravel banks should not go away. The town has purchased material from the site. All they have to show is a pre-existing nonconforming use since before 1972. Attorney McCoy Submits an exhibit. Judge Aurigemma's decision turned on a statement by the Planning Zoning Commission member. There was no intent to abandon the use and it continues to this day. You can have multiple principle uses. Attorney McCoy urges 2 principles uses, the campground and the gravel operation. The gravel pit supplied material to the campground, but it wasn't its only use. The use is not just onsite excavation but importation offsite material. Attorney McCoy submitted a document to Chairman Parsons. **[Note: Atty. McCoy's evidence is attached as item aa.]**

The Jolley's own the property, but Brooklyn Sand and Gravel operates the business.

William Macnamara - How long has Brooklyn been issuing Special Permits?

Attorney Alter – Since 1990, Special Permits approved that a certain amount of material could be imported. From 1990 onward, Special Permits were not establishing a pre-existing, non-conforming use.

Attorney McCoy – Most taxpayers do not go to the assessor and ask to include more possessions on their assessor card. Most cards do not include everything. The cards did not change after the Special Permits were issued.

Bruce Parsons - Town does reevaluations every ten years or sooner. Are you saying that no one has been out and looked at the property?

Attorney McCoy – The Assessor is a separate issue from zoning.

Austin Tanner – When the Assessor came out my house, the barn was measured but I wasn't asked how many tractors I have.

William Macnamara – Was there another date than 1972 that limited the amount of imported material?

Attorney Alter – As far back in the regulations as he knows, at least twenty years.

Adam Brindamour – What was Judge Aurigemma statement about 1950 based on?

Attorney Alter – I am reluctant to offer that information I am not a fact provider. You can ask staff for the records of the Planning Zoning Commission hearing transcript from 2019. Judge Aurigemma did not state that importation of material was a primary use. It's up to ZBA to decide if importation was a primary use.

Attorney McCoy – The ZEO decision is that there is no pre-existing non-conforming use.

William Macnamara - In 1970 were their requirements for processing equipment.

Wayne Jolley –showed there was pond at the Northeast corner of the site which was used for swimming and processing.

Explained he didn't have the outdated ZBA form in his archives and that he downloaded it from the website.

Fred Jolley bought the property from the Fisk family. Material from the gravel pit supplied the state to build Route 205 in 1950.

Bruce Parsons -When did you move the processing equipment in?

Wayne Jolley – In the earlier years we were operating without permits until 1990 when we were told we needed them. Bill Mercier was selling gravel to the state of CT. There was a canal in Wauregan which was filled with gravel from the subject property.

Mentions that the letters he submitted are from reputable people Jack Burke, Paul Sweet and Glen Parent etc.

Wayne Jolley – Bill Mercier closed the campground within a year.

Public Comments 7:55 pm

Attorney Vincent Dooley – 165 Cooney Rd., Pomfret, CT, filed a memorandum with the Town Clerk last Wednesday. He left three copies and asked the Town Clerk who the Town Attorney was and was told they didn't have one. He emailed a copy to Attorney Alter. He was a prior prosecutor, began in the state's attorney's office in Wallingford. Worked there for about a year and handled 30 or 40 appeals before moving on to the Superior, Appellate and Supreme Courts. He is committed to this community. He has spent most of the time in Windham County and has been in Pomfret since 1987. He grew up in Branford and played in gravel banks as a kid. If anyone grew up or lived in Branford, they would understand gravel banks with rocks being quarried in their hometown. This was a part of the town's economy. This is what led him to write a ten-page brief. **[Note: Atty. Dooley's evidence is attached as item bb.]**

In Federal Court Jolley claims he has a constitutional right and is suing the Town. He reviewed specifically paragraphs 22 and 23 where Wayne Jolley used the words "Upon information and belief".

The regulations became enacted as of May 24th, 1972 which became effective as of 12:01am.

Since 1972, the activities have been subject to the regulations. Since 1972, every piece has been done under a permit or as an illegal, unpermitted use. The uses after 1972 were permitted, not legally nonconforming.

Attorney Dooley states that Mr. Jolley has never had any intent to end this activity. The ZBA decision will be appealed one way or another. There is no right to expand unauthorized use.

Linda Trahan – 26 Maynard Road

Involved with traffic problems caused by sand and gravel operations since 1989. There has been a marked increase in truck traffic since 2005 on Maynard Rd. We have been researching all gravel bank permits, we made numerous FOI requests. There appeared that there was a lack of record keeping, including renewals and enforcement. At that time the Town Planner had no grandfathered pits on record. Attorney McCoy was Mr. Jolley's attorney years ago and never said it was a pre-existing non-conforming. Mr. Jolley was aware that he was running out of material. The town has been lenient with him. Linda Trahan states that Wayne Jolley's application for variance in 2019 was denied by the ZBA. Linda Trahan submitted a document to Chairman Parsons. **[Note: Linda Trahan's evidence is attached as item cc.]**

Margaret Washburn – No gravel pits in the state of CT have been grandfathered 50 years after zoning. This will set a precedent for future land use.

William Macnamara – Do they lose their right once they file Special Permits?

Attorney Alter – If some believes they have a right to pre-existing non-conforming then they typically assert their right and don't apply for Special Permits to continue that use.

William Macnamara – Inquires would you lose the status of pre-existing non-conforming once you start applying for Special Permits?

Attorney Alter – There are a variety of cases that go both ways. There was a case in Colchester that lost their status non-conforming once they applied for Special Permits but also aware there are cases that don't say that.

Austin Tanner - We have shown a lot of history, but I don't believe that is what we are basing tonight on. It should be the evidence. I believe Mr. Jolley was advised to apply for a Special Permit. Margaret had mentioned to me that she was uncomfortable in making this decision and wanted it to go to the Commission.

Attorney Alter – Once the ZEO decides anyone can appeal her decision. We would have ended up here anyway.

William Macnamara – Is it common to accept letters?

Attorney Alter – Yes, it is common to accept letters. As evidence comes in to the ZBA, whatever was presented can be considered.

William Macnamara – Is there any reason to dismiss the letters as hearsay?

Attorney Alter - The Commission decides what is credible or dismisses what they feel is not. The letters are evidence, the ZBA assigns value as you deliberate.

Stephen Mylly – Asked are we looking at a non-conforming business use or a non-conforming land use?

