

APPROVED MINUTES
BROOKFIELD ZONING COMMISSION
Thursday, July 25, 2013 – 7:00 p.m.
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting

Secretary and Acting Chairman F. Lollie convened the meeting at 7:11 p.m. and established a quorum of members.

Present: Chairman R. Blessey (arrived at 7:31 p.m.) Secretary and Acting Chairman (until Chairman Blessey's arrival at 7:31 p.m.) F. Lollie, L. Miller, Alternate and Voting Members where indicated J. Cordisco, M. Frankel and J. Varda

Absent: Vice Chairman M. Grimes, C. Lynch

Also Present: Zoning Enforcement Officer A. Dew, Community Development Director K. Daniel, Recording Secretary D. Cioffi

- a. **Review Minutes of Previous Meetings: 6/27/13, 7/11/13** - Not a sufficient quorum present. **Commissioner Miller moved to continue the review of the Minutes of Previous Meetings. Commissioner Cordisco seconded the motion, and it carried unanimously.**

2. Land Use Enforcement

a. **Enforcement Officer's Report:**

ZEO Dew reported on the following:

Requests for Voluntary Compliance

115 Federal Road, #201300610 - The banners have been taken down. ZEO Dew will remove this item from the report.

126 Pocono Road, #201300655 – The requested date for compliance is August 6, 2013.

135 Pocono Road, #201300660 – A Request for Voluntary Compliance has been sent.

154 Pocono Road, #201300682 – This matter relates to unregistered vehicles and vehicles parking on the grass. A Request for Voluntary Compliance has been sent.

6 Oak Lane, #201300689 – ZEO Dew advised that one car that is elevated and has been under repair for quite some time. There is also another car under repair, and a boat trailer next to the road. She has requested proof of registration for all of the vehicles from the property owner.

Cease and Desist Orders

594 Federal Road, #201200948 - This violation was resolved at the last meeting. A Certificate of Occupancy has not been issued by the Building Department.

12 Pocono Ridge Road, #201200893 – The variance application has been filed.

148 North Lake Shore Drive, #201300507 – The car on the side yard was moved, so no violation exists anymore. The Commission advised ZEO Dew to remove this item from the report.

Citation

70 Ironworks Hill Road, #201300482 – ZEO Dew advised that the unpermitted pool does not have any water in it, and the house appears to be empty. A mortgage company has been paying the taxes. ZEO Dew will send a Citation, although she does expect it to be received and signed. Commissioner Frankel inquired if a Citation could be placed on the land records. ZEO Dew will check with Town Counsel.

There was brief discussion regarding the manner that Bridgeport handles blight issues. A contractor advised her that this municipality attaches Citations to the door, with an allowance of a certain amount of days for compliance, and then begins charging the landowner by the day.

Town Counsel Action

1 High Ridge Road, #20100315 – This matter is being left on the report.

9 Stoney Farm Lane, #20110095 – ZEO Dew left a message with the property owner, but has not received a response.

54 Ironworks Road, #201100755 – ZEO Dew advised that the stumps have been removed and put in dumpster.

34 Stony Hill Road, #201200874 – Town Counsel sent a letter to the property owner, as the property owner has not been responsive. After a denial by the Zoning Board of Appeals, the property owner is attempting a lot line revision with the neighbors.

3. **Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission 7/8/13; Zoning Board of Appeals; Planning Commission 7/11/13; Zoning Sub-Committee**
- b. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter: Summer 2013
- c. Legal Briefings for Building Inspectors: July 2013
- d. **289 Candlewood Lake Road**: Letter from K. Daniel, Wetlands Enforcement Officer to Brian Wood of First Light Power Resources dated 7/9/13 Re: 289 Candlewood Lake Road
 1. Letter from Susan Babcock White to Karl Kattrein dated 5/8/13 Re: Notice of Violation – 289 Candlewood Lake Road – Offending Use of Project Lands

Discussion on Item 3.d. (see below). No motions.

Commissioner Miller moved to go to Agenda Item 6.a. Commissioner Varda seconded the motion, and it carried unanimously.

