

**Zoning Commission Meeting -  
MINUTES  
7:00 PM Thursday, March 26, 2015  
Zoning Commission Meeting - March 26, 2015**

**1) Convene Meeting**

Chairman R. Blessey convened the meeting at 7:03 p.m. and established a quorum of members.

Present: Chairman R. Blessey, Secretary F. Lollie, Voting Commissioners J. D'Entremont and M. Frankel

Absent: Vice Chairman M. Grimes, J. Cordisco, E. Kukk

Also Present: Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

a) Review Minutes of Previous Meetings:

Chairman Blessey moved to approve the Minutes of the March 12, 2015 meeting. Commissioner D'Entremont seconded the motion. It was noted that the Minutes need to be corrected to reflect that Commissioner Frankel was absent. Motion to approve the Minutes with that correction carried, 3-0-1, with Commissioner Frankel abstaining.

**2) Land Use Enforcement**

[no item]

a) 6 Lillinonah Dr. #201500110: Showcause Hearing

Violation cleared; please remove from Enforcement Report and Agenda.

**3) Enforcement Officer's Report**

**Request for Voluntary Compliance**

**227 Whisconier Rd., #No Activity Number** - This violation relates to a clothing bin. The business owner will come in for a site plan modification.

**5 Pleasant Rise Circle, #201500152** - This violation relates to erosion and debris that has spread to a neighboring property. She will reinspect this site.

**636 Federal Rd., #201500146** - There are potholes behind this building. A Request for Voluntary Compliance was sent, and the work has not yet been completed.

**227 Whisconier Rd (continued)- Secretary Lollie moved to go to a Cease and Desist for 227 Whisconier Rd. if there is no response by April 8, 2015. Commissioner Frankel seconded the motion, and it carried unanimously.**

**330 Candlewood Lake Rd., No Activity Number** - A Request for Voluntary Compliance was sent for a sign. Commissioner Frankel inquired regarding the sale of ice at the site, and ZEO Dew advised that there is a Certificate of Zoning Compliance for a retail store. Commissioner Frankel indicated she thought that use had been abandoned. She noted there is also a dividing wall inside the building. ZEO Dew stated that a fit-up was filed for interior work.

**636 Federal Rd., #201500146 (continued) - Secretary Lollie moved to go to a Cease and Desist for 636 Federal Rd. Commissioner Frankel seconded the motion, and it carried unanimously.**

**51 Berkshire, #201401153** - ZEO Dew indicated this item should be removed under Old Business, but remain under Request for Voluntary Compliance, for reinspection in September.

**33 White Pine Dr., #201400991** - *J. Castelino, 33 White Pine Dr., and H. Dhart, 49 Stonewall Dr., Stamford, CT, were present.*

Upon inquiry from Chairman Blessey, Mr. Castelino advised that the tenants were evicted, per court order, by December 31, 2014. At that time, he applied for a permit for the apartment. There is no tenant in the apartment now. Chairman Blessey explained that you cannot apply for the permit without having a tenant. There was discussion regarding the requirements of family relation in the regulation. Commissioner Frankel read the regulation. Mr. Castelino inquired what he should do if he does find a tenant for the apartment, and was advised to apply for the permit at that time, with the associated affidavit.

**Cease and Desist Orders**

**291 Federal Rd., No Activity Number** - The property owner will remove the vehicles, and be at the next meeting for a Certificate of Zoning Compliance.

**6 Lillinonah Dr., #201500110** - All of the unregistered cars have been removed. There is only one unregistered vehicle on the site, so no violation exists, and ZEO Dew will remove this item from the Enforcement Report.

**594 Federal Rd., No Activity Number** - This violation relates to a continuing issue of unpermitted signs at the site.

**Chairman Blessey moved, in the matter of 594 Federal Rd., that the next violation that relates to the Treasure Hunt use at the site, goes immediately to Town Counsel. Secretary Lollie seconded the motion, and it carried unanimously.**

**Town Counsel Action**

**101 Laurel Hill Rd., #201300758** - ZEO Dew advised that the violation was cleared this afternoon, and the Citations were paid this evening.