Attorney Alter – From a zoning standpoint use of the property will be used for processing and on-site excavation etc. Could processing off-site material stand-alone without excavation? Right now, our zoning regulations state no. He has a Special Permit right now that allows him to excavate and bring in 50 % of imported material to be processed.

William Macnamara – If the ZBA approved importing and processing can Mr. Jolley do an unlimited and unregulated amount?

Attorney Alter – Yes, he will be able to import and process all he wants. There was no limitation before 1972. There will be no limitation if you decide it was a legally existing non-conforming primary use before zoning.

James Booth – 549 Wolf Den Road

His family ran a nonconforming business for almost 70 years. It started as farming, processing fine wool and then a restaurant. As a small kid I would go down with my dad and get sand to bring to the farm. We purchased screened sand for animal bedding. We purchased material from 1986-1987. I know a few gravel mines have closed down; some have sunset. Some remain open; Rawson is still on Munyan Road. It is expensive to move these plants.

Tim Albee – 507 Wauregan Road

Has been with Brooklyn Sand and Gravel since 1979, he lived on the subject property. His dad worked for Fred Jolley in the '60s. I also worked at the gravel pit when Mercier owned it and hauled for Fred Green at that time. There are holes on the tree farm that have old trees growing in them now from excavation there years ago.

Margaret Washburn – Asked the Chairman to inquire of Mr. Jolley: if it has been a pre-existing nonconforming use, why did he pay for Special Permits for over 30 years?

Wayne Jolley – Explained that he didn't know he wasn't grandfathered. Just doing what the Town told me I had to do.

Attorney Dooley – Commented that ignorance of the law is not a defense for anything. Might want to discuss this with your attorney. The fact that after 1990 he realized all his gravel would disappear then his response is to sue the Town.

Attorney McCoy -It's not a case of ignorance of the law. If he talks to the Town, it's a smart move to get the permit. This is not a criminal case it is a civil case.

Austin Tanner – We are wasting time. We are here to determine if Brooklyn Sand and Gravel is a pre-existing non-conforming use prior to 1972.

Adam Brindamour – Just a quick question to Mr. Jolley or Attorney McCoy: you have made several mentions of Mr. Mercier selling to the state. Are there any invoices to support this?

Wayne Jolley – No, my dad passed away 37 years ago I do not have his records. I keep business slips for 7 years like everyone else and then shred them.

Public Hearing Closes time 8:35 pm

Mr. Macnamara - Asked for some information after the Public Hearing closed.

Peter Alter – The public Hearing should continue in order for staff to provide the information.

Mr. Macnamara – States that is not necessary he does not want the information anymore.

Mr. Macnamara – States that it comes down to five questions. He feels that 3, 4 and 5 (numbered items from decision of ZEO) he could say yes to. However, 1 and 2 (numbered items from decision of ZEO) are questionable. Do we accept the letters into testimony and decide today?

Bruce Parsons – Explains that the 1970 photo does not show processing on site. Jim Booth stated that processing equipment is huge. He can't believe the Tax Assessor could miss such a large object.

Adam Brindamour – Would have liked more than just the letters.

William Macnamara – Knows all the people who wrote letters and has no reason to doubt what they say.

Does it rise to the level of sufficient acts? If it gets appealed will rise it to the level of sufficient acts down the road?

Bruce Parsons - Knows 20% - 30% of the people who wrote the letters, remembers the campground but not the operation. He was sure it was a small operation then.

Attorney Alter- Recommends doing two separate motions.

Motion was made by W. Macnamara - **ZBA23-001 530 Wauregan Road – Map 30 Lots 97, 97-1 & 97-2, Wayne & Leslie Jolley. RA Zone.** To overrule the Zoning Enforcement Officer's ("ZEO") decision with respect to the following uses:

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

Based on evidence provided to the Board and submitted into the record of the hearing and based on testimony offered during the public hearing and by evidence and testimony provided by the ZEO as part of the record and during the public hearing, the decision of the ZEO is overruled. The Board's decision is based on the substantial evidence presented to the Board that supports a finding that with respect to the property at 530 Wauregan Road, the uses are legally existing, non-conforming uses that pre-date the zoning regulations (as of May 24, 1972) of the Town of Brooklyn:

Second by S. Mylly.

(4 votes Aye) Motion carried unanimously.

William Macnamara – If it is uncontrolled, it sits a little badly granting 3, 4 and 5 (numbered items from decision of ZEO); almost causes approval of 1 and 2 (numbered items from decision of ZEO) because it is based on the same evidence. If the ZBA approves importing material to the site how does that affect the Special Permit? Does the Special Permit die?

Peter Alter- If you approve 1 and 2, he will never need another Special Permit. He never needed a permit.

William Macnamara – If we deny 1 and 2?

Attorney Alter – He continues in accordance with the regulations.

Adam Brindamour – Explains that almost all the letters talk about bringing material out, almost none about bringing it in.

William Macnamara – Knows all the people who wrote letters and has no reason to doubt what they say. Does it rise to the level of sufficient acts? If it gets appealed, will it rise to the level of sufficient acts down the road?

Adam Brindamour – I'm not comfortable with it.

Attorney Alter – States the motion should be in the affirmative.

The motion was made by A. Brindamour **ZBA23-001 530 Wauregan Road – Map 30 Lots 97, 97-1 & 97-2, Wayne & Leslie Jolley. RA Zone.** To overrule the Zoning Enforcement Officer's ("ZEO") decision that the following uses do not constitute legally existing, non-conforming uses that pre-date the zoning regulations (as of May 24, 1972) of the Town of Brooklyn:

1. Importing raw material to the location.
2. Processing the imported raw material to clean usable material.

The ZEO's decision was sustained as a result of the failure of the motion to garner the four votes necessary for adoption. The motion to overrule failed as a result of the applicant's inability to provide sufficient substantial evidence that would cause the Board to overrule the Zoning Enforcement Officer's decision. The members of the Board voting against the motion or abstaining were not satisfied that the evidence presented to the Board was sufficiently substantial to overturn the ZEO's decision. The applicant did not bear its burden of proof as to the uses that were claimed to be legally existing, non-conforming uses of the property.

Second by William Macnamara.

(2 votes Aye / 1 vote Nay / 1 vote abstained) Motion fails.

Unfinished Business: None.

Other Business: None.

Adjourn: Meeting closed at 8:52 pm motioned by Adam Brindamour seconded by William Macnamara all in favor motion carried.

