

**Zoning Commission Meeting -  
MINUTES  
7:00 PM Thursday, June 25, 2015  
Brookfield Town Hall - Room 133 7:00PM**

**1) Convene Meeting**

Acting and Vice Chairman Grimes convened the meeting at 7:00 p.m. and established a quorum of members.

**Present:** Chairman R. Blessey (arrived at 7:17 p.m.), Acting (until 7:17 p.m. and during Chairman Blessey's absence) and Vice Chairman M. Grimes, Secretary F. Lollie, J. Cordisco, Alternate and Voting Commissioners where indicated J. D'Entremont and M. Frankel

**Absent:** E. Kukk, Alternate A. Samuelson

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

- a) Review Minutes of Previous Meetings: 6/11/15  
This matter was passed on until a sufficient quorum was present.

**Secretary Lollie moved to approve the Minutes of the June 11, 2015 meeting. Commissioner D'Entremont seconded the motion, and it carried, 3-0-2, with Commissioners Cordisco and Frankel abstaining.**

**2) Land Use Enforcement**

- a) Enforcement Officer's Report:

*ZEO Dew reported on the following:*

**Requests for Voluntary Compliance**

**3 Parker Hill Rd., #201500499** – ZEO Dew advised that debris has accumulated in the driveway as the result of a septic repair, and the property owner has agreed to clean it up by July 10, 2015.

**Cease and Desist Orders**

**27 Mountainview Dr., #201500331** – has until the 8<sup>th</sup> and Vice Chairman Grimes moved to go to Citation if no compliance at 27 Mountainview Dr., #201500331, by July 8, 2015. Secretary Lollie seconded the motion, and it carried unanimously.

**330 Candlewood Lake Rd., #201500529** – ZEO Dew stated that Commissioner Cordisco noted parking occurring at this site.

*Commissioner D'Entremont arrived at 7:01 p.m. and was appointed a Voting Member.*

ZEO Dew called the property owner, who advised her he thought parking cars at the site was the same as storing them. The property owner was charging for parking. Commissioner Frankel inquired if the property owner had approval to operate a gas station/repair shop. She has noted that cars are being brought in disrepair. ZEO Dew read what the business is approved for. Repair is not occurring on the site; the property owner is storing junk cars. Commissioner Frankel requested that ZEO Dew determine if there is more than one unregistered vehicle on the site, and to inspect the rear of the property as well. There was discussion regarding the size of the lot.

**132 Federal Rd., #201500485** – ZEO Dew advised that the property manager took her inside the unit, and no one is living there. A Certificate of Zoning Compliance has been obtained for the psychic business. This item will be removed from the Enforcement Report.

**Town Counsel Action**

**44 Old Middle Rd., #201301041** – ZEO Dew advised that the final judgment was sent to Mr. Corbin.

**1 High Ridge Rd., #201000315** – ZEO Dew advised there was no change. She will make sure that charges are going to the proper owner, which is a limited liability corporation.

**14 Oak Grove Rd., #201300832** – ZEO Dew inspected recently, and someone is living there, but not in the apartment.

**148 North Lake Shore, #20131115** - ZEO Dew has inspected the site. The property owner has been working on the septic and is attempting to clean up the site, as he is holding a reception for his daughter this weekend.

*Commissioner D'Entremont arrived at 7:01 p.m.*

*At the conclusion of the Enforcement Report, there was a sufficient quorum to vote on the Minutes of the June 11, 2015 Meeting.*

### 3) Review Correspondence

- a) Minutes of other Boards and Commissions:  
No discussion/no motions.
- b) Legal Briefings for Building Inspectors: June 2015  
No discussions/no motions.
- c) 476 Candlewood Lake Rd #201500367: Memo from applicant Jon Sharkey to withdraw application  
Withdrawal noted.

### 4) Public Hearing: none scheduled for this meeting

### 5) Continued Public Hearing:

- a) Proposed Regulation Change #201500050: Section 242-202 and Section 242-501 - Brewery and Brewpub / Restaurants

Vice Chairman Grimes read the proposed text language into the record. He noted it would update the use table as well. Commissioners D'Entremont, Cordisco, and Frankel, Secretary Lollie and Vice Chairman Grimes indicated they would be in favor of the regulation. Chairman Blessey advised he would abstain. Commissioner Frankel inquired why the volume was taken out, and Vice Chairman Grimes noted it was because the statute covers that. She also inquired if it was permitted under a special permit, and ZEO Dew noted that the last page of the regulation includes guidelines, restrictions and special conditions.