**51 Junction Rd., #201400580** - ZEO Dew will reinspect after more snow has melted.

**44 Old Middle Rd., #201301041** - No change.

**1 High Ridge Rd., #201000315** - No change.

**14 Oak Grove Rd., #201300832** - The property owner received an extension on the foreclosure; this matter is on hold until June 2015.

**148 North Lake Shore, #20131115** - ZEO Dew advised that a marshal delivered the papers. She will advise the Town Attorney.

#### 4) Review Correspondence

No discussion/no motions.

a) Minutes of other Boards and Commissions:  
[no item]

b) Letter from Francis Pickering, Exec. Dir of WCCOG Northern Office to Municipal Zoning Commissions dated 2/26/15 Re: Referral to WCCOG Submission Process  
[no item]

c) Legal Briefings for Building Inspectors: February 2015  
[no item]

d) Letter from Water Source to Zoning Commission dated 3/18/15 Re: 36 North Mountain Rd; North Mountain Hollow – Pre review  
[no item]

#### Miscellaneous

**Chairman Blessey moved to go to Item 6.b. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

#### 5) Continued Public Hearing:

[no item]

a) Proposed Regulation Change #201500050: Section 242-202 and Section 242-501: Brewery and Brewpub / restaurants Secretary Lollie re-opened the Public Hearing and introduced the Commission members. Chairman Blessey read the legal notice which was published in the Pennysaver on February 12 and February 19, 2015. Secretary Lollie noted that the application was received on February 5, 2015. He then reviewed the policies and procedures that govern public hearings.

Chairman Blessey advised there was no correspondence. The Town Attorney continues his review of this application. Chairman Blessey indicated that the application was filed because currently, there are no regulations that deal with this use. He inquired of ZEO Dew if she had any information regarding the volume produced at microbreweries. She advised the Town Attorney has worked on this. Commissioner Frankel inquired if the application relates to the manufacture of beer, and/or an accessory restaurant use. Chairman Blessey stated that his focus relates to defining the number of barrels/kegs that can be produced in the Town Center District, in order to consider how it will affect pedestrian and traffic flow. Attorney Beecher is reviewing how other municipalities have handled this, and ZEO Dew will also research this issue.

There were no questions or comments. *No one was present to speak in favor of the application, nor was anyone present to speak in opposition.*

Continued to April 23, 2015.

#### 6) Old Business:

[no item]

a) 51 Berkshire Dr. #201500096: Single Family Conversion for a 725 sq. ft. apartment  
This matter will be kept on Enforcement.

b) 33 White Pine Dr. #201500097: Single Family Conversion for a 524 sq. ft. apartment  
[no item]

c) 101, 103 & 105 Laurel Hill Rd #201401132: Design Review for a mixed use with 98 Residential Units and 8,600 Sq. ft. of Commercial buildings (dec. date 5/16/15)  
Commissioner Frankel advised she will not vote on this application as she was not present at the last meeting, and did not listen to the tape. Chairman Blessey explained that the enforcement action has been resolved today.

**Commissioner D'Entremont moved to approve 101, 103 & 105 Laurel Hill Rd., #201401132. Secretary Lollie seconded the motion, and it carried, 3-0-1, with Commissioner Frankel abstaining.**

There was brief discussion regarding the bond amount.