Lisa M Lindia, Recording Secretary

Attachments to 5-22-2023 ZBA Minutes:

Margaret Washburn's evidence items a-z.

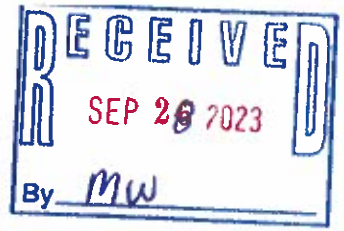
- a) 1970 black and white aerial photo of subject property in Brooklyn with property lines, CT State Archives,
- b) 1970 black and white aerial photo of gravel operation in Windham, CT showing processing equipment and wash pond, CT State Archives,
- c) 1986 black and white aerial of subject property, no processing equipment, CT State Archives,
- d) 2/22/2020 color aerial of subject property showing processing equipment and wash pond, Google Earth,
- e) Letter to W. Jolley from ZEO M. Washburn requesting more information (2 pages), dated 1/3/23,
- f) ZBA Minutes of 3-26-19, Page 4 of 9, marked in red comments of David Held, P.E. of Provost and Rovero,
- g) Gravel Bank Permit GB 91-3, issued 10/17/1990, and associated "Site Plan prepared for Wayne L. Jolley Route #205 Brooklyn, CT", dated 11/12/1990,

- h) Notice of Decision for Gravel Bank Renewal GBR 22-003, renewal of Special Permit Gravel SPG 19-002, dated 8/16/2022 and associated “Proposed Gravel Excavation and Processing Operation, Wauregan Road (Route 205) Brooklyn, CT, Applicant: Brooklyn Sand and Gravel, LLC”, dated 4/28/2022, revised 9/15/2022,
- i) Letter to W. Jolley from ZEO M. Washburn additional request for more information (2 pages), dated 1/11/23,
- j) Margaret Washburn’s handwritten meeting notes of 1/30/23 (4 pages),
- k) Email from M. Washburn forwarding handwritten notes Wayne Jolley 2/6/2023,
- l) Wayne Jolley’s signed transcription of meeting notes of 1/30/23. 2 pages, received 2/6/2023,
- m) Email from M. Washburn to W. Jolley requesting 2/15/23 deadline for submission of historical documentation dated 2/7/2023,
- n) Letter to W. Jolley containing decision of ZEO M. Washburn regarding five business uses, dated 3/6/23,
- o) Publication of ZEO decision in Turnpike Buyer dated 3/15/2023,
- p) ZBA Appeal application ZBA 23-001 (2 pgs.), dated 3/6/2023,
- q) Email to W. Jolley from M. Washburn re: revised form request, dated 5/1/2023,
- r) Certified Notices to Killingly and Plainfield Town Clerks dated 3/16/2023,
- s) Publication of Public Hearing Notices on ZEO Appeal in Turnpike Buyer dated 5/10/2023 and 5/17/2023,
- t) Letter to Planning and Zoning Commission dated 2/16/2023,
- u) Brooklyn Assessor’s field cards for the three subject parcels Assessor’s Map 30, Lots 97, 97-1, and 97-2,
- v) Memorandum of Decision of CT Superior Court Docket No. LND HHD CV-19-6119135-S dated 12/2/2020 (19 pages),
- w) Deed from June 14, 1977, BTC Vol. 64, Page 350-352,
- x) Sixteen letters re: grandfathering (range of dates 9/15/2022-1/31/2023),
- y) Last letter re: grandfathering dated 4/24/2023 from Glenn Parent,
- z) Other various emails between M. Washburn and W. Jolley, dated 1/3/2023, 1/3/2023 with letters to date, 1/4/2023, 1/11/2023, 1/26/2023, 3/6/2023, and 3/23/2023, and

Submitted evidence items aa-cc.

- aa) State of CT Business Formation - Certificate of Organization for Brooklyn Sand and Gravel, LLC formed 10/7/1999 submitted by Atty. McCoy,
- bb) Testimony to the Zoning Board of Appeals regarding Appeal of Wayne Jolley on behalf of Linda Trahan and Pamela Lukin, dated 5/17/2023 (11 pages) submitted by Atty. Dooley,
- cc) Testimony to Zoning Board of Appeals regarding Appeal of Wayne Jolley from Linda Trahan, dated 5/22/2023 and submitted at hearing including 2-page letter, 10/4/2006 email, 2/22/2007 letter re: CEPA Intervenor, 2/11/2009 email, and 12/11/2006 article from Norwich Bulletin concerning Brooklyn gravel pits.

BROOKLYN ZONING BOARD OF APPEALS
APPLICATION



FEE: \$250.00/STATE FEE: \$60/PUBLICATION FEE: \$600 CHECK# 1306

APPLICATION # ZBA 23-002 DATE SUBMITTED _____

APPLICANT: Edward & Kelley Berthiaume

MAILING ADDRESS: 17 Sunset Drive Ext.

PROPERTY OWNER: (if different) _____

MAILING ADDRESS: 17 Sunset Drive Ext., Brooklyn

PROPERTY LOCATION: 17 Sunset Drive Ext.

MAP: 22 LOT: 18-13 ACRES: 1.33

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

Is Property within 500' of a municipal boundary? No

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

☒ Variance of the Zoning Regulations, Sections 3.B.5.2.1 - Front yard
The variance being requested is 35 ft in lieu of 50 ft required.

☐ 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):

Addition of 6' Porch to front of the
house

Specify Hardship, if applying for a variance: Setback per subdivision
in 1977, when lot was created, was 35' front yard
The current regulation requires 50' front yard
making the existing house non-conforming.

The following information must accompany each application:

1. A plot plan, prepared by a licensed land surveyor, to A-2 survey standard or at the Board's discretion, a plot plan, prepared from available information, sufficiently accurate to allow the members to reach an informed decision.
2. Enclose a copy of letter of denial from the Zoning Officer.
3. See Article 17, Section 3 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.
4. Please make check payable to the Town of Brooklyn.
5. Applications may be mailed to the Brooklyn Land Use Office, P.O. Box 356, Brooklyn, CT 06234 or delivered in person during regular business hours to the Land Use Office, Suite 22, 69 South Main Street, Brooklyn, CT.
6. Notification: Any application involving a public hearing will require, at the Petitioner's own expense, that the Petitioner send notice of the application at least 15 days prior to the date of the public hearing via certificate of mailing to all owners of record of any abutting properties as well as to owner's of record of those properties that lie opposite the parcel across any street or thoroughfare. Copies of the list of abutters and certificates of mailings are to be provided the day of the public hearing. Abutting owners shall be the owners identified in the tax assessor's records.
7. If the proposed activity is located within a Drinking Water Supply Aquifer Area then the attached Public Water Supply Aquifer Area Project Notification Form must be completed and attached to the application.
8. It is the responsibility of the applicant to contact the Building Inspector, Inland Wetlands and Watercourses Agent and/or Fire Marshal to determine if other permits are required.