***There were no 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.***

**Secretary Lollie moved to close the Public Hearing for Proposed Regulation Change, #201500050, Section 242-202 and Section 242-501 Brewery and Brew Pub/ Restaurants. Commissioner Cordisco seconded the motion, and it carried, 4-0-1, with Chairman Blessey abstaining.**

**Secretary Lollie moved to approve the Proposed Regulation Change, #201500050, Section 242-202 and Section 242-501, with an effective date of June 26, 2015. Commissioner Cordisco seconded the motion, and it carried, 4-0-1, with Chairman Blessey abstaining.**

***At this time, the discussion returned to 17 Long Meadow Hill Rd., #201500366.***

### 6) Old Business:

- a) 533 Federal Rd #201500201: Bond Set for Design Review: Bond Estimate for \$42,000.00 and Bond Estimate for NRR \$20,000  
**Secretary Lollie moved to set the bond for 533 Federal Rd., #201500201, Bond Set for Design Review, Bond Estimate for \$42,000 and Bond for Natural Resources Removal (NRR) for \$20,000. Commissioner Cordisco seconded the motion, and it carried unanimously.**
- b) Proposed Zone Change #201500322: 874 Federal Road to go from Town Center District to Incentive Housing District Overlay Perimeter Sub-Zone

Commissioner Cordisco advised that he read the Minutes, and Commissioner Frankel watched the recording of the meeting. Commissioner Frankel stated that in response to a letter sent the Zoning Office from Attorney Scalzo, she does not feel she has a conflict of interest. She indicated she does not live in the area, nor does she have any financial interest or professional affiliation related to the application. Acting and Vice Chairman Grimes indicated he did not feel there was any conflict.

Commissioner Lollie stated that to review the application, he felt at least five members needed to be present. Commissioner Frankel advised she spoke with Town Counsel about this issue. She read Connecticut General Statute Section 8-3, and submitted a copy for the file. She indicated that Attorney Beecher advised her that a simple majority of three members is all that is required to hear the public hearing. If a protest was filed, four would be required. Approval of the application would require three affirmative votes.

Commissioner Frankel stated that she did not feel there was sufficient information submitted at the public hearing. She noted that there were no reasons stated in the application to support the Commission changing the regulation. She indicated that she did not feel that the topography of the site is acceptable for multi-family use or to support pedestrian traffic. She referenced a memorandum from the Zoning Commission. Commissioner Lollie stated he did not have an issue with the zone change. Acting and Vice Chairman Grimes stated he did not feel a sufficient rationale for the zone change was provided. He added that he did not feel there was sufficient progress in the development of that area to make a change at this time. Commissioner Frankel indicated she had concerns with the infrastructure if an approval was granted. Commissioner Cordisco agreed he felt it was "too soon" to add a layer to the current zone. Commissioner D'Entremont agreed.

**Commissioner Cordisco moved to deny the Proposed Zone Change, #201500322: 874 Federal Road to go from Town Center District to Incentive Housing District Overlay Perimeter Sub-Zone. Commissioner D'Entremont seconded the motion. Commissioner Frankel noted that there were not sufficient reasons put forth on the record to justify the change in the zone. Secretary Lollie pointed out that the zone change across the street was approved, and he did not feel it would be detrimental. Motion carried, 4-0-1, with Secretary Lollie opposing.**

c) 17 Long Meadow Hill Rd #201500366: Solar Array

A) *S. Dalton, 17 Long Meadow Hill Rd., and G. Simons, Ross Solar, Danbury, CT, were present.* Mr. Dalton indicated he has been before the Historic District Commission. It has not made a decision, and advised it would revisit after the Zoning Commission decides the application. The applicant advised that a survey was done, and Mr. Simons presented a copy. The plan was to put panels on the roof, but due to shading/trees, that initial location was not ideal. Mr. Simons indicated that a ground-mounted system was designed, based on the user's yearly electrical usage, noting that the location changes the production of electricity. Mr. Simons advised that if the plan receives approval from the ZC and the Historic District Commission, CCA will stake it. The location cannot be moved to the rear of the site due to the location of the septic and shading from trees, and putting it in the front of the house would make it too visible to neighbors.

Commissioner Frankel inquired what the setback is, and Mr. Simons indicated it was fifty feet. The Zoning Commission has discretion in the case of solar arrays. Mr. Simons reviewed examples of other arrays his company has designed in Connecticut. He indicating that putting it in another location discussed would involve extensive cutting of trees that are 60-90 feet tall.

Commissioner Frankel inquired regarding the buffering, and Mr. Simons noted there is a six-foot fence on one side. The array is 7 feet, 9 inches tall. She further inquired how the panels would be anchored, and Mr. Simons advised it would be with coils with stainless steel screws of a leg into the ground. There is will be no excavation or pouring of concrete, and construction should take approximately half a day.

At 7:30, Chairman Blessey noted that the public hearing would be opened, and discussion of this matter would resume after that.