**Chairman Blessey moved to accept the Incentive Housing Restrictions as the owner/developer as Laurel Hill Partners, LLC, Robert Hebert, 90 Grove Street, Ridgefield, CT, and that the bond be set at \$75,000 for soil and erosion controls and safety concerns. Commissioner D'Entremont seconded the motion, and it carried unanimously.**

**7) New Business:**

[no item]

- a) 604 Federal Road (Toyotomi USA) #201500148: Site Plan Modification to install a 1,500 sq. ft. pad with shed roof and a 512 sq. ft. tank pad (dec. date 5/29/15)  
*R. Posthauer, PE, CCA, 40 Old New Milford Rd., R. Wheelock, 604 Federal Rd., M. Chevrette, and G. Martone, were present.*

Mr. Posthauer explained that the business stores nitrogen and other gases in bulk. He advised that two variances were obtained, and recorded on the land records. There will be an open storage pad on the site. Upon inquiry from Commissioner Frankel, Mr. Posthauer explained that the applicant and its neighbor have an agreement regarding the encroachment. There was discussion regarding the benefits of leaving the area open to allow for fire department access. Mr. Posthauer indicated that bollards could be added as a safety measure if needed.

Chairman Blessey noted that the Water Source Committee was concerned if there was thirty feet of level ground on the site, and he advised that there is. Mr. Martone stated that the warehouse is also sprinklered.

Commissioner Frankel inquired regarding the shed. Mr. Posthauer indicated it is open, with walls on three sides and a roof. Mr. Chevrette indicated that it is for cylinder storage. Commissioner Frankel inquired if that would affect parking, and Mr. Posthauer explained that it would create the need for one new space. He reviewed the drawing for this, if the need arises. Mr. Posthauer pointed out the main accessway for Commissioner Frankel.

Upon inquiry from Chairman Blessey, Mr. Chevrette advised that the front part of the building has a retail use.

Commissioner Frankel inquired what the applicant would do if the abutter sells his site, and it was noted that the fire department does not require an easement to access the site, and the applicant would just utilize its own property.

Secretary Lollie inquired regarding the distance between the double-wall gas tanks and the encroachment, and Mr. Posthauer advised that it is five feet. Mr. Posthauer further explained how the tanks are filled for Commissioner Frankel, and Mr. Chevrette added detail regarding the difficulty involved if they were put near the shed. Mr. Posthauer acknowledged that the site is in the aquifer, and submitted a letter from an environmental specialist at CCA dated March 25, 2015, regarding the nature of gas material.

Mr. Posthauer showed where existing office is, and noted the area that is being taken over. Mr. Wheelock advised that there will be four tenants all together.

Chairman Blessey inquired if there would be a situation in which the fire department would not use water to extinguish the fire. Mr. Posthauer advised that water would be used, along with the possibility of foam. Chairman Blessey noted his concern regarding the aquifer. Mr. Chevrette advised that the foam is soap, with a water base.

Commissioner Frankel reviewed the regulation related to "retail sales/warehouse" use. ZEO Dew pointed out the permitted use under the site plan.

**Chairman Blessey moved to approve #201500148, 604 Federal Rd., with the stipulation that if the use should have a particular change that requires a specific requirement, that the Fire Department or the State, fight a fire on the premises should this occur, that the Zoning Commission and the Brookfield Fire Department be notified. Secretary Lollie seconded the motion. Commissioner Frankel advised that if there is a need for additional parking that the applicant return to the Commission. This was an amendment to the motion, seconded by Commissioner D'Entremont. Motion carried unanimously.**

- b) 117 Whisconier Road #201500150: Site Plan Modification for alteration to the parking area for equipment (dec. date 5/29/15)  
*S. Longo, 117 Whisconier Rd., was present.* He advised he would like to clean up the site. Wetlands approval has been granted. ZEO Dew advised that the site is a pre-existing, non-conforming contractor's yard. Chairman Blessey reviewed the history of zoning approvals at the site. ZEO Dew indicated that she spoke with Town Counsel regarding this site, and adding the fence and some process is acceptable. Attorney Beecher did note that if there are any changes in the number of trips per week, the Commission will need to be consulted.