NOTE: Lack of accurate information may cause the Board to deem that the application is an incomplete application and may be grounds for denial.

The undersigned applicant(s) and owner(s) hereby depose and 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 and belief.

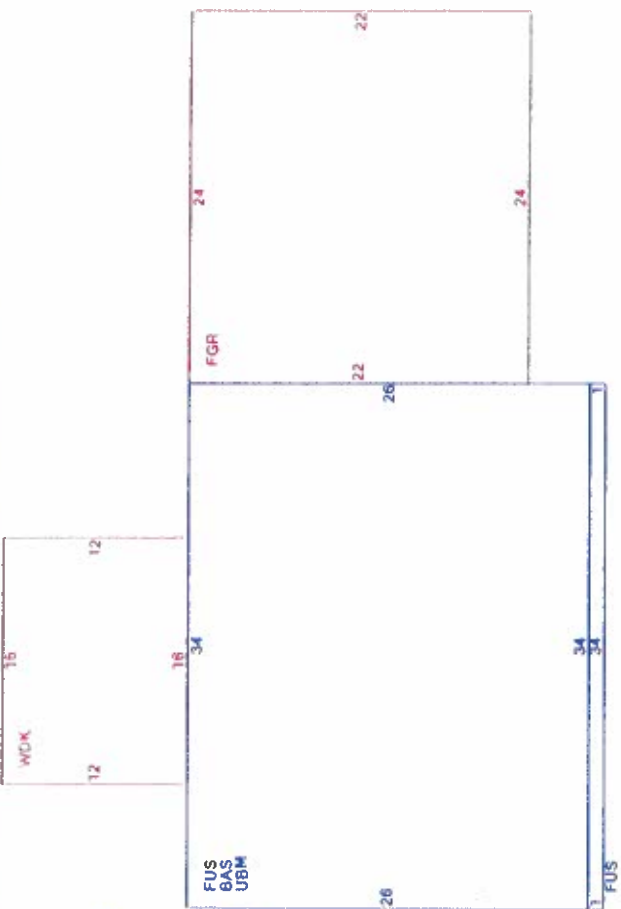

Applicant

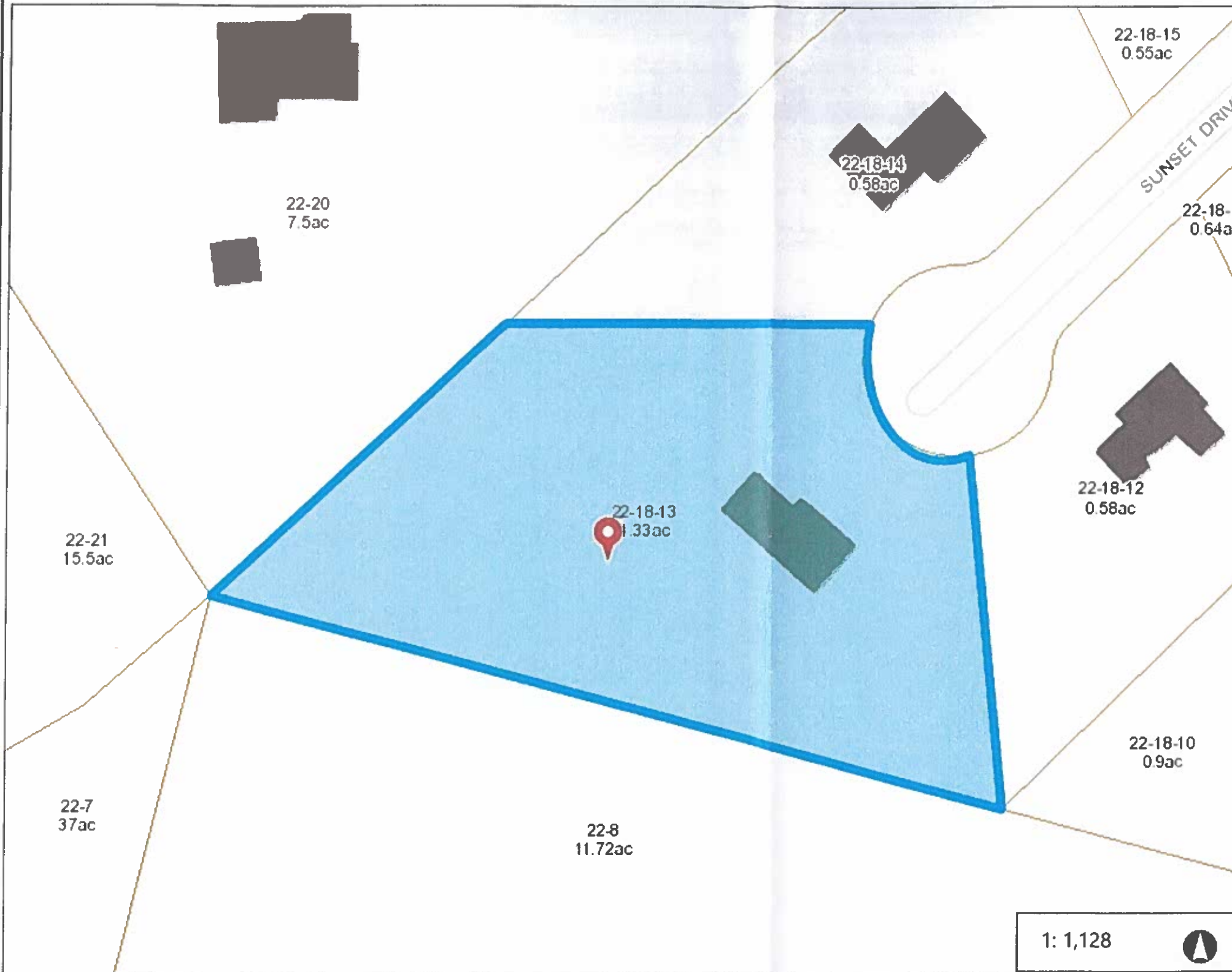
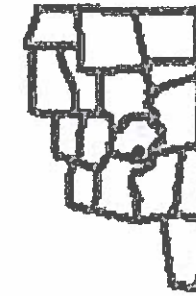
9-27-2023
Date