6. **Old Business:**

- a. **419 Federal Road (Sunburst Landscaping) #201300362: Bond set for approved with Stipulations Design Review.**

1. Bond Estimate Sheet prepared by Complete Excavation dated 7/11/13 for **\$3,965.00** *P. DiScala, 419 Federal Road, was present.* He submitted an estimate for site stabilization. Commissioner Frankel inquired of ZEO Dew if the Commission has the authority to bond landscaping. ZEO Dew advised that it can be done as a performance bond. She also indicated that F. Lollie is working on drafting a list of items and amounts for what can be expected from applicants for a bond estimate.

Commissioner Miller moved to approve the bond \$3,965.00 for 419 Federal Road, #201300362. Commissioner Varda seconded the motion, and it carried unanimously.

Commissioner Miller moved to go to Agenda Item 6.b. Commissioner Cordisco seconded the motion, and it carried unanimously.

- b. **857-857A Federal Road (Greene Acres Luxury Apartments) #201200887:**
 1. **Bond Set** (*Estimate sheet - \$18,293.13*)
 2. Revised Incentive Housing Restriction Document received in Land Use 7/18/13

Commissioner Frankel recused herself from this matter.

No one was present. The bond estimate material from CCA was reviewed. Commissioner Varda summarized the discussion from the last meeting regarding hydro seeding.

Commissioner Miller moved to approve the bond set for \$18,293.13 for 857-857A Federal Rd., #201200887. Commissioner Cordisco seconded the motion, and it carried unanimously.

4. **Public Hearing 7:30 p.m.**

- a. **Proposed Regulation Change #201300511: Section 242-404 K(7) – Incentive Housing Permitted Uses**

1. Response memo from Planning to Zoning dated 7/12/13 Re: Regulation change Application #201300511

Secretary and Acting Chairman F. Lollie opened the Public Hearing and introduced the Commission members.

At 7:31 p.m. Chairman R. Blessey entered the room.

Secretary Lollie advised that the application was received on June 13, 2013. He then reviewed the policies and procedures that govern public hearings. Chairman Blessey read the legal notice, which was published in the News Times on July 12, 2013 and July 22, 2013. He also noted receipt of the following correspondence, and read: a letter from Cohen & Wolf, dated July 25, 2013, to Mr. Ryan Blessey, Chairman, Brookfield Zoning Commission; a memo from the Planning Commission to the Zoning Commission dated July 12, 2013; and the response of notification from HVECO.

At this time, it was stated that due to Chairman Blessey's arrival, Commissioner Varda was now an Alternate and Commissioner Frankel remained a Voting Member.

With regard to the Planning Commission's comments, ZEO Dew suggested that the fee language be deleted. Chairman Blessey read the existing regulation. The proposed regulation change adds one sentence to the Central Core Subzone language, and reads as follows: "Residential uses may include townhouses, condominiums, apartments and single-family dwellings."

There was additional discussion regarding the comments of Planning Commission, and it was noted that the mention of the fee is irrelevant to the proposed regulation change.

It was noted that only person present in the audience was CDD K. Daniel. There were no questions of clarification, nor was there any comment in favor or against the application.

Commissioner Frankel moved to close the Public Hearing for Proposed Regulation Change #201300511: Section 242-404 K(7) – Incentive Housing Permitted Uses. Commissioner Miller seconded the motion, and it carried unanimously.

Commissioner Frankel moved to approve the regulation change for Proposed Regulation Change #201300511: Section 242-404 K(7) – Incentive Housing Permitted Uses for the reason that it clarifies the definition of the residential uses that are permitted within Central Core Zone. Commissioner Cordisco seconded the motion, and it carried unanimously.

Chairman Blessey moved that the effective date for Proposed Regulation Change #201300511: Section 242-404 K(7) – Incentive Housing Permitted Uses be July 29, 2013. Secretary Lollie seconded the motion, and it carried unanimously.

b. Proposed Regulation Change #201300581: Section 242-505 F(2) – Town Center District / Design Review pre-application review

1. Response memo from Planning to Zoning dated 7/12/13 Re: Regulation change Application #201300581

Secretary Lollie opened the Public Hearing. He indicated that the same introduction of the last Public Hearing would be utilized for this hearing, and there were no objections.