Mr. Longo advised that he will not be storing stone or sand at the site, and only smaller pieces of equipment. ZEO Dew is going to speak with Attorney Beecher regarding where things can be parked on the site. There was discussion regarding a berm. ZEO Dew stated that it is the Town Attorney's opinion that that the process and fencing can be decided upon by the Commission. Chairman Blessey advised Mr. Longo that he should carefully consider the number of trips when completing the application for the Certificate of Zoning Compliance.

**Chairman Blessey moved to approve the installation of the processed material and the fencing for #201500150, 117 Whisconier Rd., and the Commission will review the use issue and the trips when there is an application for a Certificate of Zoning Compliance. Commissioner D'Entremont seconded the motion. Secretary Lollie inquired if the**

**"ten trucks / week" could be removed from this application, and reviewed at the CZC application. This was accomplished by the applicant and initialed. Commissioner Frankel inquired regarding buffering. The applicant pointed out where the trees are on the site. Motion carried unanimously.**

- c) 248 Whisconier Rd #201300925: Request for Bond Release of \$2,000.00  
There is more work to be done. Tabled.
- d) 131 Tower Road #201400996 (DiGrazia Vineyards): Discussion of Use for the Vineyards  
*Attorney P. Hunt, Danbury, CT, was present, along with the property owner, Dr. DiGrazia, and M. and A. Langford.* Attorney Hunt explained that the ZEO has received repeated complaints from one neighbor regarding activity on the site. A special event permit was previously granted in 2008 for private events, but not public events. Attorney Hunt further noted that state statute that permits wineries to have tastings that are open to the public. There have been events held by civic, non-profit organizations. He noted that the Connecticut Department of Consumer Protection encourages wineries to be open for farmland preservation and economic development.

Commissioner Frankel inquired of Dr. DiGrazia what he originally applied for, and what was granted. He advised that he applied for a formal winery license, with the intent to have public tastings. Commissioner Frankel stated that the complaint arose when there was music at the site. Mr. Langford advised that music is an accompaniment to the wine tasting, and it is not the main purpose of the winery to have a "music event". He further noted that the winery closes at 5 p.m.

Chairman Blessey indicated that the Zoning Commission did not approve certain components of use at this site. ZEO Dew advised that Town Counsel advised her that there was never an actual permit for the use of the property as a vineyard or winery. When the complaint occurred in 2008, the Commission indicated that private events could be held on the site. ZEO Dew indicated that Town Counsel would like to speak with Attorney Hunt, so that he may render an opinion.

Dr. DiGrazia reviewed the use of the property since 1978.

Chairman Blessey encouraged Attorney Hunt to speak with Attorney Beecher.

Tabled.

- e) 355 Federal Road #201500151: Use of a Church with weekly services on Sundays and Bible study for a congregation of about 50 people  
*Mr. Flann Candido, 355 Federal Rd., was present.* He advised that he is seeking zoning approval for a church use at this site, which currently has less square footage than the required 120,000 square feet. The square footage of the property is 11,7176 square feet. ZEO Dew explained the parking requirements. The applicant was encouraged to check the property measurements, and was referred to the Zoning Board of Appeals.

**8) Tabled Items:**

None.

**9) Informal Discussion:**

There was brief discussion regarding drafting an ordinance regarding citations and fines for enforcement issues.

Commissioner Frankel indicated that she, Secretary Lollie and ZEO Dew recently attended an informative land use seminar on this topic. There was discussion regarding how other municipalities handle this matter. It was suggested that Attorney Beecher research this issue so that the Commission can propose an ordinance to the Board of Selectmen. Commissioner Frankel volunteered to present the draft. Secretary Lollie discussed the inability to enforce and collect fines, and it was suggested that property liens be utilized.

**10)Comments of Commissioners:**

No discussion/no motions.

**11)Adjourn:**

**Commissioner Frankel moved to adjourn the meeting at 8:37 p.m. Chairman Blessey seconded the motion, and it carried unanimously.**