Property Owner

9-27-2023
Date

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd	Description	Element	Cd	Description		
Style: 03		Colonial					
Model 01		Residential					
Grade: 03		C					
Stories: 2							
Occupancy 1							
Exterior Wall 1							
Exterior Wall 2							
Roof Structure: 25		Vinyl Siding					
Roof Cover: 03		Gable/Hip					
Interior Wall 1		Asph/F Glis/Cmp					
Interior Wall 2		Drywall/Sheet					
Interior Flr 1							
Interior Flr 2							
Heat Fuel 02		Oil					
Heat Type: 05		Hot Water					
AC Type: 03		Central					
Total Bedrooms: 04		4 Bedrooms					
Total Half Baths: 1							
Total Xtra Fixtrs: 1							
Total Rooms: 7							
Bath Style: 02		Average					
Kitchen Style: 02		Modern					
				CONDO DATA			
		Parcel Id			Ci	Owne	
		Adjust Type			Code	Description	Factor%
		Condo Flr				B	S
		Condo Unit					
				COST / MARKET VALUATION			
		Building Value New					209,150
		Year Built					1987
		Effective Year Built					2005
		Depreciation Code					G
		Remodel Rating					15
		Depreciation %					1
		Functional Obsol					85
		External Obsol					177,800
		Trend Factor					
		Condition					
		Condition %					
		Percent Good					
		RCNLD					
		Dep % Ovr					
		Dep Ovr Comment					
		Misc Imp Ovr					
		Misc Imp Ovr Comment					
		Cost to Cure Ovr					
		Cost to Cure Ovr Comment					
OB - OUTBUILDING & YARD ITEMS(D)XF - BUILDING EXTRA FEATURES(B)							
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd
FPL3	FIREPLACE 2	B	1	2800.00	2000		85
							0.00
							2,400
				BUILDING SUB-AREA SUMMARY SECTION			
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	884	884	884	92.83	82,063	
FGR	Garage	0	528	211	37.10	19,588	
FUS	Upper Story, Finished	918	918	918	92.83	85,220	
UBM	Basement, Unfinished	0	884	221	23.21	20,516	
WDK	Deck, Wood	0	192	19	9.19	1,764	
Totl Gross Liv / Lease Area		1,802	3,406	2,253		209,151	

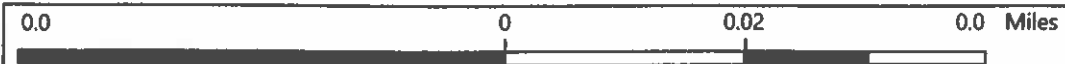




Legend

- Town
- Buildings 2012
- Parcels

1: 1,128



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Latitude Geographics Group Ltd.

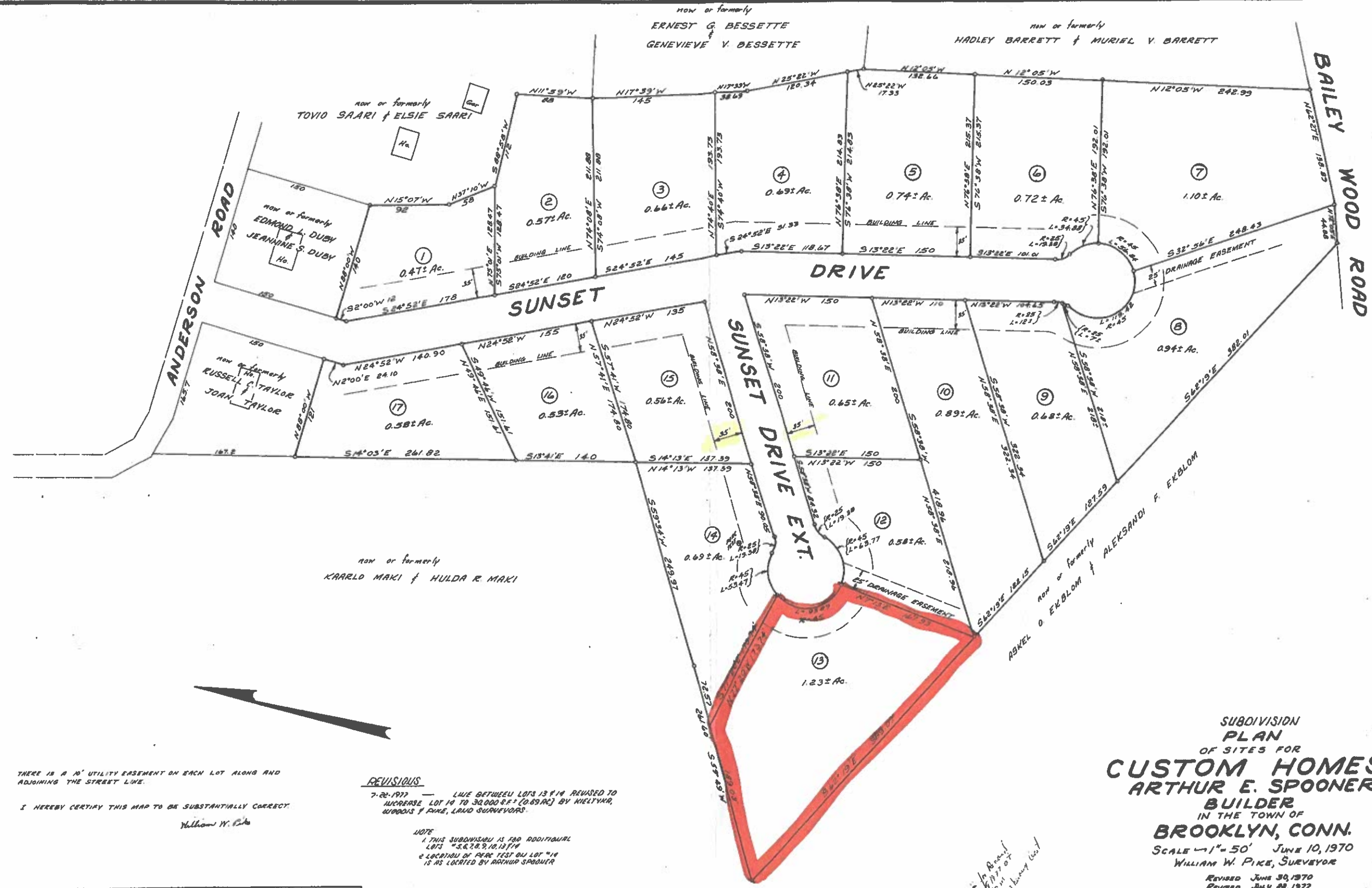
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

8



THERE IS A 10' UTILITY EASEMENT ON EACH LOT ALONG AND ADJOINING THE STREET LINE.