*After the public hearing concluded, discussion of this matter continued.*

It was noted that the neighbors were notified of this application. Commissioner Frankel noted that the original application lists the length of the array as 62 feet long; and Mr. Simons noted it was changed to 70 feet. All of the Commissioners agreed that if the array was not going to be offensive to the neighbors, that a pro-solar energy application was commendable, but noted that each property considered hereafter should be taken on its own merits.

**Vice Chairman Grimes moved to approve #201500366, 17 Long Meadow Hill Rd., Solar Array. Commissioner Cordisco seconded the motion, and it carried unanimously.**

Mr. Simons advised it would take a half-day to build the structure, a day to install the panels, and four days to connect the electrical component.

d) 131 Tower Rd #201400996 (DiGrazia Vineyards):

A) *ZEO Dew noted the letter from Attorney P. Hunt dated June 24, 2015. Attorney P. Hunt, 7 Edgewood St., Dr. DiGrazia, 131 Tower Rd., and M. Langford, Manager, were present.* Attorney Hunt advised that in response to questions at the previous meeting regarding the intent of the regulations regarding farm/wineries, he submitted his letter dated June 24, 2015. He believes that the playing of live music is an accessory use to the wineries. Attorney Hunt advised all of the wineries in Connecticut have outdoor seating and activities. Chairman Blessey inquired how many of those wineries are in residential neighborhoods like the property in question. Attorney Hunt referenced the documentation he submitted related to other Connecticut wineries. He discussed a summary from the Connecticut Wine trail. He noted that to be an accessory use, it does not need to be uniform.

In response to Commissioner Frankel, Mr. Langford advised that the winery was started in 1984, and music began shortly thereafter. Attorney Hunt advised his client is requesting a determination of when the Commission would consider the music an accessory use to a winery. Vice Chairman Grimes inquired of Attorney Hunt if he is aware if any of the wineries he submitted information for are in a residential zone. Chairman Blessey pointed out that Attorney Beecher did not agree

with Attorney Hunt's assessment that the music is "customarily incidental" to the winery use.

Commissioner Frankel referenced Attorney Beecher's letter to the Commission dated May 22, 2015, that stated that if music was not part of the initial application, it is not an approved use. Mr. Langford noted that Liquor Commission applications began asking about music being present in approximately 2001. Chairman Blessey noted that the liquor permit question is irrelevant. He indicated he cannot tie the accessory use of music to the wineries in Connecticut. Attorney Hunt pointed out there is no prohibition against playing live music in residential zone. Chairman Blessey suggested that Attorney Hunt file a regulation change application related to what can occur at a winery in a residential zone.

Attorney Hunt requested that the Commission contact Attorney Beecher to see if he has a response to his letter dated June 24, 2015, and that the matter be concluded at the next meeting on July 9, 2015.

Dr. DiGrazio inquired if there was more than one complaint regarding the music, and ZEO Dew advised that in addition to the most recent complaint, the Commission received an anonymous complaint in 2007.

Vice Chairman Grimes advised that the Commission will defer to the opinion of the Town Attorney. He noted that he "respects" the presence of DiGrazia Winery in the town. Chairman Blessey further indicated that Dr. DiGrazia could submit a regulation change application, requesting that music be allowed at the winery. Dr. DiGrazia noted that the winery has been present for 31 years, and asked if the use could be "grandfathered". Chairman Blessey advised him that if he could prove the music use occurred prior to 1961, it could.

Commissioner Frankel inquired if there was a noise ordinance, and Chairman Blessey indicated there is, and it is monitored by the Police Department.

Discussion. This matter will be discussed for a final time at the meeting on July 9, 2015.

e) Accessory Apartments: Discussion

Commissioner Frankel submitted two different examples of language: one from Bethel and one from Fairfield, Connecticut. *Chairman Blessey left the room at 8:07 p.m.* Commissioner Frankel indicated that she felt a site plan modification application should include a survey. Commissioner D'Entremont advised he had not comment, however, Secretary Lollie questioned if a survey was necessary for adding onto an existing structure. Vice Chairman Grimes agreed, noting that the parking is usually not expanded. Commissioner Cordisco disagreed, indicating that an accessory apartment would add to the parking at the house. There was discussion utilizing a GIS map instead. There was discussion regarding recording it on the land records, or leave the process as it is with the annual affidavit filing. It was suggested that the time period be changed to two years. Commissioner Frankel will incorporate the suggestions into the draft. The Commission thanked her for her effort on the topic.

Discussion. Commissioner Frankel will draft proposed language.

- f) Medical Marijuana Moratorium: Proposed one year Extension to July 15, 2016 (public hearing scheduled for 7/9/15)  
Public Hearing 7/9/15.
- g) Proposed Moratorium on Residential Development in Town Center District #201500518: (public hearing scheduled for 7/9/15)  
Public Hearing 7/9/15.