Chairman Blessey read the legal notice, which was published in the News Times on July 12, 2013 and July 22, 2013. He then noted receipt of the following correspondence, and read the following: a letter from Cohen & Wolf dated July 25, 2013 to Mr. Ryan Blessey, Chairman; a memo to the Zoning

Commission; from the Planning Commission dated July 12, 2013; and the response from HVCEO regarding notification dated 7/3/13.

Chairman Blessey then read the existing regulation. The proposed regulation change modifies “architectural advisory committee” to “design review team” and outlines the technical specialists for the team, and gives some flexibility for instances when certain technical specialists are not available, and changes the “staff report” to the report of the “team”.

Commissioner Miller inquired if the language, “Wetlands Commissioners, if applicable” be changed to “Wetlands Commissioners and/or Wetlands Enforcement Officer”. Chairman Blessey noted that the language only refers to, “Inland Wetlands”, and does not specify if it has to be a Commissioner and/or the officer.

CDD Daniel inquired at what stage of the application is the team brought together. Commissioner Frankel suggested that the applicant should approach the Zoning Enforcement Officer when the application is accepted. Chairman Blessey recommended that the architect and landscape architect positions on the team be ready. He also pointed out that the new regulations for the Town Center District require the applicant to pay for an outside architectural review. It was further noted that if a team member is unable to attend the pre-application meeting, a written report can be utilized. It was further stated that the report will be in a form where there is general information and comment from each department reviewing the application. Additionally, two members of the Commission can attend the pre-application review without it being a meeting. Commissioner Frankel noted that this process will not only assist Zoning Commission review, but other departments as well.

There were no additional questions of clarification from the audience. No one was present to speak in favor of the application, nor was anyone present to speak in opposition.

Commissioner Miller moved to close the Public Hearing for Proposed Regulation Change #201300581: Section 242-505 F(2) – Town Center District / Design Review pre-application review. Chairman Blessey seconded the motion, and it carried unanimously.

Chairman Blessey moved to approve Proposed Regulation Change #201300581: Section 242-505F(2) – Town Center District/Design Review pre-application review. Commissioner Miller requested the modification that the language of the regulation clearly identifies the Wetlands Enforcement Officer, since the Zoning Enforcement Officer is identified as being a staff person on the review team. He stated that it is important because the Town Center District contains the Still River and a large number of wetlands. Chairman Blessey acknowledged the comment, noting that it must be done prior to the close of the Public Hearing. **Commissioner Cordisco seconded the motion, and it carried unanimously.**

CDD Daniel advised that there is an application awaiting review, and that Jane Didona has offered to serve as a landscape architect consultant. Chairman Blessey will try to contact P. Bailey. He further suggested that a process for soliciting residents to serve on the team should be devised.

5. Continued Public Hearing: None

6. Old Business (continued)

b. 857-857A Federal Road (Greene Acres Luxury Apartments) #201200887:

1. **Bond Set** (*Estimate sheet - \$18,293.13*)
2. Revised Incentive Housing Restriction Document received in Land Use 7/18/13

Commissioner Frankel recused herself from this matter and left the meeting at 8:14 p.m. At this time, Commissioner Varda became a Voting Alternate.

Chairman Blessey reviewed the history of the approval. He noted that the lighting plan and incentive housing changes are before the Commission for acceptance.

Commissioner Miller moved to accept the incentive housing changes and lighting changes for 857-857A Federal Road, #201200887. Secretary Lollie seconded the motion, and it carried unanimously.

- c. **594 Federal Road #201300501**: Discussion of Site Plan, Parking and Permitted Use of Businesses

ZEO Dew advised that she and Mr. Lollie met with the property owner with regard to the auto repair shop, which will vacate the premises by August 19, 2013. She will request that this agreement be put in writing. With regard to the apartments, the tenants are being given sixty days to vacate the site. Additionally, the property owner is speaking with Attorney Scalzo about alternatives.

ZEO Dew also advised the Commission that there was oil in the catch basin at the site. It has been emptied by Pembroke Pumping. In the future, the discovery of more than a gallon of oil will result in a call to the Fire Department and the Department of Energy and Environmental Protection.