I HEREBY CERTIFY THIS MAP TO BE SUBSTANTIALLY CORRECT.

William W. Pike

REVISIONS

7-22-1977 — LINE BETWEEN LOTS 13 & 14 REVISED TO INCREASE LOT 14 TO 30,000 S.F. (0.69 AC.) BY KIELYNG, WOODS & PIKE, LAND SURVEYORS.

NOTE

1. THIS SUBDIVISION IS FOR ADDITIONAL LOTS "3, 6, 7, 9, 10, 13 & 14"

2. LOCATION OF PERM TEST ON LOT "14" IS AS LOCATED BY ARTHUR SPOONER

SUBDIVISION
PLAN
OF SITES FOR
CUSTOM HOMES
ARTHUR E. SPOONER
BUILDER
IN THE TOWN OF
BROOKLYN, CONN.

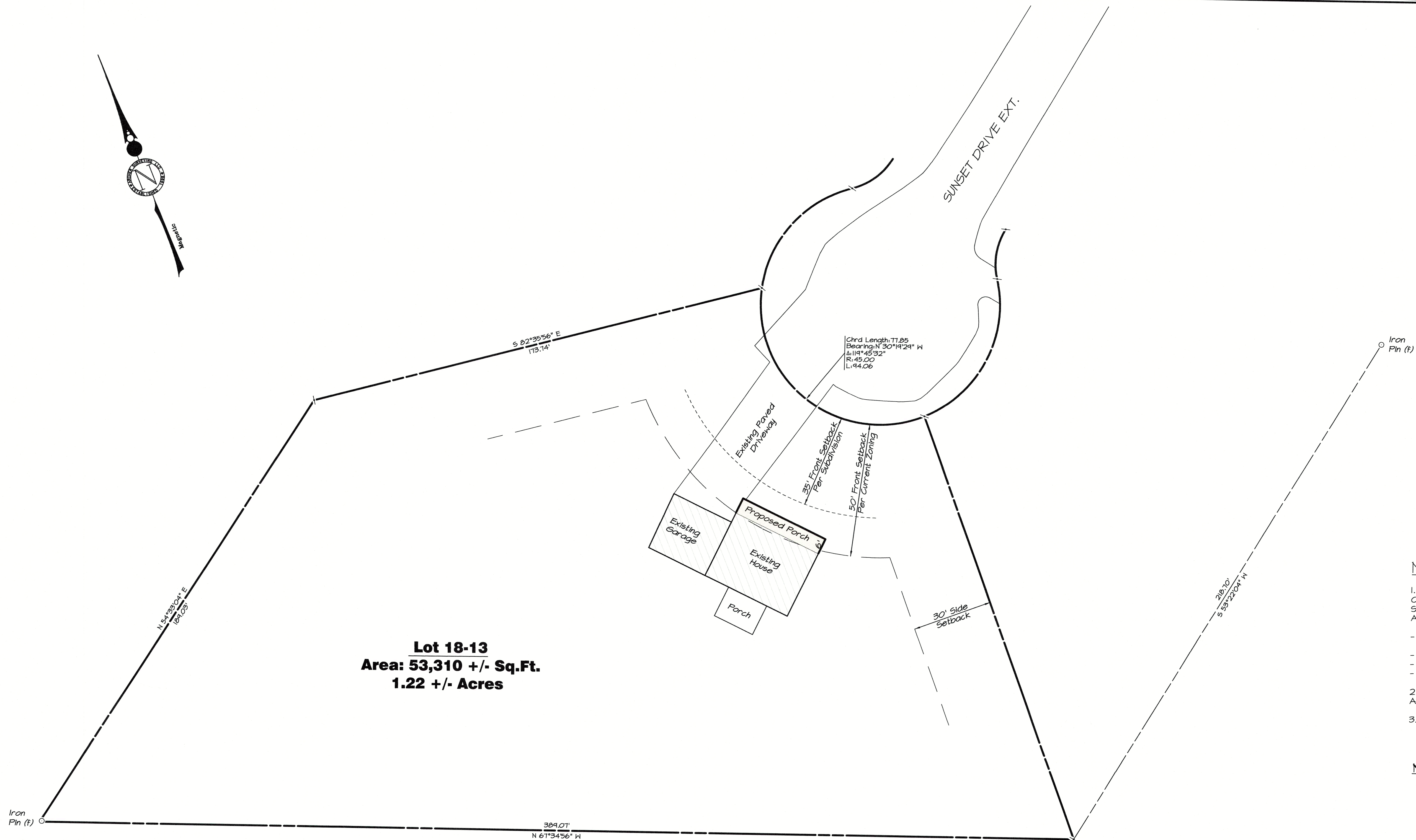
SCALE 1" = 50' JUNE 10, 1970
WILLIAM W. PIKE, SURVEYOR

REVISED JUNE 30, 1970
REVISED JULY 28, 1977

Approved by the BROOKLYN PLANNING COMMISSION

Date August 1, 1971 *[Signature]* Chairman

*See in Book
of
[illegible]
[illegible]*



Notes

1. This survey has been prepared pursuant to the Regulations of Connecticut State Agencies Section 20-300b-20 and the "Standards for Surveys and Maps in State of Connecticut" as adopted by the Connecticut Associations of Land Surveyors, Inc. on September 26, 1996

- This Survey conforms to a Class "A-2" Horizontal Accuracy

- Survey Type: Site Development Plan
- Boundary Determination: Resurvey
- Intent: Front Yard Variance

2. Parcels shown as Lot 18-13 on Assessors Tax Map 22 of the Brooklyn Assessors Office

3. Property is owned by: Edward & Kelley Berthiaume

MAP REFERENCE:

1. Subdivision Plan of Sites for Custom Homes for Arthur E. Spooner Builder, Sunset Drive & Sunset Drive Extension, Brooklyn, Connecticut, Scale: 1"=50', Date: June 1970, Revised: June 1970 & July 1977, Prepared by: William Pike, Surveyor

2. Existing Condition Survey Prepared for Edward Berthiaume & Amy Janetatos, 11 & 17 Sunset Drive Ext., Brooklyn, Connecticut, Date: June 2015, Prepared by Archer Surveying LLC

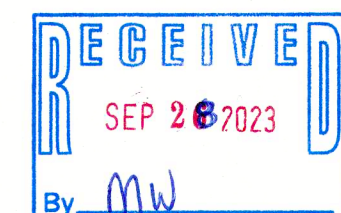
LEGEND

	PROPERTY LINE
	SUBDIVISION BUILDING SETBACK
	CURRENT BUILDING SETBACK
	IRON PIN
	PROPERTY POINT
	UTILITY POLE

To my knowledge and belief, this map is substantially correct as noted herein.