**7) New Business:**

- a) 57 Commerce Dr. (United Roofing Company) #201500519: Site Plan Modification to add 2 overhead doors on South side and North side of building (dec date 8/28/15)  
*D. Lucchesi, United Roofing & Sheet Metal, was present.* He indicated he was looking to purchase this structure. He is proposing to add overhead doors on the north and south elevations, and build concrete ramps to the building. He advised that each door will have a small incline.

**Vice Chairman Grimes moved to approve the Site Plan Modification for 2 overhead doors at 57 Commerce Dr., #201500519. Commissioner Frankel seconded the motion, and it carried unanimously. (Commissioner D'Entremont was a Voting Member for this item, as Secretary Lollie was out of the room.)**

- b) 64 Federal Rd (WPCA Pump Station) #201500543: Site Plan Modification for a new generator concrete slab and 4' high fence to match existing (dec date 8/28/15)  
*Richard Longo, was present.* He indicated that after the bidding process, he found out that a permit was necessary. **Chairman Blessey moved to approve #201500543, 64 Federal Rd. Vice Chairman Grimes seconded the motion, and it carried unanimously.**
- c) 8 Summer Pasture #201400741: Final bond release of \$2,400.00  
**Vice Chairman Grimes moved to recommend to the Board of Selectmen the final bond release of \$2,400.00, for #201400741, 8 Summer Pasture. Secretary Lollie seconded the motion, and it carried unanimously.**

- d) Attorney Francis Collins' June 18, 2015 letter re: Affordable Housing and Incentive Housing Zones.  
**Commissioner D'Entremont moved to apply to the State Office of Policy Management for Incentive Housing approval. Secretary Lollie seconded the motion, and it carried unanimously.**

**8) Tabled Items:**  
None.

**9) Informal Discussion:**

a) Site Plans, Special Permits and A-2 Surveys: Discussion

A) Commissioner Frankel advised that she has spoken with Attorney Beecher regarding the uniqueness of Brookfield's special permit and site plan designations. Chairman Blessey inquired if she wanted A2 surveys to be required. Commissioner D'Entremont noted the ability to use a GIS map. Chairman Blessey cited the expense affiliated with a survey. Commissioner Frankel noted it would be for commercial uses, and discussed the need to verify measurements via A2 surveys.

Commissioner Frankel also inquired if the Commission would consider measuring from the property line rather than from the center line of the road. She also asked if it wished to see a comprehensive review of the regulations. Chairman Blessey noted the expense associated with that. Vice Chairman Grimes stated he did not believe that measuring from the center of the road has been an issue. Chairman Blessey advised he has not had any issues with false surveys, and believes that there are other priorities.

After some discussion, the Commission decided to revisit the issue in February/March, and if it looks like such a review would be of benefit, it will draft a letter to the Board of Finance/Board of Selectmen.

**Discussion/no motions.**

**10)Comments of Commissioners:**

ZEO Dew referenced a letter from Collins Hannafin dated June 18, 2015, re: incentive housing zone.

**Commissioner Frankel moved to amend the agenda. Secretary Lollie seconded the motion, and it carried unanimously.**

**Commissioner Frankel moved to add to the agenda, "Attorney Francis Collins' letter dated June 18, 2015, regarding Affordable Housing Prohibition and Incentive Housing Zones", as Item 7.d. Secretary Lollie seconded the motion, and it carried unanimously.**

**Additional discussion after Item 7.d.**

Chairman Blessey reviewed the beginning discussions of the incentive housing discussions which occurred five or six years ago. He outlined the benefits to towns, and explained that the State then ran out of money to support the program. Chairman Blessey noted that Brookfield created the largest incentive housing zone in the State. He reviewed the number of applications that have been approved since, and indicated that developers who have gone for CHFA funding have been allowed to complete their projects, and market their developments, in a similar manner as affordable housing projects.

There was discussion regarding how this can be prevented from continuing.

There was additional discussion regarding the requirement of commercial developments on the first floor of developments in the zone. Vice Chairman Grimes inquired if the conditions of approvals can be reviewed to stop this from occurring.

Commissioner Frankel noted the use of design guidelines. Chairman Blessey pointed out the difficulty of the federal financing regulations. He expressed his frustration, and indicated he wanted to make the Commissioners aware of this going forward. It was suggested that Town Counsel be contacted for his opinion, and that a workshop be held afterward. The Commissioners were encouraged to attend an upcoming webinar.

**11)Adjourn:**

**Commissioner Frankel moved to adjourn the meeting at 8:56 p.m. Commissioner Cordisco seconded the motion, and it carried unanimously.**