Chairman Blessey requested that ZEO Dew enforce the parking on the site plan offered by the property owner. Additionally, while the sign issues appear to be resolved, the property owner has been displaying products within thirty-five feet of the road.

1. **Convene Meeting (continued)**

- b. **Review Minutes of Previous Meetings: 6/27/13 – Commissioner Miller moved to approve the Minutes of the June 27, 2013 meeting. Secretary Lollie seconded the motion, and it carried, 3-0-2, with Commissioners Cordisco and Varda abstaining.**

3. **Review Correspondence (continued)**

- d. **289 Candlewood Lake Road**: Letter from K. Daniel, Wetlands Enforcement Officer to Brian Wood of First Light Power Resources dated 7/9/13 Re: 289 Candlewood Lake Road

1. Letter from Susan Babcock White to Karl Kattrein dated 5/8/13 Re: Notice of Violation – 289 Candlewood Lake Road – Offending Use of Project Lands

There was discussion regarding the First Light violation. The property owner is disassembling the dock which resolves the zoning issue.

7. **New Business:**

- a. **None**

8. **Tabled Items:** None.

9. **Informal Discussion:**

- a. **834 Federal Road (Casablanca Restaurant)**: Hookah Smoking on Patio of Restaurant – requested by Ahmed Abdelhalim – *No one present*. No discussion/no motions.

Design Guidelines for Incentive Housing Zone - CDD Daniel stated that the Town was awarded a \$20,000 grant related to design guidelines for the Incentive Housing Zone. She shared copies of examples from the municipalities of Tolland and Simsbury. She is requesting the Commission's guidance in drawing up the guidelines that would become part of the incentive housing regulations.

CDD Daniel advised that the State wants to encourage site plan approvals that do not need a special permit. Public hearings would remain an option.

Chairman Blessey noted that the current architectural guidelines do not convey what the Commission wants from potential applicants in a satisfactory manner. Commissioner Cordisco suggested that portions of the Fitzgerald and Halliday study be used, but Chairman Blessey felt the recommendations in the study were too broad.

CDD Daniel reiterated that she is looking for guidance in drafting Requests for Proposals and effectively working with the Commission on the guidelines. There was discussion regarding the time frame in which the grant money would have to be utilized. Chairman Blessey suggested that working meetings be held to expand on the examples supplied from Tolland and Simsbury.

CDD Daniel advised that the Office of Policy Management is interested in knowing if the Commission is prepared to go to a site plan approval format. Chairman Blessey questioned if a previous draft application could be useful. There was discussion regarding the State's fiscal readiness to pay municipalities for developing incentive housing.

Chairman Blessey suggested that a special working meeting be held on Thursday, September 5, 2013. CDD Daniel will provide all of the Commissioners with copies of the two examples from Tolland and Simsbury, and any others she finds that are similar. Additionally, she will remind the Commissioners to review this information prior to the meeting.

537 Federal Road, RW's Barbeque – ZEO Dew advised that an individual is interested in having music at this site as a primary use, with the food service being a secondary use. There was discussion regarding a cabaret use. Also, Section 242-308C(2) of the regulations was reviewed, as well as the outdoor dining regulation, which states that outdoor dining “may not exceed more than 25% of the indoor dining space.” It also prohibits outdoor audio systems. There was discussion regarding the time constraints for outdoor noise and the current noise ordinance, as well as existing businesses that provide music for their customers. Chairman Blessey noted that the Commission is only able to regulate use and zone. It was noted that there is a new condominium development across from the RW's site. Chairman Blessey suggested an application for a special permit be drafted, that considers distance, physical barriers, and occupancy and defines the parameters of what is allowed.

CDD Daniel left the meeting at 8:55 p.m.

Chairman Blessey discussed the difficulties that the police have enforcing the current noise ordinance. He requested that ZEO Dew advise the interested party that the Commission is considering the establishment of parameters for a special permit that would involve an application for a regulation change.

10. Comments of Commissioners: None.

11. Adjourn: Commissioner Miller moved to adjourn the meeting at 8:59 p.m. . Commissioner Cordisco seconded the motion, and it carried unanimously.

****Next Regular Meeting Scheduled for August 8, 2013****