Louis J. Soja, Jr., Surveyor No. 0013

No certification is expressed or implied in this map bears the embossed seal of the land surveyor whose signature appears hereon.



REVISIONS	
DATE	DESCRIPTION

Site Development Plan

Prepared For:
Edward Berthiaume & Amy Janetatos
11 & 17 Sunset Drive Extension
Brooklyn, Connecticut

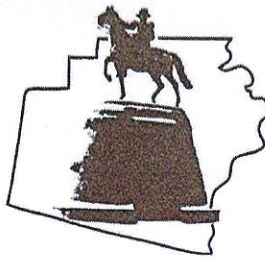
DRAWING SCALE: 1"=20'

0 10 20 40

ARCHER Surveying LLC
18 Providence Road, Brooklyn, CT
(860) 779-2240 / (860) 928-1921

KWP Associates
SURVEYING - ENGINEERING - SITE PLANNING
LOUIS J. SOJA, JR.
LAND SURVEYING - LAND PLANNING

Sheet No. 1 of 1 Project No. 2296 Date: September 27, 2023



Brooklyn Land Use Department

69 South Main Street
Brooklyn CT 06234
(860) 779-3411 x 31

Inland Wetlands_____

Zoning Enforcement ☒

Blight Enforcement_____

SITE INSPECTION NUMBER

1 2 3 4 5

17 Sunset Dr. ext.

10-12-23

Address

Date

I inspected from the road and
took 2 photographs in
preparation for the Zoning
Board of Appeals. A request
for a variance has been received.

Commission Representative

M. Washburn

Owner or Authorized Signature





TOWN OF BROOKLYN

69 South Main Street • Suite 22
BROOKLYN, CONNECTICUT 06234
860-779-3411 Ext. 12

The Brooklyn Zoning Board of Appeals Commission regular meeting schedule for 2024 will be held at 6:30 p.m. on the following dates:

PROPOSED 2024 MEETING DATES

January	Tuesday 2nd
February	Tuesday 6 th or Wednesday 28 th
March	Tuesday 5 th or Wednesday 27 th
April	Tuesday 2 nd or Wednesday 24 th
May	Tuesday 7 th or Wednesday 22 nd
June	Tuesday 4 th or Wednesday 26 th
July	Wednesday 24 th or Tuesday 30 th
August	Tuesday 6 th or Wednesday 28 th
September	Thursday 2 nd or Wednesday 25 th
October	Tuesday 1 st or Wednesday 23 rd
November	Tuesday 5 th or Thursday 7 th
December	Tuesday 3 rd or Thursday 12 th



Land Use Training Guidelines

Established in accordance with Section 9 of Public Act 21-29

Effective January 1, 2022

Overview

Section 9 of [Public Act 21-29](#) includes new requirements for (1) the training of municipal land use officials, (2) the establishment of land use training guidelines, and (3) the reporting on training compliance. The Office of Policy and Management (OPM) is specifically tasked with addressing item (2), which is the focus of this publication.

The pertinent legislative language for each of the three new requirements is summarized below, and it provides the framework for OPM's Land Use Training Guidelines that follow.

1) Training of Municipal Land Use Officials

“On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training.”

- Those in office on 1/1/2023 must complete four (4) hours by 1/1/2024, and every other year thereafter.
- Those taking office after 1/1/2023, must complete four (4) hours of training not later than one year after taking office, and every other year thereafter.

2) Establishment of Land Use Training Guidelines

“Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.”

- See **Land Use Training Guidelines** below.

3) Reporting on Training Compliance

“Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board

required to complete such training in the calendar year ending the preceding December thirty-first.”

- Each affected board and commission must report to its local authority on the status of its members’ compliance with the training requirements by 3/1/2024, and annually thereafter.

Land Use Training Guidelines

The following guidelines allow sufficient flexibility for land use training providers to develop, market, and periodically refresh their course offerings in a manner that is responsive to changes in land use laws and the preferences of municipal officials, with regard to how relevant subject matter is conveyed (e.g., depth, breadth, packaging of topical content). This flexible approach is meant to provide commission and board members with more robust training opportunities that will satisfy local compliance reporting requirements and their own personal interests.

These guidelines were developed by OPM, in collaboration with the [Connecticut Association of Zoning Enforcement Officials](#), the [Connecticut Conference of Municipalities](#), the [Council of Small Towns](#), the [Connecticut Chapter of the American Planning Association](#), the [Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut](#), the [Connecticut Bar Association](#), the [regional councils of governments](#), the [Partnership for Strong Communities](#), the [Connecticut Federation of Planning and Zoning Agencies](#), and other nonprofit or educational institutions that provide land use training.

The guidelines are effective January 1, 2022. If you would like additional information on land use training resources, please contact any of the collaborating entities listed above.

A. Mandatory Training (Note: At least 1 hour out of the 4-hour biennial training requirement must come from the Affordable and Fair Housing Policies Section.)

1) Affordable and Fair Housing Policies Section

Topics can include one or more of the following:

- Zoning Laws and Segregation
- The Fair Housing Act
- Municipal Land Use Planning and Zoning Responsibilities Under the Fair Housing Act
- The Meaning of Affirmatively Furthering Fair Housing and How it Applies to Municipalities
- Planning and Zoning to Affirmatively Further Fair Housing
- Zoning Reforms to Promote Diverse Housing Options
- What is Affordable Housing, Who Needs It, and How Has It Evolved Over the Years?
- Addressing Community Affordable Housing Needs with the Public

B. Optional Training (Note: Any combination of courses from the Optional Training sections may be used to supplement the Mandatory Training portion of the 4-hour biennial training requirement.)

1) Process and Procedures Section (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **The Legal Basis for a Local Commission's Land Use Authority**
 - Roles and responsibilities of land use commissions and agencies, both regulatory and non-regulatory
 - Types of power of local commissions – legislative, administrative, quasi-judicial
 - Euclid v. Ambler Realty and other court cases
 - Enabling legislation
 - Local regulations
 - Role of the courts and when they get involved
- **Planning and Running a Public Meeting**
 - Quorum requirements
 - When are public hearings required?
 - Who can speak at a public hearing?
 - Time limits for speaking
 - Timeframes for a public hearing
 - Extensions
 - Crowd control when the number of people who show for a hearing exceeds legal capacity
 - Meeting logistics – room size, public access to presentations, order of speaking
 - Best practices for running in-person, online, or hybrid meetings
 - How to manage difficult situations during a public hearing
 - Alternates – Their role in public hearings, procedure for seating them in place of a regular member
 - Voting – Who votes, abstentions
 - Recording of meetings by others
- **Commissioner Conduct**
 - Bias – what constitutes bias and how to handle
 - Predetermination – what constitutes pre-determination and how to handle it
 - Conflicts of interest – personal, financial, perceived conflicts
 - Commissioner recusal – who decides, basis for recusal
 - How to handle conflicted commissioners who won't recuse themselves
 - Ex-parte communications – what to do if someone approaches you about an application
 - Court remedies in case of a finding of bias, predetermination or conflict
 - Social media concerns

- Representation by a commissioner at another commission
- Freedom of Information Act

2) **Site Plans, Surveys, Maps and Architectural Conventions Section** (Suggested 1.0 hour)

Topics can include one or more of the following:

- **The Basics**

- Difference between maps and plans
- Finding what the plan contains
- Location Map – where is the site within the community
- List of Drawings – How to find what you are looking for
- Title Block – What information this provides
- Legend – what different symbols tell you
- Scale – graphic v. written scale, how to use an engineer's scale, how to measure distances
- Zoning Table – what it tells you
- Orientation – north not always the same on each sheet
- Site plan checklist – what it is and how to use it.
- Topography and slope
- Why plans should be stamped by engineer, surveyor, etc.

- **Reading a Site Plan**

- Frontage and lot size requirements
- Setbacks – How to measure front, side and rear yards
- Corner lots – how the regulations apply re: frontage and setbacks
- Minimum lot size
- Rear lots
- Traffic circulation – how does the traffic flow within the site
- Parking requirements
- Existing and proposed grades and spot elevations.
- Cut and fill and why it matters
- Site drainage and stormwater systems
- Utility locations and sizing
- Landscaping/planting plan – how to tell what is being proposed for location, quantity, and size
- Ingress and egress – location, distance from intersections, sight line concerns
- Construction issues – E&S controls, anti-tracking pads
- Use of GIS – overview of site, visual context, not to be used in place of stamped plans

3) **Environment, Agriculture and Historic Resources Section** (Suggested 1.0 – 1.5 hours)

Topics can include one or more of the following:

- **Inland Wetlands and Watercourses**
 - Statutory requirements to regulate
 - Regulated activities
 - Activities that are permitted by right and non-regulated
 - Regulation of agricultural activities
 - Enforcement
- **Aquifer Protection**
 - Statutory requirements to regulate
 - Mapping and regulation of activities
- **Coastal Area Management**
 - Applications requiring coastal area management review
 - Coastal site plan review
 - Criteria for Coastal Site Plan Review (CSPR)
- **Flood Management**
 - Overview of FEMA mapping and role in land use permitting
- **Right to Farm Act**
 - Applicability to municipal land use permitting
- **Endangered Species Act**
 - Applicability to local permitting
- **Low Impact Development and Stormwater Management**
 - Applicability to local zoning and subdivision regulation
- **Historic District Commissions**
 - Formation and modifications of districts
 - Certificates of appropriateness
- **Historic Buildings, Places and Roads**
 - When can historic factors be considered in municipal land use permitting?

It is strongly recommended that any new commission or board members first complete a Basic Training course, such as that provided by the [CLEAR Land Use Academy](#), before pursuing training in other topics of interest.

While this guidance is intentionally limited to the one mandatory training section and the three optional training sections prescribed in Section 9 of Public Act 21-29, OPM recognizes that there are numerous related topics that affected land use boards and commissions might find acceptable for their members' compliance in meeting the 4-hour training requirement.

Since there is no formal state certification program, each municipality is ultimately responsible for ensuring the compliance of its affected commission and board members. Municipalities are

encouraged to consult with their respective COG on possible ways to achieve regional efficiencies in this effort, such as by facilitating the sharing of information related to existing municipal land use training resources and best practices, as well as the scheduling and hosting of regional training sessions offered by land use training providers.

Town of Brooklyn

ZBA 2023-2024

Fiscal Year: 2023-2024

From Date: 9/1/2023

To Date: 9/30/2023

☐ Subtotal by Collapse Mask

☐ Include pre encumbrance

☒ Print accounts with zero balance

☒ Filter Encumbrance Detail by Date Range

☐ Exclude Inactive Accounts with zero balance

Account Number	Description	GL Budget	Range To Date	YTD	Balance	Encumbrance	Budget Balance	% Bud
1005.41.4155.51900	ZBA-Wages-Recording Secretary	\$600.00	\$0.00	\$0.00	\$600.00	\$0.00	\$600.00	100.00%
1005.41.4155.53020	ZBA-Legal Fees	\$1,750.00	\$0.00	\$553.00	\$1,197.00	\$0.00	\$1,197.00	68.40%
1005.41.4155.53220	ZBA-Training	\$2,000.00	\$0.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00	100.00%
1005.41.4155.53400	ZBA-Professional Services	\$250.00	\$0.00	\$0.00	\$250.00	\$0.00	\$250.00	100.00%
1005.41.4155.55400	ZBA-Advertising & Legal Notice	\$250.00	\$0.00	\$0.00	\$250.00	\$0.00	\$250.00	100.00%
1005.41.4155.55500	ZBA-Printing & Publications	\$60.00	\$0.00	\$0.00	\$60.00	\$0.00	\$60.00	100.00%
Grand Total:		\$4,910.00	\$0.00	\$553.00	\$4,357.00	\$0.00	\$4,357.00	88.74%

End